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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Thursday, October 5, 1972*

(Legislative day of Wednesday, October 4, 1972)

The Senate met at 8:30 a.m., upon the expiration of the recess, and was called to order by Hon. FRANK E. MOSS, a Senator from the State of Utah.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?—Psalm 27: 1.

In Thy presence, O God, we hush our thoughts to silence, we tutor our spirits in sincerity and wait to feel once more the tides of life rise within our waiting hearts. Draw us close to Thee and hold us fast lest we go astray. Save us from false choices and poor judgment. Give us the grace and good manners of the Master. May we be loyal to all the truth we know, obedient to the high prompting laid upon our conscience, and in our faithfulness may we see the advancement of Thy kingdom and find our wills in harmony with Thine.

For Thine own sake we ask it. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 5, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. FRANK E. MOSS, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MOSS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, October 4, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs, a special subcommittee of the Committee on the Judiciary, the Committee on Commerce, and the Committee on Armed Services may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

INTERSTATE COMMERCE COMMISSION

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

The second assistant legislative clerk proceeded to read nominations in the Interstate Commerce Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. BUCKLEY) is recognized for not to exceed 15 minutes.

ON McGOVERN'S DEFENSE POLICIES

Mr. BUCKLEY. Mr. President, the Democratic candidate for the Presidency of the United States has made a number of proposals for major reductions in the U.S. defense effort. He proposes a $30 billion reduction in U.S. defense expenditures from the current $83 billion to approximately $54 billion. I would like to address myself to just one area—strategic nuclear forces—which receive especially hard treatment at the hands of the nominee's panel of defense cutters. My colleagues from Maryland and Nebraska will address themselves to other aspects of the McGovern proposals.

It has long been recognized that the fundamental element of our defense posture has been the continuing ability of our strategic nuclear forces to deter war. This ability has in turn been the keystone of the mutual defense agreements in Europe and elsewhere which have been basic to the security of the free world. While it is conceivable that the United States can be ill prepared for a conventional war and still ultimately be capable of defending its interests, it is utterly inconceivable that the United States can afford to be unprepared in its strategic nuclear forces and expect to emerge as a viable society in the event of a nuclear conflict. Therefore, it is with the utmost concern that I have evaluated the recommendations made in the Senator from South Dakota's defense budget. I found the implications of the Senator's proposals even more ominous than I had anticipated.

The testimony taken by the committees of the Congress in evaluating the recently concluded strategic arms limitations talks revealed that in an era when the Soviet Union has surpassed the United States in numbers of such strategic nuclear delivery vehicles as intercontinental ballistic missiles and ballistic-missile-firing submarines, it is only the U.S. technological advantage in strategic weapons that enables us to maintain a fully credible deterrent force. Yet, the Senator from South Dakota's defense budget would reduce U.S. research and development expenditures in the fiscal year 1973 budget by nearly 50 percent. To understand the implication of the proposed cut, it should be noted that even at present levels, we are spending for defense research and development, in terms of constant dollars, less than we were 15 years ago while the Soviets have been increasing their own expenditures to the point where they can now initiate twice as many R. & D. projects as we can. Moreover, the Senator is recommending the termination of precisely those areas of technological effort that have heretofore been responsible for the U.S. qualitative advantage over the Soviet Union.

For example, the Senator urges that the Minuteman III ICBM program and the Poseidon submarine-launched ballistic missile program be terminated at their present levels. Both of these programs are designed to modernize our existing ICBM and submarine-launched ballistic missile forces without increasing the aggregate number of missiles. The United States has not deployed an additional ICBM silo since 1966, nor has it launched an additional ballistic-missile-firing submarine since 1967. On the other hand, the SALT accords recently concluded between the United States and the Soviet Union will permit the Soviets to have up to 62 operational modern Yankee-class missile firing submarines and approximately 1,400 land-based ICBM's while limiting the United States to a force of 1,000 ICBM's and 41 modern Polaris/Poseidon submarines.

The President has stated that the United States can "live with" this disparity in aggregate forces only because the United States possesses the technology to deploy the Minuteman III ICBM and Poseidon multiple warhead missiles. Senator McGOVERN would stop the Minuteman III deployment at about 150 missiles of the Minuteman III type whereas the President has requested a force of at least 550; he would limit the deployment of missile firing submarines with Poseidon multiple warhead missiles to seven submarines whereas the President has requested 31; and he would eliminate the work required to improve their capabilities.

One could at least understand, if not agree with, the Senator's proposals for so sharply limiting existing U.S. strategic forces if he were recommending a serious program for the replacement of existing forces with more sophisticated weapons, as is permitted under the SALT accords. However, he takes the opposite position. Rather than modernize and improve our submarine-launched ballistic force, the Senator from South Dakota recommends the sharp curtailment of research and development and procurement activities for the new Trident submarine, a submarine designed to replace the older vessels in the Polaris/Poseidon submarine fleet.

Similarly, the McGovern defense budget would not only reduce the aging U.S. B-52 bomber fleet from approximately 450 aircraft to 200 aircraft, but it would terminate the B-1 bomber program which would provide us with the only presently feasible, thoroughly tested and reliable replacement for an existing component of our strategic nuclear forces which is today comprised of an obsolescent aircraft, the B-52, an aircraft which recent newspaper reports have emphasized is quite literally falling apart. To curtail the B-1 program would be particularly foolhardy given the fact that the Soviet Union is developing the Backfire, a long-distance supersonic bomber which is far superior to our subsonic B-52. The characteristics and capabilities of the Backfire are such that the editors of the current edition of the authoritative Jane's All the World's Aircraft were moved to observe that Soviet procurement of the Backfire without U.S. procurement of the B-1 bomber would jeopardize U.S. leadership in the one area of strategic forces which President Nixon noted on June 15 was primarily responsible for the U.S. acceptance of Soviet superiority in ICBM's and SLBM's.

As one studies the McGovern defense proposals, one is staggered by the sheer imprudence of the posture recommended.

One of the proposals, for example, is that we reduce the role of our U.S. based fighter aircraft from that of interception against manned aircraft to that of surveillance; and this despite the fact that because of continuing budgetary pressures, the U.S. air defense capability has already reached a point where it is, in the words of the Armed Forces Journal, at "the lowest level since 1942." Lest someone suggest that this is typical military-industrial complex exaggeration let me point out that in the last 5 years, our U.S.-based ground to air antiaircraft missiles have been reduced from 1,500 to 500. Despite this, the Senator from South Dakota recommends that we scrap the Air Force's F-15 and the Navy's F-14 fighter aircraft programs, which are the only ones which are capable of providing us with aircraft in the relatively near future which have the capabilities required to assure us of the ability to maintain the integrity of U.S. air space against modern aircraft of the kinds now being deployed by the Soviet Union.

I might note, parenthetically, that the F-14 and the F-15 are the only planes which we have in sight which are capable of competing with the Soviet Mig-23 Foxbat aircraft which are now being based in the eastern Mediterranean.

The ultimate implications of the McGovern defense recommendations, however, are far more important and far more serious than any single detail of his proposed budget. These recommendations, which will sharply cut back our conventional capabilities as well as our strategic credibility, would have the inevitable effect of undercutting the flexibility with which the United States will be able to respond to any initiatives or military provocations launched by the Soviet Union or her surrogates, and will undercut the plausibility of our own attempts to counter them. When an opponent perceives that we have embarked on a policy of unilateral disarmament, a policy which will reduce the military options available to an American President to the single one of an all-out nuclear retaliation to any given provocation—and a retaliation at that which will invite the assured destruction of the United States, then such an opponent will soon enough understand that it will have become implausible that an American President will react at all to any provocation except one which poses the gravest threat to the immediate security of the United States. If we allow our defenses to be reduced to such a state, then we will inevitably invite other nations to test and exploit our weakness. At the same time, because our mutual security arrangements with our allies in Europe and elsewhere will have lost their credibility, we will see those alliances eroding away; and worse still, we will provide an impetus to others to develop their own independent nuclear capabilities as they lose confidence in the protection formerly granted through the U.S. nuclear umbrella.

In the area of our strategic forces, the McGovern defense budget proposes to save us $4 billion a year by cutting in half the current direct cost of our nuclear forces of approximately $8 billion per year. Surely this expenditure represents an acceptable amount to pay for what is, in effect, an insurance premium against the risk of a nuclear war and against the loss of our credibility in world affairs. Surely the cost of failing to provide for a minimum strategic defense is vastly less than what would have to be spent to rebuild the United States if the judgment of the Senator from South Dakota about defense matters should prove to be less than 1,000 percent correct.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland (Mr. BEALL) is recognized for not to exceed 15 minutes.

Mr. BEALL. Mr. President, we all know that in the heat of a political campaign, statements are made, and positions are taken, that are highly partisan and sometimes exaggerated. I expect this. The press expects it. We all really expect it. However, there is one area of campaign rhetoric where it is most important to be careful with our language and proposals, and that is where it affects our national security and our relations with other nations.

It is for this reason that I have been stunned over the proposals of candidate GEORGE McGOVERN in the national security area. The only conclusion that we can come to after looking at the Senator's defense budget proposals is that he has been duped by some exceedingly bad advice. His naive and unrealistic proposals are the one facet of this campaign that has me and millions of other Americans truly concerned, and maybe even a little frightened; and when I say millions of Americans, I do not exaggerate.

How much the Americans among us whose ancestors came to this country from Eastern Europe feel when they see these proposals?

How must our citizens who are concerned over the fate of Israel feel when the McGovern insecurity plan is discussed.

How must our friends and allies—to whom we have made commitments—react when we talk so cavalierly of cutting back our defense capabilities?

Mr. President, let me give a few examples of matters which create this concern.

Item: Prof. Abram Chayes, chairman of McGOVERN's foreign affairs advisory panel was recently interviewed in Europe with respect to McGovern defense positions. Speaking of Southeast Asia, Professor Chayes says:

> I don't think Hanoi will want Communist regimes in Cambodia and Laos, at least not right away. But if it does, then we'll have to dump (Cambodian President) Lon Nol and (Laotian Premier) Souvanna Phouma, too!

An incredible statement by one who is a chief adviser speaking for a major presidential candidate.

Item: The respected Dr. William Kirtner, director of the University of Pennsylvania Foreign Policy Research Institute, studied in detail the McGovern budget proposals. His conclusion:

> When the McGovern defense package is unwrapped, it reveals a dangerously decimated defense establishment—the strategic forces are frozen at current levels or reduced; almost all new projects in development are cancelled; the total research effort is sharply reduced.

Item: The McGovern budget—on close examination—reveals the complete lack of knowledge and inattention to detail that can be nothing but embarrassing to the candidate. For instance even the most unsophisticated member of our society knows the need for maintenance work and other items to keep machinery and vehicles working. Senator McGOVERN apparently does not.

His budget shows $20.9 billion available for equipment supplies and services, yet he later indicates that $20.7 billion of this is to invest in strategic and general purpose forces—this leaves $200 million for operating costs such as fuel, electrical power, communications, medical supplies and services, spare parts, and so forth. Fiscal year 1972 baseline costs for these items were $9.5 billion—allowing for inflation this would come to about $10.4 billion in fiscal year 1975—the year of the McGovern budget.

His budget allows $200 million for these matters—a 98-percent cut—based on present levels.

Even if we take into account his reductions the cost would be about $8 billion in 1975.

Any family that would plan a budget like GEORGE McGOVERN's defense budget—would be the laughing stock of the neighborhood—only in this case it is not a laughing matter; it is a matter of vital importance to you, and me, and all Americans.

Mr. President, in bringing to public view the great deficiencies in the proposals that candidate McGOVERN has made, I do not want anyone to get the idea that I believe, or the President believes, in unlimited military spending. Mr. McGOVERN has said that all he wants is that which is adequate. That is all I want, Mr. President, but the facts indicate that what is necessary—at the minimum—is much more than he has proposed.

In this light, look at President Nixon's record in this area. It is evident that he is concerned about the amount of our gross national product that we devote to military matters.

For the result, look at the facts after 3½ years of the Nixon administration:

First. The total defense budget, including Vietnam expenditures, has been reduced in real terms—constant dollars—to the level it was before the Vietnam war—1964.

Second. The total defense budget is today a smaller portion of the Federal budget and of our GNP than at any time since before the Korean war.

Third. The President's budgets for the past 3 years provided—for the first time in 20 years—more spending for human resources than for defense.

With these facts in mind—and they are facts—the figures prove this: It is evident that the President has cut defense to the point where it can be cut no further without severe consequences.

Yet candidate McGOVERN, in giving full vent to his wild imagination, has given us his bump-and-grind budget.

I call it the bump-and-grind budget, because it lays us bare and would put us in a most embarrassing position with our friends and allies around the world.

Perhaps as much a concern to me in the defense area as his budget proposals is the philosophy that Senator McGOVERN seems to follow in this area.

It is a misguided philosophy.

It is a discredited philosophy.

It is a dangerously naive philosophy.

Let me quote some statements by which I believe he indicates his confusion in this regard.

For example:

> I am convinced that we will some day use the phrase "negotiate from strength" as one of the most damaging and costly cliches in the American vocabulary.

Or this one:

> The Nixon Administration's fears about Soviet intentions to achieve a first strike capability still seem incredible to me.

Or when asked whether he felt the Russians would test him if elected:

> No, I don't think so. I think they would regard me as a friend, and would do everything they could to keep my friendship.

I believe it comes through in things he says that he really does not believe that it is necessary to remain strong to preserve peace.

He seems to believe that all we have to do to maintain peace is just trust the other super powers—that if we treat them with love and kindness, that if we unilaterally weaken ourselves, then they will do likewise, and the world will be one big happy family, in which good intentions will take the place of a good national defense.

Mr. President, how I wish that were true.

All of us would love to be able to live in a world built on mutual trust and concern for the other guy.

But let us be realistic.

The history of civilization is packed full of evidence of man's innate instinct to take advantage of those weaker than himself.

How can we view this history—recent history—without being disturbed over the wars that time and again have come about, because one nation decided it was stronger than another nation and could subvert them with impunity.

How many times has it happened and how can we ignore it?

Well, Candidate McGOVERN ignores it.

Is there any question, then, that we are alarmed over a budget that would lower our active military personnel to a level less than that existing at the time of Pearl Harbor?

And it is not just personnel that he would cut. Look at the other things.

He would reduce our offensive missile and bomber warheads by 65 percent.

He would reduce air defense fighters and missiles by 60 percent.

He would reduce naval attack carriers by 54 percent.

He would reduce tactical air wings, 14 percent in the Air Force, 50 percent in the Navy, and 33 percent for the Marine Corps.

He would cut U.S. forces in Europe from 300,000 to 130,000 men, unilaterally.

He would recall all U.S. land forces from South Korea.

He would stop development of the F-15 fighter and the B-1 bomber.

He would, in summation, put this Nation in the worst and most insecure position since before World War II.

Mr. President let me end with another quote from a statement by Dr. Kintner of the Foreign Policy Research Institute. It sums up—in a nutshell—the danger that GEORGE McGOVERN poses to our Nation:

> Senator McGovern either does not recognize the concept of balance in strategic arms and the R & D supporting it, or does not believe balance is necessary. His budget which devastates current investment would have its main impact several years from now, when we do not know what threats may face us; it amounts to a fiscal formula for unilateral disarmament. This could only satisfy the Soviet Union, upon whose benign sentiments we and our allies would then depend, because the McGovern budget would leave us no other choice.
>
> In short, the McGovern defense proposals leave us a military force too small to be effective and too large to be cheap. We may agree on the necessity to reorder priorities in the United States, but, in today's world, we dare not reorder the priority of national strength in favor of national weakness.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. MANSFIELD. While the distinguished Senator is talking about the defense budget, I should like to invite his attention—I am sure he is aware of this, but I do not think we can emphasize it too often—to the fact that in the military construction appropriation bill, which passed the Senate on Tuesday, there was a total reduction by the Senate of $223,658,000, or 12 percent below the budget request.

On the defense appropriation bill, which passed the Senate on Monday of this week, there was a reduction of $4,989,518,000 below the budget request.

So on these two bills, on which the Senate voted this week, there was a total reduction below the budget request of $5,213,176,000, for which I think the Senate and Congress as a whole deserve a great deal of credit.

Mr. BEALL. I certainly agree with the distinguished majority leader. I am happy to see that the legislative branch of the Government performs its constitutional responsibility of carefully examining and reducing, where possible, the appropriation requests from the executive branch.

However, I am not talking about a $4 billion legislative cut. I am talking about a proposal, made by a candidate for President, to reduce defense appropriation requests by $30 billion, and I think there is a distinction to be made here.

Mr. MANSFIELD. There is a distinction, but I just wanted to bring out this fact; and I am going to emphasize it and reemphasize it, because Congress is blamed for too many things for which it is not responsible. It is a clay pigeon, a sitting duck, so to speak. When Congress—this includes both Democrats and Republicans—performs something of significance, such as these cuts, that should be taken into consideration by the people downtown.

Mr. BEALL. I agree with the distinguished majority leader. I assure him that I am concerned that the legislative branch of the Government always assert itself. I am afraid that in the last 30 years the legislative branch has too often thrown the hot potato to the executive branch, and thus we have seen an erosion of legislative responsibility that I hope will not continue over the next 2 or 3 years.

Mr. MANSFIELD. I could not agree more with the Senator.

ORDER OF BUSINESS

Mr. MOSS. Under the previous order, the Senator from Nebraska (Mr. Hruska) is recognized for not to exceed 15 minutes.

McGOVERN'S DEFENSE PROPOSALS

Mr. HRUSKA. Mr. President, a presidential election campaign should be a time for weighing the grave issues that face the Nation. The candidates and their supporters should concentrate on clearly defining where they stand. That is what the people expect of them and that is what the people deserve.

I commend the Senator from New York and the Senator from Maryland for their part in seeking to concentrate on one very grave and fundamental issue in the campaign: the subject of national security, the subject of national defense, the posture of defense of our country. In calling attention to the facts and some views and observations, they have contributed constructively to the idea of concentrating on the issues.

It was with some interest that I listened to the colloquy between the distinguished majority leader and the distinguished Senator from Maryland. It is true that the Subcommittee on Defense Appropriations has reduced the budget by some $5 billion. I was there. I participated in that process. I have sat for some years on the Appropriations Committee, in particular on the appropriations for defense. But I want to suggest, as I shall point out later in my remarks, that there is a difference between a selective cut or a series of selective cuts, judiciously and very deliberately engaged in and concluded upon, and the type of procedure which would result in a very vast and very substantial reduction in our national budget.

Now, that is the kind of cut that the candidate for the other party suggested when, in January, and prior thereto, he suggested that as President, for fiscal year 1975, the defense budget would call for expenditures of $54.8 billion, and an armed force of 1,735,000 men, 12 land divisions, the equivalent of 26 wings of tactical airplanes, and six aircraft carriers.

That is a tremendous and a radical reduction and weakening of our national force. It is beyond the point of reason in terms of the world in which we live today.

As I proceed, I shall detail some of the conclusions that we can draw and some of the observations which have been made on that kind of program.

Unfortunately, day after day as this campaign has proceeded, the tendency on one side has been to wander away from the facts and to engage in name calling and rhetoric.

In my political career which has spanned several decades, I cannot remember a single past campaign where the underdog resorted to comparing the President of the United States with Adolf Hitler, or where he equated America with Nazi Germany. Yet, the presidential nominee of the Democratic Party has made those charges several times. This type of attack is even too much for some of Senator McGovern's supporters. I cite an article in yesterday's papers referring to McGovern's analogy as "getting into the gutter." I ask unanimous consent that the complete article from the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

> A prominent Northern California congressional Democrat has criticized Sen. George McGovern for "getting into the gutter" in his charges that the Nixon administration is the most corrupt in U.S. history.
>
> Rep. Jerome Waldie of Antioch, considered a possibility for the 1974 Democratic gubernatorial nomination, Monday made a joint appearance with Rep. Alfonzo Bell (R. Los Angeles), who spoke on behalf of President Nixon before a Comstock luncheon.
>
> Waldie was asked in a written question from the audience whether McGovern's corruption charge wasn't "really getting into the gutter."
>
> "Yes, it is," Waldie replied.
>
> Waldie said he did not approve of the charge, as well as McGovern's statements likening Mr. Nixon's policies to those of Adolph Hitler.
>
> "I find no comfort in a presidential campaign descending to that level," declared Waldie, who nonetheless stressed his support of McGovern.

Mr. HRUSKA. Mr. President, in the same vein, it seems that whenever a newsman or columnist disagrees with the challenger in this election, he can expect to be called "lousy, bitter, paranoid, despicable and obnoxious." If young people decide that they prefer to reelect the President, then they are told that they are "too confused to know what end is up," and union members who also decide that President Nixon deserves their support are advised that they ought to have their heads examined.

This is the bitter invective of desperation—the rhetoric of last resort. These are the words of a candidate whose campaign is so far behind as to be beyond hope of recovery. It deserves no place in a presidential election, for it is the symptom of a narrow, self-righteous view—an intolerance for the freedom of opinion that is so essential to democracy in America.

This morning, I would like to do my part to put one of the central issues of this election campaign back on the tracks of rational discussion. I would like to focus attention on a very real issue that shows clearly the disparity between the two presidential candidates. I want to put aside the bitter invective that has become a trademark of the challenger in his desperate attempts to regain the lost confidence of the American people and concentrate on the issue.

I expect that those who support the Democratic nominee will welcome this opportunity to discuss exactly where he stands on one of the most important substantive issues of this and every election: the military strength and security of the United States.

This Senator does not come to this discussion without some knowledge of the facts involved. The interests of my home State require me to be familiar with this subject because Nebraska is the home base of the Strategic Air Command, the nerve center of this Nation's worldwide retaliatory air strike capability. In addition, since coming to Congress 20 years ago I have served on both the House and Senate Appropriations Committee and have participated in the annual review of the defense budget. I am now a member of the Defense Appropriation Subcommittee and of its conference committee on the fiscal year 1973 appropriation bill, just approved this week.

Each year our subcommittee goes over the entire military budget with great care; we do not in any sense of the word rubberstamp the Pentagon's requests. This year, for instance, we have made reductions of $4.989 billion in the budget estimates, trimming the total appropriation to approximately $75 billion. This type of paring requires us to familiarize ourselves with this Nation's entire military operation. But we undertake our examination with the premise that we want our military strength to be entirely equal to the challenges facing this Nation so that our security and that of our allies can never be in doubt. We made our reductions prudently and in a responsible way; we do not lop off in indiscriminate fashion huge programs and installations with a meat ax. I am afraid the same cannot be said for the Democratic nominee.

America's strength has always been a major concern to both Democrats and Republicans. Whereas in the past both Republicans and Democrats seeking the Presidency have agreed that America must remain strong—as I believe a majority of my colleagues of both parties in the Senate still agree, and an overwhelming majority of the public surely does—this year the Democratic candidate has gone on record as advocating a dangerous policy of national weakness. He supports a policy that could lead us to the brink of nuclear war and away from the tremendous progress that President Nixon has made in reducing world tensions and reaching better understanding with the Soviet Union and Communist China.

This is a grave charge, Mr. President, and I assure you that I do not make it lightly. Grave as it is, it is backed up by the public claims and utterances of the men who sought to unseat President Nixon. In fact, men who competed with the successful Democratic nominee.

I know that many of my Democratic colleagues share my misgivings. Listen to just two of them.

The Senator from Minnesota (Mr. Humphrey) said:

> Not only are Senator McGovern's proposals a serious threat to the security of our Nation, but they are, indeed, a direct threat to the economic security of working families. . . .

On the nationally televised program, "Face the Nation," he went even further, citing some of the specific ways in which the McGovern defense proposals would endanger America. This is how Senator Humphrey characterized the defense policy of the man who is now running as the Democratic candidate for President. He stated, and I am quoting directly, that a President McGovern would:

> . . . halt the Minuteman procurement; halt the Poseidon procurement; halt the B-1 prototype; phase out 230 of our 530 strategic bombers; reduce aircraft carrier force from 15 to 6; reduce our naval air squadrons by 80 percent; halt all naval surface shipbuilding; reduce the number of cruisers from 230 to 130; reduce the number of submarines by eleven.

Mr. President, this is a far cry from a judicious, well-selected, and deliberately made cut of $5 billion in a budget of $75 billion.

My colleague fom Minnesota summed up the effect this would have on America in this way:

> Now when you get down to that and reduce the total number of forces 66,000 below what we had pre-Pearl Harbor, you are not talking about just removing waste or just doing something that seems to be kind of comfortable for the country. You are cutting into the very fiber and the muscle of the defense establishment, and there can be no doubt about it.

And the Senator from Washington (Mr. Jackson), a well-respected member of the Senate Armed Services Committee, made these comments on the McGovern proposals:

> Senator McGovern thinks he can head an administration and guarantee the safety of America—with the Navy without modern ships, the Air Force without modern planes, and an obsolete, undefended and out-numbered strategic force.

Senator Jackson has also said:

> Senator McGovern wants to pull more than one-half of our troops out of Europe, therefore, jeopardizing the Atlantic Alliance and crippling an all-important opportunity to negotiate the withdrawal of Soviet occupation forces from Central Europe, where they have been since the end of World War II. He chooses to wholly ignore the current Soviet naval and strategic buildup—the greatest peacetime military buildup by any nation.

What were the proposals that spurred such strong criticism from members of the Senator's own party? Last January, Senator McGovern suggested that as President his fiscal year 1975 defense budget would call for expenditures of $54.8 billion, an Armed Force of 1,735,000 men, 12 land divisions, the equivalent of 26 wings of tactical airplanes and 6 aircraft carriers. On September 21, another statement was released supporting the January proposals, but in light of the heavy fire these proposals had drawn, all the figures—the specifics—were surgically removed. While pledging reductions in manpower, force structure and overseas deployment, the specifics are carefully camouflaged.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a table entitled "A Comparison of Military Forces—McGovern Proposal Versus President's 1973 Budget."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HRUSKA. Mr. President, the statements from the Senator's Democratic colleagues sum up the disastrous consequence of the McGovern defense budget more aptly than I could hope to. This Senator can think of no more damning indictment than those. Nothing I could say could point up more clearly the danger that America would face if a man who is dedicated to stripping our country of its strength should get to the White House.

I believe that is one of the main reasons why so many lifelong members of the Democratic Party are supporting President Nixon this year. They know that we cannot afford the alternative. They know that a leader dedicated to weakening America and ushering in a new isolationism—an isolationism that would cut us off from our friends and give our adversaries an overwhelming military superiority—is unacceptable.

On September 24, a most provocative article appeared in the Washington Post entitled "How Much for Security?" It was written by Earl C. Revenal, a former director of the Asian Division—systems analysis—in the Office of the Secretary of Defense in the Johnson administration. Mr. Revenal makes some very cogent statements regarding the true meaning of the McGovern defense proposals which should be of interest to my colleagues on both sides of the aisle.

One of the most telling comments in the article is this:

> His (McGovern's) defense program unintentionally prejudices—at least entrusts to luck—certain other American defense objectives in the world—even ones for which McGovern himself professes concern. I refer to northeast Asia . . . central Europe . . . and the eastern Mediterranean. . . ."

I ask unanimous consent that further excerpts from that article be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. HRUSKA. Mr. President, we have been down this road before. History should remind us that isolationism and weakness are not guarantors of peace. Just the opposite is true. In the late 1930's and again following World War II, this Nation withdrew within its borders in an attempt to forget the rest of the world and concentrate on our own domestic problems and priorities. The results of those two periods of isolationism were not happy: the events of 1941–45 and 1950–53 should be grim reminders of the fruits of weakness. The United States in 1972 cannot afford another such experience; it is to safeguard us against war that President Nixon has supported a strong defense posture to deter our enemies. It is this advantage that the Senator from South Dakota would give up.

But perhaps this is what we should expect from a man who is willing to turn his back on our allies, who is anxious to end our commitments not only to South Vietnam, but also to all the rest of Southeast Asia: Laos, Cambodia, Thailand. Not long ago one of his spokemen said that McGovern "had no interest in keeping any presence" in all of Southeast Asia. Where will the Senator's shopping list for abandonment end? What nations are justified in continuing to look to a McGovern administration for support?

The world press is concerned with this question, just as all Americans should be. Let me quote from some recent editorial comment on McGovern's defense proposals:

> While Senator McGovern is seeking to reduce American forces in Europe by more than half, and thereby knock down essential pillars of European defense, the Russians are openly working to undermine the already shaky foundations . . . It is much to be hoped that President Nixon will be able, for a little longer at least, to prevent things being made quite so easy for the Kremlin.—London Daily Telegraph

> His (McGovern's) proposals on defense and foreign policy are inspired by a desire for popularity rather than by wisdom and a sense of responsibility. McGovern has a Vietnam policy that amounts to unconditional surrender. . . . His concept of foreign policy does not bear comparison with the clear and realistic concept of Nixon, who in his first term has proved himself a guardian of world peace aware of his responsibilities.—Stuttgarter Zeitung, West Germany.

> The election of McGovern would mean he would preside at the decline and fall of the United States as a world power. Under a President McGovern, the United States would have no weight in world affairs. . . . The American presence and determination have so stabilized conditions in Southeast Asia that the nations in this region can stand up to the enemy when the Americans are gone—that is, if the Nixon Doctrine is still in force—Bangkok Post, Thailand.

If the McGovern proposals are bad Government, they are also bad politics. If the Senator is curious as to why he is almost 30 percentage points behind in the latest polls, perhaps he should examine his own statements for the reasons. If there is one issue that the great majority of Americans are united on it is that we should maintain a strong defense capability—second to none in the world. By flying in the face of this popular sentiment, Senator McGovern has courted disaster—and justifiably so—on November 7.

The Senator's supporters cannot even fluff-off these defense proposals by saying that they are the product of ill-conceived suggestions brought on by the frustrations of a losing campaign. The McGovern fiscal year 1975 defense budget was carefully thought out and announced last January in the cool winter of contemplation. It has been reaffirmed by the candidate and his advisers in recent weeks. Senator McGovern gives every indication that, if elected, he will try to put these dangerous programs into effect. He will have even more difficulty in dropping his support for these suggestions than he has had with some other matters in the past. Americans should be alert to the fact that if George McGovern is elected on November 7, he will do his best to make this Nation a second-class military power within 4 years. We cannot let this happen.

In contrast to the McGovern defense posture of weakness and insecurity, the Nixon administration is pledged to keeping America strong and secure. While doing all that he could to secure a generation of peace for this Nation and the world, the President has not relaxed his view that America must remain the dominant military power in the world. Only in this way can we maintain a balance of power sufficient to insure that we will not again be involved in a devastating world war.

A weakened, isolated America, vulnerable to military blackmail and distrusted by the other nations of the free world, can never face down another country seeking to force its will on others.

The only guarantor of peace is a military capability in this country second to none. America must stay strong. America must stay respected. America must survive. Mr. President, I remind everyone to whose attention these words will be directed that the first duty of a nation is always to survive.

If we were to strip ourselves of our strength as suggested by the McGovernites—if we were to make the Soviet Union, by default, the most powerful nation in the world—we would be tempting them to push us to the brink—to make demands and apply pressures that they do not dare apply today.

In the long, hard postwar years, it has been the strength of America that has kept that from happening.

To forget that lesson today would be to render meaningless the sacrifices and the vision of Democratic and Republican leaders of the last three decades who managed, sometimes against long odds and fierce attack to prevent a third world war.

I say that we must not allow the misguided views of one man to destroy this progress, especially today, when we are so much closer to a full generation of peace than ever before. I say to my colleagues that one man, even if he is party nominee for President, should not be allowed to risk the future well-being of America and the free world.

Anyone who is familiar with what a McGovern presidency would mean to America's security and strength—anyone who has scrutinized the record and the repeated declarations of the nominee in this field with care and attention—can only conclude that despite the best of intentions, it would leave America in deadly peril.

And when these observations are made by this Senator, it is not to deny the nominee the best of intentions, nor his sincerity, nor his patriotism. It is his judgment that should be severely challenged.

Judging from the polls, an overwhelming majority of Americans of both parties already realize this. I hope that they do not lose sight of that fact between now and the 7th of November. And I do not believe they will.

Mr. President, I yield the floor.

EXHIBIT 1

A COMPARISON OF MILITARY FORCES—McGOVERN PROPOSAL VERSUS PRESIDENT'S 1973 BUDGET

	1973 President's budget	McGovern's proposal
Military personnel (thousands):		
End strength:		
Army	841	648
Navy	602	471
Marine Corps	198	140
Air Force	717	476
Total, DOD	2,358	1,735
Civilian personnel (thousands):		
End strength	1,036	761
Strategic forces:		
Intercontinental ballistic missiles:		
Minuteman	1,000	[1]1,000
Titan II	54	0
Polaris-Poseidon missiles	656	[2]656
Strategic bombers	511	200
Air defense forces:		
Manned fighter interceptor squadrons	7	5
Army air defense batteries	21	8
General purpose forces:		
Land forces:		
Army divisions	13	10
Marine Corps divisions	3	2
Tactical air forces:		
Air Force wings	21	18
Navy attack wings	13	6
Marine Corps wings	3	2
Naval forces:		
Attack and antisubmarine carriers	16	6
Nuclear attack submarines	60	[1]69
Escort ships	207	130
Amphibious assault ships	66	56

[1] Conversion of this force to MIRVed Minuteman III would not continue in 1973.

[2] Conversion of this force to MIRVed Poseidon would not continue in fiscal 1973.

[3] This force would be built to an eventual size of 84 ships, a bit smaller than currently planned for the 1980's.

Source: Department of Defense.

Exhibit 2

[From the Washington Post, Sept. 24, 1972]

How Much for Security?

(By Earl C. Ravency)

THREE ASSUMPTIONS

How, then, does McGovern make his case? Or how (in the style of the old radio serials) can a nation that has been number one in the world unilaterally cut its defense spending by more than a third and yet find security in a world of determined and opportunistic adversaries? Essentially, McGovern postulates three things:

1. The contingencies in which we would have to use our general purpose forces—whether in Europe or in Asia—are extremely unlikely.

2. We should place more reliance on "non-military" instruments of foreign policy, such as diplomacy and trade.

3. Our present forces are much larger than needed to cope with these contingencies.

These postulates contain a substantial measure of truth, but they cannot quite square the circle. As for contingencies, for example, the McGovern budget rests heavily on the fact that specific threats have diminished, particularly in Korea, Taiwan and central Europe, and perhaps recently in the eastern Mediterranean. This is certainly true, but it is an observation of the likelihood of the threat, not its "size," which in all cases has actually increased. This would argue as much for letting our commitments lapse as for reducing the forces to implement them.

In any case, though it is true that any particular war is improbable, the probability of armed conflict or challenge is not zero in the world. As long as the *consequences* of such unlikely events are *presumed* to be matters of vital interest for the United States, we must maintain general purpose forces to cope with them. Added to this is the cardinal principle of deterrence—that the adequacy of forces makes their use even less likely.

The second postulate—about "non-military" instruments—is so universally true that it is not much more than a placebo. Everyone hopes, in a crisis of conflicting interests, that diplomacy, economic inducements and other sympathetic ties will help resolve the problem. But the possession of adequate force also somehow makes diplomacy more effective.

WHAT KIND OF CUTS?

So we come back to the third of Mr. McGovern's postulate; that his program can do the job with less. But the critical questions are: "What job?" and "How much less?" Here we should realize that cutting the defense budget could mean several very different things:

Eliminating inefficiency—the "leaner, tougher" forces that McGovern talks about; the better combat-to-support and officer-to-man ratios; the fewer bases, headquarters and command layers; the more stable personnel policies; the more competent procurement; the simpler weapons systems.

Reducing the "confidence factor"—deliberately assuming increased risk of failure of deterrence or defense. Here McGovern argues that existing planning factors are too conservative and result in overcalculation and excessive expense.

Eliminating (or unconsciously prejudicing) actual objectives or "missions," including the defense of our allies and friends. Here, McGovern intends very little reduction. He would support our NATO commitment, come to the defense if Israel, and, with the exception of Southeast Asia, continue to underwrite the defense, against overt aggression, of every Asian state to which we are now committed—including Korea and Taiwan, presumably for the sake of Japan. He would not, however, maintain or send counter-insurgency forces, even to defend loyal allies—on the presumptive grounds that the targets of internal wars deserve their fate.

Impairing the "essence" of national security—our integrity and well-being as a society and a political system within our national territory. Here, of course, it is not even open to suggestion that a responsible politician would knowingly advocate policies that endangered what he perceived to be the essentials of his country's security.

It is fair to say, then, that McGovern intends to cut into inefficiency and over-high levels of confidence, and that his program intentionally gives up a few American defense objectives, particularly in Southeast Asia. Beyond this, it may be unfair, but is probably true, to say that his defense program unintentionally prejudices—at least entrusts to luck—certain other American defense objectives in the world—even ones for which McGovern himself professes concern. I refer to northeast Asia—our ability to conduct forward defense at the 38th parallel and the Taiwan strait, ostensibly on behalf of Japan; central Europe, where no allied government would sleep better with the withdrawal of 60 per cent of our forces, and where the viability of conventional defense as well as the composition of the NATO alliance would have to be gravely reviewed; and the eastern Mediterranean, where, despite fervent assurances, McGovern can hardly convince Mrs. Meir, who would be happier with an America with more aircraft carriers and better relations with the Greek colonels.

MATCHING ENDS AND MEANS

This is where Melvin Laird comes in. In letters to Senate and House committees on July 5, 1972, he did a bit more than plaster the "white flag" on the McGovern defense budget. Though Laird's statements did contain many mere debating points—or what we might now more appropriately call "forensic bargaining chips"—he also raised certain critical questions; not just the green eyeshade stuff about meticulous costing, but substantive challenges about degrees of confidence in deterrence and defense, and the possible impairment of the defense objectives that Sen. McGovern himself claims to share with Secretary Laird.

For if we must take literally McGovern's protestations that he, no less than Laird, is committed to the continuing defense of the western Pacific, central Europe and the eastern Mediterranean, his sharp reductions of American conventional capability may very well promote nuclear proliferation, lower the nuclear threshold, preempt mutual and balanced force reductions in Europe, unnerve our allies and inspire them to make accommodations with our adversaries, restrict the range of presidential options in a crisis, place a heavy burden on our mobility forces to lift troops back to the theater of combat, diminish our influence on the actions of other nations, hasten the unraveling of our alliance systems in the Atlantic and the Pacific, and cause us in an overall sense to turn our back on calculations of the balance of power.

What emerges is that the McGovern defense concept is probably not stable, because it tries to do too much with too little. This is not to join its critics in saying that it is a dangerous or irresponsible program. After all, the Nixon Doctrine suffers from the same problem. It is simply to point out that the McGovern program can't decide whether to out-Nixon the Nixon Doctrine or really to cut back on our commitments. Thus it is susceptible to two kinds of corrections, or further moves that might restore the balance of ends and means.

One course is to emphasize the commitments, suppress the figures, hope for the best, and later—if in office—remedy the deficiencies in costing, confidence and capabilities. This is the politically "advisable" course, and the broad spectrum of party advice represented in last week's statement by McGovern's national security panel.

The problem with this approach is that McGovern's original "$54.8 billion in 1975" has already, in some public statements by his advisers, become "$55–60 billion." In still other statements it has crept up to "$30 billion less than Nixon"; and since the Nixon defense budget is expected by 1977 to be at $100 million, this would yield a McGovern budget of $70 billion. And this kind of locked-in logic would still leave "President McGovern" a hostage to the advice of his professional military. This might well subscribe to his stated defense objectives but insist on buying higher confidence. Given, further, the three-cushion billiard game of inter-service bureaucratic politics, one could easily foresee a Democratic defense budget—without any apologies—of $85–90 billion by 1977, still tied to the upward curve of inflation and defense "logic."

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2770) to amend the Federal Water Pollution Control Act.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Moss).

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business (S. 3970) which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 1049 (S. 3970) a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the 1 hour allotted to the Senate before proceeding to vote on the motion to invoke cloture will now begin and will be equally divided and controlled between the Senator from Connecticut (Mr. RIBICOFF) and the Senator from North Carolina (Mr. ERVIN).

Mr. MANSFIELD. Before the time starts, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, the Senate has now voted twice on whether to invoke cloture on S. 3970. Both times more than 60 percent of the Senate voted to do so, but both times cloture failed. This morning we vote a third and last time. It is our final chance this year to establish a Consumer Protection Agency.

All we ask is a chance to vote on the amendments and on the bill. This is the business of the Senate and the responsibility of its Members.

In 2 weeks of debate the bill has been portrayed by its opponents as upsetting the Federal administrative process and disrupting the entire economy. Of course, this is untrue. In drafting it, we consulted the Chairman of the Administrative Conference, department and agency officials, leading law professors and representatives of the business community. The bill is a synthesis of the best ideas we received from all of them.

After so many words have been said about the bill, both for and against it, it may be worthwhile to review, briefly and objectively, its principal provisions.

Title I establishes a three member Council of Consumer Advisers patterned after the Council of Economic Advisers. It will prepare a yearly report on the status of the consumer interest, just as the CEA does on the economy.

In addition, it will be responsible for:

First. Recommendation of program priorities;

Second. Assistance in program coordination;

Third. Development of new policies and legislation; and

Fourth. Evaluation of current programs.

Title II establishes an independent, nonregulatory Consumer Protection Agency. The Agency will be headed by a three-member Commission appointed by the President with the advice and consent of the Senate for a term of 4 years, coterminous with the President. The Commission will be chaired by an Administrator who shall be the chief administrative and exectuive officer.

The principal functions of the Agency will be to:

First. Represent consumer interests before Federal agencies and courts;

Second. Receive and transmit consumer complaints;

Third. Conduct surveys and research concerning the interests of consumers;

Fourth. Disseminate information relating to consumer interests;

Fifth. Publish a Federal Consumer Register of information useful to consumers; and

Sixth. Make grants to states, localities, and nonprofit, private organizations to encourage and assist their consumer protection programs and activities.

The most important function of the Agency will be representation of the consumer interest before Federal agencies and courts (sections 203, 204). In formal adjudicatory or rulemaking proceedings under the Administrative Procedure Act, the CPA is authorized to intervene as a party, but shall refrain from doing so unless such intervention is necessary to adequately represent the interests of consumers. The purpose of this limitation is to emphasize that the Administrator must exercise discretion in his intervention and avoid unnecessary involvement in the administrative process. Where submission of written briefs and other material is sufficient, the Administrator should do no more than that.

In informal agency activities, such as notice and comment rulemaking or investigations, the Administrator is authorized to present oral and written arguments to agency officials and have an opportunity to participate equal to that of any person outside the agency. This means that if the lead tinsel manufactures have a meeting with the Commissioner of FDA on the schedule for removing lead tinsel from the market, the Administrator is entitled to present his views on the subject to FDA officials. The section does not give him the right to be present at the tinsel manufacturers meeting and argue his case at the same time they do. To use an analogy from broadcasting, the concept is one of "fairness," not "equal time."

The Administrator is authorized to seek judicial review and intervene in any civil proceeding reviewable under law if he was a party to the proceeding below, or participated in the activity out of which the appeal arose. The Administrator may also seek review of cases in which he did not intervene or participate, unless the court determines that such intervention or participation in the judicial proceeding would be detrimental to the interests of justice. However, before taking the appeal, he must file a timely petition before the Federal agency for hearing and reconsideration, if this is authorized by statute or agency rules. The purpose of this provision is to allow the CPA to forego pro forma interventions in order to preserve its appellate rights.

The complaint section (206) has been simplified and pared down from the 1970 bill. It now provides that nonfrivolous complaints alleging violations of the law shall be referred to the appropriate authorities. Producers and sellers of goods are to be furnished copies of complaints unless such disclosure is likely to prejudice or impede an investigating or prosecuting action. Public disclosure to the extent required to protect consumer health or safety or reveal substantial economic injury to consumers is authorized. Prior to public disclosure, the producer or seller will be afforded an opportunity to review and comment on the complaint and that comment will be included with the complaint at the time it is made public. The evaluation of the complaint by any agency to which it was referred will also be included. The name of the complainant will be deleted where the Administrator finds good cause to do so.

To carry out his survey and research authority, section 207 grants the Administrator authority to submit written interrogatories to persons engaged in a trade, business or industry substantially affecting interstate commerce and whose activities are found to substantially affect the interests of consumers. Such interrogatories must be by general or specific order setting forth the consumer interest involved and the purposes for which the information is sought.

The purpose of the interrogatories will be to promote and protect the health and safety of consumers and to discover instances of consumer fraud. In responding to the interrogatory, no one need disclose any information priviliged according to law. The Administrator may not use the authority granted here where the information is publicly available, can be obtained from another Federal agency, or is for use in an agency proceeding or activity. Thus, when the Administrator is involved in cases before other agencies, he may only use the discovery authority granted under section 203. Interrogatories must be relevant to the purpose for which they are sought and not unnecessarily burdensome.

Section 207 also provides for access by the CPA to information contained in the files of other agencies which does not involve national security, tax records, policy recommendations intended for internal use only, and other similar private information.

Section 208 covers information disclosure. As a general rule, the Administrator is authorized to disclose as much information as he deems appropriate in carrying out the purposes of the act. However, he shall not disclose:

First. Information received from another agency which is exempt from disclosure under the Freedom of Information Act or any other law, and which the agency has specified shall not be disclosed, except in a form or manner prescribed by the host agency.

Second. Trade secrets or other confidential business information, except to protect the public health and safety, and in a manner designed to protect confidentiality, to Congress and courts and other agencies; and

Third. Information which would violate any relationship privileged according to law.

The Administrator is directed to take all reasonable measures to assure that the information released is accurate and not misleading or incomplete. Where the release of information is likely to cause substantial injury to a person, the Administrator is ordered to notify the person and provide an opportunity for comment and injunctive relief, unless immediate release is necessary to protect the public health or safety. Tight restrictions are imposed on the release of information which discloses product or service names.

Section 212 authorizes $15 million for fiscal year 1973, $20 million for fiscal year 1974, and $25 million for fiscal year 1975. The section also provides that funds appropriated for the agency cannot be withheld by OMB.

Title III authorizes $20 million and $40 million for planning and program grants to States, local governments, and private, nonprofit organizations in fiscal years 1974 and 1975. No grant funds are authorized for 1973 because in the first year the CPA should concentrate on getting organized and beginning its operations.

No more than 15 percent of the total funds may be reserved for the States for contracting with private, nonprofit organizations. Ten percent of the program grant funds are specified for pilot and demonstration projects.

Mr. President, this is a reasonable, responsible bill. It is the product of more than 3 years work by the Government Operations Committee. It is fair to both business and consumers. It will not disrupt the machinery of government. S. 3970 deserves to be voted upon by the Senate.

The previous cloture votes show that a large majority of the Senate wants to act on this bill. Those favoring the legislation and those who oppose it have argued the merits at length. Many amendments have been introduced. Each should be considered. But we cannot do so, as long as our democratic processes are thwarted. So let us halt this filibuster and vote on the bill.

Mr. President, I urge a yes vote on the cloture petition.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Who yields time?

Mr. ERVIN. Mr. President, I yield to the able and distinguished Senator from Alabama (Mr. ALLEN) so much of the time allotted to the opposition as he may use.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for giving me time to speak in opposition to invoking cloture on S. 3970, the so-called consumer protection bill.

I have made clear in my speeches on the floor of the Senate on this bill that I am not participating in a filibuster; I am not participating in extended debate on this subject. The time that is being consumed at this time by the Senator from Alabama is time that is allowed under rule XXII for a discussion of this matter. The time would be employed whether the Senator from Alabama was speaking or not.

Mr. President, I have a great deal more interest in seeing the Senate proceed to the consideration of the equal educational opportunities bill, which I understand is to be brought up as soon as this bill and H.R. 1 have been disposed of one way or the other.

I would state that is an anomalous situation, but actually the issues on the consumer protection bill will be brought to a head quicker by allowing debate to continue than by cutting off debate because if debate is cut off, from a practical standpoint under rule XXII each Senator would be allowed 1 hour, there would be a quorum call, rollcalls on various amendments, and the issue could be prolonged for some 2 or 3 days; whereas, if the Senate stands firm and votes against the application of cloture it would be third time that the Senate has said to the proponents of this bill, "Let the opponents of the bill continue their discussion of the bill," and I would feel that since I have been in the Senate there never has been more than three efforts to invoke cloture on a particular bill. I would feel that in all likelihood if the Senate stands firm, if it votes again against applying cloture, that the bill will be set aside and that the Senate will be allowed to dispose of H.R. 1 and then have the education bill, the so-called antibusing bill—and that is a misnomer as will be brought out in discussion of the bill, although that is a popularly used phrase to describe the bill. So we can get on with the business of the Senate much more expeditiously if we vote to continue discussion of this bill rather than if we vote to cut it off.

The longer process is to vote to cut off debate; the shorter process is to vote to allow debate to continue. I believe the Record will substantiate that conclusion of the Senator from Alabama.

Now, Mr. President, discussing briefly the merits or demerits—and the Senator from Alabama says that the demerits outweigh the merits—speaking of the issues of the bill itself, I would like to point out that behind this maladroit piece of legislation lies the misconception that the way to promote consumer protection is to mistrust all existing Federal agencies.

Yet what new method is provided with regard to setting up this new agency, appointed in the same manner as existing agencies; what is there to believe this would be any different than agencies we have already? Do not trust them but trust this agency that is sought to be set up under this bill.

A reading of section 2 will show that the only reason advanced by the proponents of this bill for urging its enactment is, in essence, an insupportable indictment of Federal agencies, because the proponents strongly indicate officials of other Federal agencies are generally faithless to their duties as public officers and cannot honestly, accurately, impartially, efficiently, determine the rights and interests of consumers under the law.

If that is not their conclusion, why are they seeking to set up this agency that would seek to regulate the regulators?

While the proponents of this bill do not hesitate to indict existing Federal agencies as faithless to the public, they would except the proposed Consumer Protection Agency as though it will be error free and will discard the bias, passions and clouded eyes which they attribute to all other Federal agencies.

As I have stated many times, I have no quarrel with the creation of a new Federal Consumer Protection Agency if such an agency will contribute to better and more efficient consumer protection.

I have no objection to voting on this bill right now. My vote would be cast against it. I would be willing to vote right now on this bill, or any of the amendments. There is an amendment pending that is a modification of the amicus amendment that the Senate rejected some days ago. But, Mr. President, during the few short years that the Senator from Alabama has had the honor and privilege of representing the people of Alabama in the U.S. Senate, he has never voted to cut off the right of any Senator to stand on this floor and express his honest, firmly held convictions with respect to legislation pending before the U.S. Senate. That is a policy that the Senator from Alabama has adhered to without exception. Do not choke off debate. Let the debate continue.

That is one of the time-honored qualities or attributes of the U.S. Senate. A U.S. Senator can stand on this floor and discuss an issue as long as he is on the floor—that is, subject to rule XXII, which allows two-thirds of the Senators to cut off the right of a Senator to speak.

Two-thirds of the Senators, on two separate occasions in recent days, have refused to cut off the right of those who want to discuss this matter on the floor of the Senate, and I trust that the vote today is going to be even more definite, even more positive, in saying, "Let this debate continue. Do not choke off debate in the U.S. Senate."

As I have said, I have no quarrel with the creation of a new Federal Consumer Protection Agency if such an agency will contribute to better and more efficient consumer protection. S. 3970 will not create such an agency, in the judgment of the junior Senator from Alabama. This hodgepodge bill was concocted in haste, and its slapdash approach to Government shows through. Rather than protect the consumer, the agency fashioned by S. 3970 is nothing more than a disruptive force empowered to wander to and fro through the halls of Government, and, whenever it takes a mind to, to engage administrative agencies in guerrilla warfare.

The rationale for this bill is that the administrative agencies that Congress has created have not treated the American consumer fairly and this is so because the Congress has failed properly to exercise its oversight functions. Therefore, if we create just one more agency to monitor all the other agencies, then the Congress will only have to oversee the activities of that one agency because this agency is going to oversee the overseer, and it is going to regulate the regulator. That is the rationale of the bill, to which the Senator from Alabama cannot subscribe. Thus it follows that everyone should benefit from this bill, the Congress will fulfill its duties and thereby pass the buck over to the Consumer Protection Agency in doing this.

The existing administrative agencies, thanks to the generous help of the new agency, will more completely fulfill their functions. The new agency will, of course, benefit most by being born.

But, what appears simple in the abstract, we in the Committee on Government Operations, who considered the bill over weeks and months and added dozens of amendments to the bill during the process of its consideration, found extremely difficult to fashion. In order to correct the existing errors, assumed, in the workings of administrative agencies, the oversight agency has been empowered, with very few exceptions, to enter into the most minor deliberations of any Federal authority from the most humble unit up to and including the Office of the President. It is said that such authority is necessary in order to correct existing deficiencies. The drafters of this bill have no way of knowing how many Federal agencies are affected and how much they are affected. Right now, there is no way anyone can know. Not until the Commission is appointed and decides for itself which of the many possible Federal agencies' activities it finds attractive, will anyone know how the power delegated to the Consumer Protection Agency will be exercised.

Should the Consumer Protective Agency develop a taste for labor-management problems, it can take a bite out of the Federal Mediation and Conciliation Service because consumers are interested in prices and prices are a function of labor costs and resolution of labor-management problems directly affect labor costs. Or, maybe, proceedings of the National Labor Relations Board will whet its appetite. Will the Consumer Protection Agency be a gourmet, or a glutton? We do not know. Perhaps a pinch of FCMS mediation and a dash of NLRB unfair labor practice will sate it. It may have a craving for Federal Communications Commission license renewals.

Perhaps its appetite will be satisfied by CAB route designations. If the Consumer Protection Agency develops a thirst, will it slake it on EPA water quality standards? Or will it quench it on USDA milk marketing orders? I do not know. Nobody knows. The guidelines, if they may be called that, do not restrict the Agency within any known bounds. The guidelines established in this bill, and I refer you to sections 203 and 401(11), are not merely complex, but are circular. The guidelines, if you will indulge me in the use of that term, can be reduced to just 13 words which I expressed on the Senate floor last week: "The CPA may intrude in any Federal proceeding or activity of its choice." Just 13 words and I repeat them—the CPA may intrude in any Federal proceeding or activity of its choice. That is a pretty wide ranging field for the CPA.

If the CPA thinks or, as the bill says "determines," that a proceeding "may" result in a "substantial" effect on a "substantial" concern "related to" transactions "regarding" a subject of interest, the CPA "may" intervene. That is the so-called guideline established in this bill. Now some may feel that this requirement to predict a substantial effect on a substantial concern relating to something, regarding something else makes out a comprehensible guideline. See if you agree. Read sections 203 and 401(11) as they interrelate.

I shall not take the time of the Senate to read those sections.

And a comprehensible guideline is what this bill most dearly needs. That is why I supported what has been called the amicus amendment in committee. The amicus amendment has a certain clarity to it that the present bill lacks. While the CPA could still have an input to the same administrative agencies as in the Committee bill, S. 3970, on which it is sought to choke off debate by action of the Senate in just a few minutes, that input is circumscribed. The interests of consumers would still be brought into the decisions of all agencies, but without the guerrilla warfare approach now present in the committee bill. Instead of pitting agency against agency, the amicus amendment will grant the Consumer Protection Agency the right always, on its own determination, to bring consumer interests before any Federal agency in a similar, but stronger, way than an amicus curiae now presents a view to a court. That amendment provides for a similar input in Federal court proceedings to assure again that the consumers' interests are considered at that level. What more is needed? Do we actually have to pit agency against agency in trial by combat? Must we establish a Federal Circus Maximus for diversion? Pit a new gladiator CPA bureau against the many existing bureaus? This is not the Roman Senate, this is the U.S. Senate. We have no need to provide for such divergent tactics to entertain the voters.

As I said at the start of my remarks, I have no quarrel with the creation of a new Federal Consumer Protection Agency if such an agency will contribute to a better and a more efficient protection of the American consumer. That is what I favor. Not a new diversion, but a new agency offering representation of the consumer in all areas in which the consumer needs representation.

Mr. President, in the event that cloture is not invoked and the discussion is permitted to continue, and the leadership, in the exercise of its wisdom, asks that the measure be set aside, I shall not have an opportunity to offer an amendment that I have to exempt the TVA from the operation of this bill.

Therefore, I ask unanimous consent to have printed in the RECORD at this point remarks that I had planned to make and that I shall make in the event that the matter is drawn our further with regard to exempting TVA. I also ask unanimous consent to have printed in the RECORD two telegrams relating to the matter, one from Mr. Dail Gibbs, manager of the Alabama Rural Electric Association, and one from Mr. J. Wiley Bowers, executive director of the Tennessee Valley Public Power Association.

There being no objection, the statement and telegrams were ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR JAMES B. ALLEN IN SUPPORT OF HIS AMENDMENT TO EXEMPT THE TENNESSEE VALLEY AUTHORITY FROM COVERAGE UNDER THE CONSUMER PROTECTION ACT OF 1972, S. 3970

Mr. President, the Tennessee Valley Authority is essentially a regional, not a national agency. Its service area is specifically defined by law.

In creating the TVA, the Congress deliberately determined that TVA should be independent of old-line agencies, reporting directly to the President and the Congress. By statute, TVA was directed to establish its headquarters in the region it serves and not in Washington, D.C., so as to identify with the region and the people within it.

Let me point out that it was the specific intent of Congress to give TVA authority commensurate with its responsibility, to create an agency free from the entanglements of red tape, to free it from the ailments of central bureaucracy, thus TVA was given authority to buy land, negotiate its construction contracts and sign local agreements for power sales without prior "clearance" from Washington.

TVA controls its own personnel functions, its costs, manages its schedules and is itself responsible for all its acts.

Because of this, TVA operations have consistently been excluded from many statutes applicable to federal agencies generally. It is exempt, for example, from the Federal Tort Claims Act since the agency can sue and be sued either in State or District Courts. I ask unanimous consent to place in the Record at this point in my speech a list of statutes from which the TVA is specifically exempt.

Mr. President, the TVA chemical plants in Muscle Shoals, Alabama, are used for the production of fertilizer in times of peace but are required by law to be readily convertible to the production of munitions when necessary. Under defense mobilization conditions, these plants produce phosphorus, anhydrous and hydrous ammonia, ammonium nitrates and calcium carbide. Thus, TVA's national defense research and production program and its fertilizer research and production program are Siamese twins. They must be held together if any real benefits are to be derived from them.

S. 3970 ignores TVA's required defense role in the area of electrical power as well as fertilizer. I offer into the Record at this point an explanation of how CPA under Section 203 of the bill could have adverse effects on the TVA power program. I also offer into the Record at this point a letter I have received from TVA Board Chairman A. J. Wagner relating to the impact of S. 3970 on the operations of TVA. Mr. Wagner expresses grave concern and suggests that TVA be excluded.

Unlike private utilities, the TVA power program is legislatively mandated to be used as a tool to promote the economic growth of the region it serves. The enabling statute commands TVA to provide the energy to markets at the lowest possible cost so that consumers can be served at the "lowest possible rates." It has done just this. Rates to residential users are half the national average.

In fact, Mr. President, during the 1972 fiscal year, residential customers served by the 110 municipal and 50 rural electric systems that purchased wholesale power from TVA paid an average of 1.28 cents per kwh for electricity, or 57 percent of the national average.

The average residential rate for the TVA area showed an increase from 1.22 cents a kwh recorded a year earlier to the 1.28 cents, while the national average increased from 2.14 cents per kwh to aproximately 2.5 cents during the same period.

Let me add—and this is very important—that unlike the majority of federal agencies, TVA is required to be self-financing and self-liquidating. From its inception, the proceeds of TVA power sales have covered all costs, power operations, including the in-lieu tax payments to states and counties, and have provided payments to the U.S. Treasury.

At the end of the 1972 fiscal year, TVA had paid $1,026,000,000 to the Treasury from power proceeds. Every obligation laid upon the Agency has been met. And in order for the obligations of the TVA Act to be honored, the Agency must continue to be autonomous in determining the "lowest possible rates," that will encourage electricity use and to recover the costs of power production as required by law.

EFFECTS OF S. 1177 NOW S. 3970 ON TVA POWER PROGRAM

Authority of Consumer Agency under section 203 to request initiation of policy making proceeding, or to intervene in or obtain judicial review of such proceeding may have the following adverse effects on TVA power program:

(a) Delay needed adjustments in power rates to maintain financial integrity of program (TVA operates on such a small margin that rapid increases in costs may make power rate increases necessary on short notice).

(b) Weakens ability of TVA Board to determine rates and power policies solely on basis of objectives of power program as set forth in the TVA Act.

(c) Raise questions in minds of potential purchasers of TVA's obligations as to TVA's authority and ability to operate system economically and efficiently, thus affecting interest rates on obligations.

Furthermore, under current practices the management of 110 municipal and 50 cooperative distributors of TVA electricity are involved in the rate-making process. These persons, who are responsive to their city governments or to their membership, are in a good position to protect the consumer interest. Section 203 could interfere with their ability to carry out this function.

TVA EXCLUSIONS OR EXEMPTIONS FROM UNITED STATES CODE PROVISIONS

TITLE 5

SEC. 305(a)(2) exempts TVA from conducting, under regulations prescribed by the Office of Management and Budget, a systematic agency review of its operations.

Sec. 4102(a)(1)(B) exempts TVA from requirements to establish a training program for its employees.

Sec. 4301 exempts TVA from establishing, under regulations established by the City Service Commission, a performance rating plan for evaluating the work performance of its employees.

Sec. 4501 exempts TVA from conducting an incentive award program.

Sec. 5102 exempts TVA from the General Schedule classification system.

Sec. 5331, by reference to section 5102, exempts TVA from General Schedule pay system.

Sec. 5341, by its terms exempts TVA from prevailing rate systems.

Sec. 5363 by reference to the TVA act excludes TVA from limitation on the power of an agency head to set pay by administrative action.

Sec. 5504 by reference to section 5541 exempts TVA from the requirement of using bi-weekly pay periods.

Sec. 5541 exempts TVA from premium pay provisions (overtime compensatory time, etc.)

Sec. 5595 exempts TVA from provisions dealing with severance pay and back pay.

Sec. 5911 exempts TVA from provisions establishing authority to provide quarters and facilities for employees.

Sec. 6101 by reference to section 5541(2) exempts TVA from basic 40-hour work week provisions established under Civil Service Commission regulations.

Sec. 7901 states that the health program conducted by TVA is not affected by provisions establishing general employee health programs.

Section 8331 exempts TVA employees from the Civil Service Retirement System.

Section 8901 exempts TVA from the general government health insurance program.

TITLE 16

Sec. 666c makes inapplicable to TVA the provisions of the Fish and Wildlife Coordination Act.

TITLE 28

Sec. 1491, which establishes jurisdiction of the Court of Claims to render judgments on claims against the United States, states:

"Nothing herein shall be construed to give the Court of Claims jurisdiction in suits against or founded on actions of the Tennessee Valley Authority, nor to amend or modify the Tennessee Valley Authority Act of 1933, as amended, with respect to suits by or against the Authority."

Sec. 2680 exempts TVA from the provisions of the Federal Tort Claims Act.

TITLE 33

Section 558b exempts lands held by TVA from authority given to the Secretary of the Army to authorize exchanges of land.

Section 558c exempts lands held by TVA from authority given to the Secretary of the Army to grant rights of way over certain lands owned by the United States.

Section 709 exempts TVA from the authority of the Secretary of the Army to prescribe regulations for the use of storage allocated for flood control or navigation at reservoirs constructed with Federal funds. In the case of danger from floods on the lower Ohio and Mississippi Rivers TVA is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with instructions issued by the Department of the Army.

Section 733 in effect exempts TVA from requirements that the sufficiency of title to land it acquires must be approved by the Attorney General before public money is expended upon the land.

TITLE 40

Section 255 repeats the provisions of 33 USC sec. 733.

TITLE 50

Section 175 repeats the provisions of 33 USC sec. 733.

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., June 14, 1972.
Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR JIM: We are glad to provide the information requested in your letter of June 6 as to TVA activities which would be affected by the provisions of S. 1177 creating an Independent Consumer Protection Agency. You have listed Formalized Proceedings and Informal Activities as categories for the breakdown of such information.

We presently have no activities involving consumers' interests with respect to which formalized proceedings in the way of rulemaking or adjudications are required, either by the Administrative Procedure Act or otherwise. As to informal activities, it is difficult for us to envisage how far the Consumer Protection Agency might go under such legislation in trying to shape the policies of agencies such as TVA in the sales of consumer products or services to the public, and for that reason we are unable to say definitely what activities would or would not be affected. The activities about which we are most concerned in this regard are our sales of electric power and fertilizer materials.

As you know, TVA is the source of power supply for an 80,000 square mile area in the Tennessee Valley region. TVA provides power at wholesale to municipal and cooperative distributors as well as directly to a number of large industrial consumers and government installations. These power sales are made under contracts negotiated by TVA with the various purchasers, and the contracts provide for adjustments in the power rates from time to time to reflect changing economic conditions. As to the level of such rates, section 15d(f) of the TVA Act requires that:

"The Corporation shall charge rates for power which will produce gross revenues sufficient to provide funds for operation, maintenance, and administration of its power system; payments to States and counties in lieu of taxes; debt service on outstanding bonds, including provision and maintenance of reserve funds and other funds established in connection therewith; payments to the Treasury as a return on the appropriation investment pursuant to subsection (e) hereof; payment to the Treasury of the repayment sums specified in subsection (e) hereof; and such additional margin as the Board may consider desirable for investment in power system assets, retirement of outstanding bonds in advance of maturity, additional reduction of appropriation investment, and other purposes connected with the Corporation's power business, having due regard for the primary objective that power shall be sold at rates as low as are feasible."

By a basic bond resolution, which is a necessary incident of issuing its power revenue bonds, TVA has contracted with the purchasers of such bonds that it will establish and maintain power rates which accord with the foregoing statutory requirements and also with other requirements of the bond resolution relating to the protection of the bondholders. The TVA Board of Directors must comply with the provisions of section 15d(f) of the Act and of the basic bond resolution. It would seem to us most undesirable for the proposed Consumer Protection Agency, whose interests would extend only to those of consumers, to become involved in the TVA Board's actions in this regard. Although the Board would not necessarily be required to follow the consumer agency's recommendations, the fact that it did not follow them, even though its not doing so was required by the Act and the bond resolution, could lead to public misunderstanding and dissatisfaction. Moreover, TVA power consumers are fully protected by the stated objective in the TVA Act that TVA power be sold at rates as low as are feasible and by the requirement that the members of the TVA Board, as a condition of their appointments, subscribe to the wisdom and feasibility of the TVA Act. In view of these provisions, the exercise by the proposed Consumer Protection Agency of functions relating to TVA power rates would duplicate functions already performed by the TVA Board.

TVA also engages, in accordance with the TVA Act, in the production and sale of fertilizer materials in a nation-wide fertilizer educational program. Here again, the pricing of the product requires a careful weighing of production costs and the objectives of the program which is and we believe should remain the responsibility of the TVA Board.

If you need any additional information, please let us know.

Sincerely yours,
AUBREY J. WAGNER,
Chairman.

CHATTANOOGA, TENN.,
September 25, 1972.
Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.:

The Tennessee Valley Public Power Association urges your support of amendment to exempt the Tennessee Valley Authority from provisions of the Consumer Protection Organization Act of 1972, S. 3970. TVA is a consumer oriented Federal agency directed by Congress to keep electric rates as low as possible. It would be useless duplication of effort to place TVA under Consumer Protection Act.

J. WILEY BOWERS,
Executive Director,
Tennessee Valley Public Power Association.

MONTGOMERY, ALA., *October 2, 1972.*
Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: We want to assure you of 100 percent support in your amendment to Senate bill 3970 to exclude TVA.

DAIL GIBBS,
Manager,
Alabama Rural Electric Association.

Mr. ALLEN. I yield the floor, and reserve the remainder of the time allocated to the Senator from North Carolina (Mr. ERVIN).

Mr. RIBICOFF. Mr. President, I yield the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, one of the few advantages of a relatively empty Chamber is that one can speak quietly and still be understood by his colleagues. We realize, on this cloture vote, that Senators are not here because they have probably made up their minds. For whatever it means to posterity, I have a few observations which I should like to make this morning.

I must say that as I listened to the Senator from Alabama, a very gifted orator indeed and a very able Senator, who understands, notwithstanding his few short years here, unusually well how the Senate operates, and has already made a significant mark on this body, I found "curiouser and curiouser" the diversity of this world.

The Senator said, if I recall his words correctly, "If the Senate stands firm."

That is quite an admission against interest, Mr. President, because the Senate standing firm is 32 Senators out of 100. By that logic, 32 of the Senators, when they make up their minds that they will try to talk a measure to death, can succeed; and, as has constantly been iterated and reiterated in this Chamber, in the final analysis the Senate does not, according to the Constitution, act by a majority; and that admission against interest—which is not unusual; it has been said or implied many times here—only demonstrates the validity of what people like myself have argued for many years, that rule XXII simply makes a shambles and a mockery of the Constitution.

The fact is that you have to have a two-thirds majority here to legislate, not in the other body but here, notwithstanding the Constitution. That is being demonstrated today, and the Senator admits it.

"If the Senate stands firm." Who is the Senate? Is it the 55 Senators who voted "yea" or for cloture, or the 32 who voted "nay"? Obviously it is the 32 who voted "nay," and the Senator knows as well as I do that probably a majority will again today vote to close debate, and that majority will not have its way, notwithstanding that this matter has been debated for weeks, and that we are at a loss, all of us, to find new arguments, because there are none. The matter has been thoroughly explored, debated, and hashed over; there is nothing more to say except to pass on some specific amendments, which cloture will give us every opportunity to do.

One other point I find extremely curious: We are told sure, it is fine to have a Consumer Protection Agency, but at one and the same time that it is wrong to have one because it is making a gladiatorial contest of the representation of consumers.

Mr. President, I do not care too much for gladiatorial contests. We almost had one on the floor the other day, and I found it extremely distasteful, as indeed I think most Members did. Whatever may have been the respective weight at ringside of the various contestants, and their abilities, we still found it extremely distasteful, and quite rightly.

But, Mr. President, if we are going to have a gladiatorial contest, it would be horrible, and even worse than unsporting, to send one of the gladiators into the arena without weapons; and yet that is precisely what it is proposed to do. The amicus amendment is simply a proposal to strip the Consumer Protection Agency of even such weaponry, in terms of representing consumers, as is in the hands of every other agency and department of Government today.

We have constantly maintained that all we are trying to do is establish—which is really what the Government Operations Committee is supposed to do—a reorganization of the consumer function in the Government by establishing an agency equipped for the purpose with a singleness of objective, rather than the diversity of every agency and every department theoretically being empowered to protect the consumer. But, knowing the fear or timidity of some sections of American business—happily not all—we have inserted in the bill a whole legion of assurances and safeguards, many at the behest of the distinguished Senator from Alabama (Mr. ALLEN), of the chairman of our committee (Mr. ERVIN), and of other Senators, in order to assure, reassure, and lock in again the fact that business would not be under any circumstances imposed on.

To me the most ironclad of those assurances, aside from the specificity of detail, was the amendment sponsored by the Senator from Arkansas (Mr. McCLELLAN), chairman of the Appropriations Committee and former chairman of our committee. The Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. PERCY) and I accepted it. That amendment was to establish what is really a controlling supervisory commission, with jurisdiction over the general policy of this enterprise, binding upon its administrator, which would be bipartisan in its nature, and subject to confirmation by the Senate, with the feeling that that was the ultimate sanction. Senator McCLELLAN, I think everybody will recognize, certainly is not a man who would think of any idea other than one which he felt would give a sense of stability and even relative conservatism to the operation of this Agency.

My staff has made a list—and I think it is appropriate that it should be included in the RECORD—of 20 substantive provisions and criteria which are safeguards against any undue interference by the Consumer Protection Agency with responsible business practices and the orderly processes of government. They include the following: The CPA will have no regulatory authority. There is a limitation upon its intervention, which limitation is very strong when it comes to intervention in court, with the court having to find, under very strict criteria, a basis for intervention.

A protection against the delay of agency proceedings or their disruption, because he must proceed exactly in accordance with the normal rules and regulations of the agency.

A protection against intrusion by the agency in private meetings or discussions. It may present orally or in writing its views, but it is not required to be present at any particular meeting or discussion.

A protection against any abuse of the agency's compulsory process, so that it may not be arbitrary, for discovery or even for interrogatories.

A very strict protection against any unfair inquiry in terms of acquiring information from miscellaneous businessses. We have limited the places where the administrator really has authority to get information to a relationship of that information to consumer health or safety or consumer health or safety or consumer fraud, and that may be tested in court.

A protection against arbitrary, capricious, or vindicative intervention by the Consumer Protection Agency—again, subject to judicial review.

A protection against unwarranted allegations in complaints from consumers, especially as it relates to a specific business or its products and services, with a full opportunity to the respondent to reply and to have publication equally of that reply.

Very strict protection against the disclosure of confidential information in the hands of any other government agency, and protection for business secrets that may come into the possession of the agency.

Protection against disclosure to the public of false or misleading information—again, subject to court action.

Protection against surprise disclosure, with prior notice to a company affected and an opportunity to come in.

Protection against unfair comparison of products or services of a particular business.

Clarification that substantive criteria applicable to agency decisions remain unaffected by the power given to the Consumer Protection Agency.

I ask unanimous consent that a specification of these 20 safeguards and the details be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Safeguards in S. 3970 Against Undue Interference by the Consumer Protection Agency With Responsible Business Practices and the Orderly Processes of Government

1. The CPA will have no regulatory authority. It will not be able to overrule, veto or impair any Federal agency's final determinations. The participation rights granted to the CPA are procedural only, not substantive, such that no authority granted to the CPA shall be construed as superseding, supplanting, or replacing the jurisdiction of any agency over any subject matter, nor deprive any agency of its responsibility to exercise its authority under law. Section 3(3) Declaration of Purpose.

2. Limitation on CPA interventions: Authority to intervene as of right as a party is granted to the CPA in formal agency proceedings, but the Administrator must exercise discretion and avoid unnecessary involvement. He is to refrain from intervening as a party unless he determines that such extent of involvement is necessary to represent adequately the interests of consumers. Where submission of written briefs or other material is sufficient, or presentation of oral argument is sufficient, he is to exercise self-restraint and limit his involvement accordingly. Section 203(a).

3. Protection against disruption and delay of agency proceedings and activities: Upon intervening, or participating in formal agency proceedings, the Administrator must comply with the host agency's statutes and rules of procedure governing the timing of his participation and the conduct of such proceeding (Section 203(a)). In participating in an informal agency activity, the Administrator must do so in an orderly manner and without undue delay. Section 203(b).

4. Protection against CPA intrusion in the private meetings and discussions between a Federal agency and a particular business firm: While the CPA may present orally or in writing relevant information and arguments (Section 203(b)(1)), it is not granted the right or authority to be present at any particular meeting or discussion, nor to monitor any phone conversations, between an agency and a company. Instead, it need only have an opportunity *equal* to that of the company to present its views. CPA's participation, therefore, need not be simultaneous (and generally will not be) but need only occur within a reasonable time of any prior involvement by such company or at a time when it might reasonably have an input into a contemplated agency action. Section 203(b)(2).

5. Protection against misuse of a host agency's compulsory process: Where the CPA seeks to use an agency's subpoena authority for discovery purposes, the host agency retains discretion and control over such use. CPA's request must be: (i) relevant to the matter at issue; (ii) not unnecessarily burdensome to the person from whom the information is sought; and (iii) not such as would unduly interfere with the conduct of the host agency proceeding—all to be determined by the host agency, not the CPA. Section 203(e).

6. Protection against unfair advantage to CPA in requiring information from businesses: The compulsory information gathering authority of the CPA (Section 207(b)) may not be exercised to obtain information which: (i) is available as a matter of public record; (ii) can be obtained from another Federal agency; or (iii) is for use in connection with his intervention in any pending agency proceeding. (Section 207(b)(2)). The Administrator's request under Section 207 must relate to consumer health or safety or consumer frauds and be specific as to the purpose for which the information is intended. Moreover, the request must be relevant to that purpose and not unnecessarily burdensome to the person from whom the information is sought. The scope of the Section has been limited so as not to require the production of records, books, or documents, the appearance of witnesses, or the disclosure of information which would violate any relationship privileged according to law. Section 207(b)(1).

7. Protection against arbitrary, capricious or vindictive intervention by CPA: The determination by the CPA that a consumer interest may be substantially affected by the result of an agency proceeding will be subject to ultimate judicial review if there was prejudicial error involved. (Section 210(e)(1)(B)). The Administrator is required explicitly and concisely to set forth in a public statement the interests of consumers he is representing in a particular agency or court proceeding. Section 402(b).

8. Protection against unwarranted allegations in complaints from consumers against business, its products, or services: Upon receipt of consumer complaints, CPA will as a matter of course promptly notify the company named, furnish it a copy of the complaint, and afford it a reasonable time in which to respond to the charge. Both the complaint and the company's response will be placed in the public file simultaneously, together with any comments or report from any Federal agency to which the complaint was referred for action. Frivolous, malicious and unsigned complaints will not be placed in the public file. Sections 206 (b) and (c).

9. Protection against access by CPA to all classified information and restricted data under the Atomic Energy Act. Section 207(c)(1).

10. Protection against CPA access to internal policy recommendations: The CPA will have access to factual material developed by agencies but will have no right to have access to opinions expressed by agency personnel which are not in the nature of factual data. Section 207(c)(2).

11. Protection against CPA access to information concerning routine executive and administrative functions: Most internal agency documents dealing with the management of the agency need not be accessible to the CPA. This will protect the legitimate interests of federal agencies in managing their own affairs without interference. Section 207(c)(3).

12. Protection against CPA access to personnel and medical files and other files access to which would constitute an unwarranted invasion of personal privacy: The CPA will not have a right to have access to these files, which should properly remain private in order to preserve important interests of confidentiality. Section 207(c)(4).

13. Protection against CPA access to in-

formation which any agency is expressly prohibited by law from disclosing to another federal agency: Where a statute of judicial decision has declared that an agency may not disclose information to another agency, this policy applies to the CPA, and denies the CPA the right to access to such information. Section 207(c)(5).

14. Protection against CPA access to income tax records: There is no authorization in this act to any federal agency to disclose the amount or source of income, profits, losses, expenditures, or any particular thereof, from any income return, or to permit CPA access to any such return. This will insure that records which are now treated as confidential by the IRS with respect to access by other federal agencies will be treated in the same manner with respect to the CPA. Section 207(d).

15. Protection against disclosure of confidential information relating to business practices in the files of another agency: The CPA has access to, and can copy agency files, but cannot disclose to the public any information which the host agency has exempted from disclosure or is exempted by law. Section 208(b).

16. Protection for business trade secrets that may come into CPA's possession: Trade secrets and other confidential business information may not be disclosed under criminal penalty of law, except if necessary to protect public health and safety, or to courts, committees of Congress, and other concerned federal agencies in a manner designed to preserve confidentiality. Section 208(c).

17. Protections against disclosure to the public of false or misleading information regarding a business: CPA disclosures may not be inaccurate, misleading or incomplete. Otherwise, CPA will be required promptly to issue a retraction, to take other appropriate measures to correct any error, or to release significant additional information affecting the accuracy of information previously released. Section 208(d).

18. Protection against "surprise" disclosures to the public of information likely to injure the reputation or good will of a business: CPA is required, as a matter of course, to give prior notice to such company and afford an opportunity to comment, unless public health and safety would be imperiled by such action. Section 208(d). Injunctive relief to a company which might be damaged is provided for.

19. Protections against unfair comparisons of the products or services of a business: In disclosing information, CPA: (i) must make clear that all products of a competitive nature have not been compared, if such is the case; (ii) must make clear that there is no intent or purpose to rate products compared over those not compared, not to imply that those compared are superior or preferable in quality to those not compared; and (iii) must not subjectively indicate that one product is a better buy than another. Section 208(e).

20. Clarification that substantive criteria applicable to agency decisions remain unaffected: Reference in the predecessor bill, S. 1177, to giving "due consideration" to the interests of consumers in agency decisionmaking might have been construed—and was by some—as meaning that added weight was to be given to the consumer interest in regulatory and other decisions involving, e.g., the grant or denial of a license, route, or rate increase. We did not intend to change the substantive standards now applicable and have therefore taken out the reference to "due consideration" requiring only a concise statement as to how, if at all, the consumer interest was taken into account in reaching a decision. Section 402(a).

FINAL OBSERVATION

The structure and operation of a Consumer Protection Agency need not be hostile to business interests. There are numerous situations where the CPA would, in presenting the case for consumers, find itself advancing or defending a business practice. For example, antitrust law today often frustrates industry self-regulation even where health or safety considerations may be at stake. The television industry, alerted to a potential fire hazard in color TVs two years ago, responsibly assembled in Chicago to upgrade flammability standards only at the risk of possible antitrust suit by the Justice Department. Not untypical, the power lawnmower industry for years has been leery of using collective means to devise an alternative to the rotary blade, which each year is responsible for more than 140,000 injuries, some resulting in death, blinding or severe disfigurement. The CPA might also help to expedite agency action, as for example in the case of a new drug application before the FDA, where more timely response could promote health or save lives. In these circumstances, the consumer interest in maximizing safety would clearly outweigh the consumer interest in seeing that the antitrust laws are enforced to the letter. Thus, the CPA would expectably intervene on behalf of the legitimate business interest which, in not a few cases, coincides with the legitimate consumer interest.

Mr. JAVITS. Mr. President, I have been a major business lawyer for as many years as I have been a Senator. I have served many small businesses and many investors. I have fought the interests, so-called, and I have represented them. I represent to the Senate that the set of safeguards against arbitrary action and vexatious inquiry, causing difficulties where none should be caused, as in this bill, are as well balanced with the sheer vesting or concentration in one element of the authority to espouse the consumer's role in various activities of the Federal Government as can be done, in my judgment. If anyone has another one, I will be the first to accept it. As Senators know, I not only have been ready to accept but also to use my brain if the occasion arose to fashion an idea into a legislative actuality.

Mr. President, I should like to make one last point in respect of this debate on the cloture petition. I think it may be that the opponents of this measure really are not being all that wise, if I may respectfully submit that observation. The consumer movement is growing very strongly in this country. It is becoming almost as dominant a political fact as the environmental movement. A minority may be able to frustrate the consideration of this bill, which has already passed the House, in this session, when it is coming to a close; and there may be many reasons why, quite apart from the merits, it may be possible to repulse this activity on the part of consumers.

I may be here or not, but I predict that if this measure is repulsed, the ensuing consumer protection bill will be tougher, meaner, and more difficult so far as those elements of business are concerned who think they are scoring a victory now. It really will be a pyrrhic victory. They may think that sufficient unto the day is the cause and that if they lick it now, that is the end of it. But this is extremely shortsighted thinking. The next consumer protection bill which comes along in 1973, when there is a great deal of time, is going to be a much more difficult one for American business. I believe that those who bring about the death of this bill—which, as I say, they may do—will regret it as one of the worst decisions of their lives.

Finally, Mr. President, this is not a choice among alternatives. The Senate is cutting itself off, if it denies cloture—notwithstanding the charm and attractiveness of the Senator from Alabama—from dealing with this measure. It is not a choice among alternatives, because alternatives can only be offered if the matter is brought to finality, both in this Chamber and in a conference which would then ensue with the House.

So I hope very much that the Senate will realize that, having gone this far in both the House and the Senate, this is the time to fashion the fairest bill, fairest to business and giving such reasonable voice to the consumers' interest as is not remotely incompatible with the efficient and intelligent operation of business. To rebuff that effort now may, in my opinion, result in legislation which even I would find injudicious on another occasion, and will certainly result in a worse bill or law, so far as the efficient operation of business is concerned, than this could possibly be.

Mr. President, this will be the third time that cloture is being voted on. It demonstrates again what I have argued in this and other debates: That this is a government which is now subject to the veto of one-third of the Senate in any measure, no matter how serious. I think that those who pride themselves on the fact that if an absolute majority of the Senate really wants to do something, it can do it, and it cannot be frustrated, had better take another think on it, in this and in other cases. Mr. President, I hope very much that an interest in the consumer interest—and this is certainly a key vote on that subject—and an interest in the true fidelity of the concept of representative government, even if a Member does not believe in the bill, will induce the Senate today to vote for cloture which it has, so far, denied to the bill on two previous occasions.

I reserve the remainder of my time.

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Paul London of the staff of the Committee on Banking, Housing and Urban Affairs be granted the privilege of the floor during consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I have listened with much interest to my good friend from New York. During the years that he and I have served in the Senate, I have learned to admire him for the brilliance of his intellect and I have acquired a deep affection for the geniality of his heart. I concede to him all power except in one field.

Normally, I would say, if any person in the Senate has the intellectual capacity to unscrew the inscrutable, it is my good friend from New York (Mr. JAVITS). But he has just exhibited a real deficiency and that is in prophetic power. He predicted that if this bill is not passed at this time, then, in the future there would be a more drastic consumer agency bill.

Well, Mr. President, I just do not believe that the human mind is gifted with enough imagination to draft a more drastic bill than the pending one.

The pending bill would give the consumer administrator jurisdiction over all the earth insofar as it covers the United States of America. It would not only give him jurisdiction by way of oversight over everything that goes on on the earth, which has an effect on land, or on personal property, or on manufacturing, or on extending credit, or rendering services, but it would also give him jurisdiction by way of oversight over the heavens above, this is so because he can interfere with the licensing of those who like to hunt birds which fly above the surface of the earth. The administrator has oversight jurisdiction not only over the earth and the heavens, but also over the water beneath the earth.

As I demonstrated I think conclusively the other day, the Administrator can interfere in all matters where the U.S. Government extends any kind of financial assistance to people who make boats for use in fishing, fishing lines, hooks, nets, and all the other paraphernalia by which men capture the fish; and then, after they get the fish to the land, the Administrator would still have jurisdiction by way of oversight over the fishing markets.

So, Mr. President, if there is going to be a more drastic consumer agency bill than the pending one, it will have to authorize an appropriation to carry the agents of the Consumer Protection Agency up to the moon and into outer space because the pending bill given them will have complete oversight jurisdiction over everything on the earth so far as the United States and its possessions are concerned.

This bill has drastic impact upon those who produce things—and everyone produces goods and services of some kind unless they are mentally incompetent or parasites. The bill authorizes the administration to demand virtually any information he wants of everyone who produces anything of any character. I do not see what else can be done to widen his powers of oversight over virtually all governmental and business activities in the United States. Indeed, the bill reminds me of the man who received a telegram from his undertaker saying, "Your mother-in-law died today. Shall we cremate or bury?"

The man wired back, "Take no chances. Cremate and bury."

That is precisely what this bill would do throughout the United States to the rights of those who produce goods and services, who extend credit, and who do anything on the surface of the earth, in the heavens above, in the waters, or under the ocean will affect what the administrator conceives to be a consumer interest.

My good friend from New York said that the bill will afford much protection for the people. Every page of the bill is permeated with provisions which say that the consumer agency can agitate and litigate. Yet, when I offered before the committee the pending amendment, to make it certain that people could be protected against unlawful acts of the consumer administrator, it was overwhelmingly voted down.

Mr. President, there is a principle of law that we call sovereign immunity. Under this principle an individual citizen cannot sue the Government or an agency of the Government unless it is authorized by law so to do. Under this bill the consumer agency would have not only the power to destroy the business of an individual, but also the power to destroy his character. This is true, because it gives him the express power to be a public scandalmonger if he wants to.

This is true, because there is a provision in the bill authorizing the administrator to disseminate to the public every complaint he receives from a consumer unless he finds it to be frivolous—and I do not believe the administrator would consider any complaint from a consumer to be frivolous. Despite some ineffective safeguards, he would be able to disseminate complaints to the public and destroy not only the business, but also the character of the businessman. The businessman would be without remedy, even if the administrator ignored the weak safeguards.

Thus, I offered this amendment before the committee:

> If the Administrator or anyone acting for him violates or threatens to violate any provisions of this Act or any provisions of any other law, the person aggrieved by the violation or the threat of violation may bring a civil action against the Administrator in a United States district court and the court shall have jurisdiction to issue any restraining order or injunction necessary or appropriate to protect the person aggrieved against the violation or the threat of violation.

I thought that anyone would vote for such an amendment. The amendment was overwhelmingly rejected on the basis of the argument that if a producer of goods, or a provider of services, is given the right to protect himself by a lawsuit against unlawful acts by the administrator, acts in violation of the very act that he is professing to enforce, it would impede the administrator in the execution of the powers given him by the bill.

In other words, the bill in its present forms locks the doors of the courts of justice against people who would be injured or threatened with injury by governmental tyranny on the part of the administrator.

It has been said here time after time that the consumer has no advocate. Well, I have been wrestling with the Federal Trade Commission for the protection of some of my constituents. I found that under the Inflammable Materials Act, the Department of Commerce writes the regulations and the FTC enforces them. I found that the Department of Commerce and the FTC disagree as to what the current regulation means. If Congress were to pass the consumer agency bill, the administrator could enter the controversy between my constituents and Department of Commerce and the FTC and we could witness the spectacle of hearing the Federal Government speaking with three different voices. I have long since discovered that all agencies have lawyers, investigators, and accountants to protect the public interest. The public interest and the interest of the consumer are identical. The statement that a consumer has no one to represent him in the Federal Government is without foundation. The fact is that there are literally hundreds and hundreds and hundreds of lawyers and hundreds and hundreds of investigators in the agencies of the Federal Government to protect the public interest. The public interest is the interest of the consumers, because the consumers are the public.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). All time of the Senator has expired. Who yields time?

Mr. RIBICOFF. Mr. President, what time remains?

The PRESIDING OFFICER. Five minutes remain to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, 2 days ago I urged my colleagues in this Chamber and I called upon the White House to stop this nonsense now and end the filibuster that is preventing the Senate from working its will on the pending Consumer Protection Agency legislation before it. We came within three votes of doing just that.

Since that time, I have discussed this matter with a number of my fellow Senators and I have made further inquiries into the position of the administration. As Senators know, the stated reason of the administration for opposing any attempt to cut off debate was to allow time to have its several amendments—I believe they are five in number—to be given consideration. To be candid, neither I nor the other sponsors of this legislation, Senator RIBICOFF and Senator JAVITS, are especially enamored of these administration amendments. Their effect would be to do the following:

First. Strike the Council of Consumer Advisers in title I and substitute, as in the House bill, a statutory term of office for Virginia Knauer.

Second. Eliminate the title III grant program altogether.

Third. Eliminate section 203(g), as amended by Senator METCALF in committee, which permits the CPA to present its views before State and local agencies and courts upon request of the unit conducting the proceeding, the Governor of the State, or of an agency or official duly authorized by the State to represent the interests of consumers before such State or local agencies and courts.

Fourth. Eliminate the independent compulsory information gathering authority in section 207(b)—a proposed amendment by Senator GURNEY which was rejected in committee by a 10-to-5 vote. Instead, the committee provided for extensive protections against unfair advantage to the CPA in requiring information from businesses under this section.

Fifth. Eliminate from section 201(e)(1)(a) authority for the administrator to obtain judicial review where he is arbitrarily denied the "full opportunity" to communicate his information and views under section 203(b) in informal agency activities.

Fundamentally, I believe the bill, as is, is the bill that the majority of the Senate of the United States wants to pass. Fundamentally, I do not believe that the administration amendments are in the best interest of consumers. But my overriding concern is that this bill not die and that whatever reasonable accommodation can be reached which permits it to be voted upon by the Senate should be attempted. For, as a practical matter, even working out our differences on the above-stated amendments, the Senate bill would still be a more preferable vehicle than the bill that passed the House for assuring an effective voice for consumers in the deliberations of their Government.

Wanting to work with and not against an administration on this issue, an administration whose reelection I enthusiastically support, I have communicated this thought to the White House. Based upon their prior expressions of support for the concept of an independent advocacy agency this year and the unequivocal position taken by the White House and the Republican Party in its 1972 platform, adopted just 2 months ago, in which we advocated the establishment of an independent agency for consumer protection, I had expected a favorable reception to the offer that I and my cosponsors were willing to make. Instead, the word back is no word but a deafening silence. Indeed, the spokesman for the administration on this matter is not even the President's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, whose outstanding work on behalf of consumers throughout the Nation has won the respect of all of us. The spokesman instead is a congressional liaison aide, and perhaps that is the real problem underlying the confused and contradictory statements that have emanated from the administration on this matter. They support creation of a consumer advocacy agency, but they do not support it.

If the administration really wants an independent advocacy agency as it has stated so many times in the past, then now is the time to speak up and to summon support for ending this travesty on the floor of the Senate, and supporting one of the most important piece of consumer legislation ever to be before the Congress.

There can be no greater indictment of the Senate and its procedures than to permit this kind of stall which is so repugnant to our notions of democratic procedure and fairplay. I call upon my colleagues in the Senate and I call upon the White House to face up to their responsibilities and commitments by moving now to cut off further unlimited debate on this vital measure.

Mr. FULBRIGHT. Mr. President, for the record, I would like to make a few brief remarks with respect to the pending business—invoking cloture on S. 3970, the Consumer Protection Act of 1972.

Since becoming a Member of the Senate, I have consistently opposed efforts to invoke cloture because it would deny Senators the right to fully consider the important questions which this body is obliged to decide.

I have done so because I strongly believe that the Senate's tradition of careful and thorough consideration of legislation is one of the most important safeguards of our constitutional processes. I have spoken at great length on previous occasions about my dedication to this principle.

Extended debate protects the Senate's ability to function in a deliberative manner while striking the proper balance between constantly changing majority and minority interests.

It is the duty of the Senate not to allow any measure, regardless of its merits, to pass without the most complete and thorough examination. History has demonstrated time and again the fundamental soundness of this principle and how essential it is to wise legislation and good government.

While great mistakes are often the consequence of hasty action, they rarely follow the delay which comes after full discussion and deliberation.

Anthony Lewis, the well-known columnist of the New York Times once noted:

> Democracy is a process, not a result. It is no particular set of policies but the means of reaching them. It is a commitment to rational discourse, to persuasion, to restraint in the use of political advantage, to the reservation of force or threat.

Mr. President, the real significance of the vote which will shortly take place is aptly described in this quotation. By voting against invoking cloture today, I seek to retain the capacity of the Senate for persuasion and for rational discourse.

Therefore, even though I favor enactment of the pending bill and shall support it, I believe the necessity of maintaining the strength and integrity of this body takes precedence over its expeditious disposition.

Mr. BUCKLEY. Mr. President, I have followed the floor debate on S. 3970, the proposal to establish a consumer protection agency; I have studied the bill reported by the Committee on Government Operations, along with the various statements, pro and con, issued by members of the committee. After reviewing the matter, I have concluded with considerable reluctance that I cannot support the measure in its present form.

I say with considerable reluctance, because the bill is designed, after all, to promote and protect the interests of consumers. I agree with that worthy goal. But even so laudable a goal cannot save what is to my mind a bad piece of legislation. The bill would, I believe, create more problems than those it attempts to solve and incur social and economic costs far in excess of the ostensible benefits the consumer might derive from its enactment.

In taking this position, I do not want to be misunderstood. A convincing case can be made for better consumer protection legislation. I have supported, and will continue to support, any reasonable measure that will in fact accomplish that goal. But better consumer protection by no means requires the establishment of a massive new Federal bureaucracy of the sort proposed by the pending bill.

This point bears talking about, because the tendency these days is to discuss the problems of consumers in deceptively simple terms. To listen to some of the more ardent consumer advocates, you would think that the political universe neatly divided itself into two, and only two, kinds of people; namely, those who are "for" the consumer, and those who are "against" him. Thus, it is being said with regard to the pending bill, that one must either be for it, or against the consumer.

Frankly, Mr. President, I wish matters were as simple as that. In that case, I would simply cast my vote for the bill, congratulate myself on my purity of motive, and write to my constituents that all their consumer woes will soon be over. I wish, as I say, that things were that simple. Unfortunately, they are not. Nevertheless, the temptation persists here and elsewhere to support anything that is put forward with the magic phrase "consumer protection" on the label. Under the circumstances, Member of Congress are exceedingly reluctant to position themselves in these matters anywhere but on the side of the angels. It would be easy, perhaps even politically profitable, for me to do likewise. But, Mr. President, I cannot. "Consumer protection" is not some sort of talismanic phrase which requires us to approve everything put forward under its name. It is necessary to look behind the label to see what's on the inside. Upon examination, it turns out that this magic new political elixir being offered up for the cure of consumer woes is in fact the same old patent medicine we have been swallowing for years; that is, another Federal bureaucracy. Only this time, we are promised, the medicine will do the trick.

How many times have we heard that argument, Mr. President? How many times has it been said that such-and-such a problem fairly demands legislation, and that a massive new Federal bureaucracy is the only way to solve it? In consumer affairs alone, Mr. President, we are positively brimful of Federal agencies. A member of my own delegation from New York City recently remarked that:

> There are approximately 50 federal agencies and bureaus performing some 200 or 300 functions affecting the consumer.

The proponents of this Consumer Protection Agency, of course, assume that the new agency will redress the failures of the old agencies. As to how this feat will be accomplished, we have only their prayerful hopes and deep-felt assurances. But the American consumer, who is also, I hasten to add, a taxpayer, wants something more than hopes and assurances. Whether he will get anything more than a bigger tax bill is, I must confess, an open question. Yet, the tendency persists, everytime a measure of this sort is brought to the floor, to say that now, at last, finally, and forever, we are going to solve the problem once and for all. It is being said now during the current debate, and it will be said a thousand times before we are done. Each time, the argument is the same; each time we are told that the ultimate solution is near at hand; each time we are promised that if the pending measure is enacted, the consumer will be adequately protected.

Indeed, the last time we heard this argument was only a few months ago, on July 21 of this year. The pending business at that time was S. 3419, the so-called consumer product safety bill, which the Senate subsequently passed and which is now in conference. In his opening statement on that bill, the distinguished Senator from Washington, the chairman of the Commerce Committee, stated that:

> The bill would usher in a new era in product safety—an era in which Government, industry, and the consumers would work together to assure the safety and efficacy of our foods, drugs, and other products. The bill grants the Federal Government the authority to move decisively against any unsafe product in the marketplace. It also grants the consumer the right to cause such Government movement when the Government fails to act.

Now, Mr. President, if there were any reliable expectation that that purpose would be carried out in fact, there would be little need to consider the measure now before us. The ink is not even dry on the consumer products safety bill—indeed, its final provisions have yet to be penned—and yet here we are attempting to shore it up with additional legislation.

Now the distinguished Senator from Washington sincerely meant what he said in the statement I just quoted, and if the decisionmaking were entirely within his control, I have no doubt that the high promise of his statement would be fulfilled. But it is in the nature of bureaucracy to strangle the noblest intentions with miles of redtape. I sincerely hope that the Consumer Product Safety bill now in conference will accomplish its stated objectives. But I hope I may be pardoned for saying that I am less than wildly enthusiastic about its probable fate. For nearly 40 years, the Federal Government has been creating administrative agencies, boards, and Commissions, each one designed to deal with a crisis of some sort, each one hailed as providing a remedy. And yet, after nearly 40 years, many of the problems supposedly remedied by the creation of these agencies persist.

Now, of course, the proponents of the Consumer Protection Agency acknowledge the failure of many of these regulatory schemes—only they draw what is to my mind the wrong conclusion from the evidence. They say that past agency failures only point to the need for a newer agency designed to oversee all the others. But we must ask, what is there in the 40-odd years of Federal administrative regulation which suggests that such an agency can do the job? There is very little evidence, I submit, to sustain an optimistic conclusion.

Yet the myth persists that adequate consumer protection requires the creation of a super consumer agency, and along with it, the myth that the Federal Government has hitherto been deaf to the cries of the consumer. In considering the legislation before us, Mr. President, I asked my staff to review recent congressional efforts in the area of consumer protection. They found that in the past decade, Congress has enacted at least a dozen major laws designed to protect the consumers against unfair or unscrupulous business dealings, or to insulate him from unsafe or shoddy goods. I have already mentioned the Consumer Product Safety bill now in conference and soon to be enacted. But in addition, there are these: The Food, Drug and Cosmetic Act amendments of 1960 and 1962; the Hazardous Substances Labeling Act of 1960; the National Traffic and Motor Vehicle Act of 1966; the Radiation Control for Health and Safety Act of 1968; the Natural Gas Pipeline Safety Act of 1968; the Wholesome Poultry Act of 1968; the Wholesome Meat Act of 1969; the Child Protection and Safety Act of 1969; the Fair Packaging and Labeling Act of 1966; the Truth-in-Lending Act of 1969; and the Consumer Product Warranties and FTC Expansion Act, passed only last year.

These are, of course, only the major enactments of the past few years. To them must be added a variety of lesser laws and regulations designed to safeguard the consumer, and the noticeable increase in concern for the consumer on the part of virtually all our Federal agencies. Nor can we in fairness ignore the step-up in proconsumer activity at the State and local level.

I do not pretend, Mr. President, that this increased governmental activity at all levels on behalf of the consumer has solved most consumer problems; nor do I claim that these new laws I referred to are all that we need.

None of these acts is perfect; all, I am sure, could stand yet further improvement. Where they are wanting, we should supply the deficiency, and if new legislation is indicated, we ought to enact it. But for all their failings, these recent laws I mentioned have one significant virtue in comparison to the measure now before us. And that is that each of them was designed to meet a reasonably specific problem, whether it be the failure to give adequate warning as to the content of certain foods or medicines, the sleight-of-hand by which a so-called warranty turns out to be no warranty at all, or the dangerous aspects of certain children's toys. Each of these represents a reasonably defined problem of manageable proportions, one that lends itself to some sort of reasonable and manageable solution. When a bill dealing with such matters comes up, it is possible to know what one is voting for and why.

By contrast, the measure before us today begins with an ill-defined and vague definition of "consumer interest" and proceeds from there to delegate an enormous and unprecedented degree of authority to a consumer czar, who, in the name of vaguely defined "consumer interests" would be empowered to inject himself into virtually every activity, formal and informal, of virtually every agency of government. That prospect may strike joy into the heart of some of our more ardent and outspoken consumer advocates, but to my mind, Mr. President, it constitutes an open invitation to great mischief and administrative chaos.

The extent of authority proposed to be granted by this bill is not generally known. If you were to ask the man-in-the-street whether he favored better "consumer protection," he would undoubtedly say "yes"; and so would every Member of Congress. But we are not debating the general issue of whether we should have more or less "consumer protection"; we are debating a particular piece of legislation which would place in the hands of a single man more power than I believe has ever been vested in any single nonelected Federal official. And if we would put the question in these terms, I suspect that our man-in-the-street would begin to be a little queasy. If we were to inform him, for example, that this bill would empower the consumer administrator at his own discretion to intervene as a full-fledged party in the affairs of every other Federal agency; if he were informed that the administrator would be able to sue every other agency in court, or intervene in court suits brought by other agencies against the Government; if he were informed that the administrator would as a matter of right have access to virtually every scrap of paper in the files of virtually every other agency—with few exceptions; if he were informed that the Department of Justice believes that this proposal constitutes a "threat . . . to the orderly and effective dispatch of the public business"; and if he were informed that, as a taxpayer, he would have to ante-up tens of millions of dollars in legal and other fees while different agencies of the Federal Government fight with one another to determine which one really represents the "true" consumer interest, then our proverbial man-in-the-street might have serious second thoughts about the desirability of the legislation now before us.

At the root of the controversy is the difficulty of defining the nature of the interests we seek to protect. The bill authorizes the Administrator to act whenever the "interests of consumers" are involved, and it defines those interests as those relating to:

> (A) the safety, quality, purity, potency, healthfulness, durability, performance, repairability, effectiveness, dependability, availability, or cost of real or personal property, tangible or intangible goods, services, or credit;
>
> (B) the preservation of consumer choice and a competitive market;
>
> (C) the prevention of unfair or deceptive trade practices;
>
> (D) the maintenance of truthfulness and fairness in the advertising, promotion, and sale by a producer, distributor, lender, retailer, or supplier of such property, goods, services, and credit;
>
> (E) the availability of full, accurate, and clear information and warnings by a producer, distributor, lender, retailer, or supplier concerning such property, goods, services, and credit; and
>
> (F) the protection of the legal rights and remedies of consumers;

As the distinguished chairman of the committee pointed out in his statement opposing the bill:

> This definition, of course, circumscribes nothing at all. Rather, it embraces the entire conduct of the government in any matter which may have economic effect.

Given the almost universal breadth of "consumer interest" as defined, in the bill, the power delegated to the Administrator is in effect the power to intervene wherever and whenever he takes a liking to, for whatever purposes he may deem important. Such a grant of power is, to my mind, of dubious constitutionality. Not since the days of the NRA during the height of the depression has it been proposed to devolve such enormous power into the hands of a single man. Has the phrase "consumer interest" acquired such a talismanic charm that we must blind ourselves to the obvious dangers of conferring potentially mischievous authority upon a nonelective official?

The assumption of the proponents, of course, is that this power will be used only for beneficial purposes, and that the scope of the Administrator's authority must be broad both in terms of when he may act and what he may do. Let us consider that for a moment. Let us assume that this bill is already law and consider some hypothetical situations in which the consumer administrator would be free to act in the interests of consumers.

Let us consider, for example, the recent controversy over the use of hexachlorophene. It has been found, apparently, that hexachlorophene, a common ingredient in many disinfectants, can in certain situations produce harmful side effects. Its use was proscribed with a good deal of fanfare, but before long hospital nurseries which had long relied on hexachlorophene found themselves confronted by an alarming rise in the incidence of staphylococcus infections. Science, it appears, has yet to discover a remedy for staph infections comparable to hexachlorophene but lacking certain harmful side effects. But where lies the relevant "consumer interest"? Does it lie in the prohibition of hexachlorophene because it can produce harmful side effects, or does it lie in the prevention of staph infections? Which is the true "consumer interest"?

Let us consider another example. Many areas of the country, my own among them, face in the near term a series of rather hard choices in the matter of electrical energy production. "Brownouts," or worse, it is said by many, will be a common phenomenon before very long unless new sources of electrical output are constructed. That, in turn, has led to considerable controversy over the question of atomic powerplants and the question of whether we ought add to our dwindling oil reserves by expanding offshore drilling. Both, of course, raise in turn serious potential problems with regard to safety and the environment. But wherein lies the appropriate "consumer interest?" Is the consumer to be thought of as willing to tolerate continued "brownouts," and if so, for how long? Is he to be thought of as favoring atomic power, or only oil and coal energy sources? If the former, where and when shall such plants be built, and at what costs? If the latter, would our imaginary consumer favor the risks of offshore oil drilling as opposed to the risks involved in the burning of soft coal? What criteria shall the Administrator apply in determining the tradeoffs among the need for more energy, the actual and potential economic costs, and the possibility of adverse ecological impacts? Where lies the "true" consumer interest?

Or let us consider the general question of trade barriers. Does the interest of our imaginary consumer consist in a preference for free trade or for tariffs? Does he want relatively more expensive American-made goods where cheaper imports are available? Indeed, are there considerations other than price which interest him? Should the consumer administrator intervene on behalf of cheaper imports or on behalf of those American workers who may have to seek new employment because of such imports? Wherein lies the "true" consumer interest?

This list of examples, Mr. President, might be extended indefinitely. I raise them, not to deny that there are legitimate consumer interests that need protection, but only to show that different men mean different things when they speak of so-called consumer interests. The silent assumption of the proponents of the bill before us is that "consumer interests" are a fully homogeneous, fully compatible set of interests, when in fact they are not. Some consumers are concerned primarily with price, others with quality; still others might be willing to trade off either price or quality, or both, for the sake of environmental protection. It is therefore enormously difficult, if not impossible, to say in the abstract what the "consumer interests" are that we are trying to protect. That is why I much prefer, and why I would enjoin my colleagues to pursue, a course of action which identifies specific consumer complaints, examines their ultimate causes, weighs the social and economic costs of various remedies, and, in the end, produces specific legislation to deal with them. This is the course that Congress has pursued in the past with measurable, though understandably imperfect, results. This position, of course, will not placate those who have declared all-out war on American business, apparently on the theory, as the distinguished chairman pointed out, "that every businessman in the United States sits up all night scheming about how he can cheat his customers." But I believe that in the long run the multifarious interests of consumers will be better served by the systematic consideration of each consumer issue as it arises than by a wholesale delegation of virtually unlimited authority to a single Federal bureaucrat.

I would be happy, Mr. President, to support the proposal for the creation of a consumer agency whose powers were more carefully circumscribed. There is a need, for example, for what might be called a consumer information clearinghouse, whose function it would be to develop a special expertise in consumer law and policy, advising individual consumers and consumer groups where necessary, testifying before committees of Congress, submitting relevant evidence to various Federal and State agencies, and even suggesting to business the ways in which consumer complaints might justly be satisfied. And even beyond that, Mr. President, I would support the idea embodied in the so-called amicus approach, whereby a consumer protection agency would be authorized to submit testimony, briefs, or memoranda to other agencies and to the courts on matters of concern to consumers.

But such proposals, which are essentially reasonable, and which, I believe, would go a long way toward alleviating many consumer grievances, are a far cry from the radical proposal now before us.

In closing, Mr. President, I would like to summarize my main objections to the pending bill as written:

In the first instance, it places an unjustifiably optimistic faith in the efficacy of a Federal bureaucracy. The record of the past 40 years is strewn with the wreckage of high legislative intentions which end up being strangled in miles of bureaucratic red tape. Ironically, many of those who now urge this massive new consumer agency upon us have been the harshest critics of past Federal agency failures. Federal agencies have enough difficulty now without having their actions subjected to what amounts to administrative harassment on the part of other units of the executive branch.

Second, the bill would place in the hands of a single man extraordinary and unparalleled authority, limited in effect only by his own discretion. I think it unwise for Congress to delegate such a potentially dangerous power to any man, however worthy our intention—or his—may be.

Third, the bill assumes that all citizens have virtually identical interests as consumers. As I have suggested, consumer interests" come in assorted sizes, shapes, and colors; one man's consumer preference is not necessarily the same as another's. To be sure, all citizens share certain common objectives such as the elimination of false advertising, fraudulent business practices, or unsafe products. But the bill is not confined to these and similar related concerns, which, as I say, are shared by all. Rather, the bill defines the agency's jurisdiction in such a way as to encompass virtually every aspect of every commercial transaction in the entire country, and authorizes the consumer Administrator to take such action as he may deem necessary on behalf of all "consumers." In all but the most obvious situations, such as outright fraud and the like, what this means is that the administrator, if he acts at all, will be forced to "represent" some consumers at the expense of others. But because he will be acting under color of governmental authority, that central fact will often be obscured. It is not sufficient merely to say that he will act for consumers. It is necessary to ask, which consumers?

Last, the bill assumes that most, if not all, abuses against the consumer are the result of governmental inaction and that, therefore, it lies within the power of governmental regulation to cure them. Mr. President, I should be the last to suggest that the Government has exhausted, or even used as effectively as it could, those remedies which are now at its disposal to protect the consumer. I would certainly favor all reasonable proposals to energize the Government where it has been lax, or to enact new laws where the facts warrant their enactment. But by the same token, I do not believe that it lies within the power of the Federal Government to remedy all the ills which are popularly ascribed as afflicting the consumer. Many so-called regulatory remedies, even when they succeed in eliminating the sought-after evil, create additional problems or impose additional costs. Putting to one side for the moment such concerns as fraud and deception, it seems to one that many grievances of consumers come down to the necessity of having to make tradeoffs between price and other factors.

There seems to be a good deal of evidence, for example, which suggests that inflatable air bags in automobiles would cut down considerably on serious injuries and fatalities. Congress or a consumer agency might, on the basis of such evidence—assuming it is accurate—want to require that all automobiles be equipped with these bags; but their addition would incur increased costs. The question would therefore arise as to whether the consumer would prefer less safety at lower cost, or greater safety at higher cost. I could imagine reasonable-minded consumers going both ways on the issue. But it would certainly place a would-be governmental regulator in a delicate position.

It seems to me, Mr. President, that many, if not most consumer interests, the interests that all of us want to protect, fall into just such a gray area. I referred to the need for new electrical energy sources a few moments ago, along with other examples. We deal, in these situations, with a series of choices that no one but the public, either through the marketplace or through their elected representatives, has the right to make. And save in the case of fraud, deception, or other admittedly unscrupulous commercial dealings, or in the area of drugs, food, or patently unsafe products, I think it would be unwise for Congress to delegate its responsibilities to a nonelective bureaucrat. I have, as I say, no objection to a consumer protection agency which would function as a catalyst for other agencies or as an adviser to the executive and legislative branches on how they might best proceed in protecting the consumer. But to vest in such an agency the unqualified powers and jurisdiction proposed by the pending bill is, I submit, a hazardous undertaking that could do more harm than good to the very consumers we seek to protect.

Mr. President, I would like to close by recalling some remarks that President John F. Kennedy made a little over a decade ago with regard to the potential uses and abuses of the Federal regulatory process. He wrote:

> The Congress must see that the statutes under which the agencies are organized and under which they operate adequately set forth the goals that the Congress seeks to achieve. These statutes should neither place responsibilities upon agencies beyond the practical limits of administration, nor couch their objectives in such indecisive terms as to leave vast areas open for the free play of agency discretion.

That statement, Mr. President, contains much wisdom, and I fully concur in both its letter and spirit, so much so that I believe it ought to be the criterion by which we judge the merits of proposed Federal agencies. Tested by this standard, I believe that the pending bill violates virtually every canon prescribed by the late President. I shall therefore oppose it, in the hope that the next Congress will be given the opportunity to adopt more reasonable and manageable legislation.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 10:15 having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

Abraham Ribicoff.
Fred R. Harris.
Robert C. Byrd.
Warren Magnuson.
John O. Pastore.
Mike Mansfield.
Birch Bayh.
Edward Kennedy.
Thomas F. Eagleton.
Gaylord Nelson.
Charles H. Percy.
Edward W. Brooke.
Jacob K. Javits.
Mark O. Hatfield.
James B. Pearson.
Richard S. Schweiker.

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 521 Leg.]

Allen
Bellmon
Bentsen
Boggs
Buckley
Byrd,
 Harry F., Jr.
Cannon
Cooper
Cranston
Edwards
Ervin
Goldwater
Gurney
Harris
Hart
Hartke
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Mondale
Moss
Muskie
Pastore
Percy
Randolph
Ribicoff
Roth
Sparkman
Spong
Stafford
Stennis
Talmadge
Thurmond
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Bayh
Beall
Bible
Brock
Brooke
Burdick
Case
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Hansen
Hollings
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mathias
Miller
Montoya
Nelson
Packwood
Pearson
Proxmire
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is detained on official business.

The PRESIDING OFFICER. A quorum is present.

The question, Is it the sense of the Senate that debate on S. 3970, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and sever the interests of consumers, and for other purposes, shall be brought to a close? Under the rule, a rollcall vote is mandatory, and the clerk will please call the roll.

The assistant legislative clerk called the roll.

(Mrs. EDWARDS assumed the Chair as Presiding Officer.)

Mr. MANSFIELD (after having voted in the affirmative). I have already voted in the affirmative, but I wish at this time to exercise a live pair with the distinguished Senator from Montana (Mr. METCALF). Both of us would vote "yea" if we were permitted to vote, and the Senator from Mississippi (Mr. EASTLAND) would vote "nay" if he were present and voting. So I withdraw by vote.

Mr. CANNON (after having voted in the negative). I have a pair with the Senator from Idaho (Mr. CHURCH) and the Senator from Rhode Island (Mr. PELL). If they were present and voting, they would vote "yea." I have already voted "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi

(Mr. Eastland), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre, and the Senator from Missouri (Mr. Eagleton) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the the Senator from Tennessee (Mr. Baker), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett) and the Senator from Texas (Mr. Tower) would each vote "nay."

Also, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

The yeas and nays resulted—yeas 52, nays 30, as follows:

[No. 522 Leg.]

YEAS—52

Aiken
Anderson
Bayh
Beall
Bentsen
Boggs
Brooke
Burdick
Case
Chiles
Cook
Cranston
Gambrell
Gravel
Griffin
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—30

Allen
Bellmon
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Sparkman
Stennis
Taft
Talmadge
Thurmond
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Cannon, against.
Mansfield, for.

NOT VOTING—16

Allott
Baker
Bennett
Byrd, Robert C.
Church
Eagleton
Eastland
Hatfield
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Saxbe
Tower

The PRESIDING OFFICER. On this vote the yeas are 52 and the nays are 30. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion to invoke cloture is not agreed to.

Mr. HANSEN. Madam President, I move to reconsider the vote. I withdraw that.

Mr. TAFT. Madam President, while I voted against cloture today, I commend the efforts of Senator Percy, Senator Javits, and Senator Ribicoff in their work and concern in behalf of the Nation's consumers.

I believe there clearly is a need to increase the protection and representation of the consumer. Quite often Federal agencies have become too close to the industries they are to regulate and often they do not properly consider the interest of the consumer. A good example is the Interstate Commerce Commission. This agency has demonstrated an amazing lack of consumer awareness. Partly for this reason I have joined with the distinguished majority leader, Senator Mansfield, in introducing legislation to abolish the ICC.

The ultimate solution to inadequate consumer representation, however, is not the abolition of all regulatory agencies. Rather, the Federal agency determination and rulemaking process must be made more responsible, and in this effort I believe some form of consumer protection legislation is necessary.

However, I cannot support S. 3970 because I do not feel that title II in the bill is workable. It would create a bureaucratic monstrosity. I cannot buy a pig in a poke even under the bright banner of consumerism. I fear it would lead to consummate confusionism. For instance, I have great difficulty in determining at what point intervention would take place in a particular agency proceeding, especially in informal proceedings.

I believe a great deal of friction would be created between the CPA and the other Federal agencies. The CPA would almost inevitably become unduly involved in technical determinations made by agencies under the present wording of title II. Further debate might bring a better approach that would provide for intervention only if the agency finding or determination is clearly demonstrated not to be in the best interests of the consumers. Under this approach a possible procedure could be that the Federal agency would be required to file a "consumer impact statement" when a determination substantially affected consumer interests.

The CPA at this point could review the impact statement and be authorized to intervene only if the agency determination did not properly consider consumer interests. This approach I believe would greatly streamline the procedures of present title II language and provide more of an incentive for individual agencies to properly consider consumer interests.

It is quite unfortunate that such a complex bill as S. 3970 comes to the Senate so late in the session. Senators who have sincere questions regarding the procedures involved in S. 3970 are unfairly placed in the position of being anticonsumer if they feel further debate is merited. I believe, notwithstanding the merit of the objective of S. 3970, attention must be focused on the procedures established by the bill. A perfect example of this is the Occupational Safety and Health Act. The objective of that act, protection of the health and safety of workers, is equally as laudable to that of S. 3970. The procedures implemented, however, to carry out the Occupational Safety and Health Act have proved to be extremely objectionable, as evidenced the other evening in the Senate debate.

I believe S. 3970, if enacted, would also present extreme procedural problems in the future. I therefore, with reluctance, voted against the motion to close further debate on this legislation.

It is my sincere hope, however, that either this session or early in the next Congress constructive consumer legislation will be enacted by the Senate.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mrs. Edwards). The Senate will be in order. Under the previous order, the Chair lays before the Senate H.R. 1, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

The Senate resumed the consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. MANSFIELD. Madam President, will the Senator yield, without relinquishing his right to the floor?

Mr. LONG. Madam President, I ask unanimous consent that, without losing my right to the floor, I may yield to the majority leader for a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Mr. MANSFIELD. Madam President, As the Senate is aware, the International Convention on the Prevention and Punishment of the Crime of Genocide, Executive O, 81st Congress, 1st session, has been on the Executive Calendar since May 4, 1971. Because of a variety of circumstances, it was impossible to take the action which I would have liked to take, and call up the treaty earlier and dispose of it. But because of the fact that we are approaching the end of the session and hopefully a sine die adjournment by the end of next week—and I mean it—I ask unanimous consent at this time that the Senate go into executive session and I be permitted to call up the International Convention on the Prevention and Punishment of the Crime of Genocide, and that there be a 4-hour limitation attached to such request.

Mr. ERVIN. Madam President, with reluctance I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Madam President, will the Senator yield to me?

Mr. LONG. I ask unanimous consent that I may yield to the Senator from New York, reserving my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Madam President, this treaty has never been more desirable than now, notwithstanding that it is over 25 years old. The Committee on Foreign Relations has considered it very carefully, and on both legal and diplomatic grounds has held it valid for ratification by the Senate and has, in my judgment, completely negated the fears expressed with respect to its effect upon our domestic situation in terms of law, either of the States or of the Federal Government. There is really no reason, other than those fears, which I believe have been completely dispelled by the record before the Committee on Foreign Relations, to delay the ratification of this treaty.

I think it is terribly tragic, Madam President, that at a time when terror has produced such bloodshed, we have not and apparently cannot even consider this particular measure, considering the pressures of time and the denial to the majority leadership of unanimous consent for a reasonable length of time to discuss it.

Madam President, knowing the deep feelings which millions of Americans entertain upon this subject, and tens of millions throughout the world, I would first like to thank the majority leader for his thoughtfulness. He assured me that he would bring it up before the end of the session. He certainly has tried to do so, as we saw demonstrated in a public way this morning. No leadership likes to be rebuffed.

Senator MANSFIELD has tried in a very honorable, dignified, and sincere way, as is his wont. I deplore and regret the result.

I hope very much that, as this treaty will remain pending, and as the President of the United States has, after years, asked the Senate to move to ratify it, that if this administration carries on for another term, the President will renew his request, which I have every confidence he will do, and that in the next session the Senate Foreign Relations Committee may again act affirmatively, which I expect it will do, and that then the leadership may bring this matter on at a more propitious time for consideration by the Senate.

Madam President, as Senator PROXMIRE is absent, I should like again to pay a tribute to him for the indefatigable way over the years in which he has pursued the effort, in which I have joined, to bring about action on the Genocide Treaty.

Again, I thank the majority leader for his effort this morning, and I thank Senator Long for yielding.

Mr. MANSFIELD. I appreciate the remarks of the distinguished Senator from New York. I assure him that I anticipate that this matter will be on the calendar early next year and that every effort will be made to bring it up as expeditiously as possible early next year.

Mr. JAVITS. I am very grateful.

Mr. PROXMIRE subsequently said: Madam President, first I want to commend the distinguished majority leader for attempting to call up the Genocide Treaty. For the past 4 years I have risen virtually every day the Senate has been in session to plead with this body to pass this treaty which has been supported enthusiastically by President's Truman, Kennedy, Johnson, and Nixon.

Madam President, only the Senate stands in the way of the ratification of this treaty. The President has given the treaty his vigorous support. Virtually every significant nation in the world has ratified the treaty. It would outlaw the most heinous and vicious crime known to man—the planned, premeditated extermination of an entire race. An overwhelming majority of the Senate has indicated one way or another their support of this amendment.

It is a sad blot on the proud escutcheon of this Nation that we have failed to take action to ratify the Genocide Treaty.

Of course, I am deeply disappointed that the Senator from North Carolina (Mr. ERVIN) has objected to the consideration of the Genocide Treaty this year. I hope that the Foreign Relations Committee will again report the amendment out and do so promptly early next year, so that the Senate can work its will.

NO SATURDAY SESSION

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, will the manager of the bill permit me to pose a question to the majority leader, without the Senator from Louisiana losing his right to the floor?

Mr. LONG. I yield for that purpose. In fact, I ask unanimous consent that I may yield to the majority leader and that when he relinquishes the floor, I be recognized.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Louisiana has the floor and has yielded to the majority leader.

Mr. MANSFIELD. I yield.

Mr. HANSEN. I ask the distinguished majority leader what the plans are for a Saturday session.

Mr. MANSFIELD. There will be no Saturday session this week. We have been operating on a 12-hour day basis for the first 3 days, and it looks as though that will continue into today and tomorrow.

I think there is a breaking point beyond which one should not go. Based on the fact that we met last Saturday but did not have a good attendance—although we did have a quorum—I think perhaps we could accomplish more by not meeting this Saturday and giving Members a chance to cogitate and rest and think things over.

So it is definite that there will be no meeting this Saturday, but we will be in late today and tomorrow.

Mr. HANSEN. I thank the majority leader.

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, the International Convention on Civil Liability for Oil Pollution Damage has been on the calender since August 5. I understand that the Senator from Rhode Island (Mr. PELL) has some language that he is attempting to get the committee to accept.

This is a highly important matter, and I am hopeful that when the Senator from Rhode Island (Mr. PELL) works out the language, we can ratify this treaty.

Almost every week we read in newspapers about oil pollution spillage all over the world. This treaty is not exactly what I would like, but it does establish a basis of liability.

It is an international convention which involves most of the oil-shipping countries. It is a very important convention, and I hope we can get to it.

Mr. MANSFIELD. We will do our best. As the Senator knows, at his behest the Senator from Rhode Island (Mr. PELL) has been contacted, and he will be contacted again.

Mr. MAGNUSON. I will contact him again. I think he has worked out what he wants.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1194 and 1203.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN THE INTERNATIONAL EXPOSITION IN SPOKANE, 1974

The bill (S. 4022) to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Public Law 91–269 (22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in the International Exposition on the Environment (hereafter in this Act referred to as the "exposition"), which is being held at Spokane, Washington, in 1974. The puposes of such exposition are to—

(1) offer to United States citizens and to people throughout the world a program for the improvement of man's physical environment; demonstrate through improved projects how the resources of air, water, and land can be utilized to man's benefit without pollution; and broaden public understanding of ecology and related sciences;

(2) encourage tourist travel in and to the United States, stimulate foreign trade; and promote cultural exchanges; and

(3) commemorate the one hundredth anniversary of the founding of the city of Spokane.

SEC. 2. (a) The President, through the

Secretary of Commerce, is authorized to carry out in the most effective manner the proposal for Federal participation in the exposition transmitted by the President to the Congress pursuant to section 3 of Public Law 91–269 (22 U.S.C. 2803).

(b) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner for a Federal exhibit at the exposition (as provided in the proposal referred to in subsection (a)) who shall be in the Department of Commerce and receive compensation at the rate prescribed for level V of the Federal Executive Salary Schedule. The Commissioner shall perform such duties in the execution of this Act as the Secretary of Commerce may assign.

SEC. 3. (a) The Secretary of Commerce is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent he deems it necessary to carry out the provisions of this Act. Persons so appointed shall be reimbursed for travel and other necessary expenses incurred including a per diem allowance, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(b) The Secretary of Commerce is authorized to appoint and fix the compensation of persons, other than consultants and experts referred to in subsection (a), who perform functions to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided, however,* That no person appointed under this paragraph shall receive compensation at a rate in excess of that received by persons appointed subject to chapter 51 of such title for performing comparable duties.

(c) The Secretary of Commerce is authorized to enter into such contracts as may be necessary to provide for United States participation in the exposition.

(d) The Secretary of Commerce is authorized to erect such buildings and other structures as may be appropriate for the United States participation in the exposition on land (approximately four acres including land necessary for ingress and egress) conveyed to the United States, in consideration of the participation by the United States in the exposition, and without other consideration. The Secretary of Commerce is authorized to accept title to such land or any interest therein: *Provided, however,* That the land or interest may be accepted only if the Secretary determines that it is free of liens, or of any other encumbrances, restrictions, or conditions that would interfere with the use of the property for purposes of the United States or prevent the disposal of the property as hereinafter set out. In the acceptance of such property and the design and construction of buildings and other structures and facilities thereon, the Secretary of Commerce shall consult with the Secretary of the Interior, the Administrator of General Services, and the heads of other interested agencies to assure that such activities will be undertaken in a manner that (1) minimizes to the greatest extent practicable any adverse effects on the recreation, fish and wildlife, and other environmental values of the area; and (2) preserves and enhances to the greatest extent practicable the utility of the property for governmental purposes, needs, or other benefits following the close of the exposition.

(e) The Secretary of Commerce is authorized to incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other acquisition, of exhibits and materials and equipment therefor and the actual display thereof, and including but not limited to related expenditures for costs of transportation, insurance, installation, safekeeping, printing, maintenance, and operation, rental of space, and dismantling; and to purchase books of reference, newspapers, and periodicals.

SEC. 4. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary of Commerce with respect to carrying out any of the provisions of this Act; and

(2) to make available to the Secretary of Commerce, from time to time, on a reimbursable basis, such personnel as may be necessary to assist the Secretary of Commerce to carry out his functions under this Act.

SEC. 5. The Secretary of Commerce shall report to the Congress within one year after the date of the official close of the exposition on the activities of the Federal Government pursuant to this Act, including a detailed statement of expenditures. Upon transmission of such report to the Congress, all appointments made under this Act shall terminate, except those which may be extended by the President for such additional period of time as he deems necessary to carry out the purposes of this Act.

SEC. 6. After the close of the exposition, all Federal property shall be disposed of in accordance with provisions of the Federal Property and Administrative Services Act of 1949, and other applicable Federal laws relating to the disposition of excess and surplus property.

SEC. 7. The functions authorized by this Act may be performed without regard to the prohibitions and limitations of the following laws:

(1) That part of section 3109(b) of title 5, United States Code, which reads "(not in excess of one year)".

(2) Section 16(a) of the Administrative Expenses Act of 1946 (ch. 744, August 2, 1946; 60 Stat. 810; 31 U.S.C. 638a) to the extent that it pertains to hiring automobiles.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of public moneys).

(4) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, ch. 288, 63 Stat. 393 et seq.) as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts, advances).

(5) Section 322 of the Act of June 20, 1932 (ch. 314, 47 Stat. 412; 40 U.S.C. 278a) (lease of buildings to Government; maximum rental).

(6) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (advertisement of proposals for competitive bids).

(7) Section 3710 of the Revised Statutes (41 US.C. 8) (opening of bids).

(8) Section 2 of the Act of March 3, 1933 (ch. 212, 47 Stat. 1520; 41 U.S.C. 10a) (Buy American Act).

(9) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(10) Section 501 of title 44, United States Code (printing by Government Printing Office).

(11) Section 3702 of title 44, United States Code (advertisements without authority).

(12) Section 3703 of title 44, United States Code (rates of payment for advertisement).

SEC. 8. There are hereby authorized to be appropriated not to exceed $11,500,000, to remain available until expended, to carry out United States participation in the exposition.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN PROPERTY IN CANANDAIGUA, N.Y., TO SONNENBERG GARDENS

The bill (H.R. 13780) to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation, was considered, ordered to a third reading, read the third time, and passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is hoped that it will be possible shortly to get to the so-called equal education opportunities bill. It is hoped that, in pursuance of the promise made by the leadership to the Senate—the commitment made—we will be able to dispose of the pending business today, perhaps no later than tomorrow. But the Senate should be on notice that the so-called antibusing bill will follow, as soon as it is possible to do so, and will become the pending business.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I wish to interpose in the RECORD an objection to any unanimous-consent requests on that bill.

Mr. MANSFIELD. I thank the Senator.

I thank the Senator from Louisiana for his courtesy and graciousness in giving me this time.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. JAVITS. Mr. President, I ask that during the consideration of H.R. 1, my assistant, John Scales, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I would hope that during the next few minutes Senators would show some consideration to those who have important engagements and will be required to leave the city. If Senators have an amendment or two that are not controversial, which we believe we could accept on behalf of the committee, perhaps they can offer them now. For example, the Senator from Texas has an amendment which we believe we can accept. Also, I believe the Senator from Alaska has an amendment he wants to offer, and I think we can accept it.

If we could dispose of the few matters that can be agreed to almost unanimously, then we could go ahead and debate and decide some of the more controversial matters that must be decided before the Senate can pass on this matter.

I hope that the Senator from Texas can be recognized, because he has other pressing commitments, and that we can consider his amendment and the amendment of the Senator from Alaska.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. This is fine, but I asked to be recognized some time ago on an amendment I have, which I think is very important; and I would not want to agree to a situation which might result in interminable delay.

Mr. LONG. I would think we could take up the amendment of the Senator from Minnesota within an hour.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following members of the Subcommittee on Health have the privilege of the floor: Stanley Jones, Larry Horowitz, Lee Goldman, and Philip Caper.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1700

Mr. BENTSEN. I thank the distinguished chairman of the committee.

Mr. President, I call up my amendment No. 1700.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered, and the amendment will be printed in the Record at this point.

The text of the amendment is as follows:

On page 338, line 21, strike "December 31, 1972" and insert "June 30, 1973".

Mr. BENTSEN. Mr. President, I ask unanimous consent the name of the distinguished Senator from Minnesota (Mr. Humphrey) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I shall be brief. Section 227 of H.R. 1 establishes a new method for reimbursement under the medicare program for supervisory physicians in teaching hospitals. Under present law, as the committee report states, hospitals are reimbursed under part A of the medicare program for the costs they incur in compensating physicians for teaching and supervisory activities and in paying the salaries of residents and interns under approved teaching programs. In addition, reasonable charges are paid under the medical insurance program—part B—for teaching physicians' services to patients.

The committee bill changes the criteria for reimbursement. Under the committee bill services of teaching physicians would be reimbursed on a costs basis unless the patient is bona fide private or unless the hospital has charged all patients and collected from a majority on a fee-for-service basis.

For donated services of teaching physicians, a salary cost would be imputed equal to the prorated usual costs of full-time salaried physicians. Any such payment would be made to a special fund designed by the medical staff to be used for charitable and educational purposes.

Mr. President, I do not intend to discuss the merits of the committee amendment, although I have some serious reservations about the merits.

Section 227 would go into effect on December 31, 1972, less than 3 months from the time we pass this bill.

Whatever the merits of the new provision, that target date does not allow sufficient time for the States and the medical schools to provide for the new arrangements and funding that will be required.

I am informed that hospitals and medical schools in San Antonio, Dallas, and Houston, may face the loss of up to $20 million. These are funds which would have to be replaced by the State.

The thrust of my amendment is to extend by 6 months—until the end of the fiscal year—the time when this amendment will go into effect.

I believe this is a reasonable amendment, one which will allow for the adjustments necessary by hospitals, the schools, and the State.

I have talked over my amendment with the chairman of the Finance Committee, and I hope that he will find it possible to accept it during this colloquy.

Mr. LONG. Mr. President, this amendment would change an effective date in the committee bill which, as I understand from the Senator's argument, would create a problem in his State. I would be willing to accept the amendment. I think the ranking member of the committee would also be willing because I have had a chance to discuss this matter with him.

I would hope, therefore, that the Senate will agree to the amendment.

Mr. BENTSEN. I thank the Senator from Louisiana very much.

Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment—No. 1700—of the Senator from Texas (Mr. Bentsen).

The amendment was agreed to.

Mr. MONDALE. Mr. President, I understand that the distinguished floor manager of the bill would like to accept some noncontroversial amendments and I would therefore be willing to yield for that purpose with the understanding that when they have been handled I will be recognized for the purpose of calling up my amendment.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 575, change lines 3 and 4 to read as follows: "person's household and receiving without reasonable payment therefor, support and maintenance in kind from such person, the dollar amounts".

Mr. LONG. Mr. President, I have had a chance to review the amendment and I think it is meritorious. In fact, it is what the committee intended anyway. The Senator from Iowa has clarified what I think we had in mind. He seeks to say that there would be no reduction for the value rent where the aged, blind, or disabled were paying for their rent.

Mr. MILLER. It is not only rent, it is also room and board. The way the bill now reads, if a person wanted to move in with another older person who said, "Fine, come on in, but you will have to share expenses," and the person did share the expenses, they would still get cut back.

I am advised by the director of our State social program that if this is not amended as I have composed it in my amendment, there will be a tremendous increase in the load on nursing homes, although people would much rather live with individuals and they would be cut back. This is in accordance with the best approach to this. I understand that the Senator has checked this, and the distinguished Senator from Utah has, too.

Mr. LONG. It was my understanding that the committee bill sought to do what the Senator seeks to achieve by his amendment, but to be sure of the language, we will be happy to accept the amendment.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Iowa (Mr. Miller).

The amendment was agreed to.

AMENDMENT NO. 1653

Mr. TUNNEY. Mr. President, I call up my amendment No. 1653 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TUNNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record at this point.

The text of the amendment is as follows:

On page 963, between lines 18 and 19, insert the following:

ALLOWANCE OF DEDUCTION FOR CERTAIN EXPENSES NECESSARY FOR GAINFUL EMPLOYMENT

Sec. 535. (a) Section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (h) as (i), and by inserting after subsection (g) the following new subsection:

"(h) Certain Expenses Necessary for Gainful Employment.—

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member one or more of the following qualifying individuals—

"(A) a child or stepchild of the taxpayer (within the meaning of section 152) who is under the age of 15,

"(B) a dependent of the taxpayer who is under the age of 15 or who is physically or mentally incapable of caring for himself or herself, or

"(C) the spouse of the taxpayer, if he or she is physically or mentally incapable of caring for himself or herself,

the deduction allowed by subsection (a) shall include the reasonable expenses paid or incurred during the taxable year for household services and for the care of one or more individuals described in subparagraph (A), (B), or (C), but only if such expenses are ordinary and necessary to enable the taxpayer to be gainfully employed.

"(2) MAINTAINING A HOUSEHOLD.—For purposes of paragraph (1), an individual shall be treated as maintaining a household for any taxable year only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his or her spouse).

"(3) SPECIAL RULES.—For purposes of this subsection—

"(A) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(B) GAINFUL EMPLOYMENT REQUIREMENT.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(i) both spouses are gainfully employed on a substantially full-time basis, or

"(ii) the spouse is a qualifying individual described in paragraph (1) (C) of this subsection.

"(C) CERTAIN MARRIED INDIVIDUALS LIVING APART.—An individual who for the taxable year would be treated as not married under section 143 (b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(D) PAYMENTS TO RELATED INDIVIDUALS.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(E) REDUCTION FOR CERTAIN PAYMENTS.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subparagraph (A) or (B) of paragraph (1) of this subsection and who is under the age of 15) the amount of such expenses which may be taken into account for purposes of this section shall be reduced—

"(i) if such individual is 15 or older and is described in subparagraph (B) of paragraph (1) of this subsection, by the amount by which the sum of—

"(I) such individual's adjusted gross income for such taxable year, and

"(II) the disability payments received by such individual during such year, exceeds $750, or

"(ii) in the case of a qualifying individual described in subparagraph (C) of paragraph (1) of this subsection, by the amount of disability payments received by such individual during the taxable year.

For purposes of this subparagraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income."

(b) Section 62(c) of the Internal Revenue Code of 1954 (relating to trade and business deductions of employees) is amended by adding at the end thereof the following new subparagraph:

"(E) CERTAIN EXPENSES NECESSARY FOR GAINFUL EMPLOYMENT.—The deductions allowed under section 162 which consist of expenses allowable by reason of the application of subsection (h) thereof, paid or incurred by the taxpayer in connection with the performance by him or by her of services as an employee."

(c) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended—

(1) by striking out section 214 (relating to expenses for household and dependent care services necessary for gainful employment), and

(2) by striking out the item relating to section 214 in the table of sections for such part.

(d) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. TUNNEY. Mr. President, the amendment I offer today will, if enacted, amend the Internal Revenue Code to allow a business deduction for household and childcare expenses incurred by working mothers and certain other individuals to enable them to be gainfully employed.

The time is long overdue, Mr. President, to remove the inequity in our tax laws which enables business men to deduct "ordinary and necessary" business expenses, yet denies to working mothers a deduction for the most "ordinary and necessary" business expense they incur—the cost of maintaining their households and assuring safe and responsible care for their children while they work.

In 1971, 42 percent of the mothers in the United States worked outside the home. Of the approximately 12.5 million mothers with children under 6, more than one in every three is working today. That means there were more than 4.3 million mothers with children under 6 who were in the labor force last year. Of those mothers, 650,000 of them were single parents holding down a job.

If a businessman can deduct the cost of hiring a secretary to improve his effectiveness in working—if he can treat his entertainment expenses as a tax deduction—if a retailer can deduct the expenses of a store manager to keep an eye on things while he is away generating new business or promotions—how can it be said to be fair and just that a working mother should not be allowed the same sort of deduction for expenses which are vitally related to her work?

It cannot be denied that the expense we are talking about is fundamental in enabling a parent to work to the full extent of her capacities.

These child care expenses are not personal expenses, like doctors' bills. They should not be classified with charitable contributions as they now are. They are ordinary and necessary expenses incurred to enable an individual to be gainfully employed.

The parents who would benefit from my proposal simply cannot avoid paying for the care of their children and for other household expenses if they need or desire work. Very often, they have to relinquish a sizable portion of their income in order to secure these services. Yet they are not allowed to take these considerable costs as a business deduction.

There are many reasons why mothers go out to work. At the lower income levels, it is a matter of compelling financial necessity. Whether or not they prefer to be full-time mothers devoting all their care and attention to the family and the home, they do not really have the choice. They must work, they must produce a second income to keep their family out of poverty and provide even the basic necessities.

Others wish to work to improve their standard of living, to withstand the cutting edge of inflation. And there are those who wish to work as a matter of self-fulfillment, to use their capabilities to the fullest extent possible.

And for the single parent who must work to provide sustenance for herself and her children, the nature of these expenses is crystal clear. Whereas there may be doubts about many of the expenses businessmen take as tax deductions, especially in the area of entertainment, the expenses dealt with by my amendment are absolutely necessary for those families to be viable, self-supporting economic units.

There are other income earners, both men and women who must provide care for a spouse or other dependent who is incapable of caring for himself. The amendment would extend to the expenses incurred in providing such care as a necessary adjunct to employment.

Apart from the objection of principle that genuine business deductions should be treated as business deductions and not as personal deductions, there is a much more practical objection to leaving the existing provisions as they are.

This arises from the fact that some 68 percent of the families with earnings of $10,000 or less use the standard deduction form and do not itemize their personal deductions. As a result, they do not get the benefit of the existing child care deduction. Yet these are often the people with modest to moderate incomes. They are people who are doing their best to be self-reliant and to improve their lot. They are often the people who need a second income in the family to ward off the effects of inflation which others can bear with greater ease. They are people who need help and support, not discrimination against their efforts in the tax structure.

My amendment does not create another loophole in our income tax laws. It is not a soft subsidy for those who do not need it. It simply is a correction of a basic inequity whose burden often falls heavily on those who have small capacity to bear it.

Last November, I offered this amendment to the Revenue Act of 1971; it passed by a vote of 74 to 1 but the amendment was eliminated in conference.

When I reintroduced it as a bill, S. 3227, on February 24, 1972, 23 Senators joined me in cosponsoring it and many others expressed their support. I am therefore, resubmitting it now and asking that the Senate reaffirm its belief in fair treatment for working mothers.

Frankly, Mr. President, given the provisions already contained in H.R. 1, I think it would be a monstrous inequity if we do not enact this deduction.

With that having been said, I am prepared to yield to the distinguished chairman of the committee for his views.

The PRESIDING OFFICER (Mr. STEVENSON). The Chair is informed that part of the bill to which this amendment addresses itself has been stricken from the bill and therefore the amendment will have to be redrafted.

Mr. LONG. Mr. President, I ask unanimous consent that the amendment be added at the end of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the women's organizations have made a strong case that it is not fair to let the businessman deduct the expenses of someone who helps him in his business, and at the same time to deny them the opportunity to deduct the expense of hiring someone to help them with child care or domestic work so that they can take work outside the home. The more one thinks about it, the more discriminatory and unfair it seems to be.

For example, a woman author points out that she can be productive and write a good book and do good work, but if she cannot have someone available to look after her children while she is working on the book, it is totally impossible for her to do that. She would contend that the secretary that Mr. Rockefeller has to have so that he can do his job as president of the Chase-Manhattan Bank is not so essential to him as a babysitter is to her so that she can write that book.

I really believe that one of these days we will realize this argument is such that we should extend it even beyond that the Senator is urging here.

When the matter came up before on last year's tax bill, the Treasury people said that something of this sort should be on this bill, H.R. 1, and not on that tax bill. And notwithstanding the Treasury argument, this matter was voted upon by the Senate, and as I recall it was agreed to by an overwhelming majority on the tax bill that was before the Senate.

In the area where we are trying to provide a tax opportunity for poor people, it serves a useful purpose. It helps a housewife who is productive to be free from household responsibilities so that she can go to work and do something that benefits society as a whole, and at the same time it tends to provide an opportunity for a person to come into a home and have a job. So it both helps a playwriter or a professional woman to realize her ambition and be productive, and it also helps a working mother who might happen to have that same skill to do something to add to her income. I point out that this would be something which would be to the overall benefit of society.

I am persuaded that the argument in favor of the amendment is as good now as it was at the time the Senate considered the tax bill last year.

I hope very much that the Senate will permit us to accept the amendment.

Mr. BENNETT. Mr. President, I would have to object to the amendment because I think it is very loosely drawn. It is so loosely drawn that if a rich woman has a maid and is making a fine living writing books, she can decide that she can deduct all of her household expenses.

The language of the amendment reads in part: "shall include the reasonable expenses paid or incurred during the taxable year for household services."

It does not say for child care. It says "household services."

I continue to read from the amendment: "and for the care of one or more individuals * * * only if such expenses are ordinary and reasonable to enable the taxpayer to be gainfully employed."

Mr. President, if she is presiding over a household with half a dozen servants, to her those may be ordinary and necessary expenses. There is not a thing here about child care. For the first time we are allowing individuals to deduct personal expenses as business expenses. This drives a hole into the Internal Revenue Code that a lot of things can be driven through in the years ahead.

I think the amendment should be rejected. If the author of the amendment wants to tighten it down, that might make it more palatable. However, I think this is a dangerous amendment. It does not benefit only the members of the public who are on or near welfare, because there is no limit.

Mr. TUNNEY. Mr. President, I am afraid I would have to disagree with the distinguished Senator from Utah. The whole thrust of my amendment is to assist a working mother. Section (h)(1) reads as follows:

> In the case of an individual who maintains a household which includes as a member one or more of the following qualifying individuals—
>
> (A) a child or stepchild of the taxpayer (within the meaning of section 152) who is under the age of 15,
>
> "(B) a dependent of the taxpayer who is under the age of 15 or who is physically or mentally incapable of caring for himself or herself, or
>
> (C) the spouse of the taxpayer, if he or she is physically or mentally incapable of caring for himself or herself,

When it talks about household services, we are obviously referring to the care that is given to that dependent so that the mother can go out and work. It is not intended to provide for a staff of servants for the working mother. It is to provide for the care for that dependent and provide services that are necessary for that dependent so that the mother can work.

Mr. BENNETT. If that is the intention, it does not come through in the language. A millionaire could meet the qualification if she has a child in the house. A person would not have to be on welfare.

May I point out also that it does not say, "expenses paid or incurred during the taxable year for household services or for the care of one or more individuals." It says "household services and for the care."

So, it can cover any expense that this woman can relate to her earning a living, no matter what her income is or how she earns it.

Mr. TUNNEY. Mr. President, the Senator from Utah has served on the Finance Committee long enough to know that the Internal Revenue Service would not allow a staff of servants as ordinary and necessary expenses for a working mother, whether or not she is a millionaire. Ordinary and necessary expenses means exactly what it says. It means ordinary and necessary for the purpose of taking care of that dependent. And the same thing is true with a millionaire that hires a secretary. That is an ordinary and necessary business expense. If it is not an ordinary and necessary business expenses, then that businessman cannot take that deduction.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, may I say most respectfully that a millionaire has a tax attorney to get around anything we are trying to do here in the Senate. We are not talking about millionaires. There are not too many of them anyway. We are talking about a working mother who wants to go out to try to earn a living and who wants to work on a clerical staff and who needs to have someone in the household to take care of dependents.

That is what this amendment is all about.

May I point out to the Senator that if one is in business, he will find a way to get almost all of these people taken care of.

I submit that those of us who serve in this body have had to sign a little book when we came into somebody's place or we have had to sign a little book when we went on somebody's boat. Why is that? Is it because they want our autograph? Baloney. They want our signatures for the Internal Revenue Service. It is not a compliment. But that is why it happens.

Why do we not treat these people that do not have certified public accountants or tax attorneys the way we treat those who do? This amendment is designed to help someone work downtown, write a book, work in the dramatic arts, or whatever it might be to be able to deduct that expense as an ordinary business expense.

It is a good amendment. We should not worry about the millionnaires. Perhaps we could include in the amendment something that says, "If you have a million dollars, it does not apply."

Mr. TUNNEY. Mr. President, I want to point out that the amendment reads, beginning on line 21 of page 2:

> The deduction allowed by subsection (a) shall include the reasonable expenses paid or incurred during the taxable year for household services and for the care of one or more individuals . . . only if such expenses are ordinary and necessary to enable the taxpayer to be gainfully employed.

That does not mean a maid or a half a dozen servants in the house. It means having someone to take care of a dependent who is mentally incapable of taking care of himself or a child under the age of 15.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the Senator's yielding.

I want to add one or two points. I point out to my colleagues that I have the privilege of being chairman of the Constitutional Subcommittee. I suppose that that committee has held more hearings on the subject of equal rights for women than any other committee. I am the principal sponsor of that Senate measure. I have studied this matter with great care.

I would like to make two points. First of all, I thing there is a great disparity involved if we worry about millionaires, we discriminate between millionaires who are men and millionaires who are women. One can write off the expenses if he takes his clients off to lunch and fills them up with martinis if he is a man. However, if it is a woman who is the millionaire and she is at home, we do not allow her to claim any expenses covered by the Senator from California. That is point No. 1.

Second, the hard fact is that if a woman is a working mother and has to work to help support the family, she is not allowed to deduct those expenses that are necessary.

Today 40 percent of all the women who are working are the sole support of their children. They are the sole support of their children, so we are concerned about the impact of this amendment. We should be concerned about not just the woman involved but the children at home for whom she is the sole support.

I supported the Senator earlier on the other measure and I am happy to support him again on this measure.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. LONG. Mr. President, I point out to the Senator and to the Senate that we put in the tax law, in order to try to help provide jobs, and that is the only excuse for his, a $3 billion investment tax credit to encourage them to go out and buy new equipment. If one wishes to talk about a loophole, that is the biggest loophole in the tax law. It is an incentive for somebody to do something; we gave them a $3 billion tax credit; a tax advantage justified solely because you would like them to buy more equipment and modernize, in the hope they would put more people to work, even though many times by the time they get through improving their machinery they have less people working rather than more people working.

Sometimes a tax credit is given to put people out of work rather than to provide jobs, but they were calling it a provision to provide jobs. I have seen cases where a man tells me they have a modernization program going on and that they are going to spend $100 million improving the plant. I ask, "How many more jobs will be provided?" By the time they get through they will have one-half of the jobs that they had before but they will have a better plant.

But here we are talking about providing a deduction for a housewife who is helping support a family so that she can go out and take a job and someone can come in the house to help her. I do not think anyone disagrees that the ordinary working mother should be able to deduct the child care expense that is paid. Even the House is willing to agree with us on that. But the way it used to be, when the mother brought someone in to the house when she went out to be the breadwinner, the tax service would say, "How much time did the woman spend washing dishes?" So they reduced the reduction for the time the woman spent washing dishes and separated it from the time she went around the house with nothing to do but care for the children.

Then they asked, "How much time was spent using the vacuum cleaner?" Then they deducted the time for the use of the vacuum cleaner. Then they were asked, "How much time did she spend cleaning up the bathroom and putting things in order around the house?" They reduced the deduction for the time spent there.

Now, when a businessman rents a strongbox down at the bank we do not go into that strongbox and say, "How many of these papers are business papers and how many of these papers are personal effects?" We do not do that to him.

I understand the Senator is not trying to extend this to working mothers without children to support. Is that correct?

Mr. TUNNEY. The Senator is correct.

Mr. LONG. It would apply only to working mothers with children to support, and she is not privileged to leave the dishes dirty until she gets back home because she has a child that must be cared for in that home; and if she is going to bring someone in to look after the home they might as well look after the whole place rather than be idle.

Mr. TUNNEY. That is correct, and I would like to point out that we have tightened the amendment of last year. Initially, I was not sure if I wanted to see it tightened down as much as we did. But later on, I thought that, in order to expedite consideration on the floor, it would be appropriate to allow the deduction only if both spouses are employed substantially on a full-time basis. I put that provision in with great reluctance, but was persuaded by the people at the Treasury Department that it was necessary. They felt it was essential. I put it in to expedite consideration of my proposal. I wish at times I had not, but I did put it in to give that working mother an opportunity to get that deduction.

I feel it is absolutely essential that she be given this right. We have been speaking during the last few days of this debate about how we want welfare mothers to work. The Senate now has a perfect opportunity to give welfare mothers an opportunity to go to work, make a decent living, and not have to pay all of her earnings to someone to take care of the children.

Mr. LONG. If the Senate's view prevails on the minimum wage bill, we will have extended coverage under the minimum wage. In a great number of such places people will no longer be able to afford domestic help so they will have to let domestic help go and thereby put people out of work; this will happen unless we provide them with the deduction which might make it possible to retain the help they have.

Furthermore, if the Senator's amendment prevails, and I am confident it will since the Senate voted for it before, then we will encourage mothers who are capable of finding jobs to find more remunerative jobs that pay $4 or $5 an hour. Those mothers will be paying taxes on their income, and if it a case where the husband is also working, that puts them in a higher tax bracket, and that will increase the overall tax being paid and the overall income the country is receiving. Those same people you would be hiring to help this mother take the job may well be people you will be taking off of welfare rolls.

Mr. TUNNEY. Exactly.

Mr. LONG. So that you tend to do what this Senator thinks you should do by making work more attractive than welfare, and doing it in the most dignified fashion, by allowing a working mother a deduction which has a parallel exemption in all sorts of businesses.

In the case of a businessman who has a secretary who prepares personal business letters for him as well as business affairs, we do not allocate to the extent that the secretary took dictation and sent out a personal letter, so why should that rule be applied to working mothers? The only way to justify that is on the basis that the Treasury Department cannot afford the tax loss. But in this bill we do so much for family people it is hard to say you should provide for the other situations that are provided for in this bill and deny a working mother that type consideration. As the Senator knows, I did support his amendment when it was offered on the tax bill. I think it is even more appropriate that it be offered on this bill. However, I do not speak for the committee.

Mr. TUNNEY. I thank the Senator.

Mr. BENNETT. Mr. President, will the Senator yield to me?

Mr. TUNNEY. I yield.

Mr. BENNETT. Mr. President, this colloquy has created the impression that now there is no relief, no tax relief for a woman who has to go out and work. The tax law now provides that if the net income of the family is less than $18,000, she may deduct the cost of child care.

That privilege is available to her now. This bill takes off the $18,000 limit, so it raises it, not necessarily to the millionaire class, but to everybody with an income above $18,000.

It does, also, one other interesting thing. It says that in addition to taking the standard deduction, the mother may take this deduction on top of it, so she can double her deduction. She can use as much of that cost for the standard deduction as she needs, and then put it on top of that.

I realize that I am on the wrong side of this issue emotionally, but I think to create the impression that the people who are going to go off welfare are going to move immediately to an income above $18,000, and that, therefore, the existing law does not give these employers a chance to deduct that from their income, is fallacious.

The chairman and I do not disagree

very often, but I do not agree with the argument that under the present law the Internal Revenue Service has to inquire into the activities of the person who is doing the child care in order to determine the amount of the deduction that will follow under this law, because the law does not say that this person would come in and do anything that is assigned.

So I think the basic question here is, Do you want to take the $18,000 limit off and let anybody with an income above that deduct for child care, and do you want those people to get a partial double deduction for the money they spend for child care?

It is that simple, and I am not at all impressed by the argument that under the present law a person who came off welfare would not be able to do that.

Mr. TUNNEY. Mr. President, I am prepared to have a vote on this amendment.

Mr. LONG. Mr. President, permit me to say that people who have higher incomes, to whom the Senator refers, do not take the standard deduction anyway. It is immaterial as far as those people are concerned. They itemize, anyway. As a practical matter, it is somewhat unfair to deny this benefit, if we are going to allow this deduction, to the low-income people who take the standard deduction.

Mr. TUNNEY. Sixty-eight percent of the people who have incomes of $10,000 or less take the standard deduction, and as a result they are not able to take any advantage of the law which now exists to deduct the costs of child care. By making this a deductible business expense—and that is exactly what it is; they would be able to take advantage of this deduction.

I just do not understand how the Senator from Utah can advocate disallowing the deduction for a mother who goes out to work and needs a babysitter to take care of her child, and yet allow it for a millionaire businessman who hires a secretary, in part to take personal dictation, in part to pour him his drinks after he has had a tough day at the office, and in part to do his business affairs.

I am prepared to yield back my time.

Mr. BENNETT. Mr. President, I would like to make one more comment, and then I will sit down. The inference is that these thousands of people who have an income under $10,000 who use the standard deduction are deprived from being able to use anything else. They have the same right as the millionaire does to itemize their income tax forms. So what we are really talking about now, since the law provides this deduction for couples or individuals whose earnings are under $18,000, is to open this up to anybody with an income above that to have the same privilege.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. STEVENS. Mr. President, my staff and the staff of the Senator from California have discussed this amendment, and I am pleased to be a cosponsor of the amendment.

I would like to call attention to one problem that is not covered by the amendment, and hopefully secure an agreement to modify the Senator's amendment along the line of an amendment that I had intended to send to the desk, which is to amendment 1653 offered by the distinguished Senator from California (Mr. TUNNEY). Amendment 1653 is a highly beneficial amendment which will permit the business expense deduction of certain expenses, those incurred for household services and dependent care. It accomplishes this by the addition of a new subsection (h) to section 162 of title 26.

There is, however, one small group of individuals who need similar care for themselves. These are those taxpayers so disabled either physically or mentally that they must incur expenses for the hiring of attendants, the purchase of special equipment, and similar items in order that they may be gainfully employed. These individuals are among the most courageous of our society. They refuse to become public burdens but insist upon paying their own way through life.

The identical policy urging the adoption of the amendment of the Senator from California (Mr. TUNNEY) also strongly argues for the inclusion of my amendment to assist these people. Just as we wish to assist taxpayers who must incur reasonable expenses for household services or for dependent care, so should we assist those people who must incur reasonable expenses for their own care in order to be gainfully employed. This amendment will permit the deduction of ordinary and necessary business expenses, such as special equipment and medical attendants, if the taxpayer must incur these costs to be gainfully employed. The purpose is to insure that these costs are deductible under this section as business expenses.

For instance, I know of one young lady who is entirely incapacitated from the shoulders down, as a result of polio. She has a brilliant mind. She has, in fact, written books. Although she types with a wand that she keeps in her mouth, she hires someone to get her out of bed in the morning, take care of her home, type her final manuscript, and she is doing quite well. She does not want to be on welfare. She has the capability of producing, but she must hire three people to enable her to do her job.

The amendment I had intended to offer would permit the deduction of certain expenses for the physically or mentally disabled, along with the people the Senator has suggested would be included in the Senator's amendment, which I have cosponsored.

Mr. TUNNEY. Mr. President, I have seen the amendment of the Senator from Alaska. I agree with him that a person who is disabled and who can only work if she or he is attended is deserving of the same of business deduction, because it is for that person an ordinary and necessary business expense.

So I accept the amendment, or if the Senator prefers, I will modify my amendment to include his language.

Mr. STEVENS. Mr. President, I am quite agreeable to having that done, and I send the amendment to the desk. It would extend the deduction to people who are disabled physically or mentally and who cannot work unless they can hire people to do necessary work, such as is true in the case of the young lady to whom I referred, who must hire people in order to be able to do her work at home.

I am most gratified that the Senator from California has agreed to accept my amendment. My staff and I have been in contact with groups representing disabled taxpayers and I am informed they strongly support this amendment. I know they will be most grateful also.

I ask unanimous consent that Senators GRAVEL and HUMPHREY be added as cosponsors to amendment No. 1653, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I modify my amendment by the language of the amendment offered by the Senator from Alaska.

The PRESIDENT OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

On page 5, line 19, strike the closing quotation mark. On page 5, between lines 19 and 20, insert the following:

"(4) Expenses of individuals physically or mentally disabled.—In the case of an individual who is physically or mentally disabled, the deduction allowed by subsection (a) shall include the reasonable expenses paid or incurred during the taxable year such as for the services of attendants if such expenses are ordinary and necessary to enable the taxpayer to be gainfully employed."

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG. Mr. President, in order to expedite the business of the Senate, I ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection? If there is no objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from California, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Texas (Mr. BENTSEN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Louisiana (Mrs. EDWARDS), and the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 71, nays 8, as follows:

[No. 523 Leg.]

YEAS—71

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—8

Bennett
Curtis
Dole
Dominick
Fannin
Hansen
Jordan, N.C.
Jordan, Idaho

NOT VOTING—21

Allott
Baker
Bentsen
Boggs
Byrd, Robert C.
Church
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Saxbe
Spong
Tower

So Mr. TUNNEY's amendment (No. 1653), as modified, was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. MONDALE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the bottom of page 615, insert the following new section:

DISREGARD OF 20-PERCENT-INCREASE PROVISION ENACTED IN PUBLIC LAW 92–336

SEC. 306. (a) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.

(b) Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly benefit under the insurance program established by title II of the Social Security Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336, or which results from (and would not be payable but for) any cost-of-living increase in such benefits subsequently occurring pursuant to section 215(i) of the Social Security Act, shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his or her family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964, for surplus agricultural commodities under any Federal program providing for the donation or distribution of such commodities to low-income persons, for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937, for subsidized mortgages or rentals under title II of the National Housing Act, or for any other benefits, aid, or assistance in any form under a Federal program, or a State or local program financed in whole or in part with Federal funds, which conditions such eligibility to any extent upon the income or resources of such individual, family, or household.

(c) The amendments made by subsection (a) of this section shall apply with respect to annual income determinations made pursuant to sections 415(g) and 503 (as in effect both on and after June 30, 1960) of title 38 United States Code, for calendar years after 1971. The amendment made by subsection (b) shall be effective with respect to items furnished after August 1972.

Mr. MONDALE. Mr. President, this is a simple amendment, which says this: The 20-percent social security increase that we granted recently cannot be taken away from senior citizens who are public housing tenants by rent increases, nor can food stamp eligibility be affected by the increased income derived from the social security increase.

On Thursday, September 28, I introduced a somewhat longer amendment to the social security bill to guarantee that the elderly receive the full benefit of the 20-percent social security increase.

Part of this serious problem was solved on Friday, when the Senate accepted modifications to the social security bill to prevent drastic cuts in old age assistance and medicaid—as a result of two programs—the 20-percent raise.

The amendment I am calling up today is meant to complete the work of protecting the 20-percent increase. It does this by preventing housing authorities from raising rents and the Department of Agriculture from cutting food stamp benefits as a result of the 20-percent increase.

We have all heard the terrible stories of how many of the poorest of our senior citizens are being cheated out of their long overdue social security raise. They are losing this raise because as their social security income goes up, other benefits—which they desperately need—are being reduced.

I am proud that I was a cosponsor of the 20-percent social security raise. I know that the Congress intended the full raise—every penny of it—to go to everyone receiving social security.

Because I think these elderly people should get every penny of this raise, I think our action to protect the raise should cover all benefits. We should protect the elderly who receive food stamps and public housing benefits as well as those receiving old-age assistance and medicaid. It is unjust and unfair that any of these other benefits should be reduced because of the 20-percent social security increase.

On Friday the Senate acted to meet the danger that old-age assistance and medicaid benefits would be lost as a result of the 20-percent increase. Senator CRANSTON's amendment, which was accepted by the distinguished Senator from Louisiana (Mr. LONG), will protect these types of benefits. Under the terms of the amendment, almost all social security beneficiaries in Minnesota will continue to get their old-age assistance benefits and will retain medicaid eligibility. This is very important.

But the Cranston amendment does not protect 15,000 elderly Minnesotans against an increase in public housing rents. Only passage of the amendment I am offering today will do that.

There is also a major problem of the erosion of food stamp benefits. Approximately 35,000 Minnesotans could either lose eligibility for food stamps or find their food stamp benefits cut, because of the 20-percent social security raise. For many of these people, this could be a disaster. A large chunk of their small social security raise would be swallowed up immediately by the rampaging rise in food costs.

My colleague from Minnesota (Mr. HUMPHREY) raised this food stamp question on the floor of the Senate when the Cranston amendment was accepted. The amendment on this subject which we are offering today would take care of this problem. I hope it can be accepted immediately.

Taken together, the rent increase, the loss or erosion of food stamp eligibility, and the loss of other benefits which may follow the 20-percent increase could make the whole 20-percent raise largely meaningless for many among the elderly. This must not be allowed to happen. My amendment completes the work of the Cranston amendment which was accepted on Thursday. It will guarantee full protection for the 20-percent increase. I urge that the whole of this package be approved by the Senate.

Now I am going to yield to the Senator from Connecticut in a moment, but, first, I ask unanimous consent that there be a time limitation of 1 hour on this amendment, to be divided equally between the proponents and the opponents.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONDALE. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I commend my distinguished colleague for this amendment.

I wonder whether I could ask a few questions.

Do I correctly understand that the purpose of this amendment is to assure that as a result of the 20-percent social security increase, the recipient of that 20-percent increase is not worse off under the food stamp program, public housing program, and veterans programs than if he or she had not received that increase?

Mr. MONDALE. That is correct. But my amendment also goes further and insures that the 20-percent social security increase which Congress voted to protect the elderly from inflation—to give them a needed improved income—will actually go to those social security recipients and not be diverted to public housing rent increases in a sort of peculiar and cruel revenue-sharing program.

Mr. RIBICOFF. I wonder whether the Senator has some examples of situations in which the recipients could be worse off with a 20-percent increase than if they had not received it in the first place.

Mr. MONDALE. Mr. President, I will submit for the RECORD an article published in the Minneapolis Star of Thursday, September 1, and other articles which demonstrate how much people all over the country on social security were looking forward to this 20-percent increase. Instead they found that all or most of it is being taken away from them in many ways, and many times they end up worse off than they were before the increase.

This article in the Minneapolis Star cites one example. Mrs. Mary Freed will get a 20-percent increase in her social security on October 3. "Big deal," says the reporter.

Mrs. Freed's monthly check will go up $27, to $162, but because of that increase, her rent will rise from $26 to $33 on her efficiency apartment administered by public housing. Her disability payments of $22 a month will decrease. She will be over the limit set by the State as a maximum financial aid level. The medical assistance program will drop her. She will be reinstated, however, as soon as she spends $80 in medical costs. Then she would go on Medicaid again, but only for 6 months. She should spend that amount quickly, because she takes medication. In any event, her total expenses are going to run at least $42 a month because of a $27 increase in social security. That is the kind of example referred to by the distinguished Senator from Connecticuit.

Mr. RIBICOFF. I am sure it was not intended—I know that in voting for the 20-percent increase in the Finance Committee and on the floor, I certainly did not intend—that the recipients of other social services or other programs should be deprived and be worse off as a result of our 20-percent increase in social security. This is certainly a situation we have an obligation to remedy, and I commend the Senator for bringing it to the attention of the Senate. I certainly shall vote for the Senator's amendment.

Mr. MONDALE. I thank the Senator from Connecticut.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred, together with an article published in the New York Times of October 3, entitled "Social Security Rise Becomes a Nightmare to Many Elderly."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY RISE BECOMES A NIGHTMARE TO MANY ELDERLY

(By David K. Shipler)

Like millions of other aged Americans, Marie Nashif of Denver will receive a 20 per cent increase in her Social Security check this month. But unlike most, she will not welcome the extra cash.

Mrs. Nashif is among the 187,000 or so elderly for whom Congressional election-year generosity has become a nightmare. The Social Security rise, voted by Congress June 30, has pushed her income just high enough to make her ineligible for the welfare and Medicaid benefits that she needs so desperately.

Mrs. Nashif, a small, alert, 74-year-old woman, suffers badly from arthritis. Until now, her heavy medical bills have been paid fully by Medicaid. But when her monthly Social Security check rises from $138.40 to $166.10, it will surpass the $147 figure that Colorado uses to divide those who are eligible from those who are not.

In exchange for her $27.70 additional from Social Security, Mrs. Nashif will have to pay $5.80 a month in medical insurance premiums, 20 per cent of all doctors bills, the first $68 a year in hospital expenses, $17 a day after 60 days in the hospital, and the total amount of prescription drugs.

Further, she will lose $7 a month in welfare payments, she will probably become ineligible for food stamps, and her rent will rise, since she lives in Federally subsidized housing where rents are tied to income.

"When I take all this into consideration," she said. "I'll be a darn sight worse off than I am now."

Congressional action could eliminate such hardships, and several bills addressed to the problem are now pending. Last Friday, the Senate voted a solution for welfare recipients by passing a measure that would force states to raise the eligible income limits for welfare by the same dollar amount as the Social Security increases. Prospects for the bill in the House are uncertain.

Even if the bill becomes law, it will not help people who now collect Medicaid and are not welfare recipients, and there are thousands of those in New York City alone who risk losing their medical benefits. The bill addresses itself only to welfare recipients.

ACTION BY STATES

Some states have already taken action on their own. Gov. William T. Cahill of New Jersey has ordered Medicaid benefits continued for 4,000 elderly who would otherwise become ineligible.

Delaware has allocated $1-million to raise the eligibility income maximums. Gov. Winfield Dunn of Tennessee has changed administrative regulations to keep 7,500 people on the welfare rolls. Nebraska, Missouri, Iowa, Florida and Wyoming are among the states that have increased the income levels that determine eligibility.

No action has been taken in New York. The state's Department of Social Services contends that it has no power to make the necessary changes without approval from the Legislature, whose regular session begins in January.

New York City has already sent letters informing 6,000 elderly people that their welfare benefits will be halted. This means that they will have to begin paying 20 per cent of their medical expenses.

In addition, many aged New Yorkers who are not on welfare and are not addressed by the Senate bill will be hurt by the Social Security increases.

The city's Office For the Aging estimates that 14,696 persons who now receive 80 per cent of their medical expenses from Medicaid will be cut off altogether. In addition, 22,434 who are not on welfare but are fully covered by Medicaid will have until they have spent all their income above the welfare maximum on medical bills. At that point Medicaid will pick up the full burden again. This totals about 43,000 elderly affected adversely in New York City alone.

The figures elsewhere are smaller, ranging from about 10,000 in California to 400 in Vermont. The United States Department of Health, Education and Welfare calculates that nationwide, 187,000 people will become ineligible for welfare and 93,000 will lose Medicaid.

Even many who do not lose will not gain from the Social Security increase, since some states apply Social Security income against welfare payments. As Social Security rises, welfare decreases; the beneficiary is not the individual, but the state.

"I'm all for the increase," said John Maros, administrator of the Wyoming Division of Public Assistance. "The more Social Security they get the less public assistance is needed." The State of Washington estimates that it will save $2.3-million in welfare payments by next June 30.

"The average pensioner in Alabama won't gain a dime as a result of the increase," said Ruben K. King, Alabama director of pensions and security.

BAN UNDER SENATE BILL

"This is a form of psychological deceit practiced upon senior citizens," said C. Christophor Brown, head of the law reform unit of the Baltimore Legal Aid Bureau. "The government is giving with one hand and taking away with the other."

This cannot happen if the bill passed by the Senate is approved by the House and signed by President Nixon; Under the measure states would be prohibited from reducing welfare payments in response to the Social Security increase.

The bill would also cost the states additional money by requiring them to raise the income limits for eligibility, not merely for those welfare recipients who are on Social Security, but for all disabled, aged and blind. In New York, many in the disabled category are narcotics addicts.

In most states, elderly people on Social Security receive only small amounts of money from welfare, and their removal from the rolls is less of a hardship in terms of direct welfare payments than it is in terms of the services that are corollaries to a welfare status.

In many states, for example, Medicaid—whose cost is shared by the Federal and state governments—is available only to those whose incomes are low enough to qualify them for welfare, even though the Federal guidelines allow Medicaid benefits for those with incomes up to 133 per cent of the welfare maximum.

Other benefits, such as food stamps, legal help and home-making services, are also often tied directly to welfare.

BRONX WOMAN HIT

Mrs. Elesabeth Miles of 1365 Finley Avenue, the Bronx, for example, faces the loss of a valuable homemaker because the Social Security rise will make her ineligible for welfare. She is 62.

"The letter came last Wednesday," she said, "and now I have nothing. I have been a widow for 29 years and am completely blind in the right eye and partially blind in the left eye. My son is unable to take care of me because he has eight children of his own."

Her monthly Social Security check, to rise from $133.10 to $159.70, will have to cover her $70.40 a month rent, as well as her food and other expenses.

"They say that they are giving me a 20 per cent increase, but they been taking everything back and all I get is nothing," Mrs. Miles said. "We worked hard to take care of ourselves and they just don't care if we live or die."

In a small, sad room on West 86th Street, Joseph Wolfson, 80, a frail, asthmatic man spoke with fear. "Most of the time I am in the hospital because of asthma," he said. "I feel all right now, but who knows what can happen next week? I just can't live with that little amount of money and no Medicaid."

Eva Estelle Jackson, 70, lives alone in Montgomery, Ala., and has suffered from tuberculosis and ulcers. She now receives $132 a month in Social Security and $24 in welfare, but she has been told that the Social Security increase will raise her a few dollars above the welfare maximum she will therefore lose Medicaid, which paid several thousand dollars for three weeks she spent in hospitals last year.

"It's gonna hit me hard," Miss Jackson said. "If they'd just left me with a pension of $1 or $2, and Medicaid, I'd have been a lot better off. If I had some illness, I just don't know what I'd do. I'd just be in bad shape, because I've got nobody to fall back on."

Miss Jackson discovered that she will also have to pay a $2-a-month garbage collection fee to the City of Montgomery. Only those on welfare are exempted from the fee.

Another Montgomery resident, Emily Shepherd, 75, is now in the hospital, being treated for emphysema. When her $137-a-month Social Security check rises to $164, she will lose $66 in welfare from the state, ending up with $39 less a month than now, and no Medicaid.

At that point, her choices will be "either to go into a convalescent home or just go back to my apartment and die," she says. "It's the most ridiculous thing I ever heard of. They should have had a little forethought. They're just a bunch of meatheads in Congress."

In Las Vegas, the Social Security check of Henrietta G. Oberg, 78, will rise from $153 to $183 a month, but her $23 welfare payment will be eliminated as a result, leaving her $7 ahead, but without Medicaid. She is being treated for cancer. "What am I going to do?" she asked.

In Cedar Rapids, Iowa, Mary Wright also lost Medicaid. "It will take it all away from me," she said of the Social Security increase. "I can't afford it. I'm having it all canceled. I got to pay my rent, clothes and feed myself. There's nobody else to do it for me. You can't get any glasses, can't get any teeth—anything you need you can't get."

The difficulties have also affected some younger people. Lennell Frison, 40, a father of 10 in Portland, Ore., is a former foundry worker whose arthritis put him out of a job two years ago. He and his wife, who has diabetes, were told recently that the Social Security rise would mean the end of welfare and the end of medical payments.

"Without that aid to the doctor, man, I don't know how we're going to make it." His wife, he says, works sometimes as a janitor at night, making about $100 a week. They had planned to try to buy the six-room house they now rent, he said, "But we're probably gonna lose it."

Mr. Frison has considered sending his 17-year-old son to work, but he is torn by powerful doubts. "I hate to take my oldest boy out of school, because then he'd be where I am I think I'd go back to work and punish myself instead. I can't stand up too long. My legs won't hold me. But it gets you. A man ain't nothing if he can't feed his children."

In Hazelwood, Mo., a suburb of St. Louis, Mr. and Mrs. Russell French face similar difficulties. Mr. French suffers from heart disease and diabetes, she from arthritis and rickets. Two of their children, Charles, 15, and Lorraine, 12, have rickets, and a third, Russell, is diabetic.

"It's the Medicaid that counts," said Mrs. French. "I figure it would cost us $100 a month just to keep my husband supplied with medicine." Neither she nor her husband can work; their Social Security comes to about $400 a month.

The family's physician, who asked not to be identified, confirmed that the French family needed constant medical attention. "Of all my families, this is the one that is probably the most in need," he said.

When Mrs. French was 10 years old and living in Corning, Ark., she recalled, her mother died because she could not get medical help. "If anyone thinks things have changed, they haven't," she said, "because the same thing probably will happen to us."

Social Security: When a Raise Is Not

(By Joe Blade)

Along with 29 million other Americans, Mrs. Mary Freed will get a 20-percent increase in her Social Security payments Oct. 3.

Big deal!

Mrs. Freed's monthly check will go up $27 to $162.40. Because of that increase:

Her rent will rise from $26 to $33 on her efficiency apartment administered as public housing in an old building at 1706 Stevens Av.

Her aid-to-the-disabled payments of $22 a month will cease. She will be over the limit ($78 plus rent) set by the state as the maximum financial aid level.

The medical assistance (Medicaid) program will drop her. She will be reinstated, however, as soon as she spends $80.40 on medical costs. Then she would go on Medicaid again, but only for six months.

She should spend that amount quickly because she takes medication for diabetes, a heart condition, pains in her legs, a steel ball in her shoulder and, not surprisingly, "nerves." Her total expenses are going to run at least $42.80 a month more because of that $27 increase in Social Security.

"Why in hell when a person gets to 65 and no good don't they take a person out and shoot him instead of torturing him to death?" she said. "I would if I was running things."

Mrs. Freed is a 65-year-old widow. She is one of millions of Americans who will benefit only slightly or not at all from the largest Social Security increase in history.

The reason: When an electioneering Congress approved the 20-percent boost with an eye on the elderly vote, it failed to make adjustments in other assistance programs.

It is the poorest of America's elderly who face tragedy as a result. It is they who most need extra income from Social Security as well as aid from other programs.

But because those benefits are based on income, they will lose much—or all—of that 20-percent boost. Some will lose the other assistance as well. It works like this:

Old Age Assistance such as aid to the disabled and to the blind must be cut virtually dollar-for-dollar as the recipient's income increases.

In 1970 Congress exempted $4 of that year's Social Security raise from cuts in Old Age Assistance. There was no such action this year. And that $4 exemption expires on Dec. 31 of this year.

Food stamps will be lost by 1,269 of Hennepin County's 4,359 Social Security recipients who now purchase them. Their income will rise above the maximum of $180 for a single person and $245 for a couple.

Another 2,297 persons will pay more for their stamps. For example, one 72-year-old man whose Social Security is going up $30 to $178.50 a month will pay $26 for $36 worth of stamps. He had been paying $24.

Public-housing rent is fixed at 25 percent of income after deductions for certain expenses. When a tenant's income goes up, a quarter of the increase is added to the rent.

Some tenants may be pushed above maximum incomes of $4,300 for single persons and $5,200 for couples, again figured after certain deductions.

But the extra income will not be a basis for eviction until the tenant's regular two-year eligibility review, promises James Lemley, director of management at the Minneapolis Housing and Redevelopment Authority.

Medicaid, or medical assistance for the poor, will be lost by about 700 of 1,700 Hennepin County Social Security recipients who now receive it.

Almost all of these persons will be returned, welfare department officials believe, after a "spend-down." If six months' income over maximum levels—$145 for individuals and $202 for couples plus a $4 "pass-through"—goes for medical expenses, they become eligible for the next six months.

Veterans pensions for impoverished veterans and their dependents also are reduced as income increases. However, the reduction is less than dollar for dollar and is least for recipients with the lowest incomes.

Furthermore, none of these pensions will be changed until the end of the year, giving Congress time to act.

The buck stops with Congress if the rules are to change. The state Legislature could raise the outdated standards in Old Age Assistance, but the Legislature does not convene until 1973.

A variety of bills have been introduced in Congress to eliminate taking back money through one program that was handed out through another.

Minneapolis Rep. Donald Fraser is one of 55 co-sponsors of a bill that would require the entire Social Security increase to be disregarded by other programs.

The problem is that the November election, which was a major cause of the problem, now is so near that Congress may adjourn before cleaning up the conflicts.

Social Security

(By Robert T. Smith)

Well, for those on Social Security we have good news and bad news today. First the bad news:

As you may know, President Nixon, who is up for reelection, ordered a "rent watch" the other day on housing of senior citizens on Social Security.

He said he wanted to make sure rents were not "illegally" raised because of the 20-percent increase in Social Security benefits that was to show up in checks Tuesday.

But it doesn't affect the 9,679 older people who live in public housing in the Twin Cities. Housing controlled by federal, state, or local governments is specifically excluded from the "rent watch."

Those in public housing, the poorest of the senior citizens, will have to live with the raise in rent that went into effect with their first check that included the raise in Social Security.

It doesn't make any sense, but those in public housing are in the minority and, therefore, aren't going to tip any elections one way or another.

Now for the good news:

It does affect the 106,000 elderly who live in private housing in the Twin Cities. That is 65,000 in Minneapolis and 41,000 in St. Paul.

If any of you feel your rents have been raised illegally, you can complain to the Internal Revenue Service (IRS). Just call: 725–7124.

The IRS has been ordered to check any

rent complaints of Social Security people throughout Minnesota. Said Richard C. Voskull, IRS district director.

"We are urging landlords not to raise rents unless they are certain such increases are legal. In many cases landlords already have raised rents this year and must wait until 12 months have elapsed since that increase before raising rents again."

This does not include landlords with less than four units.

Landlords cannot raise rents beyond a maximum of 2.5 percent a year, unless there are improvements or increased taxes or services. A tenant must receive a detailed 30-day notice of any increases.

So what can the IRS do? They can order that illegal rents be stopped, that overpayments be returned and that the landlords be fined. The fine can be up to $5,000 under earlier wage-price stabilization guides.

Although anyone can be the victim of an illegal rent increase, the IRS is giving priority to those on Social Security.

Sen. Walter Mondale, who's also up for reelection has proposed a bill to Congress to prevent rent raises for Social Security recipients in public housing. But that may take some time.

Daphne Krause, director of the Minneapolis Age & Opportunities Center, long a fighter against giving the elederly raises and their taking them away, said:

"It's excellent that something is being done to protect those in private housing. Now let's get to work on the public housing. All a raise does for those people is help catch them up on the rising cost of living" Amen.

Mr. MONDALE. I also ask unanimous consent to have printed in the Record a series of pathetic letters from Minnesotans that show the cruelty of a situation in which elderly people expected the social security increase and then found that because of the way the law is written public housing rents went up, the food stamp entitlement disappeared, veterans pensions were reduced, they became ineligible for medicaid, and old age assistance was reduced. In one way of another, they found that all or most of the increase was taken away from them; and many found, as in the example I cited, that they end up losing a great deal of money through this increase. It becomes the cruelest form of revenue sharing—the money going through the hands of these old folks and being siphoned off by local governments.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Minneapolis, Minn.,
July 28, 1972.

Senator Mondale: I am very thankful to get our raise in Social Security. But I think when we get this raise that some of us will not be able to buy any more food stamps, and I think the Minneapolis Housing will raise our rents.

So I don't know if the raise will do some of us senior citizens any good. And the young people that are working will have to pay so much more taxes from their wages and I do not think they should have to pay any more taxes.

Let some of the rich people pay more taxes. Why all the loop holes for some. And I want to ask you some questions please answer these. Where do you stand on amnesty? The rights of the homosexual? And what do you think about the people who want to legalize marihuana? Please answer soon.

Sincerely,

Mrs. E. M. Hand.

U.S. Senate,
Washington, D.C., August 17, 1972.

Mrs. E. M. Hand,
Minneapolis, Minn.

Dear Mrs. Hand: Thank you for your message concerning the DFL platform.

As you may know, I have expressed my reservations about this platform on several occasions. In addition, I am concerned that because of the struggle over the controversial planks, the DFL was unable to take a position on many of the vital issues affecting most Minnesotans and most Americans. For example, I believe the Convention should have focused its attention on such crucial issues as tax reform, health care, environmental protection, housing, jobs, preservation of the family farm, financial security for the elderly, and consumer protection.

When the DFL Central Committee meets in the near future, I am hopeful that we will clearly state our party's position on these and other crucial issues.

In the meantime, I will continue to speak out on what I believe to be the most urgent concerns and needs of the people of Minnesota.

I am proud to have been a cosponsor of the 20 percent increase in Social Security benefits, which passed the Senate on June 30th and has now become law.

This measure, which also provides for regular cost-of-living increases to protect social security recipients from the destructive effects of inflation, should greatly improve the situation of elderly and handicapped citizens in Minnesota and throughout the nation.

With warm regards.

Sincerely,

Walter F. Mondale.

Minneapolis, Minn.,
September 1, 1972.

Senator Walter Mondale: I have already read my notice. That my rent is to be raised $8.00 a month starting Oct. 1st. So I will have to pay $41.00 a month for my one room efficiency. I would be better off with out the Social Security raise. I have been getting $122.90 SS less $5.80 for Medicare. Then I need $34.53 pension. Now I will be receiving $147.20 SS.

That is what the Minneapolis Housing wrote in my letter when they wrote to tell me my rent would be raised and I will receive my $34.53 pension but I will be losing my food stamps. As one is only allowed an income of $78.00 a month to be able to buy Food Stamps. So the way I figure it I would be better off without the raise when I moved into this building. I paid $30.00 rent. Then when we received our last SS raise my rent was raised to $33.00 and now to $41.00. At first I paid $18.00 for $28.00 worth of Food Stamps. Then I paid $22.00 for $32.00 worth I think it was. But the last time I paid $22.00 and received $36.00 in FS. And I can do the same for Sept. But I don't think after Oct. that I will be able to buy F.S.

Sincerely,

Mrs. E. Hand.

September 7, 1972.

Hon. Walter Mondale,
Washington, D.C.

Dear Sir: To identify myself. My husband was known in Crosby-Ironton. as "Charlie" the Telephone Man. He passed away Sept. 8th 1970. We had four daughters. Minnie. Annie. Evelyn, Fern, who attended school & graduated from high school there except Fern.

I am writing you concerning the increase in social security. Which actually is no increase at all. It was a great shock to me to be informed that the increase would be deducted from my old age assistance.

I have been receiving $115.10 in social security. And $30.00 in old age assistance. Giving me a total of $145.10.

My expenses is rent $80.00. Telephone $7.13, groceries $25.00, personal needs $25.00, insurance $5.00.

I understand that there is just one phase that. Makes this necessary to deduct from old age assistance. Or a veteran's pension.

This makes the most ridiculous joke of something that is so vital to the life line of our elderly. Who are in need.

Respectfully,

Mrs. Lydia M. Trierweiler.

Minneapolis, Minn.,
August 7, 1972.

Senator W. F. Mondale,
Old Senate Office Building,
Washington, D.C.

Honorable Senator W. F. Mondale: Why when you get a raise in Social Security does housing or "welfare" takes it from you, or if housing leaves your rent, off it comes from welfare. As it stands now I'm worse off than before the Social Security gave the 20% raise. I'm on *A.D.*

Figure up 70.40 and 58.00 leaves 128.00. Have been paying 45.00 rent. Takes most of the $58.00 "stamps." Clothing shoes are so expensive. I don't get a paper, *no TV. No Radio. No Phone.* I can't afford them. Housing offers trips to Duluth, Winona. I can't go they are to expensive. I hope and pray you can stop welfare from taking the 20% off. God Bless you, if you can work out some way to prevent the taking away of the small amounts we get in Social Security.

I thank you most kindly,

Miss Cornelia M. Elliott.

Minneapolis, Minn.,
August 8, 1972.

Senator Mondale: Thank you for answering my letter. The raise we will get in S.S. will do some Senior Citizen some good but for me I am not so sure. As I think it will put me just a few dollars over the limit for buying food stamps or our rent will be raised again I am sure. Please do not write to the Mgh. Housing but the last raise we got in SS we had our rent raised. My rent was only raised $3.00 a month but this $36.00 a year would buy me a new dress. And I sure wish I could buy Food Stamps after we get the Oct. raise in SS. But thanks anyway.

Sincerely,

Mrs. E. M. Hand.

Cambridge, Minn.,
September 17, 1972.

Senator Mondale: I am much disappointed with what is taking place with our raise in S.S. My husband is 90 yrs. and a patient at a nursing home. I am 80 and living in a small apt. at public housing. Our S.S. for the two of us will amount to $310.30. I was paying $60.90 to the home in order that he would get some medical assistance. Beginning Oct. 1st I'll be paying $100.30. I am now paying $55.00 rent here and will be raised $11.00. So when I used to have $147.00 left I'll have $136 left if my figures are correct. What is the government doing to us old people? I appreciate what you are trying to do for us.

Sincerely,

Ellen Birch.

Sen. Walter Mondale this week sent a letter to President Nixon urging the federal government to quit taking back "with one hand what we have given with the other." Specifically, Mondale called for release of $130 million authorized by Congress to meet the operating costs of public housing. The delay in releasing such funds has forced local public housing agencies to raise the rent of housing for the elderly.

But the biggest problem is lack of coordination among the agencies that are nibbling away at the elderly. Medicare, Old Age Assistance, the Minneapolis Housing Authority, the U.S. Department of Housing and

Urban Development, state medical assistance, all are more or less operating as if the others didn't exist.

It's a terribly complicated mess, and there's no wonder that the elderly are confused and disappointed when they see their raises eaten up before they can buy an extra can of soup.

Cushing, Minn.,
September 5, 1972.

Senator Walter Mondale.

Dear Sir: I am enclosing the notice we got from the Morrison County Social Service office, Little Falls, Minn. Our social security checks are, Mr. Oothoudt $90.60, mine $61.90 and we each get $40 from welfare. Now we are advised that our Oct. payment will be reduced in the am't equal to the increased benefits. Senator I just haven't been able to keep up as it is and now to get a cut in our checks. Living is so terrible high, every thing is so very high, we pay taxes, insurance. We have payments.

We don't begin to have what is needed. Mr. Oothoudt is 79 yrs. old. A cripple from arthritis, can not do one thing, with a walker and wheel chair all to gather, for myself I am 69 yrs. and have a heart condition which means we have to hire so much work done and far more expense than one planned or expected. We have a 1961 Ford which is our only means of transportation and the car too needs repairs. Every week I take Mr. Oothoudt into Little Falls for shots for his legs which is added expense, instead of a decrease we need an increase in our checks.

I just cannot make the checks reach, not through no fault of ours. I am behind on my bills. We are two people that just don't like to beg or be on welfare, we have no other income, just our Soc. Sec. checks and welfare. I understand by this enclosed notice it would do us no good to go to our county welfare board about this matter.

I am taking this way in writing you for advice and what can be done, if our soc Sec checks were more in the first place and than a raise but we are in lower paym't of Soc Sec & I just don't know how I can manage—for us we aren't getting no raise give more on Soc Sec checks & taking less on Welfare—I would like to have this notice returned to us.

Thanking you so very much for your time & would appreciate any help you can give us.

Sincerely,

Mrs. V. A. Dothfudt.

Important Notice, August 31, 1972

If you are receiving a Social Security payment, this Notice is to inform you that your October Public Assistance payment will be reduced in an amount equal to the increased benefit you receive from Social Security.

Public Law 92–336 which increases the Social Security benefits does not provide that these benefits can be passed along to the recipients of Public Assistance.

The County Welfare Board has no authority in this matter and *must* reduce Public Assistance payments in the amount of the Social Security increase.

James A. Atkinson,
Director, Morrison County Social Services.

St. Paul, Minn., *September 15, 1972.*

President Richard M. Nixon,
The White House,
Washington, D.C.

Mr. President: I am a 67 year old handicapped widow subsisting on Social Security and a railroad pension. My husband worked for 38 years for the Northern Pacific Railway and paid a high price for what he believed would be our nest egg, our guarantee that we would be comfortable and self-sufficient in our later years. This was to be separate and in addition to Social Security. My husband died at age 51.

When I became old enough to apply for Social Security, I immediately took a 33⅓% cut in my railroad retirement benefits. Now we are to receive a 20% increase in Social Security. Because of this increase, I am to be penalized by a further cut in my railroad retirement benefits. I understand that this raise in Social Security does not have the same effect on other pension plans such as that received by the telephone workers.

Should we who believed our wages were being taken for our own benefit and welfare, now be penalized again? Is this to happen again and again until our hard worked for nest egg is entirely gone?

It is a meager living as is with rising taxes, medical expenses going up all the time and promised rent raises. The 20% increase is eaten up and I will certainly not gain, but lose again!

Sincerely,

Mrs. Pearl Lagerstedt.

Duluth, Minn., *September 23, 1972.*

Hon. Walter F. Mondale,
Washington, D.C.

Dear Sir: With the increase in Social Security we thought we would be able to keep up with the rising cost of grocery, fuel, garbage, and other necessities, but now we get a letter my husband's Old Age Assistance will be cut—maybe entirely—because of the raise in Social Security.

My husband gets a low social security. We sold our home years ago and live in an old trailer on some land we had left.

I am 61 but too ill to work anymore.

We do hope our democratic lawmakers will help us. A person hates to say too much—they might take everything away. I'm sending this clipping from the paper.

We hate charity, but we have worked hard all of our lives and paid our bills.

This social security boost was to help pay for the increase in living. I can't understand what they are trying to do to old people.

I trust you, Mr. Mondale and hope you will try your best to see that they won't cut us off this help.

Sincerely,

Mrs. Harold Stark.

Karth Says Elderly Being Shortchanged

(By Lee Egerstrom)

Washington.—A 20 per cent increase in social security benefits approved by Congress this summer and a 10 per cent increase approved a year ago will mean no increased income for the elderly under several state welfare programs, a Minnesota congressman charged this week.

Rep. Joseph Karth, D-Minn., and fellow members of the House Ways and Means Committee have been besieged by senior citizens wondering what went wrong.

"All too often the Congress has found that when it raised the level of benefits for senior citizens the increase was eliminated by reduced state benefits," he said.

"It is totally contrary to the will of Congress and the will of the people for state legislatures to require their state welfare departments to reduce old age assistance benefits as the federal government raises them."

States that have de-escalating old age assistance benefits pull back state services as federal payments increase. In several states, including Minnesota, senior citizens can actually lose more in state benefits than the federal increase Congress intended to provide.

Karth said Minnesotans have informed him that the additional income from this summer's 20 per cent increase has pushed elderly people into higher income brackets, causing them to lose food stamp and state assistance benefits.

It has also required elderly persons to pay higher rents in federally assisted housing, he said.

"This is contrary to the purpose of the 20 per cent increase," Karth added. "Minnesota, I regret to note, is an unfortunate example of this kind of irresponsible action."

Karth and Rep. Donald Fraser, D-Minn., have introduced legislation with others that would direct both state and federal assistance programs to ignore the new social security hike.

The intent of the new legislation was to improve social security benefits and not offset other state or federal assistance reductions.

The Ways and Means Committee will hold hearings on the legislation next week, and committee members are confident that Congress will hurriedly pass correcting legislation before adjournment sometime this fall.

Aides of Chairman Wilbur Mills, D-Ark., are currently compiling a list of states where the 20 per cent increase is resulting in a reduction of state benefits and increased charges of other federal assistance programs. The list, as the committee checks around the nation, is growing longer.

Most states with old age assistance programs that are a prerequisite for medicaid benefits will jeopardize medicaid payments to senior citizens whose incomes are increased by the hike.

A Minnesota Welfare Department spokesman said his state's program, more liberal than in most states, won't jeopardize the medicaid benefits for most senior citizens on old age assistance.

But he acknowledged that Minnesota, like many states with county-administered old age assistance, will reduce county payments of assistance in ration with the social security increase.

"The unjust part is that persons with incomes high enough so they aren't on old age assistance will in fact get a social security raise," he said. "But persons on old age assistance, who really need the increase, will find that their total income has stayed the same."

Karth said his proposed legislation would require states to maintain current levels of assistance to senior citizens.

This provision would be, in governmentese, a "hold harmless" or "pass through" provision "grandfathering" in state benefits similar to program grants protected in the newly-passed federal revenue sharing bill.

A second part of the Karth legislation would protect the elderly from losing benefits or having increased charges in federally assisted programs.

Karth, who is as outspoken as Chairman Mills, said the senior citizen "is given an increase by one hand and has it taken away by another."

In a slap at Minnesota state legislators, he said that "many states apparently cannot be trusted to pass on the same level of benefits to their senior citizens when federal benefits are raised."

While Karth was unhappy about the effect on the social security increase in his state, the Ways and Means Committee reports that checks with the Department of Health, Education, and Welfare (HEW) would indicate states that do not have medical programs would most adversely affect senior citizens.

Richfield, Minn., *September 25, 1972.*

Hon. Richard M. Nixon,
White House,
Washington, D.C.

Dear President Nixon: I am enclosing the column of Robert T. Smith, Minneapolis Tribune, dated September 15, 1972.

As many others are, I am greatly concerned over the plight of the senior citizens in our great country—you will note, John Stenen, referred to in the article, received a $9. a month raise in Social Security benefits about a year ago—then living in public housing his rent went up $5. a month—Medicare cost rose $1.40 a month—The Old Age Assistance people gave him $5. less a month—they would have eaten the whole $9.00 but for the "pass-through" law that prevented them from taking the first $4 of the raise. You will note the article further states "it didn't prevent the other from taking it, however."

Further—this man ended up paying $2.40 more than the $9 raise for the same benefits.

We are now on the threshold of another raise in the Social Security benefits—please, for goodness sakes, let everyone have the proper compassion for our elderly citizens and let them experience the joy of having a RAISE—people in Government employ get their substantial raises without having it systematically taken away from them—with all the pious attitudes of doing more for Social Security recipients—let those in the position to do so make it possible for them to keep the little extra—in some cases it is perhaps the only joy they have.

Sincerely,

Dora M. Knudson.

St. Paul, Minn., *September 25, 1972.*

Dear Senator Mondale: I read in the St. Paul Dispatch of the bill you were introducing to assure that all Social Security recipients received the full benefit of the 20 per cent increase in benefits. I certainly commend you for this.

That same day my mother who is receiving a small monthly allowance of $9.00 from Old Age Assistance, received a letter from their office stating her monthly allowance would cease as of October 1st as her income would otherwise be increased.

I hope you will be successful in getting this legislation passed.

Sincerely,

Mrs. Robert O'Brien.

Paynesville, Minn., *September 28, 1972.*
Hon. Senator Walter Mondale,
Washington. D.C.

Dear Senator: I would like to call your attention how Senior Citizens are being treated now that we get a 20% raise on Social Security. Other benefits are cut off, now, why do you not watch that the other benefits are kept up, we need much in our old age, as we are on a fixed income. Of years back our expenses and living is in this bracket. How do you think we keep going? If we would have an income like you folks high wages, we would not complain at all. Now in my own case I was in the hospital this spring about 3 weeks. Medicare cut me off on some of what they should pay because it was based on 1971 scale. This was a doctor's bill that raised their charges in 1972. But Medicare only paid on 1971 bases, so it cost me an extra $75.00. Now why can the doctor charge more after the scale was set.

See how we get beat! Hope you will look into this matter.

Sincerely,

Edwin Manz.

Albany, Minn., *September 9, 1972.*
Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Mr. Mondale: This is urgent! Unless Congress acts at once, those Senior Citizens on Old Age Assistance who get the 20% increase in Social Security on their October 3rd. check, will have that amount taken off their October 1st. Welfare Check. This is a deplorable situation for our elderly!

Unless the law is changed during this session, the Veterans on pension will also lose this 20% increase on their pension checks in January, 1973.

Any help you can give our Senior Citizens in regard to this, will be greatly appreciated.

My sincere thanks for all you have done for our elderly. Best wishes for your success in the coming election, I am,

Sincerely,

Mrs. Warren Weber,
Stearns County Coordinator on Aging.

Minneapolis, Minn., *August 1972.*
Hon. Walter F. Mondale,
U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Sir: Will our grants be lowered when we receive our 20% increase in Social Security. They have always taken away before, was wondering if they will now—I hope not.

Also I'm in a Mpls Housing Project for Senior Citizens and I'm paying more than ¼ of my Total Income for Rent. I thought ¼ was the limit. Can anything be done to correct this. Thanking you kindly for your trouble.

I remain,

Miss Cornelia Elliott.

Coon Rapids, Minn.,
September 13, 1972.

Mr. Mondale: Will you help with the bill Don Fraser introduced in Congress to help us keep the small emergency help & our small S.S. raise we'll get Oct. 1st, Anoka Co. welfare wants to cut off my $12 assistance, my State & County Health card (food stamps), snow removal from my roof & drive way in winter. I fell off my roof trying to repair space between chimney block and tile. I hurt my left arm badly. Then last Feb, I fell on Anoka St. & injured my right arm. It ached all last nite. Medicine for my aching arms are very expensive & I need my health card for this. Nixon asked for this cut on the older people (I'm over 72) who can lease afford these cuts. With S.S. raise I'll be getting $156 which isn't enough to keep up home pay high taxes & taxes on my fuel oil light bill & many of Life's necessities. I hope you, Fraser, Frenzel & Humphrey will get busy & pass Fraser's bill so we can keep the little assistance ($12) I get & our small S.S. raise too. I'm writing these other Congressmen. Will you answer the $164 question for me? If the Fed Gov't donates ½ toward my assistance, the State gives ¼ & Anoka Co. donate only ¼ of assistance, why are they allowed to put a lien on my home for the full am't.?

My home is badly in need of repairs; I haven't had a refrigerator for 3 yrs, have no kitchen light or a decent bed to sleep in, they (A.C.V.) knows these facts but won't go over a certain State budget. This budget is so miserably low one can hardly exist on it. It's sub standard living. I have to hitch hike 5 miles to Anoka to get groceries.

Why can't we have a home program here like Sargent Schriber was head of to get people here to go help people, all over the world. I can't think of name of it right now. Why couldn't something like this be organised here to help older Sr. citizens keep their homes repaired and help them in many ways they can't afford to pay for this? This help has to pass and reach us before Oct. 1st.

When an older person needs to buy a home under Federal Housing program what, are some of the requirements to buy one? I'd rather be dead than live here this winter, the house is damp. Plaster or wall board is off ceiling of both bedrooms & heat goes out thru roof. I use too much fuel oil. Have no heat in kitchen so can't use bathroom.

Water pipes in kitchen froze up twice in last two years.

Please work with Frazer's bill, with Humphrey & Frenzel to help us forgotten Sr. citizens keep this little help we get & our S.S. too. Pres. Roosevelt said were all entitled to freedom from want & worry & agree with him.

That was Peace Corps which Sargent Schriver heads. He was asked to give up his job opportunity position as he held two-Govt. jobs and he refused & kept both jobs for a long time.

Minneapolis, Minn.,
September 20, 1970.

Dear Senator Mondale: Why does every one write to you, because you at least try to do something about things.

Here's my problem. The 20% increase to old people. Because of it many are forced to pay it right back, plus losing perhaps benefits from old age assistance or medical.

I plead with you to try to do something about it.

My Mother is one, she had security till now knowing her medicines and all her Doctor & Hospital would be taken care of by Medical Assistance. When she went on it she had too, as her savings of around $9,000.00 were all gone. She had liver cirrhosis was tapped around 85 times by Dr. Proshek. Medical records show this. She desperately needs all her medicines, pain pills, ucler & etc. She lives with us and thank God my Husband is good to her, but I only have an upstairs room no bathroom, meaning a commode to take care a necessity. She's on a special diet which means special food, so this totally runs to quite a bit.

We charge her $100.00 now but she was going to give us $125.00 which hardly takes care of her needs. The druggist totaled her acct. it runs around $25.00 or $28.00 a month. So she is to get $152.00 deduct that there's nothing, she was told to drop Minn Blue Cross when assistance took over. Now she doesn't even have that. She has around $225.00 in a saving after my Dad Died. What can she and other do.

Because she is $7.76 over she can not get medicine. I think this very unfair. Please bring this up and do something for these Dear old Senior Cits, and Country folks.

Certainly Congress could do something besides let them worry themselves to death. Ive had to give her nerve pills every day and thank God Im here or I dont know, but what of those that are without any one to love them.

It seems the young get all and old get nothing but bare necessities.

Please ans. somehow.

Sincerely,

Mrs. S. Anderson.

September 18, 1972.

Dear Senator Mondale: You know I got the letter receiving a increase in Social Security which is real good, but also they raised my rent & food stamps are less.,

Now Saturday I received a notice from the finance Department of Welfare which I'm on Medicare. I was just getting ready to have my teeth extracted on account of when I had the cardiac arrest my mouth was so closed so tight that they broke off all my bottom teeth & my upper are nothing but roots.

Now they say I won't be eligible for Medical assistance & my case will be closed starting Oct. 1, 72 & I have heart medicine which is I suspect & asthma water pills & valium I got to take protein on account of clogging in my blood.

Also certain Medicine from the Dermatologist for my legs that my vein's broke & itch & I have had blood clots & ulcers. I need this medicine badly. If I pay for all this I won't be able to eat. I need boots & shoes so badly for winter. Also I have a bad upper respiratory trouble & Christian Weber describes which at the time is no cure. What are they trying to do to us? We get a little raise & all this comes up. I don't know what to do.

I have to have my medicine. I carry it where ever I go in case if I get short of breath & can't breath.

This raise does not seem to help matters its going to make things worse.

President Nixon should be in some of our shoes. Please tell me what to do.

Thank you so much. God bless you & I hope we go all the way I mean democratic way in Nov.

Please as soon as possible. I haven't had any rest just worrying what is ahead of us. from Mae E. Nulsen, 2728 Franklin 55406 over apt. 2003.

I'll get $151.10 in Oct. My rent raised 6.00 & less food stamps. I also pay for like aspirin & vaper rub, Listerene & all other medicines except what the Dr. prescribed & it has upset my health.

I'm so nervous which hasn't helped my asthma any.

My medical bill runs pretty high especially the heart medicine. I'll have less money then I ever did to get along on.

Thank you for listening.

Mrs. Mae Nulsen.

September 26, 1972.

Hon. Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The Minneapolis Senior Worker's Association, a group of profession Social Workers serving the elderly of greater Hennepin County, wish to express our wholehearted support of the current efforts to disregard the recent Social Security increases when computing eligibility for and benefits from other Federal programs.

We can't believe the intent of the recent Social Security increase was to work to the detriment of the poorest and most needy of our population.

Please exercise whatever influence you can to right this injustice being perpetrated against those who built this great Country.

Sincerely,
Minneapolis Senior Worker's Assso-ciation,
(*Representing over 50 agencies providing services to older adults*).

September 23, 1972.

Dear Sir: I think the elderly should be able to buy Food Stamps because of the increase in S.S. lot of people won't be able to buy them.

And on medicare they should get glasses and dentures, also reduced rates on travel like the students get they have these whole life ahead of them.

The unwed mothers get A.C.D. all medical bill paid and care buy food stamps.

Sincerely,

F. A. Nivala.

City of Minneapolis,
September 28, 1972.

Hon. Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

My Dear Mr. Mondale: The Minneapolis Board of Public Welfare, at its meeting September 22, 1972, unanimously concurred in the attached resolution adopted by the Minneapolis City Council September 22, 1972, urging the Congress of the United States, the Minneapolis Housing Authority and other involved agencies to change any policies which tend to negate the recent increase in Social Security benefits.

Further, the Board of Public Welfare directed its Secretary to communicate this Board action to all U.S. Congressmen from the State of Minnesota and to the members of the Minneapolis Housing Authority.

Sincerely yours,

Robert S. Ervin, *Secretary.*

Resolution

Urging the Congress of the United States, the Housing Authority and other involved agencies to change any policies negating the increases in Social Security benefits.

Whereas, Social Security benefits were recently raised to help keep pace with the higher cost of living; and

Whereas, as a result of these small increases in Social Security the rent in public housing is being raised; and

Whereas, a large number of persons receiving the higher Social Security benefits will lose other benefits such as Medicaid and Aid-to-the-Disabled; and

Now, therefore, Be it Resolved by the City almost exactly the same amount as the income was raised by Social Security; and

Whereas, the end result is that a great number of Social Security recipients will actually lose more than they gained from the recent "increase";

Now, therefore, Be it Resolved by the City Council of the City of Minneapolis:

That the Congress of the United States, the Housing Authority in and for the City of Minneapolis, and any other involved agencies be strongly encouraged to take immediate action to change their policies which would unfairly negate the small increases in Social Security which were intended to keep step with the cost of living.

Be it Further Resolved that a copy of this resolution be sent to each member of the U.S. Congress from the State of Minnesota and to the members of the Minneapolis Housing Authority.

Adopted by the Minneapolis City Council, September 22, 1972.

Catholic Charities of the Archdiocese of St. Paul and Minneapolis,
Minneapolis, Minn., September 25, 1972.

Re: Program for aging.
Hon. Walter Mondale,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am writing to urge you to do what you can to assist the elderly Social Security recipient in realizing a real gain in his most recent increase.

Currently, the increase will have an adverse effect on many who are borderline eligible for food stamps, Medicaid and O.A.A. They will also have their rent raised if they reside in subsidized housing.

Please do what you can to enact legislation to prevent this injustice.

Sincerely,
Richard A. Flesher, ACSW,
Coordinator, Program for the Aging.

Minneapolis Internal Medicine Associates, P.A.,
Minneapolis, Minn, September 22, 1972.

Senator Walter Mondale,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Much has been written in the newspapers recently regarding the inequities experienced by our senior citizens as a consequence of a raise in their social security benefits. In our practice we have many such patients. Enclosed is a copy of a letter written on behalf of one such patient. She will be penalized by being deprived of certain benefits and thus this so-called raise turns out to be no raise at all.

I would like to add my voice in protest against this injustice and I hope that the members of the legislature will tackle this prickly problem now and not postpone it until after the elections.

Yours truly,

William B. Torp, M.D.

Minneapolis Internal Medicine Associates, P.A.,
Minneapolis, Minn., September 21, 1972.

Re: Mrs. William (Ellen) Hall.
Hennepin County Welfare Department,
Minneapolis, Minn.

Dear Sir: Mrs. William Hall told me that she recently received a letter from you stating that her medical assistance for drugs will be discontinued as of October 1st. She states that this letter indicated an increase in social security was the reason for this. I do not know the amount of money involved in her increase in social security but I do know that along with this she is also getting an increase in her rent.

Mrs. Hall uses a large amount of medicine each month, the amount of which exceeds the amount of her social security increase.

I respectfully request that you reconsider the patient's case as I think she should be eligible for aid to cover her prescription drugs.

Yours truly,

William B. Torp, M.D.

Paynesville, Minn.,
September 29, 1972.

Senator Mondale.

Dear Sir: Please work hard to defeat any bill that will deprive lower income senior citizens of their right to receive low income housing, food stamps, medicare, etc., etc., which they now have.

Thank you,
Respectfully,

Mrs. Horace Sheldon.

Minneapolis, Minn.,
September 15, 1972.

Senator Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am a World War I veteran's widow, which allows me a widow's pension according to my income.

As you are aware, beginning October 3 there is an increase in Social Security which I desperately need in the face of the inflationary cost of living; and naturally have been happily anticipating.

But there is a cloud over the picture, because of the underlying fear that much of that increase will be lost unless the income allowance for veterans widows is increased accordingly.

I will be most grateful if you will please give this matter your attention.

Thank you.
Sincerely,

Mrs. Hazel E. Bruhn.

State of Minnesota, County of Hennepin

RENT UP $10

Rudy Boeser, being first duly sworn, deposes and says the following:

My name is Rudy Boeser and I live at 3125 Grand Avenue, South Minneapolis, Minnesota. I am 65 years old. I believe I am affected by the recent 20% increase in social security benefits in the following way:

Gross income before increase, $143.00; after increase, $171.00.

Rent before increase, $108.00; after increase, $118.00.

State Medical Assistance Program before increase, yes, all medical bills paid; after increase, none, until I spend down $26.00 per mo.

Estimated medical expenses per month before increase, $63.00; after increase, $63.00.

Net income, before increase, $35.00; after increase, $27.00—net loss, ($8.00).

In addition I have been notified that I will lose my Medical Assistance identification card that assures vendors of medical goods and services that they will be paid. I fear I will have difficulty obtaining some medical goods and services in the future without this identification card.

The social security increase as it now operates will take money away from me, not give me more money. The increase under these circumstances constitutes a taking of my property without due process of law. I therefore request the Social Security Administration cease and desist from taking money from me by giving me this increase.

Rudolph F. Boeser.

Rent Up $10

Hilda Sherf, being first duly sworn, deposes and says the following:

My name is Hilda Sherf and I live at 2019 16th Avenue, South Minneapolis, Minnesota. I am 85 years old. I believe I am affected by the recent 20% increase in social security benefits in the following way:

Gross income before increase, $148.00; after increase, $162.00.

Rent, before increase, $33.00; after increase, $36.00.

State Medical Assistance Program, before increase, none, until I spend down $3.00 per mo.; after increase, none, until I spend down $17.00 per mo.

Estimated medical expenses per month, before increase, $18.00; after increase, $18.00.

Net income, before increase, $112.00; after increase, $109.00—net loss ($3.00).

In addition I have been notified that I will lose my Medical Assistance identification card that assures vendors of medical goods and services that they will be paid. I fear I will have difficulty obtaining some medical goods and services in the future without this identification card.

The social security increase as it now operates will take money away from me, not give me more money. The increase under these circumstances constitutes a taking of my property without due process of law. I therefore request the Social Security Administration cease and desist from taking money from me by giving me this increase.

Dated: September 22, 1972.

Hilda N. Sherf.

Rent Up $7

Grace Mulroy, being first duly sworn, deposes and says the following:

My name is Grace Mulroy and I live at 2728 East Franklin Avenue, Minneapolis, Minnesota, I am 62 years old. I believe I am affected by the recent 20% increase in social security benefits in the following way:

Gross income, before increase, $146.20; after increase, $175.00.

Rent, before increase, $33.00; after increase, $40.00.

State Medical Assistance Program, before increase, yes, all medical bills paid; after increase, none, until I spend down $30.00 per mo.

Estimated medical expenses per month, before increase, $40.00; after increase, $41.00.

Net income, before increase, $113.20; after increase, $105.00—net loss. ($8,20).

In addition I have been notified that I will lose my Medical Assistance identification card that assures vendors of medical goods and services that they will be paid. I fear I will have difficulty obtaining some medical goods and services in the future without this identification card.

The social security increase as it now operates will take money away from me, not give me more money. The increase under these circumstances constitutes a taking of my property without due process of law. I therefore request the Social Security Administration cease and desist from taking money from me by giving me this increase.

Grace L. Mulloy.

Dated: September 22, 1972.

Rent Up $7

Helen Lohmar, being first duly sworn deposes and says the following:

My name is Helen Lomar and I live at 1700 East 22nd Street, Minneapolis, Minnesota. I am 67 years old. I believe I am affected by the recent 20% increase in social security benefits in the following ways:

Gross income, before increase, $148.00; after increase, $185.00.

Rent, before increase, $35.00; after increase, $42.00.

State Medical Assistance Program, before increase, yes, all medical bills paid; after increase, none, until I spend down to $40.00 per mo.

Estimated medical expenses per month, before increase, $38.00; after increase, $38.00.

Net income, before increase, $113.00; after increase, $103.00—net loss ($10.00).

In addition I have been notified that I will lose my Medical Assistance identification card that assures vendors of medical goods and services that they will be paid. I fear I will have difficulty obtaining some medical goods and services in the future without this identification card.

The social security increase as it now operates will take money away from me, not give me more money. The increase under these circumstances constitutes a taking of my property without due process of law. I therefore request the Social Security Administration cease and desist from taking money from me by giving me this increase.

Helen J. Lohmar.

Dated: September 22, 1972.

Effort To Assist Senior Citizens

Daphne Krause, being first duly sworn, deposes and says the following:

I am the Executive Director of the Minneapolis Age and Opportunity Center, Inc., located at 1715 Stevens Ave., Minneapolis, Minnesota 55403. Our organization's purpose is to assist Senior Citizens to remain living independently by providing to them medi-supportive services. Our services are presently classified in eleven elements:

Home Delivered Meals Program;
Employment Services;
Homemaker Services;
Chore Services (Handyman);
Transportation Services;
Legal Services;
Counseling Services;
Information and Referral;
Volunteer—Social—Education;
Health Services; and
Advocacy.

Virtually all the Senior Citizens we serve have gross incomes below recognized poverty levels under both State and Federal standards. This being so they have qualified for assistance under various assistance programs including the Federal food stamp program, the State old age assistance program, State and Federal subsidized housing programs, Aid to the Disabled, and Aid to the Blind, and the State medical assistance program.

Many of the poorest Senior Citizens will be adversly affected by the 20% increase in social security benefits the Social Security Administration proposes to force upon them. The eligibility requirements for the above mentioned programs are not the same nor do they dovetail. This being the case the present 20% increase will in many instances make individuals no longer eligible for some programs and reduce benefits from others resulting in a net raise in income of less than 20% or no net change in income at all—a dollar given by one hand, a dollar taken away by another hand—or an actual loss in net income.

Those Senior Citizens receiving State Old Age Assistance grants are finding that the State law requires the amount of the raise in Social Security benefits be deducted from their Old Age Assistance grant starting October 1, 1972. In addition, the $4.00 Senior Citizens were allowed to keep (exempt from State determination of gross income) from their last Social Security raise through the "Pass-Through" bill will also be deducted after December 1972 when the effect of that bill expires. It should be noted that the standard of need of this assistance is now two years old, in spite of the increase in the cost of living.

Because of the Social Security raise Senior Citizens living in Minneapolis Housing and Redevelopment Authority highrises or other subsidized housing are now receiving notices that their rents will be increased by slightly less than one-quarter of the Social Security raise effective October 1, 1972.

There are approximately 4,200 Senior Citizens receiving Food Stamps in Hennepin County. With the Social Security raise approximately 1,400 of those Seniors already on Food Stamps in Hennepin County will find they are no longer eligible.

The State Medical Assistance program is available to Senior Citizens with incomes of less than $145.50 a month for a single person or $202.00 for a couple. Medicare does not cover many of the costs of obtaining health care, and in effect prevents many Senior Citizens from seeking all the health care they need because of its requirement that Senior Citizens pay the first $68.00 of hospital costs and the first $50.00 of doctor's and out-patient costs in any given year and to pay percentages of other costs. For Senior Citizens without the ability to pay these small, but to them significant sums, this becomes a barrier towards obtaining medical care. The result of the social security increase is to make many Senior Citizens now ineligible for medical assistance.

The state administered aid to the blind and aid to the disabled programs have their own requirements. These social security increases will raise the income of some persons so as to make them ineligible for these programs.

A typical Senior Citizen who will actually lose money as a result of the social security increase has the following circumstances. He lives alone in subsidized housing. His previous income (social security only) was $140 per month; his rent was 25% of that or $35.00; he qualified for medical assistance and all his medical bills were paid thereby; his medical expenses were about $23.00 per month. With the 20% social security increase his income will be $168.00; his rent will be $42.00; he will not qualify for medical assistance until he has "spent down" his gross income over a period of time to below $145.00. His net cash situation since he now is "able" to pay all his medical bill is worsened by $2.00.

Aside from the harsh blow this decrease in net income has to Senior Citizens in general, those who lose their medical assistance eligibility will lose their identification cards that enabled them to obtain medical goods and services from vendors without question as to payment. Now many vendors will be wary of providing goods and services knowing the Seniors may not be able to pay and knowing they have no legal recourse if that turns out to be the case.

Since these increases have the effect on some individuals of actually reducing their net incomes and in decreasing the availability of medical assistance to others we feel there is a taking of property without due process of law.

Daphne H. Krause.

Dated: September 22, 1972.

Mr. MONDALE. I yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I associate myself with what the Senator has said.

Mr. President, I am pleased to join Senators Mondale and Humphrey in cosponsoring amendment No. 1675 to H.R. 1, the "Social Security Amendments of 1972."

On June 30, the Congress upheld its obligation to 28 million Americans who had found that social security was not providing them security. We rightly spunoff the social security increase from the measure before us and enacted a 20-percent across-the-board social security benefits increase.

Those who benefited have expressed their gratitude in thousands of letters I have received and I think in the hundreds and thousands of letters that many of my colleagues have received.

Yet many beneficiaries rightly point

out that the Federal Government is taking away with one hand what it is providing with the other.

Elderly beneficiaries who need old-age assistance to supplement their meager social security check, find that their OAA payments are cut back proportionally to this increase. The intent of Congress to provide additional security was thus threatened, but last Friday we headed off this threat with the adoption of Senator CRANSTON's amendment—for those who live in public housing and, as my colleague from Minnesota has just pointed out, who pay rent under the so-called Brooke amendment formula who find that their increased benefits are eroded by upward revision in their rent. Senators will recall that that amendment set a 25-percent limitation on rents, as we found persons who had been paying as much as 50 to 60 percent of their income for rent.

Enlightened legislation was reported by the Committee on Banking, Housing, and Urban Affairs, on which my colleague serves as a very distinguished member and who is very much interested in and has performed a great service in this field, to protect those paying more than 25 percent of their income for rent. But now, social security recipients are being assessed more money as a result of the increase in social security, which certainly is contrary, I think, to the spirit if not the letter of the law.

Mr. MONDALE. Mr. President, we have had many examples of such rent increases where housing authorities have been under heavy financial burdens, partly because the funds appropriated under the Brooke formula have not been released by the Office of Management and Budget to the housing authorities who produce the housing. As a result, the housing authorities rush to raise rents and many of the public housing recipients receive notices increasing their rent before they receive the check increasing the social security. This is the cruelest form of revenue sharing that I have ever heard of, to take money from the poor that way. As the Senator knows, they use the Brooke amendment as an excuse to take the maximum rent rather than the minimum, which is totally wrong.

Mr. BROOKE. The Senator is right. Many charges are made in the mail that I receive, and I am sure the same is true of other Senators in this field, that we are giving with one hand and taking back with the other.

Let me say that I commend the administration for initiating its "rent watch" to prevent landlords from taking advantage of the social security increase. Should not we in the Congress conduct our own rent watch and make sure that local housing authorities do not take advantage of the few extra dollars their elderly tenants are now receiving? The answer is clear: I think that we should.

For veterans, who now receive assistance based on their service to our country, the dilemma is the same. What extra income they receive under social security will be undone by a decrease in their veterans' pensions.

Those who now receive food stamps are threatened with a loss of eligibility for this essential assistance. In effect, they may lose more than they have gained by the increase in social security. So it is a net loss to them rather than a gain, as we had expected when we voted the social security increase.

The amendment proposed by the Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY), which I am privileged to cosponsor, expands on the earlier amendment of Senator CRANSTON. It simply seeks to carry out the previously expressed intent of Congress to increase the monthly cash incomes of social security beneficiaries. Our amendment proposes to disregard for the purposes computing veterans' benefits, Brooke amendment rent levels, and food stamp eligibility, the individual income derived from the social security increase. That is a simple amendment which I think is clear and should be well understood.

Mr. President, this amendment is consistent with and necessary to carry out our intent to increase the incomes of 28 million Americans. Without this amendment, millions will find the widely acclaimed benefits increase was, in effect, an empty promise. I urge Senators to favorably consider this amendment, and I commend the distinguished Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY) for proposing it.

Mr. MONDALE. I appreciate the very fine comments of the Senator from Massachusetts. They are most helpful.

Mr. HARTKE. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. HARTKE. Is the provision for the veterans still in?

Mr. MONDALE. I will shortly move to modify my amendment to delete that provision because, as the Senator knows, under the leadership of the Senator from Indiana, the Veterans' Committee has reported an alternative measure. With that in mind, I will modify my amendment accordingly.

Mr. HARTKE. I want to pay my respects to the Senator from Minnesota for bringing this up. The only reason the Veterans Committee preferred to work in a different fashion referred to the administration of veterans pensions, where the method by which we will provide is somewhat different.

Let me address myself to the basic concept. The whole reason for the 20-percent increase in social security was to provide more money for those on social security.

Mr. MONDALE. Precisely.

Mr. HARTKE. It was not the intention at this time to penalize anyone. In fact, it was not the intention to put anyone in a worse situation. We were trying to make sure that everyone would be adequately provided for and that we would have the increase in the cost of living also taken care of.

Now here we find a paradoxical situation, which recurs time and time again, because of a worn out welfare system, and a worn out housing approach. The whole system of social programs created in the 1930's are now out of date and worn out. They do not serve their purpose any more. They are not breaking the welfare cycle. Here we see a situation where a social security amendment is being utilized to put these people back further behind than they were before.

I want to congratulate the Senator and all those who have joined in this measure. There will be some opposition to it because they will say we are amending some other law. The law needs a lot more amending than being amended by this amendment, including our housing laws and food stamp laws—and anything else.

What we should do is that those people in charge of these projects should review the situation and come back at the next Congress and give us an up-to-date system which makes those who are presently on welfare, against their wishes, have some dignity.

The trouble with this bill—and I repeat it to the distinguished chairman of the Finance Committee—H.R. 1, is that it does not break the welfare cycle. No wonder people are fed up with it. The people paying the bill, they are mad at it. The people receiving the money under the bill, they are mad at it. That is just about everyone. When everyone is fed up, it is very much time for a change. So I endorse the Senator's amendment and commend him for his efforts.

Mr. MONDALE. I thank the Senator from Indiana for his leadership on this issue.

I now yield to my colleague, Mr. HUMPHREY.

Mr. HUMPHREY. Mr. President, this amendment is simple, elemental justice. The case for it has been stated brilliantly and poignantly by my colleague, Mr. MONDALE, and the Senator from Massachusetts (Mr. BROOKE).

What we did in the interest of social security was to offer with one hand a 20-percent increase and what we believed would be cash benefits for literally hundreds of thousands and millions of Americans. We took out the 20 percent and more by denying them under present rules and regulations benefits which they could get under medicaid, benefits which they could get under public housing, benefits which they could get under food stamp programs.

Congress has no intention of doing that. As has been stated here, this whole series of assistance programs for the needy needs to be reviewed.

Social security comes to people as a right.

It is an insurance program, and that insurance program ought not in any way to diminish the assistance which we give the needy, the sick people, the people that are disabled.

I joined the Senator from California (Mr. CRANSTON) in his amendment which applied to those on old age assistance, to the disabled, the blind, and the deaf, so that benefits that they deserve would be coming to them without having those benefits diluted or removed because of rules and regulations in the fields of medicare, medicaid, housing, and food stamps.

What we are seeking to do here is to help those on social security, as distinguished from those on old age assistance, to see to it that those who are to get the 20-percent increase that was legislated by this Congress will get it and that they will not lose in the process.

Frankly, I got to the point where I

thought, in view of what was happening, that we ought to give people who are on social security a choice as to whether they want the 20-percent increase or whether they want to reject that increase. The fact is that many who would get the 20-percent increase would be much worse off than if they had never received it at all.

My senior colleague has made the case. He has called our attention to several articles and has had them printed in the Record, so I shall not ask that it be done.

The New York Times article to which my colleague referred is very revealing as to what the 20-percent increase has done to so many older Americans. The article in the Minneapolis Star reveals a story of hardship and of disillusion that took place in the State of Minnesota when our people thought they had a 20-percent increase in social security and ended up by being worse off.

Mr. MONDALE. Mr. President, in the case of Mrs. Freed, who received a 20-percent increase in social security:

> Her total expenses are going to run at least $42.80 a month more because of that $27 increase in Social Security.
>
> "Why in hell when a person gets to 65 and no good don't they take a person out and shoot him instead of torturing him to death?" she said. "I would if I was running things."

Mr. HUMPHREY. Mr. President, I cannot help feeling that the Senate will overwhelmingly support the amendment. I realize that there is a jurisdictional problem. Some will say that it should have gone to another committee. The public does not care about that. What the public wants is simple justice. The public wants us to do what is right and does not want us to worry about committee jurisdiction.

I compliment my senior colleague on the diligent work he has done with respect to this matter as he has with respect to so many other matters that are related to the needs of our people.

Mr. President, last week I offered my amendment that would exclude the 20-percent social security increase given to recipients of both social security and food stamps from being counted as income when calculating the amount of bonus stamps a recipient can receive. In order to expedite action on this important matter I have joined with my colleague Senator Mondale in cosponsoring the amendment.

Mr. President, when I was back home in Minnesota, some of my constituents contacted me about the social security increase—an increase that faded away due to rules and regulations that consumed every dollar of increase in social security payments. Here is why:

Rent increased;

Disability and old age payments were dropped;

People became ineligible for food stamps, because they now had too much money;

Some tenants in the public housing and elderly housing were pushed above the maximum incomes;

Medicaid assistance would be lost; and Veterans pensions reduced.

Mr. President, no matter how you cut it—getting a social security increase for some and then seeing overall benefits reduced for others is wrong and cruel.

The least we can do is to provide that the social security increase will be passed through—without affecting eligibility for other critical programs.

Mr. President, many newspaper articles in recent days have described the predicament of older Americans resulting from this so-called social security increase. These articles clearly show the plight of our elderly. For example, just in Hennepin County alone, 1,269 of the county's 4,359 social security recipients who purchase food stamps will lose the right to purchase these stamps. Another 2,297 elderly persons will pay more for the stamps.

I am aware that the Senate Finance Committe's bill has a social security disregard provision—increasing the benefits to old age, blind, and disabled recipients. I applaud the committee in taking this step. And I also joined with the distinguished Senator from California, Senator Cranston, in an amendment that provides for increasing the standard of need for aged recipients of both public assistance and social security.

However, we are faced with a hard, difficult problem. The social security increase goes into effect now—the Senate Finance Committee's bill and the Cranston-Humphrey amendment will come into being at a later date—sometime after the first of next year.

Mr. President, I believe that we simply must act now—to preserve the recipients rights to purchase food stamps, to protect the reality of his social security increase, and to show our faith and trust in elderly Americans.

Some have argued that it is inequitable to have different standards of food stamp purchase prices for social security old age recipients, and other welfare recipients. Mr. President, that is a problem. But, it is a problem that I believe can be solved easily by the Department of Agriculture if they would only use a little imagination and move with speed to meet a serious problem.

The Department of Agriculture can adjust its purchase requirements—it does so all the time. And, we here in the Congress have just given the Department a boost in its food stamps budget. So I say, take some of that money, and make the necessary adjustments to cover the elderly, the blind, and disabled I am talking about here.

Mr. President, I say that we must do this. We should ask ourselves—if we do not do it, then we at least ought to give those social security and old age assistance recipients the right to refuse a social security increase.

After all, it is not their fault that we passed a social security increase. It is not their fault that we are penalizing them.

How ironic it would be—an increase that really is not. An attempt to lift some of the financial burden off the elderly only puts more of a financial burden on them.

I say let us place the burden on the agencies that can and should respond. Let us place the burden in the departments that have the means and ability to solve this problem.

I ask that the Senate support this amendment to allow older Americans to keep their food stamps.

Mr. MONDALE. Mr. President, I am most grateful to my colleague.

Mr. President, I yield to the Senator from Maine and will then yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I compliment the distinguished Senator from Minnesota for offering this amendment. I have listened to the debate. I think the issues have been eloquently and fairly covered. I suspect, from the examples that each of these Senators has brought to the attention of the Senate, as well as the examples which exist in my own State, that what we are talking about are not isolated cases. We are talking about the results of this increase that spreads across the country and hits tens of thousands of elderly people.

Three basic points have been made this morning that bear repeating. First of all, it was the intent of the Congress to increase the income of these elderly people. The increase resulted, in many instances, in a decrease. The second point that needs to be made clear is the point raised by the distinguished junior Senator from Minnesota, namely that these people are given no choice as to whether they will get the benefit of an increase that results in a net increase. I think that is unconscionable.

I would then like to touch upon the other point. It is said that this amendment will be opposed, and I gather that it will be opposed because of the legislative and statutory action and the jurisdictional problems involved.

While we preoccupy ourselves with this problem of legislative neatness and work out all the entangled jurisdictional lines that result from the social security increase, thousands of elderly people will suffer. That was not the intent of Congress. Why do we not act together to straighten out these tangled legal and jurisdictional lines with a view to doing that which was expressed by the Senator from Minnesota. We need to take all possible steps to assure justice for the elderly who have been disillusioned by the action of a generous Congress.

The article in the New York Times to which the Senator referred has this statement:

> "This is a form of psychological deceit practiced upon senior citizens," said C. Christophor Brown, head of the law reform unit of the Baltimore Legal Aid Bureau. "The government is giving with one hand and taking away with the other."

Yesterday I visited briefly in a community center in Buffalo, N.Y., where I spoke with many senior citizens. All of them looked forward to the social security increase which Congress has legislated. Many of them will now be bitterly disillusioned by the consequences of that generous act of the Congress. I say it is the responsibility of Congress to right this injustice which has been unwittingly and unintentionally visited upon so many thousands of our elderly citizens.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, we are not talking about welfare recipients. We are talking about people who have worked all of their lives and put aside some little portion of their income as savings in the hope that as they got older they would be able to enjoy some of the necessities of life. They had no idea that we could be in a period of inflation, as we are at present.

What has happened is that as prices have increased, the cost of food, rent, clothing, and other things has escalated, while at the same time the value of a dollar has gone down. So the people who are most affected by this are those who are living on fixed incomes, mainly social security, pensions, and the rest.

So we in Congress recognized that we did not have any way to provide a built-in cost-of-living increase. So we finally came up with a 20-percent increase in social security. These people had every reason to believe that if they got a 20-percent increase in social security, it would mean that they would have a little more money to pay for the increase in rent, food, clothing, and the other things.

These people never really get the luxuries of life, because they have precious few, if any, luxuries of life. They are barely living.

We come along and say, "All right. We will give you a 20-percent increase in social security. However, at the same time we will increase your rent and cut back on the other benefits that you can possibly get." As has been well pointed out time and time again, this results in a net loss rather than in any increase.

I am sure that when the junior Senator from Minnesota suggested that he was even thinking of an amendment which would give them an opportunity to accept or reject the 20-percent increase, he thought it would be a good suggestion, because at least those who would lose by virtue of receiving a 20-percent increase could reject it. That suggestion was not facetious at all. It makes a lot of sense. Unless we correct these inequities, we are compounding the problem for the very people that we have been trying to help by the 20-percent increase. Is that not basically what this is about, no more, and no less?

Mr. MUSKIE. Mr. President, what we have done—unwittingly as I said before—is not to realize that there will be an inflationary pressure that will now explode because of this increase and there will be an increase in the cost of housing and food, against which we were hoping to insulate them by our action. The Sentor is so right. I can see that there is not a neat legislative answer to the problem. However, there is an answer, and that answer is the amendment of the Senator from Minnesota.

Mr. BENNETT. Mr. President, will the Senator yield? I have a committee meeting that I am scheduled to attend.

Mr. MUSKIE. Mr. President, I had promised to yield next to the Senator from Minnesota.

Mr. NELSON. That is all right. The Senator may proceed.

Mr. MUSKIE. Mr. President, I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, it seems to have been my day to be Don Quixote. And I know that I will probably get run over again on this amendment. However, I think the Record should show that the amendment has a very interesting effect. Even though public housing rent under the present law is increased as a person's income increases, since the rent paid for public housing is determined not by the space a person occupies, but by the relation of income to that value, this amendment provides that if a person is in public housing on September 1, then this social security increase of 20 percent cannot be reduced to reduce the rent, which would be possible under present law. That is very interesting, and I can understand the humanitarian reasons for supporting it.

But if one was not in public housing on September 1, but moved in on September 2, then the present law applies.

Those who were in public housing on September 1 are forever free of any increase in their rent because of an increase in social security; and since there will be automatic increases in social security, there will be no decrease in their rent because of food stamps.

So we are setting aside one group of people in public housing because they were lucky enough to be there on this date and we say, "Your rent cannot be reduced, but if you moved into public housing thereafter, the present law applies and your rent can be reduced."

This has another interesting side effect. There are not enough public housing units to go around for everyone. This is going to say to those lucky people, "You stay in there, no matter how high your income goes, so long as it comes from these two sources you will not be required to leave public housing because your income exceeds the maximum." But the man who was not there that day and his income does exceed that amount, he can be required to move out.

So we will be saying these people who were so fortunate to be in public housing that day will be able to stay there, while others who have not been able to get into public housing, and their need may be much greater, and there is no room, can be kept out.

Mr. President, that is the statement I want to make. I know the amendment will be accepted, but the Record should show it is creating an interesting situation for a very fortunate group of individuals, who were fortunate to be in public housing on that date.

Mr. MONDALE. Mr. President, I must say that is not my understanding of the amendment. I have a different understanding of the meaning of the amendment. The amendment states:

> (b) Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly benefit under the insurance program established by title II of the Social Security Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336, or which results from (and would not be payable but for) any cost-of-living increase in such benefits subsequently occurring pursuant to section 215(i) of the Social Security Act, shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his other family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964, for surplus agricultural commodities under any Federal program providing for the donation or distribution of such commodities to low-income persons, for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937.

It is clear this amendment applies not to date of occupancy of a public housing unit, but the treatment of money given by way of a social security increase.

Mr. HUMPHREY. If the Senator will yield, and the date of increase in social security. From that time, the 20 percent and cost of living shall not be considered for other public assistance programs provided under the law. That is the point of the amendment.

Mr. MONDALE. In other words, it is not the date of public housing occupancy. That date is in there solely to identify increased social security money that cannot be taxed for public housing rent increases, or to reduce food stamps.

So I disagree with the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. LONG. Mr. President, it was once by privilege to serve on the Committee on Banking, Housing and Urban Affairs, and to serve on the Subcommittee on Housing. Back at that time I suppose I could be expected to be an expert on housing problems. I regret that was some time ago. It was at least 10 years ago and probably more like 20. This Senator has not had the opportunity to be an expert on housing problems, as are those who serve on the committee. From time to time he protested to the Committee on Banking, Housing and Urban Affairs when they were proposing to act on something that appeared to come under the jurisdiction of the Committee on Finance; and he has protested to the Committee on Labor and Public Welfare when they proposed to go into a matter that appeared to come under the jurisdiction of the Committee on Finance.

In this case, if I had my preference, or as the saying goes, if I had my druthers, I would like to stay out of the jurisdiction of other committees.

In other words, I would say, "If you will get your committee together and your people on the Committee on Banking, Housing and Urban Affairs and agree what you think should be done about a housing problem, for lack of a better answer I will agree to it on the face of it, with the prima facie presentation," such as has been made here. In the case of the Committee on Agriculture, which initiated the food stamp program and would like to get it agreed to on a bill from the Committee on Finance, I would say, "Just tell us what you want to do about food stamps." If they want to come back on top of our bill, that is all right. "Tell us what your committee wants to do about this, and we will try to cooperate with you. If you want to use the Finance Committee bill to solve that problem, we will cooperate." For lack of a better answer I would say the same thing with respect to the Veterans' Committee, whose jurisdiction once was in the jurisdiction of the Committee on Finance.

Here is our problem, Mr. President. When we undertake to raise the income of people under social security, of course, a great deal of the purpose is to eliminate poverty and to lift people out of need, so they will not find it necessary to seek public welfare assistance, and so they will not find it necessary to seek some of the other need-related programs for the poor.

For example, it was the Senator from Louisiana who proposed to the committee that we should say for all the old people who have been working under social security coverage that they would get at least $200 a month. Just because they were poor all of their working years does not mean they have to be poor all of their lives. Many people live a long life between now and the time that God calls them home and hopefully they would be out of poverty at some point. Hopefully a man and his wife would be able to get $300 a month. Sometime before the good Lord calls them home the grandfather should be able to take the grandmother out to a steak dinner, or in some other area perhaps a lobster dinner or perhaps a chicken dinner, the Senator from Arkansas suggests. The Senator from Arkansas seems to think that is the best of all.

But in any event, provide enough income so that even if someone never did have a job providing good wages, at some point in his retirement years he would be able to live beyond the poverty level and enjoy those things we would like to have for all Americans at a minimum. When we do that we lift people out of poverty, and we do that in this bill.

Included in this bill are people 65 years of age and over. We will move almost all of them out of poverty under this bill, and leave it to the capability of every State in the Union if they want to, with the windfall they will have under their State budgets, to take care of the small proportion that we failed to move out of poverty with this bill. With their windfall that the States will receive when this bill is in operation, there is no reason why any aged person in America should be left in poverty. It costs a lot of money to do that.

But then we get into other problems that arise. For example, here is a family in public housing. We proceed to lift that family up to the point where they are no longer eligible for public housing. But if we are going to disregard their social security increases, they will remain eligible.

When we do that, then we are being asked to disregard the income that those people receive by the additional social security and social security-related benefits to the point where they would remain in the public housing area and would continue to get food stamps, even though they are no longer in poverty.

Up to now, for example, we do have people who cannot get public housing benefits even though they are entitled to them, because there is only so much public housing to go around. There are not enough public housing units to go around, and it is only the relatively fortunate who are able to get public housing.

One of the problems this would tend to create is that of increasing the benefits of the needy and increasing the benefits of the low-income beneficiaries. It would ignore those increases so that those who would be eligible because they do not have that much income could not move into public housing units because those who have more income will stay there, even though their income has been advanced to the point where they no longer need it, by the definition of the law. In other words, we would be asked to disregard the income of these people.

This is a matter that I would cheerfully relinquish to the Committee on Banking, Housing and Urban Affairs, which has the jurisdiction to solve this matter. How would the distinguished Senator from Alabama, chairman of that committee, for example, solve it? If he and his committee can get together, even by a margin of one vote, I, for my part, would be willing to go along with the answer the Senator's committee would suggest.

Would the Senator care to comment?

Mr. SPARKMAN. Mr. President, I was just getting up to say that this is a complicated problem. I do believe that something ought to be done, but just what it ought to be, I do not know. However, let me say that I have had many complaints, and I am sure all Senators have, to the effect that the 20-percent increase in social security really did not help because it was immediately taken away in other charges. It is true that it increases the income measured by dollars, but, as a matter of fact, if I understand it correctly, most of the increases in social security—I think this applies to the 20 percent; certainly it applies to the cost of living—have been put in because the cost of living has gone up, and it does not become an increase in income if immediately these benefits that have been extended to them in other programs are taken away or if the charges are increased.

I do not know what the solution is, but I have had a great many complaints. I have had some people tell me—I am sure they were not correct, but nevertheless they had the feeling—that they would be better off without the 20 percent increase. I do not think that that is correct.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. SPARKMAN. Let me just finish. I am not sure that the Senator from Minnesota has the solution, but I do think there is some good in what he proposes. I just wonder if it could be possible for the manager of the bill to take this amendment to conference and get his experts to try to work out these complications and decide on it in the conference committee.

Mr. LONG. Mr. President, if that is what those on the Banking, Housing and Urban Affairs Committee want us to do, I suppose I will go along with that, but all I want to say is, please understand, Senator, this is a matter in your committee's jurisdiction.

Mr. SPARKMAN. Only in part. That is what I say it is so complicated, because it involves so many different things.

Mr. LONG. I just want to to be understood, if we accept the amendment—and I cannot speak for the Senator from Utah; I think he may be opposed to it—as far as I am concerned, if we agree to the amendment and the Senate goes along with it, that there is at least a mild protest on the part of those of us who do not have jurisdiction of this matter that those who have jurisdiction have not studied it and have not found the answer and are asking us to take it and for us to try to find the answer for them. Ordinarily, as committee chairman, I would oppose having someone else take a matter over which we had jurisdiction and try to find an answer for us.

Mr. SPARKMAN. Let me say, as chairman of the Committee on Banking, Housing and Urban Affairs, that I certainly am not raising the question of jurisdiction. I am not protesting. I think the Finance Committee has jurisdiction more than any other one, because that committee has complete jurisdiction over social security payments and social security benefits.

I repeat, it is complex, it is complicated, but I should think that the very able staff that is available to the Finance Committee and to the House Ways and Means Committee can work out something that will be fair.

Mr. LONG. Let us be clear that, as far as I am concerned, I am willing to go along with the amendment and try to work this matter out in conference between the Senate and the House; but I want to make it clear that this is a housing amendment. If this were introduced as separate legislation, it would not go to the Finance Committee. It would go to the Banking, Housing and Urban Affairs Committee, for a very good reason—that committee has jurisdiction over public housing legislation and over legislation that would provide terms and conditions under which a person would be eligible under the public housing program. If they were to bring out a bill, the Senator from Louisiana probably would not even ask a question. He would probably ask the chairman of that committee what he intended to do, and it would not even be on the record, but in a private conversation, and he would go along with it, because there have been many conferences on this matter. The Senator from Louisiana once served with the Senator on the Housing Subcommittee, long before the Senator served as chairman of the committee, and he knows how fair the Senator from Alabama is on these matters, and he would be happy to accept his judgment.

Mr. SPARKMAN. Mr. President, I would like to say that our committee has brought legislation to the floor from time to time that has dealt with rental payments in public housing. We adopted an amendment, which was sponsored by the Senator from Massachusetts (Mr. BROOKE) that provided for a payment of not more than 25 percent of the income of those low-income people in public housing. But now comes another phase we do not have jurisdiction over, and that is welfare payments. Undoubtedly, there are others. I did not follow all that the Senator from Minnesota included. That is what has complicated the matter.

I want to make it clear that I shall be very glad to abide by what comes out of the joint conference on this matter, because I know the Senator has experts there to work that matter out, and that it can be worked out by them on a fair basis.

Mr. LONG. I wish I had as much confidence as the Senator has in those of us who would try to work this matter out in conference, but as far as the Senator from Louisiana is concerned, if those who have jurisdiction of this matter seek to do this, I would be willing personally to agree to the amendment and hope that we could work it out. I want it clearly understood that I do not guarantee that we can work it out. I would cheerfully suggest to the Committee on Banking, Housing and Urban Affairs and to the members of it that they ought to assume jurisdiction of this matter and look into is as expeditiously as they can, and try to provide us the best answer that they can to the problems that have been discussed here, because those on the Committee on Banking, Housing and Urban Affairs have jurisdiction that I do respect. I respect the competence, the ability and integrity, and the devotion to public service of those Senators, and their interest in these people.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. I have just heard from the distinguished chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN) and the Senator from Massachusetts (Mr. BROOKE), who is one of the key members on the Housing Subcommittee, on which I serve. I think it is clear that we all believe action must be taken now on this bill.

I do want to say one other thing: I have been around my State a great deal recently, and I have not heard anything that has caused more comment, more resentment, or more bitterness than this problem we are discussing. These social security recipients who are public housing tenants are being preyed upon and their few dollars of social security increase is being cut up. That is what is happening. Senators ought to read the letters. Here is a lady who writes and says:

> I don't get a paper, I don't have television, I can't afford a radio, I don't have a phone, I can't afford any of it . . .

And we are going to say, "Let's take eight bucks from her."

I say we certainly have the ingenuity to act now to help these people, and that if we cannot hold this kind of measure in conference with the House of Representatives, if we cannot keep the respect of decent Americans like that, trying to live off their social security checks in those pathetic circumstances, then I do not know how we explain our situation.

I yield to the Senator from Wisconsin.

Mr. NELSON. First, I ask unanimous consent that my name be added as a cosponsor of the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. I just want to make one observation: I do not think anyone in either House of Congress has addressed himself more thoughtfully and with more dedication to the problems of children and youth and the problems of the elderly than the Senator from Minnesota (Mr. MONDALE). I want to commend him for his thoughtful proposal here, which seeks to do something about a very serious problem.

Mr. MONDALE. I thank the Senator. I ask unanimous consent that the names of Senators MONTOYA, RANDOLPH, KENNEDY, CHILES, MUSKIE, MCINTYRE, and TUNNEY be added as cosponsors of this amendment.

The PRESIDING OFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. MONDALE. I had promised that I would modify my amendment, and if the Senator from Louisiana will yield me a minute, I will do so.

Mr. LONG. Yes.

Mr. NELSON. Mr. President, did the Senator include my name as a cosponsor?

Mr. MONDALE. I thought the Senator had already asked. I ask unanimous consent that the name of the Senator from Wisconsin again be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I modify my amendment by deleting the language appearing on page 2 between lines 3 and 15, inclusive, dealing with veterans' benefits, and the language appearing on page 3, beginning on line 17 and ending with the period after "1971" on line 21. That is the veterans' pass-through amendment, which we are deleting reluctantly, but because the Veterans' Affairs Committee has acted and has an amendment pending.

Second, I modify my amendment by deleting the language appearing on page 3, beginning with the phrase "or for any other benefits" starting on line 11, and ending at the end of line 16. This is a "catch-all" phrase which might create confusion so I want to take it out.

I modify my amendment to that extent. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. TUNNEY). The Chair informs the Senator that to modify his amendment requires unanimous consent.

Mr. HUMPHREY. Mr. President, will the Senator yield me 1 minute?

Mr. MONDALE. I yield.

Mr. HUMPHREY. The distinguished Senator from New Hampshire (Mr. COTTON) spoke to me in reference to modifying the amendment on page 3, line 5, by adding the word "or" at the end of the line, so as to make it read "or for surplus agricultural commodities," and so on.

Mr. MONDALE. Yes. I accept that modification, and I ask unanimous consent to modify my amendment accordingly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask for the yeas and nays. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MONDALE. I withdraw the request.

Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. I yield back the remainder of my time.

Mr. MONDALE. I also ask unanimous consent that the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Does the Senator from Minnesota yield back the remainder of his time.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TUNNEY). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1675) of the Senator from Minnesota, as modified.

The amendment, as modified, was agreed to.

Several Senators addressed the Chair.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. STEVENS. We have an amendment which was to precede the Mondale amendment. I would like to have unanimous consent that ours may follow the Kennedy amendment. I refer to our amendment No. 1676, as modified. I ask unanimous consent that the consideration of that amendment follow the amendment of the Senator from Massachusetts, that we have a half-hour time limit, to be equally divided between the Senator from Louisiana and myself, and that that limitation apply to all amendments, and that no amendment not germane to our amendment be considered.

Mr. LONG. Mr. President, I do not believe we can agree to that at this point, because there may be a proposal to amend the amendment.

Mr. STEVENS. I will be happy to agree to any time limitation, but I want an agreement that we have our amendment follow that of the Senator from Massachusetts.

Mr. LONG. I am happy to agree to

that, but what would the Senator do about amendments to the amendment?

Mr. STEVENS. I would leave it to the Senator from Louisiana.

Mr. LONG. Then I would suggest that there be a half-hour on each amendment to the amendment.

Mr. NELSON. Mr. President, reserving the right to object, I have been standing here for an hour and a half waiting to have a brief colloquy. I object to Senators walking in here and taking up their amendments ahead of me, when I have been waiting an hour and a half. So I ask unanimous consent that my 3- or 4-minute colloquy may precede the request of the Senator from Alaska, at least. I do not care when, but I do not want to wait another 2 hours on top of the time I have been waiting around here.

Mr. LONG. Mr. President, if the Senator has an amendment, can we agree on a time? Does the Senator want to offer it after this amendment?

Mr. NELSON. That is all right with me, but I have been here an hour and a half, and everyone is coming in, in succession, and getting the floor, and getting agreements for consideration of their amendments. I object to that. I want to get the floor a few minutes at some point. It will only take about 4 minutes, and I do not want to spend another 2 hours around here while another amendment is debated waiting for 4 minutes.

Mr. LONG. Will the Senator tell us what amendment he wants to offer, and, if so, ask that that amendment might be considered next?

Mr. NELSON. Yes, I have an amendment on the 20-percent full payment requirement on behalf of those who get health care and are not required to go to the hospital for 3 days. I believe the Senator has looked at that amendment, and has no objection to it.

Mr. LONG. Well, could we gain unanimous consent that the Senator could offer his amendment?

Mr. KENNEDY. Mr. President, I would be glad to—I know the Senator from Wisconsin has been here. I was in here right after the cloture vote, too, when Senator MONDALE had indicated that they had some amendments that were supposed to be agreeable. Then Senator MONDALE was here, and I think all of us were trying to get the floor. But I will be glad to yield.

I have probably three amendments, each cosponsored by 15 or 18 Senators. I would be glad now to let the Senator from Wisconsin and the Senator from Alaska proceed. Since my amendments are related, I would like to take them one after the other, I will be glad to do that and try to gain the floor in 45 minutes or so and then take up those amendments, because they are related, rather than take up one and then proceeding to another Senator's amendment.

If it is acceptable to the membership, I would like to do that, rather than hold up the Senator from Wisconsin and the Senator from Alaska.

Mr. STEVENS. Ours was one of the two amendments to precede the Mondale amendment; but because of something that developed, we stood aside to let Senator MONDALE proceed.

I want an understanding. I understand that the amendment is going to be accepted. I say to the Senator that I have been waiting 3 days to have this amendment called up, and we have worked it out with the manager of the bill. I just want to get in line. I will be happy to arrange any circumstance that the two Senators want to arrange. I think we have an agreement with respect to unanimous consent on time and everything else.

Mr. LONG. I suggest this: I believe that the Senator from Massachusetts has indicated that he would be willing to let us take up the amendment of the Senator from Wisconsin, and we could do that, and then we could agree that after the Kennedy amendment has been disposed of, we could consider the amendment of the Senator from Alaska.

Mr. STEVENS. That is perfectly agreeable to me.

Mr. NELSON. I just do not want to stand here as other agreements are reached and wait here 2 or 3 hours, when I can do something else. I do not mind proceeding after the Senator from Alaska, if we are going to have unanimous-consent agreements.

(At this point Mr. ROTH assumed the chair.)

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator, without losing my right to the floor.

Mr. TUNNEY. Mr. President, I have noticed that during the course of the day there has been a sign-up for recognition at the Chair, and there are quite a few names of Senators who have signed up, asking to be recognized in a certain order. When I was occupying the chair, I read the list, and the reason why I recognized the Senator from Massachusetts is that his name came up on the list.

If we are going to start asking unanimous consent to be recognized, it would be my hope that we would recognize that other Senators also have a desire to have the Chair's recognition in order to offer amendments, the Senator from California being one of them.

I do not know why the regular order could not be that if Senators have amendments they want to offer, they go to the Chair and indicate to the Chair that they have such a desire, and sign up, and then we can proceed on an orderly basis.

Mr. STEVENS. We relied on the statement made on the floor that we would precede the Mondale amendment, and we did not put our name on the list.

When the Senator from Minnesota told me that a question had been raised about our amendment, we agreed that he should go ahead and that we would eliminate the question. We have now eliminated the question; it is now a noncontroversial amendment.

I did not go to the desk to put my name on a list. I relied on the arrangement we had with the manager of the bill. I just want to see that we get back in order somewhere, in terms of having this amendment called up.

Again, I am willing to enter into any kind of unanimous-consent agreement as to order, but I wish to see that we get back in order. My colleague and I from Alaska, as the chairman of the Finance Committee knows, have been working with him and the staff for at least 3 days on this matter, and it has been worked out.

I am grateful to the Senator from Massachusetts for allowing us to get into this colloquy. I again renew my request. I ask unanimous consent that following the amendments of the Senator from Massachusetts, the amendment of the Senator from Wisconsin be taken up, and that following the Senator from Wisconsin's amendment, our amendment No. 1676 be in order.

Mr. TUNNEY. Mr. President, reserving the right to object—and I probably will not object, because the Senator from Alaska has stated that he had some sort of understanding with the Senator from Minnesota regarding the Senator from Minnesota's amendment—it would seem to me to be far more orderly procedure, if Senators choose to be recognized, to sign up at the desk, and not come in with unanimous-consent requests and move ahead of Senators who have been on the floor since the Senate went into session this morning.

Mr. STEVENS. I have been here every minute since the Senate went into session this morning.

Mr. TUNNEY. I will not object, but I will object in the future.

Mr. STEVENS. I thank the Senator.

Mr. NELSON. Mr. President, I will wait until the end of the bill to call up my amendments.

I should like to make this response to the Senator from California: The rule is that the Senator who is first on the floor is recognized. The list at the desk means absolutely nothing. We cannot run the Senate by having Senators come in here at 9 or 10 in the morning and putting themselves on the list. The first Senator up on the floor is the one to be recognized.

Mr. TUNNEY. I would agree with the Senator on that point. However, when several Senators are seeking recognition at the same time, it seems to me that a Senator who has been on the floor for 4 or 5 hours deserves to be recognized before a Senator who has just come in from lunch.

Mr. NELSON. I was standing there longer than anyone else.

The PRESIDING OFFICER. Will the Senator from Alaska make his request?

Mr. STEVENS. I thought we had an agreement to my unanimous-consent request that following the amendments of the Senator from Massachusetts, the Senator from Wisconsin may call up his amendment.

Mr. KENNEDY. As I mentioned, I would much prefer to let the Senator from Alaska call up his amendment. I understand that his amendment is going to be accepted. I have three amendments which are related to each other, and I would like to consider them one after the other. I would prefer to proceed that way, and I am prepared to wait, if that is agreeable.

Mr. STEVENS. That is a very gracious offer. It is agreeable.

Mr. KENNEDY. Do I correctly understand that it is the intention of the Finance Committee to accept the amendment?

Mr. LONG. It is the intention of the manager of the bill to vote for the Stevens amendment, if I understand the amendment correctly. The Senator said that he had modified it. He has not modified it drastically.

Mr. STEVENS. The modification was checked out with the staff.

Mr. LONG. Then, the answer is "yes."

Mr. KENNEDY. Mr. President, I ask unanimous consent that after the consideration of the amendment of the Senator from Alaska, the Senator from Massachusetts be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 251) to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14424) to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H.J. Res. 1274) designating October 8–14, 1972, as "Newspaper Week" and October 14, 1972, as "Newspaper Carrier Day," in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *"Cairo,"* and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Moss).

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1274) designating October 8–14, 1972, as "Newspaper Week" and October 14, 1972, as "Newspaper Carrier Day," was read twice by its title and referred to the Committee on the Judiciary.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

AMENDMENT NO. 1676

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I call up my amendment No. 1676, as modified.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The amendment, as modified, was read, as follows:

SAVINGS PROVISION REGARDING CERTAIN EXPENDITURES FOR SOCIAL SERVICES

SEC. . (a) In the administration of section 1130 of the Social Security Act, the allotment of each State (as determined under subsection (b) of such section) for the fiscal year ending June 30, 1973, shall (notwithstanding any provision of such section 1130) be adjusted so that the amount of such allotment for such year consists of the sum of the following:

(1) the amount of the total expenditures, not to exceed $50,000,000, incurred by the State for services (of the type, and under the programs to which the allotment, as determined under such subsection (b), is applicable) for the period commencing July 1, 1972, and ending on the date of enactment of such section 1130, plus

(2) an amount which bears the same ratio to the allotment of such State (as determined under subsection (b)), but without application of the provisions of this section as the remaining period (as defined in subsection (b)), bears to a period of twelve months. *Provided, however,* That no State shall receive less under this section than the amount to which it would have been entitled otherwise under section 1130 of the Social Security Act.

(b) The term "remaining period" means a twelve-month period reduced by a number of days equal to the number of days in the period commencing July 1, 1972, and ending on the date of enactment of section 1130 of the Social Security Act.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GRAVEL. Mr. President, I ask unanimous consent that after the Senator from Massachusetts finishes his three amendments, I be permitted to call up my three amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, the modification we have made in this amendment, which is a proposed amendment to the social services sections pertaining to the revenue-sharing bill, will make certain that the effect of this amendment will not decrease the amounts that have been expended by any State prior to the date of the Social Security Act amendments in the revenue-sharing bill, and at the same time it will protect those States who are entitled to more.

This matter has been discussed with the staff of the Finance Committee, and I am hopeful that the chairman of the committee will be able to accept it.

What this amendment does is this: It says that in terms of the impact of the limitations in the Revenue-Sharing Act on social service, those States that have in fact spent more money than they would be allocated under the bill—the new bill—would be treated fairly, and they would be permitted to obtain 75 percent matching funds for those services up to the date of the new revenue-sharing bill. After that date they will be entitled to a pro rata share of the amount they are entitled to under the population formula. This, we think, is a matter of equity in dealing with a State such as ours in this field. Our State, for instance, has spent in excess of $6 million of the quota preceding adoption of the new act. Our allocation under the new act is $314 million. We would actually owe the social services fund administered by the Department of Health, Education, and Welfare money. We would not be entitled to anything until that accrued indebtedness had been theoretically repaid. We have a limitation in this, that no State will receive in excess of $50 million under this concept, except that no State will be reduced from the amount they are actually entitled to under the new formula.

The Presiding Officer now in the chair, the distinguished Senator from California (Mr. TUNNEY) is from a State that is entitled to more money under the formula than $50 million. That provision in the revised amendment as we have modified it is to protect States such as California and New York, so that their amounts allocated are not reduced by the amount we are seeking to put a limitation on, so that any small State could come in and all of a sudden spend more money. I am hopeful that the chairman will accept this amendment.

Mr. President, I ask unanimous consent that the names of Senators BOGGS, GURNEY, and ROTH be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I am most pleased that my colleague (Mr. GRAVEL) and I are able to present this amendment.

I yield now to my colleague (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, my colleague, Mr. STEVENS has put the case very well. It is not the intention of the committee or any Member of this body to impose an unfair burden upon any State in the area of social services. But the result of the action taken in the revenue-sharing bill does hurt Alaska. The immediate impact would be to terminate 100-plus programs now in existence and to lay off immediately 2,000 people. I know that is not the intent of the bill, and I am very happy that the chairman of the committee will accept the amendment. I realize that it does no harm to any other State.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters which I have received on this subject.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
Juneau, Alaska, September 21, 1972.
Hon. MIKE GRAVEL,
U.S Senate, New Senate Office Building,
Washington, D.C.

DEAR MIKE: Please be advised that the current understanding in Alaska of the social services provisions of the revenue sharing bill leads us to the conclusion that its impact on social services in this State will be disastrous and amount to destruction of almost one hundred programs throughout the States related to actual current social services needs.

Alaska has not abused the Title IV–A and Title XVI Social Security Act provisions. If any state has done so, the Department of Health, Education, and Welfare can promulgate Federal regulations to correct any program abuse, but it is eminently unfair to sacrifice good programs which are helping people improve their lives as a purely expedient means of also eliminating the bad. Alaska has proceeded in good faith to develop and provide a manageable number of expanded social service programs always in consultation with Health, Education, and Welfare Region X staff to keep within Federal guidelines.

If the present Revenue Sharing Conference Committee provisions are adopted allowing Alaska $6 million plus $3.7 million for social services, this will represent a net loss or cutback of over $16 million in State-provided social services in an immedate, abrupt, and extremely damaging manner. The present utilization level of $22 million for social services would be substituted only with the presently proposed $2 million to the State and $4 million going to local governments under revenue sharing, and $3.7 million to the State for social services. There are no requirements nor indications that the $6 million revenue sharing money on state or local levels would be used for social services. The impacts of the Metcalf Amendment and the Alaska-Hawaii Cost-of-Living Amendment, if accepted by the Conference Committee, are not clear as yet or assured.

Paraded and alleged fiscal relief to this State would be, in fact, only actual fiscal pain and suffering for Alaska. The $6 million would only represent substituted money and the State of Alaska will wind up with a net loss of over $16.25 million in current program funding. Within the limited funds available to Alaska under social services provisions of $3.74 million, current staff matching apparently would come out as well as mandated services under current Federal regulations such as legal services, homemaker services, self-support services, information and referral services as well as other mandated services. The amount made available for Fiscal Year 1972 will barely cover expenditures already made in the first quarter of this year.

I cannot recommend that you support the final passage of the present version of the revenue sharing bill which is so misleading to the public, which again under the guise of being a help to a state actually withdraws aid to, and damages, tens of thousands of Alaskan citizens, closes 100 qualified major social services programs such as day care, family planning, homemaker services, alcoholism rehabilitation projects and scores of other social service programs and creates additional unemployment and suffering for approximately two thousand Alaskans whose jobs will be removed with the proposed action.

As you know, our strong recommendation has been to separate the basic revenue sharing fiscal relief measure from the Social Security social services under Title IV–A and XVI issue. This would have allowed public debate and hearings on the problematical, open-ended aspects of an appropriate ceiling for social services costs. As a minimum, the Governors' Conference position of a ceiling of $3.6 billion with hold harmless at current levels should be provided for the social services portion of the act if the two measures are to be combined.

The Congress should await receipt from the states of information as to the adverse impacts of this harmful measure before enacting it. Already states have been harmed by the veto of the Health, Education, and Welfare appropriations bill. We should not continue a pattern of shutdown of programs for assistance for the health and well-being of citizens actually in need. Please contact Illinois and New York delegations as to steps their state officials plan to take. We stand ready to assist in any way we can. Your strongest opposition to the current effort will be appreciated and in the best interests of Alaskans.

Sincerely,

WILLIAM A. EGAN,
Governor.

STATE OF ALASKA,
Juneau, Alaska, September 25, 1972.
Hon. MIKE GRAVEL,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATOR GRAVEL: The Governor's Commission for the Administration of Justice has noted with deep concern recent action on the part of a Congressional Conference Committee to limit expenditures for social services programs through amendment to the Revenue Sharing Bill now before the Congress. Under the provisions of the Amendment, Alaska would be forced to impose a cutback of over $16 million in social services programs. Many of these programs are providing direct and indirect benefits in areas in which this Commission is vitally concerned. Child care centers, delinquency and child abuse prevention programs, and alcohol and drug abuse programs have all benefited from the funding available through Titles IV and XVI of the Social Security Act. Withdrawal of more than $16 million in Federal funding from these programs will signal their termination. The local and state initiative which led to the orderly and responsible development of the programs will be destroyed and the short and long-range benefits which would have accrued to the criminal justice effort in Alaska will be lost.

The Commission strongly supports any effort to regain the funding necessary to continue these social services programs and urges Alaska's congressional delegation to vigorously seek restoration of these funds.

Very truly yours,

JOHN E. HAVELOCK,
Chairman, Governor's Commission for the Administration of Justice.

NATIONAL COUNCIL ON ALCOHOLISM,
Anchorage, Alaska, September 28, 1972.
Hon. MIKE GRAVEL,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GRAVEL: I know that you are doing everything possible to assist in the Title IV crisis, but I hope to add some ammunition to your arsenal.

I am aware that you have kept yourself well-informed on the dramatic progress of the National Council on Alcoholism, Alaska Region, in the past eight months, in spite of extremely trying financial handicaps. However, you may not have been properly informed as to the scope of these handicaps.

Our so-called $10,000 "advance" payment, designed to tide us over until program billings began to roll, should have been paid the first of February but did not arrive until the *end of the first week of April*. All other payment of funds due have been constantly delayed in the "bureaucratic jungle" on an average of two months.

Bill Saville has done a yeoman's job of putting together a skilled and trained staff, directing the organization and gearing up to provide the increased services to the community as outlined in our contract, and providing these services on an escalating scale. All the while, he attempted to keep our head above water by obtaining advances on our Community Chest funds, using up a small savings account of the old Anchorage Council, obtaining temporary loans to meet payroll from the Greater Anchorage Area Borough, plus asking our creditors to continue to have faith in our integrity and the integrity of our government that the "snafus" would soon be straightened out and the cash flow would be running smoothly. As of this date, we are still waiting for funds billed for July services.

In other words, all personnel . . . office manager, secretary, counselors, volunteers, etc. . . . have pitched in, doing their own work, and more, to make the transition from a simple office which could provide only a few pieces of literature and a sympathetic ear to the few who were aware of our existence to the present organization of eight people which is providing out-reach counseling upon request for other financially struggling programs . . . public information through the media in news releases, public service announcements, speakers at schools, clubs, churches, a Newsletter, etc. . . . DWI Court School . . . and services to doctors, hospitals, other alcoholism councils and agencies throughout the state . . . to name a few of our major services.

Requests for help have increased fantastically since we have been able to publicize our referral counseling and information services. We have a variety of help resources available to which we could refer people seeking assistance, thus allowing the counselors to select a specific program best suited to the individual. Unfortunately, most of these resources are also dependent upon Title IV and have gone through the same growing pains as we have experienced and will undoubtedly have to close completely.

We are now in an excellent position to carry out our mission efficiently and had even made plans to further expand and refine our services next year . . . only to learn it might all go down the drain.

It seems to me that to scrap the various inter-related integrated alcoholism programs *just after they have really begun to function* and to provide the intended services would be a *waste of public monies of the greatest magnitude*. If any of the programs are allowed to die and are later reinstated—*as they must be*—these programs would, in the main, have to begin from scratch thus duplicating all of the necessary start-up cost and time.

Naturally, I may be accused of bias, since my own job is in jeopardy. However, I have never been out of work for longer than two weeks in my life and I feel certain I could find something in my field in a relatively short time. Therefore, my prime concern is what I consider a waste of my money as a taxpayer and the tremendous social and economic damage this will inflict upon the State of Alaska.

Thank you for your concern and for all of your efforts in our behalf.

Sincerely,

EDWIN G. BEU, Jr.,
Public Information Director.

Hon. TED STEVENS,
U.S. Senate, Old Senate Office Building,
Washington, D.C.
Hon. MIKE GRAVEL,
U.S. Senate, New Senate Office Building,
Washington, D.C.
Hon. NICK BEGICH,
House of Representatives, Longworth House Office Building, Washington, D.C.:

Effect of social service amendment to the revenue sharing bill will result in a loss of 44 jobs and over one-half million dollars to the city of Anchorage, when conference report is considered. Request you attempt to rectify.

Robert E. Sharp,
City Manager.

Bristol Bay Area
Development Corp., Inc.,
September 27, 1972.

Hon. Mike Gravel,
U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Stevens: It is indeed frightening to hear of the proposed retroactive cancelling of the Title IV and Title XVI funds for our State of Alaska.

We are deeply concerned in our Bristol Bay region, where we have already suffered a disastrous 1972 commercial fishing season.

Please reconsider within your powers to keep these funds available.

Sincerely,

John J. Knutsen,
Regional Director.

Alaska Homemaker-Home
Health Aide Service, Inc.,
Juneau, Alaska, September 22, 1972.

Subject: H.R. 16654.

Hon. Senator Gravel,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Gravel: Will you help Alaska's aging men and women and Alaska's aging men and women and Alaska's children to remain in their own homes with the assistance of Homemaker-Home Health Aides and Home Helpers?

Our Agency, which serves the aging, ill, disabled and children from Metlakatla to Point Barrow has received a thirty-day notice to discontinue service under state contracts that involve Titles IV and XVI.

Discontinuance of service will result in the removal of many aging, and children, from their own homes in the villages to nursing homes and institutions. Also, it will result in unemployment of approximately 200 men and women, chiefly Natives, in the villages.

Our Agency has applied for Title IV and XVI money to match Model Cities money appropriated to us for Senior Citizens services. The loss of the Federal matching funds for Model Cities programs will mean the loss of jobs for about 1,450 men and women in Juneau.

Do all in your power to save service to troubled human beings under these Titles. Certainly our Senators and our Congressmen have a moral obligation to review the agencies that serve under Federal money; but they have an equally important obligation to see that America's aging and children are served with loving care in their own home and that thousands are not unemployed at the beginning of winter.

Thank you.

Sincerely,

Dove M. Kull, *Director.*

Juneau, Alaska,
September 27, 1972.

Hon. Mike Gravel,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

Dear Senator Gravel: As an employee of the local Alcoholic Rehabilitation program, I urge you to do your utmost to fight for Alaska's retention of Title IV and Title XVI funding. The proposed cancellation can only result in grievous social and economic stress for nearly a tenth of Alaska's entire population.

If cancellation cannot be averted, I would plead circumvention at least until Alaska has an opportunity to develop other sources of funding.

Even with present funding, Alaska is in dire need of yet more and BETTER facilities to aid the alcoholics within her borders. To be forced to abandon efforts presently in effect will be disastrous. The social disruption, the human misery which will result is incalculable.

Respectfully,

Melvin J. Murphy.

Nome, Alaska,
October 3, 1972.

Senator Mike Gravel,
U.S. Senate,
Washington, D.C.

Title IV funding slated for rural Alaska was to be controlled by indigenous groups who were utilizing innovative methods to deal with crippling social problems. Over $500,000 was scheduled to impact on alcohol problems, provide badly needed pre-school programs, and to finance native planning efforts in human services. The backlog of health and social services needs remains staggering. Neither the State nor the land claims settlement can finance a program to meet these problems. We urge that funding be allocated on the basis of need rather than population. Your support amendments to that effect is required.

Caleb Pungowiyi,
Executive Director, Norton Sound Health Corp.

Anchorage, Alaska,
September 30, 1972.

Senator Mike Gravel,
Washington, D.C.:

The Greater Anchorage Area Management Group on Drug Abuse is charged by the Borough Assembly with the responsibility of development, implementation, and coordination of all drug and drug related programs within the Anchorage Borough. The Management Group is appalled by the proposed cuts of Title 5 and 16 on the SSA. These cuts mean that needed services in our community will be virtually eliminated. Services which have just recently begun in the area of drug abuse will have to be closed. Additionally services which were being provided to individuals and families which in many ways serve to prevent other sociological and psychological difficulties from becoming drug abuse problems will also have to be discontinued. As a broad based community group which accurately reflect these sentiments of the citizens of the Anchorage community and which is involved and the development of much needed service, implore you to utilize the full resources of your office to prevent the projected discontinuation of vital social services within our community.

Jack Roderick,
Chairman, Management Group on Drug Abuse.

Anchorage, Alaska,
September 25, 1972.

Senator Mike Gravel,
Washington, D.C.:

The Alaska Federation of Natives, Inc., on behalf of its constituent regional natives associations, hereby goes on record strongly protesting the inclusion of a distribution system of H.E.W. title 4A and 16 monies on a per capita basis, in revenue sharing bill currently pending before the congressional conference committee.

To prevent a statewide chaos and crucial effect on the recipients of the services of the current and pending contracts under the current title 4A and 16, a concerted effort by all parties concerned to prevent such a bill passing in the conference committee is not only necessary, but a must. The passage of such legislation is contrary to the national goal of improving human needs.

William L. Hensley,
President, the Alaska Federation of Natives, Inc.

Anchorage, Alaska,
September 25, 1972.

Senator Mike Gravel,
Washington, D.C.:

Title 4A contracts as of September total 22 million. Free conference revenue sharing bill allocates 3.7 million to Alaska. Over 100 social services programs and 2,000 jobs endangered. Impact on 90 day care centers disastrous. Do something to assure present contracts or funded services to 50,000 are at stake.

The Alaska consortium on early childhood education urge reconsideration of title 4 and 16 funds to Alaska. Reductions will drastically affect many needed programs that serve our bush areas. Bethel population 2,500 and approximately 40 outlying villages will dramatically feel results of negative discussion through elimination or reduction of alcoholism programs, day care centers, preschool programs.

Susan Taylor,
Director, Children Services Bethel Social Services.

Kenai, Alaska,
September 22, 1972.

Hon. Mike Gravel,
U.S. Senate
Washington, D.C.:

Rural Cap State Board of Directors recognize that any ceiling on title IV or title XVI Social Security Act funds below present level of state operation would have disastrous effect on social programs in Alaska. It would affect state government, city and local government, native association and private agency who run programs in the areas of day care, social planning alcoholism and social services. Thousand of jobs will be lost if title IV and title XVI funds are limited. It is imperative that you vote against any item to cut back on title IV and title XVI funds purpose in Congress.

Elmer Armstrong,
President,
Rural Cap Board of Directors.

Anchorage, Alaska,
September 22, 1972.

Senator Mike Gravel,
Washington, D.C.:

We are aware that the free conference committee is about to reach a decision on the revenue sharing bill. If title IVa funds are cut, approximately 1500 to 2000 people will be left unemployed in Alaska, hundreds of thousands will not receive needed care. We urge that this bill not be brought to the floor unless a save harmless clause for a limitation of appropriations that will meet the fiscal obligations that have already been incurred, be included.

Board of Trustees Greater Anchorage
Area Community Action Agency

Anchorage, Alaska,
September 23, 1972.

Senator Mike Gravel,
Washington, D.C.:

Title IVA funds pay salaries of 60 staff here and operation of child care programs in 30 villages for 370 children please don't pass revenue sharing bill without amendment to honor present contracts.

Baxter Wood Office of Child Development Alaska State Operative Schools

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Anchorage, Alaska,
September 23, 1972.

Senator Mike Gravel,
Washington, D.C.

The Long amendment to the revenue sharing bill will eliminate $3,593,300 in service to citizens of Anchorage being provided through some 20 agencies including family services to an estimated 1800 individuals plus 4000 families in need of services all services to 4000 alcoholics 12000 dependents will be curtailed by loss of 56 percent of their funds through combined local state and Federal funds Anchorage is near a comprehensive community service for alcoholics the Alaska Center for Alcohol and addiction studies University of Alaska, Anchorage is totally funded by title 4 this first year best estimate is that there will be an overall reduction of 50 percent in services to families the aged and disabled in the Anchorage area employment of over 150 persons in Anchorage will be affected local cost of $232,900 to gear up may not be recovered we have acted in good faith using available resources to provide needed services we have invested heavily believing that the Federal administration was acting in good faith also we urge you to seek hold harmless relief for Alaska.

A. B. Colyar, M.D.,
Medical Director Borough Health Department.

Anchorage, Alaska,
September 25, 1972.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.:

Effect of social service amendment to the Revenue Sharing Bill will result in a loss of 44 jobs and over one half million dollars to the city of Anchorage when conference report is considered. request you attempt to rectify.

Robert E. Sharp,
City Manager.

Anchorage, Alaska,
September 25, 1972.

Senator Mike Gravel,
Senate Office Building,
Washington, D.C.:

The Association for Retarded Children of Anchorage objects strenuously to the cutback in title IV funding. The immediate result of discontinuation of these funds will be that fifty adults of all handicapped will be cancelled out of our various rehabilitation programs during the last thirty day period. Twelve handicapped persons were taken off state subsidies and placed in employment in the community. It is reasonable to assume that a portion of the fifty persons discontinued would also be successfully rehabilitated. The proposed cutback will be of little significance in terms saving monies as these people will undoubtably return to state and federal subsidies. In Alaska rehabilitation costs are much higher than in other states. A cutback based on population rather than on actual need shows little consideration for the handicapped.

Assciation for Retarded Children of Anchorage.

Juneau, Alaska,
September 27, 1972.

Honorable Mike Gravel,
New Senate Office Building,
Washington, D.C.:

We urge you to continue your efforts toward extending the time frame for use of current funds for titles four and sixteen. A retroactive drastic cut in Alaska's funds will have a destructive impact on the lives of far too many Alaskans.

Juneau Mental Health Association.

Nome, Alaska,
September 26, 1972.

Mike Gravel,
U.S. Senator,
Washington, D.C.:

Cutting of title 4 and XVI funds drastically affects the people of our region. You are aware of the passage of the Alaska Native Claims Settlement Act. This was a settlement for lands lost to the United States Government. We hope to use this to create a better economy to alleviate the use of public welfare and other services. We have not reached that point and will not for years. We are in great need of funds cut in title 4 and XVI. We urge you to work toward returning the monies to the fund.

Jerome Trigg,
President, Bering Straits Native Association.

Anchorage, Alaska,
September 26, 1972.

Senator Mike Gravel,
Washington, D.C.:

The proposed cut in the appropriation for titles IV and XVI of SSA are terrible. These cuts would have a tremendous effect on the State of Alaska we cannot afford. The loss of 2,000 jobs in an economy as unstable as the one presently existing in Alaska. I ask you to use all of the powers of your office to raise the appropriation to the level of spending for fiscal year 72. To allow the proposed appropriation to be implemented would only hurt the State of Alaska.

G. W. Eckles,
Coordinator, Special Services Division, GAAB Health Department.

Alaska Homemaker-Home
Health Aide Service, Inc.,
Juneau, Alaska, September 25, 1972.

Hon. Mike Gravel,
U.S. Senate,
Washington. D.C.

Dear Senator Gravel: The proposed amendment to Title III of the Revenue Sharing Bill which seriously curtails funding available for social services under the Title IV and XVI of the Social Security Act will cause Alaska Homemaker-Home Health Aide Service, Inc. to drastically reduce service to the ill, disabled, aging and children of Alaska. With winter coming this reduction of service will be very hard on Alaskan Natives we serve in the villages, as well as the people we employ as Homemakers and Home Helpers.

Our Agency and the people we serve request your efforts in letting our problem be known to your fellow Senators.

Sincerely,

Patricia Prentice,
Assistant Director.

Anchorage, Alaska,
September 18, 1972.

Senator Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Senator Gravel: As a professional in the field of early childhood education, I appreciate the support you have given to comprehensive child care and hope you continue to support like measures in the future.

Senator Long's proposed amendment to the revenue-sharing bill deeply disturbs me. If families in stress are to become nondependent, nurturing units in which children can thrive, we need to provide a complete range of services. To eliminate some services is to drastically reduce the efficacy of the remaining ones. Please do whatever you can to defeat this amendment.

Sincerely,

Linda Harvey.

Alaska Homemakers Home Health
Aide Service, Inc.,
Anchorage, Alaska, September 18, 1972.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Senator: The Long amendment, relating to provisions of Social Services, will have extremely detrimental effects on social services in Alaska, and particularly on Alaska Homemaker programs. We urge you to support the concept of the necessity of social services and to vote to ensure the continuation of purchase of services in Alaska.

Sincerely,

Margaret Wolfe,
Chairman, South Central Advisory Board.

Alaska Homemakers Home Health
Aide Service, Inc.,
Anchorage, Alaska, September 18, 1972.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Senator: The Senate version of the Long amendment, proposing a ceiling on Title 4–A and Title 16, will have a detrimental effect on social services in Alaska, and especially on Alaska Homemaker programs. We urge your help in eliminating this ceiling.

Sincerely,

Jeannine Hanes,
Assistant Director.

Juneau, Alaska,
September 18, 1972.

Mr. James L. Young,
Chairman, Federal Inter-Agency Regional Council, Seattle, Wash.

Dear Mr. Young: I am writing to express my concern over the Health, Education, and Welfare revenue sharing bill pending before Congress and the effect it would have on the total Juneau Model Cities program.

As you are aware, this legislation would seriously curtail present funding levels of Title IV–A and of Title XVI of the Social Security Act. The Juneau program depends upon these sources for approximately $500,000, or about ninety percent of the total federal funds generated by our Model Cities Supplemental Fund grant. If the funds are not available, the Model Cities effort in Juneau would be severely crippled and many programs would have to be phased out completely. This could leave the poor and disadvantaged of the area with almost no resources since the OEO-sponsored programs in Alaska, such as Rural Alaska Community Action Program and Legal Aid, have used Model Cities funds to supplement effort they would otherwise be required to expend in Juneau to operate a balanced and equitable program throughout the state.

Because of this potential funding crisis, I am requesting that you immediately call an emergency meeting of the Federal Inter-Agency Council task force concerned with Juneau Model Cities.

I would ask that this task force render whatever technical assistance necessary to reprogram our efforts if Congressional action limits availability of Title IV–A and Title XVI funding. I would further request that the task force assist us in locating alternate sources of funding.

I appreciate your efforts on our behalf, and I will look forward to hearing from you on this matter at your earliest possible convenience.

Sincerely,

Jerry L. Madden,
Director, Juneau Model Cities Agency.

Anchorage, Alaska,
September 26, 1972.

Senator Mike Gravel,
Washington, D.C.

A resolution urging relief for Alaska from reduction of title IV funds by pending Federal legislation.

Whereas, the Federal Revenue Sharing Act reported by the free conference committee will affect Alaska by reducing funds available under title IV and title XVI of the Social Security Act from $24 million to $3.74 million; and

Whereas, the consequences to the greater Anchorage area borough would cause cancellation of 18 contracts totalling $3,593,300; and,

Whereas, this loss of funds will deny benefits to at least 25,000 individuals and deny employment to over 150 persons, many of whom are already employed in the various programs.

Now, therefore, be it resolved that the greater Anchorage area borough assembly urge the governor to use all possible persuasion with the Alaska Congressional Delegation and Congress to provide relief for Alaska and other States whose family services will be eliminated or drastically cut; and that the governor be urged to communicate with governors of other States similarly affected and join with them in an appeal to Congress.

Be it further resolved that the assembly appeal directly to the Alaska delegation to use all means to assist in obtaining hold harmless provisions to assure Alaska the funding it needs to continue these programs.

Passed and approved by the assembly of the greater Anchorage area borough on this 25th day of September 1972.

Benjamin Marsh,
Presiding Officer.

Mr. LONG. Mr. President, I understand the problem involved here, that some States would be adversely affected by the abrupt cut in funds for social services. I want to make it clear that there is in the bill $800 million for child care. I believe that if it needs it, that could be modified to make sure that the States would have that $800 million available to them to use as best they knew how. The bill provides additional relief for the future in the social services area, but this provision here is aimed at what the conference committee on the revenue sharing bill will seek to bring back before the Senate and House of Representatives, assuming that they would be agreed to, so that this amendment would be needed by Alaska and the other States similarly affected.

It does not help Louisiana because we do not have that problem, but I will be glad to cooperate and adopt what the Senator has suggested here.

Mr. STEVENS. We had discussed, through representatives of some of the smaller States, and through members of the Ways and Means Committee in the other body concerning this problem, and were led to believe they would accept this concept to prevent this inequity, for it really would stop the social services program and we would have no assistance whatsoever.

I am indebted to the Senator from New York. I understand that he has got a massive problem and this amendment has modified it so that it does not harm California or New York. It does not give them relief from their major problems, but we are indebted to the chairman of the committee for his approach, and I hope the amendment will survive in the conference.

Mr. JAVITS. Mr. President, I shall not stand in the way of this amendment which, as the Senator from Alaska (Mr. Stevens) has stated, is a harmless provision which does not affect New York either way, with the modification he has made.

That is true of California. Had the amendment remained not modified, with the $50 million in it, it would have been a material loss to New York—we estimate 10 percent or more of the funds. The same would be true for California and other urbanized States. But we have no desire and have never had any desire to intrude upon the opportunity of the smaller States to enjoy the full benefits of this program.

So I am very much pleased that the Senator from Louisiana (Mr. Long) is cooperating with the two Senators from Alaska. I want to express my appreciation to the Senator from Alaska (Mr. Stevens) for accepting the modification which keeps us in the same position we were—although it is not a very good position, I might add.

I also express my appreciation to him for taking the initiative here, on behalf of his own State, but which is so important to all the States in a matter of such great importance to them as well as to us.

Mr. TUNNEY. Mr. President, I associate myself with the remarks of the Senator from New York. I had the same problem with the original draft of the amendment as offered by the distinguished Senator from Alaska. I appreciate the fact that he has modified the amendments so that it will not do violence to any of the other States. It is a good amendment for Alaska as written now, and it does not hurt California.

Mr. JAVITS. Mr. President, I do not wish any implication to be made that I am happy about the division of the money for the social services or the limitation by stating that I am not standing in the way of this amendment for the reasons I have stated.

I wish to make it clear that I still reserve whatever rights I may have to deal with this question in some other context and in some other way, but for the purpose of this amendment and what the Senator from Alaska (Mr. Stevens) has done, and I think he rightfully asks for, and what the Senator from Louisiana (Mr. Long) has agreed to, I interpose no objection.

Mr. ROTH. Mr. President, I am pleased to have this opportunity to support and cosponsor the amendment of the senior Senator from Alaska (Mr. Stevens). While it is necessary to impose some sort of ceiling on social services spending, I consider it grossly unfair to penalize States which have obligated themselves in reliance upon the existing law.

As it is now drafted, the social services spending ceiling in the revenue sharing bill would impose an expenditure limit of $2.5 billion each year, with the money allocated among the States on the basis of population. Essentially, I consider these provisions sound and reasonable. However, at the same time, I believe it is grossly unfair to impose these spending limits retroactively. Many States, including my home State of Delaware, have relied upon the congressional authorizations and obligated themselves beyond their respective population allocations. This has occurred simply because some States were astute enough to recognize the potential of the social services program before some other States.

But as presently drafted, the revenue sharing bill would penalize these States for having taken advantage of a program enacted by Congress, continued by Congress, and expanded by Congress. Although Congress is finally awakening to its responsibility, the spending ceiling in its present form would make these States the scapegoats for congressional inaction. This I cannot accept.

As many of you know, I have supported attempts in the past to impose a ceiling on social services spending; I have, as a matter of fact, led two of those attempts. But in those instances, the proposals would have protected the States that were utilizing the social services program. In not one of those proposals—the $2.5 billion spending ceiling of June 27, the $2.5 billion ceiling of August 10, and $3.15 billion ceiling of September 12—would any State have received less than it did in fiscal year 1972. I personally ensured that these "hold harmless" provisos were contained because I thought Congress should temper action with justice. I believed that in June, and I believe that now.

The amendment of the senior Senator from Alaska would merely reinsert an element of equity—contained in earlier proposals, but absent now—in the social services spending ceiling. Its only effect is to make the ceiling prospective, rather than retroactive, thus allowing State governments to fulfill their contractural obligations. I see no need to elaborate further on the commendable explanation by the senior Senator from Alaska. I would only say that I wholeheartedly support his amendment and I hope that other Senators will do the same.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Hughes). All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. Stevens).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, I commend the senior Senator from Alaska (Mr. Stevens) for the initiative he has shown in preparing and introducing this amendment to ease the severe pinch that States such as Alaska and Delaware will feel as a result of the social services ceiling in the Revenue Sharing Act.

I am pleased to join my colleague, Mr. Roth, and both Senators from Alaska in this effort, which I think deserves the favorable consideration of the Senate on the basis of equity alone.

The Congress has now become well aware—somewhat belatedly, of course—that a ceiling of some sort is necessary on skyrocketing social services spending. I have supported such a ceiling in the past and I think, realistically, we must place a limit on what we can spend on these programs, necessary though they are.

But I do not think the Congress should penalize those States which, acting in good faith, have availed themselves of a program that Congress has authorized, and have entered into firm contracts under that program.

In my own State of Delaware, an abrupt cutback, as would be required by title III of the Revenue Sharing Act, would be a severe blow to the operation of many ongoing programs.

A few weeks ago, Dr. Herbert M. Baganz, Secretary of the Department of Health and Social Services of the State of Delaware, advised me that Delaware now has firm contracts totaling $30 million and requiring a $22.5 million Federal match. Yet, under title III of the Revenue Sharing Act, Delaware would be restricted to but $6.7 million for fiscal year 1973.

According to Secretary Baganz, actual ongoing expenditures will require some $9.6 million of Federal funds in 1973. If the $6.7 million limitation holds, he continues, Delaware will be forced to immediately cut back by $2.9 million of current spending and cancel or reduce contracts totaling $26.2 million.

The Stevens amendments would restore a needed degree of justice to the effort to control spending on the social services program. It would provide funding for those State programs already under contract from the beginning of the current fiscal year until the date of enactment of the Revenue Sharing Act.

It would, in short, remove the penalty of retroactivity which has been imposed on Delaware and other States by title III of the Revenue Sharing Act. I think simple justice requires that the Senate adopt this amendment; and I again commend the Senator from Alaska for the work he has done on this proposal.

Mr. KENNEDY. Mr. President, under previous agreement, I believe I am to be recognized. However, the distinguished Senator from Alaska (Mr. GRAVEL) has three relatively noncontroversial amendments that will not take a great deal of time. The amendments I intend to call up will take rollcall votes, and I will be glad to yield to him at this time for the consideration of his amendments.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

AMENDMENT NO. 1674

Mr. GRAVEL. Mr. President, both my colleague from Alaska (Mr. STEVENS) and I thank the Senator from Massachusetts (Mr. KENNEDY) for his graciousness in this regard.

Mr. President, I understand that all three of my amendments are acceptable to the distinguished chairman of the committee, so at this time I call up No. 1674 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

At the end of title II of the bill, add the following new section:

DETERMINATION (FOR MEDICAID PURPOSES) OF PER CAPITA INCOME OF ALASKA AND HAWAII

SEC. . (a) Section 1905(b) of the Social Security Act is amended by adding, immediately after the first sentence thereof, the following new sentence: "The term 'per capita income', as used in the preceding sentence, means, in the case of any State in which civilian employees of the United States Government receive an allowance under section 5941 of title 5, United States Code, the per capita income of such State (as determined without regard to this sentence) multiplied by a fraction the numerator of which is the per capita income of such State (as determined without regard to this sentence) and the denominator of which is such per capita income plus a per centum thereof equal to the per centum applicable, for the period in which any promulgation under this subsection is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

(b) The amendment made by subsection (a) shall be applicable to promulgations (under section 1905(b) of the Social Security Act) made after the date of enactment of this Act.

Mr. GRAVEL. Mr. President, I think I can explain this amendment very briefly. It applies to the cost-of-living differential in the payment on the medicaid formula in the States of Alaska and Hawaii. This is nothing more than what the Senate accepted a week ago in the revenue-sharing bill with respect to housing. The cost-of-living differential is something that is generally accepted in legislation.

The cost of this new, calculated formula would be $640,000 for Alaska. Our commissioner of health and social services happens to be in town. And we just computed the cost.

Mr. TALMADGE. Mr. President, I have examined the amendment. I have conferred with the distinguished chairman of the committee and the ranking minority member of the committee.

The amendment would make an exception under the medicaid provision in existing law and would permit a State that now is receiving an allowance under the United States Code for—

The per capita income (as determined without regard to this sentence) multiplied by a fraction the numerator of which is the per capita income of such State (as determined without regard to this sentence and the denominator of which is such per capita income plus a per centum thereof equal to the per centum applicable, for the period in which any promulgation under this subsection is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State.

The Finance Committee is perfectly agreeable to taking the amendment to conference to try to get the House to agree to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (putting the question).

The amendment was agreed to.

AMENDMENT NO. 1695

Mr. GRAVEL. Mr. President, I call up amendment No. 1695.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 938, between lines 12 and 13, insert the following:

STUDY BY SECRETARY AS TO FEASIBILITY OF RELATING BENEFITS UNDER THE SOCIAL SECURITY ACT TO PREVAILING COST OF LIVING IN VARIOUS AREAS

SEC. 522. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a study of the various programs established by and pursuant to the Social Security Act with a view to determining the feasibility of relating the various dollar amounts set forth therein (whether in the form of benefits, deductibles, conditions of eligibility for benefits, or otherwise) to the prevailing cost of living in the various States (and localities within States) in which such programs are operative.

(b) In carrying out such study, the Secretary shall—

(1) develop a comprehensive cost-of-living index which reflects the average cost-of-living for each State as a whole (and not just the urban or other areas therein;

(2) include an evaluation of the effects which would be produced among the various States, including the advantages to recipients, if the benefits (and other dollar amount related criteria) in the Social Security Act were adjusted in accordance with differences in the average cost-of-living in the various States;

(3) give consideration to the feasibility of applying such a cost-of-living adjustment only in those States where the cost-of-living is significantly higher than the cost-of-living in the Nation as a whole; and

(4) analyze existing sources, within the Federal Government, from which data relating to the cost-of-living is available, with a view to determining the need for improved sources of such data, within the Federal Government, under which such data would be made available on a regular basis and in a more analytical, comprehensive, and suitable form.

(c) The Secretary shall complete such study and shall submit to the Congress a full and complete report thereon, together with the recommendations of the Secretary with respect to the matters included in the study, not later than January 1, 1974.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. GRAVEL. Mr. President, I modify that amendment so that it is in line with the changes affected in H.R. 1 as of yesterday. At the end of page 1, I add the following language, "at the end of part (B) of title IV, insert the following new section."

The PRESIDING OFFICER. The amendment is so modified.

Mr. GRAVEL. Mr. President, this amendment simply asks that a study be made of the cost of living as it affects the entire United States. We in Alaska are sometimes criticized for asking for something more than other people because of the cost of living we have in Alaska.

This problem is not a unique one that applies to Alaska alone. It is something that we should focus national attention on.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the amendment is not properly directed. It is placed in a part of the bill that has already been stricken. There is a substitute for it. It is, therefore, not open to amendment.

Mr. GRAVEL. Mr. President, I was under the impression that the modification I just stated to the Chair would have taken care of that problem.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that if the Senator from Alaska modifies his amendment so as to place it at the end of the bill, it would be acceptable.

Mr. GRAVEL. I so modify the amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. GRAVEL. Mr. President, that is the intent of the amendment. I understand that the chairman of the committee is in agreement with it.

Mr. TALMADGE. Mr. President, I

have examined the amendment and have conferred with the distinguished chairman and the distinguished ranking member of the Finance Committee.

This amendment simply directs the Secretary of HEW to make a study of the feasibility of relating the social security benefits to the cost of living differentials.

Under those conditions, we are perfectly willing to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska, as modified (putting the question).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAVEL. Mr. President, on the prior amendment, amendment No. 1674, I had modified the language but I failed to read or secure a modification. Could I get a ruling from the Chair as to whether that amendment is in order with respect to the stricken portion of the bill?

The modification I would have made was at the top of page 2 of that amendment. I would have added the language, "At the end of title II, add the following new section."

The PRESIDING OFFICER. The amendment is drafted properly.

Mr. GRAVEL. Mr. President, then I need not ask for a modification of the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. Mr. President, I thank the Chair.

AMENDMENT NO. 1696

Mr. GRAVEL. Mr. President, I call up amendment No. 1696.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 579, line 24, strike out "and".

On page 580, line 4, strike out the period and insert in lieu thereof "; and".

On page 580, between lines 4 and 5, insert the following new paragraph:

"(5) in the case of Natives of Alaska, shares of stock held in a Regional or a Village Corporation, during the period of twenty years in which such stock is inalienable, as provided in section 7(h) and section 8(c) of the Alaska Native Claims Settlement Act."

On page 699, line 2, strike out "and".

On page 699, line 10, strike out the semicolon and insert in lieu thereof a comma.

On page 699, between lines 10 and 11, insert the following new paragraph:

"(D) in the case of Natives of Alaska, shares of stock held in a Regional or a Village Corporation, during the period of twenty years in which such stock is inalienable, as provided in section 7(h) and section 8(c) of the Alaska Native Claims Settlement Act; and".

Mr. GRAVEL. Mr. President, I modify this amendment because of the changes that occurred in the legislation on yesterday. I modify it on page 2, to strike all of the material from line 8 to the bottom of the page. That would be to strike out lines 8 through 17.

The PRESIDING OFFICER. The amendment is so modified.

Mr. GRAVEL. Mr. President, I will just explain the amendment very briefly. In determining eligibility for payment under H.R. 1, there are certain items excluded in calculating the resources of an individual. We have added one other item to these exclusions. It relates to the ownership of the stock that the natives of Alaska have as a result of the Native Land Claims Settlement. This stock is not transferrable for 20 years. And in point of fact, the stock has no liquid value to the person who holds it. We propose to exclude that stock as a resource to determine eligibility.

Mr. TALMADGE. Mr. President, I understand that the Natives of Alaska receive no income from the ownership of this stock at the present time, but merely hold it for 20 years.

Mr. GRAVEL. The Senator is correct. The Natives cannot receive income from the sale of this stock for the 20 years during which it is inalienable.

Mr. TALMADGE. Mr. President, I have examined the amendment and have conferred with the distinguished chairman and the distinguished ranking minority member of the Finance Committee. This amendment simply exempts from income to the aged, the blind, and the disabled, certain stock held in trust by Alaskan Natives to which they will not have access for a period of some 20 years.

Under those circumstances, we have no objection to the amendment and are perfectly willing to take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (putting the question).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I thank the Senator from Massachusetts. I indicated that it would take me 5 minutes to dispose of these amendments. I have taken 6 minutes. I thank the Senator.

AMENDMENT NO. 1703

Mr. KENNEDY. Mr. President, I call up amendment No. 1703.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. KENNEDY. Before getting into these amendments, I want to indicate my high regard for many of the excellent provisions of H.R. 1 in the area of health care. The extension of medicare to the disabled under medicare and the coverage of drugs for the chronically ill are great steps forward, and respond to particular glaring needs.

There are also excellent provisions in the bill aimed at controlling costs and assuring quality of care under medicare. The public disclosure provisions throughout title II will also help assure quality.

I commend the committee on these provisions, as well as on the clarification of nursing home benefits and waiver of beneficiary liability in certain situations. I could name a long list of excellent provisions as well.

My purpose today is to raise some basic policy issues in the medicaid area which I feel the entire Senate should vote on.

Mr. President, I offer this first amendment, No. 1703, on behalf of myself, Mr. MOSS, Mr. PERCY, Mr. BROOKE, Mr. CRANSTON, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, and Mr. TUNNEY.

The legislative clerk read as follows:

On page 348, strike out lines 4 through 8.

Mr. KENNEDY. Mr. President, if I might have the attention of the Senator from Georgia, I intend to talk about two amendments that I hope the Senate will agree to. These are to strike section 230 and section 231, both of which are related. The question here revolves around the development of comprehensive health programs for the medically needy. Hopefully we will get to the consideration of one or both of these amendments shortly.

Mr. President, both amendments merely return to existing law.

Current law requires that the States develop a comprehensive medicaid program by July 1, 1977. Each year States were required to move toward that goal.

Section 230 of H.R. 1 would strike the requirement that States move toward the development of comprehensive health programs. I think it is important that we continue to have the States across the length and breadth of this country move ahead on the development of comprehensive medicaid programs.

The amendment I just sent to the desk would return to existing law and assure continuing progress toward the development of comprehensive programs. The related amendment concerns section 231 and would also merely return to existing law. This would assure a maintenance of effort on the part of the States who would only be permitted to cut back on services after meeting conditions designed to assure the State made every effort by efficient management to stretch Federal and State dollars and to cover the critical range of services.

Neither of these amendments require any additional expenditures of resources. It is my understanding from reading their report that the Committee on Finance does not believe that the several States are going to cut back their medicaid services. What we would be doing here is to go back to the existing language which would permit the States to cut back, but only after there is a utilization review by the Secretary of Health, Education, and Welfare.

So what we would do with both amendments is to go back to existing law. Neither of these amendments, if adopted, would require any additional expenditures. The acceptance of both amendments would assure that the States continue to move in the direction of developing comprehensive medicaid programs. It would also assure a maintenance of State effort in the medicaid program and would only permit a reduction of services for the State after a finding by a management or utilization review board.

I would hope that both amendments would be accepted by the committee. I think they are important. I think they are essential in the march toward providing more comprehensive health care for the American people.

Finally, we are attempting to relieve some of the financial burdens on the States. Title III frees up $1 billion, and the revenue-sharing bill would return even more money.

Both amendments are important and move toward the goal of achieving comprehensive health care for the American people.

One last note on the proposal to strike section 231: We have to realize that when the States have had the option of cutting back on their medicaid programs, a number of them have taken advantage of that option. These States have been successfully brought to court and blocked from cutting back because of the existing law. Many people believe that if we strike out one section that requires maintenance of State efforts, a number of States would cut back, as 12 States tried to do; there would then be a serious reduction in the range of services available under medicaid.

Mr. President, I would be interested in the reaction to these amendments.

Mr. TALMADGE. Mr. President, I will rise in opposition to the pending amendment. I understand the pending amendment is amendment 1703, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TALMADGE. Mr. President, when Congress voted the medicaid bill back in the 1960's, in that bill we mandated certain services to become effective by 1975. Growth of the proposal was progressive and became more and more expensive each year. It must be recalled that the Medicaid program is a joint program financed by the States and by the Federal Government. It does not come under social security provisions. It is a matching program whereby the Federal Government matches the States in accordance with a certain formula. A number of years ago we had hearings with Governors of the respective States. They said they were unable to balance the budget; that the mandate of Congress was requiring so much in the way of medical services that they could not provide the services; they did not have the resources to do so; that their legislatures were rebelling about raising new taxes, and they did not have adequate funds to do so.

I remember particularly the State of New Mexico and others that complained bitterly about Congress putting them in a strait-jacket and requiring the States to do things they had no particular desire to do.

It will be recalled that we never did go to conference with the House on the welfare reform bill in 1970. The House conferees refused to go to conference with the Senate in the last days of a dying session. But this year, in H.R. 1, the House sent us the identical provisions that the Senate Finance Committee had agreed to some 2 years ago. They sent to us the identical provisions that the U.S. Senate agreed to some years ago.

The question which this body must decide is simply this: Does the Senate of the United States want to require the 50 sovereign States to maintain programs at the expense of those States that the State Governors and the State legislatures might not want to maintain for themselves?

Any medical program, of course, is vastly popular with the people. No Governor, no legislator of the 50 States, would like to curtail and restrict health care and medical programs if that could possibly be avoided, but the States are crying for help. They are crying for aid. This year we passed a 5-year revenue sharing bill, providing more than $30 billion, on the theory that the States, the municipalities, and the county governments did not have the revenue to carry on programs they are carrying on at the present time.

So why should we, under those conditions, come in and mandate the States to do something that the States themselves do not want to do? That is simply put, but that is the issue facing the Senate at the present time, and it is a matter of such grave importance that it will be necessary to have a yea and nay vote on this particular amendment.

I, therefore, suggest the absence of a quorum, and notify the attachés to request that enough Senators come to the floor in order to have the yeas and nays ordered.

Mr. KENNEDY. Mr. President, will the Senator withhold that request?

Mr. TALMADGE. I will withhold that request temporarily.

Mr. KENNEDY. I would like to direct the attention of the Senator to page 201 of the report. It refers to section 230 of the bill, but it is under section 1093(e). It reads:

> Section 1903(e) of the Medicaid statute requires that each State make "a satisfactory showing that it is making efforts in the direction of broadening the scope of the care and services made available under the plan and in the direction of liberalizing the eligibility requirements for medical assistance.

All we are asking is that the States do continue existing law, which was a recognition by and a finding of the Congress that what we were really attempting to do was work in partnership with the States to establish health services in the medicaid and medicare field.

That has been part of the act until this year. The Congress is either interested in developing a comprehensive program for health services or it is not.

So I ask the Senator what he finds objectionable. I would be interested in learning why it is so objectionable to him when it was accepted in the past. Why was it not objected to in the past? I would be interested in knowing why the Senator finds objectionable the words "a satisfactory showing that it is making efforts in the direction of broadening the scope of care and services."

Mr. TALMADGE. As the Senator knows, this is a Federal statute that mandates the States to do certain things. It requires them to increase their programs of aid for medicaid year by year, getting more expensive with each succeeding year. Originally there was a target date that this must be done by 1975. In 1969 Congress postponed it from 1975 to 1977.

The problem involved here is that we are requiring the States to do more than they have the revenue to do, and the committee thought we ought not to mandate the States to do things that they themselves do not desire to do. I read from a portion of the committee report:

> The committee has been concerned with the burden of the medicaid program on State finances.

I will point out that when this program was originally adopted, the estimated cost was $238 million above the existing cost at that time, and in 1 year's time that was the exact cost increase—but for six States only. My recollection is that the Department of Health, Education, and Welfare underestimated the cost of this program, and that has concerned the Senate Finance Committee.

I continue reading from the report:

> The expansion of the medicaid program and liberalization of eligibility requirements for medical assistance which is required by section 1903(e) could increase this burden and may result in States either cutting back on other programs or their considering dropping medicaid.

After we passed this program we found some States were so irresponsible that they actually permitted families with incomes of $6,000 a year to get free medical treatment. If my memory serves me correctly, the States of New York and California were two of them. We found that burden was so excessive and such a drain on the Federal Treasury that it was necessary for Congress to step in and to set some ceiling on such an open-ended authorization.

I continue reading from the report:

> The committee agrees with the action of the House repealing section 1903(e). When the operations of the State medicaid programs have been substantially improved and there is assurance that program extensions will not merely result in other medical costs inflation, the question of expansion of the program can then be reconsidered.

The medicaid cost, I will point out to the Senator, for the fiscal year 1973 is $5 billion on the part of the Federal Government and $4 billion on the part of the State governments, making a total cost of $9 billion a year; and if these programs continue to increase in cost, that will be just a drop in the bucket compared to what it will be in 1977.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. KENNEDY. Could the Senator tell us what he thinks the cost of this amendment is? There is no financial cost either in this amendment, which repeals section 230, or section 231. The committee's proposal to remove that requirement will not result in large-scale cutbacks.

We all agree that the cost of medicaid is exceedingly large, but I do not see why the Senator thinks that is affected by these amendments. That certainly does not apply to either one of these amendments. The only requirement would be the development of a plan under section 230. The committee does not believe that the removal of the maintenance of effort requirement will result in large-scale cutbacks in expenditures. I want to make sure that what the Finance Committee says is written in the law.

The Senator from Georgia can talk all afternoon about the increased costs of medicaid and medicare. We are not talking about the increased costs. We are talking about the conclusions of the Finance Committee. My next amendment is closely related to this one, but it assures that there are not any further cutbacks.

That is why I ask the Senator from Georgia why we are talking about increased costs when neither of these amendments will result in increased costs.

Admittedly we will not achieve a fully effective and equitable health program unless we enact a national health insurance. But all we are asking under the amendment introduced here is that we continue toward the goal that has been a part of this health care system up to this year by requesting the States to meet the deadline of 1977 with respect to the provision of comprehensive services. If that is too soon, I would be glad to modify it to the year 1979, or 1980. I think it is just important that we continue in the direction we are moving and not retrench.

But I fail to see, in either of the two amendments I am talking about as to section 230 and 231, why these amendments will cost the Government any additional money. I find the case to be quite the contrary.

Mr. TALMADGE. There is no way to put a firm dollar cost on what the future will bring. What this amendment addresses itself to is the fact that the States would be mandated both by Federal law and HEW regulations to improve their medical services under medicaid each year, to make it more and more costly. All we need do to consider the future is see what has happened in the past.

If my memory serves me correctly, when they came before the Finance Committee to testify on the cost of medicaid for the first year, the figure was some $200 million to $400 million, above the then current costs as an estimate. Mr. President, the first year alone, we found they were off base. Now we have seen that figure progressively increase year after year. The original cost was trivial compared to the cost for this fiscal year. The cost for this fiscal year, on the Federal level, is $5 billion. The cost for this fiscal year on the State level is $4 billion. The combined total of the two is $9 billion, and if we continue to require the States to provide more medicaid than they can finance, the cost will escalate still further, and instead of coming in and asking us to pass a $30 billion revenue-sharing bill, the next revenue-sharing bill may be $60 billion, $90 billion, $100 billion, or no one knows what.

The issue, to me, is very fundamental. The U.S. Government ought not to pass a law compelling States to do things in providing functions for their citizens that the legislatures of the States themselves do not want to provide. That is what this issue is all about.

We have had Governors come before our body and testify that they cannot finance these provisions: "The legislature will not finance these provisions, for God's sake, give us some relief."

That is what the Senate Finance Committee, on two separate occasions, has provided. That is what the Senate, by an overwhelming vote, in 1970, voted. That is what the Ways and Means Committee in 1972 voted. That is what the House of Representatives in 1972 has voted. That is what we are asking the Senate to vote on right now, not to compel the States to do it. They say they cannot afford it, and do not want to do it. That is what this issue is all about.

I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the Senator withhold that?

Mr. TALMADGE. I withdraw it.

Mr. KENNEDY. Mr. President, the point that I think has been missed in this discussion is the fact that what we have done here in Congress and in the Senate in the passage of medicare and medicaid has increased the demand for services without increasing the supply. The point of the Senator from Georgia is well taken about the even increasing cost of medical services, but the only way we will ever get a handle on that, I believe, is to have a comprehensive health security act that, for the first time, will put a ceiling on the cost of health services. That is what we really have to do. That is what we really need.

All we are asking, in these two amendments, is that while Congress considers that legislation, the States not go out and cut back on services for people who are poor, disabled, disadvantaged, old, lame, and blind. That is what we are talking about. All we are asking here in section 231 is that the States do not cut back any farther. We are not mandating that they increase it. We are just saying, "Don't cut back any farther." And it is the conclusion of the Committee on Finance, at least they believe, it is their judgment, the most of the States will not cut back.

I say if it is their judgment that the States will not cut back, we ought to make sure they do not cut back on these services for people who are in desperate need.

The only other requirement under section 230 is that we develop a comprehensive plan and program of health services for the poor people, that we establish that as a goal.

That was recognized as a principle and a concept back in 1969. If it is not a good idea to mandate the States in 1972, why was it a good idea in 1969? If this argument about States rights is good in 1972, why was it not good in 1969?

We know about the whole question of the crisis in health. This is something that our health committee has been interested in and concerned about for some period of time. But you do not get around trying to meet the crisis in health by cutting down on services to the poor and disadvantaged people of this country. If we want to do something about it, we should try to do something about the profits of the health insurance companies which are escalating.

To hear the talk on the floor of the Senate this afternoon, it sounds like all our problems have been put on our backs by the poor and disadvantaged people of this country and that they are the ones who are exploiting us. But we had better realize now that the ones who have really been reaming the taxpayers are the insurance companies, and that is what we ought to be doing something about, and not cutting back on the services to the poor and disadvantaged.

Mr. TALMADGE. Mr. President, just a brief reply, and then I shall suggest the absence of a quorum.

The entire matter of public health is one of the things that the Congress of the United States must deal with next year, and it will be one of the highest priority items. The Ways and Means Committee has already held some public hearings in this field. Chairman MILLS of that committee has announced that it will be one of the highest priority items of the next session of Congress. I agree with that. It will be one of the highest priority items of the Senate Finance Committee, and of the Congress, next year.

All of the States have had problems with this matter. In 1969, the Senator's own State of Massachusetts had to consider a $120 million bond issue to meet the cost of medicaid and the welfare operating deficit. And Massachusetts was not an isolated case. All the States have had the same problem, and that is the reason why they have asked the Finance Committee, the Ways and Means Committee, and Congress to give them some relief.

The Ways and Means Committee has responded in the affirmative. The House of Representatives has responded in the affirmative. The Senate Finance Committee, on two separate occasions, has responded in the affirmative. And just 2 years ago, this body, by an overwhelming vote, responded in the affirmative.

We ought not to be mandating States to do more and more when they cannot do what they are undertaking at the present time, and come up here to this body on bended knee, begging for a $30 billion revenue-sharing program, which we have given them simply because they cannot carry out the functions of Government that we have already assigned and requested that they do.

Under those conditions, it seems absolutely intolerable to me that the U.S. Senate will say, "Yes, we know you are broke. We are broke, too. Our budgetary deficit for 4 years has been over $100 billion. The taxpayers are crying for relief; they cannot pay the taxes. But even under those conditions, we are going to make you do more and more and more," instead of letting the 50 States say for themselves what they want to do.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. MOSS. Is it not true that the Kennedy amendments do not call for any more efforts from the States; they simply restrain the States from cutting back?

Mr. TALMADGE. The existing law that the Senate Finance Committee repealed, the Ways and Means Committee repealed, the House repealed, and the Senate repealed 2 years ago, requires them to do more and more and more and more, and we are seeking to repeal the law that requires them to do more and more.

Mr. MOSS. I understand, from reading the amendments and listening to the Senator from Massachusetts, that the purpose of this is simply to inhibit the States from cutting back on their efforts, repealing the requirement of maintenance and the maintenance of effort; and it seems to me it would be ill-timed now to repeal any requirement on the States, especially as the Senator from Georgia, as did the Senator from Massachusetts, has pointed out that this body and the House of Representatives will be debating further a health care and health maintenance bill next year. Certainly, we ought to await that, to see whether we are going to repeal what is required now.

Mr. TALMADGE. The Senator is addressing himself to another amendment of the Senator from Massachusetts which is at the desk and is not the pending business. The pending business is amendment No. 1703, to which the Senator from Georgia has addressed his remarks, and that is a provision in the medicaid bill that makes States do more and more and more sucessively each year, until the target date 1977.

Mr. MOSS. Does the Senator from Georgia have any estimate as to the cost of the amendments? I think the Senator from Massachusetts has been talking about two amendments.

Mr. TALMADGE. I responded to that earlier, to the Senator from Massachusetts. There is no way to estimate the cost, because we do not know what will be required. We do not know what the HEW regulations will be.

But we know that the cost to date has been going up at such a fantastic rate that the cost to the Federal Government this year is $5 billion and the cost to the State governments this year is $4 billion, for a combined cost of $9 billion for fiscal 1973 only.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. KENNEDY. The point of the Senator from Utah is that there is no clear cost in the two amendments we are considering, if we follow the conclusions of the Finance Committee on 230.

The Finance Committee has concluded that the States are not going to cut back. So there really is not a cost factor.

With respect to the second amendment, No. 231, the conclusion of the Finance Committee is that the States are not going to cut back their programs. We want to write that into law.

I am curious why the Senator from Georgia, rather than talking about increasing costs of medicare and medicaid, as a whole, talks as if there are cost implications to either of these amendments.

Mr. TALMADGE. This amendment does not address itself to medicare in any manner whatever. Nothing the Senator from Georgia has said relates to medicare. This is the medicaid program entirely.

There is no way of estimating the cost, because it will depend upon the zeal of HEW in compelling the States, year after year, to progressively increase the cost. That is why the Finance Committee, the Ways and Means Committee, the House of Representatives, and the U.S. Senate have heretofore taken action in this regard—to mandate HEW, "Please don't go out and make these States spend more money that they don't have." If this provision of the Finance Committee is agreed to, HEW cannot go out and mandate the respective States to spend more and more and more each year. That is what the States have requested us to do. That is what the Senate has done. That is what the Finance Committee has done. That is what the House has done. That is what the Ways and Means Committee has done. They have responded to the pleas of the 50 States: "Please save us from having to spend more money that HEW bureaucrats are making us spend."

Mr. MOSS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. MOSS. Presumably, if people are getting medical care, they have some need for the medical care. Are we compelling States to squander, to throw away, medical care?

Mr. TALMADGE. HEW has been doing that. They have been compelling and mandating States to spend money they do not have to spend, money that the legislatures do not want to spend, money that the governors do not want to spend. HEW is saying, "But you must."

Mr. MOSS. But what about the little fellow who has a liver ailment or a crooked back or some other disease and needs help and cannot get medical help? We say, "We will take it out on you and let the States save the money."

Mr. TALMADGE. Every indigent citizen in America is covered at the present time under medicaid. We are now spending $9 billion a year on medicaid.

Mr. MOSS. I would still like to know how all the medical service is wasted, then, if there is no illness that it was directed toward.

Mr. TALMADGE. Before the Senator came into the Chamber, I stated that New York State was at one point mandating free medicine to families earning $6,000 a year. The Finance Committee had to step in and correct that. What we are trying to do now is to protect the States from spending money they do not want to spend; and HEW bureaucrats have been roaming the country and making them spend it, whether they like it or not.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. LONG. I ask the Senator if this type of situation does not seem to be the problem: We put a program into effect that provided that we would match the States at the Federal level, so that States could provide a generous program of medical care for people, even those not eligible for welfare cash payments. Then the States, seeing this generous Federal matching, went ahead and put on people, as New York did, who were making more than $6,000 a year. Having done that, they run into court decisions and into great numbers of applications for benefits that they never anticipated. So we find the costs bankrupting them on their share. The Federal Government is matching them; but those who would provide the greater benefit would like to assume that the finances of the Federal Government are limitless, that all we need do is run off more money on the printing presses to pay for these programs.

Those who would proceed on that assumption then find that the State, having been overly generous and having attracted far more business than they thought they were going to attract, cannot put up their end; they are broke. Meanwhile, they are confronted with a provision in the law that requires that every year they provide even more services than the year before.

Mr. TALMADGE. The Senator is eminently correct.

Mr. LONG. The only thing that makes any sense at all is that, having been generous far beyond one's own ability to be generous, a State whose services are far more liberal than the other should cut back toward the common level. Instead, we have a provision in the law so that, having been generous to the extent of being absolutely foolhardy, the State cannot come back to the point of common sense and get their program back within costs.

Various welfare administrators have approached the Senator from Louisiana and have said, "What can you do to protect us against this billions of dollars of further increases in the cost of medicaid?"

One of the things we can do is to give the States the authority and the power to back away from some of the unjustified generosity they could not afford in the first instance. There are all kinds of ways that a State could reduce the cost of the program back to something they could afford.

If we are not going to pay for it, the option should be left to the State, so that they can reduce some of the generous benefits.

With regard to the idea of going ahead and spending on the theory that the Federal Government can pay for everything, I should tell the Senate I am on notice that if the bill includes the spending which the Senate has already put in and it reaches the President's desk, he will probably have to veto it because it so greatly exceeds what the President estimated the bill would cost when he sent it down here to begin with.

Mr. TALMADGE. The Senator from Louisiana has stated it superbly. In 1966, the first year, the medicaid program cost $1 billion. The second year it cost $2.5 billion. The third year it was $3.7 billion. The fourth year $4.3 billion. The fifth year $5.4 billion. Next year $6 billion. It has been compounding at the rate of more than 20 percent a year. We know that compounding interest escalates rapidly when we compound it at the rate of 20 percent a year.

Mr. LONG. The provision the Senator from Massachusetts seeks to keep in the law, that provision that says notwithstanding the fact that the State may already be broke they have to have an ever more elaborate program. It goes up and up.

Mr. TALMADGE. More and more and more. That is the tenor of it.

Mr. LONG. It goes ever upward and onward higher and higher——

Mr. TALMADGE. Exactly.

Mr. LONG (continuing). Hoping that the State might survive until 1977, at which point we might have some money left to keep it pyramiding.

Mr. TALMADGE. No matter higher prices, no matter what, let it go higher and higher. That is what it would mean.

Mr. President, I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, finally and briefly, if we are to follow the line of argument urged on us by the Senators from Louisiana and Georgia, we will not have more and more; we will have less and less. We should recognize that at least 50 percent of the cost of medicaid programs is financed by the Federal Government. What we have been attempting to do under medicaid is work toward Medicaid programs that provide minimum standards of good health care in every State, so that it would not depend on being born in Georgia, in Alabama, or in Massachusetts. Why should the accident of birth determine whether one can be treated for sickness or illness? We want to work toward a basic standard for everyone. The only thing we are talking about, so far as these two amendments are concerned, is that we are not going to set aside this goal, or cut back any further than where we are now.

Mr. CRANSTON. Mr. President, I ask unanimous consent that John Steinberg of my staff may have the privilege of the floor throughout the consideration of H.R. 1 today.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. LONG. Mr. President, we on the committee recognize that there are additional costs involved in medicaid and we will have to find ways to provide more health care for people. We know that. The Senator has his health insurance ideas which would cost far more than what has been recommended—several times more. But even health insurance that this Senator would recommend would increase the cost $3 billion at the minimum over what we have in the bill now. This is about a $20 billion bill now, I think. We know that the cost of medical programs will increase in the next Congress. The chairman of the Ways and Means Committee has announced that it will be a priority item with them to be considered in that committee, and his members expect to fashion a proposal in the health care area which will provide for more health care.

We on the Finance Committee expect that we will be recommending legislation providing for additional health care. But this is not the answer, to pass an act of Congress to force the States to bankrupt themselves. If we are going to provide——

Mr. KENNEDY. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. In 1 minute—if we are going to provide proper health care for people, we should provide it and provide funds ourselves here to pay for it. It is no answer to pass an act of Congress requiring the States to go into bankruptcy because the people refuse to put more taxes on themselves.

I would think we will undoubtedly find other ways for providing more health care and paying for it next year. But the Senator from Massachusetts does not provide for that. All he provides for is to force the States to bankrupt themselves and that is something that should not be forced on the States of this Union by an act of Congress.

I am happy now to yield to the Senator from Massachusetts.

Mr. KENNEDY. I am wondering what provision the Senator is talking about. He is not talking about the two amendments I have been discussing about bankrupting the country, because I have drawn upon the conclusions of the committee, contained within its report on the bill. And it has been the conclusion that there should not be any significant cutback in services. So, obviously, he is not talking about my two amendments.

Mr. LONG. The Senator has several amendments here. I think probably the Senator is referring to the one not presently pending. We are talking about amendment No. 1703. That is the one that would threaten to bankrupt the States. The Senate and the House and both committees on both sides, having studied it, decided we should not require the States to provide more benefits next year than they provided this year, more benefits the following year than they provided the previous year, and so on.

Mr. KENNEDY. The Senator is not talking about my amendments. All mine apply to is the development of a comprehensive plan for services, but there is no requirement placed on any State. All it does is, it reverts back to the language of the act put in in 1969 requiring the States to develop the plans and programs.

Mr. LONG. Under section 1903(e), which is what we are talking about, HEW has required the States to move ever onward and upward with benefit requirements. That is the section the Senator would retain as is.

Mr. KENNEDY. It says a satisfactory showing, that is, making an effort. There is no requirement that they do more than make a satisfactory showing. It has existed in the act up until this year, just a satisfactory showing.

Mr. LONG. HEW, under that provision, says:

> What are you doing? Give us a satisfactory showing that you are moving ever onward and upward, that it is a more expensive program.

That is what 1903(e) is being used to say. So far as they are concerned, it is not a satisfactory showing you are thinking about, but a satisfactory showing that you are spending more money and providing more services to the people than you had the year before. So it is that provision in the law which HEW is relying on to force the States as a condition of receiving any Federal matching funds to make a satisfactory showing that they are spending more money this year than last.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. ROTH). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand the parliamentary situation, the yeas and nays have been ordered on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I am prepared to vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), is absent on official business.

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from Louisiana (Mrs. EDWARDS).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Nebraska (Mr. CURTIS). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 33, nays 45, as follows:

[No. 524 Leg.]

YEAS—33

Aiken
Bayh
Beall
Brooke
Burdick
Case
Cooper
Cranston
Gravel
Hart
Hartke
Hughes
Humphrey
Jackson
Javits
Kennedy
Mathias
Mondale
Moss
Muskie
Pastore
Percy
Ribicoff
Saxbe
Schweiker
Scott
Stafford
Stevens
Stevenson
Taft
Tunney
Weicker
Williams

NAYS—45

Allen
Anderson
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Dole
Dominick

Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Montoya
Nelson
Packwood
Pearson
Proxmire
Randolph
Roth
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Young

NOT VOTING—22

Allott
Baker
Bentsen
Boggs
Byrd, Robert C.
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Spong
Tower

So Mr. Kennedy's amendment (No. 1703) was rejected.

Mr. KENNEDY. Mr. President, I send to the desk an amendment, on behalf of myself and Senators Moss, Percy, Brooke, Cranston, Hart, Humphrey, Javits, and Tunney.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 348, strike out lines 20 through 22.

The language proposed to be stricken out is as follows:

REPEAL OF SECTION 1902(D) OF MEDICAID

SEC. 231. Section 1902(d) of the Social Security Act is repealed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that minority counsel from the Labor and Public Welfare Committee, Mr. Cutler, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the benefit of Members of the Senate, I do not think this amendment will take very much time. I intend to take only 3 or 4 minutes. We have had an opportunity to talk about this amendment with the chairman of the Finance Committee and also with the Senator from Georgia during his absence from the debate on the previous amendment. There are just a couple of points I would like to make at this time.

First of all, the amendment really does not cost anything at all. The thrust of the amendment is to require that the States not cut back on providing services that they are already providing, and, as reflected in the committee's report on page 245, the Finance Committee does not feel that there will be a reduction of services by States under medicaid. I read the language of the committee report:

> The committee does not expect that removal of the maintenance of effort requirement will result in large-scale cut-backs in benefits under the Medicaid program.

All this amendment tries to do is to take that idea and make sure that the effort will be maintained. We are not writing anything new. The provision has been in effect since 1969. All we are trying to do is go back to the existing law, which is to require that the maintenance of effort be maintained and that we do not get the kind of large-scale withdrawal which I fear will come to hundreds of thousands of persons, most in need of health services.

The Finance Committee does not think there will be a significant withdrawal, but it is really to guard against the possibility of States withdrawing that we have offered this amendment.

Finally, let me say that if a State is able to demonstrate to the Secretary of Health, Education, and Welfare that, as a result of utilization review, that there will be an undue burden on it, it will be able to receive the waiver for which it would have been eligible under the act as previously drawn. So this proposal provides definite flexibility for those States that feel the kind of program that has been developed is particularly burdensome to them. They will be able to have studies made and go to the Secretary of Health, Education, and Welfare and be granted a waiver. But the thrust of this amendment is to assure that there will not be further cutbacks by the States in the range of services that are being provided.

It seems to me it is important that we continue these efforts, particularly when we recognize that approximately $1 billion is being returned to the States under title III of the bill, and also that resources will be returned to the States under the revenue-sharing program, and health care certainly is one of the areas of priority under that program.

So I hope the amendment is adopted.

I ask unanimous consent that the Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the amendment the Senator is offering was offered before the Senate in 1970, and the Senate voted against the amendment of the Senator from Massachusetts in 1970, and I think it would do so now for reasons I would like to explain.

As the Senator has so well said, we do not anticipate that the States will make significant cutbacks in their medicaid program, but we have seen situations when Senators from certain States come to us pleading for relief to help the State's fiscal situation. For example, a Governor of a State might think it desirable to provide particular benefits and raise the eligibility requirements so that people making $10,000 or $12,000 could enjoy the benefits of medicaid. And when they do those things, far more people than they anticipated come in asking for the benefits, and then the State finds they cannot afford it.

Without the maintenance of effort provision we could say, "Simply cut back on your generosity," and everything would be fine.

It was the Senator from Louisiana who started this maintenance of effort thing. In years gone by, I used to advocate a $5 or $10 increase in grandma's old-age pension check, and then the State would economize and only pass half of it through to them. So this Senator formulated the theory that when the Federal Government would make an increase we would require a maintenance of effort, so that we could guarantee the people would get the benefit.

Then that procedure was, you might say, perfected by the Department of HEW by what is now known as the maintenance of effort provision, which works out in some instances as Congress never intended—so much so that one would wonder whether we had our sanity when we passed it.

A situation occurred in the State of New Mexico, and we had to pass a law to allow them to retreat, the only alternative being that the Federal Government pay for an unwise decision on the part of the State from which the State would like to retreat.

The same thing happened in the State of Tennessee, where the very liberal former Senator from that State, Mr. Gore, himself had to come before Congress and plead for us to relieve Tennessee from the generosity which they could not afford to continue.

If we are going to make them continue for all time to come to maintain an effort and a burden once they assume it, then it inhibits and prevents the Governor from doing something for the benefit of his people which he believes would be a good idea, for fear that he will not be able to keep it up.

All the welfare administrators are telling us right now that they are very fearful of what will happen to their States' budgets when we pass this bill, because they will be under pressure to make large numbers of aged and disabled people eligible for medicaid who are not eligible today, because we have expanded the cash benefits program for those people.

They say they are going to be confronted with a real fiscal crunch, you might say, and they want to know where the help is going to come from to pay for it. Undoubtedly the help will come from here.

We in Congress will provide a more generous set of benefits in terms of health care next year than this year. That will be one of the main items of consideration in the next Congress.

The most inexpensive thing along that line that I know of is one that is being proposed by me. It would cost about $3 billion extra. The Senator from Massachusetts has a proposal that would cost about $50 billion extra. Others have proposals varying in between. In any event, we are going to provide for a lot of additional health care next year, somewhere between $3 billion and $50 billion worth of it, and, if a State needs some help to carry this burden, we will provide it.

But meanwhile, if the States find they have been more generous than they can afford, and cannot keep it up, why should they not be permitted to cut back somewhat in what they were providing, especially when a court decision or a decision of HEW makes them provide benefits for more people than they felt they would have to provide for?

I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I am glad the Senator mentioned New Mexico, because there is another chapter in the New Mexico story which I think this amendment would affect.

The New Mexico doctors organized a review organization, and reviewed all the medicaid cases, and they discovered that about 20 percent of the service provided were either unnecessary or could be provided more economically. Under this amendment, they would have to go on throwing money out when, as a matter of fact, they might not have the need, and the Governor would not be allowed to save the money that the review made possible. This saving was not going to hurt anyone.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. KENNEDY. The Senator is not talking about my amendment. The Senator has completely misinterpreted and misconstrued it, and is not referring to my amendment at all.

Of course they would be able to save money or resources by any kind of investigation which showed error or fraud. Of course they would. The Senator distorts the thrust of the amendment by his explanation.

Mr. BENNETT. If maintenance of effort means spending the same amount of money, and that is the way I understand it, then I do not see how the Governor could save the money. He has got to spend it on medicaid, even though he does not have the demand for services that he thought he had before the matter was reviewed.

Mr. LONG. That is a part of the problem. Under careful professional standards review, as called for in the amendment developed by the Senator from Utah—which I think is a tribute to the statesmanship of the Senator from Utah where the State of New Mexico used the approach recommended in this amendment and carried out a proper review, so that they could provide more medical service and better service at less cost—in New Mexico they did exactly that. By using the kind of review the Senator from Utah (Mr. BENNETT) had been recommending, they thoroughly reviewed what they were doing, and they were able to save lives and provide better, higher quality health care, and save money all at the same time.

Now, under the amendment of the Senator from Massachusetts, they would be required to go ahead and spend the money even though they do not need to. In other words, if they find they can save money and provide better service to these people all at the same time, they have to go spend the money anyway. That is an utterly ridiculous fiasco, I say to the Senator as the man who started this whole maintenance-of-effort thing to begin with. That was initially my amendment, to require that they have a maintenance of effort. At that time, we passed the Long provision so that, when we would provide more benefits at the Federal level, the States would not retrench at their level to offset the additional Federal generosity.

I say, as the one who originally sponsored that proposal, that it is an utterly ridiculous result when you take it to the point that when a State finds that by good administration and careful review of patient care, and they can give better care at less cost, that they can save money and save lives at the same time, the money must be wasted anyway.

When the States find they can save money by good administration and careful review, on the one hand, and it results in providing better care and savings at the same time, to require them to pour money down a rathole, so to speak, is an utterly ridiculous result, and I hope, Mr. President, that the Senate will not reverse its previous decision.

The Senate voted on this on a previous occasion, and voted that in a situation of this sort, the States could make some reductions.

We are going to provide, as I say, a lot more money for medical care next year, and we are going to look at the problems the States have in trying to finance what they are doing because of the expanded rolls we make necessary under this bill. But I would hope the Senate would not require the States to spend money, under the theory of maintaining of effort, that might not be appropriate in some situations.

Mr. KENNEDY. Mr. President, we are not expanding any rolls by this amendment. We are not increasing any costs. All you have to do is read through the report of the Finance Committee, where they indicated:

> We do not expect that the removal of the maintenance of effort requirement will result in cutbacks in benefits.

If they do not believe it will result in cutbacks in benefits, why not just write that into the legislation? It is in there now.

It is important that the Senate understand where we are with respect to this amendment. The last amendment was to provide professional planning for future services by the States under medicaid. This amendment is just a maintenance of State effort by the States, with escape procedures which can be available to the States that are able to make a good case for the use of that particular provision. I hope the Senate will accept the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, the principal result of the Senator's amendment would be that the States would be denied the flexibility that some of them will need to make some changes in their programs to meet temporary pressures of cost and other considerations that might occur. I suppose the best example as to what occasioned the committee position, which the Senator seeks to strike, is a situation in New Mexico, where the State found it necessary for a short period of time to cut back somewhat in benefits in one area or another, so as to meet the financial pressure on the program. Once they got their adjustments made, they were able to restore the same level of benefits they had before. In fact, they not only restored it but also moved to an even larger level of benefits for the people.

Senator Anderson was an early sponsor of the medicare program, back in the days when it used to be called the King-Anderson bill.

We are seeking to preserve the same flexibility New Mexico had to resort to. I have heard no one contend that any State expects any major cutback or reduction in any of the things they are doing, but they do need flexibility in their program to take care of the crises that may arise from time to time, until we can provide more help to them.

Mr. KENNEDY. Mr. President, it is important that we realize that half the money we are talking about in the Medicaid program comes from the Federal Government. We are trying to establish some rather basic and fundamental services. Once they are established, we want to make sure that they will not be cut back.

Under this provision, we are going to find—contrary to the findings of the Finance Committee—children, women, and others under medicaid who are receiving doctors' services, hospital services, and other services this year who will not receive them next year. That is the plain truth.

We are trying to insure that those who are getting the services now will be able to continue to receive those services.

The women, the children, the blind, the disabled, all those who are receiving these services, should not lose them next year;

Mr. President, I am prepared to vote at this time.

Mr. LONG. Mr. President, as a political matter, the States are not going to deny health care they are providing to the aged, the blind, and the disabled, unless the pressure on the States is such that they must make some adjustment.

This amendment was offered back in 1970, and was rejected by a vote of 18 to 44.

Senators might like to have their memories refreshed as to how they voted when they had the same question before them in 1970, just 2 years ago. The following Senators voted in favor of the amendment: Messrs. BAYH, BROOKE, CASE, CRANSTON, HARRIS, HARTKE, HUGHES, JACKSON, JAVITS, KENNEDY, MATHIAS, MCGOVERN, MONDALE, MOSS, RIBICOFF, SCHWEIKER, SCOTT, and WILLIAMS of New Jersey.

Voting against this proposal, as I propose to vote on this occasion, were the following Senators: Messrs. AIKEN, ALLEN, ALLOTT, BAKER, BELLMON, BIBLE, BOGGS, HARRY F. BYRD, JR., ROBERT C. BYRD, CANNON, COOK, COOPER, CURTIS, DOLE, Ellender, FANNIN, GRIFFIN, HANSEN, Holland, HRUSKA, JORDAN of North Carolina, JORDAN of Idaho, LONG, MAGNUSON, MANSFIELD, MCINTYRE, METCALF, MILLER, NELSON, PACKWOOD, PEARSON, PELL, PERCY, Prouty, PROXMIRE, RANDOLPH, SMITH, SPARKMAN, SPONG, STEVENS, SYMINGTON, TALMADGE, THURMOND, and Williams of Delaware.

There were 38 not voting.

Mr. President, I ask unanimous consent that the rollcall vote be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

[No. 453 Leg.]

YEAS—18

Bayh, Brooke, Case, Cranston, Harris, Hartke, Hughes, Jackson, Javits, Kennedy, Mathias, McGovern, Mondale, Moss, Ribicoff, Schweiker, Scott, Williams, N.J.

NAYS—44

Aiken, Allen, Allott, Baker, Bellmon, Bible, Boggs, Byrd, Va., Byrd, W. Va., Cannon, Cook, Cooper, Curtis, Dole, Ellender.

Fannin, Griffin, Hansen, Holland, Hruska, Jordan, N.C., Jordan, Idaho, Long, Magnuson, Mansfield, McIntyre, Metcalf, Miller, Nelson, Packwood.

Pearson, Pell, Percy, Prouty, Proxmire, Randolph, Smith, Sparkman, Spong, Stevenson, Symington, Talmadge, Thurmond, Williams, Del.

NOT VOTING—38

Anderson, Bennett, Burdick, Church, Cotton, Dodd, Dominick, Eagleton, Eastland, Ervin, Fong, Fulbright, Goldwater.

Goodell, Gore, Gravel, Gurney, Hart, Hatfield, Hollings, Inouye, McCarthy, McClellan, McGee, Montoya, Mundt.

Murphy, Muskie, Pastore, Russell, Saxbe, Stennis, Stevens, Tower, Tydings, Yarborough, Young, N. Dak., Young, Ohio.

Mr. LONG. I would think, Mr. President, that Senators would be well advised to remain consistent and decline to agree to this amendment, just as the Senate declined to agree to it in 1970. I think there is even more logic to recommend against it now than there was then.

Mr. KENNEDY. Mr. President, it should be a part of the record that of the 12 States that tried to get out of this program, none of them had tried to get out prior to the vote in 1970. They tried to get out subsequently. That is additional information, and that should be weighed in each Senator's final judgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut (Mr. Ribicoff). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Virginia (Mr. Spong), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

On this vote, the Senator from Rhode Island (Mr. Pell) is paired with the Senator from Louisiana (Mrs. Edwards).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Dole) is detained on official business.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Nebraska (Mr. Curtis). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Nebraska would vote "nay."

Also, if present and voting, the Senator from Kansas (Mr. Dole) would vote "nay."

The result was announced—yeas 33, nays 40, as follows:

[No. 525 Leg.]

YEAS—33

Aiken
Bayh
Beall
Brooke
Burdick
Case
Cooper
Cranston
Griffin
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Mondale
Moss
Muskie
Pastore
Percy
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Tunney
Weicker
Williams

NAYS—40

Allen
Anderson
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Dominick
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Montoya
Nelson
Packwood
Pearson
Proxmire
Randolph
Roth
Sparkman
Stevenson
Symington
Talmadge
Thurmond
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield against.

NOT VOTING—26

Allott
Baker
Bentsen
Boggs
Byrd, Robert C.
Church
Curtis
Dole
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Spong
Stennis
Tower

So Mr. Kennedy's amendment was rejected.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 467, strike out lines 15 through 17, and insert in lieu thereof the following:

(b)(1) Subject to the provisions of paragraph (2), the amendments made by this section shall be effective with respect to services furnished after June 30, 1973.

(2) The Secretary is authorized and directed to conduct a full and complete study to determine the advisability of inclusion of chiropractor services under Medicare and to postpone the effective date of the amendments made by this section upon a finding that such services should not be so included.

Mr. KENNEDY. Mr. President, I do not expect to take too much time on the amendment. It is not very complicated. It is important that we have it discussed here this afternoon.

In the pending legislation, chiropractors are included as eligible providers under medicare. My amendment would leave chiropractors eligible. However, it would require that there be a study made of chiropractic and that it be done by an independent body and be completed by June 30 of next year, and that the study be available to the Secretary of HEW so that he will be able to use it to develop regulations as a result of the study if he deems it necessary.

This amendment is important. I urge you to agree to the amendment.

Mr. President, today there are hundreds of thousands of American citizens being treated by chiropractors. They are being treated for a variety of different diseases. During hearings before our Health Subcommittee we have seen many instances in which people who have had various illnesses, initially go to a chiropractor and only later go to a physician. In too many instances, their sicknesses have advanced to the point where the patients died.

Mr. President, I have included in my more complete statement some examples reported in the Reader's Digest and in some of the medical journals concerning treatment of illnesses beyond the scope of their training by chiropractors.

I draw attention to page 3107 of the hearings of the Finance Committee on H.R. 1. That page reproduces a chiropractic research chart. It lists all the various kinds of diseases that chiropractors feel qualified to treat. Included in these is anemia. They then list the percentage accepted for treatment, the percentage that are well or much improved, the percentage that are slightly improved, the percentage that are same, and the percentage that are worse.

For anemia, they have 81.5 percent reported well or much improved.

For gall bladder disorders, they list 80.9 percent being well or much improved.

They even treat high blood pressure. For high blood pressure they list 88.2 percent being well or much improved. For low blood pressure they list 73.6 percent being well or much improved.

For migraine headaches, they list 86.6 percent being well or much improved.

For ulcers they list 80.2 percent being well or much improved.

We know that under the provisions of the legislation all that is required is a high school diploma and 18 months of training in addition to that. They can then go out and treat, as they do, many of our senior citizens and others for a wide variety of different illnesses and diseases.

Mr. President, I have before me one of the textbooks that is printed for the Parker School, by the Parker Chiropractor Research Foundation. And in the textbook they give the kinds of procedures that should be followed and the kind of things that should be said by the chiropractor when patients are treated.

They list the things that one must say to patients during the first 10 visits.

On the first adjustment, a chiropractor is supposed to say: "Your spine is certainly rigid, but that adjustment took well."

On the second adjustment, the chiropractor is supposed to say: "What is better"?

Then if the patient states that nothing is better and restates his trouble, he should say, "Yes, I know; that is on your patient record card, but the adjustment took so well yesterday some improvement should have been noticed. Think hard now—is not something better?" If a patient tells him of conditions that are better, say, "Wonderful. Great. Good for you. I am proud of you. I appreciate your getting well." It states that one should give patients: First, attention; second, acceptance; third, approval; and fourth, recognition.

On the third adjustment, the chiropractor is supposed to say: "What is better? Your eyes are brighter."

On the fourth adjustment, the chiropractor is supposed to say: "What is better? I hope you are feeling as good as you look."

On the fifth adjustment, the chiropractor is supposed to say: "What is better? You are getting a spring in your step."

He is also supposed to give the patient a "twin scale" pamphlet for someone else.

On the sixth adjustment, a chiropractor is supposed to say: "What is better? You are getting in fighting trim."

On the seventh adjustment, the chiropractor is supposed to say: "What is better? Your body and mind are getting more rest in each hour that you sleep than ever before."

On the eighth adjustment, the chiropractor is supposed to say: "What is better? Did you know you will live longer as a result of these adjustments?"

Then they are supposed to give them a 5-day "inner cheap diet" if indicated.

On the ninth adjustment, a chiropractor is supposed to say: "What is better? Did you know you will have fewer colds, sore throats, et cetera, as a result of these adjustments?"

On the 10th and final adjustment, the chiropractor is supposed to say, "What is better? Did you know you will do better work during the time you are having these adjustments?"

Then the book continues to go into the procedures concerning how to get compensation; or as the book puts it, "collect examination fee."

It tells the chiropractor how to collect. That section reads:

> a. "That will be $27.50 for today. Will that be cash or check?" or
>
> "That will be $27.50 for today, Mrs. Jones. Do you prefer to pay by cash or check?" or
>
> "Mrs. Jones, that will be $27.50 for today. Do you have your own checkbook or would you like one of our counter checks?"

Under (c) on that page it says: "Don't look up."

Then it gives the reasons for collecting on the first visit. They are as follows:

> a. Determine ability of patient to pay.
> b. Hold the patient.
> c. Establish habit pattern.
> d. Just good business.

It then lists as an additional reason for collecting on a cash basis. "Patients who pay cash get better results."

Mr. President, then, later on, they have a section which shows a one-a-day plan for building a $25,000 a year practice. It gives a list about how many X-rays the chiropractor should give; what the income will be based on the number of X-rays, the treatment, and the rest.

This really is not a laughing matter. The amendment that is proposed here is a very modest amendment. All we are requiring is that a study be made by an independent agency, hopefully by the National Academy of Sciences; that this be made available to the Secretary of HEW; that he consult it if he wishes and draft regulations.

I think we have a responsibility in the Senate when we establish programs in the whole area of quality health care to assure that programs we do pass are going to be meaningful and helpful to the American people.

I am certain there are some practices the chiropractor can perform to relieve pain and suffering in individuals, but from the documents which have been submitted to the Finance Committee we can see they go far beyond the type of diseases and illnesses and disorders that should be treated by them. There are signs and symptoms here, such as anemia, high blood pressure, and ulcers, that can signal the beginning of cancer and many other diseases.

I think we should have the kind of skilled practitioners who have gone through courses of study and met requirements in the respective States in performing those services.

Mr. President, I hope the Senate will agree to the amendment.

Mr. LONG. Mr. President, the committee did not have an opportunity to consider the amendment of the Senator from Massachusetts in regard to chiropractors. The committee amendment simply takes the view that it is the duty of the State to decide what it wants to do about this matter—if they want to license chiropractors, certain chiropractic services can be made available. The chiropractors are not entirely satisfied with it, but they would rather have it than the Kennedy amendment.

The Senator makes a strong and eloquent argument. I would leave it to the judgment of the Senate as to what they would like to do about this matter. Personally, I am willing to abide by the judgment of the Senate.

I know that some Senators are more decided about the chiropractor amendment than are others. This would postpone the date when the provisions that affect chiropractors would go into effect. I would be willing to abide by the judgment of the Senate in this matter.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I am happy to yield the floor.

Mr. MILLER. Mr. President, can the Senator from Massachusetts tell us whether or not he has read the committee report language on page 253 of the report?

Mr. KENNEDY. Yes, I have.

Mr. MILLER. I would like to read a part of the language in the committee report because I heard the Senator make some comments which I do not believe would be responsive to the language of the Committee on Finance in the report on this section. The language in the committee report was most carefully drafted by the staff of the Committee on Finance and it constitutes important legislative history for the section of the bill the Senator's amendment refers to.

This would be used by the Department of Health, Education, and Welfare in its regulations to implement the section.

I wish to read very important language in the committee report, which is legislative history. The language is about the middle of the second paragraph under "Coverage of Chiropractic Services Under Medicare" on page 253.

> The committee believes that at least uniform minimum standards of the following kinds should underlie licensure: satisfactory evidence of preliminary education equal to the requirements for graduation from an accredited high school or other secondary school; a diploma issued by a college of chiropractic approved by the State's chiropractic examiners and where the practitioner has satisfied the requirements for graduation including the completion of a course of study covering a period of not less than three school years of six months each year in actual continuous attendance covering adequate courses of study in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including clinical instruction in vertebral palpation, nerve tracing and adjusting; and passage of an examination prescribed by the State's chiropractic examiners covering said subjects. Moreover, the committee does not intend that the practice of operative surgery, osteopathy, or administering or prescription of any drug or medicine included in materia medica should be covered by the practice of chiropractic. Such standards would also be applicable to coverage of chiropractic services under medicaid.

I suggest that all of this language is what the committee intended to be included in the regulations to be promulgated by the Department. I am quite confident there are a good many States that will not be able to meet these requirements at the present time. It would be hoped they would raise their standards so they could meet them. I would guess they would meet them rather rapidly with the incentive that they are not going to be covered unless they meet them. I believe the committee did a pretty careful job of setting standards to be included in the regulations; otherwise I do not think the committee would have gotten the provision the Senator seeks to amend.

Mr. KENNEDY. Mr. President, just above the language the Senator from Iowa read there is this statement:

> The Committee on Finance believes, however, that further study of chiropractic services is not required to support coverage of the services of chiropractors under the supplementary medical insurance program.

Mr. President, I believe the point raised by the Senator from Maryland that I had intended by my amendment to continue the provisions of the Senate bill, but to have an independent study done that hopefully would be done objectively, by a group such as the National Academy of Sciences, to report before June 30, 1973. The Secretary be authorized upon the completion of the study to draft regulations to reflect the findings. I think we would get the kind of comprehensive study that should be done. I think this provides the kind of protection for the people who use chiropractors that is necessary. I believe this would be the most prudent way to proceed.

I would like to ask a question of the Senator from Louisiana. As I understand it, there are two States that do not have licensing procedures for chiropractors. I understand that Louisiana is one such State. I did not have the opportunity to mention that to the Senator.

Mr. LONG. Mr. President, as I understand it, we in Louisiana can be completely neutral about the matter. We do not license chiropractors in Louisiana.

I think the chiropractors actually erected a sign on one of the main highways in Louisiana reading something like this: "Louisiana, shame, the only State that does not license chiropractors." Apparently that did not change their minds; they do not license them yet. The State medical society there strongly opposes it. Its members have contended, as the Senator probably knows—and, incidentally, the Senator from Massachusetts at this moment is taking a position on something which is one of the few things that I think he would be strongly supported on by the American Medical Association; they might even forgive him for his national health insurance bill.

It is contended by some people that there are patients who ought to be going to doctors, because they really have cancers or have terminal diseases, but, instead, are going to chiropractors who tell them they can help them by straightening their spines when, according to the doctors, it is not going to do any good. It is a hard-fought issue in Louisiana, but Louisiana is not directly affected by this proposal, because we do not have licensed chiropractors in Louisiana.

Mr. HART. Mr. President, I have had the opportunity to listen to the Senator from Massachusetts and, with others, was amused by the excerpts he read from some manual on how to greet patients and how to collect fees. It is unnerving to realize that a school of chiropractic instruct its students how to collect fees. But it would not surprise me in the least if they had gotten their basic text from medical schools, perhaps from some form of a department of economics of the AMA. People go to all kinds of doctors—M.D.'s, O.D.'s and chiropractors. Some patients benefit. Some find that there is no change in their conditions. And others die.

If chiropractors overprescribe, they are not the only kind of doctors in this country who overprescribe. If chiropractors join together in organizing a drug repackaging firm and then write prescriptions on their trade name, they have learned this from some of the medical doctors. We are not doing anything here to correct these practices which we know have been engaged in by certain doctors.

As far as I am aware, the licensing procedure in the State of Michigan is adequate to insure that doctors of medicine, M.D.'s, doctors of osteopathy, doctors of chiropractic, and so on, have met established examination requirements.

Licenses are issued after examination in each of these fields. Occasionally we hear of incompetent performance by a licensee, but this is true of M.D.'s and O.D.'s, as well as chiropractors.

There are weaknesses in all of these licensing boards of examination, as malpractice recoveries confirm. But there just happen to be a great many people in this country who feel that treatment by a chiropractor is of benefit to them. I must acknowledge a personal bias in this. My father was one of those people. My father was not an uninformed person. He did elect to go to a chiropractor when certain symptoms, including, if you will, head colds, bothered him. With other symptoms, he went to our family physician. If he had needed surgery, he would have gone to a surgeon. I would not want, by any vote or silence on my part, to suggest that I think his judgment now is to be questioned. He was in the care of a medical doctor when he expired, not a chiropractor, and I do not blame medical doctors for that, but I know my father did benefit from certain treatment from "Doc" Mac Nealis. He was a chiropractor and he was a good one.

I think nothing we say here should suggest that they are all bad, any more than any passing reference I have made to M.D.'s should be interpreted as indicating I feel that they are all bad, either, just because some of them engage in practices which I think are reprehensible, such as oversubscribing, owning pharmacies, being incorporators and participants of drug repackaging firms. Many Americans know that benefit, satisfaction, and relief have resulted from chiropractic treatment. I am one who has been thus benefited.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CANNON. I must say I listened with great interest to the Senator's comments. With respect to regulation and qualification in my own State, chiropractors are regulated. We have a Chiropractic Licensing Board, and it is determined by the legislature of our State as to how they qualify and how they are regulated. They do so. They license them to do business and to do certain things.

The question raised in my mind is whether we should set up a standard separate and apart from the States.

I listened with interest to the reading from the almanac from the Parker School by the Senator from Massachusetts. It reminded me of a medical school that used to advertise over the radio from Mexico and it beamed all over the Southwest ready cures. I note that they have a big building down in Texas, so I am not at all sure that it might be related to it. But I also noted, in examining the book, that the first edition of it was back in 1951. This is 21 years ago, so I think perhaps the procedures may have been changed or modified over that period of time.

My point is, I myself find it very difficult to explain to some why they are not covered under Federal legislation when the States see fit to license and regulate them. If Louisiana does not see fit to do so, obviously that is the prerogative of the State of Louisiana. I venture to say that Michigan probably does license and regulate them very closely. So it may be difficult to explain to one's constituents.

Mr. HART. I thank the Senator from Nevada. He is quite correst in stating the situation that applies as far as I know in Michigan. He voices the same concern and uneasiness I had. I did want to express my position.

Mr. KENNEDY. Mr. President, there is not a single scientific study available to any Member of the Congress or to the American people that would show the benefits of chiropractic. There may have been individuals who benefited and got relief from pain under certain circumstances. But should we include chiropractors under the medicare program and let them go ahead and treat for anemia, for example? Anemia can be one of the first indications of cancer, and we know of case upon case of people who have gone to chiropractors because of pains and other illnesses, and were treated by them and then, by the time they showed up in hospitals, had terminal illnesses and cancer. To think that we in the U.S. Senate are going to be able to sanction that kind of treatment when we know of these cases.

There is not one bit of scientific evidence, not one, to support chiropractic theory. I rise to ask anyone here who can to contradict that statement. There are none. And particularly not concerning their competence to treat the kinds of illnesses identified on page 3107, which include high blood pressure, gall bladder disorders, general weakness, ulcers, stomach disorders, nervousness. Chiropractors feel that they can treat those diseases. By including them under this program, we are insuring that they will be reimbursed by the Federal Government for doing so.

All my amendment proposes is to obtain an independent judgment, have independent scientific information assembled and made available to the Secretary of HEW, and for him, on the basis of that independent study done by the Academy of Sciences or some other scientific group that will be truly independent, to develop the kind of regulations to govern this program. That is all we are asking. We are not even attempting to strike chiropractors from the program. We will let them in. We will be guided by the judgment of an independent study group, and I think we will be fulfilling our responsibility to the people.

I do not question that there are those who have back problems or pains who have had that pain and suffering relieved to some extent by chiropractors. I am not questioning that. But we would, by including them in Medicare, be endorsing them from the Federal point of view, and reimbursing them for a wide range of services, when there is no scientific evidence, either as a part of this record or elsewhere, which would indicate they are particularly competent to handle them.

I refer the Senate to page 3108 of the hearings, the chart entitled "Chart of Effects of Spinal Misalignments." They show the whole spinal column, with arrows going off to different sections. On manipulation of the first lumbar vertebra, they say they can relieve colitis, dysentery, constipation, diarrhea, and hernias. That is their statement.

It is interesting to note that one of the first signs of cancer of the colon can be diarrhea. But chiropractors feel, if a person comes in to them for treatment, that by manipulating the first lumbar vertebra, they can do something about it, when that person could have cancer of the colon.

That is not scientific evidence, to me. All I am saying is, let us get some independent judgments on this question. I am prepared, as our amendment says, to take any independent group and let them make the recommendation, so that we will know. If that independent study group comes forward and says, on the basis of extensive scientific work, they ought to be qualified to do it, at least we will have independent judgment and study as a basis for that. We do not have that now, and I think it is important, when we talk about providing benefits under this program, that this body understands that.

Mr. BURDICK. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield.

Mr. BURDICK. As the Senator knows, many States, I think the great majority of them, have authorized the practice of chiropractic in their States. I have talked with a great many workingmen, I recall postal workers in particular, and they seem to swear by the treatment, and they want it.

The question I ask the Senator is, could they not be given that freedom of choice?

Mr. KENNEDY. I believe they should be given freedom of choice to be able to go and receive that treatment. But I do not think that the Federal Government should reimburse chiropractors for the kinds of treatment which are clearly out of the area of their training, experience, and background, until more evidence is available

We are really interested in this issue in terms of the total health care crisis. When a person goes to a doctor, he goes by good faith, because he knows the doctor and has confidence in him, and puts himself completely in the hands of that doctor.

I do not believe we ought to permit chiropractors to be treating illnesses of the colon, the gall bladder, the throat, the heart, and other illnesses that they are not trained for. I do not feel that we are justified in providing taxpayers' funds to compensate them for that.

Mr. BURDICK. Does the testimony show there is any great deal of treatment by chiropractors of the things the Senator has referred to? It is my understanding that the great bulk of their treatment is for back injuries, where they seem to do some good. Is the Senator talking about exceptional cases or general cases?

Mr. KENNEDY. Let me say at the outset that our Health Committee has not done an extensive study. The information we have been able to gather, since we found out this was part of the bill, was on the basis of studies done by various groups. Some of those studies have been done by doctors, who have a different view about it, quite naturally. That is why I believe that our approach of just saying, "Let us get an independent group to collect the information, do the study, and make the recommendations," makes sense, because I cannot assure the Senator from North Dakota that our Health Committee has done it.

What I have been saying is that the chiropractors themselves believe they can treat many kinds of illnesses. I can give the example of a tumor of the eye of a child at the UCLA Medical School, that a chiropractor tried to treat, and the parents thought the chiropractor could. The matter was delayed too long; they could have removed the eye earlier and saved the life of the child, but after the delay, the child died of cancer.

Other examples where patients have been treated for tuberculosis with diets, and then, after the patient had wasted to some 80 pounds and was brought into the hospital, he died.

I am not suggesting that there are not chiropractors in this country who are remarkably well trained and can provide relief of pain in some cases, and I think that is marvelous and that is good. But I would like to distinguish between compensating them for those functions and for treating individuals for high blood pressure.

Mr. BAYH. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. BAYH. I listened with great concern to the quotations from that pamphlet, which I think pointed out one thing: There probably are some very poorly qualified chiropractors.

My personal experience in the Indiana Legislature, where we established licensing procedures, was that there were some chiropractors who performed a service and some who did not.

The matter that concerns me, that I would like to address to my friend from Massachusetts, is as to the content of this unbiased scientific panel. Who does the Senator envision would be sitting on that panel to compile the evidence?

Mr. KENNEDY. The amendment does not specify the Academy of Sciences, but I would hope it would be an independent group like the Academy of Sciences, in which I have confidence.

Any group that would be able to give us as clear and unbiased a view as possible.

Mr. BAYH. The thing that concerns the Senator from Indiana is this: Cancer and other conditions have been alluded to, and there are good examples where some chiropractors are not well enough trained and they perhaps unintentionally misrepresent their capacity to heal. I, for one, would not want to be recorded as not feeling that there are some chiropractors who can provide significant service to patients who have certain types of ailments.

My concern is that, whether it is the Academy of Science or whatever, the panel that is relied upon to make this report will be comprised of doctors; and I have yet to find one doctor who thought one chiropractor had the capacity to provide any healing qualities. If that is the case, then I do not know how in the world the Senator from Massachusetts is going to reach the goal which in good conscience he wants to reach.

There are not going to be any chiropractors on the panel, are there?

Mr. KENNEDY. Quite frankly, I think it can be an independent board of scientists and trained personnel. I do not thing it has to include chiropractors or physicians. I think it can be very knowledgeable people generally, scientists and others, in the health area who draw together the various information that is available. I feel absolutely confident that the Academy of Sciences or other nonpartisan groups could develop this.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. LONG. Mr. President, I say to the Senator that a number of us feel that this is a matter we would like to have the Senate vote on. I think the Senator has made his case very well. Those who have some doubts about the matter have expressed their doubts. So far as I am concerned, I will do whatever the Senate decides.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. TAFT. I note on page 467, with regard to section 273, that there is a limitation with respect to the authorization under which the Secretary of HEW can prescribe standards for the purpose of the section. Also, there is a limitation that it shall be "only with respect to treatment by means of manual manipulation of the spine which he is legally authorized to perform by the State or a jurisdiction in which such treatment is provided."

The question I have for the Senator from Massachusetts is whether the Secretary of HEW does not already have, under this rulemaking power, the authority to go out and get such evidence or such expert opinion as he needs to prescribe the minimum standards involved. I see no reason why the amendment is necessary in order to get the standard.

The only purpose of the amendment, it seems to me, is to put this entire matter off for another year. It has been considered many times before, and the committee has finally decided—I think correctly—to go the route of saying that anything the States licenses and anything that meets the minimum standard that the Secretary authorizes should be given the freedom of choice, as the Senator from North Dakota has mentioned.

INTERNAL SECURITY ACT OF 1954—REQUEST FOR DISCHARGE OF A COMMITTEE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of S. 4029, a bill to amend section 4 of the Internal Security Act of 1950, and that it be re-referred to the Committee on the Judiciary, since it more appropriately falls within the purview of that committee's jurisdiction.

Mr. KENNEDY. Mr. President, reserving the right to object, does that have to do with legal services? I object. If the Senator wants to discuss it, I will be glad to do so.

Mr. THURMOND. I will discuss it with the Senator, and I will read the bill, if necessary.

Mr. KENNEDY. Mr. President, I have the floor, and I am not prepared to yield.

Mr. THURMOND. I will be glad to show it to the Senator.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. MILLER. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield.

Mr. MILLER. Would it be possible to reach an agreement on this matter by amending the amendment by putting a period at the end of the word "Medicare," and thus have the study made, but in effect reserve to Congress the power to postpone any further coverage?

What I am getting at is that what we are doing here is to say that licensure to the States shall prevail. I think it is going pretty far to have the Secretary of Health, Education, and Welfare supersede that.

I am suggesting that Congress shall determine whether or not it ought to be postponed or superseded, and let the Secretary make the study that the amendment calls for, and then leave it to Congress to decide what it wants to do about the study.

Mr. KENNEDY. Mr. President, this argument was made on other occasions. Obviously what would be most useful would be if we had the report developed and had hearings and then enacted the legislation. But we have established a precedent. We did so recently in the DES amendment, S. 2818, where we permitted the FDA to do a study and report back, and they were to make a finding as to whether they would ban the implanting the synthetic hormone DES in cattle. We passed an HEW appropriations bill last evening to permit the Secretary extraordinary discretion to be able to cut 10 percent on all the HEW appropriations without legislative action.

This is a troublesome matter. I can give assurance to the Senator from Iowa that if we can move ahead on this amendment, our health subcommittee will take a hard look at this matter, with the result of this study, and make recommendations to the Senate on the basis of the study as well. We will not just be satisfied with the Secretary doing so. I am prepared to let the Secretary draft the recommendations and follow those recommendations. I give assurance to the Senator from Iowa that we will review this information and make recommendations very shortly after the study becomes available.

Mr. MILLER. I appreciate that offer, but I am still not sure that it meets the problem I have; because the Senator's amendment, without change, in effect lets the Secretary supersede the licensure of all the States. All I am saying is that if the Senator would agree to modify his amendment by not giving the power to the Secretary, and have the study made, and after the study is made he can go through these hearings and let Congress decide whether or not it wants to supersede these State licensure proceedings, I think it would be much more in accord with the realities that are now present.

Undoubtedly, literally thousands of people find it impossible to understand why, when the State has provided for licensure, when the bill provides for a very narrow area of service, Congress lets the Secretary of Health, Education, and Welfare supersede that.

I think we could satisfy almost everybody here if the Senator would have the study made, and if the study is sufficiently persuasive, then let Congress act on it, rather than do it beforehand and give the Secretary all that power.

Mr. KENNEDY. I ask that the amendment be accepted.

The PRESIDING OFFICER (Mr. ROTH). The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The noes appear——

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, I have no special ability to make a decision about chiropractors. This kind of study has been made ever since chiropractic came into existence and the medical associations have always found, in their view, that chiropractic had no value or, if any, very little.

Thus, if we have another study made, even if done by the American Medical Association, I am sure they will find the same thing. But, again, I go on the findings of the judgment of thousands and thousands of people that they have received some help from chiropractic. That is the judgment of thousands of people, else they would not be practicing today or be licensed in the respective States.

This debate has been going on for years. I recall in 1928, when I was a member of the State Legislature of Kentucky, I was one of the sponsors of a bill which permitted their licensing. So, year after year, we have gone through this kind of debate.

For myself, I believe that the committee has reached a position which leaves it to the States in a narrow field and that to postpone it I do not think will accomplish anything.

I hope that the Senator's amendment will be rejected.

Mr. KENNEDY. Mr. President, H.R. 1, now pending before the Senate, contains a provision which would make 15,000 to 17,000 chiropractors in this country eligible providers under medicare. The costs of providing such services would be, according to the Department of Health, Education, and Welfare, at least $100 million, or $5,000 per year per chiropractor.

A great deal of controversy has surrounded the role of the Federal Government in paying for chiropractic services on behalf of the beneficiaries of Federal health insurance programs. Attempts have been made since 1965 to include chiropractic services under medicare. Chiropractors are currently reimbursed on a matching basis under medicaid programs in 18 States. Despite this, I believe the Senate has an obligation to both the public treasury and the public health in determining, on the basis of scientific evidence, which providers should be eligible for Federal health insurance payment.

Chiropractic is an art, based upon the theory that all human disease is fundamentally due in part or in whole to interference with the transmission of nerve impulses, arising from the pressure of displaced vertebrae on nerve roots as they emerge from the spinal column. Chiropractic theory maintains that conditions as diverse as deafness, hives, diarrhea, migraine, and heart disease can be treated through spinal manipulation. No scientific evidence exists to attest to the validity of such a theory.

In addition to lack of proven effectiveness, chiropractors may have the detrimental impact of delaying medical diagnosis of an illness beyond the point it can be treated. Symptoms such as backache or diarrhea can often be the first indication of diseases as serious as cancer. A delay in the diagnosis of such illnesses could be fatal. In addition, vigorous spinal manipulation can result in spinal fractures in elderly persons with brittle bones, and aggravation of preexisting conditions such as a ruptured spinal disc.

According to a recent Reader's Digest article, one New York chiropractor attempted to treat a tuberculosis patient with diet alone. When the patient had finally wasted away to 80 pounds, he was sent to a hospital where he died a few days later. The chiropractor involved was convicted of manslaughter in 1964.

In a similar case in California, a chiropractor attempted to treat a tumor in the eye of an 8-year-old girl, despite the fact that the diagnosis had been made at a medical center. The girl's distraught parents, in attempting to save her eye, sought the services of the chiropractor who assured them he could treat the tumor. By the time they realized that his treatment was ineffective, the tumor had progressed to the point where it was too late for medical treatment. The girl died shortly afterwards. The chiropractor was finally convicted, in 1968, of second degree murder.

Mr. Creed Black, then Assistant Secretary for Legislation, Department of Health, Education, and Welfare, sent a letter to the Honorable Wilbur D. Mills, chairman of the Committee on Ways and Means in the House of Representatives, dated November 11, 1969. In that letter he outlines his concerns about the inclusion of chiropractic under the medicare program. I would like to ask unanimous consent that the letter be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
Washington, D.C.

Hon. Wilbur D. Mills,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

Dear Mr. Chairman: At the current hearings of your Committee on social security and welfare proposals, representatives of the two national chiropractic associations urged the coverage of chiropractic services under the supplementary medical insurance part of the Medicare program and requested that Chiropractic's White Paper be entered into the record. Since this paper was prepared in response to a report by the Department of Health, Education, and Welfare on *Independent Practitioners Under Medicare*, I herewith submit copies of the Department's report and an analysis of the Chiropractic White Paper and request that, if such action has not already been taken, these documents be included in the printed record of the hearings.

As you know, the Department's study was prepared at the request of the Congress and submitted in December 1968, by the former Secretary of Health, Education, and Welfare. Secretary Finch has reviewed it and concurs with the findings and recommendations.

In the over-all conduct of the study, which was concerned with nine other disciplines in addition to chiropractic, the Department had continuing advice from an ad hoc consultant group which included knowledgeable Medicare beneficiaries as well as persons of high standing in the health sciences. The consultants recognized the manipulative skills of chiropractors and the fact that their treatment can provide relief for patients with certain conditions. However, they were gravely concerned by the scope of diseases and conditions treated with these techniques. They came to the following conclusions:

1. Chiropractic theory and practice is based upon the role of the subluxation as a casual factor in disease, the "spinal analysis" as a diagnostic technique, and the "spinal adjustment" as a therapeutic measure. None of these has been demonstrated to be valid through acceptable, scientifically controlled research.

2. Restriction of chiropractic services to "musculoskeletal," conditions, with which they are commonly associated in the public mind, or to spinal analysis and adjustment, would in effect be no restriction at all, since according to chiropractic theory the spinal subluxation has a central role in all departures from a state of good health, and all diseases and conditions therefore involves the spinal column.

3. Exclusion of specific diseases from the scope of chiropractic practice would be similarly ineffective because its effectiveness would depend upon accurate diagnosis, and diagnosis is deemphasized in chropractic theory.

4. In addition to the deemphasis of diagnosis, the quality of chiropractic education and supervised clinical experience is inadequate to prepare chiropractic practitioners to perform an adequate differential diagnosis and to institute appropriate therapy or refer patients to the appropriate source of therapy.

5. Although chiropractors state that they refer patients, the all-inclusive scope of their practice, as evidenced by the numerous disease categories they treat, indicates that chiropractors recognize very little need for referrals. Appropriate referrals are further rendered impractical by the isolation of chiropractic from other health care resources to which they should logically make referrals.

6. Because of these factors, State licensure laws are ineffective in assuring the health and safety of recipients of chiropractic services.

In view of these conclusions, the consultants could not determine that there was a "need" for chiropractic services and strongly recommended that these services not be covered under the Medicare program.

Sincerely yours,

Creed C. Black,
Assistant Secretary for Legislation.

Mr. KENNEDY. Mr. President, a great deal more well documented concern about the efficacy and safety of chiropractic services exists. For example, a 1968 report of consultants to the Department of Health, Education, and Welfare, stated:

> Chiropractic theory and practice are not based upon the body of basic knowledge relating to health, disease, and health care that has been widely accepted by the scientific community. Moreover, irrespective of its theory, the scope and quality of chiropractic education do not prepare the practitioner to make an adequate diagnosis and provide appropriate treatment. Therefore, it is recommended that chiropractic services not be covered in the medicare program.

In addition, I would like to read from the report of the National Advisory Commission on Health Manpower:

> Chiropractic education and training are appallingly inadequate as has been well documented by both independent and chiropractic studies. There are currently 12 schools of chiropractic recognized by the two chiropractic associations, but none is accredited by an agency and recognized by the National Commission on accrediting or the United States Office of Education, and no school has full accreditation even by the American Chiropractic Association or the International Chiropractic Association. The facilities of these schools are poorly qualified, and the ratio of faculty to students is extremely low. Admission requirements, although also low, are dubiously enforced. A study of actual admission applications shows the chiropractic schools do not observe their own admission rules and admit students with less than a high school education and questionable credentials.

Mr. President, I would like to offer an amendment to H.R. 1, which would require that a study be done, to be completed by June 30, 1973, by an independent body such as the National Academy of Science under the aegis of the Secretary of Health, Education, and Welfare, intended to ascertain the validity of chiropractic theory and the effectiveness of chiropractic treatment. Furthermore, the amendment would authorize the Secretary of Health, Education, and Welfare to restrict the reimbursable activities of chiropractors, or to eliminate them altogether, if the study thus warrants such restriction.

Mr. President, I think the Senate has an obligation to take safeguards such as this before putting Federal sanction on the services of health professionals by including them as eligible providers in Federal health insurance programs.

The PRESIDING OFFICER (Mr. Roth). The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from South Carolina (Mr. Hollings), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Virginia (Mr. Spong), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from North Carolina (Mr. Ervin), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. Edwards), the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Humphrey), and the Senator from Connecticut (Mr. Ribicoff) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Dole) is detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), and the Senator from Oregon (Mr. Hatfield) would each vote "nay."

Also, if present and voting, the Senator from Kansas (Mr. Dole) would vote "nay."

The result was announced—yeas 6, nays 66, as follows:

[No. 526 Leg.]

YEAS—6

Bellmon
Dominick
Kennedy
Saxbe
Stevens
Symington

NAYS—66

Aiken
Allen
Anderson
Bayh
Beall
Bennett
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston

Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevenson
Taft
Thurmond
Tunney
Weicker
Williams
Young

NOT VOTING—28

Allott
Baker
Bentsen
Boggs
Church
Curtis
Dole
Eagleton
Eastland
Edwards
Ervin
Fulbright
Goldwater
Harris
Hatfield
Hollings
Humphrey
McGee
McGovern
McIntyre
Metcalf
Mundt
Nelson
Pell
Ribicoff
Spong
Talmadge
Tower

So Mr. KENNEDY's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2118) for the relief of Amos E. Norby.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. SIKES, Mr. WHITTEN, Mr. FLOOD, Mr. ADDABBO, Mr. MCFALL, Mr. FLYNT, Mr. MINSHALL, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. WYMAN, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAS, Mrs. MINK, Mr. QUIE, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11773) to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JACOBS, Mr. CABELL, Mr. STUCKEY, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oreg., and for other purposes;

H.R. 10243. An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International—Rome—Institute for the Unification of Private Law;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission; and

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer.

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. Moss).

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will report the amendment.

The second assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 232, line 16, strike out through page 233, line 14.

On page 968, line 11, beginning with "and" strike out all before the quotation marks on line 17.

Mr. KENNEDY. Mr. President, this amendment is offered on behalf of myself and Senators MOSS, PERCY, BROOKE, CRANSTON, HART, HUMPHREY, JAVITS, and TUNNEY.

Mr. President, H.R. 1 makes some 3.5 million new people eligible for the welfare program; but these same people will not all be included under the medicaid program. I think this is a dangerous precedent to establish.

My amendment would give these 3.5 million Americans medicaid coverage at a total expense of $2.6 billion—$1.4 to the Federal grant, $1.2 to the States.

This is an expensive provision. However, the alternative is a dilemma in which people in one State will receive medicaid benefit and yet the people in a neighboring State, with the same problems, would only get welfare help and would not be eligible for medicaid.

This causes a dilemma. And I know that it has been trouble some to the members of the Finance Committee. However, I would be interested in the reaction of the Senator from Louisiana concerning this particular problem. I think it is unique and would set a dangerous precedent. I know that if a person is on welfare, he needs medicare. And after providing these kinds of resources to individuals for welfare—and these resources will be eaten up by the requirements to pay adidtional health bills because, tragically, it is generally the poor that have the greatest number of health ailments.

I am interested in the reaction of the Senator from Louisiana on this problem. I think it is a dangerous precedent to be established and a troublesome one, and it will provide a great sense of inequity to a great many people where a person living on one side of the street gets welfare and medicaid and the person living on the other side of the street is not eligible for medicaid.

As I said, I would be interested in the opinion of the Senator from Louisiana.

Mr. LONG. Mr. President, this problem arises because in the bill the committee makes a lot more people eligible for benefits; by providing a $50 disregard of social security income from the income that is considered for welfare purposes, and by providing additional benefits under the welfare program for the aged.

So by virtue of raising the standards and the benefits the committee makes a lot of additional people eligible for cash benefits and that, in turn, makes a lot of additional people eligible for medicaid benefits.

If the States were to cover all these new people under medicaid it would require the additional expenditure of about $2.6 billion in medicaid expenditures. Recognizing the fact the States do not have the $1.2 billion, nor can we afford in this bill the $1.4 billion which would be added as an expense on the Federal end, the committee would simply say that where an aged person spent a certain amount of money, referred to as a "spend down," he would become eligible for the medicaid benefits, but States would not be required to provide medicaid benefits without a spend down for those newly eligible under the law.

We would like to see medicaid benefits extended to these people, but it costs a great deal of money and we do not know where the States would find it. The States do not know where they are going to find it, even with the revenue sharing we have voted on.

We think we have provided about the best we can for now, but we do recognize this is part of the health problem we should be looking at next year, when we hope to find ways to finance and provide the health care that would be indicated for these people. We would like to provide these additional benefits to these people as much as the Senator from Massachusetts would. At this time we do not have the answer. We are satisfied that next year, or at least during the next Congress, we will be able to provide the answer.

For example, if the Kennedy bill for health insurance were to pass, there is no question they would be provided for under national health insurance. If something substantial but much less than the Kennedy bill would provide should pass, presumably this is one of the things it would want to provide for. It is one of the higher order of priorities. So I think a bill that would pass that would provide several billion dollars in the health area would include this, but if we added it on the floor at this time I do not think it would survive in conference.

Frankly, this bill now has more benefits than we may be able to persuade the House to agree to. I am on notice if the bill goes to the President as it is now the President, even with all the conflicts resolved, would be advised to veto it on the grounds that the Government cannot afford what we have in the bill now.

I hope the Senator would not press for this amendment now but bring this up with the health matters he will be pursuing in the next Congress.

Mr. KENNEDY. Mr. President, I appreciate the sentiments expressed by the distinguished Senator from Louisiana. As he well knows, the 3.5 million people who will benefit now as a result of this bill, the aged, blind, disabled, crippled individuals, the ones really unable to work, they are the ones with the greatest health needs. While we on the one hand provide some assistance to these individuals, I feel we will be taking away from them with the increased health benefits. I am mindful of the votes we have seen this afternoon by the Senate just trying to maintain the existing programs which are in effect in the States. The Senate expressed its will. This would require additional resources both on the State and Federal levels. I am mindful of the expressions of the Senate on these additional expenses, so I will not press for a vote. I am encouraged by the response that the chairman of the Committee on Finance has given to us. This is a matter of high priority in the next session of Congress, that no matter what health bill comes from the Committee on Finance, these 3.5 million people that will not benefit from the health bill will be in a priority position. Regardless of what bill comes out, I would appreciate the opportunity to work with the chairman of the Committee on Finance to make sure we will be able to assure health relief to 3.5 million people that are probably as deserving as any people in this country.

With those assurances from the chairman, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1623

Mr. HARTKE. Mr. President, I send amendment No. 1623, as modified, to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 189, following line 19, insert the following new section:

ADDITIONAL DROPOUT YEARS

Sec. 151. (a) Section 215(b) (2) (A) of the Social Security Act is amended by inserting ", and further reduced by one additional year for each 15 years of coverage of such individual (as determined under the last sentence of subsection (a) without regard to the 30-year limitation contained therein)" immediately after "reduced by five".

(b) The amendment made by subsection (a) shall be effective for purposes of computing or recomputing, effective for months after December 1972, the average monthly wage of an insured individual who was born after January 1, 1910, and—

(1) who becomes entitled to benefits under section 202(a) or section 223 of such Act after December 1972;

(2) who dies after December 1972; or

(3) who was entitled to benefits under section 223 of such Act for December 1972.

Mr. COOK. Mr. President, will the Senator yield to me for 30 seconds?

Mr. HARTKE. I yield.

Mr. COOK. Mr. President, I ask unanimous consent that Mrs. Kay McElroy of my staff be allowed the privilege of the floor during the debate and vote on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania (Mr. Schweiker) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, this amendment will correct a major injustice in the social security law. Under present law, a worker's social security benefits are determined on the basis of his average social security taxable income between 1951 and the year he is eligible for benefits. Each worker is able to delete his 5 lowest income years before figuring his average—the average which determines the size of his benefits during his years of retirement. Most workers, of course, delete the first 5 years of their employment when their wages were much lower than at present.

But this dropout provision which removes these early, very low income years is restrictive and is most unfair for those hundreds of thousands of workers who may be laid off before they are eligible for social security benefits. In this time of rising unemployment, if a man is laid off because his plant closes, it may be almost impossible for him to find new employment at his previous, often highly skilled rate of pay.

In addition, the present provisions for dropping years of low earnings conflict with an increasing number of private pension plans. For example, if a worker is able to receive the benefits of his company's pension plan after 30 years of service and decides to retire at age 55, by the time he is eligible to receive the social security benefits he has earned for 30 years of covered work and 30 years of paying into the fund, he will have to average in 10 years of zero income—thus substantially reducing his monthly social security benefits. This conflict between the provisions of the Social Security Act and private pension plans is placing beneficiaries in a difficult dilemma, reducing mobility in the work force, and causing workers to sacrifice benefit payments they have earned.

The amendment I offer today provides 1 additional dropout year for every 15 years that a person has worked in an occupation covered by social security. Thus, a person who has worked 30 years could drop out 2 years in addition to the 5 now allowed him. Incidentally, this is identical to a provision in the House-passed version of H.R. 1.

Mr. President, this amendment will remove the penalties from which a worker suffers when he is laid off before he is 65 and cannot get commensurate employment because of his age or because he elects to participate in his company's pension plan.

It is clear that the present dropout law works an injustice on those who retire or who become disabled before they attain eligibility for old age insurance benefits. For example, the retirement of an employee for a disability which does not qualify as such by social security standards, may not only deprive the employee of current income, but reduces the amount of his old age insurance benefits by diminishing his average monthly wage. In addition to the adverse effects upon the disabled, a dropping-out of periods of low or no earnings penalizes those employees who have a right to retire voluntarily before they are 65.

The built-in penalty for workers who retire before they can receive social security benefits goes against the present-day trend toward earlier and earlier retirement. This penalty also tends to decrease job opportunities at a time when this Nation should be more concerned with increasing job opportunities. When we contemplate today's ever-increasing emphasis by industry upon automation and utilization of new technology—toward more reliance upon machine rather than man—the need for increasing employment opportunities becomes more urgent.

The failure to drop out periods of low or no earnings is also unfair for another reason. A worker who contributes to the fund for fewer years but delays retirement until age 65 can receive a higher social security benefit than a worker who has paid more into the fund but who retires earlier. I think this is one of the unfair sections of the Social Security Act and I think it flies in the face of today's realities.

Mr. President, I do not believe that workers who have added immeasurably to this country's economic growth and industrial preeminence should be penalized because they choose to take full advantage of private pension plans before they become eligible for social security benefits, nor do I think workers who are thrown out of work because of economic adversity or technological change should be penalized.

I want to point out that in this bill we have provided for people who are in some of the lowest income brackets of America's industrial society. We have provided some social justice for those people. The Hartke amendment makes adjustments for those people who have made their full contribution, as members of a working society.

Estimates made at the time the House of Representatives included the Hartke approach in H.R. 1 indicated that $17 million in additional payments would be made in the first full year of operation of the Hartke amendment.

The fact of it is that probably it should have been as I originally prefer the original Hartke approach of allowing one additional dropout year for each 10 years of covered employment. But in order to conform with the House language, I think it is no more than right that the Senate should at least provide for one additional dropout year for each 15 years of covered employment.

The Hartke amendment will have an eminently fair result. I hope the Senate can work its will and adopt this provision.

Mr. LONG. Mr. President, this amendment would cost about $1.2 billion on an average annual basis, and would mean that the provision would not be in conference. This provision is already in the House bill, and it was one of the House provisions that we thought claimed the lowest priority.

The Senator is not offering a means to finance his amendment; he is offering an amendment already in the House bill, and when the Committee on Finance undertook to strike that benefit from the bill, we put in its place other benefits, such as maintenance drugs for the aged, a $200 minimum benefit for people who have worked in the program for more than 30 years—and all of those benefits might have to come out if this amendment is agreed to.

We had hoped to have some of those amendments agreed to in conference, but there is one thing we know, and that is that the House of Representatives absolutely will not, and no one in this body has the power to make them, or has any chance to make them, take an amendment that is not financed. So to adopt this amendment means the provision would no longer be in conference, and there would then be no financing left for the drug amendment, the minimum retirement benefit of $200 that people would otherwise have had been made available to them, the liberalizing of the retirement test, which the Senate passed by an almost unanimous vote—all of those provisions, we in the Senate should not make people think we voted to do those things for them, when we know they are not financed and that the House will not consider a measure of this sort that is not financed.

If we leave out this provision, which the committee felt to be one of the lower priority benefits provided by the House, it will mean we can negotiate with the House as between benefits the Senate provided and benefits the House provided. Otherwise, Mr. President, this benefit has been nailed down, and would no longer be subject to conference, and that would mean the other benefits would have to come out.

I wonder if the Senator would be willing to move to strike from the bill the provisions which he thinks claim a lower priority than this one? For example, perhaps he feels we should delete the provision which says that people, if they retire after 30 years of social security, would get $200 a month. Or perhaps the provision that would pay for maintenance drugs which the aged require regularly?

Mr. President, I do not think the Senate ought to vote for benefits without the financing to pay for them on the social security program, knowing in their hearts that these benefits are not going to happen, because the House will simply not accept them. We know that the House will send Representatives WILBUR MILLS, JOHN BYRNES, and the members of that Ways and Means Committee to conference with us, and that not one of those people will budge from the proposition that if a proposal is not financed it is not going to go into the social security law. And they have to run every 2 years. If they can impose that kind of discipline on themselves, they are going to impose it on us, when we have to run every 6 years.

So I say that if we put this item in, it would claim higher priority than other items such as the amendment to enable people to retire on a $200 a month social security check when they reach age 65. Those items would have to go, because we would be voting to nail into this bill this item which the House put in which, in my judgment, rates a lower priority.

Mr. President, I am sorry I cannot vote for the Senator's proposal. Standing alone, I would be for it, just as I would be for almost every other benefit proposed here. The eyeglasses, the hearing aids, the arch supports, the foot massages—any of it would be fine with this Senator in and of itself, if we had the money to pay for it. But to vote for one of these items under these conditions, knowing that we would be depriving the Senate conferees of the opportunity to gain consideration of other matters that in our opinion claim a higher priority, I think is a very misleading thing to do to the American people, and just should not be done.

Mr. President, the committee brought to the Senate a responsible bill, that paid, under social security and medicare, for the benefits it added. But the Senate has added to this bill almost $3 billion of proposed new benefits that are not financed, and the only way that any part of that $3 billion can be added to the bill is to trade off by taking out something the House has put in on their side. But the bill as it stands right now already contains, in the social security and medicare areas alone, about $3 billion worth of benefits that are not financed, and we know that they cannot prevail in conference because there is no tax to pay for it to begin with.

And then to vote this amendment, to put back in what we regard as a lower priority item, means that the higher priority items we thought we voted for cannot be added in conference, because we do not have the negotiating power to discuss them.

This, Mr. President, as social security benefits go, is one of those that is less equitable than some we have voted for already. For example, it treats people with 29 years the same as people who have 15 years of employment. It gives 2 additional dropout years for 30 years of coverage, but only 1 additional dropout year for 29 years of coverage.

As benefits to the merits, in my judgment, it claims a lower priority than those items we have voted; and to adopt the amendment just means that when you voted for the drug amendment and the $200 special minimum under social security by this amendment you will be voting not to finance them. The House will not accept them. You want to take the benefit of the House bill that most of us think would claim a lower priority in terms of that which we could afford and that which we would like to provide the American people.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HANSEN. Is this not like making a lot of campaign promises one knows he cannot keep?

Mr. LONG. I am not going to pass judgment on others; but for me to vote for this amendment would be the same as a politician promising something to a lot of old people. A businessman says, "How are we going to pay for that?" And you whisper to him, "Don't worry. That is just for conversation purposes. We are not going to do anything for the old people."

That is the way it tends to work out when you vote to add all these benefits without putting any tax in to pay for them, and then vote to keep the benefits the House provided, which they did finance. We would not be able to discuss this in conference. All we could talk about would be the Senate's fiscal irresponsibility. The House would not take it.

Here is the kind of thing that happens in conference—and you would be surprised how firm those men can be when they know they are right. They say:

> We sent you a bill that provided for billions of benefits, and we paid for every nickel of it by voting additional taxes. We fellows have to run this year, every one of us. We run every two years. How about you great states-

> men? Only one-third of you are running this year. What did you do? You proceeded to load this thing down with billions more of benefits, and you didn't have enough courage to pay for all those benefits.
>
> We'll make you this proposition: The small amount that you found the courage to take out, give us back half of it; and out of the billions that you put in here on a Santa Claus basis, give it all away and don't put a nickel of tax on to pay for any of it. You can spend that small amount you financed however you want to spend it, and that's all.

The result is that, in due course, after you argue about it for a while, you take what the House conferees say, because you have no other choice available to you.

Basically, what voting for this amendment amounts is to unfinance $1.2 billion of benefits for which the Senate has voted. The Senate has already voted for about $3 billion of benefits it did not finance in the social security area alone.

Now the Senate is being asked, by this amendment, to unfinance $1.2 billion for which it did vote. The Senate can do that, if it wishes, but I am not going to deceive the American people by telling them that I voted for a benefit when I voted to take it out.

If the Senator wants to put a tax on to pay for this, I would be willing to consider his amendment and consider voting for it. Without the tax to pay for it, he is unfinancing that for which the Senate voted.

Mr. HARTKE. Mr. President, as always, it is delightful to hear the chairman as he proceeds to pontificate about his great concern for fiscal responsibility. I watched him on the floor of the Senate ask for a 20-percent increase in social security, and he did not even ask for a penny of additional funds.

The social security tax is the most regressive form of taxation the Government levies today on the poor people of America, and I do not see the Senator from Louisiana decrying that type of operation.

The Senator from Louisiana says it is going to cost $1.2 billion. I am going to put into the RECORD at this time, from page 9 of the House report, the dollar cost for the House-passed measure which is identical to the Hartke amendment. It is $17 million, not $1.2 billion. There is no evidence to the contrary. It is $17 million of additional benefits. For the first full year. I ask unanimous consent to have the House estimate printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Dollar payments.—$17 million in additional benefits would be paid in the first full year.

Mr. HARTKE. In addition, I ask unanimous consent to have printed in the RECORD the "Additional Dropout Years" explanation on page 45 of that report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> ADDITIONAL DROPOUT YEARS
>
> Under the present law, social security benefits for a worker and his family are generally based on the worker's average monthly earnings in covered work over a period equivalent to the time elapsing after 1950 and up to the year in which he reaches age 65 (62 for a woman), becomes disabled, or dies. (Another provision of the bill would change the ending point for men to age 62.) Up to 5 years in which earnings are lowest are excluded from the computation of the worker's average monthly earnings. This five-year dropout provision helps to lessen the effect that periods of unemployment, illness, and low earnings can have on benefit amounts.
>
> Your committee's bill would provide an additional dropout year for each 15 years of coverage that a worker has. (A year of coverage would be defined as it would be under the new special minimum provision.) The effect of the additional dropout would be to give additional protection against the lowering of average monthly earnings of long-term contributors to the program. In addition, the higher benefits that will result from increases in the upper limit on earnings counted under the program will be more quickly available for these long-term contributors because fewer years when lower ceilings were in effect would be included in figuring average monthly earnings.
>
> The provision would be effective for workers who attain age 62 after 1971 and become entitled to old age or disability benefits or die after 1971 and to workers who attain age 62 after 1971 who were entitled to disability benefits for December 1971. About $17 million in additional benefits would be paid in the first full year.

Mr. HARTKE. One statement about the merits: The Senator from Louisiana said he was going to talk about the merits, and I thought we were finally going to make some headway. Then he said it was deceitful on the part of legislators to go ahead and vote this type of fiscally irresponsible act and mislead the American people. That is calling the House of Representatives deceitful. They voted for it. They voted for this measure.

Mr. LONG. They financed it. They put a tax on. The Senator is trying to unfinance this measure.

Mr. HARTKE. I have the floor, and I will be glad to yield later for a question or for conversation. I know the Senator can outshout me, and I will never try to outshout my chairman, nor go ahead and deal around, as they say, with the nonmerits of the proposition.

The point is that we are not in an adversary position. I hope the Finance Committee would soon come to that understanding. We are in the position of being responsible legislators, to do what is right for the American people. We are not in a fight with the President of the United States. We are not in a fight with the House of Representatives. What we are supposed to do is what we think is right.

The old story is, "I don't know what course other men may take, but as far as I'm concerned, I just want to do what I think is right." If this amendment is right, we should vote for it. If this amendment is wrong, we should not vote for it.

I am willing to finance these measures. I listened to the former Senator from Delaware, who has been succeeded in office by the present presiding officer.

I listened to Senator Williams talk about what we had to do in 1965 and we charged the poor working man until we built the surplus to an astounding figure. We had to increase the benefits because the accumulation of the surplus in the social security fund had become such a staggering amount. Every other department of Government wanted to raid the trust fund. We paid for everything under the sun. Talk about fiscal responsibility, let some of the people yelling about fiscal responsibility on social security deal with the other measures but do not take it out on the working people. Why make them, with the most regressive form of taxation, pay the bill for part of the Government's financing. We have such an accumulation in the trust fund that $17 million is a minor amount. To tell the truth, with the existing accumulated surplus, we would have to spend $6 million every hour of the day, 24 hours a day, for 365 days a year to spend the surplus.

In other words, this amendment, according to the House report, will take out of that surplus the equivalent of less than 3 hours. The Senator from Louisiana knows that. I do not think it is right to go ahead with a regressive form of taxation.

Now, what are the merits? Simply that a person who retires today is faced with a rather unfortunate choice. After the age of 65, he is supposed to retire. But with 30 years' service he can get his private pension benefit. Often at 55. We recognize that many of these people are retired before they draw social security. They do not have a job. They are out of work.

According to a report by HEW, the Social Security Administration, the Office of Research and Statistics, about one in every four are entitled to pensions before they reach 65. Page 22. About 50 percent who currently receive social security benefits are entitled to pensions at 62. Page 27.

The merits are all in favor of the amendment. Talk about low priority. I do not understand how anyone can say it is a low priority for a man to go ahead and say he cannot take his pension benefit simply because the law says that if he does he will be penalized. There are many instances in which workers are laid off.

We worry about providing some opportunity for this man to take care of his needs and to have his income and his social security check somewhat in relation to the final income he receives as an individual. So we discount the first years.

The Senator from Louisiana made only one argument concerning the merits of the Hartke amendment. He said there was a discrepancy to give the same benefits to one who had an additional 15 years coverage as to me with 29.

If he wants to talk about that on the merits, then I say he should modify my amendment and should resubmit my original amendment which gave an additional dropout year for each 10 years which would remove that inequity. So the Senator is arguing in the wrong direction. I think the Senate should do what is right for its people. For $17 million, I think this is a pretty good operation to go ahead and provide a little bit of equity for the people who are retiring.

I wish the Senator from Louisiana had addressed himself to the merits, because I do not see any discussion about how to deal with the man who loses a job at 55.

What is he going to do because of those years not covered? Give him a zero income over the year when he needs it most, and discourage him from going ahead and providing for his pension plan? We seem to have pension plans going in one direction and social security going in another.

That is the tragedy of this bill, as I said earlier today, that the social security system and the welfare system are still geared to the 1930's. We are now in the 1970's and we should be dealing with the last third of this century, at a minimum dealing with 1976 upcoming. Instead of arguing on the floor of the Senate as to what item has priority for equity for the aged, we should be saying to the aged, "You do not have long to live in this world, so we are going to give you a chance for decency, honesty, and respect. We are going to give you a chance to go ahead and have what is right."

If it is right for the House of Representatives to pass this and right for the Senate to pass it, it would be a solid recommendation to the President that this is something we would like to do just because it is the right thing to do.

Mr. BENNETT. Mr. President, would the Senator turn that around?

Mr. HARTKE. I am not going to turn it around. If the Senator wants to turn it around, I would like to hear it.

Mr. BENNETT. I would say that the Senator has argued that since the House passed it, the Senate should pass it, and then you would have to take the position that since the House did not pass these other benefits, we have no right to pass it.

Mr. HARTKE. That is a negative argument. I do not think that is true. I do not say that the House did everything that was right, but I think they did what is right here. The Hartke amendment deals with a real need for those people who want to retire. The argument cannot be made simply because the Senate did some things, the House should not do it, or vice versa. I would hope that I would not be in a position where we take the position that adversary operations are the position of the Senate versus the House. We are in this thing together.

Many people are discouraged. Many people who are discouraged the most and feel that society has done the least to provide equity for them, are those that are old. That is what we are dealing with here. The shameful thing is that we have not dealt with this problem earlier.

The Hartke amendment would close a great inequity in the present social security system. It is not expensive. It is only $17 million, so far as overall operations are concerned. So if the Senator from Louisiana is fearful of that, I will be glad to make whatever adjustment the actuary says is necessary to accomplish the financing.

Mr. LONG. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. Just a minute—just a minute—let me finish first—we have consistently financed it to the extent that we have accumulated this gross surplus.

Even the President, who has never been noted for his great generosity in the field of social security benefits, came forth with the statement that he thought the surplus we have accumulated should not be continued in its present fashion. But that is not the argument before us now, because the simple fact is that the chairman of the committee has no argument on the merits against this proposition and therefore had to resort to the financing argument. Since we are willing to agree to the financing of this amendment, this means that the amendment should be adopted, and I would hope that the chairman of the committee would see his way clear to support of this amendment.

Mr. LONG. Mr. President, the Senator says his amendment will cost $17 million for the first year. The reason for this is that all those on the rolls now would not get any benefits, that they would have to go without, that the benefits would only be prospective, for future retirees. This is what the House suggested and put in their bill and sent to us.

Here it is, on page 130 of the House report. According to the actuaries, as these people retire and we have the full impact of this matter on the social security fund, it would cost 0.19 percent of payroll, which would round out to about two-tenths of 1 percent of payroll. The taxable payroll in the Nation is about $600 billion. So, if we multiply that out, it works out to $1,200,000,000 a year. And that is what the House put in the bill, on the average, as a tax to pay for that.

Mr. President, I have voted for amendments, as have other Senators here, when we knew that the social security fund was financially on a very conservative basis, and that we could finance benefits.

We were able to do that until we agreed to the Church amendment. When we did that, we took advantage of every assumption we could on a reasonable basis to finance the 20 percent across-the-board social security increase. And those who did that responsibly knew that from that time forward we could not pull any more rabbits out of the hat, so to speak, relying on future increases in tax revenues, as the Senator from Indiana is seeking to do today. From that time forward any additional benefits would have to be paid for by additional tax at the time.

Mr. President, this amendment seeks to pull a rabbit out of the hat when there is not any rabbit there and there is not even any bunting there. I suppose the Senator could pretend it is a rabbit, but it is not there. And all that this amendment means is that we would be "unfinancing" or "definancing" or taking away the financing with this amendment the money that would provide for the other things we have voted for.

The Committee on Finance recommended additional benefits such as raising the earnings limit. We recommended providing additional benefits for people who worked 30 years and retired with a very low social security check.

We recommended maintenance drugs for the aged. We recommended additional assistance for widows and others. And having done so, we put in the tax to pay for it.

The Senator from Indiana wants to "unfinance" that which the Senate Finance Committee proceeded to finance. We on the committee do not like to mislead these poor people who are aged into thinking that they are going to get something they will not get, even if someone else wants to do so. And we do not want this amendment.

If the Senator from Indiana wants this amendment, he ought to be willing to put $1.2 billion tax on the people of this country to pay for it. Then we would have a proposition that can be considered on its merit. If the Senate agrees with the merits of his additional provisions, fine. However, even so, it would tend to deny favorable consideration of the other things in the bill because the House might not want to go further.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, does the Senator from Louisiana remember that the day before yesterday we added $5 billion worth of benefits without taxes? We are now $5 billion in the red as far as the current consideration of the bill is concerned. And there is not the $1.2 billion that has been suggested.

Mr. LONG. Mr. President, I would think that in the social security area there has been added about $3 billion on a long-range basis. In addition to that, the Senate in the public welfare area has added additional billions of dollars to the bill—I know the committee did—for the benefit of the aged, which would federalize the program for the aged with additional benefits and fiscal relief for the States. We paid for additional billions of dollars in the welfare section.

Those matters can be considered, because that is not part of the social security program, where it is well understood by the Senate and the House that we have not seen fit to depart from a procedure by which we would finance that to provide for the American people.

Mr. President, I hope the amendment is rejected.

Mr. SCHWEIKER. The determining factor in the amount of an individual's social security retirement benefits is the average of his social security covered earnings between 1951 and the year he reaches 65. "Dropout years" refers to a mechanism whereby he can factor out—or "drop out"—his years with the lowest covered earnings before calculating that average.

The theory behind dropout years is that one's retirement benefits should not be dragged down simply because the social security tax base was at a lower level in past years than in the later working years. For instance, the current social security base is $9,000, while in 1951 it was only $3,600.

Current law therefore allows for the five lowest covered earning years to be dropped out.

But early retirement—that is at age 60 instead of 65—is becoming increasingly common—both because of forced layoff and because of improved provisions in private pension plans. Under this situation, the 5 dropout year rule becomes highly inequitable. The 5 zero income years between ages 60–65 must still be included in the averaging procedure in order to receive full benefits, and all dropout years are therefore used up on those years. The early retiree, then, has no opportunity to drop out preretirement low covered income years, while the age 65 retiree does, despite the fact that both may have identical long-term associations with the work force.

The inequities are further increased by the fact that current law requires women to compute their average only up to age 62, while men must figure up to age 65.

The House version of H.R. 1 equalized the computation age at 62 for both men and women, and granted an additional 1 dropout year for each 15 years of covered employment. Thus, an early retiree with 30 years employment could drop out his 2 zero income years between ages 60–62—1 for 15 formula—and disregard his 3 zero income years between ages 62–65, and still have 5 dropout years to apply to his preretirement income.

The Senate version of H.R. 1, as reported, also equalized the computation age of 62, but provided no additional dropout years. Thus, under the Senate version the early retiree is still penalized for 2 zero income years.

I have long supported efforts to provide relief to workers who retire or may lose their jobs later in life, prior to age of eligibility under social security. Even though they may have made continuous maximum payments into the Social Security Trust Act throughout their working career, the latter years of unemployment will be calculated into the formula determining their benefits, the result of which will be a decrease in their social security benefits to which they might otherwise be entitled if they had been eligible at the time of severance from work.

The Hartke amendment will rectify this problem by allowing workers additional dropout years for long-time connection with the work force and provide social equity to those workers. This provision is already in the House-passed bill and is a balance to the provision in both the Senate and the House bills which provide social adequacy to those workers at the lower-income levels who will receive a higher minimum benefit than before.

I urge the support of the additional drop-out years amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

On this vote, the Senator from Connecticut (Mr. Ribicoff) is paired with the Senator from Louisiana (Mrs. Edwards).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Delaware (Mr. Boggs) is paired with the Senator from Nebraska (Mr. Curtis). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea," and the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 29, nays 48, as follows:

[No. 527 Leg.]

YEAS—29

Bayh
Beall
Brooke
Case
Gravel
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Mondale
Muskie
Packwood
Pastore
Percy
Randolph
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—48

Aiken
Allen
Anderson
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Miller
Montoya
Moss
Nelson
Pearson
Proxmire
Roth
Saxbe
Sparkman
Stafford
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—23

Allott
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Fulbright
Goldwater
Harris
Hatfield
Hollings
Humphrey
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Tower

So Mr. Hartke's amendment (No. 1623) as modified, was rejected.

Mr. HARTKE. Mr. President, I call up my amendment No. 1550, as modified, and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

On page 189, between lines 19 and 20, insert the following new section:

PRESERVATION OF RIGHTS TO CHILD'S INSURANCE BENEFITS OF INDIVIDUALS SERVING IN THE ARMED FORCES

Sec. 151. (a) Section 202(d)(7) of the Social Security Act is amended by adding after subparagraph (D) thereof (as added by section 115(a) of this Act) the following new subparagraph:

"(E) In determining, for purposes of this subsection, the age of any child who has been discharged or released from active duty as a member of the armed forces (as defined in section 101(4) of title 10, United States Code) after having performed such active duty for a period of not less than 30 consecutive days nor more than three years which commenced prior to the date such child attained age 22, such child's age shall be deemed to be his actual age minus the number of days in such period."

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that Mr. Guy McMichel, from the Veterans Committee, be permitted the privilege of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, section 402(d)(1)(B) of the Social Security Act authorizes the benefits to natural or adopted children of a parent covered by social security where the parent is either dead, disabled, or retired. The amount of the benefits is one-half of the parent's basic benefit if the parent is retired or disabled; three-fourths of the benefit if the parent is dead. Thus, if a parent is retired or disabled, benefits would be between $35 and $140 per month depending upon the salary level of the parent's job, the length of time covered, and where the family is large, the size of the family. If the parent is dead, benefits would be between $45 and $210 per month. Such benefits were originally available only to children under the age of 18 but a few years ago the provision was amended to permit benefits to flow to full-time students over the age of 18, but below the age of 22.

The difficulty with the existing law is that it discriminates against persons who served in the Armed Forces between the ages of 18 and 22. Their benefits are reduced by the time they spent in service.

Only 40 percent of Vietnam-era veterans are currently making use of their GI bill benefits, as compared with the 50 percent who utilized those benefits after World War II and the 45 percent after the Korean conflict.

Perhaps the most important reason for the poor rate of participation is the lack of adequate funds. Existing GI bill benefits are, by themselves, inadequate and do not provide sufficient support for tuition, fees, and living expenses. Section 1681 of title 38, United States Code, provides that the educational assistance allowance for a veteran is designed to "meet in part the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs," money provided through the Social Security Act would help fill the gap that currently exists.

To correct this injustice, the pending Hartke amendment proposes that, for the purpose of determining education benefits under social security for a dependent who has served in the Armed Forces, the period of his active duty up to 3 years which was commenced prior to the date he reached age 22 shall be deducted from his actual age. Such a change will put him on an equal basis with the nonveteran in terms of social security benefits received.

Mr. President, the current GI bill does not cover the full cost of education and training for our returning veterans. Indeed, the current pattern of GI bill use appears to be inverse to need. People who attended college before service, use the GI bill three times as often as those who enter the service with only a high school diploma; only 10 percent of high school dropouts take advantage of their GI bill benefits.

The inequity of the draft system had a more profound impact upon persons from low-income famlilities. It is interesting to note that, while families in the upper 25 percent income bracket produce 48 percent of the undergraduates, families in the bottom quarter contribute only 7 percent; the third quartile adds but 17 percent to the total. Service figures, on the other hand, show a much higher number of men from lower-income groups being drafted. These men often lack the family support and orientation to take post-high school education. They return from service to their country at an even greater disadvantage than those who remain at home. If they also happen to be children of retired, deceased, or disabled parents, they can expect little support from their families in pursuing higher education. Certainly, the lack of supplementary family support must be considered a factor in the low utilization of GI bill benefits.

Indeed, the lack of family support is the reason for the original enactment of the Social Security Act education provision. I believe the men who serve their country, should stand on an equal basis with those who did not serve and hence were eligible for social security benefits.

Mr. President, the pending amendment will allow veterans to receive social security education benefits if they are from families of retired, deceased, or disabled parents. In other words, the 2 or 3 years they spent in the service will not count against them with respect to entitlement to these benefits.

The cost of this amendment is estimated at approximately $55 million a year, but if this sum is the difference between the veteran being able to effectively utilize his Federal education benefits or his being sentenced to a lifetime dead-end job, then I say this is an investment we must make.

Mr. President, the American Legion, the Veterans of Foreign Wars, and the National Association of Collegiate Veterans endorse the amendment, and I ask unanimous consent that their endorsements may be printed in the Record.

There being no objection, the endorsements were ordered to be printed in the Record, as follows:

The American Legion,
October 2, 1972.

Hon. Vance Hartke,
Chairman, Senate Committee on Veterans Affairs, Washington, D.C.:

The American Legion believes that when young men and women are required to enter the Armed Forces for extended periods of service, it is in the nation's interest for the federal government, as part of their rehabilitation and readjustment to civilian life, to provide special programs of educational benefits, and thus restore to them opportunities lost because of their service in time of war or national emergency.

On this basis we strongly support your proposed amendment (No. 1550) to H.R. 1, the Social Security Amendments of 1972.

Herald E. Stringer,
Director, National Legislative Commission.

Veterans of Foreign Wars
of the United States,
Washington, D.C., October 2, 1972.

Hon. Vance Hartke,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

My Dear Mr. Chairman: The Veterans of Foreign Wars is extremely pleased that you propose to offer an amendment to H.R. 1, an Act to amend the Social Security Act, which will have an enormous favorable effect on veterans who are entitled to GI Bill educational assistance as the result of their service in the Armed Forces during the Vietnam era.

Presently, social security benefits are paid to children up to the age of 22, if their parent is dead. For persons who served in the Armed Forces between the ages of 18 and 22, however, social security benefits to which they are entitled are reduced by the time spent in the Armed Forces.

Because of the high cost of education, including books, tuition, and other expenses, it is mandatory that these young veterans receive all possible assistance to help them make a successful readjustment to civil life.

Your amendment will take care of the present inequity whereby time in the Armed Forces actually discriminates against such persons if they are entitled to social security benefits because of the death of a parent. It is noted that your amendment has a maximum of three years which may be deducted, which will take care of those citizens who have been inducted into the Armed Forces and made the extra sacrifice in behalf of us all during this Vietnam war. At the same time the veteran will not be penalized for having served and will be placed in the same status as those who did not serve in the Armed Forces.

Your amendment, therefore, has the full support of the Veterans of Foreign Wars. You are to be commended for offering this amendment, and the Veterans of Foreign Wars urges its approval by the full Senate.

With kind personal regards, I am
Sincerely,

Francis W. Stover,
Director, National Legislative Service.

National Association of
Collegiate Veterans,
Washington, D.C., October 2, 1972.

Hon. Vance Hartke,
Chairman,
Committee on Veterans' Affairs,
Washington, D.C.

My Dear Mr. Chairman: The National Association of Collegiate Veterans believes that the amendment which you are offering to the Social Security Act will be of major importance to Vietnam-era veterans seeking to further their education. Many of us were drafted because we were from lower income families. Particularly hard hit were sons and daughters of families of persons retired, deceased or disabled.

We feel that your amendment, which would recognize a veteran's service in the Armed Forces rather than penalize him, will make the GI Bill more meaningful to many young veterans. The high cost of education has made it difficult for veterans to return to school. This has been aggravated by the difficult employment market of the past several years, which has made part-time jobs hard to obtain. Particularly burdened is the son or daughter of a retired, deceased or disabled person, whose earnings must go to assist his family.

Therefore, we wholeheartedly support your amendment, which would make such a veteran eligible for Social Security Act benefits for a period of time equivalent to the amount of time he was in the service. If these men and women use this unique educational opportunity, which you and your Committee—as well as the members of the Senate, have done so much to further—then we will be in a better position to effectively compete in American society.

Sincerely yours,

James M. Mayer,
President.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senator from California (Mr. Cranston) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I also ask unanimous consent that the Senator from North Dakota (Mr. Burdick) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may yield to the Senator from New Jersey (Mr. Case) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent to allow Nancy Amidei, staff director of the Select Committee on Nutrition and Human Needs, the privileges of the floor during the debate on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Indiana. Who yields time?

Mr. LONG. Mr. President, this amendment, as I understand it, would say that if a person has been in the military service, he would continue to get the children's social security benefits that are paid to children over 18 who are in school. He would be paid even though by virtue of his military service, he may have passed the age at which these children's benefits would have been available to him. Benefits after age 18 are paid to a child who is going to school, on the theory that he is still a dependent up through age 21.

The problem that this amendment creates is that this person, by virtue of going into the military service, is also entitled to GI benefits, and it would seem, at a minimum, that he ought to take one or the other; he should not have both. We provide very generous benefits through veterans' legislation, and I have always favored that, and I think most Senators have. So where a person has veteran's benefits, and he is not over the age of 21, I do not see why he should have both. I would think he should be required to choose between them.

That being the case, Mr. President, I feel that the amendment, in the fashion that it was offered, should not be agreed to. Although I suppose that if one were offered whereby he would have the privilege of having the social security benefits, if he elected to receive them and found them more useful to him than the veterans' benefits, there would be good logic to support it.

But under the circumstances, Mr. President, since the amendment provides that he could have both benefits, it is really not a good amendment.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield for a question.

Mr. BENNETT. Under the amendment that was offered by the Senator from Indiana, could a returned veteran stay in school for 15 years?

Mr. LONG. I do not think so. As I understand the amendment, we would add to age 22 the number of years a person had been in the military, and I believe the limit would be not more than 3 years, so he would draw social security benefits up until he is 25. Now a person ceases to draw the benefits for children at age 22, if he goes to school.

The problem here is that while, as far as I am concerned, I would have no objection to his drawing the child's benefits until he gets to be age 25, were it not for the fact that we have a GI program; a GI program which presumably provides more liberal benefits on the theory that he has served in the service, and recognizes that he would be an adult. We provide a generous training program, and with generous educational benefits for veterans, and I certainly want it to be generous. We provide good educational benefits for former servicemen, and I would think, Mr. President, that a person should have the one benefit and not the two.

Therefore, Mr. President, I shall vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, just for clarification, in response to the question of the Senator from Utah. If, for example, a person is not a veteran and a parent dies, educational benefits will be paid up to the time that person is 22 years of age.

If he goes into the military service at the age of 18 for 2 years, and then goes to school, he can draw educational benefits under the GI bill. These are not intended to be and never have been fully adequate. And during that period he can also draw social security benefits, while he is under the age of 22. But if the same person undertook a 4-year enlistment at the age of 18, or came out of high school at 19 and entered the service for 3 years, then that person would have forfeited the benefits available under the social security law.

In other words, what we say to that person who voluntarily enlisted or who is drafted, is, "Mister, we are going to give a privilege to that person who stays home, we are going to give him an educational benefit under the social security law, but if you go into the military service, we will take it away from you."

This is a common practice, I will say that. Every Member of Congress, for example, is entitled to count his military service as Government service toward retirement. I do not think we have any hesitancy to claim those years. We add on those years for ourselves. But to that young man, we say, "If your father and source of support dies, and you are not in the service and are a full-time student, we are going to provide an income for you up to the age of 22. But if you are foolish enough to go and join Uncle Sam's service, don't worry, we will take it away from you."

That does not make good sense. It makes no sense at all. Let us provide at least equality of treatment to the veteran for up to 3 years.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield.

Mr. CANNON. Is the Senator from Louisiana correct when he says that if the amendment were passed, the veteran would be eligible for dual benefits, one under social security and the other under the GI bill, for the period he is in the service?

Mr. HARTKE. No, let me explain it. What happens at the present time is that if you have a covered deceased individual, if the parent dies, if the child is a full-time student, he can receive social security benefits up to the time he is 22.

Mr. CANNON. That is correct.

Mr. HARTKE. It does not make any difference what his situation is. Under the Hartke amendment, if he goes into military service from the age of 18 until the age of 22, and then becomes a full-time student, he would receive his social security benefits and could draw GI benefits. He could draw them both.

Mr. CANNON. And under the Senator's amendment, if he got out of the military when he was 22 and went to school for 3 more years, he would be eligible to draw the GI educational benefits as well as the social security benefits; is that correct?

Mr. HARTKE. That is exactly right, and that is exactly what the person who comes out under the age of 22 does under the present law. In other words, under the present law, when he comes out, he draws dual benefits.

The GI bill was never meant to be exclusive financing for the individual. As a matter of fact, it is usually below the full cost of an education. The person who does not have parents to look to for any help with his educational benefits turns to social security, that in a way takes the parents' place.

That is the reason we raised the cutoff age to 22. We said it was unfair to penalize that person because he had lost his parents. It is unfair to say to him, "Simply because of that, even though you are going to school and have no earning capacity, we will deny you an education."

The Hartke amendment provides that the same benefit to the person who serves those years in the military.

Mr. CANNON. I understand. What the Senator is really saying is, he is entitled to dual compensation.

We have a dual compensation act that we passed prohibiting that under certain circumstances for people who have been in the military and in Government service. What the Senator is saying is, he would permit him to draw social security benefits, which were intended to substitute in the place of a parent——

Mr. HARTKE. That is right.

Mr. CANNON. So that a youngster could go to school up to the age of 22, and the Senator would give him that and also let him draw the compensation that we have provided under the GI bill, so that a man who has been in the service can go on and get his education. The Senator is really permitting him to do both.

Mr. HARTKE. Mr. President, as an example, let me make this assumption: If a person has a parent who dies, and he goes to school until the age of 22, he can draw those social security benefits for the full time he is in school. Then, if he wants to, at the age of 22, 23, or 25, he can draw full educational benefits. There is nothing to keep him from drawing those.

When we deal with the question of veterans, as is shown in the veteran's law itself, section 1681 of title 38 of the United States Code provides that the educational assistance allowance for a veteran is designed "to meet the expenses of assistance, tuition, and so forth."

In all equity to the veteran, what you are doing in this situation is encouraging people not to participate in military service. If you do not participate in military service, you are going to receive the full benefits; but if you do, we are going to penalize you. You are going to receive the GI benefits, but you will not receive the benefits you would receive in the other payment.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. JORDAN of North Carolina. If he did not go into the military service, he would not have any military benefits, anyhow.

Mr. HARTKE. That is true.

Mr. JORDAN of North Carolina. So he would be drawing double compensation, under the Senator's amendment, any way we look at it.

Mr. HARTKE. I am not denying that he is going to receive two pay checks; but one can do that today if he gets out of the military service at the age of 20.

Mr. JORDAN of North Carolina. Why does the Senator want to add another one, then?

Mr. HARTKE. I think it is rather preposterous to say to a man in the military service for 2 years, from 18 to 20, that he can draw double compensation for the next 2 years, but if he stays in for 4 years, he cannot.

Mr. JORDAN of North Carolina. He does not start drawing compensation, anyway, until he gets out of the service. He has to go to school.

Mr. HARTKE. If he enlists or is drafted at age 18 and comes out at age 20 and his father is dead, he can get his GI bill and draw his social security benefits for 2 years. But if he enlists for 4 years, from 18 to 22, and is past the age of 22, he gets no paycheck under social security.

Mr. JORDAN of North Carolina. But he gets the GI bill, also.

Mr. HARTKE. He gets that under any circumstances.

Mr. JORDAN of North Carolina. At any rate, he is still drawing double compensation.

Mr. HARTKE. All I am saying is that the man who is drafted at 18 and stays until he is 20 is drawing double compensation.

Mr. JORDAN of North Carolina. The Senator is talking about 4 years. The man is still compensated and is taken care of under the GI bill.

Mr. HARTKE. Every veteran is taken care of under the GI bill.

Mr. HARTKE. Every veteran is taken care of under the GI bill.

The point is that we are dealing with a situation of those who are orphans, in effect. We are dealing with those children whose parents are disabled or died. We are not dealing with the rank and file social security beneficiary. We are not dealing with those people who are drawing social security and have children.

Mr. JORDAN of North Carolina. A man who has been in the service 4 years is sort of past the orphan stage. He is a little past that stage. He is a man; he has been in the Army for 4 years.

Mr. HARTKE. Let me see if I can make it a little more clear. I did not have that easy a time going through school, but I had my parents backing me all the way. This is true in a majority of cases. But take a young man whose father died and who enlists for 4 years at the age of 18. After he comes out, he decides he wants to go to school. The GI bill pays part of his expenses .

Mr. JORDAN of North Carolina. That is correct.

Mr. HARTKE. If he had a parent, the parent would probably help pick up the difference. But this young man, because he went into the service at 18 and enlisted for 4 years, has no parental payments to look to in order to help him financially. So you are saying to him, "I'm sorry, mister. You were foolish enough to stay in the military service during those years. If you had waited and enlisted when you were 22, you would have had all that money and could have gone to school and come back and got the additional GI benefits."

Mr. JORDAN of North Carolina. In the first place, he does not have to enlist.

Mr. HARTKE. But you do not have to have military service, either.

Mr. JORDAN of North Carolina. I think the Senator is adding one compensation onto another. I am afraid this is overlapping benefits, which I think would be wrong. I am strongly in support of the GI benefits and have voted for every one and voted to liberalize them on many occasions.

Mr. HARTKE. I think it is a shame to say that you are going to treat those people who are in effect both orphans and veterans worse than you do a person who has his parents living and who is a nonveteran.

Mr. LONG. Mr. President, the Senator did not give the committee the opportunity to act on this. It was not submitted to us, even though he is a member of the committee. Therefore, as the manager of the bill, I am not prepared to discuss the amendment in detail. I have tried to find out what it is about while the Senator was talking about it. I think I have some idea of what this is all about.

Mr. HARTKE. Mr. President, will the Senator yield in order to correct a statement of error?

Mr. LONG. Did the Senator offer this amendment in committee?

Mr. HARTKE. It is part of the minority views, and I did submit it on February 17, 1972. It is addressed to the chief counsel, Tom Vail. I have a copy of the letter and a copy of the amendment. If the staff did not give it to the Senator to read, it is not my fault.

Mr. President, I ask unanimous consent to have these papers printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1972.

Mr. TOM VAIL,
Chief Counsel, U.S. Senate, Committee on Finance, Washington, D.C.

DEAR TOM: I am enclosing a copy of an amendment to H.R. 1 and supporting materials related thereto which Senator Hartke plans to introduce shortly. It is my understanding that he has introduced a similar amendment in 1969 or 1970.

I wonder if I might get your reaction to this amendment after you have had time to study it.

Sincerely,

HOWARD MARLOWE,
Legislative Assistant to Vance Hartke, U.S. Senator.

AMENDMENT TO SECTION 402(d) (1) (B) OF THE SOCIAL SECURITY ACT

STATUTORY LANGUAGE

Section 402(d)(1)(B) of the Social Security Act is hereby amended to read "at the time such application was filed . . . was a full-time student and had not attained the age of 22, except that veterans of military service in the Armed Forces of the U. S. with other than a dishonorable discharge who have ended their service after August 4, 1964, and have served more than 180 days on active duty or have been discharged because of a service connected disability, and have not received more than a high school education or G.E.D. equivalency degree shall be eligible for assistance regardless of their age while they are full-time students at educational or training institutions for a period of up to 36 months."

SOCIAL SECURITY: AN IMPORTANT NEW WAY TO AID VIETNAM ERA VETERANS

(A Statement in Support of an Amendment to the Social Security Act.)

This amendment to the Childrens' Benefit provisions of the Social Security Act would encourage all covered Vietnam veterans, regardless of their age, to return to school by paying them benefits for a period equal to their GI Bill entitlement, up to 36 months.

Unlike the veterans of past wars, those who served during the Vietnam Era have come home to apathy—not admiration. Instead of respect for the dirty and thankless task they have done, they are often viewed suspiciously because they have served. They know this, and they are angry. Tired of rules, double talk, and empty words, they are turned off by the system.

Currently, the so-called Childrens' Benefits under Social Security represent only one more form of discrimination against veterans. Benefits are provided to full-time students of deceased, retired or disabled parents if the children are between the ages of 18–22. Veterans, of course, suffer because, for most of them, time spent in service reduces the benefits available.

The proposed amendment would give veterans a better deal, and it would also help raise GI Bill wage rates above the present 30%—compared with 50%, after World War II and 45% after Korea.

GI Bill benefits, alone, are often inadequate to support veterans at most institutions, but the combination of the GI Bill and Social Security would provide a satisfactory amount. GI Bill benefits are $175 per month per single veteran and Social Security benefits would add from $35 to $210 per month extra, depending on the salary of the parent's job, the length of time covered, whether the parent is retired or disabled, or deceased, and possibly, the size of the family.

There are currently 610,802 Vietnam Era veterans engaged in full-time education and training under the GI Bill. If veterans utilize Social Security benefits at the same rate as the general population (10%), then the cost of the amendment for the first year (calculated at a cost of $900 per veteran) would be something less than $54,972,000. In any case, we owe it to the veterans to make the effort.

EXPLANATION

Section 402(d)(1)(B) of the Social Security Act describes the benefits available to (natural or adopted) children of a parent covered by Social Security where the parent is either dead, disabled, or retired. The amount of the benefits is ½ of the parent's basic benefit if the parent is retired or disabled; ¾ of the benefit if the parent is dead. Thus, if a parent is retired or disabled, benefits would be between $35 and $140 per month depending upon salary levels of the parent's jobs, the length of time covered, and where the family is large, the size of the family. If the parent is dead, benefits would be between $45 and $210 per month. Such benefits were originally available only to children under the age of 18, but a few years ago the provision was amended to permit benefits to flow to full-time students over the age of 18, but below the age of 22.

The difficulty with the existing law is that it discriminates against persons who served in the Armed Forces between the ages 18 and 22. Their benefits are reduced by the time they spent in service. The amendment being proposed is intended to remedy this problem and to encourage more veterans to continue their education by offering them additional resources.

Only 30% of Vietnam era veterans are currently making use of their GI Bill benefits, in contrast with the 50% who utilized those benefits after World War II and the 45% after the Korean conflict. Moreover, those veterans with some previous college experience are twice as likely to go back to school after service than those with only a high school education.

There are many reasons for the poor rate of participation, but one of the most important is the lack of money. GI Bill benefits are, by themselves, inadequate and do not provide adequate support for tuition, fees and living expenses. Money provided through the Social Security Act would help fill the gap.

The amendment is focused on those whose need is the greatest, but are least likely to undertake further schooling—those with no more than a high school education. All such veterans who have been discharged during the Vietnam Era (subsequent to August 4, 1964), have other than a dishonorable discharge and have served more than 180 days on active duty or been discharged due to a service-connected disability would be eligible if one of their parents was covered by Social Security and is disabled, dead or retired.

The total annual cost of the amendment is somewhat difficult to calculate because Social Security statistics do not separate out veterans as a distinct category. However, an estimate can be made.

There are currently 610,802 Vietnam Era veterans engaged in full-time education and training under the GI bill. If these veterans utilize Social Security benefits at the same rate as the general population (10%), then the cost of the amendment for the first year (calculated at a cost of $900 per veteran) would be something less than $54,972,000. How much less depends upon the number of veterans already utilizing Social Security. Unfortunately, the number is not known.

COMPUTATION

There are, according to the 1970 census, 4,110,000 students between 18–21 in full-time educational programs.

402,000 students are currently receiving childrens' benefits.

	.1	
4110	———	approximately
	402.0	
	610.802	Vietnam Era vets in full-time education and training programs
	.1	
	61080.2	
	$900	
	$54,972,000	Total annual cost—number of vets now getting benefits.

Mr. LONG. If the Senator offered that in committee, then I have a very bad memory, because I was there. I was there throughout the consideration of this measure. I was there every day except one, and I will be glad to review the record, but I believe the Senator will find that he did not offer it that day. I do not recall any amendment such as this being offered. If any member of the Finance Committee does remember it, I wish he would correct me. I do not recall this amendment being offered.

I do not know of some correspondence the Senator may have had with some member of the staff; but, so far as I know, this amendment was never offered to the committee. We had no opportunity to vote on it or talk about it in the committee room. I did not know what this amendment was until it was called up today.

This amendment has to do with the problem that Senator Ribicoff has referred to from time to time. We have so many different programs that are supposed to help poor people or to keep people out of poverty that if you were to eliminate the overlapping benefits by which people get double dips, triple dips, and quadruple dips, and put them all in one consistent program, you would have more money than you need to lift everybody in America out of poverty. It is only because you have a hodge-podge of programs, many of which relate to each other in ways that were never considered in advance, then you find that you are spending a great deal more money than it would take to lift everybody out of poverty.

When we get into that, one of the principal examples would be veterans' benefits. We provide a higher level of veterans' benefits than other people. I never knew, until the Senator brought this amendment up, that a young man can go into military service at age 18 and come out of military service at age 20 and that, in addition to receiving his $175 GI bill of rights payment to go to school, can also receive a $60 social security payment. This is on the theory that he is still a child and therefore is dependent upon his parents, even though he is pretty much of a man who has been in the Army for two years. Apparently, on this theory he is still on mama's apron strings, even though he came out as a decorated hero. So that when he comes out at age 20 after going in at age 18, and comes out like Audie Murphy, having killed 550 of the enemy on the field of battle, a decorated veteran, with the Medal of Honor, he is still entitled to be treated as a child and receive a $60 a month payment under the social security law, on the theory that he is still dependent upon his family for support, even though he has proved to be one of the Nation's great heroes.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. He may also be married and the father of two or three children.

Mr. LONG. Yes. By that time he may very well be married and have his own family to support, and still he is regarded as dependent on mama; and since papa has passed away, this person can draw the benefit as though he is a child, still dependent upon his parents for support.

I did not know it but I know it now. That is the law. But I believe it is an unintended benefit. I do not believe anyone ever thought about this when it came to pass. Now the Senator says we are discriminating against people 23 and 24 years old because they cannot do the same thing, because they cannot proceed on the theory that they are still hanging on mama's apron strings, even though they may be married, a combat veteran, a hero of the Nation, with decorations from their country, being paid $175 a month on the GI bill of rights to go to school and then, in addition, we must still treat them as children and let them draw the child's benefit, on the theory that they are still dependent upon mama and papa for support.

It would make more sense if, when this fellow, at 20, having left the service, and being entitled to draw $175 a month under the GI bill of rights, could not draw the $60 under the social security program for the child's benefit. But, that is not before us. If we wanted to say that there is inequity here, the way to solve it would be to say that a man, a veteran, entitled to the more generous benefits of the GI bill of rights, would not draw the child's benefit because we are caring for him more generously under another program.

But now the Senator would go beyond that and extend the child's benefit up to the age of 25. We provided that if a child wanted to go to school, then the child's benefit would continue after the age of 18 up to the age of 22, on the theory that he was still dependent upon mamma and papa while he was still going to school. If he did not go to school, then he would lose the child's benefit, even at the age of 18.

Now the Senator would extend the child's social security benefit to the age of 25 which he would receive in addition to the GI benefits. His net benefit would then be $235 a month by treating him as a child as well as treating him as a veteran.

Mr. PERCY. Did we not just increase GI benefits? Certainly the right way to do this in order to have adequate GI benefits for educational purposes would be to charge it against that account rather than doing it this way?

Mr. LONG. Do it either way, so far as I am concerned. Under social security, do it for everyone, do it for the GI's and do it for everyone. But these overlapping systems, these double tips that people resent, the gimmicks and the angles, so that if someone does not get it he says "I never heard of it" and then the first thing you know everybody wants some other gimmick for himself. "When you do it for this man, you must do it for me," in view of the fact that here is an unintended gimmick that tends to discriminate against someone else who did not have that particular pattern, so we have to give it to him or to someone else who will say "Give it to me."

It would make far better sense to provide it across the board, rather than to start this kind of thing which benefits only a minuscule number but now sets a pattern to bring in somebody else—goodness knows who—who will say that they are being discriminated against because they only got the first bite of the apple and not the second and, therefore, they should have the double benefit. This could lead to all sorts of unintended benefits and all sorts of unintended consequences, it would seem to me.

Mr. BENNETT. Is not the theory of the $60 social security benefit that this person is dependent, dependent on the social security entitlement of his dead father, and it is not that he needs it, it is just that he is a dependent? Who can say that a man with $175 a month is a dependent child. It seems to me a thing full of contradictions.

Mr. LONG. Theoretically he is dependent. But he is a veteran of the war and is still presumed to be a dependent.

Mr. President, I point out that, under the able leadership of the Senator from Indiana, we have recently passed a bill raising the GI bill benefits from $175 a month up to $245 a month. I salute the Senator for his leadership in providing this additional benefit. At least, it is across the board for all GI's.

But in addition to the $245 a month, he would have a special facet of GI beneficiaries who would get the extra $60 a month in social security, being treated as a child, even though they were 25 years of age. I would submit that that is not the way that we should do it.

Mr. President, I move that the amendment be laid on the table.

The PRESIDING OFFICER (Mr. PROXMIRE). The question is on the motion of the Senator from Louisiana (Mr. LONG) that the amendment of the Senator from Indiana be laid on the table.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana (Mr. LONG) to lay on the table the amendment of the Senator from Indiana (Mr. HARTKE).

On this question, the yeas and nays have been ordered. The motion is not debatable and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

On this vote, the Senator from Louisiana (Mrs. EDWARDS) is paired with the Senator from Rhode Island (Mr. PELL).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Rhode Island would vote "nay."

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) would vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Alaska would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 51, nays 24, as follows:

[No. 528 Leg.]

YEAS—51

Anderson
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cooper
Cotton
Dole
Dominick
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Montoya
Muskie
Nelson
Packwood
Pearson
Proxmire
Randolph
Roth
Saxbe
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Young

NAYS—24

Aiken
Allen
Bayh
Brooke
Burdick
Case
Cook
Cranston
Gravel
Hart
Hartke
Hughes
Jackson
Mathias
Mondale
Moss
Pastore
Percy
Schweiker
Scott
Smith
Stafford
Thurmond
Williams

NOT VOTING—25

Allott
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Fulbright
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Stevens
Tower

So the motion to table the Hartke amendment (No. 1550) was agreed to.

RECLAMATION PROJECT AUTHORIZATION ACT OF 1972

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 520.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 520) to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act shall be known as the Reclamation Project Authorization Act of 1972.

TITLE I

CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 101. The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided*, That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided*, That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 102. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations in the water table of the area surounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

SEC. 103. There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 102 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 102 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 104. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided*, That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided*, That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided*, That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

SEC. 105. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

SEC. 106. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act (70 Stat. 213).

SEC. 107. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

SEC. 108. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin.

SEC. 109. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

TITLE II

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided*, That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further*, That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations.

SEC. 202. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 203. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949 (63 Stat. 159).

SEC. 204. The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 205. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 206. There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project.

TITLE III

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

SEC. 301. For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilites, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side Canal Company of Jerome, Idaho.

SEC. 302. Any exchanges of water which may be required in connection with the operation of the division authorized by this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area.

SEC. 303. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 304. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 305. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

SEC. 306. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 307. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 308. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

TITLE IV

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

Sec. 401. The O'Neill unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

Sec. 402. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 403. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

Sec. 404. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Sec. 405. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 406. There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

TITLE V

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

Sec. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Ceek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation dstribution and drainage works; facilities for public outdoor recreation and fish and wildlfe developments; and other necessary works and facilities to effect its purposes.

Sec. 502. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Sec. 503. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 504. The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

Sec. 505. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

Sec. 506. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 507. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

And amend the title so as to read: "An act to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes."

Mr. JACKSON. Mr. President, in the course of this Congress, the Senate passed bills which would authorize the Secretary of the Interior to construct, operate, and maintain five reclamation projects. The bills were as follows:

S. 520, to authorize the San Luis Valley project, Colorado, passed the Senate July 19, 1972;

S. 50, to authorize the Brantley project, New Mexico, passed the Senate on March 30, 1972;

S. 432, to authorize the Salmon Falls Division, Upper Snake River project, Idaho, passed the Senate on June 28, 1971;

S. 353, to authorize the O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska, passed the Senate on September 14, 1972; and

S. 2350, to authorize the North Loup Division, Pick-Sloan Missouri Basin program, Nebraska, passed the Senate on September 14, 1972.

The House of Representatives, on September 27, 1972, passed H.R. 16012 which included the authorization of all five projects. Subsequently, the House amended S. 520 to contain the language of the House bill and returned it to the Senate.

The House language is similar to that of the Senate bill, with the following exceptions:

DIFFERENCES BETWEEN THE SENATE BILL AND THE HOUSE BILL

Closed Basin Division, San Luis Valley Project, Colorado:

First. The House added a subsection insuring that the project will not contribute to violation of water quality standards.

Second. The House omitted subsection 3(a) of the Senate bill making Colorado uses of water salvaged in the closed basin senior to the compact uses, but inserted language in another section having similar intent which protects the closed basin—the basin of origin—from the imposition of any legal burden to deliver water to the downstream States.

Third. The House added a proviso establishing maximum annual deliveries of water for the Alamosa and Mishak National Wildlife Refuges.

Brantley project, New Mexico:

First. The House added language protecting the rights of existing Pecos River water users.

Second. The House updated the amount of appropriations authorized for construction of the project to reflect current price levels.

Salmon Falls division, Upper Snake River project, Idaho:

First. The House added language prohibiting exchanges of water with the North Side Canal Co. in place of a section in the Senate bill protecting the existing users if an exchange is made.

Second. The House added a provision limited the production of surplus crops.

Third. The House updated the amount of appropriations authorized for construction of the project to reflect current price levels.

O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska:

First. The House omitted language requiring operation of Norden Dam to insure downstream flows for ecological and environmental purposes.

Second. The House updated the amount of appropriations authorized for construction of the unit to reflect current price levels.

North Loup division, Pick-Sloan Missouri Basin program, Nebraska:

First. The House updated the amount of appropriations authorized for construction of the division to reflect current price levels.

Mr. President, none of the differences between the Senate-passed measures and the House measure adversely affects the viability of the projects or the intent of the Senate in acting on the Senate bills.

Mr. BELLMON. Mr. President, S. 520—the Reclamation Project Authorization Act—which we now have before us, authorizes the construction of five projects with a total capital investment of nearly $320 million.

It is not my intent to oppose this particular bill, nor to attack any of the specific projects which it authorizes, but I do feel compelled to bring to the attention of the Senate a matter which deserves the attention of the Congress at the earliest possible time: A complete review and redirection of the various Federal programs for development of water resources.

All of the major water development programs, including those of the Corps of Engineers, the Department of Agriculture, and the Department of Interior, have policy aspects, which in my mind, are highly questionable. In my service on the Interior Committee, however, I have had more opportunity to observe the reclamation program and my remarks, therefore, deal primarily with it.

The Interior Committee has considered many project proposals, including those authorized in S. 520, which were found to meet all of the existing criteria of feasibility and all the requirements of law for repayment. These projects have been reported favorably and passed by the Senate. Most of them will probably be constructed.

These projects, I repeat, meet all existing criteria and requirements. Yet, if the real benefits which some of them will produce are compared with the true costs to the Federal Government—not in the form of complex economic analyses, but in simple descriptive terms—they would make little sense, and I doubt that a majority of the Members of the Senate would support them.

The body of law and policy which establishes criteria and repayment requirements for reclamation projects has evolved over many decades. Incremental changes have been made which did not consider the relationship among the many functions of a large complex multipurpose project, and which did not consider other Federal programs. The result is an incredibly complex set of rules which are devoid of logic, which distort planning and which obscure the decisions Congress must finally make. True costs and benefits are impossible to ascertain because of the complexities of feasibility criteria and because of claimed project benefits which are both difficult to justify and impossible to prove.

In the committee hearing on one of the projects included in S. 520, the Department of Interior statement said:

> Repayment of irrigation and recreation costs would total about $72,100,000 or nearly 99 percent of the total project and assigned costs.

In a legalistic sense that statement is correct. The true fact is, however, that most of the "repayment" is made from the sale of power generated at dams, many of which were constructed years ago by another agency, and which are in no way associated with this particular project. The real beneficiaries—which is posed reclamation project—will repay only about $14 million, or about 19 percent of the project cost. The rest of the so-called "repayment" comes from the revenue of power generated at government built hydroelectric dams. This is not repayment, since the power revenues would otherwise come into the Federal treasury. It amounts to earmarking of power revenues for subsidizing irrigation.

Mr. President, it must be further pointed out that the portion of the costs of a reclamation project repaid by irrigation beneficiaries is made over a period of 60 years with no interest charge. The matter of interest-free loans for irrigation investment poses particular difficulties, because it can and does distort sound economic and financial planning. Since farmers, who must bear the cost of annual operating expenses on irrigation projects, have limited capacity to pay, project planners concern themselves with reducing operating costs. But neither farmers nor planners are concerned with the annual cost of the Treasury's investment, since no interest is charged against the project.

The tendency, then, is to design more sophisticated projects which reduce annual operating costs, but at the same time normally increase initial outlay and total cost of the project. Heavy capital investments are made by the Government in order to achieve relatively small savings in annual operating costs to the landowners, and the real subsidy is made greater than necessary over the life of the project.

The use of this investment by the landowners is free, but the U.S. Treasury is paying billions of dollars in interest every year on our huge national debt.

To demonstrate the full impact of this policy we can use as examples two of the projects included in S. 520.

The O'Neill Unit in Nebraska carries an initial capital investment of $113,000,000 on 77,000 acres—probably double the real value of the land. The irrigation portions of the project require no interest repayment, even though the Government must borrow the money at interest to build the project. At a 6-percent interest rate over the 50-year repayment schedule, the Government's interest cost on this project will be $513 million, or an additional per acre cost of more than $6,600. Thus the real cost of the O'Neill project, including interest, is $626 million—$7,900 per acre—of which the landowner beneficiaries will repay perhaps $25 million. The other $600 million is direct Federal subsidy.

On the Salmon Falls irrigation project in Idaho, the initial cost of construction is estimated at $62 million. Again, the repayment is without interest; and using the same criteria as used on the O'Neill project, the interest costs absorbed by the Federal Treasury amount to $223 million.

Since the landowners in the project are expected to repay only about 28 percent of the initial construction cost and none of the interest costs, the Federal subsidy then amounts to over $267 million dollars. The project includes irrigation for some 64,000 acres, so the per acre subsidy amounts more than $4,000, or seven to eight times the likely value of the land.

Mr. President, again I wish to point out that I am citing these facts not for the purpose of criticizing these particular projects. Basically they are little different from others which have been approved by Congress over the years using the same justification and the same formulas.

Nor I do not intend to totally condemn the concept of subsidizing water resource development. I am urging that the subsidies which are made be related to the Federal objectives in each project proposal, and that the subsidies be set forth in a way which permits decisionmakers to evaluate them against the projects' benefits.

The financial aspect of the reclamation program is only one of many water resource policies which need examination. Cost sharing and subsidy policies are outdated on nearly all aspects of water resource programs in light of society's modern needs and priorities. Our limited Federal investments in water resources are not being applied to the most urgent and fruitful developments.

There are equally serious policy questions concerning the responsiveness of the existing activities of the water resource agencies to the needs of the States; the means of measuring costs and benefits of proposals; and, perhaps most important, the lack of coordination between Federal efforts in water quality control and the traditional water resource planning and management programs.

These problems will not be resolved simply by selecting the correct discount rate for economic analysis. What is required is a fundamental review of the valid, modern needs for Federal involvement in water resources management followed by restructuring of all of the programs to effectively meet those needs.

For example, we should seriously question the justification for irrigation projects—the purpose of which is to bring new lands into production, or to increase the productivity of agricultural lands—when we already have surplus production capacity. Sixty million acres of farm lands were taken out of production this year under the Federal set-aside program at a cost to the Federal Treasury of $4 billion. Can we justify subsidizing programs which increase our production capacity and forces still more acres out of production at still higher costs to the Government?

The Congress, by the act of September 26, 1968 (82 Stat. 868), established the National Water Commission to make just such a fundamental review. The Commission's report will be available early in the next Congress. I am hopeful that it will provide a basis of findings and recommendations which can support congressional restructuring of the water programs.

I intend to urge the Interior Committee to act promptly on the Commission's report. I hope that the other committees which have jurisdictional interests in the water resource programs will also give serious and prompt attention to the report.

In the interim, I urge my colleagues to give careful consideration to the individual proposals for water resource projects which come before the Senate. These projects should be evaluated on their individual merits. The real Federal investment should be described, and the real benefits of the projects should be examined and laid before the Congress in plain language and with simple arithmetic.

Mr. President, I move that the Senate concur in the amendment of the House to S. 520.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

AUTHORIZATION OF ADDITIONS TO THE SITKA NATIONAL MONUMENT, ALASKA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1497.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1497) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes", which were on page 1, lines 9 and 10, strike out "purchase with donated or appointed funds," and insert "purchase,".

On page 2, line 9, after "donation." insert "Notwithstanding any other provision of law, the Secretary may erect permanent improvements on lands acquired by him from the State of Alaska for the purposes of this Act."

Mr. BIBLE. Mr. President, the House adopted two amendments to S. 1497. One amendment deletes the reference to donated or appropriated funds. The other amendment authorizes the Secretary of the Interior to construct permanent improvements on lands on which he might hold less than a fee interest. Present Alaska State law precludes the conveyance of fee title, and existing rulings of the Department of Justice preclude the construction of permanent improvements on any lands in which the United States has less than a fee interest, unless specifically excepted by act of Congress. However, it is expected that this problem will resolve itself if the commitment to seek legislative action to donate the State lands is approved.

Therefore, Mr. President, I move that the Senate concur in the amendments of the House to S. 1497.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

DESIGNATION OF CERTAIN LANDS IN THE LASSEN VOLCANIC NATIONAL PARK, CALIF., AS WILDERNESS

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 10655, to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

There being no objection, the Senate proceeded to consider the bill, which, by unanimous consent, was read twice by title.

Mr. BIBLE. Mr. President, on October 2 the Senate passed S. 667, which is identical to this bill.

I ask that the Senate pass H.R. 10655.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to be read a third time, and was passed.

PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader what the program for the remainder of the evening and for tomorrow.

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership to do everything in its power to adjourn a week from Saturday. The Senate has been informed there will be no session this Saturday. It is the hope of the joint leadership that we will stay in session this evening until the pending bill is disposed of one way or the other.

TIME LIMITATION ON ROLLCALL VOTES

Mr. President, I ask unanimous consent that from now on rollcalls be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. On behalf of the joint leadership, I ask all Senators who have amendments to offer to consider a possible limitation of time and words to the end that we might be able to accomplish what we think the Senate wants to do today, and that is to finish this legislation tonight.

Mr. SCOTT. Mr. President, I agree and I hope Senators who can bring themselves to do it would be willing in some instances, if possible, to agree to voice votes or votes by division, rather than a record vote on every proposal made. We are coming close to 500 votes, not counting automatic quorum calls this session. We will soon reach a figure of 100 votes more than ever occasioned in this Senate since the beginning of the Republic. If the Founding Fathers could do so well with about 40 votes, I do not know why we have to have 500 and some. I call attention to the fact that we do not have to agree to the yeas and nays on all votes. We could get into a situation where it would extend beyond the limit of human perseverance.

I wish to ask the distinguished majority leader about the housing resolution extension.

Mr. MANSFIELD. The distinguished Senator from Alabama (Mr. SPARKMAN) is in the Chamber. Could he give us information in that regard?

Mr. SPARKMAN. I would say this. I have been negotiating with the Senator from Massachusetts (Mr. KENNEDY) who has proposed to offer an amendment, which I have done my best to try to prevent. We have not terminated the negotiations, but I am hopeful I am going to be able to talk him out of it.

I feel that this bill as we reported it from the committee should be passed and passed quickly.

Our committee was unanimous in supporting the idea of no substantive amendments; those necessary extensions with two items other than extensions, one for $150 million for public housing in order to shore up these housing authorities throughout the country—many of them are nearing bankruptcy—and $250 million for urban renewal, primarily for the purpose of taking care of disaster areas and to replace some funds that already have been used for that purpose.

Those are the only things in the bill we are reasonably certain the House will accept in that bill when it goes over. If other amendments are added to it I see no hope.

Mr. SCOTT. Mr. President, in thanking the distinguished majority leader I would like to note that the reason we are not meeting Saturday is due to the expectation that we would finish this bill yesterday or today. It is our sincere hope that Senators will give us all the aid they can. If they give us aid we will give them future comfort.

Mr. MANSFIELD. Plus the fact we have been putting in very long days. The average this week has been 12 hours a day, in addition to our other duties, and we think the Senate has been working splendidly; that it is entitled to a day of rest, contemplation, and resuscitation. I join the distinguished Republican leader in urging that membership not to always ask for rollcall votes because in many instances the issue can be decided on voice votes.

Mr. SCOTT. We hope that on Saturday Senators will be able to engage in omphaloskepsis, or the contemplation of one's navel. We no longer have a separate Naval Affairs Committee.

FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on H.R. 10729, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PROXMIRE). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this day at p.34040).

Mr. ALLEN. Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that Mr. Harker Stanton, Mr. Forrest Reese of the Agriculture and Forestry Committee, and Leonard Bickwit of the Committee on Commerce be allowed to remain in the Chamber during the consideration of the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, this conference report was agreed to by all conferees on the part of the Senate and House. There were at least 51 points of difference. The House receded from its disagreement to 32 of these differences. The Senate receded from 7. The remainder were compromised, generally in line with the Senate amendment.

The Senate provision on mandatory licensing of test data was retained with minor modifications. The Senate receded with respect to its disclosure provisions, but the House receded with respect to judicial review of the Administrator's disclosure decisions. The Senate had to yield on its provision banning exports, but the House yielded on the Senate's provision with respect to notification to foreign governments with respect to pesticides banned in the United States. The House indemnity provision was modified to prohibit indemnities to manufacturers who continue to produce a pesticide without timely notification to the Administrator of facts which would require cancellation. The Senate provision for citizen suits against the Administrator is not included in the conference report, but the judicial review provisions are generally in line with the Senate amendment, and persons adversely affected and who have been parties to the proceedings would be entitled to judicial review.

Mr. President, this is a good report, and I hope it will be agreed to.

I ask unanimous consent at this time that there be inserted in the RECORD a digest of the differences between the two Houses and the manner and method by which those differences were settled.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

(Differences between the Senate amendment to H.R. 10729 and the conference substitute therefor)

1. *Senate amendment.* Deletes "pesticide" from "certified pesticide applicator" in section 2(e) and elsewhere (and similar titles) to avoid confusion with certified public accountants.

Conference substitute. Same.

2. *Senate amendment.* Permits an employee to apply pesticides on his employer's land as a private applicator under section 2(e)(2).

Conference substitute. Same.

3. *Senate amendment.* Gives EPA discretion as to the necessity for the physical presence of a certified applicator.

Conference substitute. Same. (section 2 (e)(4))

4. *Senate amendment.* Gives the Administrator discretion as to which provisions of section 2(q)(1) (definition of misbranded) or section 7 (registration of establishments) shall be applicable to any class of device.

Conference substitute. Same. (sections 2 (h), 2(q)(1), and 25(c)(4))

5. *Senate amendment.* Changes the registration criteria from "substantial" to "unreasonable" adverse effects on the environment and change the definition slightly, without making any change in substance.

Conference substitute. Same. (sections 2 (x) and 2(bb) and elsewhere throughout the bill)

6. *Senate amendment.* Defines "imminent hazard" to include a situation involving hazard to survival of endangered species.

Conference substitute. Same, except that it specifies an "unreasonable" hazard. (section 2(1))

7. *Senate amendment.* Defines "ingredient statement" to require all pesticides to show the name and percentage of each active ingredient and the total percentage of inert ingredients.

Conference substitute. Same. (section 2 (n))

8. *Senate amendment.* Requires the establishment registration number to be shown on the label (rather than on accompanying labeling).

Conference substitute. Same. (section 2 (q)(1)(D))

9. *Senate amendment.* Classifies a pesticide as misbranded if "when used in accordance with the requirements of the Act or commonly recognized practice" it causes unreasonable adverse effects on the environment.

Conference substitute. Makes such effects cause for denial or cancellation of registration, but would not subject manufacturer to criminal penalties for misbranding in such case. (sections 3(c)(5)(D) and 6(b))

10. *Senate amendment.* Excludes nontoxic, vitamin-hormone products not intended for pest destruction from the definition of "plant regulator".

Conference substitute. Same. (section 2 (v))

11. *Senate amendment.* Defines "establishment" as a place where pesticides or devices are produced or held for distribution or sale. This would make it clear that a farmer who mixed two pesticides in his spreaders or sprayer would not be required to register as an establishment.

Conference substitute. Same. (section 2 (dd))

12. *Senate amendment.* Specifically requires the Administrator to request all test data not in his possession that he needs to make his decision on registraton.

Conference substitute. Not specifically required.

13. *Senate amendment.* Provides for mandatory licensing of test data.

Conference substitute. Same, with some modifications from Senate provision. (section 3(c)(1)(D))

14. *Senate amendment.* Strikes out the requirement for making data available to the public within thirty days after registration and instead—

(A) prohibits the disclosure of information or data received or sent pertaining to applications for registration until thirty days prior to registration (or at registration if an emergency or the public health requires that registration not be delayed), and requires such data to be made available to the public at that time. If the Administrator determined during such thirty-day period on the basis of substantial new evidence or evaluations of data earlier received that the pesticide did not meet the requirements for registration he would have to give the applicant notice of that fact within such period, thereby initiating denial of registration proceedings.

(B) requires written communications between the Administrator and any person to be made available to the public upon identifiable request and at reasonable cost; but only subject to such conditions as will not unreasonably interfere with administration of the Act, paragraph (A) above, or the prohibition against disclosure described in section 10(c). *Conference substitute.* Does not adopt this amendment.

15. *Senate amendment.* Makes the prohibition against making lack of essentiality more definite by changing it to read "Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other."

Conference substitute. Includes both House and Senate provisions on this subject. (section 3(c)(5)(C))

16. *Senate amendment.* Gives the Administrator discretion to give an applicant more than thirty days to make corrections.

Conference substitute. Same. (section 3(c) (6))

17. *Senate amendment.* Permits "other interested persons with the concurrence of the registrant" to contest the denial, cancellation, or suspension of registration, or a change in classification, where the registrant fails to do so.

Conference substitute, Same. (sections 3 (c) (6), 3(d)(2), 6(a)(1), 6(b), and 6(b) (4))

18. *Senate amendment.* Authorizes the Administrator to require pesticide packaging and labeling for restricted use to be clearly distinguishable from packaging and labeling for general use.

Conference substitute. Same. (section 3(d) (1)(A))

19. *Senate amendment.* Makes restricted classification depend in part on the hazards involved in the use of a pesticide "in accordance with a commonly recognized practice".

Conference substitute. Same. (section 3(d) (1)(B) and (C))

20. *Senate amendment.* Subjects restricted use regulations to judicial review.

Conference substitute. Same. (section 3(d) (1)(C)(ii))

21. *Senate amendment.* Specifically subjects a change in classification to judicial review.

Conference substitute. Same. (section 3 (d)(2))

22. *Senate amendment.* Makes registration prima facie evidence of compliance as long as no cancellation proceedings are in effect.

Conference substitute. Same. (section 3(f) (2))

23. *Senate amendment.* Makes it clear that EPA can withdraw its approval of a state certification plan.

Conference substitute. Same. (section 4 (a) and (b))

24. *Senate amendment.* Allows the Administrator to permit states to issue experimental use permits.

Conference substitute. Same. (section 5 (f))

25. *Senate amendment.* Allows the Administrator to permit continued sale or use of a pesticide whose registration is cancelled where not inconsistent with the purposes of the Act.

Conference substitute. Same (sections 6 (a)(1), 12(a)(1)(A), and 12(a)(2)(K))

26. *Senate amendment*. Restores the existing cancellation criteria, permits the Administrator to initiate cancellation proceedings either by cancellation notice or hearing notice.

Conference substitute. Substantially the same. (section 6(b))

27. *Senate amendment*. Provides for initiation of change in classification proceedings as an alternative to cancellation proceedings when registration is suspended.

Conference substitute. Same. (section 6 (c)(1))

28. *Senate amendment*. Provides for hearings on suspensions except in emergency situations.

Conference substitute. Same. (section 6 (c))

29. *Senate amendment*. Provides for judicial review for suspensions (as generally in other cases) in the district court where there has been no hearing, in the court of appeals where there has been a hearing. (House did not provide for an administrative hearing on suspension and therefore provided for judicial review only in the district court.) Under Senate provision, court stay of a suspension order would be effective until final decision with respect to cancellation or change in classification. Under House provision, a new suspension order could be entered as soon as the court ruled that the original order had been ruled not in accordance with legal procedures.

Conference substitute. Same as Senate. (section 6(c))

30. *Senate amendment*. Provides submission of all scientific questions "at the outset of the hearing" to prevent delays through additional references while the hearing is proceeding.

Conference substitute. Provides for submission "at any time before the hearing record is closed", and conditions such submission on concurrence of a party and the Hearing Examiner. (section 6(d))

31. *Senate amendment*. Specifically prohibits any member of a scientific advisory committee from having a financial or other conflict of interest with respect to any matter considered by the committee.

Conference substitute. Same. (section 6 (d))

32. *Senate amendment*. Provides for entry by EPA of any place where pesticides or devices are held for distribution or sale (as well as manufacturing establishments).

Conference substitute. Same, but limits it to entry for purpose of inspecting and obtaining samples. (section 9(a))

33. *Senate amendment*. Describes an illegal pesticide as one "which is adulterated, misbranded, not registered (in the case of a pesticide), or otherwise in violation of this Act".

Conference substitute. Same. (section 9 (b))

34. *Senate amendment*. Specifically provides for certification of facts to Attorney General with respect to institution of proceedings for civil penalties.

Conference substitute. Same. (section 9 (c))

35. *Senate amendment*. Provides more liberal disclosure policies with respect to trade secrets and other confidential information.

Conference substitute. Adopts House provision. (sections 10(a) and (b))

36. *Senate amendment*. Provides for judicial review of the Administrator's decision to release information which the applicant or registrant believes to be protected from disclosure.

Conference substitute. Same. (section 10 (c))

37. *Senate amendment*. Prohibits exportation of pesticides which would result in unreasonable adverse effects on the environment of the United States.

Conference substitute. Omits this provision.

38. *Senate amendment*. Prohibits tests on human beings without adequately informing them and obtaining their voluntary participation.

Conference substitute. Same. (section 12 (a)(2)(P))

39. *Senate amendment*. Provides civil and criminal penalties for wrongdoers for which penalties were inadvertently omitted from House bill.

Conference substitute. Same. (sections 14 (a)(2) and 14(b)(2))

40. *Senate amendment*. Omits provision for indemnities.

Conference substitute. Contains House provision for indemnities, except that indemnities would be denied a manufacturer who withheld essential information showing that his pesticide should not be registered. (section 15)

41. *Senate amendment*. Provides judicial review for "any person who will be adversely affected" rather than "any party at interest."

Conference substitute. Same, except that it is further limited to persons who had been parties. (section 16(b))

42. *Senate amendment*. Provides for citizen suits against Administrator.

Conference substitute. Omits this provision.

43. *Senate amendment*. Provides for notice to foreign governments whenever a registration or suspension becomes effective or whenever a registration, cancellation, or suspension ceases to be effective.

Conference substitute. Same. (section 17 (b))

44. *Senate amendment*. Provides for quality control screening of imported agricultural commodities for pesticide residues.

Conference substitute. Omits this provision.

45. *Senate amendment*. Permits the Administrator (rather than the President by executive order in emergency conditions) to exempt federal or state agenices.

Conference substitute. Permits the Administrator to exempt only in emergency conditions. (section 18)

46. *Senate amendment*. Requires the Administrator to solicit the views of the Secretary of Agriculture before publishing regulations.

Conference substitute. Same. (section 21)

47. *Senate amendment*. Authorizes the Administrator to utilize the cooperative state extension services in providing information to farmers.

Conference substitute. Same, but "in cooperation with the Secretary of Agriculture." (section 23(c))

48. *Senate amendment*. Makes it clear that a state may provide registration to meet special local needs (subject to disapproval by the Administrator).

Conference substitute. Same. (section 24(c))

49. *Senate amendment*. Extends the appropriation authority for the Act one year to fiscal 1975 and limits to specific amounts.

Conference substitute. Extends to 1975 but without specific amounts. (section 27)

50. *Senate amendment*. Prohibits EPA from charging fees, other than reasonable registration fees.

Conference substitute. Omits this provision, but statement of managers states intent that no fees be charged. (section 27)

51. *Senate amendment*. Makes penalties effective only after the Administrator has taken such action as may be necessary to permit compliance (as well as having issued regulations).

Conference substitute. Same. (section 4(d) of the amending bill)

Mr. ALLEN. Mr. President, I yield to the Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, I would like to say that the conference report represents the very best that we could arrive at. There were some sharp differences between the House and the Senate conferees over some rather fundamental differences. However, I believe that this is a very supportable bill. It does not go into certain elements that the Senate had desired. On the other hand, it does go into cerain elements that the Senate did desire. The same thing can be said about the House position.

One of the most difficult areas to be negotiated here had to do with test data use in submitting an application for a certificate. I believe the protection afforded the owner of test data represents an adequate protection, and while I understand that some people who own test data do not wish to have it made available under any circumstances at all, this position would constitute a considerable cost to the Government, and a proper reimbursement approach seemed to be in order.

What we have provided in this particular conference report has been a procedure whereby, through the use of the courts, the owner of the test data can, if he is not satisfied with the award made by the EPA, try to obtain additional amounts of money representing the just compensation due him, and in the meantime he will have the added protection of being able to receive the amount of the award made by the EPA.

I think this is about the best protection that could be afforded to the owner of test data.

I want to commend particularly the Senator from Alabama for the outstanding work his subcommittee did on this bill.

Mr. ALLEN. I thank the Senator from Iowa.

I yield now to the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, the bill that the Senate sent to the conference under the leadership of the distinguished Senator from Alabama (Mr. ALLEN) is a far superior bill to the bill that came out of the conference.

I recognize the problem that the Senate conferees had, and there is no doubt that, if they were going to get a bill, they had to compromise. No doubt they got the best bill they could get.

The House bill, when it originally came to the Senate, contained an indemnification provision to pay manufacturers for losses suffered whenever a pesticide is removed from the marketplace because it is hazardous. Wisely, the Senate Committee on Agriculture and Forestry removed that indemnification provision. In the Senate bill which we passed 71 to 0 on September 26 it did not appear. The representatives of the administration supported the amendment of Senator HART and myself to delete the provision for indemnification in the Senate Agriculture Committee. In fact, in response to questions from the distinguished Senator from Alabama (Mr. ALLEN), Mr. David Dominick, representing the Environmental Protection Agency, said:

> 1. H.R. 10729 provides for the indemnification of persons suffering as a result of owning a pesticide whose registration is subject to suspension followed by a final order of cancellation. The administration bill had no such provision. We believe that this is a bad

precedent and the provision particularly as worded in the House bill is unwise.

I just want to call the attention of the Senate to the fact that a very serious precedent is being established in this bill. There are literally thousands of products in the marketplace which are dangerous. As they are proven by evidence to be dangerous and are removed from the marketplace, each manufacturer will be asking for indemnification from the public citing the precedent of this pesticides bill.

Take the example of cyclamates. The bill that came over from the House indemnifies the users of cyclamates in the production of soft drinks. If that bill should pass in this body as it did in the House, there are estimates that the manufacturers of soft drinks will be entitled to indemnification for economic losses that may range from somewhere around $100 million to $500 million. In addition, a number of food additives are going to be found to be carcinogenic and they are going to have to be removed from the marketplace under the provisions of the Delaney law. Every single one of the manufacturers of these additives is going to ask the Congress for indemnification.

I do not understand why the public should indemnify a manufacturer who put a dangerous product into the marketplace. When the public discovers it is dangerous why should the public then have to pay for the losses on the product a manufacturer has in stock at the time he is ordered to take it out of the marketplace? That is absolutely preposterous and indefensible.

The same principle also applies to prescription drugs. Every single year prescription drugs are being removed from the marketplace because they are found to be unsafe. Upjohn's Panelba and other fixed combination drugs were selling at a rate of about $5 million a year. Then they were removed from the marketplace at the recommendation of the National Research Council of the National Academy of Sciences.

We are going to have thousands and thousands of drugs removed from the marketplace because they are found to be hazardous. We are going to have each manufacturer say to the taxpayers, "Pay us the losses that have resulted as a consequence of our manufacturing and putting into the marketplace a hazardous drug. We think we are entitled to be indemnified." And in addition to the prescription drugs, all of the over-the-counter drugs are presently being reviewed by the FDA.

So we are establishing a precedent in this legislation that may be tremendously expensive.

As a matter of fact, almost $1 billion worth of pesticides were sold last year. As we closely examine these pesticides and find that some of them are hazardous, the manufacturers are going to come in under this provision, and they are going to ask the public to pay for the losses they have suffered on products they have manufactured without adequately testing them in the first place.

Mr. NELSON. I yield.

Mr. BUCKLEY. Did the FDA ever come up with a finding that cyclamates were safe in the first instance?

Mr. NELSON. There was never any specific investigation of safety. The cyclamates, if my memory is correct, were among those 500 products that were classified on the GRAS list as generally recognized as safe a number of years ago.

Mr. BUCKLEY. I think it would spell out some source of difference if a governmental agency gives instructions to release the substance, and thus encourages or at least does not act to prevent the manufacture. That places the manufacturer operating on the side of no danger; but the Federal agency might be in a different category from these other types of manufacturers of over-the-counter drugs, where there was never any implied approval at a governmental level.

Mr. NELSON. No, I do not think I would agree with the distinguished Senator from New York. Over-the-counter drugs have just been thrown into the marketplace and used over the years without the manufacturer proving that they were safe. The law did not require any proof of safety of over-the-counter drugs. The law did not even require proof of safety as to prescription drugs until 1938. That still does not mean that when the manufacturer puts a dangerous drug into the marketplace we should indemnify him from economic loss. Regardless of what the law is—he manufactured it, he marketed it, and it was his unsafe product. Why should the public have to pay for it?

Mr. BUCKLEY. I agree. It was at his risk. But I was asking specifically whether the cyclamate situation was in a different category, where some agency of the Government may have said at some point, "We have no objection, we find no objection to the marketing of this specific product."

Mr. NELSON. I think that the Senator is correct in that there is a slight distinction. But from my own viewpoint, it is not a distinction that justifies indemnification.

It is true that a group of scientists took a look at the existing literature and saw that some products had been used over a long period of time. On the basis of this literature survey and without any tests, it was concluded that some of these products were generally recognized as safe. Then evidence began to be developed over the years, and some of them have been demonstrated not to be safe.

In the cyclamate case, the Food and Drug Administration has now taken the position, I believe, that they do not object to indemnification in that specific case. What they are also saying, I guess, is that the cyclamate case does not set a precedent as to the rest of the GRAS list.

But I still think the principle must be firmly established that the manufacturer of a product which is inherently dangerous is the one who is responsible for paying his own losses when the Government says, "That is a dangerous product you have put into the marketplace, and therefore you must remove it." Whatever losses occur when a dangerous substance is removed from the marketplace should not be paid for by the taxpayer, any more than General Motors, Ford, Chrysler, or American Motors should be indemnified by the public for putting a car into the marketplace and suddenly discovering at a later date that it is a defective "lemon."

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. When the automakers discover that there is a difficulty in one of their automobiles, they do not come here and say to Congress, "We put an unsafe vehicle into the marketplace and it is costing us a lot of money to take it out of the marketplace, will you indemnify us?"

However, that is the precedent that may be set with this provision in this pesticide bill.

Mr. BUCKLEY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HART. Mr. President, I have listened with attention, and I think agreement, to the Senator from Wisconsin, that if we had our "druthers" we would have either no indemnity for any manufacturer or a more tightly drawn indemnification section as it relates to the manufacturers.

It is because of the presence of this one aspect in this conference report that I could not quarrel with those who resolved what is really a judgment question as to whether the advances which are clearly contained in the bill are sufficient to justify the regression which is involved in the indemnity clause.

What has emerged, as I see it, is something of a mixed bag, consisting of quite a few pluses as compared to existing law and one rather substantial minus. On balance I believe our action is sound. The pluses will undoubtedly give this country a great many public health benefits. For the first time pesticides will be subject to regulation through the control of the use of the chemical, rather than merely the manufacturer and labeling of the product. Moreover, procedures for banning pesticides will be greatly streamlined, thus facilitating control of harmful effects before these become widespread. Additional protection has been extended to farmworkers to prevent their exposure to involuntary risks from experimental tests involving pesticides, and coverage of the act will now extend to intrastate manufacture, distribution and use of potentially harmful pesticides. While additional pluses were sought, these constitute a very substantial improvement over the situation under existing law.

The minus involves the indemnity provision, which was included in the House bill but stricken by the Senate. After considerable discussion of this provision in conference a compromise was reached which in my view eliminates some, but certainly not all, of the problems associated with indemnities. The provision is limited to losses incurred by reason of suspensions of dangerous pesticides which pose "imminent hazards" to the public. Such suspensions have occurred under existing law only three times since its inception. Another limitation eliminates payments to those who have produced harmful pesticides without informing the Environmental Protection Agency of dangers of which they are aware.

The provision nonetheless would allow recovery of indemnity payments in many cases where in my view they are not justified. I fear the provision will to some extent curb incentives by the chemical industry to police itself and may result in unhealthy budgetary pressures on the Administrator when he decides whether or not to suspend a registration.

Balancing these pluses and minuses is of course a question of judgment on which reasonable men may differ. It is my judgment at this time that the gains in this bill outweigh the losses and that enactment is in the public interest. I would have to admit to some uncertainty in this evaluation and would hardly quarrel with those who balance the interests differently. That uncertainty results in large part from an inability to predict what would happen in the next and succeeding Congresses with respect to proposed pesticide legislation were we not to act at this time.

Let me close by congratulating the distinguished chairman of the Agriculture Committee (Mr. TALMADGE) and the distinguished chairman of the Subcommittee on Agricultural Research (Mr. ALLEN) who can be proud of shaping the major features of this legislation. While of course I would have hoped that the bill before us today would have more closely resembled the Senate-passed version, I do believe that what has emerged from conference worthwhile.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, would the distinguished manager of the conference report indicate whether he expects to be on this conference report much longer, and, if so, could we get a time limitation?

Mr. ALLEN. Mr. President, I will say to the distinguished Senator from West Virginia, the assistant majority leader, that I did not think it would take more than 2 or 3 minutes when we first started. I would have liked to say something in response to what the Senator from Wisconsin said, which was somewhat of an unfavorable nature, but would have replied in even more detail to the remarks of the Senator from Michigan (Mr. HART), which have been more favorable, and I want to pay tribute to him and his spirit of compromise for the open mind with which he went into the deliberations of the conference committee.

I do not care to add anything further, and would not even press for a rollcall vote.

Mr. TUNNEY. Mr. President, I would like to have 90 seconds for a question.

Mr. ROBERT C. BYRD. Could we get a time limitation? As the majority leader has said, it is the intention to complete H.R. 1 tonight, and while conference reports are important, they could go over until tomorrow, but if we let H.R. 1 go over until tomorrow, the Lord only knows how many more amendments will come out of the woodwork.

Mr. ALLEN. I would be willing to agree to a 5-minute limitation.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, reserving the right to object, we have two sides of the aisle here.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the conference report be limited to 5 minutes, to be equally divided between the Senator from Alabama——

Mr. DOLE. I am one of the conferees.

Mr. ROBERT C. BYRD. The Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. TUNNEY. The Senator from Alabama knows that the Senator from California had an amendment in the bill as it passed the Senate which would have provided for greater inspection of foreign commodities coming into the country. I note that as the bill came from conference, my amendment was stripped from the bill.

I feel that my amendment was a very important one, in that American farmers should not have to subscribe to a greater degree of care for the health of American citizens than do foreign farmers who send their commodities into this country.

I am curious to know why the conferees apparently felt that foreign farmers should have to subscribe to a less intense degree of scrutiny of their commodities than American farmers do.

Mr. ALLEN. I thank the distinguished Senator from California for raising this question.

Certainly his amendment was part of the Senate bill. That is one of the few Senate provisions that did bite the dust in the conference committee deliberation. One reason was that the amendment agreed to in the Senate, where we have no germaneness rule, would not have been germane under the House rules, and a point of order could have been made at that point.

The second reason why it was withdrawn, or the Senate receded to the House position, was the import-export situation regarding farm products. The United States exports some $8 billion in agricultural products, not counting the wheat recently sold to Russia and China. We import some $6 billion worth of goods. The provision that the Senator was advocating would have caused retaliation on the part of other countries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired, under the unanimous-consent agreement.

Mr. ALLEN. I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. So the fear of retaliation, plus the adamant attitude of the House, both as to the provision and to its germaneness, did result in the dropping of the very excellent amendment offered by the distinguished Senator from California.

Mr. TUNNEY. I thank the Senator from Alabama for characterizing the amendment as excellent.

It was my understanding, in addition—I have just heard this in the last few minutes—that the administration lobbied very heavily against the amendment I offered. I was wondering whether the distinguished Senator has any knowledge of those activities.

Mr. ALLEN. I have no knowledge of any such activity.

Mr. TUNNEY. It seems to me that the sufferers are the American farmers, and it seems to me a great shame that the products of Americans farmers should have to subscribe to a stiffer test than the products of foreign farmers.

Mr. ALLEN. I say to the Senator from California that if he will offer this amendment in the form of a bill, we will see that he gets an early hearing before the subcommittee on which I serve.

Mr. TUNNEY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas has 2½ minutes.

Mr. DOLE. Mr. President, I rise in support of the conference report.

As one of the conferees, and having some interest in the bill, I can say, as the Senator from Michigan said earlier, that there were a number of difficult issues to be resolved.

There was not full satisfaction on the part of the Senate conferees with the indemnity provision. I think many of us felt that it should have been restricted to producers and perhaps retailers and not manufacturers. I believe the question essentially became whether we would have a pesticide bill or break up in disagreement over one issue. In fact, that issue finally was resolved.

So when we look at the entire bill and look at the great work done by the Senator from Alabama and others who held very extensive hearings, in my opinion it is a step forward. If there are some imperfections, they can be resolved in the next session of Congress, as can the amendment referred to by the distinguished Senator from California.

Issues were compromised, as is true in any conference. The issues of citizens' suits, disclosure of data, and payment for data were resolved not to our entire satisfaction; but I believe the question became, in the minds of the conferees, Should there be a bill this year? I felt that in good faith the conferees on the Senate side felt that this bill would be much better than no bill at all, even with some imperfections.

I rise in support of the bill. I think it is a good effort, and I am happy to associate with all those in the Committee on Agriculture and Forestry and the Committee on Commerce in arriving at what I believe is a good beginning.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing

Federal-State public assistance programs, and for other purposes.

Mr. HARTKE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 467, line 18, insert the following new section and renumber subsequent sections accordingly:

COVERAGE OF PSYCHOLOGISTS' SERVICES

Sec. 274. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or (4)" and inserting in lieu thereof "(4)" and (2) by inserting before the period at the end thereof the following: ", or (5) a psychologist holding a doctoral degree, licensed or certified as such by a State, but only for purposes of section 1861(s)(1) and section 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them."

(b) The amendment made by subsection (a) shall apply only with respect to services performed on or after the date of the enactment of this Act.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—after having consulted with the distinguished Senator and the distinguished ranking minority member of the committee—that there be a 20-minute time limitation on this amendment, to be equally divided between the Senator from Indiana (Mr. Hartke) and the Senator from Utah (Mr. Bennett).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, the amendment I have just offered is cosponsored by the Senator from Michigan (Mr. Hart) and the Senator from California (Mr. Cranston).

Mr. President, medicare contains several built-in limitations which restrict the patterns of care and availability of services for individuals suffering from mental, psychoneurotic, and personality disorders.

While there are provisions for treatment for such difficulties under part B of medicare, they must either be provided by a doctor of medicine or by a doctor of osteopathy or as an incident to their services.

The result of this limitation has been to restrict psychological services to the point where less than 1 percent of the patients served by psychologists are over 65 years of age.

The pending Hartke amendment which has been cosponsored by Senators Cranston and Hart puts psychologists on an equal footing with psychiatrists for the purpose of providing mental health services for the elderly under medicare.

Mr. President, health is a right and proper health care should be provided to all regardless of age, area of residence, or income. Those in need of health services should have a right to choose from licensed professionals functioning within the scope of their practice. Any legislative limitation which precludes this privilege of free selection is not in the best interest of the patient, prevents innovative approaches to treatment, and is often poor economics.

If any group were to be singled out for having emotional problems concomitant with conditions often outside their control, the poor and aged fit this category.

Psychologists have the training, credentials, and controls to function as independent practitioners to supply this public need. Psychologists are now licensed or certified to function independently as providers of mental health services in 46 States and the District of Columbia. In fact, this very Congress passed the act to license psychologists for independent practice in Washington, D.C.

All laws that have been passed that regulate the practice of psychologists call for a minimum of a doctorate from a recognized university, internship in an approved setting, and postdoctoral training. We have every evidence to believe that our controls over the profession are sufficient to insure our continued functioning as an independent provider of health benefits.

The effectiveness of the control over our profession and the ethical functioning of psychologists are reflected in the fact that while the cost of malpractice insurance for most medical specialties has continued to rise to astronomical heights as the public has sought redress through the courts—the cost for malpractice insurance for psychologists has continued to decline. At present, a private practicing psychologist can receive professional liability insurance in the amount of $300,000 to $900,000 per year for a cost of $40 per year. In the 15 years that psychologists have had malpractice insurance, there has not been one case that has gone to court.

There is significant evidence that suggests that early intervention in the treatment of mental health disorders reduces overall costs of medical expenses. Studies by Cummings and Follett at Kaiser-Permanente—the group health care plan in California—clearly show that early intervention and utilization of psychotherapeutic services tend to reduce overall medical costs. In this connection, it is probable that many aged people are seeing physicians for a variety of physical ailments which really reflect their need for someone to talk to, someone to listen to them, someone who will give them interest and concern, and many dollars are being spent for purported medical care of diseases that might be treated less expensively and more productively as mental health problems.

Psychology has established itself as an independent health profession through its training, public acceptance of its services, and through statutory regulations. Extensive training leading to the Ph. D. degree and experience at hospitals, clinics, and other service facilities has qualified psychologists to provide direct services to the public. Psychologists practice without medical certification, direction, or supervision according to professional practice statutes in 46 States and the District of Columbia. In the remaining four States, psychologists practice without medical direction or supervision using voluntary controls.

State legislatures have recognized the inequities in private insurance contracts which have denied the claims of policyholders for the diagnosis and treatment of mental, psychoneurotic, and personality disorders when the policyholder was attended by a psychologist. Eleven States have enacted laws which require insurance carriers to reimburse their policyholders for the diagnosis and treatment of nervous and mental disorders whether the services are rendered by a psychologist of a psychiatrist. Those 11 States are California, Colorado, Kentucky, Maryland, Michigan, Montana, New Jersey, New York, Oklahoma, Utah, and Washington. To my knowledge, this has not resulted in any additional premiums to the policyholders or exceptional increases in utilization. These laws have been well received by the public. Several insurance carriers—Prudential, Occidental Life, and Massachusetts Mutual—recognizing this inequity, have voluntarily included psychology as a qualified provider of service as a physician for the purposes of their contract for the treatment of mental disorders. Continuing the practice of requiring that mental health services for the recipients of medicare be provided only by psychiatrists causes an unnecessary hardship on the beneficiaries of medicare and creates an artificial shortage of qualified providers of service for nervous and mental conditions. Failure to include psychological services without medical referral, produces a condition of featherbedding physicians' fees. The cost of certification and recertification by doctors of medicine or osteopathy only can require an extra visit to the doctor and produce another fee chargeable to the medicare program.

Utilization control must occur through peer review mechanisms rather than through the source of referral. The profession of psychology has established its own peer review mechanism which is accepted by the health insurance industry. H.R. 1, itself, provides controls through mechanisms such as the professional standards review organization.

For the reasons cited, I ask that H.R. 1 be amended so that psychologists will be listed as physicians for the providing of diagnostic and treatment services for mental, psychoneurotic, and personality disorders as well as for the diagnosis and treatment of mental retardation, vocational rehabilitative services, and child care services.

Mr. President, I ask unanimous consent that a table depicting some of the characteristics of psychology laws in the United States be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

SOME CHARACTERISTICS OF PSYCHOLOGY LAWS, AUGUST 1972

[L=Licensing law; N=46 States and District of Columbia, and 6 Provinces.]

State or Province	Year of original approval	Coverage	Type of definition[1]	Educ. requirement[2]	Exper. requirement (years)[2]	Exam. mandatory[2]	Number of board members; terms in years	Waiver period ends	Reciprocity[10]	Ethics[11]	Priv. communication	Sociol.[12]
Alabama (L)	1963	Practice of psychologists	S (P)	Doctoral	0	No	5-5	Oct. 1, 1965	Yes A	Yes	Yes	No.
Alaska (L)	1967	Practice of psychology	S (P)	do.	1	Yes	3-3	Jan. 1, 1968	Yes A	No	Yes	Yes.
Alberta	1960	Psychologist	"O"	Master's	0	No	8-1	Apr. 11, 1962	No	No	No	No.
Arizona	1965	do.	"O"	Doctoral	0	Yes[3]	5-5	None	No	No	Yes	Yes.
Arkansas (L)	1955	do.	S (P)	do.	1	Yes	5-5	July 1, 1957	Yes	Yes	Yes	No.
		Psychological examiner		Master's	0	Yes						
California	1957	Psychologist	S (P)	Doctoral	2[4]	No	8-4	Nov. 1, 1961	Yes A	No	Yes[13]	Yes.
Colorado (L)	1961	Psychology	S	do.	2 P	Yes	5-3	July 1, 1963	Yes A	Yes	Yes	Yes.
Connecticut	1945	Psychologist	S	do.	1 P	Yes	5-5	June 24, 1969	Yes A	No	Yes	No.
Delaware	1962	do.	S (P)	do.	1[5]	Yes	5-5	June 11, 1964	Yes A	Yes	Yes	No.
District of Columbia (L)	1971	Practice of psychology	S (P)	do.	2[4]	Yes	7	Apr. 8, 1972	Yes A	No	Yes	No.
Florida (L)	1961	do.	S	do.	2[4]	Yes	5-4	June 22, 1961	Yes A	No	Yes	Yes.
Georgia (L)	1951	Practice of applied psych	S	do.	1	No	5-5	May 1, 1953	Yes	No	Yes	No.
Hawaii (L)	1967	Practice of psychology	S (P)	do.	0	Yes	7-3	June 8, 1968	Yes A	No	No	Yes.
Idaho (L)	1963	do.	S (P)	do.	2 P	No	3-3	July 1, 1964	Yes	Yes	Yes	Yes.
Illinois	1963	Psychologist	S	do.	2	Yes	5-5	Aug. 15, 1971	Yes	Yes	Yes	Yes.
Indiana	1969	Psych't in private practice	S	do.	3 P	Yes	5-3	July 1, 1972	Yes A	No	Yes	Yes.
		Psychologist, basic		do.	0	Yes		Dec. 31, 1969				
Kansas	1967	Psychologist	S	do.	2	Yes[3]	7-3	July 1, 1969, (July 1, 1970 for veterans).	Yes	Yes	Yes	Yes.
Kentucky (L)	1948	Practice of psychology	S	do.	1	Yes	5-4	July 1, 1965	Yes	Yes	Yes	Yes.
Louisiana	1964	Psychologist	S (P)	do.	2 P	Yes	5-3	July 1, 1966	Yes A[14]	No	Yes	No.
Maine (L)	1953	do.	S (P)	do.	2	Yes	5-5	Oct. 1, 1968	Yes	Yes	Yes	No.
		Psychological examiner		Master's	1	Yes						
Manitoba	1966	Psychologist	None	Doctoral	0	Yes	7-2	Dec. 31, 1972	Yes	No	No	No.
Maryland	1957	do.	S	do.	2[4]	Yes	5-3	Dec. 31, 1959	Yes	Yes	Yes[13]	No.
Massachusetts (L)	1971	Practice of psychology	S (P)	do.	2[4]	Yes	5-5	Jan. 1, 1974	Yes A	Yes	No	No.
Michigan	1959	Consulting psychologist	S	do.	3	Yes	7-7	Aug. 1, 1961	Yes A	No	Yes	Yes.
		Psychologist		do.	1	No						
		Psych. examiner or tech		Master's	1	No						
Minnesota	1951	Certified consulting psych't	None	Doctoral	3 P	Yes	7-7	July 5, 1964	Yes	No	No	No.
		Certified psychologist		Doct. or MA	1	Yes		Apr. 23, 1953				
Mississippi	1966	Psychologist	S	Doctoral	1	No	5-3	July 1, 1967	Yes A	Yes	Yes	Yes.
Montana (L)	1971	Practice of psychology	S (P)	do.	2 P	Yes	3-3	Jan. 1, 1973	Yes A	Yes	Yes	Yes.
Nebraska (L)	1967	do.	S (P)	do.	0	Yes	5-5	Jan. 1, 1971	Yes	No	Yes	Yes.
Nevada	1963	Psychologist	S (P)	do.	1 P	Yes	5-4	July 1, 1964	Yes	No	Yes	Yes.
New Brunswick	1967	do.	"O"	do.	1	Yes	5-1	June 1, 1971	Yes A	No	No	No.
New Hampshire	1957	do.	"O"	do.	2	Yes	3-3	July 1, 1959	Yes A	No	Yes	No.
New Jersey (L)	1966	Practice of psychology	S (P)	do.	2[4]	Yes	7-3	Jan. 1, 1968	Yes A	No	Yes	No.
New Mexico	1963	Psychologist	S	do.	2 P	Yes	5-3	Dec. 31, 1964	Yes A	No	Yes	Yes.
New York	1956	do.	S (P)[6]	do.	2	Yes	7-3	July 1, 1959 (July 1, 1960, for veterans).	Yes A[14]	No	Yes[13]	No.
North Carolina (L)	1967	do.	S (P)	do.	2 P	Yes	5-3	July 1, 1969	Yes A	Yes	Yes	Yes.
		Psychological examiner		Master's	0	Yes						
North Dakota	1967	Psychologist	S	Doctoral	0	Yes	5-3	July 1, 1968	Yes A	Yes	No	No.
Ohio (L)	1972	Practice of psychology[17]	S (P)	do.	2[4]	Yes	[18] 7-5	Nov. 21, 1972	Yes A	No	Yes	Yes.
Oklahoma (L)	1965	do.	S	do.	2	Yes	5-3	June 28, 1966	Yes	Yes	Yes	Yes.
Ontario	1960	Psychologist	"O"	do.	1	Yes	5-5	June 11, 1966	Yes A	No	No	No.
Oregon	1963	do.	S (P)	do.	2 P	Yes	5-3	June 30, 1965	Yes A	Yes	Yes	Yes.
Pennsylvania (L)	1972	Practice of psychology	S	do.	2 P	Yes	7-3	May 23, 1974	Yes A	Yes	Yes	No.
				Master's	4 P							
Quebec	1962	Psychologist	S	Doct. or MA	0	No	8-1	None	Yes A	No	No	No.
Rhode Island	1969	do.	S	Doctoral	2[4]	Yes	3-3	Dec. 31, 1970	Yes A[14]	No	No	No.
Saskatchewan	1962	Registered psychologist	"O"	do.	0	No	5-2	Dec. 31, 1966	Yes	No	No	No.
South Carolina (L)	1968	Practice of psychology	S (P)	do.	0	No	7-5	Mar. 21, 1969	Yes A	Yes	No	Yes.
Tennessee (L)	1953	Psychologist	S (P)	do.	1[7]	Yes	5-5	July 1, 1955	Yes A	Yes	Yes	No.
		Psychological examiner		Master's	0	Yes						
Texas (L)	1969	Psychologist	"O"	Doctoral	2[4]	Yes	6-3	Dec. 31, 1970	Yes A	No	No	Yes.
Utah	1959	do.	S	do.	2	Yes	5-5	Dec. 31, 1962	Yes	Yes	Yes	Yes.
Virginia (L)	1946	Practice of psychology	S (P)	do.	2 P[8]	Yes	5-5	July 1, 1967	Yes A[15]	Yes	Yes[16]	Yes.
Washington	1955	Psychologist	S (P)	do.	1 P	Yes	5-3	June 10, 1966	Yes A	No	Yes	Yes.
West Virginia (L)	1970	Practice of psychology	S (P)	do.	2 P	Yes	5-3	Nov. ?, 1970	Yes A	No	No	Yes.
				Master's	8 P	Yes						
Wisconsin (L)	1969	do.	S (P)	Doctoral	1	No	3-3	July 1, 1970	Yes A	Yes	No	Yes.
Wyoming	1965	Psychologist	S	do.	0	Yes	5-3	Dec. 31, 1965	Yes A	No	Yes	No.

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[1] "S" means a specific definition; (P) means that psychotherapy is included (N=25); "O" means a circular definition—a person is a psychologist when he calls himself one and does psychological work.

[2] These 3 columns all refer to post-grandfather provisions; nor do they reflect the requirements under reciprocal endorsement provisions. "P" means post-doctoral (or post-master's in the case of West Virginia). In connection with the examination, "No" is shown if the examining board has any authority in the law to waive it.

[3] The examination under the Arizona law is unassembled, consisting of an evaluation of credentials submitted by the applicant. In Kansas, the examination may be either assembled or unassembled.

[4] 1 of the 2 years must be post-doctoral.

[5] 2 years of experience are required if the field is clinical psychology.

[6] The definition in New York's law is circular; there is a specific definition, including psychotherapy, in the regulations (of the commissioner of education).

[7] The 1 year of experience is required if the field is clinical psychology; no experience requirement otherwise.

[8] Clinical psychologists must have completed an internship or practicum of at least 1 year.

[9] Omitted again this year are the 1-time columns headed "Medical Disclaimer," "Fees," and "Residence Required." With the exception of Alberta, Indiana, Saskatchewan, and Wisconsin, all the laws contain a medical disclaimer provision. With respect to fees, it has not been possible to maintain current and accurate data. Residence is such an individual matter that the previous column was misleading.

[10] "Reciprocity" means endorsement of another State or province certification or licensure, if standards are no lower, to waive the examination. "A" means the examination may be waived for Diplomates of the American Board of Professional Psychology (N=37). In neither instance, however, is the decision to waive the examination a mandatory one; the examining board has the option.

[11] A "Yes" here means a reference to the APA Code of Ethics in the law (N=23), either specifically or by implication (e.g., "code of ethics of a national psychological association"). All laws of course, make some reference to unethical or unprofessional conduct as a reason for refusal or revocation, and regulations often cite the APA Code. It is not possible in many States to make a reference in law to nongovernmental bodies, such as the APA.

[12] Provision for exemption of the sociologically-trained social psychologist, in accordance with national agreement between APA and the American Sociological Association in 1959. (N=28)

[13] Privilege granted to psychologists' clients in legislation other than the psychology law.

[14] If ABPP diploma was granted by examination; "grandfather" diplomates must take the State examinations.

[15] Waiver of examination for clinical psychologists possible only for holder of ABPP Diploma in clinical psychology.

[16] Clients of licensed clinical psychologists have the privilege.

[17] Includes a separate license for private practice of school psychology for persons with a master's degree in school psychology.

[18] 1 board member is a lay member.

SOME CHARACTERISTICS OF NONSTATUTORY PSYCHOLOGY PROVISIONS

State or province	Year adopted	Coverage	Education requirement[2]	Experience requirement (years)[2]	Examination mandatory[2]	Reciprocity
British Columbia	1964	Certified psych't	Doctoral	2	Yes	Yes A.
Iowa	1963	do	do	2	No	Yes A.
Missouri	1958	Psychologist	do	1	No	Yes.
South Dakota	1961	Psych't. specialist[4]	do	2	No	Yes.
		Psychologist	Master's	5	No	Yes.
Vermont	1966	Certified psych't	Doctoral	1	Yes	Yes.
			Master's	3	Yes	Yes.

[1] Nonstatutory certification programs are administered by the State or provincial psychological association.

[2] These 3 columns all are in terms of post-grandfather provisions, and they do not reflect requirements under reciprocal endorsement provisions. "P" means post-doctoral.

[3] "Reciprocity" means endorsement of another State's certificate or license, if standards are not lower, to waive the examination. "A" means that the examination may be waived for holders of the Diploma from the American Board of Professional Psychology.

[4] Specialties are clinical, counseling, or industrial psychology.

Mr. HARTKE. Mr. President, I further ask unanimous consent that a statement by Dr. Jack G. Wiggins, a member of the Board of Governors of the Council for the Advancement of Psychological Professions and Sciences, before the Senate Finance Committee in February of this year, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. JACK G. WIGGINS

Mr. Chairman and Members of the Committee:

My name is Dr. Jack G. Wiggins. I am a psychologist from Cleveland, Ohio and am a member of the Board of Governors of the Council for the Advancement of Psychological Professions and Sciences (CAPPS), and serve on its Executive Committee. One of the objectives of the Council is to insure that there are an adequate number of psychologists available to serve the health and mental health needs of the public and to insure that the public has ready access to psychological services.

In addition, I am Chairman of the Committee on Health Insurance of the American Psychological Association though I am not at present speaking for the APA, which organization will submit statement to the committee consonant with our testimony today. The American Psychological Association has 32,000 members and represents both the science and the profession of psychology. About 15,000 of our members are supplying mental health services directly to the public. The remainder of the membership have teaching positions in universities and medical schools, are conducting research, or serve in an administrative capacity. The APA Committee on Health Insurance strives to assure that high quality mental treatment services are available to the public through their insurance contracts. One of the major objectives of this committee is to remove from health insurance contracts those provisions which interfere with mental health treatment or availability of services. We share this objective in common with the Council (CAPPS).

Medicare contains some built in limitations which restrict the patterns of care and availability of services for individuals suffering from mental, psychoneurotic or personality disorders. While there are provisions for the diagnosis and treatment of mental, psychoneurotic and personality disorders under Part B, they must either be provided by a doctor of medicine or a doctor of osteopathy or incident to his services. The result of these provisions has been to restrict the delivery of mental health services to the point that less then 1% of the patients served by psychologists are 65 years of age or over. In effect, this has excluded the diagnostic and treatment service of psychology to recipients of medicare benefits. The intent of HR 1, according to the House Ways and Means Committee, is to make fullest use of public health personnel. I quote Page 107, Union Calendar No. 86:

"Your committee believes that failure to make the fullest use of competent health personnel is of particular concern because of the shortage of such personnel."

HR 1 does not provide remedy of this shortcoming of the original Medicare Act. Therefore, we are requesting HR 1 amend its definition of the term "physician" to include services of a psychologist for the diagnosis and treatment of mental, psychoneurotic and personality disorders as well as for the providing of diagnostic and treatment services for the mentally retarded, vocational rehabilitative services and child care counseling.

Psychology has established itself as an independent health profession through its training, public acceptance of its services provided and through statutory regulations. Our training leading to the Ph.D. degree and experience at hospitals, clinics and other service facilities has qualified psychologists to provide direct services to the public. Psychologists practice without medical certification, direction or supervision according to professional practice statutes in 44 states and the District of Columbia. In the remaining 6 states, psychologists practice without medical direction or supervision using voluntary controls. The problem in the existing legislation was pointed out eloquently by Senator Harris of Oklahoma in his comments on the Senate floor on November 23, 1967, when the Senate voted to amend the Social Security Act Amendments of 1965 regarding Medicare:

"The present defects in existing legislation arise from the fact that two independent but equally well-qualified professions, psychiatry and clinical psychology, offer similar and frequently identical services to the public. However, present regulations require that the services of clinical psychologists be reimbursed only if included in a physician's bill or as part of the charges of a clinic directed by a physician. This restriction denies the patient direct access to the many qualified clinical psychologists who are independent practitioners and unaffiliated with clinics or private physicians."

State legislatures have recognized the inequities in private insurance contracts which have denied the claims of policyholders for the policyholder was attended by a psychoneurotic and personality disorders when the diagnosis and treatment of mental, psychologist. Ten states have now enacted laws which require insurance carriers to reimburse their policyholders for the diagnosis and treatment of nervous and mental disorders whether the services are rendered by a psychologist or a psychiatrist. To our knowledge, this has not resulted in any additional premiums to the policyholders or exceptional increases in utilization. These laws have been well received by the public. Several insurance carriers, recognizing this inequity, have voluntarily included psychology as a qualified provider of service as a physician for the purposes of their contract for the treatment of nervous and mental disorders. Please include such companies as Prudential, Occidental, Liberty Mutual, and Massachusetts Mutual. The Aetna Life & Casualty Insurance Company has included psychologists as qualified physicians under the mental health benefits for its federal employees contract. Another form of similar recognition of psychological services was initiated by the Civilian Health and Medical Program for Uniformed Servicemen (CHAMPUS) in July, 1970. Mr. Vernon McKenzie, Special Assistant to the Asst. Secretary for Health and the Environment of DOD, stated before the Senate Post Office and Civil Service Committee on November 23, 1971 that the inclusion of psychological services without medical referral has been well received by the dependents of military servicemen.

At the inception of Medicare, there was considerable concern about overutilization of services and it was felt that one of the cost control factors would be that all services would be at the direction or incident to a physician's services. The experience of private insurance carriers in regard to inclusion of psychological services for the treatment of nervous and mental disorders has indicated that this provision has not materially affected their cost experience. Therefore, we believe that continuing the practice of requiring mental health services for the recipients of Medicare be provided only by psychiatrists causes an unnecessary hardship on the beneficiaries of Medicare and creates unnecessary artificial shortage of qualified providers of service for nervous and mental conditions. In fact, failure to include psychological service without medical referral, in effect, produces a condition of "featherbedding" physician's fees. The cost of certification and recertification by doctors of medicine or osteopathy only can require an extra visit to the doctor and produce another fee chargeable to the Medicare program.

However, the reality is that because of the cumbersome reimbursement procedure, psychological services are little used and the treatment of the mentally ill becomes a private preserve of organized medicine. In addition to these potential costs it must be noted that by reducing the number of providers of services arbitrarily, you create an inflationary imbalance between supply and demand for services. The present restriction upon the availability of psychological services is such an inflationary procedure because it reduces the access of the public to qualified providers of service. This is totally unacceptable to the profession of psychology. We concur with the American Psychiatric Association that this results in unnecessary delays in treatment which in the long run may be more costly and damaging to the patient. The American Psychiatric Association in their testimony submitted to the House Ways & Means Committee on National Health Insurance in November, 1971 stated as follows:

"With reference to the psychiatric services that should be covered, the APA Board of Trustees stressed its opposition to any provision whereby psychiatric care would be covered under insurance only when such care is received upon referral by the family physician or general practitioner. We based this opposition on the grounds that such a provision is not compatible with early detection of psychiatric illness and easy access to psychiatric care. Experience indicates the necessity for direct accessibility of the patient to such care and for multiple mechanisms of referral. Self-referral, frequently upon the suggestion of the foreman, teacher, or clergy, or referral by a community agency frequently leads to early diagnosis and treatment, and may prevent or reduce the disability that might otherwise occur."

Furthermore, several studies including those of Drs. Cummings and Follette and the Group Health Association of Washington, D.C. have demonstrated that medical utilization tends to decrease if adequate counseling services are included in health insurance plans. If I may, Mr. Chairman, without unduly burdening the record of these hearings, I would like to introduce, at this point in my remarks, these studies for the record.

To summarize these studies, they demonstrate that short-term intervention and psychotherapeutic counseling not only reduce diagnostic, X-ray, and laboratory studies but also reduce the incident of hospitalization. Thus, the cost of additional counseling services would be more than offset by the reduction of costs of hospitalization and unnecessary laboratory and X-ray studies. This has been clearly demonstrated in Health Maintenance Organization. The cost savings in the Health Maintenance Organizations concept tend to be the result of reductions in hospitalization utilization. We wish to point out that psychological services tend to be outpatient based rather then hospital based services. Thus, the diagnostic and counseling services of psychology could serve as a deterrent to overutilization of medical services which are already in short supply and hospital beds of which there is a chronic shortage. Our crises intervention studies show that the prompt effective counseling with people tends to reduce the number of people entering mental hospitals, as well.

We beileve that utilization control must occur through peer review mechanisms rather than through the source of referral. The profession of psychology has established its own peer review mechanism which is accepted by the health insurance industry.

For the reasons ctied, we ask that HR–1 be amended so that psychologists will be listed as physicians for the purpose of providing diagnostic and treatment services for mental, psychoneurotic and personality disorders as well as for the diagnosis and treatment of mental retardation, vocational rehabilitative services, and child care services.

Thank you very much.

Mr. HARTKE. Mr. President, the Hartke amendment accomplishes the following purposes:

First, it assures the aged of quality care. The Hartke amendment improves access by the aged to care by doctoral-level psychologists. The interests of social security beneficiaries are well protected by specific criteria in the amendment which define a psychologist, thus helping to assure high-quality care. As many as six out of 10 medical complaints are instead based on emotional/mental problems which can benefit from prompt psychological attention thus lessening the burden on busy medical personnel and facilities while raising the level of well-being among the aged. Many special problems of the aged are especially amenable to psychological management. For example, problems with self-reliance, communications handicaps, depression, and loneliness. This is also true with those problems of the aged which may be related to disease and injury. For example, heart attack or loss of a limb.

Second, the Hartke amendment recognizes psychology as an independent profession. Clinical psychology has been recognized as an independent profession in public and private programs such as the Aetna Government-wide indemnity plan for Federal employees, the champus program for the military and their dependents, and private programs underwritten by major insurance carriers.

The Senate Committee on Post Office and Civil Service has recommended "the inclusion of mental health care by qualified psychologists within the Federal employees health benefits program" administered by Blue Cross and Blue Shield.

Mr. President, I ask unanimous consent that a section of the committee's report which includes that recommendation be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HEALTH INSURANCE COVERAGE

The committee recommends the enactment of a new section in the provisions of title 5 relating to health insurance to authorize the Civil Service Commission to make binding decisions regarding the coverage of health insurance contracts.

Under existing law, the Commission cannot require an insurance carrier to pay a particular claim if the carrier interprets the contract not to cover such a service or supply. Generally, the numerous health insurance contractors pay claims if the Commission requests payment in individual cases; but Blue Cross-Blue Shield does not abide by that gentlemen's agreement.

Section 3 requires that, beginning in 1973, any contract entered into by the Commission with a health insurance carrier must include a provision giving the Commission the final authority to determine what is included within the contract in individual cases.

Recently, numerous Federal employees have registered complaints with the Commission and this committee regarding the practices of Blue Cross-Blue Shield in narrowly interpreting the coverage of its contract and denying payment for reasons which, to the employees, seem without merit. One particular area has been the question of whether mental health services provided by clinical psychologists are covered and the degree of supervision required by a practicing doctor of medicine over a clinical psychologist. Public hearings were held on November 23, 1971, before the Subcommittee on Compensation and Employment Benefits. Testimony presented during that hearing indicated that Blue Cross-Blue Shield is the only insurance carrier of significance which does not cover such mental health services without the certification by a doctor of medicine who supervises the treatment. Although the committee pretends no expertise in the practice of medicine, the evidence disclosed at our hearing seems to indicate that there is little if any benefit derived from the practice of supervision of such service other than the earning of money by doctors of medicine and the avoidance of payment by Blue Cross-Blue Shield.

The committee recommends that in its next contract negotiation with Blue Cross-Blue Shield and other carriers, the Civil Service Commission give particular attention to these two problems—correct contract interpretation by the insurance carriers, and inclusion of mental health care by qualified clinical psychologists within the Federal employees health benefits program.

The committee has also noted a significant number of complaints by Federal employees who have been denied payment or who have received a payment which they consider inadequate. In some cases, these complaints have reached the committee and the Commission. The committee has noticed that on such occasions a careful review of the complaint has almost always led to an adjustment of the claim in favor of the employee. This evidence, while incomplete, tends to support the contention that some insurance carriers are not as careful with other people's money as they should be. The committee recommends that the Commission investigate this problem also.

Mr. HARTKE. Mr. President, these facts indicate recognition that both the psychological-behavioral approach and the psychiatric-medical approach constitute valid separate disciplines with neither requiring "supervision" over the other. The HEW report issued pursuant to Public Law 90–248 entitled "Independent Practitioners Under Medicare" also provides a clear basis for recognizing psychology as an independent profession.

Finally, Mr. President, I would point out that in 1967 the Senate passed an amendment similar to the Hartke amendment defining psychologists as physicians. Regrettably, that amendment was subsequently removed in conference.

HEW has estimated the cost of the Hartke amendment at $300 million per year. That cost does not take into account the fact that the present law requires unnecessary medical supervision and referral. The Hartke amendment would eliminate those unnecessary costs thus lowering the net cost of expanding the services of psychologists for the aged.

Mr. President, I urge my colleagues to give the pending amendment their support.

Mr. BENNETT. Mr. President, there are several substantial and compelling reasons why the proposed amendment should be rejected.

I am glad that my friend from Indiana made it clear that these are not doctors of medicine.

Psychiatrists are physicians so they are prepared, by their training, to treat patients in other ways other than listening to their stories.

Many have expressed concern over the present fragmentation of health care in this country. In general, clinical psychologists today function in organized settings rather than as independent practitioners.

The information I have is that only 7 percent of all psychologists are practicing independently. Under the amendment, there would be the strongest possible economic incentives for clinical psychologists to go into independent fee for service practice. As a matter of fact, with the economic incentives of fee-for-service, it can be readily anticipated that many nonclinical psychologists such as those engaged in research and education and family counseling would succumb to the irresistible siren song of medicare dollars.

If only 1 in 20 older Americans received the services authorized under the amendment, the annual cost to medicare would be $250 million, and if half of them took advantage of that service, the cost would be $2.5 billion.

In a report to the Congress entitled, "Independent Practitioners Under Medicare," it was pointed out by the Department of Health, Education, and Welfare that "many patients over 65 have a combination of physical and psychological problems in which it is especially difficult to separate the treatment of physical and mental disease." Despite this strong and obvious relationship of physical and mental disease, the proposed amendment would delete the requirement in present law that the services of clinical psychologists must be provided under a plan of care and treatment developed by a physician. It is difficult to understand how the clinical psychologist can undertake care of the patient without knowledge of and availability of the patient's medical history.

Many older people suffer from mental anxiety and depression—problems which are often alleviated through treatment with prescribed drugs. However, clinical psychologists are not licensed to prescribe. Obviously, patients who might be handled more expeditiously under the care of a physician or where the psychologist cooperates with the physician through use of drugs would, in the absence of that coordination, be called back for avoidable and costly unnecessary follow-up visits to the clinical psychologist.

Finally, a most telling argument against the amendment is contained in an editorial in the Journal of Clinical Psychology, written by its editor, Frederick C. Thorne, entitled "The Great Clinical Hangup." I read a few salient quotations from that detailed, self-searching editorial:

> There is a high rate of mobility among clinical psychologists, who tend to shift from one job to another when their professional deficiencies inevitably come to light. . . . The actual dirty work of dealing with patients is being delegated increasingly to psychological technicians and students who are not sufficiently experienced to recognize their inadequacies.

I continue to read from the editorial:

> B. During the first 50 years of clinical psychology (1920–1970) there have been almost as many different theories and schools as there were clinicians. Repeated surveys of the theoretical affiliations of APA division (Am. Psychological Assn. of Clinical Psychologist) 12 members continue to show almost all permutations and combinations of systematic "positions" ranging from behaviorism to Zen Buddhism. The need of individual clinicians to "do their thing" has resulted in inconsistent practices whose invalidity must be obvious.

Mr. President, into that morass and into that thicket of confusion we are asked to plunge the medicare program at the expense of the taxpayers.

Mr. President, I ask unanimous consent that the editorial entitled "The Great Clinical Hangup" appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. It is quite obvious that there is a great deal of confusion as to the appropriateness and qualifiications of clinical psychologists to serve as independent practitioners under medicare. There is no question but that to cover them as independent practitioners at the present time would be an extremely costly experience of uncertain value to older people.

If the service of a clinical psychologist is needed, it can be obtained upon the recommendation of a physician who properly would know the physical condition of the patient before he refers him or her to a clinical psychologist, particularly in the case of an older patient.

For all these reasons, the committee urges that the amendment be rejected.

Mr. President, the Senator from Indiana has commented on the floor about the fact that malpractice insurance for clinical psychologists is much lower than that for practicing physicians.

I do not know how one can obtain a malpractice case by proving that the clinical psychologist injured the person mentally. It is very simple to prove the presence of mental disorder, much easier, on an individual. However, I do not know how one can prove any damage that the clinical psychologist might do. I can realize therefore, that there is practically no chance that there will be malpractice suits brought.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to the Senator from New Mexico.

Mr. ANDERSON. Was this amendment considered in the committee?

Mr. BENNETT. The committee considered this very carefully and rejected it by a rollcall vote.

As I say, the committee recommends that this amendment be rejected by the Senate as it was rejected in the committee.

EXHIBIT 1

THE GREAT CLINICAL HANGUP

(By Frederick C. Thorne, Editor, Journal of Clinical Psychology) (1971)

OUR SAD PREDICAMENT

At a time when societal demands for clinical psychological services are rising geometrically, the field of clinical psychology finds itself oversold and unable to deliver what it traditionally has been expected to provide. Suddenly, as the result of facts uncovered by a host of clinical judgment studies that question the validity and competence of what the average clinical psychologist is doing, clinicians find their very integrity at issue. From within our own ranks, the challenge was thrown in the form of studies of clinical *vs.* statistical predictions whose results seemed to indicate that since the computer always did better than the clinician, the clinician should be thrown in the ash-can.

The cat first got out of the bag with the classical study of Kelly and Fiske (1951) demonstrating that the greatest clinicians and methods hardly could do better than chance in predicting training outcomes. Meehl (1954) and later Sawyer (1966) seemed to be making the clinching argument when they tabulated research investigations comparing the use of clinical vs. actuarial methods of data processing and reported that almost without exception actuarial methods were superior to clinical judgment. Holt (1958, 1970) severely criticized the Meehl-Sawyer conclusions on the grounds that defects of research design and the actual incomparability of many studies in question rendered the Meehl-Sawyer conclusions premature and invalid, since definitive studies on the issue have yet to be done. Unfortunately, Holt's rebuttals seem to get lost in the shuffle, and more hopeful evaluations of the situation such as Korman's (1968) findings concerning the superiority of clinical judgment in the prediction of managerial performance tend to be overlooked. Nevertheless, we cannot evade the fact that much remains to be desired in the area of clinical judgment.

The profession of clinical psychology that started out so hopefully suddenly finds its whole theoretical background, personnel and methodology under severe attack from many sources, both external and internal, as to validity and justification. Several studies indicate that other professionals do not make much use of psychological reports which are filed away, never again to see the light of day. There is a high rate of mobility among clinical psychologists, who tend to shift from one job to another when their professional deficiencies inevitably come to light. There is evidence that many clinicians tend to escape from actual clinical work to higher administrative and teaching jobs where competence is not so readily called into question. The actual dirty work of dealing with patients is being delegated increasingly to psychological technicians and students who are not sufficiently experienced to recognize their inadequacies. Worst of all, psychological practices have become the subject of Congressional investigations and patterns of local rejection as clinical actualities do not live up to pretensions.

Our great hangup stems from the fact that the profession of clinical psychology is stuck with itself at its present embryonic state of evolution. The public has been sold on the idea that all it has to do is to raise the money to secure psychiatrists and psychologists and a long list of social problems will be solved. This expectation simply has not been fulfilled. Psychological science has not achieved a state of development that enables it to provide knowledge and techniques that are as valid and relevant as has been taken for granted. The whole problem is more complex than originally conceived. In the meantime, individual clinicians are struggling to keep their heads above water, are stuck with the deficiencies of their training, and are hung up on something that doesn't really work but which they can't yet afford to abandon because nothing better seems to exist.

PROFESSIONAL INSECURITY AND GUILT

An entirely human reaction to being professionally defrocked and shown to be wanting in competence and clinical judgment has resulted in a wave of soul-searching and hair-tearing on the part of clinicians trying to justify their existence. Doleful predictions are being made that clinical psychology is dead. It is alleged that as many as 40% of APA Division 12 members regret they became clinicians and would not repeat the choice. Many seem to want to abandon the ship completely.

An even more potentially destructive outcome lies in the increasing alienation of pure and applied scientists extending at all levels from the internecine struggles of experimentalists vs. clinicians in the APA to the grass roots of clinical practice. The profession is literally split down the middle by the rift between the "nothing-buts" and the "something mores," with the former group in danger of winning out via their tight control of academic and organizational resources. Clinicians are in real danger of becoming scientific "untouchables," whose activities are regarded as being beyond the pale of pure science and therefore should be legislated out of the profession.

Fortunately, the situation is not as grave as might first appear. Anyone familiar with the development of clinical science must know that its evolution proceeds slowly with entirely predictable pauses and seeming regressions. As was the case with clinical medicine during its great transformation from proprietary schools in 1880 to modern objective medical center practices in 1915, clinical psychology is experiencing growing pains incident to discovering which of its classical theories and methods are valid and which not, and no one should be dismayed to find that most prescientific methods are both illogical and invalid. These are inevitable steps of evolutionary development that had to be worked through, no matter how painful the results to the egos of practitioners of the "art." Let us waste no more time hung up in soul-searching and rationalizations.

Even more critical is the issue of exactly what psychological science can contribute to human welfare. Miller (1969) assumes the position that psychology has revolutionary potential in two paradigms involving the conflicting objectives of (a) control through behavior modification, and (b) making greater self-development possible by disseminating psychological knowledge where needed. Miller correctly warns against the dangers of a scientific elite authoritatively manipulating populations through control of behavior reinforcements. Behaviorism and behavior therapy both imply authoritatarian control of those incapable of deciding for themselves.

Much more hopeful is the goal of making psychology available to those who need it. The crucial question, however, concerns whether contemporary psychological knowledge has much validity and/or relevancy in its applications. In the traditional "team" approach, psychologists operated in a truncated role, being expected to choose and interpret appropriate tests. In broader roles involving wider aspects of case handling, clinical psychologists are being confronted with much expanded decisions concerning the client's everyday living. Here again, the critical question relates to how much psychology actually has to offer in solving real life problems.

If we consider the two basic problems as involving how to help the client to cope with and modify *inadaptibility* and *disability*, the question becomes one of how psychological knowledge can help the person to get along better. This involves entirely new diagnostic issues of what the person is doing wrong and how to correct it, *i.e.*, how better to run the business of his life in the world. Of course, psychology really does not have much to offer to the solution of many real life problems that involve factors outside the realm of science, and here the psychologist operates only as a consultant with a broader background. Nevertheless, the clinician makes a contribution if he can do even 1% better than the naive layman, particularly in areas in which actuarial solutions are not available.

One way in which the psychological scientist can make a contribution is simply by protecting the client from misguided case handling on the part of ignorant laymen or even incompetent colleagues. In the midst of current waves of discouragement and loss of morale attendant upon learning that many psychological techniques are either obsolete or invalid, we must not lose sight of the fact that we have made a great positive advance simply in learning what does not work and therefore what not to do. A very valuable contribution can be made simply by protecting the client from well-intentioned mishandling.

Most children and many adult clients need reassurance, support and protection from the clinician as basic conditions for case handling, *i.e.*, to have someone to understand them and represent their interests against environmental forces that threaten to overwhelm them. The clinician often has done his job when he merely supports the client through periods of stress until the client can reintegrate his own resources.

Another area in which clinicians need make no apologies relates to the conditions of psychological case handling, where the contributions of Rogers (1942), Truax and Carkhuff (1967), Thorne (1968) and others have differentiated the basic dimensions of facilitative relationships. The last 25 years have witnessed great advances in objectifying the necessary conditions for facilitating clinical processes. But here again, the essential step is to objectify the diagnostic assumptions on which decisions are based. It is not sufficient to depend upon standard rules for case handling (such as in nondirective case handling), because even these involve implied assumptions whose valid applications to specific cases must be established. The basic fact is that all clinical decisions must be based on accurate psychodiagnosis if they are to be valid.

THE INVALIDITY OF THEORIES, SCHOOLS, MODELS AND METHODS

The agonizing birth struggles of any new field inevitably are associated with the disillusioning results of separating the wheat from the chaff. During the first 50 years of clinical psychology (1920–1970), there have been almost as many different theories and schools as there were clinicians. Repeated surveys of the theoretical affiliations of APA Division 12 members continue to show almost all permutations and combinations of systematic "positions", ranging from Behaviorism to Zen Buddhism. The need of individual clinicians to "do their thing" has resulted in inconsistent practices whose invalidity must be obvious. Incidentally, "pure" scientists are not Simon-pure in this respect either; as witness the variety of identifications to which they admit.

Fortunately, operational methods of analysis provide a solution to the dilemma of so many conflicting schools of theory and practice. When the methods and data of each "school" are analyzed operationally, it becomes possible to identify their contributions and limitations.

One outcome of systematic operationism has been the rise of eclecticism, which is surviving a pelting with sticks and stones from those who seem to feel more secure when identified with a more limited position. In our opinion, very few contemporary psychologists understand the position of eclecticism or its true power and potentialities. A variety of half-true and even totally erroneous criticisms of eclecticism are being bandied about in a sort of psychological parlor game by those who do not show much appreciation of the real underlying issues.

Perhaps the most convincing validation of the eclectic position is provided by the statistic concerning how many members of APA Division 12 actually identify themselves as eclectic clinicians. In 1935, practically no one was describing himself as eclectic. By 1970, more than 50% of Division 12 members identify themselves as eclectic. What better criterion than what the majority of recognized clinicians believe?

THE CLINICAL TRAINING HANGUP

Everybody now seems to be admitting that traditional clinical training has not turned out very well and that something must be done about it. The whole training program is hung up on the fact that much of what is being taught is known to be invalid and/or irrelevant at the very time it is being taught! Current curricula in even the best universities consist largely in training the student in invalid or obsolete theories and practices. And the basic science experimentalists are in no position to smirk over this situation, because it is the irrelevance of much of "pure" psychological science that is to blame for the fact that students are given very little that is valid with which to work.

Something is gravely the matter when highly selected intelligent students cannot find much to learn that turns out to be of much value to them. In fact, an increasing number of studies such as those of Carkhuff and Berenson (1967) seem to indicate that with really relevant brief training, novices can do better than professionals encumbered with classical psychological knowledge. Many of us are reaching the conclusion that just the standard liberal arts training may be better preparation for clinical work than the clinical training programs at some universities (I dare not cite which).

Our recommendation is that the whole problem of clinical training could be resolved quickly, simply by using the field of clinical judgment as the ultimate criterion for all clinical training activities. Clinical psychology is clinical judgment is clinical judgment is clinical judgment. The field of clinical judgment provides most of the valid knowledge in clinical psychology—it gives us the indications and contraindications for what we can and cannot do. Although the systematic study of theories and schools is historically important, and it is also necessary to have courses to teach what may be done, the real crux of training is clinical judgment evidence concerning what is valid and relevant in clinical practice.

Unfortunately, the clinical training problem is hung up over commitments to the scientist-clinician paradigm and to various academic vested interests that claim authority in stirring the clinical pot. Actually, nothing is very valid in clinical training programs that does not have demonstrated relevance to case handling outcomes, which are the real payoff in all clinical science. A pox on all the contributors who insist on their prerogatives even though it has yet to be demonstrated that they have anything valid to contribute!

It is regrettable that too many clinical training programs are assigned to the youngest Ph.D.s with insufficient experience to discriminate what is invalid and/or irrelevant in their own training, who go through the motions of teaching the same misinformation that is responsible for their own incompetence.

Both clinical psychology and clinical psychiatry largely have failed to face the implications of what is now known in the field of clinical judgment concerning the relative competence of individual practitioners, *i.e.*, the fact that only a few clinicians are doing valid work and the fact that the average clinician cannot do better than chance in his predictions, no matter how prestigious his academic/professional record may be. Our dire necessity is to discriminate who the valid practitioners are, to study them intensively to discover what cues they are using and what errors they are not making, and then to put these most valid practitioners in the real positions of authority in clinical training and professional organizations. It requires only historical contemplation to recognize how wrong many of the "great" psychologists have been.

THE HANGUP OVER PSYCHODIAGNOSIS

Part of the disillusionment in clinical psychology and psychiatry relates to the uncertain status of diagnostic methods, classification systems and nomenclatures adopted by official organizations that are now somewhat belatedly recognized as being invalid, obsolete or irrelevant. Imagine the consternation of clinicians suddenly confronted with the fact that their trusted diagnostic methods and tests were suddenly demonstrated to have no or only limited value! The historical reasons for the invalidity of classical diagnostic systems are too complicated to review here. Suffice it to state that their shortcomings could have been predicted by those familiar with the evolution of clinical sciences in general.

Unfortunately, the predominant reaction to the defrocking of classical psycho-diagnostics was one of nihilism and rejection of the whole business. First came C. R. Rogers with his pronouncement that diagnosis is not only unnecessary but is actually contraindicated in nondirective case handling. Another clamorous school of dissidents led by T. S. Szasz, whose book *The Myth of Mental Illness* (1961) really shook the foundations of the psychiatric establishment, have mounted a wide-ranging denunciation of the entire classical approach to behavior diagnosis and modification on the grounds that the medical model of mental disease is neither valid nor relevant. Clinical psychologists jumped quickly into the fray led by Marzolf (1947), Adams (1964), Albee (1966), Sarbin (1967) and Sharma (1970). Attacking the establishment has become a contemporary fad that is rapidly bringing the whole clinical operation to a standstill.

Another development that militates against psychodiagnosis is the rising influence of the behavior therapists, who adopt an ahistoric approach and proceed to treat symptoms solely as if historic and situational data were irrelevant.

Unfortunately, in the excitement of the fray and in the dregs of disillusionment, little attention is being given to the problem of not throwing out the baby with the bathwater. Thorne (1966) offered a rebuttal of Szasz and the mental illness myth on the grounds that many of his contentions were either invalid or farfetched, and besides most psychiatrists go far beyond the medical model anyway, so why all the contention?

If we can make any predictions at all about the future of clinical psychology and psychiatry, it is that the entire field of psychodiagnosis is long overdue for reevaluation and reworking, starting right from the beginning and building up a more comprehensive system of psychopathology from which more valid psychodiagnosis must naturally stem. We are absolutely confident of the prediction that valid diagnosis constitutes the necessary foundation for valid clinical practice, so that the more quickly we return to fundamentals and develop a really valid psychodiagnosis, the more quickly we will develop more valid case handling in general.

Clinical training programs must concentrate again on the whole issue of psychodiagnosis as inevitably underlying sound clinical judgment. If it takes an entirely new clinical training model to accomplish this, then let us proceed with the greatest possible speed to reorganize our professional schools. Students seem to recognize the issue more acutely than their teachers. It is to be hoped that new training ventures such as the California School of Clinical Psychology will get back to fundamentals and concentrate on the base issue of psychodiagnosis. Personally, I look aghast upon clinical training programs in which the key slots are filled either by anti-clinicians or by diagnostic nihilists. Imagine clinical training programs where the staff is split down the middle concerning the value of diagnosis! Is it any wonder that students find themselves confused and ill-prepared for finding valid bases for clinical decision processes?

Paradoxically, efforts to develop the field of psychodiagnosis largely have collapsed at the very time when they are most needed in the field of psychotherapy. Disillusioned by the inadequacies of tradiitonal psychodiagnosis concerned mostly with classification and chastened by revelations of their own diagnostic inadequacies, too many clinicians have washed their hands completely of psychodiagnosis. This trend was enhanced by the dictum of Carl R. Rogers to the effect that psychodiagnosis is contraindicated and even deleterious for nondirective methods, which can be practiced by novices having no formal diagnostic training whatsoever. Here, again, is an example of a whole field being prematurely abandoned because some of its applications turn out to be invalid.

The key consideration is that every clinical act inevitably must be based on some sort of diagnostic decision, whether implicit or explicit. Every clinical act should have a logical rationale based on the etiological equation of what is to be modified. Even behavior therapy must involve diagnostic decisions as to what and how to modify. Newer concepts of *clinical process diagnosis* greatly expand the area of decisions based on some sort of diagnostic rationales. Once diagnostic decisions have been reached, it is easy to know what to do.

Our basic contention is that we must reconsider the whole field of psychodiagnosis to reestablish its validity and relevance. Rather than being dismayed over the inadequacies of the state of dependable knowledge in clinical psychology during its first 50 years, we must return to the beginnings and discover where the errors are being made. This will be accomplished quickly only through a cooperative project on the part of the whole profession, which must subject all of its theories, methods and practices to rigorous validation and clinical judgment studies which, hopefully, will result in future generations of truly competent clinicians.

INTERDISCIPLINARY CONFLICTS

A large number of clinical psychologists appear to be hung up over issues of interdisciplinary relationships and conflicts. Historically, psychologists gained their entree into clinical fields through two routes. The field of education gave psychometry and assessment its start. The field of psychiatry gave psychologists clinical opportunities, and an uneasy partnership was established following the "team" model, in which clinical psychologists operated in ancillary roles.

For medical and legal reasons, psychiatry always has controlled the mental health field, much to the resentment of individual clinical psychologists, who often claimed equal competence in some areas. Perhaps due to feelings of professional insecurity, many clinical psychologists repeatedly have shown paranoid feelings towards psychiatry in particular and medicine in general, claiming discriminatory practices. However justified such feelings may be in individual cases, the fact remains that clinical psychology and psychiatry should cooperate as partners rather than competitors.

Clinical psychology properly is a basic science to psychiatry. Clinical psychology can contribute research finesse and special skills that psychiatry direly needs. Psychiatry can contribute clinical opportunities and a broad medical background that psychologists direly need. It is undignified and mutually defeating for interdisciplinary conflict to impair the necessity for all clinical sciences to work together in pooling knowledge and skills wherever competence can be demonstrated. We should not allow the unreasoning firebrands to create problems and conflicts that need not exist.

Because I hold both the Ph.D. and M.D. degrees, my own position has been strategic in that I am able to understand the fears, insecurities and genuine concerns of both camps that have led clinical psychology and psychiatry to misunderstand and mistrust each other. I know from my own experience just how important both the experimental-statistical training of psychologists and the broad medical training of psychiatrists can be. In general, many clinical psychologists have been deficient in truly broad clinical experience, and many psychiatrists are deficient in a genuine research orientation. Instead of allowing fears and insecurities to jeopardize a potentially great clinical partnership, both parties need to be very realistic about their own deficiencies and how they can complement each other. Truly mature clinicians in related fields should have no difficulty working together.

The current controversy over the validity of the medical model in psychiatry in which both psychiatrists and psychologists are participating could be largely resolved by cutting through some semantic and theoretical issues causing needless conflict. The basic issues relate to *dangerous inadaptability* and *socio-economic disability*, no matter in what other terms the underlying behavior phenomena may be described. Undoubtedly the medical model of disease validly applies to *some* cases of inadaptibility and disability, and undoubtedly other models apply to other cases. Why all the fuss? Most experienced clinicians, whether in psychology or psychiatry, understand the ramifications of the problem, even though redress usually lags far behind historically. These are matters to resolve cooperatively rather than to create Quixotic conflicts over presumed errors of omission or commission that are actually simply manifestations of the evolutionary development of clinical science at any time and place.

The basic issue is clinical competence no matter how achieved. There are many roads to Rome, and just as many to clinical competence. Let us stop feuding with neighboring professions and start working together to solve the gigantic problems facing us.

THE REAL CLINICAL PAY-OFF

The ultimate objective of all clinical practice is treatment, *i.e.*, what actually can be accomplished on behalf of clients and patients. Although of basic scientific importance in their own right, psychopathology and psychodiagnosis ultimately are validated by their therapeutic outcomes. The answers that the teachers and basic scientists provide ultimately are validated by how well they work in practice.

Unfortunately, many teachers and basic scientists tend to look down on practitioners as being the failures who could not make a go of it in academia or research and who represent a sort of inferior caste. Actually, teachers, researchers and practitioners should coexist in a mutually interdependent partnership, all with equal status, and all contributing to the final result. Many of the most valuable leads for teaching and research have come from practitioners, and it is the practitioners who ultimately can validate the work of the teachers and researchers.

We need to abandon permanently the "one-way street" attitude that regards scientists and teachers as the font of all learning with the practitioners inevitably in pupil roles. However indispensable the teaching and research roles may be, the real clinical pay-off is the ability to practice the "art" competently and validly. Assuming that teachers know how to teach and researchers to do research, it still does not follow that either group automatically has clinical competence.

In the same manner as it is necessary to identify potentially great teachers and researchers and let nothing interfere with their work, so we must set up mechanisms for identifying great practitioners (no matter whether they are great teachers or researchers) and then not interfere with their work.

Instead of becoming neurotically frustrated and/or paralyzed by professional hangups, there are some very positive steps that can be taken to clear the roadblocks and differentiate new pathways toward more valid practices.

1. Let us be completely realistic about the embryonic phase of development of clinical psychological science and not become unstrung by the discovery that most pre-scientific practices inevitably must be invalid.

2. As a preliminary step to more valid clinical practices, all known methods and techniques should be identified, analyzed operationally, classified and evaluated as to validity. What is invalid should be abandoned immediately as obsolete and irrelevant. What is valid should be retained as the foundations of scientific practice.

3. Valid clinical judgment is a precondition for all valid clinical practice. Clinical judgment research and applications should have the highest priority.

4. Let us forego nihilistic reactions of insecurity and guilt upon discovering the extent of our incapacities and get back to fundamentals and study first things first.

5. The bewildering complexity of psychological theories, schools, models and methods must be evaluated as to validity and reliability of contributions, separating the wheat from the chaff, adopting what is valid and rejecting what is invalid.

6. Eclecticism is the most valid foundation for clinical science. Current misconceptions to the contrary, only eclecticism makes possible a genuinely wide spectrum approach to clinical practice.

7. Classical clinical training methods have been notoriously ineffectual. The scientist-

clinician paradigm has been totally effective. Other methods need to be explored.

8. Any return to fundamentals must involve renewed research concern with psychodynamics and psychopathology, which are the basic subjects for all clinical science.

9. Psychodiagnosis is the crux of all valid clinical decisions upon which case handling depends. Let us return to psychodiagnostic fundamentals, enlarge the concept of what diagnosis involves, and develop a far-ranging clinical process diagnosis.

10. Let us eschew interdisciplinary conflicts. Clinical psychology is the basic science to psychiatry, and the two fields must work together in mutual trust and cooperation.

11. The real clinical pay-off of valid psychodiagnostics will be more valid psychological case handling.

12. Every clinician must accept the continuing responsibility for self-evaluation as to clinical judgment.

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The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARTKE. Mr. President, reserving the right to object, I have asked for a rollcall vote on this amendment. Unless I get the yeas and nays for a rollcall vote I am going to go for a live quorum.

The PRESIDING OFFICER. Does the Senator object?

Mr. HARTKE. I object unless I have the assurance that I can get a rollcall vote.

The PRESIDING OFFICER. Debate is not in order during the quorum. There has been an objection. The quorum call will continue.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROLE OF PSYCHOLOGIST UNDER MEDICARE

Mr. CRANSTON. Mr. President, I am pleased to cosponsor with the distinguished Senator from Indiana (Mr. HARTKE) amendment No. 1533 to H.R. 1, which will give full recognition to the role of the psychologist as an independent practitioner under medicare. This amendment will provide for coverage of the services of a psychologist who is licensed or certified in a State and who holds a doctoral degree from a program accredited by the American Psychological Association.

CURRENT MEDICARE PROVISIONS

A substantive deficiency in the medicare system is its failure to recognize the psychologist as an independent practitioner. Current regulations permit direct reimbursement to the psychologist only for diagnostic services and then only when ordered by a physician.

The HEW report to Congress in 1968 entitled "Independent Practitioners under Medicare," outlined clearly the limited extent of participation of psychologists in services covered by medicare:

> Currently, the Medicare program covers diagnostic and therapeutic services of qualified clinical psychologists when they are performed as part of the services of a Medicare-approved hospital, extended care facility, or home health agency. Such psychology services may be provided by an employee of the provider or by an independent practitioner through a contractual agreement with the provider. Reimbursement for services must be made to the provider on the basis of reasonable cost.
>
> A psychologist's diagnostic and therapeutic services also may be covered as services "incident" to physicians services. This type of coverage commonly occurs in physician-directed clinics. Reimbursement is made to the physician or to the clinic on the basis of reasonable charges.
>
> In addition, diagnostic psychological testing services of an independent practitioner may be covered as "other diagnostic tests" when performed in accordance with the written order of a physician. Reimbursement for diagnostic services of independently practicing psychologists is based on reasonable charges. Payment may be made directly to the psychologist upon the beneficiary's assignment of payment to him, or the psychologist may bill the beneficiary who then may seek payment from Medicare. Therapeutic services performed by an independently practicing psychologist are not covered.

This current procedure places the psychologist in a position dependent on the supervision of a physician for any service he performs and fails to recognize the major contributions made by psychologists to the provision of mental health care. It also fails to recognize the professionalism of the psychologist and the very high standards of training and practice imposed by the Code of Ethics of the American Psychological Association.

THE ROLE OF THE PSYCHOLOGIST

During the past 25 years, psychology has taken steady and constructive steps to become an independent profession which works closely with, but not under the supervision of, other professions. Standards for graduate educational programs have been set and programs are evaluated for accreditation by the American Psychological Association which is the recognized national accrediting agency. These graduate programs include a year of clinical psychological work in an institution which also is required to meet standards for accreditation established by the APA. The APA has also developed and published a code of ethics governing relations with patients, clients, colleagues, and members of other professions. Violations of the code are grounds for suspension or expulsion from the APA. Close collaboration with other health professions is stated as official APA policy. The APA has also promoted certification and licensing laws for regulation of psychological practice in 46 States and the District of Columbia.

These activities have borne fruit. Recognition of the psychologist as an independent practitioner by insurance companies and by CHAMPUS as well as their licensing and certification in almost all the States is evidence of the status they have achieved as independent mental health professionals. Psychologists serve as superintendents of State mental hospitals, directors of Veterans' Administration mental hygiene clinics, and directors of community mental health centers.

The clinical psychologist who has been licensed and certified has demonstrated his ability to provide high quality diagnostic and therapeutic services to patients. The psychologist also has specialized skills, such as psychodiagnostic testing, specialized treatment techniques such as behavior modification, and a social flexibility that allows him options that sometimes are not available elsewhere. Clinical psychologists have contributed much of the basic research and clinical experience in group psychotherapy and behavior modification.

It would appear that medicare provisions are not in step with the rest of the Nation in not recognizing the psychologist as a practitioner in his own right, but rather requiring him to practice under a physician's plan of treatment.

I recognize the diligence and the intensive examination which the distinguished Senator from Louisiana (Mr. LONG) and the other members of the Finance Committee have devoted to the study of H.R. 1 and of this issue. I was delighted to note that the committee has removed the limitation which required organized settings which provided clinical psychologist services, to be physician directed. This is an important step toward alleviating the severe physician shortage and toward recognizing the competence of professionals other than physicians. However, the committee has not lifted the requirement that services would have to be provided in an organized setting, or, if on an outpatient basis, would have to be provided under a plan of care and treatment established by a physician.

For that reason, I do not believe the Finance Committee's recommendation goes far enough. I do concur with the view that as a matter of policy, a physician should be involved whenever a psychologist provides care in order to insure that the patient's problem is not of a medical/physical nature. But I do not believe that the psychologist's care should be under the physician's direction or control.

I personally would like to see all health care provided in an organized setting, and I think it is interesting to note that currently some 80 percent of psychologists are practicing within an organized setting. This is obviously the preferred mode of practice for psychologists.

I believe an organized setting will foster the use of the team approach to the provision of health care and will result in the greatest utilization of the special skills of each health care member of the team. I believe the patient benefits in receiving total health care, both preventive and therapeutic, at one location, and that the health care personnel who provide for the patient can provide better care by being closely associated with others who are also providing care for the same patient and are in a position to advise each other of relevant factors in treating the patient.

However, the need for mental health services under medicare is great. By severly narrowing the full utilization of the psychologists skills by requiring a physician to supervise treatment, medicare provisions create a heavy burden upon the physician whose skills are already greatly in demand and where there has been a serious shortage of manpower for many years. As a member of the Subcommittee on Health of the Senate Labor and Public Welfare Committee, and as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I have continually urged that statutory incentives be included in legislation developed by those committees to encourage the development of new types of health personnel and to expand the roles of existing personnel so that the skills of the highly trained scarce professionals will not be underutilized in tasks which could be handled by those who had had specialized training to perform such tasks.

Mr. President, I think it very significant that I have consulted with some very competent physicians including psychiatrists, on this question and have received substantial support for this amendment.

I believe the amendment I have cosponsored will serve to further the more effective use of health manpower skills and at the same time recognize the role the psychologist has earned as an independent practitioner.

I urge the Members of the Senate to support this change in H.R. 1's provisions

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from Louisiana (Mrs. EDWARDS) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 18, nays 57, as follows:

[No. 529 Leg.]

YEAS—18

Bayh
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Cranston
Gravel
Hart
Hartke
Javits
Long
Mondale
Montoya
Schweiker
Stevens
Stevenson

NAYS—57

Aiken
Allen
Anderson
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cooper
Cotton
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NOT VOTING—25

Allott
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Griffin
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Spong
Tower

So Mr. HARTKE's amendment was rejected.

Mr. MOSS. Mr. President, I call up an amendment, which has been modified from the printed amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MOSS. Mr. President, I ask unanimous consent to dispense with reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments offered by Mr. Moss for himself Mr. PERCY and Mr. TUNNEY are as follows:

On page 294, line 21, strike out "and".

On page 295, line 11, strike out the period and insert in lieu thereof a semicolon and the following:

"(H) to establish an experimental program to provide day-care services, which consist of such personal care, supervision, and services as the Secretary shall by regulation prescribe, for individuals eligible to enroll in the supplemental medical insurance program established under part B of title XVIII and title 19 of the Social Security Act, in day-care centers which meet such standards as the Secretary shall by regulation establish.

"(I) to establish an experimental program of subsidization of families who agree to care for their dependents who are 65 years of age or older and who would otherwise require, because of physical and mental infirmities, the services of a skilled nursing facility, in their own homes, and to pay such subsidies directly, in the form of grants, to families who are determined (in accordance with regulations prescribed by the Secretary) to be eligible for such subsidization.

"(J) to determine whether payments for psychological and psychiatric services to residents of skilled nursing facilities and intermediate care facilities (which are receiving payments under title XIX of the Social Security Act) are adequate and provide sufficient financial resources to meet the mental health needs of such residents and (upon a finding that such expenditures are inadequate) to recommend programs for adequate psychological and psychiatric assistance to such residents; and

"(K) to develop methods and programs designed to expedite and improve the rehabilitation of patients in skilled nursing facilities or other institutions for long-term health care; and to develop appropriate alternatives to institutional care (in skilled nursing facilities, intermediate care facilities, or similar facilities for long-term health care) for patients in need of rehabilitation or long-term health care (including, but not limited to, the use of day-care, night-care, or full-time care centers, and the use of voluntary cooperative centers which are organized for the care of patients by their relatives)."

Beginning on page 342, strike out lines 3 through 6 and insert in lieu thereof:

(b) The amendment made by subsection (a) and any regulations adopted pursuant to such amendment shall apply with respect to plans of care initiated on or after January 1, 1973, and with respect to admission to extended care facilities and home health plans initiated on or after such date.

Beginning on page 393, line 3, insert "(including an institution located on an Indian reservation within such State)" after "institution".

On page 393, line 8, insert before the period the following: ", and to the extent that the Secretary finds it necessary, he may certify, that an institution located on an Indian reservation within such State qualifies as a skilled nursing facility".

On page 393, line 11, insert "(or by him)" after "him".

At the end of title II of the bill, insert the following new section:

CERTIFICATION OF INTERMEDIATE CARE FACILITIES LOCATED ON AN INDIAN RESERVATION

SEC. —. Section 1905(c) of the Social Security Act, as added by Public Law 92-223, is amended by adding after the penultimate sentence thereof the following:

"The term 'intermediate care facility' also includes any institution which is located on an Indian reservation within the physical boundaries of a State and is certified by the Secretary as meeting the requirements of clauses (2) and (3) of this subsection and providing the care and services required under clause (1)."

Beginning on page 500, line 3, insert "AND COSTS OF OPERATION OF" after "OF".

On page 500, line 13, strike out "paragraph:" and insert in lieu thereof "paragraphs:".

On page 500, line 11, strike out "'; and'; and" and insert in lieu thereof "a semicolon; and".

On page 501, line 2, strike out the period and insert in lieu thereof "; and".

Beginning on page 373, line 16, strike out "extended care" and insert in lieu thereof "skilled nursing".

On page 387, line 6, strike out "(14); and" insert in lieu thereof "(16);".

On page 387, line 11, beginning with "having" strike out through "facility," on line 13, and insert in lieu thereof "who has any direct or indirect ownership interest of one percent or more in such skilled nursing facility or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such skilled nursing facility or any of the property or assets of such skilled nursing facility".

On page 388, line 15, strike out "and,".

On page 388, between lines 15 and 16, insert the following new paragraph:

"(14) Unless otherwise submitted in accordance with requirements under the Social Security Act, submit, not later than 120 days after the close of any fiscal year of such skilled nursing facility, effective with respect to accounting periods beginning on or after December 31, 1972, to the Secretary a full and complete certified report disclosing all costs incurred for such fiscal year by such skilled nursing facility; and"; and

(4) by adding at the end of paragraph (16) (as redesignated by paragraph (3) of this subsection) the following new sentence: "Notwithstanding any other provision of law, all information concerning skilled nursing facilities required by this subsection to be filed with the Secretary shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under titles 18 and 19 of this Act.".

On page 501, between lines 2 and 3, insert the following new paragraph:

(37) Unless otherwise submitted in accordance with requirements under the Social Security Act, effective with accounting periods beginning on or after December 31, 1972, provide (A) that any intermediate care facility receiving payments under such plan must submit, not later than 120 days after the close of any fiscal year of such intermediate care facility, to the State agency a full and complete certified report disclosing all costs incurred for such fiscal year by such intermediate care facility, and (B) that all information concerning an intermediate care facility receiving payments under such plan which is required to be filed with the State agency shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under titles 18 and 19 of this Act.

Beginning on page 523, line 25, add the following new section:

GRANT PROGRAM FOR TRAINING OF NURSES' AIDES AND ORDERLIES

SEC. 299 G (a) The Secretary of Health, Education, and Welfare is authorized to make grants to public or nonprofit private agencies, institutions, and organizations to assist them in conducting (or establishing and conducting) programs for the training of staff members or nursing homes and for training and retraining of personnel as nurses' aides or orderlies for nursing homes, with special emphasis on in-service training. The Secretary of Health, Education, and Welfare shall enter into arrangements with the Secretary of Labor designed to assure that participants in the work incentive program (established by part C of title IV of the Social Security Act) who desire to work in nursing homes will be encouraged to participate in programs receiving financial assistance through grants made under the preceding sentence.

(b) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1973, and $5,000,000 for each of the next three fiscal years.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. LONG. Mr. President, we propose to agree to the Senator's amendment, so I hope he will be brief, so the Senate can move to the next one.

Mr. MOSS. I assure the Senator that I intend to be very brief. The Senator from Illinois (Mr. PERCY) has some brief remarks to make, and that is all it will amount to.

First of all, Mr. President, I ask unanimous consent that the Senator from Connecticut (Mr. RIBICOFF) be shown as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that the amendments, which are contained in one document, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, as chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, I have conducted 20 hearings on nursing home problems in the last 3 years. Although our report to the Congress based on these hearings is not yet complete there are several recommendations which I intend to offer today as amendments to H.R. 1. I am pleased to have joining with me the distinguished Senator from Illinois, Mr. PERCY and from California, Mr. TUNNEY, who have their own amendments included with mine in this omnibus package.

The purpose of this amendment is to patch up loopholes in the existing law, to test new and important approaches to the problems of long-term care, to prohibit retroactive denials, provide training for nursing home personnel, and to make it possible for nursing homes on Indian reservations to participate in medicare and medicaid. The staff of the Senate Committee on Finance is familiar with these amendments which I believe are noncontroversial.

Taking up my amendments in the order in which they appear in the bill, my first amendment relates to section 222 of the bill with other demonstration projects funded from the Federal hospital insurance trust fund and the Federal supplementary medical insurance trust fund. My first proposal would provide authority for an experimental program of day care for senior citizens under such regulations as the Secretary shall prescribe.

Day care for senior citizens is not a new idea, it was proposed repeatedly by advocates of the elderly at our hearings. I believe that an effective day care program for senior citizens would provide a less expensive alternative to institutionalization.

More and more we are finding that working families are unable to care for their elderly loved ones. Working family members are fearful of leaving their elders in the house alone by day particularly if the seniors are frail or slightly feeble. The fear that seniors may cause harm to themselves if left alone and the lack of suitable alternatives has caused much anxiety and in some cases early institutionalization.

It is very clear to me that a day care center for older Americans is a suitable answer to this problem. The working family could leave their loved one in a protective environment by day and return them home after working hours to share dinner and the events of the evening with the family.

Most importantly for those who are budget conscious, the day care program would save money as well as prevent premature or unnecessary institutionalization. I am told that day care can be provided for about $3 a day as compared with nursing home care which ranges from $10 to $30 a day.

I had originally proposed the day care concept in the form of S. 3267 which would have been available to all medicare beneficiaries but I believe this concept has to be tested before we enact it on a wider basis. In the interim I hope to be able to study the British "day-hospital" system.

My second amendment authorizes a demonstration project to subsidize the families to care for their elderly in their own homes. This amendment is not intended to lessen the responsibility of family members for their elders. However it is a concept that is being tried by several of our States once again to prohibit early or unnecessary institutionalization.

A program such as would be authorized by this amendment would allow some of the very poor members of society to help maintain their elders in their own homes. This amendment received wide support in our recent hearings on the access of minority groups to nursing homes. At those hearings we learned that nursing homes are an anathema to some minority groups—notably Mexican Americans. Among these minority groups there is a long tradition of caring for parents in the home. Pride and tradition require that the elderly be maintained by the younger family members.

Most of these minority group members rank with the poorest members in our society. Because of language barriers, we were told they found medicaid of limited use—and once again medicaid would only provide care in a nursing home.

It is for these reasons that I ask for this demonstration project. I believe that it is time that the Government took into account the social and cultural differences of our people. I hope this approach can be tested for its feasibility to benefit the low income elderly.

Two more demonstration projects are contained in this omnibus amendment, one to help determine appropriate psychological and psychiatric assistance to the residents of nursing homes, residents to which Senator Tunney will speak and another which offers a new approach to rehabilitation which was introduced by Senator Percy.

My third amendment is an effort to prohibit the onerous practice of "retroactive denials" which describes the situation where new rules are announced for participants in the medicare program in 1972 and are given retroactive effect so that claims paid in 1971 are reevaluated with nursing home providors being required to pay back sums now deemed to have been improvidently granted.

The committee's proposal in section 228 is an effort to prohibit the uncertainty of medicare nursing home coverage by authorizing the Secretary to establish presumptive periods of care. Under this proposal, for example, an individual with a broken hip or other ailment would be "presumed" to be eligible for a certain number of days in a medicare nursing home.

The committee's proposal is only a partial answer to the problem. My amendment would require that all new regulations for the medicare nursing home program to have prospective and not retroactive effect.

My fourth amendment relates to the inability of Indian tribes to provide nursing home care for their needy elders. There are several Indian tribes which would like to provide nursing home care for their people. One facility has been built in Arizona and others have been proposed in New Mexico and in my native State of Utah. In every case there is one insurmountable obstacle. Because Indian reservations are Federal enclaves, States have not been willing to license nursing homes on such reservations. Since State inspectors also certify nursing homes for purposes of medicare and medicaid, inability to get a State license has meant they have been barred from participating in medicare and medicaid.

My amendment addresses this problem and the failure of other agencies to consider the needs of the Indian elderly. It would allow the Secretary of Health, Education, and Welfare to certify nursing homes meeting appropriate standards to participate in medicare and medicaid as skilled nursing homes and as intermediate facilities.

I have no firm cost estimates for this amendment but I do not believe the cost will be substantial given the comparatively limited number of Indian elderly. However, those tribes that seek assistance in providing nursing home care under medicaid or medicare should be assisted.

My fifth amendment is intended to clarify one of the so-called Moss amendments of 1967. My amendments to the Social Security Act of 1967 had the intention of raising nursing home standards and constitute the law upon which HEW is relying for its recent enforcement effort. One of these amendments required anyone with a 10-percent interest or greater in a nursing home to file and disclose such interest with the State.

In recent hearings by my subcommittee it was discovered that nursing home operators were using a variety of techniques to avoid the disclosure requirement. It became impossible for us to find out from disclosure lists submitted to the State the true identity of nursing home owners. Using other records such as corporate directories and State land efforts, my subcommittee learned that a small group of individuals controlled an incredible number of nursing home beds. This conclusion was verified in several States. The public has a right to know who owns these facilities but the information is currently disguised. One technique is to list a 9-percent interest in the name of each of one's children, another is to establish two corporations, one to run the facility and another holding the land in trust.

The Governor's commission on nursing home problems in Maryland recently learned to their chagrin that it was impossible to tell who owned the State's nursing homes. They called for the enactment of my bill S. 2927 which I now propose in amendment form. It also has the support of HEW.

My bill would require that any ownership interest direct or indirect in a nursing home over 1 percent be disclosed to the State including that of an owner—in whole or in part—of any mortgage, deed of trust, note, or other obligation secured—in whole or in part—by the nursing home or any property or assets of such facility.

This information would be made available to appropriate Federal and State employees including members of congressional committees for purposes consistent with the effective administration of programs established under titles 18 and 19 of the law. By action of the Finance Committee in the present bill such data would be required to be filed with the State by owners of intermediate care facilities.

Another part of this same amendment requires that owners of titles 18 and 19 skilled nursing homes file certified financial statements with the Secretary. Almost 90 percent of the nursing facilities in this country are organized for profit. Studies by my subcommittee indicate a lack of accountability. After paying nursing home operators their flat fee under medicaid most States make no effort to ascertain how the money is being used. This allows each individual operator to allocate as much to patient care as he so desires and as much as he pleases to profit.

Even with generally inadequate reimbursement rates some nursing home operators, paradoxically, have been able to make high profits. One operator in Chicago made $185,000 profit on a medicaid income of $400,000 yearly, while spending only 52 cents per patient per day for food.

Other indications such as the Connecticut study which showed an average 44 percent return on investment for the States nursing homes, caused our committee to look further into this question. The committee discovered great reluctance on the part of nursing home administrators to disclose their financial data. Despite several letters over a 6-month period only 20 of 75 nursing homes returned a questionnaire relating to their cost and financial data to help the committee with its inquiry.

Since the taxpayer contributes more than $2 out of every $3 in nursing home revenues the Government has a vested right to this information. Once again this information would be made available to Federal employees for purposes consistent with the effective administration of programs established under titles 18 and 19.

The last amendment in this omnibus package provides training for nurses' aides and orderlies and has been introduced by Senator Percy. I support this measure as well as the other proposals in this package. This amendment is similar to my bill, S. 3556 which I feel is greatly needed to combat one of the major problems in the field of long-term care—the reliance on untrained personnel. Nursing home personnel are for the most part hired literally off the street and paid the minimum wage. It is difficult work and I can understand why there is a turnover rate of 75 percent among nurses' aides. I urge the adoption of all of the amendments in this package.

Mr. TUNNEY. Mr. President, this section of our amendments would require the Secretary of HEW to add to the series of demonstration projects he is required to develop, one which would provide much-needed psychiatric assistance to patients in nursing homes and in other long-term care facilities. This new demonstration project would better enable our long-term care facilities to meet a crying medical need for the elderly, the need for adequate psychiatric care and treatment in nursing homes and on other long-term health care facilities.

There is a severe misunderstanding of the emotional problems of senior citizens. Myths abound, such as: "Senility is a natural stage for the aged" and "emotional disorders of the elderly do not respond to treatment."

Mr. President, it is long past time that the American people and the Federal facilities which serve them reject useless and counterproductive myths such as these.

The overriding questions which remain unanswered properly with regard to long-term care facilities are: What kinds of care and services are required for people who need psychiatric assistance? What kind of facilities will best serve their needs?

This amendment will provide us with the opportunity to answer constructively and effectively those questions.

Many States are emptying their State mental hospitals first of geriatric patients and later of younger patients.

It is argued that these patients are being "returned to the community." In reality, most are being returned to nursing homes. While some persons claim that the elderly who are discharged unconditionally are so discharged for humanitarian reasons, persuasive argument can be offered that the real reason is cost. For example, I have learned that it costs the State of Illinois $550 per patient per month to keep an individual in a State hospital while that same patient can be placed in a nursing home for $230 per month.

Unfortunately, however, the people so discharged are frequently better off in the State hospital than in the nursing home. The staffs of nursing homes are often untrained in the problems of mental health and cannot cope adequately with the problems of the infirmed elderly and the addition of mental patients creates an intolerable burden.

The mental health needs of the infirmed elderly can be demonstrated in a variety of other ways, Mr. President. Suffice it to say at this point that their needs appear to be desperate. Sometimes old houses or hotels are used to house geriatric patients from State hospitals. These facilities need not meet any Federal or State standards—and recent scandalous fires in some of them have demonstrated poignantly the urgency and severity of the matter. And to the extent that the results are in with regard to the community mental health center concept, it is evident that those centers do not serve the needs of the elderly. Regardless of their general merit, only 4 percent of the 250,000 admissions to the community mental health centers in 1969 were over 65.

Mr. President, at least as demonstration projects, I believe very deeply that psychological facilities must be explored further. I urge my colleagues to accept this new demonstration section of H.R. 1.

Mr. RIBICOFF. Mr. President, I am pleased to join with Senator Moss in calling up amendment 1685 to H.R. 1. This legislation, similar to a bill I introduced last February, would establish pilot projects designed to generate alternatives to long-term, institutionalized nursing home care and provide subsidies for families who care for their aged and infirm relatives in their own homes.

This legislation would also establish a grant program for the training of nurse's aides and orderlies for nursing homes.

Over the next 4 years $17.5 million would be authorized for these grants.

Mr. President, in the long time that I have been working in the field of long-term care, my committee has conducted 20 hearings on nursing home problems in the last 3 years. These problems can appropriately be dealt with in this bill, which has to do with medicare and medicaid, and nearly all of our elderly citizens are financed in that way for their care in nursing homes.

Therefore, I strongly urge that these amendments be adopted at this time.

We must begin to look at our entire system in light of increasing evidence that the care provided for our elderly citizens is inadequate, demeaning to human dignity, and a waste of tax dollars.

Nursing homes as they are operated today are a self-perpetrating system that assures that the elderly will have a chronic need for chronic health care. Our extended care institutions all too often reduce our elderly citizens to a state of permanent dependence on the institution, rather than providing varying levels and types of care and services that would encourage the elderly to remain a part of their community.

At least 15 to 20 percent of those elderly citizens presently institutionalized are absolutely misplaced according to the Levinson Gerontological Policy Institute of Brandeis University. In Massachusetts, for example, where intensive studies of nursing home disability evaluations have been made, it was found that only 37 percent of the nursing home residents in the State require full-time skilled nursing care. Fourteen percent needed no institutional care whatsoever for medical reasons. Another 26 percent required minimal supervised living, and 23 percent needed limited or periodic nursing care that might, for some, be provided on a home visit basis.

Approximately, $2 billion is expended annually for nursing home care, one-fourth to one-half of which is now spent for patients who do not, medically, need such care. A more flexible use of funds now narrowly channeled into traditional nursing home settings would encourage the development of more imaginative and innovative forms of care for the elderly.

Our proposal authorizes a series of pilot projects to explore new methods of providing care for the elderly. The purpose of these demonstration programs would be to generate alternatives to long-term, institutionalized nursing home care. Such programs would include maintenance and care services provided in noninstitutional, neighborhood settings; increased use of home health and maintenance care; continuing care at various stages of illness through a coordinated program utilizing acute care hospital facilities, extended care facilities, "day" hospital services and home care; and ongoing community responsibility and involvement in such programs.

These pilot projects would provide field testing of differing solutions in varied demographic and health care delivery areas. Other issues to be explored in field tests would include the administrative issues involved in setting up innovative personal care organizations, definition of the optimal population to be covered, testing of alternate quality control measures, analysis of manpower alternatives, and measurement of cost levels.

The costs of providing adequate care for the elderly are rising dramatically. We cannot continue to waste and misallocate the limited resources we have to devote to this problem. More effective programs must be developed. Working with such programs in action is the only way this can be done.

This proposal would also establish an experimental program of subsidization of families who agree to care for their dependents who are 65 years of age who would otherwise require, because of physical and mental infirmities, the services of a skilled nursing facility, in their own homes.

Mr. PERCY. Mr. President, I rise in support of the pending amendment, which I cosponsor. This comprehensive nursing home package incorporates two of my nursing home amendments.

The first would authorize $17.5 million in Federal grants to public or nonprofit private agencies, institutions, and organizations, to assist them in establishing special training programs for nurses aides and orderlies in nursing homes. The amendment stresses the importance of inservice training, which is generally regarded as highly desirable by health professionals. The grants shall be administered by the Secretary of Health, Education, and Welfare, who shall have the option of carrying out training programs under the auspices of either the Health Services and Mental Health Administration or the Bureau of Health Manpower Education, which forms part of the National Institutes of Health.

The $17.5 million authorized under this amendment shall be allocated in the following way: $2.5 million in fiscal year 1973, and $5 million in each of the next 3 fiscal years.

The need for this legislation became apparent during a series of hearings on nursing homes conducted by the Subcommittee on Long-Term Care of the Senate Special Committee on Aging. The subcommittee found one of the major problems to be a lack of qualified, trained nurses' aides and orderlies. In hearing after hearing, witnesses impressed upon the subcommittee the importance of these personnel, and their current lack of adequate training.

It is unfortunate that the nursing home personnel who work most closely and directly with the patients bring the least to their jobs in terms of qualifications and training. Aides and orderlies typically have no more than a high school education, and they lack specialized skills. Reports of patient abuse on the part of these personnel are commonplace.

The pay of aides and orderlies is low. In 1970, the average wage was $1.53 an hour. It has not risen much since.

The pay is low and the work is hard. Aides and orderlies must lift, bathe, feed, and console patients who are depressed, lonely, and often demanding.

There is little glamor in this line of work. Nursing homes rank low in prestige as health care institutions, and aides and orderlies fall at the bottom of the health care personnel hierarchy.

The low pay, hard work, and lack of job prestige combine to create a high turnover rate. The turnover rate for employees in the nursing home field as a whole is high—60 percent a year; for aides and orderlies, it is even higher, 75 percent.

With these conditions, it is little wonder that nursing homes cannot or do not attract good help. This is why it is possible, as the Chicago Tribune has reported, for a person to walk into a nursing home with no experience or training whatever, give phoney character references, and find himself working as an aide or orderly within hours, dispensing drugs—about which he knows nothing—and ministering to chronically and gravely ill patients. One home was found hiring its aides through a Chicago skid row hotel, where a maid received kickbacks for sending new employees to the home. This is why individuals so lacking in education and skills as to be unable to find employment elsewhere end up working as aides and orderlies in nursing homes.

In theory, all nursing homes train their aides and orderlies. In fact, although some homes do provide excellent training, many make not the slightest pretense of doing so. This is true despite the fact that, as one study explained—

> The difference between a competent and an incompetent aide can mean everything in terms of a patient's adjustment to the nursing home. The intimate and daily nature of the aide's contact with patients makes it inevitable that he or she will have a tremendous effect on the mental and emotional health and, directly or indirectly, on their physical health as well.

The importance of teaching aides how to handle patients properly cannot be overstated, and yet training programs in this area are virtually nonexistent. The Department of Labor trains aides and orderlies, but it trains the bulk of them for hospitals, not nursing homes. Other agencies operate health manpower training programs, but not for nursing home aides and orderlies.

Perhaps the program which comes closest to doing this job is the one initiated recently by President Nixon as part of his eight-point program on nursing homes. One of his proposals authorizes funds for the short-term training of approximately 20,000 nursing home personnel. I am pleased with this initiative on the part of the administration, but it must be recognized that even this program aims primarily at the higher echelon employees—physicians, nurses, administrators, and activity directors—rather than at the aides and orderlies.

Unless we undertake to upgrade the skills of the 215,000 aides and orderlies who work in nursing homes, patients will continue to suffer from inadequate and improper treatment.

In the State of Illinois, there is a modest effort now underway to upgrade the skills of these personnel. That effort goes by the name of the Rehabilitation Education Service—RES—a free service to nursing homes desiring it, and a program which has been in operation now for 14 years.

Because of limited funds, the State is able to provide only two RES teams, who must cover the whole State. Many homes, therefore, do without this service.

It is in the interest of encouraging such ongoing programs to expand, and establishing new programs to upgrade the skills of nurses aides and orderlies in nursing homes, that I offer my amendment.

Mr. President, I am certain my colleagues are well aware of the urgent need to improve nursing home conditions in this country. Anyone who has actually gone into the homes to visit patients can only view this as a matter of the highest priority.

Mr. President, I believe this amendment offers us an excellent opportunity to bring about an improvement in the quality of care given to the old and chronically ill persons who now reside in nursing homes, and I urge its adoption.

Let me now comment on a second amendment of mine that was incorporated into this package.

The need for more rehabilitation programs for elderly nursing home patients became apparent during the hearings on nursing homes held in Chicago in April and September of last year by the Subcommittee on Long-Term Care of the Senate Special Committee on Aging.

We found in those hearings that few efforts are being undertaken to rehabilitate nursing home patients. More often than not, patients enter nursing homes where bona fide rehabilitation programs are nonexistent. Or if they do exist, they consist of little more than bingo games and TV watching. Few opportunities for social and physical activity exist. A scene found all to frequently in nursing homes across the country was vividly portrayed in one of the Chicago Tribune's articles on this subject:

> They (nursing home patients) sit in rooms where the paint is peeling from the walls and the windows are covered with grime and they stare.

Conditions vary, of course, but there is substantial evidence to warrant fear that this dismal atmosphere prevails in too many homes.

Entry into a nursing home is invariably a traumatic experience. One of the major reasons the experience is so traumatic is that the patients cannot look forward to being rehabilitated or to recovering from their illnesses. Thus, patients sometimes equate entering a nursing home with walking into a "waiting room to die." If rehabilitation programs were more common and more promising, then nursing home patients could look forward to recovering from their illnesses, and the experience of entering a home could become considerably less traumatic.

It is commonly assumed that if a person is so ill as to necessitate nursing home care, then there can be little hope for ever making him self-sufficient and independent. Unfortunately, it is frequently the patient's attitude toward himself—and most especially that of others toward him—more than his physical condition, which causes his condition to deteriorate. A patient's overpowering sense of uselessness and lack of self-confidence, rather than his physical condition per se, might cause the deterioration in his overall physical and emotional status.

To illustrate what can happen when rehabilitation efforts are undertaken, let me relate a story told to me by the world renowned psychologist, Dr. Karl Menninger, at the hearing held in Chicago last September.

The story concerns 88 aged patients who had been diagnosed as hopelessly senile and psychotic, and placed in a geriatric award at the Topeka State Hospital in Kansas. The patients had been vegetating in the gloomy ward for about 10 years—and one of the patients had been there for 58 years. The situation changed dramatically, however, with the arrival of a young doctor and his team of aides. They transformed the cheerless atmosphere of the ward into one of hope and raised spirits. They did this by bringing in such things as music, television, bird cages, and potted plants. The doctor set up a social program, and the patients responded by beginning to paint and sand furniture, and to work with leather and play bingo. A measure of the patients' improved spirits was found in their construction of a ramp over a difficult flight of stairs, and in the painting of a shuffleboard court on the floor.

Three weeks following the initiation of this program, one patient was discharged and sent home to live with his relatives. A year later, only nine patients were still bedridden, and only six were incontinent. Twelve more returned to live with their families, six left the ward to live by themselves, and four found comfortable nursing home provisions.

Mr. President, this proposal is a very simple one which would not cost a great deal of money. The Secretary of HEW would merely be authorized, in addition to testing the concepts already listed under section 222 of the bill, to develop or demonstrate programs intended to rehabilitate or remotivate elderly nursing home patients. This proposal does not call for specific authorizations, but rather, it gives the Secretary flexibility in determining appropriate amounts. I believe we could learn a great deal by testing new concepts in this field, and that we might even discover ways to decrease Federal expenditures through developing alternatives to long-term care. I urge adoption of this provision in the comprehensive nursing home amendment as one promising way to better the lives of the elderly.

I urge acceptance of these amendments.

Mr. LONG. Mr. President, the manager of the bill favors the amendments. I hope the Senate will agree to them.

Mr. MOSS. Mr. President, I would like to compliment the staff and the members of the Senate Finance Committee for their constructive work. H.R. 1 contains many long needed reforms including the consolidation of medicare and medicaid standards. It makes sense that there be only one set of Federal standards with which nursing homes have to comply.

It is also important that H.R. 1 incorporates cost related reimbursement as the Federal standard. For too long nursing homes have suffered with inadequate rates. If we continue to insist on higher standards then we must pay for them.

There are many other improvements contained in H.R. 1. Again I compliment those involved.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Utah.

The amendments were agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 581, line 22, before the word "unable" insert "18 years of age or older and"

Mr. LONG. Mr. President, this amendment is necessary to correct an obvious and manifest error in the bill. The committee report correctly reflects the committee's intention. Unfortunately, the bill fails to correctly include the words referred to in the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, I realize that, based on the order in which we requested to be recognized, I am next. I would like to yield the floor to the Senator from Wisconsin, who has been waiting to propose an amendment.

Mr. NELSON. Mr. President, I think it is about time we followed the rules of the Senate, or changed them. There is no rule that I know of that says the Chair should recognize someone who has put his name on a list at the Chair. The rules are that the Chair recognizes the first person who rises and asks for recognition. I would suggest to the leadership that after all this foolishness all day long, we ought to abolish that list up there and follow the rules.

This has been a charade all day long. I stood here for an hour and a half today, canceled a luncheon appointment, but because I was not on the list, a Senator comes in and he is here 30 seconds and gets recognition.

If that is to be the rule, I am coming over at 9 o'clock every morning and put my name on the list every day, then I will be entitled to walk in when someone else has been waiting 2 hours, and get recognition.

Mr. President, this is sheer nonsense, contrary to the rules and it ought to be stopped.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. Without relinquishing my right to the floor.

Mr. MONDALE. I agree completely with the Senator from Wisconsin. I was a victim of the same sort of circumstances, and I learned the hard way. Yesterday I stood here as a gentleman for 4 hours, watching people get recognized in front of me, and then I yielded, to be a gentleman, and I got the floor back in an hour and 45 minutes, on a noncontroversial amendment. So I could not agree with the Senator more. And I thought, in the light of my predicament yesterday, the lateness of the hour, and my admiration for the Senator from Wisconsin, this was the best way to do it.

The PRESIDING OFFICER (Mr. CANNON). The Senator from Wisconsin is recognized. Does he desire to offer an amendment?

Mr. NELSON. Mr. President, I would like to have the attention of the distinguished chairman of the Finance Committee in order to propound to him a couple of questions.

For the benefit of the Senators who are here, I shall try to be as brief as possible. I intend to ask for a rollcall on two amendments. The purpose of the two amendments I am going to offer is to raise the money to pay for some of the additional cost of the increased social security benefits in H.R. 1.

The reason I do that is that these are not really wage-related benefits. Over the years, for 30 years, the Advisory Council on Social Security from time to time has suggested that when people who are retired receive substantial benefits of the kind that are included in H.R. 1, we should not tax the current employer and the employee to pay for those benefits.

I am offering two amendments. Both have been considered here before. One is to raise the minimum tax to one-half of the normal tax rate on income that is not subjected to any tax. The other one is to repeal the ADR.

These two proposals together would raise about $42 billion between now and 1980, and would pay almost all of the increased cost required by the provisions of H.R. 1.

I would suggest that everyone, before he votes, ought to take a look at the chart that tells what kind of a tax the 20 percent increase and the additions in H.R. 1 are going to impose upon the workers in this country.

I call attention to one example: The man who is making $12,000 a year is going to have his social security tax increased by 54 percent by 1974. In fact, if you count the total increase since 1971 it totals 75 percent.

Now the worker in the $12,000 wage bracket is not only going to have his tax increased 54 percent, but let me spell it out to you in dollars and percent. His tax is going to be increased $252 between now, today, and 1974, a year and a half from now. That is $21 a month. So when we get through passing this bill, if we are going to load the cost of all these benefits on the current worker and employer we are going to get a tax revolt from the overtaxed worker and employer. These increased benefits are needed and justified but they ought to come out of general funds. For the taxpayer who earns $12,000, it means we are going to raise his taxes $21 a month in a year and a half.

I do not know of anyone in this country with a $12,000 income who has very much money left over if he has a family to support, and when he sees that we have taxed him $21 a month, he is going to be justifiably outraged, and we are going to get a revolt against it. We are asking him and his employer to pay for an increase which ought to come out of the general fund.

I shall speak on that a little further in a moment, but I would like to have a brief colloquy with the distinguished chairman of the committee, the Senator from Louisiana, for the purpose of clarification. I think he is familiar with this. I will go through it very quickly.

It is my understanding that the Senate Finance Committee's provision covering HMO eligibility for medicare requires that prepaid group plans: First, have been in operation for at least 2 years; and second, have a minimum of 25,000 enrollees, not more than one-half of whom are age 65 or over. Exceptions may be made for HMO's in smaller and rural communities: these must have demonstrated, through at least 3 years of successful operation, that they have the capacity to provide health care services of proper quality on a prepaid basis, and have at least 5,000 members. Is that correct?

Mr. LONG. That is correct.

Mr. NELSON. The greater Marshfield Health Plan, in Marshfield, Wis., has been in operation as an HMO for more than 1 year, but the Marshfield Clinic and St. Joseph's Hospital have been providing quality health care in a rural town for more than 60 years, as a group practice with salared physicians. In addition, the Marshfield HMO plan has enrolled more than 13,500 persons in the prepaid plan. Does this mean that the Marshfield HMO would qualify for medicare eligibility under the exceptions provided in the Finance Committee's HMO provisions?

Mr. LONG. It is my understanding that they could and would qualify.

Mr. NELSON. Now I would like to propound another question to the chairman of the Finance Committee.

The Finance Committee authorized demonstration projects—in section 222—to determine an equitable reimbursement formula for medicare coverage of physicians' assistants services, performed independently of supervising doctors.

HEW, the AMA, and physician assistant organizations are now drawing up standards for training and certification of these personnel, in an effort to unify and define their role and qualifications.

While HEW on one hand is paying out money to train physicians' assistants, medicare, under existing law, cannot reimburse for their services unless they are performed in the immediate presence of a supervising doctor. This precludes coverage for such things as house calls and nursing home visits carried out by physicians' assistants.

There is a controversy over what medicare should pay for such services when performed by physicians' assistants. Doctors are concerned that the reimbursement levels cover the expenses of hiring these paramedical personnel. Others are concerned that doctors will use paramedics to increase doctors' income but cut down doctors' services.

Is it the Finance Committee's intention to request HEW to conduct a wide variety of studies on physician assistant reimbursement levels, ranging from fee-for-service downward, in order to determine what reimbursement levels cover the costs of the employing physicians' assistants, while at the same time, encouraging use of this new manpower resource?

Mr. LONG. More or less, yes. Yes, it is correct.

Mr. NELSON. Mr. President, this amendment eliminates the 20-percent copayment required of those who receive home health care under medicare part B.

Under medicare part A, those receiving home health care, after hospitalization, pay no coinsurance. This amendment would make home health care coverage under medicare consistent for both parts A and B. It is inconsistent to require copayment for the same service that a beneficiary receives at 100-percent coverage under part A.

More importantly, it is one step toward encouraging home health usage instead of more costly institutionalized care.

The Finance Committee has taken another small step toward that end, by authorizing demonstration projects to determine whether the 3-day hospitalization requirement prior to part A eligibility is necessary.

Home health care visits average about $25 a visit. The copayment of $5 per visit for long-term home health care can be a financial burden to many elderly persons living on marginal incomes. In addition, since the same care is covered 100 percent under part A medicare, there is an incentive by the physician to order costly hospitalization under part A, in order to ensure that his patient does not have to pay the coinsurance.

In her study on "Home Health Services in the United States," a report to the Senate Special Committee on Aging, Brahna Trager recommends:

> Changes in the system must be made which eliminate entry into home health services through an institutional bed in Part A and which will eliminate coinsurance payment for home health services in Part B.

She further reports:

> Utilization of home health services in the medicare insurance system has remained at less than 1 percent of insurance expenditures and appears to be diminishing. Institutional utilization and expenditures are increasing.

A medicare beneficiary will already have paid the $50 deductible required for part B eligibility.

The Bureau of Health Insurance in the Social Security Administration advises me that it approves of this amendment. They also advise that overhead costs of processing and billing for the individual copayments will be removed, at an administrative cost savings. Many of the copayments are never collected, and part B swallows the cost anyway, on top of the billing expense.

The cost of eliminating this copayment is estimated at $3 million by the Social Security Administration—a nominal sum for encouraging ambulatory, less costly, noninstitutional care.

Some 245,000 people received home health services under both medicare parts A and B in calendar year 1971. Total home health medicare costs for that year were $54,984,000, of which $15,824,000 was paid out for medicare part B coverage of home health care. Twenty percent of that figure is $3 million—the cost of this amendment.

The peer review provisions called for in H.R. 1 will insure that such home health services are medically necessary and monitored for quality and utilization.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, the chairman of the Finance Committee is familiar with this amendment. I will explain it briefly and ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of title II of the bill, add the following new section:

ELIMINATION OF COINSURANCE PAYMENT WITH RESPECT TO HOME HEALTH SERVICES UNDER PART B OF MEDICARE

SEC. —. (a) Section 1833(a)(2) of the Social Security Act is amended by striking out "80 percent" and inserting in lieu thereof "with respect to home health services, 100 percent, and with respect to other services, 80 percent."

(b) The amendment made by subsection (a) shall apply to services furnished by home health agencies in accounting periods beginning after December 31, 1972.

Mr. NELSON. As the Senator knows, there is a 20 percent copayment required for those who receive home health care under medicare part B. Charges for home health care are now as high as $25 for a nurse's visit.

On the other hand, if the doctor sends an eligible patient to the hospital for 3 days and then they come back home and have home health care, there is no required copayment.

This amendment would remove the required copayment for those under medicare part B. The result of this distinction is that frequently doctors feel they have to send their patient to the hospital in order to get the 3 days in, so that they will qualify for service without the copayment because they cannot afford it. That unnecessarily loads the hospital, and those who do not go are getting discriminatory treatment. The purpose of the amendment is to eliminate that discrimination.

I understand that the cost would be in the nature of $3 million a year. Is the Senator willing to accept the amendment?

Mr. LONG. I am willing to take it to conference. Personally, I think the Senator is right.

Mr. NELSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1609

Mr. NELSON. Mr. President, I call up my amendment No. 1609.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill insert the following:

TITLE VI—INTERNAL REVENUE CODE AMENDMENTS

SEC. 601. MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) is amended by redesignating subsections (b) and (c) as (d) and (e), respectively, and by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of each person, a tax equal to the sum of—

"(1) the tax on such person's category I tax preference income (computed under subsection (b)), and

"(2) the tax on such person's category II tax preference income (computed under subsection (c)).

"(b) CATEGORY I TAX PREFERENCE TAX.—For purposes of subsection (a)(1), the tax on a person's category I tax preference income is 10 percent of the amount (if any) by which—

"(1) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption, is greater than

"(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income),

"(iii) section 38 (relating to investment credit),

"(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and

"(B) the tax carryovers to the taxable year.

For purposes of this subsection, the category I exemption is $30,000 minus the amount of the category II exemption that the taxpayer elects to use.

"(c) Category II Tax Preference Tax.—For purposes of subsection (a)(2), the tax on a person's category II tax preference income is—

"(1) in the case of a corporation, 24 percent of the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57(a) exceeds the taxpayer's category II exemption, and

"(2) in the case of a taxpayer other than a corporation, a tax on the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57(a) exceeds the taxpayer's category II exemption equal to one-half of the tax which would be imposed under section 1 by treating the amount of such excess as the taxable income for the taxable year.

For purposes of this subsection, the category II exemption is the amount, not exceeding $12,000, that the taxpayer elects (at such time and in such manner as the Secretary or his delegate prescribes by regulations) to use for the taxable year."

(b) Section 56(d) of such Code, as redesignated by subsection (a) (relating to deferral of tax liability in case of certain net operating losses), is amended to read as follows:

"(d) Deferral of Tax Liability in Case of Certain Net Operating Losses.—

"(1) In general.—If for any taxable year a person—

"(A) has a net operating loss any portion of which (under section 172) remains as a net operating loss carryover to a succeeding taxable year, and

"(B) has items of tax preference taxable under subsection (b) or (c) for the taxable year,

then an amount equal to the lesser of the tax imposed by subsection (a) or 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of the amount of the net operating loss carryover described in subparagraph (A) shall be treated as tax liability not imposed for the taxable year, but as imposed for the succeeding taxable year or years pursuant to paragraph (2).

"(2) Year of Liability.—In any taxable year in which any portion of the net operating loss carryover attributable to the items of tax preference described in paragraph (1)(B) reduces taxable income, the amount of tax liability described in paragraph (1) shall be treated as tax liability imposed in such taxable year in an amount equal to 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of such reduction.

"(3) Priority of Application.—For purposes of paragraph (2), if any portion of the net operating loss carryover described in paragraph (1)(A) is not attributable to the items of tax preference described in paragraph (1)(B), such portion shall be considered as being applied in reducing taxable income before such other portion."

(c) Section 56(e) of such Code, as redesignated by subsection (a) (relating to tax carryovers) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption for the taxable year,"; and

(2) by striking out "subsection (a)" in the last sentence and inserting in lieu thereof "subsection (b)".

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended—

(1) by striking out "$30,000 amount specified in section 56 shall be $15,000" in subsection (a) and inserting in lieu thereof "$30,000 and $12,000 amounts specified in section 56 shall be $16,000 and $6,000, respectively";

(2) by striking out "$30,000 amount" in subsections (b) and (c) and inserting in lieu thereof "$30,000 and $12,00 amounts";

(3) by striking "$30,000" in subsection (c) and inserting in lieu thereof "$30,000 or $12,000, as the case may be,";

(4) by striking out subsection (g); and

(5) by adding at the end thereof the following new subsection:

"(h) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such elections shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

Sec. 602. (a) Notwithstanding any other provision of law, the rate of tax (in the tax schedules in section 1401(a), section 3101(a), and section 3111(a), of the Internal Revenue Code of 1954) shall be reduced so as to cause the total revenues raised by such tax schedules to be reduced, for any calendar year (commencing with the calendar year beginning January 1, 1974), by an amount equal to the amount of the revenues which the Secretary of the Treasury determines, in the case of any calendar year, will be produced by reason of the application of the preceding amendments made by this title. The Secretary shall make the determination required by the preceding sentence, for any calendar year, not later than the close of the month of September of the year immediately preceding such calendar year.

(b) In addition to the moneys authorized by law to be appropriated, for any fiscal year, to the Federal Old-Age and Survivors Insurance Trust Fund, and to the Federal Disability Insurance Trust Fund, there is hereby authorized to be appropriated to each of such funds, an amount equal to the revenues produced for such fiscal year by reason of the amendments made by the preceding sections of this title, apportioned between each of such funds in the same ratio as moneys appropriated thereto under title II of the Social Security Act.

Mr. NELSON. Mr. President, I send to the desk a correcting amendment to amendment 1609.

The PRESIDING OFFICER. The modification will be read.

The assistant legislative clerk proceeded to read the modification.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the modification will be printed in the Record.

The modification is as follows:

Strike out line 21 of page 3 of amendment No. 1609 through line 15 of page 4 and substitute the following language:

"(c) Category II Tax Preference Tax.—For purposes of subsection (a)(2), the tax on a person's category II tax preference income is an amount equal to one-half of the tax which would be imposed under section 1 (in the case of a taxpayer other than a corporation) or section 11 (in the case of a corporation), computed as if the taxpayer's taxable income for the taxable year were the amount by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57 (a) exceeds the taxpayer's category II exemption. For purposes of this subsection, the category II exemption is the amount, not exceeding $12,000, that the taxpayer elects (at such time and in such manner as the Secretary or his delegate prescribes by regulations) to use for the taxable year."

Mr. NELSON. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Senator Bayh, Senator Church, Senator Harris, Senator McIntyre, and Senator Chiles.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, as I stated previously, the purpose of these two amendments is to raise the funds to pay the benefits that have been added in H.R. 1. This amendment would raise the minimum tax.

The minimum tax levied in the 1969 act was 10 percent. I am talking about the minimum that we require to be paid on income which is sheltered or privileged, or whatever name one wishes to use. That is the income on which no taxes are paid whatever.

This amendment proposes to require that a minimum tax be paid at the rate of one-half of normal tax, one-half the rate that would be paid if it were received as salary. Moreover, we provide that there is a $12,000 deduction from this sheltered tax before any tax is imposed.

So, for example, if an individual has a salary of $10,000 or $15,000 or $20,000 or $30,000 or $40,000—it does not matter—he pays on his salary his normal tax with his allowed deductions.

Let us assume that one of the items involved in the privileged income is capital gains, and let us assume that he has a capital gains of $24,000 a year. Under my amendment to the minimum tax, there would be no change from the present law whatever, because we allow a $12,000 credit, or deduction, in the first instance. So he can have an income of $20,000, $30,000, or $40,000—whatever it may be—pay his normal tax, as everybody else does, on his salary or on the income which is not sheltered. He can receive a capital gain as high as $24,000, and he pays no increase in taxes under this minimum tax proposal.

However, as to any capital gains in excess of $24,000—let us say it was $10,000 more than that; let us say it was $34,000—what we would say to that last $10,000 is that he would pay a tax on the last $10,000 equivalent to one-half of what he would pay if it were received as ordinary income and he had no other income.

This provision would raise approximately $2 billion. I think that anybody who looks at this minimum tax will agree that it imposes a modest tax imposition. Therefore, I would hope that the Senate would agree to the amendment.

I yield the floor, for the time being.

FAIR FINANCING OF SOCIAL SECURITY

Mr. MONDALE. Mr. President, I rise to support amendments 1609 and 1610 offered by the distinguished Senator from Wisconsin (Mr. NELSON).

The pending bill, H.R. 1, makes urgently needed improvements in our social security law—improvements which will help our retired and disabled citizens to live in dignity.

Among its most important provisions, the pending bill would:

Increase from $1,680 to $3,000 the amount an elderly person on social security can earn without losing social security benefits;

Increase a widow's benefits from the present 82½ percent of her husband's benefits to a full 100 percent;

Render disabled workers under 65 eligible for medicaid benefits;

Raise minimum social security benefits to $200 a month for low income workers who have been employed at least 30 years;

Extend medicare coverage to urgently needed prescription drugs—so-called "life prescription" drugs—for chronically ill elderly persons who are not hospitalized.

Mr. President, decency demands that we make adequate provision for elderly and disabled citizens. Their welfare should be the concern of all Americans.

But all Americans do not contribute on an equitable basis to our social security program, or to the increased benefits provided under the pending bill. Social security benefits are financed through an unfair and regressive payroll tax. A heavy and disproportionate share is borne by low and moderate income working families.

And the pending bill proposes to increase their burden by $6 billion a year.

The payroll tax is our most rapidly growing Federal tax. It has risen from 10 percent of Federal revenues in 1954, to an estimated 30 percent of Federal revenues this year.

The social security tax rate has been raised 10 times in the last 13 years. And in 1969 social security taxes eclipsed corporate taxes as the second largest source of Federal revenues, after the Federal income tax.

Just last June, in connection with the 20 percent increase in social security benefits, the Congress adopted a social security payroll tax increase of $7 billion. The tax rate was raised from 5.2 percent to 5.5 percent effective next January. And the wage base on which the tax is paid from was raised from the current $9,000 to $10,800 effective in January 1973, and to $12,000 effective a year later.

The pending bill proposes to raise the tax rate still further, to 6 percent effective in January. This amounts to an aggregate 15 percent increase next year.

Under the pending bill, social security taxes paid by employees with incomes of $7,000 will rise from $364 a year in 1972 to $420 in 1973. Social security taxes for employees earning $10,000 a year will rise from $468 in 1972 to $600 in 1973. And social security taxes for employees earning $12,000 a year will rise from $468 a year in 1972 to $648 in 1973.

At the rates proposed in the pending bill, payroll taxes will exceed income taxes in 1973 for families of four with incomes under $13,900.

And the burden of these taxes falls most heavily on those who can least afford them.

Increasing the social security tax rate from 5.5 percent to 6 percent would increase total Federal tax for a family of four earning $4,000 by 9.1 percent. It would increase the tax for a family earning $10,000 by 3.4 percent. But it would increase taxes for a family earning $100,000 by only one-tenth of 1 percent.

And although the burden falls heaviest on low-income families, the burden on moderate income Americans will be great as well. If the pending bill is adopted in its present form, total social security taxes for a wage earner with a $12,000 annual income will increase by $181 in 1972—a 38-percent increase. By 1974 his social security tax would increase by $252—another 16 percent. And in the 4 years from 1971 to 1974 he would absorb a 75-percent increase in social security taxes.

I strongly believe that we must find a more equitable method of financing social security benefits for elderly and disabled Americans.

Dignity for our elderly and disabled is a national concern. A larger share of social security financing should be supported from the broad Federal tax base. And I believe a fair share of the burden should be carried by corporate taxes, which in 1971 received a tax cut which will amount to $74 billion over 10 years.

It may be said that employers presently contribute half of social security taxes. But most economists agree that the employer's half, as well as the employee's, is subtracted from real wages.

Reform of the financing of our social security laws must be a major concern of the Congress as we confront the need for broad tax reform.

But the amendments opposed by the Senator from Wisconsin give us the chance to adopt a partial remedy now.

These amendments would raise roughly $4 billion by closing clearly unjustified tax loopholes. They would reduce the increase in tax rates under the pending bill by three-fourths, to one-tenth of 1 percent. They are not an answer to the problem of financing social security, but they are a beginning.

Amendment 1609 would strengthen the minimum tax on income otherwise exempt from tax under four major tax preferences—gain from employee stock options, bad debt reserves of financial institutions in excess of the amount justified by experience, depletion, and the untaxed half of capital gains.

The present minimum tax on these provisions is a flat 10 percent, with an exemption of $30,000 plus the amount paid in income tax.

This amendment would reduce the exemption to $12,000, and change the tax from a flat 10 percent to half the tax which would be paid on that amount of ordinary income if the taxpayer had no other income. The rate would begin at 7 percent and reach a maximum of 35 percent for those with otherwise tax-exempt preference income of over $112,000 or $212,000 for married couples filing joint returns.

Amendment No. 1609 will raise an estimated $2.1 billion in 1973, $3.1 billion in 1977, and $4.1 billion in 1980.

The second amendment proposed by the Senator from Wisconsin, amendment No. 1610, would repeal the asset depreciation range, adopted in the Revenue Act of 1971.

ADR permits superaccelerated depreciation of assets over only 80 percent of their useful lives. An asset with a Treasury guideline life of 10 years, for example, may be completely depreciated over only 8 years, with no showing that the asset will then require replacement.

Repeal of this unjustified gift of tax revenues will yield $1.8 billion in 1973 and $26 billion between now and 1980.

Mr. President, amendments 1609 and 1610 point the way to fairer financing of our social security system. I urge their adoption by the Senate.

Mr. LONG. Mr. President, if this Government, which is about $40 billion in the red this year, is going to increase the income tax, we should use it to reduce the deficit we have now, rather than to change the whole concept of the social security program. The social security program is based on the theory that those who are working will pay a tax which will provide for their retirement in the future.

The Senator is seeking to use the Robin Hood approach that would tax the well to do more than those who are not well to do, because they are better able to pay for their retirement than those who are less able to pay.

Admittedly, the social security tax is a regressive tax but the benefits paid out are progressive because they are paid out in such a fashion that the person who receives a low income receives a proportionately higher benefit while the person who receives a higher income receives relatively less compared to what he contributed to help support the system.

This amendment would change the whole financing approach and also tend to eliminate discipline and tax-consciousness in the system.

At the present time, when we increase social security benefits, the public knows that they will have to pay for it. All the proposed future beneficiaries will have to pay more taxes to help pay for higher benefits. The Senator would change that concept and would move to the theory that we are going to have more and more social security benefits but do not have to pay for them because we can tax that well-to-do person who is better able to pay. That is a whole new concept which changes the whole basis of social security financing.

The Senator has offered his proposal and I do not believe the Senate wants to agree to it. Even just as a tax measure it is unacceptable because it would impose a heavy tax increase on many people who are entitled to be heard, to present facts and figures, and to document their case. I do not believe that the Senate would want to prejudice that matter by doing this to them, without according them a hearing, consideration for the arguments which they can marshal, and to consider all the evidence that can be presented to support their position. The Senator is offering a tax increase which we will be thinking about and talking about next year and then voting on. It is premature to do it now.

Because of the lateness of the hour, I am not going to debate the matter further. I think the Senate is ready to vote now. If it is, we will find out. I think I should move to table the Senate's amendment.

Mr. President, I move that the amendment be laid on the table.

Mr. NELSON. Mr. President, will the Senator withhold that for a moment while I respond?

Mr. LONG. The motion is not debatable. I will be glad to withdraw it for a while.

Mr. NELSON. I hope that the Senator will. I wish to respond to it.

Mr. LONG. Can we agree on some time limitation? I will be glad to withhold my motion, due to the lateness of the hour.

The PRESIDING OFFICER (Mr. Cannon). The motion to table is pending. Unless the Senator withdraws it, it is not debatable.

Mr. LONG. Mr. President, I ask unanimous consent that I may withdraw my motion to table so that I might inquire of the Senator from Wisconsin would it be all right with him to limit himself to another 5 minutes.

Mr. NELSON. Ten minutes, and I will probably give back 5 minutes.

Mr. LONG. Mr. President, I ask unanimous consent that there be a 20-minute limit and I propose to surrender back my time, to be equally divided between the Senator from Wisconsin and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I should like to point out that the concept of paying for unearned benefits out of the general fund is not new. It has been recommended since 1935. The Committee on Economic Security made this recommendation in principle in 1935.

In recommending a Government contribution the 1938 Advisory Council said:

> Since the Nation as a whole will materially and socially benefit by such a program, it is highly appropriate that the Federal Government should participate in the financing of the system. With the broadening of the scope of the protection afforded, governmental participation in meeting the costs of the program is all the more justified since the existing costs of relief and old-age assistance will be materially affected.

In 1948, the Advisory Council on Social Security made the following statement:

> The Council believes that old-age and survivors insurance should be planned on the assumption that general taxation will eventually share more or less equally with employer and employee contributions in financing future benefit outlays and administrative costs. Under our recommendations, the full rate of benefits will be paid to those who retire during the first two or three decades of operation even though they pay only a fraction of the cost of their benefits. In a social insurance system, it would be inequitable to ask either employers or employees to finance the entire cost of liabilities arising primarily because the act had not been passed earlier than it was. Hence, it is desirable for the Federal Government, as sponsor of the program, to assume at least part of these accrued liabilities based on the prior service of early retirants. A Government contribution would be a recognition of the interest of the Nation as a whole in the welfare of the aged and of widows and children. Such a contribution is particularly appropriate in view of the relief to the general taxpayer which should result from the substitution of social insurance for part of public assistance.

In a minority statement, appended to the reports of the 1971 Advisory Council on Social Security, five Council members expressed the following views:

> There are compelling reasons why a contribution from general revenues should be made to the cash benefits program. In order to make the program fully effective in its early years, full-rate benefits have been and are being paid to people who were already along in years when their work was first covered under the program. That is to say, workers retiring in the early years of the program, generally speaking, get the same benefits as they would get if the program had been in existence and they had been covered under it throughout all of their working life. Only a small part of the actual cost of the benefits being paid to these older people is met by the contributions they and their employers paid. The remainder is paid out of the contributions of current and future workers and their employers. The cost of paying full-rate benefits to older workers is about one-third of the cost of the program. This means that future workers and their employers will pay contributions which are about 50 percent higher than the benefits payable to these future generations. Thus a substantial part of the contributions to the program goes to meet the cost of getting the program started. If this cost were to be met by a Government contribution, all of the contributions paid by future generations of workers and their employers would be available to furnish protection for them. The adoption of a financing policy calling for a general revenue contribution equal to the present employers and employee contribution rates—thus meeting one-third of the cost of the program through general revenues—would make possible an improved social security program without increasing payroll contributions. Such a general revenue contribution could finance nearly a 50-percent benefit increase.

Mr. President, just what are we doing here?

We are asking today's worker and his employer to be taxed to pay for unearned benefits for retired employees when such costs should be borne by the general fund. No one quarrels about increasing the payroll tax to pay for the 20-percent across-the-board increase. That increased tax is from 5.2 to 5.5 percent. However, H.R. 1 benefits require an additional tax increase from 5.5 to 6 percent.

These benefits which are needed and justifiable provide for an increase in the minimum benefits to $200 a month for low income workers employed for 30 years. We have decided as a matter of policy, that long term workers with low earnings will be provided on income of $200 per month and that the current worker will be taxed to pay it. What we are really saying to today's worker is, that "we are going to tax you and your employer to pay for increased retirement benefits for those who have already retired but not contributed to payment of that benefit."

Under this bill we are making disabled workers under 65 eligible for medicare. And that should occur. But I do not think the worker in the plant today should pay for medicare for someone who is retired. We are going to extend medicare coverage to include life prescription drugs for older folks, and I agree with that, but we should not tax the current worker to pay for them. We have increased the widow's cash benefit from 82½ percent to 100 percent of the husband's benefit and I agree with that but we should not tax the worker who is working today to pay for these benefits. The Advisory Council has been suggesting since 1938 that such benefits for retirees ought to be paid out of general funds.

Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, I move to table the amendment of the Senator from Wisconsin.

Mr. NELSON. Mr. President, have the yeas and nays been asked for?

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay on the table the amendment of the Senator from Wisconsin.

On this question the yeas and nays have been ordered. The motion is not debatable, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Mexico (Mr. Anderson), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

On this vote, the Senator from Louisiana (Mrs. Edwards) is paired with the Senator from Rhode Island (Mr. Pell).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Rhode Island would vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Cur-

TIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 47, nays 28, as follows:

[No. 530 Leg.]

YEAS—47

Aiken
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cook
Cooper
Cotton
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hartke
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Montoya
Packwood
Pastore
Pearson
Randolph
Roth
Scott
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—28

Allen
Bayh
Brooke
Byrd, Robert C.
Cannon
Case
Chiles
Cranston
Gravel
Griffin
Hart
Hughes
Inouye
Jackson
Magnuson
Mansfield
Mathias
Mondale
Moss
Muskie
Nelson
Percy
Proxmire
Saxbe
Schweiker
Smith
Stevens
Williams

NOT VOTING—25

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Spong
Tower

So the motion to table the Nelson amendment was agreed to.

AMENDMENT NO. 1610

Mr. NELSON. Mr. President, I call up my amendment No. 1610.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

At the end of the bill insert the following:

TITLE VI—INTERNAL REVENUE CODE AMENDMENTS

SEC. 601. REPEAL OF ASSET DEPRECIATION RANGE SYSTEM.

(a) Section 167(m) of the Internal Revenue Code of 1954 (relating to the Asset Depreciation Range System) is repealed.

(b) Section 167(a) of such Code (relating to a reasonable allowance for depreciation) is amended by adding at the end thereof the following: "Such reasonable allowance shall be computed, subject to the provisions of Revenue Procedure 62–21 (except for the provisions for the reserve ratio test) as in effect on January 1, 1972, on the basis of the expected useful life of property in the hands of the taxpayer."

(c) The amendment made by subsection (a) shall apply to property placed in service after December 31, 1972. The amendment made by subsection (b) shall apply to taxable years ending after December 31, 1972, but shall not apply to property placed in service by the taxpayer during the calendar year 1971 if an election has been made to have the provisions of section 167(m) of the Internal Revenue Code of 1954 apply to such property.

SEC. 602. (a) Nothwithstanding any other provision of law, the rate of tax (in the tax schedules in section 1401(a), section 3101 (a), and section 3111(a), of the Internal Revenue Code of 1954) shall be reduced so as to cause the total revenues raised by such tax schedules to be reduced, for any calendar year (commencing with the calendar year beginning January 1, 1974), by an amount equal to the amount of the revenues which the Secretary of the Treasury determines, in the case of any calendar year, will be produced by reason of the application of the preceding amendments made by this title. The Secretary shall make the determinations required by the preceding sentence, for any calendar year, not later than the close of the month of September of the year immediately preceding such calendar year.

(b) In addition to the moneys authorized by law to be appropriated, for any fiscal year, to the Federal Old-Age and Survivors Insurance Trust Fund, and to the Federal Disability Insurance Trust Fund, there is hereby authorized to be appropriated to each of such funds an amount equal to the revenues produced for such fiscal year by reason of the amendments made by the preceding sections of this title, apportioned between each of such funds in the same ratio as moneys appropriated thereto under title II of the Social Security Act.

Mr. NELSON. Mr. President, this is my last amendment. I will be very brief because obviously there is not much interest in this body in introducing some equity into the tax structure respecting social security. But I will make this wager: there are not 20 Members of this body who have taken out a chart and looked down the list to see the tax we are imposing upon workers in this country to pay for these benefits, for people who retired in previous years. The benefits are justified. The Advisory Council has been recommending and suggesting for 30 years that some of this money come from the general fund when we grant nonearned benefits to retirees. I am certain that not more than 20 Senators have looked at the tax schedule or they could not vote against these amendments.

I want to see the Member of this body who can go before any group of workers in America, in his district, and tell that worker who is making $12,000 that you came down here this year and that you increased his taxes $21 a month.

If any Senator came onto this floor with a proposal to increase the taxes on a man making $12,000 a year by $21 a month, he would be laughed off the floor of the Senate; and anyone who voted for it would be voted out of the U.S. Senate, and that is what should happen.

What the Senate is saying to that man is that this year he is paying $468 in social security, but a year and a half from now the U.S. Senate, with its vote, is going to make him pay $720 in social security taxes, a $252 increase in a year and a half; a 54-percent increase in his social security tax, just in 2 years; a $21 a month increase in social security taxes, and a 75-percent increase since 1971.

Well, if he does not revolt against those who voted for that he will not revolt against anything, and half of it is to pay for the benefits of people who retired years ago and who did not make the contribution to pay for it.

We all agree the benefits here are justifiable, desirable, and urgently needed. But we should go to the general fund, which is a more equitable tax system, and ask the general fund to pay for it, or pass legislation and pay for it, but not pay for it through the pocketbook of the overloaded working taxpayer in this country.

Have Senators looked at the schedule which shows the inequity in this social security tax schedule? Let us take a look at it. If a worker has an income of $3,000 a year the social security tax is 9.1 percent of his gross income. If he has an income of $7,500 a year it is 4.1 percent. If he has an income of $100,000 it is one-tenth of 1 percent. That is the regressivity built into this system.

So you are going to tell that worker that you are going to load $21 a month on him if he is making $12,000 a year. He has a wife and two children and he cannot make ends meet now, and all of a sudden you hit him with an additional $21 a month. I want to be present when we find the genius in this body who can go before any group of workers in this country and get applause for that marvelous increase. I want to hear his answer when the worker says, here is a man who has $100,000 in income and he computes his tax on that salary. Then, he has $60,000 in capital gains and you allow him to deduct the $31,000 he will pay on his $100,000, if he has a 15 percent deduction, and subtract that from his $60,000 capital gains, so now he has only $30,000. Then, the law provides he can subtract another $30,000. So what does he pay on that $60,000? Zero. It is all privileged untaxed income.

I want to see you stand up, any Member here, and defend that exemption, and tell the worker, "However, we are going to stick you with $21 a month," while the man making that $60,000 in capital gains does not even pay $21 a month on it; he does not even pay $21 a year on it. I want to see any Member here defend that kind of tax system. That is what we are doing here.

I hope every single Member here has to answer out loud to his constituents on that rollcall, and I wager you will because it is a question of ethics, honesty, and fairness with the American people and the American taxpayer.

We sit here allowing millionaires to pay nothing and we load the hard-working man in the factory with regressive, unfair taxes.

I cannot defend that; maybe you can. I hope the story is told all across the Nation. We represent the rich and the powerful. I do not know who represents the poor, but it is not this body.

I give up the floor.

Mr. LONG. Mr. President, the whole approach to the social security program is that you pay taxes for what you are going to get. You pay taxes now and you receive benefits later on. The more you pay in taxes the more you can expect to receive in benefits.

Admittedly, the fellow paying in the highest bracket does not get the benefit of the fellow in the lowest bracket. It is computed so that the fellow in the low bracket gets more benefit for what he pays than the person in the higher wage bracket gets. It is based on the theory if you pay more you are going to get more. That is how we justify tax increases for social securty. We consistently have done that.

In theory and in practice the people paying more overall will get more because they are paying more. We raise the taxes and the benefits too. The additional benefits provided here will be shared in and participated by those paying taxes.

The Senator from Wisconsin made an eloquent argument to the effect that we should tax the wealthy in order to reduce the tax on these future beneficiaries. Of course, that is an appealing argument but it defeats the purpose of social security, and causes one to raise a question, with the Government $40 billion in debt, if we can do it by raising the income tax. That is the tax that has been the principal support of Government. With the Government $40 billion in the red, if you are going to raise that income tax on people should we put that increase of $2 or $3 billion into replacing or reducing the tax of a program that is financing itself or should we put it into the General Treasury where it has been going, trying to reduce that $40 billion deficit we have? Some of us think, whether we like it or not, we may be forced to vote for a tax increase some day as a responsibility to this Nation to pay for defense and other things in the national interest, including public welfare, which is being increased to the tune of many millions of dollars in this bill. So if one wants to think of benefiting the poor, how about the poorest of all, those who would not be getting social security benefits? Why not take some of this money from the very wealthy and use it to help those who would not get any of these benefits, rather than reduce taxes for those who presumably are going to draw from the social security fund everything they put into it?

So, even though I agree with the general philosophy of taxing those best able to pay and providing help to those least able to provide for themselves, that is not what the Senator is doing here. If he did that, he would put money into the general funds to pay people who are not drawing social security benefits because they were not fortunate enough to participate in the program in their earning years.

I suggest that we have an up-and-down vote on the amendment.

Mr. NELSON. Mr. President, I would like to comment briefly on this matter. The distinguished Senator from Louisiana is always so persuasive, even when he is on the wrong side, but I am puzzled, because the distinguished Senator from Louisiana proposed general fund moneys to pay for his catastrophic insurance under the health care program, parts A and B. I want to commend the Senator, who took exactly my position at that time——

Mr. LONG. Mr. President, if the Senator will yield, is he talking about the Hartke amendment or the Long amendment? I proposed a catastrophic illness amendment which would be paid for by raising social security taxes.

Mr. NELSON. Well, I hope that my staff's research has not been inaccurate. Their research indicates that in the course of the Senate Finance Committee's consideration of the Social Security Amendments of 1965, Senator RUSSELL B. LONG proposed an amendment which would substitute a single and much broader system of health care aimed at covering catastrophic costs for the two complementary health care plan—parts A and B—contained in the House-passed bill, and in the legislation as it was finally enacted. Two-thirds of the cost of this program would have been paid from payroll taxes and one-third from general revenues. In a press release describing the amendment the Senator said:

> My plan would also utilize, to a greater extent, general revenue financing. This is in recognition of the fact that workers who will enter the labor force in the future (and their employers) would have to pay at least 40% more in payroll taxes than would be necessary to finance their own costs if the benefits of the presently retired and current workers were paid for wholly under the payroll system.

Mr. LONG. I think, if we can understand each other, at one time I did propose that. I realized I was in error, and if the Senator will look at the 1970 version, I had proposed paying for the whole thing in social security taxes.

Mr. NELSON. Let me say to the Senator I think he was right the first time.

I just conclude by saying that there are two proposals here. One is simply to repeal the ADR. I do not think any businessman, in the privacy of his office, would try to defend having both the ADR and the investment credit and a number of distinguished businessmen have said that publicly. Now we are saying we are willing to load down the low- and middle-income people with a heavy tax, but we will not consider going to the general funds and levying a modest tax on those who can afford to pay and who are being treated preferentially.

I think that says something quite significant about the philosophical bent of the Senate.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, if I may take one moment, I ask unanimous consent that a statement may be printed in full in the RECORD preceding the debate on the minimum tax, together with some supporting documents, and I also ask unanimous consent that some supporting documents, statistics, and charts, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSAL TO PAY FOR INCREASED SOCIAL SECURITY BENEFITS THROUGH TAX REFORM

Unless Congress comes to its senses, the average American wage-earner will be faced with a monstrous increase in federal taxes. His wages frozen, inflation eating away the purchasing power of his dollar, the American worker can now expect a demoralizing cut in take home pay—almost $200 a year for some people—starting in just a few months.

H.R. 1 as reported by the Senate Finance Committee presents a $6 billion tax bill to the American worker. This tax boast would be in addition to a $7 billion tax bill rise already scheduled to go into effect January 1 to pay for the 20 percent across-the-board social security benefit increase voted by Congress in June. The earlier approved tax increase scheduled to go into effect January 1, 1973, would raise the payroll tax from 5.2 to 5.5%, and the wage base on which the tax is paid will rise from $9,000 to $10,800 with still another wage base increase to $12,000 a year later. The additional $6 billion tax increase approved by the Senate Finance Committee would come entirely from a rise in the tax rate from 5.5% to 6% effective in January. Just the Senate Finance Committee action in increasing benefits in H.R. 1 represents a 10% increase in the social security tax.

For the individual worker, this dramatic increase in the payroll tax means substantial reduction in his take home pay. For example, for a wage-earner with a $12,000 income in wages, his social security tax would increase in one one-year period from 1972 to 1973 by $252—a 54% increase. This wage earner will have undergone a 75% increase in social security taxes in the four-year period from 1971 to 1974.

Mr. President, I ask unanimous consent that table showing the amount of increase in social security taxes from 1972 to 1974 for various levels of wage-earners be inserted in the Record at this time.

Congress must face what is being proposed. Congress can no longer mindlessly approve more and more increases in the payroll tax.

The effective social security tax rate has been raised 10 times in the preceding 12 years.

Small in its first years, the payroll tax has now became one of the largest components of the federal tax system. Social Security taxes are now the second largest source of federal revenue, having passed corporate taxes in fiscal 1969. Indeed it produces more federal revenue than any tax other than the individual income tax.

The payroll tax achieved its present importance in a very short time. It is the most rapidly growing federal tax. In 1950, it produced only 5% of federal revenue. Next year it is scheduled to produce about 30%.

Indeed the most striking feature of the federal tax system over the last ten years has been the drop in the corporate income tax and the precipitous rise in the payroll tax. In the period 1961–72, the corporate income tax declined from 22.5% of federal revenues to 18.0% while the payroll tax rose from 19.1% to 30.0% of federal revenue.

The shift from taxes on corporations to taxes on individuals can be seen in the accompanying table. This gives the percentage of national income raised by different federal taxes—the personal income tax, the social security tax, the corporate income tax, and sales and excise tax. The comparison is between 1961 (before the Kennedy tax cuts) and 1972. The table shows that there is no change between 1961 and 1972 in the share of national income raised by the personal income tax, a significant drop in the corporate tax share, and a large increase in the payroll tax share.

Mr. President, I ask unanimous consent that the table I have been discussing appear in the RECORD at this time.

PERCENT OF NATIONAL[1] INCOME RAISED BY FEDERAL TAXES

	Personal income tax	Social security tax	Corporate income tax	Sales and excise taxes	Total Federal taxes
1961	8.7	3.9	4.6	2.7	20.4
1973	8.6	6.0	3.6	1.8	20.0

[1] National income at full employment.

Since the corporate income tax is one of the most progressive taxes, the net effect these changes is a much more regressive federal tax system. The social security tax is one of the most regressive taxes because the tax is levied on wages up to a given level without exemptions or deductions. The social security tax violates the fundamental principle of sound tax policy; the tax bears no relationship to ability to pay.

Because the burden of the payroll tax is focused on the low- and midde-income worker, increases in the payroll tax in recent years have largely eliminated the tax relief Congress attempted in 1964 and 1969 to extend to these taxpayers. At rates proposed by H.R. 1, the social security payroll tax burden will be larger in 1972 than the income tax burden for the average family of four with an income of $10,900 or less.

It is now proposed that we increase this highly regressive tax even more. Additional increases in the payroll tax would be financially crippling to the middle- and low-income wage earner. Increasing the tax rate from 5.5 to 6 percent would mean for a family of four with one wage earner in the $3,000 or $4,000 tax bracket a 9.1 percent increase in Federal taxes. The following table shows that the proposed increases place a disproportionate tax burden on the low- and middle-income wage earner. I ask unanimous consent that the table be inserted in the CONGRESSIONAL RECORD at this time.

Percentage increase in total Federal taxes paid by increasing the social security tax from 5.5 to 6 percent.

Tax bracket:	
$3,000	9.1
4,000	9.1
5,000	6.7
7,500	4.1
9,000	3.6
10,000	3.4
10,800	3.3
12,500	2.8
15,000	2.2
20,000	1.5
50,000	.4
100,000	.1

The excuse for imposing such a regressive tax so financially crippling to middle and low-income wage-earners is to finance needed and justifiable improvements in the social security and medicare programs. I strongly support these improvements. The problems of American elderly are real and tragic.

One out of every four elderly persons lives in poverty. Sixty percent of this nation's elderly who are living alone are also living in or near poverty. They are three-fifths of a generation who heard a promise made and now see that promise falling short. For them retirement is not a just reward for a life of effort but a sentence of punishment in a constricting cell of poverty. These are some of the improvements in the social security and medicare program contained in H.R. 1:

Raising the minimum benefits to $200 a month for low income workers who have been employed at least 30 years;

Making disabled workers under 65 eligible for medicare;

Extending medicare coverage to certain prescriptions, the so-called "life prescription" drugs used by the chronically ill older persons who are not hospitalized;

Increasing the widows cash benefits from the present 82½% of husband's benefit to a full 100%;

Increasing from $1680 to $3000 the amount an elderly person on social security can earn without loss of any social security benefits.

These are all meritorious, humane and justifiable benefit improvements for the elderly.

But I believe that it is not necessary to levy this dramatic tax increase on the American worker to provide for a just retirement for the elderly American. Our senior citizens deserve a decent retirement income, but it is not fair to place the whole burden on the low and moderate income wage-earner.

I propose that we pay for the social security improvements in H.R. 1 by correcting some of the major distortions and gross injustices that have crept into the federal tax system.

The well-known loopholes of the present system can send the wage-earning, taxpaying householder right up the dining room wall with a fistful of unpaid bills. How can we justify raising this man's tax by 54% when he and we know:

(1) that the tax levied on the wealthy in bold letters is frequently taken away in the small print;

(2) that there are paper paupers who live in mansions and pay no taxes.

I propose that Congress pass two tax reform measures—repeal of the asset depreciation range and strengthening the minimum tax provision—which would raise almost $42 billion between now and 1980. $42 billion would meet about 70% of the cost of the social security program arising from H.R. 1 and automatic increases by 1977. Passage of these tax reform amendments would allow dropping the proposed payroll tax rate increase from 6.0 to 5.6%.

Both the ADR system and the existing minimum tax have been recently considered by the appropriate committees and by Congress—the minimum tax in 1969, and the ADR only last December. They are fully eligible for present consideration.

THE ASSET DEPRECIATION RANGE SYSTEM

The ADR system seeks to encourage investment by permitting corporations to deviate by as much as 20 percent from a true depreciation schedule for certain investments in plant and equipment. It cost the taxpayer some 2.5 billion dollars in revenue in FY 73.

Economically sound investments are made regardless of tax concessions. The ADR allows corporations to relax their strict profitability standards and invest in areas which offer only marginal return. This is clearly not the kind of investment which is likely to build back a strong economy. As James Roche, the chairman of the world's largest corporation, said about tax measures intent to stimulate the purchase of plant and equipment:

"It should be understood that most companies of any size determine their purchase of equipment by the needs of the business and not by any short-term tax advantages."

Our plants are currently operating at substantially less than full capacity; still corporate profits rose to a record annual rate of 93.1 billion last quarter; and unemployment continues at 5.6 percent.

There is thus no good reason for retaining the ADR system. It should be repealed, and the money regained allocated to the elderly.

THE MINIMUM TAX

The minimum tax was enacted in 1969 to insure that wealthy individuals with substantial income from tax loopholes do not escape tax altogether. It imposes a 10 percent tax on the aggregate amount of tax preference income in excess of the sum of $30,000, plus the regular income tax imposed on the taxpayer.

The minimum tax has not been effective. Only $117 million was collected from individuals last year under this add-on tax. A total of 394 people with incomes of over $100,000 paid no Federal income taxes at all. Of the 18,646 who were affected, an effective tax rate of only 4 percent was paid, less than half the percentage paid by the average wage earner.

In the interest of both equity and revenue, the minimum tax obviously needs to be tightened up. This amendment would reduce the exemption from $30,000 to $20,000, and eliminate the regular income tax deduction. It would raise the rate to one-half of the regular income tax rate for certain items of "preference income."

The minimum tax has little impact on productive investment, and no discernible effect on consumer demand.

By enacting these two tax reform measures, Congress can improve the lives of elderly Americans; restore some equity to our tax system; and save the American worker from an additional tax burden.

Of course, what I am proposing is general revenue-financing for some of the increases in benefits for social security or medicare.

H.R. 1 represents the most massive revision of the social security laws that the Congress has ever undertaken. When combined with the 20% social security benefit increase enacted into law July 1 of this year, the bill would increase Federal expenditures by 22 billion. Under these extraordinary circumstances, some form of general revenue financing is called for.

General revenue financing is not without precedent or logic. General revenues are now being used to finance some aspects of the social security program. For example, the special payments being made to people age 72 and over who have not worked long enough in employment covered under social security to qualify for reguar cash benefits are being paid from general revenues. In addition, the cost of providing hospital insurance protection for people who are age 65 and over and who are not eligible for regular social security cash benefits and one-half of the cost of the supplementary medical insurance program are being paid from general revenues.

There has been considerable interest in Congress in providing general revenue contributions for regular social security cash benefits. Several bills have been introduced in the Congress over the years calling for some general revenue financing of cash benefits, generally in connection with proposals for benefit liberalizations. Furthermore, there have been many sugggestions that parts of medicare be financed by general revenue financing. A most interesting example was the suggestion of the distinguished chairman of the Senate Finance Committee.

In the course of the Senate Finance Committee's consideration of the Social Security Amendments of 1965, Senator Russell B. Long proposed an amendment which would substitute a single and much broader system of health care aimed at covering catastrophic costs for the two complementary health care plans (Parts A and B) contained in the House-passed bill, and in the legislation as it was finally enacted. Two-thirds of the cost of this program would have been paid from payroll taxes and one-third from general revenues. In a press release describing the amendment the Senator said:

"My plan would also utilize, to a greater extent, general revenue financing. This is in recognition of the fact that workers who will enter the labor force in the future (and their employers) would have to pay at least

40% more in payroll taxes than would be necessary to finance their own costs if the benefits of the presently retired and current workers were paid for wholly under the payroll system. This 'social' cost of establishing the system, I believe, is more appropriately borne by federal revenue."

Many of the advisory councils that have been appointed to study the social security program have recommended the use of general revenue financing.

In 1935, the Committee on Economic Security, in explaining its plan for contributory annuities, made the following statements in its report to the President:

"The allowance of larger annuities than are warranted by their contributions and the matching contributions of their employers to the workers who are brought into the system at the outset, will involve a cost to the Federal Government which if payments are begun immediately will total approximately $500,000,000 per year. Under the plan suggested, however, no payments will actually be made by the Federal Government until 1965, and will, of course, be greater than they would be if paid as incurred, by the amount of the compound interest on the above sum."

In recommending a Government contribution the 1938 Advisory Council said:

"Since the Nation as a whole will materially and socially benefit by such a program, it is highly appropriate that the Federal Government should participate in the financing of the system. With the broadening of the scope of the protection afforded, governmental particiaption in meeting the costs of the program is all the more justified since the existing costs of relief and old-age assistance will be materially affected."

The Advisory Council of 1948 made the following statement in its report:

"The Council believes that old-age and survivors insurance should be planned on the assumption that general taxation will eventually share more or less equally with employer and employee contributions in financing future benefit outlays and administrative costs. Under our recommendations, the full rate of benefits will be paid to those who retire during the first two or three decades of operation even though they pay only a fraction of the cost of their benefits. In a social insurance system, it would be inequitable to ask either employers or employees to finance the entire cost of liabilities arising primarily because the act had not been passed earlier than it was. Hence, it is desirable for the Federal Government, as sponsor of the program to assume at least part of these accrued liabilities based on the prior service of early retirants. A Government contribution would be a recognition of the interest of the National as a whole in the welfare of the aged and of widows and children. Such a contribution is particularly appropriate in view of the relief to the general taxpayer which should result from the substitution of social insurance for part of public assistance."

The 1971 Advisory Council on Social Security, although it did not recommend the use of general revenue financing for the cash benefits of the social security program, it did recommend their use for the medicare program. In a minority statement included with the Council's report, five members of the thirteen member Council recommended that one-third of the cost of the cash benefits program should be paid from general revenues.

Mr. President, I ask unanimous consent that the views of the 1971 Advisory Council on Social Security appear in the Record at this time.

In recommending a Government contribution for the Medicare program, the 1971 Advisory Council on Social Security stated:

"The combined Medicare program should be financed with a general-revenue contribution equal to one-third of total program costs, with such share being lower than one-third at first and gradually increasing over a period of years to the one-third level.

"The Council believes that the cost of health insurance protection for workers who pay contributions that are less than the value of their benefit protection, should be met in part by the Nation as a whole through general revenues. If this cost is not met through general revenues, the regular worker and his employer, particularly the higher-paid regular worker, will be paying contributions in excess of the value of his protection in order to subsidize those who do not pay their own way.

"If there were no Medicare program, it is likely that the cost to the Government of necessary health care for the aged would be substantially increased, and these increased costs would have to be borne by all income-taxpayers. Since the Nation as a whole benefits from the Medicare program, the saving in general revenues that comes about from having such a program should be used at least in part to finance health insurance protection for those whose contributions do not cover the full cost of their protection."

In a minority statement, appended to the Reports of the 1971 Advisory Council on Social Security, five Council members expressed the following views:

"There are compelling reasons why a contribution from general revenues should be made to the cash benefits program. In order to make the program fully effective in its early years, full-rate benefits have been and are being paid to people who were already along in years when their work was first covered under the program. That is to say, workers retiring in the early years of the program, generally speaking, get the same benefits as they would get if the program had been in existence and they had been covered under it throughout all of their working life. Only a small part of the actual cost of the benefits being paid to these older people is met by the contributions they and their employers paid. The remainder is paid out of the contributions of current and future workers and their employers. The cost of paying full-rate benefits to older workers is about one-third of the cost of the program. This means that future workers and their employers will pay contributions which are about 50 percent higher than the benefits payable to these future generations. Thus a substantial part of the contributions to the program goes to meet the cost of getting the program started. If this cost were to be met by a Government contribution, all of the contributions paid by future generations of workers and their employers would be available to furnish protection for them. The adoption of a financing policy calling for a general revenue contribution equal to the present employers and employee contribution rates—thus meeting one-third of the cost of the program through general revenues—would make possible an improved social security program without increasing payroll contributions. Such a general revenue contribution could finance nearly a 50-percent benefit increase."

It seems clear to me that the "social" aspects of the social security program—such as, the weighting in the benefit formula in favor of low-income workers, a high minimum benefit, and the payment of full-rate benefits to people who were already old, or in their middle years, at the time their work was first covered under the program—should be financed through general revenues instead of through payroll contributions because society as a whole benefits from these aspects of the program. Only in this way, we will be able to ensure a decent retirement for elderly Americans without placing an unfair burden on the present working generation of Americans.

Senator Nelson's Proposal to Pay for Increased Social Security Benefits Through Tax Reform

Senator Nelson has introduced two tax reform amendments to H.R. 1 in order to offer an alternative method of financing some of the necessary and justifiable improvements made by H.R. 1 in the social security and medicare programs.

Problem: H.R. 1, by providing for necessary improvements in social security, would impose an onerous increase in federal taxes on the average wage earner. For example, social security taxes for a wage earner with a $12,000 income in wages would increase in one year by $180—a 38% increase. In 1974 his social security tax would have increased by $252—a 54% increase. This wage earner will have undergone a 75% increase in social security taxes in the 4-year period from 1971 to 1974. Following is the amount and percentage of increase in social security taxes for selected wage earners from *1972 to 1974:*

Wages	*Amount of Increase*	*Percentage of Increase*
$5,000	$40	15
$7,000	56	15
$9,000	72	15
$10,000	132	28
$12,000	252	54

Solution: I propose that Congress pass two tax reform amendments—repeal of the assets depreciation range (Amendment #1610) and strengthening the minimum tax provision (Amendment #1609) which would raise about $42 billion between now and 1980. Passage of these tax reform amendments would allow dropping the proposed payroll tax rate increase from 6.0 to 5.6%

This would involve general revenue-financing for some of the increases in benefits for social security and medicare contained in H.R. 1. General revenue financing has been recommended by many of the advisory councils that have been appointed to study the social security program.

Conclusion: The "social" aspects of the social security program—such as, the weighting in the benefit formula in favor of low-income workers, a high minimum benefit, making disabled workers under 65 eligible for medicare, and extending medical coverage for certain prescription drugs as proposed by H.R. 1—should be financed through general revenues instead of through payroll contributions because society as a whole benefits from these aspects of the program. Only in this way will we be able to ensure a decent retirement for elderly Americans without placing an unfair burden on the present working generation.

Nelson Amendment To Strengthen the Minimum Tax

A. MINIMUM TAX

Congress enacted the minimum tax in an attempt to obtain some tax contribution from wealthy individuals who had previously escaped income taxation on all or most of their income.

B. MINIMUM TAX FAILS

Under the present minimum income tax, it is very easy for a taxpayer to avoid paying any minimum tax or to pay a very small amount of minimum tax. For example, a taxpayer filing a joint return with a regular income of $100,000 and preference capital gain income of $50,000, who happens to have itemized deductions of 15 percent and two exemptions, would pay no tax on his preference income.

C. THE EXTENT OF THE FAILURE

In 1970, 106 individuals with adjusted gross income exceeding $200,000 paid no federal income tax. Three individuals with incomes in excess of $1 million paid no federal income tax. The effective rate on individual income subject to the minimum tax is 4 percent instead of the statutory rate of 10 percent.

D. PROPOSED AMENDMENT

The proposed amendment would make three major changes in the tax treatment of the four major tax preference items—stock options, bad debts, depletion, and capital gain—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items. Second, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate from 10 percent to 50 percent of the regular income tax rate that would otherwise apply. The tax treatment of the other items of tax preference in the minimum tax provision would not be changed.

This amendment would save the Federal Treasury $1.9 billion in 1973 and $21.8 billion between now and 1980. The savings to the Treasury for the rest of the decade would be:

[In billions]

Year:	*Savings to Treasury*
1973	$1.9
1974	2.1
1975	2.3
1976	2.5
1977	2.8
1978	3.1
1979	3.4
1980	3.7

TABLE I.—1972–74 SOCIAL SECURITY TAXES, EMPLOYER AND EMPLOYEE (EACH), LAW PRIOR TO CHURCH AMENDMENT, LAW AFTER CHURCH AMENDMENT, AND FINANCE COMMITTEE REPORTED BILL

	Prior to Church amendment			After Church amendment			Finance Committee bill		
	1972[1]	1973[2]	1974[3]	1972[1]	1973[2]	1974[3]	1972[1]	1973[3]	1974[3]
Wages:									
$5,000	$260	$282.50	$282.50	$260	$275	$275	$260	$300	$300
$7,000	364	395.50	395.00	364	385	385	364	420	420
$9,000	468	508.50	508.50	468	495	495	468	540	540
$10,000	468	508.50	508.50	468	550	550	468	600	600
$12,000	468	508.50	508.50	468	594	660	468	648	720

[1] Tax rates apply to annual earnings up to $9,000.
[2] Tax rates apply to annual earnings up to $10,000.
[3] Tax rates apply to annual earnings up to $12,000.

AMOUNT AND PERCENTAGE OF INCREASE IN SOCIAL SECURITY TAXES, EMPLOYER AND EMPLOYEE (EACH), FROM 1972 TO 1974 AFTER CHURCH AMENDMENT AND H.R. 1 ARE APPROVED

	Prior to Church amendment 1972[1]	Finance Committee bill 1974[2]	Amount of increase	Percentage of increase
Wages:				
$5,000	$260	$300	$40	15
$7,000	364	420	56	15
$9,000	468	540	72	15
$10,000	468	600	132	28
$12,000	468	720	252	54

[1] Tax rates apply to annual earnings up to $9,000.
[2] Tax rates apply to annual earnings up to $12,000.

AMOUNT OF INCREASES IN SOCIAL SECURITY TAXES, EMPLOYER AND EMPLOYEE (EACH), LAW PRIOR TO AND AFTER CHURCH AMENDMENT AND COMMITTEE ON FINANCE BILL

	Prior to Church amendment 1972[1]	After Church amendment 1973[2]	Amount of increase	Finance Committee bill 1973[2]	Amount of increase
Wages:					
$5,000	$260	$275	$15	$300	$25
$7,000	364	385	21	420	35
$9,000	468	495	27	540	45
$10,000	468	550	82	600	50
$12,000	468	594	126	648	54

[1] Tax rates apply to annual earnings up to $9,000.
[2] Tax rates apply to annual earnings up to $10,000.

MINIMUM TAX

Mr. NELSON. Mr. President, the enactment of the Tax Reform Act of 1969 should not result in complacency. It was merely the beginning—and a rather poor beginning—of meaningful tax reform. Our tax code, a document of mind-numbing complexity, still enshrines inequities and injustices. It still unduly rewards the rich and punishes the poor.

Perhaps the main reason why a modicum of tax reform was finally achieved in 1969 was the public's rightful outrage when it learned that many wealthy people were paying little or no income taxes. When Secretary of the Treasury Joseph Barr disclosed that in 1967, 155 Americans with income of over $200,000 paid no Federal income tax and, in fact, 21 of them made incomes of over $1 million each and still paid no taxes it was clear that something had to be done. Unfortunately, what was done, was not done well. Although the Tax Reform Act of 1969 adopted a minimum tax on income derived from tax-free preference provisions, it is still possible for the very rich to pay little or no tax. In 1970, 106 individuals with incomes of $200,000 or more paid no Federal income tax. Incredibly, three taxpayers with adjusted gross income of more than $1 million each pay no income tax at all.

As startling as these figures are, they grossly understate the number of wealthy people who, through tax loopholes, escape paying any Federal income tax at all. These figures include only individuals who file Federal income tax returns showing adjusted gross incomes in excess of the $200,000 and $1 million levels. Important tax preferences in the present Internal Revenue Code exclude certain classes of income from the definition of "gross income" altogether. More important than the tax preferences excluding income items from "gross income" are those which result in reduction of a taxpayer's "adjusted gross income" by means of special deductions. The deductions permitted by the percentage depletion allowance is an example of such a deduction. Because deductions of this kind reduce taxpayers' adjusted gross income—the figure upon which the Treasury statistics are based—they can prevent the statistics from including many individuals, who in fact, have large real incomes but pay no tax.

The fact that a millionaire can escape paying any Federal income tax at all, captures our attention, but the problem is much more serious and widespread. For every wealthy person who pays no Federal income tax there are many more who do not pay a fair share of their income in tax. In fact, the tax rate on these wealthy peoples' income is much less than the tax rate of the income of the average American worker.

The statutory rate schedule for the individual income tax has a sharply progressive structure. The tax rates rise from 14 percent to 70 percent. For married taxpayers filing joint returns, the 14 percent bracket applies only to the first $1,000 of taxable income; the 70 percent bracket applies to all taxable income in excess of $200,000.

Data on the rates of tax which taxpayers really pay manifests a marked departure from the statutory rates. Statistics disclosed by the Treasury Department in 1969 indicate that, at 1969 income levels, 28.2 percent of the tax returns showing "amended taxable income" between $500,000 and $1 million paid tax at effective rates of no more than 25 percent: 58.5 percent of the taxpayers in this income range paid tax at effective rates of no more than 30 percent—substantially less than half the top statutory rate. Of taxpayers having amended taxable income of $1 million and over, 62.8 percent paid tax at effective rates of no more than 30 percent.

Comparable data is not yet available for the first year after the Tax Reform Act of 1969 became effective. However, analysis of the data in light of specific reforms contained in the 1969 act suggests that post-1969 statistics would not show substantial deviations from the figures set forth above.

A study recently completed by Joseph Pechman and Benjamin Okner of Brookings affords additional evidence for the conclusion that the upper ranges of the individual income tax system possess very little real progressivity.

Computing the Federal income tax paid under existing law by all classes of individuals as a percentage of so-called "expanded adjusted gross income," the study finds effective tax rates rising from .5 percent—for the first $3,000 of income—to 29.5 percent—for expanded AGI from $100,000 to $500,000, 30.4 percent—for expanded AGI of $500,000 to $1 million, and 32.1 percent—for expanded AGI of $1 million and over. This data is based upon projections of 1972 income levels and computations of tax under the law as amended both by the Tax Reform Act of 1969 and by the Revenue Act of 1971. Here again, one finds clear evidence that the 1969 act did little to improve the progressivity of the upper ranges of the individual income tax. To put the matter somewhat differently, the fundamental goal of the income tax system—to correlate taxes paid with ability to pay—remains unrealized despite the 1969 act.

The purpose of the minimum tax was to make possible the taxation, to some extent, of income which previously through certain special deductions or exclusions allowed by the Internal Revenue Code had not been subject to taxation. Income accorded this special treatment is commonly referred to as "tax preference income." The minimum tax is derived by substracting from the total tax preference income the sum of $30,000 plus the amount of any regular income tax paid and then taking 10 percent of the remainder. Not all income accord preferred tax treatment, however, is subject to the minimum tax. For example, income derived from interest on State and municipal bonds is not subject to any Federal income tax and is not included in the minimum tax as a preference income item. Beside interest from State and local bonds there are other forms of income accorded tax preference treatment that could have been included in the minimum tax but were not. Other examples of preferred income not subject to the minimum tax are charitable contributions of appreciated property and the investment credit.

Minimum or additional tax for tax preferences was effective January 1, 1970, and applied to the following "tax preferences":

First. Accelerated depreciation on real property.

Second. Accelerated depreciation on personal property subject to a net lease.

Third. Amortization of certified pollution control facilities.

Fourth. Amortization of railroad railing stock.

Fifth. Stock options.

Sixth. Reserve for losses on bad debts of financial institutions.

Seventh. Excess percentage depletion.

Eighth. Excluded portion of capital gains.

Ninth. Amortization of on-the-job training and child care facilities.

The Nelson amendment would change the tax treatment for four of these preference income items—stock options, bad debts, depletion, and capital gains—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items; second, it would lower the present $30,000 exemption to $12,000. Finally the rates which apply to these four items of preferred income would be changed. The tax rate is changed from a flat 10 percent to half the tax which would be paid on the amount of ordinary income computed as if the taxpayer had no other income. For individuals the new tax rate would begin at 7 percent and reach a maximum of 35 percent for those with otherwise tax-exempt preference income of over $112,000 or $212,000 for married couples filing joint returns.

These changes in the minimum tax are needed because it is not as effective as intended by Congress. When the minimum tax was enacted, it was estimated that it would raise $590 million in Federal revenue. In fact, for 1970 it raised only $117 million in individuals income tax return. Preliminary statistics of 1970 individual income tax returns reveal that the effective tax rate of the minimum tax on the preference income of individuals subject to the minimum tax is 4 percent instead of the statutory rate of 10 percent.

The effective rate of the minimum tax is only 4 percent because it is very easy for a taxpayer to avoid paying any minimum tax or to pay a very small amount of minimum tax.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this time three examples of how the minimum tax operates presently and as modified by the Nelson amendment. Furthermore, I would like to insert a memorandum explaining the present minimum tax and my amendment to it in the Record at this time.

There being no objections, the material follows:

Example A, a taxpayer filing a joint return with a regular income of $100,000 and preference capital gains of $50,000 who happens to have itemized deductions of 15 per cent and two exemptions, would pay no tax on his preference income.

1. 15% of itemized deduction of $100,000 regular income is $15,000.

2. Two personal exemptions ($750 x 2) is $1500.

3. $100,000–$15,000–$1,500 is $83,500 of taxable income.

4. In the tax table for married individuals filing joint returns, $83,500 taxable income is between taxable income of $76,000 and $88,000 which pays $31,020 in taxes plus 58% of the difference between $83,500 and $76,000.

5. $83,500–$76,000 is $7,500.

6. 58% of $7,500 is $4,350.

7. $4,350 + $31,020 is $35,570 which is the amount of regular income tax paid.

8. The present minimum tax allows a deduction for regular income tax paid. Therefore taxpayers can deduct $35,370 from the $50,000 of his preferred income—$50,000 — $35,370 is $15,620.

9. The present minimum tax also allows a deduction of $30,000 resulting in taxpayer A having no preference income subject to the 10% tax rate of the minimum tax provision.

Under the Nelson amendment taxpayer A would pay $5,620 on his $50,000 of preference income.

(1) No deduction is allowed for the amount of regular income tax paid and the $30,000 deduction is reduced to $12,000—$50,000 — $12,000 is $38,000.

(2) In the tax table for married individuals filing a joint return, $38,000 falls between $36,000 and $40,000 which pays a tax of $10,340 plus 45% of the difference between $38,000 and $36,000.

(3) $38,000 — $36,000 = $2,000 × 45% = $900.

(4) $10,340 + $900 = $11,240.

(5) One-half of $11,240 is $5,620.

For taxpayer A, there would be the following effective tax rates for different amounts of income:

EXAMPLE A

(1) under present law, this taxpayer would pay on income (minus deduction and exemption) of $133,500 a tax of $35,370 for an effective tax rate of $26.5%.

(2) on total income of $150,000 there would be an effective tax rate of 23.6%.

(3) under the Nelson amendment the taxpayer would pay a tax of $46,610 on $133,500 (income minus itemized deduction and exemption for an effective tax rate of 34.9%.

(4) on total income of $150,000, there would be an effective tax rate of 31%.

(5) if capital gains were treated as regular income, an income of $133,500 (deduction and exemptions) the tax would be $66,220 for an effective tax rate of 49.6%

(6) on total income of $150,000 the effective tax rate would be 44.1%

EXAMPLE B

A financial institution with taxable income of $500,000 and preference income of $250,000 of excess bad debt deductions would pay no tax on that preference income.

(1) Under the federal corporation income corporations pay 22% of the first $25,000 of taxable income; 22% of $25,000 is $5,000.

(2) $500,000 — $25,000 is $475,000.

(3) $475,000 × 48% of federal income surtax is $225,200.

(4) $225,200 + $5,500 = $230,700 total federal corporate income tax paid.

(5) Under the present minimum tax a deduction is allowed for the amount of regular income tax paid—$230,700. This plus an $30,000 exemption also allowed would mean that there would be no preference income ($250,000—$230,700—$30,000) subject to the minimum tax provision.

Under the Nelson amendment taxpayer B would pay $53,870 on a preference income of $250,000.

(1) Deduction for regular income tax is not allowed but a $12,000 deduction is allowed. $250,000 — $12,000 is $238,000.

(2) $25,000 x 11% (half the regular rate) is $2,750.

(3) $238,000 — $25,000 = $213,000 × 24% (half of the 48% surtax) = $51,120.

(4) $51,120 + $2,750 = $53,870 amount of tax on preference income.

EXAMPLE C

Y is a married taxpayer with $300,000 of long-term capital gains, $100,000 of dividends, $50,000 of salary, $50,000 of tax exempt interest, $200,000 of income from oil and gas production, $100,000 of percentage depletion in excess of cost, $250,000 of intangible drilling and development costs, $100,000 of real estate losses attributable to accelerated depreciation, $25,000 of deductible charitable contribution (including $10,000 of untaxed appreciation), and $25,000 of personal deductions. Under the present income tax law, Y will have no taxable income. He will pay a minimum tax of $32,000 making his effective tax rate 4.5 percent on total real income of $710,000.

(1) $50,000 of tax-exempt interest excluded from gross income.

(2) Gross income:

Capital gains	$300, 000
Dividends	100, 000
Salary	50, 000
Income from oil and gas production	200, 000
Total	650, 000

(3) Deductions:

Percentage depletion in excess of cost	$100,000
Intangible drilling and development cost	250,000
Real estate losses attributable to accelerated depreciation	100,000
½ of capital gains	150,000
Total	600,000

(4) Gross income of $650,000 minus business deduction and ½ of capital gains leaves $50,000 of adjusted gross income.

(5) $50,000 of adjusted gross income minus $25,000 of deductible charitable contributions and $25,000 of personal deductions leaves a taxable income of zero.

(6) Under the minimum tax, the following items of preference income would be included:

Accelerated depreciation	$100,000
Percentage depletion	100,000
Excluded ½ capital gains	150,000
Total	350,000

(7) $350,000 minus the $30,000 deduction is $320,000.

(8) $320,000 × the 10% of the minimum tax provision results in $32,000 tax paid.

(9) Real income including capital gains, dividends, salary, tax-exempt bond interest, oil and gas income, and untax appreciation on charitable contribution of $10,000 amounts to $710,000.

(10) on a real income of $710,000, the total taxes paid is $32,000 for an effective tax rate of 4.5%.

Under the Nelson amendment taxpayer Y would pay a total tax of $76,990 on his preference income.

(1) The $100,000 of percentage depletion and $150,000 of capital gain would be taxed under the new rate.

(2) $100,000 + $150,000 = $250,000.

(3) $250,000 − $12,000 = $238,000.

(4) $238,000 is over the maximum rate. According to the tax table the tax would be $110,980 plus 70% of excess over $200,000 (or $38,000).

(5) 70% of $38,000 is $26,600.

(6) $110,980 + $26,600 = $137,580.

(7) ½ of $137,580 is $68,790.

(8) The $100,000 of accelerated depreciation would be subject to the old rate.

(9) $100,000 − $18,000 (the amount after $2,000 is subtracted from the total deduction of $30,000) is $82,000.

(10) There is no regular income tax to deduct.

(11) 10% of $82,000 is $8,200.

(12) The tax on Category I income is $8,200 and the tax on Category II income is $68,790 for a total of $76,990.

(13) On real income of $710,000 the taxpayer pays at a rate of 10.8%.

EXAMPLE D

(1) Taxpayer with $30,000 taxable income and $50,000 capital gain

(2) $30,000 + $25,000 = $55,000 taxable income, his tax is $19,650

(3) under the present minimum tax he would pay no tax

(4) under the Nelson amendment he would pay in additional tax $1,255

(5) under the old law—his total tax is $19,650 on an income $80,000 for an effective tax rate of 24.5 percent

(6) under the new law—his total tax is $20,905 on an income of $80,000 for an effective tax rate of 26.1 percent

(7) if his entire taxable income was $80,000 his tax would be $33,340 for an effective rate of 41.6 percent

(8) it should be noted that this analysis is based on an income of $55,000 which comes after all exemptions, deductions and exclusions

The Nelson amendment does not change the present tax treatment of capital gains for any taxpayer, regardless of income, if he has capital gains of $24,000 or less in one year.

EXAMPLE E

(1) Taxpayer with $15,000 taxable income, and $50,000 capital gains

(2) $15,000 + $25,000 = $40,000 taxable income, his taxes are $12,140

(3) under the present minimum tax, he would pay no additional tax

(4) under the Nelson amendment, his additional tax would be $1,255

(5) under the old law, his total tax is $12,140 on an income of $65,000 for an effective rate of 20.2%

(6) under the new law, his total tax is $13,395 on an income of $65,000 would be 22.3%

(7) if his entire taxable income was $65,000 his taxes would be $24,970 for an effective rate of 38.4%

(8) it should be noted that this analysis is based on an income of $40,000 after all exemptions, deductions and exclusions

The Nelson amendment does not change the present tax treatment of capital gains for any taxpayer, regardless of income, if he has capital gains of $24,000 or less in one year.

Mr. NELSON. Mr. President, Congress enacted the minimum tax provision in 1969 to achieve the rather simple principle of tax equity that every wealthy person should pay some Federal income tax. It is becoming painfully clear that we failed to achieve that goal. I propose that we try to finish the job. Acceptance of this amendment will not end the need for more thorough tax reform. On the other hand, acceptance of this amendment should not have to wait for a more comprehensive tax reform proposal. The minimum tax provision is by its very nature not an attempt to reform the entire tax code. It merely tries to insure that everyone who can pays some percentage of his income in taxes. The amendment I am proposing today has been the subject of extensive debate in recent years. It received detailed hearings in Congress during the Tax Reform Act of 1969. There is no excuse for not doing at least this much this year.

Mr. President, I ask unanimous consent that a more detailed legal description of the minimum tax appear in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A. PRESENT MINIMUM TAX PROVISION

The Tax Reform Act of 1969 provided a special minimum tax for certain special deductions or tax favored income, called preference income. The present minimum tax is levied on nine areas of preference income. The taxpayer is allowed a deduction of $30,000 plus any regular income tax paid, and the tax is levied at the rate of 10 percent.

The following tax preference income is subject to the minimum tax: (1) accelerated depreciation on personal property subject to a net lease. Straight line depreciation means that deductions for depreciation are taken in equal amounts over the useful life of the property. Taxpayers have the option of using methods of accelerated depreciation which may allow a larger portion of depreciation to be deducted in the earlier years than in later years. The excess of these larger deductions in earlier years over the amounts that would be deducted under straight line depreciation is preference income subject to the minimum income tax. The provision only applies to individuals, estates, trusts, Subchapter S Corporations (which may elect to be taxed as partnerships), and personal holding companies; they do not apply to other corporations. Personal property of a taxpayer, which is leased with a guarantee of a specific return or a whole or partial guarantee against loss of income, is personal property subject to a net lease eligible for this treatment.

(2) Accelerated depreciation on real property. Similarly, for real property (such as buildings) the excess deductions taken in any year under an accelerated method of depreciation over those which would be taken under the straight line method are subject to the minimum tax. In addition, depreciation deductions for rehabilitation expenditures on low and moderate income housing may be taken in equal yearly installments over a five-year period. This provision allows the deductions to be taken over a shorter time than the useful life of the improvement. The excess of these deductions in any one year over the deduction which would be taken if the expenditure were depreciated over the entire useful life of the property under straight line depreciation is subject to the minimum tax. These provisions are applicable to all taxpayers.

(3) Amortization of on-the-job training and child care facilities. Under present law, expenditures for on-the-job training and child care facilities can be deducted in equal amounts over a period of five years. The excess of these deductions over the deductions which would be taken under allowable depreciation methods (including accelerated depreciation) is preference income subject to the minimum tax.

(4) Amortization of pollution control facilities. Under present law, deductions for the costs of certified pollution control facilities attributable to the first 15 years of useful life can be taken in equal yearly installments over a five-year period. The excess deductions taken under this method over allowable methods of depreciation (including accelerated depreciation methods) are subject to the minimum tax. This provision is applicable to all taxpayers.

(5) Amortization for certain railroad rolling stock. Under present law, the deduction for the cost of certain railroad rolling stock may be taken in equal installments over a period of five years. The excess deduction under this provision over allowable depreciation deductions (including accelerated depreciation methods) are subject to the minimum tax. This provision applies to all taxpayers.

(6) Tax benefits from stock options. Stock options are often granted which allow employees to buy stock at some time in the future for a stated price regardless of the market price. The difference between the option price and the market price at the time the option is exercised, which is not considered taxable income until the stock is eventually sold, is subject to the minimum tax.

(7) Depletion allowances. Present law allows a method of percentage depletion, for recovering the cost of developing a well or mine, which is based on production rather than cost. Deductions for depletion may exceed the actual costs. The excess of the depletion allowance for the year over the adjusted basis of the property at the end of the year is subject to the minimum tax.

(8) Bad debt deductions of financial institutions. Financial institutions are allowed to deduct from their taxable income, reserves against bad debts. These reserves are generally higher than actual bad debt losses. The amount by which deductions for the purpose of adding to bad debt reserves exceed the amount which would have been allowed if a bank were to maintain its reserves on the basis of actual experience is preference income subject to the minimum tax.

(9) Capital gains. Long term capital gains are treated somewhat differently for indi-

viduals and corporations. For individuals, one half of net long term capital gains (to the extent they exceed net short term capital losses) are excluded from regular tax. This income is now subject to the minimum tax. For corporations, all net long term capital gains (to the extent they exceed net short term capital losses) may be taxed at the rate of 30 percent instead of the regular corporate rate of 48 percent. Long term gains considered as preference income for a corporation are determined by multiplying total long term gains by a fraction whose numerator is the regular rate minus the alternative 30 percent rate (or 18 percent) and whose denominator is the regular rate (or 48 percent). Thus, $^{18}/_{48}$ths of corporate long term capital gains—the difference between the tax at the regular rate and the tax at the lower rate—is subject to the minimum tax.

B. PRESENT MINIMUM TAX INEFFECTIVE

Under the present minimum income tax, it is very easy for a taxpayer to avoid paying any minimum tax or to pay a very small amount of minimum tax. For example, a taxpayer filing a joint return with a regular income of $100,000 and preference capital gains income of $50,000, who happens to have itemized deductions of 15 percent and two exemptions, would pay no tax on his preference income. If his preference income were $100,000 he would pay a tax of $3,463 on that $100,000 of income. To take another example, a financial institution with taxable income of $500,000 and preference income of $250,000 of excess bad debt deductions would pay no tax on that preference income.

C. PROPOSED NELSON/CHURCH AMENDMENT

The proposed amendment would set up two categories of preference income. Category I income—excess depreciation and amortization for real property, personal property subject to a net lease, pollution control facilities, rolling stock and on-the-job training and child care facilities—would continue to be treated as they are under present law. Category II income—preferences due to stock options, bad debt reserves, depletion and capital gains—would be treated differently. For Category II income no deduction for regular income tax would be taken and the exemption would be $12,000 rather than $30,000. The $30,000 exemption for Category I income would be reduced by the amount of the exemption taken for Category II income in the case of a taxpayer who had both types of preference income.

The rates which apply to Category II income would also be changed. In the case of corporations, the rate would be 24 percent or half of the regular corporation tax of 48 percent (normal tax plus surtax). In the case of individuals, the tax on Category II income would be equal to one-half of the tax which would be due if the preference income were considered to be regular taxable income and the taxpayer had no other regular income.

NELSON AMENDMENT TO REPEAL ADR

Mr. NELSON. Mr. President, this amendment would repeal the asset depreciation range (ADR) approved by Congress as part of the Revenue Act of 1971.

The major change brought about by the ADR system was a 20-percent shortening of guideline lives. Thus, an asset which had previously had a guideline life of 10 years could now be depreciated over 8 years.

This amendment would repeal the 20-percent speedup in guideline lives. It would save the Federal Treasury $2.7 billion in 1974 and $26 billion between now and 1980. The savings to the Treasury in each of the next 8 years would be as follows:

Savings to Treasury

[In billions]

1973	$.8
1974	1.9
1975	2.9
1976	3.4
1977	4.2
1978	4.6
1979	4.5
1980	4.1

ARGUMENT

There is now substantial evidence that the ADR has had little or no impact on investment. According to the Commerce Department's Survey of Current Business (June 1972):

> There is some evidence that capital spending this year is stimulated by the liberalized depreciation rules and the new investment tax credit enacted last December. According to a survey of spending plans taken by McGraw-Hill Publications Company in March and April, businessmen reported that their expected 1972 outlays are $¾ billion higher than they would have been in the absence of these two stimulants. Roughly $500 million of that amount was attributed to the investment tax credit and $250 million to liberalized depreciation.

The ADR is costing the Treasury $1.8 billion in 1972, $2.4 billion in 1973, and increasing amounts thereafter. So the McGraw-Hill survey in effect tells us that ADR is increasing investment by 10–15 percent of its cost to the Treasury.

Mr. President, this amendment would repeal the asset depreciation range (ADR).

In January 1971, the Treasury issued new regulations governing the depreciation of plant and equipment. The major change was a 20-percent shortening of guideline lives. Thus, an asset which previously had a guideline life of 10 years could now be depreciated over 8 years.

This amendment would repeal the 20-percent speedup in guideline lives.

It would save the Federal Treasury $2.7 billion in fiscal year 1974 and $28 billion between now and 1980. The savings to the Treasury in each of the next 8 years would be as follows:

Savings to Treasury

	In billions
1973	$0.8
1974	1.9
1975	2.9
1976	3.4
1977	4.2
1978	4.6
1979	4.5
1980	4.1

The ADR system became law last December as part of the Revenue Act of 1971. At that time, its proponents argued that it was needed to stimulate investment. This argument made little sense then, and it makes even less sense now.

On the floor of the Senate, I pointed out that most economists and many businessmen thought ADR would have little effect on investment in the near term. With industry operating at 73 percent of capacity, businessmen had little incentive to expand plant and equipment. I quoted Chairman James Roche of General Motors:

> It should be understood that most companies of any size determines their purchases of equipment by the needs of the business and not by any short-term tax advantages.

Mr. Roche went on to say that what mattered was consumer spending:

> It must be noted that the tax credit and accelerated depreciation applies only after equipment is purchased and put to use. This, like the other elements of the program, means very little unless we can achieve the improved economy the President has called for.

Today there is overwhelming evidence that the Nixon investment incentives—and particularly the ADR—have had little or no impact on investment. According to the Commerce Department's Survey of Current Business—June 1972:

> There is some evidence that capital spending this year is stimulated by the liberalized depreciation rules and the new investment tax credit enacted last December. According to a survey of spending plans taken by McGraw-Hill Publications Company in March and April, businessmen reported that their expected 1972 outlays are $¾ billion higher than they would have been in the absence of these two stimulants. Roughly $500 million of that amount was attributed to the investment tax credit and $250 million to liberalized depreciation.

The ADR and the investment tax credit are costing the Treasury about $5.3 billion in 1972 and $6.3 billion in 1973. Yet here is an official organ of the Nixon administration reporting evidence that the effect on investment is negligible—less than 15 percent of the cost to the Treasury.

Of course, some people may have some doubts about the McGraw-Hill estimate. To satisfy any such doubts, we quote another source which should certainly be biased in favor of the Nixon investment incentives—Dr. Pierre Rinfret, President Nixon's principal economic spokesman for the 1972 campaign.

According to press reports, Dr. Rinfret conducted a comprehensive survey of major businesses, and concluded that if the investment credit, the ADR, and the oil depletion allowance were all repealed, investment would be cut by about 5.5 percent or $5 billion in 1973. Since these three tax provisions will cost the Treasury well over $7 billion in 1973, Dr. Rinfret's findings argue rather persuasively for their repeal.

This very point came up at Secretary Shultz' press conference on the McGovern tax program.

> Question: Pierre Rinfret, the Administration's official spokesman on economic matters during this campaign, referring to Evans and Novak, conducted a survey among business investment among companies concerning their investment pensions, indicated that if you repeal ADR and investment tax credit, that investment would drop by about 5½ percent next year.
>
> Well, if you lower business investment by about 5½ percent, wouldn't that come awfully close to equalling, in dollar amounts, just about what you're losing in revenue because of ADR and investment credit?
>
> In other words, my question is this, is it a bargain when you would get about an additional dollar of investment for a dollar of revenue loss?
>
> Secretary SHULTZ. Well, I think the main point of it is to have tax structure be one that stimulates the economy, that leads it to be more productive, that invites investment in better tools for the American worker to use so that, as I said, he is competitive in world markets and is able to produce a

rising standard of living here at home. I think that is the main point about it.

The reporter's point gets to the heart of the matter:

> Is it a bargain when you would get an additional dollar of investment for a dollar of revenue loss?

Secretary Shultz' response suggests strongly that he has no answer to this argument.

In any event, whether one accepts the three-quarter of a billion dollar figure from the McGraw-Hill survey, or Dr. Rinfret's figure of $5 billion, it is clear that the effect on investment is relatively small—at least when compared to the cost.

True, investment has been increasing in the recent period. Nonresidential fixed investment in the second quarter of 1972 was running at an annual rate of $84.4 billion—in 1958 dollars—or about 9 percent above the 1970 level. According to the Commerce Department's survey, capital spending in the second quarter was running at $87.1 billion, also about 9 percent above the 1970 level.

[In billions]

	Nonresidential fixed investment GNP accounts (1958 dollars)	Capital spending (Commerce Department survey)
1970	$77.6	$79.7
1971	76.8	81.2
1972 1st quarter	82.2	86.8
1972 2d quarter	84.4	87.1

But this growth in investment was relatively modest; and it was hardly unexpected, since the economy as a whole was expanding throughout this period.

Much more dramatic was the growth in corporate profits and depreciation. In the second quarter, after-tax corporate profits were at an annual rate of $52.4 billion—or 30 percent above the 1970 level; and corporate depreciation was running over 23 percent above the 1970 level. The net result was a 26-percent jump in corporate cash in hand from 1970 to the second quarter of this year.

Nor is this result surprising. Since the investment credit and the ADR have had little impact on investment, it stands to reason that they must have served to swell corporate profits and depreciation allowances.

One other administration argument should be mentioned: That these tax subsidies to investment are needed to preserve the international competitiveness of American firms.

In his testimony before the Senate Finance Committee last fall, Secretary Connally presented data showing the effect of income taxes on the cost of capital goods in the major industrial countries. The United States was at the bottom of the list. The Secretary concluded that the U.S. tax structure is biased against capital.

However, the Treasury table failed to show any relationship between the Connally capital cost index and GNP growth or the growth of exports. Indeed, the United Kingdom, which had the lowest capital cost figure, also had the lowest GNP growth rate and the slowest growth of exports.

The fact is that the tax treatment of capital plays a minor role in determining a country's competitive position. Other factors—such as inflation and technological change—are much more significant.

Nor is U.S. tax policy unfavorable to business. Thus, if we compare the effective corporate tax rates in the major industrialized nations—taking into account such special provisions of the tax laws as accelerated depreciation, percentage depletion and the like—the U.S. rate is not out of line with those elsewhere. Indeed, it is lower than that in Italy, Canada, Germany, and France.

I ask unanimous consent that a table showing the estimated effort of corporate tax rates in major industrialized countries (1966) be printed in the RECORD at this time.

There being no objection, the table follows:

Estimated effective corporate tax rates in major industrialized countries—1966

[In percent]

Italy	44.0
Canada	43.5
Germany	43.3
France	42.2
U.S.	42.1
U.K.	35.0
Netherlands	25.6
Japan	24.0

Mr. NELSON. Mr. President, the new depreciation rules—ADR—should be repealed. The investment tax credit and the ADR together represent an excessive corporate tax cut.

Most of the witnesses in last year's hearings on the new economic policy before the Joint Economic Committee took this position. Senator PROXMIRE, chairman of the committee, summarized their testimony as follows:

> They (the witnesses) agreed that if there is to be an investment credit, then the ADR should be withdrawn.

Even Pierre Rinfret, now President Nixon's top campaign economic adviser, took a similar position. In testimony before the House Ways and Means Committee on September 14, 1971, he said:

> Liberalized depreciation should not be allowed together with the use of the investment credit. Corporations should be given an either/or choice. If they opt for the investment credit, they cannot take liberalized depreciation, or vice-versa.

The issue is one of priorities. The investment credit and the ADR together represent a corporate tax cut of more than 15 percent. These and other measures have brought about a major shift away from the corporate income tax. Thus, in 1960, the Federal Government raised 35 percent of its revenues from the income tax on corporations. Today, the figure is under 27 percent.

This shift raises serious questions about our tax system, and about the way we spend our money. Do we need more plant and equipment as opposed to more schools, more hospitals or more cars and refrigerators?

These are difficult questions over which reasonable men will differ. But even those who believe that we need more plant and equipment—who favor investment incentives—must now recognize one fact: The ADR is simply not working. For every $1 of increased investment, the Federal Government is losing over $2 in revenues.

We cannot afford this waste. I propose that we close this expansive loophole and use the money regained to insure dignity and a full life to our elderly citizens.

Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I think the Senator from Wisconsin knows I share much of the philosophy that he espouses in this matter. I am concerned about some parts of it. I would feel much more comfortable about it if we could establish a principle that, to the extent that benefits may be paid out under social security that have not been funded by social security taxes on the participants, then the difference will come from the general funds of the Treasury. As the Senator has pointed out, there are people receiving social security benefits who have never paid an adequate amount of taxes to fund them. We are making up the difference by imposing a regressive tax on the present and future taxpayers of America. That does not support my concept of just taxation.

The Senator has taken this matter piecemeal and selected the tax relating to the asset depreciation range system, which has some merit in it. I think that we ought to be more selective. But the Senator has provided, on page 3 of his amendment, that "There is hereby authorized to be appropriated to each of such funds an amount equal to the revenues produced for such fiscal year by reason of the amendments made in the preceding sections of this title," and so forth.

I am not sure, but I think it would be an extremely difficult task for the Treasury Department to make that determination. They would require a massive quantity of returns to be examined, and I am not sure they are equipped to do this, and certainly not in the time range envisioned by that part of the amendment.

I know what the Senator from Wisconsin is trying to do. He is trying to establish a principle, but in the establishment of the principle, it seems to me the Treasury would get bogged down.

I point to a defect that might perhaps be cured by greater study by the staff or the Treasury.

I do not intend this to be an unfriendly comment, because I sympathize with what the Senator is trying to do, but I think we ought to do a better job, and I think we really ought to take money from the general funds and put it into the social security trust fund to make up the deficit that is now being levied on the present and future workers of this country.

Mr. NELSON. I thank the Senator.

There may be some technical problems involved, but, if we adopted the amendment, it would not be difficult, with all the expertise on the staff and elsewhere, to meet these problems between now and the time of the conference.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I think the Senator from Wisconsin has performed a service to the Senate and the Nation in focusing our attention on this problem, which has been a growing one, which has been visibly growing, which was coming, and I think it is time we came to grips with it.

I am not sure the formula the Senator proposes is ideal, but I intend to support it because it indicates and has as its objective the shifting of this burden from the overworked and overtaxed workers, as the Senator has so eminently described, to a more equitable tax system.

Another approach to it is one I introduced earlier this year with the distinguished Senator from Minnesota (Mr. Mondale).

Our approach was not to resort to the General Treasury, but rather to reform the social security tax system itself in two very important respects. One was to lift the ceiling on earnings subject to the tax altogether. It makes no sense to me that a man earning $100,000 a year pays the same social security tax as his secretary who earns $8,000 a year. The Senator has pointed that out.

We propose to reform the system in one other respect, and that is to give a credit for dependents to the workingman, in order to make the tax more progressive, in the same way that the income tax is progressive.

The Senator from Minnesota (Mr. Mondale) and I introduced this notion about a year ago for the first time, and we have been promoting and developing it, and I hope it will come to hearings next year and will receive attention as what we consider to be a responsible alternative to this problem of the increasing burden of the social security tax.

So I do compliment the Senator from Wisconsin, and I will support his amendment today, in order that we can get an expression of the Senate of concern for this problem and determination to meet it.

If we do not, I share the Senator's prediction that what we may face is a revolt on the part of the workers of this country against this ever-increasing and growing burden of the social security tax.

Mr. NELSON. I thank the distinguished Senator from Maine.

Mr. MONDALE. Mr. President, on behalf of the Senator from Maine (Mr. Muskie) and myself, I ask unanimous consent that the text of S. 2426, a bill to improve the social security tax system introduced by Senator Muskie and myself last October, may appear at this point in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2656

A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954, and title II of the Social Security Act, to reduce social Security tax rates and provide a new method for their determination in the future, to remove the dollar limitation presently imposed upon the amount of wages and self-employment income which may be taken into account for tax and benefit purposes under the old-age, survivors, and disability insurance system (making allowance for personal income tax exemptions and the low-income allowance in determining such amount for tax purposes), and to increase benefits under such system to reflect the new tax and benefit base

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TAX AND BENEFIT BASE

Section 1. (a) (1) (A) (i) Chapter 2 of the Internal Revenue Code of 1954 (relating to tax on self-employment income) is amended by inserting immediately after section 1401 the following new section:

"Sec. 1401A. Definition of Social Security Income.

"For purposes of this title, the term 'social security income', in the case of any individual with respect to any taxable year, means the wages and self-employment income paid to or derived by such individual in such year, reduced by the sum of—

"(1) the total dollar amount of any personal exemptions to which such individual is entitled for such year under section 151, and

"(2) an amount equal to the low-income allowance which is determined with respect to such individual for such year under secton 141(c) (or which would be so determined if such individual were eligible for and claimed the standard deduction under section 141 for such year);

except that with respect to periods before 1972, such term means only the individual's wages and self-employment income as determined under the provisions of sections 3121 (a) and 1402 which were in effect with respect to such periods."

(ii) The heading of section 1402 of such Code (relating to definitions) is amended by inserting "OTHER" before "DEFINITIONS".

(iii) The table of sections for chapter 2 of each Code is amended by striking out the second item and inserting in lieu thereof the following:

"Sec. 1401A. Definition of social security income.
"Sec. 1402. Other definitions."

(B) Section 1402(b) (1) of such Code (relating to self-employment income) is amended—

(i) by striking out "; and" at the end of subparagraph (E) and inserting in lieu thereof "; or", and

(ii) by striking out subparagraph (F).

(2) (A) Title II of the Social Security Act is amended by inserting immediately after section 210 the following new section:

"DEFINITION OF SOCIAL SECURITY INCOME

"Sec. 210A. For purposes of this title, the term 'social security income', in the case of any individual with respect to any taxable year, means the wages and self-employment income paid to or derived by such individual in such year; except that with respect to periods before 1972, such term means only the individual's wages and self-employment income as determined under the provisions of sections 209 and 211 which were in effect with respect to such periods."

(B) Section 211(b) of such Act is amended—

(i) by striking out "; and" at the end of subparagraph (E) and inserting in lieu thereof "; or", and

(ii) by striking out subparagraph (F).

(b) (1) (A) Section 3121(a) (1) of the Internal Revenue Code of 1954 relating to definition of wages) is amended to read as follows:

"(1) that part of the remuneration, received by an individual during any payroll period, which is equal to the number of withholding exemptions claimed by such individual under chapter 24 with respect to such payroll period multipled by the amount of one such exemption as shown in the table in section 3402(b) (1); except that this paragraph shall not apply in determining an individual's wages for purposes of the tax imposed on employers with respect to wages received by such individual under section 3111(a)".

(B) Section 3122 of such Code (relating to Federal service) is amended by striking out the second sentence.

(C) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out the last sentence of subsection (a), the last sentence of subsection (b), and the last sentence of subseotion (c).

(D) Section 6413(c) (1) of such Code (relating to special refunds of certain employment taxes) is amended—

(i) by striking out "or (E) during any calendar year after the calendar year 1971, the wages received by him during such year exceed $9,000,"; and

(ii) by striking out ", or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971".

(E) Section 6413(c) (2) (A) of such Code (relating to applicability in case of Federal employees) is amended by striking out "$7,800 for the calendar year 1968, 1969, 1970, or 1971, or $9,000 for any calendar year after 1971," and inserting in lieu thereof "or, $7,800 for the calendar year 1968, 1969, 1970, or 1971,".

(F) Section 6654(d) (2) (B) of such Code (relating to failure by individual to pay estimated income tax) is amended to read as follows:

"(B) The term 'adjusted self-employment income' means the net earnings from self-employment (as defined in section 1402(a)) for the months in the taxable year ending before the month in which the installment is required to be paid."

(2) (A) Section 209(a) of the Social Security Act is amended by striking out paragraph (6).

(B) Section 213(a) (2) of such Act is amended by striking out "$9,000" where it appears in clauses (ii) and (iii) and inserting in lieu thereof "twelve times the second figure specifically set forth in the last line of column III of the table in section 215(a) (as in effect on the last day of the year)".

(C) Section 215(e) (1) of such Act is amended by striking out "the excess of $7,800 in the case of any calendar year after 1967 and before 1972, and the excess of $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "and the excess of $7,800 in the case of any calendar year after 1967 and before 1972".

(c) The amendments made by subsection (b) (except paragraphs (1) (F) and (2) (A) (ii) thereof) shall apply only with respect to remuneration paid after December 1971. The amendments made by subsection (a) and by subsections (b) (1) (F) and (b) (2) (A) (ii) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (b) (2) (C) shall apply only with respect to calendar years after 1971.

DETERMINATION OF SOCIAL SECURITY TAX RATES

Sec. 2. (a) (1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax for purposes of old-age, survivors, and disability insurance) is amended—

(A) by inserting "beginning before January 1, 1972" after "imposed for each taxable year" in the matter preceding paragraph (1);

(B) by adding "and" after the semicolon at the end of paragraph (2);

(C) by striking out "January 1, 1973" in paragraph (3) and inserting in lieu thereof "January 1, 1972";

(D) by striking out "and" at the end of paragraph (3);

(E) by striking out paragraph (4); and

(F) by adding at the ned thereof (after and below paragraph (3)) the following:

"and there shall be imposed for each taxable year beginning after December 31, 1971, on the social security income of every individual derived in or attributable to such taxable year, a tax as follows:

"(4) in the case of any taxable year beginning after December 31, 1971, and before January 1, 1975, the tax shall be equal to 4.0 percent of the amount of the social security income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1974, the tax shall be equal to the percentage determined (with respect to such income) under section 3126."

(2) Section 1401(b) of such Code (relating to the rate of tax for hospital insurance purposes) is amended—

(A) by inserting "beginning before January 1, 1972" after "imposed for each taxable year" in the matter preceding paragraph (1);

(B) by striking out "January 1, 1973" in paragraph (1) and inserting in lieu thereof "January 1, 1972";

(C) by striking out paragraphs (2) through (5); and

(D) by adding at the end thereof (after and below paragraph (1)) the following:

"and there shall be imposed for each taxable year beginning after December 31, 1971, on the social security income of every individual derived in or attributable to such taxable year, a tax as follows:

"(2) in the case of any taxable year beginning after December 31, 1971, and before January 1, 1975, the tax shall be equal to 1.2 percent of the amount of the social security income for such taxable year; and

"(3) in the case of any taxable year beginning after December 31, 1974, the tax shall be equal to the percentage determined (with respect to such income) under section 3126."

(b)(1) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1972, 1973, and 1974, the rate shall be 4.0 percent; and

"(5) with respect to wages received after December 31, 1974, the rate shall be the percentage determined (with respect to such wages) under section 3126."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for hospital insurance purposes) is amended—

(A) by striking out "1971, and 1972" in paragraph (1) and inserting in lieu thereof "and 1971"; and

(B) by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1972, 1973, and 1974, the rate shall be 1.2 percent; and

"(3) with respect to wages received after December 31, 1974, the rate shall be the percentage determined (with respect to such wages) under section 3126."

(c)(1) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1972, 1973, and 1974, the rate shall be 5.2 percent; and

"(5) with respect to wages paid after December 31, 1974, the rate shall be the percentage determined (with respect to such wages) under section 3126."

(2) Section 3111(b) of such Code (relating to rate of tax on employers for hospital insurance purposes) is amended—

(A) by striking out "1971, and 1972" in paragraph (1) and inserting in lieu thereof "and 1971"; and

(B) by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1972, 1973, and 1974, the rate shall be 1.2 percent; and

"(3) with respect to wages paid after December 31, 1974, the rate shall be the percentage determined (with respect to such wages) under section 3126."

(d)(1) Subchapter C of chapter 21 of such Code (general provisions relating to taxes on employees and employers under Federal Insurance Contributions Act) is amended by redesignating section 3126 as section 3127, and by inserting after section 3125 the following new section:

"SEC. 3126. DETERMINATION OF TAX RATES.

"(a) INITIAL DETERMINATION OF RATES.—On or before October 1, 1974, the Secretary or his delegate and the Secretary of Health, Education, and Welfare shall jointly estimate and determine (in accordance with subsection (c))—

"(1) the rates of tax under sections 1401(a), 3101(a), and 3111(a) which would be required in current prices, for the five-year period beginning January 1, 1975, and for each subsequent five-year period beginning on or before January 1, 2045, to assure that social security revenues for the five-year period involved will be equal to social security expenditures for such period and that the total amount in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will not be less at the end of such five-year period (assuming the continuation of the current method of allocation between such Funds) than 90 percent of the estimated amount of the social security expenditures to be made during the first year of the immediately following five-year period; and

"(2) the rates of tax under sections 1401(b), 3101(b), and 3111(b) which would be required in current prices, for the five-year period beginning January 1, 1975, and for each subsequent five-year period beginning on or before January 1, 1995, to assure that hospital insurance revenues for the five-year period involved will be equal to hospital insurance expenditures for such period and that the total amount in the Federal Hospital Insurance Trust Fund will not be less at the end of such five-year period than 90 percent of the estimated amount of the hospital insurance expenditures to be made during the first year of the immediately following five-year period.

"(b) PERIODIC REVIEW OF RATES.—On or before October 1 of 1979 and of each fifth year thereafter (up to October 1, 2044, in the case of rates specified in subsection (a)(1), and up to October 1, 1994, in the case of the rates specified in subsection (a)(2)), the Secretary or his delegate and the Secretary of Health, Education, and Welfare shall jointly review the rates of tax determined under subsection (a) for the five-year period beginning on the following January 1. If in their judgment any of the rates as so determined do not give the assurance required by subsection (a) they shall jointly redetermine such rates in the manner provided by such subsection; and such redetermination shall supersede the estimate and determination made with respect to such rates for the five-year period involved under subsection (a).

"(c) METHOD OF DETERMINATION.—The rates of tax determined under subsection (a) or (b) with respect to any calendar year in a given five-year period shall be such that—

"(1) the total revenue received in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund as a result of the tax under section 3101(a) with respect to wages received during such calendar year will be the same as the total revenue received in such Trust Funds as a result of the tax under section 3111(a) with respect to wages paid during such calendar year;

"(2) the total revenue received in the Federal Hospital Insurance Trust Fund as a result of the tax under section 3101(b) with respect to wages received during such calendar year will be the same as the total revenue received in such Trust Fund as a result of the tax under section 3111(b) with respect to wages paid during such calendar year; and

"(3) the rates of the taxes under sections 1402(a) and 1402(b) on social security income derived in or attributable to taxable years beginning in (or with the first day of) such calendar year are equal to the rates of the taxes under sections 3101(a) and 3101(b), respectively, with respect to wages received during such calendar year.

"(d) DEFINITIONS.—For purposes of this section—

"(1)(A) the term 'social security revenues' means all amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 (a) and (b) of the Social Security Act, plus all interest and proceeds from sales and redemptions credited to such Trust Funds under section 201(f) of such Act, plus any other amounts (including amounts described in sections 201(g), 217(g), 218(h), and 228(g) of such Act) which may be appropriated or transferred to or deposited in such Funds in accordance with any provision of the Social Security Act or of any other law;

"(B) the term 'social security expenditures' means all benefit payments made from such Trust Funds (as described in section 201(h) of such Act) under sections 202, 223, and 228 of such Act, plus all administrative expenses incurred in connection with the payment of such benefits or otherwise incurred in connection with the programs involved, plus any other amounts which may be transferred from or expended out of such Funds in accordance with any provision of the Social Security Act or of any other law;

"(2)(A) the term 'hospital insurance revenues' means all amounts appropriated to the Federal Hospital Insurance Trust Fund under section 1817(a) of the Social Security Act, plus all interest and proceeds from sales and redemptions credited to such Trust Fund under section 1817(e) of such Act, plus any other amounts which may be appropriated or transferred to or deposited in such Fund in accordance with any provision of the Social Security Act or of any other law; and

"(B) the term 'hospital insurance expenditures' means all benefit payments made from such Trust Fund under part A of title XVIII of such Act, plus all administrative expenses incurred in connection with the payment of such benefits or otherwise incurred in connection with the program under such part A, plus any other amounts which may be transferred from or expended out of such Fund in accordance with any other provision of the Social Security Act or of any other law.

"(e) ROUNDING.—Each rate of tax determined under subsection (a) or (b) shall be rounded to the nearest .1 percent (or to the next higher .1 percent if it is a multiple of .05 but not of .1).

"(f) PUBLICATION AND EFFECTIVE DATE OF NEW RATES.—Upon determining under subsection (a) or (b) the rates of tax to be imposed under sections 1401, 3101, and 3111 during any five-year period, the Secretary or his delegate (on or before October 1 of the calendar year in which the determination is made) shall publish such rates in the Federal Register; and, if any such rate as so determined for such five-year period is different from the corresponding rate for the year in which the determination is made, he shall also publish in the Federal Register the actuarial assumptions and methodology used in making the estimates and determinations involved. The rates as so published shall be effective—

"(1) in the case of the tax under section 1402, with respect to taxable years beginning in (or with the first day of) the five-year period with respect to which the determination is made,

"(2) in the case of the tax under section 3101, with respect to wages received during such five-year period, and

"(3) in the case of the tax under section 3111, with respect to wages paid during such five-year period."

(2) The table of sections for subchapter C of chapter 21 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 3126. Determination of tax rates.
"Sec. 3127. Short title."

(e)(1) Chapter 2 of such Code (relating to tax on self-employment income) is amended by redesignating section 1403 as section 1404, and by inserting after section 1402 the following new section:

"Sec. 1403. CREDIT FOR TAX ON WAGES.

"(a) IN GENERAL.—The amount of tax deducted under section 3102 from the wages of any individual shall be allowed to the recipient of such wages as a credit against the tax imposed by section 1401.

"(b) YEAR OF CREDIT.—The amount so deducted during any calendar year shall be allowed as a credit for the taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be allowed as a credit for the last taxable year so beginning."

(2) The table of sections for chapter 2 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 1403. Credit for tax on wages.
"Sec. 1404. Miscellaneous provisions."

(f) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1971, and with respect to wages received or paid after December 31, 1971.

BENEFITS RESULTING FROM INCREASE IN TAX AND BENEFIT BASE

SEC. 3. (a) Section 215(a) of the Social Security Act is amended by adding at the end thereof (after the table of benefits) the following new paragraph:

"In order to reflect in the computation of benefits any social security income in excess of the maximum amount specifically set forth in column III of the preceding table, the Secretary shall determine, keep current, and publish in the Federal Register a revision of such table, extending columns III, IV, and V in the manner provided in this paragraph. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until the second figure in the last such additional line of column III is equal to the second figure in the last line of such column as specifically set forth in the table plus one-twelfth of $10,000. The amount on each additional line of column IV, up to and including the line on which in column III appears the figure most nearly equalling the second figure in the last line of such column as specifically set forth in the table plus one-twelfth of $5,000, shall be equal to the amount on the preceding line (in column IV) increased by an amount (per dollar of difference between the second figure in column III on such additional line and the second figure in column III on the preceding line) equal to one-half of the amount (per dollar of difference between the second figure in the last line of column III as specifically set forth in the table and the second figure in the next-to-last line of such column) by which the last figure specifically set forth in column IV of the table exceeds the next-to-last figure specifically set forth in such column; and the amount on each remaining additional line of column IV shall be equal to the amount on the preceding line (in column IV) increased by an amount (per dollar of difference between the second figure in column III on such additional line and the second figure in column III on the preceding line) equal to one-fourth of the amount (per dollar of difference between the second figure in the last line of column III as specifically set forth in the table and the second figure in the next-to-last line of such column) by which the last figure specifically set forth in column IV or the table exceeds the next-to-last figure specifically set forth in such column. The amount on each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any amount determined under the preceding provisions of this paragraph which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10. For purposes of the first sentence of this subsection and section 203(a), and for all other purposes of this title, the extension of the table as determined and published in the Federal Register at any given time under this paragraph shall be deemed to be a part of such table as in effect at such time."

(b) The amendment made by subsection (a) shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 1971, and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1971.

TECHNICAL AND CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 4. (a) The following provisions of title II of the Social Security Act are amended by striking out "wages and self-employment income" each place it appears and inserting in lieu thereof "social security income":

(1) Subsection (h) of section 201.

(2) Subsection (b)(1)(B), (d)(1) (last sentence), (d)(2), (d)(6), (e)(1) (C) and (D), (e)(4), (e)(5), (f)(1)(C), (f)(5), (f)(6), (g)(1 (D) and (F)(iii), (g)(1) (last sentence), (h)(2) (B) and (C), (i) (third sentence), (k)(1), (k)(2)(A), (l), (m), (n)(1), (q)(4)(B), (q)(5) (A)(ii) and (D), (q)(7) (B) and (C), (t)(4) (A), (B), and (D), (t)(5), (t)(6), and (v) of section 202.

(3) Subsections (a), (b), (c)(4), (d)(1), (f)(1), (f)(7), (h)(1)(B), (h)(3), and (i) of section 203.

(4) Subsections (a)(1) and (d) of section 204.

(5) Subsections (c)(2), (c)(6), and (o) of section 205.

(6) Subsection (l)(4)(B) of section 210.

(7) Subsection (g)(2) of section 215.

(8) Subsection (h)(1)(B) of section 216.

(9) Subsections (a)(1), (a)(2), (b)(2), (e)(1), (e)(2), and (f)(1) of section 217.

(10) Subsection (b)(3) of section 222.

(11) Subsection (a)(1) of section 224.

(12) Subsections (a)(6), (a)(7), (a) (last two sentences), (d), (e), (f)(1), and (g) of section 224.

(13) Section 225.

(14) Subsection (a) of section 229.

(b)(1) Section 201(a)(4) of such Act is amended—

(A) by inserting "or social security income (as defined in section 1401A of such Code)" immediately before "reported";

(B) by striking out ", which self-employment income" and inserting in lieu thereof "or social security income, which self-employment income or social security income"; and

(C) by striking out "records of self-employment income" and inserting in lieu thereof "records of self-employment income and social security income".

(2) Section 201(b)(2) of such Act is amended—

(A) by striking out "self-employment income (as so defined)" in clause (D) and inserting in lieu thereof "self-employment income (as so defined) or social security income (as defined in section 1401A of such Code)"; and

(B) by striking out "records of self-employment income" and inserting in lieu thereof "records of self-employment income and social security income."

(c) Section 202(u)(1) of such Act is amended by striking out "there shall not be taken into account" and all that follows and inserting in lieu thereof "there shall not be taken into account any social security income of such individual or any other individual which is derived in or attributable to a taxable year in which such conviction occurs or any prior taxable year."

(d)(1) Section 205(c)(2) of such Act is amended by inserting "and other social security income" after "self-employment income" where it first appears.

(2) Section 205(c)(3) of such Act is amended by inserting "or other social security income" after "self-employment income" each place it appears.

(3) Section 205(c)(4) of such Act is amended—

(A) by striking out "wages or self-employment income" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "wages or self-employment income, or other social security income,";

(B) by inserting "or other social security income" after "self-employment income" in subparagraph (A);

(C) by striking out "self-employment income" the first two places it appears in subparagraph (C) and inserting in lieu thereof "social security income other than wages"; and

(D) by striking out "self-employment income" the last two places it appears in subparagraph (C) and inserting in lieu thereof "social security income".

(4) Section 205(c)(5) of such Act is amended—

(A) by inserting "or other social security income" after "self-employment income" where it first appears;

(B) by striking out "wages or self-employment income" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "social security income";

(C) by inserting "or other social security income" after "self-employment income" in subparagraph (B);

(D) by striking out "self-employment income" in subparagraph (F) and inserting in lieu thereof "social security income other than wages"; and

(E) by striking out "wages or self-employment income" in subparagraph (G) and inserting in lieu thereof "social security income".

(e) Section 208(a) of such Act is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) whether other social security income was derived, or the amount of such income or the period during which it was derived or to which it is attributable, or the person by whom it was derived; or".

(f) Section 212 of such Act is amended—

(1) by striking out "SELF-EMPLOYMENT INCOME" in the heading;

(2) by striking out "self-employment income derived during any taxable year" in the matter preceding subsection (a) and inserting in lieu thereof "social security income (other than wages) derived in or attributable to any taxable year"; and

(3) by striking out "self-employment income" in subsections (a) and (b) and inserting in lieu thereof "social security income (other than wages)".

(g) Section 213(a)(2) of such Act is amended—

(1) by striking out "self-employment income" in the matter preceding clause (i) and inserting in lieu thereof "social security income (other than wages)"; and

(2) by striking out "has self-employment income for a taxable year" and inserting in lieu thereof "for a taxable year has social security income (other than wages)".

(h)(1) Section 215(b)(1)(A) of such Act is amended by striking out "his wages paid in and self-employment income credited to" and inserting in lieu thereof "; social security income credited to".

(2) Section 215(b)(2)(B) of such Act is amended by striking out "the total of his wages and self-employment income" and inserting in lieu thereof "; social security income".

(3) Section 215(f)(2) of such Act is amended by striking out "wages or self-employment income" and inserting in lieu thereof "social security income".

(i) Section 1870 of such Act is amended by striking out "wages and self-employment income" where it appears in subsections (b)(4), (e)(2), (e)(3), and (e)(4) and inserting in lieu thereof "social security income".

(j) Whenever the term "wages and self-employment income" is used in any other provision of law or any regulation or document, with respect to the insurance system established by title II of the Social Security Act or the coverage of any individual thereunder, such terms shall be construed to mean "social security income" as defined in section 210A of the Social Security Act and section 1401A of the Internal Revenue Code of 1954.

(k) This section, and the amendments made by this section, shall take effect January 1, 1972.

TECHNICAL AND CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

SEC. 5. (a)(1) The heading of chapter 2 of the Internal Revenue Code of 1954 (relating to tax on self-employment income) is amended by striking out "SELF-EMPLOYMENT INCOME" and inserting in lieu thereof "SOCIAL SECURITY INCOME".

(2) The table of chapters for subtitle A of such Code (relating to income taxes) is amended by striking out the item relating to chapter 2 and inserting in lieu thereof the following:

"CHAPTER 2. Tax on social security income."

(b) Section 1402(h)(1)(B) of such Code (relating to exemption for members of certain religious faiths) is amended by striking out "wages and self-employment income" each place it appears and inserting in lieu thereof "social security income".

(c) Section 1403(a) of such Code (relating to title of chapter) is amended by striking out "Self-Employment" and inserting in lieu thereof "Social Security".

(d) The amendments made by this section shall take effect January 1, 1972.

Mr. MONDALE. I wish to join with the Senator from Maine in commending the Senator from Wisconsin for what I think is a most creative proposal.

Unknown, I think, to most Americans, since adoption of the Internal Revenue Code in 1954 the proportion of revenues raised through the corporate income tax has dropped almost in half and the proportion of revenues raised through the payroll tax has almost tripled, while the proportion of revenue raised through the individual income tax has stayed about the same.

As the Senator from Wisconsin has pointed out, the amount being charged the wage earner in payroll taxes is rising at an astonishing rate. And I think he has accurately predicted it will soon be noticed by the average worker, when he finds that $40 or $50 will be taken out of that check each month, from money that has been programed and planned for essential expenditures at home.

I am sure that we will shortly be forced by the American public to change this system.

The question is whether those of us who have had a chance to see what is happening, who have seen these dramatic increases, who have seen the regressivity of the payroll tax and the imposition it makes upon hard-working Americans—should not act now, rather than wait a year or two and force the public to force us to face up to something we know is not right.

I think the Senator from Wisconsin is to be commended for leading this fight, making the case, and developing a record which, in my opinion, is unanswerable.

Mr. NELSON. I thank the Senator.

Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of amendment No. 1610: Mr. BAYH, Mr. CHURCH, Mr. HARRIS, Mr. HART, Mr. MCINTYRE, and Mr. CHILES.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. SCHWEIKER. Mr. President, the Senator from Wisconsin has rendered the public a service by focusing attention on the unfairness of the social security tax structure. And I agree with him that the assets depreciated range—ADR—should be repealed and the minimum tax increased. But I also believe social security benefits should be financed with a reformed social security tax structure and not out of general revenues at a time the Federal Government faces a $35 billion dollar deficit. I must therefore vote against amendment Nos. 1610 and 1609.

Mr. NELSON. I yield to the distinguished Senator from Florida.

Mr. CHILES. I compliment the Senator on his amendments and the thrust of these amendments. I think he is putting his finger right on where a great problem exists, especially with respect to the information he has presented to the Senate with regard to some of the increases that are going to come into play with what we are trying to do about the system.

Mr. President, most of us want to do something about the system. Most of us want to increase some of the benefits of the system, and broaden the benefits; but I think we now realize that we are about to break the back of the person who is carrying the load in this country, and has been: the person who is earning up to $12,000 a year.

Prior to the increases we are making now, that working man has already had the feeling that he was paying more than his share. He already knows that this tax is not progressive. He does not understand exactly what it is, but I think when he gets a $21 a month increase in the money that he has to pay, he is going to get the message loud and clear.

We were struggling in Florida one time with a tax, and one sage old fellow stood up—he was not too articulate, but when he was speaking against that tax, which again was going to go on the working man, he said:

> Some of you fellows up here that vote for this tax ain't coming back no more 'cept for a visit.

I think we do not get a reform of the system, there is going to be what some people call a taxpayers' revolt by the working man, and the guy earning this $12,000 a year is going to get some new horses. He is going to decide that the horses he has had have been riding him a little too much, and he is going to change the gait, I think, and change the horses.

I think the amendments of the Senator from Wisconsin make a lot of sense. I am delighted to be a cosponsor with him, and I hope the Senate will adopt the amendments.

Mr. NELSON. I thank the Senator from Florida.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment—No. 1610—of the Senator from Wisconsin.

Mr. NELSON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. NELSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendment—No. 1610—offered by the Senator from Wisconsin (Mr. NELSON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Mexico (Mr. ANDERson), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

On this vote, the Senator from New Hampshire (Mr. McIntyre) is paired with the Senator from Rhode Island (Mr. Pell).

If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Rhode Island would vote "nay."

I further announce that, if present and voting, the Senator from Louisiana (Mrs. Edwards), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker,), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 21, nays 52, as follows:

[No. 531 Leg.]

YEAS—21

Bayh
Burdick
Byrd, Robert C.
Cannon
Chiles
Cook
Fulbright
Gravel
Hart
Hughes
Jackson
Magnuson
Mansfield
Miller
Mondale
Moss
Muskie
Nelson
Proxmire
Symington
Williams

NAYS—52

Aiken
Allen
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Case
Cooper
Cotton
Cranston
Dole
Dominick
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hartke
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
Montoya
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—27

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Saxbe
Spong
Tower
Tunney

So Mr. Nelson's amendment (No. 1610) was rejected.

Mr. YOUNG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. YOUNG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

Sec.—(a) Section 402 (a) (7) of the Social Security Act is amended by striking out the comma and the language which follows "such aid," up to but not including the semicolon.

(b) Section 402(a) (8) (A) (ii) of such Act is amended by striking out "in the case" and all that follows through "such income for such month" and by inserting in lieu thereof the following: "in the case of the earned income of a dependent child not included in clause (i), a relative receiving such aid, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first $60 (or, if such individual is not working at least 40 hours per week, or at least 35 hours per week and earning per week an amount at least equal to 40 times the hourly minimum wages specified in section 6(a) (1) of the Fair Labor Standards Act of 1938, the first $30) of such earned income for such month, plus one-third of the next $300 of such income for such month, plus one-fifth of the remainder of such income for such month, except that (i) reasonable child care expenses (subject to such limitations as the Secretary may prescribe in regulations) will first be deducted before computing such individual's earned income."

Mr. YOUNG. Mr. President, this amendment would restore a provision in the committee bill dealing with dependent children. There are some cases which the welfare boards would like to get off the rolls. This is recommended by Mr. T. N. Tangedahl, acting executive director of the Department of Social Services of North Dakota. He cites several examples. I will read one case which he thinks should be taken off the rolls, but because of the present law he cannot do so.

Case No. 4 is a mother and three children. She was receiving $300 per month AFDC. She was eligible for food stamps and all medical care. She secured employment paying $927.34 per month. Under present law she continues to be eligible for an AFDC payment of $22 per month, plus food stamps, plus all medical assistance.

This is one case of the four cases he cites. I could read on.

Mr. LONG. Mr. President, it is not necessary for the Senator to read on. We are persuaded that he is right. We understand the amendment. We agreed to it in the committee, and I feel that it should be agreed to. I do not think there would be any votes against it.

Mr. YOUNG. Mr. President, I ask unanimous consent to have printed in the Record a portion of Mr. Tangedahl's letter, starting with page 3, "Modification of Federal Statutes Which Require States To Continue AFDC Payments When No Need Exists," together with other related material.

There being no objection, the excerpt and the material were ordered to be printed in the Record, as follows:

3. *Modification of Federal statutes which require States to continue AFDC payments when no need exists.*

In the last five years both our caseload and expenditures have approximately doubled in the AFDC program. There undoubtedly are numerous contributing causes, such as the dramatic increase in the number of divorces and legal separations in North Dakota, along with a relatively recent decision of the U.S. Supreme Court ruling that all stepchildren are potentially eligible for AFDC. In our opinion, however, the major reason for the increase in caseload and expenditures is the result of a law enacted by Congress which requires us to provide AFDC payments to families where there is no need. Some persons refer to the "earned income disregard" provisions of Section 402 (a) (8) (ii) of Title IV of the Social Security Act as a work incentive; some refer to these provisions as inadequate. We consider them as outrageous in a program based on *need.*

Some years ago a lack of employment opportunities for mothers with children had a direct affect on our caseload. Since Congress amended Section 402 (a) (8) (ii) of Title IV of the Social Security Act we are unable to close AFDC cases even though the mother secures employment. A conservative estimate places the present number of employed AFDC caretakers, usually the mother, at 900 or 22% of the AFDC caseload. We believe at least half of these cases should be closed. We have selected some cases at random to illustrate the situation, and are enclosing copies of current budgets.

Case No. 1 is a mother and two children. She was receiving $245 per month AFDC. She was eligible for food stamps and all medical assistance. She found employment with a gross salary of $446.33 per month. Under present law she continues to be eligible for $148 per month AFDC, plus food stamps, plus all medical assistance.

Case No. 2 is a mother with one child. She was receiving $190 per month AFDC. She was eligible for food stamps and all medical assistance. She secured employment at a monthly salary of $516.53. Under present law she continues to be eligible for an AFDC payment of $102 per month, plus food stamps, plus all medical assistance.

Case No. 3 is a mother with three children. She was receiving $300 per month AFDC. She was eligible for food stamps and all medical care. She secured employment paying $548 per month. Under present law she continues to be eligible for an AFDC payment of $175 per month, plus food stamps, plus all medical assistance.

Case No. 4 is a mother and three children. She was receiving $300 per month AFDC. She was eligible for food stamps and all medical care. She secured employment paying $927.34 per month. Under present law she continues to be eligible for an AFDC payment of $22 per month, plus food stamps, plus all medical assistance.

Prior to the amendment referred to above, which was enacted by Congress, we would have closed these four cases. Under present law we are required to make AFDC payments and as a result this also increases our medical assistance costs. We think this situation compounds inequity. Our only response to comments and criticisms is that the payments must be made according to a law enacted by Congress. Some people still believe that Congress would not enact such laws. To us it seems ridiculous that a mother with three children, earning $927 per month, must be found eligible for an AFDC payment, plus food stamps, plus all medical assistance. We strongly recommend that this Section of the Social Security Act be amended. We have suggestions if anyone is interested.

Sincerely yours,

T. N. Tangedahl, ACSW,
Acting Executive Director.

STANDARD REQUIREMENTS AND BUDGET PLAN "BUY NORTH DAKOTA PRODUCTS"

HOUSEHOLD——— CASE NUMBER———

SCHEDULE 1.—LIVING IN HOUSING UNIT

	Circle number of persons in assistance unit										
A.	1	2	3	4	5	6	7	8	9	10	over 10 (+)
B. Basic requirements	$125	$190	$245.00	$300	$340	$375	$400	$420	$435	$450	(1)
C. Special need[2]			100.00								
D. Total			345.00								
E. Less total net income (line 4C)			197.02								
F. Net need and grant			147.98								
AABD (—)											
AABD (—)											
AFDC (—)			148.00								

SCHEDULE 4.—COMPUTATION OF NET INCOME

A. Earned income:	
1. Total gross earned income	[3] $446.33
2. Deduct appropriate earned income exemption ($30 and ⅓)	169.00
3. Deduct earned income expenses:	
(a) Standard employment allowance	20.00
(b) Withholding taxes	31.10
(c) Social security deductions	23.21
4. Total earned income deductions (Lines 2 + 3a + 3b + 3c) plus $6 union dues	
5. Net earned income (A1 minus A4)	197.02

B. Other income:	
1. OASDI benefits	—
2. ———	—
3. ———	—
4. ———	—
5. Add: Total other income	
C. Total net income (A5 + B5)	$197.02

Date ——— Worker's signature ———

[1] Add $10 per person over 10.

[2] "Special need" portion of schedule 1 to be used only under conditions prescribed in sec. 3 of this charter.

[3] Remarks: $446.33 plus $148 equals $594.33; plus commodities, plus medical care.

SCHEDULE 1.—LIVING IN HOUSING UNIT

	Circle number of persons in assistance unit										
A.	1	2	3	4	5	6	7	8	9	10	over 10 (+)
B. Basic requirements	$125	$190.00	$245	$300	$340	$375	$400	$420	$435	$450	(1)
C. Special need[2] child care		130.00									
D. Total and transportation		320.00									
E. Less total net income (line 4C)		218.26									
F. Net need and grant		101.74									
AABD (—)											
AABD (—)											
AFDC (—)		102.00									

SCHEDULE 4.—COMPUTATION OF NET INCOME

A. Earned income:		
1. Total gross earned income		[3] $516.53
2. Deduct appropriate earned income exemption	192.00	
3. Deduct earned income expenses:		
(a) Standard employment allowance	20.00	
(b) Withholding taxes	58.90	
(c) Social security deductions	27.37	
4. Total earned income deductions (lines 2+ 3a+ 3b+ 3c)		298.27
5. Net earned income (A1 minus A4)		218.26

B. Other income:	
1. OASDI benefits	—
2. ———	—
3. ———	—
4. ———	—
5. Add total other income	—
C. Total net income (A5 + B5)	$218.26

Date ——— Worker's signature ———

[1] Add $10 per person over 10.

[2] "Special need" portion of schedule 1 to be used only under conditions prescribed in sec. 3 of this chapter.

[3] Remarks: Plus medical care, plus surplus commodities.

SCHEDULE 1.—LIVING IN HOUSING UNIT

	Circle number of persons in assistance unit										
A.	1	2	3	4	5	6	7	8	9	10	over 10 (+)
B. Basic requirements	$125	$190	$245	$300.00	$340	$375	$400	$420	$435	$450	(1)
C. Special need[2] child care				108.00							
D. Total				408.00							
E. Less total net income (line 4C)				233.32							
F. Net need and grant				174.68							
AABD (—)											
AABD (—)											
AFDC (—)											

STANDARD REQUIREMENTS AND BUDGET PLAN "BUY NORTH DAKOTA PRODUCTS"—Continued

SCHEDULE 4 —COMPUTATION OF NET INCOME

A Earned income:		
1. Total gross earned income		[3] $548.00
2. Deduct appropriate earned income exemption ($30 and ⅓)	—$202.67 21.92	
3. Retirement program—Deduct earned income expenses:		
(a) Standard employment allowance	20.00	
(b) Witholding taxes	41.60	
(c) Social security deductions	28.49	
4. Total earned income deductions (lines 2+3a+3 ,+3c)		314.68
5. Net earned income (A1 minus A4)		233.32

B. Other Income:		
1 OASDI benefits	—	
2 ———	—	
3 ———	—	
4 ———	—	
5 Add: Total other income		
C Total net income (A5+B5)		$233.32

Date________

Worker's signature____________

[1] Add $10 per person over 10.

[2] "Special need" portion of schedule 1 to be used only under conditions prescribed in sec. 3 of this chapter.

[3] Remarks: Food stamps pays $88 for $112 plus medical care. She just bought a new car.

SCHEDULE 1.—LIVING IN HOUSING UNIT

	Circle number of persons in assistance unit										
A.	1	2	3	4	5	6	7	8	9	10	over 10 (+)
B. Basic requirements	$125	$190	$245	$300.00	$340	$375	$400	$420	$435	$450	(1)
C. Special need [2] child care				107.50							
D. Total				407.50							
E. Less total net income (line 4C)				385.67							
F. Net need and grant				21.83							
AABD (——)											
AABD (——)											
AFDC (——)				22.00							

SCHEDULE 4.—COMPUTATION OF NET INCOME

A. Earned income:		
1. Total gross earned income		[3] $927.34
2. Deduct appropriate earned income exemption	329.11	
Mandatory united fund contribution	5.50	
3. Deduct earned income expenses:		
(a) Standard employment allowance	20.00	
(b) Withholding taxes	138.85	
(c) Social security deductions	48.21	
4. Total earned income deductons (lines 2+3a+3b+3c)		541.67
5. Net earned income (A1 minus A4)		385.67

B. Other income:		
1. OASDI benefits	—	
2. ———	—	
3. ———	—	
4. ———	—	
5. Add: total other income		none
C. Total net income (A5+B5)		$385.67

Date ——— Worker's signature ———

[1] Add $10 per person over 10.

[2] "Special Need" portion of schedule 1 to be used only under conditions prescribed in sec. 3 of this chapter.

[3] Remarks: Plus medical care, $88 for $112 food stamps.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendment of the Senator from North Dakota (Mr. YOUNG).

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add the following new section:

SEC. —. If as a result of the provisions of this section 511 of this Act, the rental charge for a family which occupies a low rent housing dwelling unit assisted under the United States Housing Act of 1937 would be increased, the required adjustment in the family's rental charge will be accomplished as follows:

(1) On the first day of the twelfth month immediately following the month in which this section becomes effective, the family's monthly rental will be increased by an amount equal to one-half the additional amount of rent which would be required; and (2) on the first day of the twenty-fourth month following the month in which this section becomes effective, the family's monthly rental charge will be increased to the full amount of the rental charge required. Notwithstanding any other provision of Federal law or regulations thereunder, a public agency shall not reduce welfare assistance payments to any tenant or group of tenants in low rent housing as a result of the provisions of this subsection which postpone the imposition of the full amount of any increase in rental charge.

Mr. LONG. Mr. President, we have examined this amendment. It has been studied by the staff and also by the Senator from Massachusetts (Mr. BROOKE) and those of us who are managing the bill and we think it is a good amendment and should be agreed to by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama (Mr. SPARKMAN).

The amendment was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HART). The Chair recognizes the Senator from Oklahoma (Mr. BELLMON).

The Chair would like to explain that when the Chair got up here there was a list. So, on occasions, it has been convenient but at other times it has been frustrating. Periodic consultations have modified the list. As long as the present occupant of the Chair is here, there is going to be no list. The Chair will respond to the first Senator addressing the Chair.

The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I should like to say that I have been standing here for quite a long time waiting to get recognized.

I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, insert the following new section:

SEC. — Part D. of Title IV of the Social Security Act, as added by this Act, is further amended, effective February 1, 1972, by adding after Section 458 the following new section:

"SEC. 459. The Child support collection or paternity determination services established under this part shall be made available to any individual not otherwise eligible for such services under the proceeding sections of this part upon application filed by such individual with the Attorney General or, if a State or political subdivision has a program approved under Section 454, with such State or political subdivision as may be appropriate. Any costs incurred by the Attorney General (or by a State or political subdivision) in furnishing such services shall be paid by such individual by deducting such costs from the amount of any recovery made.

Mr. LONG. Mr. President, the Senator's amendment would allow a mother not on welfare to use the mechanisms provided in the bill to require a runaway father seeking to avoid his duty to his family, to support their children.

The idea of the amendment is, rather than make the mother become a welfare client she could have the assistance of the government in obtaining support from the runaway father.

I hope that the Senate will agree to this amendment.

Mr. BELLMON. Mr. President, I should like to thank the distinguished chairman for his eloquent explanation of my amendment and would like to congratulate him and his committee for the fine work they have done in helping to stop this business of increasing the AFDC load because of runaway fathers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. Bellmon).

The amendment was agreed to.

Mr. CHILES. Mr. President, I call up my two amendments at the desk, and ask unanimous consent that they be considered en bloc, and that the reading thereof be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendments will be considered en bloc and will be printed in the Record at this point.

The texts of the two amendments are as follows:

On page 581, line 6, insert immediately before the period the following: "or otherwise permanently residing in the United States under color of law".

At the end of Part A, Title 5 of the bill, add the following new section:

"Sec. —. Meaning of "permanently residing in the United States under color of law"; for the purposes of this act and any provision of the Social Security Act amended by this Act, the term "alien permanently residing in the United States under color of law" shall include an alien refugee who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212(d) (5) of the Immigration and Nationality Act".

Mr. CHILES. Mr. President, I introduce these two amendments on behalf of my colleague, Mr. Gurney, and myself. They simply make clear in the bill that it would not detract from the right to benefits of Cuban refugees, of which 12,000 reside in Florida. They are receiving benefits presently under the existing system, but there has been some question as to whether, under this bill, they would be eligible. These amendments would make clear that they are eligible.

The staffs of the distinguished chairman and the ranking minority member of the committee have seen these amendments. If there is no objection, I should like to have them agreed to.

Mr. GURNEY. Mr. President, these amendments which we are introducing at this time are designed to prevent a great and unintended economic hardship being placed upon the people of Dade County, Fla.

I know that the Finance Committee and its distinguished chairman did not intend this result, however, the effect of the limiting language concerning aliens which appears in the next to the last paragraph on page 466 of the committee report does just that.

Florida has about 12,000 refugees from Communist Cuba within its borders who are either over 65 years of age, blind, or disabled. At my request, HEW has provided an estimate that the payments for these individuals are about $18 million per year.

Mr. President, the Cuban refugee program is one of Federal responsibility and the State of Florida should not be required to bear the cost of that commitment alone. The categories of eligibility must, in all fairness, be amended to include these political refugees.

It was the Federal Government that established, under four successive administrations, the policy of opening this country's doors to refugees from Castro's tyranny. This policy was formalized during the preceeding administration by President Johnson's personal actions and by international agreement.

Moreover, under international protocols of general application, the United States has agreed to accord refugees staying in its territory equal treatment. If these amendments are not approved, the State of Florida, and Dade County will be forced to pay for programs which ought to be supported by the Federal Government. I am sure that this is not what the Members of this body want.

It is clear where the responsibility for these individuals lies and I urge my colleagues to support these two amendments.

Mr. LONG. Mr. President, we have no objection to the Senator's amendments.

The PRESIDING OFFICER. The question is an agreeing to the amendments en bloc of the Senator from Florida (Mr. Chiles).

The amendments were agreed to en bloc.

AMENDMENT NO. 1613

Mr. ROTH. Mr. President, I call up my amendment No. 1613 and ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with and it will be printed in the Record at this point.

The text of the amendment is as follows:

At the end of title V of the bill, add the following new section:

TREATMENT OF CHILD'S SOCIAL SECURITY BENEFITS UNDER SUPPORT REQUIREMENTS

Sec. . (a) Section 152 of the Internal Revenue Code of 1954 (relating to definition of dependent) is amended by adding at the end thereof the following new subsection:

"(f) Child's Social Security Benefits.—For purposes of subsection (a), child's insurance benefits received by or on behalf of an individual under section 202(d) of the Social Security Act shall not be taken into account in determining whether the individual received more than half his support from the taxpayer."

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

Mr. ROTH. Mr. President, this amendment is cosponsored by Senators Boggs, Mansfield, Scott, Aiken, Cooper, Ribicoff, Packwood, Randolph, Stevens, Moss, Javits, Dole, Brock, Taft, Gambrell, Dominick, and Beall. It is a simple amendment.

Its purpose is to provide that social security benefits paid on or on behalf of a child shall not be taken into account in determining whether such child is receiving more than half the support from the taxpayer. The purpose is to correct what I consider to be a gross inequity in the law.

Under the present law, a parent must contribute more than half the cost of a child to claim the child as a deduction. Social security benefits paid in behalf of children of a widow or widower is considered income of the children. Consequently, the widow must be able to prove that she contributed more to the support of the child than the value of the social security benefits paid for that child. I believe this is grossly unfair to widows or widowers of low income.

Let me illustrate and this is a true case. A widow with four children received $1,900 social security benefits on behalf of the children. She worked and earned $3,000 a year. So she had a total of $4,900 to raise her children. But the Internal Revenue challenged her right to a deduction for the children because she could not prove that she contributed more than $1,900 for the care of her children.

This is a gross inequity because it discriminates against widows with low annual incomes. If a widow has a large annual income she can, of course, pass the dependency test easily. For example, if this widow has a $20,000 income instead of $3,000, she would have no difficulty at all showing that she contributed more than $1,900 for the care of her children. Furthermore, a wealthy family can hire lawyers and be in a position to prove it, but the widow with a low income is handicapped because she is not in the practice of keeping receipts, canceled checks, or the other things which she must do in order to show that she is supporting her children to this extent.

As I say, this is a true case which occurred in Delaware. We will find it is true throughout the country.

I received a letter from the widow who caused me to introduce this legislation, and I should like to read it to the Senate:

May 8, 1972.

Senator William V. Roth, Jr.,
New Senate Office Building,
Washington, D.C.

Dear Senator Roth: I am writing in an appeal for help in my problem with Internal Revenue Service. This is my story.

My husband died in 1968, leaving me with four children, ages 17 yrs, 15 yrs, and twins 2½ years. I applied for and received Social Security benefits for these children. However, I still claimed them as dependents on my Income Tax return. The problem is this: They are checking my Income Tax Return for the year 1970, because they say that since they received Social Security benefits I cannot claim them as dependents. Now, this seems a little ridiculous to me because anyone can tell you that Social Security benefits will not contribute enough income to keep an individual alone.

This is all I receive and I have never asked for anything else as far as medical, dental, or anything. I have continued to work every day, which necessitates babysitting money, which I am not wondering if it was a wise choice. My husband, being a heart patient, did not obtain the mortgage fee insurance he should have had. As a result of this, I had to give up the home we had built. I have made personal loans when the going became rough and have done the last and final thing I can do. I have sold my furniture to pay bills. I have nothing else to sell. I have borrowed the limit I feel I can repay.

The Internal Revenue Service notified me that I must substantiate that I had contributed more than Social Security benefits towards the keeping of these children. This I have tried to do as you will see by the enclosed. Cancelled checks are all I have to prove anything, since I had no idea that there was any question that I would claim them for dependents. They will not accept what I have given them as proof. I did not submit copies of cancelled checks for the whole year, but picked different months to try to show them that what I had given them was correct. I do not know what else I can do. I do know that I think I should be allowed some credit for working every day and using this money to keep my family in a home, food, clothing, heat, medication, etc.

There are only a few alternatives that I can think of: No. 1—Send all the bills pertaining to the children's upkeep to IRS, No. 2—Have the children put in a home and let them receive the Social Security on which they must be kept, No. 3—Quit work, apply for additional benefits and let the taxpayers keep all of us, or No. 4—Find the deepest river and highest bridge and take a flying leap and let the State worry about keeping the children. What would you suggest?

I only have ten days to come up with more proof for IRS, but I really at last am at my wit's end. I only know that it takes all I make plus what they receive to keep a roof on their heads, clothes on their back, food in their stomachs, insurance, and medication when they are ill.

The woman was finally able to prove her case, but she has given up claiming the children as a deduction because the burden is too great. But as I say, this part of the revenue code is a gross inequity. Instead of rewarding a woman and giving her an incentive to work, we are encouraging her to go on relief. I might say that I have checked into the amount she would obtain if she were to go on relief and it turned out that she would receive more than $5,000 a year in welfare benefits. And of course she would pay no taxes.

I say this is contrary to the purpose of H.R. 1, that is to get people back to work and taking care of their own children.

I ask the Senate to support my amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROTH. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think the Senator from Delaware (Mr. ROTH) has taken a very fine initiative. As a cosponsor of the amendment I am very grateful to the Senator from Delaware for taking the lead in helping my State and I believe all others.

I hope the amendment is agreed to.

Mr. LONG. Mr. President, the Senator is offering a tax amendment. I would plead with the Senator not to offer it at this time. Under the law, if one wants to claim a deduction for the support for his own child, he has to show that he is providing at least 50 percent of the child's support.

Let us assume that the mother is drawing social security payments for herself and is also being paid the benefits for the child. The child is getting maybe $80 from the social security system and the mother is paying about $40 of her income to support the child. So, she does not meet the 50 percent test.

The Senator would say, "Let us not count social security, so that she can deduct the $40 she is spending to support her child."

He wants to say that Congress provided the deduction and we would not deny them the tax advantage they would have had if Congress had not provided them with social security benefits.

It would not stop here. Someone else would say, "All right, here is a case involving veterans' benefits." And the Senator from Indiana (Mr. HARTKE) has demonstrated how eloquent he can be in saying that veterans are being discriminated against.

They will say we are not counting the child's income from social security for the tax benefit, but we are holding it against the child so that he will not get the veterans' benefit. They will say that the son should get the veterans' benefit, because the father served his country. They will say that Congress meant to have him receive the benefit and did not mean to penalize him. It will be said that we are discriminating against veterans, and indeed we are.

Then someone comes up with the question of civil service retirement income and the Government insurance program. They will say that we are discriminating against our loyal Government employees and that we have to take care of them, too.

Goodness knows, I do not know where we would go with this, and these are only the examples that I think of offhand.

By the time we get through, everything that has a Government interest or a humane interest is presented to us for consideration. The next thing we know, someone will mention a private insurance plan into which the father has paid for insurance protection. It will be said that we are discriminating against the child and the father who toiled and sought to protect his family with a private insurance plan. It will be said that we do not want to discriminate against thrift and family responsibility and that we should not count the income from the private insurance that is being paid to the family.

It goes on and on and on.

Mr. President, if I thought this was an amendment to which we could agree at this point, I would be willing to do it. However, I hope that the Senator will let us study this matter and see if we can take care of the very meritorious cases without setting a precedent that will come back to plague us again and again and without having the argument made to us that we are discriminating against widows, veterans, and people who work for the railroads and against private enterprise.

If we pass this amendment, some of these things will come back to plague us. It will be said that the Senate voted for this and must have known what it was doing, that the Senate created a precedent for which we should do for all these other people. We would set the stage for it to come back to haunt us and we will be as bad to provide tax advantages for one group or another until it goes on indefinitely. I think the Senate ought to pursue its own orderly processes and give us an opportunity to consider this, which is a tax amendment, as a tax matter. I assure the Senator that if the Senator would respect our position and not be insistent about it at this time, we would consider the amendment and resolve it in a way that would not lead to the consequences that I fear.

Mr. ROTH. Mr. President, I feel that this is a grave injustice. I feel very strongly that it is wrong for us to leave on the books legislation that has the opposite effect of what we are trying to accomplish by welfare reform; that is, to get people to go back to work.

I think it is an unbelievable injustice for social security benefits, under these circumstances, to count as income of the children. And the unreal thing about it is that the widow or widower who has adequate income does not suffer in these kinds of circumstances because she can easily show that she has enough income to provide more than half of the support of the child.

I ask you how can a widow with only $3,000 income of her own demonstrate that she has given more than $1,900 which she receives in social security benefits for the care of her four children.

I believe we are putting an impossible task upon this widow. I think the current law disillusions people as to the equity of our laws; it helps make people lose confidence in the fairness of our Government. In fact, it runs counter to the whole purpose of the welfare reform we all seek.

I understand that 3 or 4 years ago similar legislation was offered and passed the Senate, but it was not agreed to in conference. I am not interested in going through the exercise of trying to make a point on the floor. I am interested in correcting what I think is a fundamental inequity in law. I think it is time that we stood up to this, and not do it on the basis of how it affects other provisions.

It is my understanding, Mr. President, that while other programs such as railroad retirement or veterans' survivor benefits could be in the same category, and frankly I would be happy to accept a perfecting amendment to include them, it nevertheless is my understanding, that veterans' survivor benefits take in consideration social security benefits, so it pretty much washes out.

From the standpoint of cost it will not be as much as some claim because many widows and widowers are not aware that they are not entitled to dependency exemptions because of social security benefits.

I think this is a situation that we should not postpone indefinitely but we should try to correct now in justice to those who are trying to do the right thing and who are willing to work to take care of the children and not go on relief.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I move that the amendment be laid on the table. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Delaware. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from California (Mr. Tunney), and the Senator from Mississippi (Mr. Eastland) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "yea."

On this vote, the Senator from Louisiana (Mrs. Edwards) is paired with the Senator from Connecticut (Mr. Ribicoff). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Connecticut would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) would each vote "nay."

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 31. nays 43, as follows:

[No. 532 Leg.]

YEAS—31

Bellmon
Bennett
Bible
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cotton
Ervin
Fannin
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Mondale
Muskie
Nelson
Pastore
Proxmire
Randolph
Stennis
Talmadge
Weicker
Williams
Young

NAYS—43

Aiken
Allen
Bayh
Beall
Brock
Brooke
Buckley
Burdick
Cannon
Case
Chiles
Cook
Cooper
Cranston
Dole
Dominick
Fong
Gambrell
Griffin
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
Montoya
Moss
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond

NOT VOTING—26

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Saxbe
Tower
Tunney

So Mr. Long's motion to lay on the table Mr. Roth's amendment was rejected.

Mr. LONG. Mr. President, so far as I am concerned, every Senator who voted against the motion to table I presume would vote for the amendment and, to save the Senate's time, I ask unanimous consent to vacate the order for the yeas and nays, and I am willing to accept the amendment by a voice vote.

The PRESIDING OFFICER (Mr. Inouye). Is there objection to the request of the Senator from Louisiana? Without objection, it is so ordered.

The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask unanimous consent that its reading be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. Mondale, for himself, Mr. Javits, Mr. Ribicoff, Mr. Cranston, and Mr. Buckley, is as follows:

At the end of the bill add the following:

CHILD CARE SERVICES

Sec. —— In order to provide financial assistance under section 403(a)(3) of the Social Security Act for child care services meeting the requirements of section 1130(a)(2)(A) of such Act (in addition to any funds which may be made available for such purposes from the State's allotment under section 1130(b)(1) of such Act), there are authorized to be appropriated $800,000,000 each for the fiscal year ending June 30, 1973, and for the succeeding fiscal year.

(b) From the sums appropriated under subsection (a) of this section, the Secretary of Health, Education, and Welfare shall allot to each State—

(1) an amount which bears the same ratio to 50 per centum of the sums so appropriated as the population of such State bears to the total population of all of the States; and

(2) an amount which bears the same ratio to 50 per centum of the sums so appropriated as the number of children in families receiving payments under title IV of the Social Security Act in such State bears to the total number of such children in all of the States.

(c) The Secretary shall reallot the amount of any State's allotment under this section which will not be required for the period for which such allotment is available to any other State which he determines has need thereof.

(d) For purposes of this section, the term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(e) Not withstanding any other provision of this Act, the provisions of section 431 and section 433(b) of this Act shall not be effective until such date as the Congress shall designate to subsequent legislation.

(f) Section 422 of the Social Security Act is amended by inserting at the end thereof the following new subsections:

"(c) The Secretary is directed to establish appropriated procedures to ensure that no child shall be the subject of any research or experimentation under this title (other than routine testing and normal program evaluation) unless the parent or guardian is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

(d) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal * * *

Mr. MONDALE. Mr. President, this amendment is offered by myself, the junior Senator from New York (Mr. Buckley), the senior Senator from New York (Mr. Javits), and the senior Senator from Connecticut (Mr. Ribicoff), and the senior Senator from California (Mr. Cranston).

It is designed to retain the $800 million in this bill for day care but send it through the present delivery system for day care in the Department of Health, Education, and Welfare, which involves the various State departments of welfare, and in the local government systems.

The amendment would retain the new $800 million child care authorization provided in the bill, but would make these funds available for child care through the existing title IV–A program, rather than through the creation of a new Bureau of Child Care.

Thus, the amendment supports the commitment in the bill for an expansion of day-care opportunities, but proposes that a different and more familiar mechanism be used to deliver the day care authorized.

DAY CARE NEEDED

Mr. President, I want to emphasize my support for an expansion of quality day care in the pending legislation. There is a tremendous need for more day-care opportunities in this country. Half of all mothers with school-age children, and one-third of all mothers with preschool children are working today. Yet, there are fewer than 700,000 spaces in licensed day-care facilities to serve the over 5 million preschool children whose mothers work.

I commend the committee for identifying this need, and for authorizing an additional $800 million to help meet it. The concerns I expressed yesterday were directed not at the objective of expanding day care, but solely at the mechanism proposed to provide this additional day care.

TITLE IV A PROPOSAL

That is why my amendment retains the commitment to authorize an additional $800 million for day care. And that is why it retains unchanged section 432 authorizing grants to States for establishment of model day care. While I believe very deeply that we need comprehensive child development legislation to provide a coordinated approach to day care and child development efforts, I do not believe we can overlook interim steps such as this while we await enactment of a more complete proposal.

Thus, our amendment would authorize an additional $800 million for child care under the existing title IV–A program in the Social Security Act, in addition to the $2.5 billion presently authorized under title IV–A for all social services, including child care. It would distribute these funds among the States according to a formula based 50 percent on population, and 50 percent on AFDC recipients in order to target it on areas of greatest need.

It would provide the Secretary of Health, Education, and Welfare with authority to reallocate funds from States which will not use their entire allocation to States which would use more than their allocation. And it would be subject to the existing standards and requirements for title IV–A programs, including the Federal Interagency Day Care Standards.

Shifting the proposed $800 million authorization from a Bureau of Child Care to the existing title IV–A program—as we propose—would meet the concerns I have raised about the Bureau. By using an existing program, it would not add confusion and further fragmentation to the system of Federal assistance to child care. By retaining the Federal-State-local partnership arrangement in title IV–A it would not bypass the other levels of government or create a system with total Federal control. By avoiding a new and inadequate set of standards with respect to adult-child ratios and parent participation, it would be governed by the existing interagency day care standards now applicable to all federally assisted child-care programs.

Mr. President, I believe this amendment provides a more reasonable and more familiar framework through which to provide the additional and desperately needed funds for day care authorized in the committee bill.

This amendment, it seems to me, is essential——

Mr. LONG. Mr. President, would the Senator be willing to agree to a time limitation?

Mr. MONDALE. I think I will in a few minutes. I am waiting for the Senator from New York (Mr. Buckley) to arrive. Then I think we can enter into a time limitation, because I am anxious to dispose of this amendment quickly. At this time I yield to the Senator from Illinois (Mr. Stevenson).

Mr. STEVENSON. Mr. President, I ask unanimous consent that during the debate on the amendments to H.R. 1 a member of the staff of the Committee on Labor and Public Welfare, Mr. Basil Condos, be granted the privileges of the floor.

Mr. LONG. Mr. President, reserving the right to object, is the Senator asking for the whole staff or just one member?

Mr. STEVENSON. I named Basil Condos of the Labor and Public Welfare Committee staff.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. DOMINICK. I just want to make sure about this amendment. During the debate on the child care bill having to do with the day care centers, I put in an amendment, as to which I had a big argument with the Senator from Minnesota, and finally prevailed on it, to let them go through the States where they could be prime sponsors, along with everybody else. Do I understand the Senator's amendment, if amended, would make sure this circle would be retained, instead of going directly from the Government to the welfare mother?

Mr. MONDALE. The Senator is correct. My amendment is very similar to the Dominick amendment which the Senator offered some months ago. The Bureau of Child Care which is set forth in this measure establishes a permanent new Federal office, which does not now exist, and permits it to run day care centers anywhere in the country, in any fashion it wishes, with no involvement of State or local government. The Bureau can completely disregard State departments of welfare, and probably will. There is no requirement that they do so. It is not even mentioned in the measure. It can completely disregard county and local governments. It ignores the present system, and sets up an entirely new delivery system. There is no allocation State by State. One State could get all of the $800 million set out in this amendment. In addition to that, there are no real adult-child standards set forth. The so-called standards in this bill require that there can be no fewer than eight or 10 children per staff member. Real standards are just the opposite, require no more than a certain number of children per adult.

I know the Senator from New York (Mr. Buckley), who will speak shortly, thinks that this——

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. MONDALE. I yield.

Mr. DOMINICK. The Senator's amendment would do what? What would the Senator's amendment be in place of?

Mr. MONDALE. It would provide $800 million to be used in the present delivery systems established with HEW and the State Departments of Welfare, in the present way the day care under title IV–A of the Social Security Act is delivered.

Mr. DOMINICK. I am glad the Senator brought that out. What I do not want to do is set up a whole new agency to take care of that program.

Mr. MONDALE. I would like to make one further comment to the Senator from Colorado. I believe the Senator from New York (Mr. Javits) will shortly be reading a letter from the Secretary of Health, Education, and Welfare in which he very clearly opposes the committee's approach.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. LONG. Mr. President, I would urge Senators to remain on the floor during the debate on this amendment. It should be brief. One of the worst things is for Senators to hear the initial presentation, walk out and not hear the other side of the argument, and then spend years explaining why they did not understand the other side of the argument. This is an important amendment. I do not agree with the Senator's argument. I would like Senators to hear the committee's reasons why this amendment should not be agreed to. I hope Senators will hear both sides of the argument. I think the Senator's argument should be heard, and so should the position of the committee be heard.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JAVITS. I agree with the Senator from Louisiana and hope Senators will listen to the opinion of the Secretary of Health, Education, and Welfare, who ought to know something about this. He says, in a letter dated October 4, of which copies are being distributed to all Senators, the following:

> The Committee bill would establish a Bureau of Child Care within the proposed independent Work Administration. The powers and duties of the child care bureau would be essentially the same as those of the Child Care Corporation which Chairman Long offered on the parallel bill in the 91st Congress.
>
> We would oppose these provisions just as we opposed them in 1970. We prefer instead the child care provisions in the House-passed version of Title IV, which would provide the Secretary of Health, Education, and Welfare with the authority to bring together in a single system all federally-assisted child care, with priority to children of families assisted under the workfare provisions of the Family Assistance Plan. As I have repeatedly testified before a number of committees, we believe it is essential to develop a single, primary system for the delivery of all federally-assisted day care and child development services rather than further fragmenting the already highly disorganized and fragmented existing child care resources. In addition, the Administration prefers the House-passed version because it would place in HEW the responsibility for developing national standards for assuring the safety and quality of all federally-assisted child care services. We also favor inclusion of parents of children in such a system in advisory councils.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

WASHINGTON, D.C.,
October 4, 1972.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Thank you for your letter of Friday, September 29, requesting the Administration's position on the Child Care provisions of H.R. 1 as reported to the Senate by the Committee on Finance.

The Committee bill would establish a Bureau of Child Care within the proposed independent Work Administration. The powers and duties of the child care bureau would be essentially the same as those of the Child Care Corporation which Chairman Long offered on the parallel bill in the 91st Congress.

We would oppose these provisions just as we opposed them in 1970. We prefer instead the child care provisions in the House-passed version of Title IV, which would provide the Secretary of Health, Education, and Welfare with the authority to bring together in a single system all federally-assisted child care, with priority to children of families assisted under the workfare provisions of the Family Assistance Plan. As I have repeatedly testified before a number of committees, we believe it is essential to develop a single, primary system for the delivery of all federally-assisted day care and child development services rather than further fragmenting the already highly disorganized and fragmented existing child care resources. In addition, the Administration prefers the House-passed version because it would place in HEW the responsibility for developing national standards for assuring the safety and quality of all federally-assisted child care services. We also favor inclusion of parents of children in such a system in advisory councils.

With kindest regards.

Sincerely,

Elliot Richardson,
Secretary.

Mr. JAVITS. I ask the Senator this question——

Mr. LONG. Mr. President——

Mr. JAVITS. Mr. President, the Senator has yielded to me and I would like to complete our argument, if I may.

Mr. LONG. Will the Senator yield for just one moment?

Mr. JAVITS. Let me complete the thought, then I will be happy to yield. The Senator knows I would never cross him, but I really want to complete the point.

Mr. LONG. I do not mind the Senator completing any point he wants to complete, but I would like to get a time limitation agreement, so that both sides would have an equal amount of time.

Mr. JAVITS. Can the Senator hold that a minute? That can come after I have completed as well as before.

Will the Senator from Minnesota tell me whether and to what extent, and how, his amendment differs from that adopted by the other body on this subject?

Mr. MONDALE. We do not create a new system. We retain the present title IV system. The letter from the Secretary of Health, Education, and Welfare makes the same point I made, that this new corporation that would be established under the pending bill goes completely outside the present delivery system, completely ignores the States, completely ignores the local governments, and sets up an entirely new organization with no standards.

I would like to add to the letter the Senator has read a letter which I received from the National Governors Conference, signed by Mr. Jensen, in which he opposes the establishment of this bureau. It says, among other things:

> There is a total lack in the proposal of a presumed role for States in planning and administering child care programs. This is a serious deficiency in the proposal and is totally contrary to the policy position of the National Governors' Conference.

Mr. JAVITS. Will the Senator yield again?

Mr. MONDALE. I yield.

Mr. JAVITS. How does the amendment conform to the criteria the Secretary has stated?

Mr. MONDALE. In the sense that it turns the administration over to the Department of Health, Education and Welfare under the present delivery system.

May I also add that this proposal for establishing this separate bureau is also opposed, in addition to the administration and in addition to the National Governors' Conference, by the League of Cities, and the Council of Mayors, by the National Association for the Education of Young Children, the Child Welfare League, the Day Care and Child Development Council of the American Academy of Pediatrics, and the Children's Lobby.

I would now like to yield——

Mr. JAVITS. Before the Senator yields, will he yield to me again?

Mr. MONDALE. I yield.

Mr. JAVITS. Let us get clear on this Governors' conference proposition. Do the Governors take the same position the Secretary of Health, Education and Welfare does on this subject?

Mr. MONDALE. That is correct.

Mr. JAVITS. That is clear?

Mr. MONDALE. Yes. I ask unanimous consent that the letter from the National Governors' Conference opposing the creation of the corporation be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Governors' Conference,
Washington, D.C., October 4, 1972.

Senator Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I appreciate your request for an analysis of the impact on States if the provision, as contained in the Senate Finance Committee's version of H.R. 1, to establish a Bureau of Child Care is enacted.

The National Governor's Conference has adopted the following policy statement regarding child care programs as related to welfare reform legislation:

"Provide for adequate day care programs for children of parents who are working or in training programs with provisions for a central state role and a comprehensive state plan, and which would not bypass States in the administration of such programs."

In analyzing the Senate Finance Committee's proposal in establishing the Bureau of Child Care, we would like to make the following comments:

1. We seriously question whether there is sufficient federal level knowledge of state or local conditions or the desirability as related to other licensing activities to justify the proposed federal preemption of all state or local health, fire, safety, sanitary, or other requirements with respect to facilities providing child care.

2. There is a total lack in the proposal of a presumed role for States in planning and administering child care programs. This is a serious deficiency in the proposal and is totally contrary to the policy position of the National Governor's Conference.

I hope that these comments will be useful to you.

Sincerely,

Allen C. Jensen,
Special Assistant.

Mr. MONDALE. I have promised to yield to the distinguished junior Senator from New York (Mr. Buckley).

Mr. BUCKLEY. I thank my colleague from Minnesota.

Mr. President, I have become tremendously interested in this whole problem of child care. I did an extraordinary amount of research into the literature and the studies, and have talked with some of the experts, in trying to build up the case for torpedoing the proposal offered by my distinguished senior colleague (Mr. Javits) and by the distinguished Senator from Minnesota (Mr. Mondale), because I thought that the child development legislation was too ambitious, going too far, and the system would harm the children.

But I believe that the distinguished Senator from Minnesota and I agree, as a result of what we have read in common, that the experience abroad and the experience and studies at home demonstrate that unless the quality and standards of day care, especially that given to very young children, is of the highest order, the chances for serious, real damage are too large to be ignored.

I therefore have joined in endorsing the amendment we are now discussing, and it includes a couple of provisions that I have recommended, for the simple reason that we have established, in existing legislation, a modus vivendi, we have established procedures for working through the States, we have established safeguards, and I think it would be dangerous to ignore those and to set up this statutory warehousing approach, when we could channel the children of welfare recipients through the existing structure and make sure that we have insured that limitation of the number of children per supervisor which we are told by every expert is critical, especially to those under 4 years of age.

I therefore urge the adoption of the amendment.

Mr. MONDALE. I thank the Senator from New York, and I gratefully acknowledge his role in helping us to better understand the potential damage—permanent, disastrous damage—that can be visited upon preschool children if they are placed in environments that are custodial, understaffed, and unsupportive.

First of all, I think we all understand the best place for a young child or infant is with his parents in a healthy home. Everyone agrees with that. But if the parents work, or if the family, for some reason, is broken down so that the normal functions of a healthy family cannot be performed, and there must be a substitute day care program, every expert we heard from said, "For crying out loud, make sure it is a good one, supportive, strong, and when you are dealing with the youngest infants, make sure there is a very low staff ratio, maybe only one staff person to three, in order to deliver the kind of substitute care that offers help."

The Senator from New York has made that point very clear, and I want to say the bureau proposed here has no real standards whatsoever, and no government, not even the State or local government, will be able to intervene to protect the little children.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator.

Mr. President, I think the record ought to be very clear that Senators are not discussing the issue of whether there should or should not be child care, or whether anyone in this body would for one moment deny the best possible solution of a very vexing problem. The only question is how to provide the best child care for those who justly, reasonably, and rightly should have it.

What is most persuasive to me, as a Senator, of anything I have heard yet, is to have another Senator, namely, the junior Senator from New York, say that his research at the beginning was devoted to the purpose of finding reasons to oppose this proposal, this amendment, but, having done more research, I suspect, than almost any of us, having pursued all the avenues, he comes out at a different exit from that which he expected to come out, and finds himself, therefore, able to give his full and generous support to the amendment.

That is very persuasive to me, and I thank the Senator for giving me a chance to make this observation.

Mr. MONDALE. I thank the Senator from Pennsylvania.

I should say that if the distinguished floor manager wishes to propose a time limitation agreement, he may do so.

Mr. LONG. Mr. President, after those talking for the amendment have used up 25 minutes, if it is all the same, we will just take our turn when we can obtain recognition and explain our side without any limitation.

Mr. MONDALE. I yield to the Senator from Wyoming. If he cares to have the floor in his own right, I will be glad to yield the floor.

Mr. LONG. Mr. President, I would hope that the Senator would yield and let us speak on the bill's side for a while.

Mr. MONDALE. I yield.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, when we approached this problem of day care 2 years ago, the answer seemed very simple. If you wanted to seek a solution to a situation in which a mother wanted to work, she could be provided day care and could take a job and support the family. It all seemed very simple. Why not do that? Instead of paying the $2,400, for example, to a mother with a family of three, for doing nothing, why not just provide a day care center for the child and let the child be in the day care center while the mother took a job at $2,400 or more than that. Why not just let the mother earn something and put the child in a day care center?

That all seemed fine, and it seemed like a fine answer, until we discovered that these people, in wanting to seek such child development and a fulfillment of all the things that one could desire for the child, had worked it out so that the cost of day care for one child would exceed what the administration was proposing to support the whole family.

For example, the administration was proposing a level of $2,400 for a family of four. How much do you think it was proposed to pay for day care for just one child? $2,400. Now it is $2,700, going to $3,000. So it would cost more to put one child in a day care center than it would to support the whole family of four, which would cause one to say, "Just forget about the day center."

If Senators want to get the other side of the argument, they should just talk to their own secretaries. For example, take the best secretary in my office, a lady who is as well qualified to be a U.S. Senator as I am. She was Scott Lucas' secretary when she came here from the State of Illinois. She was the shorthand champion and the typing champion of the State of Illinois, and she is one of the best secretaries on the Hill. As a mother, she provided for her children when her husband died.

She said:

> That cost of day care is ridiculous. I could take you to good day care centers in Washington, D.C., where you can provide day care for your child at a hundred dollars a month while you're working to earn a living for the family. At that rate, you could provide for three children, at the price those people would have you pay for one. That's ridiculous.

Then they passed a bill to establish some standards for day care. They got their standards so high that now the $2,400 is hardly enough to provide the care. They are violating their own standards because to comply with the standards would cost at least $2,400 a year, and they dare not obey the law that has been passed.

They passed themselves a bill for all this kind of child development that they could advocate, with all these lovely garden club groups and one thing and another. The people who advocate this type of care do not have the problem for the most part. They are thinking about how somebody else should do it, and they are going to make full use of all the psychologists, and all the psychiatrists, and all the social workers, and everything the mind of man can think of, to give full development to the child. And what do they achieve? They get a bill worked up in that fashion and get it sent to the White House, and it is vetoed, because it started out costing $2 billion and wound up costing $20 billion. The President sent it back to them with a veto message. They are still at war with the President today for vetoing that day care proposal.

It is all right with me if those who advocate the soup-to-nuts day care approach would spend as much as they can get. But they keep sending their day care proposals down and getting them vetoed and finding fault with the President, as though he is not interested in little children. Meanwhile, the mother cannot get a job because she cannot find day care.

This is what one of our experts in this matter told us. He said it appears that the main thing wrong with day care is that there is not enough of it, and the main reason why there is not enough of it is that it costs too much.

I discussed this problem with Ronald Reagan, who I think is a pretty knowledgeable man on these problems, and this is the way he put it to me:

> I wouldn't suggest that you just put a child on a playground, in a sandbox; not at all. I would propose that you provide an adequate number of people to look after the child, have some entertainment, some recreation, some playing for the child to do; and, having done that, that you would provide for the child that way, and it would learn as much that way as in the home with the welfare mother. I would not advocate that you load the place down with psychiatrists, child development specialists, and so forth.

Senators heard the Senator from Minnesota say that he would like to have one person supervising every three children. That is pretty expensive, if you are going to pay a good wage, especially for a person qualified in child psychology, who has a college degree—one for every three children. It would cost a fortune. We cannot afford all that.

So here is our approach. We said, "If you fellows want to provide $2,400, $3,000 or $5,000 per year for a child, more power to you. If you can get your business together with the administration and you can provide all these fine, educational opportunities, great."

I think it is said that a child learns half of what he is ever going to learn before he is 5 years old. He has learned how to find his foot with his hand, and he has learned that this hand can touch this hand; that the fingers are attached to his hand, and so forth—all sorts of things he needs to know. I think it is fair to conclude that if he did not learn that at age one, he would learn it by age three. In any event, he would have found it out before he reached maturity.

Mr. President, our approach was that if you look at what mothers are actually doing—keep in mind that 45 percent of mothers are working to help support their families. Look at what those mothers are doing, those who are paying their own way. They are not enjoying any $2,400 day care or $3,000 day care. Most of them simply pay a neighbor to look after the child while they go out to earn some income.

We had an argument about the Tunney amendment, where a mother pays someone to come in and do some housework and look after the child while she is working. It is true that the person she is bringing in is not a college professor, but she does have someone looking after the child, and it is costing a great deal less than $2,400. They pay a neighbor or they prevail upon a relative to look after the child while they go to work. That is what people who are paying the taxes to support this elaborate day care arrangement provide for their own children.

So our approach was to say, "Great. If you can provide $2,400 a year for day care, or $3,000 a year for day care, or $5,000 a year for day care, more power to you. Go ahead and provide it, and we would advocate that every welfare mother take advantage of it, if you can find the opportunity to use it."

Perhaps it is preferred that she have the elaborate day care centers that the Senator from Minnesota advocates than to have something that costs less than that, but we could find money to provide about $800 million of day care. And we are proposing to do the one thing they have failed to do in talking about all their beautiful standards. We would provide for day care where they do not. If they can provide the $2,400 type of day care, great. The welfare mother will get that, if it is available. But suppose it is not available. We would say, "Take the $800 million; spread it across the country, to try to give every welfare mother a chance to go to work and improve the family income, if that is what she wants to do."

We want to do the best we can for the people with the $800 million. We want to provide day care where there is no day care for the mother—for a needy welfare mother who needs it and cannot get it. It would be great if she could get the $2,400, the $2,600, or the $3,000 day care. That would be great. But she cannot get it. The President cannot come into agreement with Senator MONDALE or with Senator JAVITS. They cannot get together on that. But we provide day care that she can get under this bill.

Now some people say that day care programs must bring all the parents in and they must consult and they must help in the teaching of the educational programs, and so forth. The people we are trying to help are the mothers who are so tired when they get home from work that they are in no position to go to the PTA. Still, we do offer to meet with the parents and for the parents to consult with the staff of the facilities on the development of the child and to observe from time to time the child while he is receiving care in such a facility. What more is needed? We provide in the bill for establishing standards in the day care centers, to assure adequate staffing—for example, the Bureau of Child Care could require at least one person supervising for every 10 children if this is a child care facility or a child development center.

Most States have about a 12-to-1 ratio. Thus, the Bureau could require a more favorable ratio from the parent's point of view than exists in most States today. Then we say, if there is a playground and children are running around playing tag or something of that sort, that on that basis one person can look after 25 children which is a fairly safe ratio. I think most Senators know what it is to be in school and have the teacher take the class out to the playground. You do not have to have more than one teacher doing that for 25 children. This is about the ratio which would seem appropriate.

Then we get into the question of bureaucracy. The Department of Health, Education, and Welfare does not want anyone to upset their control of these programs. And the man over there believes in the $2,400 standard. They are wedded to the situation where they are spending more money than we think should be necessary. Here we provide $800 million to provide for the people as much day care as can be provided, and we require that the day care meet minimal standards.

I was amazed when the Senator said we did not have in this provision any sort of standards for fire safety.

We were concerned about the fact of so many conflicting standards, some dictated by building material people for certain types of gutters, or material for sewage lines, and so forth and that some standards were so ridiculously high that we could not comply with them for that reason or because they were so confusing and contradictory. However, what we did write into the bill was a standard.

We wrote in a uniform standard, the National Safety Code of the National Fire Protection Association, 21st edition, 1967, as the fire standard. Now, why do we have that? Because that is the fire standard required in a nursing home. Many of the older people in those homes are not ambulatory; they do not have the power to get up and walk out of a building under their own power if fire should break out. So that is a very high standard, and a Federal standard.

If we meet that standard, that should be adequate for fire, rather than having to look at all the different local standards that might exist around the country. It should be adequate for day care purposes.

So that this is a matter of providing day care, of providing the $800 million on the basis of where the costs for a single child would not exceed the cost of supporting the entire family. In other words, the average family of four in this Nation under public welfare is getting about $2,400. The standards our friends advocate would make us spend more money than that to provide for a single child's day care. For three children, it would cost three times as much as to provide for a family on welfare, if we are thinking in terms of money—and we on the committee have to think about that. We know we have to raise the taxes to pay for these things and the Government is limited in the amount of money it can raise in the long run. And if we do not have the money we cannot put the program into effect, and the bill now is already in the serious position of probably being vetoed by the President, even though it will hurt the President during this election year, because the cost would break his budget something awful. So when we have to think about the limited resources available, we see that if we want to give mothers a chance to accept a job then we will have to use the $800 million in a program where we will not try to provide such an elaborate program that the children wind up without day care. Here is the $800 million for day care. We are trying to provide that day care for everybody rather than providing it for a favored few. We will take what we have available, establish a reasonable day care standard, and try to provide day care to all those who cannot get it.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. BENNETT. My memory is not too good but it seems to me that the basic welfare allotment in the State of New York for a woman with three children is somewhere between $5,000 and $6,000.

Mr. LONG. Yes. If you include medicaid and public housing.

Mr. BENNETT. What is the money benefit?

Mr. LONG. Roughly $4,000.

Mr. BENNETT. Roughly $4,000 for a woman with three children in New York. I think that is the highest in the United States. But if we put these standards on, even in New York, this woman cannot put her three children in a day-care center unless it will be paid for entirely by Federal money and she makes no contribution to it. This is the basic problem.

I should like to add one other point: The problem the committee is trying to wrestle with is to find a practical way in which women on welfare can go to work and to make it possible for them to go to work. One of the ways, obviously, that first suggests itself is that some women might take care of their neighbor's children while the neighbors are at work and be paid for that service. Now this is with no psychiatrist and no trained nurse, but the children would be approximately in the same atmosphere as they would be if the mother stayed at home.

A lot has been made about the fact that women should not be required to go to work because it is so important that the mother stay home and take care of the children. But we are not willing to let the children live for part of the day in the same atmosphere in which they would be living if the mother stayed at home.

And we have the question fundamentally whether we want to make it possible for these women to go to work or whether we want to carry out the highest possible standard for day care then force the Government to provide that for these women who go to work.

If we expect them to pay for it, obviously they cannot because they do not earn enough to pay really for the cost of the care of one child, let alone three.

So, the effect of the amendment of the Senator from Minnesota, in my opinion, is simply to say that we do not want them to go to work. And the easiest way to prevent them from going to work would be to write the Senator's proposal into law.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, I will yield in a moment. I will be glad to yield. However, I want to continue for a moment.

This is one more reason why some of the members of the Finance Committee, after studying the plan somewhat, thought it was a complete farce to expect to be able to put people to work under these conditions. We can take the city of New York, for example. From the tax point of view, they could not afford to put her to work. It would cost—even without the liberal benefits in New York—too much money. She would be getting $4,000 a year on welfare, plus the other liberal benefits that are available. However, if we want to put her to work, it will cost $7,200 for child care. It would be an enormous burden on the taxpayers to ask her to go to work.

If we take the average State, where the benefits would be $2,400 a year, it would cost three times as much for her to go to work as it would for her to stay home. So, the States would have to beg her not to go to work.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. Mr. President, the trouble with that argument is that the average annual cost under the proposed program is not $2,400, but about $800. That is what HEW testified, taking into account the fact that two-thirds of those served would be school-aged children, and preschool programs would involve both family day care and day care centers. So, the Senator has built a straw man that he is knocking down.

Mr. LONG. That is exactly the point. As it stands now, the Department has a standard that requires the payment of $2,400. They are only spending $800. They are violating their own law. When we pass a law we should pass a law that we can comply with. The Senator wants us to pass a law that we cannot obey.

I do not know how it would be done. I would hope that we would obey our own law. The point is whether it is better to try to pursue a step that would place us out of the market and force us to violate the law or whether it makes better sense to do what we can afford to do.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

The PRESIDING OFFICER (Mr. MUSKIE). The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I thank the Senator for yielding. I think we ought to consider several things.

First, in the financial condition that most American families are in, they have to recognize priorities. They cannot have the best of everything if they are going to live well, and most people in America hope to. They have to decide what it is possible for them to do. They cannot have an airplane, a new car, and take a 3-months' vacation. They have to decide what is best. If they are typical, maybe it is important to take care of their children. Maybe it is important to give them a good vacation.

People decide what are the important things.

That is what the Finance Committee tried to do in the overall problem involved here. I certainly defer to my colleagues, the junior Senator from New York and the senior Senator from New York, in recognizing that they would like to impose a high ideal. That is all well and good. We can find all kinds of psychiatrists and psychologists who will testify to the extreme importance of child development before they reach school age. But after all has been said and done, not always do the children of psychiatrists and psychologists turn out to be the best citizens.

It just so happens that tender, loving care is a pretty important ingredient, too. It could be that a child's parent who has a Ph. D. is concerned about this and is giving the child basic instructions in honesty, decency, and fairplay. That child may turn out to be a better citizen than some child who is raised in what some psychologists might feel would be the ideal environment.

We are talking about a situation that would provide enough child care services to make it possible for more Americans to work in order to take care of their families. Some will say that we must have one supervisor for every three children.

If we are to do that, I can do no better than echo the words of my chairman and agree that it is a fine ideal. However, there would not be more than one out of 100 mothers who would be able to afford these services although they might want to go to work. They will not be able to place the child in that kind of an institution. It is too expensive.

I want to say that we went through this same thing when we were talking about homes for old citizens, or as the chairman has said, people who are not ambulatory. I sat on a special subcommittee to consider what we might like to do. If we had incorporated into law all of the ideas that the experts appearing before that Special Committee on the Aging recommended, I can guarantee the Senate that there would have been few deaths from fires; there would have been few deaths from any kind of infection or disease that could have been controlled; there would have been few deaths from accidents. In short, there would have been very, very few people in that kind of home because not one person out of 100 today needing that kind of home would be able to afford to be there.

Mr. LONG. Mr. President, would the Senator yield for a question?

Mr. HANSEN. I yield.

Mr. LONG. Mr. President, is the Senator aware of the fact that in our bill we say that insofar as there is day care available as provided for in these other programs initiated by the Committee on Labor and Public Welfare, that they will seek this care there first and they will only get the day care we are trying to provide here if they cannot get it in some other program?

Mr. HANSEN. Mr. President, the manager of the bill is precisely correct. Something else occurred to us. If we were to make it possible for the neighbors of mothers to undertake the responsibility of caring for some extra children—not many, but maybe one, two, or three—it would provide an opportunity for employment.

The chairman of the Finance Committee immediately saw the opportunity for a job that would be constructive, that would be productive, that would be helpful, that would free some other mother so that she could take a job. I think that that sort of situation has a great potential.

However, if we are going to impose standards that require one supervisor for every three children, we are going to put the cost up to $2,400. If we have the Department of Health, Education, and Welfare put its finger into this operation, I can think of no better way to make certain that it is going to fail. Why do I say that? I say that because HEW recognizes only one standard. They want to have the same wages apply in Mississippi, Arizona, and Alaska, as apply in New York and Wyoming.

What does that mean? That means that instead of paying salaries that will compare with local conditions and the cost of living in Arizona or New Mexico as contrasted with Alaska and New York, they will have a Federal standard imposed. They will have a Federal grade level. I suppose that the supervisor will get a federally set salary.

A garbage collector in New York City, as I understand it, now starts at $12,000 a year. I would point out that we could hire plenty of businessmen in some of the States in this contry for less than $12,000 a year.

We will run into that situation if we let the HEW run it. They will tell us what standards and wages they will impose. They will impose such standards on us that it will not work. I can think of no better way to defeat this proposal than to say that we should turn it over to the HEW. We will then make certain that it fails.

Mr. MONDALE. Mr. President, I have never seen so many strawmen established and then knocked down so successfully. Two-thirds of the children in day care centers are not there on a full-time basis. They cost about $800 and the 1-to-3 ratio that I referred to was only for the most tender aged infants.

Mr. HANSEN. When does the child not become a "tender aged infant"?

Mr. MONDALE. Say, age 1 or 2.

Mr. HANSEN. The Senator says "say, age 1 or 2." I asked the Senator a question.

Mr. MONDALE. That is very tender—1 or 2.

Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I listened to the proponents of this amendment, and as pointed out by the distinguished chairman, the manager of the bill, I have listened to the persuasive arguments of the opponents of the bill. I must say I have not researched it in such depth as my distinguished colleague from New York, but I have visited many day care centers, and it is regrettable that this important piece of legislation has to come before the Senate in the waning days of the session and at 10:21 at night with so many Senators who are tired and so many Senators not in the Chamber, because it is a very vital piece of legislation.

What are we talking about? We are not talking about cars and airplanes, air fare, and all those things that have been mentioned. We are talking about children, and we are talking about children in the most formative years of their lives, the preschool years.

All the arguments that have been made are money arguments. I know we want to retain our fiscal sanity, and we have to be concerned about the cost of these major programs. But we are not concerned with merely putting a supervisor on a playground and watching the children play tag. That is what is wrong in the country today. These children are on the playgrounds, running the streets with no supervision at all, and consequently in the very early years of their lives they develop some of the habits which follow them throughout their lives.

Studies have indicated these children are not able to comprehend, they are not able to learn, they are slow readers, and when they go to school as our committee found out when we had exhaustive hearings on this subject, they fall far behind and they never catch up. They are doomed at birth and it keeps perpetuating itself so that generation after generation we have hundreds of thousands of children who are growing up in the jungle, who are let run loose like wild animals without a real opportunity to learn so that when they get to school they are completely unable to cope with the educational process.

Now, what kind of parents are we talking about? We are not talking about advantaged or educated parents. In the main, we are talking about poor, disadvantaged parents who themselves have not had the benefit of education. So what does that child get when he goes home? He has been in a day care center, with no supervision as he plays tag; some have psychiatric problems, some have psychological problems, and some have grave need for psychiatric and psychological care at that early age. So if we would provide these services it would help us down the road when we do not have to bother with the children who would become dope addicts, criminal offenders, and all the other myriad of social problems that come as a result of unattended children.

Two of the most important programs we have had, and they have been successful, are Headstart and the day care centers. As has been pointed out by the distinguished proponent of this proposal, you talk about $2,400 and going to $3,000, but in the main most of them are getting $800 for the care of two children. What kind of care can you give that one child for $800? It is hardly any care at all. They are sometimes worse off in that situation than they are at home.

Again, we are concerned with children who in many instances come from fatherless homes, so when they go home they have no paternal supervision at all, as pointed out by my distinguished colleague from Wyoming, or the distinguished manager of the bill; the mother has been working all day; she is tired when she gets home, and she has perhaps four or five teenage children to cope with; she does not have the reserve of energy to even give supervision or any guidance to this preschool age child who is in a day care center. So we are talking about something much more than just dollars and cents. We are talking about the future of this country because we are going to continue to have thousands and hundreds of thousands of children run wild in the streets of this Nation, and we are going to perpetuate all the social ills we have today. They are going to be multiplied over and over again, and we are going to compound our problems. We are not adding money to this bill; we are asking for a distribution formula. I wish to ask the Senator from Minnesota if that is correct.

Mr. MONDALE. If the Senator will yield, the difference is this. Under both the committee bill and my amendment the money which will be provided is exactly the same: $800 million. But under my amendment it would be provided under the present system which involves State welfare departments. But under the committee bill it would be provided by something no one can describe, a new bureau, not accessible to the States and not accessible to local government. And all the $800 million authorized in the pending bill could be spent in a single State.

Mr. BROOKE. And HEW made an in-depth study of it. I do not accept the charges that HEW is not knowledgeable. They are experts in the field. They have watched this day care center program and they know its strengths and its weaknesses. I have great respect for the Secretary, Elliot Richardson. He is an able administrator. I am sure he would not support this if he had not done research and if he did not believe this was the best way to do it. I think that is buttressed by the distinguished junior Senator from New York who admits initially he was opposed to the bill and he has come around because of his research.

Mr. BUCKLEY. I want to say that I voted against the bill. I will explain why.

Mr. BROOKE. Very well. That is a stronger case. He voted against the bill, and he did research and now believes this is the best way to handle it.

So I say this is very, very important legislation and I do not want to prolong the Senate on this. I think the debate is important. I have great sympathy with the chairman of the committee. We all do. We know he has money problems, but we recognize the need to take care of these hundreds of thousands of young children of preschool age who need training and care, and this treatment, in many instances that they can only get in a day care center where they have these capabilities.

Mr. MONDALE. I would like to say in response that I agree. In light of the hour I wonder if the distinguished floor manager would like to agree on a time agreement of his choosing because I think at this point we are imposing on everyone and I certainly would like to agree, if he would, to a time agreement.

Mr. LONG. Mr. President, I am going to move to table, after awhile, to bring this to a vote, but I shall wait until I obtain recognition.

Mr. MONDALE. Mr. President, I yield to the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, the hour is late. I shall take only 3 or 4 minutes.

I want to point out that I voted against the child development program after I did my homework, because I do not believe in mass produced, even quality mass produced, day care for children. I am talking about children under 4. I think every study and common human experience indicate that the best place for the average child is at home, and I do not exclude women on welfare from being average. The average mother gives the affection and attention which the child needs.

If, for some reason, the mother cannot stay at home, then the next best place is to bring in a relative or place that child with neighbors, where there is a continuity of a single adult the child gets to know, where the bonds of affection are established, and where the surroundings are familiar. I believe child care for children of these ages should be reserved only in a remedial situation, in the rare case where the mother is positively a bad influence, or where she cannot find neighbors to take care of the child.

I believe the parts of the bill which encourage one mother in an apartment with children to take on two or three more is terrific. It is good. But for that situation where a given child has to be taken out of its home and away from a kind relative or a foster home or a day care family and placed in the hands of someone who has no interest in him or abuses him, or is placed in a large group where he is adequately cared for, then, if we are not going to damage that child, we have to have these extraordinary and expensive measures. Given the great danger of psychological, intellectual, and emotional damage to young children from deprived or neglectful care, we cannot afford to scrimp when providing child care arrangements.

That is why I am arguing for standards which take this into consideration, even while being in a different camp from my distinguished friend from Minnesota and my distinguished friend from Massachusetts, as far as the desirability of day care centers as institutions and the wisdom of a massive day care program for children in general is concerned.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BROOKE. The Senator referred to a statement which was made by the distinguished Senator from Wyoming about the mother putting her child for supervision with a neighbor and her children. But now, who is the neighbor in those instances? The Senator from New York has been in those areas. He knows what we are talking about. Is that neighbor any better qualified to take care of the child of her neighbor who is working, with her brood of four or five children, usually, and on an average, who in the main are running the streets themselves? Is that going to be the solution? Can we really in good conscience say the best system is to let the neighbor take care of the child of a neighbor who wants to work?

Mr. BUCKLEY. If that mother is the average mother with the average instincts.

Mr. BROOKE. How do we understand that? We have a problem——

Mr. BUCKLEY. I wish I had my file with me of exhibit after exhibit of people who have studied this situation with the greatest care. I think the most specific answer is in some of the European countries where they had day care centers for children—Czechoslovakia, for example—which are now discouraging it because of the experience they have had. Their experience has been that it is better to leave the mother at home or find a different situation.

Mr. BROOKE. The Senator is talking about children between the ages of 1 and 4?

Mr. BUCKLEY. Yes.

Mr. BROOKE. That is all right. I am not taking away from a mother's instinct, but do we find that in such neighborhoods?

Mr. BUCKLEY. I will credit all average mothers with mothers' instincts.

Mr. MONDALE. Mr. President, I yield to the senior Senator from New York.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. MONDALE. First, Mr. President, I would like to say that I would hope that those Senators who have joined with me in this amendment could agree that we could end our arguments as soon as possible, so the floor manager could make his case and we could come to a vote.

Mr. JAVITS. Mr. President, I shall take only 5 minutes. I shall not duplicate what any other Senator has said, but I invite Senators who are here to look at the record.

The Senator from Louisiana (Mr. Long) has given us no figure for day care under his system. The fact is that, whether HEW is violating its own guidelines or not, it is spending only just about what would be spent under the Senator from Louisiana's plan, or even less, and for this reason: It would provide also for $800 million, but being piped through HEW, and HEW estimated it would provide for 175,000 slots. That is less than $1,000 a slot. That is divided, $219,000 for preschool and $584,000 for after school. So, on the cash expenditure, there is not any real difference.

The second point is that much was said about one employee to three children, but is there any difference in the Long proposal? If one reads the fine print, and I generally do, at page 839 of the bill, line 5, it reads:

> Any child under age three shall be considered as two children.

Lay that beside the items of supervision, and the ratio is 8 to 1. The highest is 10 to 1. That is 1 to 4 supervision of a child under 3, or 1 to 5.

What is the House proposal? From 3 to 8 years, 1 to 5; 4 to 6 years, 1 to 7; 9 to 14 years, 1 to 10.

One other point, again looking at the record: The committee has very nobly and very generously set forth the purpose of its title. Let us see if the purpose of this title sounds any different from the Senator from Louisiana's criticism of the purpose of HEW:

> It is therefore the purpose of this title to promote the availability of adequate child care services throughout the Nation by providing for the establishment of a Bureau of Child Care which shall have the responsibility and authority to meet the Nation's unmet needs for adequate child care services, and which, in meeting such needs, will give special consideration to the needs for such services by families in which the mother is employed or preparing for employment—

And here it is—

> and will promote the well-being of all children by assuring that the child care services provided will be appropriate to the particular needs of the children receiving such services.

This child care, I might tell the Senator, under this definition, is likely to be more gold plated than which the Senator is accusing HEW of doing and which it is not.

The whole point is that the committee does not trust HEW. It is not that the Senator from Minnesota (Mr. Mondale) and I are in conflict with the President. If we were in conflict with the President, would the Secretary of Health, Education, and Welfare write us as being for our position and not for the committee's position? That is the whole point.

The reason why we have, with Senator Brooke's views, with Senator Mondale's views, and with Senator Buckley's views, proposed this amendment is that it makes more sense to do this through a single agency that is doing it anyway and which is thoroughly experienced. There is every good reason for doing what we propose in the amendment, and not for doing it any other way.

I deeply believe this is one amendment that truly makes sense if we are going to do the job we have to do, and that the Senate ought to adopt it.

Mr. President, I would like now to present a statement of our basic position in respect to this proposal, in terms of the elements involved.

Our amendment would strike from the committee bill section 431 which would add to the Social Security Act a new title XXI for Child Care and establish a new "Bureau of Child Care" to administer the program; the new title contains an authorization of $800 million for fiscal year 1972 and "such sums" for years thereafter.

In lieu of the completely new program contemplated under title XXI, our amendment would provide a special authorization for child care in the amount of $800 million for each of the fiscal years 1973 and 1974, to be administered through the existing social services program conducted under title IVA of the Social Security Act.

We submit that now that implementation of comprehensive welfare reform will be delayed it is inappropriate to launch a new comprehensive program through an essentially new agency and that the interim authority which we propose is needed.

THE COMMITTEE PROPOSAL

Mr. President, unlike the Ribicoff and administration backed provision of H.R. 1, the committee proposal is not merely an effort to provide a new quotient of child care to deal with the problem of welfare dependency.

The committee proposal is in fact, nothing less than a comprehensive proposal for child care throughout the Nation for all children.

Section 2101(b) of the proposed new title states as its purpose:

> To promote the availability of adequate child care services throughout the Nation by providing for the establishment of a Bureau of Child Care which shall have the responsibility and authority to meet the Nation's unmet needs for adequate child care services, and which, in meeting such needs will give special consideration to the needs for such services by families in which the mother is employed or preparing for employment, and will promote the well-being of all children.

Mr. President, as a comprehensive proposal for child care throughout the Nation it must not be adopted.

Its formulation is inimical to each of the basic criteria outlined by the 1970 White House Conference on Children.

It proposes a plan contrary to the administration's own general criteria for a comprehensive child care system and it is in fact opposed by the administration.

It is duplicative and inconsistent with S. 3617, the Comprehensive Headstart Child Development and Family Services Act of 1972, which passed the Senate only 3 months ago by a vote of 73 to 12 and is now awaiting House action.

THE 1970 WHITE HOUSE CONFERENCE ON CHILDREN

The 1970 White House Conference on Children identified the establishment of a comprehensive system of child care as the No. 1 priority and took pains to elaborate on the central elements of any system to be established.

The Conference statement was very explicit:

> We recommend that the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available with initial priority for those whose needs are the greatest. These programs should provide for active participation of family members in the development and implementation of the program. These programs—including health, early childhood education, and social services—should have sufficient variety to ensure that families can select the options most appropriate to their needs.

Mr. President, the committee proposal offers virtually none of these essential elements.

First in terms of comprehensiveness, it is quite clear that there will be no guarantee that the programs to be provided under the new title will be comprehensive in nature; that is, provide as options early childhood education, health and other essential items.

The statement of purpose refers to the promotion of the well-being of all children and appropriateness for the particular needs of the children receiving such services, but there is little provision for the essential ingredients of health and other services which would insure full attention to the needs of children, as opposed to the needs of working parents.

The committee bill does not indicate that educational, health and other services will be provided by the Child Care Bureau to children whose parents request them; in fact, the report at page 446, goes out of its way to say the educational components will be hard to find under the title.

> In view of the considerations discussed above, the committee bill does not require that all child care arranged for by the Bureau of child care be educational in nature, nor does it require a formal educational component. However, in arranging for a child's care the Bureau would first have to see if a place is available under a child development program under other legislation, if the parent prefers this type of care.

Mr. President, this distinction between "child development" and "child care" is false. The fact is that no legislation requires education in any case, but that all authorities recognize education as a component that should be available under any child care program.

President Nixon, commenting upon the child care provisions contained in the House-passed H.R. 1 has said:

> The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for the new generation.

Second, rather than local control, the committee bill envisages a system of child care from the top down virtually ignoring the contribution which the States, counties and cities have made and should continue to make in this essential area.

Section 2103 charges the Bureau with an obligation to arrange for child care services in the various communities in each State.

Virtually no provision has been made for local decisionmaking or involvement.

But even more critically the establishment of yet another agency outside the Department of Health, Education, and Welfare—which has been responsible for administration of most child care programs to date—exhausts any hope of integration and coordination of programs at the local level.

At the present time, the Department of Health, Education, and Welfare—having concern over the Nation's children—administers approximately $800 million in funds for child care programs; through the Headstart program, the social services program, WIN, day care and educational sources.

We should be bringing these sources together and not adding yet another centralized layer to the child care bureaucracy.

S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972 would provide the basis for that kind of consolidation and coordination through its system of State and local prime sponsors and in fact that bill contains coordination provisions which I worked out with the Committee on Finance.

The committee's bill would merely add to the confusion by establishing a new Bureau of Child Care.

In so doing, it would seem to collide with President Nixon's action in 1969 in establishing the Office of Child Development in the Department of Health, Education, and Welfare; while all HEW child care programs are not administered by that office, it does provide a possible future basis for coordination.

Mr. President, with respect to family involvement, the committee bill lacks any sense of the participation of parents or even their consent in the running and conduct of child care programs.

We took great care in the comprehensive legislation to meet the necessary concerns of a number of members—including my colleague Senator BUCKLEY, to insure that child care services would be provided only when requested by parents, and then under safeguards of the most careful nature.

This proposal lacks those safeguards—in fact rings of the universal care notion for which we were unfairly attacked—and beyond that fails to provide for parental involvement in programs or in decisionmaking.

THE ADMINISTRATION'S POSITION

Mr. President, for these and other reasons, the administration opposes this measure.

I ask unanimous consent that there be included at this point in the RECORD an exchange of correspondence between me and the Secretary of Health, Education, and Welfare Eliot Richardson.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 4, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of Friday, September 29, requesting the Administration's position on the Child Care provisions of H.R. 1 as reported to the Senate by the Committee on Finance.

The Committee bill would establish a Bureau of Child Care within the proposed independent Work Administration. The powers and duties of the child care bureau would be essentially the same as those of the Child Care Corporation which Chairman Long offered on the parallel bill in the 91st Congress.

We would oppose these provisions just as we opposed them in 1970. We prefer instead the child care provisions in the House-passed version of Title IV, which would provide the Secretary of Health, Education, and Welfare with the authority to bring together in a single system all federally-assisted child care, with priority to children of families assisted under the workfare provisions of the Family Assistance Plan. As I have repeatedly testified before a number of committees, we believe it is essential to develop a single, primary system for the delivery of all federally-assisted day care and child development services rather than further fragmenting the already highly disorganized and fragmented existing child care resources. In addition, the Administration prefers the House-passed version because it would place in HEW the responsibility for developing national standards for assuring the safety and quality of all federally-assisted child care services. We also favor inclusion of parents of children in such a system in advisory councils.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

SEPTEMBER 29, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you know, the Senate is considering H.R. 1, the Social Security Amendments of 1972.

As reported by the Senate Committee on Finance, Section 431 of the bill would add a new title XXI to the Social Security Act establishing a Bureau of Child Care, within a new Work Administration to be formed for the administration of the welfare program contemplated under the Committee bill.

I am aware, of course, of the Administration's opposition to the welfare provisions contained in the Senate Finance Committee bill and its insistence on its own proposal, as passed by the House.

However, I would appreciate very much a statement of the Administration's position with respect to the proposed "Bureau of Child Care" and the other provisions of proposed title XXI as a separate measure.

Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. Thus—while the Department may disagree on certain elements of the comprehensive bill passed by the Senate—and these can be worked out with the House—it opposes this measure as going in a basically different direction than desired.

THE PROPOSED SUBSTITUTE

Mr. President, while we do not consider the committee bill an appropriate comprehensive system, we share with the Senate Committee on Finance a recognition that additional needs should be met through the Social Security Act.

I have consistently supported an element of child care in the context of welfare reform.

The fact that the vehicle which has held this element—welfare reform—appears once again to have stalled along the road does not obviate the necessity of meeting the need which it was designed to reach.

We continue to have a dramatic rise in the number of persons receiving welfare assistance, particularly under Aid to Families With Dependent Children and we cannot merely wait until action on comprehensive welfare reform.

The Department of Health, Education, and Welfare estimates that it will pay a total of $7.7 billion in fiscal 1973 in cash payments to 12,479,074 persons on AFDC; this represents an increase of 1.1 billion and 1,486,188 persons above the amounts in fiscal 1972. In New York State alone, the number of AFDC recipients has jumped from 1.1 million to 1.3 million in the last 2 years and the Federal expenditures have risen by $123 million.

And so we must provide adequate child care to meet these real needs, in the interim until welfare reform can be enacted.

We propose that the same quotient of $800 million identified by the Senate Committee on Finance—incidentally only $50 million above that contained in the administration-backed House bill—be made available for fiscal years 1973 and 1974 for child care under title IVA.

Title IVA is focused on former and potential welfare recipients; the same focus generally as the proposed child care provisions under the committee bill.

And it is to be run by the Social Rehabilitation and Services Administration of the Department of Health, Education and Welfare through a system of State plans, with the localities participating, thus ensuring administrative efficiency.

Therefore, we do not have to add a new administrative organization to do the job.

Mr. President, we propose this quotient—the Committee's own quotient—as an amount addition to the $2,500,000,000 which may be available for social services generally, of which child care is a part.

The committee amendments already incorporates that agreement—which is contained in the Revenue Sharing Act—for that limit.

It is well known that under that limitation, it will be necessary for a number of States and cities to cut back on child care efforts under present law; New York City and New York State are among those which would be adversely effected.

I reserve the right to question or modify the overall limitation—as it affects so many social services—but I hope that the Senate will agree that the additional amount for child care which the committee was willing to add to general social service funds available—may best be channeled for now through the social services system under title IV–A and not through a new structure such as proposed.

The $800 million would therefore be an addition to approximately $326 million for child care to be spent in fiscal year 1973 under the social services section generally.

Mr. President, as title IV–A—like the committee proposal—allows for flexibility in the kind of child care provided in terms of family care and other forms and they vary considerably according to cost, there can be no clear estimate of the number of opportunities which would be made available with the $800 million.

However, as a guideline it may be noted that under H.R. 1—which provided a slightly lesser amount—the administration contemplated the provision of 875,000 slots, consisting of 219,000 preschool opportunities and 584,000 after-school opportunities.

Finally, I should note that this is only an interim authority—for 2 fiscal years and thus we do not wish to undermine either the need for welfare reform or comprehensive child development legislation which is still pending.

Mr. President, I ask unanimous consent that a letter from the Child Welfare League be inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Child Welfare League
of America, Inc.,
October 2, 1972.

Hon. Jacob K. Javits,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

Dear Senator Javits: The Child Welfare League of America believes that a very important principle regarding child care programs may be discarded during the debate of the complicated welfare legislation, H.R. 1, this week. For that reason, we would like to bring to your attention our position on parts of that legislation which relate directly to the well-being of children.

As you know, the Child Welfare League testified before the Senate Finance Committee on a number of occasions over the last months regarding our position on child care and other matters. I am attaching, for your information, a copy of our most recent testimony as it appeared in the Hearings record. Since that testimony runs to many pages, I have selected the following paragraphs from that testimony which is particularly pertinent.

First of all, we believe that there is a need for child care. Second, we believe that there is no need for the establishment of a new Bureau of Child Care in the Department of Labor. Third, we believe that child care legislation should be similar to the comprehensive child development legislation passed by the Senate and the House but vetoed by the President. Fourth, there are portions of Title XXI of H.R. 1—expanded authorizations for child welfare services and language setting up a National Adoption Information Exchange System—which we believe the Senate should pass and that we hope the Conference would retain.

Excerpts from our Feb. 2, 1972, testimony before Senate Finance follow:

"We believe that there should be adequate provision for the availability of child care in order that women on welfare who seek employment may take jobs without detriment to their children's welfare. In this sense, we agree with Senator Long that the 'availability of child care is a key element in welfare reform.' We do not believe it essential, however, to include legislative provisions for the establishment of child care programs in the welfare reform bill. Separate child care legislation which provides for comprehensive programs for all children needing child care, including those receiving welfare assistance, would be preferable. A welfare reform bill might, however, include authorizations to pay for the needed child care of welfare families.

"Child care is not, in our opinion, a proper function of the Department of Labor. Child care should not be viewed primarily as a manpower device. It must be child and family-oriented to ensure that the child's welfare comes first. Therefore, the Department of HEW is the more logical department to administer child care programs. Expertise with respect to the services required for these programs is, or should be, in that Department. The HEW experts in the areas of child welfare, child development, health, education and nutrition, etc., are needed to establish and administer sound child care policies.

"It also seems unnecessary, as well as administratively and economically unsound, to have duplicate systems of child care in two departments.

"We believe that child care legislation now before the Senate Finance Committee should have much in common with the comprehensive child development program passed by the Senate and House but vetoed by the President. We hope that programs of the same scope and quality of the vetoed bill will become part of all child care legislation, although there may be differences in plans for the administration and financing of these programs.

"In closing, we wish to stress the need for quality child care to help all children achieve their maximum potential so that they may emerge from childhood as healthy, secure, and productive adults. They are, indeed, the future of this nation."

Senator Javits, we know that the Senate agrees that our children are the future of this Nation; we hope that their votes will reflect this fact.

Sincerely,

Joseph H. Reid.

Mr. LONG. Mr. President, I think the Senator from New York made clear that the money could not all be spent in one State, because the act provides that day care shall be provided throughout the United States.

It is our proposal, and we require in this committee proposal, that we provide day care where it was not provided by other agencies such as HEW and Headstart. By all means we have to go there if the day care is available. Otherwise, if it is not there, we will provide day care.

What is the big difference in the standards? The big difference is, Mr. President, that we do not have an educational requirement here. We would provide educational day care if we had the money to provide it, but, if we do not have the money, we have to trim our sails according to what is available so that we can fill the need for day care for these mothers.

A point has been made, Mr. President, about the cost. In many cases, States have requirements that you have to have all these additional degrees, college degrees or other degrees, in order for a person to work in a day-care center where, in most instances, what we are trying to do is just provide day care for a child from the time the child comes home from school until the time the mother can pick the child up and take him home with her. School-age children are being educated in the schools, and presumably they are being taught all their little minds can absorb during the hours in school. We are just trying to find someone to look after them and keep them out of harm's way after school, until the mother can come and pick them up at the day care center, wherever that may be.

So the education requirement which many States have and the Senators would require here is totally superfluous, if all we are trying to do is find someone to look after the child after school until the mother can pick him up.

Mr. President, I move that the amendment be laid on the table.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Hartke). The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay on the table the amendment of the Senator from Minnesota (Mr. Mondale). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPARKMAN (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Connecticut (Mr. Ribicoff). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

On this vote, the Senator from Louisiana (Mrs. Edwards) is paired with the Senator from Rhode Island (Mr. Pell). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Rhode Island would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Oregon (Mr. Hatfield).

If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 26, nays 47, as follows:

[No. 533 Leg.]

YEAS—26

Allen
Bellmon
Bennett
Bible
Brock
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Randolph
Stennis
Stevens
Symington
Talmadge
Thurmond

NAYS—47

Aiken
Bayh
Beall
Brooke
Buckley
Burdick
Case
Chiles
Cook
Cooper
Cranston
Dole
Dominick
Fulbright
Gravel
Griffin
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevenson
Taft
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, for

NOT VOTING—26

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Tower
Weicker
Young

So the motion to lay on the table was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, in view of the fact that the majority of the Senate did not see fit to table, I assume that the majority wants to vote for this amendment, and I would urge that we have a voice vote on the amendment.

Mr. MONDALE. Mr. President, normally I would demand a rollcall vote; but in light of the time and in light of the large margin, I would ask my cosponsors to agree to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, yesterday evening I voted against the Roth-Long amendment for several reasons, one of which was the administrative problems this so-called test would create and another, the almost unbelievable costs of conducting such a test. Because I thought Senators should have a more detailed analysis of what the effects of this amendment will be if it is enacted into law, I asked the Secretary of Health, Education, and Welfare to prepare a summary for me.

I ask unanimous consent that Secretary Richardson's letter outlining the reasons for the administration's opposition to this amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., October 5, 1972.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: In response to your request, I would be glad to explain why I oppose the provisions of the Long-Roth amendment added to H.R. 1 by the Senate yesterday.

First, the Administration would oppose a test amendment even if it stood alone. Tests of the kind this amendment would involve would delay real reform for at least five years, as I explained in the letter I sent each Senator on October 2. Results are available from already-completed and ongoing tests. The pattern we see in these tests, which I feel will be duplicated in any additional testing, reflects the inexactness and controversy which inevitably attach to social experimentation.

The Long-Roth amendment, however, goes far beyond testing and contains provisions which would effect substantial permanent changes in this Nation's welfare system, changes which I believe are both expensive and undesirable. Together these provisions would cost at least $5 billion and perhaps as much as $6.5 billion more than current law projections. By way of comparison, the entire family welfare reform contained in the House-passed version would cost approximately $3 billion more than current law.

For example, the Bellmon provision of the Long-Roth amendment for State fiscal relief could cost almost $1.5 billion in fiscal 1973. Beyond this the 10% Social Security rebate will cost over a billion dollars a year. The wage supplement is estimated to cost almost $2 billion a year.

Furthermore, numerous changes which the Long-Roth amendment would make in existing programs would severely restrict the authority of the Secretary of HEW and cause major administrative problems. Some of the provisions concerning deserting parents and child support, while certainly well-motivated, raise serious questions of administrative feasibility and the protection of individual rights. The chld care provisions of the bill would establish a sweeping new system which would further fragment the already high disorganized and fragmented existing child care resources.

In short, the Long-Roth amendment would enact into law welfare proposals broader in scope and more costly than any since 1967. While we have agreed with some of the principles involved, such as coverage of the working poor, we cannot agree with the chaotic and costly manner in which they have been assembled.

With kind regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

Mr. MATHIAS. Mr. President, when the distinguished Secretary of HEW, Eliot L. Richardson testified on July 21, 1970, before the Senate Finance Committee on behalf of the administration's welfare reforms proposal, then called the Family Assistance Act of 1970, he observed that—

> This Administration did not enter office determined to put into effect the specific kinds of welfare reforms which we have proposed. Neither the philosophy of the President nor our currently-restricted budgetary situation would have permitted us to propose such revolutionary and expensive legislative initiatives unless we were convinced that they were inescapably necessary.

And, indeed, since the President first proposed his family assistance plan on nationwide television in August 1969, the American people have been bombarded with accounts centered around the failure of our present welfare system. We have heard that it is not a system at all, but a "confused clutter of many systems" from which has flowed "disparity, inequity, and inefficiency".

We have been told by the administration that the AFDC program with its 54 different programs in 54 different jurisdictions operating without national standards for benefits or eligibility ceilings, has resulted virtually in an uncontrollable drain on the Federal Treasury.

Indeed, the current system has been indicted by the administration for—

Its notorious redtape, paternalism, and endless paperwork, which places social caseworkers in the role of policemen.

Reaching only 34 percent of the poor children in the country.

Making it possible for a man on welfare who does no work at all to be economically better off than a man who works full time.

Providing social tension with ominous racial overtones because current AFDC recipients are about 50 percent nonwhite—while the working poor—those who are excluded from help are about 70 percent white.

Providing wrong-way incentives—incentives which encourage men who are employed part-time to keep their work effort limited and not seek full-time employment—incentives which encourage families to dissolve and couples not to marry.

As a result of all these deficiencies, our society pays a lot—in economic, human, and spiritual terms—but gains very little.

In reporting out its welfare reform proposal, H.R. 1, the House Ways and Means Committee noted the alarming rate at which the AFDC caseloads size and maintenance costs have mounted—32.1 and 36 percent, respectively—less than a year and a half after the President's initial welfare message to Congress was submitted in August 1969.

The Senate Finance Committee report on the social security amendments observed further that—

> The number of recipients under (AFDC) program has more than doubled since January 1968, and the need to pay for AFDC has forced states to shift funds into welfare that would otherwise go for education, health, housing, and other pressing social needs.

I also read with great interest the lucid description of our welfare system's failures that the Senator from Connecticut provided last week when he introduced his proposal.

We all know that most of our States are operating at tremendous deficits with public assistance being responsible for a major share. Spending and services are either being cut back or eliminated, funds are being transferred among programs, and our State legislatures are being pressured to provide supplemental appropriations.

There may be many great issues that divide us in the country, but there is one on which we can all agree: our present system of welfare is in abysmal chaos.

For 3 long years, welfare reform has been the subject of intense study and debate in the Congress and our States. We now face decisions on the subject of welfare at several levels. In each of the State capitals, local questions must be answered immediately about the level of welfare assistance in the days immediately ahead. We must decide if we want to bring about a structural reform of the present welfare system; we must decide if we shall provide fiscal relief to our States and cities. As Secretary Richardson stated recently:

> The Nation can no longer afford the luxury of talking about welfare reform but doing nothing about it. Public confidence in government itself requires that we now create a system which taxpayers can support and administrators can administer, and which effectively aids the poor.

We cannot postpone action on this critically important problem. The choices we have before us today may be difficult and unpleasant; however, they must be made. We cannot afford to perpetuate this current mess.

I commend the distinguished senior Senator from Louisiana (Mr. LONG) and his colleagues on the Senate Finance Committee for their intensive work on this problem. Their proposal reflects many long hours of thoughtful consideration and hard work. But, I am disappointed with this proposal for it fails to do what we had hoped welfare reform would do. Rather than reform the system, it would set in concrete the defects of the current program by leaving intact the inefficient State-administered AFDC system for those who are unemployable. It fails to represent the kind of decent and humane welfare reform measure that this Congress, the administration, the American taxpayers, and the poor are looking for. Accordingly, I could not support the bill reported out of the committee.

What then do we have left to consider? Frankly, Mr. President, I am perplexed. Here we have the President of the United States in favor of welfare reform, Congress and our States want reform of our welfare system, the American taxpayer is demanding that we do something about this welfare mess, and, of course, the beneficiaries or shall we say the victims of the AFDC system want to see positive changes in the welfare system. Everybody, it seems, stands behind welfare reform. Can I assume, Mr. President, that the distinct possibility of welfare reform being dropped this year has come about as a result of our 1,000 percent backing for welfare reform?

We want welfare reform so badly that we dropped the Ribicoff compromise. Our passionate desire for ridding ourselves of the present system with its "crazy quilt" of standards, disincentives to work, and incentives for family breakup is such that we have dropped the administration's proposal which ironically enough was designed to correct all that.

The distinguished chairman of the Senate Finance Committee and his colleagues on that committee have labored long and hard to find a solution to this problem—in spite of which we shall probably drop their proposal.

The subject of welfare has troubled government for thousands of years. The Romans wrestled with the problem of how much is enough and how much is too much in distributing both general aid to the poor and veterans benefits. It was the decision on these questions that Gibbon felt accelerated the decline and fall of the Roman Empire. And so, if misery loves company, we have a long record of fellow men who have been anguished by the dilemma of the poor and the states' responsibility for them and to them.

Now that we examined in detail these proposals before us, perhaps we should also have thought a little about the purpose, the scope, and the philosophy of welfare. Most people would agree that government has a duty to see that every citizen has a minimum of the necessities of life—at least enough to sustain bare existence. Some would justify this on humane or moral grounds, while cynics would say that it is done in self-interest to prevent riots and violence by the hungry, the unclothed and the unhoused.

Beyond the bare subsistence level is the area of debate. Some envision welfare as an institution in its own right, but I would prefer to think of it ideally as a process. Its goal should be like that of a flood relief program—to go out of business when its work is done.

Welfare beneficiaries should constantly have the hope that they can be liberated from welfare and should constantly be aware of the availability of assistance to learn how to break out. This, it seems to me, must be the focus of welfare.

If we in this body who truly want welfare reform can find some common ground on which we all might stand, let us agree to: Remove the faults and abuses of our present wasteful, destructive and degrading welfare system that victimizes 7 million children;

Help those who can work, find and keep work—work which fosters independence, pride, and a sense of dignity;

Provide fiscal relief for our States and local governments from this awful financial burden—a burden that has more than tripled in the last 10 years with the end nowhere in sight.

I regret that the proposals of the distinguished Senators from Connecticut and Illinois have been tabled. They are to be commended for their efforts at attempting to fashion a decent and humane reform measure.

I believe the American people do want to change the welfare system—it is still up to us to do it.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. CRANSTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> Insert at the end of section 1131 of the Social Security Act, as added by section 306 of this Act, the following new subsection:
>
> "(c) For the purposes of this section, any increase in the standard of need made by a State after June 30, 1972, and before the certification made by the Secretary pursuant to subsection (b) of this section on account of the Social Security increase contained in Public Law 92–336, may be included in the increase in the standard of need required by this section."

Mr. CRANSTON. Mr. President, let me say, first, without apology, that I have five amendments. Four will take no time at all. They should go very quickly, one way or the other. The fifth will take a little time, but I hope not too much.

Mr. President, earlier this week, Senator TUNNEY and I offered an amendment, No. 1619, which was graciously accepted by the distinguished chairman of the Finance Committee (Mr. LONG). I insured that recipients of aid to the aged, blind, and disabled would receive the full 20 percent social security increase intended for them by Congress.

This was accomplished by requiring the States to raise the standard of need used to determine eligibility for aid to the aged, blind, and disabled by an amount commensurate with the social security increase.

It has since been brought to my attention that the $12 increase in aged, blind, and disabled benefits recently enacted in California would not be counted in this commensurate increase—but rather, because of a technical error in the amendment adopted the other day, California would be required to enact an additional 20 percent increase in benefits—on top of the $12 increase.

This was certainly not our intention, and the amendment Senator TUNNEY and I have just sent to the desk would correct this situation.

I believe this to be a noncontroversial amendment. And I would hope the committee could accept this amendment.

Mr. LONG. Mr. President, this is a necessary modification of an amendment we accepted the other day.

Mr. CRANSTON. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1708

Mr. CRANSTON. Mr. President, I call up my amendment, No. 1708.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 574, between lines 8 and 9, insert the following:

CERTAIN INDIVIDUALS DEEMED TO MEET RESOURCES TEST

(g) In the case of any individual or any individual and his spouse (as the case may be) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, the resources of such individual or such individual and his spouse shall be deemed not to exceed the amount specified in sections 1611(a)(1)(B) and 1611(a)(2)(B) during any period that the resources of such individual or individual and his spouse (as the case may be) does not exceed the maximum amount of resources, as specified in the State plan (above referred to, and as in effect in October 1972) under which he or they were entitled to aid or assistance for the month of December 1972.

Mr. CRANSTON. Mr. President, this amendment is of a basically noncontroversial nature, and would simply "grandfather" in present eligibility and resources of those receiving aid to the aged, blind, and disabled. This encompasses approximately 1,500 individuals whose resources are presently within the allowable resources in their respective States, but who would be over the maximum resource "disregard" in the Senate Finance Committee version.

I stress that this covers only those individuals who presently receive aid to the aged, blind, and disabled—whose resources are, under present State laws, higher than the maximum in the Senate Finance Committee bill. Of particular concern to me are those recipients of aid to the blind in my home State of California, which has a resource maximum for couples receiving aid to the blind of $2,600. Under the $2,500 limit now contained in the Senate Finance Committee bill, these individuals would be forced to dispose of $100 in order to be eligible for assistance.

I would hope that the distinguished Senator from Louisiana will accept this amendment designed to help those present recipients who would suffer unnecessary hardship under the committee bill.

Mr. LONG. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1693

Mr. CRANSTON. Mr. President, I call up my amendment No. 1693 and send to the desk a modification. It is a technical modification.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment, as modified, is as follows:

On page 935, between lines 8 and 9, insert the following new section:

RECIPIENTS OF ASSISTANCE FOR THE AGED, BLIND, AND DISABLED INELIGIBLE

SEC. 513. (a) Section 402(a) of the Social Security Act is amended (1) by striking out the period at the end thereof and inserting in lieu of such period "; and", and (2) by adding at the end thereof the following new paragraph:

"(24) If an individual is receiving benefits under title XVI, then, for the period for which such benefits are received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the benefits of the family under this title and his income and resources shall not be counted as income and resources of a family under this title."

(b) The amendments made by subsection (a) shall be effective on and after January 1, 1973.

Mr. CRANSTON. Mr. President, this amendment is designated to prohibit so-called double counting of recipients of aid to the aged, blind, and disabled living in AFDC households.

The amendment prohibits counting of an aged, blind, and disabled recipient, or his or her resources, who live with other recipients of AFDC assistance, in determining the amount of the AFDC assistance payment to such a family. This affects one of every 11 AFDC households, and has been included in almost every welfare reform proposal introduced in Congress.

My amendment would include this provision in title III of the bill, since title IV—the usual place for this provision—now contains the test proposal adopted by the Senate yesterday, and no longer contains the provision I am seeking to amend.

I would hope that the chairman of the Finance Committee, Mr. LONG, will be able to accept this amendment as being a necessary provision to prevent excessive assistance payments in some cases, and allow—in cases where there is an aged, blind, or disabled recipient in the household—the resources of that individual to be exempted in the computation of AFDC benefits.

The PRESIDING OFFICER. The Chair must interrupt the Senator, due to the fact that the Senator's amendment is not in order.

Mr. CRANSTON. For what reason?

The PRESIDING OFFICER. It is a part of the bill which has been locked in and is no longer open to amendment.

Mr. LONG. Mr. President, I ask unanimous consent that the amendment might be considered. I ask unanimous consent that it be modified to add it at the end of the bill.

Mr. CRANSTON. I so modify it.

The PRESIDING OFFICER. It is modified accordingly; and, accordingly the amendment is permissible and no longer is out of order.

Mr. CRANSTON. Mr. President, I have explained the amendment. It is in the chairman's hands.

Mr. LONG. Mr. President, I have some doubts about this amendment; but in view of the lateness of the hour, and rather than have long debate, I would be willing to take it to conference.

Mr. CRANSTON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1694

Mr. CRANSTON. Mr. President, I call up my amendment No. 1694.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 569, lines 10 and 11, strike out "Each aged, blind, or disabled individual who does not have an eligible spouse" and insert in lieu thereof "Each blind or disabled individual, and each aged individual who does not have an eligible spouse".

On page 569, line 29, strike out ", blind, or disabled".

Beginning on page 584, line 22, strike out all through page 585, line 5, and insert in lieu thereof the following:

"(b) For purposes of this title, the term 'eligible spouse' means an aged individual (who is not blind or disabled) who is the husband or wife of another aged individual (who is not blind or disabled) and who has not been living apart from such other aged individual for more than six months. If two such aged individuals are husband and wife as described in the preceding sentence, only one of them may be an 'eligible individual' within the meaning of section 1611 (a)."

Mr. CRANSTON. Mr. President, this amendment directs that in cases where one or both of the members of a couple receiving aid to the aged, blind, or disabled is blind or disabled, their benefits shall be computed as if both individuals were single.

Mr. President, 80 percent of the individuals receiving assistance under aged, blind, and disabled are eligible for benefits under the the aged category, and would not be affected by this amendment. But in those instances where one member of the couple is disabled or blind, the benefit level would be computed as if both members of the couple were single.

There is general consensus that the expenses of a blind or disabled person are higher—special household items and adaptive devices must be purchased—the opportunities for the other member of the couple to seek outside income are severely limited—and the costs and frequency of medical care are more extensive. The net effect of "couple" benefit levels is to provide one member with full "single" benefits and the other member with reduced benefits—in effect penalizing those people for their companionship.

I realize, of course, that the committee is limited in their ability to expand benefits to the extent that we all would like, and congratulate the distinguished chairman of the Finance Committee, Mr. LONG, and the members of the committee for the many excellent benefits they have included in the bill—but I would hope that the committee could accept this extension of benefits to those recipients of aid to the aged, blind, and disabled with the most limited opportunities to earn supplemental income, and with the highest expenses.

Mr. LONG. Mr. President, I do not think we should agree to this amendment. This would treat the disabled in a fashion better than we would treat the aged. It would then require us to avoid discrimination and do the same thing for the blind as for the disabled. As it stands now, a disabled couple will get $260 whereas under this an aged couple would get $195. But whether aged or disabled, the individual would get the same $130. This would tend to discriminate against the aged and would set the stage for others doing the same thing for the aged which would cost a great deal of money. When two people live together, as we know, the expenses are not so great as it is for people who live in two different households. For that reason, I do not think the amendment should be agreed to.

Mr. CRANSTON. The blind and the disabled have a greater need. That is the reason for this. I am ready to vote.

The PRESIDING OFFICER (Mr. HARTKE). The question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON) (No. 1694).

The amendment was rejected.

AMENDMENT NO. 1707

Mr. CRANSTON. Mr. President, I now call up my last amendment, No. 1707, which I send to the desk with a modification, a technical modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated and the clerk will report the modification.

The legislative clerk read as follows:

> Insert at the appropriate place in the bill the following new section:
>
> "SEC. . Notwithstanding any other provision of this Act (section 512 and) subsection (c) of section 452 of the Social Security Act, as added by this Act, shall not be effective until such date as the Congress shall designate by subsequent legislation."

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the consideration of this amendment Mr. Richard Johnson, counsel to the Poverty Subcommittee be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, this amendment which I now submit on behalf of myself and Senator JAVITS and 24 other Senators from both sides of the aisle would nullify two provisions of the welfare reform legislation now on the floor. Both sections of the pending measure which would be postponed indefinitely—section 452(c) in part D of title IV and section 512 in part A of title V, would subvert the OEO legal services program, our system of justice, and the separation of powers among the legislative, executive, and judicial branches of Government, and would result, Mr. President, in destroying the faith of the poor in the fairness of our justice system.

SECTION 452(c)

Section 452(c) would require an agreement between OEO and the Attorney General whereby legal services attorneys would be made available to the Justice Department to serve as prosecutors and collection agents. This would place legal services attorneys in a position contrary to the purposes and intent of the legal services program as set forth by Congress in 1965. The legal services program was created "to further the cause of justice among persons living in poverty." The intent was to provide the poor with access to our courts so that they may redress their grievances peacefully within the legal and judicial system—not in the streets.

The program was founded to provide the poor with legal counsel to represent their interests and enforce their rights. It was founded to counter the image the poor have always had of the law, or as Robert Kennedy said:

> The poor man looks upon the law as an enemy, not as a friend. For him the law is always taking something away.

The legal services program has done much to change that image of the law and the lawyer. If we now turn the program into an extension of the Justice Department, or even place these lawyers temporarily in the role of prosecutors, much of the substantive accomplishments, much—if not all—of the faith it has restored to the poor, will be destroyed.

This section also raises the most serious ethical and legal questions. Last year, the District of Columbia Court of Appeals held that under the Code of Professional Responsibility of the American Bar Association, two legal services attorneys from the same program could not separately represent both the husband and the wife in a contested matrimonial action—Borden against Borden, 277 A–2nd 89 (1971). This would most likely be true for other types of cases placing legal services attorneys on both sides of a single case. Under section 452(c) such a situation could very well arise where the missing parent is already being represented by the only legal services program in the area and the Attorney General requests the program to prosecute the same parent. This would present an impossible ethical conflict which could well result in depriving poverty clients of essential legal representation.

In addition, this section provides a most cumbersome way of achieving its goals. It provides for the Attorney General to reimburse OEO for the use of legal services attorneys in locating and prosecuting missing parents. Why not appropriate these same funds directly to the Department of Justice for additional staff for the U.S. attorney's office if it is felt desirable to pursue these individuals?

Why encumber both OEO and the Attorney General, as well as hundreds of individual legal services attorneys, with time-consuming, costly, and unnecessary, bookkeeping functions? A straightforward approach of giving the Attorney General the necessary funds to carry out his duties under the act would be more efficient and less damaging to legal services and the rights of the poor, unless, of course, the real purpose of this provision is to tie up the time of legal services attorneys so that they cannot provide counsel and legal representation to the poor.

SECTION 512

The second section this amendment seeks to nullify is section 512, which prohibits the expenditure of any Federal funds for any activity seeking "to nullify, challenge, or circumvent" any provisions of the Social Security Act or, and I stress this, "the purposes or intentions of the Congress in enacting" that act, through court action, unless approved by the Attorney General, who in turn must notify the Senate Finance Committee and the House Ways and Means Committee 60 days before any such waiver takes effect.

This section would deprive the poor of a fundamental right—exercised by anyone who can afford a lawyer—that is, to challenge the validity of laws. It also directly interferes with the delicate, but yet unique, balance of power between our legislative, executive, and judicial branches of Government. It seeks to allow the Attorney General, and the Congress, to determine whether court actions should be initiated in a particular case, based upon an incident-by-incident review process. It seems fundamentally unfair—if not clearly unconstitutional—to make the right to seek redress in court dependent on the permission of one's adversary.

If the Senate Finance Committee wishes to restrict the jurisdiction of our courts, let it request the appropriate committee to review that question, and let us consider that issue directly in separate legislation.

Moreover, if the Finance Committee wishes to achieve proper interpretation by the courts of certain substantive provisions of the Social Security Act, let Congress seek to amend those provisions with the precise language to carry out its intent. But to achieve those goals by discriminating against the rights of the poor—and by upsetting the balance of powers among our three branches—is both wrong and unnecessary.

This section also threatens a denial of equal protection and due process to the poor. The constitutional guarantee of equal protection could be violated because only the poor would be so restricted from bringing legal action to enforce their rights or to challenge the constitutionality of this particular act of Congress. Imagine a corporation having to seek the permission of the Attorney General, and waiting 2 months for congressional committees to review that question, before challenging governmental actions it considers damaging to its own existence.

A denial of due process could also be involved when the courts are clearly the only forum for the effective resolution of the matter at hand and an indigent person is denied access to such forum—*Boddie* v. *Connecticut,* 401 U.S. 371 (1971).

Finally, the ABA Canons of Ethics and Code of Professional Responsibility would certainly be violated if a lawyer cannot provide adequate and quality legal representation to his client.

Looking at what effect section 512 would have in actual practice might help to provide a better picture of why we must nullify it in this bill.

In a recent legal services case, *Carelson* v. *Remillard,* 406 U.S. 598 (June 6, 1972), a mother and her children were denied welfare benefits when the father's military allotments were too low to support them. The father was serving his country in Vietnam. The Legal Aid Society of San Mateo County sued the State of California, claiming the mother was eligible under the Federal law; namely, the Social Security Act. The current Supreme Court unanimously upheld the mother's appeal and warded her benefits. The permission to bring this case might have been denied, since the attorney general had filed an amicus brief in opposition. But clearly the merits of the case are obvious.

This illustration raises another important issue—the vagueness and breadth of the language in the provision. The intent of the committee seems to be to prevent almost all welfare-related lawsuits which it sees as "challenging or circumventing" the Social Security Act. However, not only have the courts considered many of these suits meritorious, but almost all of these suits have actually sought to enforce the act, not nullify it. It seems that the committee provision seeks to prevent only poor people from seeking enforcement of the Federal law and congressional intent by States and local governments under old-age and survivor's disability insurance, unemployment insurance, public assistance benefits and social services under the child welfare program.

The States have not had any reason to fear that Federal law would be enforced by HEW. The Assistance Payments Administration reported that as of March 31, 1972, 33 out of 54 jurisdictions with federally financed public assistance programs had, as of that time, been out of compliance with Federal law for a considerable period of time. Detailed charts were published, but not one State has been notified that sanctions or enforcement was ever being contemplated. It has fallen to legal services lawyers in recent years to enforce Federal law, including the example of the military wife I just described.

If we look to the actual text of the bill, it might seem that only those lawsuits seeking to declare provisions of the Social Security Act as unconstitutional are restricted. I think more than that is proscribed; but that right to ask the courts to interpret the constitutionality of acts of Congress is absolutely basic to our system of government. To deprive the poor of that fundamental right is, to me, absolutely unconscionable.

Clearly, then, these two provisions should not be included in this bill. For reasons I have stated—including questions of constitutionality, the ethics of the legal profession, interference in the balance of power between the three branches of government, the lack of consideration of the effects of such legislation by the appropriate congressional committees, the damage to a successful program for the poor, the cumbersome machinery they would establish involving the Attorney General and two important congressional committees, and finally the denial of equal justice to all of our people—for all these reasons we should vote to adopt this amendment to nullify sections 452(c) and 512.

I urge my fellow Senators to adopt this amendment and in considering it, to give heed to the views of organizations which are familiar to us all and which are greatly concerned with the orderly process of justice in this country. The president of the American Bar Association, Robert Meserve, has urged us to delete these provisions. He said:

> American Bar Association urges deletion of Sections 452(c) and 512 of H.R. 1 as reported to the Senate. Former Provision would force upon OEO Lawyers prosecutorial function inconsistent with professional obligations to represent the poor. Latter provision seriously limits access of the poor to courts in areas of significant concern, contravenes lawyer's ethical obligation to client, and raises question of equal protection of the laws for all our citizens. Association endorses the principle expressed by President Nixon in his statement of May 5, 1971, "The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process." Urge support of Cranston-Javits amendment to strike Sections 452(c) and 512.

The Association of American Law Schools, the American Trial Lawyers Association, and the deans of many law schools have expressed their strong opposition to the provisions in the bill we are seeking to nullify. Mr. President, I ask unanimous consent that messages from these groups and individuals and certain materials pertaining to the 1969 "Murphy amendment" be set forth in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

TELEGRAM

Nixon in his statement of May 5, 1971, "the legal problems of the poor are of sufficient scope that we should not restrict the right of other attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process". Urge support of Cranston-Javits amendment to strike secs. 452(c) and 512.

Robert W. Meserve,
President, ABA.

Dear Senator Cranston: I am writing to record the encouragement of your efforts to delete from H.R. 1, the Welfare Reform Bill, the restrictions on the performance of legal services by attorneys contained in Sections 452(c) and 512.

The Association of American Law Schools has always been concerned when the proper exercise of legal services has been threatened through restrictive legislation. This concern has most recently been expressed in the letter dated May 1, 1972 from Professor Richard C. Maxwell, President of the Association, to Senator Long, concerning restrictions in this same bill. Such restrictions would affect law students and legal education because of the many programs in law schools that involve law students in the rendering of legal services for the poor and disadvantage. Consequently, we hope that once more the efforts to avoid restrictions of the kind contained in the Sections mentioned above will be successful.

Michael Cardozo,
Executive Director, Association of American Law Schools.

Dear Senator Cranston: The American Trial Lawyers Association endorses your efforts to remove serious restrictions from H.R. 1 which would prevent Legal Services attorneys from providing full and adequate legal representation to the poor.

Sections 452(c) and 512 raise serious questions of due process and equal protection of the laws for all people. Both sections would contradict President Nixon's statement of May 5, 1971, which said, "The Legal Problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process."

We urge passage of this amendment so that the poor can receive equal justice under the law.

Jacob Fuchsberg,
American Trial Lawyers Association.

October 5, 1972.

I strongly support amendment to strike sections 452(c) and 512 of H.R. 1, and fervently hope it prevails.

Michael Sovern,
Dean, Columbia Law School.
Leo O'Brien,
Dean, Loyola University Law School.
Lani Bader,
Dean, Golden Gate University Law School.
Marvin Anderson,
Dean, Hastings College of Law.
Clinton Bamberger,
Dean, Catholic University School of Law CD.C.
Murray Schwartz,
Dean, U.C.L.A. School of Law.
Edward Halbach,
Dean, Boaldt School of Law, University of California at Berkeley.
Jerome Barron,
School of Law, Syracuse University.

RESOLUTION ADOPTED BY AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS, OCTOBER 18, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Service Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of government action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the American Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

Legal Aid Foundation of Long Beach,
October 22, 1969.

Re Economic Opportunity Amendments of 1969.

Hon. George E. Brown, Jr.,
Cannon Building,
Washington, D.C.

Dear Congressman Brown: I am deeply concerned over the passage of Senator Murphy's amendments to S. 3016 relative to the veto power of governors over legal services programs. This amendment, if it becomes law, particularly without the safeguard of an override, will seriously affect the independence, effectiveness, and even the existence of many important legal aid and legal services programs.

Enclosed is a copy of a press release from Maynard Toll, President of the National Legal Aid and Defender Association, which contains the concerns and position of the legal aid movement and the organized bar.

I strongly urge your opposition to the Senate's action in approving Senator Murphy's amendment.

Very truly yours,
Howard M. Van Elgort,
Executive Director.

Judge of Municipal Court, Los Angeles Judicial District,
Los Angeles, Calif., October 21, 1969.

Hon. George E. Brown, Jr.,
House of Representatives, Cannon Building, Washington, D.C.

Dear George: As a member of the National Advisory Committee of the Legal Services Program I wish to call your attention to an amendment passed by the Senate in conjunction with the extension of the Office of Economic Opportunity Act which could result in defeating the purposes of the Legal Services Program under the OEO. This amendment grants the governor of a state the right to veto legal services projects. It was authored by Senator George Murphy of California.

Additionally, the OEO director has been deprived of the power to override a governor's veto of legal services projects. The obvious result of this amendment is to deprive the poor people of legal representation in the states where it is most needed.

You are urged to study this provision when the measure is referred to the House of Representatives and to vote against the provision which will take away the effective legal protection that the poor have been receiving through the Legal Services Program. There is a meeting of our advisory committee in Washington on November 7th and perhaps it will be timely and desirable to have a representative of your office at this meeting in the OEO office to inform you more fully as to the possible consequences.

Sincerely,
Philip M. Newman.

[From the Congressional Record, Nov. 26, 1969]

VETO POWER OF GOVERNORS OVER THE OEO LEGAL SERVICES PROGRAM

Mr. Mondale. Mr. President, on November 13, 1969, more than 80 deans of law schools throughout the United States signed a statement in opposition to the Senate amendment giving Governors a veto over OEO's legal services program. It is their fear that this amendment would not only interfere with traditional independence of the legal profession, but would also have a detrimental effect on legal education.

I am particularly proud of the fact that the organizer of this petition was Dean William B. Lockhart, of the University of Minnesota Law School. Dean Lockhart, who is serving as president of the Association of American Law Schools, has been one of the most outspoken advocates of quality legal services for the poor.

Since law school deans play such a major role in the training of future lawyers, I think that Senators should know of their strong opposition to any effort to cripple the legal services program. I therefore ask unanimous consent that their petition and names be printed in the Record.

There being no objection, the petition and names were ordered to be printed in the records, as follows:

STATEMENT OF LAW SCHOOL DEANS

We concur with the resolution adopted on October 18, 1969, by the Board of Governors of the American Bar Association and the action of the Judicial Conference of the United States at its meeting on November 1, 1969, and voice our opposition to the amendment to S. 3016 which would give State governors a veto over legal services programs.

As law school deans we are concerned with the possibility of interference with the attorney-client relationship and the traditional independence of the legal profession. We are especially concerned with the effect that this amendment may have on legal education and the development of a sense of professional responsibility among law students to participate in programs providing meaningful legal services to the disadvantaged.

November 13, 1969.

Samuel H. Hesson, Albany Law School, Union University.

B. J. Tennery, Washington College of Law, American University.

Willard H. Pedrick, Arizona State University College of Law.

Ralph C. Barnhart, University of Arkansas School of Law.

Robert F. Drinan, S.J., Boston College Law School.

Paul M. Siskind, Boston University School of Law.

Edward C. Halbach, Jr., Univ. of California School of Law, Berkeley.

Edward L. Barrett, Univ. of California School of Law, Davis.

Arthur M. Sammis, Univ. of California, Hastings College of Law.

Robert K. Castetter, California Western School of Law of the U.S. International University.

Clinton E. Bamberger, Jr., Catholic University of America School of Law.

Phil C. Neal, University of Chicago Law School.

William F. Zacharias, Chicago-Kent College of Law.

Samuel S. Wilson, University of Cincinnati College of Law.

James K. Gaynor, Cleveland-Marshall College of Law, Cleveland State University.

Howard R. Sacks, University of Connecticut School of Law.

James A. Doyle, Creighton University School of Law.

Robert B. Yegge, University of Denver College of Law.

Robert G. Weclew, De Paul University College of Law.

Brian G. Brockway, University of Detroit School of Law.

A. Kenneth Pye, Duke University School of Law.

Ben F. Johnson, Emory University School of Law.

William Hughes Mulligan, Fordham University School of Law.

Adrian S. Fisher, Georgetown University Law Center.

Robert Kramer, National Law Center, George Washington University.

Lindsey Cowen, University of Georgia School of Law.

Lewis H. Orland, Gonzaga University School of Law.

Derek C. Bok, Harvard University Law School.

Malachy T. Mahon, Hofstra University School of Law.

Paul E. Miller, Howard University School of Law.

Albert R. Menard, Jr., University of Idaho College of Law.

John E. Cribbett, University of Illinois College of Law.

Cleon H. Foust, Indiana University, Indianapolis Law School.

David H. Vernon, University of Iowa College of Law.

Lawrence E. Blades, University of Kansas School of Law.

William Lewis Matthews, Jr., University of Kentucky College of Law.

William L. Lamey, Loyola University School of Law, Chicago.

Leo J. O'Brien, Loyola University School of Law, Los Angeles.

Marcel Garsaud, Jr., Loyola University School of Law, New Orleans.

Edward S. Godfrey, University of Maine School of Law.

Robert F. Boden, Marquette University Law School.

William P. Cunningham, University of Maryland School of Law.

Frederick D. Lewis, University of Miami School of Law.

William B. Lockhart, University of Minnesota Law School.

Patrick D. Kelly, University of Missouri—Kansas City, School of Law.

Robert E. Sullivan, University of Montana School of Law.

Henry M. Grether, Jr., University of Nebraska College of Law.

Thomas W. Christopher, University of New Mexico School of Law.

William H. Angus, State University of New York at Buffalo School of Law.

Robert B. McKay, New York University School of Law.

DeJarman LeMarquis, North Carolina Central University School of Law.

Robert K. Rushing, University of North Dakota School of Law.

John Ritchie, Northwestern University School of Law.

Eugene N. Hanson, Ohio Northern University College of Law.

Ivan C. Rutledge, Ohio State University College of Law.

Ted Foster, Oklahoma City University Law School.

Eugene F. Scoles, University of Oregon School of Law.

Jefferson B. Fordham, University of Pennsylvania Law School.

John J. Murphy, St. John's University School of Law.

Richard J. Childress, St. Louis University School of Law.

Joseph A. Sinclitico, Jr., University of San Diego School of Law.

William J. Riegger, University of San Francisco School of Law.

Leo A. Huard, University of Santa Clara School of Law.

John P. Loftus, Seton Hall University School of Law.

James B. Adams, University of South Dakota School of Law.

Dorothy W. Nelson, University of Southern California Law Center.

Bayless A. Manning, Stanford University School of Law.

Richard T. Dillon, Stetson University College of Law.

Robert W. Miller, Syracuse University College of Law.

Harold C. Warner, University of Tennessee College of Law.

W. Page Keeton, University of Texas School of Law.

Richard B. Amandes, Texas Tech University School of Law.

Karl Krastin, University of Toledo College of Law.

Samuel D. Thurman, University of Utah College of Law.

John W. Wade, Vanderbilt University School of Law.

Harold G. Reuschlein, Villanova University School of Law.

Monrad G. Paulsen, University of Virginia School of Law.

John E. Howe, Washburn University of Law.

Hiram H. Lesar, Washington University School of Law.

Charles W. Joiner, Wayne State University Law School.

Paul L. Selby, Jr., West Virginia University College of Law.

Spencer L. Kimball, University of Wisconsin Law School.

Frank J. Trelease, University of Wyoming College of Law.

Louis H. Pollak, Yale Law School.

[From the Congressional Record, Dec. 4, 1969]

Statement by U.S. Commission on Civil Rights Veto Power for Governors of Legal Services Programs

The United States Commission on Civil Rights wholeheartedly supports the American Bar Association, The United States Judicial Conference, The National Legal Aid and Defenders Association, as well as local and State bar associations and other interested groups in their opposition to the proposed amendment to the Office of Economic Opportunity authorization bill providing State governors veto power over OEO funded legal services programs. The adoption of this amendment would critically weaken the most successful and fulfilling of all of the OEO programs and undermine the concept of equal legal representation for all. It especially would jeopardize survival of legal services programs that vigorously represent Negroes, Mexican Americans and Indians.

The need for vigorous and aggressive legal representation on behalf of the poor of all races cannot be overemphasized. "Equality before the law," said former Supreme Court Justice Wiley Rutledge, "in a true democracy is a matter of right. It cannot be a matter of charity or of favor or of grace or of discretion." In many areas such as housing, welfare rights and consumer protection, legal services groups have provided the best hope for a system of effective representation for the poor—not just in providing day to day legal counsel on an individual basis—but in attending to those activities which establish legal precedents and law reform affecting large numbers of people.

In a recent speech President Nixon set for the OEO Office of Legal Services the following goal:

"It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met."

Those legal services programs which have proven most vigorous, resourceful and innovative in the assistance of their clients and which have been responsible for the most far-reaching legal reforms are the very programs which are put in greatest jeopardy by the proposed amendment. The right of disadvantaged groups to have full and effective access to the courts must not be fettered by the political restrictions imposed by the amendment. Such an amendment would be a regressive step that can only serve to discourage the poor from bringing their grievances to the courts rather than to the streets.

Urges Defeat of "Murphy Amendment"

Mr. Corman. Mr. Speaker, a few weeks ago I spoke out against the so-called "Murphy amendment" to Senate bill S. 3016. At that time I brought to the attention of the House Members a resolution adopted by the Los Angeles County Bar Association Board of Trustees strongly opposing the Senate action in including this amendment in its bill to provide for the continuation of economic opportunity programs.

Recently, nine law school deans from the State of California issued a statement urging defeat of the "Murphy amendment" from the Senate bill. These gentlemen belive the amendment is inconsistent with the canons of professional ethics and professional responsibility which are essential to the proper functioning of our traditional system of justice. It should also be noted that these gentlemen oppose any limitation on the legal services program. I fully agree with the statements made by these nine law school deans from my own State.

Mr. Speaker, H.R. 12321, to authorize continued programs under the Economic Opportunity Act, comes to the floor for consideration this week. The committee very wisely did not include any version of the "Murphy amendment" in its bill. However, it is expected that an attempt will be made to offer such an amendment to the House bill during floor debate.

As we begin consideration of this legislation, I wish to add the voices of these nine law school deans to the growing opposition to the "Murphy amendment," and urge the attention of my colleagues to their statement:

STATEMENT OF CALIFORNIA LAW SCHOOL DEANS

"We strongly urge the defeat of the amendment to S. 3016 which grants State Governors an absolute veto over Legal Services Programs. The amendment is intended to allow Governors to bar particular types of legal actions.

"As Deans of the law schools educating most of California's future lawyers, we are deeply concerned about the impact of this amendment upon the ideals and practice of law in this State and the Nation. It is inconsistent with the Canons of Professional Ethics which we endeavor to instill in our students. It constitutes a direct infringement upon the independence and professional responsibility which are essential to the proper functioning of our traditional system of justice.

"This amendment has been opposed by most representatives of the legal community, including the unanimous action of the American Bar Association's Board of Governors. It is also opposed by the Judicial Conference of the United States under Chief Justice Warren Burger, by the National Legal Aid and Defender Association delegates and board, by the American Bar Association's Section on Individual Rights and Responsibilities, and by the President of the Association of American Law Schools. We join in opposing the amendment for these further reasons:

"(1) Any limitation on the Legal Services Program threatens law and order by closing a peaceful channel for the redress of the grievances of the poor.

"(2) Preventing poor people from maintaining legal action against their government undermines the American system of a government of law in which no official is beyond legal review.

"(3) Granting State Governors an absolute veto over Legal Services Programs almost assuredly will result in a substantial, or indeed total, denial of legal assistance to the disadvantaged in a number of states."

Dated: November 1969.

Dean Dorothy Nelson, University of Southern California Law Center; Dean Murray Schwartz, University of California, Los Angeles, School of Law; Dean Edward C. Halbach, Jr., University of California, Boalt Hall, Berkeley; Dean Leo O'Brien, Loyola University School of Law; Dean B. A. Manning, Stanford University Law School; Acting Dean William Riegger, University of San Francisco Law School; Dean L. A. Huard, University of Santa Clara School of Law; Dean A. M. Sammis, Hastings College of Law, University of California; Dean Edward Barrett, University of California at Davis Law School.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. BENNETT. Mr. President, it is nearly a quarter after 11. All of those words the Senator is uttering will appear in the Record tomorrow morning. Those of us who are listening are getting more tired and more tired all the time. I would respectfully suggest that the entire statement of the Senator be printed in the Record and let us get to a vote.

Mr. CRANSTON. Mr. President, I will not be very much longer. I will just make one or two comments on things that might not be known.

Mr. President, in closing I wish to make two points. Earlier this evening I spoke with a high administration spokesman. He said the administration opposes the two provisions this amendment would nullify. The administration never proposed them in their legal services corporation bill, and the administration never proposed them or similar restrictions in H.R. 1 or any other legislation.

Finally, I wish to point out that this vote stands for the very future of what I consider the most effective and most important part of all our antipoverty programs. If this gaping hole can be shot through the fabric of legal representation for poor clients, then there will be repeated efforts to exempt one after another Federal statute from judicial review at the behest of the poor. And if this succeeds, there will be no stopping the rest of such efforts. And that will be the death knell of the legal services program.

We cannot, we must not, allow this. We cannot tell the poor that the system of justice is for everyone but them; that when the Congress acts to affect their interest, the resulting statutes are immune from judicial scrutiny. I do not believe this is the message that Senate wishes to convey to our Nation's poor. I fervently hope we will not do so.

Mr. MONDALE. Mr. President, I strongly urge the Senate to adopt the amendment to H.R. 1 introduced by Senator Cranston, Senator Javits, myself and several other Senators. This amendment would nullify section 452(c) and section 512 of this bill.

The Enactment of either of these provisions would seriously jeopardize the integrity and independence of OEO's Legal Services program.

Section 452(c) directs the Attorney General and the Director of the Office of Economic Opportunity to enter into an agreement to utilize Legal Services attorneys in prosecuting cases involving nonsupport of dependent AFDC children.

Section 452(c) will mean that these attorneys will be in the position of representing the Government against indigent individuals who they are required to represent under the Legal Services program's legislative mandate. Such a provision is clearly inconsistent with the purpose of this program—which was never intended to be an adjunct to Federal, State, or local law enforcement authorities in prosecuting individuals for violation of the law.

To require Legal Services attorneys to serve as prosecutors will undermine the great confidence which the client community now has in this program Furthermore, given the program's limited resources, the additional burden imposed by section 452(c) will mean that the legal needs of poor Americans will continue to be unmet. For example, it is estimated that almost 80 percent of the legal problems of the poor are now being ignored because of the insufficient funds available to the Legal Services program.

Even more disturbing is section 512 of this legislation. This section prohibits the direct or indirect use of legal services funds for any attorney or other person who engages in any activity "for or on behalf of any client or other person or class of persons, the purpose of which is—by litigation or by actions relating thereto—to nullify, challenge, or circumvent any provision of the Social Security Act, or any of the purposes or intentions of the Congress in enacting any such title or provision relating thereto." This prohibition can be waived by the Attorney General after 60 days' notification and submission to the Senate Committee on Finance and the House Committee on Ways and Means. The Senate Finance Committee report makes clear that during the 60-day period the committee will consider the issues being raised in the proposed litigation and may take legislative action concerning such issues.

This section is totally inconsistent with the clear and explicit mandates of the legal profession. Canon 7 of the Code of Professional Responsibility states:

> A lawyer should represent a client zealously within the bounds of law.

Ethical consideration 7-1 elaborates on this canon in the following manner:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal services attorney—like any other lawyer—cannot stop and weigh the consequences of contemplated legal action. These mandates reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

> A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kinds of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

Section 512 not only undermines the legal profession's Code of Professional Responsibility, it also raises serious constitutional questions under the equal protection and due process clauses of the Constitution.

In Boddie against Connecticut, the Supreme Court held that access to the courts may not be denied because of a person's indigency, when the courts have been established as the only forum for the effective resolution of the matter at hand.

In seeking to deprive the poor of legal redress in an area directly affecting their most fundamental interests, section 512 singles out the poor as a class to be denied certain basic rights.

Imagine Bethlehem Steel having to obtain the permission of the Attorney General of the United States and wait 2 months for congressional committees to think about a lawsuit before challenging the seizure of its steel plants by President Truman. Yet under section 512, this is exactly what the poor person will have to do when he claims that the subsistence benefits he needs for his sick wife or small children have been denied to him by an unconstitutional law or by a public employee refusing to obey Federal law.

It is for these reasons that leading spokesmen for the legal profession have consistently opposed such efforts to limit the ability of legal services lawyers to represent their clients.

On May 1, 1972, Dean Richard C. Maxwell, president of the Association of American Law Schools, wrote to the Senate Finance Committee urging rejection of language now contained in section 512. In addition, the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association have strongly opposed such a restriction.

On October 3, 1972, the president of the American Bar Association, Robert W. Meserve, wired each Member of the Senate in support of the amendment to nullify sections 512 and 452(c). The text of this telegram is as follows:

> ABA urges deletion of Sections 452(c) and 512 of H.R. 1 as reported to the Senate. Former provision would force upon OEO lawyers prosecutorial function inconsistent with professional obligations to represent the poor. Latter provision seriously limits access of the poor to courts in areas of significant concern contravenes, lawyer's ethical obligation to client, and raises question of equal protections of the laws for all our citizens. Association endorses the principle expressed by President Nixon in his statement of May 5, 1971.
>
> "The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process."
>
> Urge support of Cranston-Javits amendment to strike Sections 452(c) and 512.

The ABA and other professional legal organizations recognize that under our system, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the Legal Services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the Legal Services program—that a government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

I, therefore, urge the Senate to adopt the pending amendment.

Several Senators addressed the Chair.

Mr. CRANSTON. Mr. President, I yield to the Senator from New York.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. CRANSTON. Mr. President, I yield very briefly to the Senator from New York.

Mr. LONG. Mr. President, I object to the Senator getting the floor. I would like to speak.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. LONG. He can only yield for a question. He cannot farm out the time.

Mr. JAVITS. Mr. President, I will ask a question.

Is it not a fact that the American Bar Association has endorsed the provisions of this amendment? Has not the president of the Bar Association, Robert W. Meserve, president of the ABA, has in fact, wired all Senators of the United States as follows:

> American Bar Association urges deletion of Secs. 452(c) and 512 of H.R. 1 as reported to the Senate. Former provision would force upon OEO lawyers prosecutorial function inconsistent with professional obligations to represent the poor. Latter provision seriously limits access of the poor to courts in areas

> of significant concern, contravenes lawyer's ethical obligation to client, and raises question of equal protection of the laws for all our citizens.

Is it not a fact also that the telegram goes on to say:

> Association endorses the principle expressed by President Nixon in his statement of May 5, 1971, "the legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process." Urge support of Cranston-Javits amendment to strike Secs. 452(c) and 512.

The telegram is signed by Robert W. Meserve, president of the American Bar Association.

Is it not a fact that that telegram has been sent to every Member of the Senate?

Mr. CRANSTON. The Senator is correct. And in addition, the Association of American Law Schools, the American Trial Lawyers Association, and the deans of many law schools have expressed their support for the amendment.

Mr. LONG. Mr. President, I think that we have heard one side of the matter. Let me now talk about something that one does not have to go to law school to understand. No one that has one ounce of commonsense, that has enough commonsense to find his way out of an insane asylum, would hire a lawyer to sue himself.

I think that is what this amendment to strike our amendment would do. This would hire Government lawyers to sue the United States. It has already cost us billions of dollars.

It would be one thing for the Government to do something like that. And our amendment would provide that the Government could do that. If the Attorney General of the United States, as our chief lawyer, wants to hire a lawyer at the expense of the United States to file a lawsuit to sue the United States for something, that is all right. But we would like to know about it before he authorizes something that will cost us a lot of money.

For example, some of us thought when we voted for poverty lawyers to proceed to go into business under the OEO, that these poverty lawyers were going to do the kind of thing that I did when I was a young lawyer. A woman would come in and say that her husband had deserted her and that she did not have enough money to pay her bills. She would ask me to sue the man so that she could get some money for the children. I would do my best to sue the father. Sometimes he would get beyond my reach when he got outside the boundaries of the State of Louisiana. However, I did the best I could to help her.

That is not the area that the poverty lawyer works in today. He does not work in the field of family law. Does the Senator think that these poverty lawyers are willing to be the kind of lawyer that I was? Not on your tintype. They have the word out, "We can achieve a great thing for the poor if we can file a certain type of lawsuit and sue the Government. We can get $5 billion in benefits for the poor if we can require them to load these welfare rolls down with all of these people." They circulate among the people and have their people find someone to file that particular kind of a lawsuit that they would like to promote and where they can claim that this is a great victory for the poor. They proceeded to find someone to sue the Government to strike down the man-in-the-household rule.

We had provided in the law that we would take into account all the income that the family had. We thought that in doing that we would take into account the income available to them because a man was living in the house with mama and the children looked just like him, but they claimed that we could not do that even if he is making $20,000 a year and living with mama because he is not the legal father. So they win, and that increases the cost of the program by 50 percent.

Perhaps some of these people who think things were too tight believe we could have acted on that in Washington; HEW could have made suggestions and we could have acted. But where he conducts himself like a papa, and he looks like the papa, you would expect him to support them if he was in the house with them. That was one of their great victories.

We say that if they are going to sue in the future, in view of the fact the Federal Government is going to have to pay 50 percent of the cost, then Uncle Sam should be consulted if he is going to pay the lawyer. It just does not make sense, and we should not do that.

Just look at some of these things. Poverty lawyers have won a decision so that a woman can be on welfare even though she refused to say who the father was. She can steadfastly refuse to say who the father was and stay on welfare. They also won that decision. We will try to do something about it. They have won a great many of these cases. If poverty lawyers try to enforce support orders, we are told that would be horrible, that would be antisocial, and that would not be ethical. No, no; do not have the poverty lawyer do that. Get them to use Uncle Sam. If we are going to let them sue the Government, we should pass judgment on what we want them to do.

Think of the good job the poverty lawyers could do. It costs us 10 times what we appropriate when they win a victory by prevailing in a position that was never intended by Congress. They are doing things that were never intended. They do not sue papa to support his children. That would save money for Uncle Sam. That is all right, since Uncle Sam will pay for mama on welfare.

Which one of you has ever paid a lawyer to sue yourself? You are paying a lawyer to sue Uncle Sam and your own State. That is all right with me, and it is all right with you, provided Uncle Sam knows and the Attorney General has authorized the State to be sued.

Let me explain the situation. I am a member of the American Bar Association. They have different sections. There is an international law section, there is a family law section, and there is a section on this and a section on that. When these sections meet they have a group that decides what the law should be with regard to their specialty of the law. I can only conclude when I see something as ridiculous as this that they must have a poverty law section. The poverty law section meets, and they have one thing in common. Their great claim to fame is that they have cost the Government billions of dollars by obtaining favorable court decisions.

Because of various court decisions which have come about through OEO lawyers, a person by mere delay, and to no inconvenience to himself, can stay on the welfare rolls for as long as 5 months, although he was never eligible the first day to draw all of those payments. Then, if it is found he was not eligible, how much more money can you get back? Not the first red copper cent. But let a veteran who fought for his country be paid one nickel more than he is entitled to receive. How much can he keep? They will sue him and they will make him pay back the last nickel. Let that person be a taxpayer who has some small amount outstanding and he will have to pay every nickel. The poverty lawyer spends his time in suing Uncle Sam and suing the States but not in making the father do what he should by his children.

Mr. President, that is the sort of mischief we have tried to upset. I suppose there is some section in the ABA where young poverty lawyers dominate. I assume they account in large measure for this talk about legal ethics, where we take a practical, commonsense attitude.

I am a lawyer and I say that nobody but a fool would hire a lawyer to sue himself. The poverty lawyers we are paying should do what I thought they were going to do. I thought they should help mama get support from papa, help mama get her business straightened out, or help her get divorced so she could get married to another man to help her support the family, rather than spending all their time in suing us.

If they want to sue us, tell us the basis for the lawsuit and why they think we should be sued, or why the State of Arkansas, the State of Mississippi, the State of Georgia should be sued, or why the State of Tennessee or Missouri should be sued. They do not have to get our consent; just tell us why before they sic all their poverty lawyers on us and load the welfare rolls down with vast numbers of people we do not think should be there.

The Federal Government is not the only one that can hire a lawyer. You have the Ford Foundation with untold millions of dollars; you have the Rockefeller Foundation with untold millions of dollars, and you have all sorts of well-intentioned, although perhaps misguided people, with all their foundation money, so much they do not know what to do with it. All that is available to subsidize someone to sue Uncle Sam. Why does Uncle Sam have to pay someone to sue himself?

So I hope the Senate leaves in this provision that would say the poverty lawyer would be required to help us to do what I thought they were to do in the first place, to help mama get help from papa.

That being the case, in view of the

lateness of the hour, I hope we can dispose of the matter.

Mr. President, I move to lay the amendment on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Louisiana (Mrs. Edwards) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

On this vote, the Senator from Louisiana (Mrs. Edwards) is paired with the Senator from Connecticut (Mr. Ribicoff).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Connecticut would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Colorado (Mr. Dominick), the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 38, nays 35, as follows:

[No. 534 Leg.]

YEAS—38

Allen
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Dole
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Packwood
Pastore
Pearson
Randolph
Roth
Saxbe
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond

NAYS—35

Aiken
Bayh
Brooke
Burdick
Case
Chiles
Cook
Cooper
Cranston
Fulbright
Gravel
Hart
Hartke
Hughes
Inouye
Javits
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Muskie
Nelson
Percy
Proxmire
Schweiker
Scott
Spong
Stafford
Stevens
Stevenson
Taft
Tunney
Williams

NOT VOTING—27

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Dominick
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Tower
Weicker
Young

So the motion to lay on the table was agreed to.

AMENDMENT NO. 1662

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TUNNEY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Tunney's amendment is as follows:

Beginning on page 588, line 7, strike out through page 589, line 25, and insert in lieu thereof the following new section:

STATE SUPPLEMENTATION

Sec. 1616. (a) (1) In order for a State to be eligible for payments pursuant to title V, VI, XV, or XIX of this Act, with respect to expenditures for any quarter beginning after December 31, 1973, it must have in effect an agreement with the Secretary under which it will (A) make supplementary payments, as provided in this section, to any individual or married couple residing in the State who is (or who, but for his or her income, would be) eligible for benefits under this title, or (B) authorize the Secretary to make such payments on its behalf.

(2) The amount payable under any agreement with a State under this section, to any individual (or married couple) shall be excluded under section 1616(b) (6) in determining the income of such individual or couple, and, subject to the succeeding provisions of this section, shall be not less than an amount equal to—

(A) the sum of (i) the amount of the money payment which such individual or married couple would have received under the plan of such State which was approved under and complied with the requirements of or imposed with respect to title I, X, XIV, or XVI of the Social Security Act and was in effect for December 1973, or any greater amount which such individual or married couple would have received under such an approved plan at any prior time; plus (ii) the bonus value of food stamps for December 1973 (as defined in paragraph (3)); plus (iii) any cost-of-living increase required to be paid under paragraph (4); reduced by—

(B) the benefits payable to such individual or such married couple under this title.

(3) For purposes of paragraph (2)—

(A) an individual or married couple who would not have been eligible for assistance under a plan referred to in paragraph (2) (A), but who is (or would, but for his or their income, be) eligible for benefits under this title, shall be deemed to meet the eligibility requirements of the plan of such State which was in effect for December 1973; and

(B) the term "bonus value of food stamps" in a State for December 1973 (with respect to an individual or married couple) means—

(i) the face value of the coupon allotment which would have been provided to such individual (or married couple) under the Food Stamp Act of 1964 for December 1973, reduced by—

(ii) the charge which such individual (or married couple) would have paid for such coupon allotment if his (or their) income were equal to the amount determined under paragraph (2) (A) (i) for an individual, or married couple, who had no other income.

The total value of food stamps and the cost thereof in December 1973, shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month. For purposes of this subsection, each individual (or married couple) will be deemed to have been residing in a jurisdiction where the food stamp program was in effect in December 1973.

(4) (a) Any agreement between the Secretary and a State entered into under subsection (a) shall provide—

(1) that in determining the eligibility of any individual (and his eligible spouse, if any) for supplementary payments on the basis of his income, all the provisions of section 1612(b) will apply, except that, with respect to any quarter, if benefits are paid to such individual for such quarter under this title, such benefits will not be excluded from income in applying paragraph (4) of such section,

(2) that the determination of the amount of supplementary payments for which an individual (or individual and eligible spouse) is eligible will be made without regard to any reduction in benefits under this title pursuant to section 1611(f) (1),

(3) that no lien will be imposed by the State against the property of any individual or eligible spouse or his or their estate on account of payments made under the agreement, and that there will be no adjustment or any recovery of payments correctly made under the agreement,

and, if the agreement provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals receiving benefits under this title, shall also provide—

(4) that such payments will be made to all individuals residing in such State (or subdivision) who are (or who, but for their income, would be) receiving benefits under this title,

(5) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary to achieve efficient and effective administration of both the program which he conducts under this title and the State supplementation.

(b) (1) Any State (or political subdivision), in determining the eligibility of any individual for supplementary payments described in subsection (a), may disregard up to $7.50 per month of any income in addition to other amounts which it is required or permitted to disregard under this section in determining such eligibility, and may include a provision to that effect in the State's agreement with the Secretary under subsection (a).

(2) Any State (or political subdivision) in determining the eligibility of any individual for supplementary payments described in subsection (a), shall disregard any income derived from an increase in Federal benefits under this title under the operation of section 1611(c) in addition to other amounts which

it is permitted or required to disregard under this section in determining such eligibility, and shall include a provision to that effect in the State's agreement with the Secretary under subsection (a).

(c) Any payments which are made to individuals by a State to which the provisions of section 344 of the Social Security Amendments of 1950 were applicable on January 1, 1962, and to which the sentence following paragraph (2) of section 1002(b) and the sentence following paragraph (3) of section 1602(b) of this Act, as in effect prior to the enactment of this title, were applicable shall be considered as supplementary payments for purposes of this title only to the extent that such payments would have been included as expenditures for the purpose of payments under section 1003 or section 1603 of this Act, as in effect prior to the enactment of this title.

Mr. TUNNEY. Mr. President, the amendment to H.R. 1 I am offering will correct a large gap in title III as reported out by the Finance Committee by requiring mandatory State supplementation of the benefit levels proposed by the committee.

As you know, Mr. President, title III of the bill creates a system of Federal benefits for elderly, blind, and disabled persons. The committee has set basic benefit levels at $130 for an individual and $195 for a couple.

At the present time, some States, including California, provide benefits to such persons at considerably higher levels. In California, for example, the maximum for an individual senior citizen is $218 per month.

But there is nothing in the bill as drafted which prevents a State from cutting back its own benefits and paying nothing additional to these needy persons beyond the minimum levels set by the committee.

My amendment will require the States to supplement the new Federal minimum assistance levels to bring them back up to the present levels in States where benefits are higher than those proposed by the committee. In this way, aged, blind, and disabled public assistance recipients in States such as California will not be worse off after the enactment of H.R. 1 than they are presently.

Mr. President, everyone knows that States—and even cities within States—vary widely in terms of the cost necessary to eke out an existence under conditions other than grinding poverty. In San Francisco, for example, an elderly welfare recipient may receive up to $218 per month. This sum, barely adequate in terms of San Francisco costs, is more than adequate for a more comfortable existence in rural areas of the south. Yet, under the committee proposal, it is assumed that all senior citizens face the same cost barriers to an equal extent no matter where they live.

We all know that the Nation's aged citizens suffer unequal financial burdens according to economic conditions where they live. Yet, under the committee proposal, all qualified recipients are treated equally under the bill with each to receive a maximum of $130 in basic public assistance. Although the figure of $130 per month may be a boon to our southern elderly, it is a figure which deals a painful blow to the already meager straits of California senior citizens.

The committee bill reflects a desire for a nationwide minimum standard for benefits. But in my judgment, it is indulging in fantasy for us to conclude that a sum which is adequate for the elderly in one area of the country has relevance to what is adequate in other area. We all know that living costs are widely different in different parts of the country.

Indeed, in large part, the reason for the patch work quilt-like system encompassing different assistant levels for different States is a mirror reflection of the vastly different economic realities confronting them. It is this fact of life which has caused some States to set benefits levels at rates higher than those existing in other States.

The fear that I have is that unless we amend title III, it may have the unintended affect of lowering benefit levels in many States. Therefore, the amendment I am offering would assume that no elderly, blind, or disabled person would end up with less money than he is now getting.

Although the committee version of title III gives the States the option to supplement the basic Federal minimum benefits, nothing requires them to do so.

Furthermore, I have been advised by some legal authorities in my State that in order for a State to exercise an option to supplement, it will require affirmative State legislative action which, of course, would be subject to the veto of the Governor.

Mr. President, I do not think it is wise for us to assume that States will be anxious or willing to supplement. I believe the issue is clear enough—and the needs of our elderly, blind, and disabled citizens acute enough—to make supplementation mandatory so that the reforms of title III will not become instruments of harshness and deprivation for some of the people we are trying to help.

Under my amendment, all States presently providing higher allowances than title III levels set by the committee would be required to supplement the basic Federal payments so that the total Federal-State payment would at least equal present payment, plus an allowance for the cash value of food stamps, which are being eliminated under title III involves no Federal expenditures.

I urge the Senate to act favorably on it.

With that, I yield to the chairman of the Committee on Finance, to have his opinion on the amendment. I hope it can be disposed of fairly quickly.

Mr. LONG. Mr. President, this is something that just has to address itself to the conscience of the individual Senator, and I really would urge Senators to think about it and apply it to their own situations.

What the Senator wants to do is say that a State cannot cut back on the benefits that it is paying.

We assume that States are not going to cut back on their benefit levels, and we do not know of any reason to anticipate that they would. We did provide some additional help to them, so we would hope they would not do it. It is conceivable that there might be a court decision or something that might require them to add a lot of people to the rolls that they did not anticipate, and if that were the case, they might need to cut back on benefit levels. So far as we know, we do not anticipate that there would be any cutback.

But the question is, where a State has a high level of benefits and wants to make a reduction, should it be permitted to do so? After all, it is a State plan that provides the money, and where the State is putting up more than half the money, should they be permitted to make a reduction in the level of benefits if they want to do so, if they think it is too generous?

I would say it is up to the conscience of the individual Senator. It does not upset our cost estimates one way or the other. Our estimate would be the same in either event. We assume the States are not going to cut back. The question is, do we want, at this level of government, to require that they not make reductions in the existing level of benefits they pay?

I do not know whether I can, in good conscience, insist on that, because other States like New York and California may be paying a higher level of benefits than Louisiana. I do not know that I can insist, in good conscience, that the other States not cut back if their level is higher than that of my State.

I would say it is up to the conscience of individual Senators. Do Senators think they ought to be able to cut back if they want to, or not? If Senators think they should not be able to make a reduction, they should vote for the amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. I think what the Senator from California means is that, because of this bounty going to the various States because of the generosity of the Federal Government, he does not feel they ought to be allowed to cut back on their own contribution to welfare.

That is his point. It is not the point that later on, if they had a bad financial situation in the State, the State would be denied the prerogative of deciding what it should do in behalf of its own people. But he means they cannot use the Federal money as an excuse for cutting down on their own contribution to this body of people who are in need. Is that not the point?

Mr. TUNNEY. Mr. President, one thing I would like to point out is that the State of California, for example, is going to save $200 million in the adult categories under the bill assuming they maintain the present benefit levels. This is because the Federal Government's contribution to the State is so much greater under the bill than under existing law.

Mr. PASTORE. This happened in many States, if the Senate will recall, when we raised the benefit for social security, and some States just cut back on the amount of money they were paying on social welfare, so we had to remedy that by adjusting the laws here in the Federal Government.

I think that is what the Senator from California has in mind, and I think the amendment ought to be accepted.

Mr. TUNNEY. I do not want to subject this to a record vote, as the hour is so late, and we know many Senators want to get home. I would just hope that this could be decided by a voice vote.

Mr. LONG. Mr. President, just let me make the point that as it would stand without the Tunney amendment, if States wanted to take some of the money they are spending on welfare payments and spend it on social services instead of for these purposes, should they be permitted to do so?

Should they be permitted to reduce their welfare payment levels in order to spend more on education, for example? Without the Tunney amendment, the State would be entrusted with that decision. With the Tunney amendment, it could not make the decision.

I leave it up to the Senate.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. STEVENS. Does the Tunney amendment affect the 20-percent increase under the Long amendment?

Mr. LONG. It has nothing to do with it.

Mr. TUNNEY. It has no Federal budgetary impact.

The PRESIDING OFFICER (Mr. BAYH). The question is on agreeing to the amendment (No. 1662) of the Senator from California (Mr. TUNNEY) (putting the question).

The amendment was rejected.

Mr. PASTORE. Mr. President, I ask **for a division.**

On a division, the amendment was rejected.

Several Senators addressed the Chair.

AMENDMENT NO. 1689

Mr. TUNNEY. Mr. President, I call up my amendment No. 1689.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 523, after line 24, insert the following new section:

LIMITATION ON SPEND DOWN REQUIREMENT UNDER MEDICAID

SEC. 299I. (a) Section 1903(d)(1)(A) is amended by inserting immediately before the period at the end thereof the following: "and, in the case of any State which imposes an income limitation that is lower than the applicable income limitation determined under this paragraph, no payment shall be made under the preceding provisions of this section".

(b) Section 1903(d)(1)(B)(i) of the Social Security Act is amended—

(1) by inserting "to whichever of the following is greater: (I)" after "equivalent to", and

(2) by inserting "or (II) 100 percent of the highest amount which would ordinarily be paid to an individual without any income or resources, in the form of money payments, under the plan of the State approved under title I, X, XIV, XV, or XVI (or, supplemental security income benefits under title XVI of this Act as in effect after December 31, 1973) of this Act" before the period at the end thereof.

Mr. TUNNEY. Mr. President, a very unfortunate anomaly exists in the Federal law governing State medicaid. Its effect upon aged, blind, and disabled persons in 11 States is to punish financially those persons who are able to remove themselves from public assistance rolls. Today, I offer an amendment to H.R. 1 to deal effectively and fairly with the problem.

Under current law, any State participating in the medicaid grant program must provide medicaid to all recipients of cash assistance. In addition, the States also may, if they choose to do so, provide medicaid services to persons who would, except for the level of their income and resources, be eligible for cash assistance. States which opt for this second type of medical coverage for those whose incomes exceed the cash assistance eligibility standards are said to be providing medicaid benefits to those persons deemed to be "medically needy."

Twenty-seven States, including California have chosen this dual medicaid system. But in at least 11 of those States, including California, the system operates to the considerable detriment of aged, blind, and disabled persons who receive public assistance, and for one reason or another, receive a supplement to their income which takes them off public assistance rolls. Although these persons no longer receive medicaid benefits which accompany public assistance, they are eligible to qualify under the "medically needy" program.

The problem my amendment deals with derives from the fact that the "medically needy" standard is below the cash assistance standard, thereby requiring a "spend down" from the latter level to the former.

The way it works is this. Current law limits the income standard for a "medically needy" program—this medical assistance standard is technically called the "standard of income protected for maintenance—to 133 percent of the payment for an AFDC family, adjusted for appropriate family size. Since payments to AFDC families are sometimes considerably less generous than cash assistance payments to the aged, blind, and disabled, the anomalous result is that persons with incomes only slightly in excess of the cash assistance standard may have to incur a significant amount of medical expense—that is "spend down" their income by this amount on medical expenses—before they can receive medicaid coverage.

Furthermore, even though the "medically needy" income standard has a maximum set by Federal law, States are able to reduce the standard below the Federal limit thereby making the "income gap" even wider.

Let me give an example of how the problem operates in California. A California senior citizen can receive up to a maximum of $218 per month. Let us assume such a person has nonexcluded income of $200 per month and receives $18 per month public assistance. Under current laws, that individual is entitled to Medi-Cal—the name of California's medicaid plan—benefits because he is receiving public assistance. Suppose he receives a supplement to his existing $200 per month income by $25 per month. Since his income is above the maximum benefit level, $218 for an aged person, as a result he will not be on public assistance any longer, nor will he be eligible for Medi-Cal benefits.

However, since California does have a "medically needy" program, our hypothetical person has an opportunity to qualify for those benefits. Unfortunately, though, in order to qualify, our senior citizen whose income has now been supplemented to a level only $7 above the public assistance level must "spend down" to the rate of $158 per month, the highest level California allows.

Thus, the result to this individual of receiving an additional $25 is that he must spend on medical expenses at the rate of $67 per month. He is actually much worse off after his income was supplemented than he was before.

The situation is much worse for an aged California couple. Presently, the relevant maximum old age assistance level is $5,232 on an annual basis. Yet the medically needy standard is only $2,520 on an annual basis, thereby requiring an expenditure of in excess of $2,700 in medical expenses as a prerequisite for qualifying for Medi-Cal benefits once they are off the welfare rolls.

It is this type of situation which has the effect of locking aged, blind, and disabled citizens in California and other States into their present public assistance income level. It operates as a disincentive to pull themselves out of it. Medical expenses for the elderly and the disabled are probably the single largest expenses for them after housing and food. It is no wonder that a person receiving a small assistance allowance would be very reluctant to do anything to supplement his income because of the fear that his medical needs will no longer be provided for.

The system is simply geared to keep those people in their already meager straits.

The amendment I offer today would correct the situation in the 11 States which have lower AFDC payments than assistance levels for the aged, blind and disabled. Its effect would be such that wherever the medically needy standard is below the relevant assistance payment level, the recipient would be required to spend down only to that applicable level, and no lower.

Thus, continuing with my example, my California senior citizen would be required under my proposal to spend only down from the $225 level to the $218 level at which point he would be eligible for Medi-Cal payments.

I think this inequity is long overdue for a legislative response. Now is the time for us to act.

I ask unanimous consent to incorporate at the conclusion of my remarks a chart showing OAA Cash and Medical Assistance Standards, as of January 1972.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

OAA CASH AND MEDICAL ASSISTANCE STANDARDS, AS OF JANUARY 1972

	1 person		2 persons	
	OAA yearly eligibility standard for cash assistance	Yearly income protected for medical assistance	OAA yearly eligibility standard for cash assistance	Yearly income protected for medical assistance
Alabama	1,752		2,904	
Alaska	3,000		4,200	
Arizona	1,416		1,968	
Arkansas	1,788		2,988	
California	2,236	[1] 1,896	3,840	[1] 2,400
Colorado	1,680		3,360	
Connecticut	2,856	[1] 2,500	3,432	[1] 2,900
Delaware	1,680		2,364	
District of Columbia	1,800	2,100	2,472	2,800
Florida	1,368		1,920	
Georgia	1,203		2,044	
Guam	1,685	[1] 1,500	2,406	2,500
Hawaii	1,584	1,668	2,460	2,784
Idaho	2,184		2,628	
Illinois	2,076	[1] 2,016	2,568	[1] 2,460
Indiana	2,220		2,964	
Iowa	1,464		2,232	
Kansas	2,160	[1] 1,600	2,604	[1] 2,220
Kentucky	1,152	1,500	1,920	[1] 1,800
Louisiana	1,764		2,820	
Maine	1,476		2,568	
Maryland	1,560	1,800	2,244	2,280
Massachusetts	1,800	2,160	3,360	[1] 2,832
Michigan	2,160	[1] 1,900	2,856	[1] 2,700
Minnesota	1,896	[1] 1,740	2,760	[1] 2,424
Mississippi	1,800		2,616	
Missouri	2,172		2,964	
Montana	1,440		2,304	
Nebraska	2,184	[1] 1,600	2,820	[1] 2,200
Nevada	2,040		3,252	
New Hampshire	2,076	2,280	2,736	[1] 2,686
New Jersey	1,944		2,664	
New Mexico	1,392		1,860	
New York	1,908	2,200	2,628	3,100
North Carolina	1,380	1,700	1,836	2,200
North Dakota	1,500		2,280	
Ohio	1,512		2,544	
Oklahoma	1,560	[1] 1,400	2,544	[1] 2,000
Oregon	1,836		2,652	
Pennsylvania	1,656	2,000	2,496	2,500
Puerto Rico	648	2,500	1,056	3,200
Rhode Island	1,956	2,500	2,532	3,500
South Carolina	1,044		1,452	
South Dakota	2,160		2,640	
Tennessee	1,224		1,704	
Texas	1,428		2,304	
Utah	1,272	[1] 1,260	1,704	1,740
Vermont	2,124	2,172	2,796	2,748
Virgin Islands	618	2,200	1,236	2,750
Virginia	1,824	1,900	2,388	2,500
Washington	1,728	2,340	2,484	3,000
West Virginia	1,752		2,232	
Wisconsin	1,896	[1] 1,600	2,592	[1] 2,500
Wyoming	1,668		2,340	

[1] Eligibility for medically needy program below that for cash assistance.

Mr. LONG. Mr. President, we are prepared to accept this amendment.

Mr. TUNNEY. Then I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1689) of the Senator from California.

The amendment was agreed to.

AMENDMENT NO. 1701

Mr. STEVENSON. Mr. President, I have two amendments. I shall be very brief. I have discussed them both with the chairman.

Mr. President, I call up first amendment No. 1701. I ask unanimous consent that the names of Senators WILLIAMS, JAVITS, KENNEDY, and TUNNEY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of title I, insert the following new section:

COVERAGE OF AGRICULTURAL LABOR

SEC. —. (a) Section 209(h)(2) of the Social Security Act is amended to read as follows:

"(2) Cash remuneration paid in any calendar year to an employee for agricultural labor by an employer whose total expenditures for agricultural labor in the immediately preceding year was less than $500 unless (A) the cash remuneration paid in the current year by the employer to the employee for such labor is $150 or more, or (B) the employee performs agricultural labor for the employer on twenty days or more during the current year for cash remuneration computed on a time basis;".

(b) Section 210(n) of the Social Security Act is amended to read as follows:

"(n) Any person who furnishes 'agricultural labor' and all workers so furnished shall be deemed to be the employees of the operator of the farm on which the agricultural labor was performed, and any person, partnership, organization, or corporation engaged in the business of providing farm-management services, as defined by regulations of the Secretary, shall be deemed to be the operator of the farm: *Provided,* That any person, partnership, organization, or corporation who specifically furnishes agricultural workers and machine services, as defined by regulations of the Secretary, under a contract with a farm operator shall be deemed to be the employer of such agricultural workers."

(c) Section 3121(a)(8) of the Internal Revenue Code of 1954 is amended to read as follows:

"(8) Cash remuneration paid in any calendar year to an employee for agricultural labor by an employer whose total expenditures for agricultural labor in the immediately preceding year was less than $500 unless (A) the cash remuneration paid in the current year by the employer to the employee for such labor is $150 or more, or (B) the employee performs agricultural labor for the employer on twenty days or more during the current year for cash remuneration computed on a time basis;".

(d) Section 3121(o) of the Internal Revenue Code of 1954 is amended to read as follows:

"(o) For purposes of this chapter, any person who furnishes 'agricultural labor' and all workers so furnished shall be deemed to be the employees of the operator of the farm on which the agricultural labor was performed, and any person, partnership, organization, or corporation engaged in the business of providing farm-management services, as defined by regulations of the Secretary, shall be deemed to be the operator of the farm: *Provided,* That any person, partnership, organization, or corporation who specifically furnishes agricultural workers and machine services, as defined by regulations of the Secretary, under a contract with a farm operator shall be deemed to be employer of such agricultural workers."

(e) This section shall be applicable only with respect to remuneration paid after 1972.

Mr. STEVENSON. Mr. President, only one major group of workers is deprived of the full benefits of social security—the American farmworker.

Work in the field is every bit as arduous and important as work in the factory. Yet, farmworkers were completely excluded from social security until 1956. Despite the fact that the farmworker is poorer, sicker, and more likely to be injured on the job than most American workers, the Social Security Act discriminates against farmworkers to this day.

In 1971, the Advisory Council on Social Security, chaired by former HEW Secretary Arthur Flemming, stated, "it is especially important that social security protection of migratory farmworkers and their families be improved" and recommended a specific method of bringing about that improvement. The amendment before us is substantially identical to the Advisory Council's recommendation. I ask unanimous consent that the portion of the Advisory Council report dealing with farmworker coverage be reprinted at this point in the RECORD.

Mr. President, the overwhelming majority of all farmers, including all small family farmers, will not be affected by this amendment. They and their employees will remain exactly where they are under existing law. With respect to large farm operators, including all corporate farms, this amendment makes two simple changes.

It provides that the large farmer—defined as the farmer who pays more than $500 a year in farmworker wages—must report all employee earnings from the first day and the first dollar, just as all other commercial employers must. Under present law, earnings must be reported only if the farm employee receives from the employer more than $150 annually or works more than 20 days annually at an hourly rate.

This means that under present law a farmworker who earns $100 from each of 10 employers—or $1,000 in total—would get no social security coverage. Every other worker employed by a commercial enterprise would receive up to four quarters' coverage in those circumstances. While the change made by this amendment will affect only about 20 percent of all farms, it will mean that 90 percent of all farmworker earnings will be credited toward social security coverage with the result that a half million farmworkers will get coverage for the first time.

The second change made by my amendment is that for social security purposes the large farmer will be deemed to be the employer of all who work on his farm, including the so-called crew leader and those who work under him. The reason for the change is that crew leaders, who are transient and in many cases unscrupulous, often fail to comply with social security requirements, thereby depriving the farmworker of social security coverage he has earned. Under existing law, a person doing farmwork under a crew leader is presumed to be the employee of the crew leader unless there is a written contract of employment between the farm operator and the farmworker. In practice, this creates a conclusive and usually unwarranted presumption that the farmworker is employed by the crew leader. In the case of small farmers, the employment relationship will be established by the familiar common-law test rather than by artificial presumptions.

Mr. President, when the farmworkers are denied the opportunity to earn social security protection, when they get old, sick, or disabled they go on welfare or get medicaid—in each case at the expense of all the taxpayers. The choice presented by this amendment is whether to finance retirement income and medical care from the earnings of the covered employees, or to shift the burden to already overburdened taxpayers. The farmworker should have the same right to pay his own way, and the same benefits enjoyed by all other American workers. If the committee cannot accept this amendment. I would hope that in the next session of the Congress it would give its new serious attention to the plight of farmworkers.

I ask unanimous consent to have printed in the RECORD an excerpt from House Document 92–80, the report of the 1971 Advisory Council on Social Security.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT OF 1971 ADVISORY COUNCIL ON SOCIAL SECURITY (H. DOC. 92–80)

COVERAGE OF FARM WORKERS

Social security coverage of farm workers should be improved by providing that employers who have substantial amounts of expenditures for farm labor report all of the cash wages paid to their employees and that the determination of whether leaders of farm labor crews are employers of their crew members be made under the common-law test of whether an individual is an employee.

Under present law, farm wages are covered under social security only if the worker is paid $150 or more in cash wages by the employer in a year or he works for the employer on 20 or more days in the year and is paid on a time basis. Where a farm worker is a member of a labor crew, the crew leader rather than the farmer is ordinarily considered to be the employer.

The present coverage test prevents many who primarily work on farms from getting social security credit for part or all of such work. People who depend mainly on farm employment for their livelihood generally rely entirely on social security coverage for their protection against loss of income through the death, long-term disablement or old age of the worker. These workers have little or no private insurance and rarely are covered under private pension plans; their savings and assets are usually inconsequential. They have need for protection too under Medicare. The Council believes it is especially important that social security protection of migratory farm workers and their families be improved.

Workers on farms which have substantial expenditures for farm labor should have social security coverage on the same basis as employees in industry. Such farms are generally sizable business enterprises—some are large corporations—keeping the same kind of business records that nonfarm businesses do. Most are highly mechanized, with many employees engaged in operating and maintaining farm machines, and are operated in much the same manner as nonfarm businesses—yet many employ seasonal field workers who do not meet the coverage test in present law. Wages paid for farm labor performed on such farms constitute a very large proportion of the farm wages paid in the United States.

The Council recommends that farm employers whose total expenditures in a calendar year for farm wages are substantial, for example $500 or more—report all of the farm wages they pay in the following year. The present coverage test would be continued for individual farm employees when employed by a farmer whose total farm payroll in the previous year was not substantial. The recommended change would not affect the recordkeeping and reporting of the operators of what are essentially family farms with only occasional hired workers.

If the foregoing recommendation is adopted by the Congress, it would be desirable to make an additional change in present law that would further improve coverage for migratory workers who are members of crews. Difficulties in getting crew leaders to report the covered earnings of crew members have contributed to the inadequacy of the social security protection now afforded these workers. Also, there are increasing numbers, of small crews—mostly family groups. In the case of family groups, the family spokesman generally meets the definition of a crew leader in the law and is thus self-employed. These people do not think of themselves as being self-employed and generally do not report their earnings. The Council recommends that (contingent upon extension of coverage to all farm workers hired by employers who have substantial expenditures for labor) the provision in present law under which a crew leader is deemed to be the employer of members of his crew be repealed. Whether a crew leader is the employer of his crew members would be determined under the common-law test. Spokesmen of family groups and members of family groups should ordinarily be considered employees of the farm operators. Nearly all members of crews, most of whom are migratory workers, would have all of their wages covered under these recommended changes since workers who are hired in crews work primarily on farms with substantial annual payrolls.

Under the Council's recommendations (assuming a $500 annual employer payroll test), roughly 40 percent of the farms with farm labor expenditures would report all of their farm employees for social security purposes. The farm wages paid by these farms constitute more than 90 percent of the total farm wages paid. Under the recommendations, more than one-half million employees would have farm wages covered which are not covered under present law.

Mr. STEVENSON. The largest single group of American workers uncovered by social security are the American farmers. Because of discriminatory provisions of the Social Security Act, some 500,000 American farmworkers do not get any social security benefits.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. LONG. Mr. President, this problem is one we would very much like to look at next year. It does relate to agricutural labor, and it does involve a number of considerations that will have to be looked into.

I would hope the Senator would be willing to withhold this amendment, with the understanding that we will look at it next year and try to give it the best judgment we can. If we can agree with the Senator, we will recommend it. Otherwise, we will suggest what we think the answer should be.

Mr. STEVENSON. On that basis and with that assurance, I will withdraw the amendment.

I do hope that there can be some serious concern and consideration given in the Finance Committee to the farmer. Also, I hope we can receive some assurance that the Senate will not have to wait 2, 3, 4, 5, 6, or 7 years for another social security bill to come to the floor of the Senate before we will have a chance to vote on this question.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. JAVITS. The administration is very much interested in this matter, and they tried to do a complete job of research for the Senator from Illinois tonight, and it was impossible. I am glad he is making this decision. I think it is much better for the cause.

Mr. STEVENSON. I thank the Senator from New York.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1686

Mr. STEVENSON. Mr. President, I call up my amendment No. 1686.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 486, line 20, insert the following: immediately following the word "therapy": ", occupational therapy,".

Section 1835(a)(2)(A)(i) of the Social Security Act is amended by inserting ", occupational," after "physical".

Mr. STEVENSON. Mr. President, I have a modification which I send to the desk.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the Record.

The amendment, as modified, is as follows:

On page 486, line 20, insert the following: immediately following the word "therapy": ", occupational therapy,".

At the end of title II of the bill, add the following new sections:

Sec. — (a) Section 1835(a)(2)(A)(i) of the Social Security Act is amended by inserting ", occupational," after "physical.

Sec. — (b) Section 1814(a)(2)(D) of the Social Security Act is amended by adding ", occupational," after "physical".

Mr. STEVENSON. The purpose of my modified amendment is to give medicare beneficiaries maximum access to occupational therapy, while discouraging unnecessary use of other covered services.

The Nation's 14,000 occupational therapists perform perceptual testing on stroke patients, testing which helps determine the right rehabilitation strategy. They train amputees in the use of new muscles and prosthetic devices. They provide rheumatoid arthritics with splinting devices. They help the blind learn how to compensate for the loss of sight, to list just a few of the occupational therapies.

Occupational therapy is medically necessary in cases where physical therapy or speech pathology is not. No one disputes that point, yet, if H.R. 1 is enacted in its present form, occupational therapy provided by a home health agency or free-standing rehabilitation facility will not be covered by medicare unless the patient also needs physical therapy or speech pathology or hospitalization. My amendment eliminates that linkage.

Mr. President, if a patient needs physical therapy but nothing else, he can get it under medicare. If he needs speech pathology but nothing else, he can get it under medicare. Unless occupational therapy is put on the same footing, countless medicare patients will be deprived of coverage for vital health services.

I recognize the need to control costs and discharge utilization of unnecessary services, and I applaud the Finance Committee for its efforts to do that. But we should not cut costs by denying the patient access to one kind of service unless he needs another kind. Besides, as matters now stand, patients may receive physical therapy or hospitalization they do not need solely to qualify them for the occupational therapy they do need This amendment will remove the incentive to provide unnecessary services and thereby bring about cost savings, as well as better health services.

If this amendment is agreed to, I would expect that the Secretary of Health, Education, and Welfare will promptly issue regulations carefully defining the kinds of occupational therapy services that are covered. In my judgment, such regulations are a fairer and more selective means of controlling occupational therapy services.

I therefore urge that the amendment be agreed to, and I ask unanimous consent that a letter of support from the American Occupational Therapy Association be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The American Occupational
Therapy Association, Inc.,
Rockville, Md., October 2, 1972.

Hon. Adlai E. Stevenson III
U.S. Senate,
Washington, D.C.

Dear Senator Stevenson: Thank you for your interest in occupational therapy's alarm about the language in H.R. 1 pertaining to outpatient rehabilitation facilities. We urge that the clause that would make eligibility for occupational therapy services contingent upon a concomitant need for physical therapy and/or speech pathology be deleted. Such a provision would deny coverage for many individuals in need of occupational therapy services. Examples of the kinds of patients that would be denied coverage by the present bill are:

1. Hand and arm amputees who need to learn how to use prostheses;
2. Patients with such debilitating conditions as terminal cancer, diabetes, and cardiac conditions who need evaluation and programs that would enable them to function out of the hospital to full tolerance;
3. Rheumatoid arthritics who need splinting or other adaptive devices as well as training in hand use without overstress to muscles and joints;
4. Wheelchair ambulatory patients who need training in order to care for themselves and manage their personal affairs in their homes; and
5. Blind and visually handicapped patients who need to learn how to cook, work in their kitchens and care for their personal needs with full safety.

Occupational therapy is the professional direction of a patient's use of time, energy, interest and attention toward the learning of new skills or active exercise to overcome illness or handicapping conditions.

We will appreciate your efforts to rectify this oversight in H.R. 1.

Very sincerely yours,
Ruth B. Wiemer,
Chairman, Legislation Committee.

Mr. LONG. Mr. President, we do find some problems with this amendment, but I would be willing to take it to conference and see what will happen. I hope we can work it out to the Senator's satisfaction.

Mr. STEVENSON. I thank the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill insert the following:

"Sec. (2)(A). If the Secretary determines that, for any calendar quarter before July 1, 1973 (commencing with the first calendar quarter which begins more than 30 days after the date of the enactment of this section) that the amount equal to one-fourth of the allotment (as determined without regard to this paragraph) of any State is in excess of the total of the expenditures (of the type, and under the programs, to which the allotment under this subsection applies) which will be incurred by the State for such calendar quarter, then the allotment of such State for fiscal year 1973 shall be reduced by the amount of such excess and an amount equal to the amount of such excess shall be available, for reallotment among the States, by the Secretary for such fiscal year but only for social services provided recipients of assistance under State plans approved under titles I. X, XIV, XVI, or part A of title IV of this Act.

"(B) From the amounts made available for reallotment under this paragraph for fiscal year 1973, the Secretary may increase the allotment of any State (but not by more than $10,000,000) which he determines will incur, during such fiscal year, expenditures (of the type, and under the programs, to which the allotment under this section applies) the total of which is in excess of the amount of the allotment of such State (as determined without regard to this paragraph).

"(C) Each State shall, prior to each calendar quarter (commencing with the first calendar quarter which begins more than 30 days after the date of the enactment of this section) certify to the Secretary (in such form and manner and containing such information as the Secretary shall by regulations prescribe) the total amount of the expenditures (of the type, and under the programs, to which the allotment under this section applies) which will be incurred by the State for such calendar quarter; and the Secretary shall conclusively presume for purposes of subparagraph (A), that the amount so certified will be the amount which will be expended for such quarter. If any State fails to make timely certification of such expenditures for any calendar quarter, the Secretary shall conclusively presume, for purposes of this paragraph, that the amount of such expenditures for such quarter will be equal to the amount of such expenditures for the preceding calendar quarter.

Mr. STEVENS. Mr. President, we have discussed this matter with the manager of the bill, the Senator from Louisiana. We are all tired.

The amendment provides a transitional section to carry over the social services contracting for a period of not to exceed the present fiscal year and sets a limit of $10 million within which the Secretary of HEW could allocate the moneys that are to be used by States under their entitlement under the population formula to those States that have contracts which are underway which will have to be terminated if this section is not in the bill.

Mr. JAVITS. Mr. President, I have an amendment to the amendment, if it is now in order, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line x, insert the following: on the third line from the bottom, strike "$10,000,000" an insert in lieu thereof "$15,000,000."

Mr. JAVITS. Mr. President, I will take just 2 minutes to explain this amendment to the Senate.

Mr. LONG. Mr. President, I will be happy to agree to the amendment as amended, if the Senator will withhold the explanation.

Mr. JAVITS. I will.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Alaska, as amended.

The amendment, as amended, was agreed to.

Mr. CASE. Mr. President, I call up my amendment to H.R. 1, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following:

SEC. —. Notwithstanding the provisions of sections 508 and 509 of this Act, the provisions of such sections shall not be effective until such date as the Congress shall designate by subsequent legislation.

Mr. HRUSKA. A parliamentary inquiry, Mr. President.

What is the number of the amendment?

Mr. CASE. This is an unprinted amendment, and I shall explain its effect.

Mr. President, this amendment would modify the effect of sections 508 and 509 of H.R. 1. Unless modified, thousands of older people, the blind and the disabled now receiving welfare aid will lose their food stamp or food commodity benefits. I do not believe this was the intention of the Senate when it accepted an amendment offered on Wednesday evening by Senator ROTH.

My amendment is cosponsored by Senators AIKEN, BROOKE, CRANSTON, EAGLETON, RIBICOFF, COOK, MAGNUSON, COOPER, CHURCH, ANDERSON, MCGOVERN, HART, HUMPHREY, HOLLINGS, MONDALE, PERCY, MCINTYRE, MOSS, BAYH, KENNEDY, TUNNEY, PASTORE, WILLIAMS, STEVENSON, HUGHES, MCGEE, GRAVEL, HARTKE, RANDOLPH, WEICKER, JAVITS, and MUSKIE.

At the present time those receiving Federal welfare assistance under the aged, blind and disabled categories receive food stamps in addition to cash. While H.R. 1 establishes a benefit floor for these categories where previously the States set their own levels, the welfare bill in section 508 also deletes food stamps for all aged, blind and disabled welfare recipients. Moreover, while section 509 establishes a mechanism for the States to pay out the difference to current food stamp recipients in cash, it does not guarantee that the States will do so, or that the States will maintain their current benefit levels, or that the amount of cash in addition to the minimum floor will be equal to the loss in dollars accrued through food stamp coupons.

In other words thousands of older citizens, the blind and the disabled, will be worse off than before, especially those who are in those States that now pay considerably more than the minimum floor now established.

To my mind this amendment not only legalizes but mandates the existence of hunger, malnutrition, and premature death for an uncertain number of the American people. The problem is a simple one. None of the welfare programs before us will give recipients an income meeting what we call the poverty level.

In passing title III of H.R. 1 just last week, it is true that we raised benefits to the aged, blind, and disabled to $130 per month for single people, and $185 per month for couples. But there are two important points to be kept in mind. First, the Senate action in passing title III did not include a requirement that States now providing higher benefits to the elderly and disabled continue those higher levels; that means that elderly and disabled welfare recipients could be worse off. This is not a small matter. Twenty-four States last year paid more to an elderly individual, and 28 States paid more to an elderly couple. In addition, 26 States paid more than $130 per month to a blind recipient; 22 paid more than that to a disabled recipient.

Second, the levels provided in title III will not bring elderly and disabled persons up to the poverty line. In fact, they will not even bring people up to last year's poverty line. One hundred thirty dollars per month provides yearly benefits of $1,560; the poverty line in 1971, for a single person, was $2,130. Similarly, $195 for a couple provides yearly benefits of $2,340; the poverty line for a couple was $2,790 last year. By 1974, when the provisions of the Roth amendment go into effect, the poverty line will be $2,220 for a single individual and $2,880 for a couple.

I do not debate our failure to provide benefits at the poverty line at this time. But we must understand, Mr. President, that poverty by definition is the inability to purchase a nutritionally adequate diet. An income below the poverty level puts people at nutritional risk. As surely as malnutrition retards the physical and mental growth of the young child, malnutrition hastens the degenerative process of the elderly individual.

In the last 4 years I have been proud to have been a part of this body in its efforts to eliminate hunger and malnutrition. I applauded the President's goal "to put an end to hunger in America for all time" and the President's efforts in "Project FIND" which was designed to inform the elderly of their right to food stamps. While we do not reach every one of the elderly or the blind or the disabled, we have it within our grasp to provide food assistance for the elderly and disabled who involuntarily suffer from poverty-related malnutrition.

We must act now to reverse last night's action prohibiting the elderly blind, and disabled from participating in the food stamp program. Otherwise we shall have told every poor elderly and disabled American that advanced age is to be a penance rather than a privilege. We shall have told blind and disabled Americans that their afflictions win them not sympathy or assistance from the Federal Government, but punishment. Unless we reverse our course, the penance and the punishment we mandate today is hunger. Last night we set America back 5 years in its fight to end hunger. Unless this action is reversed, we make a mockery of the phrase "welfare reform." We shall not have reform: We shall have retreat. A retreat from the most profound moral obligation of an affluent nation—to feed its hungry poor.

I urge my colleagues to retain the food stamp program as it now is for the aged, blind, and disabled. It does not involve an additional expenditure to do so but it does protect these recipients from being far worse off than before.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. CASE. I yield.

Mr. COTTON. I thought the distinguished Senator from Minnesota (Mr. HUMPHREY) yesterday offered an amendment—I collaborated with him in discussing it—so as to include both States that paid in food stamps and money and States that paid in commodities. It was adopted, and I thought it corrected this situation.

Mr. CASE. That is what I am advised. This is the 20-percent social security problem. It does not relate to the food stamp and commodity program. That amendment does not take care of this particular problem. I do not want to overstate or understate the matter. There is no point in trying to make it something it is not.

I reserve the remainder of my time, Mr. President.

Mr. COOPER. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. COOPER. May I ask the Senator, this will not come into effect until the Committee on Agriculture and Forestry has considered the matter; is that not correct?

Mr. CASE. That is correct. The food stamp program and the commodity program should be under the control of that committee.

Mr. LONG. Mr. President, in this bill we have a $3 billion increase in benefits for the aged, blind, and disabled. The bill provides for the largest increases in history which have been provided for the aged, the blind, and the disabled. In providing this increase, we included a cash-out of the food stamps, that is, cash to replace the value of the food stamps. So that if one were receiving $130 and his food stamps came to $20, we would pay him the extra amount in cash, $20.

What the Senator's amendment would do would be to provide food stamps in addition to the food stamp cash-out.

We have been so generous here that we are moving 98 percent of our aged people out of poverty. The 2 percent that would be left in poverty, the States would have all the means they need to move them out of poverty.

We do very well by the aged in the bill. Not quite so well by the disabled, perhaps, because not nearly so many are covered by social security and so do not get the advantage of our $50 disregard.

I do not think that anyone can be heard to argue that we are not as generous as this Government can afford to be to the aged, the blind, and the disabled. Our bill includes a cash-out of food stamps, which means cash which they can spend however they wish.

I have known of no protests against that. But the Senator is proposing that we provide food stamps on top of the cash-out of food stamps.

For example, with regard to the 98 percent of the aged that would be moved out of poverty, a large number would still be permitted to have food stamps even though they are out of poverty. It would raise them up to the higher standard, which we think is justified.

So that I do not think the amendment should be agreed to. We have done as much as can be done at this time, so much so that we maybe in prospect of a veto if we do not hurry up and get this bill to the President before the election.

Because the committee bill is so generous, I would hope that the Senator would not go beyond it, having voted to pay for the cash-out of food stamps and now paying for the food stamps all over again.

Mr. AIKEN. Mr. President, as I recall, when the amendment which the Senator from New Jersey said would eliminate the food stamp program was before this body yesterday, the explanation was inserted in the RECORD but I do not recall that it was made on the floor of the Senate here.

I, for one, certainly would not have voted for it had I known that the food stamp program was to be eliminated.

I do not know what kind of language we should have, but I do think we should accept the Case amendment and let the bill go to conference and be straightened out there, because there are certainly some areas of food stamps which should not be eliminated, even for cash. So I think, to be on the safe side, we had better take the Case amendment.

Mr. CASE. I appreciate what the Senator from Vermont has said. It is precisely because of the uncertainty about the operation of this, which is the real crux of the matter.

Mr. AIKEN. The first time I realized that the food stamps were being jeopardized by our action yesterday was when I read the fine print this morning in the RECORD, but I did not hear it explained on the floor.

Mr. LONG. Mr. President, may I point out that the Senate agreed to the Humphrey amendment which said that for purposes of eligibility for food stamps, we would not count the recently enacted 20-percent social security increase. So we are going to disregard the 20 percent social security in determining eligibility for food stamps.

Now it is being suggested that, in addition to having paid to cash-out the food stamps, we should provide for them all over again.

What do we want to do, provide for food stamps three times over? That is what logic would suggest.

Mr. CASE. I think the matter should be gone into by a committee expert in this field who has jurisdiction over the food stamp program, but that would be after, as the Senator from Vermont has said, voting for my amendment.

The PRESIDING OFFICER (Mr. BAYH). The question is on agreeing to the amendment of the Senator from New Jersey (Mr. CASE).

The noes appear to have it.

Mr. CASE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENNETT. Why not ask for a division?

Several Senators. Yes, please.

Mr. CASE. There are 33 sponsors to this amendment.

Mr. COOK. Mr. President, I rise in support of the amendment by the distinguished Senator from New Jersey (Mr. CASE). That amendment will neutralize the effect of section 508 of the amendment offered by the Senator from Delaware (Mr. ROTH) passed by the Senate yesterday. Senator CASE's amendment will assure that those needy persons who are elderly, blind, and disabled will not be refused access to the food stamp program.

Make no mistake, Mr. President, I look for the day when America's poor will no longer need the food stamp program, and I look for the day when America can have true reform of the welfare system.

But until the day that welfare assistance provides an income sufficient to purchase a nutritionally adequate diet, we must be sure that no American, who is elderly, blind, or disabled, is allowed to suffer from poverty-related hunger and malnutrition.

The amendment which the Senate accepted last night prohibits poor elderly, blind, and disabled Americans from receiving Federal food assistance. For what reason? The only legitimate reason for such a prohibition would be the provision to these persons of an income sufficient of itself to prevent them from being hungry.

But that is not the case under the Long-Roth amendment which the Senate passed last night. As H.R. 1 presently stands, America's elderly, blind, and disabled will receive an income far below the poverty level of the Nation. And yet, perhaps due to either an unintentional oversight or a misguided notion of fiscal responsibility, this legislative body now declares the policy of this Nation to be that our needy senior citizens and persons who cannot take a job because of some serious disability shall be unable to participate in the food stamp program—a program which is the only means for many elderly and disabled to combat malnourishment.

Mr. President, we have been on a course in the last 4 years that would lead us to the elimination and prevention of serious malnutrition in our country. I cannot understand the extent of "social" legislation that forbids the use of such desperately needed food assistance by the elderly and disabled. We most certainly possess more than sufficient resources to guarantee that no American will be involuntarily hungry in any State of this Union. We possess the technological and administrative know-how to deliver that food to the Nation's poor. Without the will to do so, however, these resources mean nothing. Today the Senate is able to demonstrate that will by passing amendment No. 1677.

Mr. HART. Mr. President, I urge the Members on both sides of the aisle to vote in favor of the amendment offered by the distinguished Senator from New Jersey. His amendment will nullify the effect of section 508 of the amendment passed by the Senate last night.

As Senator CASE stated, that section would prohibit the elderly, blind, and disabled, eligible for cash assistance, from participating in the food stamp or commodity distribution programs.

To allow that provision to stand in the fact of income assistance well below the poverty level would be to mandate hunger for hundreds of thousands of old or disabled poor Americans.

This amendment provides no new benefits and involves no new costs. It merely protects elderly and disabled welfare recipients so that they will not lose food benefits to which they are now entitled.

Mr. BAYH. Mr. President, it is with great dismay that I view sections 508 and 509 of the legislation before the Senate, the amendment offered by Senator ROTH. Those provisions would prohibit adult welfare recipients from participating in the food stamp or the commodity distribution program. This denial asks the Congress and the American people—especially America's aged and disabled poor—to make an insupportable leap of faith. It asks us to believe that food assistance is no longer necessary in America. That is a leap of faith I cannot take. It is a leap of faith the poor cannot take: To them it recreates the hunger gap. For them, this provision turns "welfare reform" into welfare reduction.

Hunger is a reality in America, Mr. President. It is a reality for America's 6 million poor, more than half of whom can now use some form of food assistance. Unless amendment No. 1677 is passed, recipients in the adult categories will no longer be able to use our food programs.

Poverty, Mr. President, means you do not have enough money to purchase an adequate diet—the term itself is defined by one's ability or nonability to purchase a minimal diet. And my experience as a member of the Senate Select Committee on Nutrition and Human Needs has taught me that when the income of the family goes below the poverty level, the first item to go by the wayside is food. You have to pay the rent or you get evicted. You have to pay the utilities so that you will not freeze and your lights will stay on at night. It is always easier to try to spread out the food dollar: There are no bill collectors coming around because your family goes hungry.

Mr. President, I do not believe food stamps are the whole answer to hunger or to poverty. But fighting hunger is, in my mind, an essential prerequisite to ending poverty. So long as the welfare benefits we provide do not eliminate poverty in America, then food stamps and surplus commodities will continue to be a necessary defense.

I support the amendment by my able colleague and the distinguished gentleman from New Jersey (Mr. CASE).

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Social Security Rise Becomes a Nightmare for Many Elderly," published in the New York Times of October 3, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY RISE BECOMES A NIGHTMARE FOR MANY ELDERLY

(By David K. Shipler)

Like millions of other aged Americans, Marie Nashif of Denver will receive a 20 per cent increase in her Social Security check this month. But unlike most, she will not welcome the extra cash.

Mrs. Nashif is among the 187,000 or so elderly for whom Congressional election-year generosity has become a nightmare. The Social Security rise, voted by Congress June 30, has pushed her income just high enough to make her ineligible for the welfare and Medicaid benefits that she needs so desperately.

Mrs. Nashif, a small, alert, 74-year-old woman, suffers badly from arthritis. Until now, her heavy medical bills have been paid fully by Medicaid. But when her monthly Social Security check rises from $138.40 to $166.10, it will surpass the $147 figure that Colorado uses to divide those who are eligible from those who are not.

In exchange for her $27.70 additional from Social Security, Mrs. Nashif will have to pay $5.80 a month in medical insurance premiums, 20 per cent of all doctors' bills, the first $68 a year in hospital expenses, $17 a day after 60 days in the hospital, and the total amount of prescription drugs.

Further, she will lose $7 a month in welfare payments, she will probably become ineligible for food stamps, and her rent will rise, since she lives in Federally subsidized housing where rents are tied to income.

"When I take all this into consideration," she said, "I'll be a darn sight worse off than I am now."

Congressional action could eliminate such hardships, and several bills addressed to the problem are now pending. Last Friday, the Senate voted a solution for welfare recipients by passing a measure that would force states to raise the eligible income limits for welfare by the same dollar amount as the Social Security increases. Prospects for the bill in the House are uncertain.

Even if the bill becomes law, it will not help people who now collect Medicaid and are not welfare recipients, and there are thousands of those in New York City alone who risk losing their medical benefits. The bill addresses itself only to welfare recipients.

ACTION BY STATES

Some states have already taken action on their own. Gov. William T. Cahill of New Jersey has ordered Medicaid benefits continued for 4,000 elderly who would otherwise become ineligible.

Delaware has allocated $1-million to raise the eligibility income maximums. Gov. Winfield Dunn of Tennessee has changed administrative regulations to keep 7,500 people on the welfare rolls. Nebraska, Missouri, Iowa, Florida and Wyoming are among the states that have increased the income levels that determine eligibility.

No action has been taken in New York. The state's Department of Social Services contends that it has no power to make the necessary changes without approval from the Legislature, whose regular session begins in January.

New York City has already sent letters informing 6,000 elderly people that their welfare benefits will be halted. This means that they will have to begin paying 20 per cent of their medical expenses.

In addition, many aged New Yorkers who are not on welfare and are not addressed by the Senate bill will be hurt by the Social Security increases.

The city's Office for the Aging estimated that 14,696 persons who now receive 80 per cent of their medical expenses from Medicaid will be cut off altogether. In addition, 22,434 who are not on welfare but are fully covered by Medicaid will have until they have spent all their income above the welfare maximum on medical bills. At that point Medicaid will pick up the full burden again. This totals about 43,000 elderly affected adversely in New York City alone.

The figures elsewhere are smaller, ranging from about 10,000 in California to 400 in Vermont. The United States Department of Health, Education, and Welfare calculates that nationwide, 187,000 people will become ineligible for welfare and 93,000 will lose Medicaid.

Even many who do not lose will not gain from the Social Security increase, since some states apply Social Security income against welfare payments. As Social Security rises, welfare decreases; the beneficiary is not the individual, but the state.

"I'm all for the increase," said John Maros, administrator of the Wyoming Division of Public Assistance. "The more Social Security they get the less public assistance is needed." The State of Washington estimates that it will save $2.3-million in welfare payments by next June 30.

"The average pensioner in Alabama won't gain a dime as a result of the increase," said Ruben K. King, Alabama director of pensions and security.

BAN UNDER SENATE BILL

"This is a form of psychological deceit practiced upon senior citizens," said C. Christophor Brown, head of the law reform unit of the Baltimore Legal Aid Bureau. "The government is giving with one hand and taking away with the other."

This cannot happen if the bill passed by the Senate is approved by the House and signed by President Nixon. Under the measure states would be prohibited from reducing welfare payments in response to the Social Security increase.

The bill would also cost the states additional money by requiring them to raise the income limits for eligibility, not merely for those welfare recipients who are on Social Security, but for all disabled, aged and blind. In New York, many in the disabled category are narcotics addicts.

In most states, elderly people on Social Security receive only small amounts of money from welfare, and their removal from the rolls is less of a hardship in terms of direct welfare payments than it is in terms of the services that are corollaries to a welfare status.

In many states, for example, Medicaid—whose cost is shared by the Federal and state governments—is available only to those whose incomes are low enough to qualify them for welfare, even though the Federal guidelines allow Medicaid benefits for those with incomes up to 133 per cent of the welfare maximum.

Other benefits, such as food stamps, legal help and home-making services, are also often tied directly to welfare.

BRONX WOMAN HIT

Mrs. Elesabeth Miles of 1365 Finley Avenue, the Bronx, for example, faces the loss of a valuable homemaker because the Social Security rise will make her ineligible for welfare. She is 62.

"The letter came last Wednesday," she said, "and now I have nothing. I have been a widow for 29 years and am completely blind in the right eye and partially blind in the left eye. My son is unable to take care of me because he has eight children of his own."

Her monthly Social Security check, to rise from $133.10 to $159.70, will have to cover her $70.40 a month rent, as well as her food and other expenses.

"They say that they are giving me a 20 per cent increase, but they been taking everything back and all I get is nothing," Mrs. Miles said. "We worked hard to take care of ourselves and they just don't care if we live or die."

In a small, sad room on West 86th Street, Joseph Wolfson, 80, a frail, asthmatic man spoke with fear. "Most of the time I am in the hospital because of asthma," he said. "I feel all right now, but who knows what can happen next week? I just can't live with that little amount of money and no Medicaid."

Eva Estelle Jackson, 70, lives alone in Montgomery, Ala., and has suffered from tuberculosis and ulcers. She now receives $132 a month in Social Security and $24 in welfare, but she has been told that the Social Security increase will raise her a few dollars above the welfare maximum she will therefore lose Medicaid, which paid several thousand dollars for three weeks she spent in hospitals last year.

"It's gonna hit me hard," Miss Jackson said. "If they'd just left me with a pension of $1 or $2, and Medicaid, I'd have been a lot better off. If I had some illness, I just don't know what I'd do. I'd just be in bad shape, because I've got nobody to fall back on."

Miss Jackson discovered that she will also have to pay a $2-a-month garbage collection fee to the City of Montgomery. Only those on welfare are exempted from the fee.

Another Montgomery resident, Emily Shepherd, 75, is now in the hospital, being treated for emphysema. When her $137-a-month Social Security check rises to $164, she will lose $66 in welfare from the state, ending up with $39 less a month than now, and no Medicaid.

At that point, her choices will be "either to go into a convalescent home or just go back to my apartment and die," she says. "It's the most ridiculous thing I ever hard of. They should have had a little forethought. They're just a bunch of meatheads in Congress."

In Las Vegas, the Social Security check of Henrietta G. Oberg, 78, will rise from $153 to $183 a month, but her $23 welfare payment will be eliminated as a result, leaving her $7 ahead, but without Medicaid. She is being treated for cancer. "What am I going to do?" she asked.

In Cedar Rapids, Iowa, Mary Wright also lost Medicaid. "It will take it all away from me," she said of the Social Security increase. "I can't afford it. I'm having it all canceled. I got to pay my rent, clothes and feed myself. There's nobody else to do it for me. You can't get any glasses, can't get any teeth—anything you need you can't get."

The difficulties have also affected some younger people. Lennell Frison, 40, a father of 10 in Portland, Ore., is a former foundry worker whose arthritis put him out of a job two years ago. He and his wife, who has diabetes, were told recently that the Social Security rise would mean the end of welfare and the end of medical payments.

"Without that aid to the doctor, man, I don't know how we're going to make it." His wife, he says, works sometimes as a janitor at night, making about $100 a week. They had planned to try to buy the six-room house they now rent, he said, "But we're probably gonna lose it."

Mr. Frison has considered sending his 17-year-old son to work, but he is torn by powerful doubts. "I hate to take my oldest boy out of school, because then he'd be where I am. I think I'd go back to work and punish myself instead. I can't stand up too long. My legs won't hold me. But it gets you. A man ain't nothing if he can't feed his children."

In Hazelwood, Mo., a suburb of St. Louis, Mr. and Mrs. Russell French face similar difficulties. Mr. French suffers from heart disease and diabetes, she from arthritis and rickets. Two of their children, Charles, 15, and Lorraine, 12, have rickets, and a third, Russell, is diabetic.

"It's the Medicaid that counts," said Mrs. French. "I figure it would cost us $100 a month just to keep my husband supplied with medicine." Neither she nor her husband can work; their Social Security comes to about $400 a month.

The family's physician, who asked not to be identified, confirmed that the French family needed constant medical attention. "Of all my families, this is the one that is probably the most in need," he said.

When Mrs. French was 10 years old and living in Corning, Ark., she recalled, her mother died because she could not get medical help. "If anyone thinks things have changed, they haven't," she said, "because the same thing probably will happen to us."

Mr. PERCY. Mr. President, 2 days ago I joined with the distinguished senior Senator from New Jersey (Mr. Case), and several other colleagues in sponsoring an amendment to title V of H.R. 1, as reported, to restore the eligibility of public assistance recipients for Federal food assistance programs.

It now appears that in the context of yesterday's activities we voted to extend the benefits of these programs to those persons who will receive assistance under the so-called aid to families with dependent children category, but to deny them to persons in the adult categories—the aged, the blind, and the disabled.

I consider this an unfortunate and ill-advised act on the part of this body and that is why I am joining with Senator Case and others to sponsor an amendment which would in effect suspend sections 508 and 509 of this bill until the Congress takes some further affirmative action to implement them.

As a charter member of the Select Committee on Nutrition and Human Needs and as the ranking minority member of the committee during the 92d Congress, I have witnessed participation in the food stamp program by the very needy nearly quadruple in the last 4 years. I have heard time and time again in testimony before the select committee from both Government officials and private citizens alike that the food stamp program is beyond a doubt the single most powerful weapon we possess in our war against hunger. Though it has been subject to some abuse, it is small compared to the vast amount of good accomplished for worthy and malnourished Americans.

Have we won that war? Have we fulfilled the commitment which President Nixon set forth so eloquently in 1969 to end hunger in America for all time? Or will the terms of the legislation we are now considering be so generous that recipients of public assistance in the adult categories will be assured of a nutritionally adequate diet? The answer to each of these questions is a resounding "no."

I do not believe any Member of this body wants to put in jeopardy the nutritional status of two groups in our population most vulnerable to malnutrition: The elderly and the disabled. This action would fly in the face of years of progressive steps by this body to extend the reach and scope of our food assistance programs and of our unanimous action not more than 6 months ago to set up a nationwide program of hot meals for the elderly.

To allow our action of yesterday to stand is to take a giant step backwards in our war against hunger and malnutrition and to take it at the expense of perhaps the most helpless and defenseless segment of our population. Some may call this reform; I call it a breach of faith with the elderly and the infirm.

I urge my colleagues to reconsider the action of yesterday and to pass the amendment put forward by the very able and dedicated Senator from New Jersey (Mr. Case).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey (Mr. Case).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from New Hampshire (Mr. McIntyre) would each vote "yea."

On this vote, the Senator from Rhode Island (Mr. Pell) is paired with the Senator from Louisiana (Mrs. Edwards).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Colorado (Mr. Dominick), the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Nebraska (Mr. Curtis). If present voting, the Senator from Oregon would vote "yea' and the Senator from Nebraska would vote "nay."

Mr. CANNON (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut (Mr. Ribicoff). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. GAMBRELL (after having voted in the negative). On this vote I have a pair with the Senator from South Carolina (Mr. Hollings). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

The result was announced—yeas 44, nays 27, as follows:

[No. 535 Leg.]

YEAS—44

Aiken
Allen
Bayh
Beall
Brooke
Burdick
Byrd, Robert C.
Case
Cook
Cooper
Cranston
Dole
Fulbright
Gravel
Griffin
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Magnuson
Mathias
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Randolph
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—27

Bellmon
Bennett
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Chiles
Cotton
Ervin
Fannin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Miller
Proxmire
Roth
Saxbe
Spong
Stennis
Talmadge
Thurmond

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Cannon, against.
Gambrell, against.

NOT VOTING—27

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Dominick
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Tower
Weicker
Young

So the Case amendment was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROOKE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 295, between lines 11 and 12, insert the following:

"(H) to determine whether the services of clinical psychologists may be made more generally available to persons eligible for services under titles 18 and 19 of this act in a manner consistent with quality of care and equitable as efficient administration."

Mr. HARTKE. Mr. President, I have discussed the amendment with the distinguished chairman of the committee and also with the ranking minority member. It calls for a termination to be made on the question of whether the services of clinical psychologists may be made more generally available to persons eligible for services under titles 18 and 19 of this act in a manner consistent with the quality of care and equitable and efficient administration.

Mr. LONG. Mr. President, we support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. (Putting the question.)

The amendment was agreed to.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. —. (a) Section 402(a) of the Social Security Act is amended by adding at the end thereof the following new paragraphs:

"(27) provide that eligibility for aid to families with dependent children will not be determined solely on the basis of declarations concerning eligibility factors and other relevant facts by an applicant for or recipient of such aid, and that relevant information will be verified to the maximum extent feasible from independent or collateral sources and additional information obtained as necessary in order to insure that such aid is only provided to eligible persons and that the amounts of such aid are correct;

"(28) provide—

"(A) that aid to families with dependent children shall not be furnished to any individual unless such individual (i) is a resident of the State, and (ii) has resided in the State continuously for ninety consecutive days immediately preceding the application for such aid;

"(B) that such aid shall be furnished under the State plan for a period of ninety consecutive days to any individual who (i) has moved out of such State regardless of whether he has terminated his residence in such State, (ii) was receiving aid under such State plan in the month before the month in which he moved out of such State, (iii) continues to meet the eligibility requirements of such State plan except for residency, and (iv) is not receiving aid to families with dependent children under a plan of the State in which he is present solely because he does not meet the duration of residency requirements imposed under subclause (A);

"(C) that for the purpose of furnishing aid under the State plan to any individual described in subclause (B), appropriate agreements (including provisions for reimbursement) will be made with the State agency administering or supervising the administration of the plan approved under this part of the other State so that the agency of such other State will determine the continuing eligibility of and make payments to such individual; and

"(D) that the State agency will enter into agreements with the State agency administering or supervising the administration of the plan under this part of other States to carry out for them the functions described in subclause (C); and

"(29) provide emergency assistance to needy families with children (as defined in section 406(e), on a statewide basis, to needy migrant workers with children in the State."

(b) Section 406(a) of the Social Security Act is amended by inserting the words "who has been born and" after "needy child";

(c) Section 406 of said Act is further amended by adding at the end thereof the following new subsections:

"(f) Notwithstanding the provisions of subsection (b), the term "aid to families with dependent children" does not mean payments with respect to a dependent child, a relative with whom any dependent child is living, or any other individual (living in the same home as such a child and relative) whose needs such State determines should be considered in determining the need of the child or relative claiming aid under the plan of such State approved under this part—who for any month—

"(1) (other than a member of a migrant family, for purposes of emergency assistance under section 410) has resided in such State for a period of less than ninety consecutive days or, in the case of a child born within three months immediately preceding the application for such aid, is living with a parent or other relative who has resided in such State for a period of less than ninety consecutive days;

"(2) is neither a citizen nor an alien lawfully admitted for permanent residence (or otherwise permanently residing in the United States under color of law);

"(3) is outside the United States during all of such month (and an individual who has been outside the United States for any period of 30 consecutive days shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days);

"(4) is a mother of a child born out of wedlock with respect to whom such aid is claimed and who fails to cooperate with the State agency or with the United States in establishing the paternity of such child;

"(5) is the parent of a child with respect to whom such aid is claimed who fails to cooperate with any agency or official of the State or of the United States in obtaining support payments for herself or such child or in obtaining any other payments or property due herself or such child;

"(6) is medically determined to be a drug addict or alcoholic;

and (but only if the State, at its option, so provides in its plan approved under this part) does not include payments to any one or more of the following—

"(7) an individual who is absent from such State for a period in excess of 90 consecutive days (regardless of whether he maintains his residence in the State during such period) until he has been present in the State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period or 90 consecutive days in the case of any other such individual;

"(8) an individual who will not agree, as a condition of initial or continuing eligibility for such aid, to permit inspection of his home, at reasonable times and with reasonable notice, by any duly authorized person employed by or on behalf of such State in the administration of such plan;

(d) Section 402(a)(4) of said Act is amended to read:

"(4) provide (A) for granting an opportunity for an evidentiary hearing before the State agency or, if the State plan is administered in each of the political subdivisions of the State by a local agency, before such local agency, to any individual whose claim for aid to families with dependent children is denied, or is not acted upon with reasonable promptness or to any individual who is receiving aid under the plan which aid such State or local agency determines should be terminated or the amount of which should be reduced, (B) that any hearing held at the request of any individual to determine the matter of whether the aid provided to such individual (or to members of his family) under the State plan should be terminated or the amount thereof reduced shall be completed and the agency before which such hearing is held shall make a decision on the basis of such evidentiary hearing with respect to such matter not later than thirty days after the date such individual is notified of the intention of such agency to terminate or reduce the amount of such aid, (C) that the agency before which such hearing is held may put its decision into effect immediately upon its issuance, (D) that if the evidentiary hearing is held by a local agency administering the State plan in a political subdivision of such State, the individual will be provided an opportunity to appeal such decision to the State agency, and (E) if any individual (or family) is determined under a final decision of the State agency (or of the local agency if no appeal is taken therefrom) to have received, prior to such decision, aid under the plan in any amount to which he (or his family) was not entitled, appropriate adjustment or recovery of such amount will be made as required by section 404(e); except that no individual whose eligibility for aid under the State plan is terminated by reason of provisions relating to limitation of duration of eligibility based on any approved application for aid in a State plan shall be entitled to a hearing on account of termination of his eligibility arising from the application of such provisions;"

Mr. BUCKLEY. Mr. President, yesterday so many things were happening in such a confused way that some of the important reforms worked out by the Finance Committee kind of evaporated. I am talking about reforms that would make this flexible to the States and enable them to handle welfare problems in a humane way.

I have 10 in one on this amendment to save us all time and trouble.

This would be reinserted in the bill as the result of the amendment. The bill would once again require States to provide emergency assistance for migrant families and children. It would provide that welfare children could not be counted for welfare purposes. It would eliminate eligibility for nonresident aliens. It would eliminate——

Mr. LONG. Mr. President, having looked at the amendment, it can be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I do not have an amendment. I got my name on the list some time ago so that I could have a discussion with the distinguished manager of the bill about a matter that I would hope would be taken up next year. I will only take about 60 seconds on this matter.

We are faced with a very serious problem that I hope the Senate will consider next year. That concerns an individual under social security who has, let us say, 19 quarters and does not have the additional quarter.

Nothing can be done for this individual except to find some welfare agency that can help him out.

There happens to be a problem, as Senators well know, under the Federal civil service system. If an individual retires before she is eligible to receive any benefits, that individual can draw out everything that she put into the fund plus 2.5 percent or 3 percent interest. They are entitled to that.

I might say that we have a real serious problem. I would like the attention of my colleagues on this matter, because I think it is something that we ought to face up to next year.

We here within our own Federal employees find ourselves in a situation where we have employees in our offices who can build up part of their retirement funds, and then if they want to take a vacation or buy a car, they go off the payroll for 1 day and withdraw everything that they put into the fund, plus interest. They then go back on the payroll the next day and start building up their retirement fund again.

Nobody else in the United States is entitled to do that; nobody under social security is entitled to do that. I can only say to the chairman I hope next year if we get into the field of reform we would do something about the individual who finds himself with 19 quarters or 19-plus quarters and does not have that 20th quarter. He really could withdraw nothing from social security, and yet we sit here and sanctify under the Civil Service System a program whereby if an individual finds himself in the same situation as the person under social security, he can draw all of his money out—and the present interest rate is between 2.5 and 3 percent—and yet the individual under social security finds himself in a different situation. I hope we will consider that next year.

Mr. LONG. We certainly need more answers than we have now. I thank the Senator for having directed our attention to it.

Mr. COOK. I thank the Senator.

Mr. LONG. Mr. President, I would like to submit an amendment and explain the situation it is designed to help. The Roth amendment struck from the committee bill the arrangement that the committee had provided for fiscal relief to the States. We restored most of the fiscal relief, and in some States perhaps more than provided by the committee bill, except we did not give the States the same opportunity to profit from tight administration of their welfare programs. This would restore that feature, so if they elect to do so they can receive the money under an alternative formula that would be available to them as long as they maintain the existing level of benefits. If the State manages to save money, they can do so. This amendment would seek to reinstate this feature of the bill as reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment is as follows:

At the end of the bill, add the following new section:

Sec. —. Part A of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"ALTERNATIVE FEDERAL SHARE OF ASSISTANCE COSTS

"Sec. 411(a). For any fiscal year beginning after June 30, 1972, the Secretary of the Treasury shall pay to any State electing to receive payments under this section an amount equal to 120 per centum of the amount payable to such State for quarters in the calendar year 1972 under section 403 (a) (1) or under section 1118 (but only with respect to expenditures described in section 403 (a) (1)).

"(b) Any payment under subsection (a) for any fiscal year shall be in lieu of amounts otherwise payable with respect to expenditures described in section 403(a) (1) or section 560 of the Social Security Amendments of 1972 (but only with respect to expenditures described in section 403(a) (1)).

"(c) The amount payable to a State under subsection (a) for any fiscal year shall be increased or decreased by the same percentage by which the population of such State in such fiscal year is greater or less than the population of such State in calendar year 1972. For the purpose of this subsection the population of a State shall be estimated by the Secretary on the basis of the most recent satisfactory data available from the Secretary of Commerce.

"(d) No payment shall be made under this section to any State with respect to any fiscal year during which the levels of assistance which it provides to families of various sizes are lower than the levels of assistance provided to such families under the State plan approved under this title as in effect in October 1972."

Mr. BENNETT. Mr. President, I have no objection to the amendment. I hope it is accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. BENNETT. I am glad to yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, I would like to ask the manager a question about the bill. Overlooked in the bill is consideration for the citizens of the United States residing in Guam, Puerto Rico, and the Virgin Islands.

I hastily drew up an amendment I had intended to offer which I discussed with the Senator, and I believe the Senator gave me assurance that early next year the matter would be considered, and by early I mean as early as possible, after we have some data, facts, and figures that we need to correct this matter.

Do I have that understanding?

Mr. LONG. Yes. I told the Senator, speaking as the manager of the bill, that if we could find what would appear to be an appropriate answer to provide equity and justice in those territories, I would be willing to accept such an amendment and take it to conference.

Unfortunately, neither he nor those of us on the committee could come up with an adequate answer.

I assure the Senator we on the committee will be glad to look into it and give our cooperation early in the next session.

Mr. BURDICK. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. JAVITS. Mr. President, Senator Buckley and I were apprised unfortunately late with respect to alleged serious deprivation resulting from certain ceilings under the social security laws on money for Guam, Puerto Rico, and the Virgin Islands for welfare programs. We decided it was just too hasty and too complicated to move into now. May I have the assurance of the chairman that that will be looked into?

Mr. LONG. Mr. President, the Senator is familiar with the problem here. There is a difference in the dollar level of earnings, and there are tax considerations, but I would be happy to say that we will seek to look into it next year.

Mr. JAVITS. And Senator Buckley has the same assurance?

Mr. LONG. Yes.

Mr. President, the junior Senator from New York wanted to ask a question, and I will be glad to respond.

The PRESIDING OFFICER. Does the Senator yield?

Mr. BENNETT. I yield.

Mr. BUCKLEY. Mr. President, I wish to ask the chairman two questions which will take an aggregate of 43 seconds. I know, because I timed them.

Mr. President, the Roth amendment which we adopted yesterday contained a provision repealing section 204(2) (2) of the Social Security Amendments of 1967.

I would like to ask the distinguished chairman whether my understanding is correct that the effect of this deletion is to restore the opportunity for the States to develop their own community work and training programs independently of the WIN program?

I also would like to ask the distinguished chairman whether the effect of this deletion is to restore the right of the State of New York to develop and enforce the requirements of its work performance program which I have described?

Mr. LONG. Yes, that is exactly what was intended. The committee did that so the State of New York could do what it was trying to do and that is implement a work program to help reform its own welfare program.

Mr. BUCKLEY. So they could pick up checks at the State employment office?

Mr. LONG. That is part of the program of the State of New York to create community work and training opportunities. We applaud that, as well as the efforts of the State of California to reform welfare.

Mr. BENNETT. Mr. President, I have two amendments. The first is an amendment prepared by the staff and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Utah (Mr. Bennett) proposes an amendment at the end of title II.

Mr. BENNETT. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record is as follows:

At the end of title II of the bill, add the following new section:

DETERMINATIONS AND APPEALS

Sec. —. (a) Section 1869 (b) of the Social Security Act is amended to read as follows:

"(b) (1) Any individual dissatisfied with any determination under subsection (a) as to—

"(A) whether he meets the conditions of section 226 of this Act or section 103 of the Social Security Amendments of 1965, or

"(B) whether he is eligible to enroll and has enrolled pursuant to the provisions of part B of this title, or section 1818, or section 1819, or

"(C) the amount of benefits under part A (including a determination where such amount is determined to be zero) shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(2) Notwithstanding the provisions of subparagraph (C) of paragraph (1) of this subsection, a hearing shall not be available to an individual by reason of such subparagraph (C) if the amount in controversy is less than $100; nor shall judicial review be available to an individual by reason of such subparagraph (C) if the amount in controversy is less than $1,000."

(b) (1) The provisions of subparagraphs (A) and (B) of section 1869(b) (1) of the Social Security Act, as amended by subsection (a) of this section, shall be effective on the date of enactment of this Act.

(2) The provisions of paragraph (2) and of subparagraph (C) of paragraph (1) of section 1869(b) of the Social Security Act, as amended by subsection (a) of this section, shall be effective with respect to any claims under Part A of title XVIII of such Act, filed—

(A) in or after the month in which this Act is enacted, or

(B) before the month in which this Act is enacted, but only if a civil action with respect to a final decision of the Secretary of Health, Education, and Welfare on such claim has not been commenced under such section 1869(b) before such month.

Mr. BENNETT. Mr. President, the purpose of the amendment is to make sure existing law, which gives the right of a person to go to court on the question of eligibility to receive welfare, is not interpreted to mean he can take the question of the Federal claim to court. If he did we would never have an end to it. This is to reconfirm the original intention of the law that the courts can determine only eligibility.

The situations in which medicare decisions are appealable to the courts were intended in the original law to be greatly restricted in order to avoid overloading the courts with quite minor matters. The law refers to "entitlement" as being an issue subject to court review and the word was intended to mean eligibility to any benefits of medicare but not to decisions on a claim for payment for a given service.

If judicial review is made available where any claim is denied, as some court decisions have held, the resources of the Federal court system would be unduly taxed and little real value would be derived by the enrollees. The proposed amendment would merely clarify the original intent of the law and prevent the overloading of the courts with trivial matters because the intent is considered unclear.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNETT. Mr. President, I send a second amendment to the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Utah (Mr. BENNETT) proposes an amendment at the end of the bill to insert the following new section.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of bill insert the following new section:

SEC. —. (a) No participant in any of the three test programs provided in Sec. 401(b) (1) of Title IV as amended who is the father of a dependent child shall be considered to be unemployed for any week in which his unemployment is on account of a labor dispute at the establishment where he was previously employed, unless such individual (1) is not directly interested in and has not participated in such dispute, and (2) is not a member of any group of employees which is directly interested in, financing or participating in, such dispute.

SEC. —. (b) Section 407(a) of the Social Security Act is amended by striking the period at the end thereof and adding "provided that a father of a dependent child shall not be considered to be unemployed for any week in which his unemployment is on account of a labor dispute at the establishment where he was previously employed, unless such individual (1) is not directly interested in and has not participated in such dispute, and (2) is not a member of any group of employees which is directly interested in, financing or participating in, such dispute."

Mr. BENNETT. Mr. President, another thing left out of the committee bill by the Roth amendment was a problem in the bill that welfare payments could not be paid to striking fathers under aid to families with dependent children. The amendment was drawn so the effect of this would not fall on other employees of corporations or anybody not directly and properly involved in the strike.

I think the chairman is willing to take this to conference.

Mr. JAVITS. Mr. President, this strikes me as very much a labor matter, which we have kept out of. After all, we do not want to delay the Senate. This is the Senator's amendment and with all respect to the Senator from Utah I hope very much that this will not be passed on at this hour. I do not know its implications and neither does anyone else. This deals with labor disputes and we are going to make a special record for fathers under welfare. I hope it can be submitted at a later date.

Mr. LONG. This amendment was included under the committee bill. It was stricken from the bill in the Roth amendment. This Senator made the statement that the provision would be submitted to the Senate for decision. It is up to the Senate to make the decision. Frankly, the Senator from Louisiana feels that the Government should be neutral between labor and management in a labor dispute, and that to pay welfare benefits to people who are on strike is not being neutral. We are not talking about people in a secondary involvement. We are not talking about an instance in which one union goes out, and since that union is out, it is not practical for others to work. We are talking only about those who are actively engaged in a strike.

For example, if there are several unions in a plant, and one union walks out, and therefore the plant cannot operate, the others can receive benefits because they are not on strike, but the strikers themselves could not receive benefits, just on the theory that the Government should be neutral in a controversy between labor and management, and to pay a generous level of benefits while a worker is on strike is, in effect, to place labor in a position to remain on strike indefinitely, while management is not in a position to operate a plant.

This, admittedly, is one about which there can be a difference of opinion. There was in the committee. I am sure there will be in the Senate.

When the Roth amendment was voted, those of us who voted for it promised those who favored this committee amendment that we would offer them the opportunity to vote on this amendment, which I feel is more a welfare matter than it is a labor matter. It is just a question of: Do you think you ought to pay welfare benefits to people who are not working because they decline to work for the reason that they are engaged in a controversy with management, and therefore they withhold their labor?

Since this is a struggle between management and labor, where both will suffer until they come to some kind of accord, we think that under no circumstances should the Government take the side of labor to the extent that it makes eligible for welfare payments and food stamps those who are on strike, and thereby, in one respect or another, tends to aid the side of labor in a dispute between labor and management.

It is the feeling of a majority of those of us on the committee that the Government should be neutral between the two contending forces of management and labor, and therefore, that welfare benefits should not be paid to those who are actively engaged in a strike. This matter, as Senators know, is in contest in the State of Maryland right now. But all of that has to do with: What was the congressional intent? Did we intend welfare payments to be paid to those who are out on strike, or did we not?

It seems to me that it is more appropriate that the Congress tell the Supreme Court what it meant than to have a bunch of lawyers argue what we meant. My guess is that it was not considered at all when the legislation was passed, and as it stands now, the Court is in a position to construe what Congress meant. When I doubt whether any 10 Senators could agree on what we meant on this matter, it seems to me our intention should be made clear: Do you think welfare payments should be payable to those actively engaged in a strike, or do you not?

Mr. BENNETT. Mr. President, I think the quickest way to settle this is by a division. I do not think that we should settle it by a voice vote. I ask for a division.

Mr. JAVITS. Mr. President, we are not quite ready yet to vote on it. We have not brought it up; the proponents of the bill have brought it up, and though it is very late, there is no hesitancy in dealing with an amendment which may be serious in its implications because the proponents, the managers, have sought to bring up an amendment at a late hour.

One thing the Senator from Louisiana

(Mr. LONG) has said is quite proper: The Government should be neutral. But the Government should not hurt children whose father happens to be on strike. That is not being neutral, either.

I frankly do not know the depth of this amendment. It is a matter of first impression, but I beg the Senate to listen to it, because it has not been read. It reads as follows. It applies to two programs, one to the three test programs for income maintenance, and another part of it—both are proposed together—applies to the welfare assistance. It reads as follows:

> No participant in any of the three test programs provided in Sec. 401(b)(1) of Title VI as amended who is the father of a dependent child shall be considered to be unemployed for any week in which his unemployment is on account of a labor dispute at the establishment where he was previously employed, unless such individual (1) is not directly interested in and has not participated in such dispute, and (2) is not a member of any group of employees which is directly interested in, financing or participating in, such dispute."

It strikes me that there are two grave deficiencies in this matter. One deficiency is that it is participating in a labor dispute, because it is penalizing a man who is on strike or has joined a union. That is what it says. Second, I believe—and again I submit to the Senate it must, because of how it is submitted, be only a matter of first impression—it affects the eligibility for a particular family or a particular child to receive aid.

I could not imagine much more coercion on any man in going on a strike or being a member of a union which is on strike than denying relief, welfare, or whatever it may be that is agreed to under the law, to this man's child.

For those reasons, I think it is a serious matter, and I hope very much that, in this last moment on a major bill—and I join all my colleagues, and I think the whole country owes a debt of thanks to the Senator from Louisiana (Mr. LONG) and the Senator from Utah (Mr. BENNETT) for piloting this measure through, which seems to be of some consolation, and at least there will be some legislation that Congress will have created as a result of this enormous effort—but both gentlemen, I respectfully submit, should not ask us to take this amendment, which seems to have very serious and adverse implications, at this late hour. That is asking us, at least me, in all conscience—and I am the ranking Republican member of the Committee on Labor and Public Welfare—to do more than we should do.

Mr. WILLIAMS. Mr. President, this seems to me to be a matter which should be considered by the Labor and Public Welfare Committee, and as chairman of that committee, I feel compelled to move to table this amendment.

The PRESIDING OFFICER. The motion is not debatable. All those in favor signify by saying "aye." Those opposed, "no." The "ayes" appear to have it. The "ayes" have it. The motion to lay on the table is agreed to.

The bill is open to further amendment.

Mr. HART. Mr. President, I invite the attention of the Senator from New York, with some apology to everybody on the floor, to a matter. I know what Senators think, and I would not be doing this if I had not just been jumped by members of the staff, who, hopefully, know more about what we have just done than all of us here, or most of us here.

Would the Senator from New York advise us whether the amendment that he offered, which was not, as I have been advised, explained, and then was accepted, and hence has been added to this bill—it was an unprinted amendment; it was just recently acted on—reimposes, for example, the residency requirement for welfare? In effect, does it overrule the finding of the Supreme Court?

Mr. BUCKLEY. No, it does not overrule the Supreme Court's finding, but it imposes a uniform residency requirement unless State law requires otherwise. I think the Chairman is in a position to discuss the details.

Mr. HART. What does it do about——

Mr. LONG. The language is right there in the committee report.

Mr. HART. I beg the Senator's pardon?

Mr. LONG. I assume the Senator is reading from the committee report. The language is there. As to the residency requirement problem, it provides that a citizen is deemed a resident of the State from which he departed for 3 months after he left, and he then is deemed a resident of the State to which he moves for the purpose of their welfare program 3 months after he arrives, so that a State that wants to have high welfare benefits, such as New York or Michigan, can do so, and then will be some small impediment to a heavy migration of people from States that have lower welfare payments into their State.

There is an amendment to that that affects a particular problem in the State of Arizona, but the point is to say that 3 months after a citizen leaves the State, that State does not have to make any further payments to him, and 3 months after he leaves the State, the State to which he goes must make payments to him, so that he would be eligible under the laws of one State or the other

The committee moved in a way to meet the Supreme Court decision which said that Congress cannot authorize a State to impose a residency requirement under the equal protection clause, but the equal protection clause does not prevent Congress from levying a residency requirement, and so it would seek to meet the problem by simply setting a residency definition by saying that you would be eligible for the welfare benefits of a State for 3 months after you left, and then the State to which you moved could make you eligible 3 months after you arrived there.

There is also a provision that the Senator might want to read there, where we went along with what the House of Representatives suggested by prohibiting the thing which we thought was probably the most unwise thing that was done to load the welfare rolls down with people who did not belong there, and that was what is called the declaration method, whereby a person could be put on the welfare rolls by a mere telephone call or by sending in a card by mail. The House of Representatives felt and we feel, that that provision increased the welfare rolls and the number of ineligible people on them by at least 10 percent. So, the House provided that the declaration method would not be used, and we also provided that the declaration method would not be used.

These are provisions that the Roth amendment struck from the bill.

We also provided, for example, that a State would not be required to make persons eligible who are not either citizens of the United States or aliens lawfully admitted to this country. It was also provided that a State need not make eligible a family where the mother declines to cooperate with the State in identifying the paternity of the child. She can say she does not know who the father is, and there is nothing they can do about it, but if she simply refuses to tell you who the father is, it would seem to me and to our committee that she should not be entitled to support from welfare.

Those are provisions that were in the committee bill—I have yet to hear anyone argue that they should not have been there—that were stricken by the Roth amendment. Frankly, I must confess I was not aware that these provisions had been stricken, but I am constrained to agree that they should be restored. The Senator from New York felt that they should be restored, and I agreed that they should be.

I would be happy, if the Senator would like, to vote individually on any one of these proposals which were in the committee bill and were stricken by the Roth amendment. Is there any particular one the Senator would like to vote on?

Mr. HART. I have been asked to obtain some kind of explanation. Unless material was handed in before our vote, we lack—maybe there is material in the RECORD, with the filing of printed material, and we will find out in the morning what it was we did. That is a harsh thing to have to get up and say, but we are all in this boat, and it is not meant to embarrass anyone, but rather in an effort to avoid embarrassment that I ask, for example, if there was included in the unprinted amendments any change with respect to the entry of caseworkers into homes.

Mr. BUCKLEY. There is such a provision. I think it would be useful if the Senator from Michigan would pick up the committee report and turn to page 451, and he will see the various items set out, with a very concise description of the provisions, contained in that index.

Mr. HART. On page 451, there are page references to what, 20 or 25 items?

Mr. BUCKLEY. "Refusal to allow caseworkers in home," 471. If the Senator will turn to page 471, he will find the following:

> The committee bill would codify the Supreme Court's decision in the statute by permitting the States, at their option, to require as a condition of eligibility under the AFDC welfare program that a recipient allow a caseworker or other duly authorized person to visit the home. In doing so, the committee is not endorsing the so-called "midnight raids," which have been generally considered objectionable as a means of enforcing welfare eligibility rules. The bill specifically requires that such home vis-

its must be made at a reasonable time and with reasonable advance notice.

Mr. LONG. That particular provision right in the law is a Supreme Court decision. That is a decision of the Supreme Court of the United States which reversed the lower courts.

Being happy to find a Supreme Court decision with which we could heartily agree, we have decided that it should be written into the law, lest someone should argue that it should be reversed by trying to persuade the court that we did not mean what we thought we meant, and what the court has agreed we meant.

These provisions, Mr. President, that were involved in the Buckley amendment, are all provisions that were in the bill. As a matter of fact, what the Senator from New York suggested when he showed it to me was actually—here is what the Senator showed me, photostated from the bill.

He said, "This is some language that was stricken from the bill, and I think it ought to be restored."

I am familiar with it, of course; we sat there and worked on this for weeks. So as far as this Senator was concerned, the Senator from Delaware (Mr. ROTH) made no point to explain that this was being stricken when he offered his amendment. At the time, I was aware there were some things being stricken that I thought should be restored. I did not suggest that the Senator from New York offer the amendment, but when he offered it I was satisfied that these were items that should be restored, and they were.

The Senator from Michigan probably did not know they were in the bill to begin with. He probably did not know, when the Roth amendment struck them, that they were stricken, and when they went back in, he probably did not know that they went back in. But the fact is that there were things in the Roth amendment that were so much more controversial and attracted so much debate and fire in other respects that these items simply were not debated.

I would be happy to vote on each one of them individually if the Senator wants to do so, but I am confident I know what the committee wants to do about it.

Mr. HART. Well, clearly a vote at this time would not serve the best interests of anyone. I am not in a position, since I am not a member of the committee, really to do more than rise here and at least in part make the point, though it is not new, that we have wrought in these last hours changes in legislation that affect intimately the lives of an awful lot of people, generally speaking the weakest and poorest among us, without knowing what we were doing. This is not a charge against anyone; but if anybody wants to disagree with this, that enormous legislative changes affecting an awful lot of people have been made and not very many people knew what we were doing, I would be glad to be corrected.

Mr. LONG. Mr. President, while the Senator from Michigan may not understand this bill as well as he would like to, he has sitting beside him a man who understands it better than I do. He is Mr. Peterson, who is the assistant to Mr. RIBICOFF who is responsible for some of the provisions that appear in the bill. He is a very brilliant adviser. I am sure Mr. Peterson knew what these provisions were as reported. I assume he was following it closely enough to know that they were stricken when the Roth amendment struck them, even if I did not, and that they were restored when they were restored.

All I want to do, Mr. President, is what the Senate wants to do about this matter, and I will seek to move accordingly.

We have accepted some amendments here tonight that I do not fully understand; but when the Senate is trying to adjourn 1 week from now, if we do not pass this bill some time soon, we might as well forget about it. It should be resolved soon, and I hope the House will go to conference with us.

I recall the experience 2 years ago when we had a bill that cost half this amount, and the House declined to go to conference with us because they thought it would cost too much money, and they would rather start all over again.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MAGNUSON. I was tempted to propose an amendment to the end of the bill—I do not know whether it is section 2000 or section 2001—to add a section to the bill sending greetings and sympathy to the Appropriations Committee of the Committee on Health, Education, and Welfare.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. STEVENSON. Mr. President, there are many provisions of this legislation that I strongly support, particularly those affecting social security, old age assistance, and aid to the blind and disabled. Yet, I am forced to vote against passage of H.R. 1 in its final form because it perpetuates our present chaotic, ever-expanding, and inordinately expensive welfare system.

The Senate had a rare opportunity to accomplish a major restructuring of the welfare system. That we were not successful is in large measure due to the opposition of the President who incomprehensibly destroyed his own creation. Having had the foresight to propose far-reaching reform, he apparently lacked the political coverage to support it. He opposed the Ribicoff and Stevenson proposals even though they had the support of his Secretary of Health, Education, and Welfare and were substantially the same as his original proposal.

The President's opposition has condemned us to a continuation of the welfare mess for the indefinite future. I cannot vote for a program which rewards those who do not work and not those who do, which encourages fathers to desert their families; which is bankrupting the States of our Nation, including my own State of Illinois.

Despite my strong support for many provisions of this bill, I have no choice but to cast my vote against it.

Mr. FANNIN. Mr. President, the committee bill modified the unemployed father provision of aid to families with dependent children so that welfare benefits will not be available for strikers. This disqualification would not apply to any employee who is not participating or directly interested in the labor dispute and does not belong to a group of workers any of whom are participating in or financing or directly interested in the dispute. This disqualification, adapted from the unemployment insurance laws, is designed to prevent the government financing one side of a labor-management dispute.

Senator ROTH's amendment in rewriting title IV of the bill left out the striker disqualification.

The committee, in denying welfare for strikers was motivated in part by a 1972 decision by the U.S. District Court of Maryland—Francis against Davidson—holding that Maryland could not disqualify a family from aid to families with dependent children on the grounds that the fathers unemployment was due to a strike.

Members of the committee and I, personally, were more motivated by the fact that union use of welfare funds to support and prolong strikes has become a national disgrace.

To cite a few examples:

A 1970–71 strike by United Electrical Workers against Westinghouse at Lester, Pa.—During this 151-day strike a total of at least $2,500,000 in public funds, in the form of various welfare benefits, was paid to strikers and their families. The union paid nothing in strike benefit funds.

A recent study conducted by the Wharton School of Finance, University of Pennsylvania estimates that by 1973 the direct and indirect dollar cost of aid to strikers will exceed $365 million a year, or more than $1 million a day.

In the General Electric strike of 1969–70 which lasted more than 100 days and involved 150,000 workers, public welfare benefits to strikers totaled $25 million.

In the 71 day strike of the United Automobile workers against General Motors in 1970, an estimated $30 million was spent in public welfare benefits to the strikers. Of this sum, nearly $16 million was spent in Michigan alone. Since the unemployment insurance fund in New York is funded through a tax on employers, General Motors was forced to subsidize its own striking workers. That company estimates that about $5,250,000 in unemployment compensation was paid by New York to GM strikers.

The principal author of the Wharton study states:

> "It seems obvious that if strikes become injurious only to one party (management) because the other party (labor) is being subsidized by the government, a strike will not serve its purpose of inducing a reasonable settlement."

Public policies which permit strikers to obtain welfare have serious financial impacts on Government and the taxpaying public and add additional burdens to our troubled welfare system.

Various case studies related in the Wharton study show that some strikers, thanks to welfare benfit payments, have received almost as much income while on strike as when working.

There is only one remedy. Congress must simply declare strikers ineligible for tax supported benefits. Of course, there will be a few hardship cases, but they will be well within the capacity of organized labor to care for.

The committee bill marked the first attempt by the Senate to begin to strike a balance in union rights and duties in financing strikes. The House of Representatives this year attempted to meet part of the problem by a rider to the agriculture appropriations bill which denied food stamps to strikers. This move failed.

The present situation developed because while the American taxpayer was asleep, the unions were working hard in the welfare area. Back in the World War II days, the unions set up a community service department and worked to get a union man on every community service board throughout the country. He is now the liaison man the union contacts before the strike starts. Consequently, today, when a strike occurs, welfare people are ready with food stamps, aid to dependent children, public welfare, and other benefits. The union makes sure the strikers know of all the various welfare benefits they can collect and procedures are streamlined to make it easy for them to obtain these benefits.

Mr. President, I believe that Congress should take action to stop union abuse of our welfare system. Organized labor is big enough and certainly rich enough today to take care of itself.

This amendment is intended to protect the millions of taxpaying Americans who object to the public financing of strikes. Quite often strikes are not in the public interest, and all too often strikes result in hardship for the general public, not to mention ultimate higher costs for goods and services. It makes no sense for the government to maintain a program which encourages strikes and long work stopages. Tax funds should not be used to finance strikes.

Several Senators. The yeas and nays, Mr. President?

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall it pass?"

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from Louisiana (Mrs. Edwards), the Senator from South Carolina (Mr. Hollings), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Colorado (Mr. Dominick), the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), the Senator from Colorado (Mr. Allott) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 68, nays 5, as follows:

[No. 536 Leg.]

YEAS—68

Aiken
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Dole
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tunney
Williams

NAYS—5

Allen
Chiles
Fannin
Mansfield
Stevenson

NOT VOTING—27

Allott
Anderson
Baker
Bentsen
Boggs
Church
Curtis
Dominick
Eagleton
Eastland
Edwards
Goldwater
Harris
Hatfield
Hollings
Humphrey
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Ribicoff
Tower
Weicker
Young

So the bill (H.R. 1) was passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I have a series of motions to make. First I ask unanimous consent that the bill, H.R. 1, be printed with the amendments of the Senate numbered, and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations, and cross references thereto.

The PRESIDING OFFICER (Mr. Williams). Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 1, and ask for a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Bennett, and Mr. Curtis conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, first, I want to extend my commendation to the distinguished Senator from Louisiana (Mr. Long), chairman of the Finance Committee, for the superb job he has performed in handling this most difficult, complicated, and complex piece of legislation.

Of course, we always expect such management on the part of the distinguished Senator from Louisiana, but I think that his forebearance, his understanding, and his consideration of all concerned was outstanding over the past week during which this measure was being debated.

To the distinguished Senator from Utah (Mr. Bennett) I want, likewise, to extend my commendation for his patience and for his understanding and cooperation. I think that both Members represented their committee with distinction. Both Members represented the Senate well.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I would like very much to state that I am entirely in accord that this is one of the most difficult measures which could come before us. It has been handled with consideration for all Senators in a very thorough and careful manner. We are all very grateful to the distinguished Senator from Louisiana (Mr. Long) and the distinguished Senator from Utah (Mr. Bennett).

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, for the information of the Senate, instead of coming in at 9 o'clock this morning, I ask unanimous consent that when the Senate adjourns this morning, it come in at 11 a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLDS ON BILLS

Mr. MANSFIELD. Mr. President, for the information of the Senate, holds on bills prior to October 2 will be called up at any time, whether the Senator who has a hold on the bill is here or not.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 1206 up to and including 1212.

The PRESIDING OFFICER (Mr. WILLIAMS). Without objection, it is so ordered.

AUTHORIZATION OR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS

The resolution (S. Res. 371) authorizing supplemental expenditures by the Committee on Labor and Public Welfare for inquiries and investigations was considered and agreed to, as follows:

Resolved, That Senate Resolution 235, 92d Congress, agreed to March 6, 1972, is amended as follows:

(1) In sections 2 and 6, strike out "$1,433,000" wherever it appears and insert in lieu thereof "$1,483,000".

(2) In section 3, strike out "$993,000" and insert in lieu thereof "$1,028,000".

(3) In secton 4, strike out "$440,000" and insert in lieu thereof "$455,000".

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR ROUTINE PURPOSES

The resolution (S. Res. 372) authorizing additional expenditures by the Committee on Labor and Public Welfare for routine purposes was considered and agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate, during the ninety-second Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 374) authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to the separation of powers between the executive, judicial, and legislative branches of the Government was considered and agreed to, as follows:

Resolved, That Senate Resolution 256, Ninety-second Congress, agreed to March 6, 1972, is amended as follows:

(1) In section 2, strike out "$3,647,700" and insert in lieu thereof "$3,657,700".

(2) In section 17, strike out "$192,000" and insert in lieu thereof "$202,000".

ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

The concurrent resolution (H. Con. Res. 679) to provide for the printing of additional copies of the report of the Commission on the Organization of the Government of the District of Columbia was considered and agreed to.

ADDITIONAL COPIES OF HEARINGS ENTITLED "CORRECTIONS"

The concurrent resolution (H. Con. Res. 681) to provide for the printing of 1,000 additional hearings entitled "Corrections," parts I through VI, was considered and agreed to.

AUTHORIZATION FOR PRINTING "SEPARATION OF POWERS AND THE NATIONAL LABOR RELATIONS BOARD; SELECTED READINGS" AS A SENATE DOCUMENT

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 98) to authorize the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board; Selected Readings" as a Senate document was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by Doctor James R. Wason of the University of Maryland, formerly specialist in labor economics and relations, Economics Division, Legislative Reference Service, the Library of Congress; and the Congressional Research Service and the Library of Congress, in cooperation with the staff of the Subcommittee on Separation of Powers, be printed as a Senate document.

SEC. 2. There shall be printed for the use of the Senate Committee on the Judiciary one thousand additional copies of the document authorized by section 1 of this concurrent resolution.

The title was amended, so as to read: "Concurrent resolution authorizing the printing of the manuscript entitled 'Separation of Powers and the National Labor Relations Board: Selected Readings' as a Senate document."

NORMA J. GRIST, EDYTHE M. EBERSOLE, AND PAUL W. HUMMER

The resolution (S. Res. 375) to pay a gratuity to Norma J. Grist, Edythe M. Ebersole, and Paul W. Hummer was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Norma J. Grist and Edythe M. Ebersole, daughters; and to Paul W. Hummer, son, of Lula M. Hummer, an employee of the Senate at the time of her death, a sum to each equal to one-third of four months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 1042, H.R. 13915, an act to further the achievement of equal educational opportunities, and I ask that it be laid before the Senate and made the pending business.

Mr. JAVITS. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. Mr. President, this is a critically important measure to many Americans and a major issue in terms of the policy of the country. The distinguished Senator from Michigan (Mr. HART) and I joined in an effort to consult with various Members of the Senate who had an interest with respect to the bill, generally in opposing it.

After consultation with the Senator from Michigan and consultation with the leadership, and in deference—and I know the leadership understands this, but it should be spread publicly on the RECORD—to the feelings and commitments of both the majority and minority leaders that no point would be made about taking up the bill and that we should deal with our problems in opposition, in connection with the bill being taken up, the leadership having made the analogy to us of the fact that there was no need for a motion to take up on the Consumer Protection Agency bill, the Senator from Michigan and I have decided that we should allow the matter to stand as the majority leader has expressed it.

However, I do wish to make one observation, if the majority leader will indulge me, that I was fearfully late but I know that he is deeply interested how this business goes and the order of business.

From our point of view, I would say to the Senate, it would be much more logical if we opposed a motion to take up because, really, what we are arguing, in the first instance, is that this matter not having been referred to any committee—it was put right on the calendar—and being a matter of such high caloric quality for millions of people in the country and its tremendous social implications, and with only a few days left to go in the session, we believe it is quite unwise and inappropriate to take up such a bill. That would be the logic of our presentation. But, in view of the fact that there are many remedies open to us, including a motion to commit to a committee, or to recommit to a committee, or even after the time for the pending business, out of deference for and confidence in the leadership, the Senator from Michigan (Mr. HART) and I decided that we would not interpose an objection to that procedure.

Mr. MANSFIELD. Mr. President, I appreciate the statement of the Senator from New York.

(The routine morning business transacted during the day is printed here, as follows:)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes; and

H.J. Res. 1263. A joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, October 5, 1972, he presented to the President of the United States the following enrolled bills:

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes; and

S. 2770. An act to amend the Federal Water Pollution Control Act.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Moss) laid before the Senate the following letters, which were referred as indicated:

Report on Rural Environmental Assistance Program

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the rural environmental assistance program, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the United States efforts to increase international cooperation in controlling narcotics trafficking (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Greater Benefits to More People Possible by Better Uses of Federal Outdoor Recreation Grants", Bureau of Outdoor Recreation, Department of the Interior, Department of Housing and Urban Development, dated October 5, 1972 (with an accompanying report); to the Committee on Government Operations.

Public Services in Acadia National Park, Maine

A letter from the Deputy Assistant Secretary of the Interior submitting a copy of a proposed amendment to the concession contract under which The Acadia Corporation will be authorized to continue to provide facilities and services for the public in Acadia National Park, Maine (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered in the cases of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to the temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3174. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes (Rept. No. 92–1271).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3930. A bill to provide for the conveyance of certain mineral rights in and under lands in Onslow County, North Carolina (Rept. No. 92–1272).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3627. A bill to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to C. R. Jensen of Sandy, Utah, the record owner thereof (Rept. No. 92–1273).

By Mr. STEVENSON, from the Committee on the District of Columbia, with amendments:

S. 1524. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property (Rept. No. 92–1274).

CHANGE OF REFERENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from the further consideration of S. 4029, a bill to amend section 4 of the Internal Security Act of 1950, and that it be referred to the Committee on the Judiciary, since it more appropriately falls within the purview of that committee's jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ANDERSON (for himself, Mr. Allott, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Cranston, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Hansen, Mr. Montoya, Mr. Moss, Mr. McGee, and Mr. Tunney):

S. 4063. A bill to authorize the Secretary of the Interior to implement a program for the control of salinity in the waters of the Colorado River System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 4064. A bill for the relief of Asuncion Ventura-Rumi. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S. 4065. A bill to amend chapter 4 of title 23 of the United States Code, relating to highway safety, to provide a standard distress symbol for physically handicapped drivers. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ANDERSON (for himself, Mr. Allott, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Cranston, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Hansen, Mr. Montoya, Mr. Moss, Mr. McGee, and Mr. Tunney):

S. 4063. A bill to authorize the Secretary of the Interior to implement a program for the control of salinity in the waters of the Colorado River system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1972

Mr. ANDERSON. Mr. President, I join several of my colleagues in introducing, for appropriate reference, a bill to authorize the Secretary of the Interior to implement a program for the control of salinity in the waters of the Colorado River system, and for other purposes.

Mr. President, the salinity of the Colorado River under the pressures of increasing use of the stream has risen sharply in recent years. Increasing salinity is of obvious concern to the water users of the lower basin who must cope with lower water quality and the problems it represents to the agricultural, municipal, and industrial applications dependent upon the resources. In the upper basin, potential water users are threatened by the management consequences which may result if continued depletions result in unacceptable degradation of water quality. The river represents a principal water supply of seven States, and in the arid Southwest, water is often the limiting resource without which the lands, minerals, and social potential of the region must remain untapped.

The salinity problem of the Colorado River, therefore, is a national problem of considerable importance. Furthermore, the last beneficial diversions of the waters of the stream are those made in Mexico. The sharply increased salinity of water deliveries to Mexico under the treaty of 1944 have become a matter of international concern. The salinity of the Colorado River has been a matter of continuing negotiations between the United States and Mexico for many years and it was an item of major concern in the talks between President Nixon and President Echeverria of Mexico in June of this year.

Salinity control on the Colorado River presents a difficult challenge. Nearly half of the salt contributed to the River above Hoover Dam is from natural sources. A significant part of the salinity concentration results from evaporation from the stream and reservoir surfaces and is largely uncontrollable. The rest is the result of depletions for beneficial uses which are essential to the life of the region and of return flows from those uses. The return flows are often diffused and impracticable to capture and treat.

At the meeting of the Seventh Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries which was held in April of this year, the Secretary of the Interior proposed a program for the control of salinity from a number of identified and reasonably concentrated natural and man-made sources. The program offers the best hope for immediate action to stem the continuing degradation of the quality of the stream. The conferees from the seven Colorado River Basin States and the Environmental Protection Agency have endorsed the program.

The measure which I introduce today is based upon the program proposed by the Secretary. The measure would direct the Secretary to expedite his investigations, which are already in progress, of a number of promising opportunities for salinity control works and programs in the basin. Contingent upon a finding of feasibility, and after an opportunity for congressional review, the measure would authorize the Secretary to proceed with a number of the control measures thus far identified.

Mr. President, my colleagues who join me in cosponsoring this bill and those Members of the House of Representatives who, I understand, will introduce a companion bill shortly are cognizant, as I am, that this Congress is near to adjournment. We are introducing this measure to acquaint the members of both houses with the problem and with a constructive recommendation for action. We also wish to convey to the Congress and to the executive branch our sense of urgency that definitive Federal action be taken at the earliest possible time. It is our hope that this proposed bill will serve as a basis for serious discussion and as a first step for early congressional consideration of this matter in the next session.

Mr. ALLOTT. Mr. President, I join the distinguished chairman of the Subcommittee on Water and Power Resources (Mr. ANDERSON) in sponsoring the proposed Colorado River Basin Salinity Control Act of 1972. It should be understood that the bill introduced today is a discussion draft. Being introduced this late in the 92d Congress, it is not expected nor anticipated that action will be taken on this legislation. While I am informed that the draft has been tentatively approved by the Committee of Fourteen, there are certain matters which the bill admittedly does not address. Nevertheless, the bill should be recognized as a first legislative step toward a solution of the salinity problem of the Colorado River.

Mr. President, the introduction of this bill is not merely a gesture; rather, it is one more indication of the desire and good faith efforts of interested persons up and down the entire reach of the Colorado River to find realistic solutions to the problems of increasing salinity. Earlier this year at my request, the Public Works Subcommittee of the Appropriations Committee agreed to increase funds to study potential projects leading to the reduction of salts in the Colorado and its tributaries. In addition, on September 28, 1972, the Senate approved a bill authorizing several feasibility studies. One of those studies concerns the modernization of the Uncompahgre Project in Colorado. Such modernization if approved, could result in a substantial reduction in the salt loading of the Gunnison River, a major tributary of the Colorado River.

I have mentioned these matters to show that there is sincere interest, backed-up by effort to deal effectively with salinity in the Colorado. It should be noted that those mentioned are merely the most recent activities in this regard. Other activities have included: irrigation seminars to improve irrigation methods and thereby reduce salt loading; pilot projects on canal lining to reduce percolation and salt loading; and construction of by-pass channels for very saline waters.

Mr. President, I share the interest of the congressional delegations from all the States of the Colorado River Basin in arriving at an early and reasonable solution to the salinity problem of the Colorado River. Such a solution is important to the future of my home State of Colorado as well as the other Basin States.

Mr. BENNETT. Mr. President, it is a privilege to cosponsor the Colorado River Basin Salinity Control Act of 1972 with the distinguished Senator from New Mexico (Mr. ANDERSON), who has served so ably as the chairman of the Senate Interior Subcommittee on Water and Power, and my other colleagues from the Colorado River Basin States.

The salinity problem of the Colorado River is basinwide and its resolution lies in the Federal Government and all seven of the Colorado River Basin States.

Earlier this year representatives of the Environmental Protection Agency and the seven States recommended that salinity increases in the river be minimized through a salinity control program known as the Colorado River Water Quality Improvement Program. Its objective is to maintain salinity concentration at or below levels presently found in the lower main stem of the Colorado River. It is recognized that salinity is a basinwide problem that needs to be solved while the upper basin continues to develop its compact-apportioned waters.

Mr. President, it might be well at this time to point out that one of the results of consumptive use of water for any purpose is to increase the concentration of dissolved solids, or the salinity as it is commonly called, of the water that remains in the stream. Regardless of whether the water is used for consumption by people, industries, or agriculture, the result will be the same and the remaining water will have a higher concentration of salts than the original supply. In short, the result of water consumption is to decrease the amount of water carrying the same quantity of salts, which increases the salinity concentration; thus the remaining water is degraded.

In addition, when water is transferred from the headwaters of one basin to another, the downstream reaches of the exporting river experience water degradation from increased salinity. This occurs because the headwaters removed carry very few dissolved solids, and this relatively pure water is no longer available in the exporting river for diluting downstream accretions of salts.

In 1776, Escalante noted that in the Colorado River Basin there are several natural springs highly degraded by heavy salt loads. As much as 50 percent of the river's total salt load has been estimated as coming from these natural sources.

The bill we introduce today would implement on an accelerated basis a salinity control program to minimize salinity increases in the river.

The Bureau of Reclamation would have the primary responsibility for investigation, planning, and implementing the basinwide salinity control program and should assign a high priority to LaVerkin Springs, Paradox Valley, and Grand Valley water quality improvement projects with the objective of achieving stabilization of salinity levels on the Lower Colorado River at the earliest possible date.

In addition, the Office of Saline Water would contribute to the program by assisting the Bureau of Reclamation as required to appraise the practicability of applying desalting techniques; and the Environmental Protection Agency would continue its support by consulting with and advising the Bureau of Reclamation and accelerating its ongoing data collection and research efforts.

In order to achieve this salinity policy, the long-range program of the Bureau of Reclamation should be directed toward achieving reduction of salinity concentrations that would otherwise exist at Imperial Dam to the extent of at least 120 mg./l. in 1980, 355 mg./l. in 1990 and 405 mg./l. in the year 2000.

Mr. President, because of the emergency nature of the increasing concentration of dissolved solids in the waters of the main stem of the Colorado River downstream from Lee Ferry, high priority must be given to accelerating the investigation, planning, and construction of salinity control works and procedures of the salinity control program so that we can meet our commitment to Mexico and at the same time protect the interests of the Colorado River Basin States.

Mr. CRANSTON. Mr. President, I am pleased to join with my colleagues from the seven Colorado River Basin States in cosponsoring legislation to authorize a program to control salinity concentrations in the water of the Colorado River.

The major objective of the program would be to maintain salinity concentrations at or below levels presently found in the lower mainstem of the Colorado River. Currently, according to the Bureau of Reclamation, the average salinity at the headwaters of the Colorado River is less than 50 milligrams per liter (mg./l.) and progressively increases downstream until, at Imperial Dam, the concentration reaches 856 mg./l. Projections for future salinity levels without a control program suggest that values of 1,250 mg./l. or more will occur at Imperial Dam by the year 2000. One projection foresees such a level being reached as early as 1980.

Should these increases in salinity levels occur, the agriculture in the Imperial, Coachella, Gila, and Yuma Valleys would be severely threatened. In addition a poorer water quality would be diverted to the Metropolitan Water District of Southern California and the Las Vegas Valley Water District, causing further economic losses to the very large block of domestic water users in California and Nevada. Finally, an effective control program, in addition to benefiting agricultural and domestic water users, will also be of international significance by benefiting water users in the Republic of Mexico where the salinity concentrations of the Colorado River have seriously damaged crops, and increased international tensions.

The legislation being proposed authorizes the accelerated implementation of the 10-year program for improving the quality of Colorado River water proposed by the Bureau of Reclamation in February 1972. According to the Bureau's estimates, the proposed program could remove a total of 3 million tons per year of salt or its equivalent from the river.

The legislation authorizes an initial phase of the water quality improvement program which consists of the construction, operation and maintenance of salt removal programs at three major point sources: La Verkin Springs, Utah; Paradox Valley, Colo.; and Grand Valley, Colo. These three projects would be capable of removing each year at least 80,000, 180,000, and 140,000 tons respectively from the Colorado River system. Total capital costs of the three projects would range between $130 and $150 million.

Mr. President, while I fully support the objective of this legislation, I do have some reservations about certain provisions contained in it. I am sufficiently concerned about the implications of the language in section 301(b), to advise my colleagues of my opposition. This particular section authorizes the Secretary of the Interior, 90 days after advising of his finding of "feasibility", to begin construction of salinity control projects on any of 13 additional source control projects.

Such an automatic authorization raises several questions in my mind. First, I believe it clouds the applicability of the National Environmental Policy Act requirement of an environmental impact statement. Second, it implies that the salinity sources where projects are proposed are all noncontroversial. Once feasibilty is determined, a term which is not defined in the bill, the project construction could commence without any further congressional authorization. While I can appreciate the need to move quickly on this proposed salinity control program, I hestitate to erode further the power of Congress by placing additional discretionary authority within the Department of the Interior.

I am aware of a considerable amount of local opposition to the proposal to construct salinity control facilities at Blue Springs on the Navajo Indian Reservation. Several other salinity sources proposed for project studies under this bill may well also engender public concern or opposition. I am, therefore, cosponsoring the Colorado River Basin Salinity Control Act of 1972 with the understanding that I am opposed to section 301(b) which gives, in essence, a blanket authorization for the construction, operation, and maintenance of such projects to the Secretary of the Interior.

I have discussed this matter with Senator Tunney, and he joins in my objection to section 301(b). In addition, I fully agree with his statement that since this legislation will not be enacted this year, it should be reintroduced in the 93d Congress with a definition and a thorough evaluation of irrigation needs as well as a provison calling for careful review of the current and projected use of the Colorado River water throughout the seven-State basin.

Mr. TUNNEY. Mr. President, today, I join as a cosponsor of the Colorado River Basin Salinity Control Act of 1972. For the past eight years in Congress, I have represented both cities and major farming areas which are heavily dependent upon the Colorado River for their water supply. The Imperial and Coachella Valleys are two of the Nation's most important farming areas solely because irrigation water is available from the Colorado River. Los Angeles, San Diego, Riverside and scores of other southern California cities and towns have utilized water from the Colorado River to supplement local supplies. Much of the region can be attributed to the Colorado River. The region will continue to rely upon it in the future.

California is not the only State which relies upon the waters from the Colorado River. Six other States in the Colorado River Basin, as well as areas in Mexico, are also heavily dependent upon the river for their water supplies. The development necessary to meet the various needs of all these people has brought with it increasing salinity levels in the river.

With salinity levels approaching maximum tolerable limits for municipal and agricultural uses, there is little question but that we must embark on a program to seek effective solutions to this problem.

This act reflects efforts undertaken jointly by the Environmental Protection Agency, the Bureau of Reclamation and the States of the Colorado River Basin. This joint effort has resulted in a comprehensive 10-year program by the Bureau of Reclamation to maintain salinity concentrations at or below present levels found in the lower main stem of the Colorado. I firmly supported increased funding for this study and I believe that it is now important that we undertake at least the initial stages of the work.

This bill will also permit us to begin work on the LaVerkin Springs project on the Virgin River in Utah, the Paradox Valley project on the Dolores River in Colorado, and the Grand Valley irrigation improvement program in Colorado. Completion of these projects will prevent an estimated 400,000 tons of salt from entering the Colorado River each year. Further, the Secretary of Interior is directed to accelerate the remainder of the study program which is set out in the Bureau of Reclamation's study, "Colorado River Water Quality Improvement Program."

No action on the legislation can be taken this session. Next session I expect that the bill as reintroduced will include definition and thorough evaluation of irrigation needs as well as an overall river basin plan. I have discussed this with Senator CRANSTON and he fully agrees with these concerns, as do I with his objection to section 301(b).

By Mr. MILLER:

S. 4065. A bill to amend chapter 4 of title 23 of the United States Code, relating to highway safety, to provide a standard distress symbol for physically handicapped drivers. Referred to the Committee on Public Works.

Mr. MILLER. Mr. President, I am pleased today to offer a bill which will help assure the growing numbers of handicapped drivers in this country a greater degree of safety on our streets and highways. All of us are aware that the mobility of those who are handicapped is increasing greatly. Efforts are being made to make buildings, public facilities and public transportation more accessible and convenient for them. A growing number of the handicapped, however, are independently mobile and it is this group that my bill will aid.

In my State the Younkers Memorial Rehabilitation Iowa Center and the Des Moines Independent Community School District have been operating a program to help handicapped persons learn to operate their own automobiles. This effort has been quite successful, serving as a model for other areas of the country wishing to develop similar programs.

Like all of us behind the wheel, the handicapped face the always present possibility of a mechanical breakdown or accident. Unlike the rest of us, they may not be self-sufficient in such circumstances and, indeed, it may be impossible or very hazardous for them to get out of their car and seek help. My bill would authorize the Secretary of Transportation to prescribe a flag or symbol for handicapped drivers to display under such circumstances. I am confident that if the average motorist knows someone who has pulled off the road is handicapped he will at once do his best to render whatever aid of which he is capable.

Mr. President, at least six States, including my own State of Iowa, now have statutes providing for the issuance of such a flag for eligible drivers. More States may have passed such laws recently, and there is no question that Federal action is necessary to make these symbols uniform. The National Highway Traffic Safety Administration has promulgated the uniform orange triangle for slow-moving vehicles and is in the process of promulgating regulations for nonenergized warning devices. My bill would add one more such device to that list, for a most deserving group. I might add that our disabled veterans are benefitting from these driver training programs and will also benefit from passage of this bill.

In closing, Mr. President, I would be remiss if I did not mention the contribution to this piece of legislation of Mr. LeRoy Rotschafer of the Des Moines Public School System. Earlier in my remarks I noted that the Iowa Legislature had passed legislation on this subject. Mr. Rotschafer motivated that action and, seeing the need for Federal action, approached my office with this idea. I am pleased, as are all of my colleagues, when a constituent comes forward with such a worthy idea. Mr. Rotschafer is immediately involved with helping train the handicapped to drive in Des Moines and with the work of the Younkers Rehabilitation Center which I mentioned earlier. Obviously this serves as another example to many that "the system" does work when our citizens fully participate.

MERGER OF PROFESSIONAL BASKETBALL LEAGUES—AMENDMENT

AMENDMENT 1709

(Ordered to be printed and to lie on the table.)

Mr. MANSFIELD submitted an amendment intended to be proposed by him to the bill (S. 2373) to authorize the merger of two or more professional basketball leagues, and for other purposes.

LOWER ST. CROIX RIVER ACT—AMENDMENT

AMENDMENT NO. 1710

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. NELSON (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (S. 1928) to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system.

NATIONAL HOUSING—AMENDMENT

AMENDMENT NO. 1711

(Ordered to be printed and to lie on the table.)

Mr. BROOKE submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 1301) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

AUTHORIZED NUMBER OF OFFICERS IN THE AIR FORCE—AMENDMENT

AMENDMENT NO. 1712

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (H.R. 14542) to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1674

At the request of Mr. GRAVEL, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of amendment No. 1674, intended to be proposed to the bill H.R. (1), the Social Security Amendments of 1972.

AMENDMENT NO. 1687

Mr. PACKWOOD. Mr. President, I ask unanimous consent that two more of our colleagues be listed as cosponsors of the amendment I submitted yesterday, amendment No. 1687, to provide for tax equity for unmarried individuals. Earlier today, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from West Virginia (Mr. RANDOLPH) indicated their desire to join 18 other Senators and myself in sponsoring this amendment to the debt ceiling legislation, H.R. 16810.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAYOR WILLARD FRASER, OF BILLINGS, MONT.—IN MEMORIAM

Mr. MANSFIELD. Mr. President, the recent death of Mayor Willard Fraser, of Billings, Mont., was a great shock to his many friends and the people he represented. Willard Fraser was a colorful and energetic mayor, who did much to improve life in Montana's largest city.

A number of fine tributes have been paid to Mayor Fraser, but perhaps one of the best was given at the funeral service by a long-time friend, Hal Stearns, editor and publisher of the Times-Clarion, in Harlowton, Mont. Hal and Willard shared a keen interest in the Big Sky Country, and this is reflected so well in the Hal Stearns eulogy.

Mr. President, I ask unanimous consent that Mr. Stearns' eulogy be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR WILLARD FRASER, SEPTEMBER 23, 1972

(By Harold G. (Hal) Stearns, Harlowton, Mont., editor, Times Clarion, president Montana Historical Society)

The moving finger writes and having writ moves on.

With deep affection and fond recollection we gather to pay homage to a friend (and a newspaperman's delight).

I come from 100 miles away, a trifling distance compared to many to pay my respects on your behalf as well.

Why is a small town country editor entrusted with the honor of expressing the grief of so many of his fellow townsmen? I feel because I am symbolic of how far ranging was his influence. He was my mayor too.

Also as spokesman for the Montana Historical Society I am acknowledging his being in himself living history, one who reveled in Montana's glorious past. One who was determined that we of today would be dedicated to emulating the great deeds of our illustrious ancestors. As Robt. Kennedy said, some men see things as they are and ask why he dreamed of things that never were and asked Why Not?

Who is there left to mourn for Logan was the plaintive cry of the Cayugan bereaved by the loss of his entire family. Had Willard been at that tragic scene he would have consoled the lonely redman. For he was God inspired to go wherever there were men in need of solace.

As a student—he never ceased to learn. As a soldier he did his duty. As a man of intellect and curiosity and concern, and as a public servant—He knew no prejudice. And this can be seen today by the presence of hundreds of mourners. As his body lay in state people of all walks of life, of all races came to pay their final respects. No matter their faith, they had faith in him.

We are here to bury his mortal remains
But his spirit and dreams will never be interred.
He was my friend—your friend
We loved him for his human foibles.
Unless we make allowances for our friends deficiencies we betray our own.
Willard would say with Robert Frost—Forgive O Lord my little jokes on thee, and I'll forgive the great big one on men.
When men such as Willard died
Their place we may not well supply
Tho ye among a thousand try
With vain endeavor.
He dared new trails—he marched to different drums than common men.
He saw with Frost Two roads diverged in a woodland—He—
He took the one less traveled by—And that made all the difference.
And he had the wisdom to see one could do worse than be a swinger of birches.

This was a man of many parts and seasons—We on earth are good or bad as mood moves us, wrote Ruskin. In color our acts are seldom pure white
Neither wholly black, but generally steel gray.
Caprice-temper-accident all act upon us—The north wind of hate
The simoon of jealousy
The cyclone of passion beats and buffets us, Pilots strong and pilots cowardly, stand at the helm by turn, But sometimes the south wind softly blows.
The sum comes out by day, the stars by night. Friendship holds the rudder firm and love makes all secure.
Such is the life of man
A voyage on life's unresting sea.

As with Turner the English artist immortal
Sport was sometimes made of his originalities—But for merit there is recompense in sneers and a benefit in sarcasm and a compensation in hate
For when these things get too pronounced
The champion appears.
New York's Mayor LaGuardia said
When I make a mistake I make a beaut—and so he did
And so did our friend damning the torpedoes and urging fire when ready, Gridly.

But a beaut can also be an elevation
an eminance
And so Willard was—he towered.

Little mortals cannot deny him his place as a Big Man with big visions—big dreams—no little ones.
He ranged to St. Louis to dedicate the Gateway Arch and reforged links of long ago with where civilization headed westward 167 years ago
I saw his entrancing easterners of fame at the Baconian Dialogues in Minnesota—with delightful tales of Treasure land's lore and splendors.
And many of us retraced with him the trail of Lewis and Clark down the Yellowstone.
This man built bridges of understanding between every hamlet in Montana
and from Billings Mont. to Billings Germany
He was not content with vindicating Major Reno of 1876—his interests ranged from archeology to 20th century art
He saw too the needs of battling for the young and old, the homeless—the citizenry of 1972
He was truly with the ever changing scene.

My thots are with the dead
With him I live in long past years
His virtues love
His faults as well.

My hopes are with the Dead
Anon our place with him shall be
And we with him shall travel on
Thru all Futurity.

Yet leaving here a name I trust
That will not perish in the dust.
I pray thee Angel said Abou ben Adem
Write me as one who loves his fellow man

The angel wrote and vanished
The next time came again with a great awakening light
And showed the names whom love of God had blest
And lo Ben Adem's name led all the rest.

He lives—he wakes, tis death is dead, not he.
Mourn not for Adonais
Thou young dawn
Turn all thy dew to splendor
For from thee the spirit is not gone.

As we go home
Tell them of him and say
For your tomorrow
He gave his today.

WHY BILL TO EXTEND GRADE STRENGTH FOR AIR FORCE FOR 4 MORE YEARS SHOULD NOT BE PASSED IN ITS PRESENT FORM

Mr. PROXMIRE. Mr. President, the Air Force is trying to push a bill through the Senate at the last minute, on which there have been no Senate hearings, which would continue the scandalous situation which provides more high ranking military officers today than at the height of World War II.

ALL CHIEFS AND NO INDIANS

The bill, H.R. 14542, extends the present situation in which there are all chiefs and no Indians for another 4 years. That situation is one in which there are more three- and four-star generals and admirals in uniform today than at the peak of World War II. There are more colonels, lieutenant colonels, Navy captains and commanders for a 2.1 million man military force in 1972 than for a 12.1 million man force in 1945.

I say that the bill should properly be called "A bill for the relief of certain high ranking military officers."

As the House Defense Appropriations Committee said a year ago, while there were 900,000 fewer officers in uniform then than in 1945, there were 6,000 more colonels, Navy captains, and commanders.

TWELVE OFFICERS FOR EVERY AIRPLANE

Today in the Air Force there are more than 12 officers—not officers and enlisted men, but officers—for every airplane. It has 124,000 officers and 10,000 planes. In fact, there are twice as many colonels and lieutenant colonels as there are total planes and missiles in the Air Force.

At the present time the Air Force has one officer for every six enlisted men. There are more lieutenant colonels in the Air Force than second lieutenants, and twice as many majors as second lieutenants.

PENTAGON HAS BEEN DRAGGING ITS FEET SINCE 1959

In 1959, 13 years ago, the Pentagon promised to come forward with some permanent legislation to solve the problem of the grade creep. But the proposed defense officers management system—DOMS—is mired down at the Pentagon because of military politics. The Navy and Army are equally, if not more at fault, than the Air Force.

But, now the Air Force proposes to extend this scandalous situation for another 4 years instead of coming to grips with it.

EXTENSION TO 1 YEAR WOULD FORCE ACTION

If Congress allows that to happen, it will give up all its bargaining chips to bring this problem into line. My view is that the law should be extended for only 1 year, instead of 4, so that before June 30, 1973, the Pentagon will be forced to come forward with their proposals which are supposed to have been in the works for more than a decade.

Unless the Air Force will agree to a 1-year extension I plan to fight this bill to the end in the Senate.

I ask unanimous consent that the views of Representative Otis Pike, from the House report on this bill, be printed at the conclusion of my remarks. Representative Pike deserves great credit for alerting the public to this issue and for providing such excellent supporting material.

There being no objection, the minority views were ordered to be printed in the Record, as follows:

Minority Views of Congressman Otis G. Pike on H.R. 14537

The Air Force, according to the most recent figures available, has 9,676 planes. To fly these 9,676 planes, it had, as of February 29th of this year, 124,124 officers, including 14 4-star generals, 40 3-star generals, 152 2-star generals and 212 1-star generals. It had 6,307 colonels, 15,228 lieutenant colonels, and 23,962 majors.

The bill which we have before us has just one purpose—to allow the Air Force to continue to have for an additional four years more colonels, lieutenant colonels, and majors, than are allowed by the basic law passed by Congress, the Officer Grade Limitation Act of 1954.

The last time we excused the Air Force from complying with the basic law was in 1966. Thanks to the exemption given them by Congress in 1966, the Air Force in the ensuing five years, managed to accomplish the following: While cutting the total number of officers by 4,805, they, nevertheless, were able to create 39 more lieutenant colonels, 170 more colonels, and 1,672 more majors. The Air Force today has 1,031 more colonels, 4,510 more lieutenant colonels, and 2,177 more majors than permitted by an officer force of 125,000 under the Officer Grade Limitation Act of 1954.

All of the services since World War II have undergone a grade creep which has at times become a grade gallop, but none of our services has galloped further than the Air Force. In all of the Department of Defense, 13% of our men in uniform are officers—13% of the Army are officers, 12% of the Navy are officers, 10% of the Marine Corps are officers, but 17% of the Air Force are officers. Within this already enlarged officer structure, the Air Force has 37% of its officers in the grades of colonel, lieutenant colonel, and major, compared to only 29% of the Army and 33% in all the services combined.

Secretary of the Air Force Seamans testified before the Armed Services Committee this year that the Air Force has 4,400 field grade officers (colonel, lieutenant colonel, and major) assigned to other than Air Force activities. Many of these activities may require such rank, many undoubtedly do not.

We are all aware of the handsome, charming and articulate 2-star general who serves as the head of Legislative Liasion for the Air Force, telling us what the Air Force wants us to know. This may or may not be an essential function, but I suspect that it is more essential than many of them.

Fewer of us, however, are aware that the Air Force has more lieutenant colonels than second lieutenants, and almost twice as many majors as second lieutenants.

While a great deal of testimony was heard in the Committee to the effect that it is the colonels, lieutenant colonels, and majors of the Air Force who are fighting the war in Vietnam, the statistics are as follows: 20% of the Air Force's casualties in the war in Vietnam from January 31, 1961 through July 31, 1971, were enlisted men, 15% of their casualties were majors, only 3% were lieutenant colonels, and less than 1% were colonels. All the rest were lieutenants and captains.

The Air Force claims that they have to have more high ranked officers because their equipment is so complex and sophisticated. Yet asked to name the most sophisticated equipment in the Air Force Secretary Seamans named the Mark II avionics system of the FB–111 aircraft and admitted it was maintained by enlisted men and operated by lieutenants and captains. This is not a bill for the benefit of the enlisted men, lieutenants and captains.

The Air Force has other incentives than a bloated rank structure by which it can retain and does retain its higher ranked officers.

The testimony before the Committee was to the effect that the majority of the colonels are excused from flying, but still draw flight pay. The question was asked of General Dixon, "Do you think it is a proper procedure to continue to pay flight pay to people who are not flying?" General Dixon replied, "I think it is a proper procedure."

The serious issue which transcends this bill is the fact that not the Air Force alone, but throughout our entire military establishment we have more and more brass and fewer fighting men. We have more and more fat and less and less muscle.

A great place to make a small beginning toward the very difficult task of reversing this situation would be with this bill right here, right now, by voting it down.

Otis G. Pike.

PROFILE OF EUGENE COWEN

Mr. SCOTT. Mr. President, in the latest issue of Broadcasting magazine, I noted a profile of Eugene Cowen, vice president for the Washington office of American Broadcasting Co. We in the Senate know Gene Cowen. We know the exceptional job he performed here working with each of us as the administration's representative and as a Deputy Assistant to President Nixon for congressional relations. Mr. President, I ask unanimous consent that the profile of Mr. Cowen be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ABC's Man in Washington Shapes the Job To Himself: Eugene Sherman Cowen

There are, it seems, as many styles of representing the networks in Washington as there are network representatives in Washington. There is NBC's Peter Kenney, the senior of the three, who goes about his work with the sureness of a polished, professional politician. There is CBS's Richard Jencks, the man of august presence and profound knowledge of the broadcasting business and communications law. And there is ABC's Engene Cowen, the new man on the scene, who might be termed the quiet man.

Quiet. Friendly. Low key. These are some of the terms those who know him use in describing Mr. Cowen, who has been ABC's Washington vice president since January. But there are other terms, too—able, skillful, hard-working, fair-minded; a little light, still, in his knowledge of the broadcasting industry, but experienced in and knowledgeable about Washington's major industry—government.

Even the full catalogue of terms may be deceptive; it still seems to conjure up the image of the guy Leo Durocher said always finished last. And that isn't Gene Cowen. In the past 20 years, he moved from a job as a reporter in Newhouse's Washington news bureau to the second tier of assistants at the White House and, finally, to the position of Washington vice president for one of the major networks.

Mr. Cowen considers the position ideal. "If I could have created a job for myself," he says, "this would have been it." After all, the job pretty much is what the man makes it. There are certain basic responsibilities, such as keeping ABC abreast if not ahead of developments affecting it and the industry so that it can plan accordingly; heading off trouble where possible, and supplying members of Congress and government agencies with information they need or that he thinks it would serve ABC's interest that they have.

What's more, the job seems to suit his temperament as well as training. Congress and the bureaucracy are filled with men of pride, not to mention vanity, who are aware of the strength their positions give them and are sensitive to efforts on the part of those seeking support for their private interests. They can be moved, by force of logic or flattery, or by appeals to the public interest or to a shared bias or point of view. But pressure doesn't work. "Anyone who tries to strong-arm you," one member of the FCC said recently, "you throw 'em out the door," Gene Cowen, the commissioner added, doesn't present that problem.

Credibility, reasonableness and intelligence are the Washington representative's most valuable coin. And according to those who have known him over the years, Mr. Cowen has his share of the loot. "He doesn't come over gung-ho, but he knows the issues before he talks to you," says one Senate staffer. "He doesn't kid you about knowing every aspect of a problem if he doesn't. That's one of his strengths."

Mr. Cowen has been studying the workings of government from a variety of vantage points since 1952—first as a reporter after moving up from Newhouse's *Syracuse* (N.Y.) *Herald-Journal* to the news bureau, then as news secretary to then-Representative Frances Bolton (R-Ohio) for three years; as an information officer at the Housing and Home Finance Agency and later the Department of Health, Education, and Welfare, for two years; as an aide to Senator Hugh Scott (R-Pa.), for 10 years, the first eight as news secretary, the last two as administrative assistant and, finally, as a White House assistant.

"I knew Bryce Harlow from the Eisenhower days," Mr. Cowen said in explaining his shift to the White House. "He saw me at the inaugural ball, after Nixon's election, leaned over and said, 'Uncle Sam needs you.'" Mr. Harlow was then head of White House congressional liaison, and wanted Mr. Cowen for his staff of presidential assistants. By the time he left the White House, Mr. Cowen was a deputy assistant, whose principal responsibility was the Senate.

Mr. Cowen was recruited for ABC by Everett H. Erlick, group vice president and general counsel who had been conducting a talent hunt for a replacement for Alfred Beckman, who was to retire early because of poor health. Two friends, one in government, the other in broadcasting, suggested he talk to Mr. Cowen. He did—and drew a ready response; as Mr. Cowen said the other day, "I was happy at the White House, but you can't spend your life there." Mr. Erlick then did a careful check, and found that the Republican-connected Mr. Cowen was well regarded by those to whom he would represent—ABC—including Democrats on Capitol Hill.

For Mr. Cowen, representing ABC is less hectic than representing the White House, at least so far.

But the responsibilities are different. As he says, the job of a Washington network vice president "shapes itself around the personality of the man." And to a former newsman who had spent 20 years in Washington and around politicians and bureaucrats, he feels that one of his major tasks is to explain official Washington and ABC to each other in terms of broadcast news—ABC's in particular. For Washington, he says, is preoccupied with news.

One problem, he says, is that few in Washington realize that news and public affairs are red-ink operations for the networks. He is doing what he can to impress that fact on members of Congress (the implication, of course, is that the networks must be profitable in order to continue to support their news and public-affairs operations). And to sharpen up ABC's image as a purveyor of public-affairs programs he makes it a point, whenever ABC schedules one, to write "tune-in" letters to members of the House and Senate he feels would be particularly interested.

As for corporate ABC, he feels his job is to impress on it the fact of Washington's preoccupation with news. He hopes that in the business decisions it makes, ABC will opt for emphasizing its news promotion in Washington.

Off his background, Mr. Cowen can be expected to make these points—as to the financial losses involved in news and public-affairs operations and the importance of such programing to a network's image in Washington—earnestly and logically, if quietly.

THE 175TH ANNIVERSARY OF CANTON, MASS.

Mr. BROOKE. Mr. President, this coming Sunday the city of Canton, Mass., will celebrate its 175th anniversary.

This is an important date for this community of more than 17,000 industrious citizens.

Canton has played an important role in the history of this Nation. It was originally the site of a powder mill, founded by Paul Revere, which made gunpowder for the American forces in the Revolutionary War and the War of 1812.

Canton was also the site of the Nation's first copper rolling mill, established by Paul Revere in 1808. This mill turned out the rolled copper for the famous statehouse dome in Boston, and made the boilers for Robert Fulton's first steamboat.

Today the Plymouth Rubber Co. is Canton's major employer. Many other industries also thrive there, employing 6,500 people with an annual payroll of more than $50 million.

The people of Canton have long been concerned with the preservation of their scenic environment and recreational opportunities. Part of the city is contained within the Blue Hills Reservation, providing swimming, fishing, hiking, riding, and a multitude of sports and entertainment for the people of the entire region.

Canton has a bright future, as well as an illustrious past. I am sure that Senators will join me in saluting Canton, Mass., on the occasion of its 175th birthday.

FISHBOWL PLANNING: A NEW CONCEPT

Mr. DOLE. Mr. President, perhaps no Federal undertakings are so widely known or have such clearly understood effects as the construction projects of the Army Corps of Engineers. Dams, waterways, river improvements and flood control projects have significant and easily recognized local impact, and they have often given rise to spirited controversy. In addition to substantive questions such as whether and where these projects should be constructed, dispute and discord often arise over the procedures by which these projects are considered and the extent to which citizens are able to have meaningful participation in the planning and decisionmaking process which accompanys them.

The Corps of Engineers has sometimes been criticized for conducting its planning and evaluation of local projects behind a procedural curtain, raising it only to reveal the finished product which is then immune from public suggestions for alteration or reconsideration. These criticisms are unfortunate, but it is encouraging to note that the Corps of Engineers is not unresponsive to this public concern, nor is it unwilling to seek more active and effective citizen participation in its work.

The September issue of Civil Engineering—ASCE—which by the way is its special environmental engineering annual, contains an article by Corps of Engineers Col. Howard L. Sargent, Jr., on "Fishbowl Planning" in the Seattle, Wash. Corps District. This concept appears to offer substantial hope for giving Corps' planning processes a major input of citizen involvement which will result both in better public works projects and improved community attitudes toward them. I believe the fishbowl planning concept is to be commended as a progressive and constructive contribution to the workings of our Government. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fishbowl Planning Immerses Pacific Northwest Citizens in Corps Projects

(By Howard L. Sargent, Jr.)

(Note.—Traditionally, public-works planners have been secretive, oftentimes springing "The Plan" for a dam, flood-control project, waste-treatment plant, or other public works on an unsuspecting public a short time before construction. True, public hearings are held. But these often seem more a ritual for the citizen to vent his steam, than a forum for involving him in the planning. Rarely do planners spell out alternatives. And with a construction deadline closing in, they have little time to consider citizen objections or suggestions.

(Commendably, the U.S. Army Corps of Engineers' Seattle District is pioneering a new approach to water-resources planning, an approach that involves interested citizens in project planning right from the start. Known as "fishbowl planning," because all choices and arguments are made highly visible throughout a study, it's been successfully used for the past two years. Other planners could profit from Seattle District's lead.)

The traditional way engineers go about planning a public works project leaves little room for the citizen to be heard. Engineers would first define the "problem", then "objectives" or "goals". Finally, they would develop "The Plan" to attain these goals.

Of course eventually, the public gets a look at "The Plan" in public meetings or hearings. Presentation is oral. And a thick study document is available for inspection, should some persistent citizen have the energy to labor through it. Oftentimes, engineers do not show the public alternate plans; and if they do, written copies are not available for public scrutiny. Questioned about alternatives, the planner is likely to answer: "We looked at other ways to solve the problem, but there was little support for any of them."

In sharp contrast to this secretive method is a new planning approach now being used by the U.S. Army Corps of Engineers' Seattle District. It's called *fishbowl planning.* It's already been applied to 16 river-basin and other water-resources studies in the Seattle District, which covers the Washington coastal area, the Puget Sound basin and the upper Columbia River basin—to the continental divide in Montana.

GOAL OF FISHBOWL PLANNING

The main goal of fishbowl planning is to insure that planning for public works projects is highly visible to all interested organizations and individuals. Concerned citizens are actually involved in the planning from the *start.* They play an important role in developing public works plans. *Fishbowl planning* is not a tactic to give the public the illusion of participation. Says the president of the Puget Sound League of Women Voters, Mrs. Jo Yount: "Fishbowl planning conducted by the Corps of Engineers' Seattle District—is almost revolutionary." In effect, fishbowl planning lets the public peer over the planner's shoulder as he progresses with his work.

We avoid the terms "problems", "objectives", and "goals". Why? For each alternative, there is a unique set of problems. Stated another way, each alternative attains a unique objective. The proponent of each alternative defines problems and goals differently. Avoiding these terms speeds up planning: there is no need for a problem—definition or objective-setting phase. Instead, there is early emphasis on identifying alternatives, and evaluating the *degree* to which each attains a variety of desirable objectives.

One problem with traditional planning is that the public can express its views only at public meetings. And although the citizen's position is written into the record of the hearing, busy officials may never read them. Likewise, public-agency comments on a proposed project are buried in appendices reviewing officials are unlikely to read.

How does fishbowl planning work? There are four main communication channels: *workshops; public meetings; citizens committees;* and an easily obtained document, the *public brochure* (See box 1).

THE PUBLIC BROCHURE

The *public brochure* depicts alternatives suggested by local people and agencies in public meetings, workshops, correspondence and personal contacts with study managers. Parties outline *alternatives,* giving *pros* and *cons.* These are summarized in the public brochure. There are two pages for each alternative: The left page describes the alternative, often including a map or sketch. The right page has two columns, *pros* and *cons* (See box 2). Anyone can propose an alternative. Do we get flooded with proposals? Not usually. Rarely do alternatives exceed a dozen.

Similarly, anyone may enter a *pro* or *con* in the public brochure. Rebuttal space is provided in the column across from each pro and con. In this way wild charges are brought down to earth. Each pro and con carries the name of the person or organization contributing it. Thus their position is known to all. Giving credit also satisfies a person's need to be recognized. Our experience shows that this reduces emotional statements in public meetings and workshops. The comments of a potentially emotional speaker are read well before each workshop and public meeting.

One page of the brochure lists the names of all people who have made comments on each edition of the brochure. This helps identify groups that should be participating—but aren't. We urge them to make their views public.

In a typical Corps study, we hold four public meetings. The public brochure is updated a half dozen times and mailed to all interested parties, specially just before each public meeting. Two special sections are added to the brochure after public meeting 2. In the first, each alternative is carefully examined to see the degree to which is helps meet a series of desirable objectives (See Table I). Three achievement levels are used: high, intermediate, and low. Is there controversy about this table? Not much, since no attempt is made to evaluate the relative importance of the several objectives.

The other section added to the brochure identifies the one or two alternatives selected for technical checkout, such as geology, hydrology, or a prediction of effects on fish and wildlife. The district engineer discusses each alternative in turn, giving reasons for selecting or rejecting the alternative for the detailed checkout. In the final version, these discussions of alternatives include the results of the checkouts and are the basis of the district engineer recommendation to higher authority.

During the technical checkout of one or more alternatives the broad pro and con debate on *all* alternatives continues. Doing well in a technical evaluation does not preclude an alternative being rejected later for nontechnical reasons.

Under traditional planning, the detailed checkout would be completed and study funds exhausted before the public became aware of the planner's choice. Fishbowl planning exposes the planner's choice to public critique, *before* expenditure of study funds (See box 3).

Prior to a public meeting at Ephrata, Washington, in December 1971, the Seattle district engineer announced in the brochure his intention to focus on alternative 6A. As a result of comments in the public meeting, the Seattle District made a detailed checkout of Alternative 6 as well as 6A. And a brand new alternative (Alternative 8) suggested by a city councilman was placed under consideration.

Conducting a detailed technical checkout of all alternatives would be too expensive. In the Ephrata study, for example, two alternatives *not* selected for detailed checkout involve dams. Making geological examinations of dam sites, including foundation corings, would consume a large proportion of study funds.

WORKSHOPS

Workshops are used to get the public brochure ready for the next public meeting. Workshops differ from public meetings. In a public meeting all alternatives are discussed. But a workshop may not cover all alternatives. Another difference: in a public meeting as many people as possible speak; but with fewer people, a workshop provides a better chance to exchange ideas.

Our workshops are always open to the public. We favor a workshop in which invited interest groups discuss alternatives. After two or three hours of discussions spectators are free to speak. Allowing spectators to express their views is important: some of them may have been chagrined at not being invited participants; allowing them to speak out helps overcome bad feelings. A workshop helps clarify points in the brochure. Also, it improves rapport among interest groups. Often a group will soften its position. The proponent of an alternative might find that a minor modification, unimportant to him, gains him increased support from another group. In both public meetings and workshops we are informal, emphasizing free discussions. This is in sharp contrast to the public hearing associated with traditional planning. There, the emphasis is on letting the public voice its views—not on getting answers.

CITIZENS COMMITTEES

CITCOMS are made up of people from local government agencies and interest groups. The CITCOM for the Snohomish River Basin study, for example, includes representatives from the League of Women Voters, the county, Sierra Club, several planning commissions, several cities, chambers of commerce, a port, Washington Environmental Council, labor unions, an Indian tribe, flood control districts, and farmers.

These committees, however, are not debating groups. Nor do they vote on proposed alternatives. Rather they recruit citizen discussion leaders, citizens who defend a particular alternative (and comment on other alternatives) in workshops and public meetings. CITCOMS also pass study information along to interested groups. The Corps study manager gives CITCOMS administrative help. Box 4 is a typical meeting agenda. Interviews that CITCOM conducts are valuable to the Corps planner. During an interview a committee member often encourages a reluctant local or regional planner to get his alternatives written into the brochure.

BOX 1.—FISHBOWL PLANNING VERSUS TRADITIONAL PLANNING

	Fishbowl planning	Traditional planning
Public meeting 1—Held at early point in study to determine the concerns, opinions, and preferences of all interests. No alternatives presented by planner	×	×
1st draft public brochure—A description of preliminary alternatives, with pros and cons mailed to interested parties for comment, shortly after public meeting 1	×	
Workshop series 1—To prepare brochure for public meeting 2 (i.e. modify and add alternatives, pros and cons)	×	
2d draft public brochure—Mailed to interested parties for comment	×	
Public meeting 2—To debate the full range of alternatives	×	
3d draft public brochure—Mailed to interested parties for comment	×	
Added: Analysis of alternatives; and rationale for selecting 1 or 2 alternatives for detailed technical checkout		
Workshop series2—To prepare brochure for public meeting 3	×	
4th draft public brochure—mailed to interested parties for comment	×	
Public meeting 3—To debate tentative decision to conduct a technical checkout of 1 or 2, alternatives, while continuing debate on all alternatives	×	
5th draft public brochure—Mailed to interested parties for comment	×	
Workshop series 3—To discuss results of technical checkout of 1 or 2 alternatives and prepare brochure for public meeting 4	×	
Formal-letter coordination with public agencies	×	×
6th draft public brochure—Mailed to interested parties for comment	×	
Public meeting 4—To discuss results of technical checkout and tentative selection of 1 alternative	×	×
Final version public brochure—Mailed to interested parties as report summary	×	

BOX 2: ALTERNATIVES, WITH PROS AND CONS—BIG QUILCENE RIVER FLOOD DAMAGE PREVENTION STUDY

Alternative 4: Levees to protect residential area.

Levees in alternative 3 would be extended downstream to high-tide line. Excessive sediment deposits would be removed from the channel. Riprap would be provided for entire length of levees. Annual removal of sediment in vicinity of tide line would be necessary.

Pro

4. Protect sea life. Tendency of river to change course at its mouth, causing damage to oysters and other sea life, would be reduced. (C. Smith)

Con

*4. Damage spawning beds. Levees on river banks could create excessive constriction of the river, causing increased flow. This would cause accelerated gravel movements, detrimental to spawning beds and aquatic habitat. (Dept. of Game)

Pro

13. Provides valuable protection. Would protect oyster beds with a potential average production valued at $75,000 per year (before packing).

Con

**13. Additional protection required. Would encourage further development in the flood plain area, making it necessary to provide further flood protection while destroying fish and wildlife habitat. (U.S. Fish & Wildlife)

BOX 3: ADVANTAGES OF FISHBOWL PLANNING

Early citizen and agency involvement.

Public brochures available before meetings and workshops—public and agencies come to meeting prepared. Easy to add and revise alternatives and pros and cons.

Pros and cons clearly visible.

Alternatives debated repeatedly—brochure updated after each meeting. All alternatives treated as co-equal until late in study.

Early feedback to proponents of alternatives—they can see support or resistance building, and modify proposals to gain support.

Facts—not votes—emphasized—comments probed to determine facts and reasoning behind support for a particular alternative.

Participation publicly recorded—public brochure available to everyone; all comments identify contributor.

BOX 4: CITIZENS COMMITTEE MEETING AGENDA

1. Study status report.
2. Determine if additional alternatives should be studied, by interviews with local and regional planners.
3. Identify other interest groups who should participate.
4. Recruit additional citizen discussion leaders.
5. Identify interest groups that need additional information.

FISHBOWL PLANNING IN PRACTICE

Is fishbowl planning merely a showpiece or does it really work? "It's a vast improvement over the past," believes Ann Widditsch, formerly the water-resources chairman for the Washington State League of Women voters and now a member of the Washington State Ecological Commission. In the past, only two public hearings were held on a proposed project, one at the beginning of planning and one at the end. Usually, says Mrs. Widditsch, citizens didn't even know about the initial hearing. But with fishbowl planning, she says, "we now have a chance to affect a study any time during its course. People are being heard—far more than in the past. But most studies haven't progressed far enough yet to really see what the impact of citizen participation has been."

In sum, Mrs. Widditsch likes the idea of fishbowl planning, she feels that the concept is good. Her only suggestion on the fishbowl-planning format is that a place should be made in the public brochure for citizen comments that don't fall neatly into 'pro' or 'con.' (e.g. citizen comments about where we stand now, where we're going, etc.) The acid test, though, is how Corps study managers actually carry it out. "I'm not sure all Corps study managers," she says, "know how to carry out fishbowl planning. Some are very good but others are not that enthusiastic. They go through the motions. They're not quite ready to bring the public in on planning. They still see the public as a nuisance."

The Seattle branch of the Sierra Club is withholding its judgment on the effectiveness of fishbowl planning. The key questions in many people's minds, says Sierra's David Kechley, are these: Is fishbowl planning a new approach to public planning or merely a cosmetic approach to cover the old planning methods? Will the Corps scrap some of its pet projects—e.g. the Snoqualmie dam, a flood control project planned for a long time but not yet built—because of the outcome of public workshops? Will fishbowl planning really affect decision-making or will results be predetermined by the Corps? Says Kechley: "Only time will tell."

Another view comes from marine engineer John E. Kelly of Seattle. As a representative of the Duwamish Boat Owners Association, he attempted to persuade the Corps in its Seattle Small Boat Harbor Study that the best location for a new marina would be at Kellogg Island. DBOA prefers this site because: its members have moored their boats there for several years; it's in freshwater, which means that, unlike at many of the proposed saltwater sites, marine bores would not eat away at boat hulks; and it would cost much less to build the marina there than at other proposed locations.

While conceding that their recommendation will ultimately be rejected, Kelly says, "We were heard. We had every opportunity to present our case. But we were not able to persuade the Port of Seattle to give up its plan to create an industrial site there." How does Kelly feel about fishbowl planning now that his proposed alternative has all but been rejected? "Fishbowl planning," he says, "is great! I've seen a good deal of citizen involvement, from housewives to agency heads. It's a very good thing to get these many viewpoints. It avoids a one-sided approach."

THE CORPS VIEW

According to the Seattle District Corps of Engineers' chief of navigation and coastal planning, Peter Denny, citizens are most helpful in screening out *unacceptable* alternatives. In the Seattle Small Boat Harbor Study, for example, citizens found several unacceptable because of resulting traffic congestion, noise, costs, or because they wanted the shoreline for a park.

Regrettably, says Denny, citizens don't suggest that many alternatives. "Unless you give them something to chew on, response is quite limited." On one occasion, according to Denny, the Corps put forward no alternatives and instead merely asked the citizens, "What should we do?" Result? No response. Says Denny: "So we then put forward our proposals and got them to respond. But it's very rare for a citizen to come forward with an original idea. They don't put forward many alternatives, nor even that many pros and cons. Many citizens don't have the background to comment intelligently. And they don't want to stand up and be ridiculed for their ideas. But the fact that citizens show up at meetings in good numbers does show that they are keenly interested in water-resources planning. Despite the limited suggestions by citizens, the fishbowl-planning meetings inform citizens much better than in the past and enable us to establish a much better rapport with local groups."

Asked to cite a case where a citizen had suggested an alternative that actually was adopted. Denny replied: "I can't think of one."

ANNOUNCEMENT OF POSITION ON VOTE

Mr. STENNIS. Mr. President, I regret very much that on yesterday, October 4, I inadvertently missed a vote. The bells in my office did not sound, and I was not otherwise notified of the impending vote. I was in my office at the time.

The vote is recorded on page 33641 of the CONGRESSIONAL RECORD for October 4. A motion was made to recommit H.R. 1, the proposed Welfare and Social Security Amendments, with instructions that it be reported forthwith to embody the Ribicoff-administration compromise welfare program. The motion was tabled by a vote of 44 yeas to 41 nays.

I especially regret missing this very important vote. Had I been present I would have voted in favor of the motion to table.

PRESCRIPTION DRUG PRICES

Mr. MOSS. Mr. President, competition has proven to be the most effective spur to business efficiency, innovation, and low prices. But, I have been concerned for some time with the prohibitions on prescription drug price advertising existing in many States. These prohibitions represent a departure from our national economic policy and do not appear to be justified by the public need.

Survey after survey shows that price differentials in pharmacies from city to city vary up to 1,200 percent for the same amount of an identical drug. The only reasons that these kinds of differentials exist is that the consumer is unaware of their existence.

It has been suggested that the price advertising of prescription drugs would endanger the public health. As a severe critic of rampant over-the-counter drug advertising, I for one do not believe that price advertising can be equated with pushing drugs. The arguments against price posting and price advertising are strawmen for the real argument: Economics and professional prestige. Back in March, one of the Washington retail drug chains placed an advertisement listing the retail prices of its 40 largest selling items. A competitive chain responded with a full page advertisement implying that the Federal Government was about to force retailers into spending money to lure people into using dangerous drugs. This is nonsense.

As Erma Angevine, executive director of the Consumer Federation of America stated in a letter to the President of this large drug chain—

> To my knowledge, the most the Federal government has done is to urge repeal of certain state laws prohibiting the advertisement of drug prices. Nobody is telling Drug Fair or any other firm to advocate the use of appetite depressions, tranquilizers, or birth control pills. In distorting the real issue of prices, you have permitted your firm to feed on the worst fears of the public. In this outlandish appeal, you raise false issues clearly intended to produce an emotional backlash. I find it impossible to comprehend your contention that knowledge of drug names and prices will increase drug traffic and the solution for the abuse problem today is concealing the names from young people. Even at the elementary school level, drug education programs include factual information about drugs, including names. Drug prices are the issue as you well know. We are among those who believe the public must have full information—in this case proper names and prices—if it is to make intelligent decisions.

Mr. President, this subject is definitely one worth considerable attention by Congress. It is my hope that we will be able to explore the issue more fully in the 93d Congress, and eliminate this unfortunate restriction which only serves to hurt the consuming public. I ask unanimous consent that an article published in Newsweek for September 18, 1972, be printed in the RECORD.

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*Con rebutted by a pro.

**Pro rebutted by a con.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETAILING: KEFAUVER'S REVENGE

Ever since the Kefauver hearings began delving into the inner workings of the drug industry in the late 1950s, it has been an open secret that the prices of prescription drugs can vary by staggering amounts from one pharmacy to the next. But for the most part, attempts to reform the system have had scant success. One reason is that 27 states actually contribute to the high-price boondoggle by forbidding drugstores to advertise their retail prescription prices, thereby denying customers the chance to make comparisons.

In the past couple of years, however, there have been growing signs that this artificial price structure may be beginning to crumble. Four states—Pennsylvania, Florida, Oregon and Wisconsin—have overturned their regulations against price advertising, and the city of Boston last year passed a law that druggists must publicly post their prescription prices. And some of the strongest proponents for change are drugstores themselves. Last October, the 180-store Osco Drug chain began challenging the advertising prohibitions in several Midwestern states where it operates, and last week Pathmark, a supermarket chain with 74 drug outlets, said it was filing suits to overturn the ban in New Jersey, New York and Connecticut.

Ploy: Neither Osco nor Pathmark has gone so far as to advertise prescription prices in newspapers, but both post prices inside their pharmacies. "This is information permissible under phase two," says Stuart Rosenthal, assistant to the president of Pathmark, "and Federal law supersedes state law." An Osco spokesman says many states have let the posting matter drop, at least until price controls end.

If the Osco-Pathmark efforts snowball, small druggists fear that the big chains will use prescriptions as a loss leader to build total sales, thus endangering the small stores' profits. Given the size margins on most prescription drugs; however, it would seem that even relatively cut-rate prices would leave adequate margins for all. And for its part, Pathmark denied any plans to sell anything at a loss. "We don't think this will be the undoing of the small pharmacist," said Rosenthal. "They offer services, such as delivery and credit, that we don't. There's room for small pharmacists just as there is room for small grocers. What we do see being undone are some of the tremendous spreads in prices—1,000 per cent in some cases."

KANSAS REVENUE SHARING ALLOTMENTS

Mr. DOLE. Mr. President, general revenue sharing, one of the most far reaching of many governmental reforms proposed by President Nixon, has passed the Senate and House, and now the agreement of the conference committee is awaiting final congressional approval.

General revenue sharing promises to be one of the most significant single efforts ever undertaken to improve State and local government and reduce the redtape, delay, and inefficiency of a huge centralized Federal bureaucracy. By turning $33.5 billion of taxes collected by the Federal Government over the next 5 years back to the States and localities which have severely limited sources of revenues, general revenue sharing will enable local solutions to local problems to be designed and implemented with a speed and on a hand-tailored basis which has been impossible to date with cumbersome Federal programs.

General revenue sharing is a major breakthrough in the long and often frustrating struggle to make government in America more responsive, more responsible, and more efficient for our people. In the State of Kansas and in its cities, towns, and counties—just as in every other part of the country—support and interest have been broadly based and widespread.

State officials, mayors, county commissioners, and, most importantly, the taxpayers have given general revenue sharing their enthusiastic endorsement. Their confidence and support have been well placed. Under the formula adopted in the conference report, a total of $52.8 million will be provided to Kansas in the first year of general revenue sharing, with one-third going to the State government and two-thirds passing through to city, county, and other local government units. It is difficult to describe the impact these funds will have and the benefits they will bring to citizens of Kansas. Of course, improvements in State and local government and the relief of pressure for ever higher State and local taxes will be the most convincing evidence of revenue sharing's value, but at this time perhaps the best illustration would be simply to show where and in what amounts this first year installment of $52.8 million will go.

Therefore, I ask unanimous consent that the preliminary estimates of the distribution of general revenue sharing funds in Kansas, as determined by the conference report formula, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Revenue sharing funds for Kansas

[In dollars]

Total State grant to all locals	35, 230, 945
Amount returned to Kansas State government is	0
Allen County area	247, 152
Allen County government	133, 400
Total to all cities over 2,500	62, 900
Total to all cities under 2,500	39, 476
Total to all townships	11, 375
Iola City	62, 900
Anderson County area	193, 304
Anderson County government	158, 637
Total to all cities over 2,500	22, 797
Total to all cities under 2,500	8, 855
Total to all townships	3, 014
Garnett City	22, 797
Atchison County area	435, 782
Atchison County government	208, 985
Total to all cities over 2,500	178, 223
Total to all cities under 2,500	16, 964
Total to all townships	31, 621
Atchison City	178, 223
Barber County area	147, 391
Barber County government	83, 373
Total to all cities over 2,500	16, 895
Total to all cities under 2,500	16, 072
Total to all townships	31, 052
Medicine Lodge City	16, 895
Barton County area	515, 929
Barton County government	229, 010
Total to all cities over 2,500	193, 687
Total to all cities under 2,500	41, 757
Total to all townships	51, 474
Great Bend City	154, 235
Hoisington City	39, 453
Bourbon County area	307, 699
Bourbon County government	193, 305
Total to all cities over 2,500	94, 383
Total to all cities under 2,500	12, 062
Total to all townships	7, 948
Fort Scott City	94, 383
Brown County area	265, 705
Brown County government	164, 624
Total to all cities over 2,500	33, 833
Total to all cities under 2,500	37, 754
Total to all townships	29, 493
Hiawatha City	33, 833
Butler County area	706, 501
Butler County govt	106, 611
Total to all cities over 2,500	195, 596
Total to all cities under 2,500	75, 243
Total to all townships	49, 052
Augusia City	39, 688
El Dorado City	155, 908
Chase County area	77, 494
Chase County govt	68, 599
Total to all cities over 2,500	0
Total to all cities under 2,500	6, 935
Total to all townships	1, 960
Chautaqua County area	105, 554
Chautaqua County govt	79, 511
Total to all cities over 2,500	0
Total to all cities under 2,500	19, 590
Total to all townships	6, 453
Cherokee County area	490, 002
Cherokee County govt	370, 266
Total to all cities over 2,500	85, 004
Total to all cities under 2,500	12, 997
Total to all townships	21, 735
Baxier Springs City	30, 019
Columbus City	28, 063
Galena City	26, 922
Cheyenne County area	96, 777
Cheyenne County govt	79, 744
Total to all cities over 2,500	0
Total to all cities under 2,500	11, 458
Total to all townships	5, 574
Clark County area	65, 852
Clark County govt	49, 888
Total to all cities over 2,500	0
Total to all cities under 2,500	10, 285
Total to all townships	5, 680
Clay County area	224, 888
Clay County govt	126, 764
Total to all cities over 2,500	46, 521
Total to all cities under 2,500	18, 231
Total to all townships	33, 372
Clay Center City	46, 521
Cloud County area	386, 203
Cloud County govt	216, 036
Total to all cities over 2,500	56, 222
Total to all cities under 2,500	23, 521
Total to all townships	10, 424
Concordia City	56, 222
Coffey County area	168, 200
Coffey County govt	117, 502
Total to all cities over 2,500	0
Total to all cities under 2,500	24, 029
Total to all townships	26, 669
Comanche County area	61, 441
Comanche County govt	43, 008
Total to all cities over 2,500	0
Total to all cities under 2,500	12, 698
Total to all townships	5, 734
Cowley County area	598, 368
Cowley County govt	319, 577

Revenue sharing funds for Kansas—Cont.

[In dollars]

Total to all cities over 2,500	212,817
Total to all cities under 2,500	15,412
Total to all townships	50,562
Arkansas City	124,704
Winfield City	88,114
Crawford County area	665,609
Crawford County govt	343,173
Total to all cities over 2,500	250,360
Total to all cities under 2,500	69,734
Total to all townships	2,341
Girard City	26,506
Pittsburg City	223,855
Decatur County area	113,422
Decatur County govt	76,994
Total to all cities over 2,500	0
Total to all cities under 2,500	18,628
Total to all townships	17,800
Dickinson County area	394,042
Dickinson County govt	201,186
Total to all cities over 2,500	110,104
Total to all cities under 2,500	41,606
Total to all townships	41,146
Abilene City	76,465
Herington City	33,639
Doniphan County area	203,530
Doniphan County govt	175,649
Total to all cities over 2,500	0
Total to all cities under 2,500	25,790
Total to all townships	2,091
Douglas County area	882,345
Douglas County govt	420,188
Total to all cities over 2,500	377,376
Total to all cities under 2,500	19,605
Total to all townships	65,176
Baldwin City	22,829
Lawrence City	354,547
Edwards County area	104,167
Edwards County government	72,203
Total to all cities over 2,500	0
Total to all cities under 2,500	20,119
Total to all townships	11,846
Elk County area	87,727
Elk County government	72,290
Total to all cities over 2,500	0
Total to all cities under 2,500	10,731
Total to all townships	4,706
Ellis County area	517,717
Ellis County government	306,303
Total to all cities over 2,500	158,614
Total to all cities under 2,500	36,728
Total to all townships	16,072
Hays City	158,614
Ellsworth County area	139,754
Ellsworth County government	84,242
Total to all cities over 2,500	0
Total to all cities under 2,500	27,026
Total to all townships	28,486
Finney County area	255,275
Finney County government	134,685
Total to all cities over 2,500	114,312
Total to all cities under 2,500	2,102
Total to all townships	4,176
Garden City (city)	114,312
Ford County area	361,179
Ford County government	192,217
Total to all cities over 2,500	124,117
Total to all cities under 2,500	15,419
Total to all townships	29,426
Dodge City (city)	124,117
Franklin County area	438,861
Franklin County government	299,050
Total to all cities over 2,500	104,696
Total to all cities under 2,500	28,935
Total to all townships	6,181
Ottawa City	104,696
Geary County area	419,843
Geary County government	224,887
Total to all cities over 2,500	180,847
Total to all cities under 2,500	9,795
Total to all townships	4,314
Junction City	180,847
Gove County area	83,592
Gove County govt	76,257
Total to all cities over 2,500	0
Total to all cities under 2,500	11,043
Total to all townships	2,292
Graham County area	108,033
Graham County govt	91,144
Total to all cities over 2,500	0
Total to all cities under 2,500	13,541
Total to all townships	3,349
Grant County area	135,547
Grant County govt	96,547
Total to all cities over 2,500	36,747
Total to all cities under 2,500	0
Total to all townships	2,253
Ulysses City	36,747
Gray County area	112,689
Gray County govt	81,577
Total to all cities over 2,500	0
Total to all cities under 2,500	14,348
Total to all townships	6,764
Greeley County area	41,362
Greeley County govt	33,731
Total to all cities over 2,500	0
Total to all cities under 2,500	3,207
Total to all townships	4,424
Greenwood County area	207,857
Greenwood County govt	143,574
Total to all cities over 2,500	27,876
Total to all cities under 2,500	17,368
Total to all townships	19,039
Eureka City	27,876
Hamilton County area	62,464
Hamilton County govt	47,225
Total to all cities over 2,500	0
Total to all cities under 2,500	12,057
Total to all townships	3,182
Harper County area	178,978
Harper County govt	130,606
Total to all cities over 2,500	22,572
Total to cities under 2,500	21,594
Total to all townships	4,206
Anthony City	22,572
Harvey County area	496,628
Harvey County government	273,072
Total to all cities over 2,500	137,224
Total to all cities under 2,500	59,613
Total to all townships	26,719
Newton City	137,224
Haskell County area	83,497
Haskell County government	66,618
Total to all cities over 2,500	0
Total to all cities under 2,500	14,006
Total to all townships	2,873
Hodgeman County area	60,531
Hodgeman County government	51,655
Total to all cities over 2,500	0
Total to all cities under 2,500	4,492
Total to all townships	4,385
Jackson County area	230,833
Jackson County government	184,209
Total to all cities over 2,500	22,329
Total to all cities under 2,500	13,712
Total to all townships	10,583
Holton City	22,329
Jefferson County area	177,105
Jefferson County government	145,324
Total to all cities over 2,500	0
Total to all cities under 2,500	23,402
Total to all townships	8,379
Jewell County area	138,685
Jewell County government	119,278
Total to all cities over 2,500	0
Total to all cities under 2,500	15,482
Total to all townships	3,925
Johnson County area	690,239
Johnson County government	366,114
Total to all cities over 2,500	0
Total to all cities under 2,500	309,024
Total to all townships	15,101
Fairway City	6,190
Leawood City	4,998
Lenexa City	21,290
Merriam City	22,037
Mission	13,983
Mission Hills City	822
Olathe City	106,959
City of Prairie Village	24,766
Roeland Park City	10,109
Shawnee City	19,678
Overland Park City	65,195
Kearny County area	69,285
Kearny County govt	59,494
Total to all cities over 2,500	0
Total to all cities under 2,500	9,495
Total to all townships	297
Kingman County area	202,058
Kingman County govt	127,513
Total to all cities over 2,500	21,641
Total to all cities under 2,500	7,505
Total to all townships	45,400
Kingman City	21,641
Kiowa County area	92,957
Kiowa County govt	72,645
Total to all cities over 2,500	0
Total to all cities under 2,500	14,952
Total to all townships	5,360
Labette County area	519,341
Labette County govt	321,606
Total to all cities over 2,500	130,892
Total to all cities under 2,500	58,019
Total to all townships	8,825
Parsons City	130,892
Lane County area	61,554
Lane County govt	54,114
Total to all cities over 2,500	0
Total to all cities under 2,500	3,382
Total to all townships	4,059
Leavenworth County area	650,505
Leavenworth County govt	289,806
Total to all cities over 2,500	296,974
Total to all cities under 2,500	32,823
Total to all townships	30,902
Leavenworth City	283,363
Lansing City	13,612
Lincoln County area	104,190
Lincoln County govt	83,199
Total to all cities over 2,500	0
Total to all cities under 2,500	12,213
Total to all townships	8,778
Linn County area	176,682
Linn County govt	144,335
Total to all cities over 2,500	0
Total to all cities under 2,500	21,745
Total to all townships	10,601
Logan County area	86,726
Logan County govt	54,147
Total to all cities over 2,500	0
Total to cities under 2,500	25,467
Total to all townships	7,112
Lyon County area	489,885
Lyon County govt	291,290
Total to all cities over 2,500	179,746
Total to all cities under 2,500	17,037
Total to all townships	1,812
Emporia City	179,746
McPherson County area	425,181
McPherson County govt	239,038
Total to all cities over 2,500	94,463
Total to all cities under 2,500	29,716
Total to all townships	61,964
Lindsborg City	30,676
McPherson City	63,787

Marion County area	316,868
Marion County govt	239,524
Total to all cities over 2,500	21,851
Total to all cities under 2,500	45,599
Total to all townships	9,893
Hillsboro City	21,851
Marshall County area	291,832
Marshall County govt	177,180
Total to all cities over 2,500	33,693
Total to all cities under 2,500	38,144
Total to all townships	41,815
Marysville City	33,693
Meade County area	111,694
Meade County govt	62,805
Total to all cities over 2,500	0
Total to all cities under 2,500	43,357
Total to all townships	5,531
Miami County area	353,711
Miami County govt	250,186
Total to all cities over 2,500	11,672
Total to all cities under 2,500	9,590
Total to all townships	22,263
Osawatomie City	17,194
Paola City	54,478
Mitchell County area	182,139
Mitchell County govt	94,808
Total to all cities over 2,500	43,196
Total to all cities under 2,500	18,763
Total to all townships	25,371
Beloit City	43,196
Montgomery County area	719,971
Montgomery County government	337,872
Total to all cities over 2,500	304,458
Total to all cities under 2,500	37,927
Total to all townships	39,714
Cherryvale City	48,755
Coffeyville City	165,097
Independence City	90,606
Morris County area	129,773
Morris County government	102,775
Total to all cities over 2,500	0
Total to all cities under 2,500	26,091
Total to all townships	908
Morton County area	81,315
Morton County government	22,580
Total to all cities over 2,500	0
Total to all cities under 2,500	5,854
Total to all townships	52,880
Nemaha County area	268,888
Nemaha County government	164,866
Total to all cities over 2,500	0
Total to all cities under 2,500	68,040
Total to all townships	35,983
Neosho County area	341,601
Neosho County government	266,224
Total to all cities over 2,500	57,346
Total to all cities under 2,500	16,147
Total to all townships	1,283
Chanute City	57,346
Ness County area	108,942
Ness County government	94,589
Total to all cities over 2,500	0
Total to all cities under 2,500	13,883
Total to all townships	471
Norton County area	165,312
Norton County government	92,939
Total to all cities over 2,500	40,167
Total to all cities under 2,500	12,680
Total to all townships	19,525
Norton City	40,167
Osage County area	264,952
Osage County government	155,740
Total to all cities over 2,500	21,672
Total to all cities under 2,500	43,920
Total to all townships	43,620
Osage City	21,672
Osborne County area	130,561
Osborne County govt	85,205
Total to all cities over 2,500	0
Total to all cities under 2,500	24,644
Total to all townships	20,711
Ottawa County area	140,595
Ottawa County govt	109,273
Total to all cities over 2,500	0
Total to all cities under 2,500	28,119
Total to all townships	3,203
Pawnee County area	192,917
Pawnee County govt	110,135
Total to all cities over 2,500	51,667
Total to all cities under 2,500	8,847
Total to all townships	22,269
Larned City	51,667
Phillips County area	179,365
Phillips County govt	95,209
Total to all cities over 2,500	35,548
Total to all cities under 2,500	21,728
Total to all townships	26,880
Phillipsburg City	35,548
Pottawatomie County area	227,036
Pottawatomie County govt	153,988
Total to all cities over 2,500	19,205
Total to all cities under 2,500	23,287
Total to all townships	30,556
Manhattan City (Part)	6,879
Wamego City	12,326
Pratt County area	107,796
Pratt County govt	37,426
Total to all cities over 2,500	49,243
Total to all cities under 2,500	6,784
Total to all townships	14,343
Pratt City	49,243
Rawlins County area	99,892
Rawlins County govt	78,013
Total to all cities over 2,500	0
Total to all cites under 2,500	18,343
Total to all townships	3,536
Reno County area	941,999
Reno County govt	430,989
Total to all cities over 2,500	367,773
Total to all cities under 2,500	78,540
Total to all townships	64,697
Hutchinson City	367,773
Republic County area	193,238
Republic County govt	154,897
Total to all cities over 2,500	22,880
Total to all cities under 2,500	13,916
Total to all townships	1,542
Belleville City	22,880
Rice County area	280,144
Rice County govt	174,163
Total to all cities over 2,500	29,945
Total to all cities under 2,500	33,452
Total to all townships	42,584
Lyons City	29,945
Riley County area	549,942
Riley County govt	256,446
Total to all cities over 2,500	278,668
Total to all cities under 2,500	27,735
Total to all townships	32,094
Manhattan City (part)	278,668
Rooks County area	173,453
Rooks County govt	108,193
Total to all cities over 2,500	23,018
Total to all cities under 2,500	25,068
Total to all townships	17,174
Plainville City	23,018
Rush County area	116,355
Rush County govt	88,978
Total to all cities over 2,500	0
Total to all cities under 2,500	22,345
Total to all townships	5,033
Russell County area	214,383
Russell County govt	132,756
Total to all cities over 2,500	33,048
Total to all cities under 2,500	11,623
Total to all townships	36,956
Russell City	33,048
Saline County area	982,146
Saline County govt	448,757
Total to all cities over 2,500	509,229
Total to all cities under 2,500	17,108
Total to all townships	7,053
Salina City	509,229
Scott County area	125,838
Scott County govt	81,982
Total to all cities over 2,500	43,856
Total to all cities under 2,500	0
Total to all townships	0
Scott City	43,856
Sedgwick County area	4,263,197
Sedgwick County government	1,849,892
Total to all cities over 2,500	2,272,467
Total to all cities under 2,500	68,267
Total to all townships	72,571
Derby City	35,447
Haysville City	55,010
Mulvane City (part)	20,365
Valley Center City	22,583
Wichita City	2,139,061
Seward County area	315,660
Seward County government	204,878
Total to all cities over 2,500	104,385
Total to all cities under 2,500	2,226
Total to all townships	4,172
Liberal City	104,385
Shawnee County area	1,970,741
Shawnee County government	672,869
Total to all cities over 2,500	1,239,629
Total to all cities under 2,500	21,121
Total to all townships	37,131
Topeka City	1,239,629
Sheridan County area	87,750
Sheridan County government	77,018
Total to all cities over 2,500	0
Total to all cities under 2,500	8,628
Total to all townships	2,104
Sherman County area	138,146
Sherman County government	84,467
Total to all cities over 2,500	35,571
Total to all cities under 2,500	1,795
Total to all townships	16,314
Goodland City	35,571
Smith County area	153,647
Smith County government	124,327
Total to all cities over 2,500	0
Total to all cities under 2,500	24,774
Total to all townships	4,546
Stafford County area	135,138
Stafford County government	92,844
Total to all cities over 2,500	0
Total to all cities under 2,500	17,119
Total to all townships	25,175
Stanton County area	52,004
Stanton County government	47,984
Total to all ctiies over 2,500	0
Total to all cities under 2,500	2,075
Total to all townships	1,945
Stevens County area	95,458
Stevens County government	73,705
Total to all cities over 2,500	11,758
Total to all cities under 2,500	919
Total to all townships	9,016
Hugoton City	11,758
Sumner County area	535,571
Sumner County government	354,262
Total to all cities over 2,500	71,928
Total to all cities under 2,500	54,255
Total to all townships	55,126
Mulvane City (part)	9,504
Wellington City	62,424
Thomas County area	158,512
Thomas County government	72,722
Total to all cities over 2,500	57,768
Total to all cities under 2,500	8,421
Total to all townships	19,601
Colby City	57,768

Revenue sharing funds for Kansas—Cont.

[In dollars]

Trego County area	100, 870
Trego County government	65, 175
Total to all cities over 2,500	0
Total to all cities under 2,500	19, 002
Total to all townships	16, 693
Wabaunsee County area	131, 371
Wabaunsee County government	88, 593
Total to all cities over 2,500	0
Total to all cities under 2,500	18, 215
Total to all townships	24, 563
Wallace County area	50, 367
Wallace County government	42, 283
Total to all cities over 2,500	0
Total to all cities under 2,500	6, 840
Total to all townships	1, 244
Washington County area	210, 313
Washington County government	124, 442
Total to all cities over 2,500	0
Total to all cities under 2,500	37, 445
Total to all townships	48, 425
Wichita County area	74, 447
Wichita County government	17, 036
Total to all cities over 2,500	0
Total to all cities under 2,500	2,364
Total to all townships	55, 047
Wilson County area	257, 337
Wilson County government	202, 355
Total to all cities over 2,500	43, 377
Total to all cities under 2,500	7, 070
Total to all townships	4, 535
Fredonia City	12, 426
Neodesha City	30, 951
Woodson County area	108, 397
Woodson County government	93, 021
Total to all cities over 2,500	0
Total to all cities under 2,500	15, 626
Total to all townships	248
Wyandotte County area	3, 074, 737
Wyandotte County government	1, 383, 928
Total to all cities over 2,500	1, 667, 741
Total to all cities under 2,500	6, 006
Total to all townships	17, 062
Bonner Springs City	21, 362
Kansas City City	1, 646, 379

REVENUE SHARING IN CONNECTICUT

Mr. RIBICOFF. Mr. President, during the consideration of the revenue-sharing bill, H.R. 14310, in the Finance Committee and on the Senate floor, there was much debate on how that new money should be distributed. Because the problems faced by the urban States are more expensive, I supported efforts to include an urbanization factor in any formula. Unfortunately, the full Senate did not concur.

The conferees on the revenue-sharing bill have now arrived at a final formula for determining the distribution of $5.3 billion to the States and localities of the Nation.

Of that $5.3 billion the State of Connecticut will receive a total of $66.2 million with $22.1 million allocated to the State government and $44.1 million divided among the cities and towns.

I ask unanimous consent that a table listing the amounts received by Connecticut localities be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Revenue sharing in Connecticut

[In dollars]

Total State grant to all locals	44, 116, 438
Amount returned to Connecticut State government is	93, 129
Fairfield County area	9, 211, 352
Fairfield County government	0
Total to all cities over 2,500	5, 430, 537
Total to all cities under 2,500	25, 237
Total to all townships	3, 755, 578
Bridgeport City	2, 619, 799
City of Danbury	708, 060
Norwalk City	830, 356
Shelton City	210, 200
Stamford City	1, 061, 121
Bethel Town	216, 167
Brookfield Town	48, 836
Darien Town	71, 319
Easton Town	21, 739
Fairfield Town	608, 963
Greenwich Town	414, 886
Monroe Town	182, 374
New Canaan Town	76, 778
New Fairfield Town	20, 346
Newtown Town	204, 481
Ridgefield Town	202, 759
Stratford Town	1, 003, 579
Trumbull Town	394, 153
Westport Town	153, 382
Wilton Town	61, 014
Redding Town	29, 808
Weston Town	30, 282
Hartford County area	13, 626, 839
Hartford County govt	0
Total to all cities over 2,500	6, 265, 517
Total to all cities under 2,500	0
Total to all townships	7, 361, 322
Bristol City	1, 170, 772
Hartford City	3, 334, 147
New Britain City	1, 760, 599
Avon Town	58, 676
Berlin Town	208, 919
Bloomfield Town	221, 705
Burlington Town	29, 518
Canton Town	66, 148
East Granby Town	41, 880
East Hartford Town	1, 138, 507
East Windsor Town	102, 953
Enfield Town	829, 071
Farmington Town	138, 269
Gladstonbury Town	262, 793
Granby Town	65, 164
Manchester Town	677, 125
Marlborough Town	33, 203
Newington Town	285, 835
Plainville Town	338, 753
Rocky Hill Town	139, 954
Town of Simsbury	136, 174
Southington Town	560, 772
South Windsor Town	285, 618
Suffield Town	104, 730
West Hartford Town	728, 957
Wethersfield Town	292, 684
Windsor Town	322, 895
Windsor Locks Town	272, 567
Litchfield County area	1, 768, 424
Litchfield County govt	0
Total to all cities over 2,500	546, 447
Total to all cities under 2,500	32, 595
Total to all townships	1, 189, 383
Torrington City	484, 893
Winsted City	61, 553
Harwinton Town	12, 567
Litchfield Town	63, 925
New Hartford Town	20, 394
New Milford Town	162, 271
North Canaan Town	23, 747
Plymouth Town	123, 728
Salisbury Town	15, 798
Thomaston Town	96, 615
Washington Town	10, 594
Watertown Town	209, 406
Winchester Town	200, 406
Woodbury Town	40, 330
Middlesex County area	1, 370, 322
Middlesex County govt	0
Total to all cities over 2,500	535, 373
Total to all cities under 2,500	652
Total to all townships	834, 297
Middletown City	535, 373
Chester Town	27, 593
Clinton Town	111, 635
Cromwell Town	85, 692
Deep River Town	29, 200
Durham Town	35, 427
East Haddam Town	37, 646
East Hampton Town	149, 345
Essex Town	21, 206
Haddam Town	43, 149
Middlefield Town	24, 798
Old Saybrook Town	113, 088
Portland Town	93, 301
Westbrook Town	34, 859
New Haven County area	12, 800, 500
New Haven County govt	0
Total to all cities over 2,500	8, 781, 835
Total to all cities under 2,500	21, 615
Total to all townships	3, 997, 050
Ansonia City	334, 374
Derby City	200, 872
Meriden City	885, 850
Naugatuck Borough	374, 960
New Haven City	2, 905, 607
Waterbury City	2, 284, 316
Milford City	1, 073, 100
West Haven City	742, 755
Beacon Falls Town	45, 683
Bethany Town	28, 011
Branford Town	305, 972
Cheshire Town	192, 743
East Haven Town	530, 030
Guilford Town	135, 173
Hamden Town	874, 484
Madison Town	39, 652
Middlebury Town	40, 447
North Branford Town	192, 242
North Haven Town	303, 305
Orange Town	108, 331
Oxford Town	32, 663
Prospect Town Hall	41, 817
Seymour Town	206, 814
Southbury Town	64, 176
Wallingford Town	643, 093
Wolcott Town	176, 573
Woodbridge Town	35, 842
New London County area	3, 061, 270
New London County govt	0
Total to all cities over 2,500	1, 294, 418
Total to all cities under 2,500	20, 341
Total to all townships	1, 746, 510
Colchester Borough	10, 271
Groton Borough	48, 947
Jewett City Borough	19, 582
New London City	649, 607
Norwich City	566, 012
Colchester town	76, 772
East Lyme town	108, 340
Griswold town	163, 799
Groton town	520, 148
Lebanon town	44, 236
Ledyard town	145, 211
Lisbon town	17, 579
Montville town	131, 388
North Stonington town	51, 189
Old Lyme town	49, 259
Preston town	29, 439
Sprague town	49, 383
Stonington town	166, 484
Waterford town	114, 987
Tolland County area	1, 216, 283
Tolland County govt	0
Total to all cities over 2,500	26, 962
Total to all cities under 2,500	0
Total to all townships	1, 189, 320
Stafford Springs Borough	26, 962
Town of Bolton	26, 071
Columbia town	28, 424
Coventry town	114, 572
Ellington town	92, 457
Hebron town	15, 656
Mansfield town	267, 431
Somers town	39, 123
Stafford town	61, 244

Tolland town	89,173
Vernon town	414,805
Willington town	11,138
Windham County area	968,319
Windham County govt	0
Total to all cities over 2,500	354,559
Total to all cities under 2,500	0
Total to all townships	513,759
Danielson Borough	42,108
Putnam City	89,353
Willimantic City	223,099
Brooklyn town	47,285
Canterbury town	7,779
Killingly town	153,126
Plainfield town	61,446
Pomfret town	14,044
Putnam town	114,072
Thompson town	22,060
Windham town	102,353
Woodstock town	31,465

URGENCY OF PASSAGE OF CRITICAL ENVIRONMENTAL BILLS

Mr. PACKWOOD. Mr. President, I have spoken frequently about the urgency to move ahead on some of our critical environmental bills. And it was with relief that I witnessed the approval of the Water Pollution Control Act Amendments Conference Report on yesterday; and the passage of the compromise pesticide bill earlier.

Another essential piece of legislation is still wandering around as though lost—the surface mining legislation. The Surface Mining Reclamation Act of 1972, S. 630, has been reported by the Committee on Interior and Insular Affairs, and is awaiting Senate action. Unfortunately, I believe S. 630, as it was reported, falls far short of not only our hopes, but also of our urgent needs. In fact, it falls so far short that many public interest groups have contacted my office expressing deep concern—some indicating that they would even prefer no bill to S. 630. These groups feel that while S. 630 promises many things, it will, in fact, accomplish little or nothing. They are deeply concerned that instead of regulating all minerals, as it claims, it provides gaping loopholes for oil and gas and possibly oil shale; that while it promises to focus on reclamation of mined lands, it fails to adequately define reclamation, require that it be achieved, and fails to set standards to achieve the undefined goal. They cannot understand the reasoning that totally exempts open pit mining from any reclamation requirements; placing the burden of proof on the permitting agency rather than the operator to demonstrate that the operator cannot reclaim the mining site according to the reclamation plan, with only 30 days to do it. They are extremely concerned that the Secretary of the Interior rather than the Administrator of the Environmental Protection Agency is given primary Federal jurisdiction, even though the major adverse environmental effects of stripping involve air and water quality, which clearly come under the purview of the EPA. They have questioned why Indian lands and some public lands are excluded from the bill.

Mr. President, these 20-some public interest groups have raised some very critical environmental questions about S. 630, and have in effect endorsed the House bill, H.R. 6482, as an equitable test for regulation although it would not phase out all surface coal mining. They are opposed to S. 630 in its present form.

Mr. President, it is my understanding that the distinguished Senator from Washington (Mr. JACKSON), chairman of the Interior and Insular Affairs Committee, plans to offer a substitute for S. 630. I hope this is true, and that it will clear up some of these questions, for the country is in desperate need of effective strip mining legislation. Strip mining as it has been generally practiced in the Nation is a disgrace and a national tragedy. In some areas of our country its uncontrolled and unrestricted practice has wrought total or near total devastation to the land, the water, the people, and their society. It has caused an outcry to rise from the very hearts of those Americans locally affected, who are the ultimate victims, and are left with nothing but barren land, and ugly scars.

Mr. President, the Coalition Against Strip Mining, comprised of some 20 National and State organizations, has prepared a detailed summary of why S. 630 as reported is not acceptable. I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

APPALACHIAN STRIP MINING INFORMATION SERVICE

WHY S. 630, "SURFACE MINING RECLAMATION ACT OF 1972," MUST BE DEFEATED

S. 630, as reported to the Senate floor by the Senate Interior Committee, is an incredibly weak and evasive piece of legislation which would baptize present destructive practices of strip mining by immersion into a complex system of Federal-state regulation. This bill fails to protect the property rights of surface owners. The bill sets no objective standards for reclamation. The bill enmeshes Federal and State administrators in a four-stage administrative implementation plan which will thoroughly tangle both in meaningless red tape, will frustrate conscientious operators looking for standards to comply with, and will thoroughly obfuscate the public. The public is carefully shielded from knowledge of permit applications and the conduct of Federal or State supervision. And the whole mess is placed under the jurisdiction of the Department of the Interior, which has already demonstrated it's inability to enforce it's present supervisory role over strip mining on Indian and Federal lands.

This bill, which reads like it were drafted by the mining industry, was whipped through the Sub-Committee on Minerals, Materials and Fuels in one morning, then whipped through the full Interior and Insular Affairs Committee in seven minutes. It is an insult to the people of Appalachia, the midwestern farmers, the ranchers of the northern plains, and the American Indians whose personal safety and welfare are threatened while their environment is being destroyed by strip mining. It would be particularly tragic if any Senator were to vote for this bill because of its ostensible purpose to control the devastation which is raising a national outcry. The pressure for meaningful strip mining legislation is growing. Congress can and will do better than this in the next session if it is not hoodwinked into accepting the first pig-in-a-poke offered to it.

Below are summarized 1) those provisions of S. 630 which frustrates meaningful strip mining regulations and 2) those provisions, not included in S. 630, which are essential for an effective law.

1. THE BOOBY-TRAPS IN S. 630

Administered by Interior. Section 101 (a) (1): Administration of the law is given to the Secretary of the Interior. While this is not necessarily a fatal flaw in a bill like H.R. 6482 as approved by the House Interior Committee, where rigorous standards and procedures are set forth for the Secretary, it is assured disaster for S. 630. Interior has long demonstrated its production and industry biases, and its inability to achieve effective enforcement of the Federal Coal Mine Health and Safety Law. The recent GAO report also documents Interior's inadequate regulation of strip mining on Federal and Indian lands, over which it presently holds jurisdiction, and its inability even to enforce those regulations which it has promulgated. Since S. 630 mandates no higher standards to Interior, no better results should be expected.

No reclamation standards. Section 101 (a) (4): "Reclamation" is defined as "the reconditioning or restoration of an area" affected by strip mining. Neither in the definition nor anywhere else in the bill are there propounded any objective standards or goals for this "reclamation" process. Indeed, most of the destructive practices now being conducted under the guise of ineffective state "reclamation" standards, which have caused the outcry leading to Federal legislation, would be completely permissable under this bill. Regarding to original contour is not required, elimination of highwalls is not required, successful maintenance of new planting is not required, etc. See Sec. 204.

Indian lands exempted. Section 101 (a) (14) and (15): Federal lands and Indian lands are specifically exempted from the provisions of this bill. Thus the bill would give no protection to the Indians whose lands are being ravaged in the West, and might give no protection to the public interest on other lands owned by the Federal government.

Weak Federal authority. Section 102 (4): This bill sets forth the purpose of giving initial regulatory responsibility to the States. The States have already proved their inability, in nearly all instances, to regulate strip mining successfully. The purpose of Federal legislation ought to be to establish initial Federal responsibility and then to permit the states to assume jurisdiction if they can meet the Federal standards.

Administrative monster. Section 201(a): A four-stage administrative monster is created, consisting of 1) Federal interim plans, 2) State interim plans, 3) [final] Federal plans, 4) [final] State plans. Every strip mine operator will have to comply with at least two such plans in succession and some may encounter four plans in succession—each with significantly different substantive requirements and administrative procedures. The real "planning" of strip mining and reclamation will thus become virtually impossible during the initial years of implementation of this act. Both the Interior Department and the States will be consumed by the process of developing standards, rules and regulations (many requiring changes in some state laws) for an "interim" plan, and then immediately doing the whole process over again for a final plan. Even the weak provisions of the bill are likely to be compromised as Federal sanction is given to ineffective state systems as an "interim" plan, which sanction will then be used as precedent to undermine the quality of the final planning. Meanwhile the public will be left in total confusion. This is the type of administrative structure which the giants of industry can learn to navigate, then to control, while the small operator is squeezed out and the affected public is frozen out. These comments also apply to Section 205.

Evasive language. Section 203(a) (1) & (2): Any timeliness in the reclamation cycle is diluted by legislative reference to "delays beyond the control of the permittee," and reclamation standards will be meaningless which merely "minimize potential effects on the environment and public health and welfare."

(b) (14): Likewise the Secretary is required to establish guidelines "so that the degree of reclamation required can be determined." This language clearly contemplates no more than partial amelioration of the devastation caused by strip mining.

(b) (5) (H): The regrading and revegetation standards are to "minimize erosion and contamination of surface or ground water." Some states already require no contamination (e.g., Pennsylvania). Here there is no standard.

No reclamation required. Section 204: The face of coal seams (a primary acid producer) need only be covered "generally;" high walls and spoil peaks need only be "minimized"; and indeed, under (b), any other evasion can be attempted from even these minimal standards. There is no requirement for regarding to original contour or terracing, no elimination of high walls, to salvaging topsoil, no requirement on the quality or performance of vegetation, no limitation on the steepness of slopes which can be mined, or over which overburden can be pushed—indeed nothing which would change mining practices in the least regulated states in any significant manner.

Section 205: See comments on Section 201, above.

Open pit mining exempted. Section 206(b) (7): "Open pit mining" is exempted from reclamation planning requirements. It is precisely in open pit mining, where reclamation may be more difficult to achieve because of the large volume of material removed from one place, that advance planning for reclamation and final land use is particularly important. This exemption leaves significant parts of surface mining unregulated.

Burden of proof on administrator, rather than applicant. Section 206(b) (8) & (9): This requires that "a permit shall be issued unless the State regulatory authority determines that reclamation of the surface area as required pursuant to this Act cannot be accomplished with existing technology." This is the single most damaging requirement in the bill because it places the burden of proof upon the state agency rather than upon the operator proposing to mine. It directly conflicts with Pennsylvania law, which requires the operator to satisfy the state that he can perform acceptable reclamation, rather than the other way around. It directly conflicts with Section 11 of the West Virginia law which gives to the state agency the power to delete certain areas of the state from strip mining in advance of permit applications if the state finds that such areas are not susceptable to acceptable reclamation. This bill would, instead, force the state to make a written determination of fact in each instance, to make that determination within a 60-day period (sub-paragraph 9), and to make a determination which would withstand subsequent court challenge. Requiring the state to prove within the time limit that the reclamation proposed under an application is impossible to achieve is, in effect, rendering it impossible for a state to deny a permit application in a manner which would withstand subsequent court test. All existing state limitations on the rapaciousness of strip mining—weak and ineffective as they are—are effectively removed by paragraphs (8) and (9). It is also noteworthy that these time-limits effectively prevent practices which are common in some states and which should be required in all: 1) thorough public notification of a proposal to strip mine, and 2) public hearings following upon public protest of such proposal.

Revisions destroy planning process. Section 206 (b) (11): This section permits the operator to revise any part of his reclamation plan at any time. The burden of proof is again on the regulatory authority to show that "reclamation of the surface area as required pursuant to this Act cannot be accomplished by the revised reclamation plan." Including in the bill unlimited right of the operator to revise his plans after he has begun mining makes the original planning process, such as it is, totally meaningless. Not all states currently permit such revisions, and some which permit revisions permit them only with respect to certain specified and limited details. It will be totally impossible for the state to enforce orderly reclamation planning if it is subject to the imperatives of this paragraph.

Inspection only twice a year. Section 206 (b) (12): Inspections are only required twice a year. West Virginia now requires inspections every 15 days. Frequent inspections are essential to protect the public and the environment; they should be required by any Federal statute.

Federal approval of State plan not required. Section 206 (c): Although ostensably state plans must meet Federal guidelines under this bill, in fact Federal approval of state plans is not required. This section requires that a state plan go into effect four months after submission if the Secretary fails to take action upon it. This is the perfect loophole for getting inadequate state plans into operation. It means that there are no guarantees that any standards will be met under this Act.

Prior permits remain valid. Section 206 (d) and 207 (d): "Permits issued pursuant to . . . State plan shall be valid under Federal administration." "Assumption of administration . . . by a State . . . shall not invalidate permits issued by the Secretary." These provisions insure that in hundreds of cases stripping can continue in violation of more stringent regulations imposed in a transfer from Federal to state administration, or vice versa. Once a permit is secured from somebody, the operator is safe from the application of this Act. While it is just to have some provisions to protect the operator's rights under a previous permit, a sound statute should provide a mechanism for the revision of permits to bring them into conformity with current administration, rules and regulations.

Enforcement provisions inconsistent. Section 209 (a) (1), (3), (4): The enforcement provisions of subparagraph (1) are inconsistent with the provisions of sub-paragraphs (3) and (4) in this same section. Sub-paragraphs (3) and (4) direct that when the Secretary finds a violation he shall issue a compliance order, which order, "shall take effect immediately." Sub-paragraph (1), however, requires the Secretary first to notify the violator, then to wait thirty days, then to issue a compliance order or initiate a civil action. It would be impossible for the Secretary to comply with each of these sub-paragraphs simultaneously. Sub-paragraph (1) should be stricken from the bill.

No criminal penalties, civil fines too small. Section 209 (b) (1) & (2): The act provides for no criminal penalties for violation of its provisions. Civil penalties are limited to $1,000 a day for violations of the law, and $10,000 for falsification of information. These penalties are so small as to provide an inducement to large operators to risk the consequences of violation.

Orphan lands: No priorities, no public participation. Section 301: The section on orphan lands authorizes the Secretary to purchase lands for reclamation, to reclaim them, and to sell them again to private parties. The principal revenues for this program will come from the sale of the lands themselves. Thus the incentive will be high to purchase those lands which are most readily saleable. There are no priorities in this section requiring the Secretary to purchase first those lands which pose the greatest danger to the public because of their unreclaimed condition. Nor are there any requirements for public notification of purchase or of the reclamation plan, nor for public hearing, so the public in an area might have some voice in the type of reclamation or the use to which reclaimed lands are put.

2. CRITICAL OMISSIONS IN S. 630: COMPARISON WITH H.R. 6482

Reclamation standards. S. 630 contains no meaningful reclamation standards. H.R. 6482, as reported by the House Interior Committee, defines reclamation as "the process of restoring an area of land affected by coal mining to a condition that it may be used for the purpose for which it was used prior to coal mining or other useful purpose." Such reclamation generally must include "backfilling to approximate original contour," which is carefully defined, or "terracing" which would also eliminate the highwall and provide no grade steeper than 25°. Segregation of top soil is required and vegetation must be "stable and perpetual."

Indian lands. S. 630 excludes Indian lands and certain other public lands. H.R. 6482 applies to surface mining on all lands.

Surface rights. S. 630 does not protect the rights of the surface owner. H.R. 6482 requires written permission from the surface owner be furnished by the applicant to mine before a permit can be granted. This is a critical condition in Kentucky and in western Federal lease areas. In both areas, ancient mineral severance leases have been interpreted to give the mineral owner unlimited access to strip and destroy the surface belonging to another party, without permission or compensation. The rights and livelihood of farmers and ranchers are thus destroyed.

Public participation. S. 630 shields the public from effective knowledge of the private arrangements between government agencies and the strippers. H.R. 6482 requires—before a permit can be issued or before a bond can be released—notification of intention in local newspapers and notification of local governing bodies, opportunity to protest, and a hearing if requested by an affected party. These are essential provisions to protect the public's right to participate in decisions which profoundly affect their lives and property.

Burden of proof. S. 630 places the burden of proof on the State or Federal agency to show that a proposed stripping would be in violation of the law. H.R. 6482 requires that "the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws."

Slope regulations. The unregulated depositing of spoil material on steep slopes is the greatest single cause for the environmental deterioration and threats to personal safety and property associated with strip mining. S. 630 contains no slope regulations. H.R. 6482 includes two slope regulations. One would prohibit removal of overburden from slopes steeper than 20°. The other prohibits the permanent placement of spoil material on downslopes below the coal outcrop steeper than 14°. Either provision would eliminate the major cause of public outcry, and the latter does so without categorically prohibiting mining.

Areas unsuitable for mining. S. 630 contains no provision permitting Federal or State designation of areas as unsuitable for surface mining. H.R. 6482 permits such Federal or State designation, following a hearing, and a finding that "it is not economically or physically possible to reclaim the land or . . . the mining will cause irrevocable or lasting injury to the environment of the area." Provisions are also included for deleting smaller areas from a permit application if environmental standards cannot be maintained.

Federal supervision. Under S. 630 the Secretary of Interior does not even have to approve state plans—he must only refrain from disapproving before they go into operation. Under H.R. 6482 thorough Federal review is required of both the proposed state regulations and the ability of the state to enforce its regulations, including a hearing within the state. Continual federal monitoring of state enforcement is required, including spot on-site inspections, and bi-annual hearings in the state.

SURFACE MINING RECLAMATION AND REGULATION

Mr. MOSS. Mr. President, for over a year and a half the Committee on Interior and Insular Affairs and my subcommittee on minerals, materials, and fuels, in particular, have been wrestling with the problems of surface mining regulation.

Ten bills were introduced in the 92d Congress and the committee has now produced four committee prints representing the combined efforts of the subcommittee membership and that of the chairman. Even at this late date in the session we are still seeking the best solution to a very difficult and complicated problem and we are urgently, actively and most sincerely working toward a bill which will protect the environment and allow us to obtain the minerals necessary to the operation of our society.

The need for legislation is clearly illustrated in a newspaper story from the Los Angeles Times of September 29, using the State of Montana as the stage upon which the drama of control of surface mining is now focused, I ask unanimous consent that the story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREAT COAL RUSH: WILL IT RAVAGE MONTANA'S LAND?

(By Joan Sweeney)

SOME RANCHERS BATTLE TO SAVE RANGE BUT LAW FAVORS MINING COMPANIES

SARPY CREEK, MONT.—Thirty miles from Custer's Last Stand, rancher John T. Redding is staging one of his own to keep the isolated, unpredictable land he has worked for the past 56 years.

Lawyers tell him his stand is as futile as Custer's.

His land lies in the path of the great coal rush that has swept eastern Montana, a sparsely populated area where skies are breathtakingly blue and water is precious.

The region is in danger of having its relaxed, rural way of life altered drastically by coal strip mining and proposed power projects to supply electricity not only for the area but for states as far away as Missouri and Iowa.

At Sarpy Creek, Westmoreland Resources wants to strip-mine Redding's land, for the low-sulphur coal beneath it.

LAW ON ITS SIDE

And Westmoreland has Montana law on its side.

Redding, like many other ranchers and farmers in eastern Montana, owns only the surface. At Sarpy Creek, the Crow Indians hold the mineral rights and have leased 30,876 acres to Westmoreland.

Under Montana law, private mining companies can seize the surface land through condemnation if the owner will not sell.

Redding was 12 years old back in 1916 when he and his family walked miles through snow, 2 and 3 feet deep, to reach their homestead.

Through good years and bad, through deadly winters and even deadlier drought. Redding stuck it out. During the depression, he watched as his neighbors abandoned their parched land for the greener fields of Washington and Oregon, but he stayed.

WANTS TO CONTINUE

He still wants to stay, but he says Westmoreland's agents have told him to sell at its price or have his land condemned. So far he has refused.

"They said, 'If you don't take this offer, we will take you to court, condemn you and you won't have anything," Redding's son, John R., said bitterly.

Westmoreland does not want all of his land, but Redding said he would be left with only hilltops and no water.

Lawyers that the Reddings consulted advised them to sell. Some of their neighbors, like Merle Cox, already have.

Cox is a taciturn bachelor, seemingly emotionless, his face weathered by 23 years on his ranch. "They said if I didn't sell they'd condemn it and take it, so I went and seen a lawyer. He said they could do it. It looked like selling was the only thing I could do," Cox said.

Montana law, written before statehood when mining was the territory's only industry, gives private companies holding the mineral rights the power of eminent domain to condemn the surface lands. The 1961 Montana legislature expanded the law to include strip mining.

A company can bring action in state district court to condemn a piece of land, and the judge then appoints three commissioners to assess the damages to be paid the owner.

John W. Northey, deputy Montana attorney general, said it had never been determined by the state's Supreme Court whether the mining company must pay the value of the land or merely for damage to it.

When the U.S. government opened eastern Montana land to homesteaders, it generally retained the mineral rights. The Indians, the Burlington Northern Railroad and the state also own mineral rights to extensive tracts.

The homesteaders knew when they claimed the land that they did not own mineral rights.

"At that time, I don't think anybody ever heard of strip mining," the younger Redding said. "If there was going to be mining, it would be underground, and it didn't worry them."

A spokesman for Westmoreland headquarters in Billings declined to discuss the firm's present or future operations.

POLLUTION LAWS

Some other mining officials believe that the only reason the ranchers refuse to sell is to try to extract a higher price for their land. And it is true that, although some ranchers see strip mining as destroying their way of life, others are happy to sell.

The national energy shortage, pollution laws banning high sulfur fuels and new technology have combined to suddenly make western coal, which is low in sulfur, sodium and ash, highly attractive. Also important is its vast quantity—an estimated 1.45 trillion tons within 6,000 feet of the surface in the Fort Union formation of Eastern Montana and Wyoming and the western Dakotas alone.

Economics dictates that this coal, which lies in thick seams relatively near the surface, should be removed by the cheaper method of strip mining, which uses giant shovels that can gulp 114 cubic yards of earth with one bite.

Opponents fear the mining could trigger an environmental crisis.

DAMS PROPOSED

They say that not only would strip mining chew up land now devoted to agriculture, the area's present economic mainstay, but that proposed energy plants with their enormous needs for water could stymie other industrial and agricultural development in the semiarid area. An Environmental Defense Fund study calculates that the mean annual flow of the Yellowstone, the main river, could be reduced as much as 81% by such plants' needs. And in dry years, the river's flow is only half of its average.

To supply enough water for the plants, the Bureau of Reclamation proposed damming the Yellowstone, building as many as nine reservoirs, and constructing an extensive network of large aqueducts.

"The Yellowstone River is an exceptional trout fishery and the only major uncontrolled river in Montana," said James Posewitz of the Montana Fish and Game Department. "One of the major issues is going to be whether we dam the Yellowstone."

POWER NEEDS SEEN

The North Central Power Study, a joint project of the U.S. Bureau of Reclamation and some 35 utilities, proposed 42 mine mouth, coal-burning power plants—21 in eastern Montana, 15 in Wyoming (which would require Montana water), four in southeastern North Dakota and one small plant in both South Dakota and Colorado.

The plants would produce 53,000 megawatts of power.

Even with the coal's low sulfur content and proposed federal standards for such plants, they would still produce approximately 2.1 million tons of sulfur dioxide a year, according to the EDF study.

"This material will, in turn, yield an as yet unspecified mixture of sulfurous and sulfuric acids to be deposited downwind on farmland and communities," the study added.

It calculated the plants would produce anywhere from 94,500 to 787,500 tons of fly ash a year and as much as 1.87 million tons of nitrogen dioxide.

The prevailing wind most likely would carry the pollution eastward across the wheat fields and prairies toward the Black Hills.

"The Black Hills—they'll be black, black with soot," said Rep. George Darrow, a member of the Montana House of Representatives, the chairman of the state's Environmental Quality Council and a geologist.

Montana Power is constructing two 350-megawatt units at Colstrip, Mont., where its subsidiary, Western Energy, is strip-mining. It is using the first of the proposed mine mouth plants.

An alternative to these plants, which some consider obsolete and inefficient, is gasification plants that turn the coal into synthetic pipeline gas. Steam generators convert only 30–40% of the coal's energy into electricity while gasification has a 60% efficiency rate. Possible pollution from gasification plants includes sulfur compounds, ammonia, hydrogen cyanide and hydrogen chloride.

PLANTS PLANNED

Two gasification plants are under consideration for Dawson County, one near Hardin and another near Sarpy Creek, all in southeastern Montana.

Another possibility, given additional technology development, is multiproduct complexes that produce electricity, liquid and gas fuels and petrochemicals. Their coal and water demands would be enormous.

It is the multiproducts complexes that could touch off a population explosion. A Bureau of Reclamation memo estimated the area's population could increase during the next 15 years by another 280,000 to 912,000 persons. The population of the entire state was only 694,409 in the 1970 census.

The amount of strip mining already under way is small—primarily in the Decker Birney area and near Colstrip where both Western Energy and Peabody Coal Co. have pits—but it is expected to mushroom in the next few years.

Most of the coal is shipped out of state, sometimes a long way out. Burlington Northern recently transported 20,000 tons of coal 1,730 miles from Colstrip to a Tennessee Valley Authority plant

State Lands Commissioner Ted Schwinden said, "This represents a continuation of what has been the traditional history of Montana—exploitation of its resources with a minimum of economic benefit to the state.

"We are left with a hole in the ground and the resource is gone forever."

Strip mining is not new to Montana. In 1923, the Northern Pacific Railroad (now Burlington Northern) began strip-mining coal for its steam locomotives at Colstrip and continued until 1958.

PLANNING URGED

South of Colstrip, the old NP spoils banks still rise like giant lumps of white dough, arid and eroded, against the blue sky. Only occasional tufts of weeds decorate them. Some fear these are a harbinger of eastern Montana's future landscape.

Rep. Darrow believes the coal development "has to be done with far more advance planning and forethought" than there has been.

"The mining could be accomplished with a minimal amount of land disruption," he said. "We don't need to open up a dozen mines simultaneously and have scattered fragmented exploitation."

Only now is some effort beginning toward finding answers and toward planning for what most regard as the inevitable.

TASK FORCE FORMED

Mrs. John Cross of Glendive told a meeting of the Economic Development Assn. of Eastern Montana: "Events are happening so fast that few Montanans fully realize what effect the so-called coal development is going to have on their lives and on their environment. We will soon be in the position of locking the barn after the horse is stolen."

A task force of state agencies was recently formed to provide comprehensive planning that would consider social, economic and environmental factors.

The Bureau of Land Management, meanwhile, is delaying action on lease applications.

"Why lease further areas when you don't know what you are doing?" one Bureau official in Billings said.

No such concern is expressed by the Bureau of Indian Affairs, which has granted leases and options on nearly 600,000 acres of Crow and Northern Cheyenne Indian land in Eastern Montana.

M. W. Babby, Indian Affairs assistant area director in Billings, indicated he feared that unless the coal was exploited now it would become valueless when new energy sources were found.

"We are going ahead and leasing it," he said. "It is an asset, and there are indications coal will be a salable product for only a few years."

A recent General Accounting Office report noted that the BIA takes the position the Environmental Protection Act does not apply to Indian lands and environmental impact statements are not required for coal exploration and mining projects.

The report criticized both the BLM and the BIA for failing to comply with Interior Department and environmental regulations for coal leasing and reclamation.

Perhaps the biggest question is whether the land can be reclaimed at all without constant and endless care and fertilization.

Optimists point to the experiment of Richard L. Hodder of the Montana Agricultural Experiment Station, financed by Western Energy at its Colstrip mine. He is studying various combinations of contouring, surface shaping, fertilizing and vegetation.

Hodder believes strip mining and reclamation can be one continuous process. In his method, when earth is removed to get at coal, it is used to fill any adjacent hole where a vein already has been mined. The spoil banks are then contoured, fertilized and planted as part of the reclamation project.

"I think reclamation is very possible over the long haul," he said. "Certainly I have demonstrated that it is on the short haul . . . I think the potential is very great for producing more than what the area produced previous to mining."

But a rancher in the area said, "With the amount of fertilizer they are spreading on, I could grow grass on a roof."

Hodder said, "We are trying to reproduce a country similar to what is here now—not the flat-topped buttes—but less high highs rounded in such a irregular fashion that they will fit into the natural landscape."

Hodder warned that reclamation work had to start before extraction did and continue simultaneously. Core samples must be analyzed to determine whether topsoil should be stockpiled and what kind of vegetation will grow best on it.

If reclamation is done this way, with good design work and aerial seeding and fertilizing, Hodder estimated the cost per acre at $250 to $500. Otherwise, it could run well above $1,000 an acre.

The Burlington Northern has begun reclaiming the old NP spoil banks at Colstrip and estimates it will cost $1 million for one thousand acres—$1,000 an acre.

Montana law required that companies post bonds to guarantee reclamation. But Northey said the maximum limit is $500 an acre. This could be less than the cost of reclamation.

THE PROPOSED McGOVERN DEFENSE BUDGET—BLUE PRINT FOR DISASTER FOR THE FREE WORLD

Mr. FANNIN. Mr. President, the proposed McGovern defense budget is more than just a blueprint for disaster for the Free World, it is a grand design for unemployment and economic chaos within our Nation.

This is especially true in my own State of Arizona.

In recent months the unemployment rate in Arizona has run at around 4 percent, well below the national average. I would attribute this to our great climate, eager and industrious workers, and the talented management of our industry.

There was a time when the economy of Arizona was closely tied to defense spending and the operation of military bases within the State. In the past two decades there has been a great diversification of industry in Arizona but the military program still is a major element in the economy of the State.

Estimates I have received show that Arizona would lose more than 20,000 jobs as a result of cutbacks proposed in the McGovern budget. This includes the loss of about 5,500 military positions, 2,700 civil service jobs, and 11,800 industry workers.

As of midsummer there were some 405,000 Arizonans holding down jobs, both agriculture and non-agriculture. So it would appear that Senator McGovern would mandate the abolition of approximately 5 percent of the jobs in my State.

This would be disastrous for cities such as Tucson—Arizona's second largest metropolitan area, which relies on Hughes Aircraft and on Davis-Monthan Air Force Base for much of its employment. Hughes is a major missile producer and the largest private employer in southern Arizona. Davis-Monthan Air Force Base fed some $109 million into the Arizona economy during the last fiscal year. Tucson is a great city with a tremendous climate, located on scenic desert with the majestic Santa Catalina Mountains as a backdrop. But perched on top of Mount Lemmon in the Catalinas is an Air Force radar station which must serve as a constant reminder that the future of Tucson is tied in with its military installations.

Tucson is the home of a great university, and it also is quite naturally a haven for easterners who want to escape the torment of winter. But neither the University of Arizona nor the tourist industry are adequate to maintain a healthy economy. Hughes Aircraft and Davis-Monthan provide the other two corners necessary to make a four-square economy for Tucson. If the McGovern budget would not wipe out these two institutions, it certainly would severely reduce them.

South of Tucson is Fort Huachuca, an important Army post which provides an economic anchor for Cochise County.

To the west, along the Colorado River, the Yuma area gains employment from the Marine Air Station and the Army Proving Ground.

And in the Phoenix area we have Luke and Williams Air Force bases, we have Motorola and Sperry and AiResearch and other employers—large and small—that provide thousands of jobs to perform contract work for the military.

The McGovern defense budget would result in a loss of $302 million for Arizona in terms of military prime contracts and Department of Defense estimated payrolls. Of this, $164 million would be in prime contract awards. These estimates I might add, are based on 1972 fiscal year figures.

Senator McGovern has complained loud and often about unemployment in the United States. He says that the recent 5.5 percent is too high. I will not debate that point. But I must wonder why Senator McGovern would take a State like mine, with 4 percent unemployment, and purposely boost unemployment to at least 9 percent.

Actually, the unemployment figure for Arizona would go much higher as a result of the McGovern military budget. The unemployment toll would be much higher than the 20,000 direct job loss which I have mentioned. Economics tells us that there is a multiplier effect: for every job directly lost, there would be an additional 1 to 1½ other jobs indirectly lost. Grocery clerks, automobile mechanics, and other dependent civilian employers would lose their livelihood, too. So, the job loss in Arizona could run as high as 50,000.

Mr. President, I certainly would not propose that we have a wasteful or an unnecessarily high military budget just to provide jobs—not in Arizona or anywhere else. Defense spending has not been, nor should it be, a type of welfare or a make-work program. Heaven only knows that we already have plenty of these jobs in the Federal bureaucracy. The defense budget should provide us with the security that we must have to maintain our freedom and to carry out our obligations to the free world. It is not my intention to debate that point here this morning. I believe that former Democratic Secretary of State Dean Rusk stated the situation well when he said:

> I did not say that Senator McGovern was insane, I said that the policy of almost complete reliance upon a nuclear deterrent was insane because it simply lacks credibility, and I think this is major problem for us.

Mr. President, my point this morning is the economic impact of the McGovern defense budget.

This budget would not only turn us into the No. 2 power in the world, it also would throw 1.8 million Americans out of work in the process.

Laid off nationwide would be 588,000 in the military, 321,000 in the civil service and more than 900,000 in industry.

Senator McGOVERN proposes to close some 500 military bases nationwide in 1 year. This would include nine of the 34 Strategic Air Command bases along with three shipyards. He wants to shut down 30 percent more bases in 1 year than have been closed in the past 4 years. This would impose a simultaneous severe hardship on 500 local economies—with obvious damage to the national economy.

Senator McGOVERN proposes a cut in appropriations for research and development of between $3 and $4 billion.

As Secretary of Defense Melvin Laird has said, Senator McGOVERN's cuts in research and development "would seriously weaken our industrial and technological base by eliminating or seriously reducing efforts on basic technology, advanced technological development and management support. These cuts would reduce facilities and eliminate thousands of jobs for scientists and technicians actively engaged in tasks related to our technological capabilities."

Nowhere would the McGovernite defense cuts wreck more havoc in our economy than in my neighboring State of California—with its aerospace, technological orientation. As Senator HUBERT HUMPHREY, once the leader of the Democrats, put it in the California primary:

> Not only are Senator McGOVERN's (defense cut) proposals a serious threat to the security of our Nation, but they are, indeed, a direct threat to the economic security of working families and the economic viability of the State of California.

In California, 264,000 men and women would lose their jobs, including 53,000 military, 45,000 civil service and 166,000 in industry. It has been estimated that more than 100,000 Californians would have to migrate to other States in search of work.

Specifically, the McGovernite cuts would threaten these jobs in these programs:

F-14 and Phoenix programs: 11,200 jobs.

B-1 program: 19,200.

Minuteman III: 9,200 jobs.

Poseidon/Trident program: 8,400 jobs.

One other thing: The McGovernites also want to wind up our space programs. This will mean a job peak of 25,000 jobs on the Space Shuttle program in California will never be attained—and 50,000 Space Shuttle jobs will never be filled nationwide.

If these disastrous defense cuts are ever put into effect, there will be 10 to 15 percent unemployment in California—and the impact of a suddenly depressed giant State will be felt nationwide.

It is not only the West, not only Arizona and California, but the entire Nation which would go into economic shock. For example, consider the State of Ohio where almost 74,000 jobs would be lost—more than 32,000 in the military, 10,000 in civil service, and 30,000 in industry. And these are very conservative estimates. There would be a loss of $664 million to the economy in terms of military prime contract awards plus Department of Defense estimated payrolls, using 1972 as a guide.

Mr. President, the defense budget proposed by Senator McGOVERN is indefensible. It is an invitation to disaster both at home and abroad.

And it comes at a time when the Nixon administration is moving steadily toward our goal of full prosperity in time of peace.

Our overall real gross national product is currently running at 9.4 percent in the most recent quarter for which we have data. Since the new economic policy, there have been 2.2 million new jobs, and real weekly earnings are increasing at the rate of 3.8 percent per year.

President Nixon has said that this election offers the clearest choice of the century. It is clear that for hundreds of thousands of our men and women, the election is offering a harsher, personal choice—a choice between jobs or no jobs.

As President Nixon warned in his acceptance speech at Miami Beach:

> Our opponents have proposed massive cuts in our defense budget which would have the inevitable effect of making the United States the second strongest nation in the world . . . we should not spend more on defense than we need. But we must never spend less than we need.
>
> What we must understand is, spending what we need on defense will cost us money. Spending less than we need could cost us our lives or our freedom.

EXTENSION OF AUTHORITY FOR CERTAIN HOUSING PROGRAMS

Mr. GAMBRELL. Mr. President, recently the Committee on Banking, Housing and Urban Affairs met in executive session to consider House Joint Resolution 1301, a measure to extend the authority for certain existing housing programs through June 30, 1973. In view of the failure of the House of Representatives to act on the Housing and Urban Development Act of 1973, passage of House Joint Resolution 1301 is essential in order to prevent the lapse of authority for these housing programs.

Another consequence of the failure of the House to act on this year's housing bill is that Congress will have to turn its attention to new housing legislation early next session. One of the matters that Congress will undoubtedly address itself to then concerns problems and abuses that appear to exist in connection with the costs for residential real estate settlements and closings. In S. 3248, the Omnibus Housing Act passed earlier this year, the Senate attempted to deal with these problems by authorizing the Department of Housing and Urban Development to publish standards governing the amounts of closing costs that may be charged for various services provided in connection with real estate settlements.

In contrast to the Senate approach, the House Banking and Currency Committee adopted an entirely different approach to these problems in the omnibus housing bill—H.R. 16704—that was reported to the House of Representatives. In brief, the House approach would have directly attacked the problems and abuses that have been demonstrated by proscribing certain unfair and abusive practices and requiring advance disclosure of settlement costs and procedures. Many of us in the Senate who have had an opportunity to review and consider the House approach believe that it presents a more attractive and more efficient Federal response to unnecessarily high closing and settlement costs than the approach of having the Federal Government get into the ratemaking business. Both of these alternative approaches will, I am sure, be carefully and fully considered next session.

For the future, Congress may well decide not to authorize HUD to fix rates for settlement charges, but instead it might follow the course of action taken by the House committee. This is particularly true in view of the strong feelings of many Members of Congress that Federal rate fixing is an unwise response to the problem of unnecessarily high closing costs. The study which the Department of Housing and Urban Development has made, in this connection, has been valuable, and has prompted the Congress, the lending industry, the title insurance industry, and the organized bar, to consider and develop a number of important reforms, not only in regard to closings, but in regard to the processing of real estate transactions. It is important that all of the interested parties continue to concern themselves with the provision of better service at lesser costs to the average family which makes up the home buying public.

In this context, I think it would be extremely ill-advised for HUD and the Veterans' Administration to commence implementation of their proposed regulations setting maximum rates for settlement charges in FHA or VA-related transactions until Congress has acted on this matter next session. It would be regrettable indeed if HUD and the VA were to embark upon a course of conduct that flies in the face of mounting congressional sentiment and strong indications that the Congress may shortly prescribe reforms of its own covering the entire problem.

While the evaluation of Government closing costs policy continues, I hope that the underlying cause of disruption in the housing market will not be overlooked. In my own judgment and experience, the most significant cause of abuses in the closing costs area has been tight money, or what amounts to the lack of competition among lenders and those involved in the "delivery" of the loan funds. A shortage of money for housing, or for that matter for any development involving real estate, gives rise to the opportunity for "gouging." I have seen it myself, as a borrower, and as a lawyer for borrowers and lenders.

In fact, the closing costs problem is simply one of many symptoms of the disaster that results from a fluctuating money supply, which itself results from a shortsighted and mismanaged Federal economic policy.

Whenever plenty of housing loan funds are available, legitimate, as opposed to marginal lenders will predominate, and the incidence of abuse will be at a minimum. When money is tight, the incentives for "holdups" increase, and the unsophisticated home-buyer is willing to pay what amounts to blackmail or ransom in order to obtain the funds. This is true whether the ransom happens to be a discount, a service charge, a title or abstract fee, survey charge, an appraisal fee, or an extra charge by whatever description.

And why shouldn't he? The homebuyer has to pay inflated prices at every turn. First, there are high interest costs, then construction costs enlarged by inflation, next higher land prices, and ultimately a whole range of increased charges resulting from governmental economic mismanagement.

In fact, if all closing costs were to be reduced by one-half, it would still not amount to as much as the increase in interest charges resulting from inflation and tight money, not to mention the increased costs of land and building materials.

To set the HUD bureaucracy to work trying to beat down closing costs abuses, is a foolish, if not absurd, misconception of priorities. The Department of Housing and Urban Development should concern itself with a method and means of assuring a continuous supply of money, at reasonable rates, into the housing market. This would result in a continuity of competition among lenders which should, to a large extent, eliminate closing cost abuses. It would also have the effect of stabilizing interest rates, stabilizing the residential construction and delivery systems, and thereby stabilizing the entire economy.

Mr. President, this is by no means the first time I have spoken to my concerns for rational and honest management of our economy. During the Senate debate on the increase in the debt limit last March, I commented that such an important matter should not be disposed of in a perfunctory manner. The same care should be taken regarding the regulation of real estate transacting, and I ask unanimous consent that my comments at that time regarding the closing cost problem be printed at this point in the Record.

There being no objection, the excerpt from the Record was ordered to be printed in the Record, as follows:

> I would like to think that we had economic guidelines in this country upon which others could look and say: "The U.S. Government is not going to get out of hand economically, and we can plan without hedging; we can lend money without going into inflation, with interest rates and other things of this type which have been going on for the last 4 or 5 years."
>
> We have a problem in this country of what at home I would call "running the rabbit." We had hearings yesterday and the day before in the Banking Committee with respect to the efforts of the Housing and Urban Development Department to regulate what is known as settlement costs in real estate transactions. During the so-called tight money days of the late 60's and early 70's, a number of practices arose connected with real estate transactions in which discounts were charged on loans, and there were other inflated items of cost connected with real estate closings that became evident in Government—subsidized and protected real estate activities such as the FHA and Veterans' programs. I was in the field when all this was going on. I was not in Washington reading statistics. I was there, actually involved in these closings. I was not only a lawyer for some of the lenders but I was even a borrower myself. I tried to borrow money personally to buy a house under these circumstances. I have worked with others who were borrowing and lending in the field.
>
> The whole problem of settlement costs arose because money was tight and hard to get. A fellow that wanted to borrow money could be charged almost anything—as a discount, closing cost, survey fee, abstract charge, title insurance—anything else one wanted to charge him. If he could get that loan, he would pay any price to anyone, whether honest or dishonest. That is all there is to the settlement cost controversy.
>
> Yet HUD has spent a year and written two volumes about 6 inches thick each, telling us how to straighten that out.
>
> I would like to see a volume 6 inches thick telling us how to straighten out the whole economy of the country so that we do not have to have tight money and so that we do not have problems of that kind.
>
> To me, it is a disgrace. We cannot "run the rabbit" when we have a 6-inch thick report on how to straighten out closing costs, when, in fact, they may have gone up 50 percent. In other words, 1 percent of a total real estate transaction has gone up 50 percent. That means it has gone up to where it was 1½ percent more on the original. At the same time, the cost of the money went up by almost 100 percent—that is, the interest rate almost doubled. Construction costs went up by at least 20 to 30 percent, and every other cost associated with it—land, everything else, went up at the same time, as a result of tight money.
>
> In other words, to blame the whole problem of real estate transactions on closing costs is absolutely "running the rabbit" while the big game got away. The big game was the loss of economic and fiscal responsibility in this country. That is what we are trying to begin to get at here today with the amendment which the distinguished Senator from Delaware (Mr. Roth) proposes to offer to the bill.
>
> I would say it would be a national disaster if the debt limit bill were to pass in a perfunctory way, to pass because it had to be passed, with nothing to be said and nothing to be done about the basic problem of adjusting our fiscal and our economic policies in this country.

ADMINISTRATION'S PERFORMANCE ON TAX REFORM

Mr. KENNEDY. Mr. President, no issue now before the country in this election year more clearly demonstrates the arrogance of the administration's current attitude toward the people than the issue of tax reform.

The charade of statements we have witnessed from the administration in recent days and weeks on the question of Federal spending and Federal taxes is a damaging new indictment of the administration's failure to understand the very real grievance that millions of taxpayers rightly have over the unjust burden of taxes they are now compelled to pay.

We have a crisis over tax reform because countless ordinary men and women now realize that our tax laws are unfair. Our present Federal revenue laws are nothing but a giant sieve, full of loopholes through which pour billions of dollars in special benefits each year. The Internal Revenue Code is America's biggest welfare bill of all. But it is the sort of welfare that only Alice in Wonderland can understand, because the greatest benefits of tax welfare go entirely to the richest individuals and the Nation's largest corporations.

The effective tax rates are still progressive, to be sure, but instead of ranging from 14 to 70 percent, as the schedules say, they range instead from only 1 to 32 percent.

The really interesting figures, however, are the figures on tax welfare—the enormous subsidies bestowed by the Revenue Code on upper income taxpayers. There are 6 million families in the "under $3,000" category, yet they receive only $16 each in "tax welfare." The 3,000 families with income over $1 million get over $700,000 in tax welfare each. Put another way, 70 percent of the Nation's families have incomes less than $15,000 a year, but they get only 25 percent of the tax welfare. And the 0.3 percent of the families with incomes over $100,000 get 15 percent of the tax welfare.

It is facts like these that make the case for tax reform so compelling. How can the administration fail to see the need? Or is it just that when Mr. Connally and the other tax barons have the President's ear, the issue seems too remote and unimportant?

We know that problem of critical national budget deficits now before us, the problem of rising Federal deficits that can easily ignite a new round of inflation and economic crisis in the future. To me, however, it is unconscionable for the administration to cast the argument in the take-it-or-leave-it terms of either a ceiling on spending or else a tax increase.

In fairness and logic to the needs of countless taxpayers, our first obligation is to reduce the budget deficits as much as we can through the enactment of tax reforms. We know that substantial amounts of revenue can be raised, if we are serious about tax reform.

George McGovern proposes to raise a total of $22 billion through the tax reforms he favors—by closing numerous major loopholes in existing laws worth $13 billion to corporations and $9 billion to individuals. A similar plan of tax reform that I support would raise a total of $16 billion.

President Nixon has said he has a plan for tax reform, but he is keeping it a secret. I believe he has the obligation as the leader of this country, and as a candidate for reelection, to tell the people of America where he stands on tax reform. He has the obligation to make his program clear, and he has the obligation to do it before election day.

We know where George McGovern stands. In a major address last summer in New York City, Senator McGovern discussed in detail his plans for comprehensive tax reform, and laid the groundwork for a thoughtful and constructive debate in the weeks ahead.

But we do not know where President Nixon stands on tax reform. Indeed, if he stands where we think he stands, he is for no reform at all, but simply a perpetuation of the existing system—a system of inequities that flouts the principle of our progressive income tax and turns it instead into a Swiss cheese network of interlocking loopholes, deductions, shelters, and safe tax harbors for the special interests and for the few who have wealth and expertise to profit from such laws.

To paraphrase a famous aphorism, our tax laws in their majestic equality allow the poor as well as the rich to invest in State and local bonds, to reap long-term capital gains, to search for oil, and to hire tax lawyers and accountants to navigate their way effectively through the revenue laws.

But we know that only the rich are able to play the loopholes well. Middle and lower income Americans simply cannot afford the substantial sums that are necessary if they are to take advantage of the many different tax shelters that exist. Not only do we have a promiscuous system of tax welfare, but it has a "means" test, too. According to most estimates, the threshold income level for effective use of tax shelters is in the neighborhood of $50,000 a year, far beyond the reach of any ordinary citizen.

An excellent recent study by the Brookings Institution tells the story. According to the findings, the income taxes paid today are extremely modest when calculated on the basis of "effective tax rates"—the percentage of a taxpayer's total income that actually goes for income taxes. The difference between the stated rate and the effective rate gives rise to what we call "tax welfare"—the annual subsidy a taxpayer receives because of the loopholes in the laws:

Overall income	Effective tax rate (percent)	Average annual tax welfare payment
Under $3,000	0.5	$16
$3,000 to $5,000	1.7	148
$5,000 to $10,000	5.3	340
$10,000 to $15,000	8.7	651
$15,000 to $20,000	10.7	1,181
$20,000 to $25,000	12.1	1,931
$25,000 to $50,000	14.5	3,897
$50,000 to $100,000	23.5	11,911
$100,000 to $500,000	29.5	41,480
$500,000 to $1,000,000	30.4	202,752
Over $1,000,000	32.1	720,448

The McGovern prescription for tax reform may seem like strong medicine to those who are now so comfortable with the present system, who enjoy the handsome welfare payments and other subsidies that our tax laws now provide. And, inevitably, of course, it seems like especially strong medicine in comparison to the proposal of President Nixon, who has no prescription at all, but asks only that we perpetuate the present system.

But the McGovern prescription can easily be seen in an entirely different light. It's just what the doctor ordered for the American working man and woman, who know that it is their wages that go today to subsidize the deductions and loopholes for the rich.

And GEORGE MCGOVERN's plan is mild reform, indeed, compared to the results of the Brookings Study, which demonstrated that a truly comprehensive program of tax reform—one that closed all the loopholes—would generate the almost unbelievable total of $77 billion in new tax revenues.

Clearly, when we talk about tax reform, we are not talking in urgently needed funds—dollars that can be used in a variety of ways to help meet all the challenges we face at home and overseas.

Tax reform can provide dollars to reduce the budget deficit; dollars for homes and health and schools; dollars for policemen and drug control; dollars for transportation and the environment; dollars to reduce the soaring burden of property taxes; dollars for revenue sharing with State and local governments—in short, dollars to meet all our urgent national priorities that have already been set in the past, and that will be set in the future by Congress, the administration, and the American people.

It is no accident, therefore, that tax reform is now erupting as one of the most important issues in the Nation this year. It is a powerful mass movement that can no longer be denied.

Wherever we look, we find the tax base being eroded by deductions and exemptions, by windfall subsidies, by questionable incentives for various industries, by benefits that have long since outlived whatever justification they might have had when they were first enacted, and even by sinister loopholes quietly written into the law for the benefit of particular individuals or corporations—"tax fingerprints" that dot the revenue code in silent tribute to the political muscle of the wealthy and the powerful in the Nation.

And, always, it is the ordinary citizen who bears the heaviest burden. In other days, when the role of government and public spending for social programs was much more modest than it is today, the weight of our unfair tax structure may not have been as onerous. But today, the burden is immense, and taxpayers across the country are raising their voices in loud opposition to the rising taxes they have to pay.

The responsibility for our present plight cannot be placed solely on a particular Congress, or any single administration. In many cases, the inequities of the Internal Revenue Code have been accumulating for decades. Some are fossils from the earliest laws enacted after the 16th amendment to the Constitution conferred the power on Congress to levy the income tax.

At the same time, however, it is clear that the Nixon administration must bear a major share of the blame, because of the way in which it has opposed every meaningful effort for reform in recent years. Twice in the past 3 years—in the Tax Reform Act of 1969 and in the Revenue Act of 1971—we have seen that the only thing the Nixon administration calls reform is a plum for business and a crumb for everyone else, a program that benefits the super rich and their big campaign contributors and the Nation's largest corporations, but that does nothing to ease the backbreaking burden of taxes the ordinary citizen has to bear.

At virtually every step of the legislative process, the only suggestions for reform actually ventured by the administration were weaker than those already widely supported or approved in the House and Senate. The signal from Mr. Nixon was as clear in 1969 as it is in 1972. The administration was not serious about tax reform.

In 1969, in the face of this strong hostility from the administration, the momentum of the movement began to die. It did not revive until the primaries in this election year so clearly showed that the people want reform in every section of the country, north and south alike.

We know that the road to reform is not an easy one. We know that we shall have the strong opposition of every special interest group. We know that, as Prof. Stanley Surrey stated so perceptively in testifying on the 1969 reforms:

> There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference.

But we also know that millions of our citizens are optimistic about the future of the country, if only we can have reform. The people are aroused. They will have the chance to speak on November 7, and if Richard Nixon keeps his plan a secret until then, he does so at clear and present peril to his reelection.

RESEARCH AND DEVELOPMENT—THE FUTURE OF OUR NATIONAL SECURITY

Mr. ROTH. Mr. President, the Senator from South Dakota (Mr. MCGOVERN) is proposing in this election campaign to slash our appropriation for research and development by $3 or $4 billion. And although this might seem like a small cut—a very small slice of the $32 billion he wants to take out of our national defense budget—this might turn out to be, in Shakespeare's words, "the unkindest cut of all."

Research and development, of course, are the future of our national security—and infinitesimal expenditures can make the difference between survival and surrender—one or more generations from now. The tank, which now seems so outmoded, was the instrument of victory in the First World War. The Spitfire was the fighter aircraft that won the Battle of Britain. How close might Nazi Germany have come to victory if they had been able to mate their amazing V–2 rocket to a deliverable nuclear warhead?

I served in the U.S. Army in the Second World War, in the Pacific theater. I sometimes wonder how many of my comrades might not have come home—if our R. & D. specialists had not done their job for their country in Los Alamos and Oak Ridge.

Senator MCGOVERN's approach to R. & D. reminds me, to some extent, of those well-meaning men who opposed the industrial revolution throughout the 19th century. The same opposition can be seen in this century. The New York Times, for example, on December 10, 1903, ran an editorial urging Samuel Langley to give up his experiment with the airplane.

Said the Times—

> We hope, that Professor Langley will not put his substantial greatness as a scientist in further peril by continuing to waste his time, and the money involved, in further airship experiments.

One week later, to the very day, the Wright Brothers changed history at Kitty Hawk—and Professor Langley went on to become one of the fathers of naval aviation.

In 1921, the New York Times, recommended that Robert Goddard give up his work on rockets because the rockets could not get off the ground. This was because of the natural laws relating to action and reaction, said the Times, and Professor Goddard—and I quote the Times—"seems to lack the knowledge ladled out daily in high school."

But, in all fairness to the Times, and with no reference to the fact they have endorsed Senator McGovern to be our President, I would comment that the opponents of R. & D. have always been with us. On August 17, 1807, Robert Fulton tried out his steamship, the *Clermont*—and later he recalled:

> The morning I left New York there were perhaps not 30 persons in the city who believed that the boat would ever move one mile an hour or be of the least utility.

Well, as U.S. Senator from Delaware, I have strong opinions about the unwisdom of Senator McGovern's overall posture on national defense and international relations. As a representative of my constituents, and as a man with two young children, I prefer the posture of President Nixon, who says:

> The American eagle must not become the ostrich.

"Come Home America" means many things to many people, but to me, it simply means one thing. Isolationism. And, as we have seen, isolationism means appeasement. And, in our own lifetimes, isolationism means war.

I know—because I have lived this.

Even while maintaining a strong defense, with his prudent reduction of our ground combat involvement in Vietnam, with his thrifty attitude toward other factors, President Nixon has been able to trim the defense budget from $78 billion to $54 billion in terms of 1968 dollars.

President Nixon has been able to reverse the spending priorities he inherited from his predecessors. In fiscal year 1973, 45 percent of our Federal budget will be spent on human needs and 31.8 percent on defense needs—an almost exact reversal of the priorities pertaining in 1968.

But President Nixon said in his acceptance speech—and I wholeheartedly endorse his words and his reasoning:

> What we must understand is, spending what we need on defense will save us money. Spending less than we need could cost us our lives or our freedom.

President Nixon, in contrast to his opponent, is increasing budgetary authority for research and development—because President Nixon realizes that what is invested in R. & D. today, will save lives tomorrow. Specifically, the President has an increase of budgetary authority for $767 million more for R. & D. over the 1972 budget, and he is putting the money to work for our country right now.

Senator McGovern's slash of $3 to $4 billion would, as Defense Secretary Laird puts it—and he is the man closest to the situation:

> Seriously weaken our industrial and technological base by eliminating or seriously reducing efforts on basic technology, advanced technological development and management support. These cuts would reduce facilities and eliminate thousands of jobs for scientists and technicians actively engaged in tasks related to our technological capabilities.

As President Nixon said in his acceptance speech:

> The choice in this election is between change that works and change that won't work.

I strongly believe that the change of $3 to $4 billion in R. & D. proposed by Senator McGovern is a change "which won't work," a change which will lead us in the wrong direction and may well jeopardize the security of the Nation.

THE HAZARDS OF CIGARETTE SMOKING

Mr. MOSS. Mr. President, on the UPI wire yesterday, I saw a news item which I ask unanimous consent to have printed in the Record. Every day that goes by brings additional word from all corners of the globe concerning the health hazards of cigarette smoking and the efforts being made by various governments of the world to deal with this urgent public health problem.

There being no objection, the news dispatch was ordered to be printed in the Record, as follows:

Smoking

Helsinki.—The Finnish people are such heavy smokers that by 1980 all hospital space will be occupied by men and women with diseases caused by tobacco, a delegate attending a Nordic conference against smoking said today.

The conference arranged by the Nordic Council ended the two-day meeting today with a call to the Finnish Government to ban cigarette advertising and allocate funds for an information campaign about the health hazards involved.

THE 25TH ANNIVERSARY OF INVENTION OF THE TRANSISTOR

Mr. CASE. Mr. President, this year brings among other anniversaries of note the 25th anniversary of the invention of the transistor.

It was on December 23, 1947, in my own home county of Union, that this remarkable invention became a reality.

I ask unanimous consent that a statement prepared for me be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Invention of the Transistor

A noteworthy milestone will be observed on December twenty-third of this year, one meriting nationwide attention because of its impact on our nation, as well as the world.

That date will mark the silver anniversary of the invention of the transistor.

The transistor revolutionized the electronics industry, replaced bulkier, less reliable vacuum tubes, and provide the technological foundation for integrated circuits, which have extended the transistor's impact on our daily lives.

The transistor was the key that unlocked an age of new, sophisticated, more reliable, cost depressing communications systems. It made practical the space age of earth satellites for intercontinental communications, or for weather and ecological surveillance, and opened the era of space exploration. Without the transistor, we may not have found it practical to place men on the moon, or at least to view them at work from the comfort of our living rooms.

The transistor gave us the modern computer, which has become so essential for business and is having an accelerating impact on the lives of all our citizens in providing a growing array of services to man.

The transistor gave us the wallet-sized portable radio, convenient enough to provide entertainment for an outing on one of our glorious New Jersey beaches, and equally convenient in the pocket of a farmer to apprise him of world events as he works his remote western fields.

The transistor has given us navigational and radar systems necessary for jet flight, and vital electronic components for our national defense. It has given us more dependable wrist watches, toys for our youngsters, lasers and other research tools for our scientists. The list of its benefits is endless, limited only by the breadth of your imagination. It has enhanced the very lives of our citizens, for example, by providing aids to the hard of hearing, pacemakers for those with heart defects, the communications technology for transmitting an electrocardiogram to a distant consultant over the telephone, and many sophisticated tools for members of the medical profession.

We are pleased that the transistor came from this land, representative as it is of world leadership in science and technology.

And we are particularly proud that the transistor came from the State of New Jersey, which has made so many contributions to mankind.

The transistor was born two days before Christmas, twenty-five years ago, on a laboratory bench in Murray Hill, New Jersey, the headquarters site of Bell Laboratories, the research and development unit of the Bell System.

Its birth came, not by the haphazard accident that fiction often ascribes to the inventive process, but in a concentrated project by the inventors and their assistants. In their mission-oriented research, stimulated by the recognition that increasing telephone system capacity would have to be accommodated in the years to come, they set out to find a replacement for vacuum tubes in telephone applications. They found it in the transistor.

While the achievement drew scant attention from the press of that day, popular recognition of its significance has grown steadily ever since. In 1956 the three inventors of the transistor, John Bardeen, William Shockley, and Walter Brattain, received the Nobel Prize in Physics for their work.

After that December day when the three scientists succeeded in amplifying an electrical signal by sending it through a very specially prepared crystal of germanium, a Bell Labs task force took over the job of making the transistor a practical device.

In the Bell System transistors and other solid-state devices derived from them have made possible more reliable and cheaper microwave radio, and buried coaxial systems for sending calls across country. These devices also made possible large computer-like electronic central offices that switch customers calls. Transistors and other solid-state devices were also crucial in the operation of the Bell System's experimental communication satellites, Telstar I and II, and are used in modern undersea cable systems linking the U.S. with Europe and the Caribbean.

Since the invention of the transistor Bell Labs and Western Electric have continued to develop new solid-state technologies, some of which paved the way for integrated circuits. Containing hundreds of transistors and other electronic components on tiny chips of silicon, integrated circuits have ushered in the "solid state age", opening up still more markets for electronic devices.

To date Western Florida Electric, manufacturing and development unit of the Bell System, has manufactured over 500 million separate transistors and over 7 million integrated circuits. Semiconductor technology is also being used in the Bell System to produce memories for computers, TV cameras, and solid-state lasers.

And in the broader view, the transistor has created a multi-billion dollar electronics industry. In 1971, sales of all types of solid-state devices in the United States, Europe, and Japan reached $2.5 billion. The forecast for 1972 is $2.7 billion. In 1971, 13.8 billion solid-state devices were sold, of which 9 billion were transistors. And people employed within the United States alone by business and industries engaged in solid-state technology number in the millions.

Solid-state devices have had an impact on a multitude of markets including military, commercial equipment and systems, medicine, education, broadcasting, musical instruments, automobiles, navigation, test and measuring instruments, industrial control and automation, aerospace and telephone communications. Solid-state technology has meant better and more reliable telephone service. Today, more long-distance and overseas telephone calls can be made faster and at lower cost than in the past.

Thus, the impact of the transistor on our lives, on our fortunes, on our health, on our wellbeing, on our frame of mind, has been phenomenal. And it is certainly fitting this Christmas season that we reflect on that Christmas 25 years ago when three inventors, and others, bestowed a gift of inestimable value upon us, and in fact, upon future generations.

THE SPENDING CEILING AS A PHONY BUDGET ISSUE

Mr. HUMPHREY. Mr. President, in a thoughtful and provocative column in today's Washington Post, Hobart Rowen pinpoints the issues involved in the administration's all-out effort to obtain a $250 billion budget ceiling. He says:

> The Administration ought to quit playing politics, and buckle down to the important job of deciding what tax program will put its fiscal house in order.

Drawing on analyses of Government spending prepared by experts from the American Enterprise Institute and the Brookings Institution, Mr. Rowen demonstrates the utter futility of using the spending ceiling as a realistic method of fiscal management.

It is clear, as Mr. Rowen points out, that the Nixon administration has made enough commitments that a tax increase will most likely be necessary in the next 2 years. Lacking the courage to level with the American people about this realistic possibility, the administration is involved in a cynical election year game to put the blame for the eventual tax increase on the Congress.

John Erlichman and others have already stated that without a spending ceiling, the administration will have to resort to a tax increase. I believe that Members of Congress have the obligation to expose this scheme for what it is: Political blackmail.

Mr. President, I ask unanimous consent that Mr. Rowen's column be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1972]

PHONY BUDGET ISSUE

(By Hobart Rowen)

White House aide John Erlichman and other administration officials are now trying to blame any future tax increase on irresponsible congressional spending.

This is a phony issue, as Mr. Erlichman and all of the technicians in the Office of Management and Budget know.

The fact, which is recognized by non-politicians within the government, and practically everybody outside, is that an increase in federal taxes sometime in the next two years is virtually a certainty because of commitments already made by the Nixon administration.

The administration could consult, for example, its former Treasury specialist on economic affairs, Murray Weidenbaum. Prof. Weidenbaum, a Republican, has been making a series of forthright speeches on budget realities. In his latest, sketching out the "hard fiscal facts of life," Weidenbaum said: "We have literally mortgaged available federal revenue for many years into the future."

The same situation would confront Sen. McGovern, should he be elected. But the Republicans are promoting the notion that a wave of a magic budget-cutting wand will solve the problem. The idea doesn't survive non-partisan scrutiny.

Take one example cited by a conservative research group, the American Enterprise Institute: based on bills already passed, and on legislation proposed by the Nixon administration, the actual spending total, in Fiscal 1975, two years from now, will be $301 billion, up $51 billion from the $250 billion expenditure ceiling Mr. Nixon is trying to squeeze out of Congress.

That doesn't take into account Mr. Nixon's promise (State of the Union Message) for a federal education program, or any other new initiatives—just what's already been cranked into the spending machine.

It covers an increase of $10 billion for defense; $19 billion for income security; $6 billion for health; $5 billion to expand existing education programs; and $5.3 billion for revenue sharing.

Says the AEI report: "The picture that emerges is a rather grim one for the Nixon administration."

To meet its self-imposed test of maintaining a "full employment balance," says the research group, would require "tax increases of some $21 billion in (fiscal) 1975, $13 billion in 1976, and $6 billion in 1977."

This analysis matches almost exactly the projections made earlier by the Brookings Institution. But the administration tends to brush Brookings aside as a haven for Democrats out of office.

Facts don't have a political bias. The administration's problem is that it won't face up to the tax issue during the election. Instead, it talks of a watertight ceiling on expenditures.

Former Budget Director Charles Schultze of Brookings—a McGovern adviser, a Democrat, and an economist of unimpeachable integrity—pointed out the other day the impractical nature of Mr. Nixon's proposed $250 billion ceiling.

If Congress were to limit spending to $250 billion for fiscal 1973, Schultze points out, it would have to cut $7 billion to $10 billion from Mr. Nixon's January proposals. But by the time a ceiling goes in effect, five months of the fiscal year would have elapsed, requiring cuts of $12 to $15 billion at an annual rate.

Where would they come from? Certainly not from defense, already trimmed $3.6 billion from Secretary Laird's requests. And it is not possible, for legal or political reasons, to touch Social Security, veterans benefits, interest on the debt, public assistance, unemployment compensation, or revenue-sharing.

That leaves Erlichman & Co. about $75 billion in such programs as grants-in-aid to the states for education, manpower training, health, pollution control, urban mass transit and similar objectives. These would have to be slashed about 20 per cent to bring the total budget with a $250 billion ceiling. It just is not a realistic concept. The Administration ought to quit playing politics, and buckle down to the important job of deciding what tax program will put its fiscal house in order.

THE CALAMITY HOWLERS WHO LISTEN TO THEIR OWN JEREMIADS

Mr. SCOTT. Mr. President, an article by William H. Stringer, published in yesterday's Christian Science Monitor, raises some points which I have tried to make in this Chamber. As Mr. Stringer so succinctly concludes:

> But the calamity howlers have been listening to their own Jeremiads so intently that they haven't noticed that a voting majority has decided that the country isn't in such bad shape—requiring untried hands at the helm—after all.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

CHANGE OF MOOD

(By William H. Stringer)

There's an interesting explanation as to why President Nixon is so far ahead of Senator McGovern in the presidential polls. And why some of the news media have been so amazed about this and have been having trouble understanding it. It's something besides shrewd tactics vs. bungling, or a comparison of personalities.

It's just simply that America's basic mood has been changing, and Senator McGovern and some of the media and some of the intellectuals haven't discovered this.

Look at the recent interview with Herman Kahn, director of that "think tank" known as the Hudson Institute, carried in the Intellectual Digest magazine. His argument, as I understand it, is that those opinion leaders, that segment of the upper middle-class comprising the prestige newspapers, some television commentators, many educators, and some students, are "out of touch with reality." There's a big credibility gap between them and the average middle-class American.

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There being no objection, the article was ordered to be printed in the RECORD, as follows:

Now where are these people, by no means a voting majority, out of phase with America? Mr. Kahn lists some fundamental items. For instance, most Americans are very much against compulsory big-scale school busing to achieve integration. This isn't being against blacks, or against good schooling for everybody. No polls show a backlash against blacks. But for years Americans have bought homes to be near neighborhood schools. They resent being told that being for the neighborhood school is being racist. A lot of blacks are against busing too. And there is no proof that busing has helped education appreciably, if at all.

Mr. Kahn lists crime in the streets. In most countries it is still plenty safe to stroll the streets at night. Americans want this same freedom. And they resent those who deride law and order as a phony issue.

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Or take even the war in Vietnam. The opinion polls show a solid majority supporting the nation's present Vietnam policies. No doubt we should be far more sensitive about civilian casualties. But the public evidently thinks there's a case for preserving South Vietnam's right to self-determination, however flawed its government may be. The average citizen, shrewder than the elite journalist, knows which side in Vietnam is responsible for prolonging the war and launching new offensives.

Add this all up, and more, and it's the public's mood changing, or perhaps the deep-down outlook of the average savvy "square" American reasserting itself, against all the street marchings and drum-beatings of a very articulate but very unrepresentative minority which sought to persuade the nation that it was out-of-date and immoral and heartless and so on.

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Perhaps, as Life magazine says editorially, most voters have a stake now in the preservation of the system. Since they are middle-class, political and social solutions that seem to offend middle-class values are not likely to be accepted. They have a stake in progress, but they intend to control the pace of progress. They don't want evolution that is almost revolution in its impact on human institutions.

It would be a good thing if one candidate or the other would discuss America's motives and aims, where it is going, and what its leadership can accomplish in this modern world. We could stand some lifting up of our sights and insights.

But in this campaign season the country has discovered that it is not in terrible trouble. Solid prosperity is breaking out. Inflation in the United States is much less than what Europe is facing. Most of the troops are home from the war. Sure there is poverty in Appalachia and unequal education and some joblessness and the Watergate caper and much unfinished business. But the calamity howlers have been listening to their own Jeremiads so intently that they haven't noticed that a voting majority has decided that the country isn't in such bad shape—requiring untried hands at the helm—after all.

WORLD POPULATION YEAR

Mr. PACKWOOD. Mr. President, it is with a great sense of encouragement that I have watched the recent trend in this Nation's birth rate, and the slowly falling fertility rate from last year's 2.4 to the current level approximating 2.1, the so-called replacement rate. If this reduced fertility rate continues for another several decades, the Nation may be on its way to achieving a stabilized population.

I am also encouraged that the Nation, in slowing our population growth, appears to be accepting a leadership role in the international community. The undeveloped and underdeveloped worlds face an intensely more serious threat than we do here in the United States, but unless we practice what we preach, we can hardly be expected to have any credibility in aiding others meet the challenge of rising demands on their resources.

Mr. President, the United Nations recently took a bold and important step forward in bringing the problem of unrestrained population growth more prominently into the international public's eye by designating 1974 as World Population Year, and by announcing sponsorship of a World Population Conference. These steps should be applauded by all who care about the kind of world we are leaving to future generations.

Mr. President, the Population Crisis Committee, which has been very active and effective in promoting public education on the implications of continued population growth, has recently addressed an open letter to all Members of the Senate on the occasion of the United Nations announcement, I ask unanimous consent that it be printed in the Record, along with a New York Times story on our lowered birth rate, and speeches by U.N. Secretary General Waldheim and Secretary General of the Conference Antonio Carrillo Flores, on the subject of World Population Year and the World Population Conference.

There being no objection, the items were ordered to be printed in the Record, as follows:

Population Crisis Committee,
September 29, 1972.

To the Members of the Senate of the United States:

Dear Senator: During the week of September 18th two events of real significance took place.

The first was truly historic. For the first time in the history of the United States, or I believe, of any other large country in modern times, our country's birth rate was reported at the replacement level for the first six months of this year. At an average of 2.1 per couple, which allows for those men and women who have no children, this means that two children per couple just replace their parents.

The baby boom that followed World War II has greatly increased the present numbers of actual and potential parents so that even at the present replacement level birthrate, it would be many years before this country's population stops growing and zero population growth is actually reached.

For about fifteen years the U.S. birth rate has been steadily declining as more and more parents have realized that a smaller family is in the best interests of the family circle itself. From the national point of view the Rockefeller Population Commission in its recent report to President Nixon advocated zero population growth at as early a date as practicable as being in the best interests of our country since it would make easier sensible solutions of so many of our present day social problems.

The other event was potentially of even greater world significance.

Secretary General Waldheim of the United Nations announced the designation by the General Assembly of 1974 as World Population Year, and also that a World Population Conference would be sponsored by the United Nations in August 1974.

At the same time he announced the appointment of Antonio Carrillo Flores, former foreign minister of Mexico, as the Secretary General of the Conference.

The Conference will offer a world forum two years from now at which it is planned the nations of the world will consider the facts of the population explosion, outline their own population policies and hopefully agree on a world plan of action looking toward a humanitarian solution.

I lived in Mexico for six years from 1953 to 1959 when Antonio Carrillo Flores was Finance Minister. Later he served in Washington as Mexican Ambassador. From *1964 to* 1970 he was Foreign Minister. He is one of Mexico's most distinguished citizens.

When I lived in Mexico I came to know Dr. Carrillo Flores well, both officially and socially, and later saw him less frequently as Ambassador and then as Foreign Minister. From personal experience I can attest that he will make an ideal Secretary General to prepare the plans and carry through this most important world meeting of governments.

Fortunately the Mexican Government in recent months has changed its attitude on this problem and now openly supports family planning and responsible parenthood, and was given its endorsement to Dr. Carrillo Flores' appointment. I am sure that he will successfully carry through the preparations for this important event, and I am very hopeful that the Conference itself will mark the most important event dealing with the population problem. Hopefully, it may even mark the beginning of a world trend toward the population stabilization that is already being indicated by current birth rates here in our own country.

Enclosed are copies of the *New York Times* article of September 24, 1972 on the present U.S. fertility level, as well as of the announcement by Secretary General Waldheim and a statement by Antonio Carrillo Flores referring to the UN World Population Conference.

Sincerely yours,
William H. Draper, Jr.

[From the New York Times, Sept. 24, 1972]

Fertility Level in Nation Close to Zero Growth—Federal Data Show Rate at 2.1 Children Per Woman of Child-Bearing Age

(A milestone indicated, but 70 years are needed to prove trend toward a constant population)

(By Jack Rosenthal)

Washington, September 23.—For the first time, fertility in the United States has dropped to the replacement level—the threshold of zero-population growth.

According to new findings by two Federal statistical agencies, the current total fertility rate has reached the milestone level of 2.1 children per young woman of child-bearing age.

Although this is the rate said by population experts to be necessary in holding the population constant, the end of population growth in the United States could not be expected until the rate had been in effect for about 70 years.

APPROACHING ZERO

The reason is that the number of births depends both on the rate and on the number of women of child-bearing age, a number that is certain to grow for some years because of the large number of girls already born. Until the base stops growing, the population will continue to rise.

Not until every girl now born completes her child-bearing years and her daughters have sustained the 2.1 rate would births exactly offset deaths, bringing the nation to the goal of the zero-population-growth movement.

No expert is willing to predict that this will occur. On the contrary, demographers assume that the birth rate can swing up as abruptly as it has swung down in the last five years.

But the signs that the nation has reached a population milestone appear undeniable. Campbell Gibson, a leading Census Bureau fertility analyst, said today: "This is certainly the first time the fertility rate has reached the replacement level for as long as six months."

NEW SURVEY NOTED

This was documented in one way by the results of a new Census Bureau survey of birth expectations conducted last June and published today. It showed that married women aged 18 to 24 expected to have an average of 2.3 children each.

If the finding is adjusted to account for women who are single and for possible overstatement of birth expectations, it would translate into the symbolic number of 2.1 children.

More evidence that the nation has reached the replacement level came from actual births as reported by the National Center for Health Statistics. Total births in the first half of 1972 dropped 9 per cent from last year, even though there are 3 per cent more women of child-bearing age.

The nation's general fertility rate, consequently, dropped to 73.1 births per 1,000 women aged 15 to 44. That is lower than the full-year figures for any year to date. In the low full year, 1936, the rate was 75.8 births. In the high year, 1957, it was 122.9.

SMALLER POPULATION

If young women continue bearing children at the rate now reported, a Census Bureau analysis indicates that the lifetime average of children per woman would be, again, 2.1 children, and, continuing this assumption, the future population of the nation would be considerably smaller than has been estimated.

Population projections for the year 2000 have ranged well over 300 million. Continuation of the current trend until then—though this is highly uncertain—would mean a population, including immigrants, of about 270 million. It is now about 209 million.

The current 2.1-child figure might be further depressed slightly in the short run because the proportion of young women who stay single is increasing. Demographers assume that just as many women will eventually marry as do now, but later marriage and child-bearing would slow population growth.

Nevertheless, in the view of experts, a population 'bomb' is still ticking in American society, one that could easily be exploded by a change in child-bearing desires.

A dominant reason is that some age groups in the population are far greater than others. For example, 20 years ago, there were about 1.1 million women aged 18. Ten years ago, there were 1.4 million. Now, there are 1.9 million.

With so many potential mothers, even a small upward change in child-bearing could significantly increase the size of the population.

OTHER IMBALANCES

The imbalance among age groups is the reason that, even if women have an average of 2.1 children each, it would take some 70 years to achieve a stable population size. Just as there are many more young women of child-bearing age now than 20 years ago, there are also more young people than old.

For young people now to have fewer children would begin to even out some of the age group imbalances. But it would still take years for other imbalances, involving people now living, to disappear.

For example, regardless of future births, there are already about 2 million girls who will be in 18 in 10 years, but fewer than one million women at age 70.

The current imbalance was illustrated by the figures of the National Center for Health Statistics for the first half of 1972. Though births dropped 151,000 in 1971, to 1.6 million, they still exceeded deaths in the same period by 600,000.

The new census study of birth expectations, Series P-20, No. 240, may be obtained from the Government Printing Office in Washington. The 1972 birth data are contained in the monthly vital statistics report, Vol. 21, No. 6, which may be obtained from the National Center for Health Statistics in Rockville, Md.

Statement by United Nations Secretary-General on World Population Year

Following is a statement made today at United Nations Headquarters by Secretary-General Kurt Waldheim:

My purpose today is to talk to you about another important United Nations initiative.

It is impossible to think of solutions to the major problems confronting the world—economic development, pollution of the environment, improvement in the quality of life, even disarmament—without some reference to population trends. The evidence is all around us. In the development countries, with two thirds of the world's people and some of the highest rates of population growth, there are insufficient schools, textbooks and teachers for children reaching school-age; not enough vocational training places; a shortage of jobs for the untrained and unschooled young adults.

The industrialized nations have not been immune to demographic pressures: swollen cities, the drain of talent from regions of low development to centres of affluence, heavy internal migrations, have all left their mark.

The problems of a world population which is growing, and of people on the move, are of infinite complexity. No single solution applies to the region which is unable to provide a decent living for its people, and the area whose development requires a rising labour force.

The twenty-fifth General Assembly recognized the international importance of current demographic trends by asking the Secretary-General to proclaim a World Population Year. I take great satisfaction in announcing today that 1974 will be so designated. Its highlight will be a World Population Conference, although many subsidiary events will be scheduled.

It is my hope that the World Population Year and Conference will rank in the history of the United Nations among the great events of the seventies and that they will bring us appreciably closer to the day when the world can say that the demographic problems facing us are understood, and actions to solve them are under way.

Population, development and environment make up an important element in the construction of a new economic and social order which, along with the maintenance of peace, constitutes the principal challenge of our generation. The United Nations is again taking the leadership, as it did earlier this year in Stockholm by the Conference on the Human Environment, and in Santiago recently through the Conference on Trade and Development.

It is my hope that the World Population Conference will deal with all aspects of the demographic problems facing us.

This includes, most emphatically, moral ones. From the start of its involvement in population matters, which now dates back some years, it has been a fundamental tenet of the United Nations that there must be freedom of choice for individuals to shape their family life according to their beliefs and aspirations, and for Governments to pursue the policies that are most in keeping with the physical and spiritual welfare of their people.

But sound policies also require detailed knowledge. The dimensions of the problem are well known. Each year 127 million children are born, each year 95 million come of school age and each year 19 million reach age 65. These totals are likely to rise steeply in the years ahead as more young adults swell the ranks of potential parents, and improved medical care advances life expectancy. At 2 per cent a year, the rate of world population growth is now more than double the rate in 1940. It may still rise. Each nation, each community, each family must assess in detail how these trends affect their hopes for higher living standards, a better education, and greater health and happiness.

The over-all preparations for the World Population Year in 1974 are in good hands: those of Mr. Rafael Salas, Executive Director of the United Nations Fund for Population Activities. Mr. Salas came to the United Nations after serving as a member of the Philippine Government for many years and is an outstanding administrator, who has built the Fund into an effective international body in a very short time.

It gives me also great pleasure to announce that Dr. Antonio Carrillo Flores of Mexico has agreed to serve as Secretary-General of the World Population Conference. Dr. Carrillo Flores served for many years in the Government of Mexico as Minister for Finance and Minister for Foreign Affairs. He is another example of the good fortune of the United Nations in securing the services of distinguished and experienced persons to carry out important and demanding tasks.

The World Population Year and Conference should help both Governments and individuals to make the necessary judgments. But to fulfill the hopes we place in them, the preparatory work must get under way right now. Today I am asking Member Governments to set in motion the broadest and most comprehensive possible plans to participate in the World Population Year in such a manner that they will not only have strong representation at the Conference, but that the aims of the World Population Year become widely known and discussed within their own countries, so that the insights gained will be useful not only in the formulation of national plans, but become part of the daily lives of their people.

Statement by Antonio Carrillo Flores, Secretary-General, United Nations World Population Conference—August 1974

The World Population Conference to be sponsored by the United Nations in 1974 will be a most historic occasion. Let us hope that the governments of the world will be participating actively in this international gathering with the common purpose of documenting demographic facts, reporting on national population policies, and discussing the international implications of population growth and change.

The International Declaration on Human Rights and several General Assembly resolutions have affirmed many basic human rights for the world's people, including in particular the right of parents freely and responsibly to determine the number of their children. The United Nations and its specialized agencies stand ready to respond to requests of governments and to help transform this human right into human reality.

The Stockholm Conference on the Human Environment has demonstrated that, whatever be the social group, the economic system, or the political organization, all governments share the common commitment to improve the quality of life for their citizens. Improving the quality of life as related problems of population is the basic purpose of the World Population Conference.

The Conference, of which I have the honor to be Secretary-General, will bring both governments and United Nations' agencies together to explore at mid-point in the Second United Nations Development Decade how best to deal with population problems in order to further economic and social progress.

It is my hope, as has already been suggested by the Economic and Social Council of the United Nations, that the Conference without impinging on national sovereignty will reach general consensus on a World Plan of Action which will point the way toward a better life for many throughout the entire world.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. WILLIAMS. Mr. President, I want to express my strong support for the conference report on the Federal Water Pollution Control Act Amendments of 1972, as it represents a most significant stride forward on the road to restoring our environment.

The legislation commits the Nation to the extensive struggle necessary to end the degradation of our waterways and to restore them to a clean, swimmable state. The conferees in both the Senate and House who worked for nearly 5 months in preparing this conference report are to be commended. Their efforts virtually assure the development and conservation of clean waters as it combined most of the strengths of the two original bills.

It establishes as a goal the end of community and industrial discharges into the Nation's waterways by 1985 with firmer interim deadlines of 1977 for the employment of the best practicable technology and 1983 for the employment of the best available technology. Such national pollution standards provide the essential base for our attack on dirty rivers, lakes, and oceans.

To insure that our communities and industries meet these goals, the bill gives the Environmental Protection Agency considerable power to curb discharges throught a permit system with penalties authorized for violations.

Besides the power to control the issuance of discharge permits, EPA is given the authority to apportion the appropriated money among the States on the basis of need. Under the grant program, the Federal Government will pay 75 percent of the total cost of a pollution abatement facility.

In addition to making new strides by setting national discharge regulations and controls, the legislation commits an unprecedented amount of Federal funds to the task of cleaning our waterways. The bill authorizes the expenditures of up to $18 billion during fiscal years 1973, 1974, 1975, plus nearly $7 billion on reimbursement for plants which have already been completed or started, and for research and development.

One section of the bill which is particularly interesting to me and my constituents in New Jersey concerns ocean discharges. It has been estimated that nearly 90 percent of the sewage sludge dumped into U.S. coastal waters each year is dumped within 6 miles of the New Jersey coast. The deleterious effect of this regular dumping off Sandy Hook and Cape May has resulted in the creation of "dead seas" where marine life fit for human consumption cannot survive.

I am most gratified that the bill includes a section establishing new regulations for ocean dumping which will provide an effective and workable approach to solving this problem. The section includes major features of the bill I introduced early in this session of Congress, S. 1011.

The conference report immediately prohibits the dumping of toxic materials, including biological, chemical, and radioactive warfare materials in offshore, ocean areas. Furthermore, it sets standards under which a permit can be issued by the Administrator of EPA for any discharge of sewage sludge into the contiguous zone or the oceans. These standards will take into account the effect of disposal of pollutants on human health and welfare, on marine life, and on recreational and economic values.

For my State of New Jersey, the most densely populated State in the Nation, the bill should provide the long-range solution to the very serious and long-neglected problem of ocean dumping. This condition, in which we have allowed the ocean waters which wash on some of the finest beaches in the Nation to be used as cesspools, has gone unchecked for far too long. It has reached the regrettable point now where two vital industries in our State—tourism and shellfishing—are seriously threatened. Beyond that, ocean dumping of sewage wastes poses a very real and imminent danger to the health of millions of New Jerseyans and visitors from other States.

Mr. President, I take this opportunity to commend the members of the Senate Committee on Public Works for their exceptional work and commitment which has resulted in possibly the most significant environmental legislation to be passed in the history of Congress. We are indeed fortunate to have a committee that has the sensitivity, determination, and foresight to develop and insure passage of this strong legislation. Special praise is due the Senator from West Virginia (Mr. RANDOLPH), the distinguished chairman of the Public Works Committee, and the distinguished Senator from Maine (Mr. MUSKIE), the chairman of the Air and Water Pollution Subcommittee. Without the able leadership of these two men, I am sure that we would not have had the opportunity to enact such firm and comprehensive legislation.

THE DEEP THINKERS AND THE ENERGY GAP

Mr. HANSEN. Mr. President, in the CONGRESSIONAL RECORD of September 11, 1972, I included as a part of my remarks on the subject "The Total Energy Mess" a copy of the weekly staff letter of David L. Babson & Co., Inc., dated July 20, 1972, which commented on the Nation's energy problems. Among other things, that weekly staff letter pointed out that between 1970 and 1985—First, U.S. energy demand will double, second, $375 billion will have to be invested in new energy production and distribution facilities, and third, oil imports will grow as a deficit factor in our balance-of-payments position to an annual magnitude of $25 billion to $30 billion unless we take immediate steps to maintain a greater level of domestic self-sufficiency in oil and gas production.

A recent Babson weekly staff letter dated September 28, 1972, is captioned "The Oil Companies, The Energy Gap—And The Deep Thinkers." This issue of the letter comments on the role of petroleum in our Nation's energy picture. The article points out that 75 percent of our Nation's energy requirement is derived from oil and gas. It states that America must not only increase its capacity for crude oil and gas production but must also markedly increase its refining and transportation capacity as well.

Mr. President, the article asserts that petroleum industry tax payments "will continue to balloon" and refers to the fact that the Tax Reform Act of 1969 raised the industry's annual tax bill by $600 million, and foreign taxes jumped $4 billion to a total of $12 billion in 1971 alone. The letter discredits the myth of "oil billionaires" by pointing out that the oil industry's return on investment is below the average for all U.S. companies while the petroleum industry's share of taxes paid out of revenues—excluding sales and excise taxes—is larger than average. It goes on to state that the industry's retained earnings are no longer sufficient to provide the capital needed for expansion.

The letter quotes from a recent speech by Harvard Prof. A. J. Meyer who said in part:

> Vilifying oil companies remains a noble academic and political tradition. All of us play a self-destructive role in the energy drama. Yet to provide for oil needs alone in soaring world energy demand will require the companies to commit over $500 billion in new investment during the coming decade. . . . Whether one likes oil companies or not, there is at the moment no workable substitute for them in sight.

The article concludes by stating that most of the industry's problems stem from restrictive, confusing, and up in the air Government policies in respect to exploration incentives, antipollution laws, and import controls.

Mr. President, oil and gas are essential sources of supply in meeting America's vital energy needs. Our national security in terms of military strength and diplomatic independence is contingent on secure supplies of petroleum. Economic growth and the improved job opportunities it affords to our people depend on an adequate supply of petroleum. The standard of living enjoyed by American consumers hinges on the availability of energy supplied largely by oil and gas.

It is imperative that Senators and other Government officials recognize the economic realities that bear on the ability of the petroleum industry to provide our Nation with its petroleum needs. These realities must be translated into governmental policies that will create an environment enabling the petroleum industry to find the new oil and gas reserves necessary to meet our future requirements. If we do not pursue a policy predicated on economic reality, the impending energy crisis will be the creation of the Federal Government—a most dubious and dangerous course, indeed.

Mr. President, I ask unanimous consent that the text of the recent Babson letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Oil Companies, the Energy Gap—And the Deep Thinkers

The integrated oil companies will be in the forefront of the changes that will have to take place in order to avert the impending energy gap. Over the coming decade, these firms will continue to provide the lion's share of the nation's energy.

The end results needed in this vital part of the economy are simple and clear-cut: a) the discovery and development of big oil and gas reserves in politically secure areas; b) substantially higher investment in new refining and marketing capacity; and c) the creation of supplemental forms of energy at economically viable costs.

Finding the means of accomplishing these objectives is what the so-called "energy crisis" is all about. Some of the strain will be alleviated as fuel prices are forced upwards from their bargain levels of the past. And the leading petroleum companies have the size and expertise to innovate effectively. But their progress will be severely hampered unless they can operate within the framework of a new energy program coordinated at the national level.

This whole field has become bogged down in a morass of outmoded and conflicting regulations and policies which have reduced the incentives to develop new energy supplies. With our domestic resources already declining in the face of continually expanding demand and with developmental "lead times" exceptionally long, a shift in public thinking is needed now—and not five or ten years from now.

In a keynote speech before the Middle East Institute, Professor A. J. Meyer of Harvard University, who is a petroleum specialist of international repute, made the following points:

"A crucial element in the international energy drama is ourselves, all of us. We daily bring into our homes new gadgets requiring more power generated, in all likelihood, from high sulfur oil or other polluting fuels. We resist heroically any attempts to raise energy costs to consumers although these are still at real levels lower than in 1940.

"We watch with clinical detachment while the Federal Power Commission maintains gas prices at levels which discourage exploration, encourage uneconomic consumption, make import arrangements difficult to conclude and virtually guarantee a series of gas crises.

"Overnight our news media (and the deep thinkers in Sproul Plaza and Harvard Square) develop passionate concern for the mating habits of Alaskan caribou and campaign noisily against the intrusion of Arctic pipelines into this essential activity.

"As per capita electric consumption edges upward inexorably, we join conservation groups to block power production by nuclear plants. We continue to fill our tanks with high-octane rather than no-lead gasoline. We overheat our homes and open our windows to cool them.

"We applaud our elected representatives as they decide oil producing companies in the Middle East as part of their vote gathering, and make moderation by these nations in energy matters more difficult. Vilifying oil companies remains a noble academic and political tradition. All of us play a self-destructive role in the energy drama.

"Yet to provide for oil needs alone in soaring world energy demand will require the companies to commit over $500 billion in new investment during the coming decade. But their modest yearly rates of return on investment (ranging from 8% to 12%) simply do not permit them to generate such funds.

"Whether one likes oil companies or not, there is at the moment no workable substitute for them in sight. The energy-hungry world, as well as the producing governments, both need them desperately."

1. Demand and Supply: Oil demand in the U.S. is expected to continue expanding at 4–5% annually into the 1980's. Overseas growth should moderate from the 9% pace of the past decade as the economies in Europe and Japan become more service oriented. Nevertheless, worldwide oil consumption is projected to rise by around 7% per year.

This means that the Free World's current annual requirements of 16.4 billion barrels will double to 22 billion barrels by the early 1980's. At present, total proven reserves are 530 billion barrels, of which 350 billion or 66% are located in the Arab-bloc countries. For this reason, the U.S., Europe and Japan will increasingly have to rely upon production in this unstable region.

The exploration for new oil has been greatly reduced in countries where profit incentives have become almost non-existent, such as Libya, Iraq and Venezuela. The companies are concentrating their search in the North Sea, Alaska and Canada, where undiscovered oil pools exist. But even if they turn out to be major finds, they will still be only a drop in the bucket compared with the 250 billion barrels the Free World will consume in the next ten years.

2. Earnings Growth and Capital Expansion: The worldwide oil business has literally hundreds of public and private concerns involved in its various facets. However, the industry's overall progress can be gauged by the results of the 15 companies listed on Page 4. This group accounts for nearly three-fifths of domestic crude oil and natural gas production and one-half of worldwide oil output. In the early 1960's, its earnings per share increased, on average, by 8% annually. Over the past five years, however, the growth in earnings has been only 1% per year despite a 9% uptrend in revenues. In the first half of 1972, the group's profits declined 6%.

The problems of recent years can be traced to a combination of unsatisfactory product prices and rapidly escalating costs. In the U.S., gasoline prices have been inadequate because of competition from lower-cost independent operators. Overseas results have been hurt by chronically weak prices which have offset huge gains in volume.

The strongest impetus to earnings has come from oil and gas production. In the years ahead, declining U.S. output will have to be replaced by huge quantities of much less profitable imported crude. Some companies owning major new reserves in such areas as the North Slope, the Santa Barbara Channel or the Gulf or Mexico will be able to increase their domestic production, but most will not.

At the same time, tax payments will continue to balloon. In this country, the Tax Reform Act of 1969 raised the industry's annual tax bill by $600 million. In 1971 alone, foreign taxes jumped $4 billion to a total of $12 billion. The major producing countries abroad now take over 80% of the government/industry profit split. The situation is so far out of whack in Venezuela that Royal Dutch's second-quarter tax rate there was 102%.

Negotiations now being held would give the OPEC governments 20% ownership of oil production. Such "participation", which is only a start, is a clear indication that the tax burden will continue to mount.

Meanwhile at home, politicians are leading the public to believe that they are being gouged by "oil billionaires". More and more elected officials are advocating the further reduction and even elimination of the tax incentives that were originally given to encourage the search for oil and gas.

Few realize that the oil industry's return on investment is below the average for all U.S. companies, while the share of taxes paid out of revenue (excluding sales and excise taxes) is larger than average. Moreover, the industry's retained earnings, depletion and depreciation are no longer sufficient to provide the capital needed for expansion. The companies have had to borrow substantial sums and the typical debt to capital ratio has doubled in the past decade.

Industry managements are responding to the difficult operating climate as profit-conscious business enterprises. Without cooperation, they alone cannot solve the world's energy problems. So at a time when they ought to be rapidly boosting domestic capital spending, they actually reduced it 9% in the first half of 1972.

The need for substantially increased capacity is not just in crude oil and gas production. A Shell Oil study estimates that 58 new refineries of the 160,000 barrels per day size will be required before 1980. Yet there is only one such facility under construction today.

A big deterrent is that environmental restrictions have made it virtually impossible to obtain site approval for building a refinery on the East Coast. And despite the long lead times in plant design and construction, the industry does not yet know what type of gasoline the Environmental Protection Agency will specify for the late 1970's.

In the distribution area, two major firms—Atlantic Richfield and Phillips Petroleum—are in the process of divesting large numbers of gasoline stations. Obviously, no company wants to expand its refining or marketing capacity when the opportunity of making a reasonable rate of return on investment is lacking.

Conclusion: Some industry problems—as in gasoline marketing—were self-inflicted and must be remedied internally. But most stem from restrictive, confusing and up-in-the-air government policies in respect to exploration incentives, anti-pollution law and import controls. These must be resolved at the national level to enable the companies to plan sufficiently ahead to provide the nation's growing energy needs—75% of which are derived from oil and gas.

The 15 leading integrated companies shown below are financially strong and should be able to improve their earnings modestly in the years ahead. If the much-needed incentives are forthcoming, the outlook would be greatly enhanced, especially for those firms which can find significant new oil and gas reserves:

	Earnings per share			1967–72 gross rate (percent)	P/E ratios			Current yield (percent)
	1972E	1971	1970		Current	1967–71	1962–66	
Amerada Hess	$3.70	$3.70	$3.22	+11	13	14	11	0.6
Atlanta Richfield	3.25	3.73	3.64	−4	19	20	12	3.2
Continental	3.10	2.78	3.06	+2	11	13	15	4.4
Gulf	2.50	2.70	2.65	−2	9	10	13	6.5
Marathon	2.60	2.96	2.83	+1	12	14	15	5.2
Mobil	5.60	5.33	4.77	+7	12	11	12	4.0
Phillips	1.85	1.78	1.58	−5	19	16	15	3.6
Royal Dutch	3.45	4.04	3.94	+1	11	10	11	5.1
Shell	4.00	3.63	3.52	−3	12	14	15	4.9
Standard Oil of California	6.20	6.02	5.36	+4	11	11	14	4.3
Standard Oil of Indiana	5.30	4.95	4.55	+5	14	13	13	3.2
Standard Oil of New Jersey	6.90	6.77	5.91	+4	12	12	15	4.9
Standard Oil of Ohio	3.00	3.23	3.55	−4	26	20	12	3.4
Texaco	3.40	3.32	3.02	+3	10	12	16	4.7
Union	2.90	2.80	2.80	−4	11	12	13	4.8
15 companies average	3.85	3.85	3.63	+1	13	13	13	4.2
S. & P. 500 independents	6.20	5.36	5.03	+3	17	17	17	2.9

MORE FOG FROM THE ADMINISTRATION ON ITS AGING "POLICY"

Mr. KENNEDY. Mr. President, yesterday, several Senators sharply and, I believe, justifiably criticized the administration for its policies of neglect over the past 4 years toward the Nation's elderly.

The response from the Senate minority leader evidently was written in the same offices where those policies have been concocted for the past 4 years.

Without attempting to respond to the statement line-by-line, I do believe it is worth noting some of the more egregious and deceptive statements of so-called administration "initiatives."

STATEMENT

Signed into law social security increases amounting to more than a 51 percent rise since 1969.

FACT

If the administration's initial proposals for social security had been adopted, rather than those of the Congress, older Americans would have received 18 percent, not 51.8 percent in additional benefits. The average retired worker's annual benefits would be $600 less if the administration's proposals had been accepted.

This year, the administration recommended a 5-percent increase in social security benefits while Democratic Congressman MILLS and Senator CHURCH spearheaded a drive for a 20-percent increase. Despite administration opposition, there bill was enacted into law on July 1, 1972. If the administration's proposals for social security benefits had been adopted over the past 3 years, the poverty rolls would have been increased by 1.5 million older Americans.

STATEMENT

Signed S. 1163 initiating a new national nutrition program for the elderly.

FACT

On March 10, 1971, I introduced S. 1163, nutrition for the elderly. It was opposed by administration witnesses at the subcommittee level and it was opposed at the full committee level. After passage by the Senate, the House Republican minority leader objected to its immediate consideration by the House, thereby delaying its passage several months. Only after its overwhelming adoption by both Houses did the administration decide to try to take credit for a bill it had opposed from the day it was introduced.

STATEMENT

Reaffirmed his commitment to relieve the burden of property taxes.

FACT

Property taxes have increased by one-third since Richard Nixon took office. The administration also opposed the Eagleton amendment to the Revenue Act of 1971 which would have given tax credits up to $300 for elderly homeowners or renters.

STATEMENT

Requested that the monthly $5.80 medicare supplementary premium fee be eliminated . . ."

FACT

The administration has not proposed but imposed an additional part B premium of 45 percent, raising the level from $4 to $5.80 which elderly Americans have to pay today. Also, he has raised the deductible for hospital insurance by 55 percent from $44 to $68. And it has proposed a new $7.50 copayment charge for each day in the hospital from the 31st to the 60th day. This charge alone could add $225 to the hospital bill of an older American.

STATEMENT

Urged action on the recent legislative proposal of the Secretary of Transportation that some of the Highway Trust Fund be used to finance mass transportation.

FACT

For 3 years, the administration opposed such action and only this year have they been willing to support funds going from the highway trust fund to mass transportation. However, they opposed the Kennedy-Weicker amendment which would have permitted $2.4 billion rather than $800 million to be used for that purpose.

STATEMENT

. . . and asked the Secretary to develop specific suggestions for helping States and localities use a portion of these resources (mass transit) for the elderly.

FACT

Public Law 91–453, the Urban Mass Transportation Act of 1970, contains a provision which was an amendment by Congressman BIAGGI and which requires that mass transit systems be made accessible to the elderly. At the time, the administration opposed any requirement that funds be spend for this purpose.

STATEMENT

Make housing money more readily available for older Americans.

FACT

The administration has phased out section 202, housing for the elderly program which did not have a single failure in its 22 years in existence. This action came over the opposition of every elderly group and the White House Conference on Aging. The administration also opposed having an Assistant Secretary for housing for the elderly, which the White House Conference recommended.

STATEMENT

Tripled the retired senior volunteers program to $15 million.

FACT

For 2 years, the administration did not request a single dime to fund this program and the Congress had to fund it over the administration's objection. Last year, the administration originally requested $5 million for RSVP. The increase to $15 million came as part of an amendment I introduced to the fiscal 1972 supplementary appropriations bill which was adopted by the Senate on December 3, 1973.

STATEMENT

Doubled the foster grandparents program to $25 million . . . ."

FACT

The administration originally requested $7.5 million for this program in fiscal year 1972, a cut of nearly 30 percent from the fiscal year 1971 level. The amendment I introduced on December 3, 1971, and which was adopted, raised the appropriations level to $25 million.

STATEMENT

Directed the Secretary of Labor to work on expanding employment opportunities for persons over 65 by urging the States and local communities to include older Americans in jobs provided by the Emergency Employment Act of 1971.

FACT

The Emergency Employment Act contains provisions which require, as a matter of law, that elderly persons be given such consideration. Finally the administration opposed enactment of the Emergency Employment Act, a bill that it is now seeking to take credit for.

STATEMENT

Doubled the special job projects for older persons, such as green thumb and senior aides, to $26 million, to involve as many as 10,000 older persons.

FACT

The administration vetoed the OEO bill which contained increased authorizations for green thumb, senior aides, and other operation mainstream projects. Also, the President declared a year ago that these programs should be changed from their present demonstrations basis to "a broader national basis." Yet the administration opposed S. 555 which would create not 10,000 jobs but at least 40,000 jobs this year and 60,000 next year. And instead of $16 million it would have been $250 million over 2 years. And it would have changed these programs from demonstration to permanent and nationwide.

STATEMENT

Increased the 1972 budget of the Administration on Aging to $100 million for 1973—to provide . . . services.

Called for indefinite extension of the Older Americans Act and proposed amendments to strengthen service delivery.

FACT

For the first 3 years of this administration, each year's requests for the Administration on Aging was less than Congress had appropriated the year before. Last year on December 3, 1971, I introduced an amendment to the supplementary appropriation bill which raised the level of funding under the Older Americans Act to $100 million.

The administration during its years in office has taken four of the six programs away from the Administration on Aging leaving it a virtual shell. The Older Americans Act extension passed by a Democratic Senate this week restores to the Administration on Aging its rightful role as the major focus for the elderly within the Federal bureaucracy.

These are merely reaffirmation of the fact that for 3 years the administration ignored the elderly. And now in the fourth year, the election year, it has decided to try and claim for everything a Democratic Congress did for the previous 3 years, despite the administration opposition.

ON BANNING GENOCIDE

Mr. PROXMIRE. Mr. President, the Genocide Convention has lain dormant in the Senate of the United States for almost 24 years. During this time 75 other nations have become party to this document which upholds the most sacred of all human rights: the right to live. How can our Nation with its commitment to the support of human rights still hesitate in making an international commitment against mass murder?

The September 26 issue of World magazine contains an enlightening article by William Korey which traces the history of the Genocide Treaty. Mr. Korey is director of the B'nai B'rith United Nations office and has written extensively on human rights issues. In view of the pressing importance of the Genocide Convention in the last days of the second session of the 92d Congress, I ask unanimous consent that Mr. Korey's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON BANNING GENOCIDE: "WE SHOULD HAVE BEEN FIRST"

(By William Korey)

Last December, Senator William Proxmire, the crusading legislator from Wisconsin, rose in the chamber of the upper house to remind his colleagues of a disturbing if sad truth: There is not a single proposal before the Senate that has been before the Senate as long as the genocide convention. The successful battles against the SST who, since 1967, has conducted a marathon of almost daily speeches calling for Senate ratification of human-rights treaties, told the legislators that "this genocide matter has been pending before the Senate for twenty years."

The subject had actually been on the agenda of the world conscience for an even longer period. It was in the fall of 1946 that a lonely and intense ex-public prosecutor of Warsaw with a brilliant record in international law and a flair for foreign languages arrived at United Nations headquarters in Lake Success to tilt with the powers-to-be. Dr. Raphael Lemkin was his name and he came not only to define his newly coined term, genocide ("Genocide comes from the Greek, *genos*, meaning race, and the Latin, *cide*, meaning killing. It is the mass murder of people for religious or racial reasons.") but to convince the world organization that an international treaty to outlaw genocide must be adopted.

Lemkin may not have represented any government or any organization; but he gave expression to an idea whose time had come. The holocaust with its six million Jewish dead in Nazi crematoria was fresh enough to stir a profound sense of guilt and to prick mankind's uneasy conscience. Lemkin himself was a personal witness to the genocidal carnage. He and his brother were the sole survivors of a Polish-Jewish family, which had numbered almost seventy persons. Relentlessly and singlemindedly, the shabbily dressed "unofficial man"—as he liked to call himself—buttonholed delegates pressing his case, ultimately convincing the United States ambassador, Warren R. Austin, along with other U.N. representatives. On December 11, 1946, the General Assembly unanimously adopted Resolution 96(I), which declared "that genocide is a crime under international law" and called for the drafting of an international treaty that would forever ban this crime.

It was not until two years later than Lemkin would see the fulfillment of a dream and of his arduous lobbying in the corridors of the U.N. On December 9, 1948, the General Assembly, meeting at the Palais de Chaillot in Paris, by unanimous vote approved the Convention on the Prevention and Punishment of the Crime of Genocide, which formally outlawed "acts committed with an intent to destroy, in whole or in part, a national ethnical, racial, or religious group, as such." Among the enumerated "acts" besides genocide itself were any attempt or any conspiracy to commit genocide, and complicity in, or direct and public incitement to commit genocide. Genocide was understood to mean not only physical liquidation. Causing serious "mental harm," inflicting "condition of life calculated" to bring about "the physical destruction of a group in whole or in part," and imposing measures intended to prevent reproduction of the group were also covered by the convention. Rulers and public officials could not claim immunity. They were as much subject to its terms as private individuals. Nor could genocidists seek asylum on grounds that their crimes were political. Extradition was required from contracting parties to the treaty. The President of the General Assembly, Herbert V. Evatt, was to note the historic significance of the convention: "In this field relating to the sacred rights of existence of human groups, we are proclaiming today the supremacy of international law once and for all."

Reporters, searching for Lemkin after the vote was over, found him hours later sitting alone in the darkened chamber, his eyes filled with tears of happiness. But the joy was to be short-lived. For the country of his adoption, to his keen disappointment, would not during his lifetime ratify the genocide convention. Lemkin died in August 1959, at the age of fifty-eight, worn out by burdensome labors that by then had won the treaty some three score ratifications.

Chief Justice Earl Warren, in December 1968, told an American audience that "we as a nation should have been the first to ratify the genocide convention. . . . Instead, we may well be near the last." Today it is all but forgotten that, in fact, the United States played a key role in the drafting of the treaty that was reflected in the text itself. Formulated in terms of familiar Anglo-American legal theory and couched in the language of traditional common-law concepts, the treaty drew upon the precise wording of common-law crimes long accepted in American jurisprudence. Most important, it was the United States that insisted that a specific *intent* to commit genocide must be proven before an offender could be punished. And the American delegation led the fight for its adoption. The chief of the delegation, Assistant Secretary of State Ernest A. Gross, shortly before the final vote, told the General Assembly:

"In a world beset by many problems and great difficulties, we should proceed with this convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man. Positive action must be taken now. My government is eager to see a genocide convention adopted at this session of the Assembly and signed by all member states before we quit with our labors here."

The United States delegation was among the first to sign. Only two days after its adoption, the formal American signature was appended to the treaty.

For a time, it seemed that U.S. ratification would come swiftly. On June 16, 1949, President Truman transmitted the genocide convention to the Senate, asking for its consent. A subcommittee of the Senate Foreign Relations Committee held public hearings in January and February 1950, during which an administration spokesman, Deputy Undersecretary of State Dean Rusk, testified that ratification was necessary to "demonstrate to the rest of the world that the United States is determined to maintain its moral leadership in international affairs and to participate in the development of international law on the basis of human justice."

In May 1950, the subcommittee reported favorably on the convention to the full committee; but at the same time, to meet some objections from segments of the legal profession as well as from conservative political forces, the subcommittee recommended that four "understandings" and one "declaration" be embodied in the resolution consenting to ratification. One "understanding" (later termed a "reservation") was designed to clarify the words "in whole or in part" in the key section of the convention defining genocide. Some feared that a single lynching might be sufficient to bring the clauses of the treaty into play. The "understanding" explicitly noted that the genocidal acts must be done "in such manner as to affect a substantial portion of the group concerned." A second "understanding" aimed at meeting criticism of language in Article II, which included in the definition of acts of genocide the "causing of serious . . . mental harm to members of the group." The subcommittee proposed that "mental harm" be defined as a "permanent physical injury to mental faculties." The third "understanding" took account of concern registered in some quarters that the phrase "complicity in genocide" was too vague. The subcommittee defined it as "participation before and after the facts and aiding and abetting in the commission of the crime of genocide." The final "understanding" was minor.

The most important clarification was designed to meet objections that the treaty might deleteriously affect federal-state relations by sapping the authority of states on criminal matters. The proposed "declaration" met the constitutional issue by noting that the Senate considers ratification to be an exercise of the federal government to define and punish offenses against the law of nations, expressly conferred by Article I, Section 8, Clause 10, of the United States Constitution."

But even these clarifications—which many thought unnecessary since they were self-evident—failed to elicit positive action by the full committee. A resurgent nativism, expressed in the McCarthy movement, was already in full swing, developing into a powerful force that in turn provided sustenance and support to those groups that felt that our sovereignty might be undermined by the United Nations and the legal instruments it was forging. Bolstering the resistance was the registered formal opposition to treaty ratification by the prestigious American Bar Association.

The newly elected Eisenhower Administration put an end to all further discussion of the genocide convention and, indeed, to any other human-rights convention. Secretary of State John Foster Dulles told the Senate Judiciary Committee in April 1953 that genocide "could better be reconsidered at a later date, arguing that the Soviet Union had not yet ratified the treaty. But even when the USSR did accede to it in 1954, no change in Dulles's policy was forthcoming. The secretary of state had already told the Senate that, with reference to the protection of global human rights, the Administration favored "methods of persuasion, example, and education rather than formal undertakings," such as U.N. human-rights treaties. The Dulles formulation was aimed at depriving the influential supporters of Senator John Bricker of a major argument in their efforts to restrict the treaty-making powers of the President. Bricker's followers had raised an alarm over possible ratification of the proposed U.N. Covenants on Human Rights.

However, the disintegration of McCarthyism as an effective political force and the collapse of Bricker's efforts did not prompt either the administration or the Senate to take any step in reasserting American leadership in the human-rights field. What has been described as a "lingering Brickeritis" appeared to infect the upper legislative chamber for the next fifteen years. It was a costly malaise. The United States found it difficult, if not impossible, to champion any human-rights project at the U.N. The Soviet Union, usually on the defensive when the issue of more effective implementation machinery concerning human rights was proposed at the U.N., could and would charge the U.S. with hypocrisy. In January 1964, for example, when the U.S. member of the Subcommission on Prevention of Discrimination, Morris Abram, advocated "forceful measures of implementation" in dealing with racial and ethnic discrimination, his Soviet colleague had but to remind the body that the U.S. was not even a contracting party to the genocide convention. The embarrassed American responded, with an obvious air of discomfort, that he could only "regret, of course, that my country has not ratified the convention on genocide."

Two years later, Abram, while serving on the U.N. Commission on Human Rights, vigorously endorsed a Costa Rican proposal that would have marked a significant breakthrough in the area of international human-rights enforcement. The proposal involved the creation of an independent office, the high commissioner for human rights, who would function as a kind of international ombudsman. The Soviet Union's response was devastating. Its representative pointed out that in view of the fact that Americans "resolutely refused to accept legal obligations" through ratification of human-rights treaties, it was "almost indecent" and certainly "hypocritical" for the U.S. to advocate the establishment of special human-rights institutions in the international field. Shortly afterwards, *Pravda* (April 24, 1966) drove the point home, adding a special nuance for public consumption. It was "no accident," the Communist Party organ commented, that the U.S. has not ratified the genocide convention since "racial and national oppression is still very widespread in the United States of America."

Soviet charges have not fallen on deaf ears. Indeed, many delegates at the U.N., including those from friendly and neutral states, find the U.S. posture incomprehensible. In testimony before a subcommittee of the Senate Foreign Relations Committee in March 1971, former Justice Arthur J. Goldberg recalled:

"When I was United States ambassador to the United Nations, I was often asked to explain our failure to ratify the genocide convention. Frankly, I never found a convincing answer. I doubt that anyone can."

The U.S. status has been marked by a kind of splendid if increasingly uncomfortable isolation. Seventy-five governments have ratified the treaty including the overwhelming majority from Europe, Latin America, and Asia. All the other great powers and virtually all the world's democratic regimes are on the roster of ratifiers.

Not until the summer of 1963 did the U.S. administration begin to be concerned about its tarnished image. On June 10, President John F. Kennedy, in his remarkably perceptive American University speech, formulated the axiom that "peace, in the last analysis, is a matter of human rights." During the following month, he formally broke with the Eisenhower policy by sending three international human-rights treaties—on slavery, forced labor, and political rights of women—to the Senate urging their adoption. But he carefully avoided pressing on the genocide issue even though a White House spokesman noted that "we share the views that prompted President Truman to urge consent of the Senate."

The emergence of a more favorable atmosphere in Washington prompted over fifty labor, religious, and civic groups to form in 1964 the Ad Hoc Committee on the Human Rights and Genocide Treaties. The coalition sparked a nationwide campaign to oblige the American government to commit itself more vigorously to the strengthening of international law in the field of human rights. The impact of the ad hoc committee was especially felt during International Human Rights Year in 1968. A blue-ribbon committee of lawyers chaired by retired Supreme Court Justice Tom Clark, denounced as "anachronistic" the traditional argument of various leaders of the American Bar Association that the treaty-making power of the executive should not be used for human-rights purposes.

Even within the American Bar Association, the stern opposition that had heretofore paralyzed any meaningful alteration of the Dulles policy was beginning to erode. Every section and committee of the A.B.A. with specialized competence in the area of human rights or the rule of law endorsed, during the past few years, ratification of the genocide treaty. These include the Section of Individual Rights and Responsibilities; the Section of International and Comparative Law; the Section of Criminal Law; the Section of Judicial Administration; the Section of Family Law; and the Standing Committee on World Order Under Law. In addition, a number of past presidents of the A.B.A. have swung their support behind ratification.

As with the recognition of Communist China, it was the conservative Richard M. Nixon who sensed the emergent stirrings for a decisive break with the past. On February 17, 1970, the President called on the Senate "to consider anew this important convention." He stated that ratification was necessary to "demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." Both the secretary of state and the attorney general had advised him that "no constitutional obstacles" to ratification exist. The administration turn-about was, in large part, the product of effective lobbying by a dynamic and attractive young Republican lawyer from New York, Mrs. Rita Hauser. If service as a key member of the American delegation to the U.N. convinced her of the need for U.S. ratification, a number of years of experience in the vineyard of politics suggested to her that there were, indeed, not insignificant political fruits to be plucked as a result of a changed administration attitude.

But the citadel of legal opposition, the American Bar Association, although severely weakened by a conservative president's strong endorsement of the genocide treaty, nonetheless refused to reverse its previous stand. Meeting in Atlanta on February 23, 1970, its house of delegates, after an intense and at times emotional debate lasting three hours, reaffirmed its opposition by an extremely close vote of 130 to 126. Two old arguments were reiterated. The first held that genocide is largely a domestic matter and therefore not appropriate to the treaty-making power. The argument not only contradicted the historical experience of Hitlerism; it mocked constitutional procedures that permitted treaties concerning migratory birds, the hunting of seals, and the traffic in narcotics, but not mass murder. The second principal point was that ratification would alter the balance of authority between the states and the federal government. The fact of the matter is that the Constitution does give Congress the power to "define and punish . . . offenses against the law of Nations," and genocide, quintessentially, is an offense against the law of nations. Besides, the power of the federal government in this area has been confirmed in the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965.

Other charges were made: that the Black Panthers would accuse federal officials and police of genocide; and that Communist countries would use the treaty as an excuse to bring military and civilian personnel before alien courts. It apparently made little difference to advocates of these opinions that, as Mrs. Hauser noted in her rebuttal. Attorney General John Mitchell himself had examined every possible objection to the treaty before extending his support. But the A.B.A. failed to convince the Senate Foreign Relations Committee. In May 1971, it concluded that "we find no substantial merit in the arguments against the convention,'" and voted ten to four to recommend that the Senate, subject to various "understandings" mostly recommended in 1950, "give its advice and consent to ratification of the genocide convention by an overwhelming vote."

International considerations were decisive for the Senate committee. Favorable witnesses had argued that United States ratification of the genocide convention would remove a stain upon our national escutcheon and end the consistent embarrassment that American representatives are compelled to suffer in international forums—especially when, on those limited occasions, they are prepared to advance constructive proposals for the promotion of global human rights.

Most important, adherence to the genocide convention, it was emphasized, would enable the United States to help shape the rule of law over the long run. The threat of genocide remains a real possibility in various sectors of the globe. And once unleashed, it could ignite a conflagraton as it did in Europe in the late thirties and, more recently, on the Indian subcontinuent. We ignore it at our peril. Certainly this warning constituted Raphael Lemkins legacy to mankind.

When, in December 1971, Senator Proxmire, joined by Senator Jacob Javits, pressed the Majority Leader, Senator Mike Mansfield, to put the treaty on the Senate calendar, Senator Mansfield demurred on grounds that "a propitious time . . . has not arisen." He wanted evidence of "sufficient numbers" of supporters before he would call it up. On February 24, 1972, eight days after Attorney

General Mitchell transmitted to Congress a formal legislative proposal to implement the convention, Senators Proxmire, Javits, Frank Church, and Hugh Scott asked their colleagues to sign a petition that would demonstrate their commitment to ratification. Assurances were given that once a "constitutional majority" of fifty signatures were obtained, the Senate leadership would then call up the treaty for advice and consent. At the present moment, fifty-three Senators have already signed the petition. Several more have privately offered their support. The required two-thirds of these present and voting needed for ratification would appear to be at hand.

In testimony before a Senate subcommittee in March 1971, Arthur J. Goldberg, speaking on behalf of the Ad Hoc Committee on the Human Rights and Genocide Treaties, said: "It is inconceivable that we should hesitate any longer in making an international commitment against mass murder." The observation is even more appropriate today.

PERFORMANCE OF INTERSTATE COMMERCE COMMISSION

Mr. TAFT. Mr. President, I have been critical of the performance of the Interstate Commerce Commission for over a year. Almost every week we receive new reports of ways in which this agency is bogged down in redtape or otherwise failing to discharge its public responsibilities.

In the July 1972 issue of Trains magazine, John G. Kneiling discussed the ICC in his regular column. In view of the difficulties facing America's railroads and the regulatory attitude of the ICC toward these difficulties, his article is properly entitled "Nero."

In the October 1972 issue, George W. Hilton wrote an article entitled, "What Does the ICC Cost You and Me?"

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Trains, July 1972]

Nero

(By John G. Kneiling, P.E., Consulting Engineer)

As the railroad industry slides nearer the brink, its leading lights fiddle with trivia. One week's grist from a trade paper (March 13, 1972, *Traffic World*) suggests the nature, importance, and scope of what consumes attention.

Start with a piece about Penn Central. Reportedly PC received court permission to ask the ICC for permission to abandon 343 miles of track. PC management had to go through the business of petitioning the court for permission to ask the ICC. The court allowed the filing and set its own hearing date. (This set in motion quite a process—ask the court for permission to ask.) Then came two hearings on each abandonment—one in the court, and one at the ICC. For what? Thirty-seven segments adding up to 343 miles. Ten are longer than 10 miles; 5 are shorter than 1 mile. Seventeen have not been used for some years—as far back as 1961.

This is ridiculous. Following these procedures at this rate will take longer than the time available to trim the industry down to fighting weight. And remember, the cost of all that paper-pushing has to be borne by a trade struggling to stay alive.

WHY?

One reason: A lot of bureaucrats in the industry as well as in Government regard all that paperwork as a way to "earn" a living without going out into the real world.

Rock Island was permitted to cut rates on some meat products. Packers and some other railroads opposed the action. The ICC's examiner said, "Shippers . . . prefer motor carriers not only because their service is more flexible but because few, if any, freight claims for damage have to be filed."

The best answer to motor-carrier competition the railroad trade could think of was to cut rates, and then the rails argue about that. Will railroadmen ever learn that poor service is unsalable—even if it's free? The freight rate is peanuts in meat distribution economics, and rail rates already are below truck rates on important segments. Does no one understand that the need is to find a better way to do the work, not to hassle endlessly about obsolete ideas?

In the same week's reports, the ICC reportedly allowed PC to abandon six pieces of track totaling 13.7 miles, subject to employee protection. The abandonment petitions had been filed sometime before, and docket numbers are not consecutive—suggesting that a mass of paper was involved and that each application was laboriously processed separately. This is for six fragments, none of which had service in operation.

During that same week, the ICC ordered refunds of some weekend demurrage collected during the previous year. This means that because someone could not make up his mind, railroad must go back over old paper for refunds.

DAMNED IF YOU DO . . .

The ICC in the same week hassled two roads for complying with its own order. In a merger case, the ICC ordered the grant of trackage rights to a third line. So the lines involved complied—and were hauled on the carpet. It seems they had failed to apply for permission to comply. Someone somewhere must be playing games. What would be the roads' positions if the ICC denied permission to comply with its order? In point of fact, the ICC required railroads to return to the previous situation—which was not in compliance with the ICC's order.

There was one bright spot, but it immediately was dimmed. The ICC's enforcement bureau suggested that in merger cases requirements of attrition and recall of labor be forbidden. The ICC noted that PC had to call back 3,649 men who were not needed, and that when these persons were integrated into the work force, quality and quantity of work deteriorated.

This finding should have been no surprise. Men who hold jobs doing work no one needs tend to be men of limited usefulness. A common observation is that overstaffed operations tend to produce poor-quality work. But the ICC goes on "protecting" employees. Protecting men no one else will hire—men whose presence causes quality and quantity to deteriorate—may be reasonable for the men, but such a crew is no source from which the embattled railroad trade can recruit a conquering army.

The idea of the value of time was illustrated. The Federal government guaranteed a loan to the Reading Company, and Reading went into bankruptcy. So the loan came due and the Government had to pay it—the ICC had guaranteed it under applicable law. Some months after the bankruptcy, the ICC found out that interest was continuing to accrue—at $5,000 a day—and that the ICC had made no plans to pay the loan and to stop the interest.

When a man signs another man's note, the signer must be able to pay off. If he is wise, he makes arrangements to cut his losses by paying promptly. So the ICC now suggests that some legislation be prepared that will avoid such interest payments in the future.

Now they find out!

CRITERIA

The Federal high-speed ground transportation program (which produced Metroliner) had another series of appropriations in the legislative hopper. Among other things, these moneys provide for consideration of areas of high unemployment in awarding research contracts. There is little to show that a contractor in an area of high unemployment is as qualified for creative research work as one whose help comes from a region where the people are making out. Seems to me that the reverse would be more likely.

But maybe Government research is not done to get results—just to hand out checks. In any case, this research money is regarded as being spent "for" railroads—whether the spending is effective or not.

EFFECTS

This sea of paper—this column can only sample the flow—costs money, adds little value to the transport service performed, and does little to protect the public. Most of it just impedes the effective management of the business. Make no mistake—this cost must be borne. The army of paper-pushers, endlessly doodling and filing minutiae, merely adds friction and represents parsitic loads on the flow of goods.

The cost in labor, talent, management time, professional help, and other factors for formal abandonment of trackage fragments probably totals more than the salvage value of the lines. And applying for permission to comply with the regulators' orders . . . mind-boggling, indeed.

Even more to the point, the progress of this enormous flow of trivia through the clogged channels of bureaucracy is incredibly slow. That big group of PC abandonment cases averaged less than 10 miles each, and the six approvals averaged about 2 miles. With 150,000 miles to be abandoned or spun off, are 15,000—or 75,000—cases needed?

At this rate the industry will be dead long before the surgery can be completed.

The same trade paper that week reported on a forum on foreign trade in New York. The theme was "diversion" of U.S. cargo through Canadian ports. The consensus was that diversion is not just a strike phenomenon, but that Canada's relative freedom from regulatory burdens and more productive labor make it possible to offer service that shippers find better and cheaper. Of course, this is not "fair," but that is the way it is. And this is quite a change from the time when considerable Canadian traffic was "diverted" to U.S. ports.

Perhaps someone will find a way to cut out the game playing and get on with recreating a real railroad industry.

While there is still time.

If there is still time.

[From Trains, October 1972]

What Does the ICC Cost You and Me?

(By Goerge W. Hilton)

(Note.—This analysis is a condensation of a paper entitled, "The Costs to the Economy of the Interstate Commerce Commission," written by Author Hilton for the Joint Economic Committee on the solicitation of Sen. William Proxmire.)

The cost of the ICC? Look it up in the Federal budget and you will find it is listed at around 29 million dollars a year. You can ascertain that figure in a few minutes.

The matter is not that simple. A noncompetitive organization of an industry entails extensive cost to the economy, rather like a tax on the public as a whole. A monopoly, as everybody knows, produces a lower rate of output than a competitive industry and at a higher price. This means that a monopoly uses too few resources compared with competitive industry. If the courts break up a monopoly, resources flow from the competitive sector of the economy into the industry that formerly was monopolized, and society gets a higher output of goods and services—which is known as a welfare gain. Conversely stated, a monopoly entails a welfare loss.

Transportation, however, isn't a monopoly and never has been. Instead, it is an incomplete cartel under the ICC. As I argued in "What Went Wrong and What To Do About It" in January 1967 TRAINS, the ICC was established to stabilize private railroad cartels which had proved themselves chronically unstable under the common law of the time, which was hostile to cartelization. The Act of 1887 was highly imperfect, but Congress patched it up in 1903, in 1906, and in 1910 to the point where by 1914 the Commission was doing what Congress set it out to do: stabilize the railroad cartels, prevent rate wars, and administer collusively set railroad tariffs in which rates were based on the value of the service rather than on the cost of the service. This structure of rates gave the economy an incentive to find alternatives to the railroads that were capable of competitive organization, and the technology of the industry gave the economy an incentive to find something less damaging to cargo than railroading.

Truck and barge transportation arose in response to these incentives, mainly in the 1920's. Congress, which should have swept away the whole cartel, instead expanded it to the trucks and buses in 1935 and to the water carriers in 1940, but with such broad exemptions that the result was a cartel of all of railroading, about one-third of trucking, and less than 10 per cent of barge operation. Further, the cartelizing body, the ICC, has a grossly inadequate set of directives, can't set output quotas, and for the most part, doesn't even realize it is running as a cartel.

In my 1967 piece I stated that cartelization of an industry as big as transportation was inevitably very costly to society, but that nobody had yet made a rigorous estimate of the cost. To some extent this is still true, nobody has attempted an econometric model of American transportation to compare the cost of the present organization with that of a competitive organization. Still, several economists have attempted quantifications of part of the cost to society of the cartel, and one has attempted an overall estimate.

How is a cartel of the character of the ICC costly to society? Most obviously, it results in higher prices and lower rates of output than does a competitive industry. This is the same objective made to monopolies at the outset. In that respect, a cartel is a tax on society in the same way a monopoly is. In one way a cartel isn't as bad as a monopoly, since cartels typically produce at lower prices and higher rates of output than monopolies. In a more important way, a cartel is much worse. The objection to monopoly, as I said earlier, is that the monopoly doesn't use enough resources; the objection to a cartel is that the cartel uses too many, and wastes them in whole or partial idleness. This is far worse; the misallocation of resources through idleness in one big cartel—such as the ICC, petroleum prorationing, or the agricultural price support program—probably is worse than the misallocation from all the private monopoly in the economy.

Any cartel generates idleness. The joint state-Federal price fixing of oil extraction (plus the restrictions on oil imports) gives an incentive to drill oil wells; prorationing gives the wells quotas which keep them in partial idleness. The agricultural price support program creates an excess supply of agricultural products; the Government responds with marketing quotas, acreage allotments, the soil bank, and other devices, all of which tend to keep land in complete or partial idleness. The Civil Aeronautics Board's restrictions on price competition give airlines an incentive to engage in non-price-competition, including frequent scheduling, applications for minor routes, and duplication of routes. The consequence is to fill the airlanes with largely empty airplanes, wasting some extremely expensive capital.

Practically every aspect of ICC regulation tends to produce idleness in the capital in transportation. In railroading, idleness stems from the nature of the rate regulation, restrictions on exit from unprofitable activities, barriers to diversification, and the bias of regulation to present rail technology. The rate regulation, for the most part, is an effort to preserve a tariff structure in which rates were set on the basis of the value of the service to the shipper, which was usually measured roughly by the ratio of value to weight of the commodities. Such a rate structure cannot survive in the face of competition, since the cost of the rival mode—mainly private trucking—becomes the principal alternative open to the shipper, and thus the actual measure of the value of rail service to him. The effort to preserve the traditional rate structures inevitably results in the loss of some rail traffic to trucking, thereby preventing as full utilization of rail plants as otherwise could occur.

On the other hand, the common-carrier obligations of railroads often are used to require the rails to carry items, such as cattle, for which the railroads have lost their advantage compared with other carriers. Cattle-loading pens, all mainly empty, dot the rail system. Restrictions on abandonment of branch lines are partly responsible for the vast mileage of underutilized track in the industry; but more basically, the restrictions on intermodel operation give the railroads an incentive to stick with any branch line that can eke out its variable costs. Since the investment in the line is irrecoverable, and the maintenance of branch lines isn't much, trackage tends to drag on for years. Unrestricted freedom to replace branchlines by containerized or piggyback movements on highways would accelerate disinvestment in the most hopeless sorts of lines.

At least for a limited time, until Congress gives up on the Amtrak program, passenger-related facilities in a low rate of utilization still are around in abundance, amounting essentially to pure waste. Nothing could make Amtrak succeed except a tax of 100 per cent or more on bus and plane tickets. Since there is little prospect of that, it is only a matter of time until Amtrak is wound up.

Idleness of railroad facilities gets the greatest publicity, if only because the industry is worse off financially than the rest of common carriers; but the truckers suffer an underutilization of facilities that is just about as serious. Both railroads and intercity trucking have been estimated to be the equivalent of a manufacturing industry operating at 50 per cent of capacity.

The truckers' idleness isn't underutilization of physical plant in the same way as the railroads', since the truckers have no irrevocably committed capital in the nature of railroad rights of way. Rather, the regulation requires truckers to engage in roundabout movements and semifilled hauls, and especially in empty backhauls. All this follows from the way in which truckers were regulated at the outset. The Motor Carrier Act of 1935 required the issuance of certificates of public convenience and necessity for routes on the basis of regular or habitual service before the passage of the act. If you ran a truck from the produce market in Chicago with vegetables for Schoolcraft, Vicksburg, Tecumseh, Howell, and Bad Axe, Mich., prior to the "grandfather" date in 1935, exactly what you got was a certificate to carry vegetables from Chicago to Schoolcraft, Vicksburg, Tecumseh, Howell, and Bad Axe, Mich. Never mind that the route was roundabout; that it missed South Bend, Kalamazoo, Detroit, and every other major city in the area; or that there probably were more vegetables to move in the opposite direction. A fictional example? Sure, but many a trucker found himself with a less desirable certificate than that. When frozen foods were reregulated under the Transportation Act of 1958, one operator secured a certificate for carrying frozen hushpuppies in one direction only from High Point, N.C., to various points. Mercifully, he was able to have the certificate modified for greater scope, but the nature of the regulation is such as to generate situations of this sort.

It should be clear that a carrier of frozen hushpuppies in one direction only would have plenty of semifilled movements, at best; even more obvious, he'd have to return empty, simply because his certificate gave him no authority for legal movements back to High Point. More important, the Commission would have to prevent him from filling up his trucks on backhauls for rates that would just cover the additional cost, because such movements would undercut the value-of-service rate structures which the truckers adopted (modeled on the railroads' value-of-service rate structures) when they became regulated. Private truckers suffer chronically from empty backhauls, since most of them have one-way business.

Barge operators have some of the same problem of empty backhauls, but since only a minority of their operation is regulated, the problem is not a major one. Rather, the regulation provides that the exemption shall be lost when exempt and nonexempt cargoes are hauled in the same tow (the mixing rule), or when more than three bulk cargoes are moved in the same tow (the rule of three). The mixing rule is temporarily suspended at the moment, but both these rules frequently result in towboats operating with smaller tows than they can handle, thereby producing an idleness of capital similar to that which the railroad and truckers endure.

The waste of resources in idleness produced by regulation is the worst part of that regulation, but probably next is the bias of regulation toward existing rail technology. TRAINS readers may know better than anybody else that existing rail technology entails a low rate of utilization of cars, heavy damage claims, low speeds, extensive investment in yard and terminal facilities for which there is no direct return, and—through putting many groups of employees in a position to tie up the whole operation with a strike—generation of strong unions. The ICC prefers rates on carload lots, and its car-service requirements are based on the presumption of an indefinite perpetuation of this technology.

In a competitive framework, railroad technology probably would have evolved along the lines that TRAINS advocates: integral trains with hopper-car configuration for barge-competitive movements; and containerization of truck-competitive movements with highway haulage for short-distance and terminal operations. The attractions of such an organization of the industry have been exposited in TRAINS numerous times, but how directly the present regulatory framework has prevented moving to such technology seems not to have been recognized.

Unit-train—as distinct from integral-train—technology essentially requires no change in existing technology; such innovation as exists in unit-train operation is merely legal: a rate is quoted for a trainload instead of a carload. As Paul W. MacAvoy and James Sloss demonstrate in their book *Regulation of Transport Innovation* (reviewed in June 1967 TRAINS, page 51), the ICC steadily resisted rates of more than carload lots up to 1939, and allowed them for unit-train coal movements after 1960, when slurry pipelines began to be a serious threat to eastern rail coal movements. The ICC is not entirely to be blamed for this; it has statutory justification for preserving differentials between rail and barge rates, and there is plenty of political pressure to protect the traffic of barge lines.

The Commission was, if anything, even more hostile to the development of containerization. This technology is entirely consistent with competition, since the railroad can charge a fee by weight for the container regardless of its contents. This technology also is pretty simple, and was developed early. The New York Central initiated containerization in 1921, and by 1930 the technique was spreading rapidly. In 1931 the Commission concluded that containerization threatened existing rate structures and, in the case *In the Matter of Container Service* (173 ICC 377), raised container rates so drastically as to truncate the further development of the technology until well after World War II.

As I've said previously in TRAINS ["Ralph in the Roundhouse," page 44, November 1970], present railroad technology of individual cars in flunking a market test. The market mechanism is causing a rapid disinvestment—about one-third in 15 years—in the traditional box cars toward which the regulation is biased. Because the per diem rate is set institutionally by a board, rather than fluctuating on the basis of demand-and-supply conditions, it does not serve the function of rationing the existing supply in peak periods, thereby giving rise to a box-car shortage which becomes successively worse. The ICC, unsurprisingly, currently is seeking powers to force railroads to buy box cars; a bill for a Federal box-car corporation is in Congress; and voices are not absent demanding nationalization of the railroads to deal with the problem. Any of these solutions tends toward making permanent current railroad technology and perpetuating the industry's present problems.

In my 1967 article, I argued that the railroads were declining for five reasons:

1. The technology is damage prone from slack action and switching impact.

2. It is inflexible in being limited to the rails.

3. It is slow, mainly because of loss of time in interchange.

4. The pricing structure is based on value of service instead of cost of service.

5. The irrecoverability of investment in the right of way invites the depredations of tax collectors and unions.

The technology TRAINS recommends essentially deals with all these problems. Integral trains get rid of slack and switching impact. Containers move intermodally, so that no single company is restricted to its own rails. An integrated transportation company based on a rail system can freely resort to truck or barge delivery to offline points, avoiding interchange entirely if it so desires. Conversely, the trains can readily handle containers of nonrail carriers. The technology is consistent with competition, since the main surviving anticompetitive features of railroading stem from interchange. Companies which offer freedom of routing over one another, with extensive joint rates and standardized equipment, necessarily are so habitually drawn together that the line between joint ratemaking and collusive ratemaking on routes on which they otherwise would be rivals is a thin one. If you conceive of a competitive transportation industry as a set of companies operating in the fashion of the White Pass & Yukon ["Integration in the North," page 35, July 1971 TRAINS], moving containers by rail, truck, and ship depending on relative costs, you will have no difficulty in conceiving of competitive organization—especially since anybody would be free to operate trucks and ships in rivalry with the integrated transportation companies. Any effort of the integrated transportation companies to price as monopolies would expand the economic range of trucking.

Finally, the technology TRAINS recommends would deal with the irrecoverability of investment, since it would allow abandonment of most existing rail mileage, and would reduce the number of employees who could tie up the operation with strikes. Trains would be so infrequent and the skill level required for operating them would be so greatly reduced that supervisory personnel could carry the companies over strikes, as they do in the telephone system.

One of the principal attractions of a conversion in technology and economic organization of the type outlined is that freight would move by the means best suited to it. Conversely, one of the principal objections to the present organization of the industry is that freight frequently moves in modes ill suited to it. The ICC, like most cartels, engages in market sharing, enforcing a fairly rigorous separation of the modes of carriage. When the ICC is confronted by a controversy on the appropriate level of rates to be charged by trucks, railroads, and barge lines, it customarily splits the difference. It sets rates of the rival carriers at levels at which each of them can attract some of the traffic in contention. This practice, which is about as habitual as anything the ICC does, follows directly from the nature of the incentives of the commissioners. They are men and women who serve for finite periods, who can't plan on reappointment, and whose most obvious outlet for postcommission employment is in the regulated industry. The Interstate Commerce Act is so vague a set of directives that the commissioners have excessive discretion. A policy of difference-splitting in rate cases is as legal as any other, and it serves to minimize squawk in the industry, thereby safeguarding post-commission employment prospects.

Unfortunately, difference-splitting hardly could be less desirable as a policy for allocating freight among carriers. Setting rates in this fashion prevents the price system from indicating to society the relative costs of movement, and thus prevents the determination of relative prices from allocating freight among modes in accordance with their relative advantages. The proposition is fairly universally accepted that trucks have a comparative advantage for short movements, railroads for long ones. The longer the distance, the greater is the handicap of high labor costs of trucking; beyond some point, the labor costs counteract the higher quality of the trucks' service. Exactly where this point may be is in doubt, because the damage proneness of rail service with present technology varies as a handicap among different commodities. A popular estimate of the point is around 200 miles.

Several economists have argued that the survival of value-of-service ratemaking in railroad tariffs has diverted to trucks large volumes of freight which could be moving by railroad at lower cost to society. As I pointed out in a review in TRAINS [page 55, June 1971] of one of the recent expositions of this view, Ann F. Friedlaender's *The Dilemma of Freight Transport Regulation*, the railroads do not act as though with present technology they have the potential for reattracting massive amounts of truck traffic; rather, when they secure some additional ratemaking freedom, they attempt to reattract barge-competitive commodities for which their adverse damage experience is not a handicap. With a slack-free technology, however, little question exists that they could reattract most of what moves for long distances by truck. The way they act at present—and the way the barge executives act—indicates that railroads probably could attract a considerable volume of bulk traffic either with current or integral-train technology. What does seem clear is that regulation, either directly by enforcing an inappropriate noncompetitive pricing structure or indirectly in perpetuating an obsolete technology, is causing a serious misallocation of resources between modes.

That is it, then. Regulation wastes resources in idleness, perpetuates an inappropriate technology, and misallocates freight between modes. This is costly, but how costly?

The simplest way to estimate the cost is to take as a sample the fall in rates on the most important commodities deregulated by judicial decision in the history of motor-carrier regulation, and on the basis of that to estimate the effect of regulation on the national freight bill. Federal courts in the 1950's declared movements of chicken and frozen foods by truck exempt from ICC regulation. There is no reason to believe that these deregulations were anything but random; that is, the commodities were deregulated merely because of the way the law was written, not because their rates were any higher than any others compared with competitive levels. Chicken rates fell by over 30 per cent and frozen food rates by about 19 per cent. A very conservative estimate would take this as an overall fall in rates of 20 per cent. At least in the case of frozen foods, the quality of the service improved after deregulation, when truckers became more willing to provide multiple destinations; so the fall in rates isn't the whole story.

Taking a 20 per cent fall in rates as representative, and applying it to a national freight bill usually over 25 billion dollars, will give you a rough estimate of the cost at some 5 billion dollars. That is not a satisfactory estimate for several reasons. First, if one sector of a cartelized industry is decartelized, resources will flow into it from the rest of the industry to depress the price below what it would be under competition. Second, no reason exists to believe that *all* rates are above what they would be under competition. There is no presumption that numerous railroad rates below cost would fall under competition. Some rates may be depressed by political pressure on the ICC—although nobody is sure he has identified any. Third, and in the opposite direction from the first two, the elevation in the national freight bill ignores several costs, notably the welfare loss from some goods not moving at all because of the enhanced rates.

Several economists recently have tried to assess the cost of individual consequences of the cartelization in a more rigorous fashion. Professor Friedlaender in her *The Dilemma of Freight Transport Regulation* made an estimate that the costs from the survival of discrimination in tariffs were on the order of 500 million dollars per year, mainly in diverting freight moving over 200 miles from rail to truck. This was an explicitly casual estimate, but in 1969 Robert W. Harbeson of the University of Illinois in the *Journal of Law and Economics* published a calculation of relative costs of movement by rail and truck on the basis of various ICC cost studies of the 1960's, plus data in the Census Bureau's *Census of Transportation* of 1966. From these data he concluded that the use of trucks instead of carload rail transportation as a consequence of regulated tariff structures resulted in an annual economic loss of $1,128,623,300 to $2,921,001,800. Correcting the estimate for the inferiority of the quality of rail service, he put the loss in a range of $1,041,490,710 to $2,833,879,210 per year.

Professor Friedlaender subsequently made a second estimate of the cost to the economy of regulation. In a paper delivered at the American Economic Association meetings in 1970, she figured the cost of excess capacity in railroading in 1969 to have been between 2.4 billion and 3.8 billion dollars. This time she estimated the loss from survival of value-of-service pricing at about 300 million dollars. This is consistent with the usual presumption that the worst costs of the cartel are idleness of capital rather than misallocation of freight between modes.

In their book on unit trains, Paul W. MacAvoy and James Sloss assess the economic loss from the ICC's refusal to allow multicar rates on coal to East Coast ports at around 9 million dollars per year. This is a good example of how large the costs can be from even a small part of the cartel, merely because the cartelized industry is so huge.

An even better example is an estimate by Karl B. Ruppenthal of Stanford University and his associates of the costs of an inconspicuous change in the barge mixing rule. Unregulated carriers of bulk commodities had made a practice of assembling barges at major junctions or terminals and turning them over to regulated barge lines at a special towing rate. The regulated carriers used the reduced towing rate to fill out tows which were held below the capacity of the towboat by the mixing rule or rule of three. The regulated carrier did not provide the usual obligation of bailment for security of the cargo, and did not deliver the barges. Rather, the barges were returned to the unregulated carrier at a second junction point for delivery to the consignee. The ICC prohibited this entire arrangement as a violation of the mixing rule and in 1967 was upheld by the Supreme Court. Ruppenthal and his collaborators computed that, in reducing the tows of regulated towboats, this change in rules increased costs from 2.3 mills to something between 3.02 mills and 3.34 mills per ton-mile, depending on the size of the tow. Work this out for the barge industry and it amounts to an addition of 207 million to 287 million dollars to the national freight bill.

Prof. Thomas G. Moore of Michigan State University in 1971 put together the estimates of the various costs in these studies into one grand reckoning of the overall cost to the economy. He did not use Harbeson's estimate of the cost of misallocation of freight between modes, but rather developed his own judgment on the basis of some estimates of the ability of the railroads to reattract truck traffic made by Prof. Merton J. Peck of Yale, and on a paper on this subject produced in 1969 by Charles River Associates, a private consulting firm. Peck's estimates led Moore to calculate a saving of 450 million to 900 million dollars from diversion of long-distance freight from truck to rail, and Charles River Associates' figures led him to an upper bound for this estimate of 2 billion dollars. In his over-all calculation, Moore used a best estimate of 900 million dollars; had he used Harbeson's estimate, he would have had a higher figure.

Moore made no appraisals of the cost of diversion of traffic from rail to water carriers and rail to pipeline. Any estimate which skips this is inevitably understated. Moore made an estimate of a welfare loss of 175 million to 400 million dollars from commodities which do not move at all owing to the high level of common-carrier rates. Moore's net estimate is a range of 3.575 billion dollars per year to 6.890 billion with an intermediate estimate of 4.815 billion. Recognizing that his valuation neglects important costs, he suggests an actual range of 4 billion to 10 billion dollars from the cartelization.

Thus, we are back roughly where we started. A careful estimate—and Moore's is the most careful to date—brings us to the general conclusion with which we started, that the cartelization costs society around 5 billion dollars per year, or about $25 for every one of us.

Let nobody say the ICC is ineffective. Anything that can do 5 billion dollars' worth of damage on a budget of 29 million dollars probably is more cost-effective than anything else in the U.S. Government. Nothing that purports to do good is anywhere near that effective.

If the Commission is in the nature of a tax on the economy of some 5 billion dollars, you would reasonably expect a lot of people to be getting rich on the proceeds. The Federal Communications Commission gives away the right to use portions of the broadcast spectrum, and the recipients get rich running television stations. Isn't there something similar stemming from the ICC?

Very little, actually. The operators of major truck lines with general certificates between major points undoubtedly are receiving some monopoly profits out of what otherwise would be a competitive activity. The present organization of trucking gives a considerable incentive to merge companies so as to fill out route networks, and the prices at which companies are transferred indicates a considerable capitalization of monopoly gain. More to the point, the avidity with which the American Trucking Association fights to preserve the present organization of the industry is the best possible indication that the major truckers benefit from the cartelization. In a competitive framework, they would be beset by rate-cutting railroads offering containerized intermodal service and by a vast inflow of independent truckers, mainly from minority groups, offering basic, cheap service. The major truckers are effectively organized politically and constitute the most effective single lobby for perpetuation of the cartelization.

Similarly, the Brotherhood of Teamsters receives substantial benefit from the cartelization. A union in an industry of the character of competitive trucking couldn't accomplish much. Organizing any one employer in such an industry simply will drive him out of business. A union is like a tax collector: It must have a situation in which the employer is earning a return higher than that which would just keep him in the industry. A union then can confiscate the excess—which is known as an economic rent—as a gain for the union. The only way to generate any economic rent in trucking is to organize the industry noncompetitively, so that firms have some degree of monopoly earnings. Accordingly, the Teamsters uniformly are in favor of any cartelizing effort in trucking, and support ICC regulation with uneclectic loyalty.

The railroad unions still may receive some of the same benefit, but the railroads have declined so greatly that noncompetitive organization probably doesn't still do their unions much good. What the railroads secure from the present organization of the industry is mainly an antitrust exemption, but this is enough to cause most railroadmen to support the cartelization. This seems to be irrational; they would be better off in a competitive framework. At minimum, the cartelization isn't making any railroadmen rich.

In fact, such enrichment as it may produce for truckers and Teamsters, or anybody else, for that matter, is trivial compared with the production of just plain waste. Moore estimates that about a quarter of the income generated in transportation represents waste. What the cartel does mainly is to keep in transportation people and capital that otherwise would be doing something else. Many of the people in this situation feel a vested interest in the cartelization. A lawyer whose whole practice is ICC-related and who has achieved a nice mansion in Chevy Chase with a membership in the local country club understandably feels that the present organization of transportation works to his benefit. It does only in a limited sense. If the ICC didn't exist, he would have specialized in some other type of law, and presumably have done equally well. Similarly, several thousand people—the Commission's career employees, traffic men in industry, a large percentage of the personnel of the carriers—are specialists in the technical details of the operation of the cartel. Their on-the-job training and whatever courses they may have taken in ICC practice are an investment in human capital, on which they receive a return in income. But if the ICC didn't exist, they would have made their investment in human capital in some other form of knowledge, and would be gaining their return on that. Since they have made the investment in the ICC's processes, they would suffer capital loss from decartelization and so constitute a political force for preservation of the present arrangements.

So, in the main, what we get for our 5 billion dollars is just waste. But there are enough people who receive a benefit from the present organization of transportation—or think they do—that we are likely to continue suffering from it for a good long time.

ISOLATED AMERICA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a paper entitled "Isolated America," written by Hamilton Fish Armstrong.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ISOLATED AMERICA

(By Hamilton Fish Armstrong)

Seventy-five years ago, Archibald Cary Coolidge, who later became the first Editor of *Foreign Affairs*, wrote a book with a theme and title entirely novel at that time, "The United States as a World Power." In it he made the first attempt to define the new role in the world then rapidly being assumed by the United States. He remarked that all nations divide mankind into two categories—themselves and everybody else. And he said that Americans would be just as prone as others to cherish the pleasing belief that they had grown great by their own virtues and the favor of a kindly Providence, whereas the progress of other states was marked by unscrupulous rapacity; hence, they would demand that American statesmen keep sharp watch lest nefarious foreigners take advantage of their good nature and honest simplicity. The accuracy of Mr. Coolidge's analysis was corroborated before long by the alacrity with which the American people accepted the idea that they had come into World War I altruistically, in order to make the world safe for democracy ("American" democracy); and again by their readiness to suppose that President Wilson and his advisers at Paris had been bamboozled by wily European statesmen. The latter conception was promoted by American isolationists who depicted the League of Nations as a naive and useless affair and a trap to involve us in Old World power politics.

The war in Vietnam has been the longest and in some respects the most calamitous war in our history. It has rent the American people apart, spiritually and politically. It is a war which has not been and could not be won, a war which was pushed from small beginnings to an appalling multitude of horrors, many of which we have become conscious of only by degrees. The methods we have used in fighting the war have scandalized and disgusted public opinion in almost all foreign countries.

Not since we withdrew into comfortable isolation in 1920 has the prestige of the United States stood so low. Following Harding's sweeping victory and his announcement that Wilson's League was "now deceased," the League of Nations passed out of the minds of most Americans. Having won the war for their allies, as they put it, Americans considered that they were entitled to attend to their own affairs exclusively. The world was stunned. The United States had won glory by turning the tide of battle in Europe and moral stature by sponsoring, through President Wilson, a program for organizing the peace that the world craved. In their disillusionment, Europeans did not forget America's achievements in the war or minimize what the American Relief Administration and other organizations continued to do in feeding the starving and restoring the wreckage in devastated regions. But something was gone from the picture that the world had formed in wartime of Americans; their adventurousness, their willingness to take risks had disappeared. There were Americans, too, who felt that the American dream had paled and who had twinges of conscience that their country was taking no part in the endeavor to make a new war less likely.

Efforts were made before long to demonstrate that the United States was on the side of peace even though it would not share the alleged risks of becoming a member of the League of Nations. One effort was made in Coolidge's administration, the second in Hoover's. In the summer of 1928 Secretary of State Kellogg took part in negotiating what became the Pact of Paris, the purpose of which was, in the popular phrase, to "outlaw war." It aimed to establish peace by fiat and was acceptable to the U.S. Senate because its signatories were not committed to take any concrete action to prevent aggression. It was harmless except to the extent that it led the American public to suppose that something effective had been done to compensate for the refusal to participate in the League. A second effort to show that the United States was on the side of peace was made by Secretary of State Stimson in January 1932. The League had been struggling vainly to find means to curb the Japanese invasion of Manchuria. Stimson sought to back up the effort by committing the United States to a policy of not recognizing the fruits of aggression. The plan was well intentioned, but its effect in slowing the Japanese invasion was nil.

This was not a period in which the United States was influential in world affairs. Materially, it was a Great Power in capital letters; morally, its greatness did not shine. When the Great Depression overwhelmed the United States, as all nations, Roosevelt's spectacular measures of reform gave the American people hope and trust again, but there was little energy left to think about the troubles and dangers of others. The European landscape was black. A new arms race set in. Hitler's advent was a portent of what was to come. Roosevelt made an effort to have the Neutrality Act amended so that the United States need not, by insisting on its rights as a neutral, break a blockade set up by members of the League against an aggressor; the possibility that it would recognize a blockade would be a powerful deterrent to aggression. The Senate refused.

Through the interwar years the picture of the United States in the eyes of the world remained much as it had been after the Senate killed the proposal to join the League, refused to ratify the Treaty of Versailles and rejected the Tripartite Pact which promised France protection against fresh German attack and which she had accepted as a substitute for seizing territorial guarantees of her own on the Rhine. Nor did it ratify the Protocol of the World Court. American policy was looked upon as quirky and unpredictable.

II

In the first issue of *Foreign Affairs* Elihu Root expressed a fairly obvious fact in picturesque language: "When foreign affairs were ruled by autocracies or oligarchies the danger of war was in sinister purpose. When foreign affairs are ruled by democracies the danger of war will be in mistaken beliefs." It is notable that Mr. Root, having in mind the collapse of four great autocracies following the First World War, referred to autocracies in the past tense, an error of which we soon became aware.

Since the United States is not an autocracy nor is it an oligarchy in the formal meaning of that term, the Vietnam War did not originate in what Mr. Root called sinister purpose. Did it, then, originate in mistaken beliefs? If we did indeed start down the road to war unwittingly and in ignorance, and if we failed to notice the points at which our leaders went wrong in time to curb or deflect them from a doomed failure, what are the characteristics of our society which account for our having been left in such a pitiable situation?

Discussions of the issues raised by these questions, indeed the discussion of all the problems of American foreign relations, are being carried on today in a denatured terminology. The rhetoric of good words and high ideals is everywhere heard; but the opponents of selfish or provincial attitudes are at a disadvantage which they did not face formerly and do not altogether recognize now. The words used to express the highest aspirations have become shopworn. Calls to duty or endeavor like those uttered 50 years ago by Woodrow Wilson today sound hollow and meretricious. The phrases have been used and abused too long.

It was in that period of American public euphoria, misleadingly called "normalcy," that *Foreign Affairs* was founded. Its purpose was not to promote specific policies, however laudable, but to increase the interest of the American public in foreign policy as such and stimulate their consciousness that they were an integral part of a world society and had a concern for its welfare as a whole. To anyone who had a share in that enterprise there seems to be a similarity in the situation then and now. Actually, however, the forces at work are very different. The risk today is not that the American people may become isolationists; the reality is that the United States is being isolated.

In these conditions, an attempt to write other than cynically about the present situation of the United States seems bound to be an exercise in futility. Yet the attempt must be made. Unless we evaluate and not merely enumerate the elements in our society as they condition the quality of our foreign policy we shall not make progress in changing what we feel is wrong with it. And wrong it must have been. Not, in the experience of the present writer, since the Harding era when we denied our enlightened self-interest and retreated from responsibility in our foreign relationships, while confessing to scandal and tawdry commercialism at home, has the world had such a poor opinion of us. American principles, which sometimes were characterized as naïve but in general were respected as sincere and humane, now are freely called hypocritical and self-serving; the weight of American material and military power, looked to in the past as a mainstay of world stability is now mistrusted and feared.

III

Once again in the Second World War the United States saved Western civilization. The victory won, it took the lead in forming the United Nations and the Senate voted membership in it almost unanimously. It is now one of the two superpowers, unassailable in nuclear strength. Nevertheless its political power is less than its material power and its prestige is tarnished.

Our methods of fighting the Vietnam War are what have chiefly fanned world opinion against us. But there are other causes of resentment too. Radical changes in the structure of our foreign policy undertaken recently without notice to friends and allies have strengthened a feeling that Americans policies are conceived for American purposes only. Gratitude for the immense sums given for foreign aid since the war, and especially for the help given Europe in the Marshall Plan, has largely evaporated. Just as the war has sharpened all our internal conflicts, so it has accentuated foreign criticism of American civilization and intensified the resentment of foreign governments that the United States seems more and more to ignore their political interests and economic needs.

In the summer of 1971 President Nixon announced without warning that his National Security Adviser, Henry Kissinger, had been secretly consulting with Premier Chou En-lai in Peking and that he himself was planning a visit there shortly. A month later, he announced that he had unpegged the dollar from gold and ordered a ten percent surcharge on imports; this our allies considered contrary to international agreement. These actions, and to a lesser degree the later announcement that the President also planned to visit Moscow, confirmed the feeling in many foreign offices that American policy was erratic and egocentric.

The President's goal was to come to live-and-let-live terms with two great nations that had long sought to undermine our position in the world and that were hostile to our social and political system. His grand hope was to end the remnants of the cold war with Soviet Russia and make progress toward curtailing the arms race; and to open contacts with the People's Republic of China, with which we had no diplomatic relations and with which we had once come close to war on behalf of our protégé Taiwan. The objectives were admirable, provided the endeavor did not involve sacrificing friendships and alliances with peoples with whom we had had close ties, some of them traditional and in a sense sentimental, some economic and commercial, some rooted in similar concepts of constitutional government, democracy and freedom. In his preoccupation with methods of attaining the goal, and in his excitement as he seemed to near it, the President lost sight of the proviso. The result was a chaotic situation. The stability of the monetary system was further undermined, with our NATO allies among those most adversely affected. Canada, an essential friend and neighbor, Japan, the rising power in East Asia, and India, the largest Asian democracy, were alienated.

The approach to Peking was not precipitate; it had been carefully prepared. But the announcement that the President would go there in person was made in a way that caused maximum embarrassment to the Japanese government. We had been pressing Tokyo to have as little as possible to do with "Red" China, "our mutual enemy." In so doing, we had opened Premier Eisaku Sato to domestic attack for sacrificing Japan's interests to those of the United States. Suddenly he found himself bereft of his excuse for having taken a position opposed in many influential circles. He felt betrayed.

Japan deserves consideration in the forefront of American foreign policy in her own right. Japan is now the world's third industrial power. Japan provides the second largest market, after Canada, for American goods, and a third of her foreign trade is with the United States. "Japan is our most important ally," said President Nixon on February 25, 1971. Our recent policies do not reflect a full awareness of these facts.

The end of our long-time friendship with India came about as a by-product of our efforts to please the People's Republic of China by averting our faces while the army of China's protégé, Pakistan, bloodily repressed a revolt in the eastern half of the country. India was overwhelmed by an influx of refugees from East Pakistan and took the occasion to help weaken her traditional enemy Pakistan and establish the independence of East Pakistan as Bangladesh, meanwhile accepting the support of the Soviet Union in exchange for the peevish "neutrality" of the United States. Our maneuvering included the futile naval demonstration—plainly directed more against the Soviet Union than India—of sending the *Enterprise* sailing up the Bay of Bengal (and down again). The gainer was the Soviet Union, which signed a treaty of mutual support with India and secured new facilities on the Indian Ocean, where the Soviet fleet will now face the American on better terms.

Canada is our neighbor and, we have always assumed, our staunch friend. The British used to take us for granted, a fact that irked us considerably; the Canadians have been similarly irked that in our eyes Canada is a natural extension of our culture and a part of our economic domain. This has been particularly exasperating because it is based largely on fact. Our periodicals sell in Canada almost to the exclusion of the local product. We have provided the greater part of the capital for developing Canadian raw materials and have acquired majority control of Canadian industries.

The increasingly uncomfortable character of the Canadian-American relationship remained unrecognized by the American public and apparently was given scant consideration in Washington, as shown when President Nixon made his economic and financial announcements, and Secretary of the Treasury Connally at once began negotiations with Canada (as with many nations) in an effort to see that the United States derived maximum benefits from its new economic policy. In the talks with Canada he stressed the need to "rectify" Canada's favorable balance of trade with the United States, and demanded changes in the 1965 pact which allowed Canadian-manufactured automobiles to be shipped across the border duty-free.

Canada pointed out that not only had she suffered annual deficits in overall trade with the United States in the 20 years before 1970 but that for the five years before 1971 she had suffered deficits in the automobile trade up to $625 million. Was Canada to understand that the United States was prepared to trade with her only when she incurred a deficit, and required concessions from her when (for a change) the United States incurred a deficit? And how was Canada, with a trading deficit, to pay the immense sums of interest, dividends and transportation costs arising out of American investments in her industries?

The effort to improve the overall American trade balance and balance of payments, even if this meant resorting to protectionist measures, was of course connected with the financial drain of the war in Vietnam. Canadian public opinion was strongly critical of the war and this increased the opposition to American efforts to secure Canadian concessions to help pay for it. Canadian official resentment was exacerbated by Secretary Connally's seeming lack of understanding for Prime Minister Trudeau's difficulties in submitting to American demands when Canadian elections were in the offing. (American officials are not the only ones that must take account of elections.) In general, Canada simply put down the controversy as an example of the usual self-centered approach of Americans toward their northern neighbor.

Our isolation from other peoples is the reverse of 50 years ago; today we are the object, not the subject.

IV

Our age finds it convenient to simplify everything. "Know thyself," a difficult proposition, is supplanted by "Know everybody," not "everybody" as diverse types but as a single prototype—glands, psyches, behavioral reactions and all. That we take refuge in generality is not surprising. Our society has become so complex that the multiplicity of its individual problems overwhelms us. To save our self-respect we turn from the un-understandable particular to the perhaps understandable general.

What is called for is a resolute attempt at complication, as the events detailed above indicate. Interactions must be understood as well as facts. Science and technology are adding to the world's problems, not solving them. Something better than a hit-or-miss relationship must be established between the knowledge amassed by scientists in a multitude of fields and the decision-making processes of those who guide political action. How are discoveries in physics to be related to population trends, urban blight, television addiction, substitutes for standard nutritional resources? The answers will not come out of a computer because judgment as to utility and aesthetic choice cannot be fed in along with the facts. Robert Oppenheimer once said to me that physics had become so recondite that the formulae that demonstrate one scientist's conclusions often remain intelligible only to himself. How, then, is a statesman knowing nothing of science to choose between alternative recommendations regarding, say, the development of ballistic missiles, presented to him by scientific advisers who may not know possible variations in fundamental factors involved?

Those who watched the negotiators at the Paris Peace Conference of 1919 struggle to find a realistic and usable pattern of the events that were transforming the world around them, and so to act to forestall new tragedy, redeem promises and justify hopes, were conscious that the leaders assembled there, men on the whole of unusual caliber and in some cases unusual idealism, were unable to come to grips individually with more than a single fraction of the problems they faced. Single minds could not encompass such complexities. Since then the condensation of time and space has magnified the complexities and made each component problem more immediate.

This ought to temper our criticism of our leaders as we look back at the remnants of half-understood policies and stumbling actions that strew the path of our involvement in Vietnam. It does not make us feel a need, however, to be lenient in our judgment where they disguised disasters in clichés or cloaked the miseries of millions of refugees, harried hither and yon under a rain of bombs, under comfortable terms like "resettlement" and "reëducation."

It must be made less likely—for it can never be made impossible—for American leaders again to take the country into war unawares. Proposed legislation to limit executive power to conduct an undeclared war by requiring the President to obtain congressional approval of his action within 30 days is misleading; in 30 days a war will have achieved a momentum of its own and will have introduced complications in relations with third powers that neither the public nor Congress will know how to limit or terminate. And of course no domestic legislation can prevent foreign attack, nuclear or otherwise. The prescription for reform is not written in specific terms. If we assume that mistaken beliefs, in Mr. Root's terms, have been responsible for the failure of the American democracy to curb actions of its leaders that are leading to war, the prescription is stunningly large and recovery can come only slowly as a result of a multitude of actions that could give our country a sense of direction again.

The direction is not backward, in nostalgia, to the virtues of our forefathers, except that we will draw from them an adventurous spirit and in that spirit will answer the question, "What is wrong?" with the answer they gave, "Let's do something about it." The direction is forward, to recognize and accept the present ills of our society and to set about curing them—by rehumanizing ourselves, by readopting civility as a part of good behavior, by recognizing that history can inform the future, by encouraging the growth of élites in many fields, not in order to copy them snobbishly but to set intellectual standards to which everyone may in some degree aspire, by asserting that aesthetics is an essential element in art, by reëstablishing learning as opening doors to choice, by leavening the mediocrity of our culture with snatches of unorthodoxy, by welcoming diversity of opinion as an essential element of strength in a democracy.

Is this a dream? The crudeness brought by the mechanization of modern life says, yes it is. But science need not be against us, nor need we be against science. Almost 40 years ago Newton D. Baker wrote in *Foreign Affairs:* "The triumph of science in the material world encourages us to do some laboratory work with the human spirit. A peaceful world would have been less amazing to George Washington than wireless telegraphy. We must not think too well of atoms at the expense of thinking too ill of men." If we accept that adjuration we may recover our self-confidence and self-respect and regain for our nation the standing in the world's estimation it once possessed.

TELEVISION SPORTS BLACKOUTS

Mr. SCOTT. Mr. President, National Football League Commissioner Pete Rozelle today testified before the Senate Commerce Subcommittee on Communications on the subject of television sports blackouts. Because I believe his remarks on this subject are so important in the consideration of any new legislation, I ask unanimous consent that they be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Commissioner Rozelle

My name is Pete Rozelle. I am Commissioner of the NFL. I am appearing here today to oppose the enactment of Senate Bill 4010 or of any of the other pending Senate bills having the same or a similar purpose.

I have with me Art Rooney, President of the Pittsburgh Steelers, Gerald Phipps, Chairman of the Denver Broncos, and Jim Finks, Vice President and General Manager of the Minnesota Vikings. Also present today is the League's counsel, Hamilton Carothers.

I want to assure you that the comments I am about to make are not simply my own views on this situation. My comments have the unqualified support of each of the 26 member clubs of the NFL.

I think I understand how a Congressional proposal of this character originates. It has the appearance of offering something to the American public free of charge. And, viewed in its most superficial light, it has the appearance of being a proposal which can offer this public benefit without doing damage to anybody.

But these premises are, as we see it, quite in error. Indeed, almost every Congressional statement I have read to date on this subject proceeds on the basis of some very fundamental misunderstandings as to substantially every phase of the matter.

Perhaps the best way for me to begin would be to list some of the statements put forward in support of this proposal and make a brief comment about each.

We hear, for example, this proposal continually referred to as a "blackout" issue. The fact is that it is not a blackout issue at all. NFL home territories are no longer blacked out on television on Sunday afternoons even when the home team is playing a game at home; two or three NFL games are telecast in each home territory each Sunday afternoon. This proposal therefore does not deal with blackouts—it is an effort to prescribe by statute *which* NFL game must be telecast in what area on what occasions.

To say the least, this strikes me as a rather unprecedented proposal. I am not aware that Congress has proposed this for any other form of public entertainment.

We also read statements to the effect that this proposal resolves a significant antitrust issue. The fact is that the member clubs' practice of not telecasting locally the same games being played locally has never presented any antitrust issues—any more than a similar decision by the Kennedy Center, the Barnum & Bailey Circus, or the promoters of a boxing match would.

We read that this practice by the member clubs was successfully defended in an antitrust case during the 1950's, but that conditions have now changed, and the basis for the court's decision can no longer be justified. But the fact is that this particular member club practice has never been the subject of litigation and was not even questioned by the Antitrust Division at that time—which is precisely what, I am informed, the Assistant Attorney General in charge of the Antitrust Division said yesterday.

We have read statements to the effect that the source of the League's present practice is an antitrust immunity granted to the League by an Act of Congress in 1961—when the fact is that the practice of not televising local games locally has never required any antitrust immunity and Congress never intended to deal with it in 1961.

So I think you must agree with me that there are some very fundamental misunderstandings about the legal context of this proposal.

Even more importantly, we think the supporters of this bill are operating with some equally significant misconceptions as to the predictable effects of this bill and as to the circumstances existing in this particular form of entertainment—which is what professional football is.

We read, for example, that all NFL games are regularly sold-out and that it is no longer feasible for the members of the public to obtain tickets to NFL games—when this is simply not so. The fact is that there are only a limited number of NFL cities where this is the case. In most NFL cities tickets for NFL games are available to the public up to the time of kickoff.

We also hear the statement that the practice of not televising local games locally unfairly deprives home territory fans of their proper share of NFL game telecasts—when the average NFL home territory receives 74 free NFL game telecasts each season, the League and many outsiders are already concerned with the problem of oversaturation and too much television, and the proposal is simply to add additional game telecasts to this tremendous schedule.

We are told that a justification for this proposal can be found in the fact that many NFL clubs play their games in municipally-owned stadiums—when municipal stadium authority interests would, we are clear, be as much damaged by this bill as would the NFL member clubs themselves. Substantially every NFL stadium lease is based on percentage of gate receipts and many stadium authorities have a direct financial interest in all or a portion of the parking fees and concessions.

We are told that the enactment of this bill would not in any way affect ticket sales by the member clubs—when there is not a single member club of the League that believes this and all of the League's experience argues to the contrary.

If you are inclined to dispute this, just remember that what you are proposing here is a statutory guarantee to every member of the American public that he will be able to see one, two, three or seven home games of his choice either on television in the comfort of his home or by appearing at the team's local ticket office at any time before 1 p.m. on the Friday preceding any weekend game.

This proposal could create some of the strangest Friday morning ticket lines in the history of public entertainment—with everyone jockeying to remain at the end of the line.

We are told that local telecasts of local games would not affect game attendance when the tickets have already been sold and that in any event the League's only interest is in selling tickets to NFL games—when each member club has a very strong interest in achieving full attendance at its games even when all of the tickets have been sold and all of the League's experience supports the proposition that local telecasts of local games can have a dramatic impact on attendance even where tickets have been sold.

We are told that the proposal would not negatively affect the member clubs in any other way—when the proposal would in fact destroy the value of the clubs' radio rights and introduce factors of speculation and confusion into the sale of the member clubs' television rights.

We are even told the proposal would add to the clubs' sources of income—which amounts to the rather remarkable contention that the clubs are stubbornly and for no rational reason resisting the opportunity to make more money.

The League is also told that the proposal is entirely practical—when fact issues could arise in half-a-dozen or so League cities every weekend—visiting club ticket returns, standing room stadiums.

Now what are the facts?

Professional football differs from other professional sports in a variety of ways. Among the most significant is that it simply cannot be played often. An NFL club's entire regular season consists of 14 games. A baseball team's regular season consists of 162 games, a basketball team and a hocky team play around 80 games.

Because of this, football has to *maximize* attendance. It can't offset well-attended games against games which are not well-attended. An entire regular season home game schedule consists of only seven games and full-houses at each of these games become a football club's *minimum* objective.

It is surprising how many people do not focus on this single factor. A comparison of the crowds at football games and at other sports contests gives a totally false impression.

One of the results of this is that every cost factor is compressed into the same limited game schedule. And that includes stadium rentals. If you had chosen to examine Judge Lehr on this yesterday, you would have found that the Kansas City Chiefs will produce revenue for the stadium authorities in 1972 at a figure of $590,000 in rental alone, that the stadium authorities get 50 percent of the concessions and the parking, that the Chiefs are responsible for all maintenance, staffing, and care of the stadium (estimated at $500,000 annually), and that the Chiefs "nut" for the stadium use annually will run at about $2.4 million per year (in rent, upkeep and principal and interest on their own investment in the stadium). And this is for only eleven games.

Still another factor which distinguishes football is the manner in which television is used. Relative to the number of games actually being played, football offers more television than any other professional sport. The fans in each NFL home territory have access not only to all of the away games of their home teams, but, as an average, a total of 74 NFL game telecasts.

And that concerns me—as it does many other observers of professional football, within Congress and without, who feel that the game is already over-exposed and that there is a real risk of football following the path of professional boxing, which killed itself by TV oversaturation.

And now Congress is proposing to enact a statute making it mandatory that we invade this last precinct of non-telecasting—the home territory of the home team when the team is actually playing at home.

Now let's turn to the $64 question—which seems to be:

"You can't get a ticket, so why not put it on TV?"

How many games were actually sold out?

Fifty-two National Football League games in the 1971 season were not sellouts. Only five, including the Super Bowl, of eight postseason games sold out. And, we ask you to remember, in no case did the public anticipate the possibility of local TV and many of these were achieved by ticket sales taking place right up to the moment of kickoff. Only 9 teams are sold out for their remaining games at the present time.

Despite the fact fans know NFL games will not be televised locally, there are more than one million unsold tickets available for the remaining eleven weeks of the season.

The 17 teams which are not sold out have a total of 904,238 seats available plus 120,073 standing room tickets.

The Super Bowl Champion Dallas Cowboys alone still have 118,480 for their remaining six home games. The New Orleans Saints, with a 78,000-seat, 130-million dollar Superdome under construction, have 129,118 left for just five games at their present location.

Cleveland has nearly 28,000 tickets remaining unsold for a game with Houston on November 5.

The trouble, I think, lies in the fact that many of you gather your impressions of NFL ticket sale circumstances from the abnormal rather than the typical franchise situation—as in Washington, for example, where the situation resembles no other situation within the League.

A major contributing factor to the current interest in professional football has been our television policy—regional telecasts of the away games of each home team (which is not the most economic method of presenting games on television), outside games of other teams liberally offered, and a firm restraint with respect to telecasts which are or may be competitive with the actual game being played locally.

Over-exposure is a potential danger that we have watched carefully in the past decade. Only last December we included a question on it in a special public opinion survey conducted at our expense by Lou Harris. A cross-section of sports fans were surveyed in 1,991 households—as you know, a considerably higher sampling than in the widely accepted political polls—with the following result:

AMOUNT OF PRO FOOTBALL ON TV

[In percent]

	Total football fans	Men	Women
Too much	21	17	27
Too little	7	9	5
About right amount	71	73	67
Not sure	1	1	1

In relation to the over-exposure question, we have watched closely experiences in other sports. Here are some striking examples relating both to over-exposure (best described as too much TV) and to local telecasts of events:

BOXING

We all remember the "Friday Night Fights," but how about the Wednesday Night Fights, the Saturday and the two Mondays? That is correct. At the peak of TV boxing popularity—from January 1953 to January 1955—there were five weekly network boxing telecasts. By May 1958 there were two, by September 1964 there were zero. The sport simply ate itself with overexposure.

BASEBALL

In 1971, with local television available, the seven games of the major league baseball divisional playoff had a total of 74,596 unsold seats. An additional 7,963 went unsold for the sixth game of the World Series and another 4,846 for the seventh and deciding game of the Series.

BASKETBALL

The taxpayers of Nassau County built a modern arena in suburban New York City at a cost of $28,000,000. It opened last spring, although still not completely finished, to meet the demands of the fans who wished to see the surprising New York Nets in the American Basketball Association playoff. On Friday, May 12, a sell-out 15,241 fans attended a playoff game. With more seats completed, there were 15,890 on May 15. Neither game was televised locally. Then, on May 20, for the seventh and deciding game for the ABA Championship paid attendance was only 10,484 with the game on television locally. Similar circumstances existed in Virginia and Utah—two of the ABA's strongest franchises—when the games were televised locally.

A recent collegiate experience with the blackout is most startling. The Georgia at Tulane game on September 23, a regional NCAA telecast, was shown locally in New Orleans and prior to the day of the game we understand only 3,000 tickets had been sold for the 80,000-seat Tulane Stadium.

Contrary to popular public opinion, pro football is not without its own TV-induced attendance problems.

In 1970, the Baltimore Colts concluded the regular season with a record of 51 consecutive sellouts. Then with television available in the Baltimore area from a Washington station, attendance dropped by 20 percent—10,500—for the divisional playoff game with Cincinnati. And for the more important Conference championship game with Oakland the following week in much better weather, 5,300 seats went unsold because of the same TV circumstances.

The above experiences highlight the myth that proclaims all important professional sports contests are sellouts.

There is another factor. Conservatively—and some fans in Washington would probably argue with the count because D.C. Stadium is not included—15 of the 26 NFL Stadiums are considered cold-weather playing sites. Others, like San Francisco and Oakland, are often plagued by rain in late season.

The "no-show" situation is one the NFL is constantly on guard against. Anyone who has watched NFL football on television—particularly games at night when sound carries—is most certainly aware of how much fan participation adds to the excitement and emotion of the sport and to the performance of the teams.

We do not want "no-shows"—persons who purchase tickets and then do not use them. And we will get them in ever-increasing numbers if local telecasts are made mandatory even under sellout conditions.

Consider some of these illustrations, all of which happened with home games blacked out:

The New York Giants each season average 2,000 no-shows per game. Last December 19, a cold, overcast Sunday, 15,134 persons who purchased tickets failed to attend a game with the Philadelphia Eagles.

The New York Jets had 42,525 no-shows for their seven games in 1971, including 16,275 for a game with the Miami Dolphins on rainy October 24. This is not an isolated experience. On November 10, 1968, 24,941 who purchased tickets stayed away from a game with Houston, and on December 3, 1967, there were 29,242 no-shows when the Jets played Denver on a cold, rainy day.

New England in the first year in a new stadium had 23,843 no-shows, including 11,137 as early as October 10 for a sellout with the Jets on a day of driving rain.

There are many, many more illustrations that could be made that occurred in recent seasons throughout the League—even in non-cold weather sites like Atlanta.

The point, however, is that, despite the popularity of professional football, there are many persons who purchase tickets and then do not attend games. The number would soar if games previously blacked out were announced for television, and it should be obvious that persons then would soon stop buying tickets.

In my opinion, the bill being here proposed would in essence be self-defeating. It would virtually assure that in a period of a few years' time there would be no such thing as a sellout and therefore no local television. At the same time it would have made non-buyers of former fans.

Stadiums would also be affected. Rentals are usually based on percentages of the gross. NFL teams ordinarily do not participate in parking income or concessions—which goes either to the stadium authorities or to the baseball tenant. Where they do, the stadium authorities usually receive a sizeable percentage.

As a result, seven NFL teams operate under stadium leases which either prohibit home telecasts or require landlord approval before any home game is telecast.

The city of Cincinnati is guaranteed $500,000 per year from parking at Riverfront Stadium—by a private business concern—no matter how many fans actually drive their cars to the games. This is a contract obviously based on persons showing up for the games, not just buying tickets.

Robert F. Kennedy Stadium in Washington, which is run by the District of Columbia Armory Board through an act of Congress, and which has only the football Redskins as a professional team to attract large crowds, also controls concessions, parking and advertising. Despite capacity crowds which now fill RFK to watch a winning team, there is little chance this would continue under the proposed bill. If ticket holders discover two days before a game that they can stay at home and watch on television or if every fan knows that he is guaranteed the right to see any game of his choice either at home or by visiting the Redskins' office at any time before 1:00 p.m. on Friday, in a few years both ticket sales, attendance, concessions and parking will be affected—to the serious detriment of the stadium itself.

Again and again, the point has been made by proponents of this bill that only games sold out 48 hours in advance would be affected and therefore the bill will do no damage to anybody. But human nature is such that when people get accustomed to having something free they are not likely to be enthusiastic about paying for it on other occasions. As one sports writer has described the present bill, it is a little like a Supermarket announcing that if it sells a certain amount of steaks by Friday, it will give them away over the weekend. Steak sales are not likely to be very promising for the first five days of the week.

There have been six Super Bowls played. The fourth and the sixth were in the city of New Orleans.

Each year after the first (in Los Angeles) we were asked if we were going to have a closed-circuit showing of the game at locations in the city in which it was going to be played so that local persons without tickets could see it on television.

Each time until last January we chose not to in the belief that such an undertaking would not be successful. After the fourth game (in New Orleans) a closed-circuit TV company filed suit against the NFL over our refusal to sell closed-circuit rights.

Last year we permitted that company and others to bid on the sixth game in New Orleans where fans had seen four of the five previous Super Bowls free on home TV.

The result was simply that persons did not buy what they had gotten free in the past. Though tickets were priced at $5 less than stadium tickets, only slightly more than 1,600 fans attended the closed circuit showing which had a total seating capacity of 14,000. The closed-circuit promoter lost more than $25,000 because he failed to understand the psychology of the fan who already had gotten something for nothing in the past.

If home games were to be telecast, many NFL member club radio contracts would be in jeopardy. Metromedia Radio, which has four of our member club contracts, indicated to me that "if blackouts were lifted" it might cause a situation where the club would have to purchase time from the stations to get the broadcasts on the air. Regional radio networks would have to be dropped because the cost factor doesn't justify continuing losses.

It is conceivable that the cancellation of regional radio networks could have seriously damaging effects on smaller radio stations because of a lack of professional football programming availability. It is also important to note that the member clubs participate in many local public service promotions with radio stations along their networks. Many of these promotions are charitable and this blackout measure could result in harming public service efforts for the future.

The 26 member club radio stations have invested over 3 million dollars in NFL game rights. Current ratings on radio broadcasts show an eighty percent drop in audience when the radio station must compete with a telecast of the same game. Wherever this bill applied, the very existence of these broadcasts would be seriously jeopardized.

In short, I think substantially every premise on which this bill proceeds is in error and that experience under it would prove just that. But by that time it will be too late.

I have talked a great deal. I think for a more personal appraisal of the impact of this bill on football clubs, I would like you to hear directly from the owners of the franchises who have accompanied me here today.

AN INSIDER'S ACCOUNT OF THE WATERGATE BUGGING

Mr. TUNNEY. Mr. President, today's edition of the Los Angeles Times contains a very interesting interview with a man named Alfred C. Baldwin III. I think my colleagues would find it particularly informative about the conduct of politics in this country. The Romans had a saying which I think applies very well in this case: "The thing speaks for itself."

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Oct. 5, 1972]

An Insider's Account of the Watergate Bugging

(By Alfred C. Baldwin III, as told to Jack Nelson)

(Note.—Baldwin was a key government witness before the grand jury that indicted men in the Watergate case.)

New Haven, Conn.—Across the street in the Democratic National Committee offices I could see men with guns and flashlights looking behind desks and out on the balcony.

It was a weird scene at Washington's Watergate complex. The men were looking for several persons, including my boss—James W. McCord Jr., who was security director for both President Nixon's Reelection Committee and the Republican National Committee.

A short while later McCord and four other men, all in handcuffs, would be led by police to patrol cars and taken to jail. And a White House consultant would rush into my motel room across the street from the Democratic offices and peer down on the scene before fleeing the area.

I had been using a walkie-talkie and acting as a lookout for McCord and his men, who were engaged in a bugging operation. For three weeks I had monitored conversations on a tapped phone in the Democratic offices.

My mission had been to record all conversations. McCord appeared to be especially interested in any information on Sen. George McGovern and the Democratic Party chairman, Lawrence O'Brien, and anything having to do with political strategy.

When the Committee for the Reelection of the President hired me for security work with Mrs. Martha Mitchell, nothing was said about eventual espionage missions involving electronic eavesdropping.

But then the man I worked directly under, Jim McCord, was not given to long explanations about anything. You would have to know McCord to understand what I mean.

Like myself, McCord is an ex-FBI agent. But he also served 20 years in the Central Intelligence Agency and he is one of those ex-CIA agents who do more listening than talking. When he wants you to do something else, he just tells you. No buildup or anything.

When McCord was ready to switch me from protecting John Mitchell's wife to other security work, he simply told me that the President's reelection committee had other work for me. Contrary to some press reports, I got along fine with Mrs. Mitchell during the days I protected her. She is a vivacious person and I found working with her fascinating.

But I felt any work with the reelection committee would be fascinating and I like Jim McCord.

I NEVER questioned McCord's orders. I felt he was acting under orders and with full authority. After all, his boss was John Mitchell, the committee director and former attorney general of the United States. And his superior was President Nixon.

If that was not enough to impress me with McCord's authority of official standing, we were surrounded by former White House aides, McCord said were "on loan" to the committee.

My involvement with the committee began May 1 when McCord telephoned my home in Hamden, Conn. He had secured a résumé I had filed with the Society of Ex-FBI Agents in New York and had reviewed it and several other résumés on file with this society. He felt that because of my age, background and marital status—I am 36 and single—I was best suited for the position.

He said they (the committee) needed someone immediately so I took a plane to Washington that night and registered at the Roger Smith Hotel where we met the next morning. He emphasized that although the job was temporary, it could be a steppingstone to a permanent position after President Nixon's reelection.

We walked a block down the street to the Reelection Committee headquarters at 1701 Pennsylvania Ave., a block from the White House, and McCord took me on a tour of committee offices on several floors. As different persons passed, McCord would say things like, "that's so and so, he's from the White House" or "there's another one who's on loan from the White House."

We went to the office of Fred LaRue to get approval for my employment and McCord said, "Mr. LaRue is over from the White House. He's John Mitchell's right-hand man."

LaRue was friendly enough, but very businesslike. McCord read some brief data he had jotted down on the back of an envelope: "Al Baldwin, ex-FBI agent, former Marine captain, law degree, taught police science. . . ."

LaRue looked me up and down. I was in standard FBI dress—conservative suit, white shirt and tie and black, wing-tipped shoes. Our conversation was brief. I think he asked if I was prepared to travel and I said, "yes sir." He replied, "okay, that's fine."

McCord later issued me a loaded .38-snubnosed police special and said, "you'll wear this." I had no permit or official identification and questioned whether I was authorized to carry it.

He handed me a card bearing his name and the name of the reelection committee and said: "You're working for the former attorney general and there's no way a policeman or any other law enforcement officer is going to question your right to carry that weapon. But if you have any problem, have them call me."

In McCord's office at committee headquarters I noticed extensive electronic equipment—walkie-talkies, television surveillance units and various other devices. The top to a fancy briefcase was open, exposing considerable electronic equipment. I was told it was a debugging unit.

McCord told me I would be accompanying Mrs. Mitchell on a trip to Michigan and New York. He issued me $800—eight brand new $100 bills—and said it was for food, drinks, tips and incidental expenses for the trip.

In Michigan, where Mrs. Mitchell attended several affairs, we were joined by LaRue. He mentioned to me at one point that the pistol I was carrying had once been his weapon. As far as I knew, he was not in security work and I did not know why he would have needed a pistol. But I asked no questions.

From Michigan we went to New York City. One of the FBI's bullet-proof limousines used by the late J. Edgar Hoover met us at Grand Central Station and took us to a suburban town where we stayed for two days. When we left, the same limousine picked us up and carried us back to Grand Central Station. I was impressed.

The campaign trip lasted for seven days. Upon our return to Washington I was called up to the Mitchell apartment in the Watergate where Mitchell thanked me for the job I had done.

I had expected to leave in two days on another trip with his wife, but McCord said she was not feeling well and the situation was so "delicate" that Fred LaRue was accompanying her. He said he had other security work for me and he advanced me another $500—five brand new $100 bills.

"M'CORD GAVE ME A CODE NAME, BILL JOHNSON"

At McCord's direction, I moved from the Roger Smith Hotel to the Howard Johnson Motel across the street from the Watergate. I checked into Room 419, which he had registered under McCord Associates, the name of his security firm.

McCord gave me a code name, Bill Johnson, and instructed me to investigate antiwar demonstrations that were occurring in Washington about that time. I was supposed to try to learn of any plans of demonstrators to damage Republican headquarters or to disrupt the Republican Convention in Miami in August.

I still had no committee identification, however, and twice authorities had to telephone the committee to establish my credentials. Once a Secret Service agent stopped me at the Capitol and another time security police stopped me at Andrews Air Force Base. Both times the committee vouched for my credentials.

On May 24, after about two weeks of covering demonstrations, I visited my home in Hamden. When I returned to Washington the next day, I found Jim McCord in Room 419 surrounded by an array of electronic equipment, including walkie-talkies and the debugging case that had been in his office at the reelection committee.

A sophisticated receiving set, which McCord later said was worth approximately $15,000, was in a large blue Samsonite suitcase. There was a portable radio with shortwave band and an array of tape recorders and other pieces of equipment.

McCord said, "I want to show you some of this equipment and how we're going to use it." Just like that, no preliminaries and no explanations of why we would use it.

"You'll be doing some monitoring on this equipment," he said, and proceeded to show me how to operate the monitoring unit.

Then he took the room telephone apart and inserted a tap in it. To test the device, he dialed a local number for a recorded announcement. The tap picked up the message.

McCord pointed across the street to the Watergate and said, "we're going to put some units over there tonight and you'll be monitoring them." He didn't have to tell me; I knew the Democratic National Committee offices were in the Watergate.

From the balcony outside Room 419, I watched McCord walk across Virginia Ave. and enter the Watergate complex. Subsequently he appeared at a window of the Democratic offices and I could see at least one other person and perhaps two with him.

McCord later returned to the motel room and said, "we've got the units over there." He began adjusting the monitoring unit.

We were not sure whose telephones had been tapped. They had tapped one telephone they believed belonged to Lawrence O'Brien and had tapped another one they hoped belonged to a staff official close to O'Brien.

McCord finally picked up a conversation on one phone on the monitoring unit. At first we thought the phone was used by a man named Spencer, then we decided it was used by a man named Oliver. Finally, we realized it was used by a man named Spencer Oliver, who happened to be coordinator of the state Democratic Party chairmen.

A number of persons besides Oliver used his phone too. Over the next three weeks I would monitor approximately 200 telephone conversations. Some dealing with political strategy and others concerning personal matters. With several secretaries and others using the phone, apparently in the belief it was one of the more private lines in the Democratic offices, some conversations were explicitly intimate.

"We can talk," a secretary would say, "I'm on Spencer Oliver's phone."

McCord told me two men who were working with him were coming into the motel room and he would introduce us by code names since we were all involved in security work. He introduced them as Ed and George. I have since learned they were G. Gordon Liddy and E. Howard Hunt Jr., former White House aides.

McCord explained the monitoring devices and other electronic equipment to Liddy and Hunt. They stayed a short while, then left.

On May 26 McCord told me "We're going into another area tonight."

About midnight McCord and I left in his car and headed toward the Capitol. He was driving and holding a walkie-talkie, which he hooked on and held out through the car window. He finally contacted another unit as we neared the Capitol and said we were approaching the area.

He told me to keep an eye open for a Volkswagen, there was someone in it who would be working with us. On a street near the Capitol we passed a small building bearing a McGovern headquarters sign and McCord pointed and said, "That's what we're interested in right there."

Not until then did I realize the target was McGovern headquarters. An upstairs light was on and a drunk was standing in front of the building..

McCord pointed to a row of buildings across the street from McGovern headquarters and said, "We're trying to rent a place over there where you'll be doing the same thing you're doing in the other place."

As we passed a parked car about a block from McGovern headquarters, a voice came in over McCord's walkie-talkie: "You just went by us, did you see us?"

McCord replied that he had and pulled our car alongside the parked car. There were people in the front and back seats.

A man stepped from the car, walked over to our car and slid into the seat beside me and started talking to McCord without even acknowledging I was there. It was Liddy, I could not identify the persons in the back seat.

Liddy, who acted as though he was McCord's superior, was carrying an attaché case. But he did not open it. On a subsequent visit to the monitoring room at the motel he inadvertently left the case. The only item in it at that time was a high-powered pellet pistol, wrapped in a towel.

McCord cruised around the McGovern headquarters as he and Liddy talked. Liddy, holding onto his attaché case, expressed concern about a spotlight that illuminated the back of the building and asked, "do you think we ought to take it out?" McCord said he thought it would not be a problem.

McCord and Liddy seemed to be nervous because the Volkswagen had failed to show up and because the drunk was still in front of the building. Finally, about 3:30 a.m., Liddy say, "we can't do it tonight; we'll have to do it another night."

We let Liddy out of his car and McCord drove me back to the motel where I would resume my monitoring activities. There was no set time for monitoring. The Democrats worked weird hours, like on Sundays and some days until 3 or 4 in the morning. And when I was in the room, I was monitoring from the time I got up until I went to bed.

I would keep an eye on the little TV-type screen on the monitoring unit. A constant line ran across the screen when the tapped phone was not in use. When someone started using the phone, the line would scatter and I would quickly put on the earphones.

The first couple of days I monitored it, I wrote a log of the calls in longhand. But after that McCord brought a typewriter and I typed the logs from my notes. I kept them in duplicate and gave both copies to McCord.

Initially, I would write "Unit 118" in the upper right hand corner of the log. But McCord, realizing that this was the actual frequency monitored, told me to use a code number and I started using the number 418.

I would also write the date and page number in the upper right hand corner. In the body of the log on the left side I would designate the time and write "Unit On." Then I would drop down a line and mark the time of the first recorded conversation and specify "call in" or "call out." I would then write the contents of the conversation.

McCord pointed to a row of build- * * * twice a day to pick up the logs. Sometimes the logs would be only a page or two long, but on a busy day they might run to six pages.

When something important in the logs would catch McCord's eye, he would quickly sit down and type up a memo from information in the logs. He would start the memo with "A confidential source reports."

Sometimes when I monitored conversations I thought were especially important I telephoned him at the reelection committee and told him there was something of interest to him. The first couple of times I called I started to tell him about the conversation, but he said, "don't talk about it over the telephone. I'll come over."

A few days after the monitoring began, McCord instructed me to find another room that would give us a better view of the Democratic offices and perhaps help us establish contact with the tap there that we had been unable to monitor.

I checked us into Room 723 with a view directly across from the Democratic offices.

About June 6 McCord left for Miami, advising that he would be gone only a day. The next day he telephoned, however, and said he had been delayed. I replied that I had recorded some important conversations. He did not want to discuss them on the telephone but instructed me to deliver my original logs to an official at the President's reelection committee.

He said to put the logs in an envelope and to staple and tape the envelope. He gave me the name of an official and I wrote it on an envelope. It was someone I believed was superior to McCord, although I can't recall his name, but it was not Liddy or Hunt.

That evening I carried the envelope to the committee headquarters. An elderly guard was on duty in the lobby of the building and he took the envelope, recognized the name on it and said he would see to it that the official received it.

McCord told me that he was in Miami checking on security arrangements being made for the Democratic and Republican conventions. He said that during the Democratic conventions we'd be needed in Miami for monitoring and other security work and that the President's committee had already opened a suite of hotel rooms down there. For about two weeks we had been trying without success to determine O'Brien's whereabouts. Also McCord was interested in the precise location of O'Brien's office since he was uncertain that the tap he had been unable to monitor was actually on O'Brien's phone.

On June 12 McCord told me to visit the Democratic committee offices under my code name to find out what I could about O'Brien's whereabouts and the location of his office. Since I am from Connecticut and familiar with the Democratic Party officials there, I passed myself off as a nephew of our state chairman, John Bailey.

"This is Bill Johnson of Connecticut, a nephew of John Bailey," said a secretary who introduced me around.

O'Brien's secretary said, "Oh, yes, would you like to see Mr. O'Brien's office? This used to be your uncle's office."

It was the first time I knew that Bailey was a former national chairman of the Democratic Party.

I made a mental note of the office's location overlooking the Potomac River, and I asked if anyone knew O'Brien's whereabouts. His secretary said he was somewhere in Miami and subsequently I was furnished O'Brien's telephone number in Miami.

I returned to the motel room and gave McCord the number and we went over a sketch of O'Brien's office. He seemed extremely pleased.

There were also plans to return to McGovern's headquarters on the weekend. McCord said, "You know the place we were at the other night? We've got to go back there."

Later, Liddy and Hunt came into the motel room. With McCord they walked out on the balcony and looked over toward the Democratic offices.

Before Liddy left, he reached into his inside coat pocket and withdrew an envelope containing a thick stack of brand new $100 bills. He counted off about 16 or 18 bills and handed them to McCord, who put them in his wallet.

"FIRST LISTENING DEVICE I HAD SEEN UNATTACHED TO A PHONE"

On Friday evening, June 16, McCord displayed a unit that I thought looked like door chimes. He removed the unit's cover, exposing a sophisticated electronic device.

Then to test the device he put it next to the television set and turned the set on. The unit picked up the television reception. It was a bug, as opposed to a telephone tap, and was the first listening device I had ever seen unattached to a phone.

Later in the evening McCord displayed a shopping bag full of different kinds of tools and equipment—screwdrivers, wires, batteries and soldering irons. The room ended up looking like a small electronics workshop.

McCord indicated to me that in addition to placing new devices at the Democratic headquarters, the unit we had been unable to monitor would either be removed from the offices or put in a new location in the offices.

We both continued working on the devices for some time. During a telephone conversation McCord said he might have to wait until another night to carry out the mission . . . some guy was still working in the Democratic offices.

Suddenly I saw the light in the committee offices go off and I told McCord, "Hey, look. The guy's leaving now."

McCord told the other party that the light had been turned off and that they could proceed. Then he handed me a walkie-talkie and said he was going across the street. He said, "If you see anything unusual, any activity, anybody around, you get on this and let us know."

He took his wallet, change, car keys and other items from his trouser pockets and dropped them on the bed. He left the room with a raincoat over his arm. After he left, I noticed that the listening device that looked like door chimes was missing.

I walked out on the balcony and watched him cross Virginia Ave. and walk into the Watergate complex.

Less than an hour later, the lights on the entire floor above the Democratic committee offices went on. I picked up the walkie-talkie—I don't remember whether I identified myself as "unit 1" or "base"—but I said, "We've got some activity."

A man whose voice I did not recognize—it was not McCord—responded, "What have you got?"

I mentioned the lights going on and he replied, "Okay, we know about that, that's the 2 o'clock guard check. Let us know if the lights go on any other place."

My watch indicated it was 2:15. I figured the guard check was late.

Not long after that a car parked in front of the Watergate and three men got out and went inside. I wondered if that meant anything, but I did not use the walkie-talkie at that time.

Suddenly, a few minutes later, the lights went on inside the Democratic offices. I noticed the figures of three men. At least two of them came out on the balcony. They were casually dressed and were carrying flashlights and guns. I could see one man in the office holding a gun in front of him and looking behind desks.

"WE'VE GOT SOME PEOPLE AND THEY'VE GOT GUNS"

Watching from the balcony outside my room, I grabbed the walkie-talkie and said, "Base to any unit." A voice came back: "What have you got?"

I said, "Are our people dressed casually or are they in suits?"

An anxious voice asked, "What?" I repeated the question.

"Our people are dressed in suits," the voice said.

"Well," I answered, "we've got problems. We've got some people dressed casually and they've got guns. They're looking around the balcony and everywhere, but they haven't come across our people."

The man on the other end sounded absolutely panic stricken now and started calling: "Are you reading this? Are you reading this?"

Receiving no reply, he then added: "They don't have the unit on or it's not turned up. Are you still in the room?"

I replied: "Right."

He said: "Stay there. I'll be right over."

By now, there was all kinds of police activity—motorcycles and paddywagons driving up and guys jumping out of patrol cars and running up to the Watergate. Then I saw two men carrying suitcases casually walking out of the hotel section. I recognized one as Hunt, he glanced up at the balcony where I stood, and then with the other man walked over and entered a car parked in front of the Watergate. The two of them drove away.

Moments later I was contacted on the

walkie-talkie again and told: "We're on the way up. Be there in a minute." I said, "You'd better not park near this building, police are all over the place."

He said, "Okay."

Then I heard a voice from another unit whisper, "They've got us." Then McCord's voice came through: "What are you people? Are you metropolitan police or what?"

Another voice demanded: "What's that?" And then the unit went silent. I tried to renew the contact, but to no avail.

A few minutes later Hunt, wearing a windbreaker, rushed into the room. He was extremely nervous.

"What do you see?" he asked.

I told him I saw McCord and some other men being led away from the Watergate in handcuffs. He walked over, looked down at the scene and then said: "I've got to call a lawyer."

Picking up the phone, he dialed a local number. "They've had it," he told the party on the other end, adding: "Well, I've got $5,000 in cash with me we can use for bond money."

Hunt, hanging up the phone, turned and asked if I knew where McCord lived. I said yes, I had been to his house in Rockville, Md., a Washington suburb. He instructed me to pack all the equipment and take it to McCord's house and asked if I had a place to go.

I said I could go to my home in Connecticut and he said, "Well, get all this stuff out of here and you get out of here. Somebody will be in touch with you."

With that, he threw his walkie-talkie on the bed and rushed from the room. "Does that mean I'm out of a job?" I shouted after him. But he disappeared down the hallway without answering.

LOWERING THE AGE FOR SERVICE IN THE HOUSE AND SENATE

Mr. PERCY. Mr. President, over 10 months ago the Senator from Indiana (Mr. Bayh), chairman of the Constitutional Amendments Subcommittee of the Judiciary Committee introduced Senate Joint Resolution 170. This joint resolution, sponsored in the House by Representative Drinan, proposes an amendment to the Constitution which would lower the age of eligibility for service in the House and Senate by 3 years.

Article I, section 2, clause 2 of the Constitution requires that all Representatives be at least 25 years of age, while article I, section 3, clause 3 establishes a minimum of 30 years of age for service in the Senate. This joint resolution proposes a 3-year reduction in the age limitation to 22 years of age for service in the House and 27 years of age for service in the Senate.

I feel such action consistent with action taken by this body and three-fourths of the States just over 1 year ago in lowering the voting age by 3 years. I was pleased to be a cosponsor of the joint resolution, now the 26th amendment to the Constitution, which lowered the voting eligibility age by 3 years from 21 to 18. Senate Joint Resolution 170 seems to me to be a reasonable and equitable followup to our earlier efforts, and I am pleased to be a cosponsor of this resolution.

Section I of the proposed constitutional amendment changes the lowest age for qualification for the House of Representatives from 25 to 22 years. Section 2 lowers the age of eligibility for the Senate from 30 to 27 years.

Our young people have been told repeatedly that our governmental system affords all an equal opportunity to work for desired reforms from within. To lower the age of eligibility for service in the House and Senate would further participation of young people in making changes in our Government. The youth of this country, like many of our senior citizens, have too often been overlooked by our democratic system. Far too many have lost faith in being able to influence change which is necessary for a representative democracy to function properly in such a highly skilled and technocratic society as we have. We should provide the opportunity for younger people to serve in our legislative bodies.

When the 26th amendment was added to our Constitution, over 25 million additional citizens became eligible to vote for the first time. Congress and the people of this Nation have recognized that young people are more responsible, better educated, and more aware of our political processes than those of earlier generations.

A great deal of testimony was received by the Constitutional Amendments Subcommittee regarding the changes in the physical and intellectual maturity that have occurred in our population since the Constitutional Convention. The noted anthropologist, Margaret Mead, informed the subcommittee that Americans mature 3 years earlier than at the turn of the century. I have long been aware that wisdom, political or otherwise, is not necessarily increased by advancing years. Many of the younger generation are sophisticated and mature well beyond their years, and persons of all ages are beginning to recognize this fact.

Very little discussion regarding age limitations for service in Congress ensued during the Constitutional Convention in 1787. All that is apparent from a study of both the primary and most notable secondary sources is that the framers of the Constitution agreed there should be some correlation between age and corresponding degrees of responsibility. It has been speculated that since service in the State legislatures was open to those aged 21, the higher age levels for Federal service were reasonable at that time, in light of the more extensive responsibility the framers set for the Federal legislature.

The attitudes of the Founding Fathers on the entire question are very ambiguous; therefore, no accurate theory for the age standards in the Constitution can be ascertained from the legislative history. Even if this amendment were adopted, however 42 States would still have lower age requirements for service in their lower House, while 18 States would have lower limits for upper House qualification.

These age limitations have remained in the Constitution since its adoption. Constitutional history reveals that the Congress has never considered these two clauses, and no previous amendments seeking a change in these age limitations have been offered.

However, at least five amendments to the Constitution since the adoption of the original Bill of Rights have had as their underlying purpose an expansion of the democratic system, opening our system to more and more citizens. Lowering the age limitations for service in Congress would further this goal.

Finally, I must emphasize that I can find few arguments against this proposed amendment. Our young people are subject to the taxes Congress levies on them, the military draft we ask them to accept, and the air we have allowed to become polluted. It is now time to give these young people the opportunity to help decide the future of our Nation. They are the ones who will have to live in this country, and this amendment encourages them to take an active interest in helping to solve our problems. We cannot afford to ostracize ourselves from the innovation, idealism, and creativity these citizens could bring to our chambers.

EAST-WEST TRADE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record the text of a speech I made before the East-West Trade Council Symposium on National Policy Trends in East-West Trade, earlier today in Washington, D.C.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Future of East-West Trade

The timing of this conference on National Policy Trends in East-West Trade is most interesting. The signs of U.S.-U.S.S.R. detente are all around us—Foreign Minister Gromyko is even sleeping at Camp David—though we must guard seditiously against euphoria. What would have been regarded as "strange bedfellows" only a short time ago is now accepted and welcomed by most Americans. Clearly, it is even good politics in this presidential election year for the President of the United States to be photographed with the Soviet Foreign Minister one month before the general election.

I welcome the better relationship that now seems possible between the United States and the Soviet Union. I have strongly welcomed and supported the Strategic Arms Limitation Talks (SALT) both in the Senate Foreign Relations Committee and on the floor and was at the White House just this Tuesday for the ceremonies formally putting into effect the treaty limiting defensive missiles which was signed in Moscow last May by President Nixon and Chairman Brezhnev. In addition to lessening tensions between the United States and the Soviet Union, it is my hope that over time this treaty will lead to a reduction in the defense budgets of both countries. While the percentage of the U.S. budget spent for defense is far lower than that in the Soviet budget, U.S. defense expenditures levels remain far too high particularly as the United States is moving into a budgetary crisis situation.

As the participants in this conference are well aware, I have been concerned about the Soviet exit visa policy. Clearly the persons most adversely affected by this outrageous policy are Soviet citizens who also happen to be Jews.

In my mind and apparently in the minds of nearly three-quarters of the members of the U.S. Senate, there is a link between the Soviet exit visa policy and the economic international trade legislation that the U.S. Congress will be called upon to consider if economic relations with the Soviet Union are to improve to the full extent that now seems feasible.

In passing the Vanik amendment, the House of Representatives has given a similar indication. The widespread nature of this congressional concern raises questions as to the future enactment of such legislation if the present Soviet policy stands.

But for the purposes of the rest of this speech I will refrain from a further discussion of this issue on the assumption that the issue will be resolved before the Congress is called upon to consider the legislative elements involved in any U.S.-U.S.S.R. trade agreement. And let us fervently hope that this will be the case, since no one, in my opinion, should wish for confrontation on this issue; those who might would be abusing and exploiting a very legitimate moral issue—the present Soviet exit visa policy.

Let me now turn to the substantive economic issues. The implementation of a U.S.-U.S.S.R. trade agreement will require far reaching Congressional action. Clearly, the granting of conditional or unconditional "most favored nation" treatment to the non-market economies not now enjoying this status will require Congressional action. The Johnson Act will also have to be revised. The act now prohibits certain financial transactions by private persons in the United States involving foreign governments which are in default of payments of their obligations to the United States unless they are members of the International Monetary Fund (IMF) or the International Bank for Reconstruction and Development (IBRD). It is my understanding that the Johnson Act specifically refers to the making of private loans to such countries and to the purchase or sale of bond securities or other obligations of foreign governments. There have been rulings by past Attorneys General of the United States which have exempted normal commercial trade credits from the provisions of the Johnson Act. However, the present provisions of the Johnson Act would seem to prevent the type of U.S.-U.S.S.R. joint projects which have been mentioned. In addition to the U.S.S.R all countries of Eastern Europe with the exception of Bulgaria and Rumania are in default on their payments to the U.S., thereby coming within the jurisdiction of the Johnson Act.

Secretary Peterson in his excellent report—U.S. Soviet Commercial Relations in a New Era—has raised additional questions with legislative implications such as:

"What is the appropriate way for the U.S. Government to facilitate the co-ordination and implementation of these (long-term credit and investment) decisions?"

"What is an appropriate outer limit of U.S. Government involvement in these projects or to our dependence on Soviet sources of gas?"

"Are new financial institutions needed to finance and perhaps even coordinate these vast joint efforts? Public? Joint U.S.-Soviet?"

There are also questions as to future possible revisions of ExIm bank legislation, Overseas Private Investment Corporation (OPIC) legislation and the Export Administration Act.

As this legislative shopping list is considered, it must be put in the framework of the legislative program that the Congress has already scheduled for itself next year as well as the priorities in the legislative program that will be submitted by the 2nd Nixon Administration.

Clearly, tax reform legislation will be a matter of priority attention before the House Ways and Means Committee and the Senate Finance Committee—Committees which also have jurisdiction over trade matters such as "most favored nation" treatment for non-market economies.

There also has been much speculation that major new trade legislation will be forthcoming in 1973 or 1974. This raises the whole series of questions regarding the relationship of the legislation necessary to implement a Trade Agreement with the Soviet Union to the badly needed, more generalized trade legislation.

Let me give you an example of what I mean. It is my understanding that in this Congress the Administration was reluctant to push legislation granting MFN to Rumania because it feared that this would open the door to the generalized trade legislation and bring on a test of protectionist and isolationist sentiment and perhaps the showdown on the Hartke-Burke bill. A legitimate question to ask concerning the next session of the Congress is whether the protectionist forces which now have gained such strength can be effectively contained. This question is germane whether the Administration decides to send up one overall trade bill package including some form of MFN for non-market economies or whether it seeks the more limited objective of economic legislation solely designed to implement the economic accords reached with the Soviet Union which parallel the SALT accords.

In this regard, it is worth noting that there is growing concern that the turnaround in the U.S. trade account in the years ahead arising from the Smithsonian agreement may not be as large as had first been hoped. Dr. Arthur Burns gave public expression to his concern about the future trade account in a recent appearance before the Joint Economic Committee. There is increasing speculation that the trade deficit for this calendar year may approach $6.5 billion and that 1973 may show a similar deficit. This, of course, will affect the general climate for any trade legislation particularly since the Administration—unlike Dr. Burns—has created an optimistic expectation concerning our future balance of trade position. I believe in well founded optimism—however, optimism for the sake of optimism could help contribute to an adverse legislative climate.

I regard the future legislative battle that is shaping up over trade legislation in the next Congress as being crucial to the future course of the United States and the world over this decade and perhaps the rest of this century. If there is one message that I would like to leave at this conference it is this:

Those interested in promoting better East-West trade must concern themselves with the broader issue of which direction the United States is going to take in its trading relations with the free world. It is a contradiction in terms to feel that we could adopt a protectionist course for our long-time allies in the free world while substantially liberalizing trade relations with the non-market economies. Liberalization of trade with the non-market economies can only be achieved in the context of a further liberalization of trade among the countries of the free world.

I would also caution that those interested in investment possibilities in Eastern Europe and the Soviet Union must concern themselves with the broader issue of what tax treatment will be accorded the American multinational corporation in the years ahead. I fully expect that the present tax rules of the game as they affect the multinational corporation will come under serious challenge in the next Congress. If provisions similar to those of Title I of the Hartke-Burke bill secure Congressional enactment, the whole question of future U.S. investment in Eastern Europe and the Soviet Union may be rendered academic.

Thus, in conclusion, I am convinced that next year will be a watershed year in the course of the international economic policy of the United States. Since the President has gone about as far as he can go in many areas without new legislative authority, the role of the next Congress will be crucial in shaping the future direction the U.S. is to take in its international economic relations. This, in turn, will have enormous repercussions on our political and military relations with all countries. The present and future trends in East-West trade must be viewed in this broader framework. The challenge to us is that better East-West trade relations with non-market economies cannot be promoted, compatible with protectionist trade restraints and investment restrictions as to other countries.

TRIBUTE TO REPRESENTATIVE DWYER

Mr. CASE. Mr. President, Representative Florence P. Dwyer was the recipient last Sunday of the Westfield-Mountainside B'nai B'rith Americanism Award. This is indeed fitting recognition of her service in the Congress and of her efforts in behalf of her constituents over the years. The award ceremony was described in an article in the Westfield (N.J.) Leader, and I ask unanimous consent, Mr. President, that the article be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Westfield (N.J.) Leader, Sept. 28]

Two Hundred Attend B'nai B'rith Award Program for Dwyer

Over 200 people attended the cocktail reception and Americanism Award program held Sunday evening at Temple Emanu-El here to honor Congresswoman Florence P. Dwyer (R-12th) who received the Westfield-Mountainside B'nai B'rith Americanism Award. Senator Clifford P. Case was the guest speaker and he lauded Mrs. Dwyer's long service in Congress and her efforts in behalf of her constituency.

Dignitaries from all over the county were in attendance including Westfield Mayor Donn Snyder, New Providence Mayor Edward Bien, as well as Norris Kamler, former councilman in Westfield; Fred Ort, councilman-New Providence; Ray Bonnell, councilman-New Providence; Mrs. Joan Geer, municipal chairman, Fanwood; Victor Nemeth, Republican chairman of Garwood, Paul O'Keefe, councilman, Plainfield; Irving Velinsky, former Republican chairman of Plainfield; Richard Schoel, Union County Republican chairman; David Rothberg, councilman, Plainfield; William Conrad, mayor, Kenilworth; and Michael Kisseberth, vice chairman Union County Republican Committee.

Also attending were Jerry English, Democratic candidate for Mrs. Dwyer's seat as well as her opponent Matthew Rinaldo. Mrs. Dwyer is retiring after this session of Congress after serving eight terms.

Other Democrats in attendance included Lawrence Weiss, John Mollozzi and Louis Bender.

Telegrams and letters of congratulations were sent by Governor Cahill, Arthur A. Manner, Assemblyman; Mary C. Kananae, surrogate and Walter E. Ulrich, Freeholder.

The program was chaired by Herbert Ross, past president with a committee including Dr. A. Leon Ackerman, David Bregman, Stanley Daitch, Robert Eisenberg, Joseph Fox, Chester Fienberg, Dr. Burton Feinsmith, Marvin Harlan, Morris Kamler, Dr. Eric Kulp, Daniel Rotte, Dr. Harold Shichman, Dr. Morton Weinstein, Don Wortzel and Robert Wollman.

Mrs. Dwyer's remarks responding to the presentation of the award follow:

"I deeply appreciate this honor, and I shall cherish it always.

"First, because it comes from an organization I have greatly admired and respected for many, many years. B'nai B'rith occupies a critical place in the life of this nation. No other organization has fought more steadfastly or effectively for values which are fundamental to the American way of life: personal freedom, political liberty, and equal opportunity.

"These values can never be taken for granted. They are too precious and, regrettably, too subject to attack for reasons which

> sometimes have a superficial appeal. Which is why it is so important to know that B'nai B'rith is always there, ready to fight with courage and understanding.
>
> "And second, because this Americanism Award will help inspire others to a greater willingness to stand up and be counted when that best is being challenged.
>
> "It is deeply gratifying to know that you count me as one who has helped to fight the good fight. If one is known by the friends one makes, I am, indeed, the most fortunate of people."

THE PROPOSED SENATE PARKING FACILITY

Mr. GRAVEL. Mr. President, there apparently is a rather widespread belief that the Senate is about to descend on some of its Capitol Hill neighbors with wrecking bars and bulldozers.

This erroneous speculation was given birth by Senate passage of a bill authorizing the purchase of land in the block north of the New Senate Office Building for future development as a parking facility. The purchase of land and planning studies are the only activities authorized by the bill for this block.

As Members of the Senate know, our side of Capitol Hill is a virtual desert as far as commercial amenities are concerned. Therefore, we are understandably in no hurry to deny ourselves, our staffs, and our visitors the availability of the three enterprises located in the block we will buy—the Monocle restaurant, the Capitol Hill Hotel, and Ann's newsstand.

While the land and buildings in the block may be purchased soon, the Architect of the Capitol has been authorized to lease the facilities to the present occupants until we are actually ready to start building the parking garage.

I recognize the serious parking needs of the Senate, but it would be foolish for us to raze all of the buildings and let the land stand empty until garage plans are made and the project funded.

WILLIAM M. McCULLOCH

Mr. MATHIAS. Mr. President, I rise today to say a word of thanks to a man from whom I have learned a great deal, William M. McCulloch. At the end of this Congress, Representative McCulloch will be retiring, and those of us who know and worked with him will indeed feel his absence.

When I came to the House of Representatives as a result of the 1960 election, it was as much a surprise as an honor to be elected to the Committee on the Judiciary. While I had great respect for the committee and tremendous enthusiasm for its mission, I was as green as the hills of Maryland from which I had just come and, obviously, my work on the committee would be shaped by the committee leadership. To the extent that I was able to make any contribution in the 8 years I served, I owe an enormous debt to Congressman McCulloch for the opportunity and the encouragement he consistently afforded me.

In retrospect, they were momentous years. The inventory of the bills enacted into law during that time is not only impressive for its volume but is significant because, unlike much of the work that is done in Congress, it did change the lives of Americans.

Congressman McCulloch was a part of each of these stirring events. His interaction with Dwight Eisenhower, with John Kennedy, with Lyndon Johnson and Richard Nixon, with Charlie Halleck, Jerry Ford, Everett Dirksen, Hugh Scott, Bob Kennedy, Nick Katzenbach and many others is a part of every statute enacted. With it all, he stood back and let those of us who served with him on the committee have the privilege of action in the most exciting arena in town.

Those are days we will not forget and achievements that will not be forgotten. I am grateful to Bill McCulloch for having made them possible.

(This marks the end of the routine morning business transacted during the day.)

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of calendar No. 1042, H.R. 13915.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

> Calendar 1042 (H.R. 13915), a bill to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, this legislation will be on the first track. I would hope that the Senate would cooperate with the leadership so that other legislation—not the supplemental appropriations bill or the debt ceiling legislation—could come up on which agreements can be made and, if time allows, could be taken up later in the day.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. Mr. President, I deeply and sincerely appreciate the action of the distinguished majority leader.

I realize that he is also acting for the Republican leadership and speaking as the joint leadership in making this matter the pending business to be considered on tomorrow as the unfinished business.

The Senator from Alabama had no doubt whatsoever that the distinguished majority leader would take this action at this time. And I could not ask for a fairer disposition of the matter. It certainly gives the Senate an opportunity to work its will on the bill, and that is all that the proponents of the measure could possibly ask for, that it be laid before the Senate to let the Senate take such action as it sees fit with respect to the bill.

So, I express on behalf of myself and on behalf of all Senators and all Members of the Congress and all people throughout the country that are interested in this legislation our very deep and sincere appreciation to the distinguished majority leader for taking this action at this time.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator.

INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS

Mr. ALLEN. Mr. President, I ask unanimous consent, without displacing the pending business, that it be in order for me to make a motion to reconsider the action taken on the conference report on the pesticide bill this afternoon, because we did not move to reconsider the vote by which the conference report was agreed to and move to lay that motion on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, I move, having voted with the prevailing side, that the Senate reconsider the vote by which it agreed to the conference report on H.R. 10729, the pesticide bill.

Mr. HART. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MOSS, NELSON, HART, MAGNUSON, HARRIS, ROBERT C. BYRD, AND SCOTT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Moss, Nelson, Hart, Magnuson, Harris, Robert C. Byrd, and Scott.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the foregoing 15-minute orders, there be a period for the transaction of routine morning business for not to exceed 15 minutes with the statements made therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for today is as follows:

The Senate will convene at 11 a.m. today. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 mintues and in the order stated: Moss, Nelson, Hart, Magnuson, Harris, Robert C. Byrd, and Scott.

Following the foregoing 15-minute orders, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements made therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business, Calendar Order No. 1042 (H.R. 13915) a bill to further the achievement of equal educational opportunities.

Conference reports can be called up at any time. Yea-and-nay votes can occur thereon.

ADJOURNMENT TO 11 A.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. today.

The motion was agreed to; and at 1:20 a.m., Friday, October 6, 1972, the Senate adjourned until 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 5 (legislative day of October 4), 1972:

INTERSTATE COMMERCE COMMISSION

Rupert L. Murphy, of Georgia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978.

Chester M. Wiggin, Jr., of New Hampshire, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973.

HOUSE OF REPRESENTATIVES—*Thursday, October 5, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And He spoke a parable unto them to the end, that men ought always to pray and not to faint.—Luke 18: 1.

Eternal Spirit, who hast taught us that we ought always to pray and to faint not, we come to Thee for the help Thou alone canst give to our human hearts.

We who are weary would seek rest in Thee.

We who are heavy laden would find strength in Thy spirit.

We who are tempted to take the low road would discover in Thee power to walk along the high road.

We who are anxious and troubled about many things would find peace in Thy presence.

We who dwell in a world of insecurity would find in Thee a security the world cannot give and cannot take away.

Enable us to go forward in the sure confidence that amid the trials and troubles of these times Thou art with us and with Thee is strength for the day and peace at eventide.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California as wilderness;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes;

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; and

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) entitled "Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2280) entitled "An act to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Cannon, Mr. Hartke, Mr. Beall, and Mr. Weicker to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15657. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2952. An act to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport; and

S.J. Res. 217. Joint resolution to create an Atlantic Union delegation.

The message also announced that the Senate had voted to override the President's veto of the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes, his objections notwithstanding.

CONVEYANCE OF LANDS OF THE UNITED STATES TO STATE OF TENNESSEE FOR USE OF UNIVERSITY OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 2, after "the" where it appears the first time insert: "educational".

Page 3, line 7, after "Tennessee)" insert: ", and if such property ceases to be used for such purposes, as determined by the Administrator of General Services, title thereto shall revert to and become the property of the United States which shall have the right of immediate entry thereon".

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments added on in the other body?

Mr. JONES of Tennessee. I shall be glad to.

This bill originally passed the House on May 1, 1972, by a vote of 318 to 9.

The Senate amendments add a 'reverter clause" so that the land involved will revert to the United States if it is not used for public educational purposes.

Mr. HALL. It would seem in this instance that the other body had better judgment and fulfilled that which we developed in colloquy on the floor of the House at the time this bill was passed; is that correct?

Mr. JONES of Tennessee. That is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

Mr. DUNCAN. Mr. Speaker, the gentleman from Oklahoma (Mr. BELCHER), on the Committee on Agriculture, has no objection to this, and I support it.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. MAHON. Mr. Speaker, will the gentleman withhold temporarily?

Mr. HALL. No, sir; I will not, Mr. Speaker. I insist on my point of order. We are performing legislative business at this time, before the 1-minute speeches have been complete, and I insist on my point of order.

The SPEAKER. The Chair would change the procedure if the gentleman from Missouri (Mr. HALL) would withhold the point of order. Would the gentleman consider that?

Mr. HALL. Mr. Speaker, we have performed legislative business here, and there is no evidence of a quorum being present. I insist on my point of order.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Mr. PERKINS. Mr. Speaker, will the gentleman withhold that request?

The SPEAKER. The Chair has announced the absence of a quorum, and the House cannot proceed until a quorum is established. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 412]

Abourezk
Anderson, Tenn.
Ashley
Aspinall
Badillo
Baring
Bell
Bevill
Blanton
Boggs
Bow
Cabell
Celler
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Colmer
Conyers
Culver
Davis, Ga.
Davis, S.C.
Devine
Dow
Dowdy
Dwyer
Edmondson
Esch
Evans, Colo.
Ford, Gerald R.
Fraser
Galifianakis
Gallagher
Giaimo
Gray
Green, Oreg.
Griffiths
Gross
Gude
Hagan
Halpern
Hanna
Hastings
Hathaway
Hébert
Holifield
Keith
Kyros
Lloyd
Long, La.
Lujan
McClure
McCormack
McCulloch
McEwen
Mann
Mathias, Calif.
Melcher
Mills, Md.
Minshall
Mollohan
Murphy, N.Y.
O'Konski
O'Neill
Purcell
Reid
Riegle
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Sandman
Scherle
Scheuer
Schmitz
Scott
Sikes
Staggers
Steed
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Vigorito
Wilson, Charles H.

The SPEAKER. On this rollcall 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is going to recognize Members who have individual unanimous-consent requests.

The Chair cannot determine, when a Member rises, whether he has a legislative purpose for rising or whether he has a unanimous-consent request to make and desires something to be put into the RECORD.

After that, the Chair will recognize any Member who has a unanimous-consent request in connection with business.

COMMISSION MUST SAY "NO" TO CONGRESSIONAL PAY HIKE

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, it has come to my attention that the Commission on Executive, Legislative, and Judicial Salaries is being reconstituted again this fiscal year in accordance with an ill-advised law passed in 1967. Rumors are flying that the Commission will again recommend pay increases for top Federal officials in all three branches of the Federal Government, including Senators and Congressmen.

I ask all Members of Congress to urge this Commission to carefully examine the longtime financial situation of this country. If the Commission will do so, it will come to the inescapable conclusion that there be no salary increase whatsoever for Congressmen, Senators, and other top Federal officials in the next Congress.

We face enormous Federal spending problems as it is, a Federal debt approaching $465 billion, and stubborn inflation that we are just beginning to ease. Red-ink deficits in the last 2 years have run over $46 billion and may well exceed $30 billion this year. It would be a cruel injustice to overburdened taxpayers to tolerate any increases under these circumstances.

The need to set an example of fiscal restraint at the top has never been greater. We cannot ask the public to operate under wage and price restraints and then exempt ourselves from controls. Self-discipline must apply to Congress as well as our countrymen.

After all, nobody forced us at bayonet point to run for Congress. We do not have to be here. We are supposed to be motivated by a desire to be of public service, not financial greed.

A resident in our Fairmont area reacted to reports that such a pay hike may be in the wind by asking "Have those knuckleheads gone crazy?" If we allow a pay hike to take place, then we deserve to be called a bunch of knuckleheads.

OUTRAGEOUS ORDER ENTERED BY JUDGE SIRICA

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, I wish to call to the attention of the House the outrageous order entered yesterday in the Watergate bugging case; entered at the request of the lawyers for the defendants in the Watergate bugging attempt with the consent of the Justice Department.

This order goes beyond anything in my legal experience and applies to the parties, to their attorneys, to the witnesses, to prospective witnesses, and to all persons who might be affected by the outcome of the case—and presumably applies to every sustaining member of the Democratic National Committee, a group of some 60,000 to 100,000 persons. It is another example of the length to which the Justice Department will go to suppress discussion of this case in the interest of the Nixon campaign.

THE PROPOSED $250 BILLION SPENDING CEILING

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, should Congress enact a $250 billion expenditure ceiling for the current fiscal year? It has been said that, if such a ceiling is not enacted, the expenditures may reach $256 billion, an increase of about $6 billion—a 2-percent increase.

A $250 billion ceiling contemplates a deficit in Federal funds for this fiscal year of $32.4 billion. It is a little difficult to follow the rationale that, if the deficit is $32 billion, there is no threat of increased taxes, but that, if the deficit is $38 billion, increased taxes are practically assured. Either of these deficit figures are unacceptable from many standpoints.

Unfortunately, the media have not brought into sharp focus the central issue of whether it is wise for Congress to delegate to the executive branch the authority to amend existing law. This is a different matter than the deferral of spending of appropriated funds.

Certainly, it would indeed be good if spending could be reasonably held to $250 billion or less. Is it reasonable, however, for Congress in undertaking to cope with the fiscal problem to delegate to the executive branch the authority to amend existing law? I for one do not think so.

Such delegation of constitutional authority and power would tend to undermine our American system of government.

The submission of more realistic budgets and the approval by Congress of spending programs based upon the availability of funds to finance them represents the best answer to our dilemma.

APPOINTMENT OF CONFEREES ON H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, FLOOD, ADDABBO, MCFALL, FLYNT, MINSHALL, RHODES, DAVIS of Wisconsin. WYMAN, and BOW.

COMMUNICATION FROM THE CLERK OF THE HOUSE—AMERICAN CIVIL LIBERTIES UNION, INC. AGAINST W. PAT JENNINGS ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 5, 1972.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: The Clerk of the House of Representatives has this date been served an unattested copy of the Complaint, together with Exhibits A and B, dated September 29, 1972 in the civil action American Civil Liberties Union, Inc. v. W. Pat Jennings, Clerk of the United States House of Representatives, Elmer B. Staats, Comptroller General of the United States, and Phillip S. Hughes, Director of Federal Elections, General Accounting Office, Civil Action No. 1967–72 in the United States District Court for the District of Columbia.

On October 3, 1972 a hearing in the District Court was held by Judge Barrington D. Parker on this action. At that hearing the Clerk of the House presented himself as an observer and advised the U.S. Attorney representing the defendants that: 1) service had not been accomplished on the Clerk; 2) that the Clerk had not had the opportunity to comply with the Rules and Precedents of the House and had not laid the matter before them; 3) that the Clerk had not yet exercised his right under House Resolution 955 to choose counsel in this action; and that the Clerk had not requested representation by the Attorney General under 2 U.S.C. 118, and requested that the Court be so advised. Judge Parker thereupon ordered that the Clerk of the House be served by the American Civil Liberties Union, Inc. a copy of the complaint. Under the rules of the court the Clerk has five days after service to respond thereon.

The Complaint in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

WASHINGTON, D.C.,
October 5, 1972.

Hon. HAROLD H. TITUS, Jr.
U.S. Attorney for the District of Columbia, Washington, D.C.

DEAR MR. TITUS: I am sending you a copy of the complaint in Civil Action No. 1967–72 in the United States District Court for the District of Columbia against me in my official capacity as Clerk of the U.S. House of Representatives served on me this date by a representative of the American Civil Liberties Union, Inc.

In accordance with the provision of 2 USC 118, I respectfuly request that you take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General in defense of this suit against the Clerk of the U.S. House of Representatives. I am also sending you a copy of the letter I forwarded this date to the Attorney General of the United States.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.
October 5, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: I was this date served with the attached copy of a complaint in Civil Action No. 1967–72 in the United States District Court for the District of Columbia.

In accordance with the provisions of 2 USC 118, I have sent a copy of the complaint in this action to the U.S. Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10729, PESTICIDE CONTROL ACT, UNTIL MIDNIGHT TOMORROW

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow night to file a conference report on H.R. 10729.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my friend from Texas if the committee has completed its work?

Mr. POAGE. Yes, it has.

Mr. HALL. Then why can the report not be filed by midnight tonight?

Mr. POAGE. Simply because we have not gotten it written up. Our staff was busy, as the gentleman knows, until a rather late hour last night.

Mr. HALL. I will say, Mr. Speaker, it has been, in the waning days of the "squeeze play" for pressure legislation in Congress, the duly adopted custom to grant unanimous consent for those that are ready for filing on a day certain, but not for procrastinated delay, on the basis that we are unnecessarily filling up the calendar pending adjournment sine die.

Does the gentleman have some emergency or urgent circumstances involving this bill?

Mr. POAGE. Well, this is the pesticide legislation. We feel that if we can get the report in this week, since we are not going to be in session tomorrow and we are not going to be in session Monday, we will be in position to take it up next week. If we cannot get it in next week, the whole thing may die; that we do not know. If we were going to be in session tomorrow, of course, we would not ask for it.

Mr. HALL. Mr. Speaker, in keeping with other similar requests, I am constrained to object.

Mr. Speaker, I do object.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10729, PESTICIDE CONTROL ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on H.R. 10729.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92–1540)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Federal Environmental Pesticide Control Act of 1972".

AMENDMENTS TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 2. The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the Federal Insecticide, 'Fungicide, and Rodenticide Act'.

"(b) TABLE OF CONTENTS.—

"Section 1. Short title and table of contents.
"(a) Short title.
"(b) Table of contents.
"Sec. 2. Definitions.
"(a) Active ingredient.
"(b) Administrator.
"(c) Adulterated.
"(d) Animal.
"(e) Certified applicator, etc.
"(1) Certified applicator.
"(2) Private applicator.
"(3) Commercial applicator.
"(4) Under the direct supervision and control of a certified applicator.
"(f) Defoliant.
"(g) Desicant.
"(h) Device.
"(i) District court.
"(j) Environment.
"(k) Fungus.
"(l) Imminent hazard.
"(m) Inert ingredient.
"(n) Ingredient statement.
"(o) Insect.
"(p) Label and labeling.
"(1) Label.
"(2) Labeling.
"(q) Misbranded.
"(r) Nematode.
"(s) Person.
"(t) Pest.
"(u) Pesticide.
"(v) Plant regulator.
"(w) Producer and produce.
"(x) Protect health and the environment.
"(y) Registrant.
"(z) Registration.
"(aa) State.
"(bb) Unreasonable adverse effects on the environment.
"(cc) Weed.
"(dd) Establishment.
"Sec. 3. Registration of pesticides.
"(a) Requirement.

"(b) Exemptions.
"(c) Procedure for registration.
"(1) Statement required.
"(2) Data in support of registration.
"(3) Time for acting with respect to application.
"(4) Notice of application.
"(5) Approval of registration.
"(6) Denial of registration.
"(d) Classification of pesticides.
"(1) Classification for general use, restricted use, or both.
"(2) Change in classification.
"(e) Products with same formulation and claims.
"(f) Miscellaneous.
"(1) Effect of change of labeling or formulation.
"(2) Registration not a defense.
"(3) Authority to consult other Federal agencies.
"Sec. 4. Use of restricted use pesticide: certified applicators.
"(a) Certification procedure.
"(1) Federal certification.
"(2) State certification.
"(b) State plans.
"Sec. 5. Experimental use permits.
"(a) Issuance.
"(b) Temporary tolerance level.
"(c) Use under permit.
"(d) Studies.
"(e) Revocation.
"Sec. 6. Administrative review; suspension.
"(a) Cancellation after five years.
"(1) Procedure.
"(2) Information.
"(b) Cancellation and change in classification.
"(c) Suspension.
"(1) Order.
"(2) Expedite hearing.
"(3) Emergency order.
"(4) Judicial review.
"(d) Public hearings and scientific review.
"(e) Judicial review.
"Sec. 7. Registration of establishments.
"(a) Requirement.
"(b) Registration.
"(c) Information required.
"(d) Confidential records and information.
"Sec. 8. Books and records.
"(a) Requirement.
"(b) Inspection.
"Sec. 9. Inspection of establishments, etc.
"(a) In general.
"(b) Warrants.
"(c) Enforcement.
"(1) Certification of facts to Attorney General.
"(2) Notice not required.
"(3) Warning notices.
"Sec. 10. Protection of trade secrets, etc.
"(a) In general.
"(b) Disclosure.
"Sec. 11. Standards applicable to pesticide applicators.
"(a) In general.
"(b) Separate standards.
"Sec. 12. Unlawful acts.
"(a) In general.
"(b) Exemptions.
"Sec. 13. Stop sale, use, removal, and seizure.
"(a) Stop sale, etc., orders.
"(b) Seizure.
"(c) Disposition after condemnation.
"(d) Court costs, etc.
"Sec. 14. Penalties.
"(a) Civil penalties.
"(1) In general.
"(2) Private pesticide applicator.
"(3) Hearing.
"(4) References to Attorney General.
"(b) Criminal penalties.
"(1) In general.
"(2) Private pesticide applicator.
"(3) Disclosure of information.
"(4) Acts of officers, agents, etc.
"Sec. 15. Indemnities.
"(a) Requirement.
"(b) Amount of payment.
"(1) In general.
"(2) Special rule.
"Sec. 16. Administrative procedure; judicial review.
"(a) District court review.
"(b) Review by Court of Appeals.
"(c) Jurisdiction of district courts.
"(d) Notice of judgments.
"Sec. 17. Imports and exports.
"(a) Pesticides and devices intended for export.
"(b) Cancellation notices furnished to foreign governments.
"(c) Importation of pesticides and devices.
"(d) Cooperation in international efforts.
"(e) Regulations.
"Sec. 18. Exemption of Federal agencies.
"Sec. 19. Disposal and transportation.
"(a) Procedures.
"(b) Advice to Secretary of Transportation.
"Sec. 20. Research and monitoring.
"(a) Research.
"(b) National monitoring plan.
"(c) Monitoring.
"Sec. 21. Solicitation of public comments; notice of public hearings.
"Sec. 22. Delegation and cooperation.
"Sec. 23. State cooperation, aid, and training.
"(a) Cooperative agreements.
"(b) Contracts for training.
"Sec. 24. Authority of States.
"Sec. 25. Authority of Administrator.
"(a) Regulations.
"(b) Exemption of pesticides.
"(c) Other authority.
"Sec. 26. Severability.
"Sec. 27. Authorization for appropriations.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(a) ACTIVE INGREDIENT.—The term 'active ingredient' means—

"(1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"(b) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(c) ADULTERATED.—The term 'adulterated' applies to any pesticide if:

"(1) its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;

"(2) any substance has been substituted wholly or in part for the pesticide; or

"(3) any valuable constituent of the pesticide has been wholly or in part abstracted.

"(d) ANIMAL.—The term 'animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

"(e) CERTIFIED APPLICATOR, ETC.—

"(1) CERTIFIED APPLICATOR.—The term 'certified applicator' means any individual who is certified under section 4 as authorized to use or supervise the use of any pesticide which is classified for restricted use.

"(2) PRIVATE APPLICATOR.—The term 'private applicator' means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

"(3) COMMERCIAL APPLICATOR.—The term 'commercial applicator' means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (2).

"(4) UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR.—Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

"(f) DEFOLIANT.—The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"(g) DESICCANT.—The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"(h) DEVICE.—The term 'device' means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

"(i) DISTRICT COURT.—The term 'district court' means a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.

"(j) ENVIRONMENT.—The term 'environment' includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

"(k) FUNGUS.—The term 'fungus' means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other animals and those on or in processed food, beverages, or pharmaceuticals.

"(l) IMMINENT HAZARD.—The term 'imminent hazard' means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91–135.

"(m) INERT INGREDIENT.—The term "inert ingredient' means an ingredient which is not active.

"(n) INGREDIENT STATEMENT.—The term 'ingredient statement' means a statement which contains—

"(1) the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and

"(2) if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.

"(o) INSECT.—The term 'insect" means any of the numerous small intertebrate animals generally having teh body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

"(p) LABEL AND LABELING.—

"(1) LABEL.—The term 'label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

"(2) LABELING.—The term 'labeling' means all labels and all other written, printed, or graphic matter—

"(A) accompanying the pesticide or device at any time; or

"(B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

"(q) MISBRANDED.—

"(1) A pesticide is misbranded if—

"(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 25(c)(3);

"(C) it is an imitation of, or is offered for sale under the name of, another pesticide;

"(D) its label does not bear the registration number assigned under section 7 to each establishment in which it was produced;

"(E) any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment;

"(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment.

"(2) A pesticide is misbranded if—

"(A) the label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or displayed under customary conditions of purchase, except that a pesticide is not misbranded under this subparagraph if:

"(i) the size of form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and

"(ii) the ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, permitted by the Administrator;

"(B) the labeling does not contain a statement of the use classification under which the product is registered;

"(C) there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing—

"(i) the name and address of the producer, registrant, or person for whom produced;

"(ii) the name, brand, or trademark under which the pesticide is sold;

"(iii) the net weight or measure of the content: *Provided,* That the Administrator may permit reasonable variations; and

"(v) when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide under this Act, and the use classification; and

"(D) the pesticide contains any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by this Act—

"(i) the skull and crossbones;

"(ii) the word 'poison' prominently in red on a background of distinctly contrasting color; and

"(iii) a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.

"(r) NEMATODE.—The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

"(s) PERSON.—The term 'person' means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

"(t) PEST.—The term 'pest' means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).

"(u) PESTICIDE.—The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

"(v) PLANT REGULATOR.—The term 'plant regulator' means any substance or mixture of substances intended, through psychological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term 'plant regulator' shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

"(w) PRODUCER AND PRODUCE.—The term 'producer' means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device. The term 'produce' means to manufacture, prepare, compound, propagate, or process any pesticide or device.

"(x) PROTECT HEALTH AND THE ENVIRONMENT.—The terms 'protect health and the environment' and 'protection of health and the environment' mean protection against any unreasonable adverse effects on the environment.

"(y) REGISTRANT.—The term 'registrant' means a person who has registered any pesticide pursuant to the provisions of this Act.

"(z) REGISTRATION.—The term 'registration' includes reregistration.

"(aa) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"(bb) UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.—The term 'unreasonable adverse effects on the environment' means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

"(cc) WEED.—The term 'weed' means any plant which grows where not wanted.

"(dd) ESTABLISHMENT.—The term 'establishment' means any place where a pesticide or device is produced, or held, for distribution or sale.

"SEC. 3. REGISTRATION OF PESTICIDES.

"(a) REQUIREMENT.—Except as otherwise provided by this Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered with the Administrator.

"(b) EXEMPTIONS.—A pesticide which is not registered with the Administrator may be transferred if—

"(1) the transfer is from one registered establishment to another registered establishment operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment; or

"(2) the transfer is pursuant to and in accordance with the requirements of an experimental use permit.

"(c) PROCEDURE FOR REGISTRATION.—

"(1) STATEMENT REQUIRED.—Each applicant for registration of a pesticide shall file with the Administrator a statement which includes—

"(A) the name and address of the applicant and of any other person whose name will appear on the labeling;

"(B) the name of the pesticide;

"(C) a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use;

"(D) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted in support of an application shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by section 10(b). If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If the owner of the test data does not agree with said determination, he may, within thirty days, take an appeal to the federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. In no event shall the amount of payment determined by the court be less than that determined by the Administrator;

"(E) the complete formula of the pesticide; and

"(F) a request that the pesticide be classified for general use, for restricted use, or for both.

"(2) DATA IN SUPPORT OF REGISTRATION.—The Administrator shall publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide and shall revise such guidelines from time to time. If thereafter he requires any additional kind of information he shall permit sufficient time for applicants to obtain such additional information. Except as provided by subsection (c)(1)(D) of this section and section 10, within 30 days after the Administrator registers a pesticide under this Act he shall make available to the public the data called for in the registration statement together with such other scientific information as he deems relevant to his decision.

"(3) Time for acting with respect to application.—The Administrator shall review the data after receipt of the application and shall, as expeditiously as possible, either register the pesticide in accordance with paragraph (5), or notify the applicant of his determination that it does not comply with the provisions of the Act in accordance with paragraph (6).

"(4) Notice of application.—The Administrator shall publish in the Federal Register, promptly after receipt of the statement and other data required pursuant to paragraphs (1) and (2), a notice of each application for registration of any pesticide if it contains any new active ingredient or if it would entail a changed use pattern. The notice shall provide for a period of 30 days in which any Federal agency or any other interested person may comment.

"(5) Approval of registration.—The Administrator shall register a pesticide if he determines that, when considered with any restrictions imposed under subsection (d)—

"(A) its composition is such as to warrant the proposed claims for it;

"(B) its labeling and other material required to be submitted comply with the requirements of this Act;

"(C) it will perform its intended function without unreasonable adverse effects on the environment; and

"(D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The Administrator shall not make any lack of essentially a criterion for denying registration of any pesticide. Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other.

"(6) Denial of registration.—If the Administrator determines that the requirements of paragraph (5) for registration are not satisfied, he shall notify the applicant for registration of his determination and of his reasons (including the factual basis) therefor, and that, unless the applicant corrects the conditions and notifies the Administrator thereof during the 30-day period beginning with the day after the date on which the applicant receives the notice, the Administrator may refuse to register the pesticide. Whenever the Administrator refuses to register a pesticide, he shall notify the applicant of his decision and of his reasons (including the factual basis) therefor. The Administrator shall promptly publish in the Federal Register notice of such denial of registration and the reasons therefor. Upon such notification, the applicant for registration or other interested person with the concurrence of the applicant shall have the same remedies as provided for in section 6.

"(d) Classification of Pesticides.—

"(1) Classification for general use, restricted use, or both.—

"(A) As a part of the registration of a pesticide the Administrator shall classify it as being for general use or for restricted use, provided that if the Administrator determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted use, he shall classify it for both general use and restricted use. If some of the uses of the pesticide are classified for general use and other uses are classified for restricted use, the directions relating to its general uses shall be clearly separated and distinguished from those directions relating to its restricted uses: *Provided, however*, That the Administrator may require that its packaging and labeling for restricted uses shall be clearly distinguishable from its packaging and labeling for general uses.

"(B) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies, for general use.

"(C) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use:

"(i) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied for any use to which the restricted classification applies only by or under the direct supervision of a certified applicator.

"(ii) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation. Any such regulation shall be reviewable in the appropriate court of appeals upon petition of a person adversely affected filed within 60 days of the publication of the regulation in final form.

"(2) Change in classification.—If the Administrator determines that a change in the classification of any use of a pesticide from general use to restricted use is necessary to prevent unreasonable adverse effects on the environment, he shall notify the registrant of such pesticide of such determination at least 30 days before making the change and shall publish the proposed change in the Federal Register. The registrant, or other interested person with the concurrence of the registrant, may seek relief from such determination under section 6(b).

"(e) Products With Same Formulation and Claims.—Products which have the same formulation, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added to the registration by supplemental statements.

"(f) Miscellaneous.—

"(1) Effect of change of labeling or formulation.—If the labeling or formulation for a pesticide is changed, the registration shall be amended to reflect such change if the Administrator determines that the change will not violate any provision of this Act.

"(2) Registration not a defense.—In no event shall registration of an article be construed as a defense for the commission of any offense under this Act: *Provided*, That as long as no cancellation proceedings are in effect registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and packaging comply with the registration provisions of the Act.

"(3) Authority to consult other Federal agencies.—In connection with consideration of any registration or application for registration under this section, the Administrator may consult with any other Federal agency.

"Sec. 4. Use of Restricted Use Pesticides; Certified Applicators

"(a) Certification Procedure.—

"(1) Federal certification.—Subject to paragraph (2), the Administrator shall prescribe standards for the certification of applicators of pesticides. Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by such individual's certification.

"(2) State certification.—If any State, at any time, desires to certify applicators of pesticides, the Governor of such State shall submit a State plan for such purpose. The Administrator shall approve the plan submitted by any State, or any modification thereof, if such plan in his judgment—

"(A) designates a State agency as the agency responsible for administering the plan throughout the State;

"(B) contains satisfactory assurances that such agency has or will have the legal authority and qualified personnel necessary to carry out the plan;

"(C) gives satisfactory assurances that the State will devote adequate funds to the administration of the plan;

"(D) provides that the State agency will make such reports to the Administrator in such form and containing such information as the Administrator may from time to time require; and

"(E) contains satisfactory assurances that State standards for the certification of applicators of pesticides conform with those standards prescribed by the Administrator under paragraph (1).

Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

"(b) State Plans.—If the Administrator rejects a plan submitted under this paragraph, he shall afford the State submitting the plan due notice and opportunity for hearing before so doing. If the Administrator approves a plan submitted under this paragraph, then such State shall certify applicators of pesticides with respect to such State. Whenever the Administrator determines that a State is not administering the certification program in accordance with the plan approved under this section, he shall so notify the State and provide for a hearing at the request of the State, and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such plan.

"Sec. 5. Experimental Use Permits.

"(a) Issuance.—Any person may apply to the Administrator for an experimental use permit for a pesticide. The Administrator may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under section 3. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

"(b) Temporary Tolerance Level.—If the Administrator determines that the use of a pesticide may reasonably be expected to result in any residue on or in food or feed, he may establish a temporary tolerance level for the residue of the pesticide before issuing the experimental use permit.

"(c) Use Under Permit.—Use of a pesticide under an experimental use permit shall be under the supervision of the Administrator, and shall be subject to such terms and conditions and be for such period of time as the Administrator may prescribe in the permit.

"(d) Studies.—When any experimental use permit is issued for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, the Administrator may specify that studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment. All results of such studies shall be reported to the Administrator before such pesticide may be registered under section 3.

"(e) Revocation.—The Administrator may revoke any experimental use permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

"(f) State Issuance of Permits.—Notwithstanding the foregoing provisions of this section, the Administrator may, under such terms and conditions as he may by regulations prescribe, authorize any State to issue an experimental use permit for a pesticide. All provisions of section 4 relating to State plans shall apply with equal force to a State plan for the issuance of experimental use permits under this section.

"Sec. 6. Administrative Review; Suspension

"(a) Cancellation After Five Years—

"(1) Procedure.—The Administrator shall cancel the registration of any pesticide at the end of the five-year period which begins on the date of its registration (or at the end of any five-year period thereafter) unless the registrant, or other interested person with the concurrence of the registrant, before the end of such period, requests in accordance with regulations prescribed by the Administrator that the registration be continued in effect: *Provided*, That the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is canceled under this subsection or subsection (b) to such extent, under such conditions, and for such uses as he may specify if he determines that such sale or use is not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment. The Administrator shall publish in the Federal Register, at least 30 days prior to the expiration of such five-year period, notice that the registration will be canceled if the registrant or other interested person with the concurrence of the registrant does not request that the registration be continued in effect.

"(2) Information.—If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the Administrator.

"(b) Cancellation and Change in Classification.—If it appears to the Administrator that a pesticide or its labeling or other material required to be submitted does not comply with the provisions of this Act or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment, the Administrator may issue a notice of his intent either—

"(1) to cancel its registration or to change its classification together with the reasons (including the factual basis) for his action, or

"(2) to hold a hearing to determine whether or not its registration should be canceled or its classification changed.

Such notice shall be sent to the registrant and made public. The proposed action shall become final and effective at the end of 30 days from receipt by the registrant, or publication, of a notice issued under paragraph (1), whichever occurs later, unless within that time either (i) the registrant makes the necessary corrections, if possible, or (ii) a request for a hearing is made by a person adversely affected by the notice. In the event a hearing is held pursuant to such a request or to the Administrator's determination under paragraph (2), a decision pertaining to registration or classification issued after completion of such hearing shall be final.

"(c) Suspension.—

"(1) Order.—If the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings, he may, by order, suspend the registration of the pesticide immediately. No order of suspension may be issued unless the Administrator has issued or at the same time issues notice of his intention to cancel the registration or change the classification of the pesticide.

"Except as provided in paragraph (3), the Administrator shall notify the registrant prior to issuing any suspension order. Such notice shall include findings pertaining to the question of 'imminent hazard'. The registrant shall then have an opportunity, in accordance with the provisions of paragraph (2), for an expedited hearing before the Agency on the question of whether an imminent hazard exists.

"(2) Expedite hearings.—If no request for a hearing is submitted to the Agency within five days of the registrant's receipt of the notification provided for by paragraph (1), the suspension order may be issued and shall take effect and shall not be reviewable by a court. If a hearing is requested, it shall commence within five days of the receipt of the request for such hearing unless the registrant and the Agency agree that it shall commence at a later time. The hearing shall be held in accordance with the provisions of subchapter II of title 5 of the United States Code, except that the presiding officer need not be a certified hearing examiner. The presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator, who shall then have seven days to render a final order on the issue of suspension.

"(3) Emergency order.—Whenever the Administrator determines that an emergency exists that does not permit him to hold a hearing before suspending, he may issue a suspension order in advance of notification to the registrant. In that case, paragraph (2) shall apply except that (i) the order of suspension shall be in effect pending the espeditious completion of the remedies provided by that paragraph and the issuance of a final order on suspension, and (ii) no party other than the registrant and the Agency shall participate except that any person adversely affected may file briefs within the time allotted by the Agency's rules. Any person so filing briefs shall be considered a party to such proceeding for the purposes of section 16(b).

"(4) Judicial review.—A final order on the question of suspension following a hearing shall be reviewable in accordance with Section 16 of this Act, notwithstanding the fact that any related cancellation proceedings have not been completed. Petitions to review orders on the issue of suspension shall be advanced on the docket of the courts of appeals. Any order of suspension entered prior to a hearing before the Administrator shall be subject to immediate review in an action by the registrant or other interested person with the concurrence of the registrant in an appropriate district court, solely to determine whether the order of suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. The effect of any order of the court will be only to stay the effectiveness of the suspension order, pending the Administrator's final decision with respect to cancellation or change in classification. This action may be maintained simultaneously with any administrative review proceeding under this section. The commencement of proceedings under this paragraph shall not operate as a stay of order, unless ordered by the court.

"(d) Public Hearings and Scientific Review.—In the event a hearing is requested pursuant to subsection (b) or determined upon by the Administrator pursuant to subsection (b), such hearing shall be held after due notice for the purpose of receiving evidence relevant and material to the issues raised by the objections filed by the applicant or other interested parties, or to the issues stated by the Administrator, if the hearing is called by the Administrator rather than by the filing of objections. Upon a showing of relevance and reasonable scope of evidence sought by any party to a public hearing, the Hearing Examiner shall issue a subpena to compel testimony or production of documents from any person. The Hearing Examiner shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, the subpena may be enforced by an appropriate United States district court in accordance with the principles stated herein. Upon the request of any party to a public hearing and when in the Hearing Examiner's judgment it is necessary or desirable, the Hearing Examiner shall at any time before the hearing record is closed refer to a Committee of the National Academy of Sciences the relevant questions of scientific fact involved in the public hearing. No member of any committee of the National Academy of Sciences established to carry out the functions of this section shall have a financial or other conflict of interest with respect to any matter considered by such committee. The Committee of the National Academy of Sciences shall report in writing to the Hearing Examiner within 60 days after such referral on these questions of scientific fact. The report shall be made public and shall be considered as part of the hearing record. The Administrator shall enter into appropriate arrangements with the National Academy of Sciences to assure an objective and competent scientific review of the questions presented to Committees of the Academy and to provide such other scientific advisory services as may be required by the Administrator for carrying out the purposes of this Act. As soon as practicable after completion of the hearing (including the report of the Academy) but not later than 90 days thereafter, the Administrator shall evaluate the data and reports before him and issue an order either revoking his notice of intention issued pursuant to this section, or shall issue an order either canceling the registration, changing the classification, denying the registration, or requiring modification of the labeling or packaging of the article. Such order shall be based only on substantial evidence of record of such hearing and shall set forth detailed findings of fact upon which the order is based.

"(e) Judicial Review.—Final orders of the Administrator under this section shall be subject to judicial review pursuant to section 16.

"Sec. 7. Registration of Establishments.

"(a) Requirement.—No person shall produce any pesticide subject to this Act in any State unless the establishment in which it is produced is registered with the Administrator. The application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such establishment.

"(b) Registration.—Whenever the Administrator receives an application under subsection (a), he shall register the establishment and assign it an establishment number.

"(c) INFORMATION REQUIRED.—

"(1) Any producer operating an establishment registered under this section shall inform the Administrator within 30 days after it is registered of the types and amounts of pesticides—

"(A) which he is currently producing;

"(B) which he has produced during the year; and

"(C) which he has sold or distributed during the past year.

The information required by this paragraph shall be kept current and submitted to the Administrator annually as required under such regulations as the Administrator may prescribe.

"(2) Any such producer shall, upon the request of the Administrator for the purpose of issuing a stop sale order pursuant to section 13, inform him of the name and address of any recipient of any pesticide produced in any registered establishment which he operates.

"(d) CONFIDENTIAL RECORDS AND INFORMATION.—Any information submitted to the Administrator pursuant to subsection (c) shall be considered confidential and shall be subject to the provisions of section 10.

"SEC. 8. BOOKS AND RECORDS

(a) REQUIREMENT.—The Administrator may prescribe regulations requiring producers to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of this Act. No records required under this subsection shall extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

"(b) INSPECTION.—For the purposes of enforcing the provisions of this Act, any producer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy: (1) all records, showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Any inspection with respect to any records and information referred to in this subsection shall not extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

"SEC. 9. INSPECTION OF ESTABLISHMENTS, ETC.

"(a) IN GENERAL.—For purposes of enforcing the provisions of this Act, officers or employees duly designated by the Administrator are authorized to enter at reasonable times, any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides or devices, packaged, labeled, and released for shipment, and samples of any containers or labeling for such pesticides or devices.

Before undertaking such inspection, the officers or employees must present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

"(b) WARRANTS.—For purposes of enforcing the provisions of this Act and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this Act have been violated, officers or employees duly designated by the Administrator are empowered to obtain and to execute warrants authorizing—

"(1) entry for the purpose of this section;

"(2) inspection and reproduction of all records showing the quantity, date of shipment, and the name of consignor and consignee of any pesticide or device found in the establishment which is adulterated, misbranded, not registered (in the case of a pesticide), or otherwise in violation of this Act and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and

"(3) the seizure of any pesticide or device which is in violation of this Act.

"(c) ENFORCEMENT.—

"(1) CERTIFICATION OF FACTS TO ATTORNEY GENERAL.—The examination of pesticides or devices shall be made in the Environmental Protection Agency or elsewhere as the Administrator may designate for the purpose of determining from such examinations whether they comply with the requirements of this Act. If it shall appear from any such examination that they fail to comply with the requirements of this Act, the Administrator shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Administrator it appears that the provisions of this Act have been violated by such person, then the Administrator shall certify the facts to the Attorney General, with a copy of the results of the analysis or the examination of such pesticide for the institution of a criminal proceeding pursuant to section 14(b) or a civil proceeding under section 14(a), when the Administrator determines that such action will be sufficient to effectuate the purposes of this Act.

"(2) NOTICE NOT REQUIRED.—The notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Attorney General.

"(3) WARNING NOTICES.—Nothing in this Act shall be construed as requiring the Administrator to institute proceedings for prosecution of minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

"SEC. 10. PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

"(a) IN GENERAL.—In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this Act.

"(b) DISCLOSURE.—Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

"(c) DISPUTES.—If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by certified mail. The Administrator shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate district court for a declaratory judgment as to whether such information is subject to protection under subsection (b).

"SEC. 11. STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

"(a) IN GENERAL.—No regulations prescribed by the Administrator for carrying out the provisions of this Act shall require any private applicator to maintain any records or file any reports or other documents.

"(b) SEPARATE STANDARDS.—When establishing or approving standards for licensing or certification, the Administrator shall establish separate standards for commercial and private applicators.

"SEC. 12. UNLAWFUL ACTS.

"(a) IN GENERAL.—

"(1) Except as provided by subsection (b), it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person—

"(A) any pesticide which is not registered under section 3, except as provided by section 6(a)(1):

"(B) any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3;

"(C) any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under section 3;

"(D) any pesticide which has not been colored or discolored pursuant to the provisions of section 25(c)(5);

"(E) any pesticide which is adulterated or misbranded; or

"(F) any device which is misbranded.

"(2) It shall be unlawful for any person—

"(A) to detach, alter, deface, or destroy, in whole or in part, any labeling required under this Act;

"(B) to refuse to keep any records required pursuant to section 8, or to refuse to allow the inspection of any records or establishment pursuant to section 8 or 9, or to refuse to allow an officer or employee of the Environmental Protection Agency to take a sample of any pesticide pursuant to section 9,

"(C) to give a guaranty or undertaking provided for in subsection (b) which is false in any particular, except that a person who receives and relies upon a guaranty authorized under subsection (b) may give a guaranty to the same effect, which guaranty shall contain, in addition to his own name and address, the name and address of the person residing in the United States from whom he received the guaranty or undertaking

"(D) to use for his own advantage or to reveal, other than to the Administrator, or officials or employees of the Environmental Protection Agency or other Federal executive agencies, or to the courts, or to physicians, pharmacists, and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the Administrator may prescribe, any information acquired by authority of this Act which is confidential under this Act;

"(E) who is a registrant, wholesaler, dealer, retailer, or other distributor to advertise a product registered under this Act for restricted use without giving the classification of the product assigned to it under section 3;

"(F) to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder;

"(G) to use any registered pesticide in a manner inconsistent with its labeling;

"(H) to use any pesticide which is under an experimental use permit contrary to the provisions of such permit;

"(I) to violate any order issued under section 13;

"(J) to violate any suspension order issued under section 6;

"(K) to violate any cancellation of registration of a pesticide under section 6, except as provided by section 6(a)(1);

"(L) who is a producer to violate any of the provisions of section 7;

"(M) to knowingly falsify all or part of any application for registration, application for experimental use permit, any information submitted to the Administrator pursuant to section 7, any records required to be maintained pursuant to section 8, any report filed under this Act, or any information marked as confidential and submitted to the Administrator under any provision of this Act.

"(N) who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by this Act;

"(O) to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of this Act; or

"(P) to use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable therefrom, and (ii) freely volunteer to participate in the test.

"(b) Exemptions.—The penalties provided for a violation of paragraph (1) of subsection (a) shall not apply to—

"(1) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased or received in good faith the pesticide in the same unbroken package, to the effect that the pesticide was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act;

"(2) any carrier while lawfully shipping, transporting, or delivering for shipment any pesticide or device, if such carrier upon request of any officer or employee duly designated by the Administrator shall permit such officer or employee to copy all of its records concerning such pesticide or device;

"(3) any public official while engaged in the performance of his official duties;

"(4) any person using or possessing any pesticide as provided by an experimental use permit in effect with respect to such pesticide and such use or possession; or

"(5) any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

"Sec. 13. Stop Sale, Use, Removal, and Seizure

"(a) Stop Sale, Etc., Orders.—Whenever any pesticide or device is found by the Administrator in any State and there is reason to believe on the basis of inspection or tests that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been canceled by a final order or has been suspended, the Administrator may issue a written or printed 'stop sale, use, or removal' order to any person who owns, controls, or has custody of such pesticide or device, and after receipt of such order no person shall sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order.

"(b) Seizure.—Any pesticide or device that is being transported or, having been transported, remains unsold or in original unbroken packages, or that is sold or offered for sale in any State, or that is imported from a foreign country, shall be liable to be proceeded against in any district court in the district where it is found and seized for confiscation by a process in rem for condemnation if—

"(1) in the case of a pesticide—

"(A) it is adulterated or misbranded;

"(B) it is not registered pursuant to the provisions of section 3;

"(C) its labeling fails to bear the information required by this Act;

"(D) it is not colored or discolored and such coloring or discoloring is required under this Act; or

"(E) any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration;

"(2) in the case of a device, it is misbranded; or

"(3) in the case of a pesticide or device, when used in accordance with the requirements imposed under this Act and as directed by the labeling, it nevertheless causes unreasonable adverse effects on the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desicant was applied.

"(c) Disposition After Condemnation.—If the pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs, shall be paid into the Treasury of the United States, but the pesticide or device shall not be sold contrary to the provisions of this Act or the laws of the jurisdiction in which it is sold: *Provided*, That upon payment of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be sold or otherwise disposed of contrary to the provisions of the Act or the laws of any jurisdiction in which sold, the court may direct that such pesticide or device be delivered to the owner thereof. The proceedings of such condemnation cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(d) Court Costs, Etc.—When a decree of condemnation is entered against the pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

"Sec. 14. Penalties

"(a) Civil Penalties.—

"(1) In General.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this Act may be assessed a civil penalty by the Administrator of not more than $5,000 for each offense.

"(2) Private Applicator.—Any private applicator or other person not included in paragraph (1) who violates any provision of this Act subsequent to receiving a written warning from the Administrator or following a citation for a prior violation, may be assessed a civil penalty by the Administrator of not more than $1,000 for each offense.

"(3) Hearing.—No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged. In determining the amount of the penalty the Administrator shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation.

"(4) References to Attorney General.—In case of inability to collect such civil penalty or failure of any person to pay all, or such portion of such civil penalty as the Administrator may determine, the Administrator shall refer the matter to the Attorney General, who shall recover such amount by action in the appropriate United States district court.

"(b) Criminal Penalties.—

"(1) In general.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000, or imprisoned for not more than one year, or both.

"(2) Private applicator.—Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $1,000, or imprisoned for not more than 30 days, or both.

"(3) Disclosure of information.—Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, shall be fined not more than $10,000, or imprisoned for not more than three years, or both.

"(4) Acts of officers, agents, etc.—When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

"Sec. 15. Indemnities

"(a) Requirement.—If—

"(1) the Administrator notifies a registrant that he has suspended the registration of a pesticide because such action is necessary to prevent an imminent hazard;

"(2) the registration of the pesticide is canceled as a result of a final determination that the use of such pesticide will create an imminent hazard; and

"(3) any person who owned any quantity of such pesticide immediately before the notice to the registrant under paragraph (1) suffered losses by reason of suspension or cancellation of the registration,

the Administrator shall make an indemnity payment to such person, unless the Administrator finds that such person (i) had knowledge of facts which, in themselves, would have shown that such pesticide did not meet the requirements of section 3(c) (5) for registration, and (ii) continued thereafter to produce such pesticide without giving timely notice of such facts to the Administrator.

"(b) Amount of Payment.—

"(1) In general.—The amount of the indemnity payment under subsection (a) to any person shall be determined on the basis of the cost of the pesticide owned by such person immediately before the notice to the registrant referred to in subsection (a) (1): except that in no event shall an indemnity payment to any person exceed the fair market value of the pesticide owned by such person immediately before the notice referred to in subsection (a) (1).

"(2) Special rule.—Notwithstanding any other provision of this Act, the Administrator may provide a reasonable time for use or other disposal of such pesticide. In determining the quantity of any pesticide for which indemnity shall be paid under this subsection, proper adjustment shall be made for any pesticide used or otherwise disposed of by such owner.

"Sec. 16. Administrative Procedure; Judicial Review

"(a) District Court Review.—Except as is otherwise provided in this Act, Agency refusals to cancel or suspend registrations or change classifications not following a hearing and other final Agency actions not committed to Agency discretion by law are judicially reviewable in the districts courts.

"(b) Review by Court of Appeals.—In the case of actual controversy as to the validity of any order issued by the Administrator following a public hearing, any person who will be adversely affected by such order and who had been a party to the proceedings may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has a place of business, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The court shall consider all evidence of record. The order of the Administrator shall be sustained if it is supported by substantial evidence when considered on the record as a whole. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all clases filed therein pursuant to this section.

"(c) Jurisdiction of District Courts.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act.

"(d) Notice of Judgments.—The Administrator shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act.

"Sec. 17. Imports and Exports

"(a) Pesticides and Devices Intended for Export.—Notwithstanding any other provision of this Act, no pesticide or device shall be deemed in violation of this Act when intended solely for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticides and devices shall be subject to section 8 of this Act.

(b) Cancellation Notices Furnished to Foreign Governments.—Whenever a registration, or a cancellation or suspension of the registration of a pesticide becomes effective, or ceases to be effective, the Administrator shall transmit through the State Department notification thereof to the governments of other countries and to appropriate international agencies.

"(c) Importation of Pesticides and Devices.—The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon his request, samples of pesticides or devices which are being imported into the United States, giving notice to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or the environment, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any pesticide or device refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such pesticide or device pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such pesticide or device, together with the duty thereon, and on refusal to return such pesticide or device for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: *And provided further*, That all charges for storage, cartage, and labor on pesticides or devices which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"(d) Cooperation in International Efforts.—The Administrator shall, in cooperation with the Department of State and any other appropriate Federal agency, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

"(e) Regulations.—The Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of subsection (c) of this section.

"Sec. 18. Exemption of Federal Agencies

"The Administrator may, at his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption.

"Sec. 19. Disposal and Transportation

"(a) Procedures.—The Administrator shall, after consultation with other interested Federal agencies, establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide.

"(b) Advice to Secretary of Transportation.—The Administrator shall provide advice and assistance to the Secretary of Transportation with respect to his functions relating to the transportation of hazardous materials under the Department of Transportation Act (49 U.S.C. 1657), the Transportation of Explosives Act (18 U.S.C. 831–835), the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472 H), and the Hazardous Cargo Act (46 U.S.C. 170, 375, 416).

"Sec. 20. Research and Monitoring

"(a) Research.—The Administrator shall undertake research, including research by grant or contract with other Federal agencies, universities, or others as may be necessary to carry out the purposes of this Act, and he shall give priority to research to develop biologically integrated alternatives for pest control. The Administrator shall also take care to insure that such research does not duplicate research being undertaken by any other Federal agency.

"(b) National Monitoring Plan.—The Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides.

"(c) Monitoring.—The Administrator shall undertake such monitoring activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. Such activities shall be carried out in cooperation with other Federal, State, and local agencies.

"Sec. 21. Solicitation of Comments; Notice of Public Hearings

"(a) The Administrator, before publishing regulations under this Act, shall solicit the views of the Secretary of Agriculture.

"(b) In addition to any other authority relating to public hearings and solicitation of views, in connection with the suspension or cancellation of a pesticide registration or any other actions authorized under this Act, the Administrator may, at his discretion, solicit the views of all interested persons, either orally or in writing, and seek such advice from scientists, farmers, farm organizations, and other qualified persons as he deems proper.

"(c) In connection with all public hearings under this Act the Administrator shall publish timely notice of such hearings in the Federal Register.

"Sec. 22. Delegation and Cooperation

"(a) Delegation.—All authority vested in the Administrator by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Environmental Protection Agency as the Administrator may designate for the purpose.

"(b) Cooperation.—The Administrator shall cooperate with the Department of Agriculture, any other Federal agency, and any appropriate agency of any State or any political subdivision thereof, in carrying out the provisions of this Act, and in securing uniformity of regulations.

"Sec. 23. State Cooperation, Aid, and Training

"(a) Cooperative Agreements.—The Administrator is authorized to enter into cooperative agreements with States—

"(1) to delegate to any State the authority to cooperate in the enforcement of the Act through the use of its personnel or facilities, to train personnel of the State to cooperate in the enforcement of this Act, and to assist States in implementing cooperative enforcement programs through grants-in-aid; and

"(2) to assist State agencies in developing and administering State programs for training and certification of applicators consistent with the standards which he prescribes.

"(b) Contracts for Training.—In addition, the Administrator is authorized to enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators.

"(c) The Administrator may, in cooperation with the Secretary of Agriculture, utilize the services of the Cooperative State Extension Services for informing farmers of accepted uses and other regulations made pursuant to this Act.

"SEC. 24. AUTHORITY OF STATES

"(a) A State may regulate the sale or use of any pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act;

"(b) such State shall not impose or continue in effect any requirements for labeling and packaging in addition to or different from those required pursuant to this Act; and

"(c) a State may provide registration for pesticides formulated for distribution and use within that State to meet special local needs if that State is certified by the Administrator as capable of exercising adequate controls to assure that such registration will be in accord with the purposes of this Act and if registration for such use has not previously been denied, disapproved, or canceled by the Administrator. Such registration shall be deemed registration under section 3 for all purposes of this Act, but shall authorize distribution and use only within such State and shall not be effective for more than 90 days if disapproved by the Administrator within that period.

"SEC. 25. AUTHORITY OF ADMINISTRATOR

"(a) REGULATIONS.—The Administrator is authorized to prescribe regulations to carry out the provisions of this Act. Such regulations shall take into account the difference in concept and usage between various classes of pesticides.

"(b) EXEMPTION OF PESTICIDES.—The Administrator may exempt from the requirements of this Act by regulation any pesticide which he determines either (1) to be adequately regulated by another Federal agency, or (2) to be of a character which is unnecessary to be subject to this Act in order to carry out the purposes of this Act.

"(c) OTHER AUTHORITY.—The Administrator, after notice and opportunity for hearing, is authorized—

"(1) to declare a pest any form of plant or animal life (other than man and other than bacteria, virus, and other microorganisms on or in living man or other living animals) which is injurious to health or the environment;

"(2) to determine any pesticide which contains any substance or substances in quantities highly toxic to man;

"(3) to establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91–601)) with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act;

"(4) to specify those classes of devices which shall be subject to any provision of paragraph 2(q)(1) or section 7 of this Act upon his determination that application of such provision is necessary to effectuate the purpose of this Act;

"(5) to prescribe regulations requiring any pesticide to be colored or discolored if he determines that such requirement is feasible and is necessary for the protection of health and the environment; and

"(6) to determine and establish suitable names to be used in the ingredient statement.

"SEC. 26. SEVERABILITY

"If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Act are severable.

"SEC. 27. AUTHORIZATION FOR APPROPRIATIONS

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. The amounts authorized to be appropriated for any fiscal year ending after June 30, 1975, shall be the sums hereafter provided by law.

AMENDMENTS TO OTHER ACTS

SEC. 3. The following Acts are amended by striking out the terms "economic poisons" and "an economic poison" wherever they appear and inserting in lieu thereof "pesticides" and "a pesticide" respectively:

(1) The Federal Hazardous Substances Act, as amended (15 U.S.C. 1261 et seq.):

(2) The Poison Prevention Packaging Act, as amended (15 U.S.C. 1471 et seq.); and

(3) The Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.).

EFFECTIVE DATES OF PROVISIONS OF ACT

SEC. 4. (a) Except as otherwise provided in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, and as otherwise provided by this section, the amendments made by this Act shall take effect at the close of the date of the enactment of this Act, provided if regulations are necessary for the implementation of any provision that becomes effective on the date of enactment, such regulations shall be promulgated and shall become effective within 90 days from the date of enactment of this Act.

(b) The provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and the regulations thereunder as such existed prior to the enactment of this Act shall remain in effect until superseded by the amendments made by this Act and regulations thereunder: *Provided,* That all provisions made by these amendments and all regulations thereunder shall be effective within four years after the enactment of this Act.

(c) (1) Two years after the enactment of this Act the Administrator shall have promulgated regulations providing for the registration and classification of pesticides under the provisions of this Act and thereafter shall register all new applications under such provisions.

(2) After two years but within four years after the enactment of this Act the Administrator shall register and reclassify pesticides registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act prior to the effective date of the regulations promulgated under subsection (c) (1).

(3) Any requirements that a pesticide be registered for use only by a certified applicator shall not be effective until four years from the date of enactment of this Act.

(4) A period of four years from date of enactment shall be provided for certification of applicators.

(A) One year after the enactment of this Act the Administrator shall have prescribed the standards for the certification of applicators.

(B) Within three years after the enactment of this Act each State desiring to certify applicators shall submit a State plan to the Administrator for the purpose provided by section 4(b).

(C) As promptly as possible but in no event more than one year after submission of a State plan, the Administrator shall approve the State plan or disapprove it and indicate the reasons for disapproval. Consideration of plans resubmitted by States shall be expedited.

(5) One year after the enactment of this Act the Administrator shall have promulgated and shall make effective regulations relating to the registration of establishments, permits for experimental use, and the keeping of books and records under the provisions of this Act.

(d) No person shall be subject to any criminal or civil penalty imposed by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, for any act (or failure to act) occurring before the expiration of 60 days after the Administrator has published effective regulations in the Federal Register and taken such other action as may be necessary to permit compliance with the provisions under which the penalty is to be imposed.

(e) For purposes of determining any criminal or civil penalty or liability to any third person in respect of any act or omission occurring before the expiration of the periods referred to in this section, the Federal Insecticide, Fungicide, and Rodenticide Act shall be treated as continuing in effect as if this Act had not been enacted.

And the Senate agree to the same.

W. R. POAGE,
W. M. ABBITT,
BERNIE SISK,
JOHN G. DOW,
PAGE BELCHER,
GEO. A. GOODLING,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
P. A. HART,
FRANK E. MOSS,
JACK MILLER,
ROBERT DOLE,
L. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck all after the enacting clause of H.R. 10729. There were over 50 points of difference between the two versions and these differences were resolved in the conference substitute which makes the following changes in the House bill:

(1) It changes section 1 of FIFRA to conform the table of contents to the amended text.

(2) It changes section 2(c) to indent the numbered paragraphs.

(3) It deletes "pesticide" from "certified pesticide applicator" in section 2(e) and elsewhere (and similar titles) to avoid confusion with certified public accountants.

(4) It permits an employee to apply pesticides on his employer's land as a private applicator (section 2(e) (2)).

(5) It gives EPA discretion as to the necessity for the physical presence of a certified applicator (section 2(e) (4)).

(6) It gives the Administrator discretion as to which provisions of section 2(q) (1) [definition of misbranded] or section 7 [registration of establishments] shall be applicable to any class of device (sections 2(h), 2(q) (1), and 25(c) (4)).

(7) It clarifies the definition of the term "device" in section 2(h) by not including equipment used for the application of pesticides when sold separately therefrom.

(8) It changes the registration criteria from "substantial" to "unreasonable" adverse effects on the environment and changes the definition slightly, without making any change in substance. This change from the House language is a matter of clarification only. There is absolutely no difference in substance in this respect between the con-

ference substitute and the House bill or the Senate amendment (sections 2(x) and 2(bb) and elsewhere throughout the bill).

(9) It defines "imminent hazard" to included a situation involving unreasonable hazard to survival of endangered species (section 2(1)).

(10) It defines "ingredient statement" to require all pesticides to show the name and percentage of each active ingredient and the total percentage of inert ingredients (section 2(n)).

(11) It requires the establishment registration number to be shown on the label [rather than on accompanying labeling] (section 2(q)(1)(D).

(12) It deletes the Senate provision which would have classified a pesticide as misbranded if "when used in accordance with the requirements of the Act or commonly recognized practice" it causes unreasonable adverse effects on the environment, and amends provisions dealing with the registration process instead. The conferees deleted section 2(q)(1)(H) of the Senate amendment, which defined a pesticide as "misbranded" if the product, when used in accordance with requirements imposed under the Act or with "commonly recognized practice", caused unreasonable adverse effects on the environment. The conferees do not believe that a manufacturer should be subjected to criminal penalties for a "misbranding" which is beyond his control. The conference substitute shifts this language to section 3 and section 6. Thus, although no criminal penalties are applicable, the Administrator will have the authority to deny registration or cancel where there is a widespread and commonly recognized practice of using a pesticide which generally causes unreasonable adverse effects on the environment.

(13) It excludes non-toxic, vitamin-hormone products not intended for pest destruction from the definition of "plant regulator" (section 2(v)).

(14) It defines "establishment" as a place where pesticides or devices are produced or held for distribution or sale. This provision is designed to make it clear that a farmer who mixed two or more pesticides in his spreader or sprayer would not be required to register as an establishment (section 2(dd)).

(15) It provides for mandatory licensing of test data. The conferees concluded that the Administrator is in the best position to determine the proper amount of reasonable compensation for producing the test data that should be accorded the originator of such data. It was consequently concluded that an appeal of such determination by the originator of such data to the District Court should not result in a lowering of the Administrator's determination. It was also concluded that the pendency of such proceeding before the Administrator or the Court should not stay or delay use of such data (section 3(c)(1)(D)).

(16) It keeps the prohibition against making lack of essentiality a criterion for registration as provided in the House bill and adds the Senate clarifying provision which states that "Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other," thus reflecting the conferees intent that no difference between these provisions exists (section 3(c)(5)(C)).

(17) It gives the Administrator discretion to give an applicant more than thirty days to make corrections (section 3(c)(6)).

(18) It permits "other interested persons with the concurrence of the registrant" to contest the denial, cancellation, or suspension of registration, or a change in classification, where the registrant fails to do so (sections 3(c)(6), 3(d)(2), 6(a)(1), and 6(c)(4)).

(19) It authorizes the Administrator to require pesticide packaging and labeling for restricted use to be clearly distinguishable from packaging and labeling for general use (section 3(d)(1)(A)).

(20) It makes restricted classification depend in part on the hazards involved in the use of a pesticide in accordance with "widespread and commonly recognized practice" (section 3(d)(1)(B) and (C)).

(21) It subjects restricted use regulations to judicial review (section 3(d)(1)(C)(ii)).

(22) It specifically subjects a change in classification to judicial review (section 3(d)(2)).

(23) It makes registration prima facie evidence of compliance as long as no cancellation proceedings are in effect (section 3(f)(2)).

(24) It makes clear that EPA can withdraw its approval of a State certification plan (section 4 (a) and (b)).

(25) It allows the Administrator to permit States to issue experimental use permits (section 5(f)).

(26) It allows the Administrator to permit continued sale or use of a pesticide whose registration is cancelled where not inconsistent with the purposes of the Act (sections 6(a)(1), 12(a)(1)(A), and 12(a)(2)(K)). Additional authority is provided in section 15(b)(2).

(27) It preserves cancellation criteria in existing law and permits the Administrator to initiate cancellation proceedings either by cancellation notice or hearing notice. Procedures for hearings and other matters would be in accord with chapter 5 of title 5 of the United States Code (formerly the Administrative Procedure Act) except as otherwise specifically provided (section 6(b)).

(28) It provides for initiation of change in classification proceedings as an alternative to cancellation proceedings when registration is suspended (section 6(c)(1)).

(29) It provides for hearings on suspensions except in emergency situations (section 6(c)).

(30) It provides for judicial review for suspensions [as generally in other cases] in the district court where there has been no hearing, in the court of appeals where there has been a hearing. The House bill did not provide for an administrative hearing on suspension and therefore provided for judicial review only in the district court. Under the conference substitute a court stay of a suspension order would be effective until final decision with respect to cancellation or change in classification (section 6(c)).

(31) It provides for the submission, but only with concurrence of the hearing examiner, of scientific questions at any time prior to the hearing record being closed (section 6(d)).

(32) It specifically prohibits any member of a scientific advisory committee from having a financial or other conflict of interest with respect to any matter considered by the committee (section 6(d)).

(33) It provides for entry by EPA of any place at reasonable times where pesticides or devices are held for distribution or sale [as well as manufacturing establishments]. Such entry may take place only for the purpose of inspection and obtaining samples. (section 9(a)).

(34) It describes an illegal pesticide or device as one "which is adulterated, misbranded, not registered [in the case of a pesticide], or otherwise in violation of this Act" (section 9(b)(2)).

(35) It specifically provides for certification of facts to the Attorney General with respect to institution of proceedings for civil penalties (section 9(c)).

(36) It provides for judicial review of the Administrator's decision to release information which the applicant or registrant believes to be protected from disclosure (section 10(d)).

(37) It prohibits tests on human beings without adequately informing them and obtaining their voluntary participation (section 12(a)(2)(P)).

(38) It clarifies provisions regarding both civil and criminal penalties for wrongdoers (sections 14(a)(2) and 14(b)(2)).

(39) It includes a provision for indemnities, except in the case of a manufacturer who (i) had knowledge of facts which, in themslves, would have shown that a pesticide did not meet the requirements of section 3(c)(5) for registration, and (ii) continued thereafter to produce a pesticide without giving timely notice of such facts to the Administrator (section 15).

(40) It provides judicial review of any order following a public hearing for "any person who will be adversely affected by such order and who had been a party to the proceedings." It is the intent of the conferees that anyone who intervenes in a public hearing under this Act shall be considered a party for purposes of this provision. Provision is made for publication of timely notice in the Federal Register of all public hearings under this Act. The conferees intend the words "adversely affected" to have the same meaning that they have under 5 U.S.C. 702. (Section 16).

(41) It provides for notice to foreign governments whenever a registration or suspension becomes effective or whenever a registration, cancellation, or suspension ceases to be effective. It should be noted that this provision provides for notification to "the governments of other countries". This would not necessarily mean all other countries, but it is expected that notification would be provided to all countries which desired such notification, or where some useful purpose would be served thereby (section 17(b)).

(42) It permits the Administrator under emergency conditions to exempt Federal or State agencies (section 18).

(43) It requires the Administrator to solicit the views of the Secretary of Agriculture before publishing regulations (section 21(a)).

(44) It authorizes the Administrator to utilize, in cooperation with the Secretary of Agriculture, the Cooperative State Extension Services in providing information to farmers (section 23(c)).

(45) It makes it clear that a State may provide registration to meet special local needs, subject to disapproval by the Administrator (section 24).

(46) It extends the appropriation authority for the Act to fiscal year 1975, but retains the "open-end" authorization in the House bill. The conferees have deleted the ceilings proposed in the Senate amendment, not in an effort to obtain greater appropriations but rather to reflect the level of appropriations estimated by EPA to be necessary to carry out the Act (section 27).

(47) It makes penalties effective only after the Administrator has taken such action as may be necessary to permit compliance [as well as having issued regulations] (section 4(d)). The conference substitute adopts the provision of the Senate amendment in section 4(d) of this bill which would make penalties effective only after the Administrator had taken such action as might be necessary to permit compliance (as well as having issued regulations). For example, failure to have a plant registration number on the label would not be subject to penalty until sixty days after the regulations had been publishd and the Administrator had issued the registration numbers on timely applications. Another example would be that of extension of the Act to intrastate commerce. Section 4(c)(1) of this bill gives the Administrator up to two years to promulgate regulations providing for registration of pesticides under the provisions of H.R. 10729. This provision of section 4(d) makes it clear that state registered pesticides moving only in intrastate commerce would be

provided an opportunity to register under the federal law before their distribution would be prohibited.

(48) It makes numerous technical and clerical changes.

In addition, the conferees have deleted several substantive provisions included in the Senate amendment as follows:

(1) Language which would have specifically required the Administrator to request all test data not in his possession that he needs to make his decision on registration.

(2) Provisions calling for more liberal disclosure policies with respect to trade secrets and other confidential information.

(3) Alternate language concerning the requirement for making data available to the public.

(4) A prohibition against the exportation of pesticides which would result in unreasonable adverse effects on the environment of the United States.

(5) A provision for quality control screening of imported agricultural commodities for pesticide residues.

(6) Authority for certain types of citizen suits against the Administrator.

(7) Language which would have prohibited the Environmental Protection Agency from charging fees, other than reasonable registration fees, in connection with any activity under this Act. The conference substitute omits this provision, and it is the intention of the conferees that no fees would be charged for registration or any other activity under the Act.

W. R. Poage,
Watkins M. Abbitt,
B. F. Sisk,
John G. Dow,
Page Belcher,
George A. Goodling,
John Kyl.
Managers on the Part of the House.

Herman E. Talmadge,
James B. Allen,
Philip A. Hart,
Frank E. Moss,
Jack Miller,
Robert Dole,
Lowell P. Weicker, Jr.
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 15657, STRENGTHENING AND IMPROVING OLDER AMERICANS ACT OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, may I inquire of the chairman of our committee if the unanimous consent he is requesting at this time is known to the ranking Republican on our committee, and does he agree to it?

Mr. PERKINS. Mr. Speaker, I discussed it with him and with the conferees, and I would suggest to the Speaker he is in agreement with it.

Mr. ERLENBORN. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mrs. Mink, and Messrs. Perkins, Brademas, Quie, and Hansen of Idaho.

APPOINTMENT OF CONFEREES ON H.R. 11773, EXCLUDING DISTRICT OF COLUMBIA POLICE PERSONNEL RECORDS FROM PUBLIC INSPECTION

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11773) to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. Jacobs, Cabell, Stuckey, and Broyhill of Virginia.

FOR THE RELIEF OF AMOS E. NORBY

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2118) for the relief of Amos E. Norby, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "The" insert: "estate of the".

Amend the title so as to read: "An Act for the relief of the estate of Amos E. Norby."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADDITIONAL FUNDS FOR WILDLIFE RESTORATION PROJECTS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11091) to provide additional funds for certain wildlife restoration projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the gentleman could explain this bill shortly and concisely for the benefit of all the Members, as he has individually to me.

Mr. DINGELL. If the gentleman will yield, I will be very happy to.

Mr. HALL. I am very glad to yield to my friend.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 11091 is to provide additional funds for the carrying out of wildlife restoration programs. In accomplishing this purpose, the legislation would provide for the imposition of an 11-percent Federal tax on the sale of bows, arrows, quivers, and parts and accessories.

Mr. Speaker, the sports of hunting and fishing are among the most popular forms of outdoor recreation known to man today. Over 30 million citizens of this country participate in these forms of recreation each year. The activities of these sportsmen are made possible mainly through the invaluable assistance provided by the Federal aid in wildlife restoration, known as the Pittman-Robertson Act, and the Federal aid in fish restoration, known as the Dingell-Johnson Act.

The act that this legislation is concerned with today is the Pittman-Robertson Act. This act was enacted in 1937 and since its enactment has made available to the States over $438 million. The funds are used by the States on a 75–25 matching fund basis to carry out wildlife restoration projects, including the purchase and improvement of land and water areas and the management of such areas and its resources. The funds to carry out this program are derived from the 11-percent tax on firearms, shells, and cartridges, and the 10-percent tax on pistols and revolvers. The annual nationwide benefits derived from this program include an estimated 56 million man-days of hunting and 50 million man-days of associated recreation such as camping, birdwatching, fishing, hiking, and picnicking.

Mr. Speaker, H.R. 11091 is divided into two titles. Title I of the bill would amend the Federal Aid in Wildlife Restoration Act to provide that in addition to the amount covered into the fund from the 11-percent tax on firearms, shells, and cartridges, and the amount covered into the fund from the 10-percent tax on pistols and revolvers, an amount equal to the revenues to be collected from the new 11-percent tax on bows, arrows, parts, and accessories, as provided under title II of this bill, would also be covered into this fund.

Mr. Speaker, of the revenues that are covered into this fund, one-half of the funds derived from the 11-percent tax on firearms, shells, and cartiridges are apportioned among the States on an area basis and the other one-half on the number of paid hunting license holders in a particular State. These funds are used to carry out wildlife restoration projects. With respect to the funds derived from the tax on pistols and revolvers, one-half of such funds are apportioned on the same basis as the tax on firearms, shells, and cartridges; that is, on the basis of area and paid hunting license holders, and are used to carry out regular wildlife restoration projects. The other one-half of the funds is apportioned among the States on the basis of population. The States have the option of using the apportionment based on population to carry out hunter safety programs, including in such programs the construction, operation and maintenance of public outdoor target ranges. If any State elects not to carry out a hunter safety program, then this one-half of the funds could be used with the other one-half of the funds derived from the tax on pistols and revolvers to carry out regular wildlife restoration projects.

Mr. Speaker, title I of the legislation would provide that beginning in fiscal year 1975, the new tax to be derived from the sale of bows and arrows would be treated in the same way that the tax on pistols and revolvers are now treated under present law.

Mr. Speaker, title I would make one other change in present law. It would amend section 8(b) of the act to eliminate the word "outdoor" each place it appears in the subsection. This amendment would have the effect of making it clear that the portion of funds apportioned to the States that are eligible for construction, operation, and maintenance of target ranges may be used for "indoor" as well as "outdoor" target ranges.

Mr. Speaker, title II of the bill would amend the Internal Revenue Code, a matter over which the Ways and Means Committee has jurisdiction. Because of this, the Committee on Merchant Marine and Fisheries deemed it advisable to request the views of the Ways and Means Committee on the revenue aspects contained in title II of this legislation.

Mr. Speaker, I would like to call to the attention of my colleagues page 9 of the House report on the legislation, which sets forth the letter Chairman MILLS wrote to our committee on this matter, You will note that the Ways and Means Committee provided our committee with the language of title II of the bill together with language which the committee felt should be included in the House report on the bill. This language is found on pages 9, 10, and 11 of the House report.

Mr. Speaker, briefly explained, title II of the bill would amend section 4161 of the Internal Revenue Code to provide for an 11 percent tax by a manufacturer or importer on the sale of bows and arrows. The tax would apply to all bows that have a draw weight of 10 pounds or more and all arrows which measure 18 inches or more in length. In addition, the 11 percent tax would be imposed on the sale by manufacturers and importers of quivers and of parts and accessories which are suitable for inclusion in or attachment to a taxable bow and arrow.

Mr. Speaker, I would like to point out to my colleagues that the reason the tax to be imposed under this legislation would be imposed only on those bows with a certain draw weight and arrows which measure a certain length is to make sure that children's toys are not included in the taxable items provided by this legislation.

Mr. Speaker, this legislation has the unanimous endorsement of both the Committee on Merchant Marine and Fisheries and the Committee on Ways and Means; it has the strong endorsement of the Department fo the Interior; the International Association of Fish, Game, and Conservation Commissioners; the president of the Archery Manufacturers' Association; and the Wildlife Management Institute; and sportsmen and conservationists in general.

Mr. Speaker, I urge the prompt enactment of the legislation, but before voting on the bill I would like to yield at this time to my food friend from Pennsylvania, a dedicated conservationist, Mr. GOODLING, who is the author of this bill and who has spent numerous hours in trying to perfect this legislation.

Mr. HALL. I appreciate the gentleman's explanation.

Tell me, does this just involve including attachments, sights, stabilizers, and all other appurtenances applicable to bows of the description fitted and arrows of the lengths cited, including leveling devices, string silencers, bow rests, and so forth, only to bow and arrow hunters, or does it apply to the ordinary target shooters, or are they exempted?

Mr. DINGELL. I must inform the gentleman we found it impossible to sort out bows and arrows suitable for target use and those suitable for hunting, so the bill, in general, applies to all bows and arrows and all devices as provided by the language of the bill.

Mr. HALL. If I understand correctly, it has been cleared with the departments, with the conservationists and the hunters, and more particularly the bow manufacturers of whom we have a great number in the district I am privileged to represent.

Would there be any listing or registration involved in the taxation process?

Mr. DINGELL. I assure the gentleman there is no registration in this, and I am violently opposed to that concept. I give you my assurance that it is not included. It does have the backing of the President of the Trade Association of the Academy Manufacturers, who is a personal friend of mine.

Mr. HALL. And all the taxes derived herefrom will go to the conservation fund?

Mr. DINGELL. That is correct. They will be apportioned among the several States for expenditure.

Mr. HALL. I think that the gentleman's statement is forthright and clear, Mr. Speaker. I am personally in favor of this bill.

I yield to my good friend from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I rise in support of the bill (H.R. 11091), which I was privileged to introduce for myself and my colleagues, Congressmen DINGELL, KARTH, MCCLOSKEY, CONTE, NEDZI, and Moss. I want to take this opportunity to thank these gentlemen for their support, especially my friend, JOHN DINGELL, the capable chairman of the Fish and Wildlife Subcommittee.

Mr. Speaker, the Federal Aid in Wildlife Restoration Act has been a vital source of funds for State wildlife habitat acquisition programs, since its enactment in 1937. Over $438 million have flowed to the States from Federal excise taxes on sporting arms and ammunition. In addition, to habitat acquisition in fee and under lease, these funds support game-stocking programs, hunter safety programs, and wildlife management research.

The act is enthusiastically supported by State game management agencies, the manufacturers of hunting arms, and the millions of Americans who enjoy hunting and riflery.

Bow hunting and archery have become increasingly popular sports in the United States in recent years; however, there is no comparable excise tax on equipment used in these sports. Nevertheless, the bow hunter benefits greatly from the programs made possible under the Wildlife Restoration Act. The archery industry, bow hunters and archers, recognize the inequity of this situation and are prepared to contribute their fair share to the enhancement of the wildlife restoration fund.

This legislation would, therefore, impose an 11-percent excise tax to be paid into the fund on bows, arrows and accessory equipment used in bow hunting and archery. This will increase the amount available for distribution to the States annually by approximately $3.5 million. The bill is drawn so as to exclude toy bows and arrows not intended for hunting or serious archery.

In addition, Mr. Speaker, the bill would permit the use of Wildlife Restoration Act funds for indoor target ranges and archery ranges. Under existing laws, funds may only be employed for outdoor ranges which are of limited value in the Northern States.

Mr. Speaker, the amendments to the Internal Revenue Code contained in title II of the bill were drafted by the Ways and Means Committee, and I wish to express my appreciation for the great cooperation extended to us by the distinguished chairman of that committee, the gentleman from Arkansas (Mr. MILLS).

In conclusion, Mr. Speaker, this legislation enjoys the strong support of the industry and archery enthusiasts throughout the country, as well as the Department of the Interior. Every State in the Union benefits substantially from the Wildlife Restoration Act, and this bill will increase that support measurably. I, therefore, urge my colleagues to support passage of H.R. 11091.

I include the following:

STATEMENT OF HON. GEORGE A. GOODLING, HOUSE SUBCOMMITTEE ON FISH AND WILDLIFE ON H.R. 761, JULY 9, 1971

Mr. Chairman, H.R. 11091 is designed to provide additional funds for certain wildlife restoration projects. There is a definite need for expanded and accelerated wildlife restoration projects. This is occasioned by our expanding population, which means decreased wildlife habitat, as well as a dynamic increase in the number of individuals who are taking to the hunting fields of America.

This legislation would raise an additional amount of money for wildlife restoration projects through the imposition of a 10 to 11 percent manufacturers' excise tax on the archery gear and equipment that is used for hunting purposes. These funds would be deposited in the special account presently held in the United States Treasury for the purpose of carrying out the wildlife restoration objects of the Wildlife Restoration Act of 1937, generally known as the Pittman-Robertson Act. These funds presently are obtained from the imposition of a 10 percent manufacturers' excise tax on ammunition and a 11 percent manufacturers' excise tax on sporting firearms. H.R. 11091 would add the revenues gathered through its implementation to those Treasury funds that are now used for wildlife restoration.

The Wildlife Restoration Act has made a great contribution to wildlife restoration in America. Since the Act was approved in 1937, it has been largely responsible for the improved status and expanded range of white-tailed deer, elk, pronghorn antelope, wild turkey, bighorn sheep, and other species of wildlife that were at a low point as a result of the tragic era of wildlife waste that prevailed prior to the 1937 period. Funds collected under the Wildlife Restoration Act have made possible vital wildlife research programs, and they have also advanced the acquisition of refuges and public hunting areas throughout the United States.

Money acquired under the Wildlife Restoration Act is apportioned among the States on the basis of population, land area, and the number of hunting licenses issued by a given State. To qualify for its share, a State must submit approvable projects under the Act and supply $1 for each $3 in Federal aid for which it qualifies. Under this Act about $350 million have been collected and allocated to the States since the program began in 1937. With these funds, nearly 3 million acres of land have been purchased and developed for wildlife and public hunting. In addition, about 1 million acres of wetlands have been acquired for waterfowl. The current year's apportionment for wildlife restoration is $30,800,000.

H.R. 11091 would have the effect of getting the archer-hunter into the wildlife restoration act. It would provide him with the opportunity to join with his fellow firearms hunter in the development of substantial wildlife populations, supplying benefits for hunters in general and for himself in particular.

Sportsmen and conservationists have assured me that they will extend their strong support to H.R. 11091. I have also received pledges of support from the archery industry and from archers themselves. Archers are good sports, as well as good sportsmen. They will be anxious to contribute their fair share to the purpose of developing wildlife populations, thereby broadening the base of benefits currently being generated by wildlife restoration activities.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill as follows:

H.R. 11091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WILDLIFE RESTORATION FUND

SEC. 101. (a) The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1973) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

(b) That part of section 4(b) of such Act of September 2, 1937 (16 U.S.C. 669c (b)), which precedes the proviso is amended to read as follows: "One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1973) from any tax imposed on pistols, revolvers, bows and arrows, shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States:".

(c) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1972.

SEC. 102. (a) Section 8(b) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669g(b)), is amended by striking out "outdoor" each place it appears therein.

(b) The amendments made by subsection (a) of this section shall take effect on the date of the enactment of this Act.

TITLE II—TAX ON SALE OF BOWS AND ARROWS

SEC. 201. (a) Section 4161 of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended by inserting "(a) RODS, CREELS, ETC.—" in front of "There is" and by inserting at the end the following new subsection:

"(b) BOWS AND ARROWS.—There is hereby imposed upon the sale of bows and arrows (including parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to 11 percent of the price for which so sold."

(b) The amendment made by subsection (a) of this section shall apply with respect to articles sold (by the manufacturer, producer, or importer thereof) on or after July 1, 1972.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—WILDLIFE RESTORATION FUND

SEC. 101. (a) The first sentence of section 3 of the Federal Aid in Wildlife Restoration A~t of September 2, 1937 (16 U.S.C. 6695), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code,, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

(b) That part of section 4(b) of such Act of September 2, 1937 (16 U.S.C. 669c–(b)), which precedes the proviso is amended to read as follows: "One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States:".

(c) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1974.

SEC. 102. (a) Section 8(b) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669g–(b)), is amended by striking out "outdoor" each place it appears therein.

(b) The amendments made by subsection (a) of this section shall take effect on the date of the enactment of this Act.

TITLE II—TAX ON SALE OF BOWS AND ARROWS

SEC. 201. (a) Section 4161 of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended—

(1) by striking out "There is" and inserting in lieu thereof the following:

"(a) Rods, Creels, Etc.—There is";

(2) by adding at the end thereof the following new subsection:

"(b) BOWS AND ARROWS, ETC.—

"(1) BOWS AND ARROWS.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any bow which has a draw weight of 10 pounds or more, and

"(B) of any arrow which measures 18 inches overall or more in length,

a tax equivalent to 11 percent of the price for which so sold.

"(2) PARTS AND ACCESSORIES.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in paragraph (1), and

"(B) of any quiver suitable for use with arrows described in paragraph (1),

a tax equivalent to 11 percent of the price for which so sold."

(b) The amendments made by subsection (a) of this section shall apply with respect to articles sold by the manufacturer, producer, or importer thereof on or after July 1, 1974.

The committee amendment was agreed to.

Mr. CONTE. Mr. Speaker, as a cosponsor of H.R. 11091, I rise in support of this measure which would authorize badly needed additional funds for wildlife restoration projects and hunter safety programs through the imposition of a tax on bows and arrows.

As one of the 30 million persons in this country who enjoy the sports of fishing and hunting, I can readily attest to the need for this legislation. State fish and game departments have done an admirable job in administering almost 2,000 wildlife management areas throughout the country. These departments also conduct important wildlife research programs. All this adds immeasureably to the pleasure and satisfaction of the Nation's ever-increasing numbers of hunters and fishermen.

Taxes on sporting arms and ammunition have provided a substantial portion of the funds needed for these activities. However, up until the present, bow hunters and the archery industry have been exempt from these levies. Since archery enthusiasts derive many of the benefits from the wildlife restoration programs, it is only fitting that they share a part of the financial burden that these programs entail.

This legislation would achieve this objective and at the same time, produce added revenues which can only improve the quality of these programs.

I therefore urge the adoption of this legislation by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SOCKEYE SALMON OR PINK SALMON FISHERY ACT OF 1947

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16870) to amend the Sockeye or Pink Salmon Fishing Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. PELLY. Mr. Speaker, reserving the right to object, I do so simply to assure the House that the minority side is in full support of this bill, and it has been cleared on our side.

Mr. Speaker, I rise in strong support of this legislation and urge its overwhelming passage and immediate enactment into law.

In all of my 20 years in Congress I know of no other piece of fishery related legislation which possesses such tremendous merit as this one. The Fraser River system is in Canada's British Columbia near my own State of Washington and is now one of the great salmon producing river systems in the entire world. Yet, historically, due to large-scale rock slides in the 1930's, this valuable salmon resource was almost wiped out since the salmon were prevented from reaching their upriver spawning grounds. As a result of a United States and Canada treaty to revitalize this resource, I have seen salmon runs and annual salmon landings increase remarkably over the years to the point now that the average sockeye salmon catch by both nations amounts to about 2,402,954 fish, and the average annual landing of pink salmon totaling 4,118,978—equally divided between both nations.

This treaty is and has been a tremendous success and is a remarkable example of what a properly administered agreement between two great nations can accomplish.

This bill would continue the U.S. support of this international agreement by specifically authorizing the appropriation of the U.S. share for a 16-year restoration program which will provide an additional yearly income to fishermen of both nations of approximately $14 million. The extremely favorable cost/benefit ratio for this program is estimated at 9.5 to 1. In other words, income realized each year will equal the total cost for the entire 16-year program.

Yet, fishery representatives in Canada are urging that their government put up the entire program cost of $14 million so that the entire annual landings would accrue to Canadian fishermen and none to the United States. Their position has grown out of frustration over the years due to the failure on the part of the United States to actually appropriate the total U.S. fair share, in accordance with the terms of this international agreement. Thus, after a lower appropriated U.S. share is provided, the Canadian share must be adjusted downward—to the detriment of valuable natural resource and commercial fishing industries of both nations.

Enactment of this legislation will serve to further indicate continued and wholehearted support of the United States to abide by the explicit terms of the treaty throughout each annual phase of this 16-year program. By the time this construction project is completed, they will have produced about $72 million worth of fish at 1971 fishermen prices. The projects will have paid for themselves five times over. I know of no other sounder investment this country can make than to pass this legislation and fully fund the amounts authorized over this 16-year period.

I have a very strong fear that, should the legislation not pass, should the funds not be appropriated, should the funds so appropriated not be allocated and spent, that such dereliction of duty on the part of the United States—an integral part of its responsibilities under the terms of this international treaty will result in the demise of this tremendously valuable salmon fishery resource and the further decline of the commercial fishing industry of the United States—an integral part of this Nation's heritage, history, and future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill as follows:

H.R. 16870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Sockeye or Pink Salmon Fishing Act of 1947 (61 Stat. 514; 16 U.S.C. 776f) is amended by (a) designating existing section 8 as "section 8(a)"; and (b) inserting at the end thereof the following new section:

"(b) In addition to the amounts authorized in subsection (a) of this section, there is authorized to be appropriated the sum of $7,000,000 for the share of the United States of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program for the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system as approved by the Commission, to remain available until expended.

With the following committee amendments:

On page 1, line 3, add the word "Salmon" after the word "Sockeye".

On page 1, line 3, delete the word "Fishing" and add the word "Fishery" in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADDITIONAL MEMBERS OF NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15763) to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object—and I merely reserve the right to object so that the chairman of the subcommittee might explain to the Members the nature of this bill.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, may I first say that the gentleman from Alabama (Mr. BUCHANAN) has been a great help in preparing this legislation.

The legislation would provide two additional members of the National Historical Publications Commission. It would also increase the Commission's authorized annual appropriation from $500,000 to $2 million, and extend the annual authorization through the fiscal year ending June 30, 1977. All of this money is used by the National Historical Publications Commission to make grants to publish historical source documents on Presidential and other historical figures in the United States.

The National Historical Publications Commission has justified its appropriations since 1965, when we passed the first appropriation authorization bill. The chairman of the Commission told me then that they would receive as much from private contributions as they would get from appropriations from the Congress, and their 7-year track record has been excellent. Since 1965, annual appropriations from the Congress have averaged $368,000, while contributions from private institutions have averaged $787,500.

In other words, each dollar of appropriated funds has generated over $2 of contributions from other sources.

I think this is a splendid record. We are very proud of the efforts of the Commission; their work has been superb, as have been their fundraising activities. I wish that we could pass all our government programs on this same basis.

The National Historical Publications Commission—the Commission—was established by Congress in 1934 for the purpose of promoting the collection and publication of "the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States." It was not until 1964 that the Commission was authorized to have annual appropriations for the purpose of making allocations to Federal agencies, and grants to State and local agencies, and to nonprofit organizations and institutions to collect and preserve historical source materials. Since fiscal year 1965, when funds were first appropriated for the Commission in accordance with Public Law 88–383, which I had the privilege to introduce, each $1 of appropriated money has generated over $2 of contributions from private sources. With appropriated funds, the Commission, during the period from 1964 through 1971, has been able to assist and support 34 letterpress documentary publication projects and 105 microfilm publication titles.

H.R. 15763 was introduced by me and my distinguished colleagues, Mr. CULVER, Mr. MONAGAN, Mr. BUCHANAN, Mr. HEINZ, and Mr. BRADEMAS.

The purpose of H.R. 15763 is to: First, provide for two additional members of the National Historical Publications Commission; second, remove the current $500,000 ceiling on its annual authorization for appropriations; third, extend its authorization for appropriations until the fiscal year ending June 30, 1977; and fourth, increase the maximum per diem subsistence allowance for those six members of the National Historical Publications Commission who do not represent any branch of Government from $25 to $40 for each day spent on Commission business.

The Committee on Government Operations unanimously approved H.R. 15763 on August 9, 1972, and has recommended the adoption of two amendments:

First. The first amendment recommended by the committee places a ceiling of $2 million on the appropriation authorization for each year. As originally drafted, H.R. 15763 provided for an open ended authorization. The current appropriation authorization is contained in section 503(f) of the Federal Property and Administrative Services Act of 1949 and provides an authorization for appropriations of an amount not to exceed $500,000 for the fiscal year ended June 30, 1965, and 9 succeeding fiscal years. Section 2 of H.R. 15763 repeals this current appropriation authorization.

The amendment would also reinstate the proviso contained in current law that such appropriations shall be available until expended when so provided in appropriations acts. H.R. 15763, as originally written, provides that appropriations would remain available until expended.

Second. The second amendment is clerical in nature to rectify a typographical error. It would change the word "Administration" on page 2, line 14, to "Administrative."

Mr. Speaker, the passage of H.R. 15763 would significantly assist the Commission in its mission. Without this legislation, the current authorization for appropriations would expire with the fiscal year ended June 30, 1974. Consequently, this would severely handicap the Commission in promoting the collection and publication of historical source materials since it would no longer be able to make grants, which grants, in turn, encourage financial contributions from other sources. For example, since 1965, each $1 of appropriated funds has generated over $2 from other sources.

In addition, the current $500,000 ceiling on the appropriation authorization is just adequate to support the current projects that the Commission has undertaken. If the Commission is to undertake additional worthwhile projects—of which there are many—additional funds for grants are necessary. For example, the Commission is anxious to support more projects relating to the American Revolutionary period—a particularly appropriate subject in light of the upcoming bicentennial celebration of our independence. The Commission also would like to do more in the area of the contributions that minority groups have made, such as Black Americans, Spanish-speaking Americans, and American Indians. However, all of these projects would be impossible to undertake without additional money for grants.

By the congressional mandate given to the Commission in 1934, Congress explicitly recognized the importance of collecting and preserving the documents of the past. The work that the Commission has performed will serve as a valuable and timely contribution toward a better understanding by present and future generations of the thoughts, ideals, and plans that formed the framework for the beginning of this Nation. The Commission has collected, preserved, and published an immense amount of materials requiring the scholarship and hard work of many devoted persons.

In light of the proven worth and priceless contributions of the Commission, and in view of the fact that an enormous amount of work will continue to confront the Commission, it is essential that the appropriations authorization for the Commission be increased to a level that realistically represents the amount of financing that the Commission requires to effectively perform its work. Congress would be shortsighted not to supply necessary funds to help the Commission collect, preserve, and publish documents and other source materials that help us understand our national origins. The Commission must move with all possible speed in this area because a great deal of the documents that it seeks to preserve might be lost, destroyed, or in other ways become unavailable.

Accordingly, Mr. Speaker, I urge favorable consideration of H.R. 15763 by the House.

Mr. HEINZ. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise in support of this bill, H.R. 15763, as a member of the subcommittee of the distinguished chairman the gentleman from Texas (Mr. BROOKS). I wish especially to commend the chairman and the other members of the committee for the excellent handling and careful preparation of this legislation. Our open and public hearings at which I was present and participated, were held on August 8, 1972, and were a forum of free and open discussion of all aspects of H.R. 15763 and the work of the National Historical Publications Commission.

As demonstrated in the record of the hearings, the administrative costs of the commission are exceptionally low, and the work and output, in terms of both quantity and quality, extremely high. I commend the chairman and the committee for bringing to the House this legislation, which, if enacted, will permit on an expanded basis, the vital documentation and necessary preservation of our national heritage. I would only add that the early enactment of this legislation is particularly fitting as we approach our national bicentennial.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the distinguished gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and, indeed, clearing this request in advance for additional members on the National Historic Publications Commission, the removal of the ceiling, extending the authorization through future Congresses yet to be born, and also increasing the per diem allowance.

I believe these are the four accomplishments of the bill.

As the gentleman from Texas, my colleague, says and he is the chairman of the Subcommittee of the Committee on Governmental Operations says, and also he speaks as the first and outstanding chairman of the continuing Joint Committee of Congressional Operations; this is worthwhile and we are all interested in historical publications. I, too, am glad of the return on our seed-moneys. I do understand that nevertheless, none of the funds authorized are ever recouped, that is the taxpayers' Treasury is not reimbursed by contributions from outside foundations or other sources, but if it is put to good use and for historical valuable items and research, one could not gainsay it.

I wonder though—what is the need for the urgency of the legislation, which would not ordinarily conform to the Consent Calendar criteria, thus coming up in this manner at this time. Is it the coming bicentennial celebration?

Mr. BROOKS. Yes. It takes a very long time to get a new project started. Sometimes it takes months or years to plan and initiate additional projects. Without increased funds for grants, the Commission could not undertake additional worthwhile projects, relating to the American Revolutionary Period, which will serve as valuable contributions to our Nation's upcoming bicentennial celebration.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, this is not another example of having started off with a group and giving them a congressional charter so to speak, on the basis that they would match funds or raise future requirements from private sources, and then coming back and dipping into the till of the U.S. Treasury for more funds, I hope?

They have indeed accomplished their purpose. This is not another of the deals like Dulles Airport, the Kennedy Center for the Performing Arts, or the Kennedy Stadium deal in which the Congress footed the bill in excess of the original items once the charter was granted, and expected private contributions failed to materialize?

Mr. BROOKS. This is no kin to those projects.

Mr. HALL. I thank the gentleman.

Mr. BUCHANAN. Mr. Speaker, this legislation adds two new members to the National Historical Publications Commission who shall be drawn from the organization of American historians. It also authorizes an increase in appropriations for the next 5 years from $500,000 to $2 million annually; and increases the per diem allowance for non-Federal members to $40.

The Commission was initially established in 1934 for the purpose of promoting the collection and publication of important papers and documents of individuals and events important to an understanding and appreciation of American history. Increasingly, beginning in 1954, under the impetus of Presidents Truman and Eisenhower, the Commission has reached out to broaden its cooperative ventures with governmental and private bodies. Since 1964, when legislation was enacted under the able leadership of the distinguished chairman of the subcommittee (Mr. Brooks), providing for an annual authorization of $500,000, the Commission has been in a position to step up its activities significantly. Appropriations ensuing from this legislation have enabled the Commission to provide grants to government and private sources, such as universities, research libraries, and historical societies, to collect, describe, preserve and publish papers and documents of men, women, and events associated with the making of American history.

The financial contribution has not been a Federal effort alone, however. To the contrary, such Federal contributions have seeded even greater financial contributions from State and local governments, foundations, universities, and other sources. Between 1964 and 1971, the Commission has been able to financially assist and support the publication of 34 letterpress documentary publication projects and 105 microfilm publication titles. Letterpress publications, published by universities without cost to the taxpayers, have included the works of such historical figures as the Adams family, Alexander Hamilton, Thomas Jefferson, James Madison, Henry Clay, John Marshall, John C. Calhoun, Booker T. Washington, Daniel Webster and Benjamin Franklin. In addition, projects are underway designed to document the broad legal, political, religious, commercial, military, and scientific events of our past—many or all of which will be published in easily retrievable and less expensive microfilm collections, as will those of many historical figures.

As beneficial as the past financial contribution of the Commission has been to spurring increased preservation and publication of invaluable historical materials—and to also attracting contributions from other sources—the fact remains that insufficient resources presently exist to initiate or support the level of scholarship that is required. I need to remind no one, I believe, that papers, letters, records, and other material of historical significance are a fragile and wasting asset. If we do not collect and preserve them in time, they are lost forever.

One may question the need to use taxpayers' money merely to collect, preserve and edit "stale and dry" materials of fading personages and forgotten times. In answer to this, I can only answer that the heritage of a nation is a precious and invaluable resource. The course that a nation follows is in direct consequence of the actions, beliefs and principles of those who have come before, especially individuals in a role of leadership. For a people not to know the roots and causes of their past will only lead them to repeat the mistakes and tragedies so committed without profiting by that which has been beneficial and good. Certainly as we approach the bicentennial of our Nation's founding, it is most fitting that adequate direction and resources be devoted to unfolding and recording our past.

The present resources of the Commission are insufficient under existing appropriation limits to finance many necessary projects relating to events surrounding the American Revolutionary period. That alone should be sufficient inducement for Congress to support the limited increased authorization. At least as important, however, is the fact that much more effort must be exerted by the Commission to collect, preserve, and document the major contributions made to American history by women, blacks, Spanish Americans, and Indians, among others. In questioning by me of the Archivist of the United States at hearings on this proposed legislation, I was assured that the Commission intends to expand its work significantly in these areas and, in fact, already has a number of projects under consideration for financing. For this reason also the legislation deserves full support from all Members.

Aside from increasing the authorization for the next 5 years, H.R. 15763 also increases membership on the Commission from 11 to 13 members. The present membership includes the Archivist of the United States, Librarian of Congress, one Senator, one Representative, one member of the Federal judicial branch, one representative each from the Departments of State and Defense, two representatives of the American Historical Association, and two persons outstanding in the fields of social or physical sciences appointed by the President of the United States. Added to this membership, under the proposed legislation, would be two representatives selected from the Organization of American Historians. While representatives of the American Historical Association have been represented from the establishment of the Commission, that association represents many fields of history other than that relating to the United States. The Organization of American Historians, on the other hand, constitutes the largest national society of historians concerned with the history of the United States. There can be little doubt that representatives of the later organization would have been included in the original membership of the Commission if it had been in existence at the time the Commission was founded. It is only logical that we add this important voice to Commission deliberations at this time.

Mr. Speaker, no one can truly understand a society without a knowledge of its history. The past provides the key to an accurate understanding of today and the best basis for good decisions in our planning for tomorrow.

We owe it to the present generations of Americans and to those who follow to preserve the record of our heritage. I, therefore, withdraw my reservation and urge the adoption of H.R. 15763.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. Brooks)?

There was no objection.

The Clerk read the bill as follows:

H.R. 15763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 44, United States Code, is amended as follows:

(a) In section 2501, by inserting immediately after the word "Association;" where it appears for the second time, the following: "two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years;".

(b) In section 2503, by deleting "$25" and inserting in lieu thereof "$40".

(c) In section 2504, by inserting at the beginning of the text subsection designation "(a)", and by adding at the end thereof a new subsection (b), as follows:

"(b) There is hereby authorized to be appropriated to the General Services Administration for the purpose specified in (a) above, to remain available until expended, such sums as may be required for the fiscal year 1973 and each of the four succeeding years."

Sec. 2. Section 503(f) of the Federal Property and Administration Services Act of 1949, as added by the Act of July 28, 1964 (78 Stat. 335), and as amended by the Act of August 8, 1968 (82 Stat. 638), is repealed.

With the following committee amendments:

Page 2, strike out lines 8 through 12, inclusive, and insert:

"(b) There is hereby authorized to be appropriated to the General Services Administration for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years an amount not to exceed $2,000,000 for each year for the purposes specified in subsection (a) of this section: *Provided,* That such appropriations shall be available until expended when so provided in appropriation Acts."

Page 2, line 14, strike out "Administration" and insert "Administrative".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 56, NATIONAL ENVIRONMENTAL DATA SYSTEM AND ENVIRONMENTAL CENTERS

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (H.R

56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1972.)

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Speaker, this conference report represents the solution of great difficulties by the conferees.

It involves four parts. The first is the part which sets up the National Environmental Data System substantially as it was reported by the Committee on Merchant Marine and Fisheries and passed by the House.

Part two of the bill was added by the Senate and sets up a program of environmental centers run by the States together with the program on grants by the Federal Government for the support of that system.

Parts three and four relate to another amendment added by the Senate which will provide for the purchase of certain lands to be put on sale by the Klamath Indians. The bill as reported back from the conference committee has the support of all of the national conservation organizations. It solves the problem that is particularly oppressive to our good friends and colleagues of the Oregon delegation, and it was reported back unanimously by the conferees on the part of the House and on the part of the Senate.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. Mr. Speaker, I would like to take such time as I may have just for a brief explanation. Then I shall be glad to yield to Mr. HALL.

I think, Mr. Speaker, that the gentleman from Michigan has adequately explained this bill. Generally most of the amendments are of a technical and informing nature in order to make the provisions of title I and title II compatible with each other.

Mr. Speaker, I support the final passage of the conference report on H.R. 56 and associate myself with the remarks of our distinguished chairman of the Subcommittee on Fisheries and Wildlife, Mr. DINGELL.

He has very eloquently and adequately explained the final version of this bill, the actions of the other body in adding two additional titles providing for the establishment of State and regional environmental centers and providing for the purchase of Indian reservation lands in the State of Oregon by the Federal Government.

In view of the fact that the other body amended the House-passed version by way of numbered amendments, it will be necessary to offer specific motions to those amendments which the House is in technical disagreement with in order to obtain final approval for the overall conference report.

Generally, most of the amendments are of a technical and conforming nature in order to make the provisions of title I and title II compatible with each other.

Mr. Speaker, the provisions of this final conference report will assist in the development, analysis, and dissemination of the vast amount of data and information which is being produced in a variety of environmental areas and materially assist in insuring continued efforts in environmentally oriented research projects by our educational institutions. I urge its adoption.

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. I appreciate the explanation and the information we have. Before we wheel a conference report through here by unanimous consent, I just think the Members of the House ought to know that, first of all, this was considered in the House as H.R. 56 back on the 17th of May 1971 and it has been in the other body or conference since that time. At that time, in May 1 year ago, it passed this body under suspension of the rules, and there was opposition to it, and there still is opposition to the original bill and to the conference report by the head of the Environmental Protection Agency and other departments of the Cabinet who rendered unfavorable reports, according to the report of the committee on the original bill.

I am not sure what the amendments added on by the other body, or in conference are. I do question whether they have been adequately explained, and I wonder if this is not another bill being put through by the Sierra Club, and other pressure groups that are interested in environment and conservation, that is over and above the capability of the Department to perform in this real time. That is my only question and, unless there is adequate explanation about what the added-on amendments are, or the substance of the conference is, I would be constrained to at least have a rollcall vote.

Mr. DINGELL. Would the gentleman from Missouri yield at this point?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. I would say to my friend, the gentleman from Missouri, that the conference report deals only briefly with the original language of H.R. 56. We will have an opportunity for separate votes on a series of nongermane amendments which relate to parts II, III, and IV which have come back in the House separately.

I have a series of separate motions which may be voted on separately, I will tell my friend from Missouri, that relate to the subsequent portions of the bill and the subsequent portions of the conference report.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, again I appreciate the gentleman's yielding. Both of the gentlemen have been around here much longer than I have. They certainly know that under the rules of procedure, once we approve a conference report by unanimous consent or a rollcall vote, the amendments in technical disagreement are subject to additional explanation and a rollcall vote.

My only plea is that we have some information in advance, about what these are going to consist of so that we can decide intelligently and with mature judgment whether or not to let the conference report be accepted.

Mr. DINGELL. Will the gentleman from Washington yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. I will be pleased to make further reply.

Mr. Speaker, we are currently in the midst of an environmental crisis. The world in which we live is being severely altered by many of man's activities with little or no knowledge of the consequences. Government agencies at all levels, industrial and agricultural officials, and others whose decisions affect the environment are rightly expected by the public to manage the natural resources of this country for maximum productivity with minimum environmental degradation. But too often these decisionmakers do not have available to them adequate information and knowledge of consequences. At this time, as at no other time in history, there are numerous and diverse studies, programs, and projects generating data on the environment. A great score of information is already on record buried in file cabinets, in notebooks of individuals, in formal and informal reports and documents, and in computer systems available to very few. The potential for optimum environmental management will be greatly enhanced if a method is found to improve the flow, analysis, and utilization of this enormous information base.

Mr. Speaker, the conference report which we are considering today clearly expresses my conviction of the need for a national environmental data system which would make it possible for all legitimate claimants to obtain the information they need for a variety of objectives. The Federal Establishment is quite aware and concerned about the need for such a data system. In fact, many of the Federal agencies have already developed data systems handling environmental data. Outstanding systems now exist in the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration. In addition, two environmental data systems exist outside the Federal Government, one at the University of Illinois, and the other in the State of Maine.

Mr. Speaker, these functioning State, local, and Federal programs have demonstrated the feasibility and value of instituting a broader environmental data system at the national level. Conversely, the evidence at the hearings held by my Subcommittee on Fisheries and Wildlife Conservation equally demonstrated the losses that the Nation would suffer if such a system is not established.

Mr. Speaker, in June of 1970 my subcommittee held 4 full days of hearings on legislation—substantially the same as the conference report we are considering today—receiving testimony from a wide range of witnesses including, among others, ecologists, scientists, conservationists, environmentalists, and representatives from States and Federal Governments. All of the witnesses testifying at the hearings strongly supported the concept and the objectives of the legislation. The only objections were voiced by governmental witnesses and they were directed to various portions and details of implementation of the bill.

Mr. Speaker, great care was taken by the Committee on Merchant Marine and Fisheries to make sure that all objections were thoroughly considered. The bill (H.R. 56) as reported by the Committee on Merchant Marine and Fisheries, was designed to meet those objections and included all amendments suggested by the agencies except the ones which suggested that the legislation was premature and that sufficient authority to carry out the legislation already existed in the Council on Environmental Quality. Yet the Council in its first annual report to the President in August of last year stressed the fact that insufficient environmental quality indicators or systems by which to monitor the environment with any degree of accuracy had caused its report to be incomplete and uneven in many respects. Similarly, in the introduction of the council's report, the President stated that existing systems for measuring and monitoring environmental conditions and trends and for developing indicators of environmental quality are still inadequate.

Mr. Speaker, the conference report under consideration today is practically identical to H.R. 56, as reported by our Committee on Merchant Marine and Fisheries, except for technical, clarifying, or conforming changes.

Briefly explained, the major features of the conference report are as follows:

The beginning portion of the conference report would define certain terms used throughout the report.

Sections 101 and 102 would provide for the establishment of a National Environmental Data System. It would serve as the central national coordinating facility for the selection, storage, analysis, retrieval, and dissemination of environmental data made available to it by Federal agencies, State, and local governments, individuals, and private institutions. Such data would be analyzed, interpreted, collated, and disseminated as broadly as possible in order to provide information needed to support environmental decisions in a timely manner and in a usable form.

Section 103 would provide that the information, knowledge, and data in the data system and the analysis thereof would be required to be made available without charge to the Congress and all the agencies of the legislative and executive branches of the Federal Government. Such information, knowledge, and data would also be made available without charge to all States, political subdivisions thereof, and as provided by the conferees, all interested agencies, environmental centers, and educational institutions. However, in those cases where the service requested is substantial, then, such local and State political subdivisions, interstate agencies, environmental centers, and educational institutions would be required to pay a reasonable retrieval fee for providing such service. In addition, such information, knowledge, and data would be made available to other entities and persons, but only upon the payment of a reasonable fee to cover such retrieval service, as may be determined by the Director.

Section 104 would provide for the creation of the position of National Environmental Data System Director. The Director would be required to be a person well qualified to interpret and analyze environmental data of all kinds. He would be required to serve full time and would be compensated at the rate provided for level V of the executive schedule pay rates.

The duties of the Director would be to:

First, administer and manage the operations of the data system under the guidance of the Council on Environmental Quality;

Second, institute a study to evaluate and monitor the state of the art of information technology and utilize new and improved techniques for accomplishing the purposes of the act;

Third, utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data, including the development of predictive ecological models;

Fourth, develop and implement a plan to establish and maintain an environmental information network;

Fifth, develop, establish, and maintain, as necessary, general standards which will permit and facilitate compatibility and integration of existing and new information systems; and

Sixth, develop and publish from time to time environmental quality indicators.

Section 105 would authorize the Director to employ such officers and employees as may be necessary to carry out the purposes of the act, such as payment of grants, exchange of information, sharing of facilities, and other incentives.

Section 106 would require each department, agency, or instrumentality of the executive branch of the U.S. Government to make available to the data system all information, knowledge, and data as soon as possible after it becomes known for possible incorporation into the data system; it would require all Federal agencies providing financial assistance to take such steps as may be necessary to insure that environmental information, knowledge, or data resulting from such assistance will be made available to the data system as soon as possible after it becomes known; it would also require each department, agency, or instrumentality of the executive branch of the U.S. Government, to the fullest extent possible, to permit the Director, on a mutually agreeable basis, including the payment of compensation, to use personnel, facilities, data processing and other equipment in carrying out his functions under the act, and further, to the fullest extent possible, such computers, data processing, and other equipment would be required to be made compatible with all others in, and available for use by, the data system.

Mr. Speaker, section 107 would authorize to be appropriated to carry out the provisions of this title not to exceed $1 million for fiscal year 1974; $2 million for fiscal year 1975; and $3 million for fiscal year 1976. The committee felt that since a study would be carried out prior to the establishment of the data system and that optimum staffing for the operation and maintenance of such a system would not be needed until the system has been established, then it is likely that less funds would be needed during the first 3 years of the program.

Mr. Speaker, I might point out that the conferees felt that by limiting the legislation to a period of 3 years it will afford the conferees an opportunity to have an overall review of the program at the end of that period and at the same time determine its effectiveness and future needs.

Mr. Speaker, as noted in the conference report on this legislation, there were a total of 67 amendments to the bill as it passed by Senate. Of the 67 amendments, except for eight in number and the amendment to amend the title, all were technical, clarifying, or conforming in nature and the House either receded or receded from its disagreement to an amendment with an amendment.

Mr. Speaker, the committee of conference reported in disagreement the eight amendments—Nos. 1, 2, 16, 21, 44, 65, 66, and 67—and the Senate amendment to the title of the bill. After the House acts on the conference report, I plan to move that the House recede from its disagreement to the eight numbered amendments, as well as the amendment to amend the title of the bill, and agree to the same with an amendment as follows.

In order that my colleagues will know what is to follow, I will briefly explain each of the amendments to be offered at this time:

Amendment No. 1 is a technical amendment. The House bill would establish a national environmental data system through direct amendment to the National Environmental Policy Act of 1969. Senate amendment No. 1 would establish the data system proposed in the House bill—with no significant changes—but not by means of amendment to any existing law. Senate amendment No. 1 would also add a short title to the bill mentioning the data system and the State and regional environmental centers program—added by Senate amendment No. 65. I plan to offer an amendment in the nature of a substitute that would cite the act as the "National Environmental Data System and Environmental Centers Act of 1972." The amendment will also have the effect of establishing the act without the use of an amendment to existing law.

Amendment No. 21 is a technical amendment. The House bill provided that the national environmental data system should be operated so as to protect secret and national security information from unauthorized dissemination and application. Senate amendment No. 21 would require that such protection also be extended to patent and trademark information. I plan to offer an amendment in the nature of a substitute that will include "copyright information" since it is within the same general class of information to which the Senate amendment pertains.

Amendments Nos. 2, 16, 14, and 65 can be grouped together for discussion purposes since they pertain to title II of the bill which would provide for State and regional environmental centers.

Senate amendment No. 65 would add to the House bill a new title II which provides for the establishment of State and regional environmental centers which would combine and coordinate the environmentally related research and education extension capabilities of educational institutions within each State or interstate region. Senate amendments Nos. 2, 16, and 44 would make such amendments to the House bill as are required by the inclusion of such title II; for example—inclusion of title II definitions in the definitions section, and changes clarifying the relationship of environmental centers to the National Environmental Data System. Inasmuch as these Senate amendments would be in violation of the germaneness provisions of clause 7 of rule XVI of the Rules of the House if such amendments had been offered in the House, I plan to offer amendments in the nature of substitutes for these amendments.

With respect to amendment No. 2, my substitute amendment would have the effect of placing all definitions used throughout the bill in the first portion of the bill under section 2. With respect to amendments Nos. 16 and 44, my substitute amendments are all clarifying, conforming, and technical in nature. With respect to amendment No. 65, it would provide for the establishment of State and regional environmental centers at educational institutions throughout the United States. Under the administration of the Environmental Protection Agency, the Administrator of EPA would be authorized to provide financial assistance to the States in establishing either State centers or regional centers. The Governor of each State or States concerned would designate the centers where the program would take place. The program would be limited to a period of 3 years. There would be authorized to be appropriated to provide grant money to the States for the purpose of establishing and operating the centers a total of $7 million for fiscal year 1974, $9.8 million for fiscal year 1975, and $10 million for fiscal year 1976. These funds would be divided equally among the States.

In addition, there would be authorized to be appropriated on a matching fund basis the sum of $10 million per year for fiscal years 1974, 1975, and 1976, to be apportioned among the States as follows: One-fourth based on population; one-fourth based on land area; and one-half based on the severity of the need and the ability and willingness of each center to address itself to certain problems. These funds would be provided to the States on a matching fund basis, $1 State money for each $2 of Federal money.

Also, there would be authorized to be appropriated such sums as may be necessary to provide each regional center an amount of money equal to 10 percent of the funds which would be disbursed and allocated to such center in order to encourage regional centers in lieu of State centers.

There would also be authorized to be appropriated the sum of $1 million per year for each of the 3 fiscal years to cover the administration of this program.

In order to assist the Administrator and the centers in the administration of this program title II of the bill would authorize to be established an Environmental Centers Research Coordination Board and Environmental Center Advisory Boards.

Amendment No. 66 would add to the House bill a new title II which would direct the Secretary of Agriculture to contract for the purchase of certain Klamath Indian forest lands which were retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act.

Amendment No. 67 would add a new title IV to the House bill amending the Klamath Indian Termination Act in order to extend, for an additional 12 months, the existing 12-month period provided for the first offer of sale of such forest lands to the Secretary of Agriculture.

Inasmuch as Senate amendments Nos. 66 and 67 would be in violation of the germaneness rule of the House, I plan to offer a substitute amendment with respect to Senate amendment No. 66 which would extend from June 30, 1972, to June 30, 1973, the time within which the contract may be made, and making the price paid for the purchase of such forest lands subject to adjustment for growth and cutting, and with respect to Senate amendment No. 67, I plan to offer a substitute amendment which would be technical in nature only.

And, finally, Mr. Speaker, I plan to offer a technical amendment to the title in the nature of substitute amendment that would make the title conform to the substantive changes made by the Senate.

Mr. Speaker, all of the Senate and House conferees have agreed to the amendments I plan to offer, and I urge the adoption of the conference report on H.R. 56.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate that explanation. I think it is to the point and erstwhile.

Could I ask one of the gentlemen handling the conference report if it is perhaps true that the objection of the Environmental Protection Agency is that they are in the process of divesting themselves from inherited research centers, laboratories, contracts, grants, and data tabulation machines and other control systems and primary research centers including those of each State, when the EPA was made in being and the States' environmental studies were preempted. I can well understand why we would not want to lose valuable data we have, but could it be that the objection on the part of the Administrator of the EPA is, as he has told me in person, for example, in reviewing a project that happened to come from my hometown, that they had inherited so many research centers, so many laboratories, et cetera, that they were surfeited with them at the time and needed a chance to work out from under the load before we provide, as I understand this conference report would, one center for national environmental data collection, programing, and recall in each State?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I must confess I honestly do not fully understand the opposition of the department downtown because they do not seem to relate to the bill. I would have the gentleman know there is no requirement that the departments engage in any hardware procurement or that EPA set up any particular program or any particular acquisition of hardware or software in the computer business. As a matter of fact, that part of the bill is entirely permissive. The function of the bill is to require a systemization of the collection, collation, retrieval, evaluation, and dissemination of information.

I would share with my good friend, the gentleman from Missouri, something I have not said before, which is that the bill is patterned directly on a study made by the Library of Congress and by other Government agencies, and it follows precisely the suggestions of these studies which have been made in part and through and for CEQ and EPA suggesting that this very kind of thing must be done.

It is anticipated that there will be practically no new acquisition of hardware; no new setting up of centers under the first part of the bill.

The second part of the bill is again permissive, but it does authorize certain expenditures. I can give the gentleman from Missouri no assurance that there will be expenditures under the second section or no expenditures, but I mention to him that we will have a separate vote under the second part in connection with nongermane amendments, which I will have to bring up after the conference report is adopted.

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Missouri for any further inquiries.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, at what time would it be appropriate to lodge a point of order against a nongermane, added-on, Senate amendment to one of our amendments reported in technical disagreement?

The SPEAKER. When that separate amendment is reached, after the adoption of the conference report.

Mr. DINGELL. We do have a concurrent resolution which is intended to clear up these problems.

Mr. DINGELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, strike out lines 3, 4, and 5, and insert:

That this Act may be cited as the "National Environmental Data System and State Environmental Centers Act of 1972".

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves that the House recede from its disagreement to Senate amendment numbered 1 and agree to the same, with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "That this Act may be cited as the 'National Environmental Data System and Environmental Centers Act of 1972'."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 1, after line 5, insert:

Sec. 2. For the purpose of this Act—

(a) The term "Data System" means the National Environmental Data System established by title I of this Act. The Data System shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

(b) The term "Director" means the National Environmental Data System Director appointed pursuant to section 104 of title I of this Act.

(c) The term "environmental center" means a State environmental center or regional environmental center established pursuant to title II of this Act. Each environmental center shall be an organization which combines or coordinates the environmentally related research and education extension capabilities of research and educational institutions.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(e) The term "Council" means the Council on Environmental Quality established in title II of the National Environmental Policy Act of 1969 (Public Law 91–190).

(f) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(g) The term "environmental quality indicators" means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

(h) The term "information, knowledge, and data" shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking or research in environmental affairs or problems.

Mr. PELLY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves that the House recede from its disagreement to Senate amendment numbered 2, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

DEFINITIONS

Sec. 2. For the purpose of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Council" means the Council on Environmental Quality established in title II of the National Environmental Policy Act of 1969 (Public Law 91–190).

(3) The term "Data System" means the National Environmental Data System established by title I of this Act.

(4) The term "Director" means the National Environmental Data System Director appointed pursuant to section 104 of title I of this Act.

(5) The term "educational institution" means a public or private institution of higher education, or a consortium of public or private, or public and private, institutions of higher education.

(6) The term "environmental center" means a State environmental center or regional environmental center established pursuant to title II of this Act.

(7) The term "environmental quality indicators" means quantifiable descriptors of environmental charactertistics which will measure the quality of the environment.

(8) The term "information, knowledge, and data" shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking or research in environmental affairs or problems.

(9) The term "other research facilities" means the research facilities of (A) any educational institution in which a State environmental center is not located and which does not directly participate in a regional environmental center, (B) public or private foundations and other institutions, and (C) private industry.

(10) The term "regional environmental center" means an organization which, on an interstate basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

(11) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(12) The term "State environmental center" means an organization which, on a statewide basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

On page 2, line 20, of the House engrossed bill, after "System." insert the following: "The Data System shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation."

The motion was agreed to.

The SPEAKER. The clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 3, strike out line 19, and insert: "(2) to all interstate agencies, States and political subdivisions thereof, and universities and colleges,".

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves that the House recede from its disagreement to Senate amendment numbered 16 and agree to the same, with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "(2) to all interstate agencies, States and political subdivisions thereof, environmental centers, and educational institutions,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 4, strike out lines 9, 10, and 11, and insert: "(c) In all instances the functions of the Data System shall be performed so as to protect secret, national security, patent, and trademark information from unauthorized dissemination and application."

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same, with an amendment as follows: On page 4, line 15, of the Senate engrossed amendments, after "patent," insert the following: "copyrighted".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 6, line 20, after "with" insert: "environmental centers established pursuant to title II of this Act and with".

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves that the House recede from its disagreement to Senate amendment numbered 44, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "environmental centers, educational institutions,".

On page 6, line 20, of the House engrossed bill, strike out "universities,".

On page 6, line 22, of the House engrossed bill, strike out "required" and insert the following: "required".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 65:

Page 8, after line 17, insert:

TITLE II—STATE OR REGIONAL ENVIRONMENTAL CENTERS

SEC. 201. This title may be cited as the "State Environmental Centers Act of 1972".

POLICY AND PURPOSES

SEC. 202. It is the policy of the Congress to support research, planning, management, and education and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers in cooperation with and among the States to promote a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969 (Public Law 91–190). It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in intrastate and regional (interstate) areas to assure the Nation of an adequate environment.

SEC. 203. The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest dissemination of environmental information; and to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; and to authorize and direct the Administrator of the Environmental Protection Agency to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard to the varying conditions and needs of the respective States.

ENVIRONMENTAL CENTERS

SEC. 204. The Congress authorizes the Administrator to assist each participating State in establishing and carrying out the work of a competent and qualified environmental center, not to exceed one environmental center per State, to be located at an educational institution, private or public foundation designated by the Governor of such State; subject to the approval of the Administration: *Provided*, That the educational institution or foundation designated shall have the greatest demonstrated ability within the State to carry out the purposes of this title (including research, investigations, experiments, demonstrations, technology applications, training of professionals, education extension, and other such purposes): *And provided further*, That (1) funds under this title shall be paid to the one designated State environmental center in each State; (2) two or more States may cooperate in the designation of a single interstate or regional environmental center, subject to the determination by the Administrator that such regional environmental center has, or may be expected to have, the capability of doing effective work under this Act, and individual sums payable to all of the States cooperating in the regional environmental center shall be paid to such regional environmental center; and (3) a regional environmental center may arrange with universities, colleges, and foundations as well as private industry to participate in the work required for fulfillment of its responsibilities.

SEC. 205. (a) Each environmental center shall be organized and operated so as to utilize, support, and augment the existing capabilities of research and educational institutions for programs contributing to the protection and improvement of the Nation's environment. Administration of each environmental center shall be the responsibility of a publicly supported university or foundation with established research capabilities and programs in a broad range of fields realted to protection and improvement of the environment, including land, water, and air resources. Each environmental center shall have a chief administrative officer who is an official of said university or foundation. Each environmental center shall have a nucleus of administrative, professional, scientific, technical, and education extension personnel capable of planning, coordinating, and directing interdisciplinary programs required for the protection and improvement of the Nation's environment. It shall possess the capability of employing personnel to carry out research, planning, management, and education programs. Each environmental center shall be authorized to make grants to and to finance contracts and fund matching or other arrangements with other educational institutions, foundations, institutions, private firms, or individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief administrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and with local, State, and Federal agencies, to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the mission of the environmental center and the purposes of this title.

(b) It shall be the duty of each environmental center to plan and conduct, and/or arrange for a component or components of the universities, colleges, or foundations with which it is or may become associated to conduct, competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to environmental pollution and other environmental problems and opportunities and to provide for the training of environmental professionals through such research, investigations, and experiments, which training may include but shall not be limited to biological, ecological, geographic, geological, engineering, economic, legal, energy resource, resource planning, land use planning, social, recreational, information and data, and other aspects of environmental problems.

(c) The Administrator is hereby charged with administration of this title and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title, to indicate from time to time such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation among the several environmental centers. Such encouragement shall include specifically the development of (1) interdisciplinary team within the colleges and universities as well as private industry, and (2) interinstitutional arrangements among colleges, universities, private industry, and governmental agencies at all levels.

SEC. 206. (a) In order to aid in disseminating among the people of the United States useful and practical information on subjects relating to the protection and enhancement of the Nation's environment, each environmental center designated or established pursuant to this title shall have as one of its principal functions an education extension program.

(b) The work of the education extension program of each environmental center shall be directed toward, but not limited to—

(1) the general public;

(2) units of government, including local, State, and Federal;

(3) business, industry, and commercial establishments; and

(4) civic, fraternal, and other public interest groups.

(c) The education extension program of each environmental center shall provide a full range of educational and communications services including—

(1) workshops, seminars, clinics, courses, field trips, and demonstrations;

(2) the publication of materials, including bulletins, fact sheets, monographs, films, and other appropriate matter; and

(3) a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of environmental information.

(d) Each education extension program shall be administered by the chief administrative officer of each environmental center, and shall make maximum feasible use of the field staff, organization, and facilities of the existing extension and continuing education programs of those participating universities, colleges, and foundations as shall be mutually agreed upon with the director of said programs.

SEC. 207. (a) There is authorized to be appropriated $7,000,000 for the first fiscal year after enactment of this Act; $8,900,000 for the second fiscal year after enactment of this Act; and $14,000,000 for each fiscal year thereafter. The sums authorized for appropriation pursuant to this section shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated for the first fiscal year after enactment of this Act, $10,000,000; and for the second fiscal year after enactment of this Act, and for each fiscal year thereafter, $20,000,000 which shall be allocated by the Administrator to the environmental centers on the following basis: one-third based on population using the most-current decennial census, one-third based on the amount of each State's total land area, and one-third based on pressures resulting from growth, financial need and other relevant factors as determined by the Administrator: *Provided*, That sums allocated under this subsection shall be made available only to environmental centers, State or regional, of those States which provide $1 for each $2 provided under this subsection.

(c) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

(d) In addition, there is further authorized to be appropriated each fiscal year a sum, not to exceed 6 per centum of the sums authorized to be appropriated each fiscal year in subsections (a) and (b) of this section, to be used by the Administrator solely for the administration of this title.

ADDITIONAL ENVIRONMENTAL RESEARCH AND EXTENSION EDUCATION PROGRAMS

SEC. 208. There is authorized to be appropriated to the Administrator $10,000,000 for each fiscal year after enactment of this Act from which he may make grants, finance contracts, and fund matching or other arrangements with educational institutions (other than those in environmental centers established pursuant to this title) and foundations (other than those as described in previous sections of this title); with private firms and individuals; and with local, State, and Federal governmental agencies, to undertake research planning, management, and education on environmental subjects which are deemed appropriate by the Administrator and which are not otherwise being addressed fully in other studies or research.

ENVIRONMENTAL CENTER RESEARCH COORDINATION BOARD

SEC. 209. There is established the Environmental Centers Research Coordination Board (hereinafter referred to as the "Board"), for the purposes of assisting the Administrator with program development and operation consisting of—

(a) A Chairman, who shall be the Administrator of the Environmental Protection Agency.

(b) One representative each from (i) the Council on Environmental Quality; (ii) the Department of the Interior; (iii) the National Science Foundation; (iv) the Federal Extension Service of the Department of Agriculture; (v) the Agricultural Experiment Station Directors Association; (vi) the Department of Commerce; (vii) the Department of Health, Education, and Welfare; (viii) the National Aeronautics and Space Administration; (ix) the Atomic Energy Commission; (x) the National Academy of Sciences; (xi) the National Academy of Engineering; (xii) the Department of Defense; (xiii) the National Association of State Universities and Land-Grant Colleges; and (xiv) the Association of American Universities.

(c) Two members each from (i) private business firms; (ii) not-for-profit organizations whose primary objectives are for the purposes of improving environmental quality; (iii) the scientific community; and (iv) the general public.

(d) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(e) Each member of the Board shall keep the agency or organization which the member represents fully and currently informed of all activities of the environmental centers established pursuant to this title.

(f) Selection of Board members pursuant to subsection (b) shall be made by heads of the respective agencies and organizations upon consultation with the Administrator. Selection of Board members pursuant to subsection (c) shall be made by the Administrator.

(g) The Board shall meet at least four times in every calendar year. The members of the Board who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 210. The chief administrative officer responsible for administering each environmental center established under this title shall appoint an advisory board to advise the environmental center with respect to programs conducted pursuant to this title and their coordination with programs of Federal, State, and local government and with those of private industry concerned with protecting and enhancing the quality of the environment. Each advisory board shall consist of representatives of agencies of Federal, State, or local government concerned with environmental quality, representatives of universities and other institutions that participate in or may participate in programs authorized by this title, representatives of private industry and representatives of the general public. At least one-third of the members of each advisory board shall be appointed from the general public. Funds provided by this title may be used to pay travel and such other costs of each advisory board as shall be authorized by the chief administrative officer of the environmental center.

REPORT

SEC. 211. The Administrator shall make a report each year to the President and to the Congress of the receipts and expenditures and work of the environmental centers in all the States under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reason therefor.

MISCELLANEOUS

SEC. 212. Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined by the Administrator and upon vouchers approved by him. Each environmental center shall have a chief administrative officer and a treasurer or other officer appointed by the university or foundation with responsibility for administering the environmental center. Such treasurer or other officer shall receive and account for all funds paid to the environmental center under the provisions of the title and shall report, with the approval of the chief administrative officer of the environmental center, on or before the first day of September each year a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall by any action or contingency be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that environmental center.

SEC. 213. Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof.

SEC. 214. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of research, experiments, and other investigations, including lists of publications available for distribution by the environmental centers, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster may from time to time prescribe. Such publications may be mailed from the principal place of business of the environmental center or from an established subunit of said environmental center.

SEC. 215. Any environmental center which receives assistance from and through the State under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such environmental center from and through the State under this title.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same, with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE II—STATE AND REGIONAL ENVIRONMENTAL CENTERS

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Centers Act of 1972".

POLICY AND PURPOSES

SEC. 202. (a) It is the policy of the Congress to support basic and applied research, planning, management, education, and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers, in cooperation with and among the States, and thereby to achieve a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to the policies and goals established in the National Environmental Policy Act of 1969. It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in local, State, and regional areas to assure the Nation of an adequate environment.

(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of basic and applied research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States; to provide for the widest dissemination of environmental information; to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; and to authorize and direct the Administrator to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard for the varying conditions and needs of the respective States.

DESIGNATION AND APPROVAL OF ENVIRONMENTAL CENTERS

SEC. 203. (a) The Administrator shall provide financial assistance under this title for the purpose of enabling any State, if such State does not participate in a regional environmental center assisted under this title, to establish and operate one State environmental center if—

(1) such State environmental center is, or will be—

(A) located in an educational institution within the State, and

(B) administered by such educational institution;

(2) such educational institution is designated by the Governor of the State to be the State environmental center; and

(3) the Administrator determines that such State environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(b) The Administrator shall provide financial assistance under this title for the purpose of enabling two or more States, if none of such States has a State environmental center assisted under this title, to establish and operate a regional environmental center if—

(1) such regional environmental center is, or will be—

(A) located in an educational institution within one of such States or in educational institutions within two or more of such States if such institutions agree to operate jointly as the regional environmental center; and

(B) administered by such educational institution or institutions;

(2) such educational institution in each State is designated by the Governor of the State to participate in the regional environmental center; and

(3) the Administrator determines that such regional environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(c) Each Governor, in designating an educational institution to be a State environmental center or to participate in a regional environmental center, shall take into account those institutions of higher education in the State which, at that time, are carrying out environmentally related research and education programs.

ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL CENTERS

Sec. 204. Each State or regional environmental center shall—

(1) be organized and operated so as to support, augment, and implement programs contributing to the protection and improvement of the local, State, regional, and national environment;

(2) have (A) a chief administrative officer, and (B) a treasurer who shall carry out the duties specified in section 210 of this title, each of whom shall be appointed by the chief executive officer of the educational institution concerned, in the case of a State environmental center, or jointly approved and appointed by the chief executive officers of the educational institutions concerned, in the case of a regional environmental center;

(3) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of planning, coordinating, and directing interdisciplinary programs related to the protection and improvement of the local, State, regional, and national environment;

(4) be authorized to employ personnel to carry out appropriate research, planning, management, and education programs;

(5) be authorized to make contracts and other financial arrangements necessary to implement section 205(b) of this title; and

(6) make available to the public all data, publications, studies, reports, and other information which result from its programs and activities, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

FUNCTIONS OF ENVIRONMENTAL CENTERS

Sec. 205. (a) Each State and regional environmental center shall be responsible for the following functions—

(1) the planning and implementing of research, investigations, and experiments relating to the study and resolution of environmental pollution, natural resource management, and other local, State, and regional environmental problems and opportunities;

(2) the training of environmental professionals through such research, investigations, and experiments, which training may include, but is not limited to, biological, ecological, geographic, geological, engineering, economic, legal, energy resource, natural resource and land use planning, social, recreational, and other aspects of environmental problems;

(3) the establishment, operation, and maintenance of a comprehensive environmental education program directed at the widest possible segment of the population, which program may include, but is not limited to, public school curricula development, undergraduate degree programs, graduate programs, nondegree college level course work, professional training, short courses, workshops, and other educational activities directed toward professional training and general education;

(4) the widest possible dissemination of useful and practical information on subjects relating to the protection and enhancement of the Nation's environment (including but not limited to, information and data resulting from research, investigations, and experiments by the environmental center and information, knowledge, and data obtained through the Data System) and the establishment and maintenance of a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of such information; and

(5) the submission, on or before September 1 of each year, of a comprehensive report of its programs and activities during the immediately preceding fiscal year to the Governors concerned, the Administrator, the Director, the enviornmental center advisory board concerned, and the Environmental Centers Research Coordination Board.

(b)(1) Each State and regional environmental center is encouraged to contract with other environmental centers and with other research facilities to carry out any function listed in subsection (a) of this section in order to achieve the most efficient and effective use of institutional, financial, and human resources.

(2) Each State and regional environmental center is also encouraged to make grants, contracts, fund matching or other arrangements with—

(A) other environmental centers, other research facilities, and individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief adminstrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and

(B) local, State, and Federal agencies to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the missions of the environmental center and the purposes of this title.

(c) In the carrying out of the functions described in subsection (a)(3) and (4) of this section, the services of private enterprise firms active in the fields of information, publishing, multi-media materials, educational materials and broadcasting may be utilized where practicable so as to avoid creating government competition with private enterprise and to achieve the most efficient use of public funds invested in the fulfilling of the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS

Sec. 206. (a) There is authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1974; $9,800,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976. The sums authorized for appropriation pursuant to this subsection shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated $10,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, which shall be allocated by the Administrator, after consultation with the Environmental Centers Research Coordination Board, to the environmental centers on the following basis: one-fourth based on population using the most current decennial census; one-fourth based on the amount of each State's total land area; and one-half based on the assessment of the Administrator with respect to (1) the nature and relative severity of the environmental problems among the areas served by the several State and regional environmental centers, and (2) the ability and willingness of each environmental center to address itself to such problems within its respective area; except that sums allocated under this subsection shall be made available only to those State and regional environmental centers for which the States concerned provide $1 for each $2 provided under this subsection.

(c) In addition to the sums authorized to be appropriated under subsections (a) and (b) of this section, there is authorized to be appropriated for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, such sums as may be necessary to provide to each regional environmental center during each of such fiscal years an amount of money equal to 10 per centum of the funds which will be disbursed and allocated to such center during that fiscal year by the Administrator under such subsections (a) and (b).

(d) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION

Sec. 207. There is authorized to be appropriated $1,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, to be used by the Administrator solely for the administration of this title and to carry out the purposes of section 208 of this title.

ENVIRONMENTAL CENTERS RESEARCH COORDINATION BOARD

Sec. 208. (a) There is established the Environmental Centers Research Coordination Board (hereinafter referred to in this section as the "Board"), for the purposes of assisting the Administrator with program development and operation, consisting of the following nine members—

(1) a Chairman, who shall be the Administrator;

(2) one representative each from (A) the Council on Environmental Quality, (B) the National Science Foundation, (C) the Smithsonian Institution, and (D) the Office of Science and Technoloy; and

(3) four members, appointed by the Administrator, who shall be appointed on the basis of their ability to represent the views of (A) private industry, (B) not-for-profit organizations the primary objectives of which are for the purposes of improving environmental quality, (C) the academic community, and (D) the general public.

(b) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(c) The Board shall undertake a continuing review of the programs and activities of all State and regional environmental centers assisted under this title and make such recommendations as it deems appropriate to the Administrator and the Governors concerned with respect to the improvement of the programs and activities of any environmental center. The Board shall, in conducting its review, give particular attention to finding any unnecessary duplication of programs and activities among the several environmental centers and shall include in its recommendations suggestions for minimizing such duplications. The Board shall also coordinate its activities under this section with all appropriate Federal agencies and may coordinate such activities with such State and local agencies and private individuals, institutions, and firms as it deems appropriate.

(d) Selection of Board members pursuant to subsection (a)(2) of this section shall be made by heads of the respective entities after consultation with the Administrator.

(e) The Board shall meet at least four times each year. The members of the Board who are not regular fulltime officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 209. (a) The Governor of each State having a State environmental center assisted under this title and the Governors of the States participating in each regional environmental center assisted under this title shall appoint, after consultation with the chief administrative officer of the environmental center concerned, an advisory board which shall—

(1) advise such environmental center with respect to the activities and programs conducted by the environmental center and the coordination of such activities and programs with the activities and programs of Federal, State, and local governments, of other educational institutions (whether or not directly participating in an environmental center assisted under this title), and of private industry related to the protection and enhancement of the quality of the environment; and

(2) make such recommendations as it deems appropriate regarding—

(A) the implementation and improvement of the research, investigations, experiments, training, environmental education programs, information dissemination, and other activities and programs undertaken or supported by the environmental center, and

(B) new activities and programs which the environmental center should undertake or support.

All recommendations made by an advisory board pursuant to clause (2) of this subsection shall be promptly transmitted to the Governor or Governors concerned, the chief administrative officer of the environmental center, the chief executive officer of each educational institution in which the environmental center is located, and the Administrator.

(b)(1) Each advisory board appointed pursuant to this section shall have not to exceed fifteen members consisting of representatives of—

(A) the agencies of the State concerned which administer laws relating to the conservation of natural resources and environmental protection or enhancement;

(B) the educational institution or institutions in which the environmental center is located;

(C) the business and industrial community; and

(D) not-for-profit organizations the primary objective of which is the improvement of environmental quality and other public interest groups.

The chief administrative officer of the environmental center shall be an ex officio member of the advisory board. Each advisory board shall elect a chairman from among its appointed members.

(2) The term of office of each member appointed to any advisory board shall be for three years; except that of the members initially appointed to any advisory board, the term of office of one-third of the membership shall be for one year, the term of office of one-third of the membership shall be for two years; and the term of office of the remaining members shall be for three years.

(c) Any recommendations made by an advisory board pursuant to subsection (a)(2) of this section shall be responded to, in writing, by the chief administrative officer of the environmental center within one hundred and twenty days after such recommendations are made. In any case in which any such recommendation is not followed or adopted by the chief administrative officer, such officer, in his response, shall state, in detail, the reason why the recommendation was not, or will not be, followed or adopted.

(d) All recommendations made by an advisory board pursuant to subsection (a)(2) of this section, and all responses by the chief administrative officer thereto, shall be matters of public record and shall be available to the public at all reasonable times.

(e) Each advisory board appointed pursuant to this section shall meet not less than once each year.

(f) Funds provided under section 206 of this title may be used to pay the travel and such other related costs as shall be authorized by the chief administrative officer of the environmental center which are incurred by the members of each advisory board incident to their attendance at meetings of the advisory board; except that the amount of travel and related costs paid under this subsection to any member of an advisory board with respect to his attendance at any meeting of the advisory board may not exceed the amount which would be payable to such member if the law relating to travel expenses for persons intermittently employed in Government service applied to such member.

MISCELLANEOUS

SEC. 210. (a) Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined by the Administrator and upon vouchers approved by him. Each treasurer appointed pursuant to section 204(2) of this title shall receive and account for all funds paid to the environmental center under the provisions of the title and shall transmit, with the approval of the chief administrative officer of the environmental center, to the Administrator on or before the first day of September of each year, a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that environmental center.

(b) Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof.

(c) Any environmental center which receives assistance under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records which are pertinent to the assistance received by such environmental center under this title.

DUTIES OF ADMINISTRATOR

SEC. 211. (a) The Administrator shall—

(1) prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title;

(2) indicate to the environmental centers from time to time such areas of research and investigation as to him seem most important, and encourage (specifically through the development of (A) interdisciplinary teams within each environmental center, which teams may be composed of competent persons from the environmental center, other educational institutions and research facilities, and private industry, and (B) interinstitutional arrangements among such educational institutions, private industry, and governmental agencies at all levels) and assist in the establishment and maintenance of cooperation among the several environmental centers;

(3) report on or before January 1 of each year to the President and to Congress regarding the receipts and expenditures and work of all State and regional environmental centers assisted under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reasons therefor; and

(4) undertake a continuing survey, and report thereon to Congress on or before January 1 of each year with respect to—

(A) the interrelationship between the types of programs required to be implemented, and implemented, by environmental centers assisted under this title, and

(B) ways in which the system provided for in this title for improving the Nation's environment may be integrated with other environmentally-related Federal programs.

The Administrator shall include in any report required under this paragraph any recommendations he deems appropriate to achieve the purposes of this title.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 8, after line 17, insert:

TITLE III

SEC. 301. The Secretary of Agriculture is hereby directed to enter into a contract, prior to June 30, 1972, to purchase at a price of $51,954,709 Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564w-1). The contract may provide for payment of the purchase price in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same, with amendments as follows: On page 21, line 15, of the Senate engrossed amendments, strike out "1972," and insert the following: "1973,".

On page 21, line 16, of the Senate engrossed amendments, immediately after "$51,954,709" insert the following: ", subject to adjustment for growth and cutting,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 8, after line 17, insert:

TITLE IV

SEC. 401. Section 28(e) of the Klamath Indian Termination Act of 1954, as amended (25 U.S.C. 564w-1), is amended by striking "twelve months" and inserting in lieu thereof "twenty-four months".

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same, with an amendment as follows: On page 22, line 3, of the Senate engrossed amendments, strike out "Section" and insert the following: "With respect to the offer made on June 29, 1971, and effective with the making of such offer, section."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amend the title so as to read: "An Act to establish a national environmental data system and State and regional environmental centers pursuant to policies and goals established in the National Environmental Policy Act of 1969, and for other purposes."

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

DIRECTING CLERK OF HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 56

Mr. DINGELL. Mr. Speaker, I offer a House concurrent resolution (H. Con. Res. 716) relating to the conference report just agreed to, and ask unanimous consent for the immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 716

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 56

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the Bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, is authorized and directed to make the following corrections:

On page 1, line 7, of the House engrossed bill, strike out "NATIONAL ENVIRONMENTAL DATA SYSTEM" and insert the following: "SHORT TITLE."

On page 2 of the House engrossed bill, between lines 18 and 19, insert the following center heading: "NATIONAL ENVIRONMENTAL DATA SYSTEM."

On page 3, line 7, of the House engrossed bill, before the period insert the following: ", knowledge, and data."

On page 3, line 8, of the House engrossed bill, after "Information" insert the following: ", knowledge,."

On page 3 of the House engrossed bill, between lines 12 and 13, insert the following center heading: "AVAILABILITY OF INFORMATION, KNOWLEDGE, AND DATA."

On page 4 of the House engrossed bill, between lines 11 and 12 insert the following center heading: "DIRECTOR OF THE DATA SYSTEM."

On page 6 of the House engrossed bill, between lines 9 and 10 insert the following center heading: "ADMINISTRATIVE PROVISIONS."

On page 6, line 22, of the House engrossed bill, before "data," insert the following: "knowledge, and".

On page 6 of the House engrossed bill, between lines 23 and 24 insert the following center heading: "INTERAGENCY COOPERATION."

On page 8 of the House engrossed bill, between lines 13 and 14 insert the following center heading: "AUTHORIZATION OF APPROPRIATIONS."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT AS MEMBERS OF COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

The SPEAKER. Pursuant to the provisions of section 804(b), Public Law 91-452, the Chair appoints as members of the Commission on the Review of the National Policy Toward Gambling the following Members on the part of the House: Mr. PURCELL, of Texas; Mr. CURLIN, of Kentucky; Mr. HOGAN, of Maryland; and Mr. HUNT, of New Jersey.

PROVIDING FOR CONSIDERATION OF H.R. 16656, FEDERAL-AID HIGHWAY ACT OF 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1145 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1145

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 16(c), Rule XI, and clause 4, Rule XXI are hereby waived. At the conclusion of such consideration, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 16656, it shall be in order in the House to take from the Speaker's table the bill S. 3939 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16656 as passed by the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1145 provides an open rule with 2 hours of general debate for consideration of H.R. 16656, the Federal Highway Act authorization. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment; all points of order are waived for failure to comply with clause 16(c) of rule XI—jurisdiction of Public Works Committee—and clause 4 of rule XXI—appropriations in a legislative bill—after passage of H.R. 16656, it shall be in order to take S. 3939 from the Speaker's table, move to strike all after the enacting clause and amend it with the House-passed language.

Total authorizations in H.R. 16656 from the trust fund for fiscal years 1974 and 1975 are $14.8 billion. There is also authorized out of the general fund a total of approximately $1.5 billion for the 2 years.

The sum of $700 million is authorized for the primary system for each of the fiscal years 1974 and 1975, $400 million for the secondary system, $400 million for the extensions of the primary and secondary systems in urban areas, and $700 million for the urban system.

The sum of $3.5 billion is authorized per year for the Interstate System for 1974 to 1978 and $2.5 billion is authorized for 1979, which will be the last year of the Interstate program authorizations.

Authorizations for the safety program are increased and new money is made available in a number of categories.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I anticipate there will be some controversy about this bill and particularly about the rule, so I would like to try to state the situation and put it in focus as to what has happened so far.

We held extensive hearings in the Committee on Rules on this particular matter. The main question had to do with whether or not the highway trust fund should be opened by amendment for the purpose of using some of the money for mass transit or mass transportation. We heard testimony on that, and when we went into executive session the original motion that was made was in accordance with the rule that was requested with the exception that we changed the original request, for debate time from 3 to 2 hours.

We granted a motion made to waive certain points of order. There are about seven sections that have to do with transferring funds already existing or appropriating other funds in a legislative bill. Those are sections 112, 113, 114, 117, 119, 134, and 135. They are in violation of clause 4 of rule XXI, which states that you cannot have appropriations in a legislative bill.

The bill also has a specific highway mentioned in it. I think this is the San Antonio Expressway. The testimony indicated local authorities wanted to take it over and complete that project and not have it continually delayed because of objections raised in lawsuits based on the fact that there is a use of Federal money involved. It is a little detailed, but that will be explained when the bill is presented.

In any event, clause 16(c) of rule XI prohibits anything in an authorization bill which names specific highways. Inasmuch as the San Antonio highway is named—and I believe there is also some reference in here to the Three Sisters Bridge—we waived points of order on that so that those matters can be considered.

Also, we made arrangements to substitute the Senate bill if this bill is passed and to use that Senate bill as an original bill as amended by House passed language.

The motion was made, as I say, based upon that request.

A substitute motion was made to include the amendment which was proposed so far as mass transit money diversion was concerned. That lost on a rollcall vote of 7 to 8. Then the original motion was granted orally.

Subsequent thereto the resolution was filed that same day, I believe.

Yesterday at the meeting the gentleman from Illinois (Mr. ANDERSON) who will have an opportunity to explain his desires and who is strongly in favor of opening up the legislation on the mass transit provision, made a motion to reconsider. Under the rule it is in order, because we took an oral vote for the final consideration.

The motion that lost was not open for moving unless we reconsidered. On that particular motion to reconsider, I do not recall what the vote was, but I think it was 9 to 6. In any event, that failed. So we are here today on the particular resolution as approved by the committee.

I think all of you received today a letter signed by Mr. O'NEILL, GLENN ANDERSON of California, and JOHN ANDERSON of Illinois, and Mr. GROVER stating that they would like to vote down the previous question so that they can offer an amendment to open up the mass transit provision for amendment.

I am not the Speaker or the Parliamentarian or the chairman of the committee, but I would rule that the amendment would be nongermane. If that ruling did take place, then, of course, the only thing those who want to have the privilege of offering that amendment can do is to vote down the previous question.

Frankly, I am personally very much opposed to taking any of that money and diverting it and using that money for any type of mass transit. If they want to start a trust fund for that particular purpose, then they should start their own trust fund for that purpose. Because once you start going into trust funds, diverting them, you will have more and more delay and more and more diversion and more and more problems.

I know over the past several years this administration and previous administrations have continuously frozen money for various purposes, and every year money is frozen in connection with the highway system. For instance, we have freeways approved in my district, a couple of which we did not want, and they went through the best residential district in the area. We did not want them there at all, and we did everything we could try to defeat them, even going to court. But the Federal Government said they wanted to connect this point with Lancaster, I believe, or Palmdale, and the only way they could do it was by going through the finest section. So they got started with the freeways, had the property condemned, they tore it down, and then all of a sudden the funds were frozen, so it has been a very bad situation for the whole area for a long period of time. In some instances they started bridges, and they built a viaduct going over them, and then they stopped. I have three of them in that area. I have always felt if you were going to start a program of a freeway system in a certain area you should agree that when you start it that you will go through to the conclusion so you will not upset so many people, businesses, residents. You should complete it all the way through. I hope that we will manage to get these finished some day. They say they are going to start finishing one or more of them next year, which I hope will happen.

In any event, I would strongly urge that the request to vote "no" on the previous question be not followed, and that you do not vote "no" on the previous question, because if you vote it down then the amendment can be offered. I urge that you vote "yes" on the previous question so that House Resolution 1145 will be adopted as presented to the body, and we can then proceed with the consideration of H.R. 16656, the Federal-Aid Highway Act of 1972.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ANDERSON) for the purpose of debate.

Mr. ANDERSON of California. Mr. Speaker, and Members of the House, I am asking for a "no" vote on the previous question so as to allow the offering of our amendment which would permit the use of urban system funds only for mass transit.

Up until 11 o'clock this morning I had been assured that our amendment would be germane. At that time I was informed that new points had been raised, and that we were in a new ball game.

This is the only way we can now be assured of a vote on our amendment—to ask you to vote "no" on the previous question.

I offered our amendment in the Subcommittee on Roads of the Committee on Public Works on which I am a member. I offered it in the full Committee on Public Works. And then I went to the Committee on Rules to get a rule waiving points of order on that section that I wished to amend. As was mentioned earlier, I lost by an 8 to 7 vote.

The amendment is supported by President Nixon, by Secretary of Transportation, John Volpe, by the National League of Cities, by the National Conference of Mayors, major environmental groups, several major labor unions, and probably 170 or 180 Members of this House have been committed to support this amendment.

I want to state firmly, in answer to questions that several of you have raised, that our amendment does not affect money going to the Interstate System or the primary or the secondary system or any of the funds authorized in this bill other than urban system funds, which is $700 million of a $5¾ billion authorization.

Nor does it affect the amount of money any State or locality would receive.

Nor does it require the construction or acquisition of public transportation systems.

It merely gives the local officials the option of using their share of urban funds for mass transit. I might add that there is a real important and growing need for mass transportation.

Sixty-seven cities of our Nation must curtail auto traffic to meet clean air standards and to meet the current energy-oil shortage, according to the National Petroleum Council, 57 percent of our oil will be imported by 1985.

Of course, our amendment would benefit the trucking and business community and the public by encouraging commuters to use public transit and thus save many, many hours that are now wasted sitting in traffic on our freeways.

For these reasons, I contend that we must vote "No" on the previous question, which would allow the gentleman from Illinois (Mr. ANDERSON) a chance to amend the rule and thus allow the House to work its will on public transportation.

This vote may be the only chance we have to express our position on mass transit.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, as has been correctly stated, as the author of the substitute resolution which failed by a single vote in the Committee on Rules, at the appropriate time I shall ask the Members of the House to vote down the previous question. I will do so in order that this House can work its will on the amendment referred to by the gentleman who just preceded me in the well, the gentleman from California (Mr. ANDERSON), to permit local officials the option to use $700 million that is already allotted and allocated under the Federal aid to highways bill and permit them merely the option to use that urban system money for alternate rail transit or for bus facilities if they so desire.

This proposal has the wholehearted support of Secretary of the Department of Transportation.

Mr. Speaker, I have here in my hand a letter which I will ask unanimous consent to include in the RECORD following my remarks, a letter which I received on the 30th of September, from the President of the United States, in which he said:

> I am therefore gratified that you will be leading a move on the floor to achieve that goal. As I said in San Francisco earlier this week, I hope the bill that comes to me will include that sensible provision.

A very significant element in the pathology of our urban areas which we so often refer to as the urban crisis is the lack of adequate mass transit—to get people from their homes to schools, factories and stores safely and expeditiously.

It has been estimated that despite such comparatively recent enactments as the Urban Mass Transportation Assistance Act between fiscal year 1965–1972 we spent $30 for highways for every dollar that was spent for mass transit.

The exact figures as to our outlays between the fiscal year 1965 and the fiscal year 1972 are as follows:

[In billions]

Federal urban mass transit outlays	$1.0
Federal-aid highway outlays	29.6

Thus the ratio of highway to mass transit outlays of money is 30 to 1.

No one denies the need—the argument seems to be that the highway trust fund is inviolate—that highways are supported by user taxes and we break faith with the highway user—the motorists—if we permit the option and it is only an option to use the sum of $700 million that has been set aside for urban highway systems—to be used at the decision and discretion of local authorities for alternative modes of transportation—bus or high-speed rail.

This amendment does not take one dime of the highway money apportioned under this bill from one area of the Nation and transfer it to another. It does not reallocate one dime of highway money within your State. It simply allows the money allotted to go to urban areas anyway for urban systems can be used for alternative modes—if local officials so decide.

This amendment is not the work of enemies of the great interstate highway program—for I have long supported that program.

But the decisions we make today on the future construction of highways have consequences that expand beyond a single fiscal year. The roads we build in this decade will be in use up until the end of the century. Can we possibly afford to ignore the fundamental changes in our society—increasing urbanization with attendant congestion and pollution—an impending energy crisis if we continue to dissipate our energy resources at the present rate. We are confronted with a new set of facts and conditions as we enter the decade of the 1970's that were dimly if at all perceived at the time the Interstate Highway program was launched in 1956. At that time energy supplies were abundant, urban air pollution had not yet reached really serious levels, the great suburban migration had just begun to take on its current dimensions, the traditional transit industry was still healthy if not robust, and few of us were farsighted enough to see that merely expanding the mileage of modern urban freeways would be a treadmill-like proposition due to the increased traffic that we now know such routes inevitably generate. Yet, if we could not know these things then, we are aware of them now. Therefore, to persist as if nothing has changed, whether out of nostalgia for bygone days, out of inflexible adherence to programs or principles that may have served the Nation well in the past but which are now of much more limited applicability, or for any other reason is surely a recipe for failure. A failure, however, that we nevertheless need not suffer if we will now only muster the good sense to get on with business of fashioning a new set of urban transportation priorities.

Let me address myself briefly to the notion that this amendment is an unconscionable misuse and diversion of highway user taxes paid by motorists exclusively for the improvement of highways.

The argument further insists that the Federal Highway System is self-financing because users pay for the services that they derive from the system by various taxes that go into a trust fund. An analysis of that argument makes it obvious that its persuasive power is more a function of the regularity with which it is intoned than because of any inherent logic. Sound Government finance does not require that taxes levied on specific products be expended for purposes directly related to the use of those products. Otherwise why do we not use all alcohol excise taxes to fight alcoholism? Why are cigarette taxes not funneled into the National Institutes of Health to fight cancer? In 1971 more than 30 specific excise taxes or taxes on products brought $10 billion in revenue into the general fund of the Federal Government.

Furthermore, 95 percent of the receipts of the highway trust fund last year were from taxes which had been on the books for many years before the trust fund was created by legislation in 1956: The gas tax which accounted for more than two-thirds of trust fund receipts was enacted 40 years ago—24 years before the Interstate Highway Act. The user tax on trucks, buses, and trailers over 30 years—long before the Interstate Highway Act. It accounts for 10 percent of the receipts of the trust fund. The tax on tires and innertubes was enacted in 1919; the tax on lubricating oil in 1932. Between 1933 and July of 1957 when the trust fund began to function more than 30 billion in 1971 dollars was paid into the general fund—a sum large enough to finance the highway program for 6 years in current expenditure levels.

For those who are concerned with any possible inequity involved in the adoption of the Anderson amendment it should be pointed out that highway users pay a flat 4 cents per gallon Federal gas tax whether they use the Interstate Highway System, a county road, or city street. Less than 10 percent of Federal aid mileage is found in urban areas although urban areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and more than half of all Federal gas tax revenues. Since a large share of this urban traffic is on non-Federal highways these users are clearly paying highway taxes from which they derive little benefit.

I think the most important argument that can be made in favor of the Anderson amendment is that in upgrading mass transit highway users are promoting their own best interests in more efficient, economical, and less hazardous highway travel. The more efficient movement of goods in commerce in metropolitan areas is to the advantage of the class that includes all of us, the American consumer.

I have earlier in these remarks alluded to the need for us to adopt a transportation policy that takes into account the growing energy shortage. A recent study by the Chase Manhattan Bank estimates that daily consumption of oil by automobiles will increase by more than 72 percent by 1985. During this same period unless imports increase there could be a 15 million barrel deficit between daily production and demand which would be capable of driving gasoline prices through the roof. A study by the Department of Transportation of Carnegie-Mellon University has pointed out that if we are to have a total energy conservation strategy we must shift some of the projected growth in automobile travel to more energy-efficient modes of transit such as commuter bus and commuter rail. If we do not do this it is highway users who will be paying far greater costs because of the upward pressure on petroleum prices.

Certainly no one has to belabor the case with respect to the true relationship between the growth of the automobile and our pollution problem. EPA says that the highway-auto system is directly responsible for at least 40 percent of the Nation's air pollution, and up to 80 percent in some major cities. Simple abatement measures will not be sufficient. We simply must have a fundamental alteration of priorities in our urban transportation systems.

Mr. Speaker, I include the following letter for the information of the Members:

THE WHITE HOUSE,
Washington, September 30, 1972.

Hon. JOHN ANDERSON,
House of Representatives,
Washington, D.C.

DEAR JOHN: I am happy to respond to your letter of September 26 regarding the pending highway legislation. I consider it of the utmost importance that the House act to provide more flexibility in the use of the Highway Trust Fund for urban transportation projects—either highways or transit—along the same lines as those on which the Senate has already acted. I am therefore gratified that you will be leading a move on the floor to achieve that goal. As I said in San Francisco earlier this week, I hope the bill that comes to me will include that sensible provision.

The bill reported out by the Public Works Committee of the House provides for an enlarged Federal-aid urban highway system. Such action on the part of the Committee reflects recognition of the growing magnitude of the urban transportation problem. However, merely injecting additional Federal funds is not sufficient. In transportation programs, our urban areas especially must have the flexibility to design, and fund, a balanced system. Local needs can best be determined at the local level. Highways have made, and will continue to make, a major contribution to our transportation system. It is vital, however, that we provide our metropolitan areas with new and more flexible tools to enable them to face their problems and develop their programs of action. The alternatives open to them cannot be tied to a single mode. Different cities have different problems.

The Senate action on Section 142 would encourage local initiative in determining what combination of highways and mass transit is most responsive to the particular needs of the localities themselves. Senate action would permit, but not require, the use of urban highway funds for mass transit; each metropolitan area would decide for itself, without Federal pressure, what capital investments should be undertaken—highway, mass transit, or more likely, some combination of both. That is the kind of flexibility we need today and that is why I am so pleased that you will be offering your amendment.

Sincerely,

RICHARD NIXON.

Mr. YOUNG of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Speaker, I could not match the eloquence or the logic of the statements of the gentleman from Illinois or his reasoning, but I think there is something much more fundamental in the vote here today. It has to do with what we like to call the democratic process. When we all go into a ball game and they lay out the rules for us, we like to play according to the rules. If there is criticism of the Congress of the United States, that criticism lies on the basis that sometimes they switch the rules on us in the middle of the game.

I submit that in the proposition we face here today the rules are being switched, for who can deny that this is an extremely well-financed lobbied bill? Nobody can deny that. I have no objection to it, because I believe that is the American system. I have no objection to the lobbyists who sit up there and look at these special interests they are trying to protect, but the time has come in America when we have to make free and clear decisions.

If we want to support the position of the trust fund, fine, for purposes of highway construction only, fine, but give us an opportunity to have a vote.

The strict constructionist viewpoint that has been rendered to this bill or will be rendered to this bill does not have any substance in fact. When we can finance ferryboats out of the trust fund, why can we not finance mass transit?

It seems to me that the realistic approach is to give us a vote. The minority leader has worked hard to make sure that the will of this body is not properly identified on this vote, in my judgment. I criticize him and those who seek that position.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, of course I asked that the Rules Committee abide by the rules of the House, and that is the proper procedure in any legislative body. To do otherwise would create uncertainty and legislative chaos.

Mr. JAMES V. STANTON. I agree, and the intense interest of the minority leader to abide by those rules is to thwart the free will of this body to make a decision on the mass transit needs of America.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. JAMES V. STANTON. I do not yield.

Mr. Speaker, I want to indicate very clearly to the minority leader that the President is seeking a $250 billion limitation, a bill that he supports, and in the support of that bill there will be no dollars for transportation and urban systems in America unless we get them out of the highway trust fund.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. JAMES V. STANTON. I do not yield.

Mr. Speaker, I seek here today a vote that is critical to the communities of America. It is critical to the Cleveland, Ohio, and Los Angeles, and other urban areas which are the large centers of the United States. I think we take a step backward if we do not give a free vote to a question as vital as the transportation needs of the country.

Mr. PUCINSKI. Will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is the gentleman suggesting that we vote down the previous question in order to get it on the floor?

Mr. JAMES V. STANTON. Absolutely. I think that is clear to every Member.

Mr. COUGHLIN. Mr. Speaker, I join in urging a no vote on the previous question so that this House can consider whether that portion of the trust funds already allocated in the bill for transportation in urban areas can be used for that kind of transportation that the urban areas want.

First, it is entirely germane, and the rule should not have precluded it. The trust funds are already used for fringe parking, busloading facilities, and replacement housing. Why should not this House be able to consider whether they can be used for the purchase of buses or other solely capital transportation projects?

Second, we are talking about the administration of $700 million already in the bill for Federal aid urban systems. Why should not this House be able to consider how that $700 million will be administered?

Finally, the amendment that is proposed, if the rule is voted down, would not affect the interstate system or primary system or secondary system. It would only affect money already allocated in the bill for urban systems. It would only allow those of us from urban areas, the people from urban areas, to decide how they want their funds used.

I urge my colleagues from nonurban areas to join in allowing the people in urban areas to decide how their own funds should be used.

Mr. GROVER. Will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. GROVER. Mr. Speaker, I will support the gentleman in voting against the previous question.

My district is 50 miles from the center of New York City in the new suburbia. Our highways are glutted, transportation is stalled. We are in a crisis of monumental proportions to which we close our eyes.

May I say this, and tell the gentleman that we can no longer afford to destroy our remaining green areas. The fact is that the system is becoming counterproductive in our 800-mile east coast megalopolis. We are confronted by the law of diminishing returns. As was spelled out by the gentleman from Illinois, $100 million economic loss in a major city in a year, the rule should be rejected and a vote had on the merits of the Andersen amendment.

I am going to support the gentleman from Illinois.

Mr. GUDE. Will the gentleman yield?

Mr. GROVER. I yield.

Mr. GUDE. Mr. Speaker, I want to compliment the gentleman in his statement. I rise in support of voting down the previous question.

The time is long overdue when we give the people in our crowded cities some consideration and provide some relief for the overcrowded city streets.

I am convinced, as is the administration, that by permitting this type of local decisionmaking on the merits of transportation alternatives we come a step closer to meeting the real needs of local urban communities, and not the dictated ones from Washington.

This use of funds would be a matter of local option, but would in no way mandate the use of trust fund moneys for other than highway purposes. We have for too long permitted a real imbalance in the transportation systems in our urban areas. We need roads—I do not believe many would question the many benefits these roads bring with them.

However, I do contend that we have devoted so much of our resources to these projects, that in many instances we have ignored alternative modes of transportation, some perhaps better suited to local needs. This amendment will provide the means to effectively implement viable sound alternatives.

I urge acceptance of this important amendment.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise in support of the position taken by both ANDERSONS, Mr. ANDERSON of California and Mr. ANDERSON of Illinois.

I trust that when the vote comes on the previous question on the rule, that the Members will vote "no" and vote the previous question down.

This, let me tell my colleagues, is one of the most important votes that this Congress will pass or act upon in this session. There is no question about it. This, my friends, is an $8 billion bill; $8 billion to be spent over the next 2 years, and practically all of it will be spent for highways.

Oh, I have no objection to highways. I was here in 1956 and I voted for this bill, the largest public works bill in the history of the world. I was glad to do it, and I am proud of it now. For, today we have the finest highway system in the history of the world. Laced all over this Nation are some of the finest and the best highways ever constructed. Millions of people can now get out of the cities and metropolitan areas to enjoy the blessings, beauty, and bounty of this great Nation of ours. The part that the Federal interstate system has played in the economic life and health of this Nation is incalculable.

I support the $3.5 billion for each of the fiscal years 1974 and 1975 that is in this bill for the Federal interstate system.

The interstate system has given us magnificent roads, but at the same time, it has given us some terribly, terribly perplexing problems; congestion, pollution, loss of land and an ever-increasing devouring of precious resources that this Nation can ill afford to waste—particularly fossil fuel.

I say that it is high time that we now start to use these funds for the purposes for which a great number of the Members of this body want them used.

Let us see if we cannot solve the terribly difficult problems of this Nation and our cities. If our great metropolitan areas can not survive, there is some question of whether or not this Nation itself can survive.

I was interested in the remarks of the gentleman from Illinois. On October 2, by a special order in the RECORD, he detailed one of the finest statements I have ever seen on this matter. In his usual brilliant and persuasive way, he proved beyond doubt that there ought to be an opportunity available to us who support the highway program to present our case for use of a small part of the Highway Trust Fund for mass transit. Give us an opportunity so that we can have a rule which will permit this House to use its voice and its vote to determine whether or not we want this money used for rapid transit—rail and bus transit.

There was something said here about what has been spent on highways. The Federal Government has been spending money on highways since long before 1956. All the money that has been taken out for the building of roads and highways from the inception of this Republic up until 1957 was taken out of the general fund, was taken out of the pockets of every taxpayer from existing area. Is it not about time that we give a little back to the people who live in these urban areas?

I sit on the committee and chair the committee which funds the great Department of Housing and Urban Development. Let me tell the Members that one of the most important elements in the viability—yes, even the survival—of our cities rests on transportation.

As the gentleman from Illinois (Mr. ANDERSON) so well said, this is a program that affects the disadvantaged, the poor, the elderly, and the handicapped.

That is what we are doing. We are trying to provide them with the transportation they need in the great metropolitan areas.

I ask my colleagues to give us a chance to bite the bullet, to give us a chance to vote on the proposed amendment. That is all we ask.

I suggest that all the Members here, whether they are for highways or not, ought to vote against ordering the previous question, vote down the previous question, so that we can vote on the amendment that will be offered by the gentleman from Illinois (Mr. ANDERSON) and supported by a great many Members in this body.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Speaker, for those Members representing rural areas and smaller communities, I want to stress that anything they may have heard, or anything they may have been told, to the effect that approval of this amendment would not in any way affect the highway program in their communities, is without substance. Believe me, if this amendment is approved, an irreparable breach will have been driven in the trust fund dike. Once the sanctity of the fund has been violated, the breach will be quickly enlarged to encompass other types of funding of the kind contemplated in the amendment offered in the other body by the Senator from Massachusetts.

When all is said and done, this amendment is nothing in the world but an attempt by advocates of special revenue sharing to achieve indirectly what they could not achieve directly. Their initial proposal for special revenue sharing, the effect of which would be to abolish the Federal-aid highway program, was so discredited that the committee to which it was referred would not even hold hearings on it. Now we are being called upon to approve such a measure on the floor.

The Interstate System is now well behind schedule. Further reduction in funds will cost hundreds of lives, for the interstate system is twice as safe per passenger mile as the other roads. Stealing money from the highway users is not only a form of extortion, but indirectly it results in murder on these outmoded roads.

I urge a vote of "yea" on ordering the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I will not speak to the substance of this issue. I believe that has been very well presented by the speakers who have preceded me.

I refrain from doing that with some difficulty, because as a representative of the city of New York I feel very bitter about the way in which my constituents and other big city residents have been discriminated against over the years in the allocation of Federal funds for transportation purposes.

I just want to call attention to two points of substance.

The general principle behind the amendment that will be offered here if the rule is modified has been supported again this year by the National Board of Governors' Conference. The Governors' policy positions including the following:

> We call for the creation of a single unified Transportation Trust Fund incorporating existing transportation revenues earmarked for use within a specific mode of transportation or by beginning a phased program of percentage transfers from the highway and aviation trust funds and other funds made available for transportation into the proposed unified National Transportation Trust Fund.

Now, speaking to my friends in the Democratic Party, the principle of broadening the highway trust fund to include mass transit is also favored in the Democratic platform adopted in Miami Beach. Both these policy statements go further than the amendment to be offered by the gentleman from California, Mr. ANDERSON, which is limited to the $700 million transportation fund.

But now to the procedural point, who among the Members who have spoken in opposition to the Anderson amendment, has given us one reason why this House should not have a vote on the merits of the question? Not one. The arguments that have been made here have all been against the amendment to be offered.

I am for the germaneness rule. I think in general it is a sound rule, but if it is applied in this instance, it will prevent this House from deciding on the merits of the issue.

Let us not frustrate ourselves, let us not paralyze ourselves, by a rigid application of the germaneness rule so that this issue cannot be voted on on the merits.

Let it not be said that we could have such a vote on the merits if we followed some other procedure.

Under the rules of committee jurisdiction which apply, and under an overly strict application of the rules of germaneness, there simply is no other procedure. Mr. Speaker, I have been fighting this battle since 1965, and I know.

I urge that the previous question be voted down and the rule amended to permit this House to work its will on the Anderson amendment. Whether we vote it up or down, let us at least vote on it.

(Mr. BINGHAM asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, although he has, I know, changed his mind, and his viewpoint, I would like to quote Secretary Volpe back in February of 1969, when he addressed himself really to the issue that is before us today. He said:

> I believe that the integrity of the highway trust fund must be preserved without question. This was the intent of the Congress and the Chief Executive in framing the federal aid highway legislation of 1956 and subsequent act. In my opinion, to divert highway use tax revenues to purposes other than the provision of highways would abrogate a long-standing moral commitment, as well as a statutory provision. The trust fund financing arrangement has been one of the essential ingredients in the present successes of the highway program and under no presently

> foreseeable circumstances should it be eliminated or diluted.

I think that statement by Secretary Volpe is completely in point on the issue that we now have before us.

Are we going to break faith with what we did in 1956, when we said, "We are going to build a highway system, and we are going to charge the people who use it for the cost of building it, and we are going to assess special taxes?"

In doing that we followed the advice of President Eisenhower, who in 1956 in asking for this program said:

> A sound Federal highway program, I believe, can and should stand on its own feet, with highway users providing the total dollars necessary for improvement and new construction.

So we went ahead and assessed taxes on that basis. We established a highway program to be paid for, not out of general funds any more, but from assessments against the users. We allocated those taxes, or tried to, as equitably as we could, on the users.

When we looked at how much we were going to put on the passengers' use or the truck users, in the allocation between the two, we looked at the cost of the program and considered how much benefit each was getting, and tried to get an equitable distribution.

Now, shall we change that? Shall we say to those taxpayers, "Yes, we assessed this tax with a firm commitment to you that the revenue was going to be used for highways, but now we have decided we are going to use this money for any purpose that comes along that suits our desire at the moment."

Why can we not come out in a straightforward way? If we do not believe that there is a value in maintaining a highway trust fund, we should repeal it and then in that way we would be honest with our taxpayers. If we at this point start diverting these moneys to other than highway purposes, we break faith with those who pay these taxes; yes, we will be breaking a firm promise that we made when these taxes were enacted back in 1956.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. Abzug) for the purposes of debate.

Ms. ABZUG. Mr. Speaker, the issue before us is whether or not we can consider an amendment on this floor today.

I am a member of the Committee on Public Works. We considered the Anderson amendment in committee and there are a considerable number of us who voted for the amendment. I think it is the right of the Members of this House to hear ,the arguments on both sides, so the House can work its will.

I see no basis whatsoever for suggesting that there is any other legislation in connection with which we can consider the issue of mass transit.

It is interesting that last week the Committee on Rules killed a housing bill which contained money not only for capital expenditures involving mass transportation but also for operating expenses for local transit agencies.

I think this amendment is perfectly germane to the highway legislation and it is the only legislation to which it is germane. The fact of the matter is that the present subject matter of the legislation does encompass facts concerning mass transit, such as the construction of bus lanes, bus shelters, and fringe area parking.

I think it is very shortsighted to suggest that the Highway Trust Fund is the sole and exclusive province of those who use highways. In fact, it is not only people who are being injured by not having mass transit, but those who use the highways are being injured by reason of the fact that the congestion be created around the highways as a result of not having any alleviating mass transit is now making it impossible even for goods to move on these highways.

I think mass transit is just as important to people as is police protection. It is just as important to working people as is food and clothing.

We are merely asking that an amendment to the Highway Act be considered on the floor. The Committee on Rules has no right to make a substantive determination that we cannot discuss the relationship of mass transit to the highway trust fund.

Mr. Speaker, I urge that we vote this rule down.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. Koch) for the purposes of debate.

Mr. KOCH. Mr. Speaker, I do not intend to use this time to give you the arguments on why mass transit is necessary for the cities, because that was done by prior speakers. Nor will I attempt to debate the question as to whether or not the highway users should be paying for mass transit, because that was eloquently covered by the distinguished gentleman from Illinois (Mr. Anderson).

That leaves the other point for me; namely, that this is a bipartisan effort. The Republicans and Democrats together are seeking to have an opportunity to offer an amendment. To do what? It has been discussed almost as though it were an ogre.

The amendment offered by the gentleman from California (Mr. Glenn Anderson), if we are permitted to offer it, simply provides that where a locality wants to take its share of the $700 million allocated to it and apply it to mass transit purposes, it may do so.

Is there anything wrong with a locality deciding for itself what it should do with the moneys that this Congress decides to give it for the purposes of transportation?

So what I am suggesting is, whether you are for or against mass transit, this amendment will not affect your right if you are in a suburban area or a rural area where highways are required. We are not opposed to highways where they are required, but what we are saying is give us the chance, give us the opportunity to apply in our areas that transportation solution which is best for us.

In Los Angeles, for example, 50 percent of the area is paved over because of highways. In Washington, D.C., the same is true.

In many cities of our Nation, mass transit is what is needed at this time to meet local transportation requirements.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I have listened to this debate for the last 40 or 50 minutes, and those who want to break faith with the Highway Trust Fund would leave you with the impression that the Congress is not providing one penny for urban mass transit. In the last fiscal year this Congress out of the general fund made available $600 million for urban mass transit. Now urban mass transit proponents want to provide by the diversion of money from the trust fund in fiscal 1973 $800 million plus $1 billion that is programed for fiscal 1973 in the budget the President submitted to the Congress. They want $1.8 billion for mass transit in 1973. And in addition they want to break faith with the trust fund.

Now, let me put the issue as clearly as I can. Since 1956 the taxpayers have been putting money into the trust fund for the construction of highways, and if this rule is opened up those who want to divert highway trust funds are going to offer an amendment that reads in part as follows:

> That the money from the trust fund can be used for the construction of fixed rail facilities and the purchase of passenger equipment.

Do you think that the people you represent who have been paying taxes into that trust fund under the impression they were going to have highways built want that highway tax money spent for the purchase of "fixed rail facilities and the purchase of passenger equipment"? Of course they do not. They do not want you to break faith with them, and if you vote "no" on the previous question you will.

Mr. Speaker, let me say this: The proponents of this amendment talk as though this is a very simple, innocuous amendment. They use the old theory, propose something that is sweet and simple, get your nose under the tent. If you open the door a wee crack, once you make an exception, believe me you are going to have the floodgates opened.

They are not satisfied with $600 million in 1972 for Federal urban mass transit, they are not satisfied with $1 billion for mass transit in 1973 out of the general taxpayers taxes; they want you to add $800 million to the program for a total in this 12-month period of $1.8 billion.

Also let me just add, if I might, that if you start breaking faith with the highway trust fund then pretty soon you are going to find some people who will say, "Let us divert from the airport trust fund." Their argument will be—"We did it in the case of the highway trust fund, so let us now make some inroads in the airport trust fund." Once the precedent has been established in the highway trust diversion as some propose the Airport Trust Fund is in jeopardy.

Yes, Mr. Speaker, every Member in this House has a highway project that needs to be expedited. My dear friend, Mr. Ruppe of Michigan, from the upper peninsula of my State has Highway 2. He wants it expedited. If you divert money from this highway trust fund, Highway 2 in the upper peninsula of Michigan will not be moving as fast as it should. We in my part of Michigan want U.S. 131 expedited.

If you divert from this highway trust fund, you are going to slow down the construction of U.S. 131 north from my district at Grand Rapids which is the most treacherous and dangerous highway in the State of Michigan.

Mr. Speaker, diversion is a breaking of faith and it will slow down the highway program. Vote aye on the previous question.

CALL OF THE HOUSE

Mr. COUGHLIN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COLMER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 413]

Abourezk
Aspinall
Badillo
Baring
Barrett
Bell
Bevill
Blanton
Boggs
Boland
Bow
Chisholm
Clancy
Clark
Clawson, Del
Clay
Culver
Davis, S.C.
Devine
Dickinson
Diggs
Dow
Dowdy
Downing
Dwyer
Evans, Colo.
Galifianakis
Gallagher
Giaimo
Green, Oreg.
Griffiths
Gross
Hagan
Hansen, Wash.
Hathaway
Hébert
Holifield
Jarman
Keith
Kemp
Kyros
Lloyd
Long, Md.
Lujan
McClure
McCormack
McCulloch
McMillan
Macdonald, Mass.
Mathias, Calif.
Matsunaga
Mayne
Melcher
Mitchell
Mollohan
Murphy, N.Y.
O'Konski
O'Neill
Patman
Purcell
Reid
Roncalio
Rooney, N.Y.
Rostenkowski
Sandman
Scherle
Schmitz
Scott
Sikes
Smith, N.Y.
Staggers
Steed
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Wilson, Charles H.

The SPEAKER. On this rollcall 350 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 16656, FEDERAL-AID HIGHWAY ACT OF 1972

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. Monagan).

Mr. MONAGAN. Mr. Speaker, I am going to vote against the previous question that this is a legitimate use of transportation funds.

Mr. Speaker, I oppose the previous question and favor permitting amendments to the Federal-Aid Highway Act of 1972 which would allow the use of highway trust fund money for urban mass transit improvements. If permitted, I would support the Anderson amendment which would authorize the use of some $800 million of the highway trust fund for use in other forms of mass transportation.

The need for such an authorization has become clear. Growing traffic congestion, air pollution, dwindling fuel resources, and the need for land conservation emphasize our unhealthy overdependence on the highway and the automobile. Equally important, our existing urban mass transit systems have been unable to survive on existing resources, and many mass transit systems have been forced to curtail services, and some have gone under altogether.

Nowhere is this more evident than in Connecticut. Despite significant advances in highway construction, Connecticut is presently in the midst of a mass transportation crisis due to the impending collapse of intercity bus service. Many Connecticut citizens depend on buses as their means of transportation for commuting to work, and for everyday activities. The loss of bus service would leave them without the basic means of travel upon which they have always depended.

No matter what course of action the State finally does take, however, it is clear that the availability of Federal funds for buslines and other forms of mass transportation would be helpful in these critical days. The availability of Federal funds in the future could help assure that mass transit shortages were averted. It could help guarantee a suitable alternative to the automobile through the strengthening of mass transportation systems.

The Anderson amendment would move toward achieving these objectives by making available $800 million from the highway trust fund for use in mass transit systems other than highways at the option of the individual States. This option would allow Connecticut and other States to use Federal funds to buy new buses and new maintenance equipment.

The argument has been made that highway trust fund money should not be used for anything but highways and be concentrated in this field alone. I point out, however, that the Anderson amendment would not spread highway funds to wide areas of concern. The money would be used only for transportation improvements and for these alone in the hopes of reestablishing a balanced transportation system. The point is that by authorizing the use of highway trust fund money for urban mass transportation, States and localities would have available a greater range of alternatives to meet their different transportation requirements. Highways would continue to play a vital role in meeting transportation needs, but the Anderson amendment would help to provide a better supporting cast of bus, rail, and other new forms of urban mass transportation.

At stake is the vitality and quality of transportation, and thus of everyday life, in the Nation's cities. I urge all Members to vote against the previous question and thus permit an amendment which would provide Connecticut and other States with means to assist our mass transit systems.

The Anderson amendment would be particularly important in light of the recent failure of the rules committee to report the Housing and Urban Development Act of 1972 to the floor. This legislation contained provisions authorizing grants to meet operating expenses of mass transit systems totaling $100 million for fiscal year 1973 and $300 million for fiscal year 1974. These proposals could have provided significant funding toward the operating expenses of Connecticut bus companies and other means of transportation.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Speaker, I oppose the rule before us today.

As a representative from a district in which the Nation's newest—and probably best-planned—mass transit system—the new Bay Area Rapid Transit—BART—is centered, and as a member of the District of Columbia Committee vitally interested in the success of the embryonic Metro system here in Washington, I have had considerable experience with the problems and needs of urban transit.

With that perspective, I am dismayed at the stranglehold maintained by those special interest groups who would asphalt the world if they only could garner the resources available for that task.

Our cities are becoming wasted and derelict—as huge freeways rip through them, displacing thousands of citizens, disrupting neighborhoods which have existed for decades.

And there seems to be some sinister connection which causes those freeways to be jammed as soon as they open. Perhaps it is best to say that the number of cars increase to meet the amount of roads, and not the other way around.

Nevertheless—and quite seriously—additional highways—with or without narrow environmental okays—only add to our growing pollution problems; each additional mile means newer and more air and land pollution.

We cannot simply proscrastinate about these problems. It is up to us—today—to start anew, to turn around the twisted priorities and power-plays of the special interests.

The question is not merely one of allowing funds for mass transit out of the highway trust fund—even though that is crucial and important. Instead, we must assess the total social and environmental costs of allocating billion after billion for highways while our cities rot and the muck accumulates.

I urge defeat of this rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. Carey).

Mr. CAREY of New York. Mr. Speaker, an unfortunate misunderstanding has surrounded this amendment to open the urban highway aid program to mass transit expenditures. It has been interpreted as the sacrifice of the highway user to the plans and demands of the proponents of mass transportation.

Yet the introduction of mass transportation can, in many urban areas, contribute more to the convenience and safety of the driver on the highway than more highways, more safety facilities, more traffic controls, or any of the other projects supported by the present highway trust fund programs.

The most critical problems on many of our highways today—and this is particularly true in urban areas—arise because there are simply too many cars.

Traffic has become increasingly congested. At peak hours in New York City, for example, traffic moves slower now than at the turn of the century. Our interstate highways, designed to become avenues of fast traffic flows, are reduced, for hours each day, to involuntary parking lots.

Yet every time we build more highways to cope with the problem, we simply draw more cars onto the road. More highways are no solution to the urban problem—they simply provide opportunities for more congestion.

In our cities the only answer is to reduce traffic so that the motorist who decides to use his automobile has sufficient mobility to reach his destination even at peak hours, and to reduce the accidents which have become one of the worst features of our overcrowded roads.

Yet how do we reduce traffic? The only way in most large cities is to provide mass transportation so that motorists at least have the option to choose the way they will travel instead of being forced to use the automobile.

And indications are that as facilities and operating systems improve many will choose rail, bus, subway, or shuttle in preference to the crowded roadways. Further, children, the elderly, and those unable to afford cars will also be able to travel without having to be dependent upon another driver.

Mr. Speaker, I am not supporting a "raid" on the highway trust fund for some purpose foreign to its original intent of serving the needs of the highway user.

Rather, I am supporting an amendment which would permit the State and local officials in the regional transportation authorities—the people closest to the local transportation problems—the opportunity to begin making the decisions now being made by Washington, just as they are currently making decisions on the highway programs.

In effect, I am supporting the Cooper-Muskie amendment as adopted by the Senate. This amendment does not change the amount of money going to any State nor does it compel anyone to use funds for transit rather than highways.

The proposed amendment addresses itself only to the new $700 million urban system authorization. Necessary rural programs such as the primary and secondary road systems and the Interstate system would not be affected.

Mr. Speaker, let us remember that highway users are people, not vehicles. The easing of congestion on our highways will permit more people to be moved quickly, efficiently, and safely.

I urge my colleagues to allow State and local officials to determine the proper mix of transportation modes to solve their particular problems. I am confident that the highway user, as well as the entire community, will benefit.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, let us all realize very clearly what is involved in the question of whether or not to adopt the previous question. The only element involved is the question of whether or not at this time we should grant a special waiver of a point of order to permit the gentleman from California (Mr. ANDERSON) to offer an amendment which otherwise perhaps would not be germane to the bill, to open up the highway trust fund and let some of that money be used for urban mass transit.

That is what is at issue in the vote on the previous question.

I recognize the need, and I think all of us recognize the urgent requirement in many cities of America for urban mass transit. I emphatically do not deny that that need exists, and I promise here and now that at any future opportunity that comes before this House, as I have done in the past, I shall support actively any reasonable program to provide funds for needed urban mass transit, either out of a trust fund of its own or out of the general funds of the United States.

If the highway trust fund is to be invaded for this other purpose, then I think the way proposed by the gentleman from California, a local and permissive diversion, would be the least offensive way to do it.

Let me explain to you the three basic reasons why the Committee on Public Works felt it really very unwise to include any such diversion in this particular bill.

The first is that to which there has been reference already made by the minority leader and others, that the highway trust fund is just what its name implies—a trust. We have a trust of good faith with the motoring public of the United States, to whom we said when we levied those taxes that if you will pay them, we will put them into a trust fund and use that fund to build the highways that you need.

This situation is clearly distinguishable and differentiable from those other excise taxes earlier mentioned by the distinguished gentleman from Illinois (Mr. ANDERSON) that go into the general fund. They were not committed to a specific trust. These were.

I would no more think that we should want to violate the highway trust fund and thus the faith of the taxpaying public, than we would want to violate the social security trust fund and permit money from that fund and to be used for other purposes than those to which they were paid and dedicated.

Second, let me say that every penny provided by this bill is needed and vitally needed if we are to meet the highway needs of this country.

I have before me the 1972 national transportation report issued by the Department of Transportation, which estimates that by the year 1990 we shall need not only the amount provided in this bill but a total of some $570 billion if we are to meet the highway needs both present and anticipated between now and then. This is only a drop in the bucket. We have to run if we are to stand still in our efforts to keep pace with the growing needs for safe and functional highways.

Back in 1956 when we passed the Interstate Highway Act we were trying to accommodate 63 million vehicles on a road system designed for about half that number. What do we have today? Not 63 million but more than 105 million vehicles, and this number is being added to by several million every year. To put it plainly, for every two cars on the road 15 years ago there is a third car today. It has increased by 50 percent. So there is no money to spare in the trust fund. We need this money for the highways in the urban areas as well as in the rural areas.

The third thing we need to recognize is that, within the framework of our trust to the taxpaying public and the highway trust fund, we have done several things to try to assist and accommodate the development of mass transit wherever it is needed and can be used.

For one thing, this very bill provides that wherever there is a highway right of way that has been acquired and where portions of that right of way might be made available for the use of a mass transit facility, thus saving that local authority the money needed to acquire its own right of way, that this right of way may be given to that publicly owned mass transit authority free of charge.

The second provision is that known as fringe parking. On the outskirts of a city at a logical terminus for the mass transit facility that either exists or may be developed we authorize money to provide the parking areas and shelters for that purpose, so that people can park their cars and use these mass transit facilities when they are built.

Additionally, we provide for a system of preferential bus lanes like those now being used on Shirley Highway here in the Washington area. I am advised that the use of these bus lanes has greatly increased the number of people who ride the buses into the District of Columbia and has reduced the number of automobiles on that highway by some 8,000 per day. We are able to provide money for this because it is clearly highway related.

Mr. Speaker, it seems to me for these reasons and especially for the reason of the good faith of the Congress and the fact that these moneys are needed to meet the burgeoning demand for highways all over America, we should support the committee in its position, vote to adopt the previous question, and vote for the rule.

GENERAL LEAVE TO EXTEND

Mr. SMITH of California. Mr. Speaker, in view of the shortness of time, I ask unanimous consent that all Members may have permission to revise and ex-

tend their remarks at the conclusion of debate on the resolution now pending.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HARSHA).

Mr. YOUNG of Texas. Mr. Speaker, by previous agreement, I add 2 minutes to that.

Mr. HARSHA. Mr. Speaker, I thank the gentleman for yielding me that time.

Mr. Speaker, all this committee is asking this Congress to do is to proceed according to the rules of the House, the rules that this Congress voted on. Without rules of order we cannot hope to govern. Rules of order establish reason and avoid chaos, that is why the Congress has adopted these rules by majority vote so that the legislative process can flow logically and sensibly. That is all we are asking—that we abide by the rules we enacted some time ago. If you are going to permit nongermane matters to be considered on every bill you will find yourselves legislating in a circus.

We are not denying the House the right to vote on this issue in a proper forum. The House can work its will on this issue by reporting legislation out of the committee that has jurisdiction over this subject. Then it can be brought before this House in a proper manner and dealt with according to the rules of the House.

Now there has been an allusion here, pressed by some of the proponents of this amendment, that the amendment in question would not really divert money from the trust fund. That is as far from the truth as can possibly be, Mr. Speaker. Every penny that is used for mass transit diverts that much away from needed highways. Let me point out, as did the gentleman from Texas before me, that there will be a need, between now and 1990, for $600 billion to construct our highway systems, and to upgrade many of the primary and secondary systems that we have neglected over the years because we have concentrated on the Interstate System. Many of those roads are today inadequate and unsafe. By diverting even one penny from this highway improvement effort we are, in effect, endangering the lives of the people who travel on the Nation's roads. The trust fund during that same period of time can only produce $125 billion. Therefore, there will not be enough money in the trust fund to even do a third of the overall job that has to be done upon the highways of this country. To divert any money from that trust fund will endanger the lives of Americans who are using those roads. We are already killing 55,000 people a year. Let us not set the stage for killing many more.

Mr. Speaker, I want to make this point, and it was alluded to by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), that there is already $1 billion in the UMTA fund for mass transit this year. They had $600 million last year. Will you tell me why, if there is such an urgent need for money for mass transportation, the present administration impounded $300 million of that money last year? Why did they not release it so that urban mass transit systems could be built. If this urgency exists why did they wait another fiscal year before releasing it?

In addition to those moneys, Mr. Speaker, there is a revenue sharing bill waiting outside the Halls for this Congress to act upon if that will provide over $5.8 billion per year for general revenue sharing for the States, communities, and local governments of this country. All of this, may be used for mass transit, if the States so desire and if the communities so desire.

Now, how much do they want? What they really want, I think, is to have the operating costs of mass transit systems paid for by Federal funds. The amendment that they seek would give them the foot in the door that they need to achieve that aim. The cost of constructing such systems is not nearly as much as the cost of operating them.

Why do these systems need to raid the Federal Treasury? The answer is simple. Operating costs are so high that ordinary fare rates cannot support them. When fares are raised people stop riding and the loss becomes greater. The goal of this mass transit special interest is to get money to operate the system, keep the fares low and thus have automobile owners subsidize the subway riders.

If we take this money out of the trust fund the blood of thousands of highway travelers will be on our hands. We are asking this body to honor the trust that is their duty to guard. This Congress is acting in the capacity of a fiduciary. It must not violate its fiduciary responsibility. Its word must be good. If it votes down the previous question and makes the rule open to amendment it will be saying "Our word is no good, our promises are no good." The Congress gave its word. Can it now go back on it? Of course not. It must not.

Mr. Speaker, keep faith with the citizens of this United States and therefore I urge that the previous question be voted up.

Mr. YOUNG of Texas. Mr. Speaker, I yield the remaining time to the gentleman from Minnesota, the distinguished chairman of the Committee on Public Works (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I do not have anything really to offer by way of arguments. I also want to make it very clear that I have had a very small role to play over the years on the highway program which has been so ably handled by the former chairman of the committee, George Fallon, who is here on the floor of the House this afternoon, and the subcommittee chairman, the gentleman from Illinois (Mr. KLUCZYNSKI) and the able staff of the committee.

As a rather impartial and uncommitted observer, I would like to stress one point in conclusion, and in support of the rule.

The arguments for mass transit are absolutely justified. I agree with them—I accept them—I support them. But likewise there are the arguments of those of us who come from rural areas—if you will look at the Interstate system where you have an area of northern Michigan—the area of the gentleman from Michigan (Mr. GERALD R. FORD)—running across northern Wisconsin into northern Minnesota—if you gave us buses free tomorrow morning, we could not use them because the roads are not good enough.

I have folks in my area who for 16 years have been paying the same taxes that you are, and they come to the Capital City and see the Shirley Highway that cost $45 million for 1 mile of road with eight lanes. Then they see a $3 billion subway at work and they wonder why they cannot get 7 miles of road costing $10,000 a mile.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman.

Mr. GERALD R. FORD. I earlier pointed out that the urban mass transit people got $600 million last year out of the Federal general revenues, and this fiscal year of 1973 they are going to get $1 billion for urban mass transit plus $4 billion for the subway in the District of Columbia.

Out of how many spigots or from how many sources do they want money? Do they want another $800 million out of a trust fund which is pledged to highway construction?

Mr. BLATNIK. I think there is no comparison. Here is a real problem—there are two different and separate crying needs—one for primary and secondary roads—for three-quarters of a million miles—and an abnormally complex system.

There is not enough money in the trust fund and you are never going to solve the problem by what is being attempted here—no one is going to solve these problems in this way.

Let us do what we did with the water pollution bill yesterday—we authorized $24½ billion to meet the needs of that problem. Let us do the same thing here. We should identify the needs and face up to authorizing and appropriating the moneys and the taxpayers will support us. However, we should not in the process take the moneys from other programs where they are equally needed.

Mr. Speaker, I urge support of the rule.

Mr. GAYDOS. Mr. Speaker, I rise in support of this amendment which will allow Federal highway trust funds to be used for the installation of vitally needed mass transit systems throughout our Nation.

Many of our major cities are literally choking on an ever growing volume of traffic which clogs old and antiquated highway systems. The officials of these cities want desperately to move forward, implement new transportation programs that will ease the strain on existing highways and, in the long run, aid their urban economic problems. However, they have been thwarted in their desire and effort because of one obstacle—lack of funds.

This amendment will give our cities the vehicle necessary to move ahead with their self-determined transportation programs and systems. I strongly urge my colleagues to support it.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of the proposal that funds in the highway trust fund be used to foster and develop a balanced transportation system. I strongly support the effort made in the Senate to allow the use of these funds to permit local and State transportation authorities to use part of their highway authorizations for the purchase of buses, rapid rail transit, and other means of transportation.

Highway construction consumes more than 60 percent of the total Federal transportation budget, while mass transit receives only 4 percent. There is an urgent need in my district and across the country for new and substantial Federal assistance to aid public transportation.

One of the great questions of this decade is whether we shall have the foresight and determination to plan and develop a truly balanced transportation system, particularly in our large urban areas. What is at stake is the survival and vitality of our cities.

I am proud to be a cosponsor of H.R. 16683, to provide for improved efficiency of the Nation's highway system and to allow States and localities greater flexibility in utilizing highway funds. This can be achieved by our action here today. Local authorities must no longer be locked into a rigid decisionmaking structure. Local transportation systems must no longer be dictated by inflexible Federal grant programs.

This measure will broaden the range of transportation decisions and options that are available to State and local decisionmakers, to have before them the full range of alternatives necessary to meet different transportation requirements.

I am proud to support this proposal, and I hope that the House of Representatives will give it prompt approval.

Mr. BRASCO. Mr. Speaker, I represent a portion of the millions of people of the city of New York. Those citizens, like the overwhelming majority of Americans, dwell in cities and must cope with urban problems. None of these difficulties is more pressing or severe than urban mass transit.

Today it is physically impossible to move large numbers of city dwellers across metropolitan areas with any consistent degree of safety, timeliness, or reasonable cost. The first and major reason for decline of city living is the transportation disaster presently inexorably choking virtually every metropolitan area.

The private automobile, unsafe, poorly designed, polluting and overpriced atrocity that it is, is strangling our cities and shortly will be physically choking even more of our people.

To accommodate ever more autos, myopic city planners, tied to the highway lobby, look no further for solutions than driving concrete, high-speed expressways through viable urban neighborhoods to accommodate more suburban commuters. No more appalling waste or summation of our problem can be found that more adequately sums this all up in one picture than 2-ton, gas-gulping, chrome-plated dinosaurs pouring past city dwellings carrying only one passenger, the driver.

Our answer is an obvious one—mass transit, subsidized by our National Government. Localities and counties, as well as States, are financially unable to cope with awesome fiscal demands such an undertaking requires. And virtually all authorities and informed observers agree that such an endeavor would significantly alleviate transportation difficulties of practically every urban concentration across the United States.

We know this solution has worked overseas. To our everlasting shame as a society, Russia has a Moscow subway that puts our own best efforts to shame. Montreal has accomplished similar miracles in the mass transit area. The same is true of Paris. Only here in the United States are we limping along in the dark ages of mass transit, dependent upon increasingly failing systems and leaning ever more heavily upon the private auto, which is rapidly assuming the proportions of a national cataclysm for people, cities, and environment.

Why, then, do we allow such an avoidable catastrophe to overtake and possibly do permanent harm to our Nation?

The answer is simple and the American people should know it. Three words sum it all up. The highway lobby.

Who are they? Who are we dealing with? Who are these faceless movers behind the scenes benefiting financially from the average American's inability to use mass transit?

Those gaining from roads and the death of urban mass transit. Builders of roads and suppliers of their raw materials. Massive users of such roads for economic gain. Limestone, asphalt, stone and similar raw material suppliers. Trucking companies and all those dependent upon them. Contractors making a fortune out of this unholy mess. Plus the oil companies and our auto industry, which, not content with the awesome profits they rake in daily, is determined that no American is going to be able to have his or her tax money diverted to provide decent mass transit in any city.

Let America's taxpayers know this is no struggle to which they are mere spectators. Their tax dollars are directly subsidizing the program in turn is being used to line the pockets of the highway lobby while they drive speedways through viable neighborhoods, and now even through our parks.

A noteworthy sidelight is that such land butchers now even have the temerity to seek official confiscation of park land. In Washington, they now seek to drive a massive expressway through, across, and under the monument area of the Mall and under the Lincoln Memorial. We must take a stand and halt this.

In order to reach this goal, we must understand and inform the American people how their tax dollars are being siphoned off to build roads. It is done through the highway trust fund.

Whenever any American motorist purchases gasoline, oil, tires, and the plethora of products associated with auto use, he or she pays a series of Federal user taxes. Such moneys pour into this fund, which today totals in the billions of dollars. This revolving Federal jackpot, which is constantly replenished, has been utilized for years to construct federally aided and subsidized roads. In this manner, the Interstate Highway System has been built. Much of it has been useful. Some segments, however, have torn the liver and lights out of urban neighborhoods, precipitating enormous citizen indignation. Up to now, this massive fund has been the private property of road builders and their allies.

This month, a House measure was reported out calling for about $7 billion annually for highway construction, almost doubling the existing $4.5 billion program. That measure continues to confine trust fund use to highways and highway-related programs. This cannot be tolerated further by America's city dwellers.

Is this logic or reason? Was Calvin Coolidge a Bolshevik in disguise? Roughly 142 municipalities are now supporting transit operations. Yet this administration continues to battle against any transit operating subsidy program.

There is money for a variety of programs we can do without. But there is nothing for urban mass transit. If we seek reasons why America is so troubled and frustrated, here is one of them.

The highway lobby is desperate to keep that golden torrent pouring into its pockets. Now they are hot on the track of a "second generation Interstate Highway System," whatever that is. Color it "pork barrel" jumbo size.

In my district, people want existing subways improved, cleaned, made safer and reliable, and operated at a modest cost to any citizen who depends upon them.

For all these reasons, we must finally realize where our priorities are. What good are our lives if we cannot move from place to place dependably? How can the rest of our land survive, much less prosper, if the cities strangle on pollution, roads and cars? There is both room and need for a mix.

If men elected by the people evade their responsibility now, they will guarantee negative reaction. It is understandable when the average Member follows his own predilections on most issues. But occasionally a landmark question appears before this body, dealing with a subject affecting the lives of the mass of people. Tapping the highway trust fund for urban mass transit systems is one such question; one that we must face and deal with without delay. I suggest we do that now by voting down the rule.

Mr. TAYLOR. Mr. Speaker, I rise in support of the previous question. Those who oppose the previous question desire to offer or support amendments not germane to the bill to permit the transferring of a portion of the highway trust fund for mass transportation uses.

This trust fund, like other trust funds, was created for a specific purpose. When the highway trust fund was established in 1956, a moral commitment was made that the moneys going into that fund would be used for highway improvements. Diversion of funds at this time would be breaking faith with the American people.

This fund is financed by highway users through gasoline and diesel fuel taxes to provide safer and more adequate highways and there should be no diversion until the purposes for which the fund was established are achieved.

In my opinion, the highway trust fund is not adequate to meet both the highway needs and the mass transportation needs of the Nation. Advocates of many proposals have been trying to tap the highway trust fund. Permitting a portion of the fund to be used for mass transportation would be the beginning of the breakdown of the highway trust fund.

Legislation was passed by Congress in 1970 authorizing an expenditure of $3.1 billion from the general revenue fund over a 5-year period to aid in solving mass transportation needs in cities. I was pleased to support this program and we should make use of this existing program and not interfere with the highway trust fund.

Mr. O'NEILL. Mr. Speaker, I rise in opposition to this rule and urge all my colleagues to vote down the previous question when ordered. I am opposed to this rule because I believe that the Members of this body who represent the urbanized areas of our country should have the right to vote on an amendment which would permit States and cities to use a portion of the trust fund moneys from the urban system road funds for bus and rail public transportation programs as well as highway construction.

Mr. Speaker, as a member of the Rules Committee, I fought to waive points of order on this amendment. But a majority of the committee voted to allow points of order on this amendment, thus depriving millions of citizens in urban areas of improved public transportation systems.

Because of the importance we attach to this issue, JOHN ANDERSON and I will introduce a substitute rule which will allow amendments to be offered to the Federal Highway Act to divert a portion of the $700 million annually authorized for urban road systems for projects related to highway and public transportation.

Mr. Speaker, I am not against the Federal Aid Highway Act. I strongly support this measure. But I am opposed to this rule because the precedent for allowing the use of a portion of highway trust fund revenues for projects related to highway public transportation has already been established. Current law permits diversion of these funds for construction of preferential or exclusive bus lanes, bus shelters and loading areas, and fringe parking. This amendment will merely build upon existing law. More dramatically, it will give added flexibility to local officials in determining transportation programs most suitable to their areas.

The Public Mass Transportation Amendment would not mandate public transportation programs; it would merely open up the options. Some cities would continue to rely exclusively on highways while others could develop a rail and bus program to supplement highways. Furthermore, this amendment would aid areas forced to curtail motor traffic to meet clean air standards by allowing them funds to establish alternative modes of transportation. In my own State of Massachusetts, Metropolitan Boston and Springfield are listed as areas where the air quality is significantly below the level necessary to protect public health due to one or more auto-related pollutants.

Mr. Speaker, JOHN ANDERSON and I are asking you to vote down the previous question and support our substitute rule. We are urging you as Representatives of this distinguished House to act democratically and allow the Members who represent millions of citizens in urban areas to debate and vote on one of the most pressing issues of our time. To do otherwise would insure that the metropolitan areas of America would continue to be torn by controversies which have immobilized efforts to achieve truly balanced transportation systems so desperately needed by all our citizens.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in opposition to the rule offered on H.R. 16656, Federal Aid to Highways Act, and in support of the substitute rule. I support this substitute in order to provide Members with the opportunity of discussing and voting on the Anderson amendment which would provide our communities with the option of developing modern mass transit facilities to complement or instead of freeways and highways.

The Federal Government first began to offer financial assistance for highway construction on the early 1900's, and Americans have since grown dependent upon the automobile. Our total expenditures over the past 12 years for highways and automobiles amounts to about $130 billion. There are as many linear miles of roads in the United States as there are square miles of land.

For a while, the "road boom" and the current method of collecting and distributing highway funds served the Nation well. We needed a modern highway system in the 1950's and through the user tax we developed the best in the world. This system has made a great contribution to the mobility of our people and American commerce. But times have changed.

The highway system, originally conceived as providing for mobility in time of national emergency as well as increasing commerce and personal mobility, has been finished. We have criss-crossed the country and surrounded and bisected our cities with massive ribbons of concrete. But, the effect on rural areas where the first highways were built was not as great as in the cities where millions of Americans have been dislocated and relocated in order to provide access to urban facilities for suburbanites whose taxes do not support urban services.

Population, technology, and spatial development, moreover, are all affected by our transportation priorities. Approximately 80 percent of Americans now live on 2 percent of the land space. Americans are beginning to realize that the freeway, bisecting the city and suburbs, is not the only answer to moving large numbers of people within small spaces.

This change in attitude is recorded by a recent public opinion survey done by Opinion Research Corp., in Princeton, N.J., for the Highway User's Federation. Of the rural and urban people interviewed, 57 percent said "they think it would be a good idea" to limit the use of automobiles in downtown areas of cities. When asked whether they would favor restricting downtown auto use "in your car" 60 percent of the urbanites answered affirmatively.

Many groups which were avid supporters of an exclusive highway trust fund when it was established in 1956 have also since changed their position. The four major automobile companies have endorsed a measure before the Michigan State Legislature which would allocate a portion of a gas tax increase for transit. The National Association of Automobile Dealers, too, has endorsed use of the gas tax for transit as has the Teamsters Union. The NAAD backs the "single urban fund" concept whereby highway trust fund money can be spent for bus, highway, or rail transportation in urban areas. The Anderson amendment before us today would accomplish this manner of funding.

As people move out to the suburbs, they usually become confirmed motorists. Automobiles have become the index of a better life. To get people out of their cars, mass transit is going to have to become safe, clean, fast, punctual, reliable, comfortable, and economical. The potential mass transit user wants frequent service, many bus routes, minimal transfers, and minimal crowding as the alternative to the daily traffic jam.

To meet these qualifications some urban areas could choose to use a portion of highway moneys for mass transit. We must begin a reconciliation between the different modes of transportation. We must have the freedom to plan sensible transportation systems.

Extensive subsidies for road construction, perpetuated by a trust fund which allows no options in urban areas for various modes of transportation leaves our Nation's transportation in a sorry dilemma. Urban freeway construction is being challenged by citizens across the Nation, particularly in congested areas. San Francisco has stopped the Embarcadero. Massachusetts has halted all Boston freeways pending a restudy. Secretary of Transportation Volpe recently admitted that chances of ever building the Chicago Crosstown Expressway are incredibly slim. An interstate highway through the French Quarter of New Orleans has been halted by the Federal Government.

In some cities, Federal-aid highways can be rerouted satisfactorily. Yet in many, mayors and citizens are in a difficult quandry. To build Federal-aid highways means displacing innumerable residents at a time when additional housing units are difficult to come by. It means increasing already intolerable air pollution levels and sometimes eliminating the little green space left in urban areas. Not to build, on the other hand, means rejecting a large sum of Federal moneys which provides jobs as well as additional desperately needed mobility.

The release of highway trust fund moneys for other modes of transportation will in fact create new jobs. We have built almost all of the necessary components of the Interstate System. In fact we have gone beyond the original concept of transversing the Nation and bypassing the cities.

The development and construction of new mass transportation systems, even if not on the same scale as the interstate system, would create millions of jobs. The new construction of bus and rail terminals, upgrading and construction of rail beds, the manufacture of rail and subway cars as well as buses, and the maintenance of new systems would provide new jobs for decades to come. Moreover, these new transportation systems, coordinated with the present highway system, would serve as a focal point for new business and industry and new jobs just as the development of the interstate highway system provided a focal point for new industry at and near the interchanges.

The intracity freeway system was not originally a part of the national defense highway system and as we have come to realize, it never should have been. Massive intracity freeways have disrupted residences, ruined businesses, divided cities with unnatural permanent barriers, created massive traffic jams, and polluted the air. We have brought millions of automobiles into the cities without providing a place to put them. Streets have become clogged with milling autos and center-city business districts have suffered massive losses as customers who do not want to cope with the pollution, inconvenience, and resultant inaccessability of downtown gave up and now shop in the suburbs. Given a means of reducing the number of personal cars in the downtown sections we would see a resurgence of business and the increased stability of our cities.

There would, of course, also be a tertiary effect of reducing traffic in the cities. Commercial transportation would move faster, deliveries would be quicker, and cab and truck drivers would move through the streets quickly and efficiently. Indeed, conditions might be so improved that we might see the rise of a new phenomenon in American cities—the friendly driver.

Residents and local officials have concluded that highway trust fund moneys should not be mandated only for highways. Rather, local officials should be able to spend the $700 million urban system funds for highway, bus, and rail transportation to develop coordinated systems of transportation that suit their particular community needs. Those who choose the urban highway will certainly be permitted to continue that option.

Clearly, the automobile will continue as the chief means of transportation for millions of Americans. But those urban areas which cannot or choose not to spend their total allotment from the trust fund on more freeways should have an option to spend the money on other complementary modes of transportation. We cannot run back the clock to the time when cities were sparsely populated with few good roads and the automobile was the only practical means of transportation.

Mr. BROOMFIELD. Mr. Speaker, I rise to cast my vote in favor of moving the previous question on the rule to the Federal Aid to Highways Act.

I take this position not because I am opposed to mass transit. On the contrary, I feel we need a revitalized and strong mass transit system in this country. However, I also believe that it is improper and unfair to expect a tax on highway users to meet this obligation as one of the proposed amendments would require.

The highway trust fund was created in 1956 with the idea that the users of highways should pay for the construction of the interstate highway system. This program has been a resounding success.

Perhaps it is because of the very success of this program that other transportation interests have begun to look enviously at the trust fund with an eye toward appropriating these funds for their own purposes. We began with the proposition that highway users should pay their own way and subsidize mass transit.

This amendment would set a dangerous precedent that may impede the completion of the remaining portion of the total interstate system and forestall indefinitely the urgent need for revitalization and expansion of the Nation's secondary system.

Once we open the fund to mass transit, I cannot help but wonder if the rail, airline, and shipping industries can be far behind. Soon highway users may be building ports, purchasing freight cars, subsidizing commercial airplane research, and buying airports.

Mr. Speaker, let there be no doubt that I recognize a definite need for the continued growth and expansion of these alternate forms of transportation if we are to achieve the integrated and efficient transportation system our Nation requires. However, highway users alone should not be forced to carry the burden of financing it.

There are other channels from which we can expect funds for mass transit. Congress has authorized and appropriated funds for a mass transit program with my strong support. If more funds are needed, they should be appropriated under that legislation.

In addition, the bill before us stipulates that the Secretary of Transportation should cooperate with the Governors of the various State to evaluate the mass transit needs of their urban centers. This study will be valuable because it will crystalize exactly what mass transit needs. It also will explore the newest and most innovative approaches to mass transit that are available today.

The bill before us allocates $75 million for this worthwhile research project.

Mr. Speaker, some have suggested that our highway needs have been met, that the trust fund has more money than it can use. This is untrue. It has been estimated that highway costs will total $600 billion from 1970 to 1990. This sum in itself is enough to justify the fear that the highway trust fund cannot afford to serve two masters well.

It is for these reasons then, that I must cast my vote in the affirmative. My decision is not born of an opposition to mass transit but of a desire to protect the integrity of a self-supporting and successful highway program and the firm conviction that mass transit costs should be financed from general rather than special funds. Mass transit is a system designed for use by all the people. It seems logical that the cost should be spread among all the people and not just highway users.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 168, answered "present" 1, not voting 61, as follows:

[Roll No. 414]

YEAS—200

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Baker
Begich
Belcher
Bennett
Bergland
Betts
Blackburn
Blatnik
Bow
Bray
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Colmer
Conable
Corman
Crane
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Denholm
Dennis
Dent
Derwinski
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Eshleman
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Fulton
Fuqua
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Griffin
Haley
Hall
Hamilton
Hammerschmidt
Harsha
Harvey
Hastings
Hays
Henderson
Hillis
Hogan
Howard
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Link
Long, La.
McCollister
McDonald, Mich.
McEwen
McKay
McKevitt
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Perkins
Pickle
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, Pa.
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Satterfield
Saylor
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Taylor
Teague, Tex.
Thompson, Ga.
Thone
Ullman
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—168

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Ashley
Aspin
Badillo
Barrett
Biaggi
Biester
Bingham
Boland
Bolling
Brademas

Brasco
Brotzman
Brown, Mich.
Burke, Fla.
Burke, Mass.
Burton
Byrne, Pa.
Cabell
Carey, N.Y.
Carney
Celler
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conover
Conte
Conyers
Cotter
Coughlin
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Gaydos
Gibbons
Grasso
Green, Pa.
Grover
Gude
Halpern
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Hosmer
Jacobs
Karth
Kastenmeier
Keating
Kemp
Koch
Leggett
Lent
Long, Md.
McCloskey
McDade
McFall
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
Patten
Pelly
Pepper
Pettis
Peyser
Pike
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rosenthal
Roush
Roybal
Sarbanes
Scheuer
Seiberling
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Widnall
Wiggins
Wilson, Bob
Wolff
Wydler
Yates
Young, Fla.

ANSWERED "PRESENT"—1

Gubser

NOT VOTING—61

Abourezk
Aspinall
Baring
Bell
Bevill
Blanton
Boggs
Chisholm
Clark
Clawson, Del
Clay
Davis, S.C.
Devine
Dickinson
Dow
Dowdy
Dwyer
Evans, Colo.
Galifianakis
Gallagher
Giaimo
Green, Oreg.
Griffiths
Gross
Hagan
Hathaway
Hébert
Holifield
Ichord
Keith
Kyros
Lloyd
Lujan
McClory
McClure
McCormack
McCulloch
Mathias, Calif.
Melcher
Mollohan
Murphy, N.Y.
O'Konski
O'Neill
Purcell
Roncalio
Rooney, N.Y.
Rostenkowski
Sandman
Scherle
Schmitz
Scott
Sikes
Smith, N.Y.
Springer
Staggers
Steed
Stuckey
Talcott
Teague, Calif.
Terry
Thomson, Wis.

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. McCulloch for, with Mr. Gubser against.

Mr. Hébert for, with Mr. O'Neill against.

Mr. Holifield for, with Mr. Rooney of New York against.

Mr. Blanton for, with Mr. Roncalio against.

Mr. Sikes for, with Mr. Giaimo against.

Mr. Staggers for, with Mr. Dow against.

Mr. Mollohan for, with Mrs. Chisholm against.

Mr. Clark for, with Mr. Rostenkowski against.

Mr. Davis of South Carolina for, with Mr. Murphy of New York against.

Mr. Bevill for, with Mr. McCormack against.

Mr. Dowdy for, with Mr. Clay against.

Mr. Purcell for, with Mr. Kyros against.

Mr. Dickinson for, with Mr. Abourezk against.

Mr. Schmitz for, with Mr. Gallagher against.

Mr. Scherle for, with Mrs. Griffiths against.

Mr. Devine for, with Mr. Smith of New York against.

Mr. Hagan for, with Mr. McClory against.

Until further notice:

Mr. Boggs with Mr. Bell.

Mr. Melcher with Mr. Scott.

Mr. Evans of Colorado with Mr. Del Clawson.

Mrs. Green of Oregon with Mr. Thomson of Wisconsin.

Mr. Ichord with Mr. Gross.

Mr. Hathaway with Mrs. Dwyer.

Mr. Steed with Mr. Terry.

Mr. Stuckey with Mr. Talcott.

Mr. Aspinall with Mr. Teague of California.

Mr. Baring with Mr. Mathias of California.

Mr. Keith with Mr. Lloyd.

Mr. Galifianakis with Mr. McClure.

Mr. Lujan with Mr. Sandman.

Messrs. BYRNE of Pennsylvania, PELLY, DRINAN, and COLLIER changed their votes from "yea" to "nay."

Mr. ROY changed his vote from "nay" to "yea."

Mr. GUBSER. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. McCULLOCH). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 9727 AND S. 3507, UNTIL MIDNIGHT FRIDAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the managers have until midnight Friday night October 6, 1972, to file the conference report on H.R. 9727, to regulate the dumping of material in the ocean, coastal, and other waters and for other purposes; and the conference report on S. 3507, to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Speaker, in keeping with my prior statement, I object.

The SPEAKER. Objection is heard.

PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 9727, TO REGULATE DUMPING OF MATERIAL IN OCEAN, AND S. 3507, NATIONAL POLICY FOR WATER RESOURCES OF NATION'S COASTAL ZONE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file conference reports on H.R. 9727, to regulate the dumping of material in the ocean, coastal, and other waters, and S. 3507, to establish a national policy and develop a national program for the management, beneficial use, protection and development of the land and water resources of the Nation's coastal zones.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMERICAN-MEXICAN BOUNDARY TREATY ACT OF 1972

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15461) to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MAILLIARD. Mr. Speaker, reserving the right to object—and I shall not object—I take this time in order that I may ask the distinguished gentleman from Florida (Mr. FASCELL) the chairman of the subcommittee, to explain to the House what the purpose of the bill is that we are being asked to consider.

Mr. FASCELL. Mr. Speaker, H.R. 15461, the American-Mexican Boundary Treaty Act of 1972, does two things: First, it provides authorization for funds necessary for carrying out the provisions of the new boundary treaty with Mexico which entered into force in May of this year. Second, the bill provides authorization for flood control works in the Presidio Valley of Texas subject to an agreement with Mexico on a joint flood control plan for the area. This latter project is now possible because the Boundary Treaty has resolved the border dispute that prevented its earlier construction.

The new boundary treaty resolves our last outstanding border disputes with Mexico and provides a mechanism whereby we hope to resolve future problems that may arise as a result of shifts in the courses of either the Colorado or Rio Grande rivers. Title I of the bill provides authorization for funds needed to implement the treaty. Basically, all the money authorized in title I will be used for three purposes:

First. To relocate the channel of the Rio Grande to settle all present boundary disputes.

Second. To acquire all private U.S. lands which are to be transferred to Mexico so that when the process is complete, lands north of the river will be U.S. owned and those south of the river Mexican owned.

Third. To do what is necessary to maintain the Rio Grande and Colorado Rivers as natural boundaries in accordance with provisions of the treaty establishing procedures for dealing with future changes in the channels of the rivers.

The total estimated cost for acquiring the 3,326 acres to be transferred to Mexico under the terms of the treaty and for the other works needed to carry out the treaty is $10,368,000.

In addition to authorizing funds for implementing the treaty, title I also specifically grants authority to the Secretary of State acting through the U.S. Commissioner of the International Boundary and Water Commission, United States and Mexico, to carry out the work. It also contains sections which are designed to ease problems for those whose lands are to be transferred—customs and tax treatment—provides for disposal and use of lands acquired under the treaty and deals with technical matters such as insuring that new U.S. land legally becomes part of the appropriate State.

Title II of the bill provides authorization for construction operation and maintenance of a flood control project along the Rio Grande River subject, of course, to agreement with Mexico. The project would provide protection to lands in the Presidio Valley of Texas.

This portion of the bill was recommended by the executive branch and supported by the committee for two reasons. First, to provide needed protection for Presidio Valley farmlands which are currently flooded on an average of once every 3 years. The project has long been justified—cost/benefit ratio 1.4—but never was feasible because of the boundary dispute with Mexico which the new treaty resolved. Second, the project is needed to help offset the adverse impact of the treaty on the agricultural economy of the Presidio area which is losing 17 percent of its irrigated farmland as a result of land transfers required by the boundary treaty.

The estimated cost of construction of the flood control project in connection with work in the same area required by the treaty itself is $2.5 million. If the flood control project is not carried out at the same time as the boundary work it is estimated the project would cost an additional 25 percent—$625,000.

Mr. Speaker, this bill is necessary to carry out an international agreement of the United States signed by the President and agreed to by the Senate. The bill, strongly endorsed by the administration, and reported out of committee by unanimous vote, would provide authorization necessary to carry out the provisions of the treaty, and I urge its approval.

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I support passage of H.R. 15461, which would enable the United States to carry out its commitments under the treaty resolving boundary differences between the United States and Mexico. The treaty entered into force April 18, 1972.

This legislation authorizes appropriation of the funds necessary to carry out the responsibilities of the United States under the treaty. These responsibilities are to: relocate the channel of the Rio Grande River to provide a settlement for all present boundary disputes; acquire all private U.S. lands which are to be transferred to Mexico; and maintain the Rio Grande and Colorado Rivers as natural boundaries.

In addition this legislation would authorize appropriation of funds necessary for a project for the protection of U.S. lands in the Presidio Valley against Rio Grande floods, subject to an agreement with the Government of Mexico on a coordinated plan for international flood control. This project is made possible by the resolution of the boundary dispute with Mexico.

The bill before us is essential to implementation of the treaty. It deserves our support.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me. I wonder if we could have a short statement as to what this previously signed treaty is going to cost the taxpayers of the United States?

Mr. FASCELL. Mr. Speaker, if the gentleman from California will yield, I will be delighted to respond to the gentleman from Missouri with as much detail as we have on the subject right now.

The best estimates we have, if the gentleman will turn to page 5 of the report, these are the costs, and they are listed there and, summing them up, including acquisition of land, relocation of the river, acquisition of lands for transfer, rectification, surveys, mapping, and acquisition of easements comes to a total of $10,368,000.

The Presidio flood control project is estimated at $2.5 million.

So that for a five-year total you have an estimated cost of $13,868,000, of which $1 million is for operation and maintenance.

Mr. HALL. Mr. Speaker, I understood the gentleman from Florida to say first that this is favored by the administration and, second, clearly and urgently needed in order to complement or complete the treaty and third, that it came out of the Committee on Foreign Affairs of the House unanimously and, finally that this is the last of our "giveaways" of territory and/or moneys in order to be "Uncle Sugar" to all, as always.

Mr. MAILLIARD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. RHODES. Mr. Speaker, reserving the right to object, may I ask the gentleman from Florida (Mr. FASCELL) whether or not this bill has anything to do with the waters of the Colorado River or any of the tributaries thereof.

Mr. FASCELL. No, it does not.

Mr. RHODES. It has nothing whatsoever to do with that?

Mr. FASCELL. I wish we could settle that problem, but that is not involved in this bill.

Mr. RHODES. I would like to know more about it before we do.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DENNIS. Mr. Speaker, reserving the right to object, just as a little footnote of history, and I do not suppose it means anything at this point, but my father years ago happened to be a counsel for the United States, not in this particular boundary dispute, but in the Chamizal matter. That was in 1911. That was back in the days when we did not give our land away, as the gentleman from Missouri has said, and I have often thought, he worked so hard on that arbitration and we refused to accept the decision of the tribunal at that time because it did not follow the law and was absolutely unfair to this country.

Since then, under both types of administration, Democratic and Republican, we have nullified that work and given our land away, and just in respect to my father's memory and his work at that time, I will note my dissent to the whole sorry business.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill as follows:

H.R. 15461

A bill to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Boundary Treaty Act of 1972".

TITLE I—AUTHORIZATION FOR CARRYING OUT TREATY PROVISIONS

SEC. 101. In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970 (hereafter in this Act referred to as the "treaty"), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized—

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improvement, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflow; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, has determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

SEC. 102. The Commissioner is authorized—

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

(2) to enter into contracts with the owners of properties to be relocated whereby

such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

Sec. 103. Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949.

Sec. 104. When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State, shall be final so far as the United States is concerned, and the Commissioner is authorized to construct or arrange for the construction of such works as may be required to give effect to that decision.

Sec. 105. Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 106, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State.

Sec. 106. Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system.

Sec. 107. (a) The heading of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322) is amended by inserting immediately before the period at the end thereof the following: "; UNITED STATES-MEXICO BOUNDARY TREATY OF 1970".

(b) Subsection (b) of such section 322 is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause.

"(4) personal property reasonably related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970.".

Sec. 108. There is authorized to be appropriated to the Department of State for the use of the United States section of the International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act.

Sec. 109. For purposes of chapter 1 of the Internal Revenue Code of 1954, any property or business, or interest therein, located in the same general area as the property acquired by purchase or condemnation under paragraph (2) of section 101 of this title shall be treated as property similar or related in service or use to the property so acquired.

TITLE II—PRESIDIO FLOOD CONTROL PROJECT

Sec. 201. The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

Sec. 202. If an agreement is concluded pursuant to section 201 of title II of this Act, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas", prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1972

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16656, with Mr. Udall in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. Kluczynski) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Harsha) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. Kluczynski).

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal Aid Highway Act of 1972, H.R. 16656, is now before this body and I believe it is one of the best highway bills ever to come out of the Committee on Public Works.

We have produced a highway bill this year which will give direction to the highway program for many years into the future.

I would like to make it clear to you Members at the outset that this is not just another highway bill to add more miles of big monstrous freeways or to pave over the country and the cities with concrete and asphalt as many of our critics would have you believe. This is a highway system designed to meet the needs of America.

Do you know that in 1971 we had 1,170 billion vehicle-miles of travel. In 1956 when we started the historic Interstate System there was 631 billion vehicle-miles of travel. So travel has just about doubled in those 15 years.

In 1925 we had just over 3 million miles of rural roads in this country. Now we still only have about 3.2 million miles of rural roads so that we have not increased the mileage hardly at all in the last 45 years. Adding the approximately 500,000 miles of urban streets and highways brings our total mileage in the country to about 3.7 million miles.

Now how about the number of vehicles we have to contend with. In 1956 we had a total of about 65.2 million vehicles on our highways. In 1971 we had just about 115 million.

In 1960 there were 575,000 motorcycles on the road. In 1971 only 11 years later, there were 3,293,000.

So you see ladies and gentlemen, the problem we face in our highway program. With practically the same number of miles of road we must provide for almost a doubling of vehicles and vehicle miles of travel in only a 15-year period.

Our program is not basically adding more miles of road, it is one of improving the safety and capacity of the ones we have. And believe me this is a costly proposition.

To illustrate the cost we are facing, the Secretary of Transportation submitted to the Congress earlier this year the 1972 National Transportation Report which contained the needs to 1990 for highways, mass transit, airports and much other data on the transportation needs of the country. For highways alone the need indicated in the report amounts to about $570 billions. Something in the neighborhood of $300 billion of this amount would be on the Federal aid highway system. If the highway trust fund is continued from now until 1990 at its present levels of taxation it would only bring in about $125 billion. At our present 70–30 matching ratio this would only cover something over half of the total Federal-aid needs. So you see, ladies and gentlemen, we are not overloaded with money with respect to our needs.

We must make our highways safe for the traveling public and as you know, we have over 55,000 people killed on our highway systems each year. When the 1966 safety acts covering safety on the highways and in the vehicle itself were passed, it was hoped we could ease this situation. It must be remembered that now in 1972, 6 years later, over half of the vehicles on the road are over 6 years old and do not contain many of the safety features of the newer vehicles. So we have our work cut out for us.

I have mentioned all these statistics for a purpose. I know it is sometimes boring to listen to them but I want to make a point clear and it is most important.

This is a highway bill. It is aimed at solving the problems I have mentioned.

We have an excellent financing mechanism in the highway trust fund and we need every bit of it to do the job. We not only need it but we must use it all and avoid the withholdings and freezes and the obligation ceilings which have plagued us in the past.

You have heard the great chairman of our committee (Mr. BLATNIK), indicate the need for highways and their great benefit to our economy. I agree with him entirely.

Now I would like to cover some of the items in the bill and then yield the floor to some of the other members of our great committee to explain additional provisions.

First of all is the Interstate System which you are all familiar with as the greatest public works project ever undertaken in the world. In this act we are changing the authorizations which we made in 1970 and reducing the annual authorizations to $3.5 billion per year from the previous level of $4 billion per year. This $3.5 billion level will be maintained from fiscal 1974 through 1978 and a final authorization of $2.5 billion will complete the authorization in 1979. We, therefore, expect to complete the system in the early 1980's, probably about 1982.

There are two reasons for the reduction in level. First the Interstate System is about 80 percent complete in terms of mileage and the last portions are taking a little longer to build. Secondly, we are transitioning from the 50–50 matching ratio on the ABCD system at the same general total construction funding level as in the past years.

We have done another thing this year to try to make sure everybody gets their fair share of the funds. The bill authorizes $700 million for the primary system in rural areas and $400 million for the secondary system for a total $1.1 billion for each of fiscal years 1974 and 1975. Now for the extensions of the primary and secondary system in urban areas the bill authorizes $400 million and for the urban system itself $700 million for a total of $1.1 billion in urban areas. So we have an even split of rural and urban funds.

For most of those Federal programs on Federal lands we have retained the same programs as in the 1970 act—namely:

	Million
Forest highways	$33
Public lands highways	16
Forest development roads and trails	170
Public lands development roads and trails	10
Park roads and trails	30
Parkways	20

The bill also continues the territorial highway program in the Virgin Islands, Guam, and American Samoa. These are funded at $5 million per year for the Virgin Islands, $2 million per year for Guam, and $500 thousand per year for American Samoa.

One of the important points made in this bill is an addition to the policy statement now contained in title 23 highways. This policy statement says that as the Interstate System is coming to a close that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in order to bring all of the Federal-aid systems up to standard by the year 1990.

This policy is absolutely necessary if we are ever going to come close to meeting the needs I outlined earlier of $570 billion for highways in the 1972 National Transportation Report.

And let me assure you that the Interstate System is coming to a close. With the authorizations provided in this bill three States will have received all of their interstate authorizations during fiscal year 1975. These are Delaware, North Dakota, and Nebraska.

To further insure that the interstate proceeds as rapidly as possible we have required that all plans, specifications and estimates must be submitted to the Secretary by July 1, 1977. We have made one exception to this situation and that is the District of Columbia.

That brings up the last subject I will discuss now and that is the Three Sisters Bridge and the District of Columbia interstate system.

We have three provisions concerning the District of Columbia in this bill and I would like to straighten out the record on just what they do since there is much misinformation being spread around about it. First of all we have released the District of Columbia from the requirement of filing a schedule of completion for the Interstate by July 1, 1973, as is now required by law. This is merely to prevent the Interstate System in the Nation's Capital from being allowed to disappear simply by default. Second, we have a provision following Chief Justice Burger's suggestion that removes the Three Sisters Bridge from further judicial review.

We have not deprived anyone from anything by this action for the simple reason that this project has had all the hearings it needs, has had judicial review and has been directed to be built by the Congress in 1968. The courts have clearly misinterpreted the will of Congress and the law of the land. This provision clarifies the position of Congress once and for all that the bridge should proceed as ordered in the 1968 Highway Act.

The third provision regarding the District of Columbia is quite simple—it merely allows the construction of the Interstate System in the District of Columbia. The Interstate System in the District of Columbia cannot be built under the 1893 act. By repealing the 1893 act with respect to the Interstate System only, then the District of Columbia can proceed to complete its Interstate System.

I reserve the balance of my time.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield.

Mr. KLUCZYNSKI. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the distinguished chairman of the subcommittee for yielding.

I want to compliment him and the entire committee on this fine bill and the outstanding job which has been done in the Committee on Public Works in keeping our highway building program on schedule and meeting some of the new and rising needs of the country with regard to this highway system. I particularly want to thank the committee for the foresighted action in instituting the high priority primary road program, and designating 10,000 miles of highways in the country for attention under this program. I think it is urgently needed in addition to the present program.

The people in Oklahoma are deeply grateful to the committee for this action, and I hope that the efforts of the gentleman with respect to this problem across this country—which may not be well known—will be successful, and that the amendments which will be offered in the Committee of the Whole will be defeated.

Mr. KLUCZYNSKI. I want to thank the gentleman from Oklahoma for the fine statement he has made.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, H.R. 16656, the Federal Aid Highway Act of 1972, is truly a comprehensive piece of legislation that addresses itself to the rapidly changing conditions in our society. It recognizes both urban and rural problems, and it entrusts the State with a great deal more responsibility than in past years in carrying out their individual highway programs.

It calls for a continuation of such programs as the Interstate Highway System, but at the same time provides substantial new resources to deal with urban congestion and the growing problems of our metropolitan areas.

The 1972 interstate cost estimate shows the completion of this system will cost $76.3 billion, almost $6.5 billion more than the 1970 estimate. The Public Works Committee believes the Nation must adhere to its objective of completing the Interstate System, however, and this measure calls for authorization of $3.5 billion annually for the fiscal years 1974 through 1978, with $2.5 billion required for the final year, 1979.

The $3.5 billion represents a scaling-down from the $4 billion authorized by the last highway act for the years 1974, 1975, and 1976, but this is necessary because of increasing claims on the highway trust fund, particularly the impending change in the matching ratio from

50-50 to 70-30 that was called for in the 1970 act.

For Federal-aid highways outside the Interstate System, the bill before us divides $4.4 billion in authorizations for primary and secondary road construction during fiscal 1974 and 1975 equally between urban and rural areas. A total of $2.8 billion of this sum would go for primary roads and $1.6 billion for secondary roads. It is important to realize that rural urban areas annually will get identical sums of $1.1 billion, with annual funds for urban areas raised $600 million over 1970 levels.

The bill liberalizes the use of trust funds in urban areas to reduce traffic congestion. No longer is it necessary to show that the use of construction funds for such features as bus lanes, traffic control devices, bus loading areas, and parking facilities will result in avoiding conventional highway construction. There are no limitations imposed on the percentage of urban funds that may be used for such urban programs.

These features, along with many others included in this highway bill, demonstrate a responsiveness to real problems in both urban and rural areas and the determination of the Congress to make our highway program achieve the greatest good for the greatest number.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I think the House owes a great debt to the Committee on Public Works for the fine work it has done in producing the Federal Aid Highway Act of 1972. The trust fund should be preserved. I wish to commend both the chairman of the subcommittee, Mr. KLUCZYNSKI, and Mr. HARSHA and the entire committee for a job well done.

This measure is laden with many fine projects to improve the quality of life in America, and I shall be happy to cast my vote for it.

I am particularly pleased that the committee has seen fit to include a provision to ease the freeing of toll bridges on interstate routes other than those in the Interstate Highway System.

This is section 135, which permits States which have built or acquired any interstate toll bridge on the Federal-aid primary system before January 1, 1974, and have freed them before that date to use their Federal-aid primary system funds as the Federal share of the cost. Suitable provision is included to insure that there shall be no windfall or double payment of the Federal share.

This measure will be of great benefit to the people of my district. Two bridges linking Kentucky and Ohio across the Ohio River are presently owned by the State Bridge Commission of Ohio. They are located between Portsmouth, Ohio, and Fullerton, Ky., and between Ironton, Ohio, and Russell, Ky.

Now, we like to think we are good neighbors, but at the same time, our contacts are somewhat impeded by those toll barriers. I have long felt that lifting of those tolls would do much to unify our people, and to strengthen the flow of commerce between the States.

Back in 1957 when my State approved purchase of the Portsmouth-Fullerton bridge from a private owner, I felt we were making a mistake. I felt that my State of Kentucky—which in effect owns the Ohio River, since the State boundaries extend to the low-water mark on the north side of the stream—should have purchased the bridge itself and eliminated the tolls.

Last year, and also in 1972, I have urged Kentucky and Ohio officials to meet and work out some means of eliminating the tolls.

Now, the Public Works Committee is providing the vehicle by which this may be done. I have sponsored parallel legislation in H.R. 16931.

I hope the State of Ohio will move swiftly to take advantage of the benefits of this toll bridge section.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.
yield to the gentleman from Kentucky

Mr. Chairman, I want to speak to you now about a most important aspect of this bill—highway safety. The proposed Highway Safety Act of 1972 is included as title II of H.R. 16656. It is recommended by the committee in response to the appalling, and rising, death and injury toll on the Nation's highways.

One of the most astounding phenomena of American life in the 1970's is the indifference with which we view the carnage on our highways. The grisly statistics of what is perhaps man's greatest inhumanity to man are well known. Perhaps the constant repetition that 55,000 people died last year alone has tended to dull our ears and harden our hearts to what is happening. Perhaps the 2 million injuries, the countless heartaches, the family tragedies, and the $20 billion or more in property damages is so appalling and so enormous that our minds are incapable of either absorbing or responding. And, when we contemplate the prospect of "80 by 80"—meaning 80,000 fatalities by 1980, the prospect becomes even more overwhelming.

But we can respond, we can act to prevent this from happening and to reverse the slaughter. When I say we, I mean the Congress of the United States. And, title II of H.R. 16656 contains the legislative means for us to do so. It includes, for the first time, a specifically targeted, high-yield package of proposals which go far toward getting the job done.

The genesis of this landmark legislation was the proposed Omnibus Highway Safety Act of 1972, which I introduced last March 2 with the cosponsorship of all 37 members of the Committee on Public Works, including Chairman BLATNIK. That measure was the product of long study and careful consideration by members of the committee and the staff. In subsequent deliberations of the committee, its major provisions were improved, expanded, and ultimately included as title II of the committee reported bill. I should like now to sketch for you some of the major provisions of the committee recommended proposal.

The foundation stones of this new program would be a multipronged attack on those highway factors which contribute most to highway mishaps. Included would be four high-benefit programs whose implementation will measurably decrease fatalities. Included would be programs to:

First. Mark those rural highways in America where two-thirds of all fatalities presently occur.

Two. Improve those thousands of already identified high-hazard locations which pockmark the Nation's roads.

Third. Eliminate roadside obstacles of the type that vehicles are likely to come in contact with when they stray from the right-of-way.

Fourth. Upgrade protection at railroad crossings through separation, relocation, or the installation of modern warning devices.

The price tag for these four programs would be high. Over the next 2 fiscal years, the national pavement marking program would cost $200 million; the spot improvements, an additional $200 million; the roadside obstacle removal effort, $150 million; the railroad highway crossing protection and separation, $375 million—such funds could be available for expenditure both on and off the Federal-aid highway system. The major share of the funds authorized would be derived from the highway trust fund.

In addition to the foregoing programs, title II would continue funding for National Highway Safety Administration and Federal Highway Administration section 403 programs at present levels. This means that the alcohol countermeasures, driver education, public information, pedestrian safety, and other similar programs can be continued. In this connection, I want to stress that it is the committee's understanding that section 403 funding programs are intended to demonstrate the feasibility of certain types and certain mixes of programs to reduce accidents. Once these promising concepts and techniques are proven, they will be recommended to the States for full implementation. There is no intention that either the ASAPS—alcohol safety action projects—or the STEP—selective traffic enforcement program—programs, which have shown such promise, shall become permanent Federal undertakings.

Rather, it is hoped that the States, with moneys allocated to them under section 402 of the program, will adopt and adapt those programs to their own specific needs. To that end, the committee has doubled the funding for section 402 programs for fiscal 1974 and increased it another $160 million, to a total of $360 million, for fiscal 1975.

In combination with the aforemention action program, we should, for the first time, be able to make measurable inroads into the accident-injury toll on the Nation's highways.

Complimenting the foregoing programs would be two essential research efforts offering high promise and potential. The first would be a pavement marking research and demonstration program aimed at developing new devices and techniques for assisting motorists during adverse weather conditions when even the best of roads become hazardous to drive on. If, for example, we were able to come up with a new reflective paint with double the life span of paints presently in use, we would realize enormous savings amounting to hundreds of millions of dollars over the next decade.

The second research effort would concentrate on a heretofore neglected area—drug using and high-accident probability drivers. Presently, very little is known about the driving habits and impact on accident statistics of either type of offender. A well funded effort is presently underway to cope with the problem drinker on the Nation's highways. It is high time we launch similar efforts against other identifiable types of offenders. It may well be that if we are able to develop ways and means to identify alcoholic, drug using, and accident susceptible drivers that we will find that they are involved in a majority, perhaps as high as two-thirds, of all "killer" and other serious accidents. If this should turn out to be the case, we could formulate new action programs which would, in my opinion, enable us to make a major breakthrough in reducing accidents and injuries on the Nation's highways.

Finally, the committee-recommended safety package contains three studies, any one of which could yield handsome safety dividends. The first would explore how to use mass media, principally television, to alert, educate, inform, and involve the American driving public in the cause of highway safety. Preparation of a series of 5-minute educational safety films for use on TV and elsewhere would also be funded.

The second study, would seek to find ways and means of involving the American driving public in the highway safety effort. Particular emphasis would be given to the traffic enforcement process where the creation of citizen adjuncts to assist traffic enforcement agencies would be explored. If, for example, we were able to organize and equip a dedicated band of motorists with two-way radios with their assignment to immediately report accidents and to render first aid, a measurable contribution to easing suffering might be made.

Clearly, no safety effort can succeed if people remain indifferent and uninvolved. Finding ways and means of promoting greater citizen participation could help to turn the safety effort into a safety crusade.

The final study would explore the feasibility of creating a National Center for Statistical Analysis of Highway Operations. Perhaps the greatest weakness of the present program is the lack of such a center which, for the first time, would provide us with a specific, up-to-date, comprehensive overview of what is happening on the Nation's highways. Establishment of such a center would assure that our safety money would be spent where safety problems really are.

Funding for such a program will be expensive. It will require the investment—and I use the word "investment" deliberately—of over a billion dollars for each of the next 2 fiscal years.

Yet, I believe such a massive expenditure is clearly warranted and necessary if we are to reverse the accident and injury toll on our Nation's highways. While expenditures are high—money is of little consequence in relation to the savings of many lives. How do you place a dollar value on a life?

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, as a cosponsor of H.R. 16656, the Federal-Aid Highway Act of 1972, and a member of the House Committee on Public Works which reported it to the House; I rise in support of this important legislation and urge its acceptance by my colleagues.

This measure is the result of months of deliberation by the Subcommittee on Roads, including extensive hearings from February 17 to April 12, 1972. A total of 126 witnesses were heard during the hearings and all aspects of the Federal-aid highway program and related activities were examined.

In my judgment, H.R. 16656 could well prove to be as important to modernizing and improving our Nation's transportation network as was the interstate highway legislation of the mid-1950's.

Among the major provisions of the bill are an extension of the deadline for completion of the interstate highway construction program for another 3 years, with the new target date at the end of fiscal year 1979. An additional $8 billion is authorized through fiscal year 1979 for this purpose.

The declaration of policy contained in section 108 of the bill is an important statement of the policy and direction of the Federal-aid highway program to the year 1990, based on highway needs data compiled in the 1972 National Transportation Report. Section 108 states that as the interstate system is completed it shall be the national policy that increased emphasis be placed on the other Federal-aid systems in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems.

Section 117 of the bill represents a significant effort to eliminate the large amount of "Federal redtape" which has begun to impair the efficient implementation of the Federal-aid highway program. The procedures which have heretofore applied only to the Federal-aid secondary system would be extended to include all Federal-aid programs except the interstate system. The Secretary of Transportation would be allowed to accept a State's certification that it is in compliance with the detailed requirements of title 23 regarding plan development, right-of-way acquisition, and so forth, as an alternative to direct Federal step-by-step review.

Several changes are made with respect to the control of outdoor advertising, including an extension of controls beyond the present 660 feet from the edge of the highway right-of-way to cover signs which are visible from the highway and which were erected for the purpose of being read from the highway. Another provision would allow the continuation of signs or billboards lawfully in existence as of June 1, 1972, and which provide directional information necessary to the traveling public until December 1974, or until the State certifies that such information is available from other sources. The bill also authorizes that "just compensation" be made for removal of any previously legal sign and makes available $50 million each year for fiscal years 1973 and 1974.

In recognition of increasing public transportation needs, the bill would convert demonstration projects for exclusive bus lanes and bus passenger loading facilities to regular Federal-aid status and also makes unused land within publicly acquired highway right-of-ways available without charge for use by nonhighway public mass transit. The bill further directs the Secretary of Transportation, in cooperation with appropriate State and local officials, to evaluate the public mass transit section of the 1972 National Transportation Report and to report to the Congress with his recommendations by January 31, 1974. An authorization of $75 million is contained in the bill for this purpose.

Under section 137 of the bill the Secretary is authorized to make a comprehensive study to determine the feasibility of establishing a national system of scenic highways to link together various historic, recreational, and other sites of interest to motorists; $250,000 is authorized to be appropriated from the Highway Trust Fund to carry out this study and a report is to be submitted to the Congress by January 1, 1975.

The Highway Safety Act of 1972, contained in title II of the bill, continues funding at present levels for the National Highway Traffic Safety Administration and the Federal Highway Administration's safety programs, while substantially increasing funding allocations for State programs. Among other important highway safety provisions, the committee recommended approval of four special programs aimed at marking hazardous rural highways, improving the thousands of already identified high hazard locations, eliminating roadside obstacles, and upgrading protection at railroad crossings. Authorizations in the amount of $1.1 billion for fiscal year 1974 and $1.5 billion for fiscal year 1975 are provided under title II.

Two of the bill's most significant new departures are contained in section 104, "Highway Authorizations," and in the "Priority Primary Routes" contained in section 126. Section 104 provides authorizations, out of the Highway Trust Fund, for each of the fiscal years 1974 and 1975 for the Federal-aid primary system, secondary system, urban extensions of the primary and secondary systems, and the urban system—the ABCD systems—as well as authorizations for various types of highway programs financed from either the Highway Trust Fund or the general funds of the Treasury.

As the report on H.R. 16656 indicates, the provisions of section 104 represent the committee's intent to continue the renewed emphasis on urban problems originating with the 1970 Highway Act while at the same time assuring that the rural program is not reduced. A distinct break between rural and urban funding is established, with primary and secondary systems funds to be spent only in rural areas and urban extension and urban system funds directed solely to urban areas. The primary and secondary systems are authorized at a level of $700 million for fiscal year 1974 and $400 million for fiscal year 1975, for a total of $1.1 billion. The urban extension and urban system programs are funded at $400 million and $700 million, respectively, with the same total of $1.1 billion.

I strongly support the increased primary and secondary road systems funding provided under H.R. 16656, as it pertains to both rural and urban areas. I am particularly pleased about the increased funds that will be available to the State of Arkansas under the committee bill. The total Federal-aid funds—excluding interstate—to be allocated to Arkansas for each of fiscal years 1974 and 1975 will be in the amount of $24.7 million, as compared to the $16.81 million allocated to the State during the current fiscal year. Within this total Arkansas primary system funds will be increased from $7.2 to $12.1 million; the secondary system funds will be increased from $5.7 to $6.9 million; the urban extension funds will go from $1.6 to $2.3 million; and urban systems funding will go from $0.31 to $3.4 million.

The other important new departure contained in H.R. 16656 is the new program of priority primary routes contained in section 126. As indicated on page 14 of the committee report, the committee has built upon the recognition contained in the 1968 national highway needs report that there are some 66,000 miles of primary highways intermediate in importance between the Interstate System and the balance of the primary system. I am especially gratified by the committee's recognition that within this intermediate system there exist some 10,000 miles of highest importance which appear logically to be eligible for immediate funding under the $300 million authorized in this section for each of 1974 and 1975 fiscal years.

Among the worthwhile projects within the 10,000 miles singled out by the committee for priority attention are Highways 67, 65, and 71 in Arkansas. I know from firsthand knowledge that these are principal arterial routes which would substantially upgrade the highway network in our State and significantly affect the economic and social development of Arkansas. I am pleased that as a member of the subcommittee, and with the full cooperation of my distinguished colleague, the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, I was able to bring the critical needs of these particular routes to the Public Works Committee's attention.

It is hoped that the improvement of roads such as these and the consequent economic development of the rural countryside will help toward reversing the rural-to-urban population migration which has brought such great pressures on our Nation's cities and adversely affected both areas.

Finally, H.R. 16656 creates a special program for the construction of highways connected to the Interstate System in urban areas with high traffic density, and authorizes $100 million for both fiscal year 1974 and fiscal year 1975. The committee has set tight restrictions on this program, such as limiting the new "feeder" highways to less than 10 miles and providing that there can be only one per State. Again, I am especially pleased that the committee report gives special priority to a connection between Interstate 30 in Little Rock, Ark., to the Adams Field Terminal and the port of the city of Little Rock. Such a project is of great importance to our entire State, since the airport and port serve all of Arkansas citizens. I am appreciative of Congressman MILLS' efforts in bringing this important need to the committee's attention.

Mr. Chairman, the continued development of our Nation's road systems is a matter of the highest priority, affecting the economic development of all regions and the lives of virtually all citizens. The provisions of H.R. 16656 will go a long way toward meeting our Nation's transportation needs and I respectfully urge its approval by the House of Representatives today.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, when Congress passed the Federal Highway Act of 1956 it very carefully, after considerable deliberation, provided for full Federal financing of the new highway program by special taxes on the Nation's motor vehicle owners and operators.

The tax program was at that time, and is still today, unprecedented in congressional legislative history. It was designed for a specific purpose for a specified period of time. The special tax program was to produce the revenues for the early completion of the National System of Interstate and Defense Highways and for the modernization and improvement of other Federal-aid roads.

Since its inception the highway trust fund, established on the basis of these special taxes, has been the sole source of revenues for the Federal-aid highway authorizations. The act of 1956 specifically provided that the Federal expenditures for highways had to be governed by the taxes that were being paid into the highway trust fund by the highway users. If the taxes were not coming in, the highway authorizations could not be made.

This self-sustaining, independent method of financing, was not unplanned or accidental. It was the result of a carefully worked out program that involved the cooperation of the highway user groups and the Congress. Without this understanding and acceptance by the highway community of the specific financial responsibility, the highway program would not have been possible.

The highway program has received no appropriations from the general fund. Therefore, it has not been at the expense of any other Federal program nor has it, at any time, represented a drain on the Federal budget. In fact, in the early years of the program the highway trust fund was listed separately from the budget. This was because of the unique tax-cost relationship.

The legislative history of the trust fund taxes, and resulting actions on similar taxes that were never a part of the trust fund, will show quite clearly that if there were no highway program the special taxes that exist to support it would have been repealed or greatly reduced.

The specific purpose for which these taxes, and these taxes alone, were levied, has not as yet been accomplished. The national system of interstate and defense highways is only two-thirds complete. In addition, there is a growing backlog of other, needed highway projects.

The highway trust fund, and the taxes levied to supply it, should remain intact to do the job for which they were designed and enacted. The understanding, in fact the trust, that was implicit in the 1956 act remains an obligation of the Congress. It would be a violation of basic equity and a breach of faith if we were now to confiscate these special taxes for other purposes and ignore completely the promise we made to the highway user groups in 1956.

Had we told them at that time that we were levying the special taxes and perhaps at some future time we would take the revenues, or any part of them, for some other purpose I doubt very much if they would have gone along with the program.

We must keep this faith. When we have completed our obligation under the 1956 act we can then take a look at the overall transportation picture and perhaps develop new programs, including new approaches to financing. But until then, we must remain true to the basic obligations we undertook in 1956.

Mr. Chairman, I urge my colleagues to renew the original pledge to those who have been and are continuing to contribute additional taxes to the highway trust fund, that these funds will be used for their avowed purpose. I urge passage of this bill.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding to me and wish to compliment the chairman and the members of the committee for formulating this fine piece of legislation and bringing it to the floor today.

Mr. Chairman, I would like to call the attention of this body to what I consider some of the outstanding features of H.R. 16656. It is a realistic bill which demonstrates the real concern of the Committee on Public Works for some of our evolving transportation problems. We can no longer rely on the momentum of the past. This is a time for new thinking, for careful innovation, and for cooperative action. All of these characteristics are found in the 1972 Federal-Aid Highway Act.

The bill contains very real recognition of the problem of growing congestion in our large metropolitan centers. The $4.4 billion that will be split evenly between rural and urban areas over the next 2 years can be used by cities for such projects as the building of bus lines and loading areas, the provision of parking lots for bus riders, and traffic control devices to speed the flow of rush-hour traffic. The funds designated for urban areas represent an increase of $600 million annually over what was provided in the 1970 act.

The bill calls for completion of the Interstate System by 1979, stretching the construction phase by another 3 years, and calls for the first modest beginning of a 10,000-mile priority primary network to serve many cities and towns not part of the Interstate System.

One of the outstanding features in this bill is the vote of confidence in the States to manage their own State highway programs under the new certification program laid out in section 115. The States have demonstrated their ability to comply with Federal laws and regulations and this section permits them to take over project oversight, subject to final inspections by the Department of Transportation.

Title II is ample testimony that the Committee on Public Works continues to think of the highway program in terms of the broadest desires and aspirations of the American people. Title II is devoted to highway safety and includes more than $1 billion annually for such things as improvement of grade-level railroad crossings, the correction of high-accident locations both on and off the Federal-aid systems, and the elimination of roadside obstacles.

This is a sound bill that recognizes the need for flexibility in our Federal-aid highway program and I urge your support of it.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa, a member of the committee (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I want to join in the accolades to the leadership of the Public Works Committee and the Subcommittee on Roads in particular and pay high tribute to the chairman who has been very diligent, very thorough, and very considerate.

I want to pay my respects, also, to Mr. HARSHA, the ranking member with whom we have had the pleasure to work and assure the Committee of the Whole that this committee has worked diligently and thoroughly on this legislation, and a very important piece of legislation it is.

I could talk for some time on that, but that has already been covered with respect to the important parts of it.

Mr. Chairman, let me say I have been a member of this committee for 18 years. I was a member of the committee when we gave birth to the Interstate Highway System. It is with great pride that I reflect on that record and report to the House.

I believe this development has been one of the finest investments in America that we have ever made in the form of a public works project. It is not quite completed, but studies show that the benefit-cost ratio has exceeded anything we have ever attempted in the form of a public works project. We can already identify conservative benefits in the amount of $278 billion that have come to the automobile driver, the consumer, and the trucker, and to every aspect of our economy. It has been a very significant and important development and very worthwhile.

Mr. Chairman, I want to say and in saying this to underscore what other members of the committee have said in the debate on mass transit that I am not unmindful of the challenge here nor the need, but I say to the committee that we were wise in turning this down, because now we can give more thought to this problem and evolve a plan which will come to grips with it and bring it to a successful consummation.

One of the tragedies so far in mass transit is that we do not know how much it will cost. To give you some idea I can remind you of the testimony of officials of New York City who came before our committee pleading for some of this money. When I asked them how much money they would need to complete their urban transit system and bring it up to date and modernize it they gave us the astounding figure for New York City alone of $9 billion. That is just for New York City.

You heard someone earlier say there are 67 communities that have very significant and great problems and any city of that size has an urban transit problem which needs to be resolved. The committee is very willing to do this, but until and unless we know what the total problem is and give it serious study we cannot present the answers to that problem.

I am very much in favor of this bill and I am glad we resolved the matter of preserving the trust fund now.

I could go on indefinitely on that subject.

Let me add this, because I have served on the Committee on Highway Beautification, I believe it is a mistake for us to adopt a section on beautification as we have it, so at the proper time I will propose to strike section 119 and restore additions to this program, and what we will be doing if my amendment is adopted we will be reverting to the original law which I think was very wise legislation. This will give us an opportunity to really move forward with the program of beautification as it relates to the billboards.

There is much more to highway beautification than billboards, as the Commission has already noted in its preliminary report. The Commission also recommends, and I think this is a unique agreement and understanding, that the Commision proposes no change in the Highway Beautification Act at all. So that will be the burden and the purpose of my amendment when I offer it at the proper time.

Mr. Chairman, in the 1970 Federal-Aid Highway Act, Congress gave a mandate to the administration to implement title 3 of the Highway Beautification Act of 1965. Ninety-seven million dollars was authorized to commence sign removal even though a Study Commission was established to study various aspects of the existing law. In speaking of the Study Commission and its relationship to implementation of the act by the administration, the conference report states, and I quote, "The creation of this Commission is not to be construed as derrogating in any way from active implementation of the existing program without reduction and as authorized during this study."

The administration has worked hard toward implementation of the Beautification Act and now has behind them the long and arduous task of getting 49 States in compliance, of setting up procedural requirements, and of providing the administrative tools for the States to expedite sign removal. South Dakota, although not in compliance now, has indicated they are willing to call a special session of their legislature to do so rather than continue their case in the courts. They have established regulations, held seminars in all regions of the country, and are on the verge of a nationwide sign removal program, with the complete cooperation of the States. One of the complaints most often expressed by State highway administrations at hearings the Study Commission has held throughout the country was the "on again, off again" vacillation on the part of the Federal Government. They have been encouraged by the firm commitments of Secretary Volpe regarding implementation of the Act and have now acted in reliance on the Federal Government to see their programs through to completion, hopefully by 1976, our bicentennial year. In most cases they have acted in detrimental reliance on the Federal Government. They have organized the manpower, set up State procedures and in every case spent hundreds of thousands of dollars getting geared up to remove signs. And now they face this same wishy-washy vacillation on the part of Congress in the form of amendments to the act which will render void all the time, effort and money that has gone into reaching the threshold of an on-going sign removal program.

The amendments that are proposed by the committee will play havoc with the orderly implementation of the act to deal with beautification. The Commission on Beautification has not completed its study and report to Congress, and has a great deal of unfinished business. This is indicated in the interim report. Now some of the Members of Congress, who voted for the act of 1965 Commission and who were also conferees on the 1970 Highway Act, come before the Congress with amendments which virtually strip the existing law of the effective control of signs and would interfere with the implementation of the act, by imposing a moratorium on certain classes of signs. Their proposals not only ignore the intent of Congress as expressed in the conference report, but will lead to further visual pollution along our Nation's highways which certainly is not in the public interest.

Let me illustrate: Section 131(c) of the act allows certain signs giving direction to natural wonders and scenic or historic attractions, under regulations to be promulgated by the Secretary. The proposed amendments to this subsection would open it up to every kind of sign which is now out on the highway outside of commercial or industrial areas. This subsection would be broadened to include the following classes of signs: lodging, gas and automotive services, food services, camping grounds and rest stops. Outside of a very rare product advertising sign, and perhaps a few old signs without advertising copy, I cannot think of a sign in rural America which would not qualify under the proposed amendment to this subsection. Then to make it even more difficult to administer, they inject some of the standards they want the Secretary to promulgate. It sounds very restrictive when they say "not more than three signs in any one mile facing the same direction." Surely one can immediately see that the billboard lobby will insist that this be interpreted no less than three, which will guarantee them six signs per mile.

Applying this criteria to the more than 200,000 miles on the interstate and primary road systems not zoned industrial or commercial, the least number of signs we have will be 1,200,000. The present act renders approximately 800,000 signs nonconforming and subject to removal, and under the proposed amendment we will be left with one and one-half times as many new signs than we will require to be removed under section 131(d). Keep in mind we are going to have to pay for the removal of some 800,000 plus signs under subsection 131 (g) of the act, only to have 1,200,000 plus signs go up with our blessing. Now ask yourself, is this effective control, or a sellout to the outdoor advertising industry?

To further complicate things, section 131(f) gives authority to the Secretary, in consultation with the States, to provide within the rights-of-way official signs giving specific information to the traveling public, such as the use of brand name logos, that is, Texaco, Gulf, Arco, Holiday Inn, et cetera. The proposed amendment would only permit the use of these signs or the rights-of-way if it is impossible to get this information to the traveling public through the use of signs exempted from the act, and off the rights-of-way. Again, ask yourself—is this effective control or a sellout to the outdoor advertising industry?

Now there is nothing wrong with legislation which is favorable to the growth of industry, and we want to preserve every legitimate business in America if we are to preserve our great free enterprise system. And preserve it we must. But let us examine the record of this act during the past 7 years since it was passed.

The act guarantees "just compensation" upon the removal of nonconforming signs. We never provided the funds to carry out this guarantee, and literally hundreds, and probably thousands, of small companies in the business of outdoor advertising have fallen prey to the large, well financed conglomerate companies. The availability of sign locations became almost an impossibility if you conformed to the law. The small companies had no choice and had to conform to the law, while the large conglomerate type companies just ignored the law. If a company is not a growing company, then it is a declining company and now 7 years after we threw the small companies to the wolves, it is scandalous to gut the act in favor of a few giants who now have a competitive edge that no small company could begin to compete with or adjust to. And to gut the act as proposed by this legislation would play right into the hands of the giants and give them a virtual monopoly of outdoor advertising in rural America, just as the standardized industry has a monopoly inside the urban markets. It is anti-Americanism of scandalous proportions.

On top of all this, the bill now before this distinguished body would require that the Department of Transportation revise all of its regulations and procedural requirements and implement the sign removal program on a piecemeal basis, which is next to impossible if we are to try and have any efficiency in Government. The proposed moratorium places unworkable restrictions on the Department and encourages the sign owners to use the courts to enjoin the Department in its efforts to administer a program, which Congress delivered to the administration by mandate in the 1970 Federal-Aid Highway Act.

I therefore will move to strike all amendments to the act found in that bill except section 119(a) which will extend the limits of control from 660 feet from the rights-of-way to the limits of visibility. Everyone involved in the program agrees that this amendment must be retained. We must also continue the funding levels contained in this bill so the Department of Transportation can further carry out our directions.

Mr. Chairman, the Commission on Highway Beautification was established by the Federal-Aid Highway Act of 1970—Public Law 91-605—to study and make recommendations concerning implementation of the Highway Beautification Act of 1965—Public Law 89-285—and achievement of goals in the preservation and enhancement of natural beauty along America's highways which were not fully dealt with in that law.

It was directed to "recommend such modifications or additions to existing laws, regulations, policies, practices and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest."

The authorizing legislation directed the Commission to make a final report not later than one year after it was funded. The Commission was funded in August 1971, held its first meeting in October 1971, and was not fully staffed and operational until December 1971.

During the past few months the Commission has conducted six public hearings—in Atlanta, Los Angeles, St. Louis, Meriden, Conn., Syracuse, and Washington, D.C. Several thousand people attended these hearings, and more than 200 witnesses gave verbal testimony. Recommendations were received from a wide spectrum of the public, 35 State highway departments and 15 other State agencies, the Departments of Transportation, Commerce, Interior, and Housing and Urban Development, the Federal Communications Commission, Environmental Protection Agency, and Tennessee Valley Authority.

The staff of the Commission has also been in active contact with highway officials in all 50 States, visiting some of them, with 10 other Federal agencies and numerous representatives of local government, conservation groups, and industries concerned with highway beautification including outdoor advertisers, roadside businessmen, operators of tourist attractions, auto salvagers, scrap processors, utility companies, planners, architects, landscape designers, contractors, and operators of tourist information services. The Commission staff has assembled a substantial amount of reference information on the major aspects of the beautification program and developed liaison contacts among the principal public and private sector groups that have responsibilities under this program.

The Commission also has sponsored two nationwide public opinion surveys to ascertain the attitudes of the motoring public with respect to a number of aspects of the broad subject of highway beautification.

FINDINGS AND RECOMMENDATIONS

Inasmuch as the Congress is actively considering enactment of highway legislation during its current session, and probably will not do so again for approximately 2 years, the Commission feels that through this interim report it is timely to bring certain matters to the attention of Congress and the President which they may wish to consider for possible action. In addition, there are other matters which the Commission feels it is appropriate to note at this time but which are not sufficiently well documented to justify specific recommendations.

The findings and recommendations of the Commission at this time, therefore, are as follows:

1. The Commission believes that the provisions of the Highway Beautification Act for control of outdoor advertising only up to 660 feet from the highway has permitted the original intent of Congress to be circumvented. In various locations throughout the United States, extremely large signs are being erected just beyond the 660 foot limitation.

The Commission therefore recommends that Congress consider the advisability of extending the control of outdoor advertising along Interstate and Federal-aid Primary highways to those additional signs which are visible from the controlled highway and erected with the purpose of their message being read from the controlled roadway.

2. The Commission suggests that Congress may wish to consider making some distinction between outdoor advertising signs which simply advertise products and those which provide information of potential usefulness to motorists regarding services and facilities in which highway travelers may be expected to have specific interest. In the latter category, it has been indicated that motorists frequently desire information containing directions, descriptions and distances concerning such traveler-oriented services and facilities as lodging, eating, automobile servicing, camping, tourist attractions, truck-stops, and possibly other facilities for motorists. The need for such businesses to get information to motorists is important to the safety and convenience of motorists as well as to economic well-being of the businesses.

The Commission believes that the question of how to get such information to motorists in a most efficient manner consistent with highway beautification deserves more study before it makes any long-range recommendations. In the interim it is recommending *that States be allowed, and encouraged, to remove first those non-conforming billboards which have no traveler-service orientation and to defer removal of non-conforming signs giving directional information to motorists.*

At the same time, States are reminded of the importance of their responsibility for providing information to motorists on Interstate and Primary highways, and it is recommended that States make greater use of the authority provided in their laws to carry out developmental work in the expansion and improvement of information systems which might be used in lieu of non-conforming outdoor advertising signs.

3. Based upon testimony received in our hearings, the Commission suggests that Congress might consider a reevaluation of standards promulgated for official and directional signs authorized by section 131(c)(1) of Title 23 of the US Code and for signs giving specific information to travelers authorized by section 131(f). It appears that improvements in the use of these types of signs can do much to get needed directional information to motorists.

It appears Congress could direct the Department of Transportation to review standards regarding businesses eligible to use such signs; content, size and placement of signs, criteria for public service signs, and other matters. Congress could also consider the language in section 131(f) which now gives specific permission for signs giving information in the interest of the traveling public only within the right-of-way of Interstate highways.

4. The Commission finds that a particularly troublesome misunderstanding has arisen between States and the Federal Government over the availability of Federal matching funds where "just compensation" is required by law in the removal of billboards. The States argue, with apparent justification, that present law and administrative interpretation place them in a highly untenable position. Law requires that compensation be paid for all signs removed but limits Federal participation to only those erected prior to 1965 and those "lawfully erected" subsequent to Jan. 1, 1968. There also has arisen a misunderstanding over the meaning of the term "lawfully erected." The result has been to place a heavy and probably unintended financial burden upon the States.

The Commission believes that Congress should reconsider the hiatus which exists, perhaps unintentionally, in the prescribed dates of erection of such billboards for purposes of Federal participation in the payment of just compensation. The Commission believes that Federal matching funds should be available wherever Federal law requires the payment of just compensation. The Commission further finds that it is State, not Federal law which renders any sign unlawful, and believes that the term "lawfully erected" clearly applies to any sign which was erected in conformity with applicable State law at the time of its erection.

5. The Commission notes with general approval the fact that all States now have laws regulating outdoor advertising on the Interstate and Primary systems. All such laws have the effect of arresting the uncontrolled growth of new signs in these States. Also the States are now in a position to implement sign removal programs for those which are in non-compliance.

The assurance that Congress will fund Federal aid for highway beautification is of critical importance to the success of the Highway Beautification Act, particularly in regard to those parts of the law requiring States to make compensation payments to owners of signs and junkyards. Fiscal and equitable considerations suggest that if Congress cannot assure funding for its share of certain costs, it should seriously reconsider whether these costs will be mandatory for the States to pay in full.

In order to carry out its responsibilities to the States under Title I of the Highway Beautification Act, it is recommended that Congress provide steady funding for removal of non-conforming outdoor advertising signs within a reasonable time, without impairing progress under other parts of Federal or State laws relating to highway beautification. When more complete information is available about the cost of the sign removal program, it is also recommended that funding be scheduled to complete the program within a specified time.

6. From testimony at the Commission's hearings, it appears that in some jurisdictions there is a need for improved control over location, design, construction and maintenance of on-premise signs. Vast differences in local neighborhoods, regional characteristics, and community planning objectives indicate that local and State government should play primary roles in the development of regulations for such signs.

The Commission is not prepared at this time to recommend any Federal standards in this area but urges units of State and local government to address themselves to the development of appropriate local standards for the governance of on-premise signs.

7. The Commission believes that the Congress and the Department of Transportation should resolve the question of the rights of States to zone areas within their respective boundaries for commercial and industrial purposes. The law appears to be clear in this matter, but the Commission has received testimony of at least one pending Federal court action arising from the interpretation of this law by the Department of Transportation.

The Commission does not recommend any change in Federal law at this time but believes that Congress and the Department of Transportation should resolve the position of the Federal Government regarding the rights of States to zone roadside lands, and resolve any uncertainties about the Federal acceptance of State action.

8. The above recommendations concern only the limited subject of outdoor advertising, surely the most controversial but perhaps not the most important phase of highway beautification. They involve merely the most obvious few of the great number and variety of problems brought to the attention of the Commission. It is clearly apparent that it will be enormously difficult to complete a truly comprehensive or professional evaluation of these problems prior to August of this year, at which time this Commission is scheduled to file its final report in accordance with existing law.

The Commission respectfully suggests that Congress may wish to consider extending the life of the Highway Beautification Commission for one additional year in order that it may come to grips with at least some of an enormously wide range of questions to which thus far we have been able to gain merely an introduction. These include but are not necessarily limited to the following:

Reconsideration of agreements where there is dissatisfaction with terms on such matters as definition of unzoned commercial areas, interchange, spacing, etc.;

Examination of methods to get information to motorists efficiently in a manner consistent with highway beautification including implementation of pilot projects on official signing information centers, radio transmissions, and other means;

Implementation of programs, particularly pilot programs, to assist in getting abandoned cars and other equipment with no appreciable salvage value into recycling processes;

Methods for calculating compensation for the payment of compensation for sign removals and the effect of such compensation on State and local programs to control signs;

Clarification of effective date of controls imposed by the Highway Beautification Act of 1965;

Clarification, and possible modification, of relationship of controls under 1958 Bonus Act to controls under 1965 Highway Beautification Act;

Revisions in Secretary of DOT's authority to impose a 10% penalty for failure to comply with Federal requirements for highway beautification;

Clarification of legality of Federal participation in certain payments made under laws covering outdoor advertising;

Modifications in standards for private commercial activities within the right-of-way;

Modifications in State-local relationship in sign control programs;

Feasibility of Highway Corridor Boards in sign control programs, zoning, and other land use planning;

Relationship of Uniform Relocation Assistance Act to compensation paid under State's laws enacted to comply with the Highway Beautification Act of 1965;

Clarification of regulations on outdoor advertising on Indian reservations and on Federally owned land, definition of on-premise signs, damages for sign companies forced out of business, and requirements for sign permits;

Penalties for destructive defoliation or vandalism along highway routes;

Junkyard controls in relation to overall solid waste disposal programs;

Economics of recycling scrap metal and other materials, including effect of depletion allowances and differentials in freight rates;

Possible Federal assistance for solid waste disposal programs;

Various proposals to hold registered owners of cars responsible for their disposal;

Esthetic considerations in planning, design, and contracting for new highways;

Development of scenic routes;

State landscaping and maintenance of existing highways;

Relationship of beautification programs to programs for highway safety and air pollution abatement;

Relative priorities of highway beautification program;

Application to specific projects of design recommendations in Federally sponsored studies such as "The Freeway in the City," "Street Graphics," etc.

JOINT STATEMENT OF REPRESENTATIVE FRED SCHWENGEL AND MRS. MARION FULLER BROWN REGARDING THE INTERIM REPORT

We support adoption of the Interim Report with the following reservations:

(1) We believe there should be an additional recommendation to amend the Federal law to make it clear that States be allowed to elect to remove signs by use of police power without payment of compensation, except by compensating through amortization over a reasonable period.

(2) Although we agree that Federal participation should be available for compensation for removal of signs erected after October 22, 1965, if such participation is necessary to remove the signs, we believe that States which delayed enactment of legislation to conform with the Highway Beautification Act of 1965 should be subject to some penalty, perhaps in the form of a reduction in the percentage of Federal participation for removal of signs erected after a certain date or dates. As an alternative, States which enacted legislation promptly might be given some bonus.

(3) We agree that zoning determinations of State and local governments should be accepted by the Secretary of Transportation, but only if these units of government do not abuse their discretion. Zoning laws should not be used as a subterfuge to open areas for billboards.

MR. MICHAEL RAPUANO'S POSITION REGARDING THE INTERIM REPORT

I concur with all the recommendations except those numbered four and five. The basis for my objection to these points is that they imply that compensation will be paid for sign removals. I believe that all signs visible from the highway should be prohibited, and that no compensation should be paid for their removal. I am firmly convinced that unless we prohibit all advertising, except on-premise signs, from the view of the interstate and primary roads, we are going to have a continual proliferation of billboards.

My opposition to the payment of compensation is based primarily on the following grounds:

(1) billboards are visible pollution and polluters should not be compensated;

(2) the courts have upheld State statutes for the removal of signs by police power without compensation;

(3) sign companies should not be paid for taking down signs when they can put the same signs up in other areas zoned commercial; and

(4) Congress may not provide adequate funding (estimated at approximately four hundred million dollars) to implement sign removals and that, in any case, this money could be spent for other matters of higher priority, including other programs relating to highway beautification.

In regard to Recommendation Number 7, I agree that matters of zoning should be left to the States. However, I am concerned about the possibility that States might indiscriminately zone areas along the highways as commercial thereby circumventing a sign removal program.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana, and a member of our committee (Mr. CAFFERY).

Mr. CAFFERY. Mr. Chairman, I thank the gentleman from Illinois, our distinguished chairman, for yielding to me.

Mr. Chairman, I rise to congratulate the most able chairman of our subcommittee for his guidance in the preparation of this great legislative work, and to congratulate my fellow committee members for the long hours and hard work which have resulted in a bill of which we can all be proud.

I am particularly pleased that the language on page 15 of the report specifically mentions the priority of the highway from Shreveport to New Orleans in Louisiana via Routes 1, 167, and 90. The significance of this great need is recognized. However, I would point out to the House that the No. 1 priority in the State of Louisiana is the completion of the highway in my district from Lafayette to New Orleans. I have previously explained this pressing need to my own committee, and this must surely be recognized and made completely clear here on the floor, and also in the report.

Mr. Chairman, prior to the undertaking of any new work between Shreveport and New Orleans, it is imperative that the Lafayette to New Orleans highway be completed.

In addition, it should also be mentioned, so that the report at page 15 will be made completely clear and cogent, that a high priority in Louisiana also exists for highway completion between Monroe and Alexandria, as my distinguished collegue from Louisiana (Mr. PASSMAN) will demonstrate. These routes and their requirements for millions upon millions of travelers are something that our delegation has worked for in total accord.

So in conclusion, Mr. Chairman, I would again congratulate the committee, and bestow all the accolades which are certainly warranted to the distinguished chairman of our subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI) and the other hard-working members who have produced this most meritorious bill.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CAFFERY. Mr. Chairman, I am happy to yield to my distinguished colleague, the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I thank my distinguished colleague from Louisiana for yielding.

Mr. Chairman, I rise in support of this legislation. I want to commend the great chairman for bringing out a very comprehensive bill—one that I can support enthusiastically. But I believe several things should be cleared up in this bill for fear of honest misunderstanding.

I notice on page 15 of the report—and this is not in the bill, but in the report—it says:

> In this latter category many worthwhile projects have been brought to the attention of the Committee and would appear to be logically eligible for immediate selection under the $300 million authorized for each of 1974 and 1975 fiscal years.

I would assume that these are examples only and do not indicate that this is the exact priority that must be followed; is that correct?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. I believe it is also true that in this report on page 15, there are only six States mentioned whereas there are 50 States, and in all probability several hundred projects would be eligible under a top priority, if we could make the funds available. Would that be a correct statement?

Mr. KLUCZYNSKI. That is absolutely true.

Mr. PASSMAN. If I may refer to page 87 of the bill itself—and that is what is important—it says under the heading "Priority Primary Routes":

> High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials.

Now this is really how these projects are worked out at the State level; is it not? With the approval of the government's State highway departments?

Mr. KLUCZYNSKI. Yes.

Mr. PASSMAN. The very fact that a few of them receive mention in the report does not necessarily mean that these will have priority over other projects and that other projects will not be given consideration?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. The distinguished chairman may recall, as my very dear colleague, the gentleman from Louisiana mentioned, about the highway for Monroe to Alexandria, La.

The simple fact that you do not mention this as one of the examples in the report does not mean that it could not take a very high priority; is that correct?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. Or that they could conceivably under this legislation even have a higher priority than some of the others that are mentioned in the event that the highway department and the Governor of the State of Louisiana should determine that it should fall in a higher category?

Mr. KLUCZYNSKI. That is up to the State.

Mr. PASSMAN. That is up to the State.

Mr. KLUCZYNSKI. That is up to the State—yes—the highway department.

Mr. PASSMAN. I think that we all from Louisiana are working in harmony and we know the importance of this highway from Lafayette to New Orleans, La., and we would likewise recognize the need of making one from the vicinity of Monroe and Ruston to Alexandria, La.

The reason I bring this up is, as, I say, the Louisiana delegation works in harmony. I recognize, as the chairman recognizes and my friend from Louisiana recognizes, my dear friend on the committee (Mr. CAFFERY) you cannot mention all of the projects in a report and you picked these, I believe you said, as examples of what the priority system would cover.

Mr. KLUCZYNSKI. The answer is—yes.

Mr. PASSMAN. I bring that up for this reason—you have cooperated with me beautifully. Four years ago we had similar language, and if I may borrow a little humor, I had an opponent at that time, and he said that I permitted those 300 miles to slip through my grasp and go to Shreveport, La. Of course, we have a very able congressman representing that district and he wants to cooperate. But my opponent did not, and he had my constituents believing that those 300 miles of highway construction would be starting the following Wednesday and, if not, at least start on Thursday.

We did not get that highway and the contractors did not make any profit, but the radio stations and the TV stations and the newspapers must have made many thousands of dollars on advertising for my neglect in not getting something in the report.

I am sure that the distinguished chairman realizes this incident that occurred 4 years ago.

Mr. KLUCZYNSKI. I do.

Mr. PASSMAN. I am addressing a question to the distinguished chairman of the subcommittee—you do remember our correspondence of 2 years ago having to clear up a similar incident?

Mr. KLUCZYNSKI. The answer is—yes.

Mr. PASSMAN. If my colleague, the gentleman from Louisiana, would yield to the gentleman from Oklahoma, who I believe wants to ask me a question.

Mr. CAFFERY. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding because I am aware somewhat of the problem that the gentleman in the well has stated and I have had a problem myself in the State of Oklahoma since the committee has been kind enough to identify several high priority routes in the State of Oklahoma, all of which I think are very deserving routes but in the process omitted to mention and to identify several that undoubtedly are also of high priority. I have been assured by the committee that these are roads of high priority in the committee's eyes, but they are not in any way exclusive within the State, and that there are other routes in the State that the committee recognizes would also have a high priority.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, I certainly hope we get this highway from Lafayette to New Orleans, and then, of course, Shreveport, and the Monroe-Ruston vicinity in Louisiana. I simply want to make a record, mentioning that these are just a few of the many projects that would have top priority is that the understanding of the gentleman from Oklahoma?

Mr. EDMONDSON. If the gentleman will yield further.

Mr. CAFFERY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. It is my understanding that these are projects that the committee recognizes and has heard a strong case to justify priority for; that they are not exclusive; that there unquestionably would be within practically all of the States some other routes that would have priority.

Mr. PASSMAN. In other words, only a few examples of many projects that may have a priority equally as high; is that a statement of fact? I say is that a statement of fact?

Mr. KLUCZYNSKI. Yes.

Mr. PASSMAN. I thank the gentleman very much.

I want to thank the distinguished gentleman from Louisiana for clearing this up, and not have some future opponent believing that they are going to start the highway last week or tomorrow.

Mr. CAFFERY. I want to thank the gentleman for his salient statements, and I yield back the remainder of my time.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished member of the committee who has made a great contribution to the highway program, and who has a great message to give to this body.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to rise in support of this legislation, and, of course, to extend my personal appreciation to all of the members of the committee for the extra effort that they have made in developing what I think is a very comprehensive and a very forward-looking highway bill. It is my view that this day could prove to be a genuine landmark as we move toward the kind of balanced transportation system that each and every one of us in this Chamber is looking for.

There has been a great deal of controversy centered around the question of whether or not to divert funds from the Highway Trust Fund for something other than highway-related transportation. I believe that if this occurred—and I am sure that the battle is far from over—it would have the net effect of literally drying up the very fund upon which those who look to the fund for help in financing non-highway-related transportation.

I have said in committee on many occasions that in my view what is required, rather than the diversion of funds out of the highway trust fund, is for us to move as a Congress toward the creation of a third trust fund; namely, an urban area transportation system trust fund. The action of the House today will permit us to make an evaluation, an indepth evaluation, of the National Transportation Report of 1972.

Then we can move toward holding the kinds of hearings by the appropriate committees of the Congress to determine not only what the actual facts of transit life are as far as the needs and the estimates of costs of proposed programs are, but how to finance them through the creation of a third trust fund. With three methods of finance available to transportation traffic engineers throughout the United States, we can look forward to advancing the best coordinated and integrated balanced transportation systems that modern technology and traffic experts can evolve.

Very briefly Mr. Chairman, I want to devote some time to something that is very close to me in addition to the comments that have been made about the priority primary routes. We have in this bill a provision that I believe will do a great deal to help in the coordination, integration, and balancing of our transportation systems. I refer to economic growth centered highways.

Just as we have jurisdiction over Economic Development Administration programs in our committee, we have moved in the direction of advancing, not on a pilot basis or on a supplemental basis as it was originally proposed, advanced in the Act of 1970, but as a permanent part of the Federal highway program. I authored this proposal in 1970 and I am pleased that the committee accepted our recommendation to make this a permanent ongoing program. I believe this proposal offers, the opportunity to link highways, rail, and airports to revitalize and diversify some of our sparsely populated areas as well as some of the communities that can accommodate more population. I believe that with land and highway related economic growth centered development highways and the airport trust fund we can make a move in the direction of reversing the migration trend that has added so much to the cost of so many programs in so many parts of the country. I believe we will improve the quality of life for every living American.

Mr. Chairman, I thank all members of the Committee for yielding me this time in addition to their support for some of my suggested provisions now contained in the bill.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, in the 2 minutes I have I just want to indicate that there will be a number of amendments that will be offered today which are of concern to people no matter where they stand on the issue of highway versus mass transit.

URBAN SYSTEM FUNDS

The Federal-aid urban system which was established in the 1970 Highway Act "to best serve the goals and objectives of the community as determined by responsible local officials" can best be effectuated by giving greater direct funding to the local officials or the local transit authority. The urban system is essentially designed to serve local needs and therefore it should be the responsibility of local officials. I will, therefore, introduce an amendment relating to this urban system and providing that funds available for it will go directly to the urban governments.

The amendment does not reduce or affect State control of the primary or secondary systems or their extensions in urban areas. I would hope all people in and out of the committee, regardless of their views with respect to the highway trust fund debate that has taken place here, will support this amendment.

THREE SISTERS BRIDGE

I will also offer another amendment which will be supported by people who stand on both sides of the issue as to whether the Three Sisters Bridge should be constructed. This amendment would strike the provision relating to judicial review of the Three Sisters project. I think that it should be stricken and that is why I am going to introduce this amendment. It creates an exception to the provisions of the Highway Act which our hard-working Public Works Committee originally wrote into the law to protect the general public and the environment and the National Environmental Policy Act.

The reason I am asking that this provision be taken out is that I believe it deprives the citizens of the United States of their right to have access to the courts for redress of their legal grievances. Congress may have the power to legislate, but I do not believe we want to or can exercise our power in violation of due process of law.

MASS TRANSIT

On the question of the use of the highway trust fund, I do believe that it should be made available for mass transit purposes and that an amendment such as that offered by Mr. ANDERSON of California should be included in the law. As I said back in March, when I testified before the Subcommittee on Roads on this subject:

> To far too great an extent, our national transportation policies have ignored the need to move people in favor of the need to move goods, and have ignored the need to move people and goods within urban areas in favor of the need to move people and goods between urban areas. The transportation situation in our urban areas is at a crisis level, and we must take giant steps to deal with it as soon as is humanly possible.
>
> Existing mass transit facilities are, for the most part, unable to keep up with the demands made upon them. The facilities are old and subject to frequent breakdowns; the systems are uncoordinated and do not cover adequately either the central cities or the suburbs.
>
> For transportation in and around crowded urban areas, autos are extremely inefficient. Per person carried, they take up far more

space, use more of our dwindling supply of gasoline, create far more air and noise pollution, and create more congestion than mass transit facilities. Unfortunately, and largely as a result of the transportation policies of the Federal Government, State and local governments have been doing far more building of highways than of mass transit facilities.

Purely and simply, the reason for this is money. The Highway Trust Fund, created by the Highway Revenue Act of 1956, receives most revenues from Federal excise taxes on motor fuels, motor vehicles, and related products.

Since its creation, the trust funds has received over $50 billion in such funds and has expanded about $46 billion solely on highways.

In the past 10 years, expenditures from the fund have averaged about $4 billion annually. For highways in the Interstate System, the Federal share is 90 percent; for most other federally aided highways, the Federal share is 70 percent.

Mass transit, on the other hand, has been a poor stepchild when it comes to Federal help. Under the Urban Mass Transportation Act, the total amount of funding authorized for both construction grants and loans is less than $3.5 billion; for fiscal year 1972, only $900 million was appropriated and, believe it or not, the administration has impounded $300 million of even that paltry sum.

The message of this comparison cannot be lost on anyone, and is certainly clear to State and local officials: Build more highways, especially superhighways, and we in Washington will pay almost the entire bill; build mass transit facilities and you are on your own.

It has been apparent for some time that this sort of policy, if allowed to continue, will strangle our central cities and, in the process, strangle the rest of our Nation as well.

It is extremely urgent that we provide Federal funds for the construction, maintenance, and operation of mass transit facilities. The highway trust fund receives its revenues from vehicle taxes, but to say that they must therefore be expended only on building roads is like saying that the revenue from liquor taxes should be used only to build distilleries, bars, and liquor stores. Furthermore, John Volpe, the Secretary of Transportation, indicated in his testimony on this bill that there was more than sufficient money in the trust fund and due to come into the trust fund to cover the cost of completing the interstate system, and there is enough money there to spend a substantial portion of it for mass transportation. We must stop looking upon the highway trust fund as a sacred cow and start being realistic as to our transportation needs.

SECTION 113 ESTABLISHES A DANGEROUS PRECEDENT OF PROVIDING EXCEPTIONS TO THE FEDERAL ENVIRONMENTAL STATUTES

Both the Department of Transportation Act and the National Environmental Policy Act contain important environmental safeguards which are necessary to preserve and protect the environment where large highway projects are involved. They represent a giant step forward in the national commitment to protect public park and recreation facilities. If, as we are asked to do, we begin to examine the merits of individual cases in which these laws are applied, and if we begin to legislate exceptions every time the laws are effective, then the force of those and similar statutes will be seriously and irreparably damaged.

I do not believe that Congress should become involved in trying to unravel specific highway disputes or disputes on any similar projects. I do not believe we should review each case in which a court grants an injunction under these statutes. The administration of these laws should be left to the Department of Transportation and, when necessary, to the courts.

If the Texas Highway Department obtains the relief contained in section 113 of the bill, every other State highway department now under an injunction for failure to comply with environmental laws will seek similar legislation. That will of course involve us in the examination of each of these disputes and the wisdom or lack of wisdom in each project.

While section 113 is by its terms limited to San Antonio, many people throughout the country see the far ranging implications of this section and the threat it poses to existing environmental legislation.

This section is opposed by the Council on Environmental Quality and the Environmental Protection Agency, the Federal agencies which have primary responsibility for safeguarding the Nation's environment. The Council on Environmental Quality has said that this section represents "a bad precedent and an unfortunate retreat from the national commitment to environmental concerns. The Council went on to say:

> The Council is concerned over the long-term, precedent-setting effect of the proposed legislation. We know of no basis of distinguishing the San Antonio project from many similar highway projects which must presently comply with the provisions of NEPA and Section 4(f) of the Department of Transportation Act.
>
> Legislation of this type risks congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a rereat from the concerns which gave rise to the National Environmental Policy Act of 1969.

The Environmental Protection Agency in opposing this section said:

> In a wider context, enactment of Section 113 would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-Aid Highway Projects and, by extension, other federal projects which may not be acceptable from an environmental standpoint. Such special legislation, or a pattern of such legislation, would inevitably undermine and defeat the purpose and protection of the National Environmental Policy Act.
>
> * * *
>
> In summary, enactment of Section 113 would needlessly hazard the laws that have carried forward the National commitment to protect and enhance the nation's environment. The Environmental Protection Agency consequently is opposed to the enactment of Section 113 of H.R. 16656.

The following national conservation organizations oppose section 113: Sierra Club, National Audubon Society, Wilderness Club, National Wildlife Federation, Izaak Walton League of Indiana, Friends of the Earth, the Highway Action Coalition, and Environmental Action. This section has been opposed in editorials appearing in the Washington Post, the New York Times, and the St. Louis Post Dispatch.

The warnings of the Council on Environmental Quality, the Environmental Protection Agency, and the national conservation groups should be heeded and this practice of carving out exceptions by the environmental statutes nipped in the bud. Otherwise I fear we will be bogged down in an endless series of debates and disputes over individual exceptions.

If, as a result of the enforcement of these environmental laws, amendments are necessary, then let us consider those amendments. But let us consider them in an orderly process of the House of Representatives on a general basis and not on a case-by-case basis. I ask the House not to take this first step toward embroiling itself in these local controversies and undermining Federal environmental laws.

SECTION 140: THE DISTRICT OF COLUMBIA HIGHWAY ACT

Mr. Chairman, section 140 of the bill would make the District of Columbia Highway Act of 1893 inapplicable to any segment of the Interstate System within the District of Columbia.

On September 18, 1972, the Secretary of Transportation wrote to the chairman of the Public Works Committee about the bill. With respect to section 140, he said:

> We urge that this section be deleted. The only procedure by which the District of Columbia is authorized to plan and construct highways is pursuant to the permanent system of highway plan.
>
> Because the proposed section does not provide any guidance on how the District of Columbia would plan and execute highway projects, the enactment of section 140 would abolish the authority of the District of Columbia to initiate and execute Interstate projects. Since the Federal-aid highway program places the responsibility for initiating, planning and executing projects in the States (including the District of Columbia), section 140 would preclude the construction of Interstate projects in the District of Columbia.

I agree with the Secretary's conclusion that enactment of section 140 "would preclude the construction of Interstate projects in the District of Columbia," and that is the reason why I shall not move to strike section 140 from the bill. The committee's report states that the purpose of the section is to eliminate the 160-foot width limitation in District of Columbia Code section 7-108, but that is obviously not correct. If that were its purpose, section 140 could say so in so many words. Section 140 does not refer to the 160-foot width limitation. Instead, it sweeps away all local highway planning laws for the District of Columbia. I believe the result—to exempt the District from the interstate program—is eminently desirable. The overwhelming majority of residents in the District of Columbia agree.

The committee's report also states that the reports received from the District government and the Secretary of Transportation under the 1968 and 1970 Federal-Aid Highway Acts are "deficient." For this reason, "the committee now states that under section 23(a) of the Federal-Aid Highway Act of 1968, the entire Interstate System in the District of Columbia should be built forthwith." Not only is this statement totally inconsistent with the effect of section 140, I need not remind Members of this House that this statement is binding on no one. The committee could state with equal force that the earth is flat or that the sun revolves around the moon.

Mr. HARSHA. I yield to the distinguished gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I second the remarks of the gentleman from California (Mr. DON H. CLAUSEN), calling for the establishment of some sort of trust fund to solve the urban mass transit problems. This would follow the precedent of the highway trust fund and the airways trust fund.

I regret there is not going to be an up or down vote on this issue. As a result of the parliamentary situation we have found ourselves in, I am opposed to invading the highway trust fund for urban mass transit. However, I think we should vote on it, up or down.

Later I will ask leave to have included with my remarks an exchange that I had with the New York Times, an editorial of theirs in August and my reply published in September.

The New York Times editorial attacked a former Member of this body who is now in the U.S. Senate, Senator ROBERT STAFFORD, for having voted against an invasion of the highway trust fund. In that editorial, there were certain misrepresentations of fact, which I called to the attention of the editors at the Times.

The unfortunate fact is that many people arguing for invasion of the highway trust fund do not realize that there is not a real surplus in that trust fund. Although there is now an apparent surplus of over $4 billion, there are present obligations against that $4 billion of more than $7 billion. The need studies submitted by Mr. Volpe and this administration show that we are going to need to spend $600 billion by 1990 just to keep our roads up, just to keep them safe, just to repair bridges and do the necessary things.

During that same period, the trust fund will only yield $130 billion, so there is no real surplus. The statements of these people who say that there is a surplus, and who want to get their hands on it for the urban mass transit are just not correct. It is not good debate or reasoned discussion.

The answer has got to be, that if there is a need—and I am sure there is—for urban mass transit, they are going to have to roll up their sleeves and find their own funding. That is why I support the statement of the gentleman from California (Mr. DON H. CLAUSEN). He is quite correct.

Another aspect of this bill which I would like to mention is the economic development section of the bill. I can only hope that the administration will implement that section. The Committee on Public Works has jurisdiction over Appalachia and has jurisdiction over economic development. It is important that people realize that in some areas of this country the construction of good highways or construction of better highways is a very important economic development tool.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman from New Hampshire 2 additional minutes.

Mr. CLEVELAND. It seems very ironic to me that some of these people from the crowded cities who are wringing their hands and who want to invade the highway trust fund do not recognize or give the Committee on Public Works any credit for the fact that we are aware of some of their problems. We have been working on some of these problems. Bus transit assistance and urban assistance has been generous.

Some of the problems of the cities will be solved if the Congress in its wisdom can devise techniques of spreading out some of our population concentrations which have generated so many problems.

The wise use of economic development roads is perhaps a step toward solving a phase of the problem.

It seems surprising to me, also, that some of the people who want to invade the trust fund, wanting to get mass transit the easy way, without their own system of payment for it, are the same people who the other day voted, for example, to build that great Eisenhower Center downtown. The same type of construction is going on downtown in Manhattan. They are building tremendous commercial establishments in downtown areas, and then wringing their hands in surprise, because it is difficult to get to them.

Actually, if one analyzes most of the proposed mass transit facilities one finds that they will not help the poor people and they will not help the average city dweller. Really, what many of the mass transit facilities are doing is letting some affluent banker or professional man ride comfortably from his suburban home into the commercial sections of our overcrowded cities.

The New York Times editorial and my letter follow:

RUSTIC SUPERHIGHWAYS

The disdain of the rural population for city folk may have a romantic heritage across the history of the American Republic, but some of its current outcroppings are as destructive as they are silly.

Last week a United States Senator from Vermont swung his vote in the Public Works Committee against the Administration's constructive plan to permit some of the billions stored up in the massive Federal highway trust fund to be diverted into mass transit systems in urban areas. "I come from a rural state, you know," Senator Stafford explained.

Even if there were validity to this non sequitur, the opposition of Mr. Stafford and other rural champions is peculiar on legislative grounds. Nothing in the bill *requires* any state or locality to divert its share of the trust monies into subways or other rail mass transit; it simply opens this option.

Since 1956, the highway trust has been amply fed by taxes on gasoline, tire rubber and trucking tonnage—over $5 billion yearly—and parceled out to the states for construction of the interstate highway system. The side effects of this never-ending effort to pave over America have become increasingly oppressive.

As a means of curbing this gluttonous drain and freeing some money for more constructive use, Transportation Secretary Volpe proposed last March that a relatively small part of the fund be made available for other mass transit needs.

The Vermont Senator seemed convinced by Secretary Volpe's arguments on Wednesday when he voted with the committee majority to clear the new provision. The vote was 8 to 7. Overnight, he changed both his mind and the balance in the committee.

Advocates of the new approach still hope for approval from the full Senate. The committee's ambivalence ought not kill the measure. Those rural champions who believe that the way to preserve the rustic virtues of their states is to carve them up with multilane interstate highways can vote for the bill confident that nothing in it will prevent them from doing so. The only change will be to open up a needed option for states that see virtue in solving their most urgent problems of mass transit.

HIGHWAY TRUST FUND, HIGHWAY NEEDS—AND A SURPLUS THAT ISN'T

TO THE EDITOR:

Your recent editorial entitled "Rustic Highways" contained sveral serious misinterpretations of facts.

In attacking my good friend, Senator Bob Stafford of Vermont, your editorial refers to "the billions stored up in the massive Federal highway trust fund." This is a frequently repeated myth.

While it is true that the Trust Fund has a current balance of $4.5 billion, there are also outstanding obligations of over $7.6 billion for work already obligated and under way. It is nothing short of deceptive to imply that th Trust Fund has billions stored up and sitting uncommitted.

Current estimates indicate that the highway-user taxes will produce $135-billion between now and 1990. Highway needs, on the other hand, are estimated to be approximately $600-billion. Where is this vast surplus waiting to be put to use?

Further on in your editorial, you state that supporters of the Trust Fund want to "carve up [their states] with multilane interstate highways." With the 40,000-mile Interstate System now nearing completion, emphasis is already shifting to meet the great backlog of highway needs which accumulated while the Interstate System was being built.

One great area of almost totally unmet need is in the area of highway safety. Each year over 50,000 Americans are killed in automobile accidents. Millions more are injured or maimed and the property loss is in the billions of dollars. Surely this is deserving of high priority.

Earlier this year, members of the House Public Works Committee joined Representative Harsha in introducing legislation authorizing $850 million a year for highway safety programs. Two-thirds of this money would come from the Trust Fund.

Another area of great unmet need is in primary and secondary road improvements. Yet another is in removing known danger spots on our highways, which are virtual death traps and kill thousands every year.

It is mostly in these areas that the Trust Fund monies will be spent as the Interstate System is completed, not in an unending program of multilane interstate construction.

Our transportation policies deserve serious national debate. The proposal to divert funds from highway-user taxes to totally nonhighway purposes should be considered on the merits.

Such consideration would reveal that for the vast majority of Americans, the system of mass transit is highways. It would make clear that the Trust Fund is already spending some money for express bus lanes, auto-park facilities, etc.

Such a reasoned debate is needed. It is unfortunate that The Times has instead chosen to use deception and misstatement of the facts to push its point of view. This is especially ironic at a time when the Times is a leader in criticizing our Government for alleged deception, and the so-called credibility gap."

JAMES C. CLEVELAND,
Member of Congress.

SEPTEMBER 2, 1972.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska, a member of the committee (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I rise to add to the discussion of this legislation by providing my colleagues with a perspective of this bill in terms of the needs of my own State of Alaska. Before doing so, however, I want to compliment the members and staff of the Public Works Committee who worked so hard on this complex and demanding legislation.

Although I am, myself, on this committee, I certainly stand in the shadow of my committee colleagues who know this area so well. I insisted throughout the consideration of this bill upon the unique and exceptional needs of Alaska, and their response, as it was to similar demands from other areas, was reasoned and competent.

Alaska's needs in the entire transportation area, are indeed "unique and exceptional." Let me detail this assertion.

First, much of the primary transportation system cannot now be nor ever be, in a highway system as it is in most of the United States. In some areas of Alaska, highways are not advisable; in others, they are impossible. Airplanes and ferry vessels must serve as a "primary" system, rather than as subsidiary systems, as they are in other areas.

To the largest extent, this diversified burden of Alaska's primary system is not one I assert should fall on the highway bill, yet it is clear some of it should, and must do so if any progress is to be made at all in some areas of Alaska. This thinking is reflected in the overall authorizations of the bill which deal with roads to ferry landings, to airports, and other related items of authorization.

A second major consideration is the fact that, considering either highways alone or the total system in Alaska, there is simply not a complete primary system of decent quality in existence. Although I readily acknowledge the requirements of a number of States for far better highways, few can assert that completely inadequate primary systems are the case between major areas of the State. This continues to be the case in Alaska, and I believe at least a primary system must be accomplished as soon as possible. The legislation before us today addresses this need well, I believe.

Having that perspective on the Alaskan requirements in this area, let me review the aspects of this legislation which will directly assist Alaska.

First, the bill provides for an authorization of nearly $58 million for the reconstruction and paving of 322 miles of roadway connecting southeastern Alaska with interior Alaska. This section of highway includes what is known as the "Haines Cutoff" from Haines, Alaska on the Inside Passage to Haines Junction, where it meets the Alaska Highway and goes north to the Alaska-Canada border.

This will provide a decent, all-weather link by land between two parts of Alaska which need something far safer and better than the present road, much of which is only gravel at present. It is the only road connection.

Second, the bill contains authorizations for $20 million for fiscal year 1974, and $20 million for fiscal year 1975, the funds to be used for special Alaska programs for ferries, ferry approach ways, and village to airport access roads. These funds recognize the unique demands for Alaska's transportation system, and enable an integration of the many modes necessary to make the system work.

Third, a number of the national authorizations will have special significance for Alaska. Included are the authorizations for $100 million in fiscal year 1974 and again in fiscal year 1975 for Indian lands roads and bridges; $700 million in fiscal year 1973, $400 million in both fiscal year 1974 and 1975 for primary and secondary systems in rural areas; and over $200 million per year in fiscal year 1974 and 1975 for forest and parks roads and trails, and public lands roads.

All of these things make this bill vital for a state like Alaska, without an adequate road system. I am pleased to give my support, and to encourage favorable action by my colleagues. Thank you.

Mr. HARSHA. Mr. Chairman, I have no further requests for time, and I reserve the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I take this opportunity to congratulate the distinguished chairman of the Subcommittee on Public Roads, my longtime and good friend Mr. KLUCZYNSKI, for his leadership on this bill. I want to congratulate the full committee itself. This is, of course, one of the most important committees of the entire Congress. It brings every year to the floor some of the most important legislation Members have an opportunity to vote on.

I regret there was no opportunity to vote up or down, an amendment to utilize the highway trust fund for mass transit.

That amendment passed the other body as the Cooper-Muskie amendment, by 48 to 26. It was passed in the Banking and Currency and Urban Housing Committee of the other body some 15 to 0. Some 10 votes were accorded to it by this very Committee on Public Works.

So there is a great deal of thought within the Congress itself, and within this committee, as to some use of the highway trust fund for mass transit purposes.

I am not terribly impressed by the statements made by some of the Members with reference to the transportation needs study of 1972, wherein they say that $600 billion are necessary for proper highways by the year—I believe—1990. Those are the needs stated by all State and local highway commissioners or departments in the country.

They have thrown everything in the pot as we say.

The testimony of the Department of Transportation is that the needs are far from the requirements. So the needs are far lower than that.

They also say—and I think I have no quarrel with it—that the highway trust fund is practically busted. I have a table here—and I will put it in the RECORD—which indicates that the disbursements for 1972 are $4,683,000,000 and the revenues are $5,527,000; for 1973 $5,023,000,000 in disbursements and $5,753,000,000 in revenue, and so on up until the end of the highway trust fund in the fiscal year 1978.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I will yield to the gentleman from Massachusetts 1 minute.

Mr. CLEVELAND. I would like to ask the gentleman from Massachusetts (Mr. BOLAND) a question.

The gentleman from Massachusetts (Mr. BOLAND), I believe, used the figure $4,412 million that is actually in the trust fund.

Does the gentleman dispute my statement which I just made on the floor of the House that against that there are existing contractual obligations for work that is put out for bid and being actually constructed in the amount of more than $7 billion?

Mr. BOLAND. Mr. Chairman, the gentleman, of course, knows the construction of the interstate system is not going to come to an end tomorrow and all the obligations or commitments will not be immediately payable. The gentleman is probably correct. But, of course, disbursements do not work out that way. Of course, the gentleman knows that the contractors are paid on an incremental basis, and so it is not necessary to have $7 billion as of today or tomorrow.

As the number of cars increase and as the amount of revenue flows, the highway trust fund increases. Of course, the amount increases, so there will be more than sufficient funds in the trust to meet all obligations when due.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLAND. Mr. Chairman I will get permission in the House to include a table pertinent to my colloquy with my distinguished friend from New Hampshire (Mr. CLEVELAND).

The table follows:

FEDERAL HIGHWAY PROGRAMS FINANCED PURSUANT TO THE FEDERAL-AID HIGHWAY ACT OF 1970

[In millions of dollars]

		Authorizations for programs administered by—										
		Federal Highway Administration				National Highway Traffic Safety Administration						
Fiscal year	Date apportioned	Interstate	ABC, rural topics and urban system	Other	Total FHWA		Total authorizations	Obligations	Disbursements	Revenues to Sept. 30, 1977	Balance	Unpaid obligations
Balance[1]	June 30, 1956	315	1,633	32	1,980	----------	1,980	1,160	----------	----------	----------	1,160
1957	June 29, 1956	1,000	125	4	1,129	----------	1,129	2,227	966	1,482	516	2,421
1958	Aug. 1, 1956	1,700	850	9	2,559	----------	2,559	2,945	1,511	2,044	1,049	3,855
1959	Aug. 1, 1957	2,200	875	503	3,578	----------	3,578	3,509	2,613	2,087	523	4,751
1960	Aug. 1, 1958	2,500	900	6	3,406	----------	3,406	2,610	2,940	2,536	119	4,421
1961	Oct. 8, 1959	1,800	874	4	2,678	----------	2,678	3,187	2,619	2,799	299	4,989
1962	Aug. 1, 1960	2,200	874	9	3,083	----------	3,083	3,034	2,784	2,956	471	5,239
1963	Aug. 17, 1961	2,400	925	4	3,329	----------	3,329	3,927	3,017	3,293	747	6,149
1964	Sept. 21, 1962	2,600	950	24	3,574	----------	3,574	4,165	3,645	3,539	641	6,669
1965	July 8, 1963	2,700	975	82	3,757	----------	3,757	4,022	4,026	3,670	285	6,665
1966	Aug. 13, 1964	2,800	1,000	25	3,823	----------	3,823	4,048	3,965	3,924	244	6,748
1967	Aug. 30, 1965	3,000	1,000	45	4,046	----------	4,046	3,782	3,974	4,455	725	6,556
1968	Oct. 7, 1966	3,400	1,000	50	4,450	----------	4,450	4,232	4,171	4,428	882	6,617
1969	Aug. 29, 1967	3,800	1,000	50	4,850	----------	4,850	4,658	4,151	4,690	1,521	7,124
1970	Oct. 31, 1968	4,000	1,425	150	5,575	----------	5,575	4,789	4,378	5,469	2,612	7,535
1971	Dec. 15, 1969	4,000	1,425	228	5,653	----------	5,653	4,662	4,685	5,725	3,652	7,512
1972	Dec. 31, 1970	4,044	1,425	396	5,865	97	5,962	5,116	[2] 4,683	[2] 5,527	4,423	7,850
1973	Oct. 20, 1971	4,044	1,425	346	5,815	144	5,959	4,553	[2] 5,023	[2] 5,753	5,153	7,380
Estimated:												
1974	July 1, 1972	4,000	1,425	326	5,751	144	5,895	6,100	5,146	6,106	6,113	8,334
1975	July 1, 1973	4,000	1,425	326	5,751	144	5,895	5,906	5,623	6,326	6,816	8,017
1976	July 1, 1974	4,000	1,425	326	5,751	144	5,895	5,895	5,771	6,567	7,612	8,741
1977	July 1, 1975	----------	1,425	326	1,751	144	1,895	3,766	5,483	6,812	8,941	7,024
1978[3]	July 1, 1976	----------	1,425	326	1,751	144	1,895	2,573	----------	6,875	1,332	----------
Total		[4] 60,503	25,806	3,596	89,905	961	90,866	90,866	90,866	92,198	1,332	----------

[1] Unpaid balance of prior authorizations.

[2] Estimated.

[3] Includes complete disbursement of all funds authorized for fiscal years 1978 and prior fiscal years.

[4] Interstate authorizations are $7,757,000,000 less than the $68,260,000,000 cost shown by 1972 interstate cost estimate.

REDUCE REDTAPE

Mr. Chairman, I would like to stress at this point, however, that the Federal Aid Highways Act has been successful because the program has evolved to meet the changing transportation needs of the country. I am pleased that the 1972 act follows this tradition by authorizing more funds to alleviate the critical transportation of our congested urban corridors. This bill represents a fivefold increase in urban programs without decreasing rural programs.

The new certification acceptance program is a welcome step toward reducing Federal redtape in these programs. By allowing State highway departments to use their own rules and regulations—as long as they are equivalent to Federal standards—we are placing the stress back on the Federal-aid concept and providing the States with more flexibility in carrying out the technical aspects of highway construction.

Seventy-five million dollars is authorized by this act to enable communities to develop actual programing to meet individual public mass transportation. A report on this evaluation of needs will be submitted to the Congress in 1974, and at that time we can again explore the option of using highway trust funds to meet the pressing needs of mass transit.

BICYCLE LANES NEEDED

Another innovative idea that has been proposed in conjunction with this act is permission to use trust funds to develop bicycle lanes. Promotion of commuter bicycling will reduce highway congestion and air pollution. Needless to say, increased bicycing will also benefit the general health and physical fitness of the cyclist.

SUPPORTS MASSACHUSETTS ROUTE 52

Mr. Chairman, section 142 of this act removes the mile-for-mile reallocation formula for additions to the Interstate System, and substitutes a more realistic dollar-for-dollar provision. This will permit Massachusetts to give up plans for the controversial inner belt in Cambridge and permit the extension of Route 52 in my congressional district. This highway is vital to the economy of the area, and I am pleased that construction can now be funded. I am enclosing my testimony before the House Committee on Public Works urging adoption of this proposal.

I include the following:

STATEMENT OF HON. EDWARD P. BOLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. BOLAND. Mr. Chairman and members of the committee. I appreciate this opportunity to make my views known to the House Public Works Subcommittee on Roads.

I represent a portion of central Massachusetts which contains many rural areas but also the Springfield-Chicopee metropolitan area. This mix of areas has given me an understanding of the need for better transportation in outlying areas and a need to preserve and improve the housing stock, particularly for low- and moderate-income families, in our dense urban areas.

Several towns in the area I serve may be affected by the proposal to designate present State Route 52 as an Interstate expressway. These communities include Auburn, Oxford, and Webster. Holden and Sterling will be included under the revised boundaries which become effective next year. All five communities will be affected if the Congress agrees to a dollar-for-dollar trade on Interstate highways rather than a mile-for-mile trade basis. This proposal for reallocation of Interstate expressways has been outlined by the State's secretary of transportation and commissioner of public works.

While recognizing the economic benefits of such a highway, I was also concerned about the environmental impact of such a highway, particularly in Sterling, Mass., where there might be some serious water pollution problems. In fact, my support of this Route 52 redesignation is predicated on avoiding any pollution of these water resources. I have talked with our State secretary of transportation and I am satisfied that the environmental problems will be resolved.

I think the redesignation of Route 52 and its reconstruction as an Interstate Highway can demonstrate our capability to make transportation improvements while retaining and perhaps even improving our natural environment.

We all agree that the Interstate System should be completed as soon as possible. I believe the Massachusetts request for dollar-for-dollar reallocation of some of its Interstate highway funds to new links, rather than being limited to a mile-for-mile exchange will not delay but will actually speed the completion of the Interstate System and do so on the most equitable basis possible.

It is not necessary nor really desirable to complete the Interstate System as it was drawn in 1956.

We are moving into an era of greater flexibility in transportation funding for large metropolitan areas, as we should be. It is not too late; in fact it is very timely, to reallocate highway funds to areas such as I serve, many of which have smaller metropolitan areas in need of highway transportation.

I believe that Massachusetts is presenting to you a simple uncomplicated and equitable plan to complete the Interstate System in the most expeditious and progressive manner possible. There are many precedents for this action that we in Congress have taken to assist other States with similar problems. Examples of these actions have been reviewed for you by the Massachusetts officials.

I strongly urge this committee and the Congress to permit the requested dollar-for-dollar reallocations of the Interstate System within Massachusetts and any other State that requests this privilege.

Mr. KLUCZYNSKI. I yield to the gentleman from Ohio (Mr. JAMES V. STANTON) 3 minutes.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to respond to the gentleman from Massachusetts (Mr. BOLAND) and reply to his statement.

It is my understanding in the transportation report the total extent of needs is $600 million, but actually the critical needs are somewhere in the vicinity of $300 million. Am I to understand that is correct?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Massachusetts.

Mr. BOLAND. That might possibly be so, but requirements and needs are markedly different.

As Secretary of Transportation John A. Volpe indicated before the committee—incidentally, let me tip my hat to him; he is one of the finest public officials in this Government. I know this committee agrees.

Mr. DON CLAUSEN. Mr. Chairman, I agree with that statement, wholeheartedly, about Mr. Volpe.

Mr. BOLAND. Secretary Volpe, indeed, is one of the finest officers in the Federal Government. The Secretary indicated, "Well, it would be nice if everybody had 10 suits at $300 apiece, but there really is no need for 10 suits. You cannot wear 10 suits at the same time." That is you do not need them. And this applies to needs and requirements of highways as well.

Mr. JAMES V. STANTON. Mr. Chairman, in 1970, the House Public Works Committee recognized that some of our most critical transportation needs exist in the cities, and in an attempt to meet those needs helped create the urban system, a separate road program for metropolitan areas. In 1970, in the Highway Act, the committee and the Congress again responded to those needs by permitting, for the first time, the use of Highway Trust Fund revenues for projects related to public transportation, including the construction of bus lanes and bus shelters.

Today, Mr. Chairman, those critical transportation needs are not only still with us, but have intensified and we must go farther and reach more deeply into the heart of the urban transportation crisis. Encouragement to build more urban roads, the option to construct bus lines and bus shelters must now be followed by a new opportunity—an opportunity for local planners to create mass transit facilities, as well as highways, according to the needs of their locality.

Firstly, we are asking that State and local officials, experienced in the transportation needs of their areas, should be empowered to delete from the Interstate System nonessential sections which do not contribute to the solution of their transportation problems. Only those sections determined to be nonessential to the continuity of the whole system by the Secretary of Transportation are included in this provision—his authority is established as a safeguard. The funds released by any such deletions should be made available for all forms of transportation, not just highways. Sometimes other roads would be constructed with the funds, at other times, bus or railway transit systems. But essentially interstate sections which would cause unnecessary environmental, social, and economic damage—unnecessary because the section itself is deemed unnecessary—would now be deleted as would sections that simply were planned to suit the needs of another era.

We are also asking that the urban share of the Highway Trust Funds be opened up to public transportation. This amendment does not mandate the creation of any busline or any subway system, it merely asks that in urban areas local elected officials be permitted to identify and respond to their own particular needs in the now effective way, using their share of the highway funds. We are not trying to bring a halt to highways, not in rural nor in urban areas, we are simply recognizing that in many of our cities urgently needed mass transit systems are in decay or have never been built. Some cities would choose to continue to rely exclusively on highways but others might with the new freedoms in this amendment choose to develop a rail or bus program to supplement the highway system—we would have given them the option.

This amendment would therefore make the $700 million in the Highway Trust Fund earmarked for urban areas available for bus and rail facilities as well as highways. Funds allocated to rural areas would not be touched. These amendments are not part of some wild craze for mass transportation but result from a responsible and calm evaluation of our Nation's transportation needs.

Nor would these amendments represent a breech of faith with the highway user.

In fact, the introduction of improved public transportation can in many urban areas contribute more to the convenience and safety of the motorist on the highway, than more highways, traffic control devices or any of the other projects currently funded out of the Highway Trust Fund. Frankly, the most critical problems on many urban highways today arise because there are simply too many cars. Traffic congestion approaches strangulation levels in many cities. In New York City, for example, traffic at peak hours moves slower today than it did in 1900. Increased delivery costs on goods moved by truck in the New York metropolitan area amounted to more than $100 million last year. Our interstate highways—designed to become avenues of fast traffic flow—have been reduced, for hours each day, to long, involuntary parking lots. The motorist, in his car designed to cruise along at 60 miles per hour, is reduced to a 6-mile-per-hour crawl. Yet everytime we build more highways to cope with the problem we simply draw more cars onto the road. More highways are often not the solution to the urban transportation problem—they all too frequently just provide more opportunities for more congestion.

In many cities, the answer is to improve public transportation, to get traffic off our city roads—to reduce traffic so that the motorist has sufficient mobility to reach his destination in ease and comfort even at peak hours.

In other cities, the answer may be to build more highways. But the important point is that all cities have the flexibility to meet their differing transportation needs—as they themselves see fit—in such a way as to both meet the needs of the highway user and the community at large. And, so, Mr. Chairman, I strongly urge the passage of the amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Thank you, Mr. Chairman.

First of all I want to commend our great chairman of our Public Works Committee (Mr. BLATNIK), and our equally able chairman of the Subcommittee on Roads (Mr. KLUCZYNSKI), for their handling of this bill during the many, many weeks of hearings we had. I want to say that they gave me every courtesy when I presented my amendments in the committee.

However, in our discussion in committee I pointed out that the bill took care of everyone—from the forest highway—to the economic growth center highway, but the one big gap in the bill—where we really failed—was to take any real steps to help solve the problem of congested highways in our urban areas. At the proper time I will offer an amendment to section 122 which would allow the use of urban system funds only for mass transit projects.

First of all, is it germane? I feel it is. The Committee of Public Works' bill on page 82 states:

> To encourage the development, improvement, and use of public mass transportation systems . . . so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may use Highway Trust fund moneys to construct exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

What could encourage the development, improvement, and use of public mass transit more than allowing a small portion, $700 million of the $5.75 billion bill from the trust fund to be used for mass transportation as well as for highway construction?

Second, is this a raid on the trust fund? Of course, the answer is "No." This amendment merely allows the use of trust fund moneys which are earmarked for the urban system to be used for mass transit. It does not require mass transit; it merely permits local officials the option of using their share of the trust fund for mass transportation. Some will elect to build bus or rail systems. Some will continue to rely exclusively on highways. Some will use a combination of both.

Another point regarding the use of trust fund moneys. Less than 10 percent of the Federal aid mileage is found in urban areas. Yet, over 51 percent of the miles traveled in 1969 were in the urban areas. As a result, city dwellers are paying for services from which they derive very little benefit.

Third, some will argue that mass transit breaks faith with the highway user. Mr. Chairman, during the rush hours our highways are clogged; no one can get anywhere with any degree of speed or efficiency.

Does it not make sense to offer commuters and marginal highway users an alternative to sitting, practically stalled, in traffic? Does it not make sense to encourage mass transit rather than build more and more freeways without a mass transit tie-in?

Fourth, 30 percent of our total daily oil consumption is for passenger cars. Yet we face an energy shortage, and by 1985 we will be importing 57 percent of our oil.

Rather than continue to rely on the automobile and its inefficient use of oil, we must take action to meet this threat by curbing our demand of oil for cars.

A 25-percent diversion of auto traffic in urban areas to mass transit could save us an estimated 500,000 barrels of oil per day.

Fifth, the environment:

Auto emissions account for an estimated 80 to 90 percent of the air pollution in our cities. In fact, to meet clean air standards mandated by Congress, 67 cities will be forced to curb auto traffic as a part of their overall strategy.

What will we do? Will we abide by the clean air regulations, and simply require people to stay home? Or will we offer people an alternative to the automobile?

Finally, Mr. Chairman, let me emphasize the point that this amendment will not touch the money in the trust fund for the interstate. We have heard Members here today talk about the "diversion of this," and "diversion of that."

Mr. Chairman, my amendment will not take any moneys from the interstate.

The interstate is going to be completed; there is no question about that. My amendment will not touch one dollar of trust fund money going for primary or secondary highways.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ANDERSON of California. Mr. Chairman, could I ask the distinguished gentleman from Illinois if I might have an additional 30 seconds?

Mr. KLUCZYNSKI. Mr. Chairman, we are very short on time, but I will yield the gentleman from California an additional 30 seconds.

Mr. ANDERSON of California. Mr. Chairman, the amendment that I am going to offer will open up one section for optional mass transit. It will open up the urban system funds only, that is all—for the construction and acquisition of mass transit systems, and then, only—and this is a very important point—only, if that is what the locally elected officials in those States and local communities determine.

Mr. Chairman, I would like to recognize several people who have been instrumental in this battle, and let them know that I appreciate their efforts—Rafe Pomerance, Jim Rose, John Kramer, Linda Katz, Tom Trimarco, and Mike Finklestein.

And, of course, the able staff of my colleague from Illinois (JOHN ANDERSON) led by Don Wolfensberger.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to concentrate my remarks on two of the new programs in this bill which the committee felt will fill a void in current programs and will also begin to move into the somewhat neglected area of connecting routes to the Interstate.

I am speaking about the Special Urban High Density program—section 125, and the Priority Primary Routes in section 126.

The Special Urban High Density program is especially geared to problems in urban areas where a short high capacity route is required as a connection to the Interstate System and to serve heavily congested industrial areas or airport routes. It is not intended to proliferate routes or to extend routes into residential areas. There are very strict limitations in the bill which make it a very limited program. A route cannot be longer than 10 miles; the route must connect to an Interstate route; they must be approved through the planning process; there can be only one in each State; they must comply with the hearing process and be recommended by local and State officials.

The bill authorizes $100 million per year for each of 1974 and 1975 for this purpose.

The second new program I want to emphasize is the Priority Primary Routes—section 126 of the bill.

Under this section of the bill there is designated a 10,000-mile system of primary routes of the highest importance on the existing primary system. I would like to make clear that these are not new routes or a new Interstate System. They are merely the top 10,000 miles of the primary system as defined in the functional classification study conducted by the Department of Transportation and submitted to the States.

This is not a new proposal. It was originally proposed in the 1968 needs report to the Congress, and has now been brought up to date by the recently completed functional classification study.

Basically, the bill adds new money, $300 million for fiscal 1974 and fiscal 1975 over and above the normal apportionments for the States for these high-priority routes.

One-half of such funds will be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary.

The Secretary is required to report to the Congress its initial selections of the routes and the cost of their completion on or before January 31, 1974.

Mr. Chairman, I believe these two proposals are excellent additions to the current highway program and will go far toward a more efficient highway system for the country.

Mr. KLUCZYNSKI. Mr. Chairman, at this time I yield to the distinguished gentleman from South Carolina, Mr. WILLIAM JENNINGS BRYAN DORN, a distinguished member of our committee.

Mr. DORN. Mr. Chairman, never have we served with a more able and dedicated leader than the chairman of our Roads Subcommittee (Mr. KLUCZYNSKI). He has given us a good bill.

Mr. Chairman, my remarks concern title II of the bill, which does increase the authorizations for 1973, 1974, and 1975 for highway safety, and I do commend to the full House a careful study of title II because it deals with one of the greatest problems confronting our national health and well-being. Fifty-four thousand people were killed on the highways of this country last year, and over 2 million were wounded, and there was a loss of $13 billion in property damage. Very little has been said about this war and slaughter on our highways. But now we are doing something about it.

In this bill which we report to the committee and to the House we deal with this growing problem confronting the people of this country: highway markings, railroad crossings, obstructions, research programs, drugs relating to highway driving, and alcoholism.

We will deal more fully with this at a little later time in the House.

But, Mr. Chairman, I do commend to the House a very careful study of this portion of the bill because I do think it is of vital importance to the people of our country, and particularly to the youth of our country today.

Mr. Chairman, before going on to more detail concerning title II on highway safety, I wish to emphasize my special support for our bill's new program of 10,000 miles of priority primary routes—under this program, our State highway departments could select certain roads to be improved to interstate highway standards. These new interstate connectors would be of tremendous benefit to our counties not presently served by interstates.

We want to emphasize, also, Mr. Chairman, our support for the highway trust fund as it now stands. Those who pay the highway use taxes should benefit. We cannot support raiding the trust fund for nonhighway uses.

I would now like to address myself primarily to some of the safety aspects of this bill in title II. It appears to me that this is one area where a lot of people say a lot of things but not many of them do much about what they say.

We can talk about the deaths in Vietnam over the 10 years from 1961 to 1971 at 55,000 men killed, but not many people pay much attention to the fact that we lose that many every year on the highways. It is past time that this situation should be changed.

We have in title II of this bill gone further toward authorizing a broad safety program than ever before. For fiscal year 1974, the bill authorizes approximately $870 million out of the highway trust fund and $230 million out of the general fund, or a total of $1.1 billion. In fiscal 1975, the bill authorizes $1.26 billion out of the trust fund and $291 million out of the general fund, for a total of slightly over $1.5 billion.

For 1973, we only authorized a total of less than $450 million from the trust fund and general fund combined.

For 1973, we said in the 1970 act, that only two-thirds of the safety funds could come from the trust fund. In this bill before you today, we have increased this to 100 percent for all safety activities except those involving construction.

The committee wants to see the job done and feels that the job can best be done at the State level. For this reason, we have increased the grants to the States from $130 million in 1973, to $235 million in 1974, and $405 million in 1975.

But dollars alone do not get the job done.

This bill provides funds for citizen participation studies and for a highway safety educational program and study. It also provides for a feasibility study for establishing a National Center for Statistical Analysis of Highway Operations.

One might well say why have not these things all been done already. Well, the truth is that they have not. The public is apathetic over highway safety to the point of being criminal. We hope this can be corrected.

Research is still spotty in many areas. This bill adds research programs in drug use, driver behavior, and pavement marking.

All of these things and more must be done to bring out the facts about highway safety and stir up the public to action.

In this bill we have added significant new programs in physical construction which we know will save lives. Up until now I have been talking about primarily administrative programs, but there are some physical solutions which can get right at some of the most dangerous situations at comparatively modest cost.

I think the best example in our bill is section 205, the pavement marking program. How many of you Members here in this Chamber have ridden on country roads at night, with no centerline or edge markings. It can be one of the most dangerous trips you have ever taken. It can be a killer.

The bill provides $100 million for each of fiscal years 1974 and 1975 for marking mostly rural roads out of the highway trust fund. Some people would choose to call this maintenance. We believe it goes beyond the point of maintenance. The committee feels it is time to invest in the savings of human life by using a spray of paint.

The greatest death toll on our highways are in rural areas. In 1971, of the 54,700 highway fatalities, 37,100 occurred in rural areas—almost 70 percent. Of this 37,100 deaths, over half, or 19,700, were killed at night. These are the facts.

Two other areas are instituted as separate new safety programs in this bill. These are the railroad-highway grade crossing program, and the program for the elimination of roadside obstacles.

Just as sure as clockwork, over the past few years you can rely on the fact that there would be about 1,500 fatalities per year at railroad-highway grade crossings. This bill provides $150 million in 1974, and $225 million in 1975, for attacking this problem. In addition, there are three demonstration projects totaling $51 million to treat special cases which will be reported to the Secretary to guide him in this program for the future. There is no question that this program will save lives.

The roadside obstacle program combines a survey to be made by each State of all roadside obstacles and an action program of $75 million per year to begin the correcting of these hazards.

The bill also contains—in title II—the bridge reconstruction and replacement program. The bill funds this program at $225 million for 1974 and $450 million for 1975. This is a continuation of an existing program to focus on old, unsafe bridges.

Finally, I would like to say this about the safety program outlined in title II.

If we could instill in our young the enthusiasm for highway safety that they seem to grasp for so many of the other causes which they eagerly embrace, in a manner well known to every Member of this body, we would be well on the way to safer highways in America. Programs which we have in title II would be in the limelight just as much as is the environment and ecology. Highway safety is one environment because it is life, itself.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, 250 years ago Jonathan Swift writing in "Gulliver's Travels" said:

> The man who can make two blades of grass grow where only one had grown before would do more essential service for mankind than the entire race of politicians put together.

I sincerely feel that this bill gives us that opportunity to be such men.

This bill provides a 10,000 mile supplemental system with funding of $300 million for the fiscal year 1974 and $300 million for the fiscal year 1975.

It provides that one-half of the funds shall be apportioned among the States on an equivalent basis.

The thing that concerns and distresses me is the fact that the other one-half is to be apportioned at the discretion of the Secretary.

Then the report goes on to name the preferred States—Massachusetts, Connecticut, Vermont, New Hampshire, Texas, Oklahoma, Louisiana, and Pennsylvania.

The question I would ask is—How were they chosen?

The report says that these designated routes have been brought to the attention of the committee and would appear to be logically eligible for immediate selection under the $300 million authorized for each of these years. How was this brought about—what about the mileage?

We see one here for Lubbock, Tex., which occupies a similar status to that of my hometown of Columbus, Ga., which was the largest city in 1956 left off of the Interstate Defense Highway System.

We know that the Federal-Aid Highway Act of 1972, S. 3939 which passed the Senate on September 19, 1972, took into account, took cognizance of, the need of seven certain routes—one of which was the route which involves my hometown of Columbus, Ga. That route would take us from the deep water ports of Savannah, Brunswick, and Jacksonville to Albany, Ga., Columbus, Ga., and to Birmingham, Ala., across Mississippi to Memphis, Tenn., across Arkansas to Springfield and Kansas City, Mo.

I would like you to know that this has been also brought to the attention of the committee and we think it is just as meritorious as the others. That is the issue today. This is the reason I make record of the fact that these are of equivalent value and feasibility studies would bear me out.

I want to call your attention to the fact that from the State of Alabama and the other five States mentioned, we have from the State highway departments supporting letters which I will at the proper time ask permission to have inserted in the RECORD.

STATE OF ALABAMA,
Montgomery, Ala., May 17, 1972.

Congressman JACK BRINKLEY,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: The Alabama Highway Department is of the opinion that a Survey and Highway Needs Analysis should be conducted for the proposed highway which connects Kansas City, Missouri and Jacksonville, Florida. This route traverses all the way across the State of Alabama and would be of benefit to many of our citizens. I would like to recommend that you have placed into the 1972 Highway Act a paragraph calling for the study of the potential of this proposed route by the Federal Highway Administration and I further recommend that adequate funds be stipulated to undertake this work.

Any help that I might give you in securing the passage of such a provision I would be more than happy to do.

Yours truly,

RAY D. BASS,
Acting Highway Director.

ARKANSAS STATE HIGHWAY COMMISSION,
Little Rock, Ark., May 18, 1972.

Hon. JACK T. BRINKLEY,
U.S. Representative, Chairman, Joint Highway Route Committee, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BRINKLEY: Currently, Arkansas has a number of highway corridors which traverse the State that are being endorsed by citizen groups for immediate improvement. As is always the case, the justified highway needs far exceed the Federal and State financing capabilities. One of these corridors is the Arkansas portion of the proposed Jacksonville, Florida, to Kansas City, Missouri, route that you and other members of the U.S. Congress are supporting.

We welcome any assistance that we can get in attempting to improve our financing capabilities for satisfying highway needs. We endorse the efforts being taken to include a special section in the 1972 Federal Aid Highway Act that would fund a feasibility study for the route.

The Arkansas Highway Department is prepared to assist in conducting the necessary planning studies and to work toward formulating future financing for this route. Your personal interest and guidance in this effort is appreciated.

Sincerely yours,

WARD GOODMAN,
Director of Highways.

DEPARTMENT OF TRANSPORTATION,
Atlanta, Ga., May 30, 1972.

Hon. JACK BRINKLEY,
U.S. Congressman,
Columbus, Ga.

DEAR CONGRESSMAN BRINKLEY: As I understand it you are representing a group of Congressmen which met recently to explore the Federal role in planning and construction of a proposed new limited access highway from Kansas City, Missouri to near Brunswick, Georgia.

The proposal has a long history in Georgia as part of a regional or interstate highway having very significant developmental potential for the substandard per capita income Coastal Plains area of the State. Further, the facility if constructed, would provide vastly improved access from the mid-west to the deep water ports of Savannah, Brunswick and Jacksonville. Also the large volume of Florida bound travellers using such a route from the mid-west regions would be provided good access to a choice of several north-south interstate and other arterial highways.

The Georgia Department of Transportation endorses the proposed highway. Although normal or regular amounts of State and Federal highway funds are not sufficient to initiate planning and construction of the facility we are very hopeful that supplemental Federal funds, such as from the Coastal Plains Regional Commission, might become available in the near future. Meanwhile we fully support and pledge the Department's cooperation in any appropriate evaluation studies as may be directed by the Congress, the Federal Highway Administration or Coastal Plains Regional Commission.

You have my best wishes for success in your personal efforts to obtain support and aid leading to ultimate construction of the proposed Kansas City to Brunswick freeway.

Yours very truly,

EMORY C. PARRISH,
Deputy Director.

STATE OF ARKANSAS,
HIGHWAY DEPARTMENT,
Little Rock, Ark., September 15, 1972.

Hon. JACK T. BRINKLEY,
U.S. Representative,
Cannon Building, Washington, D.C.

DEAR REPRESENTATIVE BRINKLEY: It is our observation that the latest House of Representative draft of the 1972 Highway Act does not contain any reference to a feasibility study for the Jacksonville, Florida-to-Kansas City, Missouri, corridor. That portion of this corridor located in northeast Arkansas is of vital importance to the future development of our State. It represents one of our several major transportation corridor needs.

Your efforts in obtaining an endorsement of this feasibility study as a portion of the final draft of this Federal Highway Act will be appreciated.

Yours very truly,

WARD GOODMAN,
Director of Highways.

DEPARTMENT OF TRANSPORTATION,
Atlanta, Ga., September 20, 1972.

Hon. JACK BRINKLEY, *U.S. Congressman, House of Representatives, House Office Building, Washington, D.C.*

DEAR CONGRESSMAN BRINKLEY: I am taking this opportunity to reiterate the position of the Georgia Department of Transportation as it relates to the planning and construction of a proposed new limited access highway from Kansas City, Missouri to near Brunswick, Georgia as contained in my letter to you dated May 30, 1972.

It is most desirable from the standpoint of this Department that appropriate evaluation studies be made to determine the need for this facility. It would be desirable that these studies be directed by the Congress and performed by either the Federal Highway Administration or the Coastal Plains Regional Commission. The facility would be a multi-state undertaking and would, therefore, be practically impossible for its need to be determined by each state acting individually.

I trust that this will add further emphasis to your position and aid you in your personal efforts to obtain Congressional concurrence for the necessary studies.

Personal regards and best wishes.

Sincerely,

EMORY C. PARRISH, P.E.,
Deputy Director.

MISSISSIPPI STATE HIGHWAY
DEPARTMENT,
Jackson, Miss., May 12, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress,
Chairman, Joint Highway Route Committee, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: Mississippi is extremely interested in the development of a regional highway route generally extending from Missouri to South Georgia. Such a route would probably follow the location of U.S. 78 in this State. This is the main route connecting Memphis, Tennessee, and Birmingham, Alabama, and passes through an area of Mississippi making rapid industrial and commercial progress.

Plans are being developed and financing has already been provided to reconstruct this route to near Interstate standards. However, no arterial route going from state border to state border can adequately serve its potential without comparable regional connections.

Mississippi enthusiastically endorses the proposals of the South Georgia Limited Access Highway Association in working toward developing the mentioned route. We, therefore, respectfully ask that consideration be given to including a provision in the federal highway legislation directing a study to be made determining the feasibility of development of the proposed route.

Sincerely,

E. L. BOTELER, JR.,
Director.

Kansas City, Mo., June 14, 1972.

Hon. JACK THOMAS BRINKLEY,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: The City Council of Kansas City Missouri, adopted the attached Resolution on June 9, 1972. It clearly states the position of the community, supporting the inclusion on the Interstate Highway Program of a highway between Kansas City, Missouri, and New Brunswick, Georgia.

I am transmitting this Resolution to you knowing that you will be interested in this expression of support by the City Council.

Sincerely yours,

VICTOR F. SWYDEN,
Councilman at large.

A RESOLUTION URGING THE U.S. CONGRESS TO APPROVE THE INCLUSION OF THE PROPOSED INTERSTATE HIGHWAY FROM BRUNSWICK, GA., TO KANSAS CITY, MO., IN THE FEDERAL HIGHWAY ACT OF 1972

Whereas, in the initial plans for 45,000 Defense Highways there was included a provision for an Interstate Highway extending from Brunswick, Georgia, to Kansas City, Missouri, by way of Columbus, Georgia, Birmingham, Alabama, Memphis, Tennessee, and Springfield, Missouri, but was deleted from the plan when the approved mileage for the system was reduced, and

Whereas, it is proposed that provision for this highway be included in the Federal Highway Act of 1972, and

Whereas, the Council recognizes that a highway built to interstate standards directly connecting Kansas City to the Atlantic Ocean on the southeastern coast of Georgia would be a great boon to trade and commerce throughout the Kansas City trade area and the entire Mid-Continent region of the United States, and

Whereas, members of Congress from Missouri, Arkansas, Tennessee, Mississippi, Alabama and Georgia have already publicly endorsed the inclusion of this proposed highway in the Federal Highway Act of 1972, Now, therefore, be it

Resolved by the Council of Kansas City: That the Council urges the United States Congress to approve the inclusion of the proposed Brunswick, Georgia, Columbus, Georgia, Birmingham, Alabama, Memphis, Tennessee, Springfield, Missouri, Kansas City, Missouri, highway in the Federal Highway Act of 1972, and be it further

Resolved, That the Council expresses its thanks to members of Congress Bolling, Randall and Hall of Missouri, Alexander of Arkansas, Blanton, Jones, Anderson and Kuykendall of Tennessee, Whitten of Mississippi, Buchanan, Nichols, Dickinson, Edwards, Andrews and Bevill of Alabama, and Brinkley, Stuckey, Hagan and Mathis of Georgia for their joint Communication of May 10, 1972 to the Chairman of the House Public Works Committee, and be it further

Resolved, That copies of this Resolution be mailed to The Honorable John A. Blatnik, Chairman, House Public Works Committee, to each United States Senator and member of Congress from Missouri, and to each of those members of Congress from Arkansas, Tennessee, Mississippi, Alabama and Georgia who are named herein.

STATE OF TENNESSEE,
Nashville, Tenn., May 15, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress, Chairman of the Joint Highway Route Committee, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: In reference to the proposal for a route from Brunswick, Georgia to Kansas City, Missouri, the Tennessee Department of Highways agrees that it is a regional matter that should be looked at on a regional basis.

We, therefore, concur that an overall corridor analysis should be made on a regional basis.

Yours very truly,

ROBERT F. SMITH,
Commissioner.

STATE OF TENNESSEE,
Nashville, Tenn., May 15, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: I have been furnished with information as to the contents of Section 126 of proposed Highway Act for 1972 of the House Public Works Sub-Committee.

I regret to say that this version varies radically from the provisions of the Senate Bill for the study of the feasibility and necessity for constructing a route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, so aligned as to serve the intermediate locations of Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville, Arkansas; and Springfield, Missouri, which in the version of the proposed Senate Bill in my possession is Section 139(a).

I wish to urge your efforts to obtain revision of the House Bill to conform to the Senate Bill as regards the provisions for study of the route from near Brunswick, Georgia, to Kansas City, Missouri, and refer you to the letter from Commissioner Robert F. Smith of this Department to you, dated May 15, 1972, on this subject.

Your continued efforts are most appreciated.

Yours very truly,

C. S. HARMON,
Director of Research and Planning.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman.

Mr. KLUCZYNSKI. I wholeheartedly agree with the gentleman.

I would be happy to sit down with the gentleman when we convene in the next session of the Congress, the 93d session, and I would like to go over some of the problems that you have in the State of Georgia.

The gentleman has been my friend and has been very helpful to me. I want to do the very best to satisfy the gentleman and the people in his area.

Mr. Chairman, I want to say that I am very much impressed with the gentleman's testimony and his remarks here today.

Mr. BRINKLEY. I thank the gentleman.

I would also ask that when this bill goes to conference with the other body that at that time further consideration might be given to the inclusion of these feasibility studies which are listed in the Senate bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I certainly want to compliment the gentleman from Georgia on his leadership, including the official and extracurricular meetings about the Georgia limited-access highway. I am interested, and I have participated with the various gentlemen from Georgia, Alabama, Mississippi, and Arkansas in furthering this needed Southeast U.S. interstate corridor. We, in Missouri, are vitally interested and we appreciate the leadership of the gentleman from Georgia.

We understand that this can be considered as part of the feasibility studies, if we go along with the action of the other body in the conference and, indeed, that it comes under the "priority primary roads" that could be considered if the various States could get together and decide upon it.

I want to associate myself with the remarks of the gentleman from Georgia, and endorse them.

Mr. BRINKLEY. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, the need for a major highway linking Quincy, Ill., with other industrial areas is unquestionable. Currently, this western Illinois community of 50,000 is served by no adequate highway in any direction. There has been no major road construction in the area in over 25 years.

Historically, Quincy's flow of commerce has been toward Chicago. In recent years, commercial ties with Kansas City have grown. But no major roadway links Quincy with these two cities.

During the 1950's, when plans for the interstate system were being formulated, a route connecting the three cities was part of the program. But in 1956 a gross error was made when the Kansas City-Chicago highway was deleted from the system and access roads around major cities were added in its place.

This highway, as it did during the 1950's, has great national significance. The original interstate program undertook to link major regions, and major cities together. But two of the world's greatest cities—Chicago, the gateway to everywhere because of the St. Lawrence Seaway, and Kansas City, the gateway to the west and the throat of southwest traffic because of the Missouri River—still have no direct highway connection.

Hopefully, a feasibility study as provided in the Senate version will be approved in conference and the first step toward this badly needed roadway will be taken.

The people of western Illinois have worked for many years for the construction of a major transportation artery to serve their towns and industry. I am certain the people of Missouri have worked equally hard for a vital transportation link.

I congratulate my colleagues from Georgia (Mr. Brinkley) and Missouri (Mr. Hungate) for their effective work in advancing consideration of the study of the feasibility of a modern highway link between Chicago and Kansas City, crossing the Mississippi between Quincy and Hannibal.

Mr. HUNGATE. Mr. Chairman, I share the interest of my colleague from Illinois (Mr. Findley) concerning the immediate need for a major highway route from Kansas City to Chicago. Northeast Missouri finds its orderly progress impeded because of the absence of an adequate modern east-west highway artery serving the area.

Northeast Missouri has many great natural, human, and historical resources. Completion of a modern east-west highway would contribute to the development of this important section of mid-America. I join my colleagues from Georgia and Illinois, Mr. Brinkley and Mr. Findley, in urging the House and its conferees to accept the other body's amendment, offered by Senator Symington, of Missouri, and supported by Senator Eagleton, of Missouri, Senators Stevenson and Percy, of Illinois, and accepted by the other body, calling for a feasibility study concerning this important proposed east-west highway.

Mr. BUCHANAN. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Georgia (Mr. Brinkley).

I have often heard individuals facetiously say "you can't get there from here" but this, in essence, is the case today if one is attempting to traverse the corridor between Kansas City, Mo. and Columbus, Ga.

To say that the roads between these two points are not the best in the world, is an understatement.

Included in this corridor are several major cities such as Memphis, Tenn., and Birmingham, Ala., among others.

What is needed is an interstate highway through this corridor which would connect with other interstate roads already in existence or under construction.

There is much support for this project because it would assist in the passage of goods not only between cities in the South, but between North and South, East and West.

This corridor was included in the original plans for the Interstate Highway System, but was eliminated before the law was passed. Time has shown the error of this decision and the necessity for such a route.

To rectify this situation and to aid the economy of the South, a number of Members have supported legislation to create such an Interstate route. There is much support for this project because of the great benefits which would accrue to those cities along the route and to the East-West, North-South traveler.

It was my hope that the legislation which we are considering today, H.R. 16656, would have provided the funding necessary to conduct a feasibility study of this project. Unfortunately this was not the case.

In action on this measure, however, the other body has recognized the need for such an interstate corridor and has provided funding for a feasibility study.

I had intended to offer or support an amendment which would provide for such a study in the House version of this bill. The project is so meritorious and the need is so great that it is my hope the House conferees on this measure, when it is considered in a conference between the two bodies, will agree to include the funds for such a feasibility study.

What we are asking for at this time is not a multi-billion-dollar commitment, it is only a feasibility study, one which the Congress will have the opportunity to review in the future to again determine whether such a route, indeed, merits funding. I have no doubt that that judgment will be a resounding yes, but the project needs the authorization of this Congress at this time, if progress is to be made in the future, and I urge support for a study which will document the need which so many have already recognized.

Mr. KLUCZYNSKI. Mr. Chairman, at this time I yield to the gentleman from Rhode Island (Mr. St Germain) 3½ minutes.

Mr. ST GERMAIN. I want to thank the distinguished chairman.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from Rhode Island yield for an observation?

Mr. ST GERMAIN. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I, too, want to commend the gentleman from Georgia who has brought out the sensitive requirements in our highway program. I certainly applaud his efforts in directing his talents to bring this to the attention of the Committee on Public Works. Like the gentleman from Illinois, I am quite sure the Members will not overlook our future consideration.

Mr. ST GERMAIN. Mr. Chairman, I want to thank the distinguished gentleman from Illinois for yielding. I have been discussing with the gentleman from Illinois, the chairman of the full committee, Mr. Blatnik, the ranking minority member, Mr. Harsha, a problem that I foresee. Unfortunately, we find ourselves in a quandary. I had an amendment which I wished to offer to this bill that no doubt would be ruled out of order on a point of germaneness, yet would be perfectly germane and most necessary in the Senate version of this particular bill. I am yielding to the parliamentary situation. However, I want to focus upon the problem as it stands.

Under the legislation before us there are no subsidies to public transit authorities that operate buses. This is not the case with the Senate bill. My concern—and I am sure also the concern, I know, of the gentleman from Illinois who serves with me on the Select Committee on Small Business—is the question of unfair competition and the rights of the small businessman. If the Senate version were to be accepted, we would find ourselves in a situation where the small operators who transport schoolchildren in yellow buses, the ones we see running around the countryside, would find themselves bidding with the school districts for contracts to transport these children, against transit authorities who are being subsidized by the Federal Government. What concerns me is that we find ourselves in the position where the public transit authorities, subsidized by the Federal Government, would be in competition with these private, small entrepreneurs. It would be impossible for them to compete.

I have discussed the situation with the chairman of the full committee and with Mr. KLUCZYNSKI and with members on the majority side. I discussed it with the ranking minority member. They sympathize, but, as I say, we are in a parliamentary impasse.

I find from the Parliamentarian that the substance of my amendment could be offered if, in fact, in conference it looks as though the Senate version providing funding for the transit authorities operating buses were to prevail, because it does not expand upon but rather restricts the actions in the Senate bill in this area. I want to thank the gentleman for their very serious deliberations with me on this.

I ask for the attention of the gentleman from Illinois. As I understand it, if the Senate version were to prevail in conference, the gentleman would give serious consideration to the amendment that I shall not offer this afternoon to protect the interests of the small businessman?

Mr. KLUCZYNSKI. The answer is "Yes" to the gentleman.

Mr. ST GERMAIN. I thank the gentleman for his consideration and assistance, as well as that of the gentleman from Ohio (Mr. HARSHA).

I yield back the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I thank the chairman for yielding.

I wholeheartedly support this bill and the great Committee on Public Works, and I commend the chairman and the committee.

I yield back the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Chairman, I thank the gentleman very much for yielding. I commend the chairman and the committee for the efforts that have gone into this legislation before us this afternoon.

Mr. Chairman, I rise in support of H.R. 16656, the Federal-aid highway legislation now before the House. I would like to comment specifically on section 129, which provides beginning Federal participation in improvement of the Great River Road; and section 132, which authorizes transferring the assets and other appropriate materials from the Clinton Bridge Commission to the State of Iowa.

I am particularly pleased that the highway bill contains the language of the Great River Road legislation. This bill was introduced by the distinguished chairman of the Public Works Committee and myself as H.R. 16687.

This language provides, for the first time, significant Federal participation in actual construction of the Great River Road as a scenic highway. There has been Federal participation in certain parts of the Mississippi Valley, where the roads already in existence are parts of the Federal-aid systems. But this legislation marks the beginning of direct Federal assistance to what we hope will eventually be a national system of scenic and recreational highways.

Federal assistance for Great River Road improvement also permits the Federal Government to participate more fully in celebrating the tricentennial of the discovery of the Mississippi River by Marquette and Joliet at the confluence of the Mississippi and Wisconsin Rivers. This same area has been designated officially for special Mississippi tricentennial ceremonies and observances.

Mr. Chairman, two presidential advisory commissions have recommended the establishment of a national system of scenic highways and parkways which will permit American families to drive leisurely through our country's natural wonders and beauties. A recommendation was made by the President's Council on Recreation and Natural Beauty that a 10-year, $4-billion program be initiated and funded.

This recommendation may seem somewhat high in the dollar figures mentioned, particularly in this period of fiscal pinch. But when one realizes that leisure driving is the most popular type of outdoor recreation and that Americans drive more than 300 billion miles a year for pleasure—that is more than 11,000 trips down the entire length of the Great River Road—then $4 billion does not seem to be a disproportionate figure to discuss.

We certainly do not expect to have $4 billion in the immediate future. However, the $60 million contained in the bill for construction and improvement of the Great River Road is a beginning—a beginning not only for the River Road itself as a specifically funded Federal program; but a beginning on the Great River Road as a prototype of the system of scenic and recreational highways this country must have to serve the recreational driving needs of millions of American families.

Mr. Chairman, these driving needs are very real and becoming more pressing every year. In Iowa, as in every State of the Union, recreational driving requires decent, safe, and attractive scenic roads. This is a public necessity of the first order.

We have opened up vast sections of the Nation through construction of the Interstate System. The speed, efficiency, and, above all, the safety of this network are well known. The interstates need no apologies from me. However, while some interstates do provide beautiful, scenic, and, indeed, spectacular vistas, driving speeds and traffic loads make sightseeing and leisurely driving both dangerous and counterproductive.

We clearly need more scenic roads of the type to be found in present and future improves routes along the Great River Road.

Mr. Chairman, I recently was invited to address a hearing of the Highway Beautification Commission held this past Monday, in Iowa City, Iowa. In my prepared statement, I discussed the significance of the Great River Road to our shared goals of highway beautification and environmental enhancement. I would like to read several pertinent passages into the RECORD. Some members of the press and of various environmental groups have expressed concern that the Great River Road might do damage to the banks of the Mississippi. I trust the testimony I read will serve to allay those fears.

> This legislation (Great River Road bill, H.R. 16687) would provide some beginning help in constructing and reconstructing the road surfaces themselves and the attendant scenic viewing points and roadside parks necessary for proper enjoyment of the vistas the Mississippi affords.
>
> I do want to emphasize to the Commission it is my understanding the Great River Road is not to become an expressway or super-highway, designed for heavy commercial traffic and thus defacing the values we are trying to preserve along the banks of the Mississippi.
>
> The system is and will continue to utilize present rights-of-way. However, these rights-of-way will be improved and easements and property will be acquired that will provide permanent protection from inappropriate and unsightly development.
>
> In this project we clearly see this type of highway improvement and scenic development are not incompatible with preserving and enhancing scenic and environmental values. The Great River Road should provide the working demonstration of aesthetics and appropriate developmental and enhancement construction going hand-in-hand—as they should and must.

That, Mr. Chairman, is the exact thrust of the Great River Road legislation—protection and enhancement of scenic and environmental values along both banks of the Mississippi. This project is one that environmental and conservation-minded groups should support categorically—as should all Americans interested in providing a safe, restful and rewarding driving experience for all of us.

A study of outdoor recreation in Iowa shows that 78.7 percent of all Iowans average 18 days of recreational driving a year—or a total of more than 28.1 million user-days per year. It is unrealistic and selfish to expect millions of Iowans, and millions more of Americans, to sit home or tour on unsuitable and possibly dangerous roads. Americans need and deserve properly protected and constructed scenic highways. Today we can begin to help insure fulfilling that desire and filling that need.

Mr. Chairman, I would also like, at this time, to express my pleasure at the inclusion in the highway bill of legislation I sponsored to transfer the assets and other appropriate materials from the Clinton Bridge Commission to the State of Iowa.

Federal authorization is needed when

transferring the charters of organizations originally designated by the Congress to construct bridges over navigable waters. The Clinton Bridge Commission is unable to issue taxable bonds within the limits of interest rates permitted by the charter, and complete the construction of the bridge complex crossing the Mississippi from Clinton, Iowa, to Fulton, Ill.

Passage of the language of my bill, as contained in the highway bill now pending, will permit the State of Iowa to assume the assets and liabilities of the bridge commission, issue tax-exempt bonds and complete the bridge structures across the river.

The steadily increasing volume of traffic on existing spans makes the rapid completion of the final construction a high priority item with both the Iowa State Highway Commission and, necessarily, of the people who work and live in the Clinton-Fulton areas. The new bridge structure will provide increased and more efficient access to both sides of the river and improve the safety of those crossing.

The legislation has received the approval of the Department of Transportation, the Iowa Highway Commission and original State authorization for the transfer has been passed by the Iowa Legislature. An identical bill has already passed the Senate, while the House version of the bill will be discussed in conference as part of the omnibus highway bill.

In closing, Mr. Chairman, I wish to express my deep appreciation to the distinguished chairman of the House Public Works Committee. Congressman JOHN BLATNIK's leadership and support have been the essential mainstays of those trying to encourage the further development of scenic highways in the Nation.

I also appreciate the assistance and cooperation of the chairman of the Highway Subcommittee, Congressman JOHN KLUCZYNSKI, and of all members of the full committee in their taking this first step in providing America with this needed system of scenic and recreational highways. I am sure that our own and future generations will see the wisdom of this legislation and will understand that this type of protective development is the way to preserve the beauties and wonders of America's natural heritage.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY), a member of our committee.

Mr. GRAY. Mr. Chairman, I thank my distinguished friend and colleague for yielding.

Mr. Chairman, 18 years ago I had the great privilege of standing in this well and speaking for the Federal Aid Highway Act of 1955. Unfortunately, because of special interest groups at that time, the bill lacked a few votes of passage, and we had to go back the following year in 1956, and pass what was the greatest public works program in the history of this country.

As of today 80 percent of the interstate highway system is completed throughout the Nation. When completed in a short 3 to 4 years we will have 42,000 miles of modern, four-lane interstate highways crisscrossing the Nation and connecting almost every major city. In addition, many thousands of miles of primary and secondary roads have been built.

Mr. Chairman, I mention that today because the same people, the great distinguished chairman of our committee, the gentleman from Minnesota (Mr. BLATNIK), and the very able and outstanding chairman of the subcommittee on roads, the gentleman from Illinois (Mr. KLUCZYNSKI), and the ranking minority member of the Public Works Committee, the gentleman from Ohio (Mr. HARSHA), and many of the same faces we saw earlier on the House floor today also took part in that debate in 1956. All during this period we have seen thousands of people at work building highways and making plans for the future of America. We are indeed fortunate to have three interstate highways crisscrossing southern Illinois in my district I–57, 64 and 24.

Beyond that, the carnage on the highways was fantastic. We were losing 30,000, 40,000 and 50,000 lives a year. We are still losing a great many lives, but when we recognize that the number of motor vehicles has doubled on our highways since 1956, we will understand that this modern highway system in fact is saving 15,000 to 20,000 lives per year and saving billions of dollars in property damage. When the system is complete it will save even more lives.

So I take this time today to congratulate my distinguished colleague, the gentleman from Illinois (Mr. KLUCZYNSKI), and the ranking minority member, the gentleman from Ohio, and the other members of the committee for the great work they have done in bringing out this bill. I have been a cosponsor of every single highway act since 1955 and take great pride in being a cosponsor of the bill before us. I hope it will pass unanimously and I urge my colleagues to support this important measure.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I take this time to bring up a question that involves an area in my congressional district, a project or proposed highway that according to some of the citizens in that area is related somewhat to the problem that is presented by section 113 of this bill. It is far less down the road, so to speak, because it is in the preplanning stage, but the possibilities exist if the bureaucrats make the wrong decisions that we could have an unfortunate situation develop. I want to build a little legislative history here so that some of the fears of the people in Kent County, Mich., are alleviated at least at this stage of the controversy.

I would like to ask the gentleman from Texas and the gentleman from Ohio—and I have talked to both of them about it—if they would mind responding to a series of questions so that the RECORD could be as complete as possible.

Let me ask the gentleman from Texas first. Is the intended scope of section 133 of this bill limited exclusively to the San Antonio North Expressway situation?

Mr. WRIGHT. The answer is "Yes." The section applies only to an expressway lying wholly within the city of San Antonio and has no application direct or indirect to any other highway.

Mr. GERALD R. FORD. I thought the language was clear and explicit but I did want to get the expression of the gentleman from Texas and also the gentleman from Ohio.

Mr. HARSHA. The answer is affirmative.

Mr. GERALD R. FORD. Let me ask a second question: Is this section of the proposed bill the result of unique and individual circumstances arising only in the San Antonio North Expressway project?

Mr. WRIGHT. I would say to the gentleman, if he will yield, that I know of no other situation which is similar to this particular one. As early as 1959 the State of Texas and the city of San Antonio planned for this route.

All right-of-way was purchased, and all citizens relocated since, at an expense of $7 million. The State and city have been twice frustrated, having complied with Federal law, only to have Federal law changed. At the present time some $4 million worth of construction is lying idle. I think it is a very unique situation.

Mr. GERALD R. FORD. Would the gentleman from Ohio concur?

Mr. HARSHA. If the gentleman from Michigan will yield, I will concur in that.

Mr. GERALD R. FORD. The third question is: Is it true that section 113 of this bill is not intended to establish any precedent for future legislative relief of projects not conforming with the authority and regulatory standards for a Federal-aid highway project?

Mr. WRIGHT. I would say that is absolutely true. This action itself is not unprecedented, but in order to come within its scope any other project would have to come just as this has done, to get a separate provision in the law.

Mr. HARSHA. I will state that this is only intended by the committee to be limited to this specific instance. It is directed in specific terms with the thought in mind that it would not create or set a precedent.

Mr. GERALD R. FORD. Fourth. Were the crucial factors in the committee's report of this section the fact that all rights-of-way had been purchased and all relocations had been completed involving large amounts of Federal, State, and local funds, and construction contracts had been let prior to the imposition of Federal environmental requirements?

Mr. WRIGHT. I would say to the gentleman, yes, those were crucial considerations.

Mr. GERALD R. FORD. Would the gentleman from Ohio agree?

Mr. HARSHA. I would respond, if the gentleman will yield, that as far as my information is concerned and information is available to me, that that is the circumstance.

Mr. GERALD R. FORD. This question is a little more difficult to answer. Let me ask it, as I know that the two distinguished gentlemen, both experts in this field, can give me an answer which will be satisfactory.

Fifth. In your estimation the fact that a highway project is in the preplanning or planning stages would not in itself justify this special legislative relief from Federal-aid highway environmental standards?

Mr. WRIGHT. If the gentleman will yield, I can simply say that I can think of no circumstance in which the committee would wish to extend this type of relief to that kind of a situation. That would be clearly distinguishable, of course, from the present bill before us. In the San Antonio case, construction has already begun on that highway, and it has been 13 years in the process.

Mr. GERALD R. FORD. In the case of Michigan, in Kent County, the project is in the preplanning stage. I assured my constituents that under no circumstances could I envisage the Congress at this stage of the controversy excusing the project from any environmental impact study. I gather from the gentleman's comment that he would agree.

Would the gentleman from Ohio agree?

Mr. HARSHA. If the gentleman would yield, I would likewise agree.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HARSHA. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have one or possibly two additional questions. Let me say that I am deeply grateful to the gentleman from Texas and the gentleman from Ohio in responding.

Let me put this question: Sixth. Is it not true that the facts and conditions underlying the reasons for section 113 all arose prior to the enactment of the National Environmental Policy Act and related highway environmental provisions?

Mr. WRIGHT. Very emphatically, yes. The highway itself was authorized by the Federal Highway Administration in 1959 or 1960. The letting of contracts was authorized by the Federal Highway Administration, and the required acquisition had already begun and was taking place prior to our passage of that act.

Mr. HARSHA. If the gentleman would yield, it is my understanding that the National Environmental Policy Act was signed into law in 1970. That being the case, clearly the facts in this case before us occurred prior to the signing of that legislation.

Mr. GERALD R. FORD. I thank both the gentlemen for their observations and their assurances.

Let me just say in reference to this particular project which is in the preplanning stage, that here is an illustration of planning that I think illustrates that planners can draw plans without proper consultation with local officials and total examation of the facts.

The net result is they needlessly develop a controversy which, if they had been a little wiser, could have been avoided. With a little more understanding it would have resulted in a good project rather than a controversial one. I want to assure them, on the basis of the colloquy I have here, that certainly I would never sponsor any such an amendment to a highway bill, and I would personally vigorously fight any such amendment that would except this project in Michigan from the necessary requirements of current law.

I thank both Mr. WRIGHT of Texas and Mr. HARSHA of Illinois.

Mr. DRINAN. Mr. Chairman, the Federal-aid highway bill before us today presents a number of transportation and environmental issues of key importance. This mammoth bill authorizes $20 billion in expenditures from the highway trust fund for completion of the Interstate System by 1979: $8 billion per year is authorized for highway projects in the next 2 years, $3.5 billion of this for interstate construction, and $4.4 billion for primary and secondary roads; $890 million is authorized for the establishment of a secondary interstate system known as "priority primary routes."

Significantly, the bill provides a long-needed increase in Federal-aid urban highway trust funds, for the first time striking a balance between urban and rural road programs. Aid for roads within urbanized areas has been increased from $100 million to $700 million; $400 million has been provided for urban extensions of primary and secondary road systems for the next 2 years. Nor have rural roads been slighted: The bill authorizes $700 million for rural primary roads and $400 million for rural secondary roads over the next 2 fiscal years.

Of vital interest to the citizens of my congressional district is that this bill includes Federal funding arrangements to make possible construction of Route 52 in Massachusetts. The $300 million authorized for fiscal years 1974 and 1975 under the "priority primary routes" program will result in construction of Route 52 from the Connecticut line to I–90 and from the New Hampshire line to proposed I–90.

In contrast to other proposed Federal highway projects in Massachusetts and elsewhere which have met fierce local opposition—for example I–695, the inner belt around Boston—Route 52 is both vitally needed and has received virtually unanimous support. Along with my colleagues in the Massachusetts congressional delegation, and on the Public Works Committee, I have been working for months to expedite Federal support for this road. I have testified before the Public Works Committee Subcommittee on Roads on the importance of Route 52 to Massachusetts, and I am pleased and grateful that the Public Works Committee specifically cited Route 52 in their report on the Federal-Aid Highway Act as a "worthwhile project" which would be "logically eligible for immediate selection" for funding under the priority primary route program.

I am deeply concerned about certain other provisions of this bill, however. In my judgment, this bill does not provide adequate solutions to transportation problems in urbanized areas.

It is no exaggeration to state that urban transportation has reached the crisis stage. Since 1956 more than 280 urban transit systems have ceased operation because of financial problems. Last year alone, mass transit systems suffered a combined deficit of $332 million. Highway congestion, long a stifling problem, continues to worsen. With this increased congestion comes increased noise pollution, and, despite Federal regulations on exhaust emissions, the sheer volume of automobiles operating in urbanized areas has resulted in continued worsening of air pollution as well.

It seems to me, and to many of us, that the answer to the urban transportation crisis does not lie in more roads alone. The urban transportation crisis demands greater flexibility on the part of the Federal Government than is contained within this bill. For this reason I will support those amendments that will provide this needed flexibility. These amendments do not jeapordize rural highway programs, nor do they compel any State or locality to use highway funds for mass transit. What they do is to open more options for transportation planners and provide for the improved local control of transportation programs that is necessary if future transit solutions are to be effective.

In a letter of October 2 which was addressed to all Congressmen, Jack Beidler, legislative director of the United Auto Workers, wrote:

> The over-use of automobiles in urban areas threatens the health of city-dwellers and the vitality of our cities. Indeed, continued reliance on the automobile for intra-urban travel will inevitably invite controls on the use of automobiles with consequent injury to the industry.

An amendment to the Federal-Aid Highway Act was offered by Congressmen JOHN ANDERSON, GLENN ANDERSON, and RICHARD BOLLING, which would permit local officials in urbanized areas, with the cooperation of the State Governor, to apply their share of the $700 million in urban system funds to mass transit needs. Unfortunately, the House of Representatives has turned its back on the transportation needs of urbanized communities by failing to overturn the rule which prevents us from considering this important amendment.

Had this amendment been passed and become law, urban funds could be used for the acquisition and construction of bus and rail transit facilities, as well as the highway programs already authorized by this bill. This amendment had the enthusiastic support of the Department of Transportation, major environmental groups, the United Auto Workers, and mayors and other local officials throughout the country.

It is important to note that this amendment would not have mandated any mass-transit projects. All that it would have done was to allow local officials to choose how they think their transportation needs can best be met—with highways, bus systems, or rail transit. This amendment would have had no effect on the total funding level for urban transportation systems; it would only have provided the flexibility needed for more efficient transportation solutions in urban areas.

Opening the urban systems fund to public transportation expenditures would benefit commuters, truckers, and the business community by relieving highway congestion, as more drivers take advantage of new mass transit opportunities. It would help improve highway safety. It would result in less air and noise pollution in the cities, and it would reduce the automobile-generated demand on our natural resources that is leading to an energy crisis. It is most regrettable that we will not be able to consider it.

Another important amendment is that offered by Congressman JAMES V. STANTON. This amendment would allow interstate funds to be transferred for use in noninterstate highway purposes, at the option of State and local officials. Under present law interstate mileage may be transferred within the Interstate System up to a limit of 200 miles. The bill before us today removes the 200-mile ceiling but does not allow local and State officials the opportunity to use funds made available through the deletion of a controversial interstate segment for construction or improvement of noninterstate roads.

This amendment would allow State and local highway planners to meet the actual needs of their States and communities—rather than be forced to accept Interstate highways that were planned as long as 20 years ago, and are simply out of date. What is more, more than 25 "urban segments" of the Interstate System have become the subjects of intense local controversy. Some of these segments, to be built within cities, would cost as much as $100 million per mile and would result in serious social, economic, and environmental damage.

The third "flexibility" amendment is that introduced by Congresswoman ABZUG. This amendment would require that the $700 million in urban system funds be made directly available to metropolitan transportation agencies. The need for this amendment is clear. Since urban system funds are designed to serve local urban purposes, the use of these funds should be the responsibility of local officials.

Another amendment to the Federal-Aid Highway Act would help solve an additional problem associated with highways—noise pollution. This amendment, which I am sponsoring along with Congressmen FRASER, GUDE, BELL, and McKINNEY, would enable the Secretary of Transportation to fund noise abatement systems for existing Federal-aid highways.

New highways are already able to utilize Federal funds for noise-control purposes. Under current law the Secretary of Transportation has the authority to establish noise control standards for designs of new highways approved after July 1 of this year. In addition, since 1970 new highway proposals have required environmental impact statements, in which potential noise levels must be considered. Since September 1971, 733 environmental impact statements have been submitted, 605 of these dealing with roads.

The problem is that existing Federal-aid roads—routinely far noisier than new roads planned with environmental considerations in mind—are at the present time ineligible for federally funded noise-abatement programs. Yet traffic noise has become an increasingly severe problem, particularly in urban areas where 75 percent of the Nation's population live. Highway noise on congested thoroughfares often reaches the level of 85 to 90 decibels—far above generally recommended noise levels of 35 to 50 decibels and enough to cause a serious loss of hearing if exposure is prolonged. But the effects of noise pollution extend far beyond the physiologically measurable results of hearing loss, speech, and sleep interference. Highway noise interferes with the activities of all who are within range—schools, and residences, for example. One school in New Jersey was forced by excessive noise caused by its close proximity to an expressway to provide sound insulation for its building at a cost of $160,000. While no one can accurately measure the full damage of highway noise pollution, there is no question that there is too much of it and that something must be done.

Our amendment would authorize the funding of a number of different kinds of noise-abatement techniques, the most important of which are: Construction of physical barriers, acquisition of additional rights-of-way, and landscaping. The most effective noise-suppression technique is to build a solid barrier. On the average, an 8-foot double-wood barrier results in a 68-percent reduction in decibel level. A 6-foot concrete wall on the edge of a flat highway results in a reduction of 12 decibels at a 100-foot distance—which means that noise is reduced by one-half. An equivalent reduction in noise levels can be achieved by the acquisition of between 200 and 300 feet of additional width on either side of a typical highway. While such an additional right-of-way may not be practical in urban areas, Federal funding of such acquisitions would certainly benefit more rural areas where this space is available. Dense foliage on acquired right-of-way land would provide even more improvement.

These amendments challenge Congress to respond to the crucial need of our country for a more efficient, less hazardous, and improved transportation system. Congress has already effectively rejected that amendment which would have given new life to mass transportation. Let us not fail again.

Mr. HARRINGTON. Mr. Chairman, as a strong advocate of a balanced transportation system since entering Congress, I have consistently urged more flexible use of highway trust fund moneys. While highway transportation will continue to be vitally important, excessive expansion of motor vehicle use is neither practical nor desirable. Traffic congestion, air pollution, poor land-use practices, the necessity of conserving scarce fuel resources, and concern for the transportation needs of the "automobileless" poor, young, elderly, and handicapped, all dictate a reevaluation of the role of the highway program, particularly in the area of urban transportation. Consideration of H.R. 16656, the Federal-Aid Highway Act, affords the House an unusual opportunity to strike a blow in the direction of resolving many of these problems.

The amendment I am cosponsoring will make available $700 million of the highway trust fund to purchase mass transit systems in addition to constructing highways. The money may be used only in urban areas. The amendment does not compel the use of highway trust fund moneys for mass transit, rather it provides local officials with the flexibility to meet differing local needs and requirements. This amendment has the full support of urban officials, the major environmental groups, labor organizations, and the Nixon administration.

The resolution of traffic congestion in our metropolitan areas does not lie in the construction of more highways—any commuter in an urban area can relate the woes of the rush hour. Highway planners are now making plans for double-decker lanes, tunnels, bridges and even more miles of city-adjacent highways. In theory, these additional facilities should alleviate traffic jams. In reality, the new roads will fill up as fast as the concrete hardens; traffic will simply rise to meet capacity.

Meanwhile, profits on public transit are falling, rail and bus equipment deteriorating, and service is being cut back. In fact, the vast investment made by the Government in freeways has virtually destroyed all forms of land and water transportation except the automobile. Thus, it has become essential for every American to maintain his own private transportation system, although in an area as small as a city any other form of commuting system would be more economical and beneficial to the public.

The legislation before us today takes account of the limitations of highway construction as a solution for traffic congestion in its provisions allowing the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers. However, the legislation does not go far enough.

We can no longer tolerate the wasted time, wasted resources and air pollution which traffic congestion has created in our urban areas. We must provide attractive alternatives in fast, clean, and efficient public transportation. This goal can be realized by creating more flexibility in the use of trust fund moneys. This legislation if amended will provide local officials with the flexibility they need to provide truly balanced transportation systems.

Mr. ANNUNZIO. Mr. Chairman, I rise to urge my colleagues in the House to oppose the previous question on the rule for H.R. 16656 in order that the Federal-Aid Highway Act of 1972 can be amended to include money for mass transit systems for urban areas.

The Senate saw fit to break 15 years of precedent by passing this amendment in their version of the Federal Aid Highway Act of 1972, and did so by a wide margin of 48 to 26. Thus, they have pushed aside their bipartisan views of the past, and are concentrating on the needs demonstrated by our present crisis in urban transportation. They have seen how the lack of sufficient mass transit service has strangled our urban areas. It has brought in its wake a tragic situation of hopelessness among the people who have become its victims. And the inadequacy of mass transit service has been compounded by inefficient, congested, polluted urban highways.

The highway and the automobile have been relied on heavily in the past while little attention has been given to other modes of transportation. The President cited in the revenue-sharing message on transportation, March 18, 1971, the astonishing fact that approximately 94 percent of all travel in urbanized areas is by automobile, yet 25 percent of our people—especially the old, the very young, the poor, and handicapped—do not drive a car. This alone shows the inadequacy of our transportation program.

The recently proposed Housing and Urban Development Act of 1972 stressed the urgent need for urban mass transportation by including amendments to provide operating subsidies for urban transit authorities, and by establishing 80-percent Federal funds and 20-percent local funds for any part of the Federal program. As the author of these mass transit amendments to the Housing Act, and as one of the earliest supporters of Federal operating subsidies, I have long felt that we must institute a program of operating subsidies if we want our public transportation systems, not only in Chicago but in all our cities, to continue in operation.

With the failure of passage of the 1972 Housing Act, the inequities in Federal financing remain unchanged, while the Federal dollars remain easily available for highway construction. This failure has been a critical blow to our cities, including Chicago. I feel a sense of deep disappointment, for, as I have said, I was the author of the mass transit amendments and was among the earliest and strongest supporters of operating subsidies for urban mass transit systems. Along with my colleagues, I worked diligently for achieving its purposes, of which the chief aim was to make our cities workable and livable.

Our urban centers are constantly growing, both in geographical size and population. In just a few decades, the number of people living in and close to the cities is expected to double. The problem of moving people and goods around and through our urban places is already critical. And unless we make full provisions for a program to meet and solve the urban transportation snarl, it will grow progressively worse, and I fear that the only alternative being offered to us is bigger, better, longer, and wider concrete highways. There is still time to act—but it must be now.

It is generally recognized that the transportation problem is compounded by an imbalance in spending programs for highways compared to mass transit systems. The urban expressways already built with the help of the massive Federal aid highway program have influenced the urban traveler to depend more and more on his automobile and the automobile is, in more than one way, a killer.

All too often today we find a city that has lost a park to an expressway; the elderly dying of respiratory diseases because the air is polluted; our children becoming statistics—55,000 fatalities on our highways each year; and those who do not have cars or choose not to use them do not have access to a decent mass transit system.

The job facing us today is to make our urban transit systems efficient and accessible to more people, to charge fares which are conducive to increased patronage, and to provide equipment and service attractive and convenient enough to encourage people to depend on mass transit for a substantial part of their urban travel.

Mr. Chairman, I feel priorities have changed in transportation since the enactment of the highway trust fund. History shows us that if transportation is to be viable, it has to adjust to the times; and I cannot stress too strongly that the time for a new start is now. The Senate has opened the door and it is now up to us to walk through with the needed change that our national transportation policies dictate.

Again, I urge my colleagues to oppose the previous question on the rule for H.R. 16656 so that this legislation may be amended to include money for mass transit systems for urban areas.

Mr. FRENZEL. Mr. Chairman, in thumbing through this morning's mail I was attracted to some flyers with headlines that read "Let's end the Highway Trust Fund." Another trumpeted, "America has the world's best highways and the world's worst mass transit." Knowing that the House was scheduled to consider the Federal-Aid Highway Act today together with an amendment I am cosponsoring to permit the use of some highway trust funds for mass transit purposes—I assumed that the Friend's of the Earth, the Sierra Club, or some other ecology-oriented group was hard at work.

It seems I was only half right. The ecology-oriented group turned out to be the Mobil Oil Corp., and the flyers were reprints of advertisements they have sponsored in the New York Times.

The texts of the ads were full of pleasant surprises. "Highways are important to us," states one ad, "but traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil." So far so good. But an oil company's solution to the highway congestion problem has to be more freeways in our urban areas, right? Wrong! At least it is wrong insofar as Mobil Oil is concerned. Instead they suggest that we replace the highway trust fund with a national master transportation program funded out of general revenues. Mobil argues that "indefinite continuation of the highway trust fund could deter construction of more urgently needed nonhighway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back."

Whether or not we subscribe to Mobil's specific recommendations, not many would quarrel with their view that the transportation systems of the past 50 years will have to give way to new technologies if we are to achieve an efficient and attractive transportation system.

Mobil Oil must be numbered among a growing list of corporations and trade associations with a direct interest in highway construction who are exercising responsible leadership in behalf of increased mass transportation funding. Those who favor using at least a portion of highway trusts funds for mass transit purposes include the National Automobile Dealers Association, the Ford Motor Co., the Automobile Manufacturers Association, and the National Highway Users Federation. These companies, individually and through their trade associations, are demonstrating a commendable sense of corporate responsibility toward the public interest. The House will have an opportunity today to manifest its interest in sound transportation policy through its support of my amendment.

The Mobil ads follow:

America Has the World's Best Highways and the World's Worst Mass Transit. We Hope This Ad Moves People . . .

In recent years the United States has developed a really superb highway system. It's been built with tax revenues earmarked specifically for road building.

But the highway construction boom has been accompanied by a mass transit bust. Train and bus travel in this country, with few exceptions, is decrepit. The air traveler suffers increasing indignities despite bigger, faster planes.

Greater New York is a typical example. You can depend on commuting to and from Manhattan—but only to be undependable and slow. On public transport, the 25 miles to Westfield, N.J. takes 75 minutes at an average speed of 20 miles per hour. The 33 miles to Stamford, Conn. takes 60 minutes at 33 mph. The 26 miles to Hicksville, L.I. takes 55 minutes at 28 mph. When you're on time.

You have to be a stoic with stamina to use public ground transportation for a trip beyond the commuting range. Fly to a nearby city? You can hardly get at our congested air terminals, either by land or air. The ride to or from the airport often takes longer than the flight.

Mass transit seems to work better abroad. Americans are agreeably impressed by the fast, comfortable, and attractive subways in foreign cities. Intercity trains in other countries make ours look pitiful. Japan's high-speed Tokaido line carries more than 200,000 passengers a day. Clean, comfortable French, German, Italian, and British trains regularly attain speeds over 100 mph. European railroads are already planning or building expresses that will do better than 150 mph.

Yet, in the United States, new mass transit systems are for the most part still in the wild blue yonder.

Providing for our future transportation needs will require very large expenditures. We believe there's an urgent need for legislators to reexamine the procedures used to generate and expend transportation revenues. Such a review may yield the conclusion that special earmarked funds are no longer the best approach.

In weighing priorities, no decision-maker can ignore the increasing congestion on those fine highways of ours, especially in and around the great urban centers. But more and better mass transit could stop traffic jams before they start. Just one rail line has tripled the people moving capacity of a three-lane superhighway.

It costs less—in energy consumption and in money—to move people via mass transit than on highways. Thus mass transit means less air pollution.

It also means conservation. Whether the energy comes from gasoline for cars, or fuel oil, natural gas, or coal for electric power plants, it's derived from a diminishing natural resource. So we think *all* forms of transportation should be brought into a national plan for safe, rapid, economical ways of moving people—consistent with the wisest use of our energy resources.

While Mobil sells fuels and lubricants, we don't believe the gasoline consumed by a car idling in a traffic jam (carrying a single passenger, probably) is the best possible use of America's limited petroleum resources. Our products ought to help more people get where they want to go.

To us, that means a green light for mass transit . . . soon.

Mobil.

[Advertisement from the New York Times, Sept. 14, 1972]

Let's End the Highway Trust Fund

While America has developed a superb highway system through Highway Trust Fund revenues, our mass transit has slipped sadly. We're moving people better by car, but people who try to get from one place to another by train, bus, or subway are fighting a losing battle. This, in turn, forces more people into their cars and onto the highways. And this puts added pressure on even the best of our highways, not to mention city streets.

For this and other reasons, we've been urging publicly that Congress get moving with a national program to improve mass transit, and re-examine the desirability of the Highway Trust Fund. We doubt whether such special earmarked funds represent sound public policy. Experts in public finance have historically opposed trust-fund financing because this mechanism mandates decision-making and priority-setting by a bureaucracy with its own direction and momentum, without the proper annual review of proposed expenditures.

Some people suggest greater diversion of Highway Trust Fund revenues for mass-transit projects. But the cost of truly comprehensive improvements in all forms of mass transit will far exced the revenues available from the Fund. Robbing Peter to pay Paul by diverting revenues from the Fund will give us the worst of both worlds—poor highways and poor mass transit. We cannot afford either.

Look at the sorry record of recent years. Only in 1970 did Congress appropriate mass-transit funds on a scale even remotely recognizing the need: $3.1 billion spread over five years, or an average of $620 million a year. From 1964 through 1969, a total of only $1 billion was spent for mass transit. The Highway Trust Fund, meanwhile, generates revenues of about $5.7 billion a year—or five times what was actually spent for mass transit over a six-year period.

Thus the problem, largely one of imbalance, is that highway-building has dominated federal transportation policy.

One reason for this is the formula under which the federal transportation policy.

One reason for this is the formula under which the federal government shares revenues with the states for transportation. States now pay only 10% of the cost of highways under the Interstate Highway System. But the states have to pay from a third to a half of the cost of mass-transit programs to which the federal government contributes. From the states' viewpoint, it's just plain cheaper to ignore mass transit and simply build highways.

But the need for improved mass transit and the need for better roads and highways often coincide: Construction of special express lanes for buses can ease commutation problems and unclog other highway lanes for faster movement of passenger cars and trucks.

It shouldn't be an either/or situation. What's needed is substantially increased spending by federal, state, and local governments for construction of needed transportation facilities of all kinds. If the Highway Trust Fund is phased out, Congress can make appropriations at the federal level for an adequate, integrated transportation system.

Even so, we don't want just blindly to build more of what we have had for the past 50 years. We must innovate, and we must look ahead as far as advanced technology can take us in meeting both present and future transportation needs.

We are convicted that this can be achieved only through a National Master Transportation Program, financed both by existing gasoline taxes that would go into the general coffers and by annual appropriations large enough to do the job. A sound first step would be to end the Highway Trust Fund.

Mobil.

[Advertisement from the New York Times, Jan. 20, 1972]

Let's Get Moving With a National Master Transportation Program

Anyone in America who rides trains or buses or subways, or uses public transportation to get in and out of airports, knows our mass transit is pitiable.

More and better mass transit could ease traffic jams, reduce air pollution, and conserve energy fuel. And make moving around a lot more civilized.

To achieve this, as we suggested in this space on October 19, 1970 ("America has the world's best highways and the world's worst mass transit"), we must have new and vastly better mass transit systems.

Instead of dealing with highway construction, railway needs, urban transit, airport improvement, and maritime requirements in separate pieces of legislation, we should approach them as part of an overall transportation plan. This would tie all forms of transportation together to move people and goods fast, safely, comfortably, on time, and at reasonable cost.

To carry out that plan, Congress should enact a National Master Transportation Program. The money should come from direct Congressional appropriation, based on clear and rational priorities. In the process, the Congress should review all special earmarked funds, including the Highway Trust Fund.

Mobil supported the Highway Trust Fund when it was enacted in 1956, as a logical way to raise and husband the money needed to build the Interstate Highway system. Now we believe a new look is needed at the whole question of transportation and transportation funding. Such a review may show that special earmarked funds are no longer the best possible approach.

Indefinite continuation of the Highway Trust Fund could deter construction of more-urgently needed non-highway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back.

Completion of the Interstate Highway System should be reviewed. It now is apparent that some sections of urban areas (lower Manhattan, for instance, and South Philadelphia) would cost $20 million per mile to complete. It is not at all certain that the benefits from these sections would justify the outlay.

Highways are important to us, obviously. Highway travel builds sales for Mobil. But traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil.

We want our products to help more people get where they want to go, with greater ease and less waste than is now possible.

In our view, that requires the establishment of a National Master Transportation Program as soon as possible.

Mobil.

Mr. TIERNAN. Mr. Chairman, today I am joining several of my colleagues in sponsoring a series of important amendments to the highway trust fund legislation. I would like to take this opportunity to explain my reasons for doing so.

National transportation needs have changed drastically in the decade and a half since the highway trust fund legislation was first enacted. At that time approximately 33 percent of the population lived in nonurban areas. Land was plentiful, energy was cheap and abundant, and the air was relatively unpolluted. In those circumstances the development of an Interstate Highway System and the improvement of existing primary and secondary roads made real sense. The highway trust fund was designed to, and did in fact, largely meet the total transportation needs of the Nation. It augmented our national defense, allowed the economy to expand, and made Americans the most mobile people on earth, both for work and play.

Today, however, the situation is entirely different. Only 26 percent of the population still lives in nonurban areas while 74 percent of all Americans reside on 1 percent of the land. The result is a net increase in urban population of over 40 million. As a consequence of this increase, severe crowding has become a fact of life for three out of every four Americans.

The situation with regard to energy supply is so critical that suppliers are looking desperately for new energy sources without regard to cost. Even foreign policy is affected—it is estimated that if present trends continue, over 65 percent of our fossil fuel supply will come from foreign sources by 1985. This would result in an annual balance-of-trade deficit in excess of $30 billion, which would of course have a severe impact on our domestic economy.

Noise pollution in the country's major cities is becoming so severe that the old worries about its effect on the quality of life have been replaced with more immediate concern about physical and physiological damage. The noise levels in many major cities are hovering just under that at which permanent damage to ears will occur on a widespread basis.

Another aspect of environmental degradation—air pollution—is so severe that 12 percent of all deaths in major cities would not have occurred had there been no pollution on the day of death.

What have these urban problems to do with the highway trust fund? They are all seriously aggravated by our dangerously skewed priorities in favor of the private automobile, for which the highway trust fund is largely responsible:

Since 1956, highway trust fund moneys have been used to pave 1.4 million acres, nearly twice as much land as there is in my home State of Rhode Island. The result of densely populated areas has been to create layer upon layer of superhighways, while destroying entire neighborhoods, violating parkland, and seriously aggravating the low-income housing situation. In an era of increasing awareness of the need for land-use planning, widespread highway construction represents a tremendous allocation of land, an allocation which has not been seriously reconsidered since 1956.

Of all the petroleum used annually in the United States it is estimated that over one-fourth is consumed by private automobiles. This represents a highly extravagant use of a very scarce resource: Most other forms of transportation are at least three times as efficient.

Nationwide, the highway-automobile system is directly responsible for 40 percent of all air pollution. And in major cities it is estimated that transportation activities generate well over three-fourths of the street noise.

It is the highway trust fund which has forced this situation upon us. Under present law fund money can only be used to construct highways, even if a community determines that its transportation needs could best be served by some other means. To quote Senator KENNEDY:

> The result is that local areas are unable to solve their transportation problems using the mode of transportation—auto, bus, railroad, mass transit, or airplane—they consider best for their own needs.

Localities face a situation in which superhighways are forced down their throats irrespective of local needs or wishes.

There are sound reasons for believing that this policy constitutes a sellout of the public's right to the best possible transportation system in favor of the powerful lobby whose purpose is to promote highway construction.

According to the U.S. Department of Transportation, the average mile of interstate highway costs $1.815 million and consumes 41.5 acres of land. When completed it can carry approximately 36,000 persons per day.

By way of contrast, a two-track high-speed rail system in the Northeast costs $1.4 million per mile, uses only 21 acres per mile, and can carry up to 360,000 passengers per day. For those with a statistical bent the resulting cost-benefit ratio is in excess of 10 to 1. And the disparity would be even greater were we to assign some economic value to the 50,000 American lives lost in highway accidents each year.

Something, Mr. Chairman, is drastically wrong with our transportation priorities. Forget the deaths, forget the air and noise pollution, forget the millions of acres of wasted land and the thousands of barrels of misused petroleum—unbridled highway construction is economically unsound.

I would not want to be interpreted as favoring an end to all highway construction. In a great many areas of the country highway construction will continue to be the best alternative. Certainly the completion of the presently planned Interstate Highway System is most desirable. But in other situations some other transportation mode will be more appropriate, economically, ecologically, and in respect to the safety and convenience of its use.

The need is for a multimodal approach to transportation planning. Depending on the particular situation, some mix of highway construction, rail and bus mass transit, and airport construction will be most appropriate. The final decision of what the mix should be must be made by the cities and States involved. Obviously some national control is necessary—the Interstate System must be exactly that—a coordinated, connected system. But in the absence of overriding national considerations, transportation planning should be the responsibility of the people directly involved.

However, effective transportation planning using the multimodal approach to solve transportation problems cannot develop without a general transportation fund. Money should be available irrespective of the transportation mode that is finally chosen. Otherwise, there is no realistic alternative to more and more highways.

As a first step I am cosponsoring an amendment which would permit funding of all types of transportation projects by the urban systems portion of the trust fund. This amendment would have no effect on the completion of the Interstate System but it would allow desperately needed flexibility in urban transportation planning.

Second, I am supporting an amendment which would delete from the legislation authority for the construction of what is in effect a 10,000-mile extension of the Interstate System. As the Interstate System nears completion, the highway construction lobby is searching desperately for new projects. This "priority primary route" system is part of the program planned by the Highway Users Federation, which according to its president will ultimately cost the public $600 billion. We cannot allow this tremendous expenditure of public funds without a complete reconsideration of the desirability of relying almost exclusively on highway construction to meet the Nation's transportation needs.

Several other amendments are also being offered which I am also supporting. They are designed to insure that the people in the localities involved have a significant voice in the transportation planning and construction for their area.

Mr. Chairman, I regard this legislation as of key importance. Congress is presented today with an opportunity to begin the process which will end in a solution to America's pressing transportation problems.

Mr. FINDLEY. Mr. Chairman, the city of Springfield, Ill., is plagued by the fact that it is criss-crossed by several different railroad lines. When a train comes through Springfield, traffic comes to a screeching halt, backs up for blocks in all directions, and waits, sometimes for up to half an hour. The tracks cross streets in this city of 90,000 at 146 grade intersections.

In the Federal-Aid Highway Act of 1970, the Secretary of Transportation was authorized to "carry out a demonstration project for elimination or protection of certain public ground-level rail-highway crossing in, or in the vicinity of, Greenwood, S.C."

A similar authorization has been provided in this year's bill for a further demonstration project on railroad relocation in Springfield, Ill.

The need for a further demonstration project is evident. The project at Greenwood was small, involving the movement of only one major rail line. Officials of the Federal Railroad Administration with whom I have spoken tell me that there is a great need for another and larger demonstration project on railroad relocation. Only through such a project can a satisfactory methodology be worked out to serve as a model for use throughout the Nation.

Illinois' capital city is the logical choice for such a demonstration project. Springfield has already done a great deal of work toward relocating various railway facilities for the convenience of both the public and the affected railroads. The Capital City Railroad Relocation Authority has been established and over the last 4 years has developed a detailed plan for relocation. Costly engineering work already has been undertaken by the city. Every railroad involved has been consulted, and has assisted, in developing this plan. All support it. The proposal is for all railroads to be relocated into one corridor with eleven grade separations, thereby eliminating 101 grade crossings in the highly urbanized part of the community.

Thus, in every respect, Springfield is far ahead of other cities in the Nation which have a similar problem, and the relative cost to the Federal Government would therefore not be as great.

I am grateful to the Public Works Committee for including the railroad relocation project for Springfield, and especially to subcommittee Chairman JOHN KLUCZYNSKI and ranking minority member WILLIAM HARSHA.

Following is an article that recently appeared in the New York Times describing the critical need for railroad relocation in Springfield:

CITIES RIP UP TRACKS

(By Robert Lindsey)

SPRINGFIELD, ILL.—When the first train pulled into Springfield 125 years ago, the citizenry, including a young lawyer named A. Lincoln, came out to hail the arrival as a prelude to local prosperity and an end to isolation.

Years later, when the Illinois Central's plush streamliner The Green Diamond, raced through the heart of town, youngsters came outside to watch in awe.

But these days, Springfield—along with a growing number of other cities around the nation whose roots are intertwined with steel rails—is doing its best to get rid of its railroad tracks, to unclog traffic and reduce train-auto collisions that take an average of at least one life a year here.

Hundreds of towns like Springfield begged—and sometimes bribed—railroads to lay tracks through their cities in the last century, for prestige, access to the rest of the world and over-all civic "progress."

They gave the railroads free land for stations and free rights-of-way along downtown streets. And they received something in return: as rivers have been in the past, the railroad lines became the spines for the development of civilization.

BONUSES FOR RAILROADS

Marvin Nuernberg, chairman of an agency heading track removal plans in Lincoln, Neb., said:

"In the old days the city gave bonuses to railroads to come into the community, and as a result we had eight railroads radiating like spokes on a wheel. We still have five, and they cut the city apart."

"In Greenwood, S.C., a town of 23,000, work is already under way partly financed by Federal funds, to remove tracks that run along the city's Main Street.

The first town in recent years to complete a full-scale removal program was McKeesport, Pa., which rerouted the main line tracks of the Baltimore & Ohio Railroad around the city two years ago.

"It was like removing a scar from your face," said the city's Mayor, Zoran Popovich. "The noise right in the heart of town every few minutes was terrible; it hurt property values and hampered any kind of orderly development of the town," he added.

But in many of the same cities today, the one-time sources of civic prides are considered symbols of civic blight. As here in Springfield, tracks slash through business districts and residential neighborhoods, creating physical and psychological barriers that split the communities.

AT LEAST 26 CITIES SEEK CHANGE

To end the problem, Springfield has developed plans to remove the tracks of the six railroads that criss-cross the city, and shift all six lines to a single rail corridor around the edge of town.

Lincoln Neb.; Lafayette, Ind.; Wheeling, W. Va.; and Brownsville, Tex., among other cities, have the same idea.

"We know of at least 26 cities that are in various stages of making plans to remove their tracks," said William Loftus, chief of the policy development division of the Federal Railroad Administration.

In Springfield, the capital of Illinois and a strategic rail hub and economic nucleus for the Corn Belt, the automobile long ago replaced the iron horse as the citizenry's primary mode of mobility. And huge trucks bring much of the freight in and out of town. But the trains almost 50 a day—still streak through the heart of town. The tracks cross city streets at 146 intersections.

"You can't drive more than a block or two without crossing some tracks," said Franklin C. Schlitt, secretary of the Capital City Railroad Relocation Authority, the agency that is planning the new common rail corridor.

"When those long coal trains come through town at 4:30 or 5 in the afternoon, when everybody's getting out of work, it's a mess; the cars back up for blocks," Mr. Schlitt added.

Terry Kirk, the owner of a local ambulance service, agreed:

"You can get stuck 15 or 20 minutes behind some of these trains. We don't wait; we take other routes, but you have to go halfway across town and lose 10 minutes on an emergency call."

"All those tracks really tear up your equipment, too," Mr. Kirk added. Other motorists complained that constant trips over railroad tracks caused mufflers and other parts of their cars to break loose and to jar the front ends of vehicles out of adjustment.

CUT IN DEATHS SOUGHT

While most of the growing interest in removing the train tracks is based on the desire of local officials to improve the flow of traffic and remove barriers that hurt city planning, Federal officials see the trend as a major step in reducing the nation's perennially high traffic deaths in grade-crossing accidents.

Mr. Loftus said there were about 75,000 street-rail crossings in the nation situated in urban areas of more than 5,000 population. Only about one-third are protected by automatic signal lights or gates. About 500 persons a year die in urban grade-crossing accidents involving trains and automobiles. About twice as many die annually in accidents at the nation's 150,000 or so rural grade crossings.

FUND-RAISING PROBLEMS

The growing efforts to remove rail lines promises to provide ready-made corridors into the center of cities for mass transit systems, express buses or rail commuter lines. But there seems to be little interest among civic planners in reserving such corridors for future transit use.

"Back east, in the big cities you need mass transit, but we don't have that kind of a problem out here," said Mr. Nuernberg, the Lincoln, Neb., official.

Most cities are having difficulty raising money to finance their track relocation projects. Here in Springfield, the relocation authority hopes to meet the $34-million estimated cost by selling some of the abandoned rail rights-of-way and through a small property tax. The affected railroads have given tentative approval to the idea of using a common corridor on the edge of town.

John Chapin, a lawyer who is working on the project here, said:

"There is really no reason for Springfield to be here. There's no river, nothing special. But when Lincoln helped bring the state capital here in 1837, he helped bring the railroads later, and the railroads made us into an agricultural center and later helped bring some industry.

"We still need the railroads," he continued, "but not in the center of town."

Mr. HANSEN of Idaho. Mr. Chairman, I rise to urge support of the amendment to be offered by the gentleman from Iowa preserve the promise made by the Congress to the American people 7 years ago when the Highway Beautification Act was passed. A key aspect of the act dealt with the removal of highway billboards and signs which have so seriously marred the beauty of our Nation's landscape.

The slowness with which Congress has moved to implement the program is a matter of public record and it was not until 2 years ago that we initiated the first practical steps to getting the signs removed. In 1970, we passed the Federal-Aid Highway Act, title III of which authorized the use of $97 million to begin sign removal. Complementing the authorization was the establishment of a Study Commission which was to investigate and study various aspects of the existing law. It was clearly stated in the conference report that:

> The creation of this Commission is not to be construed as derogating in any way from active implementation of the existing program without reduction and authorized during the study.

Yet today, some 2 years later, we are asked by the committee to again delay the removing of highway signs because this Commission has not yet completed its study. We are, in effect, being asked to undercut the progress which has been made in the past 2 years. During this time the States have acted to their detriment in reliance of the 1970 act and have organized the manpower, set up the State procedures, and in every case spent hundreds of thousands of dollars getting geared up to remove the signs.

The committee bill before you has three principal defects. Section 119(b) would allow certain signs to be retained which give direction to natural wonders and scenic or historic attractions. The committee amendment will allow this class of sign to be broadened to include: Rest stops, camping grounds, food services, automotive services, and lodgings. The net effect will legalize 1,200,000 new sign locations which do not now exist. That, Mr. Chairman, is 400,000 more billboards than we currently have.

A further complication is section 119(e) which gives authority to the Secretary, in consultation with the States, to provide within the rights-of-way official signs giving specific information to the traveling public, such as the use of brand-name logo's, such as Texaco, Gulf, Arco, Holiday Inn, and so forth. The committee amendment would only permit the use of these signs on the rights-of-way if it proves impossible to get this information to the traveling public through the use of signs exempted from the act, and off the rights-of-way. The effect of this section, Mr. Chairman, is to effectively undercut regulations which the Department of Transportation has already dissiminated to the States. Oregon's program, for example, would be brought to a complete standstill because its law will not allow the removal of nonconforming signs until these directional signs are in place.

Additionally, the bill would require the Department of Transportation to revise all of its regulations and procedural requirements, and implement the sign removal program on a piecemeal basis, which we all realize is an administrative impossibility, considering the fact that 800,000 signs are nonconforming under the act. The moratorium proposed in section 119(h) places unworkable restrictions on the Department and encourages the sign owners to change the advertising copy to a directional sign, and to use the courts to enjoin the Department in its efforts to administer the program.

Illustrating these serious weaknesses of the committee bill are recent editorials from the Washington Post and the Christian Science Monitor which I would like to have included in my remarks.

I also include a letter from the Honorable John A. Volpe, Secretary of Transportation, in support of this amendment.

I, therefore, intend to vote in favor of the amendment and urge my colleagues to do likewise.

The article follows:

[From the Christian Science Monitor, Oct. 3, 1972]

BAN THE BILLBOARDS

Winking, blinking and flapping products of the outdoor advertising industry have been illegally defacing America's highways for seven years, in blatant disregard of the 1965 Highway Beautification Act. Now, just as the federal government is getting around to enforcing that act, Congress is on the verge of letting the air out of its legal tires.

The puncture comes in the form of a few innocuous words. They lie hardly visible as an amendment to the 1972 federal highway bill. But if passed, the ensuing blowout would wreck the anti-billboard law of seven years ago. That law limits all signs along Interstate and primary roads, except in industrial zones, to directional and other official notices. The new amendment would include signs "pertaining to rest stops, camp grounds, food services, gas and automotive services, lodging" and natural wonders. This exempts every restaurant, hotdog stand, trailer camp, hotel, motel, and gas station now illegally emblazoned with billboards, signposts, neon pop art, and fluttering pennants. In this way highway outlaws would quietly be legalized, and the "natural wonders" referred to in afterthought would remain forever hidden behind the visual litter of a nomad population geared to satisfying its needs at 60 m.p.h.

The irony is that the Department of Transportation is just about to launch a major anti-billboard drive, made possible by a $90 million appropriation set aside by Congress five years late. Now Congress appears about to scuttle the legal base for going ahead. This highway act, incidentally, is the same which contains a provision for setting aside $800 million of Highway Trust Fund money to be used for rapid mass transit. The ever-active highway lobby which is pushing hard for the billboard amendment is fighting equally hard against the effort to unbutton the trust fund.

Some proponents of the trust fund diversion argue that they dare not dilute their efforts in that uphill battle by fighting a diversionary skirmish on the billboard issue.

The cause of clearing America's highways of visual rubbish ought not to be sacrificed for the urgent need to fund new rapid transit systems. Congressmen who hesitate to back both causes need the urging of their constituencies, and soon. A telegram to that effect would be a large contribution at a small price toward a more beautiful and more livable America.

[From the Washington Post, Oct. 5, 1972]

THE BILLBOARDS: UP OR DOWN?

Two years ago, when Congress gave Secretary of Transportation John A. Volpe authority to start taking down the nation's 800,000 illegal billboards located on rural highways, there was some question whether Mr. Volpe would act with resolve or reluctance. To his credit, he took the mandate seriously and has now brought 49 of the 50 states into compliance with federal law. The signs are not falling like dominos—some 50,000 have come down so far—but compared to the five years of inaction since the 1965 Highway Beautification Act when none were felled, the achievements are heartening.

With the sign removal program going well, it is understandable that Secretary Volpe is alarmed at what the House Public Works Committee has approved. First, it asks for a two-year moratorium on directional billboard removal, a proposal that Mr. Volpe believes "would seriously disrupt, if not halt, the significant strides" already made. In addition, the committee would allow a new standard: six signs per mile, three each way. Rep. Gunn McKay (D-Utah) notes one possible result: "rather than removing the 800,000 signs which are now non-conforming, it will allow a total of 1.2 million signs when they are properly placed. Instead of removing signs in beautiful rural America, the new language will allow the sign population along the countryside to grow by 400,000 additional signs." The committee's opinion is that the traveling public needs directional signs—where to find gas, food, lodging and like information. Perhaps so, but at a bombardment of three signs per mile each side of the road? One reason many travelers head for rural areas is to escape the strains of pollution. But with more signs clogging the scenery, what's the use?

The House is scheduled to begin debate this week on the Federal Aid highway bill. The proposals on billboards are not a major issue, but once again the question is whether the public interest or the private interest will be served. Congress has already enacted two pieces of legislation calling for the removal of rural billboards. Nothing has changed to suggest that Congress was rash or unwise. If anything, Secretary Volpe should not have to waste time at this point battling the House Public Works Committee; the battle is against billboard pollution, and presumably a victory was in sight. It can still be won if the House rejects needless changes in the law.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 4, 1972.

Hon. ORVAL HANSEN,
House of Representatives,
Washington, D.C.

DEAR MR. HANSEN: I want you to know that we very much appreciate your support of the Administration by offering an amendment to Section 119 of H.R. 16656. This amendment will allow the highway beautification program to continue uninterrupted. We will be able to fulfill our commitment to the people of America by beautifying our nation's highways.

In July of 1971, I and the Governor of your State, The Honorable Cecil Andrus, commemorated the start of the highway beautification program in Idaho by removing a billboard. At that time, we presented the Governor with a matching funds grant of $4,068,326, which would insure that Idaho would have sufficient funds to remove all of its non-conforming signs pursuant to Federal and State law. Idaho was the first State to be totally funded.

I am pleased to note that Idaho has removed 2,442 signs since that time and will have the remaining non-conforming signs removed in approximately 36 months. It is important not only to Idaho but to all of the States that we finish the job we have started. Forty-nine States have passed compliance laws and entered into agreements with the Department of Transportation. The States have spent a great deal of State funds in establishing their highway beautification departments and are now implementing a viable working highway beautification program. They relied upon the Federal Government, and are dependent on us for continued funding, so that they can finish the task of sign removal.

We have made too many promises to too many States to turn back now. The amendment that you offer will insure the success of the highway beautification program, thus making it a credit to everyone who is committed to the improvement of our environment, a healthy Federal-State government relationship, and the implementation of this important highway program with the least amount of disruption and inconsistency.

Thank you for your support.

Sincerely,

JOHN VOLPE.

Mr. FRENZEL. Mr. Chairman, an area not fully covered in this legislation is the question of highway noise pollution. These noise levels are increasingly severe environmental pollutants. There exists no provision in this legislation to deal realistically with the noise problem. An amendment being offered by Representatives FRASER, GUDE, and MCKENNY, among others, promises significant improvement in this field. The amendment broadens the Secretary's authority to establish and finance noise control projects along existing freeways.

Further it would authorize the construction of noise barriers, acquisition noise buffer zones, and provide land scraping and resurfacing assistance. These are necessary improvements and I urge the Members support.

Mr. DON H. CLAUSEN. Mr. Chairman, the priority primary provision is a most important part of this year's Federal-Aid Highway Act. As the responsible committee in the highway field, the Committee on Public Works has been besieged in recent years with requests from communities, States, even regions of the country to expand the interstate system or to authorize special programs for supplementary systems which would connect with the Interstate System.

In response to these requests, but as an alternative to further expansion of the interstate system, the committee, after careful study, believes it desirable to encourage and assist the States in building a new intermediate system of highways. The aim would be to improve a limited, integrated system of supplementary routes to be specially financed out of revenues from the highway trust fund. In conjunction with the interstate system, the new routes will provide accessibility to over 90 percent of all urban population and nearly all urban places of over 50,000 in size. In addition, such routes would provide much needed service to those rural regions through which they would pass.

A listing of those States interested in new routes which have been brought to the attention of the committee and should certainly be considered in this selection would include the State of Massachusetts—which may perhaps be characterized as the genesis State of this proposal—Texas, Oklahoma, Louisiana, and Arkansas, in addition to my own State of California.

I have for many years advocated the need to move toward accelerating the construction timetable on our primary and secondary roads, our bridges and other highways that are considered unsafe, functionally inefficient and have caused many traffic accidents and deaths in addition to inhibiting orderly economic growth in economically depressed areas.

Highway 101, in our beautiful redwood empire with the new 70–30 percent matching formula change that takes place after June 30, 1973, because of the committee accepting my suggestion in the Highway Act of 1970, will permit us to construct a safe four-lane highway from San Francisco to the Oregon border and, hopefully, also permit earlier construction of lateral highways from the Sacramento Valley to our highway 101 and other redwood empire roads thus permitting us to promote our tourist business on a year-round basis and permit more people to safely visit our beautiful redwoods, seashores, rivers, mountains, and other unique and historic landmarks.

Further, the bill approved by the other body contained a proposal to explore the feasibility for including new routes on the Interstate System. That section of the Senate bill covered several additional States including Missouri, Georgia, Alabama, Mississippi, Tennessee, Utah, Nevada, and New Mexico.

Whether or not these routes are included as routes on the new priority primary, I have no way of knowing. But the 10,000 miles of additional supplementary miles authorized by this provision will provide a means for them to be constructed if needed.

To fund the new program, $300 million will be authorized for each of the fiscal years 1974 and 1975. Providing this amount of money for this type of program should enable us over the next several years to substantially improve those principal arterials of the Nation off the Interstate System which are in desperate need of such upgrading. I, therefore, urge that the motion to strike this important and much desired provision be defeated.

Mr. CONTE. Mr. Chairman, I rise in support of this amendment. As ranking minority member of the Transportation Appropriations Subcommittee, I have fought for years for a greater Federal commitment to urban mass transit. The importance of this commitment can hardly be overemphasized. Expansion of city boundaries and the exodus to the suburbs during the last decade have created millions of new commuters. It has been estimated that 18 million persons ride the Nation's mass transit systems every day and that 50 million more drive to work in automobiles. There are now 80 million cars, twice the number that existed in 1950, clogging areas in and around our cities.

It does little good to travel by superhighway from the boundary of one metropolitan area to the outskirts of another in record time—only to spend that same amount of time, because of massive traffic jams, struggling to reach a destination within the city itself.

To meet this problem, it is imperative that our localities be given the opportunity to establish a balanced transportation system suited to their own particular needs.

The Anderson amendment to the Federal Aid Highway Act of 1973 would provide this opportunity and I urge my colleagues to adopt it. Therefore, I hope the previous question is not adopted, so the amendment will be in order.

Mr. WOLFF. Mr. Chairman, I rise in support of the following proposal. This is a very necessary proposal which will have significant meaning for highway users around the country. The proposal I am offering broadens the term, "construction," to include the term, "maintenance"; very simply, my amendment would enable the Federal Highway Administration to earmark some of its funds for road repair and maintenance.

Under present law, State highway departments and local government agencies have full responsibility for maintaining roads which are part of the Federal-aid system. Certainly, the poor condition of many of our roads, particularly our well-traveled urban roads, indicates the fact that our States cannot fully meet this responsibility without some form of financial assistance from the Federal Government. The bill we have before us authorizes funds for the extension of Federal-aid primary and secondary systems, namely in urban areas. The problem facing us in many urban areas, however, is not so much the need for new construction but the deterioration of existing roads which have suffered from overuse, weather and vandalism. It makes little sense to me that we continue to expand and improve our Federal highway system while the roads we have built in the past fall into hazardous despair. The argument is frequently advanced by defenders of the highway trust fund that its revenue comes from various motor vehicle taxes and that its expenditures should accordingly be limited to those functions which directly benefit highway users. Surely, road maintenance and repair, eliminating hazards and accident-provoking disrepair qualifies as such a function.

Mr. Chairman, I expressed my concern in this matter to the Federal Highway Administrator and was told that, under existing law, it is impossible to interpret the regulations of road construction to include maintenance and repair. My proposal will permit this interpretation, enabling the Highway Administration to fill some of our potholes that are a menace to traffic and repave some of our roads with Federal highway funds. Mr. Chairman, for the safety of highway users who are daily threatened by road hazards caused by deterioration, I urge adoption of my proposal to broaden the term, "construction," to include maintenance and road repair.

Mr. VANIK. Mr. Chairman, the Federal-Aid Highway Act of 1972, in its present form, will only serve to aggravate the present problems of transportation which exist in our Nation today. I must oppose this bill.

This bill overlooks the problem of intracity and intercity movement which have become a critical national concern. It is becoming increasingly apparent that cities of the future will not permit every citizen to move freely to work, to shop, or to recreation in his own vehicle. Mass transit developments are essential to limit pollution, and the choking congestion that for most people extend both ends of the working day by 2 hours.

In the 1920's there was a great need for more and better highways. This need still existed in 1954. In 1972, the country is virtually crisscrossed with highways. The new Interstate System, which is nearly completed, will be 42,500 miles long, and will extend into every one of the 48 continental States. As our cities fall into decay with increased air pollution and congestion, we continue to ignore the increasing demand for mass transit in our major metropolitan areas—but we continue to pave the open spaces of our Nation and destroy whole neighborhoods with swaths of concrete.

The highway trust fund has become an "untouchable" that we worship without reason. Those who benefit from highway contracts with the Federal Government have successfully protected it from any mass transit "funding intrusion."

Our cities are quickly becoming "seas of concrete." Two-thirds of our urban areas are already covered by pavement.

The automobiles which use these highways are the largest source of America's pollution problem, contributing an estimated 60 percent of all air pollutants by exhaust emissions. They consume approximately 55 percent of our already scarce petroleum resources.

Further delay in Federal promotion of mass transportation using highway trust fund moneys is inexcusable. All transportation funds should be directed to the needs of the community, not the needs of the contractors.

Section 143 of the proposed bill merely "whistles in the wind" by appropriating $95 million to study the "need" for mass transit—we know there is need, now we need action.

Today I supported the rule that endeavored to open the highway trust fund to the needs of mass transit. Unfortunately this motion lost on the floor of the House.

The clearest proof of mass transit success thus far is in Cleveland, where extension of the rail rapid transit line to Hopkins International Airport has produced twice the rail passenger traffic estimated in the course of projected planning. Acquisition of additional rail cars represents a 50 percent increase from earlier projections.

More than half of all rush hour trips to and from downtown Cleveland are assisted by mass transit—but more is needed. As the Greater Cleveland community has grown to the east, west, and south—transit is needed to keep the inner city alive and accessible without pollution, congestion, and accidents.

The transit amendment I sought to support today would have provided a great opportunity for the Cleveland area to acquire more Federal funds for needed transit facilities.

I cannot support this legislation which in its present form defies adjustment to our present and future transportation needs.

Mr. KOCH. Mr. Chairman, I would like to speak about the amendment that will be offered by the gentleman from California (Mr. ANDERSON) to allow States and localities to use the $700 million allocated to the Federal aid urban system for public transportation as well as highway purposes. I submit that this is a modest proposal. It affects only part of the Federal Aid Highway Act—those funds allocated specifically to urban areas where mobility often requires the development of good mass transit to supplement local road systems.

The Anderson amendment does not mandate mass transit development nor alter the distribution of funds to urban areas. It does not take funds from other parts of the highway program. It simply provides States and localities with the option to use this urban system funds for mass transit and/or highway projects in whatever form of transportation they deem necessary to meet the needs of their communities.

Nevertheless, there are those who argue that highway revenues, taken from gasoline and tire taxes, should be spent only on highway projects for they reason that only these benefit the highway user. It is on this very point that their vision is shortsighted.

Do more highways necessarily benefit highway users? Or at this point in time can mass transit perhaps better serve highway users, as well as their own users, in many urban areas? History has shown that new highways simply attract more cars that slow the pace of traffic and ensnarl the streets of our central cities. Furthermore, no matter how well roads may be constructed, accidents increase in proportion to the number of automobiles on the road. The automobile is the No. 1 killer of persons under

35; in addition to the tragic toll in lives, in 1969 automobile accidents cost this country $28 billion in bodily damage and $12 billion in property damage.

There comes a point of no return in highway building. No matter how many freeways we build, central cities can cope with only so many cars. Not only are there the inevitable time consuming and wearing traffic jams, pollution problems, and loss of taxable land, but valuable business district land must be devoted to car storage—up to 50 percent of this land in some cities. The alternative for moving large numbers of people is public transportation by bus or rail. When large numbers of people are traveling at the same time with the same destination, this is a more efficient alternative, and a much safer one too. As the late Walter Reuther so aptly put it at a committee hearing in 1966 when he was president of the United Auto Workers:

> I think it is absolutely ridiculous for 100,000 Americans living in the same urban center to try to go to the same place for the same purpose at the same time, as each drives a ton and a half of metal with him. I just think that this is utterly stupid from an economic point of view and from a human point of view.

Mass transit also relieves our highways of commuter traffic congestion, making the automobile and truck driver's trip faster and safer—certainly a direct benefit to the highway user. As it is today, many truckers and interstate travelers find themselves making good time traveling between cities only to lose the time they gained in urban and suburban freeway traffic. What mass transit will do is get the commuter traffic off the road, leaving the road to those who must drive. Furthermore, it will give all automotive drivers an alternative form of transportation; it is time that we give the traveling public some options too.

What is wrong with transportation in America today is that the functional relationship that does exist between mass transit and highways is not reflected in our planning and funding of transportation programs. In 1966 the Department of Transportation was created to provide a coordinated administration of our Nation's transportation programs; but this objective has been severely hampered by the continued separate modal administrations of the various programs. To argue that public transportation is not highway related is absurd. They are all part and parcel of the same thing: our Nation's transportation system—except that highways consume 60 percent of our Federal transportation budget and mass transit 4 percent. The House Public Works Committee bill, nearly doubling the present $4.5 billion level of expenditures without considering any public transportation needs, only promises to aggregate this disparity.

This has been a year in which many industrial leaders have to recognize that this country cannot survive if it does not have a balanced transportation system. Early this year Mobil Oil Corp. started an ad campaign calling for a national mass transportation program tying all forms of transportation together. Mobil also called for the review of the completion of the Interstate System and improved mass transit. Automobiles are important to Mobil and yet in its ad Mobil said:

> . . . traffic jams, and a glut of cars using too much gasoline to haul too few passengers waste many resources, including oil.

Automobile sales are also important to the big four auto manufacturers, and yet the heads of these companies supported legislation in Michigan to allocate some of that State's highway trust fund's revenues to mass transit.

Perhaps, however, the most eloquent and persuasive spokesman for the administration for providing a unified transportation program has been Secretary of Transportation John A. Volpe. He has personally worked to improve mass transportation and he has spoken out vigorously and persuasively on the need to give States and localities more flexibility in the use of their transportation funds.

When I first came to Congress, I introduced a bill cosponsored by over a hundred Congressmen, to create a mass transportation trust fund. I have also introduced in this Congress a bill to provide for the establishment of a single national transportation trust fund. This bill would combine in a single trust fund the highway, mass transit, railroad, and airport programs. It is in my judgment the most efficient and desirable approach to the entire subject.

Only when localities have one source of transportation funding; namely, a single trust fund, will they be given a real choice in determining what form of transportation to construct. It is time that the Congress act to provide some of this needed flexibility in the Federal aid highway bill.

Mr. BIAGGI. Mr. Chairman, I rise in support of the Federal-aid highway bill and urge its passage. The massive program to link this country from coast to coast with a network of interstate highways has been highly successful and has made Americans among the most mobile people on earth.

I previously voted against the previous question, however, because I feel that our efforts must now be directed toward developing a balanced transportation system. In the metropolitan areas of our Nation, mass transit needs are crying out for funding. Only 4 percent of the Federal transportation budget is going toward these needs. The vast resources of the highway trust fund should be put to use in improving and developing mass transit systems.

What many in this Chamber fail to see is the benefit that will accrue to drivers of automobiles and trucks if more people can be attracted to trains and buses. A balanced transportation system will mean better transportation for all the traveling public regardless of what mode they use.

Permitting local officials the option of using highway trust funds for mass transit purposes is a sound approach. The adoption of the rule not allowing this provision to be offered as an amendment was a travesty.

In the city of New York, for example, many millions of people drive cars and pay Federal gasoline taxes. It is highly probable, however, that they travel only on city streets and never on the Interstate Highway System. Thus they obtain no benefit from the highway trust fund. Yet if some of this money would be diverted to improve New York City's subway system, they might indirectly benefit by having reduced traffic levels in the city.

I am sure in many areas of the country—particularly in the West—the people enjoy little benefit from the highway trust fund. Yet their gasoline taxes go to pay for interstate highways that primarily serve the needs of commerce and industry.

This country must develop a balanced transportation system. This bill could have been a step in that direction had the amendment been approved. The vast majority of Americans want to see the development of such a system.

Mr. BLATNIK. Mr. Chairman, this distinguished body, to which I have devoted my entire career, faces momentous decisions on the legislation that is before us today—decisions that will shape national policy on the Federal-aid transportation system for the remaining years of this century.

Within the next 30 years, the population of our country will double, and, if we continue on our present course, 80 percent of that growth will take place in the already congested urban areas that occupy no more than 3 percent of our land area. No prophetic vision is required to foresee the chaos that will then exist if we allow ourselves now to be divided by needless conflict instead of uniting on a prudent course of action.

There is no cause for conflict. The question before the House today is not whether one form of transportation shall be the chosen instrument of the future, but how best to meet the very different—and equally pressing—transportation needs of rural and urban America.

I am wholly in accord with those Members who are pleading the case for Federal aid to build more mass transit facilities to relieve the traffic congestion that is paralyzing our major metropolitan centers.

And I agree with those other Members who contend that there is urgent need for a great expansion of our primary and secondary road systems to serve the millions of countryside Americans who live outside the urban areas and whose needs have been overlooked in the highway programs of the past.

Mr. Chairman, we must have both mass transit and highways. And if we are ever going to have them, if we are ever going to resolve our transportation crises, we must face up to the fact that there is not enough money in the highway trust fund, or in any other existing fund, to pay for them.

Trying to do both jobs out of the same limited pool of Federal money makes about as much sense as trying to stretch a baby's clothes to fit a giant. And we are playing a cruel hoax on the people of this country if we tell them it can be done.

Just a few short days ago, for example, this body did not hesitate to authorize Federal spending of more than $24.6 billion to help the cities and towns of America clean up their polluted waters. We did not hesitate because we recognized the clear and present need for action on a scale that not too many years ago would have been considered fantastic.

We met the problem head on, with a program tailored and funded for the size of the job, knowing that the public was thoroughly aware of the crisis of our waters and thoroughly prepared to pay the price.

Mr. Chairman, I am confident that the citizens of this country will respond to the crisis of our transportation system, once they have been fully informed as to what must be done, and how much it will cost them.

But let us not delude them and ourselves with the notion that the job can be done on the cheap by grabbing a fistful of mass transit money out of the highway trust fund this year and another fistful next year.

The Federal Aid Highway Act of 1972 clearly recognizes the dual nature of our transportation problem: It clears the way for genuine rather than token action on mass transit for the cities, and it makes a start toward closing the gap that has existed for too long in the rural and semirural sector of our highway system.

The people who live and work in my part of the country and in all the other areas of countryside America have been paying for the interstate system and their taxes will go into mass transit for the big cities, but little or nothing has been done to provide them with decent roads.

As an example, I invite you to study the map of my part of the North country. From the top of Minnesota across northern Wisconsin to the top of Michigan, the map is blank, because there just are not any roads worth mentioning.

I hope the House will agree that there is an urgent need to build and improve the primary and secondary roads on which millions of our rural citizens depend. This kind of construction costs no more than $20,000 to $40,000 a mile, in contrast to what we are spending for highways in and around our big metropolitan centers. Just across the Potomac in northern Virginia, for instance, the Shirley Highway is being expanded into an eight-lane superhighway, with all kinds of complex interchanges, at a cost of $45 million per mile. That's anywhere from 1,000 to 2,000 times more than it would cost to build a mile of badly needed road in northern Minnesota, Wisconsin, or Michigan.

We are attempting in this legislation to do something more than just build concrete lanes in the forgotten back areas of America. For one thing, this bill creates a wholly new program of economic growth center highways, funded at $150 million a year for fiscal years 1974 and 1975, to stimulate economic activity in these rural and semirural areas.

This program was set up as a demonstration project in the 1970 Highway Act; it is now funded as an ongoing operation which we believe should be expanded in the next legislation. It is an important element in the overall economic development effort which the Public Works Committee has initiated to revitalize economically depressed areas around the country which, for one reason or another, have not been able to share fully in the general prosperity.

It has long been apparent that something must be done to halt and reverse the tide of migration from countryside America to the congested cities. We must find ways to add economic opportunity to the social and psychological advantages that make rural and small-town living attractive to millions of our people. If we can accomplish that, if we can attract more young people back to the land, we will alleviate many of the problems our big cities face today in the form of traffic congestion, street crime, drug addiction, and all the related ills that seem to befall places where too many people are trying to live too close together.

Many of our smaller towns, because of their relative isolation and the lack of job opportunities, have been losing a big share of their young people to the already crowded cities. This economic growth highway program is aimed at attracting business and industry to the open space of rural America, and giving young people a chance at hometown jobs with the added attraction of countryside living.

One of our greatest problems, as we move into the final decades of the 20th century, is loosely defined as "overpopulation," but might more properly be termed "maldistribution of population."

America has room for all our people and can support the growth we expect; but not by compressing all of them into a few large, unmanageable urban sprawls.

Our greatest task in the coming decades will be to encourage more even distribution of people throughout the entire Nation.

All over the great hinterland of America there are towns and villages set down in delightful surroundings, where the quality of life is high. They lack only jobs, opportunities for people who enjoy rural living and do not want to be forced into the crowded cities by economic necessity. These areas have ample supplies of workers and they would be ideal industrial locations, but no large plant can locate there because their roads are inadequate. They are inaccessible for all practical purposes.

A good road system would enlarge the area from which new industries could draw their workers and would enable the workers to find good, diversified employment without leaving their present homes.

Mr. Chairman, roads have a direct impact on where people live. When we build a road from an outlying area into a city, we guarantee that more people will settle along this road.

When we concentrate road building in the metropolitan areas, we add to congestion, overconcentration of people in the megalopolis.

We can play an important role in reversing this trend, in giving Americans a far greater choice of lifestyles, locations, simply by funding the economic growth center highways.

Does this bill also move toward the development of mass transit to serve our cities? It does, Mr. Chairman, and it does so in what I consider to be a most judicious manner.

Earlier this year, the Secretary of Transportation submitted to Congress a report estimating our mass transit needs at $63.45 billion by the year 1990.

Section 143 of this Federal-Aid Highway Act of 1972 specifically directs the Secretary, in cooperation with the State Governors and appropriate local officials, to evaluate that report as it applies to all urban areas where mass transit problems may exist.

This evaluation is not just another wheelspinning study; it is an action plan to be presented to the Congress by January 31, 1974, little more than 15 months from now. The evaluation will include developing a program to meet the public mass transportation needs of each urban area in the Nation.

Mr. Chairman, I emphasize that each urban area will be the subject of a separate evaluation, because the mass transportation needs of our big cities are by no means identical. What the Los Angeles commuter needs to get him to and from work is far different from the needs of his counterpart in New Orleans, or New York, or Chicago, or Washington, D.C. A big investment in rapid rail transit may be the solution for one metropolitan area, buses and special bus lanes for another, and a combination of the two for a third.

In his evaluation, the Secretary will determine operating and maintenance costs of each urban mass transportation system, as well as appropriate fare structures, and will analyze the Federal, State, and local funding capabilities for meeting these needs.

When this information and these programs are submitted for study by the Congress—and surely 15 months is not an interminable delay in consideration of a program of this magnitude—we will be in a solid position to determine what funds may be needed from the highway trust fund and other sources for mass transit. We will raise the necessary money, as we did in the water pollution control program, and I will help raise the funds.

We are going to need enormous sums of money in the years ahead to provide the mass transit facilities that our urban centers must have. And snatching $800 million, or even $2 billion, out of the highway trust fund would not even make a dent in the total need. As I have already said, there just is not enough money in the fund to do everything that has to be done, let alone everything we all would like to do.

We are not going to solve our problems by pitting rails against road in competition for the highway trust fund. This legislation recognizes the limitations of the trust fund; it recognizes that new sources of funds must be found and brought to bear on the totality of our Nation's transportation problem.

Mr. Chairman, I urge my colleagues to approve this bill.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 16656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, and June 30, 1975, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92–29.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000, for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, and $3,000,000 for the fiscal year ending June 30, 1975.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for the fiscal year ending June 30, 1975.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104 (b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF RED TAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 113. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U244(10), UG 244(9), U 244 (8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

SIGNS OF PROJECT SITE

SEC. 115. The last sentence of subsection (a) of section 114 of title 23. United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 117. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 118. After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

CONTROL OF OUTDOOR ADVERTISING

SEC. 119. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the Interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof of the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 120. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 121. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 122. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 123. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 124. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 125. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(d) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 126. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement as supplementary routes to extend and supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities as well as extensions. A total of not more than 10,000 miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) Priority primary routes selected under this section shall be improved to geometric and construction standards for the Interstate System, or to such other standards as may be developed cooperatively by the Secretary and the State highways departments in the same manner as are standards developed for the Interstate System.

"(c) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(d) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before January 31, 1974.

"(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975. One-half of such funds shall be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 127. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 128. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof $25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 129. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83–350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 130. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 131. (a) Subsection (1) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: "The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 132. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commisson of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however*, That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedules of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission, nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressely reserved.

INTERSTATE ROUTE NUMBERED 90

SEC. 133. The Secretary of Transportation is authorized to pay to the State of Illinois, not to exceed $55,000,000 on condition (1) that all of Interstate Route Numbered 90 within the city of Chicago, Illinois, shall be operated free to the public, on and after the date such payment is made, and (2) that the Secretary finds that the operation of such route free to the public will avoid the need for the expansion of the traffic capacity of any parallel portion of Interstate Route Numbered 94 within such city serving the same traffic corridor, which expansion would be at a cost in excess of such payment.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 134. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such section of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 135. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance wtih paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 136. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serves the public interest.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 137. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 138. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

THREE SISTERS BRIDGE

SEC. 139. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Act Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

SEC. 140. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 141. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 142. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

PUBLIC MASS TRANSPORTATION

SEC. 143. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than January 31, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 144. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 145. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point

The CHAIRMAN Is there objection to the request of the gentleman from Texas?

PARLIAMENTARY INQUIRIES

Mr. HALL. Mr. Chairman, reserving the right to object, under the reservation I would make a parliamentary inquiry as to whether or not points of order would have to be lodged, that might be appropriate against title I, at this time, if such unanimous-consent request is granted.

The CHAIRMAN. No. The Chair will state to the gentleman, under the rule the committee amendment in the nature of a substitute is read as an original bill by title for the purpose of amendment. It is the understanding of the Chair that points of order would need to be lodged only at the time a particular amendment were offered.

If the gentleman wished to raise a point of order as to the text of title I, that point of order would need to be lodged immediately upon the granting of the unanimous-consent request now pending before the committee.

Mr. HALL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Could a point of order be lodged against a subsequent title if and when unanimous consent is granted to consider that title read, printed in the RECORD, and open to amendment at any point?

The CHAIRMAN. The only thing pending before the committee is the unanimous-consent request relating to title I. The granting of that request would have no effect on the parliamentary situation as to subsequent titles.

Mr. HALL. I thank the Chair. I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. DINGELL. Mr. Chairman, reserving the right to object—and I will not object—I just want to have assurance that we will not find ourselves restricted as to time for offering amendments because of a motion to limit time for debate in the Committee. If we have that understanding I certainly will not object.

Mr. WRIGHT. I will say to the gentleman that one of the purposes of having the title considered as read and open to amendment at any point is to reserve the maximum amount of time for debate on amendments rather than to consume the time in reading the text of the bill.

Mr. DINGELL. Mr. Chairman, then I certainly do not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California:

On page 82 after line 21 insert the following:

"(b) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas, so as to increase the efficiency of the Federal-aid system, sums apportioned on or after January 1, 1973 from funds apportioned after the date of enactment of this Act, in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of construction of and acquisition of facilities and equipment for public mass transportation projects. For purposes of this subsection the term 'public mass transportation' means ground transportation which provides general or special service (excluding schoolbus, charter, or sight-seeing service) to the public on a regular and continuing basis, and includes activities designed to coordinate such service with other transportation. Projects which may be financed under this subsection shall include, but not be limited to, exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers, construction of fixed rail facilities and the purchase of passenger equipment, including rolling stock for fixed rail."

And reletter succeeding subsections and references thereto accordingly.

POINT OF ORDER

Mr. JONES of Alabama. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. JONES of Alabama. Mr. Chairman, the proposed amendment is in violation of rule XI. The jurisdiction over how funds from the highway trust fund may be used is and always has been in the Committee on Ways and Means. That committee was responsible for the enactment of section 209 of the Highway Revenue Act of 1956. It is that act that created the highway trust fund and designated in section (f) how expenditures from that trust fund may be made. The language of that act categorically and clearly limited expenditures from the trust fund to those attributable to Federal-aid highways.

This is clearly an invasion of the jurisdiction of the Ways and Means Committee.

The second proposition, Mr. Chairman, is that the proposed amendment is not germane and is foreign to the objectives of the bill. The entire thrust and purpose of the bill is to enhance and develop Federal-aid highway systems and use.

Twice before, on August 11, 1966 in the RECORD of that date at page 19103 and again on July 3, 1968 in the RECORD on page 19926–7 an effort was made to amend a highway bill to make funds available from the highway trust fund for mass transit uses. On both occasions the chair sustained points of order holding that the amendments were in violation of rule XVI clause 7.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. ANDERSON of California. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ANDERSON of California. Mr. Chairman, first, the previous speaker raised his points on both the jurisdiction, and the germaneness of the bill.

First, on the issue of jurisdiction—Mr. Chairman, sec. 209(f) of Public Law 84–627, which authorizes expenditures from the Highway Trust Fund states:

> Amounts in the trust fund shall be available . . . to meet those obligations . . . incurred under the Federal-Aid Road Act . . . as amended and supplemented, which are attributable to Federal Aid Highways.

That section was written by the Ways and Means Committee.

However, it is the Public Works Committee which has traditionally determined the obligations to be incurred under the Road Act—now the Federal Aid Highway Act.

Examples of Public Works action—affirmed by the Congress—which broaden the trust fund uses without amending the Highway Revenue Act are the following:

(1) 1962 Highway Act allowed relocation payments to be included as part of the cost of construction.

(2) 1970 Highway Act authorized the use of trust fund money for the construction of:

a. exclusive busways,
b. passenger loading facilities,
c. bus shelters,
d. fringe and corridor parking facilities.

Also—construct new housing when replacement housing was not available. Also—ferry boat construction.

Thus, I contend that the public transportation amendment which expands the use of highway trust fund moneys—is not a tax matter—but rather is a disposition of those taxes, a public works matter, when regarding Federal Aid Highways.

On the second point, of germaneness, under clause 7 of rule 16 "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

So, the central question is—does the amendment which authorizes the use of urban system funds for public transportation differ from the intent of the bill?

I contend that the public transportation amendment is directly related to the avowed purpose of both the law, and section 122 of the bill.

The law—Public Law 91–605—created the "Urban Highway Public Transportation" system with the express purpose "to encourage the development, improvement, and use of public mass transportation systems" by authorizing highway trust fund moneys "to finance the Federal share of the costs of projects for the construction of—exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

And, again, in 1970, the Congress recognized the need to establish public transportation systems to complement and supplement the highway system.

Section 134 of title 23 authorized the Secretary of Transportation to designate as "critical transportation regions", those areas where "the movement of persons and goods has reached a critical volume," and "most urgently require the accelerated development of transportation systems embracing various modes of transport."

It is clear that the 1970 act represented a congressional awareness of the need for improved public transportation in our urbanized areas.

In addition to the law, the bill before us today continues and expands upon the public transportation sections. Section 122 authorizes the use of trust fund moneys to finance the Federal share of the construction of exclusive bus lanes, passenger loading areas and facilities. This section also authorizes the Secretary to make Federal-aid rights-of-way available to accommodate needed rail or nonhighway public mass transit programs.

To its credit, the committee also authorized $75 million to evaluate the public mass transportation portion of the 1972 National Transportation Report submitted by the Secretary of Transportation.

Very briefly, Mr. Chairman, the current law, and the bill before us today recognize that our highway system could be more effectively utilized if we encouraged mass transportation systems, so as to obtain the maximum benefits from the heavy public investment in urban highways.

Certainly, if it is germane to use trust fund moneys for ferryboat construction and acquisition—if it is germane to use trust fund money to construct new houses and new businesses—if it is germane to authorize trust fund money for the construction of bus shelters.

Certainly it is germane to permit cities to use trust fund moneys to construct and acquire mass transit systems which goes to the purpose of the bill "to encourage the development, improvement, and use of public mass transportation systems."

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. JONES of Alabama. Well, Mr. Chairman, the gentleman from California has brought out, I think, some very pertinent observations, and that is that in the 1956 act and in the successive acts what the need for the accommodations of the highway system were.

That did not mean they went beyond the authority of the 1956 act. And when he talks about ferryboats, we recognized in the 1956 act the need to continue in the State of Alaska the ferries which were a continuity of the highway system in Alaska.

So I see no reason why a sign board or a restroom would not be a part of the Interstate System.

Does the gentleman mean to make the distinction in here now between a sign on the highway or a restroom as being a function or requirement going beyond the use of highway funds money? That is what we are talking about. We do not go into the consequences of whether or not there is going to be a rapid transit bill, or whether there is not. The question is are we going to violate the highway trust fund for other than what it was specifically created?

The CHAIRMAN (Mr. Udall). The Chair is prepared to rule.

The gentleman from Alabama (Mr. Jones) makes the point of order that the amendment offered by the gentleman from California (Mr. Anderson) is not germane to the committee amendment in the nature of a substitute to the bill, H.R. 16656, and makes the additional point that the matter contained therein is within the jurisdiction of another committee.

The Chair of course is unable to deal with the merits of the public policies involved in the proposed amendment, and the Chair states that this point of order presents a close and difficult parliamentary question to rule upon.

The amendment to section 122 of the committee amendment in the nature of a substitute would add a new subsection 142(b) to title 23 of the U.S. Code to permit apportionments to be made from the highway trust fund for the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas. The term "public mass transportation" is defined in the amendment to mean "ground transportation which provides general or special service—excluding schoolbus, charter, or sightseeing service—to the public on a regular and continuing basis", and projects which may be financed under this new subsection include, in addition to bus and highway facilities, "fixed rail facilities and the purchase of passenger equipment, including rolling stock for fixed rail."

The Chair has examined the section of the bill, and the section of existing law, which the gentleman from California seeks to amend. Section 142 of title 23, as rewritten in the committee substitute, relates to apportionments from the highway trust fund to finance the Federal share of construction costs of separate bus lanes, highway traffic control devices, bus passenger loading areas and facilities and certain parking facilities to serve bus and other mass transportation passengers, in order to encourage development of mass transportation system—not including rails—which use motor vehicles on the highways.

It is clear to the Chair that section 142 of existing law, and section 122 of the committee substitute, are structured to exclude rail facilities and rail rolling stock from their coverage.

The Chair notes that on two occasions Chairmen of the Committee of the Whole have ruled that, to a bill authorizing funds for Federal aid highways, an amendment permitting the diversion of funds apportioned to a State from highway construction to urban mass transportation was not germane. One of those rulings was on August 11, 1966, and the other on July 3, 1968. The Chair notes that on those occasions, as now, existing law—The Highway Revenue Act of 1956—specifically provided that amounts in the highway trust fund shall be available, as provided by appropriation acts, for making expenditures—to meet those obligations of the United States—which are attributable to Federal-aid highways.

The Chair has reviewed the situation when the Federal Aid Highway Act of 1956 was brought to the floor, and notes that, despite the fact that title I of the Highway Act of 1956 was considered by the Committee on Public Works, and title II, the so-called Highway Revenue Act, was considered by the Committee on Ways and Means, the two titles were brought to the floor and considered as one bill. The two parts passed as one act, and the provisions of title II, specifically those in section 209 relating to the creation of and expenditures from the highway trust fund, were clearly intended to control the uses to which that trust fund could be put.

The Chair would also like to point out one additional vital point here. The subject of urban mass transportation by rail has been considered by the Committee on Banking and Currency. That committee has reported and the Congress has enacted the Urban Mass Transportation Act.

Also the Committee on Interstate and Foreign Commerce has reported legislation dealing with rapid-rail transportation and assistance to the railroad industry generally.

This amendment would place in this bill and in the jurisdiction of the Committee on Public Works a subject matter heretofore not within that committee's jurisdiction.

In the precedents cited by the Chair, as in the present case, the amendments offered constituted an attempt to broaden the scope of the pending section of the bill beyond that contemplated in the committee bill. For this reason, the Chair feels constrained to hold that the amendment is not germane to section 122 of the committee substitute, and sustains the point of order.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Anderson of California: Page 82, after line 21, insert the following:

"(b) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as "buses") within urban areas on the basis of local transportation need, so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail." and reletter succeeding subsections and references thereto accordingly.

On page 83, line 2, strike out "subsection (a) of".

Mr. JONES of Alabama. Mr. Chairman, I make a point of order against the amendment, but will reserve the point of order for an explanation.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment offered by the gentleman from California.

The Chair recognizes the gentleman from California.

Mr. HARSHA. Mr. Chairman, I wonder if the gentleman from California would extend me the courtesy of providing me with a copy of the amendment as I would like to see what he is talking about.

Mr. ANDERSON of California. Mr. Chairman, my amendment is very, very simple.

After listening to the Chairman's ruling a moment ago which placed great stress on rails, and fixed rails, and fixed rail facilities, I have introduced an identical amendment to the previous one except that I have taken out every reference to rails, so it applies now only to buses.

That is what the amendment does.

Mr. Chairman, I would revise and extend my remarks and say in the interest of saving time that my amendment does basically what I described earlier and now I contend this amendment would surely comply with the ruling of the Chair. I contend this amendment is germane.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama (Mr. Jones) desire to be heard on the point of order.

Mr. JONES of Alabama. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. JONES of Alabama. Mr. Chairman, I renew my point of order on the same grounds that I propounded the objections to the other amendment.

This goes into the buying of buses and operating bus systems. Therefore, it is clearly more of a trespass on the jurisdiction and the authority than it was in the original amendment.

For the life of me, I cannot understand where you are taking travel capacity under a Federal-aid system and try to make apportionments to a rapid transit system that it would not be so objectionable to what we are trying to decide here—and that is a highway bill.

It includes loading areas, facilities, shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock.

Consequently, the amendment just puts us into the business of buying buses.

Mr. Chairman, I cannot understand why the point of order, if it could be sustained as against the first amendment, would not be sustained on this amendment.

Mr. ANDERSON of California. Mr. Chairman, the amendment which I offered a few minutes ago was ruled out of order because it authorized highway trust fund money to be used for construction and acquisition of rail transit, and that rail transit was not considered a highway purpose.

The amendment I am now offering meets that objection by deleting the provision which authorizes the construction and acquisition of rail or rolling stock.

Thus, it is germane to the bill since it deals solely with highway public transportation which is section 122 of the bill before us.

The law states that "Trust funds shall be available" for projects "which are attributable to Federal-aid highways."

The bill before us allows the use of those funds for:

First. Contruction of exclusive or preferential bus lanes;

Second. Bus passenger loading areas and facilities; and

Third. Fringe and transportation corridor parking facilities to serve bus passengers.

My amendment expands that concept to allow trust fund moneys to be used for the acquisition of buses, which are "highway related."

The Committee on Public Works, on page 2 of the report recognizes this fact.

The committee report states:

> This Committee recognizes that bus mass transit is the major part of all mass transit and because of its operational flexibility is eminently suitable for utilizing the vast capital investment represented by the nation's highways and streets.

The Public Works Committee, on which I proudly serve under my leader, Mr. Blatnik, stated that—

> Bus mass transit is a legitimate concern of the highway program.

I agree with the committee, and certainly feel that this amendment is germane to the legislation on page 82—"Highway public transportation."

Mr. HARSHA. Mr. Chairman, this amendment has been changed considerably from the original amendment. I would like to point out that the section which it has reference to restricts that activity to the Federal-aid highway system only.

The amendment of the gentleman is not so restrictive in that it broadens the scope to highways, any highways, whether they are on the Federal-aid system or not, and this goes far afield to the scope of this amendment, Mr. Chairman, and I urge the point of order be sustained.

The CHAIRMAN (Mr. Udall). The Chair is prepared to rule. In the rather lengthy, extensive ruling on the previously proposed amendment the Chair made several points. The gentleman from California urges that his new amendment is now germane because reference to the purchase of rail passenger equipment and rolling stock has been eliminated. The gentleman may well have stated the factual situation with respect to the deletion of certain language but the Chair would note that some of the other grounds for sustaining the point of order previously stated would still apply.

For one thing, the point just made by the gentleman from Ohio seems to have some validity to the Chair. The section of the committee bill to which the amendment is offered relates only to uses of the highway trust fund in the Federal aid highway system. Another point is that one could not, for example, use the highway trust fund under existing law or under the terms of the bill, as the Chair reads it, to purchase automobiles even though they would be used upon the highways, and the gentleman from California places great stress upon the fact that his proposed amendment now deals only with buses which would be used on the highway.

The Chair would further note that the amendment would seem to violate clause 4 of rule XXI in that it would divert or actually reappropriate for a new purpose funds which have been appropriated and allocated and are in the pipeline for purposes specified by the law under the original 1956 act.

The Chair also notes the amendment still does not meet another of the points made in the earlier ruling. The matter contained in the amendment relates—certainly in part—to subjects under the jurisdiction of other committees.

Again the Chair feels constrained to and does sustain the point of order.

Mr. BOLAND. Mr. Chairman, I regret that the amendment of my colleague from California (Mr. Anderson) to permit a further broadening of the uses of the highway trust fund for mass transit has been struck down on a point of order.

In 1956, we enacted the Federal Highway Act to meet one of the most pressing problems of the country—how to increase mobility. Today, we can point with pride to the world's best highway system. It is ironic, therefore, that this country also faces one of the worst mass transit crises.

The amendment proposed will help to alleviate several critical urban problems: transportation within our densely populated urban corridors, environmental protection, scarcity of nonrenewable energy sources, and the shortage of funds to deal with these problems.

It is clear that excessive reliance on expanded use of motor vehicles is neither practical nor desirable. We must expand public transportation in order to meet the diverse needs of our cities.

We must develop long-range plans that balance public investment among transportation needs, economic growth and environmental restoration. Further expansion of the uses of highway trust fund moneys is a rational solution to the conflict between resources for highways and mass transit competing for the public's transportation investment.

Traffic congestion in urban areas is one of the primary factors contributing to air pollution. In my home city of Springfield, Mass., it has been determined that auto-related pollutants have resulted in air quality below safe standards for public health. If we are to meet the standards mandated in the Clean Air Act, we must review our transportation system and find some means of aiding mass transit in urban areas.

Current restrictions on the use of highway trust funds prevent cities with choice of using the funds to build highways to serve transportation requirements or limiting the amount of Federal aid available for transit. It is a "use it or lose it" proposition. We do not present the planners with the option of exploring alternative means of solving the problem.

Local governments now face severe financial pressures in providing essential services from limited general revenues. In 1972, it is estimated that local bodies will spend $2.3 billion to subsidize the highway system. At the same time, they will lose valuable taxable property to the highway system, thus decreasing their ability to plan and fund alternative transportation systems. Mass transit systems must compete with other domestic services: Highway trust fund projects do not compete with scarce general revenue funds. Yet, the major beneficiaries of expanded mass transit will be the urban highway users for whom public mass transit is not a viable alternative. By diverting commuters and other marginal users from the highways, traffic congestion will be reduced and those who must rely on highways for the delivery of goods and services will be able to do so more easily.

Furthermore, inefficient highways contribute to the waste of scarce and nonrenewable fuel resources. More efficient transportation systems are an obvious and necessary means of conserving oil resources for the future.

The proposed amendment will not sabotage the highway system. Nor will it deprive any State of its allocation from the trust fund. What the amendment will do is permit local authorities to determine the optimum solution to particular urban transportation problems, and provide long-term and predictable levels of funding for balanced transportation.

Since the social and economic structure of a community is largely determined by its transportation system, I am convinced that local authorities should have the authority and responsibility to determine which transportation systems will best serve the needs of the community.

Passage of this amendment will permit the necessary redirection of transportation priorities over the next decade. Its passage will benefit not only transportation, but also public health, the aged and poor, and the complexity of urban problems that confront our Nation.

The amendment does not affect the pace of the building of the Interstate System. That is a separate program provided for in a separate part of the bill.

The amendment does not mandate that the money be used for mass transit; it gives the local area the option of using the funds for either highways or mass transit. The idea of greater local discretion in the use of Federal funds has recently been endorsed by the Congress in the general revenue-sharing bill.

The use of revenues from gasoline and related taxes for nonhighway purposes is not unprecedented. Ninety-five percent of the receipts of the highway trust fund in fiscal year 1972 were derived from taxes which were on the books long before the trust fund was created in 1956. These taxes provided revenues for the General Treasury fund, used to finance the gambit of Government activities.

Cities deserve a better share of the trust fund dollar. Less than 10 percent of Federal-aid highway miles are found in urban areas, yet these areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and thereby far more than half of Federal gas tax revenues.

There is a tremendous need to reorient transportation priorities in urban areas away from highways to mass transit. Such a reorientation will:

Improve the environment—as much as 80 percent of air pollution in urban areas comes from autos;

Conserve scarce energy resources—passenger cars account for 30 percent of U.S. oil consumption.

Provide greater mobility for those who are now confined—more than half of all households with incomes of less than $3,000 and nearly half of households whose heads are 65 years and older do not have a car;

Help relieve costly and annoying congestion in urban areas; and

Reduce further erosion of the urban tax base caused by the paving over of urban land.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in vigorous support of section 141(a) of this bill.

Mr. Chairman, I join with you in the knowledge that every distinguished Member of this House is dedicated to, and most prideful of the fact that this great deliberative body, characterized as the "People's House," functions under the fundamental principle which is the cornerstone and the very foundation of our democracy: "the consent of the governed."

Mr. Chairman, the principle of "the consent of the governed" inherently demands the right of the people to be heard and always the right of the people for redress from the decisions of the administrative branch of government.

Mr. Chairman, a great injustice is being perpetrated on the residents of my congressional district and surrounding communities by the steadfast refusal on the part of State and Federal transportation agencies to provide an open forum for discussion and review where the majority will of the people can be heard to help resolve a longstanding controversial public issue on the alinement of Interstate Highway I–287 in our region of the State of New Jersey. Today, I look to my colleagues here in the Congress to join with me in carrying out our responsibilities of providing a representative government of the people, for the people, and by the people by unanimously supporting in the debate of this most important Federal-Aid Highway Act of 1972, section 141(a) which reads as follows:

> The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah (Bergen and Passaic Counties), New Jersey, until new corridor hearings are held.

Mr. Chairman, I along with the help of my distinguished colleague from New Jersey (Mr. HOWARD) introduced this section of this legislation which carried unanimously in the Subcommittee on Roads and was further confirmed unanimously by the affirmative action of the full Public Works Committee. It is important to call to your attention that this legislative action is being sought after I, along with the governing bodies and the people within my congressional district and neighboring communities have exhausted every possible administrative remedy—all of which to date has resulted in the arrogance of an administrative stonewall. The legitimate concern for full public disclosure and public debate to permit the majority will of the people to be heard at an open public forum has always been inherent in our representative democracy.

Mr. Chairman, the government's decision for the presently proposed alinement of I–287 in this region of our State dates back to 1966, prior to the action of this House of Representatives in legislating the enactment of the comprehensive Federal Water Pollution Control Act, the Clean Air Act, the Noise Pollution Control Act, the National Environmental Policy Act, the Uniform Relocation Act, the establishment of the Federal Environmental Protection Agency and the most essential need for the continuing evaluation of the environmental impact effect of public improvements on the quality of life of our society.

The unilateral capricious and arbitrary position of the Federal and State agencies on this most important public issue flies in the face of the intent of the Congress which was formally expressed in the enactment of the Federal-Aid Highway Act of 1970 approved December 31, 1970 which stated, in part, under the section relating to public hearings:

> Such certifications shall be accompanied by a report which indicates the consideration given to the economic, social, environmental and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

Mr. Chairman, I was first called upon by my constituency for help in resolving this controversy in 1970, while our Public Works Committee was preparing the Federal-Aid Highway Act of 1970 for introduction to the Congress. Based on the facts presented to me at that time on the lack of Government cooperation and concern for public sentiment and opinion expressed by the residents and elected officials of the communities affected by this interstate route in Passaic and Bergen Counties and in view of the relative sketchy information that had been made available to the citizens of the area at the last public corridor hearing held in 1966 and the extraordinary growth and development changes that had taken place in that region of our State, I communicated with the Governor advising him that—

> It would certainly be in the best interest of the public that a new public hearing be scheduled wherein all of the affected communities and our citizenry in general would have the opportunity to bring to the attention of the State their well-founded observations and recommendations which, I am sure, would go a long way towards equitably resolving this most critically important matter.

I petitioned him on behalf of my constituency and strongly urged that he intervene and arrange to have a new updated corridor hearing scheduled at the earliest possible date.

In addition to extending every effort within the authority and jurisdiction of my office to do all I possibly could to bring about a reversal of the "nothing further to discuss with the people" Government attitude by seeking administrative remedial action through the Governor, the New Jersey State Department of Transportation, the U.S. Department of Transportation, the Federal Bureau of Roads, and the Federal Highway Administration, the records will indicate that substantive action beginning in 1966 for this same purpose was being taken by many, many others. Several citizens committees were organized seeking new public hearings. Local governing bodies of the affected communities in voicing their disapproval of the State's present proposed alinement of I-287 in this area have in desperation included among their suggestions for remedial action a proposal for a public referendum on the alinement of Route I-287.

Five alternate routings for I-287 in this area have been suggested by the Hon. Newton Miller, mayor of Wayne. A copy of the text of his communique to the New Jersey Department of Transportation Commissioner, Hon. John Kohl, under date of September 14, 1972, describing these alternate routings is as follows:

> Please be advised that as a result of preliminary work on the above captioned proposed Inter-State Highway (I-287 Corridor from Montville to Mahwah) conducted by the Environmental Systems Laboratory of Sunnyvale, California, the following five (5) alternates are presently under consideration and will be included in an environmental impact report being prepared for this Township's review and study:
>
> A. Present State Alignment—Easterly.
>
> B. Westerly Alignment—River Route.
>
> C. Westerly alignment of I-287 beginning from Montville and continuing until the junction with Route 208 and joining with Route 208 at that time, then following easterly along Route 208 until the easterly alignment of I-287 and following along the remainder of I-287 from the intersection of Route 208 until Mahwah. Route 208 through Oakland from the branch point of the westerly to the easterly alignments would be widened to six lanes.
>
> D. The westerly route of I-287 beginning in Montville until a point just south of the Oakland border and thence veering east and crossing the Ramapo River and Route 202 to run along the western side of the Campgaw Mountains until the line again curves east (south of the Seminary) to the present position of Ridge Road or to the easterly alignment path for I-287 to be followed to the N. J. 17 interchange.
>
> E. No Build—Expansion and improvement of existing facilities.
>
> Alternatives A and B are those with which your office are initially familiar; while alternatives C through E present modifications and alternations of the river route and present State alignment. For your edification, a map is enclosed of corridors C and D, which should be referred to as the literal discription thereof is reviewed.
>
> I am making these preliminary results available to you as early as possible to assist you in the preparation of the environmental impact statement presently being undertaken by the State consultants.
>
> I would express my appreciation of the cooperation extended by your department and in particular by Mr. F. DePhillips to our environmental consultants and attorney.
>
> As additional data becomes available, I will review same and forward to your office.
>
> I await anxiously some indication as to the status of the environmental impact statement being prepared by State consultants in this matter.

The Route I-287 River Route Committee Wayne Chapter chaired by Mr. Russell Dunham of Wayne and the Tri-county Route I-287 River Route Executive Committee chaired by Mayor Howard Smith of Bloomingdale and Mayor William Kinney of Franklin Lakes have achieved the consensus of thousands of residents and many governing officials in favor of the proposed alternate river route. I have over thousands of individual letters received since March 1972—and they are still coming into my office—over 100 were received only today—favoring the proposed alternate river route.

The present proposed State alinement is not only dissecting a highly residential community but dangerously borders close to four schools in the area. I received a communique dated May 2, 1972 from Mrs. Mary C. Palmisano, president of the Wayne Council of PTO's—parent teachers organization's—which reads as follows:

> On March 22 at the General Meeting of the Wayne Council of P.T.O., a motion was made and carried to support the I-287 River Route Committee in their effort to remove the present alignment of this highway from Wayne.
>
> Wayne Council of P.T.O. is the coordinating body for sixteen (16) local school units in Town and boasts a membership of 6,000.
>
> It was felt that the impact of this highway on not only the school system, but the Town as a whole was totally undesirable. Since there is an alternate route that is agreeable to the surrounding communities, it would seem that this should be explored further and eventually implemented.
>
> This letter represents the opinion of the total body and reflects our grave concern for the welfare of our children and our Town.

Mr. Chairman, in response to the overwhelming request of the people, our Passaic County senatorial delegation to the New Jersey State Legislature presented a resolution which was unanimously adopted by the New Jersey State Senate in April 1972. The New Jersey State Senate resolution introduced by Senators Lazzara, Hirkala, and Bate reads as follows:

> Whereas, On March 15, 1972 the Municipal Council, on behalf of the 50,000 residents of the Township of Wayne, in a spirit of bi-partisan concern, unanimously adopted a resolution condemning the proposed alignment of Interstate Highway 287 through the Township of Wayne and requesting consideration of alternate routing; and
>
> Whereas, They are joined in this action by the Honorable Newton E. Miller, Mayor of the Township of Wayne, together with local leaders of industry, commerce and numerous interested civic organizations; and
>
> Whereas, There are other communities in the proposed path of I-287 who voice objections similar to those cited by the Township of Wayne, including the fact that the proposed alignment would have a deleterious environmental impact on the surrounding area, particularly the four schools adjacent to the proposed road; and
>
> Whereas, There exists a group known as the Tri-County 287 River Route Committee representing eleven communities embracing Bergen, Passaic and Morris Counties, and established by resolution of the governing bodies of West Milford, Ringwood, Wanaque, Butler, Bloomingdale, Wayne, Riverdale, Kinnelon, Franklin Lakes, Montville and Lincoln Park under the Co-Chairmanship of the Honorable R. Howard Smith, Mayor of Bloomingdale, and the Honorable William Kinney, Mayor of Franklin Lakes; and
>
> Whereas, Officials, together with leaders of business, industry and various civic groups whose communities lie in the path of the 287 River Route feel both individually and collectively that said highway would be of great benefit to the communities they serve;
>
> Now therefore be it resolved, By the Senate of the State of New Jersey that Honorable William T. Cahill, Governor of New Jersey be, and he is hereby requested to prevail upon the Commissioner of Transportation, Honorable John C. Kohl, to take immediate steps to implement a change in the proposed routing of I-287 to conform as closely as is practicable to the proposed River Route alternate.

Mr. Chairman, as construction and land costs continue to rise and the growth-development patterns of this region of our State continue to face explosive growth with the fierce competition for the use of our land, this is no time to sit back and throw to the winds the mandate of the Congress, as expressed in the Federal-Aid Highway Act of 1970 where the Congress asks for assurances that:

> Possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:
>
> (1) Air, noise and water pollution;
>
> (2) Destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;
>
> (3) Adverse employment effects, and tax and property value losses;
>
> (4) Injurious displacement of people, businesses and farms; and
>
> (5) Disruption of desirable community and regional growth. . . . (excerpt from Federal-Aid Highway Act of 1970).

Mr. Chairman, in view of these irrefutable public documented facts on this most critically important matter, I urge all of my colleagues here in the House to join with me in their support of section 141-A of this measure demanding that new corridor hearings be held on Interstate Route I-287 from Mountville to Mahwah in Passaic and Bergen Counties, New Jersey, resoundingly confirming the faith, respect and confidence of our people in the "People's House" and the basic principle of our democracy: "The Consent of the Governed."

Mr. ROE. Mr. Chairman, I yield now to my colleague, the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the remarks of the gentleman in support of this section.

Mr. Chairman, on September 21, the Committee on Public Works approved an amendment I proposed barring any Federal participation, including the use of Federal funds, in the construction of the proposed Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.

My proposal was offered as an amendment to the bill we are considering at this time. The amendment states:

> **The Secretary of Transportation shall permit no further action on the Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.**

The freeway project, which has been a subject of local controversy and concern for several years, calls for the construction of 7.2 miles of road, and the path of that road would involve displacement of more than 1,000 Winston-Salem residents, including 227 homes and 18 businesses, and would destroy 6 acres of the Bolton Street Park, one of the few remaining open wooded areas in the city, and run through historic Oliver Farm.

In the past few months, I have received over 800 complaints about this project, ranging from the amount of relocation required to the effects of the road construction on the local environment.

Some of these correspondents have also raised the question of whether the proposed route would have the desired effect of improving traffic patterns in and around the city.

A public corridor hearing on the project was held last December in Winston-Salem, and these same objections were raised at the time, but the project proposal was not revised.

I am not anxious to intervene in a local dispute, but I saw no other course than introducing my amendment that would guarantee that the concerns of the people, the environmental impact and possible alternative routes would be adequately explored before this project is constructed.

I believe more extensive exploration is essential to this project, and my amendment would make sure that this additional study is undertaken. I urge the adoption of this proposal by the full House.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JAMES V. STANTON: Page 102, line 25, strike out "$55,000,000" and insert in lieu thereof the following "$45,000,000".

Mr. JAMES V. STANTON. Mr. Chairman, there has been under very careful consideration by the Public Works Committee of the House this particular section to provide for a badly needed additional Interstate System in the city of Chicago. In recent days the question of the amount of money being offered has been bringing some concern to this committee. In order not to provide speculators with an opportunity to profit at the expense of the Interstate System we have decided, after evaluating the fiscal position of these bonds, to reduce the amount by $10 million.

Mr. Chairman, I want to underline that this amount will not exceed $45 million. This is a parallel route to the Dan Ryan Expressway, and if the Dan Ryan Expressway had to be brought up to existing standards the minimum cost would be $72 million. This is a savings therefore of $27 million to the Federal Government.

On the question of the windfall which has been raised, I want the Members of the House and the committee to be assured that this committee has looked into this question thoroughly. I checked this morning with the bond people, and the price of these bonds at the lowest they were ever sold was in 1966 at $38⅛. If we multiply the bonds outstanding by that amount we arrive at the figure of $45 million. This has been carefully examined and we are insuring by this amendment that no one will profit by action of the Public Works Committee or the Interstate System.

Mr. Chairman, the Chicago Skyway has long been operated well below its planned capacity and projected traffic demand. This is the only express facility in Chicago that has this particular problem. It is also the only toll facility within the city of Chicago, and it is felt that this is the primary reason for its underutilization. This contention is further strengthened by examining a map of the expressway system in this part of the Chicago land area and noting that there is a completely toll-free facility that conveniently bypasses the Chicago Skyway and its Indiana Tollway counterpart, via the Dan Ryan, Calumet, and Kingery Expressways. The completion of I-94 from Chicago to Detroit in November of this year will result in an immediate reduction in traffic on the Skyway with a resultant increase in traffic on the Dan Ryan Expressway.

The consequences of significant portions of the motoring public avoiding this expressway link are increased congestion on the bypass expressways, and increased accidents, congestion, and general neighborhood disruption on the local street system. Future projection show this to be an even greater problem as traffic flows increase and the city's expressway system is stretched to its utmost capacity. Specifically, if the Skyway is kept a toll facility, present trends indicate that by 1995 there will be an average daily traffic—ADT—of only 34,000 vehicles—as compared to roughly a 25,000 ADT today.

However, if this facility were to be made free, this volume would rise to 98,000 ADT by 1995. These 64,000 additional vehicles will have to either go on the Dan Ryan Expressway or on the city streets if the Skyway tolls are retained.

It is estimated that approximately 53,000 ADT of the total bypassing traffic of 64,000 ADT would remain on the Dan Ryan and Calumet Expressways. This would necessitate adding at least one lane in each direction to these two expressways from the present end of the Dan Ryan collector-distributor system at 65th Street through the new 103d Street interchange at Stony Island Avenue. Estimates prepared as a part of the crosstown expressway planning have shown that even if the Chicago Skyway is a free facility, a major roadway project will be needed on the Dan Ryan Expressway from 65th Street past the 95th Street bridge—regardless of where the east-west leg of the crosstown expressway is terminated. This widening could take the form of adding contiguous lanes to the outside of the existing roadways and could be accommodated within the existing right-of-way. Such an improvement would cost an estimated $29,623,000 for bridge reconstruction and replacement of sloped banks with retaining walls.

However, if the tolls are kept on the Skyway, the 53,000 additional vehicles will require adding at least one more lane to this proposed widening. This would result in an unacceptable cross section—seven—lanes in each direction at its widest point. The only other feasible alternative would be the continuation of the collector-distributor system from 65th Street south to 95th Street. This would result in added construction costs—$37,012,000—and additional right-of-way acquisition—$10,725,000—for a total additional cost of $47,737,000. Most important, considerable displacement of homes and business establishments would be required, 155 single family homes, 20 apartment buildings, six stores, one school, and five industrial concerns, which would not be necessary with the aforementioned minimal widening project.

In addition to the widening costs engendered along the Dan Ryan Expressway, retaining the Skyway as a toll facility will require an extra lane in each direction all the way through the 103d Street interchange, an improvement that would not otherwise be needed. This will require structural changes to a number of major interchange bridges at the Dan Ryan-Calumet Interchange just south of 95th Street and at the new 103d Street interchange, in addition to the many street and railroad bridges in between and the widening of the pavement itself. These changes are estimated to cost an additional $24,745,000.

Thus, the total cost of upgrading the expressway system in order to handle just the expressway portion of the Skyway bypass traffic would be approximately $72,482,000.

An even less desirable alternative would be the double-decking of this portion of the expressway. This would result in a costly and ugly structure well above the ground level, with major traffice interchanging problems at the primary arterial connections and the precluding of any future air rights construction, including the presently anticipated park-and-ride facilities at 87th and 95th Streets. This alternative would also still require the added construction items south of 95th Street.

One other alternate method of handling this traffic would be the construction of a paralleling facility. The most likely location for such a facility would be the Stony Island Avenue corridor. Such a facility has been proposed and studied, and due to its monetary and sociopolitical costs has been dropped from the city's long-range plans. The cost for such a facility was estimated at $90 million, with 60 structure disruptions affecting 125 living units and 138 business units.

In addition to the above-mentioned expressway loads caused by the retention of the Skyway tolls, there will also be approximately 11,000 ADT that would remain on the city streets. This would also result in additional costs to the public, although most of these costs would be borne directly by the motorists and the adjacent communities in the form of added operating costs, accident costs, time-delay costs—due to the unavailability of a free express facility as well as the added congestion on the streets themselves—and increased deterioration of the local neighborhoods.

The measurable costs attributable to these increased surface street volumes would amount to approximately $164,000 in additional operating costs each year, $258,000 in accident costs—caused by an additional 560 accidents each year—and $1,850,000 in time delay costs. This would result in a total cost to the motoring public of $2,272,000 each year due to the unavailability of a suitable toll-free facility. Nonmeasurable costs include increased pollution on city streets, disruption of residential neighborhoods due to unwanted through traffic and deterioration of local business areas because of increased congestion.

All of the foregoing traffic projections have assumed the retention of the present ramp configuration on the Chicago Skyway. However, it should be pointed out that if this is not a toll facility, additional ramps could be added to this facility north of the bridge itself, thus adding considerably to its usefulness. Additional ramps have been recommended for 71st Street and Cottage Grove Avenue, 79th Street and Stony Island Avenue, and 87th Street and Yates Avenue. This would reduce even further traffic volumes on the Dan Ryan Expressway immediately south of 65th Street, as well as on the surface streets.

Thus, it is strongly recommended that the Chicago Skyway be made a toll-free facility. This will be of direct benefit to all citizens of Chicago and the State by precluding the need for additional capital expenditures for major expressway construction in this part of Chicago. There will also be direct benefits to the motoring public in this corridor in the form of increased travel options and decreased accident and congestion costs.

DeLeuw, Cather & Co., consulting engineers for the Chicago Skyway Toll Bridge, have recently estimated the current replacement cost of the facility at $120 million. It is the considered opinion of Skyway authorities that the facility can be purchased for a sum less than the $72,482,000 that would be necessary to upgrade the Dan Ryan and Calumet Expressways—I-94—to accommodate current and anticipated traffic demands. It is thus further recommended that this be accomplished as soon as possible in order to take advantage of this current financial situation, to provide an immediate relief to the Dan Ryan Expressway, and to assist in the orderly preparation of future transportation plans and programs for the city of Chicago.

Mr. MIKVA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The Clerk read as follows:

Amendment offered by Mr. MIKVA to the amendment offered by Mr. JAMES V. STANTON: Page 102, line 23, strike out section 133.

The CHAIRMAN. The Chair will state to the gentleman this is not a proper amendment to the amendment and cannot be considered at this time. It would be in order following the disposition of the pending amendment offered by the gentleman from Ohio.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was hoping to save a little time by making this an amendment to the amendment.

As those Members who read the RECORD or their mail this morning are aware, the gentleman from Illinois (Mr. DERWINSKI) and I are prepared to offer an amendment which will delete this section in its entirety. I merely point out that the Mikva-Derwinski amendment must be a pretty good amendment since the mere offering of it has saved $10 million of the taxpayers' money. I hope when this amendment is disposed of, we can then pass our amendment which will save the other $45 million.

Some years ago an effort was made to get $87 million for this same group of bondholders. Objection was made and that amount was cut to $63 million. It has since been cut to $55 million. Now some of us are objecting again, and it has been cut to $45 million.

I hope the committee will see the wisdom in cutting out the entire amount. This is not the way we ought to be spending the taxpayers' funds.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to be exceptionally brief.

I wish to associate myself with the remarks just made by my colleague from Illinois (Mr. MIKVA) and point out that there are a number of basic principles involved. One is that any amendment of this kind, whether it be for $1 million, $55 million, or as 10 years ago, $67 million, is a grave departure from the principles and practices that have been followed under this program.

It sets a very, very major precedent which I do not think the House should follow.

Second, the very fact that the gesture was made to cut the cost by $10 million is recognition of what I think is the basic defect and impropriety of this section 133. I would suggest, regardless of the disposition of the pending amendment, that you all join Mr. MIKVA and myself in the amendment which we will offer to strike the entire section.

Mr. JAMES V. STANTON. Mr. Chairman, I want to strongly object to the remarks that there is any impropriety——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. DERWINSKI. Yes.

Mr. JAMES V. STANTON. I want to point out that the determination of any questions on the financial aspects of this bill will be made by a Federal court.

Mr. DERWINSKI. Would the gentleman yield?

I did not use the word "impropriety." The gentleman did.

Mr. JAMES V. STANTON. The gentleman mentioned "impropriety."

Mr. DERWINSKI. We can check the record, but if I used the term "impropriety," it is not as I recollect. I am sorry it brought this immediate response, because I do not think it sets the stage for proper debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: Page 102, strike line 23, and all that follows down through and including line 9 on page 103.

Mr. MIKVA. Mr. Chairman, Members of the Committee, this is not a new subject matter for this House. In 1963 a separate bill was offered to the House to bail out the bondholders from their improvident investment in this revenue bond issue. The House wisely objected to the bill, rejected it, and the bondholders have continued to hold their improvident investment; but curiously, they have not just held the investment. There has been a lot of action.

These bonds have not paid interest for some 8 or 10 years, but you just could not believe the trading in these bonds. It is incredible.

I went back to the bond statistics and found out that in 1962 and 1963—parenthetically, when the House was considering it the last time—the bonds went from a low of 44 all the way up to 74. Mind you, they had been losing money; they had never made interest; and yet they went from 44 to 74 the last time Congress considered this bill.

Yesterday, would you believe, on a bond issue that has been losing even more money, that has not paid its interest charges now in a long time, the price went up 5 points. Is not that a coincidence? At the beginning of this year they were selling at 42, and now they are up over 62. Is it not a marvelous coincidence that these worthless bonds generate such great enthusiasm on the part of some bondholders and speculators in the city of Chicago?

Let me assure the Committee that the road is built. We are not talking about building a road. This is not an issue that involves the city's full faith and credit. This is a revenue bond issue, a revenue bond issue for a road that was improvidently built; a toll road that should not have been built. At the time it was built, it was objected to since everybody knew about the freeway which was going to be built. I have probably ridden this road as much as anyone in the city. It is a very nice road. It costs 30 cents to ride a few miles of skyway. But, this section 133 has nothing to do with the road. This section has to do with whether the bondholders should be bailed out of their improvident investment.

I say to the ladies and gentlemen of this Committee, if we bail out the revenue bondholders on this issue, then every sports palace, every parking lot, every ice cream parlor, and every other project that has been built with revenue bonds is going to see the generous Congress as their salvation and come to us to bail out of their bad investments.

Some of us think the Lockheed loan was bad. This is much worse because at least the argument was made that Lockheed needed the loan to be kept alive—at least, that was the argument. There is nothing to keep alive here. The road will go on whether we bail out the bondholders or not. Last year the road yielded some $3,900,000. It had operating and maintenance charges of $1,400,000.

This left $2.5 million of net revenue. That is enough to keep the road going. Unfortunately, it is not enough to keep the bondholders going, especially since some were bought at 61, or $610 for a bond which has not paid interest in 5 years.

Ladies and gentlemen, I do not know who are the bondholders. I know that the city's interest in this, for making it a free road, can be achieved a lot more cheaply than for $45 million.

If we want to set a precedent to buy not only roads but also parking lots, sports arenas, shopping areas, factories and everything which ever has been built with a revenue bond issue, then vote against this amendment. If the Members believe we have something better to do with the taxpayers' funds than to take care of bondholders who improvidently have invested in a bad idea, then vote for the amendment.

If these are trust funds, as I heard earlier today argued with such vehemence, then I cannot think of a worse breach of trust than to take the taxpayers' money to bail out a group of people who bought bonds simply because they lost money on their investment.

They bought bonds yesterday at 62; the price went up 5 points from the day before, on a bond issue that has been losing money. Ladies and gentlemen, were they really buying bonds, or were they hoping to buy something else?

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the city of Chicago administration came before the Committee on Public Works and outlined that the Chicago Skyway has long been operated well below its planned capacity and projected traffic demand. Part of the reason why that occurred is the development of the Dan Ryan Expressway, parallel to it. It is the only toll-free facility within the city of Chicago. It is felt this is the primary reason for its underutilization. This contention is further strengthened by examining a map of the expressway system in this part of the Chicago land area and noting that there is a completely toll-free facility that conveniently bypasses the Chicago Skyway and its Indiana Tollway counterpart, via the Dan Ryan, Calumet and Kingery Expressways. The completion of I–94 from Chicago to Detroit in November of this year will result in an immediate reduction in traffic on the Skyway with a resultant increase in traffic on the Dan Ryan Expressway.

We are attempting to save ourselves a problem in the city of Chicago. The consequences of significant portions of the motoring public avoiding this expressway link are increased congestion on the bypass expressways, and increased accidents, congestion and general neighborhood disruption on the local street system. Future projection show this to be an even greater problem as traffic flows increase and the city's expressway system is stretched to its utmost capacity. Specifically, if the Skyway is kept a toll facility, present trends indicate that by 1995 there will be an average daily traffic—ADT—of only 34,000 vehicles—as compared to roughly a 25,000 ADT today. However, if this facility were to be made free, this volume would rise to 98,000 ADT by 1995. These 64,000 additional vehicles will have to either go on the Dan Ryan Expressway or on the city streets if the Skyway tolls are retained.

It is estimated that approximately 53,000 ADT of the total bypassing traffic of 64,000 ADT would remain on the Dan Ryan and Calumet Expressways. This would necessitate adding at least one lane in each direction to these two expressways from the present end of the Dan Ryan collector-distributor system at 65th Street through the new 103d Street interchange at Stony Island Avenue. Estimates prepared as a part of the Crosstown Expressway planning have shown that even if the Chicago Skyway is a free facility, a major roadway widening project will be needed on the Dan Ryan Expressway from 65th Street past the 95th Street Bridge—regardless of where the east-west leg of the Crosstown Expressway is terminated.

This widening could take the form of adding contiguous lanes to the outside of the existing roadways and could be accommodated within the existing right-of-way. Such an improvement would cost an estimated $29,623,000 for bridge reconstruction and replacement of sloped banks with retaining walls.

However, if the tolls are kept on the Skyway, the 53,000 additional vehicles will require adding at least one more lane to this proposed widening. This would result in an unacceptable cross section—seven—lanes in each direction at its widest point. The only other feasible alternative would be the continuation of the collector-distributor system from 65th Street South to 95th Street. This would add an additional cost of $37 million.

What I am attempting to point out is that the additional cost of correcting the Dan Ryan Expressway far exceeds the amount of money we are authorizing for the purchase of the Calumet Skyway. There is no impropriety involved in this.

I am not here speaking for the citizens of Chicago; I am speaking for the Committee on Public Works, which recognizes that by taking this action we will save millions of dollars for the future development of our Interstate Highway System within the city of Chicago.

Mr. Chairman, I urge that the amendment as proposed by the gentleman from Illinois be defeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the purpose of this amendment is to strike section 133 of H.R. 16656 which authorizes the Secretry to pay the State of Illinois not to exceed $55 million provided Interstate Route 90 within the city of Chicago, Ill., is operated freely to the public on or after the date of such payment and the Secretary finds the operation of such route free to the public will avoid the need for expansion of the traffic capacity of any parallel portion of Interstate Route 94 within the city of Chicago which expansion would be at a cost in excess of such payment. The legislative history of this proposal raises serious doubts as to it necessity and economic justification.

Mr. Chairman, in the first session of the 88th Congress this same House committee approved a bill, H.R. 6289, which would have provided $63,833,000 on condition that Chicago Skyway be operated free to the public. As a result of vigorous objection by 14 members of the committee and because of the objection of the then administration, the bill was dropped.

The reasons advanced then as objections to the bill are valid today and they are basically this:

Preferential special legislation.

This section establishes a devastating precedent for making piecemeal reimbursements for toll bridges or highways.

There is a question as to the possible windfall for bondholders of the skyway toll bridge, which raises serious questions of political skulduggery.

Mr. Chairman, in the last week the market for the Chicago Skyway bonds has become extremely active and the latest bids were $59.50 to $62. Less than a month ago there was no activity on these bonds; the few bids were $54. I would suggest to the Members of the House that this is the type of situation that might require an SEC investigation.

The arguments advanced in defense of this section are that in lieu of removing the tolls on the Skyway at a cost to the taxpayers of $55 million, approximately $72 million would be spent for expansion of the traffic capacity of interstate 94 within Chicago. But under the language before us and provisions of the Federal Highway Act, this is a presumption not a certainty. The result could well be that $55 million would be spent to bail out the Skyway bondholders and the expense of improving interstate 94 would still develop.

There is also a question of $15 million in back interest which would be payable to bondholders. Section 133 would provide $55 million for the payment of the bonds at the recent market rate. There would be an additional windfall from public funds of $15 million to cover the back interest.

Mr. Chairman, I must also remind Members of the House that there have been no hearings on the specific matter since 1963. The lack of evidence in support of section 133 and the lack of a record should be a warning flag to all Members.

I urge support for this amendment to strike section 133. If there is merit in any proposal to supply $55 million in tax funds to bail out holders of Chicago Skyway bonds, the case should be fully made before the proper subcommittee, including study in depth, if possible, of the real holders of these bonds. I urge support of the amendment.

Mr. Chairman, may I say for the benefit of the gentleman from Ohio (Mr. JAMES V. STANTON) please understand that if there is anything I say that may not sound completely genteel, it is necessary that certain points be made in this debate. So I trust that all Members will accept my statements in that light.

Mr. JAMES V. STANTON. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. JAMES V. STANTON. I have always known the gentleman from Illinois to be one of the finest Members of this House. His personal character and integrity have never been questioned.

Mr. DERWINSKI. In that proper spirit, Mr. Chairman, may I compliment the gentleman for very effectively stating the position of the administration of the city of Chicago and commend him further for so quickly having at his fingertips the minute details of this very intricate road network of the city of Chicago.

Mr. JAMES V. STANTON. Will the gentleman yield?

Mr. DERWINSKI. Yes, I yield to the gentleman.

Mr. JAMES V. STANTON. I am very fortunate in having some relatives in Chicago.

Mr. DERWINSKI. Well, I certainly hope the gentleman visits them often, but I hope that if he does, he does not travel this skyway, because it is not in good condition. It has been a white elephant since the ribbons were cut 15 years ago.

At that time the gentleman from Illinois (Mr. MIKVA) and I were members of the Illinois State Legislature, and we participated in the ribbon-cutting ceremony. The Governor of Illinois and the Governor of Indiana, the mayor of Chicago and the president of the county board of commissioners and local legislators all gathered there with television cameras present, and that was the biggest crowd that road has ever seen since that time.

Mr. Chairman, I see no reason why, with the original figure at $55 million in the bill or the reduced figure just accepted, we should be bailing out the bondholders of a white-elephant road.

Let me give the Members an immediate rebuttal to his argument. The claim was made that if we invest these millions in this skyway and then the skyway becomes toll free, this will in fact be a saving because the expenditures needed to expand the facilities on the Dan Ryan, which is the main interstate in Chicago, could be saved.

This is utter nonsense. The skyway runs off at a 45 degree angle from the Dan Ryan; it terminates in Hammond, Ind., and it does not serve the needs of the people who regularly are using the Dan Ryan, which serves the south and west suburbs of Chicago.

One look at the Chicago map—and I have one here—will show there is no practical reason for enough vehicles, just to save the 30 cents they are now paying, to be diverted to this Skyway.

There are a number of other points that must be made, points that can be very properly made. I must explain in advance that I am not a master in the intrigue of bond sales and everything that goes with it, but there is one other figure of $15 million of back interest that is pending.

As I understand the language of this bill, all we would provide is the millions of dollars to repay the bondholders. Somebody, evidently the taxpayers of Chicago or of Cook County or the State of Illinois, is going to have to come up with at least $15 million in back interest. So we are not speaking of $45 million; we are speaking of at least $60 million.

So any alleged savings will immediately go out the window.

I should remind the Members—and at this point I say this for the benefit of the gentleman from Ohio—that it was 10 years ago that this issue hit the floor, and 10 years ago there was a very vehement objection from 14 members of your committee.

The situation has not changed. It is still a dangerous precedent, and millions and millions of dollars of tax money will be allocated to bail out this white elephant.

Mr. MIKVA properly pointed out the sudden interest of the bondholders. I suggest that it will be an extremely dangerous precedent, a hot potato, and is a poor proposal to support.

I suggest to all of you on the floor that the better part of valor would be to move to strike out the language in the bill. If the committee wants to get into it, it can do so at a very early point in the next session. And certainly you need much more information than is contained in the report.

I urge the adoption of this amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. MIKVA. I want to commend the gentleman from Ohio for having this intricate knowledge of these roads running through my district. I was impressed. But I think he forgot to mention the northern terminus of 75th and Stony Island is at a point where you cannot get there from here. There is nothing that goes from 75th and Stony Island unless you are in the vicinity. For example, trucks cannot wiggle their way in to get to the outer drive downtown, because they cannot use it and they have to swing over to the Dan Ryan. So if we make it a free road, we will get a lot more traffic on this and we will save extra traffic on the Dan Ryan.

Mr. DERWINSKI. Let me suggest, also, that if this were a nationwide issue rather than something of special knowledge to us in the Chicago area, there would not be much support for this measure. It is a bad precedent. It may be isolated, but it is a bad case, and I urge support of the amendment.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment and in support of the Committee on Public Works.

The gentleman from Ohio made a very strong and persuasive argument. The committee very carefully examined the entire issue and the testimony of the engineers and the Public Works Department of the city of Chicago and concluded that they can save a very substantial amount of money for the taxpayers of this country in putting together the interstate system by acquiring this Calumet Skyway at a price of some $45 million as against an expenditure of some $72 million for improvements in the Dan Ryan.

Mr. ANDERSON of Illinois. Will the gentleman yield for a question?

Mr. PUCINSKI. I will in just 1 minute.

Much has been said here, much has been mentioned, of a white elephant. The Calumet Skyway was built before the Dan Ryan was built, and at that time it was serving a very good purpose and probably would have been a very good investment. What happened in subsequent years is that the Federal Government came along with the interstate system and built a competitive road which is a freeway immediately below the skyway.

The question we are confronted with here is whether or not you are going to spend $72 million to expand the freeway facilities to take on the additional traffic that is going to be generated when the Chicago to Detroit expressway is opened or whether you are going to utilize an existing facility at a cost of no more than $45 million.

That $45 million is not a set figure, because a court will decide what will be the payoff to those bondholders. It may be substantially less than that, but it cannot be more than that.

I think the committee has come here with a very wise and thoughtful suggestion. In order to avoid any windfall to speculators, the very speculators my colleague from Illinois (Mr. MIKVA) talked about, who yesterday because they got wind that there was something in this bill, went out and bought these bonds at $5 more. Those speculators are going to lose an awful lot of money if they did that, because the committee here today has set a peg of no more than $38, which is the lowest price that these bonds had ever reached. You cannot pay more than that lowest price in buying these bonds.

And so if there are any speculators in this, I do not have the slightest idea who owns the bonds.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield on that point?

Mr. PUCINSKI. If there are speculators they are going to be very, very disappointed because the committee by the action that we have taken here guarantees that the court will not be able to offer more than the lowest price that these bonds have ever reached during this entire period.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, the thing that troubles me, and I have listened with great care and interest to the explanation of the gentleman from Illinois concerning the Committee on Public Works having gone into the matter very carefully, and at no time during this debate have I heard it said who these bondholders are, and before we authorize $45 million do you not think we have some responsibility to know who those bondholders are?

Mr. PUCINSKI. It is my understanding, and I do not know this for fact, but it is my understanding that the bondholders are a matter of public record, and certainly will become a matter of public record when the court takes jurisdiction over the organization of this whole corporation.

Mr. ANDERSON of Illinois. I would think that that public record ought to be before us today, then, before we cast this vote, because I for one do not want to vote that amount of money out of the Federal Treasury without knowing who is going to get it.

Mr. PUCINSKI. The fact of the matter is the court is going to make that decision, nobody but the court, and that is in this court proceeding here. What we are doing here now is giving the court some elbow room to make this a freeway at a very substantial savings to those who are interested in putting together a very effective interstate highway system.

You can leave the area of Washington, D.C., here, and using all of our express roads now, be in the Chicago Loop without seeking a traffic signal, because of this skyway, and that is all our plan is.

The plan is to make this part of the interstate freeway system.

I think the committee has done a commendable job in trying to solve this problem, but I think we should not lose sight of the fact that they have put a ceiling on the bonds at the lowest price paid for the bonds.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman and Members of the Committee, the Calumet Skyway, is something that was constructed at a time when I was a resident in the district represented by my colleague, the gentleman from Illinois (Mr. MIKVA) and I remember that there was some discussion then as to whether it was not conceivably a white elephant. Nevertheless, obviously there were people who had faith in the viability of the project.

Notwithstanding that, I think that the arguments that have been so eloquently advanced by my two colleagues, the gentlemen from Illinois, (Mr. MIKVA and Mr. DERWINSKI) are valid ones, and I also share the same concern of my good friend, the gentleman from Illinois (Mr. ANDERSON) because, we should be concerned with getting information that has not been revealed up to this point as to who those bondholders are before the Congress of the United States disposes of $45 million of the taxpayers' money.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I again wish to apologize to the House for sounding so very parochial in talking about what is purely a Chicago-area problem, but let me emphasize again that this is not a logical extension of the interstate system; this is a piecemeal acquisition of a white elephant that does a disservice to the taxpayers. There is no justification in the record before the committee for it.

Further, for any of those who may be concerned with this type of approach, this type of legislation, if enacted, will be to the detriment of the entire system.

Then the point that was made here and that must be shot down, is that the construction of the interstate system brought about the financial dilemma of the skyway and that is absolutely true.

Take a look at the map I have here and you find that the communities served by the skyway are distinct in traffic pattern from the communities served by other routes or roads in the interstate system. This will not divert enough traffic to save the alleged cost of expansion of other legs of the expressway.

I think this is a bad investment and urge the support of the amendment.

Mr. CRANE. I would simply like to lend again my support to my colleagues from Illinois who are behind this amendment and I would urge all of my colleagues to support the amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I am opposed to the amendment offered by the gentlemen from Illinois (Mr. MIKVA and Mr. DERWINSKI).

It was at my instruction that the staff of the Committee on Public Works put this skyway in the highway bill.

We had a similar proposition about 12 years ago. I believe it was 1960 when we asked $86 million for the skyway. I am sure the gentleman from Ohio (Mr. HARSHA) remembers that—he signed the minority report. There was so much opposition to it and all the newspapers said that there was a windfall.

Mr. Chairman and Members of the House, you know me long enough—and I would never introduce any legislation where there would be windfall involved. I am the one who directed the staff to put this in the bill so I am opposed to the amendment.

In about 1950 the State of Indiana built a toll road that ended in the southern part of Chicago near Indianapolis Boulevard, I believe, is as far as the toll road went. It dumped out all the traffic and caused a terrible bottleneck, so the city of Chicago built a road over the railroad tracks known as the Calumet Expressway—or the Calumet Bridge—and now it is the Chicago Skyway. They built that at a cost of $101 million.

I remember well the trouble we had in the hearings in the Committee on Public Works 12 years ago—and I dropped it because I figured that some speculators were going to get some money out of it.

At this time, I have not checked with any bondholders because I do not know who they are——and I am sure that every Member of this House will believe me.

I am very much interested in this. I want to make this a freeway, ladies and gentlemen of the House, instead of a tollway. I am appealing to you, as my good friends, to vote down the amendment offered by the gentleman from Illinois (Mr. MIKVA).

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. PUCINSKI. The statement has been made that this expressway is going to be useless.

The testimony before the committee is very clear. If this does become a freeway, the city is prepared to build additional ramps in order to make it a good deal more useful to the people on the southwest side of Chicago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. JAMES V. STANTON) there were—ayes 44, noes 24.

Mr. KLUCZYNSKI. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 111, after line 8, add the following new section:

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 146 (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 147. Availability of urban system funds.

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title shall be allocated among the urbanized areas within any such State in the ratio that the population within any such urbanized area bears to the population of all urbanized areas within such State."

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title."

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) (1) Where the units of general purpose local government in any urbanized area shall combine together under State law to create a metropolitan transportation agency, or where the State shall create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated under subsection (a) of this section shall be available to such metropolitan transportation agency for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(2) A metropolitan transportation agency shall be considered to exist when (A) an agency for the purposes of transportation planning has been created by the State or by the unit or units of general purpose local governments within any urbanized area which represent at least 75 per centum of the total population of such area and includes the largest city, and (B) such agency has adequate powers and is suitably equipped and organized to carry out projects on the urban system: *Provided*, That such projects may be implemented by the metropolitan transportation agency through delegation of authority for implementation to the participating local governments."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof: "147. Availability of urban system funds."

Mr. WRIGHT. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentlewoman from New York for 5 minutes.

Ms. ABZUG. I thank the Chairman. This amendment would give urban areas direct control over funds designated for their benefit under the Federal-aid urban system portion of the 1970 Highway Act.

The law requires that routes under the urban system shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials. It also provides that the projects be selected by the appropriate local officials and the State highway department in cooperation with each other.

Regrettably, the existing mechanism has some serious flaws, and this amendment would represent a significant step in correcting them. The principal problem arises from the fact that the State highway officials have the sole say in determining where the urban system funds shall be spent. Local officials have some say in deciding where a project will be constructed, but if the State authorities refuse to offer them funding in the first place, they have no recourse so long as the funds are spent in some urbanized area of the State. In addition, though they are guaranteed a voice in the decisionmaking project, the State's power of the purse enables it to simply take its money elsewhere if local officials refuse to accept its dictates.

The first thing that this amendment does is to allocate urban system funds within a State to each urbanized area in that State on the basis of population. This would insure objective fairness in the allocation of the funds and would prevent the situation in which an area having 40 percent of a State's urban population receives only 20 percent of the urban system funds apportioned to that State. Also, this provision would reduce the power of State highway officials to deny funding to a local area whose officials refuse to accept the State officials' dictates as to where a project should be built.

The amendment further provides that urban system funds be made directly available to duly constituted metropolitan transportation agencies. These agencies would be formed by units of general purpose local government and would have the authority to plan and carry out projects under the Federal-aid urban system. If such an agency is not formed in a given urbanized area, the State highway authorities would still have to spend the funds apportioned to that area in that area.

I and those who cosigned the minority views on this amendment—Mr. GROVER, Mr. RANGEL, and Mr. JAMES STANTON—believe that the urban system, as a system designed primarily to serve local needs, should be the responsibility of local officials. While this amendment would give the local officials the basic responsibility for urban system projects in their areas, the existing requirement that local and State officials cooperate in the selection of urban system routes and projects would be retained. This would shift the principal responsibility to the locality, but would retain a voice for the State, so that urban system projects will bear an appropriate relationship to projects outside the urban system.

In closing, I want to note this amendment has the full support of the Department of Transportation, the National Conference of Mayors, and the National League of Cities. It would be an important move toward bringing governmental responsibility closer to the people, and I urge its adoption.

Mr. Chairman, I think the amendment falls completely within the Highway Act. It is not an amendment to the law but merely talks of a way in which funds could be more effectively distributed to carry out the purposes of the act.

Mr. WRIGHT. Mr. Chairman, is it the statement of the gentlewoman that the moneys apportioned or allocated by this amendment would be exclusively for the purposes covered in title 23 of the United States Code, namely the highway purposes?

Ms. ABZUG. Entirely so.

Mr. WRIGHT. Mr. Chairman, in that case I withdraw my reservation of objection.

Mr. JOHNSON of California. Mr. Chairman, I rise in opposition to the amendment.

Over the years this highway program has been run on the most basic principle of government—the Federal-State relationship. There is no reason in the world why that should be changed.

The fact that there are needs in the cities which are great is recognized in this bill by a tremendously increased amount for urban area improvements.

It is not, however, necessary to pass these funds through to the cities to make them effective. The States themselves are better equipped to determine where the priorities lie across the State and between the cities.

The basic responsibilities of State government calls for that unit to be the one which controls what goes on throughout the State.

If we do not continue this State relationship it means chaos in the administration of the program.

A direct relationship between the Federal Government and the cities in the same program as that which involves the State can only lead to controversy among three levels of Government. This is without even taking into account the part that counties play in this whole picture.

Mr. Chairman, this amendment would even make it possible for parts of an urbanized area to shut out other parts of an urban area.

It only requires 75 percent of the population of an area to be the decisionmakers for all of the area. Whole individual communities could be deprived of their just share of funds.

Mr. Chairman, I would ask that the House reject this amendment. The States do have the expertise built up. They are dealing with the agencies of local government. In our own State of California, we have over 500 agencies of local government involved, so I do think the relationship between Federal, State, counties and cities is working very well at the present time.

Certainly, they have a measure of expertise that has been developed. There are different systems in all 50 States across the land as far as highways are concerned. Today, in our great State of California, we are putting better than a billion dollars a year into the overall highway program at the present time.

Some $300 million of that comes from the Federal Government's share. The other comes from State and local governments. I would say that I would hate to see this relationship broken up and this expertise set aside with this particular amendment.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the distinguished gentleman from California indicated, this amendment, for the first time, authorizes distribution of Federal-aid highway funds within a State to various cities, circumventing the States' normal role in the State-Federal relationship. In addition, it would encourage the creation of new bureaucracies, as the number of mini highway departments in all of the urbanized areas within which this money would be distributed are established. The effect of their creation would be to further compound the problems that already exist in getting highways built as quickly as possible.

We are already confronted with so much redtape, so much bureaucracy, in the highway program that it takes 6, 7, or 8 years now to plan and construct a highway. This would further lengthen out the process.

Local communities now have an input with the State in determining where highways should go; in developing plans and designs for them. They have an input. There is cooperation between communities and localities and the State now which complements the State-Federal relationship.

This particular amendment, Mr. Chairman, is nothing more than an indirect form of special revenue sharing which the proponents of special revenue sharing were not able to secure approval of in the normal fashion.

The special transportation revenue-sharing proposal was referred to the Committee on Ways and Means. This is an effort to circumvent the jurisdiction of that committee in order to get special revenue sharing enacted. That is all this amendment is. It is an attempt to get, indirectly, what they could not get directly.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Abzug).

The question was taken; and on a division (demanded by Ms. Abzug) there were—ayes 9, noes 49.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCHWENGEL

Mr. SCHWENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Schwengel: H.R. 16656 is hereby amended by striking section 119 in its entirety and substituting in lieu thereof the following:

"Sec. 119. Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.'"

Mr. SCHWENGEL. Mr. Chairman, this deals with the title on page 76 which reads "Control of Outdoor Advertising." It might well read, "Decontrol of Outdoor Advertising."

I speak as a member of the committee and I speak as a member of the Commission which has been studying the question of beautification of highways for almost a year now under the very able leadership of the gentleman from Texas.

I suggest that the amendments proposed in the bill will change the basic law that was wisely passed here in 1965. The amendments that are proposed by the committee will play havoc with the orderly implementation of the act of Congress passed in 1965.

The Commission of which I am a member has not yet completed its study and report to the Congress, and has a great deal of unfinished business. This is indicated in the interim report.

Now, some of the Members of Congress want to change this with an amendment that would virtually strip the existing law of the effective control of signs and would interfere with the implementation of the act, by imposing a moratorium on certain classes of signs. Their proposals not only ignore the intent of Congress as expressed in the conference report, but will lead to further visual pollution along our Nation's highways, which is certainly not in the public interest.

Let me illustrate. Section 131(c) of the act allows certain signs giving direction to natural wonders and scenic or historic attractions, under regulations to be promulgated by the Secretary. The proposed amendments to this subsection would open it up to every kind of sign which is now out on the highway outside of commercial or industrial areas. This subsection would be broadened to include the following classes of signs: Lodging, gas and automotive services, food services, camping grounds and rest stops. Outside of a very rare product advertising sign, and perhaps a few old signs without advertising copy, I cannot think of a sign in rural America which would not qualify under the proposed amendment to this subsection.

Then, to make it even more difficult to administer, they inject some of the standards they want the Secretary to promulgate. It sounds restrictive, but does it sound very restrictive when they say, "Not more than three signs in any 1 mile facing the same direction?" Surely one can immediately see that the billboard lobby will insist that this be interpreted no less than 3, which will guarantee them 6, probably.

This is the critical part. Applying this criteria to more than 200,000 miles on the interstate and primary road systems not zoned industrial or commercial, the least number of signs we will have will be 1.2 million. The present act renders approximately 800,000 signs nonconforming and subject to removal. Under the proposed amendment we will be left with one and one-half times as many new signs as we will require to be removed under section 131(d).

Keep in mind we are going to have to pay for the removal of some 800,000 signs plus, under subsection 131(g) of the Act, only to have 1.2 million signs go up with our blessing. The Members should ask themselves, is this effective control, or is it some kind of a very sad mistake, an unfortunate one?

Mr. Chairman, I urge the adoption of the amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. I very earnestly hope that the committee will vote down this amendment.

If this amendment is adopted, it will undo all the work that has been accomplished by the Commission on Highway Beautification which this Congress authorized, and on which the gentleman from California (Mr. Don H. Clausen), the gentleman from Oklahoma (Mr. Edmondson), the gentleman from Iowa (Mr. Schwengel), and I, have been privileged to serve.

This Commission, in an attempt to make some practical sense out of this highway beautification program, has conducted a very extensive series of open public hearings in six different cities throughout the United States to ascertain the wishes of the State Highway Departments, and of the general public.

In addition to that, we commissioned the taking of two nationwide polls by two highly respected polling organizations, the DeKadt Marketing and Research Organization, and the Sendlinger Organization.

Based upon those hearings and upon these polls, we believe that we have fairly well ascertained for the first time what the general public thinks about highway beautification. This Commission then wrote an interim report, to which the gentleman from Iowa (Mr. Schwengel) and I, as well as the gentleman from Oklahoma (Mr. Edmondson) and the gentleman from California, (Mr. Don H. Clausen) concurred, along with the four Members of the Senate and three Presidential appointees.

This report made several recommendations which we thought to represent reasonable changes at this point in the highway beautification program. Now, these are the changes we provide in the bill, the changes that would be eliminated by the accepting of the amendment offered by the gentleman from Iowa (Mr. Schwengel).

First of all, we discovered that throughout the country, where we had written in the previous law a limitation of 660 feet beyond the controlled highway within which billboards cannot be constructed, many builders of billboards had simply gone beyond the 660-foot limitation to a point 661 feet beyond, and there they had begun to erect gigantic, massive billboards, in violation of the purpose of the law.

So what we did here was to extend that control to what we thought was reasonable, to those that were visible from the highway and constructed with the purpose of their message being read from the highway.

That is one of the changes we make. We think it is a reasonable change.

The second change we would make would be in deference to the wishes of the American motoring public. Very clearly it was stipulated in public responses to both of these polls, that a distinction should be made between those signs that merely advertise products such as whisky, cigarettes, suntan lotion, or any other general nationally advertised product on the one hand, and on the other hand those which the motorists say they want: signs giving direction and information to services and facilities available on or immediately off that highway for the motoring public.

In that regard we have simply said this: that in taking down the nonconforming signs, take down first those which just advertise brands and products, and which do not give the motorist information that he can use on this particular stretch of the highway, and leave until last those that advertise small places of business that do provide services to the motorist, services which are sometimes just a mile off the highway, where the highway has by-passed them, and give these signs a moratorium until first the product advertisements have been taken off. We would like meanwhile to let these mom-and-pop establishments and the little businesses that do provide services of a motorist orientation and whose very continued existence may depend upon such signs remaining.

Now, those are the two basic changes that we have proposed in the law. Those changes were recommended by the Highway Beautification Commission, consisting of the four Members of the House, four from the Senate, and the three Presidential employees.

They have been embodied in the Senate bill; they have been accepted there.

Now, it is proposed by the gentlemen from Iowa that we do away with all this work and simply go back to the Highway Beautification Act, which has been a bone of contention, and that we ignore all the hearings and activities of the Commission, and bring it to naught.

So it is my suggestion, if you want a workable beautification program that does beautify highways, one that avoids the monstrosity of these enormous signs erected adjacent to the highways just beyond the 660 feet, and at the same time one that will give the motorist some information which he needs and permit the little business along the highway which provides a service for the motorist to remain in business, then vote down this amendment, and adopt these recommendations contained in the bill.

We have copies of the recommendations of the commission at the various desks here in the Chamber, and we would be happy for you to read them. We also have summaries of the two nationwide polls that were taken.

We believe, having heard from the beautification people, having heard from the billboard people, the professional conservationists, and all the related lobbyists, that we really ought to find out what the American public wants and try to conform ours to that. This is what we have endeavored to do.

I urge you to vote against the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be concluded in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. Don H. Clausen), has been recognized for 5 minutes at the time the limitation was imposed by the committee. Therefore, the gentleman from California (Mr. Don H. Clausen) is recognized.

Mr. DON H. CLAUSEN. Mr. Chairman, serving, as I do, on the Highway Beautification Commission with Mr. Schwengel, the author of this amendment, and Mr. Wright, the Chairman of the Commission, who is in opposition to the amendment, I want to state that I feel the amendment, as offered by my friend from Iowa, goes too far.

There are some portions of section 119 that I am not in full agreement with, such as my concern over the potential impact of subsection 119E and the possible increase in signs that would subsequently add to the costs under just compensation, as it now stands, but the hearings we held in Syracuse, N.Y., and our hearings throughout the country brought to our attention the fact that something had to be done until such time as the Commission completes its report and offers a recommended legislative course of action.

Mr. Terry, who represents the Syracuse area, has asked if I would relate some of the experiences and some of the problems we heard about in Syracuse.

As you are aware, the aim of the highway beautification program was to remove unsightly signs on our highways in order to make them more pleasant and pleasing for the traveling public. That was the purpose of the act in 1965. If you are aware of that, you are no doubt familiar with the shortcomings of the statute and the hardships it has created.

I would like to mention a case which has come to my attention. This happens to be a constituent of Mr. Terry's, Mrs. Merle Smith, a widow, a former teacher, who converted her home into a tourist home in order to help make financial ends meet. She is a pensioner with only a small retirement income from her teacher's retirement pension. Her business, her tourist home, is located about 500 feet from U.S. Route 15 in Rochester, N.Y. She has erected two signs adjacent to the highway, one measuring 4 feet by 3 feet, which says "Smith's Tourist Home," with an arrow pointing off the road. It also contained the word "Vacancy. Rooms are available." A second sign, 5 feet by 3 feet, says "Tourists. Open all year." Mrs. Smith received a notice from the State of New York that she had to remove the two signs within 30 days and that failure to do so would result in removal by the State of New York authorities.

There was also a suggestion that if Mrs. Smith desires to reestablish these signs, they may be placed 660 feet from the highway right-of-way. By this, I gather, the director of real estate property was suggesting that she erect a jumbo sign. Of course, in view of the modest type of business Mrs. Smith runs, such an alternative would be totally unrealistic.

But there is no doubt that removal of her two signs would put Mrs. Smith out of business. Her tourist home is not easily seen from the highway because there are tall maple, spruce and cedar trees surrounding her house.

Of course, she has the alternative of cutting these trees down and erecting a large on-site sign on her property. But this hardly seems like a sensible thing for her to do, the State to require, or the Federal Government to demand in the administration of what is purportedly a "beautification act".

The inequity that Mrs. Smith wrote to Mr. Terry about, as well as being conveyed to both of us on the committee, is not the only one that constituents have called to my attention. There are others. In fact, Mr. Terry has a file full of them. All point out the inequities and at times the problems associated with the Highway Beautification Act that was enacted in 1965 and which is presently being forcefully administered around the country.

Mr. Chairman, I am all for a sensible program to control outdoor advertising on our highways, but if such a program is to succeed from both the standpoint of the traveling public and property owners adjacent to our highways, it must be fair and equitable to all concerned.

I must emphasize, in conclusion, that our Beautification Commission hearings should have been held before the original legislation was passed, rather than after the fact.

Because, the hearings have revealed the number of problems that have occurred throughout the country.

I am very much concerned about the many small tourist-oriented businesses that are dependent upon directional and informational signs to stay alive and contribute to the jobs and the general economic and tax base of their respective areas.

It is for this reason that I reluctantly oppose my good friend, Fred Schwengel's sweeping amendment.

I plan to offer an amendment later dealing with an alternative and optional just compensation approach.

Directional signs are necessary for the traveling public in order that they may be apprised of the tourist opportunities in the area in which they are traveling. They are also necessary to insure that the small businessmen and others who derive a living from such tourist trade may advertise their wares.

Yet, as the law now stands and is being administered, the Mrs. Smiths of America are literally being driven out of business. Surely, this was not the intention of those who first proposed a beautification law. Certainly, I will not attribute such an intention to Lady Bird Johnson who conceived it.

Because of the imperfections of the 1966 act, the Congress created the Highway Beautification Commission in 1970. The mission of the Commission was to identify the "Mrs. Smith" type of inequities contained in the law and to find ways and means of alleviating them.

The Commission, as you know, has yet to submit its recommendations with regard to the Mrs. Smith type of problems. Accordingly, we are extending the life of the Commission for an additional period. During that time, until the Commission has had time to study and recommend a solution to the directional sign problem and Congress has had time to consider and act upon it, there should be a moratorium to protect the Mrs. Smiths of our land and others who would otherwise suffer grievous hardships from implementation of the present law.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I rise in opposition to the amendment as is pointed out in our committee report, the Commission on Highway Beautification—established by the Federal-aid Highway Act of 1970—did not become fully operational until late in 1971. After that, the Commission held extensive public hearings, assembled a large amount of information and just recently submitted an interim report of its activities to Congress suggesting some changes and requesting an extension of time for completing its work. Among other reasons for an extension, was the fact that State regulatory legislation had only recently been enacted in many States and that enforcement in most States had only just begun.

Further, the Commission indicated it had not yet had the opportunity for in-depth reviews of State and local advertising control programs. We feel that the Commission, given sufficient time, can assist Congress in solving the difficult and perplexing problems which have plagued the beautification program from the outset. The Commission did suggest certain changes to correct several basic defects of the 1965 Beautification Act which have thus far hindered the effective implementation of the program by the States.

The language before us was drafted in fundamental harmony with the Commission's recommendations.

The Commission suggested that Congress might wish to consider making some distinction between outdoor advertising signs which simply advertise products and those which provide information of potential usefulness to motorists regarding services and facilities in which highway travelers may be expected to have specific interest. Now, motorists need to get information about such travel-oriented services and facilities as lodging, food service, automobile service, camping areas, truck stops, tourist and recreation attractions, and the like. Thus, the committee recommends that directional and other official signs and notices for signs giving information in the specific interest of the traveling public be authorized, and that the Secretary of Transportation be authorized to permit the States to allow certain directional signs within the right-of-way of highways. We also felt it wise to provide that no sign lawfully in existence on June 1, 1972, giving directional information in the specific interest of the traveling public need be removed until December 31, 1974. Now this "moratorium" on the removal of signs applies very selectively and with respect only to these signs which can be described as "directional signs—giving specific information in the interest of the traveling public," and this selective "moratorium" would last only until December 31, 1974. It seems to me this is in fundamental harmony with the Commission's recommendation that States be allowed, and encouraged, to remove first those nonconforming signs which have no traveler-service orientation and to defer removal of nonconforming signs giving directional information to motorists.

The idea, in other words, is to encourage first the removal of those signs which merely advertise products as distinguished from motorists' services which are available along the roadside. There are surely a very great many nonconforming billboards which merely advertise products. I feel sure there are more than enough of these to keep the States busy in a very active removal program during the period of this proposed "moratorium."

Further, we are providing language to assure that just compensation will be paid for all signs required to be removed which were lawfully erected under State law. And, to prevent inequities from arising where a second removal of a sign is required by virtue of the provisions contained in this bill, a new amendment which authorizes 100-percent Federal funding for removing such signs has been added. And, the committee language provides that all signs must be removed not later than the end of the fifth year after they become nonconforming pursuant to State law. This is necessary—allowing the States the 5 years to implement these provisions and providing full funding. This is an enormously expensive undertaking for any State. Many States, including my own State of Tennessee, worked hard and long to get implementing State legislation for the last act—the pressures on State legislatures from lobby groups are terrific—and they almost lost my State the 10-percent highway funds.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding, and I simply want to make the point that, due to the extremely unfortunate and ill-advised action that was taken to limit debate on this amendment to 5 minutes, other Members will not be given any opportunity to speak on this amendment.

Nevertheless I would like to register my own very strong support for the amendment. I feel very deeply that the time has come for the Congress to redeem its promise it made 7 years ago to clear the billboards off the highway right-of-ways, and let the people who travel on the highways enjoy the scenic beauties of our country.

To fail to pass this amendment will effectively stall and delay this program of cleaning up the Nation's highways. Its most serious effect would be to legalize the increase in the number of billboards on the affected highways from 800,000 to 1,200,000.

Mr. Chairman, I urge a favorable vote for the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I merely respond to the gentleman from Idaho by stating to the gentleman that if we were to pass the amendment as it is presented to the House it would eliminate the possibility of removing the major jumbo signs which were brought to our attention in the hearings before the Commission throughout the country. Their removal is a primary reason for this interim legislation being advanced and included in section 119.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL).

The question was taken; and on a division (demanded by Mr. SCHWENGEL) there were—ayes 18, noes 46.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KAY

Mr. McKAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McKAY: On page 80, line 15, insert the following: "*Provided*, A state may not refuse to purchase and remove any non-conforming sign, display, or device voluntarily offered to the state for removal by a sign owner if funds are available in the Department of Transportation."

Mr. McKAY. Mr. Chairman, this amendment has to do with the right of a small sign company, if it wishes, to offer its signs to the State, and requires the State to accept them if the money is available in the Department of Transportation.

The intention of section 131(o) of this bill is to prevent a State from causing injury to advertisers whose signs serve to direct the public to their business establishments, but the section should not in any way alter the authority of the Secretary of Transportation to proceed with the purchase and removal of nonconforming signs where sign owners offer their nonconforming signs to the States for purchase and removal.

Many small sign owners have been adversely affected by the Highway Beautification Act, the act jeopardizes their ability to continue operation as banks have withdrawn support and employees sought refuge in a more certain and stable industry. These sign companies relied upon the 1965 Highway Beautification Act which promised them sign removal as of July 1, 1970, and just compensation for their nonconforming signs.

The amendment I now propose will not only guarantee the sign companies rights to voluntarily enter into a sale of their nonconforming signs to the States but will assure them of the expeditious administration of their claim. It is the intent of this amendment to prevent a State from waiting until a sign company can no longer maintain its signs and then acquire those signs at distressed prices because of their deteriorated condition. The refusal of a State administratively to process voluntary offers by sign owners or to seek funds for the purchase of such signs will be in noncompliance and subject to penalty.

Furthermore, the intent of this amendment is to protect those sign companies who have relied upon both Federal and State law to their detriment. Many companies are in the process of negotiating with the respective States for the removal of their nonconforming signs. They are at the mercy of the State. It is irresponsible to withdraw at this time, particularly when those companies have been laboring under the promises contained in the law which assures them "just compensation" for every single one of their nonconforming signs upon removal. Under the proposed changes in the beautification law a sign company which is a hardship company because of the Highway Beautification Act of 1965 can come forward and surrender each sign made nonconforming by that act, and be assured that those signs will be removed within a reasonable period of time and without delay.

Mr. Chairman, this morning I received a telegram from Mr. Henry Hellend, director of highways for the State of Utah, which I would like to insert in the RECORD at this point:

[Telegram]

Representative GUNN MCKAY,
U.S. Congress, Longworth House Office Building, Washington, D.C.

House Bill 16656 contains language on the highway beautification program which would more than double the cost being borne by the State of Utah and puts the State in an impossible position. We urge you to amend or delete any section which would alter the present beautification program. We fully support the program as it is now being administered by the Department of Transportation. Utah has removed 2,800 signs from an inventory of 9,000 nonconforming signs. The State currently has 15 sign companies programmed for sign removal with $3,500,000 authorized. The remaining 20 sign companies have been programmed and $2,000,000 in funding will be authorized within the next 90 days. We have spent $350,000 for sign removal so far. It costs the State of Utah from its own funds in excess of $100,000 per year to administer this program. H.R. 16656 would more than double that cost. If Utah can remove the nonconforming signs the administrative costs can be reduced to approximately $50,000 per year. The State has a compliance law and contracts which will continue in effect even if the Federal program is altered. Both the Federal and State governments have no course of action but to honor the present commitments and continue the program in its present form.

Sincerely yours,

HENRY HELLAND.

This telegram is self-explanatory in terms of the problems this bill will cause the State of Utah if it is not allowed to go forward with the program of beautification. Specifically, area sign companies have come forward and negotiated with the State. Utah is not alone in this problem. Let us consider a couple of other States:

The State of Colorado:

First. Colorado has received $500,000 in matching funds for sign removal;

Second. Colorado has removed 13,000 of nonconforming signs;

Third. Colorado has programed eight sign companies for sign removal;

Fourth. Colorado is going to host 1976 winter Olympics and their law requires all nonconforming signs down by 1976; and

Fifth. Six signs per mile in the State of Colorado would be a perpetual monument to the rashness and erratic behavior of Congress on this issue.

The State of Michigan:

First. Michigan has proposed a sign removal program through the Department of Transportation and has been allocated $6,000,000 for use in 1 fiscal year;

Second. The Michigan program calls for sign companies to come forward and claim their just compensation within a 30-day period; and

Third. If no provision is made for sign companies to offer their signs, this entire State program will be thrown into a state of confusion.

There are other States affected:

First. Oregon has been a leader for years in the beautification program;

Second. Idaho is fully funded as Congressman HANSEN has described; and

Third. California, Washington, Nevada and virtually all States are active in this program.

We have launched a program. It is off the ground. Calling it back now without considering all the ramifications is disastrous to the program and will raise great distrust in the States for future programs.

I would like to place in the RECORD at this point some remarks I would like to have offered in connection with the Schwengel amendment but was denied by the motion to cut off time:

STATEMENT BY REPRESENTATIVE GUNN MCKAY

(Impact of H.R. 16656 on the Highway Beautification Act of 1965)

As a member of the House Appropriations Committee and as Congressman from the state of Utah, I strongly object to the new language of H.R. 16656, Section 119, dealing with the control of outdoor advertising. It will sky-rocket the costs; it will destroy the faith of many states which are participating in the Highway Beautification Program; it will do irreparable injury to those who have relied upon the law, and it will have the effect of increasing the number of signs on our highways rather than decreasing them. Let me explain:

1. 400,000 ADDITIONAL BILLBOARDS AUTHORIZED

Currently there are approximately 800,000 non-conforming signs scheduled to be removed by 1976. These are located on approximately 200,000 miles of unzoned rural primary and interstate roads. Under the new proposed language, which permits six signs per mile (three each direction), rather than removing the 800,000 signs which are now non-conforming, it will allow a total of 1,200,000 signs when they are properly placed. Instead of removing signs in beautiful rural America, the new language will allow the sign population along the countryside to grow by 400,000 additional signs.

2. SUBSIDIZED NEW SIGN CONSTRUCTION

Since the 800,000 non-conforming signs are concentrated in rural areas around the towns and cities of America, nearly all of these rural signs, with the exception of six per mile, will be removed. The federal government and states will pay for the cost of dismantling and also the cost of the sign itself; while at the same time the sign companies will be able to relocate its dismantled signs and erect new signs along portions of the interstate and primary system.

3. CONTROLLING ADVERTISING MESSAGES AS WELL AS SIGN LOCATION

The moratorium on removal of directional signs "in the specific interest to the traveling public" is more than just a stay in the proceedings of sign removal. It changes the whole nature of the Beautification Act. Until now the question of whether a billboard was conforming or non-conforming was determined by its location on a highway. Now the message on the sign, as well as the sign location, will determine whether the sign can remain up. These directional signs cover a broad sweeping category of signs including food services, restaurants, cafes, bars, car dealers, garages, service stations, lodgings, motels, hotels, apartment houses, etc. Administrating this program and monitoring sign messages will sky-rocket the costs of the program. State officials must decide from a sign's face whether or not it is of "specific interest to the public".

4. FREEDOM OF EXPRESSION SUBJECT TO MONITORING

The freedom of an advertiser or billboard company to create and express a message to the traveling public is severely restricted. In order to retain a location of a non-conforming billboard, the sign company must find the right advertiser. The message from a motel would be allowed, but the message from a manufacturer of a product would be prohibited. This is not just a provision controlling billboards. In fact the language of this bill would control advertising copy and the messages that are placed upon the sign. The Highway Beautification Act of 1956 as amended prohibited certain signs based upon zoning requirements. In that Act Congress was *not* dealing with fundamental rights of freedom of expression. The language now proposed actually gets into the monitoring of advertising messages and may well invite litigation to test whether or not there is a restriction on the freedom of speech of an advertiser whose copy is not allowed because it does not conform. Such language should be referred to the House Judiciary Committee for their comments before the members of this House are asked to vote on it.

5. EMERGING MONOPOLY IN OUTDOOR ADVERTISING

The passage of the Highway Beautification Act in 1965 virtually eliminated the small and medium-size advertising companies from competition in the roadside advertising market. Many small companies have been forced to allow their advertising contracts to expire or sold out at distress prices because of their inability to continue as banks withdrew support and employees left. Right now, many states are in the process of purchasing the non-conforming signs of companies operating within those states. These include California, Arizona, Oregon, Washington, Nevada, Utah, Idaho, Colorado, Maine, Michigan, New York, just to name a few. Those sign companies are virtually at a standstill and are relying upon their government for fair treatment.

The provisions under this act now under consideration would increase the movement toward a monopolistic market in roadside advertising. It increases the leverage of large companies to sell and erect signs in new locations across the nation. A moratorium and new sign location authorizations at this time merely add to the capacity of the large sign company to eliminate virtually all of its competition.

6. COMITY BETWEEN THE STATE AND FEDERAL GOVERNMENT UNDERMINED

Pursuant to the 1970 Federal Aid Highway Act, the Secretary of Transportation has done a remarkable job of bringing 49 of 50 states under compliance. He has promulgated federal guidelines in the Federal Register and approved "just compensation" schedules for sign removals for many states. The legislation under consideration would introduce mass confusion among states and undermine the will of both the Department of Transportation and state highway divisions to go forward with any further work on sign removal or control. States in the process of purchasing and removing nonconforming signs are placed in a legally vunerable position, and the measure could create general distrust in the government's beautification program.

7. NEW LANGUAGE IGNORES HIGHWAY BEAUTIFICATION COMMISSION INITIAL RECOMMENDATIONS

When the 1970 Federal Aid Highway Act was passed the House Public Works Committee insisted on having a Highway Beautification Commission to re-study the billboard program even though the Secretary of Transportation had just completed a year-long study and made recommendations to the committee. Secretary John A. Volpe, at that time stated that, "What was needed was funds and to get on with the job of sign removal" in rural areas. The Secretary underscored the point, "*We have made too many promises to too many states to turn back now.*" The Commission report stated, "The Commission does not recommend any change in Federal law at this time." The House is now being asked to accept a new and costly proposal which is just the opposite of what the Commission reported.

These points raise legitimate questions about the section of propriety of this legislation. I would urge the House to refer this bill to the Judiciary Committee to determine if the language jeopardizes the Constitutional rights of any citizen.

Mr. JONES of Alabama. Mr. Chairman, we have examined the amendment offered by the gentleman from Utah (Mr. MCKAY) and find no disagreement as to its provisions.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from Utah (Mr. McKAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered my Ms. ABZUG: page 107, line 12, through page 108, line 5: Strike all of section 139. Renumber the succeeding sections accordingly.

Ms. ABZUG. Mr. Chairman, this amendment would strike from the bill section 139, which would prohibit judicial review of administrative actions relating to the construction of the Three Sisters Bridge across the Potomac River between Washington and Virginia.

The battle over the construction of this project has been waged in the courts and in Congress for a number of years. The bridge, conceived 20 years ago, was to be linked with highways which have not yet been built and which may never be built. Citizens who were opposed to the bridge because it would run through their communities, creating considerable noise and air pollution, with no proof that it was truly necessary for the area's transportation needs, because it had not been demonstrated to be of safe construction design, and because it was to run through park land, including the C. & O. Canal National Historical Park, took the matter to court.

Extended court consideration of the case, with attendant stays on construction, led Congress to try to prod transportation officials into getting the project started. Section 23 of the 1968 Highway Act directed them to commence work of several projects in the District of Columbia area, including Three Sisters, but made that direction subject to "all applicable provisions" of the Federal Highway Act. In signing the bill containing section 23, President Johnson stated that the direction to begin the enumerated projects was subject to compliance with the rest of the act, and the courts upheld his interpretation in 1970. The case was then remanded for a trial court finding as to whether there had in fact been compliance with the applicable requirements of law. The district court found that there had not been a proper hearing on the question of the bridge's design, and also that there had not been proper approval of the safety aspects of the bridge. The court of appeals agreed with the lower court on the latter question and also ruled that highway officials had failed to comply with statutory provisions which require highways to be based on coordinated, comprehensive planning and which prohibit the use of public owned parkland for interstate highways unless there is no feasible and prudent alternative.

The question before us is not whether this bridge should or should not be built. There are Members supporting my amendment who stand on both sides of that issue. The fact here is that even if the bridge is the greatest thing that could happen for transportation in this area, there are two reasons why section 139 should be removed from this bill:

First, it creates an exception to the provisions of the Highway Act and the National Environmental Policy Act which are there to protect the general public and the environment, and which apply to every interstate project in this Nation.

Second, it deprives citizens of the United States of their right to have access to the courts for redress of their legal grievances. Congress may have power to legislate as to the jurisdiction of Federal courts, but it may not exercise that power in violation of due process of law.

As a member of the Public Works Committee, I know first hand how hard working and serious a body it is. Consequently, I am certain that the provisions of the Highway Act requiring a proper public hearing on bridge design, proper approval of the safety aspects of a bridge, and coordinated, comprehensive transportation planning, as well as the provision prohibiting the use of publicly owned parks for interstate highways unless there is no feasible and prudent alternative, were not put there lightly, but only after the most careful and informed consideration. The courts have held that all of these provisions of the act have been violated with regard to the Three Sisters Bridge project. They have not said, "You may not build this bridge." All they have said is, "You have failed to comply with the law, and you may not proceed until you can demonstrate that the requirements of the law have been satisfied." In a government and a society of laws, that is entirely reasonable and proper, and we should not be creating a special exception to the law just because one project is right here in our backyard or because we would like to see it built.

In addition to the failure of those responsible for this project to comply with the law, there is every indication that the bridge is opposed by the overwhelming majority of the citizens through whose communities it would run. The only witness at this year's hearings on highway legislation who spoke about the bridge opposed it and called for the repeal of section 23 of the 1968 Highway Act, which had attempted to compel construction of the bridge.

At the hearings in 1968, and today as well, numerous civic groups, including the D.C. Federation of Citizens Associations, the D.C. Federation of Civic Associations, the Committee of 100 on the Federal City, Arlingtonians for the Preservation of the Palisades, and the Emergency Committee on the Transportation Crisis, have expressed strong opposition to the bridge. An informal referendum among District of Columbia residents in November 1969 resulted in an 84-percent vote against construction of the bridge and its connecting freeway system. Only last week, the Arlington County Board resolved that—

> The Arlington County Board is opposed to Section 139 of the Federal-Aid Highway Bill currently before the House Public Works Committee . . .

In recent days, many individual residents of the area, as well as the Washington Post, have also called for the deletion of section 139 from the bill.

I cannot see what else we have to know in order to decide to strike section 139 from the bill. The project has not complied with the law in numerous respects, there is doubt as to whether it is safe, and it is opposed by the community. I urge the adoption of my amendment to delete section 139 from this bill.

PERFECTING AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

Perfecting Amendment offered by Mr. BROYHILL of Virginia: Page 107 line 13 after "SEC. 139." insert "(a)".

Page 108 after line 5 insert the following: "(b) This section shall take effect upon the final determination of the route of Interstate Highway I-66 from its present terminus in Virginia at I-495 to its connection with a bridge or bridges (presently constructed or to be constructed) across the Potomac River."

PARLIAMENTARY INQUIRY

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BROYHILL of Virginia. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DON H. CLAUSEN. Mr. Chairman, my parliamentary inquiry is this: The gentleman indicated a perfecting amendment. Is this in effect an amendment to the amendment rather than a perfecting amendment? I do not understand.

The CHAIRMAN. The Chair will state from a quick study of the amendment that it appears to be a perfecting amendment to the section which is proposed to be stricken by the amendment offered by the gentlewoman from New York.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for a further parliamentary inquiry?

Mr. BROYHILL of Virginia. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. As I understand the parliamentary situation, the gentlewoman from New York has moved to strike that entire section. The gentleman from Virginia has moved to add a provision to the section in the bill. I ask the Chair in what order or sequence will the votes come on the several proposals.

The CHAIRMAN. The vote would come first, the Chair will state, on the perfecting amendment of the gentleman from Virginia. Following that the principal amendment to strike out the section would be put to the committee.

Mr. GERALD R. FORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, if the perfecting amendment of the gentleman from Virginia fails, then we have a vote on the amendment of the gentlewoman from New York. If successful, would she strike out not only the section in the bill, but the perfecting amendment as well?

The CHAIRMAN. The gentleman has stated the situation as the Chair understands it.

Mr. BROYHILL of Virginia. Mr. Chairman, in an attempt to clear up the confusion, the net effect of the perfecting amendment is that it reinstates section 139 that the amendment of the gentlewoman from New York seeks to strike, but adds an amendment to section 139 as it appears in the committee bill.

The final effect of my amendment if adopted would be to make the section 139 in the bill applicable when the construction of the proposed Interstate I–66 in northern Virginia as proposed to be constructed from the Interstate beltway Route 495 into the District of Columbia—whenever that is ready for construction, then section 139 would become applicable. The proposed Three Sisters Bridge is a part of the Interstate System and is meant and is planned to be connected with I–66 in northern Virginia if and when that is completed.

I–66 is now being held up in the Fourth Circuit Court of Appeals or there is pending an appeal in the Supreme Court at this time. It is being delayed for an environmental impact study and also for a study of the various alternatives. If I–66 is not constructed from the beltway into the District of Columbia, then the construction of Three Sisters Bridge would be superfluous. However, on the other hand when I–66 is proposed to be constructed and all the cobwebs have been eliminated, then it is essential and most necessary that we construct Three Sisters Bridge without further delay.

I am in favor of the Three Sisters Bridge. The people I represent are in favor of it. The people I represent are in favor of the construction of I–66. I have taken a poll of that area and I find that 69 percent are in favor and 19 percent opposed and 12 percent have no opinion. That was after 33,000 questionnaires were turned in. Some of my own people are opposed to the Three Sisters Bridge and some to I–66. Some people are opposed to it for environmental reasons and some do not want their property taken, and it is pending in the court because some people claim they have not had their proper hearing in court.

The Three Sisters Bridge has been pending for years and years and years. We have had it studied and restudied.

There have been court hearings after court hearings. We had a hearing on the design of the bridge to be constructed after $600,000 or $800,000 expenditure. A model was constructed to show the design for esthetic purposes and for engineering purposes. I do not think we should delay construction of Three Sisters Bridge any further. I think any further delay is ridiculous, but my amendment does permit it to be held up only until after we have clarified whether we will construct I–66.

Mr. Chairman, I hope my perfecting amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 2 additional minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. KLUCZYNSKI. Mr. Chairman, I believe that there is a complete misunderstanding as to the nature and reasons for this amendment.

There is no attempt here to prevent people from having their say on the subject. They have already had it in every way imaginable. The Chief Justice of the Supreme Court recognized this completely in his statement on the issue.

So that we can be clear on what he said, I want to read at this time his entire statement:

> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the court of appeals has, for a second time, unjustifiably frustrated the efforts of the executive branch to comply with the will of Congress as rather clearly expressed in section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

The same thing is happening in the Virginia case wherein the courts said they cannot decide on the spout run connections to the bridge until the bridge controversy itself is resolved.

So both courts have set up a situation where nobody can decide anything.

This section of the bill takes the issue away from the courts in the District of Columbia in order to insure that the 1968 act is followed.

Every bridge across the Potomac River has been authorized individually by the Congress. Every one has been full of controversy. There is nothing different about this one except the fact that even the courts have created an impossible situation. It is up to the Congress to decide now whether the actions they have taken in passing a law are going to be followed or not.

Mr. Chairman, I hope that this body will stand up and defeat the amendment.

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The gentleman from Virginia stated that his amendment in effect put back in section 139 and then added another part. My parliamentary inquiry is: Is this a substitute, so that if the gentleman's amendment is adopted, there is no vote on the Abzug amendment, or is the Chair ruling that if the gentleman's amendment is adopted then thereafter there is a vote occurring on the Abzug amendment which would strike it all?

The CHAIRMAN. As the Chair stated previously, the adoption of the perfecting amendment proposed by the gentleman from Virginia would not negate the vote on the principal amendment offered by the gentlewoman from New York, so that even if the gentleman's amendment were to be adopted the committee would then vote to the proposed amendment as offered by the gentlewoman from New York.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I understand the amendment offered by the gentleman from Virginia correctly I believe I am in support of it in that it delays or makes it a whole package for both the Three Sisters Bridge and the connecting link. I think that is obviously something that has to be done or we are going to end up with either a hanging bridge or a hanging highway. I think that leaving it without a national system would be a very bad thing for us to do.

I also however think we are better off if we leave the matter of both the highway, which is presently in litigation, and the bridge, which is in litigation, to the courts. I have been involved with the gentleman from Virginia and a number of others in trying to see that we get both a subway system and a completion of the highway system here.

But, this bill is a very bad precedent. This bill now applies to Virginia and to the District of Columbia. If we say to the citizens of that State and the District, "You cannot have your day in court," it is wrong. If that bridge is going to fall down, we had better find out about it before it happens. If the highway is not going to connect to the end of the bridge we had better find that out. I know that this is a hardworking committee, and the Members are well aware of the problems involved, but this section is not the solution.

I do not know yet how we are going to get from the end of I–66 on the Three Sisters Bridge into the rest of the city past the Lincoln Monument. Even now, any of us who drive that, and I happen to do so every morning, we know that there is a gigantic scramble when you come to the end of those bridges. There sits the Lincoln Monument and there sits the river, and there sits the State Department.

Until someone has finally resolved that we leave this. That is why I think we need an orderly process here. You could end up with the I–66 link and bridge going across and ending up nowhere except a lot of cars congregating around the Lincoln Monument and trying to go some place and wondering where they are supposed to go.

I advise any of the Members who are questioning my statement to go down and drive it some morning. The Members will see how confusing it is. I think the orderly process of what the court has been trying to do should go ahead.

Mr. JONES of Alabama. Would the gentleman yield?

Mr. ADAMS. I am happy to yield.

Mr. JONES of Alabama. Is the gentleman suggesting that we have fewer bridges in order to accommodate the traffic?

Mr. ADAMS. No, what I am suggesting is that the whole plan has not been completed in its total review and the administrators involved with it have not stated how they are going to handle the traffic once you get from the beltway across the bridge and into the city. We have no link that connects the end of I–95 with I–66.

Mr. JONES of Alabama. How long do you think it is going to take to build that bridge?

Mr. ADAMS. I have heard estimates of about 2 years to build it.

Mr. JONES of Alabama. Does the gentleman not think that they can build the approaches to it in a reasonable period of time?

Mr. ADAMS. I do not, because——

Mr. JONES of Alabama. Well, the gentleman is not aware totally, then, of the plans that have been made over the years; the amount of effort that has gone into it; $7 million, excessive amounts of money to make the proper plan.

Mr. ADAMS. If the gentleman will let me complete my statement, I am very aware of the proposed plans because we were involved with both the inner loop and outer loop and the radial and the connecting highways coming in and I have supported completing the link across in front of the Capitol Building, but the link from I–66 to I–95 that has not been finally decided or completed, and the difficult one from the end of I–95 to connect with I–66 has not been finished. You have to do something about the Lincoln Memorial, the Mall, all of the things that are in the Federal Triangle.

This design was made back in 1968. It has not been changed. We are attempting, as I understand it, to complete the litigation and build the appropriate bridge and connecting links. My point here is that we should allow the orderly process to go ahead.

I believe the gentleman from Michigan (Mr. DINGELL) is going to mention another section in this bill, and we should not substitute our judgment for the orderly process of court review that goes on every place else in the country. I know that the gentleman from Kentucky and all of us have been very unhappy down through the years about the time that these court cases take, but I am just saying that is the way it is in modern America. We should not tamper with it.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have no particular brief pro or con on the Three Sisters Bridge. I think it might be a good idea to read the language the gentlewoman from New York wishes to strike out. It says:

> No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

I find that exceedingly surprising language.

I know a lot of people feel strongly one way or the other about the Three Sisters Bridge, which personally I do not. The idea that we should pass a statute here saying that one cannot take a question to court and get it determined, and that anything the Secretary does cannot be reviewed by a court, to me, as a member of the bar and a citizen of the Republic, is kind of shocking, really.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Texas.

Mr. ECKHARDT. The gentleman's remarks are entirely appropriate here. I was wondering what would happen if an action were brought to foreclose on earthmoving equipment by a creditor of a contractor. The way this reads that would impede construction of the bridge. Let us suppose there were a foreclosure action brought, or a reorganization suit brought that would result in reorganizing one of the companies involved, or a suit with respect to safety. Would not the gentleman feel that these might impede construction of the bridge?

Mr. DENNIS. I say to the gentleman, it is a very surprising section to me.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. The language is strong, but the language has come at the suggestion of a per curiam decision or memorandum from the Chief Justice of the Supreme Court of the United States. Let me read it. These are the words of the Chief Justice in the case that grew out of this litigation that got to the Supreme Court:

> The petition for a writ of certiorari is denied.
>
> MR. CHIEF JUSTICE BURGER, concurring.
>
> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in § 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

This is a memorandum from the Chief Justice on March 27, 1972. He suggested that the Congress take this action if it so desired, and he fully concurs in the proposal by inference, if not directly, in this bill.

Mr. DENNIS. I appreciate what my distinguished colleague and leader has said. I am familiar with the fact that we have the power to circumscribe and limit the jurisdiction of the inferior Federal courts. That is in the Constitution.

The Chief Justice, in pointing out we could do that, said nothing that is not true. I do not know whether he has entirely suggested that we do it, particularly in the manner attempted here.

It does seem to me, while we may have that power, it is a pretty drastic action to take here. Surely we could run this thing through the courts and get a decision eventually. This is the kind of procedure that I, having the background and training I have, do not happen to like.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. DENNIS) has expired.

Mr. DENNIS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. HALL. Mr. Chairman, I object.

Mr. JONES of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the entire situation in the District of Columbia as it relates to Three Sisters Bridge is nothing but a process in legal gymnastics.

The minority leader has pointed out what the Chief Justice of the Supreme Court has written. We are trying to comply with the advice given in the Court's decision. What could be better or wiser than following the advice of the Chief Justice? We want to get along with the business of building the highways throughout the United States, and clear up the problem here in the District.

We have been talking about the Three Sisters Bridge. We might as well be talking about any bridge in the United States that is on the Federal system.

The engineering requirements have been met; the specifications, and the studies have been concluded.

Here we come along with an unusual situation here in the District. If we are going to take up a highway bill and we are going to pass on every abutment to a bridge and every curve that some engineer gives some answers on, then we are going to be sitting here looking at blueprints and trying to work out something from a maze of engineering requirements that none of us is capable of making. It is time to resolve this problem once and for all.

Now, why can we not go along with the advice given in the decision instead of trying to make all of these demographic studies that are required on the origin of traffic and where the traffic is going to be received and deposited? All of those things were taken into account.

Let us get along with the business rather than fragmenting ourselves on the question of a bridge between the District of Columbia and the State of Virginia. We should not get into that, any more than we are going to get into the discussion of any other bridge or highway in the country. However, in this case we have to get involved. There really is no other choice.

Mr. DENNIS. Will the distinguished gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman.

Mr. DENNIS. Is the gentleman suggesting when he says that it might as well be any bridge in the country that we are going to adopt the procedure in this Congress of passing laws which say that the people all over this country cannot take any bridge to court?

Mr. JONES of Alabama. Oh, nobody has made that suggestion at all.

Mr. DENNIS. Mr. Chairman, I do not see why this one is any different.

Mr. JONES of Alabama. Mr. Chairman, the gentleman is just making an observation that is not even pertinent to the question.

Mr. DENNIS. Will the gentleman yield further?

Mr. JONES of Alabama. I yield to the gentleman from Indiana.

Mr. DENNIS. My observation which the gentleman says is not pertinent is based on the gentleman's remark that this might as well be any bridge in the country. That is just what I think, too. I do not want to get into the business of saying you cannot take any bridge in the country to court if there is some reason to take it there.

Mr. JONES of Alabama. Well, the gentleman from Alabama has not suggested you cannot take matters involving other bridges to court.

Mr. Chairman, what I am trying to say is that we are complying with the Court's requirements.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for years now the Committee on Public Works and the Committee on Appropriations have believed that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the present rapid rail transit system that is now under construction.

In 1955, the Washington metropolitan area transportation study was approved and the necessary survey completed in 1959. There were 13 elements composing the freeway program in the District of Columbia recommended by the survey. Prior to the completion of the survey and on September 15, 1955, the Commissioner of Public Roads, pursuant to the Highway Act, distributed urban mileage. In this year of 1955, the Highway Departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects approved for the District of Columbia were as follows:

First. Northeast freeway. By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The north-central freeway, six studies have been made.

Third. Palisades parkway, six studies.

Fourth. Three Sisters Bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-north-central freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

Since these projects were selected and approved there have been 82 studies made at a cost of over $20 million. For instance, on the Three Sisters Bridge there have been eight studies and, in addition to the studies, a little over $2 million has been expended on this project. The contract for the piers, which was let in September of 1969, entailed a little over a million dollars, and Secretary Volpe, of the Department of Transportation, entered into a contract for a model of the bridge which, when completed, cost a little over $1 million and, by the way, after being fully tested and approved, was awarded a citation, as the "Model of the Year."

Not a single one of the freeway projects, including Three Sisters Bridge, was selected by the Public Works Committee, the Appropriations Committee, or any committee in the Congress. The locations and sites were not selected by any committee in the Congress. All of the projects and the locations and sites were approved and selected by the District of Columbia officials, together with the officials in the Bureau of Public Roads and in the Department of Transportation.

The Board of Trade, the Board of Realtors, the District of Columbia Chamber of Commerce, the Federal City Council, the Washington Savings and Loan League, and many other organizations in the city of Washington approved the freeway projects and the balanced transportation system consisting of freeways and rapid rail transit.

The Washington newspapers approved the balanced system of transportation and the freeway projects, which were later contested by suit, and with certain of said projects incorporated in the Highway Acts of 1968 and 1970.

For many years now, the Evening Star has approved a balanced transportation system, and on June 20, 1968, in an editorial entitled "Freeway Mandate" we find the following:

> The House Public Works Committee had a choice of two legislative approaches in making good its promise to end the unconscionable stalemate over Washington area freeways.
>
> One possible avenue was to direct the completion of the District's long-delayed freeway program in a bill limited to that single purpose. Instead, the committee has chosen to incorporate this necessary congressional mandate as a part of the national interstate highway legislation, which commands a high priority for passage in this session. That decision was the right one.
>
> For it is amply clear by now that the only hope of revising the District's deadlocked program rests with Congress. The various Federal and city agencies which should have moved District freeways ahead through normal administrative processes have demonstrated their inability to do so. Indeed, the opponents of urban freeways have thwarted this process by keeping freeway decisions in a state of chaos. By including its mandate in the national highway bill, the House committee has assured that this deplorable situation will finally receive from Congress the attention it deserves. That assurance simply would not have existed in the case of a purely local bill.
>
> Fortunately, the legislation also proposes, on a national basis, liberal expansions of financial assistance to families and businesses displaced by freeways. These provisions are urgently needed. If enacted, they should eliminate one of the major points of freeway contention in the District.
>
> There are reports that the committee's strongly worded directive on the District, requiring that a cohesive freeway system be completed, may encounter difficulty when the bill reaches the Senate. If so, that problem will have to be faced when it arises.
>
> It may not arise at all, however, if the real facts of this controversy are fully clarified in the House. The specific projects which the House bill sanctions are vital to the city. They comprise a modest network of roads, designed simply to complement the region's proposed rail transit system. A certain amount of flexibility as to planning details is required, as the Committee no doubt will explain in its report. But there should be no compromise whatever in a firm demand by Congress that the freeway program proceed without further delay.

An editorial entitled "District of Columbia Freeway Network" from the Washington Post of June 21, 1968, states as follows:

> The House Public Works Committee has wisely included the long-stalled District of Columbia freeway projects in its omnibus Federal highways bill. If this legislation is passed, the District will have a mandate to go ahead with its controversial freeway network without further wrangling. At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.
>
> In our view the Potomac Expressway to connect with the George Washington Memorial Parkway on the Maryland side of the river, the North Central Freeway, the Three Sisters Bridge and completion of the inner loops are essential to give this city a modern transportation system. They must, of course, be carefully integrated with the new rapid transit system. Even if rapid transit fulfills the great expectations associated with it, however, this rapidly growing city will need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.
>
> Especially hopeful is the committee's decision to include in its bill a provision for higher relocation payments for families and businesses to be displaced by the highways. It is not enough to pay a family whose home is taken merely "fair market value" if that is not enough to buy a comparable home in a similar neighborhood and to reimburse the family for the expense and inconvenience of moving. Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.
>
> The condemnation of homes for expressways has caused special hardships in the past because many of the new projects have cut through the slums. In some instances that is unavoidable because of the necessity of linking the inner city with beltways and express radials. But a new concept of the "just compensation" that the Government must pay for such property taken under duress is in order. It should be enough to save the dispossessed family from any real loss and perhaps a little more to assuage injured feelings. Congress has been slow in coming to the acceptance of this principle, and the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.

Again, on June 30, 1968, from the Evening Star we have an editorial entitled "Congress Must Act," and this editorial is as follows:

> The necessity for Congress to end the ridiculous controversy over Washington freeways by compelling the completion of a moderate, rational highway system has been evident for a long, long time. This week, at last, the House of Representatives will have the opportunity to begin that process. Its Members should not hesitate to do so.
>
> Fortunately, the House Public Works Committee has given assurance that the issue will be faced by inserting a District freeway mandate in the high-priority administration bill—scheduled for debate tomorrow—to extend and broaden Federal aid to highway programs throughout the country.
>
> It is hard to think of a more fitting legislative vehicle, for the national bill contains long needed reforms, especially in terms of expanded Federal assistance to persons displaced by highways, which have a direct pertinence to the District dispute.
>
> A fight on the House floor nevertheless seems assured, since three committee members already have filed a minority report against the District mandate. It seems to us, however, that their arguments have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them.
>
> In its excellent report on the District issue, the Public Works Committee makes certain concessions to freeway opponents, including a relinquishment of District control over Glover-Archbold Park. But it insists that "quite obviously the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area, the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act."
>
> That is the sum and substance of the case. The House committee's finding that a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system, was reached after months of study. We are confident that any other unbiased forum apprised of the facts, would reach an identical conclusion.

The Committee on Appropriations began appropriating for the freeways in the year 1958. Over $200 million is now available in Federal and District funds for the District of Columbia's freeway system. By virtue of delay, lawsuits, and failure to comply with the law set forth in the Highway Acts of 1968 and 1970 the cost of the freeway projects more than doubled the original amount estimated.

In the year 1963, the District of Columbia Committee brought out legislation authorizing construction of a rapid rail transit system for the city of Washington. This bill was recommitted back to the committee due to the fact that the cost of constructing this system and answers concerning where the money would come from were not answered to the satisfaction of the Members of the House of Representatives.

In the year 1965 another transportation act was brought to the House and here we had a request for a 25-mile system to cost $431 million to be constructed entirely within the limits of the District of Columbia. Of the total amount $50 million was to come from the District of Columbia, $100 million from the Federal Government and the balance to be obtained through the issuance of bonds. No construction was started under the authorization of 1965 which was approved by the Congress and it was not until the Transportation Act of 1969 that we finally had construction beginning on a rapid rail transit system here in the Nation's Capital. The Transportation Act of 1969 provided for 98 miles at a cost of $2.5 billion; $1,147,044,000 would come from the Federal Government in grants and $216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay $357 million for construction of the 98-mile system and the balance of $835 million would be in bonds to be issued and thereby retired out of funds from the fare box.

In the year 1966 the Committee on Appropriations, acting upon the recommendations that I made as chairman of the District of Columbia Budget Subcommittee, recommended to the House of Representatives that the rapid transit money be appropriated and the rapid transit system start following the act of the National Capital Planning Commission which approved the freeway program. Just as soon as the money was released to start the rapid transit system, a lawsuit was immediately filed and the freeway system was stopped. This existed until February 1968 when a final judgment was rendered in the district court directing that certain requirements had to be complied with by the District of Columbia before they could proceed with the freeway system. Up until the time of this suit, there was complete agreement in the Congress and the District Building and the Federal Government that both the freeway system and the rapid transit system should go together and both be completed. When the judgment was entered in February 1968 Congress acted.

The States of Maryland and Virginia then proceeded on the theory and the understanding that the District of Columbia would construct its freeway projects and these two States then perfected their plans to correspond with the exits and entrances to the District of Columbia.

The Highway Act of 1968 contained the following provision:

> DISTRICT OF COLUMBIA
>
> SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "the 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.
>
> (b) Not later than 30 days after the date of enactment of this section, the government of the District of Columbia shall commence work on the following projects:
>
> (1) Three Sisters Bridge, I–266 (section B1 to B2).
>
> (2) Potomac River Freeway, I–266 (section B2 to B4).
>
> (3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.
>
> (4) East Leg of the Inner Loop, I–295 (section C1 to C4), terminating at Bladensburg Road.
>
> (c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.
>
> (d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under the section 106 or 117 of title 23, United States Code, the Commission of the District of Columbia, may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507 and 508 of title 23, United States Code.
>
> (e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.
>
> (f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of replacement property.

Following passage of the Highway Act of 1968 and with the complete concurrence of the District officials, the Department of Transportation and the President of the United States, a contract was let for construction of the Three Sisters Bridge, with construction starting in August 1969. At this time the Subcommittee on the District of Columbia budget and the Committee on Appropriations in the House recommended that rapid transit funds be released, with construction to begin immediately on the rapid transit system. Contracts were let placing the first mileage in the rapid rail transit system under construction and the pier contract began on the Three Sisters Bridge. Within a matter of days after the contract was let on the Three Sisters Bridge another suit was instituted in Federal court seeking an injunction enjoining construction of the Three Sisters Bridge project. The Three Sisters

Bridge contract proceeded underway and in the Highway Act of 1970 we find the following:

(Excerpt from Public Law 91-605, pp. 18 and 19)

DISTRICT OF COLUMBIA

"Sec. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I-95 (secs. C7 to C13) and I-70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

President Nixon has emphatically stated time after time that we must have a balanced system of transportation for our Nation's Capital and that the Highway Acts of 1968 and 1970 will be enforced. On August 12, 1969, President Nixon directed the following letter to me:

DEAR BILL: Your diligent efforts through the years to insure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Departments of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columba. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

RICHARD NIXON.

Still maintaining that the Highway Acts of 1968 and 1970 are the law and must be enforced, the President on April 27, 1971, directed the following letter to me:

DEAR BILL: The regional rail rapid transit system (Metro) project stands today at a critical point in its history. Construction work is evident in downtown Washington. The first suburban construction will begin this summer. Interruption in the downtown construction work now underway penalizes both residents and merchants, the latter of whom have already suffered business losses due to Metro construction, and delays the first day of operation.

Unfortunately, previous delays and inflationary pressures in the economy have increased the original construction cost estimates by approximately $450 million. In my recent message to the Congress on District affairs, I have reaffirmed my commitment to Metro and proposed a plan which would solve its new financial problems without increasing the net financial drain on the Federal Treasury.

I know of your commitment for a balanced transportation system for the nation's capital. I fully share that commitment. Because of this concern, I have reviewed the status of the D.C. interstate highway projects mandated by the Federal Aid Highway Acts of 1968 and 1970. My review indicates that the District Government is in full compliance with the requirements of these Acts within the constraints of judicial actions. I reaffirm my pledge to you to insure that the Federal agencies involved with these projects continue to work diligently to facilitate progress on these interstate projects. I have asked the Secretary of Transportation to make a presentation to you and other interested Members of the Congress at your earliest convenience as to the current status of the Three Sisters Bridge and other projects named in the 1968 and 1970 Highway Acts. We are taking, and will pursue, all necessary and appropriate action within the law to expedite the construction of the Bridge.

I believe these actions provide tangible evidence of both the District and Federal Governments' commitment to complete these highway projects. I request that your Subcommittee give favorable consideration to the $34.2 million fiscal year 1971 supplemental for the District's contribution to METRO.

Sincerely,

RICHARD NIXON.

On November 18, 1971, the President issued the following statement concerning the rapid rail transit-freeway impasse:

Late in its second century of life as the Nation's Capital, the Washington metropolitan area is suffering severely from hardening of vital transportation arteries. The nearly three million people in the District of Columbia and its Maryland and Virginia suburbs are acutely aware of this worsening problem as they struggle to move about the area pursuing business or pleasure or the work of government. So are the eighteen million visitors who come here each year from across the country and around the world, expecting magnificence—and finding it, but finding also, in the simple matter of getting about the city, more frustrations than they deserve in the Capital of a Nation that has sent men to the moon.

In recent months, though Washingtonians have also become increasingly aware that something is being done about the transportation tangle. METRO—our superb area-wide rapid rail transit system of the future—is already a fact of life for all who use the downtown streets, as construction pushes ahead on the first 8 miles of the project. Streets are dug up, ventilation shafts have been dropped, tunnels are being bored. Over $863 million has already been committed by the eight participating local jurisdictions and the Federal Government. At the same time, a coordinated interstate highway system for the region is progressing toward completion, as many thousands of detouring commuters know.

We need these freeways, and we need the METRO—badly. I have always believed, and today reaffirm my belief, that the Capital area must have the balanced, modern transportation system which they will comprise. Yet now, almost incredibly in light of the manifest need for both of them, the future of both is jeopardized by a complex legal and legislative snarl.

To save them, here is what has to happen:

1. The local highway actions mandated by the Federal-Aid Highway Acts of 1968 and 1970 must go forward immediately.

The question whether the District of Columbia and the Federal Government, in their efforts to carry out this mandate, are presently in compliance with statutory requirements, has been the subject of lengthy litigation. The U.S. Court of Appeals for the District of Columbia has recently ruled that they are not yet in compliance, in the case involving the Three Sisters Bridge. But I am convinced that they are. Accordingly, I have ordered the Attorney General to proceed with the filing of a motion for rehearing en banc before the Court of Appeals. I have also instructed him, if that fails, to file a petition for certiorari with the Supreme Court.

2. The METRO system must move toward completion and operation as rapidly as possible.

Not only do delays in METRO work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of METRO progress.

We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake.

It is time for responsible men to join in responsible action and cut this Gordian knot.

On May 9, 1972, President Nixon directed the following letter to me:

DEAR BILL: As we approach the time for Congressional action on the District's 1973 budget, I want to express to you my personal hopes that we can move forward with the District's contribution to the METRO system. As we approach the July 4, 1974, initial operation date of METRO, any further delays in construction will substantially increase the cost of the system.

I believe that we share a strong fundamental agreement about the importance of building in the national capital area a viable transportation system for our residents and visitors, including highways, the Three Sister's Bridge, buses and rapid transit. I am

> doing everything possible to see that all elements of this program move forward with maximum speed.
>
> Particularly as we approach our Bicentennial celebration, in which the national capital will play a major part, I sincerely hope that we can work together toward this goal.
>
> Sincerely,
>
> /s/ RICHARD NIXON.

In the second suit filed in 1969, we again have a suit requesting an injunction and this suit is still in court. The District Court dismissed the suit filed in August 1969 maintaining that the provision contained in the Federal-Aid Highway Act of 1968 concerning the construction of the Three Sisters Bridge, the Potomac River Freeway, center leg of the inner loop, east leg of the inner loop, and the study which was to be made was the law and had to be complied with.

The Federal-Aid Highway Act of 1970 contained the provision concerning the study of the east leg, the north leg, the North Central Freeway, and the Northeast Freeway.

The decision of the district court was appealed to the circuit court of appeals.

After enactment of the 1970 Highway Act, over 4 months of the 12-month period elapsed and the District made no effort to begin studies.

On October 12, 1971, Judge Bazelon handed down an opinion reversing and remanding the case to the district court. This was a three-panel decision with Judge Bazelon and Judge Fahy on one side and with the opinion fixed by Judge Bazelon. Circuit Judge MacKinnon dissented. I am not acquainted with Judge MacKinnon but understand that the judges in the courts in the District of Columbia and the lawyers throughout this section of the country recognize Judge MacKinnon as one of the outstanding judges on the U.S. court of appeals and further recognize the fact that he is considered an excellent lawyer.

I have carefully read the opinion handed down by Judge Bazelon together with the dissenting opinion of Judge MacKinnon. Judge Bazelon, in his opinion, on page 31, states in part as follows:

> It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress, to among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, the acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

Also in Judge Bazelon's opinion, he states in part as follows:

> If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing.

Mr. Chairman, the chief judge of the circuit court of appeals went too far in his opinion. All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal-Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

Mr. Chairman, the legislative branch of our Government is a coequal branch and certainly we have no right as Members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch. The restrictions placed on the Secretary of Transportation by Judge Bazelon are such that it will be virtually impossible to build the Three Sisters Bridge as directed by Congress. Mr. Chairman, I most respectfully state that Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court.

Judge MacKinnon, in his dissenting opinion, stated in part as follows:

> The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters, under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other Federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.
>
> It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. U.S. Constitution, art. I Sec. 8; *Kendall v. United States* 12 Pet. 524, 618 (1838); *Stoutenburgh v. Hennick,* 129 U.S. 141, 147 (1889); *Shoemaker v. United States,* 147 U.S. 282 300 (1893); *Atlantic Cleaners and Dyers v. United States,* 286 U.S. 424, 434–35 (1932); *O'Donoghue v. United States* 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its Members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enact (82 Stat. 815).

Again, on page 6 of Judge MacKinnon's opinion, we find the following:

> In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations* v. *Volpe,* 318 F. Supp. 754 (D.D.C. 1970).

Again, in Judge MacKinnon's dissenting opinion, on pages 8 and 9, we find the following:

> Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound highway engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.

Mr. Chairman, again on pages 17 and 18 of Judge MacKinnon's dissenting opinion we have the following:

> CONGRESS, REPRESENTATIVE NATCHER AND SO-CALLED POLITICAL INFLUENCE
>
> In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the District of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall." Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

On pages 23 and 24 we find Judge MacKinnon states in part as follows:

> The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc. v. Airis*, 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congrssman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.
>
> Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon, on pages 26 and 27, states in part as follows:

> The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial Parkway. Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within the dedicated area. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482–83).
>
> The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

President Nixon instructed the Secretary of the Department of Transportation to proceed immediately with the appeal from the Circuit Court of Appeals' decision to the Supreme Court. On March 28, 1972, the Supreme Court refused to hear the case on a writ of certiorari. Chief Justice Warren E. Burger, in an unusual concurring opinion which refused to grant the review, suggested that the Court of Appeals and its Chief Judge, David L. Bazelon, had unjustifiably frustrated the efforts of the executive branch to comply with the will of Congress so clearly expressed in the Federal Highway Act of 1968. Chief Justice Burger stated as follows:

> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in Section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

By the way, Mr. Chairman, during the hearings before the Subcommittee on the District of Columbia Budget, it developed that the total cost of the rapid rail transit system would exceed the amount authorized in the Transportation Act of 1969. Instead of $2.5 billion, it developed that the cost would amount to $2,980,200,000; $1,147,044,000 to be in grants from the Federal Government. The District of Columbia's share will be $269,700,000 instead of $216 million. The Virginia jurisdiction must pay $204,900,000 instead of $150 million. The Maryland jurisdiction will pay $248,900,000 instead of $197 million. Instead of $835 million in bonds, the bonds issued under the recent legislation enacted by the Congress provided for $1.2 billion worth of bonds with the Federal Government guaranteeing payment of the bonds. The $835 million in bonds issued in 1969 could not be sold because the bankers and the brokers knew that the bonds could not be retired out of the fare box. They demanded a guarantee by the Federal Government. Congress conceded and this is the law today.

Mr. Chairman, that portion of the Federal Aid Highway Act of 1972 concerning the Three Sisters Bridge and the District of Columbia Freeway program is as follows:

> THREE SISTERS BRIDGE
>
> SEC. 139. No court shall have power or authority to issue any order or take any aciton which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.
>
> DISTRICT OF COLUMBIA
>
> SEC. 140. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

The provision set forth above concerning the bridge complies fully with the suggestion made by Chief Justice Burger of the Supreme Court. The amendment should be voted down and the provisions in the bill pertaining to the Three Sisters Bridge project and the District of Columbia projects sustained.

Mr. WRIGHT. Mr. Chairman, I rise to see if we can get some agreement of a reasonable nature on a limitation of time. Perhaps we can ask for a limitation of time on the Broyhill of Virginia amendment at this point.

The CHAIRMAN. The Chair would ask if the gentleman from Texas is asking for a limitation of time on the amendment and all amendments thereto?

Mr. WRIGHT. On the Broyhill of Virginia amendment and all amendments thereto.

Mr. Chairman, I want to be fair, and I note that some Members want to be heard, and I can see that there are seven or eight possible Members who want to be heard on this general subject, as well as the Delegate from the District of Columbia. Therefore, I am preparing to move that all debate on the Broyhill of Virginia amendment and the Abzug amendment and all amendments thereto conclude at not later than 10 minutes after 8.

Mr. DINGELL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The Chair will entertain the gentleman's point of order as soon as the gentleman from Texas has stated his motion.

Mr. DINGELL. I merely want to give the gentleman a chance to withdraw his motion.

Mr. WRIGHT. Perhaps we can secure a unanimous-consent agreement. We have more amendments to come.

Mr. Chairman, I ask unanimous consent that all debate on the Broyhill of Virginia amendment and all amendments thereto close in 10 minutes.

Mr. DINGELL. Mr. Chairman, I have a point of order.

Mr. WRIGHT. Mr. Chairman, I move that all debate on the Broyhill of Virginia amendment and all amendments thereto close at 8 o'clock, and that it include 5 minutes expressly reserved for the Delegate from the District of Columbia (Mr. FAUNTROY).

The CHAIRMAN. The Chair will state to the gentleman from Texas that it is not in order to reserve time for specific members of the committee in connection with a motion of this kind.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, in that case, then I move that all debate on the Broyhill of Virginia amendment and all amendments thereto close at 5 minutes to 8.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

Mr. MOSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and three Members are present, a quorum.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I withdraw my previous motion, and move that all debate on the section presently being considered, that section dealing with the Three Sisters Bridge, and any amendments thereto, shall conclude at 10 minutes after 8.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing at the time the limitation of debate was ordered.

Each Member will be recognized for 1⅓ minutes.

The Chair recognizes the gentleman from Maryland (Mr. GUDE).

(By unanimous consent Mr. FRENZEL yielded his time to Mr. GUDE.)

Mr. GUDE. Mr. Chairman, I rise in strong support as a cosponsor of the amendment offered by our colleague, the gentlewoman from New York (Ms. ABZUG). Section 139 must be removed from this legislation. It attempts to make a single project exemption of Three Sisters Bridge from the entire existing body. To approve of section 139 would be to act in a manner similar to the Redskins if having lost one game during the season decided the rules were unfair and tried to change them but only for that one game.

The question at issue here is not one's personal position whether or not to construct the bridge. Supporters of this amendment are on both sides of that issue. Along these lines I might point out that enactment of this section might well mark the opening of a whole new round of legal actions which could well cause not only great confusion but as a result, further impede the orderly review and construction processes already established.

Adoption of this section could well further delay, rather than hasten construction of the Three Sisters Bridge.

However, Mr. Chairman, there is no question but that approval of this section will set a very clear precedent for future back-door attacks on the carefully constructed processes established by NEPA and enforced by the courts.

One other point important, indeed, central to this discussion is the fact that the Three Sisters Bridge is intended to connect with Route I–66 in Virginia. However, the fate of I–66 is currently before the courts. What if we should pass section 139 only to discover that I–66 will not be built where presently planned? We will have ordered construction of a bridge to nowhere. We will have built quite a rainbow monument to ourselves.

Before closing, I would point out that support for our amendment has come—loud and clear—from virtually every citizen's association, and conservation organization in the area, as well as from many national conservation groups.

Firm opposition to 139 has come from the Secretary of Transportation, who has stated that:

> Processing the Three Sisters Bridge without compliance with the existing court order may lead to contempt proceedings against the Secretary of Transportation. We . . . would oppose any provision mandating the processing of the project and construction of the Three Sisters Bridge without compliance with Federal statutory provisions.

The Secretary goes on to state concern over the removal from local jurisdiction of the transportation planning and construction process:

> Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similar action with respect to highway controversies in the several States.

Mr. Chairman, I cannot emphasize strongly enough the importance of this amendment. I urge that it be given the full support of the Committee.

Mr. FRENZEL. Mr. Chairman, I rise today to address specific environmental problems created by certain provisions of the 1972 Federal Aid to Highways Act, H.R. 16656.

The legislation before us contains several provisions which will effectively negate the hard fought gains won by the passage of the National Environmental Policy Act of 1969. The bill would create a special exemption in environmental impact evaluations and establish a dangerous precedent by overturning a court decision even though the decision may displease many of us, including me. Therefore, Mr. Speaker, I urge the adoption of the Abzug and Dingell amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment by the gentlewoman from New York (Ms. ABZUG) and against the amendment offered by the gentleman from Virginia (Mr. BROYHILL).

I do not think that the membership has had the amendment properly explained to them so that they really understand what it does. It is the House bill all over again. All it says is that once the roads at either side of the river are properly located, there will be no legal test as to the Three Sisters Bridge, which shall be built across between the two road cuts. In this fashion it is no less objectionable than is the language of the bill itself which strips large numbers of citizens of the fruits of a lawsuit already won.

This Nation has a tradition against ex post facto laws and against bills of attainder. This legislation before us smacks very strongly of both bills of attainder and ex post facto law.

Let me tell the Members, Mr. Chairman, about the Rules of the House. I am reading now from the rules of the Committee on Public Works. This was adopted from the old rules of the Committee on Roads, and it says:

> . . . but it shall not be in order for any bill providing general legislation in relation to roads to contain any provisions for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

The reason for this language was clearly explained by the author of the old Committee on Roads when he said that roads bills are in the nature of pork-barrel bills, and that this provision was inserted at the request of the Committee on Roads to prevent logrolling between Members with regard to bills of this kind.

The language of the bill proves the wisdom of the rule. We should reject the Broyhill amendment and strike the language relating to the Three Sisters Bridge.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I certainly concur in the points just made by the gentleman from Maryland (Mr. GUDE) about the unwisdom of this section from the standpoint of policy. But there is a much more serious problem here which goes to the language of the section depriving any court of any authority to review any approval, authorization, finding, determination, or similar action taken or permitted by any government agency with respect to this bridge.

That goes far beyond anything that Chief Justice Burger said. He said that the Congress had the power to insure that its legislative mandate not be reviewable in a court. But this bill says that no action by any government agency shall be reviewable in a court with respect to this bridge.

This means, for example, that if the bridge should collapse because of gross negligence permitted by a government agency, nobody could sue the contractor in court, and the same inhibitions will apply to almost any other possible court action relating to the construction or operation of this bridge, so long as it arises out of any determination taken or permitted by any government agency.

We have no right under the Constitution to deny any citizen due process, and, of course, we have all taken an oath to support the Constitution. I do not see anything in Chief Justice Burger's dictum that justifies such a blatant effort to deprive citizens of the constitutional rights to due process of law.

I urge the adoption of the Abzug amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

(By unanimous consent, Mr. SCHEUER yielded his time to Mr. ECKHARDT.)

Mr. ECKHARDT. Mr. Chairman, the gentleman from Indiana (Mr. DENNIS) I think has laid the question out very well with respect to this unusual power granted in this section, but I would like to point out one other thing. The distinguished minority leader quoted from the Chief Justice of the Supreme Court with respect to the authority of Congress to limit the jurisdiction of the courts with respect to a particular area of litigation. This is certainly correct, but I have never in my life found a provision of Congress that permits a court to decide one way but does not permit the court to decide another.

Listen to this language:

> No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project.

Does that mean that the court then has the power to enhance or uphold or expedite the process? Can this Congress, while a case is in court, order that no decision shall be on the side of the plaintiff, that the court does not have jurisdiction to decide for the plaintiff but might decide for the defendant?

It seems to me utterly ludicrous that Congress would enact a piece of legislation while the matter is in the process of litigation in which the court is told the direction in which it must decide the decision. I hope this House would consider this matter most seriously and strike this entire section.

One should also understand that if we write this kind of language in a bill passed in Congress we can deny relief in court to people whose rights may arise in matters which we do not now anticipate. This says that any action which will in any way impede or halt the construction of this bridge cannot be brought in court.

As I was mentioning in my colloquy a minute ago, it would impede the building of the project if a creditor should bring a suit to foreclose on roadbuilding equipment. It would impede the process if there were an injunction against a continuation of unsafe practices. All of these things would be barred by this act if we pass this section.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I do not know how many Members are going to change what they are going to do on the basis of what is said in these few minutes. I will be brief.

Mr. Chairman, I emphathize with my good friend, the gentleman from Kentucky (Mr. NATCHER) and others who have been wrapped up in this whole issue and feel terribly strongly about what happens to Three Sisters Bridge, but the only issue is not only that. More than half this body are lawyers. The gentleman from Indiana (Mr. DENNIS) has put his finger on exactly what is involved in this issue. My good friend, the minority leader, read what the Court said, but we must look at what the Chief Justice said and at the bill in comparison with each other and we find they are not dealing with the same thing. Somehow the committee has written language of a meat ax into this particular section when we ought to, if we would listen to the Chief Justice, Mr. Burger, write in the language of a rapier. They do not meet as they should meet. This is dangerous language in the bill. I suggest Mr. Chairman that, if we actually do not strike this language, as lawyers we will be making a very serious mistake.

The CHAIRMAN. The Chair recognizes the Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York. I urge that this body strike from this bill the language that would prohibit any judicial review of the Three Sisters Bridge project and thus mandate the construction of a bridge that few in the District of Columbia or Virginia want or feel to be necessary.

This would be a blatant denial of basic civil liberties and a corruption of the American political system. It would be destructive of the basic concept of checks and balances which the three separate branches of Government provide us.

Now I realize that good and decent men can differ over the questions raised by this bridge. A few years ago we did not have in this city the Metro system under construction to balance the existing road and bus systems. A few years ago we did not have or anticipate the crisis in air pollution which, in this Nation's Capital, is the result of the increased use of the automobile. Within the past 2 months, the Washington area has experienced two pollution alerts; each of them results from the automobile. We have no industry; there is no one upon whom we can shift the blame.

Irrespective of the merits of this bridge, however, let me point out two other issues. When Congress passed the entire spectrum of what is called the non-title 23 considerations, it did so with the intent to assure that local and Federal authorities would build only those bridges which are in the best interests of all of the people. Congress provided for hearings, standards for the taking of park lands, standards for safety, and, finally, review by a court of competent jurisdiction. Our attempts to repeal that concept and replace it with the idea that would allow a bridge to be built or a roadway constructed with only the consideration of those few who may be in power at the time is a misuse of the trust imposed in us and an unwise and improper policy for a democracy to follow.

Why should not the citizens of the community have an input into the policy determinations that give rise to this sort of project? It is their money that will build it. It is their land which will be taken. It is their homes which will be relocated. Finally, if it should be such that the officials who are charged with these duties fail to exercise them, why should the citizen be denied a hearing before a court?

The language in this section would deny all of these things; and, it does not build the bridge. It is prospective. It addresses itself to events that will occur in the future. In his letter of September 18, Secretary Volpe indicated that it is his belief that the section is inapplicable to any preexisting court decision. He also indicated that it is a potentially bad precedent for all jurisdictions. I agree with him. Today we have this precedent in Washington, D.C. Tomorrow, any one of my colleagues can find a similar mandate for his district. I do not like it; I do not think any of you would like it.

Let me remind this body that the court of appeals never did address itself to the merits of the bridge. It only stated that before the bridge could be built one must comply with the laws which Congress passed in the manner and nature which we had intended. That is perfectly reasonable. I hope we uphold that position by voting for this amendment.

As the WTOP editorial so well stated:

> Barring citizens from asking for redress in the courts, even though their own taxes and their own communities are at stake, would be a corruption of the American system. No bridge—not even the Three Sisters—is so important.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

I am a little bit amused by some of the arguments which I have heard put forward. First, someone said that over half of this body are lawyers. That is kind of a bad thing to say, because this Three Sister's Bridge has become a lawyers' paradise. They are suing and resuing and milking the Federal Government.

Then, I hear the delegation from the District say that it is the taxpayers' money that is going to pay for that bridge.

My dear friend, who are you kidding? There are not enough taxes paid in the District of Columbia to pay for that bridge in the next half century. The people of the United States are going to pay for it just as they do for everything in the District, including the huge welfare burden we have here.

What is at stake is that you have a subway system which you wanted, which is going to cost, you say, two and a half billion dollars. Five billion dollars is the right figure. Nobody—and I mean nobody—in their right mind is ever going to ride that thing after dark on any day of any week of any year, as long as crime is rampant in this city. So, you had better build some bridges, so the people who have to work there can get home at night, and so they can get to work in the morning, because if you do not, they are going to have to sit in line in their cars. They are never going to ride that marvelous subway. You have not got enough policemen in town to ride shotgun.

The Chief Justice said what we ought to do, and I say, let us defeat this amendment and go ahead and do it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Virginia, and in support of the amendment of the gentlewoman from New York.

It seems to me that we can take an example of some failure of safety inspections in this city just a couple of days ago in connection with the construction of the subway.

As I read the language proposed out of the Committee on Public Works, one could not go into court to prevent unsafe construction practices on that bridge. There is total foreclosure, with no action. I believe it is one of the most outrageous reaches for power I have seen since coming to the House.

We ought to think very carefully.

As for this being a snake pit, I live in the District of Columbia, and I live within walking distance of this Capitol. It is a good, easy target to always criticize the District of Columbia, but when we do let us point the finger at ourselves, because we are the government of the District of

Columbia, and I confess we do not do an adequate job.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, this bridge has been in controversy in the courts for better than 6 years. At the end of the first 2 years, finally, the Congress said, "That is enough," and ordered that the bridge be built. In the ensuing 4 years there have been repetitive legal actions taken to stymie the intent of the Congress, culminating in a decision by the Supreme Court in which we had the words of the Chief Justice giving us some guidance as to what we could do to get the bridge built.

The most pertinent part of the language is as follows, from the words of the Chief Justice:

> In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

The Court is telling us we should do something of this kind, as reflected in this section, in order to stop the kind of litigation which has frustrated the Congress and the people of this area for better than 6 years.

I hope that the amendment of the gentlewoman from New York (Mrs. Abzug), will be defeated.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Chairman, I must say that after listening to the debate I am more convinced than ever that this is one of the most scandalous provisions I have ever seen in a piece of legislation. If we allow this section to remain in the bill, we will strip citizens of the right of redress in the courts of the United States.

This does not affect only the Three Sisters Bridge area; the principle affects every single place in this country.

So far as the comments of Chief Justice Burger are concerned—by the way, they were purely an aside and certainly do not have the force of law—this provision goes way beyond even what he said. Even though he is a judge, his comments may have been injudicious. He did not suggest that we should restrain or should prevent any citizen from doing anything at all as to the enforcement of any provision of law relating to the Three Sisters Bridge. He did not say we should make it unreviewable by any court. Members are distorting it by constantly saying that is what the Chief Justice said.

In any case, his statement is not a part of the law, and it was not a part of the decision. In fact, the decision sustained the lower, which had ruled that the bridge could not be built unless certain conditions were remedied. We must recognize that what is involved here is a complete denial of due process to any citizen who pays taxes in this area or in every other area of this country, and no responsible body, no legislature, could possibly agree to that and believe any words in the Constitution.

Article III of the Constitution gives Congress the power to establish courts inferior to the Supreme Court and to provide exceptions to the jurisdiction of the Supreme Court itself, and it has been suggested that these two provisions empower Congress to wholly prohibit judicial review of an administrative determination. Ex Parte *McCardle,* 74 U.S. 506 (1869). However, the powers of Congress under the original Constitution are circumscribed by the due process clause of the fifth amendment, and Congress may not exercise its article III powers in a manner which would violate due process of law. *Battaglia* v. *General Motors Corp.,* 169 F.2d 254 (2 Cir.), cert. denied, 335 U.S. 887 (1948); see, *Yakus* v. *United States,* 321 U.S. 414 (1944). The provision before us would deprive citizens of the United States of their day in court, and as such would undoubtedly violate their right to due process of law.

Mr. Chairman, I ask that the Members not adopt the Broyhill of Virginia amendment, and that they adopt my amendment striking section 139 from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Broyhill).

PARLIAMENTARY INQUIRY

Mr. BROYHILL of Virginia. Mr. Chairman, there seems to be some remaining confusion as to the effect of the amendment that I offered, with respect to the Abzug amendment, and I should like to direct another parliamentary inquiry to the Chair, so that we can clear this up.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL of Virginia. Is it not correct that if my amendment is adopted, section 139 of the bill will be reinstated?

The CHAIRMAN. The Chair will state to the gentleman that section 139 is in the bill. The gentleman's amendment does not seek to take it out. The Abzug amendment would strike the entire section.

The question proposed by the Abzug amendment is whether there is to be a section 139. The question proposed by the perfecting amendment of the gentleman from Virginia (Mr. Broyhill), is the modification of that section 139, and the gentleman would add a new subsection, renumbering the existing subsection as number 139a.

Mr. BROYHILL of Virginia. I thank the Chair.

The effect of the amendment I offered, therefore, is to delay the effect of section 139 as it appears in the bill until the question of the construction of Interstate 66 is settled.

This is I–66 from the beltway to Washington. This is a vital link to the Three Sisters Bridge when it is constructed, and if I–66 is not constructed, then the construction of the Three Sisters Bridge is of less importance.

If my amendment is not adopted, then we will have the question of the Abzug amendment, which is to strike section 139.

I oppose that, because I think we have delayed the construction of this highway through action in the courts long enough.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Virginia (Mr. Broyhill).

The perfecting amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Abzug).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Ms. ABZUG. Mr. Chairman, I demand tellers.

Tellers were ordered.

Ms. ABZUG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Ms. Abzug and Messrs. Natcher, Jones of Alabama, and Dennis.

The Committee divided, and the tellers reported that there were—ayes 125, noes 173, not voting 132, as follows:

[Roll No. 415]

[Recorded Teller Vote]

AYES—125

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Archer
Aspin
Begich
Bennett
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Brown, Mich.
Buchanan
Burke, Mass.
Byrnes, Wis.
Conable
Conover
Conte
Coughlin
Culver
Danielson
de la Garza
Dellenback
Dellums
Dennis
Dent
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fish
Foley
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Horton
Jacobs
Karth
Kastenmeier
Keating
Koch
McCloskey
McDade
McKevitt
McKinney
Macdonald, Mass.
Madden
Mallary
Mazzoli
Meeds
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Moss
Murphy, N.Y.
Nedzi
Obey
Pettis
Pike
Podell
Price, Ill.
Rangel
Rarick
Rees
Reuss
Robison, N.Y.
Rodino
Roe
Rooney, Pa.
Rosenthal
Roybal
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Smith, N.Y.
Steiger, Wis.
Stokes
Stratton
Symington
Taylor
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Whitehurst
Wydler
Young, Fla.

NOES—173

Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Baker
Belcher
Betts
Biaggi
Blackburn
Bray
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Crane
Curlin
Daniel, Va.

Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Derwinski
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frey
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Griffin
Grover
Gubser
Hall
Hammerschmidt
Harsha
Hastings
Hays
Henderson
Hogan
Hosmer
Howard
Hull
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Kemp
King
Kluczynski
Kyl
Landgrebe
Landrum
Latta
Long, La.
Long, Md.
McCollister
McDonald, Mich.
McEwen
McFall
McKay
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mizell
Montgomery
Murphy, Ill.
Myers
Natcher
Nichols
Nix
Passman
Patten
Pepper
Perkins
Pickle
Poage
Preyer, N.C.
Price, Tex.
Quillen
Randall
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Roy
Runnels
Ruth
St Germain
Sandman
Satterfield
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Stubblefield
Sullivan
Thompson, Ga.
Thone
Ullman
Waggonner
Ware
Whalley
White
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wylie
Wyman
Yatron
Young, Tex.
Zablocki
Zion

NOT VOTING—132

Abbitt
Abernethy
Abourezk
Anderson, Tenn.
Ashley
Aspinall
Badillo
Baring
Barrett
Bell
Bevill
Blanton
Boggs
Bow
Brademas
Brasco
Brotzman
Burton
Byrne, Pa.
Carey, N.Y.
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Conyers
Corman
Cotter
Davis, S.C.
Denholm
Devine
Dickinson
Dow
Dowdy
Dwyer
Edmondson
Eshleman
Evans, Colo.
Galifianakis
Gallagher
Giaimo
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Hagan
Haley
Hansen, Wash.
Hathaway
Hébert
Holifield
Hungate
Hunt
Ichord
Keith
Kuykendall
Kyros
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McClure
McCormack
McCulloch
McMillan
Mailliard
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mollchan
Monagan
Mosher
Nelsen
O'Hara
O'Konski
O'Neill
Patman
Pelly
Peyser
Pirnie
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Reid
Riegle
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Ruppe
Scherle
Schmitz
Schneebeli
Scott
Sikes
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steele
Steiger, Ariz.
Stephens
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Veysey
Wampler
Williams
Wilson, Bob
Wolff
Wyatt
Yates
Zwach

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES V. STANTON: Page 108, line 21, strike out section 142 and in lieu thereof the following;

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

SEC. 142 (a) The fourth sentence of subsection (c)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost of the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1972. However, the amendment contained in section 112(a) of the Federal-Aid Highway Act of 1972 shall be retroactive."

(c) Subsection (e) of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be that as of the date of the withdrawal. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State under paragraph 6 of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System (including urban routes necessary for metropolitan transportation), and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

(d) The table of contents of chapter 1, title 23 of the United States Code is amended by adding at the end thereof:

"148. Transfer of Interstate System mileage within a State."

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes in support of his amendment.

INTERSTATE TRANSFERS AND SUBSTITUTIONS

Mr. JAMES V. STANTON. Mr. Chairman and Members of the House, it is no secret that one of the biggest transportation headaches faced today by our State and municipal officials concerned with urban transportation stems from urban interstate segments that have turned out to be inappropriate by reason of environmental and social disruption and which may also be unnecessary for interstate continuity. With a situation of this nature, State and local officials often would prefer to abandon projects representing such segments, but they are naturally loathe to forego this type of transportation improvement if project abandonment means giving up altogether the Federal funds involved.

Existing law recognizes this problem to a degree by permitting transfer of interstate funds from one interstate project to another, and by providing an additional 200 miles to the total interstate mileage to facilitate such transfers when the new segment represents more mileage than the old segment. H.R. 16656 goes an additional step in providing greater flexibility to State and local officials in this regard by removing any mileage limit with respect to interstate substitutions.

However, in my opinion, these improvements though commendable, do not go far enough. Often these segments are not really essential to the continuity of the interstate system and the funds involved could be better applied to local transportation problems in some other manner. My amendment would permit State and local officials to ask the approval of the Secretary of Transportation for transfer of funds representing the estimated cost of an unwanted interstate segment to the Federal-aid urban system for use on that system in the urban area affected. Given such an application from the Governor of the State and from appropriate local officials, the Secretary of Transportation would be authorized to approve the transfer of funds from the interstate system to the urban system provided the Secretary found that the segment to be abandoned was not essential for interstate continuity.

I believe it is critically important that we provide State and local officials with this kind of flexibility in the use of Federal-aid highway funds. In these times when there are so many pressing demands on public funds at all levels of government, and when urban transportation problems are so severe, it verges on the criminal to let Federal funds be used for unwanted projects when State and local officials can find more desirable alternatives that better serve local, State, and Federal interests.

Very simply, we are trying to take a segment of the funds that are allocated in urban areas and allow the Secretary of Transportation to agree with the local officials that an alternate form of transportation be used. The Secretary of Transportation supports this request. It is a request to give the Secretary, the Governor, and the local officials greater flexibility.

I urge the adoption of the amendment. I know the Members are tired. It is an extremely important amendment. It is one that is vital to the needs of urban America. I ask for the Members' support.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the 1950's when the interstate and defense system was established, it was established to have an interconnecting network of highways all across this country, connecting the areas where the people lived. After it was in operation a dozen years or so, it was found that with the great mobility in this country there were interstate routes located where the people no longer needed an interstate highway. These highways had not yet been constructed, but if the States did not build that section of interstate highway, all the money for that and the mileage would go back to the Treasury, to the interstate fund to be distributed to other States.

Therefore, in 1968 an amendment was added to the highway bill that said that if in the determination of the Secretary of Transportation another part of that State could qualify for an interstate road, the amount of money to be used to build the part that had been abandoned may be transferred for another interstate highway. This recognized the needs of the State and still kept the Interstate System intact.

However, Mr. Chairman, under this amendment if a State abandons a section of interstate highway, the interstate money would not be used only for a qualified interstate route somewhere else in the State, thereby preserving that money and interstate mileage within the State, but according to this amendment it could be used for noninterstate roads in urban areas, designated urban areas.

Mr. Chairman, the Interstate System is set up so that all the interstate money will be used only for interstate roads.

The flexibility that the gentleman from Ohio mentioned is there for roads on the primary or secondary system. There is $2.2 billion in this bill over 2 years for roads other than interstate, so the States may use roads in urban areas from those funds. But one great mistake in this amendment which is being proposed has to do with the nonurban areas. It says the money taken from an interstate may only be used to build other roads in designated urban areas. If one lives in a nonurban area one cannot get 1 cent. Even if an interstate is eliminated in one's rural area this language would prevent any money from being used for any kind of road within that area. So adoption of this amendment would leave gaps and holes in the interstate system and would not do anything for any lasting good for urban areas and would prevent even 1 foot of a trail road being built outside an urban area.

I hope the committee will stick with the provision that is in the bill now which permits all the interstate money to stay within the State so that they may change their interstate route from where the people no longer need the interstate highway system to a new area which has built up which can use that interstate road.

We have a road program and we have some money for interstate roads and some for noninterstate roads. This would completely decimate the program in Massachusetts because their money may not be used for the purpose they may need unless it is interstate.

I hope the committee will vote down this amendment.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment. I would like to have the attention of the author of the amendment, the gentleman from Ohio (Mr. James V. Stanton). In paragraph (b) it says:

> Paragraph 2 of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following; The authority granted by this paragraph shall expire on the date of the enactment of the Federal-Aid Highway Act of 1972. However, the amendment contained in section 112(a), of the Federal-Aid Highway Act of 1972, shall be retroactive.

Would the gentleman explain to the Chamber what that means?

Mr. JAMES V. STANTON. The provisions which are given—this same language, as the gentleman knows, was offered in the Senate bill and is contained in the Senate bill. The transfer of interstate highway to a State is not effective. The activity and the money will go to the local community at the time of the adoption as determined by the Secretary of Transportation when he agrees with the local community.

Mr. HARSHA. But what I am trying to find out is what the gentleman means when he says the authority granted herein shall expire on enactment of this bill we are debating today and then states in another provision of the bill that it is retroactive. I think the amendment is worded in a faulty way.

Mr. JAMES V. STANTON. No. This is the Senate language which is in the Senate version which was adopted by the Senate.

Mr. HARSHA. Oh, well, that would explain it if it was done in the other body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. James V. Stanton).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dingell: On page 71, immediately after line 21, strike all of section 113 beginning on line 22 through the period on line 23 of page 72, inclusive.

Mr. DINGELL. Mr. Chairman, in accordance with clause 6, rule XXIII of the Rules of the House, my amendment was printed in the Congressional Record of September 27, 1972, at page 32629.

Section 113 of H.R. 16656 states that "notwithstanding any provisions of Federal law or any court decision," the Federal Government's interest in the San Antonio Expressway as a Federal-aid urban highway project is "terminated." The effect of this provision is to allow the highway interests to build, in total disregard of the national interest in preserving all public parklands, a highway through two urban parks in the city of San Antonio.

Mr. Chairman, this provision is opposed by the administration in letters to me from the Council on Environmental Quality and from the Environmental Protection Agency. Those agencies call section 113 a "retreat" from our national commitment to preserve our parklands and our environment. I include the text of those letters at the end of my remarks.

Mr. Chairman, the committee's report on this provision contains the same two errors that were in the Senate report on this provision.

First, the report states that the State of Texas obtained initial route approval from the Federal-aid Highway Administrator "prior to certain changes in Federal law." This is clearly not the case, and I cite as my authority our former colleague, and now Judge, Congressman Homer Thornberry, who carefully set forth the factual data surrounding the development of this highway from its initiation in the late 1950's through the date of his decision in August 1971.

The laws that the committee refers to are the National Environmental Policy Act of 1969, and section 4(f) of the Department of Transportation Act of 1966. Judge Thornberry tells us in his decision that both statutes were in force prior to any approval of the route by the Department of Transportation or any of its agencies. Indeed, in January 1968, 2 years after section 4(f) of the 1966 statute was enacted, the Secretary of Transportation stated that his Department had not approved the right-of-way (2 ERC 1871, 1973). The text of Judge Thornberry's decision follows my remarks.

Second, the House report states that the Department of Transportation "approved the letting of the construction contracts prior to recent Federal court decisions" on this subject. That is also not the case, according to Judge Thornberry (2 ERC 1871, 1874).

No contracts were ever approved by the Department of Transportation for the highway to go through parkland. The only contracts that were approved by Secretary Volpe were those which he approved in August of 1970. That is 1 year before the court decision, but long after the court case had been filed by concerned citizens in 1967. But those were not contracts for the segment of the highway through the park. They were contracts for two other segments of the highway. At the time of his approval of those two construction contracts, Secretary Volpe said he had a firm commitment from the State that it would study the route through the parkland, including alternative routes, before proceeding further (2 ERC 1871, 1874).

Thus, the charge in the committee report that this project "has twice been caught by changes in Federal law and procedures affecting its completion" is totally erroneous.

As the Council on Environmental Quality states, the "attempt to circumvent" these two laws "raises the question whether the decision to continue this particular project" could withstand the analysis "being conducted daily with respect to other highway projects around the country." I for one feel certain that it could not withstand this analysis, and that is why the highway interests seek to avoid that analysis.

Mr. Chairman, this amendment would terminate the Federal-aid project, with the result that the State would have to repay to the highway trust fund the moneys already provided under this project by the Department of Transportation. But, and I emphasize this "but," this would be merely a paper transaction, because section 113 specifically designates these funds as being available solely to the State of Texas for other highways in Texas. In short, it is taking the money out of one pocket and putting it in another. The taxpayer is not receiving one benefit. Indeed, the citizens of this country are being shortchanged by this backdoor attack on our environmental laws.

In addition, if section 113 is enacted, the highway interests would be able to build this highway through 9 acres of Brackenridge Park, and through park acreage in other public parks, for a total of 124 acres. The parks are Franklin Fields, Koehler Park, and Olmos Basin Park. They are identified by Judge Thornberry in his decision as the parks to be affected by this highway. (2 ERC 1871, 1873)

Let me also state that, in addition to impairing our environmental laws, this section will overturn Judge Thornberry's decision of August 1971, in which he held that:

First. The Secretary of Transportation failed to carry out the environmental study of this highway as required by NEPA; (2 ERC 1871, 1878)

Second. The Secretary of Transportation has demonstrated no effort to comply with section 4(f) of the Department of Transportation Act; (2 ERC 1871, 1877) and

Third. Secretary Volpe acted beyond the scope of his authority in approving construction contracts for the two segments of the highway outside the parkland. (2 ERC 1871, 1878)

I have outlined the full details of this matter in the CONGRESSIONAL RECORD of September 21, 1972, at page 31872, the CONGRESSIONAL RECORD of September 27 at page 32629, and the CONGRESSIONAL RECORD of October 4 at page 33828.

Mr. Chairman, I urge the adoption of my amendment, which is cosponsored by Representatives BOB ECKHARDT, JOHN E. MOSS, JOHN P. SAYLOR, BELLA S. ABZUG, BILL CHAPPELL, JR., PAUL N. MCCLOSKEY, JR., GILBERT GUDE, and HENRY S. REUSS.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. WRIGHT. Did I correctly understand the gentleman to say that San Antonio Expressway runs through parkland?

Mr. DINGELL. The gentleman, in his letter this morning, referred to the whole area as parks, yes. I would refer the gentleman to his letter.

Mr. FISHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, unfortunately the distinguished gentleman from Michigan, I am afraid, does not have a proper and full understanding as to what this is all about. In the first place, he has referred to it repeatedly as a highway. It has nothing to do with highways at all. We are talking about an intra-city freeway.

Let me give a little of the history of what this fuss is all about. They talk about studies. This has been under study for 15 years.

Beginning 12 years ago the city of San Antonio attempted to build an intracity local expressway from the inner city out to a growing area in the suburban part of the city. That was approved by the State of Texas. The plan for it and the rights-of-way as projected were approved by the Federal Government. The city proceeded to buy the rights-of-way. They spent $7 million in doing that. They moved the people off and got ready for construction. That was back in the early 1960's.

As they were about ready to proceed with the project, along came section 4(f) of the 1966 Department of Transportation Act, which has been referred to. That occurred after the money had already been spent, the $7 million, with the approval of the Federal Government and before section 4(f) was ever inserted in the law.

Following that litigation developed. It was contended that the route of the expressway would infringe upon environmental matters.

Then following that time when the litigation began and was repeated and went through the courts up and down, the Federal Government agreed that they could proceed with two segments of this thing, the middle portion of which was mostly in the district I represent. So the contracts were let with the approval of the Federal Government. They spent $4 million before Judge Thornberry, who was referred to a moment ago, shut it down and decided the Secretary of DOT did not have authority to allow them to proceed with construction.

The result has been a standstill. It is an impasse, an impossible situation. The people of San Antonio have been punished for years in their attempt to complete the project with their own money, the money of Texas and the city. They have already spent $15 million. Now they are shut down. They want relief. They have already paid back to the Federal Government every dime the Federal Government contributed. They want to proceed with it as their own project financed by them locally.

Let me refer to this nine acres which my friend from Michigan was exercised about, which is being taken, and about which there is most of the fuss.

And this is what is involved: It is the Breckenridge Park. The people in San Antonio are very park-minded and recreation-minded, and they have some very good facilities of that kind.

The nine acres taken from a corner of Breckenridge Park included four acres in the golf course in the park. The other five acres were cut off because of the golf course; it could not be used, and it is not used now.

Four years ago, after all this, we thought it was settled. Four years ago they reconstructed the golf course, and they started using new holes, new arrangements. So far as we know, all the golfers down there are happy.

Apparently some people in some parts of the United States are not happy because we have changed the golf course a little bit. That is about what it amounts to.

The gentleman from Michigan referred to another area of city-owned property, a portion of which was taken. That consisted of about 100 acres. That is what is called the Almos Park. That is not a recreation area; it was not intended for that purpose. It is a floodwater basin for protective purposes, and it had been held by the city of San Antonio and became usable for express right-of-way purposes for the freeway; that is about 100 acres of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. So Olmos Basin was never intended and has never been used for recreation purposes.

Then to compensate, in a manner of speaking, or at least offset, or to placate, or whatever you want to call it, after a fuss was raised about this taking of a limited number of acres off the corner, not through the middle of these areas, the city of San Antonio went out and bought 713 acres of good, usable land suitable for park and recreation purposes, and it is still there.

This project, Mr. Chairman, is of great concern to the people of San Antonio, because of this unlimited holdup and the interminable delays in an attempt to get their freeway constructed. One hundred and three thousand local citizens signed a petition that in effect said to the Congress: "For God's sake, help us get some relief."

Every elected officeholder in San Antonio who has any connection whatever with this problem endorses it, endorses what we are doing here; the two U.S. Senators from Texas endorse it; all three of us who represent San Antonio as Members of the House of Representatives endorse it.

I hold in my hand here a listing of 29 of the principal city and civic organizations of San Antonio that endorse it. It is a sort of a "must" in the minds of the people there. They have been punished and delayed repeatedly, far too long.

This is a hundred percent local; it has nothing to do with an interstate highway. It is not a highway; it is a strictly local limited area right there in the city of San Antonio. They are paying for it themselves; they paid the Government back everything that the Government put into it. They want to proceed and complete their expressway and that is what we are asking for here in this legislation. It is the only way we know of to proceed in an orderly way. It should be of no major concern to anybody else in the country, other than San Antonio.

That is the kind of help which we are asking for here tonight. The move to knock out section 113 is devoid of logic or reason. There is no precedent being established by section 113 because there can be no comparable development in the future such as has happened to San Antonio in its long struggle to build the North Expressway.

I urge defeat of the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to state that when the matter was originally brought to the Committee on Public Works there was general language which would apply all over the United States, and I objected in the committee to that general language. Then we revealed the merits of the San Antonio matter before our committee for one-half day, and it was the almost unanimous conclusion of our committee that this was a totally unprecedented situation in the United States, and that the exception was such an exception that we should make it.

I think that is the reason and that is the reason why I believe we should support the local residents in San Antonio in a very unique and unusual situation that I think is unparalleled in the United States.

Mr. ECKHARDT. Mr. Chairman, I rise in support of the amendment.

Let me try to clarify some of the facts concerning this matter and then talk about the principles involved.

The area involved, it is true, is within a city, and it goes through one of the finest recreational facilities within a city in the United States. It is a place I have been familiar with since I was a small child—one of the best zoos, for instance, in the country and a beautiful sunken garden.

Mr. Chairman, the point I should like to make here is that that area which is within the city links two Federal interstate projects. What was attempted to be done when there was a dispute about where the link should go was to excise a part of that Federal project and treat it as undecided until the two links on both sides were completed.

So this is a Federal interstate highway question. It is a matter obviously under the control of the Highway Act and a matter which requires compliance with Federal rules on the protection of environmental matters.

I am not going to argue with my friends from Texas as to the merits or demerits of the project. I merely want to point out that if we follow a precedent of permitting our constituents to convince us to come to the Congress and excise from a highway project in a general highway bill a little portion of a Federal highway and permit the State to pay for that, using the money in other aspects of their highway program, then you and I and every one of us are going to be faced from now on with the onerous task of a county commissioner in determining the local question of establishing where the highway is to run. Beyond that we are going to shoot full of holes the standards and principles established to protect environmental values.

I just want to read to you very briefly from the Environmental Protection Agency letter of October 3, 1972, to Mr. DINGELL and myself from Mr. William D. Ruckelshaus, Administrator, because it expresses exactly what is the national concern on this program:

> In wider context enactment of section 113 would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-aid highway projects and, by extension, other Federal projects which may not be acceptable from an environmental standpoint. Such special legislation would inevitably undermine and defeat the purposes and protections of the National Environmental Policy Act.

In summary, he recommends in favor of striking this exception from this legislation.

Then I have a letter on the letterhead of the Executive Office of the President, Council on Environmental Quality, signed by George J. McDonald, Acting Chariman. He says:

> In addition to these implications, the Council is concerned over the long-term precedent-setting effect of the proposed legislation. We know of no basis for distinguishing the San Antonio project from any similar highway projects which must presently comply with the provisions.

Now, if we permit anyone who wants to excise that area from the total program that has an impact on environment, and therefore remove it from Federal controls, then we should leave this language in. But I say that this is bad policy. Besides, this is objectionable with respect to the aspect of crossing jurisdictional boundaries of committees, because we are in effect cutting into the affairs of several other committees that are directly concerned with environmental questions.

I believe that on the merits the project and route sought to be excepted is bad. It actually goes through a longer stretch, and is more circuitous and covers more acreage than the other proposals.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope I shall not take the whole 5 minutes. I just want to straighten out two or three points. First of all, everybody needs to understand that this is not my district, I am something like 300 miles from that district. But I think I speak the truth when I say that out of the 23 members of the Texas delegation 22 are for the project.

Mr. ECKHARDT. If the gentleman will yield, I think the gentleman from Texas is incorrect in that statement.

Mr. WRIGHT. Perhaps I am in error, although I think not. I will say instead that probably 20 out of the 23 are in favor of the project. I believe at least that many are definitely for the project.

But that is not the essential thing. The essential thing is that most of the San Antonio people are for it, and they are not asking for Federal money. They are asking for the privilege of giving back the Federal money and letting them go ahead and build their own road with their own money.

Why do we come to you with this problem? It is because the people in San Antonio have been frustrated with this situation for some 13 years.

In 1959 the city and the State highway department got the go-ahead from the Federal Highway Administration to approve this route and build the road. In 1961 they got official permission from the Federal Highway Administrator to let contracts for the construction of the road. They did let contracts for the road, and they spent $7 million of their own money in buying the right-of-way and paying for the relocation of citizens. They completed all of that and began building the road. Some $4 million worth of construction was accomplished. Twice they have gotten into the dilemma that they have been complying with existing law while going ahead, and then we have passed new Federal laws that required them to start all over and do additional things.

So, what they are doing is saying: "Let us build the road with our own money." Some 103,000 people from San Antonio signed the petition. They say: "Take the money back, and let us finish the road. We need it. We can't afford all these interminable starts and stops."

The gentleman from Michigan (Mr. DINGELL) is an honest man, and I know he did not mean to misrepresent anything when he said that this would go through some 100-odd acres of parkland. That is not strictly true. It is a floodway. I refer to the Olmos Floodway. It is not a recreational park.

Brackenridge Park is different. This is a recreational park, and connected with this park are truly great facilities. It is one of the most magnificent recreational parks in America. There are 323 acres in this park. Of that, how many does this highway take? Four acres out of the 323. And those 4 acres had originally been part of a golf course, but the golf course was redirected and rebuilt 4½ years ago.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course, I yield to

my good friend, the gentleman from Michigan.

Mr. DINGELL. A former Member from Texas, new Federal Judge Thornberry, said it takes between 115 to 250 acres of park land.

Mr. WRIGHT. Mr. Chairman, I do not yield further to the gentleman. I do not like to dispute Judge Thornberry, but what he calls a park and what most of us call a park seem to be two different things.

Mr. Chairman, I have been there, and the gentlemen from San Antonio have been there—let them tell you whether the Olmos area is park or flood plain. I think they will tell you it is a flood plain. Here is a picture of the area right here. Look at it and judge for yourselves.

Four acres of park land are actually all that are being taken according to the people of San Antonio, and they are the people who want to use their money and finish this road. So, I say vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MOSS

Mr. MOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MOSS: On page 68, immediately after line 15, strike all of section 109 beginning on line 16 through the period on line 4 of page 69, inclusive.

The CHAIRMAN. The gentleman from California (Mr. MOSS) is recognized.

Mr. MOSS. Mr. Chairman, if the Members of this body will look at the bill before them, they will see that section 109 has the very enticing title "Minimization of Redtape."

Let me assure you, I fully subscribe to any valid effort to minimize redtape. But I am afraid here that what we are doing is erecting another type of barrier which is so eagerly sought in the bureaucracy of government.

For a period of 16 years I chaired a committee fighting government secrecy, trying to break down the barriers in government. I know that the gentleman from Texas (Mr. WRIGHT) has the best of intentions in saying that as a matter of public policy, we should attempt to reduce to a minimum the redtape. I do not know what redtape means—and I do not know what "reduce to a minimum" means.

But, I can tell you from my experience that it probably means you will not be able to get any facts regarding any procedural matter unless the disclosure is specifically required by law. This does not just apply to the Federal Highway Administration. This broad brush language encompasses many statutes that have a direct effect on the highway program—the Fair Labor Standards laws, including those relating to minimum wage—the Occupation, Health, and Safety laws—the Rural Assistance and Development law, the Davis-Bacon Act, as well as the Environmental law such as the law we passed yesterday. It addresses itself to all other Federal agencies—all other Federal agencies.

Now, as I look around this floor, I see Members who have come to me over the years when they faced these almost irresistible barriers that the bureaucracy is so skillful in erecting.

I say that we broke down some of them with the work of the Information Committee—but they can go back up so quickly that it will shock you, if we give them just the tiniest bit of encouragement. In this language, we are going to give them more than a tiny bit of encouragement—we are going to say it is the public policy—do not keep any records. Do not write any memorandums—do not do anything—unless the law says you have to have it. Then we cannot find out what you have done.

I submit there is far too much redtape in all of our Government and that we, in the Congress, ought to act affirmatively to clear it up. But I think much of it must be recognized as being there because the Congress has mandated procedural requirements that make it impossible to operate without that redtape. If we want to objectively look at our laws and the policies imposed upon departments and agencies and eliminate them specifically, I will give my wholehearted support, but this is not the way to do it.

I point out to the gentleman that with all modesty, there is no man in this House who has had to work with more agencies of the Government in an effort to make information available to the public and to the Members of this body than I have, and than I did during the 16 years that I chaired the Subcommittee on Government Information.

This is a dangerous directive to the bureaucracy. If it does not mean anything and is merely an expression of hopeful policy, we do not need it; but if it does mean anything, it means to the bureaucrats, do not give out anything; do not tell anybody what you are doing.

I hope the amendment is adopted.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Members standing when the unanimous-consent order was made will be recognized for 1⅔ minutes each.

The Chair recognizes the gentleman from Alabama (Mr. JONES).

(By unanimous consent, Mr. JONES of Alabama and Mr. HARSHA yielded their time to Mr. WRIGHT).

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Alabama.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on title I and all amendments thereto conclude by 9:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, if I may address myself very briefly to this, I recognize the sincerity of the gentleman from California, but I honestly hope this section does some good. I cannot conceive of its doing any harm, and if there is any one thing we do need, it is something to stop the proliferation of paperwork and redtape which seems inexorably to attach itself to every program as it matures.

Last year we had exhaustive hearings on the redtape that has encrusted itself like barnacles on our Nation's highway program. Let me give the Members just a few illustrations.

Back in 1950 or thereabouts, President Truman asked a man named Alf Johnson, who then was the highway department head for the State of Arkansas, to intercede for the administration with the State highway officials, who prior to that time had opposed Federal aid, and to get them to go along with the Federal program.

Alf Johnson reported that the reason they had theretofore opposed Federal aid was that without Federal aid they could build a highway and get started on it at least 6 months after they decided they needed to go ahead, but with Federal aid it took a year and a half.

Do the Members know how long it takes today? Seven years. Seven years from the time they decide they need the highway until they have fulfilled all of the proliferating requirements and may commence.

Last year, the then Highway Administrator Frank Turner testified to our committee that new requirements imposed by new laws and guidelines executively written were going to require—get this—18 million additional pages of paperwork a year by his department alone. So can Members wonder why we ask to minimize redtape and cut down on paperwork wherever it is possible? I think it is the duty of Congress to do this.

The Illinois State Highway Department was so interested in our study that they sent us a picture. Let me show Members this picture and I hope all can see it. The picture depicts all the paperwork related to just one highway project in their State. It is stacked between two chairs and two miniskirted girls are standing tiptoed on the chairs trying vainly to reach the top of the stack. I would say it is a rather well-stacked photograph.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to ask the gentleman does this repeal the National Environmental Policy Act?

Mr. WRIGHT. Of course not; it does not repeal any act. Here is what it says. Listen carefully. See if it does repeal anything:

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

It does not repeal any act. It simply directs them to the maximum extent that they can to reduce excessive paperwork and to use minimum guidelines when they are necessary. We passed one law with 45 words and by the time they wrote guidelines it had 7,500 words in the guidelines and it literally required books for those trying to work under the guidelines.

Mr. Chairman, I urge retention of the provisions of the bill and vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Page 73, after line 7, insert the following:

"HIGHWAY NOISE LEVELS

"SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: 'The Secretary after consultation with appropriate federal, state, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project wil be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.' "

Mr. FRASER. Mr. Chairman, this amendment broadens the authority of the Secretary of Transportation to fund noise control projects along existing Federal-aid highways. These projects could include, for example, construction of physical barriers, landscaping, and acquisition of additional right-of-way. Funding for work along the Federal Interstate System would be on a 90–10 basis. For other Federal-aid highways, the funding arrangements that now apply to new construction would apply to these noise control activities.

Our amendment also enables the Secretary to set noise standards for existing highways. Under current law he has the authority to set standards for new projects approved after July 1, 1972.

Mr. Chairman, freeway noise is becoming an increasingly severe problem—particularly of our urban areas. Just last week, a group of constituents took me to listen to the problem first hand at the edge of one of our freeways in Minneapolis and we were unable to hear ourselves think. In this neighborhood, which abuts the right-of-way for Interstate 94, local residents have found that they can no longer use their backyards, because of the din from the freeway.

Decibel readings in the area often approach 90, the level at which prolonged exposure can cause permanent loss of hearing.

Experiments have shown that freeway noise can be reduced significantly either by construction of noise barriers on the right-of-way itself, or through acquisition of additional right-of-way to serve as a noise buffer zone. One such experiment in Toronto, Canada, is expected to reduce noise levels by 50 percent. A similar effort is now underway in my district, Minneapolis, Minn.

The Minneapolis project has received Federal support but only because it is a demonstration. Our amendment would permit funding for this kind of activity on a regular basis.

Our proposal is certainly not intended to provide a total solution to highway noise problem. Hopefully, noise may be less a pollutant in the future as highway departments find ways of designing quieter freeways. Quieter engines and tires will also help considerably. But we have to find a way to live with the freeways we already have and that is what this amendment will help us do.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, after examining the amendment, as far as this side is concerned, we would be glad to accept it.

Mr. FRASER. I thank the gentleman from Alabama.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, this side has no objection to the amendment.

Mr. FRASER. I thank the gentleman from Ohio.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I rise to second this amendment, which extends the authority of the Secretary of Transportation to approve noise-control projects on existing freeways.

Traffic noise is an increasing problem in urban areas. Three-fourths of our population is now centered in urban areas. By the year 2000 at present rates that proportion will have risen to 85 percent. Two years ago the Congress provided that noise-control design should be built into the highways of the future. Let us now attempt to deal constructively with the considerable noise problem on existing expressways.

Traffic noise may be attacked in two ways: First, through control of noise at its source; that is, by designing quieter motor vehicles, better mufflers, better engine enclosures, and less noisy tires. This House has approved a bill this year which deals with this half of the problem. The second way of reducing traffic noise is through control of the path of the noise—by designing quieter highways.

Among the highway-design factors that affect noise are: Distance from highway, depression or elevation of the roadway, steepness of grade, vegetation, construction of barriers, and road surface. A very smooth pavement such as seal-coated asphalt can cut noise levels by 5 decibels. On a proposed section of highway in the Fells Point area of Baltimore, a 15-foot barrier of acrylic plastic will reduce noise by 19 decibels. Since the decibel scale is logarithmic, this means an 88-percent reduction in sound level for adjacent residences.

Exposure to high noise levels over an extended period of time can bring about permanent impairment of hearing. Only through a loss in hearing can the body insulate itself against the stress caused by a noisy environment. We all know that noise hinders sleep, interferes with concentration, and results in a general lowering of the quality of life.

In its 1971 report on noise to the President and Congress, the Environmental Protection Agency noted that "the technology exists to control most indoor and outdoor noise." Let Congress give a clear indication that it considers abatement a priority objective of the Federal highway program. I urge your support of this amendment.

Mr. McKINNEY. Mr. Chairman, I rise in support of the amendment offered by Mr. FRASER to H.R. 16656, the Federal Aid to Highways Act.

Connecticut's Fourth Congressional District, which I represent, is about 15 miles wide. Within that 15-mile-wide breadth, we have two major highways, the Merritt Parkway and Interstate 95, running east and west through the district and a proposed major widening of Route 7 coming down from the north through the heart of our countryside.

The traffic on these highways has risen dramatically in the last 10 years with a resulting increase in excessive freeway noise. In a geographically compact urban district like mine, people cannot escape from freeway noise. They simply learn to tolerate it at best. Turning up the radio in their car or, for those who live adjacent to the highway, raising the volume on the TV is a palliative but not a solution.

The proposal we offer this evening certainly does not provide a 100-percent solution to the problem. However, by broadening the authority of the Secretary of Transportation to fund noise control projects along existing highways, we will have taken a major step forward. Existing law simply authorizes demonstration projects. As we all know, there are only a limited number of demonstration projects funded each year. Under our amendment, State highway departments would be able to receive funding for freeway noise control projects on a regular basis. The technology now exists to reduce excessive freeway noise. I would urge that we now provide the Secretary of Transportation with the power to utilize that technology for all the areas in this country afflicted with freeway noise pollution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 56, noes 11.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOCH: Page 85 immediately before line 8 insert the following:

BICYCLE TRANSPORTATION

SEC. 125(a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Bicycle transportation

"(a) To encourage the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, the Secretary shall require that projects carried out with sums apportioned in accordance with subsection (d) of section 104 of this title shall to the extent practicable, suitable, and feasible include the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles and pedestrian walkways in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) In addition to projects carried out pursuant to subsection (a), there is hereby authorized to carry out projects for the construction of bicycle trails on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, and to permit development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, $10,000,000 out of the Highway Trust Fund for each of the fiscal years 1974 and 1975 which shall be apportioned in accordance with paragraph (1) of subsection (b) of section 104 of this title, except that no State shall receive less than 1 per centum of sums apportioned under this section.

"(d) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands, highways shall be available, at the discretion of the Department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(e) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"146. Bicycle transportation and pedestrian walkways."

And renumber all succeeding sections and references thereto accordingly.

Mr. KOCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KOCH. Mr. Chairman, this year this country has experienced a boom in bicycle riding. By the end of the year an estimated 11.5 million bicycles will have been sold; indeed bicycle sales promise to be higher than automobile sales. Today there are an estimated 75 to 80 million cyclists.

It is important that bicycles be recognized as a component of our transportation system. Bicycles are an important transportation resource and can make a definite contribution to municipal transportation—they should not be regarded as only a recreational vehicle. Many commuters, when given the option of safe bicycle travel, will choose to pedal to work rather than ride by car or bus. Last May I sent a questionnaire to my constituents in which a question concerning bicycling was included—49 percent of the respondents indicated that if exclusive bike lanes and parking facilities were provided, they would ride a bike to work; this compared to 7 percent of the respondents who said that they presently ride a bike to work.

The bicycle is a cheap, healthful, noiseless nonpolluting alternative for short-distance transportation. And when provided with their own bicycle lanes, bicycles have a very low accident rate. There is a danger, however, for cyclists who are forced to use roads heavily congested with automobiles. Thus, if bicycle transportation is to be encouraged, we need to develop bicycle lanes and paths. It is time that cyclists be given their share of the road.

The amendment I am offering would allow the Federal Government to aid States and localities in financing the construction of bicycle and pedestrian paths in conjunction with highway rights-of-way.

I am pleased to note that our colleagues, the gentleman from Texas (Mr. WRIGHT) and the gentleman from Michigan (Mr. ESCH) are joining me in sponsoring this amendment.

The purpose of the amendment is to encourage the development and use of bicycle transportation so as to increase the traffic capacity of the Federal aid systems and to permit the development of pedestrian walkways in conjunction with highway rights-of-way.

Funds under this amendment could be used to finance the Federal share of the cost of constructing separate or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities, and pedestrian walkways. Projects authorized under this program would have to be located and designed according to an overall plan providing for safety and for contiguous routes.

An additional $10 million for each of the fiscal years 1974 and 1975 would be specifically authorized from the trust fund for carrying out construction of bicycle and pedestrian paths in connection with other new or completed highway projects. Such funds would be apportioned to the States in accordance with the apportionment formula for the Federal-aid primary system, except that no State would receive less than 1 percent of such apportionments.

What we are proposing here is very similar to the highway express lanes provided for buses. By constructing separate bicycle lanes we relieve local roads and highways of bicycle traffic, easing the flow of motor traffic and increasing the safety of the cyclists. Bicycle transportation funding is appropriately included in the Federal Aid Highway Act, for bicycles are unquestionably road vehicles.

The provisions of this amendment are identical to those contained in section 130 of the Senate-passed bill, and they are supported by the administration.

SUBSTITUTE AMENDMENT OFFERED BY MR. COLLINS OF ILLINOIS FOR THE AMENDMENT OFFERED BY MR. KOCH

Mr. COLLINS of Illinois. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. COLLINS of Illinois for the amendment offered by Mr. KOCH:

Page 85, before line 8, insert the following:

Bicycle Transportation

SEC. 1(a) chapter 2 of Title 23, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 218. Bicycle Transportation

"(a) To encourage the development, improvement and use of bicycle transportation, the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, shall carry out (directly, by grant, contract, or otherwise), projects for the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicyclists and persons using bicycles, in conjunction or connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State and local parks.

(b) Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety.

(c) No motorized vehicle shall be permitted on the lanes and paths authorized by this section, except for maintenance purposes.

(d) The Federal share of the cost of the project authorized by this section which is on State or local lands shall be 70 percentum.

(e) There is authorized to be appropriated not to exceed $10 million per fiscal year for the fiscal years ending June 30, 1974 and June 30, 1975, to carry out this section."

(b) The analysis of chapter 20, Title 23, United States Code, is amended by inserting at the end thereof the following: "218 Bicycle Transportation."

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with. Mr. Chairman, we have examined the amendment and have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair will state that the gentleman from Illinois was not on the list of those Members standing. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, the committee accepts the amendment. We find it in proper order and it plays a useful part in the highway program.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Ohio.

Mr. HARSHA. We have discussed the substitute amendment. It was the same amendment offered in the committee by the gentleman from North Carolina (Mr. MIZELL) as now presented to the House by the distinguished gentleman from Illinois. We believe it cleans up the problems we had with the original amendment, and we are willing to accept it.

Mr. WRIGHT. Mr. Chairman, bicycling is an American tradition traceable back to the earliest days of our history as a Nation. It has been the symbol of at least one era. There is the romantic image of the boy in the porkpie hat and the girl with the strawberry curls on a bicycle built for two.

And today the bicycle has emerged as one of the most remarkable social phenomena of our times. No longer are we able to view the bicycle as merely a shiny toy more at home with children on the sidewalks than with the busy commuters on the streets of our cities and towns.

Right now, there are an estimated 80 million Americans who ride bicycles—some for pleasure, but many as a means of transportation. The sharp rise in bicycling is due not only to the fact that Americans are more pollution conscious in these days of great environmental concern, but also to the fact that they are more health conscious than ever before. More and more Americans are realizing that they could simply use the exercise that bicycling gives them. After all, what could be a better tonic for most paunchy middle-agers than a brisk little pedal to work each morning?

Whatever their individual reasons, more Americans are traveling by bike than at any time in the past 30 years. The Bureau of Outdoor Recreation of the Department of Interior says that bicycle riding is the country's fastest-growing outdoor recreation activity. And William Ruckelshaus, Administrator of the Environmental Protection Agency, has declared that bicycling—next to walking—is the ultimate form of personal transportation.

But where do these 80 million Americans go to ride their bicycles? Naturally, bicycles are banned from high-speed roads. They are not permitted on many sidewalks. They are extremely dangerous on crowded city streets, and are generally confined to the right lane in order not to obstruct traffic. At the present time, according to the Bureau of Outdoor Recreation, there are about 15,000 miles of bikeways available in all of America, either for recreation or transportation. So, most cyclists must share the city streets with cars and buses.

The hazards involved are evident practically without recourse to statistics. Most of us have had the experience of driving down the road and suddenly overtaking a bike rider, traveling far slower with his foot power than we are in our powerful car with its thunderous horsepower. The potentials for tragedy are clear. The National Safety Council, in 1970, reported 820 deaths and 38,000 injuries to cyclists resulting from collisions between bicycles and motor vehicles.

Even under the best of circumstances there is not much humor in trying to ride a bike on streets designed for cars. Aside from the safety aspect, there is simply too much congestion, particularly during rush hours. Americans are used to a mobile society and we have reached the point where we are going to have to find unique solutions to some of the problems brought about by this way of life.

I believe a system of bicycle ways and pedestrian paths in conjunction with highway projects would provide such a solution. To some degree it would alleviate the danger of accidentally running down the daring cyclist who chooses to brave the onslaught of city traffic. And it would provide a healthy and inexpensive means of personal transportation for many Americans, both young and old.

Mr. ESCH. Mr. Chairman, I rise to oppose the substitute amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. ESCH. Mr. Chairman, I rise to oppose the substitute amendment, although I am sure the committee does have the votes. I believe the record should be clear that the substitute amendment only allows construction of bicycle paths within park lands and similar places such as that.

The intent of the main amendment is to provide for bicycle paths where they are needed the most; that is, within the cities in relationship to our highways. I would urge the Members to reject the substitute amendment and to vote for the prime amendment.

Whether or not this amendment is agreed to, hopefully it will come out of the conference.

I believe the record should be clear. We should at least pass the substitute amendment, but hopefully we should reject the substitute amendment and vote for the main amendment. We need to provide our young people and our senior citizens with bicycle paths not only in our park lands but everywhere in this country. The main amendment will do that. I hope the substitute amendment will be rejected and that Members will vote for the main amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COLLINS), as a substitute for the amendment offered by the gentleman from New York (Mr. KOCH).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KOCH) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BINGHAM: On page 87, strike line 9 and all that follows down through and including the material that appears immediately following line 5 on page 89, and renumber succeeding sections accordingly.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this amendment would strike from the bill before us today section 126 which would authorize the establishment of a 10,000-mile network of priority primary routes. The stated purpose of this program is to extend and supplement the Interstate System. The routes selected for improvement under this program would generally be built up to Interstate System standards. Frankly, you can call it what you want but what this system really is is a 10,000-mile extension to the Interstate System. It differs only in that the Federal share of the cost will be 70 percent rather than 90 percent. Initially it is funded at $600 million for the first 2 years but clearly this authorization implies a future commitment far in excess of that level.

It is hard to estimate what the total cost of this extension may come to, but I believe a fair estimate is that it may come to $19 billion. That is what we are being asked to support today, without a justification in the hearings. There is nothing in the hearings to support this.

This extension of the Interstate System is opposed by the Secretary of Transportation. In a letter to Chairman Blatnik dated September 18, 1972, he states that:

> We strongly object to this new program and would hope that it would be deleted from the bill.

He has also stated that there is no justification for this program in the national highway needs report which he submitted on March 15.

I repeat, the administration does not support this $600 million extension of the Interstate System and supports my amendment. This is an economy vote, Mr. Chairman and members of the committee, and it is an ecology vote. I urge the Members to strike out this extension of the Interstate System which is wholly without justification in the hearings, and which is not necessary. Currently, under the present highway statutes, primary highways can be built to whatever standards are necessary to satisfy travel demand. In many instances, this means that primary highways are built to Interstate standards. However, and this is the key point, these high level primary links are selected by the States and placed wherever they are needed. To now sit down at the map and draw up a 10,000-mile highway network that we are going to be building for the next two decades, makes absolutely no sense at all. The adoption of section 126 is frankly the last thing we need now.

I would be the last to argue that there are no great transportation needs throughout the Nation. But the States and the local officials should be the ones to determine when and how these needs are met, not the Federal Government. This is a Federal-aid program and I would like to underline the word "aid."

The major problems that we have been encountering with the Interstate System in our major urban areas are due in large part to the fact that we are now building roads that were drawn on a map somewhere in Washington more than 20 years ago. We do not need to go through another round like that one. The success of the highway program has in large part been due to the fact that it is the States who initiate projects with the Federal Government providing assistance, but not assuming a heavyhanded role in directing the program. To now come up with this new Interstate System makes little sense to me. If funds are required we should give them to the States and communities with the fewest possible strings attached. I for one feel very strongly that this section should be deleted from the act and I am offering this amendment to do so. I hope I have your support.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I just want to say I oppose the amendment. I do not believe it should be adopted. I hope the committee will see fit to vote down the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, the priority primary provision is a most important part of this year's Federal-Aid Highway Act. As the responsible committee in the highway field, the Committee on Public Works has been besieged in recent years with requests from communities, States, even regions of the country to expand the Interstate System or to authorize special programs for supplementary systems which would connect with the Interstate System.

In response to these requests, but as an alternative to further expansion of the Interstate System, the committee, after careful study, believes it desirable to encourage and assist the States in building a new intermediate system of highways. The aim would be to improve a limited, integrated system of supplementary routes to be specially financed out of revenues from the Highway Trust Fund. In conjunction with the Interstate System, the new routes will provide accessibility to over 90 percent of all urban population and nearly all urban places of over 50,000 in size. In addition, such routes would provide much needed service to those rural regions through which they would pass.

A listing of those States interested in new routes which have been brought to the attention of the committee and should certainly be considered in this selection would include the State of Massachusetts—which may perhaps be characterized as the genesis State of this proposal—Texas, Oklahoma, Louisiana, Arkansas, and New Hampshire.

In addition, the bill approved by the other body contained a proposal to explore the feasibility for including new routes on the Interstate System. That section of the Senate bill covered several additional States, including Missouri, Georgia, Alabama, Mississippi, Tennessee, Utah, Nevada, and New Mexico.

Whether or not these routes are included as routes on the new priority primary, I have no way of knowing. But the 10,000 miles of additional supplementary miles authorized by this provision will provide a means for them to be constructed if needed.

To fund the new program, $300 million will be authorized for each of the fiscal years 1974 and 1975. Providing this amount of money for this type of program should enable us over the next several years to substantially improve those principal arterials of the Nation off the Interstate System which are in desperate need of upgrading. I, therefore, urge that the motion to strike this important and more desired provision be defeated.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to associate myself with the remarks of the gentleman from New Hampshire. I hope that the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, first let me congratulate the Committee on Public Works on the excellent job that they have done on this piece of legislation.

Second, let me congratulate the Members of the House on resisting the attempted raid on the Highway Trust Fund. When those of us who were in Congress in 1956 created the Highway Trust Fund, we publically pledged to the people that we would keep that trust fund inviolate, complete the interstate system and aid the States in their construction of A, B, and C highways.

Third, one of the most important parts of this years Federal Aid Highway Act is the new provision for priority primary highways. After many years of pleas from communities, States and regions to expand the interstate system or to authorize special programs for supplementary systems to connect with the interstate system the committee has responded to their request.

The committee in an effort to encourage and assist the States have devised this new intermediate system of highways. This new intermediate system, although limited, will be specially financed out of revenues from the Highway Trust Fund.

These new intermediate or primary priority routes together with the Interstate System will provide accessibility to over 90 percent of all urban population and nearly 100 percent accessibility to all urban places over 50,000 in density.

I am happy to have had a small part in having the committee take this new approach and I am more than delighted in the fact that the listing of States interested in these new routes include Pennsylvania and in particular, Route 219 in Pennsylvania.

The committee has very wisely provided the funding for this new program by authorizing $300 million dollars for each of the fiscal years 1974 and 1975. These moneys should enable the U.S. Bureau of Roads and the various States to proceed with full speed to improve these principal roads leading to and from the Interstate System that are in desperate need of upgrading to modern standards.

I urge the motion to strike this important and new innovation in the highway system be defeated.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in support of section 147 of the Federal-Aid Highway Act of 1972 and against the amendment to strike it from the bill. Section 147 would establish a new highway system called "priority primary routes" and selects 1,000 miles for such a system. The State highway department of a given State being authorized to designate the new system in their respective States. The bill authorizes $300 million for 1973–74 and $300 million for 1974–75. The roads selected to be constructed would be built to interstate four-lane standards on a 70–30 basis.

The committee report on the bill on pages 14 and 15 describes the new system, and calls it an intermediate system, above the standard of the present primary system. The report describes the roads the system contemplates and on page 15 states "worthwhile projects that have been brought to the attention of the committee" and would appear to be logically eligible for immediate selection under the $300 million authorized in each of the 1974 and 1975 fiscal years, are: In Pennsylvania, Route 219.

I ask that the Members resist the amendment of the gentleman from New York (Mr. BINGHAM) to strike this section from the bill, H.R. 16656.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

I think we must consider these priority primary routes. There are many areas in the country in which we need these priority primary routes.

This, I feel, would be a very destructive amendment. I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, one of the specific purposes of this section in the bill is to help alleviate the congestion in the open areas, and to take some of the traffic off those tied-up arteries that are not able to sustain the amount of traffic that exists in urban areas.

This will go a long ways toward alleviating that congestion and that traffic problem.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. ANDERSON of California. Mr. Chairman, I offered this amendment in committee and I wish to, at this time, give my full support to the able gentleman from New York (Mr. KOCH).

This amendment would allow the Federal Government to aid the States and localities in financing the construction of bicycle and pedestrian paths in conjunction with highway rights of way.

Since bicycling, under proper conditions, increases the passenger carrying capacity of highways, I contend that the appropriate accommodation for bicycle riders would not only help alleviate traffic congestion—and auto pollution, but would also provide a healthy recreational activity as well.

This amendment, where practicable and feasible, would provide that funds apportioned for Federal aid to highways would be available to finance the Federal share of construction costs for separate bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities and pedestrian walkways which are in conjunction with future Federal-aid highway rights of way.

The $10 million for each of the 2 fiscal years—1974 and 1975—would be authorized from the trust fund for carrying out construction of bicycle and pedestrian paths in connection with either new or completed Federal-aid highway projects.

I feel this is a good amendment and would help meet the pressing needs of the ever-growing army—80 million persons—of bicycle riders—both young and old—who enjoy commuting to work or school, and who enjoy the wholesome, healthy recreation of bicycling.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The question was taken; and on a division (demanded by Mr. Bingham) there were ayes 9, noes 68.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Alabama (Mr. Buchanan) is recognized for 1 minute.

Mr. BUCHANAN. Mr. Chairman, I wish to bring to the attention of the great Committee on Public Works and its distinguished members a problem. I ask the committee in its wisdom to ponder, in its piety to pray, and in its power to do something about it after the problem has been heard.

Mr. Chairman, I represent the lovely city of Birmingham. It is a great city, but it has a great logjam with all the traffic passing through it and within it, because we have had no beltway, we have had no completed freeways, and until recently we had nothing in the way of an interstate or freeway system.

Now, the great State of Alabama has received, since 1960, $771.9 million for interstate highways alone. Of this amount, less than 14 percent has gone to its greatest and its most populous city, in which area some 22 percent of Alabama's people live. This year, when the highest priority project in the State, according to the State highway department's own admission and judgment, is in Birmingham, they are not funding it. Given these circumstances, I urgently seek the committee's help.

AMENDMENT OFFERED BY MR. MALLARY

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mallary: On page 79, strike lines 7 through 12 and insert in lieu thereof the following:

"(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu therof the following: "Each State shall have the authority to determine whether to pay just compensation for the removal of outdoor advertising signs, displays, and devices lawfully erected under state law, or to remove such signs, displays, or devices by use of its police power without providing compensation, except through amortization over a reasonable period."

Mr. MALLARY. Mr. Chairman, the amendment which I offer is almost identical to one offered by the gentleman from California (Mr. Don H. Clausen) in the Committee on Public Works. It relates to compensation for remodeled outdoor advertising devices.

My State, Vermont, proudly boasts of one of the most progressive pieces of billboard legislation in the country. That antibillboard law was passed by the Vermont legislature in 1968, with the assistance of the Federal Highway Administration, who looked on it as an innovative method of reducing roadside blight caused by billboards.

Now Vermont may be going to court with the Department of Transportation over the issue of whether Vermont's antibillboard law is too stringent and does too well what was intended by the Federal Highway Beautification Act.

Part of our problem relates to compensation for sign owners. After a series of court cases, the Vermont Supreme Court has determined that a 5-year amortization—dating from the actual passage of the billboard law—is just and proper compensation for the value of the sign. In other words, the State may remove them and no compensation from the State is necessary following their removal.

At the time the Vermont Legislature passed the bill, the State received a waiver from the Federal Highway Administration which allowed the State to circumvent the Highway Beautification Act and order the removal of high rise signs along the interstate.

I am attempting to indicate that during the time this law was passed, and following passage, Vermont received support from the Highway Administration.

Last summer, it became evident that the Highway Administration was planning to penalize my State of Vermont by reducing the amount of Federal highway funds by 10 percent unless we complied with Federal regulations regarding the compensation of sign owners for those signs which are removed.

That question may soon move to the courts. Each side has agreed that the solution may need the judgment of the court, and Vermont is waiting out a 60-day period while DOT determines whether to cut Vermont's highway allocation.

The present law is ambiguous with regard to whether the 10 percent penalty may be imposed for failure to pay compensation. A reading of the law indicates in section 131(b) that Federal-aid highway funds apportioned to a State which has not made provision for "effective control" shall be reduced by 10 percent. The definition of "effective control" in section 131(c) does not mention or discuss the question of whether compensation shall be paid on the removal of outdoor advertising devices. This amendment will clarify this ambiguity and will give clear permission for any State to use whatever method it determines to be proper to remove such devices.

It seems anomalous that a State should have its Federal highway fund allocation reduced when it is leading the way in complying with the intent of the Federal Highway Beautification Act and doing so in compliance with all State laws and setting a standard far in excess of Federal minimums. The essence of this question is whether we wish to permit the States to have reasonable latitude in operating their beautification programs if they are in conformity with Federal minimum standards or whether we wish to dictate entirely how their funds are to be spent.

The question is whatever we will here force States to use limited funds for compensation for fully amortized signs to the detriment of highway construction programs.

Mr. Chairman, I urge support for this needed amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to support the amendment of the gentleman from Vermont (Mr. Mallary). It had been my intend to offer the amendment as I had previously presented it for adoption in the Public Works Committee.

However, during the course of this evening, Mr. Mallary has visited with me and advised of his interest in this amendment its content and further revealed his legislative and personal experience with this specific type of highway beautification programs while serving as speaker of the Vermont Legislature.

Therefore, I was delighted to yield to him for purposes of offering this amendment and join in supporting the effort to include it in the bill, under the control of outdoor advertising sections.

As the language of the amendment clearly states the basic purpose of the amendment is to provide the authority to each State to have an option in dealing with the question of compensation for nonconforming outdoor advertising signs.

The States would have the authority to pay "just compensation" or use the combination of police power and a reasonable amortization period that would be fair to all concerned.

During the Highway Beautification Commission hearings in California, there were two major points of concern expressed by the spokesman for the garden clubs of California and the Western States, as well as the California Roadside Council.

The two points related to the jumbo billboard that in their words added to the "visual pollution" along our highways just beyond the 660 feet outer limit set in my view unwisely, in the 1965 act and the question of just compensation alternatives.

While we have addressed our efforts in section 119 of the bill toward the jumbo billboard question, we have not provided for language that would comply with the second basic question aforementioned.

It is for this reason I felt an obligation as a member of this committee and of the Highway Beautification Commission to represent these groups from my State of California and support this amendment in committee and now on the floor.

I hope the Members will support this alternative just compensation amendment offered by Mr. Mallary.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, this is a very fundamental amendment. This would strike at a very fundamental tenet of American jurisdiction, that whenever the public takes private property from a citizen for public purposes the private citizen shall be fairly compensated for it. That has been provided in this highway beautification law since its beginning. The amendment would say a State could take these properties away from citizens even if they were lawfully erected, and remove them by action of its police power without providing compensation therefor.

I do not think we want to do that. We ought to be strongly opposed to it. We must vote this amendment down if we are to follow fundamental and longstanding principles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. Mallary).

The amendment was rejected.

The CHAIRMAN. If there are no further amendments to be proposed to title I, the Clerk will read.

The Clerk read as follows:

TITLE II

SHORT TITLE

Sec. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

Sec. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, and $360,000,000 for the fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, and $115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

Sec. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, $150,000,000 for the fiscal year ending June 30, 1974, and $225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

Sec. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING PROGRAM

Sec. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Special pavement marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not in any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"149. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

Sec. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

Sec. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 150. Projects for high hazard locations

"(a) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Projects for high hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Program for the elimination of roadside obstacles

"(a) Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $75,000,000, to be available until expended, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identify any State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Program for the elimination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZENS PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multi-civic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 121, lines 17 and 18, strike the following: "to be available until expended".

Mr. HARSHA. Mr. Chairman, I shall not take 5 minutes, because this is merely a technical amendment.

Mr. JONES of Alabama. Will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. JONES of Alabama. The members of the committee on this side accept the amendment and agree that it is necessary for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The amendment was agreed to.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

I will not take the 5 minutes, but several members of the committee have asked me what it was I was asking the committee to do a few minutes ago.

If I can have the attention of the distinguished members of the great Committee on Public Works—and I say this sincerely—I will tell you what I am asking you to do.

Where a State will not play fair with its major urban areas and areas where there are great concentrations of traffic, and where by giving last priority rather than high priority to the people and problems of such areas a State pursues a policy that is uneconomic, unwise, and unjust,.as in the case of Alabama, I ask this committee to consider in the future either strengthening the review powers of the Federal Highway Administration or providing some means whereby an urban area can have some hope for help. Such action would, at least in our case, be beneficial not only to our city, but to the whole State as well.

Mr. JONES of Alabama. Will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the distinguished dean of the delegation.

Mr. JONES of Alabama. I am quite sure the committee will be willing to look into this matter so that we can help the gentleman with his problem.

Mr. BUCHANAN. I thank the distinguished gentleman from Alabama.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 301. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"SEC.
"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------------------- 601".

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 127, after the material appearing after line 23, insert the following:

TITLE IV—TRANSPORTATION DEVELOPMENT

SHORT TITLE

SEC. 401. This title may be cited as the "Transportation Development Act of 1972".

Findings and Declaration of Purpose

SEC. 402. The Congress finds—

(1) that the development of a balanced, coordinated, and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense, and general welfare of the people of the United States;

(2) that it is in the national interest to provide the traveler in the United States with coordinated, improved, and balanced transportation, and to provide expeditious, safe, and comfortable transportation convenient to meet his needs;

(3) that the preservation and enhancement of the environment, the conservation of natural resources, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals;

(4) that research, development, and demonstrations of improved and coordinated transportation coupled with systematic coordinated and comprehensive transportation planning within and between all regions of the United States must be encouraged and should be vigorously pursued; and

(5) that planning, research, development, and demonstration projects coordinated among and between the several modes of transportation which will encourage diversity of approaches and experimentation suitable and productive for the regions of the country are necessary to proper and economical transportation development.

FUNCTION AND POWERS OF THE SECRETARY

SEC. 403. (a) In carrying out the purposes of this title, the Secretary shall—

(1) develop plans and research, development, and demonstration projects for balanced and coordinated national transportation, and establish a priority ranking for such plans and projects;

(2) evaluate the relative benefits of the plans, programs, and projects in serving the essential transportation needs of the United States;

(3) evaluate, on a continuing rather than a temporary basis, the prospects that plans, programs, and projects will improve the economic, environmental, and social development of an area served by a plan, program, or project;

(4) initiate and coordinate the preparation of long-range overall transportation plans, such plans to designate the priority of transportation needs;

(5) develop comprehensive and coordinated plans utilizing long-range overall transportation plans as a guide, and establish priorities thereunder, that give due consideration to transportation planning by private organizations and to Federal, State, and local transportation planning; and relate transportation development to other planning and development activities including but not limited to preservation and enhancement of the environment;

(6) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(7) establish and maintain an adequate data and information base for the purposes of transportation planning and development, and coordinate the development of information systems to insure that maximum compatibility and usefulness are achieved;

(8) initiate research and development of intercity systems aimed at immediate improvements in intercity transportation of persons and property using existing facilities and available equipment;

(9) initiate research and development of safe and reliable high-speed prototype intercity transportation systems, susceptible of early demonstration;

(10) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing new and improved passenger transportation for such areas;

(11) initiate research and development of transportation systems that provide compatibility between urban and intercity systems;

(12) insure that demonstration projects reflect the priority of the transportation needs in regions;

(13) provide assistance to and cooperate with Federal, State, and local agencies in conducting or sponsoring research, development, and demonstration projects;

(14) at the request of, and in cooperation with, the responsible agencies involved, review and study Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate, provide assistance and recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(15) formulate and recommend, where appropriate, interregional compacts and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation; and

(16) provide for and encourage involve-

ment and financial participation by State and local governments and private industry to the maximum extent practicable. (b) In carrying out this title, the Secretary is authorized to—

(1) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(2) acquire, by purchase or otherwise, such property (real or personal) as may be necessary to carry out research and development projects and demonstration projects under this title;

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out his functions and on such terms as he may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation;

(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics needed to carry out the purposes of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(5) collect and coordinate transportation data, statistics, and other information which he determines will contribute to the improvement of the national transportation system and make such information available to other Federal agencies and to the public insofar as practicable;

(6) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, and government, who can assist in meeting the problems of area, regional, or national transportation, and make provisions for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this title;

(7) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5 of the United States Code, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually; and

(8) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this title.

(c) Effective two years after the date of enactment of this title, the Secretary shall not approve—

(1) studies pertaining to technological assessment and forecasting, transportation priorities, regional or carrier development, feasibility, or technological development; or

(2) research, development, or demonstration projects involving the study, design, construction, trials, acceptance, and introduction of new or improved transportation systems, subsystems, and operating techniques;

unless they have been coordinated in accordance with the terms of this title.

(d) In accordance with the development of coordinated transportation plans, the Secretary shall, to the maximum extent practicable, undertake research, development, and demonstrations on a project basis. In so doing he shall establish organizational, performance, time, and cost controls which will assure coordination and timely completion of projects.

(e) In carrying out the provisions of this title, the Secretary is authorized to establish procedures to insure that planning efforts and future systems development are in accordance with the purpose of this title by requiring (1) detailed evaluation of the technological development requirements of each project included in a transportation plan, and (2) detailed estimates of the nature and magnitude of resources required for the effective completion of each project.

(f)(1) Except as may be otherwise expressly provided in this section, all powers and authorities conferred by this section shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(2) All financial and technical assistance authorized under this section shall be in addition to any Federal assistance previously authorized and no provision of this section shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State, or other entity eligible under this section would otherwise be entitled under any other provision of law.

(3) Except to the extent otherwise authorized by law, nothing in this title shall be construed to authorize the Secretary to make any transfer or expenditure of money from any trust fund created by an Act of the Congress.

TRANSPORTATION DEVELOPMENT COORDINATION

SEC. 404. (a) In order to provide for improved coordination in the development of transportation systems and facilities to meet the transportation needs of the United States, the Transportation Development Administrator shall exercise all functions, powers, and duties of the Secretary relating to planning, research and development, and demonstration projects under the following provisions of law:

(1) Title 23, United States Code.

(2) The Act of September 30, 1965, relating to high-speed ground transportation (49 U.S.C. 1631 et seq.).

(3) The Urban Mass Transportation Act of 1964.

(4) The Federal Aviation Act of 1958.

(5) The Airport and Airway Development Act of 1970.

(b) The President shall, within two years after the date of enactment of this title, transfer to the Secretary any functions (including powers, duties, activities, facilities, and part of functions) of the National Aeronautics and Space Administration and the Department of Housing and Urban Development or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Secretary described in paragraphs (1) through (5) of subsection (a) of this section. In connection with any such transfer, the President shall provide for appropriate transfers of records, property, personnel, and funds. Whenever the President makes any transfer under this subsection, he shall submit to the Congress a full and comprehensive report concerning the nature and effect of such transfer.

(c) The Transportation Development Administrator shall exercise all functions, powers, and duties transferred to the Secretary under subsection (b) of this section.

ESTABLISHMENT OF THE ADMINISTRATION

SEC. 405. (a) There is established in the Department of Transportation a Transportation Development Administration to be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. In addition to such functions, powers, and duties as are specified in this title to be carried out by the Administrator, the Administrator shall carry out such additional functions, powers, and duties as the Secretary may prescribe.

(b) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Administrator, Transportation Development Administration.".

GENERAL PROVISIONS

SEC. 406. (a) There is established a Transportation Development Advisory Commission (hereafter in this section referred to as the "Commission"). The Commission shall be composed of eleven members appointed by the President from private life as follows:

(1) One person to serve as chairman of the Commission who is specifically qualified to serve as chairman by virtue of his education, training, or experience.

(2) Ten persons who are specially qualified to serve on such Commission as follows:

(A) One from among representatives of carriers in the several modes of transportation.

(B) One from among representatives of manufacturers in the transportation industry.

(C) One from among representatives of shippers.

(D) One from among representatives of State transportation agencies.

(E) One from among representatives of educational institutions.

(F) One from among representatives of consumer organizations.

(G) One from among representatives of labor organizations in the transportation industry.

(H) One from among representatives of private organizations engaged in transportation research.

(I) One from among representatives of organizations concerned with conservation or regional planning.

(J) One representative of the general public. Not more than six members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Six members shall constitute a quorum.

(b) It shall be the duty of the Commission—

(1) to formulate recommendations concerning the long-range needs of the national transportation system; and

(2) to facilitate coordination of all modes of transportation, and cooperation between Federal, State, and local agencies and community and industry groups to achieve coordination of transportation development.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(c) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding $100 per day, including traveltime; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(d)(1) The Commission is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(2) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(3) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(4) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(e) The Commission shall submit to the President and to the Congress, not later than eighteen months after the date of enactment of this title, a report containing the initial recommendations formulated by it under this subsection.

ANNUAL REPORT

SEC. 407. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include—

(1) a summary of outstanding problems confronting the administration of this title in order of priority;

(2) an analysis and evaluation of research and development activities, and demonstration projects, including the policy implications thereof, conducted as a result of Government and private sponsorship and which have contributed to technological progress in transportation during such year; and

(3) a summary of the extent to which technical information was collected, coordinated, and disseminated to governmental agencies and the transportation industry; the extent to which consumer-oriented information was made available to the public; and the extent to which such information was utilized by the recipients.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national transportation system and to promote cooperation among the several States in the improvement of the national transportation system.

SEC. 408. There are authorized to be appropriated such sums, not to exceed $75,000,000, as may be necessary to carry out the provisions of this title.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HARSHA. Mr. Chairman, reserving the right to object, may I ask the gentleman where this amendment would fit in?

Mr. PICKLE. If the gentleman will yield, this would be on page 127, and it is a new title, title IV.

Mr. HARSHA. That would be after line 23 on that page?

Mr. PICKLE. That is correct.

Mr. HARSHA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment.

Mr. PICKLE. Mr. Chairman, the purpose of this title is to provide for the better coordination of research and development, planning, and demonstration projects. The goal of this amendment is to help this Nation design and institute a meaningful national transportation policy.

In individual pieces we have the greatest transportation system in the world. We have a bold and formidable Interstate Highway System, a great network of airlines, and a longtime sturdy freight system on the railroads.

Individually, they are great. Together, they comprise perhaps our biggest blunder or neglect.

Not enough collective, cohesive, coherent thought has been given to a truly balanced national transportation system.

Name me an airport that is not fast approaching the redline danger level of too many planes, too few runways, and not enough air traffic controllers. Pilots everywhere look over their shoulder in the landing approach.

Tell me it is not so that some of our interstate highways have actually raped the landscape and in some cases, even caused flooding because they make a manmade dike in the way of heaven's waters.

Tell me where the trains run on time—or run at all. Explain to me how we can put a man on the moon—yet we still cannot get him across town, home from work, in time for supper.

One by one, our systems do the job. Together, they do not.

This is a transportation shame. More than a shame, it is a national tragedy. Transportation—getting there and back—affects us all, everyone: From the poor man trying to catch a city bus to work, to the commuter, to the manufacturer with his goods drydocked somewhere, to Henry Kissinger off on another secret mission.

The fact is—each system and agency has hunted for its own solution. There was not planning enough for a coordinated system.

No longer can we be content to put legislation band-aids on individual systems. Today, we must treat the whole body.

We must tie the systems together. The time has come to establish in fact—not in words—a truly national system, a truly national approach. We have run out of space for the superhighways. Their airways are clogged. The iron wheel is groaning on the iron rail, and bumping on roadbeds that slip, slide, and flake away under relentless pounding freight cars.

And the greatest of all—mass transit—has been thrust into our legislative living room. It was hurled upon us—unwanted and without heirs, ancestry or funds. Sadly, our search for a solution has been too timid.

Fortunately, the Congress has taken the helm in many cases. We have stepped into a leadership vacuum to give some direction.

In 1946, we enacted the Airport and Airways Development Act.

In 1956, we created the highway trust fund.

In 1965, we authorized the Office of High Speed Ground Transportation.

In 1966, we created the Department of Transportation.

In 1968, we gave life to the Urban Mass Transportation Agency.

In 1969, we created the airport and airways trust fund.

Most recently, in 1970, we set into motion the National Railway Passenger Corporation.

All this legislation, all this money, all this effort was tantamount to recognition that we do have a national transportation problem—and we do not have a clear national transportation system.

I can cite you a day-by-day example of what I mean: There are several different agencies within the Department of Transportation involved, in research, development, planning, and demonstration projects—yet each has only general knowledge of what the other is doing. They pass or develop like ships in the night while the public waits for the bus that never comes.

Specifically, the Federal Highway Administration has its own planning and research activities.

So does the Federal Aviation Administration.

And so with the Federal Railroad Administration, along with the Office of High Speed Ground Transportation.

Likewise, with the Urban Mass Transportation Administration.

HUD and NASA are also involved in transportation research and development and planning and they are completely separate agencies with no close ties to the Department of Transportation.

Although there is a sincere effort within the Department of Transportation to coordinate the efforts of these various jurisdictions, there is no clear coordination, no real authority, no real muscle. There is no substantial national transportation policy, even though all of us are aware that last year the DOT published a report entitled "A National Transportation Policy."

Mr. Chairman, the Public Works Committee report on H.R. 16656 deals at length as to whether or not to use highway trust fund money for mass transit.

The Public Works Committee feels that it is not wise at this time to use highway funds for other purposes. But the committee has proposed $75 million of general revenue be used for a study, for research on the question. The committee wants to take this study and in 1974 examine the question all over again.

Section 143 is the part of the bill where this study is outlined.

My substitute for section 143, I feel, makes more sense. I think that my proposal is a good compromise in meeting the transportation needs of America.

On the one hand, it leaves the trust

funds intact while, at the same time, making sure highway trust fund research moneys are part of an overall development effort in solving our transportation problems.

I urge the Members to support my title.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama insist on the point of order?

Mr. JONES of Alabama. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the point of order would lie against the germaneness of the amendment to the bill. I do not see how it could ever be calculated to have any such affinity as would be necessary to be germane to the bill. I think it is so far removed that I cannot imagine it being germane to this proposition.

As to the point about the reorganization of the executive department and the Department of Transportation, then it should be held by some other committee and not here at this stage of consideration of our bill.

The CHAIRMAN. Does the gentleman from Texas (Mr. PICKLE) desire to be heard on the point of order?

Mr. PICKLE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PICKLE. Mr. Chairman, I wish I could have heard the argument made by the chairman of the subcommittee a little more clearly, but I do want to be heard.

Mr. Chairman, I think the amendment is germane.

The Public Works Committee has put many research programs into their bill that we have been considering today.

The Public Works Committee in section 143 which you voted on earlier today, was a proposal for $75 million appropriation from general revenues to study the needs of mass transit.

No point of order was raised against that. I do not know by what authority the Committee on Public Works can conduct a study in the field of mass transportation which would probably lie under Banking and Currency or through the operation of WMTA, under HUD.

But, aside from that, you do say you are going to appropriate money for research. That is all I am doing. I am putting this same sum of $75 million in this title that I have offered as an amendment for a continuation of study.

My amendment deals with research and development, just as the bill you now have before you does. This particular bill opens up for consideration of research and development of transportation problems. All I am doing really is just following a different approach.

On page 446, section 799, of the House rules, examples are given of germane amendments. For example, it was germane to propose another route for a canal when the House was considering a canal and its route.

I am only proposing another route for the research as proposed in section 143.

Just a few minutes ago you adopted an amendment that provides for a bicycle trail alongside a highway. I do not know in what jurisdiction the matters should have been established. I do not object to the trail. I think it is fine. I question whether it ought to be properly in the highway bill before us. I do think all I am offering in this thing is a new proposal, a new approach to conduct research and development. I think it is germane, Mr. Chairman.

Mr. HARSHA. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman will state his point of order.

Mr. HARSHA. Mr. Chairman, this is a very broad, sweeping measure that we have never seen before. We have never had it presented to our committee. We have not had the opportunity to review it until just now. It calls for a complete reorganization of a number of agencies. It involves the jurisdiction of the Committee on Interstate and Foreign Commerce, the Committee on Banking and Currency. It deals with the Urban Mass Transportation Act, the Federal Aviation Act, the Airport and Airways Development Act. I suspect before we get through reading it, it will involve the Committee on Ways and Means and other committees. It is completely without the scope of this committee and this particular legislation.

I urge the point of order be sustained.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule.

The gentleman from Texas has offered an amendment which would add to the committee amendment a new title IV entitled "Transportation Development."

The Chair has had an opportunity to examine the amendment of the gentleman from Texas. The Chair notes that the amendment offered now before us would provide a comprehensive research, and development program and demonstration projects covering all systems of transportation throughout the entire United States and their interrelation, whereas the main thrust of the bill before the committee is highways and highway transportation.

In addition, the amendment would provide a wide-ranging reorganization of agencies within the Department of Transportation by establishing a new Transportation Development Administration to coordinate this transportation program, and to assume the responsibilities and functions of the Secretary of Transportation, not only with respect to title 23 of the United States Code, but also with respect to the high-speed ground transportation program, the urban mass transportation program, the Federal Aviation Act, and the Airport and Airways Development Act.

In the opinion of the Chair, the amendment contemplates a program far broader than the mass transportation study which was contained in the bill in section 143.

In addition, the amendment provides for a department reorganization which is not a subject contained in the committee substitute.

For these reasons the Chair rules that the amendment is not germane, and is constrained to sustain the point of order.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes, but I just want to get something off my chest. I am amazed and chagrined that a great committee like the Committee on Public Works should treat its members and myself in particular the way we were treated this evening by a cutoff of debate when there was known to be a serious amendment that had been circulated to the entire membership of the House a week ago that had the support of the Department of Transportation, the support of the administration, and would have saved $600 million immediately and possibly $19 billion eventually.

To cut off debate in such a way as to provide that this amendment could be supported in only 1 minute of time I think is unworthy of this House.

I yield back the remainder of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, pursuant to House Resolution 1145, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROVER

Mr. GROVER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROVER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. GROVER moves to recommit the bill H.R. 16656 to the Committee on Public Works.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MIZELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 30, not voting 136, as follows:

[Roll No. 416]

YEAS—264

Adams
Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Baker
Begich
Bennett
Bergland
Betts
Biaggi
Biester
Blackburn
Blatnik
Boland
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Gubser
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kyl
Landgrebe
Landrum
Latta
Long, La.
McCollister
McDade
McEwen
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Meeds
Michel
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Quillen
Railsback
Randall
Rangel
Rarick
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rousselot
Roy
Runnels
Ruth
St Germain
Sandman
Satterfield
Saylor
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wydler
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—30

Abzug
Anderson, Ill.
Aspin
Bingham
Bolling
Crane
Dellums
Eckhardt
Edwards, Calif.
Grover
Gude
Hansen, Idaho
Hechler, W. Va.
Koch
Long, Md.
McCloskey
McKevitt
Mikva
Moorhead
Rees
Reuss
Rosenthal
Roybal
Sarbanes
Scheuer
Seiberling
Stratton
Van Deerlin
Vanik
Waldie

NOT VOTING—136

Abbitt
Abernethy
Abourezk
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Badillo
Baring
Barrett
Belcher
Bell
Bevill
Blanton
Boggs
Bow
Brademas
Brasco
Brotzman
Broyhill, Va.
Burton
Byrne, Pa.
Carey, N.Y.
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Colmer
Conyers
Corman
Cotter
Davis, S.C.
Denholm
Devine
Dickinson
Dow
Dowdy
Drinan
Dwyer
Edmondson
Eilberg
Eshleman
Evans, Colo.
Galifianakis
Gallagher
Giaimo
Grasso
Green, Oreg.
Griffiths
Gross
Hagan
Haley
Halpern
Harrington
Hathaway
Hébert
Heinz
Holifield
Hungate
Hunt
Ichord
Keith
Kuykendall
Kyros
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McClure
McCormack
McCulloch
McDonald, Mich.
McMillan
Mailliard
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mollohan
Monagan
Nelsen
Nix
O'Hara
O'Konski
O'Neill
Patman
Peyser
Pirnie
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Reid
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Ruppe
Scherle
Schmitz
Schneebeli
Scott
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steed
Steele
Steiger, Ariz.
Stephens
Stuckey
Talcott
Teague, Calif.
Terry
Thomson, Wis.
Veysey
Wampler
Williams
Wilson, Bob
Wolff
Wyatt
Wylie
Yates
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pirnie.
Mr. Rooney of New York with Mr. Devine.
Mr. Boggs with Mr. Hunt.
Mr. O'Neill with Mr. Del Clawson.
Mr. Holifield with Mr. Mailliard.
Mr. Rostenkowski with Mr. Broyhill of Virginia.
Mr. Addabbo with Mr. Ruppe.
Mr. Brademas with Mr. Eshleman.
Mr. Brasco with Mr. Lent.
Mr. Burton with Mr. Mathias of California.
Mr. Celler with Mr. Clancy.
Mr. Wolff with Mr. Minshall.
Mr. Monagan with Mr. Dickinson.
Mr. Carey of New York with Mr. Peyser.
Mrs. Grasso with Mr. Steele.
Mr. Cotter with Mr. Heinz.
Mr. Davis of South Carolina with Mr. Quie.
Mr. Edmondson with Mr. Ashbrook.
Mr. Giaimo with Mr. Powell.
Mr. Reid with Mr. O'Konski.
Mr. Purcell with Mr. Belcher.
Mr. Roncalio with Mr. Lloyd.
Mr. Bevill with Mr. Bow.
Mr. Barrett with Mr. Williams.
Mr. Anderson of California with Mr. Bell.
Mrs. Chisholm with Mr. Gallagher.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Eilberg with Mr. Nelsen.
Mr. Nix with Mr. Miller of California.
Mr. Yates with Mr. McClory.
Mr. Kyros with Mr. Kuykendall.
Mr. Clay with Mr. Galifianakis.
Mr. O'Hara with Mr. Keith.
Mr. Roush with Mr. Brotzman.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. McCormack with Mr. Teague of California.
Mr. Lennon with Mr. Scherle.
Mr. Stephens with Mr. Schmitz.
Mr. Staggers with Mr. Wampler.
Mr. Hathaway with Mr. Zwach.
Mr. Smith of Iowa with Mr. Talcott.
Mr. Hungate with Mr. Smith of California.
Mr. Blanton with Mr. Snyder.
Mr. Ashley with Mr. Wylie.
Mr. Byrne of Pennsylvania with Mr. Schneebeli.
Mr. Clark with Mr. Conyers.
Mr. Denholm with Mr. Steiger of Arizona.
Mr. Dow with Mr. Terry.
Mr. Pucinski with Mr. Drinan.
Mr. Mollahan with Mr. Wyatt.
Mr. Matsunaga with Mr. McDonald of Michigan.
Mr. Steed with Mr. Dowdy.
Mr. Ichord with Mr. Thomson of Wisconsin.
Mr. Stuckey with Mr. Scott.
Mr. Abourezk with Mr. Badillo.
Mr. Link with Mr. Collins of Illinois.
Mr. Colmer with Mr. Gross.
Mrs. Griffiths with Mr. Bob Wilson.
Mr. Haley with Mr. McCulloch.
Mr. Melcher with Mr. Abbitt.
Mr. Metcalfe with Mr. Corman.
Mr. Hogan with Mr. Harrington.
Mr. Patman with Mr. Abernethy.
Mr. Anderson of Tennessee with Mr. Aspinall.
Mr. Lennon with Mr. Pryor of Arkansas.
Mr. Mills of Arkansas with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KLUCZYNSKI. Mr. Speaker, pursuant to the provisions of House Resolution 1145, I call up from the Speaker's table the Senate bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KLUCZYNSKI moves to strike out all after the enacting clause of C. 3939 and to insert in lieu thereof the provisions contained in H.R. 16656, as passed, as follows:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,-

000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

Sec. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, and June 30, 1975, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92–29.

HIGHWAY AUTHORIZATIONS

Sec. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000, for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, and $3,000,000 for the fiscal year ending June 30, 1975.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for the fiscal year ending June 30, 1975.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

Sec. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

Sec. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

Sec. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979"

(b)(1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

DECLARATION OF POLICY

Sec. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

Sec. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

Sec. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such section to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 113. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114(a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAYS NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authortiy of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first: *Provided*, That a state may not refuse to purchase and remove any non-conforming sign, display, or device voluntarily offered to the state for removal by a sign owner if funds are available in the Department of Transportation.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passenger. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of Title 23, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 218. Bicycle Transportation

"(a) To encourage the development, improvement and use of bicycle transportation, the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, shall carry out (directly, by grant, contract, or otherwise), projects for the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicyclists and persons using bicycles, in conjunction or connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State and local parks.

"(b) Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety.

"(c) No motorized vehicle shall be permitted on the lanes and paths authorized by this section, except for maintenance purposes.

"(d) The Federal share of the cost of the project authorized by this section which is on State or local lands shall be 70 percentum.

"(e) There is authorized to be appropriated not to exceed $10 million per fiscal year for the fiscal years ending June 30, 1974 and June 30, 1975, to carry out this section."

(b) The analysis of chapter 20, Title 23, United States Code, is amended by inserting at the end thereof the following:

"218 Bicycle Transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served in now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement as supplementary routes to extend and supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities as well as extensions. A total of not more than 10,000 miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) Priority primary routes selected under this section shall be improved to geometric and construction standards for the Interstate System, or to such other standards as may be developed cooperatively by the Secretary and the State highway departments in the same manner as are standards developed for the Interstate System.

"(c) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(d) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before January 31, 1974.

"(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975. One-half of such funds shall be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a) (1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83–350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 133. (a) Subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 134. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 31, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however,* That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost of the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinafter referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission. nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressly reserved.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 135. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditures on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 136. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 137. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 138. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 139. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

THREE SISTERS BRIDGE

SEC. 140. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

SEC. 141. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 142. (a) The Secretary of Transportation shall permit no further action on Interstate Route I-287 between Montille and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 143. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

PUBLIC MASS TRANSPORTATION

SEC. 144. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than January 31, 1974 report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 145. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 146. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, and $360,000,000 for the fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, and $115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, $150,000,000 for the fiscal year ending June 30, 1974, and $225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT-MAKING PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Special pavement-marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement-marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"148. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 150. Projects for high hazard locations

"(a) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Projects for high hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Program for the elimination of roadside obstacles

"(a) Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $75,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 30 per centum of the cost thereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identify any State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Program for the elemination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT–FR–20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

TITLE III

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

Sec. 301. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.

"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------------------- 601".

Attest:

Clerk.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16656) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3939

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to S. 3939, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. Kluczynski, Wright, Jones of Alabama, Howard, Harsha, Cleveland, and Don H. Clausen.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION ABOUT A LIVE PAIR

Mr. CRANE. Mr. Speaker, I had a live pair which I was unable to exercise with the gentleman from Illinois (Mr. Pucinski). Had he been present, he would have voted "yea." I voted "nay."

CONFERENCE REPORT ON S. 3755, AMENDING AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

Mr. DINGELL on behalf of Mr. Staggers, filed the following conference report and statement on the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes:

Conference Report (H. Rept. No. 92–1543)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Airport Development Acceleration Act of 1972".

Sec. 2. Section 11 (2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

Sec. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(a)) is amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $312,500,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $37,500,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of that Act (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,540,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,190,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,540,000,000 prior to June 30, 1975".

Sec. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

Sec. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) General Provision.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:

"(e) Safety Certification and Security Equipment.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

Sec. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

Sec. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"State Taxation of Air Commerce

"Sec. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however,* That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans, the provisions of subsection (a) shall not apply to such authority until July 1, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

And the House agree to the same.

That the House recede from its amendment to the title of the Senate bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill. The committee of conference also recommends that the House recede from its amendment to the title of the Senate bill.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below.

Unless otherwise indicated, references to provisions of "existing law" contained in this joint statement refer to provisions of the Airport and Airway Development Act of 1970.

SHORT TITLE

Senate bill

The first section of the Senate bill provided that the legislation could be cited as the "Airport Development Acceleration Act of 1972".

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

STATE TAXATION OF AIR COMMERCE

Senate bill

Section 7 of the Senate bill provided for a permanent prohibition against the levy or collection of a tax or other charge on persons traveling in air commerce or on the carriage of persons so traveling or on the sale of air transportation or on the gross receipts derived therefrom by any State or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, territories or possessions of the United States or political agencies of two more States. There were two exemptions from this prohibition. First, any State which levied and collected such charges before May 21, 1970, would be exempt from the prohibition until July 1, 1973. Second, any airport operating authority which (1) has an outstanding obligation to repay money borrowed and expended for airport improvements, (2) has collected a head tax on air passengers, without carrier assistance, for the use of its facilities, and (3) has no authority to collect any other type of tax to repay the loan, would be exempt from the prohibition until July 1, 1973.

The Senate bill also provided that the prohibition would not extend to the levy or collection of other taxes, such as property taxes, net income taxes, franchise taxes, and sales or use taxes, nor to the levy or collection of other charges such as reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of aircraft facilities.

House amendment

The first section of the House amendment provided for an 18-month moratorium on the levy or collection of any tax, fee, or other charge on persons traveling in air transportation or on the carriage of persons in air transportation.

Section 2 of the House amendment provided for an investigation of fees and charges levied and collected by States on persons traveling in air transportation in order to determine the effect of such charges on air transportation in the United States. The investigation was to be conducted by the Civil Aeronautics Board, which was required to report the results of the investigation to the President and to the Congress, together with its recommendations, not later than twelve months after the date of enactment of this legislation.

The House amendment authorized an appropriation of $100,000 to carry out the investigation.

Conference substitute

The conference substitute is the same as the Senate bill.

ANNUAL AUTHORIZATIONS FOR AIRPORT DEVELOPMENT GRANTS

Senate bill

Section 3(a) of the Senate bill amended section 14(a) of existing law—

(1) to increase the minimum annual authorization for airport development grants to air carrier and reliever airports from $250 million per year to $375 million per year for each of the fiscal years 1974 and 1975; and

(2) to increase the minimum annual authorization for airport development grants to general aviation airports from $30 million per year to $45 million per year for each of the fiscal years 1974 and 1975.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill with the following changes:

The minimum annual authorization for grants to air carrier and reliever airports is increased from $250 million to $312.5 million for each of the fiscal years 1974 and 1975.

The minimum annual authorization for grants to general aviation airports is increased from $30 million to $37.5 million for each of the fiscal years 1974 and 1975.

OBLIGATIONAL AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS

Senate bill

Section 3(b) of the Senate bill amended section 14(b) of existing law to increase from $840 million to $1.68 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants. This section of the Senate bill also extended from 1975 to 1978 the authority of the Secretary to liquidate obligations incurred before July 1, 1975, and provided that not more than $1.26 billion in such obligations could be liquidated before June 30, 1974, and not more than $1.68 billion in such obligations could be liquidated before June 30, 1975.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill with the following changes:

The authority of the Secretary to incur obligations is increased from $840 million to $1.54 billion.

There is no extension of authority to liquidate obligations after June 30, 1975.

The authority to liquidate obligations is limited to $1.19 billion before June 30, 1974, and to $1.54 billion before June 30, 1975.

U.S. SHARE OF PROJECT COSTS—IN GENERAL

Senate bill

Paragraph (1) of section 5 of the Senate bill amended section 17(a) of existing law to provide that the United States share of allowable project costs of any approved project shall be—

(1) 50 percent for sponsors at airports which enplane not less than one percent of the annual total of passengers enplaned by all certificated air carriers (large hubs); and

(2) 75 percent for sponsors at airports which enplane less than one percent of the annual total of passengers enplaned by all certificated air carriers (medium hubs, small hubs, non hubs, and general aviation airports).

Under existing law, the United States share may not exceed 50 percent, regardless of the passenger enplanements at the airport.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 50 percent for airports classified as large hubs and may not exceed 75 percent for smaller airports.

SAFETY CERTIFICATION AND SECURITY EQUIPMENT

Senate bill

Paragraph (2) of section 5 of the Senate bill added a new subsection (e) to section 17 of existing law to provide that the United States share of allowable project costs of an approved project shall be—

(1) 82 percent of that portion which represents the cost of safety equipment required for airport certification under section 612 of the Federal Aviation Act of 1958 and incurred under a grant agreement entered into after May 10, 1971; and

(2) 82 percent of that portion which represents the cost of security equipment required by rule or regulation of the Secretary of Transportation and incurred under a grant agreement entered into after September 28, 1971.

Under existing law, such costs would be governed by the general provision that the United States share *may not exceed* 50 percent.

Section 2 of the Senate bill also amended section 11(2) of existing law, relating to the definition of "airport development", to specify that required security equipment is a part of airport development.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 82 percent.

LAND FOR FUTURE AIRPORT DEVELOPMENT

Senate bill

The Senate bill contained amendments to section 17 of existing law (relating to the United States share of project costs) and to section 11(2) of existing law (relating to the definition of "airport development") to provide that the initial United States share of costs representing the cost of acquisition of land or any interest therein or any easement or other interest in airspace purchased after May 21, 1970, for future airport development would be 100 percent of the allowable cost thereof. The Senate bill further provided that the sponsor receiving such assistance must agree to reimburse the United States for all such land acquisition costs in excess of the allowable project costs, with interest, within a period to be determined by agreement between the Secretary of Transportation and the sponsor. Depending on the size of the airport, the allowable project costs would be up to 50 percent or up to 75 percent.

House amendment

No provision.

Conference substitute

The Senate receded and these provisions are omitted from the conference substitute.

TERMINAL FACILITIES

Senate bill

The Senate bill contained three provisions designed to make airport terminal facilities eligible for Federal financial assistance. These provisions amended section 11(2) of existing law (relating to the definition of "airport development"), section 17 (relating to United States share of project costs), and section 20(b) (relating to costs not allowed).

Under these provisions, airport development would include the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport and the United States share was 50 percent of the allowable cost thereof.

Under existing law such facilities are not eligible for Federal financial assistance.

House amendment

No provision.

Conference substitute

The Senate receded and these provisions are omitted from the conference substitute.

APPROVAL OF PROJECT APPLICATIONS ON U.S.-OWNED AIRPORTS

Senate bill

Section 4 of the Senate bill amended the last sentence of section 16(c)(1) of existing law to permit the Secretary of Transportation to approve an airport development project submitted by a public agency (as defined in section 11(11) of existing law) if the United States or an agency thereof holds title to the landing area of the airport, or gives assurances that good title will be acquired. Presently, title to the landing area must be held or acquired by a public agency and, as defined in existing law, the term "public agency" does not include the United States or an agency thereof.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

Harley O. Staggers,
John Jarman,
John D. Dingell,
James Harvey,
Dan Kuykendall,
Managers on the Part of the House.

Warren G. Magnuson,
Howard W. Cannon,
Philip A. Hart,
Norris Cotton,
James B. Pearson,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 9463, IMPORTATION OF PRE-COLUMBIAN SCULPTURE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9463) to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals and any fragrant or part thereof, exported contrary to the laws of the country of origin, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. Mills of Arkansas, Ullman, Burke of Massachusetts, Byrnes of Wisconsin, and Betts.

TRANSFER OF VESSEL TO BOARD OF EDUCATION, CITY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15735) to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the city of New York for educational purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of title V, Merchant Marine Act of 1936 and section 11, Merchant Ship Sales Act of 1946, the Secretary of Commerce is hereby authorized to transfer, without reimbursement, the title and ownership of USNS *Twin Falls*, T-AGM 11, to the Board of Education of the City of New York for use as an educational facility. The vessel shall be delivered to the board at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Board of Education of the City of New York it shall be used solely for educational purposes, and such vessel shall not be used for operation or transportation purposes of any nature whatsoever. In the event that the United States should have need for the vessel, the Board of Education of the City of New York, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event the Board of Education of the City of New York no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be be delivered by the Board of Education of the City of New York to the point of original delivery without any cost to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished whip on the majority side the program for the remainder of the week, if any, and the schedule for next week.

Mr. McFALL. Mr. Speaker, if the distinguished minority leader will yield, I will be happy to respond to his inquiry.

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. McFALL. There is no further legislative business today and after the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for the week of October 9th is as follows:

Monday is Columbus Day and there will be a pro forma session, with no legislative business.

I would like to announce also that due to the fact that the House will only have a pro forma session on Monday, the House restaurants and the bank, and the Sergeant at Arms office will be closed.

Tuesday and the balance of the week, the program is as follows:

House Resolution 1138, nongermane amendments;

House Resolution 1123, electronic voting;

H.R. 16810, debt limit increase, under a modified closed rule, with 4 hours of debate.

There are 14 unanimous-consent bills from the Committee on Ways and Means.

There will be the supplemental appropriations bill, 1973.

H.R. 14370, the conference report on revenue sharing.

Beginning on Tuesday and throughout the rest of the week, there will be a number of suspensions.

Mr. Speaker, I ask unanimous consent that the list of 44 suspensions be printed in the Record at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The list of suspensions is as follows:

1. H.R. 15965: D.C. Teachers' Pay.
2. H.R. 16724: D.C. Bus Acquisition.
3. H.R. 61732: Small Busines Investment Act Amendments.
4. H.R. 16563: Youth Conservation Corps.
5. H.R. 16444: Golden Gate National Urban Recreation Area.
6. S.J. Res. 247: Extend Copyright Protection.
7. H.R. 16924: Uniformed Services Pay.
8. H.R. 16925: Nuclear-Qualified Personnel Pay.
9. H.R. 16943: Transfer of Army and Navy Property for National Parks.
10. H.R. 8063: Economic Development of Indian Organization.
11. H.R. 6482: Strip Mining Reclamation.

12. H.R. 12006: Longshoremen's and Harbor Workers Compensation Act.
13. S. 3671: Amend Administrative Conference Act.
14. H.R. 8273: Immigration and Nationality Act Amendments (Sec. 301(b)).
15. H.R. 1536: Immigration and Nationality Act Amendments (Sec. 319).
16. H.R. 16755: Emergency Health Personnel Act.
17. S. 1478: Toxic Substances Control Act.
18. H.R. 16675: Comprehensive Alcohol Abuse and Alcoholism Prevention.
19. H.R. 7287: Prohibit Future Trading in Irish Potatoes.
20. H.R. 1612: Eligibility of ASC County Committee Members.
21. H.R. 15462: International Boundary and Water Commission Expenditures.
22. H.R. 15597: Additional Acquisition, Piscataway Park, Md.
23. H.R. 9859: Cumberland Island National Seashore, Georgia.
24. H.R. 8756: Hohokam Pima National Monument, Arizona.
25. H.R. 6067: Mississippi Sioux Indian Judgment.
26. H.R. 11449: Disclaims Interest, Antoine Lerous Grant.
27. H.R. 10751: To establish the Pennsylvania Avenue Bicentennial Development Corporation.
28. H.R. 15716: To establish Glen Canyon National Recreation Area, Arizona and Utah.
29. H.R. 15280: Increasing annual Appropriation Authorization for NACOA.
30. H.R. 15627: Oil Pollution Act Amendments of 1972.
31. H.R. 16074: Jellyfish Appropriation.
32. H.R. 14384: Commercial Fisheries Research and Development Act.
33. H.R. 14385: Fishermen's Protective Act of 1967.
34. H.R. 16793: Canadian Fishing Vessels.
35. H.R. 14740: Aircraft Loan Guarantees.
36. H.R. 15054: Facilitate the Payment of Transportation Charges.
37. H.R. 16676: Community Mental Health Centers Act.
38. H.R. 16883. Post-Secondary Education Commission.
39. S. 2700 Diplomatic Privileges for Commission of the European Communities.
40. H.R. 16946: Securities Processing Act.
41. H.R. 10295: Cargo Security.
42. H.R. 256: Thaddeus Kosciuszko Home National Historic Site.
43. H.R. 16554: Authorize Certain Feasibility Investigations.
44. H.R. 13396: Land Acquisition, Delaware National Recreation Area.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from California respond to one or two inquiries which I think will make the RECORD perhaps more complete and clarify certain scheduling situations?

As I understood, the gentleman from California said that on Columbus Day there would be a pro forma session and no bills would be taken up?

Mr. McFALL. That is correct.

Mr. GERALD R. FORD. On Tuesday and the balance of the week, we have a list of resolutions and bills.

Is it the intention of the leadership to program them in the sequence in which they are listed here?

Mr. McFALL. It is my understanding that on Tuesday we will have two resolutions from the Committee on Rules concerning the rules changes and also the debt limit bill.

Then the remainder of the schedule will be handled as rapidly as we are able to accomplish the business, as printed.

Mr. GERALD R. FORD. But the first three listed, the two resolutions from the Committee on Rules and the debt limit increase bill are programed for Tuesday.

Mr. McFALL. I might add in further reply that the supplemental appropriations bill will be taken up on Wednesday and the revenue sharing conference report will be taken up on Wednesday.

Mr. GERALD R. FORD. I thank the gentleman from California.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. HALL. If House Resolution 1138 entitled "Non-Germane Amendments" is to be up as the first order of business on Tuesday, does that mean that finally we have everything settled with the other body and that we no longer are going to dance as puppets on the string of the majority leader of that other body? I understand he has had some rather serious objections to part of that, and there might even be a committee amendment involved, which I would hope in the wisdom of the House we would reject.

ADJOURNMENT OVER TO MONDAY, OCTOBER 9, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. DRINAN. Mr. Speaker, I was in the Chamber all day participating actively in the discussion on the Federal Aid Highway Act of 1972. At the moment of voting I was unavoidably detained because of serious business. Had I been present, I would have voted "yea" on H.R. 16656.

FIRST BAPTIST CHURCH— MANLIUS, N.Y.

(Mr. HANLEY asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, in his classic "Democracy in America" Alexis De Toqueville told of his journeys through our young nation in the early 1800's. He described the critical importance of associations or in modern terms special interest groups—that sense of participating in community which he found so integral a part of our national strength.

A prime example of one of these associations or, if you will, special interest groups was the small band of friends of John Baker, an elder of the Baptist Church in the tiny upstate New York village of Manlius in 1797.

Little more than a convenient crossroads in the vast Revolutionary War military tract of central New York, Manlius represented the northwestward frontier of white settlers at the time.

Gathering a group of friends sharing common religious beliefs, John Baker organized the First Baptist Church of Manlius, N.Y. in 1797. It may be assumed that this physical joining together helped the members endure the severe climate and hardship of earning a livelihood in that era by establishing a God-oriented association—a special interest group.

So dedicated were these first members that an offer to build a church structure was turned down because of fear that pride might be engendered according to the local records so they were prevailed upon to continue to use their temporary quarters in a schoolhouse for 30 years until a church was finally erected in 1827. The building still stands.

From this humble but hardy beginning the First Baptist Church of Manlius has today grown to a fine brick colonial complex of buildings in Manlius which participates in the dynamic ecumenical affairs of the area, by providing play area for preschoolers, meeting rooms for Boy and Girl Scouts as well as a general athletic program for area youngsters.

It seems that the analytical Mr. De Toqueville knew well of what he wrote in the early 19th century. The benefits of associations, particularly the one begun by Elder John Baker in 1797 are still being enjoyed by young Americans in 1972, the 175th Anniversary of Manlius' First Baptist Church.

THE WATERGATE BUGGING INCIDENT

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, yesterday a judge of the U.S. District Court who is in charge of the case involving the Watergate bugging incident issued an order precluding anyone from making any statements concerning the Watergate bugging case. As the paper reporting this incident indicates, this would even apply to Senator MCGOVERN, the Democratic candidate for the President of the United States.

Mr. Speaker, as a duly elected Member of the House of Representatives and as one who feels a deep commitment—as all Members of this body do—to the Constitution and the oath of office which we take each Congress, I must say that never in my life have I known of any action taken by a judge which does more to tear down the foundation of our democratic society than this action taken by this judge.

As a result of this judge's order, we might just as well renounce our oath of office which we had to take to become a Member of this esteemed body because none of us under this order, as I understand it, can either make statements concerning the issues which are completely foreign to or at best auxiliary to the Watergate case itself.

Nor can any individual make comments on or carry out an investigation that in any way might impinge on the so-called Watergate case.

The House Banking and Currency Committee, in my opinion, has a responsibility and an obligation to get to the bottom of several aspects of the Watergate case which in no way impinges on the civil liberties of those defendants who have been charged with, among other things, breaking and entering the Democratic National Headquarters. This involves such matters as the use of foreign funds traveling through the banking system which may have been used as payments to individuals who, in turn, may have violated the law. It involves the use of funds which may have been used to secure speedy approval of a request for a bank charter.

Mr. Speaker, I cannot reiterate the importance of what I say. If this order issued by Judge Sirica is allowed to stand, we will witness the end of our democratic society.

HIGHWAY VERSUS TRANSIT HASSLE

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I realize that time for debate on the Federal-Aid Highway Act will be limited today, so I would like to take this early opportunity to comment on what I feel is the key issue of the many we will be discussing today.

What I mean is the highway versus transit hassle. Those who have the opportunity of hearing only the arguments of mass transit enthusiasts might conclude that the highway program had more money than it could, in good conscience, use and that those who opposed diversion to nonhighway purposes were part of some sort of conspiracy, hatched by a few selfish individuals and interests intent upon feathering their own nests. Many might even be lead to conclude that if only we could build enough subways, we could solve all the transportation problems of the Nation in short order—in rural areas and small communities where subways are not feasible as well as in big population centers.

Such arguments are, of course, fallacious. At the outset, I want to make it clear that I do not oppose the construction of mass transit facilities in the cities. But I do not think they should be built at the expense of highways. If they are, I very much fear that by the latter part of the decade we will be confronted with the biggest traffic jam in the Nation's history.

This is not to say that mass transit will not contribute to reducing somewhat our reliance on cars for certain types of trips. Hopefully it will. But if we keep building cars at the pace we are building them, and people keep buying cars at the pace they are buying them, and they keep driving them at the increasing rate they have been driving them, subways and other mass transit facilities will not help much.

In rural areas, where automobiles are the primary and perhaps sole means of transporting people from point to point, public mass transit will contribute little to alleviating transportation problems. And, if rural areas do not contain most of our people, they contain most of the miles of highways they travel.

Insofar as urban areas are concerned, public mass transit will certainly play an important role. But much of its contribution will be highway oriented bus transit. Certainly, this will be the case for all but the largest of our cities. As to them, those which already have subway systems have not succeeded in stopping people from making the personal choice of driving their cars to the city in the past. And, frankly, I doubt if they will in the future—no matter how much the cities improve their transit systems.

Nor will the construction of urban mass transit stop people from buying, or Detroit from building, more cars. Nor is the U.S. Government likely to reverse its policy of encouraging Detroit to build and people to buy more cars in order to help the economy grow.

What then will diversion accomplish? Will it, in any way, decrease Secretary Volpe's latest needs report conclusion that, by 1990, $600 billion in investment will be required to take care of the Nation's highway needs; that $300 billion of this sum will be required to meet essential highway needs? I think not. And mark this well: The roughly $125 billion in revenues expected to be generated by the highway trust fund will be grossly inadequate to fund the type of highway program that Secretary Volpe's report indicates has to be financed. If we divert substantial portions of that $125 billion to nonhighway purposes, we will surely end up creating the biggest rural-urban traffic snarl in the history of the Nation.

If this is true, if the highway program truly needs every dollar raised by the highway trust fund to sustain the highway program, is there a solution to our public transit dilemma?

I believe there is. If we abandon the idea of borrowing from Peter to pay Paul, I believe it will be possible to find ways and means of providing adequate support for both programs.

The trust fund has been eminently successful in enabling this country to sustain a continuing highway program for almost two decades. Why not apply the same proven approach to the cities? Why not establish an urban area transportation systems trust fund with the moneys generated pledged to alleviating the public mass transit crisis in our cities?

I find it hard to believe that rail transit systems serving the central business, financial and commercial sections of our major cities cannot generate reasonable fares. Nor can I believe that cities which profess to need such facilities cannot place levies on parking which would discourage commuting by car to cities while contributing to the support of such programs. Nor can I believe that metropolitan areas cannot place special taxes on the sale of fuels and other related commodities within their domains.

There may be some people who cannot pay the full fare charged by such systems. But that is a special problem—the kind which revenue sharing and other subsidy programs are designed to alleviate.

In sum, it is my firm conviction that to rape the highway trust fund would be nothing less than folly. It has served our purposes well. A companion urban area transportation system trust fund will do the same for our cities.

In this regard, I want to mention a most important provision of H.R. 16656. Section 143 directs the Secretary, in cooperation with the Governor of each State and appropriate local officials, to undertake an evaluation of the public mass transit section of the 1972 National Transportation Report submitted to the Congress by the Secretary of Transportation earlier this year. The objective of that report was to outline the requirements of all transportation modes to serve the Nation's highway needs by the year 1990. In assessing public mass transit, the report indicated that $63.45 billion would be needed to fulfill our needs.

The evaluation proposed in section 143 would cover all urban areas where mass transit problems exist. The purpose of the evaluation would be to:

First. Refine the Needs Report data.

Second. Develop programs to fully provide for those needs.

Third. Analyze existing and other funding capabilities of Federal, State, and local governments for meeting those needs.

Fourth. Determine operating and maintenance costs for such systems.

Fifth. Compare fare structures nationwide.

Not to exceed $75 billion is authorized to carry out section 143. With such funding, the evaluation should turn out to be the most probing and thorough study of public mass transit needs ever undertaken. When completed and submitted in January 1974, it should provide the Congress with the knowledge and the information necessary for legislating wisely in this area—and we must legislate wisely if we are to alleviate the transportation crisis in our cities.

I believe that section 143 is a most important provision. There has been little attention given to the likelihood of seriously diminishing the yield of revenues available to the highway trust fund if the diversion effort is successful. The highway trust fund is an investment in our economy and converting a portion of it to mass transit would reduce its income and harm both modes of transportation.

Implementation of section 143 will throw some much-needed light on a subject to which much attention, but very little study has been given.

I want to read a copy of my recommendations to the Republican platform in Miami; a telegram from the State of California on the highway bill and a telegram from Allen Grant expressing the California Farm Bureau's opposition to diversion of trust fund receipts for other than highway related transportation purposes.

My recommendation is as follows:

The United States and our Federal system of states, cities and counties must have a coordinated, integrated and balanced transportation system if we, as a Nation, are to enjoy the benefits of the economic growth potentials and improved quality of life for all Americans—whether they live in urban or rural America.

In order to accomplish this, a *positive* and balanced method of finance must be advanced and implemented by the Executive and the Congress—in cooperation with state and local governments, as well as the private sector.

With President Eisenhower and the Congress working together, the Highway Trust Fund made possible the Interstate and Federal-Aid Highway System.

With President Nixon and the Congress cooperating, the Airport-Airways Trust Fund was established to move toward improving our airport-airways facilities on a systems approach.

Now, the time has come to advance the third trust fund concept—The Urban Transportation System Trust Fund—to fill the missing link in our "finance vehicles" that will permit our public and private transportation and traffic engineering experts to advance the best coordinated, integrated and balanced transportation systems that modern engineering and technology can provide, with emphasis on efficiency, safety, convenience and economy.

The Department of Transportation, in concert with urban areas, must inventory the total needs and estimated cost of Urban Transportation System requirements and present this information to the proper committees of the Congress for appropriate action.

The Ways and Means and Finance Committees of the Congress, in cooperation with the Administration, should hold hearings, develop the record, and advance the best ways and means of financing this Urban Area Transportation System Trust Fund.

The integrity of the established trust funds and their committed purposes, as enacted by Congress, must be preserved.

Once the three trust funds are established, the individual and the communities can then select and support the mode of transportation they feel best meets their respective needs. Further, it will permit the professional transportation and traffic engineers of all modes to accelerate and implement the best coordinated, integrated and balanced total transportation system in the world.

The Republican party will continue to provide innovative leadership and positive results in the continued development and utilization of all transportation modes—automobile, bus, truck, train, public and private transit, barge, ship and aircraft. We will support adequate funding and positive methods of finance to guarantee progress toward relief of congestion, more flexibility and efficiency in meeting the special needs of our increasingly mobile population of all age groups, with special emphasis on the handicapped and elderly.

Our ultimate objective is to provide a more efficient, safe and functional transportation system that includes all modes that will improve the movement of goods, people and services and the quality of life for all Americans.

A more balanced method of finance will lead to a more balanced transportation system, which in turn, can provide a more balanced population pattern throughout the United States.

SACRAMENTO, CALIF.

Subject: 1972 Federal Highway Act.

Hon. DON H. CLAUSEN,
U.S. Representative,
Capitol Hill, D.C.

GENTLEMEN: It is understood that H.R. 16656 will be considered on the floor of the House of Representatives this Thursday, October 5. We would like to summarize our concerns regarding the developments in the House and Senate versions of the 1972 Highway Act, including S. 3939, H.R. 16656, and other transportation proposals under consideration. We have followed closely the development of this legislation, sought counsel at all levels, and listened to the arguments. We find no evidence or reason to change our position.

California has consistently expressed concern with those proposals which identify new program areas at the delay and expense of completion of the Interstate Highway System. We strongly urge that the $4 billion level of apportionment for this program be continued, and that those funds which have been held back in the past and accumulated in the highway trust fund be released. California is also concerned that new State and local transportation financing programs are being proposed to be implemented in advance of having been tested as to their need and viability. It is premature to adopt any program on the basis of findings in the 1972 needs study in advance of the completion of the 1974 study. The 1974 study will be more closely tied to the completion of regional transportation plans throughout this State and would more accurately serve as the basis for identifying future programing needs. This is surely the only rational way in which we can effectively allocate resources. We oppose any measure which would pass funds for any new program directly through State government to local agencies. Because the State is in a position to bring together local, regional, and statewide interest, the State is in a best position to coordinate a unified programing approach. Federal pass-through provisions seriously cripple a State's ability to perform this important role at the extreme detriment to the overall transportation program. We strongly urge that you consider the pending legislation in light of these three important principles.

Respectfully,

FRANK J. WALTON,
Secretary of Business and Transportation.

BERKELEY CALIF.

Hon. DON H. CLAUSEN,
U.S. Congress,
House Office Building,
Washington, D.C.:

Sincerely urge you oppose use of highway trust funds for bus and rail mass transit systems. Urge you support H.R. 16656 as reported.

ALLEN GRANT,
President, California Farm Bureau Federation.

A COLUMBUS DAY TRIBUTE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Columbus Day is more significant in this era than ever before. The reason is clear—that today, as in the lifetime of Columbus, the minds of men are groping for new concepts, new vistas, new horizons.

When, in 1492, Columbus probed the mysteries of the Western Ocean, he may well have acted with a sense of hope extending far beyond the economic goals involved. Columbus was, after all, a man of considerable political ability, acquainted with kings and queens, and governmental leaders of every kind. As such, he recognized the true condition of Europe in those dreadful and distressing times. The Ottoman Turks had just destroyed the last vestige of the Byzantine Empire, overrun the Balkans, and jeopardized the fate of Austria. Emperor Frederick III had been driven from his Austrian lands by the Hungarians and was by this time in retirement. In England, the War of the Roses had rent the heart of the nation, and the houses of Lancaster and York were in shambles. Such were political conditions when Christopher Columbus set sail for the New World for the first time. Is it too much to assume that, as a man of political sensitivity, he hoped to ease the troubles of the Old World as much as seek the riches of the New?

What Columbus did accomplish, of course, was to change the fate of every human being then living and of billions yet unborn. It was the skill, effort and vision of Columbus that eventually brought to the world's scene the Land of Liberty—the great American colossus of the West. In this respect, the spirit of Columbus lived on and our American heritage has been greatly enriched by the cultures, backgrounds, and traditions of the multitude of immigrants who followed Columbus westward.

The millions of Columbus' countrymen who have emigrated to our Nation have made substantial contributions to our national culture in every field and I am proud that many of these Italian Americans reside in my congressional district and in the Buffalo, N.Y., area.

On the occasion of this Columbus Day, I would like to pay tribute to these creative and hardworking Italian Americans.

Mr. Speaker, the Buffalo Commission on Human Relations has published a booklet which tells the story of the city's nationality and racial groups. In honor of the many Italian Americans who reside in my district, I would like to include at this time, the section from this fine booklet which describes the history and numerous accomplishments of the people from my area who are of Italian heritage:

PIONEERS OF BUFFALO—ITS GROWTH AND DEVELOPMENT

(By Stephen Gredel)

ON BEHALF OF THE PEOPLE OF BUFFALO

THE ITALIANS

A new labor force for industry and especially railroad construction was found among the Italians who swarmed into Buffalo next. Living in a small waterfront settlement at first, they soon extended their area as far as Front Park and Niagara Street on the north and Eagle and Chicago Streets on the east.

There were some Italians connected with the early history of the area—Father Francis J. Bressani; Henry de Tonty, called "Tonty of the Iron Hand," and Paul Busti, general agent for the Holland Land Company living in Philadelphia—but these men were not settlers.

Luigi Chiesa is generally recognized as the first Italian pioneer settler of Buffalo. He sold rat traps and bird cages and established his business at the corner of Elm and Batavia Streets in the 1850's. He Americanized his name to Louis Church, and his daughter, Maria, married John Roffo, son of another prominent early Italian family in the city. John Roffo opened a grocery store on the waterfront where Dante Place is now and also built a block of houses, called Roffo's Block, on Erie Street for incoming Italians. Dominico Bozze arrived here about the same time that Chiesa did and bought the Old Revere House in 1860. Four years later he renamed it Waverly House. He introduced billiards to the city and kept a saloon.

Other Italian settlers of that early period also influenced the formation of the Italian community. They were Giovanni Bierone, Antonio Pellegrini, Augustus and Philip Denegri, Vitale Bottani, Giovanni Carraccioli, the Oishei and Pieri brothers. With employment hard to find, many of them moved to the Dante Place section where the rents were cheapest and where they could live at minimum cost. For years the members of the Italian community clustered around the corner of Genesee and Elm Streets; gradually they moved to Canal Street, and that area became the business center of the colony for many years.

One of the most prominent of the early Italian settlers was Louis Onetto who came in 1868. He opened an ice cream shop, later started an ice cream factory using a steam process, and built an ice house. He established a wholesale fruit business and introduced the first peanut and popcorn fritters to the city. In 1890, he started the first Italian macaroni factory in Buffalo. During the 400th anniversary of the discovery of America, he played the role of Columbus in the parade. He helped to establish the first Italian language newspaper, *Il Corriere Italiano,* and to build the first Italian Roman Catholic Church in Buffalo, St. Anthony of Padua. He died in 1943 at the age of 93. His businesses are still thriving. Louis Onetto was known here as the "King of Peanuts and Macaroni" and was truly recognized as "Patriarch of the Italian colony."

Economic restrictions in Italy were largely responsible for the Italian immigration to this country. Most of the early immigrants came from the northern provinces of Italy as political refugees, but they were followed later by large numbers who came from the rural areas of southern Italy and Sicily. In the 1890's a large group of Italians from northern Italy arrived, and the state census of 1892 shows that there were about 2,500 Italians in Buffalo that year. As they moved in they congregated in the 1st, 3rd, 19th and 20th wards, and these wards became predominantly Italian. Today, their descendants have begun to disperse throughout the city and are being assimilated.

As with the Polish people who settled on the east side and had difficulties with the Germans, so was it also with the Italians. Life was not easy for them as they moved into an area that for decades had been an Irish stronghold. Oldtimers recall how Italians fought the Irish with empty bottles, bricks and fists. In time, however, Irish were forced to make way for the large numbers of thrifty Italians who were buying land and building homes.

Typical of the turbulence of the period was the battling among boys. Once the Irish and German boys had a monopoly in the newsboy and shoeshining businesses on Main Street. When an Italian boy was caught working there he would be driven from the streets, but gradually around the turn of the century, this monopoly weakened. Those who once fought on the waterfront streets became ward leaders and policemen. Boys who fought viciously at the drop of a hat, grew into men intent on dominating the political life of the city.

The Italians, mostly of Republican leaning in politics, proved themselves thrifty, industrious citizens and ardent patriots. Many had an ear for music and sound which may have helped them to learn English more easily. Second generation Italians are often indistinguishable from the general citizenry except for their names. In 1910 Buffalo had 11,379 Italians; in 1930 the number of foreign born Italians had reached an all-time high of 19,471. The 1950 census shows that the number of foreign-born has begun to decrease, with only 14,696 Italians being listed.

When their numbers increased, their settlement expanded "out in the wilderness" to Ferry, Winchester, Fillmore, Sidway, Delavan and later to Humboldt Parkway. After the turn of the century a small Italian colony developed on Roma Avenue. By 1920, two-thirds of the Italians of Buffalo lived on the west side along the waterfront in the Niagara District and had displaced the previous residents of that area.

Knowing a great deal about fruit in their native country, it was natural for Italians to engage in fruit-handling and peddling here and in areas outside the city. They owned numerous saloons and restaurants specializing in their style of cooking. Today, Italian food is part of the diet of other ethnic groups as well. In time, Italians entered the professions and other businesses. They may now be found as architects, contractors, barbers, importers, bankers, doctors, merchants or in any of a variety of other occupations.

They organized many religious and mutual aid societies. In 1922 there were about fifty such organizations with Italian connections. Buffalo had twenty-three lawyers and thirty-five physicians of Italian origin by 1922. One of the most prominent was Dr. Charles Borzilleri, an active member of numerous professional societies and a recognized leader in the local Republican organization. Today you will find many office holders of Italian heritage among those in political service of the city and state level affiliated with both major parties.

Italians first published their weekly newspaper, *Il Corriere Italiano,* in 1898 and for many years Ferdinando Magnani was its editor. As the number of foreign-born Italians decreased, publication ceased by 1950. Buffalo elected its first mayor of Italian origin in 1958, Frank A. Sedita, a Democrat, and he was reelected in 1965 which shows locally their increasing political influence.

GEORGE McGOVERN HAS FLUNKED THE TEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Crane) is recognized for 60 minutes.

Mr. CRANE. Mr. Speaker, Senator McGovern is going to do for Vietnam what he has already done for welfare. He is going to give us another "plan." For those of us who have followed him back and forth, to and from the drawing board on so many other issues, the Senator's new Vietnam plan should be interesting, as long as it lasts.

But if it is anything like all of the other plans he has given us, it is not going to last very long. Within a few weeks it will probably have changed beyond recognition.

For one thing is certain about George McGovern. What he is a thousand percent behind today, he is usually a thousand percent against tomorrow. It is the only reliable thing about him as a Presidential candidate.

He has already twisted and shifted on Vietnam many times. For instance, George McGovern says he was "right from the start," and yet, at the start, he loudly applauded the Kennedy-Johnson policy of escalation that transformed Vietnam into a ground war for hundreds of thousands of American soldiers.

George McGovern says he was "right from the start," but he voted for the Gulf of Tonkin Resolution that sent us down the road to war.

George McGovern says he was "right from the start" but in 1965 he said, and I quote, that:

> North Vietnam cannot benefit any more than South Vietnam, from a protracted conflict. I would hope we would be prepared to wage such a conflict rather than to surrender the area to communism.

George McGovern says he was "right from the start" on Vietnam, but in 1967 he said:

> I have never advocated that we surrender or withdraw from Vietnam until we can negotiate an honorable end to the fighting. That is why I have voted for all the military appropriations for the war.

George McGovern has condemned our country—and compared us to Nazi Germany and President Nixon to Adolf Hitler—for using American air power to strike at enemy military sites. Yet it was George McGovern, the man who says he was "right from the start," who applauded President Johnson's decision to bomb North Vietnam, and who said in 1965:

> President Johnson has conducted our military effort there with restraint and prudence that entitles him to the confidence of the American people and the respect of the world.

It was George "right-from-the-start" McGovern who said of the original Johnson decision to bomb the North that:

> The carefully selected retaliatory air strikes in North Vietnam which he ordered can be justified.

George McGovern went on record in 1965 calling President Lyndon Johnson a "man of peace—not a warhawk."

George McGovern went on record this year calling President Nixon, who has successfully withdrawn half a million Americans President Johnson sent to fight in Vietnam, another Adolf Hitler.

Where is the consistency; where is the logic; where is the basic truth and decency in this kind of hateful, two-face rhetoric?

And can the American people trust the actions of a man who cannot even talk with fairness or consistency?

In 1967 George McGovern said:

> I am not now, nor have I ever been, an advocate of unilateral withdrawal of our troops from Vietnam. I have voted for all the appropriations supporting our men.

Now George McGovern says that we should surrender—that we should pull out not only our combat troops, which President Nixon has managed to do without surrender, but all forms of support, and let the Communists have a free hand with the military and civilian population of South Vietnam.

"Begging is better than bombing," Senator McGovern has told us, and we can probably expect more begging than ever in his newest plan for Vietnam.

But we cannot even be sure of that. For what George McGovern said yesterday seldom has any bearing on what George McGovern will say today or tomorrow.

The man means well—he really is a sincere, dedicated person. But he has proven that he just does not have what it takes to make the right decisions. He cannot make up his mind; he does not really know where he stands, or why.

In Miami, during the Democratic Convention, he reversed himself on Vietnam twice during the same 24-hour period. That has to be a record, even for George McGovern.

First he made a statement breaking away from his old position that as President he would withdraw all American forces from Southeast Asia within 90 days. He said that he would keep a residual force in Thailand and maintain a naval presence in the area.

Then, when he was confronted by an angry band of his hippy followers in the lobby of the Doral Hotel, he reversed himself again, and declared that he would pull out everything, regardless of the impact this would have on Southeast Asia.

The hippies gave him a big hand. He told them what they wanted to hear.

But I wonder how those of our friends around the world in Europe, Israel, and the Far East felt when they saw how little it takes to make George McGovern abandon his commitments and reverse his course?

And I wonder how most Americans felt when they saw this, and again, when they saw him abandon Tom Eagleton after promising to support him "1,000 percent," and again when he jumped from one welfare proposal to another, abandoning each plan as fast as his staff could throw together a new one?

Leadership—especially leadership at the top, in the White House—takes many things. But above all, it requires the ability to decide, the ability to make the right decision, and the courage to implement the right decision; even if that means risking your own popularity.

President Nixon has proven that he has both the ability and the courage to do this. George McGovern has flunked the test on both counts, and his latest Vietnam "plan" is just another example of his inability to come up with serious, permanent solutions to pressing national problems.

Mr. DERWINSKI. Mr. Speaker, Senator McGovern's attempts to grapple with the complexities of foreign affairs are always faintly embarrassing, to him, and often damaging to the United States.

His latest efforts have led to the recruitment of Abram Chayes, who has promptly informed our adversaries in Hanoi of Senator McGovern's willingness to do whatever they tell him to do.

This particular aspect of America's prospective foreign policy—commonly known as McGroveling—is obviously congenial to Mr. Chayes. He not only advocates completely selling out our allies in Vietnam, but our other allies in Southeast Asia as well. After assuring a reporter in a recent interview of his willingness to turn South Vietnam over to the Communists, he was asked:

> What if Hanoi then insists that we must dump Lon Nol in Cambodia and Souvanna Phouma in Laos . . .?

Mr. Chayes' forthright reply was:

> I don't think Hanoi will want Communist regimes in Cambodia and Laos, at least not right away. But if it does, then we'll have to dump Lon Nol in Cambodia and Souvanna Phouma in Laos.

Small wonder that Mr. McGovern won the early endorsement of radio Hanoi.

In the past Senator McGovern has been caught in the unhappy position of not knowing exactly what his staff was up to—or even generally what they were up to. At one point, he even professed to be "furious" at them. I call upon the Senator to tell us if he knows what Professor Chayes has professed in the name of McGovern and if he agrees with the Chayes positions and where, if all else be true, Senator McGovern would draw the line in selling out our allies.

Mr. THOMPSON of Georgia. Mr. Speaker, one of the great things about President Nixon's campaign for the Presidency 4 years ago was his absolute refusal to say or do anything that would hamper the search for peace by the incumbent administration. There were many opportunities to score political points on the war during that campaign. But Richard Nixon resolutely refrained from using these opportunities if that meant dividing America, or slowing our progress toward peace.

Unfortunately, this same sort of restraint by the opposition candidate has not been evident in the 1972 campaign.

The opposition candidate has refused to accept briefings at the White House. But he has encouraged his agents to conduct independent talks with Hanoi. And it is little wonder, therefore, that his campaign line often parallels that of Hanoi's propaganda machine and that the North Vietnamese have tried to involve themselves in our election to an unprecedented degree.

Look what they are doing with our prisoners of war. They dangle them like bait before the world, milking them for every propaganda plus. But that is not all. Not only do they use the POW's to build up their own position with world opinion, they are also using them to promote the McGovern position with American opinion.

The North Vietnamese have been trying to affect our election in other ways as well. From their newspapers and radio come daily pro-McGovern statements. Just the other day, the editor of Hanoi's Communist Party newspaper told a group of visitors, and I quote from one of their reports, that:

> The ideal political scenario for the North Vietnamese—would have Nixon defeated.

I believe this is a terribly dangerous development. For if the American people tolerate foreign interference on behalf of one candidate in the Presidential election of 1972, this could open the floodgates to foreign involvement in American elections for many years to come.

This pattern is all the more dangerous because the foreign government involved is one with which we are at war. Unable to achieve their objectives by force on the field of battle, they now try to achieve them by distorting an American election.

I hope and trust the American people will realize this danger—and resist it. And I would also hope that responsible leaders from both parties will speak out loud and clear against this attempted interference. Other governments, even though they were our adversaries, have refrained from such behavior in the past. All of us, whatever our opinions on particular political matters, must let Hanoi know that we will not tolerate their efforts to meddle with our democratic process.

Mr. SPENCE. Mr. Speaker, I wonder if any of us present have ever heard these words: "I have never advocated surrender or withdrawal from Vietnam until we can negotiate an honorable end to the fighting."

Well, many people have said things like that—over the years. The polls show us that a majority of Americans say this now. But those exact words—as I just read them—were spoken by Senator George McGovern 5 years ago—and he was right.

He was right, too, a little later when he declared:

> I am not now nor have I ever been an advocate of unilateral withdrawal of our troops from Vietnam.

And he was right when he said quite unequivocably:

> We cannot run out unilaterally on our commitment to the Government of Saigon.

Unfortunately, however, Senator McGovern has completely reversed himself on all these key points. And that is why he is so wrong today.

He is wrong because he ignores what would happen if we were to unilaterally withdraw.

He ignores the blood bath that would surely follow, as it has followed North Vietnamese victories before.

He ignores the fact that North Vietnam has brutally invaded the South, belying his claims that this is some sort of civil war.

He ignores the fact that unilateral withdrawal would leave us with no leverage for gaining the release of our prisoners of war. In a sense he confesses this point when he says that he would "go to Hanoi and beg" as a way of getting the prisoners home.

And Senator McGovern also ignores the terrible impact on our whole foreign policy of reneging on our promises in Vietnam.

Over the years we have built up 42 alliances with nations all over the world. President after President, Senator after Senator, Cabinet after Cabinet, from both parties have agreed that these alliances are vital to the well-being of the United States.

But what is our alliance after all? Like friendship between individuals, alliances between nations are relationships of trust. They are built up over time as one nation learns to rely on another nation's word.

It is easy to keep your word in fair weather. Character is not really tested until the chips are down. But if, when the chips are down, we completely renege on those who have bet their lives on us, well then, how can we expect any nation anywhere to respect our word again?

And the fact is that millions of human beings have bet their lives on us—not just in Vietnam but in Cambodia, Laos, and Thailand. Yet Senator McGovern would have us blithely abandon these commitments and not give them another thought.

How can Senator McGovern suggest this course? He clearly thought the better of it 5 years ago.

The answer is that he does not value our world role or our international alliances. He honestly thinks we can retreat and live by ourselves.

He would withdraw 170,000 American troops from NATO—whether the Communists match these withdrawals or not. He would abandon our commitments to Korea; he would weaken our commitments to our SEATO and ANZUS pacts. He would cut our military spending by $32 billion, an amount which even Senator PROXMIRE calls "excessive."

The New York Times has described his attitude as one of "weariness with—challenge and commitment" and that seems to be the case.

I believe, however, that the American people are more resilient than the Senator. I know for example, that they are excited by the new possibilities in our dealings with China and Russia. They appreciate the exciting new possibilities for world trade. They know that we need our allies if we are to be safe and healthy. They know we cannot go it alone.

And so—whatever their views on Vietnam—they are not ready to say, "America come home." For if America comes home from its involvement in the world community, if we come home in defeat with our tail between our legs, then we will have reached a sad turning point in the great American adventure.

Senator McGOVERN was right when he recognized these truths 5 years ago. President Nixon is right when he recognizes them today.

Mr. KING. Mr. Speaker, McGOVERN's credibility is suspect. He rubber-stamped early escalation of the war, voted for Gulf of Tonkin Resolution and supported Johnson's initial decision to bomb the North. He only "discovered" the morality issue after President Nixon took office. This is the politics of opportunism, not the politics of principle.

If GEORGE McGOVERN is so appalled by the loss of life and the violence in Vietnam, why has not he forcefully denounced the North's outright military invasion of the South? Does he believe in a moral double standard—one which says that America and her allies can do no right, and that Vietcong terrorists and North Vietnamese invaders can do no wrong?

Senator McGOVERN has said that "begging is better than bombing." If the Communists still refuse to release our prisoners after he has begged all he can, what will he do then—abandon them?

Which GEORGE McGOVERN do we believe—the McGOVERN of yesterday, today or tomorrow? A speech could be built around his changes in position on Vietnam—and the likelihood that a man who has changed so many times in the past will change again and cannot be trusted.

What happens to our friends in Israel, Western Europe and elsewhere in the world if a McGOVERN administration ignores its treaty commitments to countries like Thailand? How will we be able to negotiate with either friends or foes once we establish ourselves as international word breakers?

We all want peace but peace with honor. And not by surrender. We cannot in good conscience abandon our friends. President Nixon has done everything humanely possible to bring peace but the divisiveness of our people caused by our politicians and their speeches has strengthened the resistance of Hanoi to negotiate.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

VOTING RECORD OF REPRESENTATIVE WILLIAMS HONORED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, on September 25, 1972, with my help the Congress approved the interim agreement between the United States and the Soviet Union to limit strategic nuclear arms. This will allow the second round of the strategic arms limitation talks—SALT—to resume in the near future. The congressionally passed agreement requests the President to seek equal weapons systems in any future agreements with the Soviets.

A White House spokesman said the President was extremely pleased with the congressional action. The overwhelming vote in both Houses is a gratifying expression of support for these historic arms limitation agreements, and a hopeful milestone in our continuing effort to achieve further progress in strategic arms limitation. This is the first major step in effectively stopping the arms race. A halt to the arms race will mean more money to develop human resources and will eventually allow the reduction of taxes to the individual taxpayer.

The agreement freezes the United States and Soviet missiles at present levels. This gives the Russians a numerical superiority in ICBM's and missile submarines during the interim period. The United States is ahead in multiple nuclear warheads, as well as long-range bombers, which are not limited.

President Nixon has signed into law a flood relief bill I cosponsored. This bill was introduced after observing the severe damage and suffering caused by the flooding in Delaware County in the fall of 1971, and by Agnes in 1972. It automatically reduces the interest of loans made following disasters in calendar year 1971 from 5⅛ to 3 percent. Those people who took out disaster recovery loans for less than the full amount of their flood damages can now go back to the Small Business Administration and increase their loan to cover the total amount of the damages.

PENDING BUSINESS

The 92d Congress is working hard to finish all pending business by October 14, 1972. A number of important bills must still be acted upon along with a number of conference reports to be considered after the conferees work out the differences in the House and Senate versions of the bills.

Several important appropriations bills remain to be completed such as Defense, foreign assistance and a final supplemental. Not yet resolved are the welfare-social security program and the consumer bill before the Senate. If we do not manage to get the important legislation finished by October 14, we will come back into session after the election to complete action on such legislation. My next Washington report will include a summary of major legislation enacted during the second session of the 92d Congress.

HOUSE CONDEMNS RANSOM

With my help the House condemned ransom for Soviet Jews in the form of exit visas costing up to $35,000. This moral outcry was included in a House amendment to the foreign aid appropriations bill which provided that none of the money in the bill could be used to aid or promote trade with or investment in nations that charge more than $50 for an exist visa.

Such official outcry may force the Soviets to cancel this tax which they claim is based solely on education. In fact, it is a poorly disguised ransome on Jews wishing to emigrate to Israel.

We must not consider new Soviet trade agreements until this tax is canceled. I have joined a number of other Congressmen in this proposal, and it is gaining strength day by day. As a nation, we cannot consider trade in goods and commodities with another nation that trades in human lives.

ENVIRONMENTAL AND EDUCATIONAL RECORD

I have introduced, cosponsored, or voted for a number of highly important environmental bills. Among these bills are: Clean Air Act Appropriations for Research; Clean Air Act Amendments; Vehicle Air Pollution Control Device Act; Federal Water Pollution Control Act of 1971; Noise Control Act of 1971; Accelerated Reforestation of National Forests Act; Environmental Protection and Enhancement Act; Tinicum National Environmental Center Act; Federal Environmental Pesticide Control Act; Aircraft Noise Control Amendment to the Federal Aviation Act.

We must remember that it has taken years to reach today's pollution levels. We will end pollution, but we will need time. The Congress is providing funds for research to find ways to reduce and eliminate environmental pollution and these programs will ultimately succeed.

Important educational bills receiving my strong support were: Higher Education Act; Manpower Development and Training Act; Equal Educational Opportunities Act of 1972; Juvenile Delinquency Prevention Act; Federal Grants to Assist Elementary and Secondary Schools bill.

CONSUMER PROTECTION

Being a strong advocate of Federal consumer protection, my support aided the Consumer Protection Act of 1971 which passed the House of Representatives. It is currently pending before the Senate. This act will establish a Federal Consumer Protection Agency which will act as a consumer advocate to protect the rights of every consumer in this Nation.

On September 20, 1972, my vote helped pass H.R. 15003, the Consumer Product Safety Act. This legislation is aimed at reducing the nearly 20 million injuries and 30,000 deaths suffered by Americans each year in home accidents. The bill will create strong, new Federal standards of required product safety for items sold in interstate commerce.

I serve as a member of the National Commission on Consumer Finance which, for over 2 years, has been conducting a comprehensive study of the field of consumer credit. It will serve as a guide to consumers on available sources of credit, and will measure the effectiveness of supervisory and regulatory agencies. It will, undoubtedly, become the basis for new consumer protection legislation on both State and National levels.

VOTING RECORD HONORED

My national security voting record has been rated 100 percent by the American Security Council. This is a high honor because the council compared the voting record of every Member of the Congress on national security issues with majority public opinion. To determine public opinion in this field, the American Security Council retained the Opinion Research Corp., to conduct a study called "Public Attitudes on National Defense." Separately, the American Security Council conducted a mail poll on these and additional issues with 151,786 opinion leaders participating.

For the third consecutive Congress, I have received the prestigious "Watchdog of the Treasury" award in honor of my economy voting record. This economy award was received from the National Associated Businessmen. Mr. H. Vernon Scott, president of the NAB, told me, "Your outstanding economy voting record indicates to your constituents and to our membership that you have a keen awareness of the need for fiscal responsibility.

"As you know so well, inflation contributes to a higher cost of living which touches all of us. Your votes for economy in government merit the appreciation of each of your constituents."

My promise to the people of the Seventh District has always been to represent fiscal responsibility in the Congress. Inflation is a secret thief which steals earning power from each of us. We must be willing to fight inflation on the Federal level by supporting only those programs which are economically sound. Until we do, we will always be victimized by high inflationary rates.

THE NON-COMMUNIST FLAG SHIP ARRIVALS IN NORTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, periodically I have reported to the House and to the American people on an aspect of the war in Vietnam which too often in the past failed to receive all the attention it deserved. I refer to the commerce of merchant vessels under the registry of non-Communist nations in North Vietnamese ports. In 1968, for example, this free world flag traffic reached 148 arrivals. By 1971 this trade had been cut back, through diplomatic efforts by the Nixon administration, to 63 such arrivals, with the number of countries involved dropping from 9 to 2. During the first 4 months of this year these arrivals amounted to 33, with 20 flying the flag of the United Kingdom and 13 that of the Republic of Somalia. Since the mining of North Vietnamese harbors in May, however, this traffic, along with Communist flag shipping, has been reduced to zero.

The loss of this source of transportation and supply, of course, has made it just that much more difficult for the Hanoi regime to carry on the war in South Vietnam. This action has had only one ultimate purpose; namely to hasten an end of hostilities. The material and propaganda support provided by these free world flag vessels through the conflict has clearly not contributed toward this end, but quite the contrary has served only to prolong the fighting. That is why I have so strongly opposed this trade in the past and why I wish to point to its elimination as a positive step toward peace.

Non-Communist flag ship arrivals in North Vietnam

1964	401
1965	256
1966	74
1967	78
1968	149
1969	99
1970	58
1971	63
1972:	
January	6
February	8
March	10
April	9
May	0
June	0
July	0
August	0
September	0
	33

CONGRESS SHOULD INVESTIGATE

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, on the day before yesterday the House Banking and Currency Committee defeated an investigation resolution containing subpena powers considered by most members of the committee as being far too broad in extent, too political in nature, and too prejudicial to the personal rights of accused persons.

In the CONGRESSIONAL RECORD of October 3 the distinguished gentleman from Texas (Mr. GONZALEZ) indicated that he would like to begin an investigation with his subcommittee just as soon as possible. As a member of that subcommittee, I would second the gentleman from Texas' request and have written to him with a copy of my letter to the chairman, suggesting that at least two subcommittees be activated to continue the investigations which the chairman thought were so important the day before yesterday.

Today the chairman has written to Judge Sirica in an apparent effort to legitimize his enthusiasm for unrestricted investigation. Meanwhile time which could be used for investigation of the alleged irregularities is wasting. We do not need subpena powers or statements from judges to investigate bank charters. We should be investigating now.

Without the ability to concentrate the investigation on a single candidate, the chairman seems unwilling to exercise the oversight obligations of the committee with respect to questions raised in his staff report. The attitude now seems to be if it cannot be done in an unfair and unreasonable way, it would not be done at all.

My letter to Mr. GONZALEZ and the chairman's letter to Judge Sirica follow:

OCTOBER 4, 1972.

Hon. HENRY GONZALEZ,
Chairman, Subcommittee on International Finance.

DEAR HENRY: I noticed your remarks in the Congressional Record of October 3 relative to the vote in the Banking and Currency Committee regarding investigation of possible violations of various banking laws and irregularities in the granting of bank charters.

While I do not subscribe to all of your statements, I do very strongly endorse your desire to have our Subcommittee proceed with an investigation which would include all possible violations rather than center on one particular campaign. I will be pleased to work with you in any way on whatever investigation you are able to initiate, and I feel that we could have a couple of meetings to provide at least a basis for further work without a need to issue subpoenas, etc. I call your attention to my remarks on Page H9080 in the Record of October 3, and feel strongly that we should proceed with the investigation just as soon as possible.

By copy of this letter I am requesting the Chairman to activate not only your Committee to look into the possible use of foreign banks and contributions but also that he activate the appropriate subcommittee to look into the questions which he and his staff have raised about possible irregularities in the granting of a charter to the Ridgedale National Bank in the City of Minnetonka, Minnesota, in my district.

My statement in the Record was subjected to much editing from its original version. I haven't been quite so upset about a procedure in a long time. This Committee and its Chairman can very well conduct an investigation on the issuance of that bank charter without subpoena power. I expect to continue to bring this matter to the attention of the public at every possible opportunity.

Thanks for your interest in these important matters.

Best regards,

BILL FRENZEL,
Member of Congress.

WASHINGTON, D.C.,
October 5, 1972.

Hon. JOHN J. SIRICA,
Chief Judge, U.S. District Court,
Washington, D.C.

DEAR JUDGE SIRICA: As a Member of Congress and as Chairman of a standing Committee of the House of Representatives, I am deeply concerned about press reports which indicate that you have issued an order prohibiting anyone connected in any way with the Watergate case from making statements to anyone outside of your court. I am further disturbed by a quotation which is attributed to you in this morning's *Washington Post:*

"I tried to make it (the order) as broad as I could."

It is my understanding that the seven defendants before you are charged with conspiracy; interception of oral and written communications; second degree burglary; and unlawful possession of intercepting devices.

As I am sure you are aware, there are many aspects of the incidents which relate to what has become popularly known as the "Watergate Caper" which do not involve the relatively narrow set of charges brought against these seven defendants. A great number of these aspects touch on matters which are Banking and Current Committee of the House of Representatives.

I trust that it was not the intent of your order to, in any way, hinder the Congress, its duly designated Committees, or any of its Members from pursuing proper legislative functions. If your order is broadly interpreted, it appears likely that persons who have information essential to these legislative functions will be inhibited from discussing issues with Members of Congress, their staffs, and investigating arms of the Legislative Branch.

While there is no desire to interfere with your Court or to impair the rights of any defendants before your Court, the Constitution requires the Congress to carry out its responsibilities. I do not feel it would be proper, under the Constitution, for the Congress to abandon these responsibilities simply because indictments have been brought in one narrow area of the complex and far-ranging incidents that have been lumped under the phrase, "Watergate Caper."

Unless I am misreading the indictment, the extensive banking issues are not mentioned and comments emanating from the Justice Department indicate that there is no immediate prospect that any of these issues will be raised before a grand jury.

Again let me emphasize that I have no question about the rights and responsibilities of the Congress to proceed on its separate course. But what I am concerned about is the interpretation which prospective Congressional witnesses might place on your order and for this reason, I feel that it is very important—important to the proper carrying out of the Congressional function—for you to make it clear that your order extends only to the charges which are raised in the indictments and not to other issues.

Unless this is done, I am convinced that irreparable damage may well occur to the integrity of the banking system, the integrity of the political process, and the very integrity of our Federal Government.

For example, Judge Sirica, one of the issues about which I am deeply concerned relates to the granting of a bank charter at Minnetonka, Minnesota. There have been public inferences that a $25,000 political contribution may have contributed to a decision to grant this charter. It is a fact that this $25,000 was later found in the bank account of one of the suspects in the Watergate case.

This charter must still obtain approval from another Governmental agency—the Federal Reserve Board—and the facts surrounding this political contribution and other elements in the granting of this bank charter should be known before any final steps are taken and the bank is allowed to open under the auspices of the current applicants. If these facts cannot be determined and final approval to the application is granted, it is conceivable that irreparable harm will occur to competing banking interests in Minnesota and to the integrity of the banking system and the bank regulatory agencies.

If your order is broadly interpreted, it may well be that the witnesses who hopefully will come forward with the details of this bank charter will be inhibited and will decline to provide the Congress and the appropriate regulatory agencies with essential information. I feel confident that you do not want your order to be interpreted by anyone as interfering with the investigation of this bank charter or any of the witneses who might come forward and present information to the Congress on this issue.

Also, this Committee, and the Congress, are deeply concerned with questions involving the transfer of money across international borders, particularly as these transactions affect the domestic banking system and contribute to the furtherance of criminal activities. This is an ongoing concern and, once again, I trust that your order was not intended to interfere with the right of the Congress to investigate such matters and to determine whether laws and regulations are being properly followed by commercial banks and the appropriate Federal agencies.

The movement of campaign contributions in this country and in foreign countries affects many areas of the Banking and Currency Committee's jurisdiction and specifically its oversight functions, as assigned it by the House of Representatives, and once again I trust that your order is not intended to interfere with these responsibilities of this Legislative Branch.

It is common knowledge that newspapers have carried extensive reports of the destruction of certain records which might bear on these jurisdictions of this Committee and the Congress and it is reasonable to assume that there are dangers that other documents will be destroyed, damaging the ability of the Congress to carry out its legislative function in these areas. It is also common knowledge that political committees dissolve immediately after an election and that the personnel who would have pertinent information will scatter after the campaign making it difficult, if not impossible, for the necessary information to be gathered for the Congress to perform its proper functions. Thus, it is important that the Congress and its various investigating arms, be able to move forward immediately and not await the outcome of other developments at some unspecified time in the future, particularly when these developments are essentially unrelated to the issues before the Congress.

In discussing this case, we might as well face the practical situation as it actually exists. It is a fact that the Justice Department is an arm of the Administration about which most of this investigation centers. It is a fact that the futures of the high officials of the Justice Department are dependent upon political events and there is nothing to be gained by pretending that this situation does not exist. The Justice Department has, in recent days, attempted to intervene in matters before the Banking and Currency Committee and has attempted to use issues which are before your Court as an excuse to block and to encourage others to block proper legislative investigations. This heightens the probable damage from a broad interpretation of your order and it heightens the need for you to limit your order to those very specific charges in the indictments and not allow your order to be used for broader political purposes.

I have looked at this entire situation very carefully and I am firmly convinced that there is no reason why the Congress and the Judicial Branch cannot carry out their functions and responsibilities concurrently without damage to anyone in this case.

It is anticipated that voluntary witnesses will be appearing in public sessions of the Committee in the immediate future and, therefore, it is of the utmost importance that we have your reply to the questions I raise in this letter at the earliest possible moment. I hope you will find it convenient to supply this answer.

With best regards, I am,

Sincerely,

WRIGHT PATMAN.

SENATOR McGOVERN AND THE NORTH VIETNAMESE

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. ZION) is recognized for 10 minutes.

Mr. ZION. Mr. Speaker, Senator McGOVERN has talked a great deal about the alleged immorality of the government in Saigon in recent months. But he never discusses the brutality of the North Vietnamese. He ignores the bloodbaths which have occurred after past Hanoi victories. He ignores the total police state which now exists in North Vietnam. He ignores the massive invasion against South Vietnam which Hanoi launched last spring with its entire home army.

This double standard has deeply bothered me for a good long time now, but I was particularly shaken recently to learn that the North Vietnamese were also supporting the international terrorists who have brought such sorrow to the world—and that Senator McGOVERN had been silent even about this. Imagine how he would have reacted if President Thieu of South Vietnam had endorsed the Black September group. But when Hanoi gave strong and vocal support to these extremist activities, the opposition candidate for President did not say a word.

Now I am sure Senator McGOVERN does not approve of these activities nor of Hanoi's endorsement. And I am not trying to imply that he does. What I am trying to demonstrate is the danger of this new-left point of view which is so accustomed to disparaging the United States and giving the benefit of the doubt to our enemies, that it blinds its adherents to events which do not fit their stereotypes.

Hanoi's support for the terrorists—at Munich and elsewhere—should not come as a great surprise. It is perfectly consistent with a philosophy that tries to achieve by force and violence what it cannot achieve through diplomacy and persuasion. The nation that has sent 100,000 of its troops marauding through Laos, the nation that has 55,000 of its troops fighting in Cambodia, the nation that has sent a force of 100,000—200,000 rolling into South Vietnam, such a nation is not likely to be very squeamish about terrorist groups which try to promote their ends through kidnaping or skyjacking, or the mailing of fatal bombs.

What is surprising is that a candidate for the Presidency of our country fails to take a strong position against such attitudes—even though he constantly castigates our South Vietnamese allies. What is surprising is that Senator McGOVERN encourages his agents to negotiate with Hanoi even while he turns down briefings at the White House. What is surprising is that he makes no critical comment when Hanoi radio supports his candidacy or when our prisoners of war are used as propaganda tools.

Perhaps this same double standard explains why the Senator would cut off all American aid to Greece—a government which, whatever its deficiencies, supports U.S. policies—but does not take a similiar stand regarding the Communist government in Cuba or the Marxist government in Chile.

No wonder the editor of the Hanoi newspaper has told American visitors that Senator McGovern's victory in November would be an "ideal scenario" from his point of view.

Unable to win their objectives by force, the leaders in Hanoi now try to win them by unprecedented interference in an American election. But again, the man who keeps such a close eye on President Thieu, is nowhere near so sensitive to the sins of the North Vietnamese leaders.

And this is a shame. For Senator McGovern—speaking out loud and clear—is the only one now who can keep Hanoi from meddling in our election so that the American people can make this great decision for themselves.

THE LATE SENATOR JOHN T. VAN SANT, A DEDICATED AMERICAN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, with a great deal of sorrow, I want to call the attention of my colleagues to the death of John T. Van Sant, former Republican whip of the Pennsylvania State Senate and member of the Pennsylvania Legislature for 20 years.

Mr. Van Sant died Tuesday at his home in Allentown, Pa.

Prior to my own election to Congress, I, too, served in the Pennsylvania Senate as the senator from Northampton County, Johnny Van Sant represented the neighboring county of Lehigh.

Although we sat on opposite sides of the aisle in the senate, it was my great pleasure to know John as both colleague and close personal friend, one to whom I could and frequently did turn for counsel and assistance. Probably the most appropriate way to describe Johnny Van Sant is to say that he was, above all, a very fine person.

He earned recognition as a dedicated and accomplished legislator, qualities which also earned him broad respect and support of his Lehigh County constituency. His expertise in State government affairs, and his ability to apply that expertise to the solution of problems in his senate district, made him one of his county's most outstanding assets.

Although he concluded his senate tenure in 1970, at a time when he ranked third in seniority in that chamber, he returned to Harrisburg since to resume his long association with State government in several capacities. The State capitol was, after all, a very important part of his life, because it was the center of a career of public service he had come to love and pursue with greater energy than his body could maintain.

Mrs. Rooney and I share the sorrow we know is felt by his wife, Jane, and daughters, Sandra and Nancy. We hope their loss and personal grief will be eased by the knowledge that the great good John Van Sant has accomplished in his lifetime will live on.

ADJUSTING ALLOWANCE FOR TRAVEL OF MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Thompson) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, 92d Congress, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances of Members of the House of Representatives. Pursuant to this authority the committee has revised order No. 2 and issued order No. 4. Both actions are effective in the 93d Congress.

Order No. 2—revised—increases from 24 to 36 the number of trips a Member may claim for reimbursement for travel to his district during the 2-year term of a Congress. The order further provides an increase from $1,500 to $2,250 the lump sum transportation payment that a Member may elect to receive, in lieu of the above. The order also increases from four to six the number of round trips per Congress allowed employees in the office of a Member.

Order No. 4 increases the Members' stationery allowances from $3,500 to $4,250 for each regular session of Congress.

Order No. 2—revised—and order No. 4 follow:

Committee on House Administration: Order No. 2—Revised—To Adjust the Allowance for Travel of Members and Staff to and From Congressional Districts

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration;

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 36-round trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico) for not more than 6-round trips during any Congress between Washington, District of Columbia and any point in the Congressional district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) may elect to receive in any Congress, in lieu of reimbursement of transportation expenses for such Congress is authorized in paragraph (a) above, a lump sum transportation payment of $2,250 for each Congress. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(d) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

Committee on House Administration: Order No. 4—To Adjust the Allowance for Stationery for Representatives, Delegates, and Resident Commissioner

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration; the allowance for stationery for each Member of the House of Representatives, Delegates, and Resident Commissioner shall be $4,250 per regular session.

EMANUEL CELLER: DEAN OF THE HOUSE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in this morning's New York Times there appears an article which has captured the spirit and sagacity of the distinguished dean of this House, Emanuel Celler. Those of us who know him, love this man.

It is not my desire at this time to recite his accomplishments. There will be a more appropriate occasion for that; rather, it is my desire to place in the Congressional Record for posterity, an article which has portrayed so beautifully the flavor of this exceptional person who happens to be a dear friend.

The article follows:

What Harding—and Eight Other Presidents—Told Manny Celler

(By Richard L. Madden)

Washington, October 4.—One of Emanuel Celler's favorite stories is about a visit he once had at the White House with President Calvin Coolidge.

"As we talked," Mr. Celler recalled, "the President reached down, opened a drawer in his desk, took out a fine, fat Havana cigar, clipped off the end, lighted it and closed the drawer.

"He looked over at me and said: 'Do you smoke cigars, Congressman?' I said, 'Yes, I do, Mr. President. Coolidge then directed a servant to 'give the Congressman one of those White Owls out of that box in the corner.'"

Yesterday, still smoking a cigar, the 84-year-old Mr. Celler sat in the Speaker's lobby just off the floor of the House of Representatives and looked back on Mr. Coolidge and the eight other Presidents who have served in the White House during the Brooklyn Democrat's 50 years in the House.

Mr. Celler, who was defeated in the June 20 Democratic primary by Elizabeth Holzman, a 31-year-old lawyer, and who announced last week that he would not seek re-election as a Liberal party candidate, is not exactly an unbiased observer of the last half century.

But no man in Congress today can match his years of memories of dealings downtown with friendly and hostile Presidents. Mr. Celler's 50 years in the House are exceeded only by Representative Carl Vinson of Georgia, who retired in 1955 after 50 years and two months in office. And Mr. Celler has been chairman of the House Judiciary Committee for a record 22 years.

President Warren G. Harding died in 1923, a few months after Mr. Celler went to Congress, but the Representative remembers him as a "free and easy" person who "didn't pay much attention to his appointees."

Herbert Hoover, he recalls, "wore those big high collars and was a rather austere man . . . a great engineer, but his prowess in engineering didn't transcend into the Presidency."

Franklin D. Roosevelt, Mr. Celler recalls, "was like an electric shock to the nation. He was a man of boldness. I don't think he had too great a degree of erudition or wit.

"He was a very skillful politician. He knew how to placate, how to compromise, how to charm. When you would go to him to discuss something, he would beguile you. You would leave wondering just what the hell it was you had gone to talk to him about. He'd do most of the talking."

SPLIT WITH ROOSEVELT

Mr. Celler opposed Mr. Roosevelt's plan in the nineteen thirties to enlarge the Supreme Court. "He never forgave me for that," Mr. Celler recalled, "and after that I was never invited to the White House again."

He remembers Harry S. Truman as a man of "great courage, very earthy, very matter of fact. Once he made up his mind, he stuck to it and nobody could change it."

"I heard a delegation of Senate and House members that called on President Truman to talk about Israel shortly after he took office. He said to me: "You know, I've been in office only a few weeks and already the Swedish-Americans, the Irish-Americans, the Polish-Americans have been in to see me. When are the Americans coming to see me about America?"

Mr. Celler said he was surprised by the President's remark, but noted that Mr. Truman later became a stanch friend of Israel "in every respect."

EISENHOWER RECONSIDERED

Dwight D. Eisenhower, he said, "was like a fish out of water in the Presidency."

"He was a great soldier, a great general," he said. "Before he was made General of the Army by Roosevelt he spoke to us on the course of the war. He spoke for an hour without a note and it was just thrilling. That was his field—the military. Politics was not his field."

Even so, Mr. Celler credits Mr. Eisenhower, as President, with being very cooperative with him in obtaining the votes in Congress to pass the civil rights bill of 1957—the first civil rights measure of this country—creating a commission on civil rights and authorizing a civil rights division in the Justice Department.

John F. Kennedy, Mr. Celler continued, "was a real favorite of mine."

"I knew him when he was in the House," he said. "He had a true sense of history to know that any President who fails to recognize the mistakes of the past is only doomed to repeat them."

"I had the trust and cooperation of him and his brother Robert," Mr. Celler said.

Lyndon B. Johnson, he recalled, was "most cooperative" in aiding the passage of other civil rights bills during the nineteen-sixties.

As an example of how Mr. Johnson operated as President, Mr. Celler said he once called on the President to complain that Israel was having great difficulty in obtaining spare parts for the Skyhawk aircraft that had been supplied by the United States.

Mr. Johnson, as Mr. Celler remembered, turned to an aide and said: "'I believe Manny. I want that bottleneck removed.' He turned to me and put one hand on my knee and said: 'Manny, I'm 100 per cent for Israel.' Then he put his other hand on my other knee and said: 'And I'm 101 per cent for Manny Celler.'"

As for Richard M. Nixon, Mr. Celler said that "his place in history has yet to be determined."

"He is one of the most political of all Presidents," he added. "He has grown with the job."

He gives Mr. Nixon high marks for foreign policy, but low marks on domestic programs. "I have found him to be willing to listen," he said. "He's a good listener."

On his own record, Mr. Celler said he is proudest of the civil rights bills, immigration reforms and the four constitutional amendments he has sponsored (permitting District of Columbia residents to vote for Presidents, abolishing the poll tax in Federal elections, providing for the disability of the President and lowering the voting age to 18). His biggest unfinished work, he said, is in the antitrust field, where he would like to see more controls over conglomerate corporations.

One achievement that has not gained a great deal of recognition, he noted, was his successful effort to establish The Federal Register, a daily publication of government agency regulations.

The idea came to him, he said, when Harold Ickes, Secretary of the Interior in the Roosevelt Administration, appeared before Mr. Celler's committee one day and referred to a new departmental regulation.

When Mr. Celler asked to see the Regulation, Mr. Ickes pulled from his pocket an envelope on which the new policy had been scrawled. After that, Mr. Celler said, "I conceived the idea of The Federal Register. Now it's an imposing volume, as big as The Congressional Record."

Mr. Celler's reminiscences were interrupted by bells summoning House members to the floor for a vote on a bill creating a new civic center in Washington and authorizing the naming of a number of Federal buildings around the country for deceased and retired members of Congress, including the Federal Court House in Brookyln, which would become the Emanuel Celler Federal Building.

Asked if he thought that was a good idea, Mr. Celler smiled and replied: "Oh yes, as Mark Anthony said, 'The evil that men do lives after them; the good is oft interred with their bones.'"

THE SYRIAN JEWISH COMMUNITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the conference of presidents of major American Jewish organizations has written to President Nixon urging that he use his good offices to make a personal appeal to the Syrian Government urging that Government to permit those Syrian Jews who wish to emigrate, to do so. The conference has requested that the President convey to the Syrian Government the willingness of the United States to accept the small Syrian Jewish community if the Syrian Government were to permit its exodus.

It would serve no purpose at this time to set forth the report issued by the Committee of Concern headed by Gen. Lucius D. Clay, which examined the state in which the Syrian Jewish community finds itself, other than to say that the Syrian Jewish community has suffered greatly and continues to suffer. The Syrian Government is reluctant to permit its Jewish community of approximately 4,500 souls, to leave for Israel. That impediment to emigration would be removed if the United States demonstrated its compassion as it has on other occasions by allowing these tormented people to enter the United States under the parole authority of the Attorney General without regard to immigration quota restrictions.

I can assure the Members of this House that the Jewish community in the United States will provide for all of the Syrian Jews permitted to so enter the United States and that they will not be a burden of any kind on the American economy. Our country, I am proud to say, just extended such parole status to Asian Ugandans whose lives are similarly in danger and I would hope that with the same kind of magnificent humanitarianism and compassion we would extend a helping hand to an agonized people, small in number, who could and should be rescued.

Mr. Speaker, I am appending to this statement copies of the letters that the Conference of Presidents of Major American Jewish Organizations and I have sent to President Nixon urging his intercession. I hope that other Members will send similar letters to the President. I have also sent similar letters to the Secretary of State and the Attorney General.

The following is a letter to the president from the Conference of Presidents of Major American Jewish Organizations:

OCTOBER 3, 1972.

DEAR MR. PRESIDENT: The Jewish Community, as represented through the Conference of Presidents of major American Jewish Organizations, feels a deep sense of anguish and anxiety over the fate of 4,500 Jews in Syria who are suffering harsh terms of living, restricted employment, and forbidden emigration.

We appeal to you to use your good offices in the most appropriate fashion in making a personal appeal to the Syrian Authorities to permit Syrian Jews who wish to emigrant to the United States to do so.

We would welcome a statement that our government, under the parole authority provisions, would grant Visas to all Syrian Jews who wish to emigrate to the United States.

Please accept our kind regard and best wishes.

Sincerely Yours,

JACOB STEIN,
Chairman.

Mr. Speaker, my letter follows:

OCTOBER 5, 1972.

Hon. RICHARD M. NIXON,
President, the White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wrote to you in July of this year urging your intercession on behalf of the Jewish community in Syria and bringing to your attention the report issued by the Committee of Concern headed by General Lucius D. Clay. This week the Conference of Presidents of major American Jewish Organizations led by Jacob Stein has, I know, urged you by letter to include under parole status the Syrian Jewish community composed of approximately 4500 souls, so that the Syrian Government, which might not permit an exodus of Syrian Jews were they to go to Israel, would relent and permit them to come to the United States.

I was proud indeed, when Attorney General John Mitchell in September, 1971 exercised his parole authority on behalf of Soviet Jews and equally proud just last week when you granted parole status to Asian Ugandans who are in physical danger in that country.

I implore you to extend the same humanitarianism and compassion on behalf of the Syrian Jewish community.

Sincerely,

EDWARD I. KOCH.

THE WATERGATE STORY

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, amid all the political intimidation of the moment, it could be that our CONGRESSIONAL RECORD will shortly be the last truly free publication in the country.

Yesterday's court order in the Watergate case, appearing to bar public discussion of this matter, constitutes prior censorship similar to orders handed down at the time of the Pentagon papers. An obvious difference between these cases, however, is that the Watergate case contains no element of national security—only political security.

In the face of yesterday's order, it was encouraging to see the Los Angeles Times this morning carry a full-page, first-person account of the Watergate crime, as told by one of its participants who gained immunity for his testimony in the case.

If the court now moves against the Los Angeles Times, Mr. Speaker, other publications may feel enjoined from carrying the same story. It is for this reason that I have asked unanimous consent to place the full narrative in the Record.

More than ever, this case cries out for fuller disclosures, not for coverups ostensibly to protect the rights of defendants. It could be that depositions already on file, and the transcript of grand jury testimony taken in this case contain evidence of the most outrageous conduct by high officials in government—by appointees of the President, no less—to occur in this century.

Following is the extract from the Los Angeles Times of today, Thursday, October 5:

AN INSIDER'S ACCOUNT OF THE WATERGATE BUGGING

(By Alfred C. Baldwin III)

(Baldwin was a key government witness before the grand jury that indicted seven men in the Watergate case.)

NEW HAVEN, CONN.—Across the street in the Democratic National Committee offices I could see men with guns and flashlights looking behind desks and out on the balcony.

It was a weird scene at Washington's Watergate complex. The men were looking for several persons, including my boss—James W. McCord Jr., who was security director for both President Nixon's Reelection Committee and the Republican National Committee.

A short while later McCord and four other men, all in handcuffs, would be led by police to patrol cars and taken to jail. And a White House consultant would rush into my motel room across the street from the Democratic offices and peer down on the scene before fleeing the area.

I had been using a walkie-talkie and acting as a lookout for McCord and his men, who were engaged in a bugging operation. For three weeks I had monitored conversations on a tapped phone in the Democratic offices.

My mission had been to record all conversations. McCord appeared to be especially interested in any information on Sen. George McGovern and the Democratic Party chairman, Lawrence O'Brien, and anything having to do with political strategy.

When the Committee for the Reelection of the President hired me for security work with Mrs. Martha Mitchell, nothing was said about eventual espionage missions involving electronic eavesdropping.

But then the man I worked directly under, Jim McCord, was not given to long explanations about anything. You would have to know McCord to understand what I mean.

Like myself, McCord is an ex-FBI agent. But he also served 20 years in the Central Intelligence Agency and he is one of those ex-CIA agents who do more listening than talking. When he wants you to do something else, he just tells you. No buildup or anything.

When McCord was ready to switch me from protecting John Mitchell's wife to other security work, he simply told me that the President's reelection committee had other work for me. Contrary to some press reports, I got along fine with Mrs. Mitchell during the days I protected her. She is a vivacious person and I found working with her fascinating.

But I felt any work with the reelection committee would be fascinating and I like Jim McCord.

I never questioned McCord's orders. I felt he was acting under orders and with full authority. After all, his boss was John Mitchell, the committee director and former attorney general of the United States. And his superior was President Nixon.

If that was not enough to impress me with McCord's authority and official standing, we were surrounded by former White House aides. McCord said we're "on loan" to the committee.

My involvement with the committee began May 1 when McCord telephoned my home in Hamden, Conn. He had secured a résumé I had filed with the Society of Ex-FBI Agents in New York and had reviewed it and several other résumés on file with this society. He felt that because of my age, background and marital status—I am 36 and single—I was best suited for the position.

He said they (the committee) needed someone immediately so I took a plane to Washington that night and registered at the Roger Smith Hotel where we met the next morning. He emphasized that although the job was temporary, it could be a stepping-stone to a permanent position after President Nixon's reelection.

We walked a block down the street to the Reelection Committee headquarters at 1701 Pennsylvania Ave., a block from the White House, and McCord took me on a tour of committee offices on several floors. As different persons passed, McCord would say things like, "that's so and so, he's from the White House" or "there's another one who's on loan from the White House."

We went to the office of Fred LaRue to get approval for my employment and McCord said, "Mr. LaRue is over from the White House. He's John Mitchell's right-hand man."

LaRue was friendly enough, but very businesslike. McCord read some brief data he had jotted down on the back of an envelope: "Al Baldwin, ex-FBI agent, former Marine captain, law degree, taught police science . . ."

LaRue looked me up and down. I was in standard FBI dress—conservative suit, white shirt and tie and black, wing-tipped shoes. Our conversation was brief. I think he asked if I was prepared to travel and I said, "yes, sir." He replied, "okay, that's fine."

McCord later issued me a loaded .38-snub-nosed police special and said, "you'll wear this." I had no permit or official identification and questioned whether I was authorized to carry it.

He handed me a card bearing his name and the name of the reelection committee and said: "You're working for the former attorney general and there's no way a policeman or any other law enforcement officer is going to question your right to carry that weapon. But if you have any problem, have them call me."

In McCord's office at committee headquarters I noticed extensive electronic equipment—walkie-talkies, television surveillance units and various other devices. The top of a fancy briefcase was open, exposing considerable electronic equipment. I was told it was a debugging unit.

McCord told me I would be accompanying Mrs. Mitchell on a trip to Michigan and New York. He issued me $800—eight brand new $100 bills—and said it was for food, drinks, tips and incidental expenses for the trip.

In Michigan, where Mrs. Mitchell attended several affairs, we were joined by LaRue. He mentioned to me at one point that the pistol I was carrying had once been his weapon. As far as I knew, he was not in security work and I did not know why he would have needed a pistol. But I asked no questions.

From Michigan we went to New York City. One of the FBI's bullet-proof limousines used by the late J. Edgar Hoover met us at Grand Central Station and took us to a suburban town where we stayed for two days. When we left, the same limousine picked us up and carried us back to Grand Central Station. I was impressed.

The campaign trip lasted for seven days. Upon our return to Washington I was called up to the Mitchell apartment in the Watergate where Mitchell thanked me for the job I had done.

I had expected to leave in two days on another trip with his wife, but McCord said she was not feeling well and the situation was so "delicate" that Fred LaRue was accompanying her. He said he had other security work for me and he advanced me another $500—five brand new $100 bills.

"M'CORD GAVE ME A CODE NAME, BILL JOHNSON"

At McCord's direction, I moved from the Roger Smith Hotel to the Howard Johnson Motel across the street from the Watergate. I checked into Room 419, which he had registered under McCord Associates, the name of his security firm.

McCord gave me a code name, Bill Johnson, and instructed me to investigate antiwar demonstrations that were occurring in Washington about that time. I was supposed to try to learn of any plans of demonstrators to damage Republican headquarters or to disrupt the Republican Convention in Miami in August.

I still had no committee identification, however, and twice authorities had to telephone the committee to establish my credentials. Once a Secret Service agent stopped me at the Capitol and another time security police stopped me at Andrews Air Force Base. Both times the committee vouched for my credentials.

On May 24, after about two weeks of covering demonstrations, I visited my home in Hamden. When I returned to Washington the next day, I found Jim McCord in Room 419 surrounded by an array of electronic equipment, including walkie-talkies and the debugging case that had been in his office at the reelection committee.

A sophisticated receiving set, which McCord later said was worth approximately $15,000, was in a large blue Samsonite suitcase. There was a portable radio with shortwave band and an array of tape recorders and other pieces of equipment.

McCord said, "I want to show you some of his equipment and how we're going to use it." Just like that, no preliminaries and no explanations of why we would use it.

"You'll be doing some monitoring on this equipment," he said, and proceeded to show me how to operate the monitoring unit.

Then he took the room telephone apart and inserted a tap on it. To test the device, he dialed a local number for a recorded announcement. The tap picked up the message.

McCord pointed across the street to the Watergate and said, "we're going to put some units over there tonight and you'll be monitoring them." He didn't have to tell me; I knew the Democratic National Committee offices were in the Watergate.

From the balcony outside Room 419, I watched McCord walk across Virginia Ave. and enter the Watergate complex. Subsequently he appeared at a window of the Democratic offices and I could see at least one other person and perhaps two with him.

McCord later returned to the motel room and said, "we've got the units over there." He began adjusting the monitoring unit.

We were not sure whose telephones had been tapped. They had tapped one telephone they believed belonged to Lawrence O'Brien and had tapped another one they hoped belonged to a staff official close to O'Brien.

McCord finally picked up a conversation on one phone on the monitoring unit. At first we thought the phone was used by a man named Spencer, then we decided it was used by a man named Oliver. Finally, we realized it was used by a man named Spencer Oliver, who happened to be coordinator of the state Democratic Party chairmen.

A number of persons besides Oliver used his phone too. Over the next three weeks I would monitor approximately 200 telephone conversations. Some dealing with political strategy and others concerning personal matters. With several secretaries and others using the phone, apparently in the belief it was one of the more private lines in the Democratic offices, some conversations were explicitly intimate.

"We can talk," a secretary would say, "I'm on Spencer Oliver's phone."

McCord told me two men who were working with him were coming into the motel room and he would introduce us by code names since we were all involved in security work. He introduced them as Ed and George. I have since learned they were G. Gordon Liddy and E. Howard Hunt Jr., former White House aides.

McCord explained the monitoring devices and other electronic equipment to Liddy and Hunt. They stayed a short while, then left.

On May 26 McCord told me "We're going into another area tonight."

About midnight McCord and I left in his car and headed toward the Capitol. He was driving and holding a walkie-talkie, which he hooked on and held out through the car window. He finally contacted another unit as we neared the Capitol and said we were approaching the area.

He told me to keep an eye open for a Volkswagen, there was someone in it who would be working with us. On a street near the Capitol we passed a small building bearing a McGovern headquarters sign and McCord pointed and said, "That's what we're interested in right there."

Not until then did I realize the target was McGovern headquarters. An upstairs light was on and a drunk was standing in front of the building.

McCord pointed to a row of buildings across the street from McGovern headquarters and said, "We're trying to rent a place over there where you'll be doing the same thing you're doing in the other place."

As we passed a parked car about a block from McGovern headquarters, a voice came in over McCord's walkie-talkie: "You just went by us, did you see us?"

McCord replied that he had and pulled our car alongside the parked car. There were people in the front and back seats.

A man stepped from the car, walked over to our car and slid into the seat beside me and started talking to McCord without even acknowledging I was there. It was Liddy. I could not identify the persons in the back seat.

Liddy, who acted as though he was McCord's superior, was carrying an attache case. But he did not open it. On a subsequent visit to the monitoring room at the motel he inadvertently left the case. The only item in it at that time was a high-powered pellet pistol, wrapped in a towel.

McCord cruised around the McGovern headquarters as he and Liddy talked. Liddy, holding onto his attache case, expressed concern about a spotlight that illuminated the back of the building and asked, "do you think we ought to take it out?" McCord said he thought it would not be a problem.

McCord and Liddy seemed to be nervous because the Volkswagen had failed to show up and because the drunk was still in front of the building. Finally, about 3:30 a.m., Liddy said, "we can't do it tonight; we'll have to do it another night."

We let Liddy out of his car and McCord drove me back to the motel where I would resume my monitoring activities. There was no set time for monitoring. The Democrats worked weird hours, like on Sundays and some days until 3 or 4 in the morning. And when I was in the room, I was monitoring from the time I got up until I went to bed.

I would keep an eye on the little TV-type screen on the monitoring unit. A constant line ran across the screen when the tapped phone was not in use. When someone started using the phone, the line would scatter and I would quickly put on the earphones.

The first couple of days I monitored it, I wrote a log of the calls in longhand. But after that McCord brought a typewriter and I typed the logs from my notes. I kept them in duplicate and gave both copies to McCord.

Initially, I would write "Unit 118" in the upper right hand corner of the log. But McCord, realizing that this was the actual frequency monitored, told me to use a code number and I started using the number 418.

I would also write the date and page number in the upper right hand corner. In the body of the log on the left side I would designate the time and write "Unit On." Then I would drop down a line and mark the time of the first recorded conversation and specify "call in" or "call out." I would then write the contents of the conversation.

McCord would come by once or twice a day to pick up the logs. Sometimes the logs would be only a page or two long, but on a busy day they might run to six pages.

When something important in the logs would catch McCord's eye, he would quickly sit down and type up a memo from information in the logs. He would start the memo with "A confidential source reports."

Sometimes when I monitored conversations I thought were especially important I telephoned him at the reelection committee and told him there was something of interest to him. The first couple of times I called I started to tell him about the conversation, but he said, "don't talk about it over the telephone. I'll come over."

A few days after the monitoring began, McCord instructed me to find another room that would give us a better view of the Democratic offices and perhaps help us establish contact with the tap there that we had been unable to monitor.

I checked us into Room 723 with a view directly across from the Democratic offices.

About June 6 McCord left for Miami, advising that he would be gone only a day. The next day he telephoned, however, and said he had been delayed. I replied that I had recorded some important conversations. He did not want to discuss them on the telephone but instructed me to deliver my original logs to an official at the President's reelection committee.

He said to put the logs in an envelope and to staple and tape the envelope. He gave me the name of an official and I wrote it on an envelope. It was someone I believed was superior to McCord, although I can't recall his name, but it was not Liddy or Hunt.

That evening I carried the envelope to the committee headquarters. An elderly guard was on duty in the lobby of the building and he took the envelope, recognized the name on it and said he would see to it that the official received it.

McCord told me that he was in Miami checking on security arrangements being made for the Democratic and Republican conventions. He said that during the Democratic convention we'd be needed in Miami for monitoring and other security work and that the President's committee had already opened a suite of hotel rooms down there. For about two weeks we had been trying without success to determine O'Brien's whereabouts. Also McCord was interested in the precise location of O'Brien's office since he was uncertain that the tap he had been unable to monitor was actually on O'Brien's phone.

On June 12 McCord told me to visit the Democratic committee offices under my code name to find out what I could about O'Brien's whereabouts and the location of his office. Since I am from Connecticut and familiar with the Democratic Party officials there, I passed myself off as a nephew of our state chairman, John Bailey.

"This is Bill Johnson of Connecticut, a nephew of John Bailey,' 'said a secretary who introduced me around.

O'Brien's secretary said, "Oh, yes, would you like to see Mr. O'Brien's office? This used to be your uncle's office."

It was the first time I knew that Bailey was a former national chairman of the Democratic Party.

I made a mental note of the office's location overlooking the Potomac River, and I asked if anyone knew O'Brien's whereabouts. His secretary said he was somewhere in Miami and subsequently I was furnished O'Brien's telephone number in Miami.

I returned to the motel room and gave McCord the number and we went over a sketch of O'Brien's office. He seemed extremely pleased.

There were also plans to return to McGovern's headquarters on the weekend. McCord said, "You know the place we were at the other night? We've got to go back there."

Later, Liddy and Hunt came into the motel room. With McCord they walked out on the balcony and looked over toward the Democratic offices.

Before Liddy left, he reached into his inside coat pocket and withdrew an envelope containing a thick stack of brand new $100 bills. He counted off about 16 or 18 bills and handed them to McCord, who put them in his wallet.

". . . FIRST LISTENING DEVICE I HAD SEEN UNATTACHED TO A PHONE"

On Friday evening, June 16, McCord displayed a unit that I thought looked like door chimes. He removed the unit's cover, exposing a sophisticated electronic device.

Then to test the device he put it next to the television set and turned the set on. The unit picked up the television reception. It was a bug, as opposed to a telephone tap, and was the first listening device I had ever seen unattached to a phone.

Later in the evening McCord displayed a shopping bag full of different kinds of tools and equipment—screwdrivers, wires, batteries and soldering irons. The room ended up looking like a small electronics workshop.

McCord indicated to me that in addition to placing new devices at the Democratic headquarters, the unit we had been unable to monitor would either be removed from the offices or put in a new location in the offices.

We both continued working on the devices for some time. During a telephone conversation McCord said he might have to wait until another night to carry out the mission . . . some guy was still working in the Democratic offices.

Suddenly I saw the light in the committee offices go off and I told McCord, "Hey, look. The guy's leaving now."

McCord told the other party that the light had been turned off and that they could proceed. Then he handed me a walkie-talkie and said he was going across the street. He said, "If you see anything unusual, any activity, anybody around, you get on this and let us know."

He took his wallet, change, car keys and other items from his trouser pockets and dropped them on the bed. He left the room with a raincoat over his arm. After he left, I noticed that the listening device that looked like door chimes was missing.

I walked out on the balcony and watched him cross Virginia Ave. and walk into the Watergate complex.

Less than an hour later, the lights on the entire floor above the Democratic committee offices went on. I picked up the walkie-talkie—I don't remember whether I identified myself as "unit 1" or "base"—but I said, "We've got some activity."

A man whose voice I did not recognize—it was not McCord—responded, "What have you got?"

I mentioned the lights going on and he replied, "Okay, we know about that, that's the 2 o'clock guard check. Let us know if the lights go on any other place."

My watch indicated it was 2:15. I figured the guard check was late.

Not long after that a car parked in front of the Watergate and three men got out and went inside. I wondered if that meant anything, but I did not use the walkie-talkie at that time.

Suddenly, a few minutes later, the lights went on inside the Democratic offices. I noticed the figures of three men. At least two of them came out on the balcony. They were casually dressed and were carrying flashlights and guns. I could see one man in the office holding a gun in front of him and looking behind desks.

WE'VE GOT SOME PEOPLE . . . AND THEY'VE GOT GUNS . . .

Watching from the balcony outside my room, I grabbed the walkie-talkie and said, "Base to any unit." A voice came back: "What have you got?"

I said, "Are our people dressed casually or are they in suits?"

An anxious voice asked, "What?" I repeated the question.

"Our people are dressed in suits," the voice said.

"Well," I answered, "we've got problems. We've got some people dressed casually and they've got guns. They're looking around the balcony and everywhere, but they haven't come across our people."

The man on the other end sounded absolutely panic stricken now and started calling: "Are you reading this? Are you reading this?"

Receiving no reply, he then added: "They don't have the unit on or it's not turned up. Are you still in the room?"

I replied: "Right."

He said: "Stay there. I'll be right over."

By now, there was all kinds of police activity—motorcycles and paddywagons driving up and guys jumping out of patrol cars and running up to the Watergate. Then I saw two men carrying suitcases casually walking out of the hotel section. I recognized one as Hunt, he glanced up at the balcony where I stood, and then with the other man walked over and entered a car parked in front of the Watergate. The two of them drove away.

Moments later I was contacted on the walkie-talkie again and told: "We're on the way up. Be there in a minute." I said. "You'd better not park near this building, police are all over the place."

He said, "Okay."

Then I heard a voice from another unit whisper, "They've got us." Then McCord's voice came through: "What are you people? Are you metropolitan police or what?"

Another voice demanded: "What's that?" And then the unit went silent. I tried to renew the contact, but to no avail.

A few minutes later Hunt, wearing a windbreaker, rushed into the room. He was extremely nervous.

"What do you see?" he asked.

I told him I saw McCord and some other men being led away from the Watergate in handcuffs. He walked over, looked down at the scene and then said: "I've got to call a lawyer."

Picking up the phone, he dialed a local number. "They've had it," he told the party on the other end, adding: "Well, I've got $5,000 in cash with me we can use for bond money."

Hunt, hanging up the phone, turned and asked if I knew where McCord lived. I said yes, I had been to his house in Rockville, Md., a Washington suburb. He instructed me to pack all the equipment and take it to McCord's house and asked if I had a place to go.

I said I could go to my home in Connecticut and he said, "Well, get all this stuff out of here and you get out of here. Somebody will be in touch with you."

With that, he threw his walkie-talkie on the bed and rushed from the room. "Does that mean I'm out of a job?" I shouted after him. But he disappeared down the hallway without answering.

EQUITY SOUGHT IN TRANSBORDER BUS SERVICE

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation to equalize the competition for lucrative bus routes crossing the Mexican and Canadian borders.

I was prompted to take this action by a situation which has arisen in my own district, fronting on our border with Mexico.

The need for the bill is underscored by the fact that Mexican bus lines are permitted under certain circumstances to provide service into the United States, while U.S. carriers are denied similar access to Mexico.

As a result of this regulatory anomaly, a Mexican bus company, Mexicoach, has been given temporary authority, by the Interstate Commerce Commission, to provide scheduled service from Tijuana, Mexico, to downtown San Diego, a distance of about 16 miles in the United States.

In granting this permit, the ICC cited a 1969 decision holding that foreign carriers can provide cross border service if they do not go between cities on the U.S. side. This regulation may well be desirable for compact border communities like El Paso-Juarez but makes little sense when applied to outstretched San Diego.

The new Mexicoach service is regarded with considerable trepidation by at least one established U.S. carrier, the Greyhound Line. Greyhound now schedules 78 trips a day between downtown San Diego and the border gate but warns it may be forced to cut back if Mexicoach is permitted to go on duplicating that service.

I can only salute the enterprising spirit shown by the owners of Mexicoach, which is providing a long-needed service across the border.

Normally, I would hesitate to criticize any arrangement for making this sort of convenience available to the traveling public. But in this instance the competition offered by Mexicoach is just plain unfair—because Greyhound is not allowed to enter Mexico, and thus cannot really compete with Mexicoach for the many travelers who want to cross the border.

My bill would alleviate this problem, and restore a measure of justice to this situation by simply providing that foreign bus lines could not do business in this country "unless the foreign country concerned grants reciprocal privileges to citizens of the United States." Without reciprocity, the Interstate Commerce Commission would be specifically prohibited from approving such applications.

There is obviously not much time remaining in this session for action on this legislation, but I do hope in this fashion to alert the ICC to our concern over what appears to be a gross inequity in the regulatory scheme of things. And of course the reciprocity requirement would work both ways; foreign carriers could avail themselves of its protections in exactly the same way as their U.S. rivals.

I believe this bill is both equitable and necessary. If the commerce commissioners' hands are tied, Congress can always act next year.

CHANGE IN SOCIAL SECURITY LAW

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I am today introducing a bill to change the present social security law regarding when the social security benefits entitlement period ends.

Under present law, entitlement ends the month before a person dies. For some this works well, for others this is a distinct disadvantage. The matter was brought to my attention by one of my constituents who told me that for nursing homes this means that if an individual is under their care and has assigned his or her social security benefit to that nursing home and then dies, even as late as the last day of the month, then that nursing home receives no social security benefits for that month.

I think this unfair and I agree with this constituent that a nursing home or other care facility should not have to thus involuntarily contribute to the Federal Government.

So I introduce this legislation today to provide that an individual's entitle-

ment to benefits shall continue through the month of his death. However, I also include an exception. In cases where an individual has not assigned his or her benefits to a nursing or other home, and in which that individual has survivors who will receive benefits, it is necessary that they begin to receive survivor benefits immediately. For this purpose my bill excepts the situation where the continuation of such entitlement would cause a consequent delay in survivor eligibility and reduce the total amount that the family would receive. For their benefit, entitlement on the part of the individual should end the month before death so that they can begin to receive the higher survivors' benefits.

My proposal thus would take care of both situations fairly, I believe, and at no great cost to the Government. After all, the change would not affect a great number of individuals and it relates to a situation that arises only upon the death of the individual.

UNWARRANTED CRITICISM OF THE U.S. MARINE CORPS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have always retained a great respect for the U.S. Marine Corps. As a result, I was most disturbed to hear a statement on the floor by my colleague, Representative ABZUG, on June 29, 1972, which incorporated a complaint of the National Lawyers Guild regarding alleged unlawful action by the Marine Corps in declaring off-limits a NLG-sponsored activity in Japan. Representative ABZUG's remark also indicated a critical interest by Representative DELLUMS in this matter.

I recalled hearing some testimony in public hearings of the Committee on Internal Security, which I chair, on June 20, 1972, concerning "Attempts To Subvert the U.S. Military Forces" to the effect that the National Lawyers Guild was one of the organizations which has been extremely active among our servicemen in Japan as well as in the Republic of the Philippines. In view of the fact that the NLG has been officially characterized in the past as the "foremost legal bulwark of the Communist Party," I directed the committee staff to make an inquiry of the Department of Defense concerning the activities of that organization in Japan and in the Republic of the Philippines. The following response was received from the Department of Defense concerning this matter:

OFFICE OF THE ASSISTANT SECRETARY
OF DEFENSE,
Washington, D.C.

HON. RICHARD H. ICHORD,
Chairman, Committee on Internal Security, House of Representatives, Washington, D.C.

DEAR MR. ICHORD: On July 5, 1972, Mr. Donald Sanders, the Committee's Chief Counsel wrote inquiring about any detailed information we might have available relating to the activities of the National Lawyers Guild (NLG) in the Philippines and Japan. The Department's information concerning the NLG relates primarily to their representation of military personnel in those areas. We have not undertaken any independent inquiry about the National Lawyers Guild in that area, and the information we have was developed in response to allegations the Guild made to the effect that the military was "harassing" NLG representatives.

We have been advised that NLG representatives first arrived in Manila in September, 1971, and initially operated from an office located in that city. Two months later they opened a GI Center in Santa Maria village outside Clark Air Force Base's main gate. The GI Center is a meeting place for dissidents. NLG representatives have conducted workshops there on such subjects as conscientious objector claims, UCMJ Article 138 complaints, and dissent activities in general. The Center is also the focal point for publication of an underground newspaper, *Cry Out*, which the NLG uses extensively to advertise its legal services. Attendance at the GI Center has recently fallen off and the Guild attorneys have resorted to showing stag movies in an attempt to generate interest. Our information is that the underground newspaper has caused little consternation on the part of the officials at Clark Air Base.

When NLG attorneys initially arrived in the Clark Air Base area, they were welcomed by the Base Staff Judge Advocate (SJA) and informed that the Air Force would cooperate with them in their defense of airmen. He recommended that they interview their clients in the Base legal office and told them that a private office, telephones, and research materials would be made available. However, he informed them that they would not be permitted actively to solicit business on Base.

Despite this effort by the Air Force to establish a good professional working atmosphere, NLG relations with the military have not always been a model of felicity. Several examples will suffice to illustrate. In November, 1971, the NLG represented an airman charged with possession of heroin. Several weeks before the court-martial convened, Mr. Sander Karp, an NLG attorney, told the SJA that he was encountering delay in getting on base to prepare for trial. The SJA secured base passes for Mr. Karp and three other civilian attorneys which authorized their presence on base from 0700 to 2200 hours each day. At 0130 hours on the morning following the commencement of trial, Mr. Karp, the accused, and several dependent children were apprehended by security police parked in an isolated area of Clark Air Base. Mr. Karp was immediately escorted off base and released. The next morning a search of the area revealed a bag of marijuana hidden in the bushes adjacent to the place where Mr. Karp had been parked.

In a more recent incident an NLG attorney prepared a nonjudicial punishment appeal which purported to contain a sworn statement from a Clark Air Base noncommissioned officer. Upon review of the appeal in the base legal office, it was noticed that the statement was unsigned. The noncommissioned officer in question was contacted and it was discovered that he had not, in fact, made the statement. He said that he had talked with the NLG attorney but that the written statement attributed to him was a misrepresentation of his interview. Therefore, he had refused to sign the statement since it was not true.

In two instances within the last several months, NLG attorneys have attempted to solicit clients at the Clark correctional facility and in both instances the incarcerated airmen explained to security police that they did not want to be represented by the Guild.

The SJA advises that, contrary to the allegations made by NLG representatives, he has never contacted any agency of the Philippine Government concerning the status of the NLG. The actions of Philippine immigration authorities in threatening expulsion of Guild attorneys were apparently undertaken solely on the initiative of those authorities. Their interest in the Guild is said to have been prompted by reason of the following facts NLG attorneys arrived in the Philippines on September 7, 1971, with 59-day visitors' visas. The purpose of their visit was listed as "practicing law." Aliens are prohibited from practicing law in the Philippines and local attorneys who represent American interests in the Philippines have lobbies for strict enforcement of this law. Nevertheless, NLG attorneys succeeded in having their visas extended until December 5, 1971, when the visas finally expired. No further attempt was made to renew the visas until late January, 1972, at which time the Guild attorneys again stated their purpose as being that of practicing law.

The NLG has apparently also fallen into disfavor with the Philippine Government because of its alleged subversive activities there and because of continued criticisms of the Marcos administration in *Cry Out*. On March 15, 1972, the GI Center was raided by the Philippine Constabulary. During a search of the premises literature was said to have been found linking the NLG with the Kabataang Makabayan, a communist youth organization. Communist literature and illicit drugs were also reported to have been found on the premises.

Guild representation of Navy cases in the Philippines began in January, 1972. At that time the staff judge advocate at Subi Naval Base met with NLG representatives and advised them that they might use the law center library and that they would be extended the usual courtesies granted to lawyers practicing before Navy courts. However, NLG requests for special passes to permit entry into the Base without escort was refused on the ground that there was no basis for this exceptional treatment. But Guild attorneys have had no difficulty in entering the Base and using the law center. On the other hand, inasmuch as NLG representatives are not covered under the Military Bases Agreement, they are not authorized commissary or Navy exchange privileges.

Recent activities of NLG representatives which are said to be indicative of the nature of their presence at Navy installations in the Philippines are summarized below.

1. They have admittedly associated with and provided advice and information to the publishers of an underground newspaper, *Seasick*, at Subic Naval Base. This publication is calling for rebellion against authority, opposing U.S. actions in Vietnam, and trying to subvert U.S.-Philippine relations. In the March, 1972 edition, Mr. Daniel Siegel is said to have admitted providing information for the article on page 5, attached at TAB "A".

2. They have openly admitted opposing U.S. activities in Vietnam and attempting to subvert the morale of sailors. Attached at TAB "B" is a copy of a speech by Miss Barbara Dudley at the Guild observance of "Armed Farces Day" in Olongapo last May 19th.

3. They have openly engaged in political activities in the Philippines in opposition to authority and to the presence of U.S. bases there.

4. Mr. Daniel Siegel has practiced as defense counsel before Navy courts-martial though admitting that he is not licensed to practice law anywhere.

With respect to Guild activity in Japan, two NLG attorneys have apparently handled the bulk of the legal representation there. Mr. Eric Seitz has participated in courts-martial of all the Services and Mr. Sander Karp, after leaving the Philippines, worked primarily at the Marine Corps Air Station in Iwakuni. Incidents involving the NLG, noted above as occurring in the Philippines, have not been reported in Japan.

Attempts to create dissension and disloyalty among servicemen at overseas bases are not deemed to be a part of legitimate representation and activities of this nature will not be sanctioned. Our overseas commanders, of course, do not control the independent actions of the authorities of host governments in the enforcement of the immigration or other laws of the host countries which may impinge upon the activities of American civilian attorneys.

I trust the foregoing information and attachments will be of assistance to your Committee.

Sincerely,

ROWLAND A. MORROW,
Director, Defense Investigative Program Office.

The Department of Defense report speaks for itself and certainly demonstrates an attitude on the part of the military quite the opposite of that suggested by my colleagues' critical remarks on the Marine Corps' actions. It also is indicative of activities by representatives of the National Lawyers Guild which not only are a disservice to our military men who may be in actual need of sound, unbiased, legal advice, but further indicates a rather serious involvement of the NLG representatives in the internal affairs of the Republic of the Philippines.

I intend to call this matter to the attention of the Department of State. In addition, I feel that this is a situation which should be closely examined by the American Bar Association.

Regrettably, there is a tendency on the part of some of my colleagues to assume the righteousness of an organization, such as the National Lawyers Guild, which pays lip service to justice for the so-called underdog, but whose devious methods and activities are, to say the very least, a poor reflection on the legal profession.

HIGHWAY ACT AMENDMENT

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, at the proper time when we consider H.R. 16656 I will file the following amendment to deal adequately with the bill board question.

H.R. 16656 is hereby amended by striking section 119 in its entirety and substituting in lieu thereof the following:

SEC. 119. (a) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

MARTZ COUPLE CELEBRATES 80TH ANNIVERSARY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, much rhetoric is devoted to the subject of the elderly by those of us in Congress. However, two people who have surpassed the age of 100 should not only be respected as elders; they must be considered a unique living storehouse of American heritage.

I am proud to represent two such people, George Martz, age 101, and Annie Huber Martz, his 103-year-old wife. The amazing aspect of their cherished milestone is that they have spent 80 of those years as husband and wife, and will celebrate their 80th wedding anniversary tomorrow.

My profound admiration of this esteemed couple is shared by all those who know them.

Let us consider the course of their history as it corresponds to the serious, as well as lighthearted progress of the United States.

The Martz' were born as our country struggled to recover from the spiritual and material devastation of the Civil War. When they were married in 1892, the World's Columbian Exposition in Chicago was in full swing as it featured another amazing American invention, the Ferris wheel. A month before George and Annie Martz' 10th anniversary, the Wright brothers had built a specially designed, motor-driven glider that flew over 600 feet at Kitty Hawk, N.C.

As they celebrated their silver anniversary in 1917, the average price of a new automobile was $720. Observing their golden anniversary in 1942, the Martz' along with the Nation, turned to music to soothe the pains of World War II by listening to Bing Crosby sing "White Christmas," and welcomed Aaron Copland's monumental American ballet, "Rodeo."

George and Annie Martz are truly a unique collage of American heritage. They have lived together from the last days of the wagon trains to the exploration of our newest frontier, the universe. They have seen the United States develop culturally, economically, and socially. The Martz' have made their contribution to the Nation and, like governments, have emerged from both the good and bad times stronger and looking to the future.

Mr. and Mrs. Martz reside in the exact homestead near Mayport, Pa., where they purchased the land in 1892 for the exorbitant price of $1.50 an acre. Seven children were born to the couple, six of whom survive and reside in the vicinity of the family farm.

I know the union of Mr. and Mrs. Martz is the oldest in Pennsylvania, and I challenge any one of my colleagues to disprove the fact that it is the oldest in the United States.

I know everyone joins me in extending hearty congratulations to Mr. and Mrs. Martz, and in wishing them many more years of happiness.

CONFERENCE REPORT—COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GARMATZ submitted the following conference report and statement on the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1544)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124), is further amended by adding at the end thereof the folowing new title:

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing and land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

Sec. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

Sec. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purpose of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in Sec. 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Sec. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

(h) The authority to make grants under this section shall expire on June 30, 1975.

ADMINISTRATIVE GRANTS

Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation. recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c) (1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

And the House agree to the same.

EDWARD A. GARMATZ,
ALTON LENNON,
THOMAS N. DOWNING,
CHARLES A. MOSHER,
THOMAS M. PELLY,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The Committee of Conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying, and conforming changes, the following statement explains, as appropriate, the differences between the Senate bill, and the House amendment thereto, together with an explanation of the conference substitute.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 304. The Managers agreed to adopt the House language as to the seaward extent of the coastal zone, because of its clarity and brevity. At the same time, it should be made clear that the provisions of this definition are not in any way intended to affect the litigation now pending between the United States and the Atlantic coastal states as to the extent of state jurisdiction. Nor does the seaward limit of the coastal zone in any way change the state or Federal interests in resources of the territorial waters or Continental Shelf, as provided for in the Submerged Lands Act and the Outer Continental Shelf Lands Act. The Conferees also adopted the Senate language in this section which made it clear that Federal lands are not included within a state's coastal zone. As to the use of such lands which would affect a state's coastal zone, the provisions of section 307(c) would apply.

The Conferees adopted the Senate definition of "Secretary" to mean the Secretary of Commerce. As the bill was passed by the Senate, and as a companion bill was reported to the House, it was provided that the administration of the Coastal Zone Management Act should be the responsibility of the Secretary of Commerce, and it was expected that actual administration would be delegated to the Administrator of the National Oceanic and Atmospheric Administration. The rationale behind this decision, as discussed in both Senate Report 92–753 and House Report 92–1049, was based in large part on NOAA's capability to assist State and local governments in the technical aspects of coastal problems since it houses such entities as the National Ocean Survey, Environmental Data Service, Environmental Research Laboratories and Office of Sea Grant, among others.

When the House bill was considered on the Floor, however, an amendment was proposed and adopted which would place the responsibility for administration from the Secretary of Commerce with the Secretary of the Interior. The argument in support of this change addressed itself to the fact that the Coastal Zone Management Act involved land use decisions and since pending land use legislation in both Houses gave the administrative responsibility to the Secretary of the Interior, that official should also administer the Coastal Zone Management Act so that the land use aspects of the coastal zone legislation and the national land use legislation could be readily coordinated and not result in conflict between the two programs.

The Conferees adopted a final approach which acknowledges the validity of many of the arguments advanced to justify the placement of responsibility in the Department of Interior rather than the Department of Commerce. First, the definition of what land areas shall be included in the "coastal zone" has been limited to those lands which have a direct and significant impact upon coastal water. Secondly, those lands traditionally managed by the Department of Interior or the Department of Defense, such as parks, wildlife refuges, military reservations, and other such areas covered by existing legislation, were specifically excluded from the coverage of the bill. Thirdly, it is provided that upon enactment and implementation of national land use legislation, the Secretary of Commerce shall coordinate with and obtain the concurrence of the Federal official charged with managing the national land use program.

Until such time as a state begins its participation in any national land use program, the question of this required concurrence will not of course arise. The Conferees expect that the concurrence procedure will take place after Federally supported land use programs become effective, and would take place when the coastal zone program is submitted for original approval under title 306 or where a modification is proposed. It is also expected that where a coastal zone program already exists in a state when the state Federally supported land use program is proposed, that necessary changes in the coastal zone program consistent with the concept of land use responsibility, as outlined in section 307(g) would be accomplished. The Conferees also agreed to include definitions for "management program", for "water use", keyed to the requirements of section 307(f) and "land use", keyed to the requirements of section 307(g).

Therefore, what the Conferees agreed upon was basically a water-related coastal zone program administered by the Secretary of Commerce with required full coordination with and concurrence of the Secretary of Interior. This compromise recognizes the need for making coastal zone management fully compatible with national land use policy, while making use of the special technical competence of the National Oceanic and Atmospheric Administration in the Department of Commerce in managing the nation's coastal areas.

Sec. 305. The Conferees adopted the Senate approach of providing for a maximum for any one state of ten percentum of the total amount appropriated for development grants, and likewise for a minimum of one percentum for any single state. It goes without saying that this minimum percentum applies only when the state elects to participate under the program. The Conferees also agreed to extend the program through June 30, 1977, in view of the fact that the initial actions under the program may be slow in some states due to the necessity for changing state laws in order that the state may be eligible under the title.

The Conferees agreed not to include a provision which would authorize direct grants to political subdivisions of states pending the adoption of a statewide program, concluding that individual situations which were alluded to, such as the Anchorage plan in the State of Alaska and bi-county plans in the State of New York, can be taken care of by the provisions of section 306(h). The Conferees also agreed to exclude a similar provision which had been contained in the Senate version of section 306.

Sec. 306. The Conferees accepted the Senate maximum and minimum percentages for state administrative grants similar to those for development grants in section 305. In addition, the Conferees accepted the two additional items required by the House in state management programs, the first as to adequate consideration for the national interests involved in the siting of facilities representing regional or national requirements, and the second relating to inclusion of procedures whereby specific areas may be set aside for certain listed purposes, in each case endorsing the rationale for those inclusions as contained in House Report 92–1049.

Sec. 307. In the language adopted for Interagency Coordination and Cooperation, the Conferees agreed that the Secretary must coordinate his activities under this title with all other interested Federal agencies and may not approve state programs until the views of those agencies have been considered. They also agreed that as to Federal agencies involved in any activities directly affecting the state coastal zone and any Federal participation in development projects in the coastal zone, the Federal agencies must make certain that their activities are to the maximum extent practicable consistent with approved state management programs. In addition, similar consideration of state management programs must be given in the process of issuing Federal licenses or permits for activities affecting state coastal zones. The Conferees also adopted language which would make certain that there is no intent in this legislation to change Federal or state jurisdiction or rights in specified fields, including submerged lands.

The Conferees adopted the Senate provisions making it clear that water and air pollution control requirements established by Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, shall be included as a part of the state coastal zone program. Finally, the Conferees adopted language making it clear that the Secretary of the Interior or such other Secretary or Federal official as may be designated in national land use legislation, must concur in any state coastal zone program requirements relating to land use, before those requirements may be approved by the Secretary.

Sec. 312. The Conferees agreed to delete the provisions of the House version relating to extension of estuarine sanctuaries, in view of the fact that the need for such provisions appears to be rather remote and could cause problems since they would extend beyond the territorial limits of the United States. The Conferees retained the authority to establish estuarine sanctuaries within state waters.

SEC. 313. In the provisions for an annual report, the Conferees included the requirement, among others, that the Congress be notified specifically as to Federal activities or projects which are not consistent with an approved state management program thereby enabling the Congress to take corrective measures as it deems appropriate.

SEC. 315. The Conferees agreed to compromise the appropriation authorization provisions, by including a provision for $9,000,000 each year for a period of five years for development grants, a provision for necessary sums; not to exceed $30,000,000 for each of four fiscal years beginning with fiscal year 1974 for administrative grants, and a provision for necessary sums not to exceed $6,000,000 for the single year of fiscal year 1974. In addition, Conferees agreed to authorize necessary sums not to exceed $3,000,000 per year for five years for administrative expenses.

MATTERS EXCLUDED IN CONFERENCE PROVISIONS

In addition to deleting the Senate provisions relating to direct grants to certain political subdivisions of states, discussed earlier as to section 305, the Conferees also deleted the Senate provisions (in section 311 of the Senate version) establishing a National Coastal Resources Board. The Conferees concluded that such a Board was cumbersome, expensive and unnecessary. The Conferees also excluded the House provisions (in section 313 of the House version) authorizing a Federal management program for the contiguous zone of the United States, because the provisions relating thereto did not prescribe sufficient standards or criteria and would create potential conflicts with legislation already in existence concerning Continental Shelf resources. Having deleted the estuarine sanctuary extension authority and the Federal contiguous zone program authority, the Conferees also deleted the penalty provisions which were contained in section 316 of the House version, as no longer necessary.

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Managers on the Part of the House.
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ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CAREY of New York (at the request of Mr. MAZZOLI), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, on Thursday next, for 30 minutes.

(The following Members (at the request of Mr. LANDGREBE), to revise and extend their remarks, and to include extraneous matter:)

Mr. KEMP, today, for 15 minutes.

Mr. CRANE, today, for 60 minutes.

Mr. WILLIAMS, today, for 15 minutes.

Mr. CHAMBERLAIN, today, for 5 minutes.

Mr. FRENZEL, today, for 10 minutes.

Mr. ZION, today, for 10 minutes.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. THOMPSON of New Jersey, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON in three instances and to include extraneous matter.

Mr. FINDLEY, immediately following the remarks of Mr. BRINKLEY in the Committee of the Whole today.

Mr. HUNGATE, immediately following the remarks of Mr. BRINKLEY in the Committee of the Whole today.

Mr. BUCHANAN immediately following remarks of Mr. BRINKLEY in Committee of the Whole today.

Mr. PIKE, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $510.

Mr. Van Deerlin, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $425.

Mr. Brinkley, and to include extraneous matter with remarks in the Committee of the Whole.

(The following Members (at the request of Mr. Landgrebe); and to include extraneous matter:)

Mr. Blackburn.
Mr. Halpern in two instances.
Mr. Riegle.
Mr. Esch in two instances.
Mr. Vander Jagt.
Mr. Rousselot in two instances.
Mr. Wyman in two instances.
Mr. Gubser.
Mr. Grover.
Mr. Broomfield.
Mr. Nelsen.
Mr. Frenzel.
Mr. Hosmer in three instances.
Mr. Landgrebe.
Mr. Whalen.
Mr. Pelly in three instances.
Mr. Brown of Michigan.
Mr. Springer.
Mr. Whitehurst.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Blatnik.
Mr. Fraser in five instances.
Mr. Harrington in four instances.
Mrs. Hicks of Massachusetts in three instances.
Mr. Minish in two instances.
Mr. Carney.
Mr. Chappell.
Mr. Jones of North Carolina.
Mr. Annunzio.
Mr. Clark.
Mr. Udall in seven instances.
Mr. Rodino in three instances.
Mr. Begich in two instances.
Mr. Rosenthal in five instances.
Mr. Bolling.
Mr. Byrne of Pennsylvania.
Mr. de la Garza in 10 instances.
Mr. Roy.
Mr. Evins of Tennessee in two instances.
Mr. Rooney of Pennsylvania.
Mr. Nichols.
Mr. Patten.
Mr. Long of Maryland.
Mr. Nix.
Mr. Preyer of North Carolina.
Mr. Matsunaga in five instances.
Mr. Brasco.
Mr. Culver.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2952. An act to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes;

H.R. 9198. An act to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 10243. An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Corporal Bobby R. Mullins;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the Dstrict of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes;

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission;

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo", and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 7378. An act to Create a Commission on Revision of the Federal Court Appellate System of the United States;

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, October 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2395. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2396. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

Received From the Comptroller General

2397. A letter from the Comptroller General of the United States, transmitting a report on U.S. efforts through the Department of State to increase international cooperation in controlling narcotics traffic; to the Committee on Government Operations.

2398. A letter from the Comptroller General of the United States, transmitting a report that greater benefits to more people are possible by better uses of Federal outdoor recreation grants, under programs administered by the Bureau of Outdoor Recreation, Department of the Interior, and by the Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 13895. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; with amendments (Rept. No. 92–1534). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 7625. A bill to adjust the pay of the police forces at Washington and Dulles Airports; with amendments (Rept. No. 92–1535). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on the investigation of possible politicization of Federal statistical programs (Rept. No. 92–1536). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16946. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes; with an amendment (Rept. No. 92–1537). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 256. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; with amendments (Rept. No. 92–1538). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13396. A bill to authorize an increase in land acquisition funds for the Delaware National Recreation Area, and for other purposes; with an amendment (Rept. No. 92–1539). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee of conference. Conference report on H.R. 10729 (Rept. No. 92–1540). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13067. A bill to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.; with amendments (Rept. No. 92–1541). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 16932. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; with amendments (Rept. No. 92–1542). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 3755 (Rept. No. 92–1543). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report on S. 3507 (Rept. No. 92–1544). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 8307. A bill for the relief of Michael A. Korhonen; with amendments (Rept. No. 92–1529). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 7012. A bill for the relief of Murray Swartz (Rept. No. 92–1530). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 2147. An act for the relief of Marie M. Ridgely (Rept. No. 92–1531). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 2753. An act for the relief of John C. Mayoros (Rept. No. 92–1532). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 3483). An act for the relief of Cass County, N. Dak.; with an amendment (Rept. No. 92–1533). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself, Mr. Johnson of California, Mr. Lloyd, Mr. Roncalio, Mr. McKay, and Mr. Runnels):

H.R. 17009. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEGICH:

H.R. 17010. A bill creating an additional Federal district judgeship for the district of Alaska; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 17011. A bill to require local governmental approval for section 235 or 236 housing; to the Committee on Banking and Currency.

H.R. 17012. A bill to pay grants to students enrolled in psychology or sociology in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 17013. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 17014. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any non-market-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. Charles H. Wilson, Mr. Bell, Mr. Corman, Mr. Del Clawson, Mr. Wiggins, Mr. Pettis, Mr. Rees, Mr. Veysey, Mr. Danielson, Mr. Bob Wilson, Mr. Hawkins, Mr. Roybal, Mr. Smith of California, Mr. Steiger of Arizona, Mr. Rhodes, Mr. Udall, Mr. Holifield, and Mr. Hanna):

H.R. 17015. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Alabama (for himself and Mr. Bevill):

H.R. 17016. A bill providing for the establishment of a wild area system; to the Committee on Agriculture.

By Mr. MONAGAN:

H.R. 17017. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 17018. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death (except where the continuation of such entitlement and the consequent delay in survivor eligibility would reduce the total amount payable to the family); to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 17019. A bill to amend title 18 of the United States Code to provide penalties for fixing certain horse or dog races, and for other purposes; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself and Mr. Daniels of New Jersey):

H.R. 17020. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. Daniels of New Jersey, Mr. Esch, Mr. Brown of Ohio, Mr. Conte, Mr. Gude, Mr. Rees, Mr. Bell, Mr. Mazzoli, Mr. Smith of Iowa, Mr. Conover, Mr. Erlenborn, Mr. Kyl, Mr. McKinney, Mr. Cleveland, Mr. Mosher, Mr. Ruppe, Mr. Hungate, Mr. Bergland, and Mr. Forsythe):

H.R. 17021. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. VAN DEERLIN:

H.R. 17022. A bill to amend section 202 of the Interstate Commerce Act to prohibit certain motor carrier operations between the United States and any contiguous foreign country by a person not a citizen of the United States unless the foreign country concerned grants reciprocal privileges to citizens of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.R. 17023. A bill to amend the Food Stamp Act of 1964, to allow eligible households to purchase canning equipment and certain seeds with food stamps, and for other purposes; to the Committee on Agriculture.

By Mr. CULVER:

H.R. 17024. A bill Newsmen's Privilege Act of 1972; to the Committee on the Judiciary.

By Mr. DENHOLM:

H.R. 17025. A bill to provide for an investment tax credit on closing inventory of small businesses; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 17026. A bill to provide long-term custodial care and home care to the chronically ill; to the Committee on Interstate and Foreign Commerce.

By Mr. McKAY:

H.R. 17027. A bill to amend title 13, United States Code to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 17028. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMPSON of Georgia:

H.R. 17029. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for expenses paid by the taxpayer for the elementary or secondary education of a dependent; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Adams, Mr. Fascell, Mr. Frenzel, Mr. Harrington, Mr. Rarick, Mr. Rooney of Pennsylvania, Mr. Stratton, Mr. Tiernan, Mr. Wolff, and Mr. Wydler):

H.R. 17030. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizen as a condition to emigration; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.J. Res. 1322. Joint resolution to prevent surface mining operations on public lands and deep mining in national forests; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.J. Res. 1323. Joint resolution to insure orderly and responsible congressional review of tax preferences, and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. Roe, Mr. Rosenthal, Mr. Schneebeli, Mr. Schwengel, Mr. Smith of New York, Mr. Stratton, Mr. Thone, Mr. Whalley, and Mr. Wydler):

H. Res. 1152. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Biester, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Collier, Mr. Delaney, Mr. Fish, Mr. Garmatz, Mr. Giaimo, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Hunt, Mr. Long of Maryland, Mr. McKevitt, Mr. Minshall, Mr. Moorhead, Mr. Murphy of New York, Mr. Pepper, and Mr. Pike):

H. Res. 1151. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 17031. A bill for the relief of Rosa Ines Toapanta; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 17032. A bill for the relief of Evangelina and Edwardo Sado; to the Committee on the Judiciary.

By Mr. NELSON:

H.R. 17033. A bill for the relief of Selmer Amundson; to the Committee on the Judiciary.

SENATE—*Friday, October 6, 1972*

The Senate met at 11 a.m. and was called to order by Hon. David H. Gambrell, a Senator from the State of Georgia.

PRAYER

The Reverend Evans E. Crawford, Ph. D., dean of the chapel, Howard University, Washington, D.C., offered the following prayer:

God of our harvest, hope, and home, come in all Thy nourishing and sustaining presence to these who have been chosen to exercise the people's choice. Grant to them and to us a full harvest of the liberties in whose name we labor. Judge us by our fruits; but if and where we fail, give to us an abundance of Thy promised mercy. Renew in us daily such a hunger and thirst after righteousness that no reach of our power may exceed the roots of our praise. Ring through our responsibilities the resounding amens of the heritages we share. Put the charges we have to keep by living and liberating waters, so that, in planting or reaping, the people and the nations may walk, work, and worship with fruitful freedom in pastures greened by Thy grace and in fields ripened by Thy glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 6, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. David H. Gambrell, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 804(b), Public Law 91–452, the Speaker had appointed Mr. Purcell, Mr. Curlin, Mr. Hogan, and Mr. Hunt as members of the Commission on the Review of the National Policy Toward Gambling, on the part of the House.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System; that the House receded from its disagreement to the amendment of the Senate numbered 1 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendment of the Senate numbered 2 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendment of the Senate numbered 6 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendments of the Senate numbered 21, 44, 65, 66, and 67 to the bill and concurred therein, severally with amendments, in which it requested the concurrence of the Senate; and that the House receded from its disagreement to the amendment of the Senate to the title of the bill, and agreed to same.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 5, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Armed Services may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive M—92d Congress, second session—the Convention on International Liability for Damage Caused by Space Objects.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive M, 92d Congress, second session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive M, 92d Congress, second session, the Convention on International Liability for Damage Caused by Space Objects, which was read the second time, as follows:

Convention on International Liability for Damage Caused by Space Objects

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international cooperation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

ARTICLE I

For the purposes of this Convention:

(*a*) The term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(*b*) The term "launching" includes attempted launching;

(*c*) The term "launching State" means:

(*i*) A State which launches or procures the launching of a space object;

(*ii*) A State from whose territory or facility a space object is launched;

(*d*) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

ARTICLE II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

ARTICLE III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

ARTICLE IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(*a*) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(*b*) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1 of this article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

ARTICLE V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

ARTICLE VI

1. Subject to the provisions of paragraph 2 of this article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

ARTICLE VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(*a*) Nationals of that launching State;

(*b*) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

ARTICLE VIII

1. A State which suffers damage, or whose natural or juridical persons suffer damage may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory, by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

ARTICLE IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

ARTICLE X

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 of this article shall apply even if the full damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

ARTICLE XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim that is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

ARTICLE XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

ARTICLE XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if the State so requests, in the currency of the State from which compensation is due.

ARTICLE XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

ARTICLE XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the extablishment of the Commission, either party may request the Secretary-General of the United Nations to appoint the

Chairman within a further period of two months.

ARTICLE XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Commission shall determine its own procedure.

4. The Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Commission shall be by majority vote.

ARTICLES XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

ARTICLE XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

ARTICLE XIX

1. The Claims Commission shall act in accordance with the provisions of article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment, unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

ARTICLE XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

ARTICLE XXI

If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centers, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this article shall affect the rights or obligations of the States Parties under this Convention.

ARTICLE XXII

1. In this Convention, with the exception of articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(*a*) Any claim for compensation in respect to such damage shall be first presented to the organization;

(*b*) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a State Party to this Convention.

ARTICLE XXIII

1. The provisions of this Convention shall not affect other international agreements in force insofar as relations between the States Parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

ARTICLE XXIV

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XXV

Any State Party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and therafter for each remaining State Party to the Commission on the date of acceptance by it.

ARTICLE XXVI

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the convention has been in force for five years, and at the request of one third of the States Parties to the Convention, and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

ARTICLE XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by writen notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XXVIII

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in trplicate, at the cities of Washington, London and Moscow, this twenty-ninth day of March, one thousand nine hundred and seventy-two.

Mr. MANSFIELD. Mr. President, this convention was negotiated under the auspices of the United Nations Committee on the Peaceful Uses of Outer Space. Its purpose is to provide a means of redress for damages which might result from objects in space falling on the earth.

As of February 1972 there were 2,730 objects in outer space, and as of the same date, 3,120 objects had been identified as having been in orbit but since decayed. Thus, as space exploration continues, it becomes increasingly possible that persons or property may, at some future time, be damaged by space mishaps.

The basic approach of the Convention to liability for damages caused by space objects is set forth in Article II, which reads as follows:

> A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Other provisions of the Convention define and prescribe means for assessing damage and fixing liability in special cases.

Hearings held by the Committee on Foreign Relations on this Convention were supplemented by a most valuable staff report prepared for the use of the Senate Committee on Aeronautical and Space Sciences.

The Committee on Foreign Relations held a public hearing on the Convention on International Liability for Damage Caused by Space Objects on August 3, 1972, at which time the following witnesses testified: Mr. Carl F. Salans, Acting Legal Adviser, Department of State; Mr. Harry H. Almond, Jr., Senior Attorney Adviser, Office of the General Counsel, Department of Defense; and Mr. Spencer M. Beresford, General Counsel, National Aeronautics and Space Administration. The prepared statements of Mr. Salans and Mr. Almond are reprinted in the appendix.

The Convention was considered in executive session on August 8, 1972. During that session, a question was raised concerning the meaning of "space object." Further action on this Convention was postponed pending the receipt of a comprehensive definition of this term from the executive branch. On September 7, 1972, the committee received a reply from the Department of State. The text of this communication is reprinted in the appendix of the committee report.

On September 19, 1972, the committee met again in executive session and ordered the Convention on International Liability for Damage Caused by Space Objects reported favorably to the Senate for advice and consent to ratification, subject to the receipt of an assurance from the administration that the U.S. instrument of ratification would not be deposited until the Soviet Union deposited its instrument of ratification or that both countries would deposit their instruments of ratification simultaneously. This assurance was received in a letter from the Department of State dated October 3, 1972, and it is also reprinted in the appendix.

Mr. President, I ask unanimous consent that the pending Convention go to final reading.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered and the treaty will be considered as having passed through its various parliamentary stages up to and including presentation of the resolution of ratification which will be read for the information of the Senate.

The legislative clerk read as follows:

> *Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London, and Moscow, on March 29, 1972 (Executive M, 92d Congress, 2d Session).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the convention immediately after the morning business is concluded and the 3-minute limitation observed, and H.R. 13915 has been laid before the Senate, at which time it will be laid aside temporarily for the vote on the treaty.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it would be anticipated that somewhere between 1 hour and one hour and a half from now, there will be a yea-and-nay vote on the treaty which has just been considered in executive session.

Attachés on both sides should notify all Senators accordingly.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M. ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE 500TH YEA-AND-NAY VOTE CAST BY SENATE THIS SESSION

Mr. SCOTT. Mr. President, some time after 1 a.m. this morning, the Senate passed the so-called welfare reform bill. There will be a lot of controversy as to whether it is welfare, whether it is reform, and whether it is the best solution. I happen not to believe that it is the best solution, but I invite the attention of the Senate to an interesting fact, that the vote on that bill marks the 500th yea-and-nay vote cast during this session of the Senate.

While there have been more recordings taken in the Senate which include our so-called automatic quorum calls—and away the largest number of record votes ever cast.

In 1964, during the long civil rights filibuster, there were more quorum calls, undoubtedly because of the automatic quorum calls, but I have checked with the Congressional Quarterly and on record votes alone, eliminating quorum calls, this 500th vote is higher than the votes taken in any previous Congress.

Mr. President, I mention this for a reason, particularly on behalf of those Senators who may be campaigning for reelection. I would say for higher office except, of course, there is no higher office than the Senate of the United States. Their constituents, I think, should know that they have been required to remain in the Senate and take part in debate and vote on these measures. We have worked harder and longer and have made more judgments by way of votes on legislative matters than the Senate has ever done before in its history.

That is the reason why so many Senators have been unable to accept, much as they would like to, invitations to speak in their State or in other States.

I think it should be noted, in all fairness, that Senators may accept an invitation 2 or 3 months in advance and still be unable to go. I know at least a dozen who were not able to keep their engagements last night because we were in session yesterday for something like 17 hours.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

ANTICONSUMERISM IN THE NIXON ADMINISTRATION

Mr. MOSS. Mr. President, as chairman of the Consumer Subcommittee of the U.S. Senate, 1 week before the Senate adjourns this year in this session, I rise to address this body on the subject "Anticonsumerism in the Nixon Administration."

Mr. President, in a press conference on August 10, 1972, Mrs. Virginia Knauer, the President's Special Assistant for Consumer Affairs, said in response to a question about the chances of passage of the consumer product safety bill:

> My dear sir, that I shall live so long to see any legislation, consumer legislation out of the Congress.

There are two great ironies in this statement. In the first place Congress has passed significant consumer protection measures during the Nixon administration. But, because the administration has not initiated or supported these efforts, Mrs. Knauer is evidently oblivious to their existence. For example, in the 91st Congress, we enacted the Child Protection and Toy Safety Act which was initiated by the democratically appointed National Commission on Product Safety and sponsored by Senators MAGNUSON and myself in the Senate and by Congressmen STAGGERS and Moss in the House. The 91st Congress also saw the passage of the Fair Credit Reporting Act and the Poison Prevention Packaging Act. Again, the Nixon administration did not initiate these measures and paid only lip service to their passage.

The Senate and the House have just taken final conference action on a very significant consumer bill that could save consumers more than a billion dollars a year by preventing damage to their vehicles. This is the Motor Vehicle Information and Cost Savings Act (S. 976) which has been bitterly opposed by the Nixon administration at each legislative step. The administration testified, at our May 1971 hearings, that the Federal Government had no business regulating the automobile industry for "economic reasons." Of course, this testimony was delivered prior to the initiation of the wage and price control program. Given the position of the Nixon administration, it is little wonder that Mrs. Knauer has eradicated this particular bill from her mind.

The second irony of Mrs. Knauer's statement is her chastising congressional action on consumer legislation when she had deliberately and wittingly assisted the special interests within and without the Government that tried to stall in one house or other passage of important bills. The Nixon administration has not lifted one finger to encourage House action on the Magnuson-Moss bill, S. 986, also known as the Consumer Product Warranties and Federal Trade Commission Improvements Act. Instead the White House professed support for its proposal for warranty legislation which was merely a watered down version of Democratic initiatives. And who knows what role Mrs. Knauer played in sidetracking the Federal no-fault automobile insurance proposal, after she chastised the trial bar for dilatory tactics? I know that the lobbyist for the National Association of Independent Insurers, the major insurance organizattion opposing no fault, turned the Vice President's ceremonial office adjacent to the Senate floor into his own personal office during Senate debate on S. 945.

For weeks it was tooth and nail as to whether the Rules Committee would grant a rule on the product safety bill. Did the administration raise a finger? No. And now we have the revelation that the Chief Justice sent an envoy a few weeks ago to urge Speaker CARL ALBERT to water down or stall the consumer product safety bill. The Chief Administrator of Federal Courts, Rowland Kirks, went to see the Speaker in the company of influential lobbyist Thomas Corcoran. Corcoran readily admitted that he was not representing any client and that he accompanied his longtime friend Rowland Kirks, Chief Administrator of the Federal Courts, to lobby the Speaker against the consumer product safety bill.

This coupled with revelations of Associate Justice Louis Powell's call upon the U.S. Chamber of Commerce to make use of the judiciary in arguing the special interests of business against the public interest, is particularly troublesome. And what about the Consumer Protection Agency legislation? How long did the administration try to delay Senate committee consideration of a bill to create a consumer advocate within the Federal Government? What steps did the administration take to weaken the House-passed bill? And now, even after the sponsors of the bill announced that they were willing to accept the administration's weakening amendment, the Nixon forces still held out for more and defeated cloture.

With a background like this, it is no wonder that Mrs. Knauer has said:

> I should live so long to see any legislation, consumer legislation out of Congress.

After all, the Nixon administration has demonstrated its strength by working hard to keep any meaningful consumer legislation from emerging.

But this interference of Mr. Nixon and even the Nixon appointed Chief Justice in congressional matters is even more disturbing when we read of news reports quoting the President as saying, in reference to appointments to regulatory agencies, that he did "appoint people like FTC Chairman Miles Kirkpatrick but I cannot do anything about them after they are in their jobs." It is quite fortunate for the American people that he is hamstrung in this regard, for the blatent role the Nixon administration has played in protecting big businesses has cast a pall over the Nation. I, for one, would rather deal with men of integrity with whom I may differ, than subvert the public interest to the private interest, as is so common in this administration which, in the words of Senator STEVENSON, is not of the New Deal, not of the Fair Deal, not of the Square Deal, but of "The Deal."

How else has the consumer been harmed by the deception and corruption of the Nixon administration? On March 25, 1969, President Nixon announced the appointment of a cabinet level task force on oil import control. After carefully studying the oil imports for more than 11 months, this task force recommended that the present quota system be ended, because it operated to maintain oil prices at artificially inflated levels to the detriment of the American economy and consumers. But Mr. Maurice Stans, Secretary of Commerce, took such a personal interest in the study that all staff documents were rushed to him even when he was hunting big game in Africa. And, Mr. Stans remembered the "investment in good government" made by the petroleum companies in 1968 when members of that industry contributed almost $800,000 in reported contributions to the Nixon campaign chest. More, I might add, than any other occupational classification.

The remainder of the story is this: Even though the task force recommended abandonment of the quota system, Mr. Stans and big business won the debate. The oil import quota system has not been abandoned and as a result consumers continue to pay $5 billion a year more in higher fuel prices. This amounts to a subsidy or $25 per year for every man, woman, and child in the United States to the major petroleum companies. Being a good businessman, Maurice Stans has returned to the petroleum companies in 1972 to tell them "you made a good investment in 1968. Now it is up to you to protect that investment." In 1968, when the Nixon campaign asked prospective contributors for a tithe to the preservation of the free enterprise system, it said:

> That's a low price to pay every four years to insure that the Executive branch of the government is in the right hands.

The $800,000 reported as being contributed by the petroleum industry, and who knows how much was unreported, has definitely proved to be a worthwhile investment both philosophically and financially. Not only did the contributors succeed in buying the executive branch, they may have also succeeded in politicizing the Judiciary to a degree unheard of since Boss Tweed sold judgeships in New York. A $5 billion a year return on an $800,000 investment, that certainly is a sound investment, an investment which results in private profits and a public riff-off.

Secretaries of Commerce have often represented business interests in the Federal Government, but the relationship between campaign contributions and the Government's encouraging the long arm of big business to reach out into every consumer's pocketbook has never been closer. It is time for a change, the American consumer cannot afford another 4 years of Nixonomics. The New York Times put it in a February 24, 1970, editorial:

> The consumers have been sacrificed once again to the interests of big oil.

The editorial went on to express revulsion by saying:

> An Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education, and welfare does not mind letting consumers pay out more than $60 billion in extra fuel oil bills over the coming decade.

Just look at some of the other brazen attempts to undermine the consumer, to stop regulatory initiatives to protect his safety, and otherwise to cater to the big business interests which have invested so heavily in the Nixon campaign.

It took the Federal courts to rule that the Secretary of Transportation and the Federal Highway Administration had erred in whitewashing a recommended defect recall on GM pickup trucks.

The American consumer is forced to pay one-half billion dollars more per year, because the administration traded campaign contributions for a 1-cent a quart rise in the guaranteed price of milk.

And while the dollar sum is not high, this is the administration which has provided free office space for lobbyists against the consumer interest. Procter and Gamble and the Grocery Manufacturers Association have now installed themselves in a new Capitol Hill location: The Vice President's office which has become a substation for Washington lobbyists who peddle amendments to riddle the fabric of consumerism. The Vice President's office has become a smoke-filled chamber for consumating political deals. It is frequented by lobbyists representing manufacturers of unsafe products and flammable children's clothing who use it as a base of operation for peddling amendments and stalling legislation.

It was the Nixon administration's Office of Management and Budget that on October 5, 1971, issued regulations requiring all Federal departments and agencies to supply OMB with copies of regulations "which could be expected to—impose significant costs on, or negative benefits to, non-Federal sectors"—a euphemism for private industry. And under this policy, OMB has altered Environmental Protection Agency guidelines for State air pollution control boards. According to Peter Bernstein, of the Newhouse News Service, these tough regulations were diluted by OMB at the request of Commerce Secretary Maurice Stans and Federal Power Commission Chairman John Nassikas, along with Presidential Assistants John D. Ehrlichman and Peter M. Flannigan. These are Nixon men, and Nixon's record.

So Mr. President, if President Nixon's consumer spokesman does not expect to live long enough to see consumer legislation out of the Congress, she can perhaps take credit for the demise for much of this consumer legislation.

In this administration of "The Deal" the consumer will continue to get a raw one. A campaign election committee that spends its time wiretapping; an Office of Management and Budget which writes regulations to suit the regulated; a consumer adviser who lobbies against consumer legislation; and a Justice Department whose own attorneys openly defy title 5, United States Code 7322, entitled "Political Use of Authority or Influence: Prohibition," signal an administration unfit to remain in office. It certainly seems that an investigation is warranted when Presidential surrogates run around the country at taxpayers' expense contrary to the provisions of the statute which tell us that—

> An employee of an executive agency... may not use his official authority or influence to coerce the political action of a person or body.

But perhaps the height of arrogance is the Chief Justice's performance with regard to the consumer product safety bill reported in yesterday's papers. Perhaps the Chief Justice is not familiar with title 18, United States Code 1913, which reads:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service... intended or designed to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation . . .

But then, this lack of familiarity is understandable in an administration which is not concerned with millions of American consumers who have neglected to contribute millions to the campaign chest of the President.

Mr. President, I ask unanimous consent to have printed in the Record an article which was published in the New York Times entitled "Burger Aide Linked to a Bid to Weaken Product Safety Bill," written by Fred P. Graham, and an article from the Washington Post of October 5, 1972, entitled "Chief Justice Lobbies Against Bill."

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 6, 1972]

Burger Aide Linked to a Bid To Weaken Product Safety Bill

(By Fred P. Graham)

Washington October 5.—The chief administrative officer of the Federal courts under Chief Justice Warren E. Burger has worked with a Washington drug industry lawyer in an effort to weaken the product safety bill now pending before Congress. He said he was doing so to avoid an increase in Federal court cases.

Representative Carl Albert of Oklahoma, Speaker of the House, acknowledged today that a man "associated with judicial administration" came to see him last August with a Washington lawyer, Thomas G. Corcoran. The man was subsequently identified as Rowland F. Kirks, the director of the administrative office of the United States Courts.

Mr. Corcoran, a former New Deal official widely known as "Tommy the Cork," has several clients in the drug industry, which is leading the fight against the products safety bill.

Mr. Albert said the two men urged him to remove some of the court remedies from the bill on the ground that the provisions would generate too much new litigation in the Federal courts.

The bill, which is designed to protect consumers from dangerous products, contains provisions that give the public broad rights to bring suits in Federal courts to force companies to follow safety standards or to pay damages if their products cause injuries.

Mr. Corcoran was quoted today by Jack Anderson, the columnist, as stating that Mr. Kirks, saying he was acting for Chief Justice Burger, asked Mr. Corcoran to see the Speaker about watering down the bill.

Chief Justice Burger has warned in speeches against enacting consumer legislation that he contends would create more cases and clog the heavily burdened Federal courts. In a speech before the American Bar Association four days before the approach to Mr. Albert, the Chief Justice called upon Congress to refrain from passing any bills without first considering their impact on the courts.

Today, Chief Justice Burger's office and Mr. Kirk's office referred all questions about the incident to the Supreme Court's information officer, Banning E. Whittington, Mr. Whittington responded to questions by saying that neither the Chief Justice nor Mr. Kirks "would have anything to say about it." Mr. Corcoran was said by his office to be out of town.

MEMORANDUM TO CONGRESSMEN

A Congressional source close to the incident confirmed today that Mr. Kirks' office acknowledged several weeks ago that he was the man who accompanied Mr. Corcoran. Several weeks after the visit, Mr. Corcoran sent key Congressmen a memorandum with his professional card, attacking the sections of the bill broadening the public's right to sue, and quoting Chief Justice Burger's critical statements about consumer bills.

Representative John E. Moss, Democrat of California, who is the chief House sponsor of the bill, said today of the incident, "If this is true, and there is very little evidence that has surfaced that it is not true, it is a shocking and offensive intrusion by the Chief Justice into the legislative process, bordering on judicial misconduct."

UNCERTAIN ROLE

Mr. Albert said that he did not know whether Mr. Corcoran was speaking as "a lobbyist or a lawyer" when he came to Capitol Hill with the man who has been identified as Mr. Kirks. Mr. Albert said he did not catch Mr. Kirks' name or title, but the Speaker added that he understood him to be an official "associated with judicial administration" who was there "to verify what Tommy was saying."

"He said a provision in the bill would throw a lot more cases upon the Federal courts than they were prepared to handle," Mr. Albert said in an interview today. "So far as I can remember, the name of Burger was never mentioned—they didn't come to me as representatives of Burger."

Mr. Corcoran was said to have done all the talking, with Mr. Kirks nodding his agreement.

Mr. Albert said he passed along Mr. Corcoran's views to "two or three members of the Interstate and Foreign Commerce Committee," which was then considering the bill.

No action was taken in the committee as a result of Mr. Albert's message, but the bill was modified on the House floor by a voice vote to permit personal injury suits only if $10,000 in damages were alleged.

Mr. Kirks, a 58-year-old former colleague of the Chief Justice when both were in the Justice Department during the Eisenhower Administration, was appointed to his present position by the Chief Justice shortly after he took office in 1969.

There have been intermittent reports of informal lobbying at social functions by Chief Justice Burger with Congressmen about legislation affecting the judiciary. But this is the first time that an allegation has been made that Mr. Burger expressed his wishes through an intermediary.

[From the Washington Post, Oct. 5, 1972]

Chief Justice Lobbies Against Bill

(By Jack Anderson)

The Supreme Court is supposed to rule on laws after they're passed, not meddle with them while they're still before Congress. Yet, Chief Justice Warren Burger sent an envoy a few weeks ago to urge Speaker Carl Albert to water down the products safety bill.

This would protect consumers from dangerous products. Burger fears it would also overload the federal courts with new cases.

The Chief Justice, therefore, dispatched Rowland Kirks, the stuffy chief administrator of the federal courts, up to Capitol Hill to talk to Albert. Kirks was accompanied, astonishingly, by one of Washington's most engaging special pleaders, Tom (Tommy the Cork) Corcoran, who has clients opposed to the products safety bill.

For months, Burger has been grumbling about all the new laws that are being passed. He complained in 1970 to the American Bar Association: "Not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers." This was clogging the courts, he grumped.

SAME THEME

He hammered on the same theme again a few weeks ago during a return engagement before the bar association. He expressed an urgent need "to have Congress carefully scrutinize all legislation that will create more cases."

Putting his words into action, he sent Kirks four days later to lobby with Speaker Albert against the products safety bill. Tommy the Cork, as charming an Irishman as ever practiced the art of political persuasion, volunteered to serve as Kirk's guide.

When my associate Les Whitten called Kirks to ask about his lobbying mission, Kirks snapped: "I have nothing to say on this matter."

"Does this mean you are denying it?" asked Whitten.

"I am not going to say anything about this," Kirks repeated.

"But you are a public servant," pressed Whitten, "and the public has a right to know about this intervention."

"I don't want to be impolite, Mr. Whitten," said Kirks firmly, "but the conversation is at an end." And he hung up the phone.

Corcoran was more candid. He acknowledged that he had taken Kirks in to see Speaker Albert. "Kirks, acting for the Chief Justice, asked me to take him to see the Speaker," said Corcoran.

Although the drug interests have been leading the fight against the products safety bill and Corcoran has drug clients, he said he had not represented any client during the visit with Albert. Corcoran explained he had accompanied Kirks as a friend. "I have known Kirks for years," he said.

As Albert recalled the visit, Corcoran had done most of the talking. "Corcoran argued that the products safety bill would clutter the courts, and Kirks would say 'yes,'" the Speaker told us. He said he had not intervened, as they had requested, to weaken the bill.

"IMPORTANT INSTRUMENT"

While the Chief Justice has been lobbying to keep public interest cases out of the federal courts, a confidential memo from Associate Justice Lewis Powell calls upon the U.S. Chamber of Commerce to hire a staff of lawyers to bring special interest cases before the courts.

"The judiciary," he wrote shortly before his appointment to the Supreme Court last year, "may be the most important instrument for social, economic and political change . . . Labor unions, civil rights groups and now the public interest law firms are extremely active in the judicial arena.

"Their success, often at business' expense, has not been inconsequential. This is a vast area of opportunity for the Chamber, if it is willing to undertake the role of spokesman for American business and if, in turn, business is willing to provide the funds."

It looks as if the Warren Burger court may be more interested in encouraging special interest than public interest cases.

Footnote: The Chief Justice flew out to San Francisco for the American Bar Association convention, incidentally, under the assumed name of W. Burke. He is nagged by fears that radicals might try to harm him. Intimates say he greeted a caller at his door several months ago with a drawn pistol. Burger failed to respond to our numerous requests for comment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time set aside for the Senator from Wisconsin (Mr. NELSON) under the order be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Michigan will be recognized for not to exceed 15 minutes.

PREOCCUPATION WITH PROBLEMS OF THE MIGHTY

Mr. HART. Mr. President, I hope that the remarks just made by the able Senator from Utah receive the wide circulation they warrant. I think FRANK MOSS is not known as a harsh partisan. This makes even more persuasive, as I view it, the points he has made. They do affect intimately the lives and future of all Americans, but most especially those who find less representation here from all of us, including me—the poorer, the weaker, the somewhat voiceless, sometimes disorderly, and certainly confused Americans. It is not to suggest there is ill will on the part of Members of Congress or our insensitivity to their concerns and needs.

We explain our seeming preoccupation with the problems of the mighty with the explanation that they are here, they come to our offices, they do have problems, and this initiates a chain of events that reflects itself on this floor all the time.

Acknowledging that they have problems is not to say theirs are the most overwhelming problems that confront us. People with the real problems in this country are people that are not in the lobby, who probably, in many cases, would not know how to express their thoughts, but it is there, it is real, and it is basic. Part of it is reflected in the recital we just heard from Senator Moss.

THE ADMINISTRATION AND CONSUMERS

Mr. HART. Mr. President, critics of the consumer movement when it first was demonstrated in Congress some years ago scoffed at the preponderance of such legislation and labeled it "politicking."

At the time, my reaction was that if this meant Congress was responding to its constituents and delivering the kind of legislation these constituents wanted, this was a constructive thing.

This year it is President Nixon who has engaged in politicking with consumer issues—and thereby demonstrated exactly who he sees as his constituents: Business and contributors.

Documentation of his "let the consumer be damned" attitude may be educational for the electorate and therefore constructive too—if it were not gained at the expense of consumers.

That expense indeed has been financial. But the President's politicking also has cost consumers lives and untold frustration.

When it comes to consumer issues, it seems to me the most powerful lobbyists that have been plying their trade on the Hill have been some of the handmaidens of the President. And they certainly have not been lobbying for enactment of strong legislation.

Worse, they have been effective.

As a result, the bill to establish Federal guidelines for a national no-fault auto insurance bill is languishing in the Senate Judiciary Committee—graveyard for consumer legislation.

As a result of the President's agents twisting enough arms, consumers are destined to continue supporting an insurance system that returns them less than 50 cents on each premium dollar—and leaves them uncompensated for the vast majority of their losses in auto accidents.

As a result of that "successful lobbying," trial lawyers will continue to collect $1.5 billion in fees annually while seriously hurt auto victims get less than 30 percent of their losses covered from all compensation sources.

As a result thousands each year will be denied rehabilitation until the damage to their bodies cannot be repaired.

As a result thousands of victims of single-car accidents will receive no compensation from their auto liability insurance.

It amazes me, frankly, how the President—and his agents—can be proud of a record such as that.

But, then, there is much in this administration that I cannot understand.

For example, I do not understand the administration's opposition to allowing the Consumer Protection Agency to actually participate in discussions of Federal agency actions rather than simply send in a memo of opinion in the form of an "amicus brief."

Nor do I understand the opposition first to the National Motor Vehicle Information and Cost Savings Act, and then to proper funding so the pilot projects on diagnostic centers can be fully tested. The target of that bill is to help save consumers much of the $8 to $10 billion they spend yearly for auto repairs that are unneeded, undone or improperly done. This seems a worthwhile goal to me—but apparently not to the administration.

Nor do I understand the reluctance of this administration to fulfill the law—namely the National Highway Safety Act—and require the States to come up with adequate vehicle inspection.

Congress wrote that requirement in the law because of a belief that lives could be saved by adequate inspection programs. Congress believed in this so much that it instructed the Department of Transportation to withhold highway construction funds for States which did not comply.

But, as of late last year, there were still 19 States which did not have inspection programs meeting the Federal standards. None of them has lost one cent in highway money.

Mr. President, it is clear that with this administration, Congress proposes and the President disposes. And when he does—the consumer loses.

Mr. RIBICOFF. Mr. President, in 1969, when this administration took office, Attorney General John Mitchell warned the Washington press corps that it should "watch what this administration does, not what it says." In no area is this advice more appropriate than with respect to consumer protection. President Nixon's statements favoring consumer programs stand in stark contrast to the policies he has actually pursued.

It began when the Nixon administration undercut the public position of his own consumer adviser, Virginia Knauer, and advocated gutting a bill that would have allowed consumers to vindicate their legitimate legal claims through class action suits. In 1971, the Nixon administration sought to dilute an effort to increase the authority of the Federal Trade Commission to take action in the interests of consumers. In 1972, the Nixon administration worked diligently to defeat a bill that would have established a nationwide system of no-fault insurance.

The Nixon administration's consumer record is perhaps worst where the consumers' interest is most seriously endangered: automobile safety standards. The deadline for the installation of inflatable air bags in automobiles was pushed back at least four times due to pressure from the automobile industry. The Nixon administration's standards for bumpers, for tires, and for recall monitoring have all been inadequate to protect the public safety.

The Nixon administration has been busy in many other areas to insure that economic, health, and safety standards do not really meet the needs of consumers. This administration has worked to frustrate legislation setting a Federal minimum standard for automobile warranties; it has sought to deny the Food and Drug Administration the authority it needs to do an adequate job of protecting consumers; it has opposed creation of a new, independent agency to regulate the safety of consumer products; it has suppressed information concerning cancer-causing chemical additives and residues in the food supply, dragged its feet in taking action to remove these substances from the food supply, and lobbied hard for special-interest legislation to compensate companies affected by Federal regulation; it has tolerated in the Agriculture Department a system of meat and poultry inspection so outrageously inept that reports of its appalling failures have become routine; it has refused, time and again, to take effective action under the

Flammable Fabrics Act to reduce the risk that children will be incinerated by their burning clothes; it has utterly failed, in spite of its grandiose claims, to do anything to reduce spiralling food prices.

The administration's duplicity on the Consumer Protection Agency bill is only the latest in a long series of failures to protect the interests of consumers.

Yesterday on the Senate floor, the Nixon administration and a small minority of the Senate succeeded in denying the entire Senate the opportunity of considering on the merits the most important piece of consumer legislation to come before this Congress. The filibuster that killed the Consumer Protection Agency could not have succeeded without active guidance and encouragement from Richard Nixon's agents on Capitol Hill.

The consumer protection bill enjoyed wide bipartisan support. Both the Republican and the Democratic platforms contain endorsements of the creation of an advocate for consumer interests. The Nixon administration announced its support for the creation of a consumer advocate, but worked in secret to kill the legislation that would have created one. It even withdrew support from the House bill, which it had previously endorsed. The Nixon administration insisted that any amount of consumer advocacy had to be denied.

For nearly 4 years this administration has neglected the consumer interest in favor of the special interests.

Mr. HART. Mr. President, I ask unanimous consent that I may use the remainder of my time on a separate item.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Mr. HART made at this point when he submitted Senate Resolution 376, dealing with committee hearings, appear in the morning business section of the RECORD under the appropriate heading.)

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the Senator from Washington (Mr. MAGNUSON) under the special order be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Oklahoma (Mr. HARRIS) is recognized for not to exceed 15 minutes.

(The remarks Mr. HARRIS made at this point when he introduced S. 4066 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Does any Senator wish any of my time?

Mr. President, I suggest the absence of a quorum, pending the arrival of the distinguished Republican leader, and I ask unanimous consent that the time be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I relinquish the remainder of my time under the order.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SCOTT) is recognized for not to exceed 15 minutes.

CONSUMER PROTECTION

Mr. SCOTT. Mr. President, today a scatter of shotgun pellets against the battlements turns on the issue of consumerism; and the fire, which is really more smoke than substance, is directed in part against someone whom I have known most of my life and whose dedication to the welfare of the consumer is as clear as the commitment of anyone I know. I speak of Mrs. Virginia Knauer, from my home city of Philadelphia.

It was my privilege to join in the recommendation of Mrs. Knauer to the post which she holds. She has very well and ably fought the battle of the consumer both through testimony in Congress, the presentation of legislative proposals, and through her advocacy within the branches of Government. The accomplishments of Mrs. Knauer's office, and of the Department of Health, Education, and Welfare, Housing and Urban Development, Labor, Commerce, and other agencies of the Government in support of the consumer has been massive and very largely successful. This is a field of relatively new and separate interest. Formerly it has been more or less lost in the midst of other issues, but we are all now consumer-minded, as we are all now ecology-minded.

There is, therefore, a certain amount of competition as to who has done the most for the people of the United States because, indeed, they are all consumers—whatever else they may be.

On February 25, 1971, the President, in proposing a consumer program, said:

> The purpose of this program is not to provide the consumer with something to which he is not entitled; it is rather to assure that he receives what he is, in every way, entitled to. The continued success of our free enterprise system depends in large measure upon the mutual trust and good will of those who consume and those who produce and provide.

Mr. President, Americans, in this "disposable society" of ours, consume vast amounts of goods—new products, new processes, and new materials which have added to the profusion in the marketplace. There are more than 8,000 products in the average large supermarket.

President Nixon moved in October 1969, when he proposed a "Buyer's Bill of Rights," to coordinate Federal activities in the consumer protection field. This is the area where Congress has failed to take action and we can hardly mount any justifiable criticism on the President when we have not acted ourselves.

The President created the Office of Consumer Affairs on February 24, 1971, which is headed by Mrs. Knauer. This office now has a staff of 50, and a budget of $900,000. They could well and efficiently use more if our budgetary system permitted. This office publishes consumer information, has sponsored regional panels, and provided Congress with consumer law data, as well as sending OCA guidelines on shopping to the Nation's school systems. Four thousand consumer complaints per month are referred to businesses for investigation.

I now refer to the President's speech of February 25, 1971, when he again went to Congress with a consumer proposal. He asked for the creation of a product safety division in HEW to set standards for products, and requested a law to increase the effectiveness of warranties, to give buyers more protection. He also requested a consumer protection act to enable the Federal Government to initiate action against unfair and deceptive practices, providing for stiff penalties.

The act that passed the House would, indeed, substantially have met the President's desires.

Then there is the Consumer Product Testing Act, proposing to establish new testing methods to encourage manufacturers to make a full disclosure of their product tests.

There is the Drug Identification Act, which would establish a uniform code identifying various drugs and setting standards for drug containers.

Then there is the Medical Device Safety Act, establishing safety standards for potential hazardous devices and requiring testing for safety and effectiveness before sales are made.

There is the Consumer Fraud Prevention Act, specifying fradulent practices and providing means for consumers to recover damages through legal action.

There is the National Business Council, established by Executive order on February 25, 1971, and after which there was a 66-percent increase in cease-and-desist orders.

To say that the consumer has been abandoned, when this administration has increased by this percentage this large amount of cease-and-desist orders over previous administrations, argues exactly the contrary.

The Food and Drug Administration has forced removal of dangerous toys from the market. It took cyclamates off the grocery shelves and probed monosodium glutamate, receiving voluntary agreements from industry to take it out of baby food.

In June of this year, Secretary of Health, Education, and Welfare Richardson appointed a Consumer Issues Advisory Panel to advise the Commission on Medical Malpractice. The 10-member panel's directive is to investigate the effects of medical malpractice claims on such issues as patient-doctor relationships and medical costs to consumers.

The Department of Housing and Urban Development's Research and Technology Office has begun a series of consumer information publications on housing. The first book in the series, "A Design Guide for Home Safety," is already underway.

One of the two foremost consumer advocate bureaus, the Food and Drug Administration has, in the past few months, initiated several new research projects. Among these are the investigation of playground equipment, dietary food labeling, foreign drug registration, and more detailed overall food labeling.

To increase the effectiveness and jurisdiction of the Food and Drug Administration, the Nixon administration proposed converting the FDA into the Consumer Safety Administration, and the President requested an FDA budget increase of 70 percent for fiscal year 1973.

The administration has endorsed the concept of an independent Consumer Protection Agency, but has proposed changes to the Senate version which would bring it into line with the House-passed bill, which the administration supports.

It is still not too late for us to take up the House bill and pass it in that form. We would have consumer legislation, the lack of which senatorial critics blame on the President. After all, where Congress has the power to do something and does not do it, it can hardly blame the President.

I say again that if senatorial critics really want Consumer Protection Agency legislation, let them agree to accept the House bill and let us pass it here in the House form and it can go to the President for his signature. Then we will have achieved by action what we certainly cannot achieve by mere talk or rhetoric on this floor.

Mr. COOK. Mr. President, will the distinguished minority leader yield?

Mr. SCOTT. I yield.

Mr. COOK. I thank the Senator from Pennsylvania because one of the remarks that was made here this morning, relative to the fact that certain pieces of legislation had not passed the Senate, was the reference to these people being agents of the President.

Mr. President, I would say that one of the remarks that was made is relative to a piece of legislation that was referred to the Judiciary Committee; namely, the no-fault insurance bill.

The distinguished Senator from Michigan used the phrase that the reason it did not succeed in the Senate was because it succeeded in being sent to the Judiciary Committee by agents of the President. I would like to refer the Senate to page 27306 of the Congressional Record of August 8, 1972. That measure was sent to the Judiciary Committee by a vote of 49 to 46. And of the 49 Members of the Senate who voted to send that measure to the Judiciary Committee, 21 were Members of the Senate who reside on the other side of the aisle.

I do not think the distinguished Senator from Michigan wants to refer to those 21 Members as agents of the President.

I notice such prominent names among that list of 29 Senators as the Senator from Arkansas (Mr. Fulbright), the Senator from Missouri (Mr. Eagleton), and many others.

I think that, in remarks on the floor of the Senate, to give this political rhetoric and persist in it day in and day out at least ought to be credible. I would hope that the Senator from Pennsylvania would agree with me.

I recall the discussion also this morning about the bill we voted down yesterday for the third time. I would suggest that the Record show that the Senator from Pennsylvania had, and I had, voted to end debate yesterday and had also voted to end debate on the motion for cloture the time before that.

So when these phrases are used relative to "agents of the President," I hope the people really understand their connotations five weeks away from a national election, because I think it is important to put it in perspective.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Kentucky. He is entirely right. Of course, it is difficult, I suppose, for critics on the other side to criticize 21 Members of their own party. But they can manage to do it by the process of generalities, elusion, and vagueness. However the criticism might be unintended, it still remains when that happens. I did vote three times to get action on the Consumer Protection Agency bill. I believe in the program. I believe the House bill is better but I believe that the Senate should have had a chance to finish voting on its version. However, we were not prepared to do so.

I am an agent of the President on many occasions, and when I am not, I am free to say so. The President wanted a bill. And since he wanted a bill, many of us did what I did and tried three times to get him one. So the criticism falls from its own lack of factual support.

Mr. President, the weakness in criticizing the administration for the failures of the Congress lies in the fact, as I have so many times pointed out on the floor, that Congress has the authority to enact legislation, and the Congress is in the control of the majority party. The final result of congressional action must always include affirmative action by some Members of the majority party in both Houses, or else there would not be any legislation.

Now, where the Republicans on this side of the aisle have unanimously, or virtually unanimously, taken a position for or against a bill or an amendment, it is certainly a fair comment to say that we were right or that we were wrong. However, where a decision is made, as nine-tenths of the decisions are made in this body, by Senators on both sides of the aisle being on opposite sides of the question, I think it would be very difficult to blame the President for what we have done. When we lay a bill at his door, that is when his responsibility reaches its peak. He can sign it. He can let it become law without his signature. Or he can veto it. I point out that he has not hesitated to veto bills. There have been times when his vetoes have been overridden, and there have been other times when they have been sustained. But Congress for 90 percent of the time during the last 40 years has been in the control of the majority which presently controls it.

One cannot foreswear one's own offspring. One cannot bastardize one's own project. One is stuck with it, with the results of one's efforts. Many of those efforts are quite good, and the majority leader and I join in praising the Congress. We join in advocating a better recognition of what we have achieved.

Mr. President, I thank the distinguished majority leader. But good or bad, let us make the distinction under our balance of power as to what we have done and as to what the President has done about it. And when he has asked for legislation and has not gotten it, that is our fault and not his. When he has asked for legislation and gotten it, he will have to share in the credit. When he has asked for legislation and gotten something that he did not want, he has a chance for a further reaction, and we have a chance for an action after that. However, there is plenty of credit to go around. There is a certain amount of blame to go around. But let us not dip into our pot of odium and spread it too thick for fear some of it may splash back upon ourselves. I presently know of no patented cleansing fluid which will readily remove it.

EPILOG

Mr. SCOTT. Mr. President, I ask unanimous consent that a letter to the editor of the Washington Star, published a short while ago, be printed in the Record.

The PRESIDING OFFICER. Without objection, the letter will be printed in the Record, as follows:

Letters to the Editor

Glen Dale, Md.

Sir: After 40 years as a Democrat, it was thrilling to hear that my party can now solve all the problems that it could not solve before handing those problems over to Richard Nixon in 1968.

G. W. Moore.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 15 minutes, with statements made therein limited to 3 minutes each.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Orders Nos. 1101 and 1202. I understand that these measures have been cleared all around and there is no argument about them.

SHOOTING ANIMALS FROM AIRCRAFT

The Senate proceeded to consider the bill (H.R. 14731) to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

Mr. STEVENS. Mr. President, on September 15, the Senate Commerce Committee reported H.R. 14731, the bill providing for enforcement of the act we passed last November prohibiting the shooting of animals from aircraft. This was H.R. 5060, now Public Law 92–159. H.R. 14731 will permit the Secretary of the Interior to issue regulations implementing and enforcing the provisions of that act. It will permit him to enter into cooperative agreements with State agencies and to delegate enforcement authority to State law enforcement personnel, including fish and game wardens. It will make subject to forfeiture all guns, aircraft, and other equipment used to aid in the shooting, capturing, or harassment of any animal made illegal under the provisions of the act. It will also permit administrative seizure and forfeiture of such vehicles by a procedure similar to that presently allowed under the customs laws of the United States.

I wholeheartedly support this bill, even as I supported the law it amends—Public Law 92–159. This highly beneficial legislation protects animals from unsportsmanlike and illegal harassment, shooting, and capturing. Many States, such as the State of Alaska, prohibit the use of aircraft under State law. States such as mine also permit the seizure and forfeiture of aircraft involved.

I believe that these provisions are just. They provide for strong enforcement by State fish and game personnel and insure widespread compliance with the law.

The bill also wisely permits Federal delegation of responsibility to State fish and game personnel. The States already have a massive enforcement effort in this area and a great deal of expertise. The amount of money they can expend will, in many areas, far exceed the Federal funds available. Because the States do already have primary jurisdiction over the animals within their territories, this is also in line with current Federal law.

Subsection (e) is of particular importance. As the committee report states, this subsection does not make subject to forfeiture airplanes or other means of transportation used to go from place to place for lawful hunting or fishing. This means that aircraft used solely to transport hunters to camping sites and base camps are not subject to forfeiture under this provision of law.

As I indicated when H.R. 5060 was reported out of the Senate Commerce Committee, I would favor including all moving motor vehicles such as automobiles, air cushion vehicles, motor boats, and snowmobiles under the provisions of this act.

H.R. 14731 is, indisputably, a step in the right direction. Many animals will be saved as a result of its enactment.

Mr. SCHWEIKER. Mr. President. I strongly endorse Senate passage today of H.R. 14731, to provide the Secretary of the Interior with the necessary authority to enforce effectively the provisions of the Fish and Wildlife Act of 1956 that prohibit the shooting at birds, fish, and other animals from aircraft.

As my colleagues will recall, I was the Senate sponsor of the original legislation designating this heinous treatment of our wildlife an unlawful activity. My bill, S. 1563, was identical to H.R. 5060 which passed the Senate November 4, 1971. My colleague from Pennsylvania, Representative JOHN SAYLOR, was the leader in winning House passage of this important wildlife protection measure and deserves considerable credit from sportsmen and environmentalists throughout the country for his foresight and deep concern that helped bring this issue to national attention.

H.R. 5060, enacted as Public Law 92–159, was an amendment to the Fish and Wildlife Act of 1956. It made it an unlawful act, subject to a $5,000 fine or 1 year in prison, for a person to shoot or attempt to shoot while airborne for the purpose of capturing or killing any bird, fish, or other animal; to use an aircraft to harass any bird, fish, or other animal; or to knowingly participate in using an aircraft for any of the purposes described above.

The legislation before the Senate today, H.R. 14731, builds upon this existing law, and provides for its strict enforcement by the Secretary of the Interior. Responsibility under the earlier law rested in the Federal Bureau of Investigation, and, as the committee report clearly points out, the purposes of the law would now be more effectively served by placing enforcement authority for the bill in the Department of the Interior. The Secretary of the Interior is already responsible for enforcement of other Federal laws to protect our national fish and wildlife, an important national resource. In addition, as the committee points out, U.S. game management agents are already in the field for the Interior Department to enforce Federal laws and to work closely with State fish and game officers.

Under today's legislation, the Secretary of the Interior would promulgate regulations, and authorize representatives to arrest persons for violations of the act, would be authorized to enter into cooperative enforcement agreements with State authorities, and would be authorized to execute warrants to carry out these enforcements duties. The bill provides for forfeiture of any birds, fish, or other animals shot or captured in violation of the law, and for forfeiture to the United States of all guns, aircraft, and other equipment used to shoot or hunt animals from aircraft.

Mr. President, in addition to the television documentary on the shooting of wolves from aircraft cited in the committee report on the bill, I remind my colleagues of the shocking shooting of more than 500 eagles in Wyoming and Colorado from helicopters that occurred in 1971. I am sure that all sportsmen will agree that shooting animals or birds from aircraft is a callous and shocking practice. It is not sport and will result in unnecessary and cruel destruction of our wildlife. I commend the chairman and members of the Senate Commerce Committee for acting on this important addition to the earlier prohibition bill, and urge the bill's immediate adoption.

The bill was ordered to a third reading, read the third time, and passed.

MORATORIUM ON THE KILLING OF POLAR BEARS

The Senate proceeded to consider the joint resolution (H.J. Res. 1268) calling for an immediate and appropriate moratorium on the killing of polar bears, which had been reported from the Committee on Foreign Relations with amendments on page 1, line 3, after the word "President", strike out "shall seek" and insert "should seek to negotiate"; in line 6, after the word "for", strike out "an"; and in line 7, after the word "appropriate", strike out "moratorium on the killing of" and insert "action to preserve and protect".

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. STEVENS. Mr. President, at this time, when the Senate is considering the passage of House Joint Resolution 1268, the joint resolution calling for immediate and appropriate action to preserve and protect polar bears, I ask unanimous consent to have printed in the RECORD a joint statement by my colleague from Alaska (Mr. GRAVEL) and myself.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

The Senate Foreign Relations Committee has amended H.J. Res. 1268 at our request. This amendment indicates that the treaty, rather than calling for an immediate and appropriate moratorium on the killing of polar bears, should call for immediate and appropriate action to preserve and protect these animals.

We are particularly pleased that the Committee has amended this bill in this manner. This amendment clarifies the language, making it apparent that H.J. Res. 1268 is not in conflict with other legislation on the subject, particularly the Alaska Native Claims Settlement Act (Public Law 92–203) and the Marine Mammal Protection Act of 1972 (H.R. 10420). Such language will also obviate any possible conflict between this resolution and S. 3818, the Endangered Species Act of 1972, which has already been reported out of the Senate Commerce Committee. We have urged the Committee that it is most important that this resolution be complementary and supplementary to these three bills and not supersede them. We are pleased to note that this language clarifies this.

We are also pleased that this language will permit the State of Alaska, which has extensive fish and game regulations concerning polar bears, and the federal government as well, within their respective jurisdictions, to exercise the necessary authority.

Additionally, this will permit the Department of State to enter into a treaty in accord with Article I, Section 4 of the Draft Protocol of the International Union for the Conservation of Nature and Natural Resources (IUCN) which will permit the continuation of traditional rights of Native people who depend upon this resource. Such dependence is not only "subsistence" in its narrowest sense, but also includes food, clothing, shelter, and the other necessities of life, including arts and crafts manufactured in the "cottage industries." These are necessary for even a marginal cash subsistence economy. This language will insure that the legitimate and traditional needs of our Eskimo citizens will not be ignored by this country.

Finally and of equally great importance is the change in language from a moratorium approach to a more appropriate resource management method. Blanket moratoria are not the most effective methods of resource management. Wildlife management experts must be given the proper discretion they need. The amendment adopted by the Committee will permit the necessary flexibility.

This amendment is in accord with the clarifying colloquy engaged in by our colleague (Mr. Begich) and the manager of the bill (Mr. Fraser) at the time the House of Representatives passed the resolution on Septemebr 19. We hope that the Senate will adopt the Committee amendment and that the House of Represenatives will also accede.

The PRESIDING OFFICER. The joint resolution (H.J. Res. 1268) having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 1268) was passed.

The title was amended so as to read: "Joint resolution calling for immediate and appropriate action to preserve and protect polar bears."

EMERGENCY RAIL FACILITIES RESTORATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 1098 (S. 3843).

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

Calendar No. 1098 (S. 3843) a bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, at the beginning of line 7, strike out "(1)" and insert "(a)";

At the beginning of line 9, strike out "(2)" and insert "(b)";

On page 2, after line 2, insert:

(c) "Net income" means ordinary income reported to the Interstate Commerce Commission pursuant to the relevant railroad annual report form, adjusted for extraordinary items of a nonrecurring nature and directly related to railroad operations.

After line 7, insert:

AUTHORIZATION

In line 10, after the word "conditions", insert "as are specified by this Act and any others";

In line 12, after the word "exceed", strike out "$40,000,000" and insert "$48,000,000";

In line 14, after "(11 U.S.C. 205)," strike out "and";

In line 16, after the word "Commission", strike out "on" and insert "in";

In the same line, after the word "the", strike out "Railroad Annual Report" and insert "railroad annual report";

In line 17, after the word "report", strike out "Form A";

In line 18, after the word "years,", insert "and to railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the last two calendar years";

On page 3, after line 5, strike out:

SEC. 4. Loans shall be made upon application of a railroad in such form and substance as the Secretary shall prescribe and upon satisfactory proof of the costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment, or services. No loan application shall be approved under this Act after six months have elapsed from its date of enactment and unless the Secretary receives satisfactory assurances that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay.

And, in lieu thereof, insert:

TERMS AND CONDITIONS

SEC. 4. (a) Prior to making a loan under this Act the Secretary shall—

(1) find in writing that there is no other practicable means of obtaining funds from either private or government sources than a loan pursuant to this Act;

(2) find in writing that the probable value of the assets of the railroad provide reasonable protection for the United States;

(3) require that application be made by a railroad in such form and substance as the Secretary shall prescribe;

(4) require satisfactory proof in writing of costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment, or services;

(5) take appropriate action to insure that funds loaned under this Act are used solely for the purpose of restoring or replacing facilities, equipment, or services damaged or destroyed, as a result of the natural disasters of June 1972 and that such funds are used for no restoration or replacement other than is necessary to correct such damage or destruction;

(6) obtain satisfactory assurances from the applicant railroad that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay;

(7) require as a condition of the loan that the United States obtain such security as the Secretary deems will adequately protect the interests of the United States except that, in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), if the Secretary expressly determines in writing that the railroad does not have sufficient working capital to fund the restoring or replacing of essential railroad facilities, equipment, or services, he may, notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, require any priority or subordination of the interests of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, so long as such position is not lower than that of a prebankruptcy unsecured creditor of the railroad; and

(8) require that no part of the restoration or replacement work to be financed by the loan program hereunder which has customarily been performed by the various crafts and classes of railroad employees shall be subcontracted by the railroad; except to the extent that the Secretary finds in writing that the railroad employees, including employees on furlough, in the affected region are insufficient to perform such restoration or replacement work and that such employees on furlough, if not retired, will be employed by a subcontractor to perform such work in which event such employees shall be deemed to be railroad employees retaining all the rights and privileges of railroad employees while so employed.

(b) No loan application shall be approved under this Act after eight months have elapsed from its date of enactment.

(c)(1) The Secretary shall prepare and keep current a comprehensive schedule setting forth transportation facilities and services that should be part of the rail transportation system in the northeastern region of the United States or any other region which was adversely affected by the natural disasters which occurred during the month of June 1972. In formulating such a schedule the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system. The Secretary in reviewing applications for loans shall compare such applications to the schedule.

(2) If after such review and comparison the Secretary determines that services or facilities of the applicant railroad listed on the schedule and which he finds to be essential to the public interest in maintaining transportation service will not be restored or replaced, the Secretary shall not approve such application unless and until such application is amended to include the restoration and replacement of such services and facilities.

(3) The Secretary shall provide as a condition of the loan that, in consideration of the relief provided by this Act, the railroad shall offer to convey to the State, for just compensation, or in the event any such railroad is subject to a proceeding under the bankruptcy laws, the court having jurisdiction in such bankruptcy proceedings shall direct the trustee or trustees or the debtor to offer to the State, for just compensation, all of its right, tile, and interest free and clear of all encumbrances, in any right-of-way, track, and other related real and personal property on any branch line within such State which has been damaged or destroyed as a result of the natural disasters of June 1972; which have not been scheduled for restoration or replacement under the loan programs as approved by the Secretary; and which such State, or subdivision thereof, proposes to restore or replace.

On page 7, after line 12, strike out:

SEC. 5. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of 6 per centum per annum.

And, in lieu thereof, insert:

STATE AND LOCAL AUTHORITY

SEC. 5. (a) The Secretary is authorized to make loans pursuant to this section to assist regional, State, and local public bodies and agencies thereof in financing the restoration and replacement of railroad facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972. Eligible facilities and equipment may include railroad right-of-way, track, rolling stock, and other real and personal property needed for an efficient and coordinated railroad transportation system and conveyed in accordance with the provisions of section 4(c)(3).

(b) No such loan shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestablishment of railroad services in the affected area; and

(2) the technical capability to carry out the proposal project.

(c) Any such loan may be made for not to exceed 80 per centum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this action.

(d) There is authorized to be appropriated not to exceed $10,000,000 to carry out the provisions of this section. Sums so appropriated shall remain available through June 30, 1975.

(e) The Secretary shall impose as a condition of any such loan under this section such fair and equitable labor protective arrangements as are described in the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565).

On page 9, after line 2, insert a new section, as follows:

LINE ABANDONMENT

SEC. 6. (a) Except as provided in subsection (b) of this section, and except for the conveyance of facilities pursuant to subsection 4(c)(3), all abandonment of facilities and services shall continue to be subject to the appropriate provisions of the Interstate Commerce Act.

(b) The damage or destruction caused by the natural disasters of June 1972 to any railroad facility, equipment, or service therefrom, of a railroad obtaining assistance under this Act, or any action taken pursuant to this Act affecting any railroad, shall not be evidence in any proceeding before any Federal agency or in any court in which line abandonment is an issue. Any violation of this section shall be deemed to be prejudicial.

At the beginning of line 18, change the section number from "5" to "7";

At the top of page 10, insert "Deferral Of Payment";

At the beginning of line 2, change the section number from "6" to "8";

In line 5, after the word "for", strike out "(1)";

After line 7, strike out:

(2) such security, if any, for the loan as he deems to be appropriate; and

(3) notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, any priority or subordination of the interest of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, except that the Secretary may not accept a position lower than that of a prebankruptcy unsecured creditor of the railroad.

After line 16, insert a new section, as follows:

RULES AND REGULATIONS

SEC. 9. The Secretary shall issue such rules and regulations as are appropriate to carry out the purposes of this Act.

After line 20, insert a new section, as follows:

ENFORCEMENT

SEC. 10. The Secretary shall insure that railroads which obtain loans under this Act comply with the provisions of this Act and any rules, regulations, or conditions imposed by the Secretary pursuant to this Act. In the event of any failure to comply with such provisions, rules, regulations, or conditions, the Secretary may take such enforcement action as he deems appropriate including a declaration that the obligation of applicant railroads is immediately due and payable as a claim of the United States without regard to any other provisions of the loan or of this Act.

On page 11, after line 5, insert a new section, as follows:

REPORTS

SEC. 11. The Secretary shall, within one year after enactment of this Act, report to the President and to the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which obtained loans under this Act and including an evaluation of the impact of this Act on the condition of the rail facilities and services described in the schedule prepared under subsection 4(c)(1) of this Act. Such report shall also include recommendations, if any, for additional legislation action.

After line 16, insert a new section, as follows:

AUDIT

SEC. 12. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary to effectively audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

And at the top of page 12, insert a new section, as follows:

INTERSTATE COMMERCE COMMISSION APPROVAL

SEC. 13. A railroad qualifying for a loan or loans under the provisions of this Act shall not be required to comply with the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) with respect to such loan or loans.

So as to make the bill read:

S. 3843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Rail Facilities Restoration Act".

DEFINITIONS

SEC. 2. For the purpose of this Act—

(a) "Secretary" means the Secretary of Transportation.

(b) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

(c) "Net income" means ordinary income reported to the Interstate Commerce Commission pursuant to the relevant railroad annual report form, adjusted for extraordinary items of a nonrecurring nature and directly related to railroad operations.

AUTHORIZATION

SEC. 3. The Secretary is authorized to make loans, upon such terms and conditions as are specified by this Act and any others he deems appropriate, in an aggregate amount not to exceed $48,000,000 to railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), to railroads which have reported to the Interstate Commerce Commission in the railroad annual report a deficit net income for either of the last two calendar years, and to railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the last two calendar years for the purpose of restoring or replacing railroad facilities, equipment, or services which are determined to be essential to public service (including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock) damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. There are authorized to be appropriated to the Secretary to remain available through June 30, 1975, such sums as are necessary to carry out the purposes of this Act.

TERMS AND CONDITIONS

SEC. 4. (a) Prior to making a loan under this Act the Secretary shall—

(1) find in writing that there is no other practicable means of obtaining funds from either private or government sources than a loan pursuant to this Act;

(2) find in writing that the probable value of the assets of the railroad provide reasonable protection for the United States;

(3) require that application be made by a railroad in such form and substance as the Secretary shall prescribe;

(4) require satisfactory proof in writing of costs incurred or to be incurred in the resolution or replacement of essential railroad facilities, equipment, or services;

(5) take appropriate action to insure that funds loaned under this Act are used solely for the purpose of restoring or replacing facilities, equipment, or services damaged or destroyed, as a result of the natural disasters of June 1972 and that such funds are used for no restoration or replacement other than is necessary to correct such damage or destruction;

(6) obtain satisfactory assurances from the applicant railroad that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay;

(7) require as a condition of the loan that the United States obtain such security as the Secretary deems will adequately protect the interests of the United States except that, in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), if the Secretary expressly determines in writing that the railroad does not have sufficient working capital to fund the restoring or replacing of essential railroad facilities, equipment, or services, he may, notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, require any priority or subordination of the interests of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, so long as such position is not lower than that of a prebankruptcy unsecured creditor of the railroad; and

(8) require that no part of the restoration or replacement work to be financed by the loan program hereunder which has customarily been performed by the various crafts and classes of railroad employees shall be subcontracted by the railroad; except to the extent that the Secretary finds in writing

that the railroad employees, including employees on furlough, in the affected region are insufficient to perform such restoration or replacement work and that such employes on furlough, if not rehired, will be employed by a subcontractor to perform such work in which event such employees shall be deemed to be railroad employees retaining all the rights and privileges of railroad employees while so employed.

(b) No loan application shall be approved under this Act after eight months have lapsed from its date of enactment.

(c) (1) The Secretary shall prepare and keep current a comprehensive schedule setting forth transportation facilities and services that should be part of the rail transportation system in the northeastern region of the United States or any other region which was adversely affected by the natural disasters which occurred during the month of June 1972. In formulating such a schedule the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system. The Secretary in reviewing applications for loans shall compare such applications to the schedule.

(2) If after such review and comparison the Secretary determines that services or facilities of the applicant railroad listed on the schedule and which he finds to be essential to the public interest in maintaining transportation service will not be restored or replaced, the Secretary shall not approve such application unless and until such application is amended to include the restoration and replacement of such services and facilities.

(3) The Secretary shall provide as a condition of the loan that, in consideration of the relief provided by this Act, the railroad shall offer to convey to the State, for just compensation, or in the event any such railroad is subject to a proceeding under the bankruptcy laws, the court having jurisdiction in such bankruptcy proceedings shall direct the trustee or trustees or the debtor to offer to convey to the State, for just compensation, all of its right, title, and interest free and clear of all encumbrances, in any right-of-way, track, and other related real and personal property on any branch line within such State which has been damaged or destroyed as a result of the natural disasters of June 1972; which have not been scheduled for restoration or replacement under the loan program as approved by the Secretary; and which such State, or subdivision thereof, proposes to restore or replace.

STATE AND LOCAL AUTHORITY

SEC. 5. (a) The Secretary is authorized to make loans pursuant to this section to assist regional, State, and local public bodies and agencies thereof in financing the restoration and replacement of railroad facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972. Eligible facilities and equipment may include railroad right-of-way, track, rolling stock, and other real and personal property needed for an efficient and coordinated railroad transportation system and conveyed in accordance with the provisions of section 4(c) (3).

(b) No such loan shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestablishment of railroad service in the affected area; and

(2) the technical capability to carry out the proposed project.

(c) Any such loan may be made for not to exceed 80 per centum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this section.

(d) There is authorized to be appropriated not to exceed $10,000,000 to carry out the provisions of this section. Sums so appropriated shall remain available through June 30, 1975.

(e) The Secretary shall impose as a condition of any such loan under this section such fair and equitable labor protective arrangements as are described in the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565).

LINE ABANDONMENT

SEC. 6. (a) Except as provided in subsection (b) of this section, and except for the conveyance of facilities pursuant to subsection (4) (c) (3), all abandonment of facilities and services shall continue to be subject to the appropriate provisions of the Interstate Commerce Act.

(b) The damage or destruction caused by the natural disasters of June 1972 to any railroad facility, equipment, or service therefrom, of a railroad obtaining assistance under this Act, or any action taken pursuant to this Act affecting any railroad, shall not be evidence in any proceeding before any Federal agency or in any court in which line abandonment is an issue. Any violation of this section shall be deemed to be prejudicial.

INTEREST RATES

SEC. 7. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of 6 per centum per annum.

DEFERRAL OF PAYMENT

SEC. 8. Whenever he determines it necessary to insure the provision of essential transportation services of a railroad, the Secretary may in his discretion provide in the terms and conditions of a loan under this Act for deferral of the payment of principal and interest on the loan for a period not to exceed ten years from the date the loan is made.

RULES AND REGULATIONS

SEC. 9. The Secretary shall issue such rules and regulations as are appropriate to carry out the purposes of this Act.

ENFORCEMENT

SEC. 10. The Secretary shall insure that railroads which obtain loans under this Act comply with the provisions of this Act and any rules, regulations, or conditions imposed by the Secretary pursuant to this Act. In the event of any failure to comply with such provisions, rules, regulations, or conditions, the Secretary may take such enforcement action as he deems appropriate including a declaration that the obligation of applicant railroads is immediately due and payable as a claim of the United States without regard to any other provisions of the loan or of this Act.

REPORTS

SEC. 11. The Secretary shall, within one year after enactment of this Act, report to the President and to the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which obtained loans under this Act and including an evaluation of the impact of this Act on the condition of the rail facilities and services described in the schedule prepared under subsection 4 (c) (1) of this Act. Such report shall also include recommendations, if any, for additional legislation action.

AUDIT

SEC. 12. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary to effectively audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

INTERSTATE COMMERCE COMMISSION APPROVAL

SEC. 13. A railroad qualifying for a loan or loans under the provisions of this Act shall not be required to comply with the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) with respect to such loan or loans.

Mr. HARTKE. Mr. President, in June of 1972 widespread devastation was brought to parts of South Dakota and the eastern seaboard by severe storms which had delivered an enormous volume of water to the affected areas. The existing Federal programs were found to be inadequate to cope with the effects of such large scale flooding. Expansion of benefits was sought and largely approved by the Congress where legislative revision was required. For example, Congress authorized the expenditure of $200 million for the reconstruction of highways and related facilities.

The damage to homes, businesses, and public facilities was great, but some Federal assistance is generally available for home repairs and business restoration, particularly for small businesses. Of critical concern is the threat to vital transportation links in the various affected areas. In bringing its forces to bear on the northeastern segment of the United States nature selected the railroad system least able to bear any additional burdens.

The States hardest hit included Virginia, Maryland, Pennsylvania, and parts of New York. While the Penn Central, the largest and financially the weakest railroad in the United States, sustained the most damage, other railroads also were affected. Some Federal assistance is available under existing programs, but it is clear that not all the affected railroads can be accommodated.

Current policy of the United States calls for Government aid in maintaining public transportation facilities such as airports and interstate highways. Railroads own their own facilities and maintain them almost entirely without Federal assistance. The subject legislation does not propose that this policy should change except to the extent that in this unique situation arising from a natural disaster railroads should receive some assistance in the form of Federal loans, not grants, for the purpose of preserving essential transportation services.

Apart from the disastrous effect of the June floods on the railroads, thousands of their employees have suffered personal tragedy. The committee desires to avoid compounding such difficulties.

It is relevant to mention here the railroads' conviction that massive line abandonment should be pursued with single-minded purpose. In committee hearings the question was raised as to the railroads' attitude toward repair of storm damaged facilities which the railroads had previously scheduled for abandonment. For example, would the storm damage be used by the railroads to justify and expedite abandonment of such facilities?

There are further questions, very pertinent in today's transportation picture, such as what role the railroads should play in the total transportation scene? Should the railroads and the Interstate Commerce Commission effectively decide this question on an ad hoc case by case basis? Would not the storm devastation further aggravate the situation unless Federal programs expressly recognize the need to take a systemwide approach?

The committee undertook to amend S. 3843 as originally introduced to reflect these concerns regarding rail line abandonments and the proper role of railroads in the national transportation system while at the same time providing for restoration of storm damaged facilities and equipment. The goal of this legislation is the restoration of adequate rail service, recognizing the needs of shippers, affected communities, consumers, labor, and the railroads for Federal assistance.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HARTKE. I yield to the distinguished minority leader, who is one of the sponsors of the bill.

Mr. SCOTT. I thank the Senator.

This is the so-called Agnes hurricane bill. I thank the distinguished Senator for presenting the bill and for his support throughout.

Mr. President, S. 3843 is legislation which I introduced to provide long-term Federal loan assistance for the restoration or replacement of essential rail services lost on the eastern seaboard during tropical storm Agnes, and in South Dakota during the severe flood which struck there 1 week earlier.

Congress has already acted to provide substantial relief for private individuals, businesses, highways and other sectors of the economy affected by the floods of June 1972. Yet the success of these programs will depend finally on the ability of the railroads to perform their irreplaceable function as a vital transportation link for goods and services. Total flood recovery will be possible only when—and if—essential railroad services are restored.

Unfortunately, the railroads hardest hit by the June floods included at least four major carriers which are already in bankruptcy receivership, others that are on the verge of imminent financial collapse, and numerous short line carriers which are also in poor financial condition. Although some restoration work has been initiated and, in some cases completed, these railroads simply do not have the funds which are needed for a comprehensive program of replacements and repairs to restore essential rail service; nor does any existing Federal program appear to offer itself as a workable vehicle under which assistance to these railroads to meet this unexpected—and unpreventable—emergency flood situation can be extended.

S. 3843 fills this need. As reported by the Senate Commerce Committee, the bill authorizes the Secretary of Transportation to make low-interest loans totaling up to $48 million available directly to applicant railroads which meet certain qualifications set forth in the legislation. The Secretary is authorized, where warranted, to defer the payment of principal and interest for a period of up to 10 years. Under a committee amendment, an additional $10 million in loans could be made available to State and local authorities which desire to undertake the restoration of damaged rail services and facilities in those instances where the railroads themselves do not initiate such action and where they are not otherwise required to do so.

The Senate Commerce Committee, which held hearings on S. 3843 in August, reported the bill with a number of substantive amendments which are covered fully in the committee report. However, after considerable discussion with officials of the Federal Railroad Administration, railroad labor unions, and the railroads, I proposed several further amendments which I have discussed with the distinguished floor manager (Mr. HARTKE) and which he has agreed to accept.

Subsection 4(a)(2) of the bill, as reported, required that the Secretary of Transportation, before making any loan, first find in writing "that the probable value of the assets of the railroad provide reasonable protection for the United States." Although a number of stringent loan requirements are retained in the bill, my first amendment deletes subsection 4(a)(2) in its entirety and renumbers the following subsections accordingly. The purpose of this amendment is to avoid probable conflict with the policy provision of subsection 4(a)(6), as renumbered, which authorizes the Secretary to "require any priority or subordination of the interests of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, so long as such position is not lower than that of a prebankruptcy unsecured creditor of the railroad."

Subsection 4(a)(5), renumbered as subsection 4(a)(4), as reported, required the Secretary "to insure that funds used under this Act are used solely for the purpose of restoring or replacing facilities, equipment, or services damaged or destroyed" by the June floods. Since it is possible that in certain instances service between two points could be restored by means of an alternate route that excludes restoration of an otherwise essential line, my second amendment deletes the phase "or services" from this subsection.

At the same time, however, I feel that it is important that the Secretary not be tied to a position that requires in every case a restoration of the exact facility damaged or destroyed. Therefore, in order to give the Secretary the flexibility to deal with situations where location or technological alternatives may be preferable, my second amendment also permits the use of funds for "the upgrading of such facilities and equipment."

Subsection 4(a)(8), redesignated as subsection 4(a)(7), deals with labor protection and is designed to provide that restoration work, even where subcontracted, will be done insofar as possible by railroad employees, including employees on furlough. The committee's original language referred to work "which has customarily been performed" by railroad employees. In order to avoid any possible misinterpretation resulting from the use of a past tense sentence construction, my third amendment changes the reference in this provision to work which "is presently or should be performed under collective bargaining agreements" by railroad employees. This amendment also exempts from the conditions for labor protection work already undertaken, subject to qualifications which the distinguished floor manager (Mr. HARTKE) and I are prepared to discuss, among others, in a floor colloquy which we plan following our statements in order to further clarify the bill's labor protection provisions.

Subsection 4(c)(1), as reported, required that the Secretary, before making any loans, first "prepare and keep current a comprehensive schedule setting forth transportation facilities that should be part of the rail transportation system in the northeastern region of the United States or any other region which was adversely affected" by the June disasters. Department of Transportation estimates, however, placed at possibly 1 year or longer the time which would be required to prepare such a schedule. Obviously, such a delay would conflict with the emergency nature of this legislation and could negate the entire purpose of the bill. Therefore, my fourth amendment requires that such a schedule be prepared and maintained "as an aid to the formulation of public policy," but drops the requirement that such a schedule be tied directly to, or made a precondition of, any loan.

In place of the schedule requirement, my fourth amendment directs the Secretary to determine whether "any service or facility which is essential to the public interest" has been omitted from a loan application. If so, the Secretary is further required to reject the application "unless and until" the application in question is amended to include the essential service. In making such determinations, the Secretary is directed to take into consideration "the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system." The identical considerations are also made applicable to the "comprehensive schedule."

This amendment further directs the Secretary to find specifically that restoration of the facility known as the Sunbury-Wilkes-Barre—Buttonwood—line is "essential to the public interest."

Mr. President, the need for S. 3843 is underscored by the twofold nature of the dilemma which the railroads in question now face. On the one hand, railroads are unable to provide full revenue services because of losses of rolling stock, locomotives, tracks, bridges, and other operating facilities; on the other hand, major industries which normally provide customer revenues to the railroads are themselves shut down or curtailing operations, some perhaps permanently.

Further complicating this situation is the fact that a number of industries, although not directly affected by the floods themselves, have nevertheless had to suspend or cut back production because of interrupted rail service. This has resulted not only in losses of payroll, but also in reductions in anticipated State and local taxes. For cities and smaller communities already severely pressed by flood damage, the impact of lost tax revenues resulting from interrupted rail service is, at this time, especially difficult.

Although tropical storm Agnes and the South Dakota flood have long since dropped from the immediate focus of public attention, considerable devastation remains. Human hardships and suffering continue.

In my opinion, the title of this bill—the "Emergency Rail Facilities Restoration Act"—speaks for itself. "Emergency" aptly describes the situation which exists today when one of the most densely populated sections of the country is still left in many instances without essential rail transportation. And because so much of the Nation's manufacturing capability is concentrated in flood torn areas, this situation affects not only the geographical regions directly involved, but ultimately has national ramifications as well.

As I indicated previously, Mr. President, total flood recovery will be possible only when—and if—essential railroad services are restored. With this in mind, I join with the distinguished Senate cosponsors of this bill (Mr. BUCKLEY, Mr. JAVITS, and Mr. SCHWEIKER) in urging immediate enactment.

Mr. HARTKE. Mr. President, I wish to address a series of questions to the Senator from Pennsylvania in connection with this legislation.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

LABOR PROTECTION PROVISIONS

Mr. HARTKE. What is the meaning of furloughed employees being "insufficient to perform" restoration or replacement work?

Mr. SCOTT. It means that the number of employees is insufficient.

Mr. HARTKE. Who makes the determination of insufficiency?

Mr. SCOTT. The railroad makes the determination and, in doing so, it considers whether the work to be done is that which is presently being or should be performed by the various crafts and classes of railroad employees under collective bargaining agreements.

Mr. HARTKE. If the railroad employees, including those on furlough in the affected area, are insufficient to perform the restoration and replacement work, does the railroad have to recall any of them or can it subcontract all the work?

Mr. SCOTT. It must recall its furloughed employee to do as much of the restoration and replacement work as possible. A subcontract cannot be let for the work which the railroad can do.

Mr. HARTKE. Does a railroad have to utilize furloughed employees of other railroads in the affected area in addition to its own furloughed employees before letting subcontracts?

Mr. SCOTT. No. A railroad has to recall only its own furloughed employees. The subcontractor is responsible for hiring furloughed employees of other railroads in the affected area.

Mr. HARTKE. Is a subcontractor obligated to hire such furloughed railroad employees as are needed to do the work?

Mr. SCOTT. Yes. He has to hire as many as are required to do the work, subject only to craft and class distinctions.

Mr. HARTKE. What are "the rights and privileges of railroad employees" which will be retained by furloughed railroad employees when they are hired by a subcontractor?

Mr. SCOTT. They retain their rights and privileges under the Railway Labor Act and under the railroad retirement system. Their work for a subcontractor will be treated for all purposes as if they were employed by the railroad.

Mr. HARTKE. Will the subcontractor be required to pay social security and unemployment compensation for railroad employees that he hires?

Mr. SCOTT. No. Subcontractors will be required to contribute only to the retirement and unemployment compensation funds under the railroad retirement system.

Mr. HARTKE. How will a subcontractor know whom he is required to employ?

Mr. SCOTT. A subcontractor will get lists from railroads or from the railroad retirement system.

Mr. HARTKE. How will the requirement that a subcontractor hire furloughed railroad employees be enforced?

Mr. SCOTT. The term of the contract between the railroad and the subcontractor will provide for the hiring of furloughed railroad employees as a condition of the contract.

Mr. HARTKE. When a subcontractor completes his restoration and replacement work and releases any furloughed employees that he has hired, do these employees return to their status as railroad employees on furlough?

Mr. SCOTT. Yes.

Mr. HARTKE. Will the provisions of subsection 4(a)(7) prejudice or, in any way, affect any claim for violation of any agreement which a railway labor organization may have as a result of contracting out of work covered by this subsection.

Mr. SCOTT. No.

Mr. President, one of the best summaries of the extent of damage suffered by eastern railroads during the tropical storm appeared in an article in the August 14 issue of Railway Age. Because I believe it will add to an understanding of the problem to which S. 3843 is addressed, I ask unanimous consent that the article entitled, "Agnes: The Agony—And the Aftermath," written by Engineering Editor Merwin H. Dick, be printed at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNES: THE AGONY—AND THE AFTERMATH

(By Merwin H. Dick)

For concentrated, unbridled fury, call her "Agnes"—the hurricane that submerged the Middle Atlantic states in floods unprecedented in modern history. So far as railroads were concerned, talk about her in a few other terms:

Disaster: Damage is estimated at about $40 million to fixed facilities alone, and that does not include lost revenues.

Dedication: Railroad men worked the clock around to get key routes open again, and so did the contractors that the beleaguered railroads employed.

Frustration: "Agnes" did its worst to railroads that could least afford it. In so many cases, so far as rebuilding was concerned, the spirit might have been willing but the treasury was weak.

Rationalization: The storm and the floods it spawned ripped out a lot of mainline. The storm and the floods also washed away a lot of line that has long since outlived whatever usefulness it might once have had. Meanwhile, a Congress that has stalled passage of legislation to help create a more rational railroad system nevertheless forged ahead on legislation—providing $40 million in loans—to help build.

Tragedy: A lot of people died because of "Agnes," and tens of thousands were left homeless. In the greater context, railroad problems seemed minor. But in the context of even regional interest, they were not—because transportation was a key to regional recovery, and no surface transportation agency has the power of recovery that a railroad has.

What happened—and what has happened since? This is the picture, as of early August:

LINGERING EFFECTS

While the storm struck late in June and most of the main lines in the area involved have long since been returned to service, the effects linger on. Many bridges, restored with temporary repairs, are carrying trains only at restricted speeds. With the emphasis on getting main lines back in service, branch lines had to be left until later. Some of them are still out of service and there are some that will never carry another train if the railroads' requests for abandonment are granted. One major bridge in the storm area cannot be rebuilt for at least a year and a half.

Perhaps most lasting of all is the effect on railroad finances. At best, the 1972 property-maintenance programs of railroads in the storm area have been set back at least a month; at the worst, the money earmarked for them is irretrievably gone into the emergency work required to get the roads back into service. Also, the cost of rerouting trains over foreign lines and the revenues lost, partly because of industries put out of service due to flood damage, can never be regained.

By the time railroad properties damaged by the effects of "Agnes" have been restored to normal, the total bill for direct reconstruction—not counting the cost of rerouting traffic, of damaged rolling stock or of lost revenue—will come to approximately $40 million, according to figures compiled by Railway Age. Damage to grades and bridges on the PC is estimated to exceed $14.4 million.

UNSUSPECTING RAILROADERS

People in the northeastern part of the country, including railroaders, were totally unsuspecting as they read or listened to news of "Hurricane Agnes" as the storm swept across Florida from the Gulf of Mexico. What interest they had developed in the storm waned as the hurricane lost force after starting to move up the east coast. But by the time it reached Virginia the storm had developed new vigor and was bringing with it record rains. The James River was brought to a record level of 26.5 feet above flood stage at Richmond.

Watchers in the Northeast began to lose

their equanimity as the storm continued up the coast, bringing record rainfalls of up to 12 inches. On June 21 the full effects of the storm began to hit Penn Central and other northeastern roads. Rains of 10 to 12 inches in the Washington-Baltimore area caused temporary cessation of all transportation services in the New York to Washington corridor.

But this was only a prelude of what was to come. The record rains accompanying the storm were falling on ground that had become saturated by a week or more of rain, thus increasing the rate of runoff. But it was a change in the course of the storm that set the stage for disaster. After looping westward through upstate New York, it turned south into Pennsylvania where it stalled and joined another storm to deliver what Gov. Milton J. Shapp called the greatest disaster in the state's history.

ROGUE RIVER

If the storm was searching for a location where it could inflict maximum railroad damage, it found precisely that in the watershed of the Susquehanna River. Not only do numerous railroad lines follow and cross the rivers in this area, but they also include a high percentage of bankrupt carriers—Penn Central, Reading, Lehigh Valley and then Erie Lackawanna which, teetering on the brink, was nudged into bankruptcy by the effects of the storm.

Swollen tributaries, feeding into the Susquehanna, brought it to higher levels than ever before. Information made available by Penn Central shows that the Chemung River, a tributary of the Susquehanna, reached a level at Corning, N.Y., 5.5 feet above the previous record levels of 1898 and 1936. At Wilkes Barre, Pa., far downstream on the Susquehanna, the river reached a level of 40 feet, exceeding the previous record of 33 feet set in 1936.

At Williamsport, Pa., on the West Branch of the Susquehanna, the flood waters rose to 34.5 feet, which compares with the previous level of 33.6 feet set in 1936. At Sunbury, Pa., where the two branches of the Susquehanna join, 34 feet was the level reached. Here, the highest previous level was 26.9 feet, set in 1936. Farther downstream at Harrisburg, the flood crest was 34 feet, nearly four feet above the 1936 record.

LINES WERE CLOBBERED

Hardly any railroad line in the watershed of the Susquehanna, main or branch, escaped being clobbered. Hardest-hit were properties of Penn Central, Erie Lackawanna and Lehigh Valley. Also hit were parts of the Reading.

A fair assessment of the responsibility must, however, include rivers other than the Susquehanna and its tributaries. Perhaps the hardest hit of all railroads (for its size) was Western Maryland. For this road the culprit wasn't the Susqehanna but the usually peaceful Patapsco, which is in the watershed of the Potomac. The James River must, also, come in for its share of the responsibility.

Because of floods in these and other rivers, other roads affected by the storm included Chesapeake & Ohio/Baltimore & Ohio, Norfolk & Western and Southern (RA July 10, p. 10). At one time several hundred miles of C&O/B&O lines were out of service, with direct storm damage estimated at $4.8 million. But service was restored on these lines generally within 48 hours.

For 71 hours, the main line of the Southern between Washington and Monroe, Va., was out of service due largely to washouts, mud slides and what a spokesman described as a "series of small things." Also, two Southern branch lines were out of service about a week. Responsible officers on Southern, however, rated themselves lucky that their road escaped any disaster comparable to the destruction of its Tye River bridge by "Hurricane Camille" in 1969. Of the major roads in the path of the storm N&W probably escaped with the least damage.

NO REGARD TO COST

Throughout the storm-stricken area, the railroads moved quickly to do what was necessary to get traffic moving. In so doing, they were proceeding without much immediate regard to the cost (as railroads have done ever since they came into existence). In attacking the task of reconstruction, even the bankrupt railroads began spending money as if they had it.

Everywhere, the objective was to get traffic moving again, even if only at restricted speed. With their own forces and equipment, supplemented by rented machines and contractors' men and equipment in some cases, the railroads attacked the job of repairing washed-out embankments.

Explaining how this work was handled on EL, R. F. Bush, chief engineer says that, in general, the smaller washouts were cribbed with old ties and then dumped with ballast and the track raised and tamped. The larger washout locations were restored by using bulldozers, front-end loaders or cranes to place the subgrade material. In locations where material was not available from the former subgrade, dump trucks were used to bring in suitable borrow.

TAILORED BRIDGE REPAIRS

Repairs at damaged bridges had to be tailored to fit the circumstances. At some locations, timber-frame bents were installed to carry the load temporarily over damaged abutments or piers. In others, bents of H-section steel piles were driven to carry steel spans in place of the washed-out structure. An example is provided by the action of the Western Maryland in constructing a six-span steel-pile structure to bridge the 150-foot hole left when a 20-foot concrete arch was washed out.

Through all-out efforts, railroads began to get their lines back into service very quickly after the waters began to subside. By Saturday, July 1, service over PC's important freight lines had been restored. EL got its main lines back in service on July 11. Most lines of Lehigh Valley were back in service very soon after the flood waters had receded. Reading's main line between Sunbury and Williamsport was restored to service on July 9. Service over Western Maryland's Hanover subdivision was restored on June 28, six days after the storm struck.

But the fact that service has been restored is only part of the story. At many locations where temporary repairs were made, trains are still moving at restricted speeds. At others, such as on the PC, new connections were built to establish routes to avoid damaged structures such as the Shocks Mill bridge across the Susquehanna south of Harrisburg. If work had been started right away on reconstruction of this bridge, the project would not have been completed until the end of the year, according to a PC spokesman. The work hasn't been started because the necessary money isn't available—and the cost of reconstructing this bridge alone has been estimated at $4.5 million.

But there is another aspect of the effects of the storm that must be reckoned with. That is the general mess created by the flood waters. This included, on the LV, a six-inch mud layer left on the tracks and right-of-way by the receding waters. Also, the ditches in tunnels were found to be "loaded with debris," said John F. Nash, chief operating officer. "It will take two years to clean up the mess," he said.

PROBLEM OF BRANCH LINES

Although main routes may be back in service, branch lines are something else. On EL, for example, the Bloomsburg branch was scheduled to be opened until Aug. 7. The target date for resuming traffic over the Wayland branch is Sept. 15. At press time, no date had been set for reopening the Tioga branch.

On PC, a number of key branch lines were quickly repaired but there are others on which the cost of repairs could exceed the need for continuation of service—in which case abandonment will be recommended. A case in point is the 62-mile branch from Sunbury to Wilkes Barre. Although this line handled several trains in each direction daily, these trains can be rerouted through existing interchanges. Hence, restoration of the line will not be recommended.

HEART OF THE PENN CENTRAL

The railroads in the Southeast were already emerging from their troubles when lines in the Susquehanna watershed were suffering the full force of the storm. Damage inflicted on Penn Central involved all the main lines of the former Pennsylvania network in the eastern Pennsylvania area, as well as some lines in Maryland and southern New York. Several lines of the former New York Central which reach into this same area were also involved.

As the rains zeroed in on the Susquehanna watershed, they were aimed at the very heart of PC. Main lines of this road extend in four directions from Harrisburg—west to Pittsburgh, east to Philadelphia and Jersey City, south to Baltimore and Washington, and north to Buffalo and Syracuse.

As waters in the Susquehanna and its tributaries reached and then exceeded all previous levels, officers of the road, anxiously waiting in their Philadelphia headquarters, were not long in learning the worst. The news was that all of the routes out of Harrisburg had been put out of service—first by inundation and then by washouts of ballast and fill material and damage to bridges.

Heavy blows were struck at PC bridges, large and small. Largest of the structures hit was the key Shocks Mill bridge. This is a double-track stone arch bridge, 2200 feet long, which carries the main east-west freight line of PC. What happened to this structure is a study in delayed action. Although the effects of the storm struck this area on June 22, it wasn't until June 27 that the crew of a passing train noticed settlement of the track on the structure. Several days later about one-third of the bridge collapsed into the river.

CASE OF TOTAL DESTRUCTION

Another major river crossing of PC to sustain heavy damage (total destruction would be a more accurate term) is the multiple-span truss bridge across the Chemung River at Corning, N.Y. The Chemung is a tributary of the Susquehanna. All six of the truss spans in this bridge were strewn about the river bottom, including one that was carrying three coal cars when it collapsed. Only a girder span at one end remained in place in this bridge. All other piers and abutments were destroyed.

Numerous smaller bridges on PC were damaged in varying degrees, including situations where piers and abutments suffered undercutting. Also, at many locations embankments were riddled with washouts, large and small.

A summary of damage on PC runs something like this: 25 bridges destroyed, 23 bridges seriously weakened, 5,000 miles of track affected, 2700 cars of ballast used in initial rebuilding operations and at least 500 additional cars required to finish the job.

THE HARD-HIT EL

Washouts were numerous on Erie Lackawanna. Lines in New York, including branch lines, are involved with streams in the upper headwaters of the Susquehanna. These include the Canisteo River which EL's main line follows from Hornell, N.Y., to Addison. From Corning to Elmira, the main line is involved with the Chemung, the same river that was the cause of a bridge disaster on PC.

On the EL, damage occurred at numerous points along the 200 miles of main line between Binghamton, N.Y., and Salamanca, with major destruction between Elmira and Hornell. Between Owego and Hornell (95 miles) there were 100 washouts from two feet to 15 feet deep and up to 4,000 feet long. Between River Junction, N.Y., and Salamanca there were 20 washouts from 100 feet to 200 feet in length. On the Buffalo division there were eight washouts ranging up to 1,000 feet in length. Washouts up to 1,000 feet long were also drilled through the roadbed at 55 locations on the Old Main between Hornell and Cuba, N.Y.

EL branch lines were hit, too. These include the Wayland branch which is involved with the Cohocton, a tributary of the Chemung, the Bloomsburg branch which is involved with the east branch of the Susquehanna, and the Tioga branch. The road's forces counted 169 washouts gouged through the road bed on five branch lines. These ranged in length up to 2,640 feet.

Extensive damage was suffered by both mainline and branchline bridges on EL. At five locations on the main line, single- and multiple-span girder bridges were damaged more or less severely when piers or abutments were washed out or undercut.

The biggest bridge to be hit by high water on EL was the 818-foot historic Portage viaduct across the Genesee river on the Buffalo division. Severe undercutting occurred at two of the piers under this structure, which has a height of 235 feet above the bed of the river.

LEHIGH VALLEY FLOODED

During the height of the June floods, Lehigh Valley had some 200 miles of mainline track under water. Primarily responsible were the rampaging Chemung and Susquehanna Rivers. The damage included 25 washouts on the main line, all at least 20 feet deep and ranging in length from 400 feet to 500 feet.

At Athens, Pa., on LV one pier was lost in a four-span bridge, and other bridges were damaged or weakened.

There is one LV branch damaged by the high water which very likely will never be returned to service. This is the branch, 20 miles long, that connects with the main line at Towanda, Pa., and extends to Dushore. This line was hit so hard that it has been rated a "total loss," said John Nash. Because the economics are such that the rebuilding of the branch is not justified, the road plans to file for abandonment.

SUSQUEHANNA HITS READING

On Reading, although the damage was severe, it was confined largely to the western extremities of its lines in Pennsylvania. One of these lines crosses the Susquehanna River at Harrisburg and another follows the West Branch of this river from Sunbury To Williamsport.

It was in the territory between Sunbury and Williamsport that Reading was hit the hardest by the Susquehanna and its tributaries, says E. C. Lawson, chief engineer. Extensive track and embankment washouts were suffered here, and eight bridges in the area either sustained major damage or were completely destroyed. Severe damage was also suffered in the area of the Harrisburg crossing.

On Western Maryland, damage was concentrated largely in the area between Hagerstown, Md., and Baltimore. In this territory the line east of Westminster, Md., was the hardest-hit. Here, the road parallels the Patapsco river and within a stretch of 11 miles it crosses tributaries 14 times. The most serious damage occurred at the location of a 20-foot arch under a 40-foot fill. The hole left by the washout of this structure was 40 feet deep and 150-feet long.

Between Emory Grove, Md., and Highfield, WM has two routes. Explaining what happened, C. L. Robinson, chief engineer, said that the most southerly of these, the main line, sustained the greatest damage, so the road decided to concentrate initial reconstruction efforts on the northern route which is known as the Hanover subdivision. The damage here consisted primarily of washouts at the approaches of bridges across the Gun Powder River and its tributaries. A thorough assessment of the damage on the southern route was not made until later, although this appeared to consist mostly of roadbed washouts including bridge approaches, Robinson said.

WM also experienced extensive roadbed washouts in the Baltimore area, caused by flooding of Gwynns Falls Creek, a tributary of the Patapsco.

Early railroad locating engineers were happy when they found a river going in the direction they wanted to go. The prospect was thus offered of minimum grades and grading for the railroad they were locating. But in placing their railroad and in constructing bridges they were careful to put them beyond the reach of any high water except that which might occur in, say, 75 or 100 years.

In the light of recent experience it's apparent that few if any of these pioneer railroad engineers lived to learn how quickly a hundred years can roll around. Moreover, if they could have foreseen the destruction that could be wrought by their "100-year storms" they might have built their railroads to withstand 200-year storms—that is, if the necessary investment could be justified. It is certain, too, that any kindly feelings they might have had for the rivers they found so helpful would have been entirely erased.

Such thoughts as these must have been going through the minds of present-day engineers as they survey the damage wrought by "Agnes" late in June. For it was the rivers, overflowing from the effects of the storm, that produced one of the most destructive and most costly disasters ever suffered by U.S. railroads.

Mr. HARTKE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. SCOTT. Mr. President, I send to the desk amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. SCOTT. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD, are as follows:

AMENDMENTS TO S. 3843, WORKING DRAFT NO. 2, DATED AUGUST 13, 1972

(1) Page 3, delete lines 22 through 24. Renumber subsections 3 through 8, beginning on page 3 through page 5, as subsections 2 through 7, respectively.

(2) On page 4, delete line 7 through 13 and insert in lieu thereof the following:

"(4) take appropriate action to insure that funds loaned under this Act are used solely for the purpose of restoring or replacing facilities and equipment (*including the upgrading of such facilities and equipment*) damaged or destroyed as a result of the natural disasters of June 1972."

(3) Page 5, section 4(a) (7) as renumbered is hereby deleted in its entirety and the following inserted in lieu thereof.

"(7) require that no part of the restoration or replacement work to be financed by the loan program hereunder *is presently or should be performed under collective bargaining agreements* by railroad employees shall be subcontracted by the railroad; except that to the extent that the Secretary finds in writing that railroad employees, including employees on furlough, in the affected region are insufficient to perform such restoration or replacement work and that such *railroad* employees on furlough, if not *recalled by the railroad* will be employed by a subcontractor to perform such work in which event such employees shall be deemed to be railroad employees retaining all the rights and privileges of railroad employees while so employed.

"(8) *None of the foregoing conditions shall apply to such work undertaken prior to the enactment of this Act.*"

(4) Page 6, delete lines 1 through 22, and insert in lieu thereof:

"(c) (1) The Secretary *in reviewing applications for loans shall examine such applications to determine whether any service or facility which is essential to the public interest in maintaining transportation service, including specifically the Sunbury-Wilkes-Barre (Buttonwood) line, will not be restored or replaced.* In making such determination the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

"(2) If after such determination the Secretary finds that *any such* service or facility of the applicant railroad will not be restored or replaced, the Secretary shall not approve such application unless and until such application is amended to include *such* restoration and replacement."

(3) As an aid to the formulation of public policy regarding rail transportation, the Secretary shall prepare and keep current a comprehensive schedule setting forth transportation facilities and services that he believes should be provided by railroads in the northeastern region of the United States. In formulating such a schedule the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I thank the Senator from Pennsylvania for his cooperation in connection with this bill.

Mr. SCOTT. I thank the Senator from Indiana.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY AUTHORIZATION ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 935, S. 3474.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3474) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment, on page 1, after line 4, strike out:

Sec. 2. Section 106 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary is authorized to conduct investigations of the facts, circumstances, conditions, and causes of motor vehicle accidents for the purpose of gathering information to identify design failures or defects relating to motor vehicle safety, collecting data to assist in the preparation of Federal motor vehicle safety standards for new and used motor vehicles, and conducting other studies to carry out the purposes of this Act. In making such investigations, the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For the purpose of carrying out the provisions of this subsection, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times and in a reasonable manner, any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located; (2) to impound temporarily for a period not to exceed seventy-two hours, such motor vehicle or item of motor vehicle equipment; and (3) to inspect such motor vehicle or item of motor vehicle equipment.

"(3) Whenever the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle under this subsection (other than a vehicle subject to part II of the Interstate Commerce Act), he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

"(4) The Secretary is authorized to obtain, with or without reimbursement, a copy of the report of the autopsy performed by State or local officials on any person who dies as a result of having been involved in a motor vehicle accident.

"(5) No portion of any statement or information relating to a motor vehicle accident which has been furnished by an individual to the Secretary pursuant to this section and no portion of any report of the Secretary relating to such accident or the investigation thereof shall be admissible in any subsequent criminal, civil, or administrative proceeding.

"(6) As used in this subsection, 'motor vehicle accident' means an occurrence associated with the operation of a motor vehicle in or as a result of which any person suffers death or personal injury, or in which there is property damage."

Sec. 3. Subsection (a) of section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) is amended by changing the period at the end of subsection (a)(4) to a semicolon and adding at the end of subsection (a) the following new paragraphs:

"(5) fail or refuse to permit entry, impounding, or inspection, as required under section 106;

"(6) fail to comply with any rule, regulation, or order issued under this title.".

Sec. 4. (a) The first sentence in subsection (a) of section 109 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398) is amended by deleting immediately after "any provision of section 108" the following: ", or any regulation issued thereunder,".

(b) The second sentence in subsection (a) of section 109 of such Act is amended by deleting immediately after "a provision of section 108" the following: ", or regulations issued thereunder,".

Sec. 5. (a) The first sentence of subsection (a) of section 110 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1399) is amended by inserting immediately after "pursuant to this title," the following: "or to contain a defect which relates to motor vehicle safety,".

(b) The next to the last sentence in subsection (a) of section 110 of such Act is amended by deleting the period at the end thereof and adding the following: "or to remedy the defect.".

Sec. 6. (a) Subsection (a) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows:

"(a) The Secretary is authorized to conduct such inspection and investigation as may be necessary to enforce this title and any rules, regulations, or orders issued thereunder. He shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action.".

(b) The first sentence of subsection (b) of section 112 of such Act is amended by inserting immediately after "purposes of enforcement of this title," the following: "or any rules, regulations, or orders issued thereunder,".

(c) Subsection (c) of section 112 is amended to read as follows:

"(c) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and make such reports, and every manufacturer, dealer, or distributor shall provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder. Nothing in this subsection shall be construed as imposing reporting or recordkeeping requirements on distributors or dealers.".

Sec. 7. (a) Subsection (b) of section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended by inserting immediately after "required by subsection (a)" the following: "or (e)".

(b) Subsection (c) of section 113 of such Act is amended to read as follows:

"(c) The notification required of a manufacturer by subsection (a) or (e) pursuant to the determination of the existence of a defect related to motor vehicle safety or of a failure to comply with an applicable Federal motor vehicle safety standard shall contain a clear description of such defect or failure, an evaluation of the risk to traffic safety reasonably related to such defect or failure, and a statement of the measures to be taken to remedy such defect or failure.".

Sec. 8. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this Act.".

Sec. 9. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

"(a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as the Secretary shall prescribe, the Secretary shall, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt a motor vehicle from any motor vehicle safety standards established under this title if he finds (1) that compliance would cause such manufacturer substantial economic hardship or that such temporary exemption would facilitate the development of new motor vehicle safety features or that such temporary exemption would facilitate the development of vehicles utilizing a propulsion system other than or supplementing an internal combustion engine, and (2) that such temporary exemption would be consistent with the public interest and the objectives of this Act. Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

"(b) The Secretary shall require, in such manner as he deems appropriate, notification to the dealer and first purchaser of an exempted motor vehicle (not including the dealer of such manufacturer) that such vehicle has been exempted from certain motor vehicle safety standards, and the standards from which it is exempted.

"(c) No exemption granted under this section shall remain in effect after three years after the date such exemption is granted.

"(d) No manufacturer whose total motor vehicle production, as determined by the Secretary, exceeds ten thousand annually shall be eligible for an exemption under this section.".

Sec. 10. (a) The first sentence of subsection (a) of section 301 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1431) is amended by deleting all that precedes "except that" and inserting in lieu thereof the following:

"Sec. 301. (a) The Secretary of Transportation is authorized—

"(1) to plan, design, and construct new facilities,

"(2) to alter existing facilities,

"(3) to lease facilities, and

"(4) to acquire or lease real property for use as sites for new facilities or the alteration of existing facilities, suitable to conduct research, development, and compliance and other testing in traffic safety, including highway safety and motor vehicle safety,".

(b) The first sentence of subsection (a) of section 301 of such Act is further amended by striking "or construction", each place it appears in the sentence, and inserting in lieu thereof the following: "constructing, altering, or leasing".

(c) The second sentence of subsection (a) of section 301 of such Act is amended by deleting "or constructed" and substituting in lieu thereof the following: "constructed, altered, or leased".

(d) The second sentence of subsection (a) of section 301 of such Act is further amended by deleting "and" at the end of clause (3), by deleting the period at the end of clause (4) and inserting in lieu thereof a semicolon and by adding a new clause (5) as follows:

"and (5) a statement of justification of the need for leasing any facilities or real property.".

And, in lieu thereof, insert:

Sec. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There is hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act the sum of $52,714,000 for the fiscal year ending June 30, 1973.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Traffic and Motor Vehicle Safety Authorization Act of 1972".

Sec. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There is hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act the sum of $52,714,000 for the fiscal year ending June 30, 1973.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. HARTKE. Mr. President, the Committee on Commerce proposes an authorization of $51,714 million for implementation of the National Traffic and Motor Vehicle Safety Act. This level of expenditure represents an investment in our vehicle safety program of less than 9.4 percent of our total annual economic loss on the highway.

Mr. President, last year 55,300 of our fellow citizens died on the Nation's highways while another 2 million were injured. There were some 15.5 million motor vehicle accidents in which the Nation suffered over $16 billion worth of damage to person and property. Projected losses for 1980 are even more incredible; the Highway Users Federation for Safety and Mobility estimates that by the beginning of the next decade, our losses will almost double, reaching the unprecedented sum of $30 billion.

These latest statistics emphatically underscore the need for increased support for the functions mandated under the Motor Vehicle Safety Act. With increases in the number of vehicles on the road—over 113 million—the number of drivers, and the amount of highway mileage, the need for insuring safe vehicles becomes even more paramount. The resources which the Government has allocated to vehicle safety, however, are grievously low when compared to the dimensions of the driving population.

Contained in the report which accompanies this bill is a comparison of Federal funds allocated for airline safety as compared to that which we allocate for automobile safety. These figures conclude that we spend over four times more money on aircraft safety than vehicle safety. At the same time, there were almost 10 times more passenger miles logged by motorists than by airplane passengers. In short, though we travel 10 times more miles in motor vehicles than in aircraft, we dedicate only one-fourth of the economic resources to insure that our vehicles are safe.

Mr. President, the Commerce Committee's proposed authorization is a recognition by both the majority and minority members of the need for continued research into automotive technology. The automobile, the bus, and the truck are a central component of the American life style; all Americans utilize these modes of transportation. The Federal Government has the responsibility to insure that they are as safe as possible.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 9, after line 22, insert the following:

"Sec. 3. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

(a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—

(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted, or

(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought, or

(C) that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle, or selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of non-exempted motor vehicles; and

(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

(c)(1) No exemption or renewal granted under paragraph (1)(A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(2) No exemption or renewal granted under paragraphs (1) (B), (C), or (D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(d)(1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1)(A) of subsection (a) of this section.

(2) No manufacturer shall be eligible to apply for exemption under paragraph **(1)(B), (1)(C) or (1)(D) of subsection** (a) of this section for more than 2500 vehicles to be sold in the United States in any **12 month period, as determined by the Secretary.**

(e) Any manufacturer applying for an exemption on the basis of paragraph (1)(A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1)(B) of subsection (a) of this section shall include in the application research, development and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1)(C) of subsection (a) of this section shall include in the application research, development and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a "low-emission vehicle". Any manufacturer applying for an exemption on the basis of paragraph (1)(D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after enactment of this Act for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

(g) For the purpose of this section, a "low-emission vehicle" means any motor vehicle which—

(A) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under the Clean Air Amendments of 1970 (42 U.S.C. 1857f–1) at the time of manufacturer to that type of vehicle.

(B) with respect to all other air pollutants meets the new motor vehicle standards applicable under the Clean Air Amendments of 1970 (42 U.S.C. 1857f–1) at the time of manufacture to that type of vehicle.

Mr. HARTKE. Mr. President, the purpose of this amendment is to empower the Secretary of Transportation, based on very strict and succinct standards to temporarily exempt a motor vehicle from a motor vehicle safety standard.

In 1966, when Congress passed the National Traffic and Motor Vehicle Safety Act, it expressed a legislative policy that all motor vehicles utilizing the public roads must attain a minimum level of safety. Continued congressional support for the 1966 act is vividly demonstrated by this year's authorization proposal of $51,714 million.

Though Congress still subscribes to the concept that all vehicles should come within the purview of the standards, the practical application of the act has demonstrated that there is a need for a narrowly drawn, well-defined exemption authority. Such authority was provided in the original 1966 legislation but it expired in April 1971. The purpose of this amendment is to reinstate a new carefully defined, succinct, and limited authority to enable the Secretary of Transportation to temporarily exempt certain motor vehicles from compliance with the motor vehicle safety standards.

The amendment establishes four different categories of exemption. The first category is limited to a manufacturer whose total motor vehicle production in the most recent year of production does not exceed 10,000. In order to qualify for an exemption under this section, the manufacturer must have, in good faith, attempted to comply with each standard from which it requests exemption and show that further attempts would cause the manufacturer substantial economic hardship.

Unlike the first category, any manufacturer is eligible to apply for an exemption under the three remaining categories. However, there is a limitation that no more than 2,500 vehicles may be exempted under each of the provisions in any 12-month period. The basis for exemption under the second category is that such exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought. The purpose of this provision is to enable manufacturers to experiment with innovative safety concepts but not endanger the health and safety of the motoring public.

The third category of exemption is designed not to stifle development and evaluation of low emission motor vehicles. It offers an exemption to a manufacturer whose vehicle is designed to meet this end, but which design would not unreasonably degrade the safety of the vehicle. The meaning of a "low-emission vehicle" as defined in subsection (g) of this section, is modeled after the like definition in the Clean Air Amendments of 1970.

The final category of exemption is applicable in a situation where requiring compliance with effective motor vehicle safety standards would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles. The rationale of such a provision is that it approaches the safety level of the vehicle from a systems perspective. Hypothetically, a vehicle which contains a passive restraint system in the three front positions prior to the date for which it is required may be eligible for an exemption under this section from a windshield standard requiring a flexible glass. The purpose of the latter standard presumably would be to protect a vehicle occupant from injuries resulting from impact with the glass in a crash. Since the passive restraint system would prevent such an impact, the windshield standard becomes obsolete and exemption from the standard would still provide the required level of safety.

In applying for exemption under any of the four categories of exemption, the Secretary must find that such temporary exemption would be consistent with the public interest and the objectives of the act. Subsection (e) of this section defines the minimum information which must be contained in an application for exemption. The section also enables the Secretary to define in an application any additional information which must be included as well as the timing and procedure to be followed. The exemption of a motor vehicle from any motor vehicle safety standard is discretionary with the Secretary based on the criteria which are outlined in this section. The Secretary shall require the permanent labeling of each exempted motor vehicle.

An exemption under the "economic hardship" category may be granted only upon a de novo showing that the application conforms to the requirements which were imposed on the original application. An exemption under the other three categories may be granted for a period of 2 years with renewal based on the same de novo showing required for the first category.

Finally, the Secretary is mandated to publish regulations within 90 days after the enactment of this act for applications for exemption under this section. Prior to granting any exemption, the Secretary must publish a notice of such application and provide an opportunity for comment. He may also make public, within 10 days of the date of filing an application under this section, all information contained in the application or other information which is relevant thereto unless the information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of H.R. 15375, that the Senate proceed to its consideration, and that the text of S. 3474, as amended, be substituted therefor.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal year 1973.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from Indiana? Without objection, all after the enacting clause will be stricken, and the language of S. 3474, as amended, will be inserted in lieu thereof.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15375) was read the third time and passed.

The PRESIDING OFFICER. Does the Senator from Indiana wish to have the Senate bill, S. 3474, postponed indefinitely?

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senate bill be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLDS ON BILLS

Mr. MANSFIELD. Mr. President, late last night, or early this morning, in response to a colloquy with the distinguished minority leader in connection with the schedule for the rest of that day, I made the following statement:

HOLDS ON BILLS

Mr. MANSFIELD. Mr. President, for the information of the Senate, holds on bills prior to October 2 will be called up at any time, whether the Senator who has a hold on the bill is here or not.

Mr. President, I wish to repeat that statement and amplify it by stating further that no Senator will be caught unaware, because he will be notified in time if he is in town, but if he is out of town he takes his chances; we will notify his office and do what we can, but we will not honor holds too long, because time is running out.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have asked that the Senator repeat the statement today so that it will appear in two successive issues of the RECORD in order that all Senators may be advised of the change in policy. I thank the Senator.

Mr. MANSFIELD. May I iterate and reiterate that this applies to legislation on which there was a hold for bills that were carried on the calendar before October 2.

ORDER OF BUSINESS

Mr. COOK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

H.R. 13915—PRIVILEGE OF THE FLOOR

Mr. COOK. Mr. President, I ask unanimous consent that John Yarmuth of my staff be allowed the privilege of the floor during the discussion of H.R. 13915.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I do not expect to object, does the Senator wish the staff man to be on the floor during the entire debate on this bill?

Mr. COOK. Mr. President, I ask for the privilege for the day.

Mr. ROBERT C. BYRD. I thank the Senator.

ORDER FOR RECOGNITION OF SENATORS TO PAY TRIBUTE TO SENATOR COOPER ON WEDNESDAY, OCTOBER 11, 1972

Mr. COOK. Mr. President, I would like to have a discussion with the majority whip. Does the distinguished majority whip have any special orders for the recognition of Senators next Wednesday morning?

Mr. ROBERT C. BYRD. Mr. President, there are no orders entered for the recognition of Senators on next Wednesday.

Mr. COOK. I wonder if I might request of the leadership an order for the first hour on Wednesday morning, October 11, for the purpose of recognizing several Senators, including Senators Hart, Randolph, Scott, Akin, Case, Javits, and Symington, who wish to have a colloquy relative to the service of my senior Senator, the Honorable Senator Cooper, who is retiring from the Senate.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator phrase his request so that it will conform to the procedures we have followed over the past 2 years, to wit, to ask for not to exceed a certain amount of time for each Senator and in the sequence he wishes Senators to be recognized.

Mr. COOK. Mr. President, I ask unanimous consent that on Wednesday next, for not to exceed 1 hour, the following Senators, in the respective order shown be allowed 10 minutes for the purpose of expressing their appreciation to Senator Cooper for his long service to the Senate of the United States and to the Government of the United States: Senator Aiken, Senator Case, Senator Hart, Senator Scott, Senator Randolph, and Senator Javits.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. STENNIS. I just entered the Chamber in the last few minutes. There are others of us who would want to pay tribute to Senator Cooper.

Mr. COOK. I would only suggest to the Senator that Senators indicated would be recognized for 10 minutes each and I would think there would be a general discussion on that occasion and that the Senator from Mississippi will find ample time to make his statement.

Mr. STENNIS. I thank the Senator.

Mr. COOK. I thank the Senator from Mississippi.

Mr. COOK. Mr. President, I ask unanimous consent that that request be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

HOUSE DENIED VOTE ON USE OF HIGHWAY TRUST FUNDS FOR MASS TRANSIT

Mr. WEICKER. Mr. President, through the use of a parliamentary maneuver, the House yesterday was denied a vote to stop the killing, pollution, traffic jams, and land desecration of our Nation's biways. Egged on by selfish private interests the House continued the tragic deception that concrete is the panacea for our transportation ills.

On September 19 by the overwhelming vote of 48 to 26, the Senate approved the Cooper-Muskie amendment which would have permitted the use of $800 million from the highway trust fund for all forms of mass transit. Even the Senate Public Works Committee agreed that the trust fund should be opened up for buses, bus lanes, parking lots, and other modern uses of concrete.

But the House was not even allowed to express its will.

Three-quarters of all Americans live in urban areas. They do not want more highways. They want buses, trams, subways, commuter rail cars. They want more parks, homes, and clean air; yet the House kow-towed to concrete.

Mr. President, this is a disgrace. We cannot continue to spend 75 percent of our transportation budget on highways and 5 percent on mass transit and seriously expect to move.

The next step for those who genuinely want to see America as a nation of safety, mobility, and transportation diversity is the joint Senate-House conference. I have every confidence that a solid majority of the Senate will reflect our decision on the Cooper-Muskie approach to transportation.

I can only say to these conferees, take a chapter out of the highway lobby's book and on Cooper-Muskie stick your feet in concrete.

To the American people, I can only say, "Make your views known. Tell the conferees on both sides that you want to move in America and your taxes are to be used for the safety, health, and mobility of your family and not as a spigot for the profits of the highway lobby."

And, again, to the American people and to my colleagues in both the House and Senate who see the urgency of balanced transportation I can only say, "No bill is better than a bill that has as its cost for fiscal year 1974, the $7 billion authorized plus 55,000 killed, 2 million disabled, 60,000 displaced from their homes, and 44.5 percent of our air pollution."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Gambrell) laid before the Senate the following letters, which were referred as indicated:

Report on Department of the Navy Contracts Awarded on Other Than a Competitive Bid Basis

A letter from the Commander, Naval Facilities Engineering Command, transmitting, pursuant to law, a report on Department of the Navy contracts awarded on other than a competitive bid basis, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

Report Relating to Grants Financed Wholly With Federal Funds

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report relating to grants financed wholly with Federal funds, for the period April 1, 1972, to June 30, 1972 (with an accompanying report); to the Committee on Finance.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Capability of the Naval Petroleum and Oil Shale Reserves to Meet Emergency Oil Needs," Department of the Navy, Department of the Interior, dated October 5, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Gambrell):

The petition of Henry B. Pielach, and sundry other citizens of the State of Illinois, praying for the enactment of legislation relating to certain aquarium fish; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS (for Mr. Allott), from the Committee on Interior and Insular Affairs, with amendments:

S. 1441. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado (Rept. No. 92–1275).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 4037. A bill to amend the Sockeye Salmon Fisheries Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes (Rept. No. 92–1276).

By Mr. MONTOYA, from the Committee on Public Works, with an amendment:

H.R. 16071. An act to amend the Public Works and Economic Development Act of 1965 (Rept. No. 92–1277), together with supplemental views.

By Mr. HARTKE, from the Committee on Veterans' Affairs, with an amendment:

S. 4006. A bill to amend title 38, United States Code, increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation (Rept. No. 92–1278).

By Mr. FANNIN (for Mr. Jackson), from the Committee on Interior and Insular Affairs, with an amendment:

S. 1928. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system (Rept. No. 92–1279).

EXTENSION OF TIME FOR PUBLIC WORKS COMMITTEE TO FILE REPORT AND SUPPLEMENTAL VIEWS ON H.R. 16071

Mr. MONTOYA. Mr. President, on September 28, 1972, the Committee on

Public Works ordered reported H.R. 16071, a bill to amend the Public Works and Economic Development Act of 1965. This bill extends the authorizations for that act through fiscal year 1974 and makes some other minor, substantive, and technical changes. I ask unanimous consent that the Committee on Public Works have until midnight tonight to file its report on H.R. 16071, together with supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

John A. Busterud, of California; and

Beatrice E. Willard, of Colorado, to be members of the Council on Environmental Quality.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Adm. John S. McCain, Jr., U.S. Navy, for appointment to the grade of admiral, when retired.

By Mr. SAXBE, from the Committee on Armed Services:

Maj. Gen. Alexander Meigs Haig, Jr., Army of the United States (colonel, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to be general.

By Mr. THURMOND, from the Committee on Armed Services:

Gen. Creighton W. Abrams, Army of the United States (major general, U.S. Army), for appointment as Chief of Staff, U.S. Army.

Mr. HARRY F. BYRD, JR. Mr. President, from the Committee on Armed Services I report favorably the nominations of nine flag and general officers in the Army, Navy, and Air Force and ask that they be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Vice Adm. Walter H. Baumberger, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Lt. Gen. Paul K. Carlton (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be general;

Vice Adm. Frederic A. Bardshar, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Gen. Ralph Edward Haines, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Vice Adm. Harold G. Bowen, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired;

Gen. John Lathrop Throckmorton, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Walter Thomas Kerwin, Jr., Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to be general;

Maj. Gen. Bernard William Rogers, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general; and

Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list.

Mr. HARRY F. BYRD, JR. Mr. President, in addition, I report favorably 320 nominations in the Navy in the grade of captain. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Frederick S. Adair, and sundry other officers, for promotion in the U.S. Navy.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) today signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 11047. An act for the relief of Donald W. Wetring;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes; and

H.J. Res. 1263. A joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARRIS:

S. 4066. A bill to impose an excise tax on the sale of wheat for export for which application for subsidy was made during the period beginning August 23, 1972, and ending September 1, 1972. Referred to the Committee on Finance.

By Mr. FANNIN (for Mr. ALLOTT):

S. 4067. A bill to authorize the Secretary of the Interior to convey certain land situated in the vicinity of Georgetown, Colo., to Frank W. Whitenack. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS:

S. 4066. A bill to impose an excise tax on the sale of wheat for export for which application for subsidy was made during the period beginning August 23, 1972, and ending September 1, 1972. Referred to the Committee on Finance.

Mr. HARRIS. Mr. President, on July 8 of this year, the United States and the Soviet Union entered into an unprecedented trade agreement having to do with enormous amounts of wheat purchases.

I have been an advocate of increased trade with the U.S.S.R. and Eastern Europe and expanded world markets for Oklahoma and American farm products. As the facts come to light, however, in regard to the recent Soviet wheat deal, it has become clearer and clearer that the wheat farmer, who grew and harvested the wheat, gained least, and that a few giant grain exporters with direct lines to the USDA and its inside information profited at the wheat farmer's expense and at the taxpayer's expense.

Nationally, around 20 to 25 percent of this year's crop was sold before the price was pushed up by the massive Soviet purchases. In my State of Oklahoma, that had an especially hard effect, because we are what is called an early wheat State. Our wheat is harvested before that in most of the rest of the country. Had Oklahoma's farmers had the information, they would naturally have held their wheat for the higher price. In Oklahoma, an estimated 75 percent of all this season's wheat was sold before information came to light about the magnitude of possible sales. Over 50 percent of Oklahoma wheat was sold before July 15. Based on last year's crop, a conservative estimate of the resulting loss to Oklahoma wheat farmers is $47 million. Of that, $32 million was lost because Oklahoma farmers did not have the same information as the big wheat exporters. They therefore sold approximately 80 million bushels at 40 cents or more below the market price.

Exporters, on the other hand, bought wheat futures as soon as they found out about the sale and before the facts were generally known. It was fairly easy for them to find out, as compared with the farmers. When Clarence Palmby and Secretary Butz were in the Soviet Union back in April of this year, and returned here, I think, on the 14th of April, they knew then that, aside from the question of whether or not the Russians would be able to buy wheat with credit, the Russians were facing a disastrously short wheat crop. As a matter of fact, Clarence Palmby had himself followed the Russian crop, spending a couple of days going around through some of the Soviet wheat fields, and he saw what had happened as a result of a severe winter. It was well known that they would have to buy great quantities of wheat to anyone who had been there and surveyed the facts, as he and others within the United States Department of Agriculture had. They knew, too, that Canada was not going to be able to deliver the needed wheat because of its overtaxed port and transportation facilities. They knew Australian wheat production was down by 150 million bushels. They knew Argentina and Brazil had shown serious crop reductions. They knew that quality deterioration and unusually, unprecedently high rains in Western Europe had reduced their wheat output, and that India had, as a result of a serious drought, seen a decrease in its own as well as Pakistan's and Bangladesh's ability to supply the wheat. So the Russians were going to have to come to us.

The exporters knew that, and others within the Department of Agriculture knew it, but the farmers did not know it. So the exporters moved into the wheat market. They pushed the price up slowly, and farmers sold instead of holding their wheat for a better price which the exporters knew was to come. Exporters bought Oklahoma wheat cheap, arranged their foreign sales, and then filed for the Federal export subsidy when the subsidy was at its peak in late August.

They had already made their sales, but they waited until the subsidy went up, as they knew it was going up, through the Department of Agriculture, and then they requested their subsidies.

An estimated 90 percent of Oklahoma wheat sold was sold at less than $1.60 a bushel. That same wheat would have sold for $2.14 a bushel had it been held by farmers until late August. In July, the big exporters were quietly going about buying up wheat for the sales they anticipated, and Russians were quietly buying more U.S. wheat at cheap prices. The exporters could file for the export subsidy on that wheat, not at the time of sale, but anytime up to the shipping date. They, therefore, waited until the price jumped up and filed when the subsidy was highest.

We made a bad deal with the Soviets on price. Knowing what we should have known and many did know about the Soviet wheat crop situation, we should have sold at a far better price. We therefore subsidized the Soviets at the taxpayers' expense by selling to them at a lower price than we could have received.

The Russians were happy, because they bought cheap. The exporters were happy because they got their subsidy on the higher price in effect before the wheat was actually shipped.

The people who suffered were the wheat farmers and the taxpayers—principally those wheat farmers in early wheat States like Oklahoma.

Another substantial loss to Oklahoma wheat farmers is still to come. The effect of the magnitude of the sale and the increased prices because of it will mean that the 5-month average of 1972 will probably reach $1.62 a bushel on wheat under the Federal price support program. The effect on the wheat certificate for those farmers who sold at substantially less than $1.62 will be disastrous. The loss to Oklahoma wheat farmers on their December price-support payments is estimated to be $15 million, in just the one State. Nationwide, the National Farmers Union has estimated that $68 million will be lost on the wheat certificates because of the wheat sale.

Mr. President, I do not think the wheat farmers in Oklahoma should have to pay for the increased subsidies given to a few big exporters. I do not think the farmers in Oklahoma should have to sit back and accept the losses to them because of the improper conduct of the USDA. I doubt that many Oklahoma wheat farmers find any comfort in Secretary Butz's interpretation that—

> Farmers didn't lose money because of early sales, they just didn't make the additional money they might have made.

I think it is time for us to put people in those positions in the U.S. Department of Agriculture who can fully operate with the interests of the farmers in mind.

There are other serious issues. One concerns the question of conflict of interest involving Mr. Clarence Palmby—who negotiated the Soviet wheat sale and then left the USDA to work for Continental Grain, one of the great gainers in this strange deal. There should be a thorough investigation of all possible conflicts of interest in regard to this whole matter.

Another issue involves the DISC law, which I opposed. The DISC law was enacted for the stated purpose of encouraging producers to export their products and not move their plants overseas. It was never the intent of the law—and it was a bad law, in any event, in my judgment—to give middlemen a tax loophold for selling wheat under a subsidy program. On September 29, the Treasury Department announced a proposed ruling making the grain exporter ineligible for a tax break under DISC. I am hopeful that the final ruling will likewise deny them a tax break under DISC. If so, I think public attention will have been the cause, and more public attention to this whole mess is what is needed. Action also is needed.

Mr. President, I am introducing today a bill that is aimed at making more equitable the events of the past months. The Export Wheat Sale Tax Act would tax at 100 percent the difference between the subsidy price at the time privileged exporters sold the wheat and the time they filed later on for the export subsidy, after it had gone up. The bill taxes only those exporters who had inside information from the USDA before it was publicly announced. Cargill Corp., Continental Grain, Bunge, Cook & Co., and Louis Dreyfus Corp.—a French company, which was paid millions of dollars of subsidy for a China wheat deal it made—received a complimentary telephone call from the USDA, informing them that there would be an immediate change of policy. All these corporations are privately held, so we know very little about them, except that they are owned by a few rich people—rich at the expense of American farmers, rich at the expense of American taxpayers.

All these huge grain companies received a complimentary telephone call from the United States Department of Agriculture, as came out at the hearings conducted by Representative Grant of Texas, to inform them that there would be an immediate change in policy with regard to the export subsidy.

Even if no details were given, this tipoff was enough to trigger increased activity in subsidy speculation.

What I hope to accomplish by this bill is to end the lax and loose policies on export subsidies that encourage speculation and in most cases work to the special advantage of the exporter.

If its principal purposes do not include looking after the interests of farmers, rather than the special interests of the big exporters, we ought to change the name of the Department of Agriculture.

I send to the desk the bill, which taxes away these ill-earned export profits. I ask that it be received and appropriately referred—and printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. Further, A. V. Krebs of the agribusiness accountability project has prepared an excellent background report on the U.S.–U.S.S.R. wheat sale. This report, "Of the Grain Trade, By the Grain Trade, and For the Grain Trade" gives a summary of the events leading up to the sale, the events following the sale, and their effect on U.S. farmers and a history of the subsidy program. I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

S. 4066

A bill to impose an excise tax on the sale of wheat for export for which application for subsidy was made during the period beginning August 23, 1972, and ending September 1, 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Wheat Sale Tax Act".

SEC. 2. (a) IMPOSITION OF TAX.—There is imposed on the sale of wheat for export (described in subsection (b)) a tax (determined under subsection (c)) which shall be due and payable 60 days after the date of enactment of this Act.

(b) TAXABLE SALES.—The tax imposed by subsection (a) applies to any sale of wheat for export—

(1) for which the contract of sale was made prior to the close of the business day of August 23, 1972,

(2) with respect to which an application for the payment of a subsidy was made to the Department of Agriculture during the period beginning on August 25, 1972, and ending on September 1, 1972, and

(3) determined by the Secretary of the Treasury or his delegate to have been made on the basis of information available within the Department of Agriculture and made available to the taxpayer before such information was publicly announced for the benefit of all persons engaged in the purchase and sale of wheat for commercial purposes.

(c) DETERMINATION OF AMOUNT.—The tax imposed by subsection (a) of any sale of wheat for export is an amount equal to—

(1) the difference between (A) the amount of the wheat subsidy per bushel in effect on the day of the sale of that wheat by the taxpayer and the amount of the wheat subsidy per bushel in effect on the day the taxpayer applied for the subsidy with the Department of Agriculture, multiplied by—

(2) the number of bushels of wheat sold for export by the taxpayer.

(d) ASSESSMENT AND COLLECTION.—The provisions of subtitle F of the Internal Revenue Code of 1954 (relating to procedure and administration) shall apply to the assessment and collection of the tax imposed by subsection (a) as if that tax were a tax imposed by subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) under such regulations as the Secretary of the Treasury or his delegate may prescribe. The Secretary of Agriculture shall cooperate with the Secretary of the Treasury or his delegate in the assessment and collection of the tax imposed by subsection (a) and shall provide access to such information and records as the Secretary of the Treasury or his delegate may require to carry out his duties under this Act.

(e) REGULATIONS.—The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

EXHIBIT 2

OF THE GRAIN TRADE, BY THE GRAIN TRADE, AND FOR THE GRAIN TRADE

(An interpretive background report on the 1972 United States-Russia wheat sales by A. V. Krebs, corporate research associate, Agribusiness Accountability Project)

(NOTE.—The Agribusiness Accountability Project is a public interest research organization based in Washington, D.C. The Project is funded by the Field Foundation and sponsored by the Center for Community Change and the Project on Corporate Responsibility.)

INTRODUCTION

On July 8, 1972, the United States and Russia announced an unprecedented trade agreement.

The U.S. would give the Soviet Union three-year credit at six percent interest in amounts up to $500 million. In return, the Soviets would promise to buy a minimum of $750 million of grain, including a $200 million purchase the first year.

By September 1, 1972, however, over $1 billion of U.S. grain and nearly one-quarter of the nation's wheat crop had been sold to Russia, mostly for cash, in secret negotiations between Russian officials and six large U.S. grain exporters.

U.S. Secretary of Agriculture, Earl L. Butz, has hailed these sales as a "major breakthrough for peaceful coexistence between Russia and the U.S." But the favoritism and political intrigue surrounding these public and private negotiations suggest that the billion dollar transaction should more appropriately be termed the Great American Grain Robbery.

A systematic program by the U.S. Department of Agriculture in recent years to deny itself vital grain export information, a joint USDA-grain trade sabotage of the International Wheat Agreement (IWA) which sought to establish world minimum prices, a general, long-time USDA reverence for the grain trade's elite, and a 1971 feed grain sale to Russia in which USDA bought grain at inflated prices with taxpayers money so they could deliver it cheap to the multibillion dollar Cargill and Continental Grain corporations, all serve as background in this story of the Great American Grain Robbery.[1]

THE NEGOTIATORS

It was a pessimistic U.S. trade team, headed by Secretary Butz, Clarence D. Palmby, Assistant Secretary of Agriculture for International Affairs and Commodity Programs, and Clifford G. Pulvermacher, the department's chief foreign salesman, which returned from Moscow in early April, 1972. After discussing an increase in grain sales with the USSR and the possible extension of U.S. credit, the Russians flatly rejected Butz's offer.

The Russians sought a ten-year, two percent interest loan. The U.S., arguing that such a loan would be unfair to the country's long-time, established world customers, opted for the Commodity Credit Corporation's standard three-year credit terms at 6⅛ percent.

Palmby, who left USDA to join the Continental Grain Co. as Vice-President for International Trade, later admitted, "I, along with my colleagues from the U.S. government, returned to Washington on April 14, firmly convinced the USSR would *never* buy grain on *credit*." (Emphasis added.) While Palmby (and Pulvermacher) with an extensive international trade negotiating background may have been skeptical of a credit agreement, they certainly were aware that Russia desperately needed wheat, that the U.S. was in a singularly favorable position to supply that wheat, and that the Russians would therefore be faced with having to pay cash for that U.S. wheat. Palmby even spent a couple of days on his Russian trip traveling through the nation's wheat fields.

A severe Russian winter killed much of the season's wheat crop. Wheat replanted in the spring experienced a disastrous summer drought which also sharply curtailed that crop. The difficulties the Russians were having with their wheat crop was soon manifested on the world market as they began in the spring to default on sales contracts made previously to other world market customers.

On the international scene, Canada, who had sold wheat to Russia in the past, was logistically unable to deliver grain in significant quantities as its port and transportation facilities were already taxed to capacity. Australia's wheat production estimates were down by 150 million bushels. Argentina and Brazil showed sharp crop reductions. Quality deterioration and the heaviest rains in 125 years in Western Europe reduced that area's wheat outturn significantly. India experienced more drought which seriously interupted its self-sufficiency in wheat production and both Pakistan and Bangladesh were in real need of unknown quantities of wheat.

Meanwhile the United States was preparing to harvest a mammoth 1.6 billion bushels of wheat, of which over one billion bushels would be available for export that would exceed the 1965–66 record high by over 130 million bushels.

As the stage was being set for lucrative cash sales to the Russians by the grain trades' elite—Cargill Corp., Continental Grain Co., Bunge and Born, Louis Dreyfus, Cook and Co., Peavey and Garnack—several key individuals who were to play vital roles in the story of the Great American Grain Robbery were advantageously positioning themselves.

STARRING CLARENCE D. PALMBY

In March, prior to leaving on the Moscow trip, Michel Fribourg, the president of Continental Grain, contacted Clarence Palmby about coming to work for the world-wide grain trader. After what Palmby later described as "very limited conversations" he and his wife spent several hours in New York (headquarters for Continental Grain) looking at apartments and living conditions. "Somewhat by happenstance" on April 3 and 4 they found a $90–$100 thousand two bedroom cooperative apartment that was to be available in July. Palmby, in furnishing the coop with personal references, listed four top Continental executives.

"Mrs. Palmby and I both realized there was a gamble as to when we might occupy the apartment, but we both had absolute confidence that I could successfully and gainfully continue my career in the private international trade sector," Palmby later wrote in a letter to House Agriculture Grain Subcommittee chairman Rep. Graham Purcell (D–Tex.).

On May 9, two days prior to informing Sec. Butz of his intention to leave USDA, Palmby met in Washington with the Russian Deputy Minister of Foreign Trade. But no progress was reported on any sales agreement between the U.S. and Russia.

The same day that Palmby tendered his resignation, he later wrote to Rep. Purcell, he accepted Continental's offer. Earlier, before Purcell's subcommittee, Palmby said he received a firm offer from Continental, "as I recall, somewhere around the first part of May, in that area." On June 8, Palmby joined Continental.

Sec. Butz later told a group of Washington reporters that if he had known about Palmby's New York real estate purchase he would not have taken him on the Russian trip. "In our business you operate in a goldfish bowl," Butz said. "If I had known (about the coop purchase) when we went to Russia, I would not have taken Mr. Palmby on the team." Butz recalled he had discussed Palmby's future with the Assistant Secretary last February, as he realized that Palmby was "the most merchandisable person in the Agriculture Department."

"He sat in a key and critical position, his age was right, his experience was right, his contacts were right, and his finances were right.

"If I had been the manager of a large grain company," Butz said, "I would have come straight to him. Palmby knows people in the grain trade and all over the world."[2] As a former director of four agribusiness corporations—Ralston Purina, Stokely-Van Camp, International Minerals and Chemical and J. I. Case—Secretary Butz has been in position to know the value of such contacts.

Palmby's hope was not the only one between USDA and the grain trade. Replacing Palmby at USDA was Carroll G. Brunthaver, who prior to his Department of Agriculture appointment in 1969, was Associate Director of Research for an affiliate of Cook Industries. In early 1972, Claude Merriman, USDA's Export Marketing Service's (EMS) Assistant sales manager for commodity exports, retired. In June, Merriman became a consultant for Louis Dreyfus Corp. Merriman's successor, George S. Shaklin, came to EMS after serving for seven years as manager of the Washington, D.C. office of Bunge Corp. As noted above, EMS General Sales Manager, Clifford Pulvermacher, left USDA to take a job with Bunge.

AT WORK IN THE MARKETPLACE

As the world wheat situation was growing increasingly clear to a small, select group of shifting USDA and grain trade executives in Washington, New York and Minneapolis, farmers in Texas, Oklahoma, Kansas and other areas throughout the southwest were harvesting their wheat. Many of these wheat farmers, unaware of the rich rewards their crop would soon be reaping in the market place, were selling at $1.25–$1.35 a bushel.

The large grain companies, such as Cargill and Continental Grain, were also busy, buying the current wheat crop cheaply and storing the bulk in their massive elevators for later sale. Cargill's storage capacity is estimated at 180 million bushels, some 30 million bushels more than Continental's facilities.

On June 29, a Russian delegation headed by M. R. Kuzmin, Soviet First Deputy Foreign Minister of Trade, came to Washington to begin a series of meetings with U.S. officials. These sessions lasted until President Nixon announced the two-nation, three-year credit agreement on July 8.

In Washington at the same time were officials of Exportkhleb, the Soviet state trad-

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Footnotes at end of article.

ing organization. A preliminary meeting took place between them and executives from Continental on the evening of June 30 at the posh Madison Hotel in Washington.

Clarence Palmby and a Continental official from the company's Paris office took a group of the Russians sightseeing in the nation's capital and to lunch in Alexandria over the weekend. Palmby claims, however, that no business was discussed with the officials at that time. The American exporters later claimed they were unaware that a Russian trade delegation was in Washington at the same time.[3]

Palmby also recalls that during June he sat in on policy meetings at Continental while Soviet crop conditions and other matters were discussed. He offered the benefit of his judgment, but said, "I've never negotiated with the USSR on the grain deal for Continental." [4]

On Monday, July 3, negotiations between Exportkhleb and Continental continued in New York. Two days later the Russians bought an estimated 147 million bushels of wheat from Continental at an agreed price of about $1.63 per bushel, free on board gulf ports. The sale involved some $240 million, more than the total dollar amount and double the amount of wheat the USDA said Russia would buy in the coming year. And this was all consummated three days before the U.S.-Russia agreement was signed and announced.

A review of the events throughout the summer of 1972 suggest that this agreement could well have been a smokescreen by the Russians to get wheat at cheap prices, since most of their subsequent buying was in that crop rather than feed grains, and for cash, not credit.

THE SELLERS

In Kinsley, Kansas on July 8, a few hours before the agreement was announced by President Nixon, wheat farmer Elmer Frick was selling his entire 1972 crop of 4,000 bushels for $1.27 a bushel.

Frick's plight was typical of farmers throughout the early harvest season. Eight weeks later, after the magnitude of the Russian sales began to be pieced together, those same bushels of hard red winter wheat would bring their producer $2.14 per bushel.

In Oklahoma, by July 15, over 50% of the state's wheat crop was harvested and sold. (Estimate based on last year's figures and this year's prices.) That figure went up to 75% by August 8. Some 90% of the state's farmers sold near 80 million bushels at prices below $1.50 per bushel—a loss approaching $47 million. Throughout the southwest and the early-harvesting midwestern states, 20–25% of the 1972 wheat crop was sold by the middle of July. Later Secretary of Agriculture, Earl Butz, in noting the loss these growers suffered, observed that, "Farmers didn't lose money because of early sales, they just didn't make the additional money they might have made."

During July the Russians continued to make large purchases of wheat from the grain trade's elite (See Figure 1).[5] No public announcement followed any of these sales.

TONNAGES BY COMPANY IN U.S.S.R. WHEAT SALES

	1st trip, June 29 to July 21	2d trip, July 31 to Aug. 18
Continental Grain Co., New York	5,000,000	None
Cargill Inc. Minneapolis	1,000,000	1,000,000
Louis Dreyfus Corp., New York	750,000	1,500,000
Cook Industries Inc., Memphis	600,000	300,000
Garnac Grain Co., New York	200,000	350,000
Bunge Corp., New York	None	600,000
Total	7,550,000	3,750,000

Footnotes at end of article.

At a July 8 press conference Secretary Butz noted that although the Russians would have to buy wheat beyond that already contracted from Canada, "they (the Soviets) have plenty of wheat for now."

THE BUYERS

Wheat future activity on the Kansas City Board of Trade increased dramatically throughout July. *The Wall Street Journal's* Burt Schorr reported on September 18 that an intensive investigation was being made by the Commodity Exchange Authority to determine whether exporters placed heavy order in the closing minutes of trading each day to boost closing prices and occasion a corresponding rise in the wheat export subsidy.

According to a trader for a large flour company, "suspicious last-minute purchases of September contracts occurred on several days in July." He cited, "one instance . . . when with three or four minutes of trading remained pit brokers handled orders totaling five million bushels." [6]

It was in July that the major grain exporters were adroitly going about their business of creating circumstances which would enable them to reap windfall profits in the coming weeks. Meanwhile the Russians quietly returned to the U.S. late in the month to buy more cheap U.S. wheat.

PROFITS: USDA STYLE

Crucial to the grain trade's scheme was USDA's export subsidy policy and its maintenance. The Department of Agriculture makes payments to wheat exporters as a means of keeping U.S. wheat export prices competitive in world markets when prices offered by other major wheat exporting nations are lower than U.S. domestic prices.

Through July and into August the domestic price of wheat started to rise, each day the subsidy growing more lucrative for those grain corporations that had bought wheat early from unsuspecting farmers.

Hard Red Winter	Domestic price f.o.b. vessel	Subsidy	Net or world
July 7, 1971	$1.69⅛	$0.02	$1.67⅛
June 28, 1972	1.64½	.01	1.63½
July 5, 1972[2]	1.69	.06	1.63
July 12, 1972	1.76½	.13	1.63½
July 19 1972	1.79¼	.15	1.64¼
July 26, 1972	1.77⅞	.14	1.63⅞
Aug. 2, 1972	1.80¾	.17	1.63¾
Aug. 9, 1972	1.96¼	.31	1.65¼
Aug. 16, 1972	2.04	.36	1.68
Aug. 23 1972[3]	2.14¼	.38	1.76¼
Aug. 30, 1972	2.14¼	.32	1.82¼
Sept. 6, 1972	2.18¼	.30	1.88¼
Sept. 13, 1972	2.25½	.26	1.99½

[1] July 8 announcement on Russian grain sale announced.

[2] Export subsidy policy change reported effective Aug. 24 all sales not previously registered eligible for increased subsidy. HWR Gulf $0.09.

Source: Daily cash prices USDA Agriculture Service, calculated U.S. Wheat Prices USDA, export marketing service.

Protests began to be heard that USDA, by maintaining the net export price while allowing the subsidies to increase, had the effect of artificially driving up domestic prices. It was during this period that USDA doggedly kept defending the subsidy program as essential to keeping U.S. wheat competitive with the world price, failing to recognize that the world price was the American selling price.

On Monday, August 7, the wheat market showed a sharp advance. However, USDA left the export subsidy level unchanged. By resisting market changes with corresponding changes in the export subsidy level, the Department signaled that there would be no basic change in its long-term policy of maintaining net U.S. export prices at levels that had existed for many months. Later, after the policy was in fact changed to a dual subsidy, the authoritative trade publication, *The Southwest Miller* noted: "This was in face of the fact that exporters making the huge sales to the Soviet Union *had been assured by the Department, prior to entering into the sales contracts, that the Department would protect them* on unchanged net export prices through subsidy adjustments that compensated for market changes." (Emphasis added)[8]

Preparing the Ground

Even before the Great American Grain Robbery, the ground was being prepared for the subsidy harvest reaped in the U.S.-Russian sales.

In 1967, at the instigation of the grain trade and with the blessings of USDA, the subsidy certification procedure was changed whereby the grain companies no longer had to have sold the grain before filing for their export subsidy. The new procedure of filing for subsidies anytime between the purchase and the shipping date opened the way for increased subsidy speculation in the grain trade.

Four years later, USDA and the grain trade teamed together to render the International Wheat Agreement (IWA) impotent. In 1971, after hearings on the weakened IWA, the U.S. Senate passed a "sense of the Senate" resolution directing the U.S. negotiators to go back to the International Wheat Council to seek agreement with other nations on minimum prices, reference wheats (wheats used as a basis for figuring relative minimum prices of other wheats) and basing points (various export and import shipping points). Clarence Palmby, chief U.S. negotiator for the U.S. delegation, testified at the ratification hearings that the U.S. was "not in favor of this resolution," as member countries could at any time "negotiate a pricing provision if such seems desirable and timely." Had a strong IWA been in effect in the summer of 1972, the Great American Grain Robbery would have died aborning.[9]

In the Fall, 1971 the grain trade received another able financial assist from USDA when exporters were told they no longer were required to register the country to which they were shipping when booking their sales for export subsidies. USDA also makes no effort to determine or verify how much grain companies actually pay for their wheat purchases before they apply for an export subsidy. It is in reality a "blind" subsidy payment to corporate interests.

Throughout July and August a good share of the Nation's wheat farmers were not only lamenting the cheap prices for which they had already sold their wheat to rich grain exporters, but they were also alarmed at what the rising domestic prices were going to do to their wheat certificate payments.

The Agricultural Act of 1970 at the urging of the Agriculture Department and the Nixon Administration, provided that wheat certificates paid to farmers on their share of domestic consumption would be calculated to reflect the difference between the average market price for the first five months of the marketing year, July 1 to November 30, and the parity price as of July 1—$3.02 per bushel. Prior to 1970 the calculation was made on the difference between parity and the price support loan rate.

That change now promises to affect seriously wheat farmers who sold their crop in the early summer of 1972 for less than $1.62 per bushel. The import of the Russian sales subsequently drove prices so high that the five-month average for 1972 will probably reach $1.62. Elmer Frick, who sold his wheat at $1.27, will lose 35 cents a bushel on his December price support payment. A total loss of over $68 million to those farmers has been estimated by the National Farmers Union.

It was in the second session of the 92nd Congress that Representatives Neal Smith (D-Iowa) and John Melcher (D-Mont.) introduced legislation which would have increased the government grain loans by 25 percent and established reserves of excess supplies to relieve a glutted market.

Since farmers would hesitate to sell wheat below the government's loan rate, the Smith-Melcher bill would have had the effect, by raising the loan rate 25%, of establishing a $1.56 "floor" for wheat. Wheat farmer Frick's loss in 1972 might have been only six cents a bushel rather than 35 cents.

The Smith-Melcher bill was passed by the House 204–164, but was defeated 10–4 in an executive session of the Senate Agriculture Committee. Over the objections of Sen. Hubert Humphrey (D-Minn.), who supported the bill, Clarence Palmby was allowed to participate in the executive session as an "expert." Palmby, when he later left USDA, told a reporter that in his three years with the Department the accomplishment he took the greatest pride in was the defeat of the Smith-Melcher bill.[10]

In mid-August, 1972, with over one-third of the nation's wheat crop already sold, the U.S. Department of Agriculture deliberately passed up another opportunity to help the American wheat grower earn a better price for his crop. Burt Schorr, in the September 14, 1972 issue of the *Wall Street Journal*, reported that USDA suppressed a mid-August report which, after analyzing Soviet crop conditions, concluded that the outlook for Russian grain production had worsened from an earlier estimate. Secretary Butz and USDA later defended their actions by pointing out the report was based on the (on-the-spot) opinions of the U.S. Agricultural attache in Moscow and might, if released, be "misinterpreted" by American farmers. Some seven weeks later on October 3, the *Wall Street Journal* reported that the August report was still unavailable, although USDA said the October report "incorporates figures used in that (August) analysis."

NURTURING THE PROFITS

As the subsidies continued to swell during August, USDA became increasingly alarmed and finally determined that a dual subsidy program would have to be put into effect. The manner in which they choose to announce this new policy clearly exposes the genuine concern by the USDA for the financial well-being of the grain trade.

At approximately noon on August 24, EMS's Grain Division Director, Charles Pence, began placing calls to the grain trade's elite informing them that there would be a meeting at the department the next day to inform them that "there would be a change in export payment policy on sales of wheat," and that the U.S. could no longer maintain the present export subsidy level.

USDA's Carroll Brunthaver later told Congressman Purcell's House Subcommittee on Grains that he had no knowledge of Pence's "tip-off" calls. Rather, he said, he had asked Frank McKnight, EMS's Assistant General Sales Manager, on August 24 "to notify exporters immediately that a change had just been made in export policy; which, in effect, notified wheat exporters not to assume sales made after the close of business on the 23rd of August would necessarily qualify for export payments based on U.S. export prices that had prevailed for the previous ten months."[11]

Whether, in fact Pence made it clear to the few exporters he called that the new policy was retroactive to the close of business on August 23 is open to question. Brunthaver later testified that the decision to make the cutoff date for the special subsidy the 24th, rather than the 23rd, was not made until the 25th when USDA decided that some exporters (those who received no calls from Pence on the 24th) might not have been informed.

Pence also noted in a *New York Times* telephone interview that when he called the grain companies they "immediately began talking about whether there would be a two-tier system." He told them that he had no knowledge of this. But he conceded that "he had already heard from *sources in the trade* that this was what the department had in mind, *even before I knew it*." (Emphasis added).[12]

"WE'VE GOT TO CALL AND WARN THE TRADERS"

With the domestic price of wheat around $2.10 and the subsidy a staggering 38 cents a bushel on August 24, USDA announced on the 25th that all sales made through August 24 (23?) and registered by September 1, would be eligible for a 38 cent subsidy, plus a nine cent retroactive supplement. For the previous few days before the August 25 announcement, USDA had not changed the export subsidy payment while the domestic price continued to increase. With the announcement of the two-tier policy, the Department felt it could not penalize those exporters who had abided by the old policy, so the retroactive supplement of nine cents was to bring the current world price plus the subsidy up to a level with the present domestic wheat price.

The second-tier payment policy was simply an early warning sign to the grain trade that they could no longer depend on the old subsidy policy and that the day of zero subsidy was at hand, which in fact came on September 21.

Despite the hand writing on the wall that the change in subsidy policy was doing little to cool off a hot market, it appears USDA still felt it necessary to stick by the program to the very end. Earlier in the same week that the zero subsidy was announced, Carroll Brunthaver was questioned on such a possibility by Rep. Melcher. "No," Brunthaver replied, "I don't think that it is in active consideration. No."[13]

While the Assistant Secretary was also unable to make up his mind in various public statements about whether the Pence calls had benefited the exporters or not, *Newsweek's* Rich Thomas uncovered one of the most revealing episodes in the entire story of the Great American Grain Robbery. "It took the White House Office of Management and Budget to blow the whistle. In a routine audit, director Casper Weinberger was startled by the burgeoning cost of the export subsidies. His crash investigation culminated in a showdown with Carroll Brunthaver . . . 'My God, you mean we suspend the subsidy?' Brunthaver exclaimed. 'We've got to call and warn the traders.' Weinberger icily insisted that a public announcement be made."[14]

During the House Subcommittee hearings, Rep. Melcher asked Brunthaver whether it was proper for USDA to give verbal assurances on policy to major exporters. "This involves millions of dollars," the Montana Congressman questioned, "is it customary to do it verbally?" Brunthaver told the committee he was simply guaranteeing the firms a continuation of longstanding policy.

REAPING THE HARVEST

During the week of August 25-September 1, some 282,047,694 bushels of wheat were registered for the special subsidy of 47 cents a bushel—85% of that wheat being booked for subsidy payments on September 1. The cost to the taxpayers—approximately $131.6 million.

One of the major grain exporters who scored a windfall in export subsidy profits with the announcement of the 47 cent policy was the Louis Dreyfus Corp. Sometime in mid-August after two or three days of talks with French representatives of Dreyfus, officials of the Peoples Republic of China agreed to buy over 14,500,000 bushels of American wheat.

Dreyfus subsequently registered one quarter of the sale on a day the subsidy was 29 cents a bushel. As for the remaining wheat the company said, the transaction was completed before 3:30 P.M. August 24th, thereby qualifying for the special 47 cent subsidy. Dreyfus, however, did not furnish its verifying information on the sale until September 11, as USDA allowed five additional business days to the exporters beyond September 1 to provide data verifying a sale on which a subsidy was claimed before August 24. The French firm received some $5,820,000 in subsidy payments on the China sale, nearly double the amount they would ordinarily have received if they had applied for a subsidy at the time of the sale.

By early September, the Russians had bought nearly 400 million bushels of wheat—half of those sales handled by the Continental Grain Co.—from the U.S. Domestic prices were near $2.20 per bushel, and exporters were still receiving over 25 cents a bushel subsidy payment.

Amid charges by Democratic Presidential candidate George McGovern, of USDA favoritism and the passing on of "inside information," the House Subcommittee on livestock and grains held a series of hearings in mid-September. It was at those hearings that USDA and Secretary Butz defended their actions in the past months.

Reverting to the U.S. Department of Agriculture's "trickle-down theory," Butz pointed how "the American taxpayer gains from this sale by paying less to store surplus wheat. The grain farmer gains from a stronger market and higher prices. Union members gain from expanded jobs and opportunities. The economy gains from this increased activity and from a sizeable contribution to our balance of trade."[15]

The Secretary did not address himself, however, to the fundamental fact of whether his department did everything it could to alert U.S. producers to the size and scope of Russia's wheat needs. Ignoring the facts of world wheat conditions in 1972, he told the committee that "it is accurate to say that the eventual size of the Soviet purchases caught everyone by surprise, including the Russians themselves." Noting that union members, specifically U.S. maritime workers, would gain from "expanded jobs and opportunities." Butz also overlooked the fact that of the 3.7 million tons of grain contracted for shipping by early September, 2.5 million tons had already been shipped in bottoms of third country ships.[16]

Identical bills in the House and Senate were introduced in mid-September to compensate the Southwestern farmers who would be likely to lose vital income on their wheat certificates because of the high five-month average in wheat prices which determines their December price support payment. The House bill was approved 23–10 on September 26. Three Republicans from wheat growing states despite intense pressures from the White House, joined Democratic supporters. The previous week the Senate Agriculture Committee defeated the bill in a 7–1 voice vote, with Sen. Humphrey casting the single yea vote (although he had the proxy of Sen. McGovern available for any record vote.

TRYING TO SQUEEZE OUT THE LAST DOLLAR

Grain exporters were also busy in Washington seeking to get another "subsidy" in the form of a tax break on their profits at an estimated cost to the taxpayers of $100 million.

Under a tax bill passed in December 1971, a U.S. company may set up a Domestic International Sales Corporation (DISC) to manage its receipts from exports. Taxes on half the profits of a DISC operation can be deferred provided they are used in the parent company's export business or remain in the U.S. as "producer's loans" to related or unrelated American producers. The entire thrust of this legislation was to slow down the drain of American funds and manufacturing skills to other countries. A member of the Senate Finance Committee which passed the legislation, Sen. Harry F. Byrd, Jr. (Independent-Va.), attacked the export-

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Footnotes at end of article.

ers' tax break plea, pointing out: "in the Russian grain deal, there is no element of manufacturing skills or activities involved. To apply DISC benefits to this sale would be a distortion of the purpose of the law." [17]

The Treasury Department, however, can deny these benefits, if the profits are found to be derived from sales "accomplished by a subsidy granted by the United States or any instrumentality thereof." The grain trade argues that the subsidy clause is inapplicable to them since the subsidy program is an integral part of the general price support program for farmers. Despite a specific plea from Continental Grain Co., on September 29, the Treasury Department announced a proposed ruling making the grain exporters ineligible for a tax break under DISC on their profits.

CONCLUSION

There are several inescapable conclusions to be drawn from the history of the 1972 wheat sales, including:

1. The U.S. could have asked for and received a much higher price from Russia simply because it alone has the wheat the Soviets need. In the free enterprise system, the process is called supply and demand.

2. USDA has shown a systematic and diligent favoritism, bordering on reverence, for the grain trade elite, in both the marketplaces and the halls of government. Harry Graham of the National Farmers Organization describing the USDA's wheat policies as being "of the grain trade, by the grain trade, and for the grain trade."

3. While over $200 million of taxpayers' money was being spent in subsidy payments in a four-month period, the public was being deliberately denied information (under the guise of "trade secrets") by men and corporations who were depending on that money for personal gain and profit.

4. An agency mandated to protect the farmer—the U.S. Department of Agriculture—woefully neglected that job at precisely the time it could have served their common good (and could have served the taxpaying citizenry) by doing its job efficiently and in the public (not private) interest. USDA was found on the side of giant, grain corporations, aiding and abetting the Great American Grain Robbery of 1972.

FOOTNOTES

[1] See *The Great American Grain Robbery and Other Stories*. Martha M. Hamilton. Agribusiness Accountability Project. 1972.

[2] "Butz Rues Palmby's Grain Trip," by Nick Kotz, *The Washington Post*, October 5, 1972.

[3] "Ex-U.S. Aide Denies Wheat Deal Windfall," by Nick Kotz, *The Washington Post*, September 20, 1972.

[4] "Cargill, Continental Spokesmen Defend U.S. Trade Actions," by Jack Kiesner, *Feedstuffs*, September 25, 1972.

[5] *The New York Times*, September 29, 1972.

[6] "Agency Studies Wheat Market for Trades Aimed at Manipulating Export Subsidies," by Burt Schorr, *The Wall Street Journal*, September 18, 1972.

[7] Statement of the National Association of Wheat Growers before the House Agriculture Subcommittee on Livestock and Grains by Eugene Moos, President, September 18, 1972.

[8] "Two-tier Subsidy in Major Export Policy Shift," *The Southwest Miller*, August 28, 1972.

[9] *Op. cit., The Great American Grain Robbery and Other Stories.*

[10] "Palmby to Leave USDA for Post with Continental Grain," by Jack Kiesner, *Feedstuffs*, May 29, 1972.

[11] Statement by Carroll G. Brunthaver, Assistant Secretary, International Affairs, and Commodity Programs, United States Department of Agriculture before the Livestock and Grains House Subcommittee, September 18, 1972.

[12] "Butz, Aide Deny Knowing of Tip to Grain Exporters," by E. W. Kenworthy, *The New York Times*, September 15, 1972.

[13] "U.S. Drops Subsidy on Export Wheat," by E. W. Kenworthy, *The New York Times*, September 23, 1972.

[14] "$150 Million Blunder," *Newsweek*, October 2, 1972.

[15] *Op. cit., The Great American Grain Robbery and Other Stories.*

[16] "U.S.-Soviet Agreement on Grain Shipping Near," by Marilyn Berger, *The Washington Post*, September 13, 1972.

[17] *Congressional Record*, September 28, 1972, p. 32721.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1540

At the request of Mr. THURMOND, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1540, a bill to require a health warning on the labels of bottles containing certain alcoholic beverages.

S. 3070

At the request of Mr. HARTKE, the Senator from Georgia (Mr. TALMADGE), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), and the Senator from Ohio (Mr. SAXBE) were added as cosponsors of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care, and for other purposes.

S. 3449

At the request of Mr. JACKSON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation there.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. MATHIAS), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3881

At the request of Mr. CHILES, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3881, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 4006

At the request of Mr. HARTKE, the Senator from Georgia (Mr. TALMADGE), the Senator from West Virginia (Mr. Randolph), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), the Senator from Wyoming (Mr. HANSEN), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. SAXBE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 4006, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

SENATE RESOLUTION 376—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO INVESTIGATE THE FEASIBILITY OF IMPROVING THE EFFICIENCY IN THE CONDUCT OF SENATE HEARINGS

(Referred to the Committee on Rules and Administration.)

Mr. HART. Mr. President, certainly few days pass in the Senate without several of its Members complaining about the impossible schedule they are attempting to follow.

Anyone who has had more than an hour's contact with the Senate, would—in fairness I think—agree that as the years have passed the schedule has become humanly impossible.

Much of this is due to the weight of subcommittee and committee meetings which—especially when they are constantly interrupted by other business as they inevitably are—seem unending.

Each of us frequently faces a schedule card in the morning that will list three, four, or as many as five hearings, conferences, executive sessions or such committee business for the day. Most likely all are running concurrently.

Mr. President, the present committee hearing system I suspect made good sense when being a Member of Congress was a part-time job and when the world moved much more slowly.

Unfortunately, today's world cannot accommodate a Senate hearing system reflecting the world that was.

Therefore, I today introduce a resolution which would establish a special committee to investigate the feasibility of improving the efficiency of the Senate's hearings. In particular, this committee—consisting of 19 Members of the Senate—would be charged with examining the feasibility and desirabilty of adopting a Senate hearings officer system.

Let me explain a little as to how I conceive such a system might operate—and the advantages it would hold for making it possible for each of us to do a better job.

These are, of course, initial impressions—subject to rejection or more hopefully, improving by the special commission.

Basically, the function of the hearing officers would be to preside over hearings and to present a condensed report to members of the subcommittee—or committee—sitting en blanc.

The committee itself would have full discretion and responsibility for matters which would be assigned to the hearing officers—and at what point of the information-gathering process those matters would return to the subcommittee for further work or solution.

Hearings would be conducted, under

hearing officers, much as they now are when a Senator is presiding. In other words, majority and minority staff would present both sides of the questions.

When the report of the hearing officers is presented to the committee or subcommittee, minority and majority counsel would be responsible for time-limited, oral arguments. Hearings officers would be empaneled before the committee to respond to specific questions and to receive instructions for additional hearings or remand of the subject for additional work.

Senate hearing officers would be restricted to those matters specifically referred by the committees and subcommittees and would not have original jurisdiction for either legislative or investigate proceedings.

Mr. President, the advantages of this system, I think, are evident.

First, of course, it would give each of us hundreds of hours every session to devote to matters now getting too little attention. This may be floor work, research, meetings with constituents, or really delving into matters before the committees.

Second—and perhaps of first importance to the Nation—legislative and investigative hearings, which these days never are held simply because there is no Senator to chair, will be held. Further, the legislative process could be taken more easily to the people rather than reserved almost exclusively for Washington.

Not being able to hold hearings has been a real problem for all of us, I am sure. Perhaps the Senate Antitrust and Monopoly Subcommittee, which I chair, is as good an example, this year as any.

Two months of hearings were wiped out because of the Kleindienst matter which was before the full committee. Two more weeks were lost for the Democratic convention and two more for the Republican convention. Additional weeks were lost because the majority leader found it necessary to restrict severely hearings preceding these recesses—and the adjournment we are now trying to achieve—in order to have Senators on the floor.

Once adjournment is reached, the subcommittee will not be able to hold hearings until after the election because of other commitments by its members. The same may hold true until after the first of February next year.

So, it is entirely possible that from February 1972 to February 1973, the subcommittee staff would have only 4 or 5 months in which to schedule hearings.

Which brings up the third advantage of adopting a new hearing system—the more efficient use of committee staff. I would hesitate to estimate how many hours under the present system are wasted because of rescheduling of hearings due to conflicts in the presiding Senator's schedule or waiting in hearing rooms while we respond to vote calls or other duties.

To understand just how long and drawn out the hearings process can be, perhaps we should once more look at the Senate Antitrust and Monopoly Subcommittee.

An important study done by this group was that of economic concentration. Hearings spread over 7 years, 1964—70. Yet, they covered only 43 hearing days—something that could easily be handled by hearing officers in a few months if it were deemed desirable.

The fourth advantage of such a system would be that Senators would escape the tedium of sitting through the lengthy oral information-gathering process—and still have the advantage of summaries of the significant detail necessary to making responsible decisions.

Further—since I would hope the hearing officers would be allowed to depose witnesses and accept return of subpenaed material—we would be relieved from such journeys as the famous Dita Beard Denver trip.

We would be served by a professional staff of hearing officers—split into several panels, each gaining expertise in the subject matter it handles. The hearing officers might be appointed by the Democratic and Republican caucus at the beginning of each Congress and the panels would be organized in proportion to the representative memberships of the parties.

Mr. President, I recognize the irony in suggesting establishing another committee when the thrust of these remarks is to outline the committee burden Members now have.

However, I do not conceive that the work of this committee would be either heavy—or long lived. The resolution suggests a life of 8 months—reporting back in time to adopt the recommendations during the 93d Congress. Now, that may seem a short period of time but in some initial shopping around we have discovered that several organizations are ready and willing to do the research necessary to give a full picture of the pros and cons of the system.

Further, we do not necessarily have to think of this as a system to be adopted immediately across the board by the entire Senate committee system. I—as one subcommittee chairman—would entertain happily the idea of participating in a demonstration project.

It seems entirely practical to me that three or four committees and subcommittees might test out the hearing officer system before deciding whether the full Senate wants to adopt it.

So the information needed to develop a sound idea of the merits and the mechanics is not so difficult. It is my hope that we will move quickly to get the research underway.

Mr. President, on behalf of myself, the Senator from Hawaii (Mr. FONG), and the Senator from California (Mr. TUNNEY), I submit a resolution to establish a special committee to investigate the feasibility of improving the efficiency in the conduct of Senate hearings.

The resolution (S. Res. 376) reads as follows:

S. RES. 376

Resolved, That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Improvement In The Senate Hearing Process (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman:

(2) two Senators who are members of the Committee on Rules and Administration;

(3) two Senators who are members of the Committee on Banking, Housing and Urban Affairs;

(4) two Senators who are members of the Committee on Agriculture and Forestry;

(5) two Senators who are members of the Committee on Commerce;

(6) two Senators who are members of the Committee on Finance;

(7) two Senators who are members of the Committee on Government Operations;

(8) two Senators who are members of the Committee on Interior and Insular Affairs;

(9) two Senators who are members of the Committee on the Judiciary; and

(10) two Senators who are members of the Committee on Labor and Public Welfare.

One Senator appointed from each such committee under clauses (3)-(10) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

(f) The committee shall cease to exist on June 30, 1973.

SEC. 2. It shall be the duty of the committee—

(a) to make a full and complete study and investigation of the extent to which the Senate investigative and legislative hearings can be conducted by Senate hearing officers who shall be professional-staff members appointed by the Senate in accordance with rules to be adopted by the full Senate based on the report and recommendation of this committee.

(b) to make recommendations with respect to the foregoing, including proposed Senate rules, improvements in the administration of existing rules, laws, regulations, and procedures, and the establishment of guidelines and standards for the conduct of Senate hearings.

(c) on or before January 31, 1973, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation, together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deemed advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the service, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $250,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SURFACE MINING RECLAMATION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1713

(Ordered to be printed and to lie on the table.)

Mr. JACKSON. Mr. President, I send to the desk an amendment in the nature of a substitute to S. 630, the Surface Mining Reclamation Act of 1972, and ask that it be printed. I also ask unanimous consent that the amendment be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Mr. President, over the past year the need to establish an environmentally strong and administratively realistic Federal policy with respect to the regulation of surface mining operations and the reclamation of mined lands has become a major issue of public concern. And properly so. Unregulated surface mining activities have imposed large social and environmental costs on the public at large in many areas of the country in the form of unreclaimed lands, water pollution, erosion, floods, slope failures, loss of fish and wildlife resources, and a decline in natural beauty. The impact of uncontrolled surface mining in many regions has been a stark, unjustifiable and intolerable degradation in the quality of life in local communities. These are costs which the Nation cannot continue to tolerate.

PARLIAMENTARY SITUATION

At the present time there are two very different bills pending before the Congress to establish Federal policy for the control, regulation, and reclamation of surface mining operations.

The first bill, H.R. 6482, the "Coal Mine Surface Area Protection Act of 1972," is on the House Calendar and apparently will be voted upon in the House early next week under suspension of the rules—a parliamentary procedure that limits debate and does not permit amendment.

The second bill, S. 630, the "Surface Mining Reclamation Act of 1972," was ordered reported by the Senate Interior and Insular Affairs Committee on September 13, 1972. The reported bill was the product of extensive hearings, field investigations, and executive sessions by the members of the Subcommittee on Minerals, Materials, and Fuels chaired by the distinguished junior Senator from Utah (Mr. MOSS).

Unfortunately, the Interior Committee has had a heavy workload in this session. It also has proven difficult to obtain a quorum of the full committee as a result of the work load in other committees and on the floor.

On September 13, a day scheduled for full committee markup of S. 630, the committee found itself confronted with the announcement of the joint Senate leadership that major legislation not reported by Friday, September 15, would not be considered before adjournment. Although many members had not had an opportunity to participate in the subcommittee work on S. 630, the committee unanimously voted to order the measure reported to the floor in the form recommended by the subcommittee. The purpose of this action, of course, was to preserve the option and the opportunity of gaining enactment of surface mining legislation before Congress adjourns by having a reported bill on the Senate Calendar.

Mr. President, as the committee report on S. 630 notes, the bill as reported does not necesasrily reflect the views or the positions of all of the members of the committee on the many complex and difficult issues associated with the regulation and reclamation of surface mining operations. Members did not have an opportunity to offer amendments in committee. Senator MOSS, Senator METCALF and I, for example, had each prepared a number of specific amendments for full committee consideration as early as July. Many of these amendments are set forth in Committee Print No. 3, a working document prepared on August 10 to facilitate the markup of S. 630 in full committee.

In view of this background, it was understood and agreed when S. 630 was reported on September 13 that individual members of the committee reserved their right to offer amendments on the floor when the bill was called up for consideration.

Mr. President, the amendment I send to the desk to be printed contains the major and perfecting amendments I would have offered in full committee had there been an opportunity to further consider the subcommittee's bill.

The amendment I propose builds upon the important work of the subcommittee and, in a number of respects, merely refines policies and concepts which were developed by the subcommittee's work on S. 632. This is true, for example, of those portions of the amendment which: First, place the initial and primary responsibility for surface mining control with the States, subject to Federal review and right of preemption if necessary to achieve the requirements of the act; second, establish a $100 million mined lands reclamation fund; and third, apply the requirements of the act to both coal and all other commercial surface mining operations.

There are other aspects of the amendment which go beyond the subcommittee bill or which propose policies different than those found in S. 630 as reported. These include: providing procedural safeguards to guarantee public notice, and insure the right of public participation.

Placing the burden of proof on the applicant for a surface mining permit to prove he can reclaim the land to socially useful purposes without permanent degradation of the environment and without imposing social costs on society generally.

Providing new tough performance standards which set in qualitative terms the objectives which must be achieved at all stages of the surface mining process and in reclaiming the land.

Requiring an in-depth study to determine the environmental, social and economic impacts—both positive and negative—of imposing on a national or regional basis outright prohibitions or quantitative prohibitions in the form of slope degree limitations.

Placing administration and enforcement of the act in a new office in the Department of Interior and avoiding conflicts of interest by prohibiting the Office from performing any coal or other mineral "developmental" or "promotional" functions.

Applying the requirements of the act to TVA and other public corporations, agencies, or publicly owned utlities.

Applying the requirements of the act to Federal and Indian lands.

Requiring the consent of the surface owner or a bond sufficient to indemnify him for any damages before a surface mining permit will be granted.

Authorizing reclamation research and demonstration projects.

Protecting parks, public areas, streams and lakes.

Permitting special exemptions by the President if necessary to deal with national emergency situations.

Insuring that electrical powerplants are not arbitrarily shut down.

Providing a preference right in reclamation contracts for operators and individuals whose operations or employment has been adversely affected by the act.

OBJECTIVES OF SURFACE MINING LEGISLATION

In order to approach the bills pending before the Congress and the amendments which may be offered to them from a common basis of understanding, I think it is important to set forth the general objectives which a sound Federal policy for surface mining operations must achieve.

First, surface mining operations must be prohibited in any area where the damages are irreparable, or where full reclamation of the lands involved is physically impossible.

Second, a uniform basis of Federal requirements applicable throughout the country which will establish a national standard for control of surface mining and thereby mitigate the economic inequities which occur when State regulatory efforts are widely divergent; and which will also protect the broader national interests where States are unable or unwilling to act effectively to control surface mining operations.

Third, the social and environmental costs associated with surface mining operations must be internalized and paid for by the operator as costs which are properly chargeable to the mining and should not be imposed upon present and future generations of society.

Fourth, surface mining operations which are necessary to provide the energy and mineral resources essential to the economic and material well-being of our society must be accompanied by the highest practicable degree of reclamation, which will return the disturbed lands to a condition capable of supporting the possible diversity of uses which are of equal or greater social value than the original uses.

Fifth, the statutory framework, the governmental institutions and the regulatory structure established to implement the policy must reflect, with the greatest degree of certainty possible, the standards which are to be met, and must also be designed to insure fairness, due process, and flexibility to cope with the unique conditions that are presented in different regions of the country.

CONSTRAINTS ON FEDERAL ACTION

Almost as important as the objectives to be achieved by a sound Federal policy are the constraints on the Federal Government's constitutional authority to develop and implement such a policy. The major limitations which must be recognized in regard to development of a surface mining policy are very real and deserve careful consideration.

First, the Nation is dependent on the energy and mineral products produced in surface mining operations.

At the present time 20 percent of the total energy consumed in the United States is supplied by coal, and half of all the coal is obtained by surface mining. Furthermore, coal supplies the fuel for over half of our electric power production. Surface mined coal already represents a disproportionately large share of the coal used for electrical generation and the greatest proportion of new surface mining of coal—especially in the West—will be connected with new electric generation capacity. At the same time, the Nation faces serious and growing constraints upon each of the other energy sources for electric power generation which will be practicable at least for the next two decades—hydroelectric, nuclear, gas, or oil. As a result, critical electrical energy shortages already loom as major public crises in a number of regions of the country.

The energy situation is coupled with the national dependence upon supplies of other minerals which are substantially obtained from surface mining, such as copper, phosphate, iron, sand and gravel, stone, clay, and metallurgical coal. The impacts of outright bans, or of arbitrary and inflexible standards which constitute effective bans, upon existing or imminent mining operations could have serious and lasting consequences which were never intended and which, in some instances, may be intolerable.

The problems presented, and the limitations which our dependency upon the products of surface mining impose on policy options are not simply economic. Particularly in the next few years, in the transitional period, they involve our capability to deliver vital social services such as electrical power for homes and schools, materials for transportation systems, and other necessary public requirements.

Second, beyond our physical dependence upon resources now produced in surface mining operations, sudden transitions in regulation, in technology, in mining methods, and in locating new operations in other regions of the country will have severe economic and social repercussions for many industries and communities which are now economically dependent upon surface mining. It is not honest to pretend that all of the jobs lost when surface mines are banned or made economically infeasible by adoption of a new Federal policy will quickly and painlessly be replaced by jobs in other regions or in other lines of work. History shows that regional socioeconomic systems are not that flexible. Transitions are difficult. Jobs will be lost. Mining operations will be closed and creditors may suffer.

It is clear that some dislocations must be sustained if the generally agreed upon objectives of a Federal policy are ever to be implemented and achieved. And it must be recognized that the economic, employment, and social dislocations which major policy changes will impose upon many of the people of coal producing regions are not inconsequential, even when weighed against the short- and long-range environmental benefits to be gained.

Third, the great dissimilarities among the types of mining methods, the equipment used, the physical and chemical properties of the soils encountered, and the climates of the different mining areas of the country make it difficult to develop procedures and specific standards for reclamation which will be generally appropriate. Specifications on slope limitations which may be the minimum necessary to insure stability in some soils will prove to be unnecessarily restrictive, arbitrary, and totally unreasonable in others. Restriction on drainage accumulations which might be suitable in a wet climate may actually reduce the chances for successful revegetation in a drier region. What constitutes the best standard or requirement for earthmoving, revegetation, and water quality control is tremendously variable, and is dependent upon the area, the specific site and the method of operation employed. Insuring the use of the best practices in each situation can only be achieved by establishing goals and performance standards for reclamation and providing enough discretion and latitude to tailor the specific methods to the specific needs to obtain the policy objectives desired.

Fourth, the primary role of the States in regulating and controlling activities within their borders which involve extensive use of State police power authority and major land use planning decisions which will shape the future of the State must be preserved. Surface mining is a form of land use and its regulation and control must be considered within the context of the broad demands and competing requirements upon the State's land resources.

In a constitutional sense, the primary authority and responsibility for the control of surface mining resides in the State. In an administrative sense, the success of effective surface mining control programs will depend on responsible and competent implementation by the States on a day-to-day basis, and in an institutional framework in which the role of surface mining can be evaluated and balanced against other activities subject to State administration, control, and decision.

Wherever possible, therefore, the Federal role should be only a supportive role, assisting the States in establishing and implementing effective programs and providing for those national concerns which cannot be handled at the level of State government.

This review of constraints on Federal action which must be considered in connection with the development and adoption of a Federal surface mining policy is not intended as an argument to move slowly or to defer adoption of a policy and strong Federal legislation. They are, however, constraints which must be considered and dealt with in a purposeful and intelligent manner.

The amendment I propose today is designed to achieve the objectives which I feel Federal surface mining and reclamation must achieve. It is also designed to approach rationally, the very real constraints which do exist.

MAJOR PROVISIONS OF THE AMENDMENT

The amendment draws heavily upon the important work of the Subcommittee on Minerals, Materials, and Fuels and upon the bill S. 630 as reported, but it reflects further analysis of issues raised by experts on surface mining in industry, environmental groups, Federal agencies, and State regulatory agencies. The amendment also draws upon the provisions of State laws—such as the State of Pennsylvania—which are being implemented and upon the work of the House Committee as well as other proposed measures and pending amendments.

The major provisions of my substitute amendment are as follows:

First, the Secretary of the Interior is authorized and directed to promulgate regulations covering surface mining of coal within 90 days of the date of enactment and for all other minerals subject to the act within 12 months of the date of enactment. Appropriate administrative procedures including public notice, public hearings, and administrative and judicial review are provided for.

Second, a new office of the Department of the Interior, which must remain separate from the Department's promotional and developmental responsibilities regarding minerals, is established to administer the act.

Third, each State is required to promulgate and implement a State program for the regulation and control of surface mining which meets the requirements of the act and which provides for the establishment and enforcement of permit systems for surface mining and reclamation operations for coal and for other minerals. Procedures for Federal review and approval are provided including review by other Federal agencies and public hearings if requested.

Fourth, if a State fails to submit a State program covering surface mining of coal within 12 months of the promulgation of Federal regulations covering coal or a program covering surface mining of other minerals within 12 months of the promulgation of Federal regulations covering other minerals, or if a State fails to enforce an approved State program, the Secretary is authorized to promulgate and implement a Federal program for the regulation of surface mining within that State, and to enforce the Federal program.

Fifth, a moratorium is imposed on opening new surface mining operations for coal or significantly increasing existing operations until a State program has been approved as meeting the requirements of this act and a permit is obtained from the State. The Secretary is provided latitude, however, to approve new or expanded operations in certain instances where critical public services such as providing needed electrical power are involved.

The moratorium is designed to prevent new starts or accelerated operations until such time as the State assumes responsibility for a strong, properly staffed regulatory program which, at a minimum, meets the requirements of this act. The moratorium also serves as an incentive for the surface mining industry to support early development of State programs which meet the act's requirements.

Sixth, applicants for permits for surface mining operations are required to prepare a reclamation plan to accompany permit applications. The application must set forth in detail the methods which will be used to reclaim the mined area and meet the requirements of the act. Applicants are also required to post a performance bond adequate to insure the completion of the reclamation. Public notice of applications is required and the reclamation plan and other information must be made available to the public. A public hearing is required on an application if it is requested by persons having a valid legal interest, and the right of appeal of the regulatory authority's decision to a court of competent jurisdiction is granted.

The burden of proof in determining ability to reclaim surface mined areas in a manner that meets the requirements of the act is placed upon the permit applicant.

Seventh, release of all or part of a performance bond is contingent upon the regulatory authority's finding that reclamation has been accomplished in compliance with the act.

Eighth, the regulations which are promulgated by a State or by the Secretary must, at a minimum, require every permittee to meet certain criteria and performance standards in reclaiming the surface mining area. Principally, he must return all surface areas to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining. Other criteria cover soil stability, preventing erosion, revegetation, protection of offsite areas, protection of the quality of surface and ground waters, handling of debris, use of explosives, and other aspects of the mining and reclamation process.

In general, grading to approximate original contour is required. Latitude is given to cover those situations in which the regulatory authority determines some other type of reclamation would be preferable to improve the utility of the reclaimed lands or because of unique circumstances at the site. Prior to the consideration of any exceptions to the general performance standard the Reclamation Plan and its justification must be presented in detail by the applicant and approved by the regulatory authority in the permit application review process.

Ninth, a modified set of criteria are provided in section 212(c) to recognize the kinds of operations, such as some open pit mines and rock quaries, in which large amounts of mineral resources other than coal are removed from a relatively small area over an extended period of time and where all of the reclamation criteria and standards are physically impracticable or impossible of achievement. These alternative criteria would only apply where there is no domestic alternative source of an essential resource. The best possible reclamation would, however, be required and public health and safety and air and water quality would be protected.

Tenth, the Secretary is authorized to make grants to the States to assist in a program of identifying and designating specific areas of the State as unsuitable for surface mining operations.

Eleventh, the Council on Environmental Quality is authorized and directed to conduct a detailed study of the impacts—social, economic, and environmental—of imposing general bans or slope degree limitations on surface mining and reclamation operations. The purpose of the study is to develop information necessary to achieve a knowledgeable understanding of the effects—both positive and negative—of imposing bans and prohibiting surface mining through the use of arbitrary slope limitations.

Twelfth, an "Abandoned Mine Reclamation Fund" is created in the Treasury with an initial appropriations authorization of $100 million. The Secretary is authorized to acquire, by purchase or donation, lands or interest in lands which have been affected by abandoned surface mining operations and not reclaimed. He is authorized to reclaim the lands and dispose of them pursuant to the provisions of the Surplus Property Act and to return the proceeds to the Fund. The Secretary is also empowered to make grants to the States for the purpose of acquiring and reclaiming abandoned surface-mined lands.

Mr. President, in the next few days I will have a detailed section-by-section analysis of the amendment printed in the record for the use and information of Members of the Senate.

Mr. President, I regret that time did not permit the circulation of this amendment to other Members of the committee and of the Senate for their review and comments prior to its submission. I do, however, welcome the support of all Members of this body.

EXHIBIT 1

AMENDMENT No. 1713

(IN THE NATURE OF A SUBSTITUTE)

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Surface Mining Reclamation Act of 1972."

TITLE I—STATEMENT OF FINDINGS AND POLICY

SEC. 101. The Congress finds and declares that—

(1) extraction of minerals by mining operations is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation;

(2) many unregulated mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitat, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(3) effective regulation of mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to prevent the adverse social, economic, and environmental effects of mining operations; and

(4) because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States in the proper exercise of their policy power authority.

SEC. 102. It is the purpose of this Act to establish a nationwide program to prevent the adverse effects to society and the environment resulting from surface mining operations; to assure that surface mining operations are so conducted as to prevent lasting degradation to land and waters; to assure that adequate measures are undertaken to reclaim surface areas as contemporaneously as possible with the surface mining operations; to assist the States in developing and implementing such a program; and, wherever necessary, to exercise the full reach of Federal constitutional powers to insure the protection of the public interest through the effective control of surface mining operations.

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATIONS

SEC. 201. GRANT OF AUTHORITY: PROMULGATION OF FEDERAL REGULATIONS.—(a) Within ninety days after the date of enactment of this Act, the Secretary, in accordance with the requirements and the procedures of this Act shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for coal, and shall set forth in reasonable detail those actions which a State must take to develop a State program and otherwise meet the requirements of this Act.

(b) Not later than twelve calendar months following the date of the enactment of this Act, the Secretary, in accordance with the requirements of this Act and procedures set forth in this section, shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for other minerals, and shall set forth in reasonable detail those actions which a State must take to develop a State program and otherwise meet the requirements of this Act.

(c) Such regulations for coal and for other minerals shall not become effective until the Secretary has first published the proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than thirty days after publication to submit written comments. Except as provided in subsection (d) of this section, the Secretary shall, upon the expiration of such period and after consideration of all written comments and relevant matter presented, promulgate the regulations with such modifications as he may deem appropriate.

(d) On or before the last day of any period fixed for the submission of written comments under subsection (c) of this section, any interested person or any State and local government may file with the Secretary written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. Within fifteen days after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed regulation to which objections have been filed and for which a public hearing has been requested, and the date (which date shall be no later than thirty days after the date of publication of the notice pursuant to this subsection), time, and place of such public hearing wherein statements concerning the proposed regulation and objections thereto shall be received. To the extent possible, hearings pursuant to this section shall be held in the States and regions affected.

(e) Within sixty days after completion of any hearings, the Secretary shall issue a report setting forth his findings of fact and views on such objections and shall promulgate the regulations with such modifications as may be required. The regulations shall be effective thirty days after their publication in the Federal Register.

(f) The Administrative Procedure Act shall be applicable to the administration of this Act: *Provided*, That whenever procedures provided for in this Act are in conflict with the Administrative Procedure Act, the provisions of this Act shall prevail.

SEC. 202. OFFICE OF LAND USE POLICY, RECLAMATION, AND ENFORCEMENT.—(a) There is hereby established in the Department of the Interior the Office of Land Use Policy, Reclamation, and Enforcement.

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other employees as may be required. The Director shall have the responsibilties provided for under this Act and such duties and responsibilities as the Secretary of the Interior may assign. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer objectively the provisions of this Act. Employees may be recruited from the United States Geological Survey, the Bureau of Mines, the Bureau of Land Management, and other departments and agencies of the Federal Government which have expertise pertinent to the responsibilities of the Office. No existing legal authority in the Department of the Interior which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the State grant-in-aid program for the development of State Programs for surface mining and reclamation operations provided for in title IV of this Act;

(2) administer the State grant-in-aid program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title III of this Act;

(3) administer the State grant-in-aid programs for the development of State land use planning processes and the designation of land areas unsuitable for surface mining operations pursuant to section 215 of this Act;

(4) administer the surface mining and reclamation research and demonstration project authority provided for in section 404 of this Act;

(5) develop and administer any Federal Programs for surface mining and reclamation operations which may be required pursuant to this title and review State Programs for surface mining and reclamation operations pursuant to this title;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations or responsibilities for the administration of land use planning assistance programs and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of the land resources of the United States and their use;

(8) cooperate with the States in the development of standard methods and classifications for the collection of land use data and in the establishment of effective procedures for the exchange and dissemination of land use data;

(9) develop and maintain a Federal Land Use Information and Data Center and make the information maintained at the Data Center available to the public and to Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface mining and reclamation operations;

(10) assist the States in the development of State Programs for surface mining and reclamation operations and State land use planning processes which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions; and

(11) assist the State in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State which, pursuant to section 215, should be included in the State land use planning process.

SEC. 203. SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT.—(a) The provisions of this Act shall not apply to any of the following activities:

(1) foundation excavations for the purpose of constructing buildings and other structures;

(2) excavations by an agency of Federal, State, or local government or its authorized contractors for highway and railroad cuts and for the purpose of providing fill, sand, gravel, and other materials for use in connection with any public project if the Federal, State, or local government requires reclamation of the area affected;

(3) the extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him;

(4) the extraction of minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand tons in any one location (which may not exceed two acres) in any one calendar year;

(5) the extraction of minerals for the purpose of taking samples for quality testing, for assaying, or other purposes associated with mineral exploration in amounts of less than two hundred and forty tons in any one location (which may not exceed one acre);

(6) archeological excavations; and

(7) such other surface mining operations which the Secretary determines to be of an infrequent nature and which involve only minor surface disturbances.

(b) In promulgating regulations to implement this section the Secretary shall consider the nature of the class, type, or types of activity involved; their magnitude (in tons and acres); their potential for adverse environmental impact; and whether the class, type, or types of activity are already subject to an existing regulatory system by State or local government or an agency of the Federal Government.

SEC. 204. STATE AUTHORITY; STATE PROGRAMS.— (a) A State, to be eligible to receive financial assistance provided for under titles III and IV of this Act and to be eligible to assume full control over surface mining and reclamation operations on lands within any State shall—

(1) have appropriate legal authority under State law to regulate surface mining and reclamation operations in accordance with the requirements of this Act;

(2) provide sanctions under State law for violations of State laws, regulations, or conditions of permits concerning surface mining and reclamation operations which meet the requirements of this Act, such sanctions to include civil and criminal actions, forfeiture of bonds, withholding of permits, and the issuance of cease and desist orders by the State regulatory authority or its inspectors;

(3) have available sufficient administrative and technical personnel, adequate interdisciplinary expertise, and sufficient financial resources to enable the State to regulate surface mining and reclamation operations in accordance with the requirements of this Act; and

(4) submit to the Secretary for approval in accordance with the requirements of this Act—

(A) a State Program which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for coal on lands within such State; and

(B) a State Program which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for other minerals on lands within such State.

(b) The Secretary shall not approve any State Program submitted by a State pursuant to this section until:

(1) he has solicited the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State Program; and

(2) he has held a public hearing on the

State Program within the State, if one is requested.

(c) The Secretary shall, within four calendar months following the submission of any State Program, approve or disapprove such State Program or any portion thereof. The Secretary shall approve a State Program if he determines that the State Program meets the requirements of this Act.

(d) If the Secretary disapproves any proposed State Program, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State Program.

SEC. 205. FEDERAL PROGRAMS.—(a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal Program for a State if such State:

(1) fails to submit a State Program covering surface mining and reclamation operations for coal within twelve months of the promulgation of the Federal regulations for such operations;

(2) fails to submit a State Program for surface mining and reclamation operations for other minerals within twelve months of the promulgation of Federal regulations for such operations;

(3) fails to resubmit an acceptable State Program within sixty days of disapproval of a proposed State Program: *Provided*, That the Secretary shall not implement a Federal Program prior to the expiration of the period allowed for submission of an initial State Program; or

(4) fails to enforce its approved State Program as provided for in this Act.

Promulgation and implementation of a Federal Program vests the Secretary with the full authority provided for in this Act for the regulation and control of surface mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal Program the Secretary shall be the regulatory authority. In promulgating and implementing a Federal Program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) Prior to promulgation and implementation of any proposed Federal Program, the Secretary shall give notice and hold a public hearing in the affected State.

(c) Permits issued pursuant to an approved State Program shall be valid but reviewable under a Federal Program. Immediately following promulgation of a Federal Program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Federal Program.

(d) (1) If a State submits a proposed State Program to the Secretary after a Federal Program has been promulgated and implemented pursuant to this section, and if the Secretary approves the State Program, the Federal Program shall cease to be effective within thirty days after such approval.

(2) Whenever a Federal Program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal Program, be preempted and superseded by the Federal Program.

SEC. 206. MORATORIUM ON SURFACE MINING OPERATIONS FOR COAL PENDING STATE COMPLIANCE.—After the date of enactment of this Act, no person shall open or develop any new or previously mined and abandoned site for surface mining operations for coal on lands within any State, and no person shall significantly increase or accelerate existing surface mining operations for coal on lands within any State unless such person has first obtained a permit issued by the State regulatory authority pursuant to a State Program approved in accordance with the provisions of this Act: *Provided*, That the Secretary may approve such new or expanded surface mining operations if he finds: (1) that such operations are the only practicable source of a coal supply to support initial or continued operation of a thermal electric powerplant, metallurgical process, or other activity impressed with a public interest and having regional or national importance; and (2) firm plans for, and substantial legal and financial commitments in, such operations were in existence prior to the date of enactment of this Act; and (3) the provisions for reclamation to be done in connection with the surface mining operations offer every reasonable assurance that such reclamation can be made compatible with the requirements of this Act.

SEC. 207. PERMITS.—(a) After the expiration of the twelve-calendar-month period following the date fo promulgation of the Federal regulations no person shall engage in or carry out on lands within any State any surface mining operations for coal, unless such person has a valid permit from such State pursuant to an approved State Program, or from the Secretary pursuant to a Federal Program.

(b) On and after the expiration of the twenty-four-calendar-month period following the date of the enactment of this Act, no person shall engage in or carry out on lands within any State any surface mining operations for other minerals, unless such person has first obtained a permit issued by such State pursuant to an approved State Program or by the Secretary pursuant to a Federal Program.

(c) The term of any permit issued pursuant to this Act shall not exceed five years and shall carry with it a right of renewal if the permittee can demonstrate compliance with the requirements of an approved State Program or a Federal Program and the capability to implement the Reclamation Plan applicable to the surface mining operations covered by the permit. Prior to approving the renewal of any permit the regulatory authority shall review the permit and the surface mining and reclamation operations and may require such new conditions and requirements as are necessary to deal with changing circumstances.

(d) A permit shall terminate if the permittee has not commenced actual mineral production on the surface mining operations covered by such permit within three years of the issuance of the permit.

SEC. 208. PERMIT APPLICATION REQUIREMENTS: INFORMATION, PERFORMANCE BOND, INSURANCE, AND RECLAMATION PLANS.—(a) Each application for a permit under a State Program or Federal Program pursuant to the provisions of this Act shall include as a minimum the following information—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of the property (surface and mineral) to be mined; (C) the holders of any leasehold interest in the property; (D) any purchaser of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers and resident agent;

(2) the names and addresses of the owners of all surface area within five hundred feet of any part of the proposed site of surface mining and reclamation operations;

(3) a statement of any current or previous mining permits in the State held by the applicant and the permit numbers;

(4) the names and addresses of every officer, partner, director, or person performing a similar function;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which has been suspended or revoked or has ever had a mining bond or similar security deposited in lieu of bond forfeited;

(6) such maps and topographical information as the regulatory authority may require including the location of underground mining activities in the area;

(7) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of surface mining and reclamation operations, such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks; and

(8) such other information as the regulatory authority may require.

(b) Each applicant for a permit shall file with the regulatory authority as part of the permit application a performance bond on a form prescribed and furnished by the regulatory authority, payable to the United States or to the State and conditioned upon the faithful compliance with the requirements of this Act. The amount of the bond required for each permit shall equal the estimated costs of reclamation by a third party: *Provided*, That the amount of each bond may be adjusted if it is determined to be inadequate.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface mining and reclamation operations and entitled to compensation under the applicable provisions of State law. Such policy shall be for the term of the permit plus not less than eighteen months thereafter.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a Reclamation Plan which shall meet the requirements of this Act.

SEC. 209. PERMIT APPLICATION APPROVAL PROCEDURES.—(a) The regulatory authority shall notify the applicant for a permit within a period of time established by law or regulation whether the application has been approved or disapproved. If approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval. A hearing shall be held, within thirty days of the request. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) Each applicant for a permit shall have the responsibility of demonstrating to the satisfaction of the regulatory authority that reclamation as required pursuant to this Act can and will be accomplished under the Reclamation Plan contained in the permit application.

(c) Any person having a valid legal interest which will be affected by the proposed surface mining and reclamation operations or any Federal, State, or local governmental agency having responsibilities affected by the proposed operations shall have the right to file written objections to any permit application within thirty days after the last publication of the advertisement pursuant to clause 208(a)(7). If written objections are filed, the regulatory authority shall hold a public hearing in the locality of the proposed surface mining and reclamation operations within thirty days of the receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing.

(d) A person having a valid legal interest which will be affected by the proposed surface mining and reclamation operations who has participated in the administrative procedures as an applicant, protestant, or objector, and who is aggrieved by the decision of the regulatory authority shall have the right of appeal for review by a court of competent jurisdiction in accordance with State or Federal law.

SEC. 210. RELEASE OF PERFORMANCE BONDS.—(a) The permittee may file a request with the regulatory authority for the release of the performance bond.

(b) The regulatory authority may release in whole or in part said bond if the authority is satisfied that reclamation covered by the bond or portion thereof has been accomplished as required by this Act and regulations promulgated and permits issued thereunder: *Provided, however,* That—

(1) no bond shall be fully released until all reclamation requirements of this Act are met, and

(2) an inspection and evaluation of the affected surface mining and reclamation operations is made by the regulatory authority or its authorized representative prior to the release.

(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee in writing, stating the reasons for disapproval and recommending actions necessary to secure said release. The permittee shall be afforded a reasonable period of time to take such corrective actions.

(d) If requested by any person having a valid legal interest which will be affected by the failure of the permittee to have complied with the requirements of this Act, the regulatory authority shall, within 30 days after appropriate public notice, hold a public hearing on the surface mining and reclamation operations covered by a performance bond. Such hearing shall be held after the release of 50 per centum or more and prior to the release of 90 per centum of such bond.

SEC. 211. REVISION AND REVOCATION OF PERMITS.—(a) Once granted a permit may not be revoked unless: (1) the regulatory authority gives the permittee prior notice of violation of the provisions of the permit, the State Program or Federal Program, or this Act and affords a reasonable period of time of not less than fifteen days or more than one year within which to take corrective action; and (2) the regulatory authority determines, after a public hearing, if requested by the permittee, that the permittee remains in violation. The regulatory authority must issue and furnish the permittee a written decision either affirming or rescinding the revocation and stating the reasons therefor.

(b) (1) During the term of the permit the permittee may submit an application, together with a revised Reclamation Plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of the permit shall not be approved unless the regulatory authority is fully satisfied that reclamation as required pursuant to this Act, can and will be accomplished under the revised Reclamation Plan. The revision shall be approved or disapproved within a period of time established by the State or Federal Program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided,* That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the Reclamation Plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for a new permit.

(c) No transfer, assignment or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

SEC. 212. CRITERIA FOR SURFACE MINING AND RECLAMATION OPERATIONS.—(a) Each Reclamation Plan submitted as a part of a permit application pursuant to an approved State Program or a Federal Program under the provisions of this Act shall include a statement of:

(1) the condition of the land prior to any mining including:

(A) the uses existing at the time of the application and if the land has a history of previous mining the uses which preceded any mining;

(B) the capability of the site prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(2) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses;

(3) the engineering techniques proposed to be used and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan for backfilling, soil stabilization, and compacting, grading, and revegetation, an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with the requirements set out in subsection (b) of this section;

(4) the steps to be taken to insure that the surface mining and reclamation operations comply with all applicable air and water quality laws and regulations and any applicable health and safety standards;

(5) the consideration which has been given to insuring that the Reclamation Plan is consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies;

(6) the consideration which has been given to insuring the maximum effective recovery of the mineral resource;

(7) a time schedule for the completion of all stages of reclamation;

(8) the consideration which has been given to making the surface mining and reclamation operations consistent with all applicable State and local land use plans and zoning laws, ordinances, and regulations;

(9) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit: *Provided,* That any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority; and

(10) the results of test borings which the applicant has made at the area to be covered by the permit, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided,* That this information shall not be publicly disclosed by the regulatory authority.

(b) Each State Program and each Federal Program shall include regulations which at a minimum require every permittee to:

(1) return all surface areas to a condition at least fully capable of supporting the uses which they were capable of supporting prior to any mining, which condition, however, shall not present any hazard to public health or safety;

(2) insure that backfilling, compacting, and grading shall be accomplished to achieve the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated: *Provided,* That alternative grading plans, including terracing, retention of stable highwalls or spoilbanks, or water impoundments may be permitted where they are specifically proposed in the Reclamation Plan for the purpose of achieving an environmentally sound condition and a desirable use for the reclaimed area, and are approved by the regulatory authority in advance of mining pursuant to the approval of the permit;

(3) insure that any highwalls, terraces, and spoil remaining at the conclusion of reclamation are stable, taking into consideration all of the physical, climatological, and other characteristics of the site;

(4) stabilize and protect all surface areas affected by the mining and reclamation operations to prevent immediate and permanent erosion and attendant air and water pollution, such stabilization and reclamation to include soil compaction, where advisable, and establishment of a stable and self-regenerating vegetative cover which, where advisable, shall be comprised of native vegetation;

(5) segregate and preserve topsoil and use the best available other soil material from the mining cycle to cover spoil material unless the permit applicant provides evidence in the Reclamation Plan sufficient to satisfy the regulatory authority that another method of soil conservation would be superior for revegetation purposes;

(6) insure the protection of offsite areas from slides or damage occuring during the surface mining and reclamation operations and that no part of the operations or waste accumulations will be located outside the permit area, and that any damage will be contained within the permit area;

(7) maintain the quality of water in surface and ground water systems both during and after surface mining and reclamation operations by:

(A) avoiding acid mine drainage by (i) preventing or retaining drainage from acid producing deposits, or (ii) treating drainage to acceptable standards of acidity and iron content before releasing it to water courses;

(B) conducting surface mining operations so as to minimize the contribution of silt to runoff from the disturbed area;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells to prevent acid drainage to ground and surface waters; and

(D) such other actions as the regulatory authority may prescribe;

(8) insure the control of surface operations incident to underground mining for the purpose of protecting the surface area, controlling mine refuse, and providing for the proper sealing of shafts, tunnels, and entryways and the filling of exploratory holes no longer necessary for mining;

(9) insure that all debris, acid forming materials, toxic materials, or materials con-

stituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters;

(10) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority which, at a minimum, shall provide for:

(A) sufficient notice to local governments and individuals which would be affected by the use of such explosives;

(B) specific procedures for the protection of dwellings, other buildings and property; and

(C) specific limitations based upon the physical conditions of the site, so as to prevent injury to persons and damage to property outside of the permit area, including underground mining operations in the same vicinity;

(11) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as possible with the surface mining operations; and

(12) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum effective recovery of the mineral resources.

(c) With respect to surface mining operations for other minerals in which (1) the amount of mineral removed is very large in proportion to the surface area disturbed; and (2) the surface mining operations take place on the same site for an extended period of time; and (3) there is no practicable method to return the area to conditions approximating original contour; and (4) there is no practicable alternative source of the mineral resource, the regulatory authority may propose and the Secretary may promulgate alternative regulations to those provided for in section 212(b) (1), (2), (4), and (5) for reclamation which, at a minimum, will:

(1) insure that all remaining slopes of highwalls and spoil will be permanently stable;

(2) insure that water and air quality standards applicable to the area to be covered by a permit will be observed;

(3) insure that public health and safety will be protected; and

(4) provide for the maximum practicable reclamation of the area to be covered by a permit to minimize adverse environmental impacts of the mining and to optimize the social, ecological, and environmental utility of the area.

Sec. 213. Inspections.—(a) The Secretary shall cause to be made such inspections of any surface mining and reclamation operations as are necessary to evaluate the administration of State Programs, or to develop or enforce any Federal Program, and for such purposes authorized representatives of the Secretary shall have a reasonable right of entry to any surface mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any State or Federal Program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State Program or Federal Program or any other requirement of this Act—

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make reports, (C) install, use, and maintain any necessary monitoring equipment, and (D) provide such other information relative to surface mining and reclamation operations as the regulatory authority deems reasonable and necessary; and

(2) the authorized representatives of the regulatory authority, upon presentation of appropriate credentials (i) shall have a right of entry to, upon or through any surface mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (i) occur on an irregular basis averaging not less than one inspection per month for the surface mining and reclamation operations for coal covered by each permit and biannually for surface mining and reclamation operations for other minerals covered by each permit; (ii) occur without prior notice to the permittee or his agents or employees; and (iii) include the filing of inspection reports adequate to carry out the purposes of this Act.

(d) Permits issued under State Programs or Federal Programs and the permittees' Reclamation Plans shall be filed on public record with appropriate officials in each county or other appropriate subdivision of the State in which surface mining and reclamation operations under such permits will be conducted.

(e) Each permittee shall conspicuously maintain at the entrances to the surface mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface mining and reclamation operations.

(f) Any records, reports, or information obtained under this section by the regulatory authority which are not within the exceptions of the Freedom of Information Act (5 U.S.C. 552) shall be available to the public.

Sec. 214. Federal Enforcement.—(a) Whenever, on the basis of any information available to him, the Secretary finds that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority in the State in which such violation exists. If such State authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure, the Secretary shall issue an order requiring such person to comply with the provision or permit condition.

(b) When, on the basis of Federal inspection the Secretary determines that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary or his inspectors may immediately order a cessation of surface mining and reclamation operations or the portion thereof relevant to the violation and provide such person a reasonable time to correct the violation: *Provided*, That such person shall be entitled to a hearing concerning such an order of cessation within three days of the issuance of the order. If such person shall fail to obey the order so issued, the Secretary shall immediately institute civil or criminal actions in accordance with this Act.

(c) Whenever the Secretary finds that volations of an approved State Program appear to result from a failure of the State to enforce such State Program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce such State Program, the Secretary shall enforce any permit condition required under this Act with respect to any person by issuing an order to comply with such permit condition or by bringing a civil or criminal action, or both, pursuant to this section.

(d) Any order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State regulatory authority in the State in which the violation occurs. Each order shall set forth with reasonable specificity the nature of the violation and establish a reasonable time for compliance taking into account the seriousness of the violation, any irreparable harmful effects upon the environment, and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(e) At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy to enforce the purposes and the provisions of this Act.

(f) (1) If any person shall fail to comply with any Federal Program, any provision of this Act, or any permit condition required by this Act, for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $1,000 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty.

(2) Any person who knowingly and willfully violates a Federal Program, any provision of this Act, or any permit condition required by this Act, or makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act, or who knowingly and willfully falsifies, tampers with, or knowingly and willfully renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(g) Wherever a corporation or other entity violates a Federal Program or any provision of this Act, any director, officer, or agent of such corporation or entity who authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as provided for under subsection (f) of this section.

(h) The penalties prescribed in this section shall be in addition to any other remedies afforded by this Act or by any other law or regulation.

Sec. 215. Designation of Land Areas Unsuitable for Surface Mining.—(a) (1) The Secretary is authorized to make annual grants to each State for the purpose of assisting in the development of a State land use planning process capable of making objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or for some types of surface mining operations.

(2) An area may be designated unsuitable for surface mining operations if—

(A) reclamation pursuant to the requirements of this Act is not physically or economically possible;

(B) surface mining operations or other major uses in a particular area would be incompatible with Federal, State, or local plans to achieve essential governmental objectives; or

(C) the area is an area of critical environmental concern.

(3) To be eligible for grants under this section a State must demonstrate it has developed or is developing a land use planning process which includes—

(A) a State land use planning and coordination agency;

(B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface mining operations;

(C) a method or methods for implementing land use planning decisions concerning surface mining operations; and

(D) proper notice, opportunities for public participation, and measures to protect the legal interests of affected property owners in all aspects of the State planning process.

(4) Grants made pursuant to this section shall not exceed 80 per centum of the cost of developing and managing a State land use planning process in the first and second years and 60 per centum thereafter.

(5) In making grants pursuant to this section the Secretary shall consider the present and projected levels of surface mining operations, the need for areawide planning, and the size of the State.

(6) For each fiscal year following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $25,000,000 annually to carry out the purposes of this section.

(7) For purposes of this section the term "areas of critical environmental concern" means an area on lands within any State where uncontrolled or unplanned development—mining, or otherwise—could result in irreversible damage to important historic, cultural, environmental or esthetic values, or natural systems or processes, which are of more than local significance, or could unreasonably endanger life and property as a result of natural hazards of more than local significance.

(b) The Secretary is authorized and directed to conduct a review of the Federal lands and to determine, pursuant to the criteria set forth in subsection (a) (2), whether there are areas on Federal lands which are unsuitable for surface mining operations. When the Secretary determines an area on Federal lands to be unsuitable for surface mining operations he may withdraw such area or he may condition any mineral leasing or mineral entries in a manner so as to limit surface mining operations on such area.

(c) No permit application shall be approved for surface mining operations—

(1) on any land which is within one hundred feet of primary or secondary roads or lakes, streams, or tidal waters to which the public has access and use;

(2) if the surface mining operations will adversely affect any publicly owned park unless screening and other measures, approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park, are used, and the permit application shall so provide.

SEC. 216. FEDERAL LANDS AND INDIAN LANDS.—(a) The Secretary shall promulgate and implement a Federal Lands Program which shall be applicable to all surface mining and reclamation operations taking place pursuant to any Federal law on any Federal lands and Indian lands. The Federal Lands Program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal and Indian lands in question.

(b) The requirements of this Act and the Federal Lands Program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal Lands Program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State Program covering a permit or permits for surface mining and reclamation operations on land areas which contain lands within any State and Federal and Indian lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single management unit. To implement a joint Federal-State program the Secretary may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface mining and reclamation operations.

(d) Except as specifically provided in subsection (c) this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface mining and reclamation operations or other activities taking place on the Federal lands or Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands.

SEC. 217. STUDY OF SLOPE LIMITATIONS.—(a) The Chairman of the Council on Environmental Quality is directed to conduct and to coordinate an in depth, interagency study to determine the advisability and the impacts of imposing, or failing to impose, for regional or nationwide application specific slope limitations as a means of regulating surface mining and reclamation operations for coal. The Secretaries of the Departments of the Interior, Agriculture, and Commerce, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission with the assistance of the heads of such other Federal agencies and agencies of State governments as the Chairman of the Council on Environmental Quality deems necessary or appropriate, shall participate in the study. The study shall, at a minimum, examine in detail the impacts of imposing—

(1) a prohibition on the permanent disposition of spoil on slopes with a grade exceeding ten, fourteen, and eighteen degrees from the horizontal;

(2) a total prohibition of surface mining operations on slopes with a grade exceeding twenty, twenty-six, thirty-two, and thirty-eight degrees from the horizontal;

(3) a total prohibition upon all surface mining operations, or specific types of surface mining operations such as auger or contour mining; and

(4) a requirement that the steepest contour of the highwall after terracing shall not exceed a slope with a grade of twenty-five, thirty-five, and forty-five degrees from the horizontal.

(b) In studying the impact of imposing the limitations and prohibitions set forth in subsections (a) (1) through (4) and with respect to each of the specified slope grade limitations contained therein determine the probable effect of each on—

(1) the total available domestic supply of coal resources which could be mined with existing technology and projected new technologies:

(A) by using underground and surface mining operations, and

(B) by using underground mining operations only;

(2) electrical power production system reliability and electrical powerplant coal supply in each of the regions of the country used by the Federal Power Commission in projecting supply and demand for electrical power;

(3) other major sectors of the economy using coal such as the metallurgical industry; and

(4) employment, local tax base, and levels of local government services in States and counties in which currently exist substantial surface mining operations.

(c) In studying the impact of imposing each of the limitations and prohibitions set forth in subsection (a) the Chairman shall also determine the impact of the proposed constraints on—

(1) improving the environment of the regions affected;

(2) improving the living conditions in the regions affected;

(3) improving water quality; and

(4) reducing the external social and environmental costs associated with surface mining operations.

(d) The study, together with specific legislative recommendations, shall be submitted to the President and the Congress no later than one year from the date of enactment of this Act.

(e) A second study of the impact of the prohibitions and limitations set forth in subsection (a), and the potential impacts thereof set forth in subsections (b) and (c), as applied to surface mining and reclamation operations for other minerals shall be conducted in the manner prescribed in subsection (a). Such study, together with legislative recommendations, shall be submitted to the President and the Congress no later than two years from the date of enactment of this Act.

(f) The Chairman of the Council on Environmental Quality is authorized to utilize independent consultants and contractors to undertake studies and to develop any background information or supplemental reports necessary to the preparation of the studies required by this section.

(g) There are hereby authorized to be appropriated to the Council on Environmental Quality $2,000,000 for the purposes set forth in this section.

SEC. 218. PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS.—Any agency, unit or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface mining operations which are subject to the requirements of this Act shall comply with the provisions of title II of this Act.

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

SEC. 301. ABANDONED MINE RECLAMATION FUND.—(a) There is hereby created in the Treasury of the United States a Fund to be known as the Abandoned Mine Reclamation Fund.

(b) There is authorized to be appropriated to the Fund initially the sum of $100,000,000 and such other sums as the Congress may thereafter authorize to be appropriated.

(c) The following other moneys shall be deposited in the Fund—

(1) moneys derived from the sale, lease, or rental of land reclaimed pursuant to this title;

(2) moneys derived from any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted; and

(3) miscellaneous receipts accruing to the Secretary through the administration of this Act which are not otherwise encumbered.

(d) Moneys in the Fund subject to annual appropriation by the Congress, may be expended by the Secretary for the purposes of this title.

SEC. 302. ACQUISITION AND RECLAMATION OF ABANDONED AND UNRECLAIMED MINED AREAS.—(a) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(b) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected by surface mining operations prior to the enactment of this Act and has not been returned to productive or useful purposes. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in subsection (i). Title to all lands or interests therein acquired shall be taken in the name of the United States, but no deed shall be accepted or purchase price paid until the validity of the title is approved by the Attorney General. The price for land under this section shall take into account the unrestored condition of the land.

(c) For the purposes of this title, when the Secretary seeks to acquire an interest in land or mineral rights, and cannot negotiate an agreement with the owner of such interest or right he shall request the Attorney General to file a condemnation suit and take such interest or right, following a tender of just compensation as awarded by a jury to such persons: *Provided, however,* That when the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(d) For the purposes of this title, when the Secretary takes action to acquire an interest in land and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice, and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establish title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the Fund.

(e) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to donate such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price.

(f) The Secretary shall prepare specifications for the reclamation of lands acquired under this title. In preparing specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(i) In selecting lands to be acquired pursuant to this title and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority (1) to lands which, in their unreclaimed state, he deems to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety and (2) to lands which he deems suitable for public recreational use. The Secretary shall direct that the latter lands, once acquired, shall be reclaimed and put to use for recreational purposes. Revenue derived from such lands, once reclaimed and put to recreational use, shall be used first to insure proper maintenance of such lands and facilities thereon, and any remaining moneys shall be deposited in the Fund.

(j) Where land reclaimed pursuant to this title is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land pursuant to the provisions of the Surplus Property Act of 1949, as amended.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 401. DEFINITIONS.—For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Land Use Policy, Reclamation, and Enforcement established pursuant to section 202;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface mine or surface operations incident to an underground mine, the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal or other minerals, by contour, strip, auger or open pit mining, dredging, quarrying, in situ distillation or retorting and leaching; and the cleaning, concentrating, or other processing or preparation (excluding refining and smeltering), and loading for interstate commerce of crude minerals at or near the mine site. Such activities do not include the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by mineral exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, working, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

(6) "surface mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands included within Indian reservations, or lands held by the United States in trust for Indians, including restricted allotted lands over which the Secretary exercises supervisory control;

(10) "State Program" means a program established by a State pursuant to section 204 to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant on lands within a State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(11) "Federal Program" means a program established by the Secretary pursuant to section 205 to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant on lands within a State in accordance with the requirements of this Act;

(12) "Federal Lands Program" means a program established by the Secretary pursuant to section 216 to regulate surface mining and reclamation operations on Federal lands and Indian lands;

(13) "Reclamation Plan" means a plan submitted by an applicant for a permit under a State Program or Federal Program which sets forth a plan for reclamation of the proposed surface mining operations pursuant to section 212;

(14) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(15) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State Program or the Secretary where the Secretary is administering this Act under a Federal Program;

(16) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(17) "permit" means a permit to conduct surface mining and reclamation operations issued by the State regulatory authority pursuant to a State Program or by the Secretary pursuant to a Federal Program;

(18) "permit applicant" or "applicant" means a person applying for a permit;

(19) "permittee" means a person holding a permit;

(20) "Fund" means the Abandoned Mine Reclamation Fund established pursuant to section 301;

(21) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(22) "backfilling to approximate original contour" means that part of the reclamation process achieved by grading from a point at or above the top of the highwall to a point at or below the toe of the spoil bank in which the maximum slope shall not exceed the

original average slope from the horizontal by more than five degrees, and no depressions capable of collecting water shall be permitted except where the retention of water is determined by the regulatory authority to be required or desirable for reclamation purposes; and

(23) "terracing" means grading to the extent necessary to insure that the steepest contour of any remaining highwall is permanently stable and will not erode, and grading to the extent necessary to insure that the table portion of the restored area shall not have depressions which hold water, except where the retention of water is determined by the regulatory authority to be required or desirable for reclamation purposes.

SEC. 402. ADVISORY COMMITTEES.—(a) The Secretary shall appoint a National Advisory Committee for surface mining and reclamation operations for coal and a National Advisory Committee for surface mining and reclamation operations for other minerals. Each Advisory Committee shall consist of not more than seven members and shall have a balanced representation of Federal, State, and local officials, persons qualified by experience of affiliation to present the viewpoint of operators of surface mining operations, consumers, and persons qualified by experience or affiliation to present the viewpoint of conservation and other public interest groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each Advisory Committee.

(b) Members of each Advisory Committee other than employees of Federal, State, and local governments, while performing Advisory Committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

SEC. 403. GRANTS TO THE STATES.—(a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State Programs under this Act: *Provided*, That such grants shall not exceed 80 per centum of the total costs incurred during the first year; 70 per centum of the total costs incurred during the second and third years; and 60 per centum each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State Programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State Programs; and

(2) assistance in preparing and maintaining a continuing inventory of surface mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State Programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface mining and reclamation operations and to the development, administration, and enforcement of State Programs concerning such operations.

SEC. 404. RESEARCH AND DEMONSTRATION PROJECTS.—(a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, and training in carrying out the provisions of this Act. In conducting the activities authorized by this section, the Secretary may enter into contracts with, and make grants to qualified institutions, agencies, organizations, and persons.

(b) The Secretary is authorized to enter into contracts with, and make grants to, the States and their political subdivisions, and other public institutions, agencies, organizations, and persons to carry out demonstration projects involving the reclamation of lands which have been disturbed by surface mining operations. Such demonstration projects may include the use of solid and liquid residues from sewage treatment processes.

(c) There are authorized to be appropriated to the Secretary $5,000,000 annually for the purposes of this section.

SEC. 405. ANNUAL REPORT.—The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for administration of this Act and for the purposes of section 403 for the fiscal year ending June 30, 1973, the sum of $10,000,000; for each of the next two succeeding fiscal years, the sum of $20,000,000; and $30,000,000 for each fiscal year thereafter.

SEC. 407. TEMPORARY SUSPENSION.—(a) The President of the United States is hereby authorized to suspend for a period not to exceed ninety days any requirement of this Act concerning surface mining and reclamation operations when, he determines it necessary to do so because of (i) a national emergency, (ii) a critical national or regional electrical power shortage, or (iii) a critical national fuels or mineral shortage.

(b) Any action by the President pursuant to subsection (a) shall be based upon findings and recommendations of the Director of the Office of Emergency Preparedness. In preparing findings and recommendations for the President, the Director shall solicit the views of the Secretary of the Interior, the Chairman of the Council on Environmental Quality, and the Chairman of the Federal Power Commission.

(c) Any action taken by the President pursuant to this section shall be followed by a report to the Congress within five days on the nature of the emergency, the action taken, and any legislative recommendations he may deem necessary.

SEC. 408. OTHER FEDERAL LAWS.—(a) Nothing in this Act shall be constructed as superseding, amending, modifying, or repealing existing State or Federal law relating to mine health and safety, and air and water quality.

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

SEC. 409. STATE LAWS.—(a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

SEC. 410. PROTECTION OF THE SURFACE OWNER.—In those instances when the surface owner is not the owner of the mineral estate proposed to be mined by surface mining operations the application for a permit shall include the following:

(a) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface mining operations on such land, or, in lieu thereof,

(b) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the payment of any damages to the surface estate, to the crops, or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to performance bonds required for reclamation by this Act.

SEC. 411. (a) In the award of contracts for the reclamation of abandoned and unreclaimed mined areas pursuant to title III and for research and demonstration projects pursuant to section 404 of this Act the Secretary shall develop regulations which will accord a preference to surface mining operators who can demonstrate their surface mining operations, despite good-faith efforts to comply with the requirements of this Act, have been adversely affected by the regulation of surface mining and reclamations operations pursuant to this Act.

(b) Contracts awarded pursuant to this section shall require the contractor to afford an employment preference to individuals whose employment has been adversely affected by this Act.

SEC. 412. SEVERABILITY.—If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972—AMENDMENTS

AMENDMENTS NOS. 1714 AND 1715

(Ordered to be printed and to lie on the table.)

Mr. RIBICOFF (for himself, Mr. JAVITS, and Mr. PERCY) submitted two amendments intended to be proposed by them jointly to the bill (H.R. 13915) to further the achievement of equal educational opportunities.

ADDITIONAL STATEMENTS

BROOKVILLE, PA., AREA HIGH SCHOOL CONCERT CHOIR SELECTED FOR GOODWILL TOUR

Mr. SCOTT. Mr. President, Pennsylvania's young people have again brought great honor to the Commonwealth. The Brookville, Pa., Area High School concert choir has been selected by the American Youth Symphony and Chorus to represent the United States in an European good will tour in July of next year. This is quite unusual, for until now, the American Youth Symphony and Chorus has been composed of students from all parts of the United States, with only a nucleus of members from the chosen director's chorus.

Mr. Richard Reed, of the Brookville school system, who was selected as next year's director got an overwhelming response from interested Brookville students when he asked for applications. Sixty-five Brookville students qualified—the total number of members needed.

Mr. President, this is an outstanding accomplishment for any community and for any school, but for a town and school the size of Brookville to succeed makes it all the more remarkable.

I offer Richard Reed and the Brookville Area High School concert choir my heartiest congratulations and best wishes for their upcoming trip.

NATIONAL AMATEUR SPORTS FOUNDATION

Mr. GRAVEL. Mr. President, last Wednesday I introduced a bill to establish a National Amateur Sports Foundation to strengthen and expand the development of amateur sports in the United States. I have today received an enthusiastic letter of endorsement of this legislation from Bill Toomey, 1968 Olympic gold medalist in the decathalon and world record holder until this year for that event. I think Senators will find his letter of interest, and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 29, 1972.

Hon. Senator Mike Gravel,
Senate Office Building,
Washington, D.C.

Dear Senator Gravel: I would like to congratulate you and Senator Strom Thurmond on your National Amateur Sports Foundation Act of 1972.

The problems and failures associated with the 1972 United States Olympic effort have manifested the myriad complexities that are characteristic of sport in this country at all levels. I say at all levels because the Bill seems to further the development of sport for every segment in the nation and this factor is one I feel to be of the highest priority.

We tend to forget those among us who contribute in a positive vein to the image of our country, both here and abroad, and as a nation, we seem to neglect the recognition deserved by this positive portion of our population. So-called Olympic failures are really only symptomatic of greater problems such as the lack of interest in sport and all-around physical well-being.

The administrators of sport in American society have become too segmented and consequently impotent in their ability to deal with the growing problems and needs of institutions and individuals.

The American public has been deluded into thinking that there have been no problems in our competitive sport picture. The successes of our past athletic achievements are rather obvious. These successes, however, were mainly due to the large reservoir of outstanding athletic talent that was fostered and developed on the local level, not because of judicious administrators.

American society is witnessing a change in attitude by the youth of the nation towards both competitive sport and physical fitness. In fact, we have become receptively oriented in our life-style and we now seem to be a nation of passive spectators.

It seems to me that this intrinsic passive attitude will only continue under the present situation and this is one reason I feel that the introduction of the National Amateur Sports Foundation Act of 1972 becomes so much more than just a gesture to appease an irate public. It could indeed have ramifications that would be far-reaching, not only for the present but for the future of many many American generations.

I suppose there are some who look upon sport and recreation as superfluous ingredients to a creative existence, but a careful study of the world scene would seem to indicate that other nations of diversified ideologies have designated sport as having the highest national priority. The development of Olympic champions is not the only reason to devote time and money to sport; rather, they are just a part of an entire program that must be created, supported and developed into a viable concept with goals and directions pertaining to all age levels and segments of our diverse and complex population.

This is also the time for us to work at preventing social and physical problems rather than waiting until the problems manifest themselves. The Foundation would have the ability to be a catalyst for athletic facilities, especially in less privileged areas; to improve and promote physical education programs; to assist in programs that may be cut or phased out by providing financial and legal assistance, and to promote health education through the development of a much needed sports medicine research facility.

The ability of sports to promote international understanding has been somewhat under-estimated in this country. In my travels for the State Department and the Peace Corps into all parts of the world, it has been rather evident that sport and recreation is perhaps one of the strongest communication devices that we have at our disposal. Sport is truly the international language understood by all peoples throughout the world.

It is therefore with great joy and enthusiasm that I embark on a venture to help in any way possible with the planning and promotion of this Bill with all possible energy.

Yours truly,

William A. Toomey.

WELFARE REFORM: THE END OF THE ROAD

Mr. RIBICOFF. Mr. President, there is nothing I can add to the eloquent editorial in this morning's Washington Post which I ask unanimous consent to have printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Welfare Reform: The End of the Road

Let us draw an analogy. It will only require a little rearranging of dates and sequences. We will suppose that it is 1964 and that the historic Civil Rights Act is before Congress, having reached one of those unique moments when, after a long and hardfought battle, it suddenly becomes possible to enact legislation that had no chance before. It is one of those rare moments, as well, that is not likely to occur again soon. President Lyndon B. Johnson favors the program and well understands the importance of the moment. But he is running against Senator Goldwater who opposes civil rights legislation, and even though he enjoys an out-of-sight lead over Mr. Goldwater, the President does not care to risk one single vote to the "white backlash" he has been hearing about. So he withdraws his support from the legislation he sponsored and quietly contrives to kill it for the sake of protecting the size of his prospective election victory—not the victory itself, mind you, but merely its magnitude.

That, of course, is not what happened in 1964. It is what happened in 1972. The President was Richard Nixon, not Lyndon Johnson, and the historic program dealt with economic, not racial equity. Thus on Wednesday, with Mr. Nixon's blessing and his help, the Senate laid to rest the innovative and imaginative and—yes—supremely important welfare reform legislation he had himself brought before the Congress three years ago. Welfare reform—the phrase has become something of a mind-stopper in itself, a couple of hackneyed red-flag words that suggest to some a "dole" for the lazy and to others nothing more than a complicated and boring subject that has something to do with a lot of black mothers of small children who should either be getting more money or less . . . or something. Yet what we were dealing with here was a fundamental reordering of this nation's attitude toward its own poor, toward its own obligations as an industrialized society, toward its own commitment to simple equity. The question—Mr. Nixon raised it in the first place three years ago—was whether we would provide a low but decent income for those among us who cannot work and guarantee as well a decent income for those at the bottom of the economic ladder who can work—and do. Mr. Nixon, relishing the effects of Senator McGovern's initial and clumsy venture into this area and desirous of preserving his own advantage for the short term, decided that the answer was, no.

As has come to be administration custom, he never said so out loud. Rather he rejected the few bills that were within the ambit of his original proposal and had a chance of passage, bills that his own top aides had worked on and/or urged him to support. He clung to one instead that had been gutted of its original purpose by the passage of time and the inroads of congressional alteration, one that he knew was doomed because neither moderate Democrats nor Republicans of practically any variety could in conscience support it. When this signal was given from the White House, it became plain to everyone who has cared about and supported Mr. Nixon's program (as it once existed) that what he wanted was not a bill, but an issue. Who, after all, within the electorate is in favor of welfare recipients? How many divisions do the poor have?

The anti-honor roll should of course be extended. If you were to sift back over the past three years looking for those who had defaulted or otherwise contributed to the final debacle, you would have to mention those Democratic liberals in Congress who, at the beginning, did not pitch in or help at all—even though they provided the bill's principal support in the showdown in the Senate this week. You would give a much more important place to former Senator John Williams of Delaware who, as ranking Republican on the Senate Finance Committee, organized his fellow Republicans and led the fight against reform for the first year. You would save a special award for Democratic Chairman Russell Long of the Finance Committee, who managed to keep the measure locked up for roughly two of the three years it was before Congress. A proper historical accounting would have to take note as well of such disparate factors as the hostility of the National Welfare Rights Organization which declined to support any measure within the realm of fiscal practicality, and the incompetent testimony of former HEW Secretary Robert Finch who, in the spring of

1970, dealt the bill a terrible blow with his inability to explain or defend it on the Hill. His successor, Mr. Richardson both understood the legislation better and fought for it with more conviction. As in other matters of great social moment, he lost. One only hopes to be spared, this time around, the Secretary's eloquent rationalization of what happened and how it's probably all for the best.

But when you have finished accounting for the principal obstacles, human and institutional, that got in the way of genuine welfare reform, you are left with a fairly simple set of facts: That the courage and commitment of some men and women of both parties and in and out of government brought that reform to the point where it could easily have been enacted, that the chance will not soon come again, that the President by refusing to support a passable version of his bill in the Senate killed reform, and that he did so for the sake of a marginal political benefit he did not even need. Mr. Nixon likes "firsts." We will ungrudingly offer him one: Never has anyone in high political office sold out so much for so little.

A TRIBUTE TO GEN. EARLE E. PARTRIDGE

Mr. DOMINICK. Mr. President, at the annual meeting of the Aerospace Corp. Board of Trustees, September 8, 1972, Gen. Earle E. Partridge, USAF (Ret.), a charter trustee and one of the most distinguished members of the Board, retired after more than 12 years of dedicated service. I feel particularly privileged in making these remarks because General Partridge is also one of our most respected and admired military leaders as well as a much beloved constituent of our home State of Colorado.

In recognition of the outstanding contributions he has made to our Nation's security and to the advancement of our aerospace technology during his tenure as a trustee of the Aerospace Corp., Air Force Secretary Robert C. Seamans, Jr. presented General Partridge with the Exceptional Service Award, the highest award that the Air Force can present to a civilian.

Among the attendees who witnessed the after-dinner ceremonies held in Washington, D.C., in addition to Secretary Seamans, were the Honorable Grant L. Hansen, Assistant Secretary of the Air Force for Research and Development; Gen. John D. Ryan, Air Force Chief of Staff; Jack L. Stempler, general counsel to the Air Force; Lt. Gen. John W. O'Neill, recently retired Vice Commander of the Air Force Systems Command, Lt. Gen. Edmund F. O'Connor who succeeded General O'Neill at AFSC and Maj. Gen. James McCormack, USAF (Ret.), chairman; Dr. Ivan A. Getting, president; Dr. Allen F. Donovan, senior vice president, technical and Robert T. Jensen, secretary and general counsel of the Aerospace Corp. The dinner guests also included most of the distinguished members of the Aerospace Corp. Board of Trustees.

A brief review of General Partridge's achievement prior to his becoming an Aerospace trustee in 1960 reveals why he was able to bring so much valuable professional experience to the Aerospace Board.

Earle E. Partridge was born in Winchendon, Massachusetts in 1900, enlisted in the U.S. Army engineers and served in France during 1918–19. He attended Norwich University, Northfield, Vermont in 1919 and 1920, graduated from the U.S. Military Academy with a B.S. degree, and was commissioned 2nd Lieutenant, Army Air Service in 1924. He graduated from the U.S. Army Primary and Advanced Flying Schools in 1925; from the Air Corps Tactical School in 1937; and the Command and General Staff School in 1938.

General Partridge instructed at Air Corps Tactical School from 1938 to 1940, then after duty with the headquarters of the Army Air Corps in 1941, and the Joint Strategic Committee of the U.S. Joint Chiefs of Staff in 1942, was promoted to Brigadier General.

During later years of World War II, he held various executive and command assignments including duty in Northwest Africa with the 12th Bomber Command and the Northwest African Strategic Air Forces, in Italy with the Eighth Air Force. He was promoted to Major General in 1944, and in that grade commanded the Fifth Air Force in Japan and Korea from 1948 to 1951.

In 1951, he was promoted to Lieutenant General and placed in command of the Air Research and Development Command until 1953. Upon his promotion to grade of General, he was appointed to command the Far East Air Forces, 1954–55.

Named to command the air defenses of the United States with headquarters at Colorado Springs, Colorado in 1955, General Partridge's assignment broadened in 1957 to include responsibility for all the air defenses of North America, as commander of the North American Defense Command.

Accompanying the Air Force Exceptional Service Award to General Partridge was the following citation which was read aloud prior to presentation of the medal by Secretary Seamans:

CITATION TO ACCOMPANY THE AWARD OF THE EXCEPTIONAL AWARD TO EARL E. PARTRIDGE

General Earle E. Partridge, USAF, (Ret.), distinguished himself by exceptionally meritorious public service to the United States from July 1959 to September 1972. During this period, General Partridge devoted himself to aiding the United States Air Force in applying the full resources of modern science and technology to the problems of achieving those continuing advances in military aviation, ballistic missiles, and space systems which are basic to national security. He continued to apply his broad experience in Air Force matters as an advisor to many federal and governmental agencies and as a charter member of The Aerospace Corporation's Board of Trustees and the Board's Executive Committee. He also served as a member of the Board's Compensation, Nominating and Technical Committees and the Space Systems Committee for the Seven Year Appraisal of The Aerospace Corporation. His efforts constitute an exceptionally outstanding contribution in support of the Air Force's participation in the national defense and space programs, thereby reflecting great credit upon himself and earning for him the sincere gratitude of the United States Air Force.

Mr. President, as a U.S. Senator from the home State we both share and as a former Air Force officer well aware of the outstanding record of service to our Nation that Gen. Earle E. Patridge has so selflessly contributed I would like to add my own congratulations as well as my personal gratitude to this great man for all that he has done for our country and for his fellow Americans.

VOTE ON H.R. 1

Mr. CHILES. Mr. President, at 1 o'clock this morning, after much soul searching, I voted against the final passage of H.R. 1.

The Finance Committee has done a world of work. It has been working on the bill for almost a year in endless meetings, and I think there are a lot of good features in the bill. The title IV portion dealing with welfare reform is an exception, however.

I think the committee was forced to come out with the welfare reform section too quickly because we were getting close to the end of the session. Then, too, they had a fight within the committee on different proposals—the President's family assistance plan, Senator RIBICOFF's program which gave more guaranteed income than the President's plan, and committee chairman Senator LONG's workfare proposal.

I have been against the guaranteed income idea because I felt it would kill incentive for people to work whether it was the Nixon or the Ribicoff plan. The workfare concept, I think, would be much better. But the Finance Committee just was not able to work out provisions that fit together, so what the committee proposed to the Senate just would not stand up to scrutiny. As a result, nothing could get a majority of support, and then the Senate moved to what is supposed to be a study program or test plan to try out the Nixon, the Ribicoff and the Long ideas. However, in the pilot approach they put many new changes that were not going to be just tests but would become permanent fixtures in law. The Senate never really discussed most of these provisions: even last night we adopted amendments on which there had not been discussion on the Senate floor and consequently were not understood by most of the Senators.

All this was objectionable to me.

But I guess the major reason I was compelled to vote against the bill was what I learned during my campaign in 1970. As I campaigned, I found more and more that the guy who really was not represented was the wage earner of this country, the man making $3,000 to $12,000 a year. He was and is paying a disproportionate share of taxes, especially payroll taxes, and the bill passed by the Senate just makes that situation so much worse. Rather than addressing itself to correcting that problem, this bill goes the other way. Figures I got just yesterday show that a person earning $12,000 a year is going to have a 54-percent increase in payroll taxes by 1974. In other words, he or she will be paying $21 per month more than now.

This is a terribly regressive tax. And the guy who is shouldering the load in this country does not have the depreciation allowances or the depletion allowances or the charitable foundation or a deferred income plan. All he has is the burden.

Now, there are many good services in this bill, additional benefits that are needed: but I think those benefits should be paid out of general revenue because they come in the category of welfare, not social security. The Senator from Wisconsin (Mr. NELSON) had two amendments yesterday which would have provided necessary funds for increased benefits—one would have taken away the assets depreciation range; the other would have taxed people who are paying no tax at all—but they were rejected.

So, until we reach the point where we are willing to come to grips with the inequity built into social security taxing, we should not pile on an additional burden.

I talked and talked about this problem in 1970. I introduced my own social security-welfare reform plan to achieve this. I have introduced amendments and I have supported other amendments to this end, but I had to face the fact, as H.R. 1 came to a final vote, that its passage meant that the guy paying all these taxes would continue to get it in the neck. We are going in the wrong direction, and I had to vote "no."

DANGEROUS LANGUAGE IN SPENDING CEILING BILL

Mr. ERVIN. Mr. President, Congress should be wary in its consideration of H.R. 16810, the spending ceiling bill now pending before the House of Representatives, because it contains language which would give the President an unconstitutional line-item veto over this year's appropriation acts.

Subsection 201(a) of the bill would establish a spending ceiling of $250 billion for the current fiscal year. To enforce this ceiling, subsection 201(b) provides:

> The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

In other words, subsection 201(b) would authorize the President to cut any expenditures or obligations he feels necessary to keep Federal spending within the $250 billion ceiling. If this language becomes law, the Congress for the first time will have established a line-item veto power in the President although the Constitution provides only that the President may veto entire acts of Congress. It also will have given congressional credence to the highly questionable practice of executive impoundment of appropriated funds.

Mr. President, I fully support a balanced Federal budget and fiscal responsibility by both Congress and the Executive. I have consistently voted against appropriations which I thought unwise and extravagant, and I will continue to do so.

The real issue presented by the spending ceiling bill, however, is not whether Federal expenditures will be kept within a responsible level; it is whether we will give the President the power practically to rewrite appropriations bills already passed by Congress.

The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March 1971 on the practice of Executive impoundment of appropriated funds. As a result of those hearings, I introduced S. 2581, a bill which provides for procedures whereby the Congress can reassert its control over the appropriations process.

The gist of the administration's testimony at the subcommittee's hearings was that appropriations acts merely establish ceilings within which the Executive can spend on the particular program authorized, and that the Executive can impound funds it did not feel should be spent.

It will be recalled that the Nixon administration has impounded as much as $12.7 billion in funds that have been lawfully appropriated by the Congress. If this sum can be impounded without specific legislative authority such as contained in the spending ceiling bill, then I do not see the need for Congress to pass the language of subsection 201(b) of H.R. 16810.

In short, as I said earlier, such an action would give congressional credence to impoundment of funds, a practice that has been criticized by Members of both Houses of Congress on both sides of the aisles.

The language of subsection 201(b) also would solidify the power of the Office of Management and Budget. As the distinguished Senator from Minnesota (Mr. HUMPHREY) wrote in an article appearing in the Washington Post of October 3, OMB has acquired:

> A growing power and influence . . . over budgetary decisions which were formerly the prerogative of Congress. The spending ceiling is nothing more than a device to augment this power and place it in the hands of persons not responsible to any electorate.

Indeed, as the subcommittee learned during its hearings, OMB is the agency which decides which funds shall be impounded in which programs. Furthermore, information about impounded funds has been very slow in seeping from within the inner sanctum of the OMB to the Congress—and in some cases even to the agencies whose programs are affected.

As Senator HUMPHREY points out in his article, the administration's spending ceiling bill seems to be inspired by election-year politics—to label the Congress as spendthrift in its appropriations and the President, in contrast, as frugal.

Admittedly, Congress should exercise the power of the purse with frugality, but it should also approach any expansion of Executive power with the same tight fist. The present language in the spending ceiling bill would be a "spendthrift" grant of Executive authority, and the Congress should guard its prerogatives jealously when considering this legislation.

Mr. President, I ask unanimous consent that Senator HUMPHREY's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 3, 1972]

IS IT A DOMESTIC "TONKIN GULF"?

(By Hubert H. Humphrey)

After nearly four years of fiscal mismanagement, the Nixon administration is now preparing an election year argument to tell the American people that a Democratic Congress is to blame.

The scenario has been carefully constructed. Here it is: Congress has been on an inflationary spending spree. The President courageously calls the nation's attention to this and then demands a halt to carefree congressional spending. He proposes a $250 billion celing on federal expenditures and then asks the Congress to give him blank check authority to cut any programs above this limit. He knows that he has 535 members of Congress over a barrel. Either they consent to his plan and hand over to the White House unprecedented authority to control appropriations or he will label them all "spendthrifts." In an election year, being labeled a spendthrift is to be blamed for inflation, budget deficits, and high taxes.

Richard Nixon dispatches his Treasury Secretary to the influential Ways and Means Committee to make them an offer they can't refuse. They don't refuse. The spending ceiling seems on its way to approval. White House lobbyists are already walking the halls of Congress spreading the word that a vote against the ceiling is a vote for a tax increase. But the plain fact is that, on the contrary, the administration's spending ceiling is an election year ploy; a perversion of present fiscal management; a cover-up of a failure to halt inflation; a protective shield for an oversized military budget; a way to erase the social progress of the 1960s; and an outright theft of congressional authority.

Perhaps the greatest danger a spending ceiling poses is not what it will do to individual programs and millions of people that it will affect, but what it will do to the relationship between Congress and the Executive Branch. A spending ceiling places unprecedented power in the hands of the Chief Executive. In effect, it tells Congress: There is no need to scrutinize the budget, there is no need to appropriate funds, indeed, there is little or no need for Congress. The public has been alarmed at the erosion of congressional authority in the field of foreign policy. Now the President asks us for a domestic Gulf of Tonkin resolution.

The Nixon request is a natural outgrowth of the way the administration conducts this nation's fiscal affairs. Consider for a moment the growing power and influence of the Office of Management and Budget over budgetary decisions which were formerly the prerogative of Congress. The spending ceiling is nothing more than a device to augment this power and place it in the hands of persons not responsible to any electorate.

How well does the charge that Congress has overspent stand up to examination? The answer is: not at all. For the past four years the Congress has cut the President's budget requests by over $16 billion. This year alone Congress has already eliminated $4.4 billion of presidential spending. This represents careful, prudent budget review by Congress—not a spending spree. In fact, the Congress has never failed in the past 25 years to cut a President's budget.

The public must not forget that the President has the initial responsibility for the creation of the budget. Whether the presidential budget will be lean or fat is his decision to make. The Congress has the right not only to reduce a President's budget, but to change his budgetary priorities. This is what members of Congress are elected to do and this is certainly what this Congress has done.

Do we need a spending ceiling to fight inflation? There are more effective ways, I belive to control inflation. We should have begun inflation control four years ago—instead of on August 15, 1971—with wage and price guidelines that had bite. Since we did not, inflation control can best be achieved now through a truly effective wage-price mechanism covering those large firms that have a significant impact on the economy. A spending ceiling is only a ruse and cannot substitute for the needed mechanisms to halt inflation. Much of the reason for deficit financing and inflation is the slow-down of the economy, causing reduced revenues and higher welfare costs.

If the Nixon administration were serious about controlling inflation it would move forcefully in such areas as ending wasteful procurement practices, improving inadequate anti-trust enforcement and revising weak regulatory practices.

If a spending ceiling were to be enacted what programs would likely be eliminated? Just looking at Richard Nixon's veto record gives the clearest indication of what programs this administration considers expendable: education, health care, job creating and training programs and other social service programs that benefit the poor, the hungry and the elderly. It is clear that the spending ceiling offers the administration a convenient way to eliminate or cripple programs relating to human needs without leading a politically unpopular frontal assault on them.

To be sure, the Nixon administration has its budgetary sacred cows such as military procurement and defense spending that won't be cut one nickel. Added to this list must be other generally recognizable untouchables such as interest on the public debt. Medicare, social security and some subsidies. Aside from the vulnerable social service programs, it is likely that the brunt of any cutbacks would be in grants to state and local governments—badly needed programs like water and sewer grants, anti-pollution control funds and transportation aid. It would be ironical if the spending ceiling and revenue sharing came into effect at approximately the same time. The Nixon administration would then be a promoter of a federal funny money game giving revenue with the right hand and taking it back with the left.

It is the responsibility of the Congress to be frugal with the taxpayer's dollar, to search out waste and not to overspend. I am confident that it can continue to do these things without Executive Branch interference or handing the President an item veto over our appropriations.

GRANT FROM NATIONAL ENDOWMENT FOR THE ARTS TO NORTHEAST PENNSYLVANIA PHILHARMONIC

Mr. SCOTT. Mr. President, true responsiveness to the multifaceted needs of the flood victims in the Commonwealth of Pennsylvania has been seen again in the $15,500 grant from the National Endowment for the Arts to the new Northeast Pennsylvania Philharmonic.

Nancy Hanks, Chairman of the National Endowment, in announcing the grant said:

> Because of the devastation of Wilkes-Barre caused by Hurricane Agnes, the council recommended that a Federal grant be made this year to assist the Northeast Pennsylvania Philharmonic in its inaugural year.

I feel certain this grant will give the flood victims a real lift—both culturally and emotionally. I ask unanimous consent that the article in the Philadelphia Inquirer describing the grant be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW ORCHESTRA IN FLOOD AREA GIVEN $15,500

WILKES-BARRE.—A grant of $15,500 to the new Northeast Pennsylvania Philharmonic was announced Wednesday by Chairman Nancy Hanks of the National Endowment for the Arts.

The orchestra represents a merger of the former Scranton and Wilkes-Barre Philharmonic Orchestras which was decided upon in part because of the floods in the wake of Hurricane Agnes.

"The National Council on the Arts at its recent meeting in Washington was enthusiastic to learn of the cooperative effort of the two communities to provide more music for the region, particularly in this difficult time," Miss Hanks said in a prepared statement.

"Because of the devastation of Wilkes-Barre caused by Hurricane Agnes, the council recommended that a Federal grant be made this year to assist the Northeast Pennsylvania Philharmonic in its inaugural year."

A portion of the grant will be used to help in replacing part of the music library wiped out by the floods.

The National Endowment for the Arts is an independent agency created in 1956 to encourage and assist the nation's cultural resources.

FHWA'S NEW GUIDELINES AND PHILOSOPHY OF ROADBUILDING

Mr. MOSS. Mr. President, during the month of September, the Federal Highway Administration will send to the States new and tougher guidelines for environmental protection in the design and construction of highway projects.

Called "general process guidelines," these procedures are issued in response to the 1970 Highway Act, which set July 1, 1972, as the completion date for drawing up more comprehensive Federal environmental standards.

The guidelines, which call for greater public participation in planning and more attention to local community values, while fixing greater responsibility on State highway departments, were developed at a July 1971, environmental workshop held by the Highway Research Board in Washington, D.C.

It was the feeling of the 150 experts on air and noise pollution, aesthetics, ecology, sociology, and transportation who attended the workshop that a comprehensive overall plan for all of America might tend to "straitjacket" local planners who face unique problems. Therefore, the guidelines place responsibility on the States to develop "action plans" which identify social, economic, and environmental effects of highway building. These plans must then be approved by the FHWA before highway projects are funded.

I am certain that this will not be the last step in our effort to insure highway planning which will accord safety and efficiency while preserving environmental values. Indeed, we should say that we are just beginning to realize the importance of environmental considerations in highway planning.

The last 5 years have seen a dramatic shift in attitude with regard to roadbuilding. I sense a growing agreement among planners, highway builders, Government leaders, and designers in many fields that highways can and should be assets to our environment.

Traditionally, there have been three stages in development of highways. The first stage emphasized construction of roads. The primary objective was mastering technology necessary to construct a road over mountains, long expanses of prairies and rivers. Advantage was taken of every highway, advantage nature could offer—with little consideration of the effect on nature.

The second stage in the historical development of road systems stressed economy, efficiency, and safety. Planners and Government officials were interested in the straightest, fastest road at the least economic cost. In this stage, technology had advanced to the point where natural barriers no longer posed the formidable challenge they had in stage one. While this was a great step forward technologically, it led to serious attendant problems. Our environment was all the more susceptible to the increased power of new technology. It was plowed under, chewed up, and bulldozed away. Meandering streambeds gave way to the superstraight superhighway. Panoramic vistas were sliced in two by arrows of asphalt. Somehow we had lost sight of the true purpose of technology which is to complement nature and thus to enhance man's existence. In our rush to satisfy our need for efficiency and economy we were sacrificing one of our most basic values and greatest natural gifts: the beauty of our earth.

In stage three the effort in highway building is aimed at balancing speed and efficiency with those environmental qualities which protect and give beauty to man. Presently, we are engaged in seeking that balance. We are making the transition from stage two to stage three. It is well that we do so, in many areas of the country, to delay longer will handicap our future ability to preserve nature.

The question now is; not how to build the straightest road at the least cost, but how to build a highway system that does the least damage to the ecosystem and produces the highest net social benefit. As the noted ecologist, George Cornwell has said:

> The issue is not preserving nature at the expense of man, but rather maintaining a functional, fragile biosphere upon which all life depends. Hopefully today's talented transportation architects soon will provide effective individual mobility at a much reduced environmental cost.

I think there is some basis to believe that this hope is not in vain. Evidence of a changing attitude in road building is witnessed across the country in the Nation's schools for civil engineers. Here there is widening enrollment in popular environmental and ecology-related courses. Young engineers realize that road location is the single most important ecological consideration. They realize that "road watching" is a delight and that a highway is or can be a work of art which adds to the beauty of natural surroundings.

In the 20th century we cannot say we will build no more roads and then hide our heads in the sand. I think we need access to our scenic wonders and our recreation areas.

This is the type of beautiful, often wild, country that rejuvenates the soul and gives a rebirth to those senses which are dulled by urban life. This is the implicit definition of the word "recreation."

And yet, we cannot fully enjoy the beauty of southern Utah, or mountain majesty of northern Utah or anywhere else if we find in our places of recreation the same things we seek to flee from in our urban areas. Indiscriminate, ill-planned roads can ruin these areas. If we do not open up certain recreational areas, through intelligent environmentally-protected road building, off-the-road vehicles will find their own way to them at a much greater environmental damage.

Let me stress that certain areas should always remain wilderness protected areas. But those areas which can be entered by vehicle ought to be assured the greatest care modern planning can provide.

Mr. President, I salute the effort of the Federal Highway Administration to adopt guidelines which will guarantee this protection. Let us not stop here, though, in our effort to infuse environmental considerations into highway planning. Let us press on with even greater determination and commitment.

EMERGENCY CORONARY CARE

Mr. WILLIAMS. Mr. President, I am pleased to have heard the colloquy between the Senator from Florida (Mr. CHILES) and the distinguished Chairman of the Appropriations Subcommittee on HEW (Mr. MAGNUSON) at the time of our consideration of the HEW funds—CONGRESSIONAL RECORD, October 3, 1972, pages 33427–33433. That colloquy removes any doubts regarding the Federal funding of emergency medical systems based on municipal or nonprofit rescue vehicles, communications or attendants. I ask unanimous consent to have printed in the RECORD an excellent article from the March 1970, Medical Opinion, written by Dr. Mortimer L. Schwartz, of Maplewood, N.J., who is also chairman of the National Committee for Early Coronary Care, describing just such an emergency care system:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOBILE CORONARY-CARE UNIT

(By Mortimer L. Schwartz, M.D.)

I had a conversation with Lawson McDonald, consultant to the National Heart Institute, in August, 1967, in London. That talk stimulated me to begin a mobile coronary-care unit for the people in the community of Newark, New Jersey.

The project took more time and energy than I had originally anticipated, but by May, 1969, I was able to visit J. Frank Pantridge, originator of the Mobile Coronary-Care Unit in Belfast, Northern Ireland, to crystallize final plans. A six-bed modern coronary-care unit at the Martland Hospital of the New Jersey College of Medicine and Dentistry had already been in operation since June 1, 1967. A New Jersey State Department of Health grant (of $4,500) provided the funds for the purchase of the battery-operated equipment needed, and on July 10, 1969, a team of physicians was ready to deliver emergency care to patients with acute myocardial infarction. We started on a limited basis—four hours a day on weekdays. But, in less than a month, the mobile unit, carrying three cardiology residents and an ambulance driver, was available eight hours a day, five days a week.

The police receive the original calls, filter them, and relay information to the Martland Hospital telephone operator within minutes of the initiation of the distress call. "Coronary Ambulance" is announced on three extensions: the coronary-care unit, on the tenth floor, where personnel immediately head for the elevator; the elevator, which is moved directly to the tenth floor to pick up the physicians; the ambulance station, where a driver enters the cab. The unit's departing physicians load the ambulance with the portable equipment—electrocardiograph, monitor-defibrillator, and suction apparatus. This takes four minutes.

Within ten minutes after leaving Martland Hospital, the team reaches the patient. If myocardial infarction is suspected and the heart rate is above sixty beats per minute, and if heart block and severe failure are not present, lidocaine is administered as a bolus of 50 to 100 mg intravenously, followed by an infusion of 1 mg/cc/min. If the heart rate is less than 50 per minute, 0.4 mg of atropine sulfate is administered intravenously. Similar doses are repeated two to four times at three-minutes intervals if bradycardia and/or heart block persist. The usual measures of oxygen administration and therapy for acute pulmonary edema are, of course, instituted—as is the use of the drugs necessary for relief of pain. If ventricular fibrillation is present, 400 watt-seconds of energy are immediately applied.

After stabilization, the patient is brought to the hospital. We do not believe there is any urgency in returning to the base—we stress that the patient, once reached, is already under the care of the staff.

In four-and-one-half months, 131 calls for the mobile coronary-care unit were made. On thirteen occasions, there was no patient at the scene. Among those patients we reached, sixty-one were female, fifty-seven male. The women averaged fifty years of age, the men fifty-five. Calls were classified as "coronary type," "other justifiable," or "crank." The numbers were about equal in all three categories.

We haven't really had enough experience to say statistically signficant things about the finer aspects of mobile units, but Dr. Pantridge was at the New Jersey College of Medicine as visiting professor on December 15, 1969, and he presented his data on 2,500 calls made during a four-year period. His incidence of "crank" or "lunatic" calls had fallen to 6 percent. In Belfast, a local MD initiates the call and a cardiologist filters it for him. There were over 1,000 documented myocardial infarctions in the Pantridge series, out of the 2,500 calls. In our series, there have been only eleven out of the 131. But I suppose that, in the initial six months of operation, a low yield is to be expected.

There are several reasons for our conviction of the importance of the mobile coronary-care concept: in this country, some 600,000 persons annually die of fatal coronary attacks, the two-thirds of these, 400,000, who never arrive alive at a hospital can be reached by mobile coronary-care units. The units can lower mortality from 35 to 17 percent by prevention and treatment of arrhythmias. Fatal ventricular fibrillation is twenty-five times more likely to occur in the first four hours after an acute myocardial infarction than afterwards. Our mobile unit has already resuscitated one patient with ventricular fibrillation.

The forty-four patients with coronary-type symptoms waited more than three hours, just under four, before calling for assistance. Public education ought to lower that figure considerably. The mobile unit takes knowledgeable, skilled personnel with modern equipment and drugs directly to the patient in about sixteen minutes from the time the call is initiated. We expect to halve this figure when we get our own already-loaded ambulance and a direct "hot line" from the physician or his patient to the coronary unit.

The patient, once reached, is, for all practical purposes, in the coronary-care unit. Any person trained in cardiopulmonary resuscitation techniques, standing by, could place the patient on a firm surface for external cardiac compression and, if necessary, could begin assisted pulmonary-ventilation while waiting for the mobile unit.

We intend to extend service to a 24-hour day for a seven-day week. The latter change awaits our own ambulance and drivers and, sad to say, adequate police protection. We will replace two of the three cardiac residents with a senior medical student and a nurse. Other paramedical personnel, properly trained, might possibly be substituted for them in the future, but legal barriers would have to be bridged.

We also anticipate an increase in the number of cases of acute myocardial infarction that will be brought to the hospital, and that will require many more beds. The Belfast group initially had an eight-bed coronary-care unit, but it has had to expand to thirty-eight beds. The increase here should be to about twenty-eight beds if the Newark pattern follows that of Belfast.

What do you think it would be in your area?

ELEVENTH TRIENNIAL CONGRESS OF AMERICANS OF UKRAINIAN DESCENT

Mr. ROTH. Mr. President, I take great pride in saluting the Ukrainian Congress Committee of America and all Ukrainian Americans on the occasion of the 11th Triennial Congress of Americans of Ukrainian Descent. One thousand delegates will be attending this important gathering in New York City from October 6 through October 8.

These delegates are the representatives of more than two and a half million Ukrainian Americans who are Americans because they or their forefathers came to this country seeking personal and political liberty, religious toleration, social justice, and a chance to improve the economic conditions of their lives. They have been a vital force in our national life, joining with millions of other Americans to build and participate in our political, social, and economic institutions. They have shared in America's trials and they are sharing in its greatness.

Ukrainian Americans are proud of their contributions to America. They also remain proud of Ukraine—a great land, as large and as populous as France or Britain, which was the cradle of Slavic civilization during the period of the Kievan state. While helping to build a new land, Ukrainian Americans have not forgotten this ancient country, so rich in heritage and tradition. Through the Ukrainian Congress Committee of America, Ukrainian Americans are supporting the efforts of their brothers in Ukraine to achieve the full measure of freedom they enjoy here. The UCCA has helped to keep alive the awareness of all Americans to the plight of the Ukrainians and other oppressed minorities in the Soviet Union.

The Ukrainian Congress Committee of America has been a powerful advocate of freedom and independence for Ukraine. It has also been a strong supporter of American democracy and freedom. These are important efforts, worthy of the utmost support and encouragement of all Americans.

THE WATERGATE "GAG RULE"— FAIR TRIALS AND FREE SPEECH

Mr. ERVIN. Mr. President, on October 4, 1972, Judge John J. Sirica, Chief U.S. District Court Judge for the District of Columbia, issued an order in the so-called Watergate case which has caused great concern on the part of many citizens. This order, issued in response to a defense motion and pursuant to rule 100 (10) of the District Court, is designed to protect the integrity of the judicial process in connection with the disposition of the criminal charges in the Watergate case.

My own concern about this order does not arise from any disagreement with the purpose underlying its issuance. Judge Sirica is quite right in describing the Watergate case as "widely publicized and sensational in nature." Some restrictions on public disclosure of information by the parties to this case and others involved is absolutely essential if the Constitution's mandate for a fair trial is to be honored. Especially in view of the highly charged political atmosphere surrounding this case, effective steps must be taken to permit the court, the jury, and other officers of the court to fulfill their constitutional responsibilities.

My concern with this order arises, rather, from the sweeping, all-inclusive language of the order and its possible threat to first amendment freedoms. Judge Sirica's order enjoins a large and ill-defined list of persons from "making any extrajudicial statements to anyone, including the news media, concerning any aspects of this case which are likely to interfere with the rights of the accused or the public to a fair trial by an impartial jury." Those expressly enjoined from such conduct are:

> (1) The Department of Justice, the Office of the United States Attorney, the Federal Bureau of Investigation, and all other law enforcement agencies, and all persons acting for or with them in connection with this case in behalf of the United States, (2) the seven defendants, their attorneys, and all persons acting for or with them in connection with this case, and (3) all witnesses and potential witnesses including complaining witnesses and alleged victims, their attorneys and all persons acting for or with them in connection with this case.

Mr. President, I have little quarrel with the order's first two categories of persons enjoined from the stipulated conduct. Certainly, parties to this criminal proceeding and others functionally connected with it can and should be prohibited from conduct which would jeopardize the integrity of the judicial process and violate constitutional strictures. The scope of persons who might be encompassed by the third category, however, is so broad as to raise serious questions about the impact of this order on the first amendment's guarantee of freedom of speech and freedom of the press. Inasmuch as there has as yet been no occasion for the court to define more exactly the categories of persons listed in the order, it is not possible to know what the court's intentions are with respect to the actual scope of its order. While I am confident that Judge Sirica is as jealous of first amendment freedoms as I and that he will implement this order with a view toward balancing effective law enforcement the first amendment considerations, the order's expressed application to "all potential witnesses including complaining witnesses and alleged victims, their attorneys and all persons acting for or with them in connection with this case" may very well chill free speech and undermine freedom of the press respecting this case. While our courts are constitutionally required to administer the processes of justice according to the principles of the Constitution, they are equally required to guard against abridgment of those precious liberties enshrined by our Founding Fathers in the Bill of Rights.

One of the great lessons of history is that freedom of speech and freedom of the press can be endangered and abridged as effectively by indirect means and intimidation as by direct restrictions and overt censorship. Lovers of liberty have learned that they must secure freedom from subtle dangers as well as from its avowed enemies. We must not forget that the first amendment was meant to protect freedom for the weak and cowardly as well as for the strong and courageous.

The Watergate case presents unusual difficulties in balancing the prerequisites of a fair trial with protection for free speech and freedom of the press. Not only is there great public interest in the trial of the seven defendants, but the administration of justice in this case is itself inextricably connected with this year's Presidential election. Whatever one's view of the case and the events surrounding it, no one can deny that the "Watergate" case has become one of the important political issues in the campaign. Any order restricting publication of information about the proceedings of this case should be drafted and applied in a way to allow the greatest possible range of public debate consistent with the fair and effective disposition of the pending criminal charges. Especially when the American people are choosing their national leaders, they must be protected from government interference with a robust and knowledgeable discussion of the issues facing the country.

Public interest in and concern about the "Watergate bugging" has recently been evidenced by the near-successful effort by the House Committee on Banking and Currency to launch a full-scale investigation of the matter even while criminal charges were pending against seven defendants allegedly involved in the bugging. Mr. President, I doubt that a day has passed over the past several months without some story concerning the events surrounding this case being printed in the major newspapers of this country. Public opinion polls indicate that this affair, along with other matters, has undermined even more the public's confidence in government and government officials. Whatever may be the final disposition of the criminal proceedings associated with the "Watergate bugging," the American people and those who present themselves for public office have a right to consider and to debate events which bear directly upon the quality and integrity of this Nation's leadership.

It may be necessary in this instance to choose between assuring an absolutely "fair" trial and protecting the public's right to know about important matters bearing upon the election of the President. I hope that such a choice is not necessary. I believe that judicious handling of the case can achieve a reasonable balance between these two conflicting concerns. If such a balance is not possible, I am compelled to state that the American public's debate over and decision respecting the election of a President must be given the greatest possible protection. There could be no greater threat to our political freedom than to place a muzzle on candidates for high public office concerning matters about which the citizenry is vitally interested.

I ask unanimous consent that the order by Judge Sirica be printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia: Criminal No. 1827–72]

UNITED STATES OF AMERICA v. GEORGE GORDON LIDDY, ET. AL.

ORDER

This matter having come before the Court on the motion of the defendant Everette Howard Hunt, Jr., for an order pursuant to Rule 100(10) of this Court enjoining extrajudicial statements in consideration of the widely publicized and sensational nature of this case; and

It appearing to the Court that neither the United States nor any of the co-defendants of the defendant Hunt objects to the entry of this order,

It is by the Court this 4th day of October, 1972,

Ordered, that all parties to this case, specifically

(1) The Department of Justice, the Office of the United States Attorney, the Federal Bureau of Investigation, and all other law enforcement agencies, and all persons acting for or with them in connection with this case in behalf of the United States, (2) the seven defendants, their attorneys, and all persons acting for or with them in connection with this case, and (3) all witnesses and potential witnesses including complaining witnesses and alleged victims, their attorneys and all persons acting for or with them in connection with this case,

Are hereby enjoined until further order of this Court from making any extrajudicial statements to any one, including the news media, concerning any aspects of this case which are likely to interfere with the rights of the accused or the public to a fair trial by an impartial jury; and

It is further ORDERED

That for purposes of this order the term "extrajudicial statement" shall include any statement which is not made during the course of judicial proceedings in this case, except that nothing in this order shall preclude the parties and their attorneys and their agents from conducting appropriate interviews with potential witnesses or conferring among themselves in preparation for the trial.

JOHN J. SIRICA,
Chief Judge.

NATIONAL GROWTH POLICY PLANNING ACT

Mr. HARTKE. Mr. President, the need for planning at the national level has been recognized for some time, yet little action has been taken. Time is short. Unless Congress takes drastic action to manage the growth rate of the Nation's population, pollution, depletion of natural resources, and industrial output, urban and rural problems will become insurmountable.

This spring, I introduced legislation to stimulate a national debate over the future growth of the country. That bill the Hartke National Growth Policy Planning Act of 1972, S. 3600, is meant to be a simple approach to consolidating the mass of complex and disoriented Federal programs into some sort of policy and planning framework that would provide guidance on a long-range basis. I have come to believe, however, that an even more comprehensive piece of legislation will be necessary and I have begun to draft such a bill.

I hope to encompass in this new legislation, a national body to help plan growth, grants to other levels of government to plan for growth, restrictions on the relocation of government and corporate facilities, the creation of a national development corporation, a national land bank, a national development bank, metropolitan development corporations, and a consolidation of Federal programs and planning. Congress and the Nation must consider the pressing urgency of the need for a debate over the future growth of the Nation and what controls, limits, or goals might be instituted to do just that in the near future. Mr. President, I have numerous letters on the Hartke legislation on national growth (S. 3600) and ask unanimous consent to have some of them printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON UNIVERSITY,
INSTITUTE FOR URBAN AND
REGIONAL STUDIES,
St. Louis, Mo., September 15, 1972.
Senator VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: I was very pleased to receive a copy of S. 3600 and appreciate your solicitation of my comments on it. I am extremely sympathetic to the formal organization of a means for stipulating national growth policy, in general, and, in fact, have written a number of things myself which have dealt with what I see as a critical need for a national urban policy. Accordingly, I certainly would support S. 3600, even in its present form, and would earnestly hope for its successful passage.

Having said that, let me indicate, I hope in a constructive spirit, a number of serious criticisms I would have to make of its present provisions. The main problem, as I see it, is that it rests very heavily on the establishment of state-wide zoning in each of the fifty states as a mechanism for both formulating and controlling growth policy. While zoning does have a place, and could be a useful development policy tool at a state level, I do find that such heavy reliance on it is somewhat shortsighted and would rob the policy of much of its potential effectiveness.

There are two problems in such heavy reliance on zoning, both related to conceiving "success" as a convergence on an estimated desirable static state at some time fairly far in the future. First of all, this places a great deal of reliance on our ability to anticipate the future when I think there should be more emphasis on how do we make current decisions in light of large amounts of uncertainty. Second, relying on conformity to the state plan as an enforcement mechanism is extremely rigid, in that only outright prohibition is possible as a limiting device. The problem is that there will always be large numbers of exceptional cases in which the seriousness of deviation is not so great as to warrant prohibitive invocation through police powers or withholding of funds. My own preference tends much more to viewing planning as an ongoing capability for bringing information to bear and establishing somewhat more flexible criteria for public investment decision making. Let me immodestly suggest looking at Leven, Legler, and Shapiro, *An Analytical Framework for Regional Development Policy,* for some elucidation of this viewpoint.

True, your bill does call for the coordination of the various state plans by a National Growth Planning Board which is a very useful step. I think that that could clearly prevent outright foolishness or clear uncoordination, but politically it is not likely that it would move us very far toward anything like an optimal strategy.

Essentially what I would like to see added is a provision that the National Growth Planning Board would itself be directed to devise a national strategy to which it is hoped that the state policies could be made to conform, with due provision for maintenance of states' rights with regard to internal considerations. Obviously in this case by a national strategy I do not mean a national land use plan, but rather a statement of objectives for growth policy, criteria for development decision making by Federal agencies, and criteria for resolving regional conflict in development decisions at all levels where a legitimate Federal interest was involved.

While there is no reason to expect the text of the bill to indicate such, I would hope that in any hearings or committee deliberations due regard would be taken of the very important work already being done by existing groups relevant to particular points in the bill. For example, Resources for the Future has a long and rather commendable history of dealing with Section 202(1) and (2). The Economic Development Administration already contains an apparatus for dealing with Section 103(4) over a limited range of activities. Similarly, the Housing and Urban Development Act of 1966, Title II, Section 204, also provides for assistance grant review. The activities of the Advisory Committee for Intergovernmental Relations duplicate a variety of things in S. 3600 in somewhat more general ways. Finally, the Environmental Protection Agency is clearly involved with a number of responsibilities that would be shared by the National Growth Planning Board. If I were making any decisions in this regard, I should like to know more about the effect of the bill on these existing planning and research operations.

In Section 102(b) I am somewhat troubled by possible conflicts in stated objectives. In particular between "intelligent and balanced use of the nation's resources" and "to all underdeveloped regions". I would be equally concerned about the establishment of criteria for item 3 of that same paragraph.

I feel that there is a danger that provisions of Section 104 are sufficiently loose so that as a practical matter all that might happen is the Federal underwriting of existing state planning agencies to simply continue doing what they are doing, the only difference being that there will be a national board to iron out any glaring inconsistencies in their plans.

Section 107(a) clearly is a very critical one. Potentially it could have very great impact on the coordination and improvement of Federal policy decisions. Unfortunately, however, if "the plan" indicated in paragraph (a) is simply a set of fifty state zoning plans whether Federal agencies are operating "in accordance" with it is likely to wind up as a very murky matter. I would much prefer seeing the National Growth Planning Board having to certify that there was accordance with the national plan, subject to review by a hearing board or Congressional or Presidential specification of allowable exception.

I realize that some of the comments that I have to make cannot be dealt with very practically, but others I think might be worth more serious consideration. If you think that it would be useful to your efforts to gain passage for the bill I certainly would be pleased to make myself available for further comment or conversations with you or your staff.

Sincerely yours,

CHARLES L. LEVEN, *Director.*

HUGH DOWNS,
September 4, 1972.
Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Many thanks for the copy of the National Growth Policy Planning Act of 1972, S. 3600. The need for planning at the national level and the proper role of the federal government in this complex matter has been recognized for sometime, but it requires the kind of action you've taken to bring into being effective machinery for mapping the nation's future. Hopefully we may see in it the seeds of some sense of direction for citizens who thirst for a quality of life and who are alarmed at the deterioration of their surroundings, the erosion of their morale, and a feeling of paralysis.

Perhaps such an agency could, in addition to coordinating proposed activities of other federal departments, make good use of the findings of some excellent Presidential Commissions appointed to study various national problems from drugs and violence to population dynamics and see to it that the excellent work done by these Commissions is not simply lost.

I have recently undertaken, as Co-Chairman of a Citizens Committee, to help bring to the attention of the public, and to keep in the attention of policy-makers, the findings and recommendations of the recently dissolved Rockefeller Commission on Population Growth and the American Future. The Commission's work was thorough and its findings and recommendations sensible and temperate, but because it dealt with some unavoidably controversial elements, and because of press inadequacies and distortions, its reception at the official level was less enthusiastic, at least publicly, than it should have been. Our hope is to correct these distortions, stimulate discussion, and proceed in relating this material to the American people in the belief that America is not unwilling to face facts about itself—that we in the long haul mature enough to look to the quality of our living in realistic terms, and to develop the ethic and the cultural attitude that will guide and support statesmen who propose needed remedial action.

If, within the life span of this Committee, we can be of help to a National Planning Board, we would be most gratified.

It is particularly impressive to see the stress in this bill on the interrelatedness of our problems and the need for holistic and synergic approaches to them. If it works as it is apparently designed to, it should serve as a model for agencies at all levels.

Yours sincerely,

HUGH DOWNS.

SUBURBAN ACTION,
White Plains, N.Y., September 12, 1973.
Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: I have just read of your bill calling for federal assistance to states for developing growth policies and plans. Would you please forward to me a copy of the bill and any other material you have introduced into the record describing the purposes of the bill. I would be particularly interested to know if the bill deals with the issue of mandating requirements for open communities in the suburbs and whether it calls for government and private corporations to be responsible for seeing that their workers will be adequately housed when these facilities are constructed by them.

Sincerely yours,
PAUL DAVIDOFF, *Director.*

SOCIAL SCIENCE RESEARCH COUNCIL,
Washington, D.C., September 5, 1972.
Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: This is in response to your request for comments on S. 3600. This bill represents a most welcome and needed initiative. The objectives of this legislation must be achieved if the United States is to get from here to the year 2000 in a satisfactory fashion.

In addition to the "Limits of Growth" which you cite—a work that is global in focus—there is a detailed analysis and a set of recommendations on growth-related problems in the United States in the Report of the Commission on Population Growth and the American Future. I am having a copy of that Report sent to you. Chapter 14, National Distribution and Migration Policies, is particularly germane to S. 3600. For a quick view, page 144 and the top of page 145 present the Commission's analysis of on this subject. The rest of the report includes analysis of resource, environmental, and governmental problems associated with growth, and recommendations for population policy to help resolve these problems.

I welcome the attention given research in the bill. We spend billions of dollars on programs affecting growth without building in scientific measures of impact or evaluation of alternatives. To be successful, growth policy must involve a continual learning process. However, Section 202 should provide a far broader charter for research than it does. Research on the impacts of governmental programs on growth, the various social, environmental, governmental, and economic problems associated with different growth patterns, and policy analysis, all are needed if the Board is to do its job. Without a broad research program of its own, the Board will lack the general knowledge it needs to evaluate and approve the specific plans submitted to it.

If you have not already done so, I believe it would be worth your while to obtain the views of:

Mrs. Sara Mazie, Task Force on Land Utilization and Urban Growth Policy, 1715 K Street, N.W., Washington, D.C. 20006.

As a research director for the Population Commission, Mrs. Mazie had primary responsibility for the analysis of growth policy issues and drafting of recommendations. I also suggest:

Dr. Peter A. Morrison, Rand Corporation, Santa Monica, California.

Dr. Jerome Pickard, Appalachian Regional Commission, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235.

Dr. Morrison and Dr. Pickard were the Population Commission's principal consultants on population distribution.

Please accept my commendation and best wishes on this legislation. If I can help, let me know.

Sincerely yours,
ROBERT PARKE,
Executive Director.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 25, 1972.
Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated May 25, 1972, you requested our views concerning S. 3600, 92d Congress, which, if enacted, would be cited as the "National Growth Policy Planning Act."

Sections 106 and 204 of the bill deal with the review of growth policy plans submitted for the Board's approval by State or interstate agencies participating in the Federal grant-in-aid program. The provisions of these sections appear to be generally inconsistent and to require clarification.

Section 106 would provide that the Board, after obtaining the comments on a proposed growth policy plan from those Federal agencies having significant interest in or impact upon growth within the State or region concerned, review and approve the plan if it conforms to certain criteria stated in the bill. If the Board determined that it could not approve the plan, it would submit the plan for independent review by an ad hoc hearing board, established by the President, which would determine the plan's acceptability.

Section 204 would authorize the Board to revise a growth policy plan with regard to (1) the efficiency of the plan in achieving growth in the area involved, (2) the effect of the plan on the Nation's physical resources, and (3) the contributions which the plan would make in attaining the Nation's economic, social, and environmental goals. This section makes no provisions for independent review of the Board's determination, for obtaining the views of the State agency submitting the plan, nor for comments by interested Federal agencies.

Section 105(c)(2) enumerates certain authorities a planning agency must have in order to retain its eligibility for grants. We note that the word "must" is used in all subsections of section 105(c)(2), except subsection (b) where "may" is used. This is called to your attention in case the word "may" was used through oversight.

The bill would allow considerable discretion to the Board in the allocation of grant funds—which would be authorized annually in amounts of not more than $300 million—among State and other eligible planning agencies.

Section 108(b) would provide for the allocation of grant funds in accordance with regulations of the Board which take into consideration the amount and nature of resource base populations, the pressures resulting from growth, financial needs, and other relevant factors. The bill neither describes these factors nor states the weight to be given to each of them in making allocations to planning agencies. Also the bill does not provide for the possible reallocation of funds in the event that an eligible planning agency has not been established in a State or a State agency is unable to use the funds allocated to it by the end of the fiscal year for which the funds were allocated.

The committee may wish to clarify the conditions under which grant funds may be allocated and reallocated among States and other eligible planning agencies.

Section 110 provides for maintenance of and access to financial records of recipients of grants. The committee may wish to specifically provide for maintenance of and access to financial records of grant recipients, whether they receive such grants directly or through an agency other than the Board. Cf. section 309 of the bill.

Section 112 states that, after the end of three fiscal years following the issuance of implementing regulations by the Board, no Federal agency shall undertake any new action, or financially assist any State-administered action, which may have a substantial adverse environmental impact or seriously affect substantial growth in any area not covered by a growth plan submitted in accordance with the act. This sanction could be temporarily suspended by the President under certain conditions, provided that "a schedule for the area concerned, acceptable to the Board, is submitted." The meaning of the term "schedule for the area" is not clear and is not explained in the bill.

We suggest that the bill be amended to clarify what is meant by a "schedule for the area."

Section 304(a)(4) would authorize the Board to employ and fix compensation of such personnel as it deems advisable. The bill contains no provisions regarding the qualifications, maximum compensation or pay scales of the personnel so employed.

The committee may wish to include limitations on the Board's authority to employ personnel similar to those generally applicable to independent agencies in the executive branch of the government. If it is considered desirable to exempt the Board from the provisions governing appointments in the competitive service and the classification laws, we suggest that, as a minimum, the bill require that the Board, after consultation with the Civil Service Commission, establish uniform fair rates of pay for comparable services, giving recognition to the responsibilities and qualifications required. We suggest also that the bill provide that employees should not be paid at a rate in excess of that speified by law for grade GS-18 and that employees be subject to the Standardized Government Travel Regulations.

Attached is a list of editorial and technical changes which the committee may wish to consider.

Sincerely yours,
R. F. KELLER,
Deputy Comptroller General
of the United States.

Enclosure.

LIST OF CHANGES

Technical and editorial changes suggested for S. 3600, 92d Congress:

On page 3, line 5, the word "and" should be inserted after "utilities,".

On page 13, line 5, a comma should be inserted after the word "shall."

On page 13, line 10, the word "representatives" probably should be "representation."

On page 22, line 20, the word "subjects" should be "projects."

On page 23, line 22, the reference to "section 203" should be to "section 303."

On page 38, line 13, the word "and" should be deleted.

ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS,
Washington, D.C., June 26, 1972.
Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for our views on S. 3600, "To establish a national growth policy to provide for the creation of a National Growth Policy Planning Board; and to provide Federal assistance to States for growth policy planning."

The Advisory Commission on Intergovernmental Relations in its 1968 report, *Urban and Rural America: Policies for Future Growth,* called for an articulate national growth policy with the Federal, State and local governments, along with the private sector, joining in a concerted effort to mitigate certain adverse effects of current and projected urbanization trends. In that report, the following recommendations were adopted:

To help assure the full and wise application of all governmental resources consonant with the economic and social health of both rural and urban areas and of the Nation as a whole, the Commission recommends the development of a national policy incorporating social, economic, and other considerations to guide specific decisions at the national level which affect the patterns of urban growth.

The Commission recommends that the President and the Congress assign executive responsibility for this task to an appropriate executive agency. The Commission also recommends that the Congress provide within its standing committee structure a means to assure continuing systematic review and study of the progress toward such a national policy.

The Commission further recommends that the executive and legislative branches, in the formulation of the national policy, consult with and take into account the views of State and local governments . . .

The adoption of these policy positions prompted the drafting of the proposed "Balanced Urbanization Policy and Planning Act of 1969" (H.R. 13217 and S. 3228) and the support we subsequently accorded to Title I of H.R. 16647 and S. 3640 (91st Congress, Representative Ashley and others, and Senator Sparkman, respectively).

We sanctioned Title VII of the Housing and Urban Development Act of 1970 and continue to believe that it constitutes a significant first step in launching a process at the national level that will begin to identify and grapple with the dynamics of urban growth and to hammer out the components of a conscious and concerted national policy.

The following comments are those of the staff only, although some of the discussion relates to those general policy positions of the Commission stated above:

The purposes of the bill are not inconsistent with ACIR's basic position on the need for a national growth policy. Yet, some reference might be made in Part I relating this bill to Title VII, Part A, of the Housing and Urban Development Act of 1970 which assigns certain responsibilities to the President in the development of a national growth policy. For example, S. 3600 might be amended to make clear that its purpose is to provide an institutional framework to implement Title VII of the Housing and Urban Development Act.

We are concerned that possible conflict, overlap, or duplication may occur between the planning grants proposed in Section 104 and those now being carried out in the Department of Housing and Urban Development's comprehensive planning assistance (701) program and Title V of the Public Works and Economic Development Act of 1965. A substantial amount of HUD funds have gone to States for statewide planning studies and Title V funds have been utilized by multistate regional commissions for development studies and plans of the region. The Appalachian Regional Development Act of 1965 also provides funds for State development studies and plans as well as special studies of the Appalachian region. Finally, consideration also should be given to other bills now being considered by Congress, such as the national land use policy bills introduced by Senator Jackson (S. 632), the Administration (H.R. 4432, S. 992) and Congressman Aspinall (H.R. 7211). The bill expanding the Title V regional commission program (S. 3381), introduced by Senator Montoya, also might be considered. If any of these proposals are enacted, there may be areas of possible conflict with S. 3600.

Section 105 (c), as we understand it, would require substantial legislative action in nearly all the States if they expect to retain eligibility for grants after the end of three fiscal years. We wonder if the three year period is long enough to provide for the development of the State plan and its approval by the National Growth Planning Board as well as to secure passage of implementing legislation. We are doubtful that all this can be accomplished in most States within a three year time span. The development and approval of the State plan, in most instances, would require at least two years for completion. New legislation for the designated State agency to implement the approved plan, then, would have to be enacted within the remaining year, which might be difficult to achieve within a single legislative session in a number of States. Extension of the grant eligibility period to four or five years might be more realistic.

Finally, Section 108 authorizes the Board to make grants to eligible agencies for developing growth policy plans. This authority essentially involves acceptance of the project grant approach and, as such, gives wide discretion to the Board. The absence of an apportionment formula, an interstate agency allocation formula, or even a simple proviso that no more than a certain percentage of allocated funds may be spent in any one State, tends to broaden the discretion of the Board. In short, the provisions of this section constitute a rather imprecise statement of Congressional intent.

We appreciate the opportunity to review and comment on this bill.

Sincerely,

WM. R. MACDOUGALL,
Executive Director.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, June 23, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: I endorse your National Growth Policy Planning Act, S. 3600, as detailed in your communication of May 26.

As Governor of Montana, I have advocated the implementation of policies to voluntarily redistribute the population of this country. Our population is concentrated along the sea coasts and major inland waterways. And this imbalance has resulted in a terrible accumulation of environmental and social problems in these areas. At the same time the interior regions of the country, such as Montana, are suffering from problems related to a lack of economic development.

We need plans and policies and programs to assure Americans a right to a decent environment and adequate employment no matter where they happen to live in this country. And I believe your National Growth Policy Planning Act will be an essential first step in the direction of better utilization of the environment and improved economic balance between urban and rural America.

Sincerely,

FOREST H. ANDERSON,
Governor.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, June 26, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for sending us a copy of S. 3600, the National Growth Policy Planning Act. It has been read and considered with interest. My principal concern about this bill is that it would provide for an activity which would appear to duplicate efforts formulated under a possible national land use act.

The emphasis of growth planning in California has been on land use as the best possible focal point. Within my executive offices, the Office of Planning and Research has broad responsibilities for advising me on environmental planning, land use and open space needs across the State. They have taken the lead in preparing an "Environmental Goals and Policy Report." In undertaking these studies, it has been found that all aspects of growth planning discussed in your legislation must be viewed from the perspective of land use. In this regard, they have been conducting a multiphase land use policy study designed to produce a series of comprehensive and specific land use policies and implementation procedures.

We have been following the various national land use legislation introduced in Congress and are pleased to see a national dialogue on this subject. We hope that out of the Congressional effort will come legislation that encourages broader State responsibilities in land use regulation and that there will be provision for growth direction, not just growth restriction or exclusion. This would be preferable to legislation creating a separate National Growth Planning Board with grant-making powers that require creation of similar semi-autonomous agencies at regional and State levels, each with such extensive authority. It would seem advisable to incorporate the growth policy approach of your bill into the land use policy legislation now under consideration.

Again, thank you for informing us about your efforts in this area and for giving us the opportunity to comment.

Sincerely,

RONALD REAGAN,
Governor.

POPULATION STUDIES PROGRAM,
DUKE UNIVERSITY,
Durham, N.C., September 6, 1972.

Senator VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Dr. Joseph J. Spengler has passed your letter on to me and the enclosed material from the Congressional Record.

The proposed legislation goes to the heart of one of our major concerns in this country and you are to be commended for introducing it in the Congress. It is timely, enlightening and sufficiently comprehensive to achieve a major change in the ways in which we conceive of our environment. The sole reservation is the seeming lack of emphasis on the demographic base, which of course is the crux of any consideration of population distribution, economic development and national growth planning. Although we often assume that adequate research and training are provided on population distribution, composition and growth, the fact of the matter is that these concerns have been sadly neglected in our major emphasis on family planning assistance. One cannot be, nor should not be, considered without the other. The Report of the Commission on Population Growth and the American Future bears eloquent testimony to the interaction of these two factors. By no means should this be considered criticism of your proposed legislation, for I am sure that such demographic studies would be a critical input into the topics that are being considered.

A final observation would seem warranted. I would hope that any such national growth policy planning board would carefully consider and evaluate the many efforts that have gone on throughout the world in attempting to manage their environments. From my own experiences in Western Europe, I personally feel that many countries do a more sensible job in creating an adequate living space and style than we do in the United States. The lessons to be learned from these experiences would seem to be worthwhile examining, of course considering the differences in the types of situations and problems that we both are dealing with.

This legislation deserves the wholehearted support from a wide spectrum of Americans. My sincere best wishes on its successful enactment.

Sincerely,

George C. Myers, *Director.*

Stanford Research Institute,
Arlington, Va., August 4, 1972.
Hon. Vance Hartke,
U.S. Senate,
Washington, D.C.

Dear Senator Hartke: I appreciate the opportunity to comment on your proposed National Growth Policy Planning Act of 1972, S. 3600. Legislation of this type is long overdue. Of course, my remarks are personal and do not reflect the position of SRI.

For too long we have permitted our national development to be the result of a series of unrelated decisions on relatively narrow problems, whether they were at a business or governmental level, without having the foresight or, for that matter, the capacity to consider the effects those decisions would have on the community as a whole. The result has been, as you point out, an imbalance in population growth, a depletion of natural resources, and physical and aesthetic pollution of our environment. A number of national polls have indicated increasing discontent with existing conditions and the projected effects of urban trends. The realm of choice for Americans among alternative environments is decreasing rather than increasing.

Some effective institutional mechanisms are required if the nation is to have a coordinated policy of growth at the national, state and local levels. A national growth planning board, such as is proposed in your bill, could become such a mechanism. However, for a national growth policy to become truly effective, the question of articulating national goals toward which a national growth policy is to be directed cannot be avoided. This set of goals cannot be a mere rhetorical statement but must be based on a careful evaluation of the values of Americans, their aspirations and hopes for the future, and the best available knowledge as to what policies are most conducive to achieving a "good" society in which each citizen can hope to obtain a sense of fulfillment and self-realization. Unless some such goals are made explicit, it may prove difficult to develop the support or motivation necessary to successfully implement a national growth policy.

There appears to be emerging a national consensus on the need to direct America's growth. This feeling is advancing at a quicker pace than the perception of our political decision-makers for such a requirement. I commend you for your early leadership in proposing the National Growth Policy Act of 1972. Those political leaders willing to launch these initiatives have an opportunity to enhance the operation of our federal system in an age of increasing interdependence and technical complexity and to address what is becoming a primary concern of our time—the need to preserve man's freedom in the determination of his future.

Should there be any way in which I could lend further assistance please let me know.

Sincerely,

Charles Williams,
Deputy Director, Center for the Study of Social Policy.

University of California,
Public Policy Research Organization,
Irvine, Calif., September 12, 1972.
Senator Vance Hartke,
U.S. Senate,
Washington, D.C.

Dear Senator Hartke: S. 3600 is long overdue. We are all so busy scrambling for a living, for more sales, for more production, for more efficiency, for more amenities, for another notch up the status ladder, that we can not take time to think about the long run consequences of what we are doing. Some of those things are downright suicidal. We MUST begin to sort those things out and begin to do something about them. The longer we wait the more painful the reckoning will be; of course, if we wait long enough, the reckoning will become impossible and our children can just jump over the cliff. Not a pretty heritage.

Sincerely,

Alexander M. Mood, *Director.*

Center for Urban and Regional Studies, the University of North Carolina at Chapel Hill,
September 8, 1972.
Hon. Vance Hartke,
U.S. Senate,
Washington, D.C.

Dear Senator Hartke: Thank you for your letter of August 31 and the copy of the legislation you recently introduced, The National Growth Policy Planning Act of 1972. I was not aware of your proposal, but it is directly relevant to my interests in two ways.

First, as you probably know, the governors of the southern states, at the instigation of Governor Terry Sanford (now President of Duke University), have created the Southern Regional Growth Policies Board, an agency whose objectives and purposes are precisely those expressed in your bill. It would benefit directly from passage of this legislation.

Recently, the Board has decided to locate its headquarters in this area in the Research Triangle Park where, among other things, it can effectively utilize the resources represented by the area's four major universities. In addition, it has just selected its Executive Director, Dr. William Bowden, now President of Southwestern University at Memphis. I know Dr. Bowden would be interested in your proposal; he can be reached c/o The President's Office, Duke University.

I am also interested in your proposal because of its relevance to a paper I must prepare for the annual conference of the American Institute of Planners in Boston in October. At that conference and at its Government Relations and Planning Policy meeting in Washington in February, AIP will be developing policy positions across a wide range of national issues including organization for planning at the Federal level and National Development Policy. We will certainly give careful study to your proposal in the context of these deliberations.

Please keep me informed as action on your bill proceeds.

Sincerely yours,

Jonathan B. Howes, *Director.*

DILIGENT INTEREST OF SENATOR MATHIAS IN BEHALF OF PROFESSIONAL FIREFIGHTERS

Mr. SCOTT. Mr. President, the International Association of Firefighters has recently adopted a resolution commending the "diligent and constant interest" which the distinguished Senator from Maryland (Mr. Mathias) has exhibited in behalf of the professional firefighter. Citing the outstanding job done by Senator Mathias, the resolution lists his many legislative accomplishments in the interest of the professional firefighter.

I ask unanimous consent that the letter from the International Association of Firefighters and their resolution be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

International Association of Fire Fighters,
Washington, D.C., August 23, 1972.
Hon. Charles "Mac" Mathias,
Senate Office Building,
Washington, D.C.

Dear Senator: I would be remiss as an International Officer if I did not bring to your attention that the Fire Fighters in Maryland and Washington, D.C. made known at our recent Convention in Los Angeles the outstanding job that you have done on behalf of Fire Fighters.

Brother Al Rader, Business Agent of Local 36, I.A.F.F., AFL-CIO, Washington, D.C., Brother Ed Heckrote, President of Local 734, I.A.F.F., AFL-CIO, Baltimore, Md. and Brother Pete O'Connor, President of Local 964, I.A.F.F., AFL-CIO, Baltimore, Md., all three of these fine labor leaders from your area, expounded on the progress that has been made for the Fire Fighters in their local unions through your efforts, and I want to add my sincere thanks on behalf of these locals, as they are in my District.

Far too often Fire Fighters have found themselves without friends, but after hearing from these Local Officers, there is no doubt that the 900 delegates in Convention will never forget the name of Senator Mathias.

If there is anything that I can ever do to help you in any way, please do not hesitate to call.

With kind personal regards, I remain,

Sincerely yours,

Raymond M. Hemmert,
Fourth District Vice President.

Resolution Honoring the Honorable Charles McC. Mathias, Jr.

Whereas: The Honorable Charles McC. Mathias, Jr., Senior U.S. Senator from the State of Maryland, has during his term of office, exhibited diligent and constant interest in his support of the professional fire fighter, and,

Whereas: He is the author of an excellent article titled "Fire Fighter on Capitol Hill" (5 pages) appearing in the current issue of the "Journal of Insurance" which vividly depicts the potential of fire and its inherent hazards of death and injuries to fire fighters and the citizenry of the United States and Canada: also the inadequacy of protective clothing and equipment, masks, etc., available to the profession today, and

Whereas: He has cooperated, to the fullest, with the Legislative Department of the I.A.F.F., whenever called upon, and

Whereas: He has sponsored and/or promoted legislation in the interest of the professional fire fighter, that would:

Create a National Fire Academy to serve as a National center for fire research and education.

Authorize $75 million for fire research and safety programs over the next three fiscal years.

Authorize the Commerce Department to pay 90% of the cost of training, and up to 90% of Fire Science Programs.

Provide aid of up to 90% of the total cost, so local fire departments can purchase new fire fighting equipment.

Establish a National Fire Data and Information Clearing House, within the National Bureau of Standards.

Amend the Hazardous Materials Transportation Control Act of 1970 to require the placarding of certain vehicles transporting hazardous materials in interstate commerce.

Amend the Flammable Fabrics Act to extend its provisions to construction materials used in the interior of homes, offices and other places of assembly or accommodation, and additionally authorize establishing of toxicity standards.

Whereas: The enactment of this legislation would redound to the best firemanic interests

> of all I.A.F.F. members in the United States and Canada, therefore be it,
>
> Resolved: That the delegates duly convened in the 31st convention in Los Angeles, California, August 14–19, 1972, express their recognition of the talents and attainments of this outstanding benefactor, exercised in behalf of the professional fire fighter, and be it further,
>
> Resolved: That the International Association of Fire Fighters, through its principal officers, present to Senator Mathias an appropriate memento, including a copy of this resolution, as a token of our sincere appreciation.

OPERATION TOPSY

Mr. **FULBRIGHT**. Mr. President, the late 1950's and early 1960's witnessed a sharp expansion in the spread of American officialdom overseas. Much of the expansion occurred as a result of increases in the foreign aid program and the implementation of it by sending more and more American advisers to the four corners of the earth.

Throughout that period Brazil was often cited as a prime example of the expanded American presence abroad and there was a rather popular story about it that served to illustrate how ridiculous the situation actually was. The story had it that during the ambassadorship of Ellis Briggs, the State Department decided the Embassy in Rio needed a science attaché. Upon learning of this decision and faced with an Embassy which was already overstaffed, the Ambassador reportedly wired back to Washington these memorable lines:

> The American Embassy in Rio de Janeiro needs a science attaché the way a cigar-store Indian needs a brassiere.

Neither the Ambassador's judgment nor his prose served to reverse the Department's decision. The Embassy got a science attaché.

Mr. President, I suppose this story was passed on to John Tuthill by the time he assumed the post of U.S. Ambassador to Brazil in 1966. To his credit, however, he chose to disregard the outcome. Rather, he moved in the opposite direction and during his tenure in Brazil, was able to reduce the size of the Embassy staff by some 200 employees. Since his departure, 200 additional employees have been taken off the Embassy's rolls and the official U.S. presence in Brazil currently stands at about 500, excluding Peace Corps volunteers.

While it is inconceivable to me that even this number can be justified, I recognize that considerable progress has been made in this particular case and that much credit is due to the efforts of Ambassador Tuthill and Mr. Frank Carlucci, who at that time served as the Embassy's executive officer.

The initial reduction in force that took place in Brazil occurred as the result of Operation Topsy and many of the details which surrounded it are contained in an article by the same name appearing in the fall issue of Foreign Policy. The article was written by Ambassador Tuthill, thus affording a firsthand description of the problems which he encountered and overcame to bring about a significant reduction in the number of Americans stationed in Brazil.

At the outset of the article, Ambassador Tuthill identifies the reason for the reduction:

> Operation Topsy came about because of a political judgment.

And he explains the basis for such a judgment in these terms:

> By 1966, in almost every Brazilian office involved in administering unpopular tax, wage or price decisions, there was the ubiquitous American adviser. Brazilians were at first grateful for the U.S. support. Then followed a brief period of virtual indifference which soon turned to annoyance at the presence of U.S. officials throughout an increasingly unpopular government.
>
> The association of the U.S. government in the formulation and administration of these policies was so close that criticisms of the government involved criticisms of the United States as well. Critics invariably linked the U.S. government to the Brazilian government in attacks upon developments in Brazil.
>
> It seemed evident, therefore, that the U.S. government was overextended, especially in AID. It was also overextended in the military field, where the military advisory group had billowed up to about 150 officers and men. Here was an area which was even more sensitive politically because U.S. military aid seemed to indicate support for the military regime as such. . . .

Mr. President, following up the Ambassador's rather pointed comments on the size of the military advisory group, I should also like to quote from that portion of the article which relates the military's response to "Operation Topsy." Ambassador Tuthill writes:

> Perhaps the most interesting reaction was that of the Military Assistance Advisory Group. The Commanding General immediately announced that the military group had already been cut down to mere "bone and muscle." He stated that there was "no fat" in his organization of 150 officers and men. When faced with the requirement of describing which parts of his mission would have to be cut to accommodate a 50 percent reduction in personnel, he prepared an interesting memorandum—designed, no doubt, to demonstrate that some of the prerequisites of an Ambassador would disappear with the reduction in personnel. Specifically, he said that with such a cut in personnel, three of the four military planes assigned to Brazil would have to be withdrawn, hangar space would have to be given up, the PX and APO would have to be closed, and that, in addition, office space supplied by the Ministry of Defense for his group would have to be given up. I could not believe my eyes. I assured the General orally that I did not need one—let alone four—military planes. The commercial Brazilian lines were perfectly adequate. Obviously, if we gave up planes we would give up hangar space. As for the PX, I have never visited it, had no intention of doing so and was quite prepared to see it closed. The APO presented more of a problem because of the delays and uncertainties of the Brazilian postal system. However, if it had to go, in order to make the overall program a success, other arrangements could be made. The State Department pouch, while slow and cumbersome, could be used to replace certain types of mail. In any event, the General had demonstrated convincingly that the military aid mission could be substantially reduced.

Mr. President, I am convinced that many of the conditions cited by Ambassador Tuthill exist throughout the overseas Federal bureaucracy. Earlier this year the Committee on Foreign Relations called attention to this situation and recommended the following action, first, a 10-percent reduction in Government personnel stationed overseas, and second, a fixed ceiling on the number of State Department personnel abroad. I very much regret that the Senate rejected this recommendation, and I suspect that it did so, not because of the merits of the issue, but because of the various and sundry pressures exerted on members by the Federal bureaucracy. In contrast to this decision by the Senate, the Tuthill article is encouraging. It proves that it is possible to reduce our overseas presence to more realistic and manageable levels.

I strongly recommend the article to the Senate, and I ask unanimous consent that it be printed in the Record together with an excerpt from the committee's report on the Foreign Relations Authorization Act of 1972.

There being no objection, the items were ordered to be printed in the Record, as follows:

EXCERPT FROM THE FOREIGN RELATIONS AUTHORIZATION ACT OF 1972, SENATE REPORT 92–754, pages 68–69

SECTION 504 PERSONNEL REDUCTION

This section requires that by June 30, 1973, the total number of U.S. government personnel assigned abroad, other than personnel of the Department of State (including reimbursable personnel carried on the Department's rolls), members of the Armed Forces not assigned as attaches or to military aid activities and volunteers in the Peace Corps, be reduced by at least ten percent from the current levels. In addition, the amendment places a worldwide ceiling of 6,000 on the number of State Department personnel (including reimbursable personnel assigned to the Department) who can be stationed overseas at any one time.

According to the recent information available to the Committee, there are some 26,000 U.S. personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular Department related activities number 3,409 or about 13 percent. If to this total are added those carried on the Department's rolls as reimbursable personnel, those whose duties actually are in behalf of other agencies such as A.I.D., U.S. Information Agency, and others, the State Department total increases to 5,809—but even this amount represents only 22 percent of the total.

By comparison there were:

5,047 AID personnel;

4,650 Defense Department personnel (excluding members of the Armed Forces);

8,372 Peace Corps personnel;

1,069 USIA personnel;

1,527 other Executive Branch personnel including Justice, Agriculture, Commerce, HEW, NASA and EXIM Bank.

In other words, for every State Department employee overseas there are four more employees from other government agencies. This situation indicates that our overseas missions have developed into miniature foreign policy establishments, drawn along the lines of Washington itself. Those Executive Branch agencies (other than State) which have a foreign-policy input in Washington—ranging from the Department of Defense to the Department of Agriculture—also have their representatives overseas, the only difference being that the representation is on a smaller scale.

This provision would begin to reverse this situation and start to reduce the number of government employees overseas to a more manageable level, while at the same time enhancing the power of the State Department to regain better control over our missions abroad.

This mandatory reduction reflects the Committee's concern over the proliferation of government personnel abroad. It recognizes that some reductions have been made in the last several years, but believes that substantially greater reductions could be made which result in the more efficient and effective conduct of foreign affairs. This reduction should also have a favorable impact on the government's fiscal condition and our balance of payments problem.

The Committee views the ten percent reduction required as a minimum figure and expects that serious efforts will be made to reduce the overseas bureaucracy much further. The Committee will follow the implementation of this directive closely and expect to give careful study to the results during its consideration for authorization legislation for FY 1974. In addition, the Committee will expect the Department of State to provide a detailed justification in the FY 1974 presentation material for all U.S. personnel in each U.S. mission abroad to which 50 or more Americans are assigned.

Operation Topsy

(By John W. Tuthill)

Operation Topsy resulted in considerable budgetary and balance-of-payments advantage for the U.S. government. These benefits, however, were not the basic reason for its being. Operation Topsy came about because of a political judgment.

U.S. government personnel in Brazil had increased steadily since the spring of 1964, when the corrupt and ineffective Goulart regime was overthrown and General Castelo Branco was proclaimed President af Brazil. By mid-1966, there were 920 U.S. citizens, plus about a thousand Brazilian employees in the American mission.

This number did not include the 510 Peace Corps volunteers. While Operation Topsy was to involve all major U.S. government agency operations in Brazil including the professional staff of the Peace Corps, it did not include the volunteers. This was the only important exception to the cut in personnel, and it was based upon my conviction that a huge country like Brazil could easily absorb several hundred Peace Corps volunteers, who were engaged in useful work, often in remote parts of Brazil.

Casteio Branco, who was put in office by the military, nevertheless was an extraordinary head of government. Intelligent, trained to public service and of unquestioned integrity, his interest was to bring his country out of the disorder, the lack of growth, and the corruption that had existed during the immediately preceding years of the Quadros and Goulart regimes.

After years of corruption, drift and inflation (at rates up to and above 100 percent a year) the American government welcomed with enthusiasm—some thought with *excessive* enthusiasm—the Castelo Branco government. The result was a staggering expansion of the role and personnel of the American government between 1964 and 1966.

The U.S. government assured Castelo Branco of a very considerable increase in economic aid along the lines of the Alliance for Progress. Previously, U.S. aid had pretty much been limited to local "islands", within Brazil, in an effort to be of help to the Brazilian people, but at the same time, to avoid giving support to a corrupt and inefficient government. In addition—and this of course was more controversial—the U.S. government agreed to increase its military aid and implicitly to increase the number of military advisers in Brazil.

Like most governments, the U.S. government is hard to move. However, once the governmental mass begins to move, it is extremely difficult to change its direction. It is also almost impossible to prevent bureaucratic interests from exploiting any opportunity to increase personnel.

Brazil, during that period, represented an almost perfect example of the lack of management policy in U.S. government operations abroad. It would be wrong to assume that in the United States there is any overall political plan in deciding who should be sent to a country like Brazil, and what he should do. Appropriations for the Departments of Defense, State, CIA, U.S.A.I.D. and the U.S. Information Agency are all handled independently in a wild scramble for funds. It would be sheer dumb chance if these uncoordinated requests for government funds by independent departments and agencies resulted in a rational and comprehensive assignment of personnel to a country.

The staffing of Brazil in 1966 illustrates in textbook fashion what is wrong with our system of assigning personnel abroad and the appropriation of funds to various departments and independent agencies. Once the basic political decision to support the government of Brazil was made, the various agencies and departments, and individuals, who had always yearned to live in Brazil, joined the bandwagon. The bandwagon became overloaded.

It did not take much perception to note this in 1966. My first reaction to this situation was to start seeking ways and means to reduce the size of the U.S. Mission, which had 430 AID employees, over 200 military officers and men, and large CIA, U.S.I.S. and other contingents in Brazil. I decided, as a starter, to look for the most ineffectual man in the most useless position in the Mission.

THE LEAST USEFUL FELLA

There could have been no more naive approach than this. After consultation with various colleagues who had served longer in Brazil than I, we decided upon a particular individual in a position which, if it had any reason at all for existing, could easily have been filled—and better filled—by a Brazilian. We checked both the ineffectiveness of the man and the usefulness of the position in a number of ways, and then made the decision that this position should be removed and the man should go elsewhere.

The occupant of the position, who had been in Brazil for 15 years or more, did not want to leave. His wife and children did not want to leave. His boss did not want him to leave. The offices in Washington who received his reports and whose existence depended—at least in part—upon this flow of bits and pieces, did not want him to leave. A long process began.

I do not know exactly how much time and effort this "personnel action" required. I do know that Frank Carlucci, the Executive Officer of the Embassy, and I spent hours on this subject in an effort (1) to obtain approval from Washington to eliminate the job and (2) to be fair to a perfectly decent individual. In any event, six to twelve months went by before we triumphed by the elimination of the position (as one to be filled by an American) and the departure of the individual for his homeland.

I decided that this was not a good way to go about reducing staff.

My main objection to the size of the staff was political. I had in mind not simply the question of the "American presence," although obviously this was an adverse element. My concern went deeper.

When the Castelo Branco government came into power, it initiated sweeping reforms, not only of policies, but of personnel. While the government was fortunate enough to attract a considerable number of excellent technicians, there were grave shortages of personnel qualified to handle the difficult economic and financial problems, which faced the government. At the same time, the U.S.A.I.D. program, which had been modest, increased to about $300 million per year. With the increase came American personnel.

The result was that, by 1966, in almost every Brazilian office involved in administering unpopular tax, wage or price decisions, there was the ubiquitous American adviser. Brazilians were at first grateful for the U.S. support. Then followed a brief period of virtual indifference which soon turned to annoyance at the presence of U.S. officials throughout an increasingly unpopular government.

The association of the U.S. government in the formulation and administration of these policies was so close that criticisms of the government involved criticisms of the United States as well. Critics invariably linked the U.S. government to the Brazilian government in attacks upon developments in Brazil.

It seemed evident therefore, that the U.S. government was overextended, especially in AID. It was also overextended in the military field, where the military advisory group had billowed up to about 150 officers and men. Here was an area which was even more sensitive politically because U.S. military aid seemed to indicate support for the military regime as such, rather than support of a government which was simply doing sensible things.

I think it fair to say that Castelo Branco associated his government excessively with the U.S. government in the public mind. In his public pronouncements, he gave not only credit but solid support and sometimes even praise for the U.S. government. His Foreign Minister publicly stated that "what is good for the United States is good for Brazil."

This was too much of a good thing. It tended, in the public image, to give Brazil a political dependence on the United States which exaggerated the reality of the relationship.

ENTER COSTA E SILVA

Castelo Branco was a nationalist in the sense that his efforts were wholeheartedly aimed at creating a stronger and independent Brazil. He was not, however, a nationalist in a cheap jingo sense. Yet, despite his firm political control, a growing nationalism in Brazil was evident. This lay below the surface but became clearly visible to all after Castelo turned over the presidency to another general in the spring of 1967.

The new President, Costa e Silva, was the next senior military man in Brazil, which apparently seemed sufficient reason to the military—who decide such things in Brazil—to make him President. In many ways, Costa e Silva reflected the military, and some of the non-military, better than Castelo. In his public pronouncements, as well as in his private statements, he made it quite clear that Brazil would find its own way and that it would resist any actions by other governments—which essentially meant the United States—when they infringed upon its rights and authority. Costa e Silva reversed Castelo's tendency to exaggerate the American role. He clearly intended to understate the American role.

As Costa e Silva and members of his government (especially the military) gave voice to nationalistic sentiments, I made sure that these were reported in detail to Washington. The U.S. government was made to realize that it was dealing with a regime with a different orientation than that of Castelo. The stage was set by the summer of 1967 for a basic reappraisal of U.S. government operations in Brazil.

Recalling the time and effort involved in the "reduction in force" of one government employee the year before, it seemed to me that a more drastic and sweeping solution was required. Accordingly, I drafted a telegram to Washington pointing out (1) the nationalistic orientation of the Costa e Silva regime, (2) the fact that the ubiquitous American official in Brazil had become a special irritant, and (3) the irrational expansion of the American mission that had taken place since the inauguration of the Castelo government.

THE SHOCK TREATMENT

I argued, on political grounds, that the U.S. government organization in Brazil required drastic change: that the U.S. government should continue a substantial—if somewhat changed—economic aid program in Brazil but that the time had ended for the bulk of American advisers spread all over the country. I requested authority to insist that the head of every U.S. government department or agency operating in Brazil be required to advise me exactly what operations he would have to give up, if he was faced with a 50 percent reduction in personnel. I stated that I doubted that a full 50 percent reduction would be required and did not favor an across the board reduction by this or any other arbitrary percentage. However, I did wish, by *shock treatment*, to insist that the military and civilian heads of various departments of the Embassy be forced to reappraise their operations. The possibility of a 50 percent reduction, like the sight of the gallows, would clarify the mind.

At a meeting of the "country team," a draft copy of my proposed message to Washington was circulated. The general reaction was one of despair. Only in one case, where the head of an agency (John Mowinckel, head of U.S.I.S.) had recently arrived and had been appalled at the number of personnel under his supervision, did I receive any support. I told the members of the country team that I would not send the message to Washington until after 48 hours' consideration, during which time I would welcome their suggestions. I made it quite clear, however, that I would decide whether to send this or some revised message.

While the first reaction of the heads of various sections of the Embassy was generally unfavorable, the opposition increased after consultation with staffs and wives. After 48 hours, I reviewed the comments by members of the country team and rejected practically all of them. The message went out—with a few grammatical corrections—essentially the way I had originally drafted it.

In more than a quarter of a century in the U.S. government, I have sent many messages to Washington, most of which have not only not been answered, but have not created as much as a ripple. In the case of this message, I received a reply from Secretary of State Dean Rusk within 48 hours. He said, in effect, "go ahead." Subsequently, in Washington, Secretary Rusk told me that the effort to make some sense out of the U.S. government organization in Brazil, if necessary by a reduction of up to 50 percent in the various agencies and departments operating in Brazil, had not only his support but the support of the "entire cabinet and one man above the cabinet."

Before describing the events which led to a 32 percent personnel reduction, it is perhaps useful to describe the reactions of the heads of the various agencies and departments in Brazil and their supporting offices in Washington.

Of the roughly one-thousand government employees in Brazil, about 40 percent were involved in the AID program. Another 22 percent were military, being primarily the Military Advisory Assistance Group and, to a lesser extent, the Military Attachés. The balance of about 20 percent consisted of State Department, U.S.I.S., CIA, plus miscellaneous smaller numbers from the Treasury Department, Department of Interior and miscellaneous offices. The Military also included various military research or scientific groups established in Brazil outside of the Military Advisory Group and the Military Attachés. These groups handled the exchange of scientific information and research personnel on a regional basis.

Perhaps the most interesting reaction was that of the Military Assistance Advisory Group. The Commanding General immediately announced that the military group had already been cut down to mere "bone and muscle." He stated that there was "no fat" in his organization of 150 officers and men. When faced with the requirement of describing which parts of his mission would have to be cut to accommodate a 50 percent reduction in personnel, he prepared an interesting memorandum—designed, no doubt, to demonstrate that some of the perquisites of an Ambassador would disappear with the reduction in personnel. Specifically, he said that with such a cut in personnel, three of the four military planes assigned to Brazil would have to be withdrawn, hangar space would have to be given up, the PX and the APO would have to be closed, and that, in addition, office space supplied by the Ministry of Defense for his group would have to be given up. I could not believe my eyes. I assured the General orally that I did not need one—let alone four—military planes. The commercial Brazilian lines were perfectly adequate. Obviously, if we gave up planes we would give up hangar space. As for the PX, I had never visited it, had no intention of doing so and was quite prepared to see it closed. The APO presented more of a problem because of the delays and uncertainties of the Brazilian postal system. However, if it had to go, in order to make the over-all program a success, other arrangements could be made. The State Department pouch, while slow and cumbersome, could be used to replace certain types of mail. In any event, the General had demonstrated convincingly that the military aid mission could be substantially reduced.

The Military Attaché's office presented a different problem. A Military Attaché need not be simply decorative. I am aware that one of my fellow Ambassadors (a lady Ambassador) in Europe, several years before, had described what she wanted in terms of a Military attaché, in terms of height, amount of grey hair and a number of decorations. She was obviously thinking entirely in terms of representational activities. The fact is, that a Military Attaché—or rather I should say certain Military Attaché, be they Army, Navy or Air—can be useful. What is essential, however, is that they not only be competent regarding defense intelligence, but that they also be attuned to political aspects of military problems. In Brazil, I had the good fortune of having a Military Attaché (Major General Vernon A. Walters, now Deputy Director of CIA), who had served as liaison officer with the Brazilian army in Italy during World War II. He was not only on intimate terms with the Brazilian military but also had finely tuned antennae for political problems as well. Furthermore, he was able to distinguish between purely military problems and political issues. He was an invaluable member of the country team. He was a participant in all discussions of substantive policy issues. While I frequently disagreed with his political judgment, I valued his intelligence and respected his integrity.

Military assistance groups and special research groups presented additional problems. I was quite aware that a certain amount of liaison is necessary in terms of tank, aircraft, naval tactics plus a certain amount of contact on various research projects. But I objected very strongly to the belief that this liaison function required large numbers of U.S. military permanently located in Brazil. I felt that it would be much more effective—and also much more economical—to have experts come to Brazil from time to time to discuss these problems or to have Brazilian experts visit the United States in order to discuss the issues with U.S. experts. A Brazilian officer interested in tank tactics would obviously learn more in a short period of time in a specialized U.S. headquarters than through day to day contact with one officer, or several officers, stationed in Brazil. The same theory ran throughout my attitude towards personnel permanently located in the country. In effect, U.S. operations abroad could and should be adjusted to the jet age rather than to the era of sailing ships.

AND THEN THE CIA

The CIA "station chief" expressed sympathy for reduction in the American establishment in Brazil, but not the CIA contingent. I pointed out that if the entire rest of the establishment were to be reduced by something between 25 percent and 50 percent, with the CIA establishment remaining unchanged, obviously this would alter upward the percentage of CIA employees in Brazil and presumably would increase the relative responsibility of the CIA in Brazil. I stated that I was prepared to hear any argument designed to demonstrate that the CIA required a larger proportion of U.S. personnel in Brazil and that the CIA should have a larger policy role in Brazil.

Going to the substance of the matter, I questioned the need for the then current size of the CIA establishment in Brazil. Again, like the Military Attachés, a few good CIA men can be extremely helpful to an Ambassador in a country such as Brazil. Governments for centuries have sent intelligence officers abroad. The existence of the CIA, Le Deuxiéme Bureau, the British Intelligence is no secret. Intelligence officers assigned abroad are presumably officially known and assigned to collaborate with the intelligence agency in the foreign capital.

I am in favor of such assignments. The conspiracies of the twentieth century are, for the most part, international in nature. The U.S. intelligence services and the intelligence services of friendly countries should be in close and intimate contact exchanging information on movement, plans and objectives of the various conspiracies actual or potential.

A question sometimes arises, however, as to the scope of their activities. As the late John F. Campbell described so eloquently in his book *The Foreign Affairs Fudge Factory*, one of the most worrisome aspects of CIA operations abroad is "recruiting." Very substantial risks are taken—in terms of the U.S. political posture in the various countries—for a very questionable and small possible gain. In certain countries, there probably are real advantages in having paid agents. The advantages of such arrangements, however, appear to be much less than its advocates proclaim.

This can become a kind of infection in intelligence services. They should not be left to themselves. There should be a clear reason, in the eyes of the Ambassador, as to the areas in which the CIA is engaged in recruiting.

In any event, it was finally made clear that any reduction in force would include the CIA. Furthermore, arrangements were made to assure that, despite the existence of separate channels of communications, all messages involving interpretations of Brazilian developments or political judgments would be shown to me or my representative *before* being sent to Washington. This included both CIA and Defense.

ON TO AID

My first draft telegram was greeted by the AID Director in Brazil with silence. There was never any explicit opposition; nor was there any expression of support. Nevertheless, the AID Director played the game. By the time I left in January 1949, the AID mission had been reduced by almost 30 percent. In the details of the negotiations as to where that cut would be made, the individual section heads in the AID mission argued vigorously against cuts and for their personnel.

Cutting AID was technically easier than cutting the other sections of the Embassy. A large percentage of the AID personnel were "contract personnel," not regular government employees. Instead, they were hired on a contract (usually two years) for a specific job. It was extremely difficult to supervise such hiring in Washington. While some of the contract employees turned out to be extremely useful, many were hopeless misfits when serving abroad. Linguistic, climatic and cultural differences were so great that in many cases such people became a burden to the administration of the AID program and the administration of the Embassy, without making an important contribution. In any event, it was relatively easy to reduce the number of such people by simply assuring that their contracts would not be renewed when they expired.

One of the largest cuts of the AID mission was in agriculture. As I recall, there were some 148 American employees in that section. The head of this section resisted any reduction.

Later, when the agricultural section had been reduced to 86, I heard the same man explain to a Washington visitor that the agricultural section of AID was much more effective with the reduced number of personnel. I listened to this explanation with great interest. Afterwards, I asked him why he had resisted the reduction so vigorously. He said that he had known all along that a large number of his technicians were useless. However, he did not have the heart to send them home when many of them were enjoying their stay in Brazil. However, once the decision had been made and *someone else* was prepared to be labeled the "son of a bitch" who had made the decision, then he could proceed effectively. I told him I was delighted to play that role.

Still later, after a change of the head of the AID mission, the new mission chief told me that I had still not cut the agricultural section of the AID mission sufficiently. He said that most of the people left were technicians of limited value on policy issues. He was sure that with the change in orientation of the AID program he could do more effective work with six or seven agricultural economists, with broad policy orientation, than with the 80 or so on hand. I admitted to him that I had not gone far enough and suggested that he might wish to go further. Subsequently, I believe he did, but unfortunately he had to proceed on a piecemeal basis which was more difficult.

The State Department presented special problems. While the State Department only contributed between 10 percent and 15 percent of the total personnel in Brazil, it was supposed to handle both central administrative issues, man the consulates and shape over-all policy. It was clear, however, that as a State Department employee, I could not exclude my own Department. State Department was included. There were several ways of doing this.

One obvious way—although not so obvious to some—was to reduce the size of American consulates scattered around Brazil. These consulates were by and large self-contained. They had their own administrative staffs, hired office space, local employees, direct communications with the Department, and so on. They were little feudal kingdoms.

What we wanted from the consulates, was contact with the local Brazilian authorities and participation in the major policy operations of the U.S. government in Brazil. I found that their participation basis U.S. policy was limited. I must admit that I was conditioned by a remark of a Consul years earlier, who had said to me "Tuthill, if the American government had a consulate situated in the middle of the Sahara desert, the Consul could be busy eight hours a day, six days a week, just responding to administrative inquiries from the U.S. government."

There seemed to be a way to correct this. Basically, I took an idea which I understood had been used in a preliminary form in Mexico. I suggested that the American Consul in various posts should be taken off the State Department mailing list. This would relieve him of administrative work, paying of locals, hiring, renting office space, etc. All administrative matters, including his pay, could be handled through the Embassy in Rio. The Consul would visit Rio more frequently, he would get instructions from the Ambassador and members of his staff, and he would in turn be expected, within his consular district, to represent State, AIM, U.S.I.S. and the Military Assistance Program. Naturally, this required some changes in personnel.

With these changes, we initiated a system whereby a two or three man office could be reduced to one man—that is one American official, who would rent a living place for himself and his family, hire a local secretary, and a chauffeur who was also a jack-of-all-trades. His office space would be negligible, his participation in basic operations substantial. This was initiated at a couple of consulates.

I decided to close one consulate altogether. I was told that the Governor of the state and the Mayor of the city would take this as a slight. I visited them and found that they were hardly aware that we had a Consul in their capital. They were quite content to let the U.S.I.S. library represent American interests.

Some other reductions in State Department personnel were possible within the Embassy itself. The administrative section was reduced as were the political and economic sections. Futhermore, the Executive Officer position at the Embassy was abolished. This was an interesting decision because the Executive Officer—Frank Carlucci[1]—was in effect my Executive Officer for the whole Topsy exercise. He was the one who worked out the details, gave me the hard analysis and hammered out the decisions. At an early stage, he decided that his own job could be abolished, provided that the Ambassador and the Deputy Chief of Mission did a little more work themselves. I agreed and his job disappeared.

There were one or two areas which I did not question. The Treasury Department had two officers and a secretary, all of whom were doing exceedingly useful work. They were left unchanged. The Department of Interior had a Minerals Attaché who seemed of doubtful value in terms of the essential work of the Embassy. It appeared evident, however, that the Department of Interior was prepared to put up a defense in depth in order to retain this position. I decided that it was better to aim at the huge targets—AID, U.S.I.S., CIA, Defense, State—than to waste time and energy in an effort to eliminate one man.

One other job involving the U.S. government in Brazil did not seem to come within my authority, namely that of the representative of the Library of Congress. I suppose he was doing useful work. In any event, it seemed to me that, unless I was prepared to take on the entire U.S. Congress, I would be well advised to avoid this particular issue. I suppose he is still there—collecting books, I presume.

In order to convert the general plan into a specific proposal, I suggested the formation of a working party. The members of the working party would be selected from the major agencies and departments in Washington. Each member would be chosen or approved by me. I only wanted persons who agreed with the general thesis that, because of growing nationalism in Brazil, the United States needed to establish some priority in its interests and to structure the American government organization in Brazil along lines designed to achieve these policy objectives. In other words, I wanted to reverse the process which had led to the Topsy-like structure, which no one, in a sober moment, could conceivably defend as being properly designed to meet U.S. interests.

BACK TO WASHINGTON

It was important to recognize that the buildup of personnel in any foreign country stems, to a considerable extent, from vested interests in the government departments and agencies in Washington. Hundreds of people at various jobs in Washington depend for their very existence on a flow of information back and forth from embassies abroad. Presumably, this information is of interest to them. My experience is, however, that the largest quantity of it is of peripheral interest to the Ambassador and to the people concerned with policy issues.

I thought it best to go to Washington myself for the selection of the working group which I wanted to have in Brazil for a period of five or six weeks. The selection was excellent. In each case, the department or agency clearly understood the significance of the Cabinet decision to reduce personnel and sent me a good man.

I was most anxious to keep up the momentum and insisted that the working party, or task force, be assembled as quickly as possible. This was done, and within a matter of weeks, work had begun on details of the exercise. We started with the question which was put to the head of every section of the Embassy and to every group working in Brazil. Faced with a 50 percent cut in personnel, what functions would have to be dropped?

In retrospect, it probably would have been better had we kept to our original scenario, namely that first one should describe, in general terms, the reasons for an Embassy in Brazil and the establishment of some order of priorities. It became evident, however, that if the carefully selected task force started writing theoretical papers, time would be consumed and personnel would remain at their posts. Accordingly, somewhat reluctantly, I decided to limit the analysis by the task force to questions of efficiency rather than involving them in an exercise on changed directives.

I was, and remain, convinced that increased travel between Brazil and the United States could take care of most of the technical advisory work of the military group. As for the work on general strategy, the effective point of contact for the Brazilian Military is the U.S. Joint Chiefs of Staff, not the personnel of the military group. Accordingly, occasional meetings between the head military planners in Brazil and representatives of the Chiefs of Staff would seem to fill this requirement. Nevertheless, I decided to skip this broad issue and merely to cut the less useful military personnel.

As for U.S.I.S., State Department and CIA, as indicated above, there were no further difficulties. Fairly substantial cuts were made in each of these organizations without any damage to their effectiveness. On the contrary, I am convinced that in every case effectiveness was increased by the reduction.

Once the recommendations of the task force had been sent to Washington, the game was up. While there was a review of our recommendations in Washington, not a single one was altered, as I recall.

Briefly, what we had recommended was a reduction by June 1969 of about 32 percent of total personnel assigned on duty in Brazil. This would mean that about 306 American employees would be returned to the United States—or elsewhere. Throughout the exercise, I pointed out that I did not want a crash program. I wanted personnel to be phased out to the extent possible as their assignments terminated. I did this both for efficiency and the welfare of the individuals concerned. Accordingly, we set two targets for the reduction—the first target June 30, 1968 and the second and final target June 30, 1969. When I left Brazil in January 1969, over 200 personnel had actually left Brazil. It was quite clear that the final target could be reached by the June 30, 1969 date.

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[1] Carlucci subsequently became Director of the Office of Economic Opportunity, and is presently Deputy Director of the Office of Management and Budget.

A word seems appropriate as to Washington reactions beneath the Cabinet level. In the State Department I had nothing but solid support from Under Secretary of State Nicholas Katzenbach, and the Deputy Under Secretary in charge of administration, and the officer in charge of Brazilian affairs. During the exercise, when I needed support from State, I got it.

In other departments there certainly were more misgivings, AID, U.S.I.S., Defense and others were less involved in basic U.S. policies and were less convinced by the rationale behind the whole plan. In the face of a sweeping proposal with Cabinet approval, however, they grumbled but were unable to do anything about it.

There was serious unhappiness in AID. The AID agency is always faced with the problem of annual appropriations and justification for its programs. The Congress or, I should say, certain members of the Congress, are only too anxious to hear criticisms of the program, especially if it involves excessive personnel or poor projects. Accordingly, I happened to please some members in Congress whom I would not normally have been interested in pleasing. At the same time I made life more difficult for some members of AID than I would have wished.

A contributing factor to this unhappiness was the way the matter was handled by the press. It become known that a drastic reduction was under way. The press besieged me and other members of my staff for information.

After the decision had been made to achieve the cut, a lawyer working in the AID mission in Brazil presented me with a framed instruction (unclassified) from the U.S. government. I hung it on the wall in my office where various newspaper reporters saw it. The instruction was one from Washington, which was entitled "Rats, bats and noxious birds." The AID instruction pointed out that there was destruction of food crops in various countries from these creatures and suggested ways and means by which technicians could consider trying to get this under control. The AID lawyer who gave me the framed report felt that not only was the title amusing but that perhaps it illustrated the type of instruction from Washington which I was opposed to.

The reporters, who only became aware of the program after the amusingly titled instruction had been framed, came to the conclusion that it was this message that precipitated Operation Topsy. This was incorrect. I had never heard of this instruction until after the decision for the cut had been made and spelled out in detail. Furthermore, I must confess that there is justification for technicians exchanging information on ways and means to stop the ruining of crops by "rats, bats and noxious birds." In any event, I could appreciate the irritation of the AID Director who was about to go before the Congress to ask for new funds when there was publicity on that one particular instruction from his agency.

MANY "TOPSYS"?

After the plan had been spelled out in detail and had been approved by Washington, I was invited to participate in a meeting held at the Under Secretary level to discuss the possible applicability of this plan in other embassies. Members of the Interdepartmental Committee asked a number of searching questions. Some, however, were not too brilliant. The deputy head of one of the major agencies turned to me and said "It's all right, Mr. Ambassador, for you to send these people back to Washington, but what are we to do with them here?" I suggested that that was his problem, not mine.

The discussion, however, ranged over the possible applicability of the plan elsewhere. I agreed with the Under Secretary of State that (1) our staffs throughout the world are excessively large; (2) that they are organized on the basis of the capricious decisions as to appropriations from the Congress, and (3) that something should be done about it. I warned, however, against the assumption that all missions everywhere should take a cut and, if so, one in the same proportion. I even went so far as to say that there might well be certain missions—certainly not many—where there could appropriately be an increase in personnel. I argued against an across-the-board cut.

I did, however, argue vigorously for an instruction to all ambassadors to make a hard appraisal of the operations of the U.S. government in the country to which they were accredited, together with the assumption that probably there were too many people and many of them were doing wrong or unnecessary things.

This concept is basic to my approach to foreign operations of the U.S. government. It is hopeless to expect efficient operations if our ambassadors in various countries are not sufficiently qualified and sufficiently determined to do the detailed work and to make the hard decisions. There simply is no way of organizing the representation of the American government abroad if the Ambassador is not prepared to play the major role in deciding on priorities and the size and scope of the mission.

Nevertheless, the U.S. government decided on an across-the-board cut of personnel in its missions abroad. The so-called "BALPA" program—cutting 10 percent—followed shortly after "Topsy." This in turn was followed by the "son of Balpa" which took off another 10 percent, followed in turn by "OPRED" which accounted for another 8 percent, and in the spring of 1972, by "OPRED II" which required further across-the-board cuts. "Topsy" certainly led the way for these programs. While I would have preferred a more selective program, I suppose that the across-the-board cuts were about the best that could be accomplished—given the inadequate "management" of the U.S. overseas operations.

WAS ANYTHING LEARNED?

What lessons can be drawn from this experience? There are several:

1. On the highest level, the U.S. government—Democratic or Republican—is usually ready to support vigorously a proposal for reduction in personnel abroad. Part of this comes from the conviction that there is an excessive "American presence" and a vague feeling that this encourages additional commitments and annoys foreigners. If the Ambassador will take the initiative in acting, he can be confident of support from Washington.

2. Opposition to staff reductions comes from the lower bureaucratic levels in Washington. These are the people who send out instructions and choose the personnel. Their *raison d'être* depends upon a network of foreign operations.

3. Most senior officers abroad are only too happy to cut staff provided they can place the blame on someone else. Everyone knows pretty well the areas of excessive personnel but people, short of the Ambassador, are reluctant to clean house simply within their own sections. It is unpleasant, old friends disappear, trouble is created, at the same time other parts of the U.S. government continue unchanged. All of this can be altered if the Ambassador will take the responsibility.

4. I would say, probably without exception, that foreign governments would welcome such action once they understand it. Obviously, the Brazilian government would not have welcomed it had they thought that this would mean a reduction in economic aid. I assured the President of Brazil that it meant no such thing but that it would mean some changes in the way we handled aid. It would require giving more responsibility to Brazilians and taking it away from Americans who had hung on too long.

5. In developing countries, action is required to remove those American technicians who are sincerely convinced that they can do any number of technical jobs better than indigenous personnel. Some rule should be established which would require American technicians to train technicians in Brazil or other developing countries, rather than to plan to spend their lifetime doing the things themselves. There should be some type of built-in liquidation of the jobs of U.S. technicians in foreign countries.

6. In order to do the job properly and at the same time to do all the other things that Ambassadors are supposed to do, it is essential that there be one man in the Embassy with the vision, the toughness and the ability to spell out the program and to interpret accurately to the Ambassador the pros and cons of the various decisions. Fortunately, there was such a man at the American Embassy in Rio—Frank Carlucci.

There was no reduction in Brazilian personnel in Operation Topsy. In fact, in many cases where Americans were performing useful functions that could be performed by Brazilians, it was my intention to upgrade the Brazilian personnel. Doubtless, in various countries there are an excessive number of "locals" but this should not be the main target.

The program in Brazil was not complete. In order quickly to obtain approximately a one-third cut in personnel I did not have the time to spell out a comprehensive program of U.S. government priorities in Brazil. Perhaps one of my successors will do so.

(NOTE.—Everybody seems to talk—or write—about the bureaucracy, but, like the weather, nobody does anything about it. A faceless and pervasive force, it overwhelms people, and few ever confront it.

(One man who did was John W. Tuthill, a career Foreign Service Officer who came to the simple conclusion that in Brazil, where he was appointed Ambassador in 1966, there were too many official Americans. His remarkable attack on the "system," or systems, had far-reaching consequences for it helped set in motion successive rounds of personnel cuts throughout the world—by both the Johnson and Nixon Administrations—which have actually resulted in an over-all reduction in U.S. officials overseas. Here, for the first time, Ambassador Tuthill tells his own story. He called his project "Operation Topsy," because, as he puts it, "it sought to deal with an organization that had not been constructed on the basis of a comprehensive decision of the U.S. Government, but had 'jest growed.' "—The Editors.)

(EDITORS' NOTE.—What has happened to the size of the American mission since John W. Tuthill left Brazil in January 1969?

(According to official figures from the State Department, the cutback in personnel has continued steadily, linked directly to the reduction in American bilateral aid and military assistance programs. On January 1, 1972, there were 527 Americans in the mission in Brazil, compared to 719 in January 1969, and 920 in June of 1966. AID was down to 208 Americans, a reduction of over 50 percent. The military group (which does not include the Marines guarding the Embassy or the Military Attachés) had only 54 officers and men, a reduction of about two-thirds. The over-all drop was about 47 percent, from June 1966.

(The AID reduction in personnel was impressive, but it did not come close to matching the drop in American bilateral aid to Brazil. In Fical Year 1966, U.S. loans and technical assistance to Brazil, exclusive of the Food for Peace, had totaled $240 million; in the fiscal year just ended there were no loans, and technical assistance was only $10 million.)

(By Frank Carlucci, Associate Director, Office of Management and Budget, June 19, 1972)

On one of his Topsy forays into Washington, Jack Tuthill asked me to accompany him so we could walk 'back to back' down the corridors. Topsy didn't win us any popularity contests, but popularity is seldom a goal for a public servant of Jack Tuthill's caliber.

For Topsy is a case study of a spirited Foreign Service Officer fighting for change, even if it meant taking on the establishment that had nourished him to ambassadorial rank. It meant exercising a higher loyalty to the policy mission assigned him by the President than to the parochial interests he had lived with so many years. We need more FSO's like him.

Topsy was neither a personnel nor a budget exercise. It was an effort by a perceptive and forceful Ambassador to get a grip on his Embassy and to move it in concert toward a goal. This goal was to stop doing things for Brazilians and to concentrate instead on areas in which we could help Brazilians build the institutional capacity to do things for themselves.

Such a policy requires fewer Americans and a different way of doing business. It means top-down management instead of a bottom-up, client-oriented approach. Too frequently, our ambassadors preside over a collection of agencies which exert pressure on them to support their positions in Washington.

Topsy was one Ambassador's effort to set policy, run his Embassy and represent the United States in the host country instead of acting as a Washington advocate for U.S. agencies and their constituencies in Brazil.

Jack Tuthill was not content to be a high level political and economic reporting officer. He was a foreign affairs manager who translated political judgments into administrative decisions. State is actively encouraging its ambassadors to move in this direction, and has recently made some progress in overcoming the institutional resistance that was typified by the middle level bureaucratic reaction to Topsy.

There is high level support for this kind of change. Jack notes the support of President Johnson. President Nixon was equally interested. When he swore me in to my present job, he recalled Topsy—he had visited Brazil at the time—and asked me if the Embassy didn't function better afterwards. I had no hesitation in agreeing with him that it did.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, unfair foreign competition and the growth of foreign industries have combined to price many American goods out of the market. The Hartke solution to America's trade dilemma revolves around a complete overhaul of our foreign trade posture. The Hartke Foreign Trade and Investment Act of 1972 will change our tax, tariff and quota laws to keep American jobs at home and insure fair competition in the international market.

The Nixon administration position has consisted of large doses of rehtoric and a rather small change in the value of the dollar. At best, devaluation of the dollar will provide long-term relief in a world of fair competition—but it promises precious little help in the short run for beleaguered industries or unemployed workers.

A recent article in The New York Times has pointed up the pressures on New York City that often compel it to buy foreign products. Lowered prices of highly subsidized foreign producers make it almost impossible for the city to place all its contracts with local industries. This is not a case of global efficiency—but another example of how the largely open American economy has been trapped by existing trade practices.

The final paragraph of the article provides and excellent summary of our current situation. Speaking on foreign trade, the deputy mayor of New York said:

> The United States has helped develop the productive capacity of many foreign countries, turning them into competitors of American companies. What is a little unfair about the situation . . . is that many foreign Governments subsidize companies exporting goods by paying their duties and so putting them in a more competitive position, vis-a-vis American producers.

Mr. President, because of the timely nature of the article, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Economics Make City Turn to Foreign Sources for Equipment Purchases

(By Max H. Seigel)

The city's Department of Water Supply needed butterfly valves and was looking around for a manufacturer to supply them. The lowest American bidder, Westinghouse, asked $11-million. A Japanese company said it could do the job for $10-million. The contract went to Japan.

The city needed extensions for lights. Because the lowest American bid was $115,000, the contract went to a company that could do it for $100,000—in Mexico.

The city needed arm extenpunching, on which the lowest American bid was $450,000, was awarded to a concern that could manage it for $150,000 less—in Kingston, Jamaica.

As a giant consumer, purchasing $170-million in goods and services each year, New York City is finding itself in an increasingly frustrating dilemma.

It must, to begin with, get the best deals possible on its buys to save the taxpayers' money. But this often means giving the contract to a foreign company, which deprives national and sometimes local companies of much-needed business.

ADDS TO JOBLESSNESS

Some foreign companies can undercut their American competitors because of cheaper favorable tax situations and, often, Government subsidies.

But by using them, the city is in effect exporting money and contributing to unemployment at home at a time when the national economy is so lethargic that a "buy American" drive is under way, and the local economy is so shaky that the Lindsay administration is fighting to keep businesses in the city.

The problem, according to Deputy Mayor Edward K. Hamilton, who used to be Director of the Budget, is in balancing considerations given to taxpayers, local industry and labor and underdeveloped countries.

"Our first obligation," Mr. Hamilton said yesterday, "is to the city, to get as low a price as possible. When prices are nearly the same, we have an obligation to the businesses of New York."

Legally, the city course seems clear. The Department of Purchases, which enters into contracts for 35,000 items as well as various services each year, acts under Section 343 of the City Charter, which provides that a contract must be awarded to the lowest bidder who meets the specifications.

EXCEPTION MADE

Section 343 of the City Charter, however, also provides that the Board of Estimate may by a two-thirds vote set aside a low bid if it is "not in the best interest" of the city.

On infrequent occasions the city has availed itself of the powers of the Board of Estimates under Section 343. At a meeting last month, the board was asked to set aside a bid for a key-punch contract submitted by a New Jersey company so that it could be granted to a newly formed minority company here in New York.

The result was submitted by the Human Resources Administration's Department of Social Services, which said it would benefit the city to encourage the development of such companies. The board approved the request.

Last year a similiar request, this one involving a labor contract, also came before the board. The members voted to cancel the low bid submitted by a company from Malta and to award it to an American company.

Stanford D. Garelik, president of the City Council and a member of the Board of Estimate, explains the reluctance of the Department of Purchase to come before the board as possibly motivated in part by politics.

"The Lindsay administration just wants to avoid surrendering its authority in this field," he declared, "and I can't say that I blame it. But when they get a hot potato and they want to share responsibility, then they come to the board."

PROBLEM IS SEEN

Deputy Mayor Hamilton denies that the administration's motives are at all political. He points out that the board, which already has a crowded calendar involving too much detail, would be delayed even more in dealing with many other projects, many of them of importance to the city.

And Marvin Gersten, the Commissioner of Purchases, sees constant referring of contracts to the board as imposing a severe judgmental problem on his department.

"What standards do we use for deciding on referral? And what will the board do if we refer 10,000 contracts to it? Commissioner Gersten adds that, in adidtion to these problems, the Corporation Counsel has advised him that the department may face a series of lawsuits challenging the basis for discarding one bid in favor of another.

In veiw of the Lindsay administration's repeated exhortations to business to stay in New York, city officials make no bones about their hopes of letting contracts locally.

"But what's a local company?" Mr. Gersten asks. "Recently, we awarded two contracts to the Propper Manufacturing Company of Long Island City—one for surgical blades and the other for thermometers. The surgical blades, it turned out to their surprise, were made in England, and the thermometers, in Japan." But the bidder is a New York concern, employing local people. He is not the manufacturer, only the distributor.

POLICE ORDER CITED

"Very often," Commissioner Gersten added, "bids are won by local distributors for foreign firms."

Sometimes the items sought are not produced in this country and the Department of Purchases must go abroad.

Recently it received a request from the Police Department for a large number of scooters.

None fitting the specifications are made here. And the Department of Purchases turned to the two big companies in the field——Lambretta and Vespa. Lambretta won the contract and then disclosed that it had shut down its operations in Italy but had a subsidiary in Northern Spain.

A skeptical Department of Purchases asked for a model to be sent over. It was found to be excellent. Then a team of men—one from the Department of Purchases, one from the Controller's office and one from the agency involved, was sent to Spain to see if the plant could produce the requirements of the contract. In this case, they found a modern efficient plant.

UNITED STATES HAS FORMULA

On-site inspection is often carried out by the city to make sure of contract deliveries. Often the seller pays the expenses. But from time to time the city has to foot the bill.

No one has any quarrel with this kind of purchase or any other involving a foreign monopoly. Some criticism arises when a local company loses out by a narrow margin to one elsewhere in the United States or overseas.

The Federal Government meets this contingency through what is known as its 6–12 formula. This provides that a contract go to an American company when its bid is within 6 per cent of the low bid of a foreign concern. And the American company, if it is located in a distressed area, will get the bid if its price is within 12 per cent of the lowest foreign bidder.

The state continues to rely on what is called "Rule 10," a law passed in 1931, at the height of the Depression, which says that preference must be given to American-made goods.

BILL THWARTED

The city's position in this area appears to be ambivalent. Deputy Mayor Hamilton says: "Giving more protection to local manufacturers tends to put a floor on the economics of the manufacturer. It tends to reduce the incentive to make him more efficient."

But Mr. Gersten says the city has submitted to the State Legislature several times, only to have it lie untouched—a proposed law that would give a contract to a New York State company if it came within 5 per cent of the lowest bid.

Pending approval of such legislation or any other that would give preferential treatment to local businessmen, the city is helping them only with advice. Deputy Mayor Hamilton says: "We make sure everyone knows of the bids being advertised, and we teach them how to make out bids and submit them."

In a wider sense, the Deputy Mayor sees the problem as one "a country faces when it becomes successful in the foreign economic development business."

The United States has helped develop the productive capacity of many foreign countries, turning them into competitors of American companies. "What is a little unfair about the situation," he adds, "is that many foreign Governments subsidize companies exporting goods by paying their duties and so putting them in a more-competitive position vis-a-vis American producers."

ANNOUNCEMENT BY SENATOR DOMINICK OF REVENUE SHARING GRANTS TO STATE AND LOCAL GOVERNMENTS IN COLORADO

Mr. DOMINICK. Mr. President, the Joint Committee on Internal Revenue Taxation has recently made available the dollar allocations that local and State governments would receive under the revenue sharing legislation approved by the House-Senate conference committee.

There are several cities in Colorado not specifically mentioned in this report. For example, Northglenn in Adams County, Lakewood in Jefferson County, and Security-Widefield in El Paso County are not listed. During the time the revenue sharing bill was being considered, Senator LONG and I engaged in a short colloquy in order that there could be no misunderstanding that the bill provides that all governmental units are to be involved whether or not they are specifically listed. Finally the bill provides for a distribution to all communities even though those towns with a population of less than 2,500 persons are not listed in this report.

Under the conference bill, Colorado would receive $54.6 million in revenue sharing funds. This money will be divided between the State and local governments with $18.2 million going to the State and $36.4 million allocated to the local governments.

Mr. President, I ask unanimous consent that the data outlining Colorado's allocation be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVENUE SHARING FOR COLORADO

[In dollars]

Total State grant to all locals	36, 416, 247
Amount returned to Colorado State government	0
Adams County area	2, 137, 123
Adams County govt	1, 471, 822
Total to all cities over 2,500	649, 550
Total to all cities under 2,500	15, 752
Total to all townships	0
City of Arvada (part)	8, 996
Aurora City	217, 998
Brighton City	49, 169
Commerce City	107, 178
City of Thornton	111, 737
Westminster City	154, 471
Alamosa County area	273, 245
Alamosa County govt	128, 613
Total to all cities over 2,500	142, 994
Total to all cities under 2,500	1, 630
Total to all townships	0
Alamosa City	142, 994
Arapahoe County area	1, 546, 065
Arapahoe County govt	607, 368
Total to all cities over 2,500	923, 070
Total to all cities under 2,500	15, 626
Total to all townships	0
Cherry Hill Village Town	15, 195
City of Englewood	366, 673
Greenwood Village Town	8, 507
City of Littleton	161, 779
Sheridan City	24, 871
Aurora City (part)	346, 044
Archuleta County area	65, 381
Archuleta County govt	48, 792
Total to all cities over 2,500	0
Total to all cities under 2,500	16, 589
Total to all townships	0
Baca County area	135, 737
Baca County govt	113, 114
Total to all cities over 2,500	0
Total to all cities under 2,500	22, 623
Total to all townships	0
Bent County area	155, 330
Bent County govt	122, 898
Total to all cities over 2,500	32, 432
Total to all cities under 2,500	0
Total to all townships	0
Las Animas City	32, 432
Boulder County area	1, 369, 754
Boulder County govt	585, 616
Total to all cities over 2,500	753, 416
Total to all cities under 2,500	38, 723
Total to all townships	0
Boulder City	590, 677
Lafayette City	23, 364
Longmont City	115, 416
Broomfield City	23, 959
Chaffee County area	225, 597
Chaffee County govt	124, 028
Total to all cities over 2,500	67, 895
Total to all cities under 2,500	33, 675
Total to all townships	0
Salida City	67, 895
Cheyenne County area	57, 319
Cheyenne County govt	49, 805
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 514
Total to all townships	0
Clear Creek County area	84, 745
Clear Creek County govt	67, 627
Total to all cities over 2,500	0
Total to all cities under 2,500	17, 117
Total to all townships	0
Conejos County area	187, 697
Conejos County government	152, 464
Total to all cities over 2,500	0
Total to all cities under 2,500	35, 233
Total to all townships	0
Costilla County area	73, 945
Costilla County government	73, 021
Total to all cities over 2,500	0
Total to all cities under 2,500	924
Total to all townships	0
Crowley County area	73, 825
Crowley County government	56, 367
Total to all cities over 2,500	0
Total to all cities under 2,500	17, 459
Total to all townships	0
Custer County area	26, 793
Custer County government	25, 217
Total to all cities over 2,500	0
Total to all cities under 2,500	1, 576
Total to all townships	0
Delta County area	365, 682
Delta County government	280, 530
Total to all cities over 2,500	43, 225
Total to all cities under 2,500	41, 926
Total to all townships	0
Delta City	43, 225
Denver County area	12, 189, 871
Denver County government	0
Total to all cities over 2,500	12, 189, 871
Total to all cities under 2,500	0
Total to all townships	0
Denver City	12, 189, 971
Dolores County area	39, 257
Dolores County government	33, 604
Total to all cities over 2,500	0
Total to all cities under 2,500	5, 553
Total to all townships	0
Douglas County area	95, 239
Douglas County government	84, 899
Total to all cities over 2,500	0
Total to all cities under 2,500	10, 340
Total to all townships	0
Eagle County area	106, 362
Eagle County government	83, 131
Total to all cities over 2,500	0
Total to all cities under 2,500	23, 251
Total to all townships	0
Elbert County area	93, 370
Elbert County government	88, 091
Total to all cities over 2,500	0
Total to all cities under 2,500	5, 279
Total to all townships	0
El Paso County area	2, 054, 383
El Paso County government	779, 507

REVENUE SHARING FOR COLORADO—Continued

[In dollars]

Total to all cities over 2,500	1,254,912
Total to all cities under 2,500	19,964
Total to all townships	0
Colorado Springs City	1,162,761
Fountain Town	30,000
Manitou Springs City	54,151
Fremont County area	440,317
Fremont County government	258,227
Total to all cities over 2,500	149,015
Total to all cities under 2,500	33,075
Total to all townships	0
Canon City	120,140
Florence City	28,875
Garfield County area	265,945
Garfield County government	179,008
Total to all cities over 2,500	43,612
Total to all cities under 2,500	43,325
Total to all townships	0
Glenwood Springs City	43,612
Gilpin County area	30,430
Gilpin County government	23,149
Total to all cities over 2,500	0
Total to all cities under 2,500	7,281
Total to all townships	0
Grand County area	67,447
Grand County government	47,667
Total to all cities over 2,500	0
Total to all cities under 2,500	19,780
Total to all townships	0
Gunnison County area	181,286
Gunnison County government	97,616
Total to all cities over 2,500	76,749
Total to all cities under 2,500	6,921
Total to all townships	0
City of Gunnison	76,749
Hinsdale County area	3,759
Hinsdale County government	3,637
Total to all cities over 2,500	0
Total to all cities under 2,500	121
Total to all townships	0
Huerfano County area	157,650
Huerfano County government	121,857
Total to all cities over 2,500	31,506
Total to all cities under 2,500	4,287
Total to all townships	0
Walsenburg City	31,506
Jackson County area	41,232
Jackson County government	34,611
Total to all cities over 2,500	0
Total to all cities under 2,500	6,621
Total to all townships	0
Jefferson County area	1,317,090
Jefferson County government	1,045,653
Total to all cities over 2,500	266,862
Total to all cities under 2,500	5,176
Total to all townships	0
City of Arvada (part)	200,756
Edgewater Town	17,456
Golden City	48,650
Kiowa County area	48,539
Kiowa County government	43,398
Total to all cities over 2,500	0
Total to all cities under 2,500	5,141
Total to all townships	0
Kit Carson County area	180,138
Kit Carson County government	138,203
Total to all cities over 2,500	25,570
Total to all cities under 2,500	16,365
Total to all townships	0
Burlington Town	25,570
Lake County area	198,128
Lake County government	149,870
Total to all cities over 2,500	48,258
Total to all cities under 2,500	0
Total to all townships	0
Leadville City	48,258
LaPlata County area	387,003
LaPlata County government	139,810
Total to all cities over 2,500	247,193
Total to all cities under 2,500	0
Total to all townships	0
Durango City	247,193
Larimer County area	1,200,386
Larimer County government	695,521
Total to all cities over 2,500	473,613
Total to all cities under 2,500	31,252
Total to all townships	0
Fort Collins City	318,132
Loveland City	155,481
Las Animas County area	376,639
Las Animas County government	289,280
Total to all cities over 2,500	79,084
Total to all cities under 2,500	8,275
Total to all townships	0
Trinidad City	79,084
Lincoln County area	115,690
Lincoln County government	79,264
Total to all cities over 2,500	0
Total to all cities under 2,500	36,426
Total to all townships	0
Logan County area	450,990
Logan County government	288,419
Total to all cities over 2,500	146,249
Total to all cities under 2,500	16,322
Total to all townships	0
Sterling City	146,249
Mesa County area	1,105,314
Mest County government	622,793
Total to all cities over 2,500	482,521
Total to all cities under 2,500	0
Total to all townships	0
Grand Junction City	482,521
Mineral County area	18,803
Mineral County government	16,591
Total to all cities over 2,500	0
Total to all cities under 2,500	2,212
Total to all townships	0
Moffat County area	156,096
Moffat County government	113,524
Total to all cities over 2,500	40,210
Total to all cities under 2,500	2,362
Total to all townships	0
Craig City	40,210
Montezuma County area	309,847
Montezuma County government	180,673
Total to all cities over 2,500	103,051
Total to all cities under 2,500	26,122
Total to all townships	0
Cortez City	103,051
Montrose County area	439,364
Montrose County government	270,189
Total to all cities over 2,500	121,822
Total to all cities under 2,500	47,352
Total to all townships	0
Montrose City	121,822
Morgan County area	444,281
Morgan County government	326,181
Total to all cities over 2,500	113,447
Total to all cities under 2,500	4,653
Total to all townships	0
Brush City	67,252
Fort Morgan City	146,195
Otero County area	562,733
Otero County government	382,897
Total to all cities over 2,500	151,584
Total to all cities under 2,500	28,253
Total to all townships	0
La Junta City	64,584
Rocky Ford City	87,000
Ouray County area	36,984
Ouray County government	23,799
Total to all cities over 2,500	0
Total to all cities under 2,500	13,186
Total to all townships	0
Park County area	52,271
Park County government	49,610
Total to all cities over 2,500	0
Total to all cities under 2,500	2,661
Total to all townships	0
Phillips County area	81,360
Phillips County government	66,603
Total to all cities over 2,500	0
Total to all cities under 2,500	14,756
Total to all townships	0
Pitkin County area	87,196
Pitkin County government	57,500
Total to all cities over 2,500	0
Total to all cities under 2,500	29,696
Total to all townships	0
Prowers County area	317,167
Prowers County government	229,689
Total to all cities over 2,500	69,407
Total to all cities under 2,500	18,071
Total to all townships	0
Lamar City	69,407
Pueblo County area	2,828,570
Pueblo County government	1,345,060
Total to all cities over 2,500	1,473,606
Total to all cities under 2,500	9,904
Total to all townships	0
Pueblo City	1,473,606
Rio Blanco County area	115,834
Rio Blanco County government	104,863
Total to all cities over 2,500	0
Total to all cities under 2,500	10,970
Total to all townships	0
Rio Grande County area	251,045
Rio Grande County government	183,942
Total to all cities over 2,500	47,884
Total to all cities under 2,500	19,220
Total to all townships	0
Monte Vista City	47,884
Routt County area	157,698
Routt County government	111,245
Total to all cities over 2,500	0
Total to all cities under 2,500	146,454
Total to all townships	0
Saguache County area	91,552
Saguache County government	77,645
Total to all cities over 2,500	0
Total to all cities under 2,500	13,907
Total to all townships	0
San Juan County area	19,880
San Juan County government	12,957
Total to all cities over 2,500	0
Total to all cities under 2,500	6,922
Total to all townships	0
San Miguel County area	46,625
San Miguel County government	29,854
Total to all cities over 2,500	0
Total to all cities under 2,500	16,772
Total to all townships	0
Sedwick County area	81,457
Sedwick County government	65,391
Total to all cities over 2,500	0
Total to all cities under 2,500	16,066
Total to all townships	0
Summit County area	55,163
Summit County govt	37,624
Total to all cities over 2,500	0
Total to all cities under 2,500	17,539
Total to all townships	0
Weller County area	79,328
Weller County govt	55,008
Total to all cities over 2,500	0
Total to all cities under 2,500	24,319
Total to all townships	0

Washington County area	132,771
Washington County govt	104,455
Total to all cities over 2,500	0
Total to all cities under 2,500	28,316
Total to all townships	0
Weld County area	1,920,310
Weld County govt	1,284,900
Total to all cities over 2,500	458,665
Total to all cities under 2,500	176,744
Total to all townships	0
Evans Town	14,488
Greeley City	444,177
Yuma County area	204,395
Yuma County govt	178,096
Total to all cities over 2,500	0
Total to all cities under 2,500	26,299
Total to all townships	0

THE ROTH SOCIAL SECURITY SURVIVOR BENEFIT AMENDMENT

Mr. MONDALE. Mr. President, last evening during consideration of H.R. 1, the junior Senator from Delaware (Mr. ROTH) proposed an excellent amendment concerning social security survivors' benefits. It was designed to help thousands of widows in this country who are denied the opportunity to claim their children as dependents on their income tax returns because the social security survivors' benefits these children receive provide more than half of their support. Mr. ROTH's amendment correctly provided that a child's social security benefits will not be taken into account in determining whether the child receives more than half his support from the taxpayer claiming him as a dependent.

The present system—which Mr. ROTH's amendment changes—places a particular hardship on lower- and middle-income families. If a widow has a high income she has little difficulty proving that the survivors' benefits constitute less than half the support of her children, and she can count them as dependents. But if her income is not high, she may be denied the chance to claim her children as dependents. This is one of the most discriminatory provisions in our tax code, and must be changed.

When the rollcall vote was taken on the Roth amendment last evening and I voted in favor of the motion, I was under the enormous impression that the motion was on the merits of the issue. Shortly later I discovered that the motion was actually a motion to table the Roth amendment, and that I should have voted "no."

I support the Roth amendment and voted for it on final passage. It is long overdue. I am delighted that the motion to table was defeated, and the amendment was adopted. I believe this explanation will clarify any confusion about my position on this issue which might arise from the rollcall vote last evening.

REMOVAL OF CULTURAL ORGANIZATIONS FROM ELIGIBILITY FOR THIRD-CLASS BULK MAIL RATES

Mr. JAVITS. Mr. President, there has been increasing concern with respect to any action by the U.S. Postal Service that would remove cultural organizations from eligibility for third-class bulk mail rates.

In 1965, Congress established the National Foundation of the Arts and the Humanities, and in subsequent years has provided a Federal funding for the arts—at the rate of $32.8 million for fiscal year 1973. It would seem illogical for the Federal Government on the one hand to encourage arts through subsidy, and on the other hand to stand by while extra financial burdens are imposed upon them.

The Chairman of the National Foundation of the Arts and the Humanities, Nancy Hanks, has written a letter to the Postmaster General and to the manager of the Mail Classification Division concerning this matter. I ask unanimous consent that this correspondence be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL ON THE ARTS,
NATIONAL ENDOWMENT FOR THE ARTS,
Washington, D.C., September 29, 1972.

Hon. ELMER T. KLASSEN,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR MR. KLASSEN: During its meeting in Washington, September 22–24, the National Council on the Arts requested that I bring to your personal attention its very strong objection to any action by the U.S. Postal Service that would remove cultural organizations from eligibility for third-class bulk rates.

The National Council on the Arts, established by Congress, is appointed by the President of the United States and is composed of outstanding citizens and artists as you will see in the enclosed listing.

The Council asked me also to bring to your attention the President's request of May 26, 1971 asking government departments and agencies "to look into new ways in which their agencies can more vigorously assist the arts and artists, . . ." While the Postal Service is no longer a Cabinet department of government, the Council believes that the proposed regulation, which would be critically damaging to large and small cultural organizations all over this country, is directly contrary to the President's wishes. The full text of the President's message is enclosed.

I have written a detailed formal letter on this matter to Mr. Darwin E. Sharp, Manager, Mail Classification Division. That letter is enclosed, but at the urging of the Council I am writing you directly. If a conversation between us would be of assistance in resolving this matter, I would be more than happy to meet with you at your convenience. I'm also sure that Len Garment would be happy to join us, if you would think that helpful. My telephone number is 382-6361.

Thank you for your personal consideration.

Sincerely,

NANCY HANKS,
Chairman.

NATIONAL COUNCIL ON THE ARTS,
NATIONAL ENDOWMENT FOR THE ARTS,
Washington, D.C., September 29, 1972.

Mr. DARWIN E. SHARP,
Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C.

DEAR MR. SHARP: At the request of the National Council on the Arts and on behalf of the National Endowment for the Arts (NEA), I wish to submit the following comments on the Postal Service's proposed eligibility standards published in the August 26, 1972, *Federal Register* relating to nonprofit organizations qualifications for special third-class bulk mail rates.

The proposed regulations provide specific definitional criteria for the eight categories of organizations eligible under present federal law for the special third-class rates. We strongly concur with the cultural organizations which have expressed to you their view that the proposed criteria relating to the definition of the category of "educational" organizations are much too narrow and restrictive, and fail completely to recognize or take into consideration the essential educational contribution made by the thousands of nonprofit cultural organizations in this nation.

As you may know, under our enabling legislation, the Congress has directed NEA to foster American creativity, and to develop and enhance public knowledge and understanding of the arts by supporting projects of cultural and artistic significance. Under this mandate, the Endowment's constituency includes the fifty State Arts Councils, hundreds of community arts councils and organizations, and the nation's symphony orchestras, museums, dance and theatre companies. It is on behalf of all these organizations that this letter speaks.

Initially, let me express agreement with the statement in the *Federal Register* that under the proposed regulations an Internal Revenue Service exemption for a nonprofit organization or association, while not controlling, will still be considered as evidence of qualification for the preferred bulk postal rates. *Every* organization or association supported by the National Endowment for the Arts is, as required by our legislation, recognized by the IRS as a tax-exempt nonprofit organization, donations to which, as well, are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. These organizations rely heavily on Federal appropriations to enable them to serve their communities, including the schools, effectively. Any increase in postal rates for such organizations would ultimately critically affect their ability to serve their communities and, therefore, would constitute action contrary to the purposes of the National Endowment for the Arts.

The crux of the matter, of course, lies in the Service's proposed definition of the organizational category of "educational". It is interesting to note in this connection that the *Federal Register* notice states that the proposed definitions "are based on long-standing administrative interpretations made through the years." As you know, the Post Office has up to now granted the special third-class rates generally to the nation's cultural organizations. Further, if these definitions are promulgated into law, they would differ most significantly from the administrative interpretation of "educational" used by the Internal Revenue Service. In IRS Publication 557 (6–71), relating to qualification of organizations for tax-exempt status under Section 501(c)(3) of the Code, the IRS sets forth its definition of "educational" as follows:

Indeed, it is difficult to understand the reason for the restrictiveness of a definition of "educational" which speaks in terms of the "mental, moral, or physical powers and faculties," but omits reference to the "esthetic" powers and faculties of mankind. From the earliest times, even before the Greek philosopher Plato defined the ultimate objects of knowledge to be the "True", the "Good", and the "Beautiful", the rightful place of the esthetic in the education of man has been unquestioned. Some writers maintain, indeed, that the knowledge gained from the arts is of the highest and most significant kind. And, it is a fact that all institutions of public learning (other than specialized schools of training) have, since ancient times, had as a fundamental objective in the education of their student charges the development of the esthetic powers and faculties. The Postal Service's proposed regulations, if

I may, acknowledge the importance of the "True" (i.e. the "mental" faculties), the "Good" (i.e. the "moral" faculties), but unexplainably, not the "Beautiful" (i.e. the "esthetic" faculties).

In light of the foregoing, I respectfully request that the proposed 39 CFR 134.5(b)(2) be revised to correct the above-described deficiency. Our suggested revision would provide as follows (original language bracketed, suggested new language italicized):

"(2) Educational. A nonprofit organization whose primary purpose is to [instruct in] *provide knowledge of* any or all of the mental, moral, *esthetic,* or physical powers and faculties. Educational organizations include, but are not limited to schools, colleges, universities, seminaries, conservatories, *symphony orchestras, dance and theatre societies, museums, state and community cultural organizations, similar organizations* and other educational institutions."

Such a revision would also have the effect of rendering the definition of "educational" truly consistent with the long-standing administrative interpretation presently held by the Internal Revenue Service, and would ensure that our nation's cultural institutions will be treated by the Postal Service in the same manner as are other educational organizations dedicated to improving the quality of life of our people and the general well being of our nation.

Sincerely,

NANCY HANKS,
Chairman.

BROADCASTERS AND COMMUNITY RESPONSIBILITY

Mr. HARTKE. Mr. President, I ask unanimous consent to insert in the RECORD a report given to the Board of Trustees of the Broadcasting Foundation of America by its president, Mr. Seymour N. Siegel, who for many years was head of New York City's Municipal Broadcasting System. Mr. Siegel calls to our attention a rich mine of social information residing in the files of the Federal Communications Commission. These files, which are a public record but largely unused, are accumulated by the Federal Communications Commission as broadcasters, in renewing their licenses, conform with the requirement known as, "the ascertainment of community problems, needs, and interests."

It is clear from Mr. Siegel's report that this mass of information illuminates what the public itself thinks our Nation's major problems are, and by inference in what areas it demands governmental action. These files apparently represent a reflection of the peoples' will and deserve examination at policymakers and all those who execute policy.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WHAT'S WRONG WITH NEW YORK?—BROADCASTERS'—EYEVIEW OF THE COMMUNITY THEY SERVE PROVIDES POTENTIALLY MAJOR SOCIAL INFORMATION BONUS DIVIDEND

(By Seymour N. Siegel)

Within the past several months, 54 radio and television broadcasting stations in metropolitan New York have been going through, what was for some, a traumatic process; license renewal procedures. Part of the preparation for submitting an application for the renewal of a broadcasting station license to the Federal Communications Commission is what is known as "the ascertainment of community problems, needs and interests." This entails eyeball-to-eyeball meetings with numerous community leaders on the part of the individual program decision-makers at each broadcasting station. It is an FCC-imposed requirement that station managers personally meet with, and talk over, community problems with leaders in education, medicine, law, the clergy and politics, as well as social, health and welfare agency managers. This must be done in the same ethnic mix which is called for by the census tracts.

It guarantees that the operators of broadcasting stations have personally exposed themselves to the views of community leaders and groups, who in turn, have at least one opportunity in every three years, to sensitize managers of the electronic media to the individual problems, needs and interests of their constituencies. Community leaders get to know at least one decision maker at each station and presumably would call on him or her if ever there seemed to be a need for air time.

As a result of these numerous personal meetings and conferences, each broadcaster draws up a profile of what he considers to be the major problems of New York and the surrounding metropolitan area. He then decides what programs he will present in the next three years to meet these community needs through broadcasting. On the basis of these promises he may get his license to broadcast renewal. His promises are subjected to close scrutiny the next time around, especially by potentially competing citizens groups. As one wag has put it "you build yourself a box, and the Commission nails you into it."

This procedure must be completed within the immediate six months prior to the date to file a renewal application. The first several months of 1972 have been busy ones, indeed, for New York broadcasting managers, who had simultaneously to mind the store, and subject themselves to a kind of masochistic exercise when many of the younger, more activist, sometimes self-appointed, so-called community leaders did not hesitate to give them the benefit of their ideas.

Many of the broadcasters were happy to have an opportunity for face-to-face meetings with top community figures. Most station managers do not live in the city and do not vote there. Most of their martini and luncheon time is spent with their peers and with advertising agency people in clubs or posh restaurants or at their desks. Daily communication removes a great many of them from the city's night time life, and week ends in the country preclude getting a handle on the core of the city's problems. There is also a definite pecking order among the stations, and most broadcasters feel that they do not enjoy the social and political contacts with the community, which their opposite numbers on the newspaper side are reputed to have. Most will tell you they found the ascertainment process an exhilarating experience. They learned something about the nuts and bolts of city life and are making determined efforts and good-faith commitments to help meet some of these problems.

Though most of the top level of politicians, educators, professional men and women and community leaders presumably presented identical views to different station managers, the broadcasters place varying values on such views and made different judgments on what is wrong with New York. The results, taken together, are a concentrate of urban pathology. As social scientists, the broadcasters could make their surveys but the question immediately arises as to how effective broadcasting could be in meeting what are in many instances essentially social problems.

Channel 2 (WCBS Television) for example, considers that there are 15 major problem areas in the greater New York metropolitan community. With 13 decision makers in the station's management personally interviewing almost a thousand community leaders, the Columbia Broadcasting System flagship station presented the following problem areas in alphabetical order, if not in order of community-expressed priority.

1. Arts and culture. The writer of the station's application considered the problems of the insuring of the viability and survival of the arts in the face of New York's reputation as a communications and publishing capital. He considered the major national cultural institutions in the city and the need to strengthen long-term financing of cultural institutions. The effects of crime, prostitution and urban blight on the Broadway Theatre, the public budget crunch and its effect on the curtailment of library and museum services and the general lack of economic support for the arts were emphasized.

2. Crime, justice and penology. Drug-related crimes, especially burglary and mugging was underlined. The increase in lawlessness and the growing acceptance of petty criminality and mounting violence is seen as a heavy tax on the police force. The greatest frustration seemed to be the inability of the law enforcement agencies to deal with "crime in the streets." The corruption of some of the police and some public officials and the clogging of the courts were viewed with deep concern. The failure to provide equal justice to the poor and the existence of brutalizing conditions in prisons and jails were considered as failures of our society.

3. The drug epidemic seemed to be the most alarming problem, as symptomatic of a broader social malaise. Drug users in the school population were held responsible for downgrading of education received by all of the citizens. The drug traffic is seen as pervasive and destructive in its effect on the quality of life for all citizens. Likewise it is the facilitative influence in the corruption of police and other public servants. Many community leaders, according to the CBS profile, sought to deal with the drug problem as a medical, rather than a criminal problem, and advocated legalization of both hard and soft drugs.

4. Great concern was expressed about problems of the economy. Both business and labor leaders are worried about competition from abroad and the inability of American industry to match costs and prices for imported goods. Chronically high unemployment precludes utilizing the talents of youth, veterans and minorities. The inordinate power and restrictive policies of unions were cited as causative factors. The rise of consumerism is perceived as meddlesome and irresponsible by some leaders and seen by others as long overdue. Worry was expressed by the growing inefficiency of American industry and the lack of competence in the economy.

5. The educational system was a cause of great dissatisfaction as many leaders were reported to have pointed to the general societal misinterpretation of the nature of education and its role in a democracy. Many doubts were expressed concerning the quality of education provided by the system. The failure to teach basic skills such as reading and arithmetic, the failure to motivate students to participate fully in the life style of the American majority and the rising tax costs of education were the basis of a taxpayers revolt. The declining productivity and the increase of unionization of teachers were items of great concern. Educational bureaucracy was considered top-heavy and debilitating. Political meddling in district school boards has been brought about by both decentralization and not enough of it. The failure of teachers to understand the life style and legitimate aspirations of inner-city students was cited.

The need for more relevant vocational, educational emphasis was expressed by several interviewees. A better relationship between private and public colleges and universities was pointed out as a current problem.

6. Ecological and environmental problems and needs predominated in a group of community leaders. Conservation of air quality and water resources received a great deal of attention. An immediate problem of considerable and growing importance was the matter of solid waste disposal. The mounting problem to balance energy generating with consumer needs received a high priority. The development of manufacturing and transport in such a manner as to bring about less destruction of natural resources was given more than passing attention. Conservation efforts in preserving wetlands, seashore and green belts around the metropolitan area were objectives of general concern.

7. In the area of government and politics there was universal concern for how the structure and financing of the system affect individuals. The conflicts of interest between city and state, ambiguities of Federal jurisdiction in urban areas, relationships between the inner city and the suburbs and the relationship of political parties to government and the citizen appeared to be a source of considerable concern.

A lack of parity in financing and influence among the political parties, their frequent failure to delineate issues or to field the best qualified candidates with a vision extending beyond personal or parochial, political or patronage considerations, were the concern of most good government people.

The ostensible lack of communication and coordination among the 1400 disparate political entities in the region and the consequent lack of regional planning was highlighted as an outstanding need.

The mounting costs of government, especially due to union pressures, was the basis of considerable concern. New York City's Pension Plans were described as highly inflationary and unduly burdensome on the taxpayer. Inadequate budgetary controls over city expenditures and resultant poor planning was frequently mentioned.

A great many leaders called for local government and political parties alike, to become more responsive, more accessible and more accountable.

A need for campaign-spending reform, financial disclosure laws and strong conflict-of-interest statutes was forcefully mentioned. Coordination at all government levels was indicated frequently as a matter of concern and new watchdog structures were called for. New independent agencies were suggested to perform the investigative function of regulatory agencies and to monitor government spending.

8. In the field of public health, grave concern was expressed that, despite the much vaunted leadership of the United States in scientific research, its record in the delivery of health care and medical services to its citizens rank far below that of many other industrial nations. In the inner cities, the infant survival rate seems to be far below national averages and disease rates and the availability of health services are likewise below average. While attention is being paid to dramatic surgical techniques, such conditions as poor nutrition, inadequate dental care, preventive medicine, venereal disease, sickle cell anemia and lead poisoning go almost unnoticed. The high cost of medical services as well as the lack of availability of hospitals, clinics or private care in many areas was remarked upon. There is a shortage of funds and personnel for the care of the mentally ill, the retarded, the handicapped, the aged and those with long term illnesses. Abortion reform laws have already over-burdened the hospital system and the costs of abortion must be reduced. The shortage of physicians, nurses and paraprofessionals as well as the lack of support of bio-medical research, are important problems.

9. Housing was perceived as a major problem throughout the metropolitan area. Low and middle income housing seems to be in chronic short supply. The pressures of population, the exodus to the suburbs and the failure of the city to establish an effective program to hold back deterioration were cited as important. Concern was expressed over the rent strike movement and the radicalization of residents of upper income. The unionization of service employees, mounting real estate taxes and tenant disaffection, all play a role in the increasing abandonment of existing housing by landlords seeking desirable return on their investments. Fear of low-income public housing and restrictive zoning practices are factors inhibiting new housing outside the city. The lack of overall housing policy for the city and the region, a need to reconsider zoning policy, to inhibit unplanned urban sprawl, to break down de facto segregation in the suburbs, to provide adequate housing for the elderly, all were seen to have high priority.

10. Welfare and poverty were recognized as critical problems. The inability of the city to sustain the enormous burden of welfare costs laid upon it and the negative effect on the city's ability to deliver other services all emphasized the need to transfer the cost of welfare as a national problem to the Federal government.

11. Race relations seem to be the single most important problem facing the metropolitan area and the country as a whole. The growing polarization among the races due to the rise of the level of expectations on the part of Blacks and Puerto Ricans in the late Sixties which was not matched by rapid enough change, was pointed to as the cause.

The Vietnam war was mentioned by many leaders as having diverted both funds and attention from the problems of the cities. The nation as a whole and its individual citizens lack a sense of long term commitment to the solution of the problem according to many community leaders.

Tightened economic conditions have brought about evidence of White backlash because of the seeming upward movement of minority groups which, some community leaders said, were apparently receiving preferential treatment. The need for a greater understanding by one group with another was called for. Specific issues such as busing, scattersite housing and one acre zoning all seemed to have a racial component.

12. The panel generally expressed dissatisfaction with the quality of life in the city. City life was described as abrasive, graceless and alienated. The apathy of individuals or groups towards the needs of other segments of the society was remarked upon. The breakdown of moral and ethical values and the inability of citizens to cope with change were items of some import. Some leaders spoke of the necessity to counteract what they described as a growing parochialism and isolationism. They called for a development of the awareness of the global nature of certain problems, and of a world outside, consistent with New York's increasing role as an international center. There was widespread recognition of the need to develop leadership at the community level to re-connect people with the institutions which shape their lives and to work toward the empowerment of the powerless.

13. With an uncertain economy, the need for increased governmental services, the burden of welfare and the rising costs in education, taxation was perceived as a major problem. Local taxation sources, chiefly the property tax, and the sales tax seemed to be close to their limits. Revenue sharing by the federal government was felt to be essential. Specific tax reforms to close tax loop holes and to do away with regressive taxes and to provide tax relief for the elderly and for those who bear the burden of the cost of higher education was called for. Concern was expressed over the effect of recent court decisions declaring local property taxes unconstitutional when they result in inequality in the educational system. The efficacy of alternative revenue producing systems such as off-track betting and city lotteries was questioned.

14. The need for a coordinated system of transportation was cited by many. Inadequacy of service, maintenance and equipment had an adverse effect on mass transit and was considered to present a major problem. Increased fares and the defeat of the New York State Bond issue generates the necessity to find alternates to use as a support of mass transit. Other problems came to the force, including airport ground travel inadequacies, air traffic control and the necessity to solve the 4th jet port dilemma, and the decline of the New York waterfront.

15. The liberalization of New York's Divorce laws, the effect of abortion reform changes and attitudes toward the historical role of the sexes, particularly among the young, and the increased activity of the Womens' Liberation movement have all tended to increase the awareness of the necessity for re-examining the status of women in the society. Community leaders mentioned the necessity for assuring equality of employment opportunity for women, or increasing day care facilities and for working toward the greater participation of women in public life.

Channel 4 (WNBC-TV) interviewed only about 350 Community Leaders, but in addition employed the R.H. Bruskin Associates of New Brunswick, New Jersey to conduct a survey among the public, seeking to ascertain whether a problem was very serious, serious or no problem at all. The research firm set forth the following categories of problems from which a statistical sample of residents of the metropolitan area made choices:

1. Vietnam
2. Air pollution
3. Conservation of natural resources
4. Taxes
5. Safety in the streets
6. Care of the aged
7. Community health problems
8. Rent control
9. Welfare programs
10. Drugs in the schools
11. Quality of education
12. Adaption and foster care
13. Consumer information and protection
14. Employment
15. Womens' rights
16. Gun control
17. Juvenile crime and vandalism
18. Non-violent protests
19. Union wage demands
20. Television service
21. Strikes by public employees
22. Cost of medical and hospital care
23. Rehabilitation of narcotic addicts
24. Acceptance of Puerto Ricans
25. Pornography and obsenity
26. Cooperation in city and local government
27. Noise pollution
28. Urban and regional planning
29. Pollution control
30. Ghetto living conditions

As a result of the station's ascertainment efforts, the following local, national and international problems seem to be of the greatest concern to the needs and interests of the public served by Channel 4.

1. In the field of narcotics, the control of drug traffic, drugs in the schools, rehabilitation of narcotic addicts and the use of marihuana were all considered top priority.

2. In the field of urban and regional planning, items such as transportation, municipal services, city, state and federal government relationships were picked.

3. In the area of crime, juvenile vandalism,

violence, safety in the streets, organized crime, gun control and the possession of explosives were mentioned.

4. In the field of health and welfare, rising medical and hospital costs, care of the aged, welfare programs, consumer information and protection, were high-lighted.

5. In the area of ecology and the environment, the pollution of air, water and noise, the disposal of garbage and waste and the conservation of natural resources, were emphasized.

6. In the field of the economy, the lack of job opportunities and unemployment, the rising cost of living, and taxes were the items to watch.

7. Costs of education, its quality and the lack of facilities took most attention in general.

8. In the field of housing, the lack of public housing, continued existence of Ghetto conditions as well as increased rentals were the major concerns examined in the survey.

9. Minority employment and business opportunities, the very acceptance of minorities, equal rights, and minority identities all came up in problems having to do with race or ethnic divisions.

10. Insofar as Southeast Asia is concerned the conflict in Laos, Cambodia and Vietnam as well as the prisoners of war issue and the problems of returning veterans were all mentioned.

Channel 4 in its program proposals to meet all of these problems remains, wedded to the more traditional program breakdown which was required in renewal applications of past years.

NBC's proposal to meet community problems were in the areas of public affairs, instructional programming, agricultural, and religious programming.

In the public affairs sector WNBC–TV will continue to present "Open Circuit", with the Chairman of the New York City Human Rights Commission, Eleanor Holmes Norton. There will continue to be presented "Man in Office", "Direct Line", "Speaking Freely", "Station to Station", and "Not for Women Only", and the station will continue to present documentaries and network originations such as "Meet the Press", "Today", "Comment" and "Chronology".

In the educational or instructional area the program proposals to meet community needs include "Library Lions" (The New York Public Library), "Zoorama" (in cooperation with the San Diego Zoo), "See for Yourself" a children's program (using the Bank Street College of Education as the consultant). "Take a Giant Step", "Mr. Wizard", and "Watch Your Child".

To meet the needs of agricultural viewers, "Across the Fence", offered Saturday mornings, and "Agriculture U.S.A." produced by the NBC station in Los Angeles will be offered.

In the religious field "TV Sunday School", "TV Hebrew School", "The Maryknoll World", and "From Now On" are designed to meet these needs.

At Channel 7 (WABC–TV) about thirty-two executives interviewed community leaders. Everyone from the Vice-President and General Manager to Account Executives were involved in meeting with some 371 leaders. In addition a personal interview survey was commissioned by a research organization, community affairs luncheons with civic, governmental and minority leaders were held, and numerous letters were sent to a cross section of community leaders. Furthermore, requests were made on the air to viewers asking that they inform the station of community problems of concern. WABC–TV also pointed out in its application that personnel in the station were members of local organizations and professional groups. The station also made an intense analysis of mail and telephone calls from viewers.

Local problems in order of priority were identified by Channel 7 as:—

1. Crime
2. Housing
3. Drugs
4. Education
5. Unemployment
6. Transportation
7. Racism
8. Taxes
9. Money
10. Welfare
11. The environment

State problems included again, in order of priority:—

1. Finances and taxes
2. Education
3. Welfare
4. Crime
5. The relationship between state and city
6. Revenue-sharing
7. Drugs
8. Housing
9. Mass Transit
10. Unemployment
11. Discrimination and racism
12. Urban affairs

National problems were headed by:—

1. The Vietnam War
2. New priorities
3. Welfare
4. The economy
5. Revenue-sharing
6. Racism
7. Urban affairs
8. Unemployment
9. Crime
10. Education
11. Drug abuse
12. The credibility gap

Responses from Blacks and Puerto Rican leaders were analyzed separately, and significant differences in emphasis seemed to be apparent. These leaders agreed that crime, drugs, housing, education, unemployment and poverty were the most important problems in the metropolitan area. White leaders, on the other hand, felt that these could be solved with additional resources, mainly, money. White leaders emphasized revenue-sharing at State and National levels and stressed the need for "reorientation of our priorities." The minority leaders characterized the important problems as crime, housing, drugs, education, unemployment and poverty as surface manifestations of basic and insidious problems of racism. "The System" is exclusionary and exploitive. Minority distrust explains concerted drives toward "community control" of schools, welfare programs and other essential services. The more moderate, pleaded for the establishment "to give us the resources but let us do it ourselves." Among the militants, the statement became a demand "to rectify historical grievances" and to do it now. The overriding concern of inner-city groups revealed a deep feeling about the problems of the deteriorating urban ghettos, including crime, housing, drugs, education, unemployment and racism. They feel they are underrepresented and outvoted in state legislatures.

Insofar as the perception of National problems are concerned, the most basic concern was the Vietnam War. The need for new priorities, welfare, the economy, and revenue sharing are almost equally vehement in the expression of these leaders. In the Fall of 1971, Herbert Kay Research Inc. conducted a survey of the general public for WABC–TV where some 2200 adults who were 18 years or older, and were heads of households, were offered a list of 31 problems from which to choose what were "especially serious" problems.

Here an area probability sample was employed, and the ethnic mix approximated the census. For example 9% were German Americans, 8% were Puerto Ricans, 12% were Irish Americans, 16% were Italian Americans, 13% were Jewish, 3% were Polish Americans and 39% were none of these. The most important national problems from the point of view of the ethnic groups were listed as the Vietnam War, inflation and the cost of living, drugs and narcotics, race relations, crime in the streets and unemployment.

Inflation and the cost of living were mentioned most frequently by those least likely to suffer from its effects. Whites and college graduates singled this out more often than non-whites or persons of lesser education.

The most important state problems were listed as taxes, drugs, crime in the streets, and the high costs and abuses of welfare followed by unemployment, pollution, race relations, corrupt politicians, and other social problems.

In New York City, drugs are most frequently mentioned, followed by crime in the streets and taxes. Most pressing problem to the white sample were taxes.

Insofar as local area problems were concerned, drugs, dope, crime in the streets, high taxes and other social welfare problems were mentioned.

An interesting subdivision of the study was a section devoted to the public reaction to government services. The public was asked whether or not the government was doing a job well, poorly or didn't know. The most negative public response was in the areas of welfare, recreation for teen-ageds, old-age care, recreation for the elderly, the courts, public schools, parking facilities, jails and subways and buses.

In New York City, only fire-fighting and parks and museums were considered by this sample as being handled well by the municipality.

WABC's profile of the area's problems contains considerable dramatic hyperbole.

"Local governments are experiencing growing inabilities to fund necessary basic services locally", says the report. "Services in general have deteriorated markedly and there seems to be a pervasive attitude that the quality of life has declined significantly. All major areas of life seem to be affected. Educational levels in the area schools continue to drop at a disturbing rate. Unemployment remains high. Drug abuse is reaching epidemic proportions. Housing is shockingly and disgracefully inadequate. Crime, much of it drug related, continues to increase. There's an increasing tendency on the part of dissident groups to consciously ignore the orderly process of lawful behavior. Mass transportation is inadequate and what exists is far from acceptable".

"Pollution, particularly, air pollution is a serious problem in the metropolitan area. Area welfare rolls are rising at an alarming rate. Health care for many residents, particularly the poor and mentally ill are shamefully inadequate. Tensions persist among area minorities. Corruption has been discovered in several sectors of municipal government. All these problems continue to affect the people residing in the metropolitan area".

The basic theme which permeates the thinking of persons from all levels of society concerns "the quality of life". In these difficult times, fundamental soul-searching appears to be taking place and many people are asking the questions "Where are we?" "Where are we going?" "Why?".

Significantly the answers are often based on philosophical considerations and are articulated most often as a need "to reorganize our priorities as a nation, as a state, as a city and as individuals." Specific problems such as crime, drugs, unemployment and housing are viewed merely as symptomatic of a far deeper illness.

"As a practical matter it is visible symptoms with which we must often deal, but in doing so, we cannot lose sight of the fact that they are all interrelated to, and are part of an overall and more basic malaise."

Insofar as drugs are concerned, this is a two-fold problem. The first aspect is drug abuse, and the effects on the individual. The other dimension is the resultant criminal activity of addicts desperately in need of substantial sums to support their habit. "The New York City area has the dubious distinction of being the drug capital of the country."

"The Federal Bureau of Narcotic estimates that thefts for illicit drugs reach billions of dollars a year. The solution to various dimensions of the drug problem must be found and implemented soon as the price for our failure both in terms of human suffering and in crimes commtited by drug users is too high to continue paying for it."

"The cost of eliminating slums should not be viewed as a burden," but rather as an investment in the health and welfare of all the people of the community. In view of the dissension among federal, state and city housing administrators, the enormous complexity of the problem and the economics of residential construction in New York, "the housing situation will undoubtedly get worse in the New York metropolitan area before it gets better," says the WABC report.

"Insofar as education is concerned, the problems of the educational system must be solved if the future of our society is not to be jeopardized". Even more energy must be expended in coping and remedying the defects in the areas of our educational systems.

"The old method of running transportation systems in greater New York are not working, and new ways will have to be found to keep mass transportation and people on the go".

In urban areas fear for one's own personal safety has become virtually a way of life. The same fear is reaching out into suburban areas. "Crime knows no geographical boundaries".

The rate of unemployment in the New York City area (6.7% for whites, and 7.6% for blacks) is considered very serious indeed. It is interesting to note that of the 570,000 jobs at the three levels of government include an increase of 160,000 government jobs since 1960. The salary scales for municipal employees in New York City have reached or surpassed their equivalence in private industry, according to the survey.

The funding and taxation available to local government is insufficient to meet the bills, There is no doubt that local, state, and government taxes will go higher, but the big question is how this is spent. The essential challenge of government is to determine the priorities in the spending of money.

In order to clean the streams, get pure drinking water, freshen the air, and dispose of the trash, $10,000,000,000 will be needed in the next twenty years which means $25 for each man, woman and child in the region.

Racial issues are obviously of considerable concern. "Equality per se does not now exist in the metropolitan area". Hostility and bitterness toward whites predictably follows. Increasing militany is seen from increasing numbers of black leaders.

"Much needs to be done by men of good will to rectify real injustices". The process of changing the hearts and minds of people is a long and difficult one. Society must change the actions and outward manifestation of human prejudice wherever possible by example, normal suasion and the enforcement of law.

The financial drain of welfare payments continues to be a major budgetary problem for both state and New York City. The problem is a growing one and solution must be found.

"The centralization and creation of super agencies have resulted in deterioration insofar as the response of government is concerned". Increasing cynicism by the public toward government is an obvious phenomenon.

"The Vietnam War has long been a devisive force in the community."

Inflation in the New York area has exceeded the national average. The wage earner is squeezed and sees "no light at the end of the tunnel".

The WABC report points out that outward migration is not new and population movements from the inner city to the suburbs seems to have leveled off. The Kerner report on civil disorders warned about two Americas. "The City is becoming Black and suburbia becoming predominantly White". "New York City", says the report, "is rapidly becoming the haven of the very rich and the very poor.

"There is no denying that much business is moving out, adding to the city's unemployment problem". Middle income residents face soaring rents, rising transportation costs, increased taxes of all types, air and water pollution, and a growing crime rate . . . "more than a million on welfare at the present time, and its cost is a growing burden".

"Traffic throttles city life. Mass transportation is inadequate and getting worse. Drug abuse and the resultant increase in crimes have driven citizens out of the city limits. Serious defects in urban education systems cause consternation among city-dwelling parents. The way of life is the product of industrialization and consequent urbanization of our society. Urban life is unquestionably undergoing a period of neglect".

WNEW–TV (Channel 5) authorized a general survey by the Opinion Research Corporation of Princeton, New Jersey. This was a telephone interview type of survey involving 2000 individuals in 18 counties. The results of public choice almost monotonize what community leaders have been saying to other stations.

"Hard drugs are moving to the suburbs . . . There is too much drug abuse . . . Drugs force children to steal . . . There is too much drug addiction in the area.

Increase in crime and a lot of robberies, robbing and mugging, breaking into people's homes, juvenile delinquency and an increase in the number of burglaries in the area were all underlined.

Taxes are too high . . . Property and school taxes altogether too high . . . Taxation is not fair to those who have no children in school . . .

Schools are crowded. Not enough money is available to spend on education; too many schools for the amount of people and they want more. A split session in High School is still not big enough to handle all the children. The improvement of schools is an important need; financial aid to schools and school finances are matters of great concern.

Housing has become a problem among middle class people. The high rents in apartments generally, and there is the complaint that there is plenty of housing for low-income families but not sufficient housing for middle and high income families.

Insofar as air and water pollution is concerned, the water is getting more and more polluted . . . There is contaminated water and it tastes disgusting . . . Water pollution and the damp burning of refuse is a pair of ecological problems which bother the public.

Public transportation is sadly lacking where there are no trains or buses. Transportation needs without an automobile leaves people lost.

Garbage collection and sanitation pickups are not carried out neatly. There are inadequate facilities, the lack of cleanliness, and there is the general criticism that the Sanitation Department is not doing its job.

Unemployment, police protection, the high cost of living, and racial problems as well as the high cost of renting, local government and the need for better administration and the elimination of political corruption are all mentioned.

When asked whether or not these various problems are going to get better, or get worse, or stay the same, in almost all cases the majority of respondents felt that the problems were going to get worse.

A subdivision of a survey was devoted to youth and young people who are in grade school and high school. Among these very young, the top 5 problems were drugs, pollution, crime, traffic problems and recreation.

WNEW's community leaders survey involved some 761 leaders from 27 counties.

WNEW–TV set forth a wide variety of comparative computer-generated tables by various breakdowns. In essence, the application is a veritable statistical abstract. There are 41 tables and all sorts of combinations and permutations. In a way these are ponderous sets of figures which delineate concerns along demographic dimensions, but provide extremely valuable comparisons.

The most serious local problems according to the WNEW community leader survey, are the economy, drugs, crime, housing, education, government, youth, transportation, ethnic problems, growth, apathy, welfare, health, communication and ecology.

Economy is the number one problem, and ranks well above the average, with Blacks and at the local government level. Drugs are a significant concern to females, Blacks and Spanish-speaking communities. Crime is the major concern of governmental leaders at all levels. Housing is a major concern of Blacks and Puerto Ricans. Education is a major concern of Puerto Ricans. The writer of the WNEW application emphasizes that the mounting drug problem compounded by its move to the suburbs and the ever-increasing crime rate are the major concerns of the people and their community leaders. For the community leaders, the economy dominates all other considerations. The third ranking most serious local problem for the general public is taxes—too many and too high—and the tax structure.

On problems at the state level, there's a unanimity of thought on the most important problems and needs. Taxes are too high—they are a major concern involved with the economy. The lack of funds and the plague of fiscal problems which present a financial conflict to government is a big frustration. Drugs, and crime, along with environmental protection, public transportation, and schools stack up as major issues for the general public. Women leaders view problems of housing, welfare and health as far more pressing State problems than male leaders.

On the National level, the War, of course, is the major issue. The economy and inflation rates second.

WNEW–TV proposes to meet most of these problems through the presentation of "*Midday Live*" where the general manager of the station appears regularly. There is a monthly program entitled, "*Alternatives*".

WNEW will continue to offer "*Wonderama*", the "*David Suskind Show*", and "*You, The Citizen*," a monthly special.

With regard to the radio stations operating in the New York metropolitan area, the community surveys reflect almost a uniformity of common concern. A wide range of problems exist which are by no means restricted to crime, drug addiction and the usual catalogue. These problems are real and important and the stations do not minimize them. There are also great needs culturally and in entertainment, which the stations hope to meet by their programming.

WHN is proposing a one hour a week program touching crime, drug abuse, human relations, environment, economic problems, health problems of the aged, cultural and recreational facilities, etc. This program is planned twice a week to be carried at 11 p.m.

to midnight. The other method started by WHN is in the form of one minute public service announcements, five minute reports, and news reporting.

WADO proposes to continue broadcasting for the Spanish-speaking community, primarily, and does not intend to meet the larger communities' needs.

WLIB suggests that it continue broadcasting primarily to the Black community on such matters as ghetto resident problems, Black views, human resources administration reports, community action forum on housing, problems in public education, telephone conversation programs, drug abuse and news specials.

WQXR, the radio station of the New York Times, proposes a five minute point-of-view program to broad spectrums of groups, organizations and interests allowing them to express their views. Another program proposed by WQXR is "Insight", a nightly half-hour news and public affairs analysis, and it also proposes to carry the "Casper-Citron Interview" program. The majority of its schedule will continue to be classical music and news from the New York Times.

WOR will continue its current series of concentrating one day a month for a day long broadcast on one New York community. "Rambling With Gambling", which is a talk show, "The Martha Deane Show", "The McCanns At Home", "The Arline Francis Show" are all interview discussion programs. Jack O'Brian's "Critics Circle", is an interview discussion program. The station serves Long Island with a weekly discussion featuring officials from nearby counties.

WHOM is basically a Spanish-oriented station with the theme "The Unique Romantic Sound" and it proposes "Unfinished Business" community leaders express their views on local community problems. It offers also "Community Billboard", items of interest to the Latin American community; "The People's Voice" where day-to-day problems are discussed; "Moral Rescue", which is a youth participation program; and "Puerto Rican Panorama", a round table discussion on the Commonwealth and Puerto Rican residents in New York.

At WEVD the foreign language programming will continue in Yiddish, Hebrew, Italian, Japanese, German, Lithuanian, Greek, Polish, Gaelic, Scandinavian, Turkish and others. The station proposes to continue with "Victor Riesel Interviews", a weekly discussion with leading National and State figures on health problems. The station offers "Ombudsmen" which is a program of interviews on the City conducted by Assemblyman Seymour Posner of the Bronx. "You and the Law", is a bi-monthly series, "Science", is a monthly survey; "Speak Out", is a monthly report under the auspices of the State Division on Human Rights.

At WABC-Radio, the proposal is for a heavy diet of top 40 Rock Music, News every half-hour, and such programs as "Report Card 72" and "School Scope" which is a weekly series of an instructional nature for young students; "Attention New York", a 15 minute weekly program with commentary and interview on minority problems; "Perspective New York", a weekly half-hour program reporting on significant events. The WABC-Radio Press Conference where newsmen question top newsmakers from the Tri-State area, and "Conference Call" a three hour Sunday Night program discussing subjects of concern to young adults provide the public service offerings suggested by WABC.

WNBC-Radio proposes to regularly serve the need for information on actions of the National, Legislative, Judicial, and Executive branches of the Federal Government; United States Military and Diplomatic action outside the United States; the activities of the United Nations; and the exploration of outer space. The station proposes to devote 3 hours a week to such topics as are concerned with the problems of Latin American communities, the "WNBC Suburban Report", "These Are Your Schools"; "The Soul of Reason", which is a discussion of Black Urban problems; and it also proposes a series of Mini-Docs which are one minute vertical documentaries. A five minute program on religious problems is entitled "In Contact". The largest percentage of programming projected seems to feature middle-of-the-road music and sports.

WNEW-Radio also offers middle-of-the-road music and news on the half-hour. It proposes to continue its weekly program "News-Closeup" and offers one minute reports and vignettes on minority problems and needs. It has an extensive ski reporting service and financial reporting service. Short reports on developments in the Arts and Sciences are contained in a series of programs entitled, "Yale Reports".

WCBS is proposing a continuation of its continuous News Format. It also proposes to broadcast "Community Report" which are short reports five times a week on social problems. It offers a report on the drug scene which is a three-minute report every day and it continues its policy of offering editorials and the broadcast of replies to such editorials. It offers a program entitled "What's New in Business?" which is a Sunday Morning Report. It also is proposing two-minute reports entitled, "Consumer Inquiry" and it will continue to present "Washington Week", a weekly review of events from the Nation's Capital as well as the "Eric Severeid Analysis". A program designed for the young wife and the homemaker is entitled, "Today's Woman".

WMCA is suggesting the continuation of its telephone talk shows on a wide range of subjects which permit listeners and radio personalities to discuss in detail matters of concern to those on the phone.

WBNX will continue to offer Spanish programs including music, news interviews, and community affairs as well as Italian programs and does not suggest any traffic coverage.

WINS will continue to offer its continuous news from the Associated Press, The United Press International, The Police Wire and Weather Sources.

WPOW is on a 50 hour a week schedule because of its limited license and offers morning religious programs in English while afternoon hours are devoted to foreign language programs, including Polish, Greek, Czech, Ukrainian and it involves large quantities of music, talk, interviews and public affairs.

WWRL will continue to present Soul Music, Rhythm and Blues, and Jazz, as well as news and traffic reports intermittently.

There would appear to be an amazingly high degree of correlation between the conclusions of the broadcasters and the results of professional studies by academic social scientists and social workers. For example, from the conclusions of the latest and deepest study under the auspices of the prestigious Community Service Society of New York, the following brief quotation is almost precisely parallel to the judgments of New York's broadcasters. It also may provide an explanation of the results obtained by the license renewal surveys.

"The primary trend in New York City is one of increasing deterioration . . . the situation in New York City is not only a matter of persons with problems, but rather one of whole areas with social ills. Most of these ills, for example, the concentration of drug addiction, of poverty, of separated women, and high proportions of births out-of-wedlock, are not recent in origin . . . such afflicted areas have existed for at least twenty years . . . many of the areas have been badly afflicted for a longer time . . ."

"The social problems of New York City are worsening; they are reaching crisis proportions . . . large portions of the city are steadily deteriorating; more and more children are being born out of wedlock and entering a peer environment characterized by drug abuse and other deviant behavior".

"They enter a school system they fear and distrust, or what is even worse, they do not enter the system in any meaningful way, rarely attending school physically or mentally. When age, boredom or failure causes them to break what little commitment there was to the school system, they go on. Some try without skills or reading ability to enter a job market no longer needing unskilled workers; some just go to the street and try to "make it" in other ways. For those who find work, if they are Black or Puerto Rican, there is still the problem of finding a place to live. The problem of residential segregation is severe in New York City; if there is insufficient income, the problem of finding a residence is almost insolvable; without money, marriage also becomes a luxury. The cycle begins again and still another generation of babies will be born out-of-wedlock".

"The failure and resentments recently seen in attempts at 'community control' and 'participation of the poor' have just begun to reveal the surface peak of the iceberg which is social disorganization".

"There is a relationship between lack of political participation in the larger society and poverty ghettoization. Those neighborhoods with the greatest need do not register to vote. Non-voting is but a symptom of a general lack of participation in community life in ghetto areas. The traditional way into the system for an ethnic minority is enlightened block voting, and this traditional way needs encouragement".

When the Federal Communications Commission made community needs-ascertainment a requirement for broadcast license renewal, it wrought much better than it knew. No other federal agency has created a social information system of the magnitude and extent of the timely reports from the entire country on a continuing basis fathered by the Communications Commission. No matter how critical one might be about the details of the procedure, and there are many reservations about the great duplication of effort in the major markets, the end result, if taken together represents a continuous temperature-taking of American society not otherwise available.

Most political leaders have created their own internal communication systems with their constituencies. The sorrow and pity of it all however, is that the Congress, the managers of the Presidential political campaigns, local and state office holders, state and local governments allow this truly major gathering, tabulation and analysis effort to lie as a fallow mother lode buried on the shelves of storage areas in the Federal Communications Commission in Washington.

What is even stranger is the failure of normally highly promotional-minded broadcasters to use the product of this resource expenditure and this major effort for residual uses other than license renewal, however vitally important that is. There appears to remain a residual reluctance, among station staffs, at least, to reveal the contents of an application because of the legitimate fear of competing strike applications. The easiest way to have an instant meeting with the general managers of most stations is to walk in off the street and request an opportunity to inspect the public file.

But, the ingenuity of individual broadcasters in the ascertainment process, the numerous outside professional surveys and the overall conclusions as well as the various combinations and permutations of social statistics produced by a Metromedia Channel 5 in New York for instance, could be one of the single most valuable tools for Government, for Legislators, and for those with power to correct societal problems. No greater public service could be rendered by broadcasters, above the use of their facilities to hammer away with editorials and informational broadcasting to the community about the community, then to specifically and affirmatively distribute the end products of their ascertainment surveys to their Legislators, Governors and Social Health and Welfare agencies. For political campaign issues and for social research by the academic community, there would seem to be no greater untapped, neglected, major social-information resource than the public files of the broadcasters of the United States.

Seymour N. Siegel is President of The Broadcasting Foundation of America, and was a long-time Director of Municipal Stations WNYC and WNYC–TV. He is also a Visiting Professor of Mass Communications at Emerson College in Boston and an Adjunct Professor of Telecommunications at City University in New York.

CRIME IN BOSTON

Mr. WILLIAMS. Mr. President, the Subcommittee on Housing for the Elderly, of which I am chairman, has just returned from Boston where the issue of crime and security is a primary concern of elderly service organizations and elderly citizens alike.

Mr. Nixon may be pleased that the crime rate has increased only 1 percent since last year, but there are many people in Boston—especially the elderly—who are more afraid today than they have ever been in their lives.

It is clear to me that the Federal Government must make a far greater commitment to security—especially for public housing. The local governments, no matter how willing, cannot provide enough assistance. The Boston city government and the Boston Housing Authority together have contributed nearly $3 million in 1972 for security services. While this commitment has helped in many areas, it falls far short of providing what is urgently needed. Local housing authorities, many facing bankruptcy, cannot be asked to solve this problem unless the Congress and the administration are willing to lead the way with funding and technical assistance.

Mr. President, I ask unanimous consent to have inserted in the Record an article from the New York Times describing our hearing in Boston.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 4, 1972]

Boston Elderly Tell of Terror—Senators Hear of Assaults in Public Housing Units

Boston, October 3.—When 70-year-old Mary Bell—that is not her real name—returned one evening to her small apartment in one of the public housing projects here following dinner with friends she was not surprised to find that the hallway lights were out again and the elevator was broken.

Nor was she surprised when she was attacked and robbed as she reached the top of the darkened staircase leading to her floor. Her assailant was later identified as a 12-year-old heroin addict.

The story of Mary Bell was one of several told to a Senate Subcommittee on Housing for the Elderly as it held a hearing here yesterday on the adequacy of Federal response to the housing needs of older Americans.

Some committee members hope that testimony from that hearing detailing brazen daylight assaults on and robberies of the elderly—sometimes in their homes—will persuade the Nixon Administration that the operating subsidy from which public housing draws money for crime prevention is not the place to cut the Federal budget.

SUBSIDY COSTS ESTIMATED

Private experts on public housing have estimated that operating subsidies needed for public housing next year will exceed $300-million. The program now has an appropriation of $170-million.

The Department of Housing and Urban Development maintains that there is not enough administrative control over costs that local housing authorities charge to the Federal Government.

Before the hearing, the subcommittee's chairman, Harrison A. Williams, Jr., Democrat of New Jersey, and Senator Edward M. Kennedy, Democrat of Massachusetts, toured the Mission Hill public housing project in the Jamaica Plain section of the city.

There they were shown jimmied mailboxes, reflecting efforts to steal the elderly residents' biweekly assistance checks, and the broken windows and twisted security screens through which burglars gain entry and escape with their booty.

A few Roman Catholic residents told how they went to mass in groups, sometimes numbering 25 or more, because of fear of assault.

Others told the Senators that they went to the store in groups or limited their trips to the mailbox to once a week.

STAY IN AFTER DARK

Some said that they did not go out after 7 P.M., the time the project's seven-man security force left.

"As a result of this situation, nobody wants to come into public housing areas," Mrs. Thelma Peters, a 16-year resident of the Columbia Point public housing complex in South Boston and president of its Tenant Council, told the subcommittee.

"Doctors won't make house calls, stores won't deliver goods, cabs won't make calls, movers are afraid to come in, sometimes the ambulance won't come and the undertaker is afraid to come to remove the deceased."

The subcommittee was also told that assailants trying to gain entry posed as policemen or maintenance men or as representatives from one of the agencies providing services to the elderly.

When a visitor knocked at the door of an elderly couple, a frightened voice cried out after a few moments, "Please, go away, we don't have anything, please leave us alone."

There have been several deaths and many broken bones as a result of attacks on the elderly in public housing here. Often, the assailants are known by the victims. Often they are residents.

ELDERLY FEAR REPRISALS

But the elderly, victimized because of their advanced age and physical limitations, fear reprisals by their assailants, who, when caught, are sometimes released on bond within 24 hours.

Mrs. Ellen Ferrie, president of the Golden Age Club at the Bromley Heath housing project and a 13-year resident of that community, told the subcommittee that she had been robbed four times. The first time was about a year ago when she was on the way to a mailbox in mid-afternoon, and the fourth time a couple of weeks ago when she was accosted on her doorstep.

The subcommittee was told by Marshall Stein, an aide to Senator Edward W. Brooke, Republican of Massachusetts, that the assault rate in the Bromley Heath project was 783 per cent higher and the burglary rate 590 per cent higher than the national average, based on a 1971 survey.

Only a handful of elderly residents of housing projects attended the hearing. The poor showing, according to Mrs. Peters, reflects the fear of the residents to talk about the problem.

Last year, Boston spent $2.5-million for a special 65-man patrol force for the housing projects.

EXPLANATION OF BUCKLEY AMENDMENT TO H.R. 1

Mr. BUCKLEY. Mr. President, I understand that there has been some concern expressed last night and in today's press as to what was contained in my amendment yesterday to H.R. 1. The distinguished chairman of the Finance Committee confirmed last night that my amendment merely restored certain provisions that were originally a part of the legislation reported by the Finance Committee, and, further, made it clear in his discussion with the distinguished Senator from Michigan (Mr. Hart) that he was willing to follow the will of the Senate on each of the several items contained in my amendment and that he would have been happy to vote on each of them individually.

The text of the amendment as adopted appears in today's Record. The items contained therein are nothing more than several valuable provisions which were approved overwhelmingly by the Finance Committee and which have been a matter of public record for some time. They were deleted by virtue of the substitution of the Roth amendment for title IV of the committee bill

It was only as a result of the careful examination of the exact provisions of the Roth amendment by two members of my staff that I became aware of the fact that these important reform provisions had somehow been eliminated from the bill reported out by the Finance Committee even though, quite frankly, I was a cosponsor of that amendment. On reviewing the record of the debate accompanying the Roth amendment, I found that it was nowhere mentioned that a side effect of a proposal to provide for experimentation in testing the principle competing proposal for welfare reform that these other provisions would be stricken.

It was therefore my purpose in offering my amendment to remedy what I had concluded to be an oversight; and after having spoken to my colleagues about its provisions and after hearing the debate last night, it was clear to me that most Members of the Senate then present had no knowledge of the fact that the provisions which I was restoring had in fact been deleted. In other words, it was not my intention to—nor did I—introduce new material. Rather, its effect was to correct what seemed to me to be a legislative oversight.

I can deeply appreciate the concern of the Senator from Michigan (Mr. Hart) and I am also sure that as he reviews the Record he will appreciate that there was no indulgence in legislative sleight of hand. I will say, quite frankly, that I share his general concern when totally novel proposals are introduced in the form of amendments in the late hours when vitally important legislation is being considered—amendments which the members of the committee have not had an opportunity to consider or evaluate. I respectfully suggest that my amendment does not fit such a category. I further suggest that the distinguished chairman of the committee was doing no more, when he accepted my amendment, than accept the opportunity to restore the bill to that form which most of the Members present who had studied the original proposal assumed was in all their State programs, it might as well take them over totally and pay for them as well. But Governor Reagan of California and later Governor Rockefeller of New York doggedly continued to search for an effective approach to the welfare crisis. They both found that, given the original intent of Congress, and with a reasonable amount of flexibility in developing State programs, the States could mount an effective attack against the welfare crisis. By their efforts they have demonstrated that it is possible for the States to institute substantive and salutary welfare reforms which would correct or prevent abuses, result in fiscal savings, and make available additional benefits to those who are truly and legitimately in need.

The bill as finally adopted provides that flexibility and preserves the reforms so carefully recommended by the Finance Committee.

INDIAN EDUCATION PROGRAM

Mr. FANNIN. Mr. President, today I submitted to the Labor-HEW Appropriations Subcommittee a request for funding title IV of the Higher Education Act, the Indian education program.

In brief, I requested an appropriation of $1 million to set in motion the work of the National Advisory Council on Indian Education and to organize and operate the new Office of Indian Education.

In my opinion this appropriation is both fiscally responsible and responsive.

Senators are urged to join me in supporting this request as I consider it vitally important that we begin, in this fiscal year, to implement title IV. If we postpone implementation until the 1974 budget year much time will be lost.

I ask unanimous consent to have printed in the Record my statement to the Appropriations Committee.

Also, I ask to have printed in the Record letters from various Indian tribes which are supporting the funding of title IV this year.

There being no objection, the statement was ordered to be printed in the Record, as follows:

1973 Supplemental Appropriation

Oct. 6, 1972

Mr. Chairman:

I am here today to urge your consideration of funding for Title IV of the Higher Education Act (P.L. 92–318), the Indian Education Program.

The enactment of Title IV represented a major step in the efforts to strengthen the capacity of the Federal government to serve the educational needs of Indian citizens. This Congressional effort is a combination of work begun in 1967 with the establishment of the Special Indian Education Subcommittee. This Subcommittee, of which I was a member, worked to identify solutions for the correction of the very apparent and real deficiencies in our Indian education programs. The final report issued by the Subcommittee urged expanded Federal funding for Indian education, and Title IV of the Higher Education Act represented an initial step in realizing that objective.

With the approval of Title IV by the President, those of us on both sides of the aisle who worked for so many years to achieve this legislative mandate awaited its implementation.

Regrettably, we were soon to learn that the Office of Education would not request any funds in this fiscal year for funding Title IV, but would postpone such requests until the 1974 budget cycle.

This decision, in my estimation, is a serious mistake, as it would only postpone the implementation of this vital effort. This decision is a disappointment, not only to me personally, but to the countless Indian Tribes who quite rightly felt that the Federal government had, at long last, set in motion a major effort to strengthen Indian education. To now witness yet another delay is, I am sure, very disappointing to our Indian citizens. Yet, for reasons of budget consideration, the decision to delay funding of Title IV is clearly understandable; and as one who believes strongly in fiscal responsibility, I can well appreciate the decision. Nevertheless, I am convinced, Mr. Chairman, that a plan does exist whereby the Congress and the Administration can serve the twin goals of developing a quality Indian education program and the very evident need for fiscal restraint within this budget year.

The plan I am proposing consists of appropriating $1 million to set in motion the work of the National Advisory Council on Indian Education as established under Part D of the Act and to organize and operate the new Office of Indian Education. This proposed appropriation should be allocated as follows:

Advisory Council	$150,000
Salaries and Expenses (Office of Indian education)	450,000
Planning and studies	400,000

I have chosen this course of action on the basis of the following reasons:

First, in the face of a clear desire to control spending, an appropriation for Title IV should be both responsible and responsive. I believe this proposal meets that test.

Second, this appropriation would provide the necessary funds to enable the Office of Education to prepare for the full and effective implementation of Parts A, B, and C of the Act.

In the absence of a professional staff to concentrate its energies on the Administration of those programs established under this Act, it would be a serious mistake to attempt to fund these programs in whole or in part in the remaining months of this fiscal year. Funding programs without a competent staff to manage them could very well result in damaging the credibility of this vital and essential effort.

Third, if we are to achieve the objectives that Congress intended under this Act, Congress and the Office of Education must have a clear idea of what resources will be needed to realize, as fully as possible, those objectives. Without a staff available to provide the necessary data and computations to support a budget request, the Congress would be merely gambling that the funds would be appropriate and relevant.

Finally, in the absence of a budget request, it would be wrong for Congress to make that budget determination on its own. Title IV provides for the establishment of a National Indian Education Advisory Council to advise the Indian Education Office and its organizational leadership as to funding priorities and programs.

It would be far preferable for the Congress to enact a budget for Title IV that had the approval of the Advisory Council. If we are to insure full Indian participation in the operation of his program, the Advisory Council should be consulted as to the budget for Title IV. Until that time, it would not be in the best interests of the Indian community, nor in the spirit of Indian self-determination, for Congress to determine the character of this particular budget without such participation.

Mr. Chairman, for these reasons, I can only support an appropriation for this fiscal year which will lead to the organization of a staff equipped to implement, beginning in 1974, the various programs under Title IV.

I would like to appear here supporting a budget request which would cover all the programs under Title IV, but I am of the firm opinion that full funding of Title IV, at this time, would be a mistake.

The implementing agency is not yet in a position to administer such funds if appropriated, and the National Indian Education Advisory Council has not had a chance to make its recommendations known conerning this budget, an activity which I consider to be of utmost importance.

With these thoughts in mind, I hope that the Committee will adopt my proposal as the best way to insure continued progress in meeting this commitment and to avoid the possibility of postponing well into fiscal year 1974 the implementation of this Act. By postponing implementation, nothing will be gained and much will be lost, a situation which would be quite detrimental.

In closing, Mr. Chairman, I appreciate once again your courtesy in hearing me; and I hope that the Committee will act favorably on the funding of this vital program.

Paul Fannin,
U.S. Senator.

Tempe, Ariz., *Sept. 28, 1972.*

Senator Paul Fannin,
Capitol Hill,
Washington, D.C.:

The National Indian Training and Research Center strongly urges you to support funding for title 4, Public Law 92–318 dealing with Indian education and presently before Appropriations Committee of Congress. Don Wanatee is our representative in Washington, D.C., and will contact your office with additional information funding for the Indian education legislation is urgently needed now to improve education of Indian children and to assure the future growth of Indian people.

Francis McKinley,
Executive Director, National Indian Training Research Center.

Phoenix, Ariz., *Sept. 28, 1972.*

Senator Paul Fannin,
Capitol Hill,
Washington, D.C.:

We the Indian Development District of Arizona Inc., strongly urge you to support funding for title IV Public Law 92–318 which deals with Indian education and presently before the Appropriations Committee of Congress.

Indian Development District
of Arizona.

Havasupai Tribal Council,
Supai, Ariz., September 28, 1972.

Hon. John Rhodes,
Congressman, House Appropriations Committee, House Office Building, Washington, D.C.

Dear Congressman Rhodes: We applaud the passage of P.L. 92–318, the Indian Education Act. For too long our people have been lost in the shuffle, and our education shows it. Our Indian people have the lowest education level and the highest drop-out rate of any group in America. We feel the enactment of P.L. 92–318 can change all this for us. No longer would we stand helplessly by; we would have a voice in changing the schools that have failed our people.

But our hopes mean nothing if Congress does not appropriate the funds to carry out P.L. 92–318. We hope you will vote to appropriate all the funds required to carry out the Indian Education Act.

We appreciate the past considerations you have made of the Supai people and all the other Indian people.

Sincerely,

OSCAR PAYA,
Chairman, Havasupai Tribal Council.

EMBARGO ON IMPORT OF AMERICAN FROZEN ORANGE JUICE CONCENTRATE INTO GREAT BRITAIN

Mr. GURNEY. Mr. President, for years the British Government embargoed the import of American frozen orange juice concentrate into Great Britain. This was a particularly irksome problem, and when American Presidents and British Prime Ministers met this subject was usually on the agenda. President Kennedy discussed it with Prime Minister MacMillan when they met at Bermuda. The United States properly pointed out that the British restriction was an outright violation of GATT.

The British conceded that this restriction, which was originally put into effect for balance-of-payment reasons, was really maintained to protect limited West Indian citrus production, very little of which went into frozen concentrated orange juice. Finally, the British Government suggested to our Government, that American interests "work something out with the West Indies," and the restriction could be terminated. This suggestion was passed on to representatives of private processors in the Florida citrus industry. A complicated and lengthy negotiating period with West Indian representatives and the British Government ensued.

At long last, on March 11, 1964, the British Government did remove the restriction to admit American frozen orange juice concentrate. Restrictions were maintained on all other forms of citrus, however, and only this year was frozen grapefruit concentrate removed from the quota list. In both the orange and grapefruit concentrate situations, private American processors agreed to help market some of the West Indian crop, to the extent that feasible production and supply situations were achievable.

At the time the orange restriction was removed in 1964, the American negotiators were led to believe that since no tax or duty were applicable to fresh oranges, no duty or tax would be applicable to frozen orange juice concentrate. That tax statement, the British Government now avers, was not in their notes at the time.

When the first shipment of Florida frozen orange concentrate was made to England in 1964, purchase tax—which is a sales tax at the wholesaler's level—of 15 percent was applied. This subsequently was increased to 22 percent and is now 18 percent.

Despite repeated representations by the Department of State in Washington, by the American Embassy in London, by British distributors of American citrus and by both the Johnson and Nixon administrations, this inequitable, discriminatory, and unfair tax is still in effect.

There is no British tax on milk, no tax on fresh oranges, and supposedly no tax on food. But there certainly is a tax on Florida frozen concentrated orange juice and there is a very real danger that when the British convert to the value added tax in April of next year, that the inequity of taxing orange juice but exempting the fresh orange will continue.

I rise to protest this absurdity, and to ask our British friends to remove this tax in next year's finance bill.

This inequity was widely discussed in England this summer. Let me read an advertisement which appeared in the London Times on Monday, July 10, 1972. It states:

CAN VAT BE ALLOWED TO MAKE THE SAME OLD MISTAKE?

VAT is to be a fair tax—fairer than Purchase Tax. That is the intention, and the promise. Already its fairness is in question on a number of major issues, as the letters to the editor in this newspaper illustrate; but at least, essential foods will not be taxed. Or will they?

In common with other basic foods, fresh oranges and grapefruit will be zero-rated. But the juice of these fruits, in which all their food value is concentrated, will carry VAT. That is the proposal.

This is a nonsense inherited from Purchase Tax and its failure to distinguish between "luxuries" and essentials. Frozen fruit juices—pure, natural juices squeezed straight from the fruit with nothing added, only water taken away—were lumped together with squashes, cordials, fizzes and other fruity-named frivolities. But then, as we all know, Purchase Tax was full of unfair anomalies which the fairness of VAT is intended to put right.

There is still time—but only just—to make sure that it does.

This is not the only issue to be debated before VAT becomes law. Or even perhaps the most important. But justice should not only be done and be seen to be done: it should also be consistent.

With Purchase Tax rightfully removed, prices for frozen fruit juices could and would come down. With VAT imposed, they cannot. At 14p, a can of quick-frozen concentrate costs about 2p more than it would without tax.

Yet again the housewife's food budget will be strained. Unnecessarily and unfairly, due to a past misunderstanding.

Issued in the interest of fairer food prices by the National Association of Frozen Food Producers.

On July 11, 1972, the House of Commons debated an amendment to the then pending VAT legislation, the amendment having the effect of zero-rating all "pure natural fruit juices or concentrates thereof" in the value added tax, treating juices the same as all foods, untaxed. The debate, which appears in column 1481 through 1487 of the Hansard, the House of Commons official report of Parliamentary debates for that date, was joined in by Conservative and Labor Party spokesmen. No individual MP spoke against it, other than the government spokesman, the Minister of State, Treasury. His main argument was that all items taxed under the purchase tax had to be carried over into the value added tax, even by mistake, to reduce the VAT rate. Regrettably he talked of a 110–million pound tax loss: The amount involved in all pure fruit juices in the U.K. is but a fraction of that, 4 million pounds at the outside.

But regardless of amount, the thing is a clear and simple inequity. It means, if you please, that caviar from Russia is not taxed in the U.K., but orange juice from Florida is. I find the debate on this matter interesting. I hope my colleagues will, too. Mr. President, I asked unanimous consent that the pertinent columns of the debate as they appear in the official Hansard report appear at this point in my remarks:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Sir Stephen McAdden (Southend, East): I beg to move Amendment No. 35, in page 108, line 26, at end insert:

"Pure natural fruit juices or concentrates thereof".

The House has been moving at a fairly rapid pace through the Amendments, and I have no desire to slow down the pace. I shall make my point shortly, and I hope that the Government will recognise the force of the argument and accept it without delay.

I regard—as I think that most people outside the House do—pure fruit juice as a nutritional food. Although my remarks are concerned mainly with orange juice, they apply equally to grapefruit juice. There may be some fruit juices which are not nutritional and have no food value. If so, they can be spelled out and deleted from the reference which I am claiming for natural fruit juices.

There is no doubt that orange and grapefruit juices have a high nutritional value and are entitled to be regarded as food. Oranges are so regarded, because they are zero-rated. If oranges are zero-rated, it seems in all logic that if an orange is squeezed, the liquid extracted from it and the surplus water removed, the product which is then supplied to the customer to add water and reconstitute it is just as much entitled to be treated as food as the orange itself. I cannot understand the logic which attempts to treat it differently from the orange itself.

This will probably be of benefit to many people. In these days when one has to be careful about one's interests, perhaps I should declare an interest, in that I am Chairman of the Anglo-Israel Parliamentary Group. It may be that this provision will be of benefit to the people of Israel. I do not think that that detracts from the argument. It will also benefit the people of Jamaica, of Honduras and vent of the United States who send us some concentrated pure orange juice and also, I do not doubt, grapefruit juice. The basic point is that it is food, and the Government are committed not to tax food. That being so, there seems to be no sense or reason in taxing pure orange juice.

Quick-frozen concentrated orange juice consists only of the unadulterated natural solids of the fresh orange. It contains no additives or preservatives of any kind. It is obtained by pressing the orange immediately after harvesting and then partially eliminating the natural water content. The consumer by replacing the "lost" water is producing the same effect as he would by squeezing a fresh orange. The vitamin content is retained by the quick-freezing process, thus maintaining the food value of a fresh orange. I am sure that my Hon. Friend would find it difficult to explain to his wife why she can buy a fresh orange without VAT, but if she dares to buy frozen orange juice she cannot do so without paying VAT.

This pure concentrate of fruit juice is not to be confused with orange squash and things of that kind which, whilst they make a refreshing and palatable drink, do not pretend to have anything like the nutritional value of pure orange and grapefruit juices. That pure fruit juice is regarded as a food is evidenced by the fact that most people drink it at breakfast. It is part of their breakfast diet. I hope that my hon. Friend will accept the case that I have made and accordingly zero-rate natural fruit juices.

The argument may be advanced that these juices were formerly subjected to purchase tax and therefore they ought to be subject to VAT. I do accept that. As they say in China: "Two wrongs do not make a right." I do not agree that because they were subject to purchase tax they ought to be subject to VAT. I hope that my hon. Friend will see the force of the argument and appreciate that natural juices are of high nutritional value and have been wrongly subjected to purchase tax. We cannot argue about that now, but this is the time to put the matter right and see that they are zero rated for VAT.

Mr. Dalyell. It is a pity that the hon. Member from Southend, East (Sir S. McAdden) did not have the wind to read on. He and I have the same brief. He left out a rather choice sentence. The brief continues:

"This product is in reality the orange itself with the unwanted materials removed and should, we believe, be classified as a food."

I do not know what the unwanted materials are; nevertheless, we can guess. This is a fairly convincing brief that we have from Mr. E. Hall, of the National Association of Frozen Food Producers.

Sir S. McAdden. The unwanted materials are the skin, the pitch and so on.

Mr. Dalyell. Obviously the hon. Member for Southend, East is a great expert on the natural orange. But the brief continues:

"As a food, oranges themselves are zero-rated, there can surely be no good reason for treating the frozen concentrated juice any differently. Without the present or proposed tax, the major companies concerned would reduce the retail price by 2p per 6¼ fluid ounces."

I think that most of us who served on the Standing Committee do not produce briefs in which we do not believe. I believe in this one. There is a good case for it. We look forward to what the Minister has to say.

Mr. Charles Morrison (Devizes). I support my hon. Friend the Member for Southend, East (Sir S. MacAdden) on this Amendment.

The first occasion on which I attended a Conservative Party Conference was in 1963, when it took place in Blackpool. I remember arriving, rather late at night, at a boarding house a long way down the shore from the conference centre. The next morning I came down to breakfast. I looked at the menu. It started off with three possibilities: fruit juice, cereals, and porridge. I asked for fruit juice. What arrived at the table was a small glass of lukewarm, very dilute orange squash. Literally, it left a nasty taste in the mouth. It gave me a rather unfortunate first insight in Blackpool.

Until I became aware of the purchase tax regulations, indeed, until this Bill was published, that was the only occasion I have known when orange squash has been muddled and bracketed with orange juice. I cannot help wondering whether there is not some connection between the two events. My right hon. Friend the Chancellor is extremely well advised and not least, he has the assistance in his deliberations of my Hon. Friend the Member for Blackpool, South (Mr. Blaker). Could it be that he, too, believes what might well be a popular Blackpool fallacy: that orange squash and orange juice are one and the same and should be treated similarly? Could that be the source of the advice to the Chancellor on the Bill?

The fact is that orange squash is not normally drunk for breakfast, but sometimes orange juice is and it is drunk as such as an alternative to, but in the same bracket as, porridge or cereals. Therefore, I believe that it is a food and should be treated as such in relation to value added tax. For that reason, I hope that my hon. Friend the Minister will be able to make a concession on this point.

Mr. Brian Walden (Birmingham, All Saints). It will not come as any surprise to the hon. Member for Southend, East (Sir S. MacAdden) that nothing whatsoever would persuade me to touch this noxious stuff, least of all the argument that it would do me good. All the exciting things in life are the things that do not do one good. Nevertheless, I shall be very interested to hear the Government's case on this point.

I think that the brief is right. To all intents and purposes this is the orange. It is difficult to explain—not in the case of squash; I accept that—but in the case of pure juice why there should be a differential treatment here. As I anticipate that the Minister will make a concession, the Opposition need say no more about it.

Mr. Ian Lloyd (Portsmouth, Langstone). I have one observation on the Amendment, which obviously refers to a matter of great pith and moment. Clearly what we are talking about is the progress in the container which is used to transport orange juice, the progress from that provided by nature to that invented by man. The last thing that my right hon. Friend the Chancellor would want to do is to blacken the container.

Mr. Nott. In moving his Amendment, my hon. Friend the Member for Southend, East (Sir S. MacAdden) said that he hoped that either I or himself would have no difficulty in explaining this matter to our respective wives. I cannot give him that assurance, because all of us have certain difficulties on occasions in that direction. But I hope that I shall make good progress in explaining to the House the reason why we cannot accept the Amendment.

Hon. Members will all have received this particular brief, as I have. It arrived on the famous breakfast table which has been referred to. As the sponsors of the Amendment—if I may describe them as such—have sponsored a large, extensive advertisement in The Times recently, this matter merits a full reply.

The object of the Amendment is to zero-rate pure natural fruit juice. My hon. Friend made the point that its effect would be to relieve from tax certain items which are already taxed. In this way, it would change the present borderline between taxed and untaxed foods. As the House will know, the decision to tax at the standard rate of food and drink currently subject to purchase tax was taken principally for revenue reasons. To zero-rate all such items would have led to revenue losses of about £110 million in a full year, and thus it would have led to a rise in the rate of value added tax.

At a time when the Government were introducing a comprehensive tax on consumer expenditure, it would have been inappropriate to remove from tax goods already subject to purchase tax, for by doing so we would have set off widespread claims for relief from others concerned with purchase-taxed food.

Fruit juices are aimed at the breakfast table market. I noted with interest—I cannot say "with sympathy" in view of the experiences of my hon. Friend the Member for Devizes (Mr. Charles Morrison) at his boarding house of Blackpool—that the ice cream and potato crisps industries have also based their claim for relief on the fact that their products are increasingly used as part of breakfast, although not necessarily so, or at any rate part of a main meal.

The House will appreciate that if we had removed any one item from among the group of foods now subject to purchase tax, the continuity of the move from purchase tax to VAT would have been broken. I appreciate that the claim is made—particularly by the Americans, as I understand it—that concentrated juice is similar in all ways to fresh fruit. No preservatives or other adulterants are added to the juice, and only water is extracted. My hon. Friend the Member for Southend, East made that point.

For a number of years representations have been made on this subject, through advertisements in the press and letters to Members of Parliament, which we have all had recently, attempting to obtain purchase tax relief for this industry. I should point out that last year the rate of purchase tax on these items amounted to 22 per cent. The current rate of purchase tax on food is 18 per cent of the wholesale value. On average, this is equivalent, in terms of VAT, to about 12½ percent in retail terms. My right hon. Friend's proposal to recommend a rate of 10 per cent will lead to yet another reduction in the rate of taxation on these foods. I am sure that would bring satisfaction to the industry.

As the House has been told on many occasions the overriding effect of the Chancellor's proposal for the reform of indirect taxation will be to reduce the burden of tax on food in this country. SET is being abolished when VAT is introduced and SET fails to some extent on the distribution of food.

My right Hon. Friend, the Chancellor has already reduced the rate of purchase tax on these foods, and the introduction of VAT will lead to further reduction in tax. As we cannot have a broken line appearing between the purchase tax foods for one separate item I hope my hon. Friend will see fit to withdraw his Amendment.

7.30 P.M.

Mr. Brian Walden. The Minister of State's reply puzzles me. At one stage I thought that when it was said that orange juice was an absolutely natural foodstuff with the water taken out the Minister of State would say that it was not, but he did not. He referred to VAT and SET and the rates of purchase tax. I wonder he did not say that if the economy grew by 5 per cent people would be able to buy more anyway. He has turned the Amendment down flat on the ground that the situation is better than it was before. I am sure that the Hon. Member for Southend, East (Sir S. McAdden) is under no illusions about the reply and I still do not understand why the Minister says we cannot draw the line here. Why? It seems a very sensible place to draw a line since he has not disproved the fact that it is a food.

Mr. George Wallace (Norwich, North). One point has been completely overlooked. Orange juice is not necessarily consumed at breakfast. It is also a very nutritional food containing vitamin C, which is an important factor in children's health. There is in my constituency a factory owned by a very well known manufacturer of baby food and baby food juices. The products are subject to tax. The Government has said they are not taxing food, but they are taxing baby food. That should be borne in mind. I hope that the Minister of State's reply will not be accepted.

Sir S. McAdden. In view of what my hon. Friend the Minister of State has said, and while I do not accept his argument completely, I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Mr. President, I have had an opportunity to review the official British Government explanation of the value added tax in a book entitled "VAT: Scope and Coverage" Customs and Excise Tax Notice No. 701, dated August 1972, and I am amazed. On page 27 of that publication, under the heading "Zero Rate," is a section entitled "Fruit and vegetable juice concentrates suitable for use in manufacturing processes." Exactly opposite that exempt category is a heading "Standard Rate," and listed there are "Fruit and Vegetable Juices." It could well be that the British housewife is a manufacturer when she adds three parts of water to get her orange juice concentrate, as you and I do. But certainly she ought not be discriminated against, either in the United States or in any other country, by exempting the fellow who manufacturers a drink concoction and by taxing a housewife and her children.

I am making the strongest representations to our Departments of State and Agriculture. I cannot believe that this Boston tea partylike tax can be any more popular in the United Kingdom than it is here. Incidentally, there is a little twist of irony in all this: tea is not taxed under either purchase tax or value added tax. But orange juice is. Can it be that our friends across the sea are finally exacting tribute for what happened in Boston Harbor 200 years ago.

In any event, I am very hopeful that now the whole VAT legislation is out of the way, the British Government will use the additional power it gained in the recently enacted value added tax legislation, to administratively remove this inequity and cause of dispute between our two governments by granting frozen concentrated orange juice a zero rating.

I believe that the original GATT violation has simply been transformed into an internal tax. If further conversations, which I hope the State Department will have with the United Kingdom, do not result in the elimination of this inequity, I shall seek higher U.S. duties on Scotch whisky. The British have been avoiding higher taxes on this item by shipping it in barrels; maybe we ought to take a look at that situation. I dislike trade retaliation, but I also dislike trade discrimination.

The British press and the United States are in agreement about this obvious inequity as is clearly demonstrated by the following excerpts from British newspapers and magazines:

[From Super Marketing, July 14, 1972]

Of Juice and Postmen in VAT Dispute

This seems to have been a profitable period for the Post Office. Letters have been flowing into the House of Commons and other destinations like a snowstorm, filling the coffers of the Royal Mail while putting forward the views of the grocery industry.

The subjects contained in the envelopes are not new. In fact, many people within and without the industry may well be getting a little weary of them.

VAT, open date stamping, planning permission, all the old familiars have been given yet another airing.

The latest batch of letters, posted only this week to give postal deliverymen an unseasonal preview of Christmas, went out to each Member of Parliament.

Man with more than 600 pen-friends is Ernest Hall, Chairman of the National Association of Frozen Food Producers and the leading gleam in Birds Eye.

His message? Do not let VAT be applied to pure concentrated fruit juice. Hall's message should not be dismissed because it comes from the manufacturing side of the industry.

The protestations on behalf of fruit juices can and must be applied equally to the rest of the foods market where it contains items not yet classified as food.

There can be no doubt that VAT will descend, albeit at zero rating on the food industry next April. And already ancilliary industries are moving in to their own advantage and rightly so.

NO CLEAR LINE

But the industry most concerned cannot yet make any definite plans because there has been no clear line from the Government as to what is or is not a food. Or what does or does not qualify for the zero rating.

Going back to Mr. Hall's fruit juice. At present it carries a high Purchase Tax of 18%. If that was wiped out (preferably) or even reduced (probably) with the transition to VAT, how much more would retailer be able to sell.

Hall's mailstorm could have a second effect. If the British Parliament reduced all foods to a zero-rating, and defines them clearly, this could well lead to our new EEC partners moving in the same direction.

Would this, in turn reduce the cost of the currently imported foods from Europe with which our retailers are making a reasonable profit?

As far as we can see, the more letters that are written on this and other subjects of concern to this industry, the more likely results will be obtained.

[From the Grocer, July 15, 1972]

Government Says No to VAT Pleas for Natural Fruit Juice

Senior members of the National Association of Frozen Food Producers were "disappointed but, above all, bewildered" by the Government's flat rejection on Tuesday of an amendment to the Finance Bill section on food asking for natural fruit juices to be zero-listed for VAT.

John Nott, Treasury Minister, said the amendment was unacceptable. Its effect would be to relieve from tax items which were already taxed and in this way it would change the borderline between taxed and untaxed foods.

The decision to tax at the standard rate all food and drink currently subject to purchase tax was taken principally for revenue reasons. To have zero-rated all such items would have led to a revenue loss of about 110 million in a full year and thus to a rise in the rate of VAT.

So the amendment was withdrawn by its mover, Conservative MP, Sir Stephen McAdden, who had earlier differentiated between pure juices and squashes, and pointed out that with its high vitamin C content, orange juice was as much a food as milk.

This was among the many points made earlier this week by the NAFFP which took a full page in "The Times" on Monday, and sent letters signed by Chairman Ernest Hall to all MPs pointing out "a serious and unhappy anomaly entailing a tax on food."

Echoing the reasoning of The Grocer's frozen foods expert, Robert Michael, (issue June 17), the letter and the advertisement detailed the purity of natural juices and their concentrates and how zero-rating could drop the retail price of a 6¼ fl oz can by 2p to 12p.

It also showed how frequent representations have been made over a period of years to correct what was believed to be "an accident of legislation" and claimed that the advent of VAT was the ideal time to correct this.

Tuesday's events in the House of Commons have left the NAFFP temporarily without impetus. Graham Kemp of Birds Eye told The Grocer that the Association was not sure what to do. "We pulled out all the stops on this, and it now seems we have been talking to a brick wall. Orange juice will just go on being expensive."

The fresh orange juice market in the United States has shown how big the potential is in Britain—a potential that is not being realised, the British companies feel, because of the high price, "At 12p, it could really take off," they say.

It is not clear whether NAFFP will now give up the fight. It is felt that American interests might well keep enthusiasm going here, but certainly Mr. Nott's "No" was a real setback to hopes of cheaper fruit juices.

From Dr. Stuart Sanders to the Times of London Dated June 30, 1972

SIR: From all accounts the provisions for value-added tax now being discussed in Parliament are full of anomalies of a fiscal or commercial character. I am not particularly interested in these. What does interest me greatly is the projected tax on food represented by the apparent intention to apply VAT to pure fruit juices.

To anyone familiar with the nutritional value of these juices, which derives from their vitamin C content, this must seem quite deplorable. Any tax which adds to the cost of a pure food of direct benefit to national health must be considered a very bad tax indeed.

Yours faithfully,

STUART SANDERS.

In an article appearing in the London Observer for Sunday, September 17, 1972, was an article entitled, "What's VAT?—Frances Cairncross Answers Questions on the Tax That Is Worrying Everyone." The following significant statements appear:

Will there be all kinds of loop holes and anomalies with VAT?

Some are already apparent. There is the "fish and chips" problem: if you buy fish and chips and eat it in the shop, it counts as a "meal in a restaurant" and is liable to VAT. If you eat it outside the shop, it is food and tax-free.

There is the orange juice problem: if you buy tinned or bottled orange juice, you pay VAT on it as a soft drink, but if you buy your own oranges and squeeze them at home, you pay no VAT.

To me, it is all inexplicable. As far as I am concerned, the British have reneged on the intent of the 1964 understanding. It is ridiculous to tax orange juice but to exempt fresh oranges, milk, tea, and other foods. Orange juice is not a luxury; it is a necessary part of the diet. It certainly is more beneficial to the health of the people of England than Scotch whisky is to the people of the United States.

I hope we can resolve this problem without further difficulty.

PRAIRIE DOG POISONING

Mr. WILLIAMS. Mr. President, on February 8, 1972, President Nixon issued Executive Order No. 11643 restricting the use on Federal lands of chemical toxicants for the purpose of killing predatory animals or birds and the use of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other animals and birds.

Subsequently, William D. Ruckelshaus, Administrator of the Environmental Protection Agency, suspended the use of strychnine, cyanide and sodium fluoroacetate—1080—for use in predator control. In his announcement, Mr. Ruckelshaus stated:

Cyanide, strychnine and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal, crippling the central nervous system. These poisons are toxic, not only to their targets, but to other animals and wildlife.

As one who is opposed to the use of toxic chemicals to control wildlife and a cosponsor of legislation to prohibit their use on Federal lands, I applaud the action taken by the President and the Environmental Protection Agency.

However, in direct contravention to these actions, the Department of the Interior continues its use of toxic chemicals to control predators. One particular case in point is the prairie dog control program. During the past decade over 1 million acres of prairie dog towns were treated annually by spreading grain treated with strychnine alkaloid, which is among the poisons listed in the President's order. In 1972, approximately 200,000 acres were treated in this manner. This poisoning campaign against prairie dogs is carried out in 10 States: Montana, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Nebraska, North and South Dakota, and Utah.

According to the Department, there is no evidence that predator control is decimating prairie dog populations. However, at least one species, the Utah prairie dog, is endangered and conservationists fear that if this poisoning continues, a serious reduction in prairie dog populations will result, perhaps to the extent that they will be unable to recover.

Another equally disturbing consequence of the prairie dog control program is the inadvertent killing of other forms of wildlife, some of which are either rare or endangered. For instance, the black footed ferret, which is in grave danger of extinction, lives in close association with prairie dogs. The ferret depends upon the prairie dog for its food and shelter in the burrow systems. Prairie dog control programs are extremely hazardous to the black footed ferret due to the danger of secondary poisoning and the elimination of its food supply. Yet prairie dog poisoning continues throughout the ferret's range.

The Department of the Interior contends that no ferrets are killed by poisons intended for prairie dogs. However, the ferret is a highly elusive animal and extremely difficult to sight. It is highly doubtful that the ferret has not been affected by predator control programs, either directly or indirectly.

Mr. Tom Garrett, wildlife conservation director of Friends of the Earth, whose outstanding contributions to the field of wildlife conservation are well known, has called upon the Department of the Interior to discontinue the prairie dog poisoning program in a recent letter directed to Assistant Secretary Nathaniel Reed. I fully support Mr. Garrett's efforts.

Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of Mr. Garrett's letter to Assistant Secretary Reed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
Washington, D.C., September 1, 1972.

Secretary NATHANIEL REED,
U.S. Department of the Interior,
Washington, D.C.

DEAR SECRETARY REED: Despite the recent reforms in predator control stemming from the President's Executive Order of February 8, 1972, widespread poisoning of prairie dogs by the DWS continues.

Mr. Ruch and Mr. Jackson have advised our office that poisoning of these ground squirrels will continue at about the same rate as in the past several years. They indicate that the DWS expected to "treat" approximately 200,000 acres of "dogtown" with poisoned grain this year. The poisoning is being conducted by spreading grain treated with strychnine alkaloid ($C^{21}H^{22}N^{2}O^{2}$) which is admittedly a secondary poison, and among poisons prohibited for predator control in the President's Order.

FOE strongly protests continuation of this poisoning campaign on the following grounds:

1. The population of prairie dogs in the United States which may have once numbered in the billions, is probably under 1% of its original figure. The species has been extirpated from all but a small portion of its original range. During that past decade prairie dogs have become rare in most parts of the West. The poisoning campaign conducted by the DWS has been responsible for most of this startling decline.

Therefore, to continue to poison at a rate which has produced a rather rapid eclipse of the animal in a few years is sure to result in its complete disappearance from all except those few points where it is protected, within a comparatively short time.

Due to their compelling and elaborately structured social bonds, prairie dogs cannot rapidly expand their range. The constraints this imposes on expansion of range has been especially noted by John King and other students. It would probably take this species . . . were it no longer molested . . . many hundreds of years to re-establish itself throughout its former habitat.

Prairie dogs are almost uniquely susceptible to poisoning. It is arithmetically demonstrable that the poisoning of prairie dogs on a current scale cannot be long sustained by the present population.

2. The elimination of the prairie dog will inevitably bring about the extinction of the rare black-footed ferret, and places the future of the burrowing owl in doubt, along with other forms dependent on dogtown habitat.

We have little faith in the assertion that careful surveys are conducted of dog towns for the presence of ferrets prior to poisoning. McNulty found poisoning being conducted in localities where ferrets had been actually observed. Moreover, the ferret is fossorial, nocturnal and elusive. Aside from distinctive trenches which he apparently may or may not dig, there are no reliable signs of his presence. There is virtually no chance of spotting a resident ferret during a cursory examination of a dog town.

Mr. Jackson, of the DWS, has recently advised us that the DWS knows of no ferrets in Oklahoma, where prairie dogs are now being poisoned. However, a careful study by four scientists led by James Lewis of the University of Oklahoma uncovered fifty four highly probable sightings by reliable individuals, and several hundred more possible sightings. A debate raged earlier this year in the Oklahoma legislature concerning the ferrets. A bill, introduced in the legislature to restrict poisoning in order to save them was unhappily squelched.

Lewis and his fellow scientists believe that occasional families of ferrets may still occur in Oklahoma, Texas, Kansas, and Colorado, as well as in the three South Dakota counties where their presence has been confirmed. Considering the results of the Oklahoma survey, we are disposed to expect that this may be correct, despite the negative reports of these involved in poisoning.

If, however, the poisoners are allowed to continue their work, they will eventually be correct in their claim that there are no ferrets. Whether or not ferrets now occur in these states, they soon will be gone.

The case of the burrowing owl, which uses "dog holes" as habitat is less clear cut. But there is considerable agreement that these little raptors, which were formerly such a delightful feature of the prairies, are now rare in most of their range.

3. We consider the use of secondary poisons against prairie dogs, or any other ground squirrel, to be a violation of the spirit of President Nixon's Executive Order. Animals especially adapted to the existence of prairie dogs will disappear along with them without regard to the manner in which they are destroyed. But the use of the secondary toxicants against any mammal in the field widens the swath of destruction, to include numerous predators and scavengers. Poisoning of ground squirrels in this manner can easily result in loss of endangered animals, such as the kit fox, and other birds and mammals protected by U.S. law or through international agreement, including bald eagles and other raptors.

Conservationists have been unanimous in applauding President Nixon's courageous action in moving to curb certain excesses of the DWS. Yet some of the worst and most inexcusable programs undertaken by that service are continuing unabated. That this should be so seems incompatible with the philosophy embodied in the President's environmental message.

Secretary Reed, Friends of the Earth hereby respectfully requests that you act to establish an indefinite moratorium on the poisoning of prairie dogs on public lands.

Should our request be negatively considered, we shall, without diminution of our gratitude for previous and current initiatives on behalf of reform by officials serving in the Bureau of Sport Fisheries and Wildlife, act as effectively as possible. We shall attempt to alert the public and the Congress, as well as the conservation leaders throughout the country to this situation, and we shall certainly explore legal recourse which may be available.

For countless eons the plains of North America have been inhabited by burrowing rodents, of approximately prairie dog size. A well known example is Epigalus, the little horned rodent of the Miocene, who apparently existed in vast numbers, and left evidence of a perfectly spiralling burrow. At the present time, social burrowing forms evolved from several families of rodents inhabit the temperate grasslands of Central Europe (Susliks) and South America (Viscachas), occupying the niche of the prairie dog in North America. It is correct to say that such forms are, and almost always have been an integral feature of this biome. Some students believe that the activities of these animals in dredging subsoil minerals to the topsoil are responsible for the high mineral content of grassland soils, and thus for the exceptional nutrient qualities of the grasses.

Mr. Secretary, the buffalo, by deliberate United States military and economic policies is gone from the plains, relegated to a few pastures and reservations, and to a subarctic forest in the Northwest territories. The grey wolf is gone; the plains sub-species that followed the buffalo apparently gone forever, through the work of the Biological Services. We are in this decade confronted with the real possibility that the prairie dog and its dependent species will be brought to an end, again as a deliberate policy of the U.S. government.

The economic reason why this should happen is absent. The present prairie dog populations are having negligible economic impact. The poisoning program is continuing blindly, through internal inertia.

Friends of the Earth does not believe that civilized man should be permitted to destroy for the flimsiest of reasons, species perfectly adapted to their environment, which preceded him in North America by, very possibly, millions of years. We shall strive to prevent such a crime from being consumated.

Respectfully,

Tom Garrett,
Wildlife Conservation Director.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time for morning business has expired.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate H.R. 13915, which the clerk will report.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 13915) to further the achievement of equal educational opportunities.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator from South Carolina (Mr. Hollings) and as majority leader, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 13915), an act to further the achievement of equal educational opportunities.

1. William Proxmire.
2. Ernest F. Hollings.
3. Lloyd Bentsen.
4. Lawton Chiles.
5. David H. Gambrell.
6. Herman E. Talmadge.
7. B. Everett Jordan.
8. W. B. Spong, Jr.
9. Jennings Randolph.
10. John Sparkman.
11. Strom Thurmond.
12. Robert P. Griffin.
13. Clifford P. Hansen.
14. Edward J. Gurney.
15. Bill Brock.
16. Bill Roth.
17. Robert Dole.
18. Paul J. Fannin.
19. Howard H. Baker.
20. John Tower.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to vote on the treaty which was discussed earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS

The Senate resumed the consideration of Executive M—92d Congress, second session—the Convetnion on International Liability for Damage Caused by Space Objects.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification on Executive M, 92d Congress, 2d Session, the Convention on International Liability for Damage Caused by Space Objects? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. McGee), and the Senator from Maine (Mr. Muskie) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. Edwards), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pell), and the Senator from West Virginia (Mr. Randolph) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) would each vote "yea."

The yeas and nays resulted—yeas 67, nays 0, as follows:

[No. 537 Ex.]

YEAS—67

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Cook
Cooper
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—33

Allott
Baker
Bentsen
Boggs
Brooke
Cannon
Church
Cotton
Cranston
Curtis
Eagleton
Eastland
Edwards
Goldwater
Hansen
Harris
Hatfield
Hollings
Humphrey
Kennedy
Long
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Muskie
Pell
Randolph
Spong
Taft
Tower

The PRESIDING OFFICER (Mr. Symington). On this vote the yeas are 67 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

UNANIMOUS-CONSENT AGREEMENT ON S. 3995

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3995, a bill to provide Federal loan guarantee assistance for certain common carriers, is called up and made the pending question, there be a time limit of 20 minutes thereon, to be equally divided between the Senator from Washington (Mr. Magnuson) and the distinguished Republican leader or his designee; that the time on any amendment thereto, debatable motion, or appeal be limited to 10 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL ASSISTANCE FOR CARRIERS OF EXPRESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside at this time; that the Senate proceed to the consideration of Calendar No. 1103,

S. 3995, and that the unfinished business remain in a temporarily laid aside status until the disposition of S. 3995, on which there is a time agreement.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3995) to provide Federal loan guarantee assistance for certain common carriers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished assistant Republican leader wanted to have a yea-and-nay vote on this bill, and if so, he might wish to ask for the yeas and nays at this time.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, the respective cloak rooms are on notice and will notify Senators on both sides of the aisle that there will be a yea and nay vote within 20 minutes from now.

Mr. GRIFFIN. Mr. President, may I ask the distinguished majority whip, is the time running?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. Would it be possible to have a quorum call at this point, without the time being charged against either side? The Senator from Washington is not on the floor, and I have some staff people on the way, and we are not quite ready to proceed.

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken from the agreed upon time for the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMINGTON). Without objection, it is so ordered.

PRESENCE OF STAFF MEMBERS ON FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute without the time being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Illinois (Mr. PERCY), that Mrs. Julia Bloch be given the privilege of the floor this afternoon during debate on the education bill.

May I say in this respect that I hope that requests will not too often be made for the floor privilege for members of staffs covering the entire debate on a bill which is expected to require more than 1 day of debate.

During debate on H.R. 1, there were many Senators who asked the privilege of the floor for their staff members during the entire debate covering several days. That was a very complicated and complex bill and the leadership felt that Senators should be accommodated as much as possible and there was no objection to such requests because of the extreme complexity of the bill.

I would hope that staff people would not feel this is a way to open the door to the Senate floor. Senators managing a bill, or who are ranking members on a bill or who are the chief opponents of a bill, of course, will need staff help on the floor from time to time, and they will have every cooperation; but I hope that every reasonable restraint will be exercised in the interest of keeping the floor and the Chamber clear of staff as much as possible.

I hope that we do not get back to the old days when the rear corners on both sides of this Chamber were filled with staff members, some of them sitting on the floor and others lined up around the walls of this Chamber, so much so that it was difficult for Senators to get to their own seats and it was impossible to maintain order and decorum.

The leadership has had reserved, through the Sergeant at Arms, the corner gallery, to the right of the Presiding Officer's chair as we face the chair, and arrangements have been made for staff members to occupy that gallery and to take notes there if they wish. I would therefore hope that Senators would ask their staffs to utilize that gallery, rather than coming on the floor unless, as I say, a Senator is managing a bill, or is a chief opponent of a bill, is the ranking member on a bill, or is calling up an amendment and for such reasons should have his staff member on the floor.

I hope we will not resort to the use of blanket consents as were allowed on H.R. 1 except when necessary. I emphasize that I do not have reference to Senators who are managing bills on both sides of the aisle and so on.

Having said that, Mr. President, I have presented my unanimous-consent request on behalf of the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New York (Mr. JAVITS), who is the ranking member on the Labor and Public Welfare committee, I ask unanimous consent that Roy Millenson, Len Strickman, and Patricia Shakow be given the privilege of the floor during consideration of H.R. 13915.

The PRESIDING OFFICER (Mr. CHILES). Without objection it is so ordered.

Mr. GRIFFIN. Mr. President, I make a similar unanimous-consent request with regard to Larry Myers and Dave Clanton.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, without the time being charged——

Mr. ROBERT C. BYRD. Mr. President, would the Senator let us proceed with other business? I understand that the distinguished Senator from Indiana (Mr. HARTKE) will manage the bill on behalf of the distinguished Senator from Washington (Mr. MAGNUSON) and Mr. HARTKE is on his way to the floor now.

Mr. HART. Mr. President, if the Senator will withhold that request, I ask unanimous consent that Burton Wides be given the privilege of the floor during debate on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, reserving the right to object, I hope that the acting majority leader will be in a position soon to bring this bill up. The request was made some 15 minutes ago that the bill be allowed to come up at this time, and since then we have had nothing but quorum calls. So I would hope, with all due deference to the acting majority leader—of course it is not his fault, and I do not charge fault to anyone—I would like to go on with the bill, in order that we can get to the unfinished business.

Mr. ROBERT C. BYRD. Mr. President, the Senator's position is well taken and the leadership will endeavor to press forward as rapidly as possible. I am sure that the distinguished Senator from Indiana (Mr. HARTKE) will be here momentarily, and then the pending measure can be proceeded with. Immediately thereafter the Senate will resume consideration of the unfinished business.

Mr. President, with respect to the unfinished business today, I ask unanimous consent that there be a 5-hour limitation for debate on the education bill today, the time to be equally divided and controlled by the distinguished Senator from Alabama (Mr. ALLEN) and the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ASSISTANCE FOR CARRIERS OF EXPRESS

The Senate continued with the consideration of the bill (S. 3995) to provide Federal loan guarantee assistance for certain common carriers.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. GRIFFIN. Mr. President, in view of the fact that half of the time is allotted to me as an opponent of the measure, and although the Senator from Indiana is on the way to the floor, I suggest an absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, strike Section 5, and insert the following:

SMALL PARCEL STUDY

SEC. 5. The Secretary shall undertake a study of the small parcel surface transportation problem to determine the appropriate role of common carriers eligible for assistance under this Act as well as other carriers engaged in the surface transportation of small parcels. Within eighteen months after enactment of this Act the Secretary shall report on the findings of such study to the Commission and the Congress. Within thirty days thereafter the Commission shall undertake appropriate proceedings for the purposes of reviewing such report; such proceedings to be completed within a reasonable time in no event to exceed one year. In future proceedings involving carrier certification related to small parcel transportation the Commission shall give appropriate consideration to the Secretary's report and the Commission's review of such report.

Mr. HARTKE. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes.

Mr. HARTKE. Mr. President, the purpose of this amendment is to make the bill conform more closely with the intent of the committee at the time the bill was under consideration. It does not deal with the loan provision. It deals with the small parcel study.

At the time the bill was passed by the committee, it was the intent of the committee that we have the Department of Transportation make a study of this matter, report back to the Congress and the Interstate Commerce Commission, and then appropriate action could proceed. In the drafting of the bill, the language indicated that the Department of Transportation would make the study and that the Interstate Commerce Commission would have to implement that decision without regard to what it said and what its effect would be within 1 year.

The amendment merely goes back to the original intent and requires that the Department of Transportation conduct the study and then report back to Congress and to the Interstate Commerce Commission which will give it appropriate consideration. This amendment does not apply to the heart of the bill; it deals with a part of the bill. It deals with the whole question of trying to take some action with respect to the movement of small parcels.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. AIKEN. Who are the principal owners? What has been the average dividend paid over the last 5 years? Who are the officers, and what have been their salaries?

From a hasty reading of the bill, I assume that dividends will not be increased beyond the average of the last 5 years, and that the officers shall not have their salaries increased.

If the officers get a salary of $200,000 or $300,000 a year, and if the business is in the condition it is reported to be in, I think we ought to know who the officers are, what their salaries are, and what the dividends have been over the last 5 years.

Mr. HARTKE. I would hope that we could act on the amendment without regard to the disposition of the entire bill. The amendment is concerned only with the study.

Mr. AIKEN. I think we ought to know what the bill provides, what the officers have been paid, who owns the business, who are the principal stockholders, and what dividends have been paid over the last 5 years. I think we ought to have that information. If there is any doubt about having that information before passing the bill, we will be subject to justifiable criticism for making payments to a bankrupt corporation which is being mismanaged. I should like that information. I could not vote for the bill otherwise.

Mr. HARTKE. I can give the Senator an answer in terms of what is contained on page 21 of the report. The information is contained in a letter from the Chairman of the Interstate Commerce Commission to me, as chairman of the Surface Transportation Subcommittee:

As shown in Appendix II to attachment 1, 97.6 percent of the stock in REA is held by REA Holding Corporation. The remaining shares in REA are held by the Florida East Coast Railroad Company, Chicago.

The PRESIDING OFFICER. Under the agreement, the Senator has 5 minutes on his amendment. He has 1 minute remaining.

Mr. AIKEN. That gives some of the information. Is there any information about dividends?

Mr. GRIFFIN. Mr. President, has time been allocated on this particular amendment?

The PRESIDING OFFICER. The time is limited to 5 minutes to a side.

Mr. GRIFFIN. I will not say much about the amendment. I am opposed to the proposed legislation. The amendment offered by the Senator from Indiana does not make the bill any worse; it probably helps it to some extent. But it does not go to the particular concern that I have about the bill. My concern goes to other sections of the bill, so I would not interpose any objection to this amendment, which probably, to some extent, is a clarifying amendment or an improvement as an amendment to the bill.

Mr. AIKEN. Mr. President, I have just one more question. It is possible that the record of the hearings would give some of the information I seek. Have the hearings been printed and are they available?

Mr. HARTKE. Yes; the hearings themselves are contained in the hearings on S. 2362, an overall transportation bill, of which the REA bill was once a part. This part of the bill was separated from the overall provisions.

Mr. AIKEN. How did it happen to be separated? Of course, the REA was in a difficult condition.

Mr. HARTKE. The bill was separated because unless some action was taken it was felt that the company would go into bankruptcy.

Mr. AIKEN. But are printed hearings on this proposal available?

Mr. HARTKE. Yes.

Mr. AIKEN. I would rather see the bill go over until next week. Perhaps we would have a chance to look at the hearings. The amendment may be entirely justifiable, but we do need the information.

The PRESIDING OFFICER. (Mr. CHILES). Is there further discussion of the amendment? If not, as many as favor the adoption of the amendment say "Aye"; those opposed, "No." (Putting the question.) In the opinion of the Chair, the amendment fails.

Mr. HARTKE. Mr. President, I ask for reconsideration of the vote by a division.

The PRESIDING OFFICER. Without objection, it is so ordered.

Those in favor of the amendment please stand and be counted; those opposed, please stand and be counted.

The amendment is agreed to.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Mr. President, will the distinguished majority leader withhold his request?

Mr. MANSFIELD. Yes.

Mr. DOMINICK. Mr. President, may I ask the Senator from Michigan if he will yield me time? Two minutes?

Mr. GRIFFIN. Mr. President, if I am recognized, I will yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. I merely wish to ask some questions about the bill. Frankly, I had never heard of it before I came into the Chamber. As I understand, it provides Federal loan guarantees for certain common carriers of express, according to the title. May I ask the Senator from Michigan some questions on that point?

Mr. GRIFFIN. First, let me say to the Senator from Colorado that I, too, am opposed to the bill.

Mr. DOMINICK. So am I, if I read the bill correctly.

Mr. GRIFFIN. If the Senator wants enlightenment about the reasons for the bill or the merits of it, I am not the proper one to address the question to. The questions should be addressed to the chairman of the committee (Mr. MAGNUSON) or possibly to the manager of the bill, the Senator from Indiana (Mr. HARTKE).

Mr. DOMINICK. Let me see whether

a colloquy between the Senator from Michigan and me cannot bring out some of the points that concern me.

First of all, the title reads:

> To provide Federal loan guarantee assistance for certain common carriers of express.

As I read the bill hurriedly, it seems to me that the bill is almost specifically designed to apply to the REA Express alone. Is that correct?

Mr. GRIFFIN. That is correct. It is my understanding that despite the broader title of the bill, the proposed legislation would in purpose and in practical effect apply to only one company—REA Express.

Mr. DOMINICK. REA.

The PRESIDING OFFICER. The 2 minutes yielded to the Senator from Colorado have expired.

Mr. GRIFFIN. Mr. President, I yield 2 additional minutes to the Senator from Colorado.

Mr. DOMINICK. The REA Express, as I understand, is a private company engaged in a profitmaking commercial venture. Is that correct?

Mr. GRIFFIN. Yes, that is correct.

Mr. DOMINICK. So here we go again on a Lockheed type of bill. Is that correct?

Mr. GRIFFIN. The Senator is absolutely correct. It is Lockheed loan legislation on a somewhat smaller scale. The junior Senator from Michigan objected to and voted against the Lockheed loan proposal, so I cannot see how in good conscience I can support this bill, because the same principle applies.

Mr. DOMINICK. The Senator from Michigan persuaded me that he was right about the Lockheed deal, and I joined him in being opposed to it. I will join him again on this bill. I think it is a terrible proposal.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time for the quorum call not to be charged to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that my minority views, as they appeared in the report on the bill, be printed in the Record.

There being no objection, the minority views were ordered to be printed in the Record, as follows:

MINORITY VIEWS OF SENATOR GRIFFIN

Although this bill purports to authorize Federal loan guarantees for national express companies "engaged in rendering air and surface express service," its purpose and practical effect is to bail out only one company, REA Express, Inc. Last year I opposed a similar loan guarantee for a single company, Lockheed Aircraft, and I believe there is even less justification in this case.

There is no overriding public interest, as existed in the Penn Central bankruptcy, to be served by making the full faith and credit of the United States available for the benefit of future creditors of this corporation. In a letter to the Committee dated June 26, 1972, George M. Stafford, Chairman of the Interstate Commerce Commission, stated that "the relative importance of REA to national transportation in terms of volume of traffic handled has declined greatly since World War II, and the downward traffic trends continue."

Chairman Stafford further added that "apparently REA's loss in traffic is being absorbed by major regulated competitors (motor carriers, bus express, United Parcel Service, and numerous small package carriers) and to some extent by private shipper associations." No evidence has been provided to show that REA provides an irreplaceable transportation service to the public.

Regardless of this Corporation's significance to national transportation, the company does not appear to be facing imminent bankruptcy. A recent Department of Transportation staff analysis supplied to the Committee indicates that REA management predicts a positive cash flow over the second half of 1972 which appears sufficient to cover current needs.

The DOT staff analysis also revealed that the working capital decrease of the past few years has been stabilized and the level of accounts payable has been reduced by nearly 50% during the past year. Furthermore, although the company incurred a net loss in fiscal year 1972 of $2.5 million, this is a dramatic improvement over the $14 million loss recorded in fiscal year 1971.

This turnaround, in large measure attributable to new management, has led the Secretary of Transportation, John A. Volpe, in an August 7, 1972 letter to the Committee, to conclude that "REA is not faced with the prospect of bankruptcy during 1972 . . ." The Secretary also concluded that "we have not been able to determine that a Federal loan guarantee is necessary for the firm to obtain" capital funds.

Aside from bankruptcy, REA makes the claim that large amounts of capital funds are needed to assure the company's long-term viability. It is by no means clear, however, that REA must rely on the Government to provide these funds. In fact, in May 1972, REA was able to obtain an $8 million line of credit from a new banking source, hardly a sign that the financial community's doors are closed to the company.

It should also be pointed out that most of REA's financing needs are for terminals and rolling stock (trucks, tractors, and trailers). Yet all of these are the type of assets which are inherently self-financeable, since they usually serve as their own collateral.

In this connection, it is significant that REA, according to a June 2, 1972 ICC letter to the Committee, has been able to obtain, by means of leasing, 900 trailers and 200 road tractors since April 1971, and at the time of the writing of the ICC letter was arranging to lease pickup trucks at the rate of approximately 100 per month. Additionally, according to the DOT staff analysis, REA has not yet exhausted all possible means of private financing for its two major terminal needs, in Chicago and Northern New Jersey.

These developments indicate that REA is not without source of financing in the private sector, and refute the contention that Government assisted financing is necessary to the company's long-term viability.

Placing this bill in its proper perspective, then, we are being asked to enact legislation which is specifically designed to provide financial assistance to one company, the service of which has not been demonstrated as being publicly essential, the management of which does not foresee imminent bankruptcy, and the future viability of which has not been shown to be contingent upon government financing in the first place.

The policy of making Federal tax dollars available for the benefit of individual companies is a dangerous one which should be voided if at all possible. A case has not been made for giving REA special treatment and, consequently, I intend to vote against this bill when it reaches the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be returned to the calendar and that the unfinished business be laid before the Senate for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, if the Senator will yield, that means this bill will go back on the calendar?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. The unanimous-consent request of the majority leader would mean, then, that the bill will be returned to its position on the calendar, the amendment as adopted would go with the bill, and the time limitation would be vitiated by the agreement.

Is there objection? Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 13915) to further the achievement of equal educational opportunities.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senator from New Jersey (Mr. Williams) be recognized for not to exceed 2 minutes, with the time not to be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMISSION ON MULTIPLE SCLEROSIS ACT

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15475.

The PRESIDING OFFICER (Mr. Chiles) laid before the Senate a message from the House of Representatives anouncing its disagreement to the amendment of the Senate to the bill (H.R. 15475) to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WILLIAMS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WILLIAMS, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23, of the United States Code, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the Houses insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. JOHNSON of California, Mr. HOWARD, Mr. HARSHA, Mr. CLEVELAND, and Mr. DON H. CLAUSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11091. An act to provide additional funds for certain wildlife restoration projects, and for other purposes;

H.R. 15461. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes;

H.R. 15735. An act to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the city of New York for educational purposes;

H.R. 15763. An act to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes; and

H.R. 16870. An act to amend the Sockeye Salmon of Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 716) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 56, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 11091. An act to provide additional funds for certain wildlife restoration projects, and for other purposes; to the Committee on Finance.

H.R. 15735. An act to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes; and

H.R. 16870. An act to amend the Sockeye Salmon of Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; to the Committee on Commerce.

H.R. 15461. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes; to the Committee on Foreign Relations.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 15 minutes.

At long last the U.S. Senate has before it for consideration legislation which has as its purpose limiting the power of Federal courts and Federal bureaucrats to order forced busing of schoolchildren. We are working on H.R. 13915, a bill which passed the House of Representatives on August 18, 1972, and is now the unfinished business as well as the pending business before the U.S. Senate. So it is now up to the Members of the Senate to determine whether or not some degree of sense and reason is to be used by Federal courts and Federal bureaucrats in matters affecting our schoolchildren and our public schools. Some action by Congress, upheld by the Supreme Court, is necessary to prevent chaos in our public schools.

Mr. President, I want to express my very deep and sincere appreciation to the distinguished majority leader, the able and distinguished Senator from Montana (Mr. MANSFIELD), for his action in seeing that this bill is brought before the U.S. Senate, He had been committed, here in the Senate Chamber, on behalf of the joint leadership, to see to it that this important piece of legislation was brought up for the consideration of the Senate ahead of the "must" legislation remaining on the calendar behind this measure. He has lived up to the letter and the spirit of that commitment. It is before the Senate for consideration, and I hope action.

The Senate can work its will on this legislation. It can pass it or it can defeat it. I do hope that those Senators who have indicated that they intend to filibuster against this legislation will reconsider their position and allow this bill to come to a vote.

It is somewhat ironic, Mr. President, to find that the very Senators who just the other day were arguing and pleading with the Senate to bring to a vote a piece of legislation will now take the position that another piece of legislation should not come to a vote in the Senate.

Mr. President, if the majority of the Senate wants to vote this measure down, well and good. I would hope that they would vote for the bill, but at least let it come to a vote on its merits.

The parliamentary situation we find ourselves in at this time is that, in accordance with the suggestion made by me, and in order that various Senators could schedule their speeches on this measure, a period of 5 hours has been set aside today, under controlled time, at the end of which time the bill will still be before the Senate, and there will be no control of the time. The time would be up for grabs, so to speak, as Senators ask for recognition. This gives the proponents of the measure an opportunity to outline for the RECORD and for the Senate just what the bill would do, just what the need is for the legislation, and what must be done in the Senate to assure passage of the measure prior to the adjournment of Congress sine die, which may or may not take place a week from tomorrow.

Mr. President, the bill comes to us from the House; and I think all Senators realize that the bill must be accepted perfectly in the identical form it comes to us from the House, but certainly without changing the main thrust of the legislation, so that on passage of the bill, when it returns to the Senate, there will be no necessity for a conference committee. Of course, if no change whatever is made in the bill—and that would be what the Senator from Alabama would hope for—then the bill would go to the President for his signature. If it is passed with amendments, no matter how slight, it would have to go back to the House, for action by the House in determining whether the amendments of the Senate would be accepted by the House or whether the House would want a conference committee appointed so that the differences could be reconciled.

So it is important that the Senate pass the bill, preferably without amendments at all.

Mr. President, the bill before the Senate, the Equal Education Opportunities Act of 1972, was proposed to Congress by President Nixon on March 17, 1972. Congressmen MCCULLOCH, QUIE, and GERALD FORD introduced the proposal as H.R. 13915 on March 20.

Subsequently the Committee on Education and Labor conducted 16 days of hearings on H.R. 13915 and related bills. The General Subcommittee on Education reported an amended version of that bill on July 19, and the full committee reported it to the House on August 8 by a record vote of 21 yeas and 16 nays, and it passed the House on August 18, 1972, by a vote of 282 to 102.

The purpose of the Equal Educational Opportunities Act is to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

Mr. President, this is not a bill which withdraws jurisdiction from the Federal courts in this area. It is not a bill that provides for a moratorium. It is a bill that provides for uniform desegregation guidelines to be followed by all Federal courts throughout the country. Far from being an antibusing bill, it merely limits the use of busing, in the priority to which it is assigned in the bill, to the nearest school or the next nearest school of the child, having the same grade and course of study as the school from which the child is transferred.

So the bill provides for orderly and uniform procedures on the desegregation of public schools. It would provide a uniform system throughout the country, and not have one rule applied in one Federal court and another rule applied in still another Federal court.

The Federal financial assistance for educationally deprived students is obtained by amending the Emergency School Aid Act to earmark $500 million of the annual authorization of appropriations for compensatory education programs in schools with high proportions of low-income students. These funds will be administered through State plans submitted by State educational agencies.

Regarding the removal of the vestiges of the dual school system, the bill prohibits denials of equal educational opportunities by the States and authorizes civil actions by aggrieved individuals and by the Attorney General when such denials occur. The bill specifies, however, that the failure of an educational agency to achieve a racial balance of students among its schools is not a denial of equal educational opportunity or equal protection of the laws. Similarly, the assignment of a student to the school nearest his place of residence does not constitute any such denial unless such assignment is for the purpose of segregation.

Lastly, the bill prescribes remedies which Federal courts and agencies may use in correcting denials of equal educational opportunity and equal protection of the laws as regards education. These remedies are listed in a specific order of priority which courts and agencies must abide by in formulating remedies. No transportation, however, can be prescribed by any such court or agency, pursuant to this listing, for a student other than to the school closest or next closest to his or her place of residence.

So it does place a reasonable length of time on the extent of busing that may be ordered by any Federal agency or Federal court.

Mr. President, I might say parenthetically that at a later date I will discuss the constitutionality of this legislation. But what is being done here is to operate under and pursuant to section 5 of the 14th amendment and gives Congress the right to enact laws for the enforcement of the rights guaranteed by the 14th amendment. That is exactly what this bill would do. It does not deprive anyone of any substantive rights. All it does is to act with regard to remedies which the courts are in one accord in saying that Congress can do.

So the remedy that the courts can use is what is circumscribed by the bill rather than to place any limit on a substantive right.

In no case, however, can school district lines be ignored or altered unless they were established for the purpose, and had the effect, of segregating students. School districts may voluntarily, though, go beyond the limitations set out in this bill. This sequential listing of remedies and the provisions limiting the use of massive busing are meant to systematize the manner in which Federal judges and officials formulate their remedies. Far too often it seems that different officials order widely different remedies when they are faced with similar fact situations. It is the purpose of this section of the bill, title IV, to require an orderly and nationally uniform procedure for the formulation of remedies. Again the idea is to make clear the "ground rules" so that everyone involved will know where they stand.

In his message to Congress transmitting the Equal Educational Opportunities Act, President Nixon proposed a new Federal emphasis on compensatory education to help disadvantaged children. As his message noted:

> While there is a great deal yet to be learned about the design of successful compensatory programs, the experience so far does point in one crucial direction: to the importance of providing sufficiently concentrated funding to establish the educational equivalent of a "critical mass," as threshold level. Where funds have been spread too thinly, they have been wasted or dissipated with little to show for their expenditure. Where they have been concentrated, the results have been frequently encouraging and sometimes dramatic.

Title I of the Equal Educational Opportunities Act, as reported by the committee, is designed to change the persistent patterns of discouragement and failure experienced by poor children. The isolation of children, whether by poverty or race, diminishes the full benefits of educational opportunity for all children.

The title reserves $500 million of the funds authorized to be appropriated annually pursuant to the Emergency School Aid Act for special compensatory programs in those schools having the heaviest concentrations of poor children. As Secretary Richardson testified in hearings before the House committee, the objective of the financial assistance is to provide approximately $300 or more in additional funds for services for educationally deprived pupils presently in schools with sizable concentrations of poor children, under conditions that will provide both adequate levels of compensatory education and encouragement for feasible reductions in economic and racial isolation of schoolchildren.

Now, Mr. President, here is the limitation placed on the use of transportation of students—section 403 (a) and (b) of the bill:

> SEC. 403. (a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.
>
> (b) No court, departments or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

Mr. President, it does have a significant provision. It is probably the only provision that would offer any hope to the embattled school systems of Alabama and the South, and that is section 406, entitled "Reopening Proceedings" which reads:

> SEC. 406. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

Section 407 reads:

> SEC. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto.

Now, Mr. President, I wish to make a passing reference to the decision of Mr. Justice Powell in the Augusta, Ga., case that makes the passage of this legislation absolutely necessary if the public schools of the Nation are to receive any relief.

Earlier this year, the Educational Amendments of 1972, Public Law 92-318, were passed. It provided that any order of a Federal court ordering transportation to overcome racial imbalance could be appealed, and that during the pendency of such appeal for a period, I believe, of about a year and a half, this power would be given to the local school systems and they could apply for a stay of that order until a final determination of the case.

Well, that is certainly logical and certainly fair and certainly right.

The statutes passed earlier this year, the Educational Amendments of 1972, also had a section saying that no Federal funds could be used to provide for the transportation of students to overcome racial imbalance or to carry out a plan of desegregation.

So Mr. Justice Powell, in denying the application of the Augusta School Board, said that this order of the lower court providing for transportation was not for the purpose of overcoming racial imbalance; it was for the purpose of doing away with illegal segregation, and while no Federal funds could be used for implementing a program to overcome racial imbalance or to carry out a plan of desegregation, he said that it did not have that second phrase in there, to carry out a plan of desegregation, and that obviously this was not to overcome racial imbalance.

Mr. President, racial imbalance is a term that the courts have construed to mean de facto segregation, a Northern type of segregation, so to speak. So, they are forbidding, of course, a local school system from appealing and getting a stay of the busing order unless it was an order to overcome racial imbalance.

Mr. President, they do not have any racial imbalance down in our section of the country. That is called de jure segregation. And all that a Federal judge has got to do to keep a local system from getting a stay under the existing act is to say that the order calling for transportation is for the purpose of eliminating illegal segregation.

So, this statute that we passed is not worth anything. It is absolutely worthless. However, the legislation that we presently have under consideration would apply to any type of desegregation order. It does not provide for a stay of the order. It does not provide for a moratorium. All it does is to prescribe a limit to the power of a Federal judge or a Federal bureaucrat to apply the remedy of ordering the transportation of students in any desegregation process. So, Mr. President, the very language of the bill points out that the purpose of the legislation is to wipe out all vestiges of a dual school system. And really it is not hard to understand why those who are opposing the bill are opposing it, because it does provide a uniform guide for the Federal courts throughout the country. And they are going to prescribe the same rules and the same guidelines under this legislation for schools in the North that they are going to apply in the South. And they do not like that.

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. ALLEN. Mr. President, I am glad to yield to my distinguished senior colleague.

Mr. SPARKMAN. Mr. President, is it not true that, although we have stated time after time right here on the Senate floor—and there has been language from time to time favorably acted upon here—that what we were striving for was uniformity throughout the country, the same treatment for one area as another?

The PRESIDING OFFICER (Mr. BROCK). The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 3 minutes.

Mr. ALLEN. That is what we have been striving for; the Senator is correct.

Mr. SPARKMAN. And that is what this does?

Mr. ALLEN. The Senator is correct. It prescribes uniform lines for desegregating schools.

Mr. SPARKMAN. And it levels it off.

Mr. ALLEN. The Senator is correct. It does level it off.

Mr. SPARKMAN. Mr. President, the Senator was discussing some of the things the Court has said. I do not have it before me at the moment. However, during this past summer, I believe it was, Chief Justice Burger gave an ex parte decision or a unilateral decision in a case. And in that decision, as I recall, he commented on the fact that some of the district courts apparently had gone too far.

Mr. ALLEN. The Senator is correct. He made that comment.

Mr. SPARKMAN. It was something along that line.

Mr. ALLEN. The Senator is correct. But he went ahead and approved of what they had done, even though he had stated prior to that point that they had gone too far.

Mr. SPARKMAN. He laid down the rule about damaging a child's health.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. Mr. President, I thank my distinguished colleague for yielding to me.

Mr. ALLEN. Mr. President, I thank my distinguished colleague for his contribution to this subject matter.

Mr. President, I reserve the remainder of my time, and yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I express my appreciation to the Senator from New York who, I know, wanted to get the opposition position stated. However, he agreed that I could proceed if I would not take too much time. Mr. President, I shall not take much time on this occasion.

I think it is extremely important that we pass the pending bill now and that we pass it before the Senate adjourns sine die.

In connection with the term "antibusing," I feel that unfortunately many people have developed their own thinking about it. Busing, of course, has been done down through the years. We expect busing.

I had a letter just this morning, I believe, from a friend down in Alabama. In that letter, my friend brought in this expression. He said:

> How in the world are we going to get students to our good, new consolidated schools without the use of busing?

I am afraid that a good many people have gotten the idea that the thing we are talking against is busing. Back when I was a boy, we did not have busing. We walked to school. But in later years, it has become a normal thing to bus students who live outside of a certain proximity to a school in their neighborhood where they went to school.

I think it ought to be understood, as the Senator pointed out several times, that the thing we are complaining against is the arbitrary setting up of busing for the purpose of making certain that the same percentage of the races go to that school as is representative of the community, or in other words, a racial balance.

I do not believe the Court has ever directed that that be done. However, it has been done primarily by district courts which, acting under the general policy laid down by the Supreme Court, have construed this as being for that purpose. But I believe the Court has steered clear of this idea of busing for the purpose of racial balance.

I think it was in the Augusta case that they found it was not for the purpose of maintaining racial balance, but that it was for the purpose of breaking down the dual school system, getting a unitary system.

This legislation could well be the most important piece of legislation to be considered in this session of Congress. It involves the vital issue of who shall control the destiny of this country's children—some nameless bureaucrat or judge, or the child's parents.

As I have said on numerous occasions, the busing of schoolchildren to achieve a racial balance is illogical, ill-considered, and actually counterproductive. It makes no sense to me to take children out of their own neighborhoods and transport them over long distances to achieve some kind of mythical racial balance.

This talk of taking them out of their own neighborhoods and transporting them long distances is not something just imaginary. It has been happening. I recall receiving a letter from a lady in Birmingham. She told me she had a young daughter just starting school. There was a school a block away that she could walk to, but was she allowed to do that? No, she was ordered to get on that bus every morning and ride 12 miles in order to go to a school where they were apparently seeking to establish or attain racial balance. I could understand her crying out in protest against that and I have had literally hundreds of such cases.

Rather than aid the child, this senseless business actually harms the education of all concerned. A recent Harvard study on the matter has thoroughly disproven the case of busing proponents. This study shows there is no benefit to the child from being transported to a distant school, and that in case after case there is no positive good resulting from busing to achieve a racial balance.

In addition to this and other studies, we can rely on our own commonsense to tell us that busing serves no useful purpose. Neither the white child nor the black child wants to spend an hour, or perhaps even more, riding to and from school in a bus just to satisfy some judicial or bureaucratic edict.

I have received literally scores of reports from Alabama of cases in which children were required to be bused 15 miles or more. Mr. President, that kind of busing is absolutely ridiculous. It defies logic, justice, and simple common sense. Why should an innocent young child be forced to ride a schoolbus for miles on end when he or she lives within walking distance of the neighborhood school? Why should parents have to forfeit the right to send their child to the nearest school? And finally, why should the choice of schools be dictated by persons who are required to answer to no one?

Mr. President, this country was founded on the proposition that those who are in positions of authority represent, and answer to, the people. Our Founding Fathers sought a country in which local people and local government could act on and solve their own problems.

Yet, in the instance of this senseless busing to achieve a racial balance, neither the local people nor local government has any say-so. Some remote, faceless—and often nameless—bureaucrat or judge issues an edict. They impose their will on the people and their children.

The views of the American people have been made overwhelmingly clear. In referendum after referendum—including the recent presidential primaries in which Alabama Gov. George Wallace was a candidate—the people have registered their unalterable opposition to forced busing to achieve a racial balance. And yet the people seem powerless to change it.

Many of them have come to us here in the Congress to register their complaints and their frustrations. They have asked for our help. They want us to turn the schools back over to the people, where they belong.

We can do that, Mr. President, by passing the antibusing legislation now before the Senate. We can demonstrate our responsiveness to the will of the people by bringing a halt to busing and all of its excesses.

If we fail to act on this legislation, we will have been derelict in our duty as representatives of the people. We will have turned our backs on the demonstrated wishes of our constituents.

Mr. President, I cannot believe that this body will turn a deaf ear to the overwhelming national sentiment.

I urge that we move promptly to pass this legislation, a bill that will restore sanity and commonsense to the operation of our school systems.

Mr. President, I was pleased in reading the House committee report to note that they incorporated, apparently very closely, the language that Chief Justice Burger used. I said something about it a few minutes ago. I believe it is incorporated in the language of the bill, also, and that is where it may be harmful to the health and welfare of the child. In other words, it shows that there is a concern even in court decisions, and that this bill recognizes that. Here is what the Supreme Court said:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process.

I think that is pretty clear language, and that is the language used, as I recall, in the amendment that was adopted by the House in this provision. I think it is something to be kept in mind. I do not believe anyone questions the fact that a child of tender age who is transported as much as 15 miles twice a day in order to go to school is not being properly cared for. The dual system has been broken up. It is rather strange to say it has been broken up much more thoroughly throughout the area that we represent than it has in other areas of the country.

By the way, in our State we have had very little difficulty so far as integration is concerned. The one great thing our people have been distressed with has been this useless busing in order to obtain racial balance.

This bill would remedy that situation and would make it uniform throughout the country, and that is what we want.

Mr. President, therefore, as strongly as I can I urge that we move promptly to pass this legislation, a bill that would restore sanity and commonsense to the operation of our school system.

Mr. ALLEN. Mr. President, I yield myself 1 minute.

I wish to commend the distinguished senior Senator from Alabama, my able colleague, for his fine remarks and for the leadership that he has furnished through the years in aid of preserving the public school system of our section of the country and throughout the Nation, and his work in seeking to see that every child in this country, white or black, gets the benefit of a good education. I commend my distinguished senior colleague at this time.

Mr. SPARKMAN. I thank the Senator.

Mr. ALLEN. Mr. President, at this time I would like to yield to the distinguished Senator from Michigan (Mr. GRIFFIN), under whose leadership all of us have operated in this vital area, and who has led the fight for legislation that would put some sanity into Federal court orders and the actions of Federal bureaucrats. I wish to acknowledge with deep appreciation the advice and leadership and hard work that he has expended in bringing this legislation to the floor at this time, and I yield 10 minutes to the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. I thank the distinguished Senator from Alabama.

Mr. President, the distinguished ranking Republican member of the Committee on Labor and Public Welfare (Mr. JAVITS) would ordinarily be recognized at this point to make a statement, but he has graciously allowed me to speak briefly. However, I want to assure him that I shall use no more than 10 minutes at this time, although I shall have more to say later.

Mr. President, I rise to commend the distinguished Senator from Alabama (Mr. ALLEN) for his diligence and persistence in making sure that this House-passed bill was brought up on the Senate floor.

At the outset, I want to say that this bill, as it passed the House, is not exactly in the form that I would like to see it. It is a strong bill, it is an effective bill, but it does not go as far as the measure I proposed earlier—the proposal to withdraw court jurisdiction which, on one occasion, passed by three votes, and then, on reconsideration, a few days later, failed by one vote. But this is a good bill, and I strongly support it, particularly at this point in time and under the circumstances we face with this session of Congress running out.

I would say that those who favor enactment of meaningful legislation to deal with the threat and the reality of forced busing based on race would do well to resist amendments that may be offered to this bill. Some of the amendments may be appealing, some may have merit, but I think we ought to be practical and realistic. If significant changes are made in this House-passed bill, it will then have to go to conference, where it will surely die. The one way—perhaps the only way—to be sure that we get a bill passed and enacted into law is to stick with this House-passed bill and pass it here in the Senate.

I think we might as well face some other realities which exist, because of the rules of the Senate. I believe, on the basis of the fact that my job as whip includes keeping track of individual Senators' positions on various issues, that a majority in this body is ready to vote for meaningful antibusing legislation. Earlier, particularly when this kind of legislation was offered as a rider to other bills, we did not have a majority. But now, I believe the strong sentiment and support for this antibusing legislation around the country has been impressed upon those who serve in this body. This Senator is confident that if we can get to vote on the merits of this bill, it can be passed.

Being realistic, then, the real question that faces us is whether we will have a chance to vote up or down on the merits of this bill, or whether there will be an effort, sometimes termed a "filibuster," by some to keep the Senate from voting on this bill.

I must say that I think there are times when the device or the use of the rules of the Senate for extended debate is perfectly defensible and appropriate. This Senator, who is now anticipating a problem, has participated in such extended debates himself in the past. Illustratively, I talked at considerable length about the 1968 nomination of then Justice Fortas to be the Chief Justice of the United States. I felt that the people of the United States did not know enough about his qualifications, did not know enough about some of the questions that had been raised concerning the nomination, and had not had the opportunity to form an intelligent opinion about whether or not he should be confirmed as the Chief Justice of the United States. As the Senate debate continued, it served a most useful purpose for in time people were able to develop and to form their respective opinions on the nomination.

But, Mr. President, that is not the situation we have with regard to this busing legislation. The problem of busing has been before the American people a considerable period of time. Moreover, the debate about the merits of the various proposals to deal with busing which are before the Congress have also been before the people for a considerable period of time. It is quite clear that the people in this country have formed a judgment, a consensus of opinion if you will as to what should be done. The overwhelming opinion of the American people is that Congress should act, and Congress should act effectively to deal with the threat and the reality of forced busing.

So those who plan to filibuster are not seeking to serve the majority of the people of the United States. Rather they are thwarting the will of the majority of the people of the United States. And I would suggest that such a result would be most unfortunate—particularly in an age when increasing cries are heard for the Congress to be responsive, for Congress to recognize what the people want and have a right to expect, and for Congress to act responsibly and accordingly. Here it seems to me that, unless we do have an opportunity to vote up or down, we will be turning our back on the vast majority of the American people whose opinions and whose views and whose demands are very, very clear in this area.

Mr. President, as I have stated before during the 16 years of my service in Congress, I have had the opportunity to vote for and support every important civil rights bill that has passed the Congress and has become law since Reconstruction Days following the Civil War. All of the important civil rights bills have been passed in the period of my service in Congress, and I am justifiably proud of my civil rights record.

In a speech against busing which I gave to a NAACP chapter in Michigan, I explained why I was against busing. And although it might surprise some Members of the body, I was given a very good response from the audience. But then few people realize that the polls indicate that a majority of the black citizens of Michigan are against busing.

This opposition has been expressed in many ways. June Brown Gardner, a distinguished columnist for the Detroit News and who also happens to be black, wrote not long ago:

> The concept of moving an entire black city to the suburbs for education is humiliating to black people and an affront to black pride. Busing says, in effect, that any school which is all black is all bad. Black people cannot accept this implication, because we know that black teachers are equal to white, black principals are equal to white, and black student potential is equal to white.

Time and time again I have heard black citizens say to me, "Busing tends to relegate us to a permanent position of always being in the minority. Busing says that there can be only a certain percentage of blacks in any school; that we can never be in the majority."

Black parents as well as white parents also resent the diversion of scarce tax resources just to bus children around, without any assurance that there is going to be a quality education at the end of the bus ride.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. GRIFFIN. Mr. President, in deference to the distinguished Senator from New York, who I know is under time restrictions, I appreciate having had this opportunity to make this preliminary statement, and I shall have more to say later in the debate.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I yield myself 15 minutes.

Mr. President, I shall address myself to the merits and the general terrain in which we shall be debating this action very shortly, but while the distinguished deputy minority leader is here, I would just like to answer the point about the overwhelming majority of the people of the country wanting this bill.

Mr. President, I do not know whether an overwhelming majority of the people of the country do or do not want this bill. Neither does the Senator from Michigan. That is his belief, and that may be what the polls show. But I do know one thing: That 55 Senators, a constitutional majority of the Senate, wanted a bill here just the day before yesterday and did not get it. I can count those Senators; I know who they are. There is no question of opinion about that.

So, Mr. President, if there are weapons to be used in the Senate, and they have to be used in the public interest, I do not see how anyone who uses them can complain about others who might use them also. I have no feeling of inhibition about that whatever, if it is justified on the facts. So the first thing is to ascertain that, Mr. President.

Now, what has happened here? A bill came over from the other body, admittedly written on the House floor—so badly written on the House floor, Mr. President, that its author, Representative QUIE, voted against it. He could not stomach it himself. He could not even hold his nose and vote for it. And the senior member of the Judiciary Committee, Representative McCULLOCH, a longstanding and relatively conservative member in the civil rights field, and Representative ERLENBORN, a man of distinction and conscience, who also had a hand in fashioning the House bill, both voted against it.

So it comes over here, written on the House floor, its authors having voted against it; it is not sent to a committee for as much as a week or 10 days, a bill which came out of the Education and Labor Committee of the other body, a counterpart committee to the committee of which I have the honor to be ranking member; and it was put right on the calendar. We did not consider it, though we consider all other education bills, including the so-called higher education bill with the Scott-Mansfield compromise which was finally worked out with the House.

Since that time, Mr. President, there has been daily pressure to get this bill up, get it heard, and whoop it through.

Mr. President, there are lots of people in this country, millions upon millions of people. This country was built upon the fact that even minorities have a right to be heard, and that if justice is on their side—and I have seen this happen in this Chamber time and again—if justice is on their side, even the majority will bend to the claims of justice and the best interests of the country.

So, Mr. President, denied the opportunity to air this problem before a committee, with witnesses, experts, staff work, and deliberative opinion, we are simply going to have to do it on the Senate floor. That is okay. That is the choice of those who pushed the bill to this pass. It is not mine. So without any inhibition whatever, but simply because it is demanded by the facts, we shall take whatever time it takes, or as long as the Senate allows us, to expose the whole question which is involved here to the Senate.

Mr. President, this is a rather interesting situation in our country, which still faces very explosive problems with respect to race. I hope no one is lulled into a false sense of euphoria by the seeming standstill in our situation on race in the country today. I would only hope and pray that it does mean the permanent resolution of everything that has worried us for so long. But, Mr. President, there is still very deep dissidence, unhappiness, and dissatisfaction, and we had better keep abreast of the tremendous reforms we have been making, instead of regressing, in order to maintain some reason and stability in our country. Very, very troublesome problems slumber only beneath the surface, ready to be exposed any time the pressure becomes too high.

The main objection to this bill, Mr. President, is that it is heating up this mixture to a point where it might be beyond toleration in terms of the stability which we want in our country, and that is why people like myself and other Senators like me are deeply concerned, particularly about this measure.

Notwithstanding the fact that the Senator from Alabama (Mr. SPARKMAN) has said that it may be the most important measure taken up in this session of Congress, I do not think so. The issues of war and peace, prosperity and depression, and the interests of some 30 million poor, most of whom are included in one of the minorities, the black and Puerto Rican minority, are still equal in importance. But from the point of view of the social frame of our country and the progress which we thought we had made, this is a critically important bill, because, Mr. President, it is a highly regressive bill. That is really what is so appalling about it.

It takes us away back to the days when people were still arguing here about the morality of a dual school system and about why the dual school system should be let alone, why it should not be disturbed, and why the local communities should run themselves as they were running and had been running for decades, because everything was quiet there.

Well, those who heard the allegation that everything was quiet there speedily undid that. That was the first phase, and that ensued immediately after Brown against Board of Education in 1954 and the early debates on civil rights measures which followed immediately thereon.

Then we came into a second phase, and that phase was, "If you are going to compel these views on us, of desegregation and equal opportunity in education," said many of those who came from the southern part of our country, "then you have to compel them on yourself." I was one of the first to thoroughly agree with that idea. So the second phase, characterized by the famous Stennis amendment, which many of us may remember, was to cause the same rules to be observed in the North as well as the South.

Now we are in a third phase, rather an amazing phase, as really epitomized by this bill, and that is the phase of going back to undoing everything we had done before. That is the elementary thrust of this bill—to undo everything we had done before and recreate the difficult racial tensions, aside from the unlawful segregation we had suffered for so many decades and thought we had at last put behind us.

Mr. President, the South prides itself—and I pride myself for them—on the fact that notwithstanding the deep doubts expressed that it would go along with the desegregation idea—I recall that the very prestigious and highly regarded Senator from Georgia, one of the great leaders of the Senate, Senator Russell, with whom I had many debates on this subject, predicted the worst possible eventuation socially, in terms of social reaction, if we should compel "the South" to do what it did not want to do—it is a great tribute to them as Americans that when the courts ordered, they did not defy. They acted in accordance with the orders of the courts; and they made this prideful advance in respect of desegregation, though there is still a great distance to go.

But is that any reason, is that an argument, for now undoing it? Is that any justification for an ex post facto reopener clause which would take every decree entered since 1954 which has resulted in this splendid record of desegregation, according to those who have uttered that claim, and reverse it and undo it, because a new cover has been found for going back to the old way? That is what is really at stake here. That cover is antibusing, and the antipathy which has been expressed in certain communities in respect of such busing as may have been ordered by the courts, and the fear of other communities that it might happen there, is really what it comes down to.

The fact is that those decrees which were most decried are up on appeal or have been reversed by the courts, and that the Supreme Court now, as alleged by those who are really very much for this bill, restored to a balanced complexion with an appreciable portion of conservative members, certainly is to be entrusted with the fact that it will go a relatively moderate course in respect of those appeals, which are still pending.

So that there is an awful lot of hollering in this situation before anybody is hurt. The ultimate fact is that the authorities who testified before us in the Committee on Labor and Public Welfare and in the Special Equal Educational Opportunity Committee which was organized by the Senate stated that overall busing has been increased 1 percent—the highest estimate I have seen is 3 percent; the HEW estimate is about 1 percent—in numbers, over and above what is the established busing pattern in the country, by which some 20 million pupils are bused to school every day and have been for a long time. Indeed, that busing has been a blessing, especially in respect of rural schooling, in doing away with the anachronism of that very picturesque—but very uneducational, in terms of the hard materials of education—"Little Red School House."

Mr. President, one last point which is critical here and which is flying directly in the face of the Constitution in a piece of legislation: We have introduced into the RECORD a declaration, a joint statement, by 500 professors of law, of every shade of political opinion, including many law school deans, who have stated in the most considered way that this measure is unconstitutional. Any time that a legislative body enacts a piece of legislation which on its face is unconstitutional and is later invalidated by the courts, a hoax is perpetrated upon those who look to that legislature for equality of justice. Where the law we would pass, which is in such grave and precarious status as to its constitutionality, is also going to undo much of what has already happened, so that its damage will be incalculable upon passage, whatever may be its fate in the days ahead, I think we take a tremendous risk which we have no right to take—especially as the bill itself has not even undergone the scrutiny of any Senate committee.

Mr. President, the joint statement of these law school professors says that they have had "grave reservations about the constitutionality of the legislation"; and "it would place in jeopardy most of the hard-won progress toward school desegregation of the last two decades."

In urging the defeat of this bill, the law teachers concluded that it would open to relitigation nearly two decades of additional desegregation decisions, many of which involved no busing whatever.

Incidentally, that was confirmed by the Attorney General in a speech the other day that the so-called reopener clause in this bill would put into question even those decrees in which no busing was involved.

The law school professors continue:

> Thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.

It would place in confrontation the two independent agencies of Government between which we so much wish to avoid confrontation—the legislative and the executive, as the President would have to sign this bill, and the judicial power of the country.

So, Mr. President, while men and women of good faith might disagree with the conclusions of these law professors that this bill violates fundamental constitutional rights and threatens the notion of separation of powers implicit in our Constitution, such good faith disagreement, if acted upon now in the passion of an election campaign, would, in my judgment, be irresponsible in terms of acting on this legislation at this time.

Mr. President, this is not an ordinary bill, prospective in character, which would prompt orderly judicial resolution of the issues involved; but, rather, as the professors say, by reopening to litigation all school desegregations since 1954, it would do far more than maintain the status quo. Rather, it would undermine compliance with constitutional mandates, raising expectations of those who would wish a return to public school segregation as a way of life, and would create turmoil and disruption which race relations in this country can ill afford.

Notwithstanding the doomsayers, Mr. President, at the time we passed legislation to implement the desegregation decision of the U.S. Supreme Court in the past 18 years, particularly in the South, we as a country have made great progress in overcoming centuries of racial discrimination in the schools. But even a finding by the courts that this proposed Equal Educational Opportunities Act of 1972 is unconstitutional will not be able to cure the irreparable damage done by its passage. Communities which have painfully achieved stability will be destabilized overnight. Growing feelings of interracial acceptance and trust will be severely and unnecessarily strained, perhaps ruptured. We have struggled too long and too painfully to achieve racial understanding to give up what progress we have made in the heat of a presidential campaign.

Mr. President, as most decrees will be undone in the South, I wish to say this to my colleagues. It was the old South that fought bitterly, with a filibuster and every other weapon at its command, every conceivable type of civil rights legislation. Now we have a new South, which has made a great effort to implement what we made into law. It is my hope that the views of the old South will not prevail here, but that the views of the new South will triumph and carry on the progress which has been carried on before.

I do not say that in a sectional sense or in any sense to characterize the kind of opinion, the kind of approach to the particular questions with which I personally have had so much to do for so many years relating to the 1954 desegregation of the public school system. I have already referred to the statement of the Attorney General on that score.

Finally, I invite the attention of my colleagues to another provision, section 403(c) which says that these decrees which have been made may not in any way be changed, once districts have been found desegregated no matter what becomes the condition in that particular area due to population shifts, so that we have got not only a reopener clause, but we have a situation which we cannot even seek to relieve if there is a reason for seeking to relieve based on later residential shifts in population.

If ever I saw an unconstitutional provision, that is it, because this tries to exempt communities from the desegregation mandate of the Supreme Court's decision of 1954, whatever may have been the state of facts if it occurs after a decree has already been entered, no matter how long ago or how the situation may shift subsequent to that time.

Mr. President, I ask unanimous consent to have printed in the RECORD section 403(c) of the bill.

There being no objection, section 403(c) of the bill was ordered to be printed in the RECORD, as follows:

> (c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated

school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring.

Mr. President, finally, I should like to deal with the question of the so-called racial balance.

It is fantastic to me that every time someone gets up to make a speech on this subject, who wishes to turn the clock back because that is exactly what it is in respect of desegregation of the public school systems of the country, they carefully avoid use of the term desegregation of the schools. But that is all the Supreme Court decided. That is all that is illegal. That is all we can do anything about here on the Federal level.

But they speak very carefully of racial balance. Racial imbalance is nothing which the United States can redress. Indeed, the two very conservative Judges on the Supreme Court, reading literally the words of the Higher Education Act which deal with racial balance, have refused to implement that section of the Higher Education Act which froze the proceedings in desegregation cases on the ground that they do not involve racial balance at all. Racial balance is an educational concept which relates only to those in charge of education—to wit, State authorities—and has no relation whatever to the power of the Federal Government.

I have said that many times on this floor, and I repeat it, that there is nothing we can or should do about racial balance. That is up to the States in charge of education. But there is a great deal that we can and must do about desegregation. So racial balance is irrelevant to this debate and should not be used as a red herring dragged across the trail of this debate. The only thing we are debating is the illegality of segregation and the efforts to accomplish desegregation and the tools of which busing is one, of the courts of the United States to deal with the problem of segregation of the schools.

I repeat, racial balance is irrelevant. If one wishes to express it in legal terms, that is de facto segregation which the courts, and the law, and the decrees entered in the U.S. courts do not reach and cannot reach.

It is time we tear the cover from that illusion which has constantly dominated these debates and get down to the hardpan and discuss busing under the limitations and restrictions established by the Supreme Court in Swann against Charlotte-Mecklenburg, dealing as we in the Senate have defined it: One, with the health of the child; two, with the child's educational opportunities; three, as we define it in the Scott-Mansfield amendment, with the educational opportunity of the child in the school to which he is being bused. Let us apply those tests which are present tests, not yesterday's tests, we have a right to use busing as a tool, but not in racial balance. No one asks for that, and no U.S. court can or should do it.

Now, Mr. President, I have tried in these opening remarks to set the frame for the detailed analysis of the situations, including cases, and the experience, which we will present to the Senate in the course of this debate.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BROCK). The Senator will state it.

Mr. JAVITS. Is it understood in respect of the unanimous-consent agreement for today's debate, concerning the division of time, that none of the speeches today on either side of the issue count as a speech within the rules?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank the Chair.

I now yield—how much time?—5 minutes?—to the distinguished Senator from Michigan (Mr. HART).

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT—CONFERENCE REPORT

Mr. HART. Mr. President, I submit a report of the committee of conference on S. 976, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BROCK). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 28, 1972, at page 32834–38.)

Mr. HART. Mr. President, this bill requires the Secretary of Transportation to set property loss reduction standards for the front and rear portions of passenger motor vehicles. The Senate bill authorized and directed the Secretary of Transportation to promulgate property loss reduction standards that were cost-beneficial. These standards could have related to any portion of the vehicle. The Senate conferees have agreed to the more limited authority provided in the House bill after assuring themselves that the promulgation of "bumper standards" could provide protection against damage to bumpers and sheet metal in the front and rear portions of the vehicle and could offer protection for 70 percent or more of the automobile accidents. An initial bumper standard preventing damage to the front and rear ends of automobiles at barrier impact speeds of between 5 and 10 miles per hour could save American consumers between $1 and $2 billion per year.

S. 976 establishes a consumer information program which would give automobile purchasers information about the repairability, damage susceptibility, and crashworthiness of vehicles on the market. Armed with this information, car buyers would be able to make more rational decisions about which car to buy. Under authority of this bill, for example, the Secretary might require an automobile manufacturer to attach a sticker to a vehicle which shows, through a bar graph representation, the repairability, damage susceptibility, and crashworthiness of the average vehicle compared to the particular vehicle to which the sticker is affixed. In addition to this information, the Secretary could require automobile dealers to distribute insurance cost information which lets the consumer know how much he can save by buying a car which is safe and not prone to damage.

The bill also establishes demonstration projects to test the design and feasibility of safety and emission diagnostic test inspection facilities which could insure the safety of motor vehicles in use and could help protect the car owner from intentional and unintentional repair abuses. Finally the bill establishes a national policy against odometer tampering.

In summary, the Motor Vehicle Information and Cost Savings Act directs the Secretary of Transportation to take steps to eliminate from automobiles, cosmetic bumpers and egg shell exteriors, at least in the front and rear and portions of the vehicle. While I am sure my colleagues in the Senate would have preferred a broader authority, I am reasonably satisfied that the limitation agreed to will enable the Secretary of Transportation to set standards which will prevent damage in a majority of automobile accident situations. The automobile information provisions will foster competition in the important areas of repairability, damage susceptibility, and crash worthiness. The diagnostic demonstration projects will give us needed information which will enable us to lay the final plans for designing a motor vehicle inspection system to assure the safety and environmental quality of our vehicles.

At the same time, these projects will start us down the road toward a solution of the automobile repair problem that plagues each and every owner of passenger motor vehicles and robs him of billions of dollars every year. Finally, a national policy against odometer tampering will prevent the defrauding of thousands of American car buyers.

Mr. President, frankly there is one provision which I agreed to in conference with which I am not, repeat not, satisfied. The limited criminal penalties provision in this bill troubles me. In 1966, I was among those in Congress who, for reasons I hope seemed sound then voted to eliminate from the auto safety act criminal penalties. No longer does that position make sense. It is wrong to differentiate between "crime in the streets" and "crime in the suites." A knowing and willful act by a corporate executive or worker on the line destined to injure or designed to rob American consumers of thousands of dollars is as wrong and worthy of punishment as a street holdup. S. 976 recognizes that for some knowing and willful acts criminal penalties are appropriate.

Unfortunately, the criminal penalty provision which is in the bill still differentiates between the man in the white collar who performs a criminal act that could rob you of thousands of dollars and the man in the ghetto who burglarizes a store and gets away with $100 forth of merchandise. Under this bill a person is not punishable for his knowing and willful acts to violate the standards which will be established in S. 976 until after he has received notice of noncompliance. In other words, he is given a "first bite" to violate the standards established by this act before he can be convicted of a criminal offense and punished by a fine of up to $50,000 or imprisonment up to 1 year for any knowing and willful act to violate the standards.

As agreed to in conference, this whole matter of criminal penalties for white-collar crime needs to be carefully evaluated next year, particularly when we consider amendments to the National Motor Vehicle and Traffic Safety Act. Though we have come a step by including the criminal penalties provision in this bill, in my opinion we need to go further. Nevertheless, I urge my colleagues in the Senate to support this measure because overall it benefits American consumers.

Mr. President, the able Senator from New Hampshire (Mr. COTTON), is not able to be present this afternoon. He has authorized me to express his strong support for the conference report, as reflected in his views which I ask unanimous consent to have printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR COTTON

Mr. President, I wish to express my support for the adoption of the pending Conference Report on S. 976—the Motor Vehicle Information and Cost Savings Act.

Mr. President, my colleagues in the Senate may recall that when the bill S. 976 was passed by the Senate on November 3, 1971, I voted against passage of this bill. I explained my vote at that time in the following manner:

"I trust that the bill will work effectively. However, with all due respect to my honored assistants on the Committee, in view of the failure of the Griffin amendment, which I think was vitally necessary to safeguard the bill, I will be compelled to vote against the bill." (Congressional Record, vol. 117, pt. 30, p. 39045).

Mr. President, I am pleased to note from a reading of the Conference Report and the joint explanatory statement of the Committee of Conference that the issue which was addressed by the Griffin amendment has in large measure been resolved. My concern at that time was over the regulatory reach of Title I of the bill which would have given to the Secretary of Transportation broad power to set minimum property loss reduction standards for passenger motor vehicles.

Mr. President, as pointed out in the joint explanatory statement of the Committee of Conference, the comparable House provision, on the other hand, limited the grant of authority in Title I to the power to establish bumper standards designed in general to reduce accident damage to a passenger motor vehicle's front and rear end. The joint statement then goes on to note the following, which I am pleased to call to the attention of my colleagues:

"The Committee of Conference has decided to take the more limited approach recommended by the House amendment."

Mr. President, I now feel that my vote against S. 976 last November is vindicated by the provisions of the Conference Report now before us for consideration and, in view of the more limited and reasonable approach taken in Title I, I am prepared to urge the adoption of this Conference Report. In point of fact, the approach taken in Title I concerning property loss is in keeping with the earlier hearing record before our Committee on Commerce, the principal thrust of which was directed to the problem of accident damage to a passenger motor vehicle's front and rear end and the need for such limited authority to establish bumper standards.

Mr. President, I therefore urge the adoption of the Conference Report on S. 976.

Mr. HART. Mr. President, I move that the Senate agree to the conference report on S. 976.

The motion was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BROCK). The Chair, on behalf of the Vice President, pursuant to Public Law 84–689, appoints the Senator from Utah (Mr. Moss) as alternate delegate to the North Atlantic Assembly, to be held at Bonn, Germany, November 18–24, 1972.

ACTION OF SENATE ON CERTAIN PROVISIONS OF SOCIAL SECURITY ACT AMENDMENTS OF 1972

Mr. MONDALE. Mr. President, before I begin my remarks, I want to comment on one action we took last night as part of the welfare reform bill which is now in conference—an action about which I feel very deeply.

I think that perhaps the most effective program in the whole OEO effort has been the legal services program. It is modestly funded. I think it is something less than $65 million a year. And yet that program has resulted in attracting some of the most gifted, young, seasoned lawyers in the country. And they have brought a whole host of long-overdue lawsuits dealing with legal and constitutional rights—suits that would have been brought years ago had commercial business interests been the ones adversely affected. Before the legal services program was established in 1965, those lawsuits were not brought, simply because the resources did not exist.

We talk about a health crisis, a housing crisis, a social security crisis, a transportation crisis, and many other crises in American society. But there is an underlying legal crisis which exists because the cost of high quality legal representation is beyond the reach of people of moderate means, and is totally beyond reality for people below or near the poverty level. The result is that public bodies, corporate interests and others can disregard the legitimate constitutional and legal rights of poor people almost with impunity, sometimes cruelly.

I recall hearings held a year or two ago in a county with a high migrant population, where a lawyer testified that the only way he could keep the unemployed migrants of that county from starving was to be with them when they applied for food stamps. If he was not with them, they would not get the stamps. If he did not threaten to sue, the authorities would not grant what the law requires to these pathetic people.

Time and time again this remarkable program has in a simple way brought law and order to poor people and poor communities throughout the country. And because it has been successful, powerful interests now want to throw it off.

I have never heard anyone suggest that the right of corporations to sue for their own interests and the right of wealthy people to sue for their own interests, should be restricted in any way—and I do not think they should be. But those lawsuits by and large are publicly supported, because the costs are deducted from income taxes.

I have never heard anyone say that any public body, such as a school board, should be restricted from asserting its rights. However, once again it is the public taxpayers who pay for the cost of those lawsuits.

Of course, the people in America who have unasserted legal rights are the poor. And even with the legal services they have very few rights to assert.

Last night in an action which I thought was unbelievable, the Senate passed a bill which would prohibit legal services attorneys from bringing a suit under the Social Security Act, which would mean they could not participate in any of the welfare fields at all. No matter how illegal, no matter how outrageous the violation, they cannot sue on behalf of poor people.

Mr. President, I would like to have some who voted for that provision go out and tell those poor people about our deep commitment here to law and order and to the Constitution—after we said, in effect, that the courthouse door is slammed shut, bolted, and nailed down as far as their rights are concerned. They better find a rich friend.

I deeply regret that action taken last night, and since it is in conference I hope the conferees will reject it and seek to keep this remarkable program alive. If the provision is kept I think the legal services program is, for all practical purposes, dead. I do not think they are going to be able to get gifted young lawyers into a program that cannot effectively serve the poor, which is why the American Bar Association sent a powerful telegram to the Senate urging that we reject this provision on the ground that it violates, in their opinion, the Canon of Ethics and the whole concept underlying justice in America.

I hope in conference that highly unwise and I think unfair provision will be dropped.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. JAVITS. Mr. President, I yield 20 minutes to the Senator from Minnesota (Mr. MONDALE).

Mr. MONDALE. Mr. President, I thank the Senator from New York for yielding some time to me in which to discuss the so-called equal educational opportunities measure.

Mr. MONDALE. Mr. President, I rise in opposition to H.R. 13915, the so-called Equal Educational Opportunities Act. For the third time this year the Senate faces a major debate over school desegregation.

For the third time we are asked to join in a vain effort to overturn the 14th amendment's prohibition against racial discrimination, through legislation which we know to be unconstitutional.

There are 11 million children attending 1,500 desegregating school districts in the country today.

For the third time this year we are asked to put the Congress against the courts, to plunge 1,500 school districts into confusion over what the law requires, to damage, perhaps beyond repair, the educational opportunities of 11 million children.

Twice this year the Senate and the Congress have risen to the challenge.

After two long and bitter debates, we enacted the Emergency School Aid Act.

That bill would provide up to $2 billion over 2 years to help school distritcs desegregate in a way that benefits all the children involved.

It would pay the burdensome costs of transportation. It would provide extra teachers and counselors. It would help school districts adopt team teaching, individualized instruction, and other innovative educational techniques to ease the process of desegregation. It would provide desperately needed bilingual education and other special help.

And the Congress adopted the so-called Mansfield-Scott amendment which stressed the Supreme Court's ruling that no transportation will be required which risks the health of students or impinges on the educational process.

Last July we stood with the Constitution. We stood for eliminating officially sponsored racial segregation in public education in a reasonable way, on a case-by-case basis.

For the third time we are asked to oppose the Constitution. We are asked to make the judgment that Chief Justice Burger, Justice Blackmun, Justice Rehnquist, Justice Douglas, Justice White, Justice Brennan, Justice Marshall, Justice Harlan, and Justice Stewart are not capable of assuring that desegregation proceeds in a reasonable way.

We are asked to reverse by legislation the Supreme Court's April 1971 ruling in Swann against Charlotte-Mecklenburg and its companion cases that transportation—beyond the "next nearest school"—may be required in individual cases to overcome the effects of past discrimination.

We are asked to do this even though the Congress cannot reverse the Supreme Court's rulings, and can only create confusion and disunity. We are asked to act now even though the Supreme Court this session will act—in cases involving Denver, Colo., Richmond, Va., and perhaps even Detroit—to clarify constitutional requirements where the law is now unclear.

Those court orders which have provoked the greatest concern—court orders requiring integration across school district lines in Richmond, Va., and Detroit, Mich.—have not been implemented. They are still on appeal. And the Supreme Court should be given the opportunity to resolve these very difficult cases without the added complication of misleading, extreme and clearly unconstitutional enactments—which attempt to reopen and relitigate virtually every school desegregation case decided since Brown against Board of Education in 1954.

Mr. President, H.R. 13915, the so-called Equal Educational Opportunities Act is a complex measure. It deals with one of the great constitutional issues of our time. And it deals with the future of millions of American schoolchildren.

Yet this important bill comes before the Senate in the pressure of closing days of the session, without even the benefit of hearings and a report by the appropriate Senate committee.

This bill was sent to the Senate by the House of Representatives 6 weeks ago, shortly before the Republican Convention.

But instead of permitting it to be considered by the Committee on Labor and Public Welfare, the bill was held at the Senate desk.

In the past that unusual procedure for circumventing the committee system has been justifiably and where the committee has established a clear record of being a graveyard for the legislation being held at the desk. But in this case just the reverse is true. The Committee on Labor and Public Welfare has repeatedly reported school desegregation measures for Senate debate, and I would bet that if we clocked the amount of time spent on school desegregation and discrimination in this Congress, more time has been spent on that issue than on any other single domestic issue before the Senate. And all of those issues have been reported out by the Committee on Labor and Public Welfare. We have held long hearings, and we have heard from practically anyone who wanted to testify; we spent days and days in Senate debate and in conference with the House; and we were perfectly prepared, as the distinguished chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS) pointed out, to take the bill and act responsibly on it.

Instead of that, the highly unusual procedure of holding the bill at the desk was restorted to, that action was unwarranted and unwise on its face, and an insult to the committee system. It is war on action which undermines the basic processes of the Senate, and it should be rejected, if for no other reason than it establishes a precedent which has serious and profound repercussions over matters as they come before the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from West Virginia.

VISIT TO THE SENATE BY THE HONORABLE WINSTON CHURCHILL, A MEMBER OF THE BRITISH HOUSE OF COMMONS

Mr. ROBERT C. BYRD. Mr. President, I thank the able Senator from Minnesota for yielding. I have asked him to do so at this time—and I apologize for the attendance at the present time, but it has been explained to our distinguished visitor—because I wanted Senators who are here to know about the presence of a very distinguished guest. I shall yield to our able colleague from Maryland (Mr. MATHIAS) so that he might have the honor to present a distinguished visitor to the Senate.

Mr. MATHIAS. Mr. President, I thank the distinguished assistant majority leader for his courtesy.

Mr. President, it is a great honor and privilege for me to introduce to the Senate Mr. Winston Churchill, a Member of the House of Commons.

[Applause, Senators rising.]

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 3:30 p.m. the Senate took a recess until 3:32 p.m. During the recess Mr. Winston Churchill was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled when called to order by the Senator from Tennessee (Mr. BROCK).

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. MONDALE. Mr. President, I yield to the Senator from Alabama such time as the Senator may require to take up an FHA extension bill, without losing my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator limit that to not to exceed 5 minutes?

Mr. MONDALE. Mr. President, I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY EXTENSION OF CERTAIN HOUSING PROGRAMS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of order No. 1204, House Joint Resolution 1301.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read the joint resolution by title, as follows:

A joint resolution (H.J. Res. 1301) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the resolving clause and insert:

That (a) section 2(a) of the National Housing Act is amended by striking out "October 1, 1972" in the first sentence and inserting in lieu thereof "April 30, 1973".

(b) Section 217 of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "April 30, 1973".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1972" in the fifth sentence and inserting in lieu thereof "April 30, 1973".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "April 30, 1973".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "April 30, 1973".

(f) Section 809(f) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "April 30, 1973".

(g) Section 810(k) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "April 30, 1973".

(h) Section 1002(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "April 30, 1973".

(i) Section 1101(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "April 30, 1973".

SEC. 2. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, as amended, is amended by striking out "for a period of nine months after the date of approval of this joint resolution" and inserting in lieu thereof "until April 30, 1973".

SEC. 3. Section 10 of the United States Housing Act of 1937 is amended—

(1) by striking out "and $225,000,000 on July 1, 1971," in subsection (e) and inserting in lieu thereof "$225,000,000 on July 1, 1971, and $150,000,000 on July 1, 1972,";

(2) by striking out the proviso in subsection (b); and

(3) by striking out the second proviso in subsection (c).

SEC. 4. The first sentence of section 103 (b) of the Housing Act of 1949 is amended by striking out "and by $1,500,000,000 on July 1, 1971" and inserting in lieu thereof "by $1,500,000,000 on July 1, 1971, and by $250,000,000 on July 1, 1972".

Mr. **SPARKMAN**. Mr. President, I ask unanimous consent that the staff director of the Housing Subcommittee have the privilege of the floor during the consideration of this measure.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **SPARKMAN**. Mr. President, this measure is for the purpose of extending, for a short period of time, various housing programs some of which expired a week ago. We have amended the House measure, and that is what we are seeking to pass at this time.

By the way, the Senator from Massachusetts (Mr. KENNEDY) had an amendment that he was planning to offer. He is out of the city. He called me a little while ago, telling me to go ahead and present the bill and he would not offer his amendment. I wanted to make that explanation.

Mr. **BENNETT**. Mr. President, the measure as it came from the House had the date of June 30, 1973, as the date of extension. In the committee, after some discussion, we suggested the date of April 30; but, after further discussion, I am proposing that the bill be amended to restore the date of June 30, 1973, as it appears in the House measure.

Mr. **SPARKMAN**. Mr. President, I am in favor of accepting that amendment.

The Presiding Officer (Mr. BROCK), who is a member of the committee, knows we have been trying to get a bill that the House would accept. We think it would come nearer to being accepted by the House if we included their date.

The **PRESIDING OFFICER**. Is the amendment suggested by the Senator from Utah being offered?

Mr. **BENNETT**. Mr. President, I offer the amendment.

The **PRESIDING OFFICER**. Is there objection to the amendment of the Senator from Utah to change the date from "April 30, 1973" in the committee amendment to "June 30, 1973"?

Without objection, the amendment is agreed to.

The question is on agreeing to the committee amendment, in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1301) was read the third time, and passed.

Mr. **SPARKMAN**. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. **JAVITS**. Mr. President, will the Senator give me 1 minute?

Mr. **SPARKMAN**. Mr. President, I will withdraw my motion, and yield to the Senator from New York. I will say to him that we are operating under a limitation of time.

Mr. **JAVITS**. I understand. If I may have 2 minutes, I want to just say that we understand what the Senator is doing in forwarding the whole housing program. He was kind enough to ask me how I felt about it. We simply understand the greater good which is involved.

I wish to express to him my deep concern about the situation of the mass transit provisions which were contained in the Senate housing bill and the public works bill, and we now understand ther is some problem with the provision that we had here, especially for operating expenses for mass transit systems, which was stricken out on a point of order in the other body, and I wanted to get some expression of opinion from the Senator from Alabama as to where he sees us going in the mass transit situation.

Mr. **SPARKMAN**. The Senator knows, of course, that from the very first, I supported the mass transit program.

Mr. **JAVITS**. Of course.

Mr. **SPARKMAN**. As a matter of fact, when it was first brought up by the Senator from New Jersey (Mr. WILLIAMS) as a separate bill, he recommended it be made a title in the omnibus housing bill. It was. That is where it was started. It has been there ever since. I am strongly for it.

The Senator knows that what we are trying to do here is get essential programs extended. The Senator from New Jersey (Mr. WILLIAMS), in the committee, very graciously said he would not insist on adding an amendment like that to this bill, which would be controversial.

Mr. **JAVITS**. May we count, then, on the continued support of the Senator from Alabama and his continued effort to find a way to effectuate the Senate purpose, as shown by this amendment to the housing bill and the public works bill with respect to urban mass transit?

Mr. **SPARKMAN**. I will stick to the bill out of our committee.

Mr. **JAVITS**. Let us stick to that.

Mr. **SPARKMAN**. I have supported it in the past, I support it now, and I will continue to support it in the future.

Mr. **JAVITS**. I thank the Senator.

Mr. **SPARKMAN**. Mr. President, I renew my motion to reconsider the vote by which the joint resolution was passed.

Mr. **BENNETT**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **SPARKMAN**. I thank the Senator from Minnesota, who likewise is a member of our committee.

Mr. **MONDALE**. I thank the Senator from Alabama.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. **MONDALE**. Mr. President, before I leave the last point, I think a study of that particular parliamentary tactic will show that it is rarely used. And on the few occasions when it has been successfully used, there has been an unarguable case that the committee that is being denied the referral of legislation has a solid historic record of serving not as the committee to responsibly consider the proposal involved, but as its graveyard, and therefore that it is futile and hopeless to refer the bill to the committee.

In this instance, the Senate Labor and Public Welfare Committee has dealt, in this Congress alone, with two separate measures, held hearings, and reported bills.

Again, I think more time has been spent in this Congress on school discrimination issues than on any other domestic issue, on the basis of bills which were reported out of the Senate Labor and Public Welfare Committee.

Mr. **THURMOND**. Mr. President, will the Senator from Minnesota yield for about 10 or 11 minutes, with the understanding that he will not lose his right to the floor, and with the further understanding that my short address will come at some other place in the Record, and that the Senator may continue as soon as I finish?

Mr. MONDALE. I yield to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. Brock). The Chair inquires as to who is yielding time.

Mr. MONDALE. I am sorry; the time is under the control of the Senator from New York.

Mr. JAVITS. May we know the state of the time situation, Mr. President?

Mr. ROBERT C. BYRD. How much time does the Senator want?

Mr. THURMOND. About 10 minutes.

Mr. JAVITS. I will arrange it. We will work it out.

Mr. ROBERT C. BYRD. I thought I would yield in behalf of the Senator from Alabama.

Mr. JAVITS. That is exactly what I had in mind. I have just ascertained that this was a speech on the other side.

Mr. ROBERT C. BYRD. Mr. President, I yield 10 minutes to the distinguished Senator from South Carolina from the time allotted to the distinguished Senator from Alabama (Mr. Allen).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota will not lose his right to the floor.

Mr. THURMOND. Mr. President, the issue before us in H.R. 13915 is one that has caused great controversy in the halls of Congress and has generated much public debate. In addition, it has become a very sensitive issue.

Although the overwhelming majority of the American people, including members of both races, are opposed to the use of forced busing to achieve school desegregation, there are those who have charged that the motive behind this legislation is, in essence, racism. That places an extra burden upon the Members of this body to insure that our deliberations not only reflect the will of the American people, but also properly consider the feelings of those who, through misunderstanding, may believe that our actions cast doubt on the American commitment to freedom and justice for all.

The history of race relations in the country is filled with both division and reconciliation, both bitterness and good will. Indeed, debate and controversy over school desegregation have accompanied many of the changes which have occurred in our school systems since the Brown decision in 1954. Motives both noble and ignoble have characterized both sides of this controversy and have generated much emotion that has yet to disappear.

Mr. President, it has been said that those who do not remember the past are doomed to repeat it. I do not believe that we can discuss the issue of school busing in an intellectual vacuum. We cannot ignore the recent past, the changes which this era has brought and the effect of these changes on the thinking of the people. Nevertheless, I am convinced that we are not prisoners of history, and that we can fashion a law which protects the people against the excesses which have come in the wake of school desegregation. Also we can assure all Americans that our actions are based on a desire to preserve and extend the right of all Americans to receive a good education in a nondiscriminatory school system.

It is clear that the great majority of our citizens oppose racial segregation in the public schools and believe strongly that our children deserve an equal opportunity to achieve an education. It is also clear that the vast majority of Americana believe that the use of busing to accomplish racial integration is harmful to the very educational process it seeks to enhance. A Gallup poll taken on October 31, 1971, showed the following figures regarding sentiment on busing across the Nation:

In the East, 71 percent against, 22 percent for.

In the South, 82 percent against, 14 percent for.

In the Midwest, 77 percent against, 16 percent for.

In the Far West, 72 percent against, 21 percent for.

In addition, another Gallup poll taken last March showed that people who favored desegregation of the schools by 66 to 24 percent also opposed compulsory busing by 69 to 20 percent. This public sentiment is not relegated to the white community alone. One poll has shown that blacks in Detroit opposed busing by 63 to 29 percent and the National Black Caucus at its national convention last March passed a resolution in opposition to busing.

Mr. President, although busing is a controversial issue, it is not one that has divided the American people into racial camps. People generally oppose busing for the very obvious reason that they believe long rides to and from school every day are harmful to the best interest of their children, particularly their young children. They also oppose busing because it destroys the neighborhood school as the unifying focal point of their community, be it a small town or an urban neighborhood. It further lessens the accountability of the school officials and faculty to the parents, and inhibits the constructive influence and interest of parents in creating a good educational environment in the school.

Mr. President, I urge my colleagues to support this legislation, as I believe it is in the best interests of providing the best possible education for the young people of this country. It is in this spirit that we should pass it, and in this spirit that we should discuss it.

I thank the distinguished Senator from Minnesota for his courtesy in yielding to me at this time.

I also thank the assistant majority leader for his courtesy.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, without prejudice to the rights of the distinguished Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I believe there will be occasion early next week when I might extend my remarks further.

Let me just attempt now to describe what the courts are doing. That is at the heart of this debate.

This bill is designed to undermine, frustrate, and paralyze the courts from enforcing the Constitution of the United States. The courts are not acting on some national theory of racial balance which says that you need a computer printout to determine how many blacks and whites and others have to be in each school. I do not think the courts have ever said that is necessary or required. Indeed, as I read the court decisions, they have said just the reverse.

What the Constitution reaches is simply the question of discrimination.

What do we mean by discrimination? We mean that where a school district has been deliberately sorting children out on the basis of race—that is, putting black children in one school and white children in another school and keeping them separated deliberately—that violates the 14th amendment, because such distinctions cannot be drawn. When such actions are found, the courts have ruled that you have to stop it; you have to stop discriminating.

Sometimes, in the course of disestablishing a discriminatory school system, it has been necessary, among the remedies, to require some transportation of students.

Let us turn to the issue of busing. The courts have not been resorting, as we hear from time to time, to systems of massive forced busing to achieve racial balance. I do not know of a single court order that has done that.

As a matter of fact, only 3 percent of the busing occurring in the United States today has had anything to do with court orders. In several States of this country which have been under court orders to eliminate discrimination there is less busing going on today than there was before. I know of three States in the South where, when the court said, "You have to stop the official policy of separating children on the basis of race," when they were forced to do that by court order, there was less busing following the court order than there was before.

As a matter of fact, busing was originally a key technique used to achieve discrimination.

Let us take a northern community. There are not innocent, inadvertent situations. This is what the Court found in South Holland, Ill.: They found that the schools were located in the center rather than at the boundaries of segregated residential areas in order to achieve school segregation. In other words, they found that the school district deliberately located new schools in order to keep the kids separated.

Second, they found that the school assignment policies were such that black children living nearer to white schools attended black schools and white children living nearer to black schools attended white schools. In other words, the school district was saying, "Even though this white child lives closer to that school, what you might call his neighborhood school, we will disregard the neighborhood and send him further in another direction to keep the children separated."

Third, they found that school buses were used to transport students out of their neighborhoods in order to achieve segregation. That is, a neighborhood school system was totally ignored for the purpose of discrimination.

Fourth, the teachers were assigned on a racial basis. That is what the courts are getting at. They are getting at specific examples, which must be proved, of a school system deliberately separating children on the basis of race; and where they find them, they find that the Constitution has been violated, and it is necessary to disestablish a discriminatory school system.

I have heard people say, "Well, we are against discrimination and we are against busing." There are some situations in which you can disestablish a discriminatory school system without requiring any busing. There are other instances, as the Supreme Court in Swann against Charlotte-Mecklenburg found, in which you cannot.

The question now is whether we are going to seek to undermine and paralyze the court from enforcing the Constitution of the United States.

We meet in a time just before a presidential election, when emotions are very high, and when this issue, in my opinion, has been inflated out of all proportions and all reality. I do not know how much the facts of this situation are going to be discussed, but in the last minute and a half or 2 minutes I have tried to explain what the courts are doing. I do not think the courts have been insane; I do not think they have been irresponsible; I do not think they have gone off on some irrational binge.

The present Supreme Court of the United States, speaking through the new Chief Justice of the United States, nominated by the President of the United States, confirmed by the U.S. Senate, unanimously said that it is unconstitutional to permit discrimination and that you cannot in all cases restrict orders so that busing is not required. Not that busing is necessary in all instances. Certainly, racial balance is not necessary; but from time to time, if you want to eliminate discriminaton, transportation is one of the tools that must be available to the court in order to do so.

The measure at the desk would deny, for all practical purposes, any such remedy. So there would be a right without a remedy, which, to put it differently, would say that we have an unconstitutional amendment which prohibits discrimination, but we will now have a law which, although it is prohibited, permits it nevertheless.

Mr. President, I will perhaps speak more fully on this matter on Monday, and I yield the floor.

FEDERAL-AID HIGHWAY ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3939.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate the amendment of the House of Representatives to the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes", which was to strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, and June 30, 1975, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92–29.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000, for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, and $3,000,000 for the fiscal year ending June 30, 1975.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for the fiscal year ending June 30, 1975.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section

144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services genrally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 20, 1978, and June 30, 1979."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(5) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 113. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an offsite location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System.".

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as many be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first: *Provided*, A State may not refuse to purchase and remove any nonconforming sign, display, or device voluntarily are available in the Department of Transportation.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104 (b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Bicycle transportation

"(a) To encourage the development, improvement, and use of bicycle transportation, the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, shall carry out (directly, by grant, contract, or otherwise), projects for the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters, and parking facilities to serve bicyclists and persons using bicycles, in conjunction or connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State, and local parks.

"(b) Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety.

"(c) No motorized vehicle shall be permitted on the lanes and paths authorized by this section, except for maintenance purposes.

"(d) The Federal share of the cost of the project authorized by this section which is on State or local lands shall be 70 per centum.

"(e) There is authorized to be appropriated not to exceed $10,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975, to carry out this section."

(b) The analysis of chapter 20, title 23, United States Code, is amended by inserting at the end thereof the following:

"218. Bicycle transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement as supplementary routes to extend and supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities as well as extensions. A total of not more than 10,000 miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) Priority primary routes selected under this section shall be improved to geometric and construction standards for the Interstate System, or to such other standards as may be developed cooperatively by the Secretary and the State highway departments in the same manner as are standards developed for the Interstate System.

"(c) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(d) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before January 31, 1974.

"(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975. One-half of such funds shall be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a) (1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with construction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83–350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to provide the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible, after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and there is authorized to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 133. (a) Subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than

$450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 134. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revised, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however*, That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All toll and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission, nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressly reserved.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 135. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 136. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

Sec. 137. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

Sec. 138. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAM

Sec. 139. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

THREE SISTERS BRIDGE

Sec. 140. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia as estimate section termini O2–O3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

Sec. 141. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

Sec. 142. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

Sec. 143. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

PUBLIC MASS TRANSPORTATION

Sec. 144. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operation and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than January 31, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

Sec. 145. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

Sec. 146. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

TITLE II

SHORT TITLE

Sec. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

Sec. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 401 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, and $360,000,000 for the fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration out of the Highway Trust Funds, $115,000,000 for the fiscal year ending June 30, 1974, and $115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

Sec. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, $150,000,000 for the fiscal year ending June 30, 1974, and $225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

Sec. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: $225,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including reference thereto).

PAVEMENT MARKING PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Special pavement marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104 (b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"149. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGHWAY HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 150. Projects for high hazard locations

"(a) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditures as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Projects for high hazard locations."

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23 of United States Code is amended by adding at the end thereof the following new section:

"§ 151. Program for the elimination of roadside obstacles

"(a) Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $75,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost hereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identifying any

State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Program for the elimination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study shall include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multi-civil, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

TITLE III

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 301. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.

"§ 601. Prohibition of discrimination on the basis of sex.

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited .... 601".

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from West Virginia (Mr. RANDOLPH), I move that the Senate disagree to the amendment of the House and agree to a request for a conference with the House thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. BROCK) appointed Mr. RANDOLPH, Mr. MONTOYA, Mr. GRAVEL, Mr. MUSKIE, Mr. BENTSEN, Mr. COOPER, Mr. BOGGS, Mr. BAKER, and Mr. BUCKLEY, conferees on the part of the Senate.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15657.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Missouri (Mr. EAGLETON), I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. CRANSTON, Mr. KENNEDY, Mr. RANDOLPH, Mr. WILLIAMS, Mr. HUGHES, Mr. STEVENSON, Mr. BEALL, Mr. SCHWEIKER, Mr. TAFT, Mr. PACKWOOD, and Mr. STAFFORD, conferees on the part of the Senate.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. ALLEN. Mr. President, I yield such time to the distinguished Senator from Florida (Mr. GURNEY) as he shall require.

Mr. GURNEY. Mr. President, once again the Senate is involved in debate on the issue of forced busing. This is hardly the first time we have faced this issue. We have faced it one, two, three, four times in the years since I came to the Senate. The subject is not a new one. Many of us have been actively involved with the subject of busing, particularly those of us who come from the South, because our States are heavily involved in busing, and could literally write a book on the subject.

I know of no issue that has arisen since I came into public office which cuts deeper into the feelings and the emotions of Americans who are affected by it than this issue of busing.

It is very interesting that regardless of geographic region the issue is the same. The parents of those involved directly with the issue feel as strongly about it, pro and con, whether they live in the State of Michigan, which is one of the few Northern States involved, or whether it is in my home State of Florida or in any of the other States in the South. The people of this country are overwhelmingly opposed to forced busing of their children.

Many straw ballots have been taken on the issue. This spring they were taken in my State of Florida during the presidential primary. The issue of busing was nearly the sole issue in that presidential primary in Florida. Gov. George Wallace of Alabama made it his principal issue and of course he swamped all the other Democratic nominees on this one issue alone.

On the very day that Governor Wallace won that presidential primary the people of Florida voted on the issue of busing. By an overwhelming margin, better than 75 percent to 25 percent, they declared their opposition to forced busing.

Later in the political year, straw ballots were taken in Tennessee and Texas. My recollection is that the sentiment, percentagewise, was even stronger in those States than in Florida.

Polls have been taken nationwide on this issue. These polls indicate, very interestingly, almost the same sentiment against busing that exist in Florida.

What I am saying in bringing to the attention of the Senate the sentiment of people on busing, given the results of the ballots which were taken, is that there is no more dramatic domestic issue at this time than the issue of busing.

It is certainly high time the Senate came to grips with the problem. But in spite of all these statistics, in spite of the sentiment, it seems to me that this body, during the years in which it has been confronted with this issue has done a masterful job of evasion. By the time we vote on any busing language, and we have done it time and again in the past few years, the busing advocates make sure that there are loopholes in the law big enough to let a whole caravan of schoolbuses through.

Now it seems to me that the time has come to stop this semantic nonsense. The people certainly know, especially those who live in the States affected by forced busing, such as my own State of Florida, that we have not done an effective job in Congress to come to grips with antibusing legislation.

Once again we have before us a bill passed by the House by a healthy margin which squarely presents the question: Do we or do we not continue this practice of forced busing for the sole purpose of racial balance?

In addition, the bill contains a reopener provision, extremely important to certain States where forced busing is and has been employed on a large scale.

For States like Florida, both sections are essential if we are to have fair and equitable antibusing legislation.

During the past 2 weeks, Mr. President, the offices of many of my colleagues in the Senate were visited by parents from the Jacksonville, Fla., area who came up here, many of them for the first time, and at their own expense, to talk about forced busing. They did not come here to march, to picket, or to threaten, but to tell their story, ask questions, and seek help. For those Senators who did not have the opportunity to meet with the citizens of Duval County, I should like to talk a little bit on just what is happening down there.

Since June of 1971, the Duval County school system has been under a court order requiring massive forced busing. Since that time, the school system has more than doubled the number of buses, from 200 to 420, to accommodate the 12,000 additional schoolchildren who are being shuffled around by HEW and judicial whim.

It was mentioned just a short time ago here by one of the speakers in favor of busing—I do not believe that busing has reached his particular State yet—that only 3 percent of schoolchildren are involved in this kind of busing. These figures are over 2 years old and were taken in nationwide newspaper studies. In other words, the forced busing which is concentrated in a small area of the country, mainly the South, is being equated by proponents of busing with this kind of busing statistic. But so far as Duval County, Fla. is concerned and the city of Jacksonville, one of the major cities in my State, we have doubled the number of schoolbuses and we will be busing 32,000 additional children. Believe me, that is a lot more than 3 percent. The increased cost for transportation alone resulting from the court order affecting Duval County amounts to $1,263,918. This is money that could have been far better spent on the improvement of facilites and the upgrading of teaching staffs. Jacksonville is not an unusual situation. In Los Angeles, for example, school officials have estimated that the $118 million 8-year plan they developed in anticipation of court ordered busing will require the busing of 196,000 children over twice a day as compared with 35,000 being transported previously. There again, that 3-percent figure that was thrown around here so blithely a short time ago, and the even stronger assertion that there is less forced busing than before is a lot of nonsense. It is not the truth at all.

In Los Angeles County, an additional 1,400 or 1,450 buses will be required, as well as facilities in which to park them and drivers to drive them. Los Angeles will be spending approximately $6.3 million a year in pupil transportation.

If Los Angeles was to use that $180 million that is projected over 8 years for busing for hiring schoolteachers and improving of facilities in the county, I would think the county could make major qualitative improvements in the educational opportunities it could afford to all its children.

Richmond, Va., is another example that has been used a great deal recently. As everyone here knows, in April 1971 the court order said that the city of Richmond should bus 7,000 more children than the previous year, a move that required 56 more buses costing half a million dollars.

There is now a new court order. The metropolitan area will be forced under this new order to bus 78,000 out of 104,000 children, 10,000 more than a year previously.

Then, in Henrico County, an adjoining county, the school officials estimate that the new plan will cost them two or three times the amount of money, $743,000, now being spent in transportation. In Chesterfield County, a county south of Richmond, it is estimated that increased busing will cost them an extra $300,000. Fortunately for these communities this case is on appeal. It has not been implemented yet and if we are able to pass the pending bill, it will not be implemented. If they want to improve the schools, they can put that money into education rather than schoolbuses and gasoline.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. GURNEY. I am glad to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I hope that the Senator in the course of his discourse might rationalize perhaps on this proposition. These bills, which certainly I had favored, propose to afford Federal money, especially for the busing proposition or even for buttressing education. And indeed this bill probably—and I will calculate it and we will supply all of the data—will spend more money for compensatory education to make up for the fact that it seeks to eliminate busing.

I wonder what the rationale is that induces the Senator to say that these municipalities are going to be spending money, when the bills propose—even the one proposed by the President—to put up the money. If anything, we will spend more Federal money for compensatory education than we did to supplement the busing for local communities. Therefore, I ask the Senator if the Senator would mind rationalizing this concept.

Mr. GURNEY. Mr. President, of course the figures I am using are figures that have been promulgated as the cost involved in implementing busing under the various court orders. I will have other examples as I go along.

I do not see that the Senator's explanation in any way justifies the cost of unnecessary busing. I am not sure where the Senator thinks the money comes from. Whether it is raised by the taxpayers of Duval County and the city of Jacksonville; or whether the citizens of Jacksonville send it up here to Washington and then Washington sends it back to aid them; or whether it was raised by local authorities or Federal authorities; we are speaking of money that is exacted from the taxpayers for busing which is totally unnecessary. This is money which could better be used in other educational endeavors, such as the compensatory education which the Senator mentioned.

Mr. JAVITS. Mr. President, would the Senator yield further?

Mr. GURNEY. I am glad to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think the Senator will find on an analysis that more money is being provided for compensatory education in this very bill than would need to be provided if it were not for the position taken by Senators like the Senator from Florida who are opposed to busing.

In short, compensatory education becomes a higher figure precisely because some Senators oppose any effort to make up for the loss of educational opportunities through some moderate busing.

That is my point. So, no matter where it comes from, it is more expensive.

Mr. GURNEY. Mr. President, I would be glad to comment on that. This is something that we have had a pretty good light shed on recently, as I am sure the Senator knows, because he is one of the most informed Senators in this Chamber on the whole subject of education, far more so than I am.

I note that Harvard University School of Education, which has done a lot of massive research and study on this subject, recently came out with a report, which was the subject of a news article in the Washington Post of May 21, 1972.

I will not read all of it. I will read the headlines of the article. It says, "Achievement, Tolerance, Unimproved Study Casts Doubt on Busing. Major Study Casts Doubt on School Desegregation by Busing." I know that my distinguished colleague is familiar with this study and I will not delve into it at this time.

What the Senator says is that the busing here will help improve the quality of education, and that we have also put in some more money for compensatory education. But if Senators would not support this business of busing we would do better for quality education.

The point I am making now is that we have had a plethora of studies which show that is not true at all that busing aids quality education.

Mr. JAVITS. Mr. President, if the Senator will yield further, I will deal with the Harvard studies and also analyze the financial situation. I want to interpose a thought—and I am not trying to pull my superior knowledge of the matter on the Senate suddenly—we will analyze it. I wanted to interject the thought that as far as the expenditures are concerned, it may be that we are paying a higher cost because the antibusing people feel so deeply about the matter and are spending much more in compensatory education than would otherwise be necessary if some moderate busing were in order. However, I will discuss that on my own time.

Mr. GURNEY. Mr. President, I do not mind if the Senator interrupts with these questions. I think they are important. I know that the Senator has very strong feelings on the subject of education, just as I do. We have differing viewpoints. However, I think our basic goals are precisely the same. That goal is to come up with better education for all of our schoolchildren and particularly for those disadvantaged school students who are bused more than anyone else. I do not disagree with that at all. I simply say that this is Federal money—and it is true that the burden may be lifted from the local government and put on the Federal Government. I would agree with the Senator. That is true.

I do not think that makes my view an unwise one. I would say to the Senator that as far as compensatory education is concerned and as far as upgrading our schools is concerned, I would indeed be glad to put every busing dollar contained in this bill into the area of compensatory education to improve the quality of schools. That is needed throughout our land.

So, I must say that I do not agree with the Senator's argument. However, to go on, so far as other school systems are concerned, we have Columbus, Ga., which is another excellent example of misplaced priorities.

Three years ago, pupil transportation cost the city about $365,000. During the last school year, despite 3,000 fewer students and despite a new rule requiring students that live a half mile further from school to be eligible to catch a schoolbus, pupil transportation cost approximately $720,000. The reason—a forced busing plan, which increased the number of pupils being bused from about 10,000 to over 14,000. Yet at the same time, the State board of education was forced to recommend the closing of several substandard schools. How can we say, under such circumstances, that this additional $300,000-plus being spent on forced busing, rather than improved facilities, is justifiable, or that it is in any way contributing to quality education? As long as facilities are substandard or unsafe, or schools are unaccredited, it seems only logical that every available dollar go to correcting these deficiencies.

Now, to depart from my prepared text for a moment, this brings to mind a very excellent, formerly black school in my own community of Winter Park, Fla., a fine city in Florida with about 25,000. It was an excellent school, better than many schools we have presently in use in my county. That school is now boarded up. The windows and doors are boarded up and it is no longer used. It is an excellent educational facility that has been shut down because of the court ordered busing we have in my home county. I cannot imagine any more idiotic thing than to have a million-dollar building, no more than 15 years old, closed down this year because of court ordered school busing.

Mr. President, I would like to address my remarks once again to my home State of Florida and call attenion to the city of Tampa in my State. In the Tampa area, approximately 23,000 youngsters had their school assignments altered by Federal court order last school year. The school board had to borrow $1 million from local banks, increase the county school tax and cut expenditures for improvements in areas more directly connected with improving educational opportunity.

Statistics, Mr. President, as we all know, can be used to convey a distorted view of any situation. For example, proponents of busing claim that of the 43 percent of all public school students who are bused in this county, less than 3 percent are bused for desegregation purposes. Well, in Duval County, as I pointed out, Mr. President, they are busing 59 percent of the student enrollment, of which 31 percent are bused for desegregation purposes.

This points up two things: First, that most of the massive forced busing has taken place since these figures were compiled in 1970, and second, that up to now, forced busing has been concentrated in one section of the country. Moreover, there is every indication that unless something is done, the situation will get worse, not better. That is the message that we get from the court orders that have been handed down in Richmond and in Detroit.

I have already mentioned Richmond, but let us examine Detroit for a moment. In Detroit, Judge Roth has ordered no less than 53 school districts merged. The result is that 310,000 out of 780,000 children will be bused at a fantastic expense. This would mean a purchase of 295 buses at a cost of about $3 million. Where will this money come from? The first and most obvious answer is increased taxes.

Whether they are going to increase local taxes or whether they are going to have Federal taxes, as we have discussed in a colloquy with the distinguished Senator from New York, in this Senator's view does not matter. These are taxes exacted from somebody's pocket to pay $3 million for something entirely unreasonable.

Moreover, Mr. President, the school board might also be forced to cut the number of schooldays from 180 to 117. This in the name of improving educational opportunity. Fortunately this court order was stayed. But plans of a similar, or even larger scope, are contemplated elsewhere.

Just passing a moratorium on new busing orders is not enough. For those who think that it cannot happen in their area or that the overall impact might be limited, I would like to make an analogy.

A few months ago, tropical storm Agnes hit the east coast. Its devastating impact left a wake of rubble and death in many towns which happened to lie in its path. Statistically, we might say that on a nationwide basis the whole incident was of little consequence because it only affected a small percentage of the whole country. Well, just try to sell that line of reasoning to the people of Wilkes-Barre, Pa., or in scores of other communities in the mid-Atlantic region.

Obviously, those of us in Congress who voted massive Federal aid for the storm-hit areas would never have accepted such an argument. And yet it is this same twisted reasoning that is being used against the moratorium or the reopener provision or both. Busing, too, unless we move to check it now, will move on. It will hit other cities, and the results may not be unlike those in Jacksonville or Palm Beach, Miami, or other cities within the South.

There is certainly no refuge in the courts, either. The Supreme Court, in the Swann case said in part that—

> An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process.

That is what the Supreme Court has said, and yet in the Federal district court in Duval County, Mr. President, they are packing 102 or more children into buses designated to seat 66, and sending these buses up to 31 miles across town. Just a few days ago, my distinguished colleague from Wisconsin (Mr. Nelson), in a strong statement regarding the urgent need for schoolbus safety legislation, reminded us of the great potential for tragedy under existing conditions.

In addition, I ask to have inserted at this point an editorial from the Washington Post of September 27, regarding unsafe school buses.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Unsafe School Buses

It has been known for some time that school buses are high risk vehicles—more dangerous than the automobile, if that can be imagined—but public attention mostly comes following a crash, not in the quiet period long after. Plenty of crashes have occurred in recent years, from the Congers, New York, accident last March that kiled five to the Gunnison, Colorado, crash where nine died in September, 1971. Last week, the National Transportation Safety Board, an advisory group of the Department of Transportation, issued a valuable report on the flawed design of American school buses. Referring to the New York crash, the board said it "tentatively concluded that the gross disintegration of the school bus body was made possible by widespread failure of the school bus body at the joints." In other words, the bus was fastened together by relatively few rivets and easily came apart at impact. The board said that this weakness, and others commonly found in school buses "must be eliminated as quickly as possible."

Calls for action are now almost routine regarding school bus safety; but then the dust settles and the vehicles keep rolling along. What is most alarming is not so much that the hazardous conditions persist but that the technology to correct many of them is available. Ward School Bus Manufacturing, an Arkansas firm, for example, is now producing a body with thousands more rivets than found in standard models. The cost for this safety feature rises $390, but in proportion to the $9,000 or $10,000 regular price of a bus the extra sum is hardly overwhelming.

Unlike private cars and commercial buses in which passengers are paying for the transportation and accept the risks inherent to the ride, children in school buses are at the mercy of what authorities give them. Thirty-one children were killed within school buses in 1971 and potential for even greater tragedy is ever present. The Department of Transportation has made some worthy efforts to protect the 19 million school bus riders, but with low funding for its safety agency it must give priority to decreasing the dangers of automobiles. In Congress, Rep. Les Aspin (D-Wis.) has introduced a school bus safety bill that now has 80 co-sponsors; it is expected to go nowhere this session. Over-all, a strange kind of inertia is present. No one is lobbying against school bus safety, no controversy is involved—go to the other busing issue for that—and the cost is small.

Until the advice of such groups as the National Transportation Safety Board is taken and the legislation of Mr. Aspin is passed, the crashes are likely to continue. Instead of preventive technology—how complex is a rivet job?—authorities apparently prefer to depend on luck to protect the children. Luck and school buses, though, are grimly similar: both easily give out.

Mr. GURNEY. Obviously, Mr. President, the concern for schoolbus safety is a real one. How, then, can we possibly justify sending overcrowded buses—dangerous under any circumstances—extra distances on busy highways or winding back roads to tranverse the cities twice a day? Just how far must we go before this sort of thing will be acknowledged as a "risk to health"?

For the life of me, I cannot understand how, under the Supreme Court decision, the court decision in Jacksonville was arrived at, but apparently a precedent has been set, and decisions have been entered. Obviously, then, the language of the Supreme Court, as far as busing and health are concerned, has no application in the practical situations that are faced every day in the places where our children are being bused.

And then there is another consideration—the physical and emotional dangers of sending children into a completely different neighborhood to school each day. For instance, in Pontiac, Mich., during the first 3 weeks of forced busing, the number of robberies in the schools increased from one to 24 and the number of assaults from 13 to 84.

And these are not isolated statistics. A federally commissioned study, done by the Policy Institute in Syracuse, N.Y., in 1970, showed that 85 percent of nearly 700 urban schools had experienced some type of disruption in the preceding 3 years and that racial factors figured in a large number of these incidents. From these figures, the study drew the conclusion that disruption is positively related to integration. Another study, done by the National Association of Secondary School Principals, corroborated this by noting that 77 percent of the incidents of conflict reported to them took place in mixed black and white schools. Now, this is not to say that integration should be rejected—far from it.

I have not heard any argument in the Senate or in Congress that that should be the case, but what it does indicate is that forced busing simply to achieve racial balance represents an unnecessary safety risk for all children, black and white. Better mutual understanding will not come about by unnecessarily increasing the fears of—and subsequently heightening the tensions between—the groups involved.

Certainly the people who came up from Jacksonville can attest to this type of problem. The stories they told of physical violence, drug abuse, and policemen having to escort children to the lavatory make it easy to understand why they would like to send their children to the nearest possible school where they would have the best chance to keep an eye on the situation.

Not only that, but still another study shows that some pupils suffer symptoms of psychological disorientation where they are moved back and forth from two completely different environments.

Aside from the travel hazards, there are other physical problems involved in this forced busing game plan.

One mother of four children—all of whom are scattered in different directions—told me she had no way of reaching her children during the day and that even if she did have transportation, it would take her over 2 hours to reach all of them.

Another thing to be considered is that busing, by contributing to resegregation, is self-defeating. In order to put their children in quality schools, many parents are moving away from areas where forced busing plans are in effect. The result is that once integrated schools soon become preponderantly uniracial again. Enlarging the scope of busing simply increases suburban sprawl and hastens the decay of the inner city. Unless the Government starts regulating where we live—something I believe no government has a right to do—this process will continue. Forced busing can only make it worse.

I would hope that the government would never reach the point where it tells us where we have a right to live. Certainly no government has the right to do that. But I must say I can conceive of a situation in which the government would say, if it is idiotic enough to engage in forced busing, totally contrary to the desires of almost all the people in this country, totally repugnant to the individual freedoms we have fought so much to attain, "No, you cannot move from this neighborhood, because if you do, it is going to resegregate, or segregate, or 'gate' something else, and you cannot do it." I would not be surprised if we would come to that kind of nonsense after a while.

Moreover, another disadvantage of busing is that parental support and participation, so vital to a successful school, is being sacrificed. If parents are too far removed from a school to be able to take much interest in it, the cause of quality education is in trouble.

That brings me to a very human story, too. I remember the first year I was here in the U.S. Senate, in 1969, a delegation of high school students came up from Florida, from a very lovely city in our State called Vero Beach, over on the east coast of Florida. They had a fine black high school in that particular community, and in order to comply with the racial balance orders of HEW, the school board decided they had to close this school down and bus all the high school students to another high school in another part of town. As I say, this was a delegation from that particular black high school, and I had my picture taken with them on the Capitol steps. After the picture was taken, I started to walk back to my office, and three of the high school boys came along with me and said, "Can we talk to you, Senator, for a few minutes about a problem?" I said, "Sure.

What's on your mind?" "Well," they said, "they are proposing to close our school at home, and if they do that, Senator, it is going to be a substantial loss to our community, because all the good things that happen in our community happen in that school. That is where we have the civic meetings. That is where the PTA meets. That is where all the enterprising, progressive occurrences in our community have their meetings and go forth from there." They went on to say, too, "We are going to lose a lot of the things that we have a deep interest in, our athletic teams, our band."

They told me all about those things with real, moving pathos in their language.

I said, "Well, I know what you are talking about. I am sorry I cannot do anything about it, but that is the way the law is. That is the way the Supreme Court has spoken, and I have to obey the law, too, until we can change it."

These are incidents that happened, that I do not think any of my very able and very conscientious colleagues here in the U.S. Senate from northern communities or communities outside the South know anything about at all, because they are not faced with the problem. They do not talk with these students, they do not talk with their parents, they do not know anything about the human side of the busing story. We who are faced with these problems do know, and we know how the people feel about them, black and white.

I could recount here scores and scores of similar stories exactly like that, that have been related to me personally here in my Senate office by parents, black and white, who have come to see me, or see me in Florida when I go back there.

I cannot understand why my colleagues, who are interested in the cause of good education and are interested also in the cause of race relations, cannot wake up to the fact that what is really happening in this business of schoolbusing is the closing down of schools and moving children back and forth like pawns.

As my story indicates forced busing deprives many students from the opportunity to participate in athletics and other extracurricular student functions. What it amounts to is that only those well off enough to afford special transportation home each day can participate in athletics and other activities designed to give all students a more well rounded educational experience.

And that is not a specious argument. If you have to take a schoolbus 2 hours to get from the school after it closes to the home, it is pretty obvious that you are not going to have too much time to participate in the athletics, the band activities, and all of the other things that go along with education in addition to the instructional classes themselves.

Another thing—parents of all races, creeds, and national origins want their children to learn their own culture and values within the context of the American system. Not only is the neighborhood school more convenient and safer, but it has traditionally been an effective vehicle for teaching culture and values.

The bitter irony of all this, Mr. President, is that we are simply not accomplishing the goals toward which these outlandish programs are geared. According to an extensive study by Harvard Prof. David J. Armor, we are neither raising educational achievement levels, nor improving race relations.

According to Professor Armor:

> The data suggest that, under the circumstances obtaining in these studies, integration heightens racial identity and conciousness, enhances ideologies that promote racial segregation and reduces opportunities for actual contact between the races.

Furthermore, Professor Armor concludes that:

> Massive mandatory busing for purposes of improving student achievement and interracial harmony is not effective and should not be adopted at this time.

Other studies indicate the same thing. And I can assure my colleagues that if they will talk to the parents of bused children—the only people who really know what busing is all about—they will find confirmation of these results.

In his book, "Ordeal of Change," the philosopher, Eric Hoffer, points out the need for a sense of self-identity and control of one's personal destiny as a prerequisite for any integration between any two groups of people. Yet, at a time when black Americans are building a sense of self-identity, at a time when they can have a say in their local neighborhood schools, Federal court decisions seek to disperse the black student amongst an overwhelming majority of whites with the implication that this is the only way these students can be properly educated. Columnist William Raspberry described this attitude as degrading, and I agree.

The implications behind such a policy are as racist as any de jure segregation.

It is one thing to correct inadequate facilities and teaching staffs. All children are entitled to the best of both.

However, when we speak of busing, of arbitrary racial balances, as an improvement we not only deny the evidence of recent studies, we imply that only where white children are in the overwhelming majority in the classroom can education occur.

It is not surprising then that black parents, as well as white, oppose forced busing. A poll of black Detroit parents showed 62 percent of them opposed to busing their children away from their neighborhood schools.

An estimated 52 percent of all blacks voted for an antibusing amendment to the Constitution. In a recent Gallup poll, blacks are shown to oppose forced busing by a 47–45 margin. And, in Gary, Ind., last spring the National Black Political Convention came out strongly against forced busing.

The changes are very excellent that a much higher percentage of blacks are opposed to busing because for blacks to take this position is not popular and can even be dangerous. For instance, one woman from Jacksonville told me about several black women who wanted to come to Washington, but were threatened by militant blacks. They were told that their welfare checks might "get lost" if they did not keep quiet.

In short, in spite of intense pressure by militant civil rights leaders upon blacks to get them to support busing, including threats, a majority of blacks still oppose busing, just as the whites do.

Indeed, Professor Armor points out that in one of the school systems analyzed, black high school students participating in a busing plan stated a solid preference for their own neighborhood schools.

Finally, there is the basic question of individual rights. Constituents are writing me and asking why, after they have put their life savings into a home so they could send their children to a neighborhood school they picked out, they will no longer be able to send their children to that school.

I can give no answer other than to say that I do not believe government should have the power to make that kind of decision. A person should have the right to buy a home in any neighborhood he chooses—if he can afford it—and know, when he buys it, what school his children will be sent to. Throughout our history, people have moved from neighborhood to neighborhood for educational reasons; to negate this possibility constitutes a serious abridgement of basic and traditional American freedoms.

It is sadly ironic now that one effect of the famous 1954 Supreme Court decision that ruled "separate but equal" school systems unconstitutional—that is the Brown case, of course—was to end the practice of busing black children away from the school closest to them in order to keep them in segregated schools.

That was what the decision was based on. That is what it was all about, that it was unlawful to bus black children away from a neighborhood school where white children attended. It was the court's intention that color no longer be the determining factor in pupil assignment.

But now, so help me, we have gone full cycle. We have turned it around 180 degrees, and now we use that first decision, the Brown decision, the landmark decision that said you shall not bus black children past their neighborhood schools on the basis of color, and now the U.S. Supreme Court says you have got to bus them past those neighborhood schools in order to achieve this racial balance—based, again, upon color.

It is the worst case of backtracking and counter-marching, and saying exactly what they did not say before, and contradicting themselves completely, that I think we have ever seen in the history of the U.S. Supreme Court. Of course, what has happened is that the courts have twisted the issue in their zeal to achieve this mythical racial balance, and they have forgotten that the real purpose of the Brown decision was to provide quality education for all our children, especially for our black children.

So Mr. President, I strongly urge the passage of H.R. 13915. It will stop a grave injustice that, if left unchecked, will not lead to quality education, is not leading to quality education, is destroying education, is not relieving racial tensions but increasing racial tensions, and is going in a direction that will eventually destroy our public schools and will certainly destroy their effectiveness as we have always known it.

There is one thing that I thought was reasonably true about the Government of the United States and the sort of representative government we have, and I should like to mention that in closing. I had always believed that, sooner or later, when a basic, fundamental issue was presented to Congress—or, for that matter, to any representative body in our Nation, whether it be a State legislature, a county commission, or a city commission—eventually, if overwhelming sentiment was in favor of a change of law, the elected representatives of the people would change that law. That is what I understood representative government to be all about. Yet, we have seen here, in the U.S. Senate, year after year after year—and I fear we are going to see it within the waning days of this congressional session—a majority of the Senate, or perhaps a minority of the Senate, thwart the feeling of the majority of people of the United States on the issue of forced busing.

I think this is a travesty on representative government. I hope the Senate will not do this. I hope, rather, that the Senate will conform to the prevailing majority opinion in this country and hurry on to the passage of this bill.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, I have listened with interest, as others have, to the remarks voiced thus far in this opening discussion.

I think the able Senator from New York, as he has done on other occasions, has sketched fully and with precision the bounds, the limits, the areas we believe should be understood by the Senate before it acts once again on this troublesome issue.

We can look back over nearly two decades of the long struggle to achieve school desegregation, which was ordered by the Supreme Court of the United States in 1954.

A witness before the House Judiciary Committee noted that young black students who were in kindergarten when Brown against Board of Education was decided are now in the last year of law school. Some black students entering kindergarten today still must go to schools segregated through violations of their constitutional rights. Yet, here we are today, and the Senate is considering whether or not to limit drastically any further desegregation of our public schools.

The 18th anniversary of the Brown decision was marked on May 17 of this year, and the following day was an equally historic reminder of the long road down which we have come. May 18 marked the day on which the Supreme Court, in 1896, decided Plessy against Ferguson, with its, I thought, discredited sanction of "separate but equal" treatment for different races.

At that time—that was 6 months ago—I remarked that the ironic juxtaposition of these two anniversaries "symbolizes a crossroads we had seemed to pass but which recent events present us with again: Will we move forward with the unfinished business of Brown or retreat to implicit acceptance of Plessy and the doctrine of 'separate but equal.'?"

Today, and in the days ahead, the Members of the Senate have to face that choice, and it is a pretty square confrontation. We all know that the consequences of this debate on H.R. 13915 are rather unusual. Here we are, virtually on the eve of the adjournment of a busy session of Congress, with many Members anxious for adjournment so that they can participate more fully in the closing weeks of the election campaign.

That campaign, itself, has enveloped this complex and controversial measure in the most intense cloud of heated emotion. The Members of the Senate most insistent on this measure being disposed of before we adjourn also are the Members who blocked its orderly referral to the Committee on Labor and Public Welfare when we received the bill from the House. As a result, under our rules, the bill went on the Senate calendar, and it has become the pending business without any consideration by any subcommittee or full committee of the Senate.

There are exceedingly few compass points to guide us on the most serious problems in the House-passed bill. To understand this one must review briefly its legislative history thus far.

H.R. 13915 is a substantially—and I emphasize the word "substantially"—revised version of the equal educational opportunities bill introduced on behalf of the administration last spring in both Houses of Congress, along with a companion measure, H.R. 13916, the student transportation moratorium bill of 1972. In the Senate, the moratorium bill was referred to the Judiciary Committee which has held no hearings on it. The original Senate counterpart to H.R. 13915 went to the Labor Committee which did hold hearings on it. Those hearings have not yet closed. In fact, an additional day of hearings was held last week, at the request of a proponent of the measure. Accordingly, the hearings have not yet been printed; they are not available to this Senator, nor to my colleagues. And of course there has been no committee action on the bill, let alone a report analyzing it for the full Senate.

In the House of Representatives, hearings were held by the Judiciary Committee on the moratorium bill. The House Labor Committee held hearings on the original version of the measure now before us, H.R. 13915. The House Committee made several substantial changes in the bill and sent it to the floor, where it was revised even more sharply.

Mr. President, the bill now before the Senate has been changed so much from the proposal initially put before Congress, that the Representative who introduced the bill for the administration, and other leading sponsors of it, felt obliged to vote against the final passage on the House floor because they thought it had been made unconstitutional.

The latest word which my office was able to obtain indicated that the complete House committee hearings on this bill were not yet available, either. The House committee report is available, but a careful reading of it discloses scant reference to any factual record underpinning the bill's more controversial provisions. And, of course, it did not address the further changes made in the bill on the House floor.

There we have it. Nothing out of our own Senate committee. The House committee hearings are not yet available. The House committee report understandably does not cover substantial changes made in the bill on the House floor.

ISSUES RAISED

What do we know about the bill before us, Mr. President? Well, we do know that it is designed to affect the precious constitutional rights of young black boys and girls—and that in a more fundamental sense it will affect not only their future, but America's as well.

We do know that it deals with an area involving many legal and policy issues of great complexity—issues which have been hard to bring into sharp focus through the haze of election-year rhetoric, even though we may feel that we have "been through the busing debate," so to speak, already.

Mr. President, I ask unanimous consent that I may yield the floor temporarily, without losing my right to the floor, in order that I may yield at this time to the distinguished Senator from Connecticut (Mr. RIBICOFF) to offer an amendment.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered, and the Senator from Connecticut is now recognized.

Mr. RIBICOFF. Mr. President, I submit two amendments to H.R. 13915 and ask that they be read for the purpose of Senate consideration under rule XXII.

The PRESIDING OFFICER. Does the Senator wish the amendments read in full?

Mr. RIBICOFF. I would have no objection unless someone asks unanimous consent that their further reading be dispensed with.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendments be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, while we are on this subject, would the distinguished Senator from Alabama (Mr. ALLEN) have any objection to the usual provision that all amendments at the desk shall be considered as having qualified under rule XXII?

Mr. ALLEN. Entirely satisfactory. It is the usual custom.

Mr. JAVITS. I thank the Senator from Alabama

The PRESIDING OFFICER. Without objection, the amendments will be considered as having been read in order to comply with rule XXII.

Mr. JAVITS. Mr. President, I thank the Chair.

I should like to inform the Senate that I will consult with the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), and if there are any problems about this, I will undo the unanimous-consent request.

The PRESIDING OFFICER. Has the Senator from Connecticut completed his remarks?

Mr. RIBICOFF. Yes, Mr. President, I have.

The PRESIDING OFFICER. The Senator from Michigan (Mr. HART) has the floor.

Mr. HART. Thank you, Mr. President.

Mr. President, we know that there has been an unprecedented expression of concern—unprecedented, except perhaps for the comments and efforts made during the consideration of a recent Supreme Court nomination—from our Nation's leading legal scholars. Their voices, almost 500 strong, from some 42 law schools in over 20 States, from the South, the West, and the North, join in opposition to this bill. They urge us not to pass it, because of their "grave reservation about the constitutionality of the legislation," and because they conclude it "would place in jeopardy most of the hard-won progress toward school desegregation of the last 2 decades."

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Michigan yield me just 1 minute without losing his right to the floor?

Mr. HART. I yield.

AMENDMENT OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 56.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the message of the House of Representatives to the bill, which reads as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) entitled "An Act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: That this Act may be cited as the "National Environmental Data System and Environmental Centers Act of 1972".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Council" means the Council on Environmental Quality established in title II of the National Environmental Policy Act of 1969 (Public Law 91–190).

(3) The term "Data System" means the National Environmental Data System established by title I of this Act.

(4) The term "Director" means the National Environmental Data System Director appointed pursuant to section 104 of title I of this Act.

(5) The term "educational institution" means a public or private institution of higher education, or a consortium of public or private, or public and private, institutions of higher education.

(6) The term "environmental center" means a State environmental center or regional environmental center established pursuant to title II of this Act.

(7) The term "environmental quality indicators" means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

(8) The term "information, knowledge, and data" shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking or research in environmental affairs or problems.

(9) The term "other research facilities" means the research facilities of (A) any educational institution in which a State environmental center is not located and which does not directly participate in a regional environmental center, (B) public or private foundations and other institutions, and (C) private industry.

(10) The term "regional environmental center" means an organization which, on an interstate basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

(11) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(12) The term "State environmental center" means an organization which, on a statewide basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

On page 2, line 20, of the House engrossed bill, after "System." insert the following: The Data System shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: (2) to all interstate agencies, States and political subdivisions thereof, environmental centers, and educational institutions,

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows:

On page 4, line 15, of the Senate engrossed amendment, after "patent," insert: copyrighted,

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: environmental centers, educational institutions,.

On page 6, line 20, of the House engrossed bill, strike out "universities,".

On page 6, line 22, of the House engrossed bill, strike out "required" and insert the following: required.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 65 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE II—STATE AND REGIONAL ENVIRONMENTAL CENTERS

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Centers Act of 1972".

POLICY AND PURPOSES

SEC. 202. (a) It is the policy of the Congress to support basic and applied research, planning, management, education, and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers, in cooperation with and among the States, and thereby to achieve a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to the policies and goals established in the National Environmental Policy Act of 1969. It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in local, State, and regional areas to assure the Nation of an adequate environment.

(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of basic and applied research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States; to provide for the widest dissemination of environmental information; to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; and to authorize and direct the Administrator to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard for the varying conditions and needs of the respective States.

DESIGNATION AND APPROVAL OF ENVIRONMENTAL CENTERS

SEC. 203. (a) The Administrator shall provide financial assistance under this title for the purpose of enabling any State, if such State does not participate in a regional environmental center assisted under this title, to establish and operate one State environmental center if—

(1) such State environmental center is, or will be—

(A) located in an educational institution within the State, and

(B) administered by such educational institution;

(2) such educational institution is designated by the Governor of the State to be the State environmental center; and

(3) the Administrator determines that such State environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(b) The Administrator shall provide financial assistance under this title for the purpose of enabling two or more States, if none of such States has a State environmental center assisted under this title, to establish and operate a regional environmental center if—

(1) such regional environmental center is, or will be—

(A) located in an educational institution within one of such States or in educational institutions within two or more of such States if such institutions agree to operate jointly as the regional environmental center, and

(B) administered by such educational institution or institutions;

(2) such educational institution in each State is designated by the Governor of the State to participate in the regional environmental center; and

(3) the Administrator determines that such regional environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(c) Each Governor, in designating an educational institution to be a State environmental center or to participate in a regional environmental center, shall take into account those institutions of higher education in the State which, at that time, are carrying out environmentally related research and education programs.

ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL CENTERS

SEC. 204. Each State or regional environmental center shall—

(1) be organized and operated so as to support, augment, and implement programs contributing to the protection and improvement of the local, State, regional, and national environment;

(2) have (A) a chief administrative officer, and (B) a treasurer who shall carry out the duties specified in section 210 of this title, each of whom shall be appointed by the chief executive officer of the educational institution concerned, in the case of a State environmental center, or jointly approved and appointed by the chief executive officers of the educational institutions concerned, in the case of a regional environmental center;

(3) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of planning, coordinating, and directing interdisciplinary programs related to the protection and improvement of the local State, regional, and national environment;

(4) be authorized to employ personnel to carry out appropriate research, planning, management, and education programs;

(5) be authorized to make contracts and other financial arrangements necessary to implement section 205(b) of this title; and

(6) make available to the public all data, publications, studies, reports, and other information which result from its programs and activities, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

FUNCTIONS OF ENVIRONMENTAL CENTERS

SEC. 205. (a) Each State and regional environmental center shall be responsible for the following functions—

(1) the planning and implementing of research, investigations, and experiments relating to the study and resolution of environmental pollution, natural resource management, and other local, State, and regional environmental problems and opportunities;

(2) the training of environmental professionals through such research, investigations, and experiments, which training may include, but is not limited to, biological, ecological, geographic, geological, engineering, economic, legal, energy resource, natural resource and land use planning, social, recreational, and other aspects of environmental problems;

(3) the establishment, operation, and maintenance of a comprehensive environmental education program directed at the widest possible segment of the population, which program may include, but is not limited to, public school curricula development, undergraduate degree programs, graduate programs, nondegree college level course work, professional training, short courses, workshops, and other educational activities directed toward professional training and general education;

(4) the widest possible dissemination of useful and practical information on subjects relating to the protection and enhancement of the Nation's environment (including but not limited to, information and data resulting from research, investigations, and experiments by the environmental center and information, knowledge, and data obtained through the Data System) and the establishment and maintenance of a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of such information; and

(5) the submission, on or before September 1 of each year, of a comprehensive report of its programs and activities during the immediately preceding fiscal year to the Governors concerned, the Administrator, the Director, the environmental center advisory board concerned, and the Environmental Centers Research Coordination Board.

(b)(1) Each State and regional environmental center is encouraged to contract with other environmental centers and with other research facilities to carry out any function listed in subsection (a) of this section in order to achieve the most efficient and effective use of institutional, financial, and human resources.

(2) Each State and regional environmental center is also encouraged to make grants, contracts, fund matching or other arrangements with—

(A) other environmental centers, other research facilities, and individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief administrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and

(B) local, State, and Federal agencies to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the mission of the environmental center and the purposes of this title.

(c) In the carrying out of the functions described in subsection (a) (3) and (4) of this section, the services of private enterprise firms active in the fields of information, publishing, multi-media materials, educational materials and broadcasting may be utilized where practicable so as to avoid creating government competition with private enterprise and to achieve the most efficient use of public funds invested in the fulfilling of the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS

SEC. 206. (a) There is authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1974; $9,800,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976. The sums authorized for appropriation pursuant to this subsection shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated $10,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975; and June 30, 1976, which shall be allocated by the Administrator, after consultation with the Environmental Centers Research Coordination Board, to the environmental centers on the following basis: one-fourth based on population using the most current decennial census; one-fourth based on the amount of each State's total land area; and one-half based on the assessment of the Administrator with respect to (1) the nature and relative severity of the environmental problems among the areas served by the several State and regional environmental centers, and (2) the ability and willingness of each environmental center to address itself to such problems within its respective area; except that sums allocated under this subsection shall be made available only to those State and regional environmental centers for which the States concerned provide $1 for each $2 provided under this subsection.

(c) In addition to the sums authorized to be appropriated under subsections (a) and (b) of this section, there is authorized to be appropriated for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, such sums as may be necessary to provide to each regional environmental center during each of such fiscal years an amount of money equal to 10 per centum of the funds which will be disbursed and allocated to such center during that fiscal year by the Administrator under such subsections (a) and (b).

(d) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION

SEC. 207. There is authorized to be appropriated $1,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, to be used by the Administrator solely for the administration of this title and to carry out the purposes of section 208 of this title.

ENVIRONMENTAL CENTERS RESEARCH COORDINATION BOARD

SEC. 208. (a) There is established the Environmental Centers Research Coordination Board (hereinafter referred to in this section as the "Board"), for the purposes of assisting the Administrator with program development and operation, consisting of the following nine members—

(1) a Chairman, who shall be the Administrator;

(2) one representative each from (A) the Council on Environmental Quality, (B) the National Science Foundation, (C) the Smithsonian Institution, and (D) the Office of Science and Technology; and

(3) four members, appointed by the Administrator, who shall be appointed on the basis of their ability to represent the views of (A) private industry, (B) not-for-profit organizations the primary objectives of which are for the purposes of improving environmental quality, (C) the academic community, and (D) the general public.

(b) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(c) The Board shall undertake a continuing review of the programs and activities of all State and regional environmental centers assisted under this title and make such recommendations as it deems appropriate to the Administrator and the Governors concerned with respect to the improvement of the programs and activities of any environmental center. The Board shall, in conducting its review, give particular attention to finding any unnecessary duplication of programs and activities among the several environmental centers and shall include in its recommendations suggestions for minimizing such duplications. The Board shall also coordinate its activities under this section with all appropriate Federal agencies and may coordinate such activities with such State and local agencies and private individuals, institutions, and firms as it deems appropriate.

(d) Selection of Board members pursuant to subsection (a)(2) of this section shall be made by heads of the respective entities after consultation with the Administrator.

(c) The Board shall meet at least four times each year. The members of the Board who are not regular fulltime officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 209. (a) The Governor of each State having a State environmental center assisted under this title and the Governors of the States participating in each regional environmental center assisted under this title shall appoint, after consultation with the chief administrative officer of the environmental center concerned, an advisory board which shall—

(1) advise such environmental center with respect to the activities and programs conducted by the environmental center and the coordination of such activities and programs with the activities and programs of Federal, State, and local governments, of other educational institutions (whether or not directly participating in an environmental center assisted under this title), and of private industry related to the protection and enhancement of the quality of the environment; and

(2) make such recommendations as it deems appropriate regarding—

(A) the implementation and improvement of the research, investigations, experiments, training, environmental education program, information dissemination, and other activities and programs undertaken or supported by the environmental center, and

(B) new activities and programs which the environmental center should undertake or support.

All recommendations made by an advisory board pursuant to clause (2) of this subsection shall be promptly transmitted to the Governor or Governors concerned, the chief administrative officer of the environmental center, the chief executive officer of each educational institution in which the environmental center is located, and the Administrator.

(b) (1) Each advisory board appointed pursuant to this section shall have not to exceed fifteen members consisting of representatives of—

(A) the agencies of the State concerned which administer laws relating to the conservation of natural resources and environmental protection or enhancement:

(B) the educational institution or institutions in which the environmental center is located:

(C) the business and industrial community; and

(D) not-for-profit organizations the primary objective of which is the improvement of environmental quality and other public interest groups.

The chief administrative officer of the environmental center shall be an ex officio member of the advisory board. Each advisory board shall elect a chairman from among its appointed members.

(2) The term of office of each member appointed to any advisory board shall be for three years; except that of the members initially appointed to any advisory board, the term of office of one-third of the membership shall be for one year, the term of office of one-third of the membership shall be for two years, and the term of office for the remaining members shall be for three years.

(c) Any recommendations made by an advisory board pursuant to subsection (a) (2) of this section shall be responded to, in writing, by the chief administrative officer of the environmental center within one hundred and twenty days after such recommendations are made. In any case in which any such recommendation is not followed or adopted by the chief administrative officer, such officer, in his response, shall state, in detail, the reason why the recommendation was not, or will not be, followed or adopted.

(d) All recommendations made by an advisory board pursuant to subsection (a) (2) of this section, and all responses by the chief administrative officer thereto, shall be matters of public record and shall be available to the public at all reasonable times.

(e) Each advisory board appointed pursuant to this section shall meet not less than once each year.

(f) Funds provided under section 206 of this title may be used to pay the travel and such other related costs as shall be authorized by the chief administrative officer of the environmental centers which are incurred by the members of each advisory board incident to their attendance at meetings of the advisory board; except that the amount of travel and related costs paid under this subsection to any member of an advisory board with respect to his attendance at any meeting of the advisory board may not exceed the amount which would be payable to such member if the law relating to travel expenses for persons intermittently employed in Government service applied to such member.

SEC. 210. (a) Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined by the Administrator and upon vouchers approved by him. Each treasurer appointed pursuant to section 204(2) of this title shall receive and account for all funds paid to the environmental center under the provisions of the title and shall transmit, with the approval of the chief administrative officer of the environmental center, to the Administrator on or before the first day of September of each year, a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that environmental center.

(b) Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof.

(c) Any environmental center which receives assistance under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records which are pertinent to the assistance received by such environmental center under this title.

DUTIES OF ADMINISTRATOR

SEC. 211. (a) The Administrator shall—

(1) prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title;

(2) indicate to the environmental centers from time to time such areas of research and investigation as to him seem most important, and encourage (specifically through the development of (A) interdisciplinary teams within each environmental center, which teams may be composed of competent persons from the environmental center, other educational institutions and research facilities, and private industry, and (B) interinstitutional arrangements among such educational institutions, private industry, and governmental agencies at all levels) and assist in the establishment and maintenance of cooperation among the several environmental centers;

(3) report on or before January 1 of each year to the President and to Congress regarding the receipts and expenditures and work of all State and regional environmental centers assisted under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reasons therefor; and

(4) undertake a continuing survey, and report thereon to Congress on or before January 1 of each year with respect to—

(A) the interrelationship between the types of programs required to be implemented, and implemented, by environmental centers assisted under this title, and

(B) ways in which the system provided for in this title for improving the Nation's environment may be integrated with other environmentally-related Federal programs.

The Administrator shall include in any report required under this paragraph any recommendations he deems appropriate to achieve the purposes of this title.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows:

On page 21, line 15 of the Senate engrossed amendments, strike out "1972," and insert: 1973,

On page 21, line 16, of the Senate engrossed amendments, immediately after "$51,954,709" insert: , subject to adjustment for growth and cutting,

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

On page 22, line 3, of the Senate engrossed amendments, strike out "Section" and insert: With respect to the offer made on June 29, 1971, and effective with the making of such offer, section

Resolved, That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 716.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

H. CON. RES. 716

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, is authorized and directed to make the following corrections:

On page 1, line 7, of the House engrossed bill, strike out "NATIONAL ENVIRONMENTAL DATA SYSTEM" and insert the following: "SHORT TITLE".

On page 2 of the House engrossed bill, between lines 18 and 19, insert the following center heading: "NATIONAL ENVIRONMENTAL DATA SYSTEM".

On page 3, line 7, of the House engrossed bill, before the period insert the following: ", knowledge, and data".

On page 3, line 8, of the House engrossed bill, after "Information" insert the following: ", knowledge,".

On page 3 of the House engrossed bill, between lines 12 and 13, insert the following center heading: "AVAILABILITY OF INFORMATION, KNOWLEDGE, AND DATA".

On page 4 of the House engrossed bill, between lines 11 and 12 insert the following center heading: "DIRECTOR OF THE DATA SYSTEM".

On page 6 of the House engrossed bill, between lines 9 and 10 insert the following center heading: "ADMINISTRATIVE PROVISIONS".

On page 6, line 22, of the House engrossed bill, before "data," insert the following: "knowledge, and".

On page 6 of the House engrossed bill, between lines 23 and 24 insert the following center heading: "INTERAGENCY COOPERATION".

On page 8 of the House engrossed bill, between lines 13 and 14 insert the following center heading: "AUTHORIZATION OF APPROPRIATIONS".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution (H. Con. Res. 716) was considered and agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to strike out the enacting clause of the bill (S. 1316) to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. HART. Mr. President, let me read what their statement says about this measure we are being asked to pass in a few days without committee consideration and under the trip-hammer pressure of the desire to adjourn. These nearly 500 law professors state:

> The passage of this bill . . . will—
>
> Place the legislative and judicial branches in conflict;
>
> Impair the Supreme Court's role as final arbiter of Constitutional matters;
>
> Remove a remedy for the vindication of minority students' constitutional rights, even when that remedy is constitutionally required; and
>
> Open to relitigation nearly two decades of judicial desegregation decisions, many of which involve no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.

That is not a warning to be brushed aside lightly. It is a most serious indictment of this measure by a group of thoughtful legal experts who are not prone to shoot from the hip.

This statement is mournful.

In my own State, for example, over a dozen members of the faculty at the University of Michigan School of Law joined in this statement. They include men such as Paul G. Kauper, Alfred Conard, past president of the American Association of Law Schools, former Dean Francis Allen, and Dean Theodore St. Antoine, all men whose views I take seriously and highly respect. Eleven other law school deans and many noted constitutional authorities were among the 500 signers.

So we know, or at least we should know, that the most serious dangers of a constitutional crisis are posed in this legislation, waiting like landmines in the field of foreseeable litigation. We will be discussing these constitutional questions in more detail.

In these circumstances, which I have just described, shall we say that the Senate saw fit to accord 1 or 2 days' review to the issues of this magnitude? Is that what Senators have meant in recent years when we have heard so much about this Senate as "the greatest deliberative body in the world"?

Those who wish to see this bill steamrollered through the Senate Chamber—despite the lack of Senate committee study, despite the lack of hearings available to us from either body, despite the radical changes in the original bill which have prompted its chief sponsors in the House to denounce it as unconstitutional, despite the pressure to adjourn and the election-year overtones—those who would jam this measure through despite all that will, I am confident, accuse some of their colleagues of unfair delay, of foot-dragging.

Well, call it what you will; when the stakes for our children, and for our constitutional system of government are this high, some of us will insist that the bill receive careful and adequate consideration.

Let me note that there has been no effort to block the leadership's motion to call up the bill, as has happened on past occasions. We are prepared to debate the measure. Remember, too, that it was not those of us concerned about this bill who prevented it from being considered by the Senate committee with jurisdiction back on Labor Day when it was sent to the Senate. Indeed, the senior Senator from New York tried to effect such a referral but was unable to do so under the rules.

There has been no effort to block the leadership on a motion to call up the bill, as has happened on past occasions. We are prepared to debate the bill. Those of us concerned about this matter have not kept it from assignment to the Senate Committee on Labor and Public Welfare.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield an additional 5 minutes to the Senator from Michigan.

Mr. HART. Mr. President, indeed, the senior Senator from New York (Mr. JAVITS) tried to effect such a referral but was unable to do so.

Finally, by way of comparison, let me remind my colleagues that we have just seen over 2 weeks debate of the Consumer Protection Agency bill, prolonged by those who insisted its impact on American business had not been adequately explored—even though the measure was accompanied by full hearings and a committee report available to all Senators and had been passed by an overwhelming margin in the Senate in the previous Congress.

Many cases raising issues of school desegregation remedies not yet fully resolved by the Supreme Court are on appeal now. In the coming year the Court will resolve many of them, and, in the meanwhile, in many instances the orders being challenged are stayed pending appeal. Surely, we can afford to wait a few months to see what the Court says is in fact required—in large metropolitan areas, for example. And, in any event, surely the Senate can accord more than a day or two to the 14th amendment to the Constitution.

To those who will cry "filibuster" from the outset, I say "No, this is not an effort to filibuster and prevent the Senate from acting on a bill." The debate that I hope will ensue shall be an effort merely to demand that the Senate act responsibly, and not act under the worst imaginable conditions for reflective disposition, without the opportunity for adequate review by the Senate. When there has been an opportunity for that to occur, then I would not seek to prevent action on the bill. When proponents and opponents of the bill have had their day in court in the Senate, then I will be fully prepared to proceed to vote on the measure.

Mr. ALLEN. Mr. President, I yield 5 minutes to the senior Senator from Virginia.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized for 5 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I think it is very important that the Senate of the United States meet forthrightly the issue of compulsory busing for the purpose of achieving a racial balance in the Nation's schools. This is a vital issue to so many States and cities. It is a vital issue to the State of Virginia. It is a vital issue in many States.

The Senate of the United States has an opportunity before adjourning to consider this matter and to act on this matter. I think the people of our Nation are looking to the U.S. Senate for some legislation to protect the people from unreasonable court decisions and from unreasonable regulations issued by the Department of HEW.

I think the Senate will debate this matter fully. The Senate can stay in session long hours and meet the requirements laid down by the distinguished and able Senator from Michigan. But I doubt if there is any issue more important to more people than the issue of compulsory busing.

I believe in the neighborhood school concept. I think most of the people of our country do. In my judgment compulsory busing is wrong. It is unjust. It is not in the public interest. It is not helpful to either the children or to the parents. It is not helpful to the whites or to the blacks.

Mr. President, the Senate now has an opportunity to face this issue squarely. There is adequate time between now and adjournment. There are adequate hours in the day for a full discussion. And if the Senate is to meet its responsibility to the American people, I think it must meet this issue head-on and pass effective legislation to protect the people of our Nation against compulsory busing.

Mr. President, I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I yield 15 minutes to the distinguished senior Senator from Tennessee (Mr. Baker).

The ACTING PRESIDENT pro tempore. The Senator from Tennesee is recognized for 15 minutes.

Mr. BAKER. Mr. President, I thank the distinguished junior Senator from Alabama for yielding so that I might make, as it were, opening and preliminary remarks on the question at hand. I intend to speak further on this matter as the debate proceeds. I will not long detain the Senate today with a lengthy discourse on the merits of the pending proposal before the Senate or the demerits of the action taken by the House of Representatives or its pendency in the Senate.

There are not many areas of the country that have experienced judicially ordered massive crosstown busing the way my State has.

I doubt whether there is any city in the United States that has experienced it to the extent that our capital city, Nashville, has, to the point where there are more than 50 percent of the students of that school system being transported by bus, where there is now a general agreement that enormous hardships have been worked not only on the children, but also on their parents and the resulting financial resources of the community, in that rank of importance.

I have seen it firsthand. I know what happens when a community is subjected to the judicial decree that young children be bused in some cases as far as 50 miles passed, not one or two or three schools, but as high as five, six, or seven schools, totally out of the neighborhood in which that child lives, to some distant part of a very large county.

I know the fears that are set up in the minds and the hearts of the parents of those children. I know that some of those fears prove to be at least not totally founded, but others prove to be situations worse than I believe the parents expected.

Altogether, I can say without reservation that judicially ordered busing in Nashville and in Tennessee, where we have had it now for some months, has been a colossal, disastrous piece of judicial mischief.

Since the Supreme Court of the United States in Brown 1 first enunciated the requirements for the dismantling of institutional segregation throughout the United States and then further elaborated on their points of view in Brown 2 and subsequent decisions, I then and now have been in agreement that the constitutionally protected and guaranteed rights of our charter document do in fact require a unitary school system and the elimination of a dual school system. I believe in the unitary school system, and I am not a Johnny-come-lately to that concept. I believe in the equality of educational opportunity for every child, whether white or black or, for that matter, whether a rural child or a city child or a northern child or a southern child.

Mr. President, on another day in the history of the Republic I expect that this body will turn its attention to other legislation to try to bring some rationality to the devotion of physical resources to equal educational opportunity. I note, as do many of my colleagues, the direction of the movement in California and in other States, and I applaud it. I believe the judicious and sensible redrawing of attendance lines, and many other judicially decreed tools have been variously successful and have worked with varying degrees of success.

None of the tools and techniques prescribed for the dismantling, as they say, of the last vestiges of institutional segregation has caused anything like the stress, strain, emotionalism, outcry, and disruption that massive crosstown busing has caused since the Swann case.

Mr. President, Brown and Swann enunciated a principle: Attendance lines and busing are tools to implement that principle and to carry it out.

It is important to note that we talk about the principle of access to equal educational opportunity and to the means by which we undertake it. I suggest that if we keep that distinction in mind we come to terms on whether or not busing has proven itself an acceptable, workable, efficient, and desirable tool for the furtherance of what I believe is almost a universally supported principle, and that is the desegregation of our school systems.

I find some considerable impatience welling up in my spirit when I hear the argument that opposition to busing is racist, segregationist, antiblack, and bigoted. I do not believe that for a second. I hope very much the tenor of the debate in the Senate does not turn on such an observation but rather on the merits of busing as a tool for the desegregation of our school systems.

It is interesting to note that courts themselves only recently came to busing as one of the tools in the kit of tools they have provided in the last two decades; that they consistently and studiously avoided ordering busing or prescribing it as a permissible technique until Swann. So even the courts themselves have not always felt busing was a desirable and workable tool, and have particularly rejected it in a number of cases prior to Swann. So it is difficult to make a case that resistance to busing is, per se, resistance to desegregation. They are different things; we are talking about complex legal concepts, we are talking about a continuing evolution, a development of judicial techniques, the tools and machinery supplied for the basic principles enunciated by the courts in Brown and other landmark decisions.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, I simply wish to express my gratitude to my senior colleague for bringing some direction to this discussion. The senior Senator from Tennessee has labored mightily for these many years to achieve equal and fair opportunity for every child in the State. I think we have had rather considerable success. We have done it largely without the court and we have done it largely voluntarily; and largely the people of Tennessee believe that every child deserves an equal opportunity, be he black or white, rich or poor.

I think the Senator has raised the most fundamental question of the debate and that is the question of busing as a tool in pursuing this quest for equality. The situation in our State shows that it is not a tool; to the contrary, it is a tool of intimidation, anger, agony, a tool which results in chaos in the community rather than communication.

I want to associate myself with the remarks of the senior Senator from Tennessee and to express my personal gratitude for his efforts and his leadership on this particular measure throughout these months because it is that kind of leadership that has brought us to the point where we have some hope today, and I am grateful for his efforts and the fruits of his efforts which we have close at hand if the Senate will stay on course in efforts to guarantee to every child in America equality of opportunity, equality of public support, without the coercion of numerical balances which would go back to pre-1954 and place the racial bias on our school system.

I thank the Senator for his contribution.

Mr. BAKER. Mr. President, I thank my colleague for his remarks. I am grateful.

I intend to speak later in greater detail as we progress in the debate and take as active a part as I know how because I feel keenly about this matter and I know the people of my State are deeply involved, being a State where such impact has been experienced.

And now, in these preliminary remarks I wish to express my appreciation to the joint leadership for making it possible for us to have a vote on this matter. It was not always so clear and apparent that we would have a vote on the House-passed bill. Together with others, I made, what might be called persistent inquiries about when we might expect our "day in court," so to speak. I commend the leadership for tolerating our questioning and for scheduling this matter for debate.

I commend the President for stating forthrightly his support for making this the pending business, his support for the bill, and his expression of concern that Congress not adjourn until it acts on the measure.

I express appreciation to those who, like the Senator from Michigan, expressed their desire to have us come to terms on the merits of this debate. I hope it will not be necessary to try to shut off debate but I hope if that becomes necessary in the waning days of this Congress we can do so quickly and promptly by an overwhelming vote so that win or lose the country will know that the Senate came to grips with this controversial matter.

Mr. HART. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HART. I thank the Senator, and I wish to reflect on what the Senator said about willingness.

We are willing to permit the Senate to work its will when we have enabled the Senate to be in a position where it can act responsibly.

Mr. BAKER. Mr. President, in closing I express my appreciation to the distinguished junior Senator from Alabama for his great leadership in this body and for his stewardship of the issue over the last several weeks. He has been most helpful and I suspect he will be most helpful in the debate as it progresses. I have many things to say, and I will reserve them until we get to the merits of the controversy.

I thank the Senator for yielding.

Mr. JAVITS. I thank my colleague.

Mr. WILLIAMS. Mr. President, last August 18, the Senate received a message from the House on H.R. 13915—a measure the House had passed the previous evening.

Under normal procedures this bill would immediately have received two readings and would have been referred to the Committee on Labor and Public Welfare—the committee which, under the Senate rules, has jurisdiction over measures relating to education.

The customary legislative process was thwarted in this instance, however, by the junior Senator from Alabama (Mr. ALLEN)—a supporter of H.R. 13915—who, immediately following its first reading, objected to having the second reading on the same day. This forced the matter to go over until a subsequent legislative day. The Senator from Alabama explained to the Senate that the course of action he had chosen to pursue was calculated to prevent H.R. 13915 from being referred to committee—it being, in his view and that of others—too important a measure for it to be delayed by committee consideration.

On September 6, H.R. 13915 was laid before the Senate for second reading, upon which the junior Senator from Alabama objected to further proceedings. As a result of this objection, the bill went directly to the calendar, pursuant to rule XIV of the standing rules of the Senate.

At that time, the ranking minority member of the Committee on Labor and Public Welfare, Mr. JAVITS, inquired of the Chair as to whether there existed under the rules any way in which the bill could be referred to committee, and was told by the Chair that there was not, in view of the parliamentary situation which had been created.

Seven weeks have now elapsed since we received the House message on H.R. 13915. During this time, the appropriate committee of the Senate has been denied the opportunity to hold hearings on the bill, to give consideration to its provisions, or to report its recommendations to the Senate. Yet we are now expected to debate this far-reaching and complex measure and to act upon it in reasonable and responsible fashion.

That it was a serious mistake to deprive this bill of the benefit of committee consideration—consideration which we find useful to accord even the most inconsequential matter—should be readily apparent when we reflect on the circumstances under which it has reached us.

Since its original introduction as an administration bill such sweeping changes have been effected in H.R. 13915 during its consideration in the House—some added at the last minute, in a hectic late-night session—that several of the Representatives who introduced the original version voted against H.R. 13915 on final passage.

For example, the original bill permitted busing of students in the lower grades if the numbers of students, distances and the durations of the trips involved were comparable to transportation in that particular community in previous years. In the case of older grades, that limitation was not applicable if the court found additional transportation necessary to desegregate. In committee a new concept was substituted: The "next closest school limitation." Without regard to local conditions or existing student transportation, this provision prohibits busing beyond the school next closest to the one in the student's immediate neighborhood. On the House floor, this concept was expanded to apply to all grade levels as well. There was little opportunity for assessing the potential impact of this concept in the House committee. We do not know how many schools would be affected, how much school desegregation would be prevented or what the impact of this limit would be upon the white and black students who now live in our urban areas.

In addition, several other provisions provide conditions under which the power of courts to require further desegregation efforts shall cease. It is not at all clear to what extent these provisions would overrule decisions of the U.S. Supreme Court; moreover, such provisions appear to be inconsistent with other parts of the bill itself.

It should be noted that an extraordinary number of legal scholars and prominent attorneys in all sections of the country have expressed grave doubts about the constitutionality of the House bill—a matter which in itself gives us cause for serious reflection.

Under all the circumstances, I believe it essential that while this bill is before us for debate, the fullest possible discussion be given to the potential ramifications of its provisions, and the grave questions they raise. However, the drive to adjourn is strong, and election-eve overtones combine with the highly emotional feelings surrounding the issues presented by this bill. Under these circumstances, I am very much concerned that the reasoned and informed consideration which such a measure should receive has been greatly jeopardized by the determination of some Members to circumvent the normal legislative process.

H.R. 8389—THE VICTIMS OF CRIME ACT OF 1972

Mr. McCLELLAN. Mr. President, during the past month or so the Senate has passed a number of significant measures designed to give necessary assistance to those who may be victimized by crime. These measures have included:

S. 750—to afford innocent crime victims compensation;

S. 30—to secure adequate group life insurance for public safety officers;

S. 2087—to give slain public safety officers a $50,000 gratuity; and

S. 16—to secure for victims of racketeering and theft enhanced civil remedies.

On September 18, 1972, Mr. President, all of these several bills were combined and by amendment adopted were made a part of H.R. 8389, a House-passed drug bill. The purpose of this action was to afford the House the opportunity to act on these measures before the close of this session of the Congress. No one necessarily expected the other body simply to accept each or all of the Senate amendments. It was our hope and expectation that a conference could be held between the House and the Senate and that a mutually satisfactory compromise could be worked out. We believed this was an acceptable and feasible approach to getting this important legislation to the President for his signature.

Mr. President, for some unknown reason, it now appears that the other body is not even going to appoint conferees so that a good bill can be finally passed. If it does not, that will mean that this entire package of urgently needed legislation is going to die and fail of enactment at this session of Congress. Should this occur, it will be a tragic loss for our Nation. The Senate has done everything in its power to get these measures passed.

I think the Senate can be proud that it has faced up to its responsibilities. I think it is to be deeply regretted if the other body does not act so that these measures can become law to deal with these problems.

But, Mr. President, I want to assure my colleagues that the failure of the House to act will not deter us from continuing this effort to get appropriate laws enacted to deal with these problems. At the next session of Congress these measures will go back before the Senate, and I have no doubt they will pass again with the same overwhelming vote by which they passed this time and again the House will have the opportunity and the duty to consider these measures and, hopefully, it will enact them into law.

Mr. President, a very fine editorial was published in yesterday's Washington Star-News. The editorial is entitled "Aid for Crime Victims." The concluding paragraph thereof reads:

These efforts will come to nothing, however, unless the House Judiciary Committee moves quickly to help organize a House-Senate conference on this legislation. There is just barely time for enactment before adjournment, and it's up to the House.

Let the record so reflect. The Senate has met its responsibility and the failure to get this vital legislation enacted into law in this session of Congress rests not upon the inaction or failure of responsibility on the part of the Senate but it rests squarely on the other body.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from yesterday's Washington Star-News.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID FOR CRIME VICTIMS

Reports always are telling us what crime costs the nation—away up in the billions and thousands of lives lost in a year's time. But behind the gross statistics lie countless unreported stories of prolonged suffering and financial ruin. For much of that cost is borne by innocent individuals—the victims of crime, and their families. All too often the victim is wiped out by long hospitalization or loss of earning power over an extended period. In some cases, the families can't even afford burial costs, for a great many of crime's casualties are poor people.

So the Senate's passage of a bill to compensate victims of violent crime, and persons who are injured or slain trying to assist them, is most welcome. These stricken people could receive government payment for medical, therapeutic and burial expenses, loss of earnings and support, and child-care expense (so that one parent could work). Wisely omitted is coverage of property losses, except those incurred by citizens intervening to help crime victims. Also left out, prudently, is any recompense for injury, or death suffered in intrafamily violence. But in other regards, the measure is generous, providing up to $50,000 in aid for an individual.

Though its immediate application would be only to territories under direct federal jurisdiction, including the District of Columbia, the bill lays excellent groundwork for extending this system to the whole country. Under a new federal grants program, the states could adopt similar plans, with the federal government paying 75 percent of the cost. Only seven states (including Maryland) have set up programs to compensate crime victims. Most of the others undoubtedly will hasten to do likewise if this legislation is enacted. Nor is the federal cost estimate at all forbidding—only $15 million in the first year, rising to about $23 million annually in five years.

The measure is part of a crime-remedy package that also includes $50,000 federal payments to survivors of law officers and other public safety personnel killed in the line of duty. In addition, they would be compensated for certain crippling injuries, and given other protections. All this is needful, in view of the grim tallies on the killing of policemen. And it is fitting that Congress should, at the same time, affirm the government's responsibility to injured citizens whom the law enforcement system has failed to protect.

These efforts will come to nothing, however, unless the House Judiciary Committee moves quickly to help organize a House-Senate conference on this legislation. There is just barely time for enactment before adjournment, and it's up to the House.

PENSION REFORM—WHERE DO WE STAND? •

Mr. JAVITS. Mr. President, I would like to make some remarks regarding the reform of private pension and welfare plans. The majority, apparently, has made up its mind not to permit the bill, which has now gone through the Committees on Labor and Public Welfare and Finance, and is a very well articulated bill, to be scheduled for floor consideration here. The Senator from Michigan (Mr. GRIFFIN) spoke to this matter the other day, and I feel he made a very convincing case. Yet the majority does not wish to do this, apparently, while the presidential candidate of their party—and I really regret this—is issuing statements excoriating the administration for its position on pension reform. Here we have an opportunity to act on a measure which has been the result of months and months of study. The bill is a very gifted job and it has been worked out in a completely bipartisan way, by both the Senator from New Jersey (Mr. WILLIAMS) and myself. I think that the people who are interested—millions of them—ought to understand the situation.

There is now close to a 50-percent Senate sponsorship of the bill. That certainly is a substantial showing of concern, and therefore the Senate should have an opportunity, on an extensively studied and constructed bill, to work its will.

I hear that there is some possibility that we may come back after the election in November. I do not know whether it is true or not, but, Mr. President, I would much rather bring this bill to a vote now, with so much interest and so much work and study behind it, than wait and take the remote chance that we will come back after November.

My feeling is very strongly emphasized by a development which just occurred and which only emphasizes why this bill is so important.

We have just learned of another pension plan which has been terminated—that of the Hickok Manufacturing Co., of Rochester, N.Y. As of October 1, 1972, that pension plan has been discontinued by the company which had acquired Hickok, the Tandy Corp. of Fort Worth, Tex.

I ask unanimous consent that a letter on this matter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HICKOK MANUFACTURING CO., INC.,
Arlington, Tex., September 25, 1972.

I am writing to tell you that, pursuant to the terms of the plan, the company has discontinued the Hickok Revised Basic Pension Plan under which you are currently receiving a pension. The effect of this discontinuance on you will be to eliminate the possibility of a pension when you reach the eligible age as provided for by the plan.

The change will be made effective with pension payments made on October 1. The decision to discontinue the plan was a very difficult one to make. We have tried for more than a year to find some alternate course that could be taken which would permit the continuance of these pension payments, but we have not been successful. When the Tandy Corporation purchased Hickok Manufacturing Co., Inc., a little over a year ago, Hickok had a long history of operating losses and the company was not far from having to close down. There were many costly programs and practices that had to be discontinued if the company were to be saved. The changes have affected active employees, retired employees, and employees who have terminated. We have done our best to be as fair as we could be to each of these groups and at the same time to the Tandy stockholders whose money was invested in Hickok. There have been terminations, salary reductions, benefit plan changes, etc. that have affected all of us. We believe that our obligation to those who depend on us required these changes. We have regretfully concluded that this action on the pension plan is a necessary part of our efforts to make Hickok into a secure company.

The terms of the pension plan included specific rules for the manner of distribution of the total assets accumulated in the Pension Fund in the event of discontinuance. Connecticut General Life Insurance Company, who are administrators of the plan, have made the calculations necessary to allocate the money in the manner prescribed by these rules. Total available funds were first applied (as long as they lasted) to provide pensions to persons currently retired and receiving pensions. When this group has been provided for, the rules say that remaining funds are next to be applied to provide for persons not yet retired but having sufficient amount of service to have acquired a vested right to a pension upon retirement. Unfortunately, total funds in the plan at discontinuance were only sufficient to assure about 88% of pensions to persons currently retired. No funds were left for persons with a vested right or for any other participants not currently receiving retirement benefits, and of course, no funds revert back to the company.

I am sorry it is necessary to write you of this change which I assure you was made only after most careful consideration of all possible alternatives.

Sincerely yours,
LAWRENCE H. FLYNN,
Vice President-Treasurer.

Mr. JAVITS. The result is, Mr. President, according to information gathered by my staff, that 350 retired employees will be compelled to take a 12-percent cut in their pensions, and 400 employees who are not yet retired and whose pension are vested; that is, employees who have rights to a pension, will receive absolutely nothing. In addition, there are 96 active employees who have not earned vested pensions and they also will receive nothing .

Let us note that a substantial number of the 400 who will be entitled to nothing have worked for Hickok for over 15 years, many over 25 years, and they are all older people.

All of that is the result of the acquisition of this company by another corporation, which determined to conduct a phasing-out operation in the Rochester company which had this pension plan.

Moreover, this was done not for any lack of earnings. In the 6 months ending December 31, 1971, it appears that Tandy's net income increased by more than one-third. Income rose from $7.23 to $9.85 million. Sales rose from $13.89 to $17.93 million. And it is interesting to note that in July of 1971 when Tandy purchased Hickok, Tandy's stock split 2 for 1.

Thus, the acquiring corporation, in fact, is doing better in the current year than it did in the previous year. It is a company with an appreciable income, in the millions. So here are 400 employees with absolutely nothing and 350 already retired with cuts of 12 percent in their pensions, because Congress has not yet provided, in an important way, for pension plan reform.

I regret very much the decision of the majority not to take up this bill, if that is their decision. I can only express the hope that it will have high priority and early attention if we do come back in November, and certainly immediately after the first of the year, when I am sure the Senator from New Jersey (Mr. WILLIAMS) and I will introduce it again.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I yield 15 minutes to the distinguished Senator from Florida (Mr. CHILES).

Mr. CHILES. I thank the distinguished Senator from Alabama for yielding this time to me.

Mr. President, I want to take this opportunity to compliment the distinguished junior Senator from Alabama for the role that he has played in regard to the legislation that is now before us. I really think that he is probably more responsible for this legislation's being brought to the attention of the Senate and being brought to the floor of the Senate at a time when we do have an opportunity to have the Senate work its will on this legislation than any other Member of the Senate. He constantly questioned all those who would have something to do wtih the legislation in an effort to determine when we could expect to have the legislation before the Senate. I think the fruits of his efforts are that we are now on the legislation.

I also compliment the dsitinguished majority leader in that he did make a commitment to a number of Members of the Senate, at the request of the junior Senator from Alabama, that this legislation would be brought before the Senate in a timely fashion, or at a time when the Senate would have an opportunity to work its will, and he has certainly honored that commitment, as he honors every commitment that he makes.

I know that there is no particular magic in the bill that is before us now. In fact, if the junior Senator from Florida could draw a bill on this subject, he would draw it quite differently from the bill that is before us now, but this happens to be the only vehicle that is before the Senate, that has passed the House of Representatives, and that many of us find that we have any opportunity on which to express our feelings on behalf of ourselves and our people. So, for that reason, I think this particular bill becomes much more important than perhaps it should be as a piece of legislation.

The junior Senator from Florida is a little distressed that we are involved in a debate like this, in which the whole subject that we are talking about is antibusing. The subject of busing itself, I think, has gotten so far afield from what we should be concerning ourselves with, and that should be quality education—quality education for every child, whether he is rich or poor, or black or white. That really should be the concern not only of the Senate and of the Congress but, as I am sure it is, the concern of mothers and daddies everywhere, and of all of our people.

Somehow, we have gotten to the situation where busing was thought to be the answer. I think much of the responsibility for that lies with the Congress because, since the Brown decision in 1954, I think it has really failed in its responsibility to set forth guidelines as to what would be a unitary school system, what would comply with the court's decision, and what would be a quality school system. If we could have gone in that direction, and if Congress had been positive in the reaction that it should have taken, then perhaps we would not be in this debate today.

The courts did wait for a long time before they got into the bramble bush of busing. They did not make pronouncements for a number of years. Congress, again, in some instances, you might say, waited, hoping the Court would do their job for them, or hoping that the Court would say that they were not going to order busing.

But we find that once the courts got into the idea, now they are caught up in the numbers game, which was first the fallacy that HEW and the Justice Department got into by thinking that there is some magic in the mathematical mixing of the races, so that you have to have that magic formula in every school.

I say they felt there was some magic, in that they seemed to feel there was a magic formula for the South, but they did not seem to feel that there was any great magic in it for anyone else over the period of years, until finally, in just very recent times, they have taken some halfhearted steps in that direction. But we in the South have been the guinea pigs in the experimentations in regard to busing, and this magic formula of trying to mix on a mathematical basis every school on the basis of race has occurred in the South.

We can look at the results and see what is happening. We can look at any study that has been made and see that busing has never done anything to promote quality education. If anything, these studies—and these are not done just in the South, or done by people who really want to keep the races from being mixed, but they are independent studies—show that in fact it works the other way. To see how ridiculous it gets, in my State we have a different ratio of blacks and whites in every county.

If we must have a 17 percent mix in one county, an 11 percent in another county, and a 22 percent mix in another, what do we do in the States that have no blacks? What do we do in Idaho, in Iowa, or in other States where there are no blacks? Are we depriving the white children of having an equal education, or should we bus them in from out of State? No one would want to do that, but it really shows the ridiculous extent we have gone to.

Looking at Florida, the State I know best, since the Brown decision of 1954 we have been able to mix our schools in the rural areas with really no trouble, no fanfare, no court orders, and really no problem with HEW, because the races live close together. It has not amounted to a problem of trying to buy buses. They were just able to cross a couple of blocks and mix in the schools, and that has worked fine. Our problems have come about in the cities, in Jacksonville, Tampa, Orlando, St. Petersburg, and where, by virtue of the size of the city, the problem becomes great, where they have all black neighborhoods.

The easy thing for the school board to do, in many instances in the all black neighborhoods, was to close those schools. It was easier than trying to bus some white children into the black neighborhood. In many instances, they were inferior schools anyway. I think this was one of the great problems; there was no such thing as a separate but equal school system. They were separate, but not equal.

To a certain extent this has been good, in that it has pointed out that we would have equal schools. By now I think most people—and I know the people of Florida—have faced the fact that the schools were not equal. But rather than do something about the black school, rather than try to improve or make a quality school out of it, we just closed that school. That was the easiest solution to it, and we thus not only deprived the blacks of having a neighborhood school but we closed their community center, because in most instances the buildings serve not just as the school, but as the community center as well.

I introduced a bill that would try to provide excellence, a prize school bill, to provide for additional funds that would go to any school in an area in which any lower income group resided, or a school that had been deprived, so that they could have a lower pupil-teacher ratio, so that they could have the best kind of recreational equipment, and the best kind of vocational technical training, to really make a prize school that would be something the neighborhood could build from. I think we would find, if we had one teacher to 22 pupils in such a school, whereas the average of the others was 1 to 30, a lot of parents wanting to send their children to those schools, and have to some extent a voluntary reverse flow.

But we have not been able to do anything with that legislation, so we just close such schools and bus the children, not just to the nearest facility, but they have gotten into every kind of plan in the world, in which one family with six children can have its children going to six different schools.

They go to one school for two grades, and then to another school. Many of them are bused as far as 30 miles or more. Some of them are riding a bus 3 hours in the morning and 3 hours in the afternoon, and yet they are going past schools all along the way. There is no way that the junior Senator from Florida can explain to a mother who has her child being bused over those distances that there is or can be any rhyme or reason in a plan that requires that kind of busing. The mother cannot visit the teachers. The child cannot participate in recreation or afternoon activities. The child is not close to home in case any problems come up.

Many of these problems have been brought to people's attention. But yet the sad part about it is that unless you see the problems that arise in your State, you cannot really understand the plight and the feeling of frustration that the mothers of Florida and the mothers in States where busing is going on are going through.

I think this is so sad because I am talking about people now who are not racists, they are not bigoted, they were not opposed to the mixing of the races, they were really willing to have their children go to integrated schools, they never had any feeling on the race issue at all, and suddenly they are brought into this situation in which their young children have to be bused, and they simply go out of their minds, because there is no way that you can make them understand that there is some rhyme or reason to this policy, when they know—and they do know—that we in Florida are being put to this test, and yet it is not happening in New York, it is not happening in Chicago, it is not happening in Los Angeles, and it has not been happening in most other places in the country.

They realize that there is a double standard, and that they are being subjected, now, to a different school system, or a separate school system, in the South or in Florida as opposed to the rest of the Nation.

This, I think, is where the Congress of the United States has got to come to grips with the situation. The junior Senator from Florida has voted on a number of occasions on measures, and is willing now to vote on a number of measures, some of which could include busing, if it is going to be done on a uniform basis everywhere in this country. If it is sauce for the goose in Florida, then it ought to be sauce for the gander every other place. But as to the fiction that has continued over the years that there was a difference depending on whether you had a de facto or de jure segregation policy, the time for that has long since passed; and it is interesting for the junior Senator from Florida to see what has happened in Florida—I think throughout the South but I know in Florida—since the Brown decision.

We had a State policy of segregation in Florida. It was blatant. It was open. It was calculated. It was the law of the land that we were going to prohibit the races from mixing. The Brown decision came in and said, "This is wrong; this is against the Constitution of the United States; and we will not tolerate it; it has to change." Florida has accepted that decision, and the people of Florida have.

In the statewide vote that recently was taken in Florida, in which 74 percent of the people expressed themselves as being against busing, 79 percent of the people said they did not want to go back to the separate school system. So they evidenced their feeling that what had taken place prior to the Brown decision was wrong.

But I think that in a way Florida is much better off than many of the areas of the North, because what we were doing was open; it was deliberate; it was blatant. Now that we have recognized that and we see that that is wrong and that it always was wrong, we have corrected it, and we have corrected it in a more open manner.

Yet, in the North, where that segregation has been in a much more concealed method, where it has been done not openly but much more under cover, we now find more problems. I think the people in the North do not want to accept and face that situation and are still practicing segregation. I think this is one of the reasons why you cannot get any response from the North in regard to how we should attack the problem of busing; because as long as it has not come to their doorstep, they do not want to face up to the problem. They want to go just the way they have been going, because they have separate school systems now, they have segregation now, they have had it over the years. But just because they did not write it into their public policy, because they did it through their neighborhood systems and through the pattern of where people live and every other way, they do not have to face up to the problem, and they will not face up to it now.

We in the South are going to be beyond the race problem long before the North has their problem solved, because it was a different situation and it was an open problem in the South, and we are facing it on that basis.

I think Congress has before it now, in this piece of legislation, an opportunity to start addressing itself to the problem. We ought to attempt to call a halt to a massive attempt to mix on a mathematical basis, and we should get busing behind us and get back to the real problem, which is quality education and equal opportunity. We really should be addressing ourselves to those kinds of problems.

I think the Court needs direction and probably is seeking direction, because Congress has failed for so long to step into this area and to set some guidelines. I hope the Senate would be able to address itself to this piece of legislation and that during the next week we would be able to debate it and come to a vote. Hopefully, that vote will be in favor of this bill; but at least I would like to see the Senate take some action and not stick its head in the sand, because the problem is not going to go away. Many people think it will. But if they could come to my State, and if the law is equally applied, they would realize that it will not go away.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GAMBRELL. Mr. President, before closing today, I should like to address the Senate briefly on the unfinished business, the so-called antibusing bill (H.R. 13915).

I have some remarks prepared which I intend to submit on Monday next, but I thought it would be appropriate and helpful, since I understand that constitutional issues are involved on the moratorium or the provisions of the pending legislation which limit the jurisdiction of the court, which has been described at some length today, to put in today's RECORD some material on this subject which is rather current and is now pending before the Supreme Court of the United States, that is, the case of Ann Gunter Drummond, et al., against Robert L. Acree, et al., involving proceedings affecting the Board of Education in Richmond County, Ga.

There are a number of issues in that case which are not directly pertinent to the bill before the Senate now. But a section or a part of that case does directly involve the constitutionality of the provisions of the so-called higher education antibusing sections restricting jurisdiction of the Federal court in regard to busing orders.

Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD certain pages of the brief of the parties in that case, which gives a rather full discussion and illumination of the question of the power of Congress to restrict, or order, or regulate the powers of the courts in order to effect a more perfect application of constitutional rights among the citizens of this country.

The PRESIDING OFFICER (Mr. ALLEN). Would the Senator from Georgia kindly state for the record the pages to be inserted, or the parts from which they will be taken?

Mr. GAMBRELL. Yes. The part to be printed begins on page 47 of the brief and runs through page 60.

The PRESIDING OFFICER. Without objection, it is so ordered and the excerpt will be printed in the RECORD.

The excerpt is as follows:

IV—EDUCATION AMENDMENTS OF 1972, TITLE VIII, SECTIONS 803–806

In light of its peregrinations through the Federal judiciary, little perspicacity is required by petitioners to realize that the point of no tomorrow is rapidly approaching. With this uppermost in mind, time is a luxury not enjoyed. Consequently, it is necessary to anticipate the Courts' response and prepare accordingly.

Considering the overwhelming documentation, entirely contrary to the premise upon which Mr. Justice Powell based his ruling, it appears reasonable to expect that the Court will consider this issue afresh. At such time it is also anticipated that the outcome will ultimately depend upon a determination of constitutionality. To this point the following remarks are addressed.

Each of this Act's last four sections (803–806) have a common scheme: they restrict, limit, or even preclude powers of the District Court. Although the authority of Congress to take such action has never been questioned in other areas of law, this represents a historic first in school litigation. Congressional power to effectuate these measures though, comes from the same repository—the Constitution of the United States.

Several provisions appear sufficient to authorize this legislation without question, and, upon closer consideration, create the distinct impression that Congress possesses adequate residual muscle to justify much more stringent measures should it desire. Article I provides the first indication that Congress was expected to exercise some control over the judiciary. Section 8 deals with specific powers of Congress and authorizes it at Clause 9:

"To constitute Tribunals inferior to the Supreme Court".

Clause 18 of this same section represents the broadest grant of authority expressed in the Constitution. It directs Congress:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . ."

Further evidence that a degree of congressional dependence by the judiciary was intended comes from Article III. Section 1 reads in part:

"The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Finally, there is the Fourteenth Amendment itself. Under the "equal protection clause" of Section 1, it has provided the cornerstone for school decisions. This article may, in the final analysis however, provide strongest authority for congressional action. Section 5 reads:

"The Congress shall have power to enforce by appropriate legislation, the provisions of this article."

An examination of the provisions quoted gives rise to supporting theories mutually seperate and distinct. Since the Act applies, by its own terms, to District Courts, both are legitimate. It can thus be argued that this legislation represents congressional exercise of its power to affect the jurisdiction of an inferior Federal court under Article III, or simply use of the "enforcement powers" of § 5.

This Court's history is replete with decisions recognizing that jurisdiction of lesser tribunals is absolutely dependent upon Congress. In one form or another, opinions for at least 173 years have noted it: "The political truth is, that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise. . ." *Turner v. Bank of North America*, 4 Dall. 8, 10 n.I (U.S. 1799). "Courts created by statute can have no jurisdiction but such as the statute confers." *Sheldon v. Sill*, 8 How. 441, 449 (U.S. 1850).

An excellent discussion of Act III, Section 1, appears in *Kline v. Burke Construction Co.*, 260 U.S. 226, 234 (1922):

"The effect of these provisions is not to vest jurisdiction in the inferior courts over the designated cases and controversies but to delimit those in respect of which Congress may confer jurisdiction upon such courts as it creates. Only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the general government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution. *Turner v. Bank of North America*, 4 Dall. 8, 10, 1 L.Ed. 718; *United States v. Hudson & Goodwin*, 7 Cranch, 32, 3 L.Ed. 259; *Sheldon v. Sill*, 8 How. 441, 448, 12 L.Ed. 1147; *Stevenson v. Fain*, 195 U.S. 165, 25 S.Ct. 6, 49 L.Ed. 142. The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it. *The Mayor of Nashville v. Cooper*, 6 Wall. 247, 252, 18 L.Ed. 851. And the jurisdiction having been conferred may, at the will of Congress, be taken away in whole or in part; and if withdrawn without a saving clause all pending cases though cognizable when commenced must fall. *The Assessors v. Osborne*, 9 Wall. 567, 575, 19 L.Ed. 748. A right which thus comes into existence only by virtue of an act of Congress, and which may be withdrawn by an act of Congress after its exercise has begun, cannot well be described as a constitutional right."

A final example on this point, somewhat more recent, is *Lockerty* v. *Phillips*, 319 U.S. 182, 187 (1943). It is persuasive authority for the proposition that Congress, by restricting a District Court's use of busing, has withheld jurisdiction to a degree. Rather than use only the remarks of Chief Justice Stone, I prefer to repeat in its entirety that portion of the earlier decision quoted from:

"Second, in the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court), dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court), for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. *To deny this position would be to elevate the judicial over the legislative branch of the government, and to give to the former powers limited by its own discretion merely.*" *Cary* v. *Curtis*, 3 How. 236, 245 (1845). (Emphasis added)

Although unnecessary to consider in the context of this argument, any discussion of jurisdiction and congressional power leads one inexoraby to *Ex Parte McCardle*, 7 Wall 506, 514 (1868). It stands for the proposition that appellate jurisdiction, even of the Supreme Court, rests within the control of Congress under Article III § 2.

This is perhaps the high-water mark in judicial acknowledgement of congressional power. In the wake of voluminous debates as to the constitutionality of the President's anti-busing proposals it has become a much mentioned decision.

While an appeal in a habeas corpus case was pending before this court, Congress withdrew jurisdiction. Chief Justice Chase observed:

"[T]he power to make exceptions to the appellate jurisdiction of this court is given by express words, . . . Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause."

Even though some modern scholars may seek to disparage it as precedent today, one would do well to remember that this is a unanimous opinion, unreversed after more than 100 years.

As convincing as the foregoing may or may not have been, Section 5 of the Fourteenth Amendment affords a cogent justification that is hard to quibble with. The current trend of constitutional thought seems to be that the powers it affords Congress are quite broad. This observation finds support in recent case law, as well as authoritative treatises. According to the excellent work of Professor Bork,[1] the scope of these powers is the subject of heated current debate. This is succinctly described in a paragraph attributed to Professor Archibald Cox:

"Today one of the major questions of constitutional theory and practice is whether the congressional power to make binding determinations upon questions of fact and degree, acknowledged under the commerce clause, applies to legislation enacted by Congress 'to enforce' the fourteenth amendment."[2]

Those who would answer that it does, find vast support in Katzenbach v. Morgan, 384 U.S. 641 (1966). This case arises under the Voting Rights Act of 1965 and deals extensively with Section 5. Referring to congressional power the majority quotes with approval at page 648:

"It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective." Ex parte Com. of Virginia, 100 U.S. 339, 345 (1880). (Emphasis in original).

At 650:

"By including § 5 the draftsmen sought to grant to Congress, by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Art. I, § 8, cl. 18. The classic formulation of the reach of those powers was established by Chief Justice Marshall in McCulloch v. Maryland, 4 Wheat, 316, 421, 4 L.Ed. 579:

'Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional.' "

At this point reference is made to the earlier decided voting right case, *State of South Carolina* v. *Katzenbach*, 383 U.S. 301, 326, 327 (1966), in dealing with the power afforded Congress by a similar section, it quoted the words of Chief Justice Marshall:

"This power like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution." *Gibbons* v. *Ogden*, 9 Wheat, 1, 196, 6 L.Ed. 23.

* * * * *

"The basic test to be applied in a case involving Section 2 of the Fifteenth Amendment is the same as in all cases concerning the express powers of Congress . . ."

That test was identified as the one formulated in *McCulloch* v. *Maryland*, and since Section 2 of the Fifteenth Amendment is identical to Section 5 of the Fourteenth Amendment (as well as Section 2 of the Thirteenth, Eighteenth, and Nineteenth Admendments), it was adopted by *Morgan* supra who stated:

"Thus the McCulloch v. Maryland standard is the measure of what constitutes 'appropriate legislation' under § 5 of the Fourteenth Amendment. Correctly viewed, § 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment."

The upshot of this decision appears to be a clear recognition of the broad discretion vested in Congress under Section 5. Reasoning in support of this conclusion relies heavily upon the fact that Congress enjoys a position which enables them "to assess and weigh the various conflicting considerations" in a manner superior to that of the court. This appears only logical, and if ever an issue arose which required this vital function, it must be the question of busing. Professor Bork is of this opinion:

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[1] Bork supra note 5 at 8.

[2] Cox, The Role of Congress in Constitutional Determinations, 40 Cincinnati Law Review 199, 258 (1971).

"The nature of the problem is one peculiarly suited to Congress superior capacity for finding facts on a nationwide scale and making the detailed trade-off judgements required to frame a general rule applicable everywhere in the country. Courts, confined to particular fact situations and the record the litigants set before them, are less able to work out satisfactorily detailed legislative rules of the sort required here. That is the reason for the deference courts often show to congressional determinations of fact and to congressional alteration of remedies. We may conclude that Congress possesses substantial power to regulate busing under Section 5 of the Fourteenth Amendment."[3]

Having established the preferred constitutional source for the power Congress seeks to assert, it is susceptible to further refinement. "Section 5 of the Fourteenth Amendment, taken at the minimum weight that must be allotted it, confirms and reinforces Congress' historic power to deal with remedies employed by Federal courts. There is doubt about Congress power to deny all remedies for an established right, but very little about its power to limit or even deny one among many."[4]

This particular point is well covered in a unique and enlightening article by Professor Henry M. Hart. The following comments are found in an uninhibited colloquy between Professor Hart as interrogator and Professor Herbert Wechsler of Columbia.

Question: "The power of Congress to regulate jurisdiction gives it a pretty complete power of remedy, doesn't it? . . ."

Answer: ". . . The denial of any remedy is one thing—that raises the question we're postponing. But the denial of one remedy while the other is left open, or the substitution of one for another, is very different. It must be plain that Congress necessarily has a wide choice in the selection of remedies, and that a complaint about action of this kind can rarely be of constitutional dimension."

Question: "Why is that plain?"

Answer: "History has a lot to do with it . . . But the basic reason, I suppose, is the great variety of possible remedies and even greater variety of reasons why in different situations a legislature can fairly prefer one to another."[5]

It goes without saying that there are no decisions on this point in the area of school desegregation. For almost a score of years the current has only gone in one direction, and as noted, congressional action in this regard is without precedent.

Decisions of this Court, from its inception, have recognized the inherent power of Congress to affect remedies. The following opinions are illustrative and, though dealing with a variety of matters, their principles, by parity of reasoning, apply.

Chief Justice Marshall, in an opinion concerning state insolvency laws, gave full recognition to this point:

"The distinction between the obligation of a contract, and the remedy given by the legislature to enforce that obligation, has been taken at the bar, and exists in the nature of things. Without impairing the obligation of the contract, the remedy may certainly be modified as the wisdom of a nation shall direct." Sturgis v. Crowninshield, 4 Wheat. 122, 200 (1819). See also the procedural case of the same vintage, Bank of Columbia v. Okeley, 4 Wheat, 235, 245 (1819).

Another early decision, which dealt with the right of contract, was *Antoni* v. *Greenhow*, 107 U.S. 769 (1883). Chief Justice Waite approves the language of an earlier opinion:

"It is competent for the state to change the form of the remedy, or to modify it otherwise, as they may see fit, providing no substantial right secured by the contract is thereby impaired . . ."*Von Hoffman* v. *Quincy*, 4 Wall. 553 (1869).

and concludes that:

"In all cases the question becomes, therefore, one of reasonableness, and of that the legislature is primarily the judge." (Emphasis added)

Finally, *Munn* v. *Illinois*, 94 U.S.C. 132 (1872):

"We ought never to overrule the decision of the legislative department of the government unless a palpable error has been committed. If a state of facts could exist that would justify the change in a remedy which has been made, we must presume it did exist, and that the law was passed on that account." (Emphasis added)

With this lengthy preamble in mind, it is appropriate to turn now to the legislation in question. Four sections are of concern here (803–806). As the reader is aware, 803 (Broomfield Amendment) was discussed at length in Portion I.

These remarks, however, were limited to a point raised in the opinion of Mr. Justice Powell concerning congressional intent. This portion seeks to further buttress the constitutional underpinnings of the moratorium. Being a case of first impression little authority exists.

Fortunately for petitioners, however, considerable guidance has been obtained from the treatise of Professor Bork, whose remarks appear ubiquitously in this brief. Although dealing with the moratorium provisions of the Nixon anti-busing proposals, it is extremely relevant, since that language is virtually identical to Section 803. An extensive quote from this treatise is most convincing:

"Congress' power to enact moratorium legislation in order to hold matters in status quo while it considers detailed regulation is probably best located in Article I, Section 8, Clause 18 . . . The moratorium can be defended as necessary and proper for Congress to carry into execution its power to regulate remedies, a standstill in busing orders being required so that irreparable disruptions and impairments of education do not take place before Congress can act.

". . . This means, essentially, a showing of the likelihood of the entry of further large-scale busing orders with their concomitant heavy expenditure of funds, administrative disruption, and student inconvenience, all tending to disrupt and make less effective the educational process. Combined with such a showing should be an argument that there is reason to believe these orders go beyond the duty of affirmative dismantling of segregated school systems, and that the disruption and expense will have to be undergone a second time in order to comply with the further legislation contemplated by Congress."[6]

This thinking seems particularly appropriate in view of the recent House passage of the Equal Educational Opportunities Act of 1972, detailed in Portion II. From this it is apparent that at least one body of Congress wishes to effectuate detailed regulation of school busing.

This brief is likewise replete with quotations from the Congressional Record declaring the need for such a moratorium. A prime example is found in the remarks of Congressman Quie:

"This is an extremely important necessary action designed to obtain equity and uniformity in these cases, and perhaps to give the Federal judiciary some time to assess the mood of Congress and the Country with respect to wholesale busing of children." (Emphasis added)

Congressional Record—House—H5404, June 8, 1972.

While designed to automatically halt, pending appeal, all busing orders, regardless of title or nomenclature, it was held inapplicable in the present case. This position not only frustrates the will of Congress, but ignores language currently used in school desegregation plans. Most important, the Court in so ruling has attributed to Congress the enactment of meaningless and futile legislation.

Under the interpretation reached in Drummond this is the inevitable result. Section 803 is said to apply only to orders whose mere existence makes them illegal for violating the principles laid down in Swann, and also Section 806 of the same act.

To illustrate this point, the following excerpts from Swann need be remembered. At page 15:

"The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation."

Further, at page 15:

"If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked."

At page 16:

"Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. Judicial authority enters only when local authority defaults."

Further, at page 16, with reference to whether schools should have a prescribed ratio of black to white:

"To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court."

At page 17, concerning 407(a)

"The legislative history of Title IV indicates that Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called 'de facto segregation'."

The thrust of these remarks by Chief Justice Burger is to emphasize repeatedly the condition precedent to judicial involvement. Without a constitutional violation, uncorrected by school officials, judicial authority does not exist. Courts simply have no power to interfere with school systems unless there has been a constitutional violation. Vestiges of de jure segregation is considered by the courts to be such a violation. Therefore, this has been deemed sufficient to justify the use of busing as one tool for desegregation in those states.

(The ACTING PRESIDENT pro tempore assumed the chair.)

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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[3] Bork supra note 5 at 16.

[4] Bork supra note 5 at 11.

[5] Hart, "The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic," 66 Harvard Law Review 1362, 1366 (1953).

[6] Bork supra note 5 at 19.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

I should like to inquire of the distinguished senior Senator from Michigan (Mr. Hart), inasmuch as the opposition to this bill seems to have wound down here at 6 o'clock in the evening, whether there might be a possibility that we might agree on a time to vote on final passage of the bill early next week.

Mr. HART. I doubt it.

Mr. ALLEN. The Senator would not hold out a great deal of hope, then, at that point?

Mr. HART. The Senator from Alabama knows perfectly well that we wound down because we agreed we would wind down about this hour.

There is a monumental documentation to be presented to the Senate. I indicated in some preliminary remarks certain areas that we know about this bill—we know it fiddles with the 14th amendment—but we have never had a committee analyze how many school districts actually are within reach of the next district but one to the student. That is one of many examples of items that have to be developed.

I was almost flip in my remark that "I doubt it," but I did it in the best of spirit, because the Senator from Alabama knew perfectly well the loaded question he asked me, and I answered in kind.

Mr. ALLEN. I see. I thank the distinguished Senator from Michigan.

We would, then, anticipate that the documentation the Senator refers to would come into the Record early next week?

Mr. HART. It is my information that the cloture motion has been filed. Is that correct?

Mr. ALLEN. Yes.

Mr. HART. We would hope that we would have the opportunity, before cloture was applied, to develop that documentation; but the range of it—without my repeating the comments I made earlier and the comments of the Senator from New York—would suggest that that will not be possible before next Tuesday.

Mr. ALLEN. The Senator is conceding, then, that in all likelihood he feels that cloture might be invoked on Tuesday?

Mr. HART. Whether on the popular or unpopular side, I have never been able to find the fellow who made the crystal ball that was reliable on those votes. We will just have to wait until the roll is called. I have a measure of confidence that, while it may not be an easy vote, it certainly will not be hailed by certain people as a good vote, that there is enough prudence in this Chamber not to shut us off before we get started.

Mr. ALLEN. I have noticed, though, that in cloture votes in the Senate, it has been the observation of the junior Senator from Alabama that we generally find the distinguished Senator from Michigan in favor of getting to the issue and getting to the final vote.

Mr. HART. Always, and I shall in this case.

Mr. ALLEN. I am delighted to hear it.

Mr. HART. After the Senate has available the information from which it can derive a responsible answer.

Mr. ALLEN. The Senator reminds me more and more this afternoon of the distinguished senior Senator from North Carolina (Mr. Ervin).

Mr. HART. That is a very complimentary observation, and on that note I am ready to close.

Mr. ALLEN. I thank the distinguished Senator.

Mr. President, I am prepared to yield back the remainder of the time for this afternoon. I should like to state, before I do, that that time was divided for today only, with the thought that both sides would be allowed to make the presentation of their arguments, that any Senator desiring to speak on this subject, on either side, would have time allotted to him.

Starting Monday, then, the burden is going to be on the opposition to the legislation to carry the burden of the debate and to present the documentation to which the Senator has referred. So that there will be no control of time starting Monday.

I thank the distinguished Senator.

I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

GEN. PAUL K. CARLTON—NEW HAMPSHIRE IS PROUD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a statement on behalf of the distinguished Senator from New Hampshire (Mr. McIntyre), entitled "Gen. Paul K. Carlton—New Hampshire Is Proud."

The PRESIDING OFFICER. Without objection, it is so ordered.

Gen. Paul K. Carlton—New Hampshire Is Proud

(By Senator McIntyre)

It affords me great pleasure at this time to speak for a few moments of the pride which the people of the State of New Hampshire take in the recent nomination by the President of Lieutenant General Paul K. Carlton of the Air Force for promotion to the grade of General and to assume the duty of Commander of the Military Airlift Command.

General Carlton was born on April 14, 1921, in Manchester, New Hampshire, the son of Mr. and Mrs. R. W. Carlton. Subsequently, the family moved to Erie, Pennsylvania, and the General was graduated from Academy High School in Erie in 1939. Following his graduation from high school, he attended both the University of Pittsburgh and later Ohio University. In September of 1941, he entered the Army Corps aviation cadet program and received his pilot wings and commission as second lieutenant in April, 1942.

Since that time the General has had a long and distinguished career of military service. During World War II he served as a B–17 and B–29 pilot and was part of the first group which operated against the Japanese mainland from India and China in the latter aircraft. Following World War II, from January 1946 to September 1949, he was assigned to Strategic Air Command's first atomic bomb organization, the 509th Bombardment Wing at Roswell Air Force Base, New Mexico. Since that time he has held several important assignments throughout the Air Force, primarily with Strategic Air Command—taking time out from his military duties to attend the National War College in Washington, D.C. from August 1961 to June 1962.

In his most recent assignment General Carlton has been the Commander of the 15th Air Force of Strategic Air Command with Headquarters at March Air Force Base, California. He has more than 11,000 flying hours and has flown the B–47, B–52, B–58, and KC–135 aircraft as well as the fastest aircraft in the United States, the Mach III SR–71 strategic reconnaissance aircraft.

His military decorations and awards include the Silver Star, Legion of Merit, Distinguished Flying Cross, Air Medal, Army Commendation Medal, and the Purple Heart.

The General has been married to the former Helen Sweat of Albany, Georgia, since 1942 and they are the proud parents of two children; a married daughter, Mrs. Peter (Dorothy) Sievert, and Captain Paul K. Carlton, Jr., of the Air Force who is a distinguished graduate of the Air Force Academy and is currently pursuing further studies for the Air Force at the University of Colorado Medical School in Denver, Colorado.

The General is to become the commander of the Military Airlift Command and I believe that he is particularly well qualified to insure that it continues to live up to its motto: "Global in Mission—Professional in Action."

ORDERS FOR RECOGNITION OF SENATOR HUGHES AND SENATOR ROBERT C. BYRD AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Monday, under the standing order, the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes; to be followed by the Senator from West Virginia (Mr. Robert C. Byrd) for not to exceed 15 minutes; to be followed by routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

ORDER FOR THE UNFINISHED BUSINESS, H.R. 13915, TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday next, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 1—RECONSIDERATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the third reading and passage of H.R. 1 be reconsidered and that the Stevens amendment, which was offered for the Senator from Montana (Mr. METCALF), and which was inadvertently stricken from the bill be readopted and that, as thus amended, the bill be read a third time and passed, and that the vote be considered as having been reconsidered and laid on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. HART. Mr. President, reserving the right to object—and I shall not—but I am glad that the very able Senator from Alabama (Mr. ALLEN) is still in the Chamber because I should like to remind him again of the hazards we are in when we proceed before we fully understand what we are doing.

I have no objection.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 a.m. on Monday, October 9, 1972.

Following the recognition of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for 15 minutes, to be followed by the Senator from West Virginia (Mr. ROBERT C. BYRD) for 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Following morning business, the Senate will resume consideration of the unfinished business, H.R. 13915, the equal educational opportunities bill.

There is no assurance that yea-and-nay votes will not occur on Monday. They can occur on tabling motions, conference reports, and other bills which may be called up under short-time limitations, and so forth.

There will be a vote on Tuesday next, on the motion to invoke cloture on H.R. 13915.

The political weather for the week ahead appears to be somewhat cloudy and unsettled, with some turbulence showing on the radar. The barometer is falling, and as the week progresses, temperatures are expected to rise, with strong winds—gusty at times. Seat belts should be kept buckled in the event the busing becomes hazardous. Nothing, really, to be alarmed at—just seasonal expectations, the political calendar being what it is.

By Saturday, October 14, however, it is hoped that there will be a noticeable improvement in the forecast, with sunny skies and even temperatures—and, hopefully, a closing down of the weather station sine die.

ADJOURNMENT TO MONDAY, OCTOBER 9, 1972, AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. on Monday next.

The motion was agreed to, and, at 6:08 p.m., the Senate adjourned until Monday, October 9, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 6, 1972:

UNESCO REPRESENTATIVES

The following-named persons to be Representatives of the United States of America to the 17th session of the General Conference of the United Nations Educational, Scientific and Cultural Organization:

William B. Jones, of California.
R. Miller Upton, of Wisconsin.
Louise Gore, of Maryland.
Jaquelin H. Humes, of California.
Benjamin F. Marsh, of Ohio.

The following-named persons to be Alternate Representatives of the United States of America to the 17th Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

E. Dorothy Dann Bullock, of Pennsylvania.
Henry David, of the District of Columbia.
Pierre R. Graham, of Illinois.
James C. Haahr, of Minnesota.
Chauncy D. Harris, of Illinois.

EXTENSIONS OF REMARKS

PENSION LEGISLATION SHOULD BE DEBATED

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, October 5, 1972

Mr. GRIFFIN. Mr. President, the Detroit Free Press has demonstrated a keen awareness of the urgent need for pension reform legislation as well as the failure so far of this Congress to produce.

A bill, S. 3598, is now on the Senate calendar. While it is not a satisfactory bill as it stands, that is no reason for the Democratic leadership not to call it up for debate so we could have a chance in this session to consider the subject of pension reform. If that opportunity is afforded, then I could, and would, be able to offer my stronger, more effective pension reform proposal as a substitute amendment. I stand ready to do just that, and I am confident that a majority in the Senate would support such an amendment.

The time remaining in this session of Congress is rapidly running out. Surely, there can be no excuse if the Senate adjourns for the year without even debating the subject of pension reform.

Mr. President, I ask unanimous consent that an editorial from the Detroit Free Press of October 5, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS MUST PROTECT WORKERS ON PENSIONS

The Senate Finance Committee's dismissal of most key provisions of a plan to oversee and guarantee private pension systems cannot be permitted to stand. Too many workers in Michigan and around the nation have lost their pension rights after contributing to various plans for years.

Sen. Robert Griffin, who introduced the bill more than a year ago, has promised a hard fight to restore the deletions made by the committee without so much as a public hearing.

Still vivid in Sen. Griffin's mind is the experience of thousands of Studebaker Corp. workers who discovered there was no money in the pension kitty when the company failed. Studebaker has not been the only one; hundreds of plants have gone down, leaving faithful employes without the benefits around which they had planned their retirements.

There are other ways a worker can lose out on a pension, too. He may change jobs before he acquires pension rights, or hire on with a firm that does not have a plan for which he is eligible when he reaches retirement age.

Sen. Griffin's proposal would vest all participants in private plans after 10 years of service, meaning that if they should change jobs they would receive pensions at age 65 based on their previous service. A person might benefit from several pension systems, almost the equivalent of pension portability.

And an important feature of Sen. Griffin's plan is a provision for a federal pension insurance program covering losses of vested benefits. Such a program would provide a pension in the event the firm went out of business in the interval between a worker's leaving it and his attaining pension age.

Ideally, a pension fund should have enough money in it to pay all current claims and those that might be made in the future. This is difficult where large numbers of workers are employed but the government should encourage sound pension funding.

Private pension plans are supplemental to Social Security. But Social Security benefits, even with the recent 20 percent increase, do not provide much more than minimum needs. Workers who toil for years to build up pension benefits should not lose them. There are few legal safeguards to protect them, however, and there should be.

TENTH CONVENTION OF BYELORUSSIANS OF NORTH AMERICA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. DERWINSKI. Mr. Speaker, Toronto, Canada, was the site of the 10th convention of Byelorussians of North America on September 2, 3, and 4. I insert in the RECORD a resolution unanimously adopted at the convention relating to Soviet-Russian domination of the Byelorussian people:

RESOLUTION

Whereas Russian rule over Byelorussia—first forcibly annexed by Muscovy in 1772 and 1793—was re-established by force of Bolshevik arms through destruction of the Byelorussian Democratic Republic, which had been proclaimed independent on March 25, 1918;

Whereas the Soviet Byelorussian government, including its spokesmen in the United Nations, does not represent the will of the Byelorussian people, but constitutes a docile instrument of Russian imperialism and propaganda;

Whereas the wealth of the Byelorussian land is being siphoned off by the central Soviet government to finance Russian expansionist schemes throughout the world (with Byelorussian territories partitioned by Moscow in a political game between herself and Byelorussia's neighbors);

Whereas the Communist Party in Byelorussia, under the subterfuge of the so-called merging of nations, conducts an intensive campaign of Russification and discrimination again Byelorussian culture;

Whereas many Byelorussian patriots in Byelorussia, especially among the young and the intelligentsia, do their utmost to defend and develop Byelorussian national interests,

Therefore we the Byelorussians of Canada and the United States of America, gathered at the 10th biennial Convention of Byelorussians of North America in the great city of Toronto, Canada, on September 2–3, 1972, to commemorate the 90th birthday of two of the foremost Byelorussian poets and national leaders, Janka Kupala (murdered in Moscow in 1942) and Jakub Kolas (d. 1956), as well as to mark the 450th anniversary of printing in Byelorussia, to unanimously resolve—

To continue the struggle for re-establishment of a free and independent Byelorussian Democratic Republic;

To encourage in Soviet Byelorussia manifest trends toward liberalization, extension of civil rights, and cultural freedom;

To expose economic exploitation and Russification of Byelorussia, now being continued under the smoke screen of the 50th anniversary of Soviet federation;

To preserve in our own midst, along with Canadian and American values, our Byelorussian heritage—language, history, traditions, and the concern for the well-being of the entire Byelorussian nation;

To support any resistance among the Byelorussian people in the Soviet Union directed toward the restitution of Byelorussia's territorial integrity and free development of material and cultural values.

MR. ABE HARSHMAN HONORED BY B'NAI B'RITH, CITY OF YOUNGSTOWN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, October 1, 1972, I had the pleasure of attending a banquet in honor of Mr. Abe Harshman at the Ohio Hotel in Youngstown, Ohio. The city of Youngstown proclaimed Sunday, October 1, 1972, "Abe Harshman Day" in his honor, and he received the National B'nai B'rith's 1972 Guardian of the Menorah Award. The Menorah, a seven-branched candle used in Jewish religious services, was inscribed on the base, "Mr. Abe Harshman, Guardian of the Menorah, October 1, 1972."

The Youngstown B'nai B'rith extended its appreciation to Mr. Harshman as an outstanding humanitarian who is dedicated to the sacred task of preserving and extending the enduring values of the American and Judaic heritage. The tribute to Abe Harshman climaxed a 4-week campaign to raise funds for local and national service in human relations activities identified with youth, culture, and education.

In my remarks to the gathering, I said:

> In my twenty-four years of public life, I have found that there are two characteristics that distinguish the leader from ordinary men: consideration for others, and integrity. These are virtues that spring from the heart. Abe Harshman possesses these qualities in abundance. To know Abe is a privilege. To be his friend is an experience to treasure.

During the banquet, Mr. Harshman received a copy of a resolution passed by the Ohio General Assembly honoring him, which was presented by State Senator Harry V. Meshel, and also a proclamation from Gov. John J. Gilligan, which was presented by Mr. J. Phillip Richley, director of the Ohio Department of Transportation.

Abe Harshman's accomplishments are many. He is a former city finance director and Youngstown Board of Education president, board member of the Youngstown Area Development Corp., Heritage Manor, Jewish Federation of Youngstown, and Youngstown-Mahoning Lodge 399 B'nai B'rith. In addition, he heads his own accounting firm and serves as secretary-treasurer of the Western Reserve Transit Authority. Above all, Abe Harshman is a fine human being. We are most fortunate to have Abe, his charming wife, Florence, and their children as members of our community.

MSGR. REV. GENO BARONI IS HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RODINO. Mr. Speaker, tonight Msgr. Rev. Geno Baroni is being honored in my home town of Newark, N.J., as a favorite son of Columbus, Mr. Stephen Adubato, director of Newark's North Ward Educational and Cultural Center. As the keynote speaker for this evening, I would like to share my words with you at this time:

SPEECH BY PETER W. RODINO

It is with much pleasure that I stand before you tonight to honor Rev. Msgr. Geno Baroni as a favorite son of Columbus. Earlier this week, when I began to think about the specific remarks I would make at this time, I found the more I reviewed Columbus' character, goals and achievements, and the more I recalled the beliefs and actions of Father Baroni, these two men are so alike in their approach, their spirit, their leadership and their dreams that no honor could possibly be more fitting and no man could truly be more deserving of the recognition Msgr. Baroni is receiving from us this evening.

What does Christopher Columbus mean to us, to men of the 20th Century? Columbus was a prophecy of the America to come—of the immigrant who uprooted himself from his homeland in search of opportunity, of freedom, of justice and of peace. While those of us of Italian heritage rightly point with pride to Columbus' origins and accomplishments, let us not forget the Hispanic contribution which supported his venture, the Portuguese charts which guided him, the British who colonized our shores, and the Irish, Italians, Germans, Slavs, and Poles, the men from every part of the globe, men of every color and creed who inhabited these shores, improved them, grew with them and who inspired their development. When we honor Columbus, we honor America's ethnicity.

"Every ship," wrote Emerson, "got its chart from Columbus". For Columbus personifies the very spirit of discovery, of distilling truth from myth, of overcoming seemingly insurmountable odds. He is remembered as a man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph. He roused the world—he stirred it up—and he launched it toward a new destiny. Through his own suffering, his own feelings, he came to know man; he penetrated deep into the human soul. He stands as a great example, a great light that permits us to understand in a better way, our world of today. The challenge of discovery, of invention, of exploration continues to kindle in our hearts. From the crucial clues to the causes of our fatal diseases, to the complicated answer to the problems of crime in our streets, to the myriad of perplexing questions confronting us today, this is a time for renewing our struggle to improve the quality of life and to search for betterment in all aspects of society.

Rev. Msgr. has become a leading social and intellectual force behind a growing realization, behind a rediscovery throughout our country that by emphasizing the positive aspects and benefits of ethnic awareness and ethnic identity among the many ethnic groups that comprise this nation, we can help foster greater understanding among all peoples. He calls for "a new American dream"—"the dream of an urban ethnic pluralistic society to enable diversity to become an asset instead of a liability."

Father Baroni feels that the melting pot not only did not work in our society, but the idea that it should work has left a great many people in doubt about their own heritage. Economically, culturally, socially and politically, ethnics are alienated and disillusioned. He believes this nation suffers from a lack of social conscience: we fail to recognize the interdependence of our society. A greater degree of personal awareness, a stronger feeling of self respect must be generated. Msgr. Baroni believes that once an individual is able to better answer the question, "who am I", he can begin to relate to, to respect and to understand other cultures and other heritages. And, once this sensitivity gathers strength and momentum, once men reaffirm their belief and trust in their own abilities, they will view much more clearly their own contribution to the continued development of those basic goals of freedom and self-fulfillment first established by Columbus and our early immigrants.

I recall the words of the ancient bibical scholar, Hillel: "If I am not for myself, who, then is for me? But, if I am only for myself, what am I?"

Father Baroni strongly feels that the working class ethic of self-help and self-determination must be reemphasized. He stresses the need to zero in on issues of primary concern to whiteethnics—inner city home financing, employment, occupational safety, health care.

On September 29, *The New York Times* published an article entitled, "The City's Italian-American Needy: Too proud to take aid they earned". The article explained how many ethnic groups are completely unaware that funds are available for their utilization. The work of father Baroni is sited.

Father Baroni has set about the task of making these groups aware—of providing them the information and research services, of helping them to develop the community structures and leadership to enable them to meet their legitimate needs more effectively. He has sponsored workshops and discussions on such vital topics as "Issues and Priorities of Urban Ethnic America." The son of an immigrant coal miner, raised in Acosta, Pennsylvania, Msgr. Rev. Geno Baroni, a graduate of Saint Mary's College and Seminary, came to Washington in the early 1960's. Since that time, he has not stopped representing the Archdiocese in his fervent efforts in civil rights, poverty, housing, employment, in all areas of urban affairs. He has served as a consultant to congressional committees, to the Department of Housing and Urban Development, to the Office of Economic Opportunity, to the D.C. Human Relations Committee, and to the National Commission on Cities. In 1968, he helped organize project commitment, a program that brought 6000 suburban whites and inner city blacks into a series of meetings on race and poverty.

Father Baroni refers to himself as a "Church Urban" guy and in the 1970's, he became the cofounder of programs including the University Neighborhood Council, Capitol Head Start, the Model Inner City Community Corporation, the Housing Development Corporation, Washington Pre-schools incorporated, the Opportunities Industrialization Center and the Inter Religious Committee on Race.

Rev. Msgr. Geno Baroni is the director of the National Center for Urban Ethnic Affairs in Washington, D.C.—a center established as a response to the intensifying urban crises and the needs of working class ethnic Americans as a key step towards developing meaningful social change and a new direction for urban America. The task confronting father Baroni is most difficult. He hopes, through his endeavors, to lay the groundwork for possible cooperative efforts between black, brown, and ethnic groups on issues of mutual convergence and self-interest. For all men, from all walks of life, basically desire health, happiness, and the freedom to grow, develop and to seek the fulfillment of all life's blessings. Thus, Msgr. Geno Baroni, in his hopes, his goals, and his dreams and leadership, is a true descendent of Columbus. Let us truly welcome him tonight and let us all wish him continued success in his voyage for justice, peace and freedom for all men.

CONSEQUENCES OF RATIFICATION OF THE EASTERN TREATIES FOR EUROPE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CRANE. Mr. Speaker, Dr. Rupert Dirnecker is the chief foreign affairs counsel of the Christian Democratic Party—CDU. In this capacity he is responsible for the input in the field of foreign affairs on the policymaking level in the CDU as it effects the current campaign before the forthcoming November 19 elections in West Germany.

This article of Dr. Dirnecker's, to be published soon, gives a clearcut view of the CDU policymaking group on the East-West relationships and the necessity for commitment of the Federal Republic of Germany towards the Atlantic Alliance and the United States as opposed to risky "opening to the East" and excessively strong attachment to the Soviet Union. Dr. Dirnecker thinks that the "Western-culture nations of Europe are bound closer to America, the sister of Europe, than to Russia," and that "neither enticements nor threats will deter the CDU/CSU from the path of unification of the free part of Europe and the Atlantic Defense Alliance."

The CDU/CSU party modified the eastern treaties with Moscow and Warsaw of the present West German Government by the joint resolution of the German Bundestag of May 17, 1972, approved by the Bundestag during the ratification debate. Dr. Dirnecker explained in this article the meaning of this resolution and clarified its consequences.

I commend this insightful article to my colleagues:

CONSEQUENCES OF RATIFICATION OF THE EASTERN THEATER FOR EUROPE

(By Rupert Dirnecker)

I

The Treaty between the Federal Republic of Germany and the Union of the Soviet Socialist Republic of August 12, 1970, as well as the Treaty between the Federal Republic of Germany and the Polish People's Republic of December 7, 1970 passed the legislative bodies of the Federal Republic of Germany and became effective under international law with the exchange of ratification documents.

The Four Power Agreement on Berlin, jointly with the incorporated understandings between the Federal Republic of Germany and the Berlin Senate on one side, and the German Democratic Republic on the other, came into force by signing the final protocols on the same day.

Thus ended the first phase of the Ostpolitik of the Brandt Government.

Many people in Germany or in the friendly Western countries who have been concerned that the internal political confrontation over the Eastern Treaties could endanger the present stability of the democratic system in the Federal Republic of Germany could be inclined to breathe easier now that the controversial treaties are no longer on the agenda. Unfortunately there is no reason for rejoicing. The treaties are still very much on the agenda with all the consequences for the future of Germany and Europe which are not foreseeable now. Pressures emanating from the Eastern Bloc can already be felt to the effect that immediately after the struggle for the ratification of the Eastern Treaties the fight for their interpretation and implementation must start.

II

CDU/CSU, the strongest party in the German parliament, was always conscious of its responsibility for the reconstructure initiated by the CDU/CSU, of a democratic Germany linked closely with the free world. The CDU/CSU, therefore, warned from the very beginning against the dangers of the Brandt Government's Ostpolitik in view of its basic concept, timing and methods of negotiating. The party therefore could not agree with these treaties inasmuch as they were the product of an exclusive policy and one-sided initiative of the Federal Government.

The CDU/CSU has tried time and again to limit to an acceptable level the dangers and risks of this Ostpolitik for the national and Europen interests. By maintaining its consistent attitude the party not only contributed to the improvements in the Berlin Agreement which is politically inter-related closely with the Eastern Treaties, but it also induced the Soviet leadership to re-evaluate its previous absolute rejection of the Western European unification. Finally, due to the fact that the Federal Government in the meantime became dependent on the support of the opposition after sliding to the parliamentary minority, the CDU/CSU was able to approve in the Bundestag a *Joint Resolution of the German Bundestag to the Eastern Treaties of May 17, 1972.*

This political and legal declaration of principles by the German Bundestag, approved subsequently by the Bundesrat, was then adopted by the Federal Government and presented to the parties of the Treaties as an official note of the Federal Republic of Germany. This note establishes effectively, in terms of international law, the German interpretation of the ambiguous Treaties and the ensuing necessary German legal reservations.

The Resolution contains, first of all, the following significant clarifications:

1. The treaties, according to the German interpretation, serve to establish a modus vivendi for the Federal Republic of Germany with its Eastern neighbors, however, the treaties do not prejudice the final settlement of the central problem of security and peace in Europe.

2. In particular, the treaties are not a substitute for the peace treaty settlement for Germany as a whole and do not constitute a legal basis for the frontiers as they exist at the present time.

3. The inalienable right of the German people for self-determination is not affected by these treaties and the solution of the German question is not prejudiced. A peaceful policy of restoring the national unity of the German people is not in contradiction to these treaties.

4. The treaties do not affect the continuing and unlimited validity of the 1954 German Treaty in which France, Great Britain and the USA have pledged to work together with the Federal Republic of Germany in order to achieve, "by peaceful means," the common goal, i.e., a reunited Germany, having a liberal democratic constitution. similar to that of the Federal Republic of Germany, and integrated into the European Community.

5. The treaties do not infringe upon the rights and responsibilities of the Four Powers with regard to Germany as a whole as well as with regard to Berlin; the continuation of these rights and responsibilities to remain in force until the final settlement of the German question is considered to be of essential significance by the Federal Republic of Germany.

6. The Federal Republic of Germany is reiterating its allegiance to the Atlantic Defense Alliance and its resolution to unflinchingly continue to work for the policy of European unity with the view of gradually developing the European Community into a political Union.

7. The Federal Republic of Germany is confirming its determination of maintaining and further developing its ties with Berlin.

8. The Germans in Germany are guaranteed the free movement of people, ideas and information by the process of normalization of relations between the two parts of Germany.

The improvement of the treaties through this Resolution, which was unanimously adopted by the voices of the opposition, opened the possibility for the CDU/CSU to abandon its negative attitude towards the treaties themselves and instead, by an abstention vote (qualified by a few "nay" votes) to permit the passage of the treaties, but at the same time disassociate itself from bearing the responsibility for these treaties.

This abstention vote, therefore, was not a flight from a decision but a deliberate and firm decision made in an unfortunate situation where a choice had to be made between several evils. There was on one side the choice of wrecking the treaties signed by the Federal Government with all the consequences harmful to the international credibility of the Federal Government and the Federal Republic of Germany; or on the other the unqualified acceptance of the treaties; or finally the choice of letting the treaties pass only by the vote of the governmental coalition with a simultaneous adoption of a resolution of the German Bundestag containing the German interpretation of the treaties and establishing political and legal limitations.

The abstention vote does not mean that with this action the overall Ostpolitik concept of the Federal Government or the conduct of negotiations are subsequently approved.

The abstention vote does not mean the approval of the ambiguous attitude of the Federal Government when on one side it accepts without protest the Soviet and Polish interpretation of the treaties while on the other a different interpretation is being used for the domestic purposes. On the contrary, the resolution adopted by the German Bundestag laid open the discrepancies contained in the treaties and obligated the present Federal Government as well as all future ones to defend the German interpretation of the treaties contained in the resolution. By notifying, in accordance with requirements of the international law, all partners to the Treaty the safeguards have been taken that a policy conducted on the basis of this interpretation could not be held against the Federal Republic of Germany as a violation of the Treaty.

III

It follows therefore that the Resolution of the German Bundestag is of considerable importance to any future German policy. Since however the Resolution cannot change the treaties themselves, being only a unilateral German interpretation of the treaties, *the misgivings of the CDU/CSU remain as strong* as ever against the treaties and against the policy they are serving, that is either the Western policy of Moscow or the Ostpolitik of the Brandt Government.

These misgivings are caused, *firstly*, by the ambiguity of the treaties. According to the German interpretation the treaties are solely supposed to establish a modus vivendi, keep the German question, including the territorial question, open and not exclude or prejudice the settlement by a peace treaty. The Soviet and the Polish partner on the other hand interpret the treaties in the sense of a final recognition of the territorial status quo in Eastern and Central Europe and of the partition of Germany.

According to the German interpretation the pledge to forego the use of force stipulated in Article 2 of the Moscow Treaty is the dominant concept, to which the pledge not to apply force against the existing frontiers in Europe, contained in Article 3, is subordinated. The Soviet Foreign Minister on the other hand declared during the ratification debates of the Supreme Soviet of the USSR on April 12 and again on May 30, 1972, that Article 3, dealing with the frontiers constitutes the heart of the Moscow Treaty and made the pledge for a mutual renouncement of the use of force dependent upon the recognition of frontiers as well as upon a positive political conduct of the Federal Republic of Germany.

This fundamental difference threatens to become a source of future conflicts in which, due to the absence of a neutral peace court, the stronger treaty partner, in this case the Soviet Union, could be tempted to try to win by applying pressure. Because of this possibility alone the treaties seem to be unsuitable to achieve a true normalization which is also being sought by the CDU/CSU.

Secondly: In the already announced struggle by the East for the interpretation and implementation of the treaties the political strategy of Moscow strives towards extention of the achieved capitulation of the Federal Government before the demands placed by the Soviet Bloc for several decades from the treaty level into the level of practical politics.

The Federal Government will now have to prove by deeds that it stands by the interpretation of the treaties as stated in the German Parliament and announced to the German public, as confirmed in the Joint Resolution of the German Bundestag. The Government would have to prove by deeds that in the implementation of these treaties it strives to achieve different goals than those pursued by the Soviet Western policy.

The CDU/CSU conscious of national and European responsibility will support the Federal Government in this respect. The CDU/CSU will remain true to this commitment also when it will take over again the government itself.

Thirdly: A German policy bound by the principles set forth in the Joint Resolution of the German Bundestag is being confronted first of all after the ratification of the Eastern Treaties with the Soviet demand of recognizing the partition of Germany. Soviet Foreign Minister Gromyko and Chairman of the Supreme Soviet of the USSR Podgorny while passing the Moscow Treaty on May 30, 1972, have already urged to speed up the fulfillment of pledges given by the Federal Government in the Resolution of Intent, added to the Moscow Treaty, as well as during the Brezhnev-Brandt meeting at Oreanda near Yalta in September 1971, to promote the admission of the two German States into the United Nations and, thus, pave the way to a general international recognition of the second German State.

The Federal Government will now have to prove by its actions whether its Ostpolitik and policy on Germany, both of which based on the "change through rapprochement" thesis proclaimed by Bahr already in 1963, are producing the expected results. The Government must prove that it can overcome the policy which it introduced in 1969 by a unilateral hasty recognition of the state status for the so-called German Democratic Republic which was the breach of the existing unanimity of opinion of all democratic parties and lead to policies which will bring about the opening of the bloody demarcation line stretching across Germany, permitting more freedom for the Germans in the part of Germany occupied by the Soviets, to alleviate the hardships of a divided nation and finally to overcome the division.

Or, on the other hand could it be that these apprehensions will prove to be tragically true, and the result of this policy will be the permanency of the partition of Germany by constitutional and international law, with a simultaneous acceptance of a totalitarian regime on the German soil and a further partition of this regime from free Germany under the slogan of "ideological struggle"?

Will the present self-assurance of the German people become so shattered by this policy of unilateral rapprochement of the Federal Republic to the Communist power regime that the Germans in both parts of Germany politically and morally confused, might be induced to give up their birthright of self-determination and become satisfied with a paltry dole of phony relaxation adorned with some easing of tensions, welcome, of course, but revokable at any time?

The will for reunification of the German people constitutes so far one of the strongest pro-Western political potentials due to the manifested desire of German people for a liberal, democratic, and constitutional state well integrated in a free and unified Europe. The question is, however—will the combination of the Volksfrontpolitik at home and the Soviet carrot and stick policies succeed in transforming this potential to the extent that the expected future national communist slogans of reunification emanating from East Berlin would induce Germans in the Federal Republic of Germany to give up their own freedom and solidarity with the West for a national reunification under a neutral or communist banner, that is in any case under an anti-Western banner?

The present Federal Government will have to prove now its clear dissocation from the tendencies toward the Volksfront of left-Socialist and communist at home lingering in the shadow of the Eastern treaties and also from the neutralist tendencies of the "socialist in between Europe from Scandinavia to Sicily" or a "mediation role of a neutral Germany," and by its policies to prove that it is really committing itself for free democracy and the solidarity with the European and Atlantic community.

Fourthly: The struggle for the domestic and foreign policy orientation of the Federal Republic of Germany which intensified in connection with the Eastern Treaties now assumes European and global political dimensions. Referring to the ratified Eastern Treaties Moscow is demanding with increased insistence that the Federal Government honors pledges contained in the Resolution of Intent to the Moscow Treaty and those made at Oreanda for an active support of the "Conference for the Security and Collaboration in Europe" which is being launched by Moscow.

The aims and purposes for this initiative launched by Moscow already in 1954 and pursued with increased vigor since 1966 are well known—

Multilateral approval of the legalization of the direct and indirect Soviet annexations in Eastern and Central Europe which were so far confirmed bilaterally by the Eastern Treaties;

Automatic revaluation of the German Democratic Republic by allowing its participation in the Conference on equal footing, thus consolidating the partition of Germany;

Disrupting and preventing the policy of West European unification;

Utilization of the West European economic and technological potential for the Soviet Bloc;

Exclusion of the United States from Europe.

By using the slogan of "One Europe from the Urals to the Atlantic" as a decoy, the unification of the free Europe would be arrested. At the same time the political and psychological basis for the presence of the United States in Europe is being questioned by the switch in the meaning of the geographic concept of "Europe," which, as viewed from Moscow, includes the "European" Soviet Union but excludes the "geographically alien" America. The final goal of the overall European concept advanced by Moscow is, therefore, the destruction of the results so far achieved in the unification of the free part of Europe, the splintering of this Europe into powerless and defenseless national states of an antiquated character, and the dissolution of the Atlantic Defense Alliance. The outcome of this policy would be not only the final consolidation of the Soviet domination over Eastern Europe, but its extension until the Atlantic Ocean as well. In conformance with this global concept Moscow would thus secure her Western flank for her confrontation with China. At the same time Moscow would have achieved a decisive preponderance over its American rival with the absorption of the human and material potential of Western Europe.

It is difficult to understand what were the reasons which induced the Brandt Government, not only to agree to this anti-European and anti-American Moscow concept in the framework of the Moscow Treaty, but also to become its most active supporter in the non-Communist world. The Federal Government will have to face very soon the decision either to yield further to the enticements and pressures on the part of Moscow or prove in actions that it stands behind its verbal pledge to build its Ostopolitik on the Western Alliance.

IV

The CDU/CSU, the Party of Konrad Adenauer, in face of these on-rushing historic decisions is conscious more than ever of its responsibility towards Germany and Europe. In the Joint Resolution to the Eastern Treaties the CDU/CSU has succeeded to reassert that a resolute continuation of the unification of the free part of Europe and the strengthening of the Atlantic Defense Alliance remains the guiding principle of German security as well as of the German foreign policy. Neither enticements nor threats will deter the CDU/CSU from the path of European unification which was traced out by Konrad Adenauer, Robert Schuman and Alcide de Gaspari. The party will see to it that Germany will never again venture in an unprotected and, in view of the contemporary balance of power, more than ever fateful adventure in nationalistic see-saw politics between West and East.

For the CDU/CSU a united and strong Western Europe is an indispensable prerequisite to ensure security, peace and progress in Europe through an equally balanced and equal Atlantic partnership, and an open German question for a free Germany.

The attempts to re-establish the historic links with the countries of Eastern Europe and steps for real negotiations with them and with the Soviet Union became possible and meaningful only on this strong common basis whenever these countries were ready not only for negotiations but also for understanding.

The CDU/CSU hopes that with these policies it will not stand alone. The catastrophic consequences of the appeasement policies of Western Democracies against the dictator Hitler, which once before abandoned the freedom-loving forces in Germany must be a warning against the repetition of similar policies towards the communist dictatorships.

Finally, let us hope that the friendly nations of Europe will not become seduced by the psychological image of preparations for the "Conference for Security and Cooperation in Europe" and by the anti-American propaganda from Moscow. Let us hope that those nations of Europe will understand the common historic, spiritual, political and socio-economic background by which the real Europe, including the Western-culture nations of Eastern Europe are bound closer to America, the sister of Europe, than to Russia with her 1000-years of distinct historical development, even though geographically closer.

MARXIST AGRICULTURE FAILS TEST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. DERWINSKI. Mr. Speaker, growing evidence is reaching us of the extent of the Soviet crop failure which observers agree is not merely caused by abnormally poor weather, but by the basic structure of Soviet agriculture. A very timely and hard-hitting column by Dumitru Danielopol, the distinguished international correspondent of the Copley Press, in the Sacramento, Calif., Union of September 16, is a thorough analysis of this subject. I insert it into the Record at this point.

Marxist Agriculture Fails Test

(By Dumitru Danielopol)

Washington.—The chickens of Russia's Marxist agriculture are coming home to roost with a vengeance.

The Soviet plan to buy $750 million in farm products from the United States in the next three years "clearly indicates that the Soviet Union is on the verge of a major agricultural crisis," writes London's "Soviet Analyst."

The 1972 grain outlook in the USSR is 125 million metric tons, compared with 145 million in 1970 and 140 million in 1971.

The Kremlin blames it on cold spring weather, the hottest summer in 26 years and heavy rains during the harvest.

Weather was undoubtedly a factor but real causes of the present disaster, says the "Soviet Analyst," go back decades, to Stalin's collectivization.

"Agriculture has been run in a state of semi-permanent emergency, which now and then erupts into a full-fledged crisis," the London paper says.

The Soviet counterpart of a United States farm which employs seven workers in the United States needs 211 people and produces less.

Lack of incentives, lack of enthusiasm, unproductive supervisory labor have brought catastrophic results.

One American farm worker feeds himself and 39 others on a high protein diet.

One Soviet citizen working on the land feeds himself and six others on a starch diet.

Soviet leaders are not oblivious of these facts.

The efficiency and high production of American farms has fascinated Russia's Communist leaders for years.

Nikita Khrushchev tried to emulate some of the American techniques and the Soviet Union reported an over-all crop increase of 44 per cent between 1957 and 1968.

But, the Russian farmers had to be given what the U.S. News and World Report calls "a sweet taste of capitalist incentives."

The private plots allocated to the collective workers totaled only 3 per cent of the farm land but produced in 1971 as much as 63 per cent of the country's potatoes, 38 per cent of the vegetables, 51 per cent of the eggs and 33 per cent of the meat.

Even a diehard Communist planner must see that the obvious answer to the farm crisis is to redistribute the land to the farmers.

The Kremlin balks. It prefers to spend hard cash and gold abroad rather than risk a market economy at home that would free farmers from governmental control.

Under similar circumstances in other years, Stalin let the peasants starve and kept his cash.

Khrushchev began buying grain only after bread was rationed and ugly tempered lines formed in the cities.

Brezhnev and Kosygin obviously have decided to buy now before people start getting hungry.

It tells something about their own estimate of the people's mood in the USSR.

Twenty years after Stalin's death, food riots could get out of hand.

TRIBUTE TO TOM PELLY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. MATSUNAGA. Mr. Speaker, an outstanding citizen of the great Pacific Northwest will soon end 20 years of distinguished service in this body and return to his native State of Washington to retire. I view Tom Pelly's impending departure from Congress with mixed feelings. Because it is his wish to close the cover on his Congressional Record after a full score years of service, I bid him aloha and wish him well in all of his future endeavors. Because of his considerable expertise in maritime matters, however, I deeply regret his departure from Capitol Hill.

Tom Pelly, as the ranking minority member on the Committee on Merchant Marine and Fisheries, demonstrated time and time again a complete understanding and full appreciation of the problems of insular Hawaii. Representing a district in a State that borders the vast Pacific, he knew the demands and the treasures of the sea. This knowledge he applied with keen insight and good judgment whenever the interests of Hawaii were involved in pending legislation.

From the time he cast his vote in favor of statehood for Hawaii to his recent support of a bill signed into law on September 29, 1972, which is designed to revive the tuna fishing industry in Hawaii and our Pacific territories, Tom has built a solid record as one of Hawaii's foremost champions in Congress. The citizens of the insular State are indeed grateful for all that Tom Pelly has done for them.

As Tom returns to the State of Washington for his hard-earned retirement years, I sincerely hope that he and Mrs. Pelly will have occasion to visit Hawaii frequently. It is also my sincere hope, in order that this Nation may continue to have the benefit of his extensive knowledge and experience in the maritime field, that he will be given an early appointment as U.S. delegate to one of the sea conventions.

FOREIGN FISHING ACTIVITIES OFF ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BEGICH. Mr. Speaker, according to the August 1972, "Report on Foreign Fishing Off U.S. Coasts" recently released by the National Marine Fisheries Service of the Department of Commerce, foreign fishing off Alaska peaked in July when over 500 vessels were observed, and decreased by almost 50 percent in August. This decrease was due in large part to the departure of the Japanese salmon fishing fleets—about 240 vessels. However, approximately 215 Japanese vessels engaged in fisheries off Alaska in August. In contrast to the Japanese effort, that of the Soviet fishermen was small.

I am inserting into the Congressional Record that portion of the "Report on Foreign Fishing Off U.S. Coasts" which deals specifically with foreign fishing off the coast of the State of Alaska:

Off Alaska

JAPANESE

Approximately 215 Japanese vessels engaged in fisheries off Alaska in August. This sharp decline from the 470 vessels fishing there in July resulted from the departure of the Japanese high-seas salmon fleets at the end of July.

In the Pacific ocean perch fishery, the Japanese deployed 18–24 stern factory trawlers from the Gulf of Alaska to the western Aleutians. The number of stern trawlers in the Gulf of Alaska decreased slightly from 10 in July to about 8 vessels in August. The fishery was widespread along the Continental Shelf edge in the eastern and central Gulf (see Fig. 5). The number of stern trawlers fishing for ocean perch along the Aleutian Island chain (primarily along the central Aleutians in the Seguam-Amukta Passes area) decreased from 14 to 10. A few trawlers fished along the western Aleutians.

In the Alaska pollock fishery, the Japanese deployed in early August 107 vessels, including 6 motherships. Later in the month, one mothership and 9 trawlers departed the Alaskan area, leaving 5 motherships and 96 trawlers fishing on the Continental Shelf in the northern central Bering Sea.

The number of "independent" (because they operate independently of the motherships) stern trawlers fishing for groundfish in the Bering Sea increased from 15 to 24. At least 3 refrigerated transport vessels serviced the trawlers which fished along the Continental Shelf edge from Unimak Pass to northwest of the Pribilof Islands (see Fig 5).

In the crab fisheries, the Japanese had 46 vessels identified as 2 motherships, 38 catcher boats, and 8 "independent" vessels. Their catch was primarily tanner crab. In early August, one fleet fished off the Pribilof Islands in the central Bering Sea, the other north of the Alaska Peninsula in the eastern Bering Sea. By mid-August, the fleet off the Pribilofs shifted to the eastern Bering Sea. The "independent" processing and catcher vessels continued to fish with pots primarily for tanner crab west of 175° west longitude in the central Bering Sea. This fishery is outside the area covered by the U.S.-Japan crab treaty.

Reports in the Japanese newspapers, based on information obtained from the 2 crab motherships, indicate that in 1972 the catch of tanner crabs in the eastern Bering Sea decreased by about 30 percent compared with the 1971 catch. Whether this was caused by changing oceanographic conditions or diminishing abundance of the resource is unclear, the Japanese sources add.

The number of longline vessels fishing for sablefish in the Gulf of Alaska remained at 8. The vessels were widespread in the eastern and central Gulf with the principal effort being off the southwestern coast. Late in August, one vessel was sighted fishing south of the Fox Islands in the eastern Aleutians.

SOVIET

The number of Soviet vessels engaged in fisheries off Alaska increased slightly from 30 in July to 32 in August (compared with 24 in August 1971).

The number of trawlers fishing for groundfish along the Continental Shelf edge in the Bering Sea increased from 14 to 18. The fleet was divided: 8 medium trawlers fished north of the Fox Islands in the eastern Aleutians and 10 medium trawlers fished northwest of the Pribilof Islands in the central Bering Sea.

In the Soviet ocean perch fishery in the Gulf of Alaska 11 stern trawlers, supported by a refrigerated transport, fished along the outer edges of Portlock and Albatross Banks south and east of Kodiak Island. One whale catcher vessel was sighted in the area, but it is believed that it was serving as a patrol vessel and was not whaling. Along the western Aleutian Islands chain the number of Soviet trawlers increased from 4 to 2.

REPUBLIC OF KOREA

The number of South Korean vessels fishing off Alaska decreased from 4 to 2 stern trawlers in August. The two trawlers which had been fishing off the Pribilof Islands in the central Bering Sea departed. The two remaining stern trawlers continued fishing for ocean perch in the Seguam-Amukta Passes area in the central Aleutians.

Korean newspapers report that most of the country's vessels fishing for Alaska pollock in the North Pacific (including the 4 off Alaska) shifted to the Atlantic. The price of Alaska pollock on Korean markets is about 50 percent below its normal, making this fishery uneconomical.

CONGRESSMAN MINISH REPORTS TO THE PEOPLE ON THE 92D CONGRESS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. MINISH. Mr. Speaker, it is a time-hallowed custom for Members to point with pride to the achievements of their party and to view with alarm the shortcomings of their friends on the opposite side of the aisle. In all candor we must concede that there is a certain degree of substance to the criticism that the intensity of our pride and our alarm accelerates with the nearing of election day. However, the 92d Congress has achieved a record in many important fields that requires no embellishment. The facts speak for themselves. To illustrate:

HEALTH

"Health is our first wealth," but the truth is that the most affluent society in world's history is far from the healthiest. The life expectancy of American males ranks 18th compared to all other nations; the female life expectancy ranks 11th.

It is gratifying that this Congress has responded to our crisis in health by the enactment of such notable measures as the National Cancer Act of 1972; the National Heart, Blood Vessel, Lung and Blood Act of 1972; the Comprehensive Health Manpower Training Act; the Nurses Training Act; the National Institute of Arthritis, Metabolism, and Digestive Diseases Act; the Communicable Disease Control Amendments Act of 1972; the Sickle Cell Anemia Prevention Act; and the National Cooley's Anemia Control Act. In addition, the House has passed the National Institute of Aging bill while the Senate has acted upon the Emergency Health Personnel Act Amendments of 1972; the Health Facilities, Manpower and Community Mental Health Centers Act of 1972; and the Health Maintenance Organization and Resources Development Act of 1972. Other important public health measures have been reported from committees but have not yet received floor consideration.

As a prime sponsor of the Conquest of Cancer Act and cosponsor of the Cooley's anemia prevention bill and several other measures, I am heartened that this Congress has demonstrated its concern with preserving our most precious resource—health.

It must be emphasized, however, that laws, no matter how sound and prudent, are ineffective if not properly funded. The Presidential veto of the original appropriations bill for cancer research, hospital and health projects, and education programs was, in my judgment, shortsighted economy. The American taxpayers are entitled to an adequate investment in programs that are literally of life and death importance to them and their families.

EDUCATION

The precept of the ancient Greeks, a sound mind in a sound body, is no less valid today. Again, this Congress has recognized its responsibility by the enactment of the landmark Higher Education Act Amendments which have been described as the most significant advance in the history of Federal support for higher education since the Land Grant College Act over a century ago. As a member of the generation whom the depression largely robbed of the chance to attend college—and as a parent of two college students—I was happy to support this breakthrough for higher education. Access to higher education should be the hallmark of a democratic society founded by men of vision and learning—regrettably, the public image of our founding Ms's is largely confined to Betsy Ross.

Unfortunately, confusion over the Office of Education regulations setting the eligibility standards for the guaranteed student loan program created grave difficulties for families, colleges, and banks. The emergency legislation postponing the effective date of this provision resolved the immediate problem. The Special Subcommittee on Education is considering the legislative changes needed to insure that, as intended by the Congress, more emphasis is given to the sons and daughters of middle-income families who have been barred from most educational aid programs. Caught on the horns of excessive taxes and spiraling living costs, middle-income Americans must sacrifice and go into debt to finance their children's education. It is past time that a way out of their dilemma was offered in our educational aid programs.

At the elementary and secondary level, the House passed in August the Equal Education Opportunities Act. The bill, which I voted for, states that the neighborhood school is the proper basis for determining school assignment; prohibits busing which alters established school district lines; prohibits busing except as a last resort; and prohibits any busing beyond the boundaries of the closest school or the next closest school. Grants are provided for basic instructional and supportive services for educationally-deprived students.

The thrust of our educational programs must be at giving all children a first-rate education that will enable them to develop their full potential.

SENIOR CITIZENS

If youth must be served, so must our seniors whose contribution to our national strength and progress can easily be overlooked by our affluent society. I am proud that this Congress responded to the urgent needs of our senior citizens by the enactment of the 20-percent increase in benefits effective October 1. But we must not respond only to an emergency; we must make the social security system worthy of its name by enacting the improvements that are so obvious and yet so ignored. To name only a few: a realistic "retirement test" standard; equity for working wives; coverage for prescription drugs under medicare. It is gratifying that the Senate is finally considering H.R. 1, the Social Security Amendments, which passed the House June 22, 1971. I applaud the Senate decision to raise the amount which can be earned by retirees to $3,000 and to direct the Secretary of Health, Education, and Welfare to conduct a study of the retirement test. The HEW Secretary must submit to Congress by June 1, 1974, his recommendations as to the feasibility and desirability of eliminating the retirement test altogether. I urge the Senate to act expeditiously on the other provisions of this major legislation. Time is precious to our senior citizens. Let us not dawdle.

ENVIRONMENT

Both youth and age—and the generations between—must depend upon our air and water for existence. As with our human resources, we have been wasteful of our natural environment, but there is reason for hope in the reawakening of the vital importance of our environmental relations. A constituent wrote me from Florida:

> Here we are conscious of environmental relations, some of which are still being handled badly. Most of them, however, are being handled better than they were ten, or even five years ago. There is an observable increase in the awareness of the need for identifying our priceless, irreplenishable natural resources and treating them with the respect to which they, and our own survival as a race, entitle them and ourselves.

That this Congress has been aware of that need is evident in the Federal Water Pollution Control Amendments that won final approval last night after more than 2 years of work. As a sponsor of the original Clean Waters Act, I am most pleased at the successful culmination of the long drive to secure its enactment.

It is an appalling fact that 50 percent of the Nation's drinking water has been discharged only a few hours earlier from some industrial or municipal sewer. In the last 10 years, 128 known outbreaks of diseases or poisoning have been caused by contaminated drinking water. The pending legislation, designed to clean up our Nation's waters by 1985, will give new strength to rectifying these conditions.

Included in its far-reaching provisions is an allocation of $18 billion for the construction of waste treatment plants over a 3-year period. The funds will be distributed to municipalities on a flat 75 percent Federal share without the requirement of State involvement. Many communities in the 11th district, as elsewhere in the Nation, have been anxiously awaiting this urgently needed assistance.

With respect to our total environmental relations, it should be noted that a modest estimate of the demands on the Federal budget for an adequate program would raise the present outlay of $5 billion a year to about $15 billion, an increase of some $50 billion over the next 5 years. It is obvious that the costs can be met only through a vigorous, growing economy.

REVENUE SHARING

The problems faced by our local governments in financing waste treatment plants and other essential public services point up the absolute need for a Federal revenue-sharing plan. I have long advocated this concept as the only viable means of enabling hard-pressed State and local governments to meet the ever-growing demands for public services. Reliance upon regressive property and sales taxes for local needs has reached the saturation point; excessive property tax increases entail real sacrifices to homeowners. The revenue-sharing legislation, now happily nearing final congressional action, will allocate Federal funds for 5 years to States and localities.

This should be a substantial step forward in alleviating the drain upon local revenue systems, helping local governments make flexible and innovative responses to their particular problems, and redressing the imbalance in our present intergovernmental fiscal relationship.

This is one of the most significant measures taken up by the Congress for the citizens of our urban areas who have for too long borne the burdens of our changing society. The need for relief from those burdens is evidenced in the fact that in my recent poll property taxes ranked second of 15 major issues of concern to the residents of the 11th Congressional District.

DRUGS AND SAFE STREETS

As reflected in my recent poll, property owners, tenants and landlords—all groups of citizens—are deeply troubled about these related problems. They ranked third and fourth as issues of chief concern to my constituents. It is clear that these challenges to safety, health, and morals must be met far more effectively than at present.

The crime problem in our country has never been as serious as it is today. We all know this from our own experience, and we can see it in the deserted streets and parks. This is confirmed by the FBI crime statistics that show a 33-percent crime increase since 1968.

The greatest single cause of our high crime rates is the need of heroin addicts to commit muggings and burglaries to finance their drug habits.

Eradication of the scourge of dangerous drugs is a formidable undertaking, but it must be done. For the addict and for our whole society nothing could contribute more to improving the quality of life than an end to heroin addiction. In an attempt to control the international narcotics trade, Congress gave authority to the President in the Foreign Assistance Act of 1971 to suspend all aid to any country not cooperating with the United States in stopping the flow of narcotics. Unfortunately the administration has not chosen to use this power to date although it is encouraging that the President on September 18 warned that he would suspend economic and military assistance to noncooperating regimes. But I fear that warnings of possible suspension are an ineffectual response to the very clear and present danger caused by increased traffic in drugs from abroad. Forceful diplomatic measures must be employed together with strengthened enforcement by U.S. agencies responsible for controlling the international narcotics trade. Every day we temporize means fresh tragedies for innocent victims of crime and their families.

While an ounce of prevention is worth a pound of cure, it is good nevertheless that legislation is underway to grant Federal compensation to innocent victims of violent crime. This provision is contained in an omnibus anticrime package, recently passed by the Senate, that also includes: new national life insurance and death-compensation benefits for police and firemen; a 1-year extension of the Law Enforcement Assistance Act, with $1.75 billion authorized for grants to the States to beef up law enforcement; a provision making it a Federal crime to kill or injure police or firemen; a requirement that States receiving U.S. funds under the Law Enforcement Act set up narcotic and alcohol treatment programs in prisons and in probation and parole facilities; new legal tools to combat cargo theft and racketeering against businesses. I have urged the House Judiciary Committee to facilitate the submission of this meritorious legislation to the House.

HOUSING AND CITIES

As we work to insure the security of our homes and the safety of our streets, we must also advance the unfulfilled goal of a decent home in a suitable environment for all Americans.

The Oversight Task Force on Housing, to which I have been named, has been charged with the responsibility of assessing the effectiveness of the administration of model cities and other housing programs throughout the Nation. If programs are not meeting their objectives, despite the huge allocations of taxpayers' funds, it is essential that Congress ascertain whether the fault lies with the laws as written, with the regulations as devised by HUD, or with the execution at the local level. It is regrettable that an objective inquiry of this nature—which incidentally requires the sacrifice of precious weekends in their own districts for task force members—is libeled by those who apparently do not share the determination of Congress that the benefits reach the people for whom the programs were enacted.

I can speak for my colleagues on the task force as well as for myself in making clear that we will not be intimidated nor will we knuckle down under this unwarranted pressure.

ECONOMIC STABILIZATION

In conclusion, Mr. Speaker, I should like to comment briefly on the overriding domestic issue—the cost of living. Next to an end of the war, the high unemployment-high inflation morass in which this country has been floundering ranks first among the issues of concern to my constituents as it must to residents of all sections of the Nation.

I feel most strongly that we must achieve anti-inflationary policies that meet the objectives of public confidence, equity and effectiveness. It is only too evident that while wages and salaries are restrained prices and rents are allowed to soar. Inflation is ground into every pound of hamburger until that once common item is becoming almost a luxury for the average family. Tenants in areas of acute housing shortages are paying luxury rents for antiquated, poorly maintained apartments. Since one must have food and a dwelling place, the average citizen must endure the inequalities and injustices under the so-called controls. I deeply resent the hardships to so many of my constituents and I shall continue to work for an effective and equitable stabilization program.

Mr. Speaker, this summary of the efforts of this Congress to respond to the needs of the American people is only a measure of what remains to be done. The people have reason to wonder why all the programs beneficial to them are characterized as reckless spending and inflationary while subsidies to, for example, big agriculture, Lockheed, SST, and the Pennsylvania Railroad are defended in the most glowing terms. In the campaign 20 years ago—how distant it seems—Adlai Stevenson said words that bear repeating today:

> Let's tell (the American People) the truth, that there are no gains without pains, that this is the eve of great decisions, not easy decisions, like resistance when you're attacked, but a long, patient, costly struggle which alone can assure triumph over the great enemies of men: war and poverty and tyranny—and the assaults upon human dignity which are the most grievous consequences of each.

Mr. Speaker, the American people deserve no less from those who seek to serve them at all levels of government.

The preliminary results of a questionnaire sent in August to my fine constituents follow. These are based on approximately 25,000 replies received before the middle of September:

[In percent]

	Yes	No	Undecided
Do you favor—			
1. Setting a "date certain" for complete American withdrawal from Southeast Asia contingent upon release of POW's?	59.0	32.5	8.5
2. The current administration's Vietnam policy?	48.0	41.0	11.0
3. Gun control:			
(a) Registration of all firearms?	78.5	15.0	6.5
(b) Licensing of all purchasers?	81.0	11.0	8.0
(c) Prohibition on handguns not suitable for sporting purposes except for law enforcement officers and the military?	75.0	18.0	7.0
4. Maintenance of wage-price-rent controls indefinitely?	34.5	48.5	17.0
5. Diversion of some funds from Interstate highway System (now running about $17,000,000,000 a year) to urban mass transit?	70.5	20.0	9.5
6. Prohibition of busing to overcome patterns of racial concentrations and equalize educational standards?	72.0	22.0	6.0
7. Tax reform:			
(a) Tax credits for college tuition expenses?	71.0	21.0	8.0
(b) Increase personal exemption rate to $1,000 per dependent?	81.0	11.5	7.5
(c) Elimination of mineral depletion allowances?	53.0	18.5	28.5

Respondents were asked to check three domestic issues of chief concern to them. Following are the results for each topic listed:

Child Care Programs	1,200
Cost of Living	13,702
Consumer Affairs	1,476
Drug Traffic	9,876
Environmental Quality	7,925
Equality of Sexes	430
Higher Education Costs	1,423
Property Taxes	10,674
Rents	2,269
Safe Streets	9,778
Senior Citizens Housing	1,175
Social Security & Medicare	3,580
Tax Reform	6,572
Unemployment	3,025
Veterans Benefits	975

CHARLES E. KINNEY IS HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RODINO. Mr. Speaker, on Saturday, September 30, Charles E. Kinney, commanding officer of the Newark Police Department's intelligence unit, was honored by the Veterans Civic League of New Jersey as "Veteran of the Year."

As a close friend of Mr. Kinney and as one who is well aware of his dedicated service to the citizens of the Newark community, I strongly feel that no honor could possibly be more fitting and no man could truly be more deserving of this particular commendation.

The recipient of the Silver Star, the Bronze Star, the Purple Heart, and the Combat Infantryman's Badge, Captain Kinney has been a member of the Newark Police Post, Veterans of Foreign Wars for more than 25 years. In 1950, he served as commander of this post and soon afterwards was elected commander of the Essex County VFW, followed by the positions of national chief of staff, national inspector general, national sergeant at arms, and national VFW council member.

In 1947, following in the footsteps of his father, Frank, a detective during the 1920's and 1930's, Captain Kinney joined the force of the Newark Police Department. Over the past 26 years, he has concentrated his efforts in detective work and presently holds a position of great responsibility in the department's intelligence unit.

As one who is deeply concerned with the crucial problems of crime in our streets, of drug addiction, and of safety for all Americans, the efforts and achievements of Mr. Kinney are of particular significance to me. I am pleased to have had this opportunity to share his accomplishments with you. I join with all those who so justly honored him last Saturday evening in wishing him continued years of success, happiness, and the fulfillment of all life's blessings.

HON. THOMAS M. PELLY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mrs. SULLIVAN. Mr. Speaker, I certainly wish to join my colleagues on the Committee on Merchant Marine and Fisheries along with other Members who have addressed the House today on the planned retirement at the end of this Congress of the gentleman from Washington (Mr. PELLY), ranking minority member of the committee. Congressman PELLY and I were both elected to Congress for the first time in 1952 and were assigned to the Committee on Merchant Marine and Fisheries after we took our seats in the 83d Congress. I have had the pleasure of serving with him on that committee ever since.

While we have not always agreed in our positions on legislation coming before that committee, we have worked closely together on many bills and issues over the years out of a mutual desire to strengthen the American merchant marine as a vital part of our economy and of our national defense.

I express to Congressman PELLY my deep appreciation for the decent and honorable fashion in which he has always argued his viewpoints within the committee and for his willingness to consider alternatives and reach effective compromise solutions to controversial issues.

It is no wonder that he is so well liked by all of his colleagues in the House. He has been one of the most popular Members of the House—regarded as a friend who has never permitted political or ideological differences to color his personal relationships with other Members. I have enjoyed working with him, as I know other Members have, too.

Our best wishes go with him as he answers his last rollcalls here, turns the arduous duties of representing his constituents over to his successor, and frees his time for other interests after 20 years of very hard work as a conscientious Member of Congress.

HON. TOM PELLY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. GUBSER. Mr. Speaker, it is with pride and also regret that I join in this tribute to my freshman colleague in the 83d Congress and my respected friend over the past 20 years, the Hon. THOMAS M. PELLY.

I am proud to have been his associate, but I regret that his services in the Congress of the United States will soon come to an end.

I do not know of any Congressman who has worked harder for the Nation over a period of 20 years than **Tom Pelly**. In his quiet way, he has been almost a master at getting things done.

The Nation will miss him and we, his friends, will miss him. I join in wishing Tom and Mrs. Pelly everything they desire in their well earned retirement.

JUDGE NANETTE DEMBITZ

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Ms. ABZUG. Mr. Speaker, after a hard, uphill struggle in the recent Democratic primary election in New York, Family Court Judge Nanette Dembitz has become the first woman ever nominated for the New York Court of Appeals, our State's highest court. Judge Dembitz has served on the family court in New York City for a number of years, prior to which she served as general counsel to the American Civil Liberties Union. She is an able and respected lawyer and jurist.

Recently the New York State Bar Association, without stating its reasons and without affording Judge Dembitz any opportunity to appear before its committee on judicial selection, declared her "not qualified" for the position which she seeks. The outcry from the bar in the State has been deafening, as well it should be. Among those speaking out in defense of Judge Dembitz is Walter Gellhorn, Betts professor of law at Columbia University and one of the Nation's foremost experts in the fields of administrative and constitutional law. Professor Gellhorn's letter to the New York Times is a most eloquent one, and I wish to include it in the Record at the conclusion of my remarks:

JUDGE DEMBITZ AND THE BAR

To the Editor:

Without entering discussion concerning the procedures of the New York State Bar Association's Judiciary Committee, to which The Times referred editorially on Sept. 27, I wish to record my belief that the committee (and, derivatively, the association) has made an amazingly inaccurate judgment of Judge Nanette Dembitz' qualifications to be a member of the Court of Appeals.

I have observed Judge Dembitz' professional work over the span of thirty-five years, ever since she was my student at Columbia Law School. Later I encountered her in governmental posts and as a leading appellate lawyer in cases of great difficulty and large public importance. I have also read a number of her unusually able writings in professional periodicals like the Columbia Law Review, the Federal Bar Journal, the American Bar Association Journal, the Cornell Law Quarterly and The Record of the Association of the Bar.

Most recently I have benefited from some of the penetrating opinions she has written as a judge of the Family Court, which has unfortunately not had a tradition of explaining important decisions, as she has done so usefully. Every phase of her activity has been marked by effectiveness in thought and execution. Her briefs have strongly influenced both substantive and procedural issues. She has participated as well in many appellate cases in New York and Federal courts.

In sum, I know few lawyers who are as fully equipped as is Judge Dembitz—by intellect, experience, temperament and detachment—to sit as a member of our highest state court. Whatever may be the cause (and as to that I have no knowledge), I am convinced that the State Bar Association has erred badly—to the disadvantage of Judge Dembitz and to all who look to the association for disinterested guidance.

WALTER GELLHORN,
Betts Professor of Law.

WEEKLY REPORTS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BRAY. Mr. Speaker, the following are my three weekly newsletters up through November 18, 1972:

[Report No. 44—October 29–November 4, 1972]

WHO KNOWS WHAT ABOUT CONGRESS?

"Of making many books there is no end; and much study is a weariness of the flesh." (Ecclesiastes, XII, 12)

This phrase comes to my mind with anouncement, recently, of yet another "study" of the U.S. Congress. I imagine Congress must rank among the most-studied and written-about topics of all time. Sex, religion and war might nudge it out for first three places, I do not know. At any rate, the Library of Congress has no less than 144 drawers with reference cards under the heading "U.S. Congress." This fact alone makes claims for any study to be the definitive study quite hollow, I would think.

This latest one is under the auspices of Mr. Ralph Nader. Admittedly, his "Congress Project" is a sizeable undertaking. But anything even trying to go "in depth" on 435 Representatives, 100 Senators, 53 committees, rules, organization, and what-have-you, is going to require much more time, I would think, than the 12 months this project has been underway. Ph.D. candidates spend 2 to 3 years on one tiny topic.

Each Congressman and Senator received a questionnaire on this project with 633 individual questions. Some of them had multiple parts; my own count showed right at 1,000 line items. The Wall Street Journal said two years should have been allowed for completing the questionnaire. Another source figured completing it by all Congressmen and Senators would take up almost $1,000,000 worth of time.

I answered mine in letter form (some Members refused to do anything with it at all) in a letter of 14 single-spaced typewritten pages. What use will be made of my replies, along with those of others, I do not know. I have read comments by Mr. Nader's people that they feel, now, the questionnaire was a mistake, as it will be too difficult to get any sort of accurate reading due to the size of it alone.

At any rate, Mr. Nader's project is getting considerable attention. It will, eventually, qualify for three or four more file cards in the 144 drawers of cards in the Main Reading Room of the Library of Congress. For the balance of this newsletter, I want to quote, verbatim, the concluding paragraphs of my letter to Mr. Nader:

"For the House of Representatives itself, I wish to repeat my earlier statement that it is, as it was originally intended to be, the actual 'voice of the people' in our system of government.

"It is interesting to note that when the Constitution was proposed to the states, there were doubts about the House, that it might 'swallow up the liberties of the people.' John Jay and Alexander Hamilton argued against that idea in the New York convention. Hamilton put it bluntly: 'Here, sir, the people govern. Here they act by their immediate representatives.' Jay responded to the fear that the representatives themselves would prove dangerous to the country's liberties: 'I am not fearful of my countrymen.'

"The same point of view came up in the Massachusetts convention. Fisher Ames answered it eloquently:

" 'Much has been said about the people divesting themselves of power when they delegate it to representatives, and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates.

" 'I cannot agree to either of these opinions. The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is to destroy a government. That they cannot erect a government is evinced by our being thus assembled on their behalf.'

"And, as if to anticipate the 'studies' and 'watchdogs' who would 'make Congress more responsive,' Samuel Stillman noted at the same convention that a two-year term for Representatives was a major safeguard:

" 'They who are out of office will watch them who are in, with a most critical eye, in order to discover and expose their malconduct, if guilty of any, that so they may step into their places.' Besides, the Representatives '. . . are ourselves, the men of our own choice, in whom we can confide; whose interest is inseparably connected with our own.'

"Therefore, the burden of responsibility for ensuring that the Congress is 'responsive' to the needs of the *country*—not any one individual, axe-grinding group—was meant to rest, does rest, and always will rest with the American electorate.

"Whatever changes are made in Congress can, and only should, come about through the will of the very people who elect it. I have no patience with those who, when unable to bend Congress to their own particular will, start peevishly carping that the institution in and of itself is archaic, corrupt and unresponsive. The Congress has weaknesses; it has strengths. As to which weighs heavier in the balance, let me observe that we are soon to celebrate our two-hundredth anniversary, which will make us the world's oldest Republic, other than Switzerland. I scarcely think we could have reached our bi-centennial if our institutions were, or have been, so degenerate, and unworkable, as they have often been painted.

"In the end, it all boils down to one simple thing. Inasmuch as I have a 'creed' of my own that I follow, I, too, subscribe to this. It was the lifetime guidepost for Samuel Tilden, who suffered the great disappointment of having come within an eyelash of the Presidency in 1876. It is also carved on his tombstone:

" 'I still trust in the people.' "

WILLIAM G. BRAY,
Member of Congress.

[Report No. 45—November 5—November 11, 1972]

ALL RIGHT, SO WHY VOTE?

"Language includes some noises which, first heard,
Cleave us between belief and disbelief.
The word America is such a word."

(WILLIAM MEREDITH).

It has been 130 years since the last attempt was made in America to deny the franchise to white male Americans. Since that time, it has been downhill, as far as getting everyone access to the ballot box. True, progress has been slow; it has been accompanied, at times, by civil strife and bloodshed. But it has been achieved.

Of all our freedoms this one is probably most taken for granted. "Just one vote . . ." examples fill the printed page during every election year. What the election of November 1972 will do to past voting records in this country is, of course, yet to be calculated.

But, the question, "Well, why *should* I?" always comes up. Now, for this election, it might be well to take a look at the road that has brought us where we are now.

17th Century English colonists brought the idea of representative government. They also had the idea *all* voters must think alike. Massachusetts Bay wouldn't let a man vote unless he was a Congregationalist. A Presbyterian tried it; he went to trial for trying to destroy the government. Thomas Jefferson wrote, five years after the Declaration of Independence, that half the men in Virginia who paid taxes and served in the militia couldn't vote. John Adams, writing a state constitution for Massachusetts, narrowed the franchise.

It hasn't been without humor, this road. In the early 1800's in New Jersey a constitutional oversight gave women the vote. Men and boys dressed up in skirts and came back to the polls for a second time. Maybe a third, too, I don't know how far the art of cosmetics, eyelashes, corsets, wigs—everything and anything to change female appearances—was developed then. At any rate, New Jersey changed its constitution.

The Charter for the Virginia Colony was rather smug; one of the reasons for colonizing that area was "to bring the infidels and savages living in those parts to human civility and to a settled and quiet government." The Englishmen had an impossible time setting up a "quiet government." However, Powhatan and his Indians already had one that was doing quite nicely.

Historians note that the plutocratic Athenian democracy had to pay citizens to vote; a sure sign, this, of decline in popular civic spirit and morale. The French Revolution enfranchised a large chunk of Frenchmen; yet, few of them bothered to vote in the pre-Napoleonic years. The Italians were indifferent to parliamentary government and the voting right prior to 1922. The result was the rise of Mussolini, and Fascism.

Germany in the 1930's shows nonvoters were an important factor in Hitler's rise to power. One-fourth failed to take part in the Reichstag elections in 1928. The number of participants rose in the early 30's. This was due to Hitler's promises of removing the frustrations millions felt under the Weimar Government. The older, more established parties kept their same figures, relatively. The Nazi Party increased, dramatically, and Hitler was on his way. Those who would have supported the other parties did not vote.

There are suggestions to make Election Day a national holiday. I find merit in this on several counts. One of the most important is to focus attention on the ultimate answer to and judgment upon what every elected public official does. The answer, of course, lies in the ballot box; so does the judgment.

So you don't like *any* of the candidates? You don't like the process? You think it is all a farce? I hope you recover from this feeling. Until you do, at least cast your vote for the overall institutions of the American Republic. Consider these lines from Shapiro's *Elegy for a Dead Soldier*:

"He cast his vote. Distrusting all the elected but not the law."

Indeed. The elected pass; the laws remain. So does our Republic.

[Report No. 46—November 12–November 18 1972]

DO YOU HAVE FAITH IN YOUR GOVERNMENT?

Has *your* confidence in the Federal Government slipped? A recent study by an Ohio State University political scientist says overall trust of the Government dropped nearly 20 per cent from 1964 to 1970.

I think a look at the possible "reason why" is in order. This survey, no doubt, will give ammunition to the enemies of our institutions, both domestic and foreign. But I believe using this figure would be firing blank ammunition.

What happened during those years to cause such slippage? Well, Al Smith always said, "Let's look at the record."

For openers—a presidential campaign statement in 1964 said:

"So just for the moment I have not thought that we were ready for American boys to do the fighting for Asian boys."

Encouraging, I'd say. It didn't work out that way. In the ensuing four years of the term as President of the man who said it (there were 23,300 in Vietnam when he said it) the total went to 549,000; 1968 saw 14,592 dead and 92,820 wounded.

For the record, the last American combat patrol was on August 11, 1972; total forces today are below 30,000, and shrinking.

I believe most of the decline in trust, however, can be traced to domestic developments. New Frontier—Great Society—they promised so much! I find it interesting, incidentally, that since 1968 *both* major political parties have shied away from attempts to use catchy slogans or titles. The Nixon Administration experimented—very briefly—with "New Federalism" or something like that, then dropped it like a red-hot anvil.

It was open market for theorizers of all stripes, beginning around 1961. The trend didn't really start to die until 1969. But in the meantime:

Crime? Oh, crime is the result of poverty! End poverty; end crime. Social welfare spending soared from $25 billion in 1960 to $91 billion in 1971. The end of neither poverty nor crime is in sight.

Alienation of minority groups? Waves of civil rights legislation surged through Congress. What was promised was much; what was delivered was broken hopes. Broken hopes, in part and in one way or another, resulted in the hideous spectacles of Watts, in Los Angeles; Detroit; Chicago—the riot list was endless, and culminated in the Washington, D.C. blow-up of 1968 when the tide of violence surged ten blocks from the White House and smoke from looters' fires framed the Capitol Dome itself.

Academic performance, in schools, and interracial tolerance? Why, bus school children! The net result is the most bitter, divisive issue since the Civil War. (It's neither raised performance nor helped tolerance. I've never seen any idea blasted and damned so thoroughly as busing is getting in some recent reports.)

Housing? More public housing! Billions! Net result: communities torn apart, hideous scandals, billions lost, families uprooted, and a violent shove upwards on housing costs.

There was plenty of insight, centuries ago, as to why this sort of attitude was questionable at best and downright wrong at worst. Immanuel Kant wrote, "From such crooked wood as human beings are made, nothing exactly straight can be constructed."

Is it, really, any wonder that confidence in the Federal Government dropped? I think not. What else could be expected, given the glittering promises, and the sordid performance?

Now, this survey, be it right or be it wrong, will also give impetus to the columnist John Roche calls "credit card radicals." It will also, as noted, mean an extension of the season for attacks on our institutions. There will be much weeping for "reform" (a treacherous word; reform is a constant process; no one group or individual has a corner on it) and anguished shrieks that not enough has been spent, so more must be committed.

However, these people were nailed accurately, albeit painfully, in a speech by one of our really intellectually honest liberals, Miss Midge Decter, at a League for Industrial Democracy banquet recently. I quote:

"As the nations of Western Europe, secure under the American nuclear umbrella, liberated from the palling economic necessities of their own defense, were freed thereby to become heedless critics of American foreign policy, so have (the radical intellectuals) been freed to deplore as recklessly and self-servingly as they wish the fruits of both our political liberty and our economic achievement."

But *if* this confidence has slipped, overall, it is only in what has been done in the name of the Federal Government, not in the institution itself. Of that I am certain. And the process can, and will be, turned around.

In *Julius Caesar* Cassius says to Brutus:

"Men at some times are masters of their fates: The fault, dear Brutus, is not in our stars, But in ourselves, that we are underlings."

No—there is no fault in our stars—if I may use the term to indicate the intrinsic strength and fiber of our people, and of the strengths of our systems. "Ourselves," here, does not mean each of us individually, as I use the term. Rather, it applies to those who have set our course on the wrong road—a road, incidentally, I think we are now leaving for all time.

If we leave the course that has sent us whoring after false gods, which the courses of the Sixties certainly did, then I am confident that another such survey, taken in 1976, the 200th anniversary of our birth as a Republic, will see trust and confidence in our institutions and our Government on the rise. And I believe we will see it kept there, too.

FRANCHISING AND THE FTC: A BUSINESSMAN'S VIEW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CRANE. Mr. Speaker, for many individuals and for many political leaders the answer to every problem in our society, whether it is political, social, or economic, is Government intervention and Government control.

The fact that Government intervention in the past has created more problems than it has solved is consistently overlooked.

Now, the Federal Trade Commission is proposing new and similarly stifling regulations of the franchising industry. The need for such regulations, declares the Commission, comes from 12 days of hearings, 84 witnesses, and over 1,700 pages of testimony. The complaints, declared the Commission, were so many and so serious that Government intervention and regulation is needed.

One businessman, Ray O. Burch, vice president for marketing of the Schwinn

Bicycle Co. and chairman of the International Franchise Association's Legal-Legislative Committee, decided to review the evidence.

What Mr. Burch discovered was that many of the more than 2,000 pages submitted as evidence by the Federal Trade Commission did not relate to alleged complaints at all. The first documents were letters of transmittal, a college thesis, and a report on minority franchising. Following this were 66 sets of documents and comments on the new rules proposed by the FTC. Following this were 55 items billed by the FTC as franchise complaints, as well as 116 other complaints.

These complaints, Mr. Burch points out, were primarily concerning vending machines, and not franchising. Included were items concerning phony distributorships.

The complaints set forth as a basis for regulating the franchising industry are essentially cases of fraud which have nothing to do with franchising at all. Since the FTC does not have sufficient personnel to track thieves of this kind, suggests Mr. Burch, they have decided to remedy the problem by enlarging the definition of franchising so it covers every kind of business from General Motors to gas stations and bunco artists and have everybody file full disclosure statements with 27 different kinds of information and a 10-day cooling-off period to protect the innocent investor.

If these proposed FTC regulations are adopted the entire franchising industry will be subjected to the kind of bureaucratic harassment which, as we have seen, has destroyed competition and initiative in a host of already regulated and controlled industries. Franchising, notes Mr. Burch, may be the last frontier, the last chance for the small businessman.

If free enterprise is to continue, Government regulation must not be permitted to interfere with it, and to deprive the American consumer of a real choice in the marketplace.

I wish to share with my colleagues the statement made by Mr. Burch at the IFA's 5th Annual Legal and Government Affairs Symposium held in Washington, D.C., May 15–17, 1972. That statement follows:

I would like to extend our special thanks to Bob Pitofsky and Dan Hanscom for being on our program and sharing their views with us. Of course, protocol usually requires them to remind us that the views they express are their own and do not necessarily reflect the views of the commission. I hope they will extend me the same privilege and realize that any remarks I may make, complimentary or otherwise, are not necessarily my own views or my company's views or IFA's views. They are just an ordinary businessman's normal reaction to any proposal for more government red tape. With that disclaimer, I would like to talk to you about the recent FTC hearings on the Proposed Trade Regulation and Rule on Franchising.

Many of you here in this audience, lawyers and businessmen alike, attended the FTC hearings in February and many of you testified. During the twelve days of hearings, 84 witnesses were heard and over 1700 pages of testimony were put in the record, most of it by franchisors who opposed the rule either in whole or in part and who did a fine job generally in representing the franchise community.

The record of the hearings support what most of us already accept as fact:

1. That franchising is big—a $141 billion business annually.

2. That franchising is not an "industry," but a loosely defined method of distributing goods and services of all kinds in a wide variety of business arrangements which defy any common definition.

3. That franchising is good for the economy because it:

a. Serves the consumer better.

b. Assures uniform quality of products and services.

c. Offers opportunity to "own your own business."

d. Helps the small businessman to compete successfully against big business, and last,

e. That the popularity of franchising has attracted a fringe element of fast-buck operators and bunco artists—and also there is a certain amount of discontent in some types of franchising. These two kinds of problems add up to what are commonly referred to as the "abuses" of franchising which are said to require regulation.

The so-called abuses of franchising in my opinion are badly misunderstood not only by government people but within the franchise community itself.

What are the "abuses?" What kind of "fraud" is taking place? Who is doing it? How are they doing it? What kind of complaints do franchisees register against franchisors? What kinds of franchise businesses are most often involved in business disputes or complaints?

These are the kinds of questions which need to be answered, I think you will agree, before any effective remedy can be devised. If you had sat through all 12 days of the FTC hearing as I did, you would have heard witness after witness endorse the principle of stopping the abuse. The first witness at the opening of the hearing, representing a U.S. Senator, said: "The records of this Commission show that there have been a substantial number of complaints. These abuses are too many in number to go unheeded."

If you will read the transcript of the twelve days of hearings, you will find almost no testimony was given which actually describes the unidentified abuses which were said to exist.

We had 84 witnesses and most of them spent twelve days telling about their own operations and vowing allegiance to morality in business, without ever once looking at the FTC records to see what kinds of complaints, fraud and abuse the proposed rules are supposed to correct.

Now, it occurred to me that someone should take a good look at that "substantial number of complaints" in the record to more accurately identify the problem before IFA could intelligently offer suggestions about revising the proposed Rule.

This book I have here contains the results of that study. This has been filed, by the way, with Mr. William Dixon, presiding officer at the hearing before the Federal Trade Commission. It contains one summary sheet for each of 246 documents or sets of documents which were filed in category (4) which is the category for complaints received from the so-called victims of franchise abuses.

The first thing I discovered was that many of the 2100 pages were not complaints. So I put the pages into classifications. The first six documents are letters of transmittals, a college thesis, a report on minority franchising, nothing to do with complaints.

Secondly, 66 sets of documents are comments on the rules. The Federal Trade Commission obviously had written to many lawyers, franchisees, ex-franchisees, trade associations and had asked, in effect, "What do you think of these proposed rules?"

These are the replies. Now, some of them make some vague reference to some sort of complaint or problem or abuse, but as such, they do not state any complaints.

Next, we had 55 "franchise complaints." At least they claim to be franchise complaints. Some of them involve companies that we know. Some of them are companies that we do not know. But they claim to be franchise complaints, so I took their claim at face value. That makes 55 "franchise complaints," and I'll come back to these later.

Now we come to the last category, 116 non-franchise complaints. I say these are "non-franchise complaints" because they have nothing to do, any of them, with the kind of franchising that we deal with in this association or that we are talking about here in this room today.

What are they? For the most part, they are vending machine complaints. They are fraud, most of them. Thirty eight of the 116 are vending machine complaints, most of them alleging fraud: The machines never delivered, fictitious locations, default on money-back guarantees,—"take the front money and disappear."

Fourteen are rack jobber complaints, essentially the same thing—"take the money"—and then your merchandise doesn't get there or you can't find the man who sold it to you or he won't answer your letters.

Next we have 42 complaints about phony distributorships. Con men used to sell pieces of the map for all kinds of merchandise territory arrangements. A few of them claim to be selling franchises but, by and large, they are represented to be, and are in fact, offerings of merchandise distributorships. You find them advertised in your Sunday paper under "business opportunity."

Next there are 14 miscellaneous businesses—car leasing, tax services, tutoring—more fraud, but not franchising.

And last we have eight plain, ordinary pyramid schemes—the old chain letter racket again. One of them has to do with Koscot and Glenn Turner—and there are others.

Now let me give you just a rough idea about these complaints and what the people say, because not one FTC witness, to my knowledge, had ever looked at these and knew what kinds of complaints he was talking about. I think the Federal Trade Commission was talking about one thing and, by and large, the franchisor witnesses were talking about something else.

Here is the first one. This is a complaint concerning a distributor in St. Louis, Missouri. A letter from an individual to the FTC says he gave a company representative a check for $1500 for vendor items and vending machines, but never received delivery and now is unable to locate the company. Now, this is vending machine fraud—not franchising at all.

The next one is about a marketing and vending company in Florence, Alabama. There is a copy of a letter from the North Carolina Department of Justice seeking to obtain a refund of $1750 paid by the complainant for vending machines and snack products which were never delivered. The complaint says the company has operated from several addresses in Atlanta, Georgia, Arlington Heights, Illinois and Florence, Alabama. The file contains copies of complaints to the Federal Trade Commission and the Attorneys General in Alabama, Georgia and Illinois.

Here is another one about a marketing corporation in Springfield, Missouri—a letter to FTC in Washington, claiming that a check for $2069.40 was sent to the subject firm on February 3, 1971, in payment of vending machines and supplies which still had not been delivered as of November 6, 1971—unable to contact the company—another vending machine fraud.

Here is a page from yesterday's Tribune Classified Ads—The Distributors and Manufacturers column. Listen to this ad—"Spare-time income, a business of your own, $585 cash will bring excellent return, servicing a route of U.S. postage stamp machines in your area. Call Mr. Port."—A phone number.

The next one. "Set your own income, part—or full—time. We need ambitious people excited about doubling or increasing their present income." Another blind ad. Telephone number only. No company name.

The next one. "No selling. Part—and full—time, your own route. Guaranteed with contract agreement. $1000 to $2000 deposit required."

Here's one at the top of the page. This company, I won't call its name because I don't know whether they are guilty or not, but there is a complaint in this file in the FTC record about this same company selling merchandise that it is claimed cannot be resold.

Going on to illustrate the confusion that I think exists, I came across a speech given by the President of the Better Business Bureau in the St. Louis office in which he talks about vending machine and rack distributorship fraud. Now, this was at a franchise meeting and he referred to this kind of fraud as being "franchising." He said, the promoters from unrelated industries are invading franchising because they feel this is where the action is. They rent desk space with an answering service and use a post office box number as an address and when their fraud is committed some people are careless enough to call it "franchising." Now you might say these are isolated problems. Let me tell you that this is most of what is in the FTC franchise public record. That's most of it, over two-thirds of it.

Beyond that, in their background paper for the hearings and for the proposed Rule, FTC cites the same kind of complaints. They refer to 612 mail fraud prosecutions from 1965 to 1969 and if that is all that were prosecuted over that period of time that must be a very small percentage of those that actually existed.

Now, these kinds of fraud are not franchise complaints. They are not franchising in any form—even under the broad definition in the proposed Rule.

First, there is no "trademark or "service mark" involved. In fact, many of these ads don't even give a company name and address; only a box number or telephone number.

Second, there is no "series of transactions" or any "continuing commercial relationship," nor does the franchisor continue to exert any control. On the contrary, the typical swindler collects the money, disappears completely or refuses to answer calls from his victims.

This kind of fraud has nothing to do with franchising, even in those few instances where the word "franchise" is used in the come-on ads. That still doesn't make it a franchise. And yet, this is the major part of the evidence which is cited in the FTC background paper and public record as showing need for the proposed Rule.

Now, make no mistake about it. Every franchisor wants this kind of fraud stopped and stopped now. But how do you do it?

Any ordinary six-year-old kid who watches television knows how you catch a crook. The marshall rides out, arrests him and puts him in jail. It's that simple.

But some of my friends in government tell me this won't work because the Federal Trade Commission does not have sufficient personnel to track thieves of this kind. No. The way you remedy this problem, it seems, is to enlarge the definition of franchising so it covers every kind of business from General Motors to gas stations and bunco artists and have everybody file full disclosure statements with 27 different kinds of information and a ten-day cooling-off period to protect the innocent investor.

Let me ask you this: Does anyone here seriously believe that a regulation of that kind is going to deter one iota the kind of criminals we are talking about here when they have been flaunting the criminal statutes now for years and getting away with it?

I'll remind you again that these 116 complaints make up over two-thirds of what is in the FTC public record. Now, of course, there are complaints also about franchisors, people we know. But if you look at the complaints, they are business disputes, by and large. Many of them involve questions of fact.

Two of them involve gasoline service stations complaints about zone pricing, low profitability. Four complaint letters concern coin laundries—mechanical problems, low earnings. Five convenience food stores—low profitability, long hours. Five about campgrounds—low earnings, understated initial investment. Two job referral services. Four employment agencies. Four ice cream stores. Two doughnut stores.

That brings the total down to about 20 franchise complaints actually in the record that we can identify at this time that might be under the rule. That is a pretty skimpy record to justify burdening the franchise community with the kind of disclosure regulation proposed in the Rule.

The International Franchise Association has gone on record a long time ago as being in favor of appropriate remedies to cure real abuses. But we already have laws against fraud. I don't think anybody here could very well excuse enforcement agencies for permitting fraud, outright fraud of this kind, to go unchallenged year after year. And, yet, it seems to be happening.

So, first of all, let us call for better enforcement of existing laws to stop this fraud. Then, if we have a need for some sort of regulation for franchising, I say let us study it carefully. Let the Commission study it carefully. Let's investigate those complaints that do relate really to franchising. Let's have another hearing, if necessary, and see if there are enough complaints to justify a rule. And if so, let us work together toward a reasonable rule that will protect the real franchisee and the real franchisor.

We have heard some discussion here today about franchising being the last frontier, the last chance for the small businessman. I think that is true.

In the proper franchise relationship, the little man can join with others in an organized marketing plan and thereby begin to compete with the big firms. As marketers, we do not exist in a vacuum. We all have competition. I happen to sell bicycles. The biggest, most successful retailer of bicycles in the world is Sears and Roebuck. I admire the way they do it. I wish we could do the same. Sears can pick their locations. Still, locations cause problems for franchisors, especially those with independent distributors. Did you ever see Sears put a Sears store across the street from another Sears store? Or put three or four in a community that's only big enough for one? No—because it would be a wasteful duplication of effort which would raise their costs of retail distribution and eventually, their prices. Yet government lawyers attack small business when they strive for similar efficiencies in order to compete.

My friends at FTC don't like fair trade. Yet Sears has the same price on their bicycles in all their stores. Eighteen stores in the Chicago area list in a four-page ad, all on one page with one price. But if small businessmen do that, it's price fixing—unless it's in a fair trade state. And it will be price fixing everywhere if FTC can kill fair trade as they are trying to do.

How about organization? Franchisors used to be able to talk to their franchisees and say, "Do it this way, Jack, because this is the right way." Still, if a franchisor today insists that franchisees follow a prescribed plan, he may be sued. He can't exercise too much control; that's coercion. If you don't control him enough, you have consumer problems. You can't threaten to cancel him; that's coercion. Franchisors run that risk.

So when you get right down to it, the people who are the most successful merchandisers are the integrated chains that are able to organize their businesses.

But government lawyers say we need more competition. I remember several years ago, we used to travel to Honolulu when two airlines served it, everybody was happy. The last time I went, I went on the 747. There were five people in the first-class section and 23 in the back and somebody was losing his shirt. That year, the airlines lost three hundred million dollars. Why? Because the government opened up routes to eight carriers when there were only enough passengers for two or three and they all lost money in the name of more competition.

Now they say franchising is a big industry, too big not to be regulated. Well, the railroads were regulated and we have Penn Central. Airlines are regulated and they lost two or three hundred million dollars. Now FTC is going to work on the soft drink bottlers.

Does anyone here think that the major soft drink companies couldn't put in their own distribution if they have to do it?

Right now, there's some concern about franchisors holding back. Some have stopped franchising. Some are staying out of Arkansas or Washington or this state or that state. I predict there is going to be more of this unless there is better understanding between businessmen and the government on how marketing really works.

Franchisors must have some latitude to build an effective marketing organization. When the airlines had a three hundred million dollars loss, if they were not a regulated industry, they would surely have raised their prices to try to offset the loss. This is what happens when you have increased costs to sell any merchandise.

If you put six retailers in a town big enough for two, every one of them runs at a loss and they all want to raise their prices. Now, if their prices are not controlled, they will raise them and then they do even less business. Then your distributors will start looking for even more accounts.

Meanwhile, Sears, Roebuck is up to ten and one-half billion dollars a year in sales, growing at a fantastic rate through organized efficiency. They are not alone—Montgomery Ward, A & P, all vertically integrated merchandise chains have the same advantage. What we would like in franchising is to have a chance to compete with them on an even basis—no special advantage because we are small business—just an even chance.

CORPORATE RESPONSIBILITY TOWARD THE CONSUMER

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BRAY. Mr. Speaker, the Consumer Subcommittee of the Senate Committee on Commerce recently took a survey of the first 300 companies on the Fortune 500 list, asking them to tell, in their own words, their moves in the field of corporate responsibility toward the consumer.

I am happy to insert from the subcommittee's report the reply sent in by Eli Lilly & Co. of Indianapolis:

ELI LILLY & CO.,
Indianapolis, Ind., March 13, 1972.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: This letter and the accompanying material are in response to your recent letter requesting information concerning the voluntary steps Eli Lilly and Company has taken in the interests of consumers.

The company, founded in 1876, is scientifically oriented, having invested more than $412 million in research and development during the last ten years. The corporation produces one of the broadest lines in the pharmaceutical industry, with about 740 pharmaceutical products for human use in its price list.

The company does not promote any of its pharmaceutical products—either prescription or nonprescription—to the consumer. Our sales efforts are directed toward physicians, dentists, pharmacists, and allied members of the health professions. This means that our pharmaceutical salesmen, most of whom are graduate pharmacists, transmit information about specific products to health-care specialists. While our pharmaceutical marketing function does not directly approach the consumer, we have always had concern for the safety and effectiveness of our medicines. This is where the products touch the lives of the patients—the ultimate consumers in our industry.

Over the years our corporation has developed various programs, policies, and practices related to consumer interests:

Identi-Code and Identi-Dose, two complementary drug identification systems, are directed at consumer safety.

Lilly service items (drugs having little or no marketing or economic importance) and our emphasis on product availability are aimed at consumer convenience and service.

Our ability to effect cost savings through research, developmental, and production efficiencies has kept down our prices to wholesale distributors during an era in which the American people have experienced dramatic increases in prices for nearly all other consumer items.

Our large-scale commitment to protecting the environment dates back to 1944 with construction of our first water-treatment plant. Since then the design of new manufacturing plants hase called for pollution control systems.

Most of these programs have been undertaken by Eli Lilly and Company on a voluntary basis and not as a result of legislation.

Because we have worked through the years to improve our operations, we do not view the current consumer movement in a pessimistic manner. We believe every company can benefit from constructive criticism whether it originates inside or outside of organization. Progress has always been made by recognizing existing deficiencies and working to correct them. Hopefully, the present emphasis on consumerism will enable all of us—industry, government, and private citizens—to continue to move toward improving the quality of life.

Thank you for this opportunity to participate in your efforts to help balance the public record.

Sincerely yours,

E. N. BEESLEY,
Chairman of the Board.

Enclosures.

IDENTI-CODE® AND IDENTI-DOSE®

Identi-Code, a system pioneered by Eli Lilly and Company, provides for printing a code on each Lilly capsule and tablet and on each label of suppositories and of powders for oral suspension. By checking this code against the *Identi-Code Index*, each unit can be quickly and accurately identified. Identi-Code has proven to be an invaluable safety factor for patients.

The usefulness of Identi-Code can best be illustrated by two hypothetical, but very real, cases:

Two children play "doctor" and consume large numbers of tablets or capsules found in the forbidden family medicine cabinet. Should this occur with a Lilly product, the Identi-Code found on even one unconsumed tablet or capsule provides quick identification and permits prompt prescription of an antidote in the emergency.

A man suffering from a chronic heart condition decides to extend a visit with relatives and finds he hasn't brought enough medication with him. If he is taking a Lilly product, he can go to any physician, give him the code number of the tablets, and physician can prescribe the exact medication he has been taking.

When the code was introduced in June, 1966, then FDA Commissioner James L. Goddard said: "Your firm is to be commended for having pioneered in this development. I feel that it is an important step forward and it will be significant."

The Identi-Code system consists of a combination of one letter and two numbers that specify the form of medication and its name and formula when reference is made to the Lilly code index. The index is distributed to physicians, dentists, pharmacists, nurses, law-enforcement agencies, poison-control centers, and others who deal with medical emergencies.

In the current national plague of drug abuse, Identi-Code has been an aid to law-enforcement agencies when dealing with the abuse of drugs and contraband drugs. The identifying code helps to determine if any Lilly products are outside legal channels and enables the company to take corrective action.

The state of California recently passed a drug identification law that requires the identification of each tablet and capsule of a controlled substance dispensed in that state. Eli Lilly and Company strongly supports this law and its rigorous enforcement, and would encourage similar legislation in other states. By pinpointing the source of the drugs, such laws can play a significant role in reducing the amount of illicit and/or unidentified drugs now found in street trade.

In conjunction with the Identi-Code program, the company introduced Identi-Dose, a unit-dose packaging and labeling system, in February, 1967.

The dispensing of medicines in hospitals has always presented special problems. The Identi-Dose package makes it possible for each dose of medicine to reach the patient's bedside in its own airtight, labeled container, thus providing instant and accurate identification.

The Identi-Dose packaging reduces waste and patient expense, for any unused medication can be returned to the hospital pharmacy in its sealed container. Even though initial costs are higher for unit-dose medication, time and motion studies have indicated that the hospital can actually save money through the reduction of distribution costs.

SERVCE ITEMS

Eli Lilly and Company has more than 740 pharmaceutical products in its price list. Among these medicines are a variety of service items—products of little or no marketing or economic importance—that are furnished to members of the medical profession for rare diseases or unusual needs of their patients. Following are examples of some of these products:

BCG Vaccine—immunization against tuberculosis.

Cyanide Antidote Package—combined therapy in cyanide poisoning.

Typhoid H Antigen—production of nonspecific febrile response. Fever therapy may be useful in certain infections and inflammations of the eye, particularly of the uveal tract. The antigen is also valuable as prophylaxis against postoperative inflammation of the eye.

Iletin® (Insulin, Lilly), Special Requirements Products—control of diabetes. The company manufactures, in addition to its regular Insulin products, sixteen other products for the occasional patient who has special Insulin requirements. Nine of these items are made exclusively from beef pancreases, while seven are made exclusively from pork pancreases. One of the beef products has the additional feature of being low in zinc content.

AVAILABILITY OF LILLY PRODUCTS

It has been said that "the most expensive" drug is the one that is not available to the patient when needed. Eli Lilly and Company places its broad line of products within the reach of patients everywhere in the United States. The ready availability of Lilly products gives assurances to the sick that their medical needs will be met.

Through a widespread distribution system, the company strives to have its products stocked in all of the more than 50,000 retail pharmacies and 9,000 hospitals scattered throughout the country. Several hundred wholesale drug distributors are utilized to provide complete regional depots for speedy delivery to the point of need. In fact, Lilly products are available in every county in the United States in which drugs are known to be dispensed.

In addition, Lilly salesmen are responsible for assuring that stocks of Lilly products in wholesale houses, neighborhood pharmacies, and hospitals are adequate. This involves a system for replacement of any Lilly products that are damaged or outdated.

The consuming public benefits from a full-service pharmaceutical manufacturer through such things as around-the-clock operation in the company's shipping department to handle emergency situations when they arise. In times of disaster, Eli Lilly and Company responds quickly, cooperating with the American Red Cross, the International Red Cross, the U.S. State Department, and other agencies in rushing critically needed medical supplies to victims of fire, flood, earthquake, and tornado.

In summary, Eli Lilly and Company tries to do everything possible to ensure that need medicines are at the right place at the right time.

LILLY PRICES

Lilly medicines have been growing more complex and more expensive to develop and produce. In the inflationary period of the last several years, we have seen average hourly wage rates, costs of raw materials, and other production costs climb markedly. In spite of these factors, Lilly scientists, engineers, and technologists have found ways to increase production yields and to bring about economies in processing and marketing. This is how the Lilly company has been able to offer only slightly increased prices to wholesale distributors during the last four years of a highly inflationary economy.

For many years, Eli Lilly and Company has compiled the Lilly Price Index, which is based on a composite of the prices of all the pharmaceutical products in its price list. This index is revised periodically for the addition of new products, and every two years the computations are changed to reflect current customer demand patterns. Thus, the Lilly Price Index reflects changes in price of both new and old products.

In spite of the fact that the Lilly Price Index has risen 5.4 points since 1967, the prices of Lilly drugs to wholesale distributors are lower today than they were in 1961. To put this in the perspective of the national economy, the government's Consumer Price Index—All Items has risen an estimated 21.3 points since 1967.

Lower prices for drugs are confirmed by the Bureau of Labor Statistics, which maintains an index of prescription charges unaffected by prescription size or the changing content of the average prescription.

There has been quite a bit of discussion in recent years, especially in the public press, regarding the rising average prescription charge. The term "average prescription charge" is often misunderstood. Although the average prescription charge rose 16 cents in 1970 to a new high of $4.06, this does not mean that drug *prices* are rising.

The term "average prescription charge" represents a composite charge by retail pharmacists for all drugs physicians are prescribing. In addition to covering the costs of distribution and dispensing, the average prescription charge also includes different drugs and differing amounts of drugs from year to year. This charge is affected by constant improvements in the content and the value of the average prescription, the greater therapeutic potency of the new drugs, and the larger prescription sizes being ordered today. According to a 1970 study (attached) by John M. Firestone, the number of doses in the average prescription increased by more than 27 percent between 1960 and 1969. The index of average prescription prices at the retail level, when adjusted for size of prescription, shows a decline of 5.8 percent between 1960 and 1969.

The problem of the rising prescription charge is a serious one for certain consumers, and it is a matter of great concern to Eli Lilly and Company. The company will continue to do all in its power to operate as efficiently as possible and to hold down the prices of Lilly drugs to wholesale distributors so that patients can be supplied with the best medicines at the lowest prices consistent with a reasonable return for the company.

ENVIRONMENTAL PROTECTION

Eli Lilly and Company has had pollution-control systems for many years. In 1944 the company installed its own private water-pollution-control system at its Greenfield (Ind.) Laboratories. Since that time, Lilly pollution-control systems have improved and expanded greatly.

The company's manufacturing facility, a plant near Clinton, Indiana, offers a new concept in pollution control. (Complete details will be found in the enclosed news release.) It was designated with waste treatment as a primary concern. The Clinton Laboratories are a plant designed for maximum—not just acceptable—control of wastes. Construction of the pollution-control features cost more than $8.3 million, with total operating costs for waste treatment expected to exceed $1.7 million annually.

Eli Lilly and Company's total capital investment in pollution-control equipment is estimated at approximately $19.4 million. Total operation and maintenance costs are about $5.4 million a year. It is projected that by the end of 1975 the company will have a total capital investment in this type of equipment of approximately $25 million. Cost of our environmental-control research is currently running at about $140,000 per year.

A grassroots approach has been used to implement the Lilly corporate policy on environmental protection. Each operating area of the company—research, development, control, manufacturing, services—is responsible for implementing the corporate policy concerning waste control.

The various operating areas have at their disposal different plant engineering groups who may be called upon for technical assistance. In addition, the company has an employee whose full-time assignment is that of being a consultant in environmental engineering. This man is responsible directly to the director of corporate engineering services. As part of his assignment, he coordinates the Corporate Environmental Protection Committee. This committee has been in existence since 1966.

The Lilly company believes that through close cooperation with governmental agencies, industrial or trade associations, chambers of commerce, and other concerned organizations everyone will arrive at a more realistic (ecologic as well as economic) set of proposals for an improved quality of living with specific regard to all viewpoints of the environmental crisis. All of these groups need to recognize the interrelatedness of pollution problems and take an overview when setting up guidelines. The effective approach to pollution control can only be achieved by cooperation among all levels of government and industry.

RESULTS OF CONGRESSIONAL INTERN QUESTIONNAIRE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. FRASER. Mr. Speaker, the Subcommittee on International Organizations and Movements which I chair was privileged this summer to join with the bipartisan Intern Committee of the Congress and the United Nations Association of the United States in sponsoring an extraordinary program for the 1,200 college students serving as interns for Senators and Congressmen. The program consisted of a 1-day conference for interns on August 1 entitled "Life and Death Issues Confronting the United Nations" and the circulation of a questionnaire on foreign policy to all interns. The results were most heartening. The students showed a sophisticated understanding of global realities with a healthy skepticism toward any one approach as a panacea for the world's ills. But while most of them did not see the United Nations as mankind's "last best hope for peace," they were convinced that the United Nations is indispensable for global progress and peace.

Furthermore, most students do not share our generation's blind allegiance to national sovereignty. They see themselves as citizens of a common community of mankind and view exclusive devotion to national boundaries as an outdated concept.

I would like to share with Members of the House now the results of the congressional interns program on the United Nations.

First, the results of the questionnaire. Over 400 replies were received—a 33 percent response. The students represented 200 colleges and universities in 48 States. Second, a sampling of personal statements delivered by the interns themselves during the 1-day conference on the United Nations. This gives a cross-section of opinion among the interns:

PART I.—CONGRESSIONAL INTERN QUESTIONNAIRE

[Percentage breakdown of responses]

	Yes	Some-what	No
10. Do any of the following beliefs apply to you?			
(a) Doubt major societal change is possible	10	34	52
(b) Fear society is becoming repressive	30	36	33
(c) Doubt veracity of public leaders	35	49	10
(d) Willing to work on community problems	84	14	2
(e) Believe avarege person is powerless	19	43	37
(f) Ready to coalesce with others to reshape foreign policy	57	28	13
(g) First personal concern is career	26	36	32
11. Daniel Yankelovitch, the pollster, recently asked college students what values do they believe are worth fighting for. What do you think?			
	Worth fighting	No	Depends
(a) Keeping a commitment	23	10	66
(b) Containing communism	16	41	41
(c) Maintaining position of power	20	27	49
(d) Protecting allies	26	10	62
(e) Fighting for our honor	10	43	44
(f) Counteracting agression	38	8	32
(g) Protecting our national interest	38	9	49

	Agree	Disagree	Partially true
12. The United Nations' political ineffectiveness can best be traced to:			
(a) Unwillingness of all nations to assign a portion of their sovereignty to a supraglobal entity	63	7	27
(b) The UN structure is a product of a post-World War II world that has little relation to reality	16	43	36
(c) The major powers, in particular the U.S., have always applied a double standard in looking to the UN for political leadership	57	10	27
(d) Public frustration toward the UN is due to inflated expectations	28	24	44
13. The public clamor about the seating of the People's Republic of China in the UN, and the ousting of Taiwan, really is:			
(a) Justified			18
(b) Temporary			32
(c) A cover for deeprooted dislike of the UN			3
(d) An expression of resentment of the loss of U.S. influence in the UN			33
14. Any attempt to attain the "structure of peace" that the President speaks of can best be achieved by [rank by priority, 1 to 4]:			
(a) Elevating the UN priority as an instrument of U.S. policy			4
(b) More cooperation among the superpowers			2
(c) Rechanneling defense spending for domestic priorities			3
(d) More vigorous pursuit of disarmament objectives			1

	Agree	Disagree	Partially true
15. Legislative action approving the importation of chromite from Rhodesia in defiance of UN sanctions, most nearly reflects, in your opinion:			
(a) U.S. disregard for international commitments			12
(b) Influence of U.S. economic interests			65
(c) Racism			3
(d) Reassertion of constitutional role of Congress in setting policy			9

	Yes	No	Not sure
16. Do you think the United Nations:			
(a) Is relevant?	67	13	16
(b) Mankind's last, best hope for peace?	13	62	22
(c) Suffers more than the U.S. Government from bureaucratic inefficiency?	33	22	43
(d) Peacekeeping role must be strengthened?	84	10	5
(e) Would be more effective if it concentrated on nonpolitical problems such as pollution and population?	40	30	26
(f) Has done an effective economic and social job?	16	51	30
17. What do you think is necessary to revitalize the UN:			
(a) Redistribution of voting power to reflect a nation-state's real power	32	33	28
(b) Willingness to submit political issues for peaceful settlement	79	6	7
(c) Restructuring of Security Council	53	12	28
(d) U.S. reasserts its leadership in the UN	14	57	21
(e) Charter revision	41	9	42
18. The effort to reduce the U.S. assessment to the U.N. from 31.5 to 25 percent, reflects, in your view:			
(a) An attempt to equate U.S. contributions with U.S. power			13
(b) An erosion of U.S. commitment to the U.N			24
(c) Part of a long-term U.S. policy to make the United Nations less dependent on American dollars			21
(d) Is a nonissue			14
(e) A misunderstanding of the U.S. national interest in the U.N			9
19. Should most of U.S. foreign aid be channeled through:			
(a) Nonmilitary bilateral channels			31
(b) The World Bank and its affiliates			10
(c) The U.N. system			21
(d) Other institutional arrangements			10
(e) The concept is an anachronism			11
20. The Pearson Commission on International Development set a 1 percent of GNP as a target for development assistance. Is this:			
Realistic			21
A symbolic goal			28
A false standard			20

PART II

CONGRESSIONAL INTERN DIALOG

Adele Allen is President of the Student Government at Wellesley College. This summer she was an intern for Congresswoman Shirley Chisholm. Adele said:

I see the United Nations as having the potential to be a crucial force in seeking to provide capital, technological resources, and information services for the less-developed economies of the world that are seeking to improve their share and their allocations of the resources.

How does this tie in with the UN? I believe that the basis of many of the conflicts we have in the world today boil down to the simple question and issue of economics. Conflicts over the exchange of resources. Conflicts that arise in these exchanges of resources. Therefore, it is important that the UN aim to apply an even greater percentage of its efforts in this direction. This will be seeking to improve the lot of all people who are trying to feed themselves, find shelter, have education, health facilities. And this is what I feel young people are seeking to do more than anything else. All of our talk, all of our ideological differences will never be resolved. But if we aim to improve the welfare of the people themselves, this will be an accomplishment that we *can* say has been done, if we only try to do it.

I am particularly critical of the U.S. foreign aid policies at the present time. The amount of aid is diminishing greatly, diminishing more every day. Reports have stated that it is very important for 1% of the GNP of all of the countries of the world to be dedicated to foreign aid and foreign policies. Yet we continually back down from this percentage, back down from this figure and decrease the amounts and sources of aid every day. This I do not think can continue.

Many Congressmen have become dissatisfied with the results of our foreign aid program. Maybe this is because we were aiming for political and military goals instead of going on to the question of how are we going to get rid of the diseases in this world? How are we going to alleviate the misery of human being?

One other factor is that many U.S. businesses who have been investing in foreign countries have done this for the purposes of profit first, humanitarian reasons second. This is the reality of our country, yes. But it is not the reality of the rest of the world.

We won't get the friendship, we won't get the political influence or any aims accomplished if all we want to do is get something from someone. That isn't the way. You don't give a gift in order to get it back right away. It is an economic factor and reality that exchange is essential. We must end the artificial restrictions and barriers to trade that we continually pass in the Congress. These restrictions hinder our country more than any other country. And it is also hindering the aims, humanitarian and idealistic, that we continually espouse.

I do not believe that the 1% GNP figure for foreign aid is unrealistic. I want our Congressional members to strive to continually make a commitment to state "We are going to supply capital in our budget for economic development of the world, because this is as important to our country's needs as it is to the needs of all citizens."

As I stated once before, the profit-making must stay here and the aims for alleviating the misery in world must go abroad.

Layton Olson is the Executive Director of the National Student Lobby, which worked closely with many interns this year. He said:

The United Nations is an elite organization built up of a series of professionals from around the world. I think that perhaps a way that these things might be changed somewhat is in the nature of a very large and extensive Peace-Corps kind of an operation in which people don't have to get a political appointment from one country or another, but could work on a number of these projects through the UN.

I talked to a number of people who came back from the Peace Corps and that's how I found out about foreign policy. You can't just get it out of a book. You have to get a feeling for it. And I think that that would be one way that people would have a little more interest in the UN.

Brian Lops was an intern this summer for Senator James Buckley. He said:

As I listen to our speakers mouthing the customary platitudes about the peacekeeping functions of the United Nations, I can't help but be reminded of Abraham Lincoln's old saying that you can fool some of the people all of the time, and all of the people some of the time, but you can't fool all the people all the time.

You may wonder why I'm being so cynical, but I think we've heard a lot of fooling going on here today. We've been fooled into thinking that there's something immoral about the U.S. bombing the military supplies used to fuel the North Vietnamese invasion of South Vietnam, while everybody is silent over the murder of 5,700 men, women and children by the Vietcong.

And we've been fooled into spending our time discussing Rhodesia and its racial customs and racial policies. Well nobody bothers to bring up the Soviet invasions of Czechoslovakia and Hungary, or the tens of thousands of Russian intellectuals and dissenters.

We've been fooled into thinking that the expulsion of Nationalist China from the UN was perfectly justified, while there seems to be a lot of convenient amnesia about the fact that the regime in Peking has exterminated over 30 million human beings since it came to power in 1949.

Don Glickstein is a student at the University of Massachusetts. He was an intern for Representative Harrington. He said:

Except for one brief time period immediately after World War II, and for the dreams of Woodrow Wilson, the foreign policy of my country has been a belligerent one, replete with intrigues and lies; a selfish policy predicated on racism, egotism and greed.

From the first colonists who impudently invaded sovereign Indian nations because Indians were Indians and they couldn't possibly be human being, to the Mexican War, to the Spanish-American War, to Nicaragua and the Big Stick Policy, to the Dominican Republic and Cuba, my country's government has traditionally disregarded any sense of international morality.

I emphasize that this wretched foreign policy of my nation has not been a partisan one, but has been aided by all political parties. However, for a more realistic approach to foreign policy analysis, I won't talk about the past any further, but instead I'll concentrate on the present administration.

The Administration has refused to recognize that narrow, feudal interests of the Middle Ages have no place in a world of nuclear power, a world of the rich and the poor, a world of great contrast, a world in which everyone and everything is interrelated.

What we need is a new mind set that recognizes the power of the hungry, the homeless, the poor, in a 20th century world of instant communications. The ignorant savage is no longer ignorant, and he is not so noble either as to not want a piece of the action that my country has monopolized for so long. The world, not just the U.S., but the world, must begin unilateral disarmament. The world, and that includes the U.S. and South Korea, Portugal and Spain, must withdraw its troops from every country it never belonged in in the first place. And the U.S. should act unilaterally.

The world, and that includes Russia and the U.S., must resist the temptation to interfere with the internal affairs of other nations, even when what's happening does not benefit them. And the U.S. should act unilaterally on this.

The world must recognize that it is no longer a collection of sovereign nations but one world, comprised of different peoples and cultures. It's a small world, where the actions of one person integrally affect another.

The U.S. should not wait until we blow up, to begin to act unilaterally. As the most technologically advanced nation in the world, it must begin, *it* must be the leader. Until it begins to act unilaterally, recognizing how the world *has* changed, until it becomes a champion for the realities of the world, and not for just the special interests of it, I fear that the "generation of peace" will merely be a pawn for a dark-aged, Orwellian doom.

John Dowlin was an intern for Members of Congress for Peace Through Law. John said:

The countries of the world operate under the misconception that the building of their power and prestige and the solving of their own internal problems can best be accomplished by themselves. A world with isolated sovereignties is obsolete.

The idea that a country should not share its knowledge, its capabilities or its wealth with others is a greedy and irresponsible philosophy. The advocates of such a philosophy are the major political powers who selfishly want their superiority and advantages over less powerful or backward countries. And unless this philosophy is changed, we'll destroy the earth.

We believe that the world is running out of resources. But science knows better. There is enough food, land and resources, but we must first break down sovereign barriers. No one country has the comprehensive knowledge, wealth or resources of the world. Every country has something to offer. The countries can and have to work together in scientific, technological and medical problems.

The UN is the tool to organize such ventures. It is my hope the U.S. will provide the impetus to go in this direction.

Beatrice Berry was an intern this summer for Representative Ralph Metcalf. She is a student at Tuskegee Institute in Alabama. She said:

A recent article I read pointed out that too often we've embarked upon the notion of survival of the fittest from the Darwin era, and we've misconceived just what that meant.

We've taken for granted that the survival of the fittest means the strongest will survive. The strongest physical-wise and power-wise. But it does not mean that. Survival of the fittest often means being willing to flex one's self in order to adjust to the particular problems that are confronting people.

The dinosaur was surely the strongest and the biggest creature that the earth has known, but he has not survived. He couldn't adjust; he couldn't operate in a new world where speed and brainpower were the determinant factions.

The same holds true with this country, which is why we must redouble our efforts to support the United Nations.

I think in terms of the ostrich, which is the largest bird in the world, but it can't fly. The United States will be similar to that, if we don't change our directions and awaken to the new realities of the world.

Tim Black, a student at Stanford University, was also an intern for Mrs. Chisholm this summer. He said:

How much should the U.S. pay towards the U.N. budget? In view of the fact that 85% of the U.N. budget goes for economic and social development, I think this is very important. Right now our allotment is about 31.5%, which I don't think is too much, but there's a lot of talk about reducing that still further to 25%, which I think would be a crime.

Six percent of the world's population lives in the U.S., yet we use about 42% of the world's resources. And when I'm talking about resources, we're talking about the kind of natural resources that we can only get in other countries.

From the quinine that we use in our medicine to chocolate bars—these are all resources that are plucked from the soil by foreign hands, picked from trees by foreign hands and exported to this country. That is a very good example of how we are exploiting the rest of the world's resources.

When we're taking into account all our tremendous resources, it's our duty to help other people in the world, especially since our wealth truly is a reflection of what we have managed to wrest from the rest of the world.

In this regard, the United Nations is not our forum to express our ideas and impose them on the rest of the world. There's more talk about 1% of GNP being a realistic goal toward what you could contribute to the rest of the world. And that's not unrealistic because our GNP is roughly around 1 trillion dollars. One percent of that is 10 billion. We spend billions of dollars just to get farmers *not* to grow food. We spend billions of dollars to bomb Vietnamese villages. And we spend billions of dollars in destructive activities against mankind. I think it's not too much to ask billions to help build the future of a world that we all have to live in.

ENVIRONMENTAL LEGISLATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ESCH. Mr. Speaker, we are a consumptive population. The Federal Government estimates that the average American will use 26 million gallons of water, 21 thousand gallons of gas, and tons of plastics, woods, and metals in his lifetime. Americans have used more natural resources since 1900 than the entire world used before that time. Industry uses 21 million tons of paper, discards 165 million tons of solid waste, and creates 172 million tons of soot and chemical fumes.

No single set of issues has stirred such widespread interest and concern in the Congress and in the public as a whole as those which can be loosely grouped under the title "the environment." From wild animal protection to pollution control—from resources development to preservation of interesting old buildings—the environment has caught the attention of the American people.

This Congress certainly has not earned great encomiums from the environmentalists. It has made considerable progress in the research and planning stage on a number of environmental issues, but concrete and long-range legislation has been relatively limited.

WATER QUALITY

The major environmental legislation considered over the past 2 years has been the Water Quality Act. After an unusually bitter political battle, a compromise between the House and Senate bills was finally reached. It is a relatively strong bill which sets a goal of clean water by 1985. The final conference report performed the amazing feat of taking the diaphanous Senate proposal which had great goals, but only limited procedures for their accomplishment, and melded it with the seriously inadequate House bill to produce legislation which includes well defined goals and fairly well defined procedures by which to accomplish those goals.

The final agreement reached in the conference report produced a strong, relatively realistic bill. For instance, the permit program, first authorized under the 1899 Refuse Act, is transferred from the Army Corps of Engineers, which has demonstrated extremely limited environmental concern, to the Environmental Protection Agency. The agreement allows EPA to promulgate guidelines, review state issued permits, and to overturn them if necessary. Once a State develops an acceptable program it may take over this function.

One provision which has created considerable concern has been the National Pollutant Discharge Elimination System. The program established supplants the 1899 Refuse Act and allows States to set up a permit program after receiving approval from the EPA. However, the administrator may rescind approval of State programs under certain conditions and may disapprove the issue of a particular permit by a State if he determines that the permit is outside the guidelines and requirements of the act. There was considerable concern expressed by several environmentalists that the wording in this provision would, in fact, stop the suits presently pending before the Federal courts against violators of the permit programs. Several of us in Congress have gotten assurances from the EPA and the Attorney General that pending suits such as the Reserve Mining suit will be continued. The conference bill provides that citizen suits can be taken by anyone who could show an interest in the particular environmental program involved. The geographical requirement on such suits which would have limited their acceptability was dropped.

The conference bill is not a perfect bill, but it is an important step forward in our national commitment to protect the environment.

Many persons in the country have expressed the belief that in areas where they consider a body of water to be beyond repair that they be allowed to continue to dump untreated material into that body. The logic of this kind of thinking fails to take into account that any body of water is one small part of our entire ecosystem. Degradation of one part of the environment has adverse effects on the whole system. With proper citizen concern and Government efforts many of these so-called totally polluted lakes can be reclaimed.

In the future I am hopeful that the Congress will give more extensive consideration on imaginative alternatives to the present regulatory-type pollution legislation. One such proposal, made recently by the major Brookings Institution study on the budget, would encourage pollution control through a polluters tax. They argue that if polluters were taxed for their discharges it would obviously be in their economic best interest to install the best pollution control equipment in order to minimize their taxes. Brookings argues that this type of legislation would be largely self-policing and would have the effect of channeling money into those projects which would be most effective in cleaning up pollution.

ENERGY

A major controversy has begun to develop in the environmental field over the question of energy production. Our Nation's need for energy—electricity in particular—is increasing steadily. Unfortunately, almost every form of energy production creates a good deal of pollution. Traditional forms of power production, such as coal burning, create enormous air pollution problems. Newer forms, such as nuclear fission, cause thermal pollution of our waterways as well as creating dangerous radioactive wastes.

As a member of the Energy Task Force of the Science and Astronautics Committee, I have been actively involved in intensive hearings on this problem over the past few months. I have long felt that the Atomic Energy Commission was wrong to push nuclear fission as the primary means of energy production. While nuclear energy production facilities are undoubtedly needed, I feel that we should put a good deal of money into research on alternative methods. The primary alternative now under consideration is fusion power—which differs from fission in approximately the same way a hydrogen bomb differs from an atomic bomb. Fusion promises to be a cleaner means of energy production, but the technologies are not entirely developed yet for its practical use. Several high-technology companies, however, feel that they are close to attaining a level of knowledge which would make fusion electrical production a reality. I strongly feel that additional funds should be put into the research effort.

LAND USE

Another major area of congressional environmental concern has been land use management. It is clear that we must plan for the future use of our land—the relationship of new cities to parks, the relationship of densely populated areas to sparsely populated areas, the relationship of agricultural areas to industrial areas.

Thirty-four percent of all the land in the United States is owned by the Federal Government yet the Congress has never established an overall program for the use of that land. If we are to encourage communities and States across the Nation to use intelligent planning and zoning, the Federal Government must clearly establish a comprehensive plan.

Two pieces of legislation on land use were brought into serious consideration during this session. The first was a coastal zone management bill which had the support of major environmentalists in the country and which moved to protect our coastal areas. A second effort was mounted in H.R. 7211. This proposal first surfaced in July of this year and would have been a real step backward in balanced land use planning. One provision in the new legislation which was particularly detrimental authorized the selling of excess federal lands, regardless of their potential benefits. The proposal was stopped from coming to the floor. Hopefully, during the next session of Congress serious land use planning legislation will be considered.

As chairman of the House Republican Task Force on Population Growth and Ecology, I became actively involved in a series of hearings on land use. Our task force reviewed the land use planning legislation, alternative technologies such as remote sensing for making wise land use decisions, and reviewed several excellent studies on land use planning, for instance, the Boselman Report. Our hearings produced a great deal of useful information for the membership when we move into consideration of legislative proposals next year. Unfortunately, the bickering between powerful committee leadership in both houses of Congress has left this legislation in the lurch.

SOLID WASTE MANAGEMENT

In many cases the problem of solid waste management is a two-headed monster; not only do we have the problem of finding a disposal method which will not pollute other environmental areas, but traditional methods such as on land disposal and burning create some obvious problems. One type of solution which bears further investigation is recycling of materials. Several procedures have been developed in the last few years which made the recycling of glass, paper, and metal products inexpensive and, in fact, profit producing operations. Recycling provides the added benefit of reducing our consumption of scarce national resources. Support of recycling procedures should be encouraged. I therefore introduced two bills which would encourage the use of recycled materials by the federal government. I have urged the General Services Administration—GSA—which is the procurement office of the Federal Government, to revise their regulations to encourage use of recycled products. I would hope that this kind of affirmative action will help us move toward better solid waste management.

AIR POLLUTION

Major air pollution legislation was approved by the last Congress and this Congress has, therefore, been relatively inactive in the air pollution field. The only major air pollution proposal was made by the President 2 years ago—a proposed tax on sulfur fuels. This tax would be levied for each pound of sulfur discharged into the air by sulfur fuel users. This proposal makes use of the polluters tax concept which I previously mentioned. I believe it is deserving of full and thoughtful consideration and I have been very disappointed by the Congress failure to undertake such consideration.

COORDINATING FEDERAL EFFORTS TOWARD ENVIRONMENTAL QUALITY

One of the major problems which has escaped consideration in many instances has been the need to coordinate our environmental efforts within the Federal Government. On the executive side environmental programs are fragmented between the Departments of Housing and Urban Development, Agriculture, Interior, and the Environmental Protection Agency, as well as several other smaller functions within the other departments.

In Congress, environmental legislation may come out of no less than six committees in the House and a similar number in the Senate. It seems essential, then, that the executive efforts at environmental control should be coordinated through an agency such as the Environmental Protection Agency which has the experts and the commitment to handle the job. It also seems essential that Congress create a committee on the environment to focus consideration on environmental issues.

CITIZEN ACTION

Citizen action on the environment has been vital in our fight to stop pollution. It was through letters received from the Second District that I became aware of two of the major environmental issues on which I have worked over the past year. The first of these was a complaint about the dumping of 67,000 tons of taconite tailings into Lake Michigan each day by Reserve Mining Company. Millions of Michiganders and other Great Lakes States citizens share my deep distress at this pollution of the only one of the Great Lakes to remain clean. I have worked closely with the Environmental Protection Agency, the Justice Department and the news media in exposing this scandal. The Justice Department has, at last, brought suit to stop the polluting.

The second instances was the plan of the Corps of Engineers to dump polluted dredged material at Pointe Mouillee. This lovely recreation area only a short distance from the center of Michigan's population, should not be endangered in my opinion. The Corps originally attempted to make use of the site without appropriate public hearings and without the environmental statements which are required by law. As soon as I learned of the proposal, I entered an immediate protest with the Corps and demanded that they obey both the letter and the spirit of the law. We have not yet won the fight, but we have delayed the project and have insured that the environmental factors will receive the fullest attention.

A third instance where the efforts of concerned citizens over environmental improvement is the Environmental Education Act. Efforts to improve the environment have not been successful as hoped in the case of funding for the Environmental Education Act, which I originally proposed. I envisaged it as a vehicle to increase public awareness and concern through environmental programs. Obviously, such a program can never be successful unless it receives adequate funding. Although our efforts to increase funding marginally have been successful, the number of requests for this popular program have far exceeded available funds. Results for this act are far from comprehensive. I would hope that in the next sesison of Congress we can move to increase funding for this program to adequate levels.

A fourth instance of citizen action is typified in the Youth Conservation Corps—YCC. When I originally proposed the Youth Conservation Corps 2 years ago, I investigated it as a program which would provide significant contributions to our Nation's environmental areas such as park lands and wilderness areas as well as to those young people who participate in it. The results of our experience with YCC have shown that if anything it was tremendously underrated. The number of applications in the first 2 years of operation far exceeded available spots.

It has been estimated by the Department of the Interior that the return on the investment in terms of salaries for the young people employed by the YCC had been 75 percent when counting the benefits accrued from the project's initiation. This year through a bi-partisan effort we were able to pass an amendment to the YCC act which establishes the program on a permanent basis with a significant increase in funding as well as a new pilot program operating on state lands and partially financed through Federal funds.

The four projects discussed above are but a sampling of the many citizen action projects which I have been involved in during the past 2 years. The residents of the Second Congressional District are indeed fortunate to have a concentration of dedicated environmentalists in their area. Citizen action helps initiate and continue efforts by the Environmental Center in Ann Arbor. I was glad, 2 years ago, to help get this worthwhile project tax exempt status.

Citizen involvement was also responsible for much of the legislative initiatives proposed in Congress this year. The original proposal for the creation of bicycle paths to aid persons in traveling safely and environmentally on bicycles came from a group of concerned citizens. I am hopeful that this proposal can be enacted in the near future.

Several years ago a constituent of mine mailed me a clipping from the comic strip "Pogo" which successfully captured the problems facing us in cleaning up our environment. Pogo mention that "we have met the enemy and he is us." An increased level of environmental concern and action demonstrated by citizens from all over the country has demonstrated that we are winning the war against ourselves in cleaning up the environment.

THE 27TH ANNUAL MEMORIAL SERVICES FOR FALLEN MEMBERS OF THE "FIGHTING 100TH," RECALL GALLANTRY AND PATRIOTISM OF UNIT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. MATSUNAGA. Mr. Speaker, almost 31 years have passed since our great Nation became embroiled in the most terrible war in the history of mankind. During the early days of World War II, the loyalty of all Americans of Japanese ancestry—AJA—became suspect. Thousands were summarily incarcerated, generating among AJA's feelings of outrage and frustration that the land of their birth should treat them as enemy aliens, rather than as the loyal Americans that they actually were.

In time the Army allowed many of the young men an opportunity to prove their loyalty by forming a unit comprised solely of AJA's. This all-volunteer unit, which was designated as the 100th Infantry Battalion, went on to see heavy fighting action in Italy, France and Germany.

As a veteran of the 100th, I am honored and gratified to submit for the CONGRESSIONAL RECORD two articles concerning the 27th annual memorial service for the men of the 100th killed in action in Europe during World War II. On this occasion, Gen. William B. Rosson, commanding general, U.S. Army, Pacific, a man who fought alongside the 100th, praised the unit for its "gallantry, unyielding patriotism, and brilliant combat record," thus proving that they were "Americans first, last, and always."

The articles follow:

[From the Honolulu Star Bulletin, Sept. 25, 1972]

PACIFIC ARMY COMMANDER RECALLS 100TH'S BRAVERY

(By Beverly Creamer)

A man who fought next to the 100th Battalion first at Anzio, Italy, and then at Bruyeres, France, during World War II, yesterday praised the highly decorated Hawaii regiment for its "gallantry, unyielding discipline, inspiring patriotism and brilliant combat record."

Gen. W. B. Rosson, Pacific Army Commander, speaking at the 27th annual memorial services for men of the 100th killed in action in Europe during the war, said that the battalion was "an organization born of misunderstanding, nurtured by devotion to an ideal and remembered for service above and beyond the call of duty."

About 400 members of the 100th and their families attended the memorial services under a broiling morning sun in the National Memorial Cemetery of the Pacific at Punchbowl.

Just as the 264th U.S. Army Pacific Band struck up the chords of "America, the Beautiful," a few drops of rain sprinkled the ceremony from a cloud building over the mountains. A gust rustled brittle leaves on the pavement where the Club 100 members waited for the services to begin.

Rosson, who delivered the memorial address, was a 25-year-old lieutenant colonel in 1941 when he first heard of the 100th.

"As my division made its way inland from the beaches near Salerno, Italy, 29 years ago this month, word came to us of a remarkable unit that had received its baptism of fire near Salerno," he said.

"Although I was unaware at the time of its size and numerical designation, I recall rumors that the outfit was composed entirely of Americans of Japanese ancestry who displayed an almost fanatical determination to excel.

"As the weeks unfolded I was to hear much more of the 100th Infantry Battalion—of its heroism at the Rapido River and Cassino. Later, I was teamed with the battalion at Anzio, and was afforded opportunity to verify at first hand what I had heard."

Rosson said that the Hawaii battalion had a double challenge in World War II—to prove loyalty to a country that questioned its loyalty, and to demonstrate "that you were Americans first, last and always . . . Americans endowed with uncommon dedication."

Additionally, he said, the 100th was confronted with a "need to defend your honor."

This it did, and more, he said. In defending its own honor it brought honor to the country and even today, Rosson said, the men of the 100th "stand ready to march to the sound of the guns if our security is imperiled."

Kenneth K. Saruwatari served as Master of Ceremonies for the service and Hakaru Taoka, President of Club 100, gave a short address saying that the annual ceremonies are held on the Sunday preceding Sept. 29—the day the 100th Battalion entered combat.

Richard Ishimoto delivered a short address in Japanese; the Rev. Hiro Higuchi, former chaplain of the 442nd Regimental combat team, gave the invocation and the Rev. Yoshiaki Fujitani gave the benediction.

Men from the 100th Battalion, 442nd Infantry (USAR) formed the color guard as tourists looked on from the sidelines.

ROSSON PRAISES 100TH BATTALION AT MEMORIAL RITE

Gen. William B. Rosson, Pacific Army commander, had high praise for members of Club 100 at the club's 27th annual memorial service yesterday at the National Memorial Cemetery of the Pacific.

Rosson said he had first heard of the unit for which the club is named—the 100th Infantry Battalion—29 years ago when he was an infantry major fighting on the beaches near Salerno, Italy, during World War II.

He recalled hearing rumors of a unit "composed entirely of Americans of Japanese ancestory who displayed an almost fanatical determination to excel."

Later—at Anzio and again near Bruyeres, France—Rosson's unit fought alongside the famed Niseis, and "I was afforded an opportunity to verify at first hand what I had heard," Rosson said.

"That baptism of fire at Salerno found Sgt. Joseph Takata of Waialua at the cutting edge of our thrust against the German forces . . . a role the battalion as a whole was to play repeatedly from then until the war's end.

"His death by machine-gun fire that September day in 1943 memorialized him as the first member of the 100th to give his life for the values and convictions dearest to him. To Sergeant Takata and all of his fallen comrades we render this day our reverent gratitude and respect."

Rosson told his audience:

"You were called upon to manifest unstinting loyalty to a country that questioned your loyalty.

". . . The incomparable record of the 100th instilled within all Americans of Japanese ancestry a new sense of pride and identity, a desire to participate fully in the social, economic and political activities of the community and a well-defined zeal for accomplishment."

The four-star Pacific Army commander paid tribute to living members of the battalion who now occupy positions of "trust and leadership in all walks of life at local State and national levels."

TRIBUTE TO KAROL JASKOLSKI

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, it is with deep regret that I announce to my colleagues the passing, this week, of a truly great American, Mr. Karol Jaskolski of Massachusetts. Mr. Jaskolski was born in Poland and emigrated to this country in 1949. He was the personification of the Polish people who came to America after World War II and who brought with them the courage, history, and culture that have enriched our life and society. His remarkable career is a record of courage and constant achievement.

In Poland, Mr. Jaskolski held a master's degree in law. When World War II began, he was one of the legal advisors in the economic department in Poland's Chamber of Agriculture. He was also a company commander of the Polish Army. After the liberation of Poland by the British, he was the Polish liaison officer to the British Army of the Rhine. While in Germany, he was president of the Polish Falcona, a Polish athletic organization, and editor of the organization's magazine.

A year after coming to this country, Mr. Jaskolski became editor of the Polish Courier. He had arrived with no worldly goods, but through his hard work and talent became one of the outstanding journalists of New England. In 1963, he became publisher of the Gazeta Poloni—the Polish weekly—and until 1971 was a director and sponsor of the Polish Variety Hour on radio station WBOS. He became a strong voice for Polish people throughout New England, and his work in Polish veterans and cultural organizations touched the lives of many Americans.

His passing is the passing of a great man, and the people of New England have truly lost an outstanding leader.

COMPREHENSIVE FISHING LEGISLATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HARRINGTON. Mr. Speaker, today as the modern supertrawlers of Russia, Poland, Germany, and other nations, all bristling with the very newest equipment their governments can provide, fish the waters off our coasts, our own fishing boats, more than 60 percent of which were built before anyone had heard of sputnik, most without even sonar, almost all owned by small businessmen, attempt to keep their bows above water in the discouraging competition for a share of the fish harvest, ever scarcer, ever harder to find.

The plight of our fishermen is desperate. In the city of Gloucester alone, the number of crewmen has declined from 1,843 in 1950 to 642 by 1968. Were fishing a game, like Olympic hockey, then the professionalization of the opposition through government support would be merely irritating. But fishing is a livelihood for thousands of American men and their families. They deserve professional standing.

The industry is starving for the capital needed to modernize itself into a position of competitiveness. Most boats are owned by individuals. Processing plants are owned by small entrepreneurs. Loans for modernization of fishing vessels are dependent on insurance which companies will not issue at reasonable price to the aging fleet. Meanwhile flawlessly equipped foreign competitors continue to occupy the same harvest areas as U.S. fishermen. In 1960, 93 percent of the fish caught off the Continental Shelf were caught by New England fishermen. By 1965 that figure had plummeted to 35 percent.

This week I introduced a package of six bills to restore the U.S. fishing industry to its former level of economic strength and competitiveness. The first bill authorizes money for loans to vessel owners in order that they can bring their boats into accord with voluntary safety standards and increase their productivity. The second and third bills provide grants to fishermen and fishing cooperatives for the implementation of technological improvements within the industry and for the modification of vessels to encourage the harvesting of unexploited or underexploited species of fish. The fourth and fifth bills are for loans for the creation and operation of fishermen's cooperatives. The final bill grants those cooperatives the same tax-exempt status as farming cooperatives.

Most fishermen are small businessmen who cannot afford the large initial capital outlay necessary to modernize their boats. They must receive Federal assistance if they are to be able to prevent the other nations of the world from decimating our industry.

GREETING TO THE 11TH TRIENNIAL CONGRESS OF AMERICANS OF UKRAINIAN DESCENT FROM REPRESENTATIVE FRANK M. CLARK, 25TH DISTRICT OF PENNSYLVANIA

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CLARK. Mr. Speaker, through many centuries of oppression and persecution, the Ukrainian people have persevered with courage and tenacity in their determined resolve to be free. It is a privilege and pleasure for me to extend every good wish to the 11th Triennial Congress of Americans of Ukrainian Descent together with the assurance of my continuing support for the aspirations of the Ukrainian community. We live in a time in which the varied peoples who make up the common life of America are increasingly aware of their unique identity within the national scene. Americans of Ukrainian descent are especially conscious of this movement and a renewed emphasis upon their own distinctive cultural, historic, and religious heritage. No group has contributed more to the strengthening of America in those qualities so much needed in these troubled days—love of family and of home, loyalty to country, and devotion to God, the source of liberty.

May the spirit of your triennial gathering deepen the bonds which unite Ukrainian Americans—and all our citizens—in a common concern for the preservation of American freedom, and the restoration of independence to the Ukrainian people in their ancient homeland. In so doing, Ukrainian Americans will contribute immeasurably to the building of a world in which peace is firmly based upon justice, liberty, and dignity for all.

INTERNAL TERRORISM THREATENS THE U.S.A.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RARICK. Mr. Speaker, the American people are being conditioned to believe that the Nixon administration is concerned over the spread of terrorism throughout the world and its possible political effect on the coming elections.

I share the President's concern, Mr. Speaker, but I think he should devote more time to the terrorism that threatens to destroy this country from within, rather than dissipate his energies on other people's troubles.

After all, if steps are not taken to stop terrorism in this county there may come a time when there will be no elections—there will be no United States to represent the Western world's firm belief in constitutional government and individual liberty.

I insert related news articles in the RECORD at this point:

[From Evening Star and Daily News, Sept. 22, 1972]

TERRORISTS SPREAD WORRIES UNITED STATES

(By George Sherman)

The Nixon administration is deeply troubled and baffled by outspoken North Vietnamese support for the surge of Arab terrorism outside the Mideast.

Hanoi's statements have added to concern here that the Palestinians' next targets may well be American public figures, many of whom are especially exposed during the fall election season.

The intelligence community has sent a special assessment of the situation to the White House.

Security of President Nixon's chief foreign policy adviser, Henry A. Kissinger, who is Jewish and also chief architect of negotiating tactics with North Vietnam, is particularly worrisome, although the real details of his comings and goings are not as publicly known as those of cabinet officials.

U.S. officials say they have no concrete evidence that North Vietnam is training or arming Palestinian terrorists—who, so far, have struck only at Israelis. Late yesterday State Department spokesman Charles W. Bray III withdrew a charge that Hanoi is providing armed assistance to the terrorists. He had made the charge earlier in the day.

State Department sources explained that Bray had misspoken originally. According to these sources, the assistant secretary of state for Middle Eastern affairs, Joseph J. Sisco—also head of a committee to work out ways with other governments to combat the terrorists—had told Bray just prior to the noon press briefing that North Korea (not North Vietnam) was supplying weapons to the Arab terrorists.

When the spokesman was asked at that briefing about Hanoi's public endorsement of the Palestinian killings in Munich, he mistakingly stated that North Vietnam (instead of North Korea) was also providing "direct assistance" to the terrorists.

But Hanoi has been providing verbal, if not armed, support. On Sept. 12—a full week after the Munich killings—the Hanoi party daily, Nahn Dan, attributed responsibility for Munich to the United States and Israel.

"The recent Munich bloody incident, said an English-language broadcast over Hanoi, Radio that day, "once again laid bare the schemes of the U.S. and Israeli aggressors and the dark design of the Nixon administration and their flunkies to wreck peace under the hypocritical label of 'humanity and peace' . . ."

Hanoi claimed that the Munich murders were taken as a pretext for Israeli raids into Lebanon and Syria to suppress "the Palestinian resistance movement." These endorsements alone are evidence of "appalling intervention" by the North Vietnamese the State Department said, commenting that Hanoi has practiced its own brand of terrorism in the south for years.

Behind the scenes there is suspicion not yet backed by proof, a more active Vietnamese communist involvement in the new Arab terrorist campaign. The Pentagon is investigating reports from Scotland Yard sources that tiny "teabag" explosives in the letter which killed the Israeli agricultural attache this week in London were American-made anti-personnel devices of the type used to seed the Ho Chi Minh trail.

Sources speculated a U.S. arsenal might have been seized in South Vietnam.

Similar bombs, mailed from the Netherlands, have been received over the past two days by Israeli diplomats in many world cities, including New York. To date, there is no evidence of Arab terror against Americans in the United States, however.

Hanoi-watchers here are at a loss to understand the reasons for the blatant verbal support Hanoi gave to the Munich killings, a time when Hanoi is courting public opinion in Western Europe and the United States.

TERRORISTS GLORIFIED

Some knowledgable sources see a dramatic example of a ¼ narrow "revolutionary" mentality. Since Yassir Arafat, leader of the Fatah Palestinian Liberation Movement visited Hanoi in April 1970, Hanoi has glorified the terrorists as "comrades-in-arms" in the battle against the imperialists.

Hanoi's words after Munich contrast with what either Moscow or Peking did.

Soviet president Nikolai Podgorny, speaking 10 days after the Munich killings said that "naturally, we cannot look with favor on the actions of certain elements who harm the Palestinian movement."

Several days earlier, the Chinese ambassador to the United Nations Huang Hua, said, according to the official New China News Agency, that "the occurrence of the Olympic incident is unfortunate."

In the view of experts here, Hanoi's rejection of the moderation in Moscow and Peking reflects distaste for the way its two giant allies have begun dealing with the United States.

The possibility of more practical consequences of this Hanoi line is under scrutiny. One theory is that Hanoi is trying to stimulate the Arab revolutionary organizations to spead terror to the heart of "world imperialism"—the United States. So far, evidence is lacking.

The administration over the past two weeks has taken steps to counter possible Arab terrorism. A special committee under William B. Macomber, No. 3 man in the State Department, has been established to coordinate anti-terrorist intelligence among agencies throughout the United States.

Issuance of visas to Arab visitors and Arab students has been tightened—particularly for Palestinian students. Surveillance of Arab student clubs in urban centers such as Washington and New York has been added.

According to State Department figures, 9,000 Arab students reside in the U.S. They are some of the 25,000 visitors from Arab countries recorded last year.

American officials acknowledge that total security for public persons is impossible. A prospective terroist could easily hide among law-abiding Arab visitors, using fake identification papers so easily obtained in the Mideast.

The security strategy now is to rely on advance intelligence at home and abroad, and to concentrate on protection of potential targets in such public places as the United Nations and election rallies around the country.

[From the Morning Advocate, Sept. 27, 1972]

RNA Conviction Said "Revenge" by NAACP

Jackson, Miss.—An NAACP spokesman Tuesday termed the murder conviction of a Republic of New Africa member "revenge" by Hinds County officials and called on black jurors to "stop sending their own kind to prison."

Emmett Burns, field director of the NAACP, said the organization was "very much disturbed over the murder conviction and life sentence of Larry Jackson" in the fatal shooting of a Jackson policeman last August.

He said "Thomas Norman, identified as vice president of the RNA, has already been convicted of the alleged murder . . . and given a life sentence" and that Jackson should have been tried on a lesser charge.

"Just because Mississippi has a law that makes accessories equally guilty does not make that law right," he said. "I am especially critical of black jurors who need to wake up when serving on juries where black defendants are concerned.

"There is no need to have black jurors if they are going to automatically vote with the white folks. They must learn they can vote no for conviction. It is better to hang the jury than hang the man."

[From the Atlantic Constitution, Sept. 30, 1972]

Grand Jury Indicts Bombing Suspects

Cleveland.—Two young men were indicted by a federal grand jury here in connection with three bombings last May that were an apparent protest to U.S. mining of Haiphong's harbors.

Richard Cocke, 21, of Napoleon, Ohio, and Charles Hoag, 21, Tontogany, Ohio, were charged with destroying property owned or leased by the federal government and possession of unregistered destructive devices. Pipe bombs damaged the chemistry laboratory at Bowling Green State University, the Bowling Green Municipal Building and a National Guard truck parked outside an armory in Bowling Green.

[From the Atlanta Journal, Sept. 30, 1972]

Death of Atlanta Policeman Laid to Black Radical Group

(By Orville Gaines)

Atlanta Patrolman James Richard Greene was executed last Nov. 3 by two members of the Black Liberation Army to prove their worth as members of that militant organization, police have been told.

Homicide Detective Lt. Louis Graham described the Black Liberation Army as an offshoot of the Black Panther party.

Based on information received by Atlanta police and the FBI, murder indictments will be sought before the Fulton County Grand Jury, possibly next Tuesday, against two persons identified by Lt. Graham as Twyman Myers, about 22, and Freddie Hilton, about 20.

The lieutenant said Myers is now under indictment in New York City for the attempted murder of 10 police officers.

Both persons expected to be named in the indictment here are still at large.

Lt. Graham and Detective D. V. Lee flew to Miami last Wednesday and obtained 8½ pages of information about the Black Liberation Army and the slaying of Patrolman Greene.

The 27-year-old officer was found dead with three gunshot wounds last Nov. 3 in a police paddy wagon parked at a service station at Boulevard and Memorial Drive SE. His equipment, including his badge and service revolver, had been taken.

Lt. Graham said he and Detective Lee obtained the statement from 19-year-old Samuel Cooper, who was arrested in Miami and listed as one of five persons wanted in the Oct. 7, 1971, holdup of the Fulton National Bank branch at 335 Peters St. SW.

Cooper was named in a complaint concerning the holdup issued by a U.S. magistrate and was one of 10 persons who escaped from the DeKalb County Jail the weekend of Dec. 11–12.

In his statement to Lt. Graham and Detective Lee, Cooper related that both Myers and Milton had fallen into disfavor with leaders of the Black Liberation Army and were about to be kicked out of the organization as security risks.

"We were told that these men shot and killed the officer to prove their value to that militant organization," Lt. Graham said.

After the killing, the two men drove back to a Fayetteville Road SE address, where they ran into the residence jumping and shouting, "We did it, we did it," Cooper told Lt. Graham and Detective Lee.

Lt. Graham said Cooper quoted the two men as giving this account of the shooting:

The two said they were riding around and noticed the officer sitting in a police truck parked at a service station. They said they walked up to the truck on the pretense of asking directions, and while the policeman was trying to help them, they both pulled guns and began firing at him.

The two gunmen then snatched the officer's badge from his shirt and also stole his service revolver and holster.

In his statement, Cooper also related that he and other members of the BLA arrived in Atlanta around Aug. 1, 1971, from New York City, where the police there were putting the "heat" on them.

Lt. Graham said Cooper told him that members of the BLA came here in groups of 10 and four for the purpose of buying some land somewhere "out in the country" to set up a headquarters for their organization.

In addition, he said they had mapped out plans to slip Eldridge Cleaver out of Algiers back into this country.

After arriving in Atlanta around Aug. 1, Lt. Graham and Detective Lee were told, members of the BLA stayed a few days in an Auburn Avenue motel and then rented a residence on Fayetteville Road.

"Cooper said they conducted classes in shooting, survival, first aid, training and map making, map reading by compasses and classes and instructions on different kinds of guns—both foreign and American," Lt. Graham stated.

The lieutenant said that Cooper's statement about the killing and the activities, including armed robberies in the Atlanta area, has been corroborated by information received by the FBI from another member of the BLA, presently under arrest in New York City.

According to Lt. Graham, Hilton was arrested and later released in connection with an investigation growing out of the shooting of a police officer in North Carolina last year.

The homicide lieutenant said that Greene's holster and service revolver were found in a lake in southwest Atlanta in May of 1972. The serial number on the gun had been filed off.

Cooper also told Lt. Graham that the last time he saw Patrolman Greene's revolver was when another member of the BLA was playing with it and saying, "The pigs in Atlanta sure have nice guns, don't they?"

"We have information coming in from both New York City and Philadelphia corroborating Coopers statement," the Lieutenant said.

"The people were not directly connected to the Black Panther party based here in Atlanta," Lt. Graham stated.

The lieutenant also praised members of the police department and the FBI, who spent "literally hundreds of hours" in investigating the slaying of Patrolman Greene. "When we started investigating a group of persons arrested in DeKalb County last Nov. 7, I knew that we were in the right ballfield, but I couldn't find the bases. We now have two people on two bases, and we're going to indict both of them for the murder of this officer," Lt. Graham said.

Lt. Graham at first was reluctant to release information about the trip to Miami, but after conferring with police Chief John Inman, went ahead and gave the story to a newsman.

THE BICYCLE BOOM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HALPERN. Mr. Speaker, on January 27, 1972 I introduced before the Congress a House joint resolution designating the week of May 1–7, 1972 as National Bikecology Week. This resolution authorized a Presidential proclamation calling upon the people of the United States to observe this event through various biking activities. As I pointed out then, this measure would grant formal recognition to the phenomenal upsurge in the bicycle's popularity. This new interest has been reflected in the sharp jump in bicycle purchases, the increase in cycling activities being sponsored by recreation groups across the country, and in the quite noticeable return to bicycling as a daily means of transportation.

This year more bikes than cars are being sold in this country, an estimated 10 million. On Long Island, efforts are under way to construct 50 miles of uninterrupted bicycle riding lanes throughout Suffolk and Nassau Counties.

Perhaps because I come from the city, I can appreciate the advantages of the bicycle all the more keenly. This motor vehicle is nonpolluting, provides an excellent means of exercise, and can move about more quickly than automobiles which are often trapped in rush-hour traffic along so many of our streets.

Two excellent articles which recently appeared in the Washington Post and the New York Times serve to emphasize these points. Donald Mullen, writing for the Post on September 3, describes several effects of the bicycle boom. One fact which he reveals is that "about half of the new bikes are sold to older teenagers or adults" who use them regularly for local transportation. The 10- and 12-speed touring bikes, which can cover up to 120 miles a day, cannot be produced quickly enough to keep up with the heavy demand for them.

Governmental and educational institutions are beginning to respond to the boom. State and city legislatures are mandating appropriations for bicycle pathways and parking areas on a regular, comprehensive basis. Several colleges and universities now have courses that require 500 miles of riding a semester with visits to the communities along the routes in order to study ecological and health problems. But regardless of whether one rides for educational purposes or for pure enjoyment, there is general agreement with the statement of one cyclist in the article that "the world looks a lot different at 15 miles per hour than it does at 50 or 60."

In the Times story of August 27, Michael Kaufman tells of two brothers who took a 900-mile bicyle trip through the southern tier of New York State and across Pennsylvania. For 16-year-old Walter Brooks and his brother Daniel, 14, of Middle Hope, N.Y., this was a change from their original plans. They had hoped to make a 1,500-mile journey west across the tier, up north to Buffalo, and then northeast into Montreal, Canada, along the St. Lawrence Seaway.

However, according to their present schedule, they average 100 miles daily while riding no more than 8 hours. They have kept their expenses down to less than $2 a day for each of them. Certainly this shows how inexpensive are the costs of traveling by bicycle and how great are its rewards when one can ride by the beautiful Finger Lakes on the western border of New York.

I am, therefore, submitting both of these articles for insertion in the RECORD in order to acknowledge the increase in popularity and use of the bicycle.

[From the Washington Post, Sept. 3, 1972]

THE BICYCLE BOOM: FROM EXECUTIVES TO JUNIOR HELL'S ANGELS

(By Donald E. Mullen)

In the heavy traffic of New York's Fifth Avenue a well dressed executive, striped tie fluttering over his shoulder and briefcase strapped on behind, weaves his 10-speed bike around cars and buses on his way to his downtown office.

In Long Beach, Calif., a little old lady in tennis shoes tools her three wheeler out of a shopping center, groceries piled in the back basket.

In Georgia, a bicycle club sets off to tour miles of special bike trails built with state and federal funds.

And in every community across the United States Junior Hell's Angels, astride their high-handle bar bikes, rip around their neighborhoods roaring vocal "hunnnn! hunnnn!" engine noises to break up quiet Sunday mornings.

What this all adds up to is a continuing bicycle boom in the country that is beginning to be heard by city, state and federal bureaucrats. The phenomenal rise in bicycle sales has generated a bicycle lobby that is demanding better breaks for cyclists—their own traffic lanes and trails, better security from theft, parking facilities, safety regulations, and a general admission that the auto is not automatically king of the road.

From an estimated 15 million bicycles in use in the United States 10 years ago, the two-wheelers have grown to an estimated 75 million in use today. Sales of domestic and imported bikes hit 8.9 million in 1971 and according to the Bicycle Manufacturers Association, are expected to reach 10.5 million this year—roughly the same volume as new cars.

One of the most surprising statistics in bicycle sales is the fact that about half the new bikes are sold to older teen-agers or adults.

Or, as a Dallas bike shop owner put it: "Young couples who used to buy a sporty car now buy a VW and two bikes."

The ironic thing about the rise of the "bike freaks" with their touring clubs, lobbyist associations, environmental and health groups, is it's history come full circle.

The original U.S. bicycle craze lasted from about 1880 to 1910. Huge cyclist clubs were the first to lobby successfully for decent roads. Soaring bicycle sales brought mechanical improvements which helped spark new tools and machines for the development of the newborn auto.

And when Henry Ford began mass producing his little Model-T, the bicycle went into a 60-year decline. Now it has come back and cyclists again want their share of the road.

Today's bicycle is a far cry from the clincher-tire model grandpa rode. There are models for practically every age group—from tiny bikes braced up with training wheels for toddling two year olds, to the three-wheelers popular among the senior set in retirement communities.

But, according to a UPI survey across the country, the most popular—and scarce—models are the 10 and 12-speed touring bikes, with their light frames, skinny wheels and low handlebars.

These greyhounds of the cycling world can eat up to 120 miles of a road a day, their multiple gears allowing high speeds on downhill runs and low-gear peddling on the up hills.

Demand for them has grown so heavy that many dealers complain they're losing money because manufacturers aren't turning them out fast enough.

Said one Boise, Idaho, dealer of the multi-speed bikes: "They're like mail order brides—they're spoken for before they arrive."

Added a dealer from San Diego: "When I get a shipment of bikes in, they're gone in two days. I even had one guy who saw them unloading a crate of bikes at the dock and followed the truck to my shop just to be sure of getting one."

From weekend leisurely cyclists, from those who ride to work daily, and from dedicated bike tourists comes the cry for bike lanes and trails.

The response across the country is still mostly on paper, but it's evident that city and state governments are listening and, in many cases, have begun providing or planning commuting and touring routes.

In Oregon, the "bicycle bill" passed last year by the state legislature directed the state to spend one cent per dollar of its highway money to build bicycle trails.

California is considering a plan that would incorporate pedestrian and bicycle pathways in the state's vast highway system.

Chicago has just added 50 more miles to its network of bike ways, and Washington, D.C., is considering regulations that would require downtown building owners to provide safe parking facilities for cycling commuters.

Bicycle groups also have convinced state and city authorities to close off streets and highways on certain days for special tours.

Colleges and universities also are picking up on the bicycle boom, with special courses such as at Baltimore's Essex Community College, which requires students to ride over selected routes throughout Maryland, camping along the way and studying areas of ecological concern, as well as community health problems. Students in the bicycling class at California State University in Sacramento ride 500 miles during an 18-week course.

Much of the back-to-the-bicycle movement is generated by environmentalists who claim those gas-eating monsters jamming the highways are doing everything from poisoning the atmosphere to rapidly diminishing the earth's natural resources.

Don Burman, of Austin, Tex., both an ardent bicyclist and member of the conservationist Sierra Club, sums it up in 10 words: "They don't have motor fumes. They don't use fossil fuels."

But for a large majority of persons, the rediscovery of the bicycle means a weekend ride down secondary and back roads, pedaling in their neighborhoods for pleasure or shopping, taking their chances with traffic and seeing some country.

"The world looks a lot different at 15 miles per hour than it does at 50 or 60 miles per hour," said a Houston, Tex., enthusiast.

Others are discovering an older facet of America. Buffalo Evening News reporter Richard J. Burke loaded camping gear aboard his five-speed British bike and toured the small communities and hamlets of Western New York State.

The bike boom also has generated a rise in thiefs. Although there are no national figures available, bicycle thievery amounts to millions of dollars.

In California alone, police estimate the 1971 value of bikes stolen at $22.3 million.

With the resale value of a good multispeed bicycle figured at $70 and up, theft rings are growing, police say. One popular method is to use vans, dropping off youths at shopping centers and busy spots to "rip off" unattended bikes and then meet the van at a prearranged spot.

In many cities youths steal bolt cutters from fire trucks. Such tools can cut through steel cable and chain bike locks.

Bicycle thefts are so prevalent in New York City that some youths have resorted to assembling "trash bikes"—old, beat up machines with water pipe handlebars and rusty frames.

"Who'd want to steal one of these?" said the owner of one.

[From the New York Times, Aug. 27, 1972]

Two Young Bicyclists Spending Summer on a 900-Mile Adventure on Wheels

(By Michael T. Kaufman)

Walter and Daniel Brooks set off on bicycles last Monday from their home in Middle Hope, N.Y., a suburb of Newburg, for a summer adventure they have been planning since spring.

They left with $34 each, a Sterno stove, sleeping bags and the best wishes of their parents. They each rode new $180 Italian racing bicycles that they had purchased for the trip with money earned by picking cherries at a neighbor's orchard at $1 a bushel.

Walter, who is 16 years old, and Daniel, 14, had been studying maps since last April, intending to travel all along the Southern Tier of the state, swinging up to Buffalo, then into Canada and up the St. Lawrence to Montreal. From there they thought they would head down the Adirondacks and back to Middle Hope.

The entire trip, they estimated, would take two weeks and cover 1,500 miles. It was to be the first long bicycle trip.

Their friends in Middle Hope thought they were crazy. They wished them luck, but they were betting that the Brooks boys would be home within a few days.

By Wednesday, the brothers began to think they were crazy.

They were heading up toward the Finger Lakes on an 80-mile detour. It was mostly uphill, and the wind was going against them. A cotter pin in Daniel's bike lossened. For the first time, after 250 miles, they had to walk their bikes.

They set up camp in a field off a two-lane highway, cooked spaghetti on their stove and stretched out in their sleeping bags. Then Walter heard something snorting. The boys looked up and four or five feet away, behind a flimsy wire fence, they saw a bull pawing the ground and glaring at them.

"I guess it was just about then," said Walter, "that we decided to reconsider our situation."

"We realized that the bikes stages of about 100 miles or so would probably not be able to make it all the way to Canada and back," said Daniel, adding: "To be honest, if those hills continued, we weren't sure that we could make it either."

So the boys altered their original route and improvised another, stretching only 900 miles. By Friday they were in Friendship, a tiny dairying hamlet in southwestern New York, which, with side trips, is about 400 miles from their starting point.

The brothers said they were heading next into Pennsylvania, where they would camp at the Allegheny National Forest. Then in daily so, they will cut back east virtually across the width of Pennsylvania, through Scranton and Wilkes-Barre, where they want to inspect the flood damage and help out, if they can, with rebuilding.

Then they will head back home so that Daniel, who, though younger, is an inch taller and nine pounds heavier than his 5-foot 6-inch, 139-pound brother, can start practice with the Marlboro Regional High School football team.

The boys have developed a rhythmic pattern of riding that they say is quite comfortable. They ride for no more than eight hours a day, never going more than four hours before taking a swim or a snack break. Still, they have gone as far as 120 miles in a day and not once have they traveled less than 50 miles.

They have been as frugal with their money as they have been expansive with their energies. As they near the midway point of their excursion, Danny has $21 left while Walter has $25.

"It really doesn't cost very much to have a good time," explained Walter. "We usually stop for breakfast, eating eggs and coffee or hot chocolate, and that costs about $1 each." For lunch the boys get a loaf of bread and some jam or cold cuts and supper is a can of spaghetti or hash.

"We've already seen some amazing things," reported Daniel, "a golden eagle flying lazily over a stream near Deposit and dozens of deer."

He said he thought the most beautiful sight was the view of the Finger Lakes stretching out in front of them as they passed over the crest of a hill near Tyrone. The most disgusting, both boys agreed, was the trail of dead racoons, rabbits, squirrel and even foxes lying on the side of the road, killed in traffic.

"From a bicycle you can really see the land, the way the glaciers shoved the rocks and the lowering of the mountains," said Walter, who hopes to become a doctor.

"I would rather do it on a bicycle than even on a motorcycle," he said. "It's more challenging and maybe because of that it is much more rewarding."

IN PRAISE OF CHARLES STEWART MOTT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RIEGLE. Mr. Speaker, one of the most distinguished American philanthropists is being honored tomorrow by the Michigan Hospital Association. I would like to take this opportunity to give national recognition of Charles Stewart Mott, Sr., of Flint, Mich., for his outstanding contribution to human services.

As founder of the Mott Foundation, one of the five largest in the United States, Charles Stewart Mott has carried out his philosophy that human values have highest priority. Since 1926, the Mott Foundation has actively supported many service organizations in Flint, including the United Fund, Lions, Rotary, and Kiwanis. The innovative community schools program in Flint, enabling children and adults to take advantage of recreational and educational opportunities beyond regular school hours, received its greatest spiritual and financial support from Mr. Mott and his foundation.

In addition, Mott has sponsored the establishment of Genesee County Community College and a branch of the University of Michigan in Flint. In the area of health, Mott's efforts have been exemplary. His main projects include the Children's Health Center in Flint, the C. S. Mott Children's Hospital in Ann Arbor, presentation of scholarship grants for development of health personnel in Michigan's Upper Peninsula, and a Wayne State University Reproductive Biology Center in Detroit.

I invite the Congress and the people of the United States to join the Michigan Hospital Association and myself in paying tribute to one of America's finest citizens, Charles Stewart Mott.

A SOUND, RESPONSIBLE FLOOD CONTROL PROGRAM

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BLATNIK. Mr. Speaker, I wish to commend all the Members of the Public Works Subcommittee on Rivers and Harbors, and most particularly its extremely able chairman, Ray Roberts, for the outstanding work that went into the Omnibus Rivers and Harbors and Flood Control Act of 1972, which passed the House yesterday by voice vote.

Mr. Speaker, as chairman of the full committee I can personally attest to the exceptional attention to detail, the many months of hard work by the subcommittee, which has made this one of the most thorough and responsible flood control bills I have seen in my 26 years in Congress.

The hearings were among the best-run I have witnessed. They were fair, open, and each witness was treated with the utmost courtesy and respect.

The Members did their homework, faithfully attended the hearings and executive sessions, and the resulting legislation lays out good, sound projects which are a credit to the committee and the Congress.

Mr. Speaker, I commend the subcommittee and its chairman, Ray Roberts, for giving to the House and the Nation a bill which, in the midst of so much controversy over so many other issues, was accepted by the House by a voice vote.

CERTIFICATES OF MERIT TO TWO TOPEKA YOUTHS

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ROY. Mr. Speaker, this evening I am very honored to present the Red Cross Certificate of Merit to two young gentlemen of my district. This certificate of merit is the most honorable award presented to a person who saves a life by applying first aid, small craft or water safety skills taught by the Red Cross. The awards will be received by: David Potter, son of Mr. and Mrs. Elliot H. Potter, Topeka, Kans., and James Murray, son of Mr. and Mrs. Donald E. Murray, Topeka, Kans. As the Representative of the Second Kansas District, I am particularly proud of these young Explorers. They are not only a credit to their families and community but also to the Explorer Post of the Kansas Capital Area. Both Jim and Dave exemplified community consciousness and concise application of their knowledge and training. I would hope that these actions are a sample of and an example to the entire Explorer membership.

In November of 1969, the Explorer Post was approved by the executive committee of the Kansas Capital Area Chapter of the American Red Cross.

The Post was originally organized to explore various aspects of safety. But as time passed, the Post became more involved in disaster work which necessitated all members to be trained in first aid. All members fulfill this minimum requirement and many members obtain instructors authorization. Those who are authorized teach first-aid classes for their individual chapter while the unauthorized members act as instructor aides in a class. In addition to this training, 10 of the members of the post have paramedical training from the Kansas University Medical Center.

There also exists a representative group which is available in time of disaster to man the first-aid stations. The first-aid stations manned by the Explorer Post were very active this summer. During this period the post served a minimum of two such stations a week. The largest operation was the series of stations at Lake Perry. It was at Lake Perry that Dave and Jim were involved in saving lives over the Memorial Day weekend.

Clearly, with this record, the Explorer Post of the Kansas Capital Area can be considered one of the best in the Nation.

Again, I congratulate these fine young gentlemen for their actions and awards.

Mr. Speaker, I insert in the RECORD the citations to James Murray and David Potter. The citations follow:

CITATION TO JAMES MURRAY, FOR SELFLESS AND HUMANE ACTION IN SAVING THE LIFE OF AN AUTOMOBILE ACCIDENT VICTIM

On May 29, 1972 seventeen-year-old James, who had been trained in Red Cross first aid, went to the scene of an automobile accident. The driver was on top of the trunk of his wrecked car and was not breathing. Without hesitation, James immediately gave mouth-to-mouth resuscitation until the victim began breathing for himself. He stopped breathing twice after this and each time James gave artificial respiration and restored his breathing. The victim was taken to a hospital and later released, fully recovered. There is no doubt that James Murray's correct first aid procedures saved the victim's life.

For this act of mercy Mr. Murray has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The Certificate bears the signatures of President Nixon, Honorary Chairman, and E. Roland Harriman, Chairman of the American Red Cross.

This action exemplifies the highest ideal of the concern of one human being for another who is in distress.

CITATION TO DAVID POTTER, FOR SELFLESS AND HUMANE ACTION IN HELPING TO SAVE THE LIFE OF A WATER ACCIDENT VICTIM

On May 28, 1972 David, a 17-year-old who has been trained in Red Cross first aid, was a volunteer at a First Aid Station on Lake Perry on the Memorial Day weekend. Four swimmers brought in a man who had gone down in deep water, and was unconscious and not breathing. David waded to the victim, immediately began mouth-to-mouth resuscitation in the water, and continued artificial respiration when the beach was reached. He successfully maintained an open airway and went in an ambulance with the victim to a hospital. The man ultimately was released as fully recovered. There is no doubt that David's first aid knowledge and skill saved the man's life.

For this act of mercy Mr. Potter has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The Certificate bears the signatures of President Nixon, Honorary Chairman, and E. Roland Harriman, Chairman of the American Red Cross.

This action exemplifies the highest ideal of the concern of one human being for another who is in distress.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

JONATHAN, MINN., DEVELOPER STRESSES NEW TOWN BENEFITS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. NELSEN. Mr. Speaker, Henry McKnight, of Minneapolis, Minn., gave a presentation before the Republican National Platform Committee recently on the subject of new community development.

Mr. McKnight, of course, speaks with considerable authority as prime mover of two new towns which are attracting national and international attention as model developments.

His stature in the field has been instrumental in bringing together developers from throughout the Nation in formation of the League of New Community Developers. He presently serves as vice chairman of the group.

I am delighted to introduce his remarks in the CONGRESSIONAL RECORD for the benefit of others in the Nation who are interested in this important field, which is so important to the establishment of a sound national growth policy.

The remarks follow:

REMARKS OF HENRY T. MCKNIGHT

My name is Henry McKnight, and I'm from Minneapolis, Minn. I am vice chairman of the League of New Community Developers. Accompanying me are Robert Honts, chairman of our Governmental Affairs Committee, and Mark Freeman, executive director of the League.

Our organization was formed this year to stress the importance of new towns as an integral element of a national growth policy, and to work for the continuation and expansion of this vital experiment in solving America's urban problems.

As one who has served in public life myself as a Minnesota state senator, attended a number of Republican national conventions as delegate and visitor, and, like you, has spent many long hours drafting party policy, I want to commend you for the service you are performing and thank you for this opportunity to appear.

My purpose is to urge inclusion in the 1972 Republican National Platform of a strong and incisive statement on national growth policy, and to encourage the strengthening and expansion of new community development as a part of that policy.

INTRODUCTION

The creation of new towns and cities, both private and publicly assisted, is clearly emerging as a major social and economic thrust of the 1970's. This is comparable to the growth of consumer-oriented industries in the '50's and the growth of the aerospace industry in the '60's. As a result of recent legislation (particularly the guarantee assistance program of Title VII of the 1970 Housing and Urban Development Act) the development of new communities in accelerating. And it is being met by increasing public interest and support.

ACHIEVING NATIONAL GOALS

This trend to new communities is consistent with and contributes to achievement of a number of national goals.

1. It is an important answer to the need for new housing for our growing population.

2. It aids in the development of rural

areas and redevelopment of deteriorating core cities, and thus is a factor in correcting population imbalances.

3. It makes possible the achievement of racially balanced communities through private effort and cooperation without the need for any sort of public coercion.

4. By providing substantial numbers of low and moderate income housing it will achieve communities able to serve a wide range of economic groups.

5. It develops innovative living systems and, in fact, new environment-oriented life styles.

6. It offers opportunities for new technological advances, including utilization of skills and resources of the aerospace industry directed toward the broadening field of "people moving."

7. It presents an alternative to unhealthy urban sprawl and patchwork development, and in so doing produces favorable impact on the environment and on the tax base of surrounding jurisdictions.

8. It provides a major counter-inflationary force by redirecting existing private capital into long-term efficient development, as contrasted with the traditional "New Deal" approach of pumping new funds into the economic bloodstream.

9. The program is carried out at virtually no cost to the taxpayers.

10. Indeed, it promises to produce significant revenue for the Treasury, since the developer pays a substantial fee for the use of Federal credit under a guarantee program through which developers arrange their own long-term private financing.

11. It offers a remarkable new method of accomplishing large scale development through the private marketplace and through the use of contractual undertakings, opening up—for the first time—an entire new financing opportunity for local developers in a private market which heretofore was closed to them.

12. In return, specified contractual commitments assure the highest level of comprehensive planning, good environmental controls and the fulfillment of social and economic objectives.

In short, the New Communities Program, and the accelerating wave of new town development, stand as very Republican efforts, based upon sound principles of free enterprise and private-public partnership, and it has automatic appeal to the conservation-minded, the environmentalists, the developers and builders, to manufacturers and service industries, to the financial community.

But most importantly, it has appeal for people, because it spells a new way of living, incorporating all the benefits society and technology can provide. The dream of a "good life" can become reality in a new town.

New communities are only one element in a total urban strategy. However, they do offer an alternative in the struggle to save the central city and contain metropolitan sprawl. New towns can do this because they are planned on a large enough scale to provide housing, employment, and a system of integrated facilities and services—all within a self-contained environment.

Metropolitan sprawl is both ugly and wasteful. It has overwhelmed our ability to provide services on an effective and economical basis. It has made economic and social integration virtually impossible to achieve. It has destroyed our landscape and threatens our ecological balance. Scattered and unplanned development has made our suburbs into a mammoth non-system of non-community living where nothing relates to anything. It is obvious to us there is a better way to guide urban growth and development in this country.

Planned new towns are as old as America itself. The first settlements in Virginia, Massachusetts, and Pennsylvania were totally planned, and with each wave of westward expansion, the process of creating planning living environments has been duplicated. Now we are on a new frontier of metropolitan growth, and it is time to develop institutions to do what our forefathers knew was necessary—plan for growth.

No one understands this better than President Nixon. He moved quickly to organize his Administration so that the formulation and implementation of domestic policy could take place at the highest levels of government. The creation of the Domestic Council, the Office of Management and Budget, and the Federal Regional Councils clearly indicate that the President has no intention of leaving the guidance of domestic affairs to chance. Leadership at this level is critical, for unless we plan for the future of America, we will continue to record the same dreary and disheartening statistics that have rolled in decade after decade. For in fact:

The center city continues to lose its more substantial population and economic base to its suburbs.

Population movement is still attracted to the largest metropolitan areas.

Growth rates lag in smaller cities and towns.

The Black exodus from the South continues. Twelve percent of those residing in metropolitan areas are Black and central cities are now 28 percent Black.

White flight to the suburbs has accelerated.

Rural America's population continues its decline.

By 1990, 75 million more people will be added to our population. Most will reside in our already overwhelmed metropolitan areas.

ACIR REPORT

In its 13th annual report, the U.S. Advisory Commission on Intergovernmental Relations states only too well the situation as it exists in our urban areas:

"The basic causes of cleavage in our social and govermental system can be found in metropolitan areas that are fragmented in all but a few instances; in growing fiscal, social and racial disparities among the local jurisdictions in these areas; in widening population, economic and opportunity gaps between urban and rural America; in growing but uneven State involvement in local and sub-state regional affairs despite an increasing need for more direct State leadership and fiscal commitment to a range of local and areawide jurisdictional and servicing goals; in a multiplication of Federal assistance programs with a parallel proliferation of management difficulties; in the continuing ambivalence of the Federal Government on the question of what its real role is in our nation's metropolitan areas; and in the prospect of a future population growth that is mostly slated for existing metropolitan areas. These are the real challenges to statesmanship at all levels and these are the critical conditions upon . . . (which) . . . the fate of American federalism depends."

The report's blunt language is very much to the point: The problems we face are bad and growing worse. There will reach a point in many of our cities when in spite of most heroic efforts, these trends will be irreversible.

HOUSING ACTS OF 1968, 1970

In the Housing Acts of 1968 and 1970, Congress made a substantial breakthrough in an effort to develop a meaningful urban growth policy, to launch a major new towns program, and to provide communities with effective tools to control and rationalize their growth.

The "new towns" portion of these Acts grew out of a study by the National Commission on Urban Growth Policy. That body was composed of congressmen, senators, governors, and mayors concerned with creating a better urban environment. Entitled "The New City," the report's foreword was written by Vice President Agnew. It called for the formulation of a national urban growth policy and the creation, by the end of the century, of one hundred towns averaging at least one hundred thousand in population, and ten new cities of at least one million population. Although this is an ambitious program, the report pointed out that the twenty million people who would be served by the new towns represented only twenty percent of the nation's expected growth over the next three decades.

Congressional response to the Commission's recommendations was swift and decisive. The 1970 Act guarantees the financing of new communities which meet rigorous federal standards of social and economic feasibility and gives special aid for installing those public services which are critical to a new community's success. Key Republican amendments set the tone for the bill as passed by the Congress.

An important part of the 1970 Act provides for guarantees and loans to private developers. This feature effectively triggers the use of private money in the development and redevelopment of an urban area. We feel this provision can weld a strong partnership between government and private industry. Federal standards established under the Act protect the public interest; private funding encouraged and protected under the Act effectively taps private money sources.

Twelve new communities across the country have been assisted under the 1968 and 1970 Housing Acts. We think that the number must be much greater if new communities are to succeed in making a truly significant contribution to a better national urban environment.

Several of our metropolitan areas have "paired cities"—new towns-in-town and nearby satellite cities, presenting a viable alternative to urban sprawl and downtown deterioration. Cedar-Riverside in Minneapolis, Fort Lincoln in Washington, D.C., and New Orleans East, are three excellent projects that will have substantial positive benefits in center-city revitalization. San Antonio Ranch, Park Forest South near Chicago, and my own project, Jonathan, near Minneapolis, are effective alternatives to haphazard suburban growth.

The 1970 Act also encourages innovation in all aspects of new community development, including:

Achievement of racially integrated communities, attracting, at the outset, those of all races who want to be part of a vigorous mix of people.

Development of industrial parks as part of the overall community plan, providing job opportunities as well as homes and recreational facilities.

Development of advanced housing construction techniques, bringing a choice of housing opportunities within the economic reach of all.

Development of sophisticated communications systems to be used in conjunction with education, health, fire and police systems.

Meshing of large-scale investments utilizing private and public funds through a partnership approach.

Development of fully planned transportation systems, avoiding the traffic strangulation which besets so many cities.

Rational integration of regional facilities such as hospitals and universities, to provide higher quality at less total cost.

Development of advanced sanitary and solid waste disposal systems.

Development of health, educational, religious and cultural programs and facilities which combine to enhance quality of life.

Most importantly, a community is planned on a total basis, and that plan is implemented with full awareness of the need to relate all urban functions with one another.

The development of new communities ties

together the basic elements that can be a major tool in dealing with urban development—public policy formulation coupled with private sector financing and management expertise. That management expertise is urgently needed, and the new community program provides for it.

As we rapidly approach the 21st Century, we must face up to the question of national growth. Either we are going to guide the process of urbanization or we can expect to be increasingly frustrated by the crises surrounding us. Can we control urban growth? Can we create a truly integrated society? Can we use our land more intelligently, while preserving the environment? The answer to all of these questions is *yes*—if we want badly enough to turn our rhetoric into reality.

The League of New Community Developers urges the Republican Party meeting in Convention to adopt a strong comprehensive statement in support of an urban growth policy which recognizes the concerns, and the opportunities, I have advanced here today.

We ask that you support new communities development as a major program in the implementation of such a growth policy.

Specifically, I urge you to call for:

1. Developing a definitive 25-year national growth policy to take America into the 21st Century.
2. Reinforcing the 1970 Housing Act, through establishment of priorities and provision of funds, particularly providing increased staffing of the Office of New Community Development at HUD for the administration of the guarantee assistance program.
3. Reaffirmation and support of the objective of the National Committee on Urban Growth Policy to create 100 new communities under the existing Act.
4. Providing incentives to state and local governments to assist in development of new communities.

With the backing of this convention, and support of the President a strong force of private developers, industrialists, financiers and builders stands ready to build the new America to meet the needs of coming generations.

Thank you for this opportunity to testify, and for your consideration.

HON. THOMAS M. PELLY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. RHODES. Mr. Speaker, I am pleased to join in this tribute to our distinguished colleague, the Honorable THOMAS M. PELLY, on the eve of his retirement from the House of Representatives after 20 years of outstanding service.

TOM PELLY has served with integrity, wisdom, and untiring dedication during his long tenure of office, and our Nation, the State of Washington, and the people of his district have benefited greatly by his noteworthy legislative achievements, particularly in the scope of conservation, the maritime, and fisheries.

TOM and Mary PELLY are very good friends of Betty and JOHN RHODES. We came into the Congress at the same time. We have thoroughly enjoyed knowing them, and we intend to preserve and enlarge this friendship through the years even though the Pellys will no longer be in Washington. Our best wishes are with them for every happiness and fulfillment in the coming years.

GOVERNMENT OVERREGULATION IS BAD FOR BUSINESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. COLLINS of Texas. Mr. Speaker, the Government bureaucracy is growing at a tremendous pace. Twenty years ago, one person in every eight was a government worker. Today one out of every six persons works for government in some capacity. For businessmen, this has meant lost time, lower profits, higher taxes, reduced competitiveness abroad, and a growing sense of frustration.

When we hear the nation's problems discussed today there are numerous references to big business. Too little attention is given to the problems caused by big bureaucracy. Big business produces automobiles, homes, clothing, food products. Big bureaucracy produces regulation, directives, redtape, reports, and forms. And more forms. And more paperwork.

A team at the National Archives has already counted over 700,000 different Federal forms currently in use. They estimate a total of well over a million before they finish counting.

In May of this year, the Senate Subcommittee on Government Regulations determined that "it cost all branches of government $18 billion a year to print, shuffle, and store all the forms it requires to be filled out. Another $18 billion a year is paid out by small businessmen to fill out those forms." A publishing firm, Prentice Hall Inc., estimated back in 1964, that the cost to business of filling out forms was $50 billion a year if you add in the time and duplication involved in Federal and State tax reporting.

Mr. Speaker, according to the General Services Administration, it takes four and a half million cubic feet of space just to file the Federal records generated in 1 year. That is the equivalent of 10 billion pieces of standard 8 x 10½-inch office typing paper.

The Senate subcommittee during its hearings on Federal paperwork received a letter from a New Hampshire grocery store operator who declared he has to fill out 19 separate forms on each new employee he hires. An administrator of a small hospital in Massachusetts wrote that her small staff had to deal regularly with 23 different Federal and State agencies.

The Associated General Contractors of America testified before Congress that 40 percent of its annual $11.5 billion overhead in the construction industry is the result of paperwork. That amounts to approximately 4.5 billion dollars a year and yet Americans wonder why construction costs have gone so high.

Mr. Speaker, we in Congress should not merely look for ways to cut down on the amount of paperwork itself. Instead, we should concentrate on removing the restrictive Federal regulatory policies which this paperwork concerns. Every businessman in my district can tell you a personal experience about his confrontation with an overzealous bureaucrat. Here is a letter I received from a Texas businessman that points up just how ridiculuous some of these directives can be. It is dated March 24, 1972 from a national meat company to a container company in Fort Worth.

> GENTLEMEN: Approximately February 1, 1971, U.S. Department of Agriculture Regulations, Section 312.2—regarding official U.S. Inspection legends—were changed.
>
> The change involved the three periods in the legend (one after U, one after S, and one after EST). The rule previously designated that square periods be used. The early 1971 change indicated that round periods should be used.
>
> It has come to our attention that we still receive some shipping containers imprinted with U.S. inspection legends containing square periods.
>
> Please follow to see that on any replacement inspection legend printing dies you have them with round periods rather than square.
>
> Thank you.

Apparently a bureaucrat can write a regulation about anything, regardless of how insignificant it may appear to others. This fact seems to be borne out by the size of the Federal Register which prints the regulations promulgated by the numerous regulatory agencies which directly affect business and industry. A recent article in Industry Week magazine points out that in 1971, the Federal Register ran to 25,497 pages. It was further noted that the Encyclopedia Britannica contains only 28,715 pages.

We are reaching the point that every time a businessman tries to make a move to hire a new employee, develop a new product, market a new product, expand his plant, move into a new city, merge with another company, negotiate a labor contract, ship his goods, or raise new capital he is confronted by a regulation that says he cannot do it unless a Federal agency approves. I would like to review for my colleagues some of the problems businessmen face daily in trying to deal with these Federal agencies.

INTERSTATE COMMERCE COMMISSION

The railroads face stiff competition from water and truck carriers to stay competitive. Southern Railroad invested $13 million in 500 special hopper cars to carry grain to the South. These new cars would mean a 60 percent reduction in rates for Southern's customers. However, it took 4 years of litigation before the ICC and eventually the Supreme Court finally put the new lower rates in effect. The ICC was set up 85 years ago on the theory that government regulations were superior to free enterprise in determining the rates railroads could charge.

FEDERAL POWER COMMISSION

Natural gas provides almost half of all the energy for U.S. industry and heats and cools more homes than any other fuel. In 1954, the Supreme Court gave the FPC the right to regulate the price of natural gas to be sold interstate. The highest price at which gas can be sold by a producer in my home State of Texas to an interstate pipeline going north is 26 cents per McF—thousand cubic feet. However, the FPC cannot regulate intrastate gas sales, so a producer in Beaumont can sell to a power company in Dallas for over 40 cent per McF. Obviously, producers of new gas in Texas and Louisiana are going to sell where they get the best price.

Instead of establishing a policy of realistic gas pricings, to make up for the shortages in interstate markets, the FPC is approving imports of liquified natural gas from Arab Algeria at 91 cents per McF. Domestic producers receive an artificially low price and domestic consumers are having to pay over twice as much for imported gas.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

General Electric Co. is now fighting a case in court contesting an EEOC ruling in April that pregnancy is a disability. G.E. employs 80,000 women and on the average 5,000 a year become pregnant. To provide 60 percent of normal straight-time pay for 26 weeks for each pregnancy would increase payroll costs of the company by $13 million a year. The EEOC ruling was made without any hearings, studies, or consultation with industry.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Of all the regulatory agencies in the Federal Government the Occupational Safety and Health Administration has been the source of more complaints by businessmen than any other, especially small businessmen who do not have the resources to employ a full-time staff safety engineer. In the March issue of Dun's magazine, George Guenther, Assistant Secretary of Labor of OSHA is quoted as saying:

> The new law has been quite a boon to some people. Our regulations have created a whole new industry of lawyers, consultants, and publications.

That is easy to understand since in its first year of existence, the Occupational Safety and Health Administration has already handed down 15,000 regulations.

Mr. Speaker, let me cite an example of how detailed and rigid the new safety regulations are. There are 11 pages of fine print in the Federal Register concerning wooden ladders. The regulations include everything from algebraic equations to fiber stress characteristics of more than 50 different types of wood. The lumber dimensions for a ladder made from rock elm are not the same for a ladder made of white fir. Wood in a ladder shall not have more than 15 percent moisture content, and while black streaks in ladders made of Western hemlock shall not be considered irregular, they can be considered irregular under certain circumstances. To make sure the subject of ladders is thoroughly covered, there is also a discussion of things like size of permissible knots and pitch pockets in the wood.

For a businessman to keep up with the OSHA regulations he must subscribe to that 25,000-page Federal Register I have already mentioned. But this may not be sufficient for the OSHA regulations also incorporate by reference many of the consensus standards of various manufacturing associations. The burden of collecting all this data is on the businessman, not the Government. Under current Department of Labor practice, if a businessman asks an OSHA inspector to look over his plant to give him advice on how to bring his plant up to the required standards and the inspector finds a condition that is unsafe according to the regulations, a fine will be levied on the spot. No provision is made for allowing several days to correct the condition.

According to a National Association of Manufacturers survey of 1,100 companies, the larger firms are spending several million dollars each to comply with OSHA standards. Companies with up to 500 employees are reporting compliance costs averaging about $33,000. The National Association of Home Builders has spent over $70,000 to develop an educational program for its members trying to help them determine which of the 90 pages of "Construction Standards" apply to light residential construction. The bureaucrats who wrote these regulations lump builders of skyscrapers and builders of two-story houses in the same category.

When Congress is out of session, I would like to invite my colleagues to spend time in business firms. See their operating problems. Especially, I would like for you to spend time reviewing their Government forms and requirements.

When Congress understands the harrassment and expense of this paper jungle, we will then move forcefully to slash it by half.

HON. THOMAS M. PELLY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. SHRIVER. Mr. Speaker, it is a privilege to join in this deserved salute to our able colleague, Tom Pelly. His decision to retire from the House will leave a great void. He has established an outstanding record in representing the people of the First Congressional District of Washington.

I recall that when I first came to the Congress in 1961, Tom Pelly spoke to an orientation session for freshman congressman on the subject of communicating with constituents. During the intervening 12 years we have seen firsthand the excellent job which he has done in serving the people of his district and our Nation.

Tom Pelly has been a leader in speaking up for a strong national defense. He has established an outstanding record in the maritime, fisheries, and conservation fields.

We will miss him in this House, but we extend to him best wishes for continued happiness, contentment, and good health in the years ahead.

PHONY BUDGET ISSUE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BOLLING. Mr. Speaker, the following column which appeared in today's Washington Post speaks for itself:

PHONY BUDGET ISSUE

(By Hobart Rowen)

White House aide John Ehrlichman and other administration officials are now trying to blame any future tax increase on irresponsible congressional spending.

This is a phony issue, as Mr. Ehrlichman and all of the technicians in the Office of Management and Budget know.

The fact, which is recognized by non-politicians within the government, and practically everybody outside, is that an increase in federal taxes sometime in the next two years is virtually a certainty because of commitments already made by the Nixon administration.

The administration could consult, for example, its former Treasury specialist on economic affairs, Murray Weidenbaum. Prof. Weidenbaum, a Republican, has been making a series of forthright speeches on budget realities. In his latest, sketching out the "hard fiscal facts of life," Weidenbaum said: "We have literally mortgaged available federal revenue for many years into the future."

The same situation would confront Sen. McGovern, should he be elected. But the Republicans are promoting the notion that a wave of a magic budget-cutting wand will solve the problem. The idea doesn't survive non-partisan scrutiny.

Take one example cited by a conservative research group, the American Enterprise Institute: based on bills already passed, and on legislation proposed by the Nixon administration, the actual spending total, in Fiscal 1975, two years from now, will be $301 billion up $51 billion from the $250 billion expenditure ceiling Mr. Nixon is trying to squeeze out of Congress.

That doesn't take into account Mr. Nixon's promise (State of the Union Message) for a federal education program, or any other new initiatives—just what's already been cranked into the spending machine.

It covers an increase of $10 billion for defense; $19 billion for income security; $6 billion for health; $5 billion to expand existing education programs; and $5.3 billion for revenue sharing.

Says the AEI report: "The picture that emerges is a rather grim one for the Nixon administration."

To meet its self-imposed test of maintaining a "full employment balance," says the research group, would require "tax increases of some $21 billion in (fiscal) 1975, $13 billion in 1976, and $6 billion in 1977."

This analysis matches almost exactly the projections made earlier by the Brookings Institution. But the administration tends to brush Brookings aside as a haven for Democrats out of office.

Facts don't have a political bias. The administration's problem is that it won't face up to the tax issue during the election. Instead, it talks of a water-tight ceiling on expenditures.

Former Budget Director Charles Schultze of Brookings—a McGovern adviser, a Democrat, and an economist of unimpeachable integrity—pointed out the other day the impractical nature of Mr. Nixon's proposed $250 billion ceiling.

If Congress were to limit spending to $250 billion for fiscal 1973, Schultze points out, it would have to cut $7 billion to $10 billion from Mr. Nixon's January proposals. But by the time a ceiling goes into effect, five months of the fiscal year would have elapsed, requiring cuts of $12 to $15 billion at an annual rate.

Where would they come from? Certainly not from defense, already trimmed $3.6 billion from Secretary Laird's requests. And it is not possible, for legal or political reasons, to touch Social Security, veterans benefits, interest on the debt, public assistance, unemployment compensation, or revenue-sharing.

That leaves Ehrlichman & Co. about $75 billion in such programs as grants-in-aid to the states for education, manpower training, health, pollution control, urban mass transit and similar objectives. These would have to be slashed about 20 percent to bring the total budget with a $250 billion ceiling. It just is not a realistic concept. The Administration ought to quit playing politics, and buckle down to the important job of deciding what tax program will put its fiscal house in order.

PROPOSED SPENDING CEILING OPENS DOOR TO UNCONSTITUTIONAL ITEM VETO

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the House is scheduled to consider a bill which proposes to place a ceiling on expenditures for the current fiscal year.

While this proposal sounds good and appears to have some merit, the fact is that this is simply another stratagem to induce Congress to surrender more of its constitutional authority and responsibility to the executive branch.

To pass this bill is to give the executive the power of the item veto—which is unconstitutional—not to mention the outright surrender of the power of the purse string over appropriations—a basic constitutional prerogative of the Congress.

If we do not stop this constant attrition of congressional power—this giveaway of legislative responsibilities to the executive branch—we are going to wind up with a "White House monarchy."

Certainly the approval of a firm and inflexible ceiling would be an abdication of congressional responsibility.

Congress has already surrendered far too much power to the bureaucracy in the Office of Management and Budget in the guise of reorganization. Frankly, the performance of OMB with respect to priorities involving programs for people does not encourage confidence.

Based on OMB proposals to sharply cut programs of education, dismember the Department of Agriculture, terminate the Appalachian development program, and curtail school lunches for children, this is not a comforting prospect.

The Washington Post in a recent editorial entitled "The Spending Limit Shellgame" says imposition of the ceiling would be "a historic retreat from legislative responsibility."

Because of the interest of my colleagues and the American people in this most important matter, I place this editorial in the RECORD herewith.

The editorial follows:

[From the Washington Post, Sept. 27, 1972]

THE SPENDING LIMIT SHELLGAME

Congress is now taking the first slippery step in a historic retreat from legislative responsibility. The House Ways and Means Committee has reported a bill giving President Nixon the authority to cut spending this year to $250 billion, with unlimited license in the way he goes about it. The standing of the Ways and Means Committee is sufficient that its support, unfortunately, makes passage of the bill entirely likely. Under its Democratic leadership, Congress is now colluding with Mr. Nixon to conceal from the American people, until after the election, the full meaning of this bill. The Democratic leadership is apparently fearful of being attacked as spendthrift. But voters are entitled to know—before they vote—the scale and character of the damage that this measure promises.

Federal spending for the current fiscal year can be held to about $256 billion with conventional vetoes. The effect of the spending limit is to give Mr. Nixon prior congressional approval to cut about $6 billion out of the money already provided by law. It is worth working out a bit of arithmetic to see exactly what that means.

The bill covers the year ending next June and, after the election, Mr. Nixon would have about seven months in which to save $6 billion. To do it, he would have to cut programs that spend money at the rate of $11 billion a year. The next step is to see where that $11 billion might lie.

The Nixon administration does not intend to take the military budget much below $75 billion. The income support programs, with the supporting Medicare and Medicaid, are very nearly untouchable. The administration has promised not to reduce Social Security, and for practical reasons the welfare payments are hard to reach. These categories come to well over $100 billion a year. Interest on the federal debt is also untouchable, and come to some $14 billion a year. Farm price supports and subsidies account for another $5 billion, and Mr. Nixon is not likely to cut these, and still less likely to touch his own $5 billion general revenue sharing program. These items alone add up to some $200 billion.

The $11 billion will thus have to come out of the $55 billion that remains once the largest and most obvious untouchables and impossibles are set aside. But even the $55 billion remainder is full of invulnerable items, from the FBI appropriation to Congressmen's salaries. The big construction programs, like highways and reclamation, can be diminished slowly. From this it is perfectly plain that the weight of the cut will fall on the social and educational end of the budget.

The effect of this $6 billion cut, taken over seven months, would be a reduction of about one-third in federal spending in the fields ranging from pollution abatement and environmental protection to child care, school aid, help to higher education, manpower training, housing and urban improvement generally. The impact would be cumulative, growing increasingly severe next spring.

These cuts would fall disproportionately on the programs funded by grants to state and local governments. Ironically, a reduction on the scale of this $6 billion could well leave state and local governments right back where they were before Mr. Nixon introduced his much-advertised revenue sharing bills.

Mr. Nixon gives first priority, in domestic affairs, to low tax rates. He has presided over two large tax cuts in the past three years, and he has promised to preserve them even though the economic recovery is now building up strong inflationary pressures. He gives second priority to a low rate of inflation, and everything else is ranged behind that. The Democratic leadership of Congress has allowed itself to be persuaded to accept the Nixon order of priorities, and to join him in obfuscating, for the crucial next six weeks, the consequences of these massive budget reductions. But before voters make up their minds on this central question, they would be well advised to take stock of the federal government's social and educational responsibilities in their own communities. They can then decide for themselves whether those responsibilities now ought to be cut by one-third. Only after these calculations have been made can the American voter reach a valid judgment on the merits of the budgetary shellgame that a Republican President and a Democratic Congress, each for its own political purposes, are conspiring to set under the guise of simple frugality.

LAKE BARCROFT—A PRIVATE DISASTER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RARICK. Mr. Speaker, once again discrimination in reverse appears to haunt those who have fled the inner city in an attempt to set up a community where they can pass on their heritage to their children in some degree of peace and harmony.

The latest victims of Government double standards are the residents of the Lake Barcroft community in nearby Virginia who suffered serious damage to their artificial lake from the torrential rains of tropic storm Agnes.

Their every effort to obtain financial assistance has been denied, presumably because they are "rich and private." According to reports, one Fairfax County executive proposed to "loan, advance, and contribute a total of $764,000 to scoop mud left by tropical storm Agnes." The county board of supervisors was forced to cancel a public hearing on this matter because "the people don't want their money going to the rich."

In a related development, the Small Business Administration has been requested to reject a $500,000 loan request to repair flood damage at the lake.

It would appear that the residents of this community are being discriminated against because they chose to exercise their basic freedom as Americans to pick their associates and control their own destiny.

Unfortunately, many well-meaning Americans have forgotten that these so-called rich are the people who pay to make this system work. They are now to be denied even a share of the taxes they have paid when they find themselves in need.

It would seem that a man is not to be considered a disaster victim if, for matters of conscience, safety, or some other reason, he chooses to maintain his privacy and limit his associates. To the liberal-minded, a disaster victim is not simply a disaster victim.

The concept of equality is now limited by a price tag.

I include related news article at this point:

[From the Washington Post, Oct. 1, 1972]

No Fairfax Funds for Barcroft—Citizen Anger Halts Lake Aid

(By Ron Shaffer)

Strong citizen reaction to the proposed use of public funds to dredge Lake Barcroft, a private lake in a wealthy Fairfax County subdivision, has prompted the County Board of Supervisors to cancel a public hearing and table the proposal indefinitely.

Several supervisors reported that they have been beseiged with calls from irate taxpayers against the proposal, advanced by County Executive George J. Kelley Jr. last Monday. The plan would have the county loan, advance and contribute a total of $764,000 to scoop mud left by tropical storm Agnes from the lake.

"Reaction against this has been stronger than anything I've seen," said Supervisor John F. Herrity of Springfield. He said he had received more than 100 calls on the subject. "People don't want their money going to the rich," he added.

"Public response has been one of complete outrage," said Supervisor Alan H. Magazine, in whose district the Barcroft development is located. He also reported calls and letters numbering about 100 and said some of the callers represent groups numbering thousands more.

Some groups, he said, were apparently preparing to storm the Board of Supervisors meeting Monday to protest the proposal. The county issued a terse message earlier this week saying the scheduled hearing Monday had been "postponed indefinitely."

In a related development, the chairman of a House subcommittee has written to the Small Business Administration requesting rejection of a $500,000 loan to repair flood damage at the lake.

The Select Committee on Small Business wrote to SBA Administrator Thomas S. Kleppe that "the use of federal public funds, whether by grant or loan, to provide recreational and land value opportunities at a reservoir or lake for citizens or organizations that exclude the general public from that facility should be avoided."

The Barcroft Lake Management Association, composed of subdivision residents, applied for the loan last week.

Lake Barcroft, a 135-acre man-made reservoir located near Bailey's Crossroads, rests amidst one of Virginia's wealthiest residential areas, with houses valued at from $40,000 to $100,000-plus. It is available to Barcroft residents, for an annual fee of $60 per family, for sailing, canoeing, swimming and fishing. The lake was turned into a mudhole when floodwaters washed away earth around one end of the lake's dam, allowing water to drain.

Kelley, in making the proposal, pointed out that 92 per cent of the watershed that drains into Lake Barcroft is located outside a special Barcroft taxing district, which regularly assesses its residents for silt removal.

Since most of the silt comes from outside the taxing area, Kelley said Monday, it was fair that the county make funds available for the immediate dredging of the lake.

Kelley said the engineers had described the results of the tropical storm as "a 150-year flood." He added that vigorous attempts to obtain federal aid for the dredging project had failed.

Magazine had called the proposal "fair and equitable" when it was brought up Monday, but after being buffeted by public reaction, he said yesterday that the situation was difficult, and "had to be explored thoroughly."

He attributed the "overwhelming" public response to "the fact that people of Fairfax County just don't want to give such and such money to the rich," and to media reports that he said falsely implied that some of the money would be a gift from the taxpayers.

Under the proposal, Magazine said, half the bill for dredging would be loaned by the county, and would be returned by the Barcroft Lake Management Association in five years at 4 per cent interest, the standard rate for such loans.

The other $382,000, he said would be merely an advance to the association of funds that would normally be collected and paid to the county by the special Barcroft taxing district over the course of several years.

The taxing district levies an extra 40 cents per $100 assessed valuation on real estate, and the funds are used for silt removal and storm drainage. The county has traditionally matched those funds on a 1 for 1 basis, Kelley pointed out Monday.

Magazine noted that county contributions to Barcroft for silt removal was a policy of the Board, "and if you want to change that policy, that's another ball game."

Magazine also noted yesterday that without the lake, Barcroft residents could request a revised property assessment that could cost the county $100,000 to $200,000 a year in lost revenue.

Stuart Finley, chairman of the Lake Barcroft engineering committee and a resident of the development, yesterday said that the "sediment in the lake is not Lake Barcroft's but the county's, and that's why the county has a responsibility to remove the sediment."

He noted that Fairfax County in 1950 permitted private development of the area because the county decided it could not afford to lose the potential tax revenue.

"We had a disaster here that affected 1,000 families, Finley said. "These are not people in black hats, people who beat kids or shoot cops," he said.

Finley said that repairing the dam would cost Barcroft residents $1,500,000, "and we are footing the entire bill." Eighty per cent will be spent "to protect our downstream neighbors in Fairfax County from uncontrolled floodwaters," he said.

Supervisor Audrey Moore asked Monday why the county should favor private lakes over public lakes loaded with sediment and sewage.

Herrity yesterday noted that silt in most lakes is washed from watersheds not in the immediate area. "I wouldn't give Barcroft a nickel," he said.

Kelley said the proposal would be studied further, "and if we can find another approach we'll try it again."

POOR EXCUSES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. LANDGREBE. Mr. Speaker, the following 10 sins against citizenship listed by the late Cardinal Cushing of Boston were recently brought to my attention and I would like to share them with my colleagues:

1. Indifference: "I am not interested in politics."
2. Laziness: "I am too busy to bother."
3. Greed: "I am making good money; I shouldn't worry about who runs the government."
4. Prejudice: "I am voting for him because he is one of our kind."
5. False pride: "It is all dirty politics. Why should I get mixed up in it?"
6. Cynicism: "One vote won't make any difference one way or the other."
7. Hopelessness: "It is the pressure groups who run things anyway."
8. Ineligibility: "I forgot to register."
9. Why-bother attitude: "All politicians are alike."
10. Cowardice: "I might make enemies if I stood up for my convictions."

NOW WE WILL SEE U.N.'S FUTILITY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HELSTOSKI. Mr. Speaker, Nasrollah S. Fatemi, distinguished professor of international affairs at Fairleigh Dickinson University, calls our attention to the trend of the United Nations away from the purposes for which it was founded.

In calling the U.N. to task for failing to provide peace, justice, and human dignity in the world, Professor Fatemi suggests that the Secretary General scrap the agenda and concentrate first on solving the Indochina and Arab-Israeli conflicts.

Dr. Fatemi's views deserve serious consideration by concerned people everywhere, and I would like to bring his article, which appeared in the Sunday Record of Bergen County, to the attention of my colleagues.

Mr. Speaker, the article follows:

Now We Will See U.N.'s Futility

(By Nasrollah S. Fatemi)

On September 9, as a result of the terrorist attack in Munich and the Israeli raid on Syria and Lebanon, Secretary-General Waldheim asked the General Assembly to consider "measures to prevent terrorism." Last Sunday, at a meeting of the Security Council, the Russians and the Chinese callously and wantonly vetoed a resolution which condemned both the Palestinain terrorism and the Israeli raids on Syria and Lebanon. Then the United States vetoed a resolution which condemned Israel without mentioning the Munich terrorism. The secretary-general's request, which would be the 99th item on the agenda of the General Assembly, and the statements of the representatives of China, the Soviet Union, and the United States are insults to the intelligence of the millions of people all over the world who in 1945 placed their hope and confidence in the United Nations Charter.

Looking back at those happy days of 1945, how enchanting now appears the vision of a United Nations in which nation states would abandon their greed, aggressiveness, hatred, and hostility, and put their faith and future in the hands of an institution which would restrain the big powers and restore law, justice, and order.

It was hoped that after the most devastating and destructive war in history the world would be free from war, oppression, poverty, hatred. This was the daydream of hundreds of millions of little men whom misfortune, bloodshed, cruelty, and the barbarity of war had brought to the point of desparation, degradation, and hopelessness. The men who gathered at San Francisco to adopt the charter were statesmen of intellect, sincerity, and earnestness who loved humanity. The columnists, the thinkers in the press, the pamphleteers all wrote essays promising a millenium of peace, prosperity, and happiness.

Now, after twenty-seven years, when we look back we find how the spirit of San Francisco has ben replaced by terrorism, violence, aggression, hatred, prejudice, destruction, and denial of human rights and justice. Beginning with Stalin's cold war in 1945, the world has gone through thirty-five wars, civil wars, and revolutions resulting in more than 35 million refugees and close to 19 million casualties, of which a million were Americans.

Every big power—and—many small ones—have participated in acts of aggression and violations of the charter and the international laws. This new era of international anarchy is marked not only by the violence of nations and the terrorism of individual fanatics, but also by the indifference and callousness of members of the United Nations, and of people all over the world. It reminds us of the terrible days of the 1930s.

The representatives of the Soviet Union and the People's Republic of China whose governments have been involved in aggression, brutality, and cruelty—both at home and abroad—deny to their own innocent people fundamental human rights. Their rockets and bullets kill people in Indochina while they shamelessly lecture the world on justice, human rights, and international law. Ambassador Bush quite properly describes the Munich terrorism as "horrible, vicious, brutal, and detrimental to order in the civilized world," yet he represents an Administration which every day is raining two thousand tons of bombs on Indochina just to keep a rotten, corrupt dictatorship in power in Saigon.

His statement, "Those who preach violence and employ it as a matter of policy always suffer its consequences," is absolutely correct. He should address it to the leaders of the big powers who have made a mockery of the charter and international law. Their arms in the hands of the terrorists and their bombs are responsible for all this death and destruction.

If the Secretary-General really means business he should forget the 98 items now on the agenda and replace it by one: "Measures to settle the Indochina and Arab-Israel conflicts: to solve the problems of millions of Soviet Jews and of blacks in South Africa, Rhodesia, and Portuguese Africa, to settle all refugees, and to end the violation of human rights from Santiago to Saigon."

It is the height of folly for the United Nations to delay, for a single day, a settlement in Indochina or negotiations for a just peace in the Middle East. Every hour of delay produces more terror, more tragedy, more death and destruction.

FOREIGN AID

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HELSTOSKI. Mr. Speaker, over the years we have witnessed a growing debate on foreign aid. While we may not always agree on the wisdom of this program, it is incumbent upon us to examine all sides of the issue and weigh each argument intelligently.

Recently, Dr. Nasrollah S. Fatemi, director of the Graduate Institute of International Studies at Fairleigh Dickinson University, wrote an article for the Jersey Journal calling attention to the dismal track record of foreign aid. Dr. Fatemi discusses the matter in a very cogent fashion and presents alternatives, which I should like to call to the attention of my colleagues.

I would like to juxtapose Dr. Fatemi's article with an editorial and article from the October 3 Wall Street Journal. The remarks in the Wall Street Journal by Mr. Bauer, professor of economics at the London School of Economics, tend to bolster the views of Dr. Fatemi.

Mr. Speaker, the articles follow:

FOREIGN "BAND" AID

(By Dr. Nasrollah S. Fatemi)

(In keeping with its policy of presenting all sides of public questions, The Jersey Journal from time to time prints visiting editorials written by qualified persons on specific subjects. Today's editorial is by Nasrollah S. Fatemi, director of the Graduate Institute of International Studies at Fairleigh Dickinson University.)

Congress is again going through the annual ritual of debating foreign aid. Many people all over the United States are asking: "Can this country afford to spend $4 billion every year on international welfare which has brought us nothing but woe, wars, and economic trouble?"

If the purpose of aid was to contain communism, since its inception, the number of people under communist regimes has grown sevenfold.

If our goal was stability, the last 25 years have witnessed thirty-five wars, civil wars, and revolutions with forty million refugees and ten million casualties of which one million were Americans.

If our aim was to help the poor, our aid has made the rich, richer and the poor, poorer. Most aid money is deposited in the Swiss bank accounts of the international Al Capones who in gratitude for our generosity send us heroin and opium.

During the last 25 years while our gold reserve dropped from $25 to $10 billion and the deficit in our balance of payments soared to $60 billion, the Germans and the Japanese have accumulated $40 billion in gold and dollars. For the first time since 1893, thanks to our friends, we have a trade deficit of $3 billion.

The cost of the Vietnam war, foreign aid and military expenditures in Germany and Japan has, in four years, reached $100 billion.

The result of this senseless extravaganza has been a $90 billion deficit in a budget which President Nixon promised, four years ago, to balance.

Unfortunately, in partnership with the NATO nations we have not fared much better. For the current fiscal year our share of NATO expenditures is $14 billion—equal to the total defense expenditures of England, West Germany, Italy and Japan.

While for 25 years the private sector of economy has flourished and produced a gross national product of more than $1,000 billion, the Washington bureaucrats, believing that economic and financial resources of the United States are inexhaustible, have gone on a spending spree which has not only weakened this country but has created a serious international crisis.

To save this country from the present economic and monetary crisis, we need a new plan based on the following points:

1. The present foreign aid must be terminated at once.

2. A new system of aid based on loan and trade should be devised and administered by the International Bank.

3. The cost of our troops in Germany and Japan should be borne by the host countries. In case this is not feasible any money spent by the United States in these countries should be used for the purchase of American goods.

4. The trade restrictions of Japan and the Western European countries against American goods must be eliminated or they should be prepared for reciprocal treatment.

Finally, in the words of President Kennedy: "Unless necessary social reforms are freely made, our aid, our alliances, our revolution, our dream, and our freedom will fail."

(Dr. Fatemi is the author of "Dollar Crisis," published in 1963.)

RICH NATIONS, POOR NATIONS

Few people today quarrel with the notion that rich industrial nations should find ways to aid poor nations in fulfilling some of their aspirations; the world has become too small, and social consciousness too well developed, for the haves to ignore the have-nots.

But many students of the relationships between the haves and have-nots have come to realize that the "how" of providing effective help is not so easy as it once seemed. A question arises about how much interference from the outside is really useful and how much social or even material progress money can buy.

On this page today, we print a paper by P. T. Bauer, Professor of Economics, which argues that, as often as not, present means do not achieve their desired and widely advertised goals. More often, he contends, they even achieve opposite results. It is an argument well worth examining—one, incidentally, that some politicians in underdeveloped countries would not disagree with, at least not in its entirety.

It would be hard to argue with Professor Bauer's thesis, for example, that outside aid often strengthens the role of government in the economic life of recipient nations. Negotiations for aid usually are conducted on a high official level, thus decisions about what development projects to pursue are made jointly by government ministers and civil servants. Since many such officials in developing lands already have the somewhat self-serving notion that economic management by the state is the best way to economic development, this approach doesn't require much encouragement.

There may indeed be situations in the Third World where government-sponsored development is inevitable and desirable. The irony of the present situation is, however, that nearly all truly advanced nations arrived at their present state of advancement not through centralized economic management but through the decentralized dynamics of individual and corporate enterprise.

A further irony is that a latent human potential for such enterprise exists in most underdeveloped countries. Most such countries have strong traditions of private entrepreneurship conducted by small scale traders and suppliers of services.

It may seem to many of the young government officials in the emergent Third World that the traditions of entrepreneurship are old-fashioned and need to be superseded by the political-economic management of a new university-educated elite. The view is understandable, given the backwardness that the new leaders are seeking to combat. Despite all this, few of these officials are oblivious to the possibilities of market economics. It might not hurt for would-be helpers from the industrial nations to give such possibilities greater encouragement.

Professor Bauer argues that development depends upon peoples' capacities, motivations and social and political institutions. Indeed it does, and if the desirable elements are lacking, outside help is not likely to be very effective in improving material comfort, life expectancy and cultural development.

But Third World governments can seek to establish a hospitable climate for the development of individual capacities and motivations. Professor Bauer suggests that industrial nations allocate aid so that it would favor governments that stick to such a role and refrain from a close control of the economy.

Opponents of his theory might argue that it is a thinly disguised proposal for restoring a colonial style hegemony by multi-national companies over the economies of underdeveloped nations. But that would miss the point. His approach would be relatively neutral with regard to foreign versus domestic enterprise. The question of how much foreign investment was desirable still would be up to the government.

Robert S. McNamara, president of the World Bank, told the joint annual meeting of his agency and the International Monetary Fund that the industrial and developing nations are "falling behind in their efforts to relieve hunger, illiteracy and the threat of unmanageable population pressures" in developing parts of the world. He said the bank and its affiliates hope to expand their financial commitments to developing nations by an average of 11% a year over the next five years.

But money is not the entire problem, as Professor Bauer suggests. Those increments will be far more effective if they can uncover ways to unlock the human potential in underdeveloped lands.

The Case Against Foreign Aid

(By Peter T. Bauer)

It can be confidently predicted that whatever the outcome of the elections in November, foreign aid will once again be a controversial item on the agenda of Congress.

And it can also be predicted confidently that once again it will be alleged that official development assistance—that is, government-to-government grants or soft loans—is indispensable for the progress of poor countries.

Aid is given regardless of the conduct of the recipients, or of its results. It is virtually the only form of government expenditure which goes unquestioned, unlike defense, farm price supports or school lunch programs. This is remarkable.

Aid is plainly not necessary for development, as is shown by the progress of many poor countries without aid. Moreover, it is often damaging, because although it is admittedly an inflow of resources, it sets up repercussions which can outweigh the benefits.

Aid advocates often allege that official aid is indispensable for development. This offensively patronizes aid recipients by saying that they desperately want development but cannot achieve it without handouts—doles from us. In fact, very many poor countries have progressed without them. Malaya was transformed by the rise of the rubber industry, which received no external subsidies, from a sparsely populated country of hamlets in the 1890s to a thriving country by the 1930s where a much larger population lived longer at much higher standards.

AFRICA AND HONG KONG

To move from Asia to Africa, the Gold Coast (Ghana since 1957) was transformed between the 1880s and the 1950s without foreign aid. In 1880 there were no cocoa trees there; by 1950 there were huge exports of cocoa, all from African-owned farms. Again, in 1840 Hong Kong was a barren rock. By now four million people live in that major manufacturing center, whose competition is most embarrassing to Western industries. Hong Kong also developed without external gifts. And so did the now developed countries, all of which had begun as poor.

Official aid is thus not necessary for development. Nor is it sufficient. The Navajo Indian nation has remained wretchedly poor in spite of decades of huge American official aid. If a society cannot develop without external gifts, it will not develop with them. What holds back many less developed countries is the people who live there.

Development depends on people's capacities, motivations and social and political institutions. Where these basic determinants are favorable, material progress will usually occur. Materially ambitious, resourceful, industrious, far-sighted and thrifty people will create or obtain capital, and also use it productively.

There is an inescapable dilemma in the argument that aid is necessary for development. If the required conditions other than capital are present, capital will be generated locally or supplied commercially from abroad, to government or to business, so that aid is unnecessary for development. If the other conditions are not present, aid will be ineffective and thus useless.

It is often said that the culture and the social and political institutions of the recipients should not be disturbed. But what if these are incompatible with substantial material progress, as are many beliefs, customs and institutions, such as the deeply held belief in the sanctity of animal life in South Asia? Material progress requires modernization of the mind, which is inhibited by many institutions in less developed countries and also by official policies pursued there.

Progress does not depend on handouts, but on capacities, mores and institutions. This still leaves open the question whether aid is more likely to promote or to retard progress, which cannot be shown so conclusively. I believe that in practice it is more likely to retard it. Here are some of the many reasons why.

Aid reinforces the disastrous tendency to make everything a matter of politics in less developed countries. The handouts increase the resources and power of governments compared to the rest of society, a result reinforced by the preferential treatment of governments which try to establish state-controlled economies and of countries with balance of payments problems. Politization of life diverts energy and ambition from economic activity. Moreover it provokes and exacerbates political tension, because it becomes supremely important, often a matter of life and death, who has the government, as is clear from the recent history of Indonesia, Pakistan, East Africa and Nigeria.

Aid often supports most damaging policies. Many recipient governments restrict the activities of minorities, of Chinese in Indonesia, Asians in East and Central Africa, Indians in Burma, Europeans everywhere. The removal of thousands of Asians from East Africa (the most familiar of many examples) has reduced incomes and widened income differences between these countries and the West. These measures are often followed by the expulsion or even destruction of thousands or tens of thousands of people.

ENCOURAGING THE PARADOXICAL

Aid in many ways encourages the paradoxical policy of recipients to restrict the inflow and deployment of private capital. The Indian government, an aid recipient for many years, sets up expensive state oil refineries when the oil companies in India have unused capacity which they are not allowed to employ.

Foreign aid promotes the adoption of unsuitable external models. The establishment of uneconomic heavy industries and national airlines is familiar. More important is the proliferation of Western-type universities, whose graduates cannot find employment, and Western-style trade unions which are only vehicles for the self-advancement of politicians.

Aid obscures the fact that progress cannot be had for nothing, that the peoples of advanced countries have themselves had to develop the required conditions. It reinforces a widespread attitude that opportunities and resources for the advance of one's self and one's family must be provided by someone else, which promotes or reinforces torpor, fatalism or even beggary and blackmail, but not self-improvement. Preoccupation with aid also diverts the government's attention from the basic causes of poverty and from the possibilities of acting on them.

These are just five ways in which an inflow of resources can damage development. And the economic productivity of aid resources is generally likely to be low and insufficient to outweigh the adverse repercussions. Aid cannot be so closely adjusted to local conditions as can resources supplied commercially. Moreover, governments are understandably apt to use resources donated from abroad on wasteful show projects.

All this is not to say that aid cannot promote development. Whether it in fact does so or not depends on the specific circumstances of each case. But the examples above make it clear that it is unwarranted to assume that because aid represents an inflow of resources, it must promote development. In fact, aid is at least as likely to retard development as to promote it.

If it is only money that were missing, it could be secured commercially from abroad. Aid means at most that some capital is cheaper. But the capital is likely to be less productive than if it were supplied commercially from abroad to government or to business, and as we have seen, aid is also apt to set up far reaching adverse repercussions. There can, therefore, be no general presumption that in practice aid is more likely to promote development than to retard it. In fact, these various considerations suggest that as it has operated and is likely to operate, any general presumption would be the other way round. Of course, even if aid does promote development, this still leaves open the question why people in the donor countries should be taxed for this purpose.

It is often urged that the more aid is given the better, without examining its results that, somehow effectiveness is measured by cost, which no one in his senses would apply to his own life.

Aid certainly removes resources from the donors. But it does not follow that it promotes development. To make the rich poor, does not make the poor rich.

Once the case for aid is taken for granted, then either progress or its absence can be advanced for more aid: progress as evidence of its success, and lack of progress as evidence that more is needed. Whatever happens is an argument for more aid. When a case is taken for granted, evidence becomes irrelevant.

Why is the argument that aid is necessary so widely accepted if it is unfounded? This isn't strictly relevant: why people hold certain beliefs has nothing to do with their validity. However, for what it is worth let me give you my explanation.

Many advocates of aid are well intentioned, but not well informed. But by and large the aid crusade is a gigantic confidence trick. A well meaning public has been conned by a motley coalition which has succeeded in part by playing on feelings of guilt, which however unfounded are nevertheless widespread. I think this coalition includes international agencies and government departments anxious to increase their activities and power; professional humanitarians with similiar ambitions; disillusioned, bored, power-and-money-hungry academies; the churches which face spiritual collapse and seek a role as welfare agencies; temperamental do-gooders, frustrated by events at home; politicians in search of publicity; exporters in search of easy markets, and governments embarrassed by commodity surpluses. And there are also many people who welcome any argument or policy which in some way or other weakens the position of Western society, which for various political and emotional reasons they have to come to dislike.

Where do we go from here? What should we do about foreign aid? I think it would be best to finish this system of handouts which is bad for both the patrons and for the patronized, and which, by the way, is relatively recent and was started only some 20 years ago.

However, this is unlikely to come about, because of the emotional, political, intellectual, financial and administrative interests behind it. Moreover, the immense sums already spent on aid themselves operate against its termination: the greater are the sacrifices, the harder it is to question the principles in the name of which they have been exacted.

Given the fact that aid will continue, I would wish to see the method and criteria of allocation changed drastically. Aid could be allocated in such a manner that it would favor governments which within their human, administrative and financial resources try to perform the essential and difficult tasks of government and at the same time refrain from close control of the economy. These tasks include the successful conduct of external affairs; the maintenance of law and order; the effective management of the monetary and fiscal system; the promotion of a suitable institutional framework for the activities of individuals; the provision of basic health and education services and of basic communications; and also agricultural extension work. These are important and essential functions which must devolve on the government. This is so for two reasons. First, because part of the institutional structure within which the private sector functions does not emerge from the operation of market forces and so much be established by law. Second, because some of these activities yield services which, although there may be a demand for them, cannot be bought or sold in the market.

This list of tasks largely exhausts the potentialities of state action in the promotion of general living standards. These tasks are extensive and complex. Their adequate performance would fully stretch the resources of all governments in poor countries. Yet governments frequently neglect even the most elementary of these functions while attempting close control of the economies of their countries, or even, occasionally, contemplating coercive transformation of societies. They seem anxious to plan and unable to govern.

Much more thought could also be given to prevent the inflow of aid from biasing the development of recipient countries in directions based on inappropriate external prototypes. Preference could be given to governments interested more in improving the roads and extending external contacts than in opening Western-type universities or in creating heavy engineering works.

GOVERNING VERSUS PLANNING

The substantial revision of the criteria of allocation of aid which I suggest does not in the least imply underestimation of the tasks of government, but rather the reverse. The adoption of such criteria would favor governments which try to govern rather than to plan. By the same token, aid would be withheld from governments which pursue policies which plainly retard the material progress of their countries. And many of these policies, as for instance the maltreatment of economically successful minorities, often exacerbate the problems and difficulties both of other aid recipients and also of the donors.

The adoption of such criteria would promote relatively liberal economic systems in the recipient countries, minimize coercion and favor material progress, especially an improvement of living standards. It would also reduce political tension in the recipient countries.

This proposal assumes, of course, that the purpose of aid is to improve material conditions in recipient countries. But the proposal will be altogether unacceptable if the actual purpose of aid differs from the ostensible objective of improving general living standards in the recipient countries. It will be unacceptable if the primary purpose is the pursuit of unacknowledged political policies, such as the promotion of closely controlled economies and societies, or the increase in the resources and power of the international organizations.

CITY OF CLAIRTON MARKS MILESTONE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. GAYDOS. Mr. Speaker, the city of Clairton, Pa., in my 20th Congressional District, recently observed the 50th anniversary of its charter and I would like to bring the occasion to the attention of my colleagues.

Clairton is representative, I believe, of many small industrial communities in our Nation which today find themselves caught in the winds of change and struggling to preserve a heritage that dates back beyond the founding of the United States.

The roots of Clairton go back as far as September 27, 1769, the date of the first survey of record. In the course of time the face of Clairton has changed from wilderness to farmland to industrial might. The governmental makeup also has undergone revisions. At one time the area was divided into three boroughs, each having the authority to enact laws and establish their own tax structure. Between 1903 and 1915, however, the boroughs merged into one government and Clairton was incorporated as a third-class city of Pennsylvania on the first Monday of January 1922.

Over the years, Clairton has had its ups and downs. It was up when its industrial potential was recognized in the 1880's; down when the depression hit in the 1930's; up again the years just before and after World War II. Now, like so many industrial cities, it is experiencing another downward curve.

However, the officials and the people of Clairton are not the type to sit by and watch a proud community fade away. This civic spirit was clearly evident in the words of four living mayors of Clairton, who addressed an audience of approximately 400 persons at a 50th anniversary banquet on September 20.

One after another, these men—Robert W. Ostermayer, 1934–37; Robert F. Stokes, 1962–65; Robert D. Baird, 1966–69; and Mayor John J. Matz—called upon their fellow citizens to exert every effort to get Clairton up again.

Mr. Ostermayer sounded the theme when he told his people:

> Everyone has their ups and downs, but the only one who stays down is the one who doesn't fight to get back up.

I share the confidence of Clairton's present administration that their city will get back up. Clairton cannot afford to fail, for it symbolizes the kind of people who made America great. If Clairton dies, so does a piece of America, and we must not let that happen. The problems of Clairton are man made and, therefore, can be solved if understood.

Mr. Speaker, I offer my congratulations to the city of Clairton on its 50th anniversary, and I wish the best of success to the men and women who now lead it: Mayor Matz; Councilmen Michael N. Ivanovich, Michael W. Mihalov, Jacques S. Moragne, and Daniel Pastore; Controller Mrs. Eileen G. Bekavac; Treasurer George L. Laver; City Clerk Samuel V. Capane; and City Solicitor David C. Clipper.

EXPERIMENTAL NEIGHBORHOOD FOOD STORE A SUCCESS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CULVER. Mr. Speaker, the Oakhill Neighborhood Experiment—ONE—store, located in Cedar Rapids, Iowa, was established to help limited-income families buy basic food and household items at prices they can afford. Recently, I had the opportunity to visit this project and meet with the people who created the ONE store; namely, Mrs. Carolyn Adams, project coordinator.

The store does not depend on public funds for its operation. The Episcopal diocese of Iowa provides an annual grant, matching the amount of funds raised from other private sources, such as church and social groups. Contributions from social-action budgets of several churches and from individuals' monthly pledges are sources of additional assistance.

The ONE store is run on a volunteer, nonprofit basis. All labor, needed for daily operation or maintenance of the store, is contributed. Both groceries and household goods are available, and the store is authorized to accept food stamps. Household items and clothing are either sold at reduced price or provided the customer no charge.

This valuable community effort is filling a most important need for many low-income families in Cedar Rapids. The many citizens and organizations in Iowa, who support this project so generously, deserve our commendation and sincere appreciation.

Mr. Speaker, as Congressman from Iowa's Second District, I am very proud of this extremely successful community effort—an effort that fills not only the material needs of many in Cedar Rapids, but also the social and ethical needs of those who care enough to give of their time, their efforts, and their support. I commend all those participating in this pioneer experiment and wish them continued and increasing success.

REPORT ON 1972 DISTRICT QUESTIONNAIRE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. VANDER JAGT. Mr. Speaker, I wish to report the results of my 1972 congressional district poll to my colleagues in the House of Representatives. More than 15,000 residents of the counties comprising the newly redrawn Ninth District of Michigan responded to the questionnaire.

Each year I become more convinced of the importance of the annual district poll. In addition to countless letters, telegrams, telephone calls, and personal conversations, the questionnaire provides me with a clear picture of constituents' opinion on contemporary public issues. By posing questions on matters of current debate, I not only get to know my constituents better but also have an opportunity to indicate to them some of the areas of my own concern. I deeply appreciate the response that my constituents make to this request for their views.

The following table summarizes the poll results in percentage form:

[In percent]

	His		Hers		18 to 20-year-old	
	Yes	No	Yes	No	Yes	No
1. Do you believe the Vietnam war is being handled in the best way to protect our long-term interests and obligations?	66	30	63	31	39	59
2. Should wage and price controls be continued as a weapon against inflation?	83	13	81	13	60	32
3. Are greater Federal efforts needed to reduce unemployment?	50	41	56	33	56	33
4. Should legislation be passed by Congress to prevent strikes in transportation where national interests are at stake?	81	17	77	16	55	36
5. Is the Federal Government giving enough attention to pollution problems?	45	49	42	51	21	73
6. Would you favor the installation of nuclear powerplants where additional electricity is needed and reasonable assurances can be given that environmental concerns are met?	88	10	86	10	61	31
7. Do you believe that greater Federal effort is needed to bring crime and violence under control?	79	18	78	18	62	29
8. Should Federal assistance be given to private property owners for the construction of devices to prevent erosion along our Great Lakes and ocean shorelines?	26	68	31	60	30	64
9. Do you favor a mandatory retirement age for Members of Congress?	75	22	72	24	66	27
10. Do you favor forced busing to achieve racial balance in our schools?	5	94	7	89	12	81
11. Do you agree that adults who receive welfare benefits should be required to work if they are able to do so?	97	2	96	2	82	12
12. Should greater efforts be exerted to bring the Federal budget into balance?	96	3	91	1	79	13
If yes—						
By reduced expenditures?	96	2	98	1	98	2
Or increased taxes?	10	88	5	94	5	95

Note: Percent totals under 100 due to incomplete replies.

The first question, which sought an assessment of the conduct of the Vietnam war, produced an interesting contrast to the response of 2 years ago when I asked an identical question. Whereas in 1970, opinion was almost evenly divided on the conduct of the war, this year nearly two-thirds of the respondents expressed support for current policies. This response would seem to reflect the Nixon administration's Vietnamization policy and its withdrawal of American ground forces.

The survey showed that persons 18 to 20 years of age were less convinced of the merit of America's Vietnam policy. Fifty-nine percent of these young adults did not believe that the war is being handled in the best way to protect our long interests and obligations. I feel that national leaders must take note of the skepticism of younger citizens and attempt to respond to them in a meaningful and constructive manner.

The second question dealt with wage and price controls. Last year, prior to the President's decision of August 15 to impose wage and price controls, I asked if my constituents believed that such controls were necessary. At that time 76 percent of the respondents favored that action. Support for the President's economic program appears to be high at this time, as more than eighty percent of persons answering the questionnaire believe that wage and price restraints should be continued to combat inflation. That young voters also approve of the controls is further indication of Americans' commitment to clamp down hard on the wage-price spiral and to stabilize the national economy.

Slightly more than half of the 1972 respondents believe that greater Federal efforts to reduce unemployment are desirable. The figure is somewhat lower than that of a year ago, when 64 percent of the constituency advocated such action. I hope that the modification of views reflects an improvement in the overall economic condition of the country. While public works expenditures and emergency employment legislation have had a positive impact upon unemployment, clearly the long-range outlook for economic progress relates to improved productivity and vigorous anti-inflation efforts.

Support remains strong for national legislation to prevent strikes in vital industries such as transportation. In my view this issue represents one of the major failings of the 92d Congress. I cosponsored a constructive proposal on this subject, and along with spokesmen for business and government have urged its adoption. We simply cannot afford to let one group, however meritable its objectives and urgent its needs appear to be, cripple the national economy. We are an interdependent society, and the actions of one element of the economy have broad ramifications. Congress must enact legislation to prevent our transportation system from being interrupted by prolonged labor disputes.

Broad support for installation of nuclear power plants where additional electricity is needed and where environmental assurances are provided is welcomed by everyone who recognizes the magnitude of the energy crisis confronting the United States. In light of the declining supply of fossil fuels as well as the expanding technology of nuclear power development, I am very interested in the possibility of locating a nuclear plant within the Muskegon County Wastewater Management System. This system, now under construction, promises to revolutionize the sewage treatment industry. It will be an even more valuable example to the Nation if its acreage and storage lagoons are utilized as a buffer area and coolant for a nuclear power plant. This combination would make the Muskegon area the national leader in the development of environmental systems, and would also stimulate expansions in the area's economy. The result would be greater availability of jobs and an easing of the local tax burden.

The survey presents a clear indication that the public wants a greater Federal effort to curb crime and violence. The demand for law and order is not a passing fancy, but a deeply felt need for increased protection. The strong support provided by young people for a crackdown on crime is a significant indication of the magnitude of the problem and the intensity of the public's concern.

While about 30 percent of the poll participants expressed support for Federal assistance to private property owners for construction of devices to prevent erosion of shorelines, this problem is becoming increasingly serious. The National Shoreline Survey, conducted by the Corps of Engineers in cooperation with State natural resources agencies, revealed severe erosion not only on the Great Lakes shores but on much of the ocean coasts. Public property as well as privately owned lands are being destroyed by this erosion. The Senate recently passed a bill which I have sponsored in the House of Representatives, establishing a research and demonstration program to devise low-cost, environmentally sound means of protecting the shores. If passed by the House, the bill will authorize the establishment of at least one demonstration site on the Great Lakes. Other legislation before Congress would permit Federal cost-sharing with private owners for installation of erosion control devices. I have testified in support of assistance in relation to the extent of public access permitted.

Ninth District residents heavily favor a mandatory retirement age for Members of Congress. I share their belief that the task of representing almost one-half million people requires great energy and sound health. Unfortunately, the history of Congress suggests that some Members have remained in office beyond the limit of their capacities. The result has eroded public confidence in the legislative process and limited Congress' potential for service in the national interest.

Forced busing for the achievement of racial balance in schools has almost no support in the Ninth District. The questionnaire response confirms opinion expressed to me in countless letters and telegrams. I believe that forced busing of students into areas distant from their homes and familiar surroundings leads to their insecurity. Apprehension is counter-productive to the educational process. What we must do, it seems to me, is renew our Nation's historic commitment to provide maximum educational opportunity to every child, regardless of where he lives. Recognizing that we face serious financial problems in some areas, I look forward to the report that President Nixon has requested from the Advisory Commission on Intergovernmental Relations. I hope that this highly professional body will point the way toward a more effective and equitable basis of finance for our public schools.

Western Michigan citizens overwhelmingly favor a work requirement for physically able welfare recipients. This concept is a part of H.R. 1, the comprehensive welfare reform legislation advocated by the President and passed by the House with my support. As adjournment of Congress approaches, regrettably it appears unlikely that the Senate will pass a welfare reform bill this year.

Lastly, the questionnaire affirms my constituents' strong commitment to reduced Federal expenditures and a balanced national budget. This opinion makes the President's demand for a congressionally enacted ceiling on spending particularly important. The call for a renewed sense of fiscal responsibility is loud and clear.

Perhaps a special comment is in order with respect to the participation of young people in this year's poll. Eighteen to 20 year-olds will experience the democratic process in Federal elections for the first time in November. I urge their full participation in the balloting for President, Congress, and State and local offices, and I particularly appreciate their responses to this questionnaire. A generalization which can be made from the poll results is that they agreed with other adults on all the questions except that dealing with the Vietnam war. The principal distinction between their attitudes on these major issues and those of other respondents was one of degree, with the younger people typically more closely divided in their opinions.

My many contacts with young people, as well as these replies, suggest that the new generation is open to ideas and willing to consider all aspects of an issue. The new voters are concerned, conscientious, and well informed. I welcome them to our political process. Again, I thank everyone for participating in the poll, which will assist me in the complex task of representation.

ACLU WOULD SUPPRESS PEOPLE'S RIGHT TO KNOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RARICK. Mr. Speaker, seemingly, the American Civil Liberties Union—a controversial organization which has been the force behind many of the suits that have polarized our Nation over the past several years—feels that it is above the law.

According to recent reports, the ACLU has filed suit in Federal court to bar enforcement of a provision of the 1971 campaign reform law that the organization says would require it to reveal the identities of contributors of more than $100 and could require the revelation of the group's membership.

Either the ACLU feels what is sauce for the goose is not sauce for the gander, or the ACLU is afraid of the public outcry that might come when they learn the names of those who seem bent on financing this country's destruction.

The American people have the right to know the names of these ACLU members. Who are they who think that they are above the law? What have they to hide by seeking to invoke judicial censorship to prevent the American people from learning the truth?

Equality before the law has two sides; that is, all men are equal when they appear under the law and the law must apply to all men equally.

A related news article and a list of the ACLU officers and National Advisory Board from an ACLU publication follow:

[From the Washington Post, Oct. 3, 1972]

ACLU SUES OVER REJECTION OF AD AGAINST NIXON

(By Lawrence Meyer)

The American Civil Liberties Union asked the U.S. District Court here yesterday to declare unconstitutional provisions of the 1971 federal elections campaign act that have prevented publication of an ACLU newspaper advertisement critical of President Nixon.

The suit charges that the law acts as a prior restraint on the ACLU's right of freedom of press and speech "by imposing onerous requirements for newspaper advertising and by giving a veto power over advertisement."

The newspaper in which the ACLU sought to place the ad—the New York Times—is seeking to enter the suit as an amicus curiae, or friend of the court, in support of the ACLU position.

The ACLU also asked the court to bar enforcement of a provision of the 1971 law that the organization says would require it to reveal the identities of contributors of more than $100 and could require the revelation of the group's membership.

ON BUSING ISSUE

The ad, which the New York Civil Liberties Union sought to place Sept. 20, attacked Mr. Nixon's support of legislation designed to curb school busing.

The ACLU wants the ad published to influence the Senate vote on the bill.

James C. Goodale, senior vice president for law and finance of The New York Times, rejected the ad. He explained in a Sept. 22 letter that the New York Civil Liberties Union had failed to provide documents required by the 1971 law, although in the view of the Times "the right of the press to publish such advertisements may not constitutionally be limited by the Comptroller General's regulations" as required by the law.

The 1971 law was intended, among other things, to limit the media expenditures by candidates for federal office and to require disclosure of the source of contributions of more than $100.

In order to print the ad, Goodale said, certificates would have to be filed from any of the 102 congressmen listed in the ad who are running for re-election, stating that the expenditure for the ad will not result in the candidate's exceeding his or her legal limit for campaign advertising.

NOT MATTER OF SUPPORT

The ACLU says that the ad was not designed to support any representative's candidacy but to take a position on pending legislation.

Any media expenditure that influences the election of a candidate directly or indirectly can be charged against his statutory limitation and therefore, under the 1971 law, can be refused by the candidate.

The ACLU and The Times contend that this provision gives the candidate a veto on advertising by independent groups. The law "completely stifles independent opinion," Goodale said yesterday in a telephone interview.

BASIS FOR DECISION

Goodale said his decision not to print the ACLU ad was based on the position taken by the government concerning advertising by the National Committee for Impeachment. That group published an ad in The Times last May and the Justice Department has sought to stop it from publishing more ads until it registers with the federal elections office. The case is pending before the Second Circuit Court of Appeals.

The ACLU also claims that if it is forced to disclose contributors, some present members will resign and prospective members will be deterred from joining. The disclosure provision, the suit contends, unconstitutionally violates the right of association and privacy.

District Court Judge Barrington D. Parker scheduled a hearing today on the ACLU's request for a temporary injunction, permitting the ad to be published, and on the request for a three-judge panel to rule on the law's constitutionality.

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American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016 (212) 725-1222.

THE 125TH ANNIVERSARY OF CHOWAN COLLEGE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. JONES of North Carolina. Mr. Speaker, in this day of "bigness," where the larger universities continue to grow and expand, it is all too easy to forget the important role played by the smaller institutions of higher learning.

On October 11, 1972, Chowan College located in Murfreesboro, N.C. will celebrate its 125th anniversary. The college first opened its doors on October 11, 1848, as a result of the interest and influence of the Baptists of northeastern North Carolina and southeastern Virginia. It was originally known as the Chowan Baptist Female Institute. In 1910 its name was changed to Chowan College.

It is significant to know that even with the Civil War, this college remained opened while many others were closed. Due to conditions beyond the control of the administration, the college was closed from 1943 to 1949. Since reopening, the growth has been phenomenal in enrollment, physical facilities and expanded academic offerings.

I want to join with thousands of others and pay tribute to the present administration as well as those of the past who have offered educational training to many who might otherwise been denied this opportunity. In terms of dollars and cents, it would be futile to attempt to evaluate its worth to a wide section of both North Carolina and Virginia. For many years it has been fully accredited by the Southern Association of Colleges and Schools. I predict that its influence and its service will expand as time goes on and will continue to be an inspiration to the thousands of young people who pass through its portals.

To all, congratulations on this, the 125th anniversary.

EVERY DAY IN EVERY WAY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BRASCO. Mr. Speaker, in the early years of this century, a Frenchman, Dr. Emile Coue, came up with a theory that mind could triumph over matter. Part of his philosophy for believing individuals was summed up in a phrase he encouraged them to repeat whenever they were seeking to wish away unpleasant realities of life. It went like this:

> Every day in every way I'm getting better and better.

Alas, such was the mentality of an earlier day that millions of sane Americans went about parroting this nostrum in a forlorn hope that what they wished for would come true in spite of the realities of daily existence.

While Dr. Coue and his phrase now occupy the exalted status of one of history's footnotes, there are still practitioners of his unique philosophy, and they occupy some of the more elevated pedestals in our national governmental hierarchy.

Consider the traffic in heroin, presently gutting an entire generation of young Americans. We know certain facts are true. For example, heroin addiction in our Nation has doubled since 1968. Communities which had hardly heard the word are now awash in this poison. Practically every high school in our Nation now has some heroin in it, with few exceptions, and they would not stay exceptions much longer. In every city of our land, it is ludicrously simple to find and purchase heroin. Our crime problem is largely attributable to the growth of heroin addiction.

Much of America is frightened, enraged, and bewildered by what is rapidly becoming our worst social cancer since Prohibition.

It is also true that from the poppy fields where it grows to the street corners of American cities where it is sold, no opium-heroin combination moves, is sold, refined, smuggled, wholesaled, and retailed without full knowledge of foreign and domestic authorities. As it is said, with such pithiness:

> If a ten-year-old child can find the heroin man, how come the police can't?

There is the best question I have seen posed in many a year, and officialdom refuses to answer it because it cannot. The New York City Board of Education knows all about the heroin inundating the largest school system in the land, yet remains mum. That conspiracy of silence has now been extended to National Government, which has added yet another element to this equation: the pretense that the problem either does not exist or false claims that it is under control. Nothing could be further from the truth.

The other day, at an International Narcotics Control Conference, our President actually praised France, Paraguay, Laos, and Thailand for following policies which are resulting in:

> Important breakthroughs, huge heroin seizures and key arrests.

It is all very well for a State Department conference, but down on the streets and in the schools of New York City that kind of fairy tale is greeted with bitter humor and cynical laughter. Heroin continues to pour into the United States from each of these countries, in every case because of the collusion of high officials.

In Paraguay, dictator Alfredo Stroessner has added to his laurels. Not content with shielding Nazi war criminals, he apportions out the lucrative U.S. heroin traffic to his pet generals. He surrenders a French heroin overlord to us just as the French police make a large heroin bust. Both events fall into the same category: throw the barking dog a bone before he becomes more of a nuisance.

In France, heroin processing labs continue to operate with the full knowledge of French authorities in and around the port city of Marseilles. And as far as the Lao and Thai regimes are concerned, they are American surrogates waxing fat on shipping opium from the Golden Triangle to the United States, while the CIA quietly looks the other way.

Recently, a young doctoral candidate at Yale University wrote and published a damning indictment of our own authorities' involvement in this degraded traffic. He titled it, "The Politics of Heroin in Southeast Asia." Its central theme is that American authorities know and even aid and abet this traffic in Southeast Asia. The CIA actively sought to prevent publication of the volume, and tried to censor portions of it when Harper and Row insisted on publication.

I do not pretend to know whether or not all allegations in the volume are true. Suffice it to say that CIA efforts to censor and to actually prevent its publication raise many doubts. If even a tenth of the accusations are true, then we have a part of our answer to the problem. I include at this point a review of the volume from the September 17 edition of the Washington Post:

THE POLITICS OF HEROIN IN SOUTHEAST ASIA

(By Laurence Stern)

"Ordinarily this agency does not respond to public criticism," the CIA's general counsel wrote the general counsel of Harper &

Row publishing company last July 5. "However in this case we are under the strongest directive to support the U.S. government's effort against the international narcotics traffic and are bending every effort to do so. We believe we cannot stand by and see baseless criticism designed to undermine confidence in that effort without trying to set the record straight. . . ."

The subject of this extraordinary letter was *The Politics of Heroin in Southeast Asia* by Alfred W. McCoy, a doctoral candidate at Yale University. Harper and Row provided the CIA with advance proofs of the book and after receiving a statement of rebuttal covering several of McCoy's allegations of Agency involvement in opium traffic, the book was published.

If the intervention had any effect, it has probably been to boost the sales of McCoy's book; certainly it turned its publication into something of a *cause célèbre*. Perhaps the Agency would have better served its own interests by following the time-honored intelligence precept of maintaining silence in times of adversity. Public accountability has never been its strongest game.

By its nature as one of the world's most profitable illicit businesses, the opium and heroin trail is heavily canopied with underworld and official secrecy. In the Golden Triangle region of northeastern Burma, northern Thailand and northern Laos, the principal opium growing and processing area in Southeast Asia, the traffic is fed by highland tribes, minor warlords and paramilitary soldiers, and it is controlled by high-ranking officials of the three countries. This distribution system fed heroin into the veins of American soldiers in Vietnam and into the international heroin stream that surfaces terminally in the ghettos and suburbs of the United States.

McCoy has done a sturdy and comprehensive reporting job. He has interviewed American and Southeast Asian sources who either played a direct role in the opium traffic or are highly competent to talk about it. It is his argument that when the United States embarked on the geopolitical objective of trying to contain Chinese and North Vietnamese power at their borders in Southeast Asia, it slipped inexorably into the narcotics traffic.

The international market had been created long before by the European colonial powers, chiefly Britain and France. Great Britain in the late 18th century took the first big step toward internationalization of the Asian drug traffic by establishing a government monopoly over India's opium harvest, helping finance the regime of the Raj by taxing the product, and beginning the massive export of Indian opium into China. When Chinese imperial authorities tried to stop it, Britain, with its gunships, blasted open the Chinese ports to European trade and Indian opium during the Opium War of 1839 to 1842.

Under the forced infusions of opium from British-ruled India the Chinese imports rose from a level of 340 tons in the first decade of the 19th century to 6,500 tons by 1880. It was in this period that the Chinese began a large-scale program of domestic opium production, much of it in the outlaying provinces of Szechwan and Yunan. By the beginning of the 20th century, China had an addict population of 15 million. The wave of Chinese migrations into Southeast Asia spread the scourge of addiction southward.

The French played a similar role in expanding and monopolizing opium production under colonial authority. Centuries before the French arrived the Meo tribal people cultivated and smoked opium, but more as a ceremonial intoxicant than to achieve the stupefaction of "living death" with which the Chinese coolies escaped their wretched life cycle of toil, poverty and disease. The French established their own monopoly and converted the Meo poppy harvests into an important cash crop which was taxed and sold to the growing addict population of Indochina. By the beginning of World War Two, according to McCoy's research, there were some 2,500 opium dens in Indochina serving about 100,000 addicts.

The Viet Minh war of independence eventually became a major challenge to French political rule and a drain on the colonial economy. In countering their guerrilla movement the French turned to the Meo tribal peoples in the Laotian highlands and to their poppy harvests. Meo opium became an important factor both in financing the war and in cementing the loyalties of the tribal guerrillas fighting on the French side. McCoy relates the case of the French Expeditionary Corps' "Operation X," a top-secret project for the collection and transport of Meo opium into the Saigon markets where it was turned over to the Binh Xuyen, an underworld secret society which the French occupation authorities permitted to take over civil authority in Saigon. By the time American influence replaced the French military presence, the poppy was the main cash crop in the Golden Triangle, the opium economy was fully developed, and there were well-rutted patterns for dealing with the tribal mountain guerrillas who had been enlisted by the French in the war against the Pathet Lao and Vietnamese Communist insurgents.

Here the argument begins. McCoy asserts that Central Intelligence operations became heavily involved in the opium-heroin traffic. He says that some of the Agency's chief Asian operatives and clients controlled it and that the CIA's contract airline, Air America, moved it toward the ultimate markets.

All this has long been a matter of conventional wisdom and surmise in the bars and embassies of Vientiane, where wags spoke of Air America as "Air Opium," but McCoy seeks to document the case with interviews (alas, some of the crucial ones anonymous) and hard evidence.

One of the most sensational allegations in the book is that Meo General Vang Poa, the most important field commander on the Royal Lao government side, arranged for the delivery of 60 kilos of high grade Laotian heroin (worth $13.5 million in New York) to Prince Sopsaisana, the Laotian ambassador-designate to France in April 1971. Sopsaisana returned to Laos after French customs officials found the haul in his suitcase and Paris refused to accredit him.

McCoy also asserts that Vang Pao operated a heroin laboratory at Long Tieng, the CIA base just south of the Plain of Jars. In a footnote, McCoy attributes these claims to "a Western diplomatic official" in Vientiane, a "Third World diplomatic official," a "Laotian political observer" and he further asserts that his account has "been corroborated by reports received by the U.S. Bureau of Narcotics and Dangerous Drugs." The BNDD seems unaware of this, at least at top level.

In its rebuttal the Agency denied any knowledge of Van Pao's involvement in the opium and heroin trade, which is an understandable flaw in its own intelligence. Vang Pao and his troops have been the backbone of American-supported ground effort in northern Laos to keep the Pathet Lao and North Vietnamese forces in check.

The Agency also countered, in its letter of rebuttal to Harper & Row, that Southeast Asians often say what they think their American interviewers and counterparts want to hear. This has indeed been a grave intelligence pitfall for U.S. officials as well as journalists and scholars. But an energetic investigator like McCoy can also pick up information in the field that neither the American intelligence and diplomatic establishments nor local governing elites in Indochina wish to hear broadcast publicly. That is what makes *The Politics of Heroin in Southeast Asia* such worthwhile reading.

The most serious flaw of the book is McCoy's eagerness to blame the CIA for the rise of the Mafia and Corsican underworld and the post-World-War-Two upsurge in heroin traffic—a form of simplistic historical determinism that does little justice to McCoy or to his book. Similarly, his suggestion for dealing with the heroin plague savors of the sort of righteous interventionism that got us into trouble in Indochina to begin with. McCoy's solution is to cure heroin addiction by ending opium production and the growing of poppies.

Illicit drugs will always be available as long as the demand is there, no matter how many opium fields we bomb or defoliate. The problem, and the solution, are in the American communities where the roots of addiction originate.

What will the President tell us at the next conference? That subordinate clauses are Santa's children? Better that he should make such claims than repeat or reiterate the blatant nonsense emanating from his address to that conference. The heroin problem is worse than ever. It is not being solved. A group of solemn-looking officials meeting in Foggy Bottom, that aptly named place, are not doing anything about the flood of poison entering the United States. Signing meaningless agreements and murmuring diplomatic pleasantries is sanctimonious flapdoodle in light of the honors taking place on the streets of every American city and in the corridors of many American high schools.

I repeat a previously made offer. I will take anyone in this Chamber to areas and institutions in New York City where in broad daylight they will see things that will haunt them for years to come. These horrors give the lie to such international kisses as the fraud taking place at the State Department.

HEXACHLOROPHENE, FDA, AND THE CONSUMER'S RIGHT TO KNOW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ROSENTHAL. Mr. Speaker, on September 22 of this year, the Food and Drug Administration banned from the market products containing hexachlorophene—HCP. The FDA ban required the recall of baby powders and all other products containing more than 0.75 percent HCP. Products with 0.75 percent or less could no longer be manufactured or shipped after September 22, 1972—but existing supplies could be sold. Hexachlorophene is found most often as an active ingredient in soaps, powders, deodorants, feminine hygiene sprays, skin lotions and cleansers, and many other products. It has the potential to be an extremely dangerous drug when used routinely and has been linked to dozens of infant deaths in France.

Mr. Speaker, even with the ban, millions of unknowing consumers will continue to use hexachlorophene products bought prior to the ban and will continue to purchase for up to a year, HCP products manufactured and shipped before the September 22 deadline—all because many toilet goods products do not contain a full ingredient listing.

It is for this reason that I recently urged the Food and Drug Administration to release to the public the best available list of products containing the recently banned ingredient, hexachlorophene. To their credit, FDA complied and furnished me yesterday with a list of over 400 of such products. The only way consumers can protect themselves against further use of unlabeled HCP products is to avail themselves of the FDA-prepared list.

Mr. Speaker, this listing should receive the widest possible circulation. I do want to stress that while the list of 409 products represents only a portion of the total number of products containing HCP, it is the most comprehensive compilation to date and should prove valuable to consumers who wish to avoid the further use of HCP products. But equally important is that the incompleteness of the list, its unavailability until now and only upon the urging of a Member of Congress, prove the need for a drastic revision of the drug laws which do not require ingredient labeling for cosmetics and which do not give the FDA legal authority to require cosmetic manufacturers to disclose their formulas even to them.

The FDA "List of Products Containing Hexachlorophene," which appears below, contains the name of the product, the manufacturer, and his place of business; and, in most instances, the concentration of HCP present in the product. Consumers should be particularly wary of HCP products listed which are intended for infant use, which are made to remain on the skin and which contain in excess of 0.75 percent HCP.

Mr. Speaker, the FDA-supplied list follows:

LIST OF PRODUCTS CONTAINING HEXACHLOROPHENE

State and manufacturer (city)	Product	Conc. (percent) HCP
Connecticut:		
Dome (West Haven)	Acne Dome Compact	1
	Acne Dome Lotion	1
	Acne Dome Cream	1
	Acne Dome Cleanser	1
	Bradic Stick	
	Doak Medicated Cleanser	
	Come Dab Cover Stick	1
	Dome-A-Reem Medicated Shampoo.	1
	Acne Court Dome	1
	Soy-Dome Medicated Skin Cleanser.	3
McKesson Labs. (Bridgeport)	McKesson Burn Lotion and Spray.	
	McKesson Athletes Foot Spray	
Norcliff (Bridgeport)	Ora-Fix Medicated Yodora	
Massachusetts:		
Davies-Ross Hoyt (Needham)	Pro-blem	.1
Otis Clapp & Sons, Inc (Cambridge)	Sepo w/Diaphene Mouthwash	.02
Naman Pharmacal Co. (Lawrence)	Dermasettic Skin Cleanser	3
Thayer (Cambridge)	Mazon Shampoo	.5
Rhode Island:		
Claflin (Providence)	Surgi Hex	2.5
Original Bradford Soap Works (West Warrick)	Weis Deodorant Soap	1
	Red and White Deodorant Soap	1
	Luxury Deodorant Soap	1
	Sweet Life Deodorant Soap	1
	Hy-Top Deodorant Soap	1
	Pro-Tect Deodorant Soap	1
	Stop & Shop Deodorant Soap	1
	Ice-O-Derm Soap	1
	Bonne Bell 10–06 Soap	1
	Pub Soap	1
	Up-Beat Soap	1
	Wanda Windward Passage Soap	1
New York:		
Sterling Drug, Inc. (New York)	Phisodan Shampoo	3
	Wash & Care Lotion	.54
	Phisoac Cream	.3
	Diaparene Tod'l	.5
	Diaparene Cradol	.25
American Pharamaceutical (Bronx)	Hyrocain	
Avon (New York)	Avon Powder Deodorizer	
	Avon Antiseptic Powder	
	Avon Antiseptic Cream	
Chesebrough-Ponds (New York)	Ponds Medicated Hand Lotion	
	Fresh Start	
	Angel Face Medicated Cream	
	Angel Face Liquid Makeup	
	Angel Face Medicated Compact	
	Angel Face Medicated Liquid	
Odo-Ro-No	Odo-Ro-No Aerosol	
	Odo-Ro-No Roll-On	
	Odo-Ro-No Cream	
Clariol (New York)	Numero 1 Spray	
Columbia Med. (New York)	Acnycin	
	SOS First-Aid Spray	
	Hexaph	3
	Ora-Aid Jel	
Winthrop (New York)	Phisohex	3
	Phisoac	.3
	Phisodan	3
	Phisoscrub	3
Leeming (New York)	Desitin	
	Unburn	
	Desitin Baby Powder	
Lever Bros. (New York)	Pepsodent Antiseptic Mouthwash.	.02
Manhattan (Yonkers)	Neo-Derm	
	Cosmicain	
R.H. Macy & Co., Inc. (New York)	Macy's Antiseptic Exposure Cream.	.1
E. J. Moore (New York)	Edmo Cream	
	Bonal Cream	
	Boilaid for Boils	
Revlon (New York)	High & Dry	0.1
	Revlon Natural Wonder	
	Top Brass Medicated Clean & Clear Cream	.1
Helena Rubenstine (New York)	Nudit	
	Bio-Clear Lotion (gm.)	.0367
	Bio-Cleanser	
	Super Deodorant	.14
	Bio-Clear Cream (gm.)	.0255
Schieffelin (New York)	Presulin Cleanser	1
	Presulin Shampoo	1
Trent (New York)	Volitane	
Vick Div. of Richardson and Merril (New York)	Clearasil Medicated Creams, Stick & Soap	
	Demure Feminine Hygiene Deodorant	
Bristol Myers (New York)	Fact Dentrific	
	Ban	.25
	Mum Cream	
	Mum Roll-On	.5
	Mum Aerosol	.25
	Mum Spray	.15
Colgate Palmolive	HyperpHaze	3
	Tackle	2
	Hour After Hour	
	Hour After Hour Double Dry	
	Coleo Antibacterial Deodorant Soap	1
Doak (Long Island)	Teraseptic "Doak"	1
Qualify Cosmetics (Brooklyn)	Thilene	1
International Latex (New York)	Playtex Baby Oil Liquid	.5
	Palytex Baby Powder	.5
	Palytex Baby Cream	.5
Roussel Corp. (New York)	Acne Cort Lotion (gm.)	.375
Charles Pfizer Co., Inc. (New York)	Steraskin Solution	3
Stanley Drug Products (NY)	2001 Jel	.25
Dalin (Floral Park)	Daildyne Jel	
	Podiaspray	
	Dalicote	
	Dalisept	1
	Aerosept	
Bryant (Mount Vernon)	Burnguent	
Commerce Drug (Farmingdale)	Acne Gene	
	Kumfort Ice Foot	
	Kumfort Foot Powder	
	Nail Cut	
	Bio-Stic	
	Tanac	
	Triguent Ointment, Cream, Spray, and First-Aid Spray.	
	Baby Ease Skin and Diaper Cream.	
	Cal Ice	
	Boil-Ease Salve and Ointment	
	Velvacaine	
	Kay-San	
	Ora-Jel-D	
	Dulzit	
	Pedatone Athletes Foot Powder	
Dermik (Syosset)	Klaron Lotion	.5
	Tenda Hc	.35
	Post Acne Lotion	.5
	Rezamid Cream and Lotion	.5
	Tenda	
	Formac Cleanser	1
	Rezamid Shampoo	
Mentholatum (Buffalo)	Metholatum Suppositories	1.1
Purelon (Mount Vernon)	Aolotalbia Ointment	
Santa Pharmaceuticals (Buffalo)	Sklene	
Stiefel (Oakhill)	Acne-Aid Cream	.625
	Acne-Aid Soap	
	Brasivol Cleanser	1
	Saftid Soap	1
Vitarine (Spring Gardens)	Protivite Ointment	

State and manufacturer (city)	Product	Conc. (percent) HCP
West Wood (Buffalo)	Fostex	1
	Fostril	1
	Pernox	1
	Proseca	1
	Keri Lotion	.5
	Transac	1
	Sebucare	.5
	Subulex	1
	Subtone	1
	Pernox Scrub Cleaner	1
Pharmacraft (Rochester)	Desenex Powder	
	Desenex Soap	2
	Desenex Spray	
	Fresh	.23
	Ting Soap	
	Ting Ointment	
	Cruex Aerosol	
Kip (Richmond Hill)	Kip Sunburn-Windburn Cream	
Norwich (Norwich)	Amolin Cream	
	Amolin Powder	
New Jersey:		
Lehn & Fink (Mountvale)	Medi-Quik Cream	
	Medi-Quik Spray	
	Medi-Quik Lotion	
Cooper Labs. (Wayne)	Acneveen	1
	Emulave	2
	Sebaveen	1
	Aveeno Baby Powder	.25
	Aveeno Bar	2
	Aveeno Ointment	
	Acneveen Treatment Bar	2
Mennen (Morristown)	Medicated Fact Conditioner	2
	Mennen Push-Button Deodorant	
	Baby Magic Bath	
	Dry	
	Push-Button	
	Speed Stik	
Reed & Carnick (Kenilworth)	Dephosyl	
	Sebical Cream	1
Block Drug (Jersey City)	Tegrin Shampoo	1
	Wemets Denture Cream	
Schering Corp. (Kenilworth)	White's A & D Cream	
Holland-Rantos (Piscataway)	Diaper Rash Baby Cream Hollindex.	
Johnson and Johnson (New Brunswick)	Johnson's Baby Lotion	.5
	Johnson's Medicated Powder	
	Symol w/Hexachlorophene Liquid Soap.	
	Johnson's First-Aid Cream	.2
Carter Cranbury	Arrid Spray	
Shulton (Clifton)	Man Power	
	Man Power Super Dry	
	Old Spice Aerosol	
	Old Spice Stick	
Laten Laboratories (Inglewood)	Liquid Soap	
Givaudan Corp. (Clifton)	G-11 Compound (Bulk Powder)	
Robert Daniels (Moonachie)	B Clear Cream	
	Bioguent Ointment	
	Drawex Salve	
	Emro Rectal Ointment	
	Healex Salve	
	Icy Kool Cream	
	Kiddy Kare Pediatric Cream	
	Ormalac Powder	
	Pedidust Foot Powder	
	Pedispray	
	Tycal	
	Vanocyn Lotion	
	Vanocyn Cream	
	Vanocyn Foam	
	Whitney's Medicated Powder	
Rondex Pharmaceuticals (Guttenberg)	Fung-O-Spray	
Maryland:		
National Pharmaceutical (Baltimore)	Scrip-Spray	
	Drawing Salve Ointment Barre	.25
	Diaper Rash Ointment	.25
	Burn-Aid Burn Ointment	.25
	Toothache Jel	
	First-Aid Spray	
	Zemalo Skin Cleaner	3
	Hexa-pHyze	3
Carroll Chemical Co. (Baltimore)	Drawing Salve	
	Palpon Lotion Hand Soap	.36
Fuld Bros. Inc. (Baltimore)	Veltone Antiseptic Liquid Soap	.36
Noxell Corp. (Baltimore)	Cover Girl Super Sheer Super Gloss for Lips.	.25
	Cover Girl Medicated Liquid Makeup.	.436
	Cover Girl Pressed Powder	.705
	Cover Girl Brush on Blushing Powder.	.702
	Cover Girl Tube Makeup	.50
	Cover Girl Medicated Lipstick	.25
	Cover Girl Gloss and Gleam Kit for Lips and Cheeks.	.25
	Cover Girl "Plus 3" Acne Medicine.	.5
	Noxzema Complexion Lotion	.5
	Noxzema Medicated Shave Lime	.26
	Therma Thera-Blem Medication for Acne Pimples.	.5
	Cover Girl Super Sheer Liquid Makeup.	.5
	Cover Girl Super Sheer Translucent Powder.	.5
	Cover Girl Super Sheer Translucent Blusher.	
	Duo	.5
Imoco-Gateway Corp. (Baltimore)	Creamycin Bacteriostatic-H Lotion & Soap.	0.35
Mifflin McCambridge (Riverdale)	Portibiday Solution	2
District of Columbia: Washington Ethical Lab., Inc.	Portibiday Solution	2
Virginia:		
Poythress (Richmond)	Bensulfoid Lotion	
Herald (Bedford)	H. A. F	
Pennsylvania:		
Smith, Kline & French (Philadelphia)	Acnomel	.25
Lannett (Philadelphia)	Acnederm	1
	Lanahex	3
	Soapalan	1
	Acnederm Medical Skin Cake	1
Spirt (Paoli)	Tridenhex	3
Macsil (Philadelphia)	Balmex Medicated Lotion	
Torch Labs. (Yeadon)	Lavotex	1
Pennex Products Co., Inc. (Verona)	Dart Drug Brand Skin Cleanser	
	Health Cross Brand Skin Cleanser.	
	Pameco/Skin Cleanser Brand	
Theodore Meyer, Inc. (Philadelphia)	Therapogen	
Nutrion Corp. (Reading)	Tridenhex	3
Tri-Summers Labs., Inc. (Fort Washington)	Sebasorb Lotion	1
Hance Bros. & Whit Co. (Philadelphia)	TRI-AC Skin Cleanser	3
Gordon Labs. (Drexil Hill)	Cydonol Massage Lotion	
	Surgical Soap Solution	5
	Aeromatic Cooling Lotion	
	Gordocaine Tenture	
Quaker City Pharmacal Co. (Philadelphia)	Ivy-Eeze First-Aid Spray	
National Chemical Lab., Inc. (Philadelphia)	Antiseptic Liquid Soap	
Crystal Soap & Chemical Co. (Lansdale)	Hexa-Germ	3
Roth Drug (Philadelphia)	Hexa-O-Lam	
	Seda Lotion	
Soleray Products (Jenkingtown)	Blemstick	
Tennessee:		
Plough (Memphis)	Solarcaine	
	Gets-it Foot Powder	
	Mexsana Medicated Powder	
	St. Joseph Baby Powder	
	St. Joseph Baby Lotion	
Pharmaco (Memphis)	Artra Beauty Bar	
	Sulfur-8 Conditioner	.5
	Sulfur-8 Shampoo	.5
Mitchum (Paris)	Esoterica	
	Fortified Esoterica	
	Facial Esoterica	
	Original Esoterica	
	Deep Deep Pore Cream	
	Esotericarex	
Lucky Heart (Memphis)	Diplomat Deodorant	
	On Guard	
	Wee One	
Florida:		
Delta (Jacksonville)	Deltacaine	
Barry Martin (Miami)	Acnex	
Sunshine Soap Co., Inc. (Hialeah)	Hexachorophene Soap	1
	do	2
	do	3
Alabama: Shorton	Sulfo-Lo Medicated Cake	
Illinois:		
Gillett (Chicago)	Gillette Shaving Cream	
	Right Guard Antiperspirant	
	Right Guard Deodorant	
	Soft & Dri	
	Gillette Lather with K-34	
Armour & Co. (Chicago)	Dial Soap	
	Formula 99 Antiseptic Liquid Hand Soap.	1
	Princess Dial Beauty Soap	.5
	Dial Super A T-7 Deod., Bath & Beauty Soap (gm.).	.7442
	Formula 99 Hexachorophene Heavy Duty Soap.	.16
	Formula 99 Hexachorophene With Borax Soap.	.11
	Dial Surgical Scrub Formula 609 Concentrate Solution.	.930
	Dial-Aerosol and Dial Roll On	
Alberto Culver Co. (Melrose Park)	Derma Fresh	
	Calm	.24
Helene Curtis (Chicago)	Enden Shampoo	1
	Stopette	.25
Hobart (Chicago)	Cremecal	
Scholl (Chicago)	Dr. Scholl Shoe Deodorizer	
	Dr. Scholl's Solvex	
	Dr. Scholl's Pink Cloud Foot Powder.	
Stillman (Aurora)	Stillman's Medicated	
Scrip Inc. (Peoria)	Scrip-Spray	
Xttrium Labs. (Chicago)	Turgex Liquid and Aerosol Foam.	
Abbott (Chicago)	Lotocreme Emulsion	
Ohio:		
Chase Products Co. (Cleveland)	Deodorant Anti-perspirant	.1
Columbus Pharmacal, Co. (Columbus)	Vi-Cuta with Hydrocortison Lotion.	.5
Ross Labs. (Columbus)	Kenwood Message	
Procter & Gamble (Cincinnati)	Secret	
	Secret Roll On Deodorant Liquid.	.2
	Secret Cream Deodorant	.2
Warren-Teed (Columbus)	Tegumin Cream	3
Wendt-Bristol (Columbus)	Gar Caps	
Indiana:		
Huntington Labs., Inc. (Huntington)	Germa-Medica Antiseptic Soap	1
Central Pharmacal (Seymour)	Cenac	.25

LIST OF PRODUCTS CONTAINING HEXACHLOROPHENE—Continued

State and manufacturer (city)	Product	Conc. (percent) HCP
Michigan:		
Parke-Davis & Co (Detroit)	Aeroderm Medi-Lotion	
	Medicated Comfort Powder	1
Depree (Holland)	Pso-Rite	1
Missouri:		
Mallinckrodt (St. Louis)	Retafen Ointment	
Modern Labs., Inc. (St. Louis)	TKO-Enterinal Top	
	SOL Spray	1
Arkansas: Mione Mfr. Co. (Fort Smith)	Mione Powdered Hand Soap	2
	Lano-Guard	2
Texas:		
Texas Pharmacal (San Antonio)	Allercreme Deodorant	
Merit (Houston)	Derma 10 Acne Lotion	.5
	Derma 10 Skin Cleanser	.5
	Mericool	
Pharmadent (Lake Jackson)	Hexadent	
Carroll Company (Garland)	Triple Concentrated Antiseptic Hand Soap.	.7
	Texas SPEC No. 310-36-2 Surgical Hand Soap.	1.4
	USP Antiseptic Hand Soap	.23
Medi-Rx Pharmaceuticals, Inc. (Houston)	Medi-Gent Hexachlorophene Soap.	3
Dara Products (Dallas)	Kerac Lotion	
	Nomal	
	Clesk	
	Clantis	
Wisconsin:		
La Crosse (La Crosse)	Hexolin	
Wisconsin (New Berlin)	Consin Baby Lotion	
California:		
Rabin-Winters (El Segundo)	Campho-Bliss	
Rexall (Los Angeles)	Denturex	
	Rexall First-Aid Spray	
Person and Covey (Glendale)	Xerac	1
G. S. Herbert Labs. (Santa Ana)	Vanseb Shampoo	
Purex Corp. (Wilmington)	Hand Soap	
U.S. Borax & Chemical Corp. (Los Angeles)	MD-7 Lotion Soap	1
Wickman (Los Angeles)	Cotofilm	
Max Factor (Hollywood)	Max Factor Roll on Deodorant	
	Max Factor Skin Clear	
	Max Factor Pure Magic	

PRODUCTS FOR WHICH LOCATION OF MANUFACTURER IS UNKNOWN

Manufacturer	Product	Concentrate
Hill Manufacturing Co	Hand-Safe Liquid Soap	
World Gift Co	World o'Beauty Lotion	
Davis & Geck	Pre-Op Surgical Scrub Sponge	
Barrett Chemical Co	G-63 Aerosol Burn Spray	
Hunter Industrial Chemical Inc	Surgent Hexachlorophene Soap	3 percent.
Hydrosol, Inc	Del Pre-Tape	0.052 percent.
Do	Maywood Hand Cleaner	0.23 percent.
Do	Dal Hand-D	Do.
Do	Del Foot and Body Powder Spray	0.02 percent.
Polymed Labs	Benefit	0.15 percent.
Scott & Browne Vitamin Corp	Browne Antiseptic Baby Oil Liquid	0.1 percent.
Del-Clare Products Co	Bel Clare Deodorant Liquid	144 GR.
Braun Ernest	Pisorex A Ointment	3 Apart.
Do	Pisorex B Ointment	3 Bpart.
Roussel Corp	Acnecort Lotion	0.375 GM.
Larousse, Inc	Count Down Hair Dressing	0.5 percent.
Loyal Labs., Inc	T.K.O. Aerosol Foam	0.01 percent.
Biocraft Labs., Inc	Care Cream Ointment	2 MG/GM.
John T. Stanley Co., Inc	Babeskin Soap	
Cetylite Industries, Inc	Coagucaine Aerosol Spray	1 percent.
Mowbray Co., Division, Adhesi-Kote Co.	Adhesi-Kote Dressing	
Do	Adhesi-Kote Aerosol/Dressing	
Do	Skin Adherent No. 2 B/Hexachlorphene Dressing.	
Frederick J. Weck Co	Dermatisan Medicated Ointment	1 percent.
Arbrook	Gamophen Soap	2 percent.
Fuller	Therapads	0.5 percent.
Aarbern	Teen Clear Lotion	
Aeroceuticals	Aerozcin	
Do	Aerocaine	
Allen	Vanigene	
Alpha Pharm	Alphacleanser	
Do	Alpha Cleanser	
Do	Alphacne Cleanser	
American Labs	Hemoid	
Do	DX 114 Foot Powder	
Do	Cuocaine	
Approved	Actine	
Arbrock	Ganophen	
Baker Labs	Bakers Cold Scre Liquid	
Greco Pharmacal	Phil-Acne Cream	
Do	Phil-Acne Cleanser	
Mathan Labs	Cyscol Vitamin Lotion	
Mod Shave	Mod Shaving Lotion	
Moore	Wartgon	
Pharmaderm	Drawing Salve	
Do	Acne Cream	
Do	Diaper Rash Cream	
Do	Poison Ivy Cream	
Pharmafac	Teen-10 Acne Lotion	
Pharmex	Acnyl	
Rx Labs	Madassage	
Visio	Acne Solution	
Vit Council	Double Antibiotic Acne Cream	
Wright	X O Kreme	
Do	Neo-Dex	
Herbert Charles Johnston	Toothpaste	3 percent.

COUNT CASIMIR PULASKI

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ANNUNZIO. Mr. Speaker, October 11 marks the 193d anniversary of the death of Count Casimir Pulaski, the outstanding Polish patriot who gave his life for our country during our war for independence.

Pulaski was born in 1748 in Poland to an aristocratic and distinguished family. He proved his dedication to the cause of freedom early in life by struggling valiantly against the Russian oppressors of his country. Pulaski at first saw his efforts succeed, but was eventually defeated. His father and a brother were killed, and the young count lost his position and wealth.

The overwhelming odds, however, only seemed to increase Pulaski's courage and faith in the ultimate victory of freedom. He managed to escape to France where he met Benjamin Franklin and learned of the desperate need for military expertise and imaginative battlefield leadership in America, which at that time was engaged in its own war for independence. Pulaski's innate sense of justice and idealism compelled him to offer his services to General Washington and accept America's struggle for freedom as his own.

Pulaski's military genius and sense of leadership on the battlefield were quickly recognized by Washington, who was desperately trying to mount effective opposition to British military professionals from citizen recruits. Pulaski's competence quickly earned him the rank of brigadier general and he was placed in command of a division. The first American cavalry units during the Revolutionary War were trained by Pulaski.

General Pulaski commanded the cavalry during the winter of 1777 at Trenton and later at Fleming. Working with Gen. Anthony Wayne, he scouted for supplies to feed starving troops at Valley Forge. In 1779, he assumed command for both the French and American cavalry at Savannah. Bravely charging the enemy lines at the head of his forces, Pulaski was mortally wounded, and two days later on October 9, 1779, he died at the age of 31.

This anniversary is important because not only does it commemorate the sacrifice of Pulaski for the ideal of freedom for all—it also symbolizes the dedication to that ideal of millions of Poles who came to America after him. Polish-Americans have fought in all of America's struggles as well as adding immeasurably to this Nation's greatness through their attainments and talent in every field of endeavor—in the professions, in business, in religious, and political activities of the community.

Because I represent a great number of Polish-Americans, I have been impressed through the years by their contributions to the economic, cultural, and spiritual growth of our country. The successful American experiment in democracy has been infinitely enriched by the American Polonia and our progress toward the ideal of freedom is an example for the world. It is, therefore, with genuine pride that I join my colleagues in commemorating the anniversary of the heroic death of Gen. Casimir Pulaski.

COLORADO RIVER BASIN SALINITY CONTROL ACT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HOSMER. Mr. Speaker, the Colorado River continues to be the lifeline for a major segment of our Nation. More than 15 million people living in seven States are dependent upon its waters to serve their homes and offices and factories. Everyone in the United States benefits from the produce and the livestock grown on the farms and ranches irrigated by it. And despite new developments in our water resources, the Colorado will continue to be the workhorse for these seven States far into the future.

With the increasing use of the Colorado, however, a general rise in the salinity levels of the water has occurred. This increase is expected to continue unless a program is undertaken to correct the problem. This high mineral content arises from a number of factors, both natural and man made, and it is now imperative that we begin the fight to reduce or eliminate these sources.

High salinity costs money. As with other forms of pollution, we pay the penalty not only in terms of a less desirable water but also in hard dollars taken from the pockets of homeowners, businessmen, and farmers. The Colorado River Board of California in a report published in 1970 estimated that if salinity control measures are not taken, annual damages in California alone could exceed $40 million by the year 2000.

This rising concern also is having an impact upon our relations with Mexico, which under a treaty dating from 1945, uses 1.5 million acre-feet of Colorado River water each year. During his recent trip to the United States, President Luis Echeverria asked the United States to seek solutions for these high mineral concentrations. President Nixon has now appointed Mr. Herbert Brownell as his special representative to survey the issues raised by President Echeverria and make recommendations for a permanent solution. We agree that it is timely that this be done.

It is not a problem that lends itself to snap conclusions or quickie answers. The Department of the Interior, the Environmental Protection Agency and the States of the Colorado River Basin have worked in cooperation to identify the sources of this pollution and have now come up with the framework for a solution. This is presented in a report by the Bureau of Reclamation, Colorado River water quality improvement program, released this spring and generally concurred in by the basin States.

In that report, the Bureau identified three principal sources of salt which could be eliminated or reduced and set forth a program to maintain salinity concentrations at or below the levels presently found in the lower reaches of the Colorado. Without these controls, the report estimates that the salinity levels at Imperial Dam will increase from current levels of 860 parts per million of total dissolved solids to over 1,250 parts per million at the year 2000. Public health authorities recommend that drinking water not exceed 500 parts.

The three salinity sources identified by the report are: First, point sources such as salt springs; second, diffuse sources which involve salt loading from over a wide area such as a drainage basin; and third, irrigation sources.

Control of the sources coupled with a number of allied programs, particularly those which would augment the river and serve to dilute the salt such as weather modification, represent the heart of the program.

Therefore, my respected colleague from Colorado (Mr. ASPINALL) and I are introducing today with a number of colleagues a bill to authorize this program. I do not expect this Congress to have the opportunity to devote much time to it, but because of its significance it is important that we begin to concern ourselves with it.

Its provisions permit the authorization of those parts of the program which will achieve water quality improvement at the least cost and will accelerate study of further measures and projects. Costs of those projects authorized by the bill are estimated at $140 million. While the long range program has not been fully defined, its costs have been estimated at $500 million.

The text of the bill follows:

COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OBJECTIVE

SEC. 101. That this Act may be cited as the "Colorado River Basin Salinity Control Act of 1972."

SEC. 102. (a) It is the objective of this Act to authorize the Secretary of the Interior (hereinafter referred to as "Secretary") to execute the program required to implement the salinity control policy adopted for the Colorado River system by the conferees of the Environmental Protection Agency and the Colorado River Basin States in their conclusions and recommendations at the seventh session of the joint Federal-State Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries held on April 27, 1972 under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) In recognition of the emergency nature of the increasing concentration of dissolved solids in the waters of the main stem of the Colorado River downstream from Lee Ferry, the general welfare of the citizens of the nation, interstate harmony, and international comity, it is the policy of the Congress that the Secretary is hereby directed to give high priority to accelerating and otherwise expediting the investigation, planning, and construction of salinity control works and procedures of the salinity control program as generally described in the Secretary's report entitled "Colorado River Water Quality Improvement Program, February 1972."

TITLE II—INITIAL STAGE

SEC. 201. In conformity with the conclusions and recommendations of the Conference referred to in Sec. 102 (a), the Secretary is authorized to construct, operate and maintain the following units as the initial stage of the Colorado River Basin Salinity Control program: LaVerkin Springs, Paradox Valley, and Grand Valley.

TITLE III—CONTINUING PROGRAM

SEC. 301. In order to achieve the objectives of this Act, the Secretary is authorized and directed to:

(a) give priority to completion of planning reports on the following units described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972."

(1) Irrigation source control: Lower Gunnison, Uintah Basin, Colorado River Indian Reservation, Palo Verde Irrigation District.

(2) Point source control: Littlefield Springs, Blue Springs, Crystal Geyser, Glenwood-Dotsero Springs.

(3) Diffuse source control: Price River, San Rafael River, Dirty Devil River, McElmo Creek, Big Sandy River.

Said reports shall be completed expeditiously and submitted promptly to the Colorado River Basin States and to such other parties and agencies as the Secretary deems appropriate for their review and comments.

(b) Upon determining that a project in 301(a) is feasible, advise the President, other concerned federal departments and agencies, the Congress and the Colorado River Basin States of this determination. Ninety days following the transmitting of his advisory, the Secretary shall be authorized to construct, operate and maintain the project.

(c) Undertake research on additional methods of accomplishing the objective of this Act, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies.

SEC. 302. In the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, the Secretary is directed to cooperate with the Secretary of Agriculture in carrying out on-the-farm improvements and farm management practices and programs which will further the objective of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. In conformity with Title I of this Act and the authority of the Environmental Protection Agency under Federal laws the Secretary and the Administrator of the Environmental Protection Agency are directed to cooperate and coordinate their activities to effectively carry out the objective of this Act.

SEC. 402. On January 1 of year each, commencing with January 1, 1974, the Secretary shall submit to the President and the Congress a report on the Colorado River salinity control program authorized by this Act. Said report shall cover the progress of investigations, planning, and construction of salinity control units for the previous fiscal year and to the date of the report, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objective of this Act with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program.

SEC. 403. Nothing in this Act shall be construed to affect the rights of any water user, whether public or private.

SEC. 404. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S.

340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), or the Colorado River Basin Project Act (82 Stat. 885).

SEC. 405. As used in this Act:

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(c) "User" or "water user" in relation to the waters of the Colorado River System means the United States or any person or legal entity entitled under Federal laws, State laws, or court decrees to use water when available thereunder.

SEC. 406. There are hereby authorized to be appropriated such sums as may be required to carry out the objective of this Act.

BOSTON CHAPTER OF THE LITHUANIAN-AMERICAN COMMUNITY OF THE USA, INC. ADOPTS RESOLUTION

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, on September 24, 1972 the Boston Chapter of the Lithuanian-American Community of the USA, Inc., met and adopted the following resolution which I would like to share with my colleagues in the House:

RESOLUTION

Unanimously adopted at a mass meeting of American citizens of Lithuanian descent living in Greater Boston, sponsored by the Lithuanian-American Community of the USA, Inc., Boston Chapter, held on Sunday, September 24, 1972, in the South Boston Lithuanian Citizens Association Auditorium, 368 West Broadway, South Boston, Massachusetts, commemorating the Lithuanian National Holiday, as well as the 721st anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251, the 54th anniversary of the establishment of the Republic of Lithuania on February 16, 1918, and the 31st anniversary of the Lithuanian uprising against Soviet aggression:

Whereas, the Communist regime did not come to power in Lithuania by legal or democratic process, but took over Lithuania by force of arms in June of 1940; and

Whereas, the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as demonstrated by the heroic attempt of defection by Simas Kudirka, the attempted escape of Vytautas Simokaitis and his wife, the arrest of Liudvikas Simutis, two bishops, and three Lithuanian priests, Fathers J. Zdebskis, P. Bubnys and A. Seskevicius for teaching religion, and more recently the tragic self-immolation by Romas Kalanta to arouse international opinion against continued Soviet oppression; and

Whereas, an extraordinary petition protesting religious oppression signed by 17,000 persons in Lithuania reached the United Nations a week before Easter; Now, therefore be it

Resolved, That we demand that the Soviet Government release all political prisoners, and withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights;

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended by the President of the United States by the House Concurrent Resolution 416 of the 89th Congress;

That this Resolution be sent to the President of the United States, and copies thereof to the Secretary of State, the United States Ambassador to the United Nations, to the Senators and Congressmen from our Commonwealth, and to the press.

ANTHONY MATIOSKA,
Chairman.

CONGRESSMAN OTIS G. PIKE REPORTS TO HIS CONSTITUENTS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. PIKE. Mr. Speaker, as has been my custom every year for the past 12 years, I am taking this opportunity to report to the residents of the First Congressional District of the State of New York, whom I have the honor to represent, on the problems of the Nation in general—of our area in particular—and what, if anything, the U.S. Congress has done about these problems during this session.

Our district shares with the rest of the Nation the great national problems caused by the economy, inflation, and the war. Our office continues to receive daily pleas from husbands unable to find jobs, wives unable to pay for groceries, and retirees unable to make ends meet. While the volume of problems reaching our office pertaining to the military is down from the height of the Vietnam war, it remains steady and keeps one secretary busy full time just handling the problems of servicemen and veterans. In addition to the problems which we share with the rest of the Nation, eastern Long Island has some unique problems all its own. Chief among these is the problem we might describe as "growing pains."

While the population growth rate of Nassau County and western Suffolk County has slowed down, that of eastern Suffolk County has actually speeded up. This is due largely to the simple fact that most of the available land for new housing and new industry in Nassau County and western Suffolk County is already filled up. In the new first congressional district as constituted by the State legislature this year, the population as of the 1960 census was 232,254. As of the 1970 census it was 467,742 or an increase of 101.4 percent in only 10 years. As a comparison, the second congressional district—Babylon and Islip—increased 56.5 percent, the third—Huntington and Oyster Bay—25.6 percent, and the fourth and fifth, both in Nassau County, by only 12.6 and 6.5 percent respectively. Their population explosion is over; ours is upon us.

The census figures reveal some interesting statistics about who we are and where we come from and how we live. Of our 467,742 people, 284,488 are over 18, meaning we have an awful lot of young people. Of the 39 congressional districts in the State, ours is the third youngest. Over three-fourths—355,845—of our people—lived in what the census defined as urban areas, communities of 2,500 population, the balance in rural areas. We were 96 percent white, but had 16,440 Negroes, 691 American Indians. 848 Chinese and 295 Japanese. Our average family had 3.84 people, and was very mobile. Forty-seven percent of our population had moved in the 5 years between 1965 and 1970. Of our movers 40 percent came from a different county, 36 percent moved within the county, and the rest moved from a different State.

Our ancestry is as varied as can be—22.3 percent of our people were raised in homes that spoke other languages than English, while 131,845 of our people were either foreign-born or were children of foreign-born parents. Of those by far the largest group were Italian, 25 percent; followed by German, 14 percent; United Kingdom, 8.8 percent; Poland, 8.6 percent; and Ireland, 7.8 percent. Most of the nations of the world were represented in some degree.

Our people have had more education than the State as a whole, are more likely to be veterans, and have a higher income. What then, are the problems of this young, mobile, varied, educated, patriotic and hard-working group? For any person who really wants to work, and who cannot find a job with which to support his family, there can be no greater problem. Added to the national problem of unemployment is the particular problem of our defense industries. Our largest defense contractor—Grumman—has a very large slice of our Nation's total military procurement program, but one of the contracts it does have, the F–14, is causing it great problems. While a great deal has been said about the failure of Grumman to obtain the space shuttle contract in a competition with three other major aerospace companies, the resolution of the company's problems with the F–14 is of far greater importance both to the company and the economy of Long Island. I have been in constant communication with company officials on this matter and have tried to help them both in the Armed Services Committee and on the floor of the House. Another of our companies, the Republic division of Fairchild Hiller, is in a final competition with Northrup for an Air Force contract to build a close air support aircraft which I have been needling the Air Force to build for years.

The Congress addressed itself to the job problem in the broader sense by authorizing new programs for mass transit, unemployment benefits, vocational training, and public works. A program of emergency public works for water and sewer systems was defeated in the House.

As to the problem of inflation, the Congress addressed the problem in many different ways. Last year we gave the President the authority to impose wage and price controls and eventually he did impose some rather leaky ones. For the benefit of our elderly and our disabled, who are most likely to be on fixed incomes and hurt by inflation, an increase of 20 percent in social security benefits was passed. Congress passed a similar increase in benefits for persons retired under the Railroad Retirement Act. This the President vetoed, and the Congress voted to override the veto. This Congressman is convinced that one of the most substantial causes of inflation is wasteful spending by the Government itself, and I spent a great deal of time during the last year trying to track down waste in specific areas and eliminate it. In my own Armed Services Committee I have long opposed the Cheyenne helicopter program, which the Army finally canceled this year after wasting $401 million on it. Chairman HÉBERT appointed me chairman of four separate "troubleshooting" subcommittees of the Armed Services Committee, all of which found substantial mismanagement and waste of the taxpayer's dollars. Other programs regarding which I have become convinced that we are not getting a reasonable result from our expenditures have been the agricultural price support programs, the foreign aid program, and the poverty program, all of which I voted against this year.

On the issue of the war, I have continued to vote in such a manner as to not tie the hands of the President in his very difficult role as Commander in Chief. I have voted that way under Democratic presidents, under the Republican President, and will support whoever is elected in November in the same manner in his conduct of the job of Commander in Chief. We can only have one President at a time.

Other problems of great concern to our young and rapidly growing area involve the preservation of our environment and schools. There were a great many environmental votes during the past Congress, and I am happy to be listed as voting right on environmental issues 100 percent by Field and Stream—September 1972—and in the top 5 percent of the Congress—87 percent—by the League of Conservation Voters. Wherever the population is increasing rapidly and the population is young, school taxes are a terrible problem, for we have to continually build new schools as well as operate and maintain our old ones. In an effort to help with this problem I have continued to support greater Federal funding for education, for no nation can have many higher priorities than the education of its children.

New Federal programs I cannot and will not support come wearing lovely labels, but underneath the lovely labels they leave a lot to be desired. We call it "revenue sharing," but not only has the Federal Government no revenue to share, it has piled up a full one-fourth of its entire national debt in the past 3 and the current fiscal year. Furthermore, the taxpayers of our area will pay approximately $3 for every $1 which gets returned to the local government. Under the lovely label of "welfare reform" was hidden the guaranteed annual income. Although the House passed this bill last year—I voted "no"—as this is written it appears to be dead in the Senate.

During the entire 2 years of the 92d Congress the Congressman introduced, either alone or as a cosponsor, 134 bills. You have all heard about the one cosponsored with several other Congressmen of both political parties to create a national monument out of some land on eastern Long Island. I would like to write more about it, but cannot without getting political. There have been, however, 133 others. Nine of them are for the benefit of volunteer firemen and fire departments, five of them were for the benefit of policemen. Many of them pertained to the environment and to our endangered species, wetlands and fisheries resources, including one to extend our 12-mile sea limit to 200 miles for conservation purposes.

Several of the bills I have sponsored or cosponsored have become law, and I hope they will benefit thousands of people. In particular a bill which was the product of a subcommittee I chaired created a system whereby military personnel can better provide for their widows and children. This bill benefits over 900,000 people in America, including several thousand in our own area.

On a more personal note, the Congressman stayed healthy, happy, and worked hard. His wife stays in Riverhead and sees him only weekends and when the House is not in session. Two of his children are grown, educated, and self-sufficient; the youngest is in college. His health, an understanding and loyal wife, and some real effort have enabled him to keep the best attendance record in the State of New York again this year, present and voting on 282 out of 288 votes. That is a statistic, but I would like to have your views on the major ones, which are listed below:

Date	Issue	Pike vote
1972		
Jan. 19	Adopt conference report on bill limiting campaign media expenditures by candidates for Congress and Presidency and providing for more stringent requirements on reporting and disclosure of political contributions and expenditures (yea 334; nay 20).	Yea.
27	Authorize President to set maximum age limits for appointment to Federal jobs where age was important factor (yea 81; nay 249)	Yea.
Feb. 1	Authorize 2 annual installments of $450,000,000 each as the U.S. contribution to the Inter-American Development Bank Fund for Special Operations (yea 285; nay 102)	Nay.
	Authorize U.S. contribution of $100,000,000 to Asian Development Bank's consolidated special funds (yea 256; nay 132)	Nay.
	Reduce to $160,000,000 from $320,000,000 each of 3 annual U.S. contributions to the International Development Association (yea 165; nay 191)	Yea.
3	Create a Special Action Office on Drug Abuse Prevention in the Executive Office of the President (yea 380; nay 0)	Yea.
	Provide a daily low-cost meal to persons 60 years of age and over (yea 350; nay 23)	Yea.
7	Strengthen penalties for violations of the Bald Eagle Protection Act of 1940 (yea 352; nay 7)	Yea.
	Extend Federal Water Pollution Control Act through June 30, 1972 and authorize additional funds (yea 339; nay 7)	Yea.
8	Establish Select Committee on Privacy, Human Values and Democratic Institutions (yea 168; nay 216)	Yea.
	Establish an Office of Technology Assessment to aid Congress in evaluating impact of technological and scientific developments on proposals for legislation (yea 256; nay 118)	Yea.
9	Authorize additional temporary increase in the Federal debt ceiling from $430,000,000,000 to $450,000,000,000 effective through June 30, 1972 (yea 247; nay 147)	Yea.
	End west coast dock strike and resolve contract dispute by compulsory arbitration (yea 214; nay 139)	Yea.
17	Extend Economic Opportunity Act for 2 years authorizing $5,300,000,000 for fiscal 1972-73, creating an independent legal services corporation and authorizing new rural housing development (yea 234; nay 127).	Nay.
24	Appropriate $3,189,437,000 for fiscal 1972 for foreign economic and military assistance (yea 213; nay 167)	Nay.
29	Adopt Noise Control Act of 1972 to control noise detrimental to human environment (yea 356; nay 32)	Yea.
Mar. 1	Appropriate $525,000 for House Internal Security Committee (yea 303; nay 102)	Yea.
2	Authorize $315,200,000 fiscal 1973-75 for research and development on ground transportation programs under High Speed Ground Transportation Act of 1965 (yea 360; nay 14)	Yea.
6	Require questions of race and occupation be answered on jurors' qualification forms to enforce nondiscrimination in jury selection (yea 316; nay 27)	Yea.
	Increase veterans' educational assistance programs (yea 358; nay 0)	Yea.
8	Instruct House conferees to insist on House-approved antibusing amendments (yea 272; nay 140)	Nay.
	Adopt conference report providing enforcement powers for the Equal Employment Opportunity Commission (yea 303; nay 110)	Yea.
	Authorize $5,000,000 instead of $3,000,000 to conduct the international transportation exposition (yea 278; nay 109)	Yea.
9	Impose 5-year moratorium on most killing of marine mammals and importation of their products (yea 362; nay 10)	Yea.
14	Adopt urgent supplemental appropriations, fiscal 1972, of $957,476,059 for Federal unemployment benefits, student loan insurance fund, ICC loan guarantees and payment of claims against the United States (yea 364; nay 16).	Yea.
15	Authorize $170,000,000 additional funds for the National Railroad Passenger Corp. (AMTRAK) through fiscal 1973 (yea 313; nay 63)	Yea.
20	Expand and extend for 3 years Vocational Rehabilitation Act to assist in rehabilitation of mentally, physically, and socially disabled persons (yea 327; nay 0)	Yea.
21	Authorize Secretary of the Treasury to reduce the par value of the dollar to 1/38 of an ounce of gold, thus increasing price of gold to $38 from $35 (yea 343; nay 43)	Yea.
22	Amend Public Health Service Act to establish a national program for the diagnosis, prevention, and treatment of sickle cell anemia (yea 392; nay 0)	Yea.
23	Appropriate $427,604,764 in fiscal 1973 for operation of the legislative branch and its agencies (yea 363; nay 9)	Yea.
28	Require industries to use the "best available" water pollution control technology by 1981 (yea 140; nay 249)	Yea.
	Require impact statements under the National Environmental Policy Act of 1969 for all activities covered by the Federal Water Pollution Control Act (yea 126; nay 267)	Yea.
29	Allow individual States to prohibit the discharge of all effluent by boats in their navigable waters (yea 210; nay 173)	Nay.
	Provide $24,600,000,000 3 year program to clean up Nation's waters (yea 380; nay 14)	Yea.

Date	Issue	Pike vote
1972 Apr. 11	Authorize $555,800,000 for Maritime Administration programs in fiscal 1973 (yea 365; nay 13).	Yea.
	Authorize $141,800,000 for procurement of Coast Guard vessels and aircraft (yea 373; nay 1).	Yea.
12	Authorize $22,000,000 for fiscal 1973 and 1974 for U.S. Arms Control and Disarmament Agency (yea 349; nay 20).	Yea.
17	Declare it sense of Congress that President should urge the Soviet Union to end discrimination against religious minorities and permit Soviet Jews to emigrate to Israel (yea 360; nay 2).	Yea.
	Amend National Environmental Policy Act of 1969 to authorize interim licensing of some nuclear power plants even if environmental impact statements required by the act had not been filed by the Atomic Energy Commission (yea 285; nay 78).	Nay.
19	Provide new method for financing construction of 63 public buildings and authorize $1,500,000 for maintenance of John F. Kennedy Center for the Performing Arts (yea 331; nay 40).	Yea.
20	Authorize $3,428,950,000 for the National Aeronautics and Space Administration in fiscal 1973 (yea 277; nay 60).	Yea.
25	Authorize $680,000,000 for the National Science Foundation in fiscal 1973 (yea 329; nay 16).	Yea.
26	Table (kill) resolution directing President and Secretary of Defense to furnish to the House in 10 days information on U.S. military activities in and over North and South Vietnam (yea 270; nay 113).	Nay.
	Provide certain supplemental appropriations for the year ending June 30, 1972, including $2,400,000,000 in pay increases, with $2,200,000,000 of that figure for the armed services (yea 344; nay 16).	Yea.
27	Extend Federal employees health benefits to increase the Federal Government's share of the costs of health insurance premiums for Federal workers to U.S. Postal Service employees (yea 197; nay 148).	Yea.
	Increase Federal Government's share of the costs of health insurance premiums for Federal employees to 55 percent from 40 percent in 1972, with an additional 5 percent increase each year through 1976, when payment would reach 75 percent of the total cost (yea 238; nay 110).	Yea.
May 1	Authorize U.S. Attorney General to provide care for narcotics addicts placed on probation or parole or mandatorily released from prison (yea 324; nay 0).	Yea.
	Extend life of U.S. Commission on Civil Rights through June 30, 1978 and expand its jurisdiction to include discrimination because of sex (yea 265; nay 66).	Yea.
2	Provide for accelerated programs of tree planting on national forest lands in need of reforestation (yea 371; nay 5).	Yea.
4	Appropriate up to $1,600,000,000 as necessary to maintain the gold value of U.S. financial commitments to international financial institutions in terms of the dollar, which was devalued Dec. 20, 1971 (yea 291; nay 62).	Yea.
10	Adopt conference report on Black Lung Disease Disability Benefits bill to extend disability benefits to dependents of coal miners disabled or killed by pneumoconiosis (yea 275; nay 122).	Yea.
11	Instruct House conferees to insist on House-approved antibusing amendments barring use of Federal funds for school busing, barring Federal pressure for use of State or local funds for busing and postponing effective date of court-ordered busing plans (yea 275; nay 124).	Yea.
	Authorize overtime pay for work by transit employees in excess of 44 hours a week and in excess of 40 hours a week after Jan. 1, 1974 (yea 184; nay 208).	Yea.
	Delete language of minimum wage legislation permitting employment of youths at wages below the applicable adult minimum (yea 170; nay 227).	Nay.
	Raise hourly wage floor for most nonagricultural workers covered under present law to $1.80 in 1972 and $2 the following year, and permit youths to work at wages below the applicable adult minimum (yea 330; nay 78).	Yea.
17	Adopt conference report on bill containing $4,347,698,270 in supplemental appropriations (yea 338; nay 34).	Yea.
	Appropriate $170,000,000 for Amtrak (yea, 300; nay 70).	Yea.
	Authorize $848,603,000 for fiscal 1973 for State Department, U.S Information Agency, Peace Corps and Arms Control and Disarmament Agency (yea 305; nay 65).	Yea.
22	Require Federal standards for front and rear bumpers to minimize damage to automobiles in low-speed collisions and establish consumer information program to study and make available comparative costs of vehicle repairs (yea 254; nay 38).	Yea.
23	Appropriate $19,718,490,000 for fiscal 1973 for Department of Housing and Urban Development ($3,711,088,000), Veterans' Administration ($11,877,278,000), NASA ($3,349,210,000) and independent agencies (yea 367; nay 10).	Yea.
24	Appropriate $2,791,614,095 for Department of Transportation in fiscal 1973 and $131,181,000 in advance funding for fiscal 1974 (yea 367; nay 1).	Yea.
30	Expand powers of Subversive Activities Control Board and change name to Federal Internal Security Board (yea 226; nay 105).	Yea.
June 1	Prohibit Corporation for Public Broadcasting from making grants or contracts with any other corporation paying its employees more than $42,500 a year (yea 163; nay 182).	Yea.
	Prohibit Corporation for Public Broadcasting from conducting voter polls or public opinion surveys of Federal, State or local elections (yea 203; nay 135).	Yea.
	Authorize $165,000,000 for Corporation for Public Broadcasting (yea 256; nay 69).	Yea.
5	Establish national cemetery department within Veterans' Administration and authorize plot allowance of $150 for interment of veterans not buried in Federal cemeteries (yea 312; nay 4).	Yea.
	Make it Federal crime to shoot at birds, fish or other animals from aircraft (yea 311; nay 5).	Yea.
7	Appropriate $875,662,000 for District of Columbia for fiscal 1973 (yea 302; nay 67).	Yea.
	Authorize $2,603,475,000 for Atomic Energy Commission in fiscal 1973 (yea 367; nay 2).	Yea.
8	Adopt conference report authorizing $19,000,000,000 for higher education programs through fiscal 1975 and $2,000,000,000 for school desegregation aid through fiscal 1974, establishing direct Federal aid to needy students and postponing implementation of court desegregation orders requiring busing of school children (yea 218; nay 180).	Yea.
	Authorize treatment and rehabilitation of drug dependent persons in the Armed Forces, and retention of persons in the armed services for an extra 30 days for treatment of drug abuse (yea 322; nay 1).	Yea.
13	Appropriate $2,529,558,200 for Interior Department and related agencies for fiscal 1973 (yea 367; nay 3).	Yea.
15	Delete $20,000,000 from Occupational Safety and Health Administration appropriation (yea 160; nay 206).	Nay.
	Exempt firms employing 25 or fewer persons from complying with the Occupational Safety and Health Act of 1970 (yea 213; nay 154).	Yea.
	Provide additional $363,833,000 for various education programs in Labor-HEW appropriations bill (yea 212; nay 163).	Yea.
	Provide additional $15 million for bilingual education programs in Labor-HEW appropriations bill (yea 114; nay 205).	Nay.
	Appropriate for the Department of Labor ($3,002,288,000), the Department of Health, Education, and Welfare ($25,494,226,500) and related agencies ($106,665,000) for fiscal 1973 (yea 277; nay 60).	Yea.
	Increase maximum amount of grant payable for specially adapted housing for a disabled veteran to $20,000 from $12,500 (yea 341; nay 0).	Yea.
22	Provide revenue-sharing payments totaling $29,600,000,000 over 5 years to States and local governments, and authorize Federal collection of State personal income taxes (yea 275; nay 122).	Nay.
	Appropriate $5,057,145,000 for the Treasury Department, Postal Service, Executive Office of the President and other independent agencies (yea 322; nay 11).	Yea.
26	Provide $1,200,000,000 in Federal guarantees for bonds to construct a subway system in Washington, D.C. (yea 282; nay 75).	Yea.
27	Appropriate $5,437,727,000 for fiscal 1973 for public works, flood control and electric power projects, the Atomic Energy Commission and related agencies (yea 347; nay 17).	Yea.
	Reduce by $350,000,000 fiscal 1973 authorization for the Safeguard antiballistic missile (ABM) system (yea 116; nay 258).	Yea.
	Delete $445,000,000 from defense procurement authorization for B-1 bomber (yea 94; nay 279).	Yea.
	Continue prohibition against building a Safeguard ABM site around Washington, D.C. (yea 129; nay 261).	Yea.
	Cut off funds as of Sept. 1, 1972, for U.S. military activity in and over Vietnam, Cambodia, and Laos subject only to release of U.S. prisoners of war and accounting of persons missing in action (yea 152; nay 244).	Nay.
	Authorize $21,318,788,250 for defense procurement for fiscal 1973 (yea 334; nay 59).	Nay.
	Extend existing temporary $450,000,000,000 limit on national debt for 4 months to Oct. 31, 1972 (yea 211; nay 168).	Nay.
28	Permit development of final plans for extension of west front of Capitol with money remaining from previously appropriated funds (yea 181; nay 197).	Nay.
	Adopt conference report authorizing $1,001,130,000 for State Department, U.S. Information Agency, Peace Corps, Arms Control and Disarmament Agency and international narcotics control assistance (yea 314; nay 77).	Yea.
	Provide an additional 13 weeks of unemployment compensation benefits authorized under Emergency Unemployment Act of 1971 for individuals residing in States with unemployment rate exceeding 6.5 percent (yea 274; nay 109).	Nay.
29	Reduce to $20,000 from $55,000 amount farmer could receive in crop subsidies, excluding sugar and wool (yea 189; nay 193).	Yea.
	Prohibit issuance of food stamps to any person in a household in which any member was participating in a strike (yea 180; nay 199).	Nay.
	Appropriate $12,897,010,900 for Department of Agriculture, Environmental Protection Agency, rural development, and consumer protection programs for fiscal 1973 (yea 346; nay 33).	Nay.
	Reduce interest rate on Small Business Administration disaster loans (yea 325; nay 9).	Yea.
30	Adopt conference report on bill appropriating $5,057,827,000 for Treasury Department, Postal Service, and Executive Office of the President (yea 341; nay 3).	Yea.
	Add emergency supplemental appropriation of $200,000,000 for disaster relief to areas devastated by Hurricane Agnes (yea 355; nay 1).	Yea.
	Raise social security benefits by 20 percent effective Sept. 1, 1972 and increase both social security tax and the taxable wage base effective Jan. 1, 1973 (yea 302; nay 35).	Absent.
July 17	Extend 1968 Juvenile Delinquency Prevention and Control Act and provide assistance to elementary and secondary schools, community agencies and other public and nonprivate agencies for juvenile delinquency prevention (yea 337; nay 12).	Yea.
	Extend Older Americans Act of 1965 and authorize estimated $1,500,000,000 through fiscal 1975 to improve programs providing services to elderly (yea 351; nay 3).	Yea.
	Authorize Federal assistance to States to help control predators, curtail use of toxic chemicals and establish research program in predator control (yea 277; nay 74).	Yea.
18	Authorize $1,290,000,000 through fiscal 1975 to expand authority and research capability of the National Heart and Lung Institute to combat heart, blood vessel, lung and blood diseases (yea 380; nay 10).	Yea.
	Extend and revise programs to control and prevent communicable diseases and authorize $90,000,000 for each of fiscal 1973–75 for such programs (yea 386; nay 2).	Yea.
	Provide establishment of National Institute of Aging, to research the aging process (yea 380; nay 10).	Yea.
19	Authorize $5,000,000,000 in emergency Federal grants for public works to States and localities for construction, primarily for water and sewer systems (yea 189; nay 206).	Yea.
20	Authorize $2,575,781,000 for fiscal 1973 for construction and renovation of armed services personnel housing and other major military facilities in United States and abroad (yea 372; nay 17).	Yea.
24	Permit domestic food growers, manufacturers, packers and distributors to sue the Federal Government for payment of losses as a result of ban on cyclamates (yea 177; nay 170).	Nay.
25	Continue for 4 years existing number of majors, lieutenant-colonels, and colonels in Air Force (yea 268; nay 128).	Nay.
26	Amend Federal Property and Administrative Services Act to base procurement of architectural and engineering services on firm's qualifications and experience rather than cost (yea 114; nay 276).	Yea.
27	Adopt conference report on Rural Development bill establishing comprehensive program to improve job opportunities, income and quality of life in rural areas (yea 340; nay 36).	Yea.
31	Authorize Secretary of Commerce to transfer surplus Liberty ships to States for use as artificial reefs in marine life conservation programs (yea 325; nay 2).	Yea.
Aug. 1	Request conference on House-Senate versions of the Minimum Wage Increase bill (yea 190; nay 198).	Yea.
	Authorize $8,175,000 in fiscal 1973–75 for research, diagnosis, prevention, and treatment of Cooley's anemia (yea 377; nay 11).	Yea.
2	Adopt conference report appropriating $2,548,935,300 for Interior Department and related agencies for fiscal 1973 (yea 378; nay 9).	Yea.
	Amend Coastal Zone Management bill to provide that nothing in the act be construed as prohibiting any citizen free and unlimited access to all public beaches (yea 190; nay 191).	Yea.
	Develop national policy for management, beneficial use, protection, and development of land and water resources of the Nation's coastal zones (yea 376; nay 6).	Yea.

Date	Issue	Pike vote
Aug. 3	Require Secretary of Commerce to obtain approval of Secretary of Agriculture before placing restrictions on agricultural commodities exports (yea 177; nay 158)	Nay.
7	Authorize $38,520,000 in fiscal 1973 for Radio Free Europe and Radio Liberty (yea 376; nay 7)	Yea.
	Continue after July 1, 1972, full Federal funding of 1st $25,000 in relocation payments for persons displaced from their homes, businesses, or farms by federally assisted program (yea 373; nay 10).	Yea.
	Extend to employees of nonprofit hospitals coverage under the National Labor Relations Act of 1935 (yea 285; nay 95)	Yea.
	Revise method of computing wage rates for employees working under Government service contracts (yea 274; nay 103)	Yea.
9	Adopt conference report on Agriculture, appropriations of $13,434,032,700 for fiscal 1973 for agricultural programs (yea 317; nay 80)	Nay.
	Adopt conference report on Labor-HEW appropriations of $30,538,919,500 for fiscal 1973 (yea 240; nay 167)	Yea.
	Appropriate $45,000,000 for Corporation for Public Broadcasting for fiscal 1973 (yea 373; nay 27)	Yea.
	Amend Railroad Retirement Act of 1937 to provide temporary 20 percent increase in retirement benefits through July 1, 1973 (yea 399; nay 4)	Yea.
10	Postpone effective date of provision in Foreign Military Aid bill terminating U.S. involvement in the Indochina war to Dec. 31, 1972, from Oct. 1, 1972 (yea 109; nay 304)	Yea.
	Delete provision in Foreign Military Aid bill terminating U.S involvement in Indochina war by Oct. 1, 1972, subject to release of U.S. Prisoners of War, accounting for men missing in action, and a cease-fire to the extent required to protect U.S. withdrawal (yea 229; nay 177).	Yea.
	Authorize $2,131,000,000 in fiscal 1973 for foreign military assistance and Bangladesh relief (yea 221; nay 172)	Nay.
14	Require President to report to Congress whenever he acted without prior congressional authorization to commit U.S. troops to combat, send combat-equipped forces to another nation or significantly enlarge forces already stationed overseas (yea 345; nay 13).	Yea.
	Establish Sawtooth National Recreation Area in Idaho (yea 363; nay 0)	Yea.
	Adopt conference report to amend Small Business Administration Act to reduce interest rate and loosen restrictions on SBA disaster relief loans (yea 360; nay 1)	Yea.
15	Appropriate $1,587,300,000 for fiscal 1973 for disaster relief, including $1,300,000,000 for SBA disaster relief loans (yea 392; nay 0)	Yea.
	Continue appropriations for certain Federal agencies through Sept. 30, 1972, because Congress had not completed action on 5 of the 13 annual appropriations bills (yea 380; nay 8)	Yea.
	Authorize $45,000,000 for Corporation for Public Broadcasting for fiscal 1973 and increase to $25,000,000 from $15,000,000 authorizations for grants for acquisition of noncommercial educational broadcasting station equipment and facilities (yea 377; nay 8).	Yea.
16	Extend to June 30, 1974 Public Works-Economic Development Act of 1965 to provide Federal assistance to economically depressed areas, authorize new Federal grants for public facilities, expand public works impact program and provide assistance to workers who had lost jobs because of Federal environmental improvement regulations (yea 285; nay 92).	Yea.
	Reconsider and pass Labor-HEW appropriations bill vetoed by President in amount of $30,538,919,500 (yea 203; nay 171) (A ⅔ majority (250) required to override veto)	Yea.
17	Authorize $1,500,000,000 for basic education instruction under School Busing bill and prohibit diversion of $500,000,000 from Emergency School Aid Act signed into law on June 23 (yea 129; nay 252).	Nay.
	Bar busing of students to any school except one nearest student's home (yea 172; nay 211)	Nay.
	Permit reopening of cases involving court desegregation orders to bring them into conformity with provisions of School Busing bill (yea 245; nay 141)	Nay.
18	Approve School Busing bill placing strict limitations on use of busing as a tool to end segregation in public schools and earmarking $500,000,000 authorized under Emergency School Aid Act of 1972 to provide Federal grants to school districts which implemented plans for basic education for educationally deprived children at schools having a high proportion of poor children (yea 283; nay 102).	Yea.
	Authorize President to approve the interim agreement (SALT) limiting offensive nuclear weapons between the United States and Soviet Union (yea 392; nay 7)	Yea.
Sept. 5	Adopt conference report on National Forest Reforestation bill providing for accelerated programs of tree planting and reseeding on national forest lands in need of reforestation (yea 303; nay 1).	Yea.
	Adopt conference report authorizing $4.75 billion over 2 years for antipoverty programs, extending OEO through fiscal 1974 and including existing Legal Services Corporation within OEO (yea 223; nay 97).	Nay.
6	Adopt resolution expressing sympathy of the House to people of Israel and families of members of the Israeli Olympic team killed at Munich (yea 346; nay 0)	Yea.
12	Recommit (kill) bill amending Immigration and Nationality Act by making it unlawful to knowingly hire aliens who had not been lawfully admitted for permanent residence or authorized by attorney general to work while living in the United States (yea 53; nay 297).	Nay
13	Adopt conference report on Defense Procurement authorization of $20,943,847,000 for military procurement for fiscal 1973 (yea 335; nay 44)	Nay.
	Adopt conference report on School Lunch Program authorizing additional funds for non-school food programs, increasing to 8 from 6 cents basic Federal payment to schools per lunch served, and establishing new eligibility standards for free and reduced price school lunches (yea 380; nay 0).	Yea.
14	Add $100 000, 000 in transfer fund authority for use by armed forces to continue programs designed to put civilians in jobs, such as KP, instead of using military manpower (yea 265; nay 116).	Nay.
	Amend Defense Department Appropriations bill by cutting off all funds to support U.S. involvement in Indochina (cutoff to take place four months after enactment of bill pending release of U.S. prisoners of war and an accounting for those missing in action (yea 160; nay 208).	Nay.
	Proposed 5 percent reduction in over-all funds in Defense Department appropriations bill actually expected to be spent during fiscal 1973 (yea 98; nay 256)	Nay.
	Appropriate $74,577,348,000 in fiscal 1973 for Defense Department (yea 322; nay 41)	Yea.
19	Prohibit funds in Labor-HEW appropriations bill from being used to inspect firms employing 15 persons or fewer for compliance with the Occupational Safety and Health Act of 1970 (yea 191; nay 182).	Yea.
	Add $15 million, to $60 million to Labor-HEW appropriations for bilingual education programs (yea 162; nay 207)	Nay.
	Appropriate $29,603,448,500 for Departments of Labor and Health, Education and Welfare (yea 324; nay 51)	Yea.
20	Establish an independent consumer product safety commission to protect consumers against unreasonable product hazards (yea 319; nay 50)	Yea.
21	Prohibit use of funds provided by Foreign Aid appropriations bill for Overseas Private Investment Corp. to guarantee private investments abroad (yea 141; nay 167)	Yea.
	Appropriate $4,195,155,000 in fiscal 1973 for foreign economic and military aid (yea 169; nay 141)	Nay.
25	Appropriate $2,278,675,000 for military construction (yea 293; nay 12)	Yea.
	Concur with Senate amendment that any permanent treaty between the United States and the Soviet Union limiting offensive nuclear weapons assure each country of rough numerical equality in intercontinental strategic forces, added by Senate to the resolution authorizing approval of the U.S.-Soviet 5-year agreement limiting offensive nuclear arms (yea 308; nay 4).	Yea.
Oct. 2	Restrict travel by citizens and nationals of U.S. to go in or through any country or area whose military forces are engaged in armed conflict with the military forces of the U.S. (yea 230; nay 140)	Yea.
	Exclude corporations and labor organizations from scope of Federal Election Campaign Act of 1971 (yea 249; nay 124)	Yea.
	Authorize President to suspend air service of any foreign nation which he determines is encouraging aircraft hijacking (yea 354; nay 2)	Yea.
3	Provide for construction of Eisenhower Memorial Bicentennial Civic Center (yea 210; nay 169)	Yea.
	Reject motion to disagree to amendments of Senate to Fair Labor Standards Act and ask conference (yea 188; nay 196)	Yea.
4	Override President's veto of Railroad Retirement Act amendment to provide a temporary 20 percent in annuities (yea 353; nay 29)	Yea.
	Adopt conference report on Water Pollution Control Act (yea 366; nay 11)	Yea.

MICHAEL J. CEFALO BECOMES A MEMBER OF THE PENNSYLVANIA BAR

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BYRNE of Pennsylvania. Mr. Speaker, Michael J. Cefalo, a native of West Pittston, Pa., recently was admitted to the bar of the Supreme Court of the Commonwealth of Pennsylvania.

Two of my colleagues, the Honorable DANIEL J. FLOOD and the Honorable ROBERT N. C. NIX sponsored Mike and DANIEL J. FLOOD moved his admission.

Mike is a graduate of the Pennsylvania Military College and Widener College of Chester, Pa., the University of Baltimore, and the Catholic University of America Law School here in Washington, D.C.

Mike is one of the most personable young men in Washington who possesses a sophisticated style of respectful dedication to all with whom he associates. His reputation for courage and integrity will carry him throughout life. His mold is indeed a rarity. I take this opportunity to bring Mike's accomplishments to my colleagues' attention for I am sure all the Members who come in contact with Mike on the House floor will want to wish him well. The Pennsylvania bar has gained a fine member.

IMPROVING THE LOT OF THE ELDERLY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. PATTEN. Mr. Speaker, the Senate, in their consideration of H.R. 1, has decided to raise the earnings limitation for those people receiving social security payment. I believe that this raise would do a great deal toward easing the financial burden that many of our senior citizens are faced with today. This point is cogently illustrated in an editorial that was in the Home News on Friday, September 29, 1972. The editorial follows:

> IMPROVING THE LOT OF THE ELDERLY
>
> To be old in this country is too often to be poor. America's treatment of its elderly citizens has done us little credit, even though in recent years the problems of aging and the aged have been widely discussed—and deplored.
>
> We cannot legislate dignity and respect for older people, but there are many areas in which progressive and humanitarian legislation could help the elderly who both need and deserve aid and attention. The Senate's vote this week to increase the amount pensioners may earn each year without forfeiting Social Security benefits is an example of the kind of legislation we must have on behalf of the elderly. Such a measure is long overdue.

The Senate plan, which unfortunately may be scaled down by the House, would allow a worker between 65 and 72 years old to earn up to $3,000 a year without relinquishing any Social Security cash benefits. The present ceiling is $1,680, above which the worker forfeits one dollar in benefits for each two dollars of earned income up to $2,880. There is no earnings limitation for persons 72 and older.

For middle-income older Americans, most of whom must continue to work after reaching retirement age, the increase in the earnings limitation could make the difference between a comfortable old age and one in which every penny must be pinched and some real needs left unmet.

Sen. Barry Goldwater, whose proposal to eliminate entirely the earnings limitation was unsuccessful, argued that an earnings test for Social Security "is wrong morally because Social Security should not be a contract to quit work." Furthermore, he pointed out, income from investments is not counted in the earnings limitation, which leads to the "utterly illogical situation where a really wealthy person might draw tens of thousands of dollars a year from his investments and still draw his full Social Security check."

There is no logic in any program which penalizes people of any age who want to work or who must work. But the illogic of penalizing retired people who work has an especially destructive effect. The Senate's proposal to raise the earnings ceiling for older people is a step in the right direction. The House version must be no less generous if we really mean what we say about improving the lot of the elderly.

PATRIOTISM OVER POLITICS

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BLACKBURN. Mr. Speaker, I would like to bring to the attention of my colleagues a speech which was recently presented to the Sons of the American Revolution by Mr. Ernest Linwood Wright, entitled "Patriotism Over Politics."

I believe that many of my colleagues will find this speech of great interest in light of the fact that it discusses the very foundations of our Government. For this reason, I am hereby inserting it in the RECORD:

PATRIOTISM OVER POLITICS

As descendants of patriots who laid their lives on the line to establish a new nation, we should recall some of the principles and yearnings which prompted and inspired them: First, they wanted a government responsible and responsive to the *people;* not so far away, but close enough to be within *reach;* a government which would serve the people but never *dictate* to them. Therefore they fought a bitter war, won their independence (with the help of God and the French), and in time set up a government of their own, limited in its power over the governed, strong enough to protect them but not so mightly as to lord it over a people who had committed themselves to support it with their substance, to obey its laws, and to defend it with their lives.

These patriots would have approved Kipling's: "The strength of the wolf is the pack"; but (note the emphasis) "The strength of the pack is the *wolf*"; because, while they knew that the security and wellbeing of each state and each citizen would lie in the Nation as a whole, they also knew that the strength of the *Nation* would lie in the states united together—each a republic in its own right—and in the individual responsible citizens who composed both the States *and* the Nation. That was the dream and the hard-headed proposition on which this Government was founded. It took a later and most tragic war to settle the two fundamental issues of our federal system: first, the strength and survival of the nation as a whole must be made secure; therefore no state or group of states could break away from the union of states as provided for in the Constitution; and *second,* the rights of the individual states—as spelled out in the Constitution with its Bill of Rights—to handle and determine matters within their own jurisdiction—must *also* be preserved; and therefore the Federal Government must not trespass upon these rights; even the right to determine and dispose of in their own way the unfortunate matter of slavery which the Southern States in the eighteen-sixties had *inherited,* not created. Many of them were seeking through their legislatures a way not only to free the *slaves* but to free themselves from the burden of slavery. Only one-third of the people were slave owners in the first place! Neither of these principles—the powers delegated to the Federal Government and the powers reserved to the states and the people—can be lost if we are to continue to live as a free and independent people *protected* by a strong central power but not ruled by it. Our nation under God one and indivisible must yet defend the integrity and dignity of the individual States of this Union.

Another proposition, expressed in the Declaration of Independence: the individual was born with certain natural and God-given rights which government had not bestowed and, therefore, could not take away. For we know that whatever the Government gives *to* us, it can also take *from* us. This same proposition was expressed in the Bill of Rights which might well have been called a Bill of Prohibitions against the central government to make doubly sure and safe precious personal freedoms. These founding fathers had had their fill of a high-handed government overseas which paid them no mind and gave them no voice, and they wanted to make certain it wouldn't happen here. However, their unhappy experience under the Articles of Confederation had made it quite clear that they needed a central government with enough power to keep the several states in line and not let them go off in all directions at will. And thus we have a remarkable system of checks and balances—a Constitutional Republic—if only we have gumption enough to keep it!

The makers of our Constitution would never have claimed that in it they had set up a perfect instrument of government; but of certain things we can be sure: our forefathers met head-on the issues and problems of their times, made such significant contributions in *their* day that had it not been for *them,* we would have no Declaration of Independence, no Constitution, no Bill of Rights, no Republic, and no such meeting tonight! It falls to us then—in a particular way—not to let our American people forget certain things:

Our Constitution must remain what it *is*—until and unless it be changed by *amendment* as provided. It should *never* be changed by interpretation to suit the particular philosophies and fancies of any current Court. If the Constitution is what the Supreme Court *says* it is, then we are under the rule of the Judges as in Biblical times when some of the Judges were not so wise—and "when every man did what was right in his own eyes". ('Never mind what others may think; don't bother about the Ten Commandments; do your *own* thing'. Isn't that about as up-to-date as the morning paper?)

If we would remain a "government of *laws* and not of men", we must emphasize that it is *not* the responsibility of the Justices to interpret the Constitution in such a fashion as *they* think would be best for the people at the time. Once the Court is in session, the Justices are responsible *not* to the President who appointed them, not to the Senate which confirmed them, and not at all to the *people,* but responsible only to the Constitution itself—to safe-guard it as it *is* until *amended* by a long, tedious, and infinitely wise process, with no short-cut to social justice by interpretation—under the fallacious assumption that "the end justifies the means". Using the wrong way for the right reasons is a tricky philosophy and a bad example to hand down to our youngsters. We will only create more problems than we solve and bring about more harm than good. Ours is a Constitutional Republic based on *principle* and *not* on expediency. Remember how Jesus was tempted by Satan on the mountain to bring in His kingdom by the short-cut? "Just take the *quick* way. It will be best for everybody. You don't have to do it the way it was written and commanded"; and how Jesus said, "Get thee behind me, Satan; I will do it my Father's way"; and how He took the long slow road to the cross and to *eventual* justice!

As for us, the descendants of worthy forebears, the least we can do is *not only* to recall and memorialize what they *did;* not only to help preserve *unchanging* principles in a world of swiftly changing fashions—in manners, dress, and morals—but to make our *own* contributions to *our* times, if we would be true to the heritage which is ours by *chance,* not through any *credit* of our own. The French have a phrase for it, "Noblesse oblige", which for us could be translated, "An honorable heritage imposes obligations"—as sons and daughters of the American Revolution.

A contribution of some real significance might be to re-discover and proclaim a long-lost provision in the Constitution itself. As we know, the original and primary jurisdiction of the Supreme Court is over cases "affecting ambassadors, other public ministers and consuls, and those cases in which a State shall be party"; but in cases on *appeal* from a lower federal court, it is quite a different matter. Article 3, Section 2, Clause 2 says: "The Supreme Court shall have appellate jurisdiction with such exceptions and under such regulations as the *Congress* shall make." This provision couldn't mean anything but that the Supreme Court has no authority to hear a case on appeal unless Congress has specifically granted the Court the right to do so. *This* is one check on the highest tribunal which people have been looking for—and it was there in the Constitution all the time! But has the Congress exercised this prerogative; and has the Court itself observed it? Not unless it has been a well-kept secret; and in our times governmental secrets have been hard to keep! But we the people—who ordained and established this Constitution—can still do something about it. We can require our elected representatives in Congress to exercise their just power and responsibility to determine what cases shall be referred to or *not* referred to the Supreme Court on appeal, and therefore *prevent*—and also *relieve*—an over-burdened Court from determining itself what cases it will hear and review. If this provision had been observed by the Congress and the Court, we might well have been spared certain more recent rulings of the Court which have helped to tear our country apart—like the two on the public schools, for example: the *one, forcing* the Lord's Prayer and Bible reading *out* of the public schools; and the *second, forcing* the races together *in* the schools—whether the people of the different races and religions liked it or not. And all of us may need to be reminded that the public schools belong to the *people* as institutions in which their children may be educated; they do not belong to the Federal Government to be used as instruments of social reform. The Tenth Amendment gives to the *States* and the people the right and authority to run and operate their schools—*not* to the Federal Government—a sadly *neglected* and *ignored* amendment but not yet repealed!

Our government officials should understand that people generally behave much better when left alone in certain personal relationships; that our government was never intended to manage the lives of the people in their daily walks—in their natural and acquired preferences of religion and of association. Wasn't that what Jefferson meant when he said, "The least governed are the best governed"?

In our swiftly moving and changing world, we do not have to fear or fight change itself; we should welcome it, but only if it comes about in the right way and is headed in the right direction; only if it is a sign of progress rather than a symptom of decay; only if we keep conscious of the fact that certain natural laws, God-made laws, never change but remain the same in all generations. Else, how could man with all his knowledge and ingenuity ever have reached the moon? Pope has said, "A little knowledge is a dangerous thing"; but in this day, with more knowledge than man can handle, it could destroy us—unless we remember that what we need most is wisdom.

Significant comments from two astronauts: The first from Russia: "I went to the moon and came back and didn't see God anywhere". The second, one of ours: "Going there, being there, and coming back, I saw God in everything and everywhere."

Have you ever wondered why God told Adam and Eve to enjoy everything in the Garden but one thing—"Eat not of the Tree of Knowledge"? Satan knew the reason when he tempted them by saying in effect: "God has told you not to eat of the Tree of Knowledge; but that doesn't make sense. Don't listen to Him. If you eat of that tree, you will be able to tell right from wrong, good from evil; make your own decisions, and therefore have no need of God to tell you what you must do and must not do". It was just too plausible a proposition to resist, and our first parents made the fatal error which has plagued man ever since to fall for the idea that if he can get enough knowledge, he can do anything and be the master of his fate and the captain of his soul. (When William Ernest Henley said that in his "Invictus", Oliver Wendell Holmes was heard to remark, "The hell you say.")

King Solomon had learned enough from his father David to know that he could not go it alone; and he knelt in prayer: "I am as a little child. I ask not for wealth, or power, or for the destruction of my enemies; only give me an understanding heart and wisdom to lead my people". (If only he hadn't forgotten it later.)

And Abraham Lincoln, burdened in mind and heart over the plight of his country, said, "I have only one place to go and that is on my knees". And he never forgot.

And let us not forget that a nation which is willing to ignore its past doesn't deserve a future. And we will have a future as long as our Republic remains a "Nation under God"—as long as enough of us are left, of many different races and creeds, not seeking to be made alike, but in rich and harmonious variety, to stand and say and sing together:

"My country, 'tis of thee—
Of thee, I sing."

VIETNAM, INSUBORDINATION, AND SELF-GOVERNMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HARRINGTON. Mr. Speaker, I would like to call to your attention an article by Prof. George Anastaplo of the University of Chicago that appeared in the Chicago Tribune on June 25, 1972. Professor Anastaplo points out that self-government depends not only upon self-confidence but on self-criticism as well. It is this criticism that we must bestow upon ourselves with regard to our conduct of the Indochina war. The text of Professor Anastaplo's article follows:

[From the Chicago Tribune, June 25, 1972]

(By George Anastaplo)

I

What do Dr. Daniel Ellsberg and Gen. John Lavelle have in common besides their evident willingness to engage in acts of insubordination, the former by disregarding security regulations with respect to certain classified documents [known as the "Pentagon Papers"], the latter by disregarding orders with respect to the deployment of bombers in Viet Nam?

Is it not prudent to assume that both men are patriotic Americans?

How should these two kinds of patriotic insubordination—leakage of classified documents and disregard of bombing directives—be treated by us? The White House evidently takes one far more seriously than the other.

That is, vigorous attempts were made in June, 1971, to keep the press from publishing the Pentagon Papers; attempts are now being made to imprison the men alleged to have distributed those papers to the press.

On the other hand, the general who [upon exposure] admitted his deliberate and repeated disregard of bombing directives has been permitted to escape court martial [but *not*, it is salutary to believe, the enduring censure of his fellow officers], and to retire with a generous pension.

II

Are not the "priorities" of the White House misplaced? We are accustomed to, and even depend upon, the unauthorized disclosure of classified documents in order to help the press make the government behave itself.

But we cannot permit generals [and certainly not in a nuclear age] to conduct war as they choose.

Thus, we cannot know what we [as a sovereign people] are doing if vital information is systematically kept from us; nor can we control what is done in our name if our public servants [whether military officers or their civilian superiors] may act as they believe best and thereafter attempt to conceal from public inspection and public discussion what they have done.

There are obviously circumstances in which information should be kept secret; there are also obviously circumstances in which a soldier should refuse to obey an order given to him.

But should not the presumption be both in favor of full disclosure of information and in favor of compliance with orders [especially when the orders are of a restraining character]? However that may be, we simply can not allow military men to determine how [or if] a war is to be fought; nor can we allow the Executive Branch of the government to dictate what if anything] will be revealed about its policies and its conduct.

Both military insubordination and government secrecy usually subvert efforts by Americans to govern themselves.

III

American self-government depends not only on adequate information *in* the electorate and sufficient control *by* the electorate of what public servants do. It depends, as well, on the moral sobriety of our people. Indeed, no people which is impassioned or corrupted can truly govern itself, for it is so crippled morally that it cannot be said either to know or to choose what it is doing. (In such circumstances, chance rather than rational public discourse determines events.)

The most important revelation of the Pentagon Papers, therefore, may have been their confirmation of the moral obtuseness, if not even simple callousness, of the men who have tried to act on our behalf in Indochina.

There is little to be found in the Pentagon Papers indicating any day-to-day awareness among our public servants of the serious moral problems posed by our willingness [and, at times, even eagerness] to sacrifice to our supposed long-term security interests the lives and property of the Vietnamese.

We were willing to inflict considerable imdiate damage upon a distant [and much weaker] people in order to spare ourselves *some* possible damage in the remote future. Let us hope that the American people went along with what was done there in its name primarily because the threat to "us" was exaggerated and the damage to "them" was played down.

It remains to be seen how critically we have damaged the American soul in the process.

IV

The physical damage we are visiting upon Viet Nam, North and South, has again been intensified in recent months. The North Vietnamese government can be said to have brought much of this damage on its people by launching its current brutal offensive. But such an observation, comforting as it might be to some, still leaves open the fundamental question of whether *we* should be in Indochina at all.

The most troublesome aspect of what we are now doing in Indochina is that the American public has again allowed itself to be lulled into acquiescence, partly because of spiritual fatigue and disillusionment, partly because of its traditional reluctance to question the judgment of its President in his conduct of foreign affairs [at least not before election day], and partly because of the virtual elimination of American casualties by the withdrawal from Viet Nam of almost all our combat ground troops.

It is a pity that the North Vietnamese do not realize that it is in both their interest and ours that they release immediately and unconditionally, into the custody of a neutral country, all their American prisoners of war.

It would then be difficult for the basically good-natured American public to continue to believe that we are entitled to inflict upon Viet Nam the devastating aerial punishment we have unleashed.

Even so, do we not already know enough, without waiting either for more revelations or for the parole of American prisoners, to be able to recognize our present conduct in Viet Nam as bordering on the barbaric, however "successful" it may eventually be in promoting what is likely to be no more than a temporary cease-fire in Indochina.

V

We cannot survive as a vital body politic without the integrity which comes from a public respect for old fashioned civility. It is that integrity which makes self-government possible among us and which keeps public servants in their place even when we cannot watch them. We must take care, in any event, lest partisan success in one "confrontation" encourage everyone to become reckless elsewhere [the theatrical Cuban missile crisis of 1962 comes to mind]. We have the duty, that is, to study and supervise what is happening and what is likely to happen in the conduct of our affairs abroad.

Is it not the duty of the press and of Congress to examine what is being done in our name and to do what they can to shield from government persecution those who make conscientious efforts to expose to public inspection what the Executive Branch tries to keep concealed from the American people [especially when what is concealed from us, and even from Congress, is known to the enemy]?

Is it not also the duty of Congress and of the press to insist that there be no compromise with the constitutional principle of civilian, and ultimate public [and hence rational?], control of our awesome military power?

VI

Self-government depends on both self-confidence and self-criticism. We should not forget that a war has been prosecuted by us for a decade without the constitutionally-required declaration of war.

Such radical insubordination by the President, in which Congress has improperly acquiesced, makes both the disclosure of classified documents and the disregard of bombing directives seem rather modest by comparison.

Indeed, the wonder is that we have not, in our prosecution of this misconceived war, subverted even more than we have the political morals and the constitutional morale of the country. What we have subverted profoundly is the necessary confidence in the institutions of this country on the part of both our more articulate youth and our more conscientious military officers.

That confidence must now be reestablished, beginning with our willingness and ability to face up the facts of the past decade—including the attractive but dangerous illusions of President Kennedy's Crusade.

VII

Need it be added that to question the morality of what we have allowed to be done in our name in Indochina does not excuse what the North Vietnamese and their allies have been doing and may intend to do there and elsewhere?

In fact, it is still another argument against what we have been doing in Indochina that we have become, in the prosecution of this war, too much like the enemy we have conjured up; devious, ruthless, and implicity contemptuous of constitutional principles.

PENNY FACTS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HELSTOSKI. Mr. Speaker, over the years there has grown a large group of coin collectors throughout the United States.

Indeed, this group of numismatists, both professional and amateur, number in the millions.

As everyone knows, the United States has produced some of the most beautiful coins in the world, and our avid group of numismatists are among the most learned in the world concerning this matter.

Coin collecting is not only a rewarding hobby, but also a good investment.

Mr. Willard Merrill, a constituent of mine from North Bergen, N.J., wrote a pamphlet called "Penny Facts, Historical and Statistical Facts About the Lincoln Head Cent."

I know that many of my colleagues and friends are avid numismatists and, therefore, I would like to call to their attention this outstanding work of Mr. Merrill's.

Mr. Speaker, the pamphlet follows:

PENNY FACTS: HISTORICAL AND STATISTICAL FACTS ABOUT THE LINCOLN HEAD CENT

Just for the fun of it . . . . . put your hand in your pocket or your purse, and take out all the various coins you have in there. Spread them out on a table or your desk and take a long and careful look at them.

See those copper pennies, among all the other coins? Some are shiny and bright while others may be all grimy and dull looking.

Those pennies you are gazing at seem to be insignificant in value compared to the nickels, dimes and quarters . . . but my friend, those one cent coins you are looking at are more correctly and properly known as Lincoln Head Cents, that have a long and rather interesting history behind them, as we are about to learn.

Sit back and relax, for here are the facts . . .

It all started years ago back in 1909, when President Theodore Roosevelt wishing to commemorate the 100th Anniversary of Abraham Lincoln's birth, commissioned Victor D. Brenner to design the Lincoln Head Cent.

At the same time production of the Indian Head Cent, which had been in use since 1859, was stopped.

The new Lincoln Head Cent was accepted with such a vast patriotic popularity that it was not long before the Indian Head Cent was driven out of circulation.

Today, many of those Indian Head Cents are literally worth more than their weight in gold, but that is another tale . . . . . let us if we may, consider the Lincoln Head Cent.

In 1909, its first year of production, four different types of Lincoln Head Cents were made at the two mints in quantities as follows:

1909, Philadelphia	72, 702, 618
1909-V.D.B., Philadelphia	27, 995, 000
1909-S, San Francisco	1, 825, 000
1909-S-V.D.B., San Francisco	484, 000

The letters VDB stand for the initials of the designer, and were stamped in very small letters at the bottom of the coin on the reverse side.

Although the initials were quite inconspicuous, the public disapproved of the VDB cents on the premise that the new coins were intended to commemorate the birth of Abraham Lincoln and not to honor the designer, therefore the production of the VDB cents was halted.

Being that those VDB cents from the San Francisco Mint were made in such a small quantity, the 1909–S VDB cent immediately became a prized collector's item.

An uncirculated 1909–S VDB Lincoln Head Cent is worth today about $200.00, and even a circulated one that is worn, with the date, mint mark and initials barely visible could be easily sold for $75.00.

To prove this point, I recently traded $109.00 in silver quarters and dimes for a beautiful uncirculated 1909–S VDB Lincoln Head Cent with a collector who was pressed for cash. On my way home I showed it to a dealer who offered me $150.00 for it.

Are you interested yet?

Why not take a look at those dirty old pennies in your Aunt Minnie's cookie jar?

You may be pleasantly surprised at what you may find by careful search, but do not be dismayed if you do not find a 1909–S VDB cent, as there are several other Lincoln Head Cents that are even more valuable, as we shall soon learn.

In the year 1910, both the Philadelphia and the San Francisco Mints worked frantically to keep up with the demand for the new one cent pieces, caused in part by the popularity of the Lincoln Head Cent and also due to the fact that millions of the Indian Head Cents were withdrawn from circulation by collectors.

The combined production of the two mints that year was 152,846,218 new cents, but as hard as they worked they could not keep up with the demands of the country's economy.

In 1911, the Denver Mint pitched in and made 12,672,000 Lincoln Head Cents. This, added to the production at Philadelphia and San Francisco, totalled 117,875,787 for the year.

Hold on . . . not so fast, a newcomer has entered the field.

The 1911 cent made at the Denver Mint was the first one to bear the "D" mint mark. This fact makes the 1911–D Lincoln Head Cent in uncirculated condition, worth today about $30.00. This is somewhat surprising however, because the 1911–S cent from San Francisco which was made in a total quantity of about a third of the 1911–D from Denver, makes the 1911–S cent worth today uncirculated about $45.00 each.

So far, although we are thinking about pennies, perhaps it is becoming easy to see that it is not a game of penny-ante we are playing.

Imagine if you can, how much you would be worth in valuable pennies if you could find several rolls packed away by your Grandfather in some old box or trunk in the attic or cellar. Better hurry and look for some before wasting your time watching your favorite TV program . . . . you may just come upon a Bonanza.

By now, the demand for the new Lincoln Head Cents seemed to have been satisfied, so in the years 1912 and 1913, the three mints settled down to rather a routine production. This does not mean that the 1912 and 1913 cents are not valuable, for if you were to find an uncirculated one, the value would range from $11.50 for one from the Philadelphia Mint to $40.00 for one from San Francisco.

Better hold on to your seat for here comes a startling fact . . . .

By 1914, it appeared that the mints at Philadelphia and San Francisco would be able to satisfy the demand for one cent coins, so the mint at Denver stopped after it had made only 1,193,000 coins.

If by chance, while looking over those old pennies in your Aunt Minnie's cookie jar, you happened to find an uncirculated 1914-D cent it would be worth over $500.00, and even if you found one that was worn, as long as the date was visible, any dealer would gladly buy it for $20.00.

Now, does it not seem strange that the 1914-D cent, which was made in a quantity of about three times that of the 1909-S VDB cent, should be worth so much more than its older brother?

The old economic law of Supply and Demand does not seem to be working as far as coin values are concerned. The reason for this is far too complicated to explain in this little treatise, and it is doubtful if any expert—Numismatist—could explain it either. Let us therefore suffice it to say that it is, so to speak, "one of those things."

Perhaps by now, you will admit, those little insignificant copper pennies you took out of your pocket or purse may appear to look a wee bit more interesting.

But please, do not get hysterical and start tearing your house apart looking for valuable Lincoln Head Cents, for your chance of finding one is far less than you would have of winning at the horse track or being a winner in the Lottery.

Many people over the years have hoarded cents for one reason or another, without full knowledge of what they were doing, or even telling their families about it. These persons, in their miserly ways, never really enjoyed the thrill known to a true coin collector, upon finding a rare coin in good condition and preserving it for posterity.

Every so often, a forgotten trunk full of coins is found in some old musty cellar or attic. There was a case in the Mid-west not so long ago, where a woman came upon such a trunk one day in the cellar of an old house she had purchased. It being in her way, and too heavy to move, she called in a junk dealer who agreed to pay her for it at the current price for old copper.

The junk dealer in turn had to pay a garage man to have his wrecker haul the heavy old trunk from the cellar to his junk yard, where it laid out in the weather for some time. The story has it, that one day the junk dealer found time to look more carefully at the contents of the old trunk and what he found in it, soon made him a small fortune.

This is not a fantastic tale . . . there are many more other tales more fantastic than this that can be told from experience by any old-time coin collector . . . but this is not intended to be a collection of fantastic tales, but one of facts.

Of all the various dates and mintages of the Lincoln Head Cent, one of the most prized and valuable is the 1922 "Plain."

By some queer quirk of chance, those 1922 cents made at the Denver Mint are worth uncirculated at least $600.00. You ask WHY??? It is simply because of a defective die which caused some of the coins to come off the presses without the distinguishing "D" beneath the date.

At $600.00 each, a roll of 50 uncirculated 1922 "Plain" Lincoln Head Cents would be worth $30,000.00. The dream of finding such wealth is beyond reality, for it is doubtful if a full roll even exists today.

The next coin of interest is the 1923–S of which San Francisco put out 8,700,000, the uncirculated value of each now is $150.00.

After that, the 1924–D of which 2,520,000 was made at Denver, the uncirculated value of each being $170.00, is the most interesting.

Production at the three mints remained rather consistent with the booming economy for the next several years, and nothing very interesting happened to our friend the Lincoln Head Cent until 1931.

It was then that the Great Depression had set in and business and everything else just about came to a standstill. Things were bad all over the country and being that the need for new cents had slackened, Philadelphia made only 19,396,000. Denver only 4,480,000 and San Francisco a paltry 866,000.

So what have we here now? The 1931–D and the 1931–S cents which were born in adversity are prized collector's items.

Both the 1931–D and the 1931–S command the uncirculated value of $40.00 each, but in lower grades the 1931–D drops in value but the 1931–S even in poor condition is able to command a value of at least $10.00. This is another of "one of those things" in the field of Numismatics . . . why the 1931–D made in quantities of more than five times that of the 1931–S should command equal uncirculated value.

By this time perhaps, you may begin to realize that our friend the Lincoln Head Cent is enjoying popularity and value in reverse proportion to our economy. This is true to a certain extent as it may appear on the surface, but there are other factors involved, as we shall soon learn.

The year 1934 really saw the country break out of the Depression by some drastic steps taken by President Franklin D. Roosevelt, and more one cent coins were again needed to bolster our recovering economic efforts.

Although the 1934–D cent was made in a total of 28,446,000 and its uncirculated value is $7.75, it is the last of the very valuable Lincoln Head Cents of regular issue.

Besides the various dates and mintages mentioned up to now, there are several other valuable cents that command high prices in the trade due to their comparative low mintage.

Any Lincoln Head Cent, in any condition, dated in the early years could turn out to be a prize.

Presses of the three mints punched out one cent coins for the next several years as fast as they could be absorbed in the economy, and everything pertaining to the Lincoln Head Cent went along in rather a humdrum manner until we became embroiled in World War 2, and copper then was in short supply.

The year 1943 forced the first major change in our old friend. A new type Lincoln Head Cent came pouring out of the three mints by more than a billion pieces . . . but what was it made of? Why steel of course, and it looked and felt like an over-sized dime.

As soon as these "Steelees" as they were called, started to be circulated, a storm of protest started brewing. The public rejected them most emphatically, not only because of the fact that they confused change-making, but for more than 100 years, every type of one cent coin had been made from copper or bronze.

They were aliens and intruders in a society which had become accustomed to the look and feel of copper. The "Steelees" were sharp to the touch and lacked the very familiar "tone" that copper coins acquire with age.

They were, in short, down-right unacceptable. As soon as the public received them in change, they were either thrown away quite disgustedly, or were set aside in all forms of household containers.

There is of course, no way of accounting for what happened to all the "steelees" that were made in 1943. Even those that were more or less carefully saved, could not stand the ravages of time and just rusted away.

Although the 1943 steel cents are today rather a curiosity, and perhaps unknown to the younger generations, they do not command too high a price numismatically compared to cents of earlier years.

There are several companies today that "reprocess" by electroplating the 1943 steelees for collectors and coin dealers, and they can be purchased at about $8.00 per roll of 50 coins.

This brings us to the year 1944 when the three mints worked over-time to fill the void in our economy by producing an unprecedented total of more than two billion nice shiny 1944 Lincoln Head Cents from "shell case" copper salvaged by our Armed Forces in combat.

The public was again happy for their familiar copper pennies had returned.

However, amid the chaos caused by the 1943 steel cents, there emerged the rarest of rare Lincoln Head Cents. Word circulated throughout the coin trade that a small number of copper 1943 cents had been made. Research proved the rumor to be true. Somehow or other there existed about less than a dozen or so 1943 coppers. To prove the authenticity of each 1943 copper cent there are several verified statements to prove its reality. Each one of these (I am not sure how many there are) is worth at least $7,000.

Nothing again of real interest happened to our friend for the next several years. Everybody was too busy with the reconstruction of our war-torn economy. The three mints settled down again to rather a routine schedule and satisfied the demand by producing about a billion new cents per year.

In the year 1954, the Philadelphia Mint made the fewest cents it had made since the depression year of 1931. Only 71,873,350 were made, thus making a 1954 cent an interesting one to find.

Now if you really wanted something to do to while away your time, you might get about 250 rolls of cents from our bank, which altogether would weigh about 100 pounds, and start looking through them for 1954 cents. If, after many hours of time and careful search you might find one or two, and if they were in very good condition you might sell them for 50 cents each.

Pandemonium broke loose in the Penny Market in 1955. At the Philadelphia Mint, due to a die failure or some other cause, an unknown number of cents came off the presses and were circulated, having a double impression of the date.

Here again is a prized collector's item known as the 1955 "Double Die Cent" which if in uncirculated condition will bring a price of at least $400.00. Even one that may be quite worn could be sold to any dealer for $100.00.

The year 1955 also saw the last cents minted at San Francisco in a total amount of only 44,610,000, thus making the 1955–S cent another interesting one to try to find. An uncirculatetd 1955–S cent may be worth today about $1.50.

On the 150th anniversary of the birth of Abraham Lincoln in 1959, a new type Lincoln Head Cent was born.

On the reverse side of the 1959 cent was depicted the Lincoln Memorial in Washington, D.C. The change was made from a design of Frank Gasparro, whose initials F.G. appear to the right at the bottom of the steps of the Lincoln Memorial. While you are looking for them with a strong magnifying glass, notice the seated statue of Abraham Lincoln in the center of the Memorial, exactly as it appears in Washington.

These newly designed cents have come to be known as the "Memorial Design" to distinguish them from the former design now known as "wheatears."

The "Wheatears" produced prior to 1959 are rapidly going out of circulation, because many people have gotten the mistaken idea that due to the fact the design is obsolete, they are quite valuable and are hoarding them by the millions.

Sooner or later the hoarders will find, if they were to sort out their hoarded cents, that perhaps 90% will be of the years 1944- 1945- 1946- 1952-D 1953-D—and 1957-D cents.

Cents of those years have little chance of being rewarding to the hoarders, simply because of the fact that cents of those years and mintages were made in very large quantities, which accounts for their comparative large number still in circulation and which thusly reduces their worth.

To quote from Mrs. Mary T. Brooks, the 28th Director of the Mint, "Unload those cents, the mint is wasting too much time making one-cent pieces because people insist on hoarding them in cookie jars and milk bottles."

This brings us to the year 1960 when both the Philadelphia and the Denver Mints produced a comparatively small quantity of cents with a slightly smaller date. These have become to be known in the trade as "Small Date" coins to distinguish them from the regular or "Large Date" coins.

Owing to the fact that fewer "Small Date" cents were made at both mints than the "Large Date" cents, it is natural that the "Small Date" 1960 and 1960-D cents should tend to command a higher price in the trade than the corresponding "Large Date" cents.

Also, being that Philadelphia made fewer "Small Date" cents than Denver, this fact makes the 1960 s/D more valuable than the 1960-D s/d. An uncirculated 1960 s/d could be worth about $6.00, whereas the 1960-D s/d could be worth only 30 cents.

How about another just for the fun of it? Check your eyesight by looking at all the 1960 and 1960-D cents you may have, or come across in your change, and try to tell the difference between those of a "Small Date" and those of a "Large Date" . . . but please, do not go blind doing so.

For the next few years nothing of much interest happened to our friend. Both the Philadelphia and the Denver Mints managed to produce sufficient quantities of cents to satisfy the economic needs of the country, and everything seemed serene.

There was however, a storm brewing, which although the Lincoln Head Cent was not directly involved in, interest in it was lost from the hoarder's and the collector's points of view.

Due to several reasons, silver was now in short supply. The Coinage Act of 1964 forced the end of the production of all U.S. Silver Coins and set up specifications for, and started production in 1965, of the new "Clad Type" coins.

Now the mad Silver Rush was on . . . and many hoarders were prosecuted for melting down silver coins, which was a Federal Offense until early in 1969, when the Law was changed permitting the melting of silver coins.

Now, a small lump of silver from melted coins was worth more than the face value of the coins melted, depending on the daily price at which silver was traded on the several Commodity Exchanges . . . let us not be detracted by the madness generated by the silver hoarders, but concentrate on our subject the Lincoln Head Cent, for if a full and proper analysis could be made, there is perhaps more profit potential in Lincoln Head Cents than in all the silver coins that were ever made.

In the years 1965–1966–1967 the only one cent coins minted came from Philadlephia. Both the Denver and the San Francisco Mints had all they could do banging out other coins for this country and for special orders from other countries without mint facilities.

In 1968, bedlam broke loose again . . . the San Francsco Mint, for the first time in thirteen years since 1955, started production of 1968–S Lincoln Head Cents.

The hoarders and collectors went wild . . . a nationwide chain of 5 & 10¢ stores were advertising and selling a 50 cent roll of uncirculated 1968–S cents for $2.99 plus State Sales Tax.

As fast as the 1968-S cents came out of the Mint in bags of 5,000 cents they were gobbled up by hoarders, dealers and speculators.

I will admit that I went somewhat wild myself too, but I paid only $1.75 each for 10 rolls, which I had to drive more than 20 miles to purchase from a dealer who advertised them as a "leader" item. One of these rolls I later sold to a collector friend who liked to brag that he had never bought a coin in over 30 years of collecting. I have since purchased more rolls of 1968-S cents, but never paid more than $1.50 per roll.

Now again, just for the fun of it . . . pick out among your change, both a 1968 and a 1969 cent. Lay both of them side by side face up and take a careful look at them.

You may not notice it at first, but soon you will see that the 1969 cent is more attractive looking than the 1968 cent. This is due to the fact that on the 1969 cent, the bust of Abraham Lincoln is in lesser base relief and the motto "In God We Trust" has been dropped down a bit from the rim, which too is a bit more pronounced.

So, now on its 60th Anniversary, the 1969 Lincoln Head Cent, from all three mints is really a beautiful coin in appearance, and can boast that behind its bright copper tints, it has enjoyed the longest history of any U.S. coin.

Since the first one that was made in 1909, the Lincoln Head Cent has been produced in quantities far greater than the sum total of all other U.S. coins, and although it is the least appreciated, it is by far the most important coin in our economy.

So regard those "insignificant" Lincoln Head Cents, you took from your pocket or your purse, with more respect and treat them with the dignity that befits one of such venerable age and genuine need; State Sales Taxes could not be collected without them; cigarette sales; gasoline taxes; some parking meters and countless vending machines would be inoperable without them.

These things are perhaps self-evident: The Lincoln Head Cent will never be replaced by any system of credit cards; chemical science will never be able to make a plastic suitable to replace copper coinage; as far as inflation may rise, the need for one cent coins will increase rather than decrease.

So my friend, as you look back at History, think of the Future, and contemplate for awhile what may happen . . . but no matter what it may be, you may rest assured that little "insignificant" penny . . . our good friend the Lincoln Head Cent, will have a most important part to play.

As Abraham Lincoln said in his Gettysburg Address, "Far be it from my poor powers to add or detract." Perhaps this message could be interpreted as the intended destiny of the Lincoln Head Cent, to be conceived many years in the future.

For the benefit of those readers who may be inspired by this treatise in starting a collection of Lincoln Head Cents, I wish to add the following facts that may tend to guide their efforts:

From 1909 through 1971 there have been made by the three mints, a total of 169 Lincoln Head Cents of the various dates and mintmarks.

Numismatically speaking, there are three general types: Common Dates, Semi-keys and Key dates.

"Common Dates" as the name implies, are the most common or most easy to find as they were produced in very large quantities.

"Semi-keys are those which were made in smaller quantities and so do not command too high a price in the trade, such as the 1955–S.

"Keys are those of very small mintage because of which there are fewer to be had, and so are traded at very high prices, such as 1909–S VDB, 1914–D, 1931–S and others that bear a high price tag.

Besides the three general types, there are innumerable "errors" that have come to light over the years, but this is such a very specialized phase of coin collecting, that no attempt is made herein to explain it. The 1955 "Double Die Cent is a prime example.

For anyone to attempt to start a collection of Lincoln Head Cents from 1909 to date, the prospects of completing it is almost impossible. However, it could be done over a long period of time after the outlay of perhaps several thousand dollars necessary to purchase "keys", "semi-keys" and "common dates" that are rapidly going out of circulation.

Rather than to take on an impossible task, one might try the next best means by purchasing Whitman Folder No. 9030 "Lincoln Head Cent" starting 1941, which will prove to be a challenge as there are 78 different coins in this series through 1971–S. Many dates and mintages in these series are not easy to find in circulation today, but most can be purchased rather reasonably from any coin dealer.

The least expensive means of putting together a collection of Lincoln Head Cents would be to purchase Whitman folder No. 9000 "Lincoln Memorial Cent" starting 1959, which if kept up to date with good quality coins, could prove to be an interesting as well as a worthwhile and inexpensive task. Most of the Memorial Design cents can easily be found in circulation.

Then again, if one wishes to design his own collection, 2''x2'' coin mounts may be purchased to mount and preserve the coins. These in turn could be inserted in 20 pocket vinyl loose-leaf pages which may be enclosed in any stock size loose-leaf binder.

Just for the fun of it . . . why not try one means or another to put together some sort of a collection. There are many books on the subject that may be purchased from coin dealers whom you will find helpful to you in many ways.

Anyone who may have a complete collection of Lincoln Head Cents in Whitman folder No. 9004, 1909–1940 and Whitman folder No. 9030, 1941—to date filed with good quality coins should cherish it, because the two folders mentioned above, as a complete collection represent a real prize and it is worth a considerable amount of money.

As a final just for the fun of it . . . to those who may have boxes, bottles and even trunks full of Lincoln Head or Indian Head Cents, start sorting them by dates and mintmarks, for as silly as it may seem, you may be worth a fortune and not know it.

NADER

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. NIX. Mr. Speaker, I declined to answer the 600 inane questions sent to my office by Nader and I will not devote one second of my constituents' time to making the Bantam Book Publishing Co. or Mr. Nader wealthy and famous.

My constituents will judge me on the basis of my labor record and my 99 percent cope record, my 98 percent voting and attendance record and on my devoted service to them.

Mr. Nader, who knows no self-control in his writing, could not bestir himself enough in months to inquire into the activities of my subcommittees of which I have been chairman.

This past Congress my Subcommittee on Postal Facilities has held 28 days of hearings. Seventeen of those days were devoted to investigating the billion dollar bulk mail program which subject was covered by the press last week while Mr. Nader was preparing his publicity. We have uncovered extensive waste in that total program and we have indications that the entire billion dollar system may not function effectively when it is completed.

In past Congresses, my Subcommittee on Postal Operations was active in promoting legislation in as varied fields as credit cards regulation, obscenity, mail fraud, and postal labor relations legislation. In the 91st Congress we held 23 days of hearings and in the 90th Congress we held 30 days of hearings. In the 89th Congress I was chairman of the Census and Statistics Subcommittee where extensive hearings were held on the burden redtape places on the backs of the average American.

I was chairman of the Subcommittee on Foreign Economic Policy and during 1969 we held 13 days of hearings on foreign investment controls and the overseas private investment corporation.

The overseas private investment corporation became law as part of the foreign aid bill of 1971. It is the only piece of legislation reported out of the Foreign

Affairs Committee outside of foreign aid in recent years.

Beyond that, the thing that gives me the most satisfaction in the Nader report, as stated by him in his press conference yesterday, is his condemnation of Members of Congress for devoting 30 percent of their time to working on the problems of individual constituents. I accept that criticism, I devote 60 percent of my time to casework.

I devote 60 percent of my time to casework and yet I have been able to average 28 days of committee hearings each Congress. This is a record that compares favorably with any other subcommittee chairman in the Congress today.

Nader wanted servility from me when they called with their demands. They got the facts as set forth in my newsletter.

I do not think my constituents want me to pay homage to Ralph Nader or those on vacation from exclusive schools who have substituted a summer of slander for a summer in Europe.

HELPING OTHERS TO HELP THEMSELVES

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. CHAPPELL. Mr. Speaker, many parents who are on welfare could be put to work if they knew someone who cared would be looking after their children. The vast majority of these parents would be happy to pay an amount within their ability to pay for the care of the child. Knowing that he or she is helping to pay for the child's care can instill a wonderful pride in that parent.

At the same time, involvement by the citizens in a community can help give a child a special feeling of belonging. It is hard for a person who has known the outreached hand of friendliness, interest, and love to later turn on that community in the form of a criminal act.

How much more meaningful for little boys and girls to know that parents, neighbors, and the community are willing to share their time, love, discipline, food, direction, and dreams with them. Each feels special that his parents, neighbors, and friends work together to better his life.

Since coming to the Congress, I have studied dozens of various so-called child day care or child development bills, but none seemed to satisfy the real needs of the child.

At last, I have seen a program, right in our own Fourth District that offers all the requirements for true child care. The following letter from Mrs. Rollin S. Armour explains the program:

Sugar 'n Spice Day Care Center,
DeLand, Fla.

The Sugar 'n Spice Day Care Center is a locally sponsored and supported organization for the care of children from low income families. The purpose of this care is to allow both parents to work.

The idea for the Center was jointly conceived by the Junior Welfare League (which provided the Nucleus funds for starting the Center) and the Neighborhood Center (which provided volunteers and organization to do the work). As the project was publicized throughout the community, both money and manual labor as well as supplies were freely contributed for the cause of helping little children. The building was donated by a local businessman; land use was permitted by the city.

Operational funds are approximately one-fourth from the local community, one-fourth from parent fees and one-half from Title IV–A funds. The funds from the community are used for matching funds (one:four) from Title IV–A. The Center has been widely supported by individuals, businesses, churches and the United Fund.

The full-time paid staff consists of a Director, three teachers and a cook. Part-time staff includes a counselor to parents, staff coordinator, and a janitor. Volunteer staff includes men and women students from a neighboring university, mothers of children attending the center, mothers in the community interested in helping small children, retired persons with special talents who want to give time in the classroom or as drivers to places of special interest. Summertime help includes a group of Youth Corps workers who assist teachers by working with children on a one-to-one basis.

All three teachers have at least two years of college training in childhood education. The three teachers and the director have from one to five years experience working in day care centers. All educational activities come under the direct supervision of the staff coordinator who has a M.A. degree in education. In-service training for the staff is conducted on a weekly basis in the fields of child development, curriculum, nutrition, the dis-advantaged child educational methods, etc. Evaluation sessions are also provided. All staff members are encouraged to and have attended workshops conducted by the Division of Family Services and the Association for the Education of Children Under Six.

Volunteers are provided with a booklet giving pertinent information regarding the Center. They are also given a general orientation session on the disadvantaged child, how volunteers can help most and are taken on a tour of center facilities.

In addition to providing pleasant, adequate and safe day care in a loving and secure atmosphere, the Center provides the following services:

(1) *Nutrition*—a balanced breakfast, lunch and afternoon snack are provided.

(2) *Self-development*—Children are taught how to behave in relation to adults and peers from a positive point of view (very little spanking is used as a means of discipline). Opportunity is given for the child to develop his personality to its fullest potential.

(3) *Education*—Children are provided with a variety of educational experiences. A period of two and one-half hours daily is given to educational and supervised free play learning experiences. Emphasis is placed on language development, physical development, social development, community awareness, music and art as well as general creativity.

(4) *Health Services*—Children are observed for signs of illness or aberrations from the norm and are referred to proper community agencies or doctors for help. Children needing immunizations are taken to local clinics to receive them. Dental and medical check-ups are in the process of being arranged for center children.

(5) *Counseling and guidance services*—These services are available to parents as needs arise. Parents are informed of situations which affect their children. Home visits are also made to apprise parents of children's progress.

A parent organization gives full support to the Center, provides funds for special needs and keeps the community aware of the Center and its contribution to the total community. In the Fall, at the parent monthly meetings, the parent counselor will conduct child development, nutritional and health sessions for parents.

Children who attend the Center are chosen on the basis of need. Federal poverty standards are used as the basis for entrance. All parents pay a fee of one dollar per day per child. A limit of three children from one family is imposed.

The governing board of the Center consists of community service group representatives, blacks, white, parents, low income persons, professional people, educators, ministers, housewives and social workers.

The operation of Sugar 'n Spice is a community supported effort which started one year ago and already is making a tremendous contribution to the DeLand community.

I am drafting some legislation along these lines and plan to introduce a bill soon after the 93d Congress convenes. My bill will call for community and parent participation, as well as good, loving care for the child. It will help get parents off the welfare rolls, contributing to, instead of taking from, society.

Mr. Speaker, I applaud the efforts of the Suger 'n Spice Day Care Center in DeLand, Fla., and I hope we have many more communities offering this type of child care centers in the near future.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the Record the October 2, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of developments across the country leading to the 200th anniversary of the Nation in 1976. The bulletin was compiled and written by the staff of the ARBC Communications Committee. The bulletin follows:

Bicentennial Bulletin,
Washington, D.C., October 2, 1972.

The Full Commission will meet in Washington, D.C. on December 7 and 8. It has been recommended that the Commission meet in February, 1973 and every two months thereafter.

On September 28th Chairman David J. Mahoney delivered a short address on the rebirth and rededication of citizen involvement in our 200th Anniversary aboard the sailing vessel *Wavertree* at the South Street Seaport in New York. At the conclusion of his remarks the Chairman announced the official recognition of the Seaport Project voted by the full Commission at its September meeting.

ARBC Communications Committee will meet in New York City on October 18.

Prominent Americans from fields such as education, transportation, recreation, communications and health met in Washington, D.C. on September 25 for the first Horizons '76 Advisory Group meeting. The interdisciplinary group will recommend guidelines and goals, evaluate proposals and aid in the creation of innovative projects. ARBC Commissioner Nancy Porter, Chairperson of the Horizons '76 Committee, led the session. Advisory Group members were given an orientation on the purposes and themes of the Bicentennial with a special focus on Horizons '76. The afternoon discussion centered on setting the dimensions of the Horizons area and selecting priorities. The Advisory group will meet again in January.

Kim Beachum, a senior at York High, and Liz Hamilton, a recent graduate, were named youth activities advisers to the York County (Va.) Bicentennial Interest Group during a recent meeting. To kick off youth involvement in Bicentennial activities, a fashion show will be held in Yorktown with a "then and now" theme. Jeannie Kennedy and Bruce Bingle, students at Tabb High, will assist with the show.

At a recent ceremony marking the official creation of the Maine ARBC, Governor Kenneth M. Curtis stated, "It is my hope that by the time we do celebrate our nation's 200th birthday, we truly will have something to celebrate . . . the realization that the men who wrote our Declaration of Independence set goals for us that we have finally and fully attained."

The B'nai B'rith Philatelic Service is offering a first-day cover commemorating the start of the Bicentennial observance of the American Revolution. The cover, postmarked July 4, 1971 with a "first day of issue" cancellation of the 8-cent ARBC commemorative stamp, also features sepia-renderings of Rabbi Gershom Mendes Seixas, Revolutionary War patriot, and the Liberty Bell with its quotation from Leviticus, "Proclaim Liberty through the Land and to all the inhabitants thereof."

The National Commission of the Library & Information Sciences held its first regional meeting in Chicago on September 27. Two hundred attendees from 11 mid-western states were presented a paper on the proposed Bicentennial Information Network (ZINET). The paper, written by the ARBC staff Information & Research Coordinator, describes the present concepts for handling the vast amounts of information directly related to the Bicentennial Era and its numerous projects, the Master Calendar of Events and the Master Historical Calendar.

ARBC has received copies of "Onondaga County's Plan for the National Bicentennial—1976" which was prepared by the Cultural Resources Council of Syracuse (N.Y.). The comprehensive report contains some excellent plans of civic, educational, arts, and history organizations; villages, towns and City of Syracuse; business, industry, media and individuals.

Dr. Frank R. Mark, '76 Federal Health Coordinator, recently held a meeting with representatives from major Federal agencies that have health-related responsibilities. The group discussed the current status of Bicentenial health plans and Bicentennial recommendations from the U.S. Bicentennial Health Conference held at Berwick Academy, Maine in July.

The Rhode Island Bicentennial Commission recently endorsed the Gaspee Days celebration for 1973 and a series of Bicentennial debates by high school students to be conducted nationwide and sponsored by the Bicentennial Council of the 13 Original States.

"A Firebell in the Night," the sixth episode in Alistair Cooke's 13 installment TV series "America" was previewed at Ford's Theater in Washington on September 25. The preview was jointly sponsored by the National Trust for Historic Preservation and Time-Life films and was preceded by a reception at the carefully preserved Stephen Decatur House on Jackson Place near the White House. Guest of honor Cooke whose series was co-sponsored by Time-Life and the BBC promised that the programs would "shake up the high school textbooks." The series, subtitled "A Personal History of the United States," will be shown on NBC alternate Tuesdays beginning November 14.

Proclamation 4152 issued by the President on September 13, 1972 designated Wednesday, October 11, 1972, as General Pulaski's Memorial Day. General Casimir Pulaski died a hero in the Battle of Savannah on October 11, 1779. He was one of the earliest of the many individuals of Polish ancestry who were involved in this country's struggle for freedom. In his proclamation President Nixon said, "In commemorating General Pulaski's dedication to liberty, we also honor the significant contributions made to this Nation by generations of Americans of Polish ancestry. It is fitting, in remembering General Pulaski's example, that we rededicate ourselves to the fundamental principles of freedom and justice for all on which this Nation was founded and for which Casimir Pulaski fought and gave his life."

The Southwest Regional Alliance held its fall meeting in Colorado Springs (Colo.) September 21 through 23. Attending were representatives of the State Bicentennial Commissions of Arizona, California, Colorado, Nevada, New Mexico, Oklahoma and Texas. Floyd Sack of Colorado was elected Chairman and Mrs. Vicki Nash of Nevada, Vice-Chairman for the coming year. The representatives discussed Indian participation in the Bicentennial, numismatic issue, labor and military involvement, the media, Bicentennial films and state programs. The next meeting will be held in Nevada in March, 1973.

"THE FUTURE IS NOW" FOR AMERICA'S YOUNG VOTERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. NICHOLS. Mr. Speaker, in this 1972 election year, the Congress has seen fit to extend the voting franchise to over 11 million new voters between the ages of 18 and 21. I strongly supported this legislation, believing that today's generation of young Americans are much more knowledgeable on the important issues which face America and the world than were previous generations.

With the general election 1 month away, there is much speculation as to just how many of these new young voters will actually take advantage of this privilege which many of them worked so diligently to obtain.

This question was answered to my satisfaction just last week as I talked with hundreds of young people in my own congressional district who attended the Calhoun County Fair in Anniston, Ala.

These young Americans have a great awareness about the affairs of this Nation. They talked to me about their concern for the environment, their desires for a peaceful world and about many other issues. The enthusiasm which was evident through their conversation left me with a comfortable feeling that this generation will continue to keep America in good hands.

An especially fine group of high school young people were actively participating in the electoral process as they campaigned at the county fair between the rows of displays for my candidacy and for other candidates of their choosing. The young people helping me included Debbie Phillips and Donna Morrow of Alexandria High School; Wanda Daniels and Cheryl Tolliver of Cobb High in Anniston; Freda Findley and "Peanut" Rogers of Weaver High School; Kathy Bentley, Pam Williams, and Beth Freeman of Oxford High; Loretta Moore, Donya Snider, and Barbara Ary of Saks High School; Paula Yeatman, Pam Green, Christie Green, and Dean Deupree of Wellborn High School; Lucy Mange and Barbara Springer of Anniston Academy; Wanda Austin, Annie Nunn, Theresa Young, and Kathy Entrekin of White Plains High School.

These young Americans are destined to assume an active role in Alabama's and the Nation's leadership in the years ahead. George Allen, the very able coach of the Washington Redskins, perhaps put it best when he stated, "The future is now." I am extremely pleased about the interest of today's youth in political affairs and I am convinced that their generation is going to do an even better job than ours in preserving and strengthening a great America.

BLOW THE WHISTLE AGAINST CRIME

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. KOCH. Mr. Speaker, I have previously brought to the attention of my colleagues what I believe to be a cheap, effective plan to deter urban street crime.

On every block in New York City, residents can organize a block association and give whistles to everybody with these instructions:

> First. Anytime you see something suspicious going on—blow your whistle.
>
> Second. Anybody who hears a whistle, dial the police on 911 and blow your whistle.

Of course, these procedures are equally applicable and effective in other cities of the country.

The shrill din of many whistles going off to alert neighbors to potential crime is often enough to scare off muggers or intruders. Such reaction may also help deter further crimes in the area once it is known that residents are alert and prepared to act on a prearranged system of signaling each other.

My New York office has been making whistles available at cost to block associations and tenant groups throughout the city. The campaign has received enthusiastic support from the New York City police auxiliary groups. And up to this point my office has distributed over 2,500 whistles to people in all the boroughs of New York.

"Blow the Whistle on Crime" can promote a greater sense of community solidarity and a closer relationship with the local police. It benefits local merchants as well.

By blowing the whistle, we can show that fear and frustration need not be our only reaction to crime, and we can hopefully return the streets to the people after dark.

I would urge our colleagues representing urban districts to consider organizing similar "Blow the Whistle on Crime" programs in their cities.

POLICE GET HELPING HAND FROM CLERGY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. FRENZEL. Mr. Speaker, through the history of this country, we have seen examples of private individuals and organizations making large sacrifices of their own time and energy for the benefit of the public at large. For a number of months, we in Minneapolis have seen such a group in action. This is the Chaplain Corps, a group of volunteer clergymen assembled from 19 different denominations working in close cooperation with our local police forces.

The spirit which they symbolize is one which I hope can be spread across city and State lines.

I commend the following article to the Members' attention.

POLICE GET HELPING HAND FROM CLERGY

(By Michael W. Fedo)

MINNEAPOLIS.—The Rev. John Owen recently set across a table in a downtown Minneapolis apartment and listened as a woman in her early 40's threatened to take her life with the straight-edge razor she brandished.

Mr. Owen talked with the woman for seven hours, finally convincing her to seek help. She is alive today, and is attempting to cope with her life-long alcohol problem.

Minneapolis police say the counseling rendered by Mr. Owen is responsible for saving the woman's life.

This is just one episode of many that have occurred here since March 1, when a unique police auxiliary went into action. The Chaplain Corps—a group of volunteer clergymen representing 19 denominations—is working with police in handling certain situations—such as domestic quarrels, suicide attempts, or notifying next of kin that a relative has passed on.

PRIVATELY FUNDED

The corps, which costs taxpayers nothing, is privately funded by the Greater Minneapolis Association of Evangelicals. There are 45 volunteers involved.

Each volunteer, in his turn, serves a 24-hour duty period when he may be called by the police department. During his shift, the chaplain uses a car equipped with a police radio. He does not chase police calls, but responds only when called by police.

Since numerous police calls involve noncrime problems, the need for trained counselors is apparent in most metropolian areas.

"Police don't have time to spend several hours in a domestic situation," says Capt. Bruce Lindberg, head of the Minneapolis Police-Community Relations Unit. "Also, we're not trained as counselors. It's hard for an officer to know how to handle a grieving survivor, for example. These men (chaplains) have the time and talent for this sort of thing, and their services has been most worthwhile."

BASIS FOR CONCEPT

Dr. Francis Grubb, former Minneapolis minister and current President of the St. Paul Bible College, brought the concept of the Chaplain Corps to the city from a similar operation in Wichita, Kan., and other communities are considering a form of it as well.

Volunteers must be 25 years of age and ordained. They spend five hours in service training with police and spend two shifts riding in squad cars with officers. A screening committee comprised of otner volunteers and policemen then passes final judgment on the applicant before he is assigned to the corps.

"An important aspect of this operation is the volunteer's willingness to make personal sacrifices to see to it that individuals are given help and comfort in an hour of crisis or need," says the Rev. Quinten Alfors, director of the Greater Minneapolis Association of Evangelicals.

"Important too, is the fact that we forget people after the crisis passes. We offer follow-up counseling and if an individual desires it, we try to arrange a church affiliation for him."

SPECIAL ARRANGEMENTS

Though all volunteers are Protestants, the corps has made arrangements with Roman Catholic churches in the area to provide assistance should someone desire a priest.

Though most situations involving the chaplains are not violent, that potential often exists.

One chaplain spent all night trying to persuade a man holding a gun that he should not shoot himself. Last July 4, a chaplain was unable to talk a woman out of suicide. He got help for her, however, and she recovered.

In another instance, two teen-age sons in one family were on drugs. During an argument, one of the boys slugged the father. When police arrived, the father refused to press charges, but all parties agreed to talk to a chaplain. So far their situation hasn't shown marked improvement, but since they are still seeing a counselor, the chaplains believe there is hope.

POLICEMEN ASSISTED

Another benefit provided by the corps is its service to policemen themselves. "The police officer sees so many negative aspects in society that he becomes depressed," says the Rev. Mr. Owen. "People call them for help, and the officer has this image of never needing help himself. But there is a lot of tension and frustration in police work, and sometimes he just needs to unwind with someone he trusts."

AN ADMIRING TRIBUTE TO HAWAII

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. GROVER. Mr. Speaker, a constituent and friend, Violet Brooks of Babylon, N.Y., recently visited our 50th State. As she flew home, she wrote a short poem in tribute and fondness for our lovely islands State. Her poem follows:

HAWAII

How proud we can be of our Fiftieth State
Where welcome and love and friendship await
Where "Diamond Head" like "Liberty" stands
Welcoming all from foreign lands.

Truly a diamond, though so far away
She shines in the crown of the USA
With her song and her dance and gracious smile
She welcomes her cousins in her own gentle style.
May she find the warmth that she gives to others
When she visits the Mainland to meet her brothers.
When she steps on our shores so far away
May we learn the greeting Hawaiians say, "Aloha!"

INCREASED RETIREMENT PAY FOR MILITARY PERSONNEL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, as a member of the House Committee on Veterans' Affairs, I have been deeply concerned about the need to increase retirement pay for military personnel. I was pleased to present testimony today before Congressman STRATTON's Special Subcommittee on Retired-Pay Revision of the Committee on the Armed Services.

Because of the importance of this matter and the urgency of prompt action by this Congress, I would like to submit to the RECORD a copy of that testimony. The testimony follows:

TESTIMONY

Mr. Chairman and members of the Subcommittee: I am here today to speak in behalf of our current and future personnel. The heart of any profession lies in its system of reward. This is no less true in the military services. In our move to build an all-volunteer armed force it is only fair to ask ourselves whether we have done enough to reward military personnel who serve a lifetime in the defense of their nation. Can we say that our nation provides sufficient reward to retired personnel? Can we say that future generations will look to military service as a career in light of our current retirement system? The answer to either question is clear. No. We do not provide sufficient reward to our brave fighting men who retire from a job well-done.

In 1963 the Congress abolished further use of the recomputation of retired military pay, substituting instead a new one based solely on cost-of-living increases. A cost-of-living increase primarily serves those in the upper ranks who have correspondingly higher pay scales. It does not provide proper career incentive for younger officers and enlisted personnel. The problem is clear. Career incentives are essential to the sustenance of an all-volunteer armed force, yet we have not provided these through the military retirement system.

While this subcommittee has already moved to consider a more uniform pay scale for the military, it must now reconsider military retirement benefits. Administration bill H.R. 14524, in my opinion, does not do enough to compensate all previous, current, and future, retired personnel as does my own proposal. Let me first review the Administration proposal, my revised plan, and the full recomputation proposal as contained in several bills referred to this subcommittee for review.

H.R. 14524 would provide a "one-time"

recomputation to the 1971 pay scales for certain classes of physically disabled retirees and for those with less than 25 years of service who are over age 60 and those with 25 or more years of service at age 55. Accordingly, the FY 1973 defense budget request contains funds in the amount of $288 million to cover the cost of the recomputation of retired pay. Let me just say that while I am in total accord with the spirit of the bill—to increase the benefits available to retired personnel—nothing is done to alleviate the problems of retired military personnel 20 years past. Inflation is as much if not more of a burden to them. While we must move to make the recomputation system acceptable to all retired personnel, we can hold down the potential costs of the recomputation plan.

I am, therefore, proposing the following alternative recomputation plan for present and future retired members of the armed forces. I essentially agree on a "one-time" recomputation of miltiary retirement benefits, but the base year will be 1972 rather than 1971. The more satisfying pay raises enacted by the Congress over this last year should be the basis of recomputation of retired pay.

Recomputation of pay will no longer be extended to a "select class" of retired personnel but to all persons who have retired for physical disability under the laws in effect prior to 1949 or a physical disability of at least thirty percent under later laws, and almost all persons who have retired for years of service who are at least 60 years of age. Once a retired member of the armed forces obtains age 60, his retired pay would be recomputed under the 1972 pay scales.

I foresee two distinct advantages in my recomputation plan. First, the cost is less than the $288 million contained in the Administration FY 1973 defense budget request. Second, it is only a fraction of the cost of a full recomputation system as proposed in a number of bills before this subcommittee. The full recomputation proposals would rely on a method that would entitle a retired officer to have his retired pay determined as a percentage of the rates in existence at the time, to be recomputed with each pay raise, under the revised pay scale. I don't think I need say that this proposal is not only initially very expensive—upward of one billion dollars for FY 1973—but potentially upsetting to the economy of this country. This action would only add to the inflationary spiral which we have attempted to hold down over this last year-and-a-half. My proposal is not only a greater savings to the American taxpayer, who must bear the brunt of the rise in Federal expenditures, but it serves to equalize the retirement system for members of the armed forces in terms of the fiscal realities of the 1970's.

Quite frankly the issue of retirement pay is understandably a sensitive one. But it is more sensitive to those who must live with the current retirement system.

Under the recomputation system military personnel have accepted relatively low active duty pay in the expectation that constantly increasing retirement pay would be an acceptable recompense. I would even go so far as to say recomputation may have been a determining factor with some men and women deciding upon a military career. The heavy turnover of younger officers and enlistees in recent years, however, suggests that many of them may be leaving the services through disappointment with the limited potential for a really adequate pension after retirement.

I do believe that my proposal will relieve this problem, and, it is much better than a return to the full recomputation system. This House Committee rightfully warned against rising manpower costs. I do not need to remind you of your own projection that a return to full recomputation, coupled with the annual pay increases of 3.5 percent until the year 2000, would run the phenomenal cost of retirement pay to $134 billion. This is why I agree with this Subcommittee and its objective to seek an equitable solution to our manpower requirements in an all-volunteer setting but without pricing the system out of the market. We have a responsibility as members of the Congress to safeguard the future growth of this country. We must feel a special sense of duty in fostering and directing the growth of the professional military forces on an all-volunteer basis. To this end I urge support of my proposal for equal recomputation of retired pay for members of the armed forces.

CONGRESS AIDS INFLATION

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ROUSSELOT. Mr. Speaker, the Constitution of the United States says that the Congress shall have power "to pay the Debts and provide for the common Defence and general welfare of the United States." Unfortunately, we continue as a body to abdicate this responsibility, passing the buck or complaining that we are pushed by special interest groups. We have nobody to blame but ourselves.

Our colleagues, Congressmen George Mahon, H. R. Gross, Frank Bow, and others, have warned time and time again that Congress in fact is more responsible for inflationary pressures than any other single group in the country. An editorial in the Alhambra Post-Advocate, dated Monday, July 10, 1972, expresses some important thoughts of which my colleagues should be mindful.

My own bill, H.R. 12195, if fully implemented, would provide some controls for Congress to place upon itself. My hope is that some time, some place, the majority of this Congress will act responsibly, as this editorial from the Alhambra Post-Advocate suggests.

The editorial follows:

Congress Aids Inflation

The cost of groceries has become a symbol of inflation in the United States of America, perhaps because food is a basic item in every family budget. Inflation hits home, in an emotional and practical sense, when food prices go up.

Nevertheless, groceries are still by and large a bargain for the American people when considered as a percentage of the weekly expenses in the average wage-earner' home. Thanks to increased productivity of our farmers, the percentage of income required to pay for our food is lower today than it was a decade ago—and much lower than the proportion spent by housewives in most of the world's other industrialized states.

Administration officials may have had this in mind when they warned that the decision to lift import quotas on meat and to extend controls to wholesale and retail prices of fresh produce and seafood can be expected to have only a mild effect on the cost of living. This hardly amounts to a new offensive against inflation, but simply brings up a couple of extra artillery pieces.

The real battle is being fought on the floor of the U.S. Congress. It is there, in the irresponsible attitude toward the federal budget, that we find the roots of spiralling prices, not just for meat and vegetables but for everything else as well.

In the fiscal year just ended the federal government spent $26 billion more than it took in from taxes. The deficit in the year now beginning may be as high as $27 billion, and may reach a staggering $40 billion in the following year.

Some economists try to defend such excessive spending on grounds that a "full employment budget" is not inflationary. Under this concept, the government pretends that taxes will come in as if services and industry were operating at full capacity, even though it is plain they are not. Now, even the pretense of this theory is all but abandoned and Congress is opening the way for budget deficits that are frankly inflationary.

Congress shows no inclination to slow down its spending spree—even in the face of a Brookings Institute report saying most of the money being spent to cure social ills is being wasted, even when the Department of Health, Education and Welfare admits that its growth has been so rapid and disorganized that it cannot tell for what purpose much of its money is being spent.

More than anything else, it is this federal spending orgy that is feeding inflation and could lengthen the time that price and wage restraints will be necessary. As consumers we can all appreciate the government effort to save us a few cents on the price of meats and vegetables, but we can hardly take heart from what Congress is doing with the budget. As far as inflation is concerned, that's where the action really is.

CRIME AND LEAA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. WHALEN. Mr. Speaker, a great deal has been said and printed in recent months regarding th equality of law enforcement and the problem of crime in America. Indeed, this is a subject deserving of attention since the freedom from fear of violence and crime is fundamental to the enjoyment of the other freedoms that our form of government seeks to preserve and foster.

In Dayton, Ohio, which is located in my district, strides are being made in the fight to reduce crime and the fear of crime. One of the major weapons in that battle is the pilot cities project funded by the Law Enforcement Assistance Administration. Under the pilot cities program, a research team is working with the leaders of criminal justice agencies in Dayton to identify major crime problems, to develop more effective programs based on the most advanced technology, and they are implementing changes to achieve far-reaching improvements in crime prevention and crime control.

The Dayton Journal Herald paid tribute to this program in a recent editorial entitled "Crime and LEAA—Police Admit Debt to Federal Programs."

I insert the Journal Herald editorial in the Record:

Crime and LEAA—Police Admit Debt to Federal Programs

The slackening noted by the FBI and the International Assn. of Chiefs of Police (IACP) in the skyrocketing crime rates of recent years seems to us less significant perhaps than the reasons cited by the law enforcement officials for the changes: better-trained and more professional police officers, an aroused citizenry and the Law Enforcement Assistance Administration (LEAA).

We doubt that public fear, especially of crimes of violence, has begun to ease, but the statistics cited at the IACP meeting in Dayton by Thomas E. Bishop, assistant director of the FBI, and by Quinn Tamm, executive director of the IACP, are a hopeful sign that crime can be controlled and that public confidence in the police can be restored.

It is particularly gratifying that the IACP is so generous in the credit it gives to the LEAA, which was established by the Omnibus Crime Control and Safe Streets Act of 1968, and so silent on the score of repressive legislation. With some notable exceptions—Dayton Police Chief Robert M. Igleburger is one happy example—police professionals have not been hospitable to the introductions of some of the modern procedures developed and promoted by the LEAA. To the contrary, the war cry was: "Unshackle the police."

The battle against crime is obviously a highly complex one, involving many factors beyond the responsibility of the police, who are too often asked to do the whole job. But the police job itself is becoming more complex, demanding more highly trained, sensitive professionals, utilizing the latest techniques of management, data processing, investigation, research and psychology. This is what the LEAA is all about. This is what Dayton's Pilot Cities project is all about. These "federal programs" much maligned by some police officers and some politicians are no substitutes for honest, courageous, resourceful policemen. They are not intended to be. But they can make a good policeman a much better one, and this is what the public is demanding.

CAPT. RICHARD S. RITCHIE, FIRST U.S. AIR FORCE ACE IN 20 YEARS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. PREYER of North Carolina. Mr. Speaker, my congressional district is the home of Capt. Richard S. Ritchie who recently became the first U.S. Air Force ace in 20 years. Captain Ritchie is a professional soldier—a graduate of the U.S. Air Force Academy where, as in high school, he was a successful athlete and a fine student. He is a fine soldier and his neighbors in Reidsville and Rockingham County, N.C., are particularly proud of him. I think most Americans, whatever our differences on the war may be, would be proud of his devotion to duty and his commitment to country. It was a distinguished soldier of another day—Robert E. Lee—who said that "duty" was the sublimest word in the English language. Captain Ritchie represents that kind of determination to serve his country which has stood us well throughout our history. As we engage in our debates about foreign policy and disagree as those who believe in democracy must disagree, we should not forget the Captain Ritchies of our history who have stood guard while the debates raged on. In closing I include an article from Captain Ritchie's hometown newspaper—the Reidsville Review—describing the recent tribute to him:

THOUSANDS WELCOME HERO HOME

(By Jennifer Clough)

A crowd estimated around 10,000 gathered Friday afternoon along Scales St. and Morehead Street to honor the Reidsville hero, Capt. Steve Ritchie, the first Air Force Ace of the Vietnam War.

Children sat in pickup trucks lining the street. People stood around the monument to get a good view as the parade came down Morehead St. Wachovia Bank members distributed brightly colored balloons to the school children who were let out early from school. Photographers from newspapers throughout the state were seen stationed on corners with their cameras hanging about their necks.

As the police car moved up Morehead signalling the beginning of the parade, the crowd pushed forward along the street to cheer their hero. After the police car came the Reidsville Senior High Marching band, then cars with Mayor James Daniel, and former mayors Weldon Price and W. B. Apple, Jr.

When the A&T University Drill Team proceeded down the street their colorful drill techniques caused the crowd to clap and cheer. After the National Guard Marching Unit came Capt. Steve Ritchie in a convertible with his parents, Mr. and Mrs. Ned Ritchie of Belmont Drive. He waved modestly to the bystanders. At one area stood his grandmother, Mrs. Clarence Ritchie from Albemarle, and his uncle and aunt, Mr. and Mrs. Grover Ritchie with their son Ned Ritchie from Charlotte.

"I'm crying because I'm so happy," Ritchie's grandmother said, with tears in her eyes.

One young man with shoulder length hair stepped from the crowd as Ritchie's car moved slowly down the street and gave him a note. They talked briefly before the car went on.

As the parade proceeded down Scales St., a loud roar droned out the sounds of the cheers. Everyone looked up into the sky, as four F-4 Phantom Jets swooped down across the street in fingertip formation saluting the 30-year old Ritchie. A few minutes later, the planes reappeared out of the hazy sky, this time in missing man formation. A slight chill went through the crowd as they looked at the three planes—one missing in honor of the prisoners of war and pilots missing in action in the Vietnam war.

The parade moved on. Two veterans from the war in the parade were Steve Booker, who received seven distinguished flying crosses for heroism while participating in aerial flight, the Army Commendation Medal with the V, one Oak Leaf cluster, the purple heart, the air medal with the V, 22 Oak Clusters, the Bronze Star and other standard medals; and Danny Shreve who received the purple heart, the Bronze Star with V and the medals given to all soldiers who served in the war. They were there to honor Ritchie. Another Vietnam veteran Howard McMichael was invited to participate but had to be out-of-town Friday. His service medals include the silver star.

Miss Teenage Reidsville, Lea Anne Moore sat on a convertible waving to the crowd. The Hargrave Military Band marched to the roll of the drum, with their colorful guard dressed in Scottish kilts bringing up the rear.

It was a good parade. The senators, the congressman, the city dignitaries were there to honor the state's hero. But after the little red fire truck brought up the rear, and the crowd began to disperse you knew that no one could have honored Ritchie any better than the Reidsville people who had turned out to welcome their hero home.

JOBS CAN AND DOES WORK IN KALAMAZOO

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. BROWN of Michigan. Mr. Speaker, a feature story which recently appeared in the Kalamazoo Gazette written by Mr. James Stommen, the newspaper's business editor, was so well written and was so descriptive of what can be done to alleviate the difficulties being experienced by those who find themselves unemployed or unemployable that I wish to bring the article to the attention of my colleagues.

The JOBS program in Kalamazoo is a success story and as Gil Bradley, mayor of Kalamazoo and consortium manager of the JOBS 1972 program, says: "JOBS can and does work in Kalamazoo."

I wish to take this opportunity to commend all those associated with the JOBS program in Kalamazoo and hope that this well-written description of its successes in Kalamazoo may provide some ideas and help to communities represented by my colleagues which have many of the same problems but have not as yet benefited from the Kalamazoo experience.

The article follows:

JOBS PROGRAM MEANS OPPORTUNITY

(By James Stommen)

Its acronym is JOBS—for Job Opportunities in the Business Sector.

The NAB (National Alliance of Businessmen) is heavily involved in it.

But those who've become employed through it know it as OPPORTUNITY.

Opportunity, as Armando Martinez puts it, is to get out of the Texas cotton fields where 110 degrees isn't an unusual work-day temperature.

Opportunity for Norma Anderson, who's been separated for nine years, to get off the ADC (Aid to Dependent Children) rolls and into a productive, enjoyable job.

Opportunity for Robert Mills, the father of seven, is to work at a job with a very real present . . . and future.

Opportunity to come back from major surgery, as Mary Crawford has, and find rewarding, worthwhile work.

Those four are typical of the more than 575 persons in a five-county area who've gotten jobs through JOBS since its introduction here in the fall of 1970.

For them, the national mutterings that the program isn't doing what it's supposed to and is wasting money while not doing so have no meaning.

Not when JOBS means that Armando Martinez, age 19, can support his disabled parents and six sisters at home.

Not when Norma Anderson can work with "wonderful people," finding each day a pleasant challenge.

Not when Robert Mills, who could have been faced with a lifetime of working for $1.25 an hour as a stock clerk, has a solid job with one of the Kalamazoo area's most prestigious employers.

Not when Mary Crawford can tell of having made a lot of nice, lasting friendships through the program.

Putting it in simple terms, here's how the JOBS program works:

Potential participants are referred to program counselors. They may be persons on welfare, or ADC, or who've never gotten the break they needed to get out of that category known as "hard-core unemployed."

Once they've gone through extensive counseling and are accepted into the program, the JOBS trainees are funneled into one of the unfilled job pledges JOBS volunteers have scoured the community for.

It isn't just a matter of being thrust into a dead-end entry-level job without guidance and with little hope of advancing.

During the first 12 weeks, the trainees are on a half-and-half schedule of schooling and work, collecting a full day's wages.

The schooling has several goals. For many trainees, it's an opportunity to catch up on formal education which may have ended in the elementary years. For others, it's a chance to polish up long-forgotten educational skills.

Some of those who've never completed their high school education get a chance to take the General Educational Development test designating the equivalency of high school graduation.

Included in the training is considerable time spent on what is popularly known as "world of work" familiarization.

That's particularly important for those trainees who've never had a full-time job before, giving them knowledge about what's expected from them by the employer.

Other aspects of the JOBS program include specific job skills work so that the trainees can enter the plant or business with at least the rudiments of job knowledge; medical and dental care; transportation to and from work; and daycare costs.

They're all part of giving the disadvantaged a level platform from which to step into the working world.

The response to the program locally has been good, and results are above those generally found in the JOBS program nationally.

For instance, 74 per cent of the persons taken on as trainees under JOBS contract 26–1–6024–000, one of three such contracts currently under way here, are still on the job a year to a year and a half after initial hiring.

In plain figures, that's 34 of the 46 original trainees who continue on the job.

But even the figure of 12 "dropouts" is misleading. Three of those 12 quit in favor of other jobs, one dropped out due to pregnancy, one quit for personal reasons and one dropped out during orientation. So, really only six of the original 46 abandoned the program itself.

In the face of a national retention rate in the neighborhood of 50 per cent for the JOBS program, the local effort shows real promise.

As far as the participants go, it's literally a life-saver.

Armando Martinez, who works as a teller at American National Bank & Trust Co.'s Sprinkle-Miller branch, sees the JOBS program as more than just giving him a decent wage in something other than the migrant farm work he's always done.

"It's a real opportunity for a Chicano," Martinez said, noting that thus far there haven't been many Chicanos hired under the program, but expressing the hope that there'll be more in the future.

Speaking as a member of the Chicano community here, he said that efforts particularly are being made to get migrant workers into the JOBS program.

"It's tough for most Chicanos to find worthwhile work," Martinez said, "but the problem is even more so for migrants."

And he knows whereof he speaks, saying that 16 of his 19 years could be reckoned as being in the migrant category.

Armando and his family (his parents and seven sisters, the eldest of whom is married now) came here from Corpus Christi, Tex., 2½ years ago.

He got into the JOBS program nearly a year ago, joining American National Oct. 5, 1971. Once the half-day training, half-day work period was completed, Martinez started making the rounds of American National branches and job duties.

In addition to his branch teller work, a full-time job, he also attends Kalamazoo Valley Community College on a full-time basis, enrolled in business administration.

He's looking to move up in the business world. He's happy with his job now, and has ambitions for a bright future.

Nonetheless, he says, "it sure beats working in the fields."

Norma Anderson, who lives at 1502 Krom, was born here, but has stops in Gobles, Detroit and Battle Creek in her background.

After living in Battle Creek for 13 years, she's been back in Kalamazoo for the past two years.

She got into the JOBS program after going to Douglass Community Center seeking work. She previously was on ADC (she has a son, 16, and a 17-year-old daughter who's about to be married in California), but has been on the JOBS program since May of 1971.

Since being with First National Bank on the program, she's had a number of positions, including the traditional teller training. Norma can point to brief periods as a file girl, fee technician and vault custodian, but she finds her present work as a purchase technician (working with stocks and bonds and other securities) the most challenging and rewarding.

Not the least appealing part of her work, she says, is the "wonderful people I work with."

To her, the word opportunity describes what the JOBS program means "I've never had so many opportunities before," she says.

Robert Mills, who started on the program Oct. 5 1971, was on the WIN (Work Incentive) program prior to being recommended for JOBS.

When he was hired at the Upjohn Co., "it was like a dream come true," he says.

Whereas his previous employment—at a clothing store and at a manufacturing plant—showed no promise of advancement, he's already made some moves at Upjohn. Starting as a maintenance man, he's now in the soft capsule area.

The opportunity for advancement is a crucial part of his employment, particularly when he's supporting a family of seven children, ages 14 to 7. The Mills family lives at 521 Lulu.

JOBS, says Mills, "is a fantastic program . . . if it wasn't for JOBS, I wouldn't be here (at Upjohn)."

Mary Crawford, of 1509 Rockledge, joined the JOBS program a year ago this past July. She initially worked at First National Bank downtown, but has been at First National's operation at Great Lakes Computer Center since last December.

She's now working in the microfilming department of the Computer center, and it's something she enjoys greatly. "Being a teller downtown wasn't my bag," she says. "I wanted to get into something I could use my bookkeeping background in."

The microfilming post makes good use of that background, and although she had no previous experience in microfilming itself, she finds it an interesting job.

Mary sees JOBS as a program for people with handicaps of one kind or another.

For her, the problem was coming back from surgery three years ago. "I'm really still recovering from that," she says, "but having a rewarding job is a big part of the rehabilitation program."

Like Mills, she was involved with the WIN program prior to getting into JOBS. She thinks the JOBS program is great—particularly for young persons who've never had the schooling or work opportunity the program offers.

Part of the program she really admires is that which teaches people how to get along on the job and how to get along together.

"I made a lot of nice friends and lasting friends," she says.

The JOBS program here has what its current chief operating officer, Dr. E. Earl Wright, calls "a solid foundation."

In the nearly two years of its existence locally, JOBS has rounded up 575 or so job openings. Only about 100 of those involve what Gilbert Bradley, who in addition to being mayor of Kalamazoo coordinates a JOBS consortium for the Kalamazoo County Chamber of Commerce, calls "the full shot."

That is, only about 100 of the 575 jobs have involved persons who've undergone the full range of counseling, schooling, training and other services.

The others involve positions at some companies which hold their own training, or others which don't take advantage of federal reimbursement of training funds or any of the other aspects of the total program.

The Kalamazoo Metro of the JOBS program includes Benton Harbor, and many of the job openings have been found there, including many on the non-contract basis.

Another contract involving 50 jobs is coming up this fall, and Wright hopes to move in the direction of more positions in the retail-service area, most rapidly growing employment sector in the Kalamazoo area.

"We differ locally from the national view, which tends to ignore the service sector," Wright says. "Here, our employment is increasingly moving toward non-goods-producing positions.

"People might start out with lower pay in retail or service jobs," Wright says, "but there are ample opportunities for advancement."

And opportunity is the key to what JOBS is all about.

CHRISTOPHER COLUMBUS DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. MINISH. Mr. Speaker, only two national holidays designate individual men. One commemorates the birth of the Father of our Country; the other is set aside for Christopher Columbus, the Italian navigator who discovered the New World 480 years ago.

Because of my own ancestry, I am naturally proud that Columbus was Italian. But it rankles when I see the kind of brickbats hurled against Italians, many of whom laid the cornerstones of this great Nation. It is my belief that we must speak out against latter day slurs against the countrymen of Christopher Columbus, many of whom have settled in the New World he discovered.

My grandparents, all of whom were born in Italy, would have been proud to have been able to see me attain the high office of Federal Representative. My mother, herself born in the Province of Avellino, always raised her children to respect the family, the church, and the United States. Mindful of my heritage, one of my first actions upon coming to Congress as a freshman Member in 1963 was to sponsor a measure designating Columbus Day a Federal legal holiday. Although such legislation had been introduced since 1906 in Congress, nonetheless it was my good fortune to see it enacted during my tenure in Congress. I have also sponsored legislation to establish standards for films and broadcasts to avoid demeaning and degrading ethnic groups. This past August, the New York Times contained a strong editorial against the violent portrayal of Italians in the movie "The Godfather." I was pleased to place this editorial in the Congressional Record for public consumption, and praised the newspaper for its sensible position.

Frankly, however, there is a great need for more outspoken praise for Italians, to combat the false and stereotyped images to which we are frequently exposed.

Let us remember that the very cradle of our Western civilization was firmly established in Rome. When it comes to the registering of the great names which have shaped Western civilization, the Italian Peninsula is second to none. Fluid sounding names such as Galileo, Da Vinci, Michelangelo, Dante, Boccacio, Marco Polo, Verdi, and Marconi are associated in our minds with priceless treasures and immeasurable gifts. The world would have far less luster were it not for the existence of these men, all of whom were Italians.

Indeed, if, as it is said, the mother country of the United States is Great Britain, then it must follow that the mother country of Great Britain is Rome and the Italians, since the Britons did not have a written language when Caesar landed there. Moreover, the only written language of the Britons for eight centuries after Caesar was Latin. It follows, therefore, that the United States is the grandchild of Rome and Italian culture.

Christopher Columbus, who braved an unknown sea with three tiny ships, began our destiny with his discovery of the New World. America, of course, is itself named for another Italian, Amerigo Vespucci.

It was Italians who built American railroads, bridges and our first skyscrapers. Giovanni Cabota first explored the mainland of the United States, while Allessandro Malaspina was the first man to explore Alaska, Vancouver, and the coast of California. The great Italian scientist and humanitarian, Enrico Fermi, will go down in history for his contributions to America, and the name of Caruso will always be synonymous with opera singers.

Italian missionaries as early as the mid-17th century set up some of the first educational institutions in the New World in land that later became the United States. Father Eusebio Chino not only built churches and explored the west coast of North America, but he also taught the Indians trades and European farming methods in addition to establishing stock raising. Father Marcos de Niza was a member of the Coronado expedition which penetrated as far west as Nebraska in 1539, well over half a century before the first permanent English settlement in the New World.

One of the very first men to speak out in the American colonies against the tyranny of England was Filippo Mazzei, an intimate of Jefferson, Washington, Franklin, Patrick Henry, and other revolutionary patriots. Under the pen name "Furioso," he wrote Italian articles against British colonization, which Jefferson translated. In one of Mazzei's articles is found a philosophy later echoed in the most prestigious halls:

> All men are by nature created free and independent . . . it is necessary that all men be equal to each other in natural rights.

Jefferson has acknowledged translating those words and later incorporating them into the Declaration of Independence.

Not only did many Italian Americans give up their lives during the Revolutionary War, but a wealthy Italian fur trader, Francesco Vigo, is credited with having financed the Clark expedition when it seemed in imminent collapse.

After American independence, one of the first threats to the new Nation came from Tripoli sea raiders. These pirates challenged the free seas and American commerce by exacting money for safe passage. They were destroyed by Stephen Decatur with the help of Salvatore Catalano.

So the proud history of Italian contribution goes on and on, while the slander also seems to continue apace. At this juncture in time, when we are trying to bring people together, it would appear that we should avoid pointing out the few outcasts and transgressors in any group. Rather, let us point to the many who are well represented by visionary discoverers such as Christopher Columbus and who have demonstrated their worth to America. If we must talk in group stereotypes, Italians are an American mainstay and should be treated as such. They are not only proud of their heritage, but have visibly shown their love for this country and their belief in its high tenets. Is it not about time they received some well-deserved esteem in return?

RARICK REPORTS TO HIS PEOPLE ON THE SALT AGREEMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the SALT interim agreement which was adopted by the House September 25, 1972, by a vote of 306 to 4.

I insert my report in the Record at this point:

Report to the People

Recently, I cast our 6th District vote against limiting the nuclear power of the United States to a level less than that of the Soviet Union—the so called "SALT Talks" interim agreement—which concerns our nuclear defensive and offensive weapons.

Mr. Nixon signed his approval as "President of the United States." Leonid Brezhnev, supposedly for the Russian people, signed as "General Secretary of the Central Committee of the Communist Party of the Soviet Union." Many have long thought the Communist Party ran Russia, but International Law might question the legality of a party official rather than an elected head of state executing a document between nations. Had Mr. Nixon signed the agreement as head of the Republican Party of the United States, would the Russians have accepted this agreement as binding?

The whole matter is weird to the point of unbelievability—including the congressional approval of this agreement to freeze our Nation as a second-rate power.

Because of the seriousness of this agreement and its threat to our national security, I thought you would be interested in my discussing the "SALT agreement." You can then decide for yourself what a one-sided advantage our leaders gave the Russians—without a shot being fired.

Time does not permit a detailed study of the agreement, but I would like to briefly outline some of its provisions.

Our present plan for survival is based upon defense, relying upon a retaliatory capability as a deterrent against aggression. This means that we will not be the aggressor to start world war III; instead of firing the first shot, we hope to be prepared so as to discourage any aggressor.

Our defense is weapons to destroy enemy missiles—before they can reach our cities and industrial might—centered around our antiballistic missiles, the ABM's.

The Russians already have one ABM group in operation. The United States has none. At present we have two ABM sites under construction. Listening to and following the advice of our military leaders, Congress has authorized three additional ABM sites to be constructed by 1977. Still following our military advice. Congress has programmed twelve such defense sites to be constructed in the future.

Under the SALT freeze agreement—all of this must stop—because under SALT we have limited ourselves to only two sites. We let the Russians tell us where we can build these two sites. One is to defend our national capital at Washington, D.C., and the other one must be at least 800 miles distant from Washington. We have 2 ABM sites presently under construction—none in the Washington area. This means one will have to be dismantled at taxpayer's expense approaching one billion dollars

The effect of the interim 5 year agreement is that we have agreed to limit our antiballistic site to two designated areas and the Soviets to two locations Or, in other words, we've politically agreed to handcuff our military leaders charged with the mission of defending our country. We have also agreed to restrict the size and number of radar sites which are needed to safeguard our ABM's from a sneak enemy attack

Should an enemy fire his missiles at our country, then the plan was that we would launch our long range offensive "nuclear" weapons—our land based Intercontinental Ballistic Missiles (known as ICBM's), and our sea-based missiles, namely our Ballistic Missile Submarines and their launchers

We have agreed to Russian superiority in these fields also. The SALT agreement approved 1,054 missile for the United States and 1,618 for the Soviet Union This means our government has given the Russians the advantage of 564 missile armed with nuclear warheads. The inequality of missiles—over 50% more for the Soviets—must be considered a clear and direct threat to our National security by every informed American.

This is our limitation agreement: 1,054 missiles for us and for the Russians 1,618. But there is further ambiguity. This agreement does not specifically state the number of land-based missiles allowed. Rather, the terminology freezes each country's land missiles at the current level. It prohibits further construction, but allows those in place and under construction to be unaffected. The figure of 1,618 land-based missiles in the Russian arsenal is based on U.S. intelligence estimates—not a hard nose count—because the Russians don't want to give us the number and refuse to permit an "on the ground" count. This is about like counting beans in a sealed-in jar and betting your life on your count.

In the haste to bulldoze Congressional approval of the agreement before the election, Secretary of State Rogers stated: "We have made it abundantly clear to the Soviets . . . that we consider this number of fixed land-based defense missiles for the Soviets to be 1,618." The Secretary went on to say that "Specifying the number of defense missiles in the agreement is not important, since national means of verification will reveal if any defense missiles construction were to take place." This is reassuring rhetoric, but if a new field of defense missiles is discovered, it will be difficult to determine when it was started.

Remember these are the missiles that we can fire—only after the enemy has struck our country by missiles. The effect of the treaty is that we are frozen at our present level. This means we waive the right to increase and improve our own self-defense. The Russians clearly have a superiority of 564 additional nuclear missiles, and we agree that we will do nothing to overcome this weakness. This is a nuclear Yalta sold to the American people as achieving peace and trade.

And as if this isn't enough to maintain the Communist's leadership, let's see what superiority we gave the Russians in submarines capable of firing nuclear warheads from on or beneath the surface toward our cities and other targets.

Currently we have 41 such ballistic missile type of submarines. It is estimated that the Russians have from 41 to 43—who knows how many they have—but yet through tricky wording of the agreement, we agree during this 5 year freeze to increase our submarine force by 3 to a total of 44, while we allow the Russians to increase theirs to 62. This is a net gain of 3 nuclear submarines for us as compared to a net gain of 18 for the communists.

While we have given the Russians approval to increase the size of its missile submarine fleet and we agree not to enlarge ours, we have also given the Russians the right to increase the number of missile launchers on board their submarines. We again have deliberately surrendered our superiority of missile launchers to the Russians.

Let me call your attention to the number of launchers to be built upon the submarines. Right now we are ahead—a plus of 76 for us. We have a total of 656 as compared to the Russians estimated 580.

And under this Salt freeze—and it is correctly called a freeze because we are frozen—we remain at our present level of 656 while allowing the Russians to "zoom" past us to 740. We go from a lead of 76 SLMB launchers to being 74 behind. Then in the conversion factor of these agreements, we have agreed to the Russians increasing their launchers to a total of 950, while we tokenly increase our to 710. This widens the Russians lead to 240.

So, the net effect of this part of the Salt "deep freeze" is to allow us an increase from our current number of 656 to 710—a gain of 64 for us at the same time, allowing the Russians to increase theirs from a current (assuming that this is all they have), 580 to 950. An astounding gain of 370 missile launchers for the Russians—nearly a 200 percent increase.

Seeking peace through arms limitation talks may be the noblest of man's undertaking. But an interim agreement is but a score card showing the progress our peace talks are making, and the grades show we are losing the game. This is a Gulf of Tonkin in reverse. No one has even asked what happens when Red China or another hostile nation starts building nuclear weapons.

The agreement is not enforceable. There are no safeguards, no inspections. We are asked to rely on the good faith of the Russians' promises. The records show that of the 52 major treaties and agreements entered into, the Soviet Union has broken 50 and has broken 24 of the 25 summit agreements. This is a bankrupt record of deceit and undependability upon which to trust the lives and liberties of American people.

What about ambiguity of interpretation? Already the Soviets say the treaty means something else. The ink on the President's press conference was not dry when we read in the local paper:

[From the Washington Post, Sept. 30, 1972]

SOVIET UNION RATIFIES TREATY LIMITING ABM'S

(By Robert G. Kaiser)

Moscow, September 29.—Soviet Defense Minister A. A. Grechko took the occasion to emphasize that the SALT agreements "do not put any limits on the carrying out of research and experimental work that is directed toward solving the problems of the defense of the country from nuclear rocket attack."

Literally, this appears to be correct. The treaty does not rule out research and development or qualitative improvements in the limited ABM installations which it authorizes. But if Grechko meant to imply that the Soviet Union might still find ways to protect this country from nuclear missile attack, that would contradict the American understanding of the treaty.

U.S. officials have emphasized that as they understand it, the treaty amounts to a recognition that neither super power can defend itself against a nuclear missile attack. The mutual acceptance of total vulnerability U.S. officials have said, is one of the keystones of the treaty.

Some Congressmen who either voted for the agreement or did not vote at all have said that they did not trust the Salt agreement but did not want to vote "No" because it might be taken as a lack of unity in backing our President in international affairs.

In my humble opinion, the failure to disagree with the President when he is wrong is not only a breach of constitutional duty, it is a disservice to our President and our people. I am not interested in a concensus to make wrong right—even for 5 years.

Then there is talk that Senator Jackson's amendment to the Agreement solved the problem by calling for equality of limitations. It does in a way. In feeble almost apologetic terms, it asks for equality of treatment—in five years.

Senator Jackson's amendment is not even applicable until after the expiration of the five-year interim arms limitation moratorium or until 1977. The Jackson amendment reads, ". . . urges and requests the President [whoever he may be in 1977] to seek a future treaty that inter-alia would not limit the U.S. to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

The Soviets are hard traders. They have proven time and time again that they do not deal unless to their advantage. And once they have the advantage they show no mercy.

I could not cast your vote for any agreement that is unfair and fails to give us a military posture equal to that given to our principal adversary—The Soviet Union.

Remember the "Salt Talks" and the 5 year interim agreement. You will be hearing more and more about this. This is Russian roulette with your lives and liberties.

COMPASSIONATE SERVICEMEN HELP VIETNAMESE ORPHANS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. FRASER. Mr. Speaker, much has been said about our involvement in Vietnam. At this point in time, each of us knows where he or she stands and each of us knows what he or she must do to fulfill his or her personal and public commitments in respect to the prosecution of the war.

But now we must turn our attention to the effects of the war. I believe the article "My Hundred Children" by John Timmerman will interest you. It describes how our servicemen are aiding Vietnamese orphans. We must systematize this aid:

MY HUNDRED CHILDREN

(By John Timmerman)

The road snakes dustily through the stand of rubber trees, their tall slender trunks stretching away in deep shadowy rows as far as the eye can see. A stream of red dust spirals upward from behind the jeep into leafy branches. It is March. There has not been a drop of rain here in nearly four months, and the air hangs hot and dry, like an enormous oven, baking everything within it.

The miles of trees end with a sudden straight wall of trunks, and the countryside becomes rolling brushland. Bamboo huts with glittering tin roofs dot the roadside. These are the homes of rubber workers. Old men squat in the shade before their homes, smoking pipes and waiting the cool of evening.

Jim Taylor, who is riding with me in the jeep, spots the faded red Coca Cola sign and signals to turn off. Almost hidden in the brush is another narrow road, so overgrown that tree limbs slap at the jeep as we bounce over the ruts and bumps. In a small cluster of trees ahead there is a low white building. It seems to hang in the brush as though it were held up by the leaves and limbs. Slowing the jeep I hear the sound of children. So this is the orphanage. I had first heard about it from a helicopter pilot who had seen it one day on a reconnaissance flight; first just a splash of white in the waste field. And then he saw children playing about the old white building.

There are many such orphanages in Vietnam. Separated by death or terror from parents and family, the children come from war-torn villages. They come from the cities as a tragic by-product of the prostitution trade that has flourished in all war zones as long as man has waged wars. The unnoticed, the unknown, the unwanted, they are abandoned to some old white building to forage a new life from the wasteland of their beginnings. While I sat in the jeep thinking of what I had heard and anticipated what I might find, I heard shouts. Suddenly three boys came dashing through the high grass to our jeep. One of the boys jumped up on the seat and smiled a welcome to me. His dark hair fell over his forehead. His face had a wide, wide smile. It must have been a long time since he had seen a visitor. He had on a pair of tattered green shorts, and his bare feet were dusty from the hot road.

"Hi!" he said, smiling. "I'm Lu."

"Hi, Lu," I said.

He pulled on my hand as he led me to the low white building and called out to his friends as we came near.

So began our struggle to help the one hundred children of Thu Duc Orphanage. It became a long struggle, one that tried our hearts as well as our minds and muscles. Before we could even think of giving, however, we were receiving. As we walked with the three boys, led by Lu, to the White building we were met by an elderly Vietnamese priest named Father Tahn. He welcomed us and brought us into the shade of his room. Suddenly, as if from nowhere, a young girl of about fifteen brought us two warm bottles of Coca-Cola. Few drinks have tasted as good as those which washed the dust from our throats that hot day. Father Tahn explained that he was there every other week trying to do what he could. The look in his eyes made it unnecessary to add that the work was more than one man could ever hope to accomplish. The years of effort showed in his lined face as he gazed at the floor watching a reddish-brown cockroach, at least three inches long, crawling toward the door. With a compassion nurtured for any helpless but struggling creature, he let the roach back its way out of the room.

When we had sipped the last of our warm Cokes Father Tahn gave us our first inside look at the orphanage. The children, of course, first captured our attention. Their faces betrayed their diverse lineage; a mixture of all races they were united in the common class of unwanted. There were many infants, the youngest of which was only two weeks old. None of them were clothed. The children of three-to six-year-old had small handmade shirts for covering, and the older children had only a pair of shorts or the baggy slacks and blouse that were the trademarks of a lower-class Vietnamese woman. The greatest problem, Father Tahn said, was the cold in the rainy season when temperatures often plummeted to the low 60's at night, and no blankets were to be had. It was hard to believe that nearly one hundred children lived, ate, and slept in the five medium-sized rooms that the building had been divided into. When we entered a room the children waited quietly and respectfully by the walls, but as we passed by one little hand after another would swiftly reach out to touch our clothing or squeeze a hand. I picked up a three-year-old girl who clung tightly to my neck and refused to be put down. She went with me from one room to another, tightly clutching me with her thin arms. It was only after we stepped back outside into the sunshine that I noticed that her eyes were grown over with white cataracts. She was totally blind.

The rooms were almost uniformly the same. Cement block walls rose from the dirt floor that had straw sleeping mats laid out in a crowded but precise row. The floors sloped to a center groove that let outside. Father Tahn explained that many of the children were sick and could not contain their defecation. And of course the infants had no diapers. The central gutter made the floor easier to clean. Everywhere flies hung heavily in the air and the stench of defecation clung to the rooms.

Outside there was a small garden hacked out of the brush. A pen contained a half dozen pigs. Chickens scurried about the yard. Over a pit of glowing coals a fifty gallon drum bubbled and smoked with a brackish liquid. Soup, Father Tahn explained, for the week ahead. Father Tahn introduced us to two sisters, Vy and Lahn, fifteen- and sixteen-years-old, who had complete charge of the orphanage when he could not be there. With the same precise determination with which they had wandered for two weeks through the jungle wastelands, to find the orphanage when their village was overrun, they labored to prepare meals, to arrange work details, and to know the name and history of each individual child. In the weeks ahead we came to admire their strength and resolute courage that so knit together the fragile community into at least the semblance of a large, sprawling family.

The sun was beginning to lower, huge and red, through the leaves of trees, and it was time to head back. The smiling faces about us, the children hesitating to touch us but sneaking out a small hand that asked to be clasped, belied the fact that this was still an insecure area. In the past few hours I had completely forgotten the rifle slung over my shoulder. It was time to be going, but we would be back. Many, many times.

The immediate problem we faced was where to begin. There were so many problems to tackle. First of all, we had to recruit physical help and find time to help. The first problem was solved easily. The men of our company willfully flocked to our aid, volunteering whatever free time they had. But free time was extremely rare. There was no such things as a work week in Vietnam. One day followed the next with new and demanding tasks. The company first sergeant, John Yefko, a huge, understanding, second-tour veteran of Russian descent, solved the problem of time. He arranged schedules so that enough men could get free on Saturday and Sunday afternoons to make a work force. But we didn't wait until Saturday to begin. Every spare minute, every contact of that first week was dedicated to one purpose, which became our occupational specialty—scrounging. A major in command of an engineering company discovered that he could spare a hundred bags of cement. In exchange for a continuing perfect inspection of the vehicles we used, the Motor Pool offered the use of whatever tools we needed, with the promise of some heavier tools to come. The Chaplain's office became an unending source of aid. Two Brigade Chaplains, LTC Richard Nybro and LTC John Brennan, had a wealth of contacts and favors owed. Miraculously, they produced a gas-powered cement mixer for the next Saturday. Friends of theirs suddenly began discovering hordes of unused blankets. Somehow, they totaled a hundred blankets. I am still amazed that they had just the right number of friends who had just the right number of blankets.

We left early the next Saturday morning with our trucks loaded with construction materials. It was another dazzling hot day, but it passed quickly with the hard work. As if by magic the warm Cokes again appeared in hands that were eager to give. The amazing lesson we kept on learning from these children was this: they had so very little of their own that they had no desire for possessions. They could only give what they had, and this they gave willingly. They were concerned with pleasing us. The spirit was catching. The men who volunteered their time knew that they would have a multitude of tasks waiting for them when they got back to the company that night, yet they labored eagerly for the reward of a smile which turned out to be a priceless gift. The bags of cement were mixed and laid out over the dirt floors in record time. Most of the open windows, mere holes in the wall, were screened off to keep out flies. We left that night knowing there was so much yet to do, but that we had made a start.

With some chagrin we discovered that it was pointless to lay the blankets on a cement floor. There would have to be cots, perhaps even cribs for the infants. Late that night I visited Chaplain Nybro. Again he promised his help. The next day, Sunday, he presented our efforts to the congregation of his chapel service. The chapel was a small building consisting of a roof with screened-in walls. Nearly everything was handmade. A garden had been scratched out of the rough red clay about the chapel, and flowers—zinnias and marigolds—bloomed radiantly this Sunday morning. The people who came to Chaplain Nybro's service were rich in the spirit of giving of themselves, and they did so again. In one special collection we had enough for a trip to Saigon to purchase cots and cribs.

We still felt that we were only beginning. With each succeeding weekend the orphanage took on more finish, more polish. But working in the presence of the children we discovered that there was still a great need. Young Lu would follow me around, clay in only a dusty, tattered pair of shorts. It was time to care for the children directly. But where could we get clothes in a war zone? Inflated prices made clothing from a store an impossibility. I had written many excited letters about our work to my wife, Pat. But now it seemed that we had reached a temporary standstill in our efforts. About six of us spent a Saturday morning at the orphanage. We walked through the building on fresh cement floors, looked through screened windows. Father Tahn beamed his thanks every minute. The children milled about us as shyly but friendly as ever. Yet we felt curiously despondent. Had we carried our work to a standstill? It was June, and the skies were heavy with clouds promising the first rains of the monsoon season. With spirits as heavy as the clouds we left early in the afternoon.

But when we arrived back at the barracks we were astonished to find ten large boxes shipped in from the States. With the packages was a letter from the Seymour Christian Reformed Church of Grand Rapids, Michigan, the church Pat attended while I was gone. The letter was from a women's society organized as the Orphanage Assistance League. For a month, without my knowing it, they had been meeting at the church, gathering clothing, sewing baby clothes, taking in donations. Each box was packed with surprises. One box was filled with small rubber footballs and softballs, and another contained several dozen baseball shirts with bright red letters proclaiming "The Champs." With a Christmas glow about us we repacked the boxes, and I retired to my room to write a letter of joyful thanks.

The gifts presented problems, however. The clothing was no problem. The little girls pranced about like May Day maidens in their bright new dresses. The boys beamed in shorts and their baseball shirts. But imagine a child who has never before been clothed, who has slept on a dirt floor all his life and is suddenly given a rubber softball to play with. He doesn't know what to do. He pinches it, squeezes it, bites it. To give him the idea you toss the ball gently to him and within seconds rubber softballs are flying all over the yard accompanied with squeals and shouts of delight. If only the ladies of Seymour Church could have heard that excited laughter. One box in particular gave us difficulty, however. With perceptive insight the ladies had packed a box full of soap, toothpaste, and toothbrushes. We called the two girls, Vy and Lahn, over to us and carefully explained how each was used. Then they called the children around them and explained to them. They couldn't understand. Lu had to be my last resort. With many smiles I took the bar of soap and with some water lathered it on his thin arms. With a screech of terror he drew away. He thought his skin was changing color! I quickly showed him that it washed off. Then he did it himself. Children everywhere must have an aversion to soap.

But this opened up another serious realization to us. The children were desperately in need not only of basic cleanliness rules, but also medical attention. As they came forward one by one to experiment with the soap and toothpaste, we seemed to really notice for the first time emaciated or deformed limbs, boils, sores, and a host of other ills that demanded attention. We all knew some minor first aid, but had nothing to cope with this. Clearly, something had to be done.

It couldn't be done by calling a family doctor. Perhaps no single group is as overworked in Vietnam as the medical corps. We knew if we could get a doctor to come out it would be only very rarely or on a one-time basis. The doctors were all on call at the hospitals twenty-four hours a day, and sometimes they worked nearly that many hours in a single day. Fortunately, one doctor did find a few hours to spare on a Saturday afternoon. He treated the most serious problems, lancing boils, prescribing treatments. But the doctor could hardly spare those few hours. There were a host of ills from common colds on up, and he was only able to scratch the surface. The children needed regular attention. Miraculously, and I can only call it such, we had a windfall. A medic had been wounded while serving in an infantry platoon, and upon his release from the hospital he was assigned to our company to complete his tour of duty. He was a devout Mormon who had volunteered to serve in the Army and in an infantry company. He had dedicated his life to serving others and sustained his service with biblical strength. In the late evenings, while the rest of us were cleaning or writing letters, we were at first surprised to find Specialist/Four Dusty Miller reading passages of scripture into a tape recorder. He confided to me that his eyesight had suddenly started deteriorating and that he expected to be totally blind within five years. By that time he would have the entire Bible tape-recorded. But his dedication to service had not deteriorated a bit. He was supposed to be on light duties, but Saturday morning he was waiting with a loaded medical kit to join us.

Dusty Miller's skill was commensurate with his devotion. He gave the necessary follow-up care to treatments that the doctor had started. He immunized and disinfected with unflagging energy. There were scores of minor medical problems. For example, it is a custom among some Vietnamese to place hard plastic rings as gifts on the fingers of newborn infants. We discovered that the youngest infant, now nearly four months old, had never had the rings removed. The flesh had nearly grown over the rings. No amount of soaping or pulling would bring the rings off the crying baby. While two of us held the baby still, Dusty calmly slipped a scalpel between the folds of skin and slit the rings without so much as nicking the baby's tender flesh.

The months passed. Our hard work was nearly over, and we had the leisure time to give the children the love and playful attention they craved. Many of us had children at home and were eager to return the love pent up inside us. The once overgrown brush was now cut level and rang with the shouts of an afternoon ball game. The young girl whose eyes were tragically overgrown with cataracts held tightly to my hand as we walked the grounds listening to the songs of birds. An appointment had been made for her to have eye surgery at the American hospital in Saigon.

As the months passed, many of us finished our year-long tour of duty and left for home. New and eager faces replaced the older, knowing eyes that had seen a dream evolve and come true. It was a dream of peace, a mere island of peace in a war-torn land, but a start down the long and difficult pathway of renewal which must be traveled. Jim Taylor left in October, and my own time for leaving was only days away. Then came the day when I said my goodbyes to the children of Thu Duc Orphanage. I left for home, but I carried with me the memory of my one hundred children which I left behind.

JAMES S. KEMPER'S PROPHETIC SPEECH OF 1941

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. PUCINSKI. Mr. Speaker, the other day I had occasion to hear a recording of a speech made by the very distinguished American businessman James S. Kemper in 1941. I consider his words most prophetic and even more timely today.

Mr. Kemper delivered the speech as the retiring president of the U.S. Chamber of Commerce.

It is significant, Mr. Speaker, that the founder of the Kemper Insurance Group cited America's labor force 31 years ago at 40 million.

Today, it has more than doubled.

I am placing in the RECORD today Mr. Kemper's remarks for they give us an outstanding panorama of America three decades ago.

I am pleased to note that as former U.S. Ambassador, Mr. Kemper is still very active and just as concerned about our Nation as he was 31 years ago.

His own insurance group, now headed by his son James Kemper, has grown enormously in these three decades and today constitutes an integral part of growth in the Nation.

Mr. Speaker, so that researchers and scholars can draw a significant comparison in the growth of our Nation, I am placing Mr. Kemper's entire speech in the RECORD.

The speech follows:

AMERICAN BUSINESS LOOKS AHEAD

(Speech given by Ambassador James S. Kemper, April 28, 1941)

We are met at a serious time in the history of our country. This, however, is not unique in our experience as a nation. Many times before we have faced and solved problems of equal or greater import.

Our principal difficulty, as I view it, is that in our thinking of what is best, for America we are confused by a multitude of conflicting cross-currents of attitude and viewpoint. Fundamentally, American objectives are what they always have been. We believe in equality of opportunity. We believe in justice administered impartially, and we wish to preserve American standards of living and the philosophies of life and government that have made American great.

But when we get down to the issue of how best to realize these things, we immediately find a wide diversity of opinion. That diversity relates less to our objectives than to the methods by which the objectives best may be attained.

I shall not attempt to explore the divergent views as to the road we should take. I should however mention certain aspects of the situation with respect to which it seems to me American business should concern itself.

Looking back over the years at the national scene, I think we can feel that, altogether Americans have done a pretty good job. There are, however, in the picture of today, some cancerous growths upon which the searchlight of public opinion well might be focused.

I should like to discuss with you for a moment a new disease which is undermining our morale. What disease is that, you ask? For want of a better term, I'll call it the non-occupational disease. I am not referring now to the well known shovel-leaners. I am referring to those who have fostered the idea, and usually practiced it too, that the individual should not concern himself with his future, his place in the sun, if you please—but should leave all that to the State. Why bother to accumulate a nest egg to make possible the purchase of a home? Why be concerned about the next payment date on the life insurance policy? Why worry about the funds with which to educate the growing youngsters? The planners will make it all quite simple. Innoculate yourself with the non-occupational disease, and let the State do the worrying.

Simple, isn't it? No more hard work, long hours, careful planning, frugal living, sacrifice. Gone will be the struggle to get ahead. Gone will be incentive to create. Gone will be the satisfaction in a day's work well done. Instead what? The State, all powerful, not the creature and servant of the people assuring them of equality of opportunity, justice, and the rights inherent to a nation of free men. But the State supreme; the State planning the lives of its citizens. Work, play, study . . . dictating the paths of old and young alike; providing a so-called social security, dispensed as bounty by the State. In short, the very sort of life and philosophy some would have us send our sons abroad to suppress.

Throughout the world we have witnessed the spectacle of the citizens of democratic nations losing their rights. But this process has not been confined to continental Europe. It has been going on in this hemisphere, and right here in our own United States of America.

It must have been as startling to you as it was to me to read the report of a survey made to the American Youth Commission which indicated that more than 90% of the youth of America considered that the responsibility for providing them with jobs lay with the government. I don't know what your reaction was, but mine was not one of challenge of the youth. On the contrary, my reaction was definitely that an attitude of this kind, if true, only could be explained by false leadership in our homes, or in our communities, or in our government.

For some years, we have witnessed the gradual extension of the powers of the State, which automatically is a negation of the rights and privileges of the individual. Long before the rearmament program was undertaken, we witnessed laws by decree and not by the normal procedures of representative democracy. The label of attempted justification usually has been 'emergency', but it might more properly be called 'political expediency'. I almost used a stronger term, because I can envision no greater crime, no more far-reaching sabotage against this republic of free men, than thet eventual supremacy of the State under which it, and not the people, would be supreme.

At the conclusion of the Constitutional Convention which brought order out of chaos and a republic out of a loosely knit federation of independent states, an anxious friend asked Benjamin Franklin, "Well, Mr. Franklin, what kind of a government have you given us?" Franklin's response was simple and to the point. I commend it to you today as a watchword for the difficult days that lie ahead. Franklin said, "We have a Republic, if we can keep it." Gentlemen, it is your job and my job, and this goes for the ladies too, to do what we can to keep it.

The subject of my talk with you today is American Business Looks Ahead. No mariner at sea and no business man attempts to chart his course without considering the possibility of rough weather that may be encountered. I trust that in what I say you will not get the impression that I think the picture is all bad, and that the outlook for the future is hopeless. I mention the adverse factors exactly as the mariner studies his barometer that he may guide his ship safely to its destination. And I have a very firm conviction that the ability of the American ship to weather what is ahead will depend upon the intelligent interest, the devotion, the hard work and the sacrifice that leaders of business and industry are willing to give for the general good.

At the moment, of course, our thoughts and our attention are centered upon the war abroad and the part that we are playing, or may play in it. In the last year, our national situation has undergone one of those sweeping changes that sometimes comes in the life of a nation.

Hitherto we have been essentially a nation proud of its traditions, clinging with almost complete devotion to the admonitions of Washington to steer clear of foreign entanglements, and with no jealously or resentment with respect to engrandisements of other countries.

Aloofness from the quarrels of the rest of the world has been a lodestar of our foreign policy. Now that policy has been cast aside. The Congress of the United States, as representative of the people, has by the enactment of the so-called Lease-Lend Bill, given legislative approval not only to aid to England, but to any other country the President may select. There is every indication that the American people favor this legislation. Whether this support will prove to be inconsistent with their greater opposition to American fighting participation in the war, remains to be seen. But regardless of whether or not the implications of this legislation fully are realized and accepted, the program now is a part of our national policy.

It is inseparable too from our own defense program, and so becomes not alone a question of production to meet our defense needs, but to meet the needs of all those to whom the President decides we are to extend aid.

The country has called upon American business and industry to produce . . . to produce faster . . . with more ingenuity, and in greater quantities than ever before. Businessmen have responded wholeheartedly and unselfishly. They have performed miracles in the way of preparation, expansion of plant capacity, and in actual production.

At the present time we have gainfully employed in America approximately 40 million workers, accomplishing 80 billion hours of productive effort.

It is estimated that the defense program will require 20 billion work hours—that is, 25% of our productive effort. We can't have our cake and eat it too. Either every employed person in the country must do on the average 25% more work, or we must get along without some of the things we now have.

At this point I should like to add a word about priorities. I have no doubt that the very capable man under whose direction questions of priorities will be decided, is deeply concerned about and continuously will give full consideration to those industries which, as a result of priority rulings, might be forced to close plants that for decades have done a good job for customer, management, and labor.

In this, we should take a page from the book of Britain. Under the very guns and bombs of Germany, pressed as we certainly are not and never shall be, the British nevertheless are careful not to cripple industry engaged in the production of non-military goods. Particularly they are careful to keep going those industries that are producing for their foreign trade.

Let us produce all out for our defense program—let us accept priorities and impose substitutes where necessary—but let us not make the mistake of completely disrupting our economy by an hysterical derangement of our normal production.

On one phase of the complicated scene, there always has been complete unanimity of American opinion. I refer to the need of making our own country impregnable to attack by the early completion of our re-armament program. While the strike situation, apparently, is on the mend, it still is the most serious obstacle to our military defense. As a result, there has developed a strong minority opinion calling for the outlawry of strikes and lockouts. As I see it, such a step would be the worst possible way to deal with the problem. Such methods failed England in the first World War, and both the Canadian and Australian experience condemns compulsory arbitration methods on the simple ground that they won't work.

The National Defense Mediation Board has made a good beginning and it certainly should be given a fair trial before it is discarded for some untried legislative scheme.

In such a time as this, there are not just two parties to a strike or lockout—there are three. The general welfare of America itself is the third and most important interest in every controversy involving production for national defense. And let every labor union and every employer take note that the general welfare of America must take precedence over every other consideration. As President Coolidge well said, there is no right to strike against the public safety by anybody, anywhere, anytime.

While I appreciate that national defense is the first order of the day, that suggestions of economy are too likely to be thrust aside at such a time, I wish to say that it is just as perilous to ignore prudence in financing our defense program, as it would be not to acquire modern arms and munitions of war.

The businessmen in Washington, familiarly known as the dollar-a-year men, who are giving so much of their time and energy to making America impregnable, made good in their own businesses by watching their cost sheets. They were men whose box office records showed that they had satisfied customers, improved working conditions, and at the same time had kept their companies solvent. Their presence here in Washington should stimulate—and I hope it will stimulate—our government administrators not to overlook the cost sheets of our country.

The Federal Government alone is entering upon a program of expenditures in the next two years of about $40 billion. This tremendous sum is difficult to comprehend, but we can get a fair basis of comparison when we realize that it is 30% more than the entire assets which all the insurance companies of American have accumulated in 100 years and more, to protect some 100 million of our people against the day of adversity. And it also is nearly a third more than all the accumulated savings deposits of the nation in mutual savings banks, other State banks, trust companies, private banks, national banks, and building and loan associations.

It must be obvious that the god of modern war wears a crown of gold, and we must school ourselves to the unpleasant fact that we can't be well armed and not pay the price. I am sure that no good American will protest the necessary cost of providing adequate national defense. But every American is entitled to know that the money raised by the tremendous mortgage which the Federal debt is placing upon his savings, will be wisely and conscientiously disbursed.

In November, last, the President stated that non-military expenditures would be cut to the bone. Yet the total of these items in the new budget was less than 1% below the budget of the previous year. The Secretary of the Treasury on February 12 of this year, urged Congress to examine non-defense expenditures with a magnifying glass in an effort to achieve economies. But so far either Congress or the magnifying glass have failed to work.

The best place to start in putting our financial house in better order is on these non-military expenditures, and I urge all of you in the coming year to cooperate with the Chamber in an effort to get something more helpful than unredeemed promises.

An old friend recently said to me, "But how can you speak of dollars when the world is afire?" My answer to him and to you is, national defense, adequate national defense, does not justify propagation in the expenditure of public funds. National defense should not be used as a patriotic cloak to hide waste and inefficiency in non-defense expenditures. If the lessons of the past twenty years are of any value, they teach that dictatorships as much as anything else are receiverships.

And finally, I should answer the twin children of Mars are death and debt. Death, in all its tragedy, might under some conditions be preferable to the living horror of life in a country in which the people were mere pawns of a state which came into power as the result of impairment of the Federal credit.

I think it is a fair conclusion that by our handling of internal affairs during this re-armament period, we probably shall be determining the structure of government and life under which we shall live for many years to come. That is why we should, in addition to our tremendous arming effort, give daily thought and real study to our domestic problems.

The very uncertainty of the future makes it obligatory upon us to leave no stone unturned, to do whatever it is possible to do to cushion the impact on the business of this nation which will follow the withdrawal of the artificial stimulants to trade, which now give the patient such a persuasive but deceptive appearance of prosperity.

Our own re-armament program and the support of the British war effort are two of the most important props to our present business activity, but no oen can predict how long this condition will continue. Because of this, I believe we businessmen should begin at once, with detailed and comprehensive programs, to discover and develop new sources of business. As I see it, we should proceed on three fronts. Each business should set up its own machinery to study new markets, new products, and other avenues for employment.

Chambers of Commerce and other business organizations should set up committees to work out long range programs so that every community best can utilize its resources and its economic assets.

Thirdly, all of the technical and research groups in private industry, in the universities, and in research associations, in cooperation with Government, should make the subject of employment in the reconstruction period a major current program. In this way, the best brains of the nation can do some effective work before the critical period actually is upon us. By tackling the job now, and getting something constructive ready for action, we probably can escape a lot of crackpot schemes that will come out of hiding when the wholesale need for jobs again becomes acute.

Many vital questions will be an important part of your deliberations in this annual meeting. I have touched on only a few, and have left to others the important question, for example, of taxes. There is no easy solution for the difficult and perplexing problems they present.

But the task before you is an inspiring and challenging opportunity to perform a great public service. It is my comforting conviction that the business leaders making up this impressive body will prove equal to that challenge.

I am an American . . . you are Americans. Each of us is proud of his heritage. Down deep in our natures we have a love for this country that words cannot express. I can only say to you that as I approach the end of my stewardship of this great organization, I do so with a sincere conviction that each one of us will dedicate himself unselfishly and wholeheartedly to the preservation of the greatest nation of all time.

I promise you that, as a private in the ranks, I shall not fail to do my humble part.

AFTER THE ALLIANCE FOR PROGRESS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ROSENTHAL. Mr. Speaker, no area of the world offers the United States more problems or more opportunities than Latin America. Our inter-American relations will continue to be jolted by profound social and political changes in the continent.

These changes will affect the great American commercial investment there. Coming as they do in a period where ideological warfare is receding, these changes will also occur in a climate where previous American predominance will have to yield to a true partnership. We will no longer be able to control events in Latin America, as we have so often in the past, by alternate appeals to the importance of American capital and to the dangers of international communism.

Latin America will have to face, on its own terms, the enormous energies released by social and political democracy. We must try to help this development and we can do this best by understanding ourselves, much better than we have in the past, what is truly happening there.

Jerome Levinson is the author of an excellent book—with Juan de Onis—called "The Alliance That Lost Its Way: A Critical Report on the Alliance for Progress." Mr. Levinson, now on the staff of the Senate Foreign Relations Committee, has summarized and extended the theses of his book in an article, excerpts of which follow, which should be read by all interested in our future relations with Latin America.

The excerpts of the book follow:

[From *Changing Latin America: New Interpretations of Its Politics and Society*, ed. Douglas A. Chambers, Proceedings at the Academy of Political Science, August 30, 1972]

AFTER THE ALLIANCE FOR PROGRESS: IMPLICATIONS FOR INTER-AMERICAN RELATIONS

(By Jerome I. Levinson)

The Charter of Punta del Este inaugurating the Alliance for Progress was signed August 17, 1961, by all of the member states of the Organization of American States (OAS), with the exception of Cuba. The Alliance was a comprehensive political, economic, and social program designed to improve the life and welfare of the people of the Latin American republics with the aid and material assistance of the United States. In the past ten years, important economic advances have been achieved in Latin America. Regional economic growth in the past five years has exceeded the Alliance's target of 2.5 percent per capita. The Latin American countries have financed 90 percent of their development with their own resources, exceeding the Alliance's objective of 80 percent. Latin American foreign-exchange reserves have been rebuilt to respectable levels. . . . Despite the fact that there have undoubtedly been great disappointments with respect to the numerical targets of the Alliance, any fair accounting must conclude that the achievements have been significant, and, more important, that without the Alliance, economic progress may well have been significantly slower.

But the Alliance for Progress was more than a set of economic statistics, however important they are as indicators of physical advances. The Alliance was based as well upon strategic, political, economic, and social assumptions, all of which have been largely discredited by events. Now, ten years after the Alliance was inaugurated, the spirit which infused it has been largely dissipated. In a recent speech the secretary general of the Organization of American States accused the current United States administration of having no policy in Latin America, and an increasingly rancid dialogue permeates United States and Latin American relationships. Because the conditions which led to the assumptions that underlay the Alliance have so radically changed, it is timely to reconsider the original assumptions as a preliminary to reformulating United States policy in Latin America.

THE POLICY ASSUMPTIONS

In strategic terms, the Alliance for Progress was perfectly consistent with traditional United States thinking about the vital importance of Latin America to United States security by virtue of its proximity.

Thus the policy framework which was to underlie the Alliance for Progress first emerged in the 1930s as a response to the threat of German expansionism: an intimate linkup between the United States and Latin American military establishments; United States financing of Latin American development projects; and the mobilization of the inter-American treaty system to confront a potential security threat to the United States and other countries of the hemisphere. This policy framework was superimposed on the United States' investment presence in Latin America. . . .

If United States policy in the decade of the 1930s reflected its preoccupation with internal economic and social problems and the approaching holocaust of World War II, in the postwar period it reflected the worldwide confrontation with "international Communism." That policy was founded upon the premise that the United States was confronted with a significant threat to its physical security by the desire of the Soviet Union for world domination. Latin America was only one part of a global confrontation with an expanding Soviet Communist monolith. . .

EMERGING MIDDLE CLASS

The economic expansion in Latin America during and immediately after World War II was accompanied by the emergence of the middle class as an increasingly dominant force in Latin American politics. Dissatisfied with corruption, the repression of civil liberties, and the absence of political institutions, the middle class aspired to constitutional processes and representative political institutions. It was middle-class political opposition that spurred the overthrow of Batista in Cuba, Pérez Jiménez in Venezuela, and Rojas Pinilla in Colombia. It was also the middle class which provided the impetus for a nationalist economic-development policy in Brazil and Argentina, with an increasingly prominent role for state enterprise. But that same middle class, while generally favorable to reform of educational institutions, especially when it was to its benefit, and more vaguely for reform of the traditional agrarian structure, was ambiguous about domestic measures to improve the lot of the marginal masses, particularly when such improvement could jeopardize their own economic status, which was often precarious, and their nowfound political leverage.

Vice President Nixon's trip to Latin America in 1958 catalyzed the hostility of the middle-class youth toward the United States for its indiscriminate support of former dictators and the economic dominance of its corporations. The triumph in 1959 of Fidel Castro in Cuba and the subsequent flight of the middle and upper strata of Cuban society raised the spectre of an "inverting social pyramid" in Latin America with the possible emergence of governments hostile to United States strategic interests and receptive to Soviet influence.

The Alliance for Progress did not change this cold-war framework of United States policy. It was premised on the traditional assumption that Latin America by virtue of its proximity was vital to United States security interests. David Bell, former administrator of the Agency for International Development, noted that "President Kennedy gave a special importance to Latin America. He considered that the problems were right on our door step."[1] At Punta del Este in 1961, the Kennedy administration committed itself to a major program of capital assistance, $2 billion a year for ten years, primarily in the form of long-term loans by public rather than private entities; it played down the role of United States private enterprise, and accepted economic planning and the importance of state enterprise in promoting Latin American economic development. Impelled by a sense of competition with Castro's Cuba for the allegiance of Latin America's masses, the United States negotiators were more insistent on the social-reform objectives of the Charter of Punta del Este than most of the Latin American governments were. . . .

Viewed in this perspective, the Alliance for Progress can be seen as an attempt on the part of the Kennedy administration to redefine immediate United States policy objectives to coincide with the aspirations of the Latin American middle class for political democracy and economic development, with particular emphasis on the need for social reform to confront the challenge posed by Castro's Cuba. This redefinition, however, was still within the traditional United States strategic framework. The Alliance accordingly was both traditional and innovative. Above all, it was a true expression of the America of the early 1960s, permeated with the spirit of "can do," unrestrained by a sense of tragic history, irrationalities, and the sometimes intractable forces that place constraints on the efforts of men with the best intentions.

THE CHANGED CONDITION IN LATIN AMERICA

There is no consensus in Latin America now, as there was ten years ago, on the desirability of representative political institutions as the most appropriate framework within which economic and social development is to take place. The middle-class political structure has been unable to reconcile the conflicting forces within Latin American society. Caught between the spectre of social revolution and the intransigence of more traditional vested interests, and beset by divisions within its own ranks, the political structure cracked, as in Brazil, Peru, and

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[1] Jerome I. Levinson and Juan de Onis, *The Alliance Lost Its Way: A critical Report on the Alliance for Progress* (Chicago: Quadrangle Press, 1970), p. 50.

Argentina. It was outflanked from within on the left, as in Chile. Where it survives, as in Colombia, Mexico, Venezuela, and Uruguay, it is under great strain. In the Dominican Republic, Haiti, and Central America (with the exception of Costa Rica), political democracy was too narrowly based to be effective. As the formal political system was shattered or as it lost credibility, the role of the political opposition has been increasingly assumed by elements of the Catholic church or urban terrorists. In some cases both have appointed themselves the champions of the disenfranchised masses.

Similarly, there is no consensus on the preferred economic model as there was on the essentially capitalist but mixed economy at the beginning of the 1960s.

The middle class is no longer viewed as a bulwark of peace and democracy, as it was by American policy makers in the early 1960s. In Brazil, the middle class is one of the primary beneficiaries of the Brazilian economic program; it shows no impatience to return to a more open political system in which appeals to the masses by populist politicians could threaten recent economic gains. On the other hand, in Chile large elements of the middle class, along with the landowning and business elements of Chilean society, feel themselves threatened by the Allende program of redistribution of income and socialization of the economy. They view the political system as a major vehicle for slowing the advance of that program. A strategy for the United States based on support of the middle class was thus necessarily as ambiguous as the middle class itself.

The initial assumptions of political, economic, and social development in Latin America with which the Kennedy administration sought to align the United States at the opening of the decade, and which constituted the development strategy of the Alliance for Progress were, at the end of the decade, if not obliterated, open to serious question.

IN THE UNITED STATES

If the underlying conditions in Latin America have drastically changed, undermining the basic policy assumptions of the Alliance with respect to Latin American development, the change has been no less fundamental with respect to the United States. There is no clearly defined monolithic enemy, "international Communism." Instead, the Sino-Soviet split and the independent policies of Rumania and Yugoslavia evidence a pluralistic Communist world with varying degrees of antipathy and accommodation with the United States. The technology of warfare—intercontinental ballistic missiles, strategic bombing force, and the Poseidon and Polaris submarine fleet—assures, at least under present circumstances, a strategic balance of terror. There is a growing awareness in the United States that proximity is no longer necessarily a compelling factor in defining threats to American security. In the aftermath of the Cuban missile crisis, the likelihood of further Soviet testing of this thesis is viewed as increasingly remote. The initial propelling force of the Alliance for Progress—the conviction that Latin America, by virtue of its proximity to the United States, is an area of vital strategic interest—has thus been largely dissipated. . . .

At the beginning of the decade, the United States was the major source of capital for world development. Douglas Dillon's commitment in 1961 at Punta del Este of $20 billion for Latin American development over a period of ten years appeared to be more a recognition of past neglect than an onerous future burden, particularly placed in the context of a challenge from Castro's Cuba. Not only is the challenge no longer credible, but the balance-of-payments position of the United States has drastically eroded. . . .

These changes in the strategic outlook and international financial condition of the United States are paralleled by perhaps even more significant developments within the United States. What was lacking at the beginning of the decade as an effective constraint upon United States policy—a sense of limitation—is now a pronounced characteristic of the American scene, perhaps to an exaggerated degree. The revisionist school of history has cast doubt upon the essential virtue of American intentions in the world at large. There has been no "end of ideology." Now that the problem of satisfying basic wants has been solved and postindustrial society is preoccupied with the creative utilization of leisure time, political discourse in the United States treats once again of fundamental questions: distribution of income, tax reform, land ownership and use, and corporate power and its influence in government policy.

The cumulative effect of these factors—the lack of credibility of the traditional strategic security rationale, the changed position of the United States in international finance, and the resurgence of concern with fundamental domestic issues—has reduced interest among United States policy makers in problems of development in Latin America and the rest of the Third World. . . .

THE COLD WAR FRAMEWORK

Despite professions of political neutrality, the Nixon administration could not disengage itself from the policy framework of the cold war. The policy toward the Allende government in Chile has been one of thinly disguised hostility, varying from relatively insignificant diplomatic slights to denial of Export-Import Bank credits for purchase of aircraft. This hostility has been based less on a concern for the fate of the Chilean people than for the possible perception on the part of the Soviet Union of evidence of United States weakness in allowing a "Communist" government to emerge in the Western Hemisphere, evidence that might tempt the Soviet Union to test the will of the United States in other places of more strategic importance.

The administration's policy statement of January 19, 1972, on expropriation of the property of United States corporations evidenced a determination to adopt a policy of confrontation over the interests of United States corporations threatened with expropriation. It provided that unless in the judgment of the administration reasonable measures were taken to compensate United States companies for expropriated properties, not only bilateral economic assistance would be terminated to the countries in question but, additionally, the United States would use its voting power in multilateral institutions to stop loans to such countries. That policy statement, although worldwide in scope, was primarily addressed to Latin America. It was more far-reaching than the Hickenlooper Amendment to the Foreign Assistance Act which did provide for cutting off bilateral economic assistance when United States companies whose property had been expropriated did not receive prompt and adequate compensation, but had not explicitly been extended to encompass multilateral institutions. The statement of January 19, 1972, accordingly represented a strategy of confrontation rather than accommodation. . . .

Hence, the administration's attempt to adopt a "low profile" policy towards Latin America was thwarted by its political predilections, uncritical espousal of United States corporate interests, and fundamental divisions over the goals of United States assistance strategy.

THE 1970'S AND THE POLICY VACUUM

The ambiguity of the administration's policy and the paralyzation of its program are symptomatic of a more far-reaching problem, the lack of consensus within the United States on the role that the country should play in the world after the Vietnam war. The breakdown of the cold war, anti-Communist, containment rationale of United States foreign policy which dominated the period after World War II has left an intellectual vacuum. There is no agreement on the definition of legitimate United States security needs, particularly in light of dramatic changes in the technology of warfare. Neither is there agreement on the proper balance between security, both economic and political, and moral and humanistic values. Similarly, there is no accord on the proportion of resources in relationship to domestic needs that the United States is prepared to devote to assist the economic and social progress of the developing world. The debate over the relative merits of bilateral and multilateral aid is basically a debate over the goals of the United States economic-assistance policy, what weight should be given to influencing other governments through these means, to stopping Communism, to selling United States goods abroad, and to giving economic assistance because it is "right." The choice of instrument inevitably depends to a large degree on the relative ranking of these goals.

The policy vacuum that appears to exist with respect to Latin America, on which Galo Plaza remarked at the Ministerial Meeting of the Organization of American States in the spring of 1972, is thus symptomatic of deeper questioning within the American policy over the basic objectives of United States foreign policy. The trauma left by the Vietnam war is deep and goes to fundamental issues—whether United States intervention is virtuous or ignoble, symptomatic of a basic flaw in United States society or a tragic miscalculation of limited rather than general scope, the logical consequence of a mistaken world outlook or a misapplication of a basically sound global policy framework. * * *

LATIN AMERICAN TRENDS

As the United States turns inward to deal with its domestic problems and questions the limits of its foreign involvement, the Latin American countries seek to diversify their political, financial, and commercial ties. They have established diplomatic relations with the Soviet Union and, increasingly, with China. Trade ties with countries other than the United States are also increasing. From 1958–60 to 1969, the annual value of Latin American exports to the United States virtually stagnated, rising only from $3.5 billion to $4.1 billion. In the same period, Latin American exports to the European Economic Community countries rose from $1.4 billion to $2.7 billion, while exports to Japan more than tripled from $233 million to $790 million. Canada has become a member of the Inter-American Development Bank. Negotiations are underway with Japan and the European nations, including Great Britain, for membership.

Similarly, as the United States has adopted a more passive diplomatic and political role, intraregional diplomacy and political activity have become more intense. The Brazilian foreign minister visited the Central American countries, extending lines of credit for purchasing Brazilian manufactures. Brazil lent $13.5 million to Bolivia and at the same time sent Brazilian technicians to provide assistance. The Argentine president visited the Pacific coast countries, and Argentina is contemplating membership in the Andean Group of nations. Mexico extended its trade and historic political interest into Central America. Colombia and Venezuela became members of the Caribbean Development Bank.

Inevitably, these developments have had an impact upon the inter-American system. Instead of concern with extrahemispheric threats, the OAS is becoming increasingly a forum for resolving differences between the United States and Latin America, primarily over economic issues. Confrontation has become more pronounced; the Latin American countries caucus as a more self-conscious bloc. Special groups are formed outside of the system to formulate Latin American positions to be presented to the United States. All of these trends are likely to continue through the 1970s.

A similar process in individual countries is taking place. Traditional alliances—for example, among military, landowning, business, and church elites—dissolved and were reconstituted in combinations that would have been considered unthinkable at the beginning of the decade. In Bolivia the Falange and the MNR, long bitter rival parties, combined to form a government with the military. . . .

POLICY ISSUES FOR THE 1970'S

The essential issue for United States policy in Latin America in this decade is how the United States can live with a region in the throes of change, which at times will attain revolutionary dimensions and which will inevitably affect adversely some United States interests, both private and public. In its broadest terms the issue is whether the United States will seek to contain or accomodate these changed circumstances. The Alliance for Progress was an ambitious attempt by the United States to assure by political, economic, and military means an outcome favorable to United States interests, although at its inception it was more concerned with United States security than with corporate interests. In its statement of January 19, 1972, on expropriation policy, the Nixon administration opted for a policy of confrontation over the status of United States property interests. Neither the Alliance approach nor that of the Nixon administration is likely to prove adequate to the circumstances of the 1970s.

While the United States rethinks and redefines its global role and while Latin American alignments are rapidly shifting, both international and domestic policy must be tentative and flexible. Nevertheless, certain guidelines seem clear. United States policy should avoid converting a series of bilateral shocks, which can be expected to occur in this decade, into crises of such magnitude that they topple the totality of relationships between the United States and individual Latin American countries, as well as undermine the inter-American system. While the political and strategic rationale for the United States's role in the world is at issue, the policy vacuum in Latin America has been filled by concern with the strongest remaining United States interest in the area, that of United States corporations which have investments there. It is illusory to believe that with an investment interest of United States companies amounting to nearly $14 billion, the United States government can maintain a "low profile" in Latin America. That investment interest, however, is not monolithic; companies may have different and conflicting interests. . . . The problem for United States policy, then, is to recognize the diversity of corporate interests, and above all, to discriminate between the United States's national interest and that of individual corporations, determining where the two coincide and where they diverge. Given the absence of consensus on the merits of bilateral and multilateral aid, which masks a more fundamental disagreement over the purposes of foreign economic assistance, a minimum objective of any policy of assistance should be to insulate the multilateral institutions from immediate binational issues, so that they may remain effective bridges between the United States and Latin America. Finally, the internal political development of individual Latin American countries is beyond the competence of the United States to control. With the end of the strategic security rationale, however, the United States need not fear the displeasure of regimes that follow practices abhorrent to fundamental concepts of human dignity; but it may, and should, condemn them for what they are.

TAX REFORM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ANNUNZIO. Mr. Speaker, in 1967, in a speech here in the House of Representatives, I said: "Is it not high time that we set about living up to the pledge we made to the American public in enacting the 1964 tax reduction amendments that tax reform would soon follow? May I suggest that the municipal and industrial revenue bond tax loopholes, the oil and mineral depletion allowance scandal, tax exempt foundation abuses, and other tax gimmicks and special privilege loopholes once and for all be removed from our tax laws."

Subsequently, the 91st Congress enacted the Tax Reform Act of 1969, which I strongly supported. This was one of the most comprehensive tax reform laws in our history. Among its major provisions were the following:

Established a minimum tax on previously tax-free income;

Put a ceiling on the amount of capital gain income subject to special tax treatment;

Tightened the restrictions on tax-free foundations and levied a 4-percent audit tax on them;

Repealed the investment tax credit;

Reduced the oil depletion allowance from 27.5 to 22 percent;

Increased the minimum standard deduction to remove about 5.5 million low-income taxpayers from the tax rolls; and

Increased the personal exemption and maximum standard deduction.

Although the Tax Reform Act of 1969 was a step in the right direction, it simply did not go far enough, because the glaring loopholes that enable special interests and the wealthy to avoid paying their fair share of the tax burden have been largely ignored, and consequently, public confidence in the basic fairness of our tax system has steadily eroded.

Legal tax rates mean nothing because the tax preferences which mainly help the rich have distorted these rates. For instance, the heaviest weight of our country's tax burden falls on wage earners whose annual salaries range between $8,000 and $15,000. Although these working people make up only 26 percent of our population and earn only 20 percent of our Nation's personal income, they pay a tremendous 36 percent in individual taxes.

According to the Census Department, when all taxes—including sales taxes, property taxes, and other State taxes—are computed, a family earning $6,000 annually pays the same percentage of income tax as a family with an income of $50,000—about 30 percent.

And the diminishing role for corporate taxation in the Federal revenue picture makes the individual taxpayer's plight even more discouraging and untenable. According to the Wall Street Journal, the effective tax rate on corporate profits has dropped almost 10 percent during the past 2 years, while the effective rate on individuals is still about as high as it was 10 years ago.

It was disclosed recently that the number of individuals who had adjusted gross incomes in excess of $200,000 without paying tax was reduced from 300 in 1969 to 106 in 1970. However, in my opinion, this is still far too many. A system that taxes the rich and the poor at the same rate, as social security and State and local property taxes most certainly do, should not only be condemned, it should be totally and completely changed.

If we are to have truly effective tax reform, then such reform must not only plug tax loopholes—it must also insure that the foundations, the very wealthy individuals, the oil industry, and major corporations begin to bear their share of the tax burden. It would seem fair to ask why corporations can deduct the cost of their private jet planes and executive luncheons in the finest restaurants when the factory worker cannot deduct his bus fare to work or the cost of his sandwiches for lunch. Many of the Nation's richest corporations pay no Federal income tax whatsoever.

The Congress must take positive steps to make an equitable distribution of the tax burden among all of our people. Each deduction must be carefully scrutinized individually to eliminate those that are truly discriminatory and to retain those that are serving a useful purpose.

For instance, the Subcommittee on Domestic Finance of the House Banking and Currency Committee, on which I serve, recently undertook a study of 24 tax-exempt foundations in order to determine the degree of their compliance with the provisions of the Tax Reform Act of 1969.

For the first time, this study reveals the tremendous amount of our Nation's wealth that has been removed from our tax base by the use of private foundations and points out the fact that private control of tax-exempt foundations has not generated the philanthropic response intended by the drafters of the Internal Revenue Code. On the contrary, many of these private foundations have been used as a vehicle for perpetrating control over a substantial portion of our Nation's wealth by a select few chosen for financial status or prestige rather than by democratic means.

Now that the facts are in, my subcommittee can move forward and take further stringent action as indicated by the results of the report. The chairman, Hon. WRIGHT PATMAN, has assured me of his intention to hold hearings on this issue during the 93d Congress.

In addition, Chairman WILBUR MILLS of the Ways and Means Committee, which has jurisdiction over all tax legislation, has already announced plans "to hold extensive hearings on tax reform early in the first session of the 93d Congress." The chairman indicated that these hearings will be broad and will be concerned with a substantive revision of wide areas of the tax laws.

I have given and shall continue to give my wholehearted support to these efforts in the Congress to enact meaningful tax reform legislation. In a democracy such as ours it is imperative that the tax burden be equitably distributed among all of the people. Today we are faced with a national debt of over $450 billion. During the last 4 years we spent an astounding $100 billion more than we collected in taxes. It is about time that we put our financial house in order by cutting out waste and duplication in Federal spending and by instituting meaningful tax reforms.

It has been said that the American people are the most honest taxpayers in the world. This is certainly in keeping with the American tradition of "fair play." I believe that all of our citizens are willing to accept their fair share of the tax burden as long as the money is wisely spent, and the benefits as well as the burdens are equally shared.

Up until now, however, all Americans have not been paying their fair share and, frankly, I sympathize with those of our people on salaries and fixed incomes who now grumble about taxes. The fat cats, the corporations, and the multimillion-dollar foundations must be made to carry their part of the burden. Only then will taxpaying become the proud responsibility of American citizenship that it should be.

THE NATIONAL PEACE POLL: 500 VOTES FOR PEACE FROM ILLINOIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. MIKVA. Mr. Speaker, the Gallup and Harris polls over the last few years have shown that a majority of the American people want an immediate end to the Vietnam war. Despite these poll results, American troops are still in Southeast Asia, U.S. bombs rain devastation down on the Vietnamese people daily, and failing any Presidential initiative to stop the conflagration the House of Representatives has yet to vote to end the war.

In an effort to provide irrefutable proof to the Congress that most Americans—not just a sampling of 1,500—want the war immediately halted, the National Peace Poll was launched several months ago by Peace Alert USA. Peace Alert USA, a bipartisan group of Members of Congress and private citizens, decided that every voter in this country should be given the opportunity to vote on one simple question: "Should Congress bring the war to an end by cutting off the funds?"

Ballots have appeared in newspapers around the country. Labor unions, church groups, trade and other organizations have printed the National Peace Poll ballot in their publications. Success so far can be measured by the number of ballots that have been steadily coming into the post office box in Washington, D.C. To date the results are running more than 20 to 1 in favor of congressional action to terminate the war.

At the end of my remarks I will insert in the RECORD a copy of the ballot and a list of the congressional sponsors and private citizen members of the national board of Peace Alert USA. Since the poll is a continuing effort to determine the will of the people, I invite those of my colleagues who are not yet congressional sponsors to become so.

Thousands of ballots have been received from my State of Illinois. Due to limitations of space, it is not possible to list everyone from Illinois who has voted in the National Peace Poll. Recently, I listed 500 of those conscientious citizens who let the Congress know that they want us to vote to cut off all funds for the war. Today I am pleased to insert a list of 500 more advocates of peace. The list follows:

NATIONAL PEACE POLL

Should Congress bring the war to an end by cutting off the funds?

Yes ——— -------------- No ———
Name ----------------------------------
Address ----------------------------------
Telephone no----------------------------------

Send this ballot to: National Peace Poll, Box 1621, Washington, D.C. 20013

Within the next few weeks, Congress must make a decision on whether to vote funds for the War in Vietnam. By setting a date to terminate the funds, it can legislate the withdrawal of our forces and insure the return of our prisoners. Or it can vote to continue the war. Your opinion will influence how they will vote.

PEACE ALERT USA

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Sen. Harold E. Hughes (D-Iowa).
Rep. Paul McCloskey, Jr. (R-Cal.).
Rep. Donald Riegle, Jr. (R-Mich.).

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George Collins (Ill).
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Ronald Dellums (Calif).
Charles Diggs (Mich).
John Dow (NY).
Robert Drinan (Mass).
Don Edwards (Calif).
Joshua Eilberg (Pa).
Marvin Esch (Mich).
Walter Fauntroy (DC).
Donald Fraser (Minn).
Kenneth Gray (Ill).
William J. Green (Pa).
Michael Harrington (Mass).
Augustus Hawkins (Calif).
Ken Hechler (W. Va).
Henry Helstoski (NJ).
William Hungate (Mo).
Joseph Karth (Minn).
Ed Koch (NY).
Robert Kastenmeir (Wisc).
Robert Leggett (Calif).
Ralph Metcalfe (Ill).
Abner Mikva (Ill).
Parren Mitchell (Md).
John E. Moss (Calif).
Robert Nix (Pa).
Bertram Podell (NY).
Charles Rangel (NY).
Thomas Rees (Calif).
Ogden Reid (NY).
Henry Reuss (Wisc).
Peter Rodino (NJ).
Benjamin Rosenthal (NY).
Edward Roybal (Calif).
William F. Ryan (NY).
James Scheuer (NY).
John Seiberling (Ohio).
Frank Thompson (NJ).
Morris Udall (Ariz).
Charles Vanik (Ohio).
Jerome Waldie (Calif).
Lester Wolff (NY).
Sidney Yates (Ill).
Louis Stokes (Ohio).
Al Ullman (Ore).

Senate

Frank Church (Idaho).
Mike Gravel (Alaska).
Fred Harris (Okla).
Philip Hart (Mich).
Vance Hartke (Ind).
Daniel Inouye (Hawaii).
Walter Mondale (Minn).
Frank Moss (Utah).
William Proxmire (Wisc).
Adlai Stevenson III (Ill).
John Tunney (Calif).
Harrison Williams (NJ).

Other members

William Meyers, Chairman, Fund for New Priorities in America, National Coordinator.

Kingman Brewster—Connecticut.

Max Cleland—State Senator, Georgia.

William Doering—Chairman, Council for a Livable World.

Marriner S. Eccles—Chairman of Executive Committee, Utah International, Salt Lake City.

Governor Jack Gilligan—Ohio.

Elinor S. Gimbel—New York.

Al Grospiron—Oil and Chemical Workers, Denver.

Pat Gorman—Amalgamated Meatcutters and Butcher Workmen of North America.

Father Theodore M. Hesburgh—President, University of Notre Dame.

Jesse Jackson—Operation Push, Chicago.

Rear Admiral Gen La Rocque, U.S. Navy (Ret.)—Director, Center for Defense Information.

Allard Lowenstein—New York.

Governor Pat Lucey—Wisconsin.

Louis Lundborg—Former Chairman of the Board, Bank of America.

Layton Olson—Exec. Director, National Student Lobby, D.C.

Donna Reed Owen—Co-chairman, Another Mother for Peace.

Maurice Paprin—Exec. Vice President, National Realty Committee.

Major Jubel R. Parten—Texas.

Bernard L. Schwarz—Business Executive, New York.

Bishop James Thomas—Methodist Bishop of Iowa.

Harold Willens—National Chairman, Business Education Fund.

Harris Wofford—President, Bryn Mawr.

Leonard Woodcock—President, United Auto Workers, Detroit.

Jerry Wurf—President, American Federation of State, County and Municipal Employees, AFL-CIO, D.C.

Randolph P. Compton—Investment Banker, and Chairman, Fund for Peace, New York.

SOME 500 MORE ILLINOISIANS WHO VOTED YES

Marian Butterbaugh, Dixon.
Marlene Goldberg, Skokie.
Mary Ellen Carinato, Chicago.
Mr. H. H. McMeen, Park Forest.
Mrs. John Barghusen, Clarendon Hills.
Harry Molling, Wheaton.
Reggie McCuy, Glen Ellyn.
J. I. McReynolds, Chicago.
Carmen Lambert, Kankakee.
Ralph Deld, Elgin.
Janis Butterbaugh, Dixon.
Douglas Edmondson, Aurora.

Norman Bowers, Wilmette.
Robert Carter, Chicago.
Eleanor Meyer, LaGrange.
Mrs. Edward Stack, Arlington Heights.
Judith Bernstein, Chicago.
Pauline Deld, Elgin.
Brad Huffman, Loves Park.
Mordecai Weiner, Park Forest.
Jane Braunger, Evanston.
Judy Weiss, Chicago.
Daniel Dobbert, DeKalb.
Laura Fitch, Park Forest.
Seymour Cousens, Morton Grove.
Irene Hall, Chicago.
Jane Moore, DesPlains.
Alex Martin, Oak Park.
Pat Johnson, Harvey.
Bernie Kulills, Barr.
Mary Menet, Norridge.
Dawn Haltermann, Chicago.
Gerald Catts, Peoria.
Dianne Stormer, DeKalb.
Joel Shapiro, Chicago.
John Ward, Peru.
Mrs. Johansen, Freeport.
Mr. Boytovick, Chicago.
Robert Micheel, Chitticotte.
Rev. Nelson, Chicago.
Dan Burns, Woodstock.
Mrs. Clark, Elgin.
Keith Copeland, Rockford.
Mrs. Gerald Wison, DeKalb.
Mr. C. Donick, Skokie.
Nancy Triebold, Crete.
Rick Balkley, Highland Park.
Martin Rippon, Chicago.
Charles Kraft, Evanston.
Earl Chapman, Winnetka.
Monte Tingley, Oak Park.
Steve Bick, Galesburg.
Hazel Kennedy, Elgin.
D. J. Timmons, Elmhurst.
Mrs. Kalkbrenner, Manhattan.
Mrs. Cyrus Giddings, Oak Park.
Evelyn Grummon, Springfield.
Curt Jorwson, Western Springs.
Marilyn Teichner, Honewood.
John Orr, Joliet.
C. Daxon, Moline.
Sheldon Post, Skokie.
Lawrence Sloan, Altamont.
R. J. Copley, Elgin.
Robert Staver, Bridgeport.
Christopher Miller, Evanston.
Floy Ebring, Galesburg.
Clyde Leget, Lawrenceville.
Robert Jacob, Highland Park.
Marion Velloff, Sr., Alton.
George J. Stevenson, Wilmette.
Lee Baldwin, Pana.
Ann Frimet, Chicago.
Edward Vogt, Kankakee.
Michelle Wanagatis, Bradley.
Sr. Alice Campion, Chicago.
Earl McGuire, Bridgeport.
Jackie Lovell, Cabery.
Elisa Gomez, Chicago.
Nancy Schmidt, Skokie.
Mrs. Flor Ekin, Galesburg.
Hilre Wetzler, Alton.
Mr. Albert Halcli, Springfield.
Mr. Canuteson, Lake Villa.
J. Viglione, Chicago.
Manuel Abundis, Wheaton.
Ida Fisher, Quincy.
Felice Cordero, Oak Park.
Janice L. Dacangy, Broadview.
Mary Collins, Freeport.
James O'Donnell, Chicago.
Lynn Walters, Naperville.
Tom Burne, Champaign.
Robert Dubriel, Chicago.
Ms. Judith Arndt, Rock Island.
Mrs. Canuteson, Lake Villa.
Shelyn Blackwell, Moline.
Seden Snow, DeKalb.
Daniel Murphy, Chicago.
Mrs. Flaks, La Grange.
Mr. J. A. Bount, Arlington.
Dale French, Lebanon.
Rev. Vares From, Northbrook.
Marie Maul, E. St. Louis.
Terry Freudenberg, Wheeling.
Jeanne Ritter, Woodstock.
Phyllis Thompson, Elgin.
Deeber Berk, La Grange.
Edward Gerrity, River Forest.
Michael Mozdren, Des Plaines.
Ms. Evelyn Trisch, Rockford.
Edward Maul, E. St. Louis.
Margaret Hodge, Lebanon.
Horace Howard Evan, Evanston.
Mrs. Brady, Elgin.
Mary Noonan, Panforth.
Robert Seaton, Lisle.
David Clark, Hinsdale.
Timothy Jaster, Lincolnwood.
Mr. Art. Curtis, Cicero.
Nicholas Sinadinas, Riverside.
Sr. Catherine Krippner, Berwyn.
Henry Noffke, So. Holland.
Ron Max, Niles.
Saul Sherwaer, Winnetka.
F. A. Dauphin, Fairview Heights.
Annette Musil, Lyons.
Mike Sinisi, Des Plaines.
Harold Ault, Flatt.
Doris Conant, Glenview.
Imagine Tondly, Mt. Morris.
Jena Butterbaugh, Dixon.
Mrs. Ruth Gabriel, Oak Lawn.
Virginia Young, Glenwood.
Jery Geren, Deerfield.
Merle Glass, Wilmette.
Mr. Al Serota, Skokie.
William Schweiss, Jr., Bensenville.
John Moser, Riverside.
Catherine Krevjnik, Westchester.
Lois Warshawsky, Morton Grove.
Mrs. Price, Polton.
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Carol Sweig, Highland Park.
H. B. Fried, Glencoe.
Goldie Arlun, Northbrook.
Emma Eisenhard, Kankakee.
Barbara Blom, Oak Park.
Marilyn Lep, Hinsdale.
William Wiedl, Franklin Park.
Jean Davidson, Lombard.
John F. Schredek, Homewood.
Jesse Gurmon, Hickory Hills.
Edith Feier, Oak Park.
Nicholes J. Back, Hebron.
Keith E. Sawyer, Elgin.
Mark Stone, Libertyville.
Stephanie Jakus, River Forest.
Mr. T. Holleb, Des Plaines.
Mrs. Nicholas Back, Hebron.
Rich Bysina, Addison.
Beryle Rich, Skokie.
Oscar H. Schmidt, Hunhalea.
L. Johnson, E. Mohne.
Carole Orr, Joliet.
Wilford Terry, Belleville.
Kenneth W. Slaup, Westmont.
Axel Meyer, DeKalb.
P. A. McKeown, Park Ridge.
Jenny R. Rasmussen, Elmwood Park.
Rudolph Keller, Morton Grove.
Craig A. Reed, Jasper.
Anne Murphy, Evanston.
Zorita Mikva, Skokie.
Adrian Powell, Elkhart.
Cecil C. King, Thomson.
Jean A. Dupre, Wilmette.
Vicki Gustin, Carpentersville.
Bob Inboden, Rock Falls.
Fran Schumer, Skokie.
Charles E. Collins, Northbrooke.
E. D. Malloy, Skokie.
Aavrine Weigel, Evanston.
Alpha Lawver, Highland Park.
Stanley G. Budyn, Westmont.
Petro Pages, Bellwood.
Robert P. Balcuunes, Westmont.
Margaret H. Dorak, Lockport.
Helen P. Ostopchuk, Berwyn.
J. R. Chrestman, Lincolnwood.
Henry Bordis, Berwyn.
Lillien K. Moss, Urbana.
Dr. John A. Schumaker, Rockford.
Georgia Lloyd, Glencoe.
John Reddik, Morton Grove.
Lois Schmartz, Skokie.
Emily Stryczik, Cicero.
Rev. Elenore H. Allen, Oak Park.
Janice Friedoner, Highland Park.
Loretta Kroll, Elgin.
Edith F. Segal, Northbrook.
M. S. D. Keen, Evanston.
Margery M. Shurmen, Glencoe.
Zeida Selk, Highland Park.
Johnathin Yentis, Wilmette.
William Newberger, Chicago.
Dan Desmond, Chicago.
Elaine Tishler, Evanston.
Henry Bayer, Evanston.
Martin Flaherty, Elmwood Park.
Lynn Flaherty, Elmwood Park.
Dan Lucci, Niles.
Mrs. Dan Lucci, Niles.
Lyle Fitzsimmons, Chicago.
Cathleen Purvis, West Chicago.
Fred Wood, Chicago.
Sharon de Graadt, Pulaski.
Mrs. M. Holden, Oak Park.
Mr. Holden, Oak Park.
Jay Robinson, Carpentersville.
Liz Robinson, Carpentersville.
Mrs. Edmund Soper, Evanston
Patrick Tucker, Chicago.
Jonathan Goklen, Chicago.
Lena Liveweaver, Crete.
R. A. Cleveland, Wilmette.
Thomas Leveweaver, Crete.
Mrs. R. Ettinger, Highland Park
R. Ettinger, Highland Park.
Midred Ravaro, Wilmette.
M. E. Marwood, Peora.
Jacqueline Grew, Glenview.
Walter Audutter, Highland Park.
Mrs. J. H. Rudman, Wilmette.
Anita Adams, Chicago.
Sandra Arbetter, Highland Park.
Mrs. Jack Marks, Highland Park.
Hilliard Volin, Highland Park.
Mrs. Hilliard Volin, Highland Park.
Jim Kayotawape, Chicago.
Lynn Tobias, Glencoe.
Coup Loebell, Glen Ellyn.
Kristen Loebell, Glen Ellyn.
Lynn Perring, Chicago.
Fran Lafonski, Chicago.
Cythia Jackson, Chicago.
Donald Simon, Des Plaines.
Dayle Sohn, Schaumburg.
Arthur Vanderstempel, McHenry.
Phillip Ballmaier, Chicago.
Toni Jones, Markhan.
Patricia Conrow, Chicago.
Minnie Larhell, Glen Ellyn.
Megan Dore, Flossmoor.
Judith O'Shea, Hanover.
Peter Bellenoir, Berkely
Dr. James Meyer, La Grange.
Mrs. James Meyer, La Grange.
Gloria Ciaccio, Lombard.
Frank Kotyk, Oak Park.
Fred Steinback, Villa Park.
Maxine Goldenberg, Des Plaines.
R. Anderen, Chicago.
Nan Parson, Park Ridge.
Chris Parson, Park Ridge.
John Winker, Peoria.
Mary Winker, Peoria.
Dr. E. Goldman, Glenview.
Paul Broder, Skokie.
Mrs. Nancy Zeffire, Addison.
Alan Almer, Lisle.
Stephen Dieterick, Chicago.
James Mayworm, Villa Park.
James Wenger, Chicago.
David Stein, Chicago.
Becki Lenegar, Hoffman Estates.
Mr. H. B. Pfingsten, Hampshire.
Bob Sharke, Dearborn.
Carol Kimbald, Chicago.
Gail Murphy, Palatine.
Rick Erikson, Chicago.
Doleres Leshiak, Elgin.

Mrs. A. Zeffery, Bensenville.
E. Sorgatz, Elmwood Park.
Allie Mategraw, Wilmette.
Gerald Rasmussen, Chicago.
John Leonard, Forest.
Stevie Bottom, Skokie.
Rose Marie Olszewski, Chicago.
Mrs. H. C. Jacobs, Riverdale.
Narra Smith, Wheaton.
Mrs. O. Sider, Skokie.
S. Richter, Chicago.
Mary Wilson, Chicago.
Charles Steinbach, Villa Park.
Millie Fellin, Chicago.
Peter Faur, Maywood.
Edward Applebaum, Lincolnwood.
Larry Labow, Skokie.
Kenneth Morsae, Elgin.
Larry Mordert, Wilmette.
Judy Best, Aurora.
P. C. Tryman, Lawrenceville.
Charlotte Kvenniry, Lombard.
Ervin Hucton, Oak Brook.
Leon Miller, Elgin.
Carolyn Cassideate, Batavia.
John Katareh, Melrose Park.
Lois McDowell, Glen Ellyn.
Joan Huston, Oak Brook.
David Franzt, Naperville.
Oscar Gable, Monticello.
Joanne Davis, Hampshire.
Kim McDowell, Glen Ellyn.
Roy Stafford, Elgin.
Don Hover, Oak Brook.
Dan White, Calvinville.
May Furlan, Palatine.
William Smith, Sauk Vee.
Mrs. Wm. Smith, Sauk Vee.
E. L. Barnett, Oak Lawn.
Gordon Messerschmidt, Clarendon Hills.
Alan Kempe, Chicago.
Susan Burgi, Evanston.
Orville Brer, Trenton.
Thomas W. Little, Blue Island.
Anna Scaweger, Evanston.
Art Goneersheim, Chicago.
Terry Moore, Belleville.
Eugene A. Stern, Highland Park.
William Brunner, Wilmette.
Lillian Streicher, Skokie.
Dr. L. A. Nalefski, McHenry.
Hilda Hodel, Lombard.
Rhoda R. Rosenthal, Highland Park.
Debra Sue Rosen, Lincolnwood.
Jeanette Stafford, Hinsdale.
Bernice C. Couteat, Glenview.
Charles Day, Skokie.
Gerald M. Flory, Elgin.
Roland B. Rond, Prospect Hts.
Herbert Best, Schaumburg.
Mary Decker, Wilmette.
Anne Hanje, Evanston.
Kay Provis, Skokie.
Mildred Willer, Prospect Hts.
Erik Andrews, Ashkum.
Doris Scott, Villa Park.
Carl Zeigler, Jr., Elgin.
Beulah Welb, Wilmette.
Mrs. Kathleen Heddleson, Itasca.
Michael Madden, Oak Lawn.
James O. Eikenberry, Rockford.
Thomas Huber, Morton Grove.
Thelman Callin, Cicero.
Herschel Rowe, Franklin Park.
Rose Thro, Downers Grove.
Stephen A. Dahl, Park Ridge.
Robert Tures, Evanston.
Dr. William Haller, Daried.
Beth Fairman, Buffalo Grove.
Pat Canan, DeKalb.
Mr. Jack Miller, Chicago.
Dave Hough, Warrenville.
Mrs. Buchanan, Clarendon Hills.
Veron Estes, Evanston.
T. Anthony Nance, Addison.
Robert Byrd, Libertyville.
Paul H. Prickett, Hinsdale.
Lor Blasi, Addison.
Mr. E. Franzeen, Quincy.
Mrs. E. Franzeen, Quincy.
Isabelle Kane, Edwardsville.
Jane Maczeck, River Grove.
William Anderson, Cicero.
Robert Wender, DeKalb.
Mr. Ronald Zook, Danvers.
Mr. F. N. Fraf, Glenview.
William Kanns, Philo.
Margaret Tingley, Chicago.
Esther Handwerk, Skokie.
Rev. Paul Stiffler, Villa Park.
Howard Myers, Wilmette.
Jane W. Godberg, Highland Park.
Cecil Kraft, Kankakee.
Jean R. Cleland, Wilmette.
Milton Eastman, Western Springs.
Ellen Holmes Eastman, Western Springs.
Estelle Langston, Northbrook.
Martha Taylor, Troy.
Mrs. J. H. Cahn, Urbana.
Mrs. Oliver Huwer, Millstadt.
Mr. Roger Senft, Sandwich.
Beatrice Huggins, Oak Park.
Mrs. Corliss Anderson, Barrington.
Ms. Diane Robertson, Lombard.
Mary Jean Danca, Kankakee.
Fred Fejes, Urbana.
Dick Simpson, Chicago.
Frank Duchon, Oak Park.
Michele Moses, Skokie.
Margery Fridstein, Glencoe.
R. Handel, Winnetka.
Harry Rosenstein, Highland Park.
Leonore E. Moss, Chicago.
Fred Bondy, Wilmette.
Mrs. Max Drester, Glencoe.
Lawrence Kaufman, Deerfield.
Cyrus Gidding, Oak Park.
Mary Swartz, Highland Park.
David Brooks, South Holland.
Carolyn B. Heas, Glencoe.
Gordon Smith, Wilmette.
Kathryn L. Richards, Des Plaines.
Frieda Block, Skokie.
Melvin E. Nicolinti, Bethalto.
Orphe J. Kodd, Wilmette.
Richard Richards, Des Plaines.
Den Kuhn, Dulton.
C. Blevin, Deerfield.
Joe H. Killion, Champaign.
Mr. C. F. Poneor, Flossmoor.
Scott Cerberg, Homewood.
Mrs. C. Dolnick, Skokie.
Thomas J. Vavreil, Waukegen.
Betty M. Welks, Evanston.
James W. Norman, Northbrook.
Calvin E. Weiskopf, Highland Park.
Everly Shlavaky, Glencoe.
Sybil Gilbert, Western Springs.
Alice Taton Henselmin, Elgin.
Joamme P. Davis, Hampshire.
Ruth W. Rosenfield, Highland Park.
Judd Rosen, Morton Grove.
Millicent Berlient, Deerfield.
Mrs. John Childe, Glencoe.
Roe Barnett, Winnette.
Anita Gorr, Des Plaines.
Dolons E. Wells, Glenview.
Jerome V. Boruck, Skokie.
Shirely Starr, Evanston.
Dorothy M. Coeh, Glencoe.
Shirley E. Cohen, Highland Park.
Julia M. Jewett, Wilmette.
Edward R. Leach, Glen Ellyn.
Aby Pareser, Westmont.
Dorothy Kovich, Wood River.
John B. Baker, E. Alton.
Howard Cohen, Wilmette.
Steve Wyroster, East St. Louis.
Sam Luton, Granite City.
Revel P. Lynot, Ottawa.
Estelle von Zellen, DeKalb.
Louis, Maynard, Marion.
Mr. Jack Rodgon, Lincolnwood.
Ms. Sally Breecker, Matteson.
Verelda Roth, Lombard.
Chester Schroder, Homewood.
Robert Carlson, Glen Ellyn.
Gary Mock, Caseyville.
Joseph Stabile, Lillian.
John Hubert, Gillespie.
Deborah Johnson, Geneva.
Marguerite Keil, Momence.
Michael Bellito, Arlington Heights.
Mr. Clarence Arpin, Clarendon Hill.
David J. Shultz, Collinsville.
E. E. Seubert, Lebanon.
David West, St. Charles.
John C. Gibson, Oak Lawn.
Paul E. Ryak, New Lenox.
B. Conrad, Niles.
Dale Noble, Lake Bluff.
Thomas Walling, Wheeling.
Paul Banchack, Algonquin.
P. M. Derring, Park Ridge.
Mr. James Sullivan, Waukegan.
Mrs. James Sullivan, Waukegan.
Mrs. W. S. Harling, Palatine.
Sr. Marina Colon, River Forest.
Mr. Frank Grzelak, Crystal City.
Thomas O'Brockt, Maywood.
David W. Shaw, Alton.
Lois Heidmann, Mendota.
Carl Westfall, Granite City.
James L. Dunn, Urbana.
Frances Gist, Decatur.
Ms. Ruth Roberg, Glencoe.
Robert Sale, Wilmette.
Linda Kastigan, Le Salle.
Shirley G. Cantley, Withrop Harbor.
Sr. Julie Rice, Aurora.
Lucille Wesner, Naperville.
R. L. Osborne, Barrington.
Sandy Rago, Lansing.
H. B. Clemens, Glen Ellyn.
Ms. Deborah Piercy, Chuntley.
Sr. Coleman, Rock Island.
Mr. Damon, Chicago Heights.

LETTER OF INTEREST

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. ESCH. Mr. Speaker, I recently received the following letter which I believe will be of interest to my colleagues. The letter follows:

ANN ARBOR, MICH.

DEAR EDITOR: The government of the United States may be on the threshold of a dramatically changed relationship with the Soviet Union. There are signs of significant reduction in the tension level between the two countries and more concretely trade agreements of unheard of proportions are concluded between the USSR and the USA.

It is important at this juncture, before we are swept up—and we have a tendency to do so—in a totally irrational and unrealistic Russophile upsurge of public sentiment, to examine some of the essential differences between the two forms of government, differences that cannot and must not be overlooked.

As a scientist, I am best situated to reflect on a regime by its conduct towards the dispassionate pursuit of knowledge and by its conduct towards the representatives of that endeavor, the scholars.

Reflecting on this perspective, I cannot share the public enthusiasm shown by some about the Soviet Union. I cannot share the pollyanish view of some who wish to see fundamental changes in the Soviet Union of the seventies.

Quite the contrary; in the realm of science and scholarship the awful ways of Stalinist terror are discernible again.

The Soviet Union is increasingly endangering the free flow of scientific communication by putting insurmountable obstacles in the way of those scientists who wish to exercise their freedom of movement.

Scientists have been dismissed from their posts, their families have been harassed, and they have been declared to be virtual hostages by the demand that ransom fees based on educational attainment be paid if emigration is permitted. Furthermore, the threat of abrogation of degrees has been announced, and in some documented instances, authors of scientific papers have had their names removed from works which they have authored. Obstacles to attendance at international scientific meetings held in the Soviet Union have been noted for these Soviet scholars, to say nothing of denial of exit permits for scholars of international reputation to attend meetings or to lecture outside the Soviet Union.

We should register our protest at this repression of free scientific inquiry and call on men and women of good will everywhere to join in deploring these actions by the Soviet government. Scientific institutions, government agencies, and individual citizens should announce their opposition to these grave infractions of human rights.

The leaders of the Soviet Union should be made to understand that they cannot expect their people to be fed by America while consistently violating the moral principles on which this Republic is founded.

ALEXANDER Z. GUIORA.

ENDING THE DRAFT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. DERWINSKI. Mr. Speaker, the Tinley Park Star Tribune is one of the newest publications serving suburban Cook County and has, in the short period of its existence, made a very positive impact in the communities it serves. One of its features is an outstanding editorial page. In its Thursday, September 14, issue, it carried an editorial commentary on the draft which I feel is especially pertinent, and I insert it in the RECORD at this point:

ENDING THE DRAFT

Among the wise counsels of the American founding fathers was a warning against maintaining a professional standing army, such as was the custom in most foreign countries at that time. Instead, they counseled, the army should be composed of volunteers from the citizenry—a "citizen's army," as George Washington, the young nation's first President, phrased it.

Since 1940, however, owing to demands created by world unrest, the United States has had a military draft to help meet its special obligations to itself and to its allies. Now, President Richard Nixon has announced that the draft could end next July 1 if Congress approves a pay increase bill for volunteers and for those electing to continue their military careers.

The administration plans on a peace-time volunteer military force of 2.3 million on active duty and one million in the reserve. Part of the pay increase legislation before Congress would bring the National Guard and reserve forces up to minimum levels. The reserve, for instance, is 49,000 below its authorized level of 973,000.

In moving toward an all-volunteer army, President Nixon is making good on a pledge he made during the 1968 election campaign.

Universal military conscription has always been alien to the American concept of individual liberty, and indeed would not be tolerated by the people except in times of national emergency. The present "emergency," however, has been in effect for 32 years, far too long a period.

Freedom of choice has always been a hallmark of the American dream. This freedom obviously should include the individual's own determination of whether to serve in the peace-time military establishment, if this is possible. An end to the military draft would be a reaffirmation of this ideal.

ALL-VOLUNTEER ARMY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HALPERN. Mr. Speaker, the prospect of an all-volunteer Army grows ever more likely as American troops continue to be withdrawn from Vietnam and draft call-ups and enlistments decline. I vigorously support the idea of a voluntary military organization, and I look forward to its development in the near future. However, such a change cannot occur without proper consideration as to how such a transition should proceed and what implications its creation holds for the future.

An article written by a constituent of mine Maj. Marvin Leibstone of the U.S. Army Reserve does just that. As president of the Capitol Hill chapter of the Reserve Officers Association, he is familiar with the need for incentives to attract people not only to a volunteer service but also into an improved Army Reserve.

In his own words:

> Our policymakers and military intellectuals are today at the same crossroads as the Founding Fathers after the Revolutionary War. They ask, "Do we honor peace by maintaining a small but professional standing Army and Ready Reserve, or do we honor peace by abolishing even the thought of an Army that has some protracted power? Do we honor peace by hoping that in the first onrush of a war we will be able to rally round the flag in a matter of days and move across seas and plains to a moral victory?" The choice has to be made now, while there is time to plan, prepare, to define and to dignify.

I believe that his remarks merit our thoughtful consideration and am therefore including them into today's RECORD. The remarks follow:

VOLAR—AND AN IMPROVED ARMY RESERVE

(By Maj. Marv Leibstone)

This Vietnam period of our's has caused politically and socially conscious Americans to become suspect of the current military role in our national security structure, and of the infrastructure upon which American military life has survived for so many decades. Today, the future of the American military as a steel-willed and razor-sharp element with the power to decimate the foes of democracy hangs in the balance among plans to throw away the uncomfortable and aggravating modes of discipline such as uniformity of dress, close haircuts, inspections on hot Saturday afternoons and close-order drill, and across a different spectrum within a freer concept for creating discipline that includes deliberate erasure of the aforementioned, so that long hair and sloppy dress are now often tolerated, and troops can express their needs without fear of senior commanders. Gone are the forced marches with packs that had to have their straps rolled a certain way. Discipline, it is hoped, will be learned through stimulants instead of suppressants.

Will it work? No-one, at the moment, is sure. Did the older system work? Yes, it did. As distasteful as it was, it worked. Ask any marine.

Out of the discontent with our mismanaged forces in Vietnam has come VOLAR, the plan for an all-volunteer Army force of one million that will have as much compassion and sensitivity in its soul as earlier forces had steel. Expected to slip away like so much loosened flotsam will be corruption in the officer and enlisted ranks, cost-overruns, and perhaps even the admitted mission to close with and kill the enemy. There may be real value in this; after all, the military machine is supposed to produce the organized and effective use of power, and we have learned bitterly that restricting the great machine only to killing is to narrow the uses of power. In the near future, the role of the Army may be even more multiple than it is today.

One central fact needs to be emphasized again and again: in our time, the concept of the draft is practically dead; it has lost favor with the American people and has to be replaced. VOLAR can do the replacing—if there can be a successful VOLAR. However, VOLAR is part of a much bigger concept; it is but a component of a necessary national security system; it is the twin of an equally-important element upon which the success of VOLAR depends, and also upon which a permanent end to the draft may depend, and that twin force is the existence of a carefully-trained, enthusiastic, strong-willed and well-equipped U.S. Army Reserve. Without a large and ready Reserve, VOLAR becomes a paper tiger; its reinforcement capability during the early stages of war becomes a joke. In turn, the ability of NATO and other treaty organizations to provide credible deterrence slips away.

A recent Washington Post article clearly implied that segments of the U.S. Army Reserve need to clean house, to get rid of the disenchanted and those who won't work and who are embarrassing and belittling the Government with their lack of leadership; it needs to recruit willing and intelligent civilians who can provide commitment to the citizen-soldier concept; it needs to draw in officers who can build ready Reserve units that strike for professionally organized management objectives and not false or meaningless personal efficiency ratings.

Above all else, however, the Congress of the United States needs to deliver new and broader incentives that will bring young Americans into the Reserve structure and keep them there.

Reservists give of themselves one weekend per month for the equivalent of four days of active duty pay. Officers and senior enlisted men find this adequate; but the lower enlisted men, from privates to brand new sergeants, earn less than or perhaps only as much as a transient dishwasher. To make participation in the Reserves worthwhile to these junior enlisted men, who must make up the bulk of the Reserve force, the pay structure should be improved at their many tiers and sub-levels.

Few Reserve enlisted men re-enlist. Why should they? Most of them are hardly compensated. Re-enlistment is definitely the most critical problem facing the Reserve program today. Without a sufficient number of Reserve enlisted men, there can be no credible Reserve force, no meaningful punch to the importance of reinforcement of NATO forces. While this problem is not as great in the Regular Army, its spreading nature in the Reserves deteriorates the fabric of the Regular Army simultaneously.

For the Regular Army active duty soldier, there is a reenlistment bonus. This bonus is the single feature of the Regular Army's active duty recruiting program that has made the program a success. By providing monetary compensation for re-enlistment, the Reserve forces could in a very short time overcome their current personnel bankruptcy. There are several measures before the Congress today that ask for new incentives for Reservists, and one of them, HR 14545, is now before the House Armed Services Committee. This bill could, if enacted, easily become the very base for a complete and credible military force that would, because of its high potential for strong conventional retaliation, delay and even prevent the need for nuclear action.

There are other necessary incentives. For instance, a 20-year career Reserve program could become extremely attractive if retirees of the program could begin to receive their retirement benefits either at age 50 or upon completion of 20 years service. Under today's program, a career Reservist has to wait until he is 62 to be able to receive his first retirement check.

The much-needed revitalization of the Reserve program depends on correct timing just as other renewal programs do. Calibration and restructuring of the Reserves is going to have to be paired with the incentive and value programs laid out for the Regular Army's VOLAR. The Reserves and VOLAR are interdependent; they must grow together, or neither will be any good to us.

Our policy-makers and military intellectuals are today at the same crossroads as the founding fathers after the revolutionary war. They ask, "Do we honor peace by maintaining a small but professional *standing Army and Ready Reserve,* or do we honor peace by abolishing even the thought of an Army that has some protracted power? Do we honor peace by hoping that in the first onrush of a war we will be able to rally round the flag in a matter of days and move across seas and plains to a moral victory?" The choice has to be made now, now while there is time to plan, prepare, to redefine and to dignify. Our choice must be one hundred percent correct. History is no more merciful toward stupidity than it is toward evil.

COMPREHENSIVE CHRONIC ILLNESS ACT OF 1972

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. HARRINGTON. Mr. Speaker, last November when I testified before the House Ways and Means Committee on national health insurance, I promised to introduce a bill that would comprehensively cover the victims of chronic illness. I am introducing that bill today.

The bill is designed to meet the simple, stark fact about American medical care today: that it costs too much for the truly ill to afford it. Today, to be chronically ill is to be chronically in debt. Escalating hospital and doctor bills have driven millions of sick people to the verge of bankruptcy. Millions more have been denied care because they cannot pay its costs.

Chronic illness is not a problem of the unfortunate few, but of the unfortunate millions. With the advances in medical science, more Americans are reaching the age at which they become vulnerable to arthritis, emphysema, cancer, heart disease, and other chronic illnesses. Nearly 11 million Americans suffer from arthritis alone. Rheumatism afflicts another 6 million. Heart diseases have stricken more than 15 million Americans with another 13 million suspected sufferers. More than 500,000 people suffer from multiple sclerosis. Parkinson's disease, which is primary among the crippling neurological diseases, afflicts more than 1 million individuals, and 50,000 more Americans will be stricken by this disease this year.

The majority of the chronically ill are poor. A survey by the Social Security Administration in 1965 indicated that the median family income of disabled adults was $5,270—compared to an average family income of $6,817. And families with a severely disabled adult had an average income of $3,156—an amount bordering on the poverty level. Yet, many of these people had to meet medical costs estimated at between $900 and $1,000 a month.

More than one-third of the poor who do work suffer from some form of chronic illness. The poor suffer three times more heart disease than the general population; seven times as many eye defects; five times more mental retardation; and five times more nervous disorders.

No one is immune from the risk of catastrophic illness, and no one should be left without the means to pay for treatment. The bill I offer would help break the cruel link between health and wealth.

In the last few years we have all become aware of the problem of overuse of high-cost hospital facilities for chronic care which could best be accomplished elsewhere. We need a middle ground between the home and the hospital.

We need facilities where a person can obtain custodial care but still remain in close contact with his family. It has been estimated that 10 percent or more of the chronic long-term patients in Massachusetts hospitals and institutions could be released if they had foster homes or half-way nursing home facilities available to them. My bill would provide the insurance coverage required for long-term stays in such facilities.

The elderly are not the only group in our society needing assistance for long-term conditions. The physically handicapped, the mentally retarded, and the autistic child, the young or middle-aged person suffering from multiple sclerosis, muscular dystrophy, heart disease, Hodgkins disease, and other diseases all are equally in need of adequate insurance coverage.

I am introducing this legislation because after a careful study of all national health plans thus far introduced it is readily apparent that none gives sufficient coverage to the victim of a chronic illness. Newspapers and magazines consistently tell us of the terrible dilemma of the elderly person poverty stricken and confined to a nursing home, the parents of a mentally retarded child who struggle with the possibility of institutionalization, the lack of adequate training facilities, and the fear of that child's future when they are old.

These are the people who are most neglected by our society. These are the people we would rather not think about. These are the people whose care is terribly costly. These are the people whom national health insurance ignores.

I know that the legislation I am introducing today is very costly. No clear and definite cost estimate has ever been made. But we know that it will cost several billion dollars. Many will accuse me of irresponsible legislating—of failing to understand that our financial resources are finite. My answer is that I do not offer this bill as the only answer to the problem. I offer it so that we may have a forum from which to speak about those individuals who will not be covered by national health insurance. We can't simply close our eyes to the fact that millions of people won't get health coverage; that millions of people will be forced into debt and will not receive the adequate care or training which they deserve. If national health insurance cannot cover everyone, then let us admit this and let us at least choose those whom we want to cover. But let us not fool our constituents into believing that national health insurance will indeed be "comprehensive."

The problem as I see it is that as a nation we have failed to set our priorities. And one reason we have failed to set those priorities is that we have not clearly articulated them. Obviously, the elderly, the retarded, and others with long-term chronic conditions are a priority. The question is how much help the Federal Government is willing to give them.

I offer this bill so that we may finally get down to an honest and forthright discussion of our own capacities as a nation to give assistance to the various citizens who need it.

I realize, Mr. Speaker, that we are in the last days of this final session of the 92d Congress and that the legislation I am introducing today will not be passed this year. I am introducing the legislation now in the hopes that all interested parties will comment on the bill and it is my firm intention to utilize the recommendations received in a new bill which I will introduce early in 1973.

Hopefully, the Ways and Means Committee will continue hearings on national health insurance next year and the discussion which I believe is so imperative will take place at that time.

ANALYSIS OF THE BILL

The bill that I am introducing today will cover the chronically ill who have been neglected by most Federal programs. Services covered by the proposal will include:

First, nursing home care—medically necessary care and services provided to an individual who is chronically ill in a qualified nursing home;

Second, other custodial care—necessary care and services—other than nursing home care—provided to an individual who is chronically ill or is mentally retarded in a facility that meets the requirements established under the act;

Third, home care—care and services which are furnished to an individual in his home for the purpose of maintaining his health. Such service will include the provision of medication, medical equipment, nursing care, homemaker services, and rehabilitation including occupational counseling;

Fourth, paramedical care—medically related care and services which are furnished by an agency approved by the Secretary of HEW;

Fifth, emergency medical care—the effective delivery of health care services under emergency conditions which are a result of the patient's condition;

Sixth, education and training—services provided to physically and mentally handicapped children and adults, tailored to their individual needs and provided by nonprofit agencies;

Seventh, day nursing home care—care and services provided to an individual in an approved facility which does not provide its patients with 24-hour accommodations subject to the same limitations as provided for nursing home care;

Eighth, night nursing home care—care and services provided to an individual in an approved facility which furnishes nursing home care and other custodial care during the night-time hours, but does not provide the patients with 24-hour accommodations, subject to the same limitations as provided for nursing home care; and

Ninth, weekend nursing home care—care and services provided to an individual in an approved facility which is primarily engaged in furnishing nursing home care and other custodial care and services from Friday evening to Sunday evening, subject to the same limitations as provided for nursing home care.

The part-time nursing home programs are based on successful experience in Great Britain. The purpose of this kind of care is to provide needed treatment while keeping the patient in close contact with his family.

The restrictions on nursing homes are similar to, but more stringent than, those proposed in the Kennedy-Griffiths bill. These regulations include:

First, the establishment of a 10-member utilization review board which will consist of four members of the general public, two physicians, one registered nurse, one paraprofessional, and two patients, not more than two of whom shall be on the staff of the facility. This board will meet every 30 days to determine the need of future care in each case;

Second, annual policy review on the advice of the utilization review board;

Third, designation of a physician responsible for the execution of such policies;

Fourth, operation by an accredited hospital or under the supervision of a nursing home administrator licensed by the State in which the faculty is located;

Fifth, the requirement that the health care of every patient be under the supervision of a physician, and that a physician be available to furnish the necessary medical care in case of an emergency;

Sixth, maintenance of adequate clinical records on all patients;

Seventh, provision of 24-hour registered nurse service sufficient to meet the needs of the patients. At least one registered nurse would be on duty at all times;

Eighth, appropriate methods for the prescription and dispensing of drugs; and

Ninth, designation of an officer charged with the duty of protecting the legal rights of patients.

Any other custodial care facility must be a nursing home, a public or private institution or training school which is primarily engaged in providing care or training or both to the chronically ill. The facility must meet other appropriate requirements as determined by the Secretary of HEW.

All institutions participating in the act must keep written policies and procedures which are subject to the review of the Secretary of HEW. They must also meet the standards and regulations of the State in which they are located.

Payment to the providers will be determined by the Secretary of HEW. The act will be funded through general revenues. There will be no duplication of benefits between this act and other governmental programs.

Over a 5-year period, the Secretary of HEW shall complete a study on the costs of providing the care under this act, and he shall transmit his report to the Congress and to the President.

The act will be effective on the first day of the first calendar month which begins 6 months after the date of the enactment.

Mr. Speaker, this program will adequately meet the needs of the chronically ill in America. They have been neglected too long.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, October 9, 1972*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

The heavens declare the glory of God; and the firmament showeth His handiwork.—Psalm 19: 1.

O God, we thank Thee for this universe, our great home; for its vastness and its riches. We are thankful for all the life that teems upon it of which we are a part.

As we remember one who with courage, vision, and wisdom set forth to find new land in this universe, we pray that we might have courage, vision, and wisdom to face the challenge of our day. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft;

H. Con. Res. 679. Concurrent resolution to provide for the printing of additional copies of the report of the Commission on the Organization of the Government of the District of Columbia;

H. Con. Res. 681. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections," parts I through VI; and

H. Con. Res. 716. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 56.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and joint resolutions of the House of the following titles:

H.R. 1. An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis in improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes;

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973;

H.J. Res. 1268. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears; and

H.J. Res. 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1) entitled "An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs and emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15475) entitled "An act to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WILLIAMS, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15657) entitled "An act to strengthen and improve the Older Americans Act of 1965, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. CRANSTON, Mr. KENNEDY, Mr. RANDOLPH, Mr. WILLIAMS, Mr. HUGHES, Mr. STEVENSON, Mr. BEALL, Mr. SCHWEIKER, Mr. TAFT, Mr. PACKWOOD, and Mr. STAFFORD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to a bill of the House of the following title:

H.R. 56. An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 976) entitled "An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 520. An act to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes; and

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3843. An act to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972;

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes; and

S. Con. Res. 98. Concurrent resolution authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document.

THE ADVERSE EFFECT ON THE STATE OF WASHINGTON OF THE SOCIAL SERVICES LIMITATION CONTAINED IN THE CONFERENCE REPORT ON H.R. 14370.

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I am seriously concerned regarding the proposed limitation on social service expenditures contained in title III of the conference report on the State and Local Fiscal Assistance Act, and the impact of this limitation on Washington State.

While some form of control over these expenditures is undoubtedly needed, the ceiling as presently proposed is particularly inequitable for Washington State. Washington is one of the five States that will receive less money in fiscal year 1973 than it did in fiscal year 1972, and the impact is worsened by the retroactive imposition of the ceiling to July 1, 1972. Further, by allocating these funds only on the basis of population, a State such as Washington which is relatively small in population but relatively progressive in the provision of social services is additionally handicapped.

Under the proposed formula, Washington State would be allocated $41,750,000 for the entire fiscal year 1973. This can be compared to a fiscal year 1972 fourth quarter expenditure of $12.5 million and a first quarter fiscal year 1973 expenditure of $15 million, which if annualized would amount to $60 million. Worthwhile programs dealing with mental health and retardation, day care, consumer protection, and legal aid, to mention only a few, will face either severe cutbacks or abolition; and planned expansion of such programs as those dealing with drug abuse, treatment of alcoholism, and certain services for the elderly would be precluded.

A number of proposals to modify the requirements under the limitation have been made which would result in more equitable funding for existing programs and would alleviate the current punitive aspects of the imposed ceiling.

I sincerely hope that these modifications can be considered and adopted.

THE PROPOSED $250 BILLION EXPENDITURE CEILING

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, tomorrow the House is scheduled to debate the proposed $250 billion expenditure ceiling in conjunction with the proposed increase in the debt ceiling.

Hereafter in this RECORD, I will insert a statement in regard to the proposed expenditure ceiling.

A portion of House Concurrent Resolution 713 will be offered in lieu of title II of the debt ceiling bill. The committee bill, in addition to fixing an expenditure ceiling, provides that the executive branch is authorized to amend existing law, the legislative prerogative and responsibility of Congress. This goes far beyond the concept of the traditional expenditure ceilings which have been adopted in the past in that it authorizes the President to assume legislative authority.

The solution to our fiscal problems does not lie in the abdication by Congress of its legislative authority. It lies in the submission of more realistic budgets and the approval by Congress of spending programs based upon the availability of funds to finance them.

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1972

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, under leave to extend I include a release highlighting the August 1972 Federal civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of

August was 2,847,582 as compared with 2,855,056 in the preceding month of July. This was a net decrease of 7,474, due largely to a reduction in temporary summer employment under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of August is compared with the preceding month of July and wtih August a year ago as follows:

	Full time in permanent positions	Change	Temporary, part time, etc.	Change	Total employment	Change
Change this month:						
July 1972	2,468,423		344,354		2,812,777	
August 1972	2,469,538	+1,115	336,238	−8,116	2,805,776	−7,001
12-month change:						
August 1971	2,524,098		366,062		2,890,160	
August 1972	2,469,538	−54,560	336,238	−29,824	2,805,776	−84,384

The decrease of 84,384 during the 12-month period since August 1971 reflects a reduction of 57,358 in Defense agencies and 44,214 in Postal Service, partially offset by a net incerase of 17,188 in all other agencies. Full-time permanent employment over the 12-month period was reduced by 54,560 (reflecting a shift of about 30,000 Postal Service employees from temporary to full-time permanent status).

Executive branch employment in the month of August totaled 2,805,776, a net decrease of 7,001 as compared with the preceding month of July. Changes in total employment in August in civilian agencies of the Executive branch as compared with civilian employment in military agencies were as follows:

	August	July	Change
Civilian agencies	1,713,478	1,717,474	−3,996
Military agencies	1,092,298	1,095,303	−3,005
Total, civilian employment	2,805,776	2,812,777	−7,001

The civilian agencies of the Executive branch reporting the largest decreases in August were Postal Service with 1,276, Veterans Administration with 963 and Treasury with 603. The largest increases were in Interior with 562 and Commerce with 518.

In the Department of Defense the largest decreases were reported by Air Force with 1,819 and Navy with 1,682. The largest increase was reported by Army with 1,454.

Total Executive branch employment inside the United States in August was 2,651,017, a decrease of 12,755 as compared with July. Total employment outside the United States in August was 154,759, an increase of 5,754 as compared with July.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative branch in August totaled 33,491, a decrease of 507 as compared with the preceding month of July. Employment in the Judicial branch in August totaled 8,315, an increase of 34 as compared with July.

DISADVANTAGED PERSONS

The total of 2,847,582 reported by the Committee for August includes 48,910 disadvantaged persons employed under Federal opportunity programs. This was a decrease of 12,344 from the preceding month of July the peak employment month for the temporary summer youth program. (See table 3 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during August 1972, showing comparisons with June 1972, June 1971, and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	August 1972	Estimated June 30, 1973[1]
Agriculture	84,252	82,511	81,508	83,400
Commerce	28,435	28,412	28,251	29,700
Defense:				
Civil functions	30,063	30,585	30,003	31,300
Military functions	1,062,741	1,009,548	994,497	1,005,800
Health, Education, and Welfare	104,283	105,764	106,134	99,500
Housing and Urban Development	16,030	15,200	15,136	16,000
Interior	57,570	56,892	56,303	56,900
Justice	42,662	45,446	45,736	46,300
Labor	11,352	12,339	12,352	12,600
State	23,398	22,699	22,663	22,800
Agency for International Development	13,477	11,719	11,406	11,800
Transportation	68,482	67,232	66,132	69,200
Treasury	90,135	95,728	95,900	99,200
Atomic Energy Commission	6,920	6,836	6,835	6,900
Civil Service Commission	5,324	5,260	5,272	6,000
Environmental Protection Agency	5,959	7,835	7,915	8,500
General Services Administration	38,076	36,002	35,803	39,400
National Aeronautics and Space Administration	29,478	27,428	27,263	26,800
Panama Canal	13,967	13,777	13,642	14,000
Selective Service System	5,569	5,791	5,738	6,100
Small Business Administration	4,004	3,916	3,822	4,000
Tennessee Valley Authority	13,612	14,001	14,021	14,000
U.S. Information Agency	9,773	9,255	9,301	9,400
Veterans' Administration	158,635	163,179	165,304	174,100
All other agencies	31,333	33,499	33,427	34,600
Contingencies				5,000
Subtotal	1,955,530	1,910,854	1,894,364	1,933,300
U.S. Postal Service	564,782	594,834	575,174	618,500
Total[2]	2,520,312	2,505,688	2,469,538	2,551,800

[1] Source: As projected in 1973 budget document: figures rounded to nearest hundred.

[2] August figure excludes 3,115 disadvantaged persons in public service careers programs as compared with 2,901 in July.

THE PROPOSED $250 BILLION SPENDING CEILING

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, the House is scheduled to consider on Tuesday, October 10, the debt limit bill, which includes a title providing for a $250 billion expenditure limitation for the current fiscal year. Under the rule reported by the House Committee on Rules, it is provided that the text or a portion of the text of House Concurrent Resolution 713 may be offered as a substitute for title II, the expenditure ceiling title. of the bill. The text of House Concurrent Resolution 713 is as follows:

CONCURRENT RESOLUTION

Whereas the President has requested authority to impose a limitation on expenditures and net lending for fiscal year 1973 in the amount of $250,000,000,000, including authority to change existing laws and make unspecified reductions in existing mandatory spending programs such as social security, impacted area school aid, veterans' benefits, education and health programs, and other programs on which Congress has acted to date; and

Whereas consistent with the constitutional responsibility of the Congress to make appropriations for support of the Government, it is the practice for Congress to make specific appropriations for the various activities of the Government; and

Whereas the Congress is concerned about the fiscal plight of the country, especially in view of continued and mounting budget deficits and inflationary pressures; and

Whereas the total deficits in Federal funds for the last three fiscal years have exceeded $70,000,000,000; and

Whereas the most recent estimate of the executive branch of the Federal funds deficit for fiscal year 1973 is $32,400,000,000; and

Whereas approximately one-fourth of the Federal debt will have accumulated in just these last four years; and

Whereas in the annual appropriation bills for the fiscal year 1973, the Congress is in the process of reducing spending in excess of $1,000,000,000; and

Whereas in other bills, including bills raising social security benefits, "black lung" benefits, and veterans benefits, the Congress, with the concurrence of the President, has exceeded the related budget estimates; and

Whereas in certain other bills, including general revenue sharing and water pollution control, the Congress is in the process of enacting spending authority for fiscal year

1973 in excess of the related budget estimates for 1973; and

Whereas the President has not advised Congress of the specific reductions in budget authority and budget outlays which he would make to limit outlays to not more than $250,000,000,000; and

Whereas to grant the authority to impose such a limitation on expenditures, including authority to amend basic legislation governing mandatory programs, would in effect transfer legislative authority to the executive branch; and

Whereas the Congress cannot responsibly act on the proposed limitation of $250,000,000,000 on expenditures and net lending without an advance opportunity to assess the impact of the consequent reductions (which, it now appears, would approximate $6,000,000,000) on specific programs and activities: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That the President is hereby respectfully requested to advise the Congress not later than January 2, 1973, of the specific reductions in budget authority and budget outlays (by appropriation or fund), and changes in existing law affecting same, that in his judgment may best be made in order to limit budget outlays for the fiscal year 1973 to not more than $250,000,000,000; and that it is the sense of the Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations.

CONSTITUTIONAL RESPONSIBILITY AND AUTHORITY FOR LEGISLATION

Mr. Speaker, shall Congress authorize the President to amend existing law? Shall Congress surrender the heart of its legislative responsibility and power and vest it in the executive branch? That is the sharpest point of issue before us. My answer is that we should not.

In my judgment, it is true that we face a grave fiscal situation. The Federal budget is chronically out of balance, as anybody familiar with the situation knows. I am not in any way seeking to minimize the gravity of the fiscal crisis we face by my opposition to certain provisions in the measure before us.

Neither am I seeking to impugn the motives and good faith of the President. I am confident that he would undertake to do the best he could with the legislative power granted to him by the Congress.

Is some retrenchment in spending programs and some restructuring of laws creating Federal programs a part of the solution to the fiscal crisis?

In my judgment, yes. Should we surrender our legislative responsibility to meet this crisis to the Executive and ask him to do the job? In answer to that question, I must hold out for our constitutional system. It may be cumbersome and frustrating, but I do not believe that the American people are yet ready to throw it overboard for anything yet proposed as second best.

AN ALTERATIVE

If it is unreasonable for Congress to delegate its authority and responsibility to the executive branch to meet the fiscal crisis, the next question must be, "What alternatives are available to it?"

The President's budget is the most comprehensive statement of policy available under our system of government. It invariably includes recommendations to eliminate or deemphasize outmoded programs and, just as invariably, proposals to strike out in new directions. During the course of any given budget year, changed circumstances often make particular budget requests obsolete. In such circumstances, it is the practice for the President to submit a budget amendment, taking account of the new set of circumstances and his restructured request.

The alternative which I propose to the surrender of legislative power to the Executive is House Concurrent Resolution 713. It respectfully requests of the President a budget amendment indicating his recommendations for reductions and the changes in law necessary to bring them about.

This would not deny the Executive the traditional and often exercised authority to defer spending of Federal funds, but neither would it sanction the amendment of existing law by Executive decree. House Concurrent Resolution 713 would not constitute a surrender by Congress to the Executive of the right to legislate.

I am firmly convinced that Federal retrenchment is in the public interest and would expect the Congress to give careful consideration of the President's recommendations. I am concerned that many do not understand that the manner in which Congress goes about resolving this issue has far reaching implications for the future role of Congress.

HISTORY OF EXPENDITURE CEILINGS

It is very important to establish the fact in this debate that the spending ceiling we are now being asked to approve is unlike any ever enacted by Congress.

The Revenue and Expenditure Control Act of 1968 established an overall spending ceiling but it exempted programs covering half the total spending proposed in the budget.

The two spending ceilings reported by the House Committee on Appropriations for fiscal years 1970 and 1971 provided a cushion for unexpected increases in certain uncontrollable programs for which it was difficult to precisely estimate expenditures. These ceilings also were adjustable to reflect congressonal actions on the budget. A main benefit of these ceilings was to focus on the total spending impact of congressional actions and inactions on the budget.

The proposed $250 billion ceiling is absolutely rigid, providing for no flexibility should Executive estimates of uncontrollable expenditures be understated—as they historically have been. This proposed ceiling is also completely comprehensive, excepting no program whatsoever. I quote here from the bill the language requesting the delegation of legislative authority that would facilitate this objective—beginning on page 2, line 7:

> The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

Subsection (2), of course, sets a limit on total outlays of $250 billion.

When Secretary of the Treasury Shultz was before the House Committee on Appropriations in January of 1971 in his capacity of Director of the Office of Management and Budget, I asked him if he would favor a flat fixed, unadjustable ceiling on spending. His reply was that such a ceiling would be unworkable. I quote:

> No, sir. * * * As you know, Mr. Chairman, there are many programs in the budget for which spending is relatively uncontrollable under present law. Spending for such programs as social security and interest on the debt cannot be avoided. Further, the estimates of spending for such programs can only be guesses; they can never be completely accurate. No one can predict the actual rise and fall of interest rates a year in advance. For this reason, an inflexible ceiling which would apply to total budget outlays could result in heavy, even chaotic, reductions in essential Government services to accommodate spending increases in the programs that cannot be cut.

My basic point here is that the spending ceiling proposal before us is unlike all those enacted heretofore in very basic and material ways. Unlike its predecessors, this one would encompass the entire Federal Establishment under a rigid ceiling:

The objective would be accomplished through the delegation of legislative authority and responsibility to the Executive, including the authority to change existing law. That is the key to my opposition to this proposed ceiling.

ITEM VETO

The pending bill does not specifically provide for an item veto, but its effect in many cases would be exactly the same. Every appropriation bill passed by the Congress includes a general provision limiting the use of funds in the bill to 1 fiscal year, unless specifically provided otherwise in the bill.

Many tens of billions of dollars amounting to a large share of the budget and covering a wide range of activities are appropriated for on a 1-year basis every year. For these programs and activities the operation of the proposed spending ceiling could result in an item veto. These funds could be deferred only until June 30, at which time they would revert to the Treasury.

FEDERAL BUDGET CHRONICALLY OUT OF BALANCE

It is obviously true that in view of the fiscal plight, the Federal Government has a desperate need to bring about an improvement in our fiscal system. As so many studies have recently pointed out, State and local governments have come out of the red and are now in the aggregate registering budget surpluses. The Federal budget, on the other hand, is in a condition of chronic imbalance.

CONGRESSIONAL VIEWPOINT OF A NONPARTISAN PROBLEM

The executive branch has spoken in its own behalf on this matter, taking the hard line that if Congress fails to adopt the rigid $250 billion ceiling it will have been derelict in its duty and dire consequences will result. House Concurrent Resolution 713 was written to present the problem from the standpoint of the legislative branch. It is not intended to be a partisan statement. I repeat, the situation we face resulted from nonpartisan policies and actions and its solution will require responsible nonpartisan attention.

THE FACT IS WE ALL ARE SPENDERS

As one indication of the nonpartisan origin of our problem, let me cite some figures on budget deficits going back over the last four administrations. The average annual Federal funds deficit for the Eisenhower administration was $2.7 billion; for the Kennedy administration it was $7.4 billion; for the Johnson administration, $11.6 billion; and for the present administration, including fiscal 1973, about $26 billion. Both political parties and both the executive and legislative branches have contributed to this trend toward intolerably large Federal deficits.

ONE QUARTER OF FEDERAL DEBT ACCUMULATED IN THE LAST 4 YEARS

Consider that during the 4-year period ending June 30, 1973 we will have accumulated just under one-fourth of the total Federal debt.

CONGRESSIONAL ACTION ON SPENDING REQUESTS 1970–72

For the first 3 of these fiscal years, 1970–72, Congress made many changes and adjustments in the spending proposals of the Executive. But the net result of congressional action and inaction was to virtually endorse the total spending program recommended by the Executive. Over this period when Federal outlays increased by $47 billion, congressional action and inaction with regard to Executive spending proposals resulted in a total addition of about $350 million, a change of less than 1 percent.

I might add that during those same 3 years congressional actions on appropriation bills resulted in an average reduction of about $1.5 billion in spending per year. Congressional action on nonappropriation measures that also authorize or mandate spending resulted in the net stand-off for those 3 years.

CONGRESSIONAL SPENDING INITIATIVES IN FISCAL YEAR 1973

In fiscal year 1973 congressional actions on appropriations will probably result in a spending reduction in excess of $1 billion. But again, the net result of all congressional actions and inactions—including nonappropriation bills that authorize spending—probably will be to increase the spending budget by about $6 billion.

SOCIAL SECURITY, BLACK LUNG, REVENUE SHARING

While the President announced his disapproval of some of the larger components of this increase, he nevertheless did concur with congressional action by signing into law the bills involved. Increases in social security benefits, for instance, account for $2.1 billion of the increase. Black lung benefits account for another $1 billion. The retroactive feature of the President's own high-priority revenue-sharing program accounts for $2.25 billion of the increase.

CONGRESSIONAL CONTROL OF SPENDING

Some have endorsed the idea of putting a spending ceiling on each appropriation bill as it was passed by the Congress as a means of getting a handle on Federal spending. I would only comment at this point, since I have just recited the pertinent facts, that congressional actions on appropriations bills have resulted in reductions in Federal spending in recent years. It is congressional action on nonappropriation bills, which also authorize and sometimes mandate spending, that have produced spending over budget requests.

Members usually are well aware that their votes on appropriations bills for whatever purpose somehow have to square with their responsibility to face the fiscal situation. Many Members, however, were probably not aware that bills involving retroactive revenue sharing, social security, black lung, and veterans benefits, and water pollution control also substantially affected the budget this year. If Congress wants to improve its record on the budget, it should perhaps find a way to bring into sharp focus the budget implications of spending authorized and mandated by nonappropriation bills.

The total situation, of course, calls for the submission by the Executive of more realistic budgets in the first place, followed by congressional approval of spending programs based on the availability of funds.

Without launching further into a terribly complicated subject, I would only like to make a final point. Historically Congress has exercised its power over the purse by authorizing the Executive to continue or initiate programs and activities and thereby commit the Federal Government to pay its bills and honor its contracts. Not one penny can be spent without this initial commitment. This is what we must keep in mind when we vote for attractive new programs. The bills must finally be paid if the full faith and credit of the Federal Government is to be upheld.

EXECUTIVE SPENDING INITIATIVES IN THE 1973 BUDGET

Every Congress and every administration usually favors some new initiatives. New Executive initiatives as projected in the 1973 budget would cost $33 billion by their fifth year.

SPENDING ASSUMPTIONS IN $250 BILLION CEILING

The proposed $250 billion spending ceiling itself, it should be pointed out, assumes a spending increase over the previous fiscal year of $18 billion.

It is also part of a package submitted to the Congress in the Mid-Session Review of the budget that includes a recommended increase of about $30 billion in new budget—obligational—authority for fiscal 1973 over 1972. Budget authority to spend is but the cutting edge of Federal commitment. Sooner or later, the bills must be paid. This $30 billion increase in new budget—obligational—authority represents a significant contribution to the momentum of Federal spending programs.

A $300 BILLION SPENDING BUDGET BY 1975

Estimates of private researchers now suggest that outlays under existing administration programs and initiatives would amount to $300 billion by 1975. That would amount to a 2-year spending increase of $50 billion over the proposed $250 billion ceiling.

The situation in which we find ourselves I would strongly maintain is not largely the result of policies or actions of a particular party or of a particular branch of Government. We have walked down this road together hand in hand. It is a serious national problem with long-range implications that require the responsible attention of the Federal Government and the citizen.

CONFERENCE REPORT ON H.R. 15641, CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. FISHER submitted the following conference report and statement on the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1545)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(*First Army*)

Fort Belvoir, Virginia, $11,027,000.
Carlisle Barracks, Pennsylvania, $1,078,000.
Fort Dix, New Jersey, $1,215,000.
Fort Eustis, Virginia, $7,535,000.
Fort Knox, Kentucky, $20,244,000.
Fort Lee, Virginia, $1,048,000.
Fort George G. Meade, Maryland, $1,818,000.

(Third Army)

Fort Benning, Georgia, $6,040,000.
Fort Bragg, North Carolina, $964,000.
Fort Campbell, Kentucky, $10,957,000.
Fort Gordon, Georgia, $5,225,000.
Fort Jackson, South Carolina, $18,650,000.
Fort McClellan, Alabama, $333,000.
Fort Rucker, Alabama, $3,232,000.

(Fifth Army)

Fort Bliss, Texas, $3,382,000.
Fort Benjamin Harrison, Indiana, $1,966,000.
Fort Hood, Texas, $36,193,000.
Fort Leavenworth, Kansas, $1,054,000.
Fort Polk, Louisiana, $4,997,000.
Fort Riley, Kansas, $787,000.
Fort Sill, Oklahoma, $14,958,000.
Fort Leonard Wood, Missouri, $18,578,000.

(Sixth Army)

Fort Carson, Colorado, $16,098,000.
Presidio of Monterey, California, $4,118,000.
Fort Ord, California, $8,451,000.
Presidio of San Francisco, California, $12,367,000.

MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, $120,000.
Fort Myer, Virginia, $1,815,000.

UNITED STATES ARMY MATERIEL COMMAND

Anniston Army Depot, Alabama, $1,460,000.

Army Materials and Mechanics Research Center, Massachusetts, $332,000.

Harry Diamond Laboratories, Maryland, $20,867,000.

Edgewood Arsenal, Maryland, $1,902,000.

Lexington-Blue Grass Army Depot, Kentucky, $1,610,000.

Fort Monmouth, New Jersey, $475,000.

Pueblo Army Depot, Colorado, $654,000.

Redstone Arsenal, Alabama, $547,000.

Rock Island Arsenal, Illinois, $444,000.

Sierra Army Depot, California, $2,633,000.

Yuma Proving Ground, Arizona, $926,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

Various locations, $1,923,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $1,549,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Ritchie, Maryland, $545,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $3,493,000.

ARMY MEDICAL DEPARTMENT

Fitzsimons General Hospital, Colorado, $685,000.

Walter Reed Army Medical Center, District of Columbia, $13,161,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,245,000.

Military Ocean Terminal, Sunny Point, North Carolina, $802,000.

UNITED STATES ARMY, ALASKA

Alaska General, Alaska, $673,000.

Fort Richardson, Alaska, $1,273,000.

UNITED STATES ARMY, HAWAII

Fort Kamehameha, Hawaii, $1,245,000.

Schofield Barracks, Hawaii, $2,918,000.

Tripler Army Medical Center, Hawaii, $1,589,000.

BARRACKS MODERNIZATION

Various Locations, $103,225,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $22,776,000.

Various Locations, Water Pollution Abatement, $36,502,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,129,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $2,018,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $13,289,000.

Site Defense of Minuteman, $19,000,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $3,273,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $1,412,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $11,953,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $58,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 91-511, as amended, is amended under the heading "Inside the United States" in section 101 as follows:

(1) With respect to "Burlington Army Ammunition Plant, New Jersey", strike out "$384,000" and insert in place thereof "$650,000".

(2) With respect to "Sierra Army Depot, California", strike out "$369,000" and insert in place thereof "$761,000".

(3) With respect to "Tobyhanna Army Depot, Pennsylvania", strike out "$115,000" and insert in place thereof "$261,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (1) of section 602 "$180,502,000" and "$265,699,000" and inserting in place thereof "$181,306,000" and "$266,503,000", respectively.

SEC. 105. (a) Public Law 92-145 is amended under the heading "Pollution Abatement" in section 101 as follows: With respect to "Various Locations, Water Pollution Abatement Facilities", strike out "$34,791,000" and "$2,000,000" and insert in place thereof "$35,291,000" and "$2,500,000", respectively.

(b) Public Law 92-145 is amended by striking out in clause (1) of section 702 "$363,126,000" and "$404,500,000" and inserting in place thereof "$363,626,000" and "$45,000,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $2,499,000.

Naval Hospital, Newport, Rhode Island, $423,000.

Navy Public Works Center, Newport, Rhode Island, $546,000.

Naval Station, Newport, Rhode Island, $2,050,000.

Naval Underwater Systems Center, New port, Rhode Island, $2,257,000.

Naval War College, Newport, Rhode Island, $8,469,000.

Naval Air Rework Facility, Quonset Point, Rhode Island, $1,460,000.

Naval Air Station, Quonset Point, Rhode Island, $3,636,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $7,647,000.

Naval Submarine School, New London, Connecticut, $728,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey, $107,000.

Naval Air Test Facility, Lakehurst, New Jersey, $1,504,000.

Navy Finance Center, Cleveland, Ohio, $2,777,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $9,323,000.

Naval Air Test Center, Patuxent River, Maryland, $4,914,000.

Naval Electronic Systems Test and Evaluation Facility, St. Inigoes, Maryland, $140,000.

Naval Ordnance Laboratory, White Oak, Maryland, $438,000.

Naval Hospital, Quantico, Virginia, $185,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia, $294,000.

Naval Amphibious Base, Little Creek, Virginia, $1,300,000.

Navy Public Works Center, Norfolk, Virginia, $3,319,000.

Naval Shipyard, Norfolk, Virginia, $5,116,000.

Naval Station, Norfolk, Virginia, $3,186,000.

Naval Supply Center, Norfolk, Virginia, $5,968,000.

Naval Air Station, Oceana, Virginia, $2,347,000.

Naval Ophthalmic Support and Training Activity, Yorktown, Virginia, $421,000.

Naval Security Detachment, Sugar Grove, West Virginia, $475,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $479,000.

Naval Air Rework Facility, Jacksonville, Florida, $6,950,000.

Naval Air Station, Jacksonville, Florida, $3,676,000.

Naval Training Center, Orlando, Florida, $1,058,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $1,216,000.

Naval Air Rework Facility, Pensacola, Florida, $6,275,000.

Naval Air Station, Pensacola, Florida, $2,850,000.

Naval Communications Training Center, Pensacola, Florida, $4,998,000.

Naval Hospital, Pensacola, Florida, $19,156,000.

Naval Air Station, Whiting Field, Florida, $756,000.

Naval Air Station, Glynco, Georgia, $1,213,000.

Naval Home, Gulfport, Mississippi, $3,300,000.

Naval Air Station, Meridian, Mississippi, $6,584,000.

Naval Shipyard, Charleston, South Carolina, $5,316,000.

Naval Station, Charleston, South Carolina, $3,452,000.

Naval Air Station, Memphis, Tennessee, $10,512,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $11,680,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico, $160,000.

Naval Ammunition Depot, McAlester, Oklahoma, $6,336,000.

Naval Air Station, Corpus Christi, Texas $642,000.

Naval Air Station, Kingsville, Texas, $250,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $108,000.

Naval Training Center, Great Lakes, Illinois, $5,147,000.

ELEVENTH NAVAL DISTRICT

Naval Amphibious Base, Coronado, California, $2,761,000.

Naval Air Station, Imperial Beach, California, $1,252,000.

Naval Shipyard, Long Beach, California, $5,586,000.

Naval Station, Long Beach, California, $1,844,000.

Naval Air Station, Miramar, California, $4,372,000.

Naval Air Rework Facility, North Island, California, $3,015,000.

Naval Air Station, North Island, California, $12,144,000.

Pacific Missile Range, Point Mugu, California, $665,000.

Naval Construction Battalion Center, Port Hueneme, California, $470,000.

Navy Public Works Center, San Diego, California, $1,758,000.

Naval Station, San Diego, California, $8,291,000.

Navy Submarine Support Facility, San Diego, California, $631,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $8,134,000.

Naval Facility, Centreville Beach, Ferndale, California, $664,000.

Naval Air Station, Lemoore, California, $3,981,000.

Naval Schools Command, Mare Island, Vallejo, California, $5,153,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,450,000.

Naval Air Station, Moffet Field, California, $5,491,000.

Fleet Numerical Weather Central, Monterey, California, $2,830,000.

Naval Station, Treasure Island, San Francisco, California, $2,690,000.

Naval Security Group Activity, Skaggs Island, California, $615,000.

Naval Air Station, Fallon, Nevada, $214,000.

Naval Ammunition Depot, Hawthorne, Nevada, $6,003,000.

THIRTEENTH NAVAL DISTRICT

Naval Communication Station, Adak, Alaska, $591,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $1,114,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $5,992,000.

Naval Torpedo Station, Keyport, Washington, $96,000.

Naval Air Station, Whidbey Island, Washington $8,744,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $100,000.

Naval Ammunition Depot, Oahu, Hawaii, $10,089,000.

Naval Dispensary, Pearl Harbor, Hawaii, $3,593,000.

Naval Shipyard, Pearl Harbor, Hawaii, $424,000.

Naval Station, Pearl Harbor, Hawaii, $2,623,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,755,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $5,233,000.

Marine Corps Development and Education Command, Quantico, Virginia, $6,492,000.

Marine Corps Base, Camp Lejeune, North Carolina, $9,672,000.

Marine Corps Air Station, Cherry Point, North Carolina, $2,143,000.

Marine Corps Air Station, New River, North Carolina, $3,748,000.

Fleet Marine Force, Atlantic, Norfolk, Virginia, $2,602,000.

Marine Corps Supply Center, Albany, Georgia, $236,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,757,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,612,000.

Marine Corps Air Station, Yuma, Arizona, $2,030,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $2,996,000.

Marine Corps Base, Camp Pendleton, California, $14,972,000.

Marine Corps Air Station, El Toro, California, $523,000.

Marine Corps Air Station, Orange County, California, $40,379,000.

Marine Corps Base, Twentynine Palms, California, $2,017,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, $1,050,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $25,194,000.

Various Locations, Water Pollution Abatement Facilities, $55,016,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Communication Station, Ponce, Puerto Rico, $586,000.

Naval Facility, Ramey Air Force Base, Puerto Rico, $207,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,497,000.

Naval Security Group Activity, Sabana Seca, Puerto Rico, $660,000.

Naval Facility, Grand Turk, The West Indies, $271,000.

ATLANTIC OCEAN AREA

Naval Air Facility, Lajes, Azores, $120,000.

Naval Air Station, Bermuda, Bermuda Islands, $90,000.

Naval Air Station, Guantanamo Bay, Cuba, $144,000.

Naval Hospital, Guantanamo Bay. Cuba, $738,000.

Naval Station, Guantanamo Bay, Cuba, $3,310,000.

Naval Station, Keflavik, Iceland, $1,297,000.

EUROPEAN AREA

Naval Communication Unit, London, England, $88,000.

Naval Detachment, Souda Bay, Crete, Greece, $5,308,000.

Naval Air Facility, Sigonella, Sicily, Italy, $8,932,000.

Naval Station, Rota, Spain, $860,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $6,100,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,743,000.

Naval Air Station, Agana, Guam, Mariana Islands, $1,008,000.

Naval Hospital, Guam, Mariana Islands, $598,000.

Naval Magazine, Guam Mariana Islands, $968,000.

Navy Public Works Center, Guam, Mariana Islands, $158,000.

Naval Station, Guam, Mariana Islands, $202,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $4,470,000.

Naval Communications Station, San Miguel, Republic of the Philippines, $395,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $267,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, $1,200,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilties which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided,* That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: With respect to Naval Shipyard, San Francisco, California, strike out "$3,412,000" and insert in place thereof "$4,017,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$123,909,000" and "$148,072,000" and inserting in place thereof "$124,514,000" and "$148,677,000", respectively.

SEC. 204. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$1,590,000" and insert in place thereof "$2,575,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (2) of section 802, "$422,599,000" and "$470,796,000" and inserting in place thereof "$423,584,000" and "$471,781,000", respectively.

SEC. 205. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Observatory Flagstaff Station, Flagstaff, Arizona, strike out "$286,000" and insert in place thereof "$1,804,000".

(2) With respect to Marine Corps Base, Camp Lejeune, North Carolina, strike out "$1,384,000" and insert in place thereof "$1,703,000".

(b) Public Law 91–511, as amended, is amended under the heading "OUTSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Magazine, Guam Mariana Islands, strike out "$3,287,000" and insert in place thereof "$7,457,000".

(c) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602, "$246,118,000", "$21,994,000" and "$269,086,000" and inserting in place thereof "$246,955,000", "$26,164,000" and "$274,093,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $5,423,000.

Tyndall Air Force Base, Panama City, Florida, $388,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio $138,000.

Hill Air Force Base, Ogden, Utah, $2,755,000.

Kelly Air Force Base, San Antonio, Texas, $4,444,000.

McClellan Air Force Base, Sacramento, California, $9,318,000.

Robins Air Force Base, Macon, Georgia, $8,149,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $10,569,000.

Wright-Patterson Air Force Base, Dayton Ohio, $14,074,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $300,000.

Brooks Air Force Base, San Antonio, Texas, $3,566,000.

Edwards Air Force Base, Muroc, California, $534,000.

Eglin Air Force Base, Valparaiso, Florida, $10,920,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $893,000.

Satellite Tracking Facilities, $151,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $5,875,000.

Keesler Air Force Base, Biloxi, Mississippi, $4,454,000.

Lackland Air Force Base, San Antonio, Texas, $3,644,000.

Laredo Air Force Base, Laredo, Texas, $133,000.

Laughlin Air Force Base, Del Rio, Texas, $711,000.

Lowry Air Force Base, Denver, Colorado, $987,000.

Mather Air Force Base, Sacramento, California, $1,558,000.

Randolph Air Force Base, San Antonio, Texas, $674,000.

Reese Air Force Base, Lubbock, Texas, $2,235,000.

Sheppard Air Force Base, Wichita Falls, Texas, $5,074,000.

Williams Air Force Base, Chandler, Arizona, $329,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $3,000,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $2,885,000.

Various Locations, $2,012,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $3,714,000.

Bolling Air Force Base, Washington, District of Columbia, $20,226,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $543,000.

Dover Air Force Base, Dover, Delaware, $3,164,000.

McChord Air Force Base, Tacoma, Washington, $1,470,000.

McGuire Air Force Base, Wrightstown, New Jersey, $4,509,000.

Norton Air Force Base, San Bernardino, California, $1,009,000.

Scott Air Force Base, Belleville, Illinois, $359,000.

Travis Air Force Base, Fairfield, California, $274,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $4,330,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $2,708,000.

Blytheville Air Force Base, Blytheville, Arkansas, $92,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $2,665,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $103,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $1,812,000.

Griffiss Air Force Base, Rome, New York, $3,306,000.

Grissom Air Force Base, Peru, Indiana, $138,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $338,000.

Loring Air Force Base, Limestone, Maine, $2,523,000.

Malmstrom Air Force Base, Great Falls, Montana, $1,145,000.

March Air Force Base, Riverside, California, $4,512,000.

Minot Air Force Base, Minot, North Dakota, $1,664,000.

Offutt Air Force Base, Omaha, Nebraska, $5,271,000.

Vandenberg Air Force Base, Lompoc, California, $3,185,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $455,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $948,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $210,000.

Cannon Air Force Base, Clovis, New Mexico, $558,000.

England Air Force Base, Alexandria, Louisiana, $2,095,000.

George Air Force Base, Victorville, California, $501,000.

Holloman Air Force Base, Alamogordo, New Mexico, $772,000.

Homestead Air Force Base, Homestead, Florida, $3,184,000.

Langley Air Force Base, Hampton, Virginia, $2,514,000.

MacDill Air Force Base, Tampa, Florida, $4,428,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $318,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $145,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,722,000.

Pope Air Force Base, Fayetteville, North Carolina, $1,955,000.

Shaw Air Force Base, Sumter, South Carolina, $4,000,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $3,312,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,564,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $7,300,000.

Various Locations, Water Pollution Abatement Facilities, $9,691,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $12,000,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Satellite Tracking Facilities, $310,000.

AEROSPACE DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,704,000.

PACIFIC AIR FORCES

Various Locations, $4,612,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $800,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $11,422,000.

United Kingdom, $5,605,000.

Various Locations, $3,404,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $171,000.

Various Locations, Water Pollution Abatement Facilities, $4,537,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $18,660,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows: With respect to Williams Air Force Base, Chandler, Arizona, strike out $4,462,000" and insert in place thereof, "$5,008,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (c) of section 702 "$208,611,000" and "$268,994,000" and inserting in place thereof "$209,157,000" and "$269,540,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE INTELLIGENCE AGENCY

Arlington Hall Station, Virginia, $1,600,000.

DEFENSE NUCLEAR AGENCY

Naval Ordnance Laboratory, White Oak, Maryland, $2,236,000.

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $360,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing Facility, Tracy, California, $137,000.

Defense Construction Supply Center, Columbus, Ohio, $1,199,000.

Defense Documentation Center, Alexandria, Virginia, $98,000.

Defense Depot, Mechanicsburg, Pennsylvania, $722,000.

Defense Depot, Memphis, Tennessee, $828,000.

Defense Depot, Ogden, Utah, $1,091,000.

Defense Depot, Tracy Annex, Stockton, California, $682,000.

Defense Electronics Supply Center, Dayton, Ohio, $159,000.

Defense General Supply Center, Richmond, Virginia, $1,171,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $5,221,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $17,500,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, three thousand nine hundred and forty-eight units $100,089,000:

National Guard Battalion Headquarters, Bethel, Alaska, two units.

National Guard Battalion Headquarters, Nome, Alaska, two units.

Fort Huachuca, Arizona, one hundred units.

Sierra Army Depot, California, eighty units.

Fort Carson, Colorado, three hundred units.

Walter Reed Army Medical Center, District of Columbia, three hundred units.

Fort Benning, Georgia, four hundred and seventy-four units.

United States Army Installations, Oahu, Hawaii, six hundred and forty units.

For Riley, Kansas, one hundred units.

United States Army Installations, St. Louis, Missouri, two hundred units.

Fort Monmouth, New Jersey, one hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, five hundred units.

Fort Hood, Texas, one thousand units.

Fort Belvoir, Virginia, one hundred and fifty units.

(2) The Department of the Navy, four thousand six hundred units, $119,900,000.

Naval Complex, Long Beach, California, four hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred units.

Naval Complex, Washington, District of Columbia, six hundred units.

Naval Training Center, Orlando, Florida, three hundred units, and additional real estate.

Naval Complex, Oahu, Hawaii, five hundred units.

Naval Complex, Great Lakes/Glenview, Illinois, three hundred and fifty units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Air Station, Meridian, Mississippi, two hundred units.

Naval Air Station, Lakehurst, New Jersey, two hundred units.

Naval Complex, Newport, Rhode Island, one hundred and fifty units.

Naval Complex, Charleston, South Caroline, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units, and additional real estate.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty units.

Naval Complex, Guam, Marianas Islands, two hundred and thirty units.

Naval Air Station, Bermuda, two hundred and fifty units.

(3) The Department of the Air Force, three thousand one hundred and sixty-eight units, $76,024,000:

Maxwell/Gunter Air Force Bases, Alabama, two hundred units.

Davis-Monthan Air Force Base, Arizona, four hundred units.

Lowry Air Force Base, Colorado, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Nellis Air Force Base, Nevada, two hundred units.

Laredo Air Force Base, Texas, two hundred units.

Hill Air Force Base/Defense Depot, Ogden, Utah, three hundred and eighteen units.

Langley Air Force Base, Virginia, five hundred units.

San Vito Air Station, Italy, one hundred and fifty units.

Incirlik Air Base, Turkey, two hundred units. (b) Mobile home facilities:

(1) The Department of the Army, four hundred and twenty-one spaces, $1,662,000.

(2) The Department of the Navy, four hundred and thirty-two spaces, $1,725,000.

(3) The Department of the Air Force, five hundred and fifty spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $22,511,000.

(2) for the Department of the Navy, $9,121,000.

(3) for the Department of the Air Force, $11,955,000.

SEC. 504. Notwithstanding the limitations contained in section 502 of this Act, the Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four-family housing units in Brazil at a total cost not to exceed $215,000. This authority shall include the authority to acquire lands and interests in land.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Sec. 279, 305), as follows:

The United States Naval Academy, Annapolis, Maryland, eleven units $275,000.

Royal Air Force Station, Mildenhall, New Market, United Kingdom, one unit, $18,500.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended by (1) striking out "1972 and 1973" in the first sentence and inserting in lieu thereof "1973 and 1974", and (2) striking out the third sentence and inserting a new sentence as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and, for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by (1) striking out "1972 and 1973" and inserting in lieu thereof "1973 and 1974", and (2) striking out "$210" and inserting in lieu thereof "$225".

SEC. 508. (a) Notwithstanding the provisions of any other law, members of the uniformed services (as defined in section 101 (3) of title 37, United States Code), with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of a military department notwithstanding that such quarters may have been constructed or converted for assignment as public quarters, subject to a charge against their basic allowance for quarters in the amount of the fair rental value of the housing facility: *Provided*, That notwithstanding the fair rental value of such family housing facility, no charge for occupancy thereof shall be made against the basic allowance for quarters of the occupant in excess of 75 per centum of such allowance, except that in no event shall the total charge to the occupants' basic allowance for quarters for such housing at any installation be less than the cost of maintenance and operation thereof. The net difference between the basic allowance for quarters and the occupancy charge shall be paid to the occupant from otherwise available appropriations.

(b) The Secretaries of the Military Departments are each authorized, subject to regulations approved by the Secretary of Defense—

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and,

(2) to lease inadequate housing to personnel of any of the mentioned services for occupancy by them and their dependents. In no event shall more than a total of 20,000 housing units be determined inadequate as

public quarters under authority of this section.

(c) On the effective date of this section, section 407 of Public Law 85-241 (71 Stat. 556), as amended (42 U.S.C. 1594j), is repealed.

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $319,792,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $730,949,000.

TITLE VI

HOMEOWNERS ASSISTANCE

SEC. 601. Effective November 30, 1970, section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) as amended, is amended by (1) deleting the period at the end of subsection 1013(d) and adding the following: ", except in connection with compensation for property located on a base or installation pursuant to subsection (1).", and by (2) adding the following new subsection:

"(1) Notwithstanding the provisions of subsection (a)(2) and the second proviso of subsection (b), Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) for losses sustained in private sales. Such employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such proprety, may surrender their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however*, That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term 'United States' means the several States and the District of Columbia."

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public work projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $441,704,000; outside the United States, $117,074,000; or a total of $558,778,000.

(2) for title II: Inside the United States, $474,450,000; outside the United States, $41,217,000; or a total of $515,667,000.

(3) for title III: Inside the United States, $232,925,000; outside the United States, $32,565,000; section 302, $18,660,000; or a total of $284,150,000.

(4) for title IV: A total of $33,004,000.

(5) for title V: Military family housing, $1,050,741,000.

SEC. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts, which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest possible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1973, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394), and all such authorizations contained in Acts approved before October 28, 1971, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1973, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394, 410), authorizations for the following items which shall remain in effect until October 1, 1974:

(A) utilities in the amount of $2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(B) utilities in the amount of $2,333,000 at Radford Army Ammunition Plant, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(C) utilities in the amount of $876,000 at Fort Ritchie, Maryland, that is contained in title I, section 101 of the Act of October 26, 1970 (85 Stat. 1204), as amended.

(D) land acquisition contiguous to the Marine Corps Air Station, El Toro, California, as authorized in title II, section 204 of the Act of October 26, 1970 (84 Stat. 1204, 1212)

(E) land acquisition contiguous to the Marine Corps Air Station, Santa Ana, California, as authorized in title II, section 205 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilites projects, as to which appropriated funds have been obligated for construction contracts before such date.

Sec. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $27.00 per square foot for permanent barracks;

(2) $29.00 per square foot for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on units costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Sec. 707. Section 2683, title 10, United States Code (relating to relinquishment of legislative jurisdiction) is amended by revising subsection (a) thereof to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

Sec. 708. Section 709 of Public Law 92–145 (85 Stat. 394, 414) is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however,* That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code."

Sec. 709. Section 2662 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of $50,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the expiration of thirty days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the Committees on Armed Services of the Senate and the House of Representatives."

Sec. 710. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1973".

TITLE VIII

RESERVE FORCES FACILITIES

Sec. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $33,570,000.

(b) Army Reserve, $33,500,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $19,215,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $14,500,000.

(b) Air Force Reserve, $6,400,000.

Sec. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1973".

And the Senate agree to the same.

O. C. Fisher,
Lucien N. Nedzi,
Alton Lennon,
G. Elliott Hagan,
Speedy O. Long,
W. C. "Dan" Daniel,
G. V. Montgomery,
William G. Bray,
Alexander Pirnie,
Donald D. Clancy,
Walter E. Powell,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Sam J. Ervin, Jr.
Howard W. Cannon,
Harry F. Byrd, Jr.,
Strom Thurmond,
John G. Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

Joint Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On July 20, 1972, the House of Representatives passed H.R. 15641 which is the fiscal year 1973 military construction authorization for the Department of Defense and Reserve components.

On August 4, 1972, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 15641, as passed by the House of Representatives, provided new construction authorization to the military departments and the Department of Defense for fiscal year 1973 in the total amount of $2,567,334,000.

The bill as passed by the Senate provided new authorizations in the amount of $2,539,304,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 15641, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1973 in the amount of $2,549,525,000.

The Department of Defense and the respective military departments had requested a total of $3,047,961,000 for new construction authorization for fiscal year 1973. This amount included $399.4 million for ABM related construction later transferred by the Senate to the Military Procurement bill. The action of the conferees, therefore, reduces the departmental request by $99 million rather than $498 million as it would appear.

Total authorization granted fiscal year 1972

Title I—Army:	
Inside the United States	$441,704,000
Outside the United States	117,074,000
Subtotal	558,778,000
Title II—Navy:	
Inside the United States	474,450,000
Outside the United States	41,217,000
Subtotal	515,667,000
Title III—Air Force:	
Inside the United States	232,925,000
Outside the United States	32,565,000
Sec. 302	18,660,000
Subtotal	284,150,000
Title IV—Defense Agencies:	
Inside the United States	33,004,000
Title V—Military Family Housing	1,050,741,000
Total, Titles I, II, III, IV, and V	2,442,340,000

Title VIII—Reserve Components:	
Army National Guard	33, 570, 000
Army Reserve	33, 500, 000
Naval and Marine Corps Reserve	19, 215, 000
Air National Guard	14, 500, 000
Air Force Reserve	6, 400, 000
Total	107, 185, 000
Grand total granted by titles I, II, III, IV, V, and VIII	2, 549, 525, 000

TITLE I—ARMY

The House had approved construction in the amount of $568,920,000 for the Department of the Army. The Senate approved construction for the Army in the amount of $557,762,000. This was a reduction of $11,158,000.

The conferees agreed to a new total for Title I in the amount of $558,778,000.

Among the items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Rucker, Alabama—Field house, $2,093,000

The Senate deleted this particular project believing that due to fiscal restraints the three temporary buildings now in use could be utilized for another year. However, House conferees pointed out that a new facility would not only make it possible to have all sports activities under one roof making supervision easier, but would also greatly increase the scope of the athletic program. House conferees also pointed out that there are no other facilities on or off post that can be used for indoor sports activities. The relatively remote location of Fort Rucker from a metropolitan area prevents use of other community recreation facilities.

The Senate receded.

Fort Hood, Texas—Helicopter parking and maintenance facility, $2,464,000; Hangar, $1,313,000

The House deleted the Army's requests for these two projects due to uncertainties of the TRICAP test division and its maintenance requirements. Senate conferees pointed out that present operations from unpaved and inadequate surfaces compound maintenance and safety problems resulting from blowing dust and surface erosion. They further pointed out to the House conferees that these facilities will be required and fully utilized regardless of possible future refinements of the TRICAP concept. The Senate conferees insisted that denial of these projects would compound maintenance problems and present serious safety conditions to crews and high value equipment.

The House receded.

Presidio of Monterey, California—Academic facilities, $4,118,000

The Senate deleted authorization for the academic facilities requested for the Presidio of Monterey stating that the project was not an urgent requirement and could be deferred for at least a year.

House conferees pointed out that present facilities consist of three permanent academic buildings for a total of 116,640 square feet and nine temporary buildings with 85,000 square feet. These temporary buildings are scattered, in poor physical condition, and are seriously lacking in acoustical treatment, interior lighting, heating, ventilation, and sanitary facilities. The continued maintenance and operation of these nine temporary buildings, some of which are 70 years of age and the best of which is a World War II temporary structure, is very uneconomical.

After a thorough discussion of the problems, the Senate receded.

TITLE II—NAVY

The House approved $520,966,000 in new construction authorization for the Department of the Navy. The Senate approved $514,726,000.

The conferees agreed to a new total in the amount of $515,667,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Underwater System Center, Rhode Island—Systems Engineering and Computer Facility, $2,257,000

The House deleted this particular project believing that it was of relatively low priority in this year's Navy program. The Senate approved the project. In conference, Senate conferees pointed out that deficiencies in space for this activity have been occasioned by growth as ASW workload at NUSC laboratories. Personnel have increased from 2,615 in 1967 to 3,180 in June of 1972. Also, this facility will colocate from eight scattered and diverse location sonar, communications, fire control and ordnance personnel and provide more effective problem solutions to total ASW system by close and interrelated group and team association.

The House receded.

Naval Academy, Annapolis, Maryland—Engineering Studies Complex, Phase III, $9,323,000

The House deleted this project because of testimony during authorization hearings which revealed the Phase II contract on this complex had not been awarded. In conference, it was pointed out by Senate conferees that the most economical means of constructing the remaining structure is to contract for Phases II and III together. If Phase III is not authorized and funded this year, the utilization of a combined construction contract for Phases II and III will not be feasible because the time interval between the authorized construction of Phases II and III could result in a period of less than full production by the contractor. It was further pointed out that a delay between Phases II and III will likely increase the cost of both phases.

The House receded.

Naval Ammunition Depot, McAlester, Oklahoma—Bomb Loading Plant modernization, $5,946,000

This project was deferred by the Senate without prejudice to a future year's program. The House approved this project.

In conference, the House conferees pointed out that the plan to modernize the High Explosive Cast Fill plant at NAD, McAlester arose from a decision by the Joint Munitions Production Panel to consolidate the production of general purpose bombs for DOD under one service—the Navy. This decision was dictated by economic considerations. The single modernized plant will be capable of producing bombs at a sizable reduction in cost and with significant reduction in hazards to personnel. It is expected that labor costs per bomb can be reduced from $22 to $14, for an average annual savings of $6.2 million.

The Senate receded.

Naval Finance Center, Cleveland, Ohio—Data Processing Center, $2,777,000

The Senate version of the bill eliminated this project because the Senate felt that existing facilities could continue to service the desired functions. The House version included this project.

During the conference, House conferees pointed out that the requirement for this project is generated by the assignment of the Joint Uniform Military Pay System (JUMPS) to the Naval Finance Center (NFC). JUMPS means that the NFC will become the central processor of all active-duty pay throughout the world. This will require secure space for the additional computers required to implement the system. Since secure space is needed, it will not be practicable to utilize the existing facilities in the Federal Office Building in downtown Cleveland.

The Senate receded.

Trident Program

This year the Navy requested $14.3 million for the first phase of a Trident submarine base, which is currently estimated to eventually cost over $880 million. At this point in time the Navy is unable to state where the base is to be located—four different sites being under consideration. However, Navy authorities maintain that a decision will be made in time to begin land acquisition and some site preparation during fiscal year 1973. They insisted that some authorization was essential in fiscal year 1973 if the base construction program is to be kept in phase with the readiness date of the submarine.

The House approved the Navy's request, but it was denied by the Senate. The position of the Senate conferees was that funds should not be authorized for a base at an unknown location. They were adamant in their position that no accurate estimate of requirements could be arrived at until a site location is determined, and that the location had the approval of the Congress.

The House conferees were equally adamant that the program should not be delayed by the denial of some authority for the base. They were willing to compromise for $3½ million. The Senate conferees would not agree, and took the problem back to the full Committee of the Senate, which sustained the position of the Senate conferees. When it became apparent that there would be no authorizing legislation for military construction for fiscal year 1973, the House conferees most reluctantly receded to the Senate position.

TITLE III—AIR FORCE

The House approved $283,813,000 in new construction authorization for the Department of the Air Force. The Senate approved $284,299,000.

The conferees agreed to a new total in the amount of $284,150,000.

Among the major items in conference which were resolved after much deliberation were the following:

Griffiss AFB, New York—Electronic Research Laboratory, $3,306,000

The House approved, but the Senate denied, $3,306,000 for an electronic research laboratory at Griffiss AFB, New York. This project converts existing warehouse space into a suitable laboratory which, in addition to rectifying current deficiencies, will also provide additional unique laboratory space required to develop promising new concepts in communications switching and multiplexing and video communications using the millimeter and optical portions of the frequency spectrum.

The Senate believed that existing facilities would suffice for the present. However, the House conferees pointed out the need for effective reliable ground navigation systems to guide piloted and remotely piloted aircraft and ground electronic surveillance systems to detect personnel and vehicles for the purposes of air base or tactical interdiction.

The Senate receded.

Ramstein AB, Germany—Air Freight Terminal, $3,261,000

The House version of the bill included the Air Force request for an air freight terminal at Ramstein AB, Germany. The Senate denied the request since they felt that the air freight terminals at Rhein-Main in Frankfurt could be continued in use for a least another year.

House conferees pointed out to the Senate conferees that it was not economically or physically feasible to continue this operation in existing facilities at Rhein-Main and, if the operation were to remain there, a new air freight terminal would be required. At Rhein-Main, we have lost the use of 22,000 square yards of concrete aircraft parking areas because of the construction of a new all-weather landing system by the Federal Republic of Germany. $500,000 for new parking space would be required if the operation were continued at Rhein-Main, whereas adequate aircraft parking space is available at Ramstein. Another $300,000 would be required for the construction of a new fleet services facility to continue the operation at Rhein-Main. Besides this $800,000 additional cost to continue the operation at Rhein-Main, the Air Force would continue to be faced with serious operational limitations due to airfield congestion, a very undesirable mix of military/civilian air traffic, and the 90-mile surface transportation from Rhein-Main to the Army activities being supported.

After a thorough discussion, the Senate receded.

Kelly AFB, Texas—Aircraft Jet Engine Test Facility, $961,000

The House Committee deferred this project without prejudice because it was felt that the project could be deferred to a future program without impinging upon the mission of the Air Force. The Senate bill included this project.

In conference, the Senate conferees were adamant in pointing out to the House conferees that this test facility for the F–100–PW engine is needed to (1) carry out the F–15 Integrated Logistics System Plan, (2) prevent overruns in the F–15 procurement program, and (3) establish organic logistics support for this mission-essential weapons system. The F–15 is on schedule with the sixth highly successful flight conducted on 3 August 1972.

The Senate conferees pointed out that a year's delay during the critical rapid buildup of workload could jeopardize logistics support to operational units.

The House recedes.

TITLE IV—DEFENSE AGENCIES

Section 402

The Department of Defense requested $30 million for the Secretary of Defense's contingency fund. This figure is double the amount requested last year. Testimony revealed that the average use of the contingency authority for calendar years 1968 through 1971 has been $27 million per year. Also, Defense witnesses testified that just under $37 million was presently available in the contingency fund. Therefore, the House authorized $20 million and the Senate authorized $15 million.

After a thorough discussion of the possible needs in FY 1973, the conferees agreed to an authorization of $17,500,000.

TITLE V—FAMILY HOUSING

The House denied but the Senate approved one unit of housing for the Director of the Cold Region Research Engineering Laboratories, Hanover, New Hampshire, at the cost of $45,000, which includes the cost of about one half acre of land on which to locate the set of quarters. A set of quarters have heretofore been leased from Dartmouth College, which quarters are no longer available. The Senate took the position that this set of quarters should be approved since the increased activity at Dartmouth College makes it extremely difficult, if not impossible, to locate adequate quarters on the economy. The House was adamant in their position that the cost of the proposed set of quarters is excessive, being some $3,000 above the maximum statutory limitation, and they believe that through concentrated efforts adequate quarters can be located on the economy. The Senate reluctantly agreed.

The Senate denied, but the House approved, a request of the Army for $5,525,000 to repair 2,838 sets of quarters occupied by American military families at five locations in Germany. The Senate did not question the need for these repairs, which relate primarily to updating plumbing and electrical systems. The Senate pointed out that these quarters were built by the Germans for use by American military families, and will revert to the Germans when no longer used. They were strongly of the opinion that these units should be repaired by the Germans under the Offset Agreement. The House does not disagree, but was of the opinion that authority for these repairs should be granted but funding denied in order that the repairs can be performed from savings or when funds do become available. The Senate agreed.

This year the Department requested an increase in the number of units that may be leased under the Domestic Leasing Program. The statutory limitation would be increased from 10,000 to 12,900 units. The request was denied by both the House and the Senate. This resulted in the reduction by the House in the amount requested for the leasing program of $4,089,000. While denying the increase in units, the Senate permitted the funds to remain in the Housing account to be applied against a great backlog of deferred maintenance. The House reluctantly agreed in consideration of the fact that the deferred maintenance backlog is in excess of $173 million.

The Senate added a new section to the bill (sec. 508) which will authorize the Secretaries of the Military Departments, based upon regulations laid down by the Secretary of Defense, to designate as rental housing such housing units now in inventories that are determined to be inadequate as public quarters, and that cannot be economically upgraded to meet the standards of adequacy. Such housing could then be leased to eligible personnel at the fair market rental value, but not to exceed 75 percent of their basic allowance for quarters, except that in no event shall the total charge be less than the cost of operation and maintenance thereof. The House conferees reluctantly agreed to the Senate language on inadequate quarters with an amendment limiting the number of units that could be declared inadequate under this section to 20,000.

The House conferees pointed out that the House Committee has consistently opposed this theory of declaring the quarters inadequate because it would seem to perpetuate marginal housing for our military families. However, with the amendment mentioned above, the House conferees stated they would try this concept for one year and again review the housing situation to see whether or not consideration should be given to a modest increase in this limitation in the future if there appears to be definite need to do so.

TITLE VII—GENERAL PROVISIONS

The Senate added a provision (Section 707) amending Section 2683 of Title 10, United States Code, which would amend the existing authority of the Military Departments to retrocede legislative jurisdiction over military installations within the 50 States to also include any Commonwealth, territory, or possession.

Section 2683 of Title 10, United States Code, provides an expeditious administrative procedure for retroceding legislative jurisdiction over military installations located in the several States. There is considerable question as to the application of the law with respect to such installations located in any other Governmental entity subject to the United States. Parenthetically, this problem was recently brought to light in connection with the proposed outgranting of a portion of Ramey Air Force Base to the Commonwealth of Puerto Rico.

In order to remove any doubt as to the application of Section 2683 in situations such as that involving Ramey Air Force Base, the Senate added, after the word State in said code section, "or to a Commonwealth, territory, or possession of the United States, . . ."

House conferees agreed that the technicality brought on by joint use of Ramey AFB with the Commonwealth of Puerto Rico should be cleared up with the proposed Senate amendment.

The House receded.

TITLE VIII—RESERVE FORCES FACILITIES

During the extensive review of the Reserve Forces facilities program, the House Committee developed considerable concern as to the adequacy for Air National Guard facilities. The House Committee also expressed a similar concern over the adequacy of the Naval Reserve program and concluded that additional authorization would be needed for these programs in fiscal year 1973.

Accordingly, the House Committee added $5 million to the Air National Guard and Naval Reserve requests.

In its deliberation, the Senate adjusted the figures to add $5.5 million to the Air National Guard program and $4.5 million to the Naval Reserve program.

After much discussion as to the needs of each of these Reserve programs, the House receded.

O. C. Fisher,
Lucien N. Nedzi,
Alton Lennon,
G. Elliott Hagan,
Speedy O. Long,
W. C. "Dan" Daniel,
G. V. Montgomery,
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Harry F. Byrd, Jr.,
Strom Thurmond,
John G. Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 9727, RESTRICTION ON DUMPING OF MATERIAL IN OCEANS, COASTAL, AND OTHER WATERS

Mr. LENNON, on behalf of Mr. Garmatz, filed the following conference report and statement on the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes:

Conference Report (H. Rept. No. 92–1546)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727), to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1972".

FINDING, POLICY, AND PURPOSE

Sec. 2. (a) Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control,

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: *Provided further*, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: *And provided further*, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power eactors.

(k) "Transport" or "transportation" refers to the carriage and related handling of any material by a vessel, or by any other vehicle, including aircraft.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport from the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or except as may be authorized in a permit issued under this title, and subject to regulations issued under section 108 hereof by the Secretary of the Department in which the Coast Guard is operating, any other material for the purpose of dumping it into ocean waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, transported from any location outside the United States, (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport from any location outside the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material for the purpose of dumping it into ocean waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearings, for the transportation from the United States or, in the case of an agency or instrumentality of the United States, for the transportation from a location outside the United States, of material for the purpose of dumping it into ocean waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shore lines and beaches.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,

(ii) potential changes in marine ecosystem diversity, productivity, and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.

(H) The effect on alternate uses of oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

(I) In designating recommended sites, the Administrator shall utilize wherever feasible locations beyond the edge of the Continental Shelf.

In establishing or revising such criteria, the Administrator shall consult with Federal, State, and local officials, and interested members of the general public, as may appear appropriate to the Administrator. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) No permit is required under this title for the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location. Where the Administrator makes such a finding, such material may be deposited only as authorized by a permit issued by the Administrator under this section.

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, the Secretary may issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a), the Secretary shall apply those criteria, established pursuant to section 102(a), relating to the effects of the dumping. Based upon an evaluation of the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Secretary shall make an independent determination as to the need for the dumping. The Secretary shall also make an independent determination as to other possible methods of disposal and as to appropriate locations for the dumping. In considering appropriate locations, he shall, to the extent feasible, utilize the recommended sites designated by the Administrator pursuant to section 102(c).

(c) Prior to issuing any permit under this section, the Secretary shall first notify the Administrator of his intention to do so. In any case in which the Administrator disagrees with the determination of the Secretary as to compliance with the criteria established pursuant to section 102(a) relating to the effects of the dumping or with the restrictions established pursuant to section 102(c), relating to critical areas, the determination of the Administrator shall prevail. Unless the Administrator grants a waiver pursuant to subsection (d), the Secretary shall not issue a permit which does not comply with such criteria and with such restrictions.

(d) If, in any case, the Secretary finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in noncompliance with the criteria established pursuant to section 102(a) relating to the effects of dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, he shall so certify and request a waiver from the Administrator of the specific requirements involved. Within thirty days of the receipt of the waiver request, unless the Administrator finds that the dumping of the material will result in an unacceptably adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas, he shall grant the waiver.

(e) In connection with Federal projects involving dredged material, the Secretary may, in lieu of the permit procedure, issue regulations which will require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under subsections (a), (b), (c), and (d) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary, as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Consistent with the requirements of sections 102 and 103, but in lieu of a requirement for specific permits in such case, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) Any permit issued under this title shall be reviewed periodically and, if appropriate, revised. The Administrator or the Secretary, as the case may be, may limit or deny the issuance of permits, or he may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both, of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for a hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or its designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing of such violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000, or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g)(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or if the Administrator, or the Secretary, has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3)(A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 108, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may require in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this title.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISIONS

SEC. 110. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

SEC. 111. There are hereby authorized to be appropriated not to exceed $3,600,000 for fiscal year 1973, and not to exceed $5,500,000 for fiscal year 1974, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 112. The Administrator shall report annually, on or before June 30 of each year, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

(c) In January of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by his pursuant to this section during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed $6,000,000.

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

(d) The Secretary shall submit an annual report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

(g) The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

SEC. 303. (a) Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes."

And the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. PELLY,
CHARLES A. MOSHER,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
PHILIP A. HART,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727), to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment; it also amended the title of the bill. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the Senate amendments thereto.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Sec. 3(b). As enacted, the House bill extended the coverage of this act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate amendment provided coverage only to the oceans, coastal and other waters beyond the territorial jurisdiction of the United States, insofar as the act regulates dumping of materials. The conferees resolved the conflict by drawing the line at the "base line"—the line from which the 3- and 12-mile limits are computed, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on April 29, 1958. This action was taken not only in recognition of the fact that the ocean waters should be treated as a single unit, but also because of the potential administrative and enforcement difficulties attendant upon making the permit provisions applicable only to ocean waters outside the territorial sea. Dumping of materials within internal waters, that is, inside the base line is, according to information provided to the conference, adequately covered by existing and proposed legislation regulating water quality, and need not be covered under this act.

Sec. 3(f). The House bill specifically included "radioactive materials" under the definition in subsection (c) of "material" covered by the act; the Senate bill did not. The conference resolved to include such material, but excluded, in subsection (f) the coverage of such material where it passes through outfalls already regulated under the terms of the Atomic Energy Act of 1954, as amended. Thus, discharges from nuclear powerplant outfalls, to the extent that they contain quantities of radioactive material which are subject to regulation and control by the Atomic Energy Commission, need not be also covered by a dumping permit issued under the terms of this act.

Sec. 102. Organic fish wastes (derived from commercial fishing and cannery operations) while not specifically listed as such, were encompassed within the description of "material" in the House bill, but were specifically excluded from coverage in the Senate version. This conflict was resolved by the conferees by allowing such material, including fish, shellfish, crustaceans, other marine life or parts thereof, to be dumped without a permit from either floating or fixed facilities unless (a) placed in harbors or other protected or enclosed coastal waters, or (b) where the Administrator made a positive finding that such material could endanger health, the environment, or ecological systems, placed in a specific location. He may make such a finding only after investigations on the location involved disclosed that such effects might be anticipated. In this case, the Administrator might require any person wishing to deposit such materials to obtain a general or specific permit to do so, although materials placed elsewhere may continue to be placed without such a permit. The exception relating to harbor and other enclosed waters is intended to prohibit the dumping of such materials in areas where tidal flushing action may be inadequate to disperse quantities of discarded fish wastes within a reasonable period of time.

Sec. 103. The House bill assigned the responsibility for issuing dumping permits to the Administrator of the Environmental Protection Agency in all cases except those involving dredge and fill operations; in this instance the U.S. Army Corps of Engineers, which presently is responsible for such operations, was to continue in its responsibilities. As to Corps-issued dredge permits, the Administrator was given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only where the Secretary of the Army certified that no economically feasible alternative was reasonably available.

The Senate alternative was to concentrate the disposal permit issuing responsibilities in EPA, but permitted the Secretary of the Army to request the issuance of such a permit, and indicated that the permit would issue unless the Administrator made a positive finding that the material would adversely affect municipal water supplies, shellfish beds, wildlife, fisheries or recreation areas.

This extremely complex and controversial question was resolved by the committee on conference by allowing the Secretary to issue permits for transportation of dredged material for dumping, following the criteria set down by the Administrator under section 102(a) of the act.

Before issuing a permit, the Secretary must notify the Administrator of his intention to do so, and may proceed unless the Administrator disagrees with the determination of the Secretary as to the proper application of EPA criteria on dumping effects or as to EPA restrictions relative to critical areas. It is expected that the first notice by the Secretary to the Administrator of his intent to issue a permit shall be from the date of public notice. In making the determination, the Secretary is required to evaluate the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States. It is expected that the Secretary, in selecting a site for the disposal of dredged material, will select economically feasible sites.

The Secretary is authorized to request a waiver from EPA in any case in which he finds that there is no economically feasible site which would not violate the EPA criteria or the EPA restrictions as to critical areas, and the Administrator must grant such a waiver unless he finds that the proposed dumping will result in an unacceptably adverse impact upon the area concerned.

The section also authorized the Secretary to handle Federal dredging projects through the use of regulatory powers in lieu of the permit procedures described above, subject to the same general requirements for issuance of permits.

This system, as agreed upon by the conferees, leaves to the Secretary of the Army the permit authority for disposal of dredged material, which would be used in connection with his existing authority to issue permits for dredging. The Secretary is required to utilize this disposal permit authority consistent (1) with the criteria established between the Administrator as to the effects of the proposed dumping and (2) with the restrictions established by the Administrator relating to critical areas.

It is expected that permit applications will be processed promptly and that there will be a minimum of delay in agency review of these applications before a final decision has been made. While the Administrator is given a 30 day review period over proposed waivers by the Corps of Engineers, this does not in any way indicate that the review period should or could be protracted once all of the information required has been received and processed. It is also anticipated that, to the greatest extent practicable, the permit review process will be consolidated to allow review and decision on all aspects of the proposed permit operations known at the time application is made by the proposed permittee. The permit review process was not designed, and is not intended to be used, as a bottleneck to prevent otherwise meritorious activities from being carried out.

To facilitate processing of permit applications the Administrator is expected to review the requirements for maintenance dredging of non-Federal dock and berthing facilities contiguous to the authorized Federal project at the same time as consideration is given to the Federal project requirements. The Secretary is also encouraged to use general dredging permits to maintain such non-Federal facilities where the work is in the same general area and the character of the work is similar.

The conferees fully expect that the Secretary is capable of performing, and will perform, his duties reasonably and intelligently, and foresee very few occasions where the Administrator would disagree with the Secretary in his determinations relative to the two specific points raised. Nevertheless, to take care of the rare case, subsection (c) provides that in the case of such a disagreement, the Administrator's determination shall prevail.

As the conferees expect the Secretary to perform his duties reasonably and intelligently, they are also confident that the Administrator will perform likewise and not whimsically or capriciously. It is, therefore, expected that it will be a rare occasion when the subsection (c) disagreement provision will be invoked.

In any case, where the Secretary finds that there is no economically feasible alternative to a site which, if used, would violate either the "effects" criteria or the "critical area" restrictions, whether that violation determination is made initially by the Secretary or results from a determination by the Administrator under subsection (c), the Secretary is enjoined to certify that fact and to request a waiver of the disabling provision. That waiver must be granted by the Administrator, without option on his part, unless he finds that the result of the dumping would be so unacceptable in its adverse impact on one of the specifically named considerations as to justify denial of the permit which could terminate the Federal project.

It is intended that designation of critical areas by the Administrator shall be exercised with circumspection. Such confined areas are expected to be limited in size and numbers. For the most part, the conferees assume that existing sites for the disposal of dredged material will continue to be used and available. Where this proves impractical, the review and waiver provisions of the bill would be used.

It is expected that until such time as economic and feasible alternative methods for disposal of dredge material are available, no unreasonable restrictions shall be imposed on dredging activities essential for the maintenance of interstate and foreign commerce, and that, consistent with the intent of this act, the disposal activities of private dredgers and the Corps of Engineers will be treated similarly.

SEC. 105. The House bill contained a provision allowing "finders' fees" to citizens notifying enforcement officials of criminal violations of the act. This was eliminated by the Senate. The Senate version was accepted by the conferees.

Both bills contained citizens' action provisions allowing the public to intervene to enjoin violations of the act; the House allowed such actions to be brought according to existing requirements under the Judicial Code, whereas the Senate version permitted actions to be brought only in the judicial district where the violation occurred. The House version was accepted by the conferees.

SEC. 106. As it passed the House, H.R. 9727 contained language permitting any State, territory, or subdivision to impose additional requirements to those imposed by the act. The Senate restricted the right to cases in which a State proposed additional criteria, which were accepted by the Administrator and thereafter treated as Federal. The Senate version of this provision was adopted by the conference.

SEC. 111. The House version of the bill contained on open-ended authorization, whereas the Senate version authorized not to exceed $3,600,000 for fiscal year 1973, and $5,500,000 for fiscal year 1974. The conference adopted the Senate version, and added that later fiscal years would be provided for by subsequent congressional action.

SEC. 112. The Senate version of the bill provided for annual reports by EPA on the administration of title I of the bill, while the House was silent on the issue. The conferees adopted the Senate language, with the reports to begin in 1973.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

The House version of H.R. 9727 provided for research by the Secretary of Commerce, the Department in which the National Oceanic and Atmospheric Administration is currently operating, on the effects of dumping and on global monitoring of ocean problems. It authorized $2 million for these purposes. The Senate bill increased the authorization to $12 million, added a reporting requirement and instructed the Secretary of Commerce to do research to determine means of ending all dumping within 5 years. The conferees decreased the authorization to $6 million, incorporated an annual reporting requirement and instructed the Secretary, in cooperation with other interested agencies, to do research aimed at reducing or eliminating ocean dumping within 5 years.

TITLE III—MARINE SANCTUARIES

The House bill incorporated a title allowing the establishment of marine sanctuaries by the Secretary of Commerce, acting through NOAA. The concurrence of the governors of affected States was required where the proposed sanctuary fell within State jurisdiction, either territorially or as to resources. The Senate bill was silent on the subject.

The committee on conference adopted the House approach, but modified the language in some respects to make it clear that the regulations and enforcement activities under the title would apply to non-citizens of the United States only to the extent that such persons were subject to U.S. jurisdiction, either by virtue of accepted principles of International law, or as a result of specific intergovernmental agreements.

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Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to recognize Members with respect to conference reports. This is legislative action, and, of course, can lead to legislative action of the House in the nature of motions to instruct.

The Chair, in view of the announcement of the leadership, would feel that conferees could meet informally and get permission tomorrow. They would not really lose much time.

LEGISLATIVE PROGRAM

(Mr. YOUNG of Texas asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Texas. Mr. Speaker, I rise for the purpose of addressing an inquiry to the majority leader with respect to the schedule. Would the majority leader please advise whether or not it is the intention to bring up the debt expenditure limitation tomorrow.

Mr. BOGGS. That is the schedule, and it will be brought up tomorrow.

Mr. YOUNG of Texas. I thank the gentleman.

BILL TO REFORM PENTAGON PRACTICES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Pentagon has literally wasted billions of dollars because of its pro-contractor bias. On Tuesday, I will introduce legislation to establish an independent board to monitor defense contractors' profits, claims, and incentive payments.

For too long, the giant defense contractors and the military brass in the Pentagon have had a free rein to pay large profits, excessive claims, and incentives without any independent review. My legislation would make permanent an existing temporary five-man panel known as the Renegotiation Board, which currently examines some companies' overall profits.

It is high time to expand the Renegotiation Board's authority and give it some muscle to make sure contractors are not paid any excessive fees. My bill would require the Renegotiation Board to review all claims in excess of $1 million.

At present, contractors can file claims with the Pentagon for any increased cost of a contract that is allegedly not the contractor's fault. But time and time again, independent reviews by the General Accounting Office have found that excessive claim payments are given to contractors.

Mr. Speaker, my legislation would permit the Renegotiation Board to reject any claim in excess of $1 million when the Board found the payment was unjustified. The new permanent Renegotiation Board would also enforce existing penalties and withhold incentive payments from contractors who produce weapons that are either defective or delivered late. Incentive payments are given to contractors who produce weapons cheaply and deliver them earlier than scheduled. At present military offices decide upon penalty payments and often they simply are not as tough as I am sure an independent board would be.

My legislation would also require the review of profits on all individual defense contracts on an annual basis. There have been many claims and counterclaims about the rate of profit in defense contracts and an independent board is clearly needed to settle many of these disputes.

Mr. Speaker, some of my colleagues claim that average profit on a sample of 146 defense contracts was as high as 28.3 percent, but Defense Comptroller, Robert C. Moot, argues that overall profit in defense work is less than 2.3 percent.

My colleagues may also be interested in knowing that this is the first in a series of legislative proposals I plan to introduce to reform the Pentagon's procurement system. Positive reform of the Pentagon's procurement system is needed now to cut cost overruns, to stop the building of defective weapons systems and to insure the contractors receive fair, but not excessive profits.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Adams) to revise and extend their remarks, and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.
Mr. Aspin, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Adams) and to include extraneous matter:)

Mr. Giaimo.
Mr. Vanik in three instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Thompson of New Jersey.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3843. An act to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974, and for other purposes; to the Committee on Foreign Affairs.

S. Con. Res. 98. Concurrent resolution authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 520. An act to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes;

S. 976. An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; and

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

ADJOURNMENT

Mr. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 10, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2399. A letter from the Assistant Secretary of Agriculture, transmitting the report on the Rural Environmental Assistance program for fiscal year 1971, pursuant to 50 Stat. 329; to the Committee on Agriculture.

2400. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting the semiannual report for the period ending June 30, 1972, on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, pursuant to section 704, Public Law 92–145; to the Committee on Armed Services.

2401. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a report on progress in administering the Black Lung Benefits Act of 1972, together with a copy of the final regulations to implement the new law published in the Federal Register; to the Committee on Education and Labor.

2402. A letter from the Secretary of Treasury, transmitting a report on the status of foreign credits by U.S. Government agencies and by international lending agencies in which the United States has membership, as of December 31, 1971, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2403. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determinations Nos. 73–2 and 73–3, authorizing the grant of defense articles and services to two countries in Asia under section 614(a) of the Foreign Assistance Act; to the Committee on Foreign Affairs.

2404. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

2405. A letter from the Commissioner, Federal Prison Industries, Inc., transmitting the Annual Report of the Directors of Federal Prison Industries, Inc., for fiscal year 1971, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

2406. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants which are financed wholly with Federal funds for the period April 1, 1972, to June 30, 1972, pursuant to section 1120(b) of the Social Security Act; to the Committee on Ways and Means.

Received From the Comptroller General

2407. A letter from the Comptroller General of the United States transmitting a report on the program to increase graduates from health professions schools and improve the quality of their education, administered by the National Institutes of Health, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2408. A letter from the Comptroller General of the United States, transmitting a report on the capability of the Naval Petroleum and Oil Shale Reserves to meet emergency oil needs, pursuant to 31 U.S.C. 53, and 31 U.S.C. 67; to the Committee on Government Operations.

2409. A letter from the Comptroller General of the United States, transmitting a report on the need for better management in the Defense Department over decisions to start full-scale development of minor weapons systems; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee of conference. Committee report on H.R. 15641 (Rept. No. 92–1545). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 9727 (Rept. No. 92–1546). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16755. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; with amendment (Rept. No. 92–1547). Referred to the Committee of the Whole House on the State of the Union.

MEMORIALS

Under clause 4 of rule XXII,

425. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to Federal tax treatment of U.S. citizens and corporations in Guam; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

288. By the SPEAKER: Petition of the city council, Elizabeth N.J., relative to the creation of a Cabinet-level Department to

deal with the problems of senior citizens; to the Committee on Government Operations.

289. Also petition of Albert J. Sullivan, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

290. Also petition of the board of supervisors, Milwaukee County, Wis., relative to aid to families with dependent children; to the Committee on Ways and Means.

SENATE—*Monday, October 9, 1972*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose providence men and nations live and move and have their being, we thank Thee for daring men who braved the unchartered seas and found the shores of this continent. We thank Thee for their skills of navigation, their personal daring, their persistent faith, their enduring hope. Reward their fidelity by guiding us to build here an order of life so just and so righteous as to merit divine approbation. As we give thanks for Christopher Columbus, we beseech Thee to set before us worthy goals, motivate us by a love of humanity and give us the chart and compass of explorers of the spirit so that we may participate with Thee in establishing the kingdom whose builder and maker is God.

In the name of the Pioneer of our faith, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 6, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COLUMBUS DAY

Mr. SCOTT. Mr. President, today being Columbus Day, I note the fact that the Congress some time ago established this day as a national holiday and I had the privilege of being one of the cosponsors of that resolution—an action which was pursued in a number of Congresses before it finally became effective.

Ironically, although it is a holiday, those of us who helped create it as a holiday are not able to observe it.

DEATH OF PRESCOTT BUSH, FORMER SENATOR FROM CONNECTICUT

Mr. SCOTT. Mr. President, I note with great sorrow the passing of a former Member of this body, the Honorable Prescott Bush of Connecticut.

Senator Bush was a much beloved man, a man whom all of us respected and whose company we enjoyed. He was a comrade and a colleague, and an able Senator.

I am sure that the Senators from Connecticut will have more to say in due time, but I did want to note for the benefit of my colleagues this very sad and unfortunate occurrence.

We all grieve and send our condolences to his family and his loved ones.

Mr. MANSFIELD. Will the distinguished Republican leader yield?

Mr. SCOTT. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I should like to join the distinguished Republican leader in expressing my great sense of sadness and sorrow at the passing of our former colleague, Prescott Bush of Connecticut.

Prescott Bush was a very good Senator. He was a man who was respected on both sides of the aisle, a man whom we hated to see leave the Senate—which he did voluntarily.

Now we are faced with the fact that he has passed on to his just reward. So, on this side of the aisle, I want to join the distinguished Republican leader in expressing our deep sympathy to his family in their hour of sorrow.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for not to exceed 15 minutes.

REPORT ON PROGRESS OF CURING DRUG DEPENDENCE

Mr. HUGHES. Mr. President, as chairman of two Senate subcommittees on drug abuse in our society, I consider it my responsibility to report to my Senate colleagues periodically on the status of our Nation's fight to control the plague of drug dependence, ranging from alcoholism to narcotic addiction, in the civilian and military sectors of our population.

When progress has been made, I have tried to point out the achievement and issue the proper credits. When current programs falter or new dangers emerge, I have felt that I have an equal responsibility to report my fears and misgivings. The Senate has been extremely generous in hearing me out on a problem area to which I have devoted many years of my life.

I take the floor this morning because I believe a new and serious danger has emerged at this time. In my judgment, the Nation has drifted into another era of euphoria and complacency about the drug abuse epidemic—in both civilian and military sectors—that is not justified by the facts.

It is true that we have some new and significant initiatives going. But so far as realistically meeting the problems of drug abuse treatment, rehabilitation, preventive education, and suppression of the illicit drug traffic, we are still only a few steps from the starting post.

With this session of the Congress coming to an end, I believe we should all be apprised that the drug problem has not been solved and laid to rest, and that it must remain high on the list of priorities for future work of the Congress.

Time does not permit my covering the entire drug abuse subject this morning, but I do want to make a beginning by discussing some aspects of the drug abuse counteroffensive in the armed services, which was launched a year ago last summer, and in connection with which there is important legislation pending.

In the early spring of 1971, a wave of acute anxiety swept over the Nation because of reports of high percentages of drug and narcotic dependence in our armed services—particularly heroin addiction in Vietnam.

Not only were people apprehensive about the damage of drug addiction to the young men in our armed services, there was the additional fear that the Armed Forces would be releasing thousands of veterans, uncured from their addiction, into the mainstream of an already drug-infested civilian society.

A number of actions were taken in rapid succession in the months that followed. President Nixon announced a national drug offensive; Dr. Jerome Jaffe was appointed to head the special White House office on drugs; the Department of Defense and each branch of the services mobilized their efforts behind the drug offensive; and the urine testing program was quickly installed in the Armed Forces to detect illicit drug users. In the meantime, the Department of Justice and the Department of State were developing new initiatives designed to curb the international flow of illicit drugs supplying our troops in Vietnam and elsewhere.

Since the summer of 1971, the drug counteroffensive in the services has been in full swing.

In the light of the massive effort that has gone into the drug counteroffensive in the military, it is time to ask certain basic questions:

Has the incidence of drug dependence in the armed services been reduced to the point where it is no longer a priority problem?

Has the problem of drug dependent veterans being released uncured into civilian society been adequately met?

Is the urine testing program that appeared to get off to a promising start in 1971 now functioning satisfactorily?

Are adequate safeguards being installed—in response to the warnings many of us issued—against drug users, through their military records, being stigmatized for life and handicapped in their future efforts to obtain employment?

With all due respect to the commendable efforts that have been made by many individuals and agencies, I believe the answer to all of these questions is an emphatic "No."

I say this not in derogation of the vast work that has been put into the military antidrug offensive, much of which has been commendable. I say it because we need to recognize the truth, if we are to proceed along constructive channels, and because the problem remains an extremely serious one to our national well-being and security.

It was generally agreed by both the administration and Congress that when the military drug-abuse program got out of its experimental stages, legislation would be needed to carry out the programs on a continuing basis.

The need was recognized by Congress a year ago when the landmark provisions of title V of the Draft Extension Act were initiated by the Senate and enacted into law.

Title V requires the Secretary of Defense to identify, treat, and rehabilitate members of the Armed Forces who are drug or alcohol dependent persons. Title V acknowledged, in effect, that it is only a first legislative step and called upon the Committees of the Armed Services of the Congress to develop new legislation that would fill out the needs.

At the present time, the Subcommittee on Drug Abuse in the Military has pending before it several bills related to the problem of drug abuse, including alcoholism, among our service personnel and their dependents.

The two principal pieces of legislation are S. 2139, the administration's bill, and S. 2999, which I introduced. Hearings on this legislation were held by the subcommittee in February, March, and April.

None of this legislation will be reported out of the subcommittee in the short remaining days of this Congress. There are basic, substantive differences that will require time to resolve. In the meantime, the subcommittee and its staff have turned up pertinent new information that will require additional hearings.

The administration bill, S. 2139, which is essentially the same legislation the House passed and sent to the Senate as H.R. 12846, does little more than put into law what the Armed Forces have been doing by policy directive and regulation for the past year or more. There are, in my judgment, serious omissions—for example, alcoholism is not included in the programs covered despite the fact that it is known by professionals to be the most damaging and widespread form of drug abuse there is. Moreover, the House-passed bill fails to come to grips with the issues of quality treatment and confidentiality of records. These and other related issues are, however, confronted in S. 2999, but there has been no disposition on the part of the Department of Defense thus far to agree to their inclusion.

When the House passed and sent to the Senate H.R. 12846 last June 12, the bill was hailed by the press as tending to remove any legal impediment to the practice of requiring service personnel to submit to urine testing to determine whether they were using or abusing drugs. To set the record straight, H.R. 12846 contains no such precise authority. In short, it does not touch on the legal and constitutional points involved in mass, involuntary urine testing.

But I am less concerned at the moment with these legal points than with the way the urine-screening program in the military has been and is being conducted—at a considerable expenditure of Federal funds. Obviously, the whole military drug offensive depends, in large degree, on the accuracy of the testing. If the testing is questionable, then the results are questionable and the entire offensive is questionable.

At our hearings, earlier this year, we drew out the information that commercial laboratories doing urinalysis under contract to the Army had poor accuracy rates, far below the contract requirement of 90 to 96 percent accuracy. Nor, as it turned out, has the Army, at any time, invoked penalty clauses in these contracts for noncompliance. Indeed, when the old contracts expired, the Army rewarded two contractors with new, 1-year contracts at even higher prices. Thus, it is no surprise that most of the eight unsuccessful bidders have lodged protests with the General Accounting Office which is now considering them.

In recent months, there has been no consistent or sustained improvement in the accuracy rates among either commercial or military laboratories doing urinalyses for the Armed Forces.

Mr. President, I would like to inform the Senate that the investigators of my subcommittee staff have tried for weeks and months to secure from the Pentagon additional information on the testing and results of these programs. They have been resisted every step of the way by officials of the Pentagon. They have not been given adequate information. The accuracy of the tests is far below the level demanded in the contract. I will have more to say in the Senate about this later this week.

Thus, when the Defense Department claims that it has lowered the level of drug abuse among service personnel, one should bear in mind that these results are based primarily on laboratory results of highly doubtful accuracy. And nowhere is there a greater degree of doubt about their validity than in Vietnam where the highest degree of accuracy is claimed.

In addition to the statistical misuse of the screening program, we have also had reports of abuses by the men and by individual commands. There have been instances of corruption involving the personnel involving the tests who are in positions where they can falsify results. We have heard of officers who used the random selection process to harass individuals whom they wrongly suspected and, on the other hand, there are officers who select for testing only those men known not to be using drugs so that they can submit favorable reports to their units. To the extent that the program is used in any of these ways, the results become meaningless and those who are actually using drugs may go undetected.

Our hearings, early this year, also brought out the fact that, as the numbers of tests increased, so did the number of GI's being administratively discharged for drug abuse. All of them received a code number on their discharge papers which, as matters stand, imposes a permanent stigma on them in the eyes of prospective employers, college administrators, and others. In recent correspondence with me, the Department of Defense has made it plain that it will not abandon this "spin number" stigmatizing practice; on the contrary, the Department may expand it somewhat.

Another matter of concern to me is the fact that the Department of Defense, in concert with the President's Special Action Office for Drug Abuse Prevention, has embarked on a campaign to extend the testing program, with all of its imperfections, to the teenaged dependents of service personnel in Germany, the Philippines, and Thailand. If this is not frightening enough, it has been officially stated by Pentagon sources that the Special Action Office for Drug Abuse Prevention looks upon this idea as a "pilot program" for a further extension of urine testing into "other elements of the civilian sector," which are not specified.

In December of 1971, when I introduced S. 2999, the Armed Forces drug abuse control bill to which I alluded earlier, I said to the Senate:

> I want to state that I believe the Department of Defense and the various services should be given immense credit for the way they have swung into action in the past six months to deal realistically with this unimaginably difficult problem. I have been particularly impressed with the enlightened attitude of the commanding officers.

Mr. President, I would not say that the lights have gone out, but they have dimmed considerably. Glowing official reports of the reduction of drug abuse in the Armed Forces are suspect for being based on inaccurate test procedures. The fears that the testing program would be used to get rid of some of the problem personnel in the services—and return them to the civilian communities to deal with—have been borne out.

The hope that civil rights of service personnel would not be violated and that drug users going out of the service would not be permanently stigmatized through military records as having had drug problems has faded considerably. The concern that the urine testing procedure might be proposed to nonmilitary sectors, at the further risk of imperiling civil rights, has been confirmed. The apprehension that the military services' and the Veterans' Administration's treatment and rehabilitation programs would fall far short of the mark has been confirmed.

Mr. President, I do not want to be negative on this matter.

I believe we will meet the drug problem—in both the civilians and military sectors—for the simple reason that we have to meet it to survive.

All I am saying is that we are not meeting it with any real adequacy yet. Therefore, for the love of heaven, let us wake up and face it. Let us not declare victory prematurely when the battle is yet in doubt.

The light at the end of the tunnel we have heard about for so long in Vietnam, and the publicity since we have reduced our ground forces in Saigon to approximately 36,000, might indicate that for some reason the heroin problem in the military forces has diminished, but it has not. The testing procedures, according to the information given members of my subcommittee staff, are highly questionable in almost every region of the world.

A recent trip to Europe has entirely borne out this fear about what was happening in the military. In the testing of military dependent personnel and children living in foreign nations, many times when a positive test is returned they are subjected to the law of the land in which they are stationed. Our country and military personnel have agreements with those countries to turn that information over to those countries, and under the law of those countries a civilian dependent can possibly be prosecuted under the laws of that nation rather than under the jurisdiction of the military code, without access to what we are trying to do in the way of training and rehabilitation.

We are falling far short in this country of meeting the mark. At the height of the campaign, with all the debate and discussion, narcotics has gone into some weird corridor where it is no longer discussed. In the discussions concerning Turkey and the poppy, we have lost sight of other regions of the world. We are faced with the Golden Triangle area, where the majority of our fighting has been done in the last 10 years, which has become the main source of refined heroin coming into this country. In spite of the laws that have been passed and the interest expressed, the coordinating office that has been established in the White House, the programs that have been set up by the military, and the laws passed by Congress, we are failing to meet this problem in this country.

I hope that Members of this distinguished body are well alerted to the fact that there is much work yet to do and that we have only begun. I will not say everything we have done is a failure, but it is a small and very weak beginning. People who are seeking office would like to hide this problem under the rug and pretend it no longer exists and that somehow it will go away. It will not go away until we have faced the truth: that it is still a cancer plaguing our society and our military forces.

I thank the distinguished majority leader for yielding additional time to me, and I yield back any time I have remaining.

THE SITUATION IN VIETNAM, LAOS, AND CAMBODIA

Mr. MANSFIELD. Mr. President, the distinguished Senator from Iowa used an apt phrase when he said that people want to hide the problem under the rug in the hope it will go away. He was talking about the drug problem, and it is a most serious one.

I would like to talk about the situation in Vietnam, Laos, and Cambodia, and it, too, is a most serious one. Too many of our people, I am afraid, would like to see this problem swept under the rug and just go away. But unfortunately for all, this problem will not go away because it remains on our consciences and is a blot on the record of this Nation.

Last week Maj. Gen. Alexander Haig visited Saigon and, according to reports, had some lengthy conferences with President Thieu. This weekend General Haig accompanied Dr. Henry Kissinger, the President's Adviser for National Security Affairs, to Paris, where at the present time, according to published reports, discussions are very likely underway. It would be my hope that these discussions would bear fruit.

It is my recollection that this is the 19th visit to Paris by Dr. Kissinger to meet with Xuan Thuy, Le Duc Tho, and others on the other side.

It is significant that General Haig is accompanying Dr. Kissinger on this particular occasion. Rumors are rife and rampant about the possibility that some kind of settlement will be reached either before or shortly after election day.

Mr. President, all I can say is that I hope these rumors are true, and the sooner this tragedy in which we have been engaged since 1961, according to casualty lists, is brought to a close the better it will be for all concerned. This is not a political matter; it most certainly is an American matter. We are engaged in a war in which we had no business to be in, in the first place. It is basically a civil war. We have been engaged in a conflict in which the interests of this Nation are not involved in any way, shape, or form.

One of the reasons for our becoming involved was to contain China. But earlier this year our President visited Peking, and relationships at the present time with the People's Republic of China are excellent.

There have been a number of other reasons advanced. The Gulf of Tonkin resolution was supposed to give the previous President justification for involving this Nation on a tremendous scale. I have said many times and I say so again that as far as I am concerned the Gulf of Tonkin resolution gave no President—no President, I repeat—that authority or that flexibility. And we know, of course, that since the present President has come into office, the Gulf of Tonkin resolution has been repealed by both Houses.

There are those who say the Southeast Asian treaty was the foundation for our becoming involved in Vietnam. In my opinion nothing could be further from the truth. As one of the three U.S. signatories to that treaty, along with the late John Foster Dulles, Secretary of State, and the late Alexander Smith, Senator from the State of New Jersey, I insisted that any action taken by this Government would have to be through due constitutional process, and that is the treaty.

Due constitutional process has not been followed and therefore, in my opinion, the Southeast Asia treaty furnished no justification whatever for what has happened in Indochina over the past 10 years.

It makes one weep to read the statistics, the cost which this Government has paid by being involved in what was basically a civil war. It makes one shudder to think that up to the 30th of September, 303,404 Americans have been wounded in this misbegotten conflict; that 45,861 Americans have died in combat; that 10,279 Americans have died from noncombat activities. So that from January 1, 1961, to September 30, 1972, the total U.S. dead amount to 56,140 and the total casualties, 359,544. In addition, there are listed 183,172 South Vietnamese dead and 5,186 free world dead; for a total of 188,358 dead.

Also, according to the figures for the other side, as of September 30, 1972, 897,111 have died. This is a grand total—exclusive of U.S. deaths—of South Vietnamese forces, free world forces, and forces representing the Vietcong and North Vietnamese, of 1,085,469 who have died.

Mr. President, I raise the question: For what? For what?

So this is an issue which will not go away, because in addition to the figure cited, there is damage to a society—one could say to three societies, because the Laotians, the Cambodians, and the Vietnamese represent different groups, with different cultural backgrounds, who are tied together only because they all happen to inhabit the area known as Indochina.

There has been great devastation in all this area, and if my figures are correct, something on the order of three and a half million refugees have been created in these three countries.

Furthermore, on the basis of the finding of professors from a university in Vermont and in Montana, it has been estimated that approximately 21 million craters have been created, mostly in South Vietnam, but also throughout all of Indochina, as a result of the bombings which have been undertaken since the start of this tragic war.

Further, it is a fact, I believe, that three an a half times the tonnage dropped during the Korean war and the entire duration of World War II, both in the Pacific and the Atlantic theaters of operations, have been dropped in this miserable war, this current imbroglio.

These are facts which we have to face up to; even as we are confronted now with the possibility that there may be a peace. I devoutly hope so. I pray that the meetings in Paris will bring about a cease-fire, will bring about an end to this war, will bring about a complete withdrawal from all the countries of Indochina, and will bring about a release of POW's and the identifiable missing in action.

As a result of what has been done in Southeast Asia, it will take years, if not decades, to bring about a rejuvenation, a rehabilitation, perhaps a resuscitation; but the sooner this war is ended, the better it will be for all parties concerned. If it is a choice between a President in Saigon and the POW's and the identifiable missing in action, my choice would be with those who are being held in captivity, who have been forced down and are now incarcerated in prisoner-of-war camps throughout Indochina. They are the ones who should be given the most consideration—and they are—but it is my strong belief that until and unless this war is ended, the possibility of bringing about a release of all U.S. prisoners of war and the identifiable missing in action will be quite remote.

So, in conclusion, Mr. President, let me say that Dr. Kissinger has the hopes and the prayers of the Senate, the Congress, and the country riding on his negotiations, that those negotiations will be successful and that this moral tragedy will be brought to an end forthwith.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

The Senator from Pennsylvania.

PEACE EFFORTS AND VIETNAMIZATION

Mr. **SCOTT**. Mr. President, the prayerful desire of all Americans is for an end to the war, and the President of the United States has until the 20th of January next to bring about, if he can, within his 4-year term, the end of American participation in this war. I believe he can. Of course, no one knows for certain, but that is the undertaking, and that is what I believe will happen.

America's ground combat role officially ended on August 11 with the safe return of the last American ground patrol.

The last American ground combat troops departed from South Vietnam on August 24. Those ground troops that remain will carry out only logistics, advisory, and air intelligence roles.

U.S. weekly combat deaths are the lowest since the U.S. combat forces entered operations in early 1965.

As of September 21, the American troop level in South Vietnam was down to 36,100. This is lower than President Nixon's previously set goal of 39,000 by September 1.

President Nixon announced on August 29 the further withdrawal of 12,000 American troops over the next 3 months to a level of 27,000 by December 1. This represents a reduction of 522,500—or 95 percent of the authorized 549,500—when he took office.

The President has offered Hanoi generous terms, but terms aimed at assuring the people of South Vietnam the right to choose their own Government. These proposals were first made in October of 1971. Hanoi has chosen to insist on terms that would install them as rulers of South Vietnam.

Mr. President, I believe that if other great powers, particularly the Soviet Union, will continue with us in joint efforts to see that neutrality can be guaranteed to the Government of South Vietnam, as well as peaceful existence, this war can be ended on the negotiating track. In any event, it is being rapidly ended on the Vietnamization track.

Mr. **MANSFIELD**. Mr. President, the words which the distinguished Republican leader just uttered are somewhat encouraging, and I am delighted that the U.S. forces in Vietnam have been reduced from roughly 546,000 to 36,000, and that a further reduction will take place before Thanksgiving of approximately 10,000 to 12,000 men.

But I would point out that the renewed bombing activities has meant an increase in our forces in Thailand, which had been reduced from about 45,000 to 32,000, up again now to about 46,000, and that there has been an increase in the forces of the 7th Fleet as well as in the number of ships, since the renewed bombing was undertaken and since the mining of the harbor of Haiphong and other North Vietnamese ports.

Over all, there is a reduction, but the casualties do continue, and while they have been reduced drastically—and for that I am grateful and thankful—nevertheless we do get the lists of the dead, in some weeks showing none, and in others one or two or three, and every week some wounded, even though all the combat battalions have been withdrawn. In addition, there has been an increase in the number of POW's, with the total number approximately 100 more at the present time than when the bombing began.

It is the hope of all of us, Democrats and Republicans alike, that this war will be brought to a close and that these men will be brought home from all of Indochina—and as far as I am concerned from Thailand as well—and that we will withdraw lock, stock, and barrel, and never again become involved in an action which has cost this country so much in blood and treasure and has caused so much divisiveness, discontent, and dissension at home.

THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 1205, 1215, 1216, 1218, and 1223.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

DISTRICT OF COLUMBIA IMPLIED CONSENT ACT

The bill (S. 4059) to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Commissioner" means the Commissioner of the District, or his designated agent;

(2) The term "District" means the District of Columbia;

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit:

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege;

(4) The term "nonresident" means every person who is not a resident of the District;

(5) The term "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District; and

(6) The term "police officer" means an officer or member of the Metropolitan Police force, the United States Park Police force, or the Capitol Police force, or any other person actually and officially engaged in the performance of police duties in connection with guarding the property of the United States or of the District.

(7) The term "specimen" means that quantity of a person's blood, breath, or urine necessary to conduct a chemical test or tests to determine blood alcoholic content.

Sec. 2. (a) Any person, other than one described in subsection (b) of this section, who operates a motor vehicle within the District shall be deemed to have given his consent, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, whichever he may elect, for the purpose of determining blood-alcohol content. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds. The tests shall be administered at the direction of a police officer who, having arrested such person for a violation of law, has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of intoxicating liquor.

(b) Any person who operates a motor vehicle within the District of Columbia and who is involved in a motor vehicle collision or accident in which death or personal injury results shall submit, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, for the purpose of determining blood alcoholic content whenever a police officer (i) arrests such person for a violation of law, and (ii) has reasonable grounds to believe such person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of an intoxicating liquor. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds.

Sec. 3. Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the two tests administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such test or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the tests taken at the direction of a police officer.

SEC. 4. Full information concerning the tests admistered under this Act shall be made available to the person from whom a specimen was obtained. Prior to administering the tests the police officer shall advise the operator of the motor vehicle about the requirements of this Act.

SEC. 5. (a) If a person under arrest refuses to submit to chemical testing as provided in section 2(a) he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Commissioner, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the two tests, shall revoke his license for a period of six months; or if the person is a resident without a license to operate a motor vehicle in the District, the Commissioner shall deny to the person the issuance of a license for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(b) Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 2 of this Act and the two tests may be given; except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of six months.

SEC. 6. (a) Whenever any license has been revoked or denied under the provisions of this Act, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect five days after service of notice on the person whose license is to be revoked or who is to be denied a license, unless such person shall have filed within such period written application with the Commissioner for a hearing. Such hearing by the Commissioner shall cover the issues of—

(1) whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while under the influence of intoxicating liquor; and

(2) whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Commissioner shall sustain the order of revocation, the same shall become effective immediately.

SEC. 7. Any person aggrieved by a final order of the Commissioner revoking his license or denying him a license under the authority of this Act, may obtain a review thereof in accordance with section 11 of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510).

SEC. 8. The Act approved March 4, 1958 (72 Stat. 30; D.C. Code, sec. 40–609a) is amended (a) by striking out the subsection designation "a" in the first section; (b) by striking out in paragraph (2) "fifteen one-hundredths", "eight one-hundredths", and "twenty one-hundredths", and inserting in lieu thereof "ten one-hundredths", "six one-hundredths", and "eleven one-hundredths", respectively; (c) by striking out in paragraph (3) "fifteen one-hundredths" and "twenty one-hundredths" and inserting in lieu thereof "ten one-hundredths" and "eleven one-hundredths" respectively; and (d) by striking out subsections (b), (c), and (d) of the first section, and section 2.

SEC. 9. This Act shall be known and may be cited as the "District of Columbia Implied Consent Act".

CONVEYANCE OF CERTAIN MINERAL RIGHTS, ONSLOW COUNTY, N.C.

The bill (S. 3930) to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, in accordance with section 3 of this Act, to convey by quit-claim deed to the present owner or owners of record all mineral interest of the United States in the following described lands:

All that tract or parcel of land situated, lying and being in Jacksonville Township, Onslow County, North Carolina, within an area formerly owned and developed by the North Carolina Defense Relocation Corporation, known as a part of the Cavenaugh tract, and described more particularly as follows:

Lot 3: Beginning at the southwest corner of the above described tract, said corner being at the intersection of farm roads at gate, and (located south 66 degrees 00 minutes east 11.80 feet from a 7-inch pine and north 44 degrees 00 minutes east 32.50 feet from an 18-inch gum);

thence along the farm road, south 16 degrees 20 minutes west 219.10 feet to a point 12 feet east from the center of road;

thence south 37 degrees 09 minutes west 370.85 feet to a point 4 feet east from center of road;

thence south 46 degrees 28 minutes west 572.15 feet to the middle of said road;

thence south 56 degrees 22 minutes west 869.00 feet to the beginning of the tract herein described;

thence continuing along the said road, south 56 degrees 22 minutes west 700 feet to a point 2 feet southeast from center of road (located north 50 degrees 00 minutes west 10.2 feet from a 3-inch pine and south 37 degrees 00 minutes east 10.00 feet from a 2-inch pine); south 58 degrees 35 minutes west 535.40 feet to an iron pine at edge of woods and field (located south 27 degrees 00 minutes west 21.3 feet from a 12-inch double live oak; south 7 degrees 00 minutes east 22.8 feet from a 22-inch white oak and south 67 degrees 30 minutes east 24.9 feet from the east corner of a tobacco barn); south 58 degrees 38 minutes west 1181.34 feet to a point in middle of old abandoned road (located south 50 degrees 30 minutes west 18.5 meet from a 10-inch pine and north 30 degrees 00 minutes west 12.4 feet from a 12-inch pine); south 59 degrees 05 minutes west 493.5 feet to the intersection of said abandoned road with woods road (located south 31 degrees 00 minutes east 19.8 feet from a 15-inch pine and south 51 degrees 30 minutes west 9 feet from a 7-inch pine), north 83 degrees 11 minutes west 411.20 feet to a point in road (located south 35 degrees 00 minutes east 25.5 feet from a 7-inch pine) south 86 degrees 03 minutes west 179.20 feet to a cluster of small willows and maples on the east edge of New River at wire landing, corner of said Cavenaugh across the river from the Cox estate.

thence the eight following lines with the southeast side of New River; north 9 degrees 59 minutes west 160.78 feet to an 8-inch gum; north 1 degree 22 minutes east 397.05 feet to a 54-inch cypress; north 34 degrees 04 minutes west 202.34 feet to a 48-inch cypress; north 22 degrees 11 minutes west 154.64 feet to a 12-inch gum; north 6 degrees 43 minutes east 117.44 feet to a 28-inch cypress; north 9 degrees 32 minutes west 260.85 feet to a 17-inch gum; north 24 degrees 30 minutes west 67.90 feet to a 16-inch gum; north 34 degrees 53 minutes west 315.40 feet to a double 10-inch birch on the southeast side of intersection of Hall Moon Creek with New River, a corner to O. R. Cowell, and being located across the river from the Cox estate;

Thence the 17 following lines with Half Moon Creek and the O. R. Cowell tract; north 11 degrees 23 minutes east 214.95 feet; north 6 degrees 31 minutes west 206.78 feet to a 10-inch cypress near head of island; north 35 degrees 54 minutes east 156.49 feet; north 0 degrees 27 minutes west 146.08 feet; north 24 degrees 42 minutes east 265.39 feet to center of Half Moon Creek at Shingle Landing; north 26 degrees 37 minutes west 150.85 feet to a point in creek at head of island (located north 75 degrees 30 minutes west 14 feet from a 12-inch ash); north 8 degrees 27 minutes east 385.83 feet; north 14 degrees 09 minutes east 152.49 feet; north 49 degrees 52 minutes east 174.83 feet; north 23 degrees 26 minutes east 211.20 feet to a 10-inch willow on the east side of Half Moon Creek at the site of the old dam; north 27 degrees 07 minutes east 301.79 feet; north 27 degrees 03 minutes east 186.64 feet; north 5 degrees 57 minutes east 104.33 feet; north 45 degrees 15 minutes west 81.68 feet; north 15 degrees 40 minutes west 127.77 feet; north 10 degrees 34 minutes east 205.69 feet to a point in creek (located south 20 degrees 29 minutes east 40.1 feet from a 48-inch cypress); north 37 degrees 30 minutes west 75.82 feet to the center line of the intersection of the fork of Half Moon Creek, corner of said Cowell, and E. L. Greer (located south 72 degrees 00 minute west 20 feet from a black gum);

thence the forty-eight following lines with the east branch of the Half Moon Creek and the E. L. Greer tract; north 48 degrees 39 minutes east 115.64 feet; north 60 degrees 57 minutes east 114.14 feet; north 83 degrees 49 minutes east 66.04 feet to a 10-inch black gum; north 22 degrees 15 minutes east 116.33 feet; north 76 degrees 37 minutes east 114.03 feet; north 26 degrees 30 minutes east 63.21 feet to a 6-inch ash; north 71 degrees 14 minutes east 76.22 feet; south 81 degrees 12 minutes east 67.76 feet; north 71 degrees 19 minutes east 127.66 feet; north 54 degrees 51 minutes east 183.22 feet; north 54 degrees 57 minutes east 120.67 feet; north 0 degrees 24 minutes west 50.67 feet; south 88 degrees 23 minutes east 160.04 feet; south 73 degrees 04 minutes east 171.08 feet to the middle of Half Moon Creek (located north 10 degrees 00 minutes east 20 feet from a double ash); north 87 degrees 47 minutes east 187.07 feet; north 53 degrees 03 minutes east 75.12 feet; north 77 degrees 04 minutes east 235.25 feet to a 10-inch ash on north edge of creek; south 24 degrees 45 minutes east 67.62 feet; north 60 degrees 15 minutes east 127.87 feet; north 23 degrees 04 minutes east 104.23 feet; north 54 degrees 05 minutes east 135.71 feet; south 65 degrees 41 minutes east 79.85 feet to a 10-inch gun on south bank of creek; north 67 degrees 53 minutes east 149.41 feet; north 73 degrees 42 minutes east 54.85; south 22 degrees 42 minutes east 63.98 feet; south 78 degrees 13 minutes east 92.74 feet; north 60 degrees 05 minutes east 54.65 feet; south 42 degrees 34 minutes east 54.84 feet; south 10 degrees 27 minutes west 50.26 feet; south 89 degrees 43 minutes east 50 feet to a small holly on said creek;

thence south 10 degrees 50 minutes east 712.00 feet to a small oak on a branch;

thence with the branch due south 357.00 feet;

thence south 48 degrees 30 minutes west 550.00 feet;

thence south 13 degrees 50 minutes east 300.00 feet;

thence south 8 degrees 55 minutes west

550.00 feet, crossing a farm road to a dead white oak near head of the branch;

thence south 24 degrees 45 minutes east 1528.00 feet to the beginning, containing 285.53 acres, more or less.

Being a part of the same lands conveyed to the North Carolina Defense Relocation Corporation by deed from G. E. Cavenaugh, widower, dated October 15, 1941, of record in book 194, page 440.

SEC. 2. The Secretary of the Interior shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If conveyance is not made pursuant to this Act, and the administrative costs exceed the deposit, the Secretary shall bill the applicant for the outstanding amount, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

SEC. 3. No conveyance shall be made unless application for conveyance is filed with the Secretary within six months of the date of the enactment of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. The amount of the payment required shall be the difference between the amount deposited and the full amount required to be paid under this section. If the amount deposited exceeds the full amount required to be paid, the applicant shall be given a credit or refund for the excess.

SEC. 4. The term "administrative costs" as used in this Act, includes, but is not limited to, all costs of (1) conducting such exploratory programs as the Secretary of the Interior deems necessary to determine the character of the mineral deposits in the land, (2) evaluating the data obtained under the exploratory programs to determine the fair market value of the mineral rights to be conveyed, and (3) preparing and issuing the instrument of conveyance.

SEC. 5. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals or mineral interests conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts.

AUTHORIZATION FOR THE SECRETARY OF THE INTERIOR TO SELL CERTAIN MINERAL RIGHTS IN UTAH TO C. R. JENSEN, SANDY, UTAH

The Senate proceeded to consider the bill (S. 3627) to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to C. R. Jensen of Sandy, Utah, the record owner thereof, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 5, after the word "to", to strike out "C. R. Jensen of Sandy, Utah,"; and, in line 7, after the word "described", to strike out "land:" and insert "land in Utah County, Utah:"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, sell, and quitclaim all mineral interests now owned by the United States to the record owner of the surface and a one-half undivided interest in the minerals, in and to the following described land in Utah County, Utah:

Beginning at a point south 151.8 feet and west 0.27 feet from the north quarter corner of section 17, township 5 south, range 2 east, Salt Lake base and meridian, and running thence south 89 degrees, 54 minutes east 62.0 feet; thence north 0 degrees 06 minutes east 152.1 feet; thence north 89 degrees 29 minutes 44 seconds east 70 feet; thence south 0 degrees 06 minutes west 165.62 feet; thence south 89 degrees 54 minutes east 164.97 feet; thence north 0 degrees 06 minutes east 137 feet; thence north 89 degrees 51 minutes east 16.5 feet; thence south 0 degrees 06 minutes west 137 feet; thence south 39 degrees 20 minutes west 135 feet; thence south 51 degrees 07 minutes east 660 feet; thence north 88 degrees 40 minutes west 268.8 feet; thence south 0 degrees 28 minutes 30 seconds west 1,262.9 feet along a fence line; thence north 89 degrees 46 minutes west 364.2 feet; thence south 89 degrees 06 minutes 30 seconds west 133.2 feet; thence north 1 degree 17 minutes 03 seconds east 1,323.2 feet thence east 4.34 feet; thence north 0 degrees 06 minutes east 466.7 feet, more or less to the point of beginning.

SEC. 2. The Secretary shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If a conveyance is not made pursuant to this Act, and the administrative costs exceed the deposit, the Secretary shall bill the applicant for the outstanding amount, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

SEC. 3. No conveyance shall be made unless application for conveyance is filed with the Secretary within six months of the date of approval of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. The amount of the payment required shall be the difference between the amount deposited and the full amount required to be paid under this section. If the amount deposited exceeds the full amount required to be paid, the applicant shall be given a credit or refund for the excess.

SEC. 4. The term "administrative costs" as used in this Act includes, but is not limited to, all costs of (1) conducting an exploratory program to determine the character of the mineral deposits in the land, (2) evaluating the data obtained under the exploratory program to determine the fair market value of the mineral rights to be conveyed, and (3) preparing and issuing the instrument of conveyance.

SEC. 5. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals or mineral interests conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to the record owner thereof."

LIMITATIONS ON REAL PROPERTY ACTIONS

The Senate proceeded to consider the bill (S. 1524) to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property, which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 10, after the word "the", to strike out "five-year" and insert "ten-year"; and, in line 14, after the word "such", to strike out "five-year" and insert "ten-year"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 3 of title 12 of the District of Columbia Code (relating to limitation of actions) is amended by adding at the end the following new section:

"§ 12–310. Actions arising out of death or injury caused by defective or unsafe improvements to real property

"(a) (1) Except as provided in subscection (b), any action—

"(A) to recover damages for—

"(i) personal injury,

"(ii) injury to real or personal property, or

"(iii) wrongful death,

resulting from the defective or unsafe condition of an improvement to real property, and

"(B) for contribution or indemnity which is brought as a result of such injury or death, shall be barred unless in the case where injury is the basis of such action, such injury occurs within the ten-year period beginning on the date the improvement was substantially completed, or in the case where death is the basis of such action, either such death or the injury resulting in such death occurs within such ten-year period.

"(2) For purposes of this subsection, an improvement to real property shall be considered substantially completed when—

"(A) it is first used, or

"(B) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement,

whichever occur first.

"(b) The limitation of actions prescribed in subsection (a) shall not apply to—

"(1) any action based on a contract, express or implied, or

"(2) any action brought against the person who, at the time the defective or unsafe condition of the improvement to real property caused injury or death, was the owner of or in actual possession or control of such real property."

(b) The table of sections for such chapter 3 is amended by adding at the end the following new item:

"12–310. Actions arising out of death or injury caused by defective or unsafe improvements to real property."

SEC. 2. The amendments made by section 1 of this Act shall apply only with respect to actions brought after the date of enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX RIVER, MINN. AND WIS.

The Senate proceeded to consider the bill (S. 1928) to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Lower Saint Croix River Act of 1972".

Sec. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) Lower Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

Sec. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided*, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such action shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

Sec. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

Sec. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

Sec. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

Mr. JACKSON. Mr. President, I want to urge the Senate's speedy action in passing S. 1928, a bill to designate a segment of the St. Croix River, forming part of the boundary between the States of Wisconsin and Minnesota, as part of our National Wild and Scenic Rivers System.

Today, by approving S. 1928, the Senate took an affirmative step toward the preservation of one of our Nation's outstanding scenic and recreational rivers. It was my privilege, on October 23, 1971, as chairman of the Interior and Insular Affairs Committee to chair a field hearing regarding S. 1928 in the town of St. Croix Falls, Wis., and to see first-hand why so many of the citizens of Wisconsin and Minnesota have advocated national recognition of this segment of the St. Croix River.

This measure is based upon recommendations resulting from a study by the Department of the Interior of the lower St. Croix River and subsequent consultation with the affected States. The bill will provide for designation of the lower 52-mile stretch of the river as a component of the national wild and scenic rivers system to be administered in two segments by the States of Wisconsin and Minnesota, and the Department of the Interior respectively. I should point out that this is one of the last remaining major rivers in the United States which lies within a major metropolitan area and is still relatively unspoiled. The river borders the eastern boundary of the Minneapolis-St. Paul urban area and is within easy access of over 2 million people. Ironically, it is this accessibility which places in jeopardy the features which make this river an outstanding natural resource, and which makes it imperative that the river quickly receive protection under the Wild and Scenic Rivers Act.

The upper reaches of the river which would be designated part of the wild and scenic rivers system provide a very attractive island and gorge environment featuring the famous Dalles of the St. Croix, an area of outstanding scenic and geological interest. In its lower reaches, the river broadens and deepens into a lake-like setting, fronted with a number of communities, summer homesites, marinas and other developments. The waters of the St. Croix are of high quality and provide opportunity for fishing, swimming, boating, and other recreational pursuits. Because of its proximity to the Minneapolis-St. Paul urban complex, pressure for large scale residential and commercial development along the river will become irresistible unless the area is given the blanket of protection provided under this legislation.

Mr. President, the time in which we may act to preserve for future generations the priceless qualities of this portion of the St. Croix River is quickly passing. By forwarding S. 1928 to the House of Representatives, the Senate has taken a most important step towards assuring that our future citizens will be able to partake of the natural scenic splendor which is our heritage.

I urge passage of the bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MONDALE. Mr. President, Senate approval of the Lower St. Croix River Act this morning is a great step forward in the effort to save one of the Nation's most beautiful rivers from massive commercial development.

This bill was introduced by the Senator from Wisconsin (Mr. Nelson) and me and was supported by my colleague from Minnesota (Mr. Humphrey). It is designed to protect the lower portion of the St. Croix River, which is a boundary river separating Minnesota from Wisconsin by including it within the National Wild and Scenic River System.

This is a measure which both the Senator from Wisconsin (Mr. Nelson) and I have strongly supported for years. It was one of the first proposals I introduced, along with the Senator from Wisconsin, when I came to the Senate nearly 8 years ago.

We were able to adopt, in 1968, as a part of the National Wild and Scenic River System, a portion of the bill which we originally introduced, which protected the northern half of the St. Croix and the Namekagon River coming down through Wisconsin as a part of the Wild and Scenic River System.

This measure, which was adopted today, now covers the lower part of the St. Croix from Taylors Falls down to the confluence of that river with the Mississippi River.

I wish to express my appreciation to the Senate Committee on Interior and Insular Affairs and its chairman, the distinguished Senator from Washington (Mr. Jackson), and in particular to the subcommittee chairman, the Senator from Idaho (Mr. Church), for their outstanding work on the Lower St. Croix Protection Act.

We are particularly pleased that the chairman of the committee (Mr. Jackson) personally came to Wisconsin to hear testimony from citizens of my State and from Wisconsin concerning this important measure.

The Senate, in my opinion, has taken advantage of a unique opportunity, by approving S. 1928, to preserve one of the most magnificent rivers in the United States. The famed Dalles of the St. Croix, spectacular rock formations, and richly varied scenery have justly brought national acclaim to the St. Croix River. The river provides recreational and scenic opportunities for sportsmen, boaters, hikers, campers, and those who came simply to enjoy its natural beauty.

The 52-mile river segment from Taylors Falls, Minn. to Prescott, Wis., is widely known as one of the last remaining unspoiled rivers within a metropolitan area. Remarkably, the Lower St. Croix has maintained its natural character despite its proximity to the more than 2 million residents of the Twin Cities and surrounding region. But with visitor use increasing each year, and massive pressure for commercial development, public officials and local residents are convinced of the immediate need for national action to protect the river—before it is too late. The Lower St. Croix Protection Act is intended to seize a rare and fleeting chance to safeguard this irreplaceable national asset.

A wealth of evidence has been presented in testimony before the Interior Committee in support of approval of S. 1928. Exhaustive review by the Congress, the Department of Interior and the States of Minnesota and Wisconsin, has shown unequivocally the qualifications of the river, the need for Federal action, and the merits of the pending proposal. This bill is backed by the administrations of Minnesota and Wisconsin, the Interior Department and the President, and a bipartisan coalition of the Minnesota and Wisconsin delegations in the House of Representatives. It is our hope that Senate passage of S. 1928 today will permit an opportunity for the House to complete action before Congress adjourns for this session.

With an amendment Senator Nelson and I proposed, which was adopted in committee, the pending bill designates the 52-mile Lower St. Croix River as a component of the national wild and scenic rivers system, to be administered in two subsegments by the States and the Department of the Interior.

Responsibility for administering the upper 27-mile segment from Taylors Falls to Stillwater, Minn., rests with the Department of Interior.

The remainder of the river south to Prescott, Wis., is to be administered jointly by the States of Minnesota and Wisconsin.

To insure full cooperation and coordination between the Federal Government and the States, the Governors will submit an application for designation to the Secretary of the Interior, and Federal land acquisition will commence upon initiation of the State acquisition programs.

A master plan is to be developed jointly by the Secretary of Interior and the States within a year after enactment, detailing the boundaries, specifying plans for acquisition, and providing uniform guidance for administration of the Federal-State protection program. A public hearing would be held upon completion of the master plan, and local input carefully weighed throughout the planning process. Under the plan, protection will be achieved primarily through zoning and easements, with limited land purchases.

An authorization of $7,275,000 is provided for Federal acquisition and development, with $2,550,000 set aside for first year acquisition following approval of the master plan.

Senator Nelson and I originally proposed sole Federal administration of the Lower St. Croix River. A major Federal role in preservation of the river has a long and firm legislative history, with Senate hearings and approval of designation of the entire St. Croix River as a national scenic riverway in the 90th Congress. The Upper St. Croix was designated for protection under the 1968 Wild and Scenic Rivers Act and recognizing the significant national interest in the Lower St. Croix, the House and Senate required under the 1968 act a study of the 52-mile segment for addition to the system.

Mr. President, the official Federal study, completed a year ago, confirmed the immediate national interest in designating the segment from Taylors Falls to Prescott a part of the wild and scenic rivers system, with Federal leadership and a firm commitment of Federal resources, expertise, and management authority to assure an effective protection program. A strong Federal role is essential because the Lower St. Croix is an interstate boundary river, and only the Federal Government possesses the resources and authority to coordinate the independent activities of two States and nearly 40 local jurisdictions.

At a field hearing last October in St. Croix Falls, Wis., and at a Washington hearing in April, the Interior Committee found unprecedented agreement and enthusiasm on the part of State and local public officials, private citizens and conservation groups in support of Federal action to preserve the Lower St. Croix.

Official endorsements were submitted by Minnesota Governor Wendell R. Anderson, Wisconsin Governor Patrick Lucey, the Wisconsin State Legislature, the Minnesota Resources Commission of the Minnesota State Legislature, the St. Croix Intergovernmental Planning Conference, the Washington County Board of Commissioners, the Minnesota-Wisconsin Boundary Area Commission and many more local and State governmental units. I would like to point out that Executive Director Mr. James Harrison of the Minnestota-Wisconsin Boundary Area Commission has worked very effectively in coordinating efforts to protect the Lower St. Croix.

When the Interior Committee asked for Federal agency views on S. 1928 at the April hearing in Washington, the Department of the Interior unexpectedly and inexplicably delivered an initial report which contradicted the findings of its official study team.

At the request of Senator Nelson, Governor Anderson, myself, and a bipartisan coalition of the Minnesota and Wisconsin delegations in the House of Representatives, the Interior Department reviewed its position and found that congressional approval of wild and scenic rivers system designation was very clearly warranted. The Department then met with representatives of the States, including the Governors and the Minnesota-Wisconsin Boundary Area Commission, created by the State legislatures, to draw up a compromise amendment, providing for Federal-State sharing in the costs and responsibilities of the protection plan.

Careful negotiations between the State administrations and the Federal agencies have resulted in a workable compromise which has been reviewed and approved by the Secretary of the Interior and by the Governors of both States. With this amendment, which Senator Nelson and I offered to our bill, S. 1928 has the approval of the Office of Management and Budget and the support of the White House.

In summary, the final proposal now before the Senate is among the most extensively reviewed, widely supported and clearly needed measures of its kind to be offered in the Congress.

But time is critical if our efforts are to succeed, and time is quickly running out. More than $100 million in plans for massive residential and commercial projects are already drafted and stand poised for construction along the gentle banks and scenic bluffs of their beautiful river.

Action now by the Senate can prevent the onslaught of wall-to-wall high rises, the noise and pollution from claiming one of the Nation's most precious, and one of our last unspoiled metropolitan rivers.

Mr. President, I must say that with today's action, I hope the House of Representatives will act in the remaining days to send the bill on to the President so that this river can be saved and be saved in time to be protected for future generations in its present state and its present loveliness.

Mr. NELSON subsequently said: Mr. President, the Senate passage today of the Lower St. Croix River Act, S. 1928, is a major breakthrough in the 7-year legislative effort to save the Lower St. Croix. The action today was taken without any dissenting votes. It followed the Senate Interior Committee approval of the bill late last week.

This important progress is an affirmation and a result of the almost solid front of support for this measure by citizens and public officials in the St. Croix Valley and in the States of Wisconsin and Minnesota, for which this river forms part of the border.

The broad support greatly enhances the chances of this bill for final, favorable congressional action, and I urge a similar effort now in the House to bring quick passage of this bill before the end of this Congress so it can be signed into law.

If the St. Croix bill does not receive final action this Congress, I will reintroduce it at the beginning of the next Congress in January and work once again for speedy action. Senator Walter Mondale of Minnesota is cosponsoring this legislation with me.

With committee adoption of an amendment I introduced last week, the bill now has the support of the White House in addition to that of the Governors of the two States.

The amendment, included in the bill as passed by the Senate, reflects a compromise agreement on the terms for adding the Lower St. Croix to the national system.

The compromise was developed by the Department of the Interior and the States of Wisconsin and Minnesota after the Interior Department in April unexpectedly announced its opposition in Senate hearings to the bill as drawn.

Under the compromise agreement, the upper 27 miles of the lower river would be extended Federal protection and the remaining 25 miles would be protected by the States. The 52-mile Lower St. Croix extends from St. Croix Falls to Prescott, Wis., and is almost unique in the Nation in flowing as a little-developed scenic waterway near a major metropolitan area.

The Senate-passed bill authorizes a $7.2 million appropriation for the Federal portion of the river protection program. In addition, the States' portion would be assisted by Federal funds from the land and water conservation funds.

Under the legislation, the lower river's scenic values would be protected through easements, zoning, limited land purchase, and management plans.

Extending comprehensive protection to the Lower St. Croix, as this bill would do, has broader support than almost any other similar natural area protection project I have ever seen.

Hearings have clearly demonstrated the wide public agreement that the action such as proposed in this bill is necessary to protect the Lower St. Croix.

The list of this measure's backers includes:

The White House;

The Governors of Wisconsin and Minnesota, the two States involved;

By formal action, the Wisconsin Legislature, and the Minnesota Resources Commission of the Minnesota Legislature;

The Minnesota-Wisconsin Boundary Area Commission, established by the legislatures of the two States, and representing local government as well. Mr. James Harrison, executive director of the commission, has worked very effectively in this effort to protect the Lower St. Croix through a cooperative public program;

The St. Croix Intergovernmental Planning Conference, made up of the local governments of the Lower St. Croix Valley;

A river study task force made up of regional Federal officials from the Department of the Interior and other agencies, representatives of the Governors, and of the local governments;

The Metropolitan Council of the Minneapolis-St. Paul area;

Local, State, and national environmental organizations;

Major newspapers of the region, including the Milwaukee Journal, the Madison Capitol Times, the Minneapolis Tribune, the St. Paul Dispatch, and the Red Wing Republican Eagle.

In a second key aspect, this proposal has already had careful congressional consideration extending back over the past 7 years.

In 1965, I introduced the St. Croix National Scenic Riverway bill, which Senator MONDALE coauthored with me. This measure would have extended national protection to the entire St. Croix River.

After Senate committee hearings and favorable action, this measure passed the Senate in September of 1965. The proposal had the support of the Interior Department.

We introduced the St. Croix bill again in January 1967.

At about the same time, legislation was introduced to establish a National Wild and Scenic Rivers System and Senate and House hearings were held on all the riverway protection measures.

In the Wild and Scenic River bill, finally enacted in 1968, Congress actually included in the national system the upper St. Croix, the Namekagon and the Wolf Rivers in Wisconsin.

The Senate-House conference committee on the national system bill agreed to provide for a detailed study of the suitability of the Lower St. Croix for addition to the system. However, it was recognized from the beginning that the lower river was well qualified to be in the national system.

The study of the Lower St. Croix directed by the 1968 Act was completed by the Federal-State-local task force last October and sent to Washington.

In the study, the task force strongly and without qualification recommended designation of the lower St. Croix in the National Wild and Scenic River System and recommended Federal management of the project with State and local cooperation.

Last summer, before completion of its study, the task force held a well-attended public information meeting in Stillwater, Minn., at which its recommendations were well received.

Last May, Senator MONDALE and I introduced the pending bill. To obtain local views on the measure, the Senate Interior Committee held hearings chaired by Senator JACKSON at St. Croix Falls, Wis., last October. Several hundred people attended, and the legislation received wide and enthusiastic support.

In the House, a similar bill was introduced, and this year, the House Interior Subcommittee on National Parks and Recreation visited the area.

In April, the Senate Interior Committee held Washington hearings to hear from public agencies on the bill.

Last week, the President's Office of Management and Budget cleared the proposed compromise agreement which I mentioned earlier. The Senate Interior Committee last Thursday approved the St. Croix bill with the amendment representing the compromise agreement and today, the Senate has passed the measure.

Final action on the St. Croix bill is urgently needed. If comprehensive protection is not extended to the riverway, the St. Croix will eventually become one more city river, its waters poisoned with pollution, its shorelines gutted with indiscriminate development.

The dangers are recognized by all. Today, more than $100 million worth of private development is posed in the lower St. Croix River Valley.

But we still have a choice for the future of this river. We can establish plans and controls to assure that future growth is in harmony with the river's scenic and recreational values. Or we can, simply by doing nothing or walking away from it, let the river be swallowed up by the growing urban pressures and dollar-sign decisions.

With passage of the Lower St. Croix River Act, a major program of protection would be launched, involving all levels of government in a cooperative effort, bringing to bear the resources vitally needed to protect this magnificent natural resource.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislataive clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN (for Mr. ALLOTT), from the Committee on Interior and Insular Affairs, without amendment:

S. 4067. A bill to authorize the Secretary of the Interior to convey certain land situated in the vicinity of Georgetown, Colorado, to Frank W. Whitenack (Rept. No. 92–1281).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1927. A bil to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes (Rept. No. 92–1282).

ANNUAL REPORT OF THE SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 92–1280)

Mr. BIBLE. Mr. President, I submit the 22d annual report of the Select Committee on Small Business.

I ask unanimous consent that the report be printed, together with illustrations.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD:

S. 4068. A bill for the relief of Michael Kwok-choi Kan; and

S. 4069. A bill for the relief of Alemitu Feleke. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself, Mr. MATHIAS, Mr. HUMPHREY, Mr. PACKWOOD, Mr. RIBICOFF, Mr. HATFIELD, Mr. MONDALE, and Mr. STEVENSON):

S. 4070. A bill to assist States in reforming their property tax assessment systems, and to encourage them to adopt programs of property tax relief for low-income homeowners and renters. Referred, by unanimous consent, to the Committee on Government Operations; and, if reported by that committee, to the Committee on Finance.

By Mr. ROBERT C. BYRD (for Mr. WILLIAMS) (for himself and Mr. BENNETT):

S. 4071. A bill to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such acts, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 4072. A bill designating the park established pursuant to the Act of April 25, 1947 (61 Stat. 52), as the "Theodore Roosevelt National Park." Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 4073. A bill for the relief of Mr. Jerome O. Gbemudu. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself, Mr. MATHIAS, Mr. HUMPHREY, Mr. PACKWOOD, Mr. RIBICOFF, Mr. HATFIELD, Mr. MONDALE, and Mr. STEVENSON):

S. 4070. A bill to encourage States to reform their property tax assessment systems, and to encourage them to adopt programs of property tax relief for low-income homeowners and renters. Referred, by unanimous consent, to the Committee on Government Operations; and, if reported by that committee, to the Committee on Finance.

THE PROPERTY TAX REFORM AND ASSISTANCE ACT OF 1972

Mr. PERCY. Mr. President, I am introducing today, with the cosponsorship of Senators MATHIAS, HUMPHREY, PACKWOOD, RIBICOFF, HATFIELD, MONDALE and STEVENSON, a bill that would encourage the States to adopt systems of property tax relief for low-income homeowners and renters and to implement needed property tax reforms to make this tax fairer and more equitable.

Our bill would provide Federal grants to the States to cover 50 percent of the cost of State programs of property tax relief for low-income individuals whose property taxes amount to more than 8 percent of their annual income, if States: first, reform property tax administration so as to conform with guidelines specified in the bill, concentrating mainly on professionalization of assessments; second, provide better information to taxpayers on how their property taxes are computed and how the amount of taxes they pay compares with those paid by other taxpayers; and third, provide a method for easy citizen appeal of tax assessments they consider unjustified, and ready public access to property tax records.

The need for programs both of property tax relief to low-income homeowners and renters, and of State property tax reform, is clear.

Property tax relief programs for low-income elderly citizens and others are now being implemented in at least 11 States, according to the Advisory Commission on Intergovernment Relations—ACIR. A table showing these States and the types of relief programs they have implemented follows at the conclusion of my remarks. These relief programs are commonly called circuit breakers.

The need for such relief programs is amply demonstrated. According to the ACIR, for those families with incomes under $4,000, property taxes absorb 7 percent of income nationwide, and take 24.8 percent and 10.2 percent of family income, respectively, in the New York and Chicago areas. Property taxes become even more difficult to bear when family income falls below $2,000. In such cases property taxes are estimated by the ACIR to take 30.8 percent of family income in the Northeast and 22.9 percent in the West.

The public outcry about property tax burdens has been reflected in public opinion polls. In a poll early this year by the Opinion Research Corp., the property tax was overwhelmingly shown to be the most unpopular tax.

The President has responded to this public concern. He has asked the Advisory Commission for a report on the property tax as a means of financing education. He has also recently announced, according to an article in the New York Times of October 6, that he would seek to provide Federal property tax relief circuit breaker programs for elderly citizens.

Thus it seems to me that introduction of this bill is very timely. We should move to encourage States that have not adopted circuit breaker programs to do so, and we should encourage States that have adopted such programs only for the elderly to broaden them to include all low-income homeowners and renters. We can do so, I believe, by offering to pay half the cost of such programs and we can at the same time encourage States to adopt property tax reforms by making Federal aid contingent on such reform.

We are at a critical moment for property tax reform. The revenue-sharing legislation bill will provide new fiscal resources to States and localities. These new funds may well, for a time, lessen the emphasis local governments have traditionally placed on the property tax. We should act now, before outmoded, inefficient, unprofessional, and unfair property tax systems sink again into a kind of oblivion.

The reforms we propose are reasonable and necessary. They are the product of years of study by the Advisory Commission. Their validity has been confirmed by hearings begun in the Subcommittee on Intergovernmental Relations, chaired by Senator MUSKIE. I am assured that we will continue these studies in this subcommittee of the Government Operations Committee.

Mr. President, I ask unanimous consent that a table showing the States that have adopted property for circuit breaker programs, a table showing real estate taxes on a percent of family income, and the bill be printed at this point in the RECORD.

There being no objection, the tables and bill were ordered to be printed in the RECORD, as follows:

TABLE 103.—STATE FINANCED AND ADMINISTERED RESIDENTIAL PROPERTY TAX RELIEF FOR PROTECTING LOW INCOME HOUSEHOLDS FROM PROPERTY TAX OVERLOADS

[The "Circuit-Breaker"]

State	Beneficiaries description	Income ceiling	Tax relief formula	Form of abatement and estimated per capita cost	Date of adoption	Statutory citation
Wisconsin	Homeowners and renters 65 and older.	$3,700	See footnote [1]	State income tax credit or rebate; cost—$1.50 (1968).	1963	Ch. 71, sec. 71.09(7).
Minnesota	Homeowners and renters age 65 and older.	$5,000	Relief ranges from 100 percent to 8 percent depending on amount of property tax payment (for 20 percent of gross rent paid) and household income.	State income tax credit or rebate; Cost—$0.50 (1968). (This aid is in addition to a general State-financed property tax relief that approximates 35 percent of the homeowner's tax bill.)	1967	Ch. 290, sec. 290.0601, et seq.
California	Homeowners age 62 and older; no relief for renters.	$10,000	Relief ranges from 95 percent of tax payment if household income is less than $1,000 to 1 percent of tax payment if household income is $10,000.	State rebate only; cost —$0.40 (1969).	1967	Revenue and taxation code Div. E., sec. 19501, et seq.
Vermont	Homeowners and renters age 65 and older.	Not explicit	Relief limited to that part of tax payment in excess of 7 percent of household income times a local rate factor that varies by tax rate of local community.[2]	State income tax credit or rebate; cost —$1.25 (1969).	1969	H.B. 222.
Kansas	Homeowners age 65 and older; no relief for renters.	$3,700	Same as Wisconsin tax relief formula	State income tax credit or rebate: cost—NA.	1970	H.B. 1253.
Colorado	Homeowners and renters age 65 or older.	$2,400 single; $3,700 married (in addition net worth during year must be less than $20,000).	Relief limited to 50 percent of the tax payment and cannot exceed $200. the credit or refund is reduced by 10 percent of income over $500 for individuals and 10 percent of income over $1,800 for husband and wife.[3]	do	1971	Ch. 138, secs. 138-1-20 and 21.
Maine	Homeowners and renters age 65 and older for males and 62 and older for females. (At least 35 percent of household income must be attributable to claimant.)	$4,000 (in addition, net assets) must not exceed ($30,000).	Relief equal to 7 percent of the difference between household income and $4,000. Limited to the total property tax levied, or 20 percent of rent paid.	State rebate only; cost—NA	1971	Title 36, ch. 901, secs. 6101–6120.
New Jersey	Homeowners age 65 and older	$5,000 (exclusive of social security benefits).	Deduction from tax bill of $160 or amount of tax liability whichever is less.	Reduction of tax bill. ½ of cost o fdeduction reimbursed to municipality by the State; cost—NA	1953 (local), 1971 (State-local).	Ch. 172 (Laws 1963) sec. 54:4-8.40–54:4-8.51 ch. 20 (Laws 1971).

State	Beneficiaries description	Income ceiling	Tax relief formula	Form of abatement and estimated per capita cost	Date of adoption	Statutory citation
Pennsylvania	Homeowners: age 65 and over; widows age 50 and over; permanently disabled persons.	$7,500	Relief ranges from 100 percent of tax (maximum $200) when household income is less than $1,000 to 10 percent where such income is between $6,000 and $7,500.	State rebate only; cost—NA	1971	Act No. 3, H.B. 192.

EXHIBIT: STATE FINANCED AND STATE-LOCAL ADMINISTERED PROPERTY TAX RELIEF (SELECTED STATES)

owa	Homeowners: 65 and older or totally disabled.	$4,000	Deduction from tax bill of $125 or amount of tax liability whichever is less.	Reduction of tax bill; cost of deduction paid by State to each taxing district.	1967	Ch. 356 (Laws 1967), ch. 1208 (Laws 1970), H.F. 654 (Laws 1971).
Oregon	Homeowners	None	Relief based on amount by which property taxes exceed percentage of household income. The percent ranges from 3 percent on income up to $1,500 (maximum relief $400) to 7 percent for incomes in excess of $8,000 (maximum relief $100).[4]	Taxpayers initial tax bill is reduced by the amount of relief granted by the Department of Revenue and the Department pays to the counties the amount of relief granted.	1971	Ch. 747 (H.B. 1639).

[1] Household income—$1,000 or less—relief ranges from 75 percent of amount by which property tax exceeds 3 percent of household income between $500 and $1,000; household income—over $1,000—60 percent of amount by which property tax exceeds 3 percent of household income between $500 and $1,000, 6 percent of income between $1,000 and $1,500, 9 percent of income between $1,500 and $2,000, 12 percent of income between $2,000 and $2,500, and 15 percent of all household income over $2,500. The maximum property tax to be used for this credit is limited to $330. "Rent constituting property taxes" means 25 percent of gross rent paid.

[2] The Commissioner shall annually prepare and make available the local rate factors by arraying all municipalities according to their effective tax rate and dividing the population of the State into quintiles from such array with those having the lowest effective tax rates being in the 1st quintile. The local rate factors shall be as follows: 1st quintile, 0.6; 2d quintile, 0.8; 3d quintile, 1.0; 4th quintile, 1.2; 5th quintile, 1.4. The amount of property taxes or rent constituting property taxes used in computing the credit are limited to $300 per taxable year. "Rent constituting property taxes" means 30 percent of the gross rent actually paid during the taxable year.

[3] For renters, the tax-equivalent amount is considered as 10 percent of the actual rent paid during the tax year.

[4] Persons born before Mar. 1, 1891, with an income not over $3,000 are entitled to relief of the total amount of property taxes on their homestead up to a maximum of $400.

NA–Data not available.

Source: ACIR staff compilation from Commerce Clearing House data.

TABLE 7.—REAL ESTATE TAXES AS A PERCENTAGE OF FAMILY INCOME, OWNER-OCCUPIED SINGLE-FAMILY HOMES, 1971

Family income	United States total	North-east region	North-central region	South region	West region	New York SMSA	Chicago SMSA	Los Angeles SMSA
Less than $2,000	16.6	30.8	18.0	8.2	22.9	48.1	28.6	32.3
$2,000 to $2,999	9.7	15.7	9.8	5.2	12.5	17.4	17.7	15.4
$3,000 to $3,999	7.7	13.1	7.7	4.3	8.7	24.8	10.2	12.3
$4,000 to $4,999	6.4	9.8	6.7	3.4	8.0	20.4	9.3	11.8
$5,000 to $5,999	5.5	9.3	5.7	2.9	6.5	12.5	10.0	8.5
$6,000 to $6,999	4.7	7.1	4.9	2.5	5.9	12.7	9.6	8.5
$7,000 to $9,999	4.2	6.2	4.2	2.2	5.0	9.6	6.4	7.5
$10,000 to $14,999	3.7	5.3	3.6	2.0	4.0	8.0	4.9	5.3
$15,000 to $24,999	3.3	4.6	3.1	2.0	3.4	6.5	3.9	4.0
$25,000 or more	2.9	3.9	2.7	1.7	2.9	5.1	3.4	3.6
All income	4.9	6.9	5.1	2.9	5.4	9.2	6.0	6.7

Note: This table may not be quoted, published, or reproduced without the express permission of the Advisory Commission on Intergovernmental Relations.

Source: U.S. Bureau of the Census, 1972 Residential Finance Survey, special advance preliminary tabulations prepared for the Advisory Commission on Intergovernmental Relations.

S. 4070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Property Tax Reform and Assistance Act of 1972".

SEC. 2. As used in this Act, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(3) "low-income individual" means an individual or married couple (a) whose property taxes on his principal residence exceed 8 percent of his income, or, in the case of an individual who occupies his principal residence under a lease, 25 percent of whose rent exceeds 8 percent of his income; and (b) whose income does not exceed $12,000.

(4) "income" means income from any source whatever, without regard to the provisions of subtitle A of the Internal Revenue Code of 1954 (relating to income taxes), determined in accordance with such regulations as the Secretary may prescribe.

SEC. 3. Upon application made by any State, the Secretary of Housing and Urban Development is authorized to make payments to that State in accordance with the provisions of this Act if he determines that it is eligible under section 4 to receive such payments. The amount of payments which may be made by the Secretary to any State under this Act during any year is an amount equal to 50 percent of the amounts paid by that State as property tax relief during that year to eligible low-income individuals residing in that State under a program described in section 4(1) of this Act or to eligible local governments where the State has a qualified tax relief plan described in section 404(1) of this Act and approved by the Secretary.

SEC. 4. (a) No State shall be eligible to receive payments under this act, unless the Secretary determines that it is carrying out a program of ad valorem real property taxation meeting the requirements of subsections (b) through (h) of this section under State law.

(b) Any such State law shall provide for—

(1) State government supervision of the assessment of real property subject to ad valorem taxation, and State supervision of property tax administration at the local level;

(2) the establishment of a program of training and certification of individuals charged with the responsibility for appraising and assessing such property;

(3) the assessment and appraisal of real property by such individuals in accordance with regulations prescribed by the State;

(4) the development and maintenance, in accordance with regulations prescribed by the State, of maps reflecting property tax rates and assessments; and

(5) the development and enforcement of a system of real property tax assessment rolls, billing practices, and related administrative practices and records which is uniform throughout the State.

(c) Any such State law shall provide that individuals subject to an ad valorem tax on their real property shall be supplied with statements, not later than 30 days before the date on which payment of that tax is due, which disclose the assessed value of the property, the percentage of value at which the property is assessed, and the rate of tax at which the property is taxed. Each such statement shall also include the results of comprehensive assessment ratio studies of the assessment and taxation of property in the State and in the county, or other political subdivision, within which the property of any such individual is located.

(d) Any such State law shall provide that the State shall undertake comprehensive assessment ratio studies annually of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property in each county or other political subdivision in the State. In carrying out such studies, the State shall compute measures of central tendency and dispersion in accordance with appropriate standard statistical analysis techniques. As used in this subsection, the term "average dispersion" means the percentage which the average of the deviations of the assessment ratio of individual sold or appraised properties bears to their median ratio.

(e) Any such State law shall provide that the State shall define the base for real property taxation, and shall establish all exemptions from such taxation. The State shall determine the total assessed valuation of real property in each class of exemption and make that information available to the public.

(f) Any such State law shall provide that the State shall insure the enforcement of its real property tax standards and practices uniformly throughout the State by providing for necessary enforcement personnel and procedures.

(g) Any such State law shall provide that the State shall establish a system of appeals from the determinations of assessors which will provide for prompt, efficient disposal of such appeals. Under such system a citizen of the State shall having standing to appeal the assessment, rate of tax, or exemption, from tax of his own property or any other real property with respect to which he can demonstrate that the challenge assessment, rate of tax, or exemption may adversely affect himself or others similarly situated. Upon a successful challenge under such system, the State may be authorized to assess the property, set the rate of tax, or provide or withdraw the exemption without the consent of local officials.

(h) Any such State law shall provide that all records of property assessment shall be maintained in such a way and in such places as to be readily accessible for public inspection.

(i) Any such State law shall provide that the State shall reimburse low-income individuals for ad valorem real property taxes, or rent in lieu of such property taxes, paid by such individuals with respect to their principal residence or for payments by the State to local governments to compensate the local governments for lost revenues resulting from a specific low-income exemption from the applicable property taxes. The amount of reimbursement paid to any individual or to any local government for lost revenues from qualified individual exemptions under a State program of reimbursement shall not exceed—

(1) in the case of such an individual who owns his residence, the lesser of $300 per year or the amount of ad valorem real property taxes paid with respect to that residence during that year in excess of 8 percent of his income; or

(2) in the case of such an individual who rents his residence, and with respect to whom it is determined under regulations prescribed by the Secretary that a portion of his rent is based on property taxes payable on that residence by the owner thereof, the lesser of $300 per year or the amount by which 25 percent of his rent exceeds 8 percent of his income.

(j) Nothing in subsection (i) above, however, shall be construed to limit the implementation by States of property tax relief payment programs in amounts in excess of the amounts stated in subsection (i). In such cases, Federal payments will be made to States up to the limits set forth in subsection (i).

SEC. 5. The Secretary shall make a payment under this Act to a State only upon receipt of an application filed by that State at such time, in such manner, and containing reports, in such form and containing such information, as the Administrator may reasonably require to insure that the State continues to be eligible under section 404 for such payments, and shall set forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year are appropriately controlled. Payments made under this Act to the States may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

SEC. 6. The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Act, and to provide such advice and assistance to the States as they may request for the purpose of developing ad valorem property tax programs meeting the requirements of section 4.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. JAVITS. Mr. President, I ask unanimous consent that a bill introduced today by Senator PERCY, on the Property Tax Reform and Assistance Act of 1972 be referred to the Committe on Government Operations, and that if and when the bill should be reported, it be referred to the Committee on Finance for its consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

By Mr. ROBERT C. BYRD (for Mr. WILLIAMS) (for himself, and Mr. BENNETT):

S. 4071. A bill to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such acts, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. WILLIAMS) and the distinguished Senator from Utah (Mr. BENNETT), I introduce a bill, and I ask unanimous consent that a statement prepared by Senator WILLIAMS be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SECURITIES ACT OF 1973

(Statement by Senator WILLIAMS)

On behalf of Senator BENNETT and myself, I am introducing a bill to deal with the question of "institutional membership" and other vexing problems which are currently facing the securities industry. This bill represents a bipartisan approach to problems which require Congressional resolution if the industry is to move forward with the development of a central market system that will adequately serve the future needs of public investors.

I am particularly pleased that Senator Bennett has joined me in co-sponsoring this bill. Over the years that we have worked together on the Banking Committee, Senator BENNETT and I have cooperated in the resolution of many difficult issues in a manner that was fair to all competing interests. I hope that our joint efforts on this occasion will be equally productive.

The problem called "institutional membership"—more properly the question of the combination of brokerage and money management—is a complex one. The proposals put forth thus far to resolve the problem have served mainly to exacerbate the controversy. In fact the Department of Justice last week not only opposed the solution which the SEC has been attempting to impose on the industry but also stated that the procedures being followed by the SEC are not authorized by its statutes.

The absence of Congressional resolution of the question seems likely to impede for a long time our progress toward a more efficient and responsive market structure. I believe that, in the bill being introduced today, we have found a formula which resolves the conflicting positions of different segments of the industry, and does it in a way which will assure adequate brokerage service in the future for both individual and institutional investors.

Essentially, this bill will prohibit any member of a stock exchange from effecting any transactions for any institutional account which it manages. An institution would not be prohibited from having a subsidiary or affiliate which was an exchange member, but it would not be able to do any of its portfolio business through that member. Similarly, a stock exchange member could manage or advise pension funds, mutual funds or other institutions, but it would not be able to do any of the brokerage business for those institutions. These prohibitions will eliminate conflicts of interest with which many people are concerned, and will do it in a way which does not discriminate unfairly between those firms which are primarily in the brokerage business and those which are primarily in the money management business.

A substantial number of institutions have obtained memberships on regional stock exchanges for the purpose of reducing the excessive commission costs levied on their beneficiaries under the present fixed commission rates. In recognition of the interests of those beneficiaries, institutions which presently have affiliated stock exchange members will be permitted to continue doing business through those affiliates as long as fixed rates are maintained on transactions larger than $100,000. Under the schedule presently envisioned by the SEC and the New York Stock Exchange, fixed commission above the level should be eleminated within a 12 to 18 months period.

Also, in order to provide an adequate transition period for stock exchange members which presently do a substantial amount of brokerage business for managed institutional accounts, they would be allowed an additional two years to phase out such business. They will be permitted to do up to 20 per cent of their business with managed institutional accounts during the first year after the end of fixed rates on large transactions, and up to 10 per cent during the second year. Thereafter, the full prohibition will become applicable to all firms.

The second question to which this bill addresses itself is the manner in which institutional research should be paid for under competitive commission rates. At present, much of that research is paid for with "soft" commission dollars available under fixed rates. The fear has been expressed that under competitive commission rates, institutional managers would not be able to pay brokers for research services because of their obligation to seek out the firm offering the lowest commission rate for the execution of the order. I do not believe that the law presently prohibits such payments, provided they are properly disclosed and represent compensation for valuable services to the fund. However, it is important that we set this question to rest, so that it does not impede progress toward a fully competitive rate structure.

This bill therefore contains provisions permitting fund managers to pay higher commissions on portfolio transactions for the purpose of obtaining research which they determine to be of value to the fund beneficiaries. Full disclosure of any such payments will be required to insure that this permission is not used to mask reciprocal practices or otherwise divert fund assets.

Finally, the bill addresses problems relating to the sale of management companies which have advisory contracts with mutual funds.

This problem was not considered by the Congress when it enacted the 1970 amendments to the Investment Company Act. Under court decisions at that time, there was no legal bar to the sale of a mutual fund management company, provided no unfair burdens were imposed on the fund shareholders. However, the 1971 decision of the Second Circuit Court of Appeals in the case of Rosenfeld against Black—the "Lazard" case—created uncertainty as to when a management company could be sold at a profit without incurring liability to fund shareholders.

In June, I introduced a bill, at the request of the SEC, which would have permitted such sales under certain conditions and which was designed to protect mutual fund shareholders. One section of that legislation provided that, for five years, none of the managed funds could have any officer or director who had any interest in the management company. Representatives of the mutual fund industry have urged that this is an unduly harsh restriction, and could result in additional costs to the funds because of the need to hire new people not connected with the management company.

Accordingly, this bill modifies the original SEC proposal by requiring that for three years after the sale of a management company at least 75 percent of the directors of the managed funds would have to consist of persons having no interest in the management company. It would also, of course, contain the other provisions in the original bill designed to prevent overreaching or imposition of additional burdens on fund shareholders. This bill reaffirms the understanding of the Congress at the time it considered the 1970 amendments, that the sale of a management company is legally permissible provided no unfair burdens are imposed on the fund shareholders. I believe this bill contains the provisions necessary to protect fund shareholders against such impositions.

Mr. President, I hope that this bill will receive broad support from all segments of the industry and the investing public, and that it will form the basis of constructive and forward-looking securities legislation in 1973.

Mr. BENNETT. Mr. President, I join with the Senator from New Jersey in sponsoring this legislative proposal because I hope it will bring about the resolution of some major problems which have confronted the securities industry for several years. These include: First, the proper relationship between the brokerage business and money management; second, the proper relationship between research and brokerage commissions; and third, the sale of management companies which have contracts with investment companies.

On June 23, 1970, I sponsored legislation intended to bring the issue of stock exchange membership of institutions not primarily engaged in the brokerage business before the Congress for a decision. More than 3 years have passed, and Congress has not yet taken any official action on this problem other than hearings and studies.

I realize that this is a complex issue which had to be considered fully before a decision could be reached by the Congress, but in my opinion there is certainly no reason for further delay. We have now had several studies and hearings which presented an opportunity for all points of view to be expressed. This proposal takes into account all of the opposing views and is an attempt to work out the differences on the three major issues which I have mentioned. I believe it represents a good faith effort and a significant step in the resolution of these issues. There are particularly strong feelings on the issue of national securities exchange members trading for affiliated accounts and managed institutional accounts because the future structure of securities markets as well as individual firms will be greatly affected by the relationship permitted. Regardless of how difficult it may be, I believe it is the responsibility of Congrses to determine the relationship that will best serve the public. We should also do what we can to make it possible for those firms which are adversely affected by our decision to readjust their operations to meet the new pattern which we establish. Because of the slowness of the Congress to resolve this issue, the Securities and Exchange Commission has taken action to bring about what it feels is a reasonable solution to the problem.

On February 15 of this year, the Commission sent letters to all of the national security exchanges, requesting them to work out rules excluding from membership any organization not doing a predominant part of its brokerage business with unaffiliated public investors. The letter also requested exchanges to recommend ways of excluding from membership any organization whose primary function is to route orders for the purpose of rebating or recapturing brokerage commissions. Even before this request was made by the SEC, one exchange reaffirmed its policy of allowing relatively unrestricted membership. The SEC then determined to bring about a resolution of this problem on the basis of authority contained in section 19(b) of the Securities and Exchange Act of 1934.

On August 3, 1972, the SEC published for comment proposed rule 19b–2, designed to establish the right of any person or entity to exchange membership, provided the primary objective of that membership was to furnish brokerage services for customers other than the member and its affiliates or contribute to the market by marketmaking activity.

On last Tuesday, October 3, the Justice Department submitted its comments opposing the Commission's proposed rule, stating that: First, it would tend to reinforce an anticompetitive commission rate system; second, its purpose rests on an arbitrary distinction between what is "public" and what is "private"; third, it fails to deal with the broader conflicts of interest between money management and brokerage; fourth, it is not supported by evidence showing its necessity to achieve other ends of the Securities Exchange Act; and fifth, its adoption based on present proceedings would not satisfy the opportunity for hearing requirements of section 19(b) of the Securities Exchange Act and the Administrative Procedure Act.

The Securities and Exchange Commission along with other interested parties has been involved in the development of this proposal which we introduce today. This, however, does not mean that the Commission agrees with all of its provisions. I am not sure that anyone agrees with all of its provisions. One of the issues on which there is a difference is the degree to which a brokerage firm may affect transactions for nonaffiliated institutional accounts. This proposal would not permit any such transactions if the member firm has the power to make day-to-day investment decisions even though some other person may have ultimate responsibility for such investment decisions.

It is my understanding that the SEC would prefer to make a determination on transactions for managed institutional accounts on the basis of control by the brokerage firm over the account as shown by the facts in each case. Just how much actual difference there is between these two positions is not clear at this point.

Another point of difference is that this proposal completely separates the brokerage business from institutional money management. The Commission's proposed rule requires that members of securities exchanges do at least 80 percent of the value of their transactions with nonaffiliated persons, thus permitting some combination of money management and brokerage business. Again, it is difficult to determine how much difference there is between this proposal and the position of the Securities and Exchange Commission. The Commission indicated in its statement on the future structure of the securities markets in February of this year that it could not make the determination that money management and brokerage business should be completely separated. The report stated that Congress authorized this relationship and has permitted it to continue. It concluded:

> We therefore believe that the conflict of interest problem which is inherent in the combination of money management and brokerage is a matter to be resolved by Congress. Only that body should decide whether or not this potential conflict can continue to be dealt with in the same manner as other conflicts mentioned above, by a combination of disclosure and enforcement of fiduciary obligations, or whether it is sufficiently troublesome to require separation of the two functions.

Mr. President, although the Securities and Exchange Commission recommended a congressional decision, they have not sat idly by to let present problems continue unchallenged. These issues have been so important the Commission felt they must, in addition, take whatever administrative action possible. They have proceeded on the basis that they have sufficient authority to act on the exchange membership issue even though that authority has been seriously challenged. Having been criticized for not acting aggressively enough in the past, it is only natural that the Commission would take action to discharge their responsibilities in this respect, since the question of authority is not settled. At the same time, the Commission has recommended legislation on the issues contained in this bill and I feel sure they will do all they can to assist in the enactment of appropriate legislation.

Mr. President, it is apparent to me that the solution of these major problems can only come about through congressional action. While differences of opinion may exist, we must work out solutions at the earliest possible date. I realize that there is little, if any, possibility of congressional action on this legislation this session, but it is my hope that its introduction at this time will make it possible for us to resolve these issues early in the next session.

By Mr. BURDICK:

S. 4072. A bill designating the park established pursuant to the act of April 25, 1947 (61 Stat. 52), as the "Theodore Roosevelt National Park." Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I introduce for appropriate reference, legislation intended to create a national park in North Dakota. The State is currently without a national park or a national monument but has the raw materials at hand.

Presently, 110 square miles of sparsely settled Badlands and prairie uplands along the Little Missouri River have been set aside as a national memorial park in honor of Theodore Roosevelt. Roosevelt, who ranched in southwestern North Dakota during the days when the area was the hub of the open range cattle industry, was quoted as saying:

> If it had not been for what I learned during those years spent here in North Dakota, I never in the world would have been President of the United States.

The three individual units of the Theodore Roosevelt National Memorial Park present today, substantially the same environment which Roosevelt experienced in the 1800's—a unique contrast to the gently rolling prairies of the Northern Plains. The Badlands, with its maze of canyons and coulees, interspersed with grassy uplands, is symbolic of a cultural heritage proudly shared by the people of the entire region. But as a "memorial" park this area of scenic, scientific, and inspirational importance has been placed in administrative limbo.

Evidence has reached my office which indicates that the park is not even recorded on some of our tour guides of the National Park system. It is my feeling, and that shared by thousands of tourists who visit the park each year, that the existing Theodore Roosevelt National Memorial Park merits designation as a full-fledged national park. By this redesignation, I hope to focus public administrative and congressional attention to this place of historic and natural wonder.

Mr. President, I ask that a letter written by the North Dakota travel director, Mr. Joseph Satrom, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA HIGHWAY DEPARTMENT,
Bismarck, N. Dak., November 11, 1971.
Senator QUENTIN N. BURDICK,
U.S. Senate, Committee of the Judiciary, Washington, D.C.

DEAR SENATOR BURDICK: Pardon my delay in answering your letter of October 22, 1971, but I have sought additional background information so that I might handle your questions regarding the deletion of the word "memorial" in the title Theodore Roosevelt National Memorial Park with better credentials.

There is little doubt that Theodore Roosevelt National Memorial Park is both a natural and historical wonder and that, although it is much smaller than most national parks, it could gain recognition within either management category. The proximity of the memorial park to the great parks of this region leads me to believe that Theodore Roosevelt Park and the vast badlands of North Dakota could relieve much of the people pressure which exists during the tourist season in these well-promoted natural parks.

I would like the Park Service to recognize Theodore Roosevelt National Memorial Park as being not only unique in that it is the nation's only "memorial" park, but also in that it is a full fledged natural attraction. I would hope that reclassification of the park would give it exposure in publications such as the map of the national parks and monuments which I have attached. It is truly regrettable that the Sinclair Tour the USA Travel Guide by Rand McNally completely omits mention of Theodore Roosevelt National Memorial Park. It seems to be that reclassification without loss of the meaning of the "memorial" to Theodore Roosevelt would serve our interests and the entire purpose of the National Park Service. It may be that the National Park Service can reclassify Theodore Roosevelt National Memorial Park so that it gains inclusion in maps such as the one which I have attached, however, I have been led to believe by Park Service officials that this is not the case.

I appreciate your letter and interest in this matter. Please call on me if I can be of further assistance in this matter.

Best wishes,

JOE SATROM, *Travel Director.*

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3750

Mr. ERVIN. Mr. President, I wish to announce that the following Senators have joined in cosponsoring S. 3750, a bill I introduced on June 27, 1972, to protect the constitutional rights of American citizens by prohibiting the Armed Forces from collecting information or conducting surveillance on persons unaffiliated with the Armed Forces: ALAN BIBLE, FRANK CHURCH, ALAN CRANSTON, FRED R. HARRIS, PHILIP A. HART, HAROLD E. HUGHES, HUBERT H. HUMPHREY, MIKE MANSFIELD, FRANK E. MOSS, GAYLORD NELSON, CHARLES H. PERCY, ABRAHAM RIBICOFF, WILLIAM V. ROTH, JR., ADLAI E. STEVENSON III, ROBERT TAFT, JR., JOHN V. TUNNEY, HARRISON A. WILLIAMS, JR.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972—AMENDMENTS

AMENDMENTS NOS. 1716 THROUGH 1720

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted five amendments intended to be proposed by him to the bill (H.R. 13915) to further the achievement of equal educational opportunities.

AMENDMENT NO. 1721

(Ordered to be printed and to lie on the table.)

Mr. BIBLE (for himself and Mr. CANNON) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 13915), supra.

AMENDMENT NO. 1722

(Ordered to be printed and to lie on the table.)

Mr. MONDALE submitted an amendment intended to be proposed by him to the bill (H.R. 13915), supra.

TEMPORARY INCREASE IN DEBT LIMIT—AMENDMENT

AMENDMENT NO. 1723

(Ordered to be printed and to lie on the table.)

Mr. JORDAN of Idaho submitted an amendment intended to be proposed by him to the bill (H.R. 16810) to extend the debt limit and provide for a 1973 spending limitation of $250 billion.

Mr. JORDAN of Idaho. Mr. President, this amendment to the expenditure ceiling provision of H.R. 16810 would provide a method for a proportionate reduction of all appropriations, with the exception of certain irreducible categories of spending, in order to meet the President's request for a 1973 spending ceiling of $250 billion.

I heartily approve the proposed spending ceiling but I do not approve abdication of appropriative powers of the Congress to the President. The limitation proposal as it now stands would be a transfer of congressional power to the Executive that I am not willing to endorse. Moreover this abdication by the Congress is not necessary to achieve what the President wants, viz: a spending ceiling of $250 billion for 1973.

I suggest an alternate plan—one that would retain the appropriative power in the Congress and mandate the President to do certain things.

My amendment would apply only to those appropriations that are not reducible. Certain expenditures of the Federal Government are not reducible. I put them in three categories:

First. Interest

Second. Veterans' pensions, education, hospitalization.

Third. Payments from social insurance trust funds which include social security, medicare, unemployment, and so forth.

Added together these irreducible items total about $98 billion or about 40 percent of the $250 billion spending limitation goal. All remaining expenditures must be reduced proportionately to bring the total within the $250 billion.

For example, assume that the total appropriations made by Congress add up to $257.5 billion. The overrun is $7.5 billion or 3 percent of the $250 billion spending limit.

Since approximately 40 percent of the items are irreducible the entire reduction of $7.5 billion would fall proportionally on the 60 percent—$150 billion—for an effective cut of 5 percent.

Thus the Congress would mandate the President to make the cut uniformly in each department's spending, exclusive of irreducible items above mentioned.

The implementation of such a plan would achieve four goals which I think are desirable:

First. Retain the appropriative power of decision in the Congress.

Second. Restore a measure of fiscal ingrity to the Federal Government.

Three. Lessen the certainty of a tax increase.

Fourth. Avoid the temptation for a President to wield power indiscriminately and without regard for or compatible with congressional spending priorities.

This amendment accomplishes a twofold purpose—the President gets the $250 billion spending limit and the Congress retains jurisdiction of its Constitutional responsibility to control the purse strings.

The Nation would be well served if both were achieved.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1687

Mr. PACKWOOD. Mr. President, I am pleased to announce that the senior Senator from Florida (Mr. GURNEY) and the junior Senator from Utah (Mr. MOSS) are joining with 20 of my colleagues and me in cosponsoring amendment No. 1687, intended to be proposed to the debt limit bill, to equalize the Federal tax treatment of unmarried individuals.

I ask unanimous consent that Senator GURNEY and Senator MOSS be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1700

Mr. BENTSEN. Mr. President, during the debate on my amendment No. 1700 to H.R. 1, the Social Security Amendments of 1972, on October 5, I neglected to add the name of the senior Senator from Texas (Mr. TOWER) as a cosponsor. I ask unanimous consent to have his name added at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COLUMBUS DAY

Mr. WILLIAMS. Mr. President, today Americans of all descent will honor and praise one of history's most outstanding feats—the landing of Christopher Columbus on the shores of the New World.

The remarkable adventure by this young and courageous navigator, a man who was unbound by the superstitions of the Dark Ages, opened the door not only to the discovery of the Western Hemisphere, but also to the establishment of this country's civilization.

Columbus Day is a proud and happy celebration for all Americans, regardless of race or ethnic origin. The occasion serves as a true reminder of our diversified heritage, the very foundation of this country.

I was pleased and honored to observe this morning the Christopher Columbus Parade in Newark, N.J., sponsored by the Italian-Tribune-News. The participants of the parade demonstrated the enormous pride that is shared by all Americans in honoring this man. The parade itself symbolized the continued tribute to this gallant Italian that has been passed down for 480 years. During the parade, I found it especially appropriate to recall such great Italians as Amerigo Vespucci, Guglielmo Marconi, Garibaldi, Michelangelo, Giacomo Puccini, and Leonardo da Vinci. Their dedication to Italy and its greatness has been a tradition of all Italians throughout the years. That tradition has been continuously apparent among Americans of Italian descent in their outstanding contributions to this country's way of life.

Mr. President, the United States is a composite of all people of the world. We are a nation of courageous and devoted people. Our Italian-American citizens excellently exemplify this devotion.

It is, therefore, especially significant for all Americans to honor these fine citizens through a memorable tribute to Christopher Columbus.

RECOMPUTATION OF MILITARY RETIREMENT PAY

Mr. COTTON. Mr. President, last week, on October 4, the House Armed Services Committee held hearings on the recomputation of military retirement pay.

At that time, the distinguished Senator from Florida (Mr. GURNEY) presented his views on the need for legislative action in this area. I ask unanimous consent that Senator GURNEY's remarks before the House Armed Services Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDWARD J. GURNEY

Mr. Chairman and members of the committee: I welcome the opportunity to speak today in support of the recomputation of military retirement pay. For the record, I have authored and cosponsored several measures in the past which would have provided for recomputation. In this congress, I am a cosponsor to S. 377, providing for full recomputation. Most recently, I cosponsored and actively supported the Hartke recomputation amendment to the military procurement bill. Unfortunately, while the Senate approved this provision, it was rejected in conference.

Mr. Chairman, while I have long been a proponent of full recomputation, I feel that the discussion before us now should center on how we can best provide for our military people. I think most military retirees understand the budgetary constraints we are under, and most feel that the one-time recomputation approach is definitely a step in the right direction.

However, I am not here to speak in favor of any one proposal. There are any number of proposals currently in the Congress from which to choose.

For years, as we all know, nothing was done. Then, on March 10, 1971, President Nixon appointed an interagency advisory committee composed of the Assistant Secretary of Defense for manpower and reserve affairs, the administrator of the Veterans Administration, the chairman of the Civil Service Commission, and the assistant director of the Office of Management and Budget, for the purpose of making recommendations to the Congress on how we might best improve our military retirement system. One of those proposals favors one-time recomputation; several have merit. I am only interested in finding an equitable solution to a long standing injustice.

Prior to 1958 those in the military were entitled, under the terms of their retirement, to 2½% of the current monthly base pay for each year of service up to thirty. Their pay, then, would increase as active pay increased, thus keeping them current with the economy and the cost of living. On June 1, 1958, Congress enacted legislation providing that those who retired before that date were not entitled to any increase based upon the new rates and active pay. Military pay has always been comparatively low in contrast to civilian wages. This is largely due to the liberal military retirement system. Many men accepted the low pay rates in exchange for the benefits of the retirement program. They had every reason to believe that the Government would keep its bargain.

But the Government did not, and military retirees found themselves in the same state as many others in public retirement—having to wait for the infrequent cost of living increases which lagged far behind the actual rise in living costs.

No provision was made to keep faith with those who entered and remained in the service under the old system. Each time we grant a raise to active duty personnel, the gap widens. For instance, a sergeant major retiring today will receive $3,710 more a year than one who retired with equal service in 1958. This is obviously unjust.

Retired military people are in a different situation from retired civilians. The civilian has no further obligation to his former employer, whereas military personnel are subject to recall to active duty. In addition, the military man has limitations placed on his employment and activities.

The salaries received by retired servicemen are not merely payment for past services but are a means of assuring their availability and preparedness for future demands which their Government may need to make upon them.

Thus, these older members of the military community have been placed in the inequitable position of having drawn a comparatively small pay while in service, in anticipation of a generous retirement or retainer pay system, only to see that expectation scrapped for a cost of living system of pay adjustment about the time they entered into their retired status. Under the present system, the retired pay is forever based upon inadequate active duty pay rates previously in effect.

Of all the losses which have been suffered by military personnel, the most damaging has been the failure of the government to honor its obligations, based on the tradition of 100 years of usage, to compute the retirement pay of the retired personnel of the armed forces on the basis of the current base pay of the active duty personnel. Military personnel retire from active service at earlier ages than most civilians. The result, of course, is that active duty, with its higher pay and cash allowances, must be terminated for many persons with growing families at a time when a reduction of income hurts the most.

And then there is another consideration. The Secretary of Defense has announced that, effective July 1973, the draft will be discontinued. Now all we know that, if the volunteer army concept is to succeed, enlistments must continue to go up. Obviously, the incentive of a good retirement plan will help in this regard and if Congress adopts a recomputation formula, prospective volunteers will have greater confidence in the future of the military retirement system. Also, older retirees are good recruiters; to correct the injustice done to them will remove much of the bitterness that they could otherwise convey to potential enlistees.

Then, too, since pay scales at all levels in the American economy are escalating rapidly, providing a higher standard of living, and since the military retiree usually terminates his active career at an early age and becomes dependent for pay increases based solely on raises in the cost of living, he faces his later years with a certainty that his income, as compared to the national average, will become smaller and smaller.

We have, through recent social security increases, corrected a similar problem for civilian retirees. Now is the time to do the same thing for the military.

I am hopeful that this committee will act as quickly as possible to restore the military retiree to the pay status he was assured when he entered the service of his Nation.

Mr. Chairman, in this Congress, there are at least 100 men who have authored or cosponsored recomputation bills. I doubt that any other measure having such widespread support has failed to come before this body for a vote. We should have dealt with recomputation years ago; we have appointed committees, study groups and boards but have yet to act to correct this problem.

I understand the problems involved with recomputation. Paying our servicemen costs money. Paying for military retirement costs money. But in this day of increased concern for retirees, we cannot allow those who have served this country so well in war and peace, to lag behind younger military retirees who are no more, and no less, deserving of consideration. I would urge this committee to find a satisfactory solution and unlike previous Congresses, to pass upon it. I would urge this committee to take the lead and move as quickly as possible to rectify a situation which is so unfair to our retired military personnel.

WATERGATE BUGGING CASE—SLOWDOWN AT THE JUSTICE DEPARTMENT

Mr. ERVIN. Mr. President, I share the outrage of our citizenry over the events surrounding the arrest of five men for political espionage inside the Democratic National Committee's headquarters in the Watergate last June.

Aside from the political considerations of this reprehensible affair, the manner in which the case is being handled by the Justice Department only adds to the growing suspicions and lack of public faith in this administration's commitment to justice. Admittedly there are many sensitive questions which must be dealt with within the bounds of the Constitution's strictures. However, I do not believe that by delaying the trial of those individuals already indicted, or blocking proposed congressional investigations, the ends of justice will be served in this case.

Upon learning of the Justice Department's efforts to prevent the House Banking and Currency Committee from looking into certain financial aspects of the Watergate case, I felt compelled to write Attorney General Kleindienst. Inasmuch as the Department's resistance to the inquiry was based on its interest in the rights of the defendants in this case, I pointed out to Mr. Kleindienst that—

> The obvious way to ensure a prompt, fair, and impartial trial and avoid any possible encroachment on the rights of those indicted would be to adhere to the Constitution's Sixth Amendment speedy trial provision. To my mind, any lawyer who is qualified to try cases before a Justice of the Peace court ought to be able to try five men caught red-handed in a burglary within ten days. Certainly there must be someone in the Department or the U.S. Attorney's office who can.

Mr. President, I ask unanimous consent that my letter to Attorney General Kleindienst be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 5, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I noted with interest the purported reason the Justice Department put forth in opposing the hearings Representative Patman proposed the House Banking and Currency Committee hold on certain aspects of the break-in at the Democratic National Committee offices in the Watergate.

As a lawyer and former judge who has always been concerned with the preservation of constitutional rights for all accused individuals, I was heartened to read of the Justice Department's interest in the rights of the defendants in this case. Granting the Department's concern for the "basic rights of the defendants" in this case, I seriously question whether it was Mr. Patman's hearings which might have jeopardized those rights. As I understand it, he had planned to limit the hearings to those facets of the case particularly under the jurisdiction of his committee, and would not deal with the issues encompassed by the criminal indictments.

It seems to be that a far more serious injury to the defendants' rights and to those of the American people is the absence of a speedy trial in this case. The obvious way to ensure a prompt, fair, and impartial trial and avoid any possible encroachment on the rights of those indicted would be to adhere to the Constitution's Sixth Amendment speedy trial provision. To my mind, any lawyer who is qualified to try cases before a Justice of the Peace court ought to be able to try five men caught red-handed in a burglary within ten days. Certainly there must be someone in the Department or the U.S. Attorney's office who can.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

REVENUE SHARING FUNDS FOR LOCAL PENNSYLVANIA COMMUNITIES UNDER H.R. 14370

Mr. SCHWEIKER. Mr. President, earlier this week I placed in the RECORD, for the benefit of my constituents, the allocation figures for Pennsylvania local governments as presented in the so-called "blue book" supplement to the conference report on the general revenue sharing bill. Since placing these figures in the RECORD, I have discovered errors and omissions; and furthermore, I have received some inquiries from Pennsylvania communities questioning the figures that appear in the "blue book" printout. This printout was prepared for the Joint Committee on Internal Revenue Taxation by the Treasury Department.

I have discussed these errors with James E. Smith, Deputy Under Secretary of the Treasury. Mr. Smith emphasized in his discussion with me that the printout prepared for the Joint Committee is an estimate of allocations to communities and counties with populations of 2,500 or more and should not be regarded by any governmental unit as a final Treasury Department determination of the actual allocation of funds which will be made once the payment process begins. Mr. Smith indicated that at no time during the demanding period of the legislative process did Treasury have the time to undertake the very time-consuming task of data verification for all of the elements of data for all of the communities covered in this printout. That task is ongoing at the present time. Furthermore, since this printout covers only those communities with populations of 2,500 and above, it was necessary for the Treasury to make some rather arbitrary block estimates as to the gross allocation of funds which would be necessary for allocations to the many thousands of communities below that population level. To the extent that those block estimates are in error, there will be resulting changes in the distribution to all communities.

Mr. Smith advised that the value which this printout has, as well as the printouts previously made on the House and Senate versions of the general revenue sharing bill, is to provide first a general range estimate of what any particular community may expect to receive and second, to provide a good picture of the distributional relationship among various units of government within a State or within a county resulting from the application of the within-State formula, which adjusts population by tax effort and inverse per capita income.

He advised me that Treasury is well aware that there may be errors and omissions in this printout, and that the Treasury is determined to develop an adjustment system which will assure that all communities and all affected units of government are fairly and equitably treated.

It is regrettable that it was not made more clear from the beginning that these figures were arrived at with the use of insufficient data in many cases, and that they will be revised. This is particularly true because of the obvious interest every local community has in its share of the revenue-sharing funds.

I strongly urge the Treasury Department to make the corrected figures available to the public at the earliest possible date.

HOW TO LIVE WITH ECONOMIC GROWTH

Mr. PROXMIRE. Mr. President, in an article published in this month's Fortune magazine, economist Henry C. Wallich deals with the vital question of how to control environmental pollution without unnecessarily stifling economic growth. His central tenet is that we should institute a system of pollution taxes—a concept which I have been advocating for some time.

Mr. Wallich notes that as long as air and water remain free resources, industrial polluters will have no incentive to abate their pollution beyond the external controls which society imposes upon them. These controls—as we now know—tend to be haphazard, ineffective, and inequitable. Far better, Mr. Wallich argues, to let the price system regulate the amount of pollution discharged, by attaching a price to the use of air and water, thus compelling industry to include pollution costs in its total cost picture. The result will be to "internalize the externalities," and will "tend to shift the structure of output toward its low-pollution components."

Mr. President, I ask unanimous consent that Mr. Wallich's very persuasive article, entitled "How To Live With Economic Growth," be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

How To Live With Economic Growth

Almost suddenly, it seems, the once positive word "growth" has taken on dark, disturbing connotations. Various voices, some of them hard to ignore, have warned us that continued worldwide growth will lead to a hell of degradation and collapse.

Such a warning was sounded early this year in *The Limits to Growth*, by a team of systems analysist at M.I.T. The authors used a computer model of the "world system" to trace out alternative futures under various assumptions. Three of the scenarios, all grim, are represented in the charts at the right. In the second and third charts, it is assumed that virtually unlimited nuclear power greatly increases available resources. (Since the five variables in each chart are measured in different units, no significance should be read into the height of one curve relative to another curve in the same chart.)

Computer modeling of this kind lends an air of rigor and precision to projections that actually involve far from rigorous suppositions. But it would be unwise to disregard the findings on that account. The soft pudding of suppositions encloses a steely core of truth. The earth *is* finite, and therefore the growth of both population and physical output must eventually cease.

The policy implications, however, are far from clear. Despite the precision of the computer tracings, there is uncertainty about time spans. What's more, cooperative global action to suppress growth cannot be considered a real possibility. And in a still-growing world it is very hard to make a case that zero economic growth is the best policy for any particular society.

In this article, economist Henry C. Wallich of Yale University maps a course between do-nothing and stop-everything. A former member of the Council of Economic Advisers, Professor Wallich argues that, if we let it work, the price system acn provide powerful safeguards against the hazards of growth. Fortunately, the measures he advocates would also help protect the quality of life here and now—a bit of cheer in an area that can certainly use some.

The recent warnings about the risks of growth present a troubling dilemma. Are the risks so grave that we must stop growing in the near future? Should we ignore the risks, on the assumption that the ecologists have vastly exaggerated them? Given the stakes, the choice looks awesome. Fortunately, there is a way of avoiding the need to make the choice.

The prospects of running out of food, living space, or raw materials, of suffocating or collapsing by one computerized sequence or another, can be debated till doomsday, whenever that may be. Rather than accept an answer that may be wrong or inconclusive, we can guard against the harmful effects of economic growth by installing appropriate safety devices. If the critics of growth are right in thinking that ultimate limits are only a few generations away (to me this seems unlikely), these safety devices would slow the economic system in the near future and bring it to a halt in good time. If the critics are wrong, the devices will not impede growth, but will monitor the economy for adverse effects of growth.

The safety devices I have in mind take the form of an extended version of the price system. The price system can be made to function as an automatic pilot, or sensor for an emergency brake, that will stop growth when the costs become too high.

THE ROAD TO A STANDSTILL

An enterprise grows so long as it can produce goods for less than it sells them for. It will have a positive return on capital and will continue to invest in plant and equipment. If costs rise to the point where expansion does not pay, the return on capital vanishes, investment stops, and the enterprise ceases to grow.

By generalizing this simple case, economists many years ago arrived at a model of the "stationary state." This is the economy that has ceased to grow, where the processes of production and consumption repeat themselves year after year without significant change. The stationary state is not the implausible construct of some lonely imagination. It is the logical end product of a process in which enterprises keep endowing each worker with a greater and greater volume of tools. The law of diminishing returns then sees to it that investment earnings gradually decline. When returns to capital have come to an end, a state of zero growth begins.

WHO PAYS FOR DEGRADATION

The faster costs increase, the faster returns on capital diminish. If an enterprise has to invest heavily in pollution-abating equipment, if it has to pay more for increasingly scarce raw materials and increasingly costly land, the point of zero return approaches rapidly. But if research and development succeed in pushing that point into the future, growth continues.

If, therefore, we are concerned about the dangers of growth, we should let these dangers find full expression in costs. This is the principle of internalizing the "externalities"—the pollution and other costs of growth that are now borne by the community. Degradation of air, water, or land rests lightly upon the company that does not have to pay for it. It rests lightly, too, upon the consumer of the company's products if he is not charged for the environmental costs.

Concern over such externalities has increased as the environment's capacity to diffuse them has diminished. Critics of the free-enterprise system have found externalities a welcome addition to their repertory of proofs that the market system is defective. They are right in demanding that these costs be taken into account in deciding what should be produced, and in what ways. But their indictment of the price system backfires, because further examination reveals that the best way of internalizing environmental costs is precisely to apply the price system.

The simple-minded reaction to the affront of pollution is to prohibit it. No need then to bother with internalizing environmental costs. The difficulty with this approach is that it sets up all the wrong motivations and is inefficient to boot. Confronted with edicts and regulations, polluters have every reason to prove that they cannot help what they are doing. Different polluters find that their costs of abatement differ unfairly and uneconomically. Perfection, moreover, is inordinately expensive. I doubt very much that many people would be willing to pay what it would cost to restore the waters around Manhattan to the condition in which Henry Hudson found them.

LICENSES TO POLLUTE

The price system sets up the right motivations. Let people pollute, but let them pay for it. Environmentalists' indignation about "licenses to pollute" is misplaced. The price of a license can be set at any level, and it can be set high enough to achieve any standard of cleanliness that is wanted. Given the cost, the polluter then has a full range of choices—pollute and pay, stop polluting by stopping production, invest in antipollution equipment, change his production process, his product, his location. Each polluter, in other words, can work out his own optimum response, depending on his circumstances. This freedom to optimize makes for equity and efficiency.

Setting the right level of tax or fee will present some difficulties, to be sure. For one thing, the response of the polluters to any particular level cannot be predicted with certainty. To the economist, the logical approach would be to set the permissible level of emisisons, discharges, and other damage, and then auction off licenses to pollute to the highest bidders. Those who find pollution the cheapest of all available alternatives will pay what it takes to get the licenses they need. The rest will reform in some manner. But setting fixed prices on pollution, through a trial-and-error process, will accomplish the same results in time.

If the level of pollution is to be kept constant, standards of cleanliness will have to rise as the economy grows. The process of cleaning up is an unending race between the number of sources of pollution and the reduction in pollution per source. Since costs accelerate as 100 percent purity is approached, the outcome of this race has much to do with how far growth can go.

Business spokesmen often argue that subsidies of some sort, such as tax credits or easy financing for antipollution equipment, would be a more promising approach than taxation. And according to a respectable theorem of economics, a tax and a subsidy, both designed to encourage cutbacks of production that pollutes, will have equivalent effects on the level of output. (To the polluter who does not cut back, the loss of the subsidy is the same as a tax.) But in the long run the effects are not the same: a tax tends to drive companies out of the industry, a subsidy tends to attract them.

Subsidies of particular forms of pollution control, moreover, tend to restrict the scope of the polluters' search for alternative solutions. A tax credit for antipollution equipment, for instance, does nothing to encourage shifts to non-polluting processes. Nor does it offer an incentive to keep the equipment operating once it has been installed. Since the costs of operation often are considerable, the results of a subsidy system might disappoint its advocates. On the other hand, tax credits for general R. and D. would not interfere with flexibility of business response.

CHANGING THE OUTPUT MENU

For the sake of both fairness and efficiency, it is important to tax the pollution and not the product. This is the answer to the demand that the government intervene on a grand scale to revise the output menu. In the view of those who favor such intervention, one way to defuse the dangers of growth is to shift toward forms of output that throw off less pollution and make fewer demands on natural resources. From this viewpoint, big artifacts are worse than small. Fashion products are worse than indestructibles. Advertising that increases consumer demands is bad altogether. Work generating income and output is worse than leisure.

Such conclusions involve vast over-simplification. Big cars can be made to pollute less than small (and to be safer). Big objects made of plastic may require less use of scarce resources than smaller objects made of metal. Advertising may promote environmentally sound goods and services. Built-in obsolescence may encourage innovation.

Taxing pollution rather than products allows freedom for all this. In a very broad sense, however, pollution taxes will tend to shift the structure of output toward its low-pollution components.

Any method of internalizing external costs will require some intervention by the political process. Decisions have to be made about admissible levels of pollution and of resource use. The minority that is outvoted by the majority must accept something it does not want—for example, cars that are more expensive, or less efficient, than the market would have produced if left to its own devices. The sweet free-market simplicity of voting with dollars will have been adulterated. But the environmental imperative will have been dealt with at the least possible cost.

The political process can serve to backstop internalization in still another way. To make people pay for the damage they do is the efficient way, but it is also sophisticated, and it will not always have adequate political support. To rally that support, some measure of direct intervention, through regulations, controls, and prohibitions, will probably be needed. These techniques, moreover, may have marginal advantages in cases where fine tuning of the constraints on pollution is called for. Pollution taxes should cut evenly across the board, the fewer exemptions the better, but evenness may entail some unfairness in special circumstances. Detailed regulation can provide relief from special-case hardship.

VIRTUES IN HIGHER PRICES

The reason we have only recently become aware of the need to internalize environmental damage is that until recently it was not necessary to regard air, water, and waste-disposal sites as scarce resources. Their use, or misuse, did not have to be paid for, and therefore did not enter into business cost calculations. On the other hand, scarce natural resources such as raw materials and fuels have always been internal to business cost calculations. Accordingly, one is tempted to assume that the price system can and will take care of the danger of "running out of natural resources," which plays such a prominent part in doomsday theology.

To deal with resource shortages, the price system can activitate an impressive array of mechanisms. When some resource becomes more and more scarce, say copper ore, its price rises and the system responds. The working of lower-grade ores now becomes economically feasible. Search for new ore bodies becomes profitable. So does recycling, as well as substitution of other metals, and the application of research to all these techniques. Where none of these alternatives avails, products containing copper will become more expensive and demand for them will decrease.

How well these processes work depends in large measure on how well the supply and the demand respond to price. It depends also on what economists call the elasticity of substitution—i.e., the extent to which a relative increase in the price of copper turns users to substitutes.

In a long view, the working of the adjustment processes also depends on how far the price system is able to look ahead. The threat of a coming shortage of a metal or mineral should be reflected in its price. The increase in price would activate response mechanisms and give them the long lead they sometimes need.

We know, of course, that the prices of most natural resources today do not reflect expectations of future shortages. The historical evidence, indeed, tells us that the cost of most natural resources has been declining in terms of the capital and labor required to make them available. Past predictions of shortages and steep price increases have so far proved erroneous. Numerous studies of future resource needs and availabilities envision no general shortages for the next fifty years.

It is unsurprising, therefore, that prices of raw materials today do not reflect future shortages. Nevertheless, we cannot be sure whether, given the prospect of shortages at some future time, the price system would in fact respond with sufficient foresight.

THE LOW VALUE OF THE FUTURE

Various factors besides human fallibility suggest that it might not. To invest today in resources to be marketed many years later is a risky business. New technologies, new discoveries, shifts in demand may upset the estimates. A corporation holding potential output off the market in expectation of higher prices in the distant future would be exposed to risks of adverse taxation, expropriation, and other acts of God and man. Discounted at high interest rates, in any event, the present value of the future is not very high. All this offers a presumption, at least, that the price system may be slow in responding to threatened resource scarcities in the future.

This presumption may not be strong enough to call for large-scale government action to conserve resources across the board. A "raw-materials tax," such as that recently proposed by some British environmentalists, would be an assault on the economies of the developing countries, with minimal justification in the existing supply situation. But if the visible picture should change, a resource tax might serve to strengthen the price system for its job of conserving resources. It would contribute to internalizing the resource-depletion cost of growth, just as pollution taxes internalize the pollution cost.

For the time being, all that seems needed is to put an end to some government policies that are positively hostile to good resource management. The political bias is usually on the side of lower resource prices. In the field of public-utility regulation, this bias has been broadly appropriate because government action has been directed toward preventing the exploitation of monopoly. Cost is the proper basis for public control of utility rate. But government commits an elementary error when—as in the case of natural-gas regulation—it applies cost reasoning to a price that really reflects scarcity rather than monopoly. The natural-gas shortage is now demonstrating the consequences of not allowing the price system to do its job. And the recent decision of the Federal Power Commission to permit a little slack in the regulatory leash may be a sign of incipient wisdom.

The oil-depletion allowance, like capital-gains treatment for timber and certain minerals, occupies an ambiguous spot in the resource-conservation picture. If one anticipates a future shortage, it makes good sense to encourage the search for oil. But it does not make good sense to encourage heavy use of oil. What seems called for is a policy that encourages creation of reserves while discouraging use. Heavy current use seems appropriate only if one expects new sources of power to make oil obsolete before most of it is out of the ground, a fate more likely to befall coal than oil.

Examples of bad resource policy abound. The government encourages possible overuse by the way in which it sells or leases mineral rights. It discourages recycling of materials by maintaining special low freight rates for lumber and minerals. Its stockpile program, national security aspects aside, tends to reflect the needs of the moment more than those of the long-run future.

A constructive public policy toward R. and D., public and private, would be part of good resource management. In the field of natural resources even more than in the field of pollution, research is needed to aid the price system in promoting the right kinds of adjustments and susbtitutions. A well-meaning government will be subject to temptation to support research only in particular fields and for particular purposes. Given the unpredictable nature of much research, and the tendency for findings in widely different areas to interact, this temptation should be resisted.

CROWDED CITIES, EMPTY SPACES

The economics and politics of land represent a special aspect of the natural-resource problem. Land is broadly fixed in supply, assuming we do not plan to go underground or build a second floor over the U.S. Here again, the price system does not offer complete assurance of being able to take care of the situation.

As people move into an urban area, real-estate prices and rents go up. Those who do not want to pay the price can move elsewhere. So can those who feel asphyxiated by the congestion. But there is something unsatisfactory about a system that imposes added costs upon a large number of people to satisfy the preference of one individual—in this case, a preference for city life, or for the higher pay available in cities. In most other market situations where the added demand of one person raises the price to all, the higher price calls forth a larger supply. In the case of city land, however, the supply does not increase as rents rise.

A good deal of evidence has accumulated that the price system, if not intrinsically inappropriate, is at least substantially inefficient in dealing with regional crowding. It appears that population movement responds to rising rents and rising congestion only with very long time lags. To some extent these costs of urban living are offset by higher pay. Discrimination, moreover, keeps some blacks who would like to move out of cities with respect to urban crowding seems to be called for. I should involve nothing so repugnant as constraint on the freedom of people to move where they like. But the tax system, the credit system, and farm price supports could well be organized more effectively to induce larger numbers of people to live in the great empty spaces of this country.

ACTIVATING THE BRAKES

The measures I have proposed in the areas of environmental protection, natural-resource management, and land use will not produce an appreciable slowing in the rate of economic growth so long as the costs of growth remain moderate. But I could be wrong in believing that the costs of growth will not increase rapidly in years ahead. If pollution becomes very hard to control, if resources do run out and substitutes cannot be found, if the problems of congestion prove resistant to limited interventions, costs could climb to prohibitive levels. If they were internalized, high costs would activate the brakes that the price system builds into the economy. Investment would decline as its returns diminish, Growth would slow down and perhaps eventually come to a halt.

The declining rate of return would reduce the income of owners of capital. The distribution of income would become much more even. This is an important part of the slowing-down process. Without growth, it would be much more difficult for democratic societies to justify large inequalities of income. Opposition to inequality would no longer be moderated by the general upward movement of incomes, and the high degree of social mobility that growth makes possible.

Because the supply is fixed, ownership of land would present an exception to the rule of declining returns on capital. Rents would rise, and the value of land would rise enormously as interest rates fell. Public policy, through appropriate taxation, would have to extend the evening-up process to land ownership.

A growthless state, in the unlikely event it were reached, would leave many problems unsolved. We do not know how a society like ours would take to it. At present, Americans are not satisfied with the results of the stably rising prosperity over the last twenty-five years, as inflationary wage demands attest. How will people behave when their standards of consumption no longer increase? We do not know how the economy will function at a zero return on capital. Full employment can be maintained only if the government uses, for nongrowth expenditures, such savings as people still want to set aside—savings for which there will be little demand, since borrowed capital will provide no return. An economy based on free markets still seems possible, but the fate of private enterprise becomes obscure.

Any commentary on zero economic growth should add that attainment of a stationary state by the U.S. economy would not do much to solve the growth problems in the rest of the world. Growth-slowing processes will be at work elsewhere, of course, and ultimately there may be a worldwide cessation of economic growth; but that presupposes, above all, an end to population growth. While low birth-rate patterns already prevail in the industrial countries, the less developed countries have further to go in their population cycles. There are reasons to believe that they may complete the evolution to very low birth rates faster than the industrial countries did, but there is no assurance that this will prove to be so. For people concerned about the long-range consequences of continued growth, the core of the problem surely is the expanding population of the less developed countries.

As for the United States, it has in a sense already completed the evolution to zero population growth. Births still exceed deaths, but this is a detail that reflects the age structure of the population. The total fertility rate has now fallen below the critical replacement level of 2.11 children per woman, which would bring about zero population growth in the first half of the next century.

DEFEATIST "REALISM"

Anyone aware of the stir created by the zero-population-growth movement in the last few years might suppose that the virtual attainment of Z.P.G. in the U.S. would bring solutions to serious environmental problems within view. Unfortunately, this is not the case. Z.P.G. is not in itself an effective remedy for environmental problems. It does not end crowding, because a constant number of people can still dispose themselves in congested patterns. It does not help much with pollution or resource exhaustion, because the per capita income of a stationary population grows faster than that of an expanding population.

As must be abundantly clear by now, I am not an enthusiast for zero economic growth either. In a finite world, to be sure, growth cannot continue indefinitely. But advocates of zero economic growth would guard against the risks and penalties of growth by prematurely denying society the benefits of growth. At this chapter in the human story, it makes much more sense to accept the benefits but adopt protective measures. If they work properly, undesirable effects of growth will induce feedback that slows or halts the particular kinds of growth producing those effects.

This approach to the monitoring and control of growth, moreover, will tend to improve the allocation of resources and protect the environment, whether growth is affected or not. When factories have to pay for polluting waterways, they will do less polluting. Those who tell us that if we want growth we have to put up with its stinks, noises, eyesores, and poisons are sometimes credited with realism, but their attitude might better be called defeatist. There is no inherent reason why rising standards of consumption must be accompanied by declining quality of life.

THE JACKSON SURFACE MINING AMENDMENT

Mr. BAKER. Mr. President, I take this occasion to commend the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. Jackson) for his initiative in submitting a substitute bill for S. 630, the Surface Mining Reclamation Act of 1972. I realize that the development of a program to regulate the surface mining industry as regards reclamation of mined sites has been difficult. Senator Jackson and his staff have worked very hard in the last several weeks to produce a bill which would remedy some of the glaring deficiencies of the bill reported to the floor and to bring the regulatory program of this bill into line with the desperate need for control over the environmental impact of the surface mining industry.

I also want to thank the Senator and his staff for their cooperation with me and my staff in the development of this amendment. While I do not agree with every provision of the amendment, I feel that the introduction of this substitute will greatly enhance the chance of Senate action on an effective surface mining control act during the waning days of the 92d Congress. And I feel that it is imperative that we not delay in responding to this problem.

Almost a year ago Senator Cooper and I introduced a bill to regulate coal surface mining, S. 3000. At the time of its introduction the distinguished senior Senator from Kentucky described the situation in Appalachia as almost a total disaster. In some areas of our States the topography has been so devastated as to be virtually beyond repair. Since the time of introduction of that bill another 100,000 acres of land have been turned in the search for cheap coal. Mr. President, there is nothing cheap about that coal but its market price. In the year that we have been considering legislation on surface mine reclamation as in the years before we turned our attention to this problem, the people of Appalachia have been subsidizing the cost of coal at the expense of their land and environment. If we fail to act on this legislation during this Congress, we will be condemning this region to months more of this unconscionable situation.

I do not advocate the passage of palliative measures. Very frankly, I could not support S. 630 as reported from the committee. Passage of such a measure would hold out hope to the people of Appalachia, but would offer little real prospect for correction of the problem which confronts them.

Neither do I propose to ban strip mining. What we must seek to do in the limited time available to us is to strike the balance between strong and effective reclamation requirements and the need for production of coal for the energy requirements of the Nation. We must internalize the costs of coal production and end of the environmental subsidy which coal enjoys. Presently stripped coal enjoys an advantage over deep mined coal, variously estimated at from $1 to $2 per ton. Effective reclamation need not run any more than that. And at any rate, we cannot allow a portion of the real cost of coal to be paid by the destruction of entire regions of this Nation.

I have felt the despair of the people of Appalachia over the ruining of their land. And now the blight is moving to take also the mountains of the West. If we do not respond to this problem in the time remaining to us, we will be neglecting one of the most serious environmental problems of the era. I hope that the leadership will bring this matter up for consideration in the next several days so that we can debate the issue and evolve a sound program in response to this crisis.

AGGRIEVED EMPLOYEE SEEKS REDRESS

Mr. ERVIN. Mr. President, the Washington Post of October 2, 1972, contains a column written by Mike Causey which concerns the illegal dismissal of a civilian employee by the Navy in 1962.

The employee's name is Vernon Long, and over the last 10 years he has fervently sought at great personal and financial sacrifice to redress this injustice. For years, Long tried in vain simply to get his complaint heard by either the Navy or Civil Service Commission. The Navy repeatedly refused to listen, preferring to pass the bureaucratic buck to the Civil Service Commission. Only after the Civil Service Commission had heard the complaint, and the case floundered for lack of documented evidence was the Navy pressed into meeting its responsibility to Long. My own office intervened in the case over a year ago, and still the matter is unresolved, despite the fact that the Navy has admitted that Long's case involves proven irregularities.

Long had been a civilian crew member of a ship which was a part of the Military Sea Transportation Service. The captain of that ship ostensibly was attempting to invent a case against a third sailor as exhibiting abnormal mental behavior. He asked Long to sign a statement to that effect, but Long refused. Long also became aware that the captain had altered the ship's log in order to reflect questionable behavior on the part of this third party. The Navy, after much prodding, has itself admitted that the log was altered in such a manner.

Soon after these incidents, Long himself became subject to disciplinary proceedings. He had been ordered by the captain not to play catch with a black crew member. He later disobyed that order, and received a sheet stating that he was being reprimanded for disobedience. Only the order not to play catch was specified on the sheet of reprimand. Long was asked to return the reprimand soon after he received it, because a mistake had been made. Another sheet was returned to him without any reference to disobedience of the order not to play catch. Instead, new charges of disobedience were made which were completely without foundation. Using these charges as justification, the captain ordered Long ashore when the ship reached port. He found himself beached in Japan without travel orders which authorized him to return to the States and without funds. Subsequently, he was dismissed.

Later investigation by the Civil Service Commission and the Navy turned up copies of Long's reprimand sheet and his travel orders which had been forwarded to higher headquarters. The reprimand sheet forwarded to higher headquarters did include the charge of disobeying the order not to play catch, and the travel orders contained an authorization to return to the States. The Navy has acknowledged that these documents were not the same as those given to Long.

The Navy has agreed in fact to give Long his old job back. But they refuse to determine, despite their concessions of foul play surrounding his dimissal that

Long has been the victim of an unjustified or unwarranted personnel action which would entitle him to back pay under the Back Pay Act of 1966. The Navy here is being inconsistent. They admit the unlikely injustice but refuse to give the full redress to which Long is entitled.

The money involved is not insignificant—it could amount to more than $80,000. But award of back pay in this case seems to me to be precisely what was contemplated by Congress as compensation for such errors when the Back Pay Act was passed. I am hopeful that the Navy will grant to Mr. Long the back pay he has coming.

Mr. President, I ask unanimous consent that Mr. Causey's article, entitled "Firing Comes Back To Haunt Navy," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Federal Diary—Firing Comes Back To Haunt Navy

(By Mike Causey)

Navy's top civilian personnel boss is wrestling with a case that could make the Caine Mutiny affair seem as mild as an episode from "The Partridge Family."

To his credit, Assistant Secretary for Manpower James E. Johnson has taken on the decision-making chore despite advice from underlings to sweep it under the rug.

The incident involves a Navy civilian crew member of a Military Sea Transportation Service ship who was fired, and almost ruined financially 10 years ago for refusing to go along with an order from his civilian captain that he considered illegal. The man in question, Vernon Long, was third mate of an MSTS ship in 1962 when he ran afoul of his leader. The story goes something like this:

The civilian-operated ship Long served on left an East Coast port bound for the Far East. Somewhere down the coast, the captain decided that one of his top aides was exhibiting abnormal mental behavior, and decided to get rid of him. He asked several top officers to sign statements saying the man wasn't all there. Long refused, he says, because he wasn't qualified to make such a judgment.

After several attempts by the captain to get Long to sign papers, the captain allegedly ordered him to "stop playing catch with that damned nigger," who worked as a crew member. The catch game continued. The crewman, a black, and Long frequently tossed around a softball when off duty aboard ship. After other incidents, including Long alleges, the captain's illegal alteration of the ship's log, Long wrote and asked his wife to contact the MSTS admiral, and tell him what was going on. She did, and the admiral contacted the captain.

At that point, Long says, the captain backdated an order to Long telling him not to communicate with anyone off the ship. He "beached" Long, that is dumped him, in Japan, without money or a return ticket.

Long finally made it back to this country and, after a civil service hearing that upheld the captain, was fired after 17 years with the Navy.

Recently, Long got hold of the complete records of the case, through the intervention of Sen. Sam J. Ervin Jr. (D-N.C.). He believes the records in his possession show a conflict with those in Navy files, which would mean his case was decided on the basis of documents that were falsified.

At that point, Sen. Gale McGee (D-Wyo.) got interested in the case. His aide, Richard Fuller, spent some time investigating and became convinced that Long had gotten a bad deal. Fuller and Long met with Johnson Friday morning.

Throughout the years, Long has been camping on the doors of various officials, but Johnson is the only one—and the most important one at that—who would listen to him. At one point, Long says, Navy officials admitted that a mistake had probably been made, but that the case is so old and so dirty it is best left alone.

Long wants his civilian job back, and pay he lost that could amount to more than $100,000. That is a lot of money but, if Long was fired improperly, maybe not enough.

The ex-MSTS employee may win or lose his case, based on the merits. But the fact that he is getting a review from Navy's topside says a lot for his persistence, for the after-hours work by Senate aide Dick Fuller and for the desire of a top official like Johnson to try to be fair.

FURTHER WORK ON A NATIONAL MATERIALS POLICY

Mr. BOGGS. Mr. President, within less than a year, the National Commission on Materials Policy will submit its report to the Congress and the Nation. The mandate of the Commission, set down in Public Law 91–512, is an impressive and important one. It requires that the Commission analyze the full scope of this Nation's materials usage, emphasizing the need to recover and recycle a greater proportion of our materials.

This past summer, the Engineering Foundation Research Conference held a week-long session on "Some Selected Programs of National Materials Policy."

The conference was chaired by Dr. Franklin P. Huddle of the Science Policy Research Division, Congressional Research Service. At my request, Dr. Huddle prepared an analysis and summary on the conference.

Because I believe this analysis presents a useful description of the work and challenge facing the Commission, I ask unanimous consent that the text of the summary be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Report on Engineering Foundation Research Conference on "Some Selected Problems of National Materials Policy," Held at New England College, Henniker, N.H., July 31–August 4, 1972

BACKGROUND

These conferences are sponsored by the Engineering Foundation to develop information on emerging technical problems of national importance. Participants are usually selected to provide an audience mainly technical with some admixture of persons with related interests. Working papers generated at the conference are not usually published but authors are not constrained from subsequently preparing written reports of their views and findings.

The conference in question was proposed by the Foundation on the assumption that because the National Commission on Materials Policy would be in its final year of operation the time would be ripe to expose its thinking to a substantial and well qualified group of experts, and to review some of the major issues with which the Commission was concerned. I agreed to chair this conference.

A steering committee was convened late last year consisting of the following:

Dr. Earl Hayes, chief scientist, U.S. Bureau of Mines and Chairman of the Interdepartmental Council for Materials, of the Federal Council for Science and Technology.

Mr. James Owen, director of materials, Department of Commerce, on loan to the Commission.

Dr. Harold Paxton, director, Materials Research Division, National Science Foundation.

Dr. Alan Chynoweth, assistant director for Materials Research, Bell Telephone Laboratory.

Dr. Victor Radcliffe, professor of materials sciences, Case-Western Reserve University.

Mr. Nathan Promisel, executive director of the National Materials Advisory Board, National Academy of Sciences and president, American Society for Metals.

Dr. John D. Morgan, Jr., Mineral Analysis, U.S. Bureau of Mines.

The steering group prepared a list of persons to be invited, prepared a conference prospectus, identified problems to be taken up by the conference, and helped to prepare a set of terms reference on these problems. Staff assistance was provided by the Bureau of Mines, the National Bureau of Standards, and the National Commission on Materials Policy.

STRUCTURE OF CONFERENCE

The opening day of the conference was taken up with formal presentations: (1) by Dr. Boyd and Mr. Charles Ryan describing work of the Commission to date. (2) By Dr. Radcliffe for Professor Morris Cohen of MIT (regrettably absent by reason of illness) and other persons associated with the COSMAT study of the Committee on Science and Public Policy of the National Academy of Sciences; these speakers were: Dr. Walter Hibbard, former director of the Bureau of Mines and currently vice president, Research, Owens-Corning Fiberglass Co., Dr. Fred J. Wells, Resources for the Future, Inc., Dr. Richard Claassen, Sandia Corp., and Mr. Promisel; these speakers discussed institutions for materials research, economic aspects, the problem of coupling research and engineering in materials, and foreign materials institutions. (3) Dr. Paxton of NSF discussed basic research and research applied to national needs, programs of NSF. (4) Dr. Hayes discussed the future of mineral materials, as viewed by the Department of the Interior, and touched on the Department's plan for expanding college-level training and research in subjects related to extractive metallurgy.

The second and third days of the conference were taken up by task force studies. Eight task forces were organized from the participants in the conference. Each spent one day on each of two problems from the list of eight prepared by the Steering Committee. Each day a different chairman led the discussion. The coordinator of task forces was Dean Reed Powell, Director of Division of Research, College of Administrative Sciences, Ohio State University.

The eight topics examined by the task forces were as follows:

1. Central Government Planning and Coordination: Where in the Federal Government should there be a top planning and coordination body for national strategy in materials? What should be the scope of its function?

2. Opportunities and Responsibilities facing Private Industry in the Materials Field: Is there a need to restructure the traditional role of private enterprise so as to strengthen the national response to the challenges and opportunities of a national materials policy?

3. International Competition and Cooperation in Materials: What U.S. policies are appropriate concerning reliance on overseas supplies of materials in view of rapidly advancing competitors and also the changing policies of developing countries?

4. Research and Education: What should be

the roles of research and education in improving the national position in materials and materials management?

5. The Effective Application and Management of Knowledge: How can information, documents, data, and analytical studies be managed as knowledge resources in support of national materials policy?

6. The Closed Cycle Flow of Materials: How can improved management of materials be reflected in enhanced value of the materials flow throughout the cycle and reduced volume of wastes that deplete flow through the cycle?

7. Demands, Rights, and Responsibilities of the Consumer: What burdens on the consumer are implicit in the concept of improved management of materials, altered patterns of materials availability, and internalization of environmental costs?

8. Economic Opportunities and Constraints in Materials: What are the possibilities and limitations of the free market? What are the constraints of foreign trade? What actions are needed to strengthen the responsiveness of the corporation? What can a national policy for materials contribute?

The 16 reports of the task forces were presented Thursday morning and afternoon. Dr. Paxton chaired these sessions. Thursday evening, three invited speakers:

Hollis M. Dole, Assistant Secretary (Minerals Policy) Department of the Interior; Dr. Lawrence M. Kushner, Acting Director, National Bureau of Standards; and Jerome Klaff, chairman of the National Commission on Materials Policy. Dr. James Boyd chaired this session.

On Friday morning, at closing session, there were short papers or informal talks by H. W. Pfeffer, minerals Branch, Department of Industry, Trade, and Commerce (Canada); Philip B. Yeager, Counsel, Committee on Science and Astronautics; and Jerome Persh, chief of materials research, Office of the Director of Defense Research and Engineering. I closed the session with a "wrap-up" recapitulation of the week's proceedings. My summary statement is attached. (It was partially in the form of notes, here reproduced; I intend to amplify in a clean text at an early date.)

HENNIKER CONFERENCE "WRAP-UP"

(By Dr. Franklin P. Huddle)

Two years ago, while the National Materials Policy Act of 1970 was pending in the Congress, we held a conference here to develop the themes that would be of concern to the proposed Commission on National Materials Policy. The papers delivered at that conference were collected and published, and have been useful to the Commission as we had hoped. Some of this gathering participated in that session.

Since then, as the prospectus for this conference has indicated, there have been a number of important developments in materials policy. There is not need to tabulate them all. As Jerry Klaff has suggested, they can be quickly summed up as a growing national awareness that materials, energy, and environment make a triad of interlocking problems. Unless we deal systematically and comprehensively with these three closely related sets of problems as really a single problem, the consequences may be undesirable at best and at worst catastrophic.

The format for the Henniker Conference on National Materials Policy has differed from the last one. This time, the participants were asked to make their own input. The product of the conference comes mainly from you. It is my task in this final session to gather together the themes that have been expressed here, to indicate—as best I can—the points on which you appear to agree, and the points still at issue.

Before turning to the reports of the Task Forces, let me quickly run over the proceedings of our first day. The purpose of that session was to set the stage, provide some elaboration of the problems the Task Forces would handle, and provide emphasis as to the importance of these problems.

In starting out, Charlie Ryan summarized the University Forums. He said there emerged a clear call for a stated, comprehensive national policy for materials. Laws and regulations should be responsive to this policy instead of the other way around.

The policy should take explicit account of the fact that natural resources and the environmental consequences of their mismanagement are not merely a national concern but a global concern. Subsidiary policies are required to reconcile the U.S. concept of free markets with the fact that much of the world's resources are nationalized, as is a great deal of foreign trade. How does the individual businessman compete with governments for the sale or purchase of materials?

The necessity to deal with the national issue of growth versus the achievement of a study state was clear, but there was little consensus on the issue or how the policy—however decided upon—would be implemented. It appeared to involve the questions of how to change or preserve a free market pricing system, whether and how to achieve a more equitable distribution of materials goods, whether to concentrate on tax policy to restrict use or on technology to achieve more intensive use of resources. Some optimists still called for a policy of unlimited growth.

All parties seemed in agreement that there should be more federal support for research, development and education in materials-related science and engineering. But there was no consensus as to the goals of research and engineering. But there was no consensus as to the goals of research and engineering, or as to the tasks that the newly educated scientists and engineers would perform for the public whose taxes would pay the costs of the expanded research and education.

It was well established that policy cannot be made in a vacuum, it must be based on factual information. Charlie listed many needed categories of facts:

Impact of minerals on environment.

Monitoring of the environment.

Special ecosystems.

The individual materials cycles.

Special problems of toxic metals.

Land use inventory.

Forecasting of needs for technology.

Forecasting effects of new technology.

Facts about who pays for and who benefits from clean-up of the environment.

(Or conversely, who benefits from and who pays for dirtying the environment?)

The principle of recycling was everywhere endorsed, but the reasons appear to have been taken for granted. I was surprised, for example, that no mention was made of the enormous effect of recycling on conservation of electrical energy, achievement of steady state, reduction in the consumption of space, as well as the often mentioned conservation of materials.

Charlie's paper offered a host of detailed recommendations that seemed important to those who offered them, but must be judged in the broader context of total national concerns and approaches.

For example, many techniques of materials conservation were offered, such as substitution, miniaturization, use of replenishable resources like wood and manganese modules or inexhaustible resources like magnesium and perhaps iron. During my Pentagon stint, I developed something like 30 classes of conservation techniques for military purposes, and all of these would be applicable here. But the broad policy calls simply for measures to encourage more intensive use of materials, with the designation of appropriate instruments of government to implement this policy.

Charlie's report dealt also with an array of current constraints on private enterprise in meeting present or foreseeable needs. Clearly there was ambivalence as to whether primarly reliance could or should be placed on private commerce or government regulations. This is a fundamental policy issue. Either course has many adherents, but both courses will need to be followed, but whichever is emphasized, the costs of that choice will be heavy and unpleasant to many people. Ultimately, the decision will be made on a political basis. Technology is the art of *possible*. But politics is the art of the *acceptable*.

Hary Paxton, who followed the Commission talks, described the research program of the NSF. He made clear that his primary mission was to identify and find opportunities for good research, and that the basic research orientation of NSF might make it an awkward instrumentality of government for sponsoring mission research.

SUMMARY OF PRINCIPAL POINTS IN TOPICS RELATED TO MATERIALS SCIENCE AND ENGINEERING

Vic Radcliffe: During the past several decades, materials science and engineering has become recognized as both a broad field and a specialized new concept. The field involves recognition of a commonality of features underlying properties and behavior, and draws on activities and contributions from several established disciplines (solid state physics and chemistry; electrical, mechanical, and chemical engineering; as well as metallurgy, ceramics, polymer science, materials science and materials engineering). The new concept couples the science and engineering of materials to the functional needs of engineering design or problems. The field occupies a key position in the total materials cycle.

The COSMAT study is concerned with the nature of the field, its institutions, its relationships to national needs and materials policy, and its ability to provide options to assist in meeting these needs.

Dick Claassen: The MSE concept of "purposefully coupled materials science and engineering" has been shown to operate successfully in a significant region of the total materials cycle. He described case histories of materials development in both high and low technologies to illustrate its operation and applicability.

Walter Hibbard: Addressed himself to the subject of materials institution. Other than in communications and electronics, the materials producing and using industries with market orientation, property-functional characteristics predominate rather than structure-properties. The MSE concept is not used.

During recent years of austerity, industrial R&D in materials has been severely reduced with respect to long range research and strongly focused to product and time schedule marketing. At the same time, industry is facing a variety of challenges from environmental organizations, and successful foreign competition in technology. The Federal Government has developed a substantial regulatory role that is affecting the effectiveness of industry as "the engineering arm of society." In the universities, there are some 30 materials research centers and no shortage of trained people. *But* the research has not connected effectively to industrial application. A new approach is needed to stimulate industry to face and deal with these new challenges and needs.

Dr. Wells: Speaking on materials and national goals, decried the tendency in developing of policy by obtaining a consensus of majority opinions of practitioners. Their opinion is often based on inadequate facts. Many problems relevant to materials and national goals are researchable and policy developments should be undertaken only after such research (e.g., the problem of long-range scarcity) by independent research organizations to achieve maximum objectivity.

Nate Promisel: International Activities. He dealt with seven major activities: general policy, long-range planning, R&D programs of new technology, natural resources, education, communication and standardization.

He described the evolution of the Materials Research Advisory Group in OECD—which is now exploring a reorientation towards resources and recycling; he also touched on the AGARD group in NATO, primarily concerned with specific technical topics related to military technology. He offered some general conclusions:

(1) National science and engineering are in transition in both character and organization,

(2) There is a major interest in resources supply; this leads him to conclude that the U.S. can expect supply problems,

(3) New technologies are generating new materials R&D needs—e.g., high speed transportation,

(4) Government-encouraged high technology is increasing their advantages vs. United States,

(5) Very effective means for utilization of research results exist, e.g., Max Planck Institute,

(6) Much of U.S. materials technology is purchased from abroad, especially in process innovation,

(7) U.S. ahead in development of university centers for materials research,

(8) Materials information disseminates rapidly abroad to all who can use it,

(9) Government risk capital is available in these countries to help create new industries and strengthen old ones.

The closing session on Monday developed some of the themes stressed in the policy discussion by Secretary Dole last night. Earl Hayes provided extensive documentation of the need for strengthening the domestic minerals industry—looking toward a closed cycle in the total management of materials by society. He also warned of the coming power and fuel crisis as emerging nations compete for the world's dwindling reserves of fossil fuels.

Secretary Dole translated the findings of the minerals report into policy imperatives. He said: The Minerals Policy Act needs an organization capable of implementing this policy which we do not now have.

We should reduce the uncertainties that keep industry from investing, modernizing and keeping up with the rest of the modern nations of the world. These included: the impatience of environmentalists to clean up everything at once, the eagerness of ecologists to reserve public lands free from mining, the problem of finding people willing to work the mines, also, tax laws, exploration laws, uncertainties over stockpile releases.

He said: There is . . . nothing very attractive about going into a venture in competition with enterprises elsewhere in the world, with equivalent technology, which work ores three times as rich, pay one-fifth the wages, and are largely free of environmental restriction on production.

We suffered from technological arteriosclerosis. Our need to import materials from overseas would generate a supply/demand gap that might reach $31 billion by 1985.

Larry Kushner described the strategy of the President's new technologies program. He identified an increase by $2.1 billion in technology development expenditures 1969–73, including programs in energy systems, natural hazards control, cancer research, transplant, and NASA civil systems research.

The strategy called for new Federal incentives to increase investment in technology development and application (and) Direct Government support for research on projects to improve everyday life.

The cooperative program of NSF and NBS, called "Experimental Technology Incentives Program" was a program open to companies and groups of companies, various research institutions, trade and industry associations and others. The experimental aspect was in fact a search for incentives that work. Among its aims of interest to the materials community was the design of government programs to assist (as he said) the normal competitive market mechanism in providing incentives for needed technological developments.

Jerry Klaff described the task of the National Commission on Materials Policy. He saw four goals:

1. Conservation of materials, and preservation of the environment.

2. Adequate materials and energy for national security.

3. Adequate materials and energy for our economy.

4. Materials and energy policies that will stimulate social progress.

He offered one general principle:

"Materials, energy and the environment cannot be treated in isolation one from the other. Materials and energy are the driving forces of the Nation's economy. A wise and more efficient use of resources and technology, as our Act suggests, can lead us to the type of environmental quality that America is seeking."

Like Hollis Dole, he took note of the changing U.S. position in a developing world, quoting Secretary Peterson on the need for a more dynamic response to change. He called for plans for conservation of materials as a statutory obligation, referred to 4.3 billion tons of wastes generated annually, and costing $4.5 billion just to get rid of it. What to do? It boiled down to a question of better management of the total materials cycle.

As I turn to our eight tasks, and your comments on them, I do so with a sense that there is much more here than meets the eye, more than I can hope to do justice to in the brief time I am willing to subject you—and myself—to. I want to study your contributions at greater length. I propose also to communicate with the sixteen chairmen to refine and polish these statements further, to reflect more precisely the views of the panels and the sense of the meeting yesterday.

Instead of attempting to summarize the individual papers and your comments on these papers, let me run through the eight topics and see if I can present on each a summary statement you can all subscribe to.

On Topic One, the question of central government planning and coordination, I think you indicated a general agreement that the very numerous materials functions and impacts of the Federal government should be coordinated by one policy agency, not an operating agency, but a high level council or board supported by flow of reliable information, and able to transfer funds to support programs and activities it saw as necessary to strengthen the future of U.S. posture in materials.

Furthermore, I think it was the sense of the meeting that this central coordinating and materials planning body was needed soon, and not at some long term future period.

Topic Two concerned the opportunities and responsibilities of industry in the materials area. The purpose of this question was to open up a dialogue on ways in which the free enterprise system might be purged of avoidable constraints and provided with reasonable incentives in its relations with the Federal government. I would judge that the kinds of questions asked under this heading were too searching to be manageable in the context of one-day study.

Nevertheless, some principles emerged that I am inclined to treat with respect. For example:

The traditional role of private industry as the main engine of commerce to produce and distribute goods and services does not require restructuring.

Government regulation should avoid arbitrary impacts, should strive for flexible accommodation to changes in technology and changes in public needs.

The undesirable side effects of free enterprise are capable of reasonable control and warrant it.

It is preferable to achieve social advance through incentives than through dis-incentives.

Regulations should not impose unreasonable time constraints.

Highly segmented industries and local governmental institutions need special treatment to achieve economy of scale in R&D.

Government standards should aim toward improvement of product rather than toward cheeseparing frugality.

Improvement is needed in present procedures for establishing the performance and reliability of materials in design and service.

Topic Three, International Competition and Cooperation in Materials. This topic posed squarely the issue of national self-sufficiency versus global cooperation. The response was not unequivocal. There was some sentiment for a policy of interdependency and cooperation, if only because of the enormous costs in dollars and lowered living standards resulting from the alternative.

The concept of *reduced* dependency was also attractive but raised questions as to its compatibility with the principle of free enterprise. Naturally, total self-sufficiency would vastly disrupt free enterprise patterns.

One conclusion seemed clear: that study of the implications of the alternatives, and various mixes of strategy required much more study and that there should be an agency charged with responsibility for keeping an eye on this problem in the future as world conditions continued to change.

On Topic Four, research and education, it was rather notable that the sentiment seemed more in the direction of doing better than doing more.

Stability of research level was viewed as important. Improved coupling of research and engineering was called for, particularly involving real world problems in the academic classroom or by taking the students out of it.

One study proposed a kind of stockpile of technology to enable a flexible response to all kinds of emerging situations in which substitutes and emerging conservation measures might be useful.

The question as to division of government resources between inhouse and contract research remained unresolved.

More attention should be given to the preparation of research reports and their dissemination. Information management should not be a separate and self-supporting activity. Funds should be allocated not only to long range and "good" research but to goal-oriented pertinent research.

The "mature industries" need more and better R&D and the reasons why should be studied.

The question of technological obsolescence inspired me to speculate whether there was a different half-life of technology in low and high technology industries and if so, whether it might not be to our advantage to invest more heavily in raising the technological level of low technology (and perhaps also the service) industries.

On Topic Five I heard no concensus. The problem of information management was technically too difficult to resolve, although many interesting ideas were broached.

I believe we can all agree that knowledge management in the materials field is a pervasive and vitally important subject, one that must be dealt with, one requiring positive action, but also a subject that does not lend itself to facile and simple solution. It is a subject calling for hard study by the Commission and others.

On the question of the "Closed Cycle Flow of Materials," Topic Six, there appeared to be agreement that the "closed cycle" concept was preferable to the idea of recycling. It involved more explicitly the idea of total management of materials as a system or flow.

Although discussion brought out some of the limitations of the concept, it clearly offered great economies of electric power, as well as better control of wastes—a matter to which Jerry Klaff assigned high importance.

The question of closed cycling of plastics, it was agreed, should be given further study because it posed many technical problems.

On Topic Seven, the Consumer, there appeared to be agreement that it was extremely difficult to exact from the consumer any systematic and sustained acceptance of responsibility. However, he was recognized to have rights. To help him enjoy (or enforce) these rights, it was suggested that government action might be taken to "focus the collective perception of the nation or allocation, regulation, education, and pricing of specific materials."

However, a more generally accepted proposition was that the consumer was interested in products, not materials. In general, he saw no necessary connection between the products he used and the periodic table and other tabulations.

Topic Eight, Economic Opportunities and Constraints. Suggested goals included: reserves of materials for the future; improved ability to export rather than curtailed material imports; and government support of process development. The question was raised again as to whether to opt for autarky (self-sufficiency) or trade: Should the U.S. export its pollution? In sum, it was difficult to find an area in which technological development does not offer opportunity for improvement.

AXIOMS

Flexibility of stance.

Capability for vigorous positive action.

Fact finding and analysis on continuous basis to anticipate the storms ahead and hopefully avoid them.

Pragmatic approach—seeking to learn what works rather than clinging to arbitrary folklore.

Investigating rather than accepting facile excuses for failure.

Strengthening U.S. capabilities where we are weak but not relinquishing leadership where we are strongest.

Applying good management principles to the totality of our materials flow, recognizing the triad of materials, energy, and environment; the triad of *research* coupled with *engineering practice,* coupled with strong *corporate management;* and the triad of *government, industry,* and *academia,* where in the last analysis most of our materials problems must be solved.

NINETY-SECOND CONGRESS FAILS TO RATIFY GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on October 5 the majority leader brought up the Genocide Convention for consideration on the floor of the Senate and called for an executive session to ratify the treaty.

It is a tragedy that objection was made to the request for unanimous consent for an executive session of the Senate to deal with this important document. Again the United States goes on record as refusing to consider a human rights treaty which has been in existence for 24 years.

The constant refusal of our Nation to become a party to an international agreement defending the most sacred of all human rights, the right to live, is a monument of hypocrisy. Our country was founded on the principles of human rights; it is difficult to understand why we have refused to assent formally to such principles on the international level.

I regret this occasion which makes it necessary to renew my pledge to speak out daily in support of this document until it is ratified. It remains my firm conviction that the International Convention on the Prevention and Punishment of the Crime of Genocide is among the most outstanding and essential of all human rights documents. And I will continue to support this document every day the Senate is in session until ratification is accomplished.

CONGRESSIONAL RESPONSIBILITY FOR FOREIGN POLICY

Mr. ERVIN. Mr. President, recently we have witnessed many efforts by the Congress to regain its proper constitutional role in the conduct of foreign affairs.

Concern has been voiced in hearing rooms and on the Senate floor over the growing usurpation by the executive branch of the constitutional powers of Congress, but the concern expressed by Congress over the proper role of the Executive in the making of national commitments, the proper constitutional use of the war powers, and the use of executive agreements to circumvent the treaty-making powers of the Senate, apparently has fallen on deaf ears. According to newspaper accounts, the Vice President of the United States, Mr. AGNEW, in a speech made on September 27, 1972, declared that:

> The President has sole responsibility for developing and initiating foreign policy.

As reported by the Washington Star-News on September 27, 1972, the Vice President went on to say:

> This sole responsibility comes directly from our Constitution.

I have long been aware that there are members of this administration who consider themselves solely responsible for development of the foreign policy of this Nation, but I am appalled that the administration now claims that such sweeping powers are granted to it by the Constitution. Such a statement cannot be justified under the Constitution.

Such statements by administration spokesmen make us wonder if the Constitution they read is the same one conceived by the framers in 1787. Under the Constitution I know, the foreign affairs power is shared between the Executive and the Congress.

During hearings by the Subcommittee on Separation of Powers on the use of executive agreements, even the spokesmen and legal counsel for the executive branch did not question the fact that the foreign affairs power is shared between the Executive and the Congress under the Constitution. Rather, the question was a matter of in exactly what way the power is shared.

Article II, section 2, of the U.S. Constitution provides that:

> The President shall have the power, by and with the Advice and Consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

This language makes it clear that the Founding Fathers did not anticipate that policymaking in the area of foreign affairs should be concentrated in one branch of the government. All governmental powers, including the treaty-making power, were to be subject to a system of checks and balances under the doctrine of separation of powers.

Even Alexander Hamilton, who was a leading advocate of a strong Executive, feared the dangers inherent in placing the conduct of foreign affairs in one branch, and pointed out that it was a shared power. Speaking of the "intermixture of powers" in foreign affairs, in Federalist 75, he cautions:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

I would commend those words to Mr. Agnew when he declares that foreign policy is too complex to let Congress in on every decision, and that:

> The complexity of the issues, coupled with the frequent need for secrecy, inhibits the formulation of an informed consensus in time to make vital policy judgments.

I would suggest that the greatest inhibition to an informed consensus, or informed Congress, is the policy of this administration to inform the Congress as little as possible. The issues are certainly made complex when Congress is not informed. Too often, the need for secrecy has been abused in withholding information embarrassing to the administration under the guise of national security.

The Vice President raises the specter of nuclear annihilation as a reason for the necessity of Executive usurpation of of congressional powers. During the "cold war" years, Congress succumbed to this argument and too willingly abdicated its responsibilities in shaping the course of the United States among the nations of the world.

I know that, even now, there are many persons, both in the academic field and within the Government, who maintain that exclusive Executive control of foreign policy, and domestic policy insofar as it may be affected by foreign policy, is the price of survival in this nuclear age. They argue that we live in an age of recurring crises and that the great need is for strong central leadership able to make decisons and take action before the opportunity for constructive action is past. I certainly agree that we live in an era that presents critical challenges to any form of government. However, I do not agree that we need to abandon the constitutional principles that have served us so well throughout our history. For I firmly believe that we can adhere to those principles without any loss of effectiveness in the field of foreign policy.

We must always remember that our system of government rests on a system of shared powers and responsibilities. The powers are shared in foreign affairs as well as in domestic matters, under the Constitution.

By far the most significant powers in the field of foreign relations are conferred upon Congress alone or upon the President and the Congress jointly. The powers conferred individually upon the President are instrumental only. I find nothing in that basic document and nothing in the debates of the Constitutional Convention to support a broader conception of the President's diplomatic role. In short, what the framers intended was that the President should be the channel of communication between the United States and foreign nations, but, in fulfilling that function, he should be merely the executor of a power of decision that rests elsewhere; that is, in the Congress. This was the balance of power between the President and Congress intended by the Constitution. And this is the balance of power that the Congress can enforce if it is only willing to do so.

If the executive branch alone controls foreign policy, there is a danger that the President will cease to be responsive to the wishes of the country when he first makes foreign policy decisions, and then, as Mr. AGNEW says, seek to "rally the country to support his decision." By making decisions in conjunction and coordination with the people's elected representatives in Congress, the President can avoid the public divisiveness which can result from the President's making a decision which does not have the support of the country.

The importance of the congressional role in formulating foreign policy lies in mobilizing and expressing popular support. Through Congress, the people have a voice and a way to make it heard. Neither the Department of State nor the Supreme Court, nor even the President, can perform this great function of giving expression to the people's wishes on an issue. The ultimate responsibility of Congress is to make certain that our Nation's foreign policy remains responsive to the wishes of the people, because in a democratic society, no policy, however enlightened, can long survive without the consent and support of the people.

If foreign policy were the exclusive domain of the Executive, the decisions and the policy of the United States would not be made with the active participation of the people. The people will not forever support a foreign policy which is made for them but without them.

Mr. President, I ask unanimous consent that the newspaper account of the Vice President's remarks, published in the Washington Star-News on September 27, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, September 27, 1972]

AGNEW FIRES BACK ON FOREIGN POLICY

(By Paul Hope)

CHICAGO.—Vice President Spiro Agnew declared last night that foreign policy is too complex to let Congress in on every administration decision.

Agnew dealt with a Democratic challenge on foreign policy in a speech to a series of fund-raising dinners across the nation.

Addresses by President Nixon in New York and Agnew in Chicago were beamed by close-circuit television to $1,000-a-plate dinners in 26 other cities.

The vice president spoke only on foreign policy, while Nixon covered a wider range of domestic and foreign affairs.

Democratic presidential candidate George S. McGovern has made a major campaign issue out of his view that the President has excluded Congress from the decision-making process of foreign policy, particularly with respect to the Vietnam war.

Agnew said the President's "sole responsibility for developing and initiating foreign policy comes directly from our Constitution."

"Today," he said, "the frightening presence of the nuclear age hangs over the world and nations face destruction within minutes after a decision to attack may be made. Because of the time limitations, foreign policy cannot be conducted by consensus.

"The complexity of the issues, coupled with the frequent need for secrecy, inhibits the formulation of an informed consensus in time to make vital policy judgments. Therefore, we are fortunate that these critical determinations are vested clearly in our President, rather than in the Congress, or the members of the professional bureaucracy, or an outside panel of experts."

He said that a president "must be able to make hard choices—alone—and then rally the country to support his decision."

Once having made decisions, Agnew said, a president must have "the will to carry out policies in the face of strong sometimes bitter, criticism."

In a statement that appeared to be directed at McGovern and other critics of the administration, Agnew said, "Men who bear no responsibilities for the actions they recommend often are very free with advice."

In his speech, Agnew claimed a long list of accomplishments for Nixon, often in the face of criticism at home—a beginning for strategic arms limitations, reduction of troops in Vietnam, progress in the Middle East, new relations with Peking and Moscow.

FUNDING FOR HIGHER EDUCATION PROGRAMS

Mr. HUGHES. Mr. President, today the Committee on Appropriations held hearings on a supplemental appropriation for education. At issue is the level of funding for those higher education programs included in the recently enacted higher education bill, Public Law 92–318.

The hearing heard a statement from the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, Committee on Labor and Public Welfare, which succinctly set forth the need for funding of these education programs. I ask unanimous consent that Senator PELL's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CLAIBORNE PELL

This year, the Congress made a commitment to the young people of this nation. The Congress, in adopting the Education Amendments of 1972, assured every young person in this country that he would have a minimum of $1,400 available to him for education or training beyond high school.

That was a solemn commitment. It is taken seriously by the young people of this country. It is a commitment that should be fulfilled to the fullest extent of our ability.

It is because I believe so strongly that this commitment should be kept that I associate myself today with the efforts of my colleague, Senator Hollings, to include funds for the higher education programs in the Supplemental Appropriation Bill.

It is unfortunate that the Administration delayed so long in submitting to the Congress its budget estimates for these programs. It is even more unfortunate and most regrettable that the Administration budget estimates are so clearly inadequate to meet the educational and training needs of young people in colleges, universities and postsecondary institutions across the country.

What is even more shameful is that the Administration did not request funds for the Basic Educational Opportunity Grants. If there is no appropriation now, it will be difficult to get the program started next fall. The failure to request Basic Grant funds shows a complete disregard for educational opportunities for American young people.

The proposals placed before your committee by Senator Hollings are essential. Indeed, I am on record as favoring full funding of all education programs and specifically those authorized by our most recent bill, the Education Amendments of 1972.

Unfortunately, we have not been able to get from the executive branch an accurate estimate of the entitlements for students for Basic Educational Opportunity Grants. My colleague has proposed an appropriation of one billion dollars for these grants, and I support that request, but I believe we should understand that the amount required may be more than that. And I believe the Congress should be prepared to provide whatever additional sums are needed in a later appropriation.

I cannot emphasize too strongly the urgent need to include funds for these higher education programs in this bill. Without these funds, thousands of young people who are planning to attend college next fall will be unable to do so. Without these funds, many post-high school educational and training institutions, now teetering on the brink of financial collapse, will close their doors.

It was in recognition of these pressing needs that the Congress authorized these programs. And it is because of the pressing needs that the Congress should now act to fulfill the commitment we have made.

I believe the commitment we made to our young people, and to their parents, in passing the Education Amendments of 1972 are just as important as the commitments the government makes to a defense contractor. That commitment is just as important as the commitments the government makes to the farmers of this country in assuring that a floor will be maintained on commodity prices.

The commitment we have made to our young people was a carefully-considered and prudent commitment. We assured them that through a combination of family contributions and federal government contributions, every qualified student would be assured $1,400 for his education costs, providing only that the federal contribution may not exceed one-half the total cost of attending an institution.

I think it is time to keep that commitment, regardless of threats of possible vetoes. The Congress, in its independent judgment, made the commitment. The Congress, in its independent judgment should make every effort to fulfill that commitment.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HART) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.

ADDRESS BY SENATOR MAGNUSON ON DEDICATION OF NORRIS COTTON CANCER RADIATION THERAPY AND RESEARCH CENTER, HANOVER, N.H.

Mr. AIKEN. Mr. President, in these very hectic times, it is very heartening to find that, busy as some of our colleagues may be with elections, legislation, and other matters, they still have time to help people that need help.

On October 8 the Norris Cotton Cancer Radiation Therapy and Research Center was dedicated at Hanover, N.H. The principal speaker at that dedication was our colleague, the Honorable Senator WARREN MAGNUSON from the State of Washington.

These men belong to opposite political parties, but both have something in common, and that is their willingness and readiness to help people who need their help. I suppose that both Senator MAGNUSON and Senator COTTON might be characterized by some as "tough guys" politically; yet when it comes to people who really need help, they are very softhearted inside.

I am glad that this cancer research center has been named for our colleague, Senator NORRIS COTTON and I think it is fine that Senator MAGNUSON who has also worked as generously in the field of better health was the principal speaker at the dedication of the Norris Cotton Cancer Radiation Therapy and Research Center in Hanover, and I ask unanimous consent that Senator MAGNUSON's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF HONORABLE WARREN G. MAGNUSON

I am genuinely pleased to be here today. On few occasions have so many strong ties of my interest come together at one time and place. Let me explain.

HIGH CANCER DEATH RATE IN NEW ENGLAND

First, we are dedicating today a facility which will bring to this area of the United States the latest and best in cancer diagnosis and treatment. We have reason to believe that in this Center we can, to some degree, reduce the relatively high death rate from cancer experienced in rural New England, and we can be hopeful that here knowledge will be gained which will benefit those who suffer from cancer around the world.

For these reasons alone this is indeed a joyous occasion for all of us—a time for satisfaction which all can share.

I have a special personal reason for being glad that I was asked to be here. You have appropriately named the Center for a true friend and respected colleague of mine. The occasion gives me an opportunity to tell you, his friends and neighbors, of my affection and regard for this man with whom I have worked so closely over an eventful span of years.

NORRIS COTTON CANCER CENTER

The "Norris Cotton Cancer Center" is in being because of the dedication and perseverance of Norris Cotton. He would be the first to say that the vision, will and work of any others was as important, and of course this is true.

He has called to our attention more than once the indispensible part played by others—the initial planning by Dr. Frank Lane; the able and effective follow-through by the Mary Hitchcock Hospital Trustees; by Dean Carleton Chapman and the Dartmouth Medical School; as well as the work of the New England Regional Commission in alerting the health authorities of Northern New England of the need and possibilities of this facility.

ADVOCACY ROLE OF NORRIS COTTON

But it was Norris Cotton whose determination and persuasion convinced the Congress to earmark $3 million to aid in the construction of the Center.

He made us aware of the special need which exists here for a center which would provide patients with up-to-date cancer treatment without their having to travel great distances for it.

I almost shudder to mention the inaccessibility of this region for fear that Norris will leap to his feet to press for better air service up here, as he has done almost daily during our many years of service together in the Commerce Committee.

He acquainted us with the rich resources of medical research and service represented by the Mary Hitchcock Memorial Hospital, the White River Junction Veterans Administration Hospital and the Dartmouth Medical Center. He convinced us that these strong institutions would enhance and in turn be enhanced by the Center.

Norris Cotton had a good case, and he presented it well. The sound arguments were amplified by the qualities of the man presenting them—a man who has been a knowledgeable advocate and strong champion of the advancement of the health of the American people—particularly those of the rural areas. Norris Cotton has sponsored as much legislation to improve medical services in the remote areas of the Nation as any man in the Senate.

NORRIS COTTON'S LONG INVOLVEMENT IN HEALTH APPROPRIATIONS

Senator Cotton and I serve together on the Senate Appropriations subcommittee which deals with all Federal health research and service programs. He is the ranking minority member of the Subcommittee and I am its chairman. My close association with him has given me the opportunity to observe his work and enables me to speak with authority about his many contributions to American progress in health research and services. I doubt that the scientific and academic communities realize how much they owe to this man.

Through our committee duties, especially in the appropriation hearings, we spend many interesting and strenuous days examining the widespread and mammoth Federal programs in the health area—as well as all Federal Programs for Labor, Education, Welfare and poverty. This year we sat together for 43 days of open hearings and I don't know how many executive sessions. We have been exposed to a pretty comprehensive education in medicine and Dean Chapman has lectured us more than once.

At one point in last year's NIH hearings, I began to think Norris had begun to practice medicine on the side. I was questioning an Institute Director about research on pain, and I asked him, "What are you doing about pain control? What can you do about it?" Before the witness could answer, Senator Cotton chimed in with the classic prescription "Take an aspirin!"

I trust that naming this Center for him will not tempt my friend to go into full-time practice. We need him in the Senate.

GROWTH OF HEALTH APPROPRIATIONS DURING TENURE OF NORRIS COTTON

We've seen that Labor-HEW bill grow over the years. We don't agree with all that's been done—we don't agree among ourselves all the time—but in the field of Health we're almost always together. Let me use the time frame of Norris Cotton's 10 years service on the subcommittee in reviewing this bill and cite just a few health programs.

—In 1962, the Budget for the National Institutes of Health was a little over $565 million dollars, today it is over two billion.

—In 1962, the Federal expenditures for health manpower training were almost zero—in 1972, they were over $670 million dollars.

—In 1962, the Federal expenditures in the mental health field were less than $110 million—in 1972, it was over $610 million—and not only have we helped develop and expand the community mental health centers, but we're helping to give better treatment for all mental illnesses, with a new emphasis on alcoholism and drug abuse.

—In 1962, the Federal expenditures for the National Cancer Institute that supports this Center we dedicate today was about $142 million—in 1972, it was $378 million—and we just approved a bill that would allow the 1973 funding to be as high as $492 million.

These are massive amounts of taxpayer dollars. The problems they help to solve are even greater, and these are all very human problems—ones that many of us have a personal interest in. Some say such expenditures are inflationary. To me—and I feel Norris Cotton would agree—it is far more inflationary and costly to taxpayers—when we fail to prevent disease—or fail to provide adequate health care at an early stage of illness.

ESTABLISHMENT OF NATIONAL CANCER INSTITUTE

I said there were several reasons I was pleased to be here today. The National Cancer Institute and the role that this facility will play in the research on cancers and treatment procedures is one.

In 1937, my first legislative success in the Congress came with the passage of the measure creating the National Cancer Institute. That bill initiated Federal support of biomedical research, leading the way to the present National Institutes of Health.

CANCER AS A KILLER

It became obvious, to many of us, 35 years ago that private and institutional resources alone would never be adequate to the task. Thus the National Cancer Institute was established and charged with the responsibility for conducting and supporting, on a world-wide scale, the research on the causes, diagnosis, and treatment of malignant diseases.

Since 1946, when you first sent Norris Cotton to Congress, other "institutes" have been added to NIH. Heart and Lung, Dental, Arthritis, Neurological Diseases and Stroke, Allergy and Infectious Diseases, Child Health and Human Development, Eye—those are just the major names. Today, the whole spectrum of diseases that plague man from pre-natal days to old age have been brought under intensive scrutiny. Not just the major killers and cripplers, but all diseases and even accidental injuries.

RECENT ACCELERATION OF CANCER RESEARCH

Only last year there was extended discussion over ways and means for accelerating the cancer program. Although there were debates and differences over the best administrative structure for the intensified effort, there was total unanimity in the Congress over the objective and belief that the time had come for a special thrust. Norris, I know, was opposed to separating the Cancer Institute from NIH—for the very good reason that it would lead to similar proposals for the other Institutes. He realized this would only destroy, through petty competition, what had been so carefully nutured over the last decade.

At first, he was almost alone but, finally, we arrived at what we both agree was a wise decision, which keeps cancer research within the mainstream of medical research by anchoring it in the National Institutes of Health, but at the same time we gave it the necessary status and visibility for strong forward movement. We seem definitely to have turned a corner in Federal support of cancer research.

Although medical science is probably still a long way from solving the cancer problem, the progress of research in recent years has nevertheless been very impressive. It may seem to us laymen to be a fragmented process, but this is because cancer is not a single disease—it is a group of a hundred or more diseases which have common characteristics but attack different organs and present different problems of diagnosis and treatment. What is learned in fundamental research, in the laboratories must be linked to what is needed by man.

ROLE OF NORRIS COTTON CANCER CENTER

The Norris Cotton Cancer Center will provide those strong and multiple links from laboratory to patient. In addition, the Federal government will support a highly important cancer research program here at a level of about a half million dollars per year for a ten-year period.

As a major benefit of this research program, veterans who are referred to the Center from the VA Hospital at White River Junction will receive radiation therapy at no cost to them.

FEDERAL RESEARCH SUPPORT FOR DARTMOUTH-HITCHCOCK MEDICAL CENTER

All biomedical research depends on highly trained scientists and people, and the strength of academic and research institutions. More than 80% of the NIH research budget goes to institutions like the Dartmouth-Hitchcock Medical Center. The current level of that research support here is over $2,000,000 each year. What is discovered or proved out here, and elsewhere, benefits everyone.

FEDERAL HEALTH MANPOWER SUPPORT FOR DARTMOUTH SCHOOL OF MEDICINE

But Norris Cotton and I are equally concerned about the crisis in the delivery of health care in America today, a crisis that stems from an inadequate supply of health manpower. We're at least 50,000 doctors short and over 200,000 nurses short. The Federal support of health manpower training has increased appreciably in recent years. Here at Dartmouth, in 1965 their Medical School received only $13,500. Just a week ago, they received $327,000 to help support their MEDEX program. Since 1965, the total support of their medical programs has amounted to a cumulative figure of more than $8,000,000.

This reminds me of a magnificent understatement made by one of our committee colleagues who said—"Senator Cotton takes a great deal of interest in Dartmouth College." I don't blame him. He's got a good reason to be proud of Dartmouth.

DARTMOUTH SCHOOL OF MEDICINE

Dartmouth has the third oldest School of Medicine in the United States. I'm told that Dartmouth was so successful in having medical education improved back at the turn of the Century that they themselves withdrew from granting the M.D. degree in 1914. A difficult decision was made back then to offer a good, solid two-year pre-medical program—rather than a questionable 4-year one.

Your predecessors must have done their job well Dean Chapman, as I'm told that over a third of your graduates from that two-year program finished up at the Harvard Medical School—and the balance were accepted at equally good schools.

A few years ago, Dartmouth made an equally difficult decision to once again grant the M.D. degree. I say equally difficult, for the trustees and those responsible, because even with the assistance these federal programs appear to give, and do give, such a move is costly to the institution and those supporting it.

I wouldn't want to embarrass either Dean Chapman or Norris Cotton, but during our deliberations over the Health Manpower appropriations, special attention was given to the funding for that program which helps these two-year medical schools move into full degree granting status. Dean Chapman and Norris Cotton talked, and we listened closely.

Seriously, helping such schools make that move was one of the best investments the Federal government could make towards increasing the supply of new doctors. In the spirit of New England prudence and frugality, it was a way to get the most out of taxpayer dollars. I wish to share publicly, Norris Cotton's pride in all these accomplishments.

I would also like to add another personal note. This is my first visit to Hanover and to Dartmouth. Through the years, I've met some of your graduates and I've heard many fine things about this educational institution. Perhaps it's the fall colors that are so striking, but I must say that the beauty of this setting, the facilities and surrounding area match up to all that we hear about Dartmouth College.

REAL SIGNIFICANCE IS WHAT WILL BE DONE HERE

So today we are dedicating a physical facility, recognizing a particular individual, and complimenting many other individuals and institutions.

As we feel satisfaction in the accomplishment which this day represents, and as we recognize the efforts of those men and women who have brought the concept of this Center to fruition, we do so in the knowledge that the real significance of the hour grows from what *will* be done here rather than what *has* been done.

My friend, Norris Cotton is one of those men. Today's dedication is a realization of his most cherished goal. This facility, dedicated to the war against cancer and the better health for all people, is another example of his many good works.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 520. An act to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes;

S. 976. An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; and

S. 1497. An act to authorize certain additions of the Sitka National Monument in the State of Alaska, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, H.R. 13915, which the clerk will state.

The legislative clerk read as follows:

> A bill (H.R. 13915) to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MANSFIELD. Mr. President, if the Senator from Georgia will yield, I would like to suggest the absence of a quorum for the purpose of notifying Senators.

Mr. TALMADGE. Mr. President, I yield to the majority leader for that purpose, provided that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I rise in support of H.R. 13915.

In the first place, Mr. President, opponents of this bill are trying to keep it from coming to a vote. It does not matter that busing is opposed by a majority of Americans—black and white. For years, some Senators have thought that they knew better than the American people what was good for them.

Moreover, if this bill passes, the courts will probably ignore it. For years, they have turned their back on antibusing legislation, saying that it did not really mean what it seemed to mean. They have twisted and distorted the clearly expressed legislative intent of Congress like a pretzel. The gap between the laws we wrote and the laws they interpreted has been so great that I sometimes wonder whether we speak the same language.

Mr. President, I will not speak long on this issue because I want a vote. I think we owe it to the parents and children of America.

But I do want to comment on one aspect of this bill. At one part, the report of the House Committee on Education and Labor states:

> These HEW statistics clearly document the achievement of an integrated education for many students in the South. But there is reason to believe that the task of dismantling the dual school system is not as yet fully completed.

And at one point in the minority report, we find this statement:

> Equal protection of the law is not a reality for the majority of the black students in the urban South.

Mr. President, I am sick to death of this pious and phony hypocrisy, and I want to nail it for what it is. Not that

I think it will attract any attention—because people have a gift for not hearing what they do not want to hear.

For years, I have heard some of my colleagues lecture the South for the shabby way we treat our black schoolchildren. They implore us to treat our black children in the fine and humanitarian way that they treat theirs.

Well we have spent the last few years in this Senate talking about the South's record. Let us now talk a little bit about their record.

In 1968, 84 percent of the black children in Georgia attended substantially all-black schools. By 1971, that figure had dropped to 39 percent. During the same time period, New York went up from 43 to 48 percent.

In Mississippi, the figures dropped from 93 percent to 35 percent, while in New Jersey they remained at 42 percent. Let us take a look at a few of the other States and compare the present level of black students attending substantially all black schools:

Alabama, 44 percent; Illinois, 75 percent; Louisiana, 41 percent; Missouri, 63 percent; Arkansas, 18; and California, 52 percent.

In case someone might think that I am selecting arbitrary and unfair examples, let me state that in the fall of 1970, the percentage of black children in majority white schools was 39 percent. The border States and the District of Columbia were at 32 percent, while our friends in the Northern and Western States could only muster 28 percent.

Yet, here they are again, shaking their heads, and wringing their hands and moaning about "the vestiges of the dual school system." With all due respect, I suggest that they clean up their own house, and stop worrying about ours.

Mr. President, the average person, who is unskilled in the slick art of rationalization, might wonder how they can pull this off.

They do it by playing a wondrous shell game with words like de facto and de jure. They point to laws that have not been on the books for almost 20 years in the South.

This, they claim, justified treating the South differently. To me, that is a little like saying that a man who has one traffic ticket is presumed guilty of every other charge brought against him in his life.

They ignore the higher percentage of segregation in the North, saying that it is caused by "random housing patterns" and that makes it all right.

Mr. President, if segregation is wrong in the South, it is wrong in the North—and that is nothing more than the plain unvarnished truth. For years, I have watched my colleagues willingly indulge in social experiments with the children of my State, but dig their heels in when busing came to their State.

There is one fact that cannot be denied about segregation—there is less of it in the South than there is anywhere else, and there is more of it in the North than there is anywhere else. And all the Latin and legalistic mumbo-jumbo in the world cannot change that.

Mr. President, let us return our schools to the business of educating our children. Let us spend our tax dollars on better schools, newer books, higher teacher salaries, and more lab equipment. Let us pour our energies into the attainment of the best education we can for all our children.

The drawing-board social planners, and the ivory-tower utopians have had a stranglehold on our schools for over 10 years. They are choking the life out of public education in America. It is time we gave our schools back to our children.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 13915), an act to further the achievement of equal education opportunities.

1. Robert Griffin.
2. Clifford P. Hansen.
3. Paul J. Fannin.
4. Edward J. Gurney.
5. Bill Brock.
6. Norris Cotton.
7. Marlow W. Cook.
8. William Proxmire.
9. David H. Gambrell.
10. Jennings Randolph.
11. Strom Thurmond.
12. James Buckley.
13. Lawton Chiles.
14. Herman E. Talmadge.
15. B. Everett Jordan.
16. John Tower.
17. Howard Baker.
18. Robert Dole.
19. Wallace F. Bennett.
20. G. D. Aiken.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

QUORUM CALL

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

EXECTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. HART). The nominations on the Executive Calendar will be stated.

COUNCIL ON ENVIRONMENTAL QUALITY

The second assistant legislative clerk read the nominations in the Council on Environmental Quality, as follows:

John A. Busterud, of California, to be a member of the Council on Environmental Quality.

Beatrice E. Willard, of Colorado, to be a member of the Council on Environmental Quality.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Lt. Gen. Paul K. Carlton, major general, Regular Air Force, to be a general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ARMY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all the nominations under U.S. Army be considered at this time, with the exception of Gen. Creighton W. Abrams.

The PRESIDING OFFICER (Mr. HART). Without objection, all the nominations under U.S. Army will be considered at this time except that of Gen. Creighton W. Abrams.

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to bring up the nomination of General Abrams later this week and, hopefully, on a time limit basis.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Navy, which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M. TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, SATURDAY THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene at 9 o'clock every day for the remainder of this week up to and including Saturday next.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, as I stated some days ago, on October 9, which is today, a final declaration would be made as to what the schedule for the rest of the session will be and what the possibilities are for adjourning sine die by the 14th of October, which is Saturday of this week.

Mr. President, at the present time, of course, the pending business is the Equal Education Opportunities Act.

The must legislation behind that is the supplemental appropriations bill and the debt ceiling bill. Those are the two absolutely must bills which have to be considered.

The other bills which I would like to have considered—and this has been discussed with the minority leader—are:

First. Calendar No. 921 (H.R. 7093), a bill to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma. This is a House-passed measure.

Second. Calendar No. 1105 (S. 3342), a bill to amend title IV of the Clean Air Act, and for other purposes. There is no House-passed measure for this; and if there is none, it will not be taken up.

Third. Calendar No. 1165 (H.R. 12807), a bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. There is a House-passed measure.

Fourth. Calendar No. 1169 (H.R. 640), a bill to amend the tariff schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, on which there is a House-passed measure.

Fifth. Calendar No. 1197 (H.R. 13825), a bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group, on which there is likewise a House-passed measure.

Sixth. Calendar order No. 1214 (S. 4062), a bill to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus system engaged in scheduled regular route operations in the National Capital area, and for other purposes.

There is no similar House measure; and if there is none, this bill will not be considered.

Seventh. Calendar order No. 1200 (H.R. 12674), a bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes.

I think that this matter can be worked out.

Eighth. Calendar order No. 1217 (S. 3174), a bill to provide for the establishment of the Golden Gate Recreation Area in the State of California, and for other purposes.

There is a House-passed bill.

Mr. BIBLE. Mr. President, if the distinguished majority leader will yield, this is, of course, one of the most important of the park bills that we have considered this year. We have completed action. We are given to understand that this measure will be the fifth item of business considered in the House tomorrow. They have one area of disagreement which, I am told, will probably be worked out.

As I say, this would be the fifth item of business considered tomorrow before the House. I would hope that that bill will come to us from the House within a day or two after that. There is only one major difference, and it has been pretty well resolved. However, I have no intention to call it up until the House bill passes, because that is where the problem is.

If the bill does come from the House—as I think it will—I would appreciate having the Senate act on it. It will require only a very short time limitation.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Nevada has just said, because what I stated was in compliance with what I understood his request to be, and his statement corroborates it.

Mr. BIBLE. That was my request.

Mr. MANSFIELD. Nine. Calendar order No. 1173 (H.R. 14542) a bill to amend the act of Sept. 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force, may be increased, and for other purposes.

That is a House-passed bill. It may run into some difficulties here.

Mr. President, I repeat that those nine measures additional to the two must measures, may or may not be considered. None of them are absolutely necessary, but the supplemental appropriations bill and the debt ceiling bill are.

As I have indicated, we are trying to get a time limitation on the nomination of General Abrams to be Chief of Staff of the Army.

As far as other bills are concerned, unless they have a House counterpart, I think that we would be tilting at windmills.

May I say that I have received a tremendous amount of pressure because the private pension bill has not been called up. I point out that no private pension bill has been reported by a committee in the House. Insofar as I know, there is no chance of having a House measure of that nature passed. I am one of the strongest supporters of the private pension bill as reported by the Labor and Public Welfare Committee, not as it was reported by the Finance Committee. However, we have to make a judgment. We have to face up to realities. The situation at the present time is that not only would we not have a House-passed bill to join what might be done in the Senate, but we would also have a long-drawn-out filibuster if this bill were called up at this time. So, it is with the deepest personal regret, because this is a highly necessary bit of legislation that should be passed, that I am constrained to state my position at this time.

However, may I say that if this bill is reported out of the Labor and Public Welfare Committee in the beginning of the next session of the Congress at an early date, it will be one of the first orders of business to be taken up.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, I could not be more pleased than I am with the last part of the statement of the majority leader. I am deeply grieved that we cannot deal with this measure in this session of the Congress. However, I am aware of the problems we face. This is one of the most urgent pieces of legislation we have because of the disappointment faced by many people who thought they had a pension and then realized that they did not.

Mr. MANSFIELD. The Senator is correct. And the reason I made the statement is that I want to indicate that even if by some chance we do have an opportunity to consider that matter in the Senate, there is no chance in the House. And I would urge that we come back and do it in the next Congress, not only in the interest of those who plan to retire and have retired but also in the interest of the consumers.

One of the tragedies of this session of Congress has been our failure to pass the consumer bill which was before the Senate. I hope that this likewise will be reported out early in the next session of

Congress so that we can take it up early next year.

Mr. PERCY. Mr. President, no two pieces of legislation affect more people and go to the heart of what we should be protecting. This is not a revolutionary piece of legislation.

For instance, I happen to think that 22 years ago I made the decision to invest 10 percent every year so that at the end of 10 years, there would be 100 percent invested. Congress must act on this measure as soon as possible.

I thank the distinguished majority leader for that reassurance.

Mr. SCOTT. Mr. President, regarding the Consumer Protection Act, I feel precisely as the Senator from Illinois feels. I would hope that we could somehow find a way to take the House bill and pass the measure.

We are realistically up against a very difficult situation. That is the only hope we have at this point. However, it is a rather forlorn one.

It is a pity that we have not gotten adequate pension-reform legislation passed—which a good many Senators on both sides of the aisle want. There has been no action in the other body, yet I do not know of any action which Congress could take which would be more reassuring to the people who are counting on their pensions to sustain and support them and give them security in later years. The present weakness of the entire pension system and the inability of private enterprise to furnish that security without some governmental policy and action is a situation which demands that Congress act.

In this list of "must" legislation, I believe the distinguished majority leader and I discussed the fact that it is our intention to be able to adjourn sine die on Saturday, October 14. The debt limitation expires on October 31. We cannot run the Government without action on that bill. It comes after the busing bill. We also have the supplemental bill, which I believe offers less difficulty, but we simply have to pass the debt limitation bill so we can pay Government employees, meet other expenses of Government, and allow the Government to make contracts and continue its normal operation.

I believe it is obvious that every Senator will need to be here for these important votes, for the cloture motion tomorrow, for example, and we will give both sides of this controversy, I am sure, every opportunity to be heard within the limitations of time which exist.

So we are trying to permit Senators to go home and report to their constituents on what they have done, and in the words of the Book of Common Prayer, to admit we have done the things we ought not to have done and left undone the things we ought to have done. But I hope we do not have to add, as we do on our knees on Sundays, that there is no health in us. There is health in us and our Government; there is just no health bill to fill the needs. But I think that is a matter the next Congress will want to act upon.

Mr. MANSFIELD. I thank the distinguished Republican leader. May I reiterate again that the two important bills after the pending measure is disposed of are the supplemental appropriation bill and the debt ceiling bill. The other nine bills which I mentioned may or may not come up, depending on the length of time it will take, or if it is possible to get a time limitation on other matters, and other factors, which should be considered.

So I hope no Senator would hold the joint leadership too rigidly to the nine supplemental bills mentioned this morning, and that all Senators would be on notice, once again and for the third time, that holds entered prior to the date of October 2 will not be considered as holds in the usual sense, and if those holds affect proposed legislation which the joint leadership thinks should be considered, that legislation will be considered, but adequate notice will be given to holders of the hold before such action is taken.

Mr. SCOTT. I take it this would not be a good week for Senators to make outside engagements during the better part of the day and the early evening, at least the evening?

Mr. MANSFIELD. It all depends. Maybe we will not keep the hours this week that we kept last week, because I think the issue is pretty well defined and I cannot see Senators talking on and on and on. It could happen, of course, but I think the brook is beginning to run slower.

Mr. SCOTT. The cave of winds will have some reduction of decibels, I hope this week.

Mr. MANSFIELD. I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. GAMBRELL. Mr. President, in the absence of any appearance on behalf of those opposed to the pending bill, I shall proceed. It was my understanding from the debate on Friday and statements made by some of the Senators who oppose the bill that they had a considerable accumulation of debate, documents to put in the RECORD, various data, that they have had 5 weeks to accumulate, and all of that would be presented this morning.

I think there is formidable opposition to the pending measure. But I have been here since the Senate opened and I have not seen any Senator prepared to offer any opposition to the bill.

I, of course, have a good bit I could say. Most of it already has been said. The question of forced school busing has been around Congress for 5 or 6 years. This specific legislation has been before Congress for 6 or 8 months. Other similar legislation has been here for almost the full session of the 92d Congress that we are faced with. So it seems to me, with reference to the so-called must legislation we have heard discussed here, the pension bill and other legislation that Senators feel urgent that I heard discussed by the Senators from Montana, Illinois, and Pennsylvania, if they were faced with what we are faced with in Georgia, where every major city and at least 15 or 20 of the smaller cities and communities faces forced busing, I believe if they responded at all to the urgings of their constituents they would be telling us that the most urgent legislation which is faced by this country and this Congress and by this Senate today is the bill that is pending before us. They would feel as I do that those who genuinely, honestly, and sincerely oppose this legislation would be here at 9 o'clock every morning this week and be prepared to oppose it with genuine, substantive, real opposition, and not simply let Congress sit here in quorum calls while the last hours of this Congress drift away.

Mr. President, here in the final moments of the 92d Congress, that which all of us have known would inevitably require a judgment by this Senate, has finally come on for consideration. After interminable months of wrangling, maneuver, and procrastination, one of the most urgent issues facing the Nation today, that of forced school busing for integration purposes, now lies before us for decision.

At the threshold, of course, is the question of whether this Senate bill will decide the question at all, or will simply sweep it back under the rug to spread and fester among an even wider group of Americans and their children, than it affects today.

I might say that the spread of forced school busing into areas of the country outside the South, to the extent that it exists today, has been the most important development working toward an ultimate solution of the problem. Those of us who have lived with it for years would see little hope for outlawing this outrageous practice, had it not spread to such places at Detroit, Mich., Denver, Colo., San Francisco, Calif., and more recently to Las Vegas, Nev. It has occurred to me that stronger and more decisive prohibitions against forced schoolbusing than those contained in the bill now pending before us, would be forthcoming if we could but tolerate it a while longer, so as to permit a larger segment of the American public to feel its impact, and to be impressed with the utter foolishness of this device as a means of school desegregation.

So, Mr. President, one of the questions is whether we will accept the very strong urgings of the House of Representatives, and the President, to go forward with a proposed solution to the problem, which mixes substantial cutbacks in forced schoolbusing with an urgently needed national program for equal educational opportunities, or whether we will simply wait for an increasingly aroused American public to drive us to the adoption of more extreme measures which will eradicate forced schoolbusing forever from the American scene.

Regardless of which approach is taken, sometime between now and the end of next week, Senators will be called upon to take a stand on the forced schoolbusing issue, and there is no doubt but that a deeply concerned American public will take note of how each and every one of us have voted, or as will be the case with some, have simply avoided the issue by being absent.

For my own part, I believe I have done everything within reason to deal with the matter in a temperate way, although many of my constituents who are daily living with the chaos of forced busing plans, would have preferred that I had been more intemperate on the subject. It is not a matter which one personally faced with the problem finds easy to deal with, in any spirit except outrage.

Mr. President, little if anything can be said for forced schoolbusing as a means of solving the school segregation problem, based on our experience in Georgia. By making pupil assignments based on race, it is contrary to the letter and spirit of the school desegregation decision in 1954. But beyond that, in a more practical context, it utterly fails to achieve the purposes which its proponents ascribe to it. It has proved to be a wasteful misapplication of the already limited resources available to public education. It has brought about the disintegration of established communities, and community institutions, against the will of community members. And this is true of both black and white. Rather than improving the educational atmosphere of individual schools, it has resulted in violence, disorder and disillusionment which has destroyed in many schools a healthy atmosphere in which the educational process can be conducted. Through daily confrontations of diverse cultures and life styles, it has sharpened racial and social divisions, and thereby has undermined the efforts of community leaders who have, in good faith, made substantial progress toward the ends of social and racial justice in this country. In these respects, the forced busing program has found its ultimate in counterproductivity.

Of course, Senate debate on the present bill has just commenced. However, I think that public and legislative consideration of the matter over the past 2 years has already fully exposed the basic issue. The bill before us is the product of that debate. Unfortunately, it does not immediately and completely remove the power of courts and Federal bureaus to require forced busing as it has been applied in Georgia.

In this respect, it is not as strong as I would have wanted it, but I do consider it one on which a majority of Members of the Senate can agree. As I understand the bill before us, it is not a legislative illusion, as the antibusing sections of the higher education bill have proved to be. Were that so, I would not support it as I did not support the higher education bill.

Mr. President, the people of this country, both black and white, by an overwhelming majority, even those who have never experienced it have strongly expressed themselves against forced schoolbusing. The people of Georgia, whom I represent, their schools and schoolchildren, are entitled to be relieved forthwith from this bureaucratic bungling. Forced schoolbusing, Mr. President, is wrong, and is tearing this country apart.

Mr. President, I might say that last night I received a phone call from a couple in Atlanta who have been friends of mine for years, whose children have attended public school with my children. They mentioned to me something that I had become aware of during the weekend, and that is that the Fifth Circuit Court of Appeals in New Orleans had just ordered the school system in Atlanta to implement a citywide forced busing program. During the debate here this week I expect to comment more extensively on that order. I do not have a copy of it in detail. I have sent for one. But, in substance, it says that because there are some schools in Atlanta which are virtually all black and some which are virtually all white, there must be some segregation in the Atlanta school system and it has got to be stopped.

Mr. President, the Atlanta school system has complied with every Federal court about desegregations since 1960. It has been twice declared to be a unitary school system; that is, it has been twice declared that the Atlanta system is no longer a dual system.

The best I can gather from what has happened is that the Federal court in New Orleans simply says, "As long as you can see black and see white, there must be something to be remedied, and it can only be remedied by the transportation of children from one community to another."

Mr. President, we had thought, I think rightly, and certainly the Members of Congress had thought, that whenever a unitary school system was achieved, there would not be any more need for court orders, much less court orders requiring transportation of children from one community to another, but apparently that is no longer true. I put in the RECORD earlier this year the order of the Federal district court in Atlanta, in which the two judges in that court who had the case found that the Atlanta school system was and had been a unitary system for many years.

The majority of the population of Atlanta is black. The school population of Atlanta is 70 percent black. Who is the minority in Atlanta? And may I say, Mr. President, that the majority of the black parents, the majority of black students, the black members of the Atlanta Board of Education, and the black president of the Atlanta Board of Education—who is also the president of Morehouse College, Dr. Mays, who preached the funeral address at the funeral of Dr. Martin Luther King—all of those people are asking that they not have any more busing in Atlanta. And yet the Federal circuit court in New Orleans says, "There must be something to be done up there, because we can still see black and we can still see white."

Mr. President, I cannot do anything except deplore that decision in the strongest terms. It is absolutely asinine. There is no Supreme Court decision that I know of that requires what the Fifth Circuit decided in the Atlanta case. In fact, it seems to me, from a personal knowledge of the situation and what I know of the decisions that have been made, that the Fifth Circuit has struck out on a tangent of saying that racial balance, regardless of de facto or de jure, is the only evidence of desegregation that the court will recognize.

Mr. President, this is contrary to what the Supreme Court has said; it is contrary to what Congress has said; and it is contrary to what the Supreme Court held in 1954, which is that students could not be placed in schools or assigned to schools based on their race. It is not even a matter of a remedy or a tool to overcome legal segregation. It is simply a matter of achieving a racial balance in the schools of Atlanta, or wherever it might be applied.

Mr. President, I have some concern about speaking out strongly here on the Senate floor in favor of Atlanta, because Augusta, Savannah, Macon, Columbus, and many other cities in Georgia have been under such orders for a year or more. I deplore that in those cases also. But what is so shocking about the Atlanta case is that in the Atlanta case, the district court did not find, as it has found in these other places, that there continued to be a practice or a determination on the part of the local school system to maintain a dual system of schools.

In Atlanta, the school board many years ago had been dismantling the dual school system, had been doing everything that the Federal courts had required in order to achieve a unitary system, and had twice been declared by the Federal district court in Atlanta to have achieved a unitary status.

These people who called me last night said:

> David, what are we to do? We have tried. We have stayed with the public school system in Atlanta. We have seen the teachers shifted all over town in the middle of the year.

Mr. President, to illustrate further how asinine this is, the desegregation plan that they are operating under in Atlanta now permits any black child who wants to go from a majority black school to a majority white school to do so. All he has to do is call up the Atlanta School Board and say, "I want to go to such and such a school," he can pick any school in town, and the Atlanta Board of Education will pay his bus fare by public transportation to go to that school. So we have had desegregation, and, although black students have to ride 15 miles to get there, we have had 30 percent or more black students in the school which our children attended. So it is not a question of breaking the color barrier. Black students simply have not wanted to go to all these schools.

But the people who called me said:

> We do not know what is going to happen now. Black children will be bused to our school, and our children will be bused somewhere else. We do not know what to do. We have never applied to a private school for our

> children, and we do not know of one where we could, because there are not enough private schools to handle all the children. We do not want to move from Atlanta, as so many have done, but we want our children to have a decent education in a public school that we have access to, that is conveniently located near our home.

I said:

> I wish I could stay cool, but if I were there myself I would not be too cool.

So they are meeting tonight and tomorrow night; they are meeting in the churches to determine whether the churches can carry on with the school system in Atlanta; they are meeting in the neighborhoods, to see if people can hold school in the basements of the houses, in community centers, and otherwise in Atlanta, to see if school will go on, because there is no way to have a racial balance throughout Atlanta without transporting children anywhere from 12 to 15 miles across the city of Atlanta, transporting blacks to white areas and whites to black areas.

And, Mr. President, when I talk about black areas, I am not talking about ghettos. There are many square miles of Atlanta that are solid black, and have more finer homes and finer schools than anything in the District of Columbia today. Those children are going to be transported out of their communities to some other communities, I suppose. I do not know who is going to be transported where. But the blacks are 70 percent of the total. This is the first time, to my knowledge, that we have ever looked at a situation where we were going to strive to distribute the majority among the minority. As I say, it is asinine.

Mr. President, I hope that my colleagues here will, after due consideration, not only cross the bridge at this time, but will resolve the matter now, once and for all, substantially in accordance with the measure as passed by the House of Representatives. Certainly, shoving it back under the rug, taking the ostrich approach, "waffling," or other means of further procrastination will certainly not cause the problem to go away. So far as the people of my section of the country are concerned, and for that matter so far as sensible and fair-minded people all over America are concerned, I have no doubt but that their representatives who return to this body next year will, if possible, be more than ever determined to put an end to the misguided practice of forced school-busing.

Therefore, Mr. President, I hope that our colleagues will be constrained to face up to the issue, to get down to the substance of the legislation, to put to one side any further delays in bringing the matter to substantive consideration, and will vote on it up or down before adjournment this weekend.

I yield the floor.

Mr. BAKER. Mr. President, I commend the Senator from Georgia on his remarks, his eloquent presentation, and his analysis of the situation as it is now evolving and devolving in his State, particularly in Atlanta.

I come from a State where court-ordered busing, unfortunately, has been in effect for some time. I can speak first-hand of the enormous dislocations—not just the inconvenience but also the grievous concern and disruption—that judicially ordered crosstown busing has caused in Nashville, Davidson County, Tenn.

We have other cases in Memphis, the effect of which has been stayed temporarily; in Chattanooga, where a decree has been stayed temporarily, at least partly because of a previous moratorium action taken by Congress. Cases are pending in Jackson, Tenn., and in other cities in my State.

So I know first-hand the enormous dislocations, the great concerns, the fears—the reasoned and unreasoned fears, in some cases—but the enormous disruption it has caused in my State. It really has been destructive. It has been a bit of judicial mischief.

Mr. President, for a while it appeared to me that it was going to be difficult to separate the opposition that many of us have to massive, crosstown, judicially ordered busing and desegregation of the school systems of the Nation. They are two very different things; and for a moment today I want to illustrate my concept of these distinctions, because I am very anxious to make clear that I favor a unitary school system. I have always favored a unitary school system. I believe in the elimination of the last vestiges of institutional segregation. I believe in the elimination of segregation from the public school system, root and branch, as the court said; but I do not believe in busing as one of the techniques to accomplish that purpose. Let us not confuse the two, however.

A dedication to desegregation and the establishment of a unitary school system is one thing. That is a principle to which we are dedicated. But pairing, clustering, consolidation of schools, changing boundary and attendance lines, and a half dozen other techniques that have been offered from time to time are the tools by which we accomplish that objective. Busing is not an objective in itself. It is not a philosophy; it is not a principle to which we are dedicated. It is one of the arsenal of tools that the highest court has put in the collection of tools that the several lesser Federal courts might utilize to eliminate segregation.

Some say that opposition to busing is racist. That is an interesting observation, because all of us will recall that case after case implored the Supreme Court to require busing; and for 4 years, in case after case, the Supreme Court declined to do so. I do not recall that anyone accused the court of being racist in the period from Brown I until Swann, when they uniformly and consistently rejected the application of busing as one of the tools for the furtherance of the desegregation of the public school system. Not until Swann, of course, did busing become one of the tools in the continual effort to desegregate the school system and provide for a unitary school system. So I reject out of hand the allegation made frequently that opposition to busing is racist or a perpetuation of segregation.

Mr. President, the tools at hand are examined not on the basis of their merit and equity, their rightness and wrongness in moral terms, but for their utility, for their usefulness, for their adaptability to the situation at hand; and I suggest that busing is such an extraordinarily disruptive force and has caused such mischief in my State and throughout the Nation that it is now clear that it is not a suitable, let alone a desirable, tool to be employed by the Federal judiciary to accomplish an otherwise highly desirable purpose—that is, the desegregation of our school systems.

Therefore, I support this bill, which has been passed by the House of Representatives. Had I been drafting the bill, possibly I would have taken a different tack and a different approach in certain respects. But I did not draft it. The bill originated in the House of Representatives and was passed overwhelmingly in the House. We are now in the final and fading days of this Congress, and I am not about to set myself about the business of restructuring that bill by amendment. I intend to support that bill verbatim, so that we do not have to go through the business of a conference, so that we do not have to go through the uncertainties of disagreeing votes between the House and the Senate, and so that we can get about the business of providing effective legislation now for the people of the United States and the children of my State.

Mr. President, I do not intend to filibuster this issue today. It is my purpose and my ambition and my desire to see us have a vote up or down on the merits. I am convinced that we have great support for this bill in this body—majority support. I am convinced that we can pass this bill by a majority vote. But it appears that our test will come not on the merits but on our ability to effect cloture, to shut off debate, to stop a filibuster. I intend to do my best. We are going to try to marshal the two-thirds required to shut off debate and get to the meat of the coconut, get to the merits of the controversy, to vote up or down on the bill. It will be a tough fight, but I am going to be here, trying.

Mr. President, I would conclude with only these observations: At some point, I expect that we are going to get away from the business of the broad, laudible generality of providing a desegregated school system, a unitary school system, and an examination of the tools prescribed by the courts to accomplish that purpose, and get on, finally, to the question of how we provide equality of education, how we provide access to equal educational opportunity for all children in the United States, not just on the basis of whether they are black or white but also on the basis of whether they are rural or urban, North or South, East or West.

I have watched with great interest a body of case law grow up in this country, beginning, I believe, with the decision in the State of California on the requirement that the dedication of public funds to public education must be on a basis that gives equality of educational opportunity to the children of that State, and casting doubt on the adaptability of the property tax to serve this purpose, since the property tax is, by and large, a flat rate tax and, therefore, is regressive and creates an opportunity for the children of rich people to have a richer education opportunity than the opportunity of poor children. So that tax structure does not apply very well.

At some point, Mr. President, I hope it is my privilege; I hope I have the opportunity, I hope some day to engage in debate and participate in the efforts of others who believe as I believe that the prime educational challenge is equalization of educational opportunity.

That is going to be tough business. That is going to be disruptive and it is going to be difficult. The exact numerical expenditure per capita per child probably would not accomplish that purpose, because remedial steps are required in some cases, and it costs more to get teachers in some cases. But in some way we have to find a formula to give us a reasonable approximation of equality of educational opportunities and practical access to it.

So, Mr. President, crosstown busing judicially ordered is not the way to do it. It has proved extraordinarily disruptive. I very much doubt that a community, let alone just a school system, could long survive the stresses set up without grievous injury and harm.

The fact that it is court ordered, by a Federal judiciary to which there is no public input, makes the situation more difficult. So, if we do have tough decisions to make in the future on how we equalize educational opportunity, it should be made in Congress where there is direct political input, where people do bespeak their demands and their desires and their dissent regularly, not just in terms of vicarious participation in the selection of the Federal judiciary by confirmation processes vested in the Senate.

Here in Congress, not in the courts, is where we should meet those difficult decisions and face the challenge providing access to equal educational opportunity.

I reiterate, I support the concept of a unitary school system, and I always have. I support continuing efforts to desegregate the public school systems of the United States, and I always have. I support the pronouncement of the highest Court in this land that we should go about the business of eliminating the last vestiges of the institutional segregation from the school systems of the United States—root and branch.

But, Mr. President, I do not support busing as one of the tools for the implementation of that purpose. I think it is disruptive. I think it is counterproductive. I think it is a bit of public mischief.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I had expected to rise this morning to address a few more of my colleagues than are present at this time of the morning as a participant in debate on legislation of either unknown or slightly understood consequences for the Constitution of the United States and the system of government we have built upon it.

I considered extending the quorum call. However. I do agree with my colleagues that it is important to have a discussion of an obviously important question on which there are strong feelings in every region of our country.

With no opportunity for careful study or expert analysis by a committee of the Senate, we are involved in consideration on the floor of the Senate of a bill that many people believe is narrowly focused on the problem of "forced busing."

In fact, however, the bill before us, H.R. 13915, has all the earmarks of a broad-based plan to reverse the progress of over 18 years toward eliminating segregation from the public schools our children attend, in my opinion.

If that is clear from reading the provisions of the bill, I believe it is one of the few things that is clear about this legislation.

The consequences of enacting H.R. 13915 would be both subtle and far-reaching, affecting the very foundation of a national policy that has evolved over nearly two decades regarding the necessity to remove segregation from the schools regarding the promise of our society for minority citizens of this Nation, and regarding the equality of opportunity that we hope elevates our society above the quagmires of discrimination.

But those consequences have had little systematic investigation in the rush to bring this bill to a vote.

What we have before us is a vastly revised version of a bill that was introduced on behalf of the administration early this year in both the House and the Senate as I understand it—revisions that were written in on the floor of the House of Representatives during a gruelling and highly emotional late-night debate.

The House had the benefit of consideration by its Committee on Education and Labor. Hearings were held by the committee, and a report was written in support of the bill—a report that was brief and contained too little in the way of factual information about the most significant and controversial provisions. It is also my understanding that the record of those House hearings is not yet printed and available to provide us some guidance as to the intent of this legislation.

In the Senate, a companion measure was introduced and referred to the Committee on Labor and Public Welfare, where the Subcommittee on Education began hearings which have not yet been completed. As a result, the Senate does not have the benefit of a committee recommendation or of a committee report that would analyze, for the first time, the interworkings of the provisions contained in the original bill with the language adopted on the floor of the House, shortly before this measure came to the Senate and was placed directly on our calendar for action.

It would be far preferable to assess this legislation with the care and precision that a committee has within its power, particularly in view of the provisions added during House debate. By rough count, I have identified nine sections of the bill before us—with perhaps 9-times-9 fundamental consequences—that have been added to, or substantially revised from, the bill reported to the House by its Committee on Education and Labor.

These are the provisions that the Senate must examine most carefully, within the limited time available to us as we near the close of the 92d Congress.

They are provisions which led some of the original sponsors of the bill and proponents of the House committee's version, to vote against the measure on its final passage by the House.

And they are provisions which come before the Senate with a request for almost instantaneous judgment as to their impact upon the Constitution, the courts, the schools, and the children this legislation purports to protect.

Mr. President, I want my colleagues to know that I do not classify myself as a proponent of widespread, massive, forced busing of students. I have great sympathy for the children who are riding the buses and for the families who feel the strain of busing, but I know that, for the most part, the courts have resorted to this device only where they have found an illegal pattern of officially imposed segregation requiring an immediate, but hopefully temporary, remedy.

Mr. President, I am familiar with the problems of busing to some extent because my State is a rural State. We went through the consolidation of school districts in the State of Iowa, reducing their number from over 2,000 to as low as 500. That was a long and bitter battle, Mr. President, sometimes with father against son and son against father. It resulted in better education, better facilities, and better qualified and better paid teachers. However, it also resulted in busing students from some areas to other areas and for long distances. It resulted in the children of some families going to different schools. I know of one family in particular that had four children, and each of those four children went to a different school building in a different town.

These children were picked up early in the morning and bused to four different towns from their home. These children were not bused, because of racial problems. They were bused to obtain quality education.

Many groups were concerned, because of the extent of the busing and the length of time that the students spent on the buses in the early mornings and late afternoons.

As you know, Mr. President, the days get very short during the winter months in Iowa. It does not get daylight early in the morning and it gets dark quite early in the afternoon. As a result, the problem of children coming out in the dark and perhaps returning in the dark was a question that concerned many of us.

Consolidation of school districts over a period of 20 years had to take into account busing. Busing is historic in quality education in America today—in most school districts, certainly in most States of this country—and it has been for so many years that most of us have forgotten when it started. Discussions of busing have been going on for a long time, while only recently in relation to racial discrimination and racial imbalance.

It is unfortunate that this particular remedy has been found to be necessary in some cases, or for that matter, that there is a need for any remedy whatsoever.

However, as I said, school buses have been used for decades to bring students from their homes to places where they can get a quality education, and in these days of transition, it is still a legitimate device for achieving that purpose when its use is deemed necessary. Others far more eloquent than I have expressed this point, and I would like to quote one of them at this point.

Mr. President, I was very much impressed by a statement that was made last March 2 by Prof. Alexander M. Bickel of Yale University Law School, whom I have known and respected since we worked together in 1968 on the Commission on the Democratic Selection of Presidential Nominees, which charted the route for recent reforms in the national Democratic Party. Testifying before the House Judiciary Committee, Professor Bickel said:

> I am no partisan of busing for racial balance. I take the Court in the *Brown* case to have held that it is unconstitutional, as it is assuredly wrong and ultimately evil, to force the separation of children in the schools along racial lines. The question before the country now is, to my mind, rather a different one. It is, whether we think it wise or necessary to force the mingling of children in the schools in proportions that reflect approximately the ratio of blacks to whites in the total population of an area.
>
> Busing is inconvenient. What is more important, it runs counter to a widespread parental desire, which cannot fairly be brushed aside as mere racism, for a sense of community in the schools. The feeling, shared I believe by many blacks as well as whites, is that the population of a school, while not necessarily homogeneous, should have a sufficiently cohesive majority, to whose aspirations and needs the school can be responsive. A geographic element enters in since parents rightly feel that it is physically difficult, if not impossible, to maintain a connection with a school, and make their needs and wishes felt in it, if the school is 15 miles away.
>
> There is evidence that under certain conditions the education of black children is improved when they are sent from a segregated school situation into one with white children. But it is highly doubtful that the attainment of racial balance by busing is the only or always necessarily the most effective way to improve the education of black children. Considering the disadvantages that admittedly attend it, busing is often, therefore, not the wisest measure to adopt. However, since we are not prepared to close private schools or to incorporate them into the public system, or prepared to restrict the freedom of residential choice which the middle class enjoys, busing, after all its disadvantages have been incurred, not infrequently fails to achieve its end of maintaining racially balanced schools.
>
> So a great deal of the unpopularity of busing seems to me justified. But in some areas, busing is essential if any desegregation at all is to be achieved, and in many areas, segregation itself was, of course, maintained by busing. I would think it wrong, therefore, for Congress by constitutional amendment to forbid all busing, and thus to hamper the continuing work of desegregation, just as it nears completion. And quite aside from recent busing orders, I would think it disastrous to roll back the desegregation that has been achieved, to undo the great work of 17 years . . .

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. HUGHES. I yield.

Mr. HART. The Senator from Iowa is a member of the committee to which this bill in normal course would have been referred. The Senator from Iowa is a member of the committee which on earlier occasions has studied certain aspects of the effort to bring our public schools into compliance with the 14th amendment.

The point he has just made reminds me that many of us are not on the committee and hence not in a position to have available all the data and we are not sure exactly how many children in our public school system today are involved in a desegregation order which includes busing.

The reason I ask the question is that I am convinced that not all of us realize that the House-passed bill would have the effect of creating turmoil in several hundred, at least, school districts in this country which are in good faith attempting to operate pursuant to a court order, in an effort to deliver the promise of the 14th amendment to some of our children.

Does the Senator from Iowa recall about how many students today in our public schools are involved in desegregation orders that involve some transportation?

Mr. HUGHES. The Senator from Iowa is sorry but he does not recall those figures offhand. They may be included later on in some information I have, but offhand I cannot recall. It is not a considerably large figure. The question the Senator brings up is, indeed, very important.

Mr. HART. I ask the question believing, as I know the Senator from Iowa would agree, it is important as we confront this legislation that we have a knowledge of how many children would today be involved under orders that could be nullified by the enactment of this bill.

I arose not for the purpose of making this point, but this point becomes obvious: the Senate undertakes this action without the kind of data which my question seeks to obtain, which normally would have been available to us if the committee had been able to take testimony.

Mr. GAMBRELL. Mr. President, will the Senator from Iowa yield to me for a question?

Mr. HUGHES. I yield for a question.

Mr. GAMBRELL. Mr. President, I would like to ask the Senator from Iowa if it is not true that the President's bills, out of which the present legislation was adopted, as well as a number of other bills, including one I offered, have not been filed since, I think early March of this year, and have been pending before the Subcommittee on Education of the Committee on Labor and Public Welfare. There have not been hearings held; and if the Senator recalls, and I do not believe he would, because no one was there except the Senator from Rhode Island (Mr. PELL) the day I appeared before that subcommittee, March 29, with a number of other witnesses on the bill we are discussing now. I wish to ask if it would not have been possible for that committee and the full committee to have concluded its deliberations on that legislation that is pending before it. In fact, we have had a full month since this present bill was reported to Congress within which the committee could have gone ahead and reported a bill on its own so that we could have had before us the bill reported and the information it might develop. Is that not substantially correct in reference to whether the Senate has had an opportunity to consider this legislation, or legislation of the same type?

Mr. HUGHES. The Senator from Iowa would have to say to the Senator from Georgia that every committee has the opportunity to consider every piece of legislation that is before it in every Congress in every year. I think the Senator from Georgia is aware of the tremendous workload of the Labor and Public Welfare Committee and also the fact that the Senators were involved in the busing debate in connection with the Higher Education Act from January to July of this year. In relation to it, I would say that when the time comes to introduce a bill in the Senate, it is the exception rather than the rule when it is held on the calendar and not referred to committee.

I believe the Senator from New York (Mr. JAVITS), who is the ranking Republican member not only of the Labor and Public Welfare Committee but the Subcommittee on Education, can enlighten us a little better on that.

Mr. JAVITS. I would rather ask the Senator a question, under the rules.

Mr. HUGHES. I yield for a question.

Mr. JAVITS. I would like to ask the Senator if it is not a fact that the major portions of this bill which we are debating and which are considered to be so adverse to the desegregation process are provisions which were added on the floor in the other body?

Mr. HUGHES. Yes, the Senator from Iowa believes that to be true. There were at least nine major provisions of this bill which were added in debate on the floor.

Mr. JAVITS. Is it not a fact that it was the objection of the Senator from Alabama which blocked this bill from going to the committee to which it otherwise would have gone?

Mr. HUGHES. The Senator from Iowa cannot testify to that as a fact; the Senator from Iowa is willing to let the record speak for itself on that fact.

Mr. JAVITS. Is it not a fact that where a bill goes on the calendar through the use of the procedure here, it is hardly to be expected that a committee, when the bill has not been referred to it by the Senate so that its recommendations and amendments have been sought, will move into the matter as a volunteer, especially in view of the extremely crowded calendar which it itself has, including minimum wage, pension, and welfare reform, and a host of other matters?

Mr. HUGHES. The Senator from Iowa will agree with that and, of course, particularly since hearing the recommendation of the leadership that no new legislation will be considered on the floor with the exception of absolutely pending "must" bills.

Mr. JAVITS. May I ask the Senator with respect to his original inquiry about numbers, whether or not it is a fact that the total increase in numbers in the country, as the information is given to us by HEW, of children being bused is on the order of magnitude of 1 percent, which would be, in practical figures, about 200,000?

Mr. HUGHES. The Senator from Iowa would have to say again that he cannot testify personally to that, but he is willing to accept the estimate of the Senator from New York as a fact.

Mr. JAVITS. And further may I ask the Senator on that score whether it is not a fact—and this the Senator undoubtedly knows—that there are 20 million children who are normally bused throughout the country, quite apart from any requirement for desegregation?

Mr. HUGHES. Yes; the Senator from Iowa feels that number to be close to the accurate figure. As I said earlier, busing in my own State has been not only a tremendous problem but a tremendous resource in trying to guarantee quality education for the children of Iowa as long as I can remember.

Mr. JAVITS. Can the Senator perhaps help us with this point—the difference between racial balance and desegregation? As the Senator has noticed, and as I have noticed, those who would be the proponents of this kind of a measure are constantly using and invoking the term "busing for racial balance," as contrasted with just mentioning the fact of busing in the context in which we are debating it, that is, busing ordered to correct unlawful and unconstitutional segregation of school systems.

Mr. HUGHES. Well, the Senator from Iowa is aware that where orders are pending under existing court cases because of unlawful and existing segregation, one device to bring school districts in conformity with the law has been the utilization of school busing to do that.

Mr. JAVITS. Could the Senator give us the benefit of some of his experience as Governor of his State with respect to the State interest in "racial balance," just to give the Senate an analogy, in answer to my question? In my own State of New York our education authorities are under a mandate, under our State educational laws, which requires them to seek to improve educational opportunities, subject to other considerations, by restraints in ameliorating circumstances, to bring about a better balance in given schools which are heavily attended by the children of one particular minority group, generally black or Puerto Rican.

I wonder whether the Senator from Iowa has had experience with that and whether that is a concept in the law of Iowa and how that bears upon the action of his State, and does it thereby differentiate very sharply, in terms of seeking racial balance, between the actions of the State and its educational authority in the interest of good education and the actions of the Federal Government in correcting unlawful segregation in the public schools.

Mr. HUGHES. The Senator from Iowa would have to say to the Senator from New York that, as he knows, the population of racial minorities in the State of Iowa is extremely low. I believe there are approximately 1 percent blacks in the total population of the State of Iowa. That population, however, is concentrated in half a dozen of the major cities of the State, and as a result of that has created only a few instances in the State of Iowa of imbalance in the educational system.

The educational system of the State of Iowa, during the time the Senator from Iowa was Governor, worked through the legislative process to bring about equality of education in every school district in the State of Iowa. As a matter of fact, a complete revision of the laws was made during that period of time in an attempt to do just as the Senator from New York states. The responsibility of the Federal Government is to provide assistance for the State legislature as well as the school districts at the local level to bring themselves into compliance with the constitutional rights of every citizen and child in this country, with which everyone of us here in the Senate is identified. As the Senator has implied, it is extremely important; and one additional facet, probably the most important is to see to it that quality education is given to every child in this country, regardless of where he lives.

Mr. JAVITS. I thank my colleague for these answers, which I think materially help in the elucidation of the subject.

Mr. HUGHES. I thank the Senator from New York for his questions.

Mr. President, as I have stated I believe there is a great deal in what Professor Bickel has said that is directly applicable to the legislation that is before us today. His statement was directed toward a constitutional amendment that would place a prohibition against busing for racial purposes into the fundamental document upon which our Union is based, but his perceptive views apply just as directly to these deliberations over legislation that would, in effect, virtually eliminate busing as a tool for carrying out the constitutional mandate to desegregate our schools.

Busing is inconvenient in many cases. Too often it is too inconvenient to be accepted without complaint by parents.

But in fashioning devices for achieving that basic right to equal opportunity, it is far less inconvenient to transport teachers and students than it is to move whole neighborhoods, to relocate school buildings, to bridge rivers and railroads and heavily traveled highways, or in the end, to abandon a basic constitutitonal principle.

I would emphasize, Mr. President, that I am aware of Professor Bickel's advocacy of congressional action to give the courts and the executive branch additional tools for the task. But he clearly feels that H.R. 13915 is not the way, calling it "a recklessly radical undertaking to alter the balance of power between the judiciary and the political institutions of the Federal Government."

Mr. President, aside from the hazards of legislating hastily, the Senate is confronted with deciding whether this legislation is needed at all. The Congress in recent years, and the courts over the past 18 years, have already set forth a host of guidelines for desegregation of schools and limitations on the use of busing in all situations in which it is not constitionally necessary.

The Senate is also confronted with deciding whether it is desirable, or even possible, to impose uniform, national limitations on the transportation of students in the cause of desegregating schools.

In his testimony before the House Judiciary Committee, Professor Bickel dwelt upon what he termed:

> . . . the myriad variables that obtain in this field and the enormous difficulty of drafting statutory or constitutional language.
>
> You have thousands of school districts across the country. You have 101 ways of busing to different ends over different distances from different schools to different schools—one-way busing, part-way busing.
>
> I don't see how anyone in Washington could sit down and write a code that would regulate that.
>
> I think what one can do is what Congress in my judgment ought to do, which is to use the Federal purse and Federal influence and the sense of Congress to tell all of these thousands of school districts that busing isn't the be-all and end-all, that they will be supported by the Federal Government in alternate measures they might take to improve the education of children, which is presumably the end result that everybody wants; that in areas where busing can work well . . . that is fine, that is one technique to be used . . .
>
> I think Congress can enlarge the shopping list beyond what the courts with their limited resources have been shopping from and put Federal money and Federal influence behind this variegated, enlarged shopping list.

Mr. President, in the interim since Professor Bickel testified on March 2, the Congress has taken mammoth steps to fulfill the needs he enumerated, and I am dismayed at the lack of attention being paid to these congressional enactments.

Most important of these was the Emergency School Assistance Act of 1972, which achieved passage as a component of the Omnibus Education Act. Two billion dollars were authorized under this act to provide Federal assistance over the next 2 years for desegregation of schools. The "shopping list" of possible remedies for racial imbalance was, indeed, expanded by this legislation, with special emphasis on aiding those school districts which are implementing desegregation plans under mandate from a court or a State or Federal agency. This legislation, Mr. President, goes a long way toward meeting the unique need of local school districts to deal with unique racial patterns in their communities, and I am hopeful that the funds for these many programs will be forthcoming in the very near future.

Apart from the Federal money and Federal influence that Professor Bickel spoke of, the omnibus education legislation also contained stringent limitations on the use of busing—provisions which are already a matter of law and which virtually eliminate, in my judgment, any need for further enactments at this time.

Among these provisions is a prohibition on the use of Federal funds to transport students or to buy buses in order to overcome racial imbalance. They also prohibit using Federal funds for busing to carry out a plan of desegregation, except on the express written voluntary request of appropriate local school officials.

Neither are Federal funds to be used for transportation of students if the time or distance is so great as to threaten the health or impinge on the educational process of children; nor to provide transportation which would result in children being assigned to a school substantially inferior to the one they would be assigned to under a nondiscriminatory geographic zone assignment plan.

And perhaps most important, the bill prohibits Federal officials from requiring the use of non-Federal funds for busing to correct racial imbalance or achieve desegregation—or to condition a grant of Federal funds on student transportation plans—"unless constitutionally required."

In addition, the legislation postpones the effectiveness of any district court order "which requires the transfer or transportation of any student or students . . . for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status" until all appeals have been exhausted or until January 1, 1974.

Mr. President, I would not have prescribed such rigid and far-reaching limitations on busing, and the record will show that I voted against the bill on final passage because of some of these provisions.

But a large majority of my colleagues supported them, and these provisions became the law. By recognizing their existence, a great deal of the emotional reaction to busing could be alleviated.

If national leaders of every stripe would stand before the people of this country and tell them that virtually everything that can be reasonably done has already been done, we would not be faced with the atmosphere of near-hysteria in which the Senate is today being asked to consider this legislation.

Mr. HART. Mr. President, will the Senator from Iowa yield for a question?

Mr. HUGHES. Yes, I am glad to yield to the Senator from Michigan for a question.

Mr. HART. It is unfortunate that there are so few of us in the Chamber to hear the point that the Senator is just making, but in the RECORD it will become available to us, and the point will be brought home.

The Senator from Iowa, it is my understanding, is suggesting that the national leadership, officially and otherwise, would contribute materially to a clearer understanding of what at most is involved in this debate, if they would in every way possible make the point that what the Supreme Court is attempting to do is protect the constitutional rights of Americans. Is the Senator from Iowa saying that the question is not, "Do you like busing or do you not like busing?" but rather the question is, "Do you support the Supreme Court, and the district courts following its orders, when that Court finds that the equal protection of the laws is denied to children?"

If the only way, in certain situations, that the constitutional denial can be eliminated is to require transportation, is not the Senator from Iowa suggesting that if the public of this country had put to it the question, "Do you believe that the Constitution's promises should be delivered, or not?" there would be a much clearer and more rational discussion of this issue across the country, and especially in the communities where the courts indeed have found, as a result of published decisions, that the 14th amendment is being violated?

Mr. HUGHES. That is precisely the point I am trying to make, I would say to the Senator from Michigan. I do believe that if national leaders would stand before the people of this country and tell them that they believe in the constitutional rights of every citizen of this country; that they believe that the constitutional provisions with relation to the education of the children of this country should be protected; that where they have not been protected, they should be corrected—and that includes every State in the Union—and that we can seek equality of education for every child in this country, no matter where they live or what the circumstances are, we can and would, I believe, find the greatest of response in the American people. The Senator from Iowa must believe that the vast majority of the American people—probably in the 90 percentile—supports the basic constitutional provisions protecting all the rights of the people of this country; and if they could understand it in that coloration, I am sure they would support it.

Mr. HART. It is not true that a chain of unbroken, unanimous Supreme Court decisions lays out what the Constitution requires with respect to school districts where assignment has been, in one fashion or another, based upon race? Is it not true that, under those circumstances, the Supreme Court, with Justice Burger writing the opinion, has said that such deliberate segregation must be ended?

Mr. HUGHES. Of course, that is true, as the Senator from Michigan well knows, and he knows, also, that this measure before the Senate erroneously declares that the courts have failed us, that the guidelines developed over 18 years of litigation have been incomplete and imperfect for dealing with segregation. Absolutely, the decisions emphasize just the opposite.

Mr. HART. Do not the decisions emphasize that each community, where the court finds that deliberate action which results in segregation has occurred, has an affirmative duty, shared with the States, to dismantle the results?

Mr. HUGHES. As the Senator well knows, in 1968 the court held that school boards must take affirmative action to eliminate racial discrimination, root and branch; and a year later the court held that segregated school systems must be terminated at once, with no delay for appeals. School boards were required to desegregate first and then appeal.

In last year's landmark ruling in the case of Swann versus Charlotte-Mecklenburg Board of Education, they held that school boards could be required to use bus transportation as one tool of school desegregation.

Mr. HART. I have heard proponents of the bill now pending say that they support the Supreme Court. They say that we should eliminate segregation, root and branch. What happens when a court finds segregation and finds that its elimination can be achieved only by the utilization of some bus transportation? How can they support this bill, which prohibits transportation beyond the next nearest school, if that kind of transportation is required to get rid of segregation, root and branch?

Mr. HUGHES. It is the opinion of the Senator that those two positions are completely incompatible and that there is no way they can hold both positions at the same time.

Mr. HART. Perhaps, if we are given enough opportunity, we can make that clear to the people of this country. They cannot have it both ways. They seek to protect constitutional rights, 14th amendment rights; and if there are situations—and there have been, according to the courts—in which school transportation is required, they cannot deliver the constitutional protection if they stand up and say, "We need a bill that will prevent the court from providing for transportation beyond the next nearest school."

Having said that, and asking the question in the fashion I have, it occurs to the Senator from Michigan that I have described in rather unlawyer-like fashion why almost 500 law school deans and professors say that this bill is rankly unconstitutional.

Mr. HUGHES. The Senator from Iowa thanks the distinguished Senator from Michigan. As I have already indicated, Mr. President, the measure before us declares that the courts have failed us—that the guidelines developed over 18 years of litigation have been "incomplete and imperfect" for dealing with segregation.

This allegation bears careful examination as to its accuracy. The Supreme Court and the circuit courts have established general guidelines for the district courts to apply to school desegregation cases.

The Supreme Court has established guidelines concerning transportation, reassignment of students and teachers, altering of school attendance zones, the pace at which desegregation must be undertaken, and the duties of local school authorities.

The list of important decisions begins, of course, with the basic holding by the Supreme Court in 1954 that separate schools are inherently unequal, followed by the 1955 decision that desegregation should be implemented "with all deliberate speed."

In 1964, 10 years after the first judicial mandate to eliminate segregation, the Supreme Court declared with justifiable impatience that the time for mere "deliberate speed" had run out.

In 1968, the Court held that school boards must take affirmative action to eliminate racial discrimination "root and branch."

A year later, the Court held that segregated school systems must be terminated at once, with no delay for appeals. School boards were required to desegregate first and then appeal.

In last year's landmark ruling, in the case of Swann against Charlotte-Mecklenburg Board of Education, the Supreme Court held that school boards could be required to use bus transportation as one tool of school desegregation. The Court was unanimous on the importance of bus transportation to effective desegregation, declaring that "desegregation plans cannot be limited to the walk-in school."

In that package of decisions, the Court also said that transportation could be limited if it involved time or distance so great as to pose a health or educational risk—a limitation that has also been enacted by Congress.

It is also significant that the Court ruled in this case that a neighborhood school assignment system, even though it appears to be neutral, cannot be employed in "a system that has been deliberately constructed and maintained to enforce racial segregation."

In other words, Mr. President, neighborhood schools are out, where segregation has been deliberately maintained, yet the bill before us demands that children not be transferred any farther than the next nearest school to their home. This is just one of the points on which the Congress and the courts would be on collision course, if this legislation were adopted.

The crux of this legislation has been brought into sharp focus by the Swann decision. Almost without exception, the beneficiaries would be school districts that have deliberately developed and maintained segregated schools in violation of the Constitution. Of nearly 1,500 school districts under orders of a court or a State or Federal agency to desegregate, I understand that the Department of Justice has identified only 20 which do not involve a violation of the Constitution.

Even these 20 are open to question, with approximately a dozen of those undergoing appeals to higher courts, with a ruling expected in the fall term of the Supreme Court on the central question as to whether de facto segregation may also violate the equal protection clause of the 14th amendment to the Constitution.

Mr. President, the seriousness with which this legislation is regarded in the legal community of the Nation is demonstrated by the fact that nearly 500 law school professors throughout the country have joined in opposition to it, as the distinguished Senator from Michigan pointed out.

In a joint letter, the law professors stated that they had "grave reservations about the constitutionality of the legislation" and that "it would place in jeopardy most of the hard-won progress toward school desegregation of the last two decades."

The distinguished group of law-school teachers concluded that H.R. 13915 would, in their words:

> Open to relitigation nearly two decades of judicial desegregation decisions, many of which involve no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.
>
> Place the legislative and judicial branches in conflict;
>
> Remove a remedy for the vindication of constitutional rights, even when that remedy is constitutionally required;
>
> Impair the Supreme Court's role of final arbiter of constitutional matters.

Announcing this statement by the law professors, the following statement was made by our colleagues, the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senators from Massachusetts (Mr. BROOKE and Mr. KENNEDY), the Senator from Michigan (Mr. HART), the Senator from Connecticut (Mr. WEICKER), and the Senator from Minnesota (Mr. MONDALE):

> We have heard from professors at 42 law schools representing every section of the country and of varied political persuasion. Their common petition is an unprecedented expression of concern by legal scholars who feel compelled to speak out against this measure. Their voice underlines the need for careful deliberation by the Senate.
>
> We are deeply troubled at the prospect that this complex and controversial measure—which would have an uncalculable impact on the future of our Nation's schools—might be acted upon hastily by the Senate, in the closing days of a busy session, under the pressure of elections politics, and without any consideration by a Senate Committee.

Mr. President, as I have already indicated, I subscribe wholeheartedly to this expression of concern by my colleagues.

I am pleased to call to your attention that, among the signatories, are 11 members of the faculty of the School of Law at the University of Iowa:

Gerald Ashdown, David Baldus, Robert Bartels, Arthur Bonfield, William Buss, N. William Hines, Benjamin Hopkins, Kendall Meyer, Paul Neuhauser, Mark Schantz, and Burns Weston.

In addition to the 500 lawyers who signed this statement, 35 Harvard Law School professors had already voiced opposition to similar legislation last April. In a statement filed with the House Judiciary Committee, the Harvard faculty members said:

> Such legislation would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children.

Mr. President, the Senate must take very seriously these expressions of concern from some of the most learned experts in the law.

When they declare that this legislation would "open to relitigation nearly two decades of judicial desegregation decisions, many of which involve no busing whatsoever" there can be no argument; that is essentially what Attorney General Richard Kleindienst said in testimony before the House Judiciary Committee:

> All desegregation cases, even where busing might not even be an issue involved in it (could be re-opened). You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago, Congress has laid down a national standard and we want to re-examine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.

Can there be any doubt, Mr. President, that the so-called reopener provision—which was rejected by the House Committee but written into the bill on the House floor—would, in fact, begin the process of tearing down the foundation of racial equality that dates back to 1954 for its origins?

Mr. JAVITS. Mr. President, will the Senator from Iowa yield, whenever the Senator finds a suitable moment?

Mr. HUGHES. I yield for a question.

Mr. JAVITS. Mr. President, dealing with this reopener provision and the provisions that tie into it, to wit, section 402, which gives a hierarchy of remedies based upon a situation "which may involve directly or indirectly the transportation of students," and goes through a long list of remedies which have been actually applied, including the creation of revision of attendance zones or grade structures, and then when we read that in conjunction with section 404 with reference to district lines and, coupled with the other provision of section 403(a), regarding transportation to the nearest school, or the one beyond that, would the Senator taking that whole composite together, agree with the Attorney General that we can reopen any decree, no matter how long established, no matter how well satisfactory, no matter how well vested, that this is simply turning the clock back to pre-1954?

Mr. HUGHES. The Senator from Iowa certainly agrees with the Senator from New York. As the Senator from New York well knows, the sections he has pointed out, I believe the Attorney General indicated, make subject to reopening every remedy that has been placed in every affected district in the country. I think it would be a tragedy if this sort of thing were to be allowed.

Mr. JAVITS. Well, I thank my colleague very much. This is something, as the Senator has said, that needs to be borne in very deeply on the Senate as to the social mischief and the economic mischief, the mischief in every community which this makes possible. It is really a reversion to the old politics, let alone abandoning any concept of the new one.

I thank my colleague.

Mr. HUGHES. Can there be any doubt that some 1,500 desegregation plans—both court-ordered and administratively derived—would be reconsidered, creating vast chaos in the courts and in the administration of Federal funds for assistance to local schools, with the results pointed out here in the past 5 minutes? Could there be any doubt about that at all?

And at what cost? I have been unable

to find any authoritative figures on how many students and teachers, who have been transferred to meet the constitutional standards for desegregating schools, might have to be transferred again immediately to still another school.

Nor has there been prepared, to my knowledge, any authoritative figures that would indicate the probable administrative costs to the local school districts of the vast number of retransfers and reshufflings that can be expected as a result of this "reopener provision."

Mr. President, I suspect that if these figures were known, they would show that the cost of resegregation would be greater than those of desegregation.

In addition to the "reopener provision," there are a number of other provisions of the bill that are troublesome and demand the most careful consideration.

On its face, the bill attemps to establish strict, uniform national guidelines as to what remedies may be applied to deal with segregation. But the guidelines provided are so rigid as to virtually wipe out the flexibility that is needed to fashion tailor made desegregation plans to deal with unique circumstances in individual school districts.

Even in the exceedingly rare case when busing might be permitted under this bill, the courts would be required to terminate transportation of students as soon as a school system reaches a desegregated condition. In such circumstances, this would result in terminating the very instrument by which the school system was able to desegregate and, thereby, automatically return the district to the condition which the court found to violate the Constitution in the first place.

Mr. President, I think that is very important.

This is a contradiction which, if found to be true after careful analysis, would reduce these provisions to absurdity.

In section 401 of the bill, it states that in formulating a remedy for segregation:

> A court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of laws.

The emphasis on "particular denials" raises the possibility that, under this act, only individuals could be granted relief and that class action suits on behalf of all similarly aggrieved plaintiffs in the same school district would no longer be allowed.

This is one of the provisions of far-reaching implications that are only casually and briefly dealt with in the legislative history of this legislation thus far.

Mr. President, one of the basic concepts upon which this legislation is founded is the concept of the neighborhood school. In effect, the bill defines this as the closest, or the next closest, school to the home of the child.

As much as I or any Member of this Senate may subscribe to the desirability of the neighborhood school, the Supreme Court has said that it is just not practicable when dealing with elimination of deliberate, systematic segregation. In its decision in the Swann case last year, the Court said:

> All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school system.

Mr. HART. Mr. President, will the Senator yield?

Mr. HUGHES. I will be happy to yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, is the Senator from Iowa saying in a sense that this is a very harsh doctrine, and is it not true that the Constitution of the United States provides certain protections and in order that those constitutional protections be real, there may be occasions when inconvenence shall be borne by members of the public, but that constitutional right is not conditional upon its being convenient or promised, and until the Constitution is amended, delivery of that constitutional right is the obligation of everyone, who beginning particularly with those of us who took an oath of office to protect it.

Mr. HUGHES. Mr. President, that is precisely what the Senator from Iowa is saying, that the courts in their opinions have said that those constitutional rights are the most valuable rights of the individual and that regardless of whether there are inconveniences in some States and even an awkward situation in some cases, the constitutional rights shall and will prevail.

We have an obligation, certainly in this body, of seeing that that constitutional guarantee is continued and preserved for every American.

Mr. President, I think that in its eloquent and sensible statement in *Swann*, the Court is arguing in support of its repeated contentions that the courts must, and will, have the flexibility that is necessary for devising desegregation plans best suited to unique local conditions. Denying the courts that flexibility is to deny them the power to enforce the constitutional mandates of equal opportunity and equal protection of the laws.

Transporting students no farther than the next closest school would only work in small communities with small minority populations. In metropolitan areas, desegregation could only be achieved in a narrow corridor along the boundary between a white and a black neighborhood.

The effect of this provision was assessed only a few weeks ago by New York Times columnist Tom Wicker, writing for the Sunday Times on September 17:

> This is a measure that sounds perfectly logical—don't bus a pupil if you can help it, but if you have to bus him or her, bus no further than necessary. The only problem is that, when analyzed, it turns out to be a formula that would put the heaviest burdens of desegregation on low-income, working-class white neighborhoods, and which would allow affluent white suburbs and neighborhoods to escape desegregation, as they usually have in the past.
>
> This is because, if pupils can be bused no farther than the next closest school and then not across district lines, no county or metropolitan area or city can be considered as a whole for purposes of desegregation; and in that case those white neighborhoods nearest geographically to black neighborhoods are going to have their schools paired with presently all-black schools. This may leave a line of escape for whites in such neighborhoods who can afford to flee to better neighborhoods or to the suburbs; but those who cannot so escape are precisely those low-income, working, often ethnic Americans for whom so many crocodile tears currently are being shed by politicians and some segments of the press.
>
> The busing bill now pending in the Senate would (defeat) the purposes of desegregation, leaving behind schools nearly all-black and usually without the tax base or the political influence required for anything like equality of education, and angering those whites without the means to flee.

In sum, Mr. President, however much we may like the concept of the neighborhood school, there will be some places where it is just not possible to have it and still achieve integration.

A uniform national rule against anything other than the neighborhood school would amount to a uniform national repudiation of the principle of equality of opportunity.

Mr. HART. Mr. President, will the Senator yield before going on?

Mr. HUGHES. I am happy to yield to the Senator from Michigan for a question.

Mr. HART. Is it fair to summarize the section of the bill which the Senator has just discussed as the section which limits the busing that may be permitted to the next closest school? Is it fair to say that this section prevents the court from desegregating vast numbers of segregated schools within city lines and also throws the burden unequally on those white families that happen to live within the congested areas adjacent to the boundaries of those ghetto schools? There are many objectionable features to the bill, but this section seems to cry out. Would it not prevent a court from undertaking to eliminate constitutional denial? To the limited extent relief is provided, the whole wallop is provided to white families closest to the area of highest segregation. This is wrong clearly on two counts. It seems to disarm the court in its ability to deliver constitutional protection, and it has the effect of aiming a gun at white families that cannot afford to move.

Mr. HUGHES. The Senator is absolutely correct, in my opinion. It does set out a formula, in my opinion, that would place the heaviest burden of desegregation on low income, working class white neighborhoods and allow affluent white suburbs to go scott-free. The low income, usually white ethnic neighborhoods are the ones over which crocodile tears are being shed, but it is the rights of these people which are being adversely affected.

Mr. HART. I thank the Senator.

Mr. HUGHES. Mr. President, this points out the unfairness of this sort of application uniformly in the social structure of America.

Mr. President, another troublesome aspect of the pending legislation is the prospect of congressional enactment in an area currently under intensive consideration by the courts.

As you know, the Supreme Court is about to plunge into two questions it has never before decided—cross-district busing and de facto segregation.

In one case, involving Richmond, Va., the Court will be asked to review a district judge's order to merge Richmond's 70-percent black school district with two suburban county districts that are more than 90-percent white.

In the other case, involving Denver, Colo., the court will decide whether to permit a court-ordered desegregation plan, even when there is no evidence of official action to deliberately create and maintain predominantly black and Chicano schools. The court of appeals said this was purely de facto segregation and did not invove a denial of equal protection.

The hazards of congressional interference at this stage of the court proceedings was addressed recently in a letter from two professors of law:

> By this bill Congress would, moreover, presume to decide fundamental issues of constitutional law that the Supreme Court has not yet addressed. If enacted, a statute having such implications would involve the country in a major constitutional crisis.
>
> The foregoing assertions can be demonstrated by comparing the bill's major provisions with the current state of constitutional law as enunciated by the Supreme Court. Section 203 provides that, subject to the other provisions of Title II, assignment of a student to the nearest school is not a denial of equal educational opportunity or of equal protection of the laws, unless the assignment was made or the school was located on its site with a segregatory purpose.
>
> This clearly would bar a federal and state courts from granting relief, on Fourteenth Amendment grounds, against what has been called "de facto" segregation, even that which could have been foreseen because the underlying pattern of residential segregation was notorious. The language also might be read as insulating school segregation that results from residential segregation, in turn caused by the deliberate actions of governmental bodies other than "educational" agencies. It is clear then that section 203 purports to construe the Fourteenth Amendment with regard to broad and important questions on which the Supreme Court has not yet spoken, although some of the issues are involved in the Denver case, now pending before it.
>
> Although our constitutional tradition of separation of powers recognizes judicial supremacy in interpreting the Constitution, the Congress of course has a responsibility to be concerned about principles of constitutional law and has a role to play in its interpretation. Every time the Congress enacts a statute pursuant to its powers under Article I, it expresses a judgment with respect to constitutionality and the Supreme Court has accorded a great deal of weight to such determinations where the only issue is one of federalism—i.e., whether the Congress is precluded from acting because the area is one exclusively reserved for state decision.
>
> Section 203, however, does not express an opinion about constitutionality in the context of passage of a statute under Congress' Article I powers. It simply and directly presumes to state a binding principle of constitutional law restricting the Supreme Court from finding unconstitutionality in a matter involving the rights and duties of a state towards its own citizens.
>
> Any argument on behalf of the competence of Congress to make (such) declarations . . . must be based on the recent recognition by the Supreme Court of broad powers in Congress under the 5th section of the 14th Amendment.
>
> The Court viewed section 5 as permitting Congress to take action to enhance, confirm, or implement the guarantees of the 14th Amendment, but specifically stated that Section 5 "grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by section 5—a measure "to enforce" the Equal Protection clause, since that clause of its own force prohibits such state laws.
>
> Section 203 as now worded seems to proclaim Congressional belief in its own power to decide the constitutional issue; and it is this assertion of power that we believe is calculated to bring about confrontation between the legislative and judicial branches.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL CONFEREES ON S. 3939, THE FEDERAL AID HIGHWAY ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of my distinguished senior colleague (Mr. RANDOLPH), and at his request, I ask unanimous consent that the names of Senators WILLIAMS, PROXMIRE, and BROOKE be added as conferees on S. 3939, the Federal Aid Highway Act of 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. GAMBRELL. Mr. President, in the interlude here, while we presumably are waiting for further statements of objection to the pending matter, I would like to comment on a couple of points that were made by the Senator from Iowa in his very elaborate presentation.

One, there seems to be some concern about the so-called rollback provision. I cannot think of anything that would be more a matter of unequal protection of the law than to have this law passed setting up standards for desegregation and not have it apply to those currently under court orders.

The bill does not say that anybody has to have their court orders set aside, and it is only a supposition that any would, but should some system that is under an existing order for systemwide busing or otherwise wish to equalize its desegregation plan to those which might otherwise come under this statute, it seems to me that that would be perfect justice as contemplated by the equal protection clause.

In fact, this is one of the big problems that we have in busing and desegregation generally in this country—let us leave aside the question that it is primarily enforced in the South. If it were being selectively enforced in scattered parts of the country and not enforced in others, whether it was North or South, East or West, or at random, those against whom it was being enforced would have some legitimate complaint about the unevenness of enforcement. And that is what this statute is all about.

We have begged and pleaded with the people who liked busing to come up with some uniform standard or national plan for desegregation which might or might not include busing, but which they would be glad to have enforced in their communities. We have not seen any such uniform plan. This is why the outcry against busing comes from Detroit, Mich., from Georgia, from Richmond, Va., and from other places where busing in desegregation is being enforced.

I would like to ask the opponents of the present legislation who so much liked the 500 law professors' comments—and the professors do not say it is unconstitutional, they just say they have grave reservations—well, I have reservations about the kind of enforcement that is being employed, not as to its legality but as to its practicality, and I would like to ask the people who cite these 500 law professors to tell us how many of those professors live in communities where they have forced busing, how many of them have children who are being bused out of their own communities, and how many of them, if they do live in such communities, send their children to some select and elite private school.

I say that the provision providing for equalization of desegregated enforcement contained in the present statutes or the bill before us seeks equality and equal protection of the laws, and I would consider it outrageous for the opponents of this bill to say, "Well, if we are going to have a bill, let us let it be enforced one way against some people and other ways against others."

The other point I would like to comment on is the so-called neighborhood school provision. I do not know that I would have insisted on its being written just the way it is, but again, we have not had any help from the opponents of this type of legislation in coming up with some system of providing people the type of schools that they want within constitutional mandates.

The constitutional mandate, as I understand it, does not say that anyone has to go to school with people of another race. It does not say that anyone has to be transported. It does not say that all the people of an urban area have to go to school with people of all sorts and conditions in that area. If they did, we would have busing in Iowa, because certainly, even though they may not have but 1 percent blacks, they have, I am sure, quite a mixture of people of different religions and different social classes, who belong to different clubs, churches, and societies, and maybe the children of those people should be churned up the way they are being in Atlanta, simply to give them exposure to each other.

What is behind all this is the notion, and the foolish notion, that schools can be improved by the mixture of children within them, regardless of what the backgrounds of those children are, and the idea that you can improve a school system simply by spending a lot of money transporting children around.

I would be interested in knowing—in my judgment it would be quite a large percentage—what percentage of the quality of a school is based on factors that the school board has nothing to do with. Public schools I have had anything to do with, the ones I have attended and the ones my children have attended, have benefited tremendously, in fact immeasurably, from the community support that they have had, that is to say by such programs as parent-teachers associations, bands, cheerleaders, athletic teams, twirling contests, pageants, holiday festivals—all of those things are not provided by the school system itself but are provided because the community or the neighborhood, if you will, is interested in that school, and the parents, the teachers, and the students have taken enough interest in the neighborhood institution or the community institution in which they were most involved—that is, the school—and the input that comes from those things cannot be measured in dollars and cents.

When you get under one of these busing plans—and I am not talking about whether you bus black children, white children, Chinese, Indians, Catholics, Jews, Protestants, or anyone else—if you take them out of the community in which they live and tell them, "The people you live with are either too bad or too good for you to go to school with, and it would be better for the community as a whole for your children to go to some other school and give everyone a better opportunity to mix and mingle with everyone else," you have destroyed the empathy that arises within a community to support its own institutions, and you have destroyed whatever value there is in the community support of institutions.

I say this is why, to me, the so-called neighborhood school concept, if you want to call it that—I call it the community school—can involve black and white, it can involve people of different races or people of the same race, it can involve people of the same religion or different religions. We have communities in Atlanta which, by their own selection, are made up to a large extent of people of Jewish extraction. They think their schools are the greatest in the public school system because of the input that they give. They do not want to be transferred out of there to go to a school that is non-Jewish, whether it be black or white. They like the community institution that they have and the way it operates.

That is why the vast majority of the people in this country, by polling and simply by common knowledge, favor the so-called neighborhood school, because it is a place, a community institution, where the people who live in an area that is convenient to them can give some input to something that their children are deeply involved in. If people have no feelings for their own neighborhood and their own neighborhood institutions, they are not going to elevate the character and quality of education they get by being removed for a few hours a day to someone else's community, because what we are doing by that is telling them, "Your community is not worth living in and raising your children in; your children would be better off carried off somewhere else."

I think it would be better to say, "By and large, if you want really to improve the lot of your children in life, you should get busy with your own community schools and make something of them. That is the way other people are giving their children the benefit of a higher quality education."

Mr. JAVITS. Mr. President, for the moment the Senator from Massachusetts (Mr. KENNEDY) will be carrying the responsibility of the argument on the bill now before us, and I would like to discuss another matter very briefly.

LIMITS ON PRESIDENTIAL BUDGET POWERS

Mr. JAVITS. Mr. President, over the past few years Congress has seen its power related to the executive branch tested, and we have lost a number of battles in this regard.

During the next few days we shall face another, similar test—this one with regard to control over Federal finances—and I rise this morning to urge that Congress must seize the initiative here or see its constitutional power to tax and to spend severely eroded. The implications of this state of affairs are profound; if we abdicate our control over taxing and spending to the President, no matter how much we may support him politically we shall be truant to our representative function. Furthermore, we shall have failed to maintain the delicate balance of powers between the executive and the Congress which is an integral part of our function in a democracy.

The problem arises from the fact that essential public services at all levels are seriously underfunded. If the national debate over revenue sharing has taught us nothing else, it has shown that the Nation's cities and States have in some cases become almost paralyzed through fiscal starvation. In my own State of New York, for example, the budget crisis last year forced consideration of cutbacks in highway repair and health services, until a last-minute tax bill was pushed through the State legislature. Many cities have simply been unable to bring their revenue base in line with relentless demands for increased services at the local level.

But we have now begun to hear of another fiscal crisis: the Federal budget. It is becoming clear to all of us that under present tax laws and the present structure of the budget, we are almost out of control on Federal finances. There is an ominous quality about forecasts in the fiscal area that spells serious problems 2 or 3 years ahead, both in terms of budget deficits and of the effect of these deficits on inflation.

The cost to the Nation of the State and local fiscal issue is presented to us in many ways: Poor services, growing inequities in Government pay scales, the annual ritual of increased taxes, a smouldering discountent among taxpayers. It is a large cost, as the $30.2 billion price tag on revenue sharing attests. However, the cost of a Federal budget crisis is more insidious and pervasive. The Federal Government has no higher authority to whom it can go for grants-in-aid, and the intricacies of Federal financing allow us to finance severe budget deficits for some period of time, thus giving a false sense of well-being. Furthermore, the initial reaction of the economy to Federal budget deficit is a favorable one: Employment patterns respond to pump priming of this kind while on the inflation front the lagged effect of demand pressures causes relative price stability at the same time that we are headed into the red.

But Mr. President, the sad fact is that the Federal budget is out of control, threatening a new round of inflation and a weakened dollar if the executive branch and Congress do not act soon enough.

However, Mr. President, if the executive branch is given the almost unlimited authority it has requested to curb excessive spending Congress may find itself no more than a rubber stamp to budget decisions made in the White House, with the White House under the guise of "no new taxes" stripping Congress of its most potent power—the ordering of national priorities through appropriations.

The facts are these: At the present rate of spending, existing programs of the Federal Government will outstrip our ability to gather revenues at full employment for the next 5 years. This is the first time such a phenomenon has taken place in relative peacetime. Furthermore, it takes place at a time when our expectations of a better standard of living—and the magnitude of proposed spending programs such as national health insurance—are bigger than ever before.

The President has asked for a $250 billion spending ceiling, and stated that he will offer budget cuts for the present fiscal year, notwithstanding that most of the appropriations bills for the year have been passed. He also has stated that if he sets the absolute $250 billion ceiling the proposed budgets for fiscal year 1974 and 1975 will not require new taxes, implying that further cuts will be made in those budgets. The Ways and Means

Committee has gone along with the President on the essentials of his spending ceiling request.

But I would point out to my colleagues that the President is not cutting spending everywhere. Since January he has asked for $4.4 billion in budget accretions to the fiscal year 1973 proposal made last January, essentially for military activities. He has thrown in drug abuse and disaster relief which come to only $1.6 billion of the total. Budgets of the order of magnitude of $300 billion are in sight for the 1974 and 1975 fiscal years.

However, what the President really is telling us is that we should put a ceiling on spending but should then follow his formula, not ours, for determining what should be cut to fit into the $250 billion limit; and that the cuts will not fall evenly but will be concentrated on civilian activity. Considering the time limitations and the lack of adequate staff for doing the job for all Senators, an administration can approach this game of "budget cutting," where some items are cut and others increased, with a distinct staff advantage.

The executive branch has the edge in this debate, because it knows that the wherewithal to mount a sophisticated rebuttal in the Congress is hard to come by.

The $250 billion ceiling the President asks for would carry this situation even one step further. For the executive would have complete descretion as to where cuts should be made: The only guide is that he conform to the spending ceiling. Such action, in effect, would give the President a line-item veto power; yet, this is what was voted by the House Ways and Means Committee.

On the other hand, the alternative being proposed by the chairman of the House Appropriations Committee would subject budget cuts of this magnitude to the same procedure as other appropriations. It is clear that this proposal—cumbersome as it may be—represents the only way that Congress as it is presently organized can responsibly effect a tight spending ceiling. This is the choice that the House of Representatives has tomorrow.

We must realize what is at stake. The President says we need $2.8 billion extra for the recent bombing in Vietnam, and he also says that Congress must set a limit on spending.

The White House has told us that it will start recommending budget cuts for the present fiscal year 1973 budget some time in the near future, and we already have some idea of where the cuts will be made. It is pretty clear, for example, that the $77 billion military budget will stay inviolate while manpower training and other services will be trimmed. We have ominous indicators of where the cuts will come in the enactment of a stringent curb on social services spending.

Mr. President, let us face it: The connection between the billions requested for bombs in Vietnam and a runaway defense budget and the social services ceiling level, to choose two items, is immediate and direct. It is a priorities decision in the clearest sense. And because of the way our Government works, the Congress is likely to go along with this decision, unless the spending ceiling legislation contains carefully drawn safeguards. The most elementary power in Congress of setting priorities should not be thus given away.

Obviously, Mr. President, this state of affairs reveals a serious flaw in our system of government and our constitutional system based on our relative balance of powers among three branches of the Government. It is common knowledge that Congress has an outdated system for appropriations, but the consequences of our failure to modernize are less well known.

Overall, the President must restore decisionmaking to the Congress in order to effect a proper balance between Congress and the executive branch with regard to spending powers.

First, and probably most important, Congress sorely needs a well-staffed office to make a systematic analyses of sepnding priorities and the implications of budget and appropriations decisions. A proposal to establish a Congressional Office of Goals and Priorities Analysis has passed the Senate on two occasions and at the present time awaits House action. Members of the administration, and virtually every economist I have asked about the office, has given the concept unqualified endorsement. It is shocking that Congress must go begging to the executive branch for sophisticated information on spending data, when it is the Congress itself which has the appropriations power. The executive branch has us hands down in the information race, with all this implies for the power to influence decisions on spending. What we need in the Congress is a Congressional Budget Bureau, very similar in its professional makeup to the budget function carried out by OMB in the White House. Despite protestations to the contrary, we simply do not have that capability now.

Second, it is clear that the President's authority to impound funds must be spelled out if we are to consider giving him extraordinary powers to cut appropriations. The present provision of the Anti-Deficiency Act (31 U.S.C. 665(C)) states that "reserves" may be established to provide for contingencies or to effect savings whenever savings are made possible by greater efficiency, and so forth, but nowhere does the legislative history of the act or its context in the United States Code indicate that impoundment can be used to effect overall fiscal policy. Nevertheless, the most recent report from the Office of Management and Budget regarding impounded funds states that the President's authority to impound extends to spending ceilings and to "carry out broad economic and program policy objectives." The authority cited by this report is the "longstanding and consistent practice in both Republican and Democratic administrations to establish some reserves for other than routine financial administration." In other words, the administration claims already to have this line item veto power now.

So it is clear that if Congress enacts a spending ceiling, we must also examine and limit the President's authority to impound funds. If the President claims he has this power now, for example, the appropriations process and the spending ceiling are useless baggage. Whatever authority is given the President to enforce a spending ceiling, it should be carefully defined to constitute the sole extent also of his impoundment power except for the clear cases spelled out in the Anti-Deficiency Act.

At any rate, I would require that the President report regularly to Congress as a whole about the status of impounded funds. At the present time, OMB directives require quarterly reports of apportioned funds to be sent to the House Appropriations Committee, apportioned funds being an account of what is not impounded. OMB also states that it will send reports of impounded funds on request. However, there is no requirement for regular, uniform, public reports of this kind, and in fact OMB has told my staff that they are not preparing a third quarter 1972 report of impounded funds.

Third, Congress should be careful about the kind of spending ceiling it enacts. The President's request, and the House Ways and Means Committee recommendation seems to me to give away too much of our constitutionally granted power. A proposal last spring to give Congress 30 days in which to propose alternative cuts is an improvement. Considering that we shall have to accept certain cuts in order to maintain control over the budget, I urge that the Executive be limited in the percentage amounts which these cuts could take. A 10 percent figure, for example, would give budget planners leeway for cutting among relatively controllable budget items, to keep spending within the $250 to $255 billion limit at our present rates of spending.

Fourth, any extraordinary grant of authority to the President to make cuts should not be given away free. We need something in return. In this regard, the most useful quid pro quo would be better access to the budget information compiled by the executive branch. In effect, we need a Freedom of Budget Information Act which is adapted to congressional needs. We deserve to know, for example, how the Executive projects spending, by program, year by year, over the coming 5 years. We need to have access to the raw data upon which budget estimates are based. We need better figures as to the regional impact of various spending programs. These and many other kinds of data are essential for Congress to perform minimal functions of representative democracy. Of course, this recommendation ties in which the Congressional Office of Goals and Priorities Analysis, which would presumably be the agent of Congress for receiving this data.

What I am talking about is the effective functioning of our democracy. This goes boynd the partisan rhetoric of "Congress is spending too much" on the one hand, versus "the administration's spending priorities are distorted" on the other. I offer my recommendations in this nonpartisan setting in hope that the Persident, too, will support a system of budget planning and spending controls which works to continue to make democracy real for all Americans by preserving the power of Congress.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Robert Bates and Mr. Mark Schneider may have the privilege of the floor during the votes and the debate on H.R. 13915.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, on Friday, August 18, 1972, the House of Representatives passed H.R. 13915, the Equal Educational Opportunities Act of 1972 by a vote of 282 to 102. Today the Members of the U.S. Senate are debating whether that kind of legislation is destined to mark the 200th anniversary of a nation founded on the principles of freedom and justice for all. We will determine whether our great Nation can emerge triumphant on the side of decency and human justice for all Americans or whether America will again slide into the cesspool of racism, inequality, and injustice? That is the fundamental question before the Senate. We have before us a bill whose title is truly ironic but cruelly deceptive—a bill which dares to define itself as the Equal Educational Opportunities Act of 1972. A review of the provisions of H.R. 13915 will clearly illustrate the contradiction between the title and the content of this legislation.

As proposed by the President on March 17, the Equal Educational Opportunities Act would ban the busing of elementary grade students but would allow some busing of students in the higher grades. His proposal would also allow courts to reopen cases in which school districts were already busing. Presumably, this would permit existing busing plans to be brought into conformity with provisions of the new bill.

The House Education and Labor Committee kept the ban on busing of elementary grade students, allowed busing in the upper grades, and the committee dropped the "reopener" provision.

But, when the bill reached the floor, the Members of the House of Representatives added two repressive provisions:

First. They voted 178 to 88 to forbid all busing, except to the school closest or next closest to a student's home.

Second. By a vote of 245 to 141, they adopted an amendment that will allow the reopening of all court orders, going all the way back to the famed 1954 decision; and, they voted to reopen all existing HEW school desegregation plans.

Thus, the Equal Educational Opportunities Act of 1972 fails to fulfill its purported intent to provide equal educational opportunities for all children in this country. Rather, it waves the banner of the Plessy against Ferguson separate but equal doctrine. History has proven this doctrine to be an inequitable contradiction. The Supreme Court in 1954 reversed the separate but equal doctrine in the Brown against Board of Education decision. The court held that segregation on the basis of race, pursuant to State laws, denies the equal protection guaranteed by the 14th amendment even though other factors in the schools may be equal. H.R. 13915 sets out to reverse this decision. It sentences black, Indian, Chicano, and Puerto Rican children to second-class educational systems.

H.R. 13915 is a regressive and destructive piece of legislation that threatens to wipe away in one blow what has taken America decades to build. It is a bill that thumbs its nose at 20 years of civil rights legislation; a bill that disregards the blood, sweat, and tears shed by thousands of black Americans in their long and bitter quest for equality.

I urge the Senate to remember a few names and places of the past two decades:

In 1954, there was Brown against Board of Education.

In 1955, in Montgomery, Ala., Rosa Parks refused to ride in the back of the bus.

In 1956, Autherine Lucy attempted to attend the University of Alabama.

In 1957, there was Little Rock, Ark., and a President who demanded that the Constitution be upheld.

In 1960, four young college students attempted to eat lunch at Woolworth's cafeteria in Greensboro, N.C.

In 1965, there were the dogs of Bull Connor, a man in the doorway at Tuscaloosa, the bombing of a church in Birmingham, and the bridge at Selma.

And now, in 1972, there is the Equal Educational Opportunities Act. A bill which the Reverend Theodore M. Hesburgh, Chairman of the U.S. Commission on Civil Rights, asserts:

> Is designed to further fractionalize the Nation along racial lines.

He believes that—

> History may well document the fact that in the year 1972, the 92nd Congress of the United States was successful in establishing a racially reactionary policy which will end inevitably in disaster for all.

H.R. 13915 is an emotional appeal that feeds on the fears and irrationality of the American public. In a climate of heated discussion and controversy over the busing issue, the Equal Educational Opportunity Act of 1972, an outgrowth of President Nixon's public condemnation of busing, is presented to the American people as a panacea; a cure all; a viable solution to America's dual system of education.

Last Friday, the chairman of the Senate Committee on Equal Educational Opportunity articulately explained that H.R. 13915 is perhaps the most far-reaching piece of legislation affecting the stability of our educational system. But, this bill has been treated in a most cavalier manner. The Committee on Labor and Public Welfare has been denied any opportunity to review the provisions of this bill, because the bill was held at the desk when it was reported to the Senate. The Committee on Equal Educational Opportunity has also been prevented from examining the potential effects of this measure. Thus, the record must clearly show that any action taken on this bill by the Senate will be action that is in direct conflict to the traditional rules and practices of the Senate.

Further, the very able Senator from Minnesota reminded the Senate that as we debate this measure we are in the midst of the third consideration of school desegregation legislation.

"Twice this year the Senate has risen to the challenge" and produced effective measures, with adequate resources, to eliminate the doleful effects of unequal education for minority students.

All of the 11 million students in the 1,500 desegregating school districts will benefit by the $2 billion available over the next 2 years to aid in easing the burden of desegregation.

As specified in the Emergency School Aid Act, those funds can be used to:

First. Pay for school transportation.

Second. Recruit and hire extra teachers and counselors.

Third. Develop team teaching projects.

Fourth. Provide individualized instruction, when needed.

Fifth. Install bilingual education programs.

Sixth. And, maintain other innovations that seek to resolve the process of desegregation.

Above all, the Senate adopted the Scott-Mansfield amendment last March in order to stress the Supreme Court ruling that no school transportation shall be required which risks the health of the children or that impinges on the educational process. Thus, the legislation that begs to divert the business of closing the 92d Congress is both hypocritical and gratuitous.

The volumes of rhetoric proffered by proponents of this bill reflect not a commitment but a cop-out. H.R. 13915 will not promote a unitary educational system in America; instead, it will seriously impede all future progressive steps in the direction of equal educational opportunity for generations to come.

I ask my colleagues to examine six reasons why H.R. 13915 must be defeated:

First, this bill is unnecessary. Time after time the courts have reaffirmed standards and guidelines for desegregating formerly de jure segregated schools. In the 1971 Swann case a unanimous court held that desegregation plans cannot be limited to the walk-in school. The court found that in previously segregated districts, devices such as clustering, free transfer and the creation of noncontiguous zones must be utilized. Pending court cases in Detroit, Richmond, and Denver reaffirm the role of the judiciary in working out solutions to this critical issue. Further, the Congress enacted the Civil Rights Act of 1964 and the General Education Amendments in 1972, that further delineate desegregation procedures.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post editorial to which I have referred, published Wednesday, September 13, 1972, entitled "Raising the Bid on Busing."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAISING THE BID ON BUSING

At some point in the next few days or weeks, depending on how a political/parliamentary wrangle comes out, the Senate may be obliged to take up HR 13915, a terrible bill that only incidentally may be termed an "anti-busing" measure. It would be more appropriately called the Urban Chaos Act of 1972. That is because, although the bill purports to be a legislative effort to put some limits on school desegregation plans requiring busing, a combination of cynicism and hysteria in the House has transformed it into something quite different. HR 13915 would enjoin both federal courts and the executive branch from compelling any desegregation plan that involved the "transportation of any student to a school other than the school closest or next closest to his place of residence." It would also provide for long-settled school cases to "be reopened and modified to comply with the provisions of this Act."

What all this means is not just that enactment of this measure would put a hard-won record of Southern school desegregation in jeopardy. It also means that judges and federal administrators would be invited to remedy unlawful discrimination in a way likely to enhance social tensions without providing a commensurate gain—or any gain at all—in the quality of the bused children's schooling. For the legislators have, in effect, done two things. They have voted to spare high income persons such as themselves and the commnuities in which they live the inconveniences that attend busing orders. But they have also made sure, in their "closest or next closest" school provision, that the impact of outward bound ghetto busing will be hardest felt in those adjacent blue-collar, lower-income "ethnic" communities whose schools have least to offer poor black children and where racial feelings are the most inflamed. The word is overworked these days, but never mind; this is a truly elitist piece of legislation.

In their eagerness to do themselves some political good this year, the House members who voted for these and other features of HR 13915 displayed a stunning indifference to the possible real-life consequences of such a statute were it to become law. Beyond the prospect of disruptive relitigation of closed cases throughout the South and beyond the prospect of newly exacerbated racial conflicts among the poor in the big cities of the North, there is the prospect that communities all over the country would find themselves in a new financial bind of Congress' making—one that might even inspire nostalgia for the days of the complicated busing order. For among the methods by which this legislation seeks to eliminate busing is that of setting forth a list of preferable remedies the courts or the executive branch can compel. And among these alternatives which the courts would be encouraged to invoke is that of ordering the closing down of old or "inferior" schools and the construction of new ones. That this provision could cost affected communities plenty and also interfere with their ability to make their own plans and control their own taxes, does not seem to trouble those legislators who want an "anti-busing" record at all costs. Why should it, when the cost is not one that they themselves must bear? Indeed, the House rejected an amendment to HR 13915 that would have provided federal financial help in building such new schools.

The cynicism that underlies all this posturing has a happy home at the Nixon White House, which was the wellspring of these election year efforts. It is compounded when you realize, first, that a number of the big busing cases in contention came to us as a result of earlier Nixon administration desegregation efforts and, second, that it is commonly assumed that the Supreme Court this fall will establish firm outer limits to mandatory busing in any event. But such things are meant to be overlooked in the great legislative auction now going on. It is an auction in which the White House and certain spiritually attuned (or politically frightened) legislators keep bidding up the moderate middle, introducing and countenancing ever more reckless measures with a view to forcing the others ultimately to buy a so-called "anti-busing" compromise program well beyond anything that conscience or sense can recommend. Thus it is that the same beleagured senators of the middle may be put to the test once again when HR 13915 comes to the floor. Being politicians, presumably they too would like an "anti-busing" vote in their record. The question, forced upon them by the White House and Company, is whether they want such a vote badly enough to support legislation that is on its face a fraud and a hoax and a cruel hoax at that. A majority in the House has already indicated that it does.

Mr. KENNEDY. Mr. President, moreover, because black Americans have begun to produce for themselves a keener sense of self-awareness and because they have begun to seek and believe that the full promise of America is also theirs, this legislation could lead to social disaster. If we adopt the pending proposal, then we should also prepare to shut down the guarantees of free speech, religious choice, and equity in our courts.

Why must history repeat itself? One hundred years after the Nation's independence a Republican President named Rutherford B. Hayes stained our proud history with a politically motivated promise to remove Federal troops from the South. That action insured the bloody disenfranchisement of black Americans for nearly a century. Because that President failed to provide the Nation with the right kind of leadership, the people of this land saw officially sanctioned violence and lawlessness result.

As we now approach the 200th anniversary of our independence it seems that we should be anxious to avoid the bitter lessons of that era. Jim Crow has been laid to rest once and I see no sense whatever in the Senate resurrecting him.

I appeal to the Senate to carefully weigh the effects that passage of this legislation may produce. For, we have only to look at the pages of our history to discover that once a government succeeds in denying the guarantees of any one right to its people that government finds it easy to abrogate the delivery of other rights.

After President Hayes withdrew Federal troops from the South to protect the reconstruction rights of blacks, they lost their voting power, they could not obtain employment, and Federal civil rights laws were simply ignored. Because they were at the mercy of the majority white population some black spokesmen sought to compromise. They tried to get Government support for education and for the development of minority owned business in return for disavowing their right to political or social equality. Yet, the compromise failed. It failed, because the right to equality cannot be compromised. Harvard law Prof. Derrick A. Bell, Jr., said it failed because "most whites are simply unwilling to make or even risk making what they deem an unfair sacrifice. The effort to compromise was interpreted by whites as an open invitation to further aggression."

If white America believed 100 years ago that the problems of racism would subside with repressive laws instituted by those who would distort the values of human justice, then at least white America in the 1970's should be aware of what can evolve from the kind of legislation that we are considering today.

Black people are convinced that white America is not going to deliver "equality" to them out of a commitment to brotherhood or morality, according to Professor Bell

Thus, he believes that blacks will make gains only to the extent that they remain "plugged in" to the flow of our basic society. Anyone who imagines that black Americans are striving for integration for the sake of integration is missing the point. As we have been reminded too often here today, black parents and their children are no more enchanted with "school busing" or "integrated schools" than whites are. But blacks know they cannot compromise. They know our society has failed to produce any alternatives to school integration that promise to deliver black children a stronger chance of achieving a quality education.

Already they know that separate schools are unequal schools.

They also know that if whites will deny a decent education to blacks for the sake of segregation, it is fantasy to believe that whites will spend three to four times more for black schools than for white schools, even if this would keep the schools separate. Indeed, under current appropriations, Congress doles out only $1.6 billion for compensatory education, although more than $6 billion is authorized for such programs.

Mr. President, on that point, as a member of the Education Committee, I recall that at the time the President spoke to the American people about his great concern over the problems of a decent education for all of our citizens, the members of the Education Subcommittee were reminded of the fact that for the last 3 years, despite every increased authorization of funding for the schools in poorer communities, whether black or white, rural or urban, this administration has made no request to increase that funding.

In the early part of this year, the whole atmosphere of the matter of the busing issue became distorted. We heard the President of the United States go on record and indicate his great concern for the problems of urban education in the major cities of this country, as well as in many of the rural communities and indicate that he was going to make a special request for funds for these programs.

The President of the United States failed to indicate that that increase of funds had already been authorized by the Senate Education Subcommittee and had been authorized by the Senate itself. All that was really needed was for the President or the administration to request the additional funds.

For the first 3 years all we heard was

absolute silence about the problems of urban education and compensatory education among the poor people of this country. Then we found out what happened in this regard. In the early part of the political primaries, the issue of busing was becoming more inflamed. Yet the President tried to identify with the concerned hundreds of thousands of parents who had been trying to get Congress and the administration to respond to their very legitimate educational needs and to upgrade the high schools in this country. But those parents were met with a deaf ear by the administration, as the Washington Post editorial pointed out quite correctly. The Post uses the words "fraud and hoax," and it is quite clear why those words apply.

We have had witnesses from the very beginning who have come before the Education Subcommittee and the Appropriations Subcommittee and have struggled to get increased funds for compensatory education to help all of the poor of the country. Obviously they were in a very much stronger position for that legislation than the legislation which we have pending before us today. However, the record is quite clear that more money has not been provided in fact the administration has gone against the efforts made by many of us who tried to increase the resources for schools in urban areas as well as those in rural areas where the poor and the disadvantaged are passed by. There are communities in my State, in Lowell and Lawrence, Mass., which have not built a new school in 50 years. There are parts of the city of Boston which have not had a new school in 40 or 50 years.

There is need for help and assistance for those communities. But now, rather than coming up and providing additional resources for these communities we find the appeal being made to parents that what we really need is not better schools, better paid teachers, better books, smaller class loads, or better feeding methods—that what we do need is to pass legislation against busing and other problems will be resolved. How sinister this appeal is to millions of Americans who want to try to insure that their children will receive a decent education.

This is true with poor whites as well as poor blacks that live in urban areas of this country. Black parents and their lawyers do not seek integration, because they believe black students can only acquire a full educational experience in a white classroom.

It is interesting that we have a great debate on busing in 1972, when we know that for hundreds of years black children were being bused right past white schools in different parts of this country. There was no pressing legislation about stopping busing at that time. It only has been when we get to the specter of trying to bring black children out of completely inferior and poorer schools and give them an opportunity for a better education that we have legislation introduced to bar that particular phenomenon.

Black children seek to attend the schools that whites attend, because they are the best schools we have, and blacks fully believe that an adequate education can open the doors to a full life for them.

THIRD. THE CONSTITUTIONALITY OF THE BILL IS DOUBTFUL

> The basic guarantees of our constitution are warrants for the here and now and unless there is an overwhelming compelling reason, they are to be promptly fulfilled.

Those words affirmed the equal protection right to nonsegregated public parks in Watson against city of Memphis. Clearly, therefore, the right to nonsegregated public schools enjoys the same status as the right to public park facilities.

I share the conviction of the honorable Justice Arthur Goldberg that—

> Segregation injury is so intolerable that the right to nonsegregated schools is the right to them now.
>
> Thus, the remedy merges into the right. Any suspension of the remedy is a suspension of the right itself.

The provisions of the legislation before us are not only fraudulent but they blatantly contradict every precept that white America has consistently demanded that blacks pursue.

Through our history, black citizens have been urged to look to the courts for remedies to the injustice they suffer.

But this bill would seek to close the courthouse door for black children who have been denied equality in our public schools.

Now that blacks have looked to the courts and have gained some victories, we in the Congress are toying with ways to change the rules.

I urge the Senate not to succumb to the temptation of producing a crippling measure that will stifle life for us all.

4. SCHOOL BUSING IS NOT THE ISSUE

H.R. 13915 has nothing to do with improving the quality of education for anyone. Instead, it will only lower the quality of education for some.

Many of those who loudly denounce busing know very well that busing has nothing to do with what they pretend to be talking about.

The test of this is simple: If busing is so terrible, then why is busing used to carry children to consolidated schools?

Why is it used to carry children to special schools? Why is it used to relieve overcrowded schools? Or to prevent double sessions? Or to enable citywide use of special schools? Or to transport handicapped children?

Or to take children to zoos, museums, parks, sports events, and on field trips?

Clearly, busing is not the issue.

Buses have been used to carry children to schools for nearly 60 years, and Massachusetts was the first State to require State-supported transportation programs.

The Department of Justice has identified only 20 school desegregation plans which involve racial balance. The Supreme Court has never required racial balance or racial quotas to desegregate school systems.

The little red schoolhouse has long since been replaced by the big yellow schoolbus as the symbol of American education.

Indeed, many Members of this Senate attended school, because buses carried them there.

Busing is not the issue. The real issue is what parents believe is waiting for their children at the end of the bus ride.

If they think there is quality of education waiting at the end of that ride, they will go to almost any lengths to get their children on that bus.

Even parents who pulled their kids out of desegregated schools to enroll them in all white segregation academies, get their children to the segregated school by putting them on that same old devil, the school bus.

Those segregated schools may not be very good—in fact by most indications they are so bad that the children in them will come out with a distinctly second class education—but their parents apparently feel that keeping their children segegated is more important than giving them a quality education. And they use a school bus to realize their choice.

We see this choice made at the other end of the spectrum, too. How do the children of the very richest parents get to the most expensive private schools?

They, too, still stick with that tried and true old method—the school bus.

5. UNLAWFUL SEGREGATION IS PERPETUATED UNDER THE PROVISIONS OF THIS BILL

H.R. 1315 maintains that "the neighborhood is the appropriate basis for determining public school assignments." It further holds that "the maintenance of dual school school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin denies to those students the equal protection of the laws guaranteed by the 14th amendment."

It concludes that—

> The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin of students among its schools shall not constitute a denial of equal educational opportunity or equal protection of the laws.

Historically, black Americans have been forced to live in segregated areas. Urban ghettos do not reflect freedom of choice on the part of black America.

Rather they are a living example of where white Americans, who fear integration, have designated that blacks must live.

The ghetto is the result of "keep out" signs. If one adheres to the principle that the neighborhood is the appropriate basis for determining public school assignments, how can one rationally maintain that school assignments based on segregated neighborhoods do not constitute educational segregation and thus a denial of equal educational opportunity? And Federal authorities have acted, perhaps, with more destructive effect than any other agent, to solidify the barriers of residential segregation.

Federal Housing Adminstration mortgages were at one time assured only when a racially restrictive covenant was obtained.

Through restrictive zoning, and other policies that discouraged low-income housing, our Federal system has worked to establish and to perpetuate racial and cultural enclaves. Any demand to return to the neighborhood school is a call for a return to segregated schools.

Antibusing proponents are deceiving working class white Americans that antibusing bills will protect them from the supposed evil of desegregation.

H.R. 13915 would limit busing to schools closest or next closest to home.

In other words, those whites, who live in areas closest to the central cities where most minority groups are confined, are the ones whose schools can be reached by the busing provided for in H.R. 13915.

So the bill will limit the "burden" of desegregation. It will place it on those white neighborhoods geographically nearest to black neighborhoods, meaning desegregation for low-income, ethnic, working-class white neighborhoods, and no change at all for those whites affluent enough to live farther out in the suburbs. So once again, even when we view the issue from the proponents' point of view, we see that this legislation will favor the well off at the expense of the working class.

The next closest school feature of this bill is designed and would prevent desegregation, because after a school district reopened proceedings under section 406 of the bill—the court would quite possibly find that busing exceeds the limits in section 403(a).

If all possibilities are tried, but fail, under sections 402(a), 402(b), 402(c), and 402(d), then the court would turn to the remedy in section 402(e) and order construction of new schools.

How many Senators are prepared to support a measure that forces school districts in their State to spend inordinately more on new schools for the purpose of desegregating then they are now spending on busing?

This point is one of the cruelest ironies of all. We in this body supposedly take great pride and listen to the arguments made back to the control of education by the local community, the local school board, and the PTA.

But this legislation requires the Federal Government to use its power to reach into small and large communities of this country. Giving the Federal Government the power to tell those local school officials how they are going to conduct themselves by building new schools will in effect be dictating the tax rates for some of these communities. It is interesting to hear those who are constantly talking about the Department of Health, Education, and Welfare and its regional offices and the bureaucrats in them going into communities and talking about the requirements they make whether it be in the field of employment, housing, or education, but who are completely prepared to grant in this legislation the power to have the Federal bureaucracy, at the regional or national level, dictate to a local school community, because of the failure to be able to comply with certain sections of the legislation, that it must build a new school.

I think this is really an extraordinary abdication of responsibility and it is an extraordinary grant of power to the Federal Government to be able to reach out and dictate to the local community an educational policy. We have that kind of grant of power supported by those who we hear time and time again on the floor of the Senate complain when we try to develop legislation to provide grants to municipalities or cities, or the development of emergency job employment programs, or nutrition programs for the elderly, or legal services programs. We always hear that "you are bypassing the States, and this is wrong," and, "you are interfering with local authority and local control and local influence." Then we end up by having those who have opposed any kind of Federal imposition proposing the most direct kind of Federal presence, into one of the most fundamental areas of our society, the education of the young people of this country. We are granting to the Fedeal bureaucracy and the long arm of the Federal Government the power to demand of and to dictate to a local community the creation of new school systems. I think this is an absolutely extraordinary exercise of Federal authority and responsibility. It is interesting to me that those who time and again have raised their voices in resentment against the very concept of the Federal presence are now willing to grant, under this legislation, authority and power to proceed in this direction.

6. WHY DESEGREGATE OUR SCHOOLS?

If we accept the notion that the purpose of education is to acquire the ability to live in and contribute to our diverse national community, then it follows that any educational system purposely designed to segregate black from white, Jew from Catholic, Irish from Italian is doomed to fail.

The most conspicuously repeated reason for attending school is to gain the skills for a decent job.

Since the employment market is steadily moving to the suburbs, access to the schools that provide those workers is an obvious advantage.

But most important, if we are ever to learn to live with people different from ourselves, at least our schools must be involved in the process that seeks to achieve that goal.

In a survey taken by the National Opinion Research Center, 75 percent of white Americans are in favor of integrated schools, compared with only 30 percent in 1942.

Even in the South, nearly 50 percent of all whites now support integrated schools, compared with 2 percent in 1942.

If public opinion surveys serve to register the national mood why must we enact legislation that denies the expression of the public will?

Indeed, last summer, when the Republican platform committee asked how party members rate a number of current problems, they learned that 58 percent felt that busing is not very important or not a problem. Only 13 percent rated busing very important.

And in the August 28 Time magazine, a survey revealed that only 6 percent regard busing as a major issue.

Rather than indicating that busing is a major issue, then, it would seem that these polls reveal that the only thing notable about the busing issue is that those who seek to create hysteria with distorted information have succeeded in their goal.

For white America to abdicate desegregation on the basis of our recent faulty past, is to shut out the message that black America is shouting. Black people are striving for the same goals that our forebears struggled to achieve.

I am convinced they shall get there. But, this shameful proposal with its contrived title is certainly not constructed to help.

Last week the Senate demonstrated its unwillingness to guarantee an income floor for people who cannot provide adequately for themselves.

Are we doomed this week, to deny for many of those same people, the most basic tool that offers any chance that they may some day break out of the cycle of poverty?

Mr. President, in conclusion, I wish to dwell on what looms as the most egregious issue in this entire matter.

Section 406 of H.R. 13915 authorizes districts to seek the reopening of existing court orders or desegregation plans.

Attorney General Richard Kleindienst testified before the House Judiciary Committee that all desegregation cases may be reopened under this provision.

That the reopener is a giant step back to the era of officially sanctioned repression, there is no doubt. The reopener would undercut the accomplishments and the leadership of school officials and community leaders.

Mr. President, this is a very interesting argument, because as we considered the legal services program or, in this past week, certain provisions of the welfare reform program which prohibited or proscribed the Legal Services Corp. to protect poor people's rights in certain features of that bill, we heard the argument made that we do not want to have the Federal Government looking out for the rights of poor people, or to have taxpayers funding or spending large sums of money to protect the legal rights of poor people. Under this legislation what we would have would be the taxpayers paying tens of millions of dollars, and hundreds of millions of dollars, to carry forward a whole new scope of litigation as the Attorney General might desire.

On the one hand, we have seen the realities of the Justice Department moving from the full guarantee of equal rights in the area of housing. During one of the most dramatic cases in the Judiciary Committee hearings on the ITT case we learned of the Coldwell-Banker case. According to information we received, Justice Department attorneys in the civil rights division sought to bring suit against the real estate firm of Coldwell-Banker for violations of the Open Housing Act.

The division found a pattern of discrimination on the part of that big California realtor. But, when the attorneys in the civil rights division strongly recommended that the department file a suit against Coldwell-Banker, they were told they could not sue the firm. That was the end of the Department of Justice's concern about housing opportunities for black Americans.

We have seen example after example, in the wide spectrum of equal rights, where there has been a real retrenchment by the Justice Department in assuring equal rights and opportunities. Now we are being asked to insure that the Justice Department, rather than assure equal rights for our citizens, will be able to defend those cases which have already been raised and adjudicated in the court systems of this country, and all at the taxpayers' expense.

It is just one more interesting twist, particularly when put back to back with what happened on the floor last week on H.R. 1. As I mentioned earlier, the extent to which certain Members of the Senate are prepared to go in permitting the Federal Government to even dictate to a local community about its school system, is simply extraordinary.

It is, I think, an extraordinary turnabout in attitude and desire by those who are the principal supporters of this legislation.

Thus the Nation and the world would observe the spectacle of the Justice Department appearing in the Supreme Court on behalf of school segregationists.

Of course, it is always interesting to see, as we saw in the course of the debate last week, the dual standard that is applied to those who live in poverty, the poor people trying to pick up a welfare check, and the rich people who are trying to get a check from the Department of Agriculture for agricultural subsidies, and to find out that for those checks that go to some of the larger corporate farms in this country, amounting to several hundred thousand dollars, all they have to do is mail in a request for their check and they get it right back by return mail. But if the person is poor, we are prepared to take the most extreme and unnecessary steps to discourage the poor from receiving any assistance. We would rather require reporting and setting up of an extensive network for tracking down deserting fathers before either the wives or the children can get the benefit of the various provisions of the act.

This is what we would be doing again by giving the Justice Department a whole new responsibility and a whole new real authority, under H.R. 13915. So it is interesting to find that those who are willing to support this kind of role for the Justice Department, now, have in the past, when it came to guaranteeing constitutional rights, raised their voices in opposition.

It is extraordinary what we hear on the Senate floor when we are trying to get the Justice Department to expand the Civil Rights Division, or support the Civil Rights Commission itself. When it came to expanding constitutional rights, all those voices said, "No, we cannot do that, we cannot afford it, we do not really have the authority or the responsibility to do so." Now, we see the issue completely turned around, giving the Justice Department a completely new responsibility in the area of constricting many of these basic and fundamental rights which have been achieved, as they should be achieved, through the court system.

How many of us have gone into situations that could be explosive in nature and urged restraint, and said that the only way we could really achieve progress for the citizens of this country is through the court system, and what we ought to do is take these disputes off the streets and go into the courts of this land?

Some of our black citizens and other minority groups have been willing to do so, and what we have attempted to do here on the Senate floor is say to the black people of this country this afternoon, "That which has been available to you is no longer available to you; we are going to legislate here so that the principal law enforcement arm of this Government, the Justice Department, is not going to be working to insure the protection of your rights and liberties." I believe many of these rights have been heavily compromised during recent years in a wide variety of areas. For example, in the area of freedom of choice and the cases which have taken place in that area requiring newspaper men to reveal their sources, and even their being placed in jail when unwilling to do so, also in the area of freedom of speech, various constructions have been placed upon the right to assemble and petition and parade.

And the right to privacy, which has been so dramatically violated in the recent Watergate situation, where there are those who say it is a matter of coincidence that those who were involved in that particular incident were on the payroll of the Committee to Reelect the President.

I would think that all Americans would tremble about any group that has a responsible position in the reelection of the President which is prepared to go to the extremes of bugging a political party What does that mean in terms of the next 4 years about bugging a whole place of business, a labor hall, or a university? If they are prepared to take those steps now just to insure reelection, what would they be prepared to do in a new administration?

These are the areas the Justice Department ought to be reviewing to find out how we ought to be protecting the existing rights of American citizens. But here we would separate the authority and give the responsibility to the Justice Department to find ways of further constricting those responsibilities and denying further opportunities for Americans to work through the existing court system.

So, these actions, coupled with the Department's proposed extensive network for tracking deserting fathers under the provisions of H.R. 1 passed by the Senate last week, the public is entitled to question the true mission of our Federal crime fighting agency.

Before leaving this thought, we passed what was, I think, one of the most effective pieces of legislation this Senate has considered, the child care bill. Sponsored by the distinguished Senator from Minnesota, and supported by a majority of Senators, from both sides of the aisle. When it was sent to the President, he vetoed it on the basis that it would create a whole new administrative agency; this was in his message. Now here we are trying to create even a much more involved, expanded administrative agency, which I think could cost many times as much in taxpayers' funds, and again the purpose of which would be to further deny and restrict the rights for black people in this country to seek an adequate education.

It was only last week that we heard those who were opposed to the development of a Consumer Protection Agency making the argument that if we had a Consumer Protection Agency to try to provide the same kinds of guidance and advice and study that the Council of Economic Advisers provides on economic issues, so as to further protect the consumers, that we could not afford to develop that, because we would overload the courts. That is one of the arguments made during the course of this debate. But here we are setting up a device, a system which would crowd the courts, would send them into a continuous period of expanding litigation, when actually the issue itself was pretty much resolved in 1954.

So the evidence against H.R. 13915 is overwhelming, and this measure should be defeated. I have listed some of the reasons why. Perhaps the words in President Nixon's busing message to Congress last March accurately express what goals the country ought to seek in its attempts to achieve quality education for all. The President said:

> As we look to the future, it is clear that the efforts to provide equal educational opportunity must now focus much more specifically on education; on assuring that the opportunity is not only equal, but adequate . . .

Since H.R. 13915 was constructed to provide neither educational opportunity nor adequate educational development, this bill must be defeated.

Mr. HART. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield, without losing my right to the floor.

Mr. HART. I have not had the opportunity to serve on the committee that in the past has considered our educational programs. I know that the Senator from Massachusetts has been a member of that committee and is a member.

Perhaps I should not be so lenient in passing judgment on myself, but I hope it is because I was not a member of that committee that I had not registered fully on one aspect that the Senator from Massachusetts developed in connection with the neighborhood school.

As I had listened to earlier debates, I had sensed that, as parents, all of us would agree that a neighborhood school is a comforting thing, it is a convenient thing, and it seemed to make complete good sense. I realize that it cannot be maintained—that in fact it violates the Constitution—any more, for example, than the fact that the neighborhood public swimming pool might have been much more convenient, but if admission to it had been conditioned upon race, of course, the convenience would be secondary and the constitutional obligation paramount. I had thought of a neighborhood school as convenient but not to be a justification for the denial of a 14th amendment right.

Will the Senator from Massachusetts describe again how the Federal Government's own action in the recent past has eroded the concept of the neighborhood school? It is this aspect that had not occurred to me and which I would suspect has not been recognized by others of us here who are not on the education committee.

Mr. KENNEDY. The point that is interesting to consider is that nowhere in this measure is the neighborhood concept or school district really defined. There is no provision within the bill to prohibit the redrafting of various school lines to continue within those particular school districts that may want to do so, with the passage of this measure, to maintain segregated schools. Although the idea of the neighborhood school conjures up to all of us the "little red schoolhouse" that is just around the corner, there is little, if anything, in this measure that helps us resolve just what the neighborhood school is.

As the Senator from Michigan understands and knows full well, the various pieces of Federal legislation that have been passed, in aiding and assisting the various school districts, have worked toward the support of regional educational schools, new regional high schools, which have taken place in many communities. I know that this has been so in my State, and I have found it so generally in my travels around the country.

There is very little in the proposed legislation that provides any guidance as to what we are going to do about those provisions as well.

Finally, the question we have to recognize is that the patterns of residency for blacks in urban areas, the ghettos, and in some suburban, rather isolated areas, those patterns have been formed as a direct result of uninhibiting Federal action. The situation has been that the only way that black people may get an FHA loan is if they buy in a given area, and the only way the whites will get a loan is to sign a covenant that they will not sell to a black person.

So, having gone through that for a period of time and effectively establishing these housing patterns, what we are now trying to do, as a matter of Federal action, which I think has been generally recognized as unconstitutional, is to use that highly discriminatory background, in restricting educational opportunities for young people in this country. I think this points up the inequity of that situation.

These are some of the points which are of great concern to me, Mr. President.

Before getting into the detailed analysis of the bill and the various sections and a more descriptive explanation of the various provisions, I point out that the appeal of this bill is on the basis of high emotion, which everyone in this body recognizes. It is a highly supercharged emotional issue and I challenge the good faith of this administration in proposing legislation in this area.

I remind the Senator from Michigan, that as a member of the Education Subcommittee, many of us have been trying to expand the funding for educational opportunities for disadvantaged people in the cities of this Nation, for the poor of this country; and for the past 3 years we have been getting absolutely no help from this administration.

Finally, we saw the increased authorization, a $6 billion authorization, for the elementary-secondary education system in this country; but no word by this administration, until this issue became an emotionally charged, superhot political issue, and then the administration indicated that they were going to request an additional $1.5 billion, the authorization for which was already in existence, and after the funding was well on its way through the Senate. I think some very legitimate questions can be raised as to the good faith intentions of this administration based on that deceptive maneuver.

Second, as the Senator, who is a member of the Committee on the Judiciary, would understand, the creation of a new bureaucracy within the Justice Department, has been suggested by those who have traditionally supported a more restricted role for the Civil Rights Division and for legal services. This bill calls for an expansion of equal rights for the citizens of this Nation, an expansion of a whole new bureaucracy whose principal purpose will be to restrict equal rights which are educational rights. Then we have the spectrum of the Federal Government reaching out into the communities of this Nation, when other remedies fail, and require that they build new educational facilities.

As I mentioned earlier, we hear so much in this Chamber about the HEW bureaucracy in the Federal Government, a bureaucracy of regional HEW authorities dictating to the local communities what their responsibilities shall be. Yet here we are, with this legislation, granting essentially a power to the Federal Government to decide that a given school community shall build a school system. That is an extraordinary grant of power, particularly by those constantly complaining about the role of the Federal Government. But in this legislation, we would permit the Federal Government to reach out into the smaller communities of the Nation, demanding, if they fail to comply, to close that system and build a new school; in other words, dictating to the community effectively what its local burden will be; which is an extraordinary creation of a bureaucracy in the Department of Justice on the one hand with an extraordinary grant of power on the part of the Federal Government on the other—a failure of the definition of terms consistent throughout this legislation.

During the time I have served in the Senate, I have heard time and again, for example, about the gun control legislation—the echoes of which are still reverberating around this Chamber—how we cannot consider gun control legislation because we have not had full committee deliberation, even though we had 10 years to do it, with 45 days of hearings, 146 witnesses, hours and hours of executive sessions, and thousands of pages of testimony, but it is claimed we still have not considered every narrow feature of a particular amendment. So we see that legislation come crashing down because we have not followed the procedures of the Senate.

Yet, here we have before us at this time one of the most involved and complex, constitutionally questionable pieces of legislation to come before us. And this measure has been denied review by the appropriate committee of the Senate. The committee has thoroughly studied the problem of school desegregation and deliberated on it, and has reported legislation to the floor of the Senate. But, H.R. 13915 with its egregious features has never been aired in Senate hearings.

We are not talking about a committee of the Congress that has buried legislation, even though there have been those very much opposed to various provisions. The Special Committee on Education made up of bipartisan support and representation has reported to the floor and permitted the Senate to work its will. It has developed extraordinary expertise and knowledge about this kind of legislation and has held days and days of hearings on this most involved and integrated kind of legislation, similarly, the Committee on Labor and Public Welfare has looked into this matter also. Yet, we refuse to permit those Senate committees to consider this piece of legislation and report back on its educational and social implications.

We hear so often about how important it is, in the case of no-fault insurance, that we should have the Judiciary Committee considering some of the legal implications of the no-fault insurance proposal, and we see that legislation effectively buried in the committee where it has been sent.

On the basic constitutional question which is before us, as we have seen recently in the whole question of voter registration, there probably has been an issue in which the Supreme Court has been as clear in setting forth the right of national legislative bodies to rule on the question of residency, and yet we hear those voices say, "Send it to the Judiciary Committee" in an attempt to frustrate consideration of that legislation.

Thus, it all depends on whose ox is being gored. Those who have so often assumed a pious role about the committee system, and the hearings being printed, and all the rest, I think, in this particular case, are on extremely tenuous ground.

Mr. HART. Mr. President, I wonder whether the Senator, as a member of the committee to which this bill under normal order would have been referred, can help those of us not members of the committee with respect to the moneys represented by those who favor the bill as being made available to improve the quality of education.

Do I correctly understand that the House-passed bill authorizes a substantial sum of money to be used by the school district? I am curious not alone by the amount I am able to find by looking at the bill, but how this relates to earlier efforts that Congress made, to assist the school districts to carry the burden which results from their efforts, voluntarily or under court order, to desegregate.

As I recall it, Congress, recognizing that compliance with the Constitution by school districts would cost money, undertook to authorize a substantial sum of money to assist the districts in complying with court orders, aimed at insuring a constitutional pattern in the particular school district.

Mr. KENNEDY. The Senator is correct. There have been two principal pieces of legislation, one has been under title I which is before the education committee and has been increased in authorization up to the present time, where I think the authorization is $6 billion, and the administration requests for the past 3 years have been limited to $1.5 billion, even though the record is extremely clear about the need for expanded educational opportunities in title I that affect the poorer communities.

On the other hand under the provisions of Public Law 92-318, $2 billion has been authorized for 2 years, and even though that authorization has been on the books and has passed, the Senate and the House there has not been $1 in requests for appropriations for that legislation. So we see the basic emptiness of the arguments of the administration in this area, particularly when the President goes on nationwide television claiming that he wants to help the parents who live in the urban areas, whose schools are on the point of deterioration. The administration had the opportunity for over 3½ years to request funding under title I of the ESEA bill. Time and time again, despite the fact that a number of the members of the Educational Subcommittee had offered amendments in the committee and on the floor to increase those funds that would be targeted toward helping schools in urban and rural communities and which are in such desperate straits, the administration has turned thumbs down on those proposals.

Then we had the passage of Public Law 92-318, which came out of the Special Committee on Education and provides $2 billion to meet the various problems in our Nation's schools. This is targeted into the areas of school districts that have been affected by court orders. The administration has not requested $1 for those communities.

I think that those who are really interested and who have been trying to provide some kind of relief for parents and children alike who are caught up in this extremely emotional, complex, and difficult educational situation would realize really how little real help and assistance this administration has been willing to provide.

In the House bill that came over to the Senate, I understand that there is a half a billion dollar authorization. However, as I gather it, one of the points being raised by the Senator from Michigan is that although sufficient authorization legislation has been passed by Congress and there have been constant requests by Senators to fund those various provisions to help provide for some kind of relief in a wide variety of different areas, those requests have fallen on deaf ears.

Mr. HART. Mr. President, I appreciate the response of the Senator from Massachusetts. Let me ask the Senator from Massachusetts if this is a correct summary. In recent years, Congress under title I has raised the authorization to a figure of $6 billion as the amount that might be funded to districts which have a high level of poor families in them, and yet the administration has not sought to obtain more than $1.5 billion of that figure.

Mr. KENNEDY. Mr. President, that has been $1.5 billion for a period of over 3 years, for each year. There has been no increase in any one of those 3 years by the administration, absolutely none, to provide any kind of relief for parents who have been disadvantaged and who are poor. The Senator is correct.

Mr. HART. Mr. President, when the heat built up on the busing crisis, the administration made a recommendation which is in the House-passed bill—and this is what I want to get clear if I can—that we take half a billion dollars out of the existing authorization of $1 billion annually of the emergency school-aid provision of the Higher Education Act passed last spring, and earmark it, not to assist schools under a court order to desegregate to carry some of the burden that desegregation requires, but rather that we take half a billion dollars and earmark it to improve facilities in the center cities.

The effect, if my understanding is correct, is that we are confronted with a bill which in a sense resurrects Plessy against Ferguson, which I thought had been repudiated two decades ago.

What the half billion dollars being earmarked for these schools means is that we will, by pouring money into them, allege that we have made them equal. Then implicitly we will take the position that, "Sure, they are separate; but they are equal."

We are finding ourselves back at a crossroad that I thought we had passed when we adopted the reversal of Plessy against Ferguson. We are in effect turning the pages of history back, and in the process we are dissolving, in a sense, the commitment of resources to lighten the burden of school districts which are required, or should be—unless we think we can amend the Constitution by an act of Congress—to desegregate.

We know that desegregation will carry a cost. We ought not to avoid desegregation because there is a money bill attached. The guarantee under the 14th amendment was not conditioned upon whether it was expensive or inexpensive. It was a flat proposition that had no more reference to the dollar sign than it had limited application on one side or the other of the Mason-Dixon line.

The 14th amendment covers 50 States. I know what the interpretation of that amendment has meant and the fact that school districts lying north of the Mason-Dixon line have been segregated by public policy. But they have no more reason to be treated seperately under the 14th amendment than any other section of the country.

I know that the northern sections of the country under the 14th amendment tend to say, "We are great fellows," when the finger is being pointed to the South. However, the Court did not recognize geographical limitations of the 14th amendment, and very properly.

With reference to northern districts which are segregated under the 14th amendment, someone says, "It is different." What is the difference? The 14th amendment reads today as it read in Brown against the Board, unless we want to amend the Constitution. And let us not try to kid the public that by an act of the Congress we can stultify and nullify the meaning of the Constitution.

Am I not correct in suggesting that the House-passed bill, impliedly at least, takes the position that instead of authorizing moneys to enable school districts to carry on the cost of bringing themselves within the 14th amendment reach, we will permit a school district to maintain itself, though it is in violation of the 14th amendment, by giving the school building an ability to widen its playground and put in a chemistry laboratory and perhaps escape the obligations of the Constitution.

We are attempting in the bill, it would seem to me, to disarm the courts of the ability to order that which is required by the courts. Are we not attempting to ante up some money to make it a little more palatable? Surely we should provide money for education in the inner city schools where special programs may be needed. But we should not do this at the expense of denying resources needed for desegregation and for quality integration of our schools.

Mr. KENNEDY. I think the Senator has stated it well and correctly and accurately.

We have to recognize as we have attempted to over the period of recent times that communities within urban areas are going to need resources. Quite clearly the thrust of this legislation is an either-or situation, saying we will grant a bit more money in the urban areas but we will close down the opportunity for flexibility in terms of educational achievement. To do that is to deny one of the vehicles that had been used in the past, to assure some kind of increased educational achievement.

I think what obviously we are interested in attempting to do in an educational sense is to recognize that we have a responsibility to help and assist in the inner cities.

We have an interesting situation in my own city of Boston, with the Trotter School, located in an area which is predominantly black, and some white residents who live within that general community called Roxbury. The Trotter School is an ongoing demonstration of how integrated schooling can work when given the right chance and support.

With the very enlightened educational program at the school and very active participation by black as well as white parents and with the support of the city and the Federal Government, that school has made some very remarkable progress in bringing together the different elements of the community and providing what I think is perhaps one of the most effective educational experiences in the country. Rather than white parents within that community trying to escape from a district, there is an increasing number of parents within the general area of that district trying to cooperate.

Mr. President, we are interested at this time in taking the various titles of the bill and analyzing them in some detail.

Title 1 of H.R. 13915, as the Senator from Michigan pointed out, provides funding for educationally deprived children by allocating $500 million appropriated under the Emergency School Aid Act. This is the principal provision of S. 13915 offered as carrying out the purpose of the act's title, the Equal Educational Opportunity Act of 1972—a title which was termed "an exercise in hypocrisy" by Representative Long of Maryland. During the House debate, he said:

> If we are really sincere about carrying through the title of this bill to achieve equal educational opportunity and I am not sure that this title is not an exercise in hypocrisy—if we are really sincere in this—then I think we have to vote some meaningful sums of money. This $500 million is a joke . . . (*Cong. Rec.* p. 28880).

However, the prospects that a substantially increased authorization would result in more money being concentrated on educationally deprived children were squelched by Representative Quie of Minnesota who stated authoritatively that "there is not going to be any billion and a half dollars of additional appropriation" — Congressional Record, p. 28879.

Mr. President, it seems to me we should expect the same kind of condemnation of the school system which hundreds of thousands of black children in this country attend by those that are opposed to providing any kind of real relief to the children. It is interesting that the principal debate in the discussion of this bill the whole issue of education has been on the one issue of busing. I have tried in my more complete remarks to show that really is not the issue. I wish those who are so vigorous in support of this legislation would be equal in their condemnation of the inferior schools that millions of young people, black as well as white, attend in this country today.

We hear about the reluctance of transporting white children into inferior schools. This has tremendous emotional appeal and all of us would have to agree how ridiculous that would be—to take a child out of a quality school solely on the basis of race and transport him to an inferior school. That is frustrating our educational goal.

Why are we not condemning those schools today in which hundreds of thousands of black, white, Puerto Rican, Indian, and Chicano young people are attending? The arguments of those that condemn these methods which have been developed to try to relieve some of the pressure on school systems—I believe would be much more meaningful if we had that kind of expression here.

TITLE I—PROGRAMS FOR EDUCATIONALLY DEPRIVED CHILDREN

WHAT THE TITLE PROVIDES

Title I of the Equal Educational Opportunities Act—EEOA—reserves up to $500 million of the annual appropriation of funds under the Emergency School Aid Act—ESAA—for special compensatory programs in schools with heavy concentrations of poor students. This new reservation takes precedence over the reservation for private groups in the State apportionment section of ESAA. This new aggregate reservation for compensatory education encompasses the 15-percent reservation in ESAA for compensatory aid under section 706(b).

Applications under this title would be submitted to and approved by the State education agency.

ELIGIBILITY

Title I would add a new category of eligibility to ESAA—school districts which adopt and implement a plan approved by the State education agency to concentrate funds providing basic instructional services and supportive services for educationally deprived students in schools with high proportions of students from low-income families. The plan also would provide such services to educationally deprived students transferring from a school enrolling a high concentration of low-income students to one enrolling a lower proportion. No plan would be approved if it encouraged or rewarded the transfer of a student from a school in which his race is in the minority to one in which it is the majority, or if the transfer would increase the degree of racial or economic isolation in schools of the district.

Priority would be given to projects in districts implementing court-ordered or voluntary desegregation plans and districts reducing the effects of economic or racial isolation of students.

AUTHORIZED ACTIVITIES

Authorized activities in an LEA plan for this title would cover "basic instructional services," defined as mathematics and language skills, and "basic supportive services," such as counseling nutrition and health. No funds could be used for overhead, major capital investments, general salary increases, or any form of general aid.

STATE PLAN

State educational agencies would make recommendations to the HEW Secretary regarding the amounts of State allocations to be spent on compensatory education. The Secretary, upon review of all State plans, would make adjustments where necessary in State recommendations in order to bring the national level of expenditure up to $500 million for compensatory education under ESAA. The Secretary would not prescribe a nationally uniform level of expenditure to be applied to each State for compensatory education unless the level of appropriations for ESAA required such action. Each State would measure its own needs for compensatory and integration money and make its own judgment.

ARGUMENTS IN OPPOSITION

The Emergency School Aid Act—ESAA—is a promising and innovative bill to facilitate school desegregation and reduce racial isolation. It was only after voluminous hearings in both Houses of Congress, thoughtful consideration by committees of each body, and through debate on the floor of both the House and Senate that the $2 billion ESAA was enacted. H.R. 13915 would weaken this hopeful program before it is even funded. The needs of educationally deprived students are not being adequately met in this country, but there is already on the books authority to meet their needs—title I of the Elementary and Secondary Education Act—ESEA. The Congress should be appropriating funds to the full level of the ESEA title I authority rather than robbing funds from another promising program, ESAA, designed to meet still other unmet needs of America's school children. Under the provisions of H.R. 13915 amending ESAA more than $500 million would have to be appropriated before even one LEA project grant would be funded to facilitate voluntary or required school desegregation activities.

So what we have, then, is the basic and fundamental authorization, which is up to $6 billion, to help provide, under the formula which has already been accepted in the Congress, additional relief to the poor in this country. This is the ESEA program that the administration has never requested any additional funding for. That has been our basic support program for the elementary and secondary educational systems of this country. There are those who have criticized it, but I do believe it has provided essential education support to many communities which are in desperate need. It is a program I accept and for which I think there should be additional funding.

Then, for the ESAA program which I mentioned, $2 billion was provided, which was the result of weeks and months of hearings and floor debate, to help provide, by a variety of educational mechanisms, some relief to the poor living in urban areas as well as rural communities. Even though that bill was passed as the will of the Congress to cope with this enormously emotional and complex problem, which raises all kinds of constitutional questions as well as educational questions, and even though it represented the best judgment of the Senate and the Congress, and it became law, the President correspondingly has never requested any funding for that program—not one dollar, not one cent. That is the record we have to date.

That has really been the administration's attitude about attempting to provide some kind of relief to the poor people in urban and rural communities, black as well as white, under title I, and no funding for ESAA. That had been the administration's whole program until busing became a hot issue in the primaries this year, and then the President went on television indicating that he has been really concerned about educational opportunities for the poor people of this Nation and therefore he was going to request additional moneys. It had already been authorized by Congress. He did not have to ask for additional authorizations; all he had to do was to ask for appropriations. The authorization was already there.

Then they have asked for $500 million out of the ESAA, a program to fund this program, which runs absolutely contradictory to the whole thrust and purpose of the Senate and House-passed bill, in which none of the committee of the Senate of the United States which have had an opportunity to consider it—neither the Education Subcommittee of the Senate nor the Special Committee on Educational Opportunity of the Senate nor the Judiciary Committee of the Senate, all of which, I believe, have an extremely important and legitimate interest in the issues that this legislation raises.

SECTION 2(a)(2) NATIONAL NEIGHBORHOOD SCHOOL POLICY

WHAT THE PROVISION SAYS

This provision establishes a national policy requiring assignment of students to schools in their neighborhoods. Later in the bill, this broad policy is qualified by authorizing Federal courts to make minor changes in neighborhood assignment practices when all other remedies fail and by authorizing local school boards to adopt voluntary desegregation plans which change neighborhood assignment practices.

WHAT IS WRONG WITH THE PROVISION

This provision rests on two assumptions—that the United States has a school system organized along neighborhood lines and that neighborhood patterns reflect individual residential choices rather than unconstitutional segregation. Both assumptions are often wrong.

The history of American education shows no consistent pattern of neighborhood school organization. This is particularly true in Southern cities, where the great majority of the busing orders have been handed down and where the normal form of organization has been overlapping sets of black and white school attendance areas.

A neighborhood school policy which requires assignment of a pupil to "the school nearest his place of residence which provides the appropriate grade level and type of education for such student" conflicts with normal educational practice and invites inefficient use of school resources. Because of varying capacities of schools, problems of effectively allocating existing classroom space and existing staff, and a variety of other educational and community considerations, school administrators very rarely employ the closest school criterion of student assignment throughout their systems.

The bill contains no definition of "neighborhood" and no restriction on gerrymandered "neighborhood school" boundaries or segregated site selections unless the segregationist intent of local school authorities can be proven. The bill ignores the fact, conceded even in the initial administration bill, that the whole neighborhood concept has little meaning when one is dealing with the large high school and junior high attendance districts which cover whole groups of neighborhoods.

Regional programs and schools have been the pattern in many different parts of the country. They are the pattern in the northeastern part of the country and have been, I think, generally very successful. A number of communities have been rebuilding their local schools. They have worked together to develop a regional high school, which provides much greater flexibility in the range of different courses offered students and a more varied sports program and other activities. They have been well accepted and respected. How we are going to deal with that regional concept is something which goes completely beyond the conclusion of this law. The bill ignores the fact that the whole neighborhood concept should be treated as part of this entire issue.

The bill rests on the image of neighborhoods as stable social entities threatened by school districtwide desegregation plans. In fact, of course, urban neighborhoods are continually changing. In attempting to freeze the status quo, the law would simply freeze into the urban system the existing destructive process of the neighborhood by neighborhood resegregation and white flight and population pressures expand ghetto boundaries.

Finally, existing local schools are segregated in many cases as the result of local housing patterns which are the direct result of unconstitutional segregation of residential patterns through the use of public authority to build segregated subsidized housing or enforce racially restrictive covenants.

I think I mentioned in the earlier part of my comments how that was a part, a tragic part of our housing program, where, in order to get an FHA loan, to get a guarantee, if you were black, you had to agree to build your house in the black community, and if you were white you had to be willing to sign a covenant so that you would not sell it to a black person.

That is a reality, and that was due to Federal action, not to local action. So we saw the various housing patterns develop, and how difficult it is to break out of those housing patterns.

In one decision, a court specifically denied the existence of a citizen's absolute right to send his children to the public school which was nearest his residence. In another case, a court declared:

> Children cannot cluster around their schools like they do around their parish church.

This is interesting, because this is when the children were black and wanted to go to their neighborhood schools. The court denied the right of a citizen to send his children to the public school nearest to his residence. When they were black, they wanted to go to the nearest school, but that might be segregated, and they were denied the opportunity to do so.

I would like to mention the points that respond to section 2(a), the idea or the concept of the neigborhood school policy, which has been put forward in this title.

Attendance at a "neighborhood school" has frequently been denied to black children, as a matter of normal policy in the South, and often as an informal practice in the North.

School administrators require administrative flexibility in establishing attendance zone boundaries. Otherwise there would be waste, inefficiency, and overcrowding.

It is very difficult to define a "neighborhood" at the elementary school level and hard to maintain that the already large attendance levels of higher schools constitute "neighborhoods" in any real sense.

This provision makes little sense for the more than 43 percent of public school students already transported outside their neighborhoods to school.

You see, almost half of our high school students are already being transported outside their neighborhoods. How are we going to cope and deal with that phenomenon? Are we going to require, under the various provisions of this bill, that they build high schools within every particular community, or are we going to continue to allow for the fact that close to half of all high school students now, at the present time, go outside of their neighborhoods to school?

This legislation is completely unclear on that point. The legislation fails to recognize the clear constitutional obligation, supported by a unanimous Supreme Court, to overcome the effects of a past use of public authority to impose segregation.

A larger student body at a given grade level from a larger attendance area reflecting a larger "neighborhood" can permit the offering of more curriculum choices and the employment of more educational specialists.

One of the arguments proposed by the school busing opponents has been that pupil assignment on the basis of race and color are repugnant to the concept of the neighborhood school. They argue that no student should be denied the right to attend a neighborhood school.

This argument fails on several counts. A historical survey of the neighborhood school concept indicates that that pattern is not so immutable. In fact, the pattern of the neighborhood schools has been conveniently discarded when it resulted in desegregated schools.

Dedication to the concept of the neighborhood school seems to have grown substantially after Brown with the recognition that its adoption would result in substantially segregated schools. Due to the widespread residential segregation that exists today, school attendance zones drawn along residential patterns would result in segregated schools.

One of the most incisive analyses of the status of the neighborhood school concept was offered by Judge Luther Bohanon in *Dowell* v. *School Board of Oklahoma City*, 244 F. Supp. 971, 977 (1965):

> The history of the Oklahoma [City] school system reveals that the Board's commitment to a neighborhood school policy has been considerably less than total. During the period when the schools were operated on a completely segregated basis, state laws and board policies required that all pupils attend a school serving their race which necessitated pupils bypassing schools located near their residences and traveling considerable dis-

> tances to attend schools in conformance with the racial patterns. After the Brown decision and the Board's abandonment of its dual zone policy, a minority to a majority transfer rule was placed in effect, the express purpose of which was to enable pupils to transfer from the schools located nearest their residence, i.e., the neighborhood school, in order to enroll in schools traditionally served pupils of their race, and located outside their immediate neighborhood . . . thus it appears that the neighborhood school concept has been in the past, and continues in the present to be expendable when segregation is at stake.

One further point, there is a current trend in American education toward consolidated schools. This increasing trend, is clearly contrary to the concept of the neighborhood school.

Finally, regardless of the status of the neighborhood school, this principle must give way to the constitutional necessity to desegregate our public schools. Where de jure segregation exists, local school agencies are obligated to provide a plan to desegregate their schools. The Supreme Court, most recently in Swann, has set forth the tools that may be utilized to achieve the maximum possible desegregation. These tools include pupil assignment on the basis of race, color, religion or national origin and busing. Because of the widespread residential segregation, which in large part was fostered by State action in violation of the Constitution, a neighborhood school assignment plan would rarely meet the degree of desegregation compelled by the Constitution and a school agency must turn to alternative tools.

The next section is on the reorganization of school districts, which is section 3. This is what the section, in full, says:

Section 3(a)(2) states that abolishing and eliminating the vestiges of dual school systems have required "many" school systems to reorganize, reassign students, and engage in "extensive transportation."

ARGUMENTS AGAINST THE PROVISION

It is, of course, impossible to dismantle a dual system without reorganizing schools and reassigning students. Moreover, school reorganization and pupil reassignment are not, in themselves, undesirable. Desegregation frequently is the occasion for a district to reorganize and improve its educational offerings. And parents in numerous desegregation districts report extensive repairs and improvements of previously neglected minority schools resulting from the new attention given to the schools during or just before desegregation.

I should like to refer at this point to a study by the U.S. Commission on Civil Rights, page 8, with reference to the extent of busing:

> Indeed, in some parts of the country desegregation has reduced the amount of busing. In 42 desegregating Georgia districts between 1965 and 1969, with enrollment up 92,000 and the number bused up 14,000, there was a decrease of 473,000 in the total number of miles traveled.

So in the 42 Georgia districts, between 1965 and 1969, which had an enrollment of 92,000, with the number bused up 14,000, there was a decrease of 473,000 in the total number of miles traveled.

> Similarly, in 27 Mississippi districts at about the same time bus mileage dropped 210,000 miles although the number of students bused had increased by 2,500.

So the number of children had increased by 2,500, but the total number of miles the children had been bused had decreased, quite dramatically, some 210,000 miles.

> It is easy to see how desegregation could reduce the amount of busing, especially in rural areas which had extensive busing for segregation purposes. In those localities, white and black children no longer are passing each other on the way to segregated schools lying in opposite directions. Bus routes are more efficient and shorter, meaning quicker rides for the children.

It means less time the children are spending on the bus, and it means that they are going to schools which are generally more available to them within their communities.

The transportation required rarely is extensive. In fact, as illustrated by attached examples, desegregation often means less busing. Nationally, 43.5 percent of the public school enrollment is transported by school bus, and only 3 percent of these pupils are bused for desegregation. Where there is an increase in the number of pupils bused, the time and distance traveled, and cost, the increase rarely is large when compared with previous figures for the district or when compared with other districts.

It should be noted, Mr. President, that of all the children going to school in this country, only 43 percent are getting on the yellow school bus, and only 3 percent of these children are actually being bused for desegregation reasons. As mentioned earlier, in many instances the total number of miles and the hours have been reduced. I think we often lose track of that fact, and I want to insert in the RECORD some of the material which will reflect this.

The real facts simply do not support 3(a)(2). It is another instance of falsely characterizing steps which must, of necessity, be taken in order for a district to move from segregation to desegregation.

DEPLETION OF FINANCIAL RESOURCES

WHAT SECTION 3(A)(3) SAYS

Section 3(a)(3) alleges that districts required to undertake "extensive" busing have been forced to spend large sums of money, depleting funds that could be used for facilities and instruction.

ARGUMENTS AGAINST THE SECTION

As demonstrated by the material under 3(a)(2), "extensive" busing is the exception rather than the rule. In any event, pages 15 and 16 of "Your Child and Busing" attack generally the proposition stated in 3(a)(3), pointing out that pupil transportation accounts for about the same slice of the Nation's education expenditure as it did nearly 40 years ago.

I read from page 16 of the report:

> To be sure, a school bus is not an inexpensive item. The average school bus costs $8,500.
>
> However, pupil transportation is a relatively small part of the Nation's education budget. Down through the decades although the number of children bused has risen substantially, that part of the education budget which goes for pupil transportation has stayed about the same. In 1933, the expenditure for pupil transportation was 3.5 percent of the cost of operating public schools. In 1969–70, it was 3.6 percent.
>
> Last year, the cost of pupil transportation was just over $1.5 billion, out of a total public school expenditure of nearly $44 billion.
>
> When school districts talk about the high cost of busing they are speaking, generally, about capital outlay—that is, the one-time expenditure of funds to buy the necessary buses to carry out a desegregation plan.

So, in terms of the proportion of the school budget, I think that helps put this matter into some perspective. We are finding out now that actually the number of children being transported to achieve any kind of desegregation is exceedingly small; that in many parts of the country, as a result of various court orders, there is less going on than previously, and in terms of expense they find out that the cost has been just about the same in proportion to the education dollar.

The same holds true, by and large, of transportation costs at the local level. A half million dollars for busing sounds like a lot of money to a city the size of Harrisburg, Pa.—and it is. However, it is only 1/28 of Harrisburg's total school budget. A member of the Charlotte school board testified that transportation cost in that home of the landmark busing decision is the cost equivalent of operating the schools there only 2 days. Similar mathematical results can be obtained in calculating busing costs in other districts. And the Dayton, Ohio, superintendent testified that the per child cost of compensatory education is more than double the cost of busing.

The financial impact, if there is any, generally is at the beginning of a busing program. There is a missing element of assistance in helping local districts meet this financial burden, and that element is the Federal Government. It makes little sense to tell districts that their constitutional obligation is to desegregate, but the Federal Government will stand disinterestedly on the sidelines while the district struggles with the financial burden of meeting that obligation. Yet this is the position the Federal Government currently is taking.

Busing accounts for only a fraction of education expenditures, and only a fraction of that fraction is for busing for desegregation. It is an exceedingly small price to pay toward bringing the Nation together. The price is puny when compared to the price the Nation has paid, and is paying, for maintaining a society that is racially divided.

Mr. President, the finding ignores, incidentally, the fact that a large part of the local district's transportation cost often is reimbursed by the State government.

Mr. BIBLE. Mr. President, I support H.R. 13915. This proposed Equal Educational Opportunities Act is long, long overdue. Had it been enacted some 18 years ago in the wake of the Supreme Court's landmark decision in Brown against Board of Education, this legislation could well have enabled the Nation to achieve an orderly elimination of dual school systems without arousing all the resentments and animosities so visbly present throughout much of the country today.

The first Brown decision was—without question—one of the most important landmarks in the Nation's history. It declared that State-imposed racial segregation in public schools violates the equal protection clause of the 14th amendment. The Brown case declared the principle that the States are prohibited from using a child's race or color as a basis for assigning him to a public school.

But where are we today—some 18 years later! Notwithstanding the constitutional command laid down in Brown, we are now told in the Swann decision that our Constitution not only permits, but demands the assignment of students to public schools on the basis of race in order to achieve some preconceived racial mix.

The lower Federal courts, responsible educators, and conscientious parents throughout the land are totally confused as to just what the Constitution requires.

And the confusion is understandable in the face of the inconsistent results the courts have reached. In one case, all-black schools in a Cincinnati, Ohio, school district were found constitutionally acceptable.

More recently, Federal courts in Michigan and in my own State of Nevada ruled that the attendance of children at schools within their neighborhood school districts is a violation of the Constitution.

In the Swann case, the Supreme Court itself stated that its own guidelines on schoolbusing are "incomplete and imperfect." Yet, a number of the lower courts have sought to impose integration programs on unwilling communities by little more than judicial fiat. The courts have had insufficient judicial precedents and no legislative guidelines to rely on. There has been a confusing array of different solutions in similar fact situations. Where a court—as it has in Clark County, Nev., and elsewhere—enters a decree that can be complied with only by forcibly busing children away from their neighborhood schools, the result is understandably loud and determined resistance.

Mr. President, I am unalterably opposed to any involuntary busing of children away from their neighborhood schools. I have opposed the use of Federal funds for this purpose throughout my service here in the Senate. I have consistently supported measures advanced here on the floor of the Senate to deny the Federal courts jurisdiction to order such busing. And I have joined in cosponsoring two pending resolutions to amend the Constitution to preserve the neighborhood school.

I think it essential that every Senator consider very carefully just what all this means in human terms. If we tolerate forced busing, we run roughshod over the desires and judgments of concerned parents all across the Nation. The decision where a family locates and invests a lifetime of toil in buying a home turns very often on the quality and nearness of the neighborhood school. The law should support such family decisions. It should not overturn them.

Forced busing means uprooting the young child from his home, family, and friends and transporting him long distances—and in some instances long hours—each day into strange surroundings and a questionable educational environment to achieve some artificial racial balance.

It means the abolition of the neighborhood school—the elimination of a time-tested source of community security, stability and cohesiveness.

For the parents, it means increased concern because of their inability to be available to the child in case of need.

For the community it often means a greatly increased financial burden. Money that should be devoted to improving the quality of education for all students has to be diverted to the mechanics of transportation.

But most deplorable of all is the complete disregard for the natural desire of the family to watch over and safeguard the development of its children through their tenderest years.

Mr. President, forced busing smacks of the "big brother" syndrome—the school that teaches that the State knows best—the trend of our times that leads evermore to the overriding of individual rights.

A recent Gallup poll indicates that some 69 percent of the American people nationwide oppose the forced busing of children to achieve desegregation. And that analysis indicated that very sizable proportions of our black citizens also oppose such busing.

I have indicated that the school system in Las Vegas, Clark County, Nev., is laboring under a forced busing order. And the people of Nevada have spoken out. Both black and white—oppose the busing of their young children to schools outside their home neighborhoods. They are properly outraged by the manipulation of their children as pawns of social reform by the Federal court. They want to be able to decide for themselves where they as families will live, where they will work, and where their children will attend public schools.

I ask unanimous consent to have printed at the conclusion of my remarks a statement by R. C. Lunnis, a notary public in Las Vegas, Clark County, Nev., certifying that 35,000 members of the community signed a petition calling for an end to forced busing and the preservation of their neighborhood schools.

I also ask unanimous consent that there be printed at the conclusion of my remarks a sampling of the heavy volume of mail I have received from Nevadans on this issue.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. BIBLE. As I have said, Mr. President, the courts have lacked firm and clear guidelines in their approach to school desegregation problems. The fact is they have carried too heavy a burden in cases involving the use of school busing. Not only the parents of the Nation, but the hard pressed courts as well need authoritative guidance on this critically important subject. And it is the obligation of the Congress to provide that guidance. It is the responsibility of the Congress—a responsibility already too long neglected—to provide legislation laying out the ground rules that shall govern in overcoming segregation in the public schools.

The Congress has explicit power under section 5 of the 14th amendment to pass legislation to enforce the equal protection of the laws guaranteed by that amendment. In the case of Katzenbach against Morgan, the Supreme Court held that, since the Congress has far greater fact-finding and interest-weighing ability than the courts, the Congress may by legislation bar an activity as being in contravention of the 14th amendment. It is up to the Congress to find the facts in the national interest and to define the remedies from which the courts may choose in acting to overcome racial segregation in the schools.

In my judgment, the bill now before the Senate does this in an entirely responsible way. It will meet the national need for a clear, rational, uniform Federal policy with regard to school desegregation. It will provide the courts and the nation a uniform, clearly enunciated standard for determining a school system's obligations under the 14th amendment. Its effect will be to overcome the conflict and confusion raised by inconsistent case law and arbitrary exercises of judicial discretion.

The challenge before the Senate is to act now to turn the Nation away from massive forced busing schemes and toward the development of better programs in all our public schools designed to provide our children the tools for creating a better society for us all. The nationwide standards and remedies and the additional Federal funding for disadvantaged schools this legislation provides will move us at long last along that road.

This legislation is unquestionably one of the most critically needed domestic measures that has come before the Congress in many years.

I strongly urge that it be passed by the Senate before the adjournment.

EXHIBIT 1

ATTEST TO TOTAL NUMBER OF SIGNATURES

There are 35,000 signatures on record with with Bus-Out and Parents for Neighborhood Schools as being opposed to forced busing and urging support to influence Senate action immediately.

Dated: September 29, 1972.

R. C. LUNNIS,
Notary Public—State of Nevada, Clark County.

My Commission Expires August 26, 1974.

LAS VEGAS, NEV.,
August 24, 1972.

Hon. ALAN BIBLE,
U. S. Senator,
Washington, D.C.

DEAR SIR: Today, August 24, 1972, the Clark County School District, has been ordered by a Federal Judge, to integrate our schools, to attain racial balance by busing all sixth grade students to the West Side of Las Vegas.

Please explain how this is possible. When the Congress and the President of the United States have voted against this form of integration, by busing elementary students.

The majority of the residents of Clark County are against leaving neighborhood schools for many reasons.

A reply will be appreciated.

Sincerely,

DONA I. MARTIN.

LAS VEGAS, NEV.,
August 25, 1972.

Senator ALAN BIBLE,
Las Vegas Blvd.,
South Las Vegas, Nev.:

Strongly protest busing ruling. Am within walking distance of two elementary schools. I will not permit my child to attend school on the west side. This means private school. Where are our constitutional rights. Act now.

JOLYNNE KARP.

LAS VEGAS, NEV.,
Sept. 14, 1972.

DEAR SENATOR BIBLE: This is the very first letter I have ever written to any office of a representative of the people. Many people have told me they have received concerned replies from you.

I am extremely concerned about the busing situation in our county and the country as well. The one opinion I have heard expressed by every parent I have spoken to is they are against it. It makes me wonder why the will of the people, who are *supposed* to be represented by government officials, is not being heard; why a small group of men say a child *has* to be sent out of his neighborhood to travel across town. By small group of men, I am referring to the Supreme Court of the U.S. The very word leaves a bad taste in my mouth. They have been so busy interpreting the "words" of the written law, they have lost sight of the purposes of the law.

We reside in a middle class neighborhood, three schools close, a grammar, high school, and Jr. High. I have a son three and I'm definitely affected by busing, or I should say will be. I have definitely made up my mind, there is no way he will ride a bus across town. He'll go to a private school first.

Up till now I have only written of dislike (a mild word) for busing. Now I would like to know *what can be done,* short of impeaching the Supreme Court? Isn't it time the people were heard? What about my constitutional rights?

I would appreciate a reply.

I'm just plain mad.

Sincerely,

MRS. CAROL TROUGH.

LAS VEGAS, NEV.,
September 5, 1972.

Senator ALAN BIBLE,
U.S. Senate Office Building,
Capitol Hill, D.C.:

Please stop the forced busing of our school children in Las Vegas.

Mr. and Mrs. GEORGE COZART.

LAS VEGAS, NEV.,
May 17, 1972.

Senator ALAN BIBLE,
Senate Building,
Washington, D.C.

DEAR SENATOR BIBLE: I know you are against busing, but I feel I must add my views to those already voiced.

It appears that they are proceeding with the busing issue here in Las Vegas. First let me say, I am against it. Why is Las Vegas going ahead with all the terrible expense of buying buses until a decision comes down from the Congress on the President's request for a moratorium?

My children already take a bus which takes sometimes up to 45 minutes one way, when, in fact, I drive them to school takes about 8 minutes. Because of this I often—at least one third of the time—drive them to school and pick them up. I am sure if they have to ride this stuffy, crowded, hot bus—and it is hot at least 4 months of the school year—across to the West Side from Paradise Valley they will miss much more school and lose interest in their studies. I certainly won't want to drive away over there to get them for all their after school activities.

What happens to their religious instruction they have once a week after school, piano lessons and sports activities? If it takes as much as 45 minutes to go to a school that is but 8 minutes away by automobile, how long will it take to go across town from Paradise Valley? Surely something can be done to make this more equitable.

Having grown up in Canada and gone to college with many blacks who were my friends, I feel I am without prejudice. They should have their opportunity—for example, open housing, but from the latest information there appears not to have been a great enough affect from busing on the quality of the black man's education to force this issue upon us. There has to be another way.

Sincerely,

(Mrs.) WALLACE E. FARR.

LAS VEGAS, NEV.,
June 6, 1972.

DEAR SENATOR BIBLE: I am writing this letter because of my deep concern over the mandatory school busing order handed down from the 9th District Court and Judge Bruce R. Thompson of Reno. I do not believe forced busing is in the best interest of the majority.

It is my belief that this country has gained, and maintained its strength and its standing in the world by operating under the democratic form of government. A government where the people decide, and are not *dictated* to by any one person, or small groups of persons. I believe that an issue as important as this one should be put on the ballots across this country, so that every man and woman can let their elected officials know how they feel.

Speaking for myself, I purchased my home 10½ years ago. At that time we had one child not yet in school, but we chose the area because the grade school, jr. high, and high school were all within walking distance. I am sure for most parents this is one of the major factors when purchasing a home. Therefore, it is against my convictions that a few people, or one person can dictate to me where I have to send my children to school. It appears to me that the people's individual freedoms, on which this great country was founded, are getting fewer and fewer.

As I stated before, if this issue of busing were put to the people for a vote, and I feel in my heart this issue should be, I strongly feel that even the minorities of this country would be against it. I do not think anyone whether they are black, red, brown, yellow, or white wants to see their small children put on a bus and transported miles across town to go to school. If I am wrong in my thoughts and beliefs I would feel at that point that it was my duty as an American to go along with the majority. But then I feel that at least all our citizens whatever their race would be getting what they feel is right, and not just what the few want. I do believe our courts in this country are taking too much for granted as far as their authority goes.

Respectfully yours,

JANET R. FARTHING,
LAREY E. FARTHING.

LAS VEGAS, NEV.,
June 2, 1972.

DEAR SENATOR BIBLE: I'm a resident of Las Vegas, writing you regarding the busing of our sixth grade students. This act in my eyes is an unconstitutional move! How can this be right?

I am the mother of a son who will be affected by this unjust action. We live two blocks from the school, he attended for 5 years, now he will get on a bus next Sept., along with hundreds of other sixth grade students and travel from 5 to 7 miles to West Las Vegas. My dear man does this make sense to you? I call this an outrage, don't we have more affective ways of spending federal and state funds, lets improve our schools, down with this trial and error business!

Are you aware children that are bused, won't have the time for after school activities or arrive home in time for necessary medical appointments. The children will find it necessary to arise earlier and arrive home later.

This is a gross miscarriage of our rights as Americans.

I for one protest, we need our leaders' help. What can we do to help you help us?

Sincerely,

ANNETTE KOEMPEL.

LAS VEGAS, NEV.,
August 26, 1972.

Senator ALAN BIBLE,
Las Vegas Boulevard,
South Las Vegas, Nev.:

Strongly protest forced busing ruling. Am in walking distance of two elementary schools have placed my son in private school which as a widow I can ill afford. Where are our constitutional rights? Why do we buy our homes near the schools we want our children to attend? Lets do something about this—now.

LOUIS E. MCGUIRE.

LAS VEGAS, NEVADA,
September 1, 1972.

Honorable ALAN BIBLE,
Senator from Nevada,
Capitol Building,
Washington, D.C.

DEAR SENATOT BIBLE: As a parent of three children, I would like to voice my concern over recent action by the courts ordering the integration of Clark County Schools by busing. I firmly believe in the concept of the neighborhood school and would appreciate your support of legislation to uphold this historically honored principle.

Sincerely,

Mr. & Mrs. PHILLIP HARDY.

LAS VEGAS, NEV.,
August 12, 1972.

DEAR SENATOR BIBLE: Soon school will be starting again and as usual things are up in the air. As a parent, I have like a lot of other mothers adopted a wait and see policy, but this is the last time for this attitude. If I don't voice my view, how are you our elected officials to know my feelings.

It seems strange that the NAACP and the League of Women Voters can disrupt our whole school system. Have these two organizations just once asked the parents of both black, white and other minority races their feelings. No, not once. Isn't it a shame only a few voices are heard and just for their own gratification. On one thing I agree, education can be up-graded but not by busing children all over the city. I've been working closely with the school my son attends and this is the view I get from the minority children. They are fine during the day but when school ends they turn bitter because as the day ends they must go back to their own neighborhoods. This is no fault of teachers, students or other parents. Believe me I am no hard-core white since by neighborhood is at least 40% minority.

I'm very much against forced busing and feel that if this occurs you will be violating my civil rights, the freedom of choice. Why can't the schools be open zoned and unrestricted by neighborhood??

I think you should know my son is only going into fifth grade but that the sixth grade plan will affect him and many others since they attend school on a zone variance.

Thank you for reading this letter and I'm sure many parents feel the same as I do.

Sincerely yours,

Mrs. Charles R. Horden.

Las Vegas, Nev.,
September 10, 1972.

Dear Senator Bible: It has been brought to my attention that Senator Allen of Alabama is going to *attempt to bring to the floor* a bill to end forced busing, and I would like to add my voice to the many that must be urging you to support it. It means a great deal to me. As the mother of a very asthmatic child, about to enter 6th grade, I am faced with being forced to expose my child 1½ hours a day, to diesel bus fumes, which can bring on attacks of asthma—any one of which can cause the heart and lung damage that so far we have been fortunate enough to avert.

What is the answer—

1) Bus him—and run the risk of ruining the health of our only child.
2) Private school—all full to capacity.
3) Keep him home—and have the school district file suit against us.

Is there no way open to us that would satisfy the needs of all involved?

I would appreciate hearing from you if you can think of anything that could possibly be of help to us.

Our thanks for all the hard work and long-hours you put in as our Senator. It's a job well done.

Most sincerely,

Mrs. Betty Muñiz.

Las Vegas, Nev.,
August 25, 1972.

Senator Alan Bible,
Senate Office Building,
Washington, D.C.

Dear Sir: As I'm sure you are aware by now, Clark County is being forced by the courts to start busing our children this coming school year. As I'm sure you are also aware a great majority of the people are against this forced busing. It is beyond me how a small group of people can force upon us an action such as this. Neither the blacks or whites want this busing but it's still being forced on us, and I feel this issue is spliting the races apart more than anything has in the last 20 years. I have yet to speak to anyone that agrees with this busing or feels it is accomplishing anything other than wasting money. It makes me wonder who these groups or group are that insists we have busing. Are they trying to help America or split it?

Some of my friends and neighbors are moving out of the area and State to get away from this busing. Others are sending their children to relatives out of State to get away from it. This does not seem like freedom nor is it fair that courts should have the power to split the families like this. I do not know yet what final action I will take to prevent my child from being bused approximately 13 miles to the West side of town rather than go to the school ¾ miles from her home, my writing to you and asking for your help is the first thing. I know you have indicated you are opposed to busing, I feel congressional action is the only way it's ever going to be stopped. I would very much appreciate it if you would lend your support to the anti-busing bill and have it passed prior to the start of this coming school year if at all possible. Thank you.

Sincerely yours,

Wayne A. Cardinal.

Las Vegas, Nev.,
August 29, 1972.

Honorable Alan Bible,
U.S. Senate.

Dear Sir: I know you are keenly aware of the recent decision by Judge Bruce Thompson in Reno concerning Clark County and the "6th Grade Plan" on busing of school children. I am concerned and upset with this decision and want you to know it.

I am a career Air Force NCO. I purchased a home here in Las Vegas when I was assigned to Nellis AFB in December 1971. The home I bought is in a prestige neighborhood, and the school my children were to attend was a prime consideration in choosing it. It is 4 blocks away from my home. Now my oldest child is to be bussed approximately 15 miles to a school in an all black neighborhood. Next year my youngest must go thru it. I do not appreciate it.

My question to you, Sir, is how can a Judge, one man, arbitrarily overrule what the President of the United States publicly stated is his policy and the Congress of the United States said would be done? Both have made their positions abundantly clear. There is little doubt bussing is not in the public's interest nor is it the public's desire, yet this Judge orders it. Is our judicial system no longer responsive to the public will? Does what the majority want no longer count?

My children will be bussed (at a cost of $1,500,000 to Clark County Tax Payers by the way) for one year. Black children will be bussed 11 of their 12 school years. If bussing is unfair to my children, it is grossly unfair to black children. Has Judge Thompson considered them and their feelings? I doubt it!

Sir, I don't know if there is much you can do to reverse this idiotic situation, but at least I have done all I can to register my feelings. Thank you for your time.

Yours truly,

Ronald G. Glover.

DEBATE ON CLOTURE MOTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour under rule XXII for debate on the motion to invoke cloture on tomorrow begin at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, October 9, 1972, he presented to the President of the United States the following enrolled bills:

S. 520. An act to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes;

S. 976. An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; and

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1197 and 1200.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMENCING ACTIONS ON BEHALF OF AN INDIAN TRIBE, BAND, OR GROUP

The bill (H.R. 13825) to extend the time for commencing actions on behalf of an Indian tribe, band, or group was considered, ordered to a third reading, read the third time, and passed.

NATIONAL CEMETERIES ACT OF 1972

The Senate proceeded to consider the bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Cemeteries Act of 1972".

Sec. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24—NATIONAL CEMETERIES AND MEMORIALS

"Sec.
"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1972;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1972, or later acquired or developed by the Administrator.

"§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary of such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may alao transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits.................. 901"

the following:

"24. National cemeteries and memorials .... 1000".

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Counsel of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carry-

ing out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate officers and employees of the Veterans' Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest without a warrant for any offense committed upon such property if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c)(1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following:

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.".

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospital and domiciliary reservations.".

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veterans, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new sections:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Conferate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

"§ 907. Death from service-connected disability

"In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under section 902 and 903(a)(1) and (b) of this title."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) by adding at the end thereof the following items:

"906. Headstones and markers.

"907. Death from service-connected disability."

SEC. 6. (a)(1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator or Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (46 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes," approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes," approved March 23, 1928 (45 Stat. 354).

(18) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes," approved February 28, 1929 (34 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes," approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes," approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes," approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes," approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes," approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the

fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes, approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (79 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act mak-

ing appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

Sec. 2. The first sentence of section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

Sec. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia, who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Sec. 10. (a) Notwithstanding any other provision of law, no real property under the jurisdiction or control of the Veterans' Administration may be transferred (by sale, lease, or otherwise) to any other department or agency of the Federal Government, to any State or subdivision thereof, to any territory or possession of the United States, or to any public or private person or other entity—

(1) in any case in which the fair market value of such property (including all improvements to such property) exceeds $100,000 or the area thereof exceeds one hundred acres, unless the transfer of such property is specifically authorized by a law enacted after October 1, 1972, or unless such property is transferred pursuant to authority contained in title 38, United States Code; or

(2) in any case in which the fair market value of such property (including all improvements to such property) is $100,000 or less and the area thereof is one hundred acres or less, unless written notice of the proposed transfer of such property is given to the Committee on Veterans' Affairs of the Senate and the House of Representatives at least thirty days prior to the transfer of such property.

Sec. 11. (a) The first section and sections 2, 3, 4, 8, and 10 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

Mr. MONDALE. Mr. President, on March 6 of this year, I introduced S. 3292, to equalize opportunities for members of the executive and judicial branches to be interred in Arlington National Cemetery.

Section 1007 of the bill we are currently considering instructs the Administrator and the Secretary of Defense to conduct a comprehensive study of the appropriateness of maintaining the present eligibility requirements for burial at Arlington—and to report their findings to Congress within 6 months after the convening of the next session of Congress.

I urge that when this study is performed, special attention be given to the problem of providing equality for interment at Arlington. In particular, I urge that the judicial and executive branches be treated equally on this matter, and that judges of the U.S. Court of Appeals and the U.S. district court be eligible for interment in Arlington on the same basis as members of the executive branch whose pay is prescribed by levels II, III, IV, and V of the executive salary schedule.

I trust that this inequity will be removed by this study, and that members of the Federal judiciary will be placed on a fair and equal footing with members of the executive branch.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1256), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

INTRODUCTION

The full Committee on Veterans' Affairs conducted two days of hearings on national cemetery legislation on February 22 and 23, 1972. These hearings covered S. 2052, which would establish a national cemetery and thirteen other bills referred to and pending before the Committee on Veterans' Affairs which would establish new national cemeteries in various states. Testimony was presented by Administration spokesmen for the Department of Defense and the Veterans' Administration. Additional testimony was received by the Committee from all major veterans' organizations and spokesmen for consumer groups and the private cemetery industry. Subsequent to the hearings, the House of Representatives passed its own bill, H.R. 12674, to establish a National Cemetery System. The full Committee met in executive session on September 26, 1972 to consider a committee substitute to H.R. 12674 which combined certain portions of the House passed bill and S. 2052 as originally introduced together with additional amendments. The Committee unanimously approved and ordered favorably reported H.R. 12674 with an amendment in the nature of a substitute.

SUMMARY OF COMMITTEE SUBSTITUTE

The basic provisions of the Committee substitute to H.R. 12674 are as follows:

"(1) Establishes within the Veterans' Administration a National Cemetery System which would consist of national cemeteries transferred to the VA from the Department of Army and cemeteries presently under the jurisdiction of the VA. Certain Army post cemeteries could be transferred if the President deems it appropriate. Exempted would be Arlington National Cemetery and those cemeteries located at the service academies. The American Battle Monuments Commission would not be transferred by this bill nor would cemeteries under the jurisdiction of the Department of Interior. In addition to the transfer of the cemeteries, the VA would also assume responsibility for the Government Marker and Headstone Program currently administered by the Department of the Army. The transfer would take place on or before July 1, 1973. Authority to maintain and run the National Cemetery System is contained in new chapter 24 to title 38, United States Code.

"(2) Directs the VA to conduct a comprehensive study and submit recommendations of on or before July 1, 1973 as to what our National Cemetery System and national burial policy should be.

"(3) Authorizes a special burial plot allowance of $150 (in additional to the present VA allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery. Additional benefits of up to $800 are authorized for veterans who die of service-connected disabilities.

"(4) Provides broader authority to the Administrator of Veterans' Affairs (virtually identical to the current authority of the General Services Administration) to establish standards of conduct and arrests for crimes on VA property.

"(5) Authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery.

"(6) Prohibits, except pursuant to public law or authority under title 38, the transfer of any VA land in excess of 100 acres or $100,000 in value. Any property under 100 acres and $100,000 may be transferred without such authority but thirty days advance notice must be given to the House and Senate Committees on Veterans' Affairs."

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNDERFINANCED, OVERBORROWED CONDITION OF THE GOVERNMENT

Mr. HARRY F. BYRD, JR. Mr. President, yesterday, TV station WRC, an NBC affiliate in Washington, carried a most interesting program. It is "Deena Clark's Moment With," a regular Sunday program and yesterday her program interviewed Eliot Janeway, one of America's most influential economists.

Mr. Janeway is a columnist, author,

and lecturer. His widely syndicated column reaches 9 million readers in the United States and a dozen other countries.

Deena Clark is a very able interviewer, a person who does her homework well and digs in for the meaningful side of a discussion.

In this interview with Deena Clark, Mr. Janeway said that those who are doing best in this inflation:

> Are those who are protecting their positions, getting ready for the danger of the next tax increase, which will take a big bite out of everyone.

Mr. Janeway thus voices what many people believe will be the situation come 1973 or possibly at the latest, 1974—namely, that if this runaway spending is not controlled—and I see no evidence that it is being controlled—then a huge tax bite will be demanded by those in authority and power in Washington.

In the discussion Mr. Janeway said that he is not nearly as concerned, for the international dollar as "I am for the domestic dollar."

I agree with him on that.

Eliot Janeway said:

> I think the source of the trouble, and I venture to say that chairman Burns will agree with that judgment, is the underfinanced, overborrowed condition of the Federal Government.

The Senator from Virginia says amen. Most certainly, the Federal Government is over-borrowed.

Then Mr. Janeway continues:

> And that when the Federal Government fans the flame of inflation, it is by reason of its overborrowing, and then turns around and collects from folks out in the private economy, its customers, namely its taxpayers, it is rather in the position of the pot calling the kettle black.

Mr. President, I have been contending for some time that we will not get inflation under control by telling the workingman to hold down his demand for wage increases and by telling the businessman to hold down his demands for price increases. It will help some. But we are not going to get inflation under control until the appetite of the Federal Government is brought under control.

In another part of Mr. Janeway's interview, he said:

> The real issue is how America is going to refinance itself.

That is another way of saying, "How are you going to put more taxes on the people and on whom are you going to put them, and to what extent."

And when we talk about taxes, Mr. President, we are talking about the average citizen, the person in the middle economic bracket, because that is who pays the bulk of the taxes.

That is why I say that we in Congress have an obligation to handle tax funds as a public trust. I do not see much evidence of that. I do not see much evidence of that in the Congress, and I do not see much evidence in the administration, in the executive branch of the Government.

It is very significant that the bulk of the taxes are being paid, and under whatever system may be devised will continue to be paid, by those in the middle economic group. They are the ones who are being hardest hit, those in the income bracket from $12,000 to $20,000 and $25,000. They are the ones who are being hardest hit by taxes and by any increase that will be made in the taxes.

It was significant to me that this able economist, Eliot Janeway, seems to think that a tax increase will be proposed next year or rather soon. But instead of a tax increase, what we ought to do, what the Congress ought to do and what the administration ought to do, is to try to get this swollen spending of the Federal Government down to a reasonable level. It is up $18 billion in 1 year, nearly 10 percent.

It has gotten entirely out of hand. It is, as Mr. Janeway indicated, fueling inflation and fanning the fires of inflation.

Then Deena Clark asked Mr. Janeway about international money. The colloquy follows:

> DEENA CLARK. Well, we'll go on with another point that has to do with international money. I think that everybody agrees that one major point that came out of the recent international monetary fund meeting in Washington is the acknowledgment that global money reform is a must. Do you think the six point program proposal made by Secretary Schultz will lead directly to the creation of a single global currency?
>
> ELIOT JANEWAY. Certainly not.
>
> DEENA CLARK. Certainly not?
>
> ELIOT JANEWAY. Oh no.
>
> DEENA CLARK. Well then, what . . .
>
> ELIOT JANEWAY. Suppliants can't deal from strength. The United States is the biggest beggar in the world today. We've been enjoying the benefit of low interest rates which go with the government not needing money at a time when the government has been borrowing from Europe and exporting its deficit. That is not going to continue, not on the scale on which the government now needs to bring money in from abroad. Until the United States government gets its own house in order, I seriously doubt whether those banking it in its bankrupt condition are going to be listening to its leaders. There's an old saying that beggars can't be choosers. Well, they certainly aren't going to be leaders.

Mr. Janeway did not bring out the figure—but U.S. liquid liabilities to foreigners is $67 billion.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation I have prepared entitled, "Deficits in Federal Funds and Interest on the National Debt, 1954–1973 Inclusive."

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[Billions of dollars.

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972	148.8	177.7	−28.9	21.2
1973[1]	152.6	190.4	−37.8	22.7
20-year total	1,929.3	2,140.6	211.3	241.9

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. HARRY F. BYRD, JR. Mr. President, this tabulation shows that in 3 fiscal years, 1971, 1972, and 1973, the Federal Government has run an accumulated deficit in those 3 years of almost $100 billion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. ALLEN. Mr. President, H.R. 13915, the Equal Educational Opportunities Act of 1972, frequently and erroneously referred to as an antibusing bill, is necessary to prevent chaos in and eventual destruction of the public school systems of this country.

Our public schools are in an undesirable state of confusion as a direct result of abuses of power by the Federal judiciary and Federal bureaucrats undertaking to implement a sociological hypothesis which has long since been abandoned.

The courts and the bureaucrats have used our schools and our schoolchildren—white and black alike—as guinea pigs. The American people resent the dehumanizing effects of the mechanized and computerized approaches used in these experiments, and it is up to the Congress to place a limitation on the remedies and court rights and on the remedies that can be applied to guarantee every citizen the equal protection of our laws as required by the 14th amendment.

And it is up to Congress to place limits on the remedies which can be imposed by the judiciary.

The bill which we are debating can become a political time bomb if we do not take action before the November elections. I have, in the past, predicted that Congress must take some action in this matter or face a political reaction which may drastically reshape the membership of the body, and possibly jurisdiction of the U.S. Supreme Court. The House of Representatives has taken action and sent to the Senate a bill which will, at least, standardize remedies available to Federal courts in every section of the country.

Now, Mr. President, this will not provide a uniform system for desegregating the public schools of this country, but it will provide that when a Federal court enters a desgregation order, and we recognize these orders are being issued in the South largely, rather than in the North, but when a desegregation order is entered then the remedies that are used by the Federal courts shall be uniform throughout the country.

There is a vast distinction as to the uniformity. There is not a uniformity that would require action in the Federal court to break down segregation in the North, just as it has been broken down in the South. But when movement is made in that direction by a Federal court the bill provides a definite order in which remedies can be applied. So the bill does not deal at this point in substantive rights; all it does is to provide the remedies that the Federal courts may use throughout the country in implementing and carrying out the provisions of the desegregation order.

In the meantime, a companion Senate bill, which was introduced earlier this year, I believe in March of this year (S. 3995), lies untended and forgotten somewhere in committee archives.

So they say, who was not this bill sent to the committee when it came to the Senate? A similar bill has been resting there and in committee since March. They would not turn out the Senate bill; what assurances was there they would turn out the House bill?

Mr. President, those of us who support this legislation are ready to be counted. Votes for or against the bill will serve to identify those who either do not recognize the existence of abuses of judicial and bureaucratic powers or who else favor the dehumanizing desegregation process as currently in effect.

Mr. President, the majority leader, the distinguished Senator from Montana, has, in his usual manner, played fair and square in standing by his commitment that this bill would receive a hearing before the Senate, the world's greatest deliberative body. I pay tribute to him for his patience and for his forthrightness. We have had too much cold, impersonal, and dispassionate discussion of the problem and not enough concern for the welfare of parents and children and of our public schools. The bill that is before us is essentially what those who oppose it has been advocating for years. Why do they now seek to delay action? What more can they say which has not already been said time and time again?

Mr. President, the Senate should proceed to act on this bill.

The PRESIDING OFFICER. The bill is open to further amendment.

ORDER FOR RECOGNITION OF SENATORS BENNETT, FANNIN, HANSEN, GRIFFIN, WILLIAMS, AND MOSS ON THURSDAY, OCTOBER 12, 1972.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders have been recognized under the standing order, the following Senators be recognized each for 15 minutes and in the order listed: Mr. BENNETT, Mr. FANNIN, Mr. HANSEN, Mr. GRIFFIN, Mr. WILLIAMS, and Mr. MOSS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALLS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to amendment.

Mr. MONDALE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Must some business be transacted by the Senate separating orders for quorum calls?

The PRESIDING OFFICER. The Senator is correct, there must be some business.

Mr. ALLEN. Then the Chair should not have accepted the demand of the Senator from Minnesota that there be a quorum call a moment ago, no business having been transacted between the calls?

The PRESIDING OFFICER. That is not a self-enforcing rule. A point of order must be made from the floor of the Senate.

Mr. ALLEN. A point of order would be business, then; would it not?

The PRESIDING OFFICER. The answer is "Yes."

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. MONDALE. Mr. President, I send to the desk an amendment and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will be at the desk.

Mr. MONDALE. I ask unanimous consent that I may yield to Senators STENNIS and PACKWOOD without losing any right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the need for immediate action against forced busing is clear, and I commend the distinguished Senator from Alabama (Mr. ALLEN) and other Senators for having stopped this bill at the door, so to speak, and for having moved to bring it directly to the floor for a vote without first sending it to committee. I do not believe that further committee consideration of this bill is either necessary or justified. Although we should never rush to legislate or legislate under the gun, the House gave careful committee consideration to this bill, and most of its provisions are nearly identical to provisions of earlier bills which have been before us, and which were studied and debated at length. Furthermore, the Education Subcommittee of the Senate Labor and Public Welfare Committee has held extensive hearings on the Senate version of this same bill, and the members of that subcommittee can lend us all needed assistance in suggesting remedies by floor amendment for any constitutional or other problems which Senators feel are raised by the House bill. The Senate is well informed on the meaning of this bill generally, and on the effect of its provisions, and I see no reason why, after reasonable debate, we should not vote on it up or down.

Mr. President, the problem of forced busing is one of the most serious domestic issues in America today. It is a problem which Congress has both a right and a duty to try to solve. Now, I recognize that there are other pressing matters for the Senate to consider before the end of this session, but I honestly know of none which concerns more Americans in a more vital way than the problem of busing.

In spite of its importance, however, various reasons have been given here on the floor of the Senate, and also in the media, why we should not consider H.R. 13915, the Equal Educational Opportunities Act, which some call the antibusing bill. I submit that none of those so-called reasons for not acting on busing will hold up under close scrutiny.

Some have said that most legislators do not want to legislate to stop busing, but simply want an issue to use in their campaigns during the upcoming elections. I totally deny that statement and all its implications. The overwhelming vote by which this bill passed the House shows the deep concern and commitment here on Capitol Hill for actually doing something about busing rather than just talking about it.

In fact, I feel that there is a great deal of sentiment here in the Senate for taking constructive action to halt excessive forced busing, even among Senators who have no busing problems in their States and who oppose busing purely on principle, and I feel that if the issue is considered on the floor, and brought to a vote, H.R. 13915 will receive a large number of votes, and will pass.

But before making any premature predictions of success, I wish to discuss briefly the reasons why the bill is needed and to dispel some of the doubts and misconceptions about it which have been raised in the media and elsewhere.

First of all, as to the magnitude of busing nationwide and its effects, which have been consistently underestimated in much of the press, I would lay before the Senate these facts. As most Americans know by now, a Federal district judge in Detroit, Mich., has ordered the most massive forced busing of schoolchildren in the history of our country. The judge's order requires that, in order to integrate some 780,000 schoolchildren in Detroit and 53 suburban districts in three adjoining counties, some 310,000 schoolchildren be bused from the suburbs to the inner city and vice versa. Bus rides of 45 minutes in each direction will be common under the order, and children of kindergarten age are included. Although the Detroit busing order will probably not be put into effect until after the Supreme Court has ruled on the case, it is but one example of what is already happening to our schoolchildren in the South and will soon be imposed upon schoolchildren all over the Nation unless we in Congress act to prevent it.

Similar busing orders are already in effect on a massive scale throughout the South. In Charlotte, N.C., over 46,000 children are being bused purely because of their race. In Nashville, Tenn., over 48,000 children are being so bused. In Tampa, Fla., 23,000 schoolchildren are being bused for purely racial purposes. The same is true for Jackson, Miss., and Memphis, Tenn. The list of places where massive busing orders are either already in effect or pending in court reads like the roster of great but troubled American cities: Detroit, Boston, San Francisco, Denver, Indianapolis, Buffalo, Oklahoma City, Milwaukee, Richmond, and so on, across the country.

Nor is the question of forced busing purely an emotional issue, although it has been infused with emotion because children are involved, and parents are always deeply emotionally committed when they see the welfare of their children threatened by unwise government interference in their lives. That is how the issue looks to parents. We, as legislators, are equally concerned, but also should try to take a more dispassionate view, and look down the road, beyond the emotions of the moment, to the future of our schools and of children yet unborn.

We, as lawmakers, must see the busing issue for what it really is: The reasonable and sensible objections of a mature, sane, and freedom-loving society to an artificial and destructive program of Central Government interference which is disrupting and undermining our public schools. Busing began, in theory, as a limited tool for giving children in inferior public schools a chance at an equal education. In practice it has grown to such monstrous proportions that one city has seriously considered using trains to send children to faraway schools as part of a "busing" plan.

Mr. President, we are placing on the backs of our own small children the heavy burden of a massive social change. It is unconscionable to me when I think of what has happened and what is continuing to happen to our public schools.

Nor is opposition to busing a limited, or minority movement, as some have tried to suggest. Forced busing has become a serious national problem. It cuts across all party, regional, and racial lines. The New York State Legislature has enacted a moratorium halting further busing. Governor Rockefeller has announced his approval of it. The Black Political Convention held in Gary, Ind., this spring also voted to condemn racial busing. Polls by Louis Harris and Newsweek have shown heavy opposition to forced busing. Voters in the Florida Democratic primary overwhelmingly voted their opposition to busing. Every time American voters have been given the opportunity to express their opinions, they have voted that busing should stop.

Mr. President, the people of this country, north and south, black and white, from all regions and of nearly all persuasions, are overwhelmingly opposed to the massive busing which some Federal courts have continued to order. Nevertheless, in spite of public opinion and the wishes of the voters, Congress and the executive branch still have taken no really decisive action.

While I supported the recent bill, known as the Education Amendments of 1972, because I agreed with its principles and because I thought it was a first step in the right direction, its moratorium provisions have not proven effective in court, and this I had predicted, because they apply only to busing for racial balance and not to all busing away from a child's neighborhood schools, as H.R. 13915 does. In passing the present bill and sending it on to us for approval, the House of Representatives has done its duty and met its responsibilities, and the time has now come for the Senate to do the same by acting decisively on the issue of busing, and passing the bill now.

Another argument which has been made against this bill is that it would be struck down by the Supreme Court as unconstitutional. That argument also is invalid. The bill certainly raises some constitutional questions as to division of authority between Congress and the Supreme Court, but those have been discussed and debated at great length in consideration of earlier bills, and we have thoroughly digested those theories. Excellent briefs with exhaustive authorities on that question have been placed in the record by the distinguished Senator from North Carolina (Mr. ERVIN) one of the Nation's most respected experts on constitutional law. As many other nationally prominent and respected legal scholars have stated, Congress has authority to legislate in this area in order to set up long-term methods and standards for implementing the provisions of the 14th amendment. The setting of such rules and guidelines is necessarily a legislative function and not a judicial one now that the Supreme Court has already ruled that equality of educational opportunity means that no student shall be excluded from any school on account of his race. We accept that decision and are not trying to overturn it. It is, however, up to Congress to provide legislation dealing with the broad and entirely unprecedented changes required by the Supreme Court's sweeping decision.

This bill, H.R. 13915, is such legislation, and deals with school problems in a broad and inclusive way, as only Congress, and not the courts, can do.

First, the bill provides Federal financial aid to students from low-income families in order to insure equality of educational opportunity for all American schoolchildren.

Second, it preserves the neighborhood school concept, which is really the heart of the busing issue. Practicality and commonsense dictate that the neighborhood is the only appropriate basis for school assignments, and even proponents of busing recognize that this must be true in the long run.

Third, the bill provides remedies to help students achieve equal educational opportunities while forbidding excessive busing, which only serves to disrupt the education of all without improving the education of anyone.

Fourth, this bill will enable the Attorney General of the United States to intervene as a party to any school desegregation suit on the side of the school board, which under present Federal law he cannot do. Mr. President, in recent months this country has seen the absurd spectacle of Federal courts closing their doors to the U.S. Justice Department, the attorney for the U.S. Government, even when it wished to take the side of local school boards facing inhumane busing orders not required by commonsense, the law, or any provision of the Constitution. Under present statutes, the Government may assist only complainants in school cases, and is barred from helping school boards even though the local school board is correctly following the law. H.R. 13915 would also remedy this shocking situation.

Fifth, and most important of all to those of us in the South, where unconscionable busing orders are already in effect, whereas in the North they are only a threat, this bill permits petitions for reopening by local school boards of court orders now in effect in order to bring those orders into line with the provisions of this bill. That, Mr. President, is the very heart of what I have fought for here on the floor of the Senate for several years—one uniform policy on school desegregation, applicable nationwide, which would be fair and reasonable and guarantee to each child a quality education in his own neighborhood.

The parents of school-aged children all over the Nation have a right to know exactly where each candidate for election this year stands on the question of busing. It is these parents whose children will suffer if unwise policies are formulated and enforced, and it is their taxes that pay for education. The issue of busing is discussed in the platforms of both major national political parties, which shows its importance. Each Senator should now go on record as to his position on this vital issue, and this bill is the perfect occasion for doing so.

Every citizen of the United States has a right to know whether a candidate would continue the policy of enforcing desegregation mandates more rigidly in their region than in others, or if he would enforce desegregation laws uniformly and equally in all regions. The people of the North have a right to know if a candidate would subject their school systems to the same kind of treatment that the schools of the South have been put under for the last several years.

I repeat what I have said many times: Come what will, we in the South will live with and will move forward with and will abide by any policy on this subject that the American people are willing to take seriously enough to enforce on themselves. I made that proposal here years ago, and I renew it today. That is not defiance; that is a willingness to come together and find a way.

This issue is of such vital concern that it must not be circumvented by any candidate in this year's congressional and presidential elections.

That is my way of saying that it is not just a political matter. It is too important to our children's education and, therefore, this Nation's future, to allow any vague or imprecise statements to be issued on the subject. The issue deserves a solid vote here in the Senate, just as it had in the House.

I trust, and I strongly believe, that we will get to such a vote in this session of Congress. I await developments with interest and with profound respect for the Members of this body.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ALLEN. Mr. President, I highly commend the able and distinguished Senator from Mississippi for his outstanding speech on this most vital subject.

I have followed the leadership of the distinguished Senator from Mississippi. I have heard him say on the floor of the Senate, time and time again—and I reiterate it for myself, following the policy he has enunciated—that the people of Mississippi, the people of Alabama, the people of the South, will cheerfully abide by any uniform rule regarding desegregation of the public schools of our section of the country that the people of other sections are willing to follow.

We do not ask for a separate rule. We do not ask for special privileges. All we are asking is to have the same rule apply to the South as is applied in the North—that is, if segregation is good for the South, it is good for the North; if busing is good for the South, it is good for the North. Give us the same rule in the South that is followed in the North, and we will be happy.

Again, I express my appreciation to the distinguished Senator from Mississippi for his moral leadership, for the fight he has conducted for fair treatment for all schoolchildren throughout the country, in seeking to guarantee to them a good education uniformly throughout the United States.

Mr. STENNIS. I thank the Senator from Alabama. I thank him for his special outstanding contribution in this debate. He got this bill considered in a way that would put it on the calendar, and he was successful in bringing it to this debate. He deserves a great deal of credit, and I believe the bill will be passed.

A SNARE AND A DELUSION

Mr. PACKWOOD. Mr. President, I oppose this bill, H.R. 13915, as a cynical attempt to legislate what is already the law of the land in order to win election votes. The American people are being given the impression that this bill will change things and will solve all their problems with busing; that it will stop busing and preserve the neighborhood school. They are in for sad disillusionment.

Let us examine this bill closely. Section 3 says that Congress finds that:

> The maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment.

This was established in 1954 in the Supreme Court decision in Brown versus Board of Education. It is nice of Congress to agree with what is already law. This section further says:

> Transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive.

In the Swann et al. versus Charlotte-Mecklenburg Board of Education the Supreme Court has already stated:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process. . . . It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students.—Swann et al v. Charlotte-Mecklenburg Board of Education, p. 26.

This bill is rewriting Supreme Court decisions and calling it a new law.

In addition this bill quotes the Supreme Court as saying that guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been "incomplete and imperfect." As so often happens when quotes are taken out of context the meaning is modified. Actually the Supreme Court said:

> The problems encountered by the district courts and courts of appeals make plain that we should now try to amplify guidelines, however incomplete and imperfect, for the assistance of school authorities and courts.—Ibid., p. 9.

This is what the Court proceeded to do in the Swann decision. And they further said:

> No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations.—Ibid. p. 25.

Various groups with the necessary expertise have expressed the opinion that the limitations on busing in this bill will eventually be declared unconstitutional. In the light of the above quote this seems very possible. This means that the American people, if we pass this bill, will think busing has been restricted. School districts will reorganize the assignment of pupils accordingly and then the Supreme Court will rule against the act and it will all have to be redone, which, needless to say, is costly in funds as well as in the disturbance to the children. Proponents of this bill bewail the waste of money on costly busing and yet they do not hesitate to support something even more costly.

Mr. ALLEN. Mr. President, will the distinguished Senator from Oregon yield for a question?

Mr. PACKWOOD. I am speaking on the time of the distinguished Senator from Minnesota (Mr. MONDALE). I should like to finish if I could. I have only one more page, and then I will be glad to yield to the Senator for a question.

Mr. ALLEN. I thank the Senator very much.

Mr. PACKWOOD. Mr. President, incidentally, available figures do not support the contentions that court orders have required massive busing or expenditure of huge sums of money. Twenty-three out of the 100 largest school districts were under 1971 court orders or HEW plans to desegregate. Of these 23, those with available transportation figures for 1970 and 1971 showed six with an increase of less than 10 percent, 12 with an increase of from 19 to 67 percent and three with exorbitant increases. The Lambda Corp. report titled "School Desegregation With Minimum Busing," dated December 19, 1971, but only circulated in April 1972, demonstrates how, with proper planning, almost complete elimination of segregation seems possible with reasonable time of travel and numbers bused. The excessive busing is more likely due to inefficient plans by inexperienced planners. Rather than cluttering up the statutes with unnecessary words and adding to burgeoning bureaucracy, Congress would do better to spread the lesson of the Lambda Corp. report. The increased cost of school transportation from 1970–71 to 1971–72 was $500 million but 95 percent of that was due to population growth and less than 1 percent due to desegregation. And these polls that are quoted to show that most Americans are against busing do not mention that each year the figure decreases. The Gallup poll in spring of 1970 showed 86 percent against busing, 11 percent for it and 3 percent undecided.

By fall of 1971, 76 percent were against, 18 percent for and 6 percent undecided, and in the spring of 1972 the poll showed 69 percent against, 20 percent for and 11 percent undecided. And we are supposed to believe this bill expresses the will of the people. It would seem to be falling behind the times.

This bill, I believe, is superfluous and will add to the complexity of the problem rather than solve anything. Its proponents speak often of being in support of desegregation and the elimination of discrimination but against sociological balancing of the races. This bill is supposed to prevent such actions. Here again if one studies the Swann decision, one finds this has already been expressed.

> The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities—*Ibid.* p. 18.
>
> If we were to read the holding of the District court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole—*Ibid.* p. 19.
>
> We see therefore that the use made of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement—*Ibid.* p. 20.

There are other examples of this bill's repetition of statements in Supreme Court decisions. The Supreme Court will be ruling further on cases involving busing which are now before it and hopefully will increase and clarify its guidelines. Certainly they are aware of some present confusions and also of new information on the meaning of equality of opportunity. This is not the time for Congress to step in. Instead of serving the people it will only add further confusion.

There are those who believe title I of this act is a truly innovative approach to providing equality of educational opportunity. But is it really? Is it not just diluting funds needed to meet special needs involved in any desegregation plan in order to provide funds for more title I, ESEA, programs? There has been considerable doubt as to the efficacy of these title I programs and the way in which the funds have been administered. Would it not be better for Congress to correct and improve title I, ESEA, legislation so that it can accomplish what we hope for and can include more needy students in the program? That would be something constructive and forward looking instead of this harmful and destructive bill.

Mr. President, I yield the floor unless the distinguished Senator from Alabama (Mr. ALLEN) wishes to ask me a question, if it is all right with the Senator from Minnesota (Mr. MONDALE).

Mr. ALLEN. I merely wanted to ask the distinguished Senator a question or two. He made two statements with respect to the bill. In the early part of his ramarks he first stated that the bill merely stated the law as it exists now, and then made the surprising statement that, anyhow, the bill is unconstitutional.

I wonder how the Senator could state that the law as it exists now is and still would be unconstitutional. I would wonder, also, if it merely states the law as it is now, how the Senator would bother to be against it and why such a furor over the attempt to have the Senate act responsibly, as the House did?

Mr. PACKWOOD. The bill does both. The Senator's question is valid. The bill first repeats what the Supreme Court has already stated. To that extent it is redundant. It was not my purpose to go ahead and restate it again. The bill does go on adding a limitation into an arrangement that the Supreme Court has not addressed itself to, but which the Supreme Court will find unconstitutional.

Now, being a lawyer, I am not going to unqualifiedly rest my future elective hopes on guessing what the Supreme Court may or may not do from term to term. But if, as I read the bill, we are trying to do what I believe the proponents of such a limitation in the bill are suggesting, I think it is unconstitutional. If it is not unconstitutional, it is unwise.

Mr. President, I yield the floor back to the Senator from Minnesota.

ORDER FOR RECOGNITION OF SENATORS WEICKER AND MATHIAS ON WEDNESDAY, OCTOBER 11, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, immediately following the two leaders under the standing order, the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for 15 minutes, to be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for 10 minutes, after which the six 10-minute orders entered previously for Wednesday begin to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the statement of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) there be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROL OF TIME DURING DEBATE ON MOTION TO INVOKE CLOTURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour of debate on the motion to invoke cloture tomorrow be divided between and controlled by the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I hope it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9.30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9:30 a.m. tomorrow. Following the remarks of the two leaders under the standing order, the distinguished senior Senator from Virginia, Mr. HARRY F. BYRD, JR., will be recognized for 15 minutes, after which there will be routine morning business, not to extend beyond 10 o'clock a.m., with statements limited therein to 3 minutes.

At 10 o'clock a.m., the 1 hour of debate, under rule XXII, will begin on the motion to invoke cloture on H.R. 13915, the equal educational opportunities bill.

At 11 o'clock a.m. a quorum call will start, and as soon as a quorum is established—or at about 11:10 or 11:15 a.m.—a yea-and-nay vote will be taken on the motion to invoke cloture.

If cloture is invoked, the unfinished business will continue to be the business of the Senate until it is finished. If cloture is not invoked, another vote to invoke cloture will be taken on Wednesday next.

The remaining "must" legislation to be acted on before adjournment sine die—hopefully, this Saturday, October 14—is the supplemental appropriations bill—expected to be on the Senate floor the latter part of this week—and the debt limitation bill, also expected to reach the floor the latter part of the week.

Meanwhile, there are various conference reports which can be called up from time to time at any time; General Abrams' nomination is waiting in the wings; and there are several lesser measures on the calendar which may or may not be called up, depending upon the circumstances, as was outlined earlier today by the distinguished majority leader. Yea-and-nay votes are expected to occur daily from here on out.

As to the remainder of the week after today, not much can be said except in a very general way, and perhaps it could just as well be said as follows:

The political radar for the next day or so indicates heavy fog beginning during the morning hour and lasting into the evening. Visibility will be moderate to poor.

By Tuesday, there will be sharply rising temperatures, with winds varying from light to heavy. There may be moments of turbulence as gusts converge from both the north and the south. Storm conditions will prevail. Some thunder is expected, but with only occasional—if any—lightning. Senators are urged to remain at their desks—with seat belts fastened—although at times it may be safe to wander up and down the aisles. Aides of Senators are advised to stay in their offices unless it is absolutely necessary that they venture out.

Progress will be slow at first and busing on Wednesday will continue to be hazardous. Meanwhile, it is recommended that children be taken only to the nearest neighborhood schools. By Thursday or Friday, however, a new frontal pattern is expected to move in, with cooling temperatures and lifting "ceilings." By Saturday, less smog and fog, and winds diminishing markedly.

The weekend will, hopefully, bring the relief we have all been waiting for, with clear skies, even temperatures, changes of precipitation zero, the political barometer steady, and only a few gentle breezes continuing from the general area of 1600 Pennsylvania Avenue—and the Watergate, where reports of forced bugging—not to be confused with forced busing—have recently raised the air pollution level.

ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and, at 4:36 p.m., the Senate adjourned until tomorrow, Tuesday, October 10, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 9, 1972:

Foreign Claims Settlement Commission

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term of three years from October 22, 1972; (reappointment).

Diplomatic and Foreign Service

The following-named Foreign Service officers for promotion from class one to the class of career minister:

Robert O. Blake, of California.
Samuel De Palma, of Maryland.
Philip J. Farley, of Virginia.
William J. Handley, of Virginia.
Francis E. Meloy, Jr., of the District of Columbia.

The following-named Foreign Service Information officers for promotion from class one to the class of career minister for information:

Alexander A. Klieforth, of California.
John E. Reinhardt, of Maryland.

The following-named Foreign Service officers for promotion from class six to class five:

Charles S. Ahlgren, of Iowa.
Charles A. Anderson, of California.
Richard M. Bash, of Oklahoma.
Nicholas S. Baskey, Jr., of Ohio.
David L. Boerigter, of Michigan.
Miss Mary Rose Brandt, of Oregon.
Ralph Edwin Bresler, of Ohio.
Kent N. Brown, of California.
Miss Cornelia Anne Bryant, of Florida.
Thomas H. Carter, of Florida.
Taylor Edward Clear, of Louisiana.
John Dodson Coffman, of Pennsylvania.
Ms. Dena-Kay W. Cunningham, of Virginia.
Roger J. Daley, of New York.
William H. Dameron III, of the District of Columbia.
Robert F. Dorr, of California.
Stephen M. Ecton, of Connecticut.
Stanley T. Escudero, of Florida.
Richard Lewis Fenton, of New York.
Dennis Finnerty, of New Jersey.
Thomas Austin Forbord, of California.
Thomas P. Gallagher, of New Jersey.
Keith Patrick Garland, of Illinois.
Thomas Howard Gewecke, of Illinois.
A. Lester Glad, of California.
Miss April Glaspie, of the District of Columbia.
Ronald D. Godard, of Texas.
Hugh G. Hamilton, Jr., of Missouri.
Terry D. Hansen, of Utah.
Roger G. Harrison, of California.
Daniel T. Hickey, of Pennsylvania.
Thomas C. Hubbard, of Alabama.
Harry E. Jones, of Pennsylvania.
Douglas R. Keene, of Massachusetts.
Charles A. Kennedy, of California.
Sheldon I. Krebs, of New York.
John P. Leonard, of Connecticut.
Alexander T. Liebowitz, of New York.
Walter B. Lockwood, Jr., of Connecticut.
John P. Lyle, of New York.
David P. Matthews, of Texas.
Robert M. Maxim, of New York.
Donald J. McConnell, of Ohio.
Miss Marilyn Ann Meyers, of Minnesota.
John P. Modderno, of Maryland.
Harold T. Nelson, Jr., of Nebraska.
Warren P. Nixon, of Iowa.
Miss Shirley E. Otis, of Pennsylvania.
Jason H. Parker, of the District of Columbia.
Donald K. Parsons, of California.
Wesley H. Parsons, of Arizona.
Richard R. Peterson, of Illinois.
Bruce F. Porter, of Iowa.
David Phillip Rehfuss, of Washington.
John P. Riley, of New Jersey.
Miss Judith Rodes, of Texas.
John R. Savage, of California.
Miss Lange Schermerhorn, of New Jersey.
Thomas H. Shugart, Jr., of the District of Columbia.
Ints M. Silins, of the District of Columbia.
Samuel Vick Smith, of Washington.
Joseph C. Snyder III, of Connecticut.
Ms. Carol K. Stocker, of Illinois.
Stephen W. Worrel, of Ohio.
Donald J. Yellman, of Iowa.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9, 1972:

Council on Environmental Quality

The following-named persons to be members of the Council on Environmental Quality:

John A. Busterud, of California.
Beatrice E. Willard, of Colorado.

U.S. Air Force

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. Paul K. Carlton [redacted] FR (major general, Regular Air Force) U.S. Air Force.

U.S. Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Maj. Gen. Alexander Meigs Haig, Jr., [redacted] Army of the United States (colonel, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ralph Edward Haines, Jr., [redacted] Army of the United States (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. John Lathrop Throckmorton, [redacted] Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Walter Thomas Kerwin, Jr., [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Maj. Gen. Bernard William Rogers, [redacted] Army of the United States (brigadier general, U.S. Army).

In the Navy

Adm. John S. McCain, Jr., U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Walter H. Baumberger, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Frederic A. Bardshar, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Harold G. Bowen, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

Navy nominations beginning Frederick S. Adair, to be captain, and ending Mary E. Donnelly, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 1972.

EXTENSIONS OF REMARKS

THE SECOND ANNIVERSARY OF COLUMBUS DAY AS A NATIONAL HOLIDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. RODINO. Mr. Speaker, at a time when man is confronted by challenges from all sides, at a time when terrible tensions and divisions cover the face of our world, at a time when the dreaded enemies of poverty, ignorance and disease continue to threaten our very survival, at a time when the cries of the oppressed are answered only by silence, a resurgence of the Columbian spirit which stirred that Genoese navigator ever onward on his quest for a new world, is a most vital need.

Today, as we focus our attention on the achievements of Christopher Columbus, we honor not only the man and his attainments, but we recognize clearly and deeply that tenacity, that spirit, the indomitable will, that firm belief in the integrity and ability of man—those qualities possessed by Columbus which truly carried him forward to the successful completion of his great voyage. For with his indestructible faith, his penetrating vision, and his unyielding determination, Christopher Columbus conquered the myth and mystery of this time and solved the terrifying riddle of the Atlantic.

Although Columbus' undertaking has become tinged in our minds with the romantic glamor of a child's adventuring, the immensity of that ocean and its tragic awe can hardly be conceivable to us now. Broad as it was, it seemed the more eerie for the horrors with which men's superstitions peopled it. The known and the unknown mingled together in picturesque confusion. Each kernel of truth was clouded by a covering of misinterpretation, poor communication and unjustified fear. How clearly can one picture those three wooden ships, guided only by the crudest of navigational instruments, so pitifully frail and ill-suited to the unknown and hazardous challenges that lay ahead. How easily can we identify with the seemingly endless days of sailing on an ocean where no ship had ventured before, the dashed hopes when cries that land had been sighted proved false, or the near mutiny of the impatient, frightened seamen.

We remember Columbus as a man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph. We regard him as a great pioneer personifying the spirit of discovery, and embodying the will to overcome insurmountable odds. Columbus' fleet may have found its port but the journey which he began has not yet been completed. For it was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs, and it was through this voyage that men looked upon this land as a place where all people, regardless of color, creed, or how humble or exalted their origin, could achieve their full potential. And, as we become ever more conscious of the importance of our historic roots in both understanding the founding concepts on which our country stands, and the needs and demands of the present as well as future generations, the importance of Columbus as the father of immigration takes on added significance.

Though dedicated to egalitarian ideas, we have fallen short of the goals we have established. At times our actions have failed to mirror our intentions. The legacy of this Nation—of Montesquieu and Locke and Jefferson—the foundation of sovereignty and democracy, are our rich heritage; this is a time in our history of continued dedication and effort to reach these goals. The challenge of discovery, of invention, of exploration continues to kindle in our hearts. From the crucial clues to the causes of our fatal diseases, to the complicated answer to the problem of crime in our streets, to the myriad of perplexing problems confronting us today, this is a time for renewing our struggle to improve the quality of life, to seek opportunities not unlike those sought by our immigrants, and to search for betterment in all aspects of society. Just as in Columbus' day, the challenges lie before us. As author of the bill which designated Columbus Day as a national holiday to be commemorated by all Americans, I strongly feel that it is most appropriate we look upon Columbus Day, 1972, as a day to rededicate ourselves toward a voyage of peace, justice, and freedom for all men.

THE FUTURE OF AIR TRANSPORTATION

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Monday, October 9, 1972

Mr. COTTON. Mr. President, on September 11, 1972, Mr. John H. Shaffer, the Administrator of the Federal Aviation Administration, spoke before the Comstock Club in Sacramento, Calif. Mr. Shaffer's remarks concerned various aspects of the future of our national air transportation system.

I find his address to be an informative statement of the prospects of our civil aviation system in meeting the rapidly increasing demand for air services. I note with particular interest Mr. Shaffer's recognition of the need that rural parts of this country have for air transportation.

I ask unanimous consent that the text of Mr. Shaffer's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN H. SHAFFER

In the pioneering days of aviation, the best planes of the air transport companies—open cockpit DH-4's, the Lincoln-Pages and so forth—were hard put to carry as many as two passengers. Later the "giant" Ford Trimotors could carry ten passengers *and* a little cargo at speeds sometimes approaching 135 miles per hour. Today, the luster of those aeronautical achievements is dull, overshadowed by the spectacular performance of jet transports capable of carrying upwards of 300 passengers in luxurious comfort and safety at velocities nudging the speed of sound.

When America came home from World War I, she did so imbued with the potential of the third dimension of transportation—aviation—with its promise of speedy delivery of mail, cargo and people from one place to another. This seemed reasonable to the United States Congress and, in its fiscal year 1918 budget, the post office was allocated $100,000 for air mail experiments and was further authorized to charge 24 cents per half-ounce for air mail. That department, of course, was enthusiastic and envisioned routes from the west coast to the east coast and, in addition, various routes in Alaska. The idea was that airplanes could and would deliver the mail anywhere that it couldn't be delivered by ground transportation. The plan was excellent.

Unfortunately, airplanes in those days couldn't fly very well, very far, or very reliably. So, in the beginning a New York to Washington run was decided upon with revenues envisioned at about $3,800 a trip for about 500 pounds of mail per plane per trip. However, the enthusiasm was largely academic, because the mail that turned up for aerial delivery that first day, and for some time to come, could have been carried in the pilot's helmet.

But it was a beginning.

Air transportation, like the transcontinental railroads, would have been too long delayed in making its now impressive contribution to America's social, cultural, and economic well-being had the government not been willing to assist the fledgling aviation and airline industries during those pioneering days.

In the case of rail transportation, our early American statesmen recognized that our country must have an adequate network of rail transportation. They also realized that with the limited traffic available then and in the early years ahead, railroad enterprise could not attract enough capital to get the job done. So the Government aided in the development of a rail system by offering direct assistance, in the form of subsidy, to the companies which could build and operate the railroads.

The Government program worked out well. The United States, today, has the largest railroad network in the world. And, of course, there did come a time when the railroads became self-sustaining and direct Government subsidy was eliminated.

A later generation of statesmen saw the need to use the airplane as a vehicle of transportation. In general, these statesmen applied the same practice of assistance to the fledgling airlines as had been granted to the railroads.

To the students of business enterprise, and to the students of government policy, the subject of subsidy, of course, has always been both interesting and controversial. One of the basic criteria of the private enterprise system is that the risks of business will be borne by the private investor. He is entitled to the profits of the business if there is success, but he is also expected to pay for those losses if earlier hopes cannot be realized.

The merit of this system is that it impartially prunes the weak limbs, leaving the hardier stock a better chance to develop a strong structure.

Historically, and undoubtedly for years to come, the long-range effects of subsidy, in any form and for any purpose, will remain in controversy. Its pros and cons have no purpose here. Yet the fact remains that in the early days subsidy, in the form of air mail contracts, did breathe financial stability into the nation's airlines.

At the end of World War II, the cost of property and equipment operated by the airlines was about $125 million. By the end of 1955, this investment had multiplied ten times to $1.4 billion.

By 1965 it was $5 billion and the six years subsequent, at year end 1971, the cost of airline property and equipment represented an investment of more than $13 billion.

The point of this financial recitation is that air transport has become a vital force in the economic life of the nation domestically and internationally. Today, civil aviation is the leading mode of intercity public transport, serving almost twice the passenger miles of the combination of all other modes—rail, bus and water. Today, Americans are turning to air travel at the rate of more than 9,000 new passenger fares per day—more passengers in one day than traveled by air during the entire year of 1927.

Last year, the nation's airlines carried 173 million passengers while private, business, and corporate aircraft of the Nation's general aviation fleet accounted for the intercity movement of another 50 million. Ten years from now the FAA is predicting and, I believe, conservatively, our scheduled airlines will be carrying upward of 600 million annually and our general aviation fleet will be moving some 150 million passengers on an annual basis. Some 2 million Americans will be airborne every day of the year.

Obviously, these growth factors indicate an industry requirement for large capacity, long-range, fast aircraft.

Today, the Boeing 747, whose powerful engines speak softly but carry a big ship, is not only the Nation's largest commercial air transport but it operates at cruise speeds comparable to all other subsonic jet aircraft.

The Boeing Co. has already announced plans to increase the passenger capacity of the 747 to accommodate more than twice today's number of passengers by 1980. This reconfiguration, incidentally, is well within the capability of the present airframe and calls for neither reduction in speed nor range. To the airlines, this increase in passenger capacity would result in a substantial reduction of direct operating costs, per seat mile, while simultaneously offering the potential for an increased return on investment.

To the fare-paying passenger of the eighties, reduced fares between major U.S. hubs and to and from world capitals is a distinct possibility.

Projecting present research and development, however, suggests that future aircraft will become more specialized for their commercial mission. Each aircraft type will and must be designed to specific markets. This suggests to me that air transport operations tomorrow will almost surely be separated into two divisions—long haul and short haul.

The passenger aircraft fleet already has a variety of large wide-bodied aircraft, Lockheed L-1011, McDonnell-Douglas DC-10, and Boeing 747's.

Present estimates of projected growth in the size of aircraft operating between major hubs by 1990, for example, suggest a four-times growth in average capacity. The implications of this trend are that the doubling of the air traffic demand every ten years, which has been the case, can essentially be accommodated by increasing airplane size without significant increases in the numbers of operations (arrivals and departures).

In the ideal sense, this is true. But with it, the air transport system becomes less flexible. It reckons without the growing dependence of less populated points and rural America, too, upon air transport. And in the development of an all pervasive arterial network of air transport effectively linked to surface and rail transport systems, the demand of small cities and rural connective points must also be equated.

Indeed commuter, local service carrier, and air taxi movements are now dramatically increasing and are indicative of the public demand for short-haul aircraft. The steady migration of industry to rural and suburban America lends additional emphasis to the efficacy of the requirement for two divisional and transport operations and, in this case, the need for short-haul jet-powered aircraft. This suggests that a family of two, three-, and four-engined short-haul transports must come into being to supplement and complement the long haul fleet.

Today, between 40 and 50 per cent of the Nation's air travel requirement is for airlift distances of 500 miles or less.

And as commuter air travel statistics indicate, demand for airlift between city pairs separated by distances of less than 250 miles is rapidly climbing. In this regard, the use of short takeoff and landing (STOL) aircraft for short distances has been proposed repeatedly. The technologies to operate off shorter runways exist today and plans for modification of current aircraft to lower air speeds and shortened runways are ongoing.

I am of the persuasion that most airline operators are coming to the same conclusion, that it will be STOL and VTOL categories which will become the effective means of intra-urban and short haul inter-urban air travel in the decades of the eighties and nineties.

General design characteristics for a family of urban area STOL and VTOL aircraft serving various transport and utility requirements will include, small to medium passenger capacity, low cruise speeds, low noise level, specialized operational capability, and low cost. The potential need and markets for both types of aircraft are obvious. To the communities served by short takeoff or vertical takeoff aircraft, there would accrue added service without added congestion and excessive cost.

To the customer, the passenger, both offer convenience, time saving, and completely flexible service. To the airline operator, the attractions are relatively simple airport facilities, certainly less costly and, of course, very flexible operations. Of particular significance to a national public increasingly preoccupied with the elimination of the sounds of aviation in the airport vicinity, both STOL and VTOL categories become most attractive. The use of either, in large part, would restrict objectionable noise to within the airport perimeter.

The subject of industrial noise, aircraft engine noise and smoke emissions in particular, have become cases of controversy and debate.

But the temptation to cast technology in the role of the ecological villain must be resisted—for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality. The difficulties which some applications of technology have engendered might be rectified by technological curfews—turning our backs on the 20th century, but only at a price in privation which we do not want to pay and there's no need to pay. Technology can and must be wisely applied so that it becomes environmentally self-corrective. This is precisely the prescription of our research effort at the Federal aviation administration.

We have undertaken steps to insure that the remarkable amount of technology which we have acquired during the past quarter-century of aviation's fabulous growth will be used to solve our aeronautical environmental problems, as opposed to creating new ones. FAA's environmental research programs are concentrated on two fronts—air and noise pollution. As a matter of fact, the FAA was among the first Federal agencies to demonstrate its concern for environmental quality with the establishment of our office of noise abatement in 1966. Late last year, we expanded the responsibilities of this office and restructured it as the office of environmental quality. It has the overall responsibility of developing policies and procedures aimed at the reduction or elimination of aircraft noise, smoke emission, exhaust pollution, and aircraft waste programs.

It is also spearheading a cooperative government and industry-wide program to handle the broad spectrum of environmental challenges facing aviation today as well as ones which may be on the horizon.

Today, work is moving rapidly ahead on quiet engine technology. In fact, we hope to demonstrate, by 1974, a new jet engine about one-half as noisy as the present conventional jet engine but without major performance penalties. Indeed, I am confident that by 1980, environmental problems of sound and smoke emissions on all new production aircraft will no longer constitute a problem of any significance to any American community. So the ills that aviation has created are being corrected and rapidly.

This, government and industry teamwork has done. Federal Aviation regulation No. 36 imposed a lid on aviation sound. All of the airplanes that have been built in America since that rule went into effect have been quieter than the law has demanded. Research and engineering have brought the sound of aviation down to acceptable levels but we're not resting on our laurels. The 747, the DC-10 the L-1011 transports, all new production aircraft since FAR 36 went into effect, are "good citizens" in every sense of the environmental laws of the land. But I can tell you, the next generation will be quieter still. And further along the road of aviation progress, when we build our supersonic transport, as one day we must, it, too, will meet the noise standards of the same FAR regulations to which our current production large air transports are subjected.

Consistent with man's inherent desire to travel further in less time, the development of an American supersonic transport is inevitable in the decade of the eighties. And for the decade of the nineties, hydrogen powered hypersonic transports, and nuclear powered cargo transports are among air transport proposals currently under discussion. Both questions of safety and logistics to support these aircraft are under study, for the potential for a transport aircraft with essentially unlimited range and order-of-magnitude increases in efficiency approaches the panacea for airline operator and user alike.

But withal, the air system of the United States should be viewed as a valuable but a limited resource. It is a resource that has an important role as a public service system. But our airways are congesting. Today there are about 2,400 aircraft in the scheduled airline fleet and 133,000 private, corporate and business aircraft comprising the general aviation fleet. Within the next ten years the scheduled fleet will increase by approximately 20 percent in numbers, but our general aviation fleet will double to approximately 230,000 aircraft.

Electronic systems and automated computerized equipment, procedures and techniques required to handle air traffic control in the decade ahead are considered to be "present state of the art" and no difficulties technically or by way of timely acquisition are anticipated.

For the latter, timely acquisition, the aviation community, the airlines and their using public can thank President Nixon. Until the enactment of the landmark Airport/Airway Development Act of 1970, sponsored by the administration and passed in a bi-partisan Congress, the FAA could ill-afford consideration of any aeronautical matter not directly associated with the safety of flight. The near five-and-one-half billion dollars authorized for expenditure by the FAA, in combination with matching funds from the private sector, now permits the FAA to oversee the outlay of well over $11 billion in this decade for improvement and expansion of our airports and airways.

Nevertheless, critical difficulties are arising in the orderly flow of air travelers and air traffic because airport development and associated ground transportation facilities have lagged aircraft development. As the 747's, DC–10's and L–1011's join airline fleets in ever increasing numbers, ground delays and congestion seem inevitable specters. A number of factors underlie the situation none of which, fortunately, are incapable of solution as public awareness of the problem increases.

For one thing, until passage of the Airport/Airways Development Act, Federal involvement in civil airports was directed primarily toward the air side and public safety.

A dearth of funds allocated by Government prior to that time in behalf of a burgeoning national aviation system precluded definitive focus on other aviation matters. Indeed, it is only because of President Nixon's insistence that our Nation must have a balanced transportation system, that the FAA will expend more money in this decade in modernizing the aviation system than had been previously invested by Government in the past 40 years.

While crux of the problem may have been the lack of a total system approach to airport planning and development during the sixties, the point is, what are the solutions?

FAA studies indicate that the solution lies in the development of secondary airports serving short-haul routes with, as I mentioned earlier, suitable aircraft designed specifically to reduce the load at the most congested large hub airports. There is little doubt in my mind that the day is approaching, and faster than most think, when the large jet transport can serve only the major urban complexes. And conversely, short-haul STOL and VTOL transports, operating from secondary airports will serve short haul markets. Transcontinental, or long distance service from major hub to major hub must eventually be just that. Passenger service fanning out from our large centeroids to less populated and rural areas must soon be relegated to short haul aircraft designed specifically for this market.

Today, the demand for mobility, the flexible, efficient and rapid mobility that only aviation can provide, is reshaping national communities. Hawaii, for example, relies primarily on air to deliver the tourists which are the State's major economy. It is safe, therefore, to assume that higher speed aircraft will expand the opportunity for urban development in other remote locations highly suited for recreational or resource development, but which have not been previously developed because of "inaccessibility."

Undoubtedly, air cities will emerge that are dependent upon the extraction and processing of natural resources.

The activity created by the oil discoveries on the North Slope of Alaska reached the intensity that it did because of air accessibility. To provide opportunities for more of these types of development means that air facilities must be developed in locations which are on the threshold of development.

Airports are the nuclei of the national air transportation system. Airports provide the facilities which give cities, industrial complexes, and small communities alike instant access to national and international markets. But planning considerations for airports are numerous and complex. Yet few systems engineering approaches have been developed thus far to assist in the planning and development of the vast new airport modernization programs which must be undertaken in the next few years.

The location of airports cannot be determined without extensive analysis of road, rail, and air alternatives. Tradeoff between proximity to population centers and time savings to be gained through effective high-speed ground transportation and other airport access methods, systems and techniques are in themselves complex. Further, these analyses must be complemented by an equally systematic approach to the many social, environmental, and financial problems involved.

In order to meet future demand for air system services, some elements of the air system will undergo major transformations in the public interest. In other cases, the tune-up of the existing air transport facilities will be sufficient. In either instance, users of our vastly expanding national aviation system will benefit.

In closing, I would like to remind all of us that the one real threat to stable growth and security of America's, indeed the world's civil aviation system and the safety of the travelling public, has been the increasing variety of unlawful acts endangering the public safety. But we intend and are determined to bring crimes against aircraft and airports such as hijackings, extortions, bomb threats, vandalism and thefts, to a halt, I believe that we now have a strangle hold on this menace to the public safety and the Nation's air transportation system. We have been working for the past year and a half with law enforcement agencies and airlines management to eliminate the threat of air piracy domestically and internationally through diplomatic channels.

We are encouraged by the intensifying actions of other governments to discourage hijackers with their immediate arrest upon landing on foreign soil. And we are pleased that stolen funds taken by extortionists, in almost all instances, have been immediately impounded and forthwith returned to the airline from which it was extorted. Sanctuaries are slowly being closed for no nation wants the mentally sick, the thief, or the terrorist. Soon air pirates will have no place to hide. Your government is pressing for wide adherence to anti-hijacking agreements and for continued international cooperation on other civil aviation security matters.

But to achieve our goal of total safety for those who fly, communities must take on their share of the burden. Community leaders must come to realize that their local airports are as deserving of local police protection as any other community resource. There is little doubt, I believe, to any of us that our airports are a community resource, culturally, socially, and economically and deserving therefore, of local police protection. By working together, we can keep our airports, our airplanes, and our air travellers safe.

We are on the threshold of the true air age with the most distant points of earth coming to be as accessible in time and dollars as is now our favorite week-end haunt.

Business and industry will similarly benefit with delivery of raw materials from "anywhere" overnight and shipment, of course, of manufactured goods in ample time to routinely meet any domestic or international marketing demand. A vast and grand future because of air transportation lies before us.

Our future, America's future, our strength domestically and in international markets, all depend in great measure upon our developing all pervasive arterial network of airports and airways linking town to city, city to city, and coast to coast.

NIXON IN VIETNAM: RHETORIC VERSUS DEEDS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Ms. ABZUG. Mr. Speaker, 11 months ago on this day I introduced into the RECORD a reprint of an article by retired Gen. Hugh Hester entitled "26 Disastrous Years." I would like to take this opportunity to introduce another article by General Hester outlining the history of our involvement in Indochina especially as it relates to the conduct of President Nixon. I commend the article to your attention:

[From the Los Angeles News Advocate, July 1-15, 1972]

NIXON IN VIETNAM: RHETORIC VERSUS DEEDS

(By Hugh B. Hester)

Every time Mr. Nixon repeats the word *peace*, as he did recently in Leningrad, the millions of us whose support gave him the small plurality which elected him president either weep or become ill, or both. We now know from sad experience that whenever he uses the word peace, he is preparing to unload, or is unloading now, untold additional thousands of tons of death and destruction upon the peasant people of Indochina.

By peace, the president obviously means peace for the big powers, such as China and Russia. But these can retaliate, if and when attacked, and this robs the word peace, of course, of any moral meaning. For the small and weak countries, the rhetoric has been and still is *peace*, but the deed is and always has been *war* or *surrender*, with exploitation following.

NOT A CIVIL WAR

In Indochina, Mr. Nixon has said in *deeds* what Charles V of Spain put in these words: "I would rather be king over a holy desert than rule over a heretical paradise." There can no longer be any doubt that the President would rather make a desert of the whole of Indochina than admit he has made a mistake. In order to do this, however, he has felt it necessary to convince the American people that the North Vietnamese rulers are the Devils and that he and his followers are the Saints. Through the clever use of massive false official propaganda and control of most of the mass communications media, he has been able to convince possibly a majority of Americans that he and his supporters have been defending the freedom, independence and right of self-determination for the Indochinese people.

Nothing, of course, could be further from the truth, as a few pertinent background facts will show. This has been an imperial war against the peasant people of Indochina *ab initio:* first by France, then Japan, France again, and now the US government. It has never been a civil war as claimed by successive Washington administrations.

GENEVA MEETING

The Truman administration reversed the Roosevelt plan for placing the Indochinese people under a United Nations trusteeship, pending the establishment by the people of their own government. He first financed covertly the French government's war efforts to reimpose its control over the Indochinese people. In doing this, Mr. Truman violated the Atlantic Charter, which provided for self-determination of colonial people at the conclusion of WWII, and US government obligations under the United Nations Charter which forbade unilateral interference with this process. He aggravated these violations by openly financing France's colonial war in Indochina at the start of the Korean civil war, which he [Truman] immediately converted into a so-called UN war for the purpose of "containing Communism," a la USA.

Eisenhower gave the real reason for financing the French colonial war against the Indochinese people by the US government at the Governors' Conference, Seattle, Washington, August 4, 1953. In answer to a query from the floor, he stated in substance, "We want access to the resources of the area, which are vast (N.Y. Times, August 5, 1953)." When the French military forces were finally defeated at Dienbienphu, May 5, 1954, a conference of concerned governments and representatives of the colonial people convened at Geneva, Switzerland.

DIEM HAD NO POWER

In mid-July, all except the Eisenhower government verbally agreed to the immediate independence of Cambodia and Laos, but postponed the actual independence of the Vietnamese until general elections by secret ballot, under international supervision, could be held for the selection of rulers of all Vietnam; the date set was July, 1956. Pending these elections, Ho Chi Minh was designated the provisional ruler of Vietnam, north of the 17th parallel and Bao Dai, former emperor, now the French agent, was placed in charge of the area south of the 17th parallel. The Geneva Conference, However, specifically stated that the 17th parallel was a temporary and provisional arrangement, and under no condition should be considered a division of Vietnam. Eisenhower, while not verbally agreeing to the 1954 Geneva Conference agreement, stated his government would not interfere with the implementation of its provisions.

Presumably under the influence of his vice president, Richard M. Nixon, and his Secretary of State, John Foster Dulles, both of whom bitterly opposed the agreements, Eisenhower repudiated his pledge, began the shipment of weapons and advisors to Saigon and replaced Bao Dai with his agent, Ngo Dinh Diem. All of these were in violation of the 1954 Geneva provisions as well as in violation of the US government obligations under the UN Charter. And the appointment of Diem as Eisenhower's special agent is believed to have been for the specific purpose of preventing the elections scheduled for July, 1956. At any rate, this was the result which could only have occurred with Eisenhower's approval, if not at his specific direction, for Diem had no power of his own.

NIXON FALSEHOODS

Whether France abdicated her responsibilities under the Geneva Conference for the rule of the southern part of Vietnam, or was thrown out by the Eisenhower administration, is immaterial for our purposes. For, under international law, the power which succeeds another in due course becomes responsible for the international obligations of its predecessor. No native Vietnamese group, according to a recent report of the Nixon administration Secretary of State, William Rogers, ever invited any Washington administration to intervene in its internal affairs.

This clearly fixes the status of Diem as an Eisenhower administration agent. The responsibility for the failure to hold the election in 1956 as scheduled is, therefore, that of the principal, the Eisenhower administration, not its agent. This fact clearly released Ho Chi Minh and his followers from their obligations under the 1954 Geneva Accords and made legal any effort on their part, including military, to unite their nation. The *ispo facto* made the Eisenhower administration the aggressor and successor to colonial France. The primary purpose for noting the above facts has been to prove false the Nixon administration claim that it is in Indochina, as were its predecessors, for the purpose of guaranteeing the right of the people of Indochina to self-determination, freedom and independence. *Quad Erat Demonstratum.*

NIXON "PEACE" FARCE

What then is the significance, if any, of the president's recent trips to China and to Russia, which has generated such great hopes for future peace? Will this euphoria prove synthetic as have the others such as the limited atomic test ban and non-proliferation of nuclear power? Certainly people of good will hope not, but let's take a look at the whole picture as well as the so-called agreements:

The US-Indochinese war has recently greatly increased in intensity. And there is no evidence that Mr. Nixon has reduced his irrational peace or even the savagery of his rhetorical attacks upon his opponents. This may prove a hopeful symptom at long last, however, since we live in an upsidedown world where truth means non-truth and so on.

Meanwhile, there is no solid evidence so far that China and Russia will decrease their aid to the Indochinese people, whom the Nixon administration calls enemies but most of the world does not, including millions of Americans. If the rulers of these countries want to do so, they can easily overcome the blockade of the North Vietnamese ports. China certainly can be expected to do so, for all of Indochina is a core interest of hers. In addition, she has committed herself to full support of its three states. This was not true to the same extent of China's relations with North Korea in the 1950's. Nevertheless, she intervened in order to protect her core interest, North Korea, when Truman sent MacArthur across the 38th parallel in the autumn of 1950. China will, in my opinion, intervene militarily if Mr. Nixon insists upon bombing northern Vietnam back to the stone age a la General LeMay, as now seems likely. If this happens, it will, of course, make a farce of the Kissinger-Nixon peace parade.

MUCH TO-DO ABOUT NOTHING

Russia, however, is a different matter. Indochina is not a core interest of hers, nor was or is North Korea. And it is important to note that she wrote off North Korea rather than directly confront a nuclear-armed United States in 1950. It was China which saved North Korea. Russia did, however, supply China when the latter intervened in what began as the Korean civil war. I predict Russia will again supply China, despite her ideological differences, if Mr. Nixon forces China to intervene as Truman did in 1950. Otherwise she would forfeit all claims of becoming a Communist state. Russia might just do this, however, but I hope and pray Mr. Nixon does not make a test case of it.

The foregoing is a brief summary of my views of successive Washington administration wars of aggression upon the Indochinese people, past and present, and a projection of what lies ahead under certain circumstances. But I want to reemphasize: it would be a great mistake, in my opinion, for those who have opposed this illegal and totally immoral war of aggression by successive Washington administration to conclude that Mr. Nixon's travels have radically changed this critical issue. The old French expression, "The more it changes, the more it remains the same," still applies as does the old caveat, "Why so much to-do about nothing?"

EQUAL OPPORTUNITY

The agreements so far disclosed between the US and USSR do not even freeze "the balance of terror." The nuclear stockpile is not being reduced. The agreement even includes provisions for certain increases in the stockpile. And when replacements with improved weapons, which are also permitted under the agreements, come into being the destructive power of the two big countries will be greatly increased. What has actually happened, it seems to me, is a ratification of the status quo by the two biggest powers in the hope that, between them, they can rule the world. If true, this is at least a recognition by them that neither can rule it alone. But this has been, or should have been, obvious to competent observers when the USSR launched the first Sputnik, Oct. 7, 1957.

But this will not bring world peace, unless there are extreme and radical changes in the behavior of the two big powers. Law and order, which are requisites of peace, depend upon justice. And neither of the biggest powers so far has shown any special aptitude for dispensing justice, either at home or abroad. Besides, justice is a complex concept. It means equal opportunity, not only for individuals but all kinds of institutions, customs and ideas necessary for the whole personality of peoples living in a complex, diversified world.

REVOLUTION INEVITABLE, UNLESS

International cooperation is still the challenge of our times. And the bi-polar concept of world rule is a move in the wrong direction. In an outlaw world such as now exists, two outlaw tribes are not going to be permitted to rule all the other tribes in their own special interests. Two dimensional thinking—we are good and they are evil—is clearly in control at the very top of the US government, and has been for many years, especially since WWII when Mr. Truman set forth on a global grab for world domination. And I suspect the top political rulers of the USSR are much the same.

Whether we like it or not, we live in one world, and we would be wise, it seems to me, to support and strengthen the United Nations so that it can eventually achieve the high purposes for which it was designed. We need fundamental and radical change at the top level in US government. And unless this can be achieved at an early date, revolution will become inevitable.

A PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE RECONFIRMATION OF FEDERAL JUDGES EVERY 8 YEARS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 9, 1972

Mr. HARRY F. BYRD, JR. Mr. President, as more and more power is centralized in the Federal Government, we need to appraise more critically the justification for life appointment of Federal judges.

Judges who are accountable to no one are invading the sphere of the elected representatives of the people, handing down decisions which have great impact on the lives of the citizenry.

I fully support the concept of an independent judiciary. The constitutional amendment I have introduced, namely, Senate Joint Resolution 106, simply provides for a method by which the courts might be made more accountable to the people.

The facts show that 47 of the 50 States now have fixed tenure for their own judiciaries. Only Massachusetts, Rhode Island, and New Hampshire still provide life tenure for State judges. So why should there be life tenure for Federal judges?

The Original 13 States began with life tenure for their judges, but gradually, through the years, all but three have changed that. All the new States that have entered the Union now have fixed tenure for their own judges. So I think the time has come to consider fixed tenure for Federal judges.

Why should any official in a democracy have lifetime tenure?

In the modern world, only kings, queens, emperors, maharajahs, and U.S. Federal judges hold office for life.

Mr. President, a committee hearing was held on this proposal, and I have found that there is more concern about life appointments for Federal judges than I had realized.

I find more interest on the part of the public. I was invited by the American Bar Association to address its recent annual meeting in San Francisco, its council of State presidents. I got a better reaction than I had anticipated.

Recently, I received additional encouragement in the form of a letter from the chief justice of the State of Indiana, Mr. Justice Norman F. Arterburn. After receiving this letter, I wrote to Chief Justice Arterburn, and thanked him for his communication, and said that, of course, I would regard it as confidential unless I was authorized to make it public. Since then, by additional correspondence, he has authorized that his letter, endorsing Senate Joint Resolution 106, be made public. I do make it public, because I think it has great significance. It is additional evidence that more and more jurists, more and more lawyers, and mainly more and more everyday citizens are becoming concerned about the trend in the Federal courts. More and more people are asking why it is that any officials in a democracy should have lifetime tenure.

Mr. President, I ask unanimous consent that my remarks and the letter from Chief Justice Arterburn of Indiana be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE CHIEF JUSTICE,
Indianapolis, Ind., August 22, 1972.

Senator HARRY F. BYRD, JR.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: There was a time when I did not agree with your proposal that federal judges who have life tenure be subject periodically to a review and examination by the Congress or Senate for continued tenure. I would like for you to know that I have changed my opinion, for what it is worth. It appears to me that more federal judges and particularly members of the Supreme Court of the United States have overstepped the bounds of constitutional law, got into the legislative field, imposing their ideas as to public policy and good legislation on the people of the country.

I refer particularly to acts of the United States Supreme Court in changing the Constitution "as of a certain time" (denying retroactivity) without going through the amending process provided in the Constitution. I think it is a violation of their oath of office. If the Court is deliberately to do acts of that sort, then it is my feeling that the people of this country should have an opportunity to review their legislative acts the same as we do the members of Congress.

I still think that if a judge would stay within his judicial area there would be no need for such a periodical review, but we have too many men who are judges who feel that they are the repository of all wisdom and that they know what is better for us as individuals than we do.

I feel that in a democratic republic the people should still have the right to determine their own destiny and not be ruled by men with life tenure who are never made accountable for their violation of their oath of office in changing and amending the Constitution without the consent of the people.

I make these remarks in the hope that they will support you in your endeavors to save the basic principles of our Constitution.

With best personal regards.

Very truly yours,

NORMAN F. ARTERBURN,
Chief Justice of Indiana.

A REVIEW OF CONGRESSMAN UDALL'S BOOK, "THE EDUCATION OF A CONGRESSMAN"

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. BRADEMAS. Mr. Speaker, I think that many of our colleagues will read with interest the following review in the September 16, 1972, Chillicothe, Ohio, Gazette of the recent book by our able and distinguished colleague, Congressman MORRIS K. UDALL, "The Education of a Congressman."

Author of the review is James A. Eldridge.

Mr. Eldridge's review follows:

THE READING ROOM CONGRESSMAN TEACHES AS HE LEARNS

(By James A. Eldridge)

The political season is upon us. We have reached that place on the calendar at which every four years the Republic through a unique political process—sometimes ludricrous, sometimes hilarious, sometimes brutally painful—yet always profound process, selects a President, members of the Congress, and a gaggle of state and local officials.

Each time a number of concerned citizens and thoughtful politicians hope that we will debate the issues and that from the debate a better informed electorate will emerge. The historical record shows that more often than not the hope is lost in the winds of oratory. Platforms, pamphlets, position papers, political biographies, editorials, and reprints of speeches pour forth from the presses. Little of it endures.

Therefore, it comes as a pleasant surprise to encounter a new political book that was not written as a campaign document but one that has a relevance to this national campaign and yet a timeless quality for public discussion beyond this particular campaign. It is "The Education of a Congressman" by Morris K. Udall, Democrat of Arizona, and it is published by Bobbs-Merrill.

Congressman Udall, like many of his fellow members of the Congress, keeps his name before the voters back home by sending newsletters on his activities, points of view and voting record. (We in Ohio's Sixth Congressional District frequently hear from Congressman William Harsha as well as Senators Taft and Saxbe.)

In the little more than 10 years that Congressman Udall has served in the House of Representatives he has sent out over 80 newsletters describing his views on major political and legislative issues. With the editorial assistance of Robert L. Peabody of Johns Hopkins University and the American Political Science Association, the Congressman has selected some 23 newsletters for this book. They cover six topics: foreign affairs; domestic affairs; environment; economics; and political reform.

With deadly accuracy they reflect the trauma of the 1960s. As Professor Peabody points out in his succinct introduction. "The 1960s were many things: an era of the Peace Corps and the Vietnam War, of Lyndon Johnson and Eugene McCarthy, of Spiro Agnew and the Weathermen, of Watts and Woodstock, of the birth of the space age and the death of the SST, of civil rights and women's liberation. Throughout all of these years our citizens experiences much anguish, engaged in not a little trouble introspection, and found themselves in deep disagreement over the aims and goals of American society. The 1960s seem to parallel the vacillation and cleavage that linked the end of the Jackson administration with the opening rumblings of the Civil War."

The reader of "The Education of a Congressman" is soon aware that as Congressman Udall faced all of these issues he was a troubled, thoughtful man—two problems were paramount: Does the U.S. Congress have the vitality, the resiliency and the leadership to meet these challenges? And where do I—Congressman Udall—fit in?

Something of the character and integrity of Congressman Udall comes clear when he writes, "In a very practical way I was immediately confronted with the oldest and most basic question of representative democracy: For whom does a legislator vote? Which do I put first, Arizona or the nation? Do I vote my strongly held convictions or those of a majority of my constituents at that point in time? Am I simply a tabulator of constituent views, then by which poll, which stack of mail, or which editorial does one determine at a given time on which side the 51 per cent falls?"

The Congressman, like many another conscientious politician before him, finds his guidelines in the oft-quoted statement of Edmund Burke to the voters of Bristol, ". . . your representative owes you not his industry, but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion."

This book is worth its price for an essay that is included—"The Road to Power in Congress: The Education of Mo Udall—and What It Cost" by Larry King, the Congressman's brother-in-law and a onetime member of the editorial staff of Harper's magazine. Larry King is a very funny man. He is to the written word what the late Fred Allen of radio fame was to the spoken word. It is joyous news to hear that he is working on a biography of Lyndon Johnson. It is safe to predict it will be savagely hilarious.

Congressman's Udall's book might well have been called "The Education of a Congressman and the Voters." In this cynical season of national politics restore your faith in representative government and the men it produces by reading "The Education of a Congressman."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE IMPORTANCE OF THE JACKSON AMENDMENT FOR ALL AMERICANS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. RODINO. Mr. Speaker, I would like to direct your attention to the closing parapraph of the October 6 New York Times editorial discussing the effects of the recent passage of the Jackson amendment:

> Two months ago, as he departed from Moscow, Secretary of Commerce Peterson told the Kremlin that the state of American public opinion would have decisive influence on Moscow-Washington economic agreements. Now a Senate majority has proved Mr. Peterson an excellent prophet. Let the realists in the Kremlin take heed—before it is too late.

The endorsement of this proposal to deny the Soviet Union credits, credit guarantees, or most favored nation treatment so long as the U.S.S.R. requires exorbitant ransoms from Soviet citizens wishing to emigrate was passed, as we all know, by almost three-fourths of the Senate body. This action clearly illustrates to me, and I am certain, to the people of this entire Nation, that the democratic principles and ideals, the beliefs of Locke, Montesquieu and Jefferson so crucial to the foundation on which our country stands, that our firm commitment to the rights of freedom and justice for all people is as strong and as invincible a force behind our feelings and actions today as in the time when our Constitution and Bill of Rights were first conceived.

Reviewing the background of the successful passage of this amendment cannot help but reinforce the importance of the need for all individuals to speak out for those whose voices are silenced and to take action for those whose actions remain unrecognized. Early last week, the Board of Governors of the National Conference on Soviet Jewry, comprising 35 national agencies and over 200 Jewish communities, representing the overwhelming majority of the Jewish community throughout the United States, convened in Washington, D.C. at an emergency session.

Their purpose—to impress upon our Government their profound anxiety concerning these most recent wrongful measures taken by the Soviet Government decrees that particularly affected Jewish citizens of the U.S.S.R. The resolution read as follows:

> We are mindful of the need to make every effort to advance world peace and increase understanding between the American and Soviet peoples. But there can be no true detente at the expense of human rights. By its intimidation of Soviet Jews in flagrant violation of basic human rights, the Soviet Government places obstacles in the path of the detente between East and West which all Americans of good will desire. Opposing these violations is a moral imperative for the American people.
>
> The United States is now considering trade agreements which would give the Soviet Union great tariff concessions and billions of dollars in credits. It is the unanimous opinion of the National Conference on Soviet Jewry that Americans who hold a decent respect for the opinions of mankind will not concur in the cynical proposition that conventional, economic and political interest can be separated from moral considerations.
>
> Efforts are now underway in the Senate to withhold Most Favored Nation Status from the Soviet Union, and to deny grants, loans or credits to the Soviet Union or any other country that denies its citizens the right to emigrate by imposing extortionist charges as the price of immigration. We welcome these efforts and urge all Senators to support them.

I would like to take this opportunity to join my voice with those of the Senate majority yesterday and vote yea for the passage of this most vital amendment.

LEGISLATION INTRODUCED BY CONGRESSMAN CHARLES A. VANIK IN THE 92D CONGRESS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. VANIK. Mr. Speaker, as we begin to complete another Congress, I feel that I should state for the RECORD some of the principal bills which I have introduced and supported during the past 21 months.

I believe that an examination of all the bills which I have sponsored during the 92d Congress gives a fairly complete picture of my political philosophy, of my priorities in the Congress, and of my hopes for a more compassionate government—a greater America in a better world.

Some of the bills which I introduced were not considered or failed of passage during the 92d Congress. These bills and legislative concepts may be ahead of their times—it is a function of Congress to plan for the future, and I am confident that these bills will be considered in the years ahead and that they will be enacted.

ENVIRONMENT

	Date	Short title	House hearings	House passage	Senate hearings	Senate passage	Conference	Law	Notes
H.J. Res. 7	Jan. 22, 1971	To establish a Joint Committee on the Environment—or in lieu of a Joint Committee, a House Committee.	×	×	×	×			No final action yet on this legislation to provide a coordinated Congressional approach to environmental problems.
H.J. Res. 60	Jan. 22, 1971								
H.R. 56	Jan. 22, 1971	To establish a National Environmental Data System.	×	×	×	×	×		Probable final passage.
H.R. 3362	Feb. 2, 1971	To prohibit interstate sales or shipment of no-deposit, no-return containers.			×				
H.R. 4010	Feb. 9, 1971	To increase Federal share in grants for construction of waste treatment plants.	×	×	×	×	×		Included in Water Pollution bill. Probable final passage providing significant financial relief to Northeast Ohio.
H.R. 4556	Feb. 18, 1971	To regulate strip mining	×		×				Cosponsored with Representative Hechler (West Virginia). Testimony given in support of bill to House Interior Committee. Version pending in Senate and House.
H.R. 5075	Feb. 25, 1971	To permit citizens' suits against pollutors.	×		×				Some citizens suits for water pollution control included in Water Pollution Control bill now pending.
H.J. 6384	Mar. 18, 1971	Clean Air Amendments of 1971							Bill eliminates certain air pollution problems not met by 1970 Clean Air Act.
H.R. 6722	Mar. 24, 1972	Federal Water Pollution Control Act Amendments.	×	×	×	×			Concept of Federal Water Quality standards nationwide, as well as increased funding, are basis of present Water Pollution bill now awaiting final passage.
H.R. 6898	Mar. 29, 1971	To establish Pollution Disaster Fund for severely polluted areas.						S. 2770, Public Law 92-399.	Water Pollution Act of 1972 (see above) now pending final passage provides special fund for Lake Erie. In addition, Environmental Protection Agency appropriation bill includes $108,500,000 for "crash clean-up program" on Great Lakes.
H.R. 7445	Apr. 7, 1971	To prohibit the introduction or shipping in interstate commerce of any polluting substance.	×		×	×			A version of this legislation which attempts to deal with the problem of the sale of untested new chemical compounds has passed Senate. House hearings have been completed.
H.R. 7673	Apr. 22, 1971	Ohio Canal and Cuyahoga Valley National Historical Park and Recreation Area.							National Park Service currently studying this Northeast Ohio park proposal. Bill cosponsored by 25 others.

	Date	Short title	House hearings	House passage	Senate hearings	Senate passage	Conference	Law	Notes
H.R. 8665	May 24, 1971	Ban on phosphate detergents							
H.R. 9495	June 29, 1971	To prohibit SST flights over United States until sonic boom issues resolved.			×	×			Environmental questions were among the reasons for the terminaticn of the U.S. SST program. Until these questions are answered, foreign made SST's should be prohibited from U.S skies.
H.R. 9764	July 13, 1971	To permit Federal Water Pollution Control grants to be used for separation of storm and sanitary sewers.							Cost to Cleveland, alone, of such sewer separation is estimated at over a quarter billion dollars.
H.R. 9681 H.R. 9684	July 8, 1971 July 8, 1971	To amend 1899 Army Corps of Engineers permit system to coordinate authority with EPA and provide penalties for violations.							Provisions generally included in Federal Water Pollution Control Act Amendments; final passage pending.
H.R. 10100	July 27, 1971	Require use of re-cycled paper in printing of Congressional Record.							
H.R. 12015 H.R. 15502	Dec. 2, 1971 June 14, 1972	National Oil Recycling Act							Proposal currently under study by EPA and FTC.
H.R. 13689	Mar. 8, 1972	To provide Federal assistance against shore erosion.			×				Testified before the Senate Public Works Committee in support of bill to aid communities such as Euclid, Willowick, and Eastlake.
H.R. 14691 H.R. 14866	Apr. 27, 1972 May 9, 1972	Oil Shale Lands Environmental Act and Mineral Leasing Amendments.							Vital that oil shale lands only be developed in environmentally sound manner and that trillions of dollars of oil shale on public lands benefit all the American people.
H.R. 15140	May 23, 1972	Tax on sulphur oxide emissions							This bill is a stronger version of the Administration sulphur oxide tax proposal.
H. Res. 441	May 12, 1971	Provision for a study of freight rates that discriminate against recycleable materials.				×			Senate amendment to railroad legislation requires ICC to conduct such a study and take corrective action.
CRIME CONTROL AND LAW ENFORCEMENT									
H.R. 5645	Mar. 4, 1971	National uniform emergency police telephone number—"911".							
H.R. 4416	Feb. 17, 1971	Suspend foreign aid to any Nation not cooperating in narcotic drug control.		×	×	×	×	Public Law 92-226	
H.R. 6733	Mar. 24, 1971	To establish a coordinating Drug Abuse Control within the Executive Office of the President.	×	×	×	×	×	Public Law 92-255	Provision incorporated into Drug Abuse Office and Treatment Act of 1972.
H.R. 12562	Jan. 24, 1972	Research on cure, prevention, and treatment of heroin addiction.	×	×	×	×	×	Public Law 92-255	Provision incorporated into Drug Abuse Office and Treatment Act of 1972.
H. Res. 886	Mar. 8, 1972	Termination of Foreign Aid to Thailand due to failure to control drug traffic.	×	×	×	×	×		
CONSUMER LEGISLATION									
H.R. 4434	Feb. 17, 1971	Consumer Protection Act	×	×	×				A weakened version of this bill has passed the House and is under debate in the Senate.
		The consumer and energy costs:							Hearings held before Joint Economic Committee:
H.R. 5186	Mar. 1, 1971	1. Termination of Oil Import Quota program.							Oil Quota program provides no real national security (its stated goal) yet it costs consumers $7,000,000,000 annually in higher fuel costs.
H.R. 5187	Mar. 1, 1971	2. Repeal Connally Hot Oil Act.							Hot Oil Act of 1930's permits several oil producing states to maintain an artificially high price of oil at enormous cost to all Americans.
H.R. 5774	Mar. 9, 1971	3. To provide for a national inventory of mineral deposits.							Legislation needed to provide public with an independent analysis of energy reserves and their pricing. Presently all data is supplied by private sector which is demanding higher gas and fuel rates.
H.R. 7224	June 17, 1971	4. To establish national defense petroleum reserves.							A petroleum defense reserve would eliminate argument used to maintain Oil Import Quota program which really provides no security but which cost consumer $7,000,000,000 annually (see above).
H.R. 8417	May 17, 1971	To require public dating of perishable and semi-perishable foods.							
H.R. 9142	June 15, 1971	To require labels on all foods to disclose each of their ingredients.	×						
H.R. 13776	Mar. 13, 1972	Repeal Meat Import Quota Law of 1964.							Rising meat prices require termination of Meat Import Quota. Cosponsored by 48 Members. President suspended quotas for last half of 1972. Permanent repeal needed.

CHRISTOPHER COLUMBUS—A RICH NATIONAL HERITAGE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 9, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, Christopher Columbus really was the first immigrant, so to speak, who brought with him a crew which was by no means just Italian. His team included Portuguese, Spaniards, and other adventuresome individualists.

It is, therefore, fitting that Columbus is only one of two persons which our Nation has honored with a national holiday.

Columbus embodies that rich national heritage of the Italians from beautiful operas to magnificent stone work inherited from the Renaissance Tuscans.

Italo-American contributions to our Nation's culture have been far too numerous to list. However, they do range from Enrico Fermi, one of the greatest physicists in the history of man, to daily contributions in our localities by Italo-American doctors, lawyers, teachers, scientists, artisans—all of whom have made our society the great one that it is.

I join all Americans in celebrating this day in honor of a great and courageous man who symbolizes not only the greatness we inherit from the Italian culture but from the cultures of all nations who have sent their people to become, along with all of us, what we are first and always—proud American citizens.

SENATE—*Tuesday, October 10, 1972*

The Senate met at 9: 30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who said, "Let there be light; and there was light."

"O grant us light, that we may know
The wisdom Thou alone canst give;
That truth may guide where-e'er we go,
And virtue bless where-e'er we live.

"O grant us light, that we may see
Where error lurks in human lore,
And turn our seeking minds to Thee,
And love Thy holy word the more.

"O grant us light, that we may learn
How dead is life from Thee apart,
How sure is joy for all who turn
To Thee an undivided heart."

O God grant us undivided hearts to know and do Thy will that the blessings of justice and peace may permeate this Nation and the whole world.

We pray in His name who is the Light of the World. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 9, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE TO TAKE UP NOMINATION OF GEN. CREIGHTON W. ABRAMS TO BE CHIEF OF STAFF, U.S. ARMY

Mr. MANSFIELD. Mr. President, for the information of the Senate, I received notice yesterday that a Member of the Senate wanted 1 day's notice before the Abrams nomination was called up. This will serve as that 1 day's notice. It will not be taken up today, but the Senate will be on notice that anytime after today, beginning tomorrow, the nomination of Gen. Creighton Abrams to be Chief of Staff of the U.S. Army will be called up, and Senators should prepare themselves accordingly.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PACKWOOD. Mr. President, I have nothing to say.

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

DISABILITY PAY FOR GENERALS

Mr. HARRY F. BYRD, JR. Mr. President, the case of Gen. John D. Lavelle, recently considered by the Senate Committee on Armed Services, raised a question regarding the retirement policies of the armed services.

General Lavelle, who was relieved of command of the 7th Air Force in Vietnam and demoted, was retired on 70-percent physical disability.

As a result, he will receive $27,000 per year retirement pay, all of which will be tax free.

At my request, the Armed Services Committee queried the Defense Department to ascertain the number of general officers and those of flag rank who have been retired, and how many have been retired with disability, and how many without disability.

The significance of retirement with disability is this: When an officer is retired with disability, much, and in many cases all, of his retirement income is nontaxable.

The committee's request for information on retirement with disability covered the period from January 1, 1964, to the latest practical current date.

I shall summarize the information just received by the committee.

Between January 1, 1964, and September 30, 1972, the Army retired 634 general officers.

Of this total, 387 or 60.9 percent were retired without disability; 247 or 39.1 percent were retired with disability.

For the Navy, between January 1, 1964, and July 31, 1972, 301 officers of flag rank were retired.

Of this total, 210 were retired without disability or 69.8 percent; 91 were retired with disability, or 30.2 percent. Of the 91 who were retired with disability, 36 percent had been drawing flight pay; namely, pay for hazardous duty, within 6 months of retirement.

For the Marine Corps, 87 officers were retired between January 1, 1964, and October 1, 1972. Of this total, 58.6 percent were retired without disability, while 41.4 percent were retired with disability.

For the Air Force, 523 general officers were retired between the period of January 1, 1964, and June 30, 1972.

Of this total, 246 or 47 percent were retired without disability; and 277 or 53 percent were retired with disability.

Of those who were retired with disability, and thus are receiving a substantial tax advantage on retirement pay, 214 or 77 percent had been certified to qualify for flight pay within 6 months of retirement.

To generalize, it would appear that approximately 40 percent of the general officers retiring from the Army and the Marine Corps received disability retirement pay; and 30 percent of the flag officers of the Navy received disability retirement pay.

In the Air Force, more than half—53 percent—of the general officers are retired with disability pay even though 77 percent of those officers had within 6 months of retirement passed a medical examination qualifying them for hazardous duty flight pay.

In the case of any officer retired on disability, there must be a finding by his branch of the service that he is unfit for duty. In addition, the Veterans' Administration must certify the degree of disability after conducting an independent physical examination.

Thus, the findings resulting from the inquiry by the Armed Services Committee suggest that a study should be made of the standards for determining disability both in the Defense Department and the Veterans' Administration.

Although I have no proof, it does appear that there may be considerable abuse of the retirement system.

I submit these facts to the Senate today so that they may be made a part of the public record.

THE LEWIS POWELL MEMORANDUM

Mr. HARRY F. BYRD, JR. Mr. President, in August 1971, Lewis F. Powell, Jr., then a Richmond attorney, prepared a memorandum for the education committee of the U.S. Chamber of Commerce. The subject was "Attack on American Free Enterprise System."

Mr. Powell's basic thesis was that the free enterprise system is under constant assault on campuses, in the media, in the political arena, and in the courts. He suggested that those who believe in the system should mount a counterattack.

In essence, the memorandum is a call to the business community of the United States to exercise its first amendment right of free expression in its own behalf.

The memorandum was prepared at the request of Mr. Powell's friend, Eugene B. Sydnor, Jr., of Richmond, chairman of the chamber's education committee.

I served with Senator Sydnor as a member of the Virginia Senate. He is an outstanding citizen of our State, and he, just as has Lewis Powell, has through the years been a strong advocate of public education, and has been very active in the fight for the public school system and for quality education for all of our citizens.

Two months after the memorandum was given to Mr. Sydnor, Mr. Powell was nominated to the U.S. Supreme Court by President Nixon. He was confirmed by a vote of 89 to 1 in the Senate.

Late last month columnist Jack Anderson, having obtained a copy of the memorandum, published an attack on it. He suggested that Mr. Powell's views raised a question as to his fitness to decide cases "involving business interests."

A dispassionate examination of the memorandum shows otherwise. In contrast to some suggestions one hears from the militants of the left, Mr. Powell's recommendations contain nothing which would violate either American law or the American spirit of fair play.

On the contrary, it is precisely law and fairness which Mr. Powell advocated. I believe he was eminently right to do so.

I see no justification for saying that Mr. Powell, because he wrote a memorandum suggesting how the business interests might enter a counterattack against the many attacks made on business, in any way disqualified himself from the Court, or disqualified himself from sitting on cases involving business and labor.

This brings to mind that Mr. Justice Arthur Goldberg, who was appointed to the court by President Kennedy, had been a paid counsel for the AFL–CIO. That in no way disqualified Mr. Goldberg from being on the Court and deciding cases in the labor area.

I supported Mr. Goldberg's appointment, because I felt that he was highly qualified. I am not in agreement with his philosophy, but he was certainly qualified to be a member of the Court.

By the same token, I support Mr. Justice Powell, because he is fully qualified to be a member of the Court. I see no justification for attacking Justice Powell on the basis of a memorandum that he wrote prior to the time that he became a member of the Court. Everyone knew when his name was submitted to the Senate, when the hearings were held before the Senate committee, and when his nomination came before the Senate, that he had had an important legal practice, in which his law firm represented many corporations. I am sure everyone knew that. It was a part of the public record. But no one suggested that that in any way disqualified him from service on the Court, or in any way would prejudice his judgment in cases before the Court. As a matter of fact, of the 100 Senators, only one vote was cast against the confirmation of Mr. Powell's nomination. I do not remember the vote on Mr. Justice Goldberg's confirmation, but I would guess it was probably of a similar nature.

Here were one person, Mr. Powell, who had a corporate practice, and another person, Mr. Goldberg, who was the paid counsel for labor unions. Both of them were highly qualified; both of them were men of sufficient stature to be on the Supreme Court.

I supported the nomination of Lewis Powell to the Supreme Court, knowing him to be a man of singular judgment and dedication to the Constitution. What he wrote in the memorandum on the plight of free enterprise only reinforces my conviction as to his fitness to serve on the Court.

I am glad that this matter was brought out. I had not been aware of the memorandum before, but I think it is important that the memorandum be made available. It is a well-reasoned and well-written memorandum, as all of Lewis Powell's writings are, and I think it is desirable to have it spread upon the RECORD. I hope that the business community and those who are interested in a free enterprise system will read the memorandum.

So, in the interest of placing the facts on the public record, I ask unanimous consent that the text of the memorandum by Mr. Powell—now, happily, Mr. Justice Powell—be included in the RECORD.

I also ask unanimous consent that three commentaries on the memorandum also be included in the RECORD. These are: A letter from Mr. Sydnor to the Richmond Times-Dispatch, published on October 4; an editorial entitled "The Powell Memo," published in that newspaper on the same date; and a column by James J. Kilpatrick published in the Washington Sunday Star and Daily News on October 8.

There being no objection, the memorandum and the articles were ordered to be printed in the RECORD, as follows:

ATTACK ON AMERICAN FREE ENTERPRISE SYSTEM

This memorandum is submitted at your request as a basis for the discussion on August 24 with Mr. Booth and others at the U.S. Chamber of Commerce. The purpose is to identify the problem, and suggest possible avenues of action for further consideration.

DIMENSIONS OF THE ATTACK

No thoughtful person can question that the American economic system is under broad attack.[1] This varies in scope, intensity, in the techniques employed, and in the level of visibility.

There always have been some who opposed the American system, and preferred socialism or some form of statism (communism or fascism). Also, there always have been critics of the system, whose criticism has been wholesome and constructive so long as the objective was to improve rather than to subvert or destroy.

But what now concerns us is quite new in the history of America. We are not dealing with episodic or isolated attacks from a relatively few extremities or even from the minority socialist cadre. Rather, the assault on the enterprise system is broadly based and consistently pursued. It is gaining momentum and converts.

SOURCES OF THE ATTACK

The sources are varied and diffused. They include, not unexpectedly, the Communists, New Leftists and other revolutionaries who would destroy the entire system, both political and economic. These extremists of the left are far more numerous, better financed, and increasingly are more welcomed and encouraged by other elements of society, than ever before in our history. But they remain a small minority, and are not yet the principal cause for concern.

The most disquieting voices joining the chorus of criticism, come from perfectly respectable elements of society: from the college campus, the pulpit, the media, the intellectual and literary journals, the arts and sciences, and from politicians. In most of these groups the movement against the system is participated in only by minorities. Yet, these often are the most articulate, the most vocal, the most prolific in their writing and speaking.

Moreover, much of the media—for varying motives and in varying degrees—either voluntarily accords unique publicity to these "attackers", or at least allows them to exploit the media for their purposes. This is especially true of television, which now plays a predominant role in shaping the thinking, attitudes and emotions of our people.

One of the bewildering paradoxes of our time is the extent to which the enterprise system tolerates, if not participates in, its own destruction.

The campuses from which much of the criticism emanates are supported by (i) tax funds generated largely from American business, and (ii) contributions from capital funds controlled or generated by American business. The Boards of Trustees of our universities overwhelmingly are composed of men and women who are leaders in the system.

Most of the media, including the national TV systems, are owned and theoretically controlled by corporations which depend upon profits, and the enterprise system to survive.

TONE OF THE ATTACK

This memorandum is not the place to document in detail the tone, character, or intensity of the attack. The following quotations will suffice to give one a general idea:

William Kunstler, warmly welcomed on campuses and listed in a recent student poll as the "American lawyer most admired", incites audiences as follows:

"You must learn to fight in the streets, to revolt, to shoot guns. We will learn to do all of the things that property owners fear."[2]

The New Leftists who heed Kunstler's advice increasingly are beginning to act—not just against military recruiting offices and manufacturers of munitions, but against a variety of businesses:

"Since February 1970, branches (of Bank of America) have been attacked 39 times, 22 times with explosive devices and 17 times with fire bombs or by arsonists."[3]

Although New Leftists spokesmen are succeeding in radicalizing thousands of the young, the greater cause for concern is the hostility of respectable liberals and social reformers. It is the sum total of their views and influence which could indeed fatally weaken or destroy the system.

A chilling description of what is being taught on many of our campuses was written by Stewart Alsop:

"Yale, like every other major college, is graduating scores of bright young men who are practitioners of 'the politics of despair.' These young men despise the American political and economic system . . . (their) minds seem to be wholly closed. They live, not by rational discussion, but by mindless slogans."[4]

A recent poll of students on 12 representative campuses reported that:

"Almost half the students favored socialization of basic U.S. industries."[5]

A visiting professor from England at Rockford College gave a series of lectures entitled "The Ideological War Against Western Society," in which he documents the extent to which members of the intellectual community are waging ideological warfare against the enterprise system and the values of western society. In a foreword to these lectures, famed Dr. Milton Friedman of Chicago warned:

"It (is) crystal clear that the foundations of our free society are under wide-ranging and powerful attack—not by Communist or any other conspiracy but by misguided individuals parroting one another and unwittingly serving ends they would never intentionally promote".[6]

Perhaps the single most effective antagonist of American business is Ralph Nader who—thanks largely to the media—has become a legend in his own time and an idol of millions of Americans. A recent article in Fortune speaks of Nader as follows:

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[1] Variously called: the "free enterprise system", "capitalism", and the "profit system". The American political system of democracy under the rule of law is also under attack, often by the same individuals and organizations who seek to undermine the enterprise system.

[2] Richmond News-Leader, June 8, 1970. Column of William F. Buckley, Jr.

[3] N.Y. Times Service article, reprinted Richmond Times-Dispatch, May 17, 1971.

[4] Stewart Alsop, Yale and the Deadly Danger, Newsweek, May 18, 1970.

[5] Editorial, Richmond Times-Dispatch, July 7, 1971.

[6] Dr. Milton Friedman, Prof. of Economics, U. of Chicago, writing a Foreword to Dr. Arthur A. Shenfield's Rockford College lectures entitled "The Ideological War Against Western Society", copyrighted 1970 by Rockford College.

"The passion that rules in him—and he is a passionate man—is aimed at smashing utterly the target of his hatred, which is corporate power. He thinks, and says quite bluntly, that a great many corporate executives belong in prison—for defrauding the consumer with shoddy merchandise, poisoning the food supply with chemical additives, and willfully manufacturing unsafe products that will maim or kill the buyer. . . . He emphasizes that he is not talking just about 'flying-by-night hucksters' but the top management of blue-chip business".[7]

A frontal assault was made on our government, our system of justice, and the free enterprise system by Yale professor Charles Reich in his widely publicized book: "The Greening of America", published last winter.

The foregoing references illustrate the broad, shotgun attack on the system itself. There are countless examples of rifle shots which undermine confidence and confuse the public. Favorite current targets are proposals for tax incentives through changes in depreciation rates and investment credits. These are usually described in the media as "tax breaks", "loop holes", or "tax benefits" *for the benefit of business*. As viewed by a columnist in the Post, such tax measures would benefit "only the rich, the owners of big companies".[8]

It is dismaying that many politicians make the same argument that tax measures of this kind benefit only "business", without benefit to "the poor". The fact that this is either political demagoguery or economic illiteracy, is of slight comfort. This setting of the "rich" against the "poor", of business against the people, is the cheapest and most dangerous kind of politics.

THE APATHY AND DEFAULT OF BUSINESS

What has been the response of business to this massive assault upon its fundamental economics, upon its philosophy, upon its right to continue to manage its own affairs, and indeed upon its integrity?

The painfully sad truth is that business, including the boards of directors and the top executives of corporations great and small and business organizations at all levels, often have responded—if at all—by appeasement, ineptitude and ignoring the problem. There are, of course, many exceptions to this sweeping generalization. But the net effect of such response as has been made is scarcely visible.

In all fairness, it must be recognized that businessmen have not been trained or equipped to conduct guerilla warfare with those who propagandize against the system, seeking insidiously and constantly to sabotage it. The traditional role of business executives has been to manage, to produce, to sell, to create jobs, to make profits, to improve the standard of living, to be community leaders, to serve on charitable and educational boards, and generally to be good citizens. They have performed these tasks very well indeed.

But they have shown little stomach for hard-nose contest with their critics, and little skill in effective intellectual and philosophical debate.

A column recently carried by the Wall Street Journal was entitled: *"Memo to GM: Why Not Fight Back?"*[9] Although addressed to GM by name, the article was a warning to all American business. Columnist St. John said:

"General Motors, like American business in general, is 'plainly in trouble' because intellectual bromides have been substituted for a sound intellectual exposition of its point of view".

Mr. St. John then commented on the tendency of business leaders to compromise with and appease critics. He cited the concessions which Nader wins from management, and spoke of "the fallacious view many businessmen take toward their critics. He drew a parallel to the mistaken tactics of many college administrators:

"College administrators learned too late that such appeasement serves to destroy free speech, academic freedom and genuine scholarship. One campus radical demand was conceded by university heads only to be followed by a fresh crop which soon escalated to what amounted to a demand for outright surrender".

One need not agree entirely with Mr. St. John's analysis. But most observers of the American scene will agree that the essence of his message is sound. American business "plainly is in trouble"; the response to the wide range of critics has been ineffective, and has included appeasement; the time has come—indeed, it is long overdue—for the wisdom, integrity and resources of American business to be marshaled against those who would destroy it.

RESPONSIBILITY OF BUSINESS EXECUTIVES

What specifically should be done? The first essential—a prerequisite to any effective action—is for businessmen to confront this problem as a primary responsibility of corporate management.

The overriding first need is for businessmen to recognize that the ultimate issue may be *survival*—survival of what we call the free enterprise system, and all that this means for the strength and prosperity of America and the freedom of our people.

The day is long past when the chief executive officer of a major corporation discharges his responsibility by maintaining a satisfactory growth of profits, with due regard to the corporation's public and social responsibilities. If our system is to survive, top management must be equally concerned with protecting and preserving the system itself. This involves far more than an increased emphasis on "public relations" or "governmental affairs"—two areas in which corporations long have invested substantial sums.

A significant first step by individual corporations could well be the designation of an executive vice president (ranking with other executive VP's) whose responsibility is to counter—on the broadest front—the attack on the enterprise system. The public relations department could be one of the foundations assigned to this executive, but his responsibilities should encompass some of the types of activities referred to subsequently in this memorandum. His budget and staff should be adequate to the task.

POSSIBLE ROLE OF THE CHAMBER OF COMMERCE

But independent and uncoordinated activity by individual corporations, as important as this is, will not be sufficient. Strength lies in organization, in careful long-range planning and implementation, in consistency of action over an indefinite period of years, in the scale of financing available only through joint effort, and in the political power available only through united action and national organizations.

Moreover, there is the quite understandable reluctance on the part of any one corporation to get too far out in front and to make itself too visible a target.

The role of the National Chamber of Commerce is therefore vital. Other national organizations (especially those of various industrial and commercial groups) should join in the effort, but no other organizations appears to be as well situated as the Chamber. It enjoys a strategic position, with a fine reputation and a broad base of support. Also—and this is of immeasurable merit—there are hundreds of local Chambers of Commerce which can play a vital supportive role.

It hardly need be said that before embarking upon any program the Chamber should study and analyze possible courses of action and activities, weighing risks against probable effectiveness and feasibility of each. Considerations of cost, the assurance of financial and other support from members, adequacy of staffing and similar problems will all require the most thoughtful consideration.

THE CAMPUS

The assault on the enterprise system was not mounted in a few months. It has gradually evolved over the past two decades, barely perceptible in its origins and benefiting from a graduation that provoked little awareness much less any real reaction.

Although origins, sources and causes are complex and interrelated, and obviously difficult to identify without careful qualification, there is reason to believe that the campus is the single most dynamic source. The social science faculties usually include members who are unsympathetic to the enterprise system. They may range from a Herbert Marcuse, Marxist faculty member at the University of California at San Diego, and convinced socialists, to the ambivalent liberal critic who finds more to condemn than to commend. Such faculty members need not be in a majority. They are often personally attractive and magnetic; they are stimulating teachers, and their controversy attracts student following; they are prolific writers and lecturers; they author many of the textbooks; and they exert enormous influence—far out of proportion to their numbers—on their colleagues and in the academic world.

Social science faculties (the political scientist, economist, sociologist and many of the historians) tend to be liberally oriented, even when leftists are not present. This is not a criticism *per se*, as the need for liberal thought is essential to a balanced viewpoint. The difficulty is that "balance" is conspicuous by its absence of many campuses, with relatively few members being of conservative or moderate persuasion and even the relatively few often being less articulate and aggressive than their crusading colleagues.

This situation extending back many years and with the imbalance gradually worsening, has had an enormous impact on millions of young American students. In an article in Barron's weekly, seeking an answer to why so many young people are disaffected even to the point of being revolutionaries, it was said:

"Because they were *taught* that way".[10]

Or, as noted by columnist Stewart Alsop, writing about his *alma mater*:

"Yale, like every other major college, is graduating scores of bright young men . . . who despise the American political and economic system".

As these "bright young men", from campuses across the country, seek opportunities to change a system which they have been taught to distrust—if not, indeed "despise"—they seek employment in the centers of the real power and influence in our country, namely: (i) with the news media, especially television; (ii) in government, as "staffers" and consultants at various levels; (iii) in elective politics; (iv) as lecturers and writers; and (v) on the faculties at various levels of education.

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[7] *Fortune*, May 1971, p. 145. This *Fortune* analysis of the Nader influence includes a reference to Nader's visit to a college where he was paid a lecture fee of $2,500 for "denouncing America's big corporations in venomous language . . . bringing (rousing and spontaneous) bursts of applause" when he was asked when he planned to run for President.

[8] The Washington Post, Column of William Raspberry, June 28, 1971.

[9] Jeffrey St. John, The Wall Street Journal, May 21, 1971.

[10] Barron's National Business and Financial Weekly, "The Total Break with America, The Fifth Annual Conference of Socialist Scholars", Sept. 15, 1969.

Many do enter the enterprise system—in business and the professions—and for the most part they quickly discover the fallacies of what they have been taught. But those who eschew the mainstream of the system, often remain in key positions of influence where they mold public opinion and often shape governmental action. In many instances, these "intellectuals" end up in regulatory agencies or governmental departments with large authority over the business system they do not believe in.

If the foregoing analysis is approximately sound, a priority task of business—and organizations such as the Chamber—is to address the campus origin of this hostility.

Few things are more sanctified in American life than academic freedom. It would be fatal to attack this as a principle. But if academic freedom is to retain the qualities of "openness", "fairness" and "balance"—which are essential to its intellectual significance—there is a great opportunity for constructive action. The thrust of such action must be to restore the qualities just mentioned to the academic communities.

WHAT CAN BE DONE ABOUT THE CAMPUS

The ultimate responsibility for intellectual integrity on the compus must remain on the administrations and faculties of our colleges and universities. But organizations such as the Chamber can assist and activate constructive change in many ways, including the following:

Staff of scholars

The Chamber should consider establishing a staff of highly qualified scholars in the social sciences who do believe in the system. It should include several of national reputation, whose authorship would be widely respected—even when disagreed with.

Staff of speakers

There also should be a staff of speakers of the highest competency. These might include the scholars, and certainly those who speak for the Chamber would have to articulate the product of the scholars.

Speaker's bureau

In addition to full time staff personnel, the Chamber should have a Speaker's Bureau which should include the ablest and most effective advocates from the top echelons of American business.

Evaluation of textbooks

The staff of scholars (or preferably a panel of independent scholars) should evaluate social science textbooks, especially in economics, political science and sociology. This should be a continuing program.

The objective of such evaluation should be oriented toward restoring the balance essential to genuine academic freedom. This would include assurance of fair and factual treatment of our system of government and our enterprise system, its accomplishments, its basic relationship to individual rights and freedoms, and comparison with the systems of socialism, fascism and communism. Most of the existing textbooks have some sort of comparisons, but many are superficial, biased and unfair.

We have seen the civil rights movement insist on rewriting many of the textbooks in our universities and schools. The labor unions likewise insist that textbooks be fair to the viewpoints of organized labor. Other interested citizens groups have not hesitated to review, analyze and criticize textbooks and teaching materials. In a democratic society, this can be a constructive process and should be regarded as an aid to genuine academic freedom and not as an intrusion upon it.

If the authors, publishers and users of textbooks know that they will be subjected—honestly, fairly and thoroughly—to review and critique by eminent scholars who believe in the American system, a return to a more rational balance can be expected.

Equal time on the campus

The Chamber should insist upon equal time on the college speaking circuit. The FBI publishes each year a list of speeches made on college campuses by avowed Communists. The number in 1970 exceeded 100. There were, of course, many hundreds of appearances by leftists and ultra liberals who urge the types of viewpoints indicated earlier in this memorandum. There was no corresponding representation of American business, or indeed by individuals or organizations who appeared in support of the American system of government and business.

Every campus has its formal and informal groups which invite speakers. Each law school does the same thing. Many universities and college officials sponsor lecture and speaking programs. We all know the inadequacy of the representation of business in the programs.

It will be said that few invitations would be extended to Chamber speakers.[11] This undoubtedly would be true unless the Chamber aggressively insisted upon the right to be heard—in effect, insisted upon "equal time." University administrators and the great majority of student groups and committees would not welcome being put in the position publicly of refusing a forum to diverse views. Indeed, this is the classic excuse for allowing Communists to speak.

The two essential ingredients are (i) to have attractive, articulate and well-informed speakers; and (ii) to exert whatever degree of pressure—publicly and privately—may be necessary to assure opportunities to speak. The objective always must be to inform and enlighten, and not merely to propagandize.

Balancing of faculties

Perhaps the most fundamental problem is the imbalance of many faculties. Correcting this is indeed a long-range and difficult project. Yet, it should be undertaken as a part of an overall program. This would mean the urging of the need for faculty balance upon university administrators and boards of trustees.

The methods to be employed require careful thought, and the obvious pitfalls must be avoided. Improper pressure would be counterproductive. But the basic concepts of balance, fairness and truth are difficult to resist, if properly presented to boards of trustees, by writing and speaking, and by appeals to alumni associations and groups.

This is a long road and not one for the fainthearted. But if pursued with integrity and conviction it could lead to a strengthening of both academic freedom on the campus and of the values which have made America the most productive of all societies.

Graduate schools of business

The Chamber should enjoy a particular repport with the increasingly influential graduate schools of business. Much that has been suggested above applies to such schools.

Should not the Chamber also request specific courses in such schools dealing with the entire scope of the problem addressed by this memorandum? This is now essential training for the executives of the future.

Secondary education

While the first priority should be at the college level, the trends mentioned above are increasingly evidenced in the high schools. Action programs, tailored to the high schools and similar to those mentioned, should be considered. The implementation thereof could become a major program for local chambers of commerce, although the control and direction—especially the quality control—should be retained by the National Chamber.

WHAT CAN BE DONE ABOUT THE PUBLIC?

Reaching the campus and the secondary schools is vital for the long-term. Reaching the public generally may be more important for the shorter term. The first essential is to establish the staffs of eminent scholars, writers and speakers, who will do the thinking, the analysis and the speaking. It will also be essential to have staff personnel who are thoroughly familiar with the media, and how most effectively to communicate with the public. Among the more obvious means are the following:

Television

The national television networks should be monitored in the same way that textbooks should be kept under constant surveillance. This applies not merely to so-called educational programs (such as "Selling of the Pentagon"), but to the daily "news analysis" which so often includes the most insidious type of criticism of the enterprise system.[12] Whether this criticism results from hostility or economic ignorance, the result is the gradual erosion of confidence in "business" and free enterprise.

This monitoring, to be effective would require constant examination of the texts of adequate samples of programs. Complaints—to the media and to the Federal Communications Commission—should be made promptly and strongly when programs are unfair or inaccurate.

Equal time should be demanded when appropriate. Efforts should be made to see that the forum-type programs (the Today show, Meet the Press, etc.) afford at least as much opportunity for supporters of the American system to participate as these programs do for those who attack it.

Other media

Radio and the press are also important, and every available means should be employed to challenge and refute unfair attacks, as well as to present the affirmative case through these media.

The scholarly journals

It is especially important for the Chamber's "faculty of scholars" to publish. One of the keys to the success of the liberal and leftist faculty members has been their passion for "publication" and "lecturing." A similar passion must exist among the Chamber's scholars.

Incentives might be devised to induce more "publishing" by independent scholars who do believe in the system.

There should be a fairly steady flow of scholarly articles presented to a broad spectrum of magazines and periodicals—ranging from the popular magazines (Life, Look, Reader's Digest, etc.) to the more intellectual ones (Atlantic, Harper's, Saturday Review, New York, etc.) [13] and to the various professional journals.

Books, paperbacks, and pamphlets

The newsstands—at airports, drugstores and elsewhere—are filled with paperback and pamphlets advocating everything from revolution to erotic free love. One finds almost no attractive, well-written paperbacks or pamphlets on "our side." It will be difficult to compete with an Eldridge Cleaver or even a Charles Reich for reader attention, but unless the effort is made—on a large enough scale and with appropriate imagination to assure some success—this opportunity for educating the public will be irretrievably lost.

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[11] On many campuses freedom of speech has been denied to all who express moderate or conservative viewpoints.

[12] It has been estimated that the evening half-hour news programs of the networks reach daily some 50,000,000 Americans.

[13] One illustration of the type of article which should not go unanswered appeared in the popular "New York" of July 19, 1971. This was entitled "A Populist Manifesto" by ultra liberal Jack Newfield—who argued that "the root need in our country is 'to redistribute wealth.'"

Paid advertisements

Business pays hundreds of millions of dollars to the media for advertisements. Most of this supports specific products; much of it supports institutional image making; and some fraction of it does support the system. But the latter has meen more or less tangential, and rarely part of a sustained, major effort to inform and enlighten the American people.

If American business devoted only 10% of its total annual advertising budget to this overall purpose, it would be a statesmanlike expenditure.

THE NEGLECTED POLITICAL ARENA

In final analysis, the payoff—short of revolution—is what government does. Business has been the favorite whippingboy of many politicians for many years. But the measure of how far this has gone is perhaps best found in the anti-business views being expressed by several leading candidates for President of the United States.

It is still Marxist doctrine that the "capitalist" countries are controlled by big business. This doctrine, consistently a part of leftist propaganda all over the world, has a wide public following among Americans.

Yet, as every business executive knows, few elements of American society today have as little influence in government as the American businessman, the corporation, or even the millions of corporate stockholders. If one doubts this, let him undertake the role of "lobbyist" for the business point of view before Congressional Committees. The same situation obtains in the legislative halls of most states and major cities. One does not exaggerate to say that, in terms of political influence with respect to the course of legislation and government action, the American business executive is truly the "forgotten man".

Current examples of the impotency of business, and of the near-contempt with which businessmen's views are held, are the stampedes by politicians to support almost any legislation related to "consumerism" or to the "environment."

Politicians reflect what they believe to be majority views of their constituents. It is thus evident that most politicians are making the judgment that the public has little sympathy for the businessman or his viewpoint.

The educational programs suggested above would be designed to enlighten public thinking—not so much about the businessman and his individual role as about the system which he administers, and which provides the goods, services and jobs on which our country depends.

But one should not postpone more direct political action, while awaiting the gradual change in public opinion to be affected through education and information. Business must learn the lesson, long ago learned by Labor and other self-interest groups. This is the lesson that political power is necessary; that such power must be assiduously cultivated; and that when necessary, it must be used aggressively and with determination—without embarrassment and without the reluctance which has been so characteristic of American business.

As unwelcome as it may be to the Chamber, it should consider assuming a broader and more vigorous role in the political arena,

NEGLECTED OPPORTUNITY IN THE COURTS

American business and the enterprise system have been affected as much by the courts as by the executive and legislative branches of government. Under our constitutional system, especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic and political change.

Other organizations and groups, recognizing this, have been far more astute in exploiting judicial action than American business. Perhaps the most active exploiters of the judicial system have been groups ranging in political orientation from "liberal" to the far left.

The American Civil Liberties Union is one example. It initiates or intervenes in scores of cases each year, and it files briefs *amicus curiae* in the Supreme Court in a number of cases during each term of that court. Labor unions, civil rights groups and now the public interest law firms are extremely active in the judicial arena. Their success, often at business' expense, has not been inconsequential.

This is a vast area of opportunity for the Chamber, if it is willing to undertake the role of spokesman for American business and if, in turn, business is willing to provide the funds.

As with respect to scholars and speakers, the Chamber would need a highly competent staff of lawyers. In special situations it should be authorized to engage, to appear as counsel *amicus* in the Supreme Court, lawyers of national standing and reputation. The greatest care should be exercised in selecting the cases in which to participate, or the suits to institute. But the opportunity merits the necessary effort.

NEGLECTED STOCKHOLDER POWER

The average member of the public thinks of "business" as an impersonal corporate entity, owned by the very rich and managed by over-paid executives. There is an almost total failure to appreciate that "business" actually embraces—in one way or another—most Americans. Those for whom business provides jobs, constitute a fairly obvious class. But the 20 million stockholders—most of whom are of modest means—are the real owners, the real entrepreneurs, the real capitalists under our system. They provide the capital which fuels the economic system which has produced the highest standard of living in all history. Yet, stockholders have been as ineffectual as business executives in promoting a genuine understanding of our system or in exercising political influence.

The question which merits the most thorough examination is how can the weight and influence of stockholders—20 million voters—be mobilized to support (i) an educational program and (ii) a political action program.

Individual corporations are now required to make numerous reports to shareholders. Many corporations also have expensive "news" magazines which go to employees and stockholders. These opportunities to communicate can be used far more effectively as educational media.

The corporation itself must exercise restraint in undertaking political action and must, of course, comply with applicable laws. But is it not feasible—through an affiliate of the Chamber or otherwise—to establish a national organization of American stockholders and give it enough muscle to be influential?

A MORE AGGRESSIVE ATTITUDE

Business interests—especially big business and their national trade organizations—have tried to maintain low profiles, especially with respect to political action.

As suggested in the Wall Street Journal article, it has been fairly characteristic of the average business executive to be tolerant —at least in public—of those who attack his corporation and the system. Very few businessmen or business organizations respond in kind. There has been a disposition to appease; to regard the opposition as willing to compromise, or as likely to fade away in due time.

Business has shunted confrontation politics. Business, quite understandably, has been repelled by the multiplicity of non-negotiable "demands" made constantly by self-interest groups of all kinds.

While neither responsible business interests, nor the United States Chamber of Commerce, would engage in the irresponsible tactics of some pressure groups, it is essential that spokesmen for the enterprise system—at all levels and at every opportunity—be far more aggressive than in the past.

There should be no hesitation to attack the Naders, the Marcuses and others who openly seek destruction of the system. There should be not the slightest hesitation to press vigorously in all political arenas for support of the enterprise system. Nor should there be reluctance to penalize politically those who oppose it.

Lessons can be learned from organized labor in this respect. The head of the AFL-CIO may not appeal to businessmen as the most endearing or public-minded of citizens. Yet, over many years the heads of national labor organizations have done what they were paid to do very effectively. They may not have been beloved, but they have been respected—where it counts the most—by politicians, on the campus, and among the media.

It is time for American business—which has demonstrated the greatest capacity in all history to produce and to influence consumer decisions—to apply their great talents vigorously to the preservation of the system itself.

THE COST

The type of program described above (which includes a broadly based combination of education and political action), if undertaken long term and adequately staffed, would require far more generous financial support from American corporations than the Chamber has ever received in the past. High level management participation in Chamber affairs also would be required.

The staff of the Chamber would have to be significantly increased, with the highest quality established and maintained. Salaries would have to be at levels fully comparable to those paid key business executives and the most prestigious faculty members. Professionals of the great skill in advertising and in working with the media, speakers, lawyers and other specialists would have to be recruited.

It is possible that the organization of the Chamber itself would benefit from restructuring. For example, as suggested by union experience, the office of President of the Chamber might well be a full-time career position. To assure maximum effectiveness and continuity, the chief executive officer of the Chamber should not be changed each year. The functions now largely performed by the President could be transferred to a Chairman of the Board, annually elected by the membership. The Board, of course, would continue to exercise policy control.

QUALITY CONTROL IS ESSENTIAL

Essential ingredients of the entire program must be responsibility and "quality control". The publications, the articles, the speeches, the media programs, the advertising, the briefs filed in courts, and the appearances before legislative committees—all must meet the most exacting standards of accuracy and professional excellence. They must merit respect for their level of public responsibility and scholarship, whether one agrees with the viewpoint expressed or not.

RELATIONSHIP TO FREEDOM

The threat to the enterprise system is not merely a matter of economics. It also is a threat to individual freedom.

It is this great truth—now so submerged by the rhetoric of the New Left and of many liberals—that must be reaffirmed if this program is to be meaningful.

There seems to be little awareness that the only alternatives to free enterprise are varying degrees of bureaucratic regulation of individual freedom—ranging from that under moderate socialism to the iron heel of the leftist or rightist dictatorship.

We in America already have moved very far indeed toward some aspects of state socialism, as the needs and complexities of a vast urban society require types of regulation and control that were quite unnecessary in earlier times. In some areas, such regulation and control already have seriously impaired the freedom of both business and labor, and indeed of the public generally. But most of the essential freedoms remain: private ownership, private profit, labor unions, collective bargaining, consumer choice, and a market economy in which competition largely determines price, quality and variety of the goods and services provided the consumer.

In addition to the ideological attack on the system itself (discussed in this memorandum), its essentials also are threatened by inequitable taxation, and—more recently—by an inflation which has seemed uncontrollable.[14] But whatever the causes of diminishing economic freedom may be, the truth is that freedom as a concept is indivisible. As the experience of the socialist and totalitarian states demonstrates, the contraction and denial of economic freedom is followed inevitably by governmental restrictions on other cherished rights. It is this message, above all others, that must be carried home to the American people.

CONCLUSION

It hardly need be said that the views expressed above are tentative and suggestive. The first step should be a thorough study. But this would be an exercise in futility unless the Board of Directors of the Chamber accepts the fundamental premise of this paper, namely, that business and the enterprise system are in deep trouble, and the hour is late.

[From the Sunday Star and Daily News, Oct. 8, 1972]

CITIZEN POWELL HANDED DOWN A GOOD OPINION

(By James J. Kilpatrick)

The saying goes, straight out of Shakespeare, that sweet are the uses of adversity. Here in Washington, getting smeared by Jack Anderson ranks high on the adversity scale, but Anderson's recent attack on Supreme Court Justice Lewis F. Powell is turning into a stroke of good fortune for the nation's business community.

The story goes back to the summer of 1971, when Powell was simply Citizen Powell, a highly respected corporation lawyer in Richmond, Va. He lunched with an old friend, Eugene B. Sydnor Jr., who was then chairman of the education committee of the U.S. Chamber of Commerce.

Sydnor was to meet in a few days with Arch Booth and other executives of the U.S. Chamber. He asked Powell to let him have a memorandum as a basis for discussion of certain steps that might be taken by American business in defense of the enterprise system. Powell was agreeable. He went to his office over the weekend and, in his usual methodical way, put together a neatly footnoted 33-page memorandum. On Monday, Aug. 23, he gave the paper to Sydnor, who took it on to Washington the next day.

Two months later, on Oct. 21, President Nixon nominated Powell for the Supreme Court. Now, nearly a year later, the memorandum to Sydnor has surfaced: Someone sent a copy to Jack Anderson; and Anderson, in his usual snide way, gave it a sinister reading. Powell's views were so militant, said Anderson, that the memorandum "raises a question about Powell's fitness to decide any case involving business interests."

For the record, Anderson never raised any such question about the fitness of Thurgood Marshall, as to integration, or about Arthur Goldberg, as to labor—but no matter. The effect of Anderson's attack on Powell has been to give the memorandum publicity it never could have achieved in any other way. Businessmen are besieging the Chamber with requests for copies of the text. Quite possibly, thanks to Anderson, something may come of Powell's year-old recommendations after all.

These recommendations are nothing sensational, but they make great good sense. Powell's thesis is that the American economic system is under broad attack, not merely from a handful of extremists but more significantly from "perfectly respectable elements of society—from the college campus, the pulpit, the media, the intellectual and literary journals, the arts and sciences, and from politicians." The statement is undeniably true.

Paradoxically, Powell noted, the business community often tolerates and even participates in its own destruction: Businessmen contribute to foundations that are basically antibusiness, and they support universities dominated by intellectuals who wage war against the enterprise system. Meanwhile, the media glorify such brilliant antagonists as Ralph Nader, and business executives do little but wring their hands.

Writing as a private citizen with long experience in both business and education, Powell offered a string of recommendations. The first essential, he said, is for businessmen "to confront this problem as a primary responsibility of corporate management." Large companies, he said, should appoint a vice president for survival. The U.S. Chamber, for its part, should take the offensive.

Because the campus is "the single most dynamic force" against the enterprise system, efforts should be made to achieve a better balance on college faculties. Highly qualified independent scholars should be asked to review key textbooks, and to criticize their antibusiness bias. Powell suggested that the TV networks be monitored; when their depiction of business is unfair or inaccurate, strong complaints should be registered. In the political arena, and through the courts, businessmen should follow the activist example of their foes: Get in the act.

It is a disservice to Powell thus to condense his memorandum. The paper is a superlative piece of advice to businessmen, and ought to be read in full—read and taken to heart. This was the work of Private Citizen Powell back in Richmond, but Mr. Justice Powell is not likely to write any better opinions on the Court.

[From the Washington Post, Oct. 8, 1972]

POWELL MEMO, ANDERSON DISCUSSED—COLUMNIST'S ATTACK "WHOLLY UNJUSTIFIED"

Your news columns of Sept. 29 carried a story regarding the unauthorized disclosure by syndicated columnist Jack Anderson of a confidential memorandum prepared for the United States Chamber of Commerce in August, 1971 by the distinguished Richmond attorney, Lewis F. Powell, Jr. Several months later Mr. Powell was nominated and confirmed as a justice of the United States Supreme Court.

In this memorandum, Mr. Powell outlined a number of ways in which the American business community could effectively and also ethically and legally defend itself against the increasing attacks by so-called consumer advocates, ultra-liberal college professors, self-serving politicians as well as the even more radical spokesmen of the New Left and other groups advocating far-reaching changes in our government.

Mr. Anderson quoted extensively from this lengthy memorandum prepared for confidential study by the United States Chamber, the largest federation of businessmen, local and state chambers of commerce, and national trade associations. In his attack on Justice Powell, Anderson also attempted to portray the national chamber as the spokesman and conspirator of "Big Business," a favorite whipping-boy of this writer. He did not take the trouble to learn that of the chamber's 44,000 direct business members, 85 per cent have fewer than 25 employes. The chamber can by no stretch of the imagination be fairly pictured as favoring big business; but, rather, it speaks for thousands of grassroots businessmen throughout the country, be they large or small.

Mr. Anderson's Washington Merry-go-Round columns of Sept. 28 and 29 brought two wholly unjustified charges against Justice Powell. First, he implied that Mr. Powell had wrongfully withheld this memorandum from the FBI and the Senate Judiciary Committee in the course of the Senate confirmation proceedings after his appointment to the Supreme Court. However, the facts are that as a leading spokesman for education (as former chairman of the Richmond City School Board and later of the Virginia State Board of Education and also as a former president of the American Bar Association), Mr. Powell had spoken out on many occasions on a number of matters covered in his memorandum to the chamber. The public press not only printed news stories about these speeches, but the Richmond Newspapers library files contain dozens of direct quotas and summaries of Justice Powell's talks to many organizations on a variety of subjects; these were readily available to the FBI and Senate Judiciary Committee members. Therefore, Mr. Powell's views regarding the urgent need for suitable and effective presentation of the American free enterprise system were widely known by anyone who wished to learn of them.

WHAT IS WRONG?

In a second charge Mr. Anderson equates such support of our business economy as reprehensible to the extent that "it raises a question about his (Justice Powell's) fitness to decide any case involving business interests." Proceeding further, Mr. Anderson appeared to question whether "the battle (for the support of the American public) should be waged in the courts, on the campuses and in the media," as Justice Powell had suggested. However, in his own backing of liberal politicians and consumer crusaders, Anderson has applauded their use of the courts, campuses, and media. He therefore begs the question: What is wrong or improper for those with legitimate but differing views using the same methods in approaching the great questions of our day?

Mr. Anderson attempted by his unauthorized publishing of the confidential memorandum intended only for the use of the United States Chamber of Commerce to smear a highly qualified and scrupulously ethical member of the Supreme Court. In my opinion, the overwhelming approval of the Senate last December (only one dissenting vote out of 90 cast on the question of his confirmation) speaks much more loudly than Jack

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[14] The recent "freeze" of prices and wages may well be justified by the current inflationary crisis. But if imposed as a permanent measure the enterprise system will have sustained a near fatal blow.

Anderson about the fitness of Justice Powell for his seat on our most important judicial body.

Furthermore, this memorandum was prepared after Justice Powell and I had discussed on a number of occasions the need for American businessmen, large and small, to wake up and tell their story and that of the free enterprise system in clear and forceful fashion. Unhappily, many attacks upon businessmen and the free enterprise system have come in recent years through some of our schools and colleges. As chairman of the Virginia State Board for Community Colleges for seven years, I found it refreshing to discover that college faculties and students not involved in liberal arts, social and political sciences, etc., have generally a much more realistic appreciation of our free market economy than those in the Ivory Towers of the Ivy League and similar institutions.

The Powell memorandum pointed out the importance of college faculties' being reasonably balanced in their political and ideological views, if their students are to receive impartial views on the great questions facing our nation. There is abundant evidence that unhappily this is not true, as Jeffrey Hart in his syndicated column in The Richmond News Leader of Dec. 17, 1970 pointed out: in 1970 a widespread survey of 60,000 political science faculty members noted "70 per cent approved of the emergence of radical student activism, as against 30 per cent who disapproved". The same proportion held when they were asked to label themselves politically. Left and liberal drew about 70 per cent, middle-of-the-road 20 percent, conservative 10 per cent. At my own alma mater, Princeton, in 1968, 80 per cent of the faculty members supported Hubert Humphrey, while Nixon and Dick Gregory (an ultra-liberal black candidate of minor party) each got 10 per cent. It is not difficult to imagine what the views of such a faculty will be on the often subjective topics of economics, politics, and the interpretation of history.

Mr. Powell's 1971 memorandum was intended for consideration by the Education Committee of the United States Chamber of Commerce (of which I am chairman). The evaluation of his far-reaching ideas has understandably required lengthy consideration, and the chamber in fact has made no decision regarding their implementation. However, there is nothing improper or illegal in any of Justice Powell's suggestions for American business to stand up for our free enterprise economy.

Mr. Anderson's attempt to pillory a great American may well prove a blessing in disguise. Hopefully, the widespread publicity about the memorandum may wake up businessmen all over this country to the pressing need for prompt and effective implementation of these sound suggestions.

Eugene B. Sydnor, Jr.

Richmond.

[From the Richmond Times-Dispatch, Oct. 4, 1972]

The Powell Memo

Columnist Jack Anderson, who specializes in sensational exposes, excitedly informed his readers last week that he had found a document that "raises a question" about the fitness of U.S. Supreme Court Justice Lewis F. Powell Jr. to "decide any case involving business interests." His discovery, Anderson reported, was a Powell "blueprint for an assault by big business on its critics."

In horrified tones, Anderson declared that Justice Powell had advocated use of the nation's courts, its political institutions and its campuses to "champion big business." Indeed, Anderson conveyed the impression that Justice Powell favored dark and devious tactics, including the use of censorship and intimidation, to bludgeon colleges, the media and politicians into becoming more sympathetic to the interests of big business.

Now, people who know Justice Powell, who are familiar with his impressive record as a progressive and sensitive civic leader, will recognize Anderson's implications for what they are: rubbish. Unfortunately, however, the columnist's innuendos may receive currency from some people to whom Justice Powell is only a name. For this reason, Anderson's nonsense ought to be promptly refuted.

Written slightly more than a year ago, a few months before his appointment to the high court, Justice Powell's memorandum was far from being a plan for a selfish and underhanded promotion of the interests of "big business." It was, rather, a lucid and reasoned outline of a possible program to defend the nation's free enterprise system against unfair, unfounded and malicious criticism. In essence, Justice Powell suggested that the business community—which includes the one-man shoe store as well as General Motors—should use all legitimate and fair weapons at its disposal to counter the attacks of its enemies. What could possibly be improper about such a suggestion?

The Powell memorandum—written at the request of Eugene B. Sydnor Jr. of Richmond, chairman of the U.S. Chamber of Commerce's education committee, whose letter is published on this page today—noted, correctly, that "the American economic system is under broad attack," not only from such traditional enemies as the Communists but also from "perfectly respectable elements of society: from the college campus, the pulpit, the media, the intellectual and literary journals, the arts and sciences, and from politicians." Generally, the memorandum observed, the business community has responded "if at all, by appeasement, ineptitude and ignoring the problem."

It was Justice Powell's conclusion that American business should defend itself more vigorously and more effectively. He advised it to seek to influence the policies of government, and indeed it should. He advised it to become "active in the judicial arena," as many other organizations are, and indeed it should. He advised it to complain "promptly and strongly" when television and the other media present "unfair or inaccurate" programs and stories, and indeed it should.

The campus Justice Powell saw as the "single most dynamic source" of criticism against the free enterprise system, primarily because social science faculties "tend to be liberally oriented." He emphasized, however, that this was not "a criticism per se, as the need for liberal thought is essential to a balanced viewpoint." Moreover, he cautioned that the principle of academic freedom must not be attacked and that college administrations and faculties must retain responsibility for their "intellectual integrity." But the truth, the Powell memorandum noted, is that on many campuses there is no such thing as a "balanced viewpoint" because there is a dearth of conservative and moderate faculty members.

This lamentable imbalance the Chamber of Commerce could partially offset, Justice Powell concluded, by establishing its own staff of scholars who would write and speak on the free enterprise system and by insisting that social science textbooks used in the nation's colleges and secondary schools offer "fair and factual treatment of our system of government and our enterprise system, its accomplishments, its basic relationship to individual rights and freedoms and comparisons with the systems of socialism, fascism and communism."

Anderson's melodramatic suggestions notwithstanding, Justice Powell advocated nothing revolutionary, shocking, improper or, for that matter, very dramatic. All he did, in effect, was to urge business to stop behaving like the Caspar Milquetoast of the American society and to recognize the nation's legal, political and educational institutions as legitimate and effective weapons to use in a counterattack against those who would destroy the free enterprise system.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Gambrell). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes each.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the distinguished Senator from Maryland (Mr. Mathias), the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) be recognized for not to exceed 15 minutes, after which the six 10-minute orders entered previously for Wednesday begin to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR DEBATE ON CLOTURE MOTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the motion to invoke cloture today is not agreed to, the 1 hour of debate under rule XXII on the motion to invoke cloture on tomorrow begin running immediately following the conclusion of the orders for the recognition of various Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the pending measure, which seeks to give some protection to the American people and their children against compulsory busing to achieve an artificial racial balance in the schools, is a very important piece of legislation. It is a matter that deserves full consideration. It is a matter which has been considered over a long period of time and has had a great deal of consideration.

I think most Senators know how they stand on this issue. Within the next hour or so—a little more than an hour—a vote will be taken as to whether there shall be cloture on debate. If that motion should prevail, 100 hours of further debate would be available. I think that is a reasonable amount of time under the circumstances and in view of the fact that most Senators—probably all of them—have made their own determination as to how they will vote on the matter of busing.

If I had any qualms, so to speak, about voting for cloture today, those qualms were dissipated when yesterday the Senate, because of the lack of interest or lack of speakers to oppose the busing measure, adjourned at 4:36 p.m.

I suggested last week that this is a very important matter to the people of the United States; that there should be full discussion; and that if the opposition to the measure desired to do so, I, as one Senator, would welcome sessions continuing until midnight every night, so that there could be active discussion. But apparently there is no need for that.

As I say, the RECORD shows that yesterday the Senate adjourned at 4:36 in the afternoon.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Armed Services be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND THE MARITIME ADMINISTRATION (S. Doc. No. 92-91)

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973, in the amount of $1,382,214,000, for the Department of Health, Education, and Welfare and the Maritime Administration (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENT TO TITLE 49, UNITED STATES CODE

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Veterans' Affairs, with amendments:

S. 3070. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care, and for other purposes (Rept. No. 92-1283).

By Mr. MOSS (for Mr. METCALF), from the Committee on Interior and Insular Affairs:

S. Res. 377. An original resolution to provide a temporary moratorium on Federal coal leasing in the State of Montana, and for other purposes (Rept. No. 92-1284). (Minority views filed.)

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, with an amendment:

H.R. 15461. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes (Rept. No. 92-1285).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof (Rept. No. 92-1286).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

George H. Gallup, of New Jersey, to be a member of the U.S. Advisory Commission on Information;

Joseph A. Greenwald, of Illinois, a Foreign Service officer of the class of career minister, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

Edward W. Mulcahy, of Arizona, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Chad;

William R. Crawford, Jr., of Pennsylvania, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to the Yemen Arab Republic;

William B. Jones, of California, R. Miller Upton, of Wisconsin, Louise Gore, of Maryland, Jaquelin H. Hume, of California, and Benjamin F. Marsh, of Ohio, to be Representatives of the United States of America to the 17th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization; and

E. Dorothy Dann Bullock, of Pennsylvania, Henry David, of the District of Columbia, Pierre R. Graham, of Illinois, James C. Haahr, of Minnesota, and Chauncy D. Harris, of Illinois, to be Alternate Representatives of the United States of America to the 17th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HRUSKA:

S. 4074. A bill for the relief of Masumi Danzuka. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 4075. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War. Referred to the Committee on the District of Columbia.

By Mr. JORDAN of North Carolina:

S. 4076. A bill for the relief of Sergei Kourdakov. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 4077. A bill for the relief of the heirs of William K. Bradley. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 4078. A bill for the relief of Luis Mendoza, Aurelia Mendoza, Elena Mendoza, Secundino Mendoza, and Sijifredo Mendoza. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 4079. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 4079. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

NO TAX BREAKS FOR PLANT CLOSINGS

Mr. HART. Mr. President, the closing of a plant imposes cost on employees and on a community.

Workers lose jobs, pension plans often disappear, some families may have to move, local tax revenues decrease, and remaining businesses lose customers and sales.

Perhaps the impact can be better appreciated by an estimate made of the number of years of employee seniority involved in a plant closing announced in Detroit last year.

In this particular plant, the employees who will lose jobs because of the closing have accumulated more than 34,800 years of seniority.

The impact of this closing then is not only from the immediate loss of jobs, but of the difficulty older workers may have in finding new work and in the loss of accrued seniority in a pension program.

These effects are even more severe in communities already afflicted with high unemployment rates.

For that reason the Federal tax system should not give a "bonus" to firms moving plants from high unemployment areas; rather it should encourage creation of new jobs in such areas.

Also experience has shown that mergers involving the purchase of a small company by a large out-of-town corporation too often result in the closing of the acquired firm or a funneling of expansion funds to other plants of the corporation.

Because the out-of-town corporation has no close ties with the community, such decisions may be based on considerations other than the economic viability of the operation.

The fact is that many large corporations view management responsibilities and plant operations not in terms of people but, as expressed by one company official, in terms of that "of a portfolio manager."

Under such an approach, the question of closing a plant is not so much one of people or community, but rather one of adding and subtracting stocks to a portfolio.

Certainly, some mergers make sense, but the "sense" should be added efficiences and not the desire to take advantage of some tax loopholes.

At a minimum the Federal tax code should be neutral on the question of encouraging mergers involving large corporations and at best should tilt the balance in favor of mergers between small businesses.

For those reasons I introduce today a bill to remove tax loopholes which might encourage plant closings.

The bill would close these "bonuses" for moving a plant from a high unemployment area.

The 7-percent investment tax credit would be denied firms moving a plant from a high unemployment area and would apply only to the acquisition of property which would increase the number of jobs in such areas. A company merely moving operations from one high unemployment area to another would not be entitled to the investment credit on the new plant and equipment.

The provision granting tax-free interest on industrial development bonds would be denied if revenue from the bonds were used to attract a plant from a high unemployment area.

A "high unemployment area" is defined as a State, metropolitan area or other geographic labor market designated by the Secretary of Labor in which the jobless rate averaged more than 6 percent over the preceding 12 months. Counties in Michigan's Upper Peninsula, for example, could be included in the third category.

The bill would close these "merger loopholes."

Mergers can be accomplished through the exchange of stocks between the buying and the selling firms. In certain circumstances under present provisions of the tax code, profits on such transfers are not taxed. This bill would end such an exemption.

Corporations do not have to pay taxes on profits from the sale of assets carried out within 1 year of its announced decision to liquidate the company. The bill would repeal that loophole.

Even when the sale of a business is taxable, if the price of acquisition is paid in installments, the seller can spread tax payments on profits from the sale over the period of the transaction. This proposal would make the full tax bill payable at the time of the transfer.

These loophole closings would apply only to mergers involving firms with combined assets totaling more than $10 billion. The bill provides a safeguard against a large company using a controlled "independent" firm in an attempt to make the $10 million cutoff.

Also mergers between small businesses would remain tax free even if the exchange of assets involved some type of guaranteed debt as well as stock.

If the tax code were completely neutral on the question of mergers, large companies would continue to dominate the purchase of business assets if for no other reason than financial risks often are less for the seller if he ends up with a share of stocks in a large company rather than with stock of a smaller business. Thus, the owner of a small company could sell to another independent company and receive secured notes as well as stock without losing tax-free status for the exchange.

By continuing and expanding tax preferences for small business mergers, we can encourage such transactions and still provide a safe way for an owner to dispose of his business.

I am introducing the bill now and ask appropriate assignment in hopes that the concept will be discussed in the campaign and the candidates might commit themselves to supporting it. I will introduce the bill again shortly after Congress convenes in January and hope hearings will sharpen understanding for all of us.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3070

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 4069

At the request of Mr. HATFIELD, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 4069, a bill for the relief of Alemitu Feleke.

SENATE RESOLUTION 377—ORIGINAL RESOLUTION REPORTED PROVIDING A MORATORIUM ON COAL LEASING IN MONTANA

(Ordered to be placed on the calendar.)

Mr. MOSS (for Mr. METCALF), from the Committee on Interior and Insular Affairs, reported the following original resolution:

S. RES. 377

Resolved, That it is the sense of the Senate that the Secretary of the Interior exercise his authority under existing law and withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, deposits of coal owned by the United States in the State of Montana which can only be mined by surface mining methods, suspend pending applications for coal permits and, in accordance with the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 209), suspend all coal leases for surface mine operations not in actual production, or in diligent prosecution leading toward production, for a period of one year from the effective date hereof, or until Congress enacts legislation for the control of surface mining prior to the expiration of such one year period.

EQUAL EDUCATIONAL OPPORTUNITIES ACT—AMENDMENTS

AMENDMENTS NOS. 1724 THROUGH 1729

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted six amendments intended to be proposed by him to the bill (H.R. 13915) to further the achievement of equal educational opportunities.

AMENDMENT NO. 1730

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H.R. 13915), supra.

AMENDMENTS NOS. 1731 AND 1732

(Ordered to be printed and to lie on the table.)

Mr. BROOKE submitted two amendments intended to be proposed by him to the bill (H.R. 13915), supra.

AMENDMENT NO. 1733

(Ordered to be printed and to lie on the table.)

Mr. HART submitted an amendment intended to be proposed by him to the bill (H.R. 13915), supra.

AMENDMENTS NOS. 1734 THROUGH 1738

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted five amendments intended to be proposed by him to amendment No. 1714 intended to be proposed to the bill (H.R. 13915), supra.

TEMPORARY INCREASE IN DEBT LIMIT—AMENDMENT

AMENDMENT NO. 1739

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (H.R. 16810) to extend the debt limit and provide for a 1973 spending limitation of $250 billion.

AMENDMENT NO. 1741

(Ordered to be printed and referred to the Committee on Finance.)

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk to H.R. 16810, a bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973, and ask that it be printed.

Mr. President, this amendment to the debt ceiling bill would have the effect of preserving a $250 billion spending ceiling, but would at the same time provide that spending cutbacks must be made proportionately to all programs in accordance with congressional appropriations with the exception of so-called uncontrollable items.

I strongly support the President's efforts to impose a spending ceiling. President Nixon indicated very clearly in his speech to the American people of October 7 that if we do not hold down spending, tax increases could be necessary. The American people are already bearing a heavy burden of taxation, and I commend the leadership of the President in taking the initiative to avoid tax increases.

However, I also strongly believe that the Congress must preserve its authority over priorities. My amendment permits a spending ceiling, but preserves congressional authority over priorities. The President would not be permitted to make major cutbacks in only a few specific programs to meet the spending ceiling. He would have to take a look at the level of appropriations for each program, including supplement and continuing appropriations, and make across-the-board cuts for all programs proportionately. Spending would therefore continue at the same relative rate for every program.

The only exception would be expenditures which are uncontrollable within the Federal budget such as interest on the national debt, social security payments, medicare payments, veterans' pensions, and so forth.

Estimates are that uncontrollable items amount to about $100 billion. Thus, remaining expenditures of approximately $150 billion must be reduced proportionately in order to meet the $250 billion spending ceiling.

There are three major features of my amendment:

First, it retains the authority of Congress over spending priorities and the distribution of funds within the Federal budget. It therefore avoids giving the President direct item veto authority.

Second, it permits the establishment of a spending ceiling for fiscal year 1973 of $250 billion.

Third, it decreases the possibility of a tax increase.

The distinguished Senator from Idaho (Mr. Jordan) has introduced a similar amendment to this legislation. Since I have been working on my amendment for some time, and since the language of my amendment is somewhat different from that of the other amendment, I have decided to introduce my amendment. However, in concept the amendments are identical, and I want to make it clear that I fully intend to support Senator Jordan's amendment when it is offered on the floor.

These amendments offer a reasonable and practical solution to the spending problem. They retain congressional authority over the distribution of expenditures while at the same time limit spending so that an undesirable tax increase can be avoided.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1741

Strike out subsection (b) of section 201 of the bill and in lieu thereof insert the following:

(b) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(2) In carrying out the provisions of paragraph (1), the President shall reserve amounts proportionately from appropriations or other obligational authority available for all programs and activities of the Government (other than programs and activities expenditures for which, within the meaning of the Budget, are not controllable).

ENVIRONMENTAL NOISE CONTROL ACT—AMENDMENT

AMENDMENT NO. 1740

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE. Mr. President, in the near future, the Senate may consider S. 3342, the Environmental Noise Control Act of 1972. In addition to amendments which I may propose to those sections of the bill related to aircraft noise, I will offer an amendment, which I am submitting today, to section 408(e) (2) to assure that States and localities will not be preempted from controlling environmental noise at the source through limitation on sale of noisy products which exceed local standards. This amendment to protect the right of States and localities to set and enforce stricter controls is cosponsored by Mr. Buckley, Mr. Brooke, Mr. Case, Mr. Hatfield, Mr. McGovern, Mr. McIntyre, Mr. Pell, and Mr. Stevenson.

I am advised that State and local officials who have examined the pending bill believe that such an amendment is essential. They contend that, without authority to regulate sale for use, current State and local noise control laws and ordinances will be impossible to enforce. If States and localities only have authority to control noise at the time of use, the administrative burden on State and local enforcement agencies will be overwhelming. The capacity of States and localities to enforce stricter noise pollution controls must be maintained.

There is no objection to a preemption provision which protects the manufacturer against conflicting State standards and enforcement actions where such conflicting standards are demonstrated to be an unreasonable burden on commerce. At the same time, a State or local government should have authority to restrict the sale for use of any product which will emit unacceptable noise levels. The only burden this will place on the manufacturer is the limitation of not selling products in States or communities which have banned the sale of such products—a legitimate exercise of State police power.

BALD EAGLE PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1742

(Ordered to be printed and to lie on the table.)

Mr. HANSEN. Mr. President, I send to the desk an amendment to H.R. 12186, an act to strengthen the penalties imposed for violation of the Bald Eagle Protection Act, and ask that it be printed in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, the report of the Department of the Interior indicates that the increased penalties in H.R. 12186 would serve to deter individuals who would unlawfully kill American or Golden Eagles. I certainly concur in this objective. It is my feeling that penalties should be made as strong as is necessary to deter any potential violator of the Bald Eagle Protection Act.

However, there is one provision of the bill as reported by the Commerce Committee with which I am very concerned.

Section 2(c) of the bill would authorize the Secretary of Agriculture or the head of any other department or agency to terminate any grazing contract, license, permit, or agreement in the event of a lessee's conviction under this act.

Mr. President, I feel that this language is grossly unfair and is completely discriminatory. It implies that because an individual grazes livestock on the public land, he should be singled out and made to suffer an additional penalty for any transgression of this act. Further, this section seems to imply that the livestock permittee is the major violator of this act. I resent this implication. It is not substantiated by the facts, and I do not feel it should be included in this bill.

Let me emphasize again that I have no sympathy for anyone convicted under the act, but the point is that just because an individual owns a grazing permit on public land, he should not be subject to any greater penalty than anyone else.

Mr. President, I think I understand the rationale of the Commerce Committee in including this provision within its reported legislation. Undoubtedly, it is the feeling of the committee that someone who transgresses this particular law should not be allowed to use the public land.

However, if the committee feels that the grazing permittee should lose his license to use public land, this provision should extend as equally as possible to all public land users.

Of course, for most users of the public lands, loss of use is not as critical as it is for the grazing permittee. The loss of the grazing permittee's right to use public land could mean the loss of livelihood, home, job, and could mean the addition of another name onto the welfare roles.

However, the amendment I am submitting today would amend subsection (c) of the committee approved H.R. 12186 so that any person convicted under this act would not be able to purchase any permit or obtain any license involving the use of National Forest lands, Bureau of Land

Management lands, Park Service lands, or other lands administered by the Bureau of Outdoor Recreation and the Department of the Interior.

If the Commerce Committee is going to tack another penalty onto grazing permittees, I feel that this restriction of use should apply as equally as possible to all who use the public lands. My amendment would do that—my amendment takes some of the discrimination out of H.R. 12186.

If adopted, it would deny the use of public lands for grazing by permittees and would also eliminate anyone else from using public lands through permit or license if convicted under this act.

This amendment does not take all of the discrimination from the act, but it would serve as an equalizing force for all who choose to use the public lands.

EXHIBIT 1

AMENDMENT NO. 1742

On page 3, line 22, immediately after "(c)", insert "(1)".

On page 4, line 6, strike out the quotation marks.

On page 4, between lines 6 and 7, insert the following:

"(2) The Secretary of the Interior is authorized to deny to any person convicted of a violation of this Act or any permit or regulation issued pursuant thereto admission to any lands administered by the National Park Service. The Secretary of Agriculture is authorized to deny to any such person so convicted the right to purchase any permit or obtain any license involving the use of National Forest lands. The Secretary of the Interior is authorized to deny to any such person so convicted the right to purchase or obtain any license involving the use of lands administered by the Bureau of Outdoor Recreation or the Bureau of Land Management.

ANNOUNCEMENT OF HEALTH SUBCOMMITTEE HEARINGS ON HUMAN EXPERIMENTATION

Mr. KENNEDY. Mr. President, in recent weeks Americans have been shocked by the disclosure that poor, uneducated patients have been the subjects of life-threatening medical experiments. The Tuskegee study, in which 200 black men were denied treatment in order to study the effects of syphilis on the human body, has been universally condemned. The Cincinnati General Hospital study, in which total body irradiation was given to 111 poor, uneducated charity cases with terminal cancer, raised similarly profound ethical questions. In this case, the care of the patient was secondary to the experiment with total body irradiation.

Recently, a third example of a human experiment which raises important ethical issues was brought to my attention by an advance copy of an article to be published in World magazine, written by Geoffrey Cowan of UCLA.

In 1958, researchers in the newborn unit at Los Angeles County Hospital conducted an experiment to see if prophylactic antibiotic treatment would reduce the high mortality rate of premature infants. All of the infants came from the same socioeconomic group—generally poor, uneducated Americans. The experiment set up four treatment groups:

One group received no antibiotics;

One group received penicillin and streptomycin;

One group received chloramphenicol;

One group received chloramphenicol, penicillin, and streptomycin.

The parents did not give what would today be called "informed consent." A "blanket permission" form was signed upon the mother's admission to the hospital. Mothers whose babies were to receive no antibiotics were talked to; other mothers were not.

The extent of knowledge about chloramphenicol at the time of the experiment was this:

First, it was introduced in 1949 by Parke Davis and became commonly used as a "broad spectrum" antibiotic;

Second, by 1951 there were numerous reports of bone marrow depression and deaths associated with use of the drug;

Third, in 1952 the Journal of the American Medical Association ran an editorial cautioning physicians about the potental dangers of the drug;

Fourth, in 1952 the FDA, having 177 cases of serious blood disorders on record associated with chloramphenicol—61 cases were fatal—referred the case histories to the National Research Council and discontinued certification for the drug. The council issued a warning about the drug urging restrictions on its use. FDA recertified it, but required warnings on package inserts;

Fifth, McGehee Harvey, M.D., at Johns Hopkins, issued a formal memorandum to his staff warning against using chloramphenicol for any but seriously ill patients;

Sixth, sales of chloramphenicol dropped precipitously in 1952–53, but recovered fully by the late 1950's; and

Seventh, the drug continued to be in common use in the medical profession;

Eighth, there were no studies of the drug on newborn animals. Human infants were the first newborns to receive the drug.

None of these facts were discussed with the parents. The results of the study were:

First, 19 percent of those with no treatment died.

Second, 18 percent of those with penicillin and streptomycin died.

Third, 60 percent of infants receiving chloramphenicol died.

Fourth, 68 percent of those receiving chloramphenicol, penicillin, and streptomycin died.

In all, 39 infants receiving chloramphenicol, either alone or in combination, died.

This study was followed by a second study to see if a safe dose of chloramphenicol could be arrived at. The same patient population was used and again there was no informed consent—not even a discussion of the first experiment. Much lower doses of the drug were used in this second study. Of the six babies who died as a result of the second study, one died of a birth defect; one of infection; one of a cerebral hemorrhage; one of a pulmonary hemorrhage; and two apparently due to chloramphenicol. Other infants had symptoms of chloramphenicol toxicity, but these proved reversible.

Partially as a result of these studies, chloramphenicol use was drastically cut back in nurseries.

At the same time as these experiments were conducted, other similar studies with newborns and chloramphenicol were being done with similar results—high mortality among the newborn.

Many issues are raised by these studies. Some have been dealt with; though informed consent is now required for such studies, the issue of whether there can be truly informed consent by nonprofessionals in such matters is still not clear.

Other issues remain:

First. Why do experiments such as these seem to be on poor, uneducated Americans, primarily members of minority groups?

Second. What is there about the practice of medicine that would permit widespread usage of a drug many years after its dangers were known to the academic community? Can it be that Parke, Davis detail men had a greater impact on the pattern of practice with regard to chloramphenicol than the experts in the academic community?

Third. Do we have adequate controls now to assure that human experimentation takes place in a controlled and monitored environment?

Fourth. Can the testing of new drugs be left exclusively to the drug companies?

As chairman of the Health Subcommittee, I pledge to thoroughly investigate these matters early next year. I have directed my staff to search out and uncover as many examples of abuses in the human experimentation field as possible. I ask any American aware of such abuses to write to me with the details.

ADDITIONAL STATEMENTS

PRESERVATION OF HISTORIC BUILDINGS

Mr. HARTKE. Mr. President, our Nation is young, but with each passing year it becomes more important for us to remember our heritage and to preserve those objects—both material and ideological—which formed the foundation of our country.

Today I received a new release announcing that the Treasury Building in Washington would be declared a national historic site. This is welcome news because the Main Treasury Building is an outstanding example of Greek revival civil architecture in our Nation's Capital.

In this time when we build by destroying, the wrecker's ball becomes the major tool of construction. We are too prone to tear down—too ready to replace those structures which have meaning with lifeless, sterile structures.

As we approach the 200th anniversary of our Independence, we should strive to make Washington, D.C., a showcase for the Nation. No doubt there are blighted structures which must be destroyed, but there are also old buildings which must be preserved because they embody the very history of this great country.

The Main Treasury Building is in no danger of succumbing to the wrecker's ball, but other adjacent buildings such as the Old Post Office and the Willard Hotel are in imminent danger. We can serve as an outstanding example for the rest of the Nation by preserving these and other historic buildings rather than by destroying them.

FIRST INTERNATIONAL BANK OF ISRAEL

Mr. SCOTT. Mr. President, I am privileged to advise the Senate that the First Pennsylvania Corp., owner of the First Pennsylvania Bank, has made the largest initial investment by an American firm in the 25-year history of the State of Israel. The corporation has invested $16.2 million or 41.6 percent of the funds in a new bank in Israel, a merger of two existing banks: The Foreign Trade Bank and the Export Bank. The new facility is known as the First International Bank of Israel. Mr. President, this investment demonstrates the faith we have in the people of this gallant country. I ask unanimous consent that two attachments concerning the new bank be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Israel Fact Sheet

1. First International Bank of Israel, a merger of two existing Israeli banks—Foreign Trade Bank of Israel and the Export Bank of Israel—will open for business October 1, 1972, with 34 branches.

2. FPC will be the largest shareholder with a 41.6% interest and an option to increase that interest to 51% (option runs from 1976–78). The second largest shareholder is the government of Israel (26%).

3. We will pay $16.2 million for our interest over a period of years (the bulk in the first 2 years, however).

4. Our interest is in the holding company of the Bank—FIBI Holding Co. Ltd.

5. Other parties with an interest in the venture are:

Government of Israel.
Triumph Investment Trust of U.K.
Israel Investors Corp.
Baldwin Securities.
Mayer Investment Corp. Ltd., Israel.
Private individuals from Israel and the United States.

6. The Bank will be the fourth largest bank in Israel in terms of deposits and the largest in terms of capital base ($76 million or 321 million IL compared to 193 million IL which is the capital base of the now largest bank in Israel—Bank Leumi).

7. FPC's investment is the largest single *initial* outside private investment in Israel's history.

8. Israel has a surplus of managerial talent because its managerial class came into Israel from across the continent during and after World War II.

9. Our purpose there is primarily to provide working capital loans for commercial businesses. The economy of Israel offers businesses a great opportunity to grow.

First International Bank of Israel Formed by Pennsylvania Bank, U.K., U.S., Israeli Investors and Government

Tel Aviv.—The first joint American-Israel banking organization, the First Israel International Bank Ltd., will begin operations in Israel on October 1, it was announced here. The bank is owned by a consortium consisting of a major U.S. bank, U.S., European and Israeli investment groups and the government of Israel. It takes over the facilities of two existing Israeli banks.

Largest shareholders (41.6 per cent) in the new banking institution is the First Pennsylvania Corporation, owner of the First Pennsylvania Bank, the nation's oldest and 19th largest bank. Its partners in the First International Bank of Israel are a subsidiary of the Triumph Investment Trust Ltd., an English investment group, participating with 13.7 per cent of the share capital, American and local investors. The government of Israel is also a participant to the extent of providing 26 per cent of the share capital.

Total capitalization of the new bank will be IL 320 million, (IL 4.2 per $1) largest of any savings/commercial bank in Israel.

The newly-formed bank will become the fourth largest in Israel in total assets, with 900 employees, 34 existing branches replacing the Foreign Trade Bank and Export Bank, and assets anticipated for the first year of operation of more than IL 1.5 billion. Mr. David Golan, formerly director general of the Ministry of Commerce & Industry and managing director of the Foreign Trade Bank, has been named chief executive officer of the new international bank.

The First International Bank of Israel, Mr. Golan stated, will offer full savings and commercial banking services, and especially provide an important new source of working capital for Israel's rapidly growing industry. At the same time, it is said, through offices of the First Pennsylvania Bank it will provide American individual's and firms an effective banking channel for investments and other activity in the Israel economy.

Founded in 1954, the Foreign Trade Bank operated 29 branches in Israel, and the Export Bank, owned by the Mayer Brothers group, five branches. The Mayer Investment Corp. is participating in 4.4 per cent ownership of the new bank. Other participators include: the Baldwin Securities Corporation, U.S., headed by Ira Guilden of New York, the Israel Investors Corporation and Samuel Rothberg of Peoria, Ill.

The First Pennsylvania Banking and Trust Company maintains more than 81 branches in Pennsylvania and the Caribbean with representative offices in London, Frankfurt, Mexico City and Singapore. Its assets exceed $4 billion and was listed as one of America's most profit-making banks in 1971.

The investment in the First Israel International Bank, amounting to $16 million, is said to be the largest single investment in an Israeli enterprise by an overseas financial institution.

SAN DIEGO TAKES LEAD IN LAND USE PLANNING

Mr. TUNNEY. Mr. President, I wish to comment today on an action taken by the city of San Diego, Calif., which I find particularly commendable. The city of San Diego recently published its preliminary planning concept for the Tia Juana River Valley. Their report, a review of the city's border area plan, was initiated following the findings of Army Corps of Engineers and California State resources agency environmental impact studies of the proposed Tia Juana River flood control project. After preliminary study, the report recommends a reevaluation of the development-oriented border area plan of 1967, to consider alternative land uses for the Tia Juana River Valley. Its goal is to determine the best balance between conservation of the valley's natural environment, and the long-range need potential of the South Bay area.

I am personally grateful for this action, because I feel it is a positive measure toward preservation of the natural environment and wildlife habitat of the Tia Juana River flood plain. Such study makes possible a cooperative solution to the issue of estuary wildelife protection, which I seek in my bill, S. 4027, to establish the Tia Juana Estuary National Wildlife Refuge.

In addition, I think it is commendable that the city of San Diego has the flexibility to reassess its plans for regional land use in view of new information and changing priorities: While at one time maximum development of the flood plain was an unquestioned possibility, the city is now attempting to assess what impact this would have on the many aspects of San Diego life. I hope that governmental bodies across the country will follow the lead of San Diego in being open to the changing needs of our urbanized areas.

DISTRICT OF COLUMBIA IMPLIED CONSENT LAW FOR DRIVERS

Mr. PERCY. Mr. President, I am most pleased that yesterday the Senate passed S. 4059 which provides that drivers in the District of Columbia shall be deemed to have consented to a chemical test for the purpose of determining blood alcohol content if a driver is stopped on suspicion of drunken driving. The bill is an outgrowth of legislation which I introduced almost a year ago on October 19, 1971. As I have pointed out in the past when discussing S. 2715, the original bill, Illinois was the last State to adopt an implied consent law, doing so only in January of this year after a long debate in the State legislature. Since then, the District of Columbia has been the only political jurisdiction remaining without such a law.

The bill will give the District of Columbia an effective, workable implied consent law, using the standard of 0.10 percent blood alcohol level as a determination of intoxication. This law has proved to be objective, constitutional, and a valid means of taking evidence on which to document a charge of driving while under the influence of alcohol.

An implied consent law basically states that a licensed driver is deemed to have given his consent to a chemical test of his blood, breath, or urine upon arrest for a violation of the law if the arresting officer determines that there is reasonable grounds to believe the person has been driving under the influence of an intoxicating liquor. The Department of Transportation established as one of its national uniform standards for State highway safety programs the requirement that each State approve an implied consent law. Failure to do so can result in the withholding of Federal aid highway funds, as was the case in Illinois last year.

The District of Columbia government stated in a February letter to the Congress that the lack of an implied consent law has seriously hampered control of the drinking driver problem in the District of Columbia. Reports on highway fatalities for the District show that in 1968, 54 of the 127 motor vehicle fatalities involved a drinking driver.

Nationwide, the impact that the drinking driver has on highway accidents and fatalities is significant. Conservative estimates are that at least 50 percent of the deaths occur as a result of intoxicated or drunk driving.

In 1969, the death toll from alcohol-related accidents was 28,000. In addition, four out of every five drivers involved in an accident while under the influence of alcohol is the occasional or social drinker, not the chronic drunk. There is reason to believe that an implied consent law can have some psychological effect on the social drinker. If he faces the possibility of a license revocation for 6 months and court action, he may think twice before he climbs behind the wheel of a motor vehicle in an intoxicated condition.

Furthermore, the drinking driver imposes an economc burden on society. Alcohol problems cost citizens $5 to $7 for every tax dollar from sales of alcoholic beverages and the drunk driver adds $240 to every driver's cost of living. The nationwide estimate of economic loss attributable to highway accidents is $8 billion.

Examination of the current District of Columbia Code reveals that it is clearly inadequate with respect to drinking drivers. Present law does not require that a person submit to the taking of an appropriate specimen for testing. He may refuse, although refusal will not result in any sanctions against him. Without a chemical test as documentation of intoxification, it is extremely difficult for the courts to hand down a conviction for that charge.

Having served on the District of Columbia Appropriations Subcommittee, I am aware of the tremendous difficulties that the District of Columbia Police Department faces in the adequate enforcement of the law. To deny it this additional method of checking the drinking driver problem amounts to tying the hands of law enforcement. In my opinion, every reasonable, constitutionally valid means should be undertaken to control the drinking driver.

Deaths on the highway are a senseless result of caution and public safety thrown to the wind. The citizens of the District deserve greater safety on the streets, whether they be drivers themselves or pedestrians. We can no longer tolerate the irresponsible driver who, by operating a motor vehicle on the public roads, endangers the lives and safety of innocent people. He must be stopped and when he cannot be stopped he must be dealt with responsibly by the courts.

Mr. President, with the action that the Senate has taken, every political jurisdiction in the country will have implied consent laws. With this uniformity, an important step has been taken toward reducing the number of highway deaths related to alcohol. The streets of the District of Columbia will be that much safer by the action that we have taken.

MARCIA MACNAUGHTON, A FIGHTER FOR PRIVACY

Mr. ERVIN. Mr. President, the Federal Times for September 27, 1972, carried an article entitled "Marcia MacNaughton Hailed as Privacy Fight Leader." Miss MacNaughton has been one of the ablest and most diligent members of the staff of the Senate Subcommittee on Constitutional Rights, and has done work of the greatest merit in assisting the subcommittee and me in our fight to preserve the basic nights of American citizens.

She recently left the subcommittee in order to attend Columbia University and pursue courses leading to law and graduate degrees. What the Federal Times says about her fine work in connection with the fight for a bill of rights for Federal employees is fully merited, and she deserves the thanks of all those who believes in equality of right for Federal employees.

I ask unanimous consent that the article from the Federal Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marcia MacNaughton Hailed as Privacy Fight Leader

(By Dick Ritter)

Washington.—If Congress, in all its wisdom, ever enacts legislation to protect the privacy of federal employes, the credit will belong to a quiet spoken, almost shy but very determined young woman from Mississippi.

Marcia MacNaughton, the object of this lavish praise, recently resigned as professional staff member on the Senate constitutional rights subcommitee headed by Sen. Sam Ervin, Jr., D-N.C. On the staff since its inception in the summer of 1955, Ms. MacNaughton has returned to the academic field. She will seek a Ph. D. in public law and government at Barnard College in Columbia University.

"There should be a way to take the lid off complaints by law, not just by administrative action," Ms. MacNaughton said in explaining her ardent support for the privacy bill which the Senate has approved overwhelmingly four times. She believes that federal employes should have the right to speak up, even if management disagrees.

Her guideline during her years of devoted work for federal employes was best expressed by Senator Ervin in 1954, she declared.

"Our forefathers did not establish this government to promote efficiency," the former judge said.

Talking quietly while seated behind a desk overflowing with books and papers. Ms. MacNaughton said she fully believes in that principle to defend liberty and protect it from government. "A little bit of money for investigations that protect employes' rights is well spent," she continued.

Protecting those rights may be more difficult if the present Hatch Act is amended to provide more political freedom to federal employes. "Opening up the Hatch Act leaves federal employes open to all the whims of the executive branch," Marcia said. "Employes should have the right to participate, but they must be protected against pressure from officials."

The Ervin bill, S. 1438 which supporters hope will someday pass the House, is a safeguard to those employe rights, she said. Such devotion to the legislation is no surprise to those who know Ms. MacNaughton.

"Most of all, credit must go to Marcia MacNaughton, who, as the subcommittee's professional staff member in charge of our work on privacy, has done the most to shepherd this legislation through Congress," Senator Ervin declared last December after the Senate approved his bill.

"Miss MacNaughton has labored many long days and nights and even weekends in the cause of individual privacy and the right of government employes. By right, this bill should be known as the 'MacNaughton employe rights bill.'

"The millions of Americans whose rights this legislation seeks to protect owe the success of the bill to her. When it finally becomes law, as I hope it soon will, it will be due in immeasurable degree to her dedication and efforts."

How did she get into this field? "I just gravitated to it," Marcia explained. "It seemed the best place to be able to do some good toward protecting the principles of good government and for human rights."

A native of a small community near Jackson, Miss., she studied at the University of London and other schools before joining the personal staff of the late Sen. Estes Kefauver. The Democrat from Tennessee was a leading television personality in the 1950s with his investigations of crime syndicates, and was a vice-presidential candidate.

In joining the new constitutional rights subcommittee of Senator Ervin's. Ms. MacNaughton found that its jurisdiction extended into areas of special concern to her. They include those of the American Indians, the mentally ill, servicemen, poor people appearing in federal court, and the basic rights of all citizens.

Observing that all laws are the result of compromise, Ms. MacNaughton said that Senator Ervin has wanted all opinions to be brought before his subcommittee. "He insisted that all views be presented before legislation is drafted," she added.

Turning again to the right of privacy, she noted that federal agencies are becoming sensitized. Privacy rights have become a factor in personnel debate and decisions.

"The extent of the privacy fight depends upon individuals who are willing to speak up to their supervisors," Marcia said. She praised the role of the press in reporting complaints of federal employes, and said its effect has spilled over into the state and local government fields.

In New York City, for example the chairman of the city's civil service commission has incorporated features of the Ervin bill into his own measure. And a number of private firms have changed their personnel practices to reflect the same philosophy.

"Employes are using the pending Ervin bill as a peg for justice," Ms. MacNaughton said.

What about the opposition from security-conscious agencies such as the FBI, CIA and National Defense Agency?

"There is no way in the world that the bill can affect security," Ms. MacNaughton emphatically declared. She noted that Senator Ervin had met with critics many times and had amended the bill to specifically meet objections from these security agencies. "Of course, there is a well-established principle that Congress doesn't interfere with the President's employes," she said. But why should employes be pressured to support bond drives or harassed in other ways? she added.

Since efficiency and economy may be the only guidelines that the Civil Service Commission is concerned about in federal agencies, Ms. MacNaughton feels it is "terribly important that union become aware" of other issues that affect federal workers. "The government needs some nuisance values to keep it alert and responsive," she said smilingly.

While federal employee rights are dear to Ms. MacNaughton, she is concerned about the basic rights of all citizens. During her years with the constitutional rights subcommittee, she has done research to support the freedom of information law, and has made a study of computers and data banks. Another field of interest is safeguarding the rights of the mentally ill, which is found in a bill of rights for patients in Saint Elizabeth Hospital in Washington.

A daughter of federal employes, Marcia emphasized that she never received any "leaks" or tips about employee conditions from them. Her father, Victor B. MacNaughton retired in early September after 40 years with the Forest Service in Mississippi. A brother, J. V. "Jim" MacNaughton, also with the Forestry Service, transferred recently to Atlanta. And her mother, Dorothy Pond Simpson, is with the Defense Department at Charlottesville, Va.

Her concern for human rights was underscored during a recent invitation to visit her father in Jackson and address to some fellow employes. He turned over the podium without a qualm.

On her return to Washington, Ms. MacNaughton received a nice note from her father's secretary. She had written a little poem describing how peaceful everything had been in the office, until the boss' daughter had informed them of their rights!

PREDICTIONS OF THINGS TO COME: CHARLES SCHULTZE'S SPEECH TO ECONOMIC CLUB OF DETROIT

Mr. PROXMIRE. Mr. President, one of the ablest economists in the United States is Charles Schultze, former Budget Director and at present senior fellow at Brookings Institution.

In a speech before the Economic Club of Detroit, Mr. Schultze outlined in considerable analytical detail the differences as he saw them between a Nixon and a McGovern administration in the area of economic and budgetary policy.

He compares where they stand on unemployment and inflation, on economic controls, on tax policy, and on expenditure policies, including both military and civilian spending.

I think his projections and predictions are highly persuasive. While economic prediction is a very inaccurate art, it is not difficult to predict the general thrust of policies under either Mr. Nixon or Mr. McGovern.

I ask unanimous consent that this excellent speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Real Economic Issues of the Presidential Election

On the basis of the heat and volume of campaign rhetoric, one would list the major domestic issues which now divide President Nixon and Senator McGovern as school busing, the break-in and bugging of Democratic Party headquarters, the $1,000 welfare reform proposal long since abandoned by Senator McGovern, and the behind-the-scenes maneuvers which went with the Russian grain deal. But if one were trying to forecast the most critical differences between a McGovern and a Nixon administration, none of these matters would figure high on the list. Campaign rhetoric is a notoriously poor predictor of the future performance of Presidential candidates. Each candidate is trying to establish a particular image of himself with the voters, and to destroy the favorable image which his opponent is simultaneously trying to create. And the rhetoric which creates images often has little relationship to concrete policies. A Richard Nixon, who introduces the first peacetime wage and price controls stresses, in a Labor Day speech, the importance of economic freedom and the danger of the government "butting into the free collective bargaining system." And a George McGovern, who decries the recent rise in food prices, promises farmers 90 percent of parity. Yet, image making is important. Because the future is uncertain and specific policies must necessarily be adapted to changing circumstances, others rightly want to get some "feel" for what makes a candidate tick, where his sympathies lie, and how he reacts to crises.

But, after all is said and done, differences on the specifics of public policy are important. While one must dig beneath the rhetoric to get at them, it is not an impossible task. From George McGovern's speeches and public statements one can put together a fairly good prediction of precisely what he would try to do in most areas of economic policy. After some initial false starts, he has been explicit and generally consistent. The task of predicting the future is much harder in the case of the incumbent Administration. With the mantle of the Presidency already on his shoulders, and running far ahead in the polls, Richard Nixon has tried to stand above the battle. Pronouncements on specifics by the candidate himself are hard to come by. But there is a four year record. And his subordinates have been busy speaking for him. There is a basis on which to hazard predictions about another four years of the Nixon Administration.

Identifying the specific policies of the two candidates, is only part of the task. To appreciate how the nation might fare under each candidate one must also test his policies against hard realities. To what extent can the proposed policies actually be carried out; to what extent will promises be modified by experience?

I propose to hazard an assessment of how the things would be different as between a Nixon and a McGovern Administration in two major areas of concern: *first*, the overall state of the economy, as evidenced by unemployment, inflation, income and profits; and second, federal tax and expenditure policies.

THE INFLATION-UNEMPLOYMENT DILEMMA

The most vexing problem of our times for the economic policy maker is the unfortunate relationship between economic prosperity and inflation. If inflation occurred only when the economy had been pushed into a superheated boom, when the unemployment rate had been driven down below the frictional two or three percent which is inevitable in a mobile society, and if once started inflation could be halted by a brief and modest slowdown in the pace of growth, then the task of economic policy would be relatively easy. Fiscal and monetary policy could support a reasonably low rate of unemployment with little risk of inflation, correcting excessess with relatively small adjustments.

But in the American economy of today, as we approach levels of unemployment in the 3½ to 4½ percent range—levels which are still unconscionably high by the standards of other industrial nations—prices begin to rise at rates significantly greater than the one to two percent a year which seems to be politically tolerable. And, if recent experience is any guide, once price and wage increases have accelerated to larger magnitudes they cannot be brought down quickly by modest doses of economic restraint. We have just undergone three years of subpar economic performance and one year of price and wage controls to get the rate of inflation down from five to three percent a year—at a cost of $160 billion in lost output, $45 billion in lost profits and seven to eight million man years of lost work.

This unpleasant, but very real fact of life raises two kinds of questions for a President. *First,* when faced with the cruel choice between keeping unemployment high or risking substantial inflation, how will he choose? And *second,* what policies, including wage and price controls, will be adapt to lessen the inflationary consequences of prosperity?

No politician and no Administration can openly state that it is choosing higher unemployment to bring down inflation or, conversely is accepting more inflation as the cost of lowering unemployment. But in the day-to-day business of devising economic policy the choice must be faced. Through its past actions, and in between the lines of its speeches and policy pronouncements, the Nixon Administration has given a fairly clear indication of how it is likely to choose in the future. In 1969, faced with substantial and accelerating inflation, it pursued and strengthened a policy of cooling off the economy, a policy which had been initiated in the final year of the Johnson Administration. And in the early stages of this policy, the choice was supported by businessmen and economists of all political hues. At first, the Administration hoped that unemployment, then at 3½ percent, would not have to be pushed above 4¼ or 4½ percent to do the trick. But the subsequent two and one-half years of "sticking to the game plan", of watching the unemployment rate climb past 4½ percent to 5, and then to 6 percent, and of holding it there for still another year before the famous reversal of August 15 last year, provides a good basis for forecasting how the Administration will choose in the future.

This evidence is bolstered by the last Report of the Council of Economic Advisors which took great pains to note that there is nothing magic about an unemployment level as low as 4 percent. It is reinforced by speeches of Administration officials emphasizing that a large proportion of the current unemployment is concentrated among teenagers and women rather than among married males. And fresh evidence is also at hand in the fact that, with the unemployment rate still at 5½ percent and the recovery still young, the Administration has already switched its attention to preventing the current economic expansion from "going too far".

Senator McGovern has been quite explicit about how he would choose—again with care not to point out that there is a choice. In his major economic speech to the security analysts last month, and in his more recent speech on wage and price controls, he emphasized the overriding importance of full employment. "I have said before that our highest economic priority is the lowest possible unemployment . . . Whatever it takes, we will create a decent job opportunity for every man and woman in America who is able to work." Fiscal policy would, on the average, be more stimulative in a McGovern Administration. It would move more slowly to halt a boom and more quickly to promote a recovery. And, fiscal policy to stimulate the creation of jobs in the private economy would be supplemented by a large public service employment program principally directed at the hard core unemployed.

In the volatile American economy, the state of prosperity, the level of unemployment, and the rate of price change will not be steady under either Administration. But, over four years as a whole, I think it is safe to predict that the cautioin of the Nixon Administration would lead to higher average unemployment, a lower average rate of capacity utilization and less profits than would characterize a McGovern Administration. Conversely, however, there would be longer periods of significant inflationary pressure under a McGovern Administration than under a reelected Richard Nixon. And while the Federal Reserve Board does read the election results with interest, it is likely to lean against the inflationary pressure with tighter money and higher interest rates.

When we turn to the question of policies designed to reduce the inflationary pressure which accompany a high employment economy, it is much more difficult to make firm predictions about the alternative course of events under the two candidates.

Let us start with the future of wage and price controls. As background, bear in mind that it is much easier to use controls to prevent an inflation from starting than it is to stop one already underway. After several years of rapid inflation, wages in various industries, occupations, and locations get out of line with each other. So too, prices of finished goods, intermediate products and raw materials depart from their normal relationships. Cutting into this jungle of distorted patterns at any one moment of time raises serious questions of both equity and rational economic balance. Those who want large wage increases can point to earlier settlements in related bargaining units, and those seeking large price increases can point to earlier cost advances. But once inflation has moderated, and more normal relationships have been approximated, the task of controls—particularly on the wage side—is easier. Out-of-line increases can more readily be spotted and prevented since they cannot be justified as responses to other wage and price increases in the immediate past. The success of alternative approaches to the use of wage and price controls will depend in part, therefore, on whether the controls are imposed early in an inflationary period or only as a last resort after substantial inflation has already occurred.

It is not easy to predict the future of wage and price controls under an Administration which came into office inveighing against the relatively mild "jawbone" efforts of its predecessor, abandoned those efforts with a fanfare, and two years later initiated the nation's first set of peacetime wage and price controls. Two things can probably be said. The Administration still hopes to reach a point where controls can be removed. If the rate of inflation continues to diminish, the Nixon Administration will probably begin to dismantle controls, partially at first and perhaps even fully. But it will, I am convinced, seek to keep standby control powers. And if, despite a relatively cautious fiscal policy, inflation should get out of hand again a re-elected Nixon Administration would have no compunctions about reinstating mandatory controls.

Senator McGovern has criticized the Nixon wage and price controls on various grounds. But he has not proposed to abandon them. Rather he has offered an alternative mechanism. So far, his substitute approach has been presented only in broad outline, and many of the specifics necessary for judgment are still lacking. In essence, however, he would do two things: *first,* he would concentrate the control efforts on a narrower spectrum of key wage and price decisions; and *second,* he would rely on voluntary adherence to price and wage standards backed up by power to impose mandatory restraints where voluntary compliance is not forthcoming. In my own view, such controls would be voluntary in name only, given the club of mandatory restraints which would still loom over those who failed to abide by the standards. There is a virtue in such an arrangement, however. If controls are nominally voluntary, then neither the price controller nor the businessman has to worry about nit picks, the formal legal niceties, and the endless questions of detail which the lawyer necessarily requires under mandatory controls, precisely because a violation of mandatory controls is grounds for the imposition of judicial penalties. Under the so-called voluntary standards, both controllers and controlled could concentrate on complying with the basic spirit of the standards, since failure to comply would bring not legal punishment but imposition of mandatory controls.

There are other policies besides wage and price controls whch could be adopted to lessen the price increases associated with high employment and thereby to minimize the painful choice between unemployment and inflation. Most of these policies, however, would strike at various protective arrangements which are dear to the hearts of powerful groups: Reducing barriers to imports; eliminating minimum rate regulation and restrictive entry provisions in the field of transportation; lowering farm price supports; modernizing building codes; strengthening anti-trust laws—these are illustrative of the kinds of policies required. But the mere listing of the actions required itself suggests why they are unlikely to be taken. Neither political party is willing to incur the political costs involved. In this area, there is little to choose among the two candidates.

How do all of the differences balance out in terms of predicting the future of the economy under each of the two candidates? I think it is clear that employment, output and before tax profits, will, on the average be lower under a Nixon than a McGovern Administration. But inevitably inflationary pressures will be greater under McGovern than Nixon. Would the McGovern approach to wage and price controls be sufficiently effective to offset the greater inflationary pressures which his higher employment policies are likely to engender? Frankly, I do not know. He is less likely to abandon controls and is more likely to have an active control mechanism in place early in an inflationary surge than is Nixon. And, in my own view, his concentrated approach is likely to be slightly more effective in limiting wage and price increases. But the difference in control policy may be marginal, and since the underlying pressure of inflation will almost surely be greater under McGovern, a betting man would have to give a slight edge to the probability of somewhat larger wage and price increases under a McGovern Administration as the price for a clearly higher level of employment.

FEDERAL TAX AND EXPENDITURE POLICY

There are two central issues at stake in this election, with respect to federal taxes and expenditures:

First, what kind of a tax increase are we likely to get, and

Second, will the tax increase principally finance an expansion in military spending or in domestic social programs.

Note carefully that I said "what kind of a tax increase," *not* "will there be a tax increase." I think the probabilities are very high that whoever is elected, and despite any pledges made during the election campaign, an increase in federal taxes will be forthcoming within the next two years.

In May of this year, several of us at the Brookings Institution published a projection of federal expenditures and revenues covering the next four years. That projection showed that expenditures under current programs and the new ones already officially proposed by the Nixon Administration, will grow more rapidly than federal revenues at existing tax rates, even when revenues are calculated on the assumption of full employment conditions. Taking into account developments which have occurred since that projection was published, principally the enactment of large increases in social security benefits, expenditures will exceed the revenues generated in a full employment economy by $20 to $25 billion in fiscal 1975, and by a substantial though smaller amount in 1977. Similar projections released this week by the American Enterprise Institute show almost identical results. And the Administration itself does not quarrel with these projections, although it is now promising to cut expenditures by an amount sufficient to avoid a tax increase.

Given current defense policies and Nixon Administration plans for new weapons procurement, military spending will rise dramatically. The Brookings projection estimates military spending at $100 billion in fiscal 1977, compared to approximately $76 billion this year. The American Enterprise Institute's forecast matches this estimate very closely. And a defense department spokesman has recently predicted military spending at $112 billion by 1980, an estimate consistent with the rate of increase projected in the other studies. Large increases in military pay and a surge in the procurement of very expensive new weapons systems are the chief factors behind the rise.

Even with no new programs, beyond those already officially proposed by the Nixon Administration, spending on civilian programs will rise sharply. Social security and Medicare benefits will grow by at least $25 billion over the next four years, reflecting recently enacted benefit liberalizations, prospective increases now about to pass the Congress, and growing numbers of beneficiaries. Expenditures on many programs will rise simply to provide the expanded services which accompany rising population and income. Outlays for pollution control and mass transit will grow. And the newly enacted revenue sharing program will add to budgetary costs. Federal revenues will also increase substantially but they will not cover the rise in expenditures.

While it is not inconceivable that a modest full employment deficit will be necessary to promote economic prosperity in the next several years, deficits of the magnitude foreseen by the projections will certainly not be appropriate. The projected gap between revenues and expenditures will have to be reduced by at least $15 to $20 billion, calling for either a tax increase or substantial cuts in expenditures.

The President and his subordinates have repeatedly pledged not to raise taxes, and to eliminate the gap by expenditure cuts. Two special press conferences have been called solely to provide White House staff the opportunity to reiterate this pledge. And, at the moment, the President is strongly pushing a bill to limit federal expenditures to $250 billion in fiscal 1973, as the first step in cutting back federal outlays.

A closer examination of the $250 billion expenditure limit will give some idea of the implications of cutting expenditures. In the first place, the $250 billion limit already exceeds by $6 billion the estimate of 1973 expenditures made in the President's January budget message. Without the limit, expenditures are likely to be in the range of $257 to $260 billion even after taking into account cuts in the military budget now being made by the Congress. To keep within the limit, therefore, some $7 to $10 billion will have to be cut from 1973 projected outlays. By the time the expenditure limit is enacted and the necessary administrative steps gotten underway, five months of the fiscal year will have passed. As a consequence the annual rate of outlays will have to be cut by $12 to $15 billion during the remaining seven months of the year to reach the $250 billion target. And the areas where cuts can be made quickly are very limited.

The President and the Secretary of Defense have been vigoriously supporting the Administration's military budget proposals in the face of attempts by liberal Congressmen and Senators to cut it. Since the Congress is already in the process of cutting some $4 billion in funds from the military budget, it is unlikely that the Administration will cut that budget much further. Another large area of spending cannot be touched for legal or practical reasons; social security and veterans benefits, interest on the debt, public assistance, unemployment compensation, and the newly enacted revenue sharing programs are principal examples. There remains only about $75 billion in programs from which expenditures can be readily cut. To reduce such programs by an annual rate of $12 to $15 billion—which would be necessary to reach the $250 billion ceiling—represents a cut approaching twenty percent. And most of the programs which can be subject to cuts represent grants-in-aid to state and local governments for education, manpower training, health, pollution control, urban mass transit, and similar purposes.

Some part of the reductions in budget outlays may not represent real program cuts but simply financial transactions which reduce the apparent size of the budget without affecting its real magnitude. Sales of mortgages from government owned portfolios, or proceeds from the disposal of the government-owned Alaska railroad are examples. But the 1973 budget already includes an unprecedented allowance for such devices, and it is hard to imagine how they could be increased—although one should not underestimate the ingenuity of determined accountants and budget experts.

Difficult as it may be to achieve the $7–$10 billion cuts needed to reach the proposed $250 billion ceiling this year, it will be even more difficult over the next several years to cut the $20 billion required to bring the full employment budget into near balance in the mid 1970's without a tax increase. So long as the Nixon Administration holds to its current military programs and policies, the reductions would again have to be concentrated on civilian programs, and within those programs, the political or legal inviolability of social security and similar items would continue to force the cuts to be made principally in grants-in-aid to state and local governments, which as I pointed out earlier, are chiefly devoted to education, health, manpower training, urban rehabilitation, and environmental control.

There are, I believe, three things which can be said about a policy of cutting back civilian expenditures by sufficient amounts to avoid a tax increase.

First, since most of the cuts would in practice have to be concentrated on grant-in-aid programs to state and local governments, these governments would find it necessary to raise taxes to offset at least some of the losses. A federal tax increase would then have been avoided at the price of driving up state and local taxes, which on balance are less rational and less equitable, than federal taxes. Moreover, it would indeed be ironic if an Administration which quite properly takes credit for having pushed through Congress a general revenue sharing bill to aid state and local governments should take back with its left hand several times as much as it has given with its right. *Second,* the cut in civilian expenditures needed to avoid a tax increase is approximately equal to the increase in military expenditures now implied by current defense policies. When the chips are down, I doubt if an Administration which justly prides itself on reducing tensions with the nation's chief adversaries, can simultaneously support a budgetary policy of transferring some $20 billion from social programs to increased military spending. *Finally,* the policy of avoiding a tax increase by large cuts in civilian outlays just will not work. Even a Congress with an enlarged Republican membership is not likely to stand by idly while its favorite children are being massacred. And the President cannot, in practice, veto virtually every appropriation bill which comes across his desk.

None of the above considerations take into account the fiscal implications of President Nixon's pledge in this year's State of the Union Message to devise and propose a program of federal support for education as a means of reducing local property taxes. The Administration has asked the Advisory Commission on Intergovernmental Relations to study and make recommendations on several alternative proposals to achieve this result. While it has previously made favorable noises about the imposition of a national sales tax, in the form of a value added tax, as a means of financing the new program, the Administration has not yet committed itself to such a solution.

Imposing a federal tax whose proceeds are then used by local governments to reduce or eliminate the property taxes now devoted to education would not at first glance seem to constitute a net tax increase, but merely a substitution of one tax for another. A little reflection, however, shows that a simple substitution of federal taxes for local property taxes is not possible. Residential property taxes used to support schools now total about $13 billion. A federal program which provided $13 billion in funds to local governments, to be used solely as a replacement for residential property taxes, would necessarily be a distributional monstrosity. Great Neck, Long Island spends from local property taxes about $1500 per school child on education. A typical rural school district in North Carolina spends from property taxes about $75 per child, in part because it is poor and in part because in North Carolina, and some other states, the state government provides the bulk of financing for local schools. Clearly no proposal which would give federal funds of $1500 per school child to wealthy suburbs and $75 per child to poor rural district is morally tenable or politically feasible. Indeed, any program of aid is most likely to contain an equalization feature, under which poorer districts would get proportionally more funds than rich districts in relationship to their property taxes. A growing number of court decisions in various states have called for equalization of educational expenditures within states. In any event, no federal aid program can simply mandate local property tax relief and replace the lost revenues with federal dollars. Whatever distribution formula is adopted—and many alternative versions are conceivable—not all of the federal dollar will go toward property tax relief. Some will be devoted to increases in education outlays particularly in poorer school districts. As a consequence, a federal tax increase whose proceeds were devoted to aid to education, will not be offset by equal reductions in property taxes. Some net tax increase will occur.

My own forecast is that a re-elected Nixon Administration will end up with some mixture of three policies. It will seek to reduce civilian programs below what they would be under current policies, but will have only small success, in the face of the real difficulties and Congressional opposition. It also will be forced to scale back a bit its projected military outlays. But since the combined magnitude of these efforts will not close the gap between revenues and expenditures, a tax increase will be needed. If the President keeps his pledge to devise a federal aid to education program, the needed tax increase will be much larger. But quite frankly, there is no basis on which to forecast what kind or kinds of tax increase will be proposed, much less what kind will be enacted. Administration spokesmen have expressed some disenchantment with the value added tax without explicitly rejecting it. On the basis of the past record, and statements to date from the Administration, it is most unlikely that they will propose closing tax loopholes as the principal means of raising large sums. I suspect that, right now, they principally hope to get by the election without having to make any decision about this most vexing matter.

In the case of George McGovern, the prognosis is much more certain, and whether you like them or not he has made some very explicit proposals as to how he would handle the fiscal problem. He has explicitly recommended that, over a three year period, $32 billion be cut from the military budget which would otherwise be forthcoming under the Nixon Administration defense policies. And he has also laid out a specific set of tax reform proposals designed to raise $22 billion in additional taxes by 1975. I think you are familiar with the major elements for those tax proposals. Capital gains would be included fully in taxable income, and unrealized gains would be taxed at death. These two changes alone would yield $12 billion. At the same time, however, the maximum rate on top bracket income would be reduced to 48 percent from the current 50 percent on earned income and 70 percent on other income. Repeal of percentage depletion and capabilization of intangible oil drilling expenses would yield $2 billion. Repeal of accelerated depreciation, revision of depreciation guidelines, and amendment of the investment credit to apply to *net* investment only would add $6½ billion. While numerous other changes would be made, most of the $22 billion in revenue gain would come from the three major reforms I have mentioned.

The combination of $32 billion in defense cuts and $22 billion in tax reform would provide $54 billion in additional resources. Of this amount some $15 to $20 billion might be needed, at a minimum, to bring revenues and expenditures closer together by the mid 1970's. This would leave $35 to $40 billion available to finance new programs. The three major areas in which Senator McGovern has pledged to devote additional resources are: aid to education; welfare reform and public service employment. Some part, but by no means all of the aid to education funds are likely to be used by state and local governments for property tax relief, just as would likely be the case with any aid to education program ultimately proposed by the Nixon Administration.

Proposals, however, are not the same as accomplished facts. Should Senator McGovern be elected, and begin to carry out his pledges, how is he likely to fare?

In the first place, a number of outside observers have estimated that the specific defense cuts which Senator McGovern has suggested, even if carried out, would not save as much as the $32 billion he has projected. The American Enterprise Institute, in the projection to which I referred earlier, has estimated that the McGovern cuts would yield about $24 billion. The Pentagon—which is admittedly not an impartial observer—has estimated that he may have overstated the budgetary saving from his cuts by about $10 billion. In my own view the Senator may have overestimated the budgetary results of his defense proposals by perhaps $7 to $8 billion. Moreover, it is not likely that the Congress, even with considerable prodding, would fully accept all of his defense cutbacks. Taking into account both the estimating problem and some resistance from Congress, a McGovern Administration, with a vigorous and sustained effort, might be able to obtain a defense cut which at the end of three years amounted to a maximum of $18–$20 billion. Major changes in the international environment, such as a significant breakthrough with the Soviets on the limitation of conventional arms, could provide a framework for larger cuts. But it would hardly be prudent to count on this at the present time.

In the case of tax reform, there is no reason to question the estimated revenue yield from the McGovern proposals. I also think it quite likely that a McGovern Administration could, after much wrangling, get the Congress to enact a significant package of tax reforms. I seriously doubt, however, that they would go all the way with him. Moreover, the Congress has a strong propensity to add tax relief provisions, which cost revenue, to tax reform bills. As a consequence, with a combination of luck, skill, and persistence a McGovern Administration has a fighting chance of securing perhaps $10 to $15 billion in net tax yield from a tax reform bill.

Combining the realistic estimates of the savings likely from defense cuts, and the added revenues gained from tax reforms, and allowing for the fact that some of these resources must be used to narrow the forecasted gap between revenues and expenditures, perhaps $15 billion will remain which can be devoted to major new federal initiatives in the areas of aid to education, welfare reform, and public service employment. Senator McGovern has recognized that the future of his new program proposals depends on how successful he is in securing tax reform and defense budget economies. In his security analysts' speech last month he pointed out that "only with new revenues and different priorities can we and should we move forward with these new programs."

If my analysis has been reasonably accurate, the major differences between a Nixon and a McGovern Administration in the areas of economic and budgetary policy can briefly be summarized as follows:

Employment, income and profits would, on the average, be lower during the next four years under a Nixon Administration.

Price and wage controls of some kind will remain as a tool for checking inflation under both Administrations, although in different form.

The higher average employment under McGovern would also be accompanied by greater inflationary pressure; despite controls, wage and price increases might be somewhat greater.

Under the Nixon Administration military spending would rise substantially (although a bit less than now planned); some civilian expenditure cutbacks would be made, chiefly in grant-in-aid programs, after much wrangling with the Congress; but some form of tax increase would almost surely be needed. There is no basis from the record or from campaign speeches to predict what kind of a tax increase would be forthcoming.

Under a McGovern Administration, defense expenditures would be cut, significant tax reforms would be achieved yielding additional revenue, and several new social programs launched, though in substantially smaller magnitude than currently proposed by the candidate.

The world would indeed be a different place under each alternative future, although not as different as the campaign rhetoric would suggest.

Having attempted to lay out the major economic issues of the campaign in a relatively dispassionate manner, I beg your indulgence for just a few moments while I state my own preferences.

First, I believe that securing and maintaining high levels of employment and income is absolutely critical for our society. While it is true that a much greater proportion of the unemployed in recent years have been teenagers, young adults and women than was true fifteen years ago, this does not lessen the tremendous importance of full employment. We too easily tend to think of employment for women as something in the nature of a luxury, and not terribly important. But many women are heads of families and the jobs of many others make the difference between poverty and a decent living standard for the family. This is particularly true for black families. Much of the rapid gain in the income of black families relative to white families in the past decade has been due to the increase in the employment and earnings of black wives. The proportion of black wives who work is much greater than that of white wives, and for them employment is much more likely to be absolutely necessary to provide a decent family income. When the average unemployment rate increases, a disproportionate part of it falls on black women as well as black men. As a consequence, continued improvement in the status of black families is particularly dependent upon the existence of a high employment economy. In a related vein, making speeches about the "work ethic" in contrast to the "welfare ethic" comes ill at a time of high unemployment, when job opportunities have been severely reduced precisely for those groups in the population who make up the great bulk of the welfare caseload.

Similarly, high unemployment among teenagers and young adults is a major social problem, even if those youngsters are not yet family breadwinners. Many of the social ills, the crime, the violence, and the disillusionment in our central cities are related to the scarcity of stable jobs for young people. Their high unemployment rates do not stem so much from steady long term unemployment as from the short term casual unemployment which occurs as they shift from one dead end job to another. Casual jobs as dishwashers, porters, deliverymen, and the like exist even in recessions. But it is only in periods of healthy prosperity that the needed volume of steady, decent paying, and relatively secure jobs is forthcoming.

Without suggesting that full employment is a panacea, I would rate it first among the nation's social priorities. Achieving it is worth, in my view, the irritations and inefficiencies which accompany price controls, and also worth the modest additional inflation it is likely to bring.

As far as tax and expenditure policy is concerned, I see absolutely no need for the large increase in defense expenditures which now appear likely. The added expenditures for complex new weapons systems purchased at fantastic unit costs will not fundamentally improve the nation's security, will likely set off matching increases by our adversaries, and end up providing less security for everyone.

I also think there are areas where cuts should be made in federal civilian spending—farm price supports, expensive maritime subsidy programs, subsidized provision of facilities for private planes, pork barrel water resource projects, loans to bail out failing aerospace companies, space shuttles to reduce the cost of manned space missions which themselves have little ultimate purpose, two percent federal loans for rural electric co-ops, continued subsidies for junk mail, veterans compensation payments for those with no discernible disability, and so on down a long list. But these are precisely the area of spending which will not be touched. I cannot see the merit in attempts to cut back more important social programs in a futile effort to stave off the tax increase required by a large expansion in military spending.

And finally, with respect to tax reform, I find much merit in a program of closing tax loopholes while simultaneously reducing the top bracket rates by substantial amounts. Equal taxation of equal income is both equitable and economically sensible. I would myself prefer to see the changes in capital gains provisions suggested by Senator McGovern phased in more gradually than he proposes in order to minimize the shock to equity values which changing the taxation of capital gains entails. But on balance the McGovern reform proposals, particularly as they are likely to be modified in their enactment, seem clearly to move in the right direction.

I would also remind you that the higher level of economic activity which is likely to occur under a Democratic Administration will generate more additions to corporate profits than will be taken away by the changes in corporate taxation proposed by Senator McGovern.

As to whether the economic future under George McGovern, as I have painted it, is far better or worse than the economic world under Richard Nixon, reasonable men can and will differ. But as I have been at pains to point out, George McGovern has a consistent and reasonable alternative to offer. It is neither radical nor irresponsible. In the process of evolving his position he has, over the past year, changed some of his earlier views. I do not believe that changing one's position is itself a sign of weakness or inconsistency. Indeed, if keeping one's position on matters of public policy unchanged is a virtue to be sought in a President, George McGovern surely stands out as a beacon of constancy after a year which has seen a Republican Administration impose wage and price controls, devalue the dollar, and support the admission of Red China to the U.N.

DEATH OF FORMER SENATOR PRESCOTT BUSH, OF CONNECTICUT

Mr. SCOTT. Mr. President, the Senate was saddened yesterday to learn of the passing of a former colleague, Senator Prescott Bush, of Connecticut.

I had the pleasure of serving for 4 years with Senator Bush from 1958 to 1962, and I shall always remember his wise counsel and advice on matters of national import.

Pres Bush was every inch a gentleman. He had a courtly manner and a great feeling for people and their problems. We missed him when he left the Senate. We miss him more now that he has passed on to his just reward.

Marian and I extend our deepest sympathy to his wife, Dorothy, and to his family.

GOVERNMENT AND TELEVISION

Mr. HARTKE. Mr. President, the relationship of mass media and Government has become one of the most controversial issues on the American scene during the past few years. In both public and private sectors of communications, the concern has been voiced that Government is exercising too much control and too much influence.

Recently, in advertisements published throughout the Nation, that concern was voiced by Mr. Eugene C. Pulliam, publisher of the Indianapolis Star and News and the Phoenix Republic and Gazette.

Mr. President, because I believe that Mr. Pulliam's comments are of interest to all Americans, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

WE CAN'T TOLERATE GOVERNMENT CONTROL OF TV

Unless the Congress of the United States takes decisive action to halt it, the total takeover of U.S. radio and television by the government will be finalized within the next few years. There will be but one radio and TV system. It will be operated, censored, programmed—in short, completely dominated—by an elite group of Washington bureaucrats.

Television cannot fight this battle alone because it has one hand tied already by severe governmental restrictions and the power to put TV completely out of business. So it is up to the newspapers to lead this fight and to make every American realize that his own individual freedom is in danger as it never has been before. Do we want a dictatorship of TV or do we want to preserve our system of free enterprise in the communications industry?

A spate of government rulings is eroding the economic base of American journalism. The American communications industry is struggling for its very survival in a web of government regulations. None of these regulations is a decree. None has ever been presented to Congress. Nevertheless they have the full force and effect of law.

In a recent ruling by the District of Columbia Court of Appeals the judge's decision said that commercials for big automobiles can be answered by anti-big automobile advertising lamblasting the big ones for creating pollution; and the station to which the complaint is made must carry the "anti" comment free of charge, giving it the same amount of time as was used in the paid advertisement of the big car. The same court ruled that no TV station can refuse to accept free controversial advertising. These rulings are part of the so-called "fairness doctrine."

The Federal Communications Commission is now deliberating a plan to require all TV outlets to spend two hours a day broadcasting programs, specifically for children, without charge. It is obvious that if this idea is put into effect there will be virtually no limit to the demands of special interests insisting on free TV time.

Pressure groups are demanding that licenses be taken away from stations that don't match up with their ideological position. Nation's Business reports that "petitions to deny license renewals are being filed with the FCC in behalf of Negroes, Mexican Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes." Nation's Business predicted that TV probably is a dying industry because of FCC restrictions.

The results of all this will be the destruction of the American system of television. It will automatically pave the way for government operation of all TV and radio stations. This is exactly what the bureaucrats in Washington are hell-bent on accomplishing.

Dean Burch is chairman of the Federal Communications Commission. He believes in the Constitution and free enterprise but is outvoted by the holdover members of the Commission who have become ambitious bureaucrats.

One member of the FCC has suggested that the media be made legally liable for alleged harmful effects from the use of products advertised on a TV station. It was suggested that the same rule should apply to newspapers, should there be any harmful effects from the use of products advertised by them.

Probably the most inconsistent of all FCC rulings is that which concerns cigarette advertising. The Federal government spends between 600 and 800 million dollars a year to promote and sell tobacco. It subsidizes tobacco growers to the tune of at least 400 million dollars a year. Yet the government prohibits the advertising on TV of cigarettes. If tobacco is harmful, then the growth and manufacture of tobacco should be prohibited by law. But so long as the government itself encourages the growth and development and sale of tobacco, it certainly has no business telling manufacturers and TV stations they cannot advertise tobacco. This is only one more instance of how powerful the Washington bureaucrats have become.

The so-called "fairness doctrine" has nothing whatever to do with fairness, but it has everything to do with the power of government to harass people whose opinions the bureaucrats don't like.

Compounding the problem of bureaucratic bias is the history of "public broadcasting" which operates by virtue of millions of dollars of taxpayers' money but which regularly tends to favor the radical, the socialist, the activist element in this country. President Nixon has wisely vetoed a request for a large increase for "public broadcasting," but this is only a partial answer. The real issue here is that the taxpayer should not be obliged to subsidize any sort of one-sided opinion. The "public broadcasting" system to which you listen is financed by government subsidies. Hundreds of programs have been broadcast which not only assailed the administration but were actually anti-American in content. Yet you, the taxpayers, are paying the bill for this.

To be sure there are thousands of capable, honest and dedicated men and women in government service, but they are dominated by the ambitious bureaucratic leaders who can make life miserable for any one of them who opposes the bureaucratic line. These men and women cannot be fired, but they can be shunted from department to department and be passed over for promotion. Consequently they remain silent and "go along."

Concerned Americans who oppose government ownership of the communications system should demand corrective action by Congress. All efforts to impose government controls on American TV and the American press should be resisted. There is absolutely no excuse for anti-business and anti-freedom bureaucrats to be allowed to use the medium of "public broadcasting"—paid for by the public—as a weapon to destroy TV and the free press. One of the wisest of American statesmen long ago said, "Government is always the enemy of the people, never the friend."

What is happening to TV and the American press is chilling proof that property rights and human rights cannot be separated and that where bureaucrats control the first they have the power to destroy the second.

If freedom and liberty are to survive in this country the Federal bureaucrats must be deprived of their self-assumed power over the economy. The Congress should deny bureaucrats the right of tenure which gives them a lifetime job. They never run for office. They are never elected. They never can be fired—even by the President of the United States—except for moral misconduct. Every country which has ever succumbed to the dictates of a Federal bureaucracy has either perished or been taken over by tyrannical dictators.

What can you do? You can write your candidate for Congress immediately and ask him to pledge himself to vote against any further intrusion by the FCC into the American economy. Under no circumstances should the rules and regulations of the FCC be given the force of law without the consent of Congress.

The American people must understand that their individual freedom—and especially their right of free expression, which is the fundamental right of all liberty—is at stake and only affirmative action by the Congress will stop the bureaucrats.

The United States is the greatest and best country in the world and she is the greatest and the best only because she is free.

INTERNATIONAL DECLARATION OF PRINCIPLE ON COMPUTERS AND PRIVACY

Mr. ERVIN. Mr. President, for many years the Constitutional Rights Subcommittee has been studying the impact of computers and Government data collection on individual rights and privacy. The subcommittee's studies have resulted in a series of hearings, recently published, entitled "Federal Data Banks, Computers, and the Bill of Rights." It was at those hearings that the subcommittee, among other issues, investigated the Army surveillance program.

The hearings attracted an extraordinary amount of public interest. Since that time it is clear that the public is beginning to focus on the potential dangers to individual privacy posed by the introduction of new technologies to aid Government in its insatiable curiosity for information about citizens. It is illustrative of this public concern that the platforms of both major parties this year take stands which recognize the issue and promise steps to prevent unwarranted invasions of privacy by Government data banking.

"Computers and privacy" is not only an issue to Americans. Other Western countries also see that computers can have a profound impact on economic, social, and political conditions, and that they can disturb the existing relationship between Government and citizen to the detriment of individual freedom.

In recognition of these potential consequences, a French foundation, L'Institut De La Vie—or, the Institute of Life—scheduled a conference on "Man and the Computer" last month in Bordeaux, France. The institute is dedicated to insuring that the science and technology are used for the benefit of mankind.

The institute's Conference on Man and the Computer, its second, was particularly concerned with the impact of computers on individuals. The Conference brought together over 150 experts in medicine, law, sociology, government, law enforcement, industry, communications, education, and other fields from over 22 countries, including 14 nations from Western Europe, plus Turkey, Algeria, Mexico, Israel, Canada, and even Yugoslavia, Japan, and the Soviet Union. Five special reports were prepared—on education, medicine, urban affairs, planning, and on individual life. Among the noteworthy results of the Conference was a declaration of principle on fundamental human rights. The declaration of principle stresses first of all the individual's right to privacy. In its words:

> *The Right to Privacy,* We believe that there is an interest shared by all people to have some control over the information that is collected, stored, and circulated about them. We believe it essential that consideration of this issue be an integral part of the creation of any information system.

A second right, and one which is not underlined in the United States as often as it should be, is the right to information. Since information can be considered a resource, the monopolization of information is to be avoided just as we prohibit monopolization of any other natural resource.

The declaration outlines a series of operating principles which should be observed in the creation of every computer data bank. These six principles are:

> The need to determine whether information to be collected is relevant to the purpose for which it is sought and whether it is required to be collected at all;
>
> The need to give the individual notice of and access to information stored about him;
>
> The need to limit information systems to specific uses;
>
> The need to regulate the use and transfer of information in such systems;
>
> The need to check and update information contained in these systems, supervise operation of the systems, and monitor their expansion into new areas or enlarged data-sharing operations; and
>
> The need for sanctions to enforce the safeguards established.

Finally, the declaration recognizes that in order to effectuate these principles, there must be first, acceptance on the part of those who operate data banks of the rights to privacy and to information; second, full public knowledge and review of all important aspects of every record system by a public authority charged especially with protecting individual rights; and third, the creation of a forum for the resolution of individual complaints arising from these systems.

This declaration of principle is unique not only because it states in clear, simple and moving terms the rights which are clear to every American, but because it demonstrates the universality of the concern for privacy. It is noteworthy that this declaration of principle was drafted by a group with widely divergent cultural and political traditions. Yet the result is one which can serve as a guide for the United States in its treatment of the problems of computers and privacy.

I ask unanimous consent that the declaration of principle adopted by the Institute De La Vie at its Conference on Man and Computer be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

CONCLUSIONS AND RECOMMENDATIONS

Presented at the final session of La Conference Internationale, "L'Homme et L'Informatique", L'Institut de la Vie, Bordeaux, France, 16 September, 1972

DECLARATION OF PRINCIPLE

We believe that there are fundamental human rights which deserve reaffirmation in the computer age. It is not that threats to human rights are new in the computer age but rather that the computer is changing the economics and nature of the information processing systems of society in ways that could lead to increased encroachments on these rights. In reaffirming these rights, we do so with the hope that by making the possible opportunities and dangers more visible, the use of computer technology will result in the enhancement of these rights rather than their diminution.

Among these rights are the following:

The Right to Privacy. We believe that there is an interest shared by all people to have some control over the information that is collected, stored, and circulated about them. We believe it essential that consideration of this issue be an integral part of the creation of any information system.

The Right to Information. We believe that information gathered and stored in computers will become as important a resource as any man has sought to employ. In each country there needs to be an integrated national policy on the availability of this resource. We believe that the individual has a fundamental human right to have access to information, not only about himself, but about his community and government and other things that impact upon his life.

At the same time, we recognize that the individual's right to privacy can conflict with society's right to know and use information. Similarly, the right to informaton of one individual can conflict with the right to privacy of another. The balance to be struck between these conflicting interests will depend on the setting, the nature of the information, and the use to be made of it. The ultimate accommodation of interests will vary from culture to culture and country to country as values differ.

In developing information systems, we believe the following principles should be among those considered:

The need to determine whether information to be collected is relevant to the purpose for which it is sought and whether it is required to be collected at all

The need to give the individual notice of and access to information stored about him

The need to limit information systems to specific uses

The need to regulate the use and transfer of information in such systems

The need to check and update information contained in these systems, supervise operation of the systems, and monitor their expansion into new areas or enlarged data-sharing operations

The need for sanctions to enforce the safeguards established.

To transform these principles into operation requires

The creation of a consciousness on the part of managers of record systems about the rights of privacy and access to information

A process of public review of the goals, organization, procedures, and safeguards of record systems, preferably by a legislative body or administrative authority charged with insuring full consideration of the issues of individual rights

An appropriate forum, judicial or administrative, before which individuals can bring complaints in particular cases.

We believe that the capabilities of computer technology can and should be taken full advantage of in the design of the protective mechanisms we have recommended. Once these measures have been taken, we look toward the fruitful use of information systems to help governments and private organizations carry out the responsibilities for public policy and social progress with which they are charged. The principles we recommend should lead to the growth of greater public trust in the use of properly controlled information systems. Without this trust, the benefits of information systems cannot be realized in democratic societies.

We view the evolution of legally enforceable rights and effective remedies as being as important for the future application of computer technology as the successful development of the technology itself.

U.S. DIRECT INVESTMENT ABROAD

Mr. JAVITS. Mr. President, I invite the attention of the Senate to an excellent speech dealing with U.S. direct investment abroad given by Henry J. Heinz II, chairman of the board of the H. J. Heinz Co., before the annual meeting of the company on September 13, 1972. The speech is particularly germane because of the Burke-Hartke legislation which is at present before this Congress and is likely to be a matter of major legislative concern in the next Congress.

Mr. Heinz sets forth a particularly impressive record for his own company. He said:

> Because of the nature of our businesses, we export very little from the U.S. We sell in foreign markets by operating there. In doing so, we have not exported a single job and our foreign earnings make a healthy contribution to the income side of the U.S. balance of payments ledger. If we had no foreign operations, we would be reporting sales here today of $627 million rather than $1.1 billion and earnings of $22 million rather than $42 million. In fact, without our international businesses, our domestic operations would likely be less successful than they are, for, as the ECAT survey indicates, international companies are more dynamic than strictly domestic firms.

Earlier in his speech Mr. Heinz noted that in 1971, 46 percent of sales and 47 percent of earnings were realized abroad and that Heinz affiliates overseas have paid more than $76 million in gross dividends to their U.S. parent over the last 10 years.

I ask Senators to consider how many companies similar to the Heinz company are found in the United States and to reflect on the disastrous effect that the passage of the Burke-Hartke legislation would have on such companies and in turn on the American economy. I ask unanimous consent that Mr. Heinz' excellent speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY HENRY J. HEINZ II, CHAIRMAN OF THE BOARD, H. J. HEINZ CO., BEFORE THE ANNUAL MEETING SEPTEMBER 13, 1972

I would like to address myself today to a theme which has attracted considerable attention in the past year and one which we are likely to hear a great deal more about in coming months—United States direct investment abroad.

I know you, as shareholders of the H. J. Heinz Company, are well-informed about the domestic benefits which accrue to companies with extensive international business. We made our first overseas investment in 1905 when we established our subsidiary in England. Since that time we have extended our direct investments to 19 other countries, and we market products in some 150 countries and territories throughout the world. In 1971, 46 percent of sales and 47 percent of earnings were realized abroad.

You know that by our investing abroad we have been able to enhance our growth, pay higher dividends and provide you with a more attractive investment than if we had restricted our activities to the United States. In fact, growth through exports alone would be modest indeed. Furthermore, the markets we serve would be supplied by other companies, most likely of foreign ownership, if we were not there.

Overseas investments have many positive effects on our domestic economy. The public-at-large, however, seems not to understand these matters and is vulnerable to over-exemplified explanations which are a threat to the future of U.S. foreign investment.

During the past year we have witnessed a substantial and persistent effort in the Congress to place severe limits on foreign imports and direct U.S. investments abroad. Our largest labor federation—traditionally a strong supporter of liberal trade and investment policies—has become the prime mover behind this effort. Their state of mind was aptly illustrated in a recent political cartoon. Two hapless workers are standing on a dock piled high with goods labeled "imports." The workers, dwarfed by the towering imports next to them, look out at an enormous ship steaming out to sea whose decks are loaded with large crates labeled "jobs." The message is threatening—we buy foreign goods and in exchange cheap foreign labor takes our jobs.

In any period of sustained unemployment typically there will be those who look for scapegoats, especially when there is a trade deficit running concurrently. Overseas investment and liberal trade policies are the current targets even though both are demonstrably creators of domestic income. Employment in the U.S. is dependent primarily on the performance of the domestic economy and government fiscal and monetary policies, not on the level of our overseas investments or our imports, both of which are small compared with the size of U.S. domestic investment.

The workings of the extremely complex mechanisms of the U.S. economy and its benefits from a free international flow of goods, capital and technology are, however, difficult to understand and harder to explain. The protectionist forces, who have put forth their views in the now pending Burke/Hartke Bill, are trying to reduce the problem to the simple equation of imports plus overseas investment means less jobs for U.S. workers.

This is a false equation. It assumes that only the other fellow benefits from our overseas purchases and foreign investments. In reality, trade and investment are two-way streets, with benefits for both parties to a transaction. Imports provide the foreign exchange that other countries need to buy our products. They help finance, in other words, our exports. Exports, in turn, are powerful generators of employment. Approximately 60,000 jobs are created by every $1 billion we export. Imports also help the consumer. They give him a wider choice of products at competitive prices. Tariffs and quotas tend to restrict choice, increase prices, and feed inflation. In the longer term, they also lower exports. Protective legislation, in short, rewards the few it protects while penalizing everyone else.

Our foreign investments return over $8 billion a year in earnings, royalties and fees. This income is one of the largest positive items in our precarious balance of payments. Foreign investment limitations would, in effect, be earnings limitations and would make our already difficult balance of payments picture worse. Heinz foreign affiliates, for example, have paid more than $76 million in gross dividends to their U.S. parent over the last ten years.

Some proponents of foreign investment restrictions have claimed that U.S.-owned companies abroad export heavily to the U.S. This is not true. Imports from subsidiaries of U.S. companies remain a small part of aggregate U.S. imports.

Our foreign investments also reward us in many less obvious ways. A recent survey of 74 multinational corporations conducted by the Emergency Committee for American Trade, a group known as ECAT, of which our company is a member, pointed up a number of these more obscure benefits of foreign investment. Among other facts, the ECAT survey revealed that in the 1960–1970 period the corporations examined:

Increased their total sales from facilities in the U.S. from $58 billion to $113 billion, a gain of $55 billion;

Increased their exports from the United States from $4.3 billion to $12.2 billion, a gain of $7.9 billion. Their rate of exports to production in 1970 was 10.8 percent or double the national average for manufacturing firms;

Increased their domestic payrolls from $2.4 million to $3.3 million, a 37.5 percent gain. By comparison, the national average rate of increase for the same period was only 10.3 percent.

The ECAT survey suggests, in short, that our most vigorous companies abroad are also our most dynamic at home. Efforts to restrict these companies overseas in order to try to force them to invest more at home would be clearly counter-productive. These restrictions would reduce the vitality of our multinational companies both overseas and domestically by reducing their revenues, income and opportunities. It is difficult to understand how any one could believe that we would be more prosperous if our major corporations sold less and earned less.

The supporters of the Burke-Hartke Bill assume that U.S. business goes abroad primarily in search of cheap labor. This premise is fundamentally incorrect. The principal motive to operate in other countries is to gain access to foreign markets. Trade restrictions, transportation costs, local content requirements—that is, regulations requiring the local manufacture of the component parts of an industrial product, such as an automobile—combine to restrict export opportunities to many countries. If a company has a product line that would do well in a particular country, more often than not a direct investment will be required to take full advantage of the opportunity.

The H. J. Heinz Company is a good example. Because of the nature of our businesses, we export very little from the U.S. We sell in foreign markets by operating there. In so doing, we have not exported a single job and our foreign earnings make a healthy contribution to the income side of U.S. balance of payments ledger. If we had no foreign operations, we would be reporting sales here today of $627 million rather than $1.1 billion and earnings of $22 million rather than $42 million. In fact, without our international businesses, our domestic operations would likely be less successful than they are, for, as the ECAT survey indicates, international companies are more dynamic than strictly domestic firms.

The Burke-Hartke Bill proposes to curb international investment by imposing taxes on overseas earnings so severe as to discourage such investment. Among other things, the Burke-Hartke Bill proposes the repeal of the foreign tax credit. This credit prevents double taxation and has been part of the income tax law since its enactment in 1913. It simply allows companies to deduct foreign income taxes from their U.S. tax bill. The effective tax rate abroad averages more than 50 percent. The repeal of this tax credit would mean that a company with operations abroad would be subject to total foreign and domestic taxes amounting to between 75 and 80 percent of income. No company can survive in foreign markets paying that kind of tax, especially when its foreign competition doesn't. Shareholders, of course, would then have to pay income tax on the dividends they receive and this truly confiscatory tax would make a reasonable return on capital impossible to achieve.

The drafters and supporters of the Burke-Hartke Bill are so suspicious of international commerce that they even propose controlling the export of technology. Section 602 of the bill authorizes the President to prohibit owners of patents to either produce the patented product or license its production abroad if such prohibition will contribute to increased employment in the United States.

The section betrays a woeful ignorance of the modern world and its reliance on a free flow of technology. The United States is not the only innovative nation on earth. We depend on the rest of the world for technology as much as they depend on us. Foreign technology has in recent years provided us with such important new developments as the Wankel engine, disc brakes, radial tires, the soft lens, scores of life-saving pharmaceuticals, the basic oxygen furnace—which revolutionized steel manufacturing—and many other products and processes. In addition, at a recent United Nations Investment Conference in Tokyo, in which I was honored to participate as a U.S. representative, experts pointed out that the transfer of technology is most effective when linked to supporting private investment.

We need new technology developed at home and abroad. This section of the Burke-Hartke Bill would discharge both the exchange of technology and further investment in research. Research is expensive and risky. What electronics company, to cite an example, would be willing to invest large sums in research if it could not take full and worldwide advantage of manufacturing the new products emerging from its research? It is not reasonable to expect innovative companies to risk money on technological development if the production and marketing of that new technology is going to be subjected to arbitrary controls.

There is another side of overseas investment which rebounds to the benefit of the United States. American business abroad is a substantial contributor to the economic growth of both developed and developing nations. It promotes a healthier, more vigorous world economy which the U.S. needs to prosper at home. It helps raise living standards in developing nations by creating jobs, transferring technology, improving labor, technical and managerial skills and modernizing production. Private investment also supplements our government foreign assistance programs and the development efforts of international agencies such as the World Bank, the Inter-American Development Bank and the United Nations Development Program. American private investment abroad improves international communications and breaks down barriers between countries. As Henry Ford II forcefully stated in a recent speech in Montreal, the search for profits of the multinational corporations "requires them to become potentially very effective instruments both of economic development and of international cooperation."

Attempts to restrict American investment abroad and to limit foreign trade are ill conceived and short-sighted. I agree with a leading United States senator who labeled the Burke-Hartke Bill "a prescription for economic disaster."

I have devoted so much time today to this theme because I believe it to be critically important to all of us here and, indeed, to all Americans. There is an unfortunate tendency in America today toward disengagement from foreign involvement. Given our problems, the isolationist trend is explicable, but it must not be allowed to prevail. We cannot turn our back on the world and expect to solve our problems alone. In the world of business and commerce, we are inextricably tied to others. Restricting our international activities may bring short-term advantage to a few, but inevitably it will mean long-term economic and social hardship for the majority, both here at home and abroad.

American companies investing and operating overseas are serving the interests and objectives of the nation increasing employment and income at home, in promoting economic development abroad and in practicing cooperation.

GENOCIDE CONVENTION—THE CONSTITUTIONALITY OF INTERNATIONAL AGREEMENTS ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the Genocide Convention is one of the most important of all international treaties on human rights, specifically the right to existence. One of the principle objections of such treaties has centered on the question of their constitutionality. A recent article in the Santa Clara Lawyer by Bruno V. Bitker offers an enlightening discussion of this issue. Mr. Bitker is well qualified to explore this question. An attorney in Milwaukee, Wis., he has a distinguished record of service to the United States in the field of international relations. In 1968 he served as the U.S. representative to the U.N. International Conference on Human Rights held in Teheran, Iran. He has served as chairman of the American Bar Association Section Committee on International Courts and as a member of the U.S. National Commission for UNESCO, the President's Commission for Human Rights Year, and the Wisconsin Governor's Commission on the U.N.

I therefore ask unanimous consent that Mr. Bitker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONSTITUTIONALITY OF INTERNATIONAL AGREEMENTS ON HUMAN RIGHTS

(By Bruno V. Bitker*)

"I feel more strongly than ever that the worth of the individual human being is the most unique and precious of all our assets and must be the beginning and the end of all of our efforts. Governments, systems, ideologies and institutions come and go, but humanity remains. The nature and value of this most precious asset is increasingly appreciated as we see how empty organized life becomes when we remove or suppress the infinite variety and vitality of the individual." [1]

It is unbelievable, in light of American history that anyone could question the right of the United States to enter into international agreements to protect human rights. However, there continues to exist a belief by some lawyers that under the United States Constitution human rights generally are not a proper subject for agreement between nations.[2]

This paper approaches the issue from three viewpoints: One, that the constitutional treaty power does not bar such agreements; Two, that historically the power to enter into such international agreements has been exercised by the United States since the earliest days of the Republic; and, Three, that by contract (treaty) the United States is obligated internationally to protect human rights. Within the limitations of the length of this paper, reference will also be made to questions raised as to the constitutionality of some specific provisions of certain treaties.

HISTORICAL POSITION OF THE UNITED STATES

Entering into treaties for the protection of human rights is not uniquely American. International concern for human rights has existed for centuries.[3] In fact, the very first treaty entered into by the United States recognized protection of the rights of individuals: the Definitive Treaty of Peace with Great Britain, concluded at Paris, 1783.[4] Article VI provided, *inter alia,* that because of participation in the Revolutionary war "no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property. . . ." [5] Even the rights of foreign persons to go to any part of the United States for a specified period to regain assets were specifically recognized.[6] And, in the Jay Treaty of 1794,[7] which was the final formalized treaty, there are other provisions protecting individual rights.

In 1795, the United States entered into a treaty with Algiers [8] which related to rights of Americans in Algiers, and *inter alia,* provided that the Consul of the United States "shall have liberty to exercise his religion in his own house." [9] This was an early recognition by the United States of certain rights of privacy and freedom of religion as proper subjects for an international treaty. While the phrase "human rights" may not have been in common usage in the 18th century, the individual rights then recognized would now come under the broad umbrella of human rights.

Many of these early 18th century treaties dealt with the rights of American persons abroad. They clearly demonstrate that individual rights are proper subjects for international agreements. The more modern treaties on human rights are logical developments in the protection of these rights. These developments are in keeping not only with American ideals but also with the early historical practice of the United States. Thus it may be said that concern for human rights by treaty is traditionally American.

Subsequent American history bears this out as indicated by a sampling of 19th century treaties. The treaty with Austria-Hungary of 1848 covers the right to dispose of property upon death,[10] a matter usually considered controlled by municipal law. The 1868 treaty with Belgium [11] covered matters relating to naturalization, also customarily considered sacrosanct to national sovereignty. In an 1858 treaty with Bolivia,[12] there is what might be called an equal protection clause as well as protection against "arbitrary visits or search" of dwellings and warehouses. This sounds as if the Fourth Amendment had moved into international law.

Besides Fourth Amendment rights, the Sixth Amendment right to counsel was included in the 1828 treaty with Brazil.[13] This treaty also assumed equal treatment in the burial of the dead. The Protocol of 1872 to the treaty of 1871 with Germany, specified with respect to the estate of a deceased citizen, "[t]hat, according to the laws and the Constitution of the United States, Article X (of the treaty) applies, not only to persons of the male sex, but also to persons of the female sex." [14]

An interesting corollary to individual rights, is the individual responsibility covered in the 1842 treaty with Colombia. Article XXXV, provides that if "citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, . . . each party engaging in no way to protect the offender, or sanction such violation." [15] Even the phrase "international right" is used in the Colombia treaty of 1946.[16] It is interesting to note that the treaty of 1842 also recognizes the individual responsibility rule which was basic to the Nuremberg judgment more than a century later.[17] A similar provision appear in the 1828 treaty with Brazil [18] and in other treaties.

Under the 1803 treaty with France for the Cession of Louisiana, the United States undertook, in Article II, to incorporate the inhabitants' territory as soon as possible and "in the meantime they shall be maintained in the free enjoyment of their liberty, property and the Religion which they profess." [19] The treaty of 1831 with Mexico, Article XV, guarantees that the citizens of Mexico residing in the United States "shall be allowed the free exercise of their religion, in public or in private."[20]

Although not a party to the Berlin Treaty of July 13, 1878,[21] the United States, in 1902, on the strength of that treaty, asserted the right of diplomatic intervention on behalf of citizens of another country who were asserting their rights within that other country. The Berlin Treaty had provided that no person should be discriminated against because of religious differences. In these instances, the United States was specifically protesting the treatment of Rumanian Jews by the Government of Rumania.[22]

In the 20th century, a similarly wide variety of matters has been deemed proper for treaty ratification by the United States. These include the Convention on Drugs of 1912,[23] the Slavery Convention of 1926,[24] World Health Organization regulations,[25] the Protection and Preservation of Wild Life Convention of 1940.[26] and the Road Traffic Convention of 1949.[27] A classic example is the treaty protecting migratory birds flying over Canada and the United States.[28] The Supreme Court held the subject matter justified the exercise of the treaty-making power and federal legislation thereunder. It is almost ludicrous to assert that lives of migratory birds can be protected by a treaty, but that the lives of human beings cannot, as is contemplated under the Genocide Convention.[29]

As Professor Henkin commented:

"The argument that the United States is without power under the Constitution to adhere to such treaties has no basis whatsoever—in the language of the Constitution, in its *travaux préparatoires,* in the institutions it established, in its principles of federalism or of separation of powers, in almost two centuries of constitutional history, or in any other consideration relevant to constitutional interpretation." [30]

In referring to the U.N. Covenants and the Protocol on Human Rights, which have not yet been sent to the U.S. Senate by the President, Professor Brunson MacChesney observes that:

"The complex and important issues involved in the decision as to whether the United States should ratify the Convenants and the Protocol in their present form should not be obscured by the interjection of constitutional objections that are lacking in substance. . . . It would not be worthy of our heritage and our responsibilities to abstain on spurious constitutional grounds." [31]

In the light of these brief historical references to United States treaties and the observations of scholars, it is easy to understand the comment of the Clark Committee as to the constitutionality of human rights treaties: "It may seem almost anachronistic that this question continues to be raised." [32]

THE CONSTITUTIONAL POWER

The consitutionality of human rights treaties has been the subject of innumerable treatises, law review articles, and books ever since the U.N. Charter came into force on October 24, 1945.[33]

Under the Constitution, the power to enter into treaties and the subject matters that may be covered appear almost unlimited. The Constitution provides that the President "shall have Power, by and with the Advice and Consent of the Senate to make Treaties, provided two-thirds of the Senators present concur." [34] Emphasis is given to the importance of treaties because the Constitution declares that treaties "shall be the supreme Law of the Land," [35] and Congress is empowered to define and punish "Offenses against the Law of Nations." [36]

As early as 1796, the Supreme Court recognized the Supremacy Clause as it related to the peace treaty with England which prevented a state from eliminating debts due to British subjects.[37] Certainly, no one today would claim the right of states to avoid treaty obligations.

Power to enact a treaty has long been acknowledged by the Supreme Court. In *Geofroy v. Riggs,*[38] the Court said:

"It would not be contended that it (the treaty-making power) extends so far as to authorize what the constitution forbids, or a change in the character of the government or in that of one of the states, or a cession of any portion of the territory of the latter, without its consent. [Citation omitted] But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching on any matter which is properly the subject of negotiations with a foreign country." [39]

Despite the almost limitless powers envisioned by the *Riggs* decision, the treaty-making power does not rise *above* the Constitution. It is rather a vital element *within* the Constitution.[40]

It is difficult to interpret any of the principal human rights treaties approved by the United Nations, or its specialized agencies, as requiring something to be done which is contrary to the Constitution. For example, treaties declaring mass murder an international crime,[41] or preventing forced labor,[42] or securing the political rights of women,[43] or opposing racial discrimination,[44] or minimizing discrimination in education [45] do not authorize something which the Constitution forbids.

In 1969, a Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, of which Justice Tom C. Clark, *retired,* was chairman, issued its report.[46] In his letter of transmittal, Justice Clark said:

Footnotes at end of article.

"I would like to reiterate here, however, our finding, after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern, and the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition."[47]

WHY THE UNITED STATES IS CONCERNED INTERNATIONALLY

From its very beginning, the United States has been the great believer in, and advocate of, the rights of the individual. This is expressed in the Declaration of Independence, the Constitution, and the Bill of Rights. Thus, it is natural for the United States to be a leader in the world community in promoting rights so well recognized in this country. Practical reasons for such advocacy are also involved.

"Although such conventions (human rights) generally specify standards already observed in the United States, it has an interest in seeing that they are observed by as many states as possible, not merely to protect its own standards, but to promote conditions abroad that will foster economic development and democratic institutions that are conducive to prosperity in the United States, and achievement of its foreign policy objectives. It cannot effectively urge other states to adhere to such conventions without doing so itself."[48]

During the debates before the General Assembly which, in 1948, preceded the adoption of the Genocide Convention, Secretary of State George C. Marshall said:

"Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people, and are likely to seek their objectives by coercion and force in the international field."[49]

President Kennedy summarized the United States position in his address at American University on June 10, 1963: "And is not peace, in the last analysis, basically a matter of human rights."[50]

POSSIBLE OBJECTIONS TO SPECIFIC PROVISIONS

Particular objections on constitutional grounds to specific provisions of some treaties have been raised from time to time. Occasionally, these go to the phraseology of certain clauses. For example, with respect to the Genocide Convention, it was asserted that the use of the phrase "as such" in referring to the destruction of specifically named groups created an ambiguity. The use of the phrase "in whole or in part" was asserted to be so broad that the killing of only a few members of a religious body would constitute genocide. Two American Bar Association committees considered these and similar objections and found them without substance.[51a] As one report concluded, they were "not of a dimension sufficient singly or together, to warrant nonratification."[51b]

The U.N. International Convention on the Elimination of All Forms of Racial Discrimination has also been questioned. Although the United States on September 26, 1966, signed the U.N. International Convention on the Elimination of All Forms of Racial Discrimination, it has not yet been sent to the Senate for its advice and consent. Objections have been made to it including the usual arguments raised against other human rights treaties. One of these relates to the provision for referring disputes over the interpretation or application of the Convention to the International Court of Justice. A similar provision in the Genocide Convention was characterized as "a stock provision not substantially unlike that found in many multipartite instruments."[52]

One of the frequently repeated objections to most human rights treaties is that a subject for a treaty, to be a proper one, must be essentially international and not one that might be dealt with domestically.[53] For example, it is asserted, genocide would not be a proper matter for international agreement because murder is a domestic crime. This attempt to exclude subjects which might be of both international and domestic concern would be contrary to United States history and practice. It would also deny the ruling of *Missouri v. Holland*,[54] upholding an international treaty on a subject which could be dealt with domestically, wherein the Court said:

"No doubt it is true that as between a State and its inhabitants the State may regulate the killing and sale of such (migratory) birds, but it does not follow that its authority is exclusive of paramount powers."[55]

Other domestic and international conflicts are found in the area of descent and distribution of real estate. In *Zschernig v. Miller*,[56] concerning probate law, the Supreme Court declared: "Where these laws conflict with a treaty, they must bow to the superior federal policy."[57] Personal property, protection of creditors' rights, prevention of discrimination on grounds of citizenship in business opportunities, and the right to purchase and hold land are also treaty subjects both of international and of domestic concern.[58]

The latest in the series of treaties covering subjects of domestic concern but also of international interest is the Supplementary Convention of the Abolition of Slavery, etc., ratified by the U.S. in 1967.[59] *Inter alia*, this treaty obligates the U.S. to take measures to abolish debt bondage, serfdom, involuntary marriage or transfer of women for money, and the transfer of widows as inherited property. It requires the parties to the treaty to prescribe, where appropriate, suitable minimum ages of marriage and encourages free consent to marriages. These are matters which have long been thought of as being essentially of domestic concern, but neither the United States President nor the Senate had any trouble in approving the treaty. The American Bar Association also recommended ratification.[60]

The rule is also expressed in the Restatement on the Law of the United States Foreign Relations:

"Matters of international concern are not confined to matters exclusively concerned with foreign relations. Usually, matters of international concern have both international and domestic effects, and the existence of the latter does not remove the matter from international concern."[61]

UNDERSTANDINGS AND RESERVATIONS

There can be little doubt of the constitutional power of the United States to enter into human rights treaties. It does not, however, mean that the power "extends so far as to authorize what the Constitution forbids."[62] It is conceivable that a particular treaty may include a provision anathema to constitutional requirements. If so, it is possible to ratify the treaty with a reservation which would exclude or modify the effect of that specific treaty provision.[63] It is also possible to ratify with an understanding which one party to a treaty attaches to a particular provision without changing its legal significance.[64]

A reservation which changes any provision of a treaty may require formal acceptance by other parties to the agreement. Some treaties contain detailed provisions as to reservations.[65] In contrast, an understanding is simply a unilateral statement by one party as to what it believes the treaty to mean. For example, with respect to the Racial Discrimination Convention,[66] a question was raised as to whether Article 4 of that treaty was in contravention to the free speech protection of the U.S. Constitution. Accordingly, when the U.S. Representative to the U.N. signed the Race Convention on September 28, 1966, he stated the understanding of the United States to be that:

"The Constitution of the United States contains provisions for the protection of individual rights, such as the right of free speech, and nothing in the Convention shall be deemed to require or to authorize legislation or other action by the United States of America incompatible with the provision of the Constitution of the United States of America."[67]

In the ratification process by the President and the Senate, such an understanding can be included if necessary.

EXISTING UNITED STATES OBLIGATIONS

Again and again the U.N. Charter speaks of human rights. Article 1 of Chapter I asserts that the United Nations is created to promote "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."[68] The General Assembly, under Article 13, is required to assist in the "realization of human rights and fundamental freedoms for all"[69] and by Articles 55 and 56, each member nation is required to promote "universal respect for, and observance" of these rights and freedoms.[70] The Economic and Social Council is empowered, under Article 62, to recommend ways and means for the observance of human rights.[71] Under Article 68, the Council is further directed to set up appropriate commissions "for the promotion of human rights"[72] It would be difficult for any member to assert that it is unaware of its obligations as to human rights under the Charter.

Phillip C. Jessup, formerly a member of the International Court of Justice, succinctly stated the existing law:

"It is already law for members of the United Nations, that respect for human dignity and fundamental human rights is obligatory. The duty is imposed by the Charter, a treaty to which they are parties."[73]

In 1945, the United States Senate, by an overwhelming vote, 89 to 2, gave its advice and consent to ratification of the United Nations' Charter. This clearly indicated the positive recognition which the United States accorded to human rights. It is now late in the game to doubt this country's legal obligations under the Charter.

In a concurring opinion in *Oyama v. California*,[74] Justice Black recognized the U.S. obligations under the U.N. Charter as follows:

"There are additional reasons now why that law stands as an obstacle to the free accomplishment of our policy in the international field. One of these reasons is we have recently pledged ourselves to cooperate with the United Nations 'to promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.' How can this nation be faithful to this international pledge if State laws which bar land ownership and occupancy by aliens on account of race are permitted to be enforced?"[75]

Obligations of the United States and all members of the United Nations respecting Charter provisions on human rights, are also recognized in the recent Advisory Opinion of the International Court of Justice in the Namibia (South West Africa) case, rendered June 21, 1971. The Court said:

"Under the Charter of the United Nations, the former Mandatory had pledged itself to observe and respect, in a Territory having an international status, human rights and fundamental freedoms for all without distinction as to race. To establish instead, and to enforce, distinctions, exclusions, restrictions and limitations exclusively based on grounds of race, colour, descent or na-

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Footnotes at end of article.

tional or ethnic origin which constitute a denial of fundamental human rights is a flagrant violation of the purposes and the principles of the Charter."[76]

Although the Advisory Opinion dealt with "a territory having an international status," it is clear that the pledge (meaning Charter Articles 55 and 56) referred to by the Court covers human rights and fundamental freedoms for all. As Professor Egon Schwelb concludes in analyzing the Advisory Opinion:

"What is a flagrant violation of the purposes and principles of the Charter when committed in Namibia, is also such a violation when committed in South Africa proper or, for that matter, in any other sovereign Member State or in a Non-Self-Governing or Trust Territory.[77]

One of the universally recognized scholars in this field, H. Lauterpacht, put it this way:

"The Charter of the United Nations is a legal document; its language is the language of law, or international law. In affirming repeatedly the fundamental human rights of the individual it must of necessity be deemed to refer to legal rights—to legal rights recognized by international law and independent of the law of the state. Moreover, irrespective of the question of enforcement, there ought to be no doubt that the provisions of the Charter in the matter of human rights impose upon the members of the United Nations the legal duty to respect them. In particular, it is clear that a Member of the United Nations who is guilty of a violation of these rights commits a breach of the Charter."[78]

THE POLICY OF THE UNITED STATES

United States policy toward international human rights has not been wholly consistent. From the time of the drafting of the U.N. Charter and throughout the preparation of various pertinent treaties adopted by the U.N., the United States has taken a leading part in the drafting of instruments protecting human rights. Although Americans sometimes take more credit than seems warranted, it is fair to say that the United States was frequently the moving spirit in the favorable action on these documents. The opening session of the U.N. International Conference on Human Rights in Tehran in 1968, was dominated by the memory of Mrs. Eleanor Roosevelt in advancing international recognition of human rights.[79]

Unhappily, however, the United States has been one of the laggards in ratifying the very treaties which it supported in the U.N.[80a] At this writing, except for the favorable Report of the Senate Committee on Foreign Relations on the Genocide Convention,[80b] no changes have occurred since Justice Earl Warren's statement of December 4, 1968:

"How far have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately, the United States is a party to only two of them, and this status has been reached only in the last year. We are still not a party to such major conventions as the Convention on the Abolition of Forced Labor, the Convention on the Political Rights of Women, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention on the Elimination of all Forms of Racial Discrimination. Nor have we as yet even signed, no less ratified, the two conventions on Civil and Political Rights and Economic, Social, and Cultural Rights, which grew directly out of the Universal Declaration."[81]

Undoubtedly, the attitude of the organized bar has had its effect on the failure of the United States Senate to act. Many state and local bar associations as well as individual lawyers have taken public positions supporting those human rights treaties on which the U.S. Senate has held hearings.[82] The attitude of the American Bar Association, however, has generally been negative. In 1949, the ABA opposed the Genocide Convention[83] and in 1970, by a close vote of 130 to 126, declined to reverse its original opposition.[84]

The Association at its annual meeting in August, 1967, declared that "it supports fully, promotion by the United States, through the United Nations, of 'universal respect for, and observance of, human rights and fundamental freedoms,' for all people within all countries." At the same time, however, it declined to take action with regard to the Convention on Abolition of Forced Labor and it opposed accession to the treaty on the Political Rights of Women. Nevertheless, in the same resolution, it favored ratification of the Supplementary Slavery Convention.[85] The latter covers some matters usually deemed wholly domestic, such as the right of a woman to refuse to be given in marriage for a consideration. The Senate approved ratification of this treaty, but has not yet acted on Forced Labor or on Women's Political Rights.[86]

Attorney General Mitchell on January 26, 1970, stated his support of the constitutionality of the Genocide Convention.[87] Two subsequent statements of U.S. official organs, indicated the desirability of ratifying such treaties. The Report of the President's Commission for the Observance of the 25th Anniversary of the UN commented that:

"The United States would be in a far stronger position to play its historic role as champion of individual rights and to take a leading part in consideration of alleged violations of international standards if it ratified he instruments it has helped to developed."[88]

In a similar vein, the House of Representatives Sub-Committee on Foreign Affairs, in its report on the 25th anniversary of the U.N. stated that:

"We would like to see the United Nations use the occasion of its 25th anniversary to begin a new chapter in the history of the civilized community's concern with the protection of basic human rights. To this end we recommend . . . that the United States at long last move to adhere to the major pending human rights conventions."[89]

CONCLUSION

It is long past the time for the United States to carry forward its own pronounced principles in support of human rights. There are no valid, basic constitutional objections to ratification of human rights treaties. If there are specific provisions of particular treaties which need explanation through understandings, or require reservations, then understandings or reservations can be made a condition of ratification.

The need is for the United States to be true to its own ideals and to join with other nations in recognizing and protecting individual rights. In the national interest as well as in the interest of men everywhere, the United States should act promptly in ratifying those human rights treaties which it has supported in the United Nations and its affiliated agencies. The problem of how much the United States can in fact do to protect human rights through international agreements requires at least that we become a party to them. We thereby not only add impetus to what other countries do, but we are in a stronger position to exert our influence in promoting goals of the human rights conventions in the world community.

FOOTNOTES

* LL.B. Cornell; attorney, Milwaukee, Wisconsin; U.S. Representative to U.N. International Conference on Human Rights, Teheran, 1968; Member, President's Commission for Human Rights Year, 1968; Member, U.S. National Commission for UNESCO, 1965–71; Chairman, Wis. Governor's Commission on the U.N.; Chairman, ABA Section Committee International Courts.

[1] Introduction to the Report of the Secretary General, U.N. Doc. A/8401/Add. 1 at 55 (1971).

[2] For the principle objections by certain lawyers *see* Holman, *International Proposals Affecting So-Called Human Rights,* 14 Law & Contemp. Prob. 479 (1949). *Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations,* 92d Cong. 1st Sess., at 23 (1971); *Hearings on Execs. J, K, and L, before a Subcom. of the Senate Comm. on Foreign Relations,* 90th Cong., 1st Sess. 2, 40 (1967); *Hearings on Exec. O, before a Subcom. of the Senate Comm. on Foreign Relations,* 81st Cong., 2d Sess., at 154, 206, 221 (1950).

[3] *See* L. Sohn & T. Burgenthal, International Protection of Human Rights (Prelim. ed. 1972). [hereinafter cited as Sohn & Burgenthal].

[4] W. Malloy, Treaties, Conventions, etc., between the United States of America and Other Powers 586 (1910) [hereinafter cited as W. Malloy]; S. Doc. No. 357, 61st Cong., 2d Sess. (1910).

[5] W. Malloy, *supra* note 4, at 589.

[6] *Id.* at 588.

[7] *Id.* at 590.

[8] *Id.* at 1.

[9] *Id.* at 4.

[10] *Id.* at 34 (clauses I and II).

[11] *Id.* at 80.

[12] *Id.* at 114 (art. III).

[13] *Id.* at 137 art. XII).

[14] *Id.* at 553.

[15] *Id.* at 313 (para. 4).

[16] *Id.*

[17] Nuremberg Judgment, 1 Trial of the Major War Criminals before the International Military Tribunal 171, 223 (Nuremberg 1947); 6 R.F.D. 69, 110 (1947). On December 11, 1946, the General Assembly, by resolution (U.N. Doc. A/C 6/9 (1946)) affirmed the principles of the Nuremberg Tribunal and directed that the laws be codified. Subsequently, the International Law Commission adopted the principles of the Charter and Judgment which includes:

Principle I. Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

Principle IV. The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible. II Y.B. Int'l L. Comm. 374, U.N. Doc. A/136 (1950).

[18] W. Malloy, *supra* note 4, at 143.

[19] *Id.* at 509.

[20] *Id.* at 1089.

[21] Sohn & Burgenthal at 194.

[22] *Id.* at 199–200.

[23] 38 Stat. 1912, 1937, T.S. No. 612 (1913).

[24] 46 Stat. 2183, T.S. No. 778 (1926).

[25] 7 U.S.T., T.I.A.S. No. 3482 (1948); 18 U.S.T. 3003, T.I.A.S. 6393 (1967); *Hearings on Execs. J, K, and L, before a Subcom. of the Senate Comm. on Foreign Relations,* 90th Cong., 1st Sess. at 89 (Part 2) (1967).

[26] 56 Stat. 1354, T.S. No. 981 (1940).

[27] 3 U.S.T., 3008, T.I.A.S. No. 2487 (1949); *Hearings on Execs. J, K, and L, before a Subcom. of the Comm. on Foreign Relations,* 90th Cong., 1st Sess. at 89 (Part 2) (1967).

[28] Missouri v. Holland, 252 U.S. 416 (1920).

[29] Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277. The text of the Convention may be found in S. Exec. Doc. No. B, 91st Cong., 2d Sess. (1970).

[30] *See* Henkin, *The Constitution, Treaties, and International Human Rights,* 116 Pa. L. Rev. 1012, 1014–15 (1968).

[31] 62 Am. J. Int'l L. 917 (1968).

[32] President's Commission for the Observance of Human Rights Year, Report of the Commission (1969) [hereinafter cited as Clark Report].

[33] *See*, among other treatises, H. Lauterpacht, International Law and Human Rights (1950). *See also* McDougal & Leighton, *The Rights of Man in the World Community: Constitutional Illusions versus Rational Action*, 14 Law & Contemp. Prob. 490 (1949); Chafee, *Federal and State Powers Under the U.N. Covenant on Human Rights*, 26 Wis. L. Rev. 391 (1951); Senate Staff Study on U.N. Charter, S. Doc. No. 164, 83d Cong., 2d Sess., at 303 (1954); *Hearings on Exec. O, before a Subcom. of the Senate Comm. on Foreign Relations*, 81st Cong., 2d Sess., (1950).

[34] U.S. Const. art. II, § 2.

[35] *Id.* art. VI, § 2.

[36] *Id.* art. I, § 8 (10).

[37] Ware v. Hylton, 3 Dall. 199 (1796).

[38] Geofroy v. Riggs, 133 U.S. 258 (1889).

[39] *Id.* at 267.

[40] *See* Henkin, *"International Concern" and the Treaty Power of the United States*, 63 Am. J. Int'l L. 272 (1969); Henkin, *The Constitution, Treaties, and International Human Rights*, 116 Pa. L. Rev. 1012 (1968).

[41] 78 U.N.T.S. 1021 (1951).

[42] 320 U.N.T.S. 4648 (1959).

[43] 193 U.N.T.S. 2613 (1954).

[44] G.A. Res. 2106 (1965) contained in Human Rights: A Compilation of International Instruments of the United Nations, U.N. Doc. A/CONF. 32/4 (1967).

[45] 429 U.N.T.S. 6193 (1962).

[46] Clark Report.

[47] *Id.*

[48] Restatement (Second) of U.S. Foreign Relations § 118 at 375 (1965) (Reporter's note).

[49] Dept. of State Publication No. 3643 (1949).

[50] Address by President Kennedy, American University, June 30, 1963.

[51a] *See* Report of U.S. Senate Foreign Relations Committee, 92d Cong., 1st Sess. (Exec. Report No. 92–6 1971); *Hearings on Exec. O, 81st Cong., 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 92 Cong., 1st Sess. at 147, 196 (1971) (Reports of ABA Section of Individual Rights and Responsibilities and the Standing Committee on World Order under Law); Bitker, *Genocide Revisited*, 56 A.B.A.J. 71 (1970) *corrected in* 56 A.B.A.J. 296 (1970); Goldberg & Gardner, *Time To Act on Genocide Convention*, 58 A.B.A.J. 141 (1972).

[51b] *Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 92d Cong. 1st Sess. at 178 (1971).

[52] 11 Whiteman, Digest of International Law 857 (1968). *See Hearings on Execs. J. K, and L, before a Subcom. of the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess. at 50–51 (1967) (letter of M. G. Torbert, Jr., Deputy Asst Sec. of State). For other specific objections *see* Bitker, *International Treaty against Racial Discrimination*, 53 Marquette L. Rev. 68 (1970); Reisman, *Responses to Crimes of Discrimination and Genocide: An Appraisal of the Convention on the Elimination of Racial Discrimination*, 1 Denver J. Int'l L. 29 (1971). For background analysis, *see* Schwelb, *The International Convention on the Elimination of All Forms of Racial Discrimination*, 15 Int'l & Comp. L.Q. 996 (1966).

[53] *Hearings on Execs. J, K, and L, before a Subcom. of the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess. at 21, 31, 33, 37 (Part 2) (1967).

[54] 252 U.S. 416 (1920).

[55] *Id.* at 434.

[56] 389 U.S. 429 (1968).

[57] *Id.* at 441.

[58] *Hearings on Exec. O, before a Subcom. of the Senate Comm. on Foreign Relations*, 81st Cong., 2d Sess., (1950) (testimony of Solicitor General, Philip B. Perlman).

[59] 18 U.S.T. 3201, T.I.A.S. No. 6418 (1967).

[60] *Hearings on Execs. J, K, and L, before a Subcom. of the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess. at 9 (Part 2) (1967).

[61] Restatement (Second) of U.S. Foreign Relations § 117 (1965) (Comment b).

[62] Geofroy v. Riggs, 133 U.S. 258, 267 (1889).

[63] *See* note 52, *supra*.

[64] *Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 91st Cong. 2d Sess. at 163 (1970) (letter of then Ass't Att'y General, now Justice, Wm. M. Rehnquist); *Vienna Convention on the Law of Treaties*, 63 Am. J. Int'l. L. 875, 881 (1969) (art. 19). See *also* Senate Foreign Relations Committee, Background Information 28 (2d rev. ed. 1971).

[65] *See* U.N. Convention on the Eliminations of all Forms of Racial Discrimination, G.A. Res. 2106A (1965) contained in Human Rights: A Compilation of International Instruments of the United Nations, U.N. Doc. A/CONF. 32/4 (1967) (art. 20).

[66] *Id.*

[67] U.S. Mission to the U.N., Press Release No. 4920, Sept. 26, 1966.

[68] U.N. Charter art. 1.

[69] *Id.* art. 13.

[70] *Id.* arts. 55–56

[71] *Id.* art. 62.

[72] *Id.* art. 68. *See also* Survey of International Law by Secretary General, U.N. Doc. No. A/CN 4/245, at 195–204 (April 23, 1971).

[73] P. Jessup, A. Modern Law of Nations 91 (1952).

[74] 332 U.S. 633, 649–50 (1947).

[75] *Id.* at 649–50.

[76] [1971] I.C.J. at para. 131.

[77] Schwelb, *The International Court of Justice and Human Rights Clauses*, 66 Am. J. Int'l L. 337, 349 (1972).

[78] H. Lauterpacht International Law and Human Rights 34 (1950).

[79] Bitker, *International Conference on Human Rights, Dept. of State Bull.* 255 (Sept. 3, 1968).

[80a] *See* Bitker, *Some Remarks on U.S. Policy on the Ratification of the International Human Rights Conventions*, 11 Human Rights Journal 653 (1969).

[80b] Report of U.S. Senate Foreign Relations Committee on Genocide, 92d Cong., 1st Sess. (1971) (Exec. Report No. 92–6 on Exec. O).

[81] E. Warren, Conference on Continuing Action for Human Rights, Dept. of State Publication No. 8463 (1968).

[82] *See Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 91st Cong. 2d Sess. (1970); *Hearings on Execs. J, K, and L, before a Subcom. of the Sentae Comm. on Foreign Relations*, 90th Cong., 1st Sess. (1967); *Hearings on Exec. O, before a Subcom. of the Senate Comm. on Foreign Relations*, 81st Cong., 2d Sess., (1950).

[83] 74 A.B.A. Rep. 146 (1949).

[84] *Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 92d Cong. 1st Sess. at 16 (1971).

[85] *See* note 60, *supra*.

[86] S. Comm. on Foreign Relations, Legislative Calendar 7 (April 11, 1968.)

[87] *Hearings on Exec. O, 81st Cong. 1st Sess. before a Subcom. of the Senate Comm. on Foreign Relations*, 91st Cong. 2d Sess. at 165 (1970).

[88] President's Commission for the Observance of the 25th Anniversary of the United Nations, Report of Commission 23 (1971) (U.S. Gov't Printing Office, Doc. No. 4000–0261).

[89] House of Representatives Subcommittee on Foreign Affairs, Report on the 25th U.N. Anniversary 8 (1970).

THE NEED FOR A NEW INTERNATIONALISM

Mr. HUMPHREY. Mr. President, there is a need in this country for a renewed spirit of internationalism as the foundation of American foreign policies. Senator McGovern rightly recognized this need in his October 6 foreign policy address, delivered in Cleveland, Ohio. It is a commendable statement, in my opinion, because it offers a philosophical base for a new American foreign policy. It provides specific guidelines for what a McGovern foreign policy would provide for this Nation and for the larger international community.

The first act of the McGovern foreign policy would be to bring a complete end to American military involvement in Indochina. Once this step is undertaken, the rest of the policy program would unfold in a natural, realistic sequence.

It is not only tenable, but highly desirable, that leadership in the United States focus on the community of nations instead of the narrowly defined, and often elusive goals of national self-interest. We must move ahead with even more solid progress in arms control, in improving our relationships with Communist states, including the Soviet Union and China but not exclusive of other smaller Eastern European countries, in promoting the welfare of societies in developing as well as developed countries, in resusciating those international organizations who can service the needs and the hopes of a complex world community, and in building a healthy society at home which can replenish a spirit of internationalism in this country and abroad.

Democrats and Republicans alike have lauded the achievements which President Nixon has accomplished over the last 4 years. Senator McGovern has never attempted to discredit these accomplishments, but he rightly expresses concern over those areas of international relations which have not gone as well. In his statement, Senator McGovern notes the cracking of an alliance in Europe and in Japan as a result of unfortunate, insensitive treatment which the United States doled out to these countries in an effort to pursue what is considered to be greater priorities. He notes the importance of treating Japan and Western Europe as equals, consulting and cooperating with them on new levels of international exchange which go beyond the traditional system of diplomatic dialog.

Senator McGovern draws attention to the positive role economic reform can have on the general trend in international relations. He is critical where criticism is due, where the administration has presented friends, the true friends of the United States such as Canada, Latin America, and Europe, with ultimata which were virtually impossible for them to accept in this way. Economic relations is a form of international relations and should be handled as such, but the Nixon administration has too often let the dollar dictate the pattern U.S. foreign policy, to the detriment of our longer term interest.

Senator McGovern does not attempt to provide all the answers. In fact, his view of the Presidency is such that he intends to share the foreign policy decision process with Congress, with the State Department, and with experts in this and related fields outside of Government.

American foreign policy is in need of a total review. This process is delicate and time consuming, but the Democratic presidential candidate has supplied us with a worthwhile set of guidelines. Mr. President, in commending this speech, I should like to bring it to the attention of the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 6, 1972]

Text of Statement by Senator McGovern Presenting His Views on Foreign Policy

(NOTE.—Following is the text of a foreign policy statement, entitled "A New Internationalism," issued yesterday by Senator George McGovern and delivered, in part, before the City Club of Cleveland.)

Next week on television I will address the American people on the subject of Vietnam. In that speech I will demonstrate a public plan—as distinct from Mr. Nixon's secret plan—to achieve peace in Indochina. In that same speech I will set forth my own vision of what American society can be once the tragedy of Vietnam is behind us.

But before then, I want to share my more general views of America's role in the world of the 1970's. And I want to contrast my own approach with the record of the Nixon years, so that in this critical area the American people can understand clearly what the choices are.

Mr. Nixon stated his current vision of the world this past January. He declared that:

"The only time in the history of the world that we have had any extended period of peace is when there has been balance of power. It is when one nation becomes infinitely more powerful in relation to its potential competitor that the danger of war arises. So I believe in a world in which the United States is powerful. I think it will be a safer world and a better world if we have a strong, healthy United States, Europe, Soviet Union, China, Japan, each balancing the other, not playing one against the other, an even balance."

But I begin today by asking whether that is all we want. And I ask, too, whether it is relevant and realistic in today's world—or does it simply resurrect an old world, of kings and princes and empires, that we will never see again.

That five power, balance of power thesis attempts to force onto the contemporary world a naive pre-nuclear view dating back to the 19th century and before.

Today, in the military sense, we have but two superpowers—capable of destroying ourselves and most of humanity many times over.

EUROPE IS NOT AN ENTITY

That will likely be the case for some time. Europe is not one entity yet, and at best, it will be a long time before it functions as one nation. Japan, though clearly a dominant economic and political power, may not seek entry into the military balance at all—and will probably profit from that decision. And we have discovered a China that seems as determined to avoid direct military entanglements outside her borders as she is to assume her proper role as a great society in world diplomacy and commerce.

It is a naive delusion as well to believe that there is some arbitrary number of actors who will determine whether the world has war or peace. There may have been periods of relative peace under a balance of power. But Mr. Nixon forgets that no balance among the giants can eradicate the causes of war among the rest of mankind. Nor can it dispel the demand of some 140 countries to have a say in the issues which determine their survival.

And finally, that balance of power neglects other ominous threats to our safety. On May 9, 1969, the then-Secretary General of the United Nations, U Thant, issued this warning:

". . . the members of the United Nations have perhaps 10 years left in which to subordinate their ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development efforts.

"If such a global partnership is not forged within the next decade, then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our control."

We have lost precious time since 1969, and there are precious few years left. Our preoccupation with a military balance leaves untouched the deadly imbalances among population, resources and wealth—and they, too, endanger our lives.

So we face a much different world from the one we knew as we grew up, or as we served in World War II, or even as we watched our country slip into a disastrous Asian war.

"EVERYTHING SEEMED POSSIBLE"

Less than 12 years ago John F. Kennedy was inaugurated, and on that bright January day everything seemed possible. If our sturdy American spirit did not give reason enough for that faith, we had as well a new figure and a new voice, to personify the optimism and boldness of a new generation.

In January, 1961, no one could predict the Bay of Pigs . . . the Cuban Missile Crisis, the tragic murders of John and Robert Kennedy and Martin Luther King . . . the Dominican Intervention . . . the alienation of many in our own society—least of all, the endless minefield in which we would find ourselves in Vietnam.

Yet, in the years that were to follow, we as a people would be buffeted by one shock and disillusionment after another until finally, in Vietnam, we would lose our innocence—and much of our confidence.

And today we are moving toward a mature knowledge that while we are deeply involved and have vast influence in the world, forces beyond our control will have the most to do with shaping the political arrangements of the future. We can see the error of assuming, since World War II, that our actions would be decisive in either "winning" or "losing" China . . . in causing or preventing revolution of the Right or Left in much of Latin America and the rest of the developing world . . . or in determining the outcome of a distant civil war in Southeast Asia.

But at the same time we must be aware that as the richest and most powerful nation in the earth's history, what we do both here and elsewhere will be more important than what anyone else does in moving this planet closer to either its final destruction or a more peaceful and happy future.

Possessed now with a sense of tragedy and of our own limitations, we as a people may finally be ready to play a more responsible and constructive role in the world than we ever have before.

More than 25 years ago, Adlai Stevenson, in his Godkin Lectures at Harvard, offered us these lines—and good advice—from Keats' "Hyperion."

For to bear all naked truths,
And to envisage circumstances, all calm,
That is the top of sovereignty . . .

ROLE EXAMINED

What shall our role be?

I know of no responsible person who would knowingly call for a return to isolationism.

Modern communications, and the existence of intercontinental weapons systems, have made that a practical impossibility.

Yet, in many ways, the foreign policies of the present Administration are isolating us.

We are isolated from our allies and trading partners in Europe and Asia, and even from Canada, because of six-gun economic diplomacy and failure to consult.

We are isolated from the developing nations by a policy which tells them that "what's good for Pepsi-Cola and the First National City Bank is more than good enough for you".

We are isolated from reality by the insistence that tough talk and big Pentagon budgets are somehow synonymous with national manhood.

And most of all, we are isolated from our own ideals as we back a corrupt dictatorship in Saigon, by raining fire and death on helpless people all over Indochina.

I suggest that we must rejct this unconscious isolationism in favor of a New Internationalism based not only upon our vital interests, but also upon the kind of nation we can and should be.

Where are our vital interests?

By one measure, they certainly lie in the world's North Temperate Zone.

North America, Europe, the Soviet Union and Japan do produce some 80 per cent of the world's goods. This is where the power—in the sense of wealth, technology, developed human skills, and the capacity to wage modern war—most largely resides.

And this is where both we and the Soviet Union, as the two superpowers, will for the foreseeable future continue to have the highest interest in averting any attempt by the other to threaten or subvert our respective systems of security.

The North Temperate zone, is, in short, where a final World War III would be fought—and where its potential causes must most carefully be guarded against.

But our vital interests go further.

The Arab-Israeli confrontation in the Middle East, with its potential for even more dangerous United States-Soviet confrontation, is an immediate threat to general peace. And we have a firm and deep obligation to the security and integrity of the State of Israel.

CHINA AND JAPAN

Communist China has little power in terms of conventional measurement (by 1975 Japanese per capita G.N.P. will be 12 times that of China's) but she possesses nuclear weapons and a desire to reassert her ancient prestige.

The Indian Subcontinent and Indonesia especially compel our attention in Asia, as do several states in Africa and in our own hemisphere.

What of the hundrds of other sovereign nations existing in the 1970's—including those to the south lying within the purview of the Monroe Doctrine?

All, in one way or another, have some importance to us.

But must we be committed to their armed defense?

Under what conceivable circumstances should we ever become involved in supporting their present governments in the face of domestic turmoil?

These are questions we had better ask ourselves today, rather than later.

I believe that America's New Internationalism in the 1970's must follow several clear guidelines.

First, it must be supported by a strong national defense, but one free of waste, as I have previously outlined; forces fully adequate to defend our own land and to fill vital defense commitments.

Second, it must look toward prudent relaxation of tension with potential adversary powers, such as the Soviet Union and China.

Third, it must look to reestablishment of healthy economic and political relationships with our principal allies and trading partners in Europe, Japan, Canada and Latin America.

Fourth, it must avoid the kind of reflexive interventionism that has foolishly involved us in the internal political affairs of other countries.

Fifth, it must envision a world community with the capacity to resolve disputes among nations, and to end the war between man and his own environment.

Sixth, it must reassert America's role as a beacon—and friend—to those millions in the human family desperately striving to achieve the elemental human dignity which all men seek.

The kind of interventionism I woud favor as President would be agricultural and technical assistance . . . the building of roads and schools . . . the training of skilled personnel, in concert with other nations and through multilateral institutions.

A JUST SOCIETY URGED

Finally, at the bottom of it all, must lie a just and prosperous domestic society, where all our people—and the people's representatives—are involved in decisionmaking.

As my old friend Senator Humphrey has often said: America's most important foreign policy act in the 1960's was the passage of the Civil Rights Act of 1964.

I agree.

How then, should we proceed?

My first act of American foreign policy on Inauguration Day must be—will be an immediate and total end to our involvement in the Indochina War.

As Richard Nixon said in 1968: "Those who have had a chance for four years and could not produce peace, should not be given another chance."

We have had enough of secret plans to end the war. We need a public plan for peace.

As we look beyond Vietnam, the prevention of nuclear war remains the first charge on America's commitments.

During the 1960's, we built a great arsenal to protect the United States and our allies against a nuclear threat from any quarter. And we must continue to maintain the power we need.

But we also know that too much power is self-defeating.

We have seen the deadly spiral of the arms race, and drawn no comfort from it.

We have seen that if we build weapons we do not need, we only provoke the Soviet Union to follow suit.

The agreements with the Soviet Union to slow the arms race are a significant achievement. Yet they have shortcomings, for they are now used as an excuse not to halt but to escalate the race in nuclear arms.

We must not push the upward, and lose the chances for a lasting peace that are before us now.

Let us have the defense we need. But let us not permit the insatiable appetite of our military to replace our good sense, and undermine the prospects reduction in the balance of nuclear terror.

President Nixon's trip to Moscow this May was historic. It was the culmination of many years of effort that began when President Kennedy signed the Limited-Test Ban Treaty. This effort continued under three Presidents, both Democratic and Republican.

We must now build upon this effort. That is why it makes no sense for the President to return from Moscow with an arms reduction agreement and then call on the Congress to add another $4-billion to military spending.

We must work to bring the arms race under control;

We must seek areas of agreement with the Soviet Union consistent with the needs and interests of our friends and Allies. We should press for justice for Soviet Jews rather than abandon them for a trade agreement. Surely we have learned the lesson at great cost that a free people cannot sit by and merely witness the oppression of a religious minority by a totalitarian society.

We should, of course, encourage expanded trade between our two countries.

And we must spare no effort to build the structure of a lasting peace.

In limiting the arms race we do not begin with excessive trust in the Russians, for we retain more than enough for deterrence.

In reducing our excess with do not rely on Moscow's good intentions, we will remain strong enough to meet any test.

We need only act in our sure defense by seeking areas of genuine mutual interest and by tailoring our armed forces to the reality of the world around us.

If the Soviet Union responds with the cooperation dictated by her own interest as much as ours, then we can build toward a future that is not based on outdated stereotypes of military confrontation and power politics. Instead we can build toward a world of diversity in which we are secure, a world in which there are new ways of thinking and behaving, and a world where there are real prospects for enduring peace.

I also welcome the progress that the President has made in relations with China—a course I have advocated for 20 years.

CHINA MUST PARTICIPATE

We must build on this progress, by encouraging China's full participation in the community of nations, to take part in providing for Asian security, instead of threatening it.

As President, I will begin by recognizing the government in Peking.

The future of Asia will depend in part upon China. But it will also depend upon Japan, the third most powerful economic nation in the world, a nation of vigor and purpose, and a long-standing friend of the United States.

In recent years our relations with Japan have been in steady, but needless decline.

President Nixon announced his trip to China without consulting Japan, betraying the trust that nation had placed in our Asian partnership. He imposed the New Economic Policy without consulting Japan, and then blamed Japan for problems that were largely of his own making. And after these shocks, President Nixon took a year to convene a summit meeting with the Prime Minister of Japan.

This was a diplomacy of insult, and it must not continue. For as we seek new accommodations with our adversaries, we must never neglect old and treasured friends.

We must treat Japan as an equal, consult with her in trust. As President, I would begin the painstaking renewal of our cooperative relationship with this key nation in Asia.

There will be tough negotiations and vigorous competition on important matters of trade and economics, where both our nations have interests to protect. We will expect fair treatment by Japan on matters of trade and investment, and greater understanding of our domestic economic problems. But Japan also expects fair treatment from us, not the patronizing attitude that the President has shown, or the sixgun diplomacy of John Connally.

At the same time, we must recognize that Japan has a chance to become the first great power without a massive military arsenal. We must not crush that hopeful experiment. I will ensure that remaining U.S. forces in Japan serve the original purpose designed for them—to help provide for the defense of Japan, and not to become involved in military ventures in Southeast Asia;

I will place the support of the United States behind membership for Japan in the United Nations Security Council;

COOPERATION STRESSED

And I will begin laying the groundwork: with Japan in East Asia that will improve the chances that security in that troubled part of the world will be based on economic cooperation and effort, and never again on the kind of war we have been uselessly and destructively fighting in Indochina.

In Western Europe, there has been great progress toward a relaxation of tensions, and toward resolution of problems left over from World War II.

Much of the credit belongs to Chancellor Brandt of West Germany, despite occasional opposition from the Nixon Administration. There is a treaty on Berlin, and there are West German treaties with Poland and the Soviet Union. And we will soon see a Conference on Security and Cooperation.

Our Western European neighbors are fulfilling our mutual hopes and expectations of the past quarter-century.

But in Western Europe's success, there are grave implications for the United States. There will be vigorous economic competition across the Atlantic—and we should welcome it.

The Atlantic Partnership no longer needs single-handed American leadership nor do our partners want it. Nor should we.

TROOP REDUCTION NEEDED

But again there are diplomatic failures and challenges to American statesmanship.

President Nixon does not consult adequately with our allies on critical allies of detente, raising fears in Western Europe that we will reach agreements with the Soviet Union at their expense. He talks of cooperation, yet he permitted his Secretary of the Treasury, John Connally, to badger and bully the countries with whom we most need to maintain a cooperative spirit. He talks of the future, but does not understand the importance of good economic relations in preserving and strengthening Atlantic ties.

We must restore good economic and political relations across the Atlantic. And we must restore Europe's faith in our commitment to the success of the European Community.

At the same time I believe in a thorough review of the military aspects of European security.

We no longer need to maintain 319,000 American troops in Europe to deter aggression, 27 years after the Second World War. But the way we reduce our forces—and share burdens more equally—is critical to the future of the Alliance and to European security.

The key to force reductions on the side of the Warsaw Pact does not lie in the number of American troops stationed in the West, rather it lies in the cohesion, cooperation, and common purpose of the Western Alliance.

If we make some force reductions, yet strengthen these attitudes and practices, then there is nothing the Soviet Union can do to weaken us or our allies, or to reduce our security.

We retain a special concern about the Middle East. All Americans have been heartened by the reduction of Soviet involvement in Egypt. But we recognize that this does not end the threat to Israel.

We must remain committed to Israel's future, to her right to live at peace with her neighbors behind secure and recognized borders.

We must continue to supply those arms that will permit Israel to guarantee its own security. In my Administration, we will do this because of our deep and abiding concern for Israel, not adopt one policy for election year, and another for the years that follow.

We must continue to retain sufficient American power in the area to ensure that there is no doubt of our commitment to Israel's security.

We must intensify our efforts to end the international terrorism that most recently appalled the world at Munich, and that is a threat to us all.

And we must show a deep regard for the economic and human needs of the Palestine refugees.

Today, we have long since met the demands of a world dominated by military concerns. But we are rapidly losing the world in which economic power and relations will have their day.

The international economic system is near collapse—and for a year President Nixon did almost nothing.

Our Alliances with Europe and Japan are in disarray over economic issues—and President Nixon does nothing.

"NIXON DOES NOTHING"

The problems of two and one-half billion poor people in the world are insistent and demanding—and President Nixon does nothing.

Under President Nixon, we are becoming a second-rate nation in the terms that will really count in the 1970's.

It is more than a year since the New Economic Policy began. Yet, only now has the Administration begun an effort to restructure the international economic system, while the United States balance of trade continues in the worst deficit in 100 years, and the United States dollar has been devalued as a result of the Nixon inflation at home. We have still not recovered our sense of responsibility for this economic system, upon which our prosperity, and that of other nations, depends.

We must repair our damaged friendships abroad; we must begin sorting out the difficult problems that must be solved in order to create a new international economic system. We must begin the urgent task of monetary reform not through confrontation, but by restoring and building on the international cooperation and commercial partnership that we had until this Administration. We must work out new rules of international conduct in trade and commerce. And we must begin building an awareness and understanding of international economic policy into the councils of government at all levels.

Last week, I made several concrete proposals to begin this effort:

New rules governing changes in exchange rates.

Cooperative arrangements to cushion large disruptive flows of short-term capital.

More special drawing rights—and more of them for developing countries.

Steps to resolve fairly the problem of the dollar "overhang."

We must help businesses that are uncompetitive to shift to new products.

And we must guarantee every working man and woman a good job at good pay in industries that can compete in world markets.

American will is being tested. President Nixon has decided that our will is weak—that we cannot pass the test—that we can survive economically only by having inflated military budgets and by blaming others for our difficulties. But I say this: Give Americans a chance, and we will prove that we can have the strongest economy in the world, and a prosperity in which everyone will share.

THE POOR ARE CITED

In virtually every statement, every act, of this Administration, nearly two and a half billion human beings in the world have been left out.

These are the people who have too little power to figure in a new balance of power based on the military giants; they are the people who are too meek to command the attention given to generals and weapons manufacturers producing excess weapons we do not need; they are the people whose crime was to be born poor.

Ten years ago, I was President Kennedy's first Director of Food for Peace.

He declared then: "If we do not help the many who are poor, we cannot hope to save the few who are rich."

Today, this statement is more true than ever.

Today, the ability of people from the rich countries to trade, travel, and invest in the developing countries depends upon our helping them to meet their critical problems of development.

Our future success in preserving the environment will require the help of developing countries. And even the international system of trade and monetary relations is beginning to depend on developing-country cooperation. They deserve and demand a voice, and they desperately need our help.

We have seen little to inspire our confidence in these past four years. Mr. Nixon pledged to untie aid, and then reneged; he talked of the need for development, then slashed the budget and put his lobbying efforts in Congress behind the supply of arms instead of technical assistance to developing countries. He extended the 10 per cent surcharge on imports to poor-country products as well as rich. He has used the power of his office to bully and intimidate Latin-American nations. He has defied the conscience of mankind by giving up United States opposition to racism in Southern Africa.

U.S. ROLE IN BANGLADESH

He threatened to intervene in the war between India and Pakistan, against our interests, against what was right and against the conscience of the civilized world. He then waited five months before recognizing the infant, struggling nation of Bangladesh that has suffered so much for so long. And he still has not restored aid to India—aid for schools and roads and health care—that he cut off when the war began. Indeed, the mistaken anti-India pro-Pakistan stand of the Nixon Administration while Pakistan was murdering its poor people by the hundreds of thousands was not only morally wrong, it has cost us the goodwill of India—the world's largest Democratic nation.

These have ben callous displays toward the poor of the world, for fully two-thirds of mankind. As a great nation, America cannot turn its back on their suffering. And we cannot stand aside as development—this great human adventure—goes on.

We cannot continue to abdicate our moral and political responsibility to so many people, and ultimately to the United States itself.

The New Internationalism will chart another course.

We will make a full commitment of the United States to the multilateral institutions that are helping with development, not with military weapons that make war and suffering more likely, but with the economic and technological tools that help men to improve their own lives.

We will put our relations with individual developing countries on a firm footing, not relegate them to an insignificant place in a balance of power.

We will show that we can live up to our commitments to our neighbors in Latin America, not demand that they quietly accept our domination.

We will show that we are concerned for all of Africa, and abandon this Administration's support for the racist regimes of Southern Africa. We will show our concern for the racist expulsion of Asians from Uganda.

We will renew our commitment to the efforts of the United Nations for peace and for development. And we will show that we, too, can respond to the demands that membership in the human family places upon us. The United Nations peace-keeping capacity must be strengthened and utilized. It is an essential framework for international cooperation.

The making of decisions of defense and foreign policy is an awesome task, too great for any one man—or any one branch of government. And here, too, we cry out for reform.

Long ago, we recognized that the powers of the Presidency could isolate the man and his decisions from the American people.

So we protected the nation—and the Presidency itself—from the "man in horseback," by adopting methods for the close scrutiny of foreign and defense policy.

Under President Nixon, these methods have decayed and Congress itself has been thwarted in its efforts to discharge its Constitutional responsibilities.

The executive agreement has often replaced the treaty subject to Senate approval.

Wars are fought in secret, in Laos and Cambodia, and paid for by secret funds in defiance of the will of Congress.

Under President Nixon, however, the Secretary of State has become a minor functionary, and was not even permitted to take part in the most critical negotiations the President had in Peking.

No American President should be permitted to escape the Constitutional restraints on Executive power.

Under my administration, the Congress will be fully informed, it will be fully consulted, and it will have restored to it the full powers set down for it in the Constitution of the United States.

And I will not permit the basic trends of American foreign and defense policy to be set in the inner sanctum of the White House, by men who are hidden from public view and removed from public responsibility.

There will be a Secretary of State of great capability and unquestioned stature.

No foreign policy can be effective if it is backed by weakness at home. President Nixon wants us to believe that talking of America's problems denies its greatness.

But I believe that our greatness lies in part in our ability to look at ourselves, to recognize what we have to do, and then to do something about it.

If we have four more years of the same at home, the wisdom of our foreign policy may not matter very much.

SECOND-RATE UNITED STATES SEEN

We will be condemned to be a second-rate nation at home.

We must and we can have a strong economy, with a good job at good pay for everyone who wants to work . . . an end to crippling inflation and an end to the Nixon recession.

We must have real tax reform . . . a reduction of crime . . . improved health care . . . and genuine quality education for all our children.

We must resume building a society in which government helps to bring people together, not drives them apart; where it helps to increase opportunity, not limit it; and where it taps the deep roots of the American spirit, not stifles them in indifference to the need for America to grow and change.

I believe that we can have that America, again—a first-rate nation at home and abroad, where American greatness and commitment to international cooperation will again become a thing of wonder in the world.

As a nation, we must bring to an end our time of tragedy:

—when Americans have lost faith in what their Government tells them;

—when a bitter and needless war has divided our people, and threatened our spirit and confidence as a nation.

Few other countries have faced what we have in these past few years.

But I believe that we are now prepared to use what we have learned from our past, from success and from failure, to meet our responsibilities both at home and in the world—to the lasting benefit of the American people and all mankind.

In the final analysis, our foreign policy is no more than who and what we are. It is a reflection of our attitudes towards ourselves, towards our country, and towards the rest of mankind. We cannot separate what we do abroad from what we do at home.

How we live in the neighborhoods and communities of America will determine how we live with our international neighbors, and in the broader world community.

Today, we can aspire to a maturity in our actions abroad, and maturity as a great nation—a great people—at home.

This is a challenge appropriate to our ideals, and to all that we have dared and won in the nearly two hundred years of our independence. As Abraham Lincoln once said, in a dark hour for America:

> *"We shall nobly save or meanly lose the last, best hope on earth."*

I have faith that we shall nobly save that "last best hope on earth."

PRESCRIPTION DRUG PRICING

Mr. MOSS. Mr. President, last week I discussed my concern for the absence of prescription drug price advertising and posting in retail pharmacies. I believe that this information is most necessary in order for the consumer to make an intelligent decision. There are many virtues to the full service pharmacy—delivery service, consultation, and drug records, to name but a few. But these services are not available at a large number of pharmacies, and a large number of consumers do not seek out these pharmacies even when broad services are available. Thus, once service is dismissed by the consumer in his selection of a pharmacy, what guides remain? If prices were available, then these could be used by the consumer in determining where he will purchase his pharmacy needs.

Mr. President, I ask unanimous consent that a special report on prescription drug pricing prepared by the Consumer Federation of America be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PRESCRIPTION DRUG PRICING: AN ALMOST TOTAL ABSENCE OF COMPETITION

I. INTRODUCTION

The search for information is what makes consumers run. They organize into pressure groups in an effort to get businessmen, government officials, and professionals to share information they have with the consumer who pays for the product or services. For consumers, the lack of information makes their decisionmaking incredibly more complex.

Consumer Federation of America is made up of approximately 200 community, state, regional and national organizations. These groups conservatively represent 35 million consumers. Each year delegates from these groups draft a comprehensive policy statement for the Federation. This statement reflects the frustrations, disappointments, and hopes of the consumers represented.

The 1972 health, drugs and medical policy statement illustrates CFA concern for more information, particularly on prices of prescription drugs: "We are distressed by studies documenting price variations up to 1200% for prescriptions of the same drug in the same area. We believe this is due to a host of restrictions and prohibitions placed upon free competition in advertising and sale of prescription drugs by registered pharmacies: Including prohibitions against advertising of drug prices, against discounts for older people, and against posting of drug prices in stores; artificial barriers to entry of discount and chain drug stores into new markets; restrictions on ownership of pharmacies; prohibitions against pharmacies in supermarkets and general merchandise stores and many other devices having no relevance to the public health.

"CFA urges affiliates to work for repeal of all such laws and regulations. Recognizing further that restrictions against price competition for prescription drugs originate with state boards of pharmacy and that most such boards are dominated by druggists, CFA recommends inclusion of strong consumer representation on state pharmacy boards.

"CFA further urges affiliates to become 'friends in court' in suits challenging the constitutionality of validity of laws and regulations which inhibit drug price competition.

"We urge enactment of legislation forbidding tie-ins between hospitals, nursing homes, and other health care providers and pharmacies. We believe it is unethical for physicians to own stock in drug manufacturing companies, drug marketing and packing companies and pharmacies.

"We urge requirements that written information in understandable language be given recipients of all prescriptions explaining uses, directions, precautions and side effects—including possible hazards of mixing prescribed medication with other drugs or foods." (Appendix A).

This prescription drug price advertising study was planned to give supportive information to CFA affiliates working for repeal of state laws and regulations against prescription drug advertising. It includes a report on prescription drug prices based on statistics secured by CFA member groups throughout the country. The list of 20 prescription drugs to be checked was prepared by CFA from a list of 94 included in a March 1972 *Consumers Report* story. (Reprint Instered)

The study also includes information on state laws secured by Teela Weiner, a University of Michigan student who worked in CFA's office as a summer intern. Ms. Weiner wrote all State attorneys general, interviewed the American Pharmaceutical Association legal staff, and several professors of pharmacy.

II. STATE PRESCRIPTION DRUG PRICE LAWS AND REGULATIONS

Thirty-five states prevent by law or regulation the advertising of prescription drugs by name or price: Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Some of these laws do not mention price, but the state pharmacy board has interpreted the regulation against advertising "directly or indirectly" as including price.[1]

Earlier this year consumer groups and the Washington State Labor Council successfully protested that state's regulations banning drug advertising. Washington State Board of Pharmacy formally agreed May 31, 1972, to allow advertising of prescription drug prices in public media. The ruling became effective June 30.[2] The new regulations allow on-premise posting of prescription drug prices, including a listing of brand and generic names. The July 3, 1972 Drug Topics (page 6) however reports the Washington State Board of Pharmacy "having second thoughts" and forecasts a delay on any action until the fall after the State Pharmaceutical Association convention.

Footnotes at end of article.

Deputy Attorney General Gerald Gornish reports that Pennsylvania's Pharmacy Act prohibited the advertising of the price of drugs.[3] This act however was declared unconstitutional in January 1971 by the state's Supreme Court in the case of *Pennsylvania State Board of Pharmacy* v. *Pastor*.[4] Pharmaceutical Association pressure can still keep local pharmacists from giving out price information.

Osco Drug contested Wisconsin's regulation prohibiting drug price advertising. The Dane County Circuit Court held July 21, 1972, that the Wisconsin Pharmacy Examining Board had no authority to control advertising.[5] The Board has three months to consider an appeal. This case is similar to others Osco Drug is bringing and deserves further examination.

Osco announced in mid-October 1971 through a press release and newspaper advertising its intention to post prescription drug prices. Such postings were made for 100 commonly prescribed drugs on October 18. Osco also mailed a letter to the Wisconsin Pharmacy Board telling it of this posting. The Board immediately cited all pharmacist-managers in Wisconsin stores for violation of Wisconsin Administrative regulations prohibiting the advertising of prescription drugs by name and price.

On November 1, Osco countered on three points: (1) the signs in question, it said, do not constitute advertising within the meaning of the Administrative Code, (2) the rules are invalid in that they are not authorized by any statute, and (3) if they were authorized by statute, they are unconstitutional.

On November 19, the Pharmacy Board answered Osco's complaint and began proceedings to revoke the licenses of Osco pharmacy managers. The drug company asked that these proceedings be enjoined. On December 28, 1971, the court ordered Osco to discontinue posting signs pending a decision. On February 7, 1972, the Federal Trade Commission ordered all drug stores to post signs containing the base price of the 40 most common prescription drugs. Osco complied and on March 30, moved for summary judgment on the first two issues in its declaratory judgment action, alleging the signs are not advertising within the meaning of the Wisconsin Administrative Pharmacy Code and that these rules are not authorized by any state statute.

The Court held that the signs did constitute advertising within the Board's rules particularly when considered along with the newspaper advertising calling attention to them. However, the Court found that the Wisconsin statutes made it "clear that administrative rules may not create substantive requirements unless these requirements are authorized by statute . . . We hold that there is no such grant or necessary implication." The Wisconsin statute, the Court said, "contains no specific grant of power to regulate advertising." It further pointed out that "where the Legislature has intended to control advertising in connection with a particular calling it has expressed its intent in specific statutory language."

The Court chided the Pharmacy Board for protecting "the interest of the pharmacists rather than the interest of the public." The discussion continued: "We say this because it is a matter of common knowledge that the public has been grossly overcharged for some prescription drugs. The published work of Senator Gaylord Nelson proves this . . . we are somewhat mystified as to why the board should adopt such strained rules to prevent free competition in the market place as it affects the price of prescription drugs. In our judgment there is not legislative authorization for the formulation of such rules."

Wisconsin was not the only legal action facing Osco. It has 178 stores in 17 states and began posting 100 prescription prices in all of its stores in October 1971. The Phase 2 price ruling "muddied the legal waters" for Osco, according to its secretary Charles Erickson. The drug chain got a favorable ruling on posting prescription prices in North Dakota, and has a suit pending in Illinois where it has 84 stores and its headquarters.

Another drug chain challenging the anti-prescription drug regulations is the 45-store Snyder Drug Company in Minneapolis which is suing to declare Minnesota's ban on drug price advertising unconstitutional.

Several states prohibit discount advertising, however efforts by unions, cooperatives, and the National Council of Senior Citizens are beginning to break down these restrictions. A Maryland law, effective July 1, 1972, "allows the dissemination of information by a pharmacist, directly or indirectly, through any State sponsored agency, by Maryland Commission on Aging, of special pricing and/or services, without identifying individual prescription drug items, to residents of the State who have attained 60 years of age." [6]

The Revco drug chain won a partial victory in Virginia where it advertised a 10% discount for prescription drugs for people over 60. The Court permitted the discount but prohibited advertising it. Revco has brought suit against the North Carolina state board of pharmacy on a similar issue.[7]

The constitutionality of drug price advertising restrictions has also been reviewed in New Jersey and Florida. The New Jersey court held (*Supermarkets General Corp.* v. *Sills*) that the statute prohibiting the advertising of prescription prices was constitutional.[8] The Florida Supreme Court in *Stadnik* v. *Shell's City, Inc.* ruled the advertising prohibition unconstitutional.[9] A drugstore owner brought the action for a declaratory judgment as the validity of the Florida Pharmacy Board regulation prohibiting the advertising of the names of prices of prescription drugs. Although the court found that the rule was promulgated by an administrative agency without authority to so regulate, it also addressed itself to the merits of the regulation.

The rule has more resemblance to an economic regulation prohibiting price competition in the prescription drug business than it does to a regulation guarding the public health. . . . The effect of the rule is simply that the druggist cannot advertise the price of a prescription drug even though he is prohibited by law from selling the drug except upon the prescription of a physician. There is simply no reasonable justification for such an administrative intrusion on private rights when the regulation is so completely lacking in public benefit.[10]

DRUG PRESCRIPTION ADVERTISING AND THE FEDERAL GOVERNMENT

Richard W. McLaren, assistant attorney general—antitrust division, wrote Richard G. Cline, president of Osco Drug on October 13, 1971: "The (Justice) Department has been concerned for some time about various restraints that limit competition in the retail drug field." He referred to a speech Roland Donnen, then director of policy planning for the antitrust division, presented before the 1970 American Bar Association Sherman Act committee which discussed "various state practices which could have adverse competitive effects. Among those practices which he discussed were state laws and regulations preventing or inhibiting the advertising of prescription drugs by name or price."

McLaren also expressed his support for the "Research Paper and Policy Statement of the United States Department of Justice on the Advertising of Retail Prescription Drugs," a paper the Justice Department submitted in the summer of 1971 for discussion by the Suggested State Legislation Program of the Council of State Governments. "Here again," McLaren wrote, "the Department noted its special concern over two types of restrictions relating to retail drug advertising: (1) state restrictions prohibiting the advertising or promotion of prescription drugs by name or prices, and (2) state provisions restricting the type of drug price advertising which may be used. In this Statement, we urged state legislatures to reexamine the premises on which such restrictions were based, and expressed our hope that reexamination would lead to the elimination of anti-competitive restrictions." These two documents (Donner's speech and the research paper) "rather clearly indicate our feeling that many, if not most, restrictions on the advertising of prescription drug prices are unjustified on any grounds. In addition, it seems obvious that consumers, faced with a lack of price information, are forced in many cases to make needlessly high expenditures for what to the purchasers are often essential products." (Appendix B)

The nation's law enforcement agency states in the "Research Paper and Policy Statement of the U.S. Department of Justice Regarding State Restrictions on the Advertising of Retail Prescription Drugs:" (Appendix C)

"Our experience in analyzing market practices, and our role as advocates for competitive policy, cause us to be particularly concerned over two types of restrictions relating to retail drug advertising: (1) state restrictions prohibiting the advertising or promotion of prescription drugs by name or price, and (2) state provisions restricting the type of drug price advertising which may be used, i.e. preventing the use of terms such as 'cut rate' or 'discount.' Competition is our basic national policy. It has proven to be the most effective spur to business efficiency, innovation, and low prices. Prohibitions on drug advertising represent departures from this national economic policy. Such inconsistencies should be countenanced only when clearly justified in terms of public need."

The Justice Department paper makes two specific statements of interest to consumers wanting to know the price of prescription drugs:

"The Department of Justice believes that the major effect of legislation or regulations prohibiting price advertising of prescription drugs is to reduce retailer incentives to engage in price competition with resulting costs to the public . . . . it is the Department's view that existing state legislation or regulations which prohibit or restrict price advertising of prescription drugs may well be adverse to the public interest. Since such restrictions appear to be unnecessary to protection of the public and result in unjustifiable expenditures by consumers, the Department feels they should be eliminated."

McLaren's letter was interpreted by consumers and the news media as advising states to repeal laws prohibiting advertising of prices for prescription drugs or face Federal antitrust action.

On the Federal legislative front, U.S. Representative Benjamin Rosenthal (D-NY) introduced legislation (H.R. 4423) seeking to end all state prohibitions on advertising retail prescription drug prices; require labeling of filled prescriptions and advertising of drugs by their generic, or common chemical names; require open dating of all retail drug products so that the consumer would know the date after which the drug would no longer be effective; and call for investigations of drug patent and trademark laws.

IV. THE CONSUMER AND PRESCRIPTION DRUG PRICE ADVERTISING

No consumer looks forward to shopping for prescription drugs. Medicine buying is not a luxury; it's a necessity. Someone is ill; drug costs are high; the consumer has few choices. Prescriptions are something over which he has little control. The doctor selects the product, not the consumer. Too often, the doctor even limits the product to a particular brand. The consumer pays his money and that is his only participation in the transaction.

Little wonder that consumers distrust this system. Particularly when the Federal Trade Commission's "most profitable rate of return industries" shows drugs and medicines heading the list.[11] Some pharmacy professors, economists, and state legislators are also concerned. They fail to see any relationship between pharmaceutical services and what the consumer pays for drugs.

Albert I. Wertheimer, assistant professor of pharmacy at the School of Pharmacy, State University of New York, sent his students to 30 pharmacies in the Buffalo area during the last six months of 1970. Each carried a signed prescription for 12 Tuss Ornade capsules. During the survey, different students returned to most of the pharmacies three or four times. The wholesale cost of Tuss Ornade was constant throughout the survey: $5 for 50 capsules, $47.50 for 500.

Prices not only varied widely among the 30 pharmacies, but the price routinely varied at the same pharmacy as much as 35%.

Wertheimer concluded that prices varied according to the customer's dress, his age, his race, the time of day or week he purchased the prescription, and other irrelevant factors.[12] "The price of pharmaceutical services should not depend upon which pharmacist is on duty or upon the practitioner's mood, but rather, upon sound professional and business principles." Indeed, consumers feel the pharmacist, as well as the consumer, would benefit from advertised prices.

T. Donald Rucker, until recently chief of the U.S. Social Security Administration's drug studies branch, criticizes pharmacies' inability to measure costs for dispensing drugs. Rucker told the Texas Pharmaceutical Association, July 28, 1971, "In one recent survey of 449 retail outlets, 122 firms were found to be making a pure profit on each prescription of at least 75 cents. Moreover, their average profit was $1.03. By almost any sound economic standard, absolute or relative, such a level could only be regarded as inordinate. Perhaps these stores were simply capitalizing on imperfect competition and lack of consumer knowledge about prescription prices. . . . This same survey also identified 47 pharmacies where prescription charges were not even sufficient to recover out-of-pocket overhead expenses related to dispensing . . . . Perhaps many of these 47 stores were willing to forego all profit on prescriptions in order to attract customers in the hope they would also purchase hair nets, bath oil or razor blades." [13]

Onto this uncharted sea of prescription drug pricing, Consumer Federation of America sailed in the summer of 1972. CFA sent each of its 200 member organizations a survey form. It listed 20 often-prescribed, brand-name drugs and a specific quantity of each and provided blanks for prices, name and address of the pharmacy, whether the pharmacy was "discount," "chain," or "other," and the surveyer's name and address.

Each CFA member organization could elect to participate in the survey. Several had just completed over-the-counter drug price surveys, and were reluctant to return to the same pharmacies for additional information. Member organizations were to return all completed forms by August 15, 1972.

Twenty-five CFA member organizations participated in the survey. Their representatives visited 392 pharmacies in 81 communities in 17 states and the District of Columbia. Of the 392 pharmacies these consumers entered, only 147 provided price information for a complete return.

Footnotes at end of article.

A Louisiana consumer described his reception, which is typical for the whole survey. "I'm enclosing four completed survey forms. Two other pharmacies met the base price requirements but declined to give me their prices for other drugs. Three other pharmacies took the survey form and promised to mail it back to me completed. They didn't. Six other pharmacies refused point-blank to cooperate."

An Arizonan voiced the most usual comment on the project: "I don't understand why people are so afraid of these surveys." Others commented:

Connecticut: "The percentage of cooperation in Connecticut is roughly 25%. The state Pharmacists' Association complained that we didn't go through their association in our survey. If we had (they claim) we would have gotten 95% cooperation. They argue there is no way to adequately compare their drug prices v. the large stores when the services they provide such as record-keeping and home delivery are taken into consideration."

Ohio: "It is interesting to compare the price differences of the discount pharmacy and the independent located in an elite residential suburb."

Arizona: "A local store refused to give me the information because they couldn't get the district manager's authorization because he was out of town. Another pharmacist gave me the information, pointing out that the base price list was public information. Then, he began to worry he would get in trouble since he didn't go through his district manager."

New Mexico: "The first attempt to copy a pharmacy's base price list met with hostility and several phone calls to a state Pharmaceutical Board member and the APhA."

CFA's survey shows that prescription drug prices vary widely within the same community and among communities across the country. For example, one pharmacy charges $15 for 100 capsules of Penicillin G (400,000 units); another charges $1.50. One pharmacy charges $20 for 100 250mg tablets of Tetracycline; another charges $2.50.

Except for only two of the 20 drugs, CFA's survey shows that some consumers pay more than twice as much—up to 10 times as much—as other consumers pay for the same prescription drug.

We conclude from this survey an almost total absence of competition in prescription drug pricing. Consumers know that uniform price indicates oligopolistic price fixing. Consumers also know that prices ranging from $1.50 to $15, or from $2.50 to $20, or from 63¢ to $3.90 reflect a similar absence of the free play of market forces. Knowledge that a given drug has this price range leads to frustration; for the consumer is unable to learn the price before he is forced to buy the prescription.

In fact, CFA's study indicates that consumers know less about price, prior to delivery, for prescription drugs than for any other *product* they buy. One must venture into consumer service industries—such as auto repair, television repair, medical fees—to find similar examples of the consumer's ignorance of price prior to delivery.

From this survey CFA has jettisoned all information regarding type of pharmacy. Consumers have no agreed-upon definition of "discount," "chain," or "independent." Some confusion between "discount" and "chain" was obvious. "Discount" pharmacies—as surveyers variously identified them—had 13 of the low prices and two of the high prices. "Chain" pharmacies had five of the low prices and three of the high prices. "Independent" pharmacies had three of the low prices and 16 of the high prices. (Figures include ties.) From this information, we draw no conclusions regarding prescription drug prices by type of pharmacy. (See Tables 1 and 2)

IV. CONCLUSION

Consumers have called for the repeal of state laws prohibiting prescription drug price advertising. They hold that the pharmacist is selling merchandise selected by a doctor and that the purchaser has the right to know and to be able to compare the price of this merchandise before delivery.

Court decisions have supported this conclusion. "The pharmacist dispenses a commodity the quality of which is strictly regulated by state statutes and federal legislation. Consequently, the need for a personal rapport between the pharmacist and the customer succumbs to the fact that the commodity dispensed is virtually standardized."[14]

A definitive article on the *Pennsylvania State Board of Pharmacy* v. *Pastor* suit in the *Brooklyn Law Review* (Vol. 37 1971) summarizes what is at stake. "The courts upholding the advertising prohibitions have strained to find some public benefit to be derived (from banning prescription drug price advertising) . . . The courts which have thus far construed these restrictions are in disagreement as to their relationship to the public good . . . It is submitted that even if a relationship between these statutes and the public health and general welfare does exist, the prohibition of the prescription price advertising is not a reasonable act as required by substantive due process. The greatest fault with the legislation is that it harmfully affects the public for it results in consumers having little idea as to the proper prices for prescription drugs, thus running a substantial chance of paying more for medicine than is necessary . . ."

CFA's study shows large discrepancies in the prices charged for prescription drugs. U.S. Justice Department research points out that prohibition of price advertising has destroyed price competition and let prices go artificially high. The consumer is the victim of this effort to keep prices secret.

"It is questionable," the *Brooklyn Law Review* article concludes, "whether the prohibition of prescription drug price advertising bears any relationship to the general health and welfare of the public and, even if such a relationship does exist, the restriction is still unreasonable because its principal effect is to curtail price competition, with resulting stabilization of retail drug prices at artificially high levels. In reality, price advertising would serve the public interest. The consumer should be allowed to know that he can get exactly the same drug from one pharmacist for considerably less than is charged by another."

What can consumer do?

(1) Support repeal of state laws and regulations that prohibit prescription drug price advertising.

(2) Join as 'friends of the court' in suits contesting these laws.

(3) Seek sponsors for laws assuring price advertising.

(4) Help get the laws passed.

Legislative language can be as simple as Vermont's:

"Annually in the month of August the secretary of the agency of human services shall prepare a list of the 100 most commonly prescribed prescription drugs, their usual strength and amount prescribed and distribute the list to each pharmacy in the state. The determination of the secretary of the agency of human services as to which drugs are to be contained in the list shall be final.

"The current list of the 100 most commonly prescribed prescription drugs shall be conspicuously posted in each pharmacy in the state. After each prescription drug listed the name of the manufacturer and the current selling price shall be clearly, neatly and legibly indicated for that prescription by the pharmacy. The "current selling price" means the price to be paid by the purchaser to the pharmacist for the listed drug.

"A pharmacy may change the current selling price and the posting of such price at any time."

Representative Rosenthal's Federal proposal offers language for a more far-reaching bill and could be structured as a state law.

Be it enacted "that (a) the Congress finds that prohibitions against or burdens upon the advertising of prescription drug prices (1) are contrary to the consumer's right to be informed, (2) interfere with the free forces of competition in the marketplace, and (3) serve no purpose in safeguarding the public health and safety. Rather, the Congress finds that it is essential to the consumer's welfare that vendors be permitted to advertise their products in a truthful manner and that consumers be provided information sufficient to permit informed choice in the marketplace. . . . It is the policy of the Congress to protect the right of consumers to receive and vendors to advertise, the prices of prescription drugs."

Dr. Milton Silverman of the U. of California's San Francisco Medical Center and co-author of an upcoming book on drug pricing, promotion and profits tells us:

". . . any patient—or any consumer group—should be able to determine readily and in advance what prices are being charged by any pharmacy in the area. This seems particularly necessary in the case of long-term medication which the patient may need for many months or years. One way to achieve this would be to encourage or permit price advertising to the public . . .

"Much of this vexing situation may be solved for us—although only after much blood has flowed in Congress—by a national health insurance or health service program that would cover most or all prescription drugs. Under such a program which will almost certainly be enacted in the next few years, the legislation may well require that drug prices at the retail level be controlled or actually specified. Another approach which is now being utilized is the growing use of low-cost generic-name products. Still another, obviously valuable primarily in the case of long-term medication, is the use of mail order pharmacies."

As Silverman suggests, the real answer is up to Congress.

FOOTNOTES

[1] Letters from state attorneys general and various law review articles.

[2] Washington State Labor Council *Reports*, Vol. 8, No. 19, June 9, 1972.

[3] 63 Purdon's Statutes Annotated Sec 390–1 et seq Sec 8, 390–8.

[4] 441 Pa. 186, 272 A. 2d 487 (1971).

[5] Osco Drug v. Wisconsin Pharmacy Board, Case No. 134429, Dave County Circuit Court.

[6] Letter to CFA from John N. Ruth, Jr., Maryland assistant attorney general and chief, consumer protection division, July 18, 1972.

[7] "Open Advertising of Rx Prices: a nightmare come true?", *Drug Topics*, June 5, 1972, pp 24–25.

[8] Civil No. C–262–65, Superior Court, N.J., December 8, 1966.

[9] 140 So. 2d 871 (Fla. 1962).

[10] Ibid. at 875.

[11] Federal Trade Commission *News*, "Drug & Medicine Companies Were the Most Profitable in 1970, FTC 'Rates of Return' Report Shows," July 14, 1972.

[12] Albert I. Wertheimer, "Prescription Pricing: Art, Science or Whim," *California Pharmacist*, March 31, 1971, p. 6.

[13] T. Donald Rucker, "Problems in Measuring Overhead Costs for Prescription Services," *Texas Pharmacy*, October 1971.

[14] 93 N.J. Superior Court, 343, 225 A.2d at 738 (Chan. 1966).

TABLE 1.—PRESCRIPTION DRUG PRICES

[Based on a survey of 147 pharmacies in 81 communities in 17 States and the District of Columbia, July–August 1972]

Quantity and drug	High	Low	High is 0.00 times low [1]	Median [2]
100 Achromycin V 250 mg	$17.94	$3.47	$5.17	$6.50
100 Actifed Tablets	10.00	2.99	3.34	5.95
100 Benadryl Kapseals 50 mg	6.35	2.77	2.29	4.00
100 Darvon compound 65 mg	15.00	7.15	2.09	9.00
100 Diuril 500 mg	11.25	5.09	2.21	6.95
100 Equanil 400 mg	13.15	4.60	2.85	7.90
100 Flagyl 250 mg	25.00	9.20	2.70	17.00
10 cc. Insulin Lilly U–80 (all types)	2.85	1.65	1.72	1.99
10 cc Insulin Squibb U–80 (all types)	2.98	.88	3.38	1.89
15 mg. Mycolog cream	5.55	3.04	1.82	4.25
100 Ornade Spansule	20.00	8.90	2.24	11.10
100 Penicillin G, 400,000 units	15.00	1.50	10.00	4.75
100 Pentids 400	15.95	6.50	2.43	11.59
100 Premarin 1.25	15.89	6.09	2.60	7.75
100 Ser-Ap-Es	13.65	6.45	2.11	8.97
100 Sumycin 250 mg	10.00	4.05	2.46	6.00
100 Tetracycline 250 mg	20.00	2.50	8.00	4.75
100 Thyroid 1 gr	3.90	.63	6.98	1.25
100 Tuss-Ornade Spansule	20.00	5.00	4.00	12.85
100 Valium 5 mg	15.00	6.75	2.22	9.38

[1] That is, the consumer paying the highest price for Achromycin ($17.94) pays 5.17 times as much as the consumer paying the lowest price ($3.47).

[2] That is, as many pharmacies charge more than $6.50 for Achromycin as charge less than $6.50.

TABLE 2

State and groups surveying	Number of stores	Number of communities
Arizona: Arizona Consumers Council	25	10
Connecticut: Connecticut Consumer Association	25	15
District of Columbia	1	1
Indiana: Consumers Association of Indiana	1	1
Kentucky: Southern Illinois University	2	1
Louisiana: American Federation of State, County & Municipal Employees Local 776; Louisiana Consumers League	8	3
Maryland and Virginia: Greenbelt Consumer Service	5	5
Massachusetts: Association of Massachusetts Consumers; American Federation of State, County & Municipal Employees Local 24	6	6
Michigan: Michigan Credit Union League; American Federation of State, County & Municipal Employees Local 1568	22	11
Minnesota: American Federation of State, County & Municipal Employees Locals 6, 65, 729	13	3
New York: Alliance for Consumer Protection (Pittsburgh, Pa.); Connecticut Consumer Association	3	1
Ohio: Ohio Consumer Association; Consumer Protection Association (Cleveland, Ohio)	5	5
Oregon: Oregon Consumer League	17	11
Pennsylvania: Alliance for Consumer Protection (Pittsburgh); Lehigh Valley (Pa.) Committee against Health Fraud	8	4
Washington: American Federation of State, County & Municipal Employees Locals 846 and 28	2	2
Wisconsin: American Federation of State, County & Municipal Employees Local 1392	1	1
Wyoming: Wyoming Consumer United Program	1	1

APPENDIX A

EXCERPT FROM CONSUMER FEDERATION OF AMERICA POLICY RESOLUTIONS, ADOPTED JANUARY 1972

VII. HEALTH, DRUGS AND MEDICAL

1. CFA is convinced that the medical care crisis can be traced directly to the lack of consumer involvement in decision making. We urge immediate reconstitution of governing boards of all non-profit insurance plans, hospitals, and other health care agencies to insure consumer involvement and guarantee majority control to the subscribers of those services and plans.

2. We are deeply concerned over the crisis in health care which worsens everyday and urge Congress to enact a comprehensive national health security plan providing:

An assessment of health care delivery systems;

Establishment of education programs designed to foster good health;

Establishment of necessary preventive and outreach services;

Availability of all physical, mental, social and supportive services necessary to maintain or restore health;

Availability of rehabilitation, health maintenance and long-term care when disability occurs.

We urge Congress to recognize that catastrophic coverage is no substitute for comprehensive health coverage, though the inclusion of a realistic proposal against catastrophic health costs deserves serious consideration as part of a national health security program. Such a health plan must include rigid cost controls on the price of the delivery of medical services and modify the unlimited "fee for service" system.

3. We urge, in response to the critical shortage of physicians, federal assistance to medical schools and economically disadvantaged students to enable them to attend medical schools and appropriate inducements to graduates to locate in areas currently denied adequate medical care.

4. We urge development of community health centers making available the full range of medical services—including prenatal, pediatric, and dental care, as well as nutrition and sanitation education—so that total, effective, health care is assured to the elderly, the poor, and the rural consumer.

5. We urge legislation to eliminate coinsurance and deductible provisions of Medicare and to extend Medicare coverage to outpatients' drugs, eye care and the cost of eye glasses, dental care and the cost of dentures, and hearing aids.

6. We insist that the same nursing home standards be provided under Medicare and Medicaid as were intended by the 1965 amendments to the Social Security Act, which established those programs.

7. We urge CFA members to affiliate with prepaid group practice group health plans.

8. We urge CFA members to insure that all comprehensive health planning commissions meet requirements of law regarding majority consumer representation we urge consumer groups to provide responsible consumers to serve on these commissions. We urge that the Administration provide funds for training consumer representatives serving on health planning commissions.

9. We urge the Secretary of HEW to press for immediate promulgation of regulations directing states to survey unmet medical needs of indigent children, as required in Section 1905(a)9(4)(B) of the Social Security Act, as amended in 1967. Action to protect the health of the nation's children is long overdue.

10. We urge that before any cosmetic is offered for sale or distribution, FDA must be satisfied as to its safety and utility and must approve its label disclosing fully the composition of the cosmetic.

11. We urge licensing of drugs and medicines by generic name on federal, state, and local levels and that such name be included on all prescriptions and prescription labels.

12. We urge immediate enactment of long-delayed legislation establishing a drug compendium.

13. We are distressed by studies documenting price variations up to 1200% for prescriptions of the same drug in the same area. We believe this is due to a host of restrictions and prohibitions placed upon free competition in advertising and sale of prescription drugs by registered pharmacies:

Including prohibitions against advertising of drug prices, against discounts for older people, and against posing of drug prices in stores;

Artificial barriers to entry of discount and chain drug stores into new markets;

Restrictions on ownership of pharmacies;

Prohibitions against pharmacies in supermarkets and general marchandise stores;

Many other devices having no relevance to the public health.

CFA urges affiliates to work for repeal of all such laws and regulations. Recognizing further that restrictions against price competition for prescription drugs originate with state boards of pharmacy and that most such boards are dominated by druggists, CFA recommends inclusion of strong consumer representation on state pharmacy boards.

CFA further urges affiliates to become "friends in court" in suits challenging the constitutionality or validity of laws and regulations which inhibit drug price competition.

14. We urge enactment of legislation forbidding tie-ins between hospitals, nursing homes, and other health care providers and pharmacies. We believe it is unethical for physicians to own stock in drug manufacturing companies, drug marketing and packaging companies and pharmacies.

15. We urge the government to purchase drugs only by generic name.

16. We urge requirements that written information in understandable language be given recipients of all prescriptions explaining uses, directions, precautions and side effects—including possible hazards of mixing prescribed medication with other drugs or foods.

17. We urge a requirement for clear, prominent, expiration date labeling for drug effectiveness of prescriptions and over-the-counters.

18. The name and place of business of the manufacturer should be required on labels of all drug products.

19. Quantities of all active ingredients should be required on labels of all drug products.

20. We urge vigorous regulatory action by the FTC on advertising of over-the-counter drugs containing misleading efficacy claims, promoting insignificant product differentials, and offering drugs for the treatment of every day interpersonal and human problems. We condemn all drug advertising which encourages, through themes or saturation advertising campaigns, pill-popping as a way of life.

21. The one-million Americans in nursing homes financed under Medicare, Medicaid, and other programs should receive the highest standard of health care. Yet deeply distressing evidence mounts that many nursing homes neglect their patients, treat them with indignity, and provide minimal health care. Many state and federal agencies, including HEW and state health and welfare departments, have failed to secure the appropriations required or to exercise the aggressive leadership needed to enforce standards of safety, health, and general welfare for nursing home patients. The result is that too many elderly persons have been neglected and payments for their care misused. This failure of governmental authorities to enforce standards has induced commercial operators, looking for quick returns on their investments, to invade the nursing home field by establishing what amount to chains of motels insufficiently concerned with the health and welfare of residents in their charge and to convert nursing home programs into housing programs, imposing on the elderly a "buyer beware" philosophy.

We urge a substantial increase in direct grants and loans to non-profit and government-operated nursing homes, with an immediate, short-term goal of providing half the nation's nursing home services. We also urge substantial funds for alternative methods of care—foster homes, sheltered low-cost supervised housing and day-care centers, homemaker and home health aid services. We encourage state and community organizations affiliated with CFA to develop citizen-review teams to visit and inspect nursing homes periodically.

Appendix B

Department of Justice,
Washington, D.C., October 13, 1971.

Mr. Richard G. Cline,
President,
OSCO Drug, Inc.,
Franklin Park, Ill.

Dear Mr. Cline: This is in response to your letter of September 23, 1971 informing us of your plans to initiate a campaign to inform consumers of the retail prices of prescription drugs in your stores.

You state that you plan to post in your prescription departments the retail prices of the 150 most commonly prescribed prescriptions and make available, upon request, all of your retail drug prices. You further state that the advertising and promotion of this program would not contain any price advertising but would indicate that prices are posted in the area of the prescription department of the store and would invite price comparisons by the consumer assisted by the posted prices. You ask us whether we have available any information such as speeches of articles, and if we have taken action in support of similar programs.

The Department has been concerned for some time about various restraints that limit competition in the retail drug field. We enclose a copy of a speech made by Roland Donnen, then Director of Policy Planning of the Antitrust Division, which was delivered before the Sherman Act Committee of the American Bar Association in August of 1970. As you will note, Mr. Donnen's speech concerned various state practices which could have adverse competitive effects. Among those practices which he discussed were state laws and regulations preventing or inhibiting the advertising of prescription drugs by name or price.

In this same light, enclosed you will find a copy of a document entitled "Research Paper and Policy Statement of the United States Department of Justice on the Advertising of Retail Prescription Drugs." This Statement was submitted by the Department this past summer as part of its regular practice of participating in the Suggested State Legislation Program of the Council of State Governments. Here again, the Department noted its special concern over two types of restrictions relating to retail drug advertising: (1) state restrictions prohibiting the advertising or promotion of prescription drugs by name or prices, and (2) state provisions restricting the type of drug price advertising which may be used. In this Statement, we urged state legislatures to reexamine the premises on which such restrictions were based, and expressed our hope that reexamination would lead to the elimination of anticompetitive restrictions.[1]

These two documents rather clearly indicate our feeling that many, if not most, restrictions on the advertising of prescription drug prices are unjustified on any grounds. In addition, it seems obvious that consumers, faced with a lack of price information, are forced in many cases to make needlessly high expenditures for what to the purchasers are often essential products. We are, therefore, pleased to learn of the initiation of a program with the apparent potential to effectively provide much-needed price information in this area. If you feel the need for any further information which we are able to provide, we shall be happy to do so.

Sincerely yours,

Richard W. McLaren,
Assistant Attorney General,
Antitrust Division.

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[1] We should also point out that in at least two states, restrictions on drug advertising have been invalidated by state courts. Both of these decisions are cited in the Policy Statement enclosed.

Appendix C

Research Paper and Policy Statement of the U.S. Department of Justice Regarding State Restrictions on the Advertising of Retail Prescription Drugs

The Department of Justice, as the executive agency responsible for the enforcement of the antitrust laws, has received complaints relating to state legislative or administrative restrictions on the advertising of prescription drugs. Our experience in analyzing market practices, and our role as advocates for competitive policy, cause us to be particularly concerned over two types of restrictions relating to retail drug advertising: (1) state restrictions prohibiting the advertising or promotion of prescription drugs by name or price, and (2) state provisions restricting the type of drug price advertising which may be used, i.e., preventing the use of terms such as "cut rate" or "discount." Competition is our basic national policy. It has proven to be the most effective spur to business efficiency, innovation, on low prices. Prohibitions on drug advertising represent departures from this national economic policy. Such inconsistencies should be countenanced only when clearly justified in terms of public need.

Twenty-eight states[1] either by statute or regulation, generally prevent the advertising of prescription drugs by name or price,[2] and 10 states prohibit the use of terms such as "discount" with respect to the advertising of prescription drugs.[3] These restrictions on information have dramatic effects. A survey conducted by the American Medical Association in Chicago, and reported in the New York Times on May 28, 1967, showed price differentials in pharmacies throughout the city of up to 1200% for the same amount of an identical drug. A recent study conducted in New York by Consumers Union found that prices for the same amount of one drug ranged from $.79 to $7.45, and for another drug from $1.25 to $11.50.[4] Differentials such as these can only exist when they are unknown to potential consumers, for given a choice, most consumers would refuse to pay 10 or 12 times the going price for a drug available elsewhere. The cost to the public of the lack of price competition is enormous. In 1969, $4.0 billion was spent for out-of-hospital prescription drugs.[5]

The Department of Justice believes that the major effect of legislation or regulations prohibiting price advertising of prescription drugs is to reduce retailer incentives to engage in price competition with resulting higher costs to the public. We submit that sound ecomonic and social policy dictate that any restrictions which have the effect of raising drug costs should be kept to the minimum required by considerations of public safety. Thus the Department urges that the states, which will bear a portion of the burden of high drug prices under the Medicaid program, re-examine the essential premise upon which the advertising restrictions are based;—i.e., that the advertising of prescription drugs will endanger the public health. It is the Department's view that such a premise is largely erroneous and that, to the extent that public health dangers might pose problems, they can be met by methods which stop short of the absolute prohibition of price advertising. The *Final Report* of the HEW Task Force states the problem concisely:

> The present patchwork of State pharmacy laws, regulations, and codes of ethics obviously reflects attempts to cope with a variety of pharmacy problems on a piecemeal basis. Whether they are aimed at the protection of the public health, or the prevention of competition—fair or unfair—is not clear in all cases.

This analysis is supported by a very recent decision of the Pennsylvania Supreme Court invalidating that state's statutory restrictions on drug advertising. *Pennsylvania State Board of Pharmacy* v. *Pastor*, 441 Pa. 186, 272 A 2d. 487 (1971). In an extremely cogent opinion, the court dealt with—and rejected—the traditional justifications generally used to support these restrictions.

The first argument was that advertising would encourage excessive use of drugs. The Pennsylvania Supreme Court rejected a trial court finding that, "[T]he promotion and advertising of dangerous drugs and narcotics would certainly to a degree titillate an aberrant person and create an atmosphere of easy availableness." The court noted that this finding appeared to assume either unethical or illegal conduct by doctors and/or pharmacists, an assumption which the court refused to make. The court noted that the sale of prescription drugs was closely supervised and that other statutes, both state and federal, prohibited sales except by prescription. The court concluded that the highly regulated structure of the pharmaceutical profession, together with the fact that the consumer cannot choose his purchases, made it "most likely that advertising the prices of retail prescription drugs would, or could, have any impact on the demand or consumption of such drugs."

The second justification argued was that price advertising would make it more difficult for a pharmacist to "monitor" prescriptions of individuals because it would encourage price shopping. The court found that the evidence did not establish the extent, if any, to which monitoring took place, and that, although some courts had accepted this as a justification for restrictions on advertising, even those courts had admitted that monitoring is "infrequent" and "not completely effective." In addition, the court noted that more direct methods were available to protect against the prescription of antagonistic drugs.

The third and final justification argued was that price advertising might encourage pharmacists to purchase unusually large quantities of drugs, so as to obtain a lesser price, thus creating the possibility that drugs may stay on the pharmacist's shelf for an extended period of time during which they might deteriorate. The court noted that the sale of adulterated drugs was prohibited, and could subject a pharmacist to criminal liability as well as the loss of his license. The court reasoned, "With such stringent provisions, the additional prohibition on price advertising would certainly appear to be 'patently beyond the necessities of the case.' "

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[1] Fletcher, *Market Restraints in the Retail Drug Industry*, (University of Pennsylvania Press, 1967).

[2] *Advertising by Name or Price Prohibited by Statute in:* Florida, Maryland, Michigan, New Jersey, New York, Oklahoma and Texas; *and by Regulation in:* Arkansas, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana Maine Massachusetts Minnesota, Nevada, Oregon, Rhode Island, South Dakota, Virginia, Washington, West Virginia and Wisconsin.

[3] Discount Advertising Prohibited by Statute In: California, Maryland and New Jersey;—*and by Regulation* In: Colorado, Louisiana, Maine, Massachusetts, Mississippi, New York and Pennsylvania.

[4] "What's the Price of an Rx Drug?" 35 *Consumer Reports* 279 (1970).

[5] United States Department of Health, Education, and Welfare, *Prescription Drug Data Summary*, at p. 7 (1971).

Even after undertaking this analysis, the court expressed reluctance to overrule the statute by "judicial fiat." The final factor which led to its decision was what the court described as "the dampening of price competition in the retail sale of prescription drugs" and its effect on consumers, especially the elderly. After citing the New York study described earlier, the court quoted from the Second Interim Report and Recommendations of the Task Force on Prescription Drugs of the United States Department of Health, Education, and Welfare, a quotation which deserves partial repetition here:

"There is an obvious need for patients to be able to determine readily the prices charged by the various pharmacies in their community. This appears to be particularly important in the case of long-term maintenance drugs.

The task force recognizes the difficulties in making such information easily available. * * *

Nevertheless, if the patient is to maintain the right to select a pharmacy, he also has a right to know the prices it charges and to compare these with other prices."

We believe that the Court's analysis is persuasive and that it should be carefully considered by other states in forming their policies in this area.[6]

Moreover, the Comprehensive Drug Abuse Prevention and Control Act of 1970[7] illustrates that competitive policy can in fact be incorporated into statutory regulations in this area. The Act specifically recognizes the importance of competition; in both the registration of domestic manufacturers and the issuance of import licenses; the statute requires regulatory action to be consistent with the maintenance of "adequate competition." Section 303(a)(1) of the Act directs the Attorney General, in registering manufacturers, to consider the maintenance of effective controls "by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances *under adequately competitive conditions . . .*" Section 1002(a)(2) of the Act authorizes the Attorney General to allow additional imports where necessary to insure adequate competition. Regulations adopted by the Bureau of Narcotics and Dangerous Drugs pursuant to the statute set out specific standards by which competitive determinations can be made, including price rigidity, the extent of service and quality competition, and whether or not substantial differences exist between domestic prices and foreign prices.[8] The primary thrust of the 1970 Act is of course to develop effective controls against the diversion of legitimate drugs into illicit channels. However, it seems clear that the American public should not be denied the benefits of competition in the provision of these substances except as is necessary to carry out the purposes of the Act. Such coordination should be sought by the states in their attempts to supervise the provision of drugs to the public.

Accordingly, it is the Department's view that existing state legislation of regulations which prohibit or restrict price advertising of prescription drugs may well be adverse to the public interest. Since such restrictions appear to be unnecessary to protection of the public and result in unjustifiable expenditures by consumers, the Department feels they should be eliminated.

ENVIRONMENTAL NOISE CONTROL ACT

Mr. TUNNEY. Mr. President, the latest indications from the leadership are that the noise bill will come up before adjournment sine die. I am pleased to see that the Senate will have a chance to work its will on this important, and most needed, piece of legislation.

I ask unanimous consent to have printed in the Record the text of a letter signed by 12 most significant groups. The letter, which has been circulated to all Senators by members of the supporting groups, states the issues the Senate will face and urges strong support for the bill as reported by the Senate Public Works Committee, and for any amendments which would accelerate the reduction of aircraft noise.

The bill is also supported by the League of Cities, Council of Mayors, Airport Operators Council International, and National Governors Conference. These groups are circulating their own letters.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 9, 1972.

Dear Senator: We urge your strong support for S. 3342, the Environmental Noise Control Act of 1972, as overwhelmingly reported by the Senate Public Works Committee. The legislation will require the Environmental Protection Agency to set noise emission standards for major noise sources—including aircraft—which adversely affect the health of approximately 80 million Americans. It would provide for technical and financial assistance to the states and cities while leaving them free to establish the strongest possible environmental noise control programs suited to their local needs. For the first time, through EPA-required actions, aircraft noise emission levels would be based on public health and welfare needs--with FAA review on grounds of technological availability and safety. Each agency would take responsibility for those matters for which it has demonstrated competence.

HEALTH NEED

Of the 80 million Americans adversely affected by noise, conservative estimates indicate potential hearing damage to 40 million. This does not include an additional 17 million workers who have incurred job-related hearing damage. Aside from hearing damage, other health effects from noise include loss of sleep, anxiety, and interference with classroom learning and with normal conversation. Moreover, 15 million people, in virtually every city in the country, are adversely affected by aircraft noise.

AIRCRAFT: FAA'S FAILURE TO ACT

For 14 years, the FAA has had authority to control aircraft noise. To date less than 2% of the commercial fleet are covered by regulations establishsed in 1969. Eighty percent of the current noisy aircraft will still be flying in 1975. Increases in the number of flights and opening of new runways will probably negate the meager gains FAA regulations may provide. Based on this past performance, unless lead authority is shifted to an agency with a healthful environment as its primary goal, no relief is in sight.

OPPOSITION TO THE ANTICIPATED CANNON AMENDMENT

We strongly oppose adoption of the anticipated Cannon amendment, which would strip from S. 3342 provisions for EPA to establish health levels for aircraft noise. We would then be left with the present situation, which is totally inadequate.

The noise environment includes electric blenders, vacuum cleaners, jackhammers, buses, trucks and trains. EPA is given unchallenged authority under the bill to regulate noise emissions from every one of these sources. Neither logic nor the demands of a comprehensive program justify extracting aircraft from this authority.

In conclusion, we urge you to support S. 3342 as reported, and any amendments offered which would accelerate reduction of aircraft noise. We urge you to oppose the weakening Cannon amendment.

Sincerely,

American Public Health Association, Jas. R. Kimmey, M. D., Executive Director;

National Council of Senior Citizens, William R. Hutton, Executive Director;

AFL–CIO, George H. R. Taylor, Executive Secretary, Standing Committee on Safety and Occupational Health;

Sierra Club, Lloyd Tupling, Washington Representative;

National Association of Hearing and Speech Agencies, Thos. J. Coleman, Executive Director;

Ingersoll-Rand, George Diehl, Vice President, Engineering;

Alvin Greenwald, Chairman, American Bar Association, Urban Environment Committee of the Natural Resources Law Section;

Institute of Noise Control Engineering, William Lang, Executive Vice President;

Citizens Against Noise, Theodore Berland, President;

National Organization to Insure a Sound-controlled Environment, Ralph G. Caso, Chairman;

American Speech and Hearing Association, Kenneth O. Johnson, Executive Secretary; and

United Auto Workers, Jack Beidler, Legislative Director.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The PRESIDING OFFICER. Under the previous order, and the hour of 10 a.m. having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 13915) to further the achievement of equal educational opportunities.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, on yesterday, the order was entered under which one-half of the time during the hour of debate on the motion to invoke cloture today would be under the control of the distinguished Senator from Michigan (Mr. Griffin).

I am informed that Mr. Griffin may be a few minutes late reaching the Chamber, inasmuch as he is at the White House at this moment. I ask unanimous consent that until such time as he arrives, the time which was allotted to him during the hour be under the control of the distinguished Senator from Alabama (Mr. Allen).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Lawrence G. Meyer, esquire, of Washington, D.C., be permitted the privilege of the floor during debate on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield

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[6] At least one other similar state restriction has been invalidated by a state court. *See* Florida Board of Pharmacy v. Webb's City, Inc., 219 So. 2d 681 (Fla. 1969).

[7] Public Law 91–513 (Oct. 27, 1970).

[8] 21 C.F.R. 311.42

myself 30 seconds to send to the desk a series of amendments which have already, by unanimous consent, been qualified under the rule.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, the amendments will be received.

Mr. CRANSTON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me by Lloyd Cutler representing a group of distinguished attorneys, setting forth their views on the unconstitutionality of many provisions of the pending bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 6, 1972.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: This is in response to your letter of September 29, requesting our individual views on the constitutionality of H.R. 13915.

At the request of the House Judiciary Committee, the undersigned, in their individual capacities, submitted the attached statement setting forth their opinion that the proposed Student Transportation Moratorium Act (H.R. 13916) and the proposed Equal Educational Opportunities Act (H.R. 13915) would (1) violate Article III of the Constitution to the extent that they would limit the power of courts to fashion the remedies such courts believe necessary to correct adjudicated deprivations of constitutional rights in cases within their jurisdiction, and (2) violate the Fifth and Fourteenth Amendments to the extent to which they limit the power of courts to correct adjudicated findings of unconstitutional school segregation where courts determine that busing is the only effective and promptly available remedy.

Section 403(a) of H.R. 13915, passed by the House and now pending in the Senate, contains even more stringent limitations on the power of courts to remedy adjudicated findings of unconstitutional school segregation. Accordingly, for the reasons set forth in the enclosed statement, we believe the relevant provisions of that bill are also unconstitutional.

Respectfully submitted,

Lloyd N. Cutler, Washington, D.C.; John Doar, New York City; Morris B. Abram, New York City; E. Clinton Bamberger, Washington, D.C.; Thomas D. Barr; New York City; Bruce Bromley, New York; Warren Christopher, Los Angeles; and Ramsey Clark, Washington, D.C.

William T. Coleman, Jr., Philadelphia; James T. Danaher, Palo Alto; Arthur H. Dean, New York City; Richard C. Dinkelspiel, San Francisco; John W. Douglas, Washington, D.C.; Alexander D. Forger, New York City; Arthur J. Goldberg, Washington, D.C.; and John B. Jones, Washington, D.C.

Nicholas deB. Katzenbach, Armonk; Amalya Lyle Kearse, New York City; Maximilian W. Kempner, New York City; Otis King, Houston; George N. Lindsay, New York; Robert B. McKay, New York; M. C. Miskovsky, Washington, D.C.; James M. Nabrit, III, New York City; Robert L. Nelson, Washington, D.C.; Louis F. Oberdorfer, Washington, D.C.; and William H. Orrick, Jr., San Francisco.

D. Robert Owen, New York City; Stephen J. Pollak, Washington, D.C.; Francis E. Rivers, New York City; John H. Schafer, Washington, D.C.; Jerome J. Shestack, Philadelphia; Asa D. Sokolow, New York City; Theodore C. Sorensen, New York City; Cyrus Vance, New York City; John W. Wade, Nashville; and James Robertson, Washington, D.C.

STATEMENT OF JOHN DOAR AND LLOYD N. CUTLER

Mr. Chairman and Members of the Committee:

We appear here today at the Committee's invitation to testify concerning H.J. Res. 620 and H.R. 13916.

We are the present Co-Chairmen of the Lawyers' Committee for Civil Rights Under Law. The Committee is a non-profit, tax-exempt organization. It was formed in 1963 at the request of President Kennedy and it has continued its activities at the request of every succeeding President.

The Committee's purpose is to mobilize the legal resources and the moral force of the nation's lawyers to defend and uphold the civil and constitutional rights of the nation's racial minorities and other disadvantaged citizens. Our Board of Trustees consists primarly of leading lawyers throughout the country who, in today's vernacular, would be regarded as part of the legal "Establishment."

Our principal activity is to take part in the trial and appeal of cases that raise significant issues relating to the rights of minority and other disadvantaged groups. We function as lawyers, not as a political or pressure group. Attached to our statement is a copy of our most recent annual report, which describes our activities in detail and contains the names of our national Board of Trustees and members of our local committees in Atlanta, Boston, Chicago, Indianapolis, Kansas City, New York, Philadelphia, San Francisco and Washington.

Mr. Chairman, as a matter of policy our Committee, as such, does not advocate the passage or defeat of any legislation. In response to your invitation, we are submitting our opinion, as lawyers with some qualification in this field, as to the constitutionality of the moratorium bill and as to the constitutional implications of the proposed constitutional amendment. We should also note that the views we express were unanimously approved after appropriate notice by a quorum present at a regular meeting of the Executive Committee of our Board of Trustees in Washington, D.C. on April 3, 1972. Nevertheless, since we are presenting a professional legal opinion, we present it only as the opinion of the Executive Committee members whose name are attached to the statement, and who either attended the meeting on April 3 or subsequently notified us of their concurrence.

We shall first address H. R. 13916, the Student Transportation Moratorium Act, and then the Joint Resolution providing for a constitutional amendment.

H.R. 13916

We believe H. R. 13916, the moratorium bill, is unconstitutional for the reasons set forth below.

Proponents of the bill have urged that Congress may lawfully impose a stay on the effectiveness of future judicial orders providing specific relief for an adjudicated impairment of a constitutional right, when Congress finds the stay necessary to allow it time to enact another measure intended to provide standardized and at least equally effective remedies.

The question so framed is one of first impression, one that, in our judgment, would be very difficult to answer. However, it is not the question we see posed by H. R. 13916. For this bill—whether taken on its own terms or in conjunction with the companion Equal Educational Opportunities Bill that the Administration has also proposed (H. R. 13915)—has not been shown to be necessary for, or likely to result in, the enactment of standardized and equally effective remedies for adjudicated impairments of constitutional rights. To the contrary, and accepting its stated intentions, it appears on its face to enact a congressional limitation on judicial remedies for previously adjudicated constitutional rights, while Congress considers other measures that would impose still further limitations on those rights and remedies.

Congress, of course, has constitutional power to create lower federal courts and to define their jurisdiction, as well as power to make exceptions to the appellate jurisdiction of the Supreme Court. But like any other constitutional power, this power is not an absolute one. It must be exercised consistently with other constitutional grants of power and other declarations of constitutional rights. For example, no one would suggest, we assume, that Congress could enact a statute denying original or appellate access to any federal court for all claimed violations of First Amendment rights. The federal judicial power granted under Article III extends to "all cases in law and equity arising under this Constitution," (emphasis supplied) and Congress cannot constitutionally bar all federal courts from exercising this power. *Martin* v. *Hunter's Lessee,* 14 U.S. 304 (1816); *Eisentrager* v. *Forrestal,* 174 F. 2d 961, 966 (D.C. Cir. 1949), reversed on other grounds *sub nom. Johnson* v. *Eiscentrager,* 339 U.S. 763 (1950). To take an even more obvious example, Congress could hardly define the jurisdiction of the lower federal courts so as to require that, notwithstanding the Sixth and Seventh Amendments, all cases must be tried without juries. Perhaps Congress could constitutionally abolish the lower federal courts entirely, although Mr. Justice Story's opinion in *Martin* v. *Hunter's Lessee, supra,* suggests that it could not. But having created the lower federal courts and conferred on them jurisdiction over cases arising under the Constitution, Congress cannot limit this jurisdiction in ways that violate other provisions of the Constitution or prevent courts from granting effective relief.

Nothing in the Norris-La Guardia experience or in *Ex Parte McCardle,* 74 U.S. 506 (1868) is to the contrary. The curtailment imposed by the Norris-La Guardia Act on the right to an injunction in a labor dispute had the effect of protecting the First Amendment right of peaceful picketing. It did not deprive employers of a constitutionally protected right or remedy, and when the Supreme Court upheld the Act, it had no need to consider any such issue. See *Lauf* v. *Shinner,* 303 U.S. 323 (1938). In *Ex Parte McCardle,* the Supreme Court held only that Congress could lawfully take away the right of direct appeal it had previously granted under a particular Reconstruction era *habeas corpus* statute; the power of the lower federal courts to grant writs of *habeas corpus* to persons detained in violation of their constitutional rights remained unimpaired, as did the discretionary appellate power of the Supreme Court to review lower court *habeas corpus* decisions under the Act of 1789 granting it the right to issue writs of certiorari. *Ex Parte Yerger,* 75 U.S. 85 (1869). And in other cases where the congressional power to bar federal courts from issuing injunctions has been upheld, the decisions have made clear that other adequate judicial remedies remained available. *Phillips* v. *Commissioner,* 283 U.S. 589 (1931); *Younger* v. *Harris,* 401 U.S. 37, 45 (1971).

Moreover, the Supreme Court has held many times that the congressional authority to grant or remove jurisdiction in broad classes of cases does not include the authority to review decisions within a court's jurisdiction before permitting those decisions to become effective, or to require the courts to decide such cases in congressionally specified ways. This has been true ever since *Hayburn's Case*, 2 U.S. 408 (1792). The principle has been reaffirmed in a long line of cases, of which the most important are the opinion of Chief Justice Taney in *Gordon* v. *United States*, 173 U.S. 167 (1864); *United States* v. *Klein*, 80 U.S. 128 (1871); and *Muskrat* v. *United States*, 219 U.S. 346 (1911). Even *Ex Parte McCardle* notes the unconstitutionality of "the exercise of judicial power by the legislature, or legislative interference with courts in the exercise of continuing jurisdiction." 74 U.S. at 514.

When jurisdiction has been conferred on the federal courts to adjudicate the existence of a constitutional right, the courts must have the power to grant an effective remedy. This is the clear import of Chief Justice Hughes' opinion for the Court in *Sterling* v. *Constantin*, 287 U.S. 378 at 403 (1932). As Mr. Justice Rutledge put the matter in *Schneiderman* v. *United States*, 320 U.S. 118, 168–9 (1943) (concurring opinion):

"Congress has, with limited exceptions, plenary power over the jurisdiction of the federal courts. But to confer the jurisdiction and at the same time nullify entirely the effects of its exercise are not matters heretofore thought, when squarely faced, within its authority."

In the light of these principles, the moratorium bill would plainly be unconstitutional if the moratorium were of indefinite duration. Viewed as an attempt to deprive the courts of power to adjudicate Fourteenth Amendment rights and provide adequate remedies, it could not possibly stand. Viewed as an attempt to modify or stay judicial decisions within jurisdiction previously conferred, or to require that future cases be decided in a particular way, it would be equally invalid. Viewed as an attempt to deprive the courts of power to grant the only remedy for an adjudicated impairment of constitutional rights that the courts have found adequate on the facts of a particular case, its unconstitutionality would be clear.

The bill, of course, does not provide for a moratorium of indefinite duration; it specifically limits the period of the moratorium to July 1, 1973 or such earlier date as the Congress enacts the contemplated legislation defining what constitutes a denial of equal educational opportunities and of the equal protection of the laws, and providing standardized remedies. As we said at the outset, a moratorium bill carefully limited to the period required to accomplish such an objective would present a constitutional issue of first impression.[1] Constitutionality in our view would depend on whether Congress clearly demonstrated that the moratorium was needed to enable Congress to enact the contemplated remedial legislation, and that in the remedial legislation Congress intended to protect and enforce rather than to limit the Fourteenth Amendment rights involved, and to provide at least equally effective remedies for their impairment.

One might perhaps argue that because seventeen years have already passed since the Supreme Court issued its opinion in *Brown* v. *Board of Education*, 349 U.S. 294, 301 (1955) (Brown II), Congress may lawfully delay effective relief for an additional year today. But Congress today must take into account the long line of Supreme Court decisions culminating in *Carter* v. *West Feliciana Parish School Board*, 396 U.S. 290 (1970), placing ever greater urgency on school desegration and suggesting strongly that any delay in the implementation of court-ordered plans inflicts continuing and irreparable harm on schoolchildren. In *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218 (1964), the Court said that the time for mere "deliberate speed" had run out; in *Green* v. *School Board of New Kent County*, 391 U.S. 430, 438–9 (1968), the Court said the burden on school boards is to come forth with desegregation plans that "promise[s] realistically to work *now*"; in *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19, 20 (1969), the Court said that the "deliberate speed" standard for desegregation "is no longer constitutionally permissible," and ruled that "the obligation of every school district is to terminate dual school systems at once. . . ."

If a lower court enters a busing order that goes beyond what is necessary to remedy the impairment of a constitutional right, that error can of course be corrected on appeal. But if, on the facts of a particular case, the courts finally determine that some form of busing is the only presently available means of achieving the effective remedy required by the Constitution, then for Congress to deny anyone that remedy, even for an additional school year, is a very serious matter. Frustration or denial of court-ordered remedies for school desegregation can no longer be distinguished from frustration or denial of the underlying Fourteenth Amendment right. See *Cooper* v. *Aaron*, 358 U.S. 1, 17 (1958); *Griffin* v. *School Board of Prince Edward County, supra*, 377 U.S. at 232. Action that perpetuates an unconstitutional dual school system not only delays the remedy, it compounds the harm of such a system. *Green* v. *School Board of New Kent County, supra*, 391 U.S. at 438. Thus Congress itself would be imposing constitutional injury on schoolchildren by staying the effectiveness of any new busing order which the courts have finally found in a particular case to be an indispensable element of prompt and effective relief. Such an act would raise serious questions under the Fifth Amendment (see *Bolling* v. *Sharpe*, 347 U.S. 497 (1954); *Gautreaux* v. *Romney*, 448 F.2d 731, 740 (7th Cir. 1970)). The only possible countervailing constitutional justification would be a clear demonstration of facts convincingly establishing the necessity of a moratorium to enable Congress to enact standardized and nationwide remedies that are at least equally effective.

These facts would have the status of constitutional or jurisdictional facts, in the sense that a court considering the constitutionality of the moratorium would be entitled to satisfy itself that Congress had demonstrated a compelling need for such a postponement of effective relief for an impairment of a constitutional right. *Sterling* v. *Constantin, supra; Ng Fung Ho* v. *White*, 259 U.S. 276 (1922); see Hart, *The Power of Congress to Limit the Jurisdiction of Federal Courts; an Exercise in Dialetic*, 66 Harv. L. Rev. 1362, 1386 ff. (1953). Examination of the moratorium bill and the companion Equal Educational Opportunities Bill persuades us that this essential demonstration has not been made.

To begin with, the findings contained in Section 2 of H.R. 13916 contain no statement or other showing that the moratorium is needed to enable Congress to enact the contemplated definitive legislation. Instead, the bill merely contans a finding (Section 2(a)-(5)) of "a substantial likelihood that pending enactment of such legislation, many local educational agencies will be required to implement desegregation plans that impose a greater obligation than that required by the Fourteenth Amendment and permitted by such pending legislation, and that these plans will require modification in light of the legislation's requirements. . . ."

Even if this were so, it does not demonstrate that the moratorium is needed to enable Congress to enact the contemplated remedial legislation. The moratorium would apply only to the effectiveness of subsequently issued busing orders, leaving existing busing orders in effect. However, Section 406 of the Equal Educational Opportunities Bill would authorize the reopening and require the conforming modifications of all busing orders "in effect on the date of enactment of this Act." Aside from its own constitutionality, which we doubt, the reopening provision would reach orders issued during the moratorium period just as effectively as orders already issued. If order already issued need not be stayed at once to enable Congress to enact remedial legislation, it is difficult to understand why orders hereafter issued need be stayed for this purpose. We therefore believe it would be most difficult for Congress to sustain its burden of showing a compelling public need to stay new busing orders to remedy adjudicated impairments of constitutional rights while the Equal Educational Opportunities Bill is being considered.

A further flaw in the present moratorium bill is that it prohibits *all* new busing orders, even those that would later be permitted under the contemplated definitive legislation. For example, Section 402 of the Equal Educational Opportunities Bill would permit a court, as its seventh and last relief option, to order compulsory busing above the sixth grade if the court finds that no other adequate remedy for the denial of Fourteenth Amendment rights is available. H.R. 13916, however, would stay such relief during the moratorium period *even though* the court finds no other adequate remedy is available, and even though the relief concededly does not, in the words of Section 2(a)(5) of the moratorium bill, impose on educational agencies a "greater obligation than that required by the Fourteenth Amendment and permitted by [the] pending legislation." In this important respect, the moratorium bill plainly exceeds its own stated objective.

Since the justification claimed for the moratorium bill is to allow time to enact the contemplated definitive legislation, the constitutionality of the moratorium bill also depends upon whether the provisions of the contemplated definitive legislation are themselves constitutional.

It may well be, as Professor Archibald Cox has recently suggested, that under Paragraph 5 of the Fourteenth Amendment Congress may enact a uniform nationwide program of effective remedies for school desegregation that replace or modify remedies previously decreed by the courts. (Cox, *The Role of Congress in Constitutional Determinations*, 40 Cincinnati L. Rev. 199, 259 (1971)). However, we believe that some provisions of the contemplated definitive legislation go beyond the broadest permissible reading of this congressional power and well beyond the terms of the hypothetical legislation outlined by Professor Cox in his article.[2]

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[1] The only Supreme Court decision dealing wtih a legislative moratorium on judicial action is *Home Building & Loan Ass'n* v. *Blaisdell*, 290 U.S. 398 (1934), which sustained a Minnesota statute allowing courts to extend the redemption period of mortgages and thus postpone judicial foreclosure, but did so on the ground that the mortgage contract was inherently subject to modification by state law so that the constitutional ban on impairing the obligation of contracts had not been violated. The case is no precedent for a moratorium which by definition postpones the only relief a court finds effective for the adjudicated impairment of a constitutional right.

[2] In the most recent decisions considering the scope of Section 5 of the Fourteenth Amendment, several of the opinions suggest that the congressional power to enforce the Amendment does not include the power to limit the rights it confers. *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112, 128–9 (1970). The same principle would seem applicable to the denial of an effective remedy.

The most glaring example is Section 403 of the Equal Educational Opportunities Bill. Subsection (a) of Section 403 imposes an absolute prohibition on any court-ordered busing plan that increases over the levels of the preceding year either the average daily distance or the time travelled by all students in sixth grade or below, or the average daily number of such students who are bused. It contrasts starkly with Subsection (b), which would allow such busing for students above the sixth grade if the court finds by "clear and convincing evidence" that there is no other adequate remedy for the impairment of their Fourteenth Amendment rights. The plain intent of the Section as a whole is to forbid any court orders that would result in a net increase in busing for children in the first six grades of any school district, even if the court finds on the facts of the particular case that there is no other adequate remedy for an adjudicated and unrelieved infringement of their constitutional rights.

In *Swann* v. *Charlotte-Mecklenburg*, 402 U.S. 1 (1971), Chief Justice Burger recognized that travel times should be taken into account in framing busing orders, particularly for younger students (402 U.S. at 31). But the need to consider this factor can hardly justify an absolute congressional prohibition on future court orders requiring the busing of additional students in the first six grades. In this connection, it is significant that on the same day the court decided *Swann* v. *Charlotte-Mecklenburg*, it also decided *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971), in which the Chief Justice and a unanimous court struck down a North Carolina statute imposing "an absolute prohibition" on involuntary busing of any student on grounds of race or to bring about racial balance. The court said that this ban "would inescapably operate to obstruct the remedies granted" in the *Charlotte-Mecklenburg* case, and noted that "bus transportation has long been an integral part of all public educational systems and it is unlikely that a truly effective remedy could be devised without continued reliance upon it." (402 U.S. at 46) If a state anti-busing statute violates the Fourteenth Amendment "when it operates to hinder vindication of federal constitutional guarantees," it is difficult to conclude that a congressional statute achieving the same result could possibly be constitutional.

The absolute prohibition of busing in the first six grades beyond previous year levels seems unconstitutionally arbitrary in other important respects. It would prevent a court from ordering an agency to bus children at the voluntary request of their parents as, for example, when a black child wants to shift from a majority black school to a majority white school—a remedy that Chief Justice Burger said was "indispensable" in *Swann* v. *Charlotte-Mecklenburg* "for those students willing to transfer to other schools in order to lessen the impact on them of the state-imposed stigma of segregation." 402 U.S. at 26. In this respect, it goes even farther than the North Carolina statute struck down in the second *Swann* case. Moreover, as applied to any given educational agency, these prior year ceilings are arbitrarily and randomly affected by agency decisions to increase or decrease busing for reasons wholly unrelated to segregation or race. Such limits cannot possibly have the "standardized" or uniform effect throughout the country that is the assumed congressional objective, since their future application must necessarily depend on the many differing factors that affect present and future busing patterns in each school district.

For all of the above reasons, Mr. Chairman and Members of the Committee, we believe that H.R. 13916, taken either on its own bottom or in conjunction with the contemplated Equal Educational Opportunities Bill, is unconstitutional.

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Turning our attention to the Joint Resolution, we find no question of constitutionality presented by the proposal to amend the Constitution in the manner that the Constitution provides. As to the constitutional implications of that proposal, however, we share the concern voiced by others about "trivializing" the Constitution by an amendment that tries to resolve in 22 words issues as fluid and transitory as busing and school assignments, that limits the basic human rights guaranteed by the Fourteenth Amendment, and that bars even the busing of minority children whose parents want them to be bused to better and less segregated schools. We believe that such an amendment would be a backward step in our steady progress toward becoming a nation no longer divided against itself.

Respectfully submitted,
LLOYD N. CUTLER,
JOHN DOAR,
Co-Chairmen, The Lawyers' Committee for Civil, Rights Under Law.

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SUPPLEMENTAL MEMORANDUM OF LAW TO ACCOMPANY THE STATEMENT OF APRIL 12, 1972, BY JOHN DOAR AND LLOYD CUTLER BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY

In response to this Committee's invitation, we submit a Supplemental Memorandum of Law to accompany and amplify our testimony of April 12, 1972.

Proponents of H.R. 13916—the Moratorium Bill—have urged that Congress may lawfully impose a stay on the effectiveness of future judicial orders providing specific relief for an adjudicated impairment of a constitutional right, when Congress finds the stay necessary to allow it time to enact another measure intended to provide standardized and at least equally effective remedies.[1]

The question so framed is one of first impression; [2] one that, in our judgment, would be very difficult to answer.

However, it is not the question we see posed by H.R. 13916. For this bill—whether taken on its own terms or in conjunction with the companion Equal Educational Opportunities Bill that the Administration has also proposed (H.R. 13915)—has not been shown to be necessary for, or likely to result in, the enactment of standardized and equally effective remedies for adjudicated impairments of constitutional rights. To the contrary, and accepting its stated intentions, it appears on its face to enact a congressional limitation on judicial remedies for previously adjudicated constitutional rights, while Congress considers other measures that would impose still further limitations on those rights and remedies.

I. ENACTMENT OF THE STUDENT TRANSPORTATION MORATORIUM ACT WOULD BE AN UNCONSTITUTIONAL INFRINGEMENT UPON THE JUDICIAL BRANCH

In defending the Bill, the Attorney General emphasized the power that Congress has over the jurisdiction of the lower federal courts and Supreme Court.[3] He argued:

"It seems clear that, if Congress has the power to create or abolish courts and to grant, withhold or revoke jurisdiction, it has the lesser power to grant or deny remedies to the federal courts or, as outlined in the President's proposals, to minimally alter some of the equitable remedies." (Kleindienst Testimony at 1262.)

We, of course, agree that Congress has constitutional power to create lower federal courts and to define their jurisdiction, as well as power to make exception to the appellate jurisdiction of the Supreme Court. But it does not follow from that point, nor is it by any means clear, that Congress could abolish all the lower federal courts. Indeed, no less a constitutional authority than Justice Story thought that Congress could not. *Martin* v. *Hunter's Lessee,* 14 U.S. (1 Wheat.) 304 (1816); 3 Story, Commentaries on the Constitution 449 (1833), and other authorities have supported Justice Story's view.[4] Subsequently, there have been court dicta to the contrary; but of course no court has ever so held since Congress has never tried to abolish all of the lower federal courts.

Even accepting the Attorney General's view of Congress' power over the jurisdiction of the federal courts, it by no means follows that the power over jurisdiction justifies legislation prohibiting all federal courts—even for a one-year period—from ordering busing when such busing is, in the judgment of the court, the only promptly available means of enforcing the constitutional right to equal protection.

Like any other governmental power, the power of Congress over the jurisdiction of federal courts is not an absolute one. For example, no one would suggest, we assume,

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Footnotes at end of article.

that Congress could enact a statute denying original or appellate access to any federal court for claimed violations of First Amendment rights. The federal judicial power granted under Artcle III extends to "*all* cases in law and equity arising under this Constitution" (emphasis supplied), and Congress cannot constitutionally bar *all* federal courts from exercising this power. To take an even more obvious example, Congress could hardly define the jurisdiction of the federal courts to require that, notwithstanding the Sixth and Seventh Amendments, all cases must be tried without juries.

Congress, in the guise of a jurisdictional statute, cannot deprive a party either of a right created by the Constitution or of any remedy the courts deem essential to enforce that right. No case that we know of, including those cited by the Attorney General, refutes this basic premise.

The Norris-LaGuardia experience is not to the contrary. An employer does not have a constitutional right to have a federal court issue an injunction in a case involving or growing out of a labor dispute. Thus, Congress may validly place appropriate limits on the jurisdiction of federal courts to enjoin strikes. Such a limitation does not deprive employers of a constitutionally protected right or remedy, and when the Supreme Court upheld the Act, it had no need to consider any such issue. *See Lauf* v. *E. G. Shinner Co.*, 303 U.S. 323 (1938), upholding the Norris-LaGuardia Act's removal of jurisdiction to enjoin strikes except after a full evidentiary hearing. Such a statute does not dilute or eliminate any constitutional right; if anything, the Norris-LaGuardia statute serves to implement the First Amendment right to peaceful, non-coercive picketing. *See, Thornhill* v. *Alabama*, 310 U.S. 88 (1940). Finally, it should be noted that the carefully and narrowly drawn Norris-LaGuardia Act does not prohibit all injunctions, but instead expressly preserves to the courts power to issue an injunction after a full evidentiary hearing whenever the courts find one necessary to prevent irreparable injury.[5]

Similarly, Congress may limit the courts' injunctive powers in suits challenging the collection of taxes (while providing other fully adequate, exclusive remedies). *See, Snyder* v. *Marks*, 109 U.S. 189 (1833); *Phillips* v. *Commissioner*, 283 U.S. 589, 596–97 (1931) (Brandeis, J.) (prohibition of injunctive relief in tax cases constitutional: "Where only property rights are involved, mere postponement of the judicial enquiry is not a denial of due process, if the opportunity given for the ultimate judicial determination is adequate.") However, Congress cannot, even in tax cases, limit equitable jurisdiction so as to deprive a person of property without due process of law. *See, Enochs* v. *Williams Packing Co.*, 370 U.S. 1 (1962); *Miller* v. *Standard Nut Margarine Co.*, 289 U.S. 498 (1932) (tax enjoined).

Similarly, cases upholding 28 U.S.C. § 2283, which in general forbids federal injunctions of state court proceedings,[6] do not support the moratorium. In fact, such cases support the principle that Congress may not use a jurisdictional limitation to limit constitutional rights. *Younger* v. *Harris*, 401 U.S. (1971) (Black, J.), the most recent case construing this statute, states that generally no constitutional right is infringed by a statute forbidding injunctions of state proceedings: "[T]he moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief." *Id.* at 43–44. However, the Court made it clear that the statute could not be applied to prevent the issuance of an injunction where necessary to prevent irreparable constitutional injury. It noted, quoting *Fenner* v. *Boykin*, 271 U.S. 240 (1926):

"*Ex parte Young*, 209 U.S. 123, and following cases have established the doctrine that when absolutely necessary *for protection of constitutional rights* courts of the United States have power to enjoin state officers from instituting criminal actions. But this may not be done except under extraordinary circumstances where the danger of irreparable loss is both great and immediate." 401 U.S. at 45 (emphasis added).

And *Younger* approved the issuance of an injunction in *Dombrowski v. Pfister*, 380 U.S. 479 (1965), because the facts of that case showed that equitable relief was necessary to prevent irreparable injury to constitutional rights.[7] 401 U.S. at 47–49.

As we have already maintained before the Committee, and for the reasons set forth later in this Memorandum, a denial of a busing remedy may, in the facts of a given case, amount to a denial of equal protection for which there is no adequate remedy at law.

A corollary to the principle that Congress cannot limit the courts' power to issue enforceable judgments is that it cannot enact legislation which prescribes a particular result in a case. Thus, in *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1871), the Court held that a congressional attempt to prescribe a rule of decision in order to make a case come out in a particular way is unconstitutional, even though the statute was phrased in terms of a limitation of the courts' jurisdiction:

"Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question seems to us to answer itself." *Id.* at 147.

See also, Hart and Wechsler, *The Federal Courts and the Federal System* (1953) at 317–318 (Congress has no power to tell a court how to decide a case); *see generally*, Ratner, *Congressional Power Over the Appellate Jurisdiction of the Supreme Court*, 109 U. Pa. L. Rev. 157 (1960).

The basic principle established is that any power of Congress to limit federal court jurisdiction is subject (like the exercise of any other congressional power) to express limitations in the Constitution, including the Fifth and Fourteenth Amendments. See *Battaglia* v. *General Motors Corp.*, 169 F. 2d 254, 257 (2d Cir.), *cert. denied*, 335 U.S. 887 (1948) (jurisdictional power must not be exercised so "as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation").

Ex parte McCardle, 74 U.S. (7 Wall.) 506 (1868), much relied on by the Attorney General, may be thought to support the Moratorium Act; actually, it indicates that the Moratorium Act would not be constitutionally permissible. In *McCardle*, the Court upheld a post-Civil War Act of Congress that deprived the Supreme Court of appellate jurisdiction over lower federal court decisions in habeas corpus cases.[8] But the Court took care to distinguish this statute from other cases in which courts had struck down "the exercise of judicial power by the legislature, *or of legislative interference with courts in the exercising of continuing jurisdiction.*" *Id.* at 514 (emphasis added). As an example of this distinction, *McCardle* cited with approval *State v. Fleming*, 7 Humphreys 152 (Tenn. 1846), which had held that the legislature "has no power to interfere with the administration of justice, either criminal or civil, in the courts; . . ." *Id.* at 154. Similarly, the Court approved *De Chastellux v. Fairchild*, 15 Penn. State 16, 21 (1850), where the Court said that it was self-evident in the structure of government that the legislature has no power to exercise judicial functions. "[I]t is not more intolerable in principle [for the legislature] to pronounce an arbitrary judgment against a suitor, than it is injurious in practice to deprive him of a judgment, . . ." (emphasis added).[9]

We therefore conclude that the proposed Moratorium Act, even if it were rewritten in the guise of a jurisdictional statute, would be unconstitutional.

Neither can the Moratorium be justified as a stay of court orders while the orders themselves or the courts' authority to enter them are being reviewed by Congress. The Supreme Court has held many times that the congressional authority to grant or remove jurisdiction in broad classes of cases does not include the authority to review decisions within a court's jurisdiction before permitting those decisions to become effective, or to require the courts to decide such cases in congressionally specified ways.

The earliest relevant decisions in this area were written in 1792—when the Constitution and the Judiciary Act of 1789 were only three years old. Congress had enacted a statute in 1792 to govern pensions for disabled veterans of the Revolutionary War. It empowered federal and state courts, upon application of a veteran, to determine what pension, if any, should be paid. The decision of the court was to be transmitted to the Secretary of War; he might decline to follow the decision if he suspected a mistake or imposition. The Secretary's decision was then to be transmitted to Congress, and if Congress agreed with the decisions of the court and the Secretary, it would appropriate the necessary pension funds. The Circuit Court for the District of Pennsylvania refused to consider the pension application of one William Hayburn under this statute, and the Attorney General sought a writ of mandamus in the Supreme Court. *Hayburn's Case*, 2 U.S. (2 Dall.) 408 (1792).

In *Hayburn's Case*, Congress wisely avoided a constitutional confrontation by amendatory legislation before the Supreme Court actually ruled. The Court's opinion was analogous to a dismissal for mootness under modern practice. Nevertheless, the Court incorporated in the margin of its opinion some of the earliest and most authoritative thinking on the constitutional metes and bounds that separate the legislative from the judicial function.

Cited in *Hayburn's Case*[10] are court opinions holding under the principles of separation of powers that a court decision subject to review by Congress is nonjudicial in nature, and that the courts are powerless to exercise nonjudicial functions; whenever a court is exercising Article III judiciary power, no legislature may review such a decision. The Circuit Court for the District of New York, consisting of Chief Justice Jay, Justice Cushing and a district judge, had unanimously held: "[B]y the constitution, neither the secretary at war, nor any other executive officer, nor even the legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court." 2 U.S. (2 Dall.) at 410 n. (a). The Circuit Court for the District of Pennsylvania (consisting of two Supreme Court Justices and a district judge) had jointly written the President in 1792 protesting the Pension Act (*id.*, at 411 n. (a)):

"It is a principle important to freedom, that in government, the *judicial* should be distinct from, and independent of, the legislative department. To this important principle, the people of the United States, in forming their constitution, have manifested the highest regard. They have placed their *judicial* power, not in congress, but in *'courts.'* They have ordained that the 'judges of those courts shall hold their offices during good behavior,' and that 'during their continuance in office, their salaries shall not be diminished.'

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Footnotes at end of article.

"Such revision and control [of judicial decision by a legislature] we deemed radically inconsistent with the independence of that judicial power which is vested in the courts; and consequently, with that important principle which is so strictly observed by the constitution of the United States." (Emphasis in original.)

And the Circuit Court for the District of North Carolina (consisting of a Supreme Court Justice and a district judge) had also written the President (*id.* at 413 n. (a)):

". . . whether the power in question is properly of a judicial nature, yet, inasmuch as the decision of the court is not made final, but *may be at least suspended in its operation*, by the secretary at war, if he shall have cause to suspect imposition or mistake; *this subjects the decision of the court to a mode of revision, which we consider to be unwarranted by the constitution;* for though congress may certainly establish, in instances not yet provided for, courts of appellate jurisdiction, yet such courts must consist of judges appointed in the manner the constitution requires, and holding their offices by no other tenure than that of their good behavior, by which tenure the office of secretary at war is not held. And we beg leave to add, with all due deference, that *no decision of any court of the United States can, under any circumstances, in our opinion, agreeable to the constitution, be liable to a revision, or even suspension, by the legislature itself, in whom no judicial power of any kind appears to be vested,* but the important one relative to impeachments." (Emphasis added.)

A year after *Hayburn's Case,*[11] in 1793, the separation of powers doctrine was further clarified in an exchange of correspondence familiar to every law student. Thomas Jefferson, then Secretary of State, asked the Supreme Court for a legal opinion on the effect of certain treaties. The Court refused, explaining to President Washington in a letter dated August 8, 1793, that courts may not constitutionally give advisory opinions. *See* 3 Johnston, *Correspondence and Public Papers of John Jay,* 486–89 (1891).

A court decree that has no effect until Congress implements it or allows it to be enforced amounts to an advisory opinion. In *Gordon* v. *United States,* 117 U.S. 697 (1864), an act of Congress conferring appellate jurisdiction on the Supreme Court for review decisions of the Court of Claims was held unconstitutional because Court of Claims judgments (even after Supreme Court review) could not then be paid until the necessary appropriation had been estimated by the Secretary of the Treasury and approved by the Congress on a case-by-case basis. Chief Justice Taney pointed out (in an opinion published after his death) that the entire purpose of the Supreme Court was to ensure its impartiality and complete independence from the legislative power (117 U.S. 701). Taney explained that inherent in the exercise of judicial power and essential to any judgment of a court and to its independence is the award of relief and the possibility of execution on final judgment.

"Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without remedy. . . . unless Congress should at some future time sanction it, and pass a law authorizing the court to carry its opinion into effect. Such is not the judicial power confided to this Court. . . . " (*Id.* at 702)

See *Muskrat* v. *United States,* 219 U.S. 346, 354 (1911), citing *Gordon* with approval and noting Chief Justice Taney's opinion as one of "great learning."

In a school desegregation case over which a federal district court has jurisdiction and in which the court has found deprivation of a constitutional right, the court may in the exercise of its equity power enter an order requiring some busing in order to fashion an effective remedy. The Student Transportation Moratorium Act would render such an order "inoperative and nugatory, leaving the aggrieved party without remedy" unless Congress some time between now and July 1, 1973 decides otherwise.[12] *See Schneiderman* v. *United States,* 320 U.S. 118, 168–69 (1943), where Justice Rutledge stated, concurring, that Congress may not make:

". . . an adjudication under Article III merely an advisory opinion or prima facie evidence of the fact or all the facts determined. Congress has, with limited exceptions, plenary power over the jurisdiction of the federal courts. *But to confer the jurisdiction and at the same time nullify entirely the effects of its exercise are not matters heretofore thought, when squarely faced, within its authority.*" (Footnotes omitted; emphasis added.)

This basic principle—rooted in the independence of the judiciary and the doctrine of the Separation of Powers—was again reaffirmed by Justice Jackson, speaking for the Court in *Chicago & Southern Air Lines v. Waterman Steamship Corp.,* 333 U.S. 103, 113 (1948), when he observed:

"Judgments within the powers vested in courts by the Judiciary Article of the Constitution may not lawfully be revised, overturned or refused faith and credit by another Department of Government."

One of the most recent of these cases is *Glidden v. Zdanok,* 370 U.S. 530 (1962), a case, upon which the Attorney General has relied. In *Glidden,* Mr. Justice Harlan, speaking for the Court, held that the Court of Claims and the Court of Customs and Patent Appeals were Article III courts of the Constitution (and not legislative courts). Mr. Justice Harlan, in considering the history of the Court of Claims, noted—as we explained above—that the Supreme Court, early in the history of the Court of Claims, had held that the Court of Claims was not an Article III court because its judgments were subject to case-by-case review by the Secretary of the Treasury before he recommended an appropriation to pay each judgment. Subsequently, Congress repealed the statute which gave the Secretary of the Treasury the power to review each judgment on a case-by-case basis before an appropriation was made. The Supreme Court then exercised its Article III judicial review of the Court of Claims. Later, when the Secretary of the Treasury sought to reassert this power to review a judgment of the Court of Claims—that is, the Secretary refused to pay part of a judgment—the Supreme Court held the refusal unwarranted: the Executive may not review judicial power. 370 U.S. at 555. By the same token, Congress may not review Court orders. The constitutional method of reversing lower courts is the appellate process within the judicial branch.

Mr. Justice Harlan did agree that Congress has power over both the jurisdiction of the lower federal courts and the Supreme Court's appellate jurisdiction. 370 U.S. 530, 567. But Mr. Justice Harlan, in the very next sentence, added an important *caveat*:

"*The authority* [*over jurisdiction*] *is not, of course, unlimited.* In 1870, Congress purported to withdraw jurisdiction from the Court of Claims and from this Court on appeal over cases seeking indemnification for property captured during the Civil War, so far as eligibility therefor might be predicated upon an amnesty awarded by the President, as both courts had previously held that it might. Despite *Ex parte McCardle, supra,* the Court refused to apply the statute to a case in which the claimant had already been adjudged entitled to recover by the Court of Claims, calling it an unconstitutional attempt to invade the judicial province by prescribing a rule of decision in a pending case. *United States* v. *Klein,* 13 Wall. 128. Surely no such concern would have been manifested if it had not been thought that the Court of Claims was invested with judicial power," 370 U.S. at 568 (emphasis added).

In the light of these cases and the constitutional principles that underlie them, the Student Transportation Moratorium Act would unconstitutionally interfere with the authority of courts to issue judgments in cases over which they have jurisdiction.

II. THE STUDENT TRANSPORTATION MORATORIUM ACT WOULD IMPOSE CONTINUING 14TH AMENDMENT INJURY ON SCHOOLCHILDREN AND WOULD THEREFORE VIOLATE THE FIFTH AMENDMENT

A. Legal context of busing

Consideration of the constitutionality of the proposed Student Transportation Moratorium Act of 1972 should begin with a review of the authority by which and the circumstances under which courts order busing.

Courts order school desegregation only where they have found that the segregated conditions are due, at least in part, to official conduct in violation of the Fourteenth Amendment.[13] Once a court has found a constitutional violation, however, the Fourteenth Amendment requires the discriminating agency to "effectuate a transition to a racially nondiscriminatory school system," *Brown* v. *Board of Education,* 349 U.S. 294, 301 (1955) (*Brown II*) and to "take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *School Board of New Kent County,* 391 U.S. 430, 437–38 (1968). The authority of the federal courts to issue orders requiring such affirmative action is inherent in their equity power. *Brown II, supra.* The validity of court orders is not affected by the fact that they may be difficult or burdensome:

"All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." *Swann* v. *Charlotte-Mecklenburg Board of Education,* 402 U.S. 1, 28 (1971).

As Chief Justice Burger observed in *Swann, supra,* at 30, busing is one "remedial technique . . . within [the] court's power to provide equitable relief . . ." in a case of constitutional injury to school children.

"[W]e find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school." *Ibid.*

Other techniques include teacher transfers, majority-minority "free" student transfers, rezoning (gerrymandered or "satetlite" or both), pairing, and new school construction. Courts order busing in combination with other techniques.

"The scope of permissible transportation of students as an *implement of a remedial decree* has never been defined by this Court and by the very nature of the problem it cannot be defined with precision. No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations." *Swann, supra,* at 29 (emphasis added).

That busing may be found to be an *indispensable* ingredient for effective and speedy desegregation is illustrated by *North Carolina State Board of Education* v. *Swann,* 402 U.S. 43 (1971), in which the Court unanimously struck down as unconstitutional

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Footnotes at end of article.

North Carolina's Anti-busing Law. The state law "operate[d] to hinder vindication of federal constitutional guarantees." *Id.* at 45. Chief Justice Burger observed:

"The legislation before us flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools. The prohibition is absolute, and it would inescapably operate to obstruct the remedies granted by the District Court in the *Swann* case." *Id.*

Busing plans are therefore appropriate ingredients of effective remedies by which unconstitutional segregation can be eliminated root and branch, speedily, and effectively. In some cases, effective relief may be found to be impossible without busing. With this in mind, we turn to an analysis of the proposed Student Transportation Moratorium Act of 1972. The bill would operate to stay the implementation of any court-ordered busing plan, notwithstanding the district court's proper jurisdiction, its findings of unconstitutional state action, and its determination that busing is an appropriate ingredient of the action required to achieve the effective desegregation required by the Constitution.

B. Irreparable harm in further delay

As we have already pointed out, constitutionality of the Moratorium Bill would depend on whether it could be clearly demonstrated that the moratorium was needed to enable Congress to enact the contemplated remedial legislation, and that in the remedial legislation Congress intended to protect and enforce rather than to limit the Fourteenth Amendment rights involved, and to provide at least equally effective remedies for their impairment.

It would be difficult to demonstrate that a moratorium is necessary in order to allow Congress calmly, and with deliberation, to fashion appropriate subsequent legislation. The question is one of jurisdictional fact and would be subject to review by the courts. *Sterling v. Constantin,* 287 U.S. 378, 403 (1932) (Hughes, C. J.); *Ng Fung Ho v. White,* 259 U.S. 276 (1922). Since Congress—without a moratorium—is now considering substantive legislation in a "very calm, very deliberate, very unemotional" atmosphere (Remarks of Cong. McClory, Apr. 13, 1972 at 1412), a moratorium appears unnecessary. As HEW Secretary Richardson acknowledged, "the deliberations of this committee fully deserve the characterization [Congressman McClory has] given them." *Id.* at 1413.

Nor may it be argued that because seventeen years have already passed since the Supreme Court issued its opinion in *Brown v. Board of Education,* 349 U.S. 294, 301 (1955) (*Brown II*), Congress may now delay effective relief for an additional year. That argument fails because it does not take into account the long line of Supreme Court cases holding not only that the Fourteenth Amendment requires effective remedies to eliminate racial segregation in the public schools, but also that delays in the implementation of effective means are now intolerable. Delays are intolerable because the constitutional injury of segregation inflicted upon school children is "devastating [and] often irreparable . . . ." *Dandridge v. Jefferson Parish School Board,* 404 U.S. 1219, 1220 (1971) (Justice Marshall, in chambers). "[T]he rights of school children to schooling under nondiscriminatory and constitutional conditions cannot be recaptured for any school semester lived under discrimination practices. Nor can any court thereafter devise an effective remedial measure." *Kelley v. Metropolitan County Board of Education,* 436 F. 2d 856, 862 (6th Cir. 1970).

Eighteen years ago, the novelty of the decision in *Brown v. Board of Education of Topeka,* 347 U.S. 483 (1954), and the anticipated difficulty and complexity of fashioning appropriate relief led the Supreme Court to order something less than immediate results. The Supreme Court ordered "all deliberate speed" in desegregation but required school districts to make a "prompt and reasonable start toward full compliance," holding that: "The burden rests upon the defendants to establish that [additional] time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." *Brown v. Board of Education of Topeka,* 349 U.S. 297, 300 (1955) (*Brown II*).

The "deliberate speed" time factor established by *Brown II* was allowed to stand for nearly a decade. In 1963, in *Goss v. Board of Education of Knoxville,* 373 U.S. 683, 689, the Supreme Court referred to the "deliberate speed" language of *Brown II* and observed, "[E]ight years after this decree was rendered and over nine years after the first *Brown* decision, the context in which we must interpret and apply this language to plans for desegregation has been significantly altered." In 1964, in *Griffin v. County School Board of Prince Edward County,* 377 U.S. 218, the Court observed at 234: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia." *See Calhoun v. Latimer,* 377 U.S. 263, 264 (1964), remanding for further consideration a desegregation plan adopted by the Atlanta Board of Education in 1964, on the basis of petitioners' assertion that it would not achieve desegregation "until sometime in the 1970's."

By 1968, in *Green* case, delay for purposes of allowing "freedom of choice" a chance to work had become constitutionally intolerable. The Court found (391 U.S. at 438–39):

"[A] plan that at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is . . . intolerable. . . . The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now.*" (Emphasis in original.)

Conceding that "freedom of choice" might in some circumstances put an end to desegregation, the Court nevertheless said (391 U.S. at 441):

"[I]f there are reasonably available other ways, such for illustration as zoning, promising *speedier* and *more effective* conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable. (Emphasis added.)

The test established by *Green* was effectiveness, and the Court made it clear that a critical element of effectiveness is speed.

The immediacy of the relief required by the Fourteenth Amendment was firmly established in 1968. On August 21 of that year, the Justice Department moved the Fifth Circuit to allow more time for desegregation of the Holmes County, Mississippi, public schools. The private plaintiffs applied to Justice Black for a stay of the Fifth Circuit's decision granting the motion. Mr. Justice Black denied the stay, but he invited the applicants to present the issue to the full Court at the earliest possible opportunity and he wrote:

"[T]here is no longer the slightest excuse, reason or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color." *Alexander v. Holmes County Board of Education,* 396 U.S. 1218, 1220 (1969) (Black, Circuit Justice, in Chambers).

"I would . . . hold that there are no longer any justiciable issues in the question of making effective not only promptly but at once—*now*—orders sufficient to vindicate the rights of any pupil in the United States who is effectively excluded from a public school because of his race or color.

"It has been 15 years since we declared in *Brown I* that a law which prevents a child from going to a public school because of his color violates the Equal Protection Clause. As this record conclusively shows, there are many places still in this country where the schools are either 'white' or 'negro' and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute." *Id.* at 1222.

Two months later, in October, 1969, the full Court per curiam followed Justice Black's lead and held:

"[T]he Court of Apepals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer *constitutionally permissible.* Under explicit holdings of this Court, the obligation of every school district is to terminate duel school systems at once and to operate now and hereafter only unitary schools." *Alexander v. Holmes County Board of Education,* 396 U.S. 19, 20 (emphasis added).

Thereafter, the United States Court of Appeals for the Fifth Circuit, in *Singleton v. Jackson Municipal Separate School District,* 419 F.2d 1211, 1216 (1969), conceded that the *Alexander* opinion "shift[ed] the burden from the standpoint of time for converting to unitary school systems." In language very significant for Congress' consideration of the present proposal for a Moratorium, the Fifth Circuit observed:

"The shift is from a status of litigation to one of unitary operation pending litigation. The new modus operandi is to require immediate operation as unitary systems. Suggested modifications to unitary plans are not to delay implementation. Hearings on requested changes in unitary operating plans may be in order but no delay in conversion may ensue because of the need for modification or hearing." *Id.*

The Fifth Circuit nevertheless did allow, in the twelve consolidated cases before it, a one-semester delay in the implementation of pupil transfer plans because the order came in the middle of a school year. Plaintiffs went back to the Supreme Court. There, under the name of *Carter v. West Feliciana Parish School Board,* 396 U.S. 290, decided January 14, 1970, the Court held per curiam that even a one-semester deferral of student desegregation misconstrued the immediacy required by its holding in *Alexander.* Justices White and Harlan, concurring, offered as a yardstick "the conclusion that in no event should the time from the finding of noncompliance with the requirements of the *Green* case to the time of the actual operative effect of the relief, including the time for judicial approval and review, exceed a period of approximately eight weeks. This, I think, is indeed the 'maximum' timetable established by the Court today for cases of this kind." 396 U.S. at 293. Justices Black, Douglas, Brennan and Marshall, however, disassociated themselves even from the eight-week timetable, because they believed "that those views retreat from our holding in *Alexander* . . . ." *Ibid. See also Dowell v. Board of Education of Oklahoma City Public Schools,* 396 U.S. 269 (1969), reversing an order of the Tenth Circuit staying implementation of a desegregation plan: "[T]he Court of Appeals should have permitted [the plan's] implementation pending argument and decision of the appeal." 396 U.S. at 271.

It is clear from the foregoing that in school desegregation cases, the Fourteenth Amendment requires effective relief; that "effective relief" means immediate relief; and that the courts may not permit delays in the implementation of effective relief, because delays continue irreparable, constitutional injury to the school children involved. In cases where federal courts find that busing orders are necessary to provide effective relief for denials of equal protection found to have occurred, every day of the pendency of a moratorium enacted by Congress would inflict further constitutional harm on the school children involved.

School boards thus may not delay implementation of school desegregation plans that promise to work "now." *Griffin, Green, Alexander, supra.* State legislatures and governors may not hamper the implementation of effective remedies, whether by anti-busing statutes, *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971)[14] or by other kinds of delay and interference with court-ordered desegregation. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218 (1964); *Cooper* v. *Aaron*, 358 U.S. 1 (1958). Congress has no less stringent constitutional responsibilities in this regard than any state agency. Yet, if Congress were to enact the Student Transportation Moratorium Act of 1972, it would be implicating itself in exactly the kind of delaying activity prohibited for school boards, state legislatures and governors. The Moratorium would be the direct cause of continuing denial of equal protection where a constitutional violation has already been found and where busing has been decreed a necessary part of the effective remedy. In short, by staying implementation of an effective remedy, Congress would be acting in aid of racial discrimination and therefore in violation of the due process clause of the Fifth Amendment. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954); *Gautreaux* v. *Romney*, 448 F.2d 740 (7th Cir. 1970). *See Green* v. *Kennedy*, 309 F.Supp. 1127, 1136 (D.C. C.C. 1969), *dismissed for want of jurisdiction sub nom. Coit* v. *Green*, 400 U.S. 986 (1971). *Cf. Battaglia* v. *General Motors Corp.*, 169 F.2d 254, 257 (2d Cir.), *cert. denied* 335 (U.S. 887 (1948).

Moreover, in light of the stay provisions of the recently enacted Education Amendments of 1972, 86 Stat. 235 (June 23, 1972), a moratorium becomes unnecessary and even more difficult to justify. Under the stay provisions, busing orders issued by lower courts are automatically stayed pending appeal.[15] Thus any errors by lower courts in ordering busing when such busing is not warranted by law may be corrected through the normal judicial process.

C. Section 5 of the 14th amendment

The proposed Moratorium is not made lawful by Section 5 of the Fourteenth Amendment, which authorizes Congress "to enforce, by appropriate legislation," the equal protection guarantee.

In the first place, the Moratorium Act, on its face, does not purport to enforce the guarantees of the Fourteenth Amendment. The statement of purposes of the Act mentions the Amendment only in noting that courts are likely to require implementation of desegregation plans "that impose a greater obligation than required by the Fourteenth Amendment. . . ." Section 2(a)(5). And, since the Act does no more than stay execution of busing orders for a time, it is plainly not itself an expression of equal protection standards or means for their enforcement. The intent of the Moratorium is not to enforce the guarantees of the Amendment, but rather to protect interests not protected but perhaps threatened by the Amendment from injury by allegedly overzealous enforcement of the Amendment's guarantees.[16]

In the second place, even assuming that the Moratorium Act can reasonably be viewed as an effort by Congress to enforce what it believes to be the command of the Fourteenth Amendment, it can find no support in Section 5.

Those who would base the Act on Section 5 rest their argument on the Supreme Court's opinion in *Katzenbach v. Morgan*, 384 U.S. 641 (1966) which upheld Congress' power under Section 5 to prohibit enforcement of a state literacy requirement. The argument for the Moratorium is that under Section 5 Congress may conclude that the Fourteenth Amendment does not require busing, even though the courts, in the absence of congressional action, might have thought busing necessary to achieve contitutional guarantees. This argument is seriously flawed.

Section 5 is a remedial provision which, while authorizing Congress to *enforce* Fourteenth Amendment protections, does not empower Congress to define the scope of those protections. This was made clear in *Oregon v. Mitchell*, 400 U.S. (1970), in which the Supreme Court struck down a provision of the Voting Rights Act Amendments of 1970 which lowered the minimum voting age in state and local elections from 21 to 18.

Three of the nine Justices had maintained that Congress was empowered by Section 5 to determine that denial of the franchise to persons between the ages of 18 and 21 was a denial of equal protection, regardless of whether the court could so find absent such a statute. But the Supreme Court rejected that view. Justice Stewart, in an opinion joined by Chief Justice Burger and Justice Blackmun, expressely rejected the notion that Congress had the power "to determine as a matter of substantive constitutional law what situations fall within the ambit of the [Equal Protection] clause, and what state interests are 'compelling.'" 400 U.S. at 296.

Justice Harlan, in his separate opinion, reasoned as follows:

"In Article V, the Framers expressed the view that the political restraints on Congress alone were an insufficient control over the process of constitution making. The concurrence of two-thirds of each House and of three-fourths of the States was needed for the political check to be adequate. To allow a simple majority of Congress to have final say on matters of constitutional interpretation is therefore fundamentally out of keeping with the constitutional structure. Nor is that structure adequately protected by a requirement that the judiciary be able to perceive a basis for the congressional interpretation . . ." 400 U.S. at 205.

Furthermore, whatever the force of Section 5 in Congress' relations with the states, that Section does not augment Congress' power vis-a-vis the federal courts. The history of Section 5 plainly demonstrates that its purpose was simply to enable "Congress, in case the States shall enact laws in conflict with the principles of the amendment, to correct that legislation by a formal congressional enactment." Remarks of Senator Howard, who reported the Amendment to the Senate from the Joint Committee on Reconstruction, *Cong. Globe*, 39th Cong., 1st Sess., 2766, 2768 (1866). That Section 5 was not intended to give Congress greater power than the federal courts to define constitutional rights is unequivocally demonstrated by the history of Section 1 of the Fourteenth Amendment. The first draft of that Section provided that "Congress shall have power to make all laws . . . to secure . . . to all persons . . . equal protection. . . ." This draft was rejected in large part because it failed to entrench the stated guarantees against a future unsympathetic Congress. *See* Burt, *Miranda and Title II: A Morganatic Marriage*, 1969 Sup. Ct. Rev. 81, 92–93 (1969). Thus, the Amendment as adopted leaves the Courts with the last word in defining the rights protected by the Constitution.

The cases which have arisen under Section 5 reinforce the view that that Section concerns only questions of federalism—the Federal Government's relations with the states—not issues of checks and balances between Congress and the Federal Judiciary. In both *Morgan* and *Oregon* the issue was whether Congress had the power to find state laws unconstitutional where the courts had made no decision. In neither case was there a question of whether Congress could override an inconsistent determination by a federal court. The early cases, too, focused on the relations between Congress and the states and stressed the requirement that the object of legislation under Section 5 be to uphold the rights protected by the Amendment against State action. *See Ex parte Virginia*, 100 U.S. 339 (1879); *Virginia v. Rivers*, 100 U.S. 313 (1879); *Strauder v. West Virginia*, 100 U.S. 303 (1879). Some cases went so far as to strike down federal legislation where the court rejected the judgment of the Congress that the action at which the statutes were directed was violative of the Fourteenth Amendment. *Civil Rights Cases*, 109 U.S. 3 (1883); *United States v. Harris*, 106 U.S. 629 (1882).

Moreover, regardless of the power of Congress to *extend* by its legislation the rights protected by the Fourteenth Amendment, it is not permitted by Section 5 to *limit* those rights. As the Court noted in *Morgan:*

"§ 5 does not grant Congress power to exercise discretion in the other direction and to enact 'statutes so as in effect to dilute equal protection and due process decisions of this Court.' We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by § 5—a measure 'to enforce' the Equal Protection Clause since that clause of its own force prohibits such state laws." 384 U.S. at 651 n. 10.

See also Oregon v. Mitchell, 400 U.S. 112, 128–29 (1970) (Black, J.).

Any other reading of Section 5 would conflict with the congressional purpose to secure Equal Protection Guarantees against a hostile Congress. Indeed, to read Section 5 as permitting restrictions of Equal Protection Rights would be to ignore the command of the Fifth Amendment that the federal government, including the Congress, as well as the States, is bound by the Equal Protection Clause. *Morgan* itself recognized this and made it perfectly clear that the lawfulness under the Equal Protection Clause of a congressional enactment is to be tested by the courts, even if the enactment purports to "enforce" the Clause under Section 5.384 U.S. at 656.

To read Section 5 as authorizing only extensions of Fourteenth Amendment guarantees, and not restrictions of those guarantees, not only accords with the language of *Morgan* and the command of the Fifth Amendment, it also makes good sense in our constitutional scheme. As former Solicitor General Archibald Cox has noted:

"There is not a priori reason for linking power to expand constitutional safeguards with power to dilute them. One can assert without logical fallacy that, since the chief function of the Supreme Court is to protect human rights, it should never defer to any legislative determination which restricts those rights without making its own investigation and characterization of the interest affected, even though it welcomes any legislative determination that extends human rights and is subject to challenge only as an unconstitutional extension of federal power at the expense of the States." Cox, *The Role of Congress in Constitutional Determinations*, 40 U. Cinn. L. Rev. 199, 253 (1971).

In sum, nothing in Section 5 or in the *Morgan* case justifies congressional interference with constitutional decisions of the federal courts. Perhaps, as Professor Cox has

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Footnotes at end of article.

suggested, Congress could revamp America's educational system in a way which would comply with equal protection guarantees and render unnecessary certain court-ordered remedies such as busing. But until that revamping is an accomplished fact, where federal courts have found busing necessary to achieve compliance with the constitutional command, Congress may not—under the guise of "enforcing" the Equal Protection Clause—simply prevent the enforcement or execution of the Court's order.

CONCLUSION

It is our view that the proposed Moratorium and Equal Opportunities Bills are unconstitutional. They infringe on the Judicial Branch in violation of Article III of the Constitution. If the Bills were redrawn in the guise of jurisdictional statutes, they would still be unconstitutional because the courts have held that segregated schools cause irreparable injury, which, under certain circumstances, can only be remedied by some constitutionally required busing. Congress, it is true, has power under Section 5 of the Fourteenth Amendment to implement and enforce that Amendment; and Congress could enact a pervasive, regulatory scheme to deal with the problem of school segregation, which scheme would not run afoul of the Fourteenth Amendment if the courts found that all congressional remedies were adequate to protect constitutional rights. But where federal courts have found busing necessary to achieve compliance with the constitutional command, Congress may not—in the guise of "enforcing" the Equal Protection Clause—simply prevent the enforcement or execution of the court's order.

FOOTNOTES

[1] *E.g.*, Testimony of HEW Secretary Richardson (Apr. 13, 1972) at 1372, 1382, 1420 (hereinafter cited as "Richardson testimony"). Testimony of Acting Attorney General Kleindienst (Apr. 12, 1972) at 1279–80, 1284 (hereinafter cited as "Kleindienst Testimony").

[2] The only Supreme Court decision dealing with a legislative moratorium on judicial action is *Home Building & Loan Ass'n* v. *Blaisdell*, 290 U.S. 398 (1934), which sustained a Minnesota statute allowing courts to extend the redemption period of mortgages and thus postpone judicial foreclosure, but did so on the ground that the mortgage contract was inherently subject to modification by state law so that the constitutional ban on impairing the obligation of contracts had not been violated. The case is no precedent for a moratorium which by definition postpones the only relief a court finds effective for the adjudicated impairment of a constitutional right.

[3] Kleindienst Testimony at 1261–62.

[4] For example, Professor Goebel in his definitive work, *The Oliver Wendell Holmes Devise History of the Supreme Court of the United States: Antecedents and Beginnings to 1801* (P. Freund, ed. 1971), concludes at 243, n. 228, that the Constitution "robbed Congress of discretion whether or not to create inferior [federal] courts and left only discretion as to what courts were to be set up and to make changes." *See also id.* at 246–47; *Eisentrager v. Forrestal*, 174 F. 2d 961, 965–66 (D.C. Cir. 1949) (Prettyman, J.), *rev'd on other grounds, sub nom. Johnson v. Eisentrager*, 339 U.S. 763 (1950).

[5] 29 U.S.C. § 107 provides:

"No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as defined in this chapter, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—" [the statute here requires a showing of substantial injury, no adequate remedy at law, etc.]

[6] 28 U.S.C. § 2283 provides:

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

[7] *See also Oesterlich v. Selective Service Board*, 393 U.S. 233, 243–44 (1968), where Mr. Justice Harlan, concurring, notes that if § 10(b)(3) of the Military Selective Service Act of 1967—which limits the courts' jurisdiction to review selective service cases—were interpreted to preclude the opportunity to raise a constitutional issue in a competent forum, the statute would raise "serious constitutional problems." *See also id.* at 243, n. 6.

[8] Even after this statute was enacted, the Supreme Court still had original habeas corpus jurisdiction as well as power to review lower court habeas corpus decisions by writ of certiorari. *Ex parte Yerger*, 75 U.S. (8 Wall.) 85 (1868); *cf. Ex parte McCardle*, 74 U.S. (7 Wall.) at 515.

[9] *See also* the great deal of respectable authority holding that there could be no legislative meddling with the Supreme Court's appellate jurisdiction except for a narrow regulation of minor housekeeping items. So concludes Goebel, *The Oliver Wendell Holmes Devise History of the Supreme Court of the United States: Antecedents and Beginnings to 1801* (P. Freund, ed. 1971) at 240 ("exceptions clause" in Article III grant of appellate jurisdiction must be interpreted in light of contemporary state practice in which "regulations had been confined largely to such details as setting appealable minima or periods of limitation, and 'exceptions' of certain proceedings where neither error nor certiorari has been traditionally available."); *see also* Merry, *Scope of the Supreme Court's Appellate Jurisdiction: Historical Basis*, 47 Minn. L. Rev. 53 (1962).

[10] Note (a) to 2 U.S. (2 Dall.) at 410 explains:

"As the reasons assigned by the judges, for declining to execute the first act of Congress, involve a great constitutional question, it will not be thought improper to subjoin them, in illustration of Hayburn's case."

[11] The decisions reported in the margin of *Hayburn's Case* have been approved and relied on as a correct interpretation of the Constitution in subsequent cases, including, *e.g., Muskrat v. United States*, 219 U.S. 346, 352–53 (1911), and *United States v. Ferreira*, 54 U.S. (13 How.) 40 (1852) (Taney, J.) (see especially *id.* at 52–53—"Note by the Chief Justice, Inserted by Order of the Court").

[12] *Cf. Sterling v. Constantin*, 287 U.S. 378, 403 (1932) (Hughes, C.J.): "If the matter is one of judicial cognizance, it is because of an alleged invasion of a right, and the judicial power necessarily extends to the granting of the relief found to be appropriate according to the circumstances of the case."

[13] *Swann v. Charlotte-Meckenburg Board of Education*, 402 U.S. 1, 16 (1971); *Deal v. Cincinnati Board of Education*, 369 F. 2d 55, 62 (6th Cir. 1966): *Bell v. School City of Gary*, 324 F. 2d 209 (7th Cir. 1963), *cert. denied* 377 U.S. 924 (1964); *U.S. v. School District 151 of Cook County, Illinois*, 286 F. Supp. 786, 797 (N.D. Ill. 1968); *aff'd*, 404 F. 2d 1125 (1968); *Taylor v. Board of Education of City of New Rochelle*, 191 F. Supp. 181, 182–83 (S.D.N.Y. 1961), *aff'd* 294 F. 2d 36 (2d Cir. 1961), *cert. denied* 368 U.S. 940 (1961).

[14] In this case a unanimous court, speaking through Mr. Chief Justice Burger, struck down a North Carolina statute banning involuntary busing.

[15] Section 803, 86 Stat. 372, provides:

"Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974."

[16] Indeed, far from *enforcing* the provisions of the Fourteenth Amendment, the Act—by encouraging delay, resistance, and intransigence to constitutionally required desegregation—may involve the Federal Government in unconstitutional denials of equal protection. As the Supreme Court held in *Reitman v. Mulkey*, 387 U.S. 369 (1967), even government action which is otherwise permissible may be unconstitutional if, after examination of its "immediate objective," its "ultimate effect" and its "historical context and the conditions existing prior to its enactment," it appears that the action "encourages" discrimination.

Mr. JAVITS. Mr. President, I yield 15 minutes to the distinguished Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. BROOKE. Mr. President, I send to the desk two amendments both of which are qualified under the rule.

The PRESIDING OFFICER. The amendments will be received.

Mr. BROOKE. Mr. President, early on the morning of August 18, the House of Representatives sounded the first call for a retreat from the promise of the 14th amendment. And now the Senate is asked to hastily echo this call without proper consideration of its portent.

In the harried closing days of this Congress, proponents of H.R. 13915 urge the Senate to rush to undo the slow but inexorable progress of two decades and to invite the most serious constitutional confrontation in over a century.

They would have us say to millions of Americans that segregation is preferable to possible inconvenience, that fears are more persuasive than facts and that political opportunity is more compelling than our constitutional responsibility.

Mr. President, how can we teach our children respect for the law, if we in the U.S. Senate treat the law with contempt?

The law of the land for 18 years has been clear: Segregation of public schools by official act is a violation of the equal protection clause of the 14th amendment. Time and again, the Supreme Court has unanimously affirmed Brown against Topeka Board of Education and the process of desegregation has continued. Though at times it was slowed by resistance, reason has prevailed and responsible citizens have accepted necessary remedies to constitutional violations. And this has brought hope to millions of Americans that we can, and shall, be one Nation. The separate but equal doctrine of Plessy against Ferguson that divided America for 60 years must never return. Yet the measure before us, cynically entitled the "Equal Educational Opportunities Act of 1972," contains the prescription for abandoning equal educational opportunities and for returning to separate but equal facilities.

Mr. President, I have lived in this country for many years and served in many offices. I have never seen anything both separate and equal in this Nation.

I have no doubt that this invidious prescription is unconstitutional and I shall discuss the constitutional aspects of this measure later. But I ask now, how can the Congress even consider a policy that would encourage the development of two nations within our country—one white, and the other black?

The fact that we are, angers and even more, saddens me. For I see by our very consideration of H.R. 13915, the encouragement of a small minority of Americans—black and white—who champion the cause of separatism.

Mr. President, I have denounced separatism and separatists, both black and white. I believe in one Nation. I believe in integration. And I am confident that most Americans, black and white, share these beliefs.

The hope for an end to racial division lies in our educational system. The opportunities we afford our young people determine the shape of our Nation's future. If we deny children the right to an equal chance in life, we deny our Nation a chance for greatness. If we perpetuate separate societies, divided by ignorance and suspicion, we risk an unsteady and uncertain future. For each generation of segregation in our schools, we risk another generation of division in our Nation.

We must not deny our young people the chance to bridge mutual misunderstandings with shared experiences and opportunities.

This cleverly crafted measure strikes at the fundamental source of hope for our Nation—our children.

Though I am confident its most pernicious provisions would be struck down by the Supreme Court of the United States, its enactment would seriously divide and confuse our Nation. For two decades, the course has been sure but slow. And now we are asked to hastily and drastically alter it. Why? Because many Americans have become confused by the rhetoric on busing. In some cases this confusion is deliberately contrived by those who speak of "busing to achieve racial balance" when such busing is not at issue. The issue is simple: Shall we or shall we not permit necessary remedies to a constitutional violation? Segregation of public schools by official act is unlawful.

That is a fact. Busing is an integral and pervasive component of our educational system. And, that too is a fact. The fact is that in many cases, busing is necessary to uphold the law.

This legislation is not as some call it, an "antibusing" bill. Its provisions, limiting options in school assignments, permitting resegregation without remedy, and stimulating relitigation of all desegregation cases, compel a more accurate description. This is an "antidesegregation" bill. This is an "anti-integration" bill.

Similarly, this discussion is being mislabeled. How can one consider this a filibuster in face of the facts?

While its proponents claim this is one of the most important measures to be considered this Congress, they prevented the careful consideration that a measure of such import deserves.

An editorial in today's edition of the Washington Post shares this view. The editorial is headlined "The Busing Bill in the Senate." The editorial reads:

THE BUSING BILL IN THE SENATE

Today the Senate will vote on a cloture motion to cut off a "filibuster" on the House-passed antibusing bill. We put the word "filibuster" in quotations, because if this is a tactical talkathon that the bill's opponents are pursuing, it must be one of the shortest in recorded Senate history. The legislation was brought before the Senate on Friday—and the motion to cut off debate was filed the same day. Clearly, what supporters of the House-passed busing bill are after, then, is not the termination of prolonged and dilatory debate, but rather a quick opportunity in the heat of a political year to force a vote on busing and to do so without Senate examination of this particular legislation to which the House added some very far reaching provisions on the floor. These provisions have been studied by neither the House nor the Senate in committee (the bill was put directly on the Senate calendar), and it seems to us doubly necessary, in consequence, that the Senate be given at the very least a reasonable period of time to discuss them. A cloture ruling would prevent such discussion.

Among the provisions of the House-passed bill that demand such scrutiny is one which would permit the reopening of long since closed and completed Southern school cases, cases which preceded and had nothing to do with the current furor over court-ordered comprehensive busing in big cities North and South. It could put in train an endless flow of disruptive and harmful relitigation and possibly result in a rollback of court decisions whose fairness and necessity have by now been granted by practically everyone—including many of those who once opposed them.

Another provision which has not been thoroughly studied by either the Senate or the House is that which would permit court-ordered busing, but limit it to the "next nearest" school from that which was being desegregated. What this strange feature could do—and in innumerable cases would—is guarantee that the effects of busing orders be felt only in those poor white "ethnic" areas whose schools have least to offer ghetto children and where racial tensions run the highest. By voting for such a provision, the members of Congress are saying, in effect, that busing is fine so long as it tends to leave the affluent middle-class alone.

Finally, there is a provision authorizing the federal judiciary and the executive branch to compel, as a remedy preferable to busing, the closing down of old schools and the construction of new. Interestingly, when this provision came before the House, an amendment was voted down which would have at least provided some federal funds for districts compelled by the federal government to engage in what could be extremely costly construction. That vote, in our view, offers a pretty fair measure of the degree of sensitivity that prevails in Congress concerning the potential long term effects of this legislation on the districts, in question—as distinct from sensitivity toward the political value of an "anti-busing" vote, which the members feel only too keenly.

The provisions cited above in no way exhaust the list of features in the bill which could do with a good deal more reflection on the part of members of the Senate. But they do make a fairly solid case, in our judgment, for—at a minimum—a reasonable period of discussion on the floor. You do not have to be a friend of the filibuster to reach that conclusion, because that is not what is at issue in the couple of days of debate that have taken place on this very complicated and consequential bill. The Senate should resist these premature and politically motivated attempts to silence discussion on such an important issue.

Mr. President, as this editorial states, the most troublesome provisions of H.R. 13915 were written on the floor of the House of Representatives in disagreement with the action of its Committee on Education and Labor. The measure was so drastically revised that one of its authors, Representative QUIE, could not support it.

The PRESIDING OFFICER (Mr. TALMADGE). The 15 minutes allotted to the Senator have expired.

Mr. ALLEN. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Alabama has yielded 2 additional minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the Senator from Alabama.

And here in the Senate, we are asked to follow in kind. Senate supporters of this bill refused to allow the measure to be referred to the committee with proper jurisdiction over it, the Committee on Labor and Public Welfare.

By refusing to allow proper consideration of this bill, its supporters denied Americans the right to closely examine this legislation and to be heard for or against it. No one can argue that the Labor and Public Welfare Committee is a graveyard for legislation. The committee has faced up to the issue of busing time and again. The Senate has expressed its will on busing on two occasions this year alone. Knowing that the committee would act responsibly, I can only assume that the supporters of this bill feared the revelations that would ensue from its careful scrutiny. So, it is now necessary for those of us who feel it is the Senate's responsibility to carefully consider important legislation, to discharge this responsibility here in the Senate Chamber. The American people deserve this opportunity to be apprised of all the facts concerning the so-called Equal Educational Opportunities Act of 1972.

The PRESIDING OFFICER. The 2 additional minutes yielded to the Senator from Massachusetts have expired.

Mr. ALLEN. Mr. President, I yield 1 additional minute to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Alabama yields the Senator from Massachusetts 1 additional minute.

Mr. BROOKE. Mr. President, I thank the Senator from Alabama.

The title of this measure belies its content as any objective analysis will prove.

POLICY AND PURPOSE

The measure's basic policy and purpose as set forth in section 2 flaws the measure from the beginning. Section 2 (a)2 would establish a national policy requiring assignment of students to schools in their neighborhoods. Other provisions in the bill contradict this policy. But let us examine the basic premise of the policy. It assumes that our Nation's educational system is based on neighborhood lines. The history of American education does not uphold this assumption. For a number of reasons—space, staff, and other resources—school assignments are not generally based on the closest school criterion. The fact that 40 percent of our public school children ride schoolbuses and 25 percent use public transportation to get to school supports this conclusion. Neighborhoods are not considered stable entities with a constant ratio of school-age children to their population.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The Senator from Alabama yields 1 additional minute to the Senator from Massachusetts. The Senator from Massachusetts may proceed.

Mr. BROOKE. I thank the Senator from Alabama. He has been most gracious and I am most grateful.

Mr. President, neighborhoods change. School assignments change. Nowhere does H.R. 13915 define the term "neighborhood." Without definition, this policy could be effectively used as an excuse for segregation, as in the past, through gerrymandered assignment areas.

What meaning does the term "neighborhood" have to large high school and junior high school attendance districts, which cover many neighborhoods? The answer is none.

This expression of policy in support of an educational system that does not now or could not exist is irresponsible. How can the Congress of the United States enact a mythical policy? We should be more responsible than writing undefined catchwords into law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that the time allotted to the Senator from New York (Mr. JAVITS) be allotted to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Massachusetts may proceed.

FINDINGS

Mr. BROOKE. Mr. President, the measure moves from the declaration of policy which cannot be realized to the findings of facts that cannot be supported.

Section 3(a) of H.R. 13915 would have Congress find that "many school systems have been required to engage in extensive transportation of students" in order to eliminate dual school systems.

Since only 3 percent of the children now riding school buses are doing so for desegregation purposes, the term "extensive" has no nationwide application. The experience statewide would also contradict this finding.

The facts are that there is less busing, not more busing, as the dual educational system is eliminated. This is because children are no longer bused past one segregated school to get to another. In Alabama, desegregation orders resulted in a decrease in 1 million passenger-miles. In Mississippi, 318,095 children were bused to maintain segregated schools; only 292,472 were bused when segregation was ended. The same experience—a decline in the number of students bused and the number of miles transported—resulted after desegregation orders were entered in Charlotte, in Richmond, in Leon County, Fla., and elsewhere.

The finding in 3(a)3—that school systems have been required "to expand large amounts of funds" is likewise not supported by fact. In 1933, the expenditure for pupil transportation was 3.5 percent of the cost of operating public schools. In 1969–70, it was 3.6 percent. And it should be noted that in the intervening years, there was a nationwide move toward consolidation of schools away from the outmoded one-room schoolhouse.

Are not those who now argue that busing is expensive, the same people who sought to bar the use of Federal funds for busing? Perhaps in some cases desegregation plans do require increased expenditures. If local educational agencies are required by a Federal court or agency to increase transportation, I think it is only proper that Federal funds be made available to meet part or all of these increased expenses. I cannot understand the logic of proponents of this bill who now charge that busing is expensive, yet who have consistently argued that Federal funds should not pay for student transportation.

But more importantly, viewed as a percentage of public school expenditures, transportation is but a small budget item. There is no basis for Congress to find that school systems have spent large sums for busing.

Nor can Congress conceivably find, as section 3(a)(4) suggests that transportation of students "creates serious risks to their health and safety and disrupts the educational process."

Such a finding ignores the evidence that the schoolbus is the safest way for children to get to school—safer even than walking. A 6-year study by the Pennsylvania Department of Education found riding three times safer than walking. The National Safety Council's latest statistics show that while there are 2.4 fatalities per 100 million miles of travel in private automobiles and 0.29 in airplanes, the figure for schoolbuses is 0.06.

I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. I yield to the Senator from Michigan.

The PRESIDING OFFICER. How much time does the Senator from Alabama yield to the Senator from Michigan?

Mr. ALLEN. The time has been returned to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has control of the time in opposition. How much time does the Senator yield himself?

Mr. GRIFFIN. Mr. President, I yield 6 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I rise in support of the motion for cloture. I do that because next to Vietnam there has been more debate during the past several years on the busing issue than upon any other issue confronting Congress. The opponents of cloture maintain, and they maintain quite correctly, that busing has been a feature of American education. But I would point out to the Senate there are two kinds of busing. There is busing of children whose homes are remote from the nearest school available to children of their ages and intellectual attainments. This busing is resorted to carry children to the nearest school which is open to children of their ages and educational attainment, and is for the purpose of enlightening the minds of those children.

The other kind of busing is restored to merely for the purpose of integrating the bodies of children, and not enlightening their minds. The first kind of busing is justified. The other kind of busing is a reprehensible tyranny imposed by a perversion of the equal protection clause upon helpless little children, both black and white.

The difference between busing for educational purposes and busing for integration purposes is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell.

The only way that the Supreme Court of the United States was able to upheld busing was to twist awry the words of the equal protection clause so as to make them mean something exactly opposite from what they are intended to mean. Despite the distortion and the perversion of the equal protection clause by the Supreme Court of the United States—and I use those words advisedly—the equal protection clause is perhaps the simplest provision in the entire Constitution. The equal protection clause says that no State shall deny to any person within its jurisdiction the equal protection of the laws.

What that means is extremely simple. It means that no State shall treat in a different manner persons similarly situated. I say that when the Supreme Court undertakes to justify busing for integration purposes, the Supreme Court not only distorts the Civil Rights Act of 1964, which forbids busing for integration purposes, but it twists awry and out of shape the words of the equal protection clause itself.

When a Federal court decrees that a school board must bus children, for integration purposes, it violates the equal protection clause in two ways, and this is so plain that oceans of judicial sophistry cannot wash out its truth. When a Federal court enters a busing decree for integration purposes, it says to the school board, "You must violate the equal protection clause by denying equal treatment to children who are similarly situated." You must say to one group of your children, "you are permitted to attend your neighborhood schools," and you must say to the other group of your children, "you are not permitted to attend your neighborhood schools."

It is as clear as the noon day sun in a cloudless sky, Supreme Court justices to the contrary notwithstanding, that that is a violation of the equal protection clause because it treats children who are similarly situated in a different manner.

The PRESIDING OFFICER. The 6 minutes allotted to the Senator from North Carolina have expired.

Mr. ERVIN. Just 1 more minute.

Mr. GRIFFIN. I yield 1 minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. The decrees of the Federal courts commanding busing for integration purposes violate the equal protection clause in one other respect. The Federal Court says, "The reason why you cannot let this second group of children attend their neighborhood schools with the first group is that you must transport them to other schools, elsewhere, either to decrease the number of children of their race in the neighborhood schools, or to increase the number of children of their race in the schools elsewhere." Oceans of judicial sophistry cannot wash out the plain fact that that is denying the children who are bused the right to attend their neighborhood schools solely on account of their race. That is exactly what the Supreme Court held in the school desegregation cases is unconstitutional under the equal protection clause. That case adjudged that no child can be denied the right to attend any school on account of his race.

The PRESIDING OFFICER. The additional 1 minute allotted to the Senator has expired.

Mr. GRIFFIN. Mr. President, pending the arrival of the Senator from Tennessee (Mr. BAKER) to the Senate, who is the next scheduled speaker, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, I want to commend the distinguished Senator from North Carolina, who is a great and recognized scholar of the Constitution, for his analysis of the situation, particularly as the Supreme Court has distorted the meaning of the 14th amendment in this area.

Along with other Senators, I have introduced a proposed constitutional amendment, and the language of the amendment I have introduced says this: This Constitution shall not be construed to require that pupils be assigned or transported to schools on the basis of their race.

It seems almost incredible that it would be necessary to propose a constitutional amendment to say that students shall not be transported to schools by public authorities on the basis of their race, but, unfortunately, we have the ridiculous point where instrumentalities of government, namely, the courts, are doing precisely what the Constitution says that government cannot do. In their decisions, the courts are in effect disregarding the constitutional mandate that all people shall be treated equally under the 14th amendment. And in this Senator's views, it may well be necessary to adopt a constitutional amendment to straighten out the mess that has been created by the courts.

If we are going to be confronted, as we are here, with a filibuster by those who are traditionally against filibusters—and that is the fact, it, as we know, is going to be necessary to get a two-thirds vote of the Senate in order to even go to a vote on the anti-busing legislation. If this persists to be the case, this Senate believes that the net result will be the consideration and passage of a constitutional amendment.

The PRESIDING OFFICER. The 2 minutes of the Senator from Michigan have expired.

Mr. GRIFFIN. I now yield 5 minutes to the distinguished leader in this effort, the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. Mr. President, I thank the distinguished acting Republican leader. I appreciate his comments. I am quick to acknowledge his leadership in this area, his consistent opposition to judicially ordered busing, and his consistency in trying to bring legislative relief.

He, like I, comes from a State where we know first-hand the mischief of judicially ordered crosstown busing. The distinguished Senator from Michigan has experienced in his constituency, as I have experienced in mine, the enormous dislocations, the disquiet, the fears, and the burdens that are cast, not just on the community generally, but on the children whose education is at stake in this judicially contrived situation.

Mr. President, logic does not yield a satisfactory description of the dislocations and the disquiet caused by busing decrees. While I have always opposed busing—judicially ordered busing—for the purposes of racial balance as we have experienced in Nashville, and as we may experience in other cities in my State, I am frank to say that the public reaction to it has been even more vigorous, has been even more profound, then I would have expected under the circumstances personally, because the enormous hardships that could not be expected, that could not be foreseen, have caused disruptions in families and communities that are truly of monumental proportions.

In Nashville, Tenn., for instance, we have cases where young children—grammar school children—get up well before daylight to stand on a street corner and catch a schoolbus before daylight, to go to school in a school system which until recently was being operated on a two-shift basis in order to accommodate the requirements of the judicial decree, where they travel, not just a few blocks, but literally for an hour or more—each way, Mr. President—to return, in some cases shortly after noontime, in other cases very late in the afternoon, but in any event having a highly disruptive effect on the families of those children in order to make other and additional provisions for someone, some adult, to stay with the children until the parents, who in many instances, at least, are both working parents, return home.

Mr. President, the consequences of massive judicially ordered crosstown busing have been grave indeed, and it is time something was done about it. We have made substantial efforts to provide a moratorium on new busing orders, and the courts have not fully agreed with what I think our intent was at the time. Those matters are still in litigation. I refer, of course, to the effectiveness or alleged ineffectiveness of the so-called Broomfield approach.

But now we have before us a much more comprehensive bill, dealing not only with cases now pending and cases that may be decided in the future, but cases in which decrees have already been entered, providing for the establishment of legislative guidelines the courts must adhere to before they can resort to busing.

I believe this piece of legislation is significant, important, and effective. I believe that had I been writing the bill, I might have written some of its provisions in a different way, but the point is, Mr. President, that this bill, I believe, will do the job now, and I believe that the Senate should get on with the business of considering the bill on its merits, not on the question of whether we can terminate a filibuster, but on the merits of this bill, and that we should pass the bill by a clear majority, verbatim.

While I may disagree with a few of the provisions of the bill, I think at this late date in this session of Congress there is not time to go about the business of constituting a committee on the disagreeing votes of the two Houses with any realistic hope that we can have legislation on the President's desk this year.

So, Mr. President, I fervently hope that we can pass this bill in the House form now, that we can quickly get to the business of voting on the merits of this controversy, that we can soon terminate this filibuster against this measure, and that we can bring relief this year to the hard-pressed communities which are faced with the burdensome business of crosstown busing.

Mr. President, in my native State of Tennessee, as I guess in all other States, we conduct polls from time to time to determine the attitude and outlook——

The PRESIDING OFFICER. The time allotted to the Senator from Tennessee has expired.

Mr. BAKER. I wonder if the Senator from Michigan will yield me 1 additional minute.

Mr. GRIFFIN. I yield the Senator 1 additional minute.

Mr. BAKER. We conduct polls from time to time to try to ascertain the sentiment, the viewpoint, and the attitude of the electorate on a number of issues.

On the basis of such polls, which I believe to be accurate, in Tennessee we have found not only a great majority of the white citizens of Tennessee opposed to crosstown busing, but a substantial majority of the black citizens as well.

Mr. President, busing is not a worthy and workable tool for the accomplishment of what is otherwise a laudable and highly desirable objective, the elimination of the last vestiges of institutional segregation from the public school system of the United States. I support a unitary school system. I have always opposed and I vigorously oppose crosstown busing as a means for its accomplishment.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the Senator from Virginia (Mr. SPONG).

Mr. SPONG. Mr. President, I am voting to invoke cloture in the debate on H.R. 13915, which seeks to limit massive, enforced busing of public schoolchildren.

The time is past due for Congress to address itself to the busing issue. For years, there has been rampant confusion over what school districts are required to do in order to provide equal educational opportunities for all children. This confusion has resulted from conflicting court decisions, from various governmental actions, and from differing pronouncements by Government officials. The Congress now has the opportunity to confront the issue and failure to do so will, I believe, only leave our people more confused and bewildered.

With the possible exception of the economy, there is no domestic issue of more importance to more people in our Nation than that of busing. It is an issue which burdens people, which frightens people, which imposes hardships upon their children and which costs them money. It is a requirement which has been ordered for some, but not for others. It is a requirement whose educational value has been questioned. It is a matter which the people of this Nation expect their representatives to deal with.

I believe that most Americans are fairminded, that they want all children in our Nation to have access to the education and opportunity which will enable them to develop their potentialities. But, I also believe that Americans find it difficult to accept massive, enforced busing when it is uncertain that it produces educational benefits and when it imposes special hardships on young children—black and white.

The legislation before the Senate is of particular importance to the people of Virginia. There has probably been as much litigation over public schools in my State as in any other State in our Nation and Virginians have been forced to provide the proving ground for almost every new approach to the complex problem of providing equal educational opportunities for all children. I believe they should have relief, especially in view of the very serious questions which have recently been raised about the educational value of massive busing.

Consequently, I believe it is imperative that the Senate vote on this bill during this session of Congress.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I now yield at least 5 minutes, or more if he needs it, to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the Senator.

Mr. President, the point has been made that the Committee on Labor and Public Welfare was not given an opportunity to consider this bill. I would like to call attention to the fact that on March 22, 1972, S. 3395 was introduced in the Senate and was referred to the Committee on Labor and Public Welfare. It was the exact same bill that was introduced in the House of Representatives as H.R. 13915. I ask unanimous consent, for the purpose of identifying the two pieces of legislation, that the first sheet of each of the printed bills, S. 3395 and H.R. 13915, be printed in the RECORD.

There being no objection, the excerpts from the bills were ordered to be printed in the RECORD, as follows:

S. 3395

A bill to further the achievement of equal educational opportunities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

* * * * *

H.R. 13915

An act to further the achievement of equal educational opportunities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and

(2) the neighborhood is the appropriate basis for determining public school assignments.

* * * * *

Mr. ALLEN. Of course, H.R. 13915 was changed on the House floor, but the exact bill that was introduced in the House was also introduced in the Senate, and the Senate committee had an opportunity to hold hearings and did hold some hearings, but that bill still reposes in the bosom of the committee. That would have been the fate of H.R. 13915 had it gone to the committee.

Mr. President, on February 26, 1964, a great speech was made in the U.S. Senate by a great, able, and distinguished Senator, the then junior Senator from New York (Mr. JAVITS), the present senior Senator from New York, commenting on the advisability of preventing a bill from going to a committee. I read from page 3700 of the proceedings on February 26, 1964, from that great speech by Senator JAVITS. I wish that I could equal it today, because it would be a great speech for the propriety of keeping this bill from going to the committee.

I read from the speech:

> All kinds of things happen without measures going to committee, according to the rules. Conference committee reports are considered without going to committee. As a matter of fact, they have priority. If there is no objection, resolutions may be considered on presentation, or if there is objection, may lie over a day, and then go to the calendar. So there is no universal, unequivocal rule that everything goes to committee. Of course, it does not. So this exception from the general rule that bills and resolutions shall go to committee is entirely consistent with the general rule.
>
> Now, it is said that we are bypassing the rules of the Senate. It seems to me that we are complying with the rules of the Senate. It is those who would argue that the words of rule XIV have no effect who are seeking to bypass the rules of the Senate by invoking some other act.

I read another excerpt from the speech:

> The next question is, Shall we exercise that discretion and send it to a committee? The answer is decisively "No." We did exactly that in 1960. In deference to the arguments made at that time, we sent the bill to a committee, I believe for 5 days. And after 5 days, 2 of them spent in hearings, what happened? The only thing of substance that happened was the passing of 5 days.

That is exactly what would be done had we sent H.R. 13915 to committee.

I may say, in passing, that I advised the distinguished Senator from New York that I was going to read from his speech during the course of my remarks.

Mr. President, the further argument is made that this bill is unconstitutional. But before we vote on the application of cloture, I would like any Member of the Senate to point out a single provision of the bill before us which is inconsistent with laws of Congress already enacted on the subject of desegregation of public schools.

I would like for any Member of the Senate to point out a single provision of this bill which is in any way inconsistent with any binding ruling by the U.S. Supreme Court on the subject of desegregation.

I would like for any Member of the Senate to point out a single provision of this bill which is not consistent with traditional principles of equity which prescribe limitations on the exercise of discretionary powers by Federal Court judges.

Mr. President, the Constitution does not require racial balance in the public schools. Nevertheless, Federal judges continue to issue orders designed to achieve racial balance to the fullest extent possible.

The Constitution does not require transportation of students to public schools. Nevertheless, transportion is required by Federal judges even of school systems which have never before provided transportation. It is required for the purpose of achieving racial balance, as nearly as is practicable, in all of the public schools of a school system.

The Constitution does not require, nor does it empower, U.S. district court judges with discretion to levy taxes upon the people or to allocate public tax revenue. Yet, U.S. district court judges do compel the allocation of local tax revenues according to priorities established in the discretion of such judges.

The Constitution does not require that boundary lines of political subdivisions of a State be disregarded in the discretion of U.S. district court judges. Nevertheless, we are all familiar with case after case in which U.S. district courts have disregarded the integrity of political subdivisions of a State in the implementation of desegregation decrees which require massive busing and cross busing of students to achieve maximum racial mixing in public schools.

The Constitution does not require, nor will equity and good conscience tolerate court decrees which endanger the health and safety of individuals. Yet, U.S. district court judges continue to issue orders requiring transportation which is so excessive as to seriously endanger the health and safety of children.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. May I have 1 additional minute?

Mr. GRIFFIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Three minutes.

Mr. GRIFFIN. I yield 1 additional minute to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, the Constitution does not require and equity will not permit transportation of schoolchildren away from their neighborhood and community schools to distant schools which provide inferior educational opportunities. But, it is an all too common practice for U.S. district court judges to disregard the best interest and welfare of the children whom they order bused and cross-bused to inferior schools.

The Constitution does not vest in U.S. district court judges the discretionary power to keep public schools in a state of suspension and turmoil in perpetuity. Yet, U.S. district court judges insist upon a discretionary power to require modification of desegregation plans year after year in order to accommodate racial shifts in the school populations to maintian an arbitrary racial ratio in the schools.

The Constitution does not require nor will equity tolerate U.S. district court decrees based on the doctrine of retribution. Yet, U.S. Federal court judges continue to inflict upon schoolchildren a requirement that they be bused and cross-bused to an extent that it inflicts undue hardships, if not punishment, upon innocent schoolchildren for the alleged offense of their fathers and forefathers.

Mr. President, the bill before us is designed to remedy the above abuses of power by U.S. district court judges.

If it is true, as some contend, that Congress does not have the power to curb abuses in the discretionary equity powers of Federal court judges then let it be recorded that the people of the United States do have the power.

If the Senate will not act to curb these abuses, then the people will. Those Senators who vote to block the will of the people in a matter which directly affects the health, safety, and welfare of children are sowing the wind and they shall surely reap the whirlwind.

Mr. President, again, the hour of decision is fast approaching. I urge each Senator to be mindful that he is voting for or against an unlimited discretionary power in Federal court judges to reduce human beings to the status of chattels. I am persuaded that a vote to deny the Senate an opportunity to work its will on this bill is a vote against the bill. But more, it is a vote in favor of the continuation of abuses of power which the people of our Nation will not continue to tolerate.

I urge your support for the proposition that the Senate should be given an opportunity to vote this bill up or down on its merits.

Mr. President, I ask unanimous consent to have printed in the Record a study prepared by the Library of Congress on the question of rule XIV.

There being no objection, the study was ordered to be printed in the Record, as follows:

Precedents Regarding Practice of Placing Bill on Calendar Instead of Referring It to Committee

Reference is made to your inquiry of October 6, 1972, for information on the above. Specifically, you ask us to cite recent precedents whereby a measure may be placed on the Calendar instead of being referred to Committee.

Ordinarily, "[b]ills and resolutions, nominations, messages, and communications, petitions, memorials and other matters are referred to one of the 15 standing committees as provided in Rule XXV [Rule XXV, sec. 1] or to the Joint Committee on Atomic Energy [42 U.S.C. 1815]." Watkins and Riddick, *Senate Procedure* (Senate Document No. 44, 88th Congress) 575 (1964).

"When a measure is introduced, unless some other disposition is made of it at that time by unanimous consent or brought up on motion as a privileged business, it will be referred to the appropriate committee; after the second reading of a bill it will be referred under the rule, unless some other steps are taken by the Senate.

"Before the Legislative Reorganization Act of 1946 [P.L. 601 of 79th Cong.], a motion to refer a measure was in order, during the Morning Hour, after the second reading; under Senate practice, since the enactment of that law, a measure must actually be taken before the Senate in order for a Senator to make a motion to refer it to a committee, and not just a motion pending to proceed to its consideration.

"Under the present rule and practice, the Presiding Officer makes the reference of bills to committees, both those introduced in the Senate and House bills messaged to the Senate. An appeal may be taken from the decision of the Chair in making the reference, at the time it is made.

"A senate bill upon its introduction or a House bill which has been messaged to the Senate, *upon objection to further proceedings on it after its second reading, under Rule XIV, paragraph 4, may be placed on the Calendar instead of being referred.*" Id., at 576. (Footnotes largely omitted; emphasis supplied.)

Rule XIV, paragraph 4, expressly provides:

"Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and place on the Calendar in the order in which the same may be reported; and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar."

Section 137 of the Legislative Reorganization Act of 1946, *supra*, states:

"In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal."

In the first apparent clash over priority of right as between the two sections, the Senate by failing to sustain a point of order, effectively subordinated Rule XIV, paragraph 4, to section 137 of the Legislative Reorganization Act of 1946. As described in Senate Procedure, *supra,*—

"In 1948, under a decision of the Senate, after a House bill had been messaged to the Senate and objection had been made to its further consideration at that time, a question of reference of the bill was raised, under Section 137 of the Legislative Reorganization Act of 1946, which momentarily stayed any action of placing the bill on the Calendar. A point of order was then made regarding the priority of right under Rule XIV, paragraph, as compared to section 137 of the Legislative Reorganization Act.

"Under Rule XX, the Chair then submitted the following question to the Senate for decision: 'Is the point of order of the Senator . . . well taken?' The point of order was not sustained and the Chair under 137 of the Legislative Reorganization Act of 1946 made the reference from which an appeal was in order." Id., at 576–577.

However, the Senate effectively reversed its decision some nine years later. In 1957, under a like situation, an objection under Rule XIV, paragraph 4, having been made to further proceding on a House bill which had been read twice without being referred, the Senate decided that Rule XXV, as amended by the Legislative Reorganization Act of 1946, did not supersede and annul Rule XIV, paragraph 4. 103 Congressional Record 9778–9829 (1957).

The legislation on which the 1957 procedural vote was taken became the Civil Rights Act of 1957, P.L. 85–315, 71 Stat. 634 (1957). Senator Paul H. Douglas and Senate Minority Leader William F. Knowland (supported by Senators Allott, Clark, Hennings, Javits, Kennedy, Kuchel, and Saltonstall, among other) objected to referring the bill to the Senate Judiciary Committee and Senator Richard B. Russell raised the point of order against the objection. A roll call vote of 39–45 rejected the point of order. See Appendix 1.

The Senate reaffirmed its 1957 position on the so called by-pass procedure in connection with the Civil Rights Act of 1964, P.L. 88–352, 78 Stat. 241(1964). On February 26, 1964, the Senate voted 54–37 to place the House passed bill (H.R. 7152) on the Senate Calendar rather than refer it to the Judiciary Committee. On this occasion, Majority Mike Mansfield filed objection under Rule XIV, paragraph 4, to any further proceedings. He was supported by Senators Humphrey, Javits and Keating, among others. Once again, Senator Richard Russell raised a point of order. See Appendix 2.

Raymond J. Celada,
Legislative Attorney.

Mr. TOWER. Mr. President, seldom in modern times have our Federal Courts evoked such an overwhelming outpouring of protest as we have witnessed in the last few years as a result of the decisions to require the forced massive cross-town busing of our Nation's schoolchildren.

Ideally, our children should be attending the public schools which are closest to their homes. In this way, they can progress naturally from their home environment to their neighborhood surroundings and on into the spectrum of the community. It allows them to develop a sense of confidence and security as they grow in awareness of the world around them.

Nevertheless, our courts have ignored these educationally and psychologically sound principles in the interest of social experimentation. In numerous decisions they have required pairing, zoning, clustering, and massive busing in search of the illusive goal of "racial balance" in our Nation's school systems. These requirements, consequently, are resulting in a decline in the overall quality of our educational system.

Certainly I share the desire of all Texans and all Americans to insure a quality education for all our children regardless of their race or national origin. I am, indeed, appalled by instances in which children from poor families and children from minority groups have been denied their right to such a quality education.

Nevertheless, massive crosstown busing is not the answer to their dilemma. This "tool" of the courts has only contributed to the further deterioration of our educational system.

I feel, today, that some have lost sight of our goal of quality education and are working instead merely to assure that children of different backgrounds and heritages share the same classrooms. It is, indeed, wasteful of our tax dollars to buy buses to transport large numbers of children across town when our schools so desperately need those dollars to employ more and better teachers, to provide the best possible textbooks, and to provide an overall environment which contributes to the learning situation of the child. Massive busing requires the needless expenditure of millions of dollars which are then unavailable for other, more important, programs which contribute to the quality of our children's education.

Massive busing deprives a child of the full oppotunities to participate in extracurricular activities which nourish the development of social and psychological attitudes; it makes a child's schoolday longer, draining needed energy from involvement in other activities.

In many instances, the efforts of the court are diametrically opposed to the efforts of the school board and the faculty to educate our children. This simply must be stopped.

Some years ago, some school systems assigned pupils to schools based upon their race. That was segregation and that was a contravention of American principles. Now it is the courts which are directing that children attend schools based upon their race, and this too is a contravention of American principles. Ideally, our Nation's schools should be colorblind in the matter of student assignments.

The American goal is to provide the opportunity for achievement to all, regardless of race, allowing each individual to attain stature and to contribute to our society in accordance with his abilities. Education is a vital ingredient in affording Americans the opportunity to achieve this dream.

In the Senate, I have previously sponsored a constitutional amendment which, if passed, would redirect the Supreme Court decisions on the issue of forced massive crosstown busing of schoolchildren.

The constitutional amendment, Senate Joint Resolution 112, would specifically state that children should not be assigned to public schools on the basis of race. The amendment would be wholly within our American principles and would go a long way toward reestablishing the policy that public schools are primarily the concern of the local school boards and the parents of the community. My resolution would instruct the Supreme Court to consider more carefully the disruptive effects of its rulings on our educational system, and prohibit the busing of children as a method of balancing ethnic groups in public schools.

The process of amending our Constitution is, quite understandably, a cumbersome one. Therefore, I have joined in the effort to seek action on the House-passed bill that would bar the use of forced busing in most instances. Specifically, it would prohibit any busing in the first six grades and, in other grades, it would limit busing to the next nearest school. In addition, it would require that all other methods for desegregation be exhausted before busing could be required. Any school district under order to bus could go into Federal District Court and have that order modified to comply with the requirements of the new act. Since the possibility continues to exist that a court could find any law unconstitutional, I shall continue to vigorously support an amendment to the Constitution as the surest method to prohibit forced busing. The Supreme Court cannot declare a constitutional amendment unconstitutional.

Mr. President, it seems highly suspect to me that some in this body who speak out solemnly on the rights of the people, now seek to thwart the wishes of these people. In every sampling that has been taken on this matter, people of all races opposed forced busing and opposed it in overwhelming numbers. No one wants busing, yet there are those here in the Senate who seek to substitute their will for that of the Nation.

I believe that we must now vote cloture and then move to the rapid consideration and passage of the Equal Educational Opportunities Act. We have had months of debate on this important issue during the 2 years of this Congress. There are very few, if any, Senators who do not know how they are going to vote on this bill. Let us now do our duty of representing our constituents and proceed to favorably consider this bill that will improve the quality of education in America while at the same time putting an end to the educationally destructive practice of forced busing.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I yield myself the remainder of the time on this side.

Mr. President, the people of my State—particularly those in the metropolitan Detroit area—have been subjected to a threat of court-ordered busing that is monstrous in its proportions, monumental in its folly.

I refer, of course, to the treat of one Federal judge to order busing across the boundary lines of 53 different school districts in the Detroit area.

This threat hangs heavy over the heads of Detroit area citizens—black and white. Concern and emotion are intense. Although the Sixth Circuit Court of Appeals in Cincinnati has issued a temporary stay while it deliberates, the children in those communities and their parents live daily with the knowledge that massive, disruptive cross-district busing may be put in effect early in the next calendar year or in the next school year.

Unfortunately, there is mounting, disturbing evidence that many citizens who can afford to do so are moving out of the targeted areas—moving out to the far suburbs and beyond because of this busing threat. And this process is rapidly accelerating the deterioration of the inner city of Detroit.

Citizens and citizen groups are groping for and demanding an answer to this threat that will permit their children to continue to attend the school in the neighborhood where they live—the neighborhood into which they moved precisely because they wanted their children to attend that school.

It is unfortunate, but it is a fact that the people have little or no faith in the courts on this issue—and the people are turned off by public officials who continually tell them to rely on the courts.

The people know they do not elect the Federal judges. But they do elect the Representatives and Senators in Congress. And the people expect—indeed, they demand—to be represented.

Surveys taken in my State indicate that more than 80 percent of people of Michigan oppose cross-district busing. The opposition to busing cuts across all voting groups.

There is no doubt that busing is a key issue in Michigan. But the candidates running for office did not make it an issue—the courts and the people have made it an issue.

I strongly oppose forced busing, based on race, and I am satisfied that this is also the position of a large and growing majority of Americans, black and white.

My position is—and consistently has been—for equal rights and against discrimination. During my 16 years of service in the Congress, I have had the opportunity to vote for every civil rights bill that has become law since reconstruction days following the Civil War.

Like most Americans, I am convinced it is fundamentally wrong for any instrumentality of government—including a court—to discriminate in the treatment of children on the basis of their race. It is wrong for a court to order a child to be bused away from his neighborhood school solely because the color of his skin happens to be black or white.

In retrospect, it is ironic that the Brown case came to the Supreme Court in 1954 as a suit on behalf of children who were being bused by school authorities past their neighborhood school and forced to attend a distant school solely on account of the color of their skin. The plaintiffs were seeking the right to attend the school closest to their home without discrimination on the basis of race.

Now, 18 years later, some Federal judges have extended and distorted the logic of that case to the point where thousands of boys and girls are being denied, by court order, the right to attend their neighborhood schools—and are being bused to distant schools—solely because they happen to be black or white.

As one who is keenly interested in making more and swifter progress toward the goal of a society without racial discrimination, I am deeply concerned that the tool of forced busing is counterproductive and is actually working against the very objective it is supposed to advance.

Instead of penalizing children with time-consuming bus rides and wasting the tax dollars of their parents, commonsense suggests that we should be striving harder to make sure that job and housing opportunities are really equal, and that opportunities for a quality education are really available to all children, regardless of race or economic circumstances.

Forced busing not only dissipates our tax resources but it carries no guarantee of a quality education at the end of the bus ride. Busing only soaks up funds that could, and should, be used to pay for better teachers and to provide for better educational facilities.

For the most part, I am convinced that the strong opposition people feel to forced busing is not a reflection of bigotry or discrimination. It is a reflection of understandable human concern of parents for their own children.

This strong opposition comes from the North as well as the South. It is found among educators and parents, among the affluent and the poor, among professional people and factory workers. In short, reasoned and reasonable opposition to forced busing runs deep and broad in our society.

Naturally, I am most familiar with the opposition so evident now in my own State where a Federal judge proposes an order that would affect hundreds of thousands of children in 53 communities throughout the Detroit metropolitan area.

It takes the form of protest demonstrations, in some cases not unlike other civil rights movements of the past. To be sure, in some cases there have been excesses and these have been deplored. But by and large, the busing opposition in Michigan is simply the sincere reaction of frustrated parents whose commonsense tells them this is wrong.

As I have said, busing is an issue because the people of this country are vitally concerned. Surely, the Senate owes it to the people not only to consider the problem but to vote on this bill.

Admittedly, there are wide differences between the positions of the major practical parties on this issue.

However, clear and immense may be the gap between these two positions there can be no excuse for blocking a vote in the Senate.

Mr. President, the people do not elect Federal judges—but they do elect the Representatives and Senators in Congress; and the people expect—indeed, they demand—to be represented. It is incredible that a small band of probusing Senators would seek to block action on this effective antibusing legislation—legislation which would prohibit the courts from ordering the busing of any student beyond his or her neighborhood.

Just today the Supreme Court refused to review the Detroit area busing decision—the Roth case. Although this action is not a fiscal decision, it is another strong indicator that Congress must act if there is to be a permanent solution to the busing problem.

Regardless of what happens in Cincinnati when the court of appeals rules, the Roth case will be appealed to the Supreme Court. And today's decision underscores again the native folly of those who would rely completely upon the courts for a solution.

It is tragic that a minority group of probusing Senators are now filibustering in the Senate to block passage of this bill.

This filibuster by a small band of probusing Senators is an attempt to thwart the will not only of a majority in the Senate but of an overwhelming majority of the people.

By filibustering, they are forcing us to muster a two-thirds vote in the Senate—which is the same vote necessary to adopt a constitutional amendment.

If the bill before us now is blocked by this filibuster this year, I predict that the necessary two-thirds vote to adopt a constitutional amendment will be available in the Senate next year after the election.

I have introduced and strongly support a constitutional amendment. In the final analysis, this may be the only foolproof solution.

Mr. JAVITS. Mr. President, I am reminded, in respect of this debate, of a statement which I venerate from the Old Testament. It says:

> Behold, I have given you a good doctrine. Forsake it not.

The difficulty with this bill is that it is a complete reversal of all the policy of the United States since 1954. If anything was needed to give it away, it is the so-called reopener clause.

Mr. President, we in the Senate of the United States must elevate our sights to the country. I realize the problems of the Senator from Michigan, the Senator from Virginia, the Senator from Florida, and a few other Senators; but we are dealing with a nation.

About 11.5 million attend school in the 11 Southern States. The desegregation of those schools has now resulted in millions of those children having reversed their previous course, being given an opportunity to lead a decent life. The maximum estimate of children bused because of desegregation is some 600,000—3 percent of all the schoolchildren in the country—and the Department of Transportation estimates that two-thirds of those would travel by bus, anyway. So that would be 200,000 children—riding buses solely because of desegregation.

Yes, the shoe pinches in State A or State B or State C when some judge might have made errors which will be reversed by a conservative Supreme Court, which we have today. But this bill proposes to turn the clock back to pre-1954, and the reopener clause gives it away.

Mr. President, if we fall for that, then we are not looking at the country through the right end of the telescope but through the wrong end.

I repeat: This doctrine of desegregation was long overdue in this country, under the Constitution and under morality. The Supreme Court has given us a good doctrine; let us not forsake it now.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. HUMPHREY). The hour of 11 a.m. having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 13915), an act to further the achievement of equal educational opportunities.

1. William Proxmire.
2. Ernest F. Hollings.
3. Lloyd Bentsen.
4. Lawton Chiles.
5. David H. Gambrell.
6. Herman E. Talmadge.
7. B. Everett Jordan.
8. W. B. Spong, Jr.
9. Jennings Randolph.
10. John Sparkman.
11. Strom Thurmond.
12. Robert P. Griffin.
13. Clifford P. Hansen.
14. Edward J. Gurney.
15. Bill Brock.
16. Bill Roth.
17. Robert Dole.
18. Paul J. Fannin.
19. Howard H. Baker.
20. John Tower.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. HUMPHREY). Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 538 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Dole
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from Louisiana (Mr. LONG), are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Kansas (Mr. PEARSON) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from Connecticut (Mr. WEICKER) is absent to attend the funeral of former Senator Prescott Bush.

The PRESIDING OFFICER (Mr. HUMPHREY). A quorum is present.

VOTE

The PRESIDING OFFICER (Mr. HUMPHREY). Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on H.R. 13915, a bill to further the achievement of equal educational opportunities, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote, the Senator from Delaware (Mr. BOGGS) and I have a pair with the Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "yea." If we were permitted to vote, we would vote "nay." Therefore we withhold our votes.

I find, according to the Parliamentarian, that I misspoke when I announced the pair.

The Senator from West Virginia (Mr. ROBERT C. BYRD) is recorded as voting "yea," and the Senator from Montana, now speaking, is recorded as voting "nay." The Senator from Louisiana (Mr. LONG), were he present, would vote "yea."

Having already voted in the negative, I withdraw my vote.

Mr. ROBERT C. BYRD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Louisiana (Mr. LONG) and the Senator from Montana (Mr. MANSFIELD). If the Senator from Louisiana (Mr. LONG) were present and voting, he would have voted "yea." The Senator from Montana (Mr. MANSFIELD) has already voted "nay." I have voted "yea." The Senator from Montana has withdrawn his vote. I therefore withdraw my vote.

I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from Connecticut (Mr. WEICKER) is absent to attend the funeral of former Senator Prescott Bush.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Connecticut (Mr. WEICKER) would each vote "nay."

Also, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The yeas and nays resulted—yeas 45, nays 37, as follows:

[No. 539 Leg.]

YEAS—45

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Cotton
Dole
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Mathias
Packwood
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—37

Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Fulbright
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Percy
Ribicoff
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Robert C. Byrd, for.
Mr. Mansfield, against.

NOT VOTING—16

Boggs
Cook
Curtis
Dominick
Eagleton
Gravel
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Pearson
Pell
Saxbe
Weicker

The PRESIDING OFFICER. On this vote there are 45 yeas and 37 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Illinois (Mr. PERCY) that Mr. William Littman or Miss Julia Bloch, of the staff—one or the other—have the privilege of the floor during the debate and votes on H.R. 13915.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, the Senator from North Dakota (Mr. YOUNG) be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS AND TIME FOR DEBATE ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the Senator from New York (Mr. JAVITS) tomorrow, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 10 minutes, that he be followed by the distinguished Senator from Iowa (Mr. HUGHES) for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, at the conclusion of which the hour under rule XXII on the motion to invoke cloture begin to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. Will there be any time tomorrow for the transaction of morning business, say at the end of the day?

Mr. ROBERT C. BYRD. At some point during the day; yes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On October 2, 1972:

S. 1031. An act to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement.

On October 6, 1972:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the States of New Mexico, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUMPHREY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 13915), an act to further the achievement of equal educational opportunities.

1. Herman E. Talmadge.
2. Howard Baker.
3. Lloyd Bentsen.
4. B. Everett Jordan.
5. Jennings Randolph.
6. James O. Eastland.
7. George D. Aiken.
8. Paul Fannin.
9. Norris Cotton.
10. Lawton Chiles.
11. William Proxmire.
12. John Sparkman.
13. Edward J. Gurney.
14. James Buckley.
15. W. B. Spong, Jr.
16. Robert C. Byrd.
17. Fritz Hollings.
18. John Tower.

Mr. MANSFIELD. Mr. President, for the information of the Senate, and we do this only because——

Mr. SCOTT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. We do this only because of the difficulties we encountered yesterday seeking to accommodate all Senators, which proved to be an impossibility, so we will go back to the rules as laid out in the book. The vote in the cloture motions on Wednesday and Thursday, if needed, will occur after special orders are disposed of and if there is a morning hour for the conduct of morning business—either after the special orders are concluded, with no morning business, or after the special orders are concluded, along with the morning business, the time will start running at the expiration of that time for 1 hour, as called for under the rules.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Can we fix that a little more definitely for the benefit of Senators? At what hour will it be expected or at approximately what hour can we expect the vote?

Mr. MANSFIELD. It is kind of hard to be too definite. I understand we have 11 special orders for tomorrow. Eight of them are 10-minute orders. We are coming in at 8:30 a.m. tomorrow. So I would say it would be somewhere around 11 o'clock, more or less.

Mr. SCOTT. Special orders would work out to approximately 2 hours, or until about 10:30, then a brief morning hour?

Mr. MANSFIELD. No morning hour. If the Senator's mathematics are correct it will be around 10:30 or thereabouts when the debate will start and, therefore, the vote will be 1 hour later or in the neighborhood of 11:30 a.m.,or therabouts.

Mr. SCOTT. It is a nice neighborhood, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusets is recognized.

Mr. BROOKE. Mr. President, each day 20 million young Americans ride school buses. This bill suggests they are all in danger. Yet it does nothing to remove the alleged risks for 97 percent of these children. Rather, it responds only to the 3 percent who ride the bus for desegregation purposes. The question is: Are those who ride school buses in danger? The answer is no. Therefore we should not make a finding that they are.

Furthermore, section 802(a) of Public Law 92–318 makes clear the intent of Congress in respect to "excessive" busing by stating:

> No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children.

This portion of current law is derived from Chief Justice Warren Burger's opinion written for the Court in Swann against Charlotte-Mecklenburg Board of Education:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process.

The Supreme Court has set proper limits to busing. Congress has passed and the President has signed into law similar limits. There is, therefore, no reason for Congress to raise the spectre of undue danger on the school bus. I can only conclude that this finding about busing risks is included in the measure before us to stir up emotions. It serves no useful purpose.

Neither does the finding which follows section 3(a)(6), which states that the Supreme Court's guidelines for remedies to dismantle dual systems have been "incomplete and imperfect." This section, in effect, issues a challenge to the very nature of the judicial process. Particularly with respect to transportation, the Supreme Court has made it clear in Swann that—

> No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations."

But as previously mentioned, the Court and Congress, in Swann and Public Law 92–318, respectively, have provided a "clear, rational and uniform" standard generally for student transportation contrary to the finding of section 3(a)(6). But the Court in Swann rejected rigid guideliness as being impossible to devise.

In 1955, in Brown II, the Court determined it was proper for the district courts to exercise their equity jurisdiction with its traditional flexibility to fashion specific remedies for each unique factual situation in school desegregation cases. Last year the Court affirmed this position in Swann. It stated that—

> Conditions in different localities will vary so widely that no rigid rules can be laid down to govern all situations.

Yet that is what this bill seeks to do in defiance of the Court.

Local educational agencies do not act in a vacuum when it comes to remedying a dual school system. Over a period of 18 years, the Supreme Court has established clear guidelines for remedying a dual school system.

Swann makes clear the limits on transportation and the absence of a requirement of racial balance or racial quotas to desegregate school systems.

In Green against County School Board of New Kent County, Va., the Court ruled out freedom of choice or "open enrollment" plans. And Swann spelled out clear alternatives: redrawing attendance zones and "pairing", "clustering" or "grouping" of schools. There has been no doubt as to the District Courts' responsibilities in the desegregation process. In Brown II, the Court said school officials and the courts are responsible for achieving the constitutional requirements for desegregated schools. The schools were given the responsibility for developing plans, but the Court stated that "the courts will have to consider whether the action of school authorities constitutes a good faith implementation of the governing Constitutional principles". In Green and Swann, the Court reiterated this opinion. The Court has also been clear as to the speed with which desegregation responsibilities should be discharged. In Brown I, the Court said district courts should implement desegregation rulings "with all deliberate speed". The Court also said that limited delays in achieving complete desegregation would be acceptable if a school board could "establish that such time is necessary in the public interest." Ten years later in Griffin against County School Board for Prince Edward County, Va., the Court served notice that such delays were no longer acceptable.

In 1968, in Green, the Court ordered desegregation to take place immediately: "The burden on a school board today is to come forward with a plan that promises realistically to work and promises realistically to work now."

The following year, in Alexander against Holmes County, Miss., Board of Education, it held:

> The obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Contrary to the finding of section 3(a)(6), guidelines do exist as to remedies, responsibilities and speed in eliminating dual school systems. Due to the varied nature of our school systems, the Supreme Court has ruled out rigid formulae for compliance, but has provided general guidelines which are adequate for the task.

The suggestion that the courts have failed is an unnecessary one, except for the purpose of the authors of this legislation, which is to limit the jurisdiction of the courts in school desegregation cases.

We see in section 3 of H.R. 13915, an effort to use incorrect findings of fact to prove the courts have failed. In subsequent sections, the bill provides that the Congress shall remedy these alleged failings.

TITLE I—ASSISTANCE

No one can quarrel with the need for additional funding for compensatory education. Yet I object to H.R. 13915's attempt to rob school desegregation to pay compensatory education. This is what title I of H.R. 13915 would do. Until such time as title I of the Elementary and Secondary Education Act is fully funded, there is no need for this new title. It attempts to doom the Emergency School Aid Act before it is even implemented. For 2 years Congress considered and debated this act and now as it is ready to be put in effect, we cannot afford to drain off one half of its annual authorized resources for a new compensatory program which is duplicative of existing law. The Emergency School Aid Act was designed to assist school districts desegregating voluntarily or under court order or title VI order. It remains an essential component of our desegregation effort and should not be the victim of a funding sleight of hand. Title I of this bill would only authorize the expenditure of funds that do not exist for purpose that are fully covered by existing, yet underfunded programs. I can only add that this title is consistent with the illusory nature of the bill.

TITLE II—UNLAWFUL PRACTICE

Title II of H.R. 13915 seeks to weaken the 14th amendment, raises again the straw man of racial balance and reiterates a national educational policy premised on the neighborhood school.

By narrowly defining the scope of what constitutes a denial of equal protection of the laws, section 201 is contrary to the holdings of the Supreme Court. Subsections (a), (b) and (e) require that the action which results in discrimination be deliberate or for the specific purpose of segregation. The Court, however, has held in a variety of cases that it is not necessary to prove discriminatory motive, purpose, or intent as a prerequisite to establishing an equal protection violation when discriminatory effect is evident. As recently as June 22, in Wright against Council of the City of Emporia, Justice Stewart, writing for a majority of the Court, explicitly stated that no showing of a discriminatory purpose was required:

> The mandate of Brown II was to desegregate schools and we have said that the "measure of any desegregation plan is its effectiveness." Thus, we have focused on the effect—not the purpose or motivation—of a school board's action in determining whether a permissible purpose cannot sustain an action that has an impermissible effect.

Two recent decisions of the Fifth Circuit Court of Appeals in the cases of Austin and Corpus Christi have reiterated that there is no requirement of proof of discriminatory purpose.

In the Corpus Christi case, Cisneros against Corpus Christi Independent School District, the Fifth Circuit said:

> We affirm the finding of the district court that action by the school district here has, in terms of cause and effect, resulted in a severely segregated school system in Corpus Christi. We need find nothing more. Discriminatory motive and purpose, while they may reinforce a finding of effective segregation, are not necessary ingredients of constitutional violations in the field of public education.

The courts have consistently made it clear that plaintiffs need not demonstrate an improper motive or discriminatory purposes behind the actions of school authorities in order to vindicate their rights under the 14th amendment.

And Congress cannot impose such a requirement of proof of discriminatory purpose and thereby restrict and impede the rights of children to equal educational opportunity. This attempt, through section 201, to legislate a new burden of proof on those seeking equal protection of the law is among the most disturbing features of this bill. And the further one delves into this measure, the more obvious becomes the authors' intent to create as many obstacles as possible to school desegregation.

Yet section 202 has an allied purpose. It seeks to create public opposition to busing by continuing to confuse the busing issue through its assertion that the failure to achieve racial balance is not a denial of rights under the 14th amendment. In Swann, the Supreme Court was clear on racial balance:

> The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct constitutional violations.

The issue is not now, nor has it ever been "busing to achieve racial balance." This phrase has consistently and deliberately been used to instill unfounded fears in millions of Americans who envision massive busing across school district, municipal, county and even State lines. No such busing is now required by Federal courts and agencies. It is unlikely any such busing shall ever be federally mandated.

Those who raise once again the spectre of "busing to achieve racial balance" have had full opportunity to deal with this non-problem. Congress passed and the President signed into law a moratorium on any such busing ordered by a U.S. District Court.

The provisions of section 803, Public Law 92–318 are clear:

> Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent state or local authority for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

If court-order busing to achieve racial balance is a problem as the inclusion of section 202 in this measure suggests, current law provides adequate time—14 months—for Congress to seek remedies. But busing to achieve racial balance is but a bogus issue raised to divert attention from the real intent of proponents of this legislation. Justice Powell's ruling in the Augusta case last month underscored the distinction between the goal of racial balance and the imperative of desegregation. As to section 803 of Public Law 92–318, Powell ruled:

> It does not purport to block all desegregation orders which require the transportation of students.

Powell also wrote:

> If Congress had desired to stay all such orders, it could have used clear and explicit language appropriate to that result.

It is obvious that the so-called "anti-busing" forces were caught in a semantic trap they themselves had set. To excite the public, they spoke of "forced busing to achieve racial balance." And so Congress postponed such orders for 18 months. However, since busing for racial balance was not the problem, those who oppose busing for its present constitutional purposes were obviously displeased with this solution. Caught in their own trap, they fought more relentlessly than I, or most people, expected, and H.R. 13915 is the product of their zeal.

In a May 30 editorial, the Washington Post weighed the merits of the "Education Amendments of 1972" and concluded:

> We have expressed in this space our reasons for believing that the higher education bill to which these amendments are attached is one of the most important and commendable pieces of legislation to come before the Congress in a long while. We do not think it should be sacrificed in an effort to stop the "anti-busing" provisions of the bill—when the effort, almost by definition, cannot

succeed in the Congress this year and when its ultimate consequence would likely be the enactment of far more regressive anti-civil rights legislation.

I disagreed with the Post's admonition and opposed the conference report on the "Education Amendment of 1972," but shared their view that its enactment would ward off more regressive anti-civil rights legislation. It did not, because the intent of the "antibusing" forces is far more pernicious than that set forth in title VIII of Public Law 92–318.

It is particularly clear in section 203 of H.R. 13915, which provides that the assignment of students to "neighborhood" schools fulfills a school system's constitutional obligation. This seeks to establish the previously stated but mythical national policy of the neighborhood school as the basis of our educational system. Again, the proof of intent or purpose is required if such neighborhood school assignments result in segregation. In effect, this section would say to segregated youngsters that they are now attending de facto rather than de jure segregated schools. Such a change in labels is of little comfort to those denied an equal education.

This section ignores the fact that the racial character of neighborhoods has not been accidental. All levels of government have been involved, partly by design, mostly by default, in residential segregation. School assignments based solely on a student's residence is often discriminatory and is not a neutral device for complying with the 14th amendment. Neighborhoods may be a convenient basis for pupil assignment, but they are not of such supremacy as to override constitutional rights. As Chief Justice Burger noted in Swann:

> Desegregation plans cannot be limited to the walk-in school.

Section 203 would mandate such inadequate remedies and prevent the courts from developing alternate desegregation plans sufficient to remedy a constitutional violation. Section 203 is but one of many provisions of the bill which seeks to block adequate remedies to violations of the Constitution.

TITLE III—ENFORCEMENT

Section 302 of this measure would allow the gradual restoration of segregation in our Nation's schools and provide impunity to the resegregation process. How frightening to contemplate the undoing of all that we have strived for in the past two decades. But the authors of this legislation seem indifferent to the consequences and constitutionality of section 302. Under section 302, once a court has approved an implemented desegregation plan, an individual is prohibited from seeking his constitutional rights to equal protection, should the schools within the system become segregated again because of shifts in population. Such resegregation could well stem from official act or neglect and clearly violate the equal protection clause of the 14th amendment which, since Brown I, has prohibited the maintenance of racially segregated schools.

Such segregation is as much a constitutional violation if it results from a process of resegregation after a court-approved desegregation plan is implemented, as it is prior to the implementation of the plan.

This provision is a patent infringement on the rights of citizens for equal protection. Congress does not have the power to pass a law limiting or narrowing the guarantees held to be embodied in the equal protection clause. In 1966, the Supreme Court addressed itself specifically to this point in Katzenbach against Morgan, when it stated:

> Section 5 (of the 14th Amendment) does not grant Congress power to exercise discretion in the other direction and to enact statutes so as in effect to dilute equal protection and due process decisions of this court. We emphasize that Congress' power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

Section 5, moreover, cannot be used as a basis for regulating the jurisdiction of the Federal courts. It concerns only questions of federalism—not questions of checks and balances between Congress and the judiciary.

Section 302 of H.R. 13915 is clearly unconstitutional, but constitutionality was obviously not a criterion for those who crafted this measure.

Section 305 would delay civil action against an educational agency until such time as the Attorney General served notice to the agency of the conditions which constitute a violation of the act and he is satisfied that the agency has not taken adequate remedies within a reasonable time. The effect of this section is to slow the desegregation process. It is but another obstacle to integration this bill seeks to erect.

The next section, 306, follows this defiant pattern. It would provide that the prevailing party in any action under the act may, at the court's discretion, recover a reasonable attorney's fee as part of the cost.

There is no doubt of the consequences of such a provision. It strikes at the very foundation of American justice by intimidating and deterring the poor from asserting the constitutional rights of their children.

The Association of the Bar of the City of New York's Committees on Federal Legislation and Civil Rights stated the case against section 306 as follows:

> To permit the recovery of attorney's fees against civil rights plaintiffs is to reject the rationale of Title II of the 1964 Civil Rights Act as interpreted by *Newman* v. *Piggie Park Enterprises, Inc.* where the court stated that a plaintiff under Title II of that act obtains an injunction not for himself alone but also as a "private attorney general." In fact the 1964 Civil Rights Act and the 1968 Fair Housing Act provides that attorneys' fees are recoverable by plaintiffs under certain circumstances in accord with the public-interest nature of such litigation.
>
> The prospect that a plaintiff may lose a civil rights action and therefore be required to pay substantial attorneys' fees would have an "in terrorem" effect on attempts to vindicate civil rights. The problem is highlighted by other provisions of EEOA which make it likely that decrees heretofore obtained by civil rights plaintiffs will be reopened.
>
> Moreover, to allow a court to charge attorney's fees to an unsuccessful plaintiff is quite contrary to the spirit of American justice which has not allowed the taxation of costs so high as to discourage plaintiffs from commencing litigation to obtain what they deem to be their rights.

This section is clearly "contrary to the spirit of American justice". This bill is, too, as we have seen in the policy, findings, definitions of unlawful practices, and enforcement provisions.

TITLE IV—REMEDIES

However, it is in the bill's proscription on remedies that this measure is most threatening to the rights of Americans.

Section 401 mandates that in formulating a remedy, "a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws."

It is unclear what is intended by section 401. The House Education and Labor Committee's report on H.R. 13915 states only that—

> This provision means that courts are not to use law suits against school districts as occasions for imposing free-wheeling requirements on these school districts. Rather they must restrict themselves to the particular facts and circumstances of the cases.

So we are confronted with a section of vast implication with only the slightest hint of legislative intent. We can only speculate as to its full intent.

The limitiation of remedies to particular denials of rights could be intended to restrict the courts from ordering school districtwide desegregation plans. The Justice Department has recently contended that district courts must limit their orders to remedies applying only to "pockets" or "incidentals" of discrimination within a school system. Judge Wisdom of the Fifth Circuit Court of Appeals in United States versus Texas Education Agency responded to this argument:

> What the Department now refers to as proof only of piecemeal or pocket discrimination has always been its tried and true method of proving school segregation. The discriminatory acts of the school authorities infect the entire school system; they are particularly obvious in the so-called 'pockets' . . . The concept of 'incidents' of discrimination' is an inscrutable new concept totally at odds with the teaching of *Brown* and its progeny—and with all previous cases in which the Department of Justice has appeared.

The effect of section 401 would be to allow the judicial treatment of symptoms without responding to the disease itself.

It could also be that this section is intended to preclude the use of class action suits in school desegregation cases. But the intent is not now clear.

In the House debate on the measure, Representative Wiggins asked Representative Quie:

> Whether or not the use of the word "particular" is intended to foreclose class actions.

Representative Quie answered:

> I could not tell the gentleman, but I doubt that would be the case. The question never came up, so I have not checked it with counsel at all, but I doubt that it would.

If Representative QUIE's doubts are not affirmed, section 401 could limit courts to providing remedies only to individual plaintiffs, thus making it impossible to desegregate entire school systems without costly multiple suits.

This section could also be intended to eliminate the use of statistics to prove a pattern of discrimination in a school desegregation case. Such evidence is in many instances the most objective and compelling way to prove discrimination.

However this limitation is interpreted now, it is obvious that its lack of clarity would lead to extensive litigation in the future.

In light of the other provisions of this measure, I must interpret section 401 as intending to narrow the application of remedy, the use of class actions and the submission of statistical evidence.

Section 402 of H.R. 13915 sets forth a priority of remedies whereby the Federal courts would be required first to attempt to assign students to the nearest school, taking into consideration building capacities and "natural physical barriers." Yet if this does not work, the bill would allow the courts to ignore physical barriers such as railroad tracks, a river or busy highway. The great concern for safety in respect to busing earlier expressed in section 3 is obviously not paralleled in title IV's consideration of alternate remedies. The third priority remedy set forth in susbection (c) is contrary to a series of Supreme Court decisions since 1968 that have ruled that "freedom of choice" or "open enrollment" plans are rarely an effective remedy. Section 402(c) would undermine any impact a desegregation plan might have by permitting white students to transfer from integrated schools. Any white student who could show that students of his "national origin" were not in a majority in the school he wished to attend could presumably effect a transfer.

I cannot imagine a more potentially divisive scheme than to suggest that all schools keep track of the national origin of all its students. It would only call attention to differences and create group tensions where none had previously existed. While white studients would find transfers easy, a black student would be required to assume the full burden of change as an outsider coming into a school that must have a minority of his race.

Each year since 1966 the Senate has rejected proposals that would seek to make freedom of choice fulfill constitutional desegregation requirements. We are now confronted with a measure which places such plans third in line of priority, and seeks to limit true freedom of choice to whites.

Section 402 sets forth remedies that are inequitable and inadequate to fulfill constitutional responsibilities.

Section 403 denies a remedy that is in many instances the only one available—transportation. Simply stated, section 403 insures that should all the other provisions of this measure fail to impede desegregation attempts, this provision will succeed.

By forbidding Federal courts and agencies from ordering any school system to implement a desegregation plan requiring transportation of students beyond the school next closest to their place of residence, this provision would preclude desegregation even in the inner city; impose the entire burden of desegregation on those white families who live adjacent to the inner cities; and lead to chaos. It would free the more affluent from the desegregation process while lower-middle-income families, black and white, found their children bused to inner-city schools. This is the most blatant example of class legislation I have seen. Consider the consequences of the knowledge that a family must live only a certain distance in relation to two schools to insure its children were not part of the desegregation process. This provision would lead to neighborhood instability, real estate panics, and the flight of the middle class from the fringes of the inner city. Our cities would become more and more bastions of the very rich and the very poor. This is an expression of the worst social policy imaginable. It also seeks to deny the judiciary the flexibility which the Supreme Court has continually recognized they must have to devise remedies likely to succeed in local situations.

The "next closest school" concept was considered after only brief hearings in the House Committee on Education and Labor. Clearly an inflexible national standard with such far-reaching implications deserves the most careful scrutiny. I doubt anyone in Congress or the executive branch really knows how this would affect our various cities, and its different effects on large, medium, and small cities. I doubt if anyone really knows the effect that this would have upon the people who live in these areas. How can we conceivably consider acting in such a vacuum of information?

Subsection (b) of section 403 is merely an unnecessary affirmation of Swann and current law—section 802(a), Public Law 92–318. Again the authors of this bill have sought to suggest problems that do not exist in order to advance their measure.

Section 403(c) in permitting resegregation without remedy once a court determines a school system has eliminated its previous dual system, was added on the floor of the House.

In conjunction with section 403(a), limiting transportation to the next closest school, section 403(c) would assure and promote further segregation of neighborhoods and the resulting resegregation of neighborhood schools. Since students could be bused only to the next closest school and since subsequent court orders requiring transportation to adjust for shifts in residential populations would be prohibited, families living in school attendance zones next closest to black neighborhoods would need move only one attendance zone further toward desegregation completely.

Thus section 403(c) would fortify the next closest school concept by foreclosing future options to the courts to remedy the residential shifts caused by application of the next closest school concept.

In proposing this amendment, Representative FASCELL contended that—

> This makes the language of the Mecklenburg case apply to an act of a department or agency as well as that of a court.

I disagree with Mr. FASCELL's interpretation of Swann versus Charlotte-Mecklenburg, as already imposing limitations contained in section 403(c) on the courts.

In the closing paragraphs of the Swann decision, Chief Justice Burger stated:

> At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in *Brown I*. The systems will then be 'unitary' in the sense required by our decisions in *Green* and *Alexander*.
>
> It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the state has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

This dictum assumes that neither the Federal Government nor the State have contributed in any way to the shifts in demographic patterns that may resegregate schools. It must also be read in the context of the Swann decision as a caution to courts to exercise commonsense in the administration of desegregation plans. Section 403(c) is more than a caution, it is an invitation for covert actions to subvert desegregation orders by official acts, which would result in resegregation. A statutory prohibition of subsequent action against the effect of such an act could well encourage the act.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. BROOKE. I am pleased to yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I am grateful that the Senator has developed the points he has. The Senator was commenting a moment ago on section 403. I am not sure we understand fully the affront, really, that appears to be contained in the kinds of orders that this bill would issue to the Federal courts.

Am I correct in understanding the Senator from Massachusetts to make the point that no matter how gross a denial of equal protection of the laws a court may find a school district to have engaged in in violation of the 14th amendment, we are saying in section 403 that the court cannot exercise either its commonsense nor give any relief to a constitutional violation?

Mr. BROOKE. Precisely. That is exactly the point I am stressing.

Mr. HART. Is it correct to say that in a sense we treat Federal judges of this country as men lacking in commonsense and, second, even if we concede they have commonsense, we are denying them the opportunity to exercise it?

Mr. BROOKE. That is exactly what this bill would do. And it is inconceivable to me that the proponents of this legislation really want to do this. I would much rather believe they do not understand the nature of this act.

Mr. HART. That is a gracious, gentle judgment to express, and I share it, but I hope in this pellmell effort to adjourn we will not do even unconsciously what the Senator from Massachusetts makes clear would be done by the enactment of this measure.

Mr. BROOKE. I thank the Senator.

Mr. President, another prohibition contained in section 404, would not allow for the ignoring or alteration of school district lines unless there is proof of discriminatory purpose. This section represents an unnecessary intrusion into the judicial process. It appears to have been prompted by a recent district court decisions in Richmond and Detroit, which are currently under review in the Federal Appellate Courts. It is inappropriate for Congress to attempt to legislatively dictate a result in pending litigation or attempt to impose its view of constitutional requirements on the courts.

Yet this is the basic intent of this measure—to intrude into the judicial processes and dictate constitutional requirements that would thwart constitutional rights, and thus deter the constitutionality mandated desegregation of our Nation's public schools.

If this effort to impede school desegregation was not sufficiently sinister itself, consider section 406 of the measure before us. This section would seek to undo every existing court-ordered or title IV desegregation effort now underway. It would allow 1,500 desegregated or desegregating school systems, with the assistance of the Attorney General, to return to the courts and Federal agencies to have their plans modified in accordance with this bill. And the provisions of this deviously drafted measure would allow the return to segregation.

This would be in cases where district courts have already approved plans—sometimes modified them, to be sure—by which the process of desegregating school systems is proceeding in accordance with law. What section 406 would say to the courts and schools is, "Let us open this all up now. You can stop desegregating, go back to the courts, modify your plans, and, in fact, return to the segregated point you were at before you either voluntarily proceeded to desegregate or you were ordered to do so under law."

This would put us back decades; and this would totally disrupt areas where many, many times the people have found that the desegregation of the public schools is not the bugaboo many have tried to make it in proposing this legislation. Millions of Americans have found that their fears have been allayed; and they are working very well to bring about the desegregation of their public school systems.

But this measure, particularly this section, would encourage them to return to the segregation which they had before. To me this is a unconscionable proposition for anyone to have set before Congress.

This "reopener" clause is frightening in its potential. The wording is so broad that it would allow the reopening of all past desegregation cases going all the way back—over 18 years of progress to the Brown case.

In testifying before the House Committee of the Judiciary, Attorney General Richard Kleindienst was asked whether the right to reopen cases under section 406 would apply only to cases involving busing or to all desegregation cases. He answered:

> All desegregation cases, even where busing might not even be an issue involved in it. You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago, Congress has laid down a new national standard and we want to re-examine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.

This measure invites chaos across the country. Because the remedies and priorities of this measure thwart desegregation plans and violate the constitutional rights of our citizens, separatists, black, and white, will return to the forefront as the chance is offered to undo the hard work and good will of reasonable men and women. Those who have worked hard to make integrated schools a workable reality would be shunted aside by separatists, with the aid of Congress.

In arguing that section 406 is unconstitutional, the Association of the Bar of the City of New York stated:

> It is cynical in the extreme, therefore, to permit new rounds of litigation where successful adjustment to constitutional order exists.

That is not an understatement, nor is the association's assertion that section 406 is unconstitutional.

If this section intends to create a right to reopen proceedings which is greater than the traditional equity doctrine to review in the light of changed circumstances, and I assume it is or the section would be unnecessary, then it singles out on the basis of race a class of Federal court decrees for special treatment since it applies only to desegregation cases.

Therefore, I contend that placing such a burden on minority group litigants violates the doctrine of Hunter versus Erickson. In that 1969 decision, the Supreme Court held unconstitutional a provision added to the charter of the city of Akron, Ohio, which required any ordinance regulating the sale or lease of property on the basis of race to win the approval of a majority of voters in a general election before it could take effect. The Court held that the charter could not place "special burdens on racial minorities within the governmental process."

Section 406 would place special burdens on racial minorities. This section makes it more difficult for minority children to enjoy their right to equal educational opportunity since it forces them to relitigate cases they had presumably already won. Thus I contend this section is most probably unconstitutional under the principle of Hunter versus Erickson.

Yet I take little comfort in the presumed unconstitutionality of this reopener. That the House of Representatives could pass and the Senate could even consider such a provision frightens me. How can the Congress proceed so callously with respect to the rights of millions of Americans? I would like to believe that it has done so unknowingly.

But this section was drafted and considered. Section 406 only stands out amid the cynical provisions of this measure because, as the Association of the Bar of New York said, it is "cynical in the extreme." Under ordinary circumstances almost every provision of this measure would similarly be labeled.

Section 407 would allow the transportation portions of court orders to be terminated upon a finding that the school system is not excluding any person from any school on account of race. In other words, busing would remedy the illegal situation, but the moment this had occurred it would be possible for the school system to return to the situation prior to the busing order. Then only if it could be shown that the system is "effectively excluding any person from any school because of race, color, or national origin. could the court re-issue a busing order. Here again the burden is on the plaintiffs, who could conceivably be going back and forth to court. Section 407 would be a revolving door which would result in periodic utilization and termination of busing orders. And the educational process would suffer in the confusion.

Section 408 would terminate entirely court desegregation orders once a school system has been found to have a unitary system. It contains no time limits and would permit the lifting of an order the moment a school system can claim to be unitary. This provision is contrary to the practice in other areas where illegal conduct sought to be remedied has ceased. In such areas as antitrust, trade regulation, and voting rights, courts exercise jurisdiction after the illegal conduct that prompted the litigation has been remedied.

Section 408 also would apply whether the schools involved were in the past segregated de jure or de facto. Together, sections 407 and 408 would nullify section 201, which defines as a denial of equal educational opportunity the failure of an educational agency which formerly practiced deliberate segregation—de jure—to take affirmative steps to remove the vestiges of a dual school system. Sections 407 and 408 would require nothing more of a de jure school system than a de facto system. This is inconsistent with section 201.

CONSTITUTIONALITY

Consistency and constitutionality were obviously not criteria in drafting this measure. Reviewing H.R. 13915 carefully, I find, as many legal scholars have done, that this measure is clearly unconstitutional and invites a severe constitutional confrontation. I have discussed, provision by provision, the constitutional questions involved. They are varied and many. In House debate on H.R. 13915, there was a brief but interesting comment that reinforces my contention that this measure seeks to subvert the Constitution.

Representative MIKVA offered an amendment to the bill, which stated:

> The limitations on student transportation contained in this section shall not include any court, department, or agency of the United States from ordering an adequate remedy for denial of equal protection of the laws.

Representative PUCINSKI argued:

> This amendment totally negates everything we have been doing here all evening.

Mr. President, is that what the House of Representatives really intended to do? Is that what they want for this country? This amendment, to be sure, was voted upon. And what do you think happened?

It was defeated 223 to 154, yet the admission it prompted from Representative PUCINSKI will endure. The intent of this measure is clear: To deny remedies to violations of the 14th amendment. And this is unconstitutional.

Eighteen years ago, Brown I established that State-imposed segregation by race in public schools denies equal protection of the laws under the 14th amendment. To correct such violations the 14th amendment commands that the discriminating authority take whatever steps are necessary to convert to a racially nondiscriminatory school system. And in Swann, the Supreme Court held that if school authorities fail in fulfilling their affirmative constitutional obligations, "judicial authority may be invoked" and that the Court's power in fashioning effective remedies is broad, for "breadth and flexibility are inherent in equitable remedies."

Busing is but one of many remedies available to school authorities and the courts. But in some instances busing is the only effective remedy for the speedy desegregation plans mandated by the Supreme Court in the Green case. With 20 million American children riding yellow schoolbuses each day, it is impossible to contradict the Supreme Court's recognition in Swann of busing as an "integral part of the public education system for years" and as a "normal and accepted tool of educational policy." In Swann, the Supreme Court found "no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of desegregation." It added:

> Desegregation plans cannot be limited to the walk-in school.

H.R. 13915 would overrule the principles of Swann, North Carolina State Board of Education against Swann, and Brown II, by prohibiting the use of busing in any meaningful manner as a remedial tool for overcoming a constitutional violation.

In North Carolina State Board of Education against Swann, the Supreme Court has declared that no State may frustrate the constitutional mandate of the 14th amendment. In declaring North Carolina's antibusing law to be unconstitutional, the Court held:

> If a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system and impede the dis-establishing of a dual school system, it must fall; state policy must give when it operates to hinder vindication of federal constitutional guarantees.

I contend that Congress has a no less stringent constitutional duty in this regard than any State agency. Yet H.R. 13915 contains the same segregatory mechanism prohibited for school authorities, State legislatures and Governors. This measure is clearly designed to "impede disestablishment of a dual school system."

To enact H.R. 13915 would be to deny equal protection where a constitutional violation has been found and where busing has been decreed a necessary part of the effective remedy. By staying the implementation of an effective remedy, Congress would be aiding racial discrimination and therefore in violation of the due process clause of the fifth amendment.

Viewed in terms of article III of the Constitution, it is clear that Congress lacks the authority to prevent Federal courts from effectuating a constitutional mandate. While article III authorizes the Congress to regulate the jurisdiction of Federal courts, the Supreme Court has held in Marbury against Madison, away back in 1803, and Martin against Hunter's Lessee, in 1816, that the principle of separation of powers precludes Congress from limiting the authority of the courts in interpreting the Constitution and effectuating constitutional rights. In the guise of a jurisdictional statute, Congress cannot deprive a party either of a right created by the Constitution or of any remedy the courts deem essential to enforce that right.

Nor can Congress enact legislation which prescribes a particular result in a case. In United States against Klein, in 1872, the Supreme Court held that the statutory limitation on the Federal courts' jurisdiction, enacted by a Congress anxious to correct what it considered an erroneous line of cases, was unconstitutional.

> "We are directed," said the Court, "to dismiss the appeal, if we find that the judgment must be affirmed . . . Can we do so without allowing one party to the controversy (the Congress) to decide it in its own favor? Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of government in cases pending before it? We think not . . . we must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power.

The Klein case was decided 4 years after the ex parte McCardle, which upheld an act of Congress depriving the Supreme Court of appellate jurisdiction over lower Federal court decision in habeas corpus cases. But the Court in this case was not sanctioning unrestricted congressional power to deprive it of jurisdiction. Despite the act, which it sustained, the Court still had original habeas corpus jurisdiction as well as power to review lower court habeas corpus decisions by writ of certiorari.

Prof. Alexander Bickel has described the McCardle case as "aberrational" and reads it "as a fairly narrow holding." I agree with his interpretation.

Section 5 of the 14th amendment authorizes Congress to enforce that amendment by "appropriate legislation," yet it provides no basis for sustaining this measure.

Section 5 does not authorize Congress to limit the scope of protection guaranteed by the 14th amendment. Congress may not thwart the purpose of this amendment, which was designed to expand and extend constitutional protection to those who had previously been denied such rights.

In Katzenbach against Morgan, the Supreme Court addressed this point clearly:

> Section five does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this Court." We emphasize that Congress' power under Section five is limited to adopting measures to enforce the guarantees of the amendment; Section five guarantees Congress no power to restrict, abrogate, or dilute these guarantees.

And that is the purpose of this measure, Mr. President. It would restrict, abrogate, and dilute rights under the 14th amendment—the guarantees of the Constitution.

I referred to this citation earlier in my specific analysis of section 302 of H.R. 13915. But it should be continually cited in our consideration of this legislation. Section 5 cannot be used, as the authors of this measure would seek to use it, either as a means of limiting the scope of equal protection or as a basis for regulating the jurisdiction of the Federal courts. Section 5 concerns only questions of federalism, as I have stated before. The history of section 5 demonstrates this. Senator Howard, who reported the 14th amendment to the Senate from the Joint Committee on Reconstruction, said section 5's purpose was simply—

> To enable Congress, in case the states shall enact laws in conflict with the principles of the amendment, to correct the legislation by formal Congressional enactment.

Section 5 was not intended to give Congress greater power than the Federal courts to define constitutional rights.

In its severe restrictions on remedies to a denial of equal protection of the law, this measure would diminish the scope of the 14th amendment. Therefore, it fails the test of section 5.

Another unsuccessful amendment to H.R. 13915 during House consideration of the measure underscores the severe constitutional questions this bill would raise. Representative STOKES offered a proposed title VII to the measure, which stated:

> Nothing in this Act is intended to be inconsistent with or violative of any provision of the Constitution.

The amendment was defeated by a vote of 197 to 178. Like Representative PUCINSKI's admission, the rejection of this amendment makes it clear that the obvious unconstitutionality of the bill was of little concern to its proponents in the House, as well as a majority of the House.

That is why, when I first heard, Mr. President, that this legislation was being proposed, I made a statement across this country that it was politically inspired. I do not like to use harsh language, but I must when I see men appealing to the wrong instincts in millions of Americans, without any regard for the constitutionality of what they were doing. They were playing for votes for November 7, and nothing more, and it is clear politics in its worst form. If it were not, certainly the House of Representatives could not conceivably have denied an amendment which stated:

> Nothing in this Act is intended to be inconsistent with or violative of any provision of the Constitution.

How, in good conscience, could they vote against such a measure if they were not playing sheer politics, without regard to the Constitution and without regard to the safety of this Nation?

We in the Senate must uphold our obligation to the Constitution. And we cannot do so by passing a measure which would remove the only effective remedy for violation of an individual student's conustitutional rights; and violate the principle of separation of powers; and of the fifth as well as the 14th amendment.

I call upon my colleagues, many of whom are up for reelection in this election year—and I am among them to stand firm behind our Constitution. In my own Commonwealth of Massachusetts emotions run high on the question of busing, as they do across the country. But there are some things that are far more important in this land than being elected and reelected, such as upholding the Constitution of the United States and doing what is right under God.

If I am so certain the Supreme Court would eventually strike down this legislation as unconstitutional, why then do I not suggest we enact this measure and allow the courts to proceed? Representative JAMES SCHEUER, in his individual views contained in the House Education and Labor Committee's report, provided a most compelling answer to this question:

> As a Member of Congress, I took an oath to uphold the Constitution. This oath prevents me from taking any action that I know will jeopardize the delicate balance the Founding Fathers struck between the three branches of government. The Supreme Court is the last bastion against legislative tyranny—a tyranny we experienced during the days of Senator Joseph McCarthy. I cannot take any action which will unnecessarily weaken the Court by politicizing its deliberations and subject it to further emotional and demogogic charges and counter charges for merely exercising its clear responsibilities under the Constitution.

Each of us has taken the same oath and our obligation is clear to uphold, not tear down the Constitution when our citizens find its provisions temporarily uncomfortable.

It is our most compelling obligation to proceed orderly. Yet this measure would inevitably lead to a devastating constitutional confrontation between the Supreme Court and Congress, which would weaken both branches and undermine the confidence of Americans in our ability to govern. This measure does not confront decisions of the Court which have been narrowly decided. Rather, it seeks to undo a long line of unanimous decisions. The outcome of the confrontation would be clear as to law. The Court and the Constitution would prevail over Congress. But it would be a hollow victory as the Nation proceeded chaotically and found, for however brief a moment, that it was directed once again on a course of separatism.

Who knows how devastating the brief existence of such an act would be on the American people? How can you contemplate the effect of a measure that would have Congress state that because it is not convenient for us to obey the law of the land, we shall change it, though we have no authority to do so?

Do we lack the courage to make clear our constitutional obligation? Are we afraid to tell the people that what some may desire from us, we cannot lawfully deliver? I think they would understand.

I believe that the proponents of this measure underestimate the reasonableness of those they represent. I have always believed that it is the right and responsibility of a legislator or any leader to educate his constituency, not just to look at the polls. Do we really want government by polls? We have always known that crowds could be whipped up into emotion by orators and that polls could be effective measures of momentary passions. Is it a responsible legislator who merely reacts to that poll and finds that some particular subject is unpopular at a particular time in the history of our Nation or of the world?

Changes are constantly taking place in this country and across the world—great, sweeping changes. Right now we are doing things we never would have thought of doing just a year ago today. What was unpopular then may be popular today. What was popular then may be unpopular today. Yet, we have yielded to this emotionalism of busing. We have created a Frankenstein. We have misled the people as to what the real issue is. We have talked about busing for racial balance, when most of those who do the talking know that that is not the real issue before Congress. We have not lived up to our constitutional responsibility.

I would rather be defeated at the polls than to compromise my principles and to undermine the Constitution of the United States. I believe in our Constitution that strongly. I also believe the proponents of this measure underestimate the reasonableness of those they represent. I think their constituents, fully aware of the provisions of this measure, would oppose it.

I believe that this is why the proponents of this bill denied the American people a full opportunity to review this legislation through the normal committee process.

The American people, black and white, are weary of division. They long for a respite from turmoil and tension. And I believe they truly desire one Nation indivisible, not two nations apart.

It was my privilege to serve in the Kerner Commission after the riots of 1967. We went to many of the strife-torn cities across this Nation, and we listened to the people. We came back and wrote a report, and we pointed up what was happening in this country: That we were creating a nation divided, a nation with one side black and one side white, separate and unequal; that if we did not change it, we would be confronted some time down the road—perhaps 1973 or beyond—with the same situations, if not worse, that tormented this Nation in 1967. It was not the intention of that Commission to throw fear into the American people or to create more bitterness in the American people. It was an objective committee that called the facts as it saw them, reported its findings, and made its recommendations.

Now, Mr. President, the Congress of the United States is driving a wedge between Americans, a wedge which could do more harm and is more dangerous than any wedge we have ever had before.

Mr. President, because I believe in the good will of our people, I shall do all that I can—and I ask my colleagues to do likewise—to educate our people as to the frightening provisions of H.R. 13915, which would turn us away from our earnest quest for one Nation united toward an unconstitutional and unconscionable retreat toward two nations "separate but equal." The choice is clear. My faith in our people is strong and my faith in the Senate of the United States is strong.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. HART. Mr. President, will the Senator yield?

Mr. BROOKE. Yes; I am privileged to yield.

Mr. HART. Mr. President, the Senator from Massachusetts reminded us of the caution voiced by the Kerner Commission, a commission which the Senator from Massachusetts graced with great distinction.

Does not the Senator from Massachusetts agree that the caution voiced several years later by the Commission on the Causes and Prevention of Violence also has relevance here. The Commission on Violence described ours as a country which was developing into two nations, the armed and often affluent suburbs and the decaying, savage cities.

That is a harsh description and enormously ominous. Is not the Senator from Massachusetts suggesting that it is precisely this division and separation which this bill, whatever the motives of those who seek its enactment, would dig still deeper into and more fatally broaden.

Is this not also a caution and a reminder that should be in the minds of each of us as we are asked in the closing moments, really, of this Senate to act upon a bill which has not even had hearings?

Mr. BROOKE. Precisely. I think the distinguished Senator from Michigan, who has been such a great leader in protecting the Constitution of the United States states it well.

I would like to believe that many of those who have voted on this, particularly in the House, have done so, as I stated earlier, without full knowledge of the assault upon the Constitution of the United States that is contained in this particular measure. They have reacted to the high emotionalism in the country, much of which has been created by the proponents of this particular type of legislation—many, I think out of fear, because of the potential political ramifications or results could come from an adverse vote on this measure. But as the Senator pointed out, after the Kerner Commission report on the riots of 1967, and then the Commission on Violence report. All agree we did not have any disagreement. In any of the commissions that have ever met and made reports, the findings have been relatively the same. The causes have been relatively the same. Many of the recommendations have been relatively the same. The fact is that we have not acted upon them, we have not implemented those recommendations, in the main.

Then, as the Senator put it, in the waning days of this session of Congress, to take up legislation which sets us back way beyond the Brown case, with all of its inherent dangers, as I have tried to specifically point out section by section in my remarks, it just seems that this is something that Congress should wait and have proper hearings on.

The committee could hear witnesses, and many of the questions which have been raised could be answered. Many of the doubts and maybe some of the statements I have made or that others have made which could be in error, or could be explained.

But how can we do this unless we proceed in the usual legislative manner and put this bill where it belongs, in its proper committee, have a hearing and a report—the Labor and Public Welfare Committee has a long history of never having buttonholed or bottled up legislation—rather than come before us now and report it right out on the floor.

I just think it is most regrettable. I am sure that if our colleagues knew what was contained in the bill, it could never be considered in this session of Congress.

Therefore, I hope and pray that calm minds will prevail, courageous leadership will prevail, and that those who are concerned about the election results will put this country above their own personal political fortunes.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I am happy to yield to the Senator from New York.

Mr. JAVITS. Very briefly, I should like to express my pleasure and the pleasure which one always has when a friend as well as a colleague speaks with such great eloquence, with such deep sincerity and is so excellent a witness to the truth.

To me, the Senator's address, a great deal of which I have heard, is so critically important in our evaluation of the situation because it is the voice of a witness.

The Senator knows that I can get up here and predict tremendous social strain and tension, perhaps deferred in terms of its effect; but it will be inevitable. Our colleagues may not fully realize what is in the bill exactly, but only generally. But what it will do, and how it will be used and abused, is to put the clock back to pre-1954. The people will suffer for it, those who have made the effort to desegregate, the millions of young children in the South who have been given a much better direction in terms of education, and the alleged victims themselves, when they realize what has happened to them by this improvidence of a last-minute bill, with such lethal consequences, by Senators from States where they have a lot of public pressure—but that is why we are a nation and not a collection of individual States. And if the Senate will keep its head and not be panicked by these individual cases which the courts have, can, and will look at, then I think that the Nation will, indeed, be grateful to those of us who have felt as strongly as we have about this situation. There is no desire to defer legislation. If the Congress wants legislation on this subject, it will have it. But it should not have it until the heat and the emotion have been given an opportunity to yield to reason and fact.

Mr. BROOKE. Mr. President, I thank my distinguished colleague and my very dear friend, the senior Senator from New York, for he and the Senator from Michigan (Mr. HART) have truly worked together in this whole area of civil rights and civil liberties. And long before I came to the Senate of the United States, I respected them both as guardians of the Constitution. I cannot, as a man who has been trained in the law and in the practice of law and who has loved it, and who has served as a State attorney general before coming to Washington, make a higher commendation than to call the two Senators guardians of the Constitution of the United States. And that is exactly what their actions demonstrate.

They have been courageous. They have been eloquent. And they have been effective. And I think that history will prove that they have been right. I cannot be more grateful in concluding my remarks this morning and this afternoon than to have had join with me in a short colloquy the distinguished senior Senator from New York (Mr. JAVITS) and the distinguished senior Senator from Michigan (Mr. HART).

Mr. President, I yield to the junior Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I ask unanimous consent that two members of my staff, William Staszak and Harold Wolman be granted the privilege of the floor during the debate on H.R. 13915 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I want to first associate myself with the remarks of the distinguished Senator from Michigan and the distinguished Senator from New York in commending the Senator from Massachusetts. His statement, if only heard, would I believe move the hearts and the minds of all Members of this body.

Mr. President, in the first 2 days that the pending legislation, H.R. 13915, has been before the Senate, this body has heard some ironic, strange, and disquieting suggestions. First of all, we are asked to pass this House-passed bill without ever having referred it to committee.

To be sure, there were some hearings on the administration's version of the bill. But no bill has been reported from the Labor and Public Welfare Committee, nor have the hearings held thus far been printed. As I understand it, an extra day of hearings on the President's bill was held only 2 weeks ago at the behest of a proponent of that bill. However, even if it could be said that the proper Senate committee had held hearings on the administration bill, it could not possibly be said that there have been hearings on the House bill.

And the House bill, as we all know, differs in major respects from the bill introduced last March on behalf of the administration. It differs so much that two of the leading proponents of the administration bill in the House, Representatives QUIE and ERLENBORN, voted against passage of the final version of the House bill because they, too, thought it was unconstitutional.

I recall earlier this session when a motion was made to recommit the no-fault insurance bill, despite the fact that extensive hearings had been held on every aspect of it by the Commerce Committees.

But the Senate was told there were some legal and even constitutional questions involved in the no-fault bill, and that therefore the Judiciary Committee should be allowed to study the bill and to give us its authoritative view of the legalities of the no-fault concept.

It would seem, Mr. President, that the constitutional and legal uncertainties involved in this bill, H.R. 13915, make those of the no-fault bill look tiny by comparison. Yet the Senate is asked to act on this bill without the benefit of any of its committees' advice.

The second ironic and disquieting suggestion is that we end discussion on the merits of this bill on the floor of the Senate after only 2 days.

Certain Senators who had an extended discussion only last week on the Consumer Protection Act and voted against cloture now ask us to spend 2 or perhaps 4 or 5 days in discussing this profoundly important and disturbing legislation, the so-called Equal Educational Opportunities Act of 1972. At least on the consumer protection bill, a far-sighted bill on which a fair majority of the Senate wished to work its will, we had the benefit of a committee report and several days of discussion before the first cloture motion was filed. But this was not the case with H.R. 13915. A cloture motion was filed almost before one word was spoken for or against a bill on which there was no previous Senate consideration.

Yet the third ironic and disquieting suggestion is that we pass the bill virtually without amendment.

We are told by one proponent of the bill that, although it is not in exactly the form he would like to see it, those who favor this kind of legislation "would do well to resist amendments that may be offered to this bill."

The distinguished junior Senator from Michigan went on to state:

> Some of the amendments may be appealing, some may have merit, but I think we ought to be practical and realistic. If significant changes are made in this House passed bill, it will then have to go to conference where it will surely die. The one way—perhaps the only way—to be sure we get a bill passed and enacted into law is to stick with the House passed bill and pass it here in the Senate.

In other words, Mr. President, we are asked to give up our prerogatives as individual Senators and as a co-equal body of Congress. We are asked to give up our right to improve or to perfect legislation which has not even been considered by one of our own committees. We are asked as U.S. Senators to be a rubber stamp, no matter what the appeal or the merit of an amendment. We are asked to give the American people a law by which they would have to live, even though a majority of us believe that in certain ways this law might be made better or less onerous. Or—heaven forbid—they suggest we might have to go to a conference to resolve our differences with the House.

Mr. President, I say that the American people deserve more from "the greatest deliberative body in the world."

They deserve deliberation.

More than that, they deserve leadership from their elected President, Representatives, and Senators, an enlightened public discussion of perhaps the most complex social issue of our time.

Most of all, the American people deserve a true and responsible answer to their concerns, not the false hope or political cynicism that this bill in its present form represents.

And there is a concern among many Americans, a concern is conjured up by the very word "busing." There are of course some Americans for whom "busing" conjures up the more sinister motives of bigotry or even hatred, but for undoubtedly many more Americans—white and black, and yellow, red, and brown—this concern translates into a kind of fear of the unknown, and thereby consequently is a threat to their own security and to certain values they hold dear.

So it may be that many concerned citizens, who may never have had their children bused—at least for purposes of desegregation—and may never in the future have their children bused for purposes of desegregation, hear vaguely about Court decisions which require "massive busing." They grow "concerned," for they wonder what the effects of such a Court order would be on their children and on their neighborhoods. This concern grows highest, of course, when the Court action becomes imminent—as now in such cities as Richmond and Detroit.

There is first of all a concern about the safety of their children—on the schoolbus itself, or in the more distant school. No matter that riding a schoolbus is statistically less dangerous than walking to school, or that the school or the neighborhood of the school to which the child might be bused is as safe or safer than their own neighborhood. These citizens know their own neighborhood, and in many cases chose to live in it in the first place because of the school in the neighborhood. They do not know to which school in which neighborhood their child might be bused.

And for many Americans there is a deep and traditional value in the very concept of "the neighborhood." They see a threat to this traditional value on many fronts, not just from busing their children or grandchildren out of the neighborhood, but also from other basic changes in American society, such as the dispersal to suburbia.

Although he feels that they may be disintegrating, the Pulitzer Prize winning columnist of the Chicago Daily News, Mike Royko, has written a description of one kind of neighborhood, that is called the "ethnic neighborhood." He writes of the city he and I know best, Chicago:

> But Chicago, until as late as the 1950's, was a place where people stayed put for a while, creating tightly knit neighborhoods, as small-townish as any village in the wheat fields.
>
> The neighborhood-towns were part of larger ethnic states. To the north of the Loop was Germany. To the northwest was Poland. To the west were Italy and Israel. To the southwest were Bohemia and Lithuania. And to the south was Ireland.
>
> It wasn't perfectly defined because the borders shifted as newcomers moved in on the older settlers, sending them fleeing in terror and disgust. Here and there were outlying colonies, with Poles also on the South side, and Irish up north. . . .
>
> In every neighborhood could be found all the ingredients of the small town: the local tavern, the funeral parlor, the bakery, the vegetable store, the butcher shop, the drugstore, the neighborhood drunk, the neighborhood trollop, the neighborhood idiot, the neighborhood war hero, the neighborhood police station, the neighborhood team, the neighborhood sports star, the ball field, the barber shop, the pool hall, the clubs, and the main street.
>
> Every neighborhood had a main street for shopping and public transportation. The city is laid out with a main street every half mile, residential streets between. But even better than in a small town, a neighborhood person didn't have to go over to the main street to get essentials, such as food and drink. On the side streets were taverns and little grocery stores. To buy new underwear, though, you had to go to Main Street. . . .
>
> The borders of neighborhoods were the main streets, railroad tracks, branches of the Chicago River, branches of the branches, strips of industry, parks, and anything else that could be glared across. . . .
>
> But in the neighborhood, you were safe. At least if you did not cross beyond, say, the other side of the school. While it might be part of your ethnic state, it was still the edge of another neighborhood, and their gang was just as mean as your gang.
>
> So, for a variety of reasons, ranging from convenience to fear to economics, people stayed in their own neighborhood, loving it, enjoying the closeness, the friendliness, the familiarity, and, he says, trying to save enough money to move out.

As Royko suggests, this particular kind of neighborhood may to some extent become a thing of the past. But it was and to an extent still is representative of many cities north and south—and as Royko suggests, it is closely akin to the idea of a small town. And if the concrete example of the "neighborhood" is not as well-defined as formerly, certainly some of the implications of the concept are still with us. Thus the statement of Royko that—

> In the neighborhood, you were safe. At least if you did not cross beyond, say, the other side of the school.

For the school was on "the edge of another neighborhood," and that represented the unknown.

I do not speak of these concerns of citizens in order to explain them, or to speak of the concept and value of "the neighborhood" in order to enshrine it or the necessity of preserving it as an unalienable right of society. I speak of it because neighborhoods exist, and while I value neighborhoods and the sense of community they embody I speak of them here to point out that certain values are threatened, and real fears arise.

To some these concerns arise because they know too well what the Supreme Court is asking for. But for many others they exist because they do not know what is or may be asked of them, by the Supreme Court, by all the "bureaucrats" in Washington, or by any politician. Politicians above all are not to be trusted. Government is no longer viewed as of, by, and for the people, but only against the people.

And so these concerns, approaching fears, exist. It should be the role of political leadership either to allay these concerns by explaining to the people just what the issue is, and to keep trying to explain the issue no matter how complex or how long it may take. And if the concerns cannot be allayed by explanation, then responsible solutions to the underlying problems should be sought. Responsible political leadership does not exploit the fears of the people for political expediency by simplifying or falsifying the explanation of an issue or by proposing irresponsible solutions.

But that is just what many politicians, including the President—especially the President—are doing in regard to "busing." What is the problem? Simple, "busing." What is the answer to the problem? Simple, enact a law stopping busing.

As the philosopher Alfred North Whitehead once said: "Strive for simplicity, but learn to mistrust it." I for one am wary that the problem is simply busing, and I know that, in time, if not today, the American people will distrust those who promise them the simple answer, a law stopping busing.

There are some, of course, who say that busing is a "non-issue," and is therefore a code word or a scare word. But as Prof. Alexander Bickel has said:

> One man's code-word or scare-word is another man's symbol.

Busing, then, is a symbol to many of a real issue. Professor Bickel would define the "real issue" as follows:

> What is the proper objective of federal policy toward racial concentration—or separation, or isolation—in the public schools, and beyond that, what are the proper priorities of federal policy in primary and secondary education?

Accepting this formulation of the real issue, the American people should realize that "the Federal policy toward racial concentration—or separation, or isolation, in the public schools" is almost entirely being formulated by the Supreme Court, in part because of its responsibility within the Federal Government of interpretation of the Constitution.

But another reason why the Court has taken on this role at the Federal level is an historical one, a complete abdication of responsibility by the Congress and the executive. In 1868, when the 14th amendment became part of the Constitution, public school systems barely existed. In 1896, however, the Supreme Court decided the case of Plessy against Ferguson. This case did not deal with public schools directly, but it held that where States provided "separate but equal" facilities, the State would not be held to violate the 14th amendment right of "equal protection of the laws." After 1896, then, as school systems all over America were fully developed, many school systems came to provide—directly or more subtly—separate facilities to white students and to black students, and to other minorities. Whether from a Federal viewpoint they could ever be "separate but equal" was unknown. There was in fact no Federal viewpoint. Congress, of course, had the power under section 5 of the 14th amendment, "to enforce, by appropriate legislation" the "equal protection of the laws." But it was either incapable or afraid to so legislate, or it took the attitude that education was up to the States. Nor did the executive propose to act.

Many States, both North and South, took advantage of Plessy against Ferguson to enact laws actually enforcing segregation—in public schools and in many other facets of life. Other States and cities found more subtle ways to enforce such segregation.

After a period of time, however, it became clear that "separate but equal" was not working, given the realities of what was happening. And moreover, there was a good deal of evidence that such separate facilities were not equal.

Given the existence of inequality and the failure of the other two branches of the Federal Government to act, the Supreme Court felt compelled to take action under the constitutional mandate to insure that States should provide the "equal protection of the laws."

The historic case in which the Court did this, of course, was Brown against Board of Education I, decided in 1954. There were really four related cases, all dealing with the most blatant statutes establishing dual school systems, one system for blacks and one system for whites. The discussions of this case are legion, and I make no pretense that any interpretation of the case which I could provide would be definitive, or that the case could easily be applied in a myriad of factual situations. But let me give just one commentator's view, that there were two somewhat distinct but related elements or branches in the Brown holding: First, "the simple, minimal proposition that the State may not, by legislation or administratively, in the schools or otherwise, classify the population along racial lines, except for obviously remedial purposes;" and second, showing the Court's special concern with education, that "separate educational facilities are inherently unequal." This last phrase was Chief Justice Warren's in the case. To quote the case further, the Court could not have taken on the doctrine of "separate but equal," at least as it applied to public schools, any more directly:

> Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

No matter what one thinks of the Brown decision, or any subsequent Supreme Court desegregation decision, certain facts must be acknowledged: that in our Government, under the doctrine of separation of powers, the Supreme Court is the final interpreter of the Constitution; and that the Supreme Court, in deciding Brown I, relied on the Constitution as the basis for its holding, that is, the constitutional mandate to the States that they must provide the equal protection of the laws to all of their citizens.

Since Brown, I, then, the Supreme Court—and the appellate and district courts—have been struggling to apply Brown I to hundreds, and now thousands, of factual situations. Along the way, the Congress and the Executive even sought to help, as by passing and enforcing the Civil Rights Act of 1964. But besides applying the principles of Brown to other factual cases, the Courts of necessity had to provide remedies for the violation of the constitutional rights. And of course this is where the trouble—if that it is what it can be called—has come. To quote Professor Bickel again:

> Brown decreed the end of legally enforced segregation. It is possible formally to abolish a system of legal segregation by simply wiping the laws that enforced it off the books. But if that had been all that Brown demanded, it would have amounted to a sham, since the law of segregation bespoke attitudes that were still widely held, and that would have continued to have effect. And so the Brown decision had to be administered in order that it might be made palpable. It had to be administered for the sake of maintaining the integrity and credibility of law. Dual school systems had to be visibly disestablished.

I would like to summarize some of the major holdings of the Court in regard to remedies, again without any hope that this will by a definite interpretation of what the Court has said.

One of the first questions the Court had to decide was how rapidly desegregation must take place, once segregation had been found. In Brown II, in 1955, the Court said district courts should implement desegregation rulings with all deliberate speed, although the Court added that limited delays would be acceptable if a school board could establish that such time is necessary in the public interest. By 1964, however, the Court was serving notice, in Griffin against County School Board of Prince Edward County, Va., that such delays were no longer acceptable, saying:

> The time for mere "deliberate speed" has run out, and that phrase can no longer justify denying these . . . school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia.

Four years later, in Green against County School Board of New Kent County, Va., the Court ordered desegregation to take place immediately:

> The burden on a school board today is to come forward with a plan that promises to work, and promises realistically to work now.

As to what a previously segregated school system had to achieve, in the 1968 Green case the Court stated the constitutional objective as "a unitary, nonracial system of public education—a system without a 'white' school and a 'Negro' school, but just schools." And in the famous case of Swann against Charlotte-Mecklenburg Board of Education in 1971 the Court set the goal as "the greatest possible degree of actual desegregation." As to whether this degree meant actual racial balance, the Court said "no," although such a balance might be a useful starting point. The Court in Swann also did not say there could be no "one-race" schools; there could be a small number of these although the presumption would have to be against them.

Of course, to effectuate this "greatest possible degree of actual desegregation," school boards have to employ certain methods. The Supreme Court has also discussed there in various cases, notably Green and Swann. And here is where the Court met head-on with some of those traditional and most understandable values I mentioned earlier, such as parents wishing to send their children to the school of their choice, or simply to "the neighborhood school."

"Freedom-of-choice" is the formal name for the method of school assignment which allows a pupil or his parent to choose the public school which he wants to attend. In Green, however, the Supreme Court found that the school board's freedom-of-choice desegregation plan was not "a sufficient step to 'effectuate a transition' to a unitary system." It further said that: "if there are reasonably available other ways, such, for illustration, as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, freedom of choice must be held unacceptable."

And as for neighborhood schools, it was in the Swann case that the Supreme Court emphatically stated that in reaching the objective of eliminating illegally segregated school systems the neighborhood school or any other assignment plan "is not acceptable simply because it appears to be neutral." The Court said:

> All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems.

If "freedom of choice" or "neighborhood schools" were not the final answer—although they could be if they were effective in achieving the greatest possible degree of actual desegregation—what other methods were to be considered? Said the Court in Swann, as examples: "a frank—and sometimes drastic—gerrymandering of school districts and attendance zones," resulting in zones "neither compact nor contiguous; indeed they may be on the opposite ends of the city." Or perhaps "pairing, 'clustering,' or 'grouping' of schools with attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools."

Of course, either indirectly, as when pairing, clustering, or grouping was used, or directly, as when attendance zones were drastically gerrymandered—there would have to be provided a means of getting the students to the school. In most cases, the student could probably still walk to school. In others, however, a schoolbus would have to be provided, although in many instances the students were already being bused.

The Supreme Court discussed busing in the Swann case. It first stated a very obvious fact, that the busing of students is "a normal and accepted tool of educational policy." In fact, in the United States today 43 percent of all school children are bused, with only 2 to 3 percent of them being bused for purposes of desegregation. This being so, the Court believed that in certain instances school boards could provide busing for the purposes of achieving desegregation. The Court said:

> Desegregation plans cannot be limited to the walk-in school.

The Court very clearly did, however, recognize limits on school busing, as it stated the now familiar:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process.

There it is, then. The Court in effect has held that such valued concepts as "freedom of choice" or "neighborhood schools" must sometimes give way in order to effect a constitutional right, if those concepts in the first place cannot prove effective.

At the same time responsible political leaders can tell citizens that if a desegregation plan comes their way, they may not have their "freedom of choice" or be able to send their child to the neighborhood school, they had better also tell them how limited a "threat" this is. First of all, the idea of the walk-in neighborhood school is no longer as firmly affixed in America as it once was—not when 43 percent of all schoolchildren ride buses anyway, and only 4 to 7 percent of these for purposes of desegregation. A Department of Transportation study has shown that less than 1 percent of the annual increase in busing can be attributed to desegregation.

Second, there can never be real freedom of choice. A school board must, to a great degree, have control of which students go to which school—otherwise overcrowding and diseconomies could result.

Third, the people ought to know that the Supreme Court has recognized limits on busing. The safety of the child and the disruption of the educational process must be taken into account.

Moreover, the people should be aware that some 1,500 desegregation orders are now in effect and to a great extent are working effectively. In many places the moral scar of segregation has been healed.

One further element in this picture: The Supreme Court—not the lower courts—has not yet spoken to the issue of de facto segregation. So far, the Court has only adjudged cases of de jure segregation—that is, cases where there were actually dual school systems established by State or local statute or ordinance, or where schools were segregated as a result of discriminatory actions or acquiescence by public officials, be they school board officials or zoning officials or whatever.

The Court may be dealing with some cases in the near future in which it discusses de facto segregation—cases where, because people happen to live in a school district, there is a high or low degree of racial concentration. The Court may discuss this question in the pending Denver case, or perhaps the upcoming Richmond or Detroit cases—although I have no intention of prejudging those as cases of de jure or de facto segregation or as cases of segregation at all. I merely state that much of the furor in such situations has resulted from lower court decisions, and that the Supreme Court has not yet ruled on certain issues, and that much of the concern resulting from these cases may be premature.

To quote Professor Bickel again:

> So it is that we have arrived where we are. Where we are is not in the presence of hundreds of massive integration decrees in the South, let alone in the North, involving extensive shuffling of total school populations, by busing or otherwise. But we are in the presence of a fair number of such decrees; there are further ones impending North and South; and that is the direction which the Supreme Court has authoritatively indicated to lower federal judges. It will involve busing, more busing in many places than before, and busing to different ends than before.

This, then, is what responsible political leaders should be telling their constituents: that the desegregation of certain previously segregated school districts, as mandated by the Constitution, requires judicial remedies; that these remedies to a greater or lesser degree may go beyond the traditional concepts of a limited freedom of choice or the neighborhood school, if those traditional concepts do not prove effective for overcoming desegregation; and that presumably the local school board, under a mandate to desegregate, can choose methods of desegregating—that is, remedies that are the least expensive and the least damaging to traditional concepts or values—as long as they work. They might then add that busing is not nearly as massive as some might lead them to believe, and that the Supreme Court in discussing the remedy of busing has already tried to take account of its effect on the safety and the educational process of the individual child.

But, instead, so-called political leaders across the Nation are playing upon the fears of the people. They do not relate the whole story of desegregation, or of what the Supreme Court has really said, or the terrible fact of segregation which desegregation is ending. Instead, the overworked phrase, "the busing of little schoolchildren," is used to imply the demise of every neighborhood in every city, the health and safety of every child, and the destruction of the educational system itself.

But the political irresponsibility does not end there. To be popular, and hence ultimately to be reelected, politicians—who have already defined the problem as "busing"—feel they must propose a solution to the problem. Some are honest enough to realize that the way ultimately to change the situation is to adopt a constitutional amendment—but then they propose a blunderbuss amendment that virtually wipes out the 14th amendment.

Others are less candid. They promise simple legislation to "end busing." Not mere advisory legislation to tell the Court what priorities of remedies the Congress would like to see the Court employ, but legislation directing the Court which remedies to employ—no matter that they are unconstitutional. And while they are at it, for further political ends, they would have this legislation destroy much or all of the good which the Courts have accomplished over the past 18 years by dismantling dual school systems.

The greatest perpetrator of this irresponsibility, of course, because he is in the position of greatest responsibility, is none other than President Nixon. In March of this year, just a few days after a primary in Florida, where there was a referendum on busing and many an aspirant for office went wild in playing upon the concerns of the people, Mr. Nixon spoke to the Nation on busing. To a great degree, he misrepresented the issue as merely busing, massive busing. But then he turned to a solution. He said that he had considered a constitutional amendment, and that Congress should too, but that the constitutional amendment method of effecting a solution would take too long—18 months to 2 or 3 years. Mr. Nixon might have added that that might be after the November election, presumably Mr. Nixon's last election. So Mr. Nixon moved on to simple legislation, which he had the temerity to call the "Equal Educational Opportunities Act of 1972."

I shall proceed in just a few minutes to a discussion of the possible constitutionality of the administration bill—and the even more dubious House bill—although, of course, in the final analysis, no bill is unconstitutional unless the Supreme Court—or, in its absence, a lower court—says so. But we have it on the good word of many knowledgeable people and on commonsense that the Nixon and House bills defy constitutionality. In other words, they are much more likely than not unconstitutional.

And Mr. Nixon knows it. He is, therefore, trying to perpetrate a fraud on the American people. And just by the way, he is using our courts—which are not supposed to be the targets of political partisanship—for partisan political ends.

I should say that Mr. Nixon is once again using the courts for his political ends. All of us with memories of the last 4 years can recall the ominous implications of Mr. Nixon's rhetoric on law and order. Or the more specific instances of intervention in the Calley and Manson cases. But my mind has been called back to 1954, after the first Brown decision itself.

If my memory does not fail me, Mr. Nixon, who was, of course, the Vice President then, with bad taste which, unfortunately, is not uncharacteristic, praised the decision of the U.S. Supreme Court in the Brown case, even going so far as to say that the decision had been handed down by a great Republican Chief Justice. Of course, nine men handed down the decision, only one of whom had been appointed by a Republican President. But the point should be that there is but one Supreme Court, and it is neither Republican nor Democratic.

But in any event, in his present desire to exploit the anxieties of the people and to use the courts for political ends, Mr. Nixon gave us his version of the Equal Educational Opportunities Act of 1972. The House amended it for better or worse, and I suspect worse, to the point of voting down a proposed title VII that would merely have stated that "Nothing in this act is intended to be inconsistent with or violative of any provision of the Constitution." And then the House passed the bill, 282 to 102. I do not wish to excuse its conduct by saying this is an election year, but it was the wisdom of the Founding Fathers who foresaw such election year pressures that they provided only one-third of the Senate would be up in any election year. Presumably, then, two-thirds of us can deliberate on this bill, and on the underlying administration bill, on the merits, and without the great pressures of an election.

So, as for the merits, I should like to confine my remarks at this point to what I believe is the substance of the argument against the bill; namely, its probable unconstitutionality. Other Senators here have been trying to deal with other prospective problems with the bill—its necessity, its effect on harmonious race relations, and the myths on which it is based. I stress "trying to deal," for I would once again remind the Senate that we have no Senate committee report, no Senate committee hearings, and on many of the important elements of the House bill, no House document except for a brief discussion on the floor about the effect of certain amendments—as the limitation on busing to the closest or next closest school.

Both the House and administration bills run into the same constitutional problems. For the core of the administration's argument for constitutionality is that they affect only the remedies for school desegregation. The argument runs thus: the first Brown decision declared a 14th amendment right which Congress cannot repeal, but all subsequent decisions attempting to disestablish the dual school system are merely a matter of remedy and are therefore subject to any action Congress may take.

Many commentators have characterized this right-remedy distinction as "barren" and "simplistic," noting that it "flies in the face of both commonsense and the clear decisions of the court."

The House bill, and to a lesser degree the administration bill, attempts to place absolute limits on busing. But although busing is only one of many techniques available for use in desegregating dual school systems, it is sometimes found to be the only effective remedy for the speedy desegregation plans mandated by the Court in Green. In Swann, for example, the Court found:

> No basis for holding that the local school authorities may not be required to employ bus transportation as one tool of desegregation.

Adding that:

> Desegregation plans cannot be limited to the walk-in school.

The House bill especially, however, would prohibit the use of busing in any meaningful manner, by school authorities and Federal district courts, as a remedial tool for school desegregation. The House bill would prohibit busing in every case—except to the closest or next closest school—for every child of school age, regardless of time and distance or number of children involved.

Moreover, in a companion case to Swann against Charlotte-Mecklenburg called North Carolina State Board of Education against Swann, the Supreme Court declared that no State enactment may frustrate the constitutional mandate of the 14th amendment. The Court said:

> An absolute prohibition against transportation of students will . . . hamper the ability of local authorities to effectively remedy constitutional violations.

Thus the Court declared North Carolina's antibusing law to be unconstitutional, and held:

> If a State-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

It seems apparent to me and most commentators that Congress has no less stringent constitutional duty in this regard than any State agency. Yet, if Congress were to enact H.R. 13915, it would be implicating itself in exactly the kind of segregationist activity prohibited for school boards, State legislatures, and Governors. Congressional action would be the direct cause of continuing denial of equal protection, where a constitutional violation has already been found and where busing has been decreed a necessary part of the effective remedy. In short, by staying implementation of an effective remedy, Congress would be acting in aid of racial discrimination, and therefore in violation of the due process clause of the fifth amendment.

There is another side to the constitutional argument against these bills. Neither Congress' authority to regulate the jurisdiction of Federal courts, nor its authority to enforce the 14th amendment, authorizes legislation which would prevent Federal courts from effectuating a constitutional mandate. For although articles III of the Constitution authorizes Congress to regulate the jurisdiction of Federal courts, the principle of separation of powers precludes Congress from limiting and effectuating constitutional rights. This follows from the landmark 1803 case, Marbury against Madison. Congress, in the guise of a jurisdictional statute, cannot deprive a party either of a right created by the Constitution or of any remedy the courts deem essential to enforce that right.

Nor can Congress enact legislation which prescribes a particular result in a case. In an 1872 case called United States against Klein, the Supreme Court held that the Statutory limitation on the Federal courts' jurisdiction—offered by a Congress anxious to correct what it thought was an erroneous line of cases—was unconstitutional:

> "We are directed"—said the Supreme Court—"to dismiss the appeal, if we find that the judgment must be affirmed . . . . Can we do so without allowing one party to the controversy (the Congress) to decide in its own favor? Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of government in cases pending before it? We think not . . . . We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power.

The Klein case was decided after the 1868 case of ex parte McCardle, which upheld a post-Civil War act of Congress that deprived the Supreme Court of appellate jurisdiction over lower Federal court decisions in habeas corpus cases. But it seems clear from this case that the Court was not sanctioning unrestricted congressional power to deprive it of jurisdiction to consider constitutional claims. Despite the act of Congress which it sustained, the Court still had original habeas corpus jurisdiction as well as power to review lower court habeas corpus decisions by writ of certiorari. Moreover, such constitutional authorities as Alexander Bickel and the late Henry Hart read the McCardle case as "aberrational" and as having "a fairly narrow holding."

Nor do congressional restrictions on the jurisdiction of courts found in the Emergency Price Control Act of 1942 and the Norris-LaGuardia Act justify the busing limitations in the House or administration bills. The structure under the former statute preserved a full remedy in Federal courts, and the latter statute did not restrict constitutional rights because a businessman does not have a constitutional right to have a Federal court enjoin a strike growing out of a labor dispute. In fact, the Norris-LaGuardia statute served to implement the first amendment right to peaceful, noncoercive picketing.

Finally, section 5 of the 14th amendment, which authorizes Congress to enforce that amendment "by appropriate legislation," provides no basis for sustaining this legislation.

Section 5 does not authorize Congress to contract the scope of protection guaranteed by the 14th amendment.

The equal protection clause of the 14th amendment was designed to expand and to extend constitutional protection to those who had previously been denied such rights. Congress may not thwart this purpose.

The Supreme Court spoke specifically to this point in the 1966 case, Katzenbach against Morgan, when it stated:

> Section 5 does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this Court." We emphasize that

> Congress' power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

Section 5, moreover, cannot be used as a basis for regulating the jurisdiction of the Federal courts. That section concerns only questions of federalism—the Federal Government's relations with the States—not issues of checks and balances between Congress and the Federal judiciary. The history of section 5 plainly demonstrates that its purpose was simply to enable "Congress, in case the States shall enact laws in conflict with the principles of the amendment, to correct that legislation by a formal congressional enactment."

Section 5 was not intended to give Congress greater power than the Federal courts to define constitutional rights.

The legal impact of H.R. 13915 and of the administration bill would therefore probably be to eliminate busing as a viable tool for school desegregation. Though the House bill's language states "except to the closest or next closest school," busing restricted to these conditions will prove ineffectual in countervailing the impact of residential segregation upon school attendance patterns of children. Where busing is an indispensable and effective method of desegregation, Federal courts will find themselves constrained to render less than effective remedies.

For all of these reasons, then, I believe there is great doubt as to the constitutionality of this bill. As I say, I believe the President and the congressional sponsors of this bill are being less than responsible by proposing these bills, and even less responsible by trying to force the Senate to pass them without adequate consideration.

But I in turn would be disingenuous if I did not acknowledge the concerns of the people of whom I have spoken, and offer to allay those concerns with responsible alternatives to this bill.

I cannot deny the values represented by the neighborhood school, or the desire to choose within reasonable limits the school which a parent wants his child to attend. And no legislator can tell a parent not to worry about the safety of his child or the kind of education his child is getting.

But, with the exception of assuring the parent that the Supreme Court has held that the safety of the child and the quality of the educational process is to be taken into account when there is busing, I cannot assure parents that these values or desires may not be overridden if the Supreme Court or the lower courts find that as remedies they will not achieve desegregation in a school district found to be segregated contrary to the 14th amendment. This is because these values, although recognized by the Supreme Court, cannot override the constitutional directive to guarantee the equal protection of the laws. And the Constitution, of course, is the highest law in the land.

Given, then, that these concerns are to a large extent valid, how can they be allayed or answered? First, I would urge that we wait before acting in any way to meet the problem "head-on." This is an election year, and emotions on the issue of busing have been running high since long before the Florida primary. But beyond this, there is the fact that much of the concern has been generated over such cases as the Richmond, Detroit, and Denver cases, and that the Supreme Court has not yet acted on those cases. It may be that what the Court does in regard to those cases may allay the concerns of many. Or it may not be; what the Court does may only exacerbate those concerns. But I believe we should wait and see how the Court interprets the constitutional mandate in those cases.

My own guess is that the Court will act in the near future to further define the constitutional guarantees of equal protection in the schools. The notion of a government deliberately separating children between schools by race is clearly reprehensible and contrary to the equal rights guaranteed by the Constitution. But the notion that the purely voluntary congregation of American citizens with common ethnic origins in neighborhoods, be they Chinese, Irish, Mexican, or Negro, is reprehensible and cannot be reflected in the racial composition of community schools frustrates decent and very human desires for community and for cultural identity. To insist upon sending these children outside of their neighborhoods invites the indignation of genuinely aggrieved parents and some practical difficulties as well for the courts.

The educational benefits are not always easy to perceive. Efforts to achieve the maximum degree of desegregation of such schools as sometimes happens in de jure cases of segregation—may lead to segregated schools, as one race leaves to make room for another and the schools "tilt". What is more, some of the sociological assumptions of Brown I may be overtaken by a growing racial consciousness, manifested in such expressions as "black power."

Evidence is being assembled which indicates that educational benefits from busing may be marginal and sometimes won at the expense of harmonious relations between the races.

Carried to its logical extreme, the "greatest possible degree of actual desegregation" could require all the children in every school of every State to be mixed in proportion to statewide racial proportions. At some point along the way the Court will have to face the improbabilities inherent in the logical extension of some of its reasoning. It may conclude that all "separate" schools are not inherently unequal, any more than all schools balanced perfectly by race are inherently equal.

We may find that it makes more sense to overcome the separateness of schools for the poor than for one race or another, although the poor often have common racial characteristics. We may come to accept the notion that cultural identity and racial pride can be important to the education of a child and the enhancement of his chance for a fair, at least equal, opportunity to survive in a highly competitive society. Urban Indians want their schools. The Chinese in San Francisco want their schools. Mexican Americans in Chicago want their schools.

Increasingly the blacks want their schools. I cannot say that those wants, in the larger order of things, are unreasonable or unrelated to the welfare of the child. Nor can I say that those schools which reflect a voluntary community of people, by racial origin, offend the guarantees of the 14th amendment. The Supreme Court has not said so either.

The Court may draw a line between de facto and de jure segregation, leaving it to the courts to decide in a given case upon which side a particular school falls—and leaving it to the executive and the legislative branches of governments at every level to break down racial discrimination in jobs and housing in order to facilitate the mixing of races and persons of different economic levels in truly integrated communities.

In those cases where schools do offend the constitutional guarantees of equal protection, the Court may well have more to say about the appropriate remedy. Again it seems to me we ought to give the Court a chance to answer the questions it has raised. We ought not to act impulsively and in the heat of a campaign upon a delicate subject and without the benefit of much forethought. The Court may obviate the need for legislation or, on the other hand, it may raise the need for a constitutional amendment. We simply cannot say at this point. We are asked in this bill to change the law—and we cannot say what the law is.

Waiting for the Court could be just another abdication of congressional responsibility, much as passing the House bill and daring the Court to find it unconstitutional would be an abdication of responsibility. And so I would propose that the Congress take positive action, as early in the next session as possible, to alleviate certain of the underlying causative factors of inequality within our school systems.

For the Court has already said, in the Swann case, that it looks upon busing as an interim measure. But how long this interim period might last must certainly depend on the willingness of the legislative and executive branches to act to end the inequalities, or in the words of Professor Bickel:

> Try to change the reality on which the courts have been acting, rather than trying to alter the decisions the courts have been making.

In the House and administration bills, the attempt to change the reality on which the courts have been acting is supposed to be title I, "assistance." But again, this title is misleading, if not an outright fraud. It does not provide any new moneys not already authorized by existing legislation. And it does not provide any new incentives or mechanisms for educational reform. Rather it mandates that the first $500 million appropriated for desegregation assistance—a new and innovative program enacted this year—be used instead to provide additional funds for schools enrolling a high proportion of low-income students.

But the positive vehicle does exist. S. 3779, the Stevenson-Mondale-Javits bill, which was introduced on June 29, 1972, was cosponsored by 17 other Senators including: Senators ANDERSON, BAYH, CASE, EAGLETON, HARRIS, HUGHES, HUMPHREY, INOUYE, KENNEDY, MCGEE, METCALF, MOSS, PASTORE, PERCY, RIBICOFF, TUNNEY, and WILLIAMS.

The bill consists of two parts, integrally tied together. The first is a new program of general education assistance to states, while the second part is an amendment designed to make title I of ESEA more effective.

The general assistance program would provide States with an additional $5.25 billion annually for elementary and secondary education—more than doubling the amount the Federal Government now spends for all elementary and secondary education programs. The present programs with the exception of impact aid are all categorical. Federal funds are earmarked for specific purposes and cannot be used by school districts as they see fit to offset rising operating costs or meet locally determined priorities. Our proposal would terminate several categorical programs which together now account for $150 million in annual Federal expenditures.

States will be able to use the new general assistance funds for any educational purpose including, of course, the purposes now served by categorical programs being eliminated.

The general assistance funds would be distributed by formula to each of the State education agencies. The formula for distribution of Federal funds among the States would be based upon State effort and State capacity and total number of school-aged students. A portion of each State's allotment would be set aside to assure that nonideological, nonreligious educational services could be provided to students attending nondiscriminatory private schools. States with comprehensive educational assessment programs would receive an additional 5 percent above their formula allotment.

States would be prohibited from distributing any general grant in aid funds to school districts or private schools which discriminate. Federal funds could not be commingled with State or local funds.

A State would have to meet one basic condition before receiving any funds under this new general aid program. It would submit a plan showing how it would reduce the gross disparities in per pupil expenditures which exist among the various school districts within the State. The plan may utilize any financial system the State wishes, including the use of the Federal general assistance funds for this purpose.

The Federal Government would not mandate, review or even suggest the means by which a State would reduce these disparities. The Federal Government's role would be confined to determining annually whether disparities were within the range clearly set forth in the legislation.

If in any year after the first year in which the State received general aid funds, disparities were not within the permissible range, a State would not be eligible for general assistance funds for the next year unless it resubmitted a plan showing how disparities would be reduced. If the disparities were still not reduced to within the permissible range after that year, the State would not be eligible for future general assistance funds until the disparities were within the permissible range.

The standard in the legislation would set a reasonable floor, but not a ceiling, on a school district's per pupil expenditures. A district could spend as much per pupil as it wished. But the State would be responsible for assuring through allocation of the new Federal general aid and its own State finance program that no school district could spend less per pupil on education than the floor set in that State.

The legislation we propose does not mandate a specific State education finance structure. It permits any structure, including new structures States may devise or be required to implement in the wake of the Serrano decision, so long as educational resources are not inequitably distributed.

The legislation will enable States and local school districts to improve the quality of education children receive without resorting to additional and onerous property tax increases.

The second part of our proposal addresses itself directly to quality education by focusing on the results of the educational process rather than solely on the availability of resources.

At present, title I of the Elementary and Secondary Education Act of 1965 provides funds for "compensatory education" to local school districts with a high concentration of children from low-income families. School districts must concentrate these funds on specific title I schools.

Unfortunately, title I does not contain strong incentives for assuring that students will actually receive the basic skills necessary for self-sufficiency. It is an input-oriented program focusing on improving the performance of children with educational deficiencies.

Our proposal would add a new provision to title I allowing States, on a voluntary basis, to participate in an education achievement grant program designed to provide real incentives for quality education. If a State chose to participate, it would administer annually standardized tests in the two basic cognitive skills—reading and mathematics—to all students in title I schools throughout the State.

The test would be selected by the State and certified by the U.S. Commissioner of Education. To receive certification, the test must be designed to measure a student's progress towards the objective of being able to read and calculate sufficiently well to function independently and to participate actively in American society. The overall results of the test scores by school must be made public, but there would be a strict prohibition against disclosure of an individual student's test score except to his parents.

Every school district receiving title I funds within a participating State would receive achievement progress bonuses of at least $150 for each title I student in the district who made satisfactory progress in reading and mathematics over the course of the school year. The school district could use the achievement progress bonus as general education aid.

The proposed education achievement grant program would provide schools with strong incentives to improve skill achievement and to demonstrate that our public school system can effectively teach educationally disadvantaged children.

I must emphasize that our bill would not change the present mechanism for distributing title I funds, nor would it restrict or change the uses to which title I funds can be put. Title I funds would continue to flow to school districts regardless of whether their State participated in the education achievement grant program.

Nor would future title I funding be contingent upon satisfactory test scores of a school's title I students. The achievement progress bonus is a reward for school districts which do well; there is no penalty because withholding title I funds would only penalize students who are most in need of extra educational resources.

The bill would not change the General Education Provisions Act prohibition against Federal involvement in determining either what is taught in American schools or how it is taught. The Federal Government would not mandate the structure or content of school curricula; it would only provide an incentive for schools to devise and utilize whatever methods they determine actually produce quality education. The Federal role would be limited to continued encouragement and funding on a demonstration basis, of promising education innovations and to dissemination of information with respect to various innovations.

Mr. President, I ask unanimous consent that a section by section analysis of S. 3779 and a fact sheet describing it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1: Short title:

This section provides that the act may be cited as the "Elementary and Secondary Education Assistance Act of 1972."

Section 2: Purposes:

This section states three purposes of the Act:

1. To provide increased resources for elementary and secondary education;
2. To redress inequitable distribution of resources for elementary and secondary education among States and among local educational agencies within the States;
3. To improve the educational achievement of educationally disadvantaged elementary and secondary school students.

TITLE 1. GENERAL GRANTS FOR ELEMENTARY AND SECONDARY EDUCATION

Section 101: Grants authorized:

This section directs the Commissioner of Education to make grants to State educational agencies for them to make grants to local educational agencies and to engage in other activities. The section authorizes the appropriation of $5,250,000,000 for the purposes of this title but specifies that no funds can be appropriated for this title in any fiscal year in which the appropriations for Title I of ESEA are not at least as great as in fiscal year 1973.

The section reserves from the monies appropriated for the purposes of this Title:

1. $50 million plus one percent for the purposes of section 106(c)—(expenses of State educational agencies for certain activities).

2. Five percent for the purposes of 106(b)—(comprehensive assessments of the quality and equality of elementary and secondary education programs in the States).

3. Two percent for Office of Education expenses, of which at least one percent must be used to finance evaluations of activities under this title by qualified persons or institutions other than the Department of Health, Education and Welfare and the recipients of aid under the title.

Section 102: Apportionment Among States:

This section describes the mechanism by which remaining funds appropriated under this Title are to be apportioned among the States.

First, the section reserves up to three percent of the remaining funds for grants to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands.

Secondly, the section apportions funds which still remain among the fifty states and the District of Columbia according to three criteria:

1. 60 percent according to the number of children, aged 5 to 17.

2. 20 percent according to need, as measured by a States personal income per school-aged child, adjusted according to criteria developed by the Bureau of Labor Statistics of the Department of Labor for regional differences in purchasing power.

3. 20 percent according to effort, as measured by a State's total state and local expenditures from its own sources on elementary and secondary education, divided by its total personal income, adjusted according to criteria developed by the Bureau of Labor Statistics of the Department of Labor for regional differences in purchasing power.

The section provides that any funds freed by the nonparticipation of any State may be reapportioned among the remaining States in proportion to their original entitlements and their need for further financial aid. It also provides that the resource index for the District of Columbia shall be no smaller than the smallest resource index for any other State.

Section 103: Distribution of resources among local educational agencies:

This section describes the manner in which the States shall allocate the funds apportioned to them in section 102(b) to local educational agencies.

The section provides that any State desiring to receive assistance under this title shall submit a plan showing how it will make use of the Federal funds, in conjunction with state and local funds, to reduce the disparities which exist among local educational agencies within the State in per pupil expenditures. The section further defines the criteria for determining whether such disparities have been sufficiently reduced. For elementary school students, the plan must provide that each local educational agency have a per pupil expenditure of at least 90 percent of the target per pupil expenditure, which is defined as the expenditure per elementary school students during the previous year of that local educational agency whose expenditure in that year was exceeded by no more than 10 percent of the State's local educational agencies. In the case of a local educational agency serving at least one-third of the children of an urban center (defined as the central city of a standard metropolitan statistical area), and in any case no less than 25,000 students, the plan must provide that the agency expend 100 percent of the target expenditure per pupil. For secondary school students, the plan must provide analogous assurances based on a target per pupil expenditure for secondary school students.

In the second and subsequent years of the title's operation, the State must further give proof to the Commissioner that every local educational agency had per pupil expenditures for elementary school students and for secondary school students at or above the required levels in the preceding year. If a State cannot provide such proof it is required to submit a new application with appropriate assurances. Any State which fails to meet the per pupil expenditure requirements for two consecutive years is barred from receiving funds under this title until such time as it can prove that it met the expnditure requirements in the preceding year.

The section provides that any funds apportioned to the State which remain after the requirements for eliminating expenditure disparities have been met shall be allocated among the local educational agencies of the State in the following manner: 50 percent on the basis of average daily membership and 50 percent on the basis of the number of low-income families (as defined in the Elementary and Secondary Education Act of 1965) residing in the district of each local agency.

Section 104: State applications:

This section requires the Chief State School Officer of any State which desires to participate under this title to submit an application each year, and details the assurances which this application must contain. It further sets forth special provisions concerning aid to private nonprofit schools.

Applications submitted by the Chief State School Officer for aid under this title must contain assurances:

1. that the State will comply with all the provisions of the Act, including the requirements for reducing expenditure disparities among local educational agencies and for aiding non-public schools, and that the State will not provide aid to any local educational agency which does not comply with all the requirements set out in the following section, and elsewhere in this title.

2. that the State will adopt adequate accounting and fiscal control procedures and will not commingle federal funds with state or local funds.

3. that the State will make available to the Commissioner various reports. These include: 1) the annual reports on evaluation of programs under this title and on school-by-school analysis of pupil achievement which are required of local educational agencies by section 105; 2) reports by the State concerning the purposes for which it made payments under this title and evaluations of the effectiveness of such payments and of payments pursuant to Title I of the Elementary and Secondary Education Act of 1965.

4. that the State will make application, reports and all documents pertaining to them readily available to the public.

Subsections (b) and (c) of this section make special provisions with regard to private, non-profit elementary and secondary schools. Under subsection (b) the State is directed to reserve a portion of its apportionment under this title for use in fulfilling its obligations to non-public schools under section 105(a)(2)(A). The portion so reserved must represent the same percentage of the State's apportionment as the number of children aged 5 to 17 enrolled in private, nonprofit schools represents of total enrollments in elementary and secondary schools. Under subsection (c), any portion of such reserved funds which is not used by the State, on account of State law or for some other reason, reverts to the Commissioner for use under the provisions of section 105(c).

Section 105: Local Educational Agency Applications:

This section details the conditions under which a local educational agency may receive a grant under this title.

Subsection (a) requires that the local educational agency submit an application to the appropriate State educational agency and that the State educational agency approve this application after determining the following items, in accordance with basic criteria which the Commissioner may establish:

1. That the programs and activities for which assistance is sought will be administered by or under the supervision of the applicant.

2. That the local educational agency will make provisions for students enrolled in private non-profit elementary and secondary schools in its district consistent with their proportion among all students in the district. The items to be provided must be secular, neutral, and nonideological educational services, material, and equipment, including such facilities needed for their provision. Special arrangements such as dual enrollments may be developed to assure the adequate participation of nonpublic school students where this is appropriate. The control of funds and the title to property acquired under this title must remain in a public agency, a public agency must administer such funds and property, and services must be provided by employees of a public agency or through contract with a person, association, etc. which is independent of the private school being aided, and of any religious organization. No provision may be made to benefit children attending a private school operated on a racially segregated basis as an alternative to persons seeking to avoid attendance in desegregated public schools, or which otherwise practices discrimination on the basis of race, color, or national origin.

3. That the local educational agency will maintain its per pupil expenditure of the previous year, except insofar as State funds are used to substitute for an equal amount of local funds in a manner approved by the Chief State School Officer.

4. That the local educational agency will institute effective procedures to evaluate the effectiveness of its programs in meeting students' educational needs and that it will submit an annual report to the State educational agency, plus any other reports and records required by the State in the performance of its duties. The annual report must include school-by-school information relating to educational achievement.

5. That applications, reports, and all documents pertaining to them, as well as all evaluations and reports required under 105(a)(5), shall be public information, except that information relating to the performance of an individual student shall in no circumstances be made public.

Subsection (c) stipulates that the Commissioner shall arrange for the provision of services to children in nonpublic schools in the district of any agency which is located in a State in which no State agency may legally provide such services, or which has failed to provide such services on an equitable basis. The Commissioner is to pay for such services out of funds which have reverted to him under the provisions of earlier sections, and may arrange for such programs through contracts with institutions of higher education or other competent non-profit institutions or organizations.

Subsection (d) provides that the State shall make arrangements for providing services to students of non-public schools in the districts of any local educational agencies which have not applied for funds under this title or whose applications have not been approved, unless the State is legally barred from doing so by applicable law. In the latter case the Commissioner shall make appropriate provisions.

Section 106: Payments.

This section directs the Commissioner to make payments to the States, and the States to make payments to the local educational agencies, in accordance with the provisions of preceding sections. The section also makes provisions disallowing payments to agencies which reduce expenditures from their own sources or which are otherwise in noncompliance with the provisions of this Act.

The section directs the Commissioner:

1. To make payments to the States in conformance with the provisions of sections 103 and 104 (general aid for education).

2. To use the funds reserved to him by section 101(b)(2) to make payments of up to 5 percent of its basic apportionment to any State in any year in which the State conducts a comprehensive assessment of the quality and equality of its public elementary and secondary educational system. This assessment must include, but must not be limited to, an analysis of educational achievement by school, and an evaluation of the effectiveness of school programs in the State in meeting the needs of children from varying social and economic backgrounds, including the special educational needs of minority groups and of bilingual and educationally disadvantaged children.

The section authorizes the Commissioner to make payments to the States, from the funds reserved to him under section 101(b)(1), in an amount equal to the expenses of the State for proper and efficient fulfillment of its duties under this title, for provisions of technical assistance to local educational agencies within the State, and for model innovative programs designed to increase academic achievement of educationally disadvantaged children.

The section directs the States to make payments to local educational agencies, in accordance with section 105(a), in the amounts for which applications have been approved.

The section sets forth two restrictions on payments by the Commissioner and by the States:

1. The Commissioner may not make payments to any State for any year in which that State's per pupil expenditure from State sources during the previous year was less than its expenditure for the second preceding fiscal year, and the States may not make payments to any local educational agency whose per pupil expenditure from local sources in that year is less than the preceding year, except where State funds have been used to replace local funds under an approved plan.

2. Upon finding that a recipient of aid is in noncompilance with this Act, or has knowingly given false assurances, or failed to make a good faith effort to establish the accuracy of its assurances, the Commissioner shall notify the recipient of his findings and shall cease payments to such recipient—at least for those activities affected by the noncompliance—until the situation has been corrected.

Section 107: Judicial review:

This section provides procedures for judicial review of actions taken pursuant to this Act.

Section 108: Prohibitions and limitations:

This section sets forth two restrictions:

1. Nothing in this title shall be construed to authorize any department, etc. of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

2. Nothing in this Act shall be construed to authorize payments for the construction of facilities as a place of worship.

Section 109: Administration:

This section authorizes the Commissioner to delegate any of his responsibilities under this Act, except the making of regulations, to another officer of the Office of Education, and to use the services and facilities of any agency of the Federal Government or of any public institution in the fulfillment of the provisions of the Act, under suitable arrangements.

Section 110: Termination of programs:

This section repeals Title V of the Elementary and Secondary Education Act of 1965 (Grants to State and local educational agencies to strengthen technical and administration services), effective July 1, 1973, and Titles II of ESEA (Grants to State educational agencies for the acquisition of library resources, textbooks and other instructional materials) and III of the National Defense Education Act of 1958 (Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects), effective the first fiscal year in which section 101(a) of this Act is fully funded.

Section 111: Definition:

This section defines "per pupil expenditure" for any State or local educational agency as the agency's aggregate current expenditure for elementary and/or secondary education divided by the number of children in the average daily membership of the agency, exclusive of the costs of transportation, health, maintenance or construction of physical facilities, activities related to compensatory education or education of the mentally or physically handicapped, and aid received under title I of the Elementary and Secondary Education Act of 1965.

TITLE II. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 201: Education Achievement Grants Authorized:

Subsection (a) of this section amends section 102 of the Elementary and Secondary Education Act of 1965 by extending the authorization from June 30, 1973 to June 30, 1976.

Subsection (b) of this section amends Title I of ESEA by adding a new Part D, and making appropriate conforming changes. The new Part D is entitled: "Education Achievements Grants." It has four sections.

Section 141 of the new Part D provides that the Commissioner shall, upon request from a State, certify for administration achievement tests in reading and mathematics to be given to Title I-assisted pupils in all local districts in the State receiving aid under Title I of ESEA (compensatory education for educationally disadvantaged low-income children); the tests must be given prior to June 1 of the year for which they are certified. The Commissioner is further directed to establish criteria of minimum satisfactory performance for children in each grade on each test which he certifies. The criteria should measure progress toward the objective of being able to read and calculate well enough to function self-sufficiently and to participate actively in American society.

Section 142 provides that, for each fiscal year beginning with fiscal year 1975, each local educational agency in states participating in the Education Achievement Grant Program shall receive a bonus equal to $150 or 50% of the average per Title I child funds that year, whichever is higher, for each Title I student whose score on the test the previous year was below the minimum performance score but whose score on the most recent test showed satisfactory progress (as defined by the Commissioner). The bonus funds may be used as general education aid. An equivalent amount of additional ESEA, Title I funds will be made available to children in private schools on the basis of improvement on their test scores. There is no penalty for poor performance. Title I funds continue so that children are not punished. But there is a substantial reward for local educational agencies whose Title I pupils show achievement progress. Grants under this section are to be made only to local educational agencies which have submitted to the State an annual plan for improving the agency's pupils' reading and mathematics skills. The plan must include measurable objectives; the State must provide assurances that the plan was prepared with parental participation, was approved by the local agency, and will be available to the public.

Section 144 authorizes the appropriation of such sums as may be necessary to carry out the provisions of section 142 for the fiscal year ending June 30, 1974, and two succeeding fiscal years.

TITLE III. AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT

Section 301:

This section amends section 422 of the General Education Provisions Act, "Prohibition Against Federal Control of Education," to include in its provisions the Elementary and Secondary Education Assistance Act of 1972.

FACT SHEET

Sets forth three purposes: 1) provide increased financial resources for elementary and secondary education, 2) redress inequitable distribution of educational resources among school districts within a state, and 3) improve educational achievement of educationally disadvantaged children.

TITLE I

Authorizes $5.25 billion annually for elementary and secondary general education grants to states (more than $5 billion of which is new money).

Apportions funds among states on the basis of school-aged population, need, and tax effort for education.

Specifies that, in order to receive funds, a state must submit annually a plan showing how it will distribute the funds, in conjunction with state and local resources, to assure that every school district will spend at least 90% of a target per pupil expenditure. Big city school districts, where the cost of education is higher, will spend 100% of the target expenditure.

The target expenditure for each state is the per pupil expenditure the previous year of the school district in that state at the 90th percentile in per pupil expenditure.

The effect is to place a floor under the per pupil spending of all school districts in the state while still permitting any school district to spend as much as it wishes.

Federal general education grants above the amount necessary to meet above criteria will be allocated by the state to local school districts—50% on the basis of student enrollment and 50% on the basis of low income population.

Local school districts receive funds, which may be used for any educational program or purpose, through state education agencies.

Funds must be provided for benefit of students attending private non-profit schools for secular, neutral, and non-ideological educational services, materials, and equipment (language from most recent Supreme Court decision relating to aid to children attending private schools).

Includes maintenance of effort requirements on both state and local education agency recipients—but provides state may assume all or part of LEA responsibility.

Requires that achievement program by school be made public, protecting individual test score from disclosure, and provides state with 5% bonus if it adopts or has adopted a comprehensive assessment program including an analysis of academic achievement by school and other appropriate factors specified by the Commissioner of Education.

Terminates present ESEA Title V (Aid to improve state education offices) but sets aside greater amount of funds for similar purposes.

Terminates ESEA, Title II (grants for library resources) and NDEA Title II (grants for equipment and minor remodeling) upon full funding of the Act.

Safeguards existing compensatory education programs under Title I, ESEA by requiring at least continued funding at 1972 levels.

TITLE II

Amends ESEA, Title I (Aid to Educationally Disadvantaged) by adding a new program of Education Achievement Grants.

States wishing to participate would give annual tests in reading and math to all Title I students in the State. A school district would receive a $150 Achievement Progress bonus for each Title I student whose test score showed achievement progress of at least one year. The achievement progress bonus could be used by the school district for general education aid. Receipt of funds under the present Title I program would not be affected by the new program.

Protects individual test scores from disclosure except to parents, but requires public disclosure of test scores aggregated by school, local education agency and State.

Authorizes for appropriation such sums as may be necessary.

Mr. STEVENSON. Beyond waiting for the Court to act and taking these positive steps, we must in the future consider whether the concerns of the people are strong enough and widespread enough among all groups within our population to warrant changing the law which has given rise to these concerns. In other words, we should face the reality of whether we want a constitutional amendment, and what kind of constitutional amendment we want. We will have to ask hard questions—we will have to consider closely the evidence, now widely debated and uncertain, that "the greatest possible degree of actual desegregation," or something close to integration for the sake of integration, offers little improvement if indeed any in the education of the formerly "deprived" child. And we shall have to consider carefully the corollary to that, that the value of such desegregation, beyond the neighborhood school concept, is indeed so small that we would want to establish certain of these other values in the Constitution.

I cannot say where I shall stand on any proposed amendment. I shall have to consider carefully the evidence presented in support of any proposal. And I have already stated that I shall not consider any amendment that would undermine the great promise that was and is the 14th amendment.

But that is the future. Now we are faced with a bill on the floor of the Senate that I believe is in many respects bad policy and that I believe is probably unconstitutional in certain respects. Unless it is drastically improved, I shall vote against the bill, if it comes to a vote. I hope that the Senate will recommit the bill or take it off the floor and vote to have it considered in depth in the next session of Congress. If it must come to a vote, it should be first amended. We could improve title I in order to make it meaningful; or if not, strike it. We could delete sections 406 through 408. And I hope that either in section 403 or in a new title, we could add wording to the effect that we have no desire to undermine the Constitution. It seems to me that is the least we can do to show our affinity to the Constitution and to be faithful to our oath of office. It would also be a way of showing that we are not daring the Court to hold the bill unconstitutional, and that thereby we are not once again throwing the monkey on the Court's back.

Mr. President, it seems to me that these latter courses of action, and the truth, are what the American people deserve from "the greatest deliberative body in the world." They do not deserve inflammatory rhetoric or false hopes. In short, Mr. President, they do not deserve this bill. They deserve something much, much better.

Mr. PERCY. Mr. President, I took an oath when I became a Member of the U.S. Senate 6 years ago. It is the same oath that every other Member of this body has taken to support that Constitution of the United States. I can neither abandon nor forget that oath.

The question now before the Senate tests our commitment to that oath for we are faced with determining whether this body, whose principal duty is to enact laws consistent with the Constitution, should, in the face of impressive evidence suggesting the unconstitutionality of this bill, summarily approve it without the benefit of so much as a single public hearing much less adequate floor discussion.

Quite frankly, I am not prepared at this point to conclude that this bill is unconstitutional. Nor am I prepared to say that it is not unconstitutional. Ultimately, whether legislation is or is not constitutional is a judicial determination. What I am prepared to say—indeed, what I am compelled to say—is that the legislation before us poses so many problems and questions concerning conformance with basic constitutional standards that, so long as I am sworn to uphold the Constitution, I cannot vote in favor of any action that will move the legislation closer to enactment while these questions remain unanswered.

For this reason, I am voting today against cloture, the petition for which was filed the same day this bill, H.R. 13915, was taken up for discussion without ever having been referred to a Senate committee—action unprecedented in the U.S. Senate to my knowledge. As most of my colleagues know, I am a vigorous opponent of filibusters. I consider them a poor way to conduct the Nation's business: They are wasteful, undignified subterfuges of otherwise legitimate, fair parliamentary procedures. I need not further elaborate my views on this point. But this is not a filibuster at all. Discussion and debate has just barely gotten underway.

Suffice it to say that only the most compelling circumstances prompt me to vote in favor of continued debate. I would not vote to continue debate if I believed the merits of the pending question had been explored fully, whether or not I agree with the legislation or its prospects for enactment. Believing in this case that the merits have not been fully explored—indeed, that the surface considerations have barely been scratched—I am voting for further time for debate and thoughtful consideration.

I vote today to continue debate on this legislation for another valid reason: The legislation has not received any formal study by the Senate prior to its reaching the floor. Through an unusual parliamentary maneuver, the bill was not referred to committee and the Senate was thereby deprived of the opportunity to receive and evaluate public testimony, to discuss the strengths and weaknesses and scope of the bill, to offer alternatives and modifications to the existing language, and simply to take the time to think through the full thrust of this proposal. The Senate is engaged in a race against time as the session draws to a close. But I submit that the clock is not our most important master. More important are our commitments as elected representatives to apply a full measure of study and deliberation to the legislation which we consider. The weight of that duty is increased when we deal with questions of civil rights, an independent judiciary, and quality education.

Mr. President, there are two salient examples of the constitutional questions raised by this legislation. First, section 406 would permit reopening any existing court order or HEW title VI plan to determine whether such plan or order is consistent with the requirements of this bill. The Attorney General has admitted that he believes that this would permit the reopening of all such orders going back to Brown against Board of Education, a period covering almost 20 years—20 years of hard fought and often painful progress. Would not this legislation jeopardize that progress?

Five hundred professors, including a number of deans from 42 law schools throughout the country have stated that this bill in their judgment, and I refer to their language now, would—

> Open to relitigation nearly two decades of judicial desegregation decisions many of which involve no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans . . .

And—

> Place the Legislative and Judicial Branches in conflict . . . remove a remedy for the vindication of constitutional rights, even when that remedy is constitutionally required . . . impair the Supreme Court's role of final arbiteur of constitutional matters.

Therefore, the second most troubling aspects of this legislation, the aspect which most deserves, but has not received, complete scrutiny, centers on the relationship balances of two coequal branches of Government. To state the issue precisely, the question before the Senate is whether the Congress has the authority to limit the remedies available to a court where the jurisdiction of the court is acknowledged and a violation of a constitutional right has been demonstrated. In other words, can the Congress tell the courts how to enforce constitutional rights by legislating the method or restricting the method?

I vote to continue our deliberations because in my judgment the discussion of this legislation by its proponents has been far from dispassionate, far from focused, and frankly, insofar as I am concerned, far from helpful. We have remained on the periphery of the issue by refusing to come to grips with the high costs of violating longstanding constitutional principles, by refusing to assess the impact of a complete turnabout in educational and social commitments which this legislation may represent, and by doggedly refusing to seek out the areas of compromise and conciliation which is essential to any democracy.

Mr. President, I regret that, irrespective of what we do or say here today, our actions will be interpreted as being reflective of our positions on busing. I do not see the question before the Senate as being whether one is "for" or "against" busing. The real question cuts deeper: It concerns the manner in which we choose to conduct the business of the Senate. I cannot justify to my constituents—indeed, I cannot justify to myself—my participation in a scheme which brings about the enactment of laws without public discussion, without public hearing, without full and contested debate in this Chamber, and without even addressing the most obvious and serious constitutional question that this legislation raises.

When the constitutional questions have been answered satisfactorily, then the merits of this legislation can be considered and voted on. I will take a position, defend it and attempt to persuade my colleagues of its strength. Until then, I will not place my imprimatur on this legislation or on these tactics by voting to cut off debate.

And in conclusion, I will repeat what I said at the beginning of my statement: I took an oath when I became a Member of the U.S. Senate 6 years ago. It is the same oath that every other Member of this body has taken to support the Constitution of the United States. I can neither abandon nor forget that oath.

Mr. President, I have already referred to the opinion of 500 professors of law and deans of certain of our great law schools which has been printed in the RECORD for our study and our guidance. However, I felt it incumbent upon myself to seek out advice and counsel from the leading deans of law schools in the State of Illinois.

I now ask unanimous consent to have printed at this point in the RECORD a statement first by Philip Neal, dean of the University of Chicago Law School, on H.R. 13915. Certainly Dean Neal is recognized as having one of the greatest legal minds in this country. He is an outstanding student of law and a scholar. And his judgment, I think, is important for us to have available on this particular legislation.

I also ask unanimous consent that the statement of Dean James A. Rahl, dean of the Northwestern University School of Law, on the pending legislation also be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY DEAN PHILLIP NEAL

I believe the House-passed anti-busing bill raises very serious questions of constitutional propriety which from a long-term point of view overshadow the questions about the extent to which busing should or should not be permitted.

I say questions of constitutional "propriety" rather than merely of unconstitutionality because the issue is more fundamental than whether the bill, or particular provisions in it, will be held constitutional. The approach taken in the bill raises sensitive and potentially far-reaching questions concerning the respective responsibilities of Congress and the Supreme Court, and the balance between them in maintaining our constitutional system.

There is no doubt that the bill as a whole, and certain specific provisions in it (particularly Sections 203, 403 and 406) constitute a sharp and direct challenge to the evolving principles developed by the Supreme Court and found by the Court to be anchored in the 14th Amendment, in the series of decisions stretching over the 18-year period from *Brown v. Board of Education* to the present. The confrontation would not end with the passage of the bill; that would be only the beginning. The court would then undoubtedly be faced in a series of cases with the momentous choice of yielding its deliberately taken views of the Constitution to the will of Congress or of defiantly reasserting its own paramount authority as the ultimate interpreter of the Constitution. Either result seems to hold perils for the strengths of our institutions.

The kind of clash thus posed, raising the most fundamental questions about ultimate authority, is one that we have happily and wisely avoided during most of our history. It is most reminiscent of the potentially fateful test which many foresaw, and some hoped for, in *Marbury* v. *Madison,* where it seemed for a time that the court must impale itself by either abdicating its authority or inviting defiance of its judgment. The ingenuous path by which this ultimate dilemma was wisely avoided was, of course, critical to the development of the court's position in our system. We could not count on being so fortunate again.

This, it seems to me, is the overriding difficulty with the bill from a constitutional standpoint, but there are other important problems. The bill represents a drastic assertion of the power of Congress to define and limit rights that have their source in the Constitution. With due recognition of Congress' remedial powers under Section 5 of the 14th Amendment, the detailed and severe curtailment of remedies attempted in this legislation can hardly be conceded to be an exercise of the "power to enforce" contemplated by that section. If that attempt were sustained it could not fail to undermine the entire range of rights heretofore safeguarded by the 14th Amendment. Finally, Section 406 of the bill, which would reopen judgments already entered and apply to them newly declared principals of both substantive and remedial law, raises most serious questions concerning the separation of powers and the independence of the judicial authority under Article III.

I believe that ways are open to the Congress to provide guidance and leadership to the country in the difficult problems of school segregation and busing that do not so fundamentally disturb our constitutional arrangements. It is the responsibility of Congress as well as of the court to exercise its powers in the light of constitutional wisdom and not merely its immediate policy objectives.

STATEMENT OF DEAN JAMES A. RAHL

The pending bill in Congress to curtail the powers of the Federal Courts to order busing in school desegregation cases appears to me to be of very doubtful constitutionality. In particular, grave questions under the doctrine of separation of powers would be raised by such an attempt by Congress to restrain and limit the courts in their exercise of valid jurisdiction in cases of great constitutional significance.

Mr. PERCY. I also note that a letter which was inserted in the RECORD earlier today sets forth the reasoning and conclusions of some of the top lawyers in the country that, in their opinion, this bill is unconstitutional. Among those who signed this letter are names which are the most respected in legal circles, the people that we in the Senate normally would look to for guidance and advice on matters such as this. Among those who signed the letter are a former Justice of the Supreme Court and two men who formerly have served as the Attorney General of the United States. They said that the provisions of this bill would:

> (1) violate Article III of the Constitution to the extent that they would limit the power of courts to fashion the remedies such courts believe necessary to correct adjudicated deprivations of constitutional rights in cases within their jurisdiction, and
>
> (2) violate the Fifth and Fourteenth Amendments to the extent to which they limit the power of the courts to correct adjudicated findings of unconstitutional school segregation where courts determine that busing is the only effective and promptly available remedy.

Mr. STEVENSON. Mr. President, I ask the distinguished Senator from Illinois whether in making this statement today and voting against cloture one has a right to assume that he is in favor of busing.

Mr. PERCY. Mr. President, I think this is very pertinent, and I am very happy to respond to my distinguished colleague. I commend him on the excellence of his statement.

Mr. President, I have made it unmistakably clear ever since the inception of this debate on busing that I do not like busing, could not be considered a probusing advocate and actually know few groups, regardless of race, creed, or color, who feel that busing is the best answer or even a satisfactory answer to equal educational opportunities.

But I am equally clear and adamantly opposed to the separate but equal dual school system ruled unconstitutional by the 1954 Supreme Court decision. I have queried Supreme Court Justices nominated by President Nixon on this very point, and I do not believe a single one of these appointees, confirmed by the Senate, would vote to roll back that decision.

When there is no other alternative and no other remedy available to the court—when all other, more preferable remedies have been exhausted and there is no other avenue toward which the court can turn—then, transportation of schoolchildren, a means of providing public facilities, a means already used to provide busing to 20,000,000 or 43.5 percent of American schoolchildren in more than a quarter of a million vehicles each and every schoolday of the year, cannot by act of Congress be denied the courts as a remedy. Nor should Federal funds be denied local school districts capriciously and arbitrarily by the Federal Government, if they decide to provide such transportation facilities to the schoolchildren in their district.

I helped develop and actively supported the Scott-Mansfield busing amendment which has been adopted by the Congress and, following the signature of the President, has become the law of the land. This provides that: First. Federal officials cannot require any local educational agency to use State or local funds for any purpose for which Federal funds were forbidden, unless constitutionally required.

Second. Forbids Federal officials from requiring any local educational agency to undertake transportation of any student where the time or distance of travel was so great as to risk the child's health or significantly impinge on his educational process. Third. Postpones the effectiveness of any U.S. district court order requiring the transfer or transportation of any student from one local educational agency to another, or which required the consolidation of two or more local educational agencies for the purpose of achieving a racial balance among students, until all appeals or time for appeals had been exhausted.

I do not know of any serious challenge in the courts that has been made to the constitutionality of this law that has now been in effect for many months.

I express deep gratitude to my distinguished colleague from Illinois for not only the excellence of his position and statement, but also for his courtesy in yielding this time to me.

Mr. STEVENSON. I thank my colleague from Illinois for his convincing statement.

Mr. SCOTT. Mr. President, the vote earlier today marks the first time in my 14 years in the Senate that I have voted against cloture. I have voted many times to modify rule XXII to bring the closure of debate more in line with the majority rule by which the Senate primarily functions. Although one of the strengths of the Senate is the great opportunity it presents for debate, I have always believed that the time comes on every issue when the Senate as a whole must be allowed to work its will.

My feelings in this regard have not changed. In fact, it is because of them that I opposed closing debate on the Equal Educational Opportunities Act. This is not the time for the Senate to vote on an issue which affects the fundamental requirements of our Constitution and the future of millions of our citizens. The national elections will be held in 5 weeks; the Congress is attempting to adjourn within 1 week. This is not the time to rush through consideration of such a momentous matter.

Now that the first attempt at cloture has failed, I would hope that those who wanted to rush precipitously toward a final vote will consider carefully just what damage this proposed legislation will wreak on nearly two decades of multiracial progress.

The most insidious provision of the proposed legislation is section 406. This section provides for the reopening of any desegregation order in effect as of the date of enactment of the Equal Education Opportunities Act which does not comply with the provisions of the act. This reopener is not limited to those cases in which busing was required but applies to every desegregation order implemented since 1954, because in addition to virtually eliminating busing as a remedy, the legislation imposes a nearly rigid formula for the imposition of remedies other than busing.

Those who argue that this will only affect cases in which a court has ordered mass busing just are not looking at what the legislation says. The Attorney General of the United States, in his testimony before the House Committee on the Judiciary, stated that it was his firm belief that this reopener would apply to all desegregation cases, not just those in which busing was part of the court order. And under this proposed legislation, the Attorney General is the very one who is required to assist educational agencies in reopening and modifying such orders.

The chaos this provision would cause is almost unimaginable. Approximately 1,500 school districts have desegregated under court order or HEW plan since 1954. Each one of these district plans would be eligible for reopening under section 406. Fifteen hundred reopening suits with the Attorney General required to assist in each one, nearly 20 years of work, conciliation, and progress—all this would go down the drain under section 406.

I will not at this time go into the delineation of permissible court ordered remedies under section 402 except to note that in many cases these remedies will provide no remedy at all. I do, however, want to comment on the limitation of busing in section 403(a) to the closest or next closest school.

An editorial in the September 13 Washington Post describes as clearly as anyone the end results of such a limitation:

> The legislators have, in effect, done two things. They have voted to spare high income persons such as themselves and the communities in which they live the inconveniences that attend busing orders. But they have also made sure, in their "closest or next closest" school provision, that the impact of outward bound ghetto busing will be hardest felt in those adjacent blue-collar, lower-income "ethnic" communities whose schools have least to offer poor black children and where racial feelings are the most inflamed.

Section 402(a) will permit nothing more than the creation of a thin band of integrated schools, with the schools in the very innercity and those in the suburbs remaining segregated. The racial tensions created by such a situation will only provide new impetus for the legendary flight to the suburbs with further residential and employment segregation resulting.

With all deference to my distinguished colleagues in both the House of Representatives and Senate, I believe that this proposed legislation is a hoax on those citizens who oppose busing as an integration tool because it is my firm conviction that the sections I have discussed are both unconstitutional. What will happen if this legislation is enacted into law is that legislators will go home proclaiming that they have done their duty; all voluntary efforts toward racial integration will cease; our court dockets will overflow with reopening suits; the Department of Justice will be inundated with demands for legal assistance; racial tensions will flareup again in areas which long ago attained racial harmony; the flight to the suburbs will take on entirely new dimensions; and finally, some day well after the November elections, the Supreme Court will rule section 406, section 402(a) and very probably other sections of this proposed act to be repugnant to the Constitution.

Earlier this year the Senate considered, at some length, other legislation to circumscribe busing as a desegregation tool. At that time, the distinguished Majority Leader and I offered what we believed to be a reasonable and constitutionally permissible proposal, and a majority of the Senate agreed. The Scott-Mansfield amendment delayed the implementation of court orders which require the consolidation of local education agencies or require transportation from one local education agency to another for the purpose of achieving racial balance. We believed, and still do, that it is reasonable to await a final Supreme Court decision in cases imposing more extensive remedies than have previously been ordered. The conferees on the Higher Education Act expanded this provision to include all district court orders, whether or not such orders were based on solidly established constitutional requirements. This provision has been found inapplicable in some cases, but the Supreme Court has yet to rule on its constitutionality. I think we should wait for this ruling before we further upset and undo our accomplishments of the past.

I believe that the enactment of several of the provisions in the Equal Educational Opportunities Act would require a constitutional amendment. The Founding Fathers were not unmindful of the necessity that changes in our Constitution be made with deliberation and by more than a majority of the moment. If 60 or 70 percent of the American people want such provisions enacted, as has been asserted, then this is the route we should take. But I believe that when the American people became aware of what the legislation before us will actually do, not one-third of them would support it.

Mr. President, I ask unanimous consent that a short statement on what I view as the most serious constitutional objections to this proposed legislation be printed at the end of my remarks.

We have a multifiaceted society, which all but the hermit must learn to grow up and live in. While racial and ethnic pride is of great importance, I could not disagree more with those, be they white or black, who preach racial separatism. I do not believe our Nation can continue to exist, and certainly not thrive under such a system. And neither can children exposed only to racially and economically segregated schools thrive in our integrated adult world.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL CONCERNS RAISED BY THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

I. VIOLATION OF DUE PROCESS UNDER FIFTH AND 14TH AMENDMENTS

The Fifth Amendment, which provides that "No person shall be . . . deprived of life, liberty, or property without due process of law," necessarily prohibits the passage of any measure by Congress refusing individuals the right of redress against State action which denies them equal protection of the laws under the Fourteenth Amendment. As stated in Marbury v. Madison 5 U.S. 137 at 163 (1866), "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he received an injury."

Congress may not deny individuals equal protection of the laws by legislating the termination of court-ordered desegregation plans. As held by the Court in Green v. County School Board 391 U.S. 430 at 439 (1968), school districts have a constitutional obligation to implement desegregation plans that will work "until it is clear that State-imposed segregation has been completely removed."

The courts have found that the unconstitutional effects of State-action establishing a dual school system may exist long after the State has ceased to take any positive action. In Swann v. Charlotte-Mecklenburg Board of Education 402 U.S. 1, at 20-21 (1971) the Court noted:

The location of schools may influence the patterns of residential development of a metropolitan area . . . choices in this respect have been used as a potent weapon for creating or maintaining a state segregated school system.

Thus, although a State has taken no "new" discriminatory action, the results of past action often require continued remedial steps—steps which cannot constitutionally be terminated even though no new action is being taken.

The "Equal Educational Opportunities Act" almost totally prohibits the use of transportation to desegregate schools, even where "no other method . . . will provide an adequate remedy for the denial . . . of equal protection of the laws." This provision was justified, particularly under the House-committee bill, by the holding of the Court in Swann v. Charlotte-Mecklenburg Board of Education, supra at 30:

"An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process . . . . It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students."

But to deduce that this permits the denial of transportation as a remedy for students, elementary or not, overlooks the very facts on which this case was decided. The Charlotte-Mecklenburg Board of Education had devised a school desegregation plan providing for the desegregation of teaching staffs and secondary school students through the revision of school zones and the use of transportation. However, the plan relied entirely on the "gerrymandering of geographic zones" for elementary school students. The District Court's rejection of this plan and the Supreme Court's affirmation of the District Court's decision was *based almost entirely on the fact that the plan did not utilize transportation to desegregate the elementary schools.* Thus this provision in the "Equal Education Opportunities Act" runs directly contrary to the Supreme Court's decision.

The primary justification for the constitutional viability of the proposed act is that Sec. 5 of the Fourteenth Amendment allows Congress to prescribe remedies for its breach. Sec. 5 provides:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The Court had occasion to determine the meaning and effect of this section in Katzenback v. Morgan 384 U.S. 641 (1966). In this case the Court found a section of the Voting Rights Act of 1965 exempting certain individuals from English literacy tests as a precondition to voting constitutional under the Fourteenth Amendment. The dissenting opinion raised the concern that this decision could be construed as allowing Congress to *restrict* the Fourteenth Amendment rights of certain classes of individuals. The majority opinion specifically rejected this contention (note 10 at 651):

"Contrary to the suggestion of the descent . . . § 5 does not grant Congress power to exercise discretion in the other direction and to enact 'statutes so as in effect to dilute equal protection and due process decisions of this Court.' We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated schools of education would not be—as required by § 5—a measure 'to enforce' the Equal Protection Clause since that clause of its own force prohibits such state laws."

It is true that in suits claiming the impairment of the obligation of contracts (Article I § 10) the Court has distinguished between the right to the obligation of the contract and the right to a specific remedy. However, the Court has been careful to point out that although a State may alter existing remedies it may not, in so doing, effectively deny any remedy at all.

"The legislature may modify, limit or alter the remedy for enforcement of a contract without impairing its obligation, but in so doing, it may not deny all remedy or so circumscribe the existing remedy with conditions and restrictions as seriously to impair the value of the right." (Richmond Mortgage Corp. v. Wachovia Bank 300 U.S. 124 at 128 (1937)).

Under explicit holdings of the Court, the delineation of remedies proposed by the "Equal Educational Opportunities Act", far from "enforcing the provisions of the Fourteenth Amendment," would totally prohibit the implementation of an effective remedy in a large number of cases.

In finding the Charlotte-Mecklenburg school board desegregation plan inadequate, the unanimous Court held:

"Desegregation plans cannot be limited to the walk-in school." (Swann v. Charlotte-Mecklenburg Board of Education, supra at 30).

In the companion case of North Carolina State Board of Education v. Swann 402 U.S. 43 at 46 (1971), the unanimous Court held:

"Bus transportation has long been an integral part of all public education systems, and it is unlikely that a truly effective remedy could be devised without continued reliance on it."

And finally, in Davis v. Board of School Commissioners of Mobile County 402 U.S. 33 at 37 (1971), the unanimous Court reaffirmed its earlier decisions and concluded:

"Neighborhood school zoning," whether based strictly on home-to-school distance or on "unified geographic zones," is not the only constitutionally permissible remedy; nor is it *per se* adequate to meet the remedial responsibilities of local boards . . . The measure of any desegregation plan is its effectiveness.

Clearly, transportation is a *necessary* remedy for the effective restitution of Fourteenth Amendment rights in many school desegregation cases. And as held by the Court in Alexander v. Holmes County Board of Education 396 U.S. 19 at 20 (1969):

Continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. . . . Under explicit holdings of this Court the obligaton of every school dstrict is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Finally, there is serious question as to whether the establishment of *any* limited set of nationwide guidelines for relief in desegregaton cases can adequately assure equal protection of the laws in each individual case.

In Swann v. Charlotte-Mecklenburg Board of Education, supra, the Court noted that district courts need both breadth and flexibility in formulating equitable remedies, and concluded (at 28–29):

"Conditions in different localities will vary so widely that no rigid rules can be laid down to govern all situations. . . . No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations.

"The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems."

Section 406 of the Equal Educational Opportunities Act, while arguably permissible under the usual doctrine that equity decrees are always subject to review because of change of circumstances, creates a right to reopen proceedings which is greater than the traditional equity doctrine. In addition, Section 406 singles out on the basis of race a class of Federal Court decrees for special treatment since the provision applies only to desegregation cases. Placing such a special burden on minority students would seem to violate the doctrine of *Hunter v. Erickson,* 393 U.S. 385 (1969). In that decision the Supreme Court held unconstitutional a provision added to the Charter of the City of Akron, Ohio, which required any ordinance regulating the sale or lease of property on the basis of race to win the approval of a majority of voters at a general election before it could take effect. The Court held that the charter could not place "special burdens on racial minorities within the governmental process."

The decision of a three-judge district court in *Lee v. Nyquist,* 318 F. Supp. 710 (W.D. N.Y. 1970), aff'd per curiam, 402 U.S. 935 (1971), strongly supports this argument. In that case the court found unconstitutional as violative of the Fourteenth Amendment a New York law which had been passed to reverse the policy of the Board of Regents of striving to achieve racial balance in the public schools of New York. The court noted that the statute singled out the Regents policy on racial balance for special treatment—approval by local elected school boards. The court stated:

"The statute thus creates a clearly racial classification, treating educational matters involving racial criteria differently from other educational matters and making it more difficult to deal with racial imbalance in the public schools. We can conceive of no more compelling case for the application of the *Hunter* principle."

Section 406 creates a racial classification since it applies only to school desegregation cases. The section makes it more difficult for minority children to enjoy their right to equal educational opportunity since it forces them to relitigate cases they had presumably already won.

II. *Violations of Separation of Powers Doctrine*

There have been other attempts by the Congress to interfere in judicial determination of "law and fact", as is proposed by the delineation and restricting of remedies under Section 402 of the Equal Educational Opportunities Act.

In a factually similar case, U.S. v. Klein

80 U.S. 128 (1871) the Court overruled an act of Congress which, while giving the court of the United States jurisdiction to hear appeals from Court of Claims decisions, required the court to dismiss the case should it find a Congressionally-prescribed fact situation to exist. The Court held (at 146–147):

"This is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power . . . What is this but to prescribe a rule for the decision of a cause in a particular way? Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of the government in cases pending before it? . . . We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power."

The "Equal Educational Opportunities Act" provides that after a court of the United States determines that transportation is necessary to the guarantee of equal protection of the laws it must follow Congressional prescribed guidelines in ordering its use, or, in some Congressional prescribed instances, not use it at all.

There would seem to be circumstances under which the Congress could, under its power to enforce the Fourteenth Amendment, remove the use of certain remedies, and even prescribe which remedies are to be considered before others, as long as an effective remedy is available to the petitioner. However, under the proposed Act, Congress directs the court to find certain facts and *ipso facto* prescribes the remedy, without allowing a judicial determination of what the law requires.

Nor, under U.S. v. Klein, supra, may Congress order the courts, upon a finding that there has been no additional violation of Fourteenth Amendment rights during a certain period of time, terminate the court's judicial power to enforce the continued protection of the laws as is provided in Sections 407 and 408.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills of Arkansas, Mr. Ullman, Mr. Burke of Massachusetts, Mrs. Griffiths, Mr. Byrnes of Wisconsin, Mr. Betts, and Mr. Schneebeli were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Sikes, Mr. Patten, Mr. Long of Maryland, Mrs. Hansen of Washington, Mr. McKay, Mr. Mahon, Mr. Cederberg, Mr. Jonas, Mr. Talcott, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 56. An act to establish a national environmental data system and State and regional environmental centers pursuant to policies and goals established in the National Environmental Policy Act of 1969, and for other purposes;

H.R. 2118. An act for the relief of the estate of Amos E. Norby;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, California, as wilderness;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group; and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1219 and 1220.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAT TOPS WILDERNESS, ROUTT AND WHITE RIVER NATIONAL FORESTS, COLORADO

The Senate proceeded to consider the bill (S. 1441) to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 8, after the word "dated", strike out "April 24, 1967" and insert "September 1972"; and, on page 2, line 2, after the word "approximately", strike out "one hundred and forty-two" and insert "two hundred and two"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Flat Tops Wilderness—Proposed," dated September 1972, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Flat Tops Wilderness within and as a part of the Routt and White River National Forests, comprising an area of approximately two hundred and two thousand acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOCKEYE SALMON FISHERIES ACT

The Senate proceeded to consider the bill (S. 4037) to amend the Sockeye Salmon Fisheries Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes which had been reported from the Committee on Commerce with amendments on page 1, line 3, after the word "salmon", strike out "Fisheries" and insert "or Pink Salmon Fishery"; in line 4, after "61 Stat. 514", strike out "U.S.C. 776(f)" and insert "16 U.S.C. 776f"; and, on page 2, line 3, after the word "of", insert "Salmon enhancement facilities pursuant to"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Sockeye Salmon or Pink Salmon Fishery Act of 1947 (61 Stat. 514; 16 U.S.C. 776f) is amended by (a) designating existing section 8 as "section 8(a)"; and (b) inserting at the end thereof the following new section:

"(b) In addition to the amounts authorized in subsection (a) of this section, there is authorized to be appropriated the sum of $7,000,000 for the share of the United States of costs and expenses incident to the development and construction of Salmon enhancement facilities pursuant to the program for the restoration and extension of the sockeye and pink salmon stocks of the

Fraser River system as approved by the Commission, to remain available until expended."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes."

MILITARY CONSTRUCTION APPROPRIATION BILL, 1973

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16754.

The PRESIDING OFFICER (Mr. TAFT) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. TAFT) appointed Mr. MANSFIELD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. BROOKE, Mr. BOGGS, Mr. STEVENS, Mr. YOUNG, and Mr. SYMINGTON conferees on the part of the Senate.

PLAN TO CONSIDER WELFARE AND PENSION FUND LEGISLATION EARLY NEXT YEAR

Mr. JAVITS. Mr. President, it has been reported to me that on yesterday the majority leader gave certain assurances, in my absence, about very early consideration, in the next session, of the bill for reform of welfare and pension funds.

Mr. MANSFIELD. Yes, and also the consumer council bill both of which would have to be reported out of committee again, but, as far as the Senator from Montana is concerned, they will receive the most expeditious consideration as soon as the committees report them to the Senate; and the earlier the better, because I think they are both good bills. They should be passed, and I want to see them passed.

Mr. JAVITS. I wanted to express my appreciation. As the Senator knows, welfare and pension fund reform has been a 5-year labor for me, now joined by the Senator from New Jersey (Mr. WILLIAMS). I am grateful to the distinguished majority leader.

Mr. MANSFIELD. I appreciate the remarks of the distinguished Senator from New York who, with the distinguished Senator from New Jersey (Mr. WILLIAMS), has worked long and hard on a plan, reported out of the Labor and Public Welfare Committee, which is an excellent plan, and which I approve thoroughly, but I could not approve the bill reported by the Finance Committee, and I want that on the record, too.

ORDER FOR RECOGNITION OF SENATORS HANSEN, HARRY F. BYRD, JR., TALMADGE, STENNIS, FANNIN, AND HUGHES ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, October 13, 1972, immediately following the recognition of the two leaders under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators HANSEN, HARRY F. BYRD, JR., TALMADGE, STENNIS, FANNIN, and HUGHES.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME ON CLOTURE MOTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on tomorrow, that the hour of controlled debate, under rule XXII, on the motion to invoke cloture on H.R. 13915 begin running at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, if there is any time remaining following the orders for the recognition of Senators on tomorrow, and prior to the hour of 11 a.m., such remaining time be utilized for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROL OF TIME ON CLOTURE MOTION DEBATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time during the 1 hour of controlled debate under rule XXII, on tomorrow be equally divided between and controlled by the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALIFICATION OF AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all amendments at the desk at the time of the vote on the motion to invoke cloture on tomorrow be considered as having met the reading requirements under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GAMBRELL. Mr. President, reserving the right to object, the agreement with respect to amendments at the desk would not abrogate the requirement that amendments to be considered under the cloture vote must be germane.

Mr. ROBERT C. BYRD. My request would go only to the reading requirement and not to the germane requirement.

The PRESIDING OFFICER (Mr. TAFT). The Senator from West Virginia is correct.

Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a unanimous-consent agreement and ask that it be stated by the clerk. My understanding is that it has been cleared all around.

Mr. MANSFIELD. Yes, Mr. President; that is correct. It has been cleared all the way around.

The PRESIDING OFFICER. The unanimous-consent agreement will be stated.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective when and if H.R. 640 is considered by the Senate, that debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. JAVITS. Mr. President, reserving the right to object, and I hope not to object—if I could have the attention of the distinguished majority leader—I heard something there about a motion to table. I do not know what the provision is. Could the Chair inform me?

The PRESIDING OFFICER. The clerk will restate that portion of the unanimous-consent request.

The legislative clerk read as follows:

> . . . debate on any amendment, motion, of appeal, except a motion to lay on the table, shall be limited to 1 hour . . .

Mr. JAVITS. That is all right.

Another thing, we have in mind to offer an amendment relating to unemployment compensation. I do not know exactly whether it would be germane or not, but it is close to what the bill is all about. It is not an extraneous matter. Could it be understood that those amendments will be in order?

Mr. MANSFIELD. Oh, yes. Remember, this is an "if and when"——

Mr. JAVITS. I understand.

Mr. MANSFIELD. Yes, they would be in order, because that is one of the things we had in mind, among the others.

Mr. JAVITS. I want to avoid, so far as I can, making a Christmas tree of the debt-limit bill. So that if we could be accommodated on this bill, we can test the question——

Mr. MANSFIELD. Fine.

Mr. JAVITS (continuing). And see where we go.

Mr. BAKER. Mr. President, reserving the right to object, may I inquire, was there a provision for unanimous consent that no nongermane amendment would be in order?

The PRESIDING OFFICER. There is.

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. JAVITS. My question was directed to a particular matter relating to unemployment compensation in certain situations where unemployment compensation has run out. I do not know that it will be germane, but it is a relevant provision of the bill, and I do want to leave it in the twilight zone, but if the Senator objects——

Mr. MANSFIELD. If there is any objection, I will be glad to withdraw the request, because I have no interest in it.

Mr. BAKER. I have no interest either, except I have had a standing concern for some time against germaneness and if that section is stricken on the unanimous-consent request——

Mr. MANSFIELD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

VISIT TO THE SENATE BY TURKISH PARLIAMENTARY DELEGATION

Mr. JAVITS. Mr. President, I have the honor to introduce to the Senate a delegation of Turkish parliamentarians which is visiting us today, consisting of Orhan Alp, Justice Party Deputy for Ankara, chairman of the Foreign Affairs Committee; Faruk Sukan, Democratic Party Deputy from Konya; Vefa Tanir, National Reliance Party Deputy from Konya; and Mustafa Ustundag, Republican People's Party Deputy for Konya.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. TAFT). The Chair welcomes our guests.

Mr. JAVITS. Before I introduce these gentlemen to the Senate, I wish to pay a tribute to the longstanding fight of the people of Turkey for freedom, which has been from time to time difficult, and to the right which they have earned to govern themselves in a profound revolutionary struggle, and to the liberalization of all their institutions, which the world has witnessed in the leadership of Mustafo Ustundag.

Mr. GAMBRELL. Mr. President, if the Senator will yield, I would like to join the Senator from New York in extending greetings to the members of the Turkish Parliament who are here. I would like to join in the sentiments the Senator has expressed about the difficulties the people of Turkey have been through in seeking to achieve democracy in their country. I would also like to recognize the outstanding patriotism that the Turkish people have demonstrated and the dedication that they have shown as allies of this country in many fields around the world for a number of years, and the reputation they have for being among the greatest fighters for the things they stand for. They are among the greatest soldiers in the world, and they have been our staunch allies through many years of great trial in sustaining the freedoms of themselves and their neighbors throughout the world.

I welcome them, along with the Senator from New York.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. WEICKER. Mr. President, I ask unanimous consent that two members of my staff, Mr. Geoff Baker, and Searle Field be permitted the privilege of the floor while the matter before the Senate proceeds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I have just returned from the State of Connecticut where I attended the sad occasion of the funeral of the former Senator from Connecticut, Prescott Bush. In the comments I was asked to make relative to Pres Bush, I said that here was a man who tore away the images that might normally be associated with one who came from staid New England and was a member of the conservative, financial world, in that he had enormous compassion for the people and problems around him, and he spent a lifetime on the floor of the Senate trying to solve those problems and seeing to it that the dignity of human beings in the United States of America was elevated to the highest possible degree.

Tomorrow morning, I shall have more to say about that, but it is ironic that I return from that particular moment to confront a bill, which is a disgrace to the concept called the United States of America. I know that the press sometimes likes to simplify matters and put a probusing or an antibusing label on people.

The real argument there is not a probusing pitch but that some of us feel there is still a long way to go in this country before we achieve the type of equal opportunity that is the American dream. That is the group that is labeled probusing.

Well, I know of no one on either side of this argument who thinks busing is the solution to equal educational opportunity—nobody. There are those who feel that there is a sizable portion of our Nation that does not have equality of educational opportunity.

This is what we are fighting for. We want a clock that brings us a tomorrow, not a tolling for yesterday. America is a concept, a concept that is as vital today as it was at the founding of our country. We have not made it yet, and I do not think we ever will. If we do, we can go ahead and shut the doors of the Senate and the House and no further legislation will be necessary. That may be tomorrow but it certainly is not today. On the other hand, there are those who think that America has made it, that America is more or less a country club with certain membership requirements and that the facilities cannot stand any more people. And to that I say "Rot."

There are those, in other words, who are in the lifeboat while others are still swimming around. And whenever somebody gets one hand up on the gunwale down comes the oar on the hand. And to that I say, "Build a bigger lifeboat."

How in heaven's name we can be sitting here some 18 years after the Brown against Board of Education decision, considering a matter involving the whole question of equal educational opportunity is beyond me.

I would like, Mr. President, at this time to lead off with a speech I made up in Connecticut over the weekend. I think it comments upon some disturbing attitudes in this Nation. Members of both parties have tried to take advantage of these attitudes, which is unfortunate.

Mr. President, I gave this speech on the occasion of the opening of a new masonic hospital at Wallingford, Conn. This is a hospital built with not 1 cent of Federal funds, but with privately donated nickels, dimes, and dollars from thousands of people. It was a labor of love. In my speech I referred to it as being all too rare or to use the ecological term that is so popular nowadays, so rare as to be an endangered species.

I said in that speech that we are in the grips of a national selfishness rather than a national caring.

I said that on Wednesday of this past week I had occasion to visit with the Secretary of Health, Education, and Welfare—Elliot Richardson—in the company of a wonderful man, Frank Stolfi of Waterbury. Specifically, the meeting centered around the funding of a narcotic rehabilitation program in that city. This project is rather unusual in that it involves not just an asking for Federal funds but a giving of sizable amounts of private money collected from individuals and corporations from all over the Naugatuck Valley.

Mr. President, I might add that Naugatuck Valley is an economically stricken area of my State with tremendous unemployment. Yet, there was money from the unfortunate for the even less fortunate.

At one point in the conversation, Frank Stolfi remarked that he hoped that such a project, which was now unique to Waterbury, might be adopted on a national scale. The secretary replied that he had seen many instances of a particular program working fantastically well in one area and not in another. This because the success of that program depended on the individuals behind it—their drive, their devotion, their spunk. Lacking those particular people, the program had no guarantee of duplicating success. The message then is that dedication to great causes, great reachings out, rely in the

United States today more on individual than national conscience.

However, the masonic home and hospital, and projects like it, is in ecological terms "an endangered species." Why? Because the Nation is in the grips of a national selfishness rather than a national caring. And that is what I came home to talk with you about today.

Like the civilian who bought his way out of the Civil War draft, too many feel that by the payment of taxes we are quits of our obligations to that great concept called the United States of America. Not only do many feel quits but actually expect the United States to maintain them in the style they have dreamed about rather than they maintaining the United States as the Nation it was dreamed to be.

Today's Nation is in a mood of "I've got mine and the hell with everybody else." I think it is time we analyze in this Chamber and throughout the Nation whether in fact I got mine or somebody else did, because the future depends on acknowledging the hard truth that our own contribution is only one of many that have brought so many Americans to a good life. It is because Americans have always lived for somebody else that we have derived a strength and result far beyond our actual numbers and resources.

I liken our history to a bucket of water filled to the top. Add only an eyedropper of water each day and it remains full. Do nothing and the process of evaporation soon evaporates the water and leaves the bucket as an empty, rusty pail. This bucket of national caring, full over the years, today is going down under the heat of national selfishness.

None of us can get away with the "let them do it" dodge. We are "them." We are not just second or third or fourth generation Italians, English, Polish, Irish, Germans. That is a nice thing to be. It is a happy thing to recall. That brings warm memories. But it is a little tough to admit that everyone of us in the Chamber, in the galleries, and outside are also second, third, and fourth generation uneducated, unfed, unhoused, uncared for, untrained. That is a recollection that we all like to go ahead and forget. However, it is true. And we have been able to forget about it because someone else made sure we did not have to live with it.

Let me put my hand on a few raw spots in today's America.

At some point in our history a young nation determined that a decent roof over every man's head was essential to a nation that was the embodiment of hope. And it was understood that in order to reach that goal governmental participation was a necessity. Now of late some of these governmental housing projects have not acquitted themselves well. They have, for a variety of reasons, become eyesores. So much of the country today has started to turn its back on this crucial investment in human dignity.

To that I respond that most public housing projects of the fifties and sixties look like Federal penitentiaries. There is no open space for children to play. They have to go clear across the city to find a place to play any sport. They are distant from decent educational facilities. Yet we wonder why the public housing projects failed. Goodness has not failed, the goodness in each of us; it is to say that we have learned we can do better. I believe in the original hope that every man, woman, and child in this country deserves a decent roof over his head. I am just more certain we can do it right.

For those of us who have paid money for the roof over our heads, this is our time to work for that reality for others.

EDUCATION

At some point in our history a young nation determined that the most meaningful investment that we could make in our future was to create equality of educational opportunity for all American children.

It did not happen overnight. The public universities were not on the same footing with the Yales, Princetons, and Harvards. The high schools were not on the same footing with the Pomfrets, Tafts, and Choates; the grammar schools were not on the same footing as the Greenwich Country Days or Rembrooks. But today as we sit here that is the case. The public institutions are fully as excellent as their private counterparts.

What was not contemplated in that early American dream was another group of educational institutions meant for Americans of different color or of a national origin that is not quite "in" yet. The dream was excellent education for all Americans and I believe in the original, not the modified, dream.

MEDICAL CARE

No nation in the history of the world has made the advancements in medical science that the United States has made. We have developed a delivery of health care that surpasses anything in the world. Very few of us sitting here today are not covered by some sort of health insurance which guarantees us a share in that medical proficiency. And we can proudly say that we have paid for it ourselves and therefore we deserve it. And yet there are millions of Americans hurt and dying who wait for months for what you and I get in hours. And that is wrong. And that is not what this country is all about.

In the months ahead as you wander through the rooms and hallways of this beautiful hospital, you will not see the sight all too familiar in other hospitals throughout the country—thousands of men, women, and children standing, sitting in hallways waiting for someone to help them out of their pain.

Good health and relief from suffering is not something you should have to earn in America; it should be what every American makes sure his neighbor has.

It is not so much then an American's right as an American's obligation.

JOB OPPORTUNITY

There were no such things as labor unions when this Nation started out. Employees were at the mercy of their employers. In fact, the early history of American business is not particularly inspiring when it comes to the treatment of the American worker. Conversely, the history of American labor is truly inspirational when it comes to their long and successful fight to elevate the dignity of the American workingman and woman. But now all too often American labor acts as if the job is done and they are a for-profit corporation rather than an organization dedicated to bettering the lot of those desiring to enter in the labor market. This while American business still fights tooth and nail against minimum wages being a little higher than the poverty level; while American business still fights the correction of conditions attendant to manufacture, which conditions are clearly detrimental to both labor and the public. It is as if neither labor nor business had a common stake in America but only in their corner of America. And indeed how well both have done by America.

All of this is to say that the accomplishments of the past are great. But where is the national encore?

Spending money alone is not going to create schools, homes, hospitals, jobs. There has to be a will, a belief that it is right to do these things. What I am saying is that there is a terrible lot of need piling up around us and we are not doing much about it except to pay someone else to worry.

Because we got burned in the war against poverty, we are saying that it was all a bad mistake and there is no poverty.

Because a couple of housing projects were ill-conceived and already look like slums, we say there are no homeless.

Because many of us either privately or throughout employment have medical benefits and a personal physician, we say everybody is being cared for.

Because most of us have good paying jobs in the factories and offices, we say that anybody can work.

Because our children are getting educated, we say everybody has the same opportunity.

And all of this is not so and we know it.

We are still a young, vigorous country. Let us not act like a giant hypochondriac. Because we sustained a few knocks is no reason to take to our beds and pull the covers over our heads.

I know that Senators are supposed to like the 6-year aspect of their job. And after eight elections in 8 years, I thought I would.

Well, I do not.

I would like another election now. I do not like security. I like fighting. And I think my record ought to be challenged. I would rather go up or down with reality than just be because the Constitution says so.

That is what I am saying about our country this afternoon. It has been too long since we have tested ourselves. To be for ourselves and our immediate family alone is no test. It is benign selfishness.

On the other hand to also be for the other fellow sometimes that takes guts. Always that is America.

Mr. President, to get to some of the specific aspects of this bill that I believe deserve close scrutiny, I refer to a speech I made in March of this year. It is every bit as valid today as it was then—even more so, because we are in the midst of a heated election. I do not think we want to see emotion tear apart the Constitution of the United States and obliterate the opportunities that have been created in this country over the years by legislation.

In this election year what we are not going to do is to give away the Constitution of the United States.

I realize that it is only on paper, only in a book; it does not come out of anybody's pocket; nobody is going to miss it, least of all, the young people who are in process of learning that their greatest wealth is that piece of paper. But are the adults of the United States, who have given away everything of value, going to give away this, too? Not as long as I stand on this floor. It is going to be just as good for my children as it was for me. It is going to mean every bit the hope and opportunity to my children as it meant to me, as it meant to my father and grandfather when he came here from Germany.

I realize that it is much easier to pass off concepts than to dig in the pocket or to put the shoulder behind the wheel, because nobody understands concepts as well as money or effort. I think the busing hysteria and the busing demagoguery that have gone on are an absolute and total disgrace, whether an election year or not.

My own State of Connecticut is called the Constitution State. The Constitution of the United States was constructed in large measure of thought from its original fundamental orders. I am not going to support laws that say men are not created equal. That is what the bill before us says. That is not the United States of America.

I have said to my own State of Connecticut, let us spend our time, not leading a cheering section for those areas of the land that have said men are not created equal. Let us go ahead in our own State, while we have time and are not under mandatory pressures, to correct any de facto situations that exist—and they do exist in Connecticut, as they exist throughout the Nation. This is proper work.

I learned how the busing hysteria grabbed my own State. Back in March, when I delivered this speech, we were going through the busing routine on the floor, and I walked up to constituent after constituent and asked, "How many children do you think we have being bused in the State of Connecticut under Federal court order?" They said thousands and thousands, in Bridgeport, Hartford, and New Haven. Thousands were being bused, they said. Mr. President, we did not have one—not one single child—in the State of Connecticut. But thousands were being bused, they thought, because that was the hysteria of the times.

Now, that is a great mood in which to make a national decision. Take a little piece of the Constitution and just cheapen it a little bit. Let me read what I said in March in discussing the busing legislation before us then:

> Our areas of disagreement are two-fold:
>
> (1) constitutional
>
> (2) achieving equality of educational opportunity for 2.5 billion dollars
>
> On October 21st, 1971, the President addressed the nation over television, which address announced his nominations of Lewis Powell and William Rehnquist to the Supreme Court. In the course of that speech, President Nixon stated:
>
> "Let me add a final word tonight with regard to a subject that is very close to my heart because of my legal background, and because of years of study of the American system of government. I have noted with great distress a growing tendency in the country to criticize the Supreme Court as an institution. Now, let us all recognize that every individual has a right to disagree with decisions of a court. But after those decisions are handed down, it is our obligation to obey the law, whether we like it or not; and it is our duty as citizens to respect the institution of the Supreme Court of the United States."

I am continuing to quote from President Nixon:

> We have had many historic, and even sometimes violent debates throughout our history about the role of the Supreme Court in our Government. But let us never forget that respect for the Court, as the final interpreter of the law, is indispensable if America is to remain a free society.

Those words accurately describe my feelings as to role of the judiciary in our Government. To be true to those words means rejecting the judicial interference advocated in the Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972 which was the legislation that was before this body, much akin to the legislation we have before us today. I said:

> Why? Because when our founding fathers set up the rules for building a nation they gave each branch of government one swing at each pitch.
>
> Referring again to the Powell-Rehnquist speech of October 21st, the President stated that:
>
> "You will recall, I am sure, that during my campaign for the Presidency, I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy, which is basically a conservative philosophy."

To which I say "Amen" and "Hooray." This the President has had unprecedented opportunity to do during his first term in office, not only at the level of the Supreme Court but throughout the Federal judicial system. Since January of 1969 he has appointed four new justices to the Supreme Court and 161 justices to the lower Federal courts. These figures represent an almost one-third turnover in the space of 3 years.

Certainly then, the ingredient of conservatism has been added to the Federal court system—a conservatism that most would agree was long overdue. But that was and is the President's swing at the pitch.

Referring again to the speech of October 21 which so magnificently set forth the philosophy of the founders of this country, the President said, and I quote:

> By "judicial philosophy" I do not mean agreeing with the President on every issue. It would be a total repudiation of our constitutional system if Judges on the Supreme Court, or any other Federal court, for that matter, were like puppets on a string pulled by the President who appointed them.
>
> When I appointed Chief Justice Burger, I told him that from the day he was confirmed by the Senate, he could expect that I would never talk to him about a case that was before the Court.

May I suggest that because the talks to the judiciary are over television as in the cases of Lieutenant Calley and busing, they are no less demeaning or suspect than if they were held 1 to 1 behind closed doors.

The function of Congress should not be to collaborate in such talks but to see to the business of legislative rather than judicial or executive solutions of America's problems. The courts, except as to number, type and the character of the men who sit on them, are not our business; America is. And that is the basic difference contained in the debate on this floor.

I get back to my first comments. You do not think there is legislative business for us out there in America? There are hundreds and thousands of American children who are not educated like your children and mine, and do not even have a chance to be. That is something we can do something about. That is something the senior Senator from New York has devoted a lifetime to, legislatively, to see that those kids get that kind of an education.

Or the sick, the people, who cannot be treated in the hospital or get the care from doctors that you and I have. That is something for the legislative branch of Government to take up.

Or the fact that Americans still cannot be trained for jobs, that cries for our legislative hand.

I think the time has come for each American to believe that the Federal courts exist for him as much as for the other fellow. Certainly each of us, at one time or the other has felt left out because of a particular court decision. But the fact remains that the judiciary has played an important role in making this the Nation—that is us—it was dreamt to be.

I think history shows that majorities have prospered in this country. But, it is what America has done for its minorities that gives meaning to the word "greatest," as in "the greatest nation on earth."

Majority and minority does not mean white or black. It means the working man; it means the diseased; it means the elderly; it means the uneducated.

It means the diseased. In all their forms, they have been minorities. Who would know about the retarded, were it not for President Kennedy and his family? They were a minority until they had someone to stand up and speak for them. Or in the area of cancer; one of the most important achievements of this administration, of President Nixon, has been to have a program for conquering cancer as we conquered the moon.

All of those were minorities.

It means the elderly. Do Senators not think the elderly are a minority today, forgotten, in an age that honors looks, youth, and sex? They created the United States of America and they are forgotten. They are a minority.

And it means the uneducated, whom I have referred to before, another minority. All of these were—and some still are—minorities in a rights or compassion sense. And since politicians—that is us, here on this floor—Presidents and

Senators, are elected by majorities—actually, that is a little strained; I got elected by only 42 percent in my State, since there were three candidates, but most are elected by majorities—logically the judiciary has drawn down the duty of being a voice for minorities.

But I am going to say one thing, Mr. President: Majority or minority aside, one thing I do know is, when the day comes that it is my ox that is being gored, I hope to God there is a court system in this land whose concern is me and principle rather than the President and the tempers of the times.

One comment in passing as to the constitutional amendment route. The reason I reject that as a way of handling the busing question has nothing to do with how long it would take, but has a great deal to do with its cheapening of the Constitution. The Constitution of the United States is a document for all generations, not just the class of 1972. The last time we used it as a vehicle for handling a national craze, we invoked prohibition on January 16, 1920, only to repeal it on December 5, 1933.

When we are confronted with knotty problems one way to handle them is to appoint a committee. In the Connecticut State Legislature, we used to form committees in such cases to come back and give a report 2 years later. Now we are facing a new method. It is suggested that we try a little amending of the Constitution here on the Senate floor.

Mr. President, just what are we going to hand on to our children? The same thing we got, something better or something valueless? Such in and out legislating would eventually render the Constitution worthless.

In closing my arguments against what I believe to be the unconstitutional aspects of the two acts, I would like to address a few comments to my own State of Connecticut.

I would like each parent who has a child that is being bused in Connecticut under a Federal court order to stand up. The fact is no such situations exist in our State. Whatever busing exists is strictly on a local, voluntary basis.

We do have some litigation going on at the present time.

Might I suggest to the people of Connecticut that instead of giving gratuitous encouragement to efforts intended to slow down the breaking up of de jure segregation, that's separate but equal, we utilize the time to take care of any de facto situations in our State so that neither Congress nor the courts will legislate a solution for a problem that if handled imaginatively now, can be handled voluntarily without busing.

In conclusion, certainly insofar as a Connecticut resident is concerned, he is getting nothing for giving up some of his constitutional rights. Our history is that we sold wooden nutmegs, we did not buy them.

Now to the question of the Equal Educational Opportunities Act of 1972. My disagreement here lies not with the principle but with the substance of what has been proposed.

The impression has been left with the people of my State that this is a new program with new funding to build new schools. In fact, what has been proposed is already an ongoing program. No new money has been recommended. And no new concepts such as linking schools and home together have been proposed. It is like having your Christmas gifts given back to you as birthday presents.

I think it important to point to this shifting around of existing funds because so many people have written me giving as their reason for support of the President's program their belief that the stated $2.5 billion makes them quits of what they recognize to be a valid national obligation of supplying quality education for all children. Unfortunately, catch-up equality does not come that cheap.

Let us get this point clear on this floor this afternoon: If anyone thinks that there is a positive alternative contained in this bill for money to create educational opportunity, "it just ain't so." And if Senators want to know what it is going to cost, never mind the $2.3 billion of reallocated funds. If the right and proper thing were to be done for America's disadvantaged, it would cost us not $2.5 billion but $12 billion per year.

Now start making the choice as to whether or not you would like to go ahead and take on the obligation to positively create equality of educational opportunity rather than bus? I think it is something we should take on. It is one of the main reasons why I cannot possibly vote for any sort of spending ceiling. This is the type of unfinished business—that deserves funding. But certainly it is not in this bill.

I base this figure on an estimated per pupil cost of $1,200 per year for a quality education. At the present time we are spending slightly over $900 per pupil. As there are 46 million children of elementary and secondary school age, this would mean the spending of an additional $300 per pupil or the spending of the aforementioned $12 billion.

Let me also say this: This Senator does not believe you are going to achieve equality of educational opportunity with just $12 billion. I think we all recognize that housing is fully as much a part of the educational process as school buildings. So if you really want the tab, add another $12 billion, and probably you are close to the solution. In other words, that would be $24 billion in housing and educational facilities. Probably at that stage of the game we would have the answer to equality of educational opportunity. Now, who would like to go ahead and pay the $24 billion that would be required to achieve the ostensible purposes of this act, or would you like to bus?

What it all adds up to in this area is that honesty is the worst political policy. As clearly set forth in the Newsweek poll of February 25, 1972, Americans indicated their being equally opposed to busing and to segregated schools. It then follows, if busing is going to be rejected, that we have the job as the President has indicated of providing equality of educational opportunity for all Americans. I just think the American people have a right to know what that providing is going to cost and to be assured that it is going to do the job as advertised.

Having disagreed, I would like to state my alternatives to the President's proposals. I have a deep belief in the sanctity of our courts. Under no circumstance would I see that sanctity violated even in the smallest way for the shortest period of time.

I am supporting other Senators in this effort; but if there was not one man to assist, I would still be standing here as long as I could. I am going to make sure that nobody tampers with the courts of this country—nobody. That is the issue.

In years past, many availed themselves of the right of unlimited debate on the Senate floor to slow the process of desegregation in this Nation. Should the occasion arise, I would hope my colleagues would avail themselves of the same right to slow the reintroduction of the separate but equal philosophy into the enactments of this body. What I am saying is that for those who think we are going to get the hot busing issue over the election year hump by a little moratorium on the courts, I suspect they are going to see the Senator from Connecticut and others still arguing the propriety of such a method right up to election day. And during that period of time the courts of the United States will continue to operate without Presidential or congressional back seat driving.

As to assuring educational opportunity, perhaps by the time we come back into session next time, we ought to figure out a positive plan on behalf of Congress, as to supplying the money for education and for housing that in fact will make that American educational dream come true.

When I went back to my State of Connecticut in March, I received a great deal of criticism for defending the courts. Is it not interesting that right after March 1972, the same courts which we were going to stop because a lower court issued a rather far-ranging order which got everybody into a panic, reversed the lower court. How do you like that? Maybe my side ought to storm the courts now, since they seem to be on the wrong side of the issue. The problem is when we try to determine what right and wrong decisions are.

That is the postscript to the debate of March 1972. At that time the courts were bad boys. I am sure that the proponents of this bill would now say, "The last few decisions have been good decisions, so we do not want to do anything about those courts."

What I am saying is that the judicial process must wend its own way without direction from the Senate, the House, or the President. I do not know what the future will bring when my children's or my well-being would depend on a court decision. It is busing today. Tomorrow it may be my life or the lives of my children. Once you start the nibbling away there is no end to it. It certainly is not a process in which the Senate should participate.

It has been so long since we laid it on the line. We are pulling in our horns rather than fighting for the other man. This country is dead when we strain to stand.

There are always going to be knocks as long as we try. But is there a man in this Chamber who can say there still is not an enormous job to be done in the area of educational opportunity for all Americans?

Why go slow now? There is no reason for it. It demeans the American dream. It demeans our purposes as legislators. I am fully aware as to the heat that those of us speaking now are going to get when we return home. But it seems to me, that for a change, the job of the U.S. Senate is to lead—leadership. It is great to be a Senator. You get publicity, the pay is good, and the glory always present. Then come those crunchy times, and all of a sudden it is tough to be a U.S. Senator. I think that is just the kind of time we are in right now. And I think I like that part of it just as much as I like the glory. Maybe if we act honorably we will find the two are synonomous.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. JAVITS. Mr. President, I have heard much of the Senator's speech, and I have been deeply moved, especially for his putting in perspective the national aspects of what we do and its effect on the future history of the country.

We are here but for the time being, as trustees for our people, and inevitably others will take our place, and we are men upon whom the future depends, because we construct the future and the present. I am deeply moved.

The Senator is young. His freshness and vigor about life are relatively new to this Chamber, and it should be inspiring to every American to hear such fundamental truths uttered in this particular cause. The Senator is right that it is not just a cause; it is what the cause means in terms of the institutions we seek to preserve and safeguard—to wit, the third branch of our Government, the judiciary.

The Senator, in practical terms, has even pointed out that, having made the judiciary much more conservative—allegedly—than it was, we now seek to dismantle the very authority we have sought to protect.

I thank the Senator for a very fine contribution.

Mr. HUMPHREY. Mr. President, has the Senator from Connecticut completed his remarks?

The PRESIDING OFICER. Does the Senator from Connecticut yield the floor?

Mr. WEICKER. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. HARVEY, and Mr. SKUBITZ were appointed managers on the part of the House at the conference.

NOTICE TO SENATORS REGARDING CONSIDERATION OF NOMINATION OF GEN. CREIGHTON ABRAMS

Mr. MANSFIELD. Mr. President, as the Senate knows, I indicated, with the approval of the distinguished Republican leader, that any time after today the nomination of Gen. Creighton Abrams to be Chief of Staff of the U.S. Army will be brought up.

I have talked with the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS) and he indicated to me that his report is now ready, or will be shortly. On that basis, in view of the fact that several Members have indicated they would like to be notified ahead of time—which they have already been, but this is a double notification—it is the intention of the leadership, on tomorrow, if cloture is not invoked, to call up the Abrams nomination sometime between 1 p.m. and 2 p.m. I would hope that that would meet with the approval of the Senate. This is just a means of notifying all concerned.

Mr. STENNIS. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I thank the Senator for giving this matter his attention. It is important. We will have a brief report on it for the membership. The record of the printed hearings is available. I think that we can get into debate on this matter and I hope that we will be able to move expeditiously and get the nomination before the Senate. Everyone will have a reasonable opportunity to make such remarks as they may wish.

I thank the Senator from Montana for giving this notice.

H.R. 640—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am renewing the unanimous-consent request which was offered earlier but was withdrawn.

At this time, I send to the desk the unanimous-consent agreement and ask that it be read and considered by the Senate.

The PRESIDING OFFICER. The unanimous-consent request will be stated.

The assistant legislative clerk read as follows:

Ordered, That, effective when and if H.R. 640 as reported with an amendment is considered by the Senate, that debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. Mr. President, this matter was up for consideration before the Senate earlier today. There was some question about whether the bill as reported means as reported with an amendment. This does not breach it if the amendment is adopted. It does have a question as to the rule of germaneness. With respect to this question, the Senator from Tennessee (Mr. BAKER) advises me that he is agreeable to this unanimous consent request respecting the bill as reported which, as I understand it, includes the amendment.

Mr. President, I therefore make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, if this request is consented to, may an amendment be made to the amendment in the bill, which deals with unemployment compensation?

The PRESIDING OFFICER. The modification of the request has the effect of making the committee amendment in order and not subject to the rule of germaneness. Other amendments from the floor would be subject to the limitation of germaneness.

Mr. JAVITS. Would the germaneness include germaneness with respect to the committee amendment?

The PRESIDING OFFICER. It would apply to anything in the bill, and that includes the committee amendment.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, this is an "if and when" proposition. I think that has been clearly stated, I would also like to check once more with the distinguished Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, before this matter is finalized, at least in my opinion. I think he approves of it. He is absent from the Chamber at the moment. So, with that caveat and that understanding, the agreement has been made. However, if there is any question on the part of the distinguished Senator from Louisiana, that agreement would be vitiated.

And I thank the distinguished Senator from Minnesota.

A "RETROACTIVE ITEM VETO"—THE NIXON ADMINISTRATION'S ATTACK ON THE SEPARATION OF POWERS

Mr. HUMPHREY. Mr. President, I rise to discuss today the pending legislation, H.R. 13915; but prior to my discussion of this measure, I should like to make a comment in reference to the plan of the Nixon administration to seek a spending ceiling. I want the RECORD to note that I intend to fight this effort on the part of the Nixon administration to impose what they call a spending ceiling, not because I believe in extravagant spending, but because I believe in the separation of powers—in the right of Congress to determine the tax and spending policy of this country and in the right of Congress to appropriate funds for operating the programs of Government.

Mr. President, I have become increasingly disturbed over the Nixon administration's request for a spending ceiling. I have labeled this budget gimmick for what it really is—a coverup for Presidential fiscal mismanagement and an election year ploy.

It is clear that the Nixon administration wants this spending ceiling not to stop inflation but to turn around the time honored relationships between the legislative and executive branches of our Government. It is nothing more than a cynical power grab. The proof of this desire has been articulated by a high official of the Nixon administration—Dr. Charls Walker, Under Secretary of the Treasury.

Dr. Walker, in a private meeting of the executive committee of the American Bankers Association, told the bankers that the spending ceiling would amount to a "retroactive item veto."

Mr. President, I am worried—I am worried about high administration officials who have such little regard for the fundamental principles on which this Nation is based that they would toss away the doctrine of separation of powers. I am worried about an administration that continues to impound ten billions of appropriated money. And, I am worried about an administration that deliberately runs high spending deficits then attempts to fix the blame on Congress.

I am opposed, and I will fight, the granting of a "retroactive item veto," an "item" veto, or a spending ceiling to the President of the United States. A "retroactive item veto" would place unprecedented power in the hands of the President—power that would be effectively exercised not by the President, but by nameless, faceless appointees deep inside the executive bureaucracy. An "item veto-spending ceiling" would alter the public responsiveness of public officials in this country. It is, in effect, the replacement of the appropriations and authorization powers of the Congress by nonelected, career and political officials.

Mr. President, I believe that the Under Secretary of the Treasury has all too clearly labeled exactly what the President is seeking when he lobbys for a spending ceiling. He wants a "retroactive item veto." The Congress should be forewarned, and the Nixon administration ought to stop playing politics with what is a potentially dangerous and constitutionally disruptive power grab.

Mr. President, I want the RECORD to note that I will take whatever time is necessary to stop this power-grab. The other House is considering this measure today. If the other body gives its vote of approval to a spending ceiling, such as was reported from the House Ways and Means Committee, then I would inform my colleagues that there will be a deliberate, persistent, long-term battle here on the Senate floor, in which I intend to participate very actively to prevent the Nixon administration from violating the fundamental constitutional principles of this country—the separation of powers.

We have given away far too much to the executive branch and the Office of Management and Budget, already. We have given the President and the executive branch, not just this President, but the Office of the President, incredible power, almost unlimited power in the field of national security and foreign policy.

And, domestically, the President is able, apparently, without any regard to Congress, to impound money that Congress has appropriated.

I consider that to be an unconstitutional act. That is my judgment. But the President persists in it and none of us have been able to change the presidential policy.

Therefore, I will not put the stamp of congressional approval by my vote, or by my word, upon what I consider to be another unconstitutional act of imposing a spending ceiling, which gives the President nothing less than an item veto over the actions of Congress. It is unnecessary. It is illegal. It is unconstitutional. It violates the principles of representative government and the separation of powers.

Mr. President, I ask unanimous consent that an article published in the New York Times, entitled "Nixon Aide Hails Plan to Curb Spending" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON AIDE HAILS PLAN TO CURB SPENDING

(By Eileen Shanahan)

WASHINGTON, September 2.—A top Administration official has privately disclosed that many of the Democratic social welfare programs started in the nineteen-sixties would be cut back or eliminated if Congress enacts the ceiling on Federal spending that President Nixon has requested.

The disclosure came from Charls E. Walker, Deputy Secretary of the Treasury, in remarks to a private meeting of the executive committee of the American Bankers Association.

Mr. Walker also told the bankers that the spending ceiling would amount to a "retroactive item veto" for the President. He said that some other Administration officials, notably Caspar W. Weinberger, director of the Office of Management and Budget, objected to his use of that term, but that he felt it was accurate.

REFUSALS BY CONGRESS

Congress has always refused to give the item veto power to the President because it feels that it would impair the power of Congress to control spending.

The item veto would permit the President to disapprove selected items in an appropriation bill. Such a bill generally covers spending for one or more entire governmental departments and, at present, he must either approve or veto the entire bill. Many state Governors have the item veto power.

Mr. Walker spoke to the bankers' group 10 days ago. Today, in a telephone interview from Graham, Tex., where he is spending the weekend, he confirmed the accuracy of the report of his remarks that was obtained from one of the men who attended the meeting.

Mr. Walker said in his speech that his personal favorite candidate for elimination would be the Government's manpower training programs.

He said that they had cost the taxpayers about $40-billion since they began in 1961, were budgeted for $4-billion this year, and had succeeded in reducing the unemployment rate by less than one-half of 1 percentage point, a figure that represents 400,000 persons.

FINDS RESULTS EXAGGERATED

In the interview today, Mr. Walker said that he had singled out this program because he had studied it in detail. He might give priority to a different program if he was equally well-informed about something else, he said.

Even the figure of one-half of 1 percentage point overstates the success of the manpower programs, Mr. Walker said, because it includes the persons who are actually in the training program at any given time.

President Nixon has asked that a spending ceiling of $250-billion be enacted for the current fiscal year 1973, which began July 1. That is the amount the Administration, as of the end of June, estimated would actually be spent this year. But Congress has already passed several bills that would increase the figure, and more are pending.

If Congress approves the spending ceiling in the form requested by the President, it would turn over to him the authority to decide which programs should be cut to keep the Government within the ceiling. Congress has always been reluctant to make such decisions itself once it has passed the appropriations bills.

ASSERTS PROGRAMS FAIL

Mr. Walker told the bankers it was "a myth" that it was impossible to cut the budget because so large a part of it represented uncontrollable expenditures, such as interest on the public debt or payment of Social Security benefits.

He said that he had found $45-billion worth of programs outside these uncontrollable areas and the defense program.

He said that he believed the heads of the agencies that administered many of the programs he would like to cut would "welcome the reductions."

"They know the programs are not working, but they're on the statute books, so what can the department heads do?" he asked.

He said there were programs in the housing and health area that he also felt were ripe for cutbacks, in addition to the manpower training programs.

Mr. Walker explained today that he felt it was urgent to get the Federal budget under control because "we could be back in demand-pull inflation in 12 to 18 months if we don't get the budget back in line with the economy's ability to handle it."

"We have to have this right now," he continued. "We've got to go back and weed out the deadwood in programs that may have had promise at the beginning but haven't worked."

Mr. HUMPHREY. Mr. President, a recent editorial in the New York Times has concisely exposed the current Presidential shell game over the spending ceiling for what it really is—an admission of failure on part of the Nixon administration to budget, to plan, and to control Federal spending. The Times editorial correctly notes that:

> If Congress grants the President this authority—the spending ceiling—it will surrender its own fiscal responsibilities and in effect hand the President the right to make item vetoes totaling $7 billion to $10 billion from education, manpower training, pollution control and other social programs.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROCRUSTEAN BED

The national budget forces a President to translate his political and social philosophy into hard arithmetic terms. Mr. Nixon took office four years ago as a budget balancer. But, following the recession of 1969–70 which his policies helped to induce, Mr. Nixon announced that he had become a Keynesian; he proceeded to pile up budget deficits in excess of $80 billion in an effort to restore the economy to high employment before the 1972 election.

Now that the election is almost here, and the economy is climbing upward, Mr. Nixon is shifting sharply to the right once again. He has asked Congress to give him the authority to cut any programs he wishes in order to hold Federal expenditures below a $250 billion ceiling. In a radio address this past weekend, Mr. Nixon said that imposition of that ceiling would provide "absolute insurance" against a tax increase next year. If Congress grants the President this authority, it will surrender its own fiscal responsibilities and in effect hand the President the right to make item vetoes totaling $7 billion to $10 billion from education, health, manpower training, pollution control and other social programs.

Beyond 1973, it is still impossible to discern Mr. Nixon's plans for national expenditures and taxation except in the most general terms. Earlier, the President promised through aides that there would be no tax increases if he were elected for a second term. He has now fuzzed and politicized this commitment by saying that he would "not make any promises in this campaign that would require a tax increase now or in the future." He thus implies that any responsibility for future tax increases would be "Congressional" not "Presidential."

The greatest reason to be concerned about Mr. Nixon's recent budget and tax statements is not because he may be playing "fiscal responsibility" politics before the election but because he may intend to do precisely what he says. The fact is that the Federal budget is currently running a deep deficit of nearly $35 billion; even if the economy should climb back to full employment, intensifying inflationary pressures, the budget would still be substantially out of balance.

Taxes have been overcut during Mr. Nixon's first term. The nation cannot keep inflation in check and meet its social needs without some combination of higher taxes and reduced military expenditures. But Mr. Nixon is determined not to give ground on either front. His military planning and commitments now threaten to lift defense expenditures above $100 billion by 1975. And he has dug himself in deeper against any significant tax increases, apparently unwilling to reverse the "trickle down" tax cuts that he extended to business as a means of stimulating the economy in 1971–72.

To suggest that the nation can somehow benefit from neglecting its congested urban transportation systems, poor health conditions, inadequate public schools, undertrained and underemployed work force and other social problems is to impose a cruel deception upon the public.

Senator McGovern may not have provided the precisely correct designs for dealing with all of these problems, but he has at least faced up to the real issues by proposing that the military budget be trimmed to levels that would still provide a strong national defense and that additional revenues be raised by imposing a fairer share of national burdens on the returns to capital of business corporations and wealthy individuals.

A national policy of no tax increases, such as Mr. Nixon is proposing, would mean that the rich must get richer year by year even if social programs are lopped off to fit into a procrustean bed whose length would be determined by the nation's shrinking tax base and its swelling defense outlays.

Mr. HUMPHREY. Mr. President, the fact is that during the Nixon years, the budget deficits have reached new proportions—over $90 billion. Deficits have to be paid—both through interest and through a sickness in the economy that haunts the average working family. But, to blame the Congress of the United States for being big spenders is to ignore the Nixon administration's own economic record.

We have had deficits precisely because the Nixon administration in 1969 began a deliberate slowdown in the economy—that means less production, less tax revenues, more borrowing.

We have had revenue shortfalls because the Nixon administration has granted big business, and the wealthy few, tax breaks, such as the Domestic International Sales Corp. and the ADR system, amounting to billions of dollars in lost tax dollars the Treasury will never see.

We have presidential additions to the budget request to the tune of $4.4 billion for military activities, and a recent extra $2.8 million for bombing in Vietnam. And, at the same time, there are presidential vetoes in health, education, public works, hospital construction, railroad retirement, and child care.

Now the President wants to make up for his own ineptness by blaming the Congress for his rather unfortunate, off-the-cuff no-tax promise by saying in effect that a tax increase will come, but it will be a congressional tax increase, not a presidential tax increase.

The fact is that the President of the United States got a little overheated in the political zone not long ago, and it seemed to be the right thing for him to say at the moment. And he came whirling out with this pledge of a no-tax increase.

Obviously when he got back to the White House after one of these tours, he was told by the experts, and I can just hear the words: "Mr. President, you have overcommitted yourself. You have got to be careful. You may have to have a tax increase."

So the politicos got together, the political medicine men got together, and mixed up a concoction that they called a spending ceiling. It is a new form of constitutional elixir, and they started pouring it out. And they are saying that the public will have to take this because Congress has been on a spending spree that has wrecked the President's budget and promoted inflation and gone far beyond what this "fiscally responsible" President wanted.

We all know that is a lot of hogwash. The President wants to make up for his own ineptness, as I said, by blaming Congress.

I say that this kind of wordsmithing is the worst kind of political fakery. Rather than be the strong leader who stands forth and truly fights for what he believes, the President would search for scapegoats, search for excuses, search for explanations.

I trust that the President has been paying attention to the bookkeeping. I trust that he has a basic knowledge at least of arithmetic. He knows, the Senate knows, and the country needs to know that the Congress of the United States has reduced the Presidential budgets every year, and not only for this President, but also for Presidents prior to President Nixon. Yet the President is trying to put the so-called fiscal monkey on our backs.

May I say that if there is going to be any political zoo carried around the country, it will be by the President himself, because he presented the budget. And apparently, it is his budget that is running far beyond what he thinks it should be. The Congress has reduced the budget. I think what the President is angry and concerned about is that we have made reductions where we wanted to and have made increases where we needed to. We have cut the military budget and increased the budget for health, education, and pollution control apparently, the President does not agree with this shift of priorities by the Congress.

Mr. HART. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. HART. Mr. President, the Senator from Minnesota has a record of public service and a skill with words which combines to assure that what he has just said is widely known across the country. However, I have the feeling that it is not widely understood in the Senate itself.

Everything the Senator from Minnesota says is true. It is one of those things that has objective existence. We can go to the books and look at the figures, and we know that the President asked for x billions of dollars and that we reduced it to x billions of dollars minus several billions of dollars. It is a truth that is in objective existence. Had we been rubberstamping the President, the overspending of his budget would have been enormously greater. Notwithstanding the fact that there are truths and that a man as eloquent as the Senator from Minnesota has raised his voice frequently to make it clear to the country that these are the facts, by and large the country just does not believe or understand it. And I repeat that I have a terrible feeling that some in this Chamber do not understand it, because I hear the suggestion made that we are the fellows who bundle up the money and throw it out the window.

I look up at the gallery, and there is one correspondent here. How can we make it clear?

Mr. HUMPHREY. I will tell the Senator how we can make it clear. I am going to lay it on the line. If we were here on some bill to help the poor and the needy and as a result it saved millions of dollars for the poor, the needy, and the sick, the story that would go out would say, "Congress increases President's budget umpteen billion dollars."

I want to challenge the empty seats up there in the Press Gallery. The press of this country, the media of this country has a responsibility for objective reporting. It is not good enough to say, "Well, it is not interesting." Who knows if it is interesting? What is uninteresting to one person is interesting to another person.

I want it understood, if in no other place than the RECORD, that the President has sent budgets over here every year that have been reduced by this Congress. This Congress has been prudent; this Congress has saved taxpayers billions of dollars. And Mr. Nixon is trying to tell us we have been on a spending jag.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. In the past 20 years, to my knowledge, every Congress has reduced every presidential request, and just last week this Congress, this Senate specifically reduced the Defense appropriation budget by about $4.8 or $4.9 billion. The next day it reduced the presidential budget request for military construction by $300 million. So the net result was a saving on the basis of appropriation bills, passed by the Senate in the last 10 days, of $5.3 billion.

Every year we cut the President's request; every year. But, of course, the Senator from Minnesota and the Senator from Michigan ought to know that Congress is a sitting duck, a pigeon, easy to criticize. We have to expect it.

I would not worry about the press not being up there because the record has to speak for itself. As long as it is in the record we can go home to our States and tell the public the truth. People believe us. That is all that counts.

Mr. HART. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HART. I must speak briefly to make a comment. I made a misstatement of fact that I want to correct.

When I looked at the empty seats up there I did see two people, and one I knew to be a member of the Senate staff, not a press man. I was wrong. I made the suggestion nobody was listening. Both occupants of the seats happen to be members of the Senate staff; they were not members of the press media.

Mr. HUMPHREY. The Senator and I are subject to censure, either direct or indirect; I think it has been indirect. I think the media of this country, the electronic and the printed media, owe it to the country to say that Mr. Nixon has a bill before us that is a fake; namely, the so-called spending ceiling, because no one has been violating any spending ceiling.

The President sends a budget here. That is his ceiling. No one has bumped his head on it, much less hit the ceiling. If there is any fiscal irresponsibility it is not because of this Congress. I intend to make a fight of it. I do not intend to let the power of the Congress and this body be eroded any more than it is.

Mr. MANSFIELD. I assume the Senator is referring to the administration request to set a ceiling on budget expenditures or budget requests, whichever way you look at it, of $250 billion.

Mr. HUMPHREY. That is correct.

Mr. MANSFIELD. If Congress is foolish enough to fall for something like that, then I think Congress might just as well abolish itself. All we would be doing would be to give additional power to the President, and this would apply to any President on the same basis that we have been doing it since the early Roosevelt years. All we are doing is compounding our weaknesses and doing away with constitutional equality which is supposed to exist and should exist between the legislative branch and the executive branch. If this is ever done we will have no one to blame but ourselves, as we have no one to blame but ourselves for Senate dilution and diminution of power which we have handed over voluntarily to the executive branch since the early days of the Roosevelt administration.

If this ever becomes a law the next best thing to do would be to abolish Congress entirely because all the power would be down there and we would be contravening the constitutional power of appropriation which is the strongest weapon this Government has, and which the Constitution provides rests in the hands of Congress and specifically in the hands of the House.

Mr. HUMPHREY. Mr. President, I express again my thanks for the cogent and forceful comment and remarks of the distinguished majority leader.

Mr. President, I mentioned a moment ago the importance of Congress preserving its power. I also think the courts must preserve their power. I believe in a system of the balance of powers, checks and balances, and I believe in the separation of powers.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

Mr. HUMPHREY. Mr. President, I see in this bill before us, H.R. 13915, the so-called equal educational opportunities bill a violation of constitutional principle.

Mr. President, I have seen many hundreds of bills considered here in this Chamber during my years in the Senate, but today we are presented with something that is unique.

Today we are discussing H.R. 13915, a bill which surely represents the epitome of the sleight of hand arts of public relations, public manipulation, and public deception.

For today we are considering a bill which the public believes will do one thing—stop school busing—when it will actually do quite a few other things, such as repealing the 14th amendment, undermining the Constitution, upsetting the balance of power between our three branches of Government, diminishing the independence of our courts, and eroding public respect for law and order.

As I said, the bill's sponsors have been telling America that the bill will bring a stop to schoolbusing. I find that just slightly misleading, since the fact is that less than 3 percent of all those youngsters who ride schoolbuses are riding them due to court-ordered desegregation.

In other words, if all busing for desegregation were stopped today, 97 percent of all students who ride buses would still be riding them tomorrow.

So what we are talking about here really is not busing after all—since it is quite obvious from that one fact that most students are riding buses because their parents want them to, or because it gives quality education.

What we are really talking about is not buses, but desegregation.

What we are really talking about is not buses, but the right of every single American child to an equal educational opportunity—a right firmly planted in our Constitution, in the Bill of Rights, in our laws, and in the interpretation of our laws by our courts.

But this bill would reject all that. It would tell all those millions of law-abiding Americans who helped in the peaceful desegregation of their communities that their work, their caring, their courage, their obedience to the law was not really worth the effort and the sacrifice.

It would tell them that if you're clever enough, you can resist the law until the smart ones find a way to make an end-run around the Constitution.

H.R. 13915 contains, among other features, a provision known as the "reopener clause." This clause—section 406—means that all the hundreds and hundreds of desegregation cases already settled, in countless communities where desegregation has long since become a peaceful and progressive fact of life, can be reopened.

It is an invitation to further difficulty and strife.

It means that all the bitterness, all the strife, all the agony, all the needless suffering and community division can be pried open again, like an ugly boil that had supposedly healed.

That impresses me as a very odd way to bring us together. And many of these hundreds of cases that would be reopened under this blanket clause do not even involve busing. So I think we all understand what we are really talking about here.

And I do not think that patriotic Americans can, or should, or want to pay the price for the harm embodied in this bill.

This bill, in my judgment, makes a mockery of law and order. It is such a serious affront to our Constitution. Some 500 of our Nation's most distinguished constitutional experts—law school deans, law professors and lawyers—from all over the country, have sent to the Senate a statement expressing their grave reservations about the constitutionality of this bill.

They do not understand how U.S. Senators—who have sworn an oath to uphold the Constitution—can support legislation which would place limits on the ability of our courts to fulfill their constitutional function of providing the necessary remedy for a denial of a constitutional right.

Yet that is exactly what this bill would do. For by virtually eliminating busing as one tool—and I underscore the words "one tool"—for the desegregation of school found to be illegally operating on a segregated basis, the bill deprives the courts of one vital tool—a tool which in some cases happens to be the only effective remedy to the denial of equal opportunity.

It is true that Congress has in the past enacted legislation to limit the remedies Federal courts may give in certain cases. But never like this. Always in the past, Congress has made certain that other effective remedies were available.

Congress does not have the power to eliminate a constitutional right. What we see here today is an effort to usurp that power, to abridge cynically and indirectly citizens' guaranteed rights, by denying the only effective remedy to their violation.

Our Nation's constitutional experts are further disturbed by the fact that H.R. 13915 will prevent our courts and local school authorities from implementing the constitutional requirements established by more than 18 years of Supreme Court rulings under Chief Justice Earl Warren and Warren E. Burger. Last year's Swann decision unequivocally stated that bus transportation is one important means of effecting desegregation.

So what we have here is a clear threat—actually a challenge—to the integrity and independence of our judicial system.

To add still more to the damage, we have in this bill the clear promise of a clash—a totally unnecessary clash—between the legislative and judicial branches. We have already seen enough harm done to our Nation in recent times through the usurpation of congressional powers by the executive branch. We should be the last ones to multiply this damaging distortion of the balance of powers by joining with the executive branch in subverting the powers of the courts.

Furthermore, it has been clearly established through an unbroken series of findings dating all the way back to 1803, in the famous case of Marbury against Madison, that the principle of separation of powers precludes Congress from limiting the authority of the courts in interpreting the Constitution and effectuating constitutional rights.

As a final dimension to the incredible affront to our Constitution posed by this bill, we see its sponsors trying to justify it on the basis of section 5 of the 14th amendment, which authorizes Congress to enforce that amendment by appropriate legislation.

What a marvelous irony. What an irony that today, in 1972, some of those who argue that section 5 gives Congress the power to enact legislation, are the very same people who told us in 1964 and 1965 that there was no authority under that section to enact the Civil Rights Act of 1964 or the Voting Rights Act of 1965.

I well remember those arguments, having participated many weeks in those debates.

I know our Constitution is a living document whose interpretation is subject to the shifting courses of time and events, but I do think this is stretching the privilege a bit thin.

But beyond that, let us take a good, hard look at what section 5 really does say: Section 5 of the 14th amendment gives Congress no power to reduce the 14th amendment's assurance of equal protection. Indeed—and I am certain my friends who are backing this bill know this perfectly well—the Equal Protection Clause of the 14th amendment was designed specifically and unquestionably to expand and extend constitutional protection to those who had previously been denied such rights.

In other words, the 14th amendment, with section 5, has as its purpose to enforce the equal protection of the laws, not to reduce that protection. Congress may not thwart this purpose of extending the constitutional protection to those who have been denied their rights.

Yet that is exactly what this bill seeks to do.

So I would like to make a challenge of my own to those who would, through H.R. 13915, challenge some of the most deeply rooted principles on which our great country was founded and has prospered for nearly two centuries.

I challenge them—if they really mean it when they talk about strict construction of the Constitution—and we have heard more than a little about that these past few years—I challenge them to prove they mean what they say. I challenge them to prove they are men of their word. If they are, they have no choice but to reject this destructive legislation which, far from reflecting strict construction, can only be said to embody irresponsible destruction.

Section 5 of the 14th amendment is a section to enforce the constitutional rights, to protect those constitutional rights, not to limit them.

This bill's meat-ax assault on our Constitution, our laws, and our courts is reason enough to reject it out of hand. Indeed, it is more than reason enough: it leaves us no choice. It makes rejection mandatory, if we are to fulfill our most compelling obligations as lawmakers.

And note that that is just exactly what was done by my Republican colleague from Minnesota, Congressman ALBERT QUIE, when this bill was voted on in the House of Representatives last August.

The Congressman, as a loyal supporter of this administration, labored day after day for many long weeks to shepherd this bill through a difficult course to the floor of the House. But he was so distressed by the content of this bill by the time it was amended to what we see on our desks here today, that he unhesitatingly set aside all those weeks of work and dedication and said, No, he could not in good conscience support this bill, as it was amended in the House.

No, he would not put his loyalty to his party above the Constitution.

He knew, as we all know, that this bill was an attack on the Constitution, and he did what we all know we should do. He rejected it.

But even beyond the bill's dubious constitutionality—although it should not be necessary to go further—there are other reasons for rejecting this bill. I will not recite them all at this time, but I would like to call attention to just a few.

All of us know that probably the greatest single obstacle to the unity that could energize an era of our national progress—in fact probably the greatest obstacle—has been, and continues to be, racial prejudice.

If I am proud of anything I have accomplished in my lifetime, I am proud of the things I have done to realize our national promise of equal opportunity and equal protection under the law for every American.

I recognized this need when I began my career in public life, and I have fought for it ever since, and I do not intend to turn back now. We still have a long way to go, but we have made many great strides since then.

One of the most important steps forward was the Civil Rights Act of 1964. I was privileged to be the floor manager of that bill. I believe it added a new dimension of freedom for all Americans. I find myself truly puzzled and distressed today as to why anyone would want to erase those precious gains for human rights.

Yet that is the real meaning of H.R. 13915. There is no room for rationalizing, no "compromise" to make; no "taking the good with the bad," because there is no goodness in this bill. Its only effect will be to cheat minority children one more time, to tell their parents—who have suffered enough and been denied their own chance—that some lawmakers are still not ready to open the door, that still another and then another generation of little children are going to grow up on the outside looking in.

I think most especially about two titles in that Civil Rights Act of 1964; title 4, which permitted the Attorney General to bring school desegregation lawsuits, and title 6, which helped desegregation because it made Federal financial assistance contingent upon the absence of racial discrimination.

I think about all that those two titles have already meant to making America a better place for all of us to live—and I wonder, and I truly cannot understand, why anyone would want to undo such a step forward.

Yet that is in my judgment exactly what H.R. 13915 is designed to do and would do.

Ironically, of course, it is a completely phony bill, a bonafide fraud. It cheats even those it purports to help. It does it by saying busing will be limited to the school closest or next closest to home.

That means that those whites who live nearest the central-city ghettos, and who may be among those objecting to busing, are the very ones whose children will be bused, while those who have enough money to live in more expensive homes farther out, will not be touched.

So the bill is not just antiblack, which is its subtly advertised promise. It is antipoor, antiworking class, black and white alike.

Mr. President, some weeks back, in speaking to the Senate on March 1 of this year, I outlined what I believed were some of the dimensions of quality education, including the equal participation in educational excellence that should be enshrined as the constitutional law of the land. I said then that no proposed constitutional amendment that deals with anything less than this fundamental issue or that is any less permanent in its application can be acceptable to the American people.

This was at the time that we were talking about the possibility, here, of a constitutional amendment to prohibit busing.

I went on to point out:

> No proposed constitutional amendment that deals with anything less than this fundamental issue, or that is any less permanent in its application, can be acceptable to the American people. And it should be clearly recognized that any proposed constitutional amendment that speaks of "freedom of choice," or that inveighs against required attendance at a school on the basis of race, is divorced from the reality of existing Federal law specifically prohibiting enforced school segregation, and employs language repeatedly proposed over recent years precisely to maintain this segregation.
>
> Nor ought any statute be enacted by Congress that retreats from the proposition that all men are created equal and should have the fullest opportunity to enjoy a meaningful life in freedom, or that undermines our commitment to a united nation where justice is established and the general welfare promoted.
>
> What we must establish now is a firm Federal policy of full support for State and local efforts to provide a quality education for all children. Local authorities have the first-hand knowledge and responsibility to take the initiative to achieve this goal.

Then I went on to talk about the whole subject of school transportation, pointing out that busing provides a partial answer to this critical need of quality education, and that the Supreme Court has never asked that there be busing entirely for the purpose of racial balance, but rather for quality education.

I pointed out in that address of March 1 in the Senate a series of steps that can be taken, including the use of busing wherever it is needed and desirable, to upgrade the quality of education for our youngsters.

Mr. President, I ask unanimous consent that my remarks of March 1 be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Schoolbusing and Quality Education

Mr. HUMPHREY. Mr. President, I believe it is profoundly wrong to children and concerned parents across America to twist complex and serious problems of education in our Nation into slogans and emotional appeals offering the deception of simple answers to the difficult question of schoolbusing. The people of America expect their elected leaders and representatives to, in fact, demonstrate the conscience and hard thinking demanded of leadership in addressing these vital issues, rather than pander to public opinion of the moment.

The real concern of our people is that all of our children be guaranteed the opportunity to obtain a quality education. School busing, where properly intended to provide this opportunity to millions of children who have suffered under racial and economic segregation, addresses this concern only in part. For other millions of children, this opportunity has been increasingly threatened by tightening school budgets in countless communities where traditional revenue collection measures have reached the saturation point in the face of rising public service costs.

The provision of the best possible education for all our children constitutes an absolutely essential national resource. It is for the protection and strengthening of this national resource that the people of America are now calling the President and Congress to account.

I wish to undertake this accounting now; first, by clarifying the problem of schoolbusing to identify the real issues at stake in the Federal Government's response; and second, by proposing a legislative program of action by this Congress to provide critical Federal financial relief and incentives to our States and communities endeavoring to define and establish equal opportunity to quality education for all our children.

THE PURPOSE OF SCHOOLBUSING

The goal of assuring for all of our children equal access to a quality education is not advanced by moving children from better schools to poorer ones. Nor is it advanced, as the Supreme Court has recently held, when travel to school risks the health of children or adversely affects or infringes upon their education. No child, black or white, should be set adrift in an unstable school situation. No parent, no educator, no responsible government official sees any merit to so-called massive busing to achieve an arbitrary racial balance based on a mathematical formula. It does not help the child. It cannot bring about quality education. It has been divisive, compounding rather than helping to solve our racial problems.

The issue of schoolbusing is currently focused on the widely publicized lower court decision affecting the organization of the school districts of Richmond, Va., and neighboring Henrico and Chesterfield Counties. The decision having been appealed, any comment by a governmental representative or official would be premature. But this case does point to one basic need, that school systems throughout the land must develop viable programs that will enable the children of the inner cities to share in the educational and cultural life which should be open to all Americans. The schoolbusing issue must cease to be the symbol of a Nation's failure to provide quality education for all its children.

It is wrong to foster public confusion by equating the critical need for better schools for all our children with a demand for a fixed or arbitrary racial balance in our schools, which is a totally incorrect interpretation of Federal statutes protecting our civil rights. The Civil Rights Act of 1964, to correct a pervasive violation of the 14th amendment to the Constitution guaranteeing the equal protection of the laws, called for an end to State action enforcing the segregation of children in separate schools on the basis of their race—a segregation, let it be clearly noted, that itself had required extensive school busing. This governmentally dictated isolation of hundreds of thousands of children was found to violate their most basic right of equal opportunity, denying their common human dignity, and crippling their educational and emotional development.

Despite dramatic accomplishments in the subsequent desegregation of our schools, over half of our black children, comprising 15 percent of public school enrollment, are in schools with a minority group concentration from 80 percent to 100 percent of total enrollment. Of the 2 million Spanish surnamed pupils in the public schools of the United States, about 70 percent attend schools in a five-State southwest region, with the majority of these students being Mexican-American. About 30 percent of these children are concentrated or isolated in schools in predominantly Mexican-American districts in this region.

What is demanded today at the national level is an honest policy on school desegregation that moves forthrightly against any attempt at official discrimination. It is this government denial of the equal protection of the laws, whether sanctioned or intended, that is prohibited by Federal law. And it is the enforcement of the specific prohibitions of this law that should be neither avoided nor exceeded by the executive branch of the Federal Government.

But what is also required of the present administration now is the clear recognition that the central issue is not busing. The issue before the American people is the need of all children to have an equal chance to get the best possible education. No parent, white or black, wants his or her child to attend a school with inferior educational standards. What the children of the urban ghetto and the poverty-stricken rural county require, if they are to have an equal opportunity to obtain the best education available, is a major investment by America to redress the serious imbalance in educational resources with which they have been too long confronted.

No child should be condemned to an inferior education by the circumstance of residence, family income level, or race. No child's learning and emotional development should be stunted by a pervasive and constant experience of poor school facilities, obsolete textbooks, sharply limited learning opportunities, or of hunger and malnutrition, and an unsafe and deteriorating neighborhood where he knows only fear, hostility, racial bitterness, and deprivation.

Honesty demands our recognition that such conditions can permanently cripple a child, can effectively deny him the opportunity in later life to obtain a good job, and can mean that a potential productive member of American society becomes, instead, a burden upon society.

Every child should have the right to a stable local school situation where the learning process is stimulating, comprehensive, guided by the most up-to-date knowledge and educational psychology, and assures that his or her specific interests, abilities, and needs receive careful and continuing attention.

It is this right to equal participation in educational excellence that should be enshrined as a constitutional law of the land, for it is a prime foundation for establishing the equal opportunity of every American to make the most of his life and to contribute his skills and abilities to make a better society for all. And it should be a permanent right that simultaneously advances our Nation toward the full realization of the ideals under which the United States of America was originally constituted.

No proposed constitutional amendment that deals with anything less than this fundamental issue, or that is any less permanent in its application, can be acceptable to the American people. And it should be clearly recognized that any proposed constitutional amendment that speaks of "freedom of choice," or that inveighs against required attendance at a school on the basis of race, is divorced from the reality of existing Federal law specifically prohibiting enforced school segregation, and employs language repeatedly proposed over recent years precisely to maintain this segregation.

Nor ought any statute be enacted by Congress that retreats from the proposition that all men are created equal and should have the fullest opportunity to enjoy a meaningful life in freedom, or that undermines our commitment to a united nation where justice is established and the general welfare promoted.

What we must establish now is a firm Federal policy of full support for State and local efforts to provide a quality education for all children. Local authorities have the first-hand knowledge and responsibility to take the initiative to achieve this goal. But they have a special capability and duty to launch innovative and comprehensive measures to assist children attending schools in areas of economic and social deprivation. This can and should include the busing of children from a deprived area into a better learning environment—not a so-called massive busing which defeats this very purpose, but a carefully implemented plan that assures that all children affected will enjoy constructive educational benefits, including that vital sense of continuing involvement in the total life of the school they are attending.

The question of school transportation should be decided at the local level. And this decision can only be justified where it will advance the quality of education and the equality of educational opportunity for those children bused. But busing should be viewed as only one method by which children can be released from the isolation of racial segregation and poverty to share in the educational opportunities that are essential for them to realize their true potential.

Busing provides only a temporary and partial answer to this critical need. Wherever possible, we should make full use of other methods to overcome the educational disabilities borne by children isolated in the urban and rural ghettos of poverty in America. These can include carefully planned school district rezoning and new school construction to benefit all children in the local area, as well as the selective assignment of children from poor schools to respective classes in surrounding schools offering a better learning environment.

But the central emphasis must be placed on ending the disparities that deny hundreds of thousands of schoolchildren an equal chance to obtain the best possible education. To compensate for generations of neglect, we must provide these children with the best schools and teachers, with extensive remedial services to upgrade basic learning skills, and with new curricula and instructional methods focused on the values and strengths of the unity that must continue to be forged out of our distinctive, multiple cultural and ethnic backgrounds. We must initiate extensive guidance and counseling services, innovative applications of communications media and audiovisual resources, and bilingual-bicultural programs. And we must make unremitting efforts to assure effective community participation in the programs of these schools.

Such extensive new directions cannot in themselves overcome the problems of neighborhood decay, social deterioration, and the constant anxiety and despair of critical economic need that also constitute the total learning experience of a child in an atmosphere of racial and economic discrimination. The difficult and sustained task of constructively redressing these grievances remains before American society. But we know that in the education of children we have a preeminent tool with which to work at this task, and it must not be set aside. Children who confront the reality of a dual school system of segregated and inferior education in slum schools and slum neighborhoods must have the right to the promise of an integrated educational system with modern facilities and well-trained, competent teachers. We need a massive and immediate national effort—a Marshall plan for our cities—to improve and rebuild our neighborhoods and aid all of our school districts.

A PROGRAM TO ESTABLISH FULL EDUCATIONAL OPPORTUNITY

Let history record that precisely out of the current emotion and confusion surrounding the single issue of school busing, there arose a positive demand by the people of America that our Government exercise leadership in presenting a forward-moving and comprehensive program for the extensive improvement of the educational resources of America on behalf of present and future generations of children.

The essential task before the administration and Congress is to forge this new public consensus through developing a constructive legislative program to substantially expand the Federal investment in the education of all of America's children and youth. This program has been launched in the vital legislation presently before the Senate.

FEDERAL ROLE ONE-THIRD OF TOTAL PUBLIC INVESTMENT IN EDUCATION

But we must do much more in fulfilling our responsibilities as representatives of the people. We must achieve a Federal investment in the education of their children that amounts to at least one-third of all public resources devoted to this task. This investment must have a two-pronged purpose. First, through a system of basic grants tied directly to the number of schoolchildren, it must provide essential relief to local communities bearing a heavy cost burden for their education, and it must lead to an overall balancing of public support among school districts to firmly establish the equal opportunity for all children to obtain a quality education.

Second, through the provision of additional compensatory aid grants, this Federal investment must provide for extensive special educational services targeted at helping children overcome the serious educational and cultural handicaps with which they are afflicted as a result of being brought up in a segregated and deprived school atmosphere.

This can and should include a program of Federal support for contiguous or adjacent local school jurisdictions to develop joint programs where transportation can improve the quality of a child's education, and where expanded and improved school facilities can enable the effective exercise of this important option in overcoming the deprivation behind barriers of segregation.

NATIONAL EDUCATIONAL TRUST FUND

To enable local school boards to carefully plan and carry through the complex and sustained effort that will be required to end disparities in educational opportunity, the level of this Federal investment must be guaranteed. That is why I have proposed the establishment of a National Educational Trust Fund, with financing based in part on a predetermined allocation of Federal Revenues. The employment of a trust fund will enable Congress to carry through its commitment to State and local reponsibility for the education of our children and youth. It can fulfill a national responsibility to support this task, in recognition of the impact of increasing population mobility that can progressively limit the effectiveness of local revenue support measures for education. And it justified by the high national priority that now must be given to policies and programs to assure the protection and development of America's human resources through education.

A major program of Federal assistance must be carefully designed to preserve and strengthen State and local decisionmaking authority and freedom in the area of elementary and secondary education. We must do more than simply affirm support for local control of our schools, which still leaves our communities with the critical problem of rising school costs and inadequate facilities and services—a problem which State and local officials are frank to admit is already on the verge of being out of control. We must provide effective relief from the burden of these costs and assure that Federal assistance is rapidly channeled to meet critical local educational needs. There should be additional Federal incentives for the achievement of these goals, including the promotion of State and local fiscal support reforms and of programs of assessment and accountability on the utilization of educational resources.

SCHOOL CONSTRUCTION AND MODERNIZATION ASSISTANCE

Any program to further the equalization of local fiscal support for education must mean more than meeting instructional or operating costs. Over the past index of school construction costs. There has been a steady decline in voter approval of school bond referendums, with less than one-half the par value of issues being approved in fiscal 1970. And interest costs for public elementary and secondary school bonds in that fiscal year continued a rising trend to a record high. The result has been curtailments in critically needed school construction, as well as crowded classroom conditions, a wider use of short or double sessions, and the continued use of outmoded and unsafe facilities.

It is in light of these disturbing trends that I have proposed a program of Federal grants and loan guarantees to provide local education agencies with essential relief from the increasing burden of capital outlay and debt servicing costs. The equalization of disparities in this category of school costs, particularly on behalf of deprived urban and rural areas demands effective Federal support.

NEW DIRECTIONS TOWARD A COMPREHENSIVE EDUCATION PROGRAM

I have been talking about the education of some 46.2 million children and youth in America this year at a total public cost of $46.8 billion. But we should also be looking to a recomputation of these figures that enables effective assistance for additional vital areas of education. By this I mean to include the 6.5 million preschool children who have a serious need for comprehensive early childhood development programs, and several million handicapped children who have the right to special educational services. I am talking about 6.2 million children for whom compensatory and remedial skills programs are critical to their future ability to cope with the demands and challenges of adulthood, and 2.2 million youth who want and deserve the opportunity to pursue vocational and career education. And it is time to give full effect to recently enacted Federal programs, to provide extensive adult education opportunities to some 15 million Americans.

A new education policy must also address the total social and learning environment of the child and young person—his health, his neighborhood, his need for careful development and guidance. It is for this reason, for example, that I intend to press for favorable action on the Universal Child Nutrition and Nutrition Education Act, which I introduced to address the pervasive evidence of inadequate nutrition among children of all income levels across America, and to end the confusing patchwork of Federal regulations that can work to deny a daily nutritious meal to hundreds of thousands of schoolchildren.

DEPARTMENT OF EDUCATION

These examples emphasize the tremendous importance of education in our Nation today. The high national priority which must therefore be given to education demands the establishment of a Cabinet-level Department of Education. The legislation presently before the Senate moves in this direction. But I believe we must accelerate this governmental reorganization to consolidate Federal programs to effectively meet a critical national need. We must have a spokesman for education at the highest level of Government—a department that can launch a concentrated Federal effort to maintain and improve our vital educational resources, and effectively support the ongoing knowledge explosion and rapid and extensive developments in the broad field of learning processes and opportunities.

In the near future, I will be introducing further legislation to enable the achievement of the goals I have outlined for a comprehensive program of action by Congress to promote the equal opportunity for a quality education for all of America's children and youth. I urge the Senate to launch this effort through taking favorable action on the pending legislation, the Education Amendments of 1972. It is now essential that Congress fulfill the responsibilities of conscience and leadership in ending the disparities and deprivations that deny millions of children and youth an equal chance to obtain the best possible education.

Mr. HUMPHREY. Mr. President, I believe it is time to let local communities solve their problems locally and lawfully.

Indeed, all the evidence indicates that the best thing that could happen is for all adults—and not the least of them being we adults in the Congress—to let these who actually go to our schools find the solution.

For the evidence is on the record. It shows that in community after community, our children and youth have taken a very constructive approach in dealing with new situations.

There are dozens of examples of this, but let me just close with just one from Pontiac, Mich. I see in the Chamber the distinguished senior Senator from Michigan (Mr. HART). I am sure he is more than familiar with this well-reported statement of a student. Let me recall the words of John Kindig, age 13, and therefore clearly lacking in all the profound "insights" that we adults have, but possibly with the clarity of vision and the wholesomeness of conscience that are so desperately needed on this vital issue.

Seventh-grader John Kindig said it this way to Time magazine:

> All these adults keep telling us we're supposed to be against busing. They tell each other "Burn the buses, tear down the schools, beat up the niggers." Who do they think they are? We're the ones who are going to school. We're the ones that have to live together. We can do it fine if they'll let us alone.

Well, I have not had a chance to talk with John Kindig, but I hope that I can send him this page from the CONGRESSIONAL RECORD. And I want to say to him:

"I'm with you, John. I want us to let you and your friends alone. I think you'll manage just fine without us. And I know America will manage just fine without H.R. 13915"—a piece of proposed legislation that will do more to set back quality education than anything that has come before this body in years. What a misnomer: A bill that is supposed to be providing what they call equal educational opportunities, entitled "An Act to Further the Achievement of Equal Educational Opportunities."

Mr. President, I respectfully suggest that there ought to be truth in labeling on proposed legislation in Congress as well as on commodities in the marketplace. This does not add to equal educational opportunity any more than just a bus makes it possible.

I say Congress must have a broader vision than to try to settle the problems of race relations in a bus, or to try to settle problems of education by banning a bus. Neither answer lends itself to the problem. We have a job before us, and that job must be, as it has been, to provide the tools, the resources, for quality education for every boy and girl in this country, to have some equalization of financial resources in our school systems, and to see to it that every boy and girl, regardless of race, creed, color, or economic status, has a chance to attend a first-class school, with good teachers, modern curriculum, and modern facilities. That is what we need to do, and we need to use whatever tools we have to accomplish it.

If it is necessary to bring a boy or a girl from a poor school to a good school in order to achieve that, and we have to use a bus, then the bus ought to be used. I hope that I can live to see the day when our people will not only go to school together, but that we will learn how to live together as neighbors, and will be able to solve most of these problems, not by employing vehicles or machines, but rather by employing just common decency and a sense of conscience.

I hope that the Senate will reject H.R. 13915, and do it in the name of upholding the 14th amendment to the Constitution and the principles of government on which this country was founded.

Mr. President, I yield the floor.

Mr. MUSKIE. Mr. President, I rise today to join the distinguished Senator from Minnesota (Mr. HUMPHREY) in opposing H.R. 13915, a piece of legislation that seeks not only to shackle our courts but also to repeal a basic commitment to justice.

My difficulties with the bill begin with its title: the "Equal Educational Opportunities Act of 1972." In fact, this legislation renounces the struggle for equality and for full educational opportunities.

Instead of turning back, I wish to remind the Senate of the words President John F. Kennedy spoke in sorrow and determination on the night of June 11, 1963. His speech to the Nation acknowledged the legal and moral shortcomings of our treatment of blacks in America, and even though some of the statistics he used then are now out of date, I want to read part of his remarks and remind Senators of their force and of the pledge they bore.

President Kennedy said:

> It ought to be possible . . . for every American to enjoy the privileges of being American without regard to his race or his color. . . . Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case . . .
>
> This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every State of the Union, producing in many cities a rising tide of discontent that threatens the public safety. Nor is this a partisan issue in a time of domestic crisis. Men of good will and generosity should be able to unite regardless of party or politics. This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level, but law alone cannot make men see right.
>
> We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.
>
> The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, . . . cannot send his children to the best public school available, . . . if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed to stand in his place? Who among us would then be content with the counsels of patience and delay? . . .
>
> Too many Negro children entering segregated grade schools at the time of the Supreme Court's decision nine years ago will enter segregated high schools this fall, having suffered a loss which can never be restored. The lack of an adequate education denies the Negro a chance to get a decent job. . . .
>
> We cannot say to ten percent of the population that you can't have that right; that your children can't have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go into the streets and demonstrate. I think we owe them and we owe ourselves a better country than that.
>
> Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for every child to be educated to the limit of his talents.
>
> As I have said before, not every child has an equal talent or an equal ability or an equal motivation, but they should have the equal right to develop their talent and their ability and their motivation to make something of themselves.
>
> We have a right to expect that the Negro community will be responsible, will uphold the law, but they have a right to expect that the law will be fair; that the Constitution will be color blind. . . .

That address—that call to a nation's conscience—impelled the Congress, the following year, to enact the historic Civil Rights Act of 1964, the most far-reaching legislation in the field since the Reconstruction Era. In introducing that legislation at the beginning of 74 days of debate, the distinguished Senator from Minnesota (Mr. HUMPHREY) said:

> Freedom requires full freedom. There cannot be half freedom. There cannot be full freedom for whites and little freedom for Negroes.

The former Senator from California, Senator Thomas Kuchel, then the Republican whip, set forth his and his party's concern for civil rights the same day in an address to the Senate that concluded:

> The struggle for effective civil rights legislation is not a partisan fight. It is an American fight.
>
> If it is won in the Senate Chambers, and I am confident that it will be, it will be won because men of good will want to make the American theory of equal treatment under law a reality rather than a mockery. It is a fight to keep faith with the hopes and aspirations of those who came before us and those who will come after us. To be true, to them, Americans, all Americans, and to the dream we share, we must be true to ourselves and to man's deep desire for freedom and equality of opportunity. If we are true to these ideals, we will truly have kept faith.

Mr. President, the legislation we are considering today mocks those ideals and turns aside from that faith. This bill would have us say that opportunities for some can be more equal than opportunities for others. It would have us decree that the pledge of equality on which America is founded cannot be guaranteed by the processes of law. It would have us break a promise implicit in the Constitution, a promise repeatedly reaffirmed by Congress and the President, the promise to millions of young children that they are entitled to develop their full potential on equal terms with all other American children.

Quite specifically, this bill would have us append a shameful footnote to the 14th amendment to the Constitution, after the sentence in section 1 which says:

> No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The footnote this pending legislation would add to that language would say, in effect, "but the courts of the United States may have no power to guarantee equal protection of the laws to all citizens." Let us not mince words. The import of this bill is too clear for euphemisms. Should it be enacted, we would be saying, quite specifically, that no Federal court—finding that school segregation exists and that it does deny "equal protection of the laws"—may order that segregation ended through the use of busing. Further, we would say that all past findings of segregated schooling and all remedies already set in motion are subject to review, and, perhaps, to reversal.

Do we really want to reverse those decisions and go back to the "separate but equal" doctrine of education that obtained from the end of the last century until the Supreme Court in 1954 cast aside that fallacy? Speaking unanimously in Brown against Board of Education, the Court declared that:

> In the field of public education the doctrine of "Separate but equal" has no place. Separate educational facilities are inherently unequal.

That decision climaxed 20 years of tireless effort by black parents and their lawyers to vindicate their fundamental rights, not in the streets, but in the courts. They based their struggle on the conviction that justice for blacks, as for all Americans, could be won from white judges in white courts.

We all know what followed their victory. Twisting the Court's order to proceed with desegregation "with all deliberate speed," many school districts adopted instead a policy of "massive resistance." Some public school systems simply closed their doors. Some States appropriated funds to help parents send their children to "private" schools. "Pupil assignment laws" permitted school authorities to send children back to the same schools as before, but with race no longer given as the reason. One by one, again through the courts, black children overcame these new barriers, but by the middle 1960's, most segregated schools are almost as segregated as ever.

Still the struggle went on in the courts. As President Kennedy said, children who had entered segregated first grade classes at the time of the Brown decision were preparing to graduate from segregated high schools. Another entire generation of children had been denied its constitutional rights.

In 1968, 14 years after Brown, the Supreme Court spoke again, and spoke unanimously. In Green versus County School Board of New Kent County the court stated unequivocally that the Constitution required public school authorities to establish "a unitary, nonracial system of public education—a system without a 'white' school and a 'Negro' school, but just schools." School boards were "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." Moreover said the Court, the constitutional rights of black children could no longer be subjected to further temporizing:

> The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.

The elimination of segregation in schools is a complex matter, as we all know. Many techniques are available and have been used successfully: pairing of a white and a black school in one enlarged attendance zone; clustering schools and rearranging grades so that children who formerly attended separate schools now go to school together; closing old and dilapidated school buildings—usually black—and dispersing their students through other—usually white—schools; creation of "magnet" or specialized schools with special programs. Some desegregation merely requires the rearrangement of transportation patterns; some requires less and some requires more transportation to be provided to the children. All of these devices were used by local school boards in seeking to comply with the Brown and Green cases.

The question remained, however, whether a school board complied with the Constitution if the steps it took left "white schools" and "black schools"—that is schools which were readily racially identifiable. The Supreme Court answered this question in Swann versus Charlotte-Mecklenburg Board of Education. The Court was once again unanimous, this time speaking through the newly appointed Chief Justice, Warren E. Burger. In Swann, the Court said that:

> The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole.

Nevertheless, awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations. The persistence of predominantly one-race schools raised a presumption that the school system had not been desegregated to comply with the Constitution, and a district court might require a school system to take whatever steps were reasonably necessary to eliminate racially identifiable schools. The Court found it appropriate, in such cases, to require the use of all available devices for desegregation, including measures which might increase the need for transportation of students. In fact, the Court explicitly and unanimously approved the creation of noncontiguous attendance zones and crosstown busing.

This was the Supreme Court's "busing decision." And it is this unanimous verdict that the bill before us seeks to overturn even if, in doing so, it is necessary to scramble the Constitution, tear down the protections that separate the three branches of Government and deny the promises of equality and justice on which America is built.

Obviously, the issue of busing schoolchildren has aroused such passion that its opponents are oblivious to the constitutional dangers of their course. We should remember, however, that America has been through this fight before. In the 1930's as one-room schoolhouses were giving way to consolidated schools, many of the same arguments we hear now were voiced with equal fervor.

The history of pupil transportation in this country is discussed in an article appearing in the March 1972 issue of Inequality in Education, a publication of the Center for Law and Education, Harvard University. Since the past is illuminating, I would like to quote a portion of that article:

> Throughout America, the evolution of the public school system has shared three characteristics: (1) smaller districts (with one-room schools) have been consolidated into more comprehensive regional schools (often grouping students from different civic jurisdictions); (2) state aid has supplemented the school finances raised by the local property tax; and (3) students have been transported from their home neighborhoods to the more comprehensive, state-supported schools.
>
> This third device, transportation, has attracted the greatest acrimony. One list of objections includes:
>
> 1. Bad roads and irregular distribution of public highways.
> 2. Uncertainty about expense.
> 3. Loss of the home school.
> 4. Fear that land on the border of enlarged district will depreciate in value.
> 5. Central school might build a new, large building and the discontinued schools might wish to return to the old regime.
> 6. Many teachers would be thrown out of employment.
> 7. Would build up a central school in a rival district. (Jealousy).
> 8. Disbelief that pupils can be transported comfortably and safely.

> 9. Doubt whether a graded school is better than an ungraded school.
>
> 10. Children would have to leave home too early and could not get back in time to do chores.
>
> 11. The evil influences would be much greater, particularly if children are transported to village or town schools.
>
> These arguments were listed by L. D. Harvey, Wisconsin Superintendent of Public Instruction, at a time when the controversy was nearing one of its peaks—1902. When the problem surfaced again, in 1937, the Arkansas Department of Education compiled a new list:
>
> 1. Consolidation destroys community life.
>
> 2. The consolidation of districts takes away local control of the schools.
>
> 3. The opposition of teachers and principals who may lose their positions.
>
> 4. The selfish interests of certain individuals.
>
> 5. Objections to transportation.
>
> 6. The school will be too far away.
>
> 7. Religious and denominational interests.
>
> 8. Social distinction between rural and urban pupils.
>
> 9. Failure to see the advantages of large schools.
>
> Similar arguments are occasionally heard today.
>
> Past controversies, of course, were resolved in favor of consolidation, state aid, and pupil transportation—much to the general satisfaction of the populace thereafter. (Indeed, this was the course recommended by both state departments of education, although the resolution was probably easier in Arkansas since the school bus had been invented by 1937). There may be a point, nonetheless, to a brief review of school district consolidation and pupil transportation in America. As Professor M. C. S. Noble, Jr. observed in 1939:
>
> "When evaluating such objections, it is well to remember that the school is an agency of society; hence any objections raised by the people must be met in a proper spirit and should receive careful and respectful consideration."

Parents we see have often rebelled against sending their children to distant schools. They were and are concerned over how the children would get home in emergencies or following after-school activities. They were and are anxious about the safety of the schoolbuses. And some believed and still believe that the costs of busing are excessive compared to other educational goals.

It is necessary, then, to recite the facts we do know about busing today and to hope that a few simple truths can be heard above the din.

First of all, the relative cost of bus transportation in the Nation has not changed in nearly 40 years. According to the May 1972 publication of the U.S. Civil Rights Commission, Your Child and Busing:

> In 1933, the expenditure for pupil transportation was 3.5 percent of the cost of operating public schools. In 1969–70, it was 3.6 percent.
>
> Last year, the cost of pupil transportation was just over $1.5 billion, out of a total public school expenditure of nearly $44 billion.

In fact, the increased cost of transportation occasioned by desegregation orders has rarely been more than 2 percent of the local school budget, if the capital cost of acquiring buses is amortized over the useful life of the buses. The cost of transportation per child, moreover, is a very small fraction of the cost of compensatory education programs, so, unless communities are prepared to tax themselves far more, busing remains the most economical way to open quality education to ghetto children.

Second, as for safety, the figures compiled by the National Safety Council show that the schoolbus is by far the safest way to get to school. The accident rate for bused children is 0.03 per 100,000 student-days against 0.08 for children who walk to school. The fatality rate per 100 million passenger-miles is 0.06 for schoolbuses, 0.24 for other buses, and 2.40 for passenger cars. The yellow bus with its flashing lights is an island of safety for children amid today's commuter traffic in our cities and suburbs.

Third, we have the question of distance and the allegation that time spent riding back and forth to school under court-ordered desegregation plans is exhausting and unhealthy. Again, it is necessary to cite the Civil Right Commission's report last May:

> There seems little doubt in the minds of busing opponents that busing steals hour after hour from the children. The facts do not support this result as being a natural and usual consequence of busing.
>
> Indeed, in the South the reverse can and does happen. Desegregation actually can cause many children to spend less time on the bus. This is because they are no longer bused past one segregated school to get to another; hence the trip is shorter.
>
> In Hoke County, North Carolina, for example, the switch from segregation to integration resulted in bus runs that were 15 minutes shorter. In Georgia the number of pupils bused statewide has risen gradually from 516,000 in 1967–68 to 566,000 in 1970–71. During the same period, however, the number of miles logged by Georgia buses has dropped from 53,997,000 to 51,257,000.
>
> Similarly, it is possible that an attendance area in a Northern district might be so drawn that a bus trip after desegregation might be quicker than the ride or walk prior to desegregation.
>
> In most districts where pupils are being bused for desegregation, trips are rarely long. The average travel time reported seems to be 20 to 30 minutes. Trips of an hour or more would be out of the ordinary. A trip of a half hour or so would not bring the pupil home much later than if he walked from a neighborhood school.
>
> The desegregation order for Richmond, Virginia, for example, would call for average bus rides of about 30 minutes, which is less than the current average in an adjacent county involved in the decision.
>
> Of 11 cities surveyed recently by the Center for National Policy Review, the length of the average trip had been increased by more than 15 minutes in only two. In six cities, the average trip remained exactly the same before and after court-ordered desegregation.

Fourth, we have the claim that busing, by itself, is bad for children. Despite this concern, as the senior Senator from Minnesota (Mr. MONDALE) told the Senate in his eloquent address last February 18:

> Busing is the way the overwhelming majority of school children outside our central cities get to school. Twenty million elementary and secondary school children are bused. They rode 256,000 yellow buses 2,200 million miles last year . . . And 40 percent of our school children—65 percent when those riding public transportation are included—ride to school every day for reasons that have nothing at all to do with school desegregation.

If nearly two out of three American youngsters can survive bus rides to school year in and year out, I frankly fail to see reasonable grounds for the fears being expressed again that such transportation will destroy their health and diminish their chances to get a good education.

A couple of years ago, the U.S. Commission on Civil Rights issued a statement in response to the President's March 26, 1970, statement on school desegregation. What the Commission said then is well worth repeating now:

> Busing is neither a new nor a unique technique, and its use is not limited to facilitating desegregation. For example, for decades, black and white children, alike, in the South were bused as much as 50 miles or more each day to assure perfect racial segregation. In many cases, busing was the exclusive privilege of white children—black children often were required to walk considerable distances. No complaints then were heard from whites or any harmful effects. Nor was any concern exhibited over the damage suffered by black children through their deliberate segregation. The Supreme Court in Brown described vividly the nature of the harm to which Negro children were being subjected.
>
> "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."
>
> Thus the arguments that some now make about the evils of busing would appear less than ingenuous. The plain fact is that every day of every school year 18 million pupils—40 percent of the Nation's public school children—are bused to and from school, and the buses log in the aggregate more than two billion miles—nine billion passenger miles—each year. It also should be understood that the overwhelming majority of school busing has nothing to do with desegregation of achieving racial balance. The trend toward consolidation of schools, for example, particularly in rural areas, requires extensive busing. It causes no disruption to the educational routines of the children and is treated as normal and sensible.
>
> Amid the controversy over busing, in many school systems, North and South, transportation is being used quietly and effectively as a means of bringing about desegregation. The bus rides are not long—in Berkeley, California, for example, a city of 120,000 people, the bus trip never exceeds 20 minutes—and it causes no harm. In the South, of course, the amount of busing needed to bring about desegregation frequently is considerably less than was required to maintain dual school systems. For example, at the Commission's 1968 hearing in Montgomery, Alabama, we found that black students in Selma, seeking to attend trade school, were bused some 50 miles to the nearly all-black Trenholm School in Montgomery, although the Rufus King trade school was located in Selma. Rufus King however, was all-white.
>
> It is a mistake to think of the problems of desegregation and the extent that busing is required to facilitate it solely in the context of the Nation's relatively few giant urban centers such as Chicago, New York, or Los Angeles. In most of our cities the techniques necessary to accomplish desegregation are relatively simple and busing creates no hardships. The experience in communities which have successfully desegregated could easily be transferred to cities of greater size.
>
> Even in giant urban centers, progress in desegregation does not require interminable bus rides or disruption of our children's education. The President, in discussing the re-

cent California court decision requiring desegregation of the Los Angeles school system, quoted "local leaders" as estimating that the total cost of busing will amount to 40-million dollars over the next school year. This estimate represented the contention of the defendants in that litigation. It was presented to the court for the purpose of arguing against the feasibility of desegregation in that city's school system. In fact, the court rejected this estimate as unrealistic.

In Los Angeles, as in other cities substantial desegregation can be accomplished through relatively simple devices such as alteration of existing school attendance areas, school pairing, and the establishment of central schools. To be sure, transportation is necessary in giant urban centers as it is in smaller cities, but here too, it is false and defeatist to assume that the bus rides must be lengthy or that the education of our children will be disrupted.

In the Commission's view, the emphasis that some put on the issue of busing is misplaced. As most Americans would agree, it is the kind of education that awaits our children at the end of the bus ride that is really important.

Let us be frank. We do not really know how many more children will have to take school buses if the courts are permitted to include busing among the remedies for segregated schooling. The Department of Health, Education and Welfare believes the number of children being bused under court-ordered desegregation plans equals some 600,000. The Department of Transportation estimates 100,000. Last year a HEW survey of the Nation's 100 largest school systems found 23 operating for the first time under school desegragation orders. In only three of those districts was the proportion of bused children significantly higher after desegregation than the average proportion of bused children elsewhere in the same state.

At this point, I believe it is appropriate to say something about the neighborhood school concept. The neighborhood school was extolled by the President in this 1970 statement and is given a Congressional imprimatur by the pending legislation. The Commission on Civil Rights, in its reply to the President's 1970 statement, questioned whether the neighborhood school should be one of the cornerstones of educational policy. It said:

In his statement, the President emphasized the desirability of maintaining the neighborhood school principle. For several reasons, the Commission questions whether this should be one of the cornerstones upon which national educational policy rests.

For one thing, neighborhood schools do not represent the invariable principle governing school attendance that many believe. Frequently, neighborhood attendance is subordinated to other educational goals. In some cities, for example, handicapped children or academically talented students attend schools other than the one in their neighborhood.

Further, the Commission has found numerous instances of departures from neighborhood attendance policy that have had the effect of promoting racial segregation, where faithful adherence to the neighborhood school principle would have assured integrated student bodies. In Cleveland, Ohio, and San Francisco, California, for example, optional zones were created to permit white students who otherwise would have attended racially integrated schools to choose instead nearly all-white schools out of their neighborhood. Transfer plans, ostensibly instituted to relieve overcrowding, also have had the effect of promoting racial separation.

There is, in fact, a good deal of inconsistency and hypocrisy that all too often surround the lip service paid to the neighborhood school principle. Courts, as well as school officials, have had little difficulty in dismissing its importance for the purpose of maintaining segregation. In Cincinnati in 1876, for example, black children who had to walk four miles each way to attend a black school brought suit to enter the much nearer white school. The court refused and said: "Children cannot cluster around their schools like they do around their parish church." Several years ago, then Chief Judge Tuttle of the U.S. Court of Appeals for the Fifth Circuit, in a case involving the Mobile, Alabama, school system, made some observations on this point:

Both in testimony and in the briefs, much is said by the appellees about the virtues of "neighborhood schools." Of course, in the brief of the Board of Education, the word "neighborhood" doesn't mean what it usually means. When spoken of as a means to require Negro children to continue to attend a Negro school in the vicinity of their homes, it is spoken of as a "neighborhood" school plan.

When the plan permits a white child to leave his Negro "neighborhood" to attend a white school in another "enghborhood" it becomes apparent that the "neighborhood" is something else again. As every member of this court knows, there are neighborhoods in the South and in every city of the South which contain both Negro and white people. So far as has come to the attention of this court no board of education has yet suggested that every child be required to attend his "neighborhood school" if the neighborhood is a Negro school. Every Board of Education has claimed the right to assign every white child to a school other than the neighborhood school under such circumstances.

And yet, when it is suggested that Negro children in Negro neighborhoods be permitted to break out of the segregated pattern of their own race in order to avoid the "inherently unequal" education of "separate educational facilities," the answer too often is that the children should attend their neighborhood schools." So, too, there is a hollow sound to the superficially appealing statement that school areas are designed by observing safety factors, such as highways, railroads, streams, etc. No matter how many such barriers there may be, none of them is so grave as to prevent the white child whose "area" school is Negro from crossing the barrier and enrolling in the nearest white school even though it be several intervening 'areas' away.

There also is some question whether the narrow attendance areas served by neighborhood schools truly represent the "neighborhood" as we currently understand that term. In fact, the meaning of neighborhoods has changed over the years. Recent development in the pattern of urban life—rapid population shifts and the growing distances city residents travel for recreation, business and shopping—have diffused traditional neighborhood patterns. They no longer are the self-contained, cohesive communities they may once have been. In short, it is doubtful that adherence to the neighborhood school principle is required by considerations of close community ties in narrow geographic areas. The schools have an opportunity, by broadening the geographical areas they serve, to expend the experience of children beyond that of the restricted confines of their narrowly defined neighborhood, and establish the school as a broader "community" or "neighborhood" in which the lives of all who attend can be enriched.

If adherence to the neighborhood school principle frequently interferes with efforts to promote desegregation, there also is some question concerning its value as a means of providing quality education. The essence of the neighborhood school is a self-contained unit serving a relatively small student population. In larger units, however, economies of scale frequently make possible the offering of a broader curriculum and the provision of new and expensive equipment that are not economically possible in schools which serve small numbers of students.

Many rural areas, for example, in an effort to improve the quality of education, have abandoned the tradition of small individual school houses in favor of consolidated schools serving much larger student bodies. In short, adherence to the neighborhood school principle under current conditions not only tends to interfere with efforts at desegregation, but also has little bearing on efforts to improve the quality of education and in some cases may even thwart those efforts.

The Commission believes that ideally and ultimately, resolution of the problem of school segregation lies in residential desegregation, which will remove the emotional issues of the neighborhood schools from the area of civil rights controversy. Residential desegregation can be accomplished through laws and policies designed specifically to secure an open housing market, and administered with dedication and purpose. This does not mean, however, that efforts to desegregate the schools should wait the day when neighborhood desegration has been achieved. We cannot afford to make integrated education wholly dependent upon open housing, for to do so would be to consign at least another generation of children to education in racially isolated schools.

What, then, are the legitimate and factual concerns about busing? The figures demonstrate conclusively that there is no reason to fear for the safety of children who are bused to school. There is simply no safer way to get there. And busing costs are a tiny fraction of the school budget. Take the example of Norfolk, Va., which has never provided transportation for any of its students, but now has been ordered by a court to do so in connection with desegregating its schools. The amortized cost of the entire bus fleet will be $600,000 per year out of an annual school budget of $35 million. Ironically, the Nixon administration has made certain that the entire cost of busing for desegregation will have to be borne by hard-pressed local taxpayers, because it has stopped granting Federal funds for transportation under the Emergency School Assistance Act and title I of the Elementary and Secondary Education Act.

As with everything else, however, busing can be carried too far. There are legitimate concerns. Children should not have to ride so far and for so long as to sap their energies for study and for play. Under desegregation plans, children should not be forced to attend schools which are inferior. Along with desegregation, our schools must be upgraded and made equal. I supported the Scott-Mansfield amendment to the omnibus education bill which we considered earlier this year, because it provided safeguards against the busing of children which would risk their health or significantly impinge on their education or place them in inferior schools. Ultimately, the Congress adopted even more stringent limits on busing in title VIII of the Education Amendments of 1972. In addition, the Supreme Court in the Swann case specified that the time or distance of travel under desegregation plans should not be "so great as to either risk the health of the children or significantly impinge on the educational process."

But the bill now before us is not needed to express again these legitimate concerns and provide safeguards against excessive busing. The Congress and the Supreme Court have already provided the necessary limitations and guidelines. It should now be left to the courts to work out specific desegregation plans for individual school districts so as to guarantee the constitutional rights of our children.

Last, but by no means least, there is a widespread concern about school violence—assault, extortions, drugs and interracial fighting. Here there are not statistics, but there are facts. The drug problem is certainly worse in the ghetto than in white middle-class areas; but many suburban schools already have a severe drug problem and there is no evidence that it is better or worse in schools which are integrated. We must deal vigorously with drugs in our schools, but the drug problem is no reason to keep them segregated.

As for individual and group violence, there is no evidence of any long-term increase under desegregation. We all know that fighting in schools is an old phenomenon. But when there is a racial incident, we hear about it. If kids brawl in the cafeteria or the school yard, it simply is not news unless there is a race angle to the story. Moreover, school fights between different ethnic and social groups have been common in the past without it being suggested that children from different groups should not attend the same school. Although it is probably true that formerly white schools experience some increase in tension in the early days of desegregation, this is often stimulated by the behavior of adults and it generally subsides within a few weeks.

We know integration is difficult. But we also know that it can be successful in human terms. Willie Morris has written about it in poignant terms in Yazoo, the story of his hometown in the Mississippi Delta. Concluding his book, he said:

> One of the burdens of the people of all the Yazoos who share this place and this involvement in a common history—a history of anguish and cruelty and inhumanity, but also of courage and warmth and rare nobility—is to warn their fellow Americans of the terrible toll that bitterness and retreat can take; for this will give the nation some feel of itself, and help it to endure.

This bill is a product of bitterness, a call to retreat. We must offer, instead, a reasoned appeal to hope. For, if we abandon the effort to assure full equality in educational opportunity, we will stifle hope and, if we pass this bill, we will be turning our backs on the goal of a decent education for all American youngsters. And, if we enact this legislation, as I warned before, we will start a terrifying process of undermining the Constitution and the courts' role as the exclusive arbiter of the Constitution.

This bill has many faults, but there are two provisions which are especially dangerous. The first of these is section 403(a), which provides that—

> No Federal court or agency shall order the implementation of a plan (that is, a school desegregation plan) that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

In an unbroken line of unanimous decisions extending over 17 years, the Supreme Court has made clear the duty of every school system to desegregate its schools. In Green, Swann, and a host of other decisions, the Court has made clear that this duty requires school authorities to make every effort "to achieve the greatest possible degree of actual desegregation." The Court has approved the mandatory use of all available devices, including busing. It has explicitly sanctioned, in Swann, the use of noncontiguous zoning, stating that such zones may, indeed, "be on opposite ends of the city." Section 403(a) would overrule Swann and countless other decisions of the Supreme Court and the lower Federal courts as well.

One of the justifications advanced for section 403(a) is that it does not restrict or diminish constitutional rights, but only the remedies available to cure the violation of such rights. Now, the first thing every law school student learns is that without a remedy there is no right. A moment's thought reveals why this is so. If a child has the right not to be assigned to a segregated school but the courts have no power to order him enrolled in a desegregated one, does that child truly have a right?

The Supreme Court dealt squarely with this very point in a second Swann decision, North Carolina Board of Education against Swann. There the Court unanimously declared unconstitutional a State statute which sought to bar the assignment of pupils on the basis of race and to prohibit the use of public funds for involuntary busing of pupils to achieve racial balance. The North Carolina statute was found to "conflict with the duty of school authorities to disestablish dual school systems" and to "obstruct the remedies granted" by courts seeking to enforce that duty. Surely if a State legislature may not enact a statute which obstructs or restricts the power of Federal courts to remedy violations of the Federal Constitution, the Congress cannot and should not assert the power to do so. Any such attempt would clearly run afoul of the fifth amendment, which restricts the power of Congress in much the same manner as the 14th amendment restricts the power of the States.

But proponents of this bill point to section 5 of the 14th amendment as authority for section 403(a). This is cruel irony. Section 5 empowers Congress "to enforce, by appropriate legislation, the provisions of" the amendment. Section 403(a) would equate the power to "enforce" with the power to "restrict." This interpretation distorts the meaning of language. We cannot "enforce" constitutional rights by "restricting" ways to remedy violations of those rights.

The very idea of twisting logic as this bill's supporters would have us do reminds me of Alice's conversation with Humpty-Dumpty in Wonderland.

> "But 'glory' doesn't mean 'a nice, knock-down argument,' " Alice said.
>
> "When I use a word," Humpty-Dumpty replied, "it means just what I choose it to mean—neither more nor less."
>
> "The question is whether you can make a word mean so many different things."
>
> "The question is," said Humpty-Dumpty, "which is to be master—that's all."

In support of their argument, proponents refer to a dissenting opinion in the case of Katzenbach against Morgan, which upheld the Voting Rights Act of 1965 as an appropriate use of Congress' power under section 5 of the 14th amendment. What they ignore is the majority's very clear rejection of their argument:

> Contrary to the suggestion of the dissent, section 5 does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this Court." We emphasize that Congress' power under section 5 is limited to adopting measures to enforce the guarantees of the Amendment; section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing, the States to establish racially segregated systems of education would not be—as required by section 5—a measure "to enforce" the Equal Protection Clause since that clause of its own force prohibits such State laws.

The final argument relied on to support section 403(a) is more abstruse. It rests on Congress' power under article III of the Constitution to create lower Federal courts and regulate their jurisdiction, and to regulate the appellate jurisdiction of the Supreme Court. This argument has been rejected in a thorough opinion of the Association of the Bar of the City of New York. Its fundamental defect is that it ignores the Constitution's basic grant of power to the Federal courts to decide "all cases arising under the Constitution."

Let me read part of the report of the Association of the Bar of the City of New York:

> Proponents of the proposed legislation have argued that it merely restricts the jurisdiction of Federal courts, denying or limiting the use in these courts of a particular remedy, and that Congress has clear power to do this under Article III of the Constitution as well as existing case law.
>
> Article III of the Constitution vests the judicial power of the United States in the Supreme Court "and in such interior Courts as the Congress may from time to time ordain and establish." It provides among other things that the judicial power shall extend to "all Cases . . . arising under this Constitution." It gives the Supreme Court original jurisdiction in certain specified cases and provides that that Court shall have appellate jurisdiction "with such Exceptions and under such Regulations as the Congress shall make." The few cases arising under this Article have made it clear that the Congress has substantial power to restrict the jurisdiction of the Federal Courts, including the appellate jurisdiction of the Supreme Court. *Ex Parte McCardle*. In *McCardle*, Congress had enacted a statute withdrawing jurisdiction from the Supreme Court to hear appeals in habeas corpus cases. The statute was passed during the pendency of a particular appeal, with the deliberate intent to prevent Supreme Court review of the case. The Supreme Court upheld the power of Congress to do so, and dismissed the case, citing the provisions of Article III of the Constitution, giving Congress the power to make exceptions to the appellate jurisdiction.

> But the *McCardle* case, assuming *arguendo* that it is still good law, does not stand for the proposition that Congress has unlimited power to prevent the Supreme Court from considering Constitutional claims. The Supreme Court retained the power to issue writs of habeas corpus in the exercise of its original jurisdiction. The withdrawal of appellate jurisdiction therefore merely closed one avenue and did not prevent access to the Court. Indeed, within months after the *McCardle* decision the Court held that it had the power in the exercise of its original jurisdiction to resolve the substantive issues raised by the *McCardle* case. *Ex Parte Yerger*.
>
> Aside from the *McCardle* case, there appears to be little authority to support Congressional interference with the courts in enforcing the Constitution.
>
> While the Emergency Price Control Act of 1942 prohibited the Federal District Courts from reviewing the validity of regulations made pursuant to the Act, the legislation also established a special court, the Emergency Court of Appeals, to adjudicate these controversies. Its decisions were made reviewable by the Supreme Court. That legislation was upheld because it preserved a full remedy in the Federal Courts. See *Yakus* v. *United States* and *Lockerty* v. *Phillips*.
>
> The line of cases under the Norris-LaGuardia Act, which declares that the Federal Courts have no "jurisdiction" to issue injunctions in certain labor disputes, do not involve Constitutional matters. That Act therefore does not purport to deny the right of an injunction to vindicate Constitutional rights.
>
> In the present situation it is apparent that in many cases, as a practical matter, no effective alternative to busing exists in carrying out the mandate of *Brown* v. *Bd. of Education* to desegregate schools where segregated residential patterns exist. In many such situations, the denial of busing as a remedy will constitute the denial of any effective remedy in redressing the unconstitutional condition of segregated schools. Thus, while purporting only to prohibit or restrict a particular remedy, Congress would in fact be requiring the courts to reach a particular result at odds with previous court decisions as to what is Constitutionally required.
>
> Article III has to be read with the rest of the Constitution, and, as shown above, we believe that the proposed legislation clearly violates the Fifth Amendment. Leaving aside the question of whether or not Congress may take away from an individual the oportunity to obtain a judicial determination in a Federal court of constitutional rights, it can scarcely be seriously contended that, under the guise of limiting the jurisdiction of the Federal courts, Congress may do indirectly what it may not do directly, that is, restrict the scope of the Fourteenth Amendment.

Since Marbury against Madison was decided in 1803, it has been a fundamental principle of American government that the courts are the final arbiters of constitutional rights. Article III has never been held to permit Congress to withdraw from all of the Federal courts the power to consider asserted violations of constitutional rights and to provide necessary remedies for such violations. To give such a reading to article III would be to give Congress the power to nullify the Constitution.

The only occasion on which Congress did seek to restrict the Federal judicial power to enforce constitutional rights was when it withdrew the Supreme Court's jurisdiction to hear appeals in habeas corpus cases after the Civil War, an action which was upheld in ex parte McCardle. But that legislative restriction left the jurisdiction of the lower Federal courts intact, permitting them to continue to protect constitutional rights as fully as before. The legislation also left intact the Supreme Court's original jurisdiction—which the Court subsequently exercised in ex parte Yerger to decide the very question which Congress had sought to keep from the Court.

The legislation upheld in ex parte McCardle is therefore no precedent for the bill now before us. Nor is the Norris-LaGuardia Act, which prohibited the Federal courts from issuing injunctive relief in labor dispute cases. The cases covered by that legislation did not involve constitutional rights, and the legislation therefore did not constitute a congressional restriction on the Constitution. This bill, by contrast, breaks utterly with the past and shatters the barrier wisely erected by the Founding Fathers between the legislative and judicial branches.

Prof. Alexander Bickel of the Yale Law School, widely known as an opponent of busing, has described the bill before us as "recklessly radical in undertaking to alter the balance of power between the judiciary and the political institutions of the Federal Government." He says:

> Congress ought not be held to have power to take away a remedy for a constitutional violation in circumstances in which the courts have decided that it is the only and the essential remedy . . . If Congress has this power, it has in fact, if not in form, the power to alter the substance of most constitutional rights, not merely the right to go to one or another school.

No warning could be more clear. If we assert today the power to eliminate judicial remedies for violations of the equal protection clause of the 14th amendment, what is to stop our successors on another day from foreclosing the courts from adequately protecting other basic rights—the right of free speech, free press and religion?

If, in this session, we tell the Judiciary that its powers in desegregation cases are curtailed, what is to prevent a future Congress—in another moment of partisanship and passion—from telling the courts that they cannot provide citizens any recourse against wire-tapping, if some Attorney General decides wire-tapping is called for? Or what is to stop our successors in this Chamber from decreeing that Federal courts have no protection to offer against coerced confessions or mass arrests?

We are contemplating in this legislation a major break with precedent. Let us, at least, acknowledge clearly the danger we run.

If there were any doubt as to the purpose of this bill to overstep constitutional bounds, its history in the other body lays the doubt to rest. Two amendments were offered during debate stating that none of the bill's provisions were to be construed as inconsistent with constitutional rights or remedies. The sponsors urged their defeat and they were vote down.

One Member of the other body who has been a consistent and outspoken opponent of the antibusing legislation is the distinguished senior minority member of the House Judiciary Committee, Representative William M. McCulloch of Ohio. Representative McCulloch, who has championed civil rights legislation in Congress throughout his career, had this to say on April 12, 1972, about the antibusing legislation proposed by the leader of his own party:

> On March 20, 1972, I introduced H.R. 13916 at the request of the Administration. That bill, if enacted, would prospectively limit, for a time, the power of the Federal courts to desegregate public schools where desegregation would require new or additional busing of school children.
>
> Certainly, Congress has in the past enacted legislation limiting the remedies that the Federal courts might give in particular cases. But never like this. In all prior instances of limiting legislation, Congress had either made certain that other effective remedies were available, such as in *Cary* v. *Curtis* and *ex parte McCardle*, or had eliminated a remedy where it had already constitutionally eliminated the right, as with the anti-injunction provision of the Norris-LaGuardia Act.
>
> But Congress does not have the power to eliminate *constitutional* rights, and it is not uncommon that the only effective remedy for the unconstitutional wrong of school segregation involves the busing of school children. Could it be that although Congress does not have the power to eliminate constitutional rights, it can abridge them indirectly by denying the only effective remedy for their violation! If so, I submit that our written charter, our living Constitution, breathes no more.
>
> Make no mistake about my question. I do not deny to Congress the power to regulate the jurisdictional growth of the Federal courts. Rather, I suggest that Congress cannot use the courts to accomplish unconstitutional ends. This is what *Marbury* v. *Madison* and *United States* v. *Klein* tell us. Once the Federal courts are granted jurisdiction over the subject matter, the courts decide the cases according to the law of the land, and congressionally enacted limitations on the powers of the courts to reach the result required by the law of the land are null and void. Congress need not use the Federal courts, but if it decides to do so, it cannot prostitute the courts for an unconstitutional end.
>
> Indeed, the end is unconstitutional. In *Green* and in *Alexander*, the Supreme Court held that the Constitution required school desegregation 'now' and 'at once.' How then can Congress defer the right to desegregated schooling until July 1, 1973? And if it could, how could it justify the delay? As providing time to seek answers to questions which have already been answered by the Supreme Court? As providing time to adopt a bill that would prohibit busing younger students even short distances to remedy constitutional violations?
>
> It is with the deepest regret that I sit here today to listen to a spokesman for the Administration asking the Congress to prostitute the courts by obligating them to suspend the equal protection clause for a time so that Congress may debate the merits of further slowing down and perhaps even rolling back desegregation in public schools.
>
> I fear that long after I have ceased representing the fourth district of Ohio, the nation will be paying the price for the politics of 1972, as we have long paid the price for the politics of 1876.
>
> Wasn't it only yesterday that we in Congress told our deprived citizens to press their claims not in the streets but in the courts? Now, when some of them have taken their case to the courts and under the law of the land have won victories, it is suggested that it is time to change the rules. What message are we sending to our black people? Is this any way to govern a country? Is this any way to bring peace to a troubled land?

In addition to being constitutionally unsound, section 403(a) ignores the realities of school systems. For example, what is the "next closest" school? Is it the one which is closest as the crow flies? Closest as the child walks? Or closest by existing or potential schoolbus routes? Does "closest" refer to nearness in distance or in time? In determining which schools are "closest" may a school board consider safety? Efficient bus routing? Must the board ignore the fact that the next closest school is overcrowded while the third closest has empty desks? As Chief Justice Burger has said in his Swann opinion, "maps do not tell the whole story."

Section 403(a) may make more difficult the efforts of local school boards to comply with the requirements of the Constitution in the way which best serves sound education goals. There are a variety of techniques which have been successfully used to desegregate school systems; pairing schools, closing antiquated buildings, creating magnet schools, organizing clusters of schools with different grades and different specialties serving an enlarged attendance area. Some of these methods enable school authorities to improve the education services offered to the entire community. But where they require assignment of students beyond the "next closest" school, all of these methods would be prohibited by this bill.

It is true that section 405 permits the adoption of a plan which violates section 403 "if such plan is voluntarily proposed by the appropriate educational agency." The term "voluntarily proposed" does not appear, however, to cover plans proposed by school boards by order of a court. Accordingly, the bill appears to prevent local school systems from complying with the Constitution in the most educationally desirable way. A similar objection applies to section 402, which restricts the means by which courts and HEW may order the accomplishment of desegregation.

It is most unwise for the Congress to lay down a rigid national rule on school desegregation. As Chief Justice Burger said in Swann:

> Conditions in different localities will vary so widely that no rigid rules can be laid down to govern all situations.

Let me point out an example which might particularly pain the sponsors of this legislation: Consider a black residential enclave surrounding a black segregated school. There are two smaller white schools nearby. It appears that the bill would permit a court to order the black school paired with the nearest white school but not also with the one slightly further away. The result would be two majority black schools and one all white school, instead of three majority white schools of approximately equal composition.

The "next closest" restriction has another effect which perhaps the sponsors have not had the opportunity to consider fully. Census data discloses that the neighborhoods closest to black ghettos are most frequently occupied by working class white residents. Section 403(a) will permit busing only to schools on the fringes of the ghetto. The bill thus places the burden of school desegregation squarely on working class city dwellers while the more affluent residents of middle class neighborhoods and the suburban refugees from reality can remain aloof and protected.

The effects of section 403(a) are easy to foresee. In the first place, mixing impoverished black children with the poorest white children is, educationally, the least effective form of desegregation. It may also produce the greatest degree of racial hostility. It will almost certainly encourage "white flight" and play into the hands of "blockbusters" in the real estate brokerage community. Section 403(a) is a prescription for neighborhood instability and is bound to produce an expanding ghetto. By the same token, it will foreclose efforts, which we all should encourage, toward combining school desegregation with neighborhood stability.

The consequences of this "next closest" school provision have been discussed editorially by the Washington Post and in a column in the New York Times by Tom Wicker. I would like to read from these analyses. First, on September 13, 1972, the Post editorial said:

> In their eagerness to do themselves some political good this year, the House members who voted for these and other features of HR 13915 displayed a stunning indifference to the possible real-life consequences of such a statute were it to become law. Beyond the prospect of disruptive relitigation of closed cases throughout the South and beyond the prospect of newly exacerbated racial conflicts among the poor in the big cities of the North, there is the prospect that communities all over the country would find themselves in a new financial bind of Congress' making—one that might even inspire nostalgia for the days of the complicated busing order. For among the methods by which this legislation seeks to eliminate busing is that of setting forth a list of preferable remedies the courts or the executive branch can compel. And among these alternatives which the courts would be encouraged to invoke is that of ordering the closing down of old or "inferior" schools and the construction of new ones. That this provision could cost affected communities plenty and also interfere with their ability to make their own plans and control their own taxes, does not seem to trouble those legislators who want an "anti-busing" record at all costs. Why should it, when the cost is not one that they themselves must bear? Indeed, the House rejected an amendment to HR 13915 that would have provided Federal financial help in building such new schools.

Four days later in his New York Times column, Mr. Wicker wrote:

> Prince Georges County, Maryland, is a sprawling sub-suburban area outside Washington, D.C. that contains acre after acre of low-to-middle-income housing, and which operates the tenth largest school system in the nation. Twenty-four per cent of its 163,000 pupils are black; but four years ago, in 1968, only 15 per cent were black.
>
> If Prince Georges is allowed to look upon itself as a cohesive whole, it can distribute this startling increase in black pupils, via busing, throughout all county schools in rough proportion to their numbers. In fact, a study by the Lambda Corporation shows that Prince Georges schools could be so balanced by busing "only slightly more" than 47 per cent of its pupils who already are bused for purposes other than desegregation.
>
> This would produce what is contemptuously known to President Nixon and others as "racial balance" in the schools, but it also would prevent (a) the development of all- or nearly all-black schools, and (b) the concurrent development of all-black suburbs and neighborhoods as fearful whites fled before the influx of black families and pupils.
>
> Prince Georges would not be able to deal with the problems of desegregation in this sensible manner, however, if a bill already passed by the House of Representatives, and conforming closely to President Nixon's ideas, can win approval in the Senate. This measure, which members of Congress flocked to support under the banner of protecting working-class white Americans from the supposed evils of racial balance, would prevent Federal courts from ordering any busing at all until every other remedy had been exhausted and would prevent even such last-resort busing to any but the next closest school to a pupil's home. Busing across a school district line would be absolutely prohibited.
>
> This is a measure that sounds perfectly logical—don't bus a pupil if you can help it, but if you have to bus him or her, bus no farther than necessary. The only problem is that, when analyzed, it turns out to be a formula that would put the heaviest burdens of desegregation on low-income, working-class white neighborhoods, and which would allow affluent white suburbs and neighborhoods to escape desegregation, as they usually have in the past.
>
> This is because, if pupils can be bused no farther than the next closest school and then not across district lines, no county or metropolitan area or city can be considered as a whole for purposes of desegregation; and in that case those white neighborhoods nearest geographically to black neighborhoods are going to have their schools paired with presently all-black schools. This may leave a line of escape for whites in such neighborhoods who can afford to flee to better neighborhoods or to the suburbs; but those who cannot so escape are precisely those low-income, working, often ethnic Americans for whom so many crocodile tears currently are being shed by politicians and some segments of the press.
>
> Take the case of Richmond, Virginia. There, when busing originally was ordered to achieve desegregation, substantial "white flight" took place, with the result that the city school district became about 70 per cent black, while the school districts of two suburban counties became about 91 per cent white. Now Federal Judge Robert R. Merhige has ordered all these districts combined into one, which would produce, through busing, a district each of whose schools—suburban as well as city—would be roughly 66 per cent white and 33 per cent black. Whatever else may be said of this plan, it does not permit the more affluent to escape desegregated schools while giving the less affluent no such escape.
>
> But the House bill now pending in the Senate would prohibit such court orders; in a city like Richmond, the affluent would continue to move away—defeating the purposes of desegregation, leaving behind schools nearly all-black and usually without the tax base or the political influence required for anything like equality of education, and angering those whites without the means to flee.
>
> The pending bill is somewhat stiffer than the one Mr. Nixon recommended, but he has not repudiated it and in this election year obviously must support it as being closest to his own proposals. It is ironic, therefore, that so many working people—for instance, about six of ten former Wallace voters—now indicate their preference for the President, in many cases because of the busing issue. They apparently believe that he would spare them from busing and therefore from desegregation.

> But anybody in a blue collar who actually believes Richard Nixon is his true friend ought to think through the President's busing proposals as generally reflected in the House bill. Like so many other policies of this Administration, they are tailored for the well-to-do suburbanite; only the rhetoric is aimed at people with calluses on their hands.

The second provision of this bill which must particularly concern us in section 406. This section permits any school systems which is subject to a court-ordered or HEW-imposed desegregation plan to secure the reopening and modification of the plan to comply with the provisions of the bill—that is to conform to the bill's limitations. This provision invites a rollback in the process of desegregation which began 18 years ago with Brown against Board of Education. It is perhaps the most disruptive and pernicious provision in the entire bill. Perhaps that is why it was deleted by the House Education and Labor Committee from the administration bill which was proposed to it.

Why is this provision, which evidently seeks only to assure a consistent, nationwide standard of desegregation, so disruptive? In the first place, it permits the reopening of every school desegregation case—including every case affirmed by the U.S. Supreme Court itself—going back to Brown against Board of Education. Approximately 1,350 cases could be reopened. Districts which have been operating quietly and successfully under court decrees or HEW plans would face a new era of uncertainty, and parents would confront new bouts of frustration.

Section 406 permits the reopening even of cases which do not involve busing at all, on the ground that the remedies applied do not conform with the rigid priority list embodied in section 402 of the bill. Attorney General Kleindienst made this clear when he testified before the House Judiciary Committee that under section 406, "all desegregation cases, even when busing might not even be an issue involved in it," could be reopened.

The text of the Attorney General's testimony on this provision before Subcommittee No. 5 of the House Committee on the Judiciary on April 12, 1972, is clear on this point and is as follows:

> Mr. McClory. In reviewing H.R. 13915 in your statement, you mention that the Congress is considering a permanent solution to the busing problem—"one that permits reopening of existing busing orders.
>
> Mr. Kleindienst. Right. Section 406 of the substantive legislation says that upon the application of any school agency, every desegregation order that exists in this country may be reopened to see to it that it meets the standards set forth in this legislation. And that, it seems to me, is the great remedying feature of this legislation. I do not thing that there is anybody in the country that can speak with more convincing clarity and persuasion than the Congress of the United States, as it has done so many times in the past, and say that we have a national problem here, that there is a national standard that is going to be met by everyone. If you are going to say that, then it seems to me that you have got to permit the reopening of cases to come within that standard. Some will require more and some will require less busing.
>
> Mr. McClory. Is it your opinion that the enactment of H.R. 13915 would provide a right then to reopen all of the desegregation cases that have already been litigated, even those that have been decided by the Supreme Court?
>
> Mr. Kleindienst. And if reopened, with respect to many where there is no busing, under this law there could be some busing.
>
> Chairman Celler. Will the gentleman yield?
>
> Mr. McClory. Would the right to reopen apply only to cases which involve busing?
>
> Mr. Kleindienst. No, sir.
>
> Mr. McClory. Are we talking about only busing cases or all desegregation cases?
>
> Mr. Kleindienst. All desegregation cases, even where busing might not even be an issue involved in it. You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago, Congress has laid down a national standard and we want to reexamine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.
>
> Mr. McClory. So all desegregation cases that have been litigated and in which there have been final decisions can be reopened?
>
> Mr. Kleindienst. Yes, sir; and if they reopen them, the Court could order, as a remedy, busing, where they had none before.

Even southern school superintendents have expressed their dismay at the prospect of a new period of instability, uncertainty and tension in their schools. Desegregation would become again a political issue in areas where there has been acceptance and adjustment. Those school administrators and community leaders who have courageously and conscientiously lead their communities through the difficult period of compliance with constitutional requirements would find that Congress had pulled the rug out from under them. Children—white and black—who have been told that their school assignments were mandated by our Constitution would now be told that the Congress of the United States has said "no" to desegregation and "no" to the courts.

There is a special irony to section 406. Its final sentence actually directs the Attorney General, the Nation's chief law enforcement officer, to assist local school authorities in reopening desegregation plans so as to roll back or restrict the exercise of constitutional rights. Such a provision is an explicit invitation to local school boards to revive cases already closed and a promise that the leading law-enforcement agency in the Nation will be at their disposal.

The burden such a step would place on minority groups, civil rights organizations and their lawyers, would be intolerable. They would be forced back over old ground, required to defend scores perhaps hundreds, of desegregation decisions already won. The bill would place them in a form of double jeopardy, and, worse, its section 306 provides that the loser in any cases instituted under the new law would have to pay "a reasonable attorney's fee as part of the costs."

Asking black parents to run the risk of paying for a school board's lawyer is on a moral level with the rest of this legislation. The proposition would be absurd, if it were not so nearly tragic.

This bill is a product of those who are unwilling to abide by the results of the traditional American processes of law, who would withdraw from the courts a part of their constitutional power so as to subvert judicial efforts to vindicate the constitutional rights of nonwhite American citizens. Consider the impact of this effort upon black people and others who have fought to secure their rights through the courts. On the threshold of vindication they will see white America slam the courthouse door shut in their faces. Surely our Nation will reap a harvest of bitterness.

There are some who say that black people themselves oppose busing. Indeed, some do. Despairing of ever seeing desegregation accomplished, some blacks have sought to gain control of their schools and keep them black. Others understandably resent the implication that they see in school desegregation—that black children learn better when their classmates are white and that "white schools" are "better" than "black schools." But most black people are aware that schools in the white parts of town are generally newer, better maintained, and better equipped than those in their neighborhoods, and most do not expect this to change until white children are assigned to their neighborhood schools. And they want for their children what all parents want: the best possible education.

In any event, we should let black people speak for themselves. Roy Wilkins, director of the largest black organization in the land, the NAACP, has written:

> Anti-busing is but another way of reinstating racial segregation . . . Negro Americans ask access for black children to the best possible available education. If that requires a bus ride, then so be it. They believe that opponents of busing would bar children from good educations as surely as if they stood in the door of a school and physically turned away blacks.

Most significantly, let us listen to the Congressional Black Caucus, whose members, I presume, represent their black constituents as truly as the rest of us represent our white constituents. On March 15 of this year they issued a statement, part of which read:

> As the Black elected representatives to the U.S. Congress, we strongly reaffirm our support of busing as one of the many ways to implement the Constitutional requirement of equal educational opportunities. . . . At the same time we strongly condemn those who would exploit this issue for personal, political, or monetary gain. Racists must not be allowed to formulate our policies in education, and especially to educationally brutalize Black children who are the chief victims of inferior schools and discriminatory practices.

Other black leaders and black organizations also have spoken forcefully on this issue.

Vernon Jordan, executive director of the National Urban League, said:

> The fact is that most black people are solidly for busing to desegregate the schools. Most black elected officials support it, from the Congressional Black Caucus on down to lower elected offices. Concern over the proposed legislation has even been publicly

> voiced by black appointed officials within the Administration . . .
>
> The busing issue is the latest manifestation of that timid spirit of withdrawal and defeatism in the struggle for human rights and dignity. It marks a key test of whether we, as a nation, have the moral fortitude to persist in our efforts to become a truly open, democratic, multi-racial society . . .
>
> We stand, then, at one of those turning points in history when a nation decides whether it will press forward to fulfill its noblest ideals, or whether it will give in to the basest impulses of the dark, hidden underside of the national spirit. I am seriously concerned that we are witnessing the beginning of the end of the Second Reconstruction. I am moved to ask whether the moral fervor of the sixties will give way to moral cowardice in the seventies, and whether the faith and dreams of black people will be sabotaged once more.

Prof. Derrick A. Bell, Jr., a black professor at Harvard Law School and former HEW official, has written one of the best analyses of the educational alternatives facing Blacks. In "Integration: A No Win Policy for Blacks?" Professor Bell concludes:

> The beginning of this article recalled that opposition to school desegregation is neither new nor novel. Because of its pathological components, it is likely to continue. Because white resistance to integrated schools is symbolic—and represents the core of the philosophy that America is a white man's country—it must be fought even by blacks who are convinced that the educational merits of integrated schools are overstated, misconceived, or simply nonexistent. The right of black children to attend integrated public schools—quite literally whether exercised or not—is a right that is crucial not only to black success, but to black survival in this country.
>
> Anyone doubting this need only re-read the constitutional amendment supposedly designed to curb "forced busing." With so much at stake, we cannot afford to surrender, and dare not risk compromise. Our efforts may or may not be successful, but fighting for survival is never a "no-win" policy. It is much more a "for better or worse" situation in which, for all our weariness and frustration, we can only, as the current expression goes, "keep on-keeping on." But Langston Hughes said it better when he concluded his "Mother to Son" poem, capturing in his lines what is the apparent heritage and inheritance of black men in America:
>
> So boy, don't you turn back,
> Don't you set down on the steps
> 'Cause you finds it's kinder hard.
> Don't you fall now—
> For I'se still goin, honey,
> I'se still climbin',
> And life for me ain't been no crystal stair.

Black lawyers at the Department of Justice openly opposed the President's antibusing legislation. On April 25, 1972, 10 black lawyers wrote this to the Washington Post:

> First, and fundamentally, busing is not a real issue; it is instead a sham, a "last straw" embraced by those who have disappointedly watched busing and other tools of desegregation bring blacks to the better schools, wherever they are. Quite frankly, we as ardent students of the civil rights struggle, have concluded that this recent fervor in the area of busing is nothing more than a thinly veiled attempt to sacrifice the rights of minority children to racist pressure groups and political expedience.

Dr. Kenneth Clark, the noted black psychologist and executive director of the Metropolitan Applied Research Center—MARC—recently condemned the "political hyprocrisy of the antibusing-for-desegregation advocates." Dr. Clark contends that "all of the proposals for prohibiting the transportation of students for purposes of desegregation are racially restrictive proposals" and he outlines various reasons for rejecting the antibusing legislation. He states:

> In seeking to turn back the clock of racial progress in America, President Nixon and his advisors must be aware of the fact that he is threatening the constitutional protections of all Americans—and that in doing so he is eroding the foundations of a constitutional government, substituting a government by the tyranny of whim and passion rather than a government of law. This is the very high price of racial prejudice and political expediency which he seeks to extract from all the American people—white as well as black.

Dr. Clark also discusses the reasons that some blacks oppose busing and school desegregation. He stresses that—

> It is important to understand that black separatists emerged as a consequence of the slow pace of public school desegregation in the South and as a reaction to the subtle and insidious forms of evasion of desegregation of the *de facto* segregated schools in northern cities.

Dr. Clark strongly rejects reliance on black separatists to support antibusing legislation:

> In this regard it might be significant to note that in seeking to justify his position, the President stated that some black separatists were in favor of antibusing legislation. The fundamental constitutional questions, however, are not answered by this diversion. Constitutional rights can no more be abrogated by the alleged desires of the victims of oppression than by those who would seek to oppress. In seeking to obtain control over all black schools and insisting upon racially segregated schools through their support of anti-busing-for-desegregation legislation, black separatists are not only pursuing an impossible mirage but they are also, cynically or naively, giving aid and comfort to those who would use the laws of the Federal government to constrict the rights of Negroes—and to erode the democratic rights of all American citizens. In this regard they are indistinguishable from racial reactionaries—and they are accessories to the crime of destroying the democratic safeguards inherent in our constitutional government of checks and balances.

This bill is supported by those who say that the way to provide equal educational opportunities is not to desegregate through busing, but rather to improve the quality of schools attended by minority children. There are a number of defects in this line of argument.

In the first place, most of the scientific studies of the question have reached the conclusion that spending more money in ghetto schools does not improve the educational performance of children in those schools. The most massive study, the so-called Coleman report, financed by the Congress, clearly reached that conclusion. Evaluation of "compensatory education" programs since then has generally confirmed the results of the Coleman study.

In any event, to fund compensatory programs throughout the country will obviously cost a great deal more than the $500 million which this bill would devote to that purpose. Those who truly believe that compensatory education is the proper path to equal educational opportunities should be prepared to support appropriations commensurate with the need. They must also face the fact that the cost per child of compensatory education is many times greater than the cost per child of busing.

This bill would take $500 million away from programs authorized by the Emergency School Aid Act to assist in school desegregation and devote that sum instead to compensatory programs for children of low-income families. Of course, we already have ample authority to upgrade the education of poor children. Title I of the Elementary and Secondary Education Act authorizes appropriations of $6 billion annually for this purpose. This year, we appropriated only $1.8 billion and our effort to increase education appropriations was vetoed by the President—a President who supports the bill now before us. If we are serious about upgrading ghetto schools we would be supporting more adequate appropriations under title I of ESEA. $500 million taken from desegregation programs under the Emergency School Aid Act will not expand educational appropriations for minority children. On the contrary, it will reduce these opportunities still further.

Of course, even if compensatory education programs were successful in improving the test-scores of children—which is the usual measure of success in these matters—compensatory education cannot provide a key element in a child's learning and maturing process. We live in a diverse, heterogeneous society. There was a time when the "neighborhood school" reflected the entire community—the butcher, the baker, the candlestick maker, the lawyer, the doctor, and the banker all sent their children to the local public school. This was the meeting ground of children from all walks of life and social backgrounds. In the great metropolitan areas where most of our people now live, this is no longer true, and education has suffered as a result. Through desegregation, but not through compensatory programs, we can restore this traditional element, at least to a degree. If our children are to become good citizens of a multiracial society the place to start is in the public school.

I have spoken today to show up this bill for what it is: A dangerous violation of the constitutional separation of powers and an attempt to reverse the process of desegregation to which we have committed our Government and ourselves.

We have made progress since 1954. This bill would repeal it.

We have offered hope. This bill would strangle it.

We have moved toward an open and equal society. This bill would call us to retreat.

I say, instead, we must advance, advance in the hope that we can find better answers, advance in the field of housing, jobs, urban transportation, and all the other areas that can make our society whole and just. But if we refuse equal access to quality education for all children—as this legislation would ask us to do—then we assure the failure of all our efforts.

One hundred years after the Battle of Gettysburg, then Vice President Lyndon Johnson visited the battlefield and made a moving plea for justice that we need to hear again today:

> The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.
>
> Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the proclamation of emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

I ask the Senate today not to fall short of its principles. I ask for the defeat of this measure and for a renewal of the movement of responsible Americans going forward together. There is no other way.

Mr. HART. Mr. President, will the Senator yield very briefly?

Mr. MUSKIE. I yield.

Mr. HART. At the risk of embarrassing the Senator from Maine and acknowledging that we use the word "distinguished" so frequently that we demean the coin, I would suggest, having been present throughout the speech of the Senator from Maine, that, as he concluded by quoting a President, one with whom he and I served in this body, speaking at Gettysburg and describing another former President as a great man, that we in the Senate today heard a great speech by a great man. It was moving, it was eloquent, it was also factual; and I am sure that, as the country begins to develop an understanding of the concerns that have been voiced here, most particularly by the Senator from Maine this afternoon, a measure of restraint will attach. Buses will become less ominous, even in the city where they are manufactured.

Mr. MUSKIE. I am grateful to my friend from Michigan. With all respect to my other colleagues, there is no Senator whose approval means more to me, particularly in this field where his own efforts have been preeminent as a symbol of humanity, compassion, and dedication to freedom for all our people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCOTT ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, immediately following the remarks by the distinguished Senator from Arizona (Mr. FANNIN) and preceding the remarks of the distinguished Senator from Iowa (Mr. HUGHES), the distinguished Republican leader (Mr. SCOTT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN ON FRIDAY, OCTOBER 13, 1972

Mr. HANSEN. Mr. President, I ask unanimous consent for an order for one-quarter hour on Friday morning, October 13, 1972. This quarter hour's time would be devoted to paying tribute to our good friend and colleague, Senator LEN B. JORDAN, who will be retiring from this body.

It is my understanding that Senators SCOTT, HARRY F. BYRD, JR., TALMADGE, STENNIS, and FANNIN wish to join with me in honoring the distinguished Senator from Idaho. Senators CHURCH and HATFIELD will be out of town on Friday, but have expressed their interest in submitting their tributes to Senator JORDAN, and I ask unanimous consent that their statements be printed in the RECORD at that time.

Further, if any other Senator is able to be present for this tribute, I would certainly welcome his participation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON FRIDAY, OCTOBER 13, 1972

Mr. FANNIN. Mr. President, I ask unanimous consent that I may be permitted to speak on Friday morning following the remarks of the distinguished Senator from Wyoming to pay tribute to the distinguished Senator from Idaho (Mr. JORDAN), who is leaving the Senate at the close of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE SOCKEYE SALMON FISHERIES ACT OF 1947

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of H.R. 16870, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 16870) to amend the Sockeye Salmon and Pink Salmon Fisheries Act of 1947.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 16870) was read the third time and passed.

Mr. ROBERT C. BYRD. I ask unanimous consent that the action taken earlier today on S. 4037 be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that S. 4037 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. GAMBRELL. Mr. President, in the absence of any further debate on the part of the opponents of the pending measure, I should like to take this opportunity to complete the record on a matter which I mentioned yesterday in the course of the discussion of the so-called antibusing bill.

I mentioned yesterday that last Friday or last Thursday, the Fifth Circuit Court of Appeals, in New Orleans, had announced a decision in the Atlanta School Board desegregation case, the latest round of court battles in that matter. I referred to the fact that, much to everyone's surprise and amazement, the Fifth Circuit Court of Appeals issued a fairly brief order not containing any significant findings of fact but ordering within 6 weeks the implementation of what would have to be a large-scale plan of crosstown busing.

Mr. President, there is not a bill pending for consideration, is there?

The PRESIDING OFFICER. The unfinished business is before the Senate, which the Senator is discussing.

Mr. GAMBRELL. The Fifth Circuit Court's order, although it does not say anything about busing, says that there are a certain number of schools in certain sections of Atlanta which are substantially black in racial composition and that there are a certain number of schools in other sections of the city which are substantially white in racial composition and that, for no reason contained in the opinion, that is apparently an intolerable situation, and that some plan for achieving some racial mix in those schools must be accomplished. It does not say they have to be desegregated. It simply says that something has to be done about having a racial mix in those schools.

Incidentally, the Atlanta case has been going on for some 11 years, to my knowledge. The Atlanta school system has complied with every order. In fact, it has anticipated most of the orders that have been issued and has done what we thought at various stages had been desegregation of the school system in Atlanta.

The Federal district court, in July of 1971, issued an order describing the history of the Atlanta case, describing the fact that Atlanta has become a majority black city; that the school system is made up of a majority of black pupils; that, although the Atlanta School Board does not have a majority of black members, it has a number of black members, and its president is none other than Dr. Benjamin Mays, the president of the predominantly black Morehouse College in Atlanta, the same gentleman who delivered the funeral address at the funeral of Martin Luther King, Jr.

The court mentions the fact that the Urban League of Atlanta, by majority vote, with no dissents, passed a resolution praising the school board's efforts recommending against busing; and the Department of Health, Education, and Welfare, as the court says, had long ago approved the court's desegregation plan. The court said:

> The remedy of mass busing under these circumstances is rejected. Atlanta's de jure status—that is, its previously segregated status—has long since been removed by board action and by successive court decrees. Its present problems are entirely de facto.

That is, the fact that there are substantially all white and substantially all black schools is the result of housing patterns and other things not accomplished by legal requirements of the board or otherwise:

> There is absolutely no evidence of any affirmative action by the board to increase segregation. To the contrary, all official actions for many years have been to promote integration. It appears to be a unitary system.

Then the court quotes from the Charlotte case—

> Within which no person is to be effectively excluded from any school because of race or color.

On such basis, the Court says, Atlanta is entitled to a dismissal.

The Court goes on to say:

> Insofar as one-race schools are concerned, the board has satisfied its burden of showing that their racial composition is not the result of present or past discriminatory action on their part.

Mr. President, the Fifth Circuit Court takes notice of the finding that Atlanta has a unitary system; but, as I say, it goes on, pointing out the existence of these substantially one-race schools and requiring a new plan which would accomplish some racial mix. It does not say that it has to achieve the 70–30 black-white balance that the system as a whole has; but it seems to me that the requirement that anyone be placed in any school on the basis of his race is a requirement of achieving some racial balance, and it is certainly a requirement that action be taken diametrically to the contrary of the Supreme Court's decision in Brown against the Board of Education.

Last spring, when we debated the so-called Griffin amendment in the Senate, I proposed an amendment which would impose a moratorium on busing until what amounted to 75 percent of all the school systems and of all the pupils in the United States had come under plans which were approved by the Justice Department and the Department of Health, Education, and Welfare as being utterly free of discrimination. I believe the Senator from Florida was a cosponsor of that proposal. That amendment was opposed on the basis that this plan would require the integration of school systems which were possibly segregated by race in the sense of racial separation and isolation but which were the result of de facto segregation, so-called.

That proposal was voted down by many of those who are opposing this bill, on the theory that it would be a wonderful thing if we could have national unanimity of desegregation practices, and that it would not be right—it would be unconstitutional, in fact—to have any mix-of races by court order where any segregation that existed was purely a matter of de facto segregation.

Here, Mr. President, is a situation in which a court has required integration of a school system that has been found to be nondiscriminatory, not segregated by law, unitary, whatever description you want to use for it and one in which racial separation exists, yes, but it exists, as we say, de facto.

Now, what is more disturbing aside from the legal situation that we are looking at, is the practical situation.

The district court added this comment:

> Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes and quality education, such consolidation normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as educational. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

What the court is talking about is the result of a partial study made by a biracial committee, under a previous court order, of a search to discover ways and means of retention in the city of Atlanta of a biracial community living together in peace.

It is not the only place or the first place, as I understand the discussion, as the Richmond case is very similar.

Just to give an example, in the past 3 years my ad valorem tax rates on my residence in Atlanta have gone up by nearly 200 percent. About 85 percent of that increase is due to the increase in school taxes.

The reason for that is that there has been a decline in property values in many areas of the city due to just exactly the problem we are talking about. That means that the assessment on all property in the city must be increased in order to raise the money that is necessary to continue operating the schools within the city.

But some might say, "Why don't we just draw a bigger and bigger circle around Atlanta and desegregate it throughout the whole metropolitan area, as we have in Detroit, in Duluth, or in other areas, as the court has ordered in Richmond?"

That might solve some of the problems of the so-called white flight, but actually that still avoids the basic problem, and that is, the undermining and the destruction of important community institutions within a metropolitan area.

People live near the churches. People live near the clubs, and in lodge houses that they belong to. People live near the people that they like to associate with. The so-called ethnic groups live in communities that they choose for themselves. This is the sense of community that people have within our civilization that is to be encouraged and not discouraged.

But this is what we are facing in Atlanta, a complete turnover in the racial composition of the entire community and a destruction of the ability of the Atlanta Board of Education to finance education for whatever children are left there, black or white.

Mr. President, this decision has caused a great deal of concern in Atlanta, and in the area, and among the children and the parents affected.

I have taken some time and been at some pains in my brief tenure here in the Senate to try to encourage, if not a turning away from this, what has been found to be an unproductive, in fact, a counterproductive remedy for desegregation, to find some means of equalizing it throughout the country, to be sure it is something that we all want.

At one time or another, I have urged various measures to achieve equal desegregation enforcement and equal protection of the law in terms of desegregation enforcement. I have called on the President a number of times to offer the school systems in Georgia the same kind of desegregation relief that has been offered in other areas of the country. But, I felt sufficiently concerned about the Atlanta case, and the fact that after 11 or 12 years of trying, after 6 or 7 years of complying, and after doing everything that I think any reasonable person or group of people who had tried not only to give equal educational opportunities but to save our community, that we are now faced with something which, I think, borders on being a disaster for the community.

I mentioned yesterday that there are black areas in Atlanta—and when I say black areas I mean black communities—where the homes and residences are of a quality not equaled in Washington. The schools in those communities are of a quality, also, that are not equaled by anything here in Washington.

I might say that I have had a child attend probably what is one of the better public schools in the Washington, D.C., public school system.

These people who live in the black communities are not interested in having their children transported out of those communities. They are not interested in having anyone transported in, be they black or white. They see the destruction of their communities in this Court order and in many of the orders which have already taken place. Here, in a matter of 6 weeks, after 11 or 12 years of complying, the Atlanta system is right in the middle of the school year and has got to come up and implement a plan on crosstown busing.

But, Mr. President, it so happens that President Nixon will be in Atlanta on Thursday of this week. I suppose his visit has something to do with politics although among other things he is to dedicate a municipal facility. It occurred to me that his visit was timely, insofar as this current question is concerned before the Senate and before the country. So I have written him a letter, which reads as follows:

> OCTOBER 10, 1972.
>
> DEAR MR. PRESIDENT: The people of Atlanta will welcome you to our capital city on Thursday. I hope that you will be prepared to address yourself to a matter currently weighing most heavily upon them. Last week, the Fifth Circuit Court of Appeals ordered the Atlanta Public School System to prepare a student assignment plan which would require massive cross-town busing of school children beginning November 27, 1972. I hope that you will declare Thursday that you are doing everything within your power as President of the United States to see that this order will not be implemented, and that you have instructed the Justice Department to intervene in the Atlanta case seeking a stay of the busing order, as you have done in similar cases in Detroit, Michigan, Dallas, Tex., Richmond, Va., Oklahoma City, Okla., Las Vegas, Nevada, Nashville, Tenn. and others.
>
> To assist with your consideration of this matter, I am enclosing copies of the decisions of the Fifth Circuit Court of Appeals and the U.S. District Court for the Northern District of Georgia in the Atlanta case. As incredible as it must seem, the Court recognizes the District Court's holding that Atlanta has, and has had, a unitary school system, but yet goes on to require massive busing aparently for the sole purpose of having some racial mix in all schools.
>
> The District Court, in its decision in July, 1971, pointed out that the application of previous desegregation remedies had simply resulted in housing and population shifts, and resegregation, and rejected the type remedy being ordered by the Court of Appeals, with the following observation:
>
> "Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through busing to create a 30 percent white—70 percent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened."
>
> In other words, the Fifth Circuit Court held that regardless of the absence for many years of segregation by law or official policy, regardless of the absence of any Supreme Court decision requiring such a remedy, regardless of the fact that blacks are in the majority throughout the system, regardless of the fact that a black dominated school board presided over by a leading black educator, has urged against it, regardless of the fact that it is opposed by an overwhelming majority of both black and white communities in Atlanta, regardless of the fact that the effect of these orders has undermined the biracial stability and financial security of the City of Atlanta, and regardless of the fact that black children may now elect to attend any majority white school of their choice in the city, nonetheless, the School Board must assign some students on the basis of race, against their wills, to schools at great distance from their own communities. This is assinine.
>
> The people of Atlanta deserve better than this. I will match Atlanta's progress toward achieving racial harmony with any community in the country. The paranoia of the Federal judiciary in achieving a black-white ratio with white students fleeing in droves will soon produce a perfect ratio in Atlanta—100 percent black. What price success?
>
> I am doing everything in my power this week to secure positive action in the Senate on the pending Equal Educational Opportunities bill which would bring an end to forced busing. I call on you to do everything in your power to stop implementation of the Atlanta busing order.
>
> With best regards, I am,
>
> Sincerely,
>
> DAVID H. GAMBRELL.

Mr. President, I am sincere about that. We have had busing in every major city in Georgia. I think in every case that busing has been required if the district court finds that there had been a stubborn and obstinate resistance by the school board or by the community as a whole. This is not true in the case of Atlanta. Frankly, I think desegregation could be accomplished in the cities, and it has been accomplished in Atlanta, without the necessity of forced school busing across town. This is why I am in favor of the bill, because I think it is a very narrowminded person—in fact, it is a person who does not want to actually solve the problem—who says that we have to have forced school busing, as we have had it, in order to desegregate.

I have heard a lot of talk here about the constitutional rights that are being deprived from little children. Of course, the Supreme Court in none of these cases that have been decided, and particularly in the Swann case, ever said that anybody had a constitutional right to have busing. And the Supreme Court has recognized many other remedies for desegregation.

It is absolutely foolish to say that there is a constitutional right to a particular remedy when there are any number of other remedies available and when this remedy has been applied and has been proved to be a false educational premise, and that is that there is more gain to be achieved by transporting little children out of their own communities across town to other communities than would be gained by upgrading the quality of the education in their own communities.

So there is nothing, essentially, to the argument of constitutionality or constitutional rights. There is a constitutional right not to be discriminated against. But there is no educational achievement in massive crosstown busing. And there is no constitutional right to have it.

Mr. President, I am a little disappointed that, for all of the supposed cogent reasons that have been alleged to exist for putting this decision off or for voting it down, not one single amendment has been called up to this bill. For all we know, cloture may be invoked tomorrow, and any opportunity to present an amendment beyond those at the desk will have been missed. The opportunity for amending the bill with amendments that may not be considered germane would have been missed.

It seems to me that those who are opposed to this bill might as well get down to the proposition of saying, "Yes, we are against the bill in all its forms. And we are simply stalling until Friday or Saturday, whenever adjournment time comes. We have got a lot of reasons stacked up here, but we are not serious about them. We are just talking."

Mr. President, I heard some noble speeches on the floor here today. I think it is fine to have noble sentiments and to express them in the U.S. Senate. However, I would have to say that those noble speeches that were made were made, I think, primarily from a lack of exposure to this problem.

I would have to observe that the Senator from Michigan is the only Senator that I know of who is directly faced with this problem in his own home community who has staunchly defended the practice, as he has.

There may be other resolutions to this problem than that which has been offered. There might be some that I would prefer. I have proposed amendments of my own. However, we are getting down to the point where we are talking about whether we will have this one or not, because no one seems to be interested in proposing alternatives.

I think the time for being noble is passed, because all we are doing is stalling. And frankly, I have heard something about its being a political year and that something will be done about it next year.

I believe, though I will not be here next year, that the Members of the Congress who come back next year will be even more determined, because I have noticed that the more this spreads, the more vigorous people are in trying to do away with it.

It may be that the opponents will be successful in putting it off until two-thirds of the membership of both Houses have assembled and acted against this practice and a constitutional amendment is passed. I would say that would be an achievement on the part of the opponents of this legislation who have been so stubborn about the matter that they have brought down around their heads, their shoulders, and their principles, a constitutional amendment to put an end to it.

Mr. GRIFFIN. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. GAMBRELL. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I think the distinguished Senator from Georgia is correct. I have made that assessment myself: Those who are blocking a vote on a legislative remedy in this session may well rue the day, because I foresee that, as this threat and reality of busing spreads throughout the country, in the next session of Congress there will be an overwhelming demand not for legislative remedies but for a constitutional amendment.

Unfortunately, and I say unfortunately because it is unfortunate, people are losing faith in the courts—at least insofar as this particular issue is concerned.

The Broomfield amendment was passed and the courts, through use of semantic differences, ignored the intent of Congress, even though it was very clearly stated in both Houses of Congress; and even though I am the sponsor of a constitutional amendment I have said on other occasions I would much rather deal with this problem legislatively. I do not want to clutter up the Constitution with additional amendments.

But if we are going to be extended to the point that it will be necessary to get a two-thirds vote in order to have a vote on the merits of a legislative proposal, which is the situation we are in, we might just as well adopt the constitutional amendment, which is a sure-fire way to deal with it, and then we do not have to be concerned about whether the court is going to hold it to be constitutional.

I agree with the Senator from Georgia; I think that in the next session of Congress there will be even more Senators, as a result of the election, who will want to do something about this problem, and they will want to do something that is effective. If we are going to be required to marshal and muster a two-thirds vote, we are very likely to have a constitutional amendment.

Mr. GAMBRELL. I thank the junior Senator from Michigan for those remarks. They are certainly apt and bring to mind another situation that has occurred to me.

We have been criticized, and I do not recall all the various terms used, for tying the hands of the court, stretching the powers of the court, undermining the courts, cutting down the balance of powers by pruning one of the three branches of government.

Actually, I consider this type legislation to be a matter of saving the court system for itself. We have a system, whether one wants to call it law enforcement, school administration, educational policy, what have you, that is obviously a controversial and highly emotional matter, which is being applied in a patchwork way, some here, some over there, some over here, and some down there; this sort of plan here, that sort of plan here, and another type plan over there. People in one community look over to the other community and say, "How come they are doing it that way and we have to do it this way?" They are told that they have a different judge over there, and that he looks at it in a different way.

We have had this situation in Georgia. I find it difficult to explain why we did not have busing in Atlanta and we did in every other community. Now we do, but for several years Atlanta was said to have a unitary system and, "You do not have to have busing." The people do not understand the distinction between de facto and de jure.

But beyond that Michigan, Georgia, and other States have widespread busing, and other States have busing requirements. The people are indignant about this. They would accept it in Georgia and in Atlanta if they had it in every other city, and they do not, and the reason is that the court system does not apply uniformly throughout the country. This is a legislative problem, not a judicial problem. That is what we are trying to do here.

It may outrage a number of people, but I suggest that the opposition to this does not say, "We have a better plan and a different type plan." The opposition simply sits by and indulges in stalling. If the court system in this country collapses, and I say it is on the verge of collapse, and it will collapse if something is not done to regularize the forced busing system throughout the country, either by doing away with it or setting up a uniform system, or giving everybody some of it, the courts share the responsibility for this type enforcement.

I hear in political campaigns around the country of people calling for Federal judges to be elected. In my opinion that would be a disaster, but that is the type thing that comes out of this type controversy where judges are required to attempt to administer something that is primarily a legislative problem.

I say that if the opponents of this bill have some other solution to the overall problem, some way to save our communities that want to be saved from being destroyed through being undermined by this type so-called desegregation enforcement, let them say so. It has gotten to the point where it is not desegregation anymore, it is plain integration, just integration; something the parent would not agree to is being forced on children.

Mr. President, I simply wanted to point out where this type of court enforcement can lead. It can lead to what we have in Atlanta, which is what opponents of this legislation last spring said it would never come to: de facto type desegregation. It is there. I think it is important that the opponents of the legislation realize they are undermining the court system, they are defeating their own purposes, asking the people of this country to come back even harder and stronger than now, to make even harsher remedies.

I ask the opponents of this legislation to give serious consideration to offering some alternatives, by letting us have an up and down vote on this problem before Congress adjourns.

Mr. President, I yield the floor.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:30 a.m.

After the two leaders are recognized, the following Senators will be recognized for the times stated and in the order listed:

Mr. Young, 5 minutes.
Mr. Weicker, 15 minutes.
Mr. Mathias, 10 minutes.
Mr. Harry F. Byrd, Jr., 15 minutes.
Mr. Aiken, 10 minutes.
Mr. Randolph, 10 minutes.
Mr. Hart, 10 minutes.
Mr. Scott, 10 minutes.
Mr. Case, 10 minutes.
Mr. Javits, 10 minutes.
Mr. Stennis, 10 minutes.
Mr. Hughes, 15 minutes.
Mr. Robert C. Byrd, 15 minutes.

In the event there is any remaining time, following the orders just mentioned and prior to 11 a.m., such remaining time will be utilized for the transaction of routine morning business, with the usual limitation on statements therein of 3 minutes.

In any event, at 11 a.m. the 1 hour of controlled debate under rule XXII on the motion to invoke cloture on H.R. 13915, the equal educational opportunities bill, will begin.

At 12 o'clock noon, the mandatory quorum call will start, and as soon as a quorum is established, the yea-and-nay vote on the motion to invoke cloture will be automatic and should begin circa 12:15 p.m.

If cloture is invoked, the unfinished business will continue under consideration until finished. If cloture is not involved, another vote on a motion to invoke cloture will occur on Thursday.

As stated earlier today by the distinguished majority leader, the Abrams nomination will be called up tomorrow afternoon in the event cloture is not invoked.

The supplemental appropriations bill may be brought up, hopefully, by Thursday afternoon.

The debt limitation will be ready by the latter part of the week.

There will be lesser measures on the calendar, which may or may not be called up, depending upon the circumstances.

Conference reports may be called up at any time.

Yea-and-nay votes are expected to occur daily from here on out through Saturday, October 14, the hoped-for sine die adjournment date.

ADJOURNMENT TO 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and at 6:30 p.m. the Senate adjourned until tomorrow, Wednesday, October 11, 1972, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 10, 1972:

U.S. Navy

Vice Adm. Dick H. Guinn, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Fred G. Bennett, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. George E. Moore II, Supply Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Ralph Weymouth, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Irkzarry-Toro, Enrique, [redacted].
McCreary, John J., Jr., [redacted].
McDonnell, James E., [redacted].
Spearing, James M., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Fields, James S., [redacted].

ARMY PROMOTION LIST

To be major

Banks, James H., [redacted].
Benson, William L., Jr., [redacted].
Cochran, Pinckney C., [redacted].
Evans, George O., [redacted].
Flesher, Dale D., [redacted].
Green, Marvin R., Jr., [redacted].
Rogers, James C., [redacted].

ARMY PROMOTION LIST

To be captain

Archebelle, Edwin B., [redacted].
Berzins, Guntis G., [redacted].
Blackwell, Leon B., [redacted].
Bowers, Norman L., [redacted].
Brownlee, William R., [redacted].
Cerone, Daniel T., [redacted].
Cestaro, Michael J., [redacted].
Cowsert, Garrett T., [redacted].
Dickinson, Paul W., [redacted].
Elsey, David P., [redacted].
Everitt, Donald B., [redacted].
Fassett, Richard M., [redacted].
Frankel, Ronald S., [redacted].
Frost, Jerry D., [redacted].
Fryer, Eugene D., [redacted].
Greene, Robert E., Jr., [redacted].
Halburnt, Johnny L., [redacted].
Harris, Steven R., [redacted].
Holland, John L., [redacted].
Jacobelly, Robert C., [redacted].
Mac Harrie, William R., [redacted].
Mac Mullen, John D., [redacted].
McDonald, James A., [redacted].
Miller, Billy J., [redacted].
Murray, Howard A., [redacted].
Nesbitt, Ray F., [redacted].
Pope, Robert J., [redacted].
Reed, Ronald B., [redacted].
Riley, Hubbard L., [redacted].
Rochon, Kenneth J., [redacted].
Ross, Edward W., [redacted].
Smalls, Thomas E., [redacted].
Stauffacher, Thomas, [redacted].
Steiner, Darryl L., [redacted].
Stokes, Willie J., [redacted].
Van Fossan, James A., [redacted].
Van Horn, Jerry, [redacted].
Viner, Tommy J., [redacted].
Wald, Ralph L., [redacted].
Whittier, Walter C., [redacted].
Williams, John J., [redacted].

WOMEN'S ARMY CORPS

To be captain

McFarland, Alice J., [redacted].

MEDICAL CORPS

To be captain

Raines, David R. Jr., [redacted].

DENTAL CORPS

To be captain

Turner, Kenneth D., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be captain

Naranjo, Carmen J., [redacted].
Reid, Barbara C., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Abbott, John P., [redacted].
Abbott, Wayne E., [redacted].
Abney, Lincoln M., [redacted].
Abramovitz, Irwin J., [redacted].
Adams, Ernest C., [redacted].
Adams, Frank B., [redacted].
Adams, James W., [redacted].
Adams, Lonnie B., III, [redacted].
Adams, Tommy M., [redacted].
Adamson, James C., [redacted].
Adinaro, Joseph T., [redacted].
Adkins, Charles E., [redacted].
Affeldt, John F., [redacted].
Aileo, William A., [redacted].
Albanese, Ernest L., [redacted].
Albrecht, George W., [redacted].
Albright, Paul S., [redacted].
Allaire, Stephen D., [redacted].
Allanach, William C., [redacted].
Allen, James H., [redacted].
Allen, James M., [redacted].
Allen, James M., [redacted].
Allen, Robert W., [redacted].
Allen, Roy J., Jr., [redacted].
Alley, Claude R., [redacted].
Alley, Richard F., Jr., [redacted].
Alvarez, Joel R., [redacted].
Ammon, Peter J., [redacted].
Anconetani, Anthony, [redacted].
Anderson, Charles W., [redacted].
Anderson, Larry E., [redacted].
Anderson, Michael B., [redacted].
Anderson, Robert W., [redacted].
Anderson, Thomas M., [redacted].
Andrasik, Joseph, [redacted].
Andrews, Zalph H., Jr., [redacted].
Anstrom, Charles V., [redacted].
Anthony, Steven C., [redacted].
Antoniotti, Joseph, [redacted].
Antonitis, John E., I, [redacted].
Arakaki, Don, [redacted].
Archer, Laurence L., [redacted].
Armstrong Marion V., [redacted].
Arnold, James J., [redacted].
Arthur, Ralph W., III, [redacted].
Artigliere, Ralph, [redacted].
Artola, George H., [redacted].
Ashley, Richard C. J., [redacted].
Atkins, Bruce A., [redacted].
Austin, John C., [redacted].
Aykroyd, Douglas S., [redacted].
Babcock, Edward S. J., [redacted].
Bacevich, Andrew J., [redacted].
Bachta, James M., [redacted].
Bacon, Terry R., [redacted].
Bahr, William J., [redacted].
Bailey, Alton P., [redacted].
Bailey, Edward L., [redacted].
Bailey, Ronald R., [redacted].
Bailey, Samuel H., II, [redacted].
Bailey, Sedell, [redacted].
Bailey, Thomas K., [redacted].
Bair, Tracy R., [redacted].
Baker, David C., [redacted].
Baldwin, Robert H. J., [redacted].
Ball, Blaine S., [redacted].
Ball, James A., [redacted].
Ballenberger, Walte, [redacted].
Ballenger, John P., [redacted].
Ballou, Justin G., II, [redacted].
Balog, Roger P., [redacted].
Balough, Daniel C., [redacted].
Banks, John T., [redacted].
Barber, Dana Q., [redacted].
Barber, David S., [redacted].
Barclay, Robert P., [redacted].
Barnett, Forrest W., [redacted].
Barry, Charles L., [redacted].
Barstis, George A., [redacted].
Barszcz, Michael, Jr., [redacted].
Barth, Brent B., [redacted].
Bassett, Robert A., [redacted].
Bastey, Mark F., [redacted].
Bateman, William V., [redacted].
Bates, Donald R., [redacted].
Battjes, Henry, [redacted].
Battles, Dennis O., [redacted].
Baum, William E., [redacted].
Bazan, James D., [redacted].
Bazzel, Peter J., [redacted].
Beach, Donald W., [redacted].
Bean, Robert E., III, [redacted].
Beard, William G., Jr., [redacted].
Beauchamp, Frederic, [redacted].
Becker, Robert J., [redacted].
Beckworth, Tim K., [redacted].
Begland, Robert R., [redacted].
Behncke, Robert H., [redacted].
Belack, Carl N., [redacted].
Belden, David F., [redacted].
Bell, Burwell B., III, [redacted].
Bell, Thomas A., [redacted].
Beller, Robert E., [redacted].
Benham, Billy, [redacted].
Bennett, James D., [redacted].
Bensberg, Thomas E., [redacted].
Berdan, Robert J., [redacted].
Berenato, Joseph C., [redacted].
Bergh, Roger S., [redacted].
Berkson, Joseph M., [redacted].
Berwick, Christopher R., [redacted].
Besecker, Kenneth H., [redacted].
Best, Robert B., [redacted].
Bettencourt, Vernon, [redacted].
Bevis, Kenneth M., [redacted].
Bewley, Robert S., [redacted].
Biasi, Peter M., [redacted].
Bible, Michael C., [redacted].
Bickel, John W., [redacted].
Bidwell, Alex L., [redacted].
Billingsley, Sidney, [redacted].
Binder, Gregory C., [redacted].
Bird, Daniel C., Jr., [redacted].
Bischoff, Robert C., [redacted].
Bish, Gary A., [redacted].
Bishop, Robin M., [redacted].
Black, John J., Jr., [redacted].
Blackburn, Linwood, [redacted].
Blaine, Richard C., [redacted].
Blake, David C., Jr., [redacted].
Blake, Thomas J., [redacted].
Blaney, Daniel J., [redacted].
Block, David J., [redacted].
Blumer, John P., [redacted].
Boggs, James D., [redacted].
Boivin, Robert E., [redacted].
Bolger, John T., III, [redacted].
Bonebrake, Charles, [redacted].
Bonno, Michel, E., [redacted].
Boone, Larry G., [redacted].
Bornhoft, Stewart H., [redacted].
Borresen, David F., [redacted].
Bortner, Jerry L., [redacted].
Boswell, Robert E., [redacted].
Bowen, Cotton W., [redacted].
Bowers, Frame J., III, [redacted].
Bown, Gilbert F., [redacted].
Boyd, Leslie J., [redacted].
Boye, Brooks A., [redacted].
Braddy, John R., [redacted].
Brandt, William M., [redacted].
Brant, Philip D., Jr., [redacted].
Bratton, Marshall S., [redacted].
Braun, George F., [redacted].
Brechtel, Michael, [redacted].
Brennan, Michael A., [redacted].
Brennan, Thomas J., [redacted].
Bresnan, Frederick, [redacted].
Bresnick, Terry A., [redacted].
Briggs, Walter J., [redacted].
Brigham, Robert A., [redacted].
Brillante, Joseph R., [redacted].
Brittain, Frank W., [redacted].
Brittenham, Billy F., [redacted].
Brosnan, Francis M., [redacted].
Bross, Paul J., [redacted].
Brower, Charles F., [redacted].
Brown, Chandler R., [redacted].
Brown, James D., [redacted].

Brown, James R., [redacted].
Brown, Jerry L., [redacted].
Brown, Keirn C., Jr., [redacted].
Brown, Norman A., [redacted].
Brown, Richard A., [redacted].
Brown, Royal A., III, [redacted].
Brownback, Peter E., [redacted].
Brundage, John F., [redacted].
Bryan, Samuel W., [redacted].
Bryant, Fred E., [redacted].
Bryant, Randall H., [redacted].
Bryant, Robert B., [redacted].
Bubb, Earnest E., [redacted].
Buchanan, Michael A., [redacted].
Buechner, Daniel A., [redacted].
Bueno, Antonio, [redacted].
Bullock, Gary B., [redacted].
Bullock, Jerry J., [redacted].
Bunn, Giles F., III, [redacted].
Burgess, Harold T., [redacted].
Burke, William J., [redacted].
Burns, Robert P., [redacted].
Burwell, Jack O., Jr., [redacted].
Bustamante, Roberto, [redacted].
Butler, Anthony K., [redacted].
Butler, George W., [redacted].
Butler, Young F., [redacted].
Byard, Robert W., [redacted].
Byers, George G., [redacted].
Byers, John B., [redacted].
Byington, Michael S., [redacted].
Byrnes, James, [redacted].
Cababa, Robin R., [redacted].
Caffo, Ronald L., [redacted].
Cain, Paul F., [redacted].
Cain, William E., [redacted].
Calandro, James J., [redacted].
Calfee, William E., [redacted].
Callaway, Thomas M., [redacted].
Calvert, Gary R., [redacted].
Cameron, Thomas B., [redacted].
Campbell, David R., [redacted].
Campbell, John G., [redacted].
Campbell, Paul C., [redacted].
Canas, Henry R., [redacted].
Cannava, Thomas J., [redacted].
Cantlay, George G., [redacted].
Cantrell, Gary L., [redacted].
Caranto, Eriberto R., [redacted].
Cardo, James J., Jr., [redacted].
Caris, Roger L., [redacted].
Carlisle, Ronald W., [redacted].
Carlton, William, Jr., [redacted].
Carpenter, Fred V., [redacted].
Carpenter, Ira W., Jr., [redacted].
Carpenter, James N., [redacted].
Carpenter, Michael, [redacted].
Carr, Michael V., [redacted].
Carrigan, Leo P., Jr., [redacted].
Carrigan, Yancy L., [redacted].
Carroll, Ronald J., [redacted].
Carter, James T., [redacted].
Carter, Richard A., [redacted].
Casey, John T. D., [redacted].
Casey, William M., [redacted].
Cassidy, Richard P., [redacted].
Castner, William B., [redacted].
Catani, Albert J., [redacted].
Cates, Robert W., [redacted].
Cato, Lemuel J., [redacted].
Causey, Danny P., [redacted].
Chang, Roger, [redacted].
Chasler, Charles D., [redacted].
Cheatham, Sidney F., [redacted].
Chernauskas, Paul J., [redacted].
Christian, John K., [redacted].
Christian, Robert F., [redacted].
Church, Scott F., [redacted].
Clancy, Edward F., [redacted].
Clapper, John F., [redacted].
Clapper, Kip C., [redacted].
Clark, Charles G., Jr., [redacted].
Clark, Gregory E., [redacted].
Clark, Philip A., [redacted].
Claxton, John D., [redacted].
Cleary, Daniel J., II, [redacted].
Clegg, Robert H., [redacted].
Clemens, Robert B., [redacted].
Clifford, Gayne A., [redacted].
Cline, Larry R., [redacted].
Clowery, Stephen M., [redacted].
Cloyd, Walter L., III, [redacted].
Clukey, Gary P., [redacted].
Coan, George P., Jr., [redacted].
Colacicco, Michael, [redacted].
Colbert, David K., [redacted].
Cole, Ashley B., [redacted].
Cole, Christopher C., [redacted].
Cole, George P., [redacted].
Cole, John Harrison, [redacted].
Coling, James H., [redacted].
Collier, Allen S., [redacted].
Collins, Michael W., [redacted].
Collins, Rollins J., [redacted].
Comstock, James W., [redacted].
Conn, Daniel J., [redacted].
Connolly, Michael P., [redacted].
Connor, Dennis R., [redacted].
Conrad, Thomas E., [redacted].
Conway, Richard G., [redacted].
Cook, Gary A., [redacted].
Cook, Roger M., [redacted].
Cooney, Terrence E., [redacted].
Copeland, Michael J., [redacted].
Copeland, Rene G., [redacted].
Corica, Vincent C., [redacted].
Cornelison, Joseph, [redacted].
Cornes, William B., [redacted].
Coryell, Thompson O., [redacted].
Costello, John, [redacted].
Cottrell, Walter T., [redacted].
Coughenour, Kavin L., [redacted].
Coulter, Martin A., [redacted].
Coulter, Robert J., [redacted].
Cox, Daniel J., Jr., [redacted].
Cox, James G., [redacted].
Coyle, Philip V., [redacted].
Craft, Douglas W., [redacted].
Craig, Terence G., [redacted].
Crayton, Juan V., [redacted].
Creasey, Kenneth H., [redacted].
Creech, William A., [redacted].
Creek, James H., [redacted].
Cregler, Anthony L., [redacted].
Crenshaw, Charles E., [redacted].
Crenshaw, Walter A., [redacted].
Crocker, Thomas W., [redacted].
Cronin, Robert M., [redacted].
Crook, Thomas M., [redacted].
Crosby, Ralph D., Jr., [redacted].
Cross, Dale L., [redacted].
Croswhite, Timothy, [redacted].
Crowden, Gary G., [redacted].
Crowder, Ronald G., [redacted].
Culp, Trygve Howard [redacted].
Cumbie, Donovan R., [redacted].
Cunningham, Dennie, [redacted].
Cunningham, James E., [redacted].
Cupelli, Ralph P., [redacted].
Curl, Louis J., III, [redacted].
Curran, Anthony K., [redacted].
Curtis, Howard G., II, [redacted].
Cuviello, Peter M., [redacted].
Dack, Max S., [redacted].
Dahlgren, Steven L., [redacted].
Dalum, David B., [redacted].
Damon, William E., Jr., [redacted].
Dannison, Charles R., [redacted].
Daprix, Barry R., [redacted].
Dare, Steven N., [redacted].
Darr, George J., [redacted].
Daugherty, Darrel W., [redacted].
Daugherty, Stanley, [redacted].
David, Philip J., [redacted].
Davidson, Donald G., [redacted].
Davis, John L., Jr., [redacted].
Davis, Jon S., [redacted].
Davis, Randolph J., [redacted].
Davis, Stephen F., [redacted].
Davis, William T., Jr., [redacted].
Day, Curtis J., Jr., [redacted].
Deale, Robert C., III, [redacted].
Dean, Charles L., [redacted].
Dean, Robert K., [redacted].
Dearwester, Harry, [redacted].
Deaton, Lloyd R., [redacted].
Deekens, John M., [redacted].
Deeker, Donald L., [redacted].
Delacruz, Peter L., [redacted].
Delacy, Peter W., [redacted].
Delaney, Michael F., [redacted].
Deleonardis, James, [redacted].
Deller, William J., [redacted].
Demartinis, Nicholas, [redacted].
Demetriou, George, [redacted].
Dencker, Peter A., [redacted].
Dent, Samuel R., [redacted].
Denton, Samuel E., [redacted].
Dessel, Gregory F., [redacted].
Devos, Edward G., Jr., [redacted].
Dewald Lee S., [redacted].
Dey, Michael J., [redacted].
Deyoung, Willis B., [redacted].
Dibella, Alfred L., [redacted].
Dickinson, Don P., II, [redacted].
Dickinson, Mark V., [redacted].
Dickson, Dwight B., [redacted].
Dickson, Michael A., [redacted].
Diffley, Michael, [redacted].
Dillon, Mark E., [redacted].
Dinger, John A., [redacted].
Dittmar, Joseph A., [redacted].
Dixon, James W., [redacted].
Dixon, Michael L., [redacted].
Dobbs, Norman A., [redacted].
Dolton, Henry J. Jr., [redacted].
Domino, Thomas C., [redacted].
Donah, Paul A., [redacted].
Donaldson, Jeffrey, [redacted].
Donoghue, Richard G., [redacted].
Donohue, Hugh J., Jr., [redacted].
Dooley, Joseph C., [redacted].
Dorn, William E., Jr., [redacted].
Dotsey, George J., [redacted].
Dow, Steven H., [redacted].
Dowling, Raymond B., [redacted].
Downey, Frederick M., [redacted].
Downing, Brian T., [redacted].
Doyle, Edward, [redacted].
Doyle, John E., [redacted].
Drake, Lincoln T., [redacted].
Drescher, Gary A., [redacted].
Drower, Peter G., [redacted].
Druener, Ronald K., [redacted].
Drzik, John M., [redacted].
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Dull, Robert J., [redacted].
Dunham, James M., [redacted].
Dunn, Richard J., III [redacted].
Durgin, Chesley F., [redacted].
Durham, Donald S., [redacted].
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Ebertz, David C., [redacted].
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Edmonds, Lucien L., [redacted].
Edwald, William R., [redacted].
Edwards, Alan E., [redacted].
Edwards, Emory H., II, [redacted].
Edwards, Fred H., [redacted].
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Erb, Allan L., [redacted].
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Evans, Edgar A., [redacted].
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Eyrich, Norviel R., [redacted].
Fagan, Thomas W., [redacted].
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Fairman, Fredric C., [redacted].
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Farel, Douglas G., [redacted].
Faris, Arthur L., [redacted].
Farquhar, Benjamin, [redacted].
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Fellenz, Lloyd E., Jr., [redacted].
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Ford, Jimmy M., [redacted].
Fore, Robert L., [redacted].
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Jordan, Robert P., [redacted].
Joyce, William J., [redacted].
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Judge, David J., [redacted].
Kain, John M., [redacted].
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Knickerbocker, Will, [redacted].
Knighton, Douglas W., [redacted].
Knoll, Jeffery A., [redacted].
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Laswell, Bruce H., [redacted].
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Moses, David L., [redacted].
Mote, Doyle K., [redacted].
Mott, Frederick P., [redacted].
Moulder, Erwin D., [redacted].
Mountain, Michael B., [redacted].
Mowen, John C., III, [redacted].
Mueller, John F., [redacted].
Mueller, Warren D., [redacted].
Mullen, James D., [redacted].
Muller, Donald F., [redacted].
Munro, Mark F., [redacted].
Munson, William M., [redacted].
Murguia, Gerard J., [redacted].
Murphy, Brian P., [redacted].
Murphy, James M., Jr., [redacted].
Murphy, Wayne K., [redacted].
Murray, Paul E., [redacted].
Myers, Robert B., Jr., [redacted].
Myers, Thomas C., [redacted].
Nagel, Donald W., [redacted].
Nagengast, Paul F. J., [redacted].
Nagle, Robert H., [redacted].
Nance, Willie B., Jr., [redacted].
Nanney, Guy V., [redacted].
Nardotti, Michael J., [redacted].
Narel, James L., [redacted].
Narrell, James E., Jr., [redacted].
Navor, Donald L., [redacted].
Neerman, Marc A., [redacted].
Neff, Lawrence T., [redacted].
Neitzke, Walter C., [redacted].
Nelson, David R., [redacted].
Nelson, Gary W., [redacted].
Nelson, James R., [redacted].
Nery, Gerard B., Jr., [redacted].
Neslage, Robert L., [redacted].
Nestor, Douglas D., [redacted].
Nettrour, Byron F. J., [redacted].
New, Dale W., [redacted].
Newton, Charles A., [redacted].
Newtown, Glenford A., [redacted].
Neyland, Mayo W., [redacted].
Nichols, Howard V., [redacted].
Nielson, James E., [redacted].
Nishida, Dennis T., [redacted].
Nishimoto, James K., [redacted].
Noll, Frederick E., [redacted].
Noreen, Robert S., [redacted].
North, Teddy R., [redacted].
Northup, Edwin G., [redacted].
Nosal, Gregory, Jr., [redacted].
Nowak, Kenneth A., [redacted].
Nuffer, William L., [redacted].
Nygren, Kip P., [redacted].
Oborski, Clemence C., [redacted].
O'Brien, Charles L., [redacted].
O'Cain, James M., [redacted].
O'Connell, Edward P., [redacted].
O'Connell, Thomas W., [redacted].
O'Dawe, Nicholas P., [redacted].
Ogden, Glenn A., [redacted].
Ogle, Robert H., [redacted].
O'Halloran, Peter F., [redacted].
O'Halloran, Robert P., [redacted].
O'Keefe, Raymond W., [redacted].
Oliver, Frank G., [redacted].
Oliver, Young P., [redacted].
Olner, Jay C., [redacted].
Olson, George M., [redacted].
Olson, Joseph L., [redacted].
Olson, Stewart O., [redacted].
Ondo, James L., [redacted].
O'Neal, James P., [redacted].
O'Neill, Brian B., Jr., [redacted].
Oristian, John E., [redacted].
Osgood, Arthur H., Jr., [redacted].
Oshea, Daniel J., [redacted].
Osterhoudt, Henry J., [redacted].
Otoole, James W., [redacted].
Overstreet, Stephen, [redacted].
Owens, Brian D., [redacted].
Owens, James H., Jr., [redacted].
Ozimek, Carl D., [redacted].
Ozment, Oliver J., Jr., [redacted].
Palacios, Noe, [redacted].
Parobek, Jonathan D., [redacted].
Parsons, Eugene, [redacted].
Paskauskas, Vitas G., [redacted].
Pasko, Chester E., [redacted].
Patch, Harry J., [redacted].
Patrick, Thomas E., [redacted].
Patterson, Phillip, [redacted].
Pearsall, Russell L., [redacted].
Pedersen, Charles J., [redacted].
Pedersen, Robert H., [redacted].
Pelis, Joel M., [redacted].
Penwell, Robert D., [redacted].
Pepper, James D., Jr., [redacted].
Perry, Donald H., [redacted].
Perry, Michael A., [redacted].
Peters, John V., [redacted].
Peters, Randall R., [redacted].
Pettit, Michael W., [redacted].
Pettitt, Reggie, L., [redacted].
Pfeiffer, Ronald D., [redacted].
Phelps, Gary A., [redacted].
Pherson, James W., [redacted].
Phillips, Gail C., [redacted].
Phillips, Robert J., [redacted].
Piazze, Thomas E., Jr., [redacted].
Picard, George A., [redacted].
Pichon, Gary W., [redacted].
Pickard, Andrew D. I., [redacted].
Pierce, Kurt A., [redacted].
Pierce, Steven D., [redacted].
Pittman, Garry L., [redacted].
Pitz, Robert A., [redacted].
Plumer, David B., [redacted].
Pogany, Dennis S., [redacted].
Pohlmann, William E., [redacted].
Polin, Richard B., [redacted].
Pope, Glynn E., [redacted].
Popwell, William L., [redacted].
Porter, Danny S., [redacted].
Porter, Glenn A., [redacted].
Post, Gerald M., [redacted].
Poston, Albert B., [redacted].
Potter, James M., [redacted].
Potts, Joseph L., [redacted].
Poucher, Edward B., [redacted].
Powell, Terry E., [redacted].
Pratt, Robert P., [redacted].
Price, Dale E., [redacted].
Pridgen, Eugene C., [redacted].
Prondzinski, James, [redacted].
Prosch, Geoffrey G., [redacted].
Prudhomme, Robert K., [redacted].
Pryplesh, Stephen J., [redacted].
Przybyla, Ernest F., [redacted].
Psaki, Nicholas G. I., [redacted].
Quinn, Edward L., [redacted].
Radsky, Peter B., [redacted].
Raglin, Paul S., [redacted].
Ramos, Thomas F., [redacted].
Ramsey, Robert D., II, [redacted].
Randolph, Donald C., [redacted].
Rankin, Jerry A., [redacted].
Rast, John E., [redacted].
Ratcliffe, Donald R., [redacted].
Raupp, Lloyd N., [redacted].
Rausch, Steven F., [redacted].
Raymond, Brian L., [redacted].
Read, Richard D., [redacted].
Reams, James P., [redacted].
Rehkopf, Edward N., [redacted].
Rehm, Donald A., [redacted].
Reiff, Martin H., Jr., [redacted].
Reilly, John M., [redacted].
Reimers, Ronald J., [redacted].
Reinhardt, Thomas T., [redacted].
Reinker, James R., [redacted].
Reiss, David M., [redacted].
Remmel, Carl L., [redacted].
Renner, Earl W., [redacted].
Revilak, Stephen A., [redacted].
Reynolds, James F., [redacted].
Reynolds, James P., [redacted].
Reynolds, Jesse E., [redacted].
Rhodes, Danny L., [redacted].
Rhodes, Eugene G., [redacted].
Rhyne, Stephen K., [redacted].
Rice, Terry L., [redacted].
Rice, William J., [redacted].
Richard, Floyd H., [redacted].
Richards, James D., [redacted].
Richardson, Paul T., [redacted].
Richmond, Henry B. I., [redacted].
Richmond, Terry L., [redacted].
Ricker, Gerald W., [redacted].
Riddell, Robert C., [redacted].
Riffle, Scottie R., [redacted].
Riggsby, Lewis D., [redacted].
Rine, James M., [redacted].
Robella, Barry J., [redacted].
Robinette, Stephen, [redacted].
Robinson, J. Paul, [redacted].
Robyn, Eric W., [redacted].
Rock, Clifford T., Jr., [redacted].
Rockhold, Neal W., [redacted].
Rodrigues, Alfred B., [redacted].
Rogers, Douglas C., [redacted].
Rogers, Thomas E., Jr., [redacted].
Rohacik, James J., [redacted].
Rohler, Dennis I., [redacted].
Rosa, Robert J., Jr., [redacted].
Rose, Joseph C., [redacted].
Roseta, Robert E., [redacted].
Rosine, Philip E., [redacted].
Ross, Steven C., [redacted].
Roszkowski, Joseph, [redacted].
Roth, Lester C., [redacted].
Rothwell, John C., II, [redacted].
Rountree, John E., [redacted].
Roux, Russell P., [redacted].
Rowan, James M., III, [redacted].
Rowe, Robert B., [redacted].
Rowlett, Ricky M., [redacted].
Rowley, Stephen H., [redacted].
Roy, James W., Jr., [redacted].
Rucker, Tinsley W., [redacted].
Ruesch, Kenneth J., [redacted].
Ruiz, Daniel, Jr., [redacted].
Rumney, Thomas N., [redacted].
Rundle, Michael T., [redacted].
Rusk, Jon G., [redacted].

Russell, David R., [redacted]
Russell, Henry P., [redacted]
Russell, James A., [redacted]
Russell, James P., [redacted]
Russell, John J., Jr., [redacted]
Rust, Charles M., [redacted]
Ryan, Michael F., [redacted]
Rynearson, William, [redacted]
Rystrom, Robert E., [redacted]
Sadoff, Laurence R., [redacted]
Saffold, Donnell F., [redacted]
Salisbury, Michael, [redacted]
Sanders, Clarence S., [redacted]
Sanders, John T., [redacted]
Sarratt, James S., [redacted]
Sartor, Billy F., [redacted]
Sautter, Fred C., III, [redacted]
Savage, Frank R., [redacted]
Scarangella, Henry, [redacted]
Schade, Jon C., [redacted]
Schaefer, James A., [redacted]
Schafer, Thomas C., [redacted]
Scheer, Richard L., [redacted]
Schempf, Bryan H., [redacted]
Schierholz, Orval P., [redacted]
Schiraldi, Glenn R., [redacted]
Schmitz, Thomas F., [redacted]
Schneider, Lawrence, [redacted]
Schoenberger, Dale, [redacted]
Schoettmer, Gerald, [redacted]
Schonewetter, Denni, [redacted]
Schoomaker, Peter J., [redacted]
Schopfer, George F., [redacted]
Schoville, Robert T., [redacted]
Schreifer, Stephen, [redacted]
Schroeder, Henry J., [redacted]
Schroeder, Waldo, Jr., [redacted]
Schultz, John T., [redacted]
Schulz, Bruce D., [redacted]
Schulze, Richard F., [redacted]
Schuyler, Jack R., [redacted]
Schwabe, Francis E., [redacted]
Schwan, Carlton F. I., [redacted]
Schwankl, David N., [redacted]
Schwartzman, Charle, [redacted]
Schwender, Craig S., [redacted]
Scibetta, David L., [redacted]
Scott, Frederick R., [redacted]
Scott, Harry A., [redacted]
Scribner, Charles R., [redacted]
Scull, Kenneth C., [redacted]
Seals, James L., [redacted]
Seck, John F., Jr., [redacted]
Seeman, Michael J., [redacted]
Seitz, Richard R. M., [redacted]
Seland, Charles O., [redacted]
Selby, Frederick S., [redacted]
Selden, George H., Jr., [redacted]
Selechman, William H., [redacted]
Sell, Mark F., [redacted]
Semmens, Eugene P., [redacted]
Serrano, Alfredo, [redacted]
Setty, Thomas J., [redacted]
Setzer, Robert D., Jr., [redacted]
Seymour, John F., [redacted]
Shaffer, Joseph K., [redacted]
Shaffer, Richard A., [redacted]
Shane, Michael J., [redacted]
Shannon, William P., [redacted]
Sharphorn, Daniel H., [redacted]
Shaw, Johnnie D., [redacted]
Shean, Arthur R., [redacted]
Sheehan, Robert P., [redacted]
Shelton, Travis D., [redacted]
Sheon, Jesse P., Jr., [redacted]
Shipp, Michael D., [redacted]
Shirron, William E., [redacted]
Short, Earle J., III, [redacted]
Sieving, Immanuel C., [redacted]
Silver, Paul D., [redacted]
Simmons, Oscar W., II, [redacted]
Simmons, Richard L., [redacted]
Simmons, William T., [redacted]
Simms, Edward D., Jr., [redacted]
Singer, Tony C., [redacted]
Sitter, Paul J., [redacted]
Skells, Peter J., [redacted]
Skidmore, Keith L., [redacted]
Slack, Timothy J., [redacted]
Slenker, William T., [redacted]
Slonina, John R., [redacted]
Smaagaard, Arthur G., [redacted]
Smith, Bill G., Jr., [redacted]
Smith, Clark A., [redacted]
Smith, David O., [redacted]
Smith, David S., [redacted]
Smith, Dean E., [redacted]
Smith, Dean T., [redacted]
Smith, Donald B., [redacted]
Smith, Floyd R., [redacted]
Smith, Kevin B., [redacted]
Smith, Leigh W., [redacted]
Smith, Maurice L., Jr., [redacted]
Smith, Michael E., [redacted]
Smith, Michael G., [redacted]
Smith, Milton D., [redacted]
Smith, Paul S., Jr., [redacted]
Smith, Phillip R., [redacted]
Smith, Thomas A., [redacted]
Smith, Thomas Q., [redacted]
Smrtic, Jon T., [redacted]
Smylie, Robert P., [redacted]
Snedeker, Donald C., [redacted]
Snell, Michael G., [redacted]
Snow, Joel J., [redacted]
Snow, Richard A., [redacted]
Snyder, James C., [redacted]
Sohrakoff, John B., [redacted]
Sokoloff, Leonard J., [redacted]
Solomon, John O., [redacted]
Southcombe, William, [redacted]
Spann, Patrick J., [redacted]
Sparks, Bradley E., [redacted]
Spearman, Johnnie J., [redacted]
Speltz, Michael J., [redacted]
Spencer, Weldon O., [redacted]
Spencer, Wilfred F., [redacted]
Spiceland, Evans C., [redacted]
Spicer, Joseph G., Jr., [redacted]
Springer, Carl D., [redacted]
Stafford, James B., [redacted]
Stafford, Nicholas, [redacted]
Stanfield, Charles, [redacted]
Stapler, John G., Jr., [redacted]
Staples, John P., [redacted]
States, Alan E., [redacted]
Stauffer, George A., [redacted]
Stcyr, David A., [redacted]
Steeb, John E., [redacted]
Steele, Robert L., [redacted]
Stees, Ray R., [redacted]
Steiger, William A., [redacted]
Steinbach, George R., [redacted]
Steiner, Charles V., [redacted]
Stenger, John E., Jr., [redacted]
Stephenson, Michael, [redacted]
Stevens, John H., [redacted]
Stevens, Vlad, [redacted]
Stewart, John F., [redacted]
Stewart, Robert D., [redacted]
Stewart, William G., [redacted]
Stirts, Hugh M., [redacted]
Stobbs, Emmett E., Jr., [redacted]
Stockwell, Robert L., [redacted]
Stolt, Gregory A., [redacted]
Stone, William E., [redacted]
Stonge, Robert J., Jr., [redacted]
Stovall, Willard M., [redacted]
Strabel, Edward W., [redacted]
Straw, Dale E., [redacted]
Strickler, Terry E., [redacted]
Strother, Walter T., [redacted]
Strouble, Dennis D., [redacted]
Stubbs, Richard W., [redacted]
Stube, John D., [redacted]
Subelsky, Lewis B., [redacted]
Sudnik, Michael P., [redacted]
Suermann, John F., [redacted]
Suggs, William J., [redacted]
Sullivan, John K., [redacted]
Sullivan, Neil L., [redacted]
Sutton, Joseph W., [redacted]
Suyama, Robert M., [redacted]
Swaim, Norman M., [redacted]
Sweat, George W., Jr., [redacted]
Swesey, Lawrence E., [redacted]
Swick, Richard L., Jr., [redacted]
Sydow, John H., [redacted]
Sylvester, John B., [redacted]
Tabela, Francis E. J., [redacted]
Tanksley, James E., [redacted]
Tanzillo, John M., Jr., [redacted]
Taricska, Richard C., [redacted]
Tatro, Bernard J., [redacted]
Tatum, Larry D., [redacted]
Taylor, Douglas E., [redacted]
Taylor, Jeffrey W., [redacted]
Taylor, Michael W., [redacted]
Taylor, Thomas W., [redacted]
Taylor, William B. J., [redacted]
Taylor, William R., [redacted]
Teagarden, William, [redacted]
Terrien, Max V., [redacted]
Tesdahl, Robert M., [redacted]
Tesko, Steven R., [redacted]
Thain, Harry L., [redacted]
Thede, Peter J., [redacted]
Theiling, Henry D., [redacted]
Thensted, Charles F., [redacted]
Thieme, Thomas N., [redacted]
Thomas, David L., [redacted]
Thomas, Kenneth A., [redacted]
Thomasson, Duncan A., [redacted]
Thompson, Darrell G., [redacted]
Thompson, William K., [redacted]
Thorlakson, Robert, [redacted]
Thorne, William H. J., [redacted]
Thorstens, Gary H., [redacted]
Thrasher, Warren A., [redacted]
Throckmorton, John, [redacted]
Thurnbeck, Robert J., [redacted]
Tice, Robert S., [redacted]
Tigges, Daniel L., [redacted]
Tighe, Dennis W., [redacted]
Timmons, Thomas H., [redacted]
Tobin, Edward J., Jr., [redacted]
Toland, Ray B., [redacted]
Totten, James P., [redacted]
Townsend, Donald P., [redacted]
Townsend, James W., [redacted]
Townsend, Ronald E., [redacted]
Traynor, Stephen P., [redacted]
Trevino, Romero C., [redacted]
Trinidad, Wilfredo, [redacted]
Troup, Craig A., [redacted]
Tryon, John E., [redacted]
Tunstall, Donald W., [redacted]
Turner, Lamont D., [redacted]
Turner, Stephen D., [redacted]
Tyer, Gary S., [redacted]
Uhler, Robert D., [redacted]
Updike, Godfrey, W. J., [redacted]
Urban, Gordon W., [redacted]
Vacca, William J., [redacted]
Vanaskie, William F., [redacted]
Vanatta, Fred H., [redacted]
Vance, Robert W., Jr., [redacted]
Vandenberg, Roger A., [redacted]
Varner, George C., [redacted]
Varrieur, Michael R., [redacted]
Vassaur, Tommy W., [redacted]
Vaughn, Everett S., [redacted]
Vaughn, Rayford B., [redacted]
Venard, Thomas G., [redacted]
Vengelen, Frederick, [redacted]
Vereb, Thomas A., [redacted]
Viehweg, Peter A., [redacted]
Vitucci, Samuel S., [redacted]
Vogas, James L., [redacted]
Voigt, Thomas F., [redacted]
Vollrath, Thomas L., [redacted]
Vonasek, Stanley C., [redacted]
Vonkaenel, Howard J., [redacted]
Vorder, Bruegge, H., [redacted]
Vornehm, George F., [redacted]
Vreeland, Neal C., [redacted]
Wade, Gregory K., [redacted]
Wagner, Donald P., [redacted]
Wagner, Kenneth E., [redacted]
Wagner, Robert A., [redacted]
Wagstaff, David A., J., [redacted]
Wahl, Robert G., [redacted]
Wainwright, Richard, [redacted]
Walker, Henry P., Jr., [redacted]
Wallace, John R., [redacted]
Wallace, William H., [redacted]
Wallace, William S., [redacted]
Wallestad, David K., [redacted]
Walsh, Robert J., [redacted]
Walters, Douglas F., [redacted]
Wance, Dennis M., [redacted]
Wanless, Kenneth M., [redacted]
Ward, William H., [redacted]

Warner, Donald E., [redacted].
Warner, Donald E., [redacted].
Warren, James C., Jr., [redacted].
Washington, Donald, [redacted].
Watson, Edwin A., Jr., [redacted].
Watson, Jerome A., [redacted].
Watson, Thomas D., [redacted].
Watters, David R., [redacted].
Watts, Benjamin G., [redacted].
Weaver, Phillip A., [redacted].
Webb, James L., [redacted].
Wehmeyer, John G., [redacted].
Weien, Glen F., II, [redacted].
Weill, Randall B., [redacted].
Weinberg, Michael H., [redacted].
Welch, James M., [redacted].
Wellman, Jay S., [redacted].
Wells, Larry J., [redacted].
Wells, Robert W., Jr., [redacted].
Welsh, Johnnie L., [redacted].
West, Richard D., [redacted].
Westerhoff, Corneli, [redacted].
Whatton, Charles W., [redacted].
Wheel, Thomas B., [redacted].
Wheeler, Bruce R., [redacted].
Wheeler, James S., [redacted].
Wheeler, Joseph J., [redacted].
Wheelock, Thomas R., [redacted].
Whitaker, Frederick, [redacted].
Whitaker, Steven J., [redacted].
Whitaker, Thomas E., [redacted].
White, Charles S., [redacted].
White, Lance M., [redacted].
White, Langfred W., [redacted].
White, Lawrence J., [redacted].
White, Ralph R., [redacted].
White, Terry W., [redacted].
Whitley, Thomas H., [redacted].
Whitlow, William D., [redacted].
Whitney, Richard G., [redacted].
Wielkoszewski, Andrew, [redacted].
Wilber, Rick A., [redacted].
Wiley, Kenneth L., [redacted].
Wilkes, Greg S., [redacted].
Wilks, John E., III, [redacted].
Willbanks, James H., [redacted].
Williams, Albert J., [redacted].
Williams, Alfred E., [redacted].
Williams, James D., [redacted].
Williams, Jimmy W., [redacted].
Williams, Jonathan, [redacted].
Williams, Kennetht H., [redacted].
Williams, Stephen D., [redacted].
Williams, Stephen J., [redacted].
Williams, Wayne Q., [redacted].
Willis, Clifford G., [redacted].
Willut, John C., [redacted].
Wilson, Frederick R., [redacted].
Wilson, Randy A., [redacted].
Wilson, Robert J., [redacted].
Windham, Rodney E., [redacted].
Wintermute, Sheldon, [redacted].
Wisser, George R., Jr., [redacted].
Witchen, Gary L., [redacted].
Witt, Thomas B., [redacted].
Woelfer, Carl W., [redacted].
Wolvington, William, [redacted].
Wood, Ernest E., Jr., [redacted].
Wood, Kenneth R., [redacted].
Woodard, Michael C., [redacted].
Woodbury, George A., [redacted].
Woods, George, Jr., [redacted].
Woods, James G., [redacted].
Woodson, Kenneth L., [redacted].
Woodward, William R., [redacted].
Woodyard, Leon W., [redacted].
Worley, Joe R., [redacted].
Wright, James M., [redacted].
Wright, Michael A., [redacted].
Yaap, Robert W., [redacted].
Yarnell, John S., [redacted].
Yeisley, John C., [redacted].
Yerkes, William N., [redacted].
Yerks, Austin J., III, [redacted].
Yocom, Michael L., [redacted].
Yonan, Kenneth J., [redacted].
Yonushonis, William, [redacted].
Yoste, Harry M., Jr., [redacted].
Young, Randolph S I., [redacted].
Young, Robert A., [redacted].
Young, Terry H., [redacted].
Yount, Everett R., Jr., [redacted].
Zagrodny, Michael D., [redacted].
Zais, Mitchell M., [redacted].
Zalewski, Alan R., [redacted].
Zamora, Richard O. J., [redacted].
Zappacosta, Thomas, [redacted].
Zepko, William F., [redacted].
Zilinskas, Matthew, [redacted].
Zook, William E., Jr., [redacted].
Zumwalt, Marvin C., [redacted].
Zupsich, Alexander, [redacted].

WOMEN'S ARMY CORPS

To be first lieutenant

Hewitt, Eleanor V., 267-70-9904.
West, Kathryn G., [redacted].

MEDICAL SERVICE CORPS

To be first lieutenant

Arner, Mark C., [redacted].
Bassham, Lanny R., [redacted].
Beane, Charles B., [redacted].
Bellamy, Thomas N., [redacted].
Bodie, George A., [redacted].
Bradford, Ralph E., [redacted].
Bryant, Gordon V., Jr., [redacted].
Burden, Charles G., [redacted].
Burgos, Victor L., [redacted].
Butler, Victor D., [redacted].
Byers, Norman T., [redacted].
Coffman, James H., [redacted].
Cook, David R., Jr., [redacted].
Cook, Phillip A., [redacted].
Cox, John C., [redacted].
Cruz, Juan A., [redacted].
Dismukes, James O., [redacted].
Dixey, Robert J., [redacted].
Dohanos, Dennis W., [redacted].
Donahue, Richard I., [redacted].
Dorfman, William I., [redacted].
Eaton, Gary H., [redacted].
Emerick, James T., [redacted].
Farlow, Joseph E., [redacted].
Ferrell, Richard J., [redacted].
Freeley, Douglas A., [redacted].
Gans, David N., [redacted].
Gerig, Donald D., [redacted].
Haburchak, David R., [redacted].
Hess, William W., [redacted].
High, Blanco T., [redacted].
Houston, Donald A., [redacted].
Hudak, Ronald P., [redacted].
Irish, Arthur S., II, [redacted].
Jarvis, Charles J. J., [redacted].
Kanaly, George W., Jr., [redacted].
Kirstein, Kenneth W., [redacted].
Kramer, Richard D., [redacted].
Krieger, Donald A., [redacted].
Lacher, Gary N., [redacted].
Langkamp, Joseph P., [redacted].
Leary, William J., [redacted].
Lindell, Steven W., [redacted].
Makela, Glenn R., [redacted].
Mcatee, William E., [redacted].
McPhail, John F., [redacted].
Mitchell, Walter, Jr., [redacted].
Moore, Peter A., [redacted].
Mortimer, Evan E., [redacted].
Noe, Anthony M., [redacted].
Norder, Nickolas W., [redacted].
Oetgen, William J. J., [redacted].
Olejnik, Kenneth R., [redacted].
Parker, Raymond A. J., [redacted].
Phillips, George L., [redacted].
Piacente, David A., [redacted].
Saunders, Theodore, [redacted].
Schlomer, Duane R., [redacted].
Schwartz, Allen, [redacted].
Seremet, Joseph H., [redacted].
Shaw, Peter B., [redacted].
Slay, Robert D., Jr., [redacted].
Smith, Steven R., [redacted].
Spencer, Kenneth E., [redacted].
Stewart, Charles E., [redacted].
Strohmeyer, Michael, [redacted].
Sutton, Ernest L., [redacted].
Sykes, Fred L., [redacted].
Sylvain, Richard W., [redacted].
Tancredi, Peter L., [redacted].
Tatum, Charles H., Jr., [redacted].
Tremblay, Peter D., [redacted].
Vigna, John E., [redacted].
Voelpel, Stuart G., [redacted].
Voss, James E., [redacted].
Walkenbach, James E., [redacted].
Washburn, Lee P., [redacted].
Washburn, Michael E., [redacted].
Watts, Dennis R., [redacted].
Wika, Norman A., [redacted].
Williams, Barry O., [redacted].
Wise, George R., [redacted].
Wooldridge, Michael, [redacted].
Youngblood, Lloyd A., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Stevens, Douglass L., [redacted].
Vinyard, Wayne A., [redacted].
Yamamoto, Steven K., [redacted].

ARMY NURSE CORPS

To be first lieutenant

Bennett, Dennis H., [redacted].
Florine, James E., [redacted].
Ison, Constance G., [redacted].
Kray, Jerome G., [redacted].
Pelton, Richard P., [redacted].
Rennie, Donald S., [redacted]

IN THE NAVY

The following-named officers of the Naval Reserve for permanent promotion to the grade of captain in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abernathy, Roger E.
Achee, Emile W.
Adkins, Edward C.
Ahlborn, Gale
Aiello, Leonard
Alair, Gene L.
Alexander, Owens F.
Allen, Francis F., Jr.
Allen, Milton R.
Allen, Thomas E.
Amirault, Francis R.
Anderson, Burton M.
Anderson, Raymond Louis M.
Anderson, Roland C.
Anderson, Wilford D.
Anderson, Randall E.
Andrews, Wallace J.
Andrew, Martin J.
Appel, Robert L., Jr.
Ardis, Robert B.
Armstrong, Edward L.
Arnold, Alison M.
Aron, Linwood M.
Arveson, Donald F.
Aschenbrenner, Frank A.
Atkinson, Bernard O.
Aubry, Jacques D.
Avila, Andrew J.
Babbe, George M.
Bahr, Franklin E.
Bailey, Charles Streater, Jr.
Bajak, Sigmund F.
Baker, Richard M., Jr.
Baldwin, William W.
Baldwin, George H.
Ballantyne, Douglas Cumings
Barker, Gilbert H.
Barnett, John S., Jr.
Barnes, Richard L.
Barnhill, Philip C.
Barros, Jack R.
Bartlett, Shirley Carnett J.
Barton, William B.
Barton, William J.
Baumann, Raphael F.
Beacham, Ernest P., Jr.
Beaumont, Robert T.
Beck, Clayton H.
Becker, David G.
Bellizio, Elgie L.
Benedetti, Aldo J.
Bennett, Harry Hoffman, Jr.
Bergesen, Albert G.

Berkemose, Paul H.
Bertoldi, John B., Jr.
Best, Guy A.
Beveridge, John H.
Biggart, Stephenson Robert
Black, James B.
Blackwell, Enoch D.
Blakey, Blake V.
Blam, Norman
Blessing, Wilfred E.
Block, Leo
Blumenthal, Philip Lee, Jr.
Boelens, John H.
Bohan, Walter A.
Boles, Max G.
Bollinger, Lawrence F., Jr.
Bonney, John R.
Boom, Glenn L.
Bouldry, John M.
Bradbeer, George B.
Bratches, Harold F.
Braue, John C.
Breslau, Maxwell
Bridge, Herbert M.
Brodhag, Donald James
Brooks, Paul Robert Michael
Brown, John N.
Brown, Frank C.
Bruce, Robert G.
Brueckbauer, Roger I.
Budd, Thomas William, Jr.
Buell, Lloyd Elmer
Bunten, Richard C.
Burns, William A.
Burns, Willard A.
Butler, Bethel Hardin
Butler, Lloyd M., Jr.
Butters, James A.
Caldwell, William Frederick
Calkins, Don R., Jr.
Callahan, Francis Joseph, Jr.
Calnan, Thomas J., Jr.
Carl, Frederick D.
Carlson, John E., Jr.
Carroll, Marshall E.
Casey, Francis J.
Chamberlain, Edward Thoyt J.
Chandler, Henry M., Jr.
Chappell, William Venroe, Jr.
Chase, Robert R.
Chicas, Samuel A.
Childs, Herbert C.
Christoph, Edward C.
Chwalek, Charles J.
Cibula, Charles, Jr.
Cliungan, Virgil
Clark, Robert W. K.
Clark, Kenneth B.
Claughton, James Calvin, Jr.
Clegg, William H.
Cements, Edward W.
Clemensen, Owen N.
Clifford, Charles Francis J.
Cochran, Carl E.
Cochran, Sam Victor, Jr.
Cofer, Joseph Pleasant, Jr.
Colburn, Daniel W.
Coleman, Curtin R., II
Collins, Paul H.
Colwell, Delbert E.
Cooper, Charles Simpson
Cooper, Donald W.
Copson, David A.
Cormier, Warren G.
Corrigan, Claud H.
Coughlan, James Francis, III
Cox, James L., Jr.
Crawford, Burnett Hayden, Jr.
Cronin, John W., Jr.
Crotty, Leo J.
Cucullu, Roy T.
Cullen, Michael
Culver, John A.
Cummins, Samuel Amspoker
Cunningham, Charles
Curtis, Donald E.
Cutler, Robert J.
Daeger, Edward
Dallen, Robert D.
Dalton, Richard C.
Darezzo, Buddy T.
Darrough, Paul G., Jr.
Daubin, Scott Crittenden
Davenport, Stephen C.
David, Marshall J.
Davis, Charles R.
Davison, Germain A.
Davis, Charles F., Jr.
Day, John E., Jr.
Delaney, David P.
Delaney, Robert F.
Denny, James H.
Denney, Robert.
Derby, Lawrence Hedrick, Jr.
Devito, George Michael
Devoe, Sherman W.
Dewey, Dudley O., Jr.
Dick, Robert D.
Dill, William A.
Dillon, Melvin J.
Dillon, Frank T., Jr.
Dinger, John A., Jr.
Dipaco, Gino.
Dixon, Boyd R.
Dodds, Robert D.
Donnelly, Alton S.
Dowd, John F.
Dowling, George Elbert
Drach, John H.
Drennen, Grant A.
Duby, Charles W., Jr.
Dudzik, Donald M.
Duff, John, Jr.
Dunlap, James Arthur
Duvall, Dale J.
Dybens, Paul A.
Easterling, Verlin R.
Eastman, Latham Champion
Eggleston, Ervin L.
Eidson, Robert Ansel
Ellickson, Leroy W.
Elliott, William H.
Elmore, Lowell E.
Elwood, Albert A.
Engel, John H.
Eppling, Frederic J.
Ericson, Paul J.
Evans, James L.
Evans, Roy C.
Evans, Charles R. Jr.
Evetts, Robert Stanley
Ewan, Thomas K.
Fairhurst, Franklin Edison
Falvey, Daniel J. Jr.
Fason, Theodore
Feldstein, Joel I.
Ferber, Arthur H.
Ferguson, James D.
Ferrero, James Vercelli Jr.
Fields, Victor
Files, Henry C. Jr.
Filipic, Allen J.
Flaherty, Richard L.
Fleming, Henry J. Jr.
Fleming, Michael B.
Flynn, William D.
Foley, Brady
Fonville, Amon
Ford, Glenn
Fortunato, Michael M.
Fowler, Robert E. G.
Fox, Charles E.
Frassrand, Michael A.
Freeman, Peter Hampden
Friedemann, Conrad J.
Fritz, Wilbert
Frost, John J.
Frost, George R.
Fry, Byron W.
Gairing, Donald A.
Galbut, Hyman P.
Gallaway, John M.
Gannon, Philip J.
Garbler, Paul
Gardner, Benjamin Hill II
Gardow, Gordon A.
Garrett, Theodore E.
Garrett, Tom W. Jr.
Garrick, Robert M.
Gasser, Blaine E.
Gaucher, John H.
Gaventa, Lawrence K.
George, Clark B.
Gershkoff, Robert Stanley
Gibbons, Thomas P.
Gibbons, Hugh E.
Gibney, Robert Alexander Jr.
Gies, Richard C.
Gilardi, Robert C.
Gilliam, Otis R.
Gilmore, William J.
Gitlin, Allen R.
Glass, William O.
Glazier, Francis M.
Glenn, Eugene H.
Goldsmith, Myron J.
Goodenough, Robin W.
Goodell, Horace G.
Goodgame, Thomas H.
Goodwin, James G.
Graham, Robert F.
Graham, John H.
Grant, Ernest E., Jr.
Gravitt, Thurl O.
Green, Thomas A.
Greiner, Harold F.
Grimsby, Alvin E.
Gross, Mose
Gryde, Stanley K.
Guthrie, Gene E.
Haag, William J.
Hagen, Merle E., Jr.
Hall, Aaron L.
Hallquist, Ralph F.
Hanley, Joseph Martin
Hansen, Julian R.
Hardy, Donald A.
Harned, Charles C.
Harrison, Robert C.
Harrison, Curtis B.
Harrington, Wayne B.
Harshman, Sterling R.
Hartmann, Frederick Howard
Harvey, Robert W.
Hathaway, Samuel H.
Hayes, Louis Joseph, Jr.
Hedin, Dan E.
Heim, John L.
Helmick, Richard R.
Hendricks, Gordon E.
Herrink, Louis S., Jr.
Hersch, John.
Hess, Paul W.
Hessey, John Hamilton, IV
Heyer, Nelson O.
Higgins, Eugene P.
Hill, Dexter B., Jr.
Hill, Frederick A., III
Hirsch, Robert G.
Hobbs, Edward H.
Hobrock, Howard H.
Hoctor, John M.
Hoff, John R.
Hoffmeyer, John T.
Hogan, Richard R.
Hogan, Donald A.
Holmgren, Allan F.
Holstrom, Robert William P.
Holton, Abner L., Jr.
Hook, Byron J.
Horan, Thomas F.
Horn, Elford W.
Hornberger, Lalon D.
Houlihan, James E.
Housiaux, John E.
Howe, Clement W.
Howland, Daniel
Hudgins, John J.
Hudson, Floyd E.
Hughes, Donald E.
Hummel, Paul L.
Hutton, Harry B.
Ingram, Samuel P.
Irwin, John J.
Jackson, Warren E.
Jameson, Davis E.
Jancsy, Henry P.
Janson, Nils F.
Jasper, Richard E.
Jenkins, William, Jr.
Jensen, Carl P.
Jewett, David M.
Johnston, Charles R.
Johnson, Clarence Einer, Jr.

Johnson, Fredrick E.
Johnson, Bruce A.
Jones, John C.
Jones, Malcolm Stephen, Jr.
Jones, Alfred W., Jr.
Jones, Robert L.
Joy, Charles Turner, Jr.
Justus, James S.
Kadison, Herbert
Kaelin, Joseph
Kallman, Robert E.
Keast, Kenneth M.
Keeley, Wesley M.
Kellick, William L.
Kelly, Robert N.
Ketcham, Raymond.
Kincaid, Harry G.
King, Richard G.
King, Stanley R.
King, Benny G.
King, Arthur Robert, Jr.
Kirkwood, Kenneth S.
Kitchel, Donald V.
Kleinhenz, William A.
Klotz, Alfred A., Jr.
Kluge, Rolland H.
Knudsen, Russell D.
Kolander, Jerome M.
Kopchak, George.
Kovach, Eugene G.
Kraft, Frank Aloysius, Jr.
Krstich, Walter J.
Lambert, George Samuel, Jr.
Landry, Robert A.
Lane, Frederick S.
Lang, William W., Jr.
Lang, James Talley.
Lawson, Melvin J.
Lazar, James T., Jr.
Leary, Charles C.
Lee, John P.
Leeper, Wesley Roy.
Lefon, Carroll Fairfax.
Lelacheur, Arthur Joseph, Jr.
Lepetich, Joseph E.
Lesslie, William H.
Leute, George M., Jr.
Lewis, William C.
Lewis, Harvin R.
Libby, Richard S.
Lindsay, Johnathan W.
Litton, Donald L.
Lockwood, William L.
Lockwood, George Willis
Loehnert, John T.
Loeppert, Henry V.
Loes, Philip A.
Logan, Edwin M.
Lomas, Charles W.
Longwell, Robert A.
Lotzenhiser, George William
Loughran, Joseph Louis.
Lowe, Dean V.
Lowry, Wayne L.
Lubar, Charles
Lucas, Fielding G.
Luckenbach, Edgar F., Jr.
Lungren, Charles Robert
Luppino, Rocco, Jr.
Lutz, George J., Jr.
Lynch, William C., Jr.
Lyon, Horace L.
Lyon, Richard
MacDonald, John B.
Macinnes, James
MacLeod, Thomas Lebreton, Jr.
Maddock, Herbert J.
Maginn, Charles Ernest, Jr.
Mahoney, Francis X.
Mair, Donald R.
Malehorn, Merlin K.
Manfredi, Dominick
Mann, James A.
Maple, Thomas S., Jr.
Markloff, Raymond.
Marshall, Robert Logan
Martin, Leo N.
Martin, Cletus O.
Masterson, Paul F.
Mate, Hubert E.
Mathias, Charles McCurdy, Jr.
Matson, Jack B.
Matthews, Robert Allison, Jr.
Mattson, Kenneth
Maw, Herbert W.
Mayfield, Carl.
McCall, James A.
McCambridge, Clarence P., Jr.
McCarthy, James L.
McConnaughey, William Eugen
McConkey, Frank V., Jr.
McCorkle, Richard K.
McCrave, Byran
McCrea, William E.
McDonald, Harry G.
McDonald, Clyde W.
McDonnell, James J.
McFarlane, William D., Jr.
McGillivray, Duncan Raymond
McGraw, Doonan D.
McIvaine, James William
McMillan, Howard A.
McMorris, Armstrong Cliffor
McMurdo, Robert Bryce
McNamara, Michael F.
McSweeney, Eugene Sutton, Jr.
McWhorter, Hezzie Boyd
Mearig, Hebert C.
Medd, John S., Jr.
Messe, Harold
Mehmel, Charles H., Jr.
Merenda, Peter F.
Merrill, Philip R.
Messner, Russel John, Jr.
Metzger, John M.
Meyers, Edward W.
Michel, Eugene W.
Michon, Edward J.
Miles, John Lindsey, Jr.
Miller, Robert W.
Miller, Maynard M.
Miller, William James
Miller, Frederick A.
Miller, John J.
Milloy, Robert D.
Mills, Barton D.
Mills, Alfred P.
Mobley, Charles Andrew, Jr.
Moehring, Bruce H.
Moeller, Gerald H.
Molfino, Ted A.
Mooney, Thomas B.
Moore, John P.
Moore, Charles B.
Moore, Robert W.
Moose, James M., Jr.
Moro, Joseph A.
Morris, Joel D.
Morrison, James E.
Morris, Thomas E.
Moser, Raymond V., Jr.
Murphy, John F.
Murphy, William, Jr.
Myers, Joseph H.
Naas, David D., Jr.
Nall, Julian C.
Nash, Bernard Elbert
Nelick, Franklin Charles
Nestlerode, William Austin
Neth, Willis J., Jr.
Nickel, Kenneth W.
Nicolls, Keith K.
Nielson, Thomas William
Nieznay, Walter M.
Noetzel, Ewald R.
Norman, Raymond E.
Northcraft, Julian O.
Norton, Wallace E.
O'Connell, Robert F.
O'Connell, George Aloysius J.
O'Keefe, Andrew V.
Oldford, Allister W.
Olinder, Everett J.
Olis, Andrew F.
Olson, David O., Jr.
O'Neil, John J., Jr.
O'Reilly, Robert W.
Orley, William J.
O'Shea, Jeremiah Francis
O'Shea, John T.
O'Such, Eugene B.
O'Toole, John F., Jr.
Overman, Harold S., Jr.
Pabst, Richard J.
Paden, Jack G.
Palmatier, Harry Caleb
Paradiso, Angelo E.
Parks, William T.
Paulson, Jean D.
Peck, Albert D.
Perles, Benjamin M.
Perry, George W.
Peschke, Jerome M.
Peterson, John E.
Peterson, Arthur Paul, Jr.
Peterson, Carl V.
Peters, Robert L.
Petrusek, Benjamin J.
Pineau, Roger
Pitts, Theodore Robert
Planton, David N.
Poehler, Allen
Polglase, William Malone
Poll, Harry F.
Pope, Robert G.
Portz, Matthew H.
Prentice, Robert W.
Prestwich, Horace L.
Quigley, Stephen T.
Quigley, Kenneth L.
Rappeport, Myron H.
Rau, Charles E.
Rechnitzer, Andreas Buchwald
Rector, Hartman, Jr.
Redd, J. C.
Redgate, Laurence K.
Reed, Willis E.
Reichard, Edmund C.
Reiff, Glenn Austin
Reiser, Leroy Franklin, Jr.
Reit, Ronald O.
Rice, Hallie P.
Rich, William L.
Reigger, William J.
Ritter, Robert A.
Roach, Philip H., Jr.
Robbins, Frank Faulkner
Robertson, Hugh A.
Robin, Clinton G., Jr.
Robinson, Jack W.
Rock, Calvin Charles
Rodgers, Robert L.
Roebuck, Robert Jackson
Rodgers, Julian L.
Rohleder, John R.
Roland, Robert F.
Rome, Richard M.
Rosenblum, Everett A.
Ross, William H.
Ross, Jesse G.
Rowe, Charles S.
Rowe, Earl L.
Royce, Frederick Spargo
Rozsypal, Edward J.
Rudin, Sidney
Runge, Robert W.
Rusbosin, Vincent
Russell, Donald Ernest
Rust, Robert D.
Saarela, Victor R.
Sadler, Frederick T.
Sandberg, Emanuel Wilson, Jr.
Sander, George Richard
Sapinsky, Joseph C.
Saul, Thomas J.
Sawyer, Kenneth Elmore, Jr.
Schade, Walter B., Jr.
Schemenauer, Loyd G.
Schoenig, Arthur F.
Schottke, Lorry S.
Schriber, Raymond J.
Schroeder, Joseph Herman
Schulz, Charles James
Schuler, Lawrence E.
Schumann, Otho D.
Schwartz, Benjamin
Schweppe, Joseph L.
Selden, Armistead, Jr.
Semcken, Duane
Sguros, Peter L.
Sharp, Charles Edgar, Jr.
Shelly, Willard M.
Sheppard, James A., Jr.

Shirikian, Stephen P.
Shriver, Mark O.
Simes, Robert F.
Simmelink, Lawrence T.
Simpson, Samuel William
Sims, James H.
Sing, Calvin Y.
Sisco, August C.
Slepicka, Irvin M., Jr.
Sloan, Frank K.
Small, Sidney H.
Smiley, Robert William
Smith, Albert L.
Smith, Edward Curtis, II
Smith, Edward P. A.
Smith, Horton
Smith, Hugh R., Jr.
Smith, Kenneth A.
Smith, Paul R., Jr.
Smith, Philip L.
Smith, Philip W., Jr.
Smith, Robert H.
Smith, Samuel Theodore, Jr.
Smith, Willard W.
Smouse, Ramon L.
Soltes, Aaron S.
Spengler, Louis J. J.
Speros, Peter J.
Spring, William B.
Starwyck, Stephen Louis
Stasney, Joseph, Jr.
Steinhoff, George L.
Stein, Robert J.
Stephens, Edward Carl
Stewart, Charles E.
Stewart, David B.
Stoutenburgh, Joseph Sanford
Stringfield, David H., Jr.
Strom, Victor T.
Strunck, Thomas F.
Stuart, Fred W.
Stunz, Emil G.
Sullivan, John V.
Sullivan, Phillip J.
Sunok, Stanley I.
Sweet, Charles P., Jr.
Swenson, Carl E.
Tallian, Francis F.
Tanner, Dawn Dean
Tate, Robert H.
Taylor, Edward Alexander
Taylor, George P.
Thomas, Robert L.
Thornton, Ralph H., Jr.
Tiedemann, Albert William J.
Todis, Constantine C.
Toombs, William E.
Toothman, Robert A.
Trainor, Joseph F.
Tredinnick, Robert Wesley
Trejo, Paul Edgar
Trieschmann, Charles Raymond
Tucker, Robert S.
Tuleja, Thaddeus V.
Tunnicliffe, William Warren
Turbeville, John Franklin J.
Turnbull, Herbert F.
Udd, Elmer
Ulum, James C.
Usher, Frederic L.
Valencia, Wallace
Vanosdol, Jack
Veale, William Richard
Verlin, James A.
Vinton, Benjamin, Jr.
Wagstaffe, Desmond Harold
Wakefield, Zachary T.
Walker, W. Parks, Jr.
Walker, Douglas B.
Wallace, John C.
Walter, Francis X.
Warchol, Edward J.
Warfield, Lemuel O.
Warren, Raymond J.
Watson, John C., Jr.
Watt, Earl J.
Webber, Willard Southgate
Weber, John G.
Weigandt, Carl F., Jr.
Welmaker, Forrest N.
Wendell, William David, Jr.
Wendler, Henry C.
Wendt, George
West, Edgar F
Wetzel, Blair H.
Wiebush, Joseph R.
Wilken, Leon O., Jr.
Willgress, Edwin R.
Willig, Leslie A.
Willwerth, Robert E.
Wilson, William K.
Winter, Joseph P.
Winton, Calhoun
Wise, Robert W.
Wither, Ross P.
Witt, James P.
Witt, Dean E.
Wolfe, Harry W. Jr.
Womack, John W.
Woodcock, Roland F.
Woolley, John R.
Wren, Harold G.
Wright, Richard Y.
Wright, William F.
Wright, Edwin S.
Wulff, Alden T.
Yard, Rix N.
Young, Joseph J., Jr.
Young, Charles E.
Young, David C.
Ziesmer, Raymond, Jr.
Ziffrin, Norman R.
Zumwalt, William T.

MEDICAL CORPS

Adamson, Nathaniel E., Jr.
Barnes, Kirk K.
Bartkowski, Joseph E.
Bond, Victor P.
Bradfield, James Y.
Briggs, Leon Royden, Jr.
Brooks, Frank P.
Callaway, Guy D., Jr.
Conn, Julian H.
Councill, Wilford A. H., Jr.
Crue, Benjamin Lane, Jr.
Ecker, Paul G.
Edwards, William M., Jr.
Ferguson, Emmet F., Jr.
Fleetwood, Joseph A., Jr.
Frost, Dwight M.
Galen, Robert S.
Garcia, Joseph I., Jr.
Gillen, Howard W.
Grice, Paul F.
Hastedt, Robert Coleman
Havron, James B.
Henner, Charles Mason
Herlihy, Charles Edward
Hirsch, Joe E.
Holt, Waldo S.
Howard, David Snow
Jenkins, Louie Boyd
Jones, William R., Jr.
Kellogg, Huston G.
Khairallah, Philip A.
Krepp, Martin W., Jr.
Kuhlman, William K.
Kurtzke, John F.
Laforet, Eugene G.
Lasher, Robert L.
Lewis, Jack J.
Ligon, Champ.
Lindberg, John H.
Livingston, Norloso B., Jr.
Lofgren, Karl A.
Lykins, Robert W.
Lyons, Thomas G.
Malkinson, Frederick David.
Marks, John Roy.
McCoy, Herbert I.
McDonald, Khlar E.
Meredith, Charles E.
Metzger, Paul St. Clair.
Mills, William James, Jr.
Moore, Floy J.
Morgan, Frank J., Jr.
Mulder, Donald W.
Nesbitt, Kenneth Alexander.
Neville, James B.
O'Hanlan, Joseph T.
O'Meara, Mark T.
Ricks, Henry C., Jr.
Robertson, James S.
Rogers, Fred B.
Sarver, Richard Boss.
Scott, William C.
Senhauser, Donald A.
Shreeve, Walton W.
Stein, Robert B.
Stuckey, Walter J., Jr.
Swenson, Edward W.
Taquino, Maurice A.
Volk, Herbert.
Waldmann, Edward B.
Walker, William W.
Weese, Winston H.
Werner, Dean F.
Willis, Park W., III.
Wulsin, John H.

SUPPLY CORPS

Anderson, Edward E.
Armstrong, William A.
Ashe, James H.
Bienvenu, Bernard J.
Boyles, Harry V., Jr.
Browning, Bernard S.
Cochran, Thomas Rodney.
Cofer, Fred L., Jr.
Corry, Daniel J.
Crouse, Harold U.
Daum, Richard O.
Drake, Sherman F.
Farrell, Joseph M.
Force, William W., Jr.
Frasure, William W.
Gage, James R.
Gay, William W., Jr.
Gieseke, Willard C.
Graf, Bayard M.
Griggs, Austin C.
Hartman, Don A.
Hellstrom, Ralph E.
Hermann, Frederick W.
Ihlanfeldt, William J.
James, Robert G.
Johnson, Bernard A.
Jones, William R.
Kavanagh, James L. G.
Kay, James, Jr.
Knight, Roy E.
Kurtonick, Nicholas, Jr.
Lemay, J. W., Jr.
Lentz, Malcolm L.
Loudon, Donald J.
Lunde, Walter A.
Lyons, Charles V.
Macban, Michael F. B.
Madden, John J.
Maloney, Richard F.
Martin, James M.
Mayfield, Charles H.
McDonald, Raymond Oswald, Jr.
McGlothlin, James H.
Meyer, Sam
Nelson, George P., Jr.
Notch, Maurice A.
Olson, Cecil E.
Pruis, John J.
Purdy, Delbert C.
Quinn, Gerard J.
Schoman, Charles M., Jr.
Schwendiman, Fred A.
Seiler, Dean B.
Smith, Joseph P.
Stromquist, James T.
Thomas, Neil S., Jr.
Thompson, Robert W.
White, Francis H.
Wilcox, Howard E.

CHAPLAIN CORPS

Ditmer, Merlin A., Jr.
Edwards, Thomas V.
Garman, Quentin P.
Megee, Robert E., Jr.
Nordby, Walter H.
Peeters, Richard T.
Smith, Taylor C.
Thomas, John R.

CIVIL ENGINEER CORPS

Alberts, Carl D.
Benson, Fred J.
Berbower, Raymond F.
Biege, Ray R. Jr.
Cahill, Harold Philip Jr.
Cusack, John.
Dibble, Benjamin Tolman.
Ellingson, Harold G.
Englert, Eugene R.
Fichter, William F.
Hamilton, Rolland Morris.
Harkness, Ralph C.
Jackson, Robert G.
Keller, Samuel H.
King, Philip V.
Lee, James J.
Looper, Joseph Henry.
Love, Gerald D.
McCarran, Francis H.
Richards, Max Lewis Jr.
Richardson, James E.
Riley, Billy W.
Roberts, William A.
Schmidt, Joseph.
Thalheimer, John Coolidge J.
Tillman, Donald C.
Wakefield, Maunsell Clark J.
Zehrt, William H.

JUDGE ADVOCATE GENERAL'S CORPS

Albright, Penrose L.
Barrow, Charles W.
Blackmon, Jack R.
Conaway, Robert E.
Hervey, Robert W.
Low, William H.
Mattson, Leroy H.
Odenbrett, Harvey G.
Poisson, Louis J. Jr.
Rollins, Clyde T.
Stahl, Robert J. Jr.
Tabb, Linwood B. Jr.
Vandyck, Charles Douglas Jr.
Witherspoon, Joseph Parker.

DENTAL CORPS

Barr, William S.
Burnett, James V.
Carara, Charles Edward
Cassalia, Peter T.
Cassidy, Joseph M.
Culotta, Anthony P.
Donnenfeld, Oscar Walter
Eckbolm, Roger H.
Foote, Charles J.
Gay, Glenn D.
Hansen, John
Hill, Clem J.
Holliday, Joseph E.
Howard, William W.
Jackson, Robert F.
Kaplan, Herman.
Kline, William R.
Landis, Robert L.
Laskowski, Edward Stanley
Linz, Andrew M.
Lossman, Clifford Kaye
Maze, Aurelius H., Jr.
McDaniel, William L.
Meikle, Wallace M.
Miller, Lester Joseph
Patchin, Robert E.
Paulsen, Albert G.
Pejko, Walter M.
Reding, Curtis C.
Rice, Orland L.
Schaad, Thomas D.
Smith, Vernon Day
Standish, Samuel M.
Tharp, Robert John
Tolen, William
Wasley, James C., Jr.
Weaver, Edwin F., III
Wilson, John O., Jr.
Wintersteen, Leroy H.
Zerden, Edward

MEDICAL SERVICE CORPS

Alpen, Edward L.
Baker, Rollin H.
Close, Perry
Mensh, Ivan N.
Roessler, William G.
Sherwood, Warren W.
Smith, Pierre F.
Tidwell, William L.
Watts, Daniel T.
Widner, William R.

NURSE CORPS

Cole, Ruth E.
Gabig, Mary G.
Macewicz, Edna M.

The following named captains of the Naval Reserve for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abel, Robert W.
Abernathy, Roger E.
Abraham, George
Adkins, Edward C.
Aine, Harry E.
Allen, Glenn L., Jr.
Anderson, Bruce E.
Aubry, Jacques, D.
Austin, Amcry E., Jr.
Ayars, Charles O.
Baker, Carlos, P., Jr.
Barrons, John C.
Barton, William J.
Bauer, Lynton, G.
Beacham, Ernest P., Jr.
Beaumont, Robert T.
Beck, Alan E.
Berkemose, Paul H.
Bertoldi, John B., Jr.
Bixby, Ezra L.
Blam, Norman
Blank, Billy D.
Blumenthal, Philip Lee, Jr.
Bohan, Walter A.
Boles, Max G.
Bollinger, Lawrence F., Jr.
Bolt, Leland E.
Bolte, Carl E., Jr.
Boroody, Joseph
Bouchey, Stuart H., Jr.
Bowman, James E.
Boyd, Lon V.
Bratches, Harold F.
Brewer, Robert M.
Broadaway, Richard S.
Burton, Marion B.
Butz, Clarence E.
Caldwell, William Porter
Calkins, Don R., Jr.
Canter, Herbert M.
Carl, Frederick D.
Carlyon, William H.
Carpenter, Edwin B.
Casad, Richard D.
Chandler, Leroy
Chase, Robert R.
Chevallay, Leon Charles, Jr.
Clemensen, Owen N.
Cofer, Joseph Pleasant, Jr.
Corrigan, Donald T.
Coughlan, James Francis, III
Cragon, Stephen D.
Crawford, John D.
Crawley, Stanley W.
Criez, Louis R.
Cullen, Michael
Culver, John A.
Daeger, Edward
Dallen, Robert D.
Dalton, Richard C.
Davis, Charles R.
Davison, Germain A.
Davis, Charles F., Jr.
Debaun, Gerard B.
Decarlo, Michael A.
Delaney, Robert F.
Demeo, Julian, Jr.
Derby, Lawrence Hedrick, Jr.
Deveau, Thomas A.
DeVito, George Michael
Dewey, Dudley O., Jr.
Dicken, Wesley C., Jr.
Dillan, Johan A., Jr.
Dillon, Frank T., Jr.
Dipace, Gino
Donoho, Cecil C.
Duane, Rodman F.
Duvall, Dale J.
Dybens, Paul A.
Eastman, Latham Champion
Elliott, Richard G.
Elwood, Albert A.
Engel, John H.
Ervin, Harry C., Jr.
Eynatten, Robert J.
Falvey, Daniel J., Jr.
Ferber, Arthur H.
Files, Henry C., Jr.
Fitzgerald, James Gerald
Flaherty, Richard L.
Floyd, William B.
Fowler, William M.
Fox, Charles D., III
Francis, James A.
Froiland, Rudolf Gerald
Galbut, Hyman P.
Gallagher, Thomas E.
Gallaway, John M.
Gamble, Francis Trevor.
Gardner, Benjamin Hill, II
Garrison, Charles Parker, Jr.
Garrick, Robert M.
Garvin, Robert G.
Gawrys, Joseph A.
Gearhart, Donald C.
Gershkoff, Robert Stanley
Gibbons, Hugh E.
Gilbert, Charles Russell
Gillespie, Robert W.
Gilliland, Frank Marshall J.
Gleason, Thomas A.
Goodman, Vernon L.
Goodwin, Jack C.
Green, Robert Louis
Green, Samuel G., Jr.
Green, Roland B.
Green, Rex R.
Green, Thomas A.
Hall, Aaron L.
Hannan, William T.
Hansen, Julian R.
Hardy, Donald A.
Harper, Rollin Hill, Jr.
Harra, Joseph Shirley
Harrington, Wayne B.
Hartmann, Frederick Howard
Hartung, Francis Conrad, Jr.
Hayes, Louis Joseph, Jr.
Herder, Louis B.
Herrink, Louis S., Jr.
Hersch, John
Hill, Frederick A., III
Hofferbert, Louis E., Jr.
Hoffmeyer, John T.
Hogan, Richard R.
Hogan, Donald A.
Holman, Bud G.
Holst, William P., Jr.
Hornberger, Lalon D.
Hoyer, Carl I.
Huey, William Edward, Jr.
Husmann, Donald
Ingle, Hugh C., Jr.
Isaacson, Leroy V.
Jackson, Brian R.
Jackson, Warren E.
Jacobs, Stuart K.
Jancsy, Henry P.
Janson, Nils F.
Jasper, Richard E.
Johnson, Daren W.
Johnston, Donald B.
Johnson, Milton E., Jr.
Johnston, Albert
Joiner, Wyatt E.
Jones, Arthur V.
Jones, Robert L.
Jorgensen, Robert W.
Joslin, Robert S.
Kahler, John H., III

Karstrom, John O., Jr.
Kaunelis, Edward A.
Kendall, Jackson Warner, Jr.
Kerr, David Joseph
Killian, Michael J.
Kinghorn, Allen M.
Kittler, James P.
Knight, Robert K.
Koehler, Henry C.
Kudlacek, Robert B.
Landry, Robert A.
Lane, Frederick S.
Lang, James Talley
Laulor, Richard J.
Lazar, James T., Jr.
Leisz, George W.
Leonard, Colvin T., Jr.
Lesslie, William H.
Lewis, Harvin R.
Libby, Richard S.
Liberato, Frank Antonio
Libhart, Wayne P.
Lillegraven, Benjamin Trygv
Lindsey, John M.
Linton, James A.
Litton, Donald L.
Loes, Philip A.
Loesel, Richard O.
Longwell, Robert A.
Lowe, Beverly James
Lubar, Charles
Luce, Edgar A.
Lundgren, Charles Robert
McLane, Donald L.
Mahoney, J. Edward
Mahoney, John W.
Mair, Donald R.
Maneatis, George Arthur
Manter, John Robert
Maple, Thomas S., Jr.
Martin, Richard G.
Mathews, Jerome L.
Matson, Jack B.
Mattson, Kenneth
McCambridge, Clarence P., Jr.
McCrave, Bryan
McIlvaine, James William
McInnis, Malcolm A.
McMurdo, Robert Bryce
McNamara, Michael F.
Merrill, Philip R.
Meyer, John D.
Meyers, Edward W.
Miles, John Lindsey, Jr.
Miller, Raleigh, Jr.
Miller, Jerry J.
Miller, Thomas R., Jr.
Miller, William C.
Miller, Frederick A.
Miller, John J.
Minor, David M.
Moose, James M., Jr.
Morrison, James E.
Morris, Thomas E.
Mufatti, William F.
Murphy, John L., Jr.
Myers, Joseph H.
Nabors, Thomas Dewey, Jr.
Nelson, Rolland G.
Newman, James L.
Norton, Wallace E.
Outland, George Faulkner
Palmatier, Harry Caleb
Pappas, James P.
Paul, Richard L.
Peters, Robert L.
Pitts, Theodore Robert
Poehler, Allen
Pope, Robert G.
Prestwich, Horace L.
Prusiecki, John J.
Pusch, Robert A.
Quigley, Kenneth L.
Reade, Richard S., Jr.
Reed, Willis E.
Reichard, Edmund C.
Reinertsen, Stephen P.
Reiser, Leroy Franklin Jr.
Rice, Hallie P.
Rich, William L.
Riegger, William J.
Rising, Richard P.
Robertson, Hugh A.
Rodgers, Robert L.
Rogers, Julian L.
Rohlfing, Frederick William
Roland, Robert F.
Rosenberger, John E.
Ross, Jesse G.
Rowe, Earl L.
Rozsypal, Edward J.
Sandberg, Emanuel Wilson, Jr.
Sapinsky, Joseph C.
Saul, Thomas J.
Sawyer, Kenneth Elmore, Jr.
Schaded, Edmond W.
Schemenauer, Loyd G.
Schriber, Raymond J.
Schroeder, Joseph Herman
Schuler, Lawrence E.
Secord, William J.
Shirley, Thomas W.
Simpson, Samuel William
Sing, Calvin Y.
Slepicka, Irvin M., Jr.
Smith, Thomas P.
Smith, Barnaby F.
Smith, Douglas J.
Smith, Edmund Arthur, Jr.
Smith, Horton
Smouse, Ramon L.
Sorenson, Glenn Peter
Spence, Floyd D.
Spring, William B.
Stein, Robert J.
Stombler, Eugene H.
Stupar Branko
Sunok, Stanley I.
Snuter, Vane E.
Swan, David E.
Swank, Paul B.
Swenson, Craig J.
Tanner, Dawn Dean
Tate, Robert H.
Tiedemann, Albert William J.
Tinsman, Stewart H. W.
Trainor, Joseph F.
Tredinnick, Robert Wesley
Trejo, Paul Edgar
Tucker, Robert S.
Udd, Elmer
Ulum, James C.
Underwood, George D., Jr.
Usher, Frederic L.
Valencia, Wallace
Veale, William Richard
Verlin, James A.
Vinton, Benjamin, Jr.
Walker, Douglas B.
Walters, Charles
Watson, John C., Jr.
Wells, Raymond Anthony
Welmaker, Forrest N.
Wendler, Henry C.
Wilken, Leon D., Jr.
Williams, James Ellsworth
Wilson, Harold E.
Wilson, Raymond G.
Winter, Joseph P.
Wise, Robert W.
Witt, Dean E.
Wren, Harold G.
Wright, Edwin S.
Young, David C.

MEDICAL CORPS

Alexander, Angelo C.
Austin, James Albert
Bartlett, Richard James
Beary, Franklin David
Edmondson, Henry Turner, Jr.
Emory, Emerson
Keith, Robert E.
Kurtzke, John F.
Laforet, Eugene G.
Lyman, Frank L.
Mann, Morris Bernard
Matson, James E.
McDonald, Khlar E.
Mertz, George H.
Miller, Joseph Hardy
Nesbitt, Kenneth Alexander
Owen, John A., Jr.
Sandler, Harold
Senhauser, Donald A.
Shilling, Charles Utley
Summitt, Robert Layman
Taquino, Maurice A.
Toll, Giles D.
Vanlyith, Paul
Werner, Dean F.
Woellner, Richard C.
Woodson, Riley Donald

SUPPLY CORPS

Adams, Billy J.
Allston, Frank James, Jr.
Anderson, Edward E.
Ashe, James H.
Balint, William Stephen, Jr.
Becker, William C.
Bresee, Miles H., Jr.
Burris, Thomas E.
Cannan, Harry E.
Curriden, Charles David
Gieseke, Willard C.
Griggs, Austin C.
Hankins, Paul W.
Hawkins, Frederick Case, Jr.
Howard, Lowell B.
Jackson, Alexander, III
Johnson, Bernard A.
Kane, John B.
Knight, Roy E.
Kuhn, George W.
Lazo, Leo M.
Olson, Cecil E.
Roemer, Ernest A., Jr.
Roettger, Norman C., Jr.
Seiler, Dean B.
Stierer, Richard T.
Wallin, William R.
Whitacre, Robert G.

CHAPLAIN CORPS

Albers, Arthur L.
Kokoszka, William J.
McManus, Harold L.
Opsal, Bernt C.

CIVIL ENGINEER CORPS

Bobkoff, Kenneth B.
Brown, Peter R.
Dunlap, Roy L.
Hernandez, John W., Jr.
Kirtland, John A.
Lee, James J.
Looper, Joseph Henry
Love, Gerald D.
McCarran, Francis H.
Parker, John V.

JUDGE ADVOCATE GENERAL'S CORPS

Bowling, John M.
Bradshaw, Donald R.
Dempsey, Thomas J.
Gaudio, John J.
Ledbetter, Jack W.
Mattson, Leroy H.
Stahl, Robert J., Jr.

DENTAL CORPS

Burnett, James V.
Camp, Sumter D. L.
Dages, Robert W.
Donohoo, Stanley F.
Eckblom, Roger H.
Gentile, Joseph R.
Hill, Clem J.
Kaplan, Herman
McDaniel, William L.
Nauman, Clarence O.
Richardson, Emmett Wesley J.
Seigel, Sigmund L.
Terpinas, Thomas Michael
Tharp, Robert John
Tolen, William
Vaughn, William James Hughe

MEDICAL SERVICE CORPS

Close, Perry
McGuire, Frederick Lynch
Tidwell, William L.
Widner, William R.

NURSE CORPS

Cole, Ruth E.

The following-named officers of the Naval Reserve for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aanstoos, Edward Robinson
Abbey, Alfred E.
Abert, James Goodear
Abramson, Harvey
Acosta, William
Acton, James Barnes
Adams, Walter P., Jr.
Adams, James Alan
Adams, Albert
Adams, Alfred H.
Adams, Donald T.
Adams, William Harry
Adams, David D.
Adams, Harry R.
Adams, David E.
Adema, Henry Thomas
Adkins, Roy E.
Adoff, Charles Sanford
Aggson, Ronald B.
Agman, Robert S.
Ahlberg, Arnold E.
Ahlenius, William Matheson
Aikins, Louis R.
Akre, Robert C.
Alaimo, Afonso F.
Abertson, Richard C.
Aberty, Owen Nelson
Albert, Charles E., Jr.
Alberternst, Kenneth John
Albin, Harold Cornelius, Jr.
Alden, Raynor F.
Alecxih, Peter Charles
Alexander, Jaime Paul
Alexander, Thomas Williams
Alfieri, Donal John
Allan, Richard E.
Allan, Gayord T.
Allen, George Millard, Jr.
Allen, Craig R.
Allen, Douglas G.
Allen, Raymond Clifford
Allen, Richard M.
Allen, Richard Franklin
Allen, Forrest M.
Allison, Leroy M., Jr.
Allmon, William B.
Althouse, John H.
Ammon, Peter C.
Anderson, Andrew G.
Andes, Paul Gowdy
Anderson, Richard Wood
Anderson, Don R.
Anderson, Thomas Y.
Anderson, Samuel A.
Anderson, Albert Carl, Jr.
Andersen, Charles W.
Anderson, William Thomas
Anderson, Akins B.
Anderson, George W.
Anderson, Coe M.
Anderson, William Junior
Anders, Isaac W.
Anderson, Samuel Bert
Andrews, Frederick Clifford
Andrews, Marshall Henry, Jr.
Andrews, Donald
Andrews, Reece Lillard
Angell, Abe Louis, Jr.
Anselmo, Guy, Jr.
Anson, Harry Calvin
Anthony, Benjamin Allen, Jr.
Anthuis, John W., Jr.
Antkowiak, Edward T.
Anzilotti, Vincent J., Jr.
Arado, Joseph E.
Archibald, Robert T.
Archer, John Joseph
Arment, Duane R.
Armstrong, George Albert, Jr.
Armstrong, Lloyd Roy
Armstrong, John Ellis
Armstrong, William D.
Armstrong, Richard E.
Arnold, Edward Robert
Arrigo, Arthur Robert
Arris, Daniel Jay
Arrington, Robert Anthony
Aschan, Harry R.
Ash, Roy F., Jr.
Ash, John Morgan, IV
Ashleigh, Robert F.
Ashworth, Winthrop F.
Asmus, Rodger W.
Asquith, Leslie W.
Aster, George Harry
Atwater, Donald Edgar
Auerbach, Richard Carlton
Ause, Orval L.
Austin, Wills G.
Austin, Russell A., Jr.
Austin, Tom A.
Avedon, Burt S.
Avellar, George Lawrence, Jr.
Azer, Thomas B.
Babcock, Clifford Shreve, Jr.
Baber, Charles A., Jr.
Babigian, George Robert
Bach, Lester E.
Bacon, Walter L.
Bader, William Banks
Bader, John Parker, Jr.
Baecht, Warren E.
Baer, Carl J.
Baguhn, Norman E.
Baguley, Norman A.
Bailey, Fredric Nelson
Bailey, Robert C.
Bailes, James V.
Baines, Richard S.
Baird, Robert M.
Baird, John M.
Baker, Joseph W.
Baker, Sidney J.
Baker, Robert Paul
Baker, Donald L.
Baker, David Everett
Baker, John H.
Baker, Norman L.
Baker, John L.
Baldridge, Paul E., Jr.
Baldry, George Kendall
Balfour, David N.
Ballow, Robert E.
Ball, Derwin R.
Ballard, Gaylord Bernard
Ball, Robert O.
Balo, Harold A.
Bambo, Gregory Bautista, Jr.
Bancroft, William H.
Band, Hans E.
Banfield, Thomas Vincent, II.
Bangma, John J.
Banks, William C.
Banks, Walter Dickson, Jr.
Bannecker, William Randolf
Bannister, William W.
Barboro, Alfred John, Jr.
Bardell, William E.
Bareikis, Robert P.
Bare, Leland D.
Barham, Don R.
Barham, Charles D., Jr.
Barilla, Louis J.
Barker, Lowell Reed
Barksdale, James C.
Barker, Thomas C.
Barnett, Robert C.
Barnes, Donald J.
Barnes, John B.
Barnett, William M.
Barron, John S.
Barry David C.
Bartram, Francis Joseph, Jr.
Bartels, Wilhelm Friedrich
Bartholomew, Ronald Lee
Bartz, William A.
Barton, Furman Wyche
Barthelenghi, George H., Jr.
Bassanello, Adolph C.
Bassett, James Spencer
Bastin, Carl Alan
Batchelor, Norman G.
Batchelor, Kenneth F.
Batchelor, James Browder
Bates, John Ezra Barr
Battersby, Cowan B.
Batthauer, Byron E.
Baumann, Gerard Robert
Bausback, Richard F.
Baxter, Robert Hampton, III
Bazer, Alvan T.
Beahm, William J.
Beal, Norman Tull
Bean, Irving J.
Bean, Edward Wesley, Jr.
Beard, Joseph James
Beard, James W.
Bechard, Paul F.
Becker, John C., Jr.
Beckmann, Paul A., Jr.
Becklund, Robert K.
Beckmann, Archibald Baker J.
Becker, Marvin J.
Beck, Benjamin L.
Becker, William Hans
Becotte, Robert C.
Bedenbaugh, William Howard
Beemer, William F.
Beer, Dean R.
Beffel, Ernest J.
Bell, Ross Kay
Bell, Lawrence D.
Bell, Charles E., Jr.
Bellone, Elmer A.
Bell, Carney R.
Bell, Gershom Rodes
Bendel, John E.
Benford, William Rameden, Jr.
Benjamin, Herbert Sam, Jr.
Benjamin, Richard L.
Benko, Edward
Bennett, Edward G.
Bennett, Byron D.
Bennett, Charles
Bennett, John M., Jr.
Bennett, Robert Alan
Bennett, Frank Shelby
Bennett, Leroy C.
Benson, Harold Wesley
Benson, William Tallman
Benshoof, Kenneth W.
Benton, Oliver
Bentley, Alan W.
Bentley, John E.
Berchielli, Gian Luigi
Bereswill, Frederick Carl
Berg, Richard Conrad
Berhow, Donald O.
Berkley, Leonard
Bernard, Donald R.
Berni, Rene P.
Bernhardy, Albert W.
Berry, John V., Jr.
Bertelsen, Karl H.
Berwick, Robert L.
Besel, Michael N., Jr.
Betsworth, Brian C.
Betts, Harry E.
Bewley, Shelby O.
Beytagh, Francis Xavier, Jr.
Bezaire, William A.
Biache, Andrew, Jr.
Bianchi, John R.
Bickley, George H. V.
Bielka, Robert P.
Bierman, John B.
Bierhaus, Frederick William
Biggs, Robert E.
Bigler, Glade S.
Billerbeck, Frederick W., Jr.
Billingsley, William Morton
Birdwell, James E., Jr.
Bishop, William N.
Bishop, Harold E., Jr.
Bitowft, Robert J.
Black, Ralph E.
Black, Stanley A.
Black, Ralph P.
Black, Hugh C.
Blaise, Francis J., Jr.
Blair, Frank S.
Blake, Van Holt
Blakeney, Harvey N.
Bland, Francis W.

Blenkhorn, James Merritt, Jr.
Blethen, Lawrence P.
Blodgett, Emmett A.
Bloom, Thomas E.
Bloom, Raymond R.
Blum, Felix E.
Boardman, John Michael
Boatman, John G.
Bobker, Harvey P.
Bobzin, Ross D.
Bodden, John M.
Bodmer, Richard V.
Bodurtha, James N.
Body, Ralph William
Boehne, Billy L.
Boggs, Emmett J.
Boggs, Harry Warren
Bohn, Francis L.
Bole, George Thomas
Bolton, William L.
Bond, Charles R., Jr.
Bonnett, John S.
Bonz, Philip Edwin
Boone, Wilkerson
Booth, Carlen P.
Borgard, Glenn E.
Borland, James A.
Bosack, Donald E.
Bothwell, Bruce E.
Bottimore, Robert R., Jr.
Botten, James R.
Boudreaux, Luke Serapher, II
Bouldin, James A.
Bourgeois, William A.
Bowen, Bradford T., Jr.
Bower, Earl Warren
Bowen, Ray H.
Bowman, Allen L.
Bowman, Donald E.
Boyajian, Ara M.
Boyd, Marion S., Jr.
Boyd, John Wright, Jr.
Boyd, John Addison, Jr.
Boyer, Kenneth Glenn
Boyland, Jack I.
Boylan, James P.
Bozarth, Robert F., Jr.
Brady, Terence C., Jr.
Brady, Thomas F.
Bradley, Lejeune P.
Bradshaw, Jerald Sherwin
Bradshaw, Robert Dally
Brady, Francis Thomas
Brady, Paul S.
Brahm, Richard W.
Braid, Robert William
Brainerd, Donald L.
Brame, Frank Ayers, III
Branch, Frank N.
Bransfield, William James
Brasher, Samuel R.
Bratcher, Collen Dale
Brayshaw, James M., Jr.
Braybrooks, Alan D.
Brazda, Arthur R.
Brazeau, Phillip S.
Brazzatti, Joseph, Jr.
Brenner, Joseph C.
Brennan, Robert F.
Brennan, Barry Thomas
Brennan, William J.
Bressler, Harper T.
Brescia, Louis A.
Breslich, Francis N., Jr.
Bresnahan, Joseph E.
Brett, James T.
Brewster, John C.
Brewer, Richard Glenn
Bridges, Glee E.
Bright, Frederick
Briggs, Dale E.
Briskey, Thomas Joseph, Jr.
Britton, Clarold L.
Brobst, William A.
Brodeur, Robert A.
Broecker, Theodore James
Brooke, Ralph L.
Broom, Harry B., Jr.
Brooks, Gerald R.
Brooks, William M.
Brooks, David L.
Brooks, William Earl
Brooks, Phillip W.
Brower, Robert E.
Brown, Charles E.
Brown, Wilbur A.
Brown, Thomas K.
Brown, Robert James
Brown, John Lott, Jr.
Brown, Edward F.
Brown, Gordon V.
Brown, Kimberley Topping
Brown, Lawrence William
Brown, Gordon G., Jr.
Brown, Harold Rudolph
Brown, Glendon L. D.
Brown, Douglas W.
Brown, Robert D., Jr.
Brown, Stuart J.
Brown, Robert A.
Brown, Ramon E.
Bruce, Warren
Bruner, Vernon D.
Bruns, Robert E.
Brundage, Thomas Richard, Jr.
Brune, David H.
Brush, Ronald A.
Bryant, H. Donald
Bryan, Hugh M., Jr.
Bryant, Charles F.
Buchanan, Philip Norton
Buchner, Bernard
Buck, Donald E.
Buck, Kenneth J.
Budeit, James A.
Buell, Bruce T.
Bulger, William W.
Bull, Henry D., Jr.
Bulla, Joseph R.
Burchill, George W., Jr.
Burford, Robert D.
Burgess, Robert Edward
Burke, Albert Edward
Burke, Francis Howard
Burkett, Bob P.
Burkhardt, Robert J.
Burleson, Wallace R.
Burley, Richard C.
Burnham, Paul
Burns, Robert Leroy
Burns, Wesley Ray, Jr.
Burns, Robert Paul
Burns, Russell W.
Burnette, Ollen L., Jr.
Burridge, Leonard W.
Burton, Lewis L.
Burton, James D.
Burt, Richard A.
Burton, Lee C.
Bush, Phillip B. II.
Bushnell, Keith E.
Bush, Lawrence A.
Busse, Norman Westphal
Butcher, Richard E.
Butler, William S.
Butler, Leland E.
Buttner, Joseph Robert
Byerley, John D.
Byrd, James P.
Bywater, George P.
Cade, John Winthrop
Cagle, Eugene Maurice
Cahill, John D.
Caldwell, Albert Percy, Jr.
Calkins, Dean L.
Callahan, Charles E.
Callo, Joseph F., Jr.
Callahan, Francis M.
Callaghan, James R.
Cameron, John K.
Cameron, Richard S.
Cammett, Haven Paul
Camougis, George
Campillo, Armand V.
Campbell, Thomas W.
Campbell, Phillip Raymond
Campbell, Joseph Evan, Jr.
Campbell, Howard J.
Campbell, William Roland, Jr.
Campbell, John F.
Campbell, Robert W.
Campbell, Dugald R.
Campbell, Frank Charlton, Jr.
Campbell, Henry Gilfry, Jr.
Campbell, Roy Crisp
Campbell, Thomas C.
Canary, James Wilber
Canavan, John A., Jr.
Cannestra, Kenneth W.
Canon, Robert William
Cantor, Beverly W. Jr.
Capsas, Cleon W.
Cardoni, Edmund Joseph
Card, Warren Harold
Carlburg, Herbert Luther
Carlson, James Curtis
Carlson, Robert A.
Carlsen, Charles Robert
Carlson, Jack C.
Carlstrom, Glen R.
Carney, John F.
Carpenter, George C. III
Carpenter, William B.
Carpenter, Alan P.
Carpenter, Willis Vincent
Carpenter, Lewis A.
Carr, Sheridan G.
Carson, Louis Frederick Jr.
Carter, Carroll L.
Carter, Luther Eugene
Cartwright, David Lee
Case, Neil A.
Castner, Willis Hunt II
Castor, Ronald J.
Caster, Ernest Melvin
Caswell, John Harrison
Cataldo, Albert A.
Cater, Allen W.
Catuzo, Lawrence Keith
Caulfied, Thomas James
Caves, Roy Dennis
Cave, John R.
Cave, David Barnett
Caviness, Claude P.
Cawby, Walter Norman
Ceremsak, Thomas J.
Chabot, Ambrose Lawrence, Jr.
Chace, William G., Jr.
Chadwick, Ralph Garrison, Jr.
Chakmakian, Carl
Chalupnik, Adolph N.
Chamberlain, Richard Hunt
Chandler, William Dwight II
Chaney, Marvin Lee
Chanslor, John W.
Chapman, Frederick Lamar
Chapple, Robert Lee
Chapman, Raymond William, Jr.
Chapman, Huston H.
Chapman, Robert Lane
Chapman, Leonard, Ward
Charlson, David D.
Charlton, Robert
Chastain, J. D.
Chatfield, John B.
Chelf, Harris Winston
Chereek, Benjamin
Cherry, Edwin, H., Jr.
Chesley, John D.
Chinn, Ralph M.
Chisholm, Herbert Bonness
Chomeau, John Broderick
Christofferson, John Roger
Christ, Lillard M.
Christopher, Allison L.
Christensen, Robert Ingvard
Christopher, James W.
Chrisman, Dan M.
Christiansen, Robert Merton
Christman, Richard L.
Cicero, Joseph Salvatore
Cichowitz, Edward Joseph, Jr.
Cinnamon, Jerome M.
Claeys, Don H.
Clapsaddle, Arthur B.
Clark, John P.
Clark, Charles E.
Clark, Lee H.
Clark, Don B.
Clare, George

Clark, John William, Jr.
Cleary, William, A., Jr.
Clegg, Ambrose, A., Jr.
Cleveland, Max J.
Click, Bobby W.
Clingenpeel, William Arnold
Clute, Elmer L.
Clyde, Payson J.
Cobb, Norman M.
Cobb, Glenn Graham
Cobern, James C.
Coburn, Robert L.
Cocchiarella, Frederick A.
Cochran, Edward H.
Cochran, Howard E.
Coddington, Kenneth Keith J.
Coe, David Franklin
Cofer, James Herman
Cohane, William Henry
Cohen, Marvin H.
Cohen, Robert E.
Cohoon, Richard Roy
Colborn, Kenneth L., II
Colborn, Chase C.
Coleman, Charles Norton, II
Cole, Charles F.
Colegrove, Forrest Donald J.
Cole, Bruce L.
Coley, Daniel F.
Collins, Monte
Collins, Leroy, Jr.
Collins, Robert Alvin
Colletta, Edmond E.
Collison, Martin Asbury, Jr.
Collins, Alan W.
Collins, Christopher
Coltrane, Thomas W.
Colwell, Lawrence Stuart
Comer, Morton Beryl
Comerford, Gregory A.
Condra, Kenneth Irwin
Conde Arthur F.
Coney, Robert S., Jr.
Cone, Charles N., Jr.
Conkling, John Allen, Jr.
Conlin, Carter Barry
Conmy, Walsh James
Connelly, Gus L.
Connolley, Edward J.
Connor, Thomas C.
Conover, James A., Jr.
Conolly, Merton D.
Conrad, Russell R.
Conroy, John P.
Consiglio, Charles J.
Conversano, Guy J.
Cook, Julian Howard
Cook, William J.
Cook, Charles Wilkerson, Jr.
Cook, William Herman
Cook, Joseph B.
Cooley, Talmage N.
Coons, William R., Jr.
Cooper, Jack
Cooper, Joseph H.
Cooper, James R.
Cooper, Robert L.
Copeland, James Monroe
Copeland, Delbert Gene
Copeland Curtis B.
Corey, Marion W.
Cornish, Wesley J.
Cornett, Paul Allen
Cornell, Donald R.
Corrigan, John William
Corsiglia, George Frederic
Cory, Paul J.
Cosgrove, Joseph Patrick
Cotner, Joseph T.
Cottingham, Wayne R.
Cotugno, Paul Joseph
Coughlin, Joseph Edmund, Jr.
Countryman, James E.
Couperthwait, George F., Jr.
Coussons, John Stanford
Couture, Raymond R.
Covey, James W.
Cox, Herbert W.
Cox, Glawcus Carlton, Jr.
Cox, Lawrence M. C.
Cox, Gordon Leon
Craddock, James Howard
Craigie, James Baker
Craig, John E.
Crandall, Keith Charles
Crawford, Francis, Jr.
Crawford, William W.
Crawford, Douglas Bernard
Crawford, John S.
Crawford, Harold M.
Creim, Donald H.
Crilly, Eugene
Crispin, James L.
Criss, John F.
Crittendon, Carl Joseph
Crites, Will L., Jr.
Croker, Ben M.
Croll, Richard Lee
Cronkite, Donald Wayne
Crull, William L., III
Crum, James M.
Cullen, James Graham
Cummins, Josua, W.
Cunningham, Paul R.
Cunningham, Dale V.
Cunningham, William T., Jr.
Cunningham, William Gerard
Curran, John F., Jr.
Curran, John M., Jr.
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Curry, Robert J.
Curtis, Harold Bacon
Curtis, Robert E.
Cutlip, Donald E.
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Cutter, Alan B.
Cutts, Robert L.
Czesak, Paul John
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Daly, Charles W., Jr.
Daly, Theodore Martin, Jr.
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Damore, Patrick R.
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Daniel, Brady R.
Dannals, Harry J.
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Darby Ronald
Darrow, Donald L.
Daughtrey, Edward Lawrence
Davan, Clarence F., Jr.
Davenport, Joseph D.
Davidson, Harry H.
Davis, Chester R., Jr.
Davis, Robert G., Jr.
Davis, Horace W.
Davis, Ozro L., Jr.
Davis, Jimmie Ervin
Davis, Bruel A.
Davis, Billy Wayne
Davis, Donald Deane
Davis, Richard D.
Davis, Charles E., Jr.
Davis, William Birchard
Davis, Donald A.
Davis, Benton, V. Jr.
Davis, Frederick Gerald
Davies, Edward T.
Davis, Francis F.
Davis, Ernest G., Jr.
Davis, Peter J.
Davy, Louis H.
Day, Charles P., Jr.
Deacon, Benjamin Harold, Jr.
Dean, James C.
Dean, Robert A.
Dean, Robert M., III
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DeCastro, Julian Edmund, Jr.
DeCarolis, Laurence Francis
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Dederick, Warren Emery
Degrafft, William Ernest, Jr.
Dehoff, John Raymond
Deise, Leroy T.
Delaney, James D.
Delling, Leonard Verne
Demars, Sylvester A.
DeMartini, Edward John
Demars, Clarence John, Jr.
Demontbreun, Wilbur Richard
Dempsey, William S.
Dennis, Victor F.
Dennis, Frank S.
Denney, Edison L.
Denton, Robert, Jr.
Denton, Terry Jack
Denworth, Raymond Keenan, Jr.
Derby, William E.
Derge, David R., Jr.
DeSamper, Ernest Justo, Jr.
Desjardins, Charles Francis
DeSoto, Leroy Edwin
Devane, Jerry A.
DeVito, Vincent N.
Devoe, Harry Leslie
DeWalt, Ronald P.
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Diamond, Marvin H.
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Dickert, Donald L.
Dickhart, William Warner, II
Dickerhoff, Donald C.
Dickinson, Calhoun
Dickens, Roderick S., Jr.
Dicker, Ralph W.
Dienst, Carl S.
Dierks, Dean C.
Dietrich, Horace Wilcox, Jr.
Dietz, Carl C.
Dillon, Edward L.
Dille, Earl K.
Dimond, Michael F.
Dinegar, Robert H.
Dirks, Richard Alan
Disessa, Robert J.
Ditrick, Calvin R.
Dittmar, Donald Louis
Ditterline, Robert Nicklas
Dixon, William O.
Dixon, Thomas Monroe
Dixon, Philip E.
Dixon, Brock
Dobbertien, Francis Martin
Dobbins, Robert N., Jr.
Dockery, James R.
Dockendorf, Maynard E.
Doclar, Ernest P., Jr.
Dodd, John W., Jr.
Doggett, William Kerley
Doherty, Robert O.
Doherty, Francis J.
Dolan, Michael Patrick
Dolan, Michael Bernard, Jr.
Dolan, Robert F.
Dolan, Richard M.
Dolbow, Jacob F., III
Dolen, George Wells
Dolinger, Myles J.
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Dominguez, Arnold Charles
Donovan, Edward Maurice, Jr.
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Doty, Robert D.
Doty, Roger E.
Douglas, Burnie William
Dougherty, John E., Jr.
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Downing, George Leonard
Downing, Roland Granville
Downey, Robert E.
Drake, George N.
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Drehoff, John J., Jr.
Drew, Kenneth J.
Drews, Robert Donnell
Drexler, Joseph S.

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Dubose, Carlyle Theodore
Dubois, Loren A.
Dubois, George
Dubuc, Carroll E.
Ducey, Brian J., Jr.
Ducey, Thomas B.
Duckworth, Robert Eugene, Jr.
Duckworth, Paul R.
Dudley, Malcolm Hardy
Duerr, Edwin Clyde
Duff, Joseph W.
Dufford, Donald E.
Dugal, Gordon E., Jr.
Dugan, Joseph J., Jr.
Duke, David William
Dulk, Peter A.
Dumay, Marvin
Dumm, Richard S.
Dunbar, William M.
Duncan, Marvin E.
Duncan, Peter
Dunham, Richard M.
Dunkle, Frank Harper, Jr.
Dunne, James Robert
Dunne, James M.
Dunne, Francis Russell
Dunn, William M.
Dunn, William A., Jr.
Dunworth, Joseph M.
Durfee, Frederick G.
Durham, Jesse Clifford, Jr.
Durst, Roy
Dusik, Florian K.
Duxbury, John R.
Dvorscak, Bernard J.
Dwyer, Edward Joseph, Jr.
Dwyer, James F.
Dye, Charles A.
Eadie, Ronald E.
Eakin, Charles A.
Earl, George S.
Earley, Harold L., Jr.
Earnhardt, Wiley Jacob P., Jr.
Eaton, David C.
Eaton, Ernest G.
Ebbert, Donald G.
Ebe, Hubert Joseph
Eberly, William G.
Eberdt, Jesse S., Jr.
Eck, Richard C.
Eddy, Paul Dawson, Jr.
Eder, Michael D.
Edgar, Richard B.
Edinger, Sidney M.
Edinger, John S.
Edmondson, Edmond A., Jr.
Edmunds, Basil L.
Edquist, Paul E.
Edwards, Gerald C.
Edwards, Sam
Eells, Gerdin D.
Ehman, Donald Allen
Ehr, Richard Lee
Eiben, Donald Thomas
Eichelberg, Alvin William
Eide, Fred A.
Eilers, Robert D.
Elam, Harper J., III
Elbert, Theodore F., III
Eldridge, Ralph G.
Eliceche, Ronald Marion
Eliot, Frederick
Ellexson, Stanley Edgar, Jr.
Ellifritt, Wallace E.
Ellis, John R.
Ellis, John C.
Elliott, Buddy
Elliott, Charles Marsh
Ellis, Richard C.
Ellis, Frank D.
Ellinghuysen, Lyle Ben
Ellis, Eugene D.
Ellis, Donald A.
Ellis, William H.
Ely, Frank W.
Ely, Roland Price, Jr.
Emanuels, Donald H.
Emmerling, Henry C., Jr.
Emmick, Harold E.
Emory, Wilbur C., Jr.
Endicott, Anthony L.
Engel, Alan W.
English, Glenn Allen
English, Joseph Anthony, Jr.
Engle, Harold G., Jr.
Epstein, Charles Sasseen
Erhardt, Richard Otto
Erickson, Newell Lamont, Jr.
Erickson, Charles A.
Erickson, Kenneth John
Ernest, Francis L.
Esbensen, Philip George
Eskenazi, Jacob V.
Espeseth, Robert D.
Etheridge, Tammy Haggard
Etherington, John E.
Evans, Burl E.
Evans, Lloyd L.
Evans, Lewis S.
Evans, Albert Charles
Evans, John W.
Evans, Thomas W.
Eveleigh, Robert A.
Everett, Edwin A.
Everson, Donald B.
Everett, John E., Jr.
Evrard, Leroy
Ewanowski, Stanley J.
Ewers, John Robert
Ewing, Millard F., Jr.
Fainberg, Bertrand M.
Fairbanks, John W.
Fajer, Vincent Julius
Fall, Harry C.
Fanale, Joseph A.
Fancher, Gordon C.
Farley, Donald S., Jr.
Farmer, Fred Farrar
Farney, James E.
Farrington, Robert Hill
Farrell, William H.
Farwell, Warren Edward
Fasold, Karl J. R.
Faulwetter, William Charles
Faure, Eugene J.
Favero, Valentino R.
Faver, Don A.
Fead, Louis McPherson
Fedarko, William
Feddersohn, Richard Crosby
Fee, James W.
Felix, John L.
Felton, Kenneth Don
Fennessy, Eamon Terence
Feraco, Frank C.
Ferguson, Ray W.
Ferguson, Robert L.
Ferguson, Robert L.
Fern, George M.
Fernandes, Dale Russell
Ferrell, Dewitt Talmadge, Jr.
Ferraro, Carlo, Jr.
Ferrell, Edward Shinault
Ferry, Francis R.
Fetter, Earl R.
Fichtner, Herman
Figge, Gordon L.
Findlay, Charles Noyes
Finkemeier, Robert W.
Finlay, John D., Jr.
Fischer, G. Jack
Fischer, Walter R., Jr.
Fiscus, William S.
Fishel, Charles Edgar
Fisher, Dalmar
Fisher, Albert L.
Fisler, Harry James
Fithian, Floyd J.
Fitzmorris, Neil T.
Fitzgerald, James Francis J.
Fitzgerald, James E.
Fitzpatrick, Roger J.
Flacke, Robert F.
Flaker, James R.
Flanagan, William Joseph
Flanigan, Mark
Flannery, Gerald R.
Flatt, Earle E.
Fleming, Charles C., III
Fleming, John Roger, Jr.
Fletcher, William L., III
Fletcher, Paul Brent
Fletcher, Albert Edward, Jr.
Flick, John Albert
Flint, Franklin F.
Flittner, Glenn A.
Flowers, Jimmy R.
Floyd, James B.
Fly, Emerson Harold
Flynn, Gordon L.
Flynn, Francis P.
Foard, Thomas R.
Foleen, Carl R.
Foley, James K.
Foley, Maurice Eugene
Foley, Daniel M.
Folger, David W.
Foote, Kenneth Richard
Forbes, Malcolm H.
Foreman, Marshall Lee, Jr.
Forehand, Ronald
Formichella, Francis John J.
Forschner, Richard
Fossett, John L. Jr.
Foster, Lewis A., Jr.
Foster, Jerald D.
Foust, Samuel B., Jr.
Fox, Alvin L.
Fox, Francis H.
Fox, Leslie S.
Fox, Jack H.
Fox, Edward, I
Foxton, Frederick L.
Frainier, Richard J.
Frankel, Donald D.
Frank, Richard H., Jr.
Franz, Donald Roy
Franz, Harold Charles
Franke, Arnold Gene
Fraser, Richard R.
Fraser, George Bruce
Frazee, Douglas R.
Fredericks, Richard Paul
Frederickson, Ronald Harold
Freedson, Ralph
Freeman, Wynn G.
Freeman, Walden S.
Frieberger, Howard
French, Joe Floyd
Frey, Louis, Jr.
Frick, Edward D.
Frier, John Mason, Jr.
Friend, Thomas Patrick
Friedline, Karl W.
Frith, Robert L.
Frohlich, Andrew Sturgis
Frost, Jack A.
Frudden, Carl R.
Frye, Richard Harper
Fryman, John Elmer
Fuhs, Allen E.
Fujimoto, Akira F.
Fulcher Clay Wayland Gordo
Fuller, Gary Mack
Fullmer, Lee D., Jr.
Fuller, John G. C.
Funk, William Henry
Furdak, Edward Joseph
Furlan, Allen Joseph
Fusco, Anthony T.
Fust, William C.
Gaines, Howard Wendell
Galbraith, Robert A.
Gallagher, Daniel D.
Gallagher, John M.
Gallagher, John E., Jr.
Gall, Edward E.
Gallagher, Donald R.
Galvin Timothy F., Jr.
Gamber, Marlan E.
Ganey, John Rick
Gangloff, Charles A.
Gannon, Joseph A.
Gann, Charles T.
Garcia, Raymond P.
Gardner, Charles Arthur
Gardner, Walter G.
Gardner, Geoffrey Leland
Garlid, Wayne H.
Garland, Daniel Harper
Garner, Stanton Berry
Garner, Johnnie L., Jr.

Garner, Wilford E., Jr.
Garofalo, Raymond E.
Garrison, Richard L.
Garrett, Carlton Lee
Garrison, Joseph Fletcher J.
Garrison, William Henry, Jr.
Gasche, Arnold C.
Gaskell, Edward P., Jr.
Gasque, Charles W.
Gastley, Richard David
Gaudette, Roland E.
Gauldin, Alva C., Jr.
Gaulke, Ramon George
Gaurteaux, Harold P.
Gawronski, Richard J.
Gayley, Charles W. D.
Gebhard, James Joseph
Geer, Fred Louis
Gehman, Robert Swartz
Gehrke, Robert A.
Gehrig, Neil Edward
Geier, Edward A.
Geiken, Lloyd A.
Gelineau, Ronald G.
Gensel, Richard L.
Gentile, Vincent J.
George, Charles J.
Gerberding, Charles D.
Gerrish, Scott
Gettle, Rollin B., Jr.
Gianascol, Leroy Donald
Giaquinto, John A.
Gibbons, Floyd E.
Gibbens, Daniel G.
Giblett, David R.
Gibson, Charles Hugh, Jr.
Gilbart, Donald H.
Gilboe, David D.
Gilbert, Ralph L.
Gilbert, Robert Northcutt J.
Gilbertson, Glen
Gilcrest, Andrew Spencer
Gile, Robert Hall
Gilgore, Charles William
Gilligan, Eugene Francis, Jr.
Gillen, Joseph Francis
Gillette, Nelson Marcelous
Gill, Gerald W.
Gillespie, Edward Allan
Gillen, Thomas W.
Gillaspy, Dudley A.
Gilman, George C.
Gilmore, James L.
Gilreath, James Edson
Gilson, Carroll Paul
Gilstrap, Jack R.
Gilstad, Gerald William
Giragosian, Newman H.
Girrier, William H.
Gist, John R.
Giuffrida, Sebastian Joseph
Gjerman, Lawrence Herbert
Glahn, Gerald L.
Glass, Harry John, II
Glass, Juandell D.
Glathe, William Quincy
Glazier, John J
Glendenning, James Walter
Glynn, William [illegible]
Gobel, John Charles
Godfrey, Edward C.
Goeders, Calvin N.
Goertz, Donald D.
Goetz, Robert C.
Goetz, Daniel H.
Goforth, Benjamin Hunter, Jr.
Golden, Roger F.
Goldberg, Michael M.
Goldschmid, Jack Powell, Jr.
Goldy, Donald C.
Goll, Edward C.
Goloway, Edward D.
Goodrich, Vincent N.
Good, John Jay, III
Goodfried, Herbert J.
Goodman, Charles H.
Goodwin, Francis X.
Goodman, Martin B.
Goodwin, William Donald
Gore. William K.
Gorham, Alden B., Jr.
Gorman, Irving X.
Gorman, Robert G.
Gorman, James G.
Gossett, Wallace B.
Gotautas, Vito A.
Goudie, James Q.
Gould, Richard Henry
Graham, James B., Jr.
Graham, James T.
Grammer, James M.
Grant, William F.
Granger, Allan Edward
Granger, Joseph F., Jr.
Granberg, Arne R.
Grant, Robert S.
Graves, Robert Muir
Gray, Charles Leroy
Grayson, William Jackson, Jr.
Gray, Donald R.
Greenwald, Marvin
Greenwood, James William, Jr.
Green, Edward B.
Green, Stephen Hathaway
Greene, Robert W., Jr.
Green, Charles D.
Greene, Charles Ralph, Jr.
Greer, John G.
Greenlaw, William Charles
Green, Philip F.
Green, Paul A.
Gregory, John B.
Gregory, Roger Milton, Jr.
Gregory, James Wilmer P., Jr.
Greinke, Everett D.
Grier, Joseph L.
Griffith, James L.
Grisham, George R.
Griswold, Leonard Lee, Jr.
Groepler, David Richard
Groff, Peter Frederick
Grogan, Robert F.
Gross, Burton J.
Gross, Philip J.
Gros, Edwin J., Jr.
Gross, Webster, Jr.
Grubb, John R.
Gruber, Charles K.
Gruhler, Frederick William
Grundtisch, Donald K.
Grupp, Fred William, Jr.
Gryzan, Chester M.
Gudmunds, Steinthor Jon
Guenther, Gordon Brewster
Guenther, Charles A.
Guercio, Vincent C.
Gugenheim, Milton G., Jr.
Guhl, Max John
Guilbault, Robert Edward
Gum, Harvey S., Jr.
Gunby, David K., III
Gunby, Stanton C.
Gunderman, Howard J.
Gunderson, Don H.
Gunwall, Gordon L.
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Gurthet, Roger A.
Gwynn, John Lennon
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Haefeli, Paul M., Jr.
Haest, Martin Jerome
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Hagen, James P., Jr.
Hahn, William B.
Hain, William Hart
Hale, Alan D.
Hale, Richard Armour
Haley, Francis L.
Hale, Wilbur B., Jr.
Hall, James R.
Hall, Ralph N.
Hall, David P.
Hall, Alton Lowell
Hall, Robert Harry
Hallaron, John Dennis
Hall, Charles D.
Hallett, Howard Raymond, Jr.
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Halzel, Isadore
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Hamilton, William Joseph, Jr.
Hamlet, Robert
Hammock, Billy J.
Hammond, Donal D.
Hammergren, Carl K.
Hammes, Peter Lawson
Hammer, Leon
Hampton, Clyde Robert
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Handley, John A.
Haneghan, William Joseph
Hanley, Terence
Hannahs, Fred C., Jr.
Hannagan, James Francis, Jr.
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Hanson, Marlo W.
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Hanson, Edward David, Jr.
Hansen, Donald H.
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Hansen, Maris D.
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Hargrove, Haywood Henry, Jr.
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Harrison, Ralph Hynson, Jr.
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Harrison, Angus D., Jr.
Harrison, Horace
Harrison, Thomas Knight
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Harshman, Robert Lee
Hart, Richard S.
Hartman, William L., Jr.
Hartman, Donald Richard
Hartley, Richard Ridgard
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Hartwell, James Orlo
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Harvey, Laurence E.
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Hasle, Roger H.
Hastings, Robert T.
Hatley, Pearl O., Jr.
Hauan, George L.
Haughton, Richard A.
Hausle, William T.
Haveman, O. H., Jr.
Hawes, Charles C., Jr.
Hawkins, Charles W., III
Hawkes, Edward Z., II
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Haynie, Fred Hollis, Jr.
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Hazel, Gerald V.
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Heald, Allen L.
Healy, James Vincent

Healey, John R.
Hearn, Robert E.
Heath, Thomas Roy
Heaton, William E., Jr.
Hebb, Ralph K.
Hedges, Joseph Wesley
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Hegeman, Andrew S.
Heidt, Arthur J., Jr.
Heil, Henry C., Jr.,
Heinz, John A.
Hein, Richard Anthony
Heintzman, John S.
Hembree, Sam. M.
Hempel, Robert Emil, III
Hemphill, James Edwin
Hendrick, Louie G.
Hendricks, Albert Traver, Jr.
Hendel, Richard William
Henderson, Raymond Reed
Henderson, Edward James
Henderson, James R.
Henebry, Philip F., Jr.
Henry, Robert William
Henricks, Jerry M.
Henry, Hugh A., Jr.
Herkner, Richard Thomas
Hermitt, Thomas J.
Herman, Adam T.
Herrington, Alfred H.
Herrmann, Walter Theodore
Hersom, Walter A.
Hess, Ronald Kenneth
Hess, Robert Lee
Hess, Jacob F., Jr.
Hettinger, Michael J.
Hewett, John B.
Hewitt, Dean Jay
Hewitt, William S.
Hibbard, Curt W., Jr.
Hickmann, Charles A.
Hide, Donald L.
Higgs, Roger Allen
Higgins, Robert L.
Hildebrand, John Henry, Jr.
Hilfrank, William E.
Hilke, James L.
Hill, Karl N., Jr.
Hill, Edmund H.
Hill, Richard Thomas
Hills, John Leverett
Hillesland, Carl B.
Hill, Roland R.
Hillerud, Donald George
Hill, Cal D., Jr.
Hindman, Thomas E.
Hine, Francis Charles
Hinnant, Wallace P.
Hinsvark, Don George
Hinton, Lloyd Vernon
Hirshman, Harold M.
Hitch, Lyman B.
Hlywiak, Joseph
Hoag, William C., Jr.
Hobbs, William E.
Hoberg, Dwaine H.
Hobson, Richard B.
Hobson, Dan M.
Hocker, Walter Brockway
Hockett, William Alden, Jr.
Hodge, George Lowrance
Hodge, Herbert W.
Hodges, Thomas M.
Hoefer, Richard A.
Hoekstra, Andrew A.
Hoff, Jack Allen
Hogan, Aloysius J., Jr.
Hogan, Robert Timothy
Holdych, Harold F.
Holden, William Hoyt, Jr.
Holfelder, John L.
Holland, Walter F., Jr.
Holleman, Henry N.
Holiday, Lloyd E., Jr.
Holland, John Clayton, Jr.
Hollister, Walter Mark
Holmbeck, Glenn Eldon
Holmes, Edward Albert, Jr.
Holmes, Jack I., Jr.
Holman, William C.
Holmquist, Eric Allan
Holton, William Alexander J.
Holtgren, Wallin D.
Holyfield, George W.
Honeycutt, Joseph C.
Honeycutt, Robert D.
Honer, James A.
Hong, Leslie Kee Young
Hooper, Elbert, Jr.
Hoover, Robert Norton
Hoover, Harwood
Hope, John C., Jr.
Hopkins, William Holden P.
Hopper, William E., Jr.
Hoppe, Charles Thomson
Hopp, John Howard
Hornor, Lawson D.
Horneck, George B.
Horne, Charles E., III
Horsmon, Frederick M.
Horton, Robert C.
Hosemann, Charles Delbert
Hosea, Andrew J.
Hoskins, Robert H.
Hotton, George E.
Hough, Ward T.
House, Karl Theodore
Hovan, Stephen B.
Hovey, Gale Keith
Howard, Walter R.
Howard, Lawrence K.
Howell, Walter James
Howell, George W., Jr.
Howe, Wesley William, Jr.
Hoyt, John R.
Hoyt, Peter L.
Hubbard, James E.
Hubert, John Felix
Hudak, Leonard Andrew
Hudson, Raymond S.
Hudson, David B.
Huff, Alton B.
Huffine, Donald Harris
Hugghins, Gordon L.
Huguley, Claude H., Jr.
Huntting, Irving Willis
Hunter, Richard Francis
Huntley, Robert Carson Jr.
Hunt, Jesse F.
Hunter, Charles T., Jr.
Hunter, Fred Copelan
Hunter, Harold F., Jr.
Hunt, James Hubert
Hurd, Robert J.
Hurd, Walter L.
Hurlbut, Wendell P., III
Hurley, Walter P.
Hurt, Alfred B., Jr.
Hurt, Marc A.
Husman, Robert J.
Hutchinson, Otis H.
Hyers, Kemper Kent
Iacona, Michael Angelo
Iiannicchero, Albert Peter
Imel, John M.
Immen, Frederick H.
Ingison, Malcolm S.
Ingram, Max H.
Ingraham, John H.
Ingram, Frank Lequellec
Inman, Wayne Dewald
Inman, John S.
Innes, Bobby G.
Irby, Frank R.
Iverson, Selmer O.
Ives, John Gordon
Jackson, Oris F.
Jackson, Earl Leslie, Jr.
Jacob, Charles
Jacobson, Richard P.
Jacob, William Irvin
Jacobson, Keith Arvid
Jagel, William R.
Jahnke, Fred R.
Jahns, Arthur William
James, George A., Jr.
Jameson, William M.
James, Frederic, Jr.
James, William L.
Jamison, Robert E.
Jamison, Clark B.
Jarck, Walter
Jarrett, Bob J.
Jarrett, Elmo Donald
Javinsky, Melvyn Aaron
Jaworowski, Thomas Robert
Jedlicka, Charles, Jr.
Jefferts, Keith Bartlett
Jenik, Edward C., Jr.
Jenkins, William C.
Jenny, Robert Melvin
Jennings, John M.
Jenner, David Herbert
Jensen, Robert W.
Jensen, John Edward
Jensen, Arthur M. I.
Jeppesen, Levi J.
Jepson, William B.
Jobson, George Smart
Johnson, Joseph Daniel
Johnson, Henry G., Jr.
Johnston, Bruce Todd
Johnson, Warren W.
Johnson, Hugh Wood, III
Johnston, Robert Wallace
Johnescu, Robert John
Johnston, Gregory Roger
Johnson, Marion
Johnson, Richard William
Johnson, James H.
Johnston, Richard H.
Johnston, Charles F.
Johnson, William J.
Johnson, Paul C.
Johnson, Robert A.
Johnson, Don N.
Johnson, Douglas Andrew
Johnson, Maurice Arthur
Johnstone, Denver T., Jr.
Johnson, Lowell E.
Johnston, Ervin F.
Johnston, Richard Evander
Johnson, Charles F.
Joines, Harrell Cheek
Jolley, John M.
Jonaus, Lawrence J.
Jones, Meredith L.
Jones, Raymond E.
Jones, John P.
Jones, J. Benton, Jr.
Jones, Rolland R.
Jones, William Prichard
Jones, Samuel Roy
Jones, Charlie Crowell
Jones, Billy R.
Jones, Roger Franklin
Jones, Richard Milton
Jones, Thomas E.
Jones, Arthur Daniel, Jr.
Jones, Thomas G.
Jones, Doyle Earl Leland
Jones, Leland L.
Jones, Everett Jay, Jr.
Jones, T. Embury, Jr.
Jonnatti, Anthony J.
Jordan, Richard A.
Jordan, Thomas Michael
Jordan, Stephen Walter
Jordan, Edmund H.
Joselyn, Edwin G.
Joyce, Edward R., Jr.
Joyce, Thomas E., Jr.
Joynt, Thomas Richard
Judson, Arthur II
Kaas, Ronald B.
Kaine, Leonard Paul
Kaiser, Herbert J.
Kaiser, Richard G.
Kaiser, Dale Eugene
Kaiser, Richard
Kallestad, Robert S.
Kallen, Robert G.
Kaltenbach, John L.
Kando, Moses
Kandel, Philip J.
Kane, Robert E.
Kane, Arthur V.
Kann, Barton R.
Kanwisher, Walter Charles J.
Karabell, Irving M.
Kardon, Mitchell
Karig, Richard Douglas
Karnes, Robert D.
Kasper, Roman J.

Kastner, William J.
Kataryniak, William
Katz, Alvin E.
Kaufmann, Anders Joseph
Kauffman, Theodore G.
Kavanaugh, Michael Willard
Kay, Horace Crawford, Jr.
Keating, Donald F.
Keck, John F.
Keely, Billy J.
Keeler, Roger N.
Keigler, John E.
Keigler, George A.
Keim, Floyd N.
Keim, Richard P.
Kelety, Robert G.
Kellett, John W., Jr.
Kelly, Edward Joseph
Kelly, Peter Bernard, Jr.
Kelly, Bernard M., Jr.
Kelley, Robert B.
Kelly, Jack Carl
Kelley, William C., Jr.
Kelly, Ferdinand G.
Kelner, Richard W.
Kemmler, Earl L.
Kendall, Alf R.
Kendra, Robert Joseph
Kenkel, James Edward
Kenny, John Joseph
Kennedy, David Joseph
Kennedy, Lowell D.
Kennedy, John Harrison
Kennedy, David R., Jr.
Kennedy, Stephen Elmer, Jr.
Kenniff, Robert Leighton
Kenshald, Daniel Ralph
Kent, Donald
Kenton, Warren F.
Kepner, Charles David, Jr.
Keppel, Robert E.
Kerley, Ralph Clifton, III
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Kerr, Norman J.
Kerrigan, Paul Richard
Kessing, Charles T.
Kestenbaum, Joseph J.
Key, John M.
Keyes, Samuel W.
Kidd, James H., Jr.
Kiernan, Peter L.
Kiger, Donald H.
Kiker, Billy
Kilgo, Dewey Doyle
Kimbrough, Warren O.
Kincaid, David R.
Kiner, Richard A.
Kines, Charles R.
King, Joe Larry
King, Robert W.
King, Benjamin F., Jr.
King, William C.
Kinkade, Emmett Duane
Kinney, Edward Pollard, Jr.
Kinney, Donald C.
Kintzinger, Paul Ray
Kiper, William D.
Kitchen, William L.
Kite, Robert M.
Kittelberger, Howard Eugene
Kitzman, Lester A.
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Klein, Donald E.
Kleven, Esrom M. O.
Kline, James Willard
Kloves, Thomas Ray
Klym, Stephen
Knapp, Blair Alan
Knier, Leonard F.
Knight, Edward A.
Knight, Robert Herman
Knight, Peter L.
Knipp, Walter John
Knoop, Roger L.
Knop, Howard P.
Knorr, George G.
Knowles, Philip D.
Knuth, Melvin R.
Knuth, Donald F.
Koch, Ulrich Hubert
Koch, Merton O., Jr.
Koch, Edgar J.
Kochert, Milton R.
Koechlin, Roy T.
Koenig, Robert M.
Koesy, Calvin Bruce
Kolb, Harold Hutchinson, Jr.
Koltun, Stanley P.
Korn, Donald L.
Kosiba, Raymond J.
Koski, Kenneth L.
Kosonen, Charles George
Kost, Don O.
Kostka, Ralph E.
Koth, Robert A.
Koverman, Gary A.
Kowalsky, Jerold David
Koyle, Myron R.
Kozischek, Albert Joseph
Kraft, Edwin E.
Kraft, Leonard Herbert
Kragseth, Norman H.
Kral, Jerome J.
Kramer, Manuel
Kramer, Stanley D.
Kramp, Robert W.
Krass, Henry C.
Kratt, Theodore Donald
Krause, Neil C.
Krause, Richard James
Kraynak, Michael, Jr.
Krblich, Charles Albert
Kreiner, Leon W.
Krochalis, Edward J.
Kronich, Peter George
Kropf, Charlie Wilber
Kropack, John A.
Kroszner, Rudolf J.
Krueger, Wayne Douglas
Kruger, Richard
Krulder, Harold C., Jr.
Kuchard, Danald D.
Kuchac, Ronald S.
Kuechle, Douglas W.
Kuehnl, Neil R.
Kuhn, Richard A.
Kuhn, Frank Stuart
Kulesza, Eugene Alexander
Kullman, Thomas B.
Kulp, Darlington R., Jr.
Kuns, Delmer Lavonne
Kurek, Raymond Herbert
Kusch, Kenneth B.
Kussman, Robert Nicholas
Kuthy, Eugene Wendel
Kuzenski, Kenneth F.
Kuzniar, Joseph F.
Kyle, Kenneth William
Kyser, Russell H.
Lacour, Joseph A., Jr.
Laegen, Robert Frank
Laffoon, Louis M.
Laib, Robert D.
Lain, Horton William
Laing, Bruce Charles
Laitala, Leilan M.
Lalicker, Robert G.
Lalley, Richard P.
Lamers, John Peter
Lamorte, James Francis, Jr.
Lampson, Matty E.
Lancaster, James Otto, Jr.
Landon, John Robert
Landau, Steven Andrew
Landis, David Harvey
Lando, Robert E.
Langley, Rolland Ament, Jr.
Langelier, Robert A.
Lanphear, Robert M.
Lapham, Arthur E.
Larkin, Will M.
Larkin, William James, III
Laroux, Harold
Larson, Howard James
Lasher, David Lowery, III
Latka, Robert A.
Laughead, Robert Reuel
Laughon, James H.
Lavan, Robert E.
Laverty, Howard Keith
Law, William G.
Lawless, Joseph Thomas, III
Lawless, John H.
Lawless, James L.
Lawrence, Harold Robert, Jr.
Lawrence, Robert Edmund
Lawrence, Frank E., Jr.
Lawrence, Paul B.
Lawson, Emmett W.
Laynor, William Giltz, Jr.
League, Joseph James
Leake, Eugene H.
Leber, William S.
Ledbetter, Roy E.
Ledford, John D.
Lee, Benjamin H. K.
Lee, James C.
Leemhuis, John P.
Leeson, Joseph F.
Leetch, James F., II
Legg, Douglas R.
Legg, William L.
Lenfest, Harold F.
Lennon, Paul S.
Leonhardt, John J.
Leonard, Robert Martin
Leonard, Ralph L.
Lerohl, Howard C.
Leslie, William Gregor M., Jr.
Leslie, Robert B., Jr.
Lessmann, Arthur Jerome
Lester, John W.
Letkeman, Herkus W., VII
Levan, Walter N.
Levey, Edward M.
Levenson, Lewis M.
Leve, Marshall S., Jr.
Levien, Frederic H.
Levy, Ted
Lewandowski, Melvin A.
Lewis, Benny G.
Lewis, Eugene R.
Lewis, John T.
Lewis, Leon D.
Lewis, Kenneth A.
Lewis, Robert E.
Lewis, Thomas D.
Lewis, Benjamin Edison, II
Leyburn, Boyd H., Jr.
Lichtenberger, Donald Ray
Lierman, Roy J.
Lier, Douglas W.
Lindquist, John R.
Lindstrom, John Douglas
Lindsey, Claude D., Jr.
Lindborg, Leonard D.
Lindsay, Robert L.
Linderman, James Stephens
Lindsay, Rodger, II
Lindley, James G.
Lind, Don L.
Lineberry, Billy Ray
Lines, Jack Herman
Linn, Daniel A.
Linscott, Roger Henry
Linton, George Howard
Liswith, Carl J.
Littell, Raymond Wallace
Littleton, Vance Crockett J.
Little, Jerry W., Jr.
Livas, Basil L.
Lively, Bobby G.
Livingstone, John A.
Livingston, Daniel S.
Lizotte, Joseph H., Jr.
Lloyd, Duane R.
Locke, Kenneth L.
Lockard, Noff S.
Lockett, Benjamin B.
Loeb, Gerald Kingsley
Loewenstein, Jordan Maurice
Loewe, Otto E., Jr.
Loffhagen, Gordon E.
Loffland, Donald Edward
Lohmann, William H.
Lokker, Eldred E.
Loktu, Alfred M.
Lombard, Thomas D.
Long, Kermit K.

Long, Jim T.
Long, Martin H.
Loomer, James A.
Looney, Robert Fain, Jr.
Lopez, Victor C.
Lord, Frank J.
Lord, Frank E.
Lord, Charles B.
Lorenz, Royal W.
Lotz, Jack C.
Loucks, Daniel Peter
Loughlin, William J.
Louis, Ronald A.
Love, Don Kenneth
Love, John E.
Lowry, Robert C.
Loyd, Allen Hubbard
Lubach, Donald W.
Lucas, William Curtis, Jr.
Lucky, George W.
Luczak, Charles T.
Lund, Donald Sterrett
Lund, David D.
Lundin, Carl David
Lupica, Louis A.
Lutts, Raymond J.
Lux, Donald G.
Lyall, Ronald N.
Lycan, Deane Richard
Lynch, John J.
Lynch, John P.
Lynn, David E., Jr.
Lynne, Donald M.
Lyon, Eugene
Lyttle, James D.
Maasbyll, Arthur G.
Macan, John Joseph
MacDonald, Roger G.
MacDonald, Ian A.
Mach, George R.
MacIntyre, Daniel George
Mackay, Stanley R.
Mackin, John C. T.
Mackey, Joseph Timothy
Mack, Chester F., Jr.
Macon, Arthur R.
Macpherson, John
Macy, Phillip F.
Maddox, Luther Galyn
Maddox, Arthur R.
Maddox, John William, Jr.
Maddox, Billy Hoyte
Madison, William Edgar
Madole, Donald W.
Madsen, Gerald M.
Madsen, Evan William
Maginnis, James B.
Magnuson, Dale Walter
Mahaffey, Tom W.
Mahan, Frank H.
Maher, John Joseph
Maher, John Henry
Maher, Peter Donald, III
Mahoney, Timothy Raymond
Makula, Robert
Male, Edwin Kirby, Jr.
Malloy, John Francis
Malone, James E., Jr.
Maloney, John F.
Maloney, Thomas P.
Malone, James O.
Mangino, Joseph
Mann, Ramon M.
Mann, Lawry Webb
Manning, James H.
Mansell, Roger L.
Mansfield, James D.
Manzano, Allen J.
Maple, William Robert
Mapp, Thomas W.
Marangiello, Daniel Angelo
Maracani, James P.
March, Bryce D.
Marchand, Theodore W.
Margotta, Robert F.
Margolin, Robert S.
Marihart, Donald J.
Mariani, Henry A.
Marlow, Edmond O., Jr.
Marlar, Richard T.
Marlowe, Harold C.
Marrow, Arnold M.
Marr, William R.
Marsh, Frank E., II
Marsden, Norman H., Jr.
Marshall, Roderick
Marsh, Barry Butler
Marshall, Stanley J.
Marston, Norris E. G.
Marshall, Freddie R.
Martin, James P.
Martin, Abbott Waite, Jr.
Martin, Thomas Joseph
Martin, Clyde Philip, Jr.
Martin, Robert E., Jr.
Martin, George J., Jr.
Martin, James R.
Martin, Manuel R., Jr.
Mason, Raymond F.
Masone, Steve A.
Mason, Timothy C.
Masters, Miles Husted
Masters, William Roy, Jr.
Matchett, Don W.
Mathews, Charles
Mathis, Leroy E., Jr.
Mathews, Robert S.
Mattoon, Peter Mills
Matthias, Williams, Jr.
Matthes, Ralph Kenneth, Jr.
Mattson, Norman D.
Matthes, Walter Louis, Jr.
Mattila, John J.
Matta, Robert Michael
Matthews, Keith Boyd
Mauhs, John S.
Maupin, Henry T.
Maupin, Milton S.
Mawha, Donald B.
May, Clifford J., Jr.
May, Joseph A., Jr.
Mayer, Matthew L.
Maynard, James H., Jr.
Mayo, Donald Richard
Mays, Jacklon Gregory
Mays, Lewis V., Jr.
Maytham, Peter
Mazziotta, Frank P.
McAffee, Douglas B.
McAniff, Edward John
McAninch, Billy E.
McBee, James L., Jr.
McBrayer, Robert Lewis
McBride, Frank White, Jr.
McBride, Richard W.
McCaw, William N.
McCann, Richard
McCabe, Paul F.
McCain, George S.
McCann, Malcolm R.
McCabe, John F., III
McCall, Wayne L.
McCambridge, Donald Wayne
McChesney, Lee Douglas
McCloskey, Jhea M.
McClain, Joseph Adolphus, II
McClure, Robert B., Jr.
McClean, Edward J.
McClure, George F.
McCoy, Thomas W.
McCormick, Robert J.
McCormick, Donald G.
McCormack, Robert M.
McCormick, William M.
McCoy, John Joseph
McCornack, John W.
McCormick, Matthew A.
McConnell, David K.
McCoy, Eugene P.
McConaughy, Donald L.
McCue, Edward Overton, III
McCullough, James M.
McCurdy, Donald Mervyn
McCurdy, William Edward, Jr.
McCurley, Robert Ulmont, Jr.
McDaniel, Coy F., Jr.
McDaniel, Joseph Wilson, Jr.
McDevit, Lester
McDonald Charles C.
McDonald, David Lee
McDonald, Eugene L.
McDonald, James L.
McDonough, Mark J.
McDonough, Thomas William
McDow, John J.
McEachern, Edward Merritt J.
McGervey, John T.
McGill, Julian Edward
McGinnis, Benjamin George
McGinn, James Francis
McGinty, John A., Jr.
McGinn, Frank L.
McGlinchey, Alexander H.
McGowan, John P.
McGrath, Thomas D.
McGregor, Bruce Michael
McGuckin, Benjamin Floyd, Jr.
McGuire, Joseph F.
McGuire, Richard J.
McHugh, Hugh J. K.
McHugh, Donald Emmett
McIntosh, Charles D.
McIntyre, Donald F.
McKay, James M.
McKeeta, Gordon S.
McKeon, William B., Jr.
McKee, Roger Curtis
McKee, Donald L.
McKenzie, Robert A.
McKinnon, Michael Warren
McLaughlin, Richard Graham
McLaughlin, Richard Francis
McLaughlin, Richard Ralph
McLean, Charles Rodrick
McLeod, Gilbert A.
McLean, David S.
McMillon, John Richard
McMillan, Louis Kelly, Jr.
McMurtry, George James
McNally, Gerald Eugene
McNaughton, Drummond
McNaught, Earl Deforest
McNallen, James B.
McNeill, Charles W.
McNeese, Henry B., Jr.
McNichols, Lynn P.
McNulty, James Anthony
McPherson, Timothy
McQuinn, Jack H.
McQueen, Ralph E.
McQuade, Francis A.
McRae, Donald Alphonse
McSally, Bernard J.
McShane, Henry R.
Mead, Carsten J.
Meehan, Robert H.
Meeker, Harmon S., Jr.
Mehrhoff, William R.
Meister, Robert A.
Mello, Gilbert D.
Melton, Chancellor G., Jr.
Melton, James C., II
Melton, Frank D.
Mencio, Charles A.
Mendenhall, Charles Dale
Menker, Donald F.
Meredith, Frank S., Jr.
Merkel, Jule F.
Merritt, Stanley Y.
Merrill, James W.
Merryman, John Robert, Jr.
Merrill, Nicholas Conrad
Messinger, Marshall R.
Messinger, Emerson B.
Metcalfe, Robert Davis, Jr.
Metz, David John
Meyer, Lewis Donald
Meyer, Robert Aldrich
Meyer, Francis Albert
Meyers, Roy D.
Michie, Harold W.
Michie, Thomas Johnson, Jr.
Michaels, Arthur Czaynomski
Mickelberry, William Charle
Midboe, Albert M.
Middleton, Blake
Mighell, Kenneth J.
Mikwold, Harold R.
Milam, George W.
Milbank, Floyd L., Jr.
Milbank, Morris Chapin
Miles, William Joseph
Miles, Richard N.

Milford, Robert Francis
Miller, Richard W.
Miller, William J. D.
Miller, Forrest Alton
Miller, Marvin E.
Millay, James, Jr.
Millon, Henry A.
Mills, Edgar Sanford, Jr.
Miller, Gordon John
Miller, George Lewis
Mills, James Richard
Miller, Bruce McNeely
Miller, Richard E.
Miller, Floyd J.
Miller, John U.
Miller, Davidson
Miller, James R.
Miller, Martin A.
Miller, Frank Lee
Miner, George D., Jr.
Minger, Eugene James
Minter, Kenneth W.
Mixon, William R., Jr.
Moeller, John W.
Moffett, Russell Golden
Mohrlok, Kenneth David
Mohr, Charles Robert
Moll, Robert Clarence
Monroe, Gordon Edward
Monroe, Robert F.
Montemurro, Frank
Montgomery, Edward E., III
Moor, Marion M.
Moore, William G.
Moore, William R.
Moorman, Daniel W.
Moore, William Thomas, Jr.
Moorman, William Luke, Jr.
Moorehead, Wells Rufus
Moore, Ernest V., Jr.
Moore, Gary L.
Moore, John M., Jr.
Moore, Charles E.
Moore, Charles Rhea
Moore, Billy W.
Moose, Charles R., Jr.
Moran, John W.
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Moran, Thomas C.
Mordy, James C.
Moreland, Ronald John
Moreland, James E.
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Morgan, David C.
Morgan, Arthur I., Jr.
Moring, John B.
Morin, Paul Eugene
Moriarty, Edwin S.
Morledge, George A.
Morrisey, John D.
Morris, George S.
Morris, Charles Edward, Jr.
Morrison, Robert Leslie
Morris, John P.
Morris, Julius Emanuel
Morr, Arthur J.
Morris, William Levi, Jr.
Morris, Caleb Layton, Jr.
Morrison, Dexter C.
Morris, John F.
Morrogh, William P.
Morsilli, Frank P.
Morse, Edward H., II
Mortenson, Merth G.
Mosher, Bryan James
Mosman, John L.
Moss, Stanley D.
Mossop, Wallace Lincoln, Jr.
Moulton, Daniel Bailey
Mouritsen, Thorval E.
Mueller, Robert Leon, Jr.
Mueller, Arthur W.
Muir, Robert J.
Muise, Robert Freeman
Muldoon, John R.
Mullin, William E., Jr.
Mullis, Charles H., Jr.
Mullen, Robert T.
Mulligan, John L.
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Munn, Robert C.
Munson, Robert A.
Munson, Eugene O.
Munsey, Bernard A.
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Murphy, Richard T., Jr.
Murphy, John J., Jr.
Murphy, Charles H.
Murphy, Joseph Dinsmore
Murphy, Garrison Edmund
Murphy, James Francis
Murphy, Richard V.
Murphy, James R., Jr.
Murphy, Robert Irvin
Murry, Joseph A.
Murray, Thomas H., Jr.
Murray, Thomas C.
Mutty, Lewis Dow
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Myers, Edwin L., Jr.
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Naab, Raymond H.
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Nation, James T.
Naud, Harold D.
Nawrocki, James T.
Neaton, Ronald Alfred
Needham, John H., Jr.
Needham, William R.
Neely, Robert R., Jr.
Neidlinger, John D.
Neiheisel, James
Neiley, Alexander
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Nelson, Albert W., Jr.
Nelson, Ronald M.
Nelson, Delos W.
Nelson, John Allen
Nelson, Roger Benjamin
Nelson, Joe L.
Nelson, Robert F., Jr.
Nelson, Roy E.
Nelsen, Norman Walter
Nelson, Gordon D.
Nelson, Dean Charles
Nelson, Sanford Harry
Nelson, Donald
Nelson, Howard G.
Nelson, William E., Jr.
Nelson, Lewis M., Jr.
Nelson, Gene S.
Nemits, Frank T.
Neuman, Edwin Charles
Neuman, Louis A.
Neunzig, Frederick
Neupert, John August
Neville, Robert Geoffrey
Newall, Edgar Cyril, Jr.
Newcomb, James Francis
Newell, Edward L.
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Newpher, James A., Jr.
Nicar, Reo E.
Nichols, Paul M.
Nicholas, John Robert
Nichols, Kenneth R.
Nichols, Paul H.
Nickell, Robert E.
Nicklas, Richard Timothy
Niedermeier, William
Nielsen, Foss A.
Nirenberg, Allan
Nixon, Edward Calvert
Nixon, Walter Barry
Noble, James Kendrick, Jr.
Noble, Russell E.
Nolan, James Charles
Nolan, James M.
Nolen, Calvin C.
Nordmeyer, Philip James
Nordgren, Lee A.
Nordaune, Vernon A.
Norris, David Ulmer
Norris, John C.
North, Roy A. P.
North, Evans W.
Norton, Julian H., Jr.
Northrop, Samuel, Jr.
Nusinson, Louis
Nygard, Douglas Arthur
Nyvold, Robert H.
Oaster, Leo J., Jr.
Oberholtzer, Nelson C., Jr.
Oberle, Louis Arthur
O'Brien, Thomas E.
O'Brien, Henry J.
O'Brien, Raymond D.
O'Brien, James Eagen
O'Brien, John Douglas, Jr.
O'Connell, John W.
O'Connor, Dennis Edward W.
O'Connor, Thomas F.
O'Connor, James J.
O'Connor, David
O'Connor, James F.
Odden, Conrad R.
Odden, Arvid S.
Odell, Jean M.
Oden, Richard William
O'Donnell, Richard C.
O'Donnell, Joseph E.
O'Donnell, Gerald F.
Oefelein, John J.
Oehrle, William C.
Oette, Paul Helmut
Ogara, William R.
Ogden, Charles Dennis
Oglesbee, Jack L.
Oglo, Michael F.
O'Hara, James Mardon
Olds, Hugh W., Jr.
O'Leary, Richard D.
Olivier, Joseph F.
Olivier, John L.
Olsen, Russell T.
Olsen, Jack H.
Olsen, Frederick Milton
Olsgaard, Richard B.
Olson, Maurice A.
Olson, Walter R.
Olson, John Scott
Olson, Lloyd W.
Olson, Loren W.
Olson, Charles E., Jr.
O'Meara, John Corbett
O'Neal, Hugh Lee
O'Neill, Samuel Joseph, Jr.
O'Neill, Edward Patrick
Orem, Harry B., Jr.
Orr, Roger D.
Orr, John D.
Orr, Samuel R.
Orr, George Elwood
Ort, Eddie P., III
Osborn, Douglas M.
Oscarson, Carl U. H.
O'Shaughnessy, Sterling J., Jr.
O'Shea, John P., Jr.
Ostronic, Francis J.
O'Toole, James B.
O'Toole, Charles S., Jr.
Ott, Norman K., Jr.
Overland, Leroy T.
Owens, Eugene I.
Owen, David A.
Owens, Kenneth B.
Oxenford, Robin A.
Oxford, Lewis A.
Pacala, Theodore
Pacilio, Jerry Anthony
Paget, James S., Jr.
Paige, Herbert
Painter, Jack T.
Painchaud, Noel C.
Palmer, Vernon C.
Panhorst, Donald L.
Panico, Joseph A.
Pankratz, Walter L.
Pappas, Sophocles G.
Pardue, Oscar Ward
Parker, James W., Jr.
Parker, Moses H.
Parker, Millard M.
Parker, Lutrelle F.
Parker, Gene O.
Parker, Joseph W., Jr.
Parke, John Schuyler
Parker, Ralph Lewis
Parkhill, David K.
Parker, Joseph M.

Parker, Edward Samuel
Parler, William C.
Parnell, Thomas Alfred
Parnham, Harold A., Jr.
Parr, Warren Sherman, Jr.
Parsons, William E.
Paterson, Dale Roycroft
Patterson, George, Jr.
Patterson, Reed I.
Patterson, Don L.
Patterson, David Charles
Patterson, Thomas John, Jr.
Patten, James V.
Patterson, Peter Vosper
Patterson, David A.
Pauley, James L.
Paule, Philip A.
Pauley, Gordon L.
Paulsen, Brett F.
Pausa, Clements E.
Paylor, John W., Jr.
Payne, George Patrick
Payne, James Roland
Payton, Richard L.
Peake, Douglas Avern
Peake, Robert S.
Pearsall, Morgan A.
Pearce, John E., Jr.
Pearson, Conrad Frank
Pearson, Donald V.
Pearce, James Hermon
Pearson, Herbert Clifford
Pease, Frank V.
Peden, William J, III
Peebles, John D.
Peebles, Charles Wesley, Jr.
Peeler, Philip Leroy
Peffer, Robert Lee
Peloquin, Robert D.
Pence, Dallas T.
Pender, Robert M.
Penney, William M., Jr.
Penniman, Russell S., III
Pennell, Donn F.
Pepper, Vernon D.
Perfetto, Chester
Perkins, Robert Sidney
Perkins, Richard C.
Perry, James Alfred
Perry, Roger N., Jr.
Person, Oscar C.
Pertsch, John J.
Peterson, Ralph R.
Peters, John L.
Petersen, Dean L.
Peterson, Robert Douglas
Peters, Deane Gregory
Peters, Charles B.
Peters, John
Peters, William E.
Petersen, Harry J.
Petersen, James C.
Peterson, Norman Glen
Peterson, Dana C.
Peterson, Charles K.
Pettegrew, Robert Levern, Jr.
Petzinger, Thomas V.
Peyrek, Theodore Rudolf, Jr.
Pfeil, Don Hilldrup
Pflugheber, Edward G.
Phelisse, Emile R.
Phillips, Michael J.
Philippi, Robert C.
Philipson, Willard D.
Philips, Ronald W.
Phillips, Raymond C.
Phillips, Wendal Lee, Jr.
Philbrick, Alfred Ray, Jr.
Phillips, William N.
Phinizy, Robert B.
Pickel, Theodore Carl, Jr.
Pierce, Keith A.
Pierce, William R.
Pierce, Harold Paul
Pilger, Martin Francis, Jr.
Pinette, Joseph C.
Pinel, Thomas H.
Pinkowski, Francis S.
Pinkerton, Robert L.
Pino, Joseph A.
Pintar, James R.
Piotter, Glen W.
Pipkin, Robert Glenn, Jr.
Pipkin, Cyril M.
Piscitelli, Peter A.
Pitard, Alden M.
Pitmon, Wayne M.
Pitman, William D.
Pitt, Donald A.
Pitt, Donald F.
Pittman, Charles William
Place, John Louis
Plager, Sheldon J.
Plaisance, Ronald F.
Platt, Alvin Wayne
Pleasants, Arthur Lee, III
Plessas, Gus P.
Plihal, Richard G.
Plummer, Raymond J.
Poelstra, Ray E.
Pollack, Lawrence Phillip
Ponder, Edward Allen
Pope, Charles Robert
Popham, Neal R.
Popoff, Alexander, Jr.
Popovich, Daniel E.
Porter, William C.
Porter, William B., Jr.
Pospisil, Albert C.
Potash, Matthew E.
Potter, Irvin A.
Potter, Ramon G.
Potts, Edward A.
Potter, Thomas M.
Powell, Blair Adams
Powers, Thomas Edward
Powell, Robert Francis
Power, Edward J., Jr.
Powers, William L., Jr.
Powers, Donald C.
Pratt, Loren Malcolm
Prendergast, John Joseph, Jr.
Price, Billie J.
Price, Leslie O.
Price, James O.
Price, Alan Howard
Price, Frank E.
Pritchard, John F.
Prochaska, George Emil
Proctor, Arthur Edwin
Prominski, Henry J.
Prosser, Joe C.
Provenza, Louis
Pruet, Bennett E.
Pruessner, Robert D.
Pruitt, Willie B.
Pryce, Edward A.
Puckett, Victor Lee
Pulcini, John V.
Purcell, James Carl
Purcell, Robert C.
Pusey, Paul B.
Putnam, James K.
Putterman, Donald E.
Puzio, Sylvester Anthony
Pyne, Gerard W.
Pyron, John E., Jr.
Quinn, Robert G., Jr.
Rabstejnek, George John, Jr.
Radcliffe, Robert L.
Radford, Robert J.
Ragsdale, Carl V.
Ragsdale, William Lemuel
Ragsdale, Herbert Walter
Raldiris, Raphael J.
Raley, John W., Jr.
Ralston, James S.
Yarborough, Gordon T.
Yates, Marvin L.
Yim, Herbert Conway
Yohe, John M.
Yost, Richard George
Youngstrom, George A.
Ramey, David Williamson
Ramsay, Selwyn P.
Ramsey, Allan Augustus
Range, Robert W.
Rankin, Charles A.
Ransford, Edwin W.
Rappana, Duane A.
Rardin, Hugh B.
Rast, Edward L.
Rathe, Hjalmar J.
Rattray, Alexander L., Jr.
Rattan, James E.
Rauch, Hilary John
Ray, Robert Paul
Read, Oliver Middleton, III
Ream, James W.
Reap, James B.
Rebois, Raymond V.
Recsnik, Frank A.
Reddy, John J.
Redford, John Lester
Reed, Raymond Daryl
Reed, Howard I.
Reeder, John Gordon
Reem, Glen M., II
Regan, Robert C.
Regan, James F.
Register, William Morell, Jr.
Regts, Gerald J.
Rehwoldt, Bruce D.
Reichle, Neal W.
Reich, Richard Lee
Reich, Richard J.
Reid, Alfred W., Jr.
Reierson, Paul Dean
Reiher, Herman C.
Reilly, Michael Joseph
Reilly, John C.
Reilly, Joseph F., Jr.
Reintjes, Robert J.
Rempe, Charles J., III
Remson, Ellsworth Jack, Jr.
Rende, Robert K. G.
Renick, Charles M.
Rennilson, Justin J.
Renter, Herbert Fred
Ressler, Peter James
Reynolds, David A.
Reynolds, Norman Elmer
Rheinschild, Rudolph Willia
Rhett, William M. S.
Rhodes, Jerome Pat
Rhodes, Willard C.
Rhodes, Richard Ayer, II
Riccio, Leonard R.
Rice, David Penfield
Rice, Emory Clark
Richmond, Donald Wayne
Rich, James C.
Richmond, Jay V.
Richardson, Robert Edmund
Richards, John R.
Richard, Donald Eugene
Richards, Edward Lambert, Jr.
Ricker, Huntley N.
Rickords, Ralph E.
Riester, John Edward
Riggins, Tracy, Jr.
Riha, Broydon John
Riley, Ivers Whitman, Jr.
Riley, William T.
Rindin, James A.
Ringstad, Robert Cornelius
Ringis, Romaine H.
Rinn, John P., Jr.
Ripple, John S.
Ritchie, Charles Morton
Ritchie, Lee R.
Ritola, Angelo Paul
Ritter, Jack F., Jr.
Ritter, Todd Dewey
Ritzenberg, Phillip
Rivlin, Lewis A.
Robb, John L.
Robbins, Duane Eugene
Robbins, Joseph
Robbins, Theodore Drew, Jr.
Robbins, William R.
Robb, Herbert R.
Robertson, Stanley M.
Roberts, William Ralph
Roberts, John E.
Robertson, Reece A.
Robertson, Richard A.
Robillard, Malcolm Ray
Robichaux, Joseph E.
Robinson, William H.
Robie, Eugene D.
Robinson, Irwin E.
Robinson, Guilford Allen, Jr.

Robinson, Barry H.
Robinson, John W.
Robson, Charles Armand
Robson, Harry Ernest
Roche, John W.
Roche, Clinton E.
Rock, Bertram William
Rodgers, Vernon P.
Rodgers, Joseph B., II
Rodgers, David S.
Roegner, Kenneth A., Jr.
Roemer, William F.
Roesser, James R.
Rogers, Richard H.
Rogers, Richard
Rogers, Calvin B.
Rogner, Eric E.
Rolka, Harry
Rollins, James Robert
Rome, James G.
Rood, Gerald D.
Rooney, John P.
Rooney, William E.
Roon, Eugene R.
Root, Norman J.
Rosenberg, Richard Morris
Rose, Guy P., Jr.
Rosenau, William A.
Roskopp, Frederick J.
Rosnes, Bruce H.
Ross, Kenneth
Ross, Christopher T. W.
Rossi, Ralph Anthony
Rossi, Louis A.
Rothermel, Richard R.
Rouse, James Wilfred
Rouse, Robert G., Jr.
Rovello, Michael L.
Rowe, Ronald R.
Rowe, Barry Morton
Rowe, Norman Leslie, IV
Roy, Richard P.
Rubenstein, Richard B.
Rubin, Edwin H.
Rugen, Otto N., II
Ruggles, Howard Edwin, II
Rumsfeld, Donald Henry
Ruppel, Robert W.
Russell, Harold J., Jr.
Russ, George J., Jr.
Russ, James M.
Russ, William Hardy, III
Russ, William Albert
Rutherford, Bruce J.
Rutland, Rufus Burr
Ryals, Willard G.
Ryan, William C.
Ryan, James B.
Ryan, Raymond E., Jr.
Ryder, William E.
Saft, Irwin C.
Sager, Paul H., Jr.
Sain, Frank Clinton
Salatine, Richard
Sales, Frederick C.
Sall, Carl E.
Salter, Ernest Hires, Jr.
Salter, Albert P., Jr.
Sammons, Chandler L.
Sampson, John L.
Sampson, Harvey R.
Samuels, Ivan R.
Sandberg, John Einar
Sands, Richard E.
Sanders, Jerrell L.
Sanders, William Albert
Sandstrom, Richard Batch
Sankey, Charles Howard
Sannicandro, Rocco A.
Santos, William, Jr.
Sapp, James E.
Sarber, John D., Jr.
Sargent, William B.
Sass, Arthur H.
Satterfield, Grey Wilson, Jr.
Sauerwein, Robert P.
Sauer, Gerald L.
Sava, Samuel George
Sawicki, Michael John
Sawyer, Russell D.
Sayer, George C.

Scarbrough, William Ross, Jr.
Scharf, Harry
Scharges, Horace F.
Schafer, Robert W.
Schaefer, James A.
Schaller, Clement H.
Scharff, Aaron Roos, Jr.
Schaffer, William R.
Scherer, James M.
Schisler, Robert A.
Schiller, Philip W.
Schick, Herbert Alton
Schiemer, Owen D.
Schippmann, Edward D.
Schickler, Edward R.
Schlanger, Arthur J.
Schlosser, Jack D.
Schlegel, George D.
Schmertz, John R., Jr.
Schmittle, Karl V.
Schmidt, Ray A.
Schneider, Ronald Harry
Schnurer, George T.
Schnurr, William J.
Schneider, Gilbert Donald
Schnaedelbach, Gerald
Schoenberger, Edward Smith
Schofield, Albert R., Jr.
Schofield, William J., III
Schoen, Robert M., Jr.
Schrader, Granger Dana, Jr.
Schroeder, Gilbert A.
Schroeder, Robert R.
Schroats, Richard Pryor
Schultz, Arnold C.
Schumacher, Charles Thomas
Schulte, Robert J.
Schumacher, Richard F.
Schwendeman, Joseph Raymond
Schwartz, Robert P.
Schweiger, Melvin Bernard
Schweitz, James J.
Schwarz, James K.
Schwacke, Edward A.
Schwartz, Stanley P.
Schwarz, Hans R.
Scott, Alfred L.
Scott, John E.
Scott, Robert B.
Scott, Sumner T., Jr.
Scott, Victor B.
Scott, Ronald C.
Scukas, Richard J.
Seabloom, James Andrew
Seacord, John More
Sears, Dale Dean
Seaton, James Hervey
Sedgewick, Joseph E.
Seibert, Moody G.
Selden, Paul H., Jr.
Sellers, Charles W.
Selna, Leland Robert, Jr.
Selph, Wade E.
Semcken, John Henry, Jr.
Sergeant, Russell L.
Severance, George L.
Sewall, William Bryant
Shafer, Phaon D.
Shaffer, Robert F.
Shafer, Mark L.
Shannon, James L.
Shane, John A.
Sharts, Clay Marcus
Sharkey, William Richard, II
Shaughnessy, William Michael
Shaver, Henry M., Jr.
Shaw, Ray M.
Shaw, George G., Jr.
Shea, Lincoln B.
Shea, James A.
Shechtel, Herman J.
Sheehan, William Henry, Jr.
Sheil, Dennis G.
Shepherd, Richard C.
Sherrill, Robert Worth,
Shields, John D.
Shields, Daniel Luke P., Jr.
Shinaut, Richard K.
Shippee, John Herbert
Shipman, David L.

Shipman, Dean J.
Shiver, James K.
Shonkwiler, John P.
Shoop, Ashton D.
Shopenn, Mervyn E.
Short, Laurence A.
Short, Robert T., Jr.
Shreve, Lloyd Hornor
Shuck, Thomas L.
Shultz, Harry L., Jr.
Shumaker, John J.
Shumaker, Lawrence Allen
Shumate, Donald J.
Shupp, Raymond W., Jr.
Shurtleff, Bruce Kipling
Sibley, David Nixon
Sich, Eugene J.
Sieben, Thomas H.
Siebert, John Carey
Sieber, Karl E.
Siemen, Harry A., Jr.
Sifferlen, John J.
Sikes, James K.
Siken, James Paul
Sikora, Edward
Sikorski, Edward Joseph
Silton, Sumner R.
Silverstein, Joseph Herbert
Silverman, Preston Z.
Simcoe, Richard O.
Simensen, Richard E.
Simmons, William G.
Simmons, Harold Dewey
Simmons, Glenn B., Jr.
Simons, Bruce G.
Simons, Robert Ira
Simpson, George T.
Simpson, Robert M., Jr.
Simpson, Harold N.
Sims, Thomas S.
Sims, Lloyd Hampton, Jr.
Sims, Lawrence E.
Sine, David F.
Singer, Donald Albert
Sink, James M.
Siqueland, Torger A.
Sirrine, Robert Rexford
Sisk, Lone L., Jr.
Six, Richard Henry
Sjolander, Dunn E.
Sjovall, William C.
Skerchock, Peter
Skidmore, Sidney Alfred, Jr.
Slater, George E.
Slaughter, Charles N.
Slaughter, Edward Ratliff J.
Sloan, Charles E.
Sloan, Ben L.
Small, Douglas Eugene
Smalley, Robert A.
Smart, Addison Douglas
Smiley, Robert R., III
Smith, Henry D.
Smith, Carey A.
Smith, Paul W.
Smith, Donald G.
Smith, Howard Woodruff
Smith, William E.
Smith, Douglas H.
Smith, William R.
Smith, Willard G.
Smith, Selden K.
Smith, Verne W.
Smith, Francis N.
Smith, William Oral, Jr.
Smith, Robert Syme
Smith, Neale S.
Smith, Clint Ernest
Smith, Jimmy C.
Smith, Hugh M.
Smith, Bernard S.
Smith, Robert M., Jr.
Smith, Robert W.
Smith, Stanley O.
Smith, Lowell C.
Smith, Joseph C.
Smith, Ralph E.
Smith, Walter Smallwood
Smith, Jack O.
Smith, Tracy D.
Smith, Shelby W.

Smith, David L.
Smith, James Travis
Smith, Donald John
Smythe, John W.
Snead, Charles B.
Snelgrove, Edward Robert
Sniffin, Willard F.
Snow, Worthing P.
Snyder, Robert M.
Snyder, John Edward
Snyder, Edward J.
Snyder, William C.
Snyder, Bruce E.
Sobke, Gene E.
Sokol, John
Soldatos, George E.
Soldwedel, Fred W.
Somers, Lucky W.
Sorensen, Elmer K.
Sorem, Carl D.
Southall, Charles Morton
Soutar, Alister Michael
Spann, Roderick H.
Spangrud, Raymond W.
Sparks, William C.
Sparks, Harry C.
Speer, John Spurgeon, Jr.
Spencer, Billie H.
Spencer, Billy Ray
Spencer, William R.
Speth, Charles T.
Speth, Harry F., Jr.
Speth, Herbert S.
Spidell, Gary Frank
Spies, Roderic A.
Spillis, James P.
Spohn, Wayne Leon
Spoliansky, Leon G. R.
Sposato, Francis T.
Spotts, James Lane
Sprague, Edgerton T. E.
Springer, Thomas Earl
Sprung, Stewart R.
Staar, Louis H.
Stacey, James W.
Staehle, John Henry
Stahlman, William K.
Stahura, Edwin E.
Stair, Robert N.
Standiford, David Millard
Stanley, Arleigh C.
Stang, Paul R.
Stanley, Henry M.
Standley, Arthur William, Jr.
Stanly, Bernard J.
Stanton, Henry M.
Starling, Ray L.
Staton, John C.
Staten, George Cowden, Jr.
Stauffer, Dale E.
Stearn, Craig J.
Steensma, Robert C.
Stefano, Frank, Jr.
Steger, William Harold
Stegner, Donald L.
Stehr, William F.
Steinmann, Bruce B.
Stein, Earl Arnold, Jr.
Stelljes, George, Jr.
Stephenson, Horace L.
Stephenson, Edward V.
Stephany, Edward Gustav, Jr.
Stern, Philip H.
Sternitzke, Vincent Leo
Stevenson, Robert E.
Stevinson, Donald
Stewart, Robert E.
Stewart, Charles William
Stewart, John H.
Stewart, Robert A.
Steyer, Cyril D.
Stiehl, Billy D.
Stiff, William Latane
Still, Rodney A.
Stirrat, John H.
Stiteler, David G.
Stmartin, Allen H., Jr.
Stockdill, Pat W.
Stockham, John K.
Stoddard, Theodore L.
Stoehr, Robert A.
Stoffer, Maurice H.
Stokely, Hugh Lawson, Jr.
Stoltz, George Frederick
Stone, Gilbert F.
Storrs, John H.
Strand, Donald Frank
Strauss, Paul A.
Straub, James S.
Strasburg, Louis Glen
Strange, Elmore C., Jr.
Strachan, John
Streit, Peter L., Jr.
Stribling, William R.
Strom, John C.
Stuble, Albert
Stubblefield, Roderick W.
Stuckel, John Edmund
Stuhlmann, Allen H.
Sturtevant, Brewster
Sturgis, John A.
Suchoza, Bernard P.
Sudbeck, Gerald F.
Sudler, Louis C., Jr.
Suflas, Constantine James
Sullivan, James H.
Sullivan, Robert G.
Sullivan, Lawrence C.
Sulzby, Joseph James, Jr.
Summitt, Paul Clayton
Summers, William Charles
Sumpf, Edward Charles, Jr.
Sumser, Raymond Joseph
Supple, George C., Jr.
Sutherland, Carl F.
Sutphen, Bobbie L.
Swall, Malcolm Francis
Swan, Benjamin D.
Swart, Calvin William
Swayne, Robert E.
Sweeney, John J.
Swegle, William F.
Swenson, Arthur H.
Swenson, Thomas F.
Swingle, Robert Lyle
Swinny, James H.
Sybeldon, William
Taflan, Simon
Taft, John R.
Taiani, Angelo J.
Takenaka, Harold Haruo
Talboom, Frank Peter, Jr.
Talbot, Edward B.
Tannhaeuser, William George
Taschner, Bruce
Taylor William N.
Taylor, James L.
Taylor, Roger Conart
Taylor, Robert Hayward
Taylor, Victor G.
Taylor, Edwin J., Jr.
Taylor, Leo P.
Taylor. Leslie L., Jr.
Taylor, William C.
Teaford, Richard L.
Teas, Richard H.
Tedder, Virgil Reams
Teeter, Howard B.
Temple, Will S., Jr.
Temples, Leo G., Jr.
Temte, Donald W.
Tenney, John W.
Teplow, Theodore H.
Terrell, Errol J.
Textor, Thomas William
Thalman, Robert N.
Thibeault, Donald W.
Thiel, David R.
Thielen, John William
Thissell, Charles W.
Thode, Thomas A.
Thomas, John W., Jr.
Thomson, Peter W.
Thompson, Donald H.
Thompson, John L.
Thomas, Alfred R., III
Thompson, Allan Robert
Thompson, Donald Homer
Thomas, Phillip A.
Thomas, Bernard Kimmel, Jr.
Thompson, Lewis W.
Thompson, Emory C.
Thomas, Carl H., Jr.
Thompson, Fred W.
Thompson, John H.
Thomas, Colin Charles
Thompson, Robert Andrew, III
Thompson, William James
Thomas, Wayne D.
Thomas, Dean C.
Thomas, Robert H.
Thorburn, Ronald L.
Thornton, Timothy Martin
Thorla, Arlin E.
Thorne, Douglass E.
Thoreson, Wayne Laverne
Thorlakson, Denis Paul
Thoralsen, Alden Justus
Thorpe, Larry Dick
Thurman, Herbert Clay
Thwing, James L.
Tice, George Dohner, Jr.
Tiernan, Robert P.
Tigert, Marion A.
Tillman, Temple H.
Tilley, Albert P.
Timmer, George W.
Timmons, King C.
Tinley, John H.
Tipton, Dennis H.
Title, Herbert
Titus, Robert W.
Tobin, John L.
Todd, Harold C.
Tollefson, Marshall R.
Tolliver, Richard H.
Tomko, Edward J.
Tompkins, Davis W.
Toner, Karl R., Jr.
Tonseth, Thomas Henrick, III
Torgen, Edward H.
Towne, Joseph Hardy
Towne, George F., III
Trafzer, William H.
Trammell, Webb Delathuy
Trandem, Robert E.
Trautwein, Robert T.
Travis, Richard L.
Treece, Guy E.
Tremant, Robert A.
Tremblay, Bernard H.
Tremain, Robert L.
Trewet, Glenn Edward
Tripp, Robert Glenn
Trippe, Jerry C.
Triplett, David M.
Trotter, Thomas Alan
Truex, Spencer L.
Trupp, Adam Richard
Truslow, Thomas W.
Tschudy, James J.
Tubbs, Richard H.
Tublin, Melvin J.
Tucker, Walter D.
Tulloch, Donald Cameron, Jr.
Tupper, Russell L.
Turley, Gerald K.
Turner, James J.
Turner, John W.
Turner, Veras D.
Turner, James Reginald
Turner, Benjamin Bynum, Jr.
Turnbull Ward E.
Turney, Bill B.
Turner, James Winslow
Turner, Wilbur E.
Turpie, Hugh M.
Tusla, Anthony Alfred, Jr.
Tweedie, Chester R.
Tyler, William Frank
Tyler, Warner W.
Tyma, John H.
Tyson, John M.
Uddenberg, Bertram, Jr.
Ukena, Cornelius Boone
Ulrich, Thomas Russell
Umbach, John C., Jr.
Underwood, Marvin K.
Underhill, William L.
Unti, Thomas John
Updegrove, Richard E.
Upton, Robert D.
Urbana, Robert D.

Uretsky, Jack L.
Utt, James W.
Utzinger, Roland J.
Vadnais, Henry A., Jr.
Valenzuela, Ernesto
Vanallsburg, Donald Earl
Vanbrimer, Russell H.
Vance, Walter Noble, III
Vandenheuvel, Robert E.
Vandekieft, Lawrence J.
Vandegriff, John H.
Vandenbiesen, James Louis C.
Vaneenenaam, John Phillip
Vanhouten, James F.
Vanhorn, Richard William
Vanhuyck, John A.
Vanzwalenburg, Paul Reyer
Varettoni, Robert J.
Vaughan, William H., Jr.
Vawter, Richard H.
Venn, Robert W.
Venning, Denis S.
Venturini, Joseph J.
Venters, Robert T.
Villars, Lawrence D.
Vincent, Dwight Harold
Vincent, Norman F.
Visnich, Sam
Vladessa, Philip
Voegel, George H.
Vogelberger, Peter John, Jr.
Vogler, William H.
Vonesch, Billy C.
Voshell, Joseph R.
Vosseller, James B.
Wachtler, William R.
Wacht, Walter F., Jr.
Waddel, Robert C.
Wade, Warren L.
Wadhams, Charles Hastings J.
Wadsworth, Roger Kipp
Wages, Ward W., Jr.
Wagenbach, Ronald J.
Wagner, Robert T.
Wagoner, Glen
Wahler, Joseph Leo
Wahlers, Gene L.
Wainwright, William Earl, Jr.
Wainwright, Norman
Waite, John J., Jr.
Wald, William G.
Wales, Gwynne H.
Walker, George Leamon
Walker, James Lafayette
Walker, Ronald Lee
Walker, Donald R
Walker, Wayne N.
Walker, John N.
Walker, William B.
Wallace, Thomas C.
Wallacavage, Michael R.
Wallace, Lewis E.
Wall, Richard V.
Wallin, Homer Norman, Jr.
Wallace, Prentice L.
Wallenius, Kenneth T.
Wallis, Elmer J.
Walls, Hollis W.
Walmsley, John M.
Walsh, William J.
Walsh, William Warren
Walsh, Leo A.
Walters, Connell G.
Walters, Thomas Joseph
Walters, Floyd Kirk
Wanamaker, Warren A.
Wanbaugh, Peter May
Ward, Arthur D.
Ward, Robert J.
Ward, Thaddeus J.
Ward, Eldon L.
Ward, Jack W.
Ware, Robert T.
Warhola, Joseph G.
Warner, Paul McCurdy, Jr.
Warnock, Gordon A.
Warren, David E., Jr.
Warren, Harry Bryant
Warren, Mitchum Ellison, Jr.
Warren, Robert W.
Warren, Frank Blair
Washburn, Dexter Allan
Wasserman, David B.
Watkins, Robert Davis
Watson, Warren R.
Watson, John
Watson, Gariepy G.
Watts, Harry C.
Wattay, Leslie J.
Wayne, Richard D.
Weatherbee, Lyle E.
Weathers, Terry Meylan
Weaver, Robert Hamilton
Weaver, Lester G.
Weaver, George Olis
Weaver, Gordon F.
Webb, Jones
Weber, James Wayne
Weber, Euen M.
Weddleton, William H.
Weed, Lee Henderson, Jr.
Weeks, Robert Doughty, Jr.
Wegher, Arnold C.
Wegman, Paul R.
Wegner, Gene H.
Weidenkopf, David Wright
Weigand, Robert Edward
Weiner, Ronald A.
Weinreich, George Francis J.
Weiss, Frederick C., Jr.
Welch, William R.
Welch, Samuel H.
Welker, Ralph O.
Wells, Alfred D.
Wermuth, Robert L.
Wernicke, Rodney K.
Wesendorf, Leonard E.
Wesson, John E.
Weston, John U.
Westergren, David P.
Westendorff, Clarence G., Jr.
West, Warren Coray
Westhusing, James K.
West, Joe E.
West, Charles A.
Wetzel, Robert H.
Whalen, William Francis
Wheaton, Walter L.
Wheeler, Carson McKeag, Jr.
Wheeler, Jerry A.
Wheeler, John Perry, Jr.
Whiddon, Elmer Courtney, Jr.
Whisler, William C.
Whisenand, Stephens Francis
Whitman, Harvey E.
White, Joseph Murray
Whittemore, Laurence F.
White, Charles E.
Whitcomb, Lee Edward
White, William Joseph
Whitehead, Lewis H.
White, Harold Oswell
Whitlock, Roy E.
White, Donald Downing
Whittle, George F.
White, John E.
Whittle, William Brooks
Wholihan, Stephen E.
Wibby, John H. Jr.,
Wicklund, Romayne C.
Wicks, Franklin Devoe
Wiese, Richard A.
Wiggins, James Marvin
Wiggins, Glenn Richard
Wight, Donald Miller, Jr.
Wike, James W.
Wilcox, Irving A.
Wilcox, Leonard A.
Wilcox, Richard H.
Wilde, Edward A., Jr.
Wild, Philip A.
Wiley, Richard B.
Wiley, William T.
Wilhelm, Frederick Sheldon
Wilkinson, Keith Allen
Wilkins, Robert C.
Wilkerson, James Edward, Jr.
Williams, Tyler E., Jr.
Williams, Roy Edward
Williams, Gerald P.
Will, Robert Lee
Williams, Edward Nash
Williamson, Kenneth Arnold
Williams, Earle A., Jr.
Williams, John C.
Williams, Edward A.
Willis, Edmund P.
Wills, Allen D.
Williams, Richard S.
Williams, David L.
Wille, David G.
Williams, Jim M.
Wilson, Vernon K., Jr.
Wilson, Gordon Malcolm
Wilson, John Stuckey
Wilson, Richard Whittingham
Wilson, William Ross, Jr.
Wilson, Everett D.
Wilson, Kennedy Lunt
Wilson, Frederick W.
Wilson, David A., Jr.
Wilson, Oscar Bryan, Jr.
Wilson, Hugh Paul
Wilson, George J.
Wilson, Robert W.
Wiltshire, James F.
Wimberley, Robert Joseph
Winslow, David K.
Winters, Raymond O.
Winter, Eugene J.
Winter, James G.
Winters, Kellis W.
Wise, Anthony John, III
Wise, John E.
Wise, Richard T.
Wise, Carlton Henry
Wise, Harold G.
Wisher, Donald F.
Wislocki, Edward
Witters, Gary
Whittman, Joseph John
Wojan, Donald
Wojnar, John J.
Wolff, Stephen J., Jr.
Wolfersberger, Jacob Robert
Wolfe, Henry B.
Wollensak, Richard J.
Wollam, John S.
Woody, John H., Jr.
Wood, David
Wood, Albert D.
Woodruff, David H.
Wood, Leon Greville, Jr.
Woodworth, Ellery B.
Wood, Donald J.
Wood, Hal Deaver
Woodhead, Royal S., Jr.
Wood, Fred M.
Woodmansee, Lloyd E.
Woomer, John R.
Wooster, Tristan M.
Workman, Arvin Leroy
Worrell, Robert H.
Woorall, Luther F.
Worth, Richard Carleton
Wright, George S.
Wright, George Kendall
Wright, Lawrence W.
Wright, Clayton H.
Wright, James N.
Wright, Jack O.
Wright, Russell A.
Wright, Joseph M.
Wright, Johnie B.
Wuerfel, Theodore H.
Wulff, John H.
Wunderlich, Robert M.
Wunsch, William F.
Wyllys, Ronald E.
Wyma, Bruce Harris
Young, Donald H.
Young, Robert H.
Young, George Leighton, Jr.
Young, Richard E.
Young, William Andrew.
Young, Robert O.
Yuscavage, John Michael
Zabielski, John A.
Zahn, Richard D.
Zahn, Raymond Charles

Zaitzeff, Lawrence P.
Zang, Allen.
Zanner, Louis H. R.
Zarker, John W.
Zavattaro, Frank A.
Zeithami, Donald Paul
Zemaitis, Robert John
Zerda, Kenneth V.
Zervas, George James
Zerwas, Richard Leroy
Zettler, John W.
Ziebell, Earl V.
Zielinski, Anthony S., Jr.
Ziglar, John Farrel
Zimmerman, Edwin Eldridge J.
Zirps, George
Zitzman, Lyle L.
Zizzi, Veniero C.
Zogran, Raymond N.
Zuniga, Guillermo
Zurnieden, Ludwig Arnold, Jr.

MEDICAL CORPS

Ackroyd, Frederick William
Adeeb, Allan Jerome
Akers, Richard Elbert
Allen, William C.
Amick, Lawrence D.
Anderson, Charles C.
Ansell, Burness F., Jr.
Anthonisen, Nicholas Rioch
Apffel, Phillip R.
Appleman, Robert Miller
Arena, Anthony Joseph
Arrington, Robert G.
Azola, Javier Arquimedes
Avedian, Victor Vartzar
Azeris, Harijs Talvaldis
Bailey, Robert Jerome
Baird, Robert Marshall
Baker, James Porter
Barker, Dell John
Barnes, James Erle
Barnhill, Claude Alton
Bates, Thomas Richard
Bellinfante, Bruno Joseph
Benoit, Richard Paul
Berg, Ben C., Jr.
Berman, Irwin
Bernard, Richard M.
Bertuch, Albert William
Bevis, William D.
Bierman, Gilbert Henry
Birdwell, Thomas Rogers
Biron, Pierre Edouard
Bistrong, Herbert Walter
Black, Paul Lelan
Blair, Charles Raymond
Bleicher, Sheldon J.
Blum, John Alan
Bonertz, George Conrad
Bourne, Charles Warren
Bouterie, Ronald Lee
Brackett, John W., Jr.
Brennan, Thomas V
Broadley, Paul Hickman
Brodmerkel, George Joseph J.
Brown, Charles Harmon
Brown James Randolph
Brown, Herbert Paul
Budd, Frank Watson Jr.
Buehler, John Arthur, Jr.
Bullington, Walter G.
Bunke, John William
Byorth, John Patrick
Cabell, Benjamin Byran
Canete, Danelo R.
Cannon, John P.
Capobianco, Faust J.
Cashion, Ernest Lowery
Chabon, Irwin
Childers, David Omer
Chopyak, John Alan
Christensen, Harvey Earl
Clarke, Francis M., Jr.
Cleary, John
Cobb, Joseph B.
Coghlan, William P.
Cole, Donald P., Jr.
Colgrove, Robert Charles
Concannon, Patrick Joseph J.
Cone, Theodore S.
Connelly, John Peter
Cook, Lynn Kenneth
Copman, Louis
Corbett, John Richard
Cortes, Felix M.
Cossman, Francis Price
Cotlier, Edward
Cottrell, Charles Daus, Jr.
Coulter, James Arthur
Cowan, David Emerson
Crawford, Edward Philip
Crittenden, Joseph Jay
Crutchfield, James D.
Cunningham, John Edmund, Jr.
Dadmun, Stewart Erving
Dahlheim, Harold D.
Dalton, Willis V.
Dangelo, Nestore John
Davis, Richard Laverne
Davis, David Benjamin, II
Davis, Gerald Lynn
Davoudlarian, David Kevork
Deen, James H.
Delaney, Leo T., Jr.
Denby, John Lambert
Deraps, Gordon Douglas
Dingle, Robert W.
Dixon, Gardner Luke
Dodson, Albertus F.
Dolan, Kenneth Dewayne
Dollinger, Armand L.
Donnell, Garrett Edwin
Donovan, Francis Michael
Dougherty, Norris Robert
Drennan, James Anderson
Ducommun, Dale Jesse
Durfey, John Q.
Edmonds, Leland Creason, II
Edward, Henry G., Jr.
Ehrlich, George E.
Ellingson, Abel Raymond
Emery, Walter C.
Ende, Norman
Esch, Albert F.
Essex, Francis Xavier
Everett, Benjamin Arthur
Farley, Robert Hugh
Faust, Kenneth Joseph
Faust, Robert Blakeslee
Fernando, Oscar Umali
Finney, Louis Arthur
Firnschild, Paul G.
Fletcher, Donald Frank, Jr.
Flynn, James M.
Forney, William Ray
Frank, Nathan R.
Frankhouser, George Vernon
Frazier, Calvin Hunter
Frazier, Wayne E.
Frerichs, Cletus T.
Funk, Martin Albert
Furuya, Clinton Masao
Gainer, James Vincent, Jr.
Gavan, Thomas L.
German, Robert George
Gibbs, Benjamin F., Jr.
Gibson, Donald Carroll
Gilson, Benjamin Jenks
Glass, James Lawrence, Jr.
Glass, Robert Leslie
Gleason, David Childs
Glenn, James Eugene
Goetz, Robert L.
Goldblatt, David
Gomatos, Peter J.
Gonzalez, Francisco Manuel
Graham, Charles R.
Grannis, William G.
Grant, Willis Jackson III
Greathouse, Richard Francis
Greenberg, Jack J.
Greenwood, Richard Jackson
Greer, William E.
Griffin, Ward O., Jr.
Grozier, Michael Lawrence
Gubin, Morton L.
Gullatt, Victor Reid
Guri, Charles Dimitri
Gyarfas, William J.
Gynn, Thomas Nunn
Gyorgy, Tilbert Rainer M.
Hagaihara, Patrick Mumio
Hall, William L.
Hamilton, Charles E.
Hamilton, Robert Charlton
Hamilton, James Edward
Hammer, Earle I.
Hamren, John Morgan
Hanauer, Frankline Alvan
Hardeman, Frank, Jr.
Hardie, James A.
Hardy, James Hazen III
Hartman, Allen P.
Haslup, Allen L.
Hathaway, William E.
Hattori, Takashi
Hayen, Donald Owen
Healy, Michael Joseph
Heggie, Alfred Dineley, Jr.
Heimark, John J.
Heisey, William George
Hendrix, James Z.
Herman, Lavern Harry
Hessing, John W.
Hill, John
Hill, Franklyn C., Jr.
Hill, George James
Hilts, Schuyler V.
Hirsch, Erwin Federico
Hoadley, William Dean
Hoekzema, Arnold David
Holmboe, Arthur Henry
Hood, Thomas R.
Hopwood, Herbert ., Jr.
Hovda, Allen A.
Howard, John L.
Howery, Stephen Edgar
Oyme, James Balfour
Uber, Kitchel Herbert
Urgens, William Robert
Ughes, Luman Harold, Jr.
Hunsaker, Darrell Herbert
Huseby, Helmer Walter Scott
Hutchings, Donald D.
Infanzon, Alejandro
Jackson, Sidney C.
Jackson, James Keith
Jaeger, Edward A.
Johnson, Joseph E. III
Johnson, J. W.
Johnson, Harry I., Jr.
Johnson, Joseph Olan
Johnson, Stancil Enos Delan
Johnson, Doyle Eugene
Johnston, Harry Buchanan, Jr
Jones, Cyril David
Jones, Daniel M.
Jones, Jimmy E.
Jorgensen, Morton C., Jr.
Joyce, Thomas Hunt, III
Juergens, John L.
Julian, Sydney Roberts, Jr.
Jung, John Marshall
Kaiser, Robert James
Kamm, William Alfred
Katz, Robert I.
Keegan, James T.
Keeler, Clifford Earle
Keeve, Jack P.
Keig, Harry Eugene
Kellett, Cyril Francis, Jr.
Kelly, James E.
Kemp, Verbon E., Jr.
Kesler, Kelvin Franklin
Kindwall, Eric Post
Kleh, Thomas Robert
Klem, Gabriel W.
Klibanoff, Edward
Knox, Henry Donald
Kodsi, Magdi Saleh
Koenecke, Fred H., Jr.
Kool, Bernard P.
Kopp, Clarence J.
Kormos, Harry Rudolf
Krill, Carl Emil, Jr.
Kuehn, John L.
Kurtis, James Thomas
Kurtzman, Joseph L.
Landau, Joseph W.
Langdale, Emory Lawrence

Lapkass, Eugene E.
Lapp, Milton C.
Lawlor, John B.
Lawrence, Harry Martin, Jr.
Lazaroff, Philip
Lebouvier, John Douglas
Leffler, Lynn Eugene
Lemmert, William A.
Lentz, Malcolm Walter
Lesko, Clarence
Leslie, Loren Richardson
Lesock, William John
Lewis, Jack L.
Libnoch, Joseph Anthony
Light, Harry Grim
Linn, Bernard S.
Lipson, Charles Sidney
Lizarralde, German
Llewellyn, Neal Nelson
Longabaugh, Thomas B.
Looney, William B.
Lorberbaum, Herman A.
Lowsma, Henry Britell
Ludlow, Lester A.
Lynn, Clyde Arthur
MacVaugh, Horace, III
Malette, William Graham
Mandle, Robert Bennie
Manring, Daniel Arthur
Mapp, Esmond M.
Marinelli, Lawrence, Jr.
Marshall, Charles Edward
Mauroner, Norman Lee
McArthur, James Roderick
McClain, Garvin Herbert
McFarland, Robert B.
McGaughey, James D., III
McGehee, Thomas Ford, Jr.
McGuire, Lockhart Bemiss
McIntyre, John Duncan
McIntyre, James Angus A.
McLaughlin, Ralph Thomas
McManamon, Thomas Vincent
McMasters, Robert Earl
Mead, Perry Avery, Jr.
Meador, Murray Wayne, Jr.
Medrek, John J.
Meier, Carl F.
Meyer, Melvin Eugene
Miller, Raymond C.
Miller, Arthur Francis
Miller, R. Paul
Miller, Jacob Thomas, Jr.
Miranda, Mario Cesar
Mitts, Murray Gordon
Monell, William Clarkson
Monger, Ralph Horace, Jr.
Moore, Donald B.
Moore, William E.
Moore, Charles Leslie
Moran, William Joseph
Mork, Gustave William
Moser, Kenneth M.
Moss, Gerald S.
Mullins, William James, Jr.
Mumma, John
Murphy, Jerome Leo
Murray, Dwight H., Jr.
Muther, Ellis Frank, III
Nelson, Theodore A.
Nelson, James Nels
Newby, James Penn
Newcomer, Albert Dallas
Nichols, Charles Edward
Nielsen, David James
Norris, James Ellsworth C.
Novak, Edward Andrew, Jr.
Nowak, Richard Martin
Ogburn, Benjamin Rivers
Ohanley, Alexander Leys
Oleinick, Samuel R.
Osius, Theodore George, Jr.
Ostroski, Joseph Thomas
Ozawa, Kenneth H.
Patriquin, David Ashley
Patterson, James Blake
Paxton, George Stratton
Payne, Stanley Ross
Peabody, Charles N.
Pearson, Roger Warren
Perry, Lawrence C.
Pettengill, Howard W., Jr.
Petty, David T.
Pierce, Chester M.
Pine, Harry Louis
Piper, Charles E., Jr.
Polglase, Vannest, Jr.
Polin, Stanton Gordon
Pollock, Norman Lee
Pomponio, Joseph G.
Potvin, Louis Edgar
Power, Curtis Garland, Jr.
Primich, Frederic Frank
Propert, David Boyd
Proskey, Aloysius J.
Pryor, Charles Allen, Jr.
Pyeatte, Jesse E.
Radelate, Paul Bernard
Ragsdale, Julian Leon
Rahn, Gordon E.
Raisbeck, Clifford C., Jr.
Ramlo, John Hale
Ramsay, Reginald Carlyle, Jr.
Real, Jack Duane
Redick, Lloyd Franklin
Reeber, Erick
Reeder, Robert C.
Reninger, Charles William J.
Reynolds, Robert Walk
Roberts, Robert Reuel R.
Rodriguez, Abe G.
Rohren, Donald Wesley
Rolen, Alvin Curry, Jr.
Romine, John Stanley
Ruben, Malcolm E.
Rumble, Wilson Baxter
Rush, Cyril B.
Russell, Robert Masters
Russell, Walter J.
Ryan, Richard Michael
Sargent, Edward C., Jr.
Sargent, Robert Taylor
Schafer, Theodore E.
Schibly, William Joseph
Scott, Daniel Joyner, Jr.
Scott, Augustus Barnett
Seal, Robert Bennie
Sedlack, Richard E.
Sharpe, Richard Garfield
Sheldon, Robert Burnett
Showery, Raymond Edward
Siemsen, Jan K.
Sierchio, Gerald Peter
Silva, Alberto
Silver, Lawrence
Sims, Norman Lemaster
Sloan, Charles R.
Smith, Gardner W.
Smith, Martin Jay
Smith, Raphael Ford
Smith, Ronald Walter
Snyder, Harry Dean
Somerndike, John M.
Southard, Ollie E.
Soybel, William Meyer
Spagna, Paschal Michael
Spierling, Paul Robert, Jr.
Spurney, Robert V.
Stafford, John Richard
Stage, Anson H.
Steagall, Robert Worth, Jr.
Stebbins, George Griswold J.
Steuer, Rudolph Robert, Jr.
Steward, John P.
Stock, Leo F.
Stone, William Michael
Sukoff, Michael Howard
Sullivan, Philip Gerard
Sutliff, Charles S.
Taft, David Allan
Talmadge, Bruce Alexander
Tanner, Clyde Vernon
Taylor, Norman Eugene
Teynor, Joseph W.
Thomas, Malcolm James, Jr.
Thomas, Don Fred
Thomas, David Frederick
Thomas, William J.
Thorsell, Harold G.
Tierney, Ralph Charles
Tilock, Fred Herbert
Tipton, Harry B.
Tolchin, Sidney
Tolmie, John Duncan
Trapp, Donald C.
Traynor, Mack V., Jr.
Tucci, Joseph Ralph
Ungersma, John Aaron
Vanderpool, Donald Warne
Vanorden, Lucas S.
Vanstone, William W.
Varma, Vijay Mohan
Vaughan, Billy L.
Vermess, Michael
Vescovo, Paul Clement, Jr.
Voet, Raymond Kenneth
Vuksta, Michael J.
Wagner, Philip Ira
Wagoner, George Frederick
Walklett, William Donald
Walsh, John J., Jr.
Wargovich, Raymond M.
Watt, Thomas B., Jr.
Weidenbacher, Richard L., Jr.
Weiner, Stanley Irwin
West, Alex Robert
Weston, James T.
Weyrens, Francis P.
Whalen, George Edward, Jr.
Wheeler, Clarence Joseph, Jr.
Whetsell, Joe Ed
Wieneke, Karl Fredric, Jr.
Williams, David Lee
Wilson, Gabriel H.
Wilson, Jack Herbert
Wilson, John D.
Wilson, Stuart Dickinson
Wintrich, Herman Peter
Wood, William Bainster
Wood, Joseph Henry, Jr.
Wood, Dewey Edward
Woodruff, James Joseph
Wooldridge, Robert M.
Worsham, Bertrand R.
Wright, James Claris, Jr.
Wyatt, Jacob Emery, Jr.
Youngs, Luther Archibald, II
Zeidman, Howard
Zvetina, James R.

SUPPLY CORPS

Abb, Richard C.
Ade, James L.
Adrian, Nick
Aiello, Anthony R.
Alarie, Paul J.
Albright, Robert T.
Allen, Frank S.
Anderson, Rodney G.
Ansel, Donald R.
Backus, John L.
Baity, Edward L.
Bang, Henry F.
Bartholomew, Charles William
Bauhofer, Robert J.
Bayless, Charles S.
Bell, Johnston B.
Benson, James F.
Beumer, Delbert Harry
Bieser, Arthur L.
Bigelow, Russell T.
Birkmann, Madison G.
Bisbano, Anthony Jr.
Blatt, William C. Jr.
Blumberg, Herbert K.
Bodden, William M.
Bolich, Joseph Patrick
Bolliger, Ralph W.
Bowers, William M. Jr.
Braun, Arthur Fredrick
Brooks, Bernard G.
Brown, Roy G.
Broz, John J.
Buckley, James A.
Burch, William E.
Burkett, Roy W.
Burleson, Aubrey R.
Butler, William G.
Cabot, David.
Callahan, Joseph F.
Campbell, Robert Laurie
Carney, Thomas R.
Carroll, Raymond Leroy

Carter, Edwin L. Jr.
Charlton, William Henry
Christiansen, David Willard
Churchill, John Alfred
Clark, Alan Fulgham
Close, Paul D. Jr.
Cohn Herbert Benjamin
Colbourn, Edward Wheeler
Cole, Benjamin I. Jr.
Connell, James J. Jr.
Conover, Julian D Jr.
Coughlin, Richard J.
Coyle, Anthony Leo.
Cross, Charles William
Culver, Gerald S.
Cunningham, Joseph C.
Cuomo, Ralph J.
Curtis, Bennett R.
Cutright, Carl R.
Daniel, Dorsey Wharton
Davis, Herbert E. Jr.
Davis, Gerald B.
Dawkins, Samuel D. Jr.
Delmar, Richard J.
Doenges, Rudolph Conrad
Dolan, Edward J.
Dolbeck, Harry C.
Donovan, James Lawrence
Eble, Frederick D.
Edgerton, Thomas C.
Elliott, Erving G. Jr.
Enger, Otto R.
Fandey, Fayze.
Farrell, Thomas J.
Felker, John J.
Ferguson, Sherill T.
Fett, Kenneth R.
Fickett, Lewis P. Jr.
Fink, Donald A.
Fitzpatrick, Julius Way
Fleming, Edmund S.
Fletcher, Richard K.
Fogle, Grover D.
Fox, Daniel W.
Fraser, Alexander H.
Frisbie, James H.
Gault, William M.
Giannini, Roland E.
Gianos, Edward A.
Gill, Leo Samuel
Gollofon, Arthur Francis, Jr.
Graham, Kendall P.
Granger, Charles F., Jr.
Grant, Ralph Stanley
Greenberg, Henry B.
Gress, John H.
Grimes, Fred Michael
Gross, Martin
Haidet, Walter R.
Hall, James Dane
Halquist, Theodore J.
Hange, Vernell M.
Hanna, Mark H.
Hannah, Joseph L.
Hansen, Bernard E.
Hardesty, Clayton D.
Harris, Robert L.
Heil, Louis Lair
Hensley, Frank Maywood
Hock, Winfield Fletcher, Jr.
Holmes, Robert M.
Hopkins, Jack Walker
Hudgens, Ronald Clinton
Hudson, Clyde E.
Huebschman, Robert B.
Huebsch, Roger M.
Jackson, David H.
Johnson, James B., Jr.
Jones, Maximilian B.
Joseph, Mark R.
Karesh, Joseph S.
Kenny, Stephen P.
Keyes, Warren R.
Kielty, Edward
Kimball, William G.
Kirms, Frederick O.
Kufus, John R.
Kurtz, Robert J.
Lafrance, Philip H.
Langdon, Arthur H.
Lebherz, John B.
Lewis, Richard D.
Liftman, Alvin H.
Liggett, Hiram S., Jr.
Lilly, Thomas G.
Link, Curtis K.
Lurensky, Robert L.
MacDonald, John F.
Mackaman, John R.
MacMullen, Clark
Malumut, Lewis
Maresh, James
Maxwell, Robert B.
May, Walter J.
McCain, Charles H., Jr.
McCann, Robert O.
McGoldrick, Robert L.
McLain, James A., Jr.
McLoone, Joseph V.
McManus, Lawrence W.
McMenamin, James P.
McPherson, Burtis E.
McPherson, William Andrew J.
Medley, Edwin W.
Mitchell, Harold Raymond
Mjelde, Carroll Verne
Mohr, Robert B.
Moore, Wyly Alsup
Morris, Herbert Kinston, Jr.
Morris, William Charles
Morrison, Roderick A.
Mundorff, Roy McClellan, Jr.
Murray, Michael T.
Nardi, Francesco P.
Neumann, Frederick L.
Nielsen, Robert L.
Northrop, Joseph A.
Olson, John G.
Osborn, Robert Hart
Osterhout, Royal H.
Owens, James K., Jr.
Paden, David L.
Page, William N. Jr.
Paterson, Thomas MacDonald
Patton, Kenneth Gene
Paul Peter Comegys
Peickert, Marlin W.
Phelps, James C.
Phillips, Howard B.
Phippard, James R.
Pickel, Robert E.
Pogue, Joe H.
Polunsky, Robert I.
Ponzeline, Dante C.
Porter, James A.
Post, Melvyn E.
Potts, William E.
Power, John F.
Prather, Charles M.
Prichard, Barry
Purcell, Alfred Stephen
Ranes, John W.
Ranieri, Walter R.
Raven, John Frederick
Reeder, Paul Alvin
Reeves, Marion Paul
Regan, George W.
Richards, Walter R.
Riley, Robert J.
Ristau, Robert G.
Rose, Rufus Edwards, Jr.
Roth, Eugene E.
Sagen, Paul G.
Sankey, Harry William
Sawczuk, Stanley R.
Scheinberg, Carl
Schmitz, Pierre P.
Schneider, Andrew George, Jr.
Shulden, William H.
Schweiger, Richard W.
Sears, Donald L.
Shahadi, Frederick F.
Silk, Arthur T.
Singleterry, Richard Walter
Smith, Gerald A.
Snipes, Wilson C.
Soranno, Michael A.
Stack, Daniel
Stangelo, Donald Gene
Starkey, Jack Lowell
Storey, Robert W.
Suffa, Frederick William
Sullivan, Gerald C.
Sullivan, William Joseph, Jr.
Taylor, Ralph F., Jr.
Test, Clayton R.
Thordarson, Richard Theodor
Thurman, K. Keith
Thweatt, John Griffin, Jr.
Tipping, Robert E.
Tormey, Edward N., Jr.
Tornlof, Albert
Trickey, Nelson G.
Trosset, Richard T.
Tryc, Roman J.
Turner, George S.
Ulmer, Edward Y.
Utman, Ronald
Vanantwerp, Malin
Vandegrift, Charles Frank
Vandervoort, Peter
Varricchio, Philip T.
Vaughan, Francis
Vawter, Wallace R., Jr.
Vikingson, Vernon F.
Vonhennig, Dieter H.
Waggoner, Wayne C.
Walsh, John William
Ward, Frederick F.
Watson, Gary E.
Weinress, Ronald A.
Weise, Robert Walter, Jr.
Wells, Don L.
West, Jon W.
Weyman, Edward B.
Wheaton, Robert G.
Whitacre, Philip Arthur
Whiteman, Ralph E.
White, Donald E.
White, Edward P.
Whitney, Carroll E.
Wick, Daniel A.
Wickman, Robert Emil
Wilson, George A.
Winterton, Boyd W.
Wix, James L.
Zimtbaum, Samuel D.

CHAPLAIN CORPS

Angus, Robert C.
Babcock, Davis J.
Bailey, Wilfred M.
Barnes, Raymond Whitney
Bartlett, Willard William J.
Beadle, Herbert J., Jr.
Beers, Donald William
Bergsma, Derke P.
Bidne, Arvid Edward
Black, Lawrence Vanwagenen
Botkin, Charles T.
Brammer, David Howard
Bray, Allen Farris, III
Brock, John Dale
Campbell, Edson E.
Carlson, Kenneth Donald
Carey, Amos Clark
Cheatham, Jeff Porter, Jr.
Christmann, Harold Lee
Conover, Eugene J.
Cooper, William David
Curtis, James Wallace
Donovan, Herbert A., Jr.
Doyle, Lawrence Hauswirth
Drew, Monroe, Jr.
Edwards, Hubbard Scudder, Jr.
Engdahl, Carl M.
Engebretson, Norman Roy
Farness, Raymond H.
Fay, Francis Aloysius
Freeman, Gaston Howard, Jr.
Gammon, Joseph W.
Gilbert, John L.
Goss, Hubert Smith, Jr.
Greene, Barry Hewitt
Hall, Marvin E.
Hancox, Jack D.
Harwell, Lacy R.
Hever, John Joseph
Hilbrands, Herman Thomas J.
Holmes, Edward A., Jr.
Hutchinson, Warner Alton, Jr
Ives, Martin E.
Johnson, Robert K.

Kelly, Patrick Joseph
Kimbrough, William Rex
Kimmell, Elmer L.
King, Henry P., Jr.
Kloner, William
Knauer, George Arthur
Laing, Charles E.
Landes, Aaron
Lassetter, Clarence Ray
Lind, Harold E.
Love, James Neal
Lukas, Joseph Stanley
MacPherson, Keith M.
Mangum, Wallace T.
Martin, James B.
Masson, Thomas H. F.
McDonald, Elmer J.
McGinley, Charles Richard
McKinnon, Henry J.
McKnight, Peter G.
Moris, Walter Johan
Murrell, Arthur V.
Newbert, Cecil Leonard
Olooney, Martin J.
Olson, Oliver K.
Opel, William A.
Pafchik, Lawrence F.
Pauling, Chandler Freemont
Pearson, Samuel C., Jr.
Peterson, Oliver E.
Pitt, Theodore K.
Podet, Mordecai
Pomeroy, Robert Ferris
Powell, William Audrey
Quirk, John M.
Read, Edward Joseph
Rogers, Edwin William
Rothman, Robert Aaron
Schindler, Charles M.
Schuster, William Frank
Scherch, Richard Otto
Shulman, Nisson Elchanan
Silverman, Hillel E.
Simon, Matthew H.
Smith, Philip K.
Smith, Raymond Kendall
Speers, William Arthur
Stephens, James Harris
Sternberger, Richard Saul
Stenberg, Vernon Eugene
Sullivan, Edward H.
Swenson, Edward Walter
Thilking, George Stanley
Thompson, Alden L.
Thomson, Bruce Randolph
Vonalmen, Adelberta Marion
Vondracek, Benjamin Frankli
Walther, James A.
Weeks, William P.
Whitley, Larry Eugene
Willets, Robert Harrellson

CIVIL ENGINEER CORPS

Adams, William R., Jr.
Allen, William B.
Anibal, Fred Ramon
Ashley, James E.
Ashton, William Daniel, III
Ballis, Robert Joseph
Beattie, Robert T.
Bedrosian, Edward R.
Bell, David P.
Bentley, Donald R.
Besier, Rudolph F.
Block, Norman Gregory
Bloom, Elias
Bredberg, Robert E.
Bredow, Paul F.
Brodell, Irwin
Cantey, John Manning
Catlin, William G.
Clark, Ernest L.
Coats, Ernest D.
Coates, Edward E.
Collins, James Richard
Colvin, Stanley William
Connett, Dean M.
Coons, Norman J.
Copple, Fred
Cordell, Donald E.
Cosper, John C., Jr.
Creger, William Ellery
Cruikshank, Alan
Current, Neal F.
Cusano, Michael Charles
Daw, John L.
Dennis, Donald T.
Dick, Roland S., Jr.
Dodson, John R.
Donovan, Robert L.
Donoghue, Edward P.
Drake, Frank M.
Duarte, George M.
Ellis, Osborne N.
Emery, Austin H.
Erickson, Paul O.
Fair, Harlan W.
Farley, James C.
Farrell, Arthur W.
Farrell, William G.
Fisher, Jack G.
Fitzgerald, Robert William
Ford, Miller C., Jr.
Forman, Edward W., Jr.
Franck, Ernest Paul
Frega, John Victor
Gaede, Delton Abraham
Gravallese, Albert J.
Hall, William Clifton
Hamilton, Gordon W.
Hammond, Wilton N.
Hardeman, Edward L.
Harris, Weldon C., Jr.
Harris, Frank N.
Heisler, Sanford I.
Helms, Russell E.
Henderson, Richard H.
Herrmann, William A.
Hickey, Leo Alfred, Jr.
Horne, William A.
Hymel, Norwood F.
Johnson, Clarence Bud
Johnson, Wendell P.
Johnston, Albert S.
Jones, John E.
Jones, Jonah Phillip, Jr.
Jones, Robert P.
Kershner, Lyle H.
Kirby, Peter
Koehler, Melvin L.
Larsen, John Torleif
Lecount, Peter L.
Leonard, Theodore E.
Lieberknecht, Don W.
Lochtefeld, Charles Joseph
Loigman, Harold
Long, Jimmy B.
Luster, Charles K.
Maddock, Thomas S.
Madison, James R.
Mahaffey, John E.
Maleska, Edmund
Malone, Richard D.
Martin, Arthur H.
McDonell, Robert L.
McGuinness, Daniel Leo, Jr.
McKeon, Richard D.
McKinstry, Joe L.
Melcher, Albert Goodrich
Mills, Leighton D.
Mitchell, Thomas S.
Morekas, Sam
Morris, Benjamin West, Jr.
Muir, Roger W.
Nutter, John M.
Omer, John E.
Peterson, Ralph M.
Pietsch, Paul Edward
Plettner, Richard Maxwell
Post, Max Herman
Rasmussen, John W.
Richardson, Frank Alton
Robbins, Lonnie Joseph
Russell, Henry C.
Satterlee, Hugh Maxwell
Schoenagel, Fred Carl, Jr.
Smart, David Oliver, IV
Smith, William Melbury, Jr.
Smith, Harold C.
Smith, Charles R.
Sonderman, Douglas Robert
Speer, Ralph W.
Standiford, Richard Bergen
Stapp, Maurice Q., Jr.
Stein, Robert L.
Stevens, Stiles F.
Stone, Lester W.
Stopkey, Waldemar D.
Storm, David R.
Stoutamore, James B.
Summers, Curtis Dean
Tagliabue, Charles J.
Terwilliger, Robert C., Jr.
Thompson, Keith R.
Vitale, Eugene J.
Walker, Jack Wesley
Warnick, Robert L.
Watkins, Jack, Jr.
Weddle, Frank C.
Weller, Robert L.
Wells, James R.
Westervelt, Sheldon
Wilson, James G.
Witcher, Loftin V.
Witte, David A.
Young, Donald R.

JUDGE ADVOCATE GENERAL'S CORPS

Abel, George Gilkey, III
Allen, Léonard G.
Ambrose, Harry Dahringer, Jr.
Badley, Bruce P.
Banks, Myron C.
Barnett, Robert G.
Benjamin, Julian R.
Bilder, Richard B.
Bohannon, Marshall T., Jr.
Bondies, Walton Porter, Jr.
Boyer, Ralph E.
Brewster, Rudi M.
Brown, Joseph Eckford, Jr.
Catlin, George B.
Chazen, Bernard
Coleman, George P.
Connor, James M.
Copeland, Ralph C.
Corcoran, John Edward, Jr.
Cristol, A. Jay
Dail, Joseph Garner, Jr.
Delay, John K., Jr.
Dippel, Kennth Carl
Dunbar, William L.
Duncan, Robert B.
Eagleton, Richard E.
Fanseen, James Foster
Feldman, Sidney N.
Flanagan, John E.
Flanigan, Donald F.
Fowler, Robert P.
Franks, Stephen F.
Friend, Theodore H.
Geraud, Joseph R.
Geyer, Clarence R.
Green, Raymond Bert
Hannam, James L.
Harris, Martin
Hayes, David J. A., Jr.
Hebert, Stanley Paul
Hickman, Virgil W.
Hodges, John N.
Hoffman, Solomon D.
Holman, Donald R.
Howard, Jackson B.
Jackson, Robert E.
Jones, Robert E.
Kellogg, John S.
Kenney, William J.
Kennedy, William H.
Kiernan, William Joseph, Jr.
Kiley, Robert H. B.
Kirkman, Monroe W.
Kitchings, Atley Asher, Jr.
Klawitter, George A.
Klein, Jerome A.
Lamere, Robert K.
Lauck, Robert G.
Law, John M.
Leikin, Mitchell
Linehan, David C.
Luberda, George J.
Madden, Patrick J.
Maioriello, Joseph T.

Mandel, Paul M.
McDonald, James M.
McKee, Miles C.
McMahon, Thomas J.
McNeilly, William Warner, Jr.
Mioducki, Joseph
Moore, Alvy P.
Moore, Stephen Arthur
Morrison, William M., Jr.
Morgan, Howard W., Jr.
Nichols, Roger J.
Ochs, Norman P.
Oddo, Salvatore E.
Ogozalek, John F., Jr.
Olson, Ronald Wayne
Parr, Jack R.
Pearson, Charles Thomas, Jr.
Petit, Maurice R.
Phillips, Kenneth Jay
Preston, Edwin S., Jr.
Rand, Richard M.
Redd, Gordon L.
Richmond, Lyle L., Jr.
Riley, Philip T.
Rischmiller, Robert William
Rose, Leonard
Rubin, Ellis S.
Sams, Marion A.
Shamsky, Burton
Shiver, Edwin Calhoun
Smith, Don Lee
Sterbenz, Stanley R.
Stich, Frank J., Jr.
Sweeney, Joseph Conrad
Tebbetts, Harold F.
Threlkeld, William F.
Walton, Edward Lee
Wood, Hugh L.
Zeiger, Carl T.
Zerfoss, Guy E.
Zinman, Robert M.

DENTAL CORPS

Adams, Robert W.
Adams, Robert J.
Alaniva, Loyal Vernon
Anderson, Dorrance I.
Anderson, Robert L.
Armen, George Krikor, Jr.
Atkins, George
Bahn, Saul L.
Barnett, Charles B.
Barley, Martin Alan
Barden, Ralph B.
Bednar, Edward George
Beesley, Charles Vandever
Berns, Lee Charles
Berschig, Ronald Edward
Bernard, William Vernon, Jr.
Best, Billy C.
Bethune, Walter F., Jr.
Bidgood, Omer K.
Bills, Eldon D.
Black, Marion M., Jr.
Bland, George A. Jr.
Blu, Robert Elliott
Boeke, Peter Reece
Boughie, James Albert, Jr.
Boyle, Orville T., Jr.
Bray, Searles T.
Braswell, Jack Guy
Bregel, Charles E.
Brooks, Paul Cephuso, Jr.
Brown, John Baron
Bryant, Robert Earl
Buckley, Ambrose William, Jr.
Burns, Howard R.
Burton, Robert M.
Bushong, John H.
Butler, George R., Jr.
Bylicky, Henry S.
Calderone, James Joseph
Campbell, Homer R., Jr.
Carson, Earl Marshall
Carlson, Harry William, Jr.
Carrington, Paul B.
Cavalaris, Constantine John
Clary, Irl Conmey
Cooley, Fleming B., III
Cotman, Lawrence
Creason, Jack Thomas
Creedon, Robert Lewis
Dempsey, John M.
Dent, Charles F.
Derdivanis, John Peter
Diodati, Ronald Ralph
Dougherty, Lew Wallame, Jr.
Driscoll, John Michael
Duff, James Scott, Jr.
Dyer, Ted E.
Earle, Lewis Samuel
Eckstein, Walter P.
Erlandson, Charles W.
Evosevic, Nicholas
Ferguson, William W.
Finton, Abe Morgan
Fischbach, Reynolds John, II
Frank, Robert L.
Frommer, Herbert H.
Funaro, Vincent Michael
Gaines, Ben P., Jr.
Gentry, Jesse Thomas
Giglia, James V.
Gilbert, Hugh B.
Glenn, George C., Jr.
Gould, John Cleveland, Jr.
Graff, Howard T.
Graham, James E., Jr.
Gravallese, Joseph Angelo
Greenlee, William Howard
Gresens, Ronald Clifford
Grieco, Michael Francis, Jr.
Grimm, Oliver G.
Hall, Hugh D.
Halstead, Charles L.
Hands, Dale Franklin
Hardiman, Joseph Michael, Jr.
Harff, George Donald
Hatzeson, Thomas Athos
Hazard, James A.
Henderson, Lewis Sewal, Jr.
Herold, James Lanty
Hickman, Warren Justin
Hill, Jay Ward
Hogeland, John H., II
Hooley, James Robert
Horton, Leland C.
Hudson, Frank J.
Iandolo, Albert Gerald
Inscoe, Ashby Gerald
Jackson, Clyde Raymond
Jayne, John Harris
Johnson, James A.
Johnson, David A.
Kaplan, Louis D.
Keilly, Henry V. P.
Keller, Robert E.
Kennedy, William Gordon, Jr.
Kessler, William B.
Kimball, Kenneth Robert
Kittleman, Willis Virgil, Jr.
Klein, Robert Neil
Klob, Robert A., Jr.
Kornblue, Edwin B.
Kruse, James H.
Large, Nelson D.
Lattner, Richard Alfred
Laws, Robert K.
Lawler, John K.
Layton, Curtis L.
Leidich, Ray N.
Lepper, Richard W.
Lester, Robert
Lindblom, Fenner P.
MacDonell, Walter Edgar
Mahler, Harold Edwin J.
Mastandrea, Carmine A.
Mayo, Jacque L.
McAuley, Frank C.
McClelland, Richard Lee
McClain, Jimmy H.
McCann, Billy Westmoreland
McGrath, Philip S.
McKay, James R.
Meyer, Gene P.
Miller, David L.
Mill, David D.
Miller, Barry G.
Miller, Mahlon Samuel, Jr.
Miller, Arthur Simard, Jr.
Mitchell, Paul M.
Mollis, Chis A.
Molle, William Harris
Morris, Ernest C.
Mosier, Russell Benfield, Jr.
Nash, Larry Lee
Nelson, Donald W.
Nielsen, Theodore Christian
Obrien, Argyle Q.
O'Connell, Christopher J., Jr.
Ohlson, Paul H.
Olson, Donald C.
Oshea, Edward John, Jr.
Packard, Edward E.
Page, Roy Christopher
Parrish, William G.
Peeler, Lackey B.
Perlitsh, Max Joseph
Peters, Ray F.
Peterson, Robert V.
Pezzopane, Bernard
Pool, William L.
Porter, William Joseph
Porter, Myron Richard
Potter, Edgar M.
Primomo, Peter V.
Ranalli, Frank A.
Ray, R. Richard
Reeve, Charles M.
Reed, Darwin Miles
Reichel, Richard L.
Reynolds, John A. S.
Riesner, Neal R.
Riley, George F.
Rini, Charles S.
Roberts, Dennis R.
Robinson, Homer Jean
Rosenthal, Arnold M.
Russo, Raphael M.
Russell, David Terry
Rusche, John P.
Ryan, James H.
Salander, Samuel
Salyer, Thomas P.
Sather, Andrew Orlin
Schraishuhn, Robert Edwin
Shea, Richard O. Jr.
Sheridan, Robert J.
Shupala, Robert John
Shulman, Jeremy
Sluder, Troy Bunyon, Jr.
Small, Gilbert S.
Smith, Jerome Anthony
Snyder, David E.
Sommers, James H.
Spector, Richard
Stetzel, Robert M.
Stewart, Billy Ashley
Stilley, John W. L.
Stock, Feron R.
Streeter, Elwood J.
Stucky, Milo M.
Stucker, William E.
Studdard, Jerry M.
Tanner, Thomas P.
Taubman, Arthur Irvin
Taylor, Ray P.
Thomas, Robert James
Tomlin, Donald G.
Toylas, James P.
Toy, Kenneth L.
Valauri, Augustus J.
Vanort, David Paul
Vanzandt, William R.
Vandyke, James Albert
Veal, Samuel J.

Vonberg, Donald R.
Wallace, Donald Clinton
Wallace, Robert Clarke
Watson, David H.
Watkins, Ernest Charles
Watson, Cyral G.
Watts, John R.
Weston, Philip Marlowe
Williams, Claude R.
Wilson, Dwight R., Jr.
Wilson, Nathan E.
Winters, John R.
Winger, Gaydon Elliott
Wood, Matthew Thomas
Worden, Jeremy F.
Yamanouchi, Haruto W.
York, Joe Thurman
Zambito, Raymond F.
Zimmerman, Ronald
Zimmerman, Gerald

MEDICAL SERVICE CORPS

Becker, Bruce C.
Besch, Emerson L.
Brownson, Robert Henry
Cannicott, Richard G.
Capps, Daniel William
Deming, Richard W.
Easterday, Otho D.
Edwards, Earl A.
Goolishian, Harold A.
Hansen, Peter C.
Hargrave, Charles William
Harvey, Tommy L.
Hawkinson, John R.
Hendler, Edwin
James, Howard A.
Kepchar, John H.
Laubach, Robert E.
Lautenschlager, Edward W.
Long, Sterling K.
Lytle, Ralph I.
Penn, Washington K., III
Phelps, Henry W.
Pred, Gordon David
Ross, Sherman
Schwartz, Marvin
Seale, Leonard Mervin
Secrest, John P.
Seelinger, Phillip E.
Shimberg, Edmund
Strem, Bruce E.
Thomas, Walter D., Jr.
Walwick, Earle Richard
Wirth, Edward C.
Woodward, Donald P.
Yanders, Armon Frederick

NURSE CORPS

Barlow, Phyllis L.
Best, Mildred E.
Bielecki, Loretta F.
Blanke, Lovetta Dixon
Brice, Karolla
Casey, Donnabelle Anne
Cheleen, Kathlene I.
Crouch, Madge L.
Davis, Elizabeth J.
DeSita, Josephine R.
Dinardo, Mary T.
Dunne, Ellen T.
English, Mildred I.
Foltz, Frances Catherine
Gaydos, Irene M.
Georgi, Stella R.
Gilliland, Jane Grace
Gochis, Bessie
Grushinski, Jeanne E.
Hall, May B.
Hoyem, Mary Kelly
Jacobs, Roberta L.
Kellams, Hazel J.
Koehler, Eunice E.
Lesoganich, Mary Kathryn
Lutterell, Mary A.
Madsen, Carol I.
Markut, Laura E.
May, Dorothy Margaret
McLaughlin, Margaret Irene
Mellish, Mildred Weeks
Moe, Helen A.
Morgan, Dolores A.
O'Brien, Ann B.
O'Neill, Mary F.
Rambo, Beverly Jean
Richardson, Margery Augusta
Richardson, Eunice E.
Ross, Marjorie Trendell
Santeiu, Betty M.
Snedeker, Mary Carmickle
Snyder, Anne Bork
Stagg, Nancy L.
Steffens Gloria Mead
Stein, Rochelle Esther
Williamson, Helen Roberts
Yohanan, Barbara Jane
Young, Jacqueline T. E.

The following-named officers of the United States Navy, for temporary promotion to the grade of lieutenant in the various staff corps, subject to qualification therefor as provided by law:

SUPPLY CORPS

Anthony, Henry W., III
Archer, Raymond A., III
Barnes, Jerry D.
Bobulinski, Robert A.
Burgess, Roy H.
Byers, Terrance L.
Carney, David G.
Cobb, Francis R.
Dase, James R.
Delhamer, James M.
Diller, Daniel H.
Edgemon, Jack L.
Fowler, George O., III
Gibbs, David M.
Gilbert, Gordon J.
Harder, Larry D.
Harris, Craig S.
Hawxhurst, Jack M.
Hempson, Donald A., Jr.
Ishman, Michael D.
Kiefer, Roy W.
Lamb, James H.
Lengkeek, Dale R.
Marquez, Ernest B.
McCarthy, Justin D.
Mitchell, Colonus, Jr.
Nolan, Richard T.
Pierce, Randall L.
Rogers, Robert W.
Solli, Richard E.
Spencer, Richard A.
Sutton, Morris L.
Watson, Michael A.
White, Thomas M.
Zachowski, Thaddeus F.

CIVIL ENGINEER CORPS

Braddock, Robert L., Jr.
Butler, Jerry B.
Ching, Clayton Y. K.
Edickson, Stephen F.
Fehlig, Charles J.
Filson, James V.
Fincher, Thomas O.
Hart, Stephen L.
Huddleston, Geoffrey E.
Jones, John E.
Kennedy, Ronald K.
Larsen, Thomas A.
Leineweber,, Michael J.
Parker, Robert V.
Rushing, Ernest C., Jr.
Wowak, William E.

JUDGE ADVOCATE GENERAL'S CORPS

Mattson, Michael V.

MEDICAL SERVICE CORPS

Guilliams, Lewis W.

NURSE CORPS

Burns, Jesse P., Jr.
Chick, Carole L.
Devney, Anne M.
Lyons, Doris A.
Marostica, Marilyn K.
Parrotte, David F.
Poland, Edith A.
Trump, Patricia A.
Tynan, James F., Jr.
Wright, Joe A.

David J. Knight and Michael P. Vining, United States Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

Richard W. Kirtley and Allan G. Taylor, Jr., United States Navy, for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Lieutenant Commander Walter A. Reister, United States Navy and Lieutenant Commander John A. Young, Jr., Civil Engineer Corps, United States Navy, for temporary promotion to the grade of commander pursuant to Title 10, United States Code, Section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law.

Andrew J. Hill, United States Navy, for permanent promotion to the grade of lieutenant subject to qualification therefor as provided by law.

William W. Wyckoff, II, United States Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

The following named officers of the United States Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bardsley, George P.
Brown, Michael E.
Gibson, Ethan J.
Henson, Lovell K.
Jones, John E.
Singleton, Jerry B.
Wyckoff, William W., II

SUPPLY CORPS

Carney, David G.
Dase, James R.

Commander Jacob V. Eskenazi, United States Naval Reserve, for transfer to and appointment in the Judge Advocate General's Corps in the temporary grade of commander.

IN THE AIR FORCE

The following named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to lieutenant colonel

Line of the Air Force

Philip J. Blank, [redacted].
Kenneth S. Dugan, [redacted].
Donald W. Easley, [redacted].
James W. Freston, [redacted].
Edgar J. Holt, [redacted].
Thomas R. Jennings, [redacted].
Alfred E. Krc, [redacted].
Curtis A. Madson, [redacted].
James R. Mercer, [redacted].
Earl W. Rose, Jr., [redacted].
James E. Sahr, [redacted].
Joseph J. Sannella, [redacted].
Kenneth G. Stasiewicz, [redacted].
John H. Stennis, [redacted].
Byron J. Warder, [redacted].
Charles W. Taylor, Jr., [redacted].

HOUSE OF REPRESENTATIVES—*Tuesday, October 10, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the words of my mouth and the meditation of my heart be acceptable in Thy sight, O Lord, my strength and my redeemer.—Psalms 19: 14.

O Thou infinite and eternal God, as we enter the portal of a new day inspire us with the consciousness of Thy presence and instill in us a confidence in Thy power for daily living. Increase our fitness for the difficult duties of these demanding days and make us ready for the responsibilities of these high hours. Let us not allow our faith to grow dim when men speak in fear and frustration instead of using the language of freedom and friendship.

By Thy spirit may we go forward with courage keeping our trust in the ultimate triumph of great principles upon which our Nation was founded and by which we can be more than a match for the movements of this modern life, for Thine is the kingdom, the power and the glory forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12674. An act to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3939) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Randolph, Mr. Montoya, Mr. Gravel, Mr. Muskie, Mr. Bentsen, Mr. Cooper, Mr. Boggs, Mr. Baker, and Mr. Buckley to be the conferees on the part of the Senate.

The message also announced that Mr. Williams, Mr. Proxmire, and Mr. Brooke be appointed as additional conferees on the bill (S. 3939) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1524. An act to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property;

S. 1928. An act to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system;

S. 3627. An act to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to the record owner thereof;

S. 3930. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.; and

S. 4059. An act to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content.

APPOINTMENT OF CONFEREES ON H.R. 16754, MILITARY CONSTRUCTION APPROPRIATIONS FOR 1973

Mr. SIKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. Sikes, Patten, Long of Maryland, Mrs. Hansen of Washington, Messrs. McKay, Mahon, Cederberg, Jonas, Talcott, and Bow.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight to file a privileged report on the bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MILLS of Arkansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS of Arkansas. Mr. Speaker, have the papers in connection with H.R. 1 been returned to the House by the Senate?

The SPEAKER. They have.

APPOINTMENT OF CONFEREES ON H.R. 1, SOCIAL SECURITY ACT AMENDMENTS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. Mills of Arkansas, Ullman, Burke of Massachusetts, Mrs. Griffiths, Messrs. Byrnes of Wisconsin, Betts, and Schneebeli.

PARLIAMENTARY INQUIRY

Mr. PATMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PATMAN. I understand that certain changes have been made in the calendar for today and that we will take up the debt limit bill right off. I wonder if the other part of the calendar will remain as it is and be called up consecutively as it is on the calendar.

The SPEAKER. The Chair has received information that the Committee on Rules would not call up the two special resolutions, which are privileged, at this time, so it is the Chair's understanding, after checking with the chairman of the committee, that those two resolutions will be taken off and the debt limit bill will precede them.

Mr. PATMAN. Then, the 14 unanimous-consent request bills will be taken up after the debt limit has been disposed of?

The SPEAKER. The Chair has no knowledge. Permission has been granted or an announcement has been made that those bills may be brought up at some time under unanimous consent. It would be the Chair's intention to try to get the bills that must go to the Senate, like the debt limit bill, out of the way, of course, and unanimous-consent requests can be called up at any time.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 6, 1972.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR SIR: The Clerk of the U.S. House of Representatives received on this date from the U.S. Marshall by certified mail (138444) an unattested copy of the attached Amending and Supplemental Petition in the case of Jules W. Hillery, (Class Action) v. Carl Albert, Speaker of the House of Representatives of the United States of America, William M. Colmer, the Chairman of the Rules Committee of the House of Representatives of the United States of America, and the House of Representatives of the United States of America, in Civil Action File No. 72–1126, Section H, in the United States District Court for the Eastern District of Louisiana. The Amending and Supplemental Petition adds W. Pat Jennings, Clerk of the House of Representatives of the United States and Kenneth R. Harding, Sergeant at Arms of the United States House of Representatives as defendants to this action.

It is my purpose by this letter to inform you that I have this date under 2 USC 118 requested the U.S. Attorney for the Eastern District of Louisiana to take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General in defense of this suit against the Clerk of the U.S. House of Representatives.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
October 6, 1972.

Hon. GERALD J. GALLINGHOUSE,
U.S. Attorney for the Eastern District of Louisiana, New Orleans, La.

DEAR MR. GALLINGHOUSE: I am attaching a copy of the Amending and Supplemental Petition in Civil Action No. 72–1126, Section H in the United States District Court for the Eastern District of Louisiana adding me in my official capacity as Clerk of the U.S. House of Representatives as a defendent in this civil action and served on me this date from the U.S. Marshall by certified mail (138444).

In accordance with the provision of 2 USC 118, I respectfully request that you take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General in defense of this suit against the Clerk of the U.S. House of Representatives. I am also sending you a copy of the letter I forwarded this date to the Attorney General of the United States.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
October 6, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: I was this day served with the attached copy of an Amending and Supplemental Petition in Civil Action No. 72–1126, Section H in the United States District Court for the Eastern District of Louisiana.

In accordance with the provisions of 2 USC 118, I have sent a copy of the complaint in this action to the U.S. Attorney for the Eastern District of Louisiana requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
October 6, 1972.

Hon. GERALD J. GALLINGHOUSE,
U.S. Attorney for the Eastern District of Louisiana, New Orleans, La.

DEAR MR. GALLINGHOUSE: The Clerk of the U.S. House of Representatives has this date sent you a copy of the Amending and Supplemental Petition in Civil Action No. 72–1126, Section H in the United States District Court for the Eastern District of Louisiana adding me in my official capacity as Sergeant at Arms of the U.S. House of Representatives as a defendant in this civil action and served on the Clerk of the U.S. House of Representatives this date from the U.S. Marshall by certified mail (138444).

In accordance with the provision of 2 USC 118, I respectfully request that you take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General in defense of this suit against the Clerk of the U.S. House of Representatives. I am also sending you a copy of the letter I forwarded this date to the Attorney General of the United States.

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

WASHINGTON, D.C.,
October 10, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: The Clerk of the U.S. House of Representatives was served on October 6, 1972, a copy of an Amending and Supplemental Petition in Civil Action No. 72–1126, Section H, in the United States District Court for the Eastern District of Louisiana.

In accordance with the provisions of 2 USC 118, the Clerk of the House has sent a copy of the complaint in this action to the U.S. Attorney for the Eastern District of Louisiana requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I have forwarded this date to the U.S. Attorney.

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

PRESIDENT NIXON'S PROMISE TO END THE WAR IN SOUTHEAST ASIA MADE 4 YEARS AGO

(Mr. O'NEILL asked and was given permisssion to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, yesterday marked the fourth anniversary of a campaign speech in which President Nixon stated those who "could not produce peace, should not be given another chance."

Since that statement was made, more than 20,000 American boys have lost their lives, untold numbers of Vietnamese men, women, and children have been killed or maimed, and no American POW's have been returned through the efforts of the Nixon administration. And still there is no end in sight. I do not believe we are closer to peace today than when Mr. Nixon assumed office.

PRESIDENT NIXON IS WINDING DOWN THE WAR

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I am somewhat shocked by the observations and comments of my friend, the gentleman from Massachusetts (Mr. O'NEILL). The gentleman from Massachusetts has said that we are no closer to peace than we were 4 years ago. At this time the facts are that 510,000 fewer Americans are engaged in combat duties in South Vietnam.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. If the gentleman will let me continue my remarks, then I will yield.

The facts are that casualties are down literally to zero. The facts are that we are negotiating almost around the clock to end the war. I believe that the President is making a maximum effort, and getting practically the kind of results that the American people want him to achieve to end the war. We are going to get our prisoners of war back, and we are not going to sacrifice our principles in the process.

Now I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, may I say at this time to the gentleman from Michigan that the entire complexion of the war has changed. There are presently over 150,000 military personnel in Laos, Cambodia, and Thailand. It is true that thousands of American boys are not dying in the combat fields of Vietnam, but thousands of American boys are involved in air bombing missions over North Vietnam, and thousands of American boys are involved in naval mining operations off the coast of Haiphong. I wholeheartedly believe we are no closer to peace today than we were 4 years ago when President Nixon made his statement.

The SPEAKER. The time of the gentleman from Michigan has expired.

PROVIDING FOR CONSIDERATION OF H.R. 16810, PUBLIC DEBT LIMITATION

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from Mississippi (Mr. COLMER), I call up House Resolution 1149 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1149

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except (1) amendments offered by direction of the Committee on Ways and Means to title I of the bill; (2) an amendment containing the text or a portion of the text of H. Con. Res. 713 if offered as an amendment in the nature of a substitute to title II of the bill H.R. 16810; and (3) an amendment proposing to strike out title III of the bill; and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. ROUSH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 417]

Abourezk
Anderson, Tenn.
Badillo
Baring
Bell
Biaggi
Blanton
Blatnik
Bow
Brooks
Brown, Ohio
Buchanan
Burke, Fla.
Byrne, Pa.
Caffery
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cotter
Denholm
Diggs
Dorn
Dow
Dowdy
Dulski
du Pont
Dwyer
Edmondson
Evans, Colo.
Evins, Tenn.
Fish
Fraser
Galifianakis
Gallagher
Goldwater
Green, Oreg.
Gross
Haley
Halpern
Hanley
Harsha
Hathaway
Hébert
Helstoski
Henderson
Hungate
Hunt
Jarman
Lent
Link
Lloyd
McClure
McKinney
Martin
Matsunaga
Metcalfe
Mikva
Mills, Md.
Mink
Murphy, Ill.
Murphy, N.Y.
Pelly
Powell
Purcell
Reid
Roberts
Roncalio
Rooney, N.Y.
Rosenthal
Roybal
Scherle
Scheuer
Schmitz
Scott
Shipley
Snyder
Steed
Stuckey
Sullivan
Symington
Terry
Thompson Ga.
Vander Jagt
Young, Fla.

The SPEAKER. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 16810, PUBLIC DEBT LIMITATION

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. YOUNG) a member of the Committee on Rules.

Mr. YOUNG of Texas. Mr. Speaker, nothing is more vital to the Nation than a sound fiscal policy—a policy that must meet the needs of the country and be consonant with our national resources. For this reason the issue of fiscal responsibility has become so political in its nature as to lend itself to outright demagogy. The matter before us must be examined in this light.

This is by no means the first time this Nation has been confronted with crisis, fiscal and otherwise. Always before we have been able to meet the critical situations and solve them within constitutional and legal provisions. Certainly before, no suggestion has been made that Congress abdicate its constitutional authority and responsibility to placate the cries of those who have contributed so mightily to the problems at hand. In this respect, it is shocking and astounding that the same administration and the same committee of the Congress that brought us this very session the two greatest budget-busting and ceiling-blowing measures ever to be presented in the history of this Nation or, in fact, in the history of the world, now cry about fiscal responsibility.

I refer, of course, to the guaranteed minimum income and the so-called revenue sharing bills—the spending under which would be limitless. And yet as incredible as it is, the same administration and the same committee of the Congress that brought out these gems are now hitting the panic button and saying the Congress must abdicate its authority and responsibility to them if this country is to be saved financially. Why? So we can have an even greater guaranteed income? So we can share more of the revenue the country does not have? So we can have more deficit spending?

On the subject of deficit spending, bear in mind that this administration during its 3 years-plus tenure has accounted for a more than $100 billion deficit—more than one-fourth the total national debt of the Nation. Fiscal responsibility is needed, but the credentials of this administration are most unimpressive. The record of Congress generally has been none too good, but it is no worse than the administration; and in one respect it has been quite good.

The Appropriations Committee has consistently and constantly reduced the President's budget requests to the amount of several billion dollars. Where we get into trouble is in the area of conflict between the authority of the various committees. If those of us on the Rules Committee had refused to let come to the floor any legislation infringing one committee on the others, we would not have permitted Ways and Means, for instance, to circumvent the Appropriations Committee with the revenue sharing bill—a bill that would not have received 25 votes under a secret ballot or free of the pressures of the State and local subdivisions. So, Congress can do something to stop the spending—either in the Rules Committee or on the floor.

Also, more rigid and uniform application of the economic controls the Congress has given to the President could accomplish the curb on spending and inflation without abdicating to one-man government.

One-man government should be of extreme to the American people because the one man's decision is the course of the Nation. How the President would decide to spend the $250 billion would dictate the course of the Nation in defense, welfare, education, health, and so forth. If the presidential election polls were reversed, how many of the proponents would still support the legislation? Probbly none. And yet it would be a mistake to think you are going to have a Republican President forever.

The President already has the authority to control spending by either veto or by freezing funds. What he does not have is authority to change the law—that is, spend money appropriated for one purpose to another. For example, money voted for national defense could be directed for foreign aid; or welfare programs could be channeled only to large cities, and so forth.

Mr. COLMER. Mr. Speaker, I yield the usual and customary 30 minutes to the very able and distinguished ranking member of the minority on the Committee on Rules, the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. Speaker, the bill which we will be considering shortly, H.R. 16810, contains three separate titles. The first title has to do with increasing the debt ceiling. The present permanent debt ceiling of $400 billion is retained. The present temporary debt ceiling of $450 billion is increased by title I to $465 billion, an increase of $15 billion effective through June 30 of next year.

Title II is a little different approach than we have had before in a debt increase bill. It is an effort to place a limitation on the spending through the balance of fiscal 1973. As we all know, we are now into the fourth month of fiscal 1973 at the present time.

Title II will permit the President to cut spending in various programs so that the overall limit of spending in fiscal 1973 will not exceed $250 billion.

Title III sets up another unique situation. It will set up a special committee consisting, I believe, of 30 individuals, seven members from the Committee on Appropriations of the House, seven members from the Committee on Ways and Means of the House, seven members from the Committees on Finance and Appropriations in the Senate, and with one additional Member appointed by the Speaker and one additional Member appointed by the President of the Senate. They will report back to the House of Representatives and to the Senate not later than February 15, 1973, on any suggestions that they have as to the fiscal operation and the costs and expenditures and such relating to the operation of the Congress.

House Resolution 1149 contains another rather peculiar rule, and we have brought a lot of them before the House this year, but we are trying to place a rule before the House that can be adopted and under which we can proceed to consider the bill H.R. 16810.

The first thing it does is to waive all points of order, and that goes back to the Liberty Loan, again, where it originally waived points of order at that time, and in addition the Secretary of the Treasury has to pay interest on the bonds, and that is in order to get around the situation so that he can do so. That is why we waive the points of order.

The debate will be for 4 hours, controlled equally by the chairman of the Committee on Ways and Means and the ranking minority member of that committee.

Usually these come in under a closed rule, but in this instance it is not entirely closed. Amendments will be in order offered by the Committee on Ways and Means to title I of the bill. As to title II of the bill, we made a special rule on that so that one amendment can be made, and that amendment will be in the nature of a substitute, and according to the rule it can be the complete text or a portion of the text of House Concurrent Resolution 713.

I do not know what the gentleman from Texas will offer, whether he will offer the entire text or not, but copies, I believe, are available on both respective desks. That will be voted on. The way that is handled is that when that is offered in the nature of a substitute the rule will provide 5 minutes for and against, and then a vote on that particular amendment.

In addition to that, the rule will provide for one amendment to srtike out all of title III from the bill.

Neither of these two amendments are subject to amendment themselves and they will have to be voted up or down on the basis of the language therein.

As to this House Concurrent Resolution 713, I did not have a copy of it before the Rules Committee. However, I received a copy of the suggested langauge that the gentleman from Texas proposed to be included in his title II, if title II is stricken, and his language is placed therein.

It seems to me that the statement of the gentleman from Texas is correct, from the standpoint of politics. I happen to be on the other side of the aisle because I do not see how the Congress can operate and be effective in any way if the Mahon substitute is adopted because of the language in the amendment.

In the Mahon proposal there are a number of "whereas" clauses. I do not ever recall legislating on "whereas" clauses in laws. If we have a "whereas" clause to pay tribute to somebody in a State legislature or the like, we preface them with "whereas" clauses, but there are two pages here of "whereas" clauses for or against things one way or another.

I would suggest that you all read these "whereas" clauses because I do not think they should be in any legislation.

Now when we get down to the resolving clauses, it says:

> *Resolved by the House of Representatives (the Senate concurring)*, That the President is hereby respectfully requested to advise the Congress not later than January 2, 1973, of the specific reductions in budget authority and budget outlays (by appropriation or fund), and changes in existing law affecting same, that in his judgment may best be made in order to limit budget outlays for the fiscal year 1973 to not more than $250,000,000,000; and that it is the sense of the Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations.

That I fail to understand. I do not know what the Congress is going to do.

Is the Government Operations Committee going to come in and say: We approve or disapprove of the President's suggestion? Can the Committee on Ways and Means initiate legislation to approve or disapprove; or can the Committee on Appropriations or the Committee on Rules do that? I have no understanding of how that can be handled. Half of the fiscal year will be over by the time we get them and the effect, in my opinion, will be that no cuts will be made whatsoever.

If there are no cuts and the spending continues and the deficit goes up by the end of 1973 to $15 billion or $20 billion or some such amount, the first thing that will have to happen next year, early in the session, will be that there will have to be a large tax increase and in addition to that there will be more inflation.

At least, in my opinion, that is what will happen.

So far as I personally am concerned, I would answer the distinguished gentleman from Texas and say that I would support the Committee on Ways and Means language in their bill, if a Democrat were President or whoever were the President, because so far as I am concerned, I do not think any of us, either the Executive or the Congress, has really done the best job we possibly could in limiting expenses. We are going to have a big deficit if we go on, and that is going to be kind of hard on the taxpayers, in my opinion.

In any event, I am in support of the rule and in support of the committee provisions in title II, and I am opposed to the Mahon proposal. I hope the majority of the Members will support the position of the Committee on Ways and Means, particularly as to title II.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, I am not going to vote for this rule nor for the bill—because $70 billion of our national debt has been already paid once—and there is no question about that—but the debt has not been canceled and that $70 billion is improperly included in the debt ceiling which you want to raise today.

If the Committee on Ways and Means would study the matter of the $70 billion, the committee would find that the information I have given is absolutely true. It has been documented and nobody can deny it.

How should we feel—to vote for a bill that has $70 billion padded in the bill? This is not an idle statement that I am making. I have studied and known this over the years. I have insisted on doing something about it. But, of course, the people who are affected just refuse to say anything about this argument—but this is $70 billion that will have to be paid again if the Committee on Ways and Means does not perform its duty and make sure that the $70 billion debt is canceled.

If it is not canceled, we will need a debt limit raise each time the debt increases. However, if we do cancel the $70 billion indebtedness, it will be several years before we will need an increase in the debt limitation ceiling again.

A PRIMER FOR REDUCING THE DEBT OF THE UNITED STATES

Mr. Speaker, in connection with the legislation to raise the debt limitation under consideration today, I would like to point out that we might not be called upon today and at other times to periodically raise the debt limitation if Congress acted to have canceled the $70 billion worth of bonds which are held by the Federal Reserve System through its Federal Open Market Committee.

I do not know if many of you realize how significant a portion of the U.S. debt is represented by these $70 billion of outstanding obligations. Please think about the following facts for a moment—these $70 billion of outstanding indebtedness represent a full 17 percent of the U.S. debt. That is right, 17 percent. Moreover, the annual interest paid by the United States on these obligations is $4 billion. To me, these are astonishing statistics. At a time when the Congress is being asked to raise the debt limitation, at a time when the President is asking the Congress to grant him wholesale authority to limit the spending Congress has determined necessary for a sound and prosperous United States, at a time when a massive increase in taxes appears to be a distinct possibility in order that this country might finance its enormous deficits, at a time when our economy is so fragile and the problem of deficit spending so important—at such a time a full 17 percent of the public debt could be canceled and it is not, and as much as $4 billion in annual interest payments could be eliminated and they are not. The $70 billion has been paid by the United States but it has not been canceled, and the United States continues to pay $4 billion in interest annually.

In my view, the most financially responsible action the Congress could undertake at this time of economic uncertainty would be to undertake to understand the nature of the $70 billion of outstanding indebtedness held by the Federal Reserve System and to act so as to cancel that indebtedness, and along with it a healthy portion of our national debt.

For those of you who have little background on this matter, let me briefly review some of the more important facts surrounding these outstanding obligations.

At the end of April of this year, the Federal Reserve System held $70 billion in U.S. obligations in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. These $70 billion worth of bonds are necessarily carried as a debt of the United States, and as I have already pointed out, at this point in time they represent a full 17 percent of the total U.S. debt. The fact of the matter is, however, that these bonds should not be held as outstanding debt of the United States since they have already been paid for once with the money or credit of the United States. The obligations should simply be canceled.

As a professor in law school once said, where the obligor and the obligee under a contract are the same person, the contract is effectively canceled. This is the same situation with the $70 billion in bonds. The Federal Government is both the obligor and the obligee.

In my view, it is regrettable that time and again the Ways and Means Committee reports to the House legislation to raise the debt limitation and never does it give consideration to the $70 billion bond portfolio and the opportunity on the part of Congress to cancel these obligations.

With respect to the interest paid on these bonds, the Federal Reserve System is paid almost $4 billion annually in interest by virtue of its possession of these bonds, and now the Fed insists the bonds belong to the Fed. It is like a trustee of an estate who buys with the estate funds and claim the funds to be his own. That means of course that a full $4 billion worth of U.S. debt is expended each year simply to finance the $70 billion bond portfolio of the Federal Reserve System.

Imagine it, the taxpayers of this country turn over $4 billion each year of their hard-earned tax dollars to the Federal Reserve System—a Government agency created by the Congress to serve in the public interest. But what has happened? What is the public interest that is being served? I am afraid there is none. Is the $4 billion in interest being used to improve our cities? Is it being used to provide safe and sound housing for every American? Is it being used to eliminate pollution and make our environment the grandeur and the beauty that it once was? Is it being used to repair our torn and tattered cities? To all the questions the answer is a resounding "No." The $4 billion in annual interest payment—a payment which continues to add to our spiraling debt—is used by the Federal Reserve System for whatever it desires.

The Appropriations Committees of the Congress have not acted to exercise their authority to either review or to control these expenditures in any manner. The funds are not audited by the General Accounting Office, and the Federal Reserve Board has engaged in a well-financed campaign to lock the GAO out of the entire Federal Reserve System. The Federal Reserve System, with the subsidy of $4 billion annually of taxpayers' money, is free to spend like a child in a candy store with a year's allowance in his pocket.

Moreover, with little or no control over the financial activity of the Federal Reserve System, the Congress is almost wholly without the ability to affect in any meaningful way the administrative and other operations of one of the most important independent agencies in the Government. While the Federal Reserve Board acts like it assumes responsibility for a sound and stable economy, inflation knaws away at the paychecks of our Nation's workers, the Federal Government falls deeper and deeper into debt, the dollar suffers assault in the international money markets, and the stock market sidesteps from one crisis of economic confidence to another.

Mr. Speaker, at a time such as now when we consider again the extent to which we are going to permit this Nation to add to its debt, I think the Congress would do well to resolve that before it again permits an increase in the debt ceiling and again gives its blessing to more and greater debt, it carefully consider the unparalleled opportunity it has to cancel 17 percent of the national debt and provide for the redirection of $4 billion of annual would-be interest payments into programs which will provide worthwhile benefits to the people of the United States.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I do not think there is any question in the minds of any of us this afternoon in what we all hope are the closing days of this second session of the 92d Congress that we are faced with a very crucial vote.

I have had some very, very thoughtful Members of this body on both sides of the aisle come to me as recently as just before the time that we convened at noon today and confess to me some of the misgivings that they have. I listened with great interest to the remarks of my respected colleague on the Committee on Rules, the gentleman from Texas (Mr. YOUNG). I suppose it is inevitable, given the season of the year that we are in, that there lurks in the minds of some the suspicion that we are somehow engaged in merely a political exercise here today. Yet I think there is a far more fundamental issue confronting this House, that is, are we going to display to the country the ability to act incisively and with determination and with effect on a very critical and important issue; or are we going to in effect by adopting the substitute of the distinguished chairman of the Appropriations Committee, simply once again demonstrate a penchant for passing the buck to somebody else?

The Members to whom I referred earlier as voicing concern about this issue did so on the ground that we may perhaps be surrendering a vital legislative and constitutional prerogative; that we may, by the adoption of the committee bill reported out on a bipartisan basis by Mr. MILLS' committee, somehow be demeaning and further diminishing the role of the Congress.

Ladies and gentlemen, let me say that I will not take second place to anyone in my regard and affection for the prerogatives of this body and in my very real concern that over the years we have seen a diminution of our authority.

Any poll that we consult will indicate that there is diminished regard and respect for the Congress as an institution from the standpoint of our ability to deal responsibly, and responsively with the Nation's problems.

I would submit that if we adopt the substitute to the committee bill, if we content ourselves with language that, after a long series of rather unusual "Whereas" clauses including—and I am quoting from Mr. MAHON's language:

> Whereas the Congress is concerned about the fiscal plight of the country, especially in view of continued and mounting budget deficits and inflationary pressures;

If we accept that "Whereas" clause, and then go on and adopt a "Resolving" clause that means absolutely nothing, then this Congress will adjourn sine die and go home without having demonstrated its ability to the country that we can in a time of crisis deal effectively with the problem. Then I submit we have really lost esteem. Then I submit we have truly surrendered our prerogatives in the face of a difficult problem.

I would suggest that it was with great wisdom that they put a limit on this authority in the committee bill.

They said it will expire 8 months hence, on the 30th of June, 1973. Moreover, in title III they, in a very valuable and worthwhile provision of this bill, provided for the creation of a special and a new and a joint committee that can review the whole manner in which we have attempted ineffectively to deal with the fiscal problem in recent years. Without title III, very frankly, I would not be as solidly in support of this legislation as I am this afternoon, but I think if we adopt it, this is essentially legislating congressional reform. It is going to show the country that we recognize the deficiency in the present system of dealing on a piecemeal basis with the budget.

This is no criticism of the gentleman from Texas. This is no criticism of the great Appropriations Committee of this Congress. It is rather a recognition of the fact that with the growth of the Federal budget, with the growth of the complexity of the Government we simply have to have a new and better way of dealing with this very difficult problem.

I want to plead with those Members on both sides of the aisle who may be as yet, as of this moment, undecided as to the course they will follow, that by adopting the committee bill they are voting for congressional reform. They are telling the country that we can deal effectively with this problem.

Mr. Speaker, I have not the time now and I shall ask permission in the extension of my remarks to put in some very good tables to demonstrate to my liberal friends on this side of the aisle who may have listened to the charge that was made recently that the spending ceiling, and I am quoting, "offers the administration a convenient way to eliminate or cripple programs relating to human needs without risking a politically unpopular frontal assault"—that this charge is without foundation.

If Members will look at the record and at what has happened between fiscal year 1969 and 1973, if they will look at what I am going to put into the RECORD they will see that on a detailed program by program basis, reductions of about 18.3 percent in constant 1973 dollars have occurred in national defense. They will see that there has been a 36.7-percent reduction in constant 1973 dollars over 1969 in expenditures for space. They will see on the other hand, again expressed in constant dollars, that we have gone up 16 percent in education, 30.5 percent in health, 170 percent in pollution control, and 103 percent in community development and in housing.

We are not going to starve these programs. We have not starved them the last 4 years, and by a spending ceiling $18 billion over what we spent in fiscal year 1972 we are not going to be able to go out and convince anyone in the country that by enacting this ceiling we are somehow neglecting the very important—and I concede they are important—human resource programs in our Federal budget. I suggest Members take notice of what we have been doing and the manner in which we have reestablished new priorities within the Federal budget so they can see we are not going to harm these very important social programs if we vote responsibly as we should for a spending ceiling today.

Opponents of the $250 billion fiscal year 1973 spending ceiling called for by President Nixon have charged that it is designed merely to provide a pretext for cutting social spending and human resource programs. Senator HUMPHREY, for example, has charged, "It is clear that the spending ceiling offers the administration a convenient way to eliminate or cripple programs relating to human needs without leading a politically unpopular frontal assault on them." While some of these programs may undoubtedly be held in check or trimmed back if the spending ceiling is approved by Congress, it would be erroneous to hastily conclude that these programs are of low priority simply on the basis of short-term adjustments that may be made during the remaining 9 months of this fiscal year. The only proper basis for judging Nixon administration priorities is to examine budget trends for the entire fiscal years 1969–73 period.

The reason for this is simply that programs which have been growing at extraordinarily rapid rates are likely to be good candidates for a slowdown or cutback, while those which have grown very slowly or have actually experienced reductions will be quite difficult to cut even further. For example, if expenditures for program X have increased by 100 percent during the past 4 years and expenditures for program Y have actually declined by 10 percent, it could hardly be concluded that program Y has greater priority than program X if the latter is slightly reduced and the former is not in an effort to keep expenditures within the $250 billion ceiling. Thus, the longer term budget context is a far more appropriate and valid guide for judging priorities than a mere comparison of the marginal dollar amount reductions that may be made in various program areas during the remainder of the fiscal year.

In order to provide this longer term budget context, expenditure levels for various program areas have been compared for the fiscal years 1969–73 period. The former year represents the last Johnson administration budget and the set of spending priorities which that administration pursued. By comparing expenditure levels for that year with the levels recommended in the fiscal year 1973 budget, a fairly accurate measure of Nixon administration spending priorities can be obtained. In order to facilitate the analysis, all fiscal year 1969 budget figures were translated into fiscal year 1973 dollars in order to eliminate the effects of inflation. As is shown below, the Nixon administration has produced quite sweeping changes in the allocation of Federal expenditures.

The first table below divides various budget program areas into three broad categories: Those which have experienced actual reductions in real expenditure levels as measured by constant fiscal year 1973 dollars, those which have increased slightly slower or slightly faster than the overall real budget growth of 13.5 percent during the 4-year period, and those which have experienced very rapid rates of increase, some more than 100 percent.

Two conclusions are readily apparent from the table: First, expenditures for national defense, international affairs, space, natural resources—other than pollution control—and aid to agriculture have been reduced substantially in terms of constant dollars of purchasing power; second, most of these reallocated funds plus the new funds available due to real economic growth have been devoted to the broad area of human resources, especially community development, manpower training and employment, income security, and general revenue sharing.

TABLE I.—FEDERAL BUDGET CHANGES, FISCAL YEAR 1969-73 IN CONSTANT DOLLARS

[All figures in fiscal year 1973 dollars]

Budget category	Fiscal year 1969 (billions)	Fiscal year 1973 (billions)	Expenditure change, fiscal year 1969–73	
			Amount (billions)	Percent
Reductions:				
National defense	$96.37	$78.30	−$18.07	−18.3
International affairs	4.06	3.83	−.23	−5.7
Space	5.04	3.19	−1.85	−36.7
Natural resources	1.94	.90	−1.00	−53.6
Farm prices and agricultural aid	6.79	6.70	−.09	−1.3
Subtotal	114.20	92.92	−21.28	−18.6
Moderate growth:				
Education	5.47	6.36	.89	16.3
Health	13.88	18.12	4.24	30.5
Veterans' benefits	8.72	12.04	3.32	38.1
Debt service	18.73	21.16	2.43	13.0
Commerce and transportation	9.38	11.34	1.96	21.9
General government	$2.78	$3.99	$1.21	43.5
Subtotal	58.96	73.01	14.05	23.8
Rapid growth:				
Pollution control	.57	1.54	.97	170.0
Community development and housing	2.86	5.82	2.96	103.0
Manpower training and employment	2.37	4.31	1.94	120.0
Income security	45.12	69.67	24.55	54.4
General revenue sharing	0	5.00	5.00	
Law enforcement	.63	1.54	.91	144.4
Subtotal	50.92	87.75	36.33	71.3
Total budget change	217.18	246.46	29.28	13.5

Source: The budget of the U.S. Government, fiscal years 1969 and 1973. All figures represent outlays. Category subtotals do not exactly equal totals on bottom line because adjustments for undistributed intergovernmental payments not shown.

NIXON ADMINISTRATION REORDERING OF EXPENDITURE PRIORITIES

While the above table gives some indication of the expenditure shifts from defense, international affairs and economic development programs to the broad domestic reform and social welfare area that have occurred under the Nixon administration, it does not tell the entire story. In many of the budget categories listed in the table, a considerable portion of the expenditure increase is attributable to program outlays that are relatively uncontrollable. For instance, more than half of the expenditures in the commerce and transportation category are for airway and highway development financed out of trust funds, and the predominant share of those in the income-security category are attributable to social security, public assistance, and other income transfer payment programs. Since most of these expenditures are fixed by law or geared roughly to the level of trust fund receipts, the administration in power at any time has little direct control over the magnitude of outlays. Thus, in order to indicate the program areas over which the Nixon administration has exercised some real measure of discretion, these uncontrollable expenditures have been eliminated from each budget category.

As is shown in table 2 below, total Federal expenditures in constant dollars increased by slightly over $30 billion during the fiscal years 1963–73 period. When the expenditure reductions for national defense and the other areas indicated in table 1 are added in, a total of nearly $52 billion became available for new expenditures in domestic program areas. However, $32.6 billion of this amount was claimed by more or less uncontrollable increases in the five categories indicated in the table, leaving a net amount of $188 billion for real discretionary expenditure increases.

TABLE 2.—*Derivation of discretionary expenditure increase*

[All figures in fiscal year 1973 dollars]

Program category:	*Change fiscal years 1969–73*
Gross funds available for expenditure increases:	
Net expenditure growth	$30,180
Expenditure reductions	21,280
Subtotal	51,460
Minus relatively uncontrollable increases:	
Transfer payments	22,540
Medicare/medicaid	3,440
Highways, airports, post office	890
Debt service	2,430
Veterans benefits	3,320
Subtotal 2	32,620
Net funds available for discretionary expenditure: Subtotal 1 minus subtotal 2	18,840

Table 3 below shows the manner in which these increases were allocated during the 4 years of the Nixon administration. The largest share of these funds, 34.3 percent, were devoted to human resource programs, principally a vastly increased level of expenditure for the food stamp and nutrition programs, and a similar large increase for employment and manpower. These expenditure increases provide tangible demonstration of the administration's commitment to end hunger and malnutrition and to equip those without jobs for gainful employment.

An additional 27.9 percent of the discretionary increases were allocated to the general area of community development. While the increases in each of the program areas in this category are modest in relationship to the total, they all represent very substantial growth from the fiscal year 1969 base, including a 170-percent increase for pollution abatement, a 101-percent increase for low- and moderate-income housing assistance a 144-percent increase for law enforcement and a 310-percent increase for highway safety and rapid transit. Finally, nearly 27 percent of the available discretionary expenditure increase was earmarked for general revenue sharing to implement the administration's commitment to return decisionmaking power and expenditure flexibility to State and local units of government. This left only 6.4 percent of the remaining funds to cover the increased costs of government overhead, and less than 5 percent for the economic development and business assistance and promotion programs carried out by the Departments of Commerce and Transportation.

Another way of viewing these figures is that all of the normal increase in expenditures resulting from economic growth during this period was claimed by relatively uncontrollable items like transfer payments, medicare/medicaid and various trust-fund-financed activities. Thus, only by substantially decreasing the level of real expenditures for defense, international affairs, space and the like, was it possible to produce the very rapid large expansion of outlays for pollution control, community development and human resources programs shown below. Had not this reallocation of budget priorities been made, these latter programs would have experienced almost no growth in real dollar terms.

TABLE 3.—DISTRIBUTION OF DISCRETIONARY EXPENDITURE INCREASES

[All figures in fiscal year 1973 dollars]

Program category	Amount	Share of total (percent)
Human resources:		
Food and nutrition	$2,290	12.2
Manpower training and employment	1,940	10.3
Education	890	4.7
Health delivery, manpower and environmental health	750	4.0
Welfare and rehabilitation services	490	4.6
Health research and construction	100	.5
Total, human resources	6,460	34.3
Community Development:		
Urban and rural facilities and redevelopment	1,940	10.2
Low and moderate income housing	1,040	5.5
Pollution control	970	5.1
Law enforcement	910	4.8
Rapid transit and highway safety	440	2.3
Total, community development	5,280	27.9
General revenue sharing:		
Total, general revenue sharing	$5,000	26.5
Other:		
General Government	1,210	6.4
Economic development and business aids	890	4.7
Total, other	2,100	11.1
Grand total	18,840	100.0

COMPARATIVE OVERALL BUDGET GROWTH TRENDS: NIXON ADMINISTRATION AND JOHNSON YEARS

While expenditures have grown quite rapidly for efforts like pollution control and for many programs in the human resources area during the Nixon administration, it must be emphasized that this was accomplished more by reallocation of priorities within the budget, as was shown in the previous section, than through rapidly increased overall Federal expenditures. As the table shows, in terms of constant dollars of purchasing power, budget growth during the Nixon administration has been reduced to almost one-third of the average annual growth during the fiscal years 1965–69 period.

Even more significantly, the overall budget growth rate has been brought nearly into line with the growth rate for real GNP during the last 4 years. By contrast, during the Johnson "guns and butter" years, the budget growth rate averaged almost twice the growth rate for GNP. The obvious implication of this trend is that the Federal sector was taking a larger and larger slice of total national income each year. During the last 4 years, however, this process has been reversed so that currently the budget is growing actually somewhat less rapidly than GNP:

BUDGET AND GNP GROWTH IN CONSTANT DOLLARS, FISCAL YEARS 1965–69 AND FISCAL YEARS 1969–73

[In percent]

Period	Average real budget growth	Average real GNP growth
Fiscal years 1965–69	9.3	4.9
Fiscal years 1969–73	3.4	3.2

Source: Economic Report of the President, 1972

As a result of this much lower budget growth rate, the Nixon administration has been able to keep its budgets within the discipline of a full-employment balance. This contrasts sharply with fiscal years 1965–69 periods in which a cumulative total of $39.8 billion in full-employment deficits were incurred during a period when the economy was operating at near full capacity, and thus played an important role in the buildup of demand pressures that resulted in 6 percent-plus inflation rates during 1968–69.

As submitted in January, the fiscal year 1973 budget was calculated to produce a small $800 million surplus, an appropriate target during a period of rapid economic expansion. However, upward revisions due to congressional legislative and appropriations actions and unexpected increased in existing programs could now turn this small surplus into a $11.7 billion deficit if a spending ceiling is not imposed. Obviously, a full-employment deficit of this magnitude would be in the same range as the Johnson full-employment deficits shown below. While the spending ceiling proposed by the President would not entirely eliminate this deficit, it would certainly bring it back into a more manageable and less inflationary range.

Full-employment budgets, fiscal years 1965–69 and 1969–73

[Billions of dollars]

1965	+2.8
1966	−6.2
1967	−10.7
1968	−25.3
1969	−0.4
1970	+3.1
1971	+4.9
1972	−3.1
1973 January estimate	+.8
Current estimate	−11.3
$250 ceiling	−4.5

Source: The Budget of the United States Government, Fiscal Year 1973.

THE FISCAL YEAR BUDGET: SOURCES OF UPWARD REVISION

The budget submitted by President Nixon in January projected $246.3 billion in outlays, $220.8 billion in revenues, and, consequently, a $25.5 billion unified budget deficit during the current fiscal year. On a full employment budget basis, a slight $800 million surplus was expected. Under conditions of a strongly reviving economy expected to be heading toward the full-employment range by the end of the fiscal year—June 1973—this deficit was believed by the administration to be sufficiently stimulative, but at the same time constrained by the discipline of a small full-employment surplus.

Since January, however, these budget projections have been revised substantially upward due to various appropriations and legislative actions by Congress, unexpected increases in outlays, and revenue revisions. As of October 1, the budget picture for fiscal year 1973 on the basis of measures already enacted or certain to be enacted is as follows: Outlays are now expected to reach $256.8 billion in the absence of a ceiling, revenues have been revised upward to $225 billion due to more rapid than expected recovery of the economy, and the unified budget deficit is now projected to be $31.8 billion, nearly a 25 percent increase from the level projected in January. Even more significantly, these outlay increases and tax law changes in combination are expected to produce a full employment deficit of $11.3 billion. During only one other year in the entire post-war period—fiscal year 1968—has the Federal budget incurred a larger full-employment deficit. The result of that large fiscal year 1968 full-employment deficit, in the context of a strongly expanding economy, was an inflation level of nearly 6 percent that took more than 3 years to correct.

In addition, measures with more than $4.9 billion in added outlays for fiscal year 1973 have passed either one House, both Houses, or are pending in conference. These programs were not included in the above projection because enactment before the preelection adjournment is still questionable. However, should they be approved in a postelection session or next year, Federal outlays would increase to almost $262 billion, with a unified budget deficit of $36.7 billion and a full-employment deficit of $16.7 billion. The table below shows the sources of these upward revisions in the fiscal year 1973 budget.

CHANGES IN FISCAL YEAR 1973 BUDGET ESTIMATES

	Outlays	Receipts (billions)	Deficit
January budget	$246.3	$220.8	$25.5
Net appropriations changes	−.2		−.2
Legislative changes	5.0	−1.6	6.6
Revenue sharing deferral	2.3		2.3
Estimate revisions	3.4	5.8	−2.4
Unified budget outlook:			
Programs enacted or certain of enactment	256.8	225.0	31.8
Potential additions[1]	261.7	225.0	36.7
Full employment budget outlook:			
Programs enacted or certain of enactment	254.8	243.5	11.3
Potential additions	259.7	243.5	16.7
Outlook with 350,000,000,000 spending ceiling:			
Unified budget	250.0	225.0	$25.0
Full employment budget	[2] 248.0	243.5	4.5

[1] Approved by either 1 House, both Houses, or pending in conference.

[2] Less than actual outlays because full employment would involve smaller unemployment benefits and other income support expenditures.

Breakdown of changes in budget to date

[In billions of dollars]

Receipts:	
Social security tax reductions	−1.6
Revision of tax yield estimates	5.8
Total	+4.2
Outlays:	
Appropriations:	
Defense	−[1] 1.50
Agriculture, environment and consumer protection	0.95
Relief	0.11
Foreign aid	−0.11
Labor and Health, Education, and Welfare	[2] 0.25
Miscellaneous	0.08
Subtotal	−0.22
Legislative (nonappropriation):	
School lunch program	0.20
Black lung benefits	0.97
Revenue sharing	1.00
20% Social Security increase	2.10
Veterans compensation	0.11
Disaster relief (SBA)	0.05
RR retirement benefits increase	0.07
Increase in social service expenditures	[3] 1.00
Miscellaneous (net)	0.03
Legislative inaction of miscellaneous spending reductions proposed in budget	−0.49
Subtotal	5.04
Other:	
Revenue sharing postponed from fiscal year 1972	2.25
Revision of estimates contained in budget	3.43
Subtotal	5.68
Total outlay change	10.50

[1] House passed version.

[2] House passed version. Senate bill has much larger increase.

[3] Difference between January estimate of $1.5 billion and $2.5 billion ceiling included in the revenue sharing bill.

THE LONGER TERM BUDGET OUTLOOK

The imperative need to curtail the momentum of Federal spending growth was recently highlighted by a study issued by the American Enterprise Institute. On the basis of programs currently in the books plus the new expenditures for general revenue sharing, special revenue sharing, and welfare and health care reform included in the administration's fiscal year 1973 budget, the study projected a full-employment deficit of $21.5 billion during the calendar year 1975. And this estimate assumes that no new programs would be added during the next 2 years and that larger than normal increases would not be made in existing programs. Yet a full-employment deficit of this magnitude, in the context of a full-employment economy, would almost certainly touch off a virulent new round of inflation similar to that initiated by the large Johnson full-employment deficits of fiscal year 1967–68.

If this expenditure momentum is not slowed down, the AEI study projects that an 11-percent surtax—on all individual and corporate taxpayers—would have to be levied in order to bring the budget into full-employment balance. For a family of four earning $12,000—which would be about the median income in 1975—an 11-percent surtax would mean a $150 tax increase. Moreover, the study indicates that even as late as 1977 expenditures for current programs would exceed revenues by $5.6 billion. Yet, considering the rate at which new programs and expenditures have been added to the budget in the last 10 years it hardly seems likely that 5 years could lapse without an additional penny being added to the budget, so the figure for 1977 must be taken as a bare minimum estimate of the size of the deficit absent tax increases.

The table below indicates the AEI projections for full-employment expenditures, revenues, and deficits for the 1975–77 period, as well as the surtax rates that would be needed to bring the budget into balance and avoid inflation, if current expenditure growth rates are not reduced.

FEDERAL BUDGET GROWTH AT CURRENT PROGRAM LEVELS 1975–77

	1975	1976	1977
Total revenues	$292.0	$315.3	$339.7
Total expenditures	313.5	328.1	345.3
Full employment deficit	−21.5	−12.8	−5.6
Surtax needed to bring the Budget into Balance (percent)	11	6	3

Mr. SMITH of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I returned to Washington today specifically to vote in favor of setting a spending limit of $250 billion.

I believe, Mr. Speaker, that we should go further. We should limit the amount of spending to the amount of income. In other words, Mr. Speaker, I believe we should live within our income and not pass spending programs that we cannot afford.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the very able and distinguished gentleman from the Appropriations Committee, my good friend and neighbor, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, we are all for responsible government and we are not opposed to congressional reform. To the contrary, we want to strengthen the arm of Congress. Most of us in my judgment, however, do not believe that it would constitute congressional reform to delegate to the executive branch authority to write law. That authority and responsibility is vested in the legislative branch under the Constitution. I do not see why we should delegate legislative responsibility for a moment, certainly not for 8 months.

I have supported expenditure ceilings in the past and expect to support expenditure ceilings in the future, but the one before us today is a different animal. The bill says that we will establish by law an expenditure ceiling of $250 billion. It also says, in effect, to the President, "You change existing law in about any way you desire in order to achieve that objective."

That is the point that is involved here.

Shall we, in addition to departing from the traditional expenditure limitation concept say, as we do in this legislation beginning on line 20, page 2, "The amount available for obligation—as determined by the President—shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

There are no exemptions in the ceiling proposed and we do not tell the President not to change present law in regard to many programs. For example, in veterans' benefits, in revenue sharing, in aid to impacted areas, the law makes certain provision as to how the money shall be spent, but we say in this bill, in this proposed law, that the amounts available for obligation as determined by the President shall be substituted for the amounts appropriated or otherwise made available by the application of the formula. There is no saving clause with respect to the so-called mandatory programs.

I think that some of the spending programs ought to be restructured. I would like to see some restructured, but under this proposal, in the impacted aid program for instance, the President could say, "I do not want any of this money going to category B. I want it all to go to category A."

Changing the law in this manner is not the type of authority which should be delegated to any President. That is my major objection to the proposal which is before us today.

The President will have a veto on 1-year funds as the result of such a ceiling and there are tens of billions of dollars involved in such funds. He can change the basic law with respect to many programs.

This is where I draw the line. Otherwise, I can support expenditure limitations and I have in the part. But the proposal which I make would require the President, if he wants to change the law, to submit to Congress what changes he recommends be made, and then the Congress can consider the whole matter in the light of the President's recommendations.

I do not wish to demean the Congress. We have not done an althogether bad job during this session or in previous sessions. Generally speaking, we do not exceed the total of the recommendations of the President. And certainly we have been under the budget in the aggregate in appropriation bills.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, this week the House will probably pass a conference report for an education bill for Vietnam veterans amounting to about $430 million.

Under this, what can the President do?

Mr. MAHON. The President would have the decision to substitute his authority as to how much shall be spent rather than the authority which would be carried in the legislation to which the gentleman refers.

In other words, if the executive branch is not satisfied with the real, or unreal, amount, it can impound money and can also change the law by changing the application of the formula for expenditure.

Reverting again to the subject of what we have done in this session, we will have cut spending in appropriation bills at this session by about $1.5 billion—a major sum. It is true that in revenue-sharing, in social security, in the black lung program and in other fields we are above the budget. But the proposal before the House today is not the answer to the fiscal problem confronting the country.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, Mr. Boggs.

Mr. BOGGS. Mr. Speaker, some of the most difficult tasks which I have faced here, both as a longtime member of the great Ways and Means Committee and as majority whip, and now as majority leader, have been to obtain a majority for the many extensions of the debt ceiling that we have had to pass in the last several years.

First let me say I do not consider myself in any conflict with the distinguished chairman of the Ways and Means Committee. The gentleman from Arkansas (Mr. Mills) and I served together on the Ways and Means Committee for 22 years. That service was very valuable to me, and I hope was of some help to the Nation.

But I find myself today in total disagreement with what this legislation seeks to accomplish in writing in an expenditure ceiling of $250 billion, which is a direct grant of absolute authority to the President of the United States on the control of the purse and the ultimate control of the legislative enactments of the Congress itself.

The Mahon amendment is a very reasonable amendment. It says, in effect, to the President, "Mr. President, send us down your recommendations, and we will look at them and we will consider them fully and we will vote on them as we should under the usual legislative procedures."

If the Mahon amendment is not adopted, speaking as the majority leader, and for the majority whip and for the Speaker and for the leadership, we intend to vote against the debt ceiling bill here today.

I am not impressed with the political arguments that have been made here. I am not impressed with this business I have been hearing in paid political broadcasts by the President about the so-called spendthrift Congress. In appropriated items we have reduced Mr. Nixon's budget requests by almost $15 billion in the 4 years he has sent up requests. But he nevertheless has succeeded in building up the largest deficit of any President since the deficits that were necessary in World War II. He has built more deficits than all the Presidents of the United States put together up to the time of Franklin Roosevelt. He has built more deficits than Eisenhower, Kennedy, and Johnson all put together.

So talk about fiscal responsibility should not be coming from the White House, it should be addressd to it.

Where will the President cut if he gets this authority? Well, the only way to judge a man's future is what he has done in the past. Let me just recite a list of his vetoes.

January 1970: Appropriations for Health, Education, and Welfare.

June 1970: Hospital construction.

August 1970: Office of Education appropriations.

August 1970: Housing and Urban Development appropriations.

January 1971: Federal employees hazardous occupations.

December 1970: Public health, family medicine.

December 16: Unemployment, low income, and unemployed persons.

June 29, 1971: Antipoverty program.

December 1971: Economic opportunity, or antipoverty.

August 1972: Labor, health, and education.

Just last week: Railroad retirement.

That is where the cuts will come. And, just as the distinguished chairman of the Committee on Appropriations said, in making these cuts, he in effect changes the law. He not only reduces the budget. The impacted schools money is a very good example. When he makes those cuts, he changes the formula. In changing the formula, he changes the enactment of the Congress of the United States.

I have followed the progress of this proposal with a great deal of interest, Mr. Speaker, and I have concluded that never in my career has a single piece of legislation deserved defeat on quite so many grounds.

We are told that the fires of inflation are consuming the living wages of our people, and this is true. Rising prices—particularly food prices—are licking at the heels of Americans of every economic level. Each month the statistics tell us of lost wages, lost savings, and eroded pensions. Consumer prices have risen 18 points since the beginning of 1969—more than in the previous 8 years combined—and there are few signs of their abating. Meat and poultry prices are up 23 percent. Hospital care is up 35.5 percent.

The Nixon deficits are a primary cause of inflation, and this, no doubt, is true. In the past 4 years, as I have said, budget deficits have exceeded the total deficits of the 16 years of the Eisenhower, Kennedy, and Johnson administrations combined.

We are told that these unprecedented budget deficits are the result of wanton, reckless spending by the Congress, but this, Mr. Speaker, is not true. It is part of a cynical, election year scheme to escape responsibility for the worst economic failure in 40 years. Where there was a clear national need for funds—as in health, in education, in programs to protect the environment—Congress has met the President's requests and often exceeded them.

All of this, of course, was conspicuously absent in the President's presentation on Saturday—a presentation which was made on an altogether appropriate forum, a paid political broadcast.

In this paid political broadcast, the administration, which is the biggest deficit spender in American history, was cloaked in the shopworn Republican costume of fiscal responsibility. The President, who bears responsibility for one-quarter of the national debt, told the American people that he was remaining in Washington to "hold the line" against a spendthrift Congress. He said that if Congress does not adopt this legislation—if Congress does not surrender its power over outlays—then the Congress will be responsible for compelling a tax increase.

The truth is—and this is supported by reputable economists within and without the administration—if a tax increase is inevitable, it is because of this administration's mismanagement of the economy.

The truth is, this legislation is part and parcel of an elaborate scheme to lay the blame for economic failure upon the Congress.

Now it is proposed that the Congress surrender its power over outlays. A $250 billion expenditure ceiling will necessitate an estimated $12 billion budget slash which, under this legislation, would be carried out solely by the executive branch, without the least review of consideration by the Congress.

We are asked to include in debt ceiling legislation a spending ceiling of $250 billion and to delegate to the President power to determine where the cuts are to be made. We are asked to turn over to the executive branch the power to control budget outlays. The power of the purse, the power to determine national priorities, would be turned over to some nameless bureaucrat in the Office of Management and Budget—an individual, I might add, who is unelected and totally unresponsive to the electorate. Congress would be reduced to a debating society. There would be very little point to the annual debate over appropriations if our decision is subject to review by the OMB.

It has become very fashionable to speak of Congress declining power. Ralph Nader now speaks of Congress as the "broken branch." I do not subscribe to that point of view, but if this legislation is enacted, we will be lending credence to their allegations.

If there are to be further cuts in the Federal budget let it be people's representatives who decide when, where, and how much. This is our responsibility and duty under article I of the Constitution. We cannot abdicate it.

This President told a press conference on October 5, that he felt it was important for him to stay in Washington this fall and "fight the battle against bigger spending." Well, I suggest he start by taking a hard look at his own budget proposals. The very $250-billion debt ceiling he seeks includes a $32.4-billion deficit and an $18-billion increase in Federal spending over 1972.

Since the $250-billion spending ceiling the President seeks includes an increase of $18 billion over the last fiscal year—and I emphasize that this is $18 billion which the President's own budget estimate embraces—then obviously the President must either raise taxes or accept a chronic deficit.

Since he has said he will not raise taxes, why has he neglected to inform the American people that he now apparently accepts the idea of chronic, growing, staggering national debt?

The President cannot have it both ways. If he himself accepts a $18 billion deficit this year the only explanation for his announcement that there will be no tax increase is that he favors running this country even deeper into debt.

Why all this Nixonian rhetoric about a spendthrift Congress? Clearly the President is looking for a scapegoat for some of the most serious economic failures in American history.

Consider the fact that he has managed to produce:

The highest inflation in 20 years;

The highest unemployment in 10 years;

The worst trade deficit in 40 years;

The highest interest rates in 100 years; and

The most certain prospects for a sagging economy since Herbert Hoover.

Let us hear what others have said about this Nixon power grab:

Our distinguished colleague, the gentleman from Massachusetts (Mr. BURKE) has pointed out to this body that the President already enjoys ample power—the power of budget requests, budget amendments, and the veto—to assert himself very effectively on the matter of Federal spending.

Senator HUMPHREY told the Senate on October 4 very correctly that this Nixon power play could "prove to be the domestic equivalent of the Gulf of Tonkin resolution—a license for the administration to attack and make war on health, education and other programs benefiting the average citizen without congressional approval."

Treasury Secretary Schultz, Nixon's own chief fiscal adviser, is on record as saying that a spending device of the type the administration is now seeking would lead to "chaotic reductions in essential programs."

Hobart Rowen, respected financial columnist for the Washington Post, has detected that the White House attempt to fix blame on Congress for irresponsible spending requiring tax increases was a "phony issue" and that the administration "ought to quit playing politics."

Are we, in the twilight of the 93d Congress witlessly about to undo that for which our spiritual forebears of the Continental Congress risked their lives and liberty?

The Declaration of Independence cries down to us through nearly two centuries against "repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over the States."

And the very first charge leveled against the King of Great Britain in that historic document is this:

> He has refused his assent to laws, the most wholesome and necessary for the public good.

This is an old and venerable Chamber. It has known great moments. Few, in my opinion, are as memorable as that moment when Alexander Hamilton indicated the House Chamber and announced to a visiting foreign guest, "Here, sir, the people govern." Passage of this infamous abdication-of-power legislation would make a mockery of the great truth Hamilton spoke. It could then accurately be said that here, in this House, the representatives of the people gave over to the Chief Executive the unhampered and exclusive power to decide how the people's moneys were to be spent. Mr. Speaker, this is no less "taxation without representation" than the insulting levies which inspired the Boston Tea Party, and fired our Founding Fathers to move against the British Crown.

The impoundment device alone has enabled the Nixon administration to refuse expenditure of some $25 billion as directed by the Congress over the last 2 years. And it is nonsense to think that this represents a $25 billion "savings" to the taxpaying public. The fact of the matter is that through accounting gimmickry and budgetary sleight-of-hand the administration can and does divert funds from their intended purpose to expenditure for items which would not have congressional support if considered on their merits by the Congress.

Some 185 years ago, James Madison writing in "The Federalist," warned that when "the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free Constitution are subverted."

What Richard Nixon has proposed, Mr. Speaker, is nothing short of fundamental altering of the constitutional balance of powers. He would reduce the U.S. Congress to political impotency.

Throughout American history, our democracy has been vulnerable to the aggregation of excessive powers in the executive. Once again, we may turn to Madison for a clear understanding and exposition of this danger. He said:

> Power "is of an encroaching nature, and . . . it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary; the next and most difficult task is to provide some practical security for each, against the invasion of the others."

James Madison served in this body in 1798, Mr. Speaker. Is there any doubt that today he would cast his vote and raise his voice against this Presidential assault on the constitutional powers of the U.S. Congress?

This issue is as clearcut and as important as that. This business of wondering about tax increases and dollar expenditure amounts pales before the constitutional issue involved here.

Now, let me turn to the concurrent resolution. It is clearly and demonstrably an intelligent and responsible alternative, and it deserves our unqualified support.

This resolution recognizes that both Congress and the Executive must give the closest attention to mounting Federal spending.

It provides a mechanism for sensible cooperation between the Congress and the President in keeping spending within proper limits.

The resolution contemplates a spending ceiling of $250 billion for the current fiscal year. But since a ceiling at this level will require very substantial cuts in Federal expenditures, the resolution rightly demands that the President indicate specifically to the Congress just where he would make those cuts.

Are we going to put the fate of those in poverty, those who are sick and cannot pay the bill, those who are out of work, those whose education, and housing are inferior, and whose environment is corroding—are we going to put the interest of these Americans in the hands of an administration which has shown itself incapable of solving their problems because it is too busy servng the interests of the wheat speculators and the corporate conglomerates?

Mr. Speaker, we are greatly indebted to the distinguished chairman of the Committee on Appropriations. He has formulated in the concurrent resolution a mechanism which permits the President to analyze and recommend whatever spending cuts he believes necessary. His resolution rightfully preserves in the Congress, however, the power—and the responsibility—for spending reductions and modifications.

It should not be necessary to add that I oppose H.R. 16810 regardless of which party occupies the White House in January. For Members of this body the issue should not be one of partisanship.

So, Mr. Speaker, it is with great regret that I have to say this. I repeat, Mr. Speaker, that regretfully it is my intention to vote against this bill if the Manon amendment is not adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I was back in my district over the weekend, and the only criticism that grew out of the widespread Nader publicity with respect to Congress, the only publicity that took hold of the people back there was when he charged the Congress with the abdication of its power to the President.

I say to the Members that on this bill today—and I have voted for it every time the President asked to raise the debt ceiling—I will not vote for it today unless the Mahon amendment is in there.

If this passes without the Mahon amendment, it will be the most abject abdication of power in the history of this Republic, and no Member of Congress can go home and say, "Well, the Congress is doing its job"; we can just go home and say, "We have turned it over to the Executive."

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as far as I know, and hopefully so, this may be my swan song. I say, "hopefully," because I am very much in hopes that this House will carry out the target date for adjourning this Congress on this weekend.

Mr. Speaker, I am sorry that I must find myself in disagreement with some of my very closest friends in this House. I hate to find myself in disagreement with the gentleman who sits in the chair up there, the distinguished Speaker of the House, the majority leader, and the very able gentleman, the very close friend and neighbor of mine who has his office across the hall from me, the gentleman from Texas (Mr. MAHON).

Mr. Speaker, if I did not support the bill, and particularly that provision of the bill drawn up by the distinguished gentleman from Arkansas, the chairman of the Committee on Ways and Means (Mr. MILLS), I would certainly be out of cast, and I am sure that there would be eyebrows raised around here, because of the many times that I have appeared in the well of this House for the past 25 years arguing that we had to curtail spending, that we had to retrench, we had to tighten our belts, and that we had to get some sense of fiscal responsibility in the operation of this Government or everything was going down the drain.

I recall that back in those early days when I was hoisting the danger flag of inflation, I made the remark that I was not concerned so much about the future of the Democratic Party or of the Republican Party as I was about the future of the Communist Party or the man, the strong man on the horse, who would take over when we had destroyed this country from within and the wheels of industry had become silent, when jobs were not here and the credit of the country had gone.

It was then that the siren song of the Communists would sound very pleasant to the hungry bellies that existed in this country.

Mr. Speaker, I mention these things not for self-serving purposes, I hope, but again to remind you that I am running true to form here when I support this provision that would give the President of the United States the power—yes, delegate to him the power—let me say to my friend from Texas, to control expenditures to a limit of $250 billion. How much? $250 billion.

Yes, it is a delegation of authority; it is a temporary delegation of authority. Some people say that it would make a dictator out of the President. Well, I repeat my theme—I would rather have a temporary dictator for 8 months than to have a permanent one, which is what is going to be the result of the confusion and the chaos that will come about when the value of our dollar has gone down the drain, down to the bottom. And it is going down all the time.

Mr. Speaker, I voted for one debt increase in my years here. I am going to vote for the second one today, because it has this provision in it. I will be equally frank with my friend, the majority leader, about what the humble position of this Member is going to be. He told us what the position of the leadership is going to be, but this humble Member is not going to vote for the debt-limit increase without some provision in it that would give this authority to the President.

Now, let me, if I may, ask this question: Where are we? I said a moment ago at the risk of sounding self-serving that I had been waving the danger flag here for these many years. We are raising the debt limit now to $465 billion. I do not care whose responsibility it is. We are hearing a lot today about it being the responsibility of the man down at the end of 16th Street. We hear a lot about the fact that it is the responsibility of the Democratic-controlled Congress. I do not give a hoot whose responsibility it is; the fact remains that it is here. While I have been crying "wolf" all these years and saying that the crisis was coming someday, I am so happy to recognize that there are some people here today who do recognize that the crisis has been reached.

It is here now. It is not coming, and both sides of the aisle say that something has got to be done about it.

Let us take a look at that debt that is $450 billion now—and I just had this sum broken down this morning. Do you know what the interest on that debt is? For the fiscal year 1973 it will be $23.1 billion—the interest. That is four times what they were spending to run the whole Federal Government when I came to Congress. And I am talking about interest, I am not talking about expenditures.

Do you know what that amounts to per day—and I am still talking about interest—it is $63,287,671. That is what you are paying for interest per day on the national debt.

Since we started the debate on this bill, and by the time I will have concluded, the cost for funding the national debt, for paying the interest on the national debt for 1 hour, will be $2,636,986.

Let us break it down to minutes. It is costing $43,950 to pay the interest on the national debt per minute.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. COLMER. Mr. Speaker, I yield myself the remaining 4 minutes of my time, and I hope that I will not use the entire 4 minutes.

It is costing $732.50 a second to pay the interest on the national debt.

Now, you go home next week, I hope, those who are running for office, who cherish these seats, and you tell your people that you are unwilling to give the President of the United States the authority to hold the spending down to $250 billion for the next year, and you explain to them how much we already owe and how much it is costing in the way of interest on the national debt.

You explain to them how much we already owe and how much it is costing in the way of interest on the national debt. Or you might go farther than that—if you want to be perfectly honest with them—you tell them that we owe $450 billion now—and that we have raised it $15 billion—or we will have—and that prudence would suggest that we start tightening the belt and started economizing and started retrenching and reduce this national debt by $500 million a year.

How long would it take to retire the national debt at that rate? Oh, just a matter of 900 years. Who is going to pay it? Talk about your grandchildren—you had better talk about your great, great, great, great, great grandchildren—if this Republic lasts that long.

The crisis is here. Those taxpayers at home—and there are some people at home who are conscious of what is happening to their Government—do not think they all are just trying to get their hands in the till. They understand what is going on. Reason with them. Do not tell them that you voted against giving the President this power—and it is unusual—I almost abhor it—I do not like it.

You would think that the Congress could do it—but the Congress has demonstrated that it will not do it—it will not discipline itself. The appeals of the organized minority groups—and I am not talking of any racial thing—I am talking of the organized groups back home—the demands are so strong that the Congress just does not feel equal to meeting the situation.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I thank my colleague.

I want to talk about the politics of this thing at the moment. There are some people who feel in this election year that the politics of this thing is on refusing the President this authority. If I understand the situation, I think the politics of this thing is that the President—the people—are worried—they are concerned about inflation that results from all of this excessive spending—this deficit spending.

I think the politics is with the President. Now from his point of view, frankly, I do not understand—if he is a political animal as he is charged with being, and I am sure he is or he would not be there—it is a question of understanding—we are all political animals.

I cannot understand why, from a political point of view, any man would want to ask for this kind of authority. Who is going to be hurt politically? Is it going to be my Democratic brother or my Republican brother, or both?

If you give this authority to the President and he cuts back on some of these popular programs, it seems to me that he is the man who is going to be hurt.

My friends, finally permit me in all the earnestness that I possess and in all the sincerity I possess—I do not see how this Congress in this crisis, at home and abroad, can refuse to pass this bill with this limitation of $250 billion.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 309, nays 65, not voting 56, as follows:

[Roll No. 418]

YEAS—309

Abbitt
Abernethy
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Goldwater
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Michel
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shoup
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—65

Abzug
Addabbo
Ashbrook
Baring
Biester
Bingham
Blackburn
Burke, Mass.
Burton
Celler
Chisholm
Cleveland
Collins, Ill.
Conyers
Coughlin
Culver
Danielson
Dellums
Dingell
Drinan
Eckhardt
Edwards, Calif.
Fraser
Giaimo
Gibbons
Gonzalez
Hall
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Jacobs
Kastenmeier
Koch
Leggett
Lennon
Long, La.
Long, Md.
McDade
Miller, Ohio
Mink
Mitchell
Mosher
Moss
Patman
Podell
Rarick
Rees
Roberts
Rosenthal
Shipley
Sikes
Skubitz
Slack
Stanton, James V.
Teague, Tex.
Van Deerlin
Vanik
Waldie
Whalen
Whitten
Wilson, Charles H.
Wolff
Yates

NOT VOTING—56

Abourezk
Ashley
Badillo
Bell
Biaggi
Blanton
Blatnik
Burke, Fla.
Byrne, Pa.
Caffery
Chappell
Clay
Cotter
Denholm
Diggs
Dow
Dowdy
Dwyer
Edmondson
Evans, Colo.
Galifianakis
Gallagher
Green, Oreg.
Gross
Haley
Hanley
Harsha
Hathaway
Helstoski
Hungate
Hunt
Kee
Lent
Link
Lloyd
McClure
McEwen
McKinney
Martin
Matsunaga
Metcalfe
Mikva
Miller, Calif.
Pelly
Purcell
Reid
Roncalio
Rooney, N.Y.
Roybal
Scherle
Schmitz
Scott
Sullivan
Symington
Thompson, Ga.
Young, Fla.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hunt.
Mr. Roncalio with Mr. McEwen.
Mrs. Sullivan with Mr. Bell.
Mr. Biaggi with Mr. Lent.
Mr. Blatnik with Mr. Burke of Florida.
Mr. Hanley with Mr. Harsha.
Mr. Matsunaga with Mr. Martin.
Mr. Cotter with Mr. Lloyd.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Reid with Mr. Thompson of Georgia.
Mr. Purcell with Mr. Young of Florida.
Mr. Denholm with Mr. McClure.
Mr. Helstoski with Mr. Pelly.
Mr. Ashley with Mr. McKinney.
Mr. Badillo with Mr. Dow.
Mr. Kee with Mr. Clay.
Mr. Mikva with Mr. Hungate.
Mr. Miller of California with Mr. Diggs.
Mr. Byrne of Pennsylvania with Mr. Metcalfe.
Mr. Chappell with Mr. Scherle.
Mr. Caffery with Mr. Schmitz.
Mr. Link with Mr. Scott.
Mr. Evans of Colorado with Mr. Gross.
Mr. Blanton with Mr. Abourezk.
Mr. Hathaway with Mr. Gallagher.
Mr. Edmondson with Mr. Roybal.
Mr. Haley with Mr. Galifianakis.
Mr. Symington with Mr. Dowdy.

Mr. MOSS, Mr. ECKHARDT, Ms. ABZUG, and Mrs. MINK changed their votes from "yea" to "nay."

Mr. MINISH changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2280, CONVENTION FOR SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, with House amendments thereto, insist on House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, HARVEY, and SKUBITZ.

PERMISSION TO FILE CONFERENCE REPORT ON S. 4018, OMNIBUS RIVERS, HARBORS, AND FLOOD CONTROL ACT, UNTIL MIDNIGHT TOMORROW

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Wednesday, October 11, 1972, to file a conference report on S. 4018, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Texas if the conference has completed its deliberations?

Mr. ROBERTS. If the gentleman will yield, I will say to the gentleman from Missouri that the conference completed its deliberations at 1300 hours.

Mr. HALL. Mr. Speaker, I thank the gentleman.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PUBLIC DEBT LIMITATION

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. MILLS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16810, with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS), will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, there are times here in the House when we consider measures which of themselves may not appear to be very important measures, but which nevertheless tend to influence the course of events for many years to come. In the area of fiscal policy, I believe the bill we have before us today is of such importance. In fact, I characterize this bill as being perhaps the most important bill that the Congress will consider in this session—or perhaps one of the most important bills that the Congress has considered in many, many years.

This bill is one of a series which we considered over the years that has had some impact in stemming the tide of the ever-rising level of Government expenditures. The Members will recall that in meeting the problems of an anemic economy with the Revenue Act of 1964, we took the road of "freeing up" the private economy rather than the road of stimulating the economy through increased Government spending.

You will recall that we did not stay on that track very long. But the Members will also recall that this act was effective in providing the growth in that private sector of the economy which we then so badly needed.

Again in the Revenue and Expenditure Control Act of 1968, Congress dealt with this problem of ever-rising expenditures in a period of inflation by imposing a limitation on spending by the Government. That ceiling was only partially effective, in no small part because of the many exceptions that we provided to the ceiling. In 1969 programs covered by the ceiling were reduced by the President by $8.4 billion. However, expenditures excepted from the ceiling increased by $6.9 billion, with the result that we actually had a savings of only $1.5 billion instead of the $6 billion that we had originally planned.

Despite this, let me point out, the fiscal year 1969 was the only year since 1960, up to the present time, in which the unified budget has shown a surplus. This was the result of a ceiling and the 10-percent surcharge.

During this period of time, our Appropriations Committee has fought valiantly to slow this rising tide of Government spending. Many examples could be pointed out where they had success in this regard.

Despite these efforts to control spending, Government expenditures have kept on rising. From 1968 to 1969 expenditures rose by nearly $6 billion. From 1969 to 1970 they rose by $12 billion. From 1970 to 1971 they rose by nearly $15 billion and from 1971 to 1972 they rose by slightly over $20 billion, and even with the $250 billion ceiling provided by this bill, from 1972 to 1973 expenditures would rise by slightly over $18 billion.

The question is whether we are to hold the increases in the current year to this $18 billion or whether we are to have an increase in spending which could rise anywhere from $24 billion to hopefully not more than $30 billion above prior year. This kind of expenditure increase is what we must look forward to if we do not control expenditures by the ceiling in this bill.

In pointing out this rising tide in expenditures, I, of course, do not intend to imply that expenditures should not rise at all. They must, of course, rise because of price increases. They must, of course, rise as the Government meets its obligations to provide additional services sought by our citizenry.

The basic problem, however, is whether this spending is to continue rising in the uncontrolled manner which has occurred in the past few years. The deficits in the fiscal years 1970 through and including 1973, even if the expenditure limit in the bill is accepted, can be expected to amount to $104 billion, or almost one-quarter of our current total outstanding debt. In 4 years, this is almost one-quarter of our total outstanding debt.

Nor does there seem to be any evidence of the change in the pattern of spending for the period ahead. Two independent research organizations, Brookings and the American Enterprise Institute, have recently released studies which show approximately the same outlook for the period ahead.

The Brookings study, prepared by Charles Schultze, former Director of the Bureau of the Budget, estimates that the full employment budget, if we reach full employment by 1975, and even if we do not adopt any new Federal programs other than those already recommended in the budget for 1973, will show deficits of $11 billion, $17 billion, and $6 billion respectively, for the years 1974, 1975, and 1976. I call your attention to the fact that these are deficits on the full employment basis. This means much larger deficits will show up in our actual accounts.

The American Enterprise study, making its projections on a similar basis, shows full employment deficits until the fiscal year 1978. Its estimates indicate deficits on a full-employment basis of $5 billion in 1973, $14 billion in 1974, $22 billion in 1975, $13 billion in 1976, and $5 billion in 1977. I am talking about deficits over and above full employment receipts. Also do not forget again that this assumes no new Federal programs and only the expansion of existing programs along the normal patterns of growth. Are there any among us who believe that there will not be new programs added to the list to make deficits much larger than these estimates? Of course not, we add them every year.

The need to control spending is particularly great now because many economic indicators again show signs of excessive rising inflationary pressures. These signs have reappeared even though wage and price controls remain in effect, and phase II controls are now approximately 11 months old. The alarming aspect of the reemergence of these signs is that they come when the economy still has a substantial level of unemployment. Although unemployment has fallen slightly from the 6-percent level which persisted for more than a year, unemployment seems still to be on the high plateau of around 5½ percent.

Listen closely to this information, if you will, please. In the third quarter of this year, wholesale prices rose at a 6.7-percent annual rate. This can be contrasted to a 4.9-percent rate of increase in each of the two prior quarters. These wholesale price increases, in the normal course of events, will be transmitted into retail price increases in a period of 3 to 6 months from now.

Increasing accumulation of inventories by business is another sign of rising inflationary pressures. Retail stores inventories, for example, in the second quarter of this year, on an annual rate basis, increased by 7.4 percent over the first quarter. In the second quarter, all business inventories also increased by 4.9 percent over the level in the first quarter. More recently, manufacturing inventories from August to September have risen by 7.9 percent, on an annual rate basis, as contrasted to a 4-percent increase of the August level over that in July.

Still another measure of increasing inflationary pressures is the rise in outstanding consumer credit. Total consumer credit increased by 12 percent from July 1971 to July 1972. In the last 3 months, however, consumer credit has increased at an annual rate in excess of 16 percent. Similarly, bank loans in the last 3 months have increased at a rate of 15.6 percent, which again is higher than earlier rates.

As might be expected with this increase in the use of consumer credit, there has also been a decrease in the savings rate. During 1971, the savings rate was 8 percent or more. In the second quarter of 1971, for example, it was actually 8.6 percent. By the first quarter of 1972, the savings rate had fallen to 7.2 percent and by the second quarter, to 6.4 percent. All of us know the rate for the third quarter will be less.

In recent months there has also been a rise again in interest rates. This is true both of short-term and, more recently, of long-term interest rates. In the case of 3-month Treasury bills, for example, the rate has risen from 3.2 percent in February of this year to 4.6 percent on September 22, 1972. The rate on prime commercial paper has also risen from 3.9 percent in February to 5.1 percent on September 15.

In longer term issues the rate has only quite recently started to rise again. Much of this is of great interest to the housing industry. In the case of taxable Federal securities, the rate has risen from 5.57 percent in the middle of August to 5.68 percent by the middle of September. The interest rate on high grade municipal bonds in the same period rose from 5.23 percent to 5.37 percent. The interest rate on AAA corporate bonds rose from 7.16 percent on the first of September to 7.23 percent by the middle of September, 15 days later.

These factors which I have been discussing place increased pressure on the money supply, a pressure made far worse by the ever-increasing borrowings of the Federal Government. From October 1971 to August 1972, the basic money increased by about 5 percent. But the estimated increase between August and September of this year, however, is at an annual rate of 7 percent.

Our concern for the renewal of inflationary pressures cannot, however, be restricted just to the domestic economy. A renewal of inflation will increase the prices of our production relative to the prices of imported articles and will also make us less competitive in our sales abroad. If we permit a renewal of this type of inflation in this country, it could well completely offset the expected gains by readjustment of international exchange rates under the Smithsonian Agreement of last December.

So far this year, the change in our balance of goods and services has continued to worsen. The deficit in our overseas merchandise trade, in investment, travel, and other services has continued to grow worse. In the first half of this year, for example, the deficit in merchandise trade averaged $7.2 billion on an annual basis as contrasted to the average deficit of only $2.7 billion last year.

For a while after the exchange rate adjustment, a worsening of our balance of trade is to be expected, but this could continue and bring about a new crisis if we allow the rate of price increases to rise further. Under these circumstances, it would, indeed, be foolhardy for us now to permit a resurgence of greater inflationary pressures that are already strong.

Up to this point I have tried to emphasize how important it is for us to control our spending because of the impact on the economy and our international situation as well as because of the impact on Government operations for years to come. I realize that many will say, "Yes; we must control the spending but let us do it under our regular procedures by exercising restraint when appropriation bills or other measures are before us." I would love to see that happen.

Unfortunately, in the current year, at least to July, we have not so recommended.

Talk about reducing the budget, let me tell you what has happened, my friends. When we started fiscal year 1973, there was in the pipeline due to previous and prior congressional authorization, authority to spend $266 billion, including 1 year of payments from the social security trust fund and the civil service trust fund, which would add something like $50 or $60 billion to Federal funds money.

What did the President ask? The President asked for an additional obligational authority to be voted by the Congress of $276 billion. If the Congress cuts it, as the chairman of the Appropriations Committee said, by $2 billion, we will add to that pipeline of spending, $274 billion. We add that to the $266 billion, and what do we come up with? About $540 billion that Congress will put in the pipeline for spending purposes.

Once the Congress authorizes, the Congress has no further control of any rate at which that money is spent. Who says how fast it is going to be spent? The President's budget is the only document we can look to in order to get any idea of what the total that will be spent in any one year will amount to. He says—the Congress does not say—"I am going to spend $246 billion when he presented the budget last January."

That has been adjusted upward because of the increase in social security payments and because of the enactment of the black lung program, from $246 billion up to $250 billion. But, that is what he says is going to be spent. The Congress has not said it.

Do not hide behind that argument. The Congress has not said anything except that $540 billion could be spent in this fiscal year, even if it is humanly possible to employ enough people and let out enough contracts—thank God, nature takes care of that—it just cannot be done.

Let us not talk about the fact that we have control over spending. We do not have control of spending in the present situation. We have control of how much we will put into the pipeline for future spending; yes, $540 billion in the pipeline.

I shall never forget a conversation I had in the White House with a former President one time. Itold him that if he made a recommendation to Congress he was then considering making, that in my opinion, humble as it might be, the Congress would undoubtedly defeat his request for additional authority to spend in the field of foreign aid. He said—

> All right, let the Congress do it; I have got $17 billion in the pipeline that I can spend.

Now, this is the way we operate this Government. This is the way we operate. Do you think that any of our people at home can have any confidence in the way we run this situation? They do not have it, and you know it.

Do you think of those people abroad who have so many excessive amounts of our dollars, far more than they need to reserve against their own currency, can have any confidence in the way we run this Government?

Is it small wonder that the value of our dollar abroad is in question? That we face one crisis after another in our international affairs? Is it small wonder, the way we run this Government, that there is a crisis in every area that your Committee on Ways and Means hears when it conducts hearings?

Concerning the crisis in fiscal policy, Mr. MAHON's resolution admits that. After all of those many "whereases"—whereas we are all for doing something and whereas we want to do something—finally we get down to the resolution. It reminds me of cotton candy that I used to eat as a kid, and more recently with my grandchildren; it tastes good, but after you take a bite, you find nothing substantial in it.

I do not find anything in Mr. MAHON's proposal except subterfuge, members study it. What does it do? Mr. MAHON says not later than the 2d of January—he initially had it the 15th of November—the President is to tell us where he thinks reservations ought to be made if expenditures were to be held to $250 billion.

What would the Congress do with this report from the President? We would consider it. We have to organize in the next Congress. It would not be before March, at the very earliest, or probably April or May, even, when the Appropriations Committee might decide what consideration it will give to the President's recommendations.

But any saving which is made would have to occur in the last quarter of this fiscal year. That just would not happen.

If Members are going to vote for the substitute, let the people back home know that they are not going to stand up for fiscal responsibility, that they are not going to stand up to do something about this growing, penetrating inflation that we have, that will destroy this country in not such a long period of time if we do not do something about it.

Yes, every crisis we have is attributable to this rising tide in Federal spending from one fiscal year to the next, which so far outstrips any increase in our revenues.

Think of the predictions for the future by these two organizations that all of us have a high degree of confidence in. Not until 1978—according to one of them—without adding one additional program, will we be able to contemplate a balanced budget even on a full employment basis.

Now let me tell the Members what I believe. I believe the American people are aware of what is going on. I know the American people want something done about it. If they cannot expect to get it out of this Congress, my guess is that they are going to elect a Congress on November 7 that they think will work in the direction of containing inflation, of containing Federal spending.

Yes; that is what is going to happen, if the Members buy this "pie in the sky" that my good friend the chairman of the Appropriations Committee is offering.

Label it for what it is, just cotton candy, with no substance to it. There is nothing within it that means for 1 minute there will be any reduction in the rate of spending for 1973.

And if there is not any reduction, then the $465 billion limit this bill sets for debt will not be sufficient. If we are not going to control expenditures we will have to come back either with a determination to avoid inflation by increasing revenues, or else have inflation with a debt ceiling of $475 billion or $480 billion before we get to the end of the fiscal year.

What do we want in this country the most? Do we not want a strong economy, with prices which do not increase at the rate they have been rising in the past? Is that not what all of us want?

Mr. Chairman, the key to it is in this spending limitation.

Bear this in mind if anybody argues about being cut back: There is $18 billion allowable under this ceiling for spending in 1973 over and above the $232 billion that—on the unified budget basis—we spent in the fiscal year 1972.

Oh, yes; there are people who do not even want their appetites for spending reduced in any way. There are those who would have us spend twice this amount, if it could be done.

Yes, we believe we have reached a reasonable compromise here. Those who believe in fiscal integrity will vote down the substitute offered by the gentleman from Texas (Mr. MAHON).

I say to the gentleman from Texas (Mr. MAHON) what we have got here is virtually identical with what his committee reported in 1967, in subsection (c) of section 201 of the bill. If Members will go back and read it, that is where we took the language, out of one of the appropriation bills.

Do you remember that your committee almost unanimously, along with the Committee on Ways and Means, also supported the spending limitation that we imposed on President Johnson in the calendar year 1968? What is different now? Is it just the name of the President?

Some place along the line there has to be confidence reposed in the Chief Executive of this country. He is no fool; he is not going to use this authority in a way that would make it impossible for his party to have a chance to win in 1974 or a chance to win in 1976. As the gentleman from Mississippi (Mr. COLMER) said, he is too good a politician for that.

So I do have to repose confidence in him, because that is all that is left. There is no other way we can get a handle on our present rate of runaway spending and thus runaway inflation. If the Members want to stop both, they should vote with the committee and vote against the substitute of the gentleman from Texas (Mr. MAHON).

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself 2 additional minutes, Mr. Chairman.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I will yield to my friend from Texas; yes.

Mr. PATMAN. All right.

Now, this national debt contains $70 billion that has been paid once. Is that not right?

Mr. MILLS of Arkansas. Why does the gentleman not just tell his colleagues what he wants to do?

Mr. PATMAN. I have just asked the gentleman——

Mr. MILLS of Arkansas. I know what the gentleman wants to do. He wants to cancel the debt, held by the Federal Reserve System. The gentleman wants to cancel it but this does not reduce the real debt of the country. The gentleman wants it canceled so we can force the Federal Reserve to come to the Congress of the United States to get its appropriation for the cost of its own administration——

Mr.PATMAN. To make it non-interest-bearing.

Mr. MILLS of Arkansas. No; answer my question. Is that not the gentleman's reason?

Of course, it is the gentleman's reason. The gentleman wants to get the Federal Reserve into the politics of the House of Representatives, and I do not want that. It is run badly enough as it is.

Mr. PATMAN. I will say to the gentleman that this entire debt——

Mr. MILLS of Arkansas. We could cancel it all right here.

Mr. PATMAN. The amount is $70 billion that has been paid.

Mr. MILLS of Arkansas. I say, we could cancel it all.

Mr. PATMAN. And we pay $4 billion in interest a year on a debt that has been paid for once.

I think it should be pointed out we are paying $4 billion in interest a year on a debt that has been paid once.

Mr. MILLS of Arkansas. I understand the argument of the gentleman, but it comes down to this one thing: That the gentleman wants to have the Federal Reserve come to Congres to get its appropriation to administer its own, internal programs.

Mr. PATMAN. I understood the gentleman to say he would yield to me.

Mr. MILLS of Arkansas. I do yield to the gentleman from Texas. I would hope, though, that the gentleman would ask me something else.

Mr. PATMAN. I know that is true, of course, because the gentleman cannot answer that.

Mr. MILLS of Arkansas. Oh, I have answered the gentleman. I knew exactly what he was asking.

Mr. PATMAN. The gentleman is asking us to pay $4 billion a year interest on a debt that has been paid.

Mr. MILLS of Arkansas. The gentleman knows that all of the interest the Federal Reserve receives, except the amount of interest that is used for its own administrative costs, is returned to the Treasury.

Mr. PATMAN. But it is violation of the Constitution. The Constitution says the Congress shall appropriate the money, and Congress has not done it.

Mr. MILLS of Arkansas. The gentleman has got jurisdiction over the Federal Reserve. Why does he not exercise that jurisdiction?

Mr. PATMAN. We have exercised that jurisdiction.

Mr. MILLS of Arkansas. Why does the gentleman ask the Committee on Ways and Means to do that? Why is it not done through the Committee on Banking and Currency?

Mr. PATMAN. We have voted in committee by a vote of 16 to 7 to have the GAO audit the Federal Reserve System.

Mr. MILLS of Arkansas. All right. It is under that committee's jurisdiction and ought to be submitted in that way.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute at this stage simply to compliment my chairman for, I think, one of his most outstanding speeches before this body.

All of his remarks are always well received, but I do want to compliment him from the bottom of my heart for the remarks he has just made.

I yield, Mr. Chairman, 5 minutes to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Chairman, I support H.R. 16810, increasing the public debt limit to $465 billion through June 30, 1973, providing an overall limitation on Federal expenditures for fiscal year 1973, and establishing a joint committee to review the operation of the budget ceiling and recommend procedures improving congressional control over the budget.

This is the third time during the present session of Congress that the House has been confronted with the unhappy task of acting to either increase or extend the public debt limit. The present debt limitation is $450 billion, consisting of a $400 billion permanent ceiling and $50 billion in temporary borrowing authority which will expire on October 31. The debt subject to limitation was $435.3 billion on September 29, already far in excess of the $400 billion ceiling that would be applicable at the end of this month unless Congress acts responsibly.

In view of the likelihood of congressional adjournment in the very near future, it is imperative that we act promptly. I should briefly remind the House that if prompt and responsible action is not taken, the Treasury will be unable to pay its bills as they fall due after October 31. In addition to the hardship imposed on those affected—employees, veterans, social security beneficiaries, farmers, and those who have sold merchandise to the Federal Government—the integrity of Federal finances will be severely damaged. Having voted for the expenditures, Congress must now provide the necessary borrowing latitude to make up the differences between tax receipts and anticipated expenditures.

In this regard, it is essential for Congress, recognizing the fiscal crisis we face, to enact an overall expenditure ceiling of $250 billion as recommended by President Nixon. We have made significant progress in holding down inflation, increasing employment and raising the level of economic activity. It has not been an easy task and has called for sacrifice and cooperation on the part of all of our people. We must build on this progress and the cooperation of the Congress with the executive branch is required.

The budget figures plainly demonstrate the fiscal crisis we face. In both fiscal 1971 and 1972, we ran deficits of $23 billion on a unified budget basis. If expenditures are held to $250 billion for fiscal 1973, as would be required by the expenditure ceiling imposed in this bill, we would incur a $25 billion deficit on a unified budget basis and a $4.5 billion deficit on a full employment basis. Increased expenditures above the $250 billion figure will enlarge the full employment deficit for fiscal 1973 to dangerously high levels. If we are to avoid renewed inflation, creating an expectation of higher prices that reverberates throughout the economy in wage-price decisions, that makes American goods less competitive in international trade and aggravates our already severe balance-of-payments problems, and that will in the final analysis require significant tax increases, we simply must act responsibly to hold Federal expenditures to $250 billion during fiscal 1973. As Secretary Schultz has remarked, a budget of a quarter of a trillion dollars, which provides for an increase of $18 billion in expenditures over fiscal 1972, is not exactly a starvation budget.

Congress has been consistently reminded of the need to establish overall budget priorities that will not require expenditures in excess of the $250 billion proposed by the President for fiscal 1973. We have been made aware of our fiscal problems in acting on the debt on three different occasions this year. It has been several months since the President recommended a firm and comprehensive expenditure ceiling of $250 billion.

In spite of this urgent request, congressional action to date, according to the most recent estimates of the Joint Committee on the Reduction of Nonessential Federal Expenditures, would result in outlays of $256 billion in fiscal 1973—$6 billion above the $250 billion level recommended by the President and included in the expenditure ceiling in this bill. According to material received by the Ways and Means Committee and included in our hearings record, when final congressional action for this session is completed, this figure could be $12 billion above the $250 billion figure. This would result in an intolerable deficit on a full employment basis that would be inviting severe economic dislocations.

Responsible action, therefore, requires that we adopt the expenditure ceiling included in the committee bill. Some have expressed understandable concern over the delegation of authority to the President to make budget cuts in order to comply with the ceiling we are imposing. However, we are simply recognizing that the Congress has been unable to establish overall priorities itself for fiscal 1973 and is thus providing the only effective means by which this can be done for the current fiscal year.

In this connection it should be noted that the spending authority requested relates only to this one fiscal year. Additionally, the bill, through the establishment of a joint committee to review the operation of the budget ceiling and recommend improved procedures for budgetary control by the Congress, will lay the groundwork for providing meaningful congressional control in the future. Title III of the bill establishes a joint committee consisting of 15 Members from each the House and Senate to exercise legislative oversight over the operation of the spending ceiling and to recommend procedures to the Congress for maintaining coordinated overall control of the budget, including both outlays and receipts, in the future.

In view of the fiscal crisis we face, the imminence of adjournment, and the inability of Congress to deal effectively with this issue to date, we really have no other alternative consistent with fiscal responsibility. The fact that the authority delegated to the President is limited to fiscal 1973, and that a joint committee is established by the bill to enlarge congressional input into overall budgetary control, should relieve fears about the authority delegated to the President in connection with this ceiling.

Mr. Chairman, this is an important and urgent piece of legislation. I urge all of my colleagues to join me in supporting the bill reported by the Ways and Means Committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the time has come, obviously, to call a spade a spade, and that is certainly what the chairman of the Committee on Ways and Means just did.

Another fact that needs to be laid plainly on the table is that the Congress itself does not set priorities for Federal spending. At no point in the course of the year do we adopt a budget for the Federal Government. Instead, we take up the President's budget requests, and deal with the requests piecemeal.

The truth is we do not have a single Committee on Appropriations for the House of Representatives. What we have is 13 Committees on Appropriations for the House of Representatives, each virtually separate and independent. The full committee, by tradition, treats each subcommittee as a separate authority—very rarely altering subcommittee recommendations.

The appropriations process is thus fragmented for all practical purposes. This is the basic fact that makes so difficult—indeed so absent—the control of the Federal budget by this body, despite the fact that the Constitution very plainly places in our hands the responsibility for such control.

One way that the House could regain this responsibility—one way that this House could avoid the necessity of going through the exercise that we are dealing with today, which transfers to the executive branch the power to set priorities to cut back here and there to bring things into balance or more closely into balance—one way we can do that is to have one single appropriation bill for the entire Federal Establishment all at once. Do I see smiles? Is this really such a ridiculous idea?

The last time we really had a Committee on Appropriations fully in control of all appropriations bills—therefore functioning as a committee was when Clarence Cannon was chairman of the committee and the committee brought to this body one single appropriation bill for the entire Federal Establishment for the ensuing year. That was several years ago.

Now it was quite an ordeal, so they say, I was not here—but it did happen—we did that year have one, single appropriation bill. By that exercise, this body was able effectively to establish priorities for that year. Never since has this occurred.

I compliment the gentleman from Pennsylvania (Mr. SCHNEEBELI). He is one of those who cosponsored a change in the rules of the House of Representatives. That proposal provides one other way in which this body could regain authority over the budget. That proposed change in the House rules would provide that no appropriation bill can be considered until the House has first adopted a resolution providing a comprehensive budget for the Federal budget for the next year.

If that discipline were established, we would have some hope of regaining this very important control of the pursestrings of the Federal Government. We would not need to look to the executive branch for budget discipline.

Mr. Chairman, here is the text of the proposal sponsored by Mr. SCHNEEBELI and other distinguished Members of this body:

H. RES. 1020

Resolved, That the rules of the House are amended by adding rule XLV as follows:

"HOUSE AUTHORIZED FEDERAL BUDGET

"1. The Committee on Appropriations and the Committee on Ways and Means of the House of Representatives are authorized and directed to meet jointly at the beginning of each regular session of Congress and after due study and review, including consideration of the annual budget message of the President, report to the House a resolution containing a House-authorized Federal budget for the ensuing fiscal year not later than ninety days after the President's message has been received.

"The proposed budget shall include:

"1. Estimated overall Federal receipts from all sources;

"2. The maximum aggregate amount to be granted in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution;

"3. Specific recommendations as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate expenditures and receipts.

"When the Committee on Appropriations and Ways and Means have jointly reported the House resolution adopting such budget, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the chairman of the Committee on Appropriations to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

"After general debate on the resolution, which shall be limited to not to exceed ten hours, one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

"2. No bill or resolution carrying appropriations for the ensuing fiscal year shall be in order for consideration by the House until the House-authorized Federal budget for such year has been approved.

"The report on each such bill or resolution must include a statement in one of the following forms: 'The provisions of this bill (or resolution) conform to the requirements of the House authorized Federal budget for fiscal year 19   and will not cause it to be unbalanced in any respect. The bill (or resolution) as reported will appropriate $, and when this amount is deducted from $, the maximum amount for this appropriation bill (or resolution) under the House-authorized Federal budget for fiscal 19 , the remaining balance is $,' or 'The provisions of this bill (or resolution) do not conform to the requirements of the House-authorized Federal budget for fiscal 19 . The bill (or resolution) as reported will appropriate $, and when this amount is deducted from $, the maximum amount for this appropriation bill (or resolution) under the House-authorized Federal budget for fiscal year 19 , a deficit results in the amount of $.'

"Any bill or resolution carrying appropriations whose report fails to include a statement in the first form, or which, in its amended form, fails to comply with the requirement as stated in the first form, shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

"3. The joint statement of managers to accompany a report made by a committee of conference on a bill or resolution carrying appropriations shall include a statement in one of the following forms: 'The provisions of this conference report conform to the requirements of the House-approved Federal budget for fiscal 19   and will not cause it to be unbalanced in any respect.', or 'The provisions of this conference report do not conform to the requirements of the House-authorized Federal budget for fiscal 19 .'

"A conference report on a bill or resolution carrying appropriations which fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. Motions to dispose of amendments remaining in disagreement following adoption of a conference report on a bill or resolution carrying appropriations shall require the approval of two-thirds of those Members present and voting, a quorum being present, if the effect of the adoption of such motion would be to appropriate an amount in excess of that contained in the House-authorized Federal budget for such year.

"The requirements of this rule shall not be waived or suspended."

Mr. Chairman, I yield back the balance of my time.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I have heard my name bandied about in the House of Representatives this afternoon in connection with the spending programs of the Government by people who are largely responsible for the plight that we now find ourselves in.

I am pleased to have the opportunity to make a statement in regard to the facts of the situation that confronts us today.

Realizing that Members would not all be on the floor during the discussion today, I put in the RECORD yesterday, and it appears on the second page of the RECORD of October 9, a statement setting forth my views in detail, which in my opinion give adequate support for all those who wish to support the position which I have taken. This information is available to you.

Now if you go to the man in the streets and you ask him if he thinks the Government is spending too much, he will say—yes. And so would I. If you ask him whether he thinks the Government should reduce spending—he will say—yes. So would I but I am not arguing about that point. That is what we all say. This is what I have been shouting from the roof tops for many, many months.

But that does not mean that we can embrace in toto the bill that is presented here today. This should not be interpreted as a matter of economy so much as it is a matter of principle and relates to the preservation of the American form of government.

There are those on the floor today who have said, "Well, Congress cannot do the job, let us abdicate." That is what has been said in other countries and we all know what the result has been. We cannot afford to abdicate, even to any President, regardless of his interest in the public welfare.

I cannot go along with those who would admit failure, who say that we have failed in our job and, therefore, we must abdicate. It is true we have made some mistakes.

In the first place, I do not admit that we have utterly failed in our job.

Now some representations have been made as to large sums of money amounting to hundreds of millions of dollars that have not been spent. These funds in the so-called pipeline are all tied very tightly. They are tied down with legislation as to how the funds can be spent. For example, certain funds could be spent only for new submarines, for roads, for public works, for aid to rural and city areas, and otherwise. Yes, these funds that have been made available are tied down for certain purposes and the President, unless we pass this bill, could not dip down into them and use them for any other purpose because the law controls that.

But let us put that subject aside and return to the immediate subject.

We say that we are confronted with a long-range fiscal problem. This is not a temporary emergency; it is an emergency that has been with us for a decade. We have to do something. We have to adopt a system to take care of the situation, enabling us to get better control of the actions of Congress and the Executive with respect to spending.

Title III of this bill provides for setting up again a committee made up of the leaders of Congress who would wrestle with this problem. We have had such efforts before, but never have we had quite an emergency like this before. So I have hope that something of long range and something of immediate value would come as a result of title III of this bill which sets up this special joint committee.

I would say that if the President is so inclined—and he does not have to do it until after the election under this proviso—he could submit to the Congress the changes which he thinks should be made in order to achieve the $250 billion ceiling. He has withheld them so far. He could just submit to the Congress the changes which he thinks should be made in appropriations and other legislative action and say to the Congress, "I think you ought to make the following changes."

This, I would hope, would create a situation to help bring about a long-range remedy to some of the fiscal problems which confront us. In the meantime, there is nothing to prevent the President from making whatever savings he reasonably can under existing law.

We talk about cotton candy, and I would not say that title I of the bill is cotton candy. It says that the debt ceiling for this year shall be $465 billion, and this figure assumes a spending level of $250 billion during the current fiscal year. Within perhaps 2 percent this is the level at which we would be without the ceiling. So this spending level is inherent. If the Members vote for title I, they are voting for economy and for cutbacks. It ought to be very clear that this bill packs a tremendous punch in title I.

Title II is a different proposition. It abdicates legislative authority to the executive branch. All right, what has brought us to this occasion? The chairman of the Committee on Ways and Means says that the Mahon substitute is cotton candy. If taken in conjunction with title I, of course, it is not cotton candy, and it surprises me a bit that my good friend from Arkansas would speak so fervently about economy and a balanced budget when he has led the fight to bring about the condition with which we are confronted today. Yet he talks about economy and points the finger at the Appropriations Committee, and yet the gentleman from Arkansas has led the fight over the last 10 years that has reduced the revenues of this Government by the equivalent of $50 billion for the forthcoming fiscal year. Except for those reductions, we would be in the black, provided the economy would have behaved as it has.

Yet the gentleman points his finger at the Appropriations Committee. This is not where the problem is. The cutting of revenues and the increasing of spending through the Committee on Ways and Means, through the leadership of the gentleman from Arkansas, have helped bring us to this day of crisis.

Why would he point the finger at the Appropriations Committee with respect to the problem of expenditures when the gentleman led the fight for the $30 billion revenue sharing which has to a very large extent brought us to this moment of distress.

The President has tried to keep the Congress from providing a 20-percent increase in social security, but he was overridden with the help of the economy-minded chairman of the Committee on Ways and Means and the 20 percent prevailed.

Yet he talks about how much it is the fault of the Appropriations Committee that we have a fiscal problem. But the Congress under the leadership of the Senate and House Appropriations Committees will have cut the President's spending program for this year by approximately $1.5 billion and will cut new obligational authority by about $4 billion.

So it seems very clear to me that there is a great deal of cotton candy in the remarks of my friend from Arkansas and a great deal of wishful thinking. He was not talking this way when he brought the revenue sharing bill out, in which we grasped a tiger by the tail and will never be able to let him loose. That is where our problem is. It is in the nonappropriation bills that mandate spending where the problem has arisen and that is where our major problem lies. We just must not continue reducing revenues and approving accelerated spending programs.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished chairman, the gentleman from Arkansas, my beloved friend with whom I seldom disagree.

Mr. MILLS of Arkansas. Mr. Chairman, I want to publicly apologize to the gentleman from Texas for having aroused his ire on the social security bill which we have passed in the House. I am sorry he is not in agreement with that. I want to apologize to my friend, whom I have apparently angered as a result of the social security increase.

Mr. MAHON. If we had provided the revenue for the social security increase, I think it would have been thoroughly defensible, and I would have been in favor of the social security increase, but the failure to bring in the revenues to provide the funds to finance the program is the only complaint I would have on the social security problem. The increase was justified.

But what about revenue sharing that the gentleman opposed as early as just a little over a year ago but which he then embraced? That has helped propel us into this situation also.

Mr. MILLS of Arkansas. Again I hope to bring up that conference report on Thursday if the Speaker and the minority leader are agreeable.

Mr. MAHON. And that conference report for this fiscal year is more than $3 billion over the President's budget for the current fiscal year.

Mr. MILLS of Arkansas. That is true. The President has not budgeted it in this 1972 fiscal year, but again if the gentleman is opposed to that program he will have a change to vote against it and maybe the House wants to kill it, maybe it does, I do not care.

If the gentleman will yield again, will the gentleman not admit that the funds over which the Ways and Means Committee has jurisdiction, such as social security and the highway trust fund and others are operating in the black and not in the red? If the funds over which the gentleman's committee has jurisdiction were in the same shape we would not need this bill at all.

Mr. MAHON. I would say this. We do not have control over the entire situation because we do not have the authority in the Committee on Appropriations to recommend increased revenues for the general fund of the Treasury. That power rests with the Ways and Means Committee.

We are operating under a unified budget, and when the President talks about spending $250 billion he is talking about social security and railroad retirement, other trust funds, and all manner of accounts, and it is not appropriate to say that, well, the trust funds are in the black because revenues this year exceed payments and therefore, the Ways and Means Committee bears no responsibility for the $30 billion increase in spending brought about by the revenue sharing program and programs otherwise. The budget projected a larger surplus in the social security program but that surplus has now dwindled and it imparts adversely on the budget. With the ceiling then, these increases such as that in social security must come out of the hide of other programs.

I just hope that as a result of this debate we may do what we can in holding down spending in the future years and that the committee set up by title III of the gentleman's bill will be effective. I just hope that never again will my friend from Arkansas bring in a bill in which authorization is given to the executive branch to amend existing law. Congress should not surrender the power to legislate or the power of the purse. We should not abdicate the authority of the legislative branch, our power of the purse. That is the way we find ourselves under the gentleman's bill. On page 2 it says:

> The amount available for obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

I am sure the President will do the best he can. I am not attacking the good faith or the good will of the President. He will do his best to administer this bill well, but we give him authority which should not be given to any President. We ought to control the legislation.

I yield to the distinguished chairman.

Mr. MILLS of Arkansas. If it is the fault of the legislative branch, whomsoever's fault it is, would the gentleman not admit with me that we have a crisis in our fiscal situation?

Mr. MAHON. I think we do.

Mr. MILLS of Arkansas. Would the gentleman——

Mr. MAHON. Just one moment. I think we have a crisis. We have had one for quite some time, but the Secretary of the Treasury, in the August 28 issue of U.S. News & World Report, was asked, "What is your opinion of the state of Government finances?"

He said "Good, at this point."

I still think we do have a crisis, but according to the Secretary of the Treasury, it was not so frightfully bad at that time. I hope that after the election a more realistic approach can be taken.

Mr. MILLS of Arkansas. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. The gentleman may, I think, take that statement with a grain of salt, because we are in an election year. Would the gentleman not say so?

Mr. MAHON. I completely agree.

It is said that we will have a tax increase if we do not vote for the Mills bill. But, under the Mills bill, we will have, according to estimates, a deficit in Federal funds of $32 billion. What would happen otherwise if $5 billion more—

2 percent additional—is spent we would have a deficit of $37 billion? Why is it so assured that we will not have a tax increase if the deficit is $32 billion, but we will have a tax increase if the deficit is $37 to $38 billion; I fail to follow this rationale.

I am grateful for the generous amount of time allotted me. I have not spoken in anger, and I have the greatest respect for my friend, the gentleman from Arkansas (Mr. Mills), with whom I have often agreed. I believe the frank discussion of the problem before us will be helpful in clarifying the issues before the House.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, it is most heartening to note the inclusion of title III in the measure pending before us, H.R. 16810, which establishes a Joint Legislative Committee on the Budget with a direction to report to the Speaker of the House of Representatives and to the President pro tempore of the Senate not later than February 17, 1973.

The 30-member committee, comprised of members of the House Ways and Means Committee and Committee on Appropriations, as well as the Senate Committees on Finance and Appropriations—plus one additional Member from each body—appears to be a most appropriate and workable committee which can help fulfill the fiscal responsibilities which the Congress should assume and exercise.

Mr. Chairman, my concern as a Member of the House of Representatives for our Nation's economy—and for our prerogatives as keepers of the Nation's pursestrings—dates from the time of my first election to the House. The support and encouragement for the concept of a Joint Legislative Budgetary Committee came from such distinguished Members of this body, as the gentleman from Mississippi (Mr. Colmer) who has long supported this proposal, the late Representative Clarence Brown from Ohio and our former colleague from Missouri, Mr. Tom Curtis.

I was encouraged to introduce legislation along the general lines of title III in the 88th and 89th Congresses. Later, I authored that chapter in the Republican volume recommending reform of our legislative branch and was proud to have my article included in that volume, "We Propose: A Modern Congress."

Mr. Chairman, in the hearings which have preceded the Reorganization Act of 1970, I testified before the Joint Reorganization Committee in behalf of a Joint Legislative Budgetary Committee. Accordingly, it is easy to understand that I am most heartened by the provisions which the Committee on Ways and Means has included in this bill.

While the authority granted to the joint committee is very modest, it does indeed represent a giant forward step—particularly in that part of the title which mandates the joint committee to study and report on procedures for improving congressional control of budgetary outlay and receipt totals.

Mr. Chairman, the uncoordinated and sometimes irresponsible manner in which this body acts on appropriations—without regard to the revenues which may be needed—and furthermore, the absence of any order of priorities—about which there is so much rhetoric and so little action—suggests the timeliness and importance of supporting title III by our votes here today.

Mr. Chairman, I support H.R. 16810. I believe firmly that we should establish an overall ceiling on expenditures, and I feel further and even more firmly that we should establish here and now a Joint Legislative Budgetary Committee—and thus make a new and dramatic start on a responsible, coordinated, and extremely valuable agency of the legislative branch of our Government which can enable us to act with intelligence and with confidence in behalf of the economic welfare of every man, woman, and child in our Nation.

Mr. Chairman, I commend the committee on bringing this proposal—at long last—to the floor of the House of Representatives and I urge its favorable passage here and in the other body.

Mr. ULLMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I do not like to impose a ceiling that gives the President budget-cutting discretion, but I believe we have gotten beyond the point in this country where we have very many options left.

Any housewife knows that any meaningful budget must establish a ceiling on expenditures. But we here in the Congress have failed to face up to that reality. We are responsible ultimately for our fiscal situation today. We are responsible because we failed to establish the mechanism for budget control in the Congress of the United States.

We abdicated, long ago—not in this bill, but long ago we abdicated to the executive department. The only place where a budget is put together is in the Office of Management and Budget downtown. When they send their recommendations to us we go through a few motions of raising or lowering the spending requests, but we have lost the capacity to decide our own priorities in this Nation of ours. That is where the responsibility really is.

Until we face up to that basic responsibility and establish the kind of mechanism whereby we can establish priorities and put an annual limit ceiling on expenditures, then we do not have many other alternatives than to take palliatives like this, and let the President choose among the options.

Somewhere we have to devise the vehicle to put it all together. Do not tell me the Appropriations Committee puts it all together, because it does not. One hand does not know what the other is doing.

We hear all this talk that, "Well, in the appropriations process we have not exceeded the budget." Let me tell the Members the only thing that counts is the total expenditure level, whether it comes from within or outside of the appropriations process. Until we can devise a vehicle for putting those nonappropriated funds into the same basket and coming up with an overall limitation we have not faced up to the issue at all.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. MAHON. The gentleman is speaking very wisely in saying that we do need to look at the whole package. While we do cut appropriations, if increases outside appropriations come into the picture, as they have, then we are in difficulty.

So the gentleman feels that we ought to take a look at the whole package, and I agree.

The gentleman, as I understand it, was one of the sponsors, if not the chief sponsor, of title III which would bring about the organization of this committee and thus bring the problem into better focus. In this we could consider both appropriation and nonappropriation bills and expenditures as well.

Does the gentleman think there is some merit to that?

Mr. ULLMAN. Mr. Chairman, I am saying essentially the same thing.

I do not think you have necessarily done as well in the appropriation process as you believe. All you do is take a look at the priorities they have established downtown and add a few things and take away a few things. But the Congress itself does not have any mechanism for devising its own priorities and cutting up its own pie; we just work some adjustments on a budget that is put together downtown; we do not put it together in any way whatever.

I would say to the gentleman that certainly we have backdoor spending, we have all these matching grants, and we have all the automatic spending, but what I am also saying is that they have just as much impact on inflation as these other items, appropriated or nonappropriated.

Until we can put all of them together in one package, until the Congress can put its will in the total spending program, then there is no way we can get this country back to sanity in the area of fiscal responsibility.

Mr. BYRNES of Wisconsin. Would the gentleman yield at this point?

Mr. ULLMAN. Yes, I will yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I think the gentleman is making a most important statement with respect to where we have really failed in the Congress in terms of addressing ourselves to fiscal affairs, and I would ask the gentleman if it is not correct that really the Congress never considers expenditures as such; we consider only obligational authority.

That is all the Committee on Appropriations deals with; it does not establish the level of the spending in any given year with a specific figure. It gives obligational authority.

The gentleman is so right when he says that we have to focus in on looking at the whole picture, but also we have to focus in and look at what is going to be spent in a given year. There is no budget of expenditures except the one we get from the President, and then that is more or less forgotten after it is sent up here; is that not correct?

Mr. ULLMAN. Mr. Chairman, I thank the gentleman. He could not be more correct.

Members of this body do not even have an opportunity to be fiscally responsible. We vote for appropriation bills that continue the obligational authority for programs that extend over a period of years, but where do we ever have a single opportunity to vote on the essence of fiscal responsibility for any given year, what it is spending when put all together?

We do not have that opportunity, Mr. Chairman. It is our own fault, because we have lost the process, and that is the No. 1 challenge in my judgment in this Congress of the United States.

People talk about congressional reform, and certainly there are a lot of areas where we need reform. But all of the reformers are ignoring the primary reform that this Congress should be undertaking if, in fact, we are going to exercise our responsibility wisely, if we are in fact to keep this country solvent, so we can go ahead and establish all of the great programs we need.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. PEPPER. I wonder if the gentleman would take note of the fact that the Constitution says the duty of the President is to see to it that the laws are faithfully executed. Is not an appropriation bill enacted by the Congress and signed by the President into law?

Mr. ULLMAN. Well, that is correct, Mr. Chairman, except this: I am pointing out that the Congress is irresponsible in its appropriation process and in its authorization process.

Mr. Chairman, let me go on. Let us look at the situation we have today. Even with this ceiling, this $250 billion ceiling, we have a full employment deficit of $5 billion. Now this full employment deficit involves a Federal funding deficit of some $32 billion, and the Federal funding deficit is the only thing we ever used to talk about until 4 years ago, when we started to use the unified budget concept, which in my judgment is not the best way to analyze the deficits when we come on the floor of the Senate and talk about Federal spending.

I think the chairman of the Committee on Appropriations knows that the trust funds are not only in balance but they are putting a surplus into the unified budget. We have made the unified budget look better because we have a surplus in our trust fund accounts, and so we have covered up a lot of our own mismanagement in that process of using the unified budget.

Now, we also refer to the full-employment budget, and that is something this administration now uses to obscure the massive deficits in our economy. We Democrats are not totally without fault, and at times when the economy was slow, we spent more than we took in. But at least we did not invent a theoretical rationale that makes it all look good.

But now this administration comes in with a full-employment budget which is not really sound because it is based on a 4 percent unemployment level, and it means until you get down to the 4 percent unemployment level, you are going to have a deficit. We cannot run this country on that kind of a theory.

But even on that kind of false premise this ceiling will give us a $5 billion full employment budget deficit. When you look at the Federal funding deficit this ceiling will leave now a $32.4 billion Federal funds deficit in fiscal 1973.

That is on top of back-to-back deficits in the past 2 years—Federal funds deficits—of $30 billion in fiscal 1971 and $29 billion in fiscal 1972. They all add up to almost $100 billion.

If you do not put this ceiling on, the minimum Federal funds deficit will be $40 billion, and if some of the bills we have in the pipeline go through before we adjourn, it could be $45 billion or $48 billion.

All I am saying is that this country has a crisis. Believe me, if you do not think it has a crisis, just talk to some of the international bankers. You take a look at some of the statistics and the pressures that exist for another wave of inflation in this country. This ought to be the No. 1 campaign issue in this election and the No. 2 campaign issue should be the status of our balance of trade—our deficit in our balance of payments and balance of trade—but neither one is being talked about very much because people seem to like these charismatic issues that do not really face up to the gut problems of our country.

The time has come, believe me, for this Congress to restore to itself the mechanics of budget control. It is time we gave ourselves the opportunity to be fiscally responsible, because we are depriving ourselves of that opportunity under the present processes of Congress. That is why I propose title III to this bill.

Title III, an amendment I sponsored in the committee, sets up a joint fiscal study group consisting of members of the Appropriations Committee and members of the Ways and Means Committee, together with a Member appointed by the Speaker from the House membership without regard to his committee assignments. This group, acting together with similarly appointed Members from the Senate side, is to make a full study and review of procedures which could be adopted by the Congress to improve congressional control of budgetary expenditures and receipts, especially procedures for coordinating expenditures and revenue totals. It is important to emphasize that this is a temporary study group which will be in existence only through next year and that it only can make recommendations for action by other committees of Congress.

The recurring fiscal crisis which we have faced in recent years, in my view has reached the stage where we must not postpone dealing with the problem any longer. While, of course, the study group may reach conclusions quite different from those I entertain, it is my view that we need a committee with legislative responsibility to look at the budget as a whole. I think it would be appropriate to assign to such a committee the task of determining each year the expenditure ceiling which is appropriate in view of the status of the economy, our social needs, the status of our national defense, and any other considerations which it determines should be taken into account. Since the main thing that such a committee would have to consider is the interrelationship and coordination of revenues and expenditures, to me it seems wholly appropriate that the committee should draw its membership largely from the appropriations and revenue committees.

Much of the difficulty with our present arrangement arises from the way we are organized. At one time the Ways and Means Committee and Appropriations Committee were one committee, but this was ended more than a hundred years ago because the work was too much for one committee. Nevertheless, the splitting of the committees into two, ended our opportunity to coordinate spending and taxing policies. We need a mechanism to restore this coordination feature.

I recognize that in the past, in the Legislative Reorganization Act of 1946, an attempt of this type was made and that it failed. A study of the experience under the 1946 action suggests the reasons for failure at that time. First of all, the committee was a joint committee consisting of all of the members of the two Appropriations Committees and the two tax committees, a group of approximately 100 members. Clearly, this was too large a group for effective committee action. Secondly, this group had no legislative jurisdiction. It could recommend an expenditure ceiling, for example, but it had no legislative authority to make such a decision effective. This unfortunate experience from the past I hope will not be repeated in the recommendations of the study group to be appointed in title III.

I hope also that in the future it will be possible to work out an expenditure ceiling at the first of a congressional session. The advantage of this lies in the fact that Congress itself can then make its own plans as to expenditure priorities, deciding among competing priorities to the extent this is necessary to live with its own ceiling. This will be far better than to continue to be forced to turn this authority over to the President, as events in effect have done for this year.

It is, of course, important to maintain with Congress the right to determine the purposes for which funds shall, or shall not be spent, but I think it is far less significant, if we yield the President a minor amount of control in this respect in the current year, so long as we set up in the Congress a procedure to develop real control over the purse for all years to come.

I believe that history will demonstrate that the changes this committee will recommend will turn out to be of great importance in restoring a balance of power between the Congress and the executive branch over fiscal activities.

This could be, in my judgment, the most significant action that this Congress takes in this whole session, because for all too long this problem has been building.

What I am saying is that we had better establish the mechanics for Congress to put all of the spending totals together again, because if we do not we are going to do one of two things—we are either going to go further down the road in abdicating these responsibilities to the President, or else this Nation is going to fall because of fiscal insolvency.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, the gentleman is on the Committee on Ways and Means, and if I may say so I am sure he must know as much about the Committee on Appropriations as I do about the Committee on Ways and Means. But I have a great respect for the responsibilities of the Committee on Appropriations, and I know that they do have the right to be fiscally responsible.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 2 additional minutes.

Mr. WHITTEN. Mr. Chairman, if the gentleman will continue to yield to me, I am sure the gentleman will recall that in 1959, I believe it was, that the President vetoed the public works appropriation bill, and spelled out the projects to which he objected. He vetoed that bill, and it came back to the Congress, and I happened to be the one to send it back with those projects, but in doing so we cut the bill 2.5 percent so we could save the money, so we overrode him. And that is what the Constitution requires.

Now, if we turn over to the President the entire Federal money responsibility, that responsibility that the Congress by the Constitution has been given, and that the people themselves have the right to retain, that authority through us as their representatives under the Constitution.

And I would respectfully point out that I have served on that committee since 1943, and I state that there is ample authority in that committee to decide that which is necessary to be done, and that what we should be doing here is not giving that authority to the President in the White House.

Mr. ULLMAN. I would say to the gentleman from Mississippi that the facts seem to speak a lot louder than words, and that, if we do not do this, then we have a $40 billion Federal deficit staring us in the face. We really cannot tolerate that, and it could easily be $45 billion if we pass the rest of the bills in the pipeline.

If the Committee on Appropriations has the mechanics and the authority to exert this control, why are we in this kind of a situation?

All I am saying to my friends—and my dear friend, the gentleman from Mississippi (Mr. WHITTEN)—and he is one of my dear friends—all I am saying is that I am trying to protect the gentleman from the blame as to the situation we are in by pointing out to the Members of this House that the Committee on Appropriations does not have control over all the spending in this Congress, and that we have to get an overall Budget Committee that does impose that kind of control.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 2 additional minutes.

The gentleman from Mississippi well knows that every appropriation bill has obligational authority, and does not have an expenditure ceiling for any given year. That is what we have to do. In my judgment, this is fundamental, and I hope that the Members of the Congress will go along with the establishment of this committee. And I hope then that early in the next Congress we can establish the kind of budget procedure that can again restore to the Congress of the United States the basic priority-making functions that we long ago lost, and restore to the Congress of the United States the mechanism for setting a ceiling on annual expenditures. And until we do that, this country, believe me, is in trouble.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. MILLS of Arkansas. Mr. Chairman, the gentleman is to be congratulated for developing the idea which is in title III, and because I have such high regard for him, if that committee is established I would want him to be its ranking Democratic member from the Committee on Ways and Means. Because I know that he has dealt in this field at length, I would want him to be the leading Democrat from the Committee on Ways and Means on that special committee.

Mr. ULLMAN. I want to thank the gentleman, but I hope he will reconsider that because I think this committee is of such fundamental importance that we need the fiscal experience and sense of responsibility that the chairman has always shown. I hope he will remember, if this is enacted, and agree to serve on that committee.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. WHITTEN. I thank my friend and do agree with the points he made about this overall committee. I do appreciate his giving me the opportunity to point out that it is within our control if we on our committee would accept it.

Mr. ULLMAN. Let me say this. The folks back home are not satisfied that we have jurisdictional problems here. They do not know that we do not have the mechanics for being fiscally responsible. But let me suggest that they hold you, and they hold me, responsible and, believe me, if we are going to survive, we had better establish the kind of mechanics that allows us to be responsible here or else the folks back home are not going to understand it at all.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute just to announce to the Members, and so that the Chairman will understand, that we do not intend to use our full 2 hours.

I do understand that we just do not have that demand on our time to that degree. I understand that the majority side does have a considerable amount of demands for time. I certainly will yield time, Mr. Chairman, but I hope Members will bear with us, with the idea that we would like to retain some speakers for the latter part of the debate and that we will not be using all of our time.

Mr. Chairman, I yield at this time 5 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, the chairman of the committee, the gentleman from Arkansas (Mr. MILLS), has spoken forcefully and truly—heroic action is necessary.

The upsurge in the private economy cannot stand soaring Government expenditures as well, because of the probability that price instability of damaging proportions will result.

We should not spend our time here today pointing the finger of shame at each other and assessing blame. This is a sterile and even a puerile performance, if that is all we do.

The question now before the House should be given the conditions—what do we do about it?

It is foolish to pretend that we are going to control expenditures by controlling obligational authority in the short term. Indeed, our appropriations are going the other way and even if they were not, the pipeline already contains enough to whet the appetite of the biggest Government spender among us.

A spending ceiling is not the final solution. It is only a necessary stop-gap. The necessity for it should sober us and make us work for a longer term answer within the framework of a purely congressional approach. This ceiling applies only to the fiscal year 1973 and we are challenged not to leave ourselves in a position where we have to depend on the President, whoever he may be, for the fiscal year 1974, if we are to continue to seek the confidence of the American people in Congress as an institution.

Hopeful as I am that we will address this problem through some basic reform of our congressional fiscal mechanism, it will not be possible to do this for fiscal year 1973. Unless we address the present fiscal crisis by doing what is necessary now, before the 92d Congress adjourns, we can be sure that we will be unable to resist the twin economic disasters of inflation and higher taxes.

Frankly, I am not sure even in the short term that what we are doing here is enough to protect us, but I am sure that it is the bare minimum. The roughly $6 billion that we are asking the President to cut out of a spending rate of a quarter of a trillion is modest in comparison to our capacity so frequently demonstrated in the past to think of new ways to invest the public treasure in swelling public programs. I hope this House will support the expenditure ceiling without exception and that we will here resolve to follow a course in the future making such unhappy devices unnecessary.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the distinguished Whip on this side, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, there is no question that this Congress and this country is facing an economic crisis.

We have the highest unemployment in a decade.

We have the highest inflation in two decades.

We have the highest budget in four decades.

We have the highest trade deficit in eight decades.

We have the highest interest rate in a century.

In 1969, when Mr. Nixon became President of this country, we had a balanced budget. Mr. Johnson turned over to Mr. Nixon a balanced budget, from which Nixon cut $8½ billion. Why did he do it? Because there were only 3 million unemployed Americans, President Nixon thought he could curb inflation if he added another million to the unemployment level.

What happened? It is an incredible record. During the 4 years of the Nixon administration one quarter of the $465 billion public debt has been incurred, twice as many are unemployed, and twice as many are on welfare. We have a trade imbalance for the first time in history. Inflation has gone up 18 percent. The dollar of the year 1969 is now worth 86 cents.

The gentleman is asking me to vote to abdicate the powers of the Congress of the United States to a President who lacks the fiscal discipline necessary to control the Nation's economy.

Mr. Chairman, the pivotal issue in this debate is whether Congress is voluntarily going to abdicate its constitutional responsibility in controlling the purse strings or whether Congress is going to take a firm stand in retaining its rightful oversight review of Federal Government spending.

My distinguished colleague from Massachusetts, Mr. JAMES BURKE, has called the spending provision of this bill the "Gulf of Tonkin resolution of 1970 in domestic affairs." Mr. BURKE could not have chosen a more appropriate epithet.

Mr. Chairman, if you vote to put a ceiling on spending without specifying where the cuts are to be made or where they are not to be made, then you are voting to abdicate all congressional control over Federal Government spending. You are creating a new banker of America—a new czar in the executive branch.

If you vote for the spending ceiling, you can return home to your congressional district this fall and campaign for re-election on the slogan "Write to the OMB to see how much money will be available for the problems of this district. I supported the measure which gave to the President the authority to determine which programs would be fully funded and which ones would be reduced."

If you support this spending ceiling, President Nixon, who has already impounded congressionally authorized funds, will be able to make expenditure cuts in the areas of social security, aid to blind, child welfare, health, and veterans benefits. When a senior citizen in your district asks you about increased benefits to help meet the cost of living, you can tell him that it is up to the capriciousness of President Nixon to decide whether the 20 percent social security benefit increase will be funded this year.

Can you honestly look this senior citizen in the eye as his Representative if you vote for this spending ceiling? Do you really want to create a new czar in the executive branch? As responsible Members of this body, can you vote to abdicate constitutional responsibility in controlling Federal Government spending? Are you willing to vote for a domestic Gulf of Tonkin resolution, which you will most certainly regret by this time next year?

I believe that Congress has already surrendered too much leeway to Government departments in determining priorities within certain areas and in permitting funds to be allocated as deemed appropriate by the various Government agencies. A vote for a spending ceiling without guidelines is a vote for a further erosion of congressional responsibility.

The President has said that a vote against the spending ceiling is a vote for higher taxes. He claims that Congress lacks the discipline and machinery necessary to hold down spending. I charge that the President lacks the discipline and machinery to hold down spending. In the past 4 years, the administration has run budget deficits exceeding the total deficits of the 16 years of the Eisenhower, Kennedy, and Johnson administrations combined. In fiscal year 1973 alone, it is estimated that the deficit will be $27 billion. Is this an example of fiscal responsibility?

I say as responsible Members of this House that you cannot and will not give up congressional responsibility in controlling Government spending. I say that you will support the Mahon substitute to require the President to tell Congress what programs he intends to cut before receiving congressional sanction of a spending ceiling. Then his proposals would be subject to strict congressional scrutiny and Congress would retain its rightful oversight review and responsibility in controlling the purse strings. I say you are willing to do this, because a vote for the Mahon substitute is a vote in the public interest; it is a vote for fiscal responsibility. It is a vote against higher taxes. It is a vote in the best interests of the Nation.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr O'NEILL. I yield to the gentleman from California.

Mr. HANNA. The gentleman was here when the gentleman from Arkansas spoke, and he seemed to indicate to the House that if we passed this bill, which he designated as one of the great pieces of legislation of all time, that we would be making a fight against inflation.

Is the gentleman persuaded that if we pass this bill that we are not going to have inflation in this country? Is the gentleman persuaded that this is the bill that is going to stop inflation?

Mr. O'NEILL. We have to look at the record. The record shows an inflationary increase of 18 percent in the last 4 years. The answer to the gentleman's question is, of course not. Can a bill of this type stop inflation? No. As a matter of fact, I wonder, without reporting back to the people of America or reporting back to this Congress, where President Nixon will make the cuts.

The gentleman and I know where the cuts will occur. They are going to affect the little man in America who has suffered under the last 4 years of this administration.

Mr. HANNA. I think the gentleman is completely correct. The administration would engender its own answers by saying Congress should stop handling its own affairs. In the last 2 years the administration has raised the price of flour by a dollar. It had previously raised the price of milk. I cannot see how putting more power in the hands of this administration is going to cut inflation where it hurts the common man the most.

Mr. O'NEILL. I am in agreement with the gentleman.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, if we pass this piece of legislation, I wonder if there is one person on the other side of the aisle, or the gentleman from Arkansas who is urging this passage and the abdication of our powers, who would predict that prices will not be higher next year than they are this year? If there is one person who believes this will stop inflation and that prices will not be higher next year than they are now, let him stand up right now or put it in the RECORD.

Mr. O'NEILL. Furthermore, may I say we know President Nixon has had 13 or 14 vetoes during the course of his administration. Each veto has been either against education or against the person who has depended upon America to help him along. He is the one who has suffered. And President Nixon will make the same kind of cuts between now and the time we come back if we do not make him responsible and answerable to the Congress.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would like to point out we are talking about a ceiling that affects $6 billion beyond the debt ceiling. Outside of the debt ceiling we are borrowing $28.2 billion not affected by this legislation and not controlled by this Congress. This heavy borrowing fuels inflation without controls or restriction. his kind of borrowing must also be included in legislative controls.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I must oppose this bill in its present form.

This legislation constitutes a complete abdication of one of the few powers which remain in the Congress—to fix priorities and to limit expenditures.

The Congress of the United States has already become the weakest part of the tripod which constitutes the American Government. The courts have exercised extraordinary powers—to almost tell us what we can discuss and how we should legislate. The immense powers of the Presidency, which can spell the difference between one person's success or failure, or a corporation's profitability or survival. This power already extends to doomsday.

The power of the Presidency is extremely close to its safe outer limits. We are dangerously close to complete rule by the President. We are moving rapidly away from the rule of law on which this democracy so critically depends.

This is a movement which dangerously threatens the form and substance of American Government.

This bill says in subsection b of title II:

> The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to provisions of subsection (a), which is the expenditure ceiling.

This language provides the President with authority to act notwithstanding any other law enacted by 91 previous Congresses in the history of the United States.

This bill would provide power—which the President says he will not use—to cut social security and veterans benefits. But there are no stated limits or restraints of this power. The outer limits of this power are undescribed—unknown to and unsuspected by most of us today.

This power could be used geographically for areas of America which curry the President's favor and be denied to those areas of America which politically resist or deny the President support. These powers could be used to continue preferential spending for those segments of the economy which support the President and have made appropriate contributions in one kind or another and be denied to those who have not supported or contributed.

In this bill, we are overlooking the fundamental purpose of those laws over which we have labored. They were designed to provide equality, to provide help or stimulation based on established criteria. What we do in this bill of simple language is undo an entire body of carefully studied and reviewed legislation which established priorities of action and criteria for their determination. For this we substitute the discretion of the President. Discretion is no substitute for the rule of the law based on equality and national purpose.

This extraordinary request should be denied any President—whoever he may be and whoever becomes his successor.

The President has all the power he needs to control and limit Federal expenditures. He has already demonstrated his power in "freezing" billions of dollars in Federal programs. He has already demonstrated his capacity to "redtape" to extinction any program which he dislikes.

If there is one dollar of waste or error in Federal contracts—and there are billions—the President's man signs the contract. If there are drones on the public payroll—and there are hundreds of thousands—the President's men hired them and can fire them. If there are disgusting subsidies paid to the undeserving, the President's men order it done.

Congress can develop appropriate measures to control inflation and hold down expenditures of the Government and the Federal deficit. Congress must put an end to "inflation" by Executive decree—through which untouchable forces in America can raise prices at will.

Controlling Federal expenditures within the debt ceiling will have little effect unless it is accompanied by a control on Federal borrowing outside the debt. In 1972, Federal borrowing outside the debt will total $28.2 billion. Total Federal borrowing outside the public debt will total $224.5 billion at the end of fiscal 1973. Federal borrowing along with Federal spending compound to make the debt and fuel the inflationary spiral.

Congress can act and adopt an appropriate control of expenditure, the public debt, and inflation. This should be done by a new Congress with a fresh mandate from the people. As for now, I refuse to sink another coffin nail into our system of constitutional government.

I refuse to yield another iota of the dwindling capacity of this Congress to do anything about the crucial activities of our Government. I refuse to give any President the right to set aside not only the work of this Congress—but all of its predecessors—since the beginning of our Union.

If it is the will of the American people to abolish the Congress let them change the Constitution.

I do not believe we should take it upon ourselves to abolish this institution or to reduce what usefulness remains from our earlier transfers of congressional authority.

Mr. PEPPER. Mr. Chairman, will the able gentleman yield?

Mr. VANIK. I am glad to yield to my colleague from Florida.

Mr. PEPPER. Is it not a fact that in history, wherever legislative power has been lost to the executive, or to the executive authority, it has not been by a sudden coup but most of the time by the long and gradual erosion of the power of the legislative body?

Mr. VANIK. The gentleman, with his long experience in the Congress, can speak with greater authority on that point than almost anyone else in this Chamber. He is absolutely right.

We must also remember that when the President has this power, Members of Congress will be marching over to his office to try to get needed programs for their communities. Each one of these requests will be a mortgage, a mortgage on the very independence and freedom of the individual Member.

This bill will make the individual Member of Congress subservient and obedient to the will of the executive. It could demoralize the legislative process.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my distinguished colleague from Ohio.

Mr. SEIBERLING. I wish to commend the gentleman from Ohio, my distinguished colleague.

I would like to ask the gentleman, I do not know how much he remembers of his reading of Roman history, but I am sure he remembers that when Rome got to the point of recurrent crises, one of the things the Roman legislature did was to give the consul dictatorial powers.

That is exactly what the President is asking the Congress to do. I do not need to remind the gentleman in the well what happened to the Senate and the democracy of Rome when they started that practice. That was the end of their democracy, and they never got it back.

Mr. VANIK. The gentleman makes a very pertinent point.

There are grave dangers to our democracy in this grant of powers.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Connecticut.

Mr. GIAIMO. We hear a great deal of historical comment today. I happen to be one Member who is still troubled about which way to go. I recognize we do have a fiscal crisis and I want to vote in the best interests of the people. The gentleman says that we are abdicating our powers.

The CHAIRMAN pro tempore (Mr. McFALL). The time of the gentleman from Ohio has expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GIAIMO. The gentleman has stated that we are abdicating our power. Is it not a fact that we do not have power over spending, and that is what we are talking about today? Spending is new obligational authority which we have voted in this fiscal year and in prior fiscal years, and the President in fact does have the power, by withholding and impounding, as the gentleman has said, to fix a ceiling on spending.

What we must do in the Congress, in supporting the resolution, would be to cooperate as to the overall amounts of money which will be spent in any fiscal year. I do not see it as an abdication of power.

Mr. VANIK. Except that we lose the right to establish priorities; we lose the right to decide as an equal; we lose the right to decide what should be in the national interest. We lose the right to establish program criteria.

The President can make a geographical or preferential treatment. He can spend where it serves his interests rather than the national interest as determined by the Congress.

If there is a bad contract, his man signs it. If there is an unnecessary public employee, his man hires him. If there is an unlawful or wrongful subsidy paid out, his man pays it out. He can control waste and unnecessary spending if he sets himself to the task.

Mr. MADDEN. Mr. Chairman, President Nixon in his request for a $15 billion increase in our national debt is asking Congress to give him authority and control over governmental expenditures which, under the existing law, belongs to the Congress of the United States.

Members must realize when they vote

on this outrageous and unreasonable request of the President's that they are contributing toward undermining our system of government. The President is in fact pointing a political pistol at the Congress of the United States and threatening them, that if they do not cooperate with his request there will have to be a tax increase. He tells the American people that if we do not pass his spending ceiling proposal with his special spending authority there will have to be a tax increase. This threat, coming from the President of the United States within a month of a presidential election, is a brazen attempt to blackmail the Congress into giving the President this authority on the threshold of a congressional authority on the threshold of a congressional election or he will go out and accuse the Congress of being flagrant spendthrifts.

This political blackmail is typical of numerous unprecedented and unethical political practices that the Nixon campaign for reelection has resorted to for victory on November 7, 1972.

This political maneuver threatens the constitutional power and responsibility of the Congress to control appropriations. If the Congress supinely submits to this unheralded political maneuver it will mean that the President can divert money from health, education, antipollution, housing, hospitals, and other necessary programs into increased military expenditures, foreign aid, or any other expenditure that might suit his desire and personal satisfaction.

On the other hand, the record of the Nixon administration shows and demonstrates that our national debt has increased approximately $86 billion since he was inaugurated. Billions of tax money have been diverted from the Treasury by reason of his welfare program for industry and big business in recommending a 10-percent tax credit on the argument that it would restore prosperity and curb inflation. The Congress reduced his request from 10- to 7-percent tax credit bonanza but the President's proposal should have been rejected entirely. No effort has been made by the President to curb inflation after the Congress gave him complete authority to curb any rise in wages, prices, and so forth, in January 1969—11 months after he assumed office. This bill was signed by the President and lay dormant in his office for 22 months. Almost 2 years later, in August 1971, the President announced his celebrated 90-day freeze which was a failure. He then substituted phase II, which has been a failure in curbing inflation up to the present time. His failure to curb inflation and the increase in unemployment has greatly curbed the inflow of Federal taxes which also contributes toward his request for increasing our national debt authority.

When you consider the billions we have sent to Southeast Asia in the last few years, that money could have reduced our Government expenditures by untold billions, had he carried out his campaign promise of 4 years ago to terminate that unfortunate and unnecessary war in Southeast Asia. You must recollect that he specifically told the American people in 1968 that "an administration that did not terminate that war in 4 years should not be given another chance." The American people believed him, and had he followed through with that promise there would be no request today for a $15 billion increase in the national debt.

I predict that any Member of Congress who will vote today, and submit to the President's indirect threat and give the unrestricted and blank check power of expending Federal taxpayers' money to the President of the United States, will eventually have to answer to his constituents for this unheralded and unnecessary change in the laws now governing the expenditure of the Federal taxpayers' money.

Congressman GEORGE MAHON, chairman of the House Appropriations Committee is sponsoring an amendment to this legislation requiring the President to submit a "line by line" report to the Congress on any changes he desires on appropriations by January 2, 1973. I will support the Mahon amendment.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE) a member of the committee.

Mr. BURKE of Massachusetts. Mr. Chairman, I have never made a career in this house of being obstreperous or obstructionist. My philosophy has always been to try to work within the legislative process particularly in committee where the principal elements of any major piece of legislation are determined. Needless to say, I have probably ended up voting for more legislation out of a feeling that it was the best I could expect during any particular Congress rather than out of unbounded enthusiasm. In other words, legislation is the result of compromise and by definition one is understandably not satisfied with the results in every detail.

So I rise today not as one who relishes playing the role of crusader but because after considerable soulsearching, I find myself with no other alternative but to oppose my own committee, a majority of whom has reported favorably H.R. 16810. Included in this measure to raise the debt ceiling of the Nation to $465 billion is a provision which has made this one of the most controversial bills of this session of controversial bills. I am referring to the provision which would impose a spending ceiling of $250 billion on Federal outlays this fiscal year.

Let me make it crystal-clear, if I do nothing else this afternoon, that no one is arguing against the need for a spending ceiling. Where we do disagree and should disagree is on the manner in which this ceiling will be implemented. If H.R. 16810 were to pass in the form in which it was reported out of committee this, in effect, would be the last thing Congressmen would have to say about the ceiling. The President, or perhaps worse still the Office of Management and Budget, would then make all the decisions as to where the necessary cutbacks will be made.

Much has been made of the fact that the word cutback is somewhat inappropriate since what would be affected are reductions in moneys which have only just been appropriated and the increases which would be affected are increases over last fiscal year's level of spending. In other words, there would be no reduction below last year's level but rather in this fiscal year's. To me, this is nothing more than hair-splitting. To a Congress which has just spent months going over hundreds of items in countless appropriation bills both in subcommittee, full committee and then before the full membership of both Houses, making the painful decisions as to which programs should receive increased funding, which programs can continue at last year's level, or what programs should be reduced or eliminated—all part of a process of addressing the attention of Congress to the needs of this Nation here and now, not last year—to this Congress any reductions are in effect cutbacks in what people and agencies throughout this Nation have been counting on as a result of bills signed into law by our President.

Furthermore, there is nothing in the bill as reported out of committee which would prevent these bureaucrats from reducing the level of spending in any programs below last year's level of spending. Nothing whatsoever. And there is the rub. There are absolutely no restrictions whatsoever on the use of executive department discretion throughout the Federal Government's spending program. There is no penny which the President cannot touch under this legislation. There is no program which can be considered safe from the most drastic cutbacks.

It seems to me that what we are doing is putting every ongoing program in this country on very shaky ground indeed, if this were to pass. Added to all the other uncertainties facing any program dealing with the needs of people would be the added uncertainty that their budgets are subject to review at any moment and reduction if an official or officials at the Office of Management and Budget feel differently about the merits of those programs then Congress and presumably the President when he signed the appropriations into law. This kind of uncertainty can play havoc with whatever success might come to any number of programs. Rather than diminishing my fears for the worse, statements by administration officials in support of the ceiling to the effect that the ceiling would be used to cutback or eliminate manpower training programs, housing programs, health care programs, and various aid to education programs have confirmed my worse suspicions.

Simply expressing its feeling that $250 billion should be the upper limit on Federal outlays this fiscal year, as the House Ways and Means Committee has done in H.R. 16810, is to leave it to others to make the tough decisions we in Congress were elected to make under the Constitution. Admittedly, the decisions will be difficult, but that is hardly reason to "pass the buck" to the bureaucracy. There is already too much government by decree and backroom bureaucrats in the OMB in this country today. Congress has already abdicated enough authority in foreign affairs; now we are being stampeded into abdicating what authority we still possess in domestic affairs.

For decades, the White House has sought an item veto without success, unless it was through impounding of funds. I, for one, cannot condone Congress' legislating its approval of either of these practices in the name of balancing this year's budget. For me, H.R. 16810 is a veritable trojan horse which anyone in favor of representative government will live to regret in the years ahead. Some of the greatest harm to our institutions in years past has occurred in the name of some of the most laudable goals or direct emergencies.

Thus, which I agree on the laudable goal of reducing the budget deficit and agree on the need to act now, I find myself disagreeing on the approach and the method. Let the Congress stipulate where the reductions will be made or the President use his Constitution-given veto, as he already has on this year's labor—HEW appropriations bill, but did not with either defense or foreign aid bills.

Fellow colleagues, it is not too difficult to read between the lines of some of the editorials screaming for this ceiling at all costs. Many of these same publications opposed the programs most likely to be cut back when they passed and every time they have been funded. But in a democracy a majority is supposed to govern and editorials do not always reflect majority opinions about what programs are important and which are not. Perhaps the editor of the Wall Street Journal might sleep more comfortably at night feeling that these decisions will now be for the White House to make—or some bureaucrat at the Office of Management and Budget—instead of for Congress where the people are represented.

Yet these same people will be the first to criticize Congress for abdicating increasingly larger chunks of its authority once the implications of H.R. 16810 are fully appreciated. I make no apologies to any one for having been the first to liken this grant of authority to the "Gulf of Tonkin resolution of the Seventies in domestic affairs," in dissenting views to the committee report. If there are those who want to be so blind as to refuse to see similarities between events in our foreign affairs and this event in our domestic affairs, then I can only assume that they choose to ignore the lessons of history and the tragic events of the last 10 years have been totally lost upon them.

If the prospects of a $30 billion deficit are all that alarming now in October it was just as alarming in January when it was first proposed. It was also just as alarming a year ago when the President first announced his conversion to Keynesan economics, at least as far as deficit spending was concerned. Now we are being told the planned deficits are coming home to roost, and then some, and our economic managers instead of being criticized or removed for the advice that they gave are being used as an excuse for another helping of power. This Congress has the responsibility for exercising control of the purse strings according to the Constitution.

If a deficit is the worst thing we have to fear here and now, then this is where the soul searching should begin and the necessary cutbacks made. To me, it is the epitome of hypocrisy for the same administration to pressure us on the need for cutbacks that only a few weeks ago was working with us to add another $5.3 billion to the deficit in the form of revenue sharing.

I supported revenue sharing then because I felt there was a need for fiscal relief to our cities and towns. But everyone knew it would add to the deficit and no one seemed to object, least of all the administration. It would indeed be the height of irony if our local cities and towns around the Nation were the first to feel the effects of the executioner's axe on their long-awaited revenue sharing checks.

But none of this begins to compare with the hypocrisy of the most blatant case of political blackmail I have witnessed in 14 years in Washington. Now we are being told that if Congress does give the President exactly what he wants and passes H.R. 16810 as reported, then the President is going to have no choice but to raise taxes next year. First of all, it has been no secret that the Treasury has deep within its confines under loose wraps a master plan for a value-added tax. The administration has been looking for an excuse for months now to foist this latest form of regressive tax on the American people. I suppose this bill is as good an excuse as any. Needless to say, it will not come before November. We could never expect that much honesty from this administration. But moreover this administration is beginning to sound as though the final word on a tax increase rests with it. This is letting the arrogance of power go too far.

The fact is that we in Congress will have the final say on any such recommended tax increase and under the same constitutional authority which is being challenged here today. Or perhaps the administration has mistakenly assumed that the proposal before us today would also give it power to raise and collect taxes without congressional authority. I, for one, would welcome the administration bringing up the matter of taxes early next session. It would provide an excellent opportunity for some long overdue tax reform. After a few loopholes were closed around here, you might find that an across-the-board increase in taxes or a value-added tax were not necessary at all.

So I hope no one will be stampeded before leaving for home this week into signing any more blank checks to this administration. I am sure we have the leadership in Congress to make the necessary decisions if they must be made. I, myself, may vote against this bill if the Mahon amendment fails. Even the Mahon amendment I support reluctantly because it seems to me that the President, in requesting authority to make cutbacks should be requested to inform Congress before the elections where these cutbacks will be made, not after. Surely the President had to have some idea of what areas would be cut back before he requested the authority. Thus, I do not think this would impose any kind of burden on the OMB and would make sure that the people have a chance to consider the wisdom of these cutbacks before they vote in November, not only for the next President, but for Members of Congress.

As I see it, this is one of those times when a Congressman finds it necessary to respectfully disagree and stand firm when he feels a vital constitutional principle is at stake.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, history is strewn with the ruins of popular governments which have failed and refused to exercise financial restraint.

A Congress jealous of its responsibilities should be—and, to legitimately justify its jealousy, must be in fact responsible. To date we have not been, and we should not seek to wrap round our shame the cloak of constitutional theory in order to hide the naked fact of our demonstrated irresponsibility.

We discover today, on this vote, whether we in this body have any claim to fiscal responsibility at all.

I wish, indeed, that the Congress, long since, had put its own house in order and had done the necessary job.

I rejoice that, in title III of this bill, which creates a joint committee to review the operation of the budget ceiling, we—hopefully at least—are taking the first step to that end. But in the meantime it is, in my judgment, essential in the public interest that we limit expenditures for the fiscal year 1973 to not more than the huge sum of $250 billion.

Gentlemen may orate as they will in order to placate the insatiable demands of the various self-centered special interest groups which are destroying this Republic with the assistance of easy spending politicians; but I am not going home and tell the people I represent that Congress—with my concurrence—has proved to be both incapable of managing this country for 1 year on less than $250 billion of the people's money, and unwilling to allow the Executive—for 1 year—to do the necessary job which a responsible Congress would have done.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BURLESON) a member of the committee.

Mr. BURLESON of Texas. Mr. Chairman, if I thought for a minute, or even had hopes that this Congress would place a limitation on expenditures for this fiscal year, I would be for the change proposed by the amendment to title II of the bill pending before us.

The President sent his formal proposal to the Congress in July. The Congress has done nothing about it. There has been an opportunity for the committees of this Congress to come up with something and I think it would have been very appropriate that the Appropriations Committee do this job. Finally, when it is necessary to increase the debt ceiling, this becomes the time to place an expenditure ceiling on the executive department.

Mr. Chairman, looking at this situation in a manner in which I think is realistic, the President has the Congress over the barrel; and you know who made the barrel? The Congress. I see no other way, effectively, to curtail spending except to put the obligation on the executive department, on the President, and then support him in it. I know that there are voices raised here in what I really believe to be a somewhat biased attitude, that cuts will be made in the programs which are dear to us—social security, veterans' benefits—these things which tend to raise a fear in our hearts that some drastic action of this sort will be taken. I cannot imagine that the President of the United States is going to be looking to some of these essential programs such as these mentioned and apply any meat ax. Of course, parenthetically, he could look to revenue sharing which we are likely to pass in the next day or two. If we, the Congress, should turn down or even postpone until January 1 the effective date of revenue sharing, we would just about have this problem licked. In other words, the difference between the cost of revenue sharing in this fiscal year, 1973, by making the effective date January 1, 1973, instead of going back to the first of January 1972, would almost pay for the sums which are calculated to be cut to bring the expenditure ceiling to $250 billion.

But this is neither here nor there. In all likelihood this House will finally approve the revenue sharing proposal. The President could find no more appropriate expenditure to cut than these first year funds.

Now, Mr. Chairman, no doubt it would be more correct, and more in keeping with the legislation processes if the Congress assume its responsibility and try to look at these huge expenditures and reduce these programs, many of which have proved to be wasteful, extravagant, and not reaching the people they are supposed to help. It seems we are just unable to get hold of the handles to do that. Now here is opportunity to do something, and if you want to really reduce expenditures it seems to me it is the only way.

Look at the whereases in the resolution that would change title II of this bill. The whereases in the proposed amendment render any reduction to death. It talks about congressional constitutional responsibility, and I respect that highly. I wish we had the mechanism to make it effective. The third "whereas" says that Congress is concerned about the fiscal plight of this country. Well, of course, it is. But I repeat, we have not done anything effectively about it. We have not limited expenditures. And then there is another whereas referring to all the deficits which will be occurring. Over $32 billion deficit for this fiscal year 1973, and yet we continue to pass huge expenditures over and above the budget. And then there is the "whereas" that the President has not advised Congress on specific reductions and budget authority. But it seems to me the very onus of the responsibility which the President is requesting can be granted with credit to each individual of this body, and the Congress as a whole, to say to him, "all right, you have asked for it." We have got to do something about this desperate fiscal situation in which we find ourselves. Now, we can "resolve" all we want on the request of the President to advise Congress not later than January 2, 1973, of specific reductions in expenditure outlays and changes in existing law affecting same, that in his judgment may be best made in order to limit budget outlays for the fiscal year 1973 to not more than $250 billion but who really believes this Congress will approve the President's action? This in the face of warning from the Chairman of the Federal Reserve Board and some of the foremost economists in the Nation that we are rapidly approaching a fiscal crisis. The amendment provides that it is the sense of Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations. Now, the interpretation of this resolve clause is, as I think most of us know, not to agree with cuts the President will make. It seems to me, Mr. Chairman, that in the precarious situation which this country faces in its financial matters, when today we are raising the temporary ceiling on the debt to $465 billion, it is time that we try to do something effectively.

Mr. Chairman, it is provided in title III of this bill that a joint committee of the Congress shall try to find ways and means to really place an expenditure ceiling, an appropriating ceiling, for the fiscal year 1974. Remember, this measure before us now is only applicable to this fiscal year 1973. It is an experiment in a way—granted. And granted that it should be otherwise desirable I repeat, here is a prospect of nothing being done and that the huge deficits now already running $70 billion over the last 3 to 4 fiscal years and the prospect of another one well over $30 billion; how long can we expect this to go on? It can have no other effect but feed inflation and contribute to the necessity of raising taxes. The two are inseparable and unless we are willing to do something here now and not wait until half the fiscal year is over and then say to the President, "You send up the cuts and we will see whether we like them or not." We could just as well say today that we will not like whatever it is.

Now there is not a Member of this body who does not know that some of the vast spending programs which are now in effect could be reduced without doing real damage and harm. There are a lot of these programs which we all know are wasteful, extravagant, and are not reaching the people they are supposed to benefit. There has got to be a limit somewhere on what this country can do. And even if it was accomplishing the purposes for which it was intended, there are still areas of fat that we all know can be reduced. In these areas where the program is uneffective, they should be cut, they should be reduced to manageable proportions and then we will have opportunity to take action in the 1974 fiscal year to try to correct and reform many of these programs that have gotten out of hand and have caused this Nation to be in a precarious condition today in its fiscal affairs.

Mr. Chairman, I see no other way than to grant the President this authority, which is not unlimited authority as it has been stated here. Some appear to want to make this a panic situation, and it is insofar as our budgetary affairs here are concerned, but it is not one to push the panic button because we are jealous of prerogatives. There are some jealousies among us here too as to who should do what in meeting this problem, but we better put away these little jealousies and this competitive attitude right here in the Congress and try to get on with the people's business.

The people of this country are aware of the threat of more inflation and higher taxes and they don't like it. I say to you as individuals and to my Democratic colleagues of this House, that you cannot make "Brownie points" by voting for this amendment which I think you know is weak, meaningless, and ineffective in limiting Government spending.

There is really only one issue involved here. It is whether you want a spending curb or you do not. The smokescreen is heavy but it finally comes down to the simple proposition of trying to put our financial house in order.

The gentleman from Connecticut (Mr. GIAIMO) disposed a most patent question to a previous speaker. His question made the point of where responsibility lies in this situation.

Finally I refer to the observation of the gentleman from Ohio (Mr. SEIBERLING) who recited a bit of history of the Roman Empire. He calls attention to the abdication of power of the Roman Senate to the Emperor. Yes, that evidently hastened the end of that great government but it was only the result of their irresponsibility in their fiscal affairs. They were taking care of everyone and even entertaining the people in the afternoon. Those who furnished the taxes became hawkers and mendicants on the street.

We have opportunity right now to take necessary action to bring this Government back to the highest trust, both among our people and other nations of this world with whom we must deal. This is the opportunity to reassure our integrity and responsibility.

I urge the defeat of the amendment to be offered to title II of the bill before us and then passage of this necessary measure.

Mr. LONG of Maryland. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 419]

Abourezk
Anderson, Tenn.
Aspin
Badillo
Baker
Bell
Blanton
Blatnik
Bow
Byrne, Pa.
Caffery
Carey, N.Y.
Clark
Clay
Conable
Cotter
Denholm
Dow
Dowdy
Drinan
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Flowers
Fraser
Frey
Gallagher
Gray
Green, Oreg.
Gross
Haley
Halpern
Hanley
Hansen, Wash.
Hastings
Hathaway
Hébert
Helstoski
Hungate
Kuykendall
Link
Lloyd
McClory
McClure

McDonald Mich.
McKevitt
McMillan
Martin
Matsunaga
Metcalfe
Mikva
Murphy, N.Y.
O'Hara
Pelly
Powell
Preyer, N.C.
Pucinski
Purcell
Rees
Reid
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Rousselot
Schmitz
Staggers
Steiger, Ariz.
Sullivan
Symington
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. ABERNETHY), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16810, and finding itself without a quorum, he had directed the roll to be called, when 353 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, this is the fourth time during the 92d Congress—and the third time this year—that we have had to face the necessity of increasing the statutory debt limit.

But there is a major difference this time around. The bill before us today includes a provision for a spending limitation. And if we are really serious about being fiscally responsible, the addition of this provision should be welcomed, because it makes our always bitter debt increase pill much easier to swallow.

If we act on a spending limitation as well as a debt ceiling increase, we are saying in effect that we not only recognize our economic problems, we intend to do something about them.

Beyond the symbolism, however, the debt and spending ceilings are tied together in a very practical way. The proposed $465 billion statutory debt limit was calculated on the basis of budget outlays totaling no more than $250 billion in fiscal 1973. A spending ceiling of $250 billion is absolutely necessary if that outlay total is to be maintained. And the debt ceiling increase is absolutely necessary to keep the Government's fiscal engine running at this predetermined pace.

So the two actions are interdependent, and it has been said that they are inseparable as well; that we cannot have one without the other.

Mr. Chairman, the Nation's economy is expanding nicely now. And a recent poll of businessmen as to their outlook for the year ahead indicated the strongest optimism in a decade. The rate of unemployment has declined to 5.5 percent and indications are it will go down further in the coming months. At the same time, total employment in the country has risen encouragingly to more than 82 million. Total output gained 6.2 percent from the second quarter of 1971 to the second quarter of the current year, and the Industrial Production Index this past August was 8.2 percent higher than it was a year earlier.

Yet amid all this expansion, the rate of inflation has been dropping substantially. During the past fiscal year, consumer prices advanced at a rate which was 1.4 percent lower than the rate for the preceding year.

The signs of solid progress, then, both in keeping the economy rolling and in keeping inflationary pressures down, are very much in evidence today. And if we follow a prudent policy, we can continue to move forward, enjoying economic expansion without having it accompanied by soaring inflation.

Dr. Herbert Stein, the Chairman of the Council of Economic Advisers, has charted our present position graphically. We are, he has pointed out, at a fiscal crossroads. Along one path lies the very real possibility of reasonable price stability and high employment. Along the other lies the real probability of another inflationary spiral, similar to the one we experienced from 1965 to 1968 but more dangerous in that we would be starting from a higher inflationary rate.

The road which we will take as a nation depends, of course, on what we do here. If we clamp a $250 billion lid on spending, we will assure a full employment deficit for fiscal 1973 that will be approximately the same as that for fiscal 1972. Under these conditions, the budget would support the rise of the economy, but the main push would come from the private sector. On the other hand, if we acted to increase the full employment budget deficit for fiscal 1973, this would combine with the strong forces from the private sector and result in a total expansion which would almost certainly be highly inflationary.

So we really do not have much more of a choice with respect to the spending limitation than we do with respect to the debt ceiling increase. We can go through the motions of debate, but fiscal responsibility requires that we take affirmative action on the bill combining these provisions.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I rise in support of this legislation.

The President of the United States has delivered a simple message to the Congress of the United States. We must move quickly and decisively to control government spending or be faced with "higher taxes, higher prices, and a cut in purchasing power for everyone in the Nation."

Over the years lipservice has been given to "balanced budgets" and "fiscal responsibility," but the fact is, the liberal majority of the U.S. House of Representatives, as managers of the Public Treasury, has done an appallingly bad job. So bad has been the majority's performance that were the Congress to exchange places with the board of directors of General Motors or any other corporation, they would bankrupt the business in short order by their profligate spending policies. Fortunately or unfortunately the U.S. Treasury has a greater capacity to absorb debt than any private enterprise. And the liberals in Congress have not lost any time in piling up that debt upon debt by adding millions upon millions of dollars to almost every program that comes before the Members for a vote. From fiscal year 1963 to fiscal year 1971, outlays—expenditures plus net lending—have increased from approximately $111 billion to about $211 billion. During the same period, receipts increased from $106 billion to $188 billion. Only once during that whole period, in fiscal year 1969, did receipts exceed outlays—$188 billion as opposed to $185 billion—for a budget surplus of about $3 billion. And even then the budget was only in balance when the collections of the trust funds were incorporated into the total for Government revenues. In every other year since 1963, outlays were greater than receipts, resulting in budget deficits which ranged from somewhat less than $2 billion in fiscal year 1965 to an alarming high of $23 billion in fiscal year 1971. The almost continual annual deficits of course have led to substantial increases in the gross Federal debt. The debt increased from $311 billion in fiscal year 1963 to $408 billion in fiscal year 1971, the highest in American history.

Estimates for fiscal years 1972 and 1973 are very disturbing. The most current data available for fiscal year 1972 indicate an outlay level of $233 billion versus anticipated receipts of $207 billion, for an expected budget deficit of $26 billion. Initial forecasts estimated an even greater deficit of almost $39 billion. The expected reduction in the deficit is fortuitous rather than planned. A deliberate policy of expanding Federal outlays was adopted; only the inability to spend money fast enough—the incapacity to translate plans into on-going programs—prevented outlays from reaching the intended level. With lower outlays, and higher receipts than originally estimated, the fiscal year 1971 budget deficit is now projected at $26 billion—less than expected but still the highest since the peak deficit years of World War II. Furthermore, the deficit for fiscal year 1973 is expected to be even higher: $27 billion, with outlays programed at $250 billion and receipts anticipated to be $223 billion. Several nongovernment economists, however, predict that the eventual fiscal year 1973 deficit will be significantly higher than the official $27 billion. Because of the continuing deficits, the growth in the public debt will persist; the debt will be about $436 billion for fiscal year 1972 and is expected to reach $477 billion at the end of fiscal year 1973. Interest on this debt is presently costing the taxpayers billions of dollars per year.

Some economic theorists have advanced the proposition that fiscal policy—the management of outlays and receipts to create desired budget surpluses or deficits—is a useful tool to counter the ups and downs of the business cycle. Implementation of such a countercyclical policy would in theory result in the creation of surpluses during periods with high levels of business activity and low rates of unemployment, and in the creation of deficits during times of depressed business activity and high unemployment. Budget surpluses tend to inhibit the economy whereas deficits serve to stimulate economic activity. Pursuit of this policy would, in addition, operate to increase the public debt during depressed periods but to decrease the debt during prosperous times. The history of the past few years indicates that there has been no consistent attempt to follow such a countercyclical policy and there is good reason to question the basic premises of the theory. Deficits have been produced both in depressed and prosperous years. Failure to control the increase in expenditures, combined with failure to increase taxes in prosperous years, have, as I have already noted, added to inflationary pressures on the economy.

Overall Federal expenditures continue to increase even though costs for the Vietnam war have been declining. Vietnam war costs reached their peak in fiscal year 1969 when the incremental costs of the war—costs over and above what would have been spent for defense in peacetime—reached $19.8 billion. War costs since then have declined to an estimated $6.8 billion in fiscal year 1972 and an expected $3.5 billion in fiscal year 1973. These latter estimates do not take into consideration the current expansion of the bombing program. But this decline in Vietnam costs has been accompanied by increases in income maintenance and Great Society programs. A recent study by the Brookings Institution indicates that from fiscal year 1963 to fiscal year 1973, defense and defense-related expenditures dropped from 53 to 34 percent of the total budget, while civilian outlays grew from 47 to 66 percent. Furthermore, the study concludes that many of the numerous social programs, costing billions of dollars, has failed, indicating that money and good intentions alone cannot provide solutions to social problems. Nevertheless the Brookings experts predicted that Federal expenditures for existing programs will increase in the future and that there will be demands for new services from the Government. With the tax reductions effected during recent years the Federal Government will be hard-pressed to find the resources needed to finance these increased demands.

The continued increases in expenditures, in budget deficits and in the national debt have fortunately led to renewed interest in proposals to reduce or control Federal expenditures, to balance the budget, and to limit the growth of the public debt.

We must recognize that, despite the control over the Federal purse strings given to Congress by the Constitution, in practice, the Executive exercises extraordinary control over spending. However, the President frequently cannot take the most desirable action in the public interest when Congress enacts appropriation bills in excess of budget requests. His only recourse may be to veto the entire appropriation bill, which in many cases will be impractical. It has therefore been suggested that the Chief Executive be given the item veto power, whereby he could prevent specific increases which he considers without merit or of low priority.

Several critics believe that there is presently too little coordination between expenditure and revenue decisions by Congress. Congress now views the budget largely as a series of separate and unrelated acts, with decisions on taxes and expenditures made independently by separate committees in each House. I believe that some way must be found to insure that Congress considers the budget as a whole and relates revenues to expenditures. One attempt to accomplish these purposes was the Legislative Reorganization Act of 1946, which established the Joint Committee on the Legislative Budget. The committee was to meet early in each session of Congress, consider the President's budget proposal in relationship to economic conditions and efficiency, set an annual ceiling on appropriations, and coordinate taxes with expenditures. This committee did not live up to expectations. It was probably too large to be effective, and the overall expenditure limit was difficult to implement. At any rate, the committee died after it was unable to agree on a ceiling in 1947 and after its 1948 ceiling was not enforced.

The Committee for Economic Development has recommended creation of a "joint budget policy conference," to include congressional leaders, majority and minority representatives from the revenue and appropriations committees of both houses, and members of the Joint Economic Committee. This conference would study the budget as a whole, and would provide communication among the revenue and appropriations committees of the two houses and the Joint Economic Committee.

There appears to be much room for improvement in the coordination of appropriations decisions. At present, appropriations are determined in some thirteen separate appropriations bills, with little consideration given by the subcommittee responsible for each bill of its effect on total new obligational authority, total obligations to be incurred, or the likely level of expenditures. The costs of the programs considered in each of the individual bills are not considered in relationship to the costs associated with the other bills. Thus, Congress does not look at appropriations and other expenditures as a whole and compare alternative programs. The omnibus appropriation bill, associated with the fiscal 1951 budget, was an attempt to introduce the necessary coordination, but this proposal met the same fate as the Joint Committee on the Legislative Budget.

It is apparent that the Government has not heeded the advice of Thomas Jefferson when he said:

> To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Over the years, many Members of Congress have proposed various methods to bring to the attention of responsible Federal officials the need to restrict expenditures to available receipts and thus to assure a balanced budget. Unfortunately, as the record testifies, these efforts have not been successful. Expenditures keep climbing, deficits continue to occur, the national debt continues to increase. The time for positive and drastic action has long since arrived.

This is why I introduced a constitutional amendment several months ago that contains the following provisions:

Total appropriations as well as total expenditures for any fiscal year cannot exceed total expected revenues for that year. There is to be no permanent increase in the national debt.

The existing debt is to be redeemed.

The above provisions may be suspended only in times of war or national emergency.

If the Congress were to adopt legislation such as I have proposed, the charge could not be made that Congress has abrogated its responsibility over the purse strings of Government. However, the record of the past several decades amply proves that Congress has no intention of meeting its responsibility to the taxpayers and citizens of this Nation.

Whether or not we as a nation should live within our means is not at issue here. Since the Congress has proven that it shall not meet its responsibility in managing the treasury, the question then becomes whether or not we shall cooperate with the President in dealing with this matter.

I believe that the liberal majority has attempted to sabotage a critically important piece of legislation by tying the spending limit authorization to a proposal to increase our national debt These are and ought to be incompatible provisions and the welfare of this Nation ought to have been given highest priority instead of being relegated to a back seat position merely for the sake of political expediency. Although I and other Members of this Chamber have been deprived of the opportunity to fully represent the views of our constituents on this legislation, I want to make it absolutely clear that I strongly oppose a further increase in the national debt and I strongly favor placing a ceiling upon expenditures of the Federal Government.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Thank you, Mr. Chairman.

Faced with increasing the debt ceiling for the 14th time in less than a decade, it is eminently clear that we can no longer as a Congress escape the responsibility of doing something positive about the consistent deficit in our Federal spending.

Obviously, if we are to keep taxes at the present level, it is incumbent upon us to see that Federal expenditures do not exceed that which the revenues produce.

We all know very well that it is the spending habits of the Congress in recent years that have done more to fan the flames of inflation than any other single factor in our economy. It seems to me that we have reached the point where we have no alternative but to enact the legislation before us today.

I recognize, as most of us do, that one of the fundamental constitutional responsibilities of the Congress lies in its power to raise and collect revenues and its authority to determine how those revenues are spent. For this reason, when this bill was being considered in our committee, I did make an effort through offering an amendment, which was defeated, which would have required that cuts be made in appropriations in the ratio of the percentile of the total excess.

In other words, if appropriations exceeded the $250 billion ceiling by 7 percent, then each bill would have to be cut by 7 percent. In this way we would have retained the authority of the Congress, to establish its own priorities but recognizing those priorities within the spending ceiling.

However, since that proposal did fail, I think we must today take the alternative open to us, and that is to establish the ceiling of $250 billion.

On the second of October, I placed in the Congressional Record, after having done some considerable research, a list of bills which have been introduced in this session of Congress and the price tag on each of them. These bills, if they were enacted into law, called for the spending of an additional quarter of a trillion dollars—and I repeat—a quarter of a trillion dollars.

Fifty-one of these measures carry a $1 billion price tag or more. In other words, each of them would cost that much more for every year of the program. Forty-one other bills would each cost $1 billion by the time they have been in effect 2, 3, 4, or 5 years.

For example, in one bill alone there were the following words: "such sums as may be necessary," and they appear in that one bill 14 times. Now, how in the world can you control spending with legislation introduced wherein in 14 instances in one bill alone it is simply established as "such sums as may be necessary"?

While most of these measures will fortunately die in committee as far as this Congress is concerned, you can be sure that many of them will go back into the hopper after the first of the year. As time goes on perhaps a lot of them will become law and become a burden on the American taxpayers.

So I implore this body today to take the first meaningful step—and I believe it is the first meaningful step—in the direction of returning some fiscal sanity to our processes here.

Mr. Chairman, in closing I might say the American people should know as we look at this deficit and look at the anticipated deficit for this fiscal year that not one single dime of that money was spent without the approval and the authorization of this Congress. So you cannot put the responsibility any place else but on the actions that have been taken in this Chamber over the years.

I support the bill before us notwithstanding the fact that I would feel better if the amendment I offered in committee had been adopted.

Mr. Chairman, I urge the passage of this bill today.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Chairman, I thank my friends for yielding me this time for I truly believe we face a real responsibility here that goes to the very heart of our Constitution of our country.

The President has already been exercising the power of holding up funds for projects and programs. He has held up funds for rural electrification, sewerage and water grants, public works, soil conservation, for housing, and now even anti-pollution, funds for REAP, and many others, while releasing funds for foreign aid and many other programs which I consider less important.

This measure if passed invites the President to do what he likes or wants to do. We extend to him an invitation. I say should we do that, we will be failing to meet our responsibility as fixed in the Constitution.

When the Constitution was written to set up a government, it was for the people. Uppermost in the minds of the Convention Members was the need to protect the people from that government. That is the reason the major part of the Constitution deals with the peoples branch, the legislative branch, the Congress.

Now I for one agree we need to do something to protect the fiscal integrity of our Nation. I have voted that way.

The Mahon provision does not go as far as I would like. It is not what I advocated. I advocated and thought I had an agreement that we call on the President to send up official requests to rescind such appropriations as he thought should be repealed. Under my suggestion, Congress could act on such Presidential requests. Had we followed that course we would not be abdicating our responsibility.

I repeat we must meet our responsibility. Our Committee on Appropriations needs to hold our total action in line. We can do that.

What we must not do is turn over to the executive branch the right to select projects and programs to go forward and those to be killed. If we do that there is no further need for the Congress, for the Congress will have given up its place as the peoples branch whose prime responsibility is to look after the people.

I know the Committee on Appropriations can meet and agree upon remedial action to hold the line because it has been done before. It can be done again.

The President signed the appropriations of which he complains in general. He could have vetoed them. President Eisenhower did veto the public works bill in 1959, saying that we were asking for far too much money, and designating the projects that under his order would not be built. When the Congress failed to override his veto the bill came back to the Committee on Appropriations. When the members of the subcommittee would not act, I offered a motion in the Appropriations Committee—to reduce the money in the bill 2½ percent, back to the level the President thought wise, but my motion at the same time restored or retained all the new projects, so necessary to protect our Nation. We cut the money out so that we were fiscally responsible, even as called for by the President.

Among the projects saved was the harbor at Pascagoula, the hometown of my friend and colleague, chairman of the Rules Committee, where we had built two submarines which under the President's veto we could not get out to sea. I may say, too, we saved the Memphis and Greenville harbor projects. The late Clarence Cannon said this was the first time in history this had ever been done. Mr. Chairman, it is time for a second time.

All I am saying to you—and that is all I am trying to say—is that we in the Congress should get busy and meet our responsibility.

There is one other thing that has to be done. Other committees must join the Committee on Appropriations for we have cut appropriations by about $1.5 billion, or it appears that we will. And we need some help from the Committee on Rules, and from the legislative committees, because our deficit is caused through back-door spending where the Congress has forced spending into the legislation passed. That is where the deficit is now. It is aggravated by the so-called revenue-sharing bill which was passed a short time ago, providing expenditures of $5.3 billion for the first year and a total of $30 billion in 5 years, without supervision or requirement of results. That is where our deficit comes from for there is much other legislation where the money is appropriated in the authorization.

That is beyond the reach of my committee but not the Congress. I, for one, assure you that I will go the limit on regaining fiscal responsibility.

We must do so here in Congress, however. To turn all this authority over to any President is to fail to carry out our responsibility to our people, the people of the United States.

I do not blame the President for wanting to withhold funds at his will. It is our responsibility, a responsibility which we owe the people who have elected us to the Congress, to retain this right for the people. We must decide what shall be done with their funds.

My friends, this bill, if passed, would be another step in the destruction of our form of government, of three equal and coordinate branches, legislative, executive and judicial.

We made a great mistake in following the dictates of the Supreme Court, when it took unto itself the right to determine congressional districts, thereby leaving each Member of Congress, duly elected by his people on a teeterpole of uncertainty each 2 years. It, too, violates the Constitution which says the House of Representatives shall be the sole judge of the qualifications of its Members.

In that case we should have thanked the Court for its advisory opinion, agreed that it had merit and given it our sincere consideration but decided for ourselves how far to go.

That is what we need do here. Thank the President for his recommendation, admit we need to do something and do it.

We must not give up to whoever may be President the right to play favorites with projects and programs.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Chairman, I rise

in support of the imposition of a $250 billion spending limit and in opposition to the Mahon amendment.

It is clear that the congressional authorization, appropriations and budgeting procedures have become a hodgepodge, resulting in our inability as a legislative body to grasp and act on the overall spending and deficit picture. There is no denying that we have failed in this task. There is also no denying that, at least temporarily, we are going to pay for that failure.

What we are faced with today, is, in a sense, a judgment day—where we are going to be judged for the fact that Congress has abdicated its responsibility for the purse strings. As a result of this abdication, we have lost much of our say over the setting of priorities and over spending and deficit levels.

What price will we pay? It seems to me that we have only three basic choices, none of them pleasant or ideal.

First, we can leave things just as they are. We can leave the hodgepodge of procedures untouched and make no move toward setting an enforceable ceiling on spending in fiscal year 1973. If we choose this road and in effect defeat both the Ways and Means bill and the Mahon amendment, we and the Nation will pay a very dear price, indeed. If we sit on our hands, there is no question that we will seriously overspend Federal dollars in this fiscal year. This could bring two results, both bad. It could mean that inflation gets worse instead of better—perhaps going back up to the intolerable levels of 6 or 7 percent per year. It could and probably would also mean the necessity for a Federal tax increase, and any way an increase in taxes is approached, it could seriously disrupt the current recovery that our economy is enjoying. I must reject this first alternative.

Second, we can adopt the Mahon amendment, which purports to set a meaningful ceiling on fiscal 1973 spending, but which fails to set up a workable mechanism which would guarantee that the spending ceiling could be adhered to. While the Mahon proposal would keep the power over spending decisions on Capitol Hill—where this power assuredly belongs—it does nothing to guarantee that the end result would be other than a deadlocked battle between the President and Congress as to where and how deep spending cuts should be made.

By leaving it to Congress to approve by affirmative vote each and every decision to reduce spending, the Mahon amendment merely programs a rerun of the present budgeting and appropriations procedure—where the President sends up his budget and the Congress amends and approves or disapproves it.

While I strongly believe Congress should and must have a say over all spending decisions, and I have offered my own ideas as to how this can and should be accomplished, I strongly doubt that adoption of the Mahon proposal would provide any more meaningful spending ceiling for this fiscal year than would the alternative of setting no ceiling at all.

The third alternative is to adopt the debt ceiling increase bill, together with the enforceable spending ceiling of $250 billion for fiscal 1973 as reported overwhelmingly by a bipartisan majority of the Committee on Ways and Means.

Again, Congress will pay a heavy price, at least temporarily, if this bill is adopted, but it is a far lesser price than a return to inflation or a cooling of our economy by higher taxes—both of which could be ordained by the first two alternatives.

There is a good and bad side to the Ways and Means language. On the good side, we will be assured that a reasonable spending ceiling will be adhered to, and our constituents will be assured that it will still be possible to hold inflation and taxes in line.

The bad side is a direct result of congressional abdication to date of its responsibility to act efficiently and responsibly to setup workable budgeting and spending procedures. This bill would officially give over to the Executive, by statute, the power to set spending priorities for the 8 remaining months of this current fiscal year. For many of us it will mean that programs we favor will be curtailed and their funding levels reduced. I would hope that no mechanism such as this would ever have to be instituted permanently. But I believe that the current fiscal crisis is serious enough to require that we take this painful step for the coming 8-month period.

There may be a brighter side to the judgment day we are all faced with now. If we adopt the Ways and Means Committee bill, we will, in effect, be putting a gun at our own heads, at the head of Congress, to place top priority on reforming our own appropriations procedures before the end of June 1973, so that never again will we have to stand up and admit to the American people that we are ill-equipped to responsibly handle the task of allocating their tax dollars. The committee bill sets up a special committee to review the present procedures of congressional budgeting, and to recommend comprehensive improvements.

For my part, I have been calling for over 4 years for a reform in the timing of the Federal year. Two years ago, I called for the Congress to set a yearly budget or spending ceiling which would be realistic, flexible, and enforceable so that we in Congress could take back the powers over spending priorities which have, in effect, been abandoned for many years. The very fact that almost every President in recent times has acted to impound funds appropriated by the Congress is testimony to the de facto abandonment of our power and responsibility to decide which needs and purposes should receive the most tax dollars, and which should receive the least.

This year, I helped author the Federal Fiscal Responsibility Act which would require such a spending ceiling each year, would require that any cuts made by the Executive must be pro rata cuts—taking the same percentage cut from every Federal program, and would require that nonpro-rata cuts targeted at a particular program area would be subject to a veto by either House of Congress within a given time period.

The formula in my bill would give us a far more workable spending ceiling than the Mahon substitute provides, and it would retain in the Congress full power and authority for setting priorities, as the committee bill does not do. To my mind, it combines the best of both approaches, and I will work diligently for its early consideration in the 93d Congress, and will personally bring this formula before the special committee setup for this purpose.

We cannot, however, postpone this judgment day until an unnamed time in the next Congress, Mr. Chairman. We must today choose one of the three roads I have outlined. Forced to choose between three painful courses, I feel we must put the interests of the Nation and the economy above the interests of the Congress and above any further need to make believe that the failure of Congress up to now can somehow be overlooked or swept under the rug.

Faced with this choice, I must choose the only one that offers any immediate prospect of putting controls on Federal spending in this fiscal year. That is why I will cast my vote against the Mahon substitute and for the Ways and Means Committee bill.

By voting for this measure, I am not forecasting or promising my agreement with each and every Presidential decision that will be made to cut Federal spending. I feel certain that I, like every Member of this body will disagree with some of these choices—perhaps even vocally disagree.

But I do agree that cuts must be made in the current fiscal year's budget, and I know that we, in Congress, will not be able to take these steps ourselves.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan, the minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, the gentleman from Mississippi (Mr. Colmer), the chairman of the Committee on Rules and the gentleman from Arkansas (Mr. Mills), chairman of the Committee on Ways and Means, in my judgment made two of the strongest and most effective speeches that I have ever heard on the floor of the House in a good many years.

There have been other fine speeches on the very crucial issue that this House of Representatives faces today. I happen to agree wholeheartedly with the viewpoint and the remarks of the gentleman from Mississippi and the gentleman from Arkansas—they were entirely right—they were completely accurate when they said that the public—if a public referendum could be held—would insist on a spending limitation.

Now maybe the special interest groups that want a little extra spending here, and a whole lot more spending somewhere else, would not support a public referendum because they know that the results would be contrary to their desires.

Let me put it this way. If there was a public referendum, and the public knew what the alternatives were—either a tax increase or more inflation—the public would support a $250 billion spending limitation, a limitation that is $18 billion more than the Federal Treasury poured out in the last fiscal year. An increase of $18 billion in the fiscal year 1973 over the fiscal year 1972 is not a limitation that is going to hurt or harm the proper management of our Federal affairs or any program on policy. It is a reasonable limitation and the public would support it.

I think the public will demand this kind of limitation. They want the President to hold the line on spending. They want this Congress to do it. They want Democrats and Republicans to do it.

I subscribe to the observations made earlier by the distinguished chairman of the Committee on Ways and Means who said that a failure to put this lid on would lead to some political difficulties and to some political problems for any of us on either side of the aisle, because the issue will be well drawn—and do not think it will not be.

Even those who oppose a spending lid and even those who favor the Mahon amendment admit that we are faced with a crisis of considerable magnitude. When you have a crisis of this size and magnitude, you do not have any good choice. You have nothing but difficult decisions—hard choices. The choice is here—on the one hand, as some put it, an abdication of congressional authority over the spending process or the obligational authority process.

But I hasten to add that abdication, if it is one, according to the bill, is not a permanent abdication. It is for 6 months. It is for the remainder of this fiscal year until June 30, 1973, when the authority expires under the bill before us.

The other choice is the hard one—but it is a choice of our own making. It is a choice we have forced upon ourselves by our failure to stand up and be responsible in a fiscal way for the last 6 months—for the last 12 months—for the last 18 months. When we fail in that fiscal responsibility, as we have, then we have to grasp at something that will bring results even though it does result in a temporary or 6 months abdication of legislative authority.

The Mahon amendment is too little and it is far too late. The Mahon amendment will not come into effect until January of next year.

As has been pointed out in some of the previous parts of this debate, by the time the next Congress gets organized, it will be at least February and closer to March. By that time it will be far too late for anything to be done effectively to hold the lid on spending during the current fiscal year which terminates June 30, 1973. Furthermore, if we look at the wording of the Mahon amendment, it tells the President to send the Congress a list of where he wants to cut. Then it adds in the postscript.

> We may go along.

"We may go along," which, in effect, means there will not be any real lid on spending in this fiscal year.

Mr. Chairman, we are in a crisis. When a government is in a crisis, drastic action has to be taken. When a person is faced with a financial crisis, that individual, if he wants to straighten out his financial affairs, goes into bankruptcy. He does not like to do it. He does not like to turn over to other authorities the management of his financial affairs, but the pressure of the crisis itself forces him to take that drastic action.

When a business, whether it is a corporation or otherwise, gets into a financial crisis, what does it do? It goes into chapter 10 or chapter 11 in order to get some breathing space to straighten out its circumstances and get back on a profit basis.

I do not say these are total accurate analogies, but I think they do point out that when either a person or a family or a corporation gets into financial trouble, they have to do something they do not want to do and it is drastic in its implications.

Here we are today after going along blithefully forcing more spending, either by authorizations or increased obligation authority—and now we know that we are going to have a bigger deficit of $7 billion or more or which means increased inflation or more taxes.

Mr. Chairman, it seems to me that when we look at the hard realities, we have to step up and take a point of view that is different and unusual, but it is necessary.

I should now like to read a letter to all Members—but I would give particular emphasis to my Republican friends. I think all Members ought to listen. I think all Republicans ought to listen and follow the advice. Let me read a letter from the White House dated October 3, 1972:

> THE WHITE HOUSE,
> *Washington, D.C., October 3, 1972.*
>
> Hon. GERALD R. FORD,
> *Minority Leader,*
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR JERRY: On the floor of the House of Representatives, you will soon be considering a $250 billion spending ceiling as part of the Debt Limit Extension.
>
> I recommended this rigid expenditure ceiling to Congress and feel it is one of the most important issues to come before the House of Representatives this year. The results of uncontrolled spending—either higher costs of living or increased taxes, or both—are unacceptable to the Congress, the Executive, and I am sure the American people.
>
> Over the past months, the Administration has been engaged in a determined effort to squeeze inflation out of the economy. This effort has had substantial success, and we are now enjoying a reduced rate of inflation and rapidly rising employment. However, excessive spending or greater deficits than planned to stimulate the economy would only fuel another punishing round of inflation and especially penalize those who can afford it the least. It would inevitably be followed by another economic slow-down and rising unemployment.
>
> Therefore, I hope the House will join me in maintaining fiscal responsibility and tight Budget control by supporting the $250 billion ceiling, as reported by the Ways and Means Committee 21–4, and voting for the expenditure ceiling without crippling restrictions.
>
> With my best wishes,
> Sincerely,
> RICHARD NIXON.

Mr. Chairman, I hope the bill is passed and the Mahon amendment is defeated.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, I really did not intend to make any remarks on this matter but the minority leader has brought to us a statement from the President of the United States and his own position on this important subject, and since he has, I think it might be of interest to the House for me to read something that I read not long ago.

> In my judgment, today we find an erosion of the power and prestige of the Legislative Branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and use of this power in the Executive arm.

If I may repeat, "an awesome buildup of strength and use of this power in the Executive arm." That statement was not made by Ralph Nader. That statement was not made by Mr. John Gardner. That statement was not made by any of the press who have been criticizing the Congress. That statement was made by the minority leader of the House of Representatives, the gentleman from Michigan who has just spoken.

It is true he made it on another occasion, during another administration. But does a change in the White House make his position any less consistent? Would he say the same thing in January if, as I think he will be, GEORGE MCGOVERN is sworn in as President of the United States and undertakes to get his own priorities on the books? I do not believe the gentleman would say that.

I saw the gentleman from Michigan operate when Kennedy and Johnson were Presidents, and I will submit the record to any examination. If I have not supported President Nixon more than the gentleman from Michigan supported President Kennedy and President Johnson, I will eat my words. And the gentleman knows that is true.

Why all this crying and why all this delay? We all know when the last bills are coming up. The two last bills are nearly always the supplemental appropriation bill and the debt limit bill. There are reasons for that, and we need a debt limit bill and undoubtedly we need to curtail spending, but it is less important in my judgment that we make a mistake in the fiscal policies of this country than it is that we transfer to the Executive the authority that the Constitution of the United States bestowed upon us.

No one has more respect than I for the outstanding work performed by the Ways and Means Committee, and by its distinguished chairman, the gentleman from Arkansas.

But I think that the implications of this bill go far beyond the question of spending; they have to do with the integrity of the entire congressional system.

The question before us is whether we will knowingly and willingly abdicate not only our powers—but our responsibilities—to the executive branch of government.

The President is asking for an unprecedented delegation of legislative authority to the executive branch which could change laws already enacted and programs which have been on the books for many years.

He is asking us to give to the Chief Executive powers never contemplated by the Founding Fathers—and specifically prohibited by the Constitution.

Mr. Chairman, I cannot vote for such a measure.

Let us clear away the confusion that surrounds this question.

Unfortunately, the President has attempted to turn this into a political issue. He is using it as a diversionary tactic to shift the focus of public attention away from his massive failures here at home: his failure to bring the economy under control—his failure to put unemployed Americans back to work—his failure to halt inflation—his failure to make good his pledge of 4 years ago to bring fiscal responsibility to the Federal Government.

Under this diversionary tactic, the President has repeatedly told the American people that a tax increase is riding on our refusal to grant him the sweeping powers he demands.

But we are not opposed to a spending ceiling per se.

If we need to cut spending, then let us do it—but let us do it in the manner prescribed by the Constitution, not in the manner prescribed by the President of the United States.

This is not a partisan issue, despite the President's public utterances. I would oppose any President of any political party who asked us to abdicate our duties in such a way.

Nor is this a question of narrow jurisdictional jealousies. This is a question that goes to the very heart of our system of government. At a time when many citizens have expressed concern over the concentration of power with the Chief Executive, it would be irresponsible for this body to increase that power for no reason at all. And at a time when others have criticized the Congress for failing to live up to its responsibilities, it would be tragic for us to turn our backs on the most basic responsibility of all.

In my judgment, we should support the Mahon amendment. This amendment is in line with our traditional way of doing things. It calls on the President to make specific spending cut proposals to Congress by next January 2. Then the Congress can make its own determination of what should be cut, based on its own sense of priorities and its own judgment of where the national interest lies.

If we fail in this task, then the American people can judge us on our failure. But at least they will not judge us on our failure to live up to our historic duties as an independent and responsible branch of Government.

If this matter is so crucial, talking about living from crisis to crisis, why did not the President tell us about it so that we could put the proper committees to work on it and get the proper debt ceiling within the proper time so that the Congress itself could exercise its constitutional obligations in doing this job?

I say that this is wrong. I say that this is in violation of the oath of office. It is not a question of what the public expects. We are not bound by what the public expects. The oath that we take when we take our offices is to support and defend the Constitution of the United States. That is what I intend to do today.

Mr. ULLMAN. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, like our distinguished Speaker, I oppose the pending bill to establish an inflexible ceiling on expenditures.

While this proposal, on its face, appears to have merit—as we all favor economy in Government—the fact is that this is simply another effort by the Office of Management and Budget—the Budget Bureau—to induce Congress to surrender more of its constitutional authority and responsibilty to the executive branch.

The proposal amounts to an item veto on appropriations—and I oppose this—I am opposed to an item veto in any administration, either Democratic or Republican. As a matter of fact, I did not think I would ever see the day when an unconstitutional item veto would be proposed to the Congress. With this proposal—we have gone down the road a long way—the wrong way.

Over the years we have legislated away many powers of the Congress. We have seen too much erosion of congressional responsibility to the executive branch.

A line item veto over congressional appropriations should not be approved.

The expenditure ceiling resolution should be defeated. I support the substitution resolution—which is much preferable—not an abdication of congressional power.

Passage of this bill will mean giving to the executive branch—the Bureau of the Budget—authority to pick and choose at will—the right to select "pet projects" for funding—while denying others.

This expenditure proposal would negate the right of Congress to set any priorities through the appropriations process.

This is another effort by OMB to take unto itself the rights and responsibilities of the Congress.

Much of the press has inveighed against this proposal—the Members understand the issue—the surrender of more congressional authority to the executive branch.

When these bills—to chip away at the powers of Congress—are presented, there is always some rationale advanced by the administration in power, as to why it is necessary. But, the overall pattern is one of diminishing legislative power and increased Executive power. The constitutional system of checks and balances is threatened.

This proposal, which we are considering here today, has been called—"a fiscal Gulf of Tonkin resolution"—a blank check—a give away of power.

After Congress has gone through the lengthy and laborious process of hearings—making cuts and reductions through the appropriations process—we should not now say to the administration in power—you make the cuts—you set the priorities.

Should we surrender on this issue, the work of committees of Congress—both legislative and appropriations—would become, to a large extent, academic exercises—exercises in futility and frustration.

Now is the time to stand firm and say "no" to this further grab for power by the executive branch.

Mr. Chairman, others have pointed out some of the reductions which Congress has made in the budget during this session—but, I should like to repeat for the record some of the cuts made by the Appropriations Committee this year.

The President's budget submitted to the Congress called for $176 billion in new appropriations for fiscal year 1973. All the annual departmental appropriations bills, for this year, have been passed by the House. The Appropriations Committee and the House has cut the President's budget by $6.3 billion.

The Senate has increased these bills by $2 billion making net reductions of $4.2 billion. I repeat, the appropriation committee's have cut and reduced the President's budget by $4.2 billion.

Contrary to what we hear in some quarters, that the Congress has not exercised any restraint on appropriations bills, I insist that the Congress has made cuts and reductions as indicated.

Overall $4.2 billion cut in new appropriations. Net: $2 billion foreign aid; $5 billion defense spending, and others.

Let me list some cuts made. In foreign assistance—foreign aid, for example, the administration proposed more than $5 billion—$5,163 million, to be exact, in new appropriations.

The House cut the foreign aid request by almost a billion dollars—$967.8 million.

The Senate cut this request by $2.3 billion. Differences are yet to be resolved in conference.

Concerning the Defense Budget—the the House cut and reduced defense spending by $4.3 billion.

The Senate has reported a comparable cut of $5 billion.

More than $300 million was cut out of the military construction budget.

In the Housing-Independent Agencies and Public Works Appropriations bills, on which I serve, the House cut $506,026,000.

Does this sound like a lack of fiscal restraint?

These are but some of the major cuts and reductions—other economies have also been effected by the Congress.

Mr. Chairman, the truth of the matter is the administration has inflated spending with its own pet projects—such as revenue sharing which is in reality deficit sharing.

Revenue sharing to the tune of $30 billion was approved at the administration's insistence, approved by the same legislative committee that is now advancing a firm and inflexible ceiling on expenditures. Revenue sharing will cost $5.3 billion this fiscal year and $30 billion over the next 5 years.

The administration finds nothing wrong in recommending $250 million for the Lockheed Aircraft Corp. and $100 million for the Pennsylvania Central

Railroad, but the Bureau of the Budget does not hesitate to withhold funds for school lunches, veterans' hospitals, programs of education, rural electrification, or other programs of human needs.

Based on OMB's proposal to cut these programs plus cuts in public works—plans to dismember the Department of Agriculture, terminate the Appalachian development program—this I say is not a very comforting prospect.

We all remember the experience of the Budget Bureau in freezing funds for publice works projects and impoundments, without exception, of all projects added by Congress.

What we are really seeing is a sophisticated fiscal shell game.

If we provide the administration with this authority—what we will see will be cuts for basic programs for our people, while with great fanfare checks for revenue sharing will be mailed all over the country at election time.

In other words, the administration through manipulations of the Budget Bureau will be in a position to give with a flourish with one hand and quietly take away with the other.

If the Budget Bureau has a heart, it is well disguished, thoroughly concealed, and seldom beats in the public interest.

And may I add that the administration that continues to criticize Congress for its appropriations policies has created a new bloated bureaucracy of its own in the executive branch—spearheaded by the Office of Management and Budget.

Expenditures for the Executive Office have been increased from $31 million in fiscal year 1969 to $71 million in fiscal year 1973—the costs of the Executive Office have more than doubled since this administration took office.

Is this fiscal prudence?

Is this budgetary restraint?

Obviously not.

What we have is budgetary trickery and subterfuge.

Mr. Chairman, what we are really talking about here today is a matter of priorities—the right to set priorities.

The proposed ceiling is simply a means whereby the executive branch wants to take over the right of Congress to make these basic decisions and determine levels of funding.

While we are all concerned about expenditures, there are some who are also concerned, greatly concerned, about the erosion of powers of the Congress to the executive branch.

I say the time has come to resist any further encroachment by the executive branch.

Let us vote against this irregular procedure.

Let us vote "no" on the line item veto expenditure ceiling.

If any resolution on this subject is needed, in my judgment, the substitute resolution to be offered by the gentleman from Texas (Mr. Mahon) is much preferable.

I urge defeat of the expenditure ceiling bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Devine).

Mr. DEVINE. Mr. Chairman, what I am going to have to say in the next moment or two probably will not appeal to some of my colleagues. However, I do not think we are here in the business of appealing to one another. I am talking to my colleagues as one who might be described as a fiscal conservative in this Congress and in previous Congresses.

The easiest thing we in Congress do is vote "yes." It is very simple to vote "yes" for everything that comes along the line: more for welfare, more for education, more for hospitals, more for poverty, more for old folks. Why, we are even appropriating money for diseases that have not even been discovered yet because it is a popular thing to do, and then we can go home and say, "Look what I have done for you. I am humane. I am compassionate."

But we in Congress have abdicated our responsibility. Those of us who deplore the giving up of power to the executive branch, we had better take a look at our own house before we deplore what we give away. And I speak editorially when I say, "we" in the Congress, because all of us have not engaged in these excesses. But there are quite a number of us who have voted "yes" on everything, and then when we talk about increasing the national debt ceiling to pay for it, we say, "Oh, I would not do that. That is inflationary."

Actually it is the responsible thing to do, to vote for the national debt ceiling increase, especially those of us who have been responsible for the increases in spending.

I do not find myself in that category. I have been around here for about 14 years, and I think during that 14-year period we have had to face the fact of increasing the debt ceiling at least 20 times, and I have not voted for increasing the ceiling, because I have felt that in voting against the bill that money could be saved, and that maybe Congress in passing it would get the message and not continuously blow the budget all to the devil. But those who have voted for increasing the spending should vote for the debt ceiling to pay for their excesses.

Mr. Chairman, I find myself today in a different posture on it, because I believe those of us who have exercised restraint and have had to face our constituents and our opponents who say, "Oh, he is against teachers; he is against kids," when all we were doing is trying to operate within a balanced budget.

Mr. Chairman, I am going to vote to increase the debt ceiling today. I have not done it during the 14 years I have been here, but it is my belief that is the only way we can reach the spending ceiling recommended by the President of the United States. I was one of those who cosponsored the bill to put a $250 billion spending ceiling on, because we have shown that we are irresponsible here, and the only way to treat an irresponsible child is perhaps to discipline him, and so we are putting some discipline on the Congress by putting on a $250 billion ceiling.

I recall an old farmer in my district who said, "The only way to wean a calf is to take away the cow."

Perhaps that is the only way we can do it and to have the Congress act responsibly, and that is by putting a ceiling on spending, which is what we should have been doing over the years.

Mr. GERALD R. FORD. Will the gentleman from Ohio yield?

Mr. DEVINE. Yes, I will yield to the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, the gentleman from Tennessee, my very dear friend, Joe Evins, made some observations about the increase in expenditures in the White House as far as fiscal 1969 to fiscal 1972 is concerned, or fiscal 1973.

A quick look at the increase in the cost of running the Congress is somewhat interesting. In fiscal 1969 the cost was $192 million to run the Congress; in fiscal 1973 it will cost $332 million, which is about a 70-percent increase.

So our skirts are not so clean, either.

I would like to mention one other matter. Frank Bow, the gentleman from Ohio, was a leader in instituting a spending limitation. Frank has fought long, hard and now his efforts may bear fruit. If the Mahon amendment is defeated and the bill is passed as recommended by the committee, Frank Bow deserves great credit and I take pleasure in giving him this log overdue accolade.

Mr. DEVINE. I thank the gentleman.

I might in conclusion say this, without pointing the finger of responsibility, because my remarks here are primarily aimed in the direction of some of my colleagues on my side of the aisle who have voted with me and voted against increasing the debt ceiling from time to time: During the time I have been in the Congress the national debt has increased from someplace in the area of $265 billion to the point where today, on October 10, 1972, it is in excess of $435 billion, and we now may increase the ceiling to $465 billion to pay for some of the obligations which the Congress has foisted upon the country.

Many of you may say, "Oh, this is a Nixon deficit."

A Nixon deficit it is not. Only the Congress can authorize; only the Congress can appropriate public funds.

Let us accept the responsibility. We are the ones who caused it.

I want to say in passing, Mr. Chairman—because a little politics has been injected into this—that the Congress has been controlled by Democrats 36 out of the last 40 years, and I guess the other party has had control pretty solidly for the last 20 years, and they led this Nation into these financial problems.

Let us face our responsibilities, accept the blame, take action to force some discipline on our big spenders and vote to put a $250 billion spending ceiling on the statute books.

Mr. ARENDS. Will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Illinois.

Mr. ARENDS. First I want to commend the gentleman for the position he has taken today. Your statement is a statesmanlike position and I want you to know I appreciate it.

Only the other day in regard to one of

the spending bills we passed, which was a very, very costly one, shortly thereafter we had an extension of the debt limit bill before us. I took the time to ferret out the votes and the names of the people who were for that spending bill, which many of us voted against. When the question of the debt ceiling came up just a matter of days later, there were between 75 and 100 Members of this House who had voted to spend money, but who would not vote to extend the debt ceiling. It just does not add up. You can not have it both ways.

Mr. ULLMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Chairman, I am very interested in the remarks of my fellow statesman, geographically that is, from Ohio, Mr. Devine, in saying that he had never voted for an increase in the debt ceiling but he was going to this time.

Well, I just want to tell him that I am exactly the reverse; I have never voted against one, but I am going to this time.

The facts of the matter are that the Congress has exceeded the President's budget by a total of about $2.5 billion and $5 billion of that is revenue sharing, which the President has been lobbying for for a long, long time.

Now, what do we share? We are sharing a national deficit of magestic proportions, but we are going to give them money. And what good is it going to do? Oh, the great bill that came out of the distinguished chairman's committee (Mr. Mills) on revenue sharing. I thought he was not for it, and then he got to be a candidate for President, and he got for it in a hurry.

Well, what are they going to do with the money? Piddle and dribble it away and then there will be nothing in this country to show for it. The little town I live in is going to get $4,700. What can you do with $4,700? I will guarantee you they will spend it in one way or another. Some other city is going to get $16,000. And when you add it all up it comes to $5 billion. And 5 years from now there will not be anybody in the country, including my friend from Ohio (Mr. Devine) who can point his finger at anything and say that this is what was done with revenue sharing. You had better build a $5 billion monument to folly and find a place in town to put it on. At least 50 years from now you can say "There is Mr. Nixon's and Mr. Mill's monument—revenue sharing. That is what we have done with the money, and it will be here forever." Otherwise nobody will ever know what happened to it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, I rise today to urge my colleagues, particularly those on my right hand over here, to support the spending ceiling.

I want to apologize to the gentleman from Wisconsin (Mr. Byrnes), for what I am about to say, because what I am about to say is pretty political and he did not know I was going to say this when he gave me all this time.

Mr. BYRNES of Wisconsin. Can I still reserve it?

Mr. GIBBONS. Yes, sir; you can.

We have heard a lot of fine speeches here today, but we really have a political situation in front of us. You and I know about Mr. Nixon's economic policy which resulted in an increase in the national debt in 4 years, when he finishes his term of office, amounting to about $100 billion. You and I know that has happened. And you and I know that the Congress cut the appropriations that he sent here by about $14 billion, but the public does not know that. We are caught. We have helped to spin a lot of the web ourselves and the press helped to spin the web and the President really spun the web for us, and we are caught in it and the Congress is pictured as a great big spendthrift organization that is going to spend us all out of existence.

And you know—but I guess the public does not know—that the Congress does not spend any money, the Congress just gives the President a check and says to the President, "You can write your checks," and he writes the checks. And the President is the one who is spending the money, and he is the one who is now asking for a ceiling.

And as proof of that, if you look in the committee hearings of the Committee on Ways and Means there you will see that I asked the Director of the Office of Management and Budget, and the Treasurer, why we needed this legislation, and both of them said that we did not need the legislation, but that it had a good psychological impact on this country.

What they really meant was it had a good political impact for the President. It just further reinforces the old argument that it is the Congress that spends the money and it is the President who wants to try to reduce spending, and we are caught. I think that the President has sprung a political trap. And then in February I have every reason to believe that he will come back in and say, "This is a little too tight, some emergency has come up that I could not foresee, and maybe we ought to relax the spending ceiling."

He is not going to cut spending one bit further than he already could have done, and for which he now has the powers to do, powers he already has. Right now he has the power to cut every single nickel he is going to cut. He knows that. And all he is doing this for is that if we vote down the debt ceiling then he can blame Congress for an increase in taxes, so we are just foolish if we sit here and let him get away with that sort of thing. That is why I am going to vote for the ceiling. The President can already do everything that he is asking us to do for him, and there is no no other power we can give him that he does not already have. The President is just trying to make suckers out of all of us, and to make it appear as though we are the big spenders, and that he has made these cutbacks, and that he is not going to increase taxes, but it will be the Congress who is going to increase taxes. And if we do not pass this spending ceiling then it is all our fault that the taxes will have to go up.

Well, anybody who has examined the conditions of the Federal economic situation, the income and expenditures of this country, knows that we are going to have to do something; we are either going to have to quit borrowing so much money, or you will have to tax a little more. If we do not, we are going to keep on building the inflationary fires.

So we are going to have to face up to it. I think we ought to say, "Mr. President, here it is, but you have already got the power, but we will help give you additional backbone to help you use that power."

And by next February he will be back in here asking us to increase that ceiling.

I think that we are not giving up any power that the President does not already have; that we have already given up years ago for controlling spending.

The President has never in the history of this country been forced to spend a nickel that he did not want to spend. And I would ask any Member of this body who has any knowledge to the contrary of when the President spent a nickel that he did not want to spend that that Member would stand up and let me know now, because I do not want to misconstrue history.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. CORMAN. I thank the gentleman for yielding.

I do recall that there was testimony that there were lawsuits pending as to whether or not among other entities, school districts have some claim on money that we have appropriated under a formula.

It is my own feeling that that is precisely why we are going through this exercise.

I call the gentleman's attention to page 2, line 20 of the bill that we are now considering which says: "the amount available for obligation as determined by the President."

That is the operative portion of this bill.

This President does not want to spend money which has been appropriated for education and on which the school districts have a legal claim. It is the only part of the budget that he cannot freeze and it is the reason we are going through this exercise.

Mr. GIBBONS. I would say to the gentleman from California that I am familiar with that argument. It is set out in detail in the January 20, 1970, issue of the Congressional Record. It was a Senate insertion. There is some feeling in the executive branch, although the present occupants of the executive branch deny that it is true—there is some feeling that perhaps the President cannot refuse to spend money that has been appropriated for title I of the Elementary and Secondary Education Act, and that amount of money controlled by that formula is about $1 billion. If he cut all of that out, he could not get the $6 billion required to cut out of this spending ceiling.

As I say, I think he is going to spend that anyway. He has done it every time. There is some doubt as to whether he can refuse to spend that. But he has never spent and no President has ever spent a nickel that he had not wanted to spend in the past and he always finds some way to get around it.

You all know that ever since the time of George Washington, this Congress has tried to make the President spend appropriations to buy such items as horses and bombers and things that the President thought we did not need. Even a Veterans' Administration Hospital—President Eisenhower and President Kennedy refused to build and the Congress passed language mandatorily requiring that it be built and be built at a specific spot.

I do not think that we are giving up any power that we ever had.

Therefore, in holding up an appropriation he has always got his inherent power to fall back on—that he cannot spend money that he does not have.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. SCHEUER. I agree with my distinguished and respected colleague in the well when he said that the Congress has never been able to force the President to spend moneys that we authorize and appropriate. I think that is a correct statement. In a way I agree with the rightness of it.

I remember when Secretary McNamara refused to build an atomic or nuclear battleship for which the Congress several years going had authorized and appropriated funds. He felt it was not necessary and would be obsolete. So he refused to spend the money.

So the so-called liberals at that time supported the administration, and were outspoken in support of the President's right not to spend the money that Congress had authorized and appropriated.

You know that we cannot have it both ways. The refusal of an administration to spend money that we authorize and appropriate may in some informal way be a part of the pattern of checks and balances that underlie the formal Constitution relationships that make our tripartite system of Government work.

But I think you are going a great step further when you say that therefore we ought to abdicate our basic constitutional right and duty to appropriate and authorize, and set national priorities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. GIBBONS. We do not spend money here in the Congress. All we do is put money in the bank. The President spends and writes all the checks and he can refuse and has refused to write them. I think it is a political trap, and the best course of action is to give him what he is asking for and let him see if he can live with it. I do not think he can live with it and I do not think he will live with it.

I will say to my friends over on the right, if our candidate is elected President, he can come in here and rescind all this next year if he wants to. But we have that decision right now. I think we ought to make the best of it.

I want to say to my friend, the gentleman from Wisconsin (Mr. BYRNES) that I apologize for making such a political speech on his time. I know that he did not know what I was going to say when I got up here to say it, but I do appreciate his generosity anyway.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I wish to commend the gentleman from Florida for the candor with which he has just spoken.

On March 12, 1969, I addressed myself to the debt ceiling increase then pending on the floor of this House of Representatives. At that time I served notice that I would not again vote for another increase in the national debt except in an emergency situation if steps were not taken to balance the budget. I pointed out at that time that fiscal responsibility had to begin in the White House; that it would be exceedingly difficult for the Congress to bring expenditures in line with revenues without leadership from the White House as Congress was inherently a spending body and not inclined to be fiscally conservative because of the pressure on each individual member to fund needed projects in his own district which are especially important to him. Following the remarks that I made in 1969 I have voted against all increases of the total debt limitation.

Today we find that the present administration has accumulated deficits for the last three fiscal years totaling 70 billion dollars. The deficit for fiscal year 1973 is estimated to be in excess of $32 billion.

Thus the present administration will accumulate total deficits in excess of $100 billion. In fact, this administration has accumulated larger deficits than the Eisenhower, Kennedy and Johnson administrations combined and this sorry and fiscally irresponsible situation is the fault of both the executive and legislative branches. Neither can escape responsibility.

I believe that there is a direct relationship between such deficit spending and the inflationary spiral we have experienced in recent years. There is also a direct causal relationship between such spending and the recent devaluation of the dollar and when we view the $2 billion trade deficit for calendar year 1971 and the even larger prospective trade deficit for 1972, we face the grave danger of the collapse of our free world money system which is dependent upon the soundness of the American dollar.

In the face of the crisis we face today I have no other alternative except to vote for H.R. 16810 establishing an expenditure limitation of $250 billion for fiscal year 1973. I do so, however, with great reservation because I deplore giving the executive in effect on item veto. It is my sincere hope that the joint committee to review operation of our budgetary system will bring about methods that will result in balancing the budget without the necessity of future reliance upon the drastic method provided in this bill.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Mahon amendment.

Mr. Chairman, today I rise in strong opposition to title II of H.R. 16810, which would give the President virtually unlimited power to reduce spending for Federal programs in order to limit total expenditures in fiscal year 1973 to $250 billion.

I am strongly opposed to this provision for two reasons. First of all, in view of the present administration's misguided sense of priorities, I am greatly concerned that any provision which will give the President unrestricted authority to cut the appropriations of Congress will inevitably lead to a cutback of funds for programs in such vitally needed areas as education, manpower training, environmental protection and health.

And second, I strongly oppose this provision because I feel that it will result in a dangerous abdication by Congress of its constitutional role to determine national priorities and to appropriate funds.

I am sure that all Members of Congress share the President's concern over the escalation of the Federal budget. However, it is quite obvious that the administration's attempt to enforce a tight ceiling on expenditures for fiscal year 1973 is a political, election-year gimmick designed to point the blame for increasing Federal budget deficits at Congress and away from the White House.

The President has continually accused Congress of inflationary spending and he has used this assertion to justify his request for new powers to cut spending. However, the statistics do not bear out the President's charges. For fiscal year 1973, the House Appropriation Committee has actually cut $1.6 billion from the President's budget requests. In addition to these cuts, the committee and Congress revised the administration's spending priorities to shift some of the President's proposed military spending to domestic programs. Although expenditures for fiscal year 1973 have increased by about $6 billion over the $250 billion figure, every program which accounted for this increase was approved by the President when he signed the bills into law.

If Congress were to limit spending to $250 billion this year, it would have to cut from $7 to $10 billion from proposals which President Nixon put forth in January. And by the time that the ceiling would go into effect, 5 months of the fiscal year would already have elapsed, requiring cuts of from $12 to $15 billion at an annual rate.

My deep concern is where the administration will choose to make these cuts. It is quite obvious that the administration does not plan to cut the defense budget any further and, by law, it cannot cut funds for social security, veterans' benefits, public assistance, unemployment compensation, or revenue sharing. In view of the history of Nixon vetoes of key education and manpower training programs, it is apparent that the entire brunt of the budget cut would come from the $75 billion allotted to programs for education, health, environmental protection, manower training, and other critically important programs.

Former Budget Director Charles Schultze estimated that these programs would have to be cut by approximately 20 percent in order to bring the budget within this $250 billion ceiling. These cuts would have a serious, if not a totally destructive effect—on many of our urgently needed domestic programs.

Second, Mr. Chairman, I oppose section 201 of this bill because I believe that by voting to give the President unrestricted authority to cut Federal spending, Congress would be abdicating one of its most important constitutional responsibilities. The Constitution specifically granted Congress the right to raise and collect revenue with the power to determine how this money should be spent. In recent years, however, we have seen this power seriously eroded by the Nixon administration's practice of impounding funds which have been appropriated by Congress.

The President already has the power to make budget requests and to veto any authorization or appropriation bill that exceeds his budgetary requests. If the President is also given the power to determine how much money, if any, will be allocated for specific programs, we are actually granting him the power to legislate and to administer simultaneously.

Therefore, I strongly urge my colleagues to reject this excessive and potentially dangerous grant of authority to the executive branch and to support the substitute which has been offered by the distinguished chairman of the House Appropriations Committee.

Mr. ULLMAN. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, I have supported the 20 rises in the debt limit because I thought that was the responsible thing to do if I voted for the appropriations. I am willing today to support a rise in the debt limit, providing it does not carry with it a booby trap, and that is what this bill does on page 2. It carries the booby trap of abdication of congressional power. Let nobody make any mistakes about it.

We are in no trap, if the Mahon amendment is agreed to and we pass the bill. We are in no trap. If the chairman wants to bring the bill back without this item veto power given to the President, then we are not in a trap; and if he does, the bill will go through in an ordinary debt-rising way with the second section to set up the commission to study. It is only the material on page 2 that will be stricken and the insertion of the Mahon amendment that is involved here, and that means we either exercise our responsibility as Members of Congress or we abdicate.

We have had a lot of criticism in the press and from a lot of people about Congress having abdicated its power. Are we going to make that come true today? Are we going to give present proof to the statement that Congress is abdicating its power to the executive branch? I say that is exactly what the Members are doing if they accept this bill without the Mahon amendment.

The Constitution of the United States says that we shall be coequal. It says that we shall do certain things and the executive branch shall do certain things. It is up to us to legislate the program and set the money, and if the President does not want to spend it, by the inherent constitutional powers, which have been claimed and never tested in court—he can stop the expenditure.

But what we are doing here is adding the statutory power to his claimed inherent power not to spend. We are giving him a mandate.

I voted against revenue sharing for the same reason. I will not tax my people with Federal taxes and let somebody else spend the tax moneys for things that they want to spend them for. When I levy taxes—and I voted for every tax bill—upon my people, I want to know what that money is going to be spent for.

Now we are in a box as a result of this $30 billion revenue sharing bill which we passed under the direction of the Committee on Ways and Means. How are we going to solve it? We are going to solve it by giving the President the right to selectively veto program after program. There is no mystery about this. We know that the President of the United States and his administration want to kill the great social programs of our time. They want to pick on education; they want to pick on medicare; they want to pick on the programs that the people of this Nation have and the people deserve. That is where they are going to item veto. They are going to pick the things they want, but they are going to use the item veto enough to make up for the revenue sharing money that they are going to give to people at the local level to spend for anything they want.

I had an article by my local people in the Los Angeles Times the other day, and I asked, "What are you going to spend the revenue sharing for?" "We are going to build an animal shelter."

So help me God, that is what they said. "We are going to build an animal shelter."

What is the business of the Congress of the United States? Giving money to the local people to spend for animal shelters and a lot of other silly things? That is not a national program. Our job is to authorize and fund programs which are national in scope and national in impact, not local programs. We do that in this Congress.

The signers of the Constitution wisely recognized that the Congress and the Chief Executive may not always agree, and as a result the Chief Executive can withhold; he can veto.

And it is provided that we override the veto by two-thirds, and we did that. This is a delicate and important balance of power upon which our Government is founded. We are tinkering with the very balance of power between the executive and the judicial and the legislative branches when we abdicate our power and say, "Papa, we cannot do the job. Please come in and help us do it. We are not smart enough, we are not responsible enough, we cannot do the job."

We will be doing just what many of the critics are saying today about the Congress of the United States. We will be abdicating our power and not doing the job we should do when we turn everything over to the executive branch.

I say to the Members today I hope they will vote for the Mahon amendment when it is offered. If that is done I will vote for the debt limit bill, but if the Mahon amendment does not pass, then for the first time in 30 years I am going to have to vote against the debt limit but not because of my desire to put on a spending limit. We can put the $250 billion spending limit on and we can do it ourselves and we do not have to leave it to papa to do it downtown if we are responsible Members of Congress. But if we are irresponsible and if we cannot stand up and face this so-called trap—and I do not concede that it is a trap. It is not a trap for me. I can jump over it or I can walk around it.

Mr. HOLIFIELD. Mr. Chairman, we heard today about the dictatorial power but we also heard it is a temporary dictatorial power. That is like saying it is a 6 months pregnancy and not 9 months, only 6 months. Are we going to go ahead then and deliver the baby? Are we going to deliver it prematurely or not deliver it? Or are we going to abort it?

Why not stand up now and assume our responsibility and impose a spending limitation ourselves if the spending limitation is to be imposed and not get down on our knees, and give our responsibility away to the executive branch.

The Congress is receiving an increasing amount of criticism over the abdication of its powers to the executive branch. I believe that we have justly earned a great deal of this criticism.

In this session of Congress we have already abdicated control over the expenditure of $30 billion in federally collected taxes. I voted against that so-called revenue sharing bill because it erodes the traditional and constitutional "power over the purse" which resides solely in Congress.

This politically expedient bill, which indiscriminently distributes $30 billion—not on the basis of need—not on the basis of desirable and controlled programs—will require our action on a Federal tax increase on our constituents within the next year.

Like the bill before us now, the "revenue-sharing" scheme does violence to an historical and constitutional principle of accountability. This principle is that those who tax the people should directly account to those same people for expenditures; that legislative power carries with it a high degree of legislative responsibility.

In the same session of Congress, we are now asked to abdicate just a little more power, for just a little while. We are told that the Republic will fall to communism or to a "strong man on a white horse" unless we give the President the "power over the purse," which the Constitution trusts only to us. I cannot believe this, and I will not vote to destroy the checks and balances of our Government on the basis of that remote possibility. We are also asked to believe that the 535 Members of Congress are collectively irresponsible, and that we must have a keeper in the form of the President who is somehow, more responsible. This is the bill of goods which is being sold, but I do not buy it.

I would like to help the President out of his great dilemma. I know that decreased Federal tax income, due to the recession and its high rate of unemployment, have resulted in huge Federal funds deficits. Billions in tax incentives administratively given to large industries have added to these deficits. High rates of inflation have also added to his problems.

I am willing to help the President and vote for a ceiling on outlays as he requests, even though these ceilings have never been successful in the past. But I will not vote for a bill giving one man the power which he requests.

I have seen 30 budgets come and go. I have now served with six Presidents. I have heard every excuse for deficits and every justification for tax increases. I have seen good programs gutted, and bad programs praised. But during that 30 years, I have never seen circumstances which I believe warranted a grant of congressional power to the executive to the degree which is now requested of this Congress. Such power is not warranted now.

I will vote for the Mahon amendment, and if it is rejected I will vote against the bill.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I thank the gentleman for yielding. He is making a very fine statement on a very important issue of the abdication of the powers of the Congress.

Mr. Chairman, one of the major arrogations of congressional prerogatives by the executive branch was demonstrated 2 years ago when the House approved President Nixon's proposal that the Bureau of the Budget be replaced by an Office of Management and Budget. We are close to a similar and equally dangerous usurpation of congressional authority by the proposal contained in H.R. 16810 that would provide the President unbridled power to overstep Congress constitutional authority over spending levels. The former proposal has resulted in the establishment of a powerful superagency invulnerable to the oversight of the Congress and an unprecedented fiscal club to be wielded by the President.

The claim that the Congress has failed in its responsibility toward fiscal prudence in the face of sound fiscal management by the President cannot stand close scrutiny. Will anyone deny that the present administration has increased the budget every year? Is there any question that the Congress has reduced this budget through appropriations during this same period and, for that matter, for the past 25 years? A basic common law maxim in courts of equity was that no relief should be given him who comes into court with "dirty hands." This "dirty hands" theory was predicated in large part on the reluctance of the courts to provide relief when the claimant, himself, was responsible in part for his misery. How then can we voluntarily delegate the one remaining congressional stronghold in the separation of powers; the power of the purse. I am not prepared to concede that the Congress is impotent to conduct its own affairs and bring into control what has been irresponsible Federal spending. I am not prepared to delegate this constitutional authority in spite of the strawman threat of increased taxation.

Few of my colleagues could, in good conscience, ignore the need for a strong and reasonable spending ceiling. I have been calling for an end to irresponsible Federal spending from my first day in this body. But I cannot ignore the admonishment of Justice Jackson in his concurring opinion declaring President Truman's seizure of the steel mills an unconstitutional assumption of legislative authority:

> But I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was wordly wisdom in the maxim attributed to Napoleon that "The tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

The smothering influence of inflation must be met. The President is confronted with this problem as surely as the Congress. But are we to throw up our hands and say that only the President and his sharp-pencil boys at the Office of Management and Budget can provide the answers? The President, in an October 7 radio broadcast, assumes that the Congress is unable to fulfill its constitutional role and its responsibilities to the people we have been elected to represent. If this is true, we are in more serious trouble than we know. The President said:

> (T)he Congress is not meeting this responsibility (fighting higher taxes and higher prices) . . . The problem is the inherent weakness in the present structure of the Congress as a whole to deal with this danger.

The President has totally ignored the proposal made by the distinguished chairman of the House Committee on Appropriations which effectuates the proper need to control spending, but protects the supremely important constitutional issues involved; constitutional issues on which the President was conveniently silent in his October 7 message. Mr. Justice Brandeis raised the serious separation of powers question in his dissenting opinion in Myers against United States, when he said:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The seriousness of the administration's proposal to give the President a spending ceiling without any guidance by the Congress as to where the necessary cuts will take place is to voluntarily delegate powers reserved to the Congress. Powers given to each of us as elected representatives of the people. I wish that the President would advise me how to tell my constituents that I have no voice whatever, and, consequently, that they have no voice in the decisionmaking process of where our tax dollars are to be spent. It is curious indeed how the President can on the one hand announce to the State and local governments that he is going to provide them billions of revenue-sharing dollars and then assume sole authority to take it away on the other. The power of the Congress to raise and collect revenue and to determine how those moneys are to be spent must not be abridged. I strongly object to the assertion that a vote against the spending ceiling is a vote in favor of higher taxes. We have been presented a viable alternative to this spurious choice and I earnestly encourage my colleagues to join me in supporting the substitute proposed by my colleague from Texas.

The blatant usurpation of power as manifested in the administration proposal is consistent with the impoundment practices with which we are all familiar. The January 1972 issue of the Washington Monthly chronicles the investigation and findings of the junior Senator from Florida, LAWTON CHILES. The article shows how a number of Federal programs affecting rural citizens in the State of Florida were endangered by executive impoundment of appropriated funds. Research in nonchemical pest control, rural electrification, water and waste disposal grants, and $75 million in direct operating loans from the Farmers Home Administration fell victim to having program funds withheld.

Can we deny that this practice of the President is different from the item veto power he is now seeking? The President has demonstrated what must be described as a reversal of priorities for the American people by vetoing again and again much-needed funds for education. The Congress, interestingly enough, has never overridden a veto on a spending bill. The President, then, has been able to defeat the intent of the Congress without worry of being overridden by a two-thirds majority by impounding important funds for domestic programs. Yet, when he does veto a bill he has been given the support of the Congress. The strawman threat of being labeled a big spender by opposing the proposal to give the President sole authority for the expenditure of Federal funds is specious indeed.

I concur wholeheartedly with the dissenting views drafted by Congressmen BURKE, FULTON, and CORMAN in saying that "if we want to have a $250 billion ceiling this fiscal year, then it is up to us to make the cuts where they must be made, to tell our constituents what we have done and if it displeases them we will be the first to know." I do not oppose the spending ceiling. Conversely, I strongly support the implementation of spending restraints. I cannot, however, in good conscience give the President a no-strings-attached authority to determine where appropriated funds are to be allocated. I reject this delegation of authority on sound constitutional grounds and because this is not what my constituents sent me here to do. I am privileged to serve a district of wonderful people—people who share my concern about irresponsible spending and the concomitant inflationary spiral which detracts from their lives. Therefore, I support strongly the spending ceiling with proper constitutional safeguards provided. The President has a sincere desire to bring Federal spending into line. I share his desire for this result. I do not, however, feel that I can sit back and watch this body delegate its constitutional prerogatives silently.

While the impoundment of funds causes me great concern and the then Assistant Attorney General William Rehnquist was reported to have written that "with respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent. It may be argued that the spending of money is inherently an Executive function, and it seems an anomalous proposition that because the executive branch is bound to execute the laws, it is free to decline to execute them," the Congress can meet this challenge by withholding funds from programs given a high priority by the President. This is not true, however, in the present request by the President for this unprecedented authority. The Congress must maintain the power of the purse or it will be grossly derelict in its responsibilities to the American people.

It is apparent from the hearings on this measure that the primary area from which cut-backs will be made is in the area of education. The President has demonstrated an unfortunate reversal of priorities for the American people by consistently opposing educational measures. The education of our young is the greatest priority of this country and provides them an opportunity to improve their lives and enjoyment of life while contributing to the welfare of our country. If the President wants to cut education programs, let him tell the Congress and the American people that is what he is going to do. Then the Congress, fulfilling its proper role, can decide whether these programs are the proper ones to be diminished.

Suggestions have been made that the General Accounting Office be expanded to assist the Congress in locating and defining sound spending parameters. This would, of course, aid the Congress in obtaining a broader perspective of the total spending picture. The President has the responsibility of recommending and the Congress in enacting spending bills. There is a great need to assign proper priorities jointly drawn. The proposal as contained in the present bill is a dangerous delegation of congressional power and is masked in the gossamer cloak of preventing a tax increase during the next 4 years. Decrease Federal expenditures through the vehicle of a $250 billion spending ceiling; yes. Delegate important constitutional prerogatives of the Congress; never.

Mr. ULLMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I cannot say much in 1 minute.

I do think if we went along with the bill as reported out by the Committee on Ways and Means we would be guilty of giving away the powers that people expect us to exercise.

I would call the attention of Members to one thing. The Mahon substitute says that we ask the President to report to us not later than January 2. If the Mahon substitute carries, I assume the President knows right this minute where he wants to spend that $250 billion, and that is all I have been trying to find out since the President first asked for this unlimited power. I was shocked when we were asked to give him that expenditure ceiling, that total authority over every other law, and yet he would not give us any clue as to where the cuts were to be made. If the Mahon amendment carries and the President reports to us later tonight how he is going to spend the $250 billion, we could act on the expenditure ceiling. We probably should have one. It would be unconscionable for us to repeal every spending decision we have made in the last 10 months.

It is clear to me that the one appropriation which the President cannot cut, but wants desperately to cut, is formula spending for health and education. Why, 4 weeks before a national election, does the President refuse to tell the Congress and the American people what he plans to do with the American people's money?

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, this spending limit is a gigantic hoax. It is a device to enable the President to blame the whole situation we have gotten into, partly it is true at our own fault, entirely on Congress. We who work here every day all know that a very large part of the overspending is the fault of the President of the United States. I voted against revenue sharing, the President's bill, a couple of weeks ago. I spent a whole afternoon trying to get foreign aid cut down by a billion dollars. This foreign aid bill, the President's foreign aid bill, is 2½ times as big as when President Nixon took over.

Another attempted handout was the so-called welfare reform. This was the President's bill. I voted against this guaranteed income and the Congress rescued the country from it. Now how has President Nixon gotten this spending legislation? Our trouble started when Nixon became the President, and the minority, which was supposed to have been a fiscally prudent minority, has been turned by the President into a bunch of spenders. That is when the problem started, when the Republican minority changed its spots.

What a marvelous arrangement President Nixon has with Congress. Our columnists are claiming to be puzzled as to why President Nixon is not fighting hard to get a Republican Congress. Why should he? He gets what he wants from this one. We have a compliant Republican minority. We have an obliging chairman or two on the Democratic side. And the President has been able to outmaneuver us by arranging a token veto now and then of a popular program.

After shooting the works on handouts to corporations and corrupt foreign governments, he waits until we get a really good program such as railroad retirement or the education bill, and he vetoes that, knowing that if we are going to do a responsible job, we have to overturn it. Then, he can claim that Congress is overspending.

Why should President Nixon want a Republican Congress? He is getting what he wants with this one and he has the added advantage that he can blame it all on the Democrats.

The bitter irony of all this is that, while the power seems to go to the President, it is more power than he knows how to use, or possibly can use. Where will it really go?

The power will go to the bureaucracy; to the Budget Bureau and hundreds of other military and civilian bureaucracies. We will not know where or what we are fighting. Congress has its faults, heaven knows. But one thing about Congress: its faults are obvious to the whole world. We have the Press Gallery sitting up here looking at every wart on our faces. Every mistake of grammar, every blunder, is out in the open.

But, what goes on in the Budget Bureau? What goes on in the executive offices of the President? What goes on in a hundred bureaus is totally unknown. Let us vote to keep it out in the open.

For those who say that this is just temporary, let me remind you of the piece of legislation which paved the way for what the gentleman from Florida (Mr. GIBBONS) just pointed out, the fact that we abdicated our control over spend ing a long time ago. When? We did it, if I am not mistaken, in 1905 when Congress passed a bill, a very innocent little bill which was designed to keep executive agencies from squandering a lot of money the last part of the fiscal year. We gave them the power to withhold the money. They stretched that power into the present situation where they can hold back $12 billion worth of sewer and water funds and claim that it is the prerogative of the President.

I say to the Members, if you pass this piece of legislation, this, too, is going to be stretched the same way as that innocent, temporary act of 1905 was.

I oppose this bill. It is an unconscionable abdication of our power. It is another surrender; one more defeat in the long struggle of elected bodies against official tyranny.

Mr. ULLMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I can easily vote for a debt limit, for a limitation of spending, but I just cannot vote for something which does not put some restraint upon the spender.

Very frankly, if we are being realistic and want to do what the President is telling the public we should be doing—I heard him say the other day that if the Congress adjourned without passing this legislation, he would call it back into session—that already is a dictatorship in any form whatsoever.

The gentleman from California put it very well when he said that there is no temporary dictatorship just as there is no temporary pregnancy. You can have an abortion, either natural or unnatural, but you can have one.

Let us not say we want to get rid of this so-called temporary dictator by having an abortion in this country. This has been happening in too many places. We can still hear the thump of the goose-steps all over Europe, their echo may well reach this side of the ocean.

I am a little tired of being called irresponsible. Let us see how irresponsible we have been. We have a debt today of $450 billion. We are going to add, I understand, $15 billion more. That entire debt is made up of interest paid on money borrowed by the Federal Government plus not even one-fourth of the money we have given away or spent outside the United States. The truth of the matter is that this Congress and every Congress preceding it has raised enough money in taxation to meet all the obligations of the spending of this Nation, even the foolish expenditures we have made, if we had not gotten ourselves into the trap of trying to be the world's big brother. Just recently I learned the amount of our balance-of-payments deficit for last year, 1971. This year's deficit may well reach $400 million more. We have been spending more on foreign trade and aid far beyond our Treasury receipts.

This has been hidden from the people and yet the Congress has cut over $14 billion from the President's budget request since he took office.

Even at this late date Congress has cut $1,700,000,000 from the President's request.

It is not that a spending ceiling is bad, it is only bad when the Congress gives the President the power to cut any amount from any program and add the money to any other program at his own wish or whim.

The President has indicated by his vetoes this term where he intends to cut. He intends to cut the people's program and add to the so-called military spending.

Military spending takes 50 cents out of any dollar of taxes paid. No cuts are proposed by the President but his record shows that people's programs will be cut.

The way this bill was presented was to give the President the increased debt ceiling to $465 billion by tricking the people into believing that the spending ceiling would save new taxes.

He failed to tell the people that the income is only $225 billion, and our authorizations from Congress are less than $250 billion.

If he wants to keep from a new debt why does he ask for more than the income, more than Congress authorizes.

The answer is simple, put another Nixon spiral—he will try to blame Congress for new taxes and yet he knows he will spend what he wants to spend and pay no attention to Congress.

Any further release of rights by Congress can only mean that the people will get less and less for their tax dollars.

Mr. ULLMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I resent this bill, for two reasons.

One reason is it does not take into account in the national debt $70 billion that has been paid. If we do not take that $70 billion into account we will have to pay it again. We are paying $4 billion on it right now for interest annually. It is just that simple. Our fiscal agent has taken our printed money and bought $70 billion over a period of years with that money. Of course the money is outstanding, and if we do not cancel the bonds the bonds will remain outstanding, too. That is double inflation.

Another reason why I resent the bill is that it comes to the floor under a double gag rule. One gag rule is bad enough, but here in this rule no Member has permission to strike out the last word and speak for 5 minutes. There are only four amendments, and the rule provides 5 minutes to the side on each amendment. With these four amendments then the show is over and the gag rule prevails. I do not believe that is right. I think that is taking advantage of the Members.

Mr. ULLMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I would oppose the bill even if it contained no more than another temporary increase in the ceiling on our national debt. As I said back in February, when we last considered such a measure,

> I am not opposed to additional spending. I believe that we must be prepared to spend massive amounts for such programs as housing, child care, public service employment, mass transit, and pollution abatement. We have for too long neglected these vital domestic needs in favor of wasteful military adventures, and if money alone is the price we eventually pay for that neglect, we will be fortunate indeed.

The problem is that raising money by borrowing it merely adds an additional burden—that of the debt service—to the existing inequitable tax structure. This sort of device merely adds to the lion's share of the burden already borne by our low and middle income citizens, and we then add insult to injury by spending the money on weapons instead of houses, schools, and child care centers.

There are better ways to raise this money. Revisions in the capital gains tax ceiling, in the oil depletion allowance, in the interest-free income from municipal bonds are but a few of the alternative solutions. In addition, we must reduce our defense spending and apply that money to our domestic priorities.

In August 1971, at the time he instituted the wage-price freeze, President Nixon stated that he would submit a tax reform program to the second session of the 92d Congress. In February of this year, at the time we last raised the debt ceiling, Chairman MILLS wrote to the President, reminding him of his promise and concluding by saying:

> To me this matter is most important if there is to be a debt ceiling increase to accompany borrowings required under the 1973 Budget. I hope you will give it your immediate attention.

We are now in the fourth month of the 1973 fiscal year, and the second session of the 92d Congress is drawing to a close. We have yet to receive the President's tax reform program, and I suspect that we will never get it, so long as we continue to give him anything he asks. We would see a program very quickly if we refused to extend the temporary debt limit beyond the 31st of October, and I therefore think that we should vote down the bill.

THE SPENDING CEILING

The accession of the Ways and Means Committee to the President's failure to submit a tax reform program is bad enough, but the inclusion in the bill of title II, giving the President blanket authority to cut spending wherever he wishes in order to keep Federal expenditures for fiscal 1973 within $250 billion, constitutes a tragic and perhaps fatal abdication of the constitutional powers of Congress.

It is expected that the total of the appropriations for the fiscal year contained in the individual appropriations measures passed by Congress and signed by the President will come to about $256 billion. This means that under title II as reported, the President would have power to cut $6 billion from whatever program or programs he chooses. Having seen Mr. Nixon in action for many years, I have no doubt as to what kind of programs he would reduce if afforded the opportunity, for this is the man who vetoes funds for the Departments of Labor and Health, Education, and Welfare while exhorting the Congress to spend more money for military purposes. My certainty as to where Mr. Nixon would cut is further solidified by the report that Treasury under Secretary Walker has said that Great Society social programs would be the first to get the ax; these are to include pollution, education, day care, and urban development programs, according to Walker.

We in Congress have failed our constituents and our country by refusing to exercise our constitutional responsibilities in the fields of foreign and military policy. While I disagree with many of the decisions we have made in this Congress with regard to appropriations, we have at least asserted our powers to make them and to decide where our money should be spent. But now, we are acting to surrender this power too.

The people of this country spend over a half a billion dollars annually on the operation of Congress. They get almost nothing for their money in terms of guidance in foreign and military policy, and now, they will get a like return in terms of guidance on appropriations. The chairman of the rules committee (Mr. COLMER) suggested during the debate on the rule for this bill that if we do not act to give the President semidictatorial powers now, our monetary system may soon collapse and we will have to give him full dictatorial powers. That such a statement can be made in good faith by a senior Member of this House indicates how far down the sorry road we have come.

As I stated at the outset of my remarks, I do not think we should be cutting Federal spending, but merely altering where we get the money and where we spend it. But even if the Congress believes that we are overspending, it is our constitutional duty to decide where to cut, and we cannot and should not abdicate that duty to the President or the Office of Management and Budget. The Mahon amendment would require the President to recommend such reductions to the Congress, and we would then act on them in the exercise of our constitutional duties. I urge its adoption.

Mrs. HICKS of Massachusetts. Mr. Chairman, in our deliberations today on the proposed budget ceiling of $250 billion, we are undertaking an effort with far-reaching consequences, and I hope that we shall approach this measure with foresight and caution.

The record of this administration in amassing staggering public debt year after year clearly indicates the need for prompt action. I have strongly supported efforts to reform the budgetary processes of the Federal Government, and last year I introduced a measure, House Congressional Resolution 493, to help bring Federal expenditures in line with anticipated revenues. For this reason, I strongly support the proposal today to place a limitation on Federal spending.

However, I have also been greatly concerned about the already inordinate power of the President and the Office of Management and Budget in the practice of "impounding" funds appropriated by Congress. We have seen the actions they have taken on vital domestic programs. I have strongly spoken out against that practice, and I introduced H.R. 12883, to require the President to notify Congress whenever funds are impounded and to create procedures by which Congress could approve or disapprove such actions.

This is why I object to the provision in today's bill which would, in effect, grant the President an "item veto" of vital legislation. This power is directly contrary to the Constitution. If this provision is retained, Congress will be giving absolute budget-cutting authority to the Preseident. For the first time in history, the President would have an unprecedented blankcheck power to cut and revise Federal appropriations made by the Congress. There can be no denying that this would be an abdication by Congress of our constitutional power to review the budget, to alter priorities, and to appropriate funds.

This provision would mean the death of many vital domestic programs. The President's recent veto of the appropriations for the Departments of Labor and Health, Education, and Welfare is an example of the type of action to which this provision would lead. The administration would sacrifice money designed to help people obtain good housing, adequate health care, good nutrition, and quality education.

This provision is also a shrewd political move by this administration, attempting to shift the blame for "overspending" on Congress. In fact, this administration is notorious for the inaccuracy of its budgetary planning and predictions. More than once we have seen the President come before Congress in January to announce that his new budget will be balanced or will have a surplus; a year later, the announcement comes that there will, instead, be a deficit of $20, $30, or $40 billion. I do not feel that those are the hands into which we should entrust such enormous and dangerous powers.

Therefore, I hope that the House of Representatives will delete the provision granting an item veto to the President. The real solution to our budgetary dilemma consists in the submission of more realistic budgets by the President, and the approval by Congress of spending programs that accurately reflect the availability of funds.

Mr. SANDMAN. Mr. Chairman, it is with great reluctance that I support this measure today to extend the debt limit and also to transfer power that belongs only to the Congress to the President of the United States. I feel it is a delegation of legislative power that should never happen. However, under the circumstances, since this Congress has refused to act prudently insofar as spending is concerned, I feel compelled to give that authority to the President during the ensuing 8 months with the fervent hope that he will do what the Congress has failed to do; namely cut the excessive spending and curtail the ever-increasing deficit which will, in turn, halt inflation.

I was tremendously impressed by the persuasive arguments offered on the floor of the House today by the gentleman from Mississippi, the Honorable William Colmer, chairman of the Rules Committee. I feel his words were so well put that they should be engraved on the walls of this House so that this Congress and every Congress from now on will be reminded of the great crisis of 1972.

Those who have taken the floor to castigate the President of the United States, branding him as a big spender, should review their own voting records. Time after time, these very same people supported measures that added more than $1 billion in excess of the budget. For example, how did they vote on the HEW appropriations bill which came to the House floor from conference $1.8 billion over the budget—we know where they were. They voted for it for a political reason in an effort to force a Presidential veto so that they could claim that the President was antieducation.

During the 92d Congress, the big spenders have been the House and Senate and not the President. Presidential vetoes prove all of this.

To the everlasting credit of the gentleman from Mississippi, Bill Colmer, is his departure from the political moves made by the leaders of his party for the benefit of his country. He warned the big spenders that the day of reckoning is here today, and if the attitudes of this Congress are repeated in the coming years, the outcome of the election on November 7, 1972, will make little difference.

Like the gentleman from Mississippi, I will vote in favor of the measure although I am opposed to the delegation of any authority from the legislative to the executive body.

I am delegating this authority to the President of the United States for the short period of 8 months with the hope and prayer that he will exercise better judgment than did the 92d Congress.

Mr. SIKES. Mr. Chairman, I do not think the American people want Congress to give to the President substantial control of the Nation's pursestrings. What is proposed here today would significantly limit the authority granted to Congress by the Constitution on appropriations. Particularly would this measure give the President the power of line item veto, something that Congress has jealously guarded against all through the years. We have been criticized in recent weeks for abdication of power to the Chief Executive. This would be an extreme case of abdication of congressional authority.

As a matter of fact, much of the budgeting power formerly reserved to Congress already has slipped from the grasp of the Nation's elected representatives and into the hands of those in the White House and in the Federal agencies. The Office of Management and Budget has preempted many of the responsibilities formerly reserved to Congress. In addition to this, billions upon billions of dollars in appropriated funds have been withheld from projects and programs which the Congress, by law, has said are to proceed. Instead of giving a new broad grant of authority to the President, I believe we should address ourselves to the problem of withheld funds as quickly as possible.

The matter now before us is of first importance. We are asked to surrender not only the power of the Congress to determine where and when tax moneys are to be spent, but we are asked to surrender one of the last vestiges of protection exercised by Congress over the tax dollar.

Were we to take this unprecedented step, I think it be possible—even probable—that the day would come when the President—any President—would simply ask the Congress to appropriate money in an amount equal to all projected revenues or in an amount exceeding revenues by some specified amount. The President, the Office of Management and Budget, and the various agencies would then divide up the money as they chose. Congress would have lost its voice in expenditures of government.

Clearly this is the wrong way to go about the budgeting process. Of course, there are shortcomings in the present system. We labor through months of work in review of the budget, and, to say the least, it sometimes becomes a messy procedure. Possibly a committee should be set up to look into the whole procedure of budgetary review. But to give away at this time or at any time the congressional responsibility for allocating funds would be a disservice to the taxpayers and would further erode congressional authority.

Spending limits and guidelines are clearly within the purview of Congress. It is the responsibility of Congress to determine what programs shall be funded and where cuts in expenditures are justified. This is no way to change a system that has worked well and which insures the people, through their elected representatives, a voice in the way their tax dollars are spent.

Mr. DRINAN. Mr. Chairman, we are presented today with a proposed $250 billion ceiling on Federal expenditures. We are asked to give to the President the power to slash funding for—or terminate—vital Federal programs approved by Congress, in order to bring Federal spending to this arbitrary level, regardless of the human consequences. By this seemingly simple act, according to administration spokesmen, all of our problems will be solved and the high inflation generated by the massive budget deficits of the Nixon administration will disappear.

If we give this unprecedented authority to the President, the country will suffer greatly for the foreseeable future.

Ours is supposed to be a government of laws, not men. The law in this case—the Constitution—is unequivocal: Congress alone is given the authority to raise and collect revenues and to decide how these funds are spent. The 535 elected Representatives of the people were granted this authority by the Founding Fathers—not a few appointed bureaucrats in the Executive Office Building. The measure before us today is a constitutional Pandora's box. We are asked today, ironically at this time of dangerously increased power—usurped power—on the part of the Executive, to give away that constitutional authority most basic to our function.

If Congress passes this measure, we will be limited to setting spending ceilings and making unenforceable recommendations on various programs—recommendations which, we may be sure, will be consistently ignored. We are asked to give to the Executive that which no other Congress has granted—the power of item veto. We are asked, in essence, to give ourselves a vote of no confidence. We are asked to admit under duress—the duress of the political season—first, that the 535 Representatives who sit in this and our companion body, who each year engage in continuous consideration of the Federal budget, cannot be trusted to assess responsibly the fiscal needs of this country, and, second, that one man must have the authority to evaluate our work and change our decisions in his unlimited, unreviewable discretion.

There is a great need for improved congressional scrutiny of the budget. I support the proposed Joint Committee on the Budget, and I agree that we need to adopt a more comprehensive and unified approach to the budget than presently exists. Also, I have often disagreed with some of our colleagues with respect to budget priorities. But none of this alters the fact that it is the constitutional duty of Congress to make these decisions, and nowhere have I seen any evidence that would legitimize the wholesale giveaway of authority this measure presents.

Federal expenditures should and can be reduced. I have consistently voted to reduce Federal spending in nonessential areas. But such reductions should not come at the expense of proven, vitally-needed people-oriented programs—programs for education—three education bills have already been vetoed by President Nixon—for social security—20 percent increase opposed by President Nixon and signed by him with reluctance—for child-care funds—which President Nixon vetoed last year. Spending reductions should come in those areas of the budget which are wasteful. The waste in this administration's military budget, for example, is a national disgrace.

The House is today being made the victim of a cynical political ploy by the administration. Throughout September administration spokesmen repeatedly claimed that there would be no need for any tax increase, not just for the coming year, but for 4 years. Suddenly the tune has changed. Now Congress is told by the President, in a paid political broadcast last week, that unless it passes this ceiling it will be responsible for the now-anticipated tax increase.

This latest claim is simply false. If a tax increase is proposed it will have resulted from the pervasive failure of this administration's tax and economic policies—policies which have added some $100 billion to the national debt in only 4 years, which have caused unemployment, inflation and recession.

This arbitrary $250 billion ceiling would be a fiscal disaster. A study by the conservative American Enterprise Institute, based on legislation already passed, and signed into law by President Nixon, and legislation proposed by the Nixon administration, shows that fiscal year 1975 Federal expenditures will increase by more than $50 billion above the proposed ceiling to a level of $301 billion. Included in this $51 billion increase are increases of at least $10 billion for defense, $19 billion for income security—including social security, medicaid, and medicare—$6 billion for health, $5 billion for expansion of existing education programs, and $5.3 billion for revenue-sharing. The detailed American Enterprise Institute study shows that in order to meet the Nixon administration's "full employment balance," the administration will have to increase taxes $21 billion for fiscal year 1975, $13 billion for 1976, and $6 billion for 1977.

This administration's fiscal record is one of reckless spending. In its 4 years of economic mismanagement this administration has accumulated a shocking $87.2 billion budget deficit, exceeding by more than $10 billion the combined deficits of the four previous administrations. Between 1970 and 1972 this administration overestimated revenues by $27.3 billion and underestimated spending by $17.1 billion. For fiscal years 1970 and 1971 this administration continuously predicted a total budget surplus of $7.1 billion; the final figure for the 2 years was a budget deficit of $25.8 billion. Did they learn from their mistakes? No: the deficit for fiscal year 1972 rose from their estimate of $11.6 billion to a final deficit of $23 billion. In all, the Federal debt sky-rocketed from $356.9 billion at the end of the 1969 fiscal year to more than $477 billion at the close of the current fiscal year. And, most amazingly, unemployment continues at an intolerable 5.5 percent level nationwide, notwithstanding the extravagent promises and policies of this administration.

The record shows that Congress is not responsible for these unprecendented revenue shortfalls. During the first 3 years of the Nixon administration Congress increased total Federal spending by $3 billion—1 percent of the administration's total budget proposals. What Congress did was to alter the priorities of the budget, shifting our emphasis to urgent domestic programs without significant alteration in total expenditures.

In contrast to the $3 billion congressional overspending figure, $8 billion in Federal revenues was lost as a result of permanent tax breaks given to big businesses last year by the administration as part of its so-called new economic policy. This $8 billion figure alone consumes the difference between estimated Federal spending this year and the proposed $250 billion ceiling.

The Nixon trickle-down theory behind the business tax giveaways has been a failure. It was a misguided effort to increase corporate profits in the hope that jobs and stable prices would "trickle down" to workers and consumers. But this hasn't happened. Instead, prices have gone up, unemployment has not decreased, and, while wages are rigidly controlled, corporate profits are approaching all-time highs. Unemployment has jumped from 2.8 million in 1968 to 4.9 million as of August of this year, an increase of nearly 75 percent or an additional 2.1 million unemployed workers. The Consumer Price Index has jumped over 20 points from the 1968 average, with the result that goods and services which cost $100 in 1968 now cost $119.96. Food prices—particularly meat—have soared. The number of workers on unemployment compensation has nearly doubled—from 900,000 in December of 1968 to 1.7 million in mid-July 1972.

During the years President Nixon has been in office the war in Indochina has stolen $65 billion from the American people. This year alone $13 billion will be drawn from the Treasury for this catastrophic war.

The Defense budget has reached record levels in this administration, and is packed with wasteful and unnecessary projects. A General Accounting Office study, released in 1970, revealed a cost increase of $33.4 billion over cost estimates for 61 military systems studied. This administration has committed itself to the purchase of costly and unnecessary weapons systems which will cost billions over the next few years. Moreover, from fiscal years 1969 to 1971 Defense Department outlays exceeded congressional defense appropriations by $9.4 billion—an example of how the congressional appropriations authority is already being ignored by this administration.

Another source of increased Federal expenditures is the cost of paying the interest on the national debt. Interest-cost alone on the Nixon administration's national debt increases has risen by $5.7 billion, from a 1969 figure of $17.7 billion to $23.4 billion.

President Nixon has also consistently refused to increase Federal revenues by supporting tax reform. The Joint Economic Committee Economic Report, released in March 1972, stated that by fiscal year 1974 "at least $10 billion can and should be raised through tax reform." This $10 billion by itself would be more than enough additional revenue to cover the estimated $6 billion difference between the $250 billion ceiling figure and the actual expenditures without the ceiling. A recent study undertaken for the Joint Economic Committee by Joseph A. Pechman and Benjamin Okner of the Brookings Institution revealed that elimination of loopholes and special advantages written into the current income tax scheme would result in an increase of about $77.3 billion in Federal revenues—nearly enough to cover the total Nixon-accumulated debt. The study found that elimination of eight selected tax breaks for businesses and the wealthy would result in a total of $18.6 billion in new Federal revenues annually, and that this figure would rise by $3 billion to $21.6 billion if the minimum tax provisions enacted in 1969 were tightened as they should be.

A recently released Harris poll demonstrates beyond question that the voters want tax reform. Sixty-seven percent of those polled believed that the tax laws are written for the rich and not for the average man, and by a margin of 88 to 6 percent support was expressed for closing tax loopholes for the wealthy. Sixty-eight percent agreed that "corporate profits ought to be taxed at a higher rate," compared with 16 percent who disagreed. Fifty-four percent approved of tightening the minimum tax provisions for those who earn over $6,000.

How can President Nixon support his own programs without substantial tax reform? How can President Nixon make good his promise to reduce property taxes without substantial tax reform?

Former Budget Director Charles Schultze has noted that if a $250 billion ceiling is imposed, cuts of between $12 and $15 billion will have to be made in the next fiscal year. A large part of the Federal budget is virtually "untouchable." These programs include Social Security trust funds—including old-age and survivors insurance, medicare, and disability benefits—Federal employees and railroad employees retirement trust funds, and essential veterans' programs. Also "untouchable" are expenditures to pay the interest on the national debt, and revenue sharing. In addition, given this administration's determination to increase defense spending, it is highly unlikely that the defense budget will be reduced by President Nixon should he be reelected.

When all of the "untouchable" programs are subtracted from the Federal budget, about $55 billion remains. Even much of this sum is "untouchable" as a practical matter—such as the FBI appropriation, highway construction funds and reclamation projects. According to one estimate, when all of these "untouchable" programs are substracted, only $25 billion remains within which annual cuts of at least $12 billion must be made.

The remaining "touchable" programs would either be terminated or their budgets would be slashed. In any event, these programs which at best would be subject to across-the-board reductions of from one-third to one-half include most of the civilian social service programs that are vitally important to millions of Americans: grants-in-aid to education, manpower training, health, pollution control, urban mass transit, child care, housing and urban development, and environmental protection.

The drastic cuts required by this ceiling would virtually wipe out these crucial programs, and would have a grave effect on the Nation's economy. Hobart Rowen, the Washington Post's economics writer, has demonstrated that the result of a $12 billion cut in these job-producing programs would be a net loss to the gross national product of between $20 and $25 billion—with a corresponding increase in joblessness, which, according to Mr. Rowen's estimate, would rise from the already intolerable level of 5.5 percent to a 6 percent.

One billion dollars in the defense budget on the average generates 35,000 civilian jobs. The same billion dollars, invested in teachers, means 100,000 jobs. This billion-dollar figure spent on domestic programs could also mean 76,000 public housing jobs, 76,000 construction jobs, 77,000 nursing jobs, 132,000 municipal service jobs, or 151,000 Job Corps jobs.

The proposal before us today, then, is another example of the Nixon administration's lack of concern for people and their problems. For the benefit of a $6 billion saving, a reduction in this year's deficit from $38.4 billion to $32.4 billion, the Nixon administration would add hundreds of thousands of citizens to the welfare and unemployment rolls and terminate or cripple social service programs on which millions of Americans depend.

In sum, Mr. Chairman, if any branch of the Government is guilty of irresponsibility in its conduct of fiscal matters, it is the executive branch in this administration. We have already seen our authority eroded by the impoundment procedure carried out by the President's Office of Management and Budget. In fiscal year 1971 alone, OMB impounded nearly $13 billion from high-priority domestic programs which Congress considered and approved. If we enact the $250 billion ceiling that President Nixon wants we will have abdicated the most important legislative function granted Congress by the Constitution, and in the process effectively abolished some of the most urgently needed social-service programs. I urge my colleagues to stop the flow of power to the executive branch. I urge my colleagues not to be taken in by this fiscal shell game being played by the administration. We must reject this measure.

Mr. REUSS. Mr. Chairman, I shall vote against H.R. 16810, the public debt ceiling bill, because I resent the delaying tactics which this administration has consistently used to prevent real tax reform.

This is the third time this year that the Administration has sought to beguile Congress into extending or upping the debt ceiling while doing nothing to raise revenue through desperately needed tax reform.

In February 1972, when the first administration request for a higher debt ceiling was under consideration, a group of Democratic Congressmen proposed an amendment requiring the President to come up with a loophole-plugging program for tax reform by May 1. We were dissuaded from offering it by Chairman Wilbur Mills' letter to Mr. Nixon setting the even stricter deadline of March 15.

The President simply disregarded the chairman's message.

Later, in March, the Democratic caucus warned that further debt ceiling legislation would be jeopardized if the President did not at least indicate which tax loopholes Congress might spend its time closing without fear of a Presidential veto. The Presidential response was more silence.

Then, in April, Mr. Nixon announced to a select audience of tax avoiders at Secretary Connally's ranch that his one objection to so-called loopholes, such as oil depletion and accelerated depreciation of real property, was that they were not large enough.

In June, when the administration came back to Congress with a second request for a debt ceiling raise, we tax reformers sought to vote down the previous question so as to make in order loophole-plugging amendments. We lost, but by relatively close vote of 205–181.

The debate surrounding today's request for a higher public debt ceiling has taken place amidst escalating budget deficit estimates and campaign promises. Rather than raise revenue by closing the loopholes which finance his contributors, Mr. Nixon has resorted to the old notion of a spending ceiling to solve his budgetary—and electoral—problems. This means that while millionaires pay pennies in taxes, Federal funds for senior citizens, for school lunches, for pollution control facilities, will be slashed.

This administration time after time has placed the interests of special privilege over the interests of the average American. Nor do I see much hope for the future. "No tax increase," Mr. Nixon has declared, with elaborate and contradictory qualifications. But this deliberately avoids the issue. The immediate issue is not the overall tax rate but the tax structure. The issue is reform to achieve a fair distribution of the tax burden; once this is obtained, raising or lowering the tax rates will only be a matter of careful technical adjustment.

The confused parliamentary situation created by the rule making in order both the bill and an improved substitute prevents me from offering my tax reform amendment on the floor. I shall therefore vote against the debt ceiling bill.

Mr. BINGHAM. Mr. Chairman, the President's request, reflected in the Debt Ceiling bill currently before us, for authority to decree spending cuts in Federal programs to limit total Federal spending to $250 billion is an affront to the Congress and to the American people.

One need only look at the President's vetoes—health care, education, emergency employment—to know what programs he would cut if given the go-ahead. That alone is reason enough to oppose this provision.

The more important one, Mr. Chairman, so far as I am concerned, is the effect such an unprecedented delegation of power to the President would have on the Congress and its role in our traditional Democratic governmental system. The "power of the purse" is surely the most effective tool Congress possesses for setting national policy. Admittedly, the Congress does not always use that power as vigorously as it might and perhaps should. It has failed, for example, to use the power of the purse to end the war in Vietnam, despite the persistent efforts of a great many of us in the House to gain majority support for such a move. Nevertheless, to turn over a major portion of this power to the President would, at best, seriously weaken the influence of Congress in the job of governing this Nation and, at worst, would set us on a course away from our system of checks and balances and toward government by a single, all-powerful executive. To give the President authority to alter expenditures approved and directed to be made by the Congress would make it unnecessary any longer for Congress to worry about how it allocates the Nation's resources and that, in turn, would go a long way toward making Congress itself unnecessary.

Mr. Chairman, I do not believe the American people are ready to give up the direct voice they have in the affairs of this Nation through their elected representatives in Congress. I do not believe they want to move any more than we already have toward Presidential government. If anything, I believe the American public wants to see Congress exercise its powers more fully, recognizing that the Congress is the best reflection of the public will and an active Congress, which takes its responsibilities seriously and guards them jealously, is the best defense this Nation has against the dangers inherent in a government by Executive decree.

Mr. Chairman, the President charged in a radio address to the Nation on Saturday, October 7, that the Congress has failed to meet its responsibility to hold down Federal spending, and that to vote against the provision of this bill to give the President authority to reduce Federal spending to $250 billion would be a vote for higher taxes. Both these charges are distortions of the facts, and identify this proposal for what it is—an election year maneuver.

The Congress has cut Presidential budget requests by $16 billion since 1968—by $4.4 billion this year alone. As far as taxes are concerned, I agree with the view expressed editorially by the New York Times yesterday that:

> The nation cannot keep inflation in check and meet its social needs without some combination of higher taxes and reduced military expenditures.

To imply otherwise, as the President has, is a cruel hoax upon the public. The fact is, as Senator McGOVERN has wisely pointed out, tax increases for super-rich corporations and individuals, combined with cuts in military fat, could be just the right approach to achieving a balanced Federal budget.

In short, a balanced budget has eluded the President not because of a big-spending Congress, but because he has squandered $61.9 billion since he took office on the Vietnam war and has opted for tax cuts for his big-business cronies rather than tax reform that could increase revenues and provide equity for the workingman without putting further strain on middle- and low-income families.

Mr. Chairman, it is my understanding that at the appropriate time, the distinguished chairman of the Appropriations Committee, Mr. MAHON, intends to offer an amendment in the form of a substitute which would require the President to notify the Congress and enable the Congress to approve or disapprove any Presidentially proposed cuts in programs for which the Congress has made appropriations. While there are pitfalls to this approach, it is certainly an improvement over the bill as it is. To support the provision currently in the bill would indeed, as Senator HUBERT HUMPHREY pointed out in a recent Washington Post editorial, be endorsing a "domestic Tonkin Gulf resolution," and I intend to support the Mahon substitute.

Mr. BADILLO. Mr. Chairman, it may be that the importance of today's debate in connection with legislation to increase the ceiling on the national debt is being inflated beyond all proportion. The fact remains that Congress will increase the debt ceiling, because the Government must pay its bills, and whether we approve the spending ceiling mechanism contained in the Ways and Means Committee bill or the formula in the Mahon substitute national spending priorities will continue to be distorted and the administration will continue to prevent the will of Congress by impounding appropriated funds.

This being the political ceiling, Congress and the administration have been engaged in fierce and protracted debate over responsibility for spending increases and/or fiscal responsibility, responsibility for prospective tax increases, and so on. What has not been determined, in all the rhetorical flourishes is when and how we will end the war which continues to drain our national spirit and resources, when and how we will end the unemployment and inflation which have wrought such havoc among millions of American families, when and how we will face up to the challenge of the urban crisis instead of ducking behind such phony issues as busing.

The President, for his part, feels it is to his advantage to campaign against a Congress accused of profligate spending, and demands a $250 billion spending ceiling for fiscal 1973 with the implicit threat that any future tax increase will be solely the fault of Congress if such a ceiling is not imposed. He would like the American people to believe that he is the paragon of fiscal responsibility, while Congress stands guilty of reckless spending.

The fact is that congressional action on the administration's budget requests over the past 3 years have added only $350 million. The anticipated $6 billion increase in outlays for fiscal 1973 can be attributed to the black lung benefits program, the social security increase and revenue sharing retroactivity. It can also be attributed to a record defense budget at a time when the Vietnam war is supposedly ending.

The administration's fiscal priorities seem clear enough: continued blank-checks for the Pentagon and continued antipathy toward programs for health, education and nutrition. Impose a flat spending ceiling giving total discretion for spending cuts to the White House and we will see more millions in funds for housing and community development funds impounded. We will see priority given missiles over meals for the elderly. We will see schools and libraries suffer while the generals and the defense contractors run up multibillion bills for projects and programs that will never get off the drawing board.

My own feeling is that a $250 billion spending ceiling is not unreasonable. There is no question that Federal spending has fed the fires of inflation. But to give the President unlimited authority to determine the level of spending for each and every authorized program would be to abandon any remaining congressional responsibility for setting the Nation's policies and priorities. It would be the domestic counterpart to the Gulf of Tonkin resolution in which Congress abdicated so much of its responsibility in the field of foreign affairs to the President—and with such tragic results.

The unwarranted and unprecedented use of executive impoundment of congressionally appropriated funds under the Nixon administration has already created a constitutional crisis which has not been given nearly enough attention either by Congress or the American people. I am not sanguine that Congress will move aggressively enough to recapture its lost authority, but of this I am sure: if the spending ceiling-item veto formula in the committee bill is adopted, the future role of Congress in our federal system will not resemble anything close to a full partnership with the executive branch. The President will ride roughshod over authorizations and appropriations alike, and the country will be run essentially by the Office of Management and Budget.

With the hope that there remains enough vision and initiative in the Congress to tackle the real problems facing our society, I urge adoption of the Mahon substitute requiring congressional approval of spending cuts proposed by the President.

Mr. SEIBERLING. Mr. Chairman, after all the rhetoric and rationalization is done, the question remains whether the Members of this Congress are going to discharge their constitutional responsibilities or once again make a huge grant of legislative authority to the executive branch.

Members will recall that Winston Churchill, when he was Prime Minister, remarked:

> I have not become the King's first minister to preside over the liquidation of his empire.

I say to each Member here, "you and I were not elected by the people of our districts to liquidate the Constitutional powers of the Congress."

I am shocked by some of the arguments advanced in favor of the bill before us and against the Mahon substitute. It has been argued that we have already allowed the executive to assume many of the powers of Congress, so we might as well make it official. It has been argued that the Congress has failed to create internal machinery to control spending, so let us give our legislative powers to the President.

I strongly believe that the Congress should reform its internal procedures so that it can become a more effective body, especially in developing a coherent national fiscal policy. Its failure to do so inevitably results in an erosion of its powers. President Nixon's request for this legislation is surely the handwriting on the wall. But surely it should spur us to take corrective action in our own house instead of giving another blank check to the President.

Congress unwittingly gave away its authority to declare war in 1964 when it passed the Tonkin Gulf Resolution. Eight years, 55,000 dead, and a $100 billion later, Congress is still trying to get its war powers back.

The Vietnam war should have taught us by now that one of the greatest dangers confronting our system of government today is the tremendous expansion of presidential power. Congress' authority over the Federal budget is really the only check it has on the executive. It is the only way Congress can have some influence and control over our national priorities. Give that up, and we might as well repeal the Constitution and establish a presidential dictatorship.

The President already has enough power to control Government spending. He submits the budget to Congress in the first place. If he does not like the way Congress handles it, he can veto the appropriations—as President Nixon has done on several occasions. It takes a two-thirds vote in Congress to override a presidential veto, and that has only happened once in the 92d Congress. It has happened only two other times since 1969.

Under the Constitution the President has leverage to hold down spending on programs he does not like, but he has to do it in full view of the public, through the use of the veto. There is always a certain amount of political risk in that. What President Nixon is asking for, in this new proposal, is the right to cut programs he opposes in the back rooms of the budget office. That kind of rule by executive decree would be a far cry from the open, representative government our Founding Fathers gave us.

Mr. CHAMBERLAIN. Mr. Chairman, the issue before us is really quite simple. If we enact H.R. 16810, we will have taken another important forward step along the course of economic expansion without ruinous inflation. If we reject this bill, we will have turned toward the same kind of inflationary spiral that dealt us such a damaging blow in the mid-to-late 1960's.

H.R. 16810 provides for a tight debt limitation of $465 billion through the remainder of this fiscal year. The limitation, however, is predicated upon our adherence to an equally tight spending ceiling of $250 billion for the fiscal year. If we fail to provide the limitation on expenditures, the statutory debt limitation might well prove to be inadequate before the end of the fiscal year.

Against this background, we have a clear-cut responsibility to act affirmatively on both ceilings. To do otherwise would be foolish.

Mr. Chairman, I certainly do not intend to go further into details of H.R. 16810 with respect to either ceiling. The chairman of the Ways and Means Committee, and others among my colleagues on that committee have thoroughly explained these provisions.

I would, however, like to comment additionally and briefly on the third major element of this legislation—the provision for a joint committee on budgetary control.

Whereas the expenditure ceiling would provide us with a temporary, short-range answer to our immediate fiscal crisis, the provision for a joint committee on budgetary control would offer the opportunity for a longer range, more lasting solution.

It would establish the basic machinery for congressional review of both spending and taxing—machinery which is sorely needed. If we are ever going to get a handle on both income and outgo simultaneously in the Congress, we will have to move in the direction indicated by this third element of H.R. 16810.

For a long time now, members of the Ways and Means Committee have been concerned about our inability to attain and maintain a good income-outgo overview. We look at the administration's budget from time to time, in connection with proposals to increase the statuatory debt ceiling, and at those times we can and do compare and contrast revenues and expenditures. But these occasional confrontations with the budgetary facts of life have proved to be poor substitutes for acting on budget totals at the start of the appropriations process.

Similarly, the Appropriations Committee and the Joint Committee on the Reduction of Federal Expenditures have attempted to inform the House of the effect which appropriations bills might have on Federal expenditures. But these efforts, too have been inadequate in directing enough attention to expenditure totals in dealing with the problem of program priorities.

Therefore, it would appear imperative that we create a new procedure to fill the vacuum which our organizational structure has permitted to develop.

Title III of H.R. 16810 provides for such a procedure. It may not include the last word on adequate budgetary control by the Congress, but it does set up a satisfactory framework for real progress toward getting a legislative grip on expenditures and revenues in this fiscal year and laying the groundwork for developing a permanent budgetary control mechanism for the years ahead.

In summary, Mr. Chairman, titles I and II of H.R. 16810 are essential to our continued economic well-being and title III is critical with respect to our hopes for budgetary stability in the future.

Mr. FRENZEL. Mr. Chairman, today the House is considering H.R. 16810, the debt ceiling bill which includes a $250 billion spending limitation.

This bill has been attacked as a scandalous giveaway of legislative authority to the President. Indeed it is, but it is a legislative authority that Congress has never had the will to use for itself.

Certainly Congress should not give away its prerogatives. The Executive, especially in the last 40 years, has already established definite superiority over the Congress in their supposedly coequal roles in the operation of government. Only in time of crisis, and then only on a temporary basis, should Congress consider delegating its spending authority. This is a time of crisis. We have put a couple of $25 billion deficits back to back. There is no end in sight to future deficit spending. Our national deficit stands at over $400 billion. Our annual interest obligatons exceed $23 billion. The crisis is not at some obscure future date—it is now.

The bill before us, I suppose, is bad policy; but it is necessary medicine. One can even hope that it might force the Congress itself to make the hard decisions to that the President will not be given authority to make his own decisions on how to cut spending. As I see it, that is one of the great advantages of this bill. It might force us, the Congress, to make the hard decisions we should have been making all along.

I certainly would not vote for this bill if it extended the delegation of powers beyond the end of the next fiscal year. This bill has only 8 months of duration and does expire next June.

The bill has also been attacked by those who fear that the President will cut the programs in which they are especially interested. We do not know now what he will cut, but we have an excellent way to prevent him from cutting anything. That means is simply to appropriate no more than $250 billion.

I do not know whether $250 billion is the right number or whether it should be more or less. In this bill I do not have the opportunity to change the figure anyway. I do know, however, that this is the first bill through which Congress has attempted to establish some "fiscal law and order" even though through it we are asking the President to establish that discipline for us.

Perhaps the best part of this bill is title III which calls for a committee including members of the Appropriations and Ways and Means Committees of our House to investigate and report back to the Congress—prior to the expiration of this bill—on methods by which the Congress can control its own spending processes, or match its appetites to its resources. If the bill accomplishes nothing more than forcing us to look at our own processes of coordination, it must be considered a valuable piece of legislative reform. Obviously we cannot have one committee spending more than another committee is raising. Yet, that is what has happened for all these many years.

Many years ago, but during most of our lifetime, the Congress discovered that it could appropriate to its heart content without paying the piper. Therefore, Congresses have been happy to appropriate more money than our taxes collected, and yet have never been willing to collect the taxes to finance our spending schemes. Instead of paying the bill in taxes, we consumers and citizens have paid the bills in terms of inflation, or we have had inflated bills deferred by control systems laid over our economy.

We have a number of choices in the Congress. We can raise taxes to satisfy our spending appetites. We can lower the spending appetites. We can continue to spend without taxing and have inflation. We can continue to spend without taxing and maintain very strict controls over our economy; but these controls are repugnant to most in this Congress and cannot be imposed on a permanent or extended basis.

Therefore, Mr. Speaker, I am going to support this bill as the only alternative that has been presented in the 92d Congress that will lead the Congress or the country either to setting of priorities or to matching our income to our expenses. I know that it is not a good policy, except on a temporary basis; but I do not know of any other way to establish discipline in this Congress.

Mr. ADDABBO. Mr. Chairman, Article I of the United States Constitution vests in Congress, and Congress alone, the total residuum of all legislative powers. The mere ability to pronounce law, however, is of no consequence unless coupled by those appropriations needed to effect their provisions. This dual role of Congress must be executed solely by that body—to delegate one or the other to the President is no less than total abdication of the entire legislative process.

The constitutional position of the President is one who executes not institutes dispositive law. While he may be considered a vital catalyst in propounding various legislative programs, the Constitution does not vest his position with the power to inaugurate law. This is the function of Congress—a function now sought to be rendered purely nugatory by the Nixon-Mills bill.

Congress, as the duly elected legislative body of the country, is charged with the responsibility of arranging social priorities through a scheme of ordered laws. Throughout this session Congress has been in diligent pursuit of this duty. Now it is suggested that one man—the President—be vested with total discretion in rearranging Congress' determination of our social priorities. To remove such power from Congress is to remove from our constituency the ability to fix responsibility for budgetary variations on particular Members of Congress. Instead they must be referred to the Office of the Budget—a bureaucracy with no identity controlled by those civil servants not dependent on the ballot box for their terms of employment.

There is no doubt the President must be armed with adequate tools to stem the tide of rising inflation in this country. The abdication of congressional lawmaking power is not, however, the answer, but an expedient measure unsanctioned by constitutional authority. Congress has already vested the Executive with one of the most pervasive and flexible pieces of legislation in recent times to combat inflation. The Economic Stabilization Act bespeaks of wide latitude in this area and yet the President, in his discretion, cannot, as of this time, find the means for its effective utilization. The power is now present; the President must decide how best to use it. Additional grants of power, unbridled by effective direction, can only lead to uncertainty at best and economic chaos at worst.

The administration has, thus far, proposed increased national appropriations unprecedented in the history of this Nation. Now, the Executive seeks the flexibility of definite legislative powers in order to cut spending and curtail inflationary trends. This inconsistency not only bespeaks of paradoxical reasoning but also of a political system totally uncontemplated by our Constitution.

It is for these reasons that I strongly support the proposed Mahon amendment—Congress must legislate, decide social priorities and have a voice in those appropriations needed to effectuate such priorities. The Constitution demands no less and the Executive can expect no more.

Mr. CRANE. Mr. Chairman, as a fiscal conservative and one who has consistently opposed the excessive spending engaged in by this Congress, but as one who simultaneously views with abhorrence the continuing erosion of the prerogatives of this body as a coequal branch of Government, I am caught on the horns of a dilemma. On the one hand, there is a crisis aspect to the anticipated deficit for fiscal year 1973. On the other hand, there were more prudent ways to seek to avoid this crisis than to resort to an unprecedented new power delegated to the executive branch by a Congress that has difficulty imposing the necessary discipline upon itself.

I resent, as a Member of the legislative branch, being put into the category of an irresponsible child who must be disciplined by his father.

I simultaneously deplore the disposition to proceed in this body with a champagne appetite while the overburdened taxpayer has a beer pocketbook.

Ralph Nader has referred to the Congress in his latest book as the broken branch. While I disagree with some of the conclusions drawn from his analysis of a Congress disposed to abdicate its responsibilities, I nevertheless feel there is much warranted criticism in his analysis of the increasingly subservient role played by the Congress.

If this trend is not reversed and soon, I am convinced that our republican form of government with its checks and balances will be totally destroyed. If it is, we shall become an impotent rubberstamp not just of the Chief Executive but of impersonal and unaccountable members of the administrative bureaucracy. There are ample historic precedents for such governments but tragically they have all led down the garden path to abuse and the loss of personal liberty.

Societies that seek to be irresponsible and free, seek something that never was and never will be. By the same token, legislative bodies that abdicate responsibilities repudiate their reason for existence.

I cannot, in good conscience, repudiate my reason for existence as a legislator or as a freedom-loving American.

Woodrow Wilson, who was an astute student of history, once observed:

> The history of liberty is a history of limitations of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the powers of death, because concentration of power is what always precedes the destruction of human liberties.

It is my prayerful hope that my colleagues in this body will on the one hand refuse to relinquish any more of their prerogatives than they already have while on the other hand assume the responsibility of exercising restraint in expenditures necessary to avoid continuing deficits which eat into the pocketbooks of everyone—but most severely those who can least afford it—and can ultimately cause national bankruptcy.

Mr. Chairman, I am compelled to vote against this bill.

Mr. PICKLE. Mr. Chairman, the Members of this body are probably aware of my efforts to focus attention on the decline of congressional authority over appropriations. This decline is due to the increasing impoundment of moneys by the Office of Management adn Budget.

On July 26 of this year, I initiated a special order on this problem. Many members participated.

The consensus seemed to be that nearly every Member of this body has, at one time or another, had their district affected by OMB's impoundment of funds appropriated by Congress.

Mr. Chairman, this may be elementary, but I, and my staff, have searched the Constitution in vain for language implying that the Congress can only recommend appropriations. I know of no colonial-era OMB in our Founding Fathers' thoughts.

And today, this Congress is asked to give the executive branch even more power—power that the Congress should exercise. H.R. 16810 represents a very disturbing precedent, Mr. Chairman.

This precedent, if allowed to be set, means that anytime our economy is out of balance, the Congress is to step aside. The emergency may be 6 months or a year this time. Next time it may be 2 or 3 years. Then we may begin to regard Congress as an advisory body only. Elected advisors do not make for democracy; elected decisionmakers do. Let us be a Congress of decisionmakers, not advisors.

During the past few months, Members have been interviewed and reviewed by a project called the "Congress Project." Now the conclusions of this project are being made public. Many Members complain, with reason in many cases, as to the several conclusions of the "Congress Project." But this "Congress Project" has one conclusion, however, that is disturbing. This conclusion is that Congress is the weakest branch of the U.S. Government.

Members of Congress, can we complain about this conclusion if we continue to give up our powers over the budget? I say no, and I think that the citizens of America would say "No."

I urge the adoption of the Mahon substitute. We face a financial crisis. I think that my colleague from Texas, the distinguished chairman of the House Appropriations Committee, has offered a substitute that meets this spending crisis with the executive and congressional branches as equals in the decision-making process.

This approach, the Mahon substitute for title II of H.R. 16810, is a sound one, and more in line with the concepts of equal power among the three branches of government than is title II of the committee bill.

I salute the Appropriations Committee for their work in the 92d Congress. They have trimmed to the bone many budget requests. Sometimes I have disagreed with the Appropriations Committee on specific programs. Overall, however, I have only admired their cost-cutting work this session.

Mr. Chairman, I support controlling inflationary spending. Because the Mahon substitute does this without abdicating congressional authority, I will vote for this approach to controlling our spending.

The fact is, however, that our deficit keeps growing year after year, our debt ceiling is raised year after year. In almost every year, we exceed our budget, and the unseen money of obligated funds keep flowing through the pipeline in larger and larger amounts.

Thus, in spite of what the Congress appropriates, or fails to appropriate and in spite of what new programs the President recommends or cuts, the deficit grows and grows. We must do something different than what we have done in the past.

I think the primary responsibility lies with the Congress. In the final analysis, the Congress represents the people. The Congress must have the final word in the appropriation of funds. To be responsible, it seems that Congress must control the expenditure of funds.

For years we have ducked that responsibility. We, the Congress, must become hardnosed. I would think the place to begin is to strengthen the staff of the Appropriations Committee, and for the Appropriations Committee to be a budget officer, along with OMB and to set tough limits of expenditures and make the Congress live up to these limits.

Our hope lies in the Appropriation Committee. A strong willed, tough committee. Else, we should not cry out against the President or the OMB when funds are cut.

The Ways and Means Committee can help also, that committee passes the tax relief to spur up the economy at the possible risk of not bringing in enough tax money to run the Government. That committee also passes social security raises without providing adequate taxes. And that committee literally passes legislation such as revenue sharing, thus bypassing the appropriation process.

If the Appropriation Committee and Ways and Means Committee worked closely together, with firm resolve, I think the Congress can control spending.

Mr. STRATTON. Mr. Chairman, I intend to vote for the bill and against the Mahon amendment. Neither vote is an easy one to cast, but I believe that the circumstances confronting us in the closing days of this session leave us with no responsible alternative.

The $250 billion ceiling presents the House admittedly with a real dilemma. In approving it we do give the President temporary authority to supercede the action of the Congress in the matter of appropriations. Certainly under normal circumstances, we should not yield this authority. But this bill also authorizes a further sizeable increase in the national debt. And we in the House bear a share of the responsibility for this increase. If we do not like these continuing deficits then we must somehow find some way to put some top limit on our spending and hold down this deficit.

This we have not so far done. And with only a few days left in the session it is unrealistic to think that we can do it in the next few days through the normal legislative processes.

The Mahon amendment is no real alternative to the committee bill, because it provides no real spending cut, and very little prospect of any real cuts in the future.

I wish some other alternative had been offered that would have made cuts yet at the same time retained control in our hands, such as an overall percentage reduction, for example. But no such proposal has been offered to us.

The adoption of this ceiling will not be painless, of course. The people do want Federal spending; they want substantial Federal help, no less so in New York State than elsewhere. But the people also do not want more taxes, and that is even more true of New Yorkers than of citizens in other States. And if we insist on going into debt, without making any effort at all to hold the line on spending, then further taxes can be the only ultimate result. And so in the interests of fiscal stability and support the committee bill and the President's proposed ceiling.

But I do hope we will move quickly to prevent this same situation from confronting us again next year. The 1946 Legislative Reorganization Act directed Congress to institute its own legislative budget controls. But Congress has never carried out that mandate. It is time we did so now; and I hope the new study committee which this legislation creates will have such proposals for us to vote on early next year—if we are lucky to be back. In that way Congress can then recover our proper powers over the purse next year and prevent any recurrence of the present painful dilemma.

Mr. HEINZ. Mr. Chairman, I rise to oppose H.R. 16810 and the proposed Mahon amendment to it. At the outset I want to make it clear that I share the concern of my colleagues and of the President about the need for a $250 billion ceiling on spending. However, in granting extraordinary powers to the President for a 6-month period, this bill removes Congress from the budgetary process. And the Mahon amendment which attempts to curb the effects of this bill by keeping congressional control over budgets has a glaring defect. It refuses to accept congressional responsibility for setting a ceiling under which we can all live.

I firmly believe that Congress can and must be held accountable for an annual self-imposed spending limit. In this same context it is clear that any attempt to curtail congressional involvement in the budget process results in a serious abdication of the power delegated to the Congress by the Constitution. No Congress should give any President the statuatory line item veto power incorporated in this bill.

This bill authorizes not only an unsound principle but a dangerous precedent by sanctioning for the first time the impounding by the President of funds duly authorized and appropriated by the Congress. This in itself is an unwarranted grant of power to the executive branch. However, H.R. 16810 goes far beyond even this by giving to the executive branch the clear authority to reduce or eliminate appropriations for congressionally mandated and guaranteed programs such as Veterans Benefits and even the social security program itself.

In voting against this measure I would like to propose the following course of action for Congress:

That we pass a spending ceiling for the next fiscal year by June 30 each year; that we require passage of all appropriations before the first dollar can be spent for any budgetary line item; and that we apply a pro-rata reduction to all appropriations when the total budget exceeds the limit established by Congress. I believe such an approach, rather than what is proposed in H.R. 16810, will effectively make us in the Congress live up to our constitutional responsibilities and avoid further buck-passing to the executive branch.

Mr. GALIFIANAKIS. Mr. Chairman, the manner in which Congress appropriates and budgets funds is one of the most fundamental problems confronting our Government today. The American people are rightfully concerned about this issue and I am certain that we are all anxious to see reforms in this area. At this point, I feel there is a distinct danger that the real issues surrounding the proposals which Congress is considering today will get lost in the flurry of activity which marks the last hours of this session. There is so little time to discuss the complexities and consequences of the proposals before the Congress and their political implications.

The salient principle brought out in today's debate has been the constitutional responsibility of the Congress to manage our Nation's budget. When there is time and opportunity, Congress must come to grips with this problem.

Earlier this session I introduced a bill I believe is a reasonable and workable alternative to our present fiscal chaos. It is the result of a careful examination of the alternatives which I believe are available to Congress.

The bill which I introduced, the Fiscal Responsibility Act of 1972, contains four sections:

The first would make the fiscal year coincide with the calendar year. Such a change would help enable members of Congress to plan budgets more effectively on the long-range comprehensive basis.

The second establishes an annual spending ceiling which could not be exceeded unless some provision is made to raise the additional revenue. The only exceptions would be in cases of national emergency or natural disaster.

The third establishes a Federal impoundment procedure which will regulate and limit the manner in which a President may withhold appropriated funds.

The fourth, and I believe one of the most important sections of my bill, would authorize Congress to undertake a study of alternative budgetary and fiscal procedures. This study would be a comprehensive look at all the paths available to the Congress to achieve a rational and effective fiscal procedure.

I believe my bill represents the most reasonable approach to our fiscal problems. It takes immediate steps toward achieving the goal of giving Congress greater control over spending, economic planning, and bureaucratic growth.

But, it also provides for further study into the matter to determine which additional steps should be taken, if any. I sincerely believe that my bill represents the most responsible answer to the vital question of fiscal reform.

However, the problem presented to us, well articulated and argued by Chairman Mills supporting his bill and Chairman Mahon supporting his substitute, is one that must be answered by a vote today. Spending must be controlled, and the President has asked for the help of the Congress. I will vote with Chairman Mills today in hopes of helping the President to control spending and inflation. In the next Congress I will exert my influence to reach the objective which Chairman Mills and Chairman Mahon obviously agree on—that is, we must enact final legislation such as I earlier introduced which helps the Congress to recapture their responsibility through internal structural reform.

Mr. RANDALL. Mr. Chairman, I support H.R. 16810 which provides for a temporary increase in the public debt limit, but also more importantly places a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Those of us who have been here in the Congress any length of time have traveled down the road of debt increases many times before. We have had the opportunity to be responsible in the sense that we have to recognize that when the money has been spent and the bills come due they must be paid. Those with a long history of voting against an increase in the debt ceiling believe they are consistent. Yet it would be interesting to find out how many of those who have constantly voted against the increase in the debt ceiling have also voted against total appropriations in an amount equal to the increase needed, and also whether or not over the years they have been as constant or consistent in voting against all nonessential expenditures as they have been in voting against raising the ceiling.

During the debate we have heard the expression used several times that we are at a crisis in this country. This is true. In only 5 of the past 20 years has the Federal Government shown a budget surplus. The only really substantial surplus was the $4 billion one in 1956 following the very small $50 million surplus in 1952. Over all the other years the deficits have ranged from $1 billion in 1954 to $25 billion in 1968, and now the accumulated deficits from 1969 to 1973 during the Nixon administration total $75.8 billion, including the estimated $27 billion deficit for fiscal year 1973.

Mr. Chairman, it is not pleasant to have to vote for an increase in the debt limit. In the past I have seriously considered voting against such lifting of the ceiling. But what may be pleasant or even popular is not the point at issue today. Without such an increase in the debt limit all the items drawn against the Treasury are faced with the threat that the limit of our national credit will not permit their payment. Think of it. Social security beneficiaries, members of our Armed Forces, recipients of veterans benefits, Government workers, suppliers of goods and services would not be paid if the debt limit is not increased. Put very simply, when bills come due and the debt limitation is so low it does not permit their payment, all operations of our Government come to a screeching halt. I am sure no Member wants to assume even a small part of the responsibility for such a happening.

During general debate on this bill, we heard such comments as "the danger flag is up," and also such comments as "if the credit of our country is gone, we will be destroying our country from within." It was argued that we should have been able to see the crisis was coming for years. But now it is here. Something must be done. The distinguished chairman of the Rules Committee, the gentleman from Mississippi, presented some figures that are impossible to refute. The interest on the national debt now runs $2,637,000 an hour, $44,000 a minute, and $735 every second. I am not certain of the factual basis for the assertion, but in a discussion of how long it would take to pay off the debt based on the record of repayment since the close of World War II, it was stated that it would take about 900 years. If that is true, then it is certain we are not putting a burden on our grandchildren, but on our great, great, great grandchildren, and even this kind of thinking is based on the assumption that if we do not do something very soon about the national debt, our beloved Republic may not last long enough to see the debt retired.

As we approach the vote on this measure in the heat of this election year, some may wish to consider what is the politic thing to do or the impolitic thing not to do. We all concede that to give this power to the President under title II to limit expenditures and net lending for fiscal 1973 to $250 billion, is a rather unusual grant of power. Why is this necessary? Simply because Congress has demonstrated again and again that it cannot or will not limit expenditures. Organized pressures for spending by special interests seem to be so great that Congress always yields.

As much as any other Member, I hate to think of abdicating any of our powers in the Congress. But we may be at a point right now where there is no other alternative. The time has come to call a spade a spade. As I understand the temper of my district, two of the biggest issues, are the concern over a possible tax increase next year and the twin concern over continued inflation. Now I have never been one of those that believes each and everything the President tells us. Back on October 7 he indicated that in his judgment a vote against the spending ceiling of $250 billion for this current fiscal year could very well be a vote for higher taxes in 1973, and went on to indicate that if H.R. 16810 is passed and the title II limitations are imposed, there would be no tax raise in 1973 and perhaps not in 1974.

If I had any inclination to oppose a proposal to fix some kind of firm limitation on expenditures I would be going against a commitment which I made throughout my congressional district last spring, and particularly at several large gatherings during the month of May. At that time I said something had to give, something had to be done, or else when the time came that the people of this country and throughout the world realized that our debt was $500 billion, a new word would creep into our vocabulary. The people would soon realize that this $500 billion was really one-half trillion, and as the meaning of the overpowering magnitude of a trillion dollars soaked into the understanding of our people and also the rest of the people in the world, there would be a kind of earthquake in our own stock market and all the international money markets. The dollar would be in more trouble than it had never seen before. I cannot and will not talk out of one side of my mouth in my district and talk out of the other side of my mouth on the floor of this House. I will never indulge in this kind of double talk or conduct myself in this manner.

Mr. Chairman, another reason that I support H.R. 16810, is because its title III sets up a joint committee to review the operation of the budget ceiling and to recommend procedures for improving congressional control of budgetary outlays and receipt totals. Those who suggest we have one appropriations committee are incorrect and inaccurate. As a matter of fact we have over a dozen committees on appropriations, and this leads to a fragmented review of the total budget. The only budget we have today is the budget of the executive branch.

Many years ago under that beloved Missourian, Clarence Cannon, for 1 year there was a consideration of all appropriations bills in one measure at one time. It was an ordeal, but the record shows there was a substantial surplus that year. Title III of this bill may not be perfect, but it is the start of an approach to what in my judgment should have been the law long ago, and that is that no appropriations bill can be considered until the Congress—repeat, the Congress—adopts a comprehensive budget for the fiscal year on its own, not some budget prepared by the executive branch. Any housewife knows that there is no way for her to work under a household budget unless she sets a ceiling for all the family expenditures that she must control. We in Congress have failed to follow such a sensible pattern. Therefore, I suggest that we are all ultimately responsible for where we are today.

Now, Mr. Chairman, it has been suggested that we are abdicating our responsibility and turning everything over to the President. That is not true. Rather, we abdicated our responsibility long before this bill ever came along. Why is this so? Because we never saw fit or took the time to propose or work out a congressional budget. All we do is go through the motions of adding or subtracting a few items from the budget of the executive branch. We have never devised a vehicle for adequate congressional control over our Federal outlays.

Moreover, we must devise some kind of mechanism which will consider all nonappropriated funds in one bucket or one basket along with all the appropriated funds rather than just adding or taking away a little bit here and there from the items of the executive budget turned over to us, at the beginning of each calendar year.

To complicate matters, we have backdoor spending. There is far too much of this automatic spending. Perhaps that is the chief reason for the great inflationary impact that we are experiencing today. The only alternative that I see at this time is to try to work out some kind of control over total spending by adopting our own congressional budget. Another one of our faults is that all we do is consider obligational authority. We never carefully consider expenditure control. In other words, we never consider what will be spent in any given year but only extend obligational authorities over a year or years in the future.

In my view there is nothing wrong or evil about title III. It simply creates a joint committee of 30 members from the Ways and Means Committee and the Appropriations Committee, and on the other side from their Finance Committee and their Appropriations Committee. Years ago all revenue and appropriations was considered by one committee. Perhaps this historic situation is a kind of precedent for title III of this bill.

As we come to a vote on this bill it should be remembered that at the present time the Executive already has the power to withhold expenditures except in a few prohibited areas. Actually this bill does little more than the President can already do without this bill. It has been argued that Congress is today the weakest part of the tripod of our Government, and that this kind of a thing will make it even weaker. It is suggested that this grant of authority gives the President power no previous Congress has ever granted him. Well, those arguments may be partially true, but if I read the temper of my constituents correctly, they are not interested in some close case of constitutional interpretation. They are not interested in any jurisdictional matter, or even any point of parliamentary procedure. What they want and will demand is an expenditure control to avoid an increase in taxes. They want this now, and they want to be sure that unrestrained expenditures will not add more fuel to the fires of inflation.

Mr. Chairman, I would have preferred that there be a clause in this bill that the President can not cut any program more than 5 or 10 percent. If the rule under which this bill came to the floor would have permitted it, I would have offered such an amendment. I opposed the so-called Mahon substitute. There was nothing wrong with it, except that it just did not do anything or accomplish much of anything. It was meaningless.

I support this temporary increase and I also support title II with the $250 billion limitation on expenditures and net lending for fiscal 1973. It must be emphasized that this is a temporary limitation. I agree it would be a bad thing to do this permanently. It would be unwise if we made this a habit and did this year after year. But such is not the case. Just as the debt ceiling increase is temporary, so is title II temporary. It is so temporary that it only applies until June 30, 1973, just about 8 months away. But we are in a crisis. We are in trouble. We are afflicted with the great disease of spending more and more each year than we take in, in revenue. A dread disease calls for some bitter medicine, and that is why I support title II with a strict limitation for the next 8 months and also title III, in the hopes that a new review operation of a budget by the Congress rather than a budget by the executive branch may bring expenditures under control once again, then and only then Congress can truly assert its authority over the purse strings, as was contemplated in the Constitution.

GENERAL LEAVE

Mr. ULLMAN. Mr. Chairman, I ask unanimous consent that all Members may have permission to revise and extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, there was a President who used to say, "Let us reason together." Let me borrow his phrase, and ask that we reason together, about the very serious fiscal problems everyone in this debate admits that we as a nation face.

The fiscal problem is made very apparent by the increase in the debt limit provided by title I of this bill that is absolutely essential if we are to continue the operations of the Government after October 31 on a responsible basis. This increase in the present overall limit of $450 billion through October 31 to $465 billion through June 30 of next year is essential.

Mr. Chairman, let me point out that this is the third time this year that we have had to act to increase the capacity of the Government to borrow in order to pay the bills that were already incurred and are coming due.

There has been little discussion about the increase in borrowing authority today, and I think probably that is a good thing, because it is not a controversial matter. At other times, we have had controversy over the amount of a proposed increase in the debt ceiling because some of us felt the executive branch was asking for more borrowing authority than it needed. Sometimes we were successful in getting some reductions in excessive borrowing authority, but an adequate ceiling was always established and with my support.

Mr. Chairman, let me point out: Unless spending is limited to $250 billion, as is proposed by the ceiling in this bill, the $465 billion in borrowing authority provided will not get us through this fiscal year. If expenditures are allowed to exceed this ceiling, we will have further requests for borrowing authority, more interest payment, and more inflation.

The debate today has correctly focused on the question of Congress doing two things: first, directing that expenditures in this fiscal year not exceed $250 billion, and second, giving the President the authority to carry out that mandate. The real question we have to ask ourselves as we approach these issues is: Do we feel that we are spending too much?

We seem to generally agree that we are, and unless we do something about it, we are going to have to pay some very heavy penalties. We are going to have to pay the penalty of inflation; we are going to have to pay the penalty of a deterioration of the dollar at home and abroad; and we are going to have to pay the penalty of large tax increases.

Mr. Chairman, I have heard no one come into the well of the House and advocate that we are not spending enough, and I do not expect to hear it from anybody. No one has said that we do not have enough inflation, and that we ought to feed the fires more. I have not heard anybody come into the well of the House and say we should have a large tax increase.

There are some of us—and I am one of them—who have differed with some of the things that have been said downtown. I think our fiscal situation is such that I do not know how we can get by without some kind of a tax increase in the next year or so. As one looks down the road and sees the commitments that have been made—by the executive branch and by the Congress of the United

States—for the expenditure of money beyond the receipts under present law, a tax increase may well be required.

Our people have to be advised that they cannot constantly ask for more and more services, all of which cost money, and escape the responsibility of having to pay for those services in the form of taxes.

That is what the issue of an expenditure ceiling is all about. Our willingness to face up to the responsibility of funding the services we demand, has created a fiscal crisis, threatening renewed inflation unless we tighten our belts.

If you refuse to do something about current spending and the current deficit, then you are in effect openly advocating increased inflation and substantial increases in the people's taxes. There is just no other way to get around it.

Much has been said today—and I suppose this is to be expected at this season of an odd-numbered year—as to who is responsible for this fiscal crisis, and who should take the blame for spending being out of hand. Frankly, there is enough blame to go around and touch every base. I am not going to excuse the President, since he has advocated spending programs that I have not supported.

I say to my friend, the chairman of the Committee on Appropriations, with whom I sympathize, that he and I voted together in opposing a number of these proposals. Revenue sharing is one. Members of the House will recall what I hoped and thought was a vigorous but reasoned plea to turn down the bill. Frankly, I will make a similar plea on Thursday when the conference report comes up, because I do not think it is any better now than when it passed the House. It costs more money than it did when it left the House, and I am still against it. However, that still does not relieve me of the responsibility as a Member of Congress of facing up to the large deficit we face—not just because of programs I voted for, but because of the action of the Government of the United States—the President and the Congress acting together.

That is the responsibility we have to face up to. It does not do any good to try to hide behind the excuse; that some of the programs were passed without my support.

I heard the gentleman from Ohio and others talking about revenue sharing. I was not for it, either. I think I opposed it as consistently and vigorously as any Member of this House. But if it is on the books, it is part of our spending. Most of the money in revenue sharing was in the budget recommended by the President. That is not a budget-busting item if the budget the President asked for in January and his supplemental requests are the baseline criteria. The gentleman from Texas, the chairman of the Committee on Appropriations, called the 20-percent social security increase an expenditure and talked about its effect on the budget. You will recall that this increase was added in the Senate to the last debt ceiling bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. I yield myself 5 additional minutes.

No committee has even considered the 20-percent increase in benefits or the method of financing associated with that proposal. It was added on the floor of the Senate and it went to a conference committee. We had some differences, as to whether the conference committee even reached agreement. We took votes in the conference and came to an agreement, and then pretended no agreement was reached in order to bypass some of the House rules on conference agreement. This dubious procedure aside, the substantive decision to provide a 20-percent increase was a mistake. It should have been 10 percent. If it had been 10, then we would have some leeway to take needed action now as we go into a conference on other social security amendments, many of them needed to create equities in the social security system. Now we cannot put any of these needed amendments on the books without increasing social security taxes beginning next year. We completely preempted any of the periodic financial latitude occurring in the system from time to time due to increased earnings levels for the 20-percent rise.

But it does not do me any good to say that I was not for it and, therefore, as far as I am concerned we do not have a fiscal problem. We have a fiscal problem whether we like it or not; whether we as individuals had anything to do with it or not.

And I suggest we have the responsibility of doing something about it. I think the executive branch, both past and present, share the blame because the spending initiatives often originated in the executive branch. Any objective economist will tell you that the inflation of the last few years was the spending that we originated in the "guns and butter" philosophy of 1966, 1967, and 1968, when we began living way beyond our means as a nation.

But even that argument is not sufficient to let us hide behind the skirts of somebody else. It will not obviate the fiscal crisis that we face nor obliterate the clear path of fiscal responsibility we must now take.

If we spend $250 billion, we will still have a $4.5 billion deficit on a full employment budget basis.

I agree with my friend, the gentleman from Oregon (Mr. ULLMAN), about some of the problems associated with the full employment budget concept. It covers up what the true deficit picture is. On a unified budget basis, there will be a $25 billion deficit, and on a Federal funds basis a $32.4 billion deficit. But it is generally agreed that a full employment budget of any magnitude is stimulative; and even with a $250 billion ceiling we will have a $4.5 billion deficit in fiscal year 1973 on this basis.

The chairman of the Committee on Appropriations (Mr. MAHON) who is also the chairman of the Committee on Reduction of Federal Expenditures has reported that congressional action through September 30 has increased outlays above the Presidents budget of $250 billion by $7 billion. This is the latest report of that committee. This would mean outlays of $258 billion instead of $250 billion, unless we have an effective spending ceiling. This also increases the deficit on a full employment, unified and Federal funds basis and would require a further increase in the debt ceiling.

We have to admit that there is sufficient blame for all to share, and Congress has a big responsibility.

I am amused in reading the substitute resolution to be offered the chairman of the Committee on Appropriations. He recites the deficits in the last 3 years totaling $70 billion and another deficit coming up this year. The implication is that it is the President of the United States who is responsible and we should not have these deficits. Where do you suppose the President got that money? Everyone here admits that there is not a penny—not 1 red cent that the President can spend unless he first gets it from the Congress.

The President does not find some money someplace. We have authorized it. We have appropriated it and in some cases we have directed that he spend it. We cannot avoid sharing the responsibility for those large deficits.

I am not going to blame the Committee on Appropriations for all these problems. I sympathize with the chairman of the Committee on Appropriations. I would like to win you over to my side of the argument and recognize that we do have to take responsible action. I sympathize with you because much of the increased spending that is taking place is because of the Committee on Appropriations is being bypassed. We bypassed it in the revenue sharing, and the gentleman knows I approved that procedure.

The Water Pollution Control Act Amendments considered the other day included large amounts of contract authority that also bypasses the Appropriations Committee.

We have to do something. We just cannot let events simply take their course. My problem with the chairman of the Committee on Appropriations is that he admits and agrees in nearly every speech that I have heard him make in this session that spending is out of hand and that we have to get it under control.

But now what does he suggest? I agree with the gentleman from California (Mr. HOLIFIELD) that Congress has the authority to do the reducing itself. I agree with the gentleman from Mississippi (Mr. WHITTEN) who says that Congress can impose its own priorities to reduce spending to $250 billion. But I do not see any indication that having failed to take that action until the twilight hours of this Congress, that we will act now. We are getting ready to adjourn and we certainly cannot do anything while we are in adjournment.

Then, when you come back here, as the minority leader pointed out, it will be February before Congress begins operating, and the year will be nearly over before action can be taken. You cannot put a spending ceiling for $250 million for the fiscal year 1973 on in April or May of that fiscal year when the year is nearly over. You have to act now.

But who is going to act? I have not heard the chairman of the Committee on Appropriations suggest that he was getting his committee together and they were going to stay in session and go through all of the actions of Congress to find out where they could cut to get it down to $250 billion or some other reasonable ceiling, and then bring in a bill for rescission. No, we are not going to do anything, as the Mahon substitute confirms.

The Speaker suggested this ceiling and emphasis on restraint is something now that the President is proposing. I can understand that the Speaker is busy and it may not have come to his attention, but this was recommended by the administration early this year. It was forcefully brought to the attention of the Congress in connection with the debt ceiling increase that they asked for in June. It was emphasized again in September. The administration has consistently pointed out that spending was getting out of control and have suggested a ceiling.

Some time ago, the chairman and I talked to the chairman of the Committee on Appropriations and expressed the hope that that committee would take this matter under its jurisdiction. But we are within 4 or 5 days of adjournment and no action has been taken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. HOLIFIELD. Yes, something can be done and it would be fairly simple to have a debt ceiling limitation placed in the bill, a spending limit which would direct the President to cut percentagewise the different programs that the Congress passes to the point where it would meet that ceiling. That could be done.

Mr. BYRNES of Wisconsin. Sure, you could do that, but I do not think the gentleman would recommend a meat ax approach of that kind, cutting without any regard to the relative need and merit of the programs involved.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. HOLIFIELD. I will say that the meat-ax approach is where we give the President the right to bludgeon to death specific programs he does not like which the Congress has passed.

Mr. BYRNES of Wisconsin. Let me address myself to that point. I am glad the gentleman focused my attention on this issue at this time.

Congress is not going to act. Congress has the authority. We could rescind spending bills if we had the will to do it, but the will is not there. Let us admit it. We are now trying to find some excuses to avoid imposing a ceiling. But the one thing we know we can do, because it has been done before, is to establish a ceiling. Before we were asked to impose a ceiling for it by the Executive, but we insisted that the Executive take that responsibility. We said, you cannot spend any more than this given amount, and we will give you the authority to cut back to the amount specified, in this case $250 billion. There is the one hope that we have, the one mechanism we have, for bringing expenditures down to a responsible level. Let us use it.

There are those who have come up with this argument about abdication of power. As the gentleman from Oregon (Mr. ULLMAN) pointed out, we abdicated that a long time ago. We never exercised control over expenditures in any given year. We have always said that was an executive prerogative. There are those who argue—the gentleman from Florida (Mr. PEPPER)—that constitutionally, the President must spend every penny we give him. Then on the other side, it has been argued just a moment ago that the President does not have to spend anything. I think our problem in part is that we just do not know the degree to which either one of these positions is right.

I think there is a degree of truth in each of them. There are some things the President cannot do unless we give him authority in this bill. There are others we know he can do, and there are others in the gray areas. The only way we can resolve that is by giving him the authority.

The gentleman talked about abdication of power. We have abdicated before. We abdicated in 1967–68 when we had an emergency. If there is an abdication this time, what are we abdicating for? Eight months. And to what intent? Out of a potential expenditure of between $250 and $260 billion we are asking the President to exercise this cut $6 to $10 billion. On the other $250 billion—a quarter of a trillion dollars—and the overwhelming proportion of the total, the gentleman's argument is completely inapplicable. When one talks about abdicating power to the executive branch, compared to what we have done in the past, this is peanuts—and is essential. We have abdicated power in the past without getting anywhere near the kind of results or solving problems as serious as those confronting us today.

Let me point this out: Passing the ceiling today is going to help us beyond fiscal 1973. It is going to be of some help in fiscal 1974 and fiscal 1975, because it is the basis upon which those fiscal years prescind from. And hopefully by then Congress itself will have faced up to the responsibility of providing spending authority within responsible overall limits.

We must take advantage of the part of the bill that sets up the committee to take a look at how Congress handles money matters to see if we cannot develop a system that will work and help us face the problems that will confront us beyond fiscal 1973.

Let me just conclude by saying this, Mr. Chairman: What does the Mahon amendment do? I am just as surprised as I can be at my friend on the Appropriations Committee. He says we have got to do something to get expenditures under control. Then what does he advocate?

He says "Mr. President, on January 2 you tell us what you would like to have done by way of cutbacks and we will take a look at it and see what we want to do."

Why do we abdicate to him even by saying we are going to wait for his list? If Congress can do it and we have got the willingness to do it, Mr. Chairman, we should be working on it right now and not passing the buck and saying maybe we will do something in January. That is all the Mahon amendment does.

Let me point out that in January the President has to submit a budget for the fiscal year 1974, but as part of that budget he also has to submit an updated fiscal year 1973 budget, and in there of course he can detail the areas of reductions he feels he has the authority to make and that should be made to restore fiscal reponsibility to the budget.

But all that is recommended by the Mahon amendment is that we duck the issue. We duck the issue as to whether we want more inflation. We duck the issue as to whether we are going to have to impose much higher taxes. And we duck the issue as to whether we want to face up at all to the problem of excessive spending.

If we vote for the Mahon amendment we are saying we do not care what happens to the dollar, and we do not care what happens to inflation. Having failed to be fiscally responsible, we will be denying the Executive the power to be fiscally responsible.

Mr. ULLMAN. Mr. Chairman, I yield our remaining 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, we have been listening attentively all afternoon and we have heard over and over again much the same arguments. I want to try for a few moments to summarize and close the debate on this subject. We have heard some say today that they are going to oppose this bill because they do not want to give up congressional prerogatives to the executive branch, and there is some merit to that argument, but where were those same people, I would ask on this occasion, when just before the July recess we voted to grant, that is; this Congress did, a 20-percent social security increase, at which time as a part of that proposal we gave to the executive branch the authority in the future to grant cost-of-living increases to social security beneficiaries without any consideration of the Congress? But the Congress is going to have to provide the taxes to finance those now-given-away prerogatives when the cost-of-living increases are granted.

Then I hear some say that they are afraid this constitutes a line item veto authority for the President, and I suppose that if he chooses to use it in this way it could do exactly that. But if I can be brutally frank and political, if that is the fear of Members, commonsense tells me that there is more to lose by not going along with the President if that is true than there is by going along with him, because then he might look with a little bit more favor if we support him—but I am not advancing the idea that we support this proposal for that reason.

There have been some who have said we have a booby trap in this bill on page 2. They say this gives to the President the authority under a formula to cut wherever he wants whenever he wants.

It does give him some authority. It really does not give him any authority he does not already have, but I would point out that we have done it before. I hold here in my hand the joint resolution which passed the 90th Congress, House Joint Resolution 888. It calls for making continuing appropriations for the fiscal year 1968, and for further purposes. Section 204 of that bill, which I have here in my hand, did exactly the same thing in almost exactly the same language, so there is not anything new about that.

But, we have heard all these reasons. Let us get down to the meat of the cocoanut; get down to the facts. There are really only three points to consider as we give consideration to whether or not we are going to write into law a spending limitation. These three points covered in this proposal have to do, first, with the debt ceiling increase. Who here would deny the need today for a debt ceiling increase prior to June 30, calendar year, 1973? That is where this debt ceiling increase is intended to carry us through; June 30 of next year.

We may not like to vote for debt ceiling increases but everybody wants the U.S. Government to pay its debts. You and I, the Congress made those debts. We are going to have to have a debt ceiling increase of at least $15 billion if we write this expenditure ceiling into law, but if we do not write this $250 billion limitation into law, we are going to have to have a debt ceiling increase far in excess of the proposed $465 billion; $65 billion of which is considered temporary in nature, but you and I know that it is not temporary for the foreseeable future, because the Mahon proposal does not, as has already been said here today, provide for a spending limitation.

It simply asks, as others have said, for the President to tell us by January 2 of next year what cuts he thinks should be made if we are going to limit the ceiling to $250 billion. Then Congress must act but it will be too late to be effective.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 additional minutes to the gentleman from Louisiana.

Mr. WAGGONNER. If we are going to limit it to $250 billion, then and only then will we give consideration to what the Congress ought to do. That is the first point.

The second thing has to do with the fiscal situation or point of view. Who here today would say that we do not have runaway inflation in this country? Who here today would deny that the deficits which we have incurred in this Government over recent years is anything else but the doing of this Congress? I submit to the Members that the Congress neither has the desire nor the will in an off-election year, to say nothing of an election year such as this, to limit spending, to control spending as it should be done. We do not have the guts. We can not resist the pressure.

I am going to read for a moment in trying to show what the financial plight of this Government is, from the CONGRESSIONAL RECORD, page 24473.

We were considering then the water pollution control amendments of 1972. The distinguished Chairman of the Appropriations Committee, my friend from Texas (Mr. MAHON) was speaking. These are his words:

> I have a document here, a scorekeeping report on the expenditure effects of all congressional actions and inactions, which is provided at the taxpayers' expense by one of the congressional joint committees. In checking these figures I find the following. Including the $5 billion in the pending bill, the appropriation bills and nonappropriation bills out of the legislative committees, such as this one, the House has thus far—and most of our bills have not been finalized—the House has busted the President's budget request for new spending authority in fiscal year 1973 that began only three weeks ago by the astronomical sum of $20,770,436,000. To be perfectly clear I should add that that figure includes $6 billion advance contract authority for fiscal 1974 in the $18 billion, 3-year package for waste treatment construction grants voted by the House some weeks ago. Does that bring a chill or tear?

Mr. MAHON asked. He answered the question for himself: "Apparently not."

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to my distinguished friend from Texas.

Mr. MAHON. I would hope the gentleman might be yielded a little additional time, if necessary.

In that debate we were debating the Patman bill for an additional $5 billion of public works. I fought it strenuously. As the gentleman will remember, we defeated it.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. MAHON. So we defeated that bill. That brought the $20 billion over the budget down by $5 billion, to about $15 billion.

Where was the other money? There was another $2.8 billion in general revenue sharing over the budget. Another was the Water Pollution Act, of $11 billion in new contractual authority over the budget. I was speaking of those measures, and some others.

Mr. WAGGONNER. I realize quite well what the gentleman was speaking about. The point is that the gentleman pointed out for the Congress and the RECORD attests to that fact, that we were $20 billion over the budget. That is the reason why we feel we have to do something about it. No matter where it was, if it is over it is over. It still creates the same fiscal crisis.

Mr. MAHON. I said that if we passed that $5 billion of the Patman bill we would be over in the sum of $20 billion.

Mr. WAGGONNER. Let me read the statement back to the gentleman again.

> I find the following. Including the $5 billion in the pending bill—

Mr. MAHON. That is right.

Mr. WAGGONNER. Reading further:

> The appropriation bills and nonappropriation bills out of the legislative committees, such as this one, the House has thus far—and most of our bills have not been finalized—the House has busted the President's budget request for new spending authority in fiscal year 1973 that began only three weeks ago by the astronomical sum of $20,770,436,000.

Mr. MAHON. But the $5 billion, which is the beginning part of the sentence, was not approved by the Congress. We defeated that. That brings it down to the Clean Water bill, general revenue sharing, and some other smaller items.

Mr. WAGGONNER. I do not believe the chairman would feel that $15 billion was small. It seems large to me.

Mr. MAHON. No. It was not small and I strongly opposed the clean water bill and the revenue sharing bill.

Mr. WAGGONNER. At least we are in agreement that the fiscal condition of this country is in bad, bad shape, and requires some corrective action by the Congress.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Let me point out that the statement of the gentleman was made some months ago. Since then some other things have taken place which have moved us on up. I might point out the fact that we have a $18 billion social security bill in conference right now.

Mr. MAHON. I certainly hope that a better job on that will be done than was done on revenue sharing and some of the other measures.

Mr. WAGGONNER. Mr. Chairman, if I may proceed, I said that there were three basic features of this bill to which we have to give consideration. I talked about the portion of the bill having to do with the debt ceiling. I talked about it from the fiscal standpoint.

Now let me talk to the Members, and especially to my Democratic friends, about the political aspects of this proposal.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. WAGGONNER. So far as I am concerned, this may be the real thing we had better base our decision on.

Consider the political aspects of this proposal. Who among the Members, individually, or among the Democrats collectively, can afford, from this moment on, once this vote is taken, to have his constituents say to him and to have the President of the United States say to the country that the Democrats do not want to do anything about controlling spending in this country?

If Members want—and I do not—a Republican House of Representatives, they are going to take a step, a big step and perhaps a fatal step, in that direction if they ignore the political aspects of this proposal.

It is not political folly. Dick Nixon is the smartest Republican who ever occupied the White House in our lifetimes. Mind you, he has got you over a barrel. He has got me over a barrel, and that is true whether you like it or whether I like it or not.

I think it is fatal for a Democrat to oppose this ceiling. I am going to tell you why. He is going to be off the hook as far as his promise for no increase in taxes for the next 4 years if we do not do something about and enact this expenditure ceiling. He will not have an obligation; he has told the country about this. He will not need a tax increase he says if the Congress is willing to enact this spending ceiling. In my personal opinion, we ought to make every effort to prevent a tax increase. We have demonstrated no desire to control spending thus far.

But there is something else you have to have, and this is title III, we call it the Ullman amendment. We have got to have the mechanism to give control of this budget and these appropriations back to the U.S. Congress, and I believe this will be a good step in the right direction toward that goal.

Are the Members aware that every living Secretary of Treasury who has served under every President wants this expenditure ceiling? They think it is necessary and that includes some people who served as Democratic Secretaries of the Treasury as well.

But let us not worry just about the President of the United States; let us not worry just about these Secretaries of the Treasury who used at least to be Secretaries of the Treasury. The people of the United States want something done about the financial plight of this country. They want an expenditure ceiling, and they know this Congress can do something about it if it wants to. Are you going to ignore them? You cannot and get by with it.

Well, the Members may say they are not giving or they do not want to give the President any additional power. Let me tell you this: He can, truthfully, impound funds until hell freezes over, and he can accomplish the goals, I readily admit, whether we do it or not.

I am saying to the Members that it would be political suicide individually and collectively for us as Democrats not to try to be fiscally responsible. We cannot afford to say to this Nation as Democrats: "That is your problem, Mr. President."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Chair would like to state the parliamentary situation.

Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

SEC. 101. During the period beginning on November 1, 1972, and ending on June 30, 1973, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $65,000,000,000.

TITLE II—LIMITATION ON EXPENDITURES AND NET LENDING FOR FISCAL 1973

SEC. 201. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $250,000,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

TITLE III—JOINT COMMITTEE TO REVIEW OPERATION OF BUDGET CEILING AND TO RECOMMEND PROCEDURES FOR IMPROVING CONGRESSIONAL CONTROL OVER BUDGETARY OUTLAY AND RECEIPT TOTALS

SEC. 301. (a) There is hereby established a joint committee composed of thirty members appointed as follows:

(1) seven members from the Committee on Ways and Means of the House of Representatives, appointed by the Speaker of the House;

(2) seven members from the Committee on Appropriations of the House of Representatives, appointed by the Speaker of the House;

(3) one additional Member of the House of Representatives, appointed by the Speaker of the House;

(4) seven members of the Committee on Finance of the Senate, appointed by the President pro tempore of the Senate;

(5) seven members of the Committee on Appropriations of the Senate, appointed by the President pro tempore of the Senate; and

(6) one additional Member of the Senate, appointed by the President pro tempore of the Senate.

(b) The joint committee created by subsection (a) shall make a full study and review of—

(1) the procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year, and

(2) the operation of the limitation on expenditures and net lending imposed by section 201 of this Act for the fiscal year ending June 30, 1973.

The joint committee shall report the results of such study and review to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than February 15, 1973.

(c) (1) The chairman of the joint committee shall be selected by the members of the joint committee.

(2) The joint committee is authorized to appoint such staff, and to request such assistance from the existing staffs of the Congress, as may be necessary to carry out the purposes of this section.

(d) The joint committee shall cease to exist at the close of the first session of the Ninety-third Congress.

The CHAIRMAN. No amendment shall be in order except: First, amendments offered by direction of the Committee on Ways and Means to title I of the bill; second, an amendment containing the text or a portion of the text of House Concurrent Resolution 713, if offered as an amendment in the nature of a substitute to title II of the bill; and, third, an amendment proposing to strike out title III of the bill.

Are there any amendments to title I of the bill by the committee?

Mr. MILLS of Arkansas. There are no committee amendments.

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment to title II of the bill.

The Clerk read as follows:

Amendment offered by Mr. MAHON. Page 2, line 3, after section 201, strike out the remainder of lines 3 through line 23, inclusive, and insert the following: "The President is hereby respectfully requested to advise the Congress not later than January 2, 1973, of the specific reductions in budget authority and budget outlays (by appropriation or fund), and changes in existing law affecting same, that in his judgment may best be made in order to limit budget outlays for the fiscal year 1973 to not more than $250,000,000,000. It is the sense of the Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MAHON. Mr. Chairman, we are rapidly approaching the moment of decision. We have had a very lively and informative debate. We have had presented to us one of the most unique pieces of legislation that has ever been presented during my service here.

It has been said by some that we have authorized the executive to amend the law in previous actions. I shall place in the RECORD at a later point documentation showing that this statement is somewhat inaccurate.

How am I going to vote? Well, I am going to vote for the much-lambasted Mahon amendment, because I believe in economy and economy means saving the value and the integrity and the power of the Congress. I do not want to give it away. I am too frugal to do that.

Now, what is my vote going to achieve? My vote is going to achieve some very important economies not necessarily because of title II but because of title I. I think the long-range benefits of my amendment to title II will be good. The President could promptly send us at any time between now and January his list, which is no doubt now substantially completed and in the hands of the Director of the Office of Management and Budget.

How am I going to vote? I am going to vote for title I because of the $465 billion debt ceiling in title I. What does that mean? That means whenever this becomes law the President has to tailor spending in keeping within the debt ceiling. That is what he will have to do and what he proposes to do.

By voting for title I and voting for my amendment to title II you achieve our goal. We protect the integrity of the Congress and the President retains the right to make reductions within the law. We do not give him the right to in effect enact additional law himself and to change congressional enactments.

We had Mr. Weinberger, the Director of the Office of Management and Budget, before the Committee on Appropriations to talk about the overall budget. We said, "Why are you withholding funds which Congress has appropriated? You are impounding funds." He said, in effect, there is a debt ceiling and that he was trying to establish reserves so that the debt ceiling would not be exceeded. That is a reason why funds are being withheld.

On page 166 of the hearing on January 27 he simply says, "I am holding these funds back." He is doing that now. He has actually already started and as he will continue to do so after this legislation is passed. He said he was holding these funds back "to help meet a statutory limitation on the outstanding public debt."

So if you want an economy vote, then vote for title I and then vote for my amendment to title II to try to get a long-range more effective handle on the problem of Government spending.

The President has the authority under title I of this legislation to tailor spending to fit the debt ceiling. And if the Committee on Ways and Means and the Congress will sit tight on this $465 billion ceiling, then he can enforce the savings which he proposes to enforce rather than spend 2 percent more than he otherwise would do.

I feel that the Committee on Ways and Means has never been willing to use this tool as effectively as it should be used, but Mr. Weinberger knows about it, and he is reserving those funds against the expenditure ceiling.

Can it be said that if my amendment is adopted we have done nothing? Certainly not, we are taking important and meaningful steps toward restraint in spending.

I make no apology for the amendment which preserves the power of the Congress over legislation and at the same time gives the President the authority under title I to make reductions in keeping with the debt ceiling. Why should we not preserve our constitutional power and at the same time let the President use the power that has been used since Thomas Jefferson to reserve funds—not change the law—if it is necessary to do so under emergency situations? And it will be necessary in this case under the expenditure limitation.

Now, if the President wants to come back in January or shortly and say, "Yes. I can do that, but I would like for you to change the law to some extent on a few matters that I think are important," then we would certainly act on that. We are on a sound basis, and I hope you will vote for the Mahon amendment.

Mr. Chairman, under leave to revise and extend my remarks in the RECORD, I wish to make reference to a colloquy earlier in the debate with the gentleman from Louisiana (Mr. WAGGONNER) in regard to a statement I made in the House on July 19, 1972.

I now quote pertinent parts of the RECORD of July 19 when I was speaking in opposition to a $5 billion public works spending bill sponsored by the gentleman from Texas (Mr. PATMAN) and the Banking and Currency Committee of the House:

> INCREASES OVER THE BUDGET
>
> I have a document here, a scorekeeping report on the expenditure effects of all congressional actions and inactions, which is provided at the taxpayers' expense by one of the congressional joint committees. In checking these figures I find the following. Including the $5 billion in the pending bill, the appropriation bills and nonappropriation bills out of the legislative committee, such as this one, the House has thus far—and most of our bills have not been finalized—the House has busted the President's budget request for new spending authority in fiscal year 1973 that began only three weeks ago by the astronomical sum of $20,770,436,000. To be perfectly clear I should add that that figure includes $6 billion advance contract authority for fiscal 1974 in the $18 billion, 3-year package for waste treatment construction grants voted by the House some weeks ago. Does that bring a chill or tear? Apparently not.
>
> Have we been dulled and made insensitive by some virus that is infesting the country?
>
> * * * * *
>
> We must provide more revenue, or we must somehow try to do a little less by way of escalating spending. Do I want to go home—do you want to go home—and tell your constituents that you have supported thus far this session $20 billion in spending authority over the President's budget?
>
> Do the Democrats want to do that?
>
> Do the Republicans want to do that?
>
> Should the people of this country be expected to endure this sort of treatment at the hands of their elected officials? I am just wondering—and so are quite a few more.

Let me now make reference to the basic information supporting my statement at that time with respect to the $20 billion figure. On page 5 of the June 30, 1972, scorekeeping report of the Joint Committee on Reduction of Federal Expenditures, there appears the figure $20,770,436,000. This figure represents new obligational authority enacted by the House as of June 30. This figure included amounts in appropriation bills and new obligational authority provided otherwise. Significantly, only $479 million of that amount resulted from action on appropriation bills. The remaining portions grew out of actions authorizing spending in nonappropriation bills.

The foregoing quote from the RECORD and the figures I have given relate to the June 30 date and only to actions by the House. The figures have sharply changed since June 30.

At that time I was speaking of new obligational authority, not spending. Today's debate involves spending figures only but I want to again put the situation in perspective.

The facts are, and I am speaking only of spending and not of appropriations or new obligational authority, that Congress will have, when it concludes this session, increased spending probably by about $6 billion over the President's budget. This is accounted for in nonappropriation bills. Indeed, in appropriation bills handled by the Congress, it is estimated that at the end of this session we will have reduced spending by about $1.5 billion.

DELEGATION OF LEGISLATIVE AUTHORITY TO THE EXECUTIVE

Under further leave to revise and extend my remarks, I would like to address, for a moment, the statement made in this debate that Congress has in previous action delegated to the Executive the same broad legislative powers now proposed under title II of the committee bill. This statement specifically is based on the fact that section 201(c) of the committee bill is similar to section 204 of Public Law 90–218, which was a continuing resolution for fiscal year 1968. I include at this point the language of the present committee bill.

> (c) In the administration of any program as to which—
>
> (1) the amount of expenditures is limited pursuant to subsection (a), and
>
> (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution.
>
> the amount available for obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

And now I include for the RECORD the language of Public Law 90–218:

> SEC. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

The point I wish to make is that the similarities between these sections do not touch upon the argument that the proposed committee bill would delegate unprecedented legislative authority to the Executive.

Public Law 90–218 directed the President to make reductions in budget authority and in outlays. But it did not authorize him to reduce spending mandated under previously enacted legislation, which the present proposal specifically does.

Section 203 of Public Law 90–218 exempts from reduction the permanent appropriations such as interest on the debt, trust funds, all the designated "relatively uncontrollable" programs, and—and here I quote "and other items required by law in the fiscal year 1968." The complete language of section 203 of Public Law 90–218 follows:

> SEC. 203. (a). This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading "relatively uncontrollable" in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the

aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

The proposed ceiling under the present committee bill is completely comprehensive, excepting no program, whereas Public Law 90–218 exempted from reduction perhaps half of total Federal expenditures.

As I have indicated, the language of Public Law 90–218 specifically exempts outlays mandated by law. Section 201(a) of the proposed committee bill directs the President to hold Government outlays to $250 billion, and section 201(b) directs him to carry this out "notwithstanding the provisions of any other law."

I include all of the language of section 201(b) at this point:

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

My position is that this language does constitute an unprecedented delegation of legislative authority to the Executive.

The proposed spending ceiling in title II of this bill is different in concept and design from any spending ceiling heretofore enacted by the Congress.

Under further leave to revise and extend my remarks I include in the RECORD at this point the text of House Concurrent Resolution 713 from which my amendment is taken:

Whereas the President has requested authority to impose a limitation on expenditures and net lending for fiscal year 1973 in the amount of $250,000,000,000, including authority to change existing laws and make unspecified reductions in existing mandatory spending programs such as social security, impacted area school aid, veterans' benefits, education and health programs, and other programs on which Congress has acted to date; and

Whereas consistent with the constitutional responsibility of the Congress to make appropriations for support of the Government, it is the practice for Congress to make specific appropriations for the various activities of the Government; and

Whereas the Congress is concerned about the fiscal plight of the country, especially in view of continued and mounting budget deficits and inflationary pressures; and

Whereas the total deficits in Federal funds for the last three fiscal years have exceeded $70,000,000,000; and

Whereas the most recent estimate of the executive branch of the Federal funds deficit for fiscal year 1973 is $32,400,000,000; and

Whereas approximately one-fourth of the Federal debt will have accumulated in just these last four years; and

Whereas in the annual appropriation bills for the fiscal year 1973, the Congress is in the process of reducing spending in excess of $1,000,000,000; and

Whereas in other bills, including bills raising social security benefits, "black lung" benefits, and veterans benefits, the Congress, with the concurrence of the President, has exceeded the related budget estimates; and

Whereas in certain other bills, including general revenue sharing and water pollution control, the Congress is in the process of enacting spending authority for fiscal year 1973 in excess of the related budget estimates for 1973; and

Whereas the President has not advised Congress of the specific reductions in budget authority and budget outlays which he would make to limit outlays to not more than $250,000,000,000; and

Whereas to grant the authority to impose such a limitation on expenditures, including authority to amend basic legislation governing mandatory programs, would in effect transfer legislative authority to the executive branch; and

Whereas the Congress cannot responsibly act on the proposed limitation of $250,000,000,000 on expenditures and net lending without an advance opportunity to assess the impact of the consequent reductions (which, it now appears, would approximate $6,000,000,000) on specific programs and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is hereby respectfully requested to advise the Congress not later than January 2, 1973, of the specific reductions in the budget authority and budget outlays (by appropriation or fund), and changes in existing law affecting same, that in his judgment may best be made in order to limit budget outlays for the fiscal year 1973 to not more than $250,000,000,000; and that it is the sense of the Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations.

Mr. MILLS of Arkansas. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from Texas (Mr. MAHON).

Mr. Chairman, let us look first to see what is in the bill itself. The bill provides in title II a directive to the President to reserve such funds as are necessary that have heretofore been appropriated and authorized by the Congress, to stay within the spending limitation of $250 billion—a right that every President, according to my good friend, the gentleman from Texas, from Thomas Jefferson on down, has exercised, the right to reserve moneys and not spend them in the fiscal year that is in existence. That has been done. There is nothing here, absolutely nothing except with respect to moneys put out under formulas that the President clearly does not have the authority already to do—and some of his lawyers think he has the authority even with respect to what is made available to units of Government under different formulas. So do not think you are giving him anything he does not already have. He has that authority.

What does the gentleman from Texas (Mr. MAHON) propose to do through his amendment? Go right back to that same process of doing nothing we have not done up to date; namely, take the control of the rate of spending ourselves. We could do it, yes, but let us look at his proposition. The President is very cordially invited, under the language of it, to submit to the Congress certain areas where he would like for us to rescind, apparently, appropriations that have already been made. That must be done by January 2.

Congress meets on January 3. It has to go through the process of organization. How long do you think the Congress would take, if it had the willingness to operate under the Mahon amendment, to begin to work? Certainly no sooner than March, and more likely in April. How much reduction could you make in the last 3 months of a fiscal year?

Mr. Chairman, this is bad medicine. But the situation that we face in this country, if only I could get my colleagues to recognize it, is so clear every place you look. Do not pay any attention to the statements that emanate from those of us who are running for political office, take everything we have said with a grain of salt if we are in charge, it is not as bad as someone thinks it is if we are outside and running, and some of them think it is a lot worse than we would inside. So let us take the statements with a grain of salt.

We have a crisis, and we have had it for years. The gentleman from Texas says, yes, we have had it.

Now is the time for us to face up to the the fact that if we do not get the country off the track we are proceeding down today we are going to go into fiscal bankruptcy, and the kind that nobody in this country wants to happen to the dollars that we work for in this country, and the dollars which we attempt to accumulate a few for the time when we retire, so that we can take care of ourselves, but at the pace we are going there is not going to be much of value left to those dollars.

Let me tell you what you will do if you vote for the Mahon proposal, the proposal of my good friend, the gentleman from Texas. You will vote to completely disregard the immediate inflationary processes that are around here, and rising again, because you are going to put them off by not trying to do anything about it until March next year when it will be too late.

You will be disregarding the growing crisis of the dollar abroad and you are going to put it off until March when it will be too late to do anything about it. You are sending out to the world a message that the Congress has turned down a Presidential request to join the President in getting control of spending.

I am not exaggerating the situation, Mr. Chairman, I am trying to be brutally frank with my colleagues. I just say, as others have said, the political part of this worries me greatly. I have been fighting to do everything I can to keep CARL ALBERT, the Speaker of the House, in that chair where you sit in the next Congress.

If we abdicate here any willingness to join in controlling spending and thereby reducing the inflationary pressures, all in the world that the President has to do is to go before the American people on television and ask for a Congress as a result of the vote on November 7, a Congress that will cooperate with him in getting control of spending and in doing something about inflation.

I tell you—you are playing with your own political lives and destinies when you vote for the Mahon amendment. I hope it will be voted down.

The CHAIRMAN. Under the rule, all time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. MAHON).

TELLER VOTE WITH CLERKS

Mr. MAHON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MAHON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MAHON, BETTS, BURKE of Massachusetts, and ULLMAN.

The Committee divided, and the tellers reported that there were—ayes 167, noes 216, not voting 48, as follows:

[Roll No. 420]

[Recorded Teller Vote]

AYES—167

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Carney
Casey, Tex.
Celler
Chisholm
Clark
Conyers
Corman
Culver
Curlin
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evins, Tenn.
Fascell
Flood
Flynt
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Garmatz
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Hanna
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lennon
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mazzoli
Meeds
Melcher
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Steed
Stokes
Stubblefield
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Waldie
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOES—216

Abbitt
Abernethy
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baring
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Griffin
Griffiths
Grover
Gubser
Hagan
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harrington
Harsha
Hastings
Hébert
Heinz
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Long, La.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McKevitt
McKinney
McMillan
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Minshall
Mizell
Montgomery
Mosher
Myers
Nelsen
Nichols
Pettis
Pirnie
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—48

Abourezk
Baker
Bell
Bingham
Blanton
Brasco
Byrne, Pa.
Caffery
Clay
Collins, Ill.
Cotter
Davis, S.C.
Denholm
Dow
Dowdy
Dwyer
Evans, Colo.
Gallagher
Green, Oreg.
Gross
Haley
Halpern
Hanley
Hansen, Wash.
Hathaway
Hungate
Link
Lloyd
McClure
McDonald, Mich.
Martin
Matsunaga
Metcalfe
Mikva
Miller, Calif.
Mills, Md.
Murphy, N.Y.
O'Hara
Pelly
Pucinski
Purcell
Roncalio
Rooney, N.Y.
Rostenkowski
Schmitz
Stanton, James V.
Sullivan
Thompson, Ga.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to be proposed which are germane under the rule? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973, pursuant to House Resolution 1149, he reported the bill back to the House.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 163, not voting 46, as follows:

[Roll No. 421]

YEAS—221

Abbitt
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Boland
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Goldwater
Goodling
Grasso
Gray
Griffin
Griffiths
Grover
Gubser
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Landrum
Latta
Lent
Lujan
McClory
McCloskey
McCollister
McCulloch
McEwen
McKay
McKevitt
McMillan
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mayne
Mazzoli
Melcher
Michel
Miller, Ohio
Mills, Ark.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Myers
Natcher
Nelsen
Nichols
Passman
Patten
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Randall
Reid
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, Pa.
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zablocki
Zion
Zwach

NAYS—163

Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Biaggi
Bingham
Blackburn
Blatnik
Boggs
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Carney
Casey, Tex.
Celler
Chappell
Chisholm
Clark
Clawson, Del
Collins, Ill.
Conte
Conyers
Corman
Crane
Culver
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Dent

Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evins, Tenn.
Foley
Ford,
  William D.
Fraser
Fulton
Garmatz
Gibbons
Gonzalez
Green, Pa.
Gude
Hagan
Hall
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Wash.
Holifield
Hull
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen

Kluczynski
Koch
Kyros
Landgrebe
Leggett
Lennon
Long, La.
Long, Md.
McCormack
McDade
McFall
Macdonald,
  Mass.
Madden
Mathis, Ga.
Meeds
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Konski
O'Neill
Patman
Perkins
Poage
Podell
Price, Ill.
Pryor, Ark.
Rangel
Rarick
Rees
Reuss
Riegle

Roberts
Rodino
Rosenthal
Roush
Roybal
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Seiberling
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Stanton,
  James V.
Steed
Stokes
Stuckey
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Waldie
Whalen
White
Whitten
Wilson,
  Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.

NOT VOTING—46

Abourezk
Baker
Bell
Blanton
Byrne, Pa.
Caffery
Clay
Cotter
Davis, S.C.
Denholm
Dow
Dowdy
Dwyer
Evans, Colo.
Gallagher
Green, Oreg.

Gross
Haley
Halpern
Hansen, Wash.
Hathaway
Hungate
Link
Lloyd
McClure
McDonald,
  Mich.
McKinney
Martin
Matsunaga
Metcalfe
Mikva

Miller, Calif.
Mills, Md.
Murphy, N.Y.
O'Hara
Pelly
Pucinski
Purcell
Roe
Roncalio
Rooney, N.Y.
Rostenkowski
Satterfield
Schmitz
Sullivan
Thompson, Ga.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Davis of South Carolina for, with Mrs. Sullivan against.

Mr. Pucinski for, with Mr. O'Hara against.

Mrs. Hansen of Washington for, Mr. Mikva against.

Mr. Murphy of New York for, Mr. Dow against.

Mr. Satterfield for, Mr. Caffery against.

Mr. Roe for, Mr. Matsunaga against.

Mr. Baker for, Mr. Cotter against.

Mr. Halpern for, Mr. Roncalio against.

Mr. Martin for, Mr. Denholm against.

Mr. Rostenkowski for, Mr. Blanton against.

Mr. McKinney for, Mr. Metcalfe against.

Until further notice:

Mr. Miller of California with Mr. Bell.

Mr. Byrne of Pennsylvania with Mr. McDonald of Michigan.

Mr. Rooney of New York with Mr. Gross.

Mr. Abourezk with Mr. Lloyd.

Mr. Hathaway with Mr. McClure.

Mr. Hungate with Mr. Mills of Maryland.

Mr. Evans of Colorado with Mr. Schmitz.

Mrs. Green of Oregon with Mrs. Dwyer.

Mr. Purcell with Mr. Thompson of Georgia.

Mr. Link with Mr. Dowdy.

Mr. Gallagher with Mr. Haley.

Messrs. CHAPPEL and HAGAN changed their votes from "yea" to "nay."

Mr. GOLDWATER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members participating in debate on the bill just passed be granted permission to revise and extend their remarks; and, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 14989, DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, APPROPRIATIONS, 1973

Mr. SLACK. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 14989) making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 10420, MARINE MAMMAL PROTECTION ACT OF 1972

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (H.R. 10420) to protect marine mammals, to establish a Marine Mammal Commission; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 2, 1972.)

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, the marine mammal bill which we are considering here is very similar to the bill which this body passed last March by an overwhelming vote. Essentially, it sets up a system regulating the taking of all marine mammals by U.S. citizens or in U.S. waters and allows responsible participation by the public in the regulatory process. Further, it establishes an independent commission to review activities in this area and to make appropriate recommendations to the Government and to the Congress.

In some respects, the bill reported by the conference does differ from that which we considered earlier this year, and I would like to take just a few moments to outline those differences.

Principal among these is the establishment of a permanent moratorium on the taking of marine mammals, where the House bill contained a 5-year moratorium period in the conference bill has a number of specific exemptions, however, which we believe will make the program workable. During the moratorium period, the Secretary is authorized to issue scientific or display permits to allow the taking of marine mammals. Both permits will require review by the Marine Mammal Commission and its Committee of Scientific Advisors before issuance and public hearings. I think that the conferees were quite clear in their feelings that, at least with regard to the scientific permits, the hearing and review process might be accelerated in proper cases to allow the Secretaries of Commerce and Interior to act with expedition where such action might be necessary in order to obtain the basic data and knowledge required to carry out the program.

Regular permits may not be issued without a great deal of preliminary information, and the issuance of proper scientific permits will allow that information to be obtained.

Another exemption from the moratorium will apply in the case of commercial fishermen who take marine mammals as an incident to their fishing operations. Here the moratorium will not apply until 2 years from the date of enactment, although the Secretary is authorized and directed immediately to establish regulations to see that these activities present a minimum hazard to marine mammals.

The Secretaries are further authorized to waive the moratorium in appropriate cases, subject, however, to the basic constraint elsewhere in the act: that any taking must be demonstrated to be not to the disadvantage of the species or stocks of the animals involved. I might note in this regard a fundamental concept of the bill, stated as a declaration of policy in section 2: that the primary objective of the management of marine mammals is to maintain the health and stability of the marine ecosystem upon which they, and ultimately we, depend. I will say that I cannot imagine a case in which the objectives of ecosystem stability and non-disadvantageous taking might conflict; but if they should, it is ecosystem protection which must prevail.

The act contains an exemption to allow Indians, Aleuts and Eskimos to take marine mammal for subsistence purposes, as did our bill. It expands this exemption, however, to allow taking for the purposes of creating articles of native handicrafts and clothing. I have been asked if this would permit natives to take polar bears and to sell the skins of these bears to nonnatives for trophies. It is clear that this taking would be prohibited without a permit, issued to the ultimate recipient of the skin.

Another exemption to the moratorium will allow the Secretary to exempt from the operation of the act for up to 1 year from the date of enactment, persons who might otherwise suffer undue economic hardship. Similar language is found in the Endangered Species Act, and can be justified as a means of protecting persons such as importers who have made financial commitments before this time, and who, without this authority, might be seriously and adversely affected. We expect and I think I can assure my colleagues that these exemptions will not be lightly considered or given.

There was some discussion last March of the inequities of allowing a vessel or other conveyance to be subject to forfeiture, and in the light of this discussion, the House conferees felt it desirable to agree to the Senate proposal, which allowed forfeiture of the cargo of the vessel and assessment of a monetary penalty against the vessel or conveyance of not to exceed $25,000. We retained a reward provision permitting payment to those furnishing information leading to a conviction for violation of the act.

The bill that passed the House covered fur seals as well as other marine mammals; the Senate bill did not. We accepted the Senate exemption, but instructed the Secretary to carry out a full study of the animal populations and of the relationship of this legislation to the existing international treaty. The results of this study are to be reported back to us within a year. At that point we will be in a better position to handle the question of how best to regulate the taking of fur seals in the Pribilof Islands.

Another major change in the bill related to the troublesome area of Federal-State relationships. The House bill preempted regulation of all marine mammals, but allowed the development of cooperative Federal and State programs. The compromise reached in conference was to continue the Federal preemption, but to allow the States to take over marine mammal programs, under Federal review, as and when the States elect to do so by adopting appropriate laws and regulations. We are not, I can assure my colleagues, anxious to foreclose State activities in this area. What we did attempt to do was to insure that State and Federal programs are consistent with one another, and with a rational scheme for protecting marine ecosystems and the animals within those ecosystems. If the Federal and State Governments will work together toward this objective, which would appear to be common to both, then this legislation will have done what we all hope for it.

Rather than go into more detail, I would like to include at this point in the RECORD a section-by-section analysis of the bill as reported out of the conference, prepared by staff and giving more detail on the bill so reported:

COST OF H.R. 10420

[In thousands of dollars]

	Fiscal year— 1973	1974	1975	1976	1977
Sec. 110—Research on marine mammals	2,500	2,500	2,500	2,500	2,500
Sec. 111—Research on Commercial Fisheries Gear	1,000	1,000			
Sec. 114—Administration of the Legislation:					
Commerce	2,000	2,000	2,000	2,000	2,000
Interior	700	525	525	525	525
Title II—Commission and Advisory Committee	1,000	1,000	1,000	1,000	1,000
Total	7,200	7,025	6,025	6,025	6,025

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

SEC. 1. The Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (1) This subsection makes the point that certain species and stocks of marine mammals may be threatened with depletion or extinction by man's uncontrolled activities.

(2) This subsection stresses the value and importance of marine mammals to the stability of the ecosystem of which they are a part and provides that they should not be permitted to diminish below their optimum sustainable population. Emphasis is placed on the need to protect those geographic areas of significance for each species of marine mammals from adverse activities.

(3) This subsection states that not enough is known of the ecology and population dynamics of all marine mammals.

(4) This subsection finds that immediate negotiations should be undertaken to encourage the development of international arrangements for research on and conservation of all marine mammals.

(5) This subsection indicates that marine mammals and their products either move in interstate commerce or affect the ecosystems of which they are a part in such a way as to affect other animals and products, and the protection and conservation of marine mammals is necessary to insure the continuing availability of such products which move in interstate commerce.

(6) This subsection states that marine mammals are resources of great significance and that it is congressional policy that they should be protected and encouraged to develop consistent with sound policies of resource management. The primary objective of this management must be to maintain the health and stability of the marine ecosystem; this in turn indicates that the animals must be managed for their benefit and not for the benefit of commercial exploitation.

DEFINITIONS

SEC. 3. This section defines the various terms used in the bill.

(1) "Depletion" or "depleted" refers to the situation in which species or stocks of animals have declined significantly or have reached a point at which their future may be in jeopardy. The concept is broader than that of "endangered species" within the meaning of the Endangered Species Conservation Act of 1969. It provides the Secretaries of Interior and Commerce with authority to step in to protect animals from species and stocks which have declined significantly before they have become formally endangered or actually extinct.

The Act requires consultation with the Marine Mammal Commission and the Committee on Scientific Advisors on Marine Mammals before a designation of a "depleted" species or stock is made. The Act will allow species or stocks to be protected before they have reached endangered status.

The designation of a species or stock as depleted under the Act, however, will not automatically qualify an animal for protection under the Endangered Species Act of 1969 and will not expand that Act, as it is presently written, to cover endangered stocks within otherwise abundant species. On the other hand, species now or later on the endangered list will fall within the definition of depleted within this Act.

(2) "Management" and "conservation" refer to the collection and application of biological information necessary to keep animals within a given species or population at the optimum carrying capacity of their habitat. The scope of this definition includes all those activities which are part of a modern scientific resource program. This term further includes, as appropriate, the periodic or total protection as well as regulated taking of any species or population.

(3) "District Court of the United States" means the various U.S. District Courts.

(4) "Humane" in the context of taking marine mammals means the method of taking which involves the least possible amount of pain and suffering which can be inflicted upon the animals involved. It is not a simple concept and involves factors such as minimizing trauma to groups of highly intelligent, social animals such as whales and porpoises where the taking of any member may be distressing to the group. In many cases, where an animal may not be taken humanely the bill will prevent that animal from being taken at all.

(5) "Marine mammals" means mammals which are physiologically adapted to the oceans, such as sirenians (manatees and sea cows), cetaceans (whales, porpoises, and air breathing dolphins) and pinnipeds (seals, sea lions, walruses and others). The term also includes animals such as polar bears which are adapted to an intermittent land-sea environment. For the purpose of the Act, the term includes parts of marine mammals, including but not limited to their fur and skins.

(6) "Marine mammal product" means processed or unprocessed merchandise made in whole or in part from marine mammals.

(7) "Moratorium" is defined as the cessation of the taking of marine mammals and a ban on the importation of marine mammals and their products.

(8) "Optimum carrying capacity" refers to the ability of a given habitat to support the optimum sustainable population of a species or stock without adversely affecting the ability of that habitat to continue that function.

(9) "Optimum sustainable population" is defined as the number of animals which will result in the maximum productivity of the population or species when considered in the context of the health of the ecosystem of which the particular species or stock is a part, as well as the carrying capacity of the habitat.

(10) "Person" means individuals, corporate entities, or employees of any government.

(11) "Population stock" involves a new concept, permitting and requiring the Secretaries to discriminate between different groups of animals distinguishable from other populations of the same species. The Alaskan polar bear, for example, is clearly a population stock within the general worldwide species classification for polar bears.

(12) "Secretary" within the context of this Act refers to the Secretaries of Interior or of the Department within which NOAA is presently operating (presently the Department of Commerce), depending on the animals for

which they are given responsibility. The Secretary of Commerce is thus given responsibility for all cetaceans and all pinnipeds, other than walruses; the Secretary of Interior is given responsibility for all other marine mammals.

(13) "Take" is defined broadly by the Act, as including harassing, hunting, capturing, or killing any marine mammal or attempting to do so. The act of taking need not be intentional: the operation of motor boats in waters in which these animals are found can clearly constitute harassment.

(14) "United States" includes all lands over which the United States government has jurisdiction.

(15) "Waters under the jurisdiction of the United States" means waters out to the twelve mile limit.

EFFECTVE DATE

SEC. 4. For most purposes, the effective date of the Act is sixty days after the date of enactment.

TITLE I—CONSERVATION AND PROTECTION OF MARINE ANIMALS

Moratorium and exceptions

SEC. 101(a) This subsection prescribes a permanent moratorium, beginning on the effective date of the Act (sixty days after the date of enactment), on the taking and importation of all marine mammals and marine mammal products. There are, however, certain stated exceptions to this moratorium:

Subparagraph (1) authorizes the Secretary to issue permits for scientific research or for public display, following review of the permit application by the Marine Mammal Commission and its Committee of Scientific Advisors, established under Title II of the Act. Those bodies are instructed to review the application in the light of the expressed purposes and policies of the Act, and to approve them if they are found to be consistent. If the permit application is for importation and is approved by the Secretary, the applicant is then entitled to receive a certificate to that effect for presentation to customs representatives to allow passage of the animal or goods.

Subparagraph (2) authorizes an exception to allow the taking of marine mammals as an incident to commercial fishing operations. During the two year period immediately following the enactment of the Act, no formal permit is required, although commercial fishermen would be subject to broad regulatory powers of the Secretary, designed to insure that the smallest hazard is presented to animals which may be involved. Following the two-year period, incidental catches will be subject to normal permit procedures. The zero mortality and injury goal is applicable immediately and continues into the period beyond two years from the date of enactment. The Secretary is also instructed to request assistance from the Committee of Scientific Advisors on the numbers of marine mammals killed under existing and future fishing techniques.

This subparagraph also directs the Secretary of the Treasury to monitor foreign fishing techniques and to prohibit the importation of fish or fish products caught through the use of techniques which are forbidden to U.S. fishermen. To this end, the Secretary is directed to communicate with the governments of the nations involved as to their current fishing practices.

(a) (3) (A) grants additional authority to the Secretary, during the moratorium, to make decisions affecting marine mammals. It provides that the Secretary may permit exceptions to the moratorium when such exceptions would be in accordance with the policy of the Act to preserve and conserve the animals involved. The Secretary's authority would include the power to determine that a State's laws on marine mammals apply in lieu of the Act. The criterion which must be met in any decision to waive the moratorium or defer to State law is that the principles of resources protection and conservation embodied in the Act must be maintained. Should a decision to make an exception to allow taking or importation pursuant to the Federal Act be made, then the sections of the Act on prohibitions, regulations and permits will apply. (In the case of importation, and additional requirement must be met; namely, that the program for taking marine mammals in the country of origin must be consistent with the prohibitions and policies of the Act. If it is found not to be consistent, then the importation cannot be allowed for any purpose.) If a decision is made to defer to State law, then the provisions of that law will apply; provided, of course, that the State law has been found to comply with the Act and continues to do so.

The Secretary's decision to waive the moratorium would not be a final action, from which appeal might be taken: recourse to the courts must await action under Section 103 of the Act. The Act requires that the hearings to be held by the Secretary on the regulations which he proposes to adopt would also encompass his decision to waive the moratorium.

(a) (3) (B) provides that during the moratorium, except for research purposes indicated in subparagraph 101(a) (1), no permit may be issued for the taking of any marine mammal classified as an endangered species or as depleted, and additionally no importation may be made of any such marine mammal.

(b) This subsection excepts from the moratorium and other provisions of this Act the taking of marine mammals by native Alaskan Eskimos, Indians or Aleuts who live on the coast of the North Pacific or the Arctic Ocean, but only if the taking (1) is for subsistence purposes by natives living in Alaska or (2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing, and (3) in either case is not done in a wasteful manner. Such subsistence purposes include taking for food, clothing, heating, and other necessities of life. The subsection specifically defines the term "authentic native articles of handicrafts and clothing" to permit sales in interstate and foreign commerce.

As defined, "authentic native articles of handicrafts and clothing" must be manufactured without the use of mass copying devices in the exercise of traditional native handicrafts, including improved methods of production utilizing modern implements, such as sewing machines, so long as no large scale mass production industry results. The information of traditional native groups, such as cooperatives is permitted under the Act. The subsection also permits the sale of edible portions of marine mammals, such as meat, skin, and seal oil in Alaska native villages and towns or for consumption by Alaskan natives presently residing outside the state. It is intended that federal and state authorities both will work with the natives to insure that the taking of any species of marine mammal is accomplished wihout undue loss of such mammals. Examples of some areas in which such governmental cooperation may be undertaken are the taking of bowhead whales, some of which are lost beneath the ice, and alleged infrequent incidents of indiscriminating firing into walrus heads by native hunters.

This subsection also allows the Secretary (or the State of Alaska if such authority is delegated) to place limitations upon the taking of any marine mammal by Alaskan Eskimos, Indians or Aleuts if the Secretary determines any depleted species or stock of marine mammal to be threatened by native activities. It is intended that the Secretary, in establishing such limitations, shall designate the species or the stock of the species in question, as well as a description of the geographical area involved, the season for taking, or any other factors contributing to such limitations. The limitations shall be lifted as soon as the need for imposing them has disappeared.

The Secretary is given the authority to curtail or to terminate the native taking whenever he concludes that such taking is endangering, depleting or inhibiting the restoration of endangered or depleted stocks. The actions of the Secretary in administering the provisions relating to taking by natives will be subject to review by the public and by the Congress, in order to see that his responsibilities have adequately been met.

(c) This subsection qualifies the moratorium section further by permitting the Secretary to allow persons up to one year as a grace period during which they need not comply with provisions of the Act, as the Secretary determines. It does not apply, however, to persons covered by section 101(a) (2). This exception to the Act only operates at the discretion of the Secretary, and is designed to minimize undue economic hardship. The concept is taken directly from section 3(b) (16 U.S.C. 668cc–3(b)) of the present Endangered Species Act. The Endangered Species Act authorizes the Secretary of Interior, in order to minimize undue economic hardship to a person importing a species of fish or wildlife that is placed upon the endangered species list, to continue such importation in such quantities and for such periods not to exceed one year as the Secretary deems appropriate. The situation which will arise upon enactment of the Marine Mammal Protection Act is analogous to the situation which occurs under the Endangered Species Act when a new animal is placed on the Endangered Species List. Substantial adjustments will be required to take account of the new law just as an importer of an endangered animal which suddenly is placed on the list will need to make adjustments in his contracts, etc. The situation is directly analogous in the case of tunafish processors since, without the special exception, it could happen that a processor would be forbidden by Section 102(c) to import tunafish for which he may have contracted earlier.

Prohibitions

Sec. 102. (a) This section states that it is unlawful, except as provided in sections 101 (moratorium), 103 (regulations), 104 (permits), 111 (gear development research) and 113 (treaties) for any person or vessel subject to the jurisdiction of the United States to take any marine mammals on the high seas. It also prohibits any person or vessel or conveyance from taking any marine mammal on waters or lands under the jurisdiction of the United States unless expressly provided for by an existing international treaty, convention, or agreement to which the United States is a party.

In addition, it is unlawful for any person to use any port, harbor, or other place under the jurisdiction of the United States in connection with a prohibited taking or to use such port for unlawful importation of marine mammals or marine mammal products. The subsection further prohibits any person subject to United States jurisdiction from possessing, transporting, selling or offering for sale any marine mammal taken unlawfully. It also makes it unlawful for any person to use, in a commercial fishery, any fishing techniques that are in violation of any regulations issued by the Secretary for the purposes of carrying out this Act.

(b) This subsection makes it illegal to import any marine mammal within certain specified categories unless that mammal is imported pursuant to permit issued for legitimate scientific research. The categories of animals are those: (1) pregnant when taken, (2) nursing (either parent or young) or less than eight months old, whichever occurs alter, (3) taken from a species or stock which has been designated by the Secretary as depleted or from a species which is listed as endangered or (4) taken inhumanely. This subsection will bar the import of marine mammals or products taken from the baby Canadian harp seal.

(c) This subsection imposes an absolute and permanent ban on the importation of animals taken in violation of this title or taken in a foreign country in violation of the laws of that country. Importation of marine mammal products is banned in cases where importation of the mammal would be banned and in cases where the sale of the product is prohibited by the country or origin. Once the Secretary has taken steps to control the types of gear that can be used in commercial fishing, this section would also ban importation of fish caught by methods proscribed for fishermen subject to U.S. jurisdiction. This subsection will close the United States market to the tuna fish caught in this fashion.

(d) This subsection makes the subsections banning importations prospective only. It will serve to protect those with inventories of products at the time these actions become unlawful.

(e) The subsection states that provisions of the Act will not affect any marine mammal or marine mammal product which was taken before the date that the Act goes into effect.

Regulations on taking of marine mammals

Sec. 103. (a) This section establishes the basic theme of this Act. It states that the Secretary, on the basis of the best available scientific evidence and after consultation with the Marine Mammal Commission, shall issue regulations on the taking or importing of marine mammals to insure that such taking or importing does not occur to the disadvantage of the species or stocks from which the animals are taken and that such taking would be consistent with the policies of the Act. It requires, in effect, that limitations be established which will be designed to act for the benefit of the animals in question. While clearly it is not to the benefit of an individual animal to be taken, the Committee was persuaded by overwhelming scientific evidence that there are, in fact, cases in which animal species or stocks may be benefited by removing excess members. In these cases, the Secretary will establish appropriate limitations which will permit the taking of these animals.

(b) This subsection lists the general criteria which may be considered by the Secretary in the process of prescribing limitations under the Act. These include a wide range of factors such as the effect of limitations on present and future animal populations. U.S. treaty requirements, ecological and environmental considerations, the conservation and development of fishery resources and economic and technological feasibility.

The Secretary, for example, in regulating the operations of the tuna industry with respect to the incidental catching of porpoises must consider the technical capability of these fishermen to avoid injury to porpoises. It is not the intention of the Congress to shut down or significantly to curtail the activities of the tuna fleet so long as the Secretary is satisfied that the tuna fishermen are using economically and technologically practicable measures to assure minimal hazards to marine mammal populations.

(c) The regulations prescribed by the Secretary may include a number of factors; the number of animals to be taken or imported, what animals may be taken or imported, when and from where this taking or importing may take place and restrictions on certain fishing techniques which he has found to cause undue fatalities to marine mammals in the particular fishery involved.

(d) This subsection requires the establishment of limitations to take place after full agency review open to public comment and hearing pursuant to the Administrative Procedure Act. Before or at the time of announcing proposed regulations, the Secretary is required to make available to the public a number of documents: (1) a statement of the size of the populations affected. (2) a statement on the impact of his proposed regulations on the optimum sustainable population of the species or stock involved, (3) the scientific evidence upon which he proposes to base his regulations, and (4) any studies or recommendations relating to these regulations. At this point in the development of the rulemaking procedure the public is given the right, and the necessary information, to participate, and if it considers such action appropriate, to protest against the establishment of these regulations.

(e) This subsection requires the Secretary to report on the status of marine mammals to the public and the Congress within six months of the effective date of the Act and once a year thereafter, and in his report the Secretary shall outline the actions he has taken, and those measures believed necessary to assure the well being of such marine mammals. This will not require the Secretary to restudy each species and stock annually, but will require him to update, where appropriate, what had been done since the last report was filed.

Permits

Sec. 104. (a) This subsection allows the Secretary to issue permits authorizing the taking or importation of any marine mammal.

(b) This subsection requires permits issued under the authority of the Act to be consistent with the regulations prescribed in Sec. 103 and states that such permits specify terms and conditions under which the animals may be taken or imported. Whenever the reason for such taking is overpopulation, before issuing any permit to take a mammal the Secretary must first consider the possibility of transporting excess members of this population to other areas which were formerly the habitat of such animals.

(c) Scientific research permits or permits for the display of marine mammals by profit and non-profit institutions must be issued by the Secretary subject to his requirements as to the manner in which those animals may be captured, transported and cared for. These permittees must also report to the Secretary on the ways in which these requirements have been carried out. If the Secretary is not satisfied with these activities or these reports, he may take appropriate action, which includes the revocation of permits and assessment of penalties.

(d) This subsection authorizes the Secretary to prescribe procedures to carry out his permit authority. It requires him to make public notice of permit applications received and to invite comments from interested members of the public. Permit applicants must show that the taking or importation of marine mammals will be consistent with the purposes of this Act as indicated above and with regulations established under Sec. 103. The subsection authorizes the Secretary to grant public hearings upon request of any interested party, if the request is made on a timely basis. The Secretary is instructed to act in an expeditious fashion and to make full public disclosure of his action in issuing or denying a permit requested. The subsection also authorizes permit applicants or opposing parties to obtain judicial review of the issuance or refusal to issue a permit under this section.

(e) This subsection authorizes the Secretary to modify, suspend or revoke permits to make them consistent with revised regulations under Sec. 103, or where the permit has been violated. Such actions by the Secretary can only take effect after the permittee has had an opportunity for a hearing. Notice of such modification, suspension or revocation must be published in the Federal Register.

(f) This subsection requires permits issued by the Secretary to be in the possession of the authorized person during the process of the authorized taking or importation or at any other time incidental to that taking or importation. The copy of the permit must be physically attached to any container in which the marine mammal is placed or be aboard the vessel involved.

(g) This subsection requires the Secretary to charge a reasonable fee for permits issued, to be done through an informal rulemaking procedure allowing interested parties to comment.

(h) This subsection authorizes the Secretary to issue general permits under appropriate regulations covering the use of such permits. Fishermen, Eskimos, and others who may have a continuing problem may thus obtain general permits from the Secretary covering situations in which it is anticipated that permission is required, subject to those regulations which the Secretary considers consistent with the purposes and policies of the Act.

Penalties

Sec. 105. (a) This subsection authorizes the assessment of civil penalties by the Secretary for violation of the Act or permits or regulations issued under the Act, in the amount of not more than $10,000 for each violation. If the penalty is not paid, the Secretary is authorized to refer the matter to the Department of Justice for action.

(b) This subsection authorizes criminal action and fines up to $20,000 for each violation or up to one year imprisonment, or both, for any person who knowingly violates the Act or permits or regulations issued thereunder.

Vessel fine, cargo forfeiture, and rewards

Sec. 106. (a) This subsection makes the cargo or the cash value of the cargo of any vessel or other conveyance (such as an airplane or snowmobile) affected by the Act subject to forfeiture. The forfeiture may be imposed if the vessel is employed in the unlawful taking of any marine mammal. Negligent operation of power-driven vessels may constitute prohibited activity, if it takes place in waters where marine mammals are known to exist.

Subsection (b) renders such vessels (and, by implication, other conveyances) themselves liable for civil penalties. These may be assessed as maritime liens, but the penalty for each offense may not exceed $25,000. Any such penalties shall be assessed by the U.S. district court having jurisdiction over the vessel.

Subsection (c) authorizes rewards, to be paid out of the General Treasury, to be paid to persons providing information leading to the conviction of any person for violation of this Act. Payments may not be made under the authority of this section, however, to Federal, state or local enforcement officers acting in performance of their duties.

Enforcement

Sec. 107. (a) The Secretary is charged with basic responsibilities for enforcement of Title I, except as otherwise provided. He is expected, however, to utilize other Federal agencies, such as the Coast Guard, for purposes of enforcement.

(b) The Secretary may also designate State officers and employees as enforcement agents, although they are not considered as U.S. employees for purposes of laws administered by the Civil Service Commission.

(c) This subsection authorizes U.S. judges and magistrates to issue warrants or other process required for enforcement of this Act.

(d) The subsection authorizes appropriate officials to execute warrants or processes. It further authorizes those officials to arrest persons violating the law in their presence or view, with or without a warrant, and permits searches of vessels or conveyances either with a warrant or other process, or if the officials has reasonable cause to believe a violation has occurred or is occurring. Such officials may also seize the cargo of any vessel where such vessel has been used in violation of the Act or reasonably appears to have been so used. Marine mammals or marine mammal products taken in violation of the Act may also be seized and disposed of in accordance with appropriate regulations.

(e) This subsection requires the Secretary to expedite proceedings when a seizure has taken place. He is required to notify the owner or consignee of the seizure of these goods as soon as possible. When appropriate, the Secretary may either hold marine mammals or products, or other cargo, or permit the person concerned to retain them after posting bond. After assessment of civil penalties, the subsection permits the Secretary to proceed against the marine mammals and products or other cargo concerned, and forfeited, for appropriate disposition. The subsection requires marine mammals and products, and other cargo, seized in connection with a criminal violation to be forfeited to the Secretary. It allows the forfeiture of property or other items taken in conjunction with the violation. Marine mammal products, or other cargo, which have been seized must be returned to the owner or consignee, if (a) a civil penalty is assessed, but no action is taken to recover that penalty, or (b) if criminal action is unsuccessful and the Secretary has not thereafter commenced proceedings for the imposition of civil penalties.

International program

Sec. 108. This section requires the Secretary, acting through the Secretary of State, to: (1) initiate negotiations for bilateral or multilateral agreements for the protection and conservation of the marine mammals covered by this Act, (2) initiate negotiations with foreign governments that either through their own involvement, or that of their citizens or companies, are engaged in commercial fishing operations which the Secretary has found to be unduly harmful to any species of marine mammals, in order to develop bilateral or multilateral treaties for the purposes of protecting such marine mammals, (3) encourage the development of other international agreements for the protection of specific ocean and land regions which are of special significance to marine mammals, (4) initiate the amendment of any existing international treaties for the protection and conservation of marine mammals in order to make such treaties consistent with this Act, (5) seek the convening of an international meeting on marine mammals before July 1, 1973, for among other things, the signing of a binding international convention for the protection and conservation of all marine mammals and further, for the implementation of paragraph 3 of this section, and (6) report to Congress within one year of the enactment of this Act on the results of the activities called for under section 108.

In addition, subsection (b) requires study of the taking of North Pacific fur seals. Within one year of the date of enactment of the Act, the Secretary is required to report back to the Congress on the results of (A) a joint study with the Marine Mammal Commission on the present status of these fur seals, and (B) a joint study with the Secretary of State on necessary or desirable modifications of the existing international treaty and/or this Act. If either study indicates that problems exist, the Secretary is further instructed to take the steps necessary to resolve these problems.

Federal cooperation with States

Sec. 109. (a) This subsection preempts State laws regarding marine mammals, but allows the Secretary to approve and accept State programs, which after review, are found to be consistent with the Act. This would allow the State to engage in a permit program, under Federal review, or a cooperative or exclusive enforcement program. The subsection clarifies the circumstances under which State marine mammal programs are continually reviewed. It also specifically authorizes State officials to take marine mammals in a humane manner if done for the welfare of the public or the animal, and if such taking is intended to return the animal to a wild condition and in an unharmed state. This would cover state agents returning beached pilot whales to the sea.

(b) This subsection authorizes the Secretary to make grants to the states to develop and implement laws and programs for the conservation of marine mammals consistent with the purposes and policies of the Act.

(c) Provides that the Secretary shall enter into cooperative agreements with state officials to delegate administration of the Act to the States.

Marine Mammal Research Grants

Sec. 110. (a) This subsection authorizes the Secretary to make grants or to provide other appropriate financial assistance to state and other agencies, public or private institutions, or other persons in order to assist them in carrying out research on subjects relevant to the protection and conservation of marine mammals.

(b) This subsection authorizes the Secretary to establish reasonable terms and conditions upon grants provided under the section 110 as appropriate to protect the interests of the United States. Any grant shall be reviewed by the Marine Mammal Commission prior to being given out.

(c) This subsection authorizes annually, for the fiscal year in which the section takes effect and for each of the next four fiscal years $833,333 to the Secretary of the Interior and $1,666,666 to the Secretary of the Department within which NOAA is operating.

Commercial fisheries gear development and financial assistance

Sec. 111. (a) The Secretary of the Department within which NOAA is operating is authorized to carry out a research and development program in order to devise better fishing methods and gear with the objective of reducing to maximum extent practicable the incidental taking of marine mammals during commercial fishing operations. The Secretary is authorized to issue such regulations as he deems necessary to carry out this objective of reducing the level of incidental taking of marine mammals. At the end of two full years the Secretary shall report to Congress the results of his research and development activities. If new fishing methods or gear are developed, which are capable of feasible application, the Secretary shall by regulations require the same to be adopted by persons engaged in commercial fishing operations. Persons following the regulations established by the Secretary under this section need not obtain permits for incidental taking of marine mammals during the first two years of the moratorium. The Secretary is authorized $1,000,000 for the fiscal year ending June 30, 1973, to carry out this subsection, and a like amount for the next following fiscal year.

The Secretary and the Secretary of State are further directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to obtain essential compliance with the Act. The Secretary and Secretary of State are also authorized and directed to request the Director of Investigations of this Commission to make recommendations to the member nations of the Commission to utilize any new commercial fishing method and gear. Additionally, authorized agents of the Secretary are empowered to accompany U.S. commercial fishing vessels, if space is available, on fishing trips for purposes of research and observation.

Regulations; administration

Sec. 112. (a) This subsection authorizes the Secretary in consultation with other appropriate federal agencies, if any, to adopt regulations to carry out the purpose of the Title.

(b) All federal agencies are authorized to cooperate on mutually agreeable terms with the Secretary in carrying out the purposes of the Title.

(c) This subsection authorizes the Secretary to enter into agreements, as necessary, with any person or agency of government in order to carry out the purposes of Title I of the Act.

(d) This subsection requires the Secretary to review annually all programs in which the United States participates, involving the taking of marine mammals on land. If the U.S. activities cannot be administered on lands owned by the United States in a manner consistent with the Act, the Secretary must thereupon suspend the program and notify the Congress, recommending legislation to resolve the problem.

Application to other treaties and conventions; repeal

Sec. 113. This section makes it clear that the Act is to be applied as supplemental to and not in violation of existing international treaties, conventions or agreements, or any statutes which implement the same, which otherwise apply to marine mammals such as those applying to whaling and fur seals. Thus the Act does not apply to the North Pacific fur seal because this mammal is covered by the North Pacific Fur Seal Convention. It also repeals the proviso in the Act (16 U.S.C. 659) regarding the protection of sea lions in Alaskan waters.

This section also grants authority to the Secretary to issue a finding as to whether this Act shall apply to a violator or whether the penalties under any international treaty, convention or agreement with respect to the protection of marine mammals from takings incidental to commercial fishing operations shall apply. An example might be that the Inter-American Tropical Tuna Commission may adopt regulations effecting essential compliance with this Act. In such a case the Secretary may declare that section 105 of this Act does not apply and that penalties provided in the international agreement, treaty or convention do apply.

Authorizations

Sec. 114. (a) This subsection authorizes $2,000,000 to be appropriated annually for each of the next four following fiscal years ending June 30, 1973, and for the next four following fiscal years, to enable the Department of Commerce to carry out its responsibilities under Title I.

(b) This subsection authorizes the sum of $700,000 for the fiscal year ending June 30, 1973, and $525,000 for each of the next four years to be appropriated, to enable the Department of the Interior to carry out its responsibilities under Title I.

TITLE II—MARINE MAMMAL COMMISSION

Establishment of Commission

Sec. 201. (a) Establishes the Marine Mammal Commission.

(b) The commission is composed of three members serving three year staggered terms, appointed by the President from a list submitted by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, and the heads of the National Science Foundation and the

National Academy of Sciences of individuals who are knowledgeable in the fields of marine ecology and research management and who are not then or will be thereafter in a position to benefit from the taking of marine mammals. The section bars existing government employees from service as a member of the Commission. Members of the Commission may not be reappointed unless serving as a replacement to fill a vacancy.

(c) The President shall designate the Chairman of the Commission from among the members.

(d) Members of the Commission shall be compensated on a daily rate equivalent of a GS–18 ($138.48 at this time) for each day the members are engaged in the actual performance of their duties. They are also entitled to reimbursement for travel expenses.

(e) The Title requires the appointment of Executive Director who will be a full time employee of the Commission, paid at a rate not in excess of that established for a GS–18.

Duties of Commission

Sec. 202. (a) The Commission is required to do the following:

(1) Review existing federal laws and international treaties relating to marine mammals, including those dealing with whales and fur seals.

(2) Review existing information on the stocks of marine mammals and ways in which they may be managed consistent with the purposes of the Act and of the most humane possible ways of taking marine mammals; it shall also review the research programs carried out under the Act and all applications for research permits, authorized under Sec. 103.

(3) Carry out necessary studies in connection with the protection and management of marine mammals.

(4) Recommend to the appropriate Secretary, and to other officials, such additional steps as it considers desirable in the interest of marine mammals.

(5) Recommend appropriate policies to the Secretary of State for strengthening existing international treaties and recommend additional measures for protection of marine mammals.

(6) Recommend to the Secretary of the Interior revisions to the Endangered Species List as they may affect marine mammals, and

(7) Recommend to the Secretary, other officials, and the Congress, measures deemed necessary or desirable to carry out the purposes of this Act, including those which it deems appropriate to protect Alaskan natives who may be adversely affected by the Act.

(b) The Commission is required to consult with the Secretaries at their request, and shall furnish its reports and recommendations before publication to them for comment.

(c) The Commission's reports and recommendations are specifically designated as public records, to be available to the public on reasonable terms and conditions. Other activities of the Commission are also matters of public record, subject to the provisions of the Freedom of Information Act.

(d) Where the Commission has made recommendations to federal officials, those officials must respond to those recommendations on a substantive basis within 120 days. Where those recommendations have not been followed or adopted, the appropriate official is required to return them to the Commission together with a detailed explanation of his reasons for his failure to follow these recommendations.

Committee of Scientific Advisors on Marine Mammals

Sec. 203. (a) This section authorizes and directs the establishment of a Scientific Committee of nine independent scientists knowledgeable in marine ecology and marine mammals affairs. The members of this Committee are to be appointed by the Chairman of the Commission, with the advice of the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) The members of the Scientific Committee are to be compensated in like manner as the members of the Marine Mammal Commission.

(c) The Commission is required to consult with the Scientific Committee on studies and recommendations on research programs conducted under the authority of the Act and all applications for scientific research permits. Recommendations made by the Committee, or members of the Committee, to the Commission which are adopted by the Commission must be transmitted to the appropriate federal agency and the Congress with an explanation of the Commission's reasons for not accepting such recommendations.

Commission Reports

Sec. 204. This section requires the Commission to transmit to the Congress an annual report describing its activities, including findings and recommendations by and to the Commission, together with the responses to those recommendations.

Coordination with other Federal Agencies

Sec. 205. This section authorizes the Commission to have access to all federal studies and data relating to marine mammals. It authorizes the Commission to utilize the facilities of federal agencies, under cooperative arrangements, and directs the Commission to take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

Administration of Commission

Sec. 206. This section authorizes the Commission to do the necessary things in order to carry out its administrative responsibilities under the Act. Its financial and administrative services are to be provided by the General Services Administration and appropriate reimbursement made therefor.

Authorizations

Sec. 207. This section authorizes the sum of not to exceed $1 million for the fiscal year in which Title II is enacted, and for the next four fiscal years thereafter. Not more than one-third of the total amount of any sums appropriated to the Marine Mammal Commission pursuant to this Title shall be expended on activities other than research and studies conducted under the authority of 202(a)(2) and 3. This limitation was added to minimize the temptation on the part of the Commission to develop another paper-shuffling bureaucracy. It is the express intent of the Committee that the administrative activities of the Committee be held to a irreducible minimum; the Commission is expected to make every effort to see that its program is carried out accordingly.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, will the gentleman advise the House before we take action on the conference report as to whether all Senate added-on legislation was germane to the House-passed bill and whether or not there was an increase in cost over that authorized by the House?

Mr. DINGELL. I would advise my friend, the gentleman from Missouri, that my view and in the view of the staff of the committee all of the Senate language was germane to the House-passed bill, and to the best of my knowledge there were no nongermane additions by the Senate to the bill before us.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman from Missouri.

Mr. HALL. Can the gentleman advise me as to the cost added on by the other body?

Mr. DINGELL. The cost estimates I have and I can give the gentleman: For fiscal years 1973, $7.2 million; for fiscal year 1974, $7.025 million; for fiscal year 1975, $6.025 million; and for fiscal years 1976 and 1977, $6.025 million.

Mr. HALL. The question is, Mr. Speaker, is that an increase on the part of the other body over the House-passed legislation?

Mr. DINGELL. I will say to the gentleman that the Senate had a larger figure in the bill which they passed than did the House. The compromise represents a slightly higher figure than the House figure, but a lower figure than the Senate figure.

Mr. GOODLING. Mr. Speaker, I associate myself with the distinguished chairman of the Subcommittee on Fisheries and Wildlife, Merchant Marine and Fisheries Committee (Mr. Dingell) in urging passage of the conference report on H.R. 10420, marine mammal legislation.

I sincerely feel that this legislation represents the most carefully drafted, structured, and intricate bill which I have had the pleasure of serving as a conferee on during this session of Congress. The overall policy issue of marine mammal protection is an important one which has been charged with a great deal of emotion and concern from small schoolchildren, environment organizations, scientists, fishery organizations, Members of Congress, and Federal, State, and local officials responsible for wildlife and marine resource management. The final product represents many long hours of devotion to the legislation on the part of all our conferees but, in particular, a great deal of the credit for producing a strong, viable end product which should meet with the approval of all concerned goes to our very able subcommittee chairman (Mr. Dingell).

In its final version, the bill provides for an indefinite moratorium on the taking of any marine mammal with authority vested in the Secretary of Interior or Commerce, depending on the species involved, to waive the moratorium after public hearings and within certain specified regulations as to the extent of the waiver.

The measure also permits the taking of marine mammals by Alaskan Natives for subsistence purposes and preserves the cottage industry of such Natives subject to control by the Secretary.

In regard to those marine mammals taken accidentally or incidentally to commercial fishing operations, the conferees adopted a general goal that such damage should be "reduced to insignificant levels approaching a zero mortality and serious injury rate". I wish to make it crystal clear that this language in no way will or should result in the closure or drastic curtailment of the Nation's commercial fishing industry simply because the biological fact exists that some species of fish and marine mammals cannot be separated from a commonly shared food source in order to permit commercial fishing operations without the taking of a single marine mammal.

The statement of the conferees in this regard is an expression of desire that appropriate efforts be taken, under the commercial fishing gear development section and other applicable laws, to develop more advanced gear and fishing method technology to assist in the further reduction of the level of accidental taking.

The phrase "zero mortality and serious injury rate" has no other legislative fiat, directive, impact, or binding obligation on the part of the Secretary to reach for, strive for, and/or obtain a zero mortality goal by the potential or actual elimination of this Nation's commercial fishing industry or by the elimination of certain fishing techniques, such as the purse-seine method, simply to satisfy an expression of a general policy objective. We all desire that marine mammal mortalities be reduced significantly—and as fast as possible—but there must be an appropriate balancing of equities between the two extremes of a zero mortality rate and elimination of a commercial fishing industry.

The final version preserves the intricate and complex administrative and procedural aspects which appeared in both versions of the bill. In addition, the Marine Mammal Commission is preserved with appropriate research authority and duties in regard to assisting the Secretaries in the promulgation of regulations and permits. I am sure it is the desire of the conferees in both Houses that the provisions of this legislation be implemented within a short period of time, and that the Marine Mammal Commission, Committee of Scientific Advisors, and the Secretaries work in close harmony and purpose with each other in accomplishing the objectives of the act. Should the procedures built into the measure become cumbersome, duplicative, and result in difficulties of administration and implementation, I am sure that the appropriate committees in both bodies will take appropriate action to remedy the problem by vigorous oversight and subsequent legislation amending the act.

Mr. Speaker, for perhaps the first time, this country and Congress has recognized the need to enact legislation which would provide for conservation and protection of marine mammals prior to the time that many if not all such species become extinct or decline beyond the point of no return. Yet this legislation, standing by itself, cannot begin to provide the mechanisms of control and protection necessary to insure worldwide conservation and assistance to these important species. It is absolutely imperative that other nations develop appropriate domestic legislation, enter into bilateral and multilateral agreements, and take other appropriate action to insure the continued growth, survival and viability of these marine mammals.

The wholesale harvesting of marine mammals such as whales, porpoises, and others for commercial and food purposes must be internationally prohibited or regulated, controlled, and enforced in order to prevent ultimate elimination of marine mammal species as a result of unsound, illogical, and unacceptable harvesting practices of other nations. To this end, our domestic legislation should serve as a model for other nations and the international community. The bill places a very strong, pointed, and direct mandate on the part of the Secretary of State to take those actions designed to expand the principles of the measure to the high seas and to other countries. Without a strong initiative on the part of this Government, acting through the Department of State, the objectives of this legislation will be defeated, for U.S. involvement in the taking of marine mammals is relatively minute in comparison with other countries.

The role the States do and should play under this legislation is an important one. The final version recognizes the traditional involvement of States in species management and conservation by providing that, once the State laws and program are reviewed and accepted by the Secretary, the States would then be delegated a great deal of authority and responsibility in regard to issuance of permits, enforcement, scientific research, and assistance in implementation of the act's provisions. Indeed, without the strong support and participation of the States in furthering the legislation's objectives, these legislative goals might not be reached.

Mr. Speaker, throughout the detailed, long and involved hearings on this legislation, it was repeatedly brought to your committee's attention that this country lacked scientific, technical, and practical knowledge on marine mammals and their aquatic environment, and thus was handicapped in providing data as to mortality rates, causes of mortality, and proven or recommended methods to further conserve, protect, and enhance marine mammal populations. It is the strong desire and intention of your conferees and the Merchant Marine and Fisheries Committee that adequate and appropriate funding of the measure be accomplished in order to insure that the conservation and management of these marine mammals may be accomplished on the basis of scientific fact and knowledge rather than from individual or group emotionalism and personal preference for one species management approach as opposed to others.

The agreements reached in conference are good ones, and I urge final passage and speedy enactment of the legislation.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTION IN ENROLLMENT OF H.R. 10420, PROTECTION OF MARINE MAMMALS

Mr. DINGELL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 717) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 717

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, is authorized and directed to make the following correction:

One page 11 of the conference report, on line 1, insert the word "of" after the word "conditions".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 984, INDUSTRIAL PROPERTY PROTECTION

Mr. FRASER. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 4, 1972.)

Mr. FRASER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, House Joint Resolution 984 was passed by the House on March 20, 1972, and by the Senate on September 14, 1972, after it was amended in the Senate Foreign Relations Committee. The House version provided for an open-ended authorization for "such sums as may be necessary" subject to congressional review in annual appropriation requests from the executive branch. I introduced the original bill at the request of the administration to delete the previous ceiling of $15,000 a year and to change the name of the organizations from "International Bureau for the Protection of Industrial Property" to that of "International Bureau of Intellectual Property."

In amending House Joint Resolution 984, the Senate imposed a ceiling of 4 percent to the annual U.S. contribution, noting that in previous years the United States as a class I member of the organization had never been assessed more than 3.89 percent of the total budget of the organization. Subsequent to the Senate action, I was informed by the Department of State that due to the lowering of the assessment for a number of African states, the United States, along with other major industrialized countries who are class I members, would be assessed about 4.1 percent of the budget of the organization beginning next year. In a House-Senate Conference on House Joint Resolution 984, it was agreed that the ceiling should be raised from 4 percent to 4.5 percent in order to accommodate the increase in the U.S. assessment.

I understand that the executive branch agrees to this change in the ceiling. By approving the conference report figure of 4.5 percent, the House will be allowing the United States to pay its assessed contribution to this organization for the foreseeable future. Each year, of course, the exact amount requested by the administration will be subject to congressional approval in the annual appropriation process.

The International Bureau of Intellectual Property performs the following administrative functions: First, provides the Secretariat for the Paris Convention, particularly as regards the assembly and executive committee of that convention; second, handles the preparatory and administrative work of the conferences of revision; third, conducts studies and provides services to member states to facilitate the protection of industrial property; fourth, serves as a clearinghouse for information on and interpretation of patent and trademark laws; fifth, serves as a medium to promote ratification by states of the revisions of the Paris Convention and the adherence of new members; and sixth, publishes a monthly periodical and other publications designed to further industrial property protection. Because U.S. nationals have more industrial property—that is, patents and trademarks—to be protected abroad than any nation in the world, the effective administration of the Paris Convention by the International Bureau is extremely important to the United States.

I urge that the House accept the report of the conference committee.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentlemen from Missouri.

Mr. HALL. Mr. Speaker, may I ask what the House-passed figure was that the other body changed into a per centum?

Mr. FRASER. When the House passed the resolution it was open ended. The House resolution provided for such sums as may be necessary. The Senate put a 4-percent ceiling on that, which proved to be too low. It is now 4½ percent.

Mr. HALL. We are again in the unusual and embarrassing position of the other body being more frugal than we are.

May I ask the gentleman a question similar to one I asked the other day? Who determines what amount the 4 percent is of?

Mr. FRASER. This is done through agreement by the Committee of Nations. We are obtaining the same rate as the Soviet Union and a number of the other larger countries, but the dollar figure itself is subject to the appropriation process and our share of the amount may not exceed 4½ percent without coming back to Congress.

Mr. HALL. The gentleman does assure the body that even within the 4 percent or 4½ percent—I see it is 4½ percent—it is subject to the appropriation process?

Mr. FRASER. That is correct.

Mr. HALL. I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, I urge approval of the conference report on House Joint Resolution 984, which amends the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property.

The subcommittee chairman, Mr. FRASER, has already explained the purpose of the legislation, so I will not discuss it in detail. However, I do want to point out that this legislation was requested by the administration and that the executive branch is satisfied with the conference agreement.

This little known organization—the International Bureau for the Protection of Industrial Property—performs a vital role for the United States because U.S. nationals have more industrial property—patents and trademarks—to be protected than any other nation in the world.

The responsibilities of the International Bureau include serving as a clearinghouse for information on and interpretation of patent and trademark laws. It also provides the Secretariat for the Paris Convention for the Protection of Industrial Property, which is the principal multilateral agreement in the industrial property field, with 78 member states.

I urge approval of this conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 635, MINING AND MINERALS POLICY ACT OF 1970

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 3, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the conferees on S. 635, a bill to amend the Mining and Minerals Policy Act of 1970, have met and have resolved the differences between the House and Senate versions of the bill.

I should like to point out that the objectives and purposes of both versions of the legislation are almost identical. Only the method of implementation differs. Both would provide for a more adequate national program of mining and minerals research through the establishment of research centers throughout the United States. Both would promote the training of mining and minerals engineers, scientists, and technicians by providing matching grants and other financial assistance.

The language agreed upon by the Conference Committee is substantially the House language. The differences and the recommendations of the conferees are as follows:

First. The Senate-passed bill established the research and training program by amending the Mining and Minerals Policy Act of 1970. The House amendment established the program by a separate statutory enactment which merely supplements the 1970 act. The conferees adopted the Senate approach.

Second. The second difference involved the designation of eligible colleges or universities for participation in the program. This difference was resolved by adopting the House language with a clarifying amendment that provided a priority for State tax-supported schools of mines and for tax-supported colleges or universities which have or hereafter establish a unit for education and research in the minerals engineering fields.

Third. The third major difference involved the level of appropriations. This issue was resolved by reducing the appropriation authority contained in the House version for annual sustaining grants from $500,000 annually to $200,000 in the first year, $300,000 in the second year and $400,000 in the third and subsequent years. The effect of this amendment was to reduce the Federal expenditures by $30.6 million in the first 3 years and by $5.1 million annually thereafter.

Fourth. Two other minor differences were also resolved. The first involved the Secretary's authority to utilize funds for scholarships and fellowships. The money for these grants was changed from the annual sustaining grant appropriation to the appropriation authorization for additional research. The second difference concerned the size and composition of the advisory board. The size of the board was limited to nine, and the Director of the U.S. Geological Survey was added as a member.

Mr. Speaker, I feel that S. 635 is an excellent proposal that deserves favorable action by this body. I strongly urge its enactment.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 635, and urge its adoption.

My colleagues will recall that S. 635 passed the House, amended, in lieu of H.R. 6788 on May 22, 1972. The purpose of the program authorized in that legislation and agreed to by the conference committee is to amend the Mining and Minerals Policy Act of 1970 to provide a more adequate national program of mining and minerals research by providing matching grants and other Federal financial assistance to mining and minerals resources research centers throughout the United States.

The importance of this program to the economic, political, and social welfare of the United States can be succinctly stated. The United States faces three interrelated problems with regard to its mineral requirements. First: our mineral requirements are large and growing. Our per capita consumption is five times the world average and by the year 2000 our consumption is expected to increase fourfold. Second: our mineral technology is advancing too slowly. In fact, it is declining. We have produced very few new recovery processes and techniques since World War II. In fact, other foreign nations have surpassed our ability to come up with new mining and minerals technology. Third and most important: is our lack of trained technical manpower in the mining and minerals technology field. By 1985, 40,000 new mineral specialists will be needed to maintain the present work force of 70,000 specialists, but at the present rate only about 20,000 will be trained.

The language agreed upon by the conference committee on this legislation will go far in turning around our serious deficiency in mining and minerals technology. The language agreed upon by the conferees is substantially the language of the House passed bill.

The conference committee was faced with only three major points in disagreement. The first point involved the legislative format of the program established by the legislation. The House-passed bill established a mining and minerals research program as a separate statutory enactment. The Senate-passed bill established a similar program as an amendment to the Mining and Minerals Policy Act of 1970. Good legislative drafting dictates that such a program be established as a separate statutory enactment supplementing the congressional declarations of the Mining and Minerals Policy Act of 1970. As one of the conferees on this legislation I preferred the House position and sought to maintain that position in the conference. Unfortunately, and for what were in my judgment most dubious reasons I found the House receding from its position on this point. The result is that we will establish this important program as an amendment to a policy declaration.

The second major point of issue involved the designation of the eligible college or university within a State to participate in the program as a mining and minerals resources research institute. The conference committee on this point saw fit to adopt the House language with a clarifying amendment and as is clearly explained in the joint statement of the committee of conference.

The third major issue in the conference concerned the authorization of appropriations. The conferees agreed upon the House passed language with an amendment to reduce the annual sustaining grant to each participating State institute. The effect of this amendment was to considerably reduce the estimated Federal expenditures for this program.

At this point I would say to my colleagues that this program is not excessively expensive if measured or compared to the fundamental and interrelated problems facing this country in meeting its present and future mineral requirements. The prosperity and future welfare of this Nation is largely dependent upon the development of our mining and mineral resources technology and with due regard for our natural environment.

Mr. Speaker, I strongly urge my colleagues to support the adoption and passage of this conference report.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the House recede from its amendment to the title of S. 635 and agree to the same.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

A motion to reconsider was laid on the table.

CHANGING THE NAME OF PERRY'S VICTORY AND INTERNATIONAL PEACE MEMORIAL NATIONAL MONUMENT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9554) to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Perry's Victory and International Peace Memorial National Monument, established in accordance with the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433a), is redesignated the Perry's Victory and International Peace Memorial.

SEC. 2. Section 3 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433c), is amended by adding at the end thereof the following new sentence: "The Secretary of the Interior is authorized to purchase with appropriated funds not to exceed fourteen acres of land, or interests in land, for addition to the Perry's Victory and International Peace Memorial."

SEC. 3. The following laws and parts of laws are repealed:

(1) Sections 1, 2, 4, 5, 6, and 7 of the Act of March 3, 1919 (ch. 116 (40 Stat. 1322)).

(2) Section 4 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433d).

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, line 5, strike out "fourteen" and insert "four".

Pages 2, lines 14 through 16, strike out all of Section 4 and insert in lieu thereof the following:

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $370,000 shall be appropriated for the acquisition of lands and interests in lands and not more than $5,177,000 shall be appropriated for development.' The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 9554 is a bill which was introduced by our colleague from Ohio (Mr. LATTA) dealing with the site presently known as the Perry's Victory and International Peace Memorial National Monument in the State of Ohio.

This site, which is located on South Bass Island on Lake Erie is dedicated to the great naval engagement which took place on the Great Lakes during the War of 1812 and to the lasting peace which has resulted in the ensuing years. H.R. 9554 is not a complex bill. It does four things:

First, it redesignates the area as simply "Perry's Victory and International Memorial."

Second, it revises the present policy with respect to land acquisition and authorizes the Secretary to purchase lands for the memorial—heretofore, lands could only be acquired by donation or purchase with donated funds.

Third, it authorizes the appropriation of public funds in order to carry out the acquisition program and in order to provide for the public facilities which are needed at the site.

Finally, it abolishes the Perry's Victory Memorial Commission which has not met for more than 20 years.

This bill authorizes the appropriation of $370,000 to cover the cost of land acquisition involved. This amount is needed in order to pay the fair market value of the lands plus administrative costs and relocation costs associated with Federal land acquisition programs.

For development, the committee recommends that a ceiling be placed on the entire development program for the memorial totaling $5,177,000. Of this amount, $2,099,000 is attributable to the lands being acquired pursuant to this legislation and the remainder—$3,078,000—is attributable to the existing site.

Mr. Speaker, that very briefly describes the bill before the House. It has been reviewed by the Committee on Interior and Insular Affairs and I am pleased to speak in support of it.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 9554 introduced by our colleague, the gentleman from Ohio (Mr. LATTA).

The purpose of H.R. 9554 is twofold: First, it commemorates the victory of Admiral Perry in the Battle of Lake Erie in the War of 1812 and, second, it memorializes the 100 years of peace between the United States, Canada, and Great Britain since the War of 1812.

The memorial at Put-in-Bay, Ohio, consists of 21.44 acres located on South Bass Island. It was constructed under the direction of the Perry's Victory Centennial Commission between October 1912 and June 1915, to commemorate Commodore Oliver Hazard Perry's decisive victory in the Battle of Lake Erie on September 10, 1813, and the 100 years of peace the United States had enjoyed with Great Britain since the War of 1812. The memorial consists of a towering column of granite 352 feet high and 45 feet in diameter at its base. The top of the column serves as an observation platform from which one may view the spot, 6 miles to the west, where Commodore Perry won one of the most brilliant naval victories in our history. Under the floor of the rotunda at the base of the column are buried three British and three American officers killed in the Battle of Lake Erie.

The memorial and adjacent lands were ceded to the United States by the State of Ohio and accepted by an act of Congress on March 3, 1919. The act also created the Perry's Victory Memorial Commission to administer the site. Then, in 1936 Congress provided for the creation of the Perry's Victory and International Peace Memorial National Monument, and for its administration, protection, and development by this Department, with the Perry's Victory Memorial Commission serving as a board of advisers.

H.R. 9554 abolishes the Perry's Victory Memorial Commission, which has not functioned as a group for more than 20 years. It also deletes the words "National Monument" from the area's present designation. This area, in itself, has no known historical significance.

The existing residential developments in the village of Put-in-Bay on the west side of the present memorial area encroach upon it to the extent of competing with and detracting from the general appearance and setting of the memorial column and tend to destroy its overall effectiveness. If the view of the marble column, which dominates the memorial area, is to be preserved free from these existing obstructions or other undesirable developments in the future, additional lands should be purchased. H.R. 9554 amends the 1936 act to authorize the Secretary of the Interior to purchase with appropriated funds not more than 4 acres of land and interests in land for additions to the area. The 4-acre area with improvements will cost about $370,000, of which $35,000 is attributable to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

H.R. 9554 also authorizes the appropriation of $5,177,000 for much needed development of the memorial.

Mr. Speaker, I support the passage of this bill.

Mr. TAYLOR. Mr. Speaker, the bill now before the committee is H.R. 9554 by Representative LATTA which provides for the redesignation of the Perry's Victory and International Peace Memorial National Monument along with various other changes related to the site.

The memorial presently consists of about 21.5 acres of land located on South Bass Island at Put-In-Bay, Ohio. The structure is a massive 352-foot granite shaft which was constructed 100 years after the decisive Battle of Lake Erie which sealed a lasting peace between the United States and its northern neighbor.

At the present time, existing law precludes any expansion of the memorial site except by donations; however, testimony before the subcommittee suggested that some additional lands were needed in order to protect the character of the memorial from adverse developments. As recommended, this legislation would authorize the Secretary to acquire up to 4 acres of land for use in conjunction with the memorial. Existing cottages on the lands, as well as a few commercial establishments, cause the estimated land acquisition costs to seem relatively high; however, the committee agreed that the acquisition was appropriate in order to preserve the values of the site from adverse encroachments.

The committee has recommended two amendments which will limit the size of the additions to the area and the amounts authorized to be appropriated. I will offer and explain them at the proper time.

Mr. Speaker, the Department of Interior has recommended approval of this legislation, and I urge its adoption by the committee.

Mr. LATTA. Mr. Speaker, at the outset permit me to thank you for calling H.R. 9554, a bill "To change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes." This monument is located in my district and I have personal knowledge of the need for the passage of this legislation. I support it without reservation.

This famous historical memorial located on South Bass Island in Lake Erie, commemorates the decisive victory of Commodore Oliver Hazard Perry, of "We have met the enemy and they are ours" fame. It was here that Perry won the greatest naval battle of the War of 1812. In addition to commemorating Perry's victory, the gigantic Doric column, which rises to a height of 352 feet, also symbolizes the 3,000-mile unfortified boundary between the United States and Canada and, in a world fraught with unrest and fear, stands today as a symbol of peace and good will between these two nations. The Congress recognized the importance of this great memorial when it created the Commission in 1962, known as the Battle of Lake Erie Sesquicentennial Celebration Commission, to celebrate the 150th anniversary of the Battle of Lake Erie and the 150 years of permanent peace and mutual respect that have existed between the United States and Canada. Today, more than ever, we treasure the peace that is enjoyed by our two great nations.

In an act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433a et seq.), Congress provided for the creation of the site for this memorial and for its administration, protection, and development by the National Park Service. The existing residential developments in the Village of Put-in-Bay on the west side of the present memorial area encroach upon it to the extent that they compete with and detract from its general appearance and the setting of the memorial column. It is important that we protect and preserve this historic and beautiful memorial free from existing obstructions and other undersirable developments in the future, by acquiring the additional lands necessary for this purpose.

Visitors from all over the world come to view this great memorial—94,900 visited it in 1971. Many expressions of gratitude and appreciation come to our attention, as well as some of disappointment in that unsightly encroachments should have been prevented, a parking area is not provided, and that a temporary building being used as a visitor's center detracts from the memorial.

H.R. 9554 would provide for the acquisition of portions of the two blocks to the west to extend the memorial area to the municipal docks of Put-in-Bay, which is the visitor approach to the memorial, and to an existing city park. The Department plans to develop a landscaped approach mall from these municipal sites to the memorial. This will afford an unobstructed view of the memorial column. Also, without acquisition of the additional lands, the installation of needed permanent visitor's facilities would have to be placed in an area which would further detract from the appearance and setting of the memorial column.

The seawall is seriously in need of repair to protect the shoreline. The Department plans to repair and extend the seawall upon the passage of H.R. 9554.

The bill, with the amendment suggested by the Department of the Interior and concurred in by me, would require that only 3.21 acres of land be added to the existing memorial. The additional property is estimated to cost about $370,000, of which $35,000 is attributable to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

H.R. 9554 abolishes the Perry's Victory Memorial Commission which has not functioned as a group for more than 20 years, even though the 1936 act provides a method of filling vacancies in the Commission. The bill, therefore, repeals those sections of the 1919 and 1936 acts which pertain to this commission.

The actual location where the historical event took place was in Lake Erie, 6 miles due west of where the column stands. Therefore, for the sake of accuracy of designation and in keeping with the practice of the Department, the bill proposes that the last two words, "National Monument" be deleted and that the memorial be called Perry's Victory and International Peace Memorial.

The Committee on Interior and Insular Affairs adopted an amendment to my original bill which authorizes to be appropriated not more than $5,177,000 for development purposes. Directly attributed to the development of the land authorized to be purchased under H.R. 9554 would be $2,099,000. For the development of the existing site would be $3,078,000. Mr. Speaker, I might mention that the Secretary of the Interior's development authority for the present grounds is unlimited under the present law. This legislation will permit the Congress to maintain an oversight on the development through the appropriations process.

Mr. Speaker, in conclusion, I wish to express my thanks to the chairman of this great Committee on Interior and Insular Affairs, Mr. ASPINALL, and to each of its members for their many courtesies extended to me during the time they had this legislation under consideration.

Unfortunately, the next Congress will not have this able and distinguished chairman among its Members. Needless for me to say, this Congress and the Nation will be the losers.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I and any other Members desiring to do so may be permitted to extend their remarks immediately preceding the passage of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9859) to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS 40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register.

Sec. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundred acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Sec. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right of way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, water, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right of way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the park way shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

Sec. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, or agriculture purposes, for a definite term not to exceed forty years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That when acquiring lands and interests from the National Parks Foundation, its successors and assigns, the Secretary shall acquire such lands and interest subject to the written terms and conditions on which the National Parks Foundation acquired the lands from prior owners thereof, and that such previous written rights and interests shall prevail over provisions of this paragraph.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, or agriculture purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean either (1) a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated, or (2) any property used exclusively for agricultural purposes, including housing incident thereto.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

Sec. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

Sec. 6. The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other stautory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

Sec. 7. (a) There is hereby established a Cumberland Island National Seashore Advisory Commission. The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) One member appointed from recommendations of the Board of Commissioners of Camden County;

(2) Four members appointed from recommendations of the Ocean Science Center of the Atlantic Commission;

(3) Two members appointed from recommendations of the Governor of Georgia;

(4) Two members designated by the Secretary; and

(5) One member appointed from recommendations of the Georgia Coastal Area Planning and Development Commission.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the seashore and, in particular, with respect to (1) the provision and adequacy of passenger ferry service, and (2) the desirability of or necessity for bridges or causeways to Cumberland Island.

Sec. 8. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offences committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

Sec. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS–40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may after notifying the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed 40,500 acres.

Sec. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by purchase, donation, transfer from any Federal agency, or exchange. The Secretary may also acquire not to exceed one hundred acres of lands or interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Any lands or interests therein owned by the State of Georgia, or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Sec. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

Sec. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That, in addition, for so long as a right of use and occupancy remains in effect by the donors of land of 100 acres of more, the Secretary shall not, with respect to such lands, develop any public use facilities except for trails, road access, and utilities: *Provided further,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to January 1, 1973, and that such previous written rights and interests shall prevail over provisions of this paragraph.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(d)(1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of one year from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island enter into an irrevocable trust or some other irrevocable agreement for the preservation of the resources of Little Cumberland Island which, in the judgment of the Secretary, assures the protection of the resources in a manner consistent with the purposes for which the seashore is established, the authority of the Secretary to acquire such lands shall be suspended for such time as the trust is in effect and the lands are used and occupied in accordance therewith.

(3) If, at any time during the one-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

Sec. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

Sec. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently reserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions not prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

Sec. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

Sec. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and the related land resources development.

Sec. 9. Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act, (78 Stat 890, 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or non-suitability of any area within the national seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Sec. 10. There are authorized to be appropriated not to exceed $10,500,000 for the acquisition of lands and interests in lands and not to exceed $27,840,000 for development of the seashore.

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on Interior and Insular Affairs if this bill, which was originally on the Consent Calendar, and was on the Suspension Calendar, has been cleared with the minority?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. These bills we are taking up at this time have been cleared with the minority. They have been approved by the minority for the procedure which we are now using. They passed the committee without any difficulty whatsoever.

Mr. HALL. Mr. Speaker, further reserving the right to object, I want to say to the distinguished gentleman from Colorado that he and the ranking minority member of the committee have spoken to me about these bills that were listed under suspensions. One or two of them were on the Consent Calendar.

Because they were listed on both, as the chairman of the minority objectors to the Consent Calendar, I asked that they be put over for suspension consideration.

I want to say that on this list we are to pass, by unanimous consent, are bills about which further information has been made available, usually by the chairman or the ranking minority member of the committee, or by Members sponsoring the legislation.

One of the excellent cases in point is H.R. 11449, concerning a disclaimer of interest, Antoine Lerous Grant.

Further information concerning a court of claims ruling was made available by the gentleman from New Mexico (Mr. LUJAN) which makes it perfectly in order, so far as I am concerned, to consider the bill under unanimous consent. I appreciate the gentleman's statement.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, I am pleased to have this opportunity to present to the Members of the House the bill H.R. 9859 by our colleague from the State of Georgia (Mr. STUCKEY) providing for the establishment of the Cumberland Island National Seashore.

BACKGROUND

Cumberland Island is a fascinating place, Mr. Speaker. It combines some of the Nation's finest beaches with outstanding dunes and beautiful mixed hardwood forests. It offers a variety of recreational opportunities which would be difficult to match in any other part of the country. And it contains some of the most interesting historical and cultural remains of bygone days that it has ever been my pleasure to visit.

Basically, the island is free of extensive development; however, there are some extraordinarily fine old mansions from previous eras which, with proper restoration, can add to the visitor enjoyment of the area. It was the owners of these homes and their heirs, some of whom presently own seasonal or permanent residences on the island, who deserve the credit for maintaining the island in its present pristine condition.

Today, Cumberland Island is wild in appearance, but it is not undisturbed by man. Evidence of human habitation of the "Golden Isles" of Georgia has been found which indicates that occupation of these islands dates back thousands of years. During the earliest colonial periods, the area was claimed and occupied by Spaniards until the mid-1700's when English domination began.

The cultural contributions of this small island area have been outstanding in subsequent years—through the Revolutionary War, the Civil War and up until the turn of the century. Although the historical values of this area are largely untapped, there is no question about their value as an interpretive element in the overall seashore program.

Because the area is in a mild climate having an abundance of natural moisture, any scars on the terrain made by man in previous decades and centuries have largely disappeared so that the visitor might now believe himself to be in virgin country. This natural character of the area should be retained so that the visiting public can enjoy the peacefulness of the area. The committee bill emphasizes the importance of preserving primitive character of the island and it provides for the unit to be studied for possible future consideration under the provisions of the Wilderness Act. In addition, the committee has recommended the appropriation of sufficient funds to assure the compatibility of any public improvements developed at the site with the natural environment.

Having such a rich mixture of natural values, it is not surprising that the island offers a multitude of recreational opportunities. The broad, clean beaches and the mild surf and pleasant climate make this area one of the finest swimming beaches on the Atlantic coast.

Mr. Speaker, Cumberland Island was reviewed several years ago when a survey was made of the Atlantic and gulf coasts and it was suggested then that it is one of the Nation's most outstanding potential seashore areas. The National Parks Advisory Board has endorsed proposals to make it a national seashore on two occasions—1966 and 1972—and several of the members of the Subcommittee on National Parks and Recreation visited the area and were enthusiastic about its potential.

COST

Under the terms of the legislation, the appropriation of $10.5 million would be authorized for land acquisition. It would be impossible for us to consider this program within this ceiling were it not for the fact that the Andrew Mellon Foundation donated funds to the National Park Foundation which have been used to acquire over 13,000 acres of land on the island. It should also be noted that land acquisition costs may be further reduced if some of the existing landowners exercise their options to retain the use of their present residential properties for a limited period of time.

Development costs include the construction of visitor facilities, restoration of some of the old mansions, installation of necessary beach facilities and the construction of various hiking, bicycle, and horseback-riding trails. There will be no roads constructed on the island and no causeway or bridge is contemplated to connect it with the mainland, so it will be necessary to provide water-based access for the visiting public. All of these items will require some Federal investment. According to estimates provided to the committee during its hearings, an investment totaling $27,840,000 will be required over a period of years. Part of this, of course, will not be needed until the land acquisition program has been completed.

RECOMMENDATION

Mr. Speaker, H.R. 9859 will assure the protection and availability of one of the Nation's most significant remaining shoreline areas. It is worthy of national recognition and should be made a part of our national park system. I fully support its enactment and urge its adoption by the Members of the House.

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill to establish the Cumberland Island National Seashore in the State of Georgia.

Cumberland Island is a remarkably unspoiled seashore area of beach dunes, forests and uplands, and marsh. The outstanding beaches are enhanced by the smooth, gentle, and predictable surf. While these beaches provide excellent opportunities for swimming, sunbathing, fishing and beachcombing, other natural values on the island are conducive to other pursuits, both active and restful, such as horseback riding, hiking, bicycling, and nature study. Cumberland Island is the southernmost and largest of the so-called Golden Isles of Georgia, and possesses well-preserved, natural conditions and the finest beaches of any of them.

In addition to these outstanding natural values, the archeology and history of Cumberland Island warrant special attention. The shell heaps from the archaic period, of 5,000 to 10,000 years ago, mark village sites, and sand mounts containing human burials indicate the presence of prehistoric Indian occupation. Cumberland Island possesses historical values dating from such early occupation through colonial times, the plantation era of the mid-19th century, and into more recent periods. Interpretation of sites, artifacts, and ruins will further enhance the visitors' enjoyment of the area. In sum, Cumberland Island represents an unparalled opportunity for seashore preservation of an area containing natural, historical, and recreational assets.

The proposed national seashore will comprise not more than 40,500 acres of land and interests in land; 15,664 acres are in State ownership, 660 acres in Federal ownership, and 13,227 acres acquired by the National Park Foundation for the seashore with funds donated by the Andrew W. Mellon Foundation. Approximately 9,943 acres are in private ownership which have 32 improvements thereon.

The estimated cost of acquisition of the privately owned lands is estimated at $10.5 million and developments costs are estimated at $27,840,000.

The intrinsic values of the Cumberland Island National Seashore make it an especially valuable national component of our National Park System. The committee anticipates that development of facilities within the seashore should be restricted to those which have the least impact on the environment and yet satisfy the public and administrative needs.

Mr. Speaker, I support the passage of this legislation.

Mr. TAYLOR. Mr. Speaker, the legislation now before the House is H.R. 9859, by our colleague from Georgia (Mr. STUCKEY). This bill authorizes the establishment of a new national seashore consisting of not more than 40,500 acres of the southernmost tip of the chain of Golden Isles off the Georgia coast.

BACKGROUND AND DESCRIPTION

Cumberland Island is rich in natural values, recreational values, and historical values. In fact, during a survey of the Nation's shoreline a few years ago, it was recognized as one of the two most outstanding undeveloped seashore areas then existing—Cape Cod being the other.

Since that survey was made, many of the areas which were examined and recommended have been added to the National Park System. Cape Cod, Fire Island, Assateague Island, Padre Island, Cape Lookout, and the Gulf Islands National Seashores have all been authorized by Congress in recent years. Cumberland Island will provide a national seashore unit along the rapidly expanding Georgia coastline which by 1976 will be within reach of 16 million people living within 300 miles. It will also be accessible to the millions of motorists who use the north-south expressway known as Interstate 95 each year.

Recreation will be a major element in the Cumberland Island program. Combining about 20 miles of beautiful, broad sandy beaches with the relatively calm, clean ocean surf will undoubtedly attract many visitors who seek opportunities for swimming, sunbathing, and beachcombing.

The interior of the island, however, offers a much different outdoor recreation opportunity. Although plantations were once extensive on the island, farming has not been a major activity for almost a century and the natural vegetation has hidden most traces of that activity today. For this reason, the inland portion of the island offers opportunities for interesting trails for hiking, bicycling, and horseback riding and, at the same time, creates an opportunity for environmental education and many more passive recreation uses, including picnicking, photography, and nature observation.

The historical values at this area are perhaps as interesting as its natural values. Indian artifacts found in the vicinity suggests that human habitation dates back thousands of years. In early colonial times, the Spanish controlled the island until the mid-1700's when it was taken over by the English. Between the time of the Revolutionary War and the time of the War Between the States, wealthy planters developed plantations and lived on the island until the war and the abolition of slavery made such activities unprofitable. Traces of all of these phases of occupation remain on the island, but little scientific exploration has been completed so that the interpretive potential of this feature of the proposal remains largely untapped.

PRESENT USE

Mr. Speaker, at the turn of the century, many wealthy industrialists became interested in the Golden Isles of Georgia and large holdings on Cumberland Island were acquired by a few individuals. These people, and their heirs, allowed the island to return to its natural condition and keep the island in its relatively undeveloped state, except for the limited areas where they constructed their magnificent homes which still exist and will be interesting elements of the interpretive program for the island.

Were it not for the fact that ownership was concentrated in a relatively small number of people, Cumberland Island, as it exists today, would probably not be available. Fortunately for the American people, these owners have preserved the integrity of this area and I believe that they would continue to do so in the future. As property ownership changes, however, estates are divided and the chances of development and destruction of the quality of this area increase. Already, there have been proposed developments which would have seriously intruded on the natural setting. These developments have been precluded by the generous cash donations by the Mellon Foundation for the acquisition of the threatened lands.

Now, well over half—almost 13,000 acres—of the island is owned by the National Park Foundation and will be donated to the United States for the purposes of the national seashore. Only about 7,000 acres of land remain in private ownership, including over 2,300 acres of marshland. Undoubtedly, some privately owned residences will be temporarily retained under provisions of the bill which permit continued use and occupancy for a period of 25 years or the life of the owners, if they so choose.

COST

Because so much of the land is to be donated, land acquisition costs should not exceed $10.5 million—and that amount would be reduced if property owners take advantage of the provisions of the bill which permit retention of the use and occupancy of residential properties or which are designed to encourage the donation of large undeveloped tracts of land.

The main cost of this proposal would involve the development of the area for public use and enjoyment. These costs, which would be spread over a number of years as the needs expand would total $27,840,000. Of this amount, it was optimistically suggested that about $19,000,000 would be requested during the first 5 years.

Mr. Speaker, H.R. 9859 has been carefully reviewed by the Committee on Interior and Insular Affairs and by the Subcommittee on National Parks and Recreation. It has the full support of the administration and is very comparable to the bill approved by the other body (S. 2411). Almost everyone who testified before the subcommittee wanted to preserve the values of the area, but there were differing points of view as to how this could best be accomplished.

I am convinced that this area merits the national recognition which H.R. 9859 would give it and I fully support it. Mr. Speaker, I urge the adoption of H.R. 9859, as amended, by the Members of the House.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (S. 2411) to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2411

An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS–40,000–B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries of the seashore shall not exceed forty thousand five hundred acres.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, water, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundred acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire by any means authorized in section 2 those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph: *And provided further,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before August 3, 1971 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

SEC. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

SEC. 9. There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land and $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 2411 and insert in lieu thereof the provisions of H.R. 9859, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9859) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I and any other Member desiring to do so may be permitted to insert their remarks immediately preceding the passage of the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE, PENNSYLVANIA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 256) to authorize the Secretary of the Interior to establish the Thaddeus Kociuszko Home National Historic Site in the State of Pennsylvania, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 256

A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit of the people the home of Thaddeus Kosciuszko in Philadelphia, Pennsylvania, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the property at the northwest corner of Third and Pine Streets specifically designated as 301 Pine Street and/or 342 South Third Street, Philadelphia, Pennsylvania, including improvements thereon, together with such adjacent land and interests therein as the Secretary may deem necessary for the establishment and administration of the property as a national historic site. The Secretary is further authorized to acquire by any of the above means personal property used and to be used in connection with the national historic site.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Thaddeus Kosciuszko Home National Historic Site, and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39. Stat. 535), as amended and supplemented (16

U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

That, in order to provide for the development of a suitable memorial to General Thaddeus Kosciuszko, great Polish patriot and hero of the American Revolution, the Secretary of the Interior is authorized to acquire by donation or purchase with donated funds the property at the northwest corner of Third and Pine Streets specifically designated as 301 Pine Street and/or 342 South Third Street, Philadelphia, Pennsylvania, including improvements thereon, together with such adjacent land and interests therein as the Secretary may deem necessary for the establishment and administration of the property as a national memorial.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Thaddeus Kosciuszko National Memorial and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are hereby authorized to be appropriated not more than $592,000 for the development of the national memorial.

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, as recommended by the Committee on Interior and Insular Affairs, H.R. 256 provides for the establishment of the Thaddeus Kosciuzko National Memorial in Philadelphia, Pa.

This legislation is the outgrowth of 45 proposals offered by various Members of the House. Public hearings were held on the measures before the committee and everyone agreed that the national memorial was a suitable method for honoring this great Polish patriot who came to America to help us gain our freedom.

The contributions of Thaddeus Kosciuszko during the Revolutionary War are unquestioned. This man came to the American continent to assist this Nation in gaining its independence when the course of the war was still in question. He was a leader in the field at the battle of Saratoga and contributed at many other important engagements during the war, yet his memory is marked by only a few statues and a rock garden at West Point.

If H.R. 256, or comparable legislation is enacted, it will establish a living memorial to the memory of this great man. It will include the only known place in the United States which remains in existence where Kosciuszko lived. Presently, the modest house at Third and Pine Streets is in poor condition and it will require major rehabilitation and restoration. To make it into a safe and suitable public structure, a substantial investment will be required. It is anticipated that $592,000 will be needed to convert the existing structure into a meaningful memorial for public use and enjoyment. Some of this money will undoubtedly be used to secure period furnishings and memorabilia associated with Kosciuszko's life and times and the remainder will be used on improvement of the home itself.

Mr. Speaker, since the owner of the building has indicated that he intends to donate the property, no land acquisition funds are authorized and the bill explicitly requires that any land acquisitions be accomplished by donation or purchase with donated funds.

That very briefly sums up the situation involved in H.R. 256. I commend it to my colleagues and urge their approval of the project.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 256, a bill to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania.

Gen. Thaddeus Kosciuszko, Polish patriot and soldier, was a figure of outstanding significance to the winning of American independence. He came to America in 1776 to aid the patriot cause. His talents as military engineer, aiding General Gates in the selection and fortification of defensive positions on the Hudson River, contributed importantly to the crucial American victory at Saratoga in 1777. In 1778–80 he performed additional services by fortifying the Hudson at West Point, later home of the U.S. Military Academy. In the final stages of the war, he served with distinction in North and South Carolina. General Kosciuszko returned to his beloved Poland after the American Revolution, but his great services to the American cause have been universally acknowledged by historians ever since. General Kosciuszko returned to the United States briefly in 1797–98. During this visit, he rented two rooms in a Philadelphia boarding house. This building, located at 301 Pine Street, still stands. It is a three-story brick structure in which Kosciuszko stayed from November 29, 1797, to May 5, 1798, when he left for France. It is this house that is now proposed for establishment as a national historic site.

The Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, at its spring meeting in 1971, concluded that the house at 301 Pine Street does not meet the administrative criteria of national significance as a historical architectural structure.

The establishment of this site as a memorial to General Kosciuszko would be a fitting and proper action of the Congress in commemorating people and events in the Nation's past.

It is estimated that development costs will be approximately $592,000. No costs are planned for land acquisition, since the property will be donated without cost, including relocation costs, if any, to the United States.

Following the development of the site as a national memorial, we estimate that visitation after 5 years would reach approximately 7,700 per year.

Mr. Speaker, I support the passage of this bill and urge my colleagues to support its passage.

Mr. TAYLOR. Mr. Speaker, the bill before the House at this time is H.R. 256. Like many other bills—a total of 45 were introduced—it provided for the establishment of the Thaddeus Kosciuszko National Historic Site in Philadelphia, Pa.

BACKGROUND

The National Parks Subcommittee conducted public hearings on this subject on September 8 and later considered the matter in detail in executive session.

Mr. Speaker, Thaddeus Kosciuszko came to this country from Poland in 1776 to help our Nation gain its independence. He is recognized as one of the principal strategists of the Battle of Saratoga which was so important during the Revolutionary War and he served with distinction in North and South Carolina. After the war, he returned to Poland, but he came to the United States again in 1797. During that stay, he briefly took up residence at the Pine Street house in Philadelphia involved in this legislation, but he departed for France after a few months.

No one denies the importance of the role which General Kosciuszko played during the critical period of our early history, but there was some question about the historical significance of the Philadelphia house in relation to the contributions for which he is remembered. To overcome this problem, the Interior Department recommended a compromise which provided for the creation of a national memorial commemorating the contributions of this outstanding individual. This reasonable compromise was acceptable to all who appeared before the subcommittee and to the members participating in the hearing.

As recommended H.R. 256, as amended, will permit appropriate recognition to be extended to General Kosciuszko and will provide a constructive solution to a dilemma which otherwise might dilute the meaning of our system of national historic sites.

The committee amendment provides for a national memorial at the site in question. At the appropriate time, I will offer and explain the amendment in detail.

EXPLANATION OF COMMITTEE AMENDMENT

Mr. Speaker, the committee amendment strikes all after the enacting clause and inserts a new text which conforms with the general concept of the original legislation. Basically, it authorizes the acceptance of the property of Pine Street in Philadelphia for the purpose of establishing a national memorial commemorating the contributions of Gen. Thaddeus Kosciuszko. The property is to be acquired by donation or purchase with donated funds—and I might point out that the owner testified that he intends to donate it.

Once acquired the property is to be administered and developed as a unit of the national park system. Under the terms of the subcommittee amendment, appropriations for the purpose of developing this memorial are to be limited to no more than $592,000—the amount estimated to be needed to refurbish and restore the site and to convert it to a facility suitable for public use and enjoyment.

Very briefly, Mr. Speaker, that summarizes the objective of the amendment. I recommend its adoption by the House.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko National Memorial in the State of Pennsylvania, and for other purposes."

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (S. 1973) to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. KYL. Mr. Speaker, reserving the right to object, I just thought it might be advisable to give a brief word to the Members regarding this particular bill because I am sure somewhere along the line some newspaper columnist or some constituent is going to ask about it.

At Third and Pine in the city of Philadelphia there is a small dwelling where our hero, Thaddeus Kosciuszko, stayed for a few weeks. It is a case of "George Washington slept here."

It has no other significance other than the fact the cost of restoration of that modest dwelling to perpetuate this memorial to this hero will cost $592,000.

Mr. Speaker, I wtihdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1973

An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 15, 1958 (16 U.S.C. 4601–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in land, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purpose of this Act.

SEC. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 416 et seq.), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $592,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 1973 and insert in lieu thereof the provisions of H.R. 256, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 256) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. I ask unanimous consent that I and any other Members desiring to do so may extend their remarks in the RECORD immediately preceding the passage of this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADDITIONAL ACQUISITION, PISCATAWAY PARK, MD.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15597) to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15597

A bill to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended (80 Stat. 319), is further amended by deleting "$4,132,000" and inserting "$5,657,000".

Mr. ASPINALL. Mr. Speaker, the legislation before the House at this time—H.R. 15597 by our colleague from Pennsylvania (Mr. SAYLOR)—provides for an increased appropriation limitation for the area known as Piscataway Park in the State of Maryland.

Everyone knows of the long-term interest of the Ranking Minority Member of the Committee on Interior and Insular Affairs in this legislation. No one has taken greater interest or been more persistent in attempting to assure the protection of the view from Mount Vernon than our friend from Pennsylvania. Largely because of his interest, I think that it is fair to say, this historic view has been preserved up to this time. There have been many threats and many problems over the years that have required the attention of the Congress, but the fact is that the area remains relatively unhampered by unsightly structures.

In order to foreclose future problems, the Committee on Interior and Insular Affairs reported a bill (H.R. 10086) earlier this year which included a provision authorizing sufficient funds for the acquisition of all of the remaining lands in the so-called "fee acquisition zone" and for the purchase of scenic easements covering all of the remaining lands in the scenic easement zone. That legislation was approved by the House early this year, but the provision dealing with Piscataway Park was not included in the measure approved by the other body.

In the intervening months, the National Park Service has resolved the litigation involving the controversy at the Marshall Hall site so that scenic safeguards for that significant property are now assured, but a substantial amount of land in the scenic easement zone remains unprotected from potentially adverse developments. While we had hoped that the landowners in this portion of the park would donate the needed easements, that wish has not been fulfilled and adequate protection will apparently not be secured unless and until adequate funds are authorized and appropriated to complete the program started in 1961.

Mr. Speaker, H.R. 15597 does not contemplate any change in the existing boundaries. That decision was made long ago and nothing in this bill will change it. All that this legislation does is authorize the funds which will be necessary to cover the estimated costs involved in the acquisition of scenic easements covering lands which are not presently subject to scenic controls.

COST

I am pleased to advise the Members of the House, that H.R. 15597 involves a smaller increase than the legislation approved by this body last January. There are two reasons why this reduction has been made possible:

First, one of the unknown variables is now resolved and the Marshall Hall property is adequately protected from uses which would mar the view from Mount Vernon.

Second, the Park Service has concluded that it has adequate scenic control over the remaining lands in the fee acquisition zone so that no further fee acquisition will be required.

Under the terms of H.R. 15597, the appropriation ceiling will be increased by $1,525,000. The bill specifically limits this increase by amending the existing law to delete $4,132,000 and to insert $5,657,000.

RECOMMENDATION

As one who has observed and participated in the development of this legislation over the years, I hope that this will complete the program which the Congress originally contemplated. It is unfortunate that the landowners have not donated the scenic easements involved, but I sincerely believe that it is in the best public interest that we move to complete this program as rapidly as possible in order to avoid greater and more expensive problems in the future.

Mr. Speaker, I support the enactment of H.R. 15597 and urge its approval by the Members of the House.

Mr. SAYLOR. Mr. Speaker, as the principal sponsor, I rise in strong support of this legislation.

The purpose of H.R. 15597 is to authorize the appropriation of additional funds for the acquisition of interests in land within the area known as Piscataway Park in the State of Maryland.

In 1961, Congress authorized the Secretary of the Interior to acquire and administer lands and interests in land along the Potomac River in Prince Georges and Charles Counties, Md., in order to preserve lands which provide the principal overview from Mount Vernon and Fort Washington.

The act of October 4, 1961, as amended by the act of July 19, 1966, established the area known as Piscataway Park in the State of Maryland, and provided for the acquisition of lands and interests in land in two categories. A "fee acquisition area" of approximately 1,058 acres which is along the shoreline approximately 5 miles long and 1,000 feet in depth, and a "scenic protection area" of approximately 1,410 acres, which extends 1,000 to 6,000 feet back of the "fee acquisition area."

In the "fee acquisition area," a number of properties were purchased by philanthropic citizens and organizations and donated to the Federal Government for park purposes. The remaining lands in this shoreline zone were acquired, except for approximately 13 acres which the act provides may be retained in that zone, at a cost of $4,132,000.

In the "scenic protection area," it was initially contemplated that the landowners would donate a scenic easement to the United States over their property. The landowners in some five or six subdivisions in the area which had restrictive convenants in their deeds, prohibiting development of more than single family residences for every 5 acres, did come forth and donate scenic easements over their properties to the Federal Government. Approximately one-half of the lands in the "scenic protection area" are now under the restrictive covenant of a scenic easement.

Several large tracts of land in this area are free of such controls and the prospects of their intense development remains a very real possibility. One of these tracts—the Marshall Hall property—has been a matter of great controversy for several months in the past and it was this situation that arose public indignation resulting in the Secretary of the Interior filing a complaint in condemnation to acquire scenic restrictions against the Marshall Hall property of Star Enterprises, Ltd.—Joseph I. and Shirley H. Goldstein—on December 23, 1970, in civil action No. 70–1449T, after prolonged negotiations had failed.

Prior to the filing of the complaint in condemnation by virtue of the authority contained in section 2(c) of the act, the Secretary of the Interior advised the Committee on Interior and Insular Affairs of the House and Senate that such action could cause the appropriation ceiling to be exceeded as the balance of the funds appropriated but unexpended would be earmarked for settlement of the civil action. On April 24, 1972, the civil action by the Federal Government against the Marshall Hall property was settled by agreement of the parties at a cost of approximately $900,000.

The unfortunate result of this controversy and litigation is the need to provide the Secretary of the Interior with the means to acquire scenic easements on the balance of some 89 tracts within the scenic protection area from those landowners who now see an opportunity to capitalize on their holdings in the area. H.R. 15597 will provide this by authorizing the appropriation of $1,525,000 in additional funds for the acquisition of interests in land within Piscataway Park.

Now, after a decade of acquisition and negotiation, if the original intent and purpose of this legislation is to be carried out, that is to preserve lands which provide the principal overview from Mount Vernon and Fort Washington, it becomes apparent that the interests in land necessary to accomplish this objective must be acquired.

Mr. Speaker, I urge my colleagues to support the passage of this legislation.

Mr. TAYLOR. Mr. Speaker, the bill now before the House (H.R. 15597 by Representative SAYLOR), authorizes an increased appropriation ceiling for the area known as Piscataway Park.

BACKGROUND

As everyone knows, Piscataway Park is the unit of the National Capital Park System located opposite from Mount Vernon. It was established by the Congress in 1961 to protect the view from George Washington's home and from Fort Washington. Since that initial authorization, there have been a variety of proposals which would have marred the setting of Mount Vernon, but so far these have been prevented by the foresight of the Congress a decade ago.

As it presently exists, Piscataway Park is divided into two principal zones—a "fee acquisition zone"—consisting of approximately 1,058 acres of land immediately adjacent to the Potomac River—and a "scenic protection zone"—totaling about 1,410 acres of land contiguous to the fee zone. Except for about 13 acres, all of the fee zone lands have been acquired, but in the scenic zone numerous parcels of land remain free of any development restraints. H.R. 15597 will help cure this defect by authorizing funds for the acquisition of scenic easements covering this area.

LEGISLATIVE BACKGROUND AND COST

I want to emphasize, Mr. Speaker, that this legislation is very comparable to the provision for Piscataway included in H.R. 10086 which was approved by the House on January 31, 1972. That measure authorized an increase totaling $2,840,000 for the acquisition of fee title and scenic easements for all lands in the park. Since that time the Government has settled its condemnation action on the Marshall Hall property for approximately $900,000 and concluded that its present scenic controls adequately cover certain lands in the fee zone so that it is possible to reduce costs attributable to this bill. As recommended, the bill increases the present authorization ceiling by $1,525,000 rather than $2,840,000 as earlier recommended.

CONCLUSION

Mr. Speaker, H.R. 15597 should solve the problem of protecting the view from Mount Vernon that we have all heard so much about. I understand that the other body is likely to approve this legislation so that it should close the issue. I am convinced that this action is needed and I urge the approval of the bill by my colleagues in the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks immediately preceding the passage of this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADMINISTRATION OF MAR-A-LAGO NATIONAL HISTORIC SITE, PALM BEACH, FLA.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13067) to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the Secretary of the Interior (hereinafter referred to as the "Secretary") shall develop, and administer the Mar-A-Lago National Historic Site described in the order of designation date January 16, 1969, as a part of the national park system pursuant to the provision of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended, at such time as the right to possession of the real and personal property comprising the historic site shall vest in the United States.

(b) The Secretary is directed to use the authority contained in the Act of August 21, 1935 (supra) to enter into such agreements and to take such actions as he may deem necessary to provide for administration and appropriate visitor use, and to make the Mar-A-Lago National Historic Site as nearly financially self-sustaining as may be practicable.

With the following committee amendments:

Page 1, line 4, strike out "shall" and insert "may accept, maintain,".

Page 2, lines 1 through 6, strike out all of subsection (b) and insert in lieu thereof the following:

(b) The Secretary is directed to use the authority contained in the Act of August 21, 1935 (supra) to enter into such agreements and to take such actions as he may deem necessary to provide for administration and for the use of the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of states or members of the Executive Branch of the United States Government. Any further use of this property shall be determined by the Secretary after conferring with the Mar-A-Lago National Historic Site Advisory Commission.

Page 2, following line 6, insert the following new section:

Sec. 2. (a) There is hereby established a Mar-A-Lago National Historic Site Advisory Commission (hereafter referred to as the "Commission").

(b) The Commission shall be composed of five members appointed by the Secretary of the Interior for terms of three years each, as follows:

(1) One member to be appointed from recommendations submitted by the Governor of the State of Florida;

(2) One member to be appointed from recommendations submitted by the trustees appointed pursuant to the Mar-A-Lago Trust; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission, to represent the general public interest, and two of whom shall be appointed from recommendations submitted by the town council of Palm Beach, Florida.

(c) Any vacancy in the commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall, as the circumstances require meet and consult with the Commission on general policies and specific matters related to the administration of the historic site.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 13067 which Congressman TAYLOR and Congressman ROGERS joined me in cosponsoring provides for the statutory recognition of the Mar-A-Lago National Historic Site in Palm Beach, Fla.

Mar-A-Lago is the realization of a dream of one of the outstanding ladies of America and it is one of the Nation's great mansions. It was created as a result of the efforts and investment of Mrs. Marjorie Merriweather Post. She found the site; she worked with the architects and interior designers; and she did much of the planning that makes the place the beautiful spot that it is.

Altogether it includes 17 acres of land. The grounds are outstanding and carefully maintained and the home is a magnificent structure in perfect condition. Located as they are between the ocean and Lake Worth, they blend into a splendid setting. While there is a tremendous view from almost any point on the estate, it still affords the occupant the privacy and security which he may need.

The legislation contemplates the use of this property as an Executive retreat which would be available to the President when desired or might be used, upon the approval of the Secretary of the Interior, for official meetings or by Government officials who need its use for official functions. It would be an excellent place for a temporary residence for visiting foreign dignitaries or heads of state who need the privacy and security which it provides. In short, it would be limited to specific uses of an official nature which satisfy a need, but it would not be generally open for public tours or activities which would require a substantial expenditure of public moneys.

In fact, the property is to be donated to the Federal Government by Mrs. Post along with almost all of its priceless furnishings and works of art. In addition, a trust fund has been established which will yield an income adequate to maintain the property in its present perfect condition.

A tentative agreement—subject only to the enactment of this legislation—has been negotiated between the National Park Service and the Palm Beach County Historical Society which will assure the maintenance of the property without resort to public funds. In the future, if the trust fund is inadequate because of rising costs, then the property can be permitted to revert to the heirs of the donor or a future Congress can decide whether or not to utilize any public funds to retain it in public ownership.

Mr. Speaker, I have visited Mar-A-Lago and can tell my colleagues that it is a national treasure. No other place in this country equals it and it is unlikely that any comparable place will ever be built in the future. Here, in H.R. 13067 we have an opportunity to protect a property before it slips into disrepair or before it is altered in some way as to render it less valuable to the American people. It is a great opportunity and a minimum risk. I heartily endorse the project and urge its adoption by the Members of the House.

Mr. SAYLOR. Mr. Speaker. I support the passage of this legislation.

The purpose of H.R. 13067 as reported by the Committee on Interior and Insular Affairs is to authorize the Secretary of the Interior to accept the donation of the Mar-A-Lago estate for use and development as a unique part of our national park system.

The bill provides that the Secretary of the Interior may accept, develop and maintain this famous site, in accordance with its designation as a national historic site, at such time as the right of possession vests in the United States.

Mar-A-Lago is one of America's great mansions. Created by Mrs. Marjorie Merriweather Post, it is located on a coral reef between the Atlantic Ocean and Lake Worth in Palm Beach, Fla. The mansion is surrounded by splendid gardens and beautifully landscaped grounds, comprising approximately 17 acres.

By Order of Designation dated January 16, 1969, issued pursuant to the authority contained in the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), the Secretary of the Interior, noting that it possessed exceptional value in commemorating or illustrating the architectural and cultural history of the United States, designated the area as "The Mar-A-Lago National Historic Site."

Mrs. Post has generously indicated a desire to initiate the conveyance of her real and personal property at Mar-A-Lago to the United States upon enactment of legislation that would authorize Federal ownership and administration. Mrs. Post has made testamentary provisions to create a trust having a corpus of certain securities, the income from which will be applied against costs of administration.

The bill, H.R. 10367, also authorizes the Secretary of the Interior to enter into the necessary agreements to utilize the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of state and members of the executive branch of the U.S. Government.

The passage and enactment of this bill provides a unique opportunity for the Congress to participate in preserving one of the truly great treasures in the United States. This beautiful mansion and grounds can be accepted, developed, and maintained at no cost to the Federal Government.

Mr. Speaker, I urge the passage of this bill.

Mr. TAYLOR. Mr. Speaker, H.R. 13067 provides for the acceptance of the donation of the mansion of Marjorie Merriweather Post in Palm Beach, Fla.

It is generally known that Mrs. Post owns three outstanding estates—Mar-A-Lago in Florida, Hillwood in Washington, D.C., and Top Ridge Camp in the Adirondacks of New York. Provision has already been made for Hillwood to be donated to the Smithsonian Institution and this legislation, if enacted, will allow the Secretary of the Interior to accept the donation of the Mar-A-Lago estate.

It is difficult to describe in a few words the property which we are considering. The principal building, which measures about 300 feet by 600 feet, was constructed in the early 1920's of reinforced concrete with a stone and stucco veneer. It is a substantial structure in perfect condition. The grounds are meticulously kept and feature beautiful gardens and a terrace.

In every respect, this property is a national treasure worthy of preservation and recognition. While it is not associated with the early history of the Nation it is representative of an era of more modern times which will continue to grow in value in the generations ahead.

As I have said, the real property is to be donated, subject to the retention of a life estate by Mrs. Post. Practically all of the furnishings, except a very few personal items, will be donated with the house. In addition, the subcommittee heard testimony in executive session concerning the provisions of Mrs. Post's will which indicated that a trust fund has been established which will yield an income adequate to maintain the property in its outstanding condition indefinitely without resort to appropriated funds.

Full committee consideration of this legislation was deferred pending resolution of certain questions concerning operation and maintenance of the property. We received that information in a letter from Director Hartzog dated August 28, 1972. If this legislation is enacted, and if the Secretary accepts the property, it is anticipated that the Secretary will enter into an agreement with the Palm Beach County Historical Society for operation and maintenance. This is spelled out in a letter of understanding signed by Mr. Hartzog and Mr. Arthur E. Barrow, president of the Palm Beach County Historical Society.

The property would be used primarily for special conferences and meetings, and for temporary residential uses where special security is important. It might be used, for example, by visiting heads of state or, perhaps, as a future winter White House or Governor's conference but it would probably not be open for general public tours. Perhaps, by special arrangement, groups might be toured through the property in accordance with the provisions of the terms of conveyance.

Mr. Speaker, I want to give this measure my enthusiastic endorsement and I urge its approval by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks immediately preceding the passage of this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

HOHOKAM PIMA NATIONAL MONUMENT, ARIZ.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8756), to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit and inspiration of the people a site illustrative of the irrigation for over two thousand years of the valleys in central Arizona with water diverted from the Gila and Salt Rivers by the Hohokam and their Pima descendants, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Hohokam Pima National Monument at and in the vicinity of the Snaketown archeological site on the Gila River Indian Reservation, Arizona, when he determines that the beneficial interest in sufficient lands to constitute an efficiently administrable unit has been transferred to the Secretary for such purpose. Such national monument shall not exceed two thousand acres.

Sec. 2. In order to effect the transfer referred to in the first section of this Act, the Gila River Indian Community Council (hereinafter referred to as the "council") is authorized to acquire the beneficial interest in such allotted lands as may lie within boundaries designated by the Secretary for the Hohokam Pima National Monument. In exchange, the council may convey to such allottees or their successors in interest the beneficial interest in other lands of no less acreage and value that is held in trust for the benefit of the council or that may be acquired by the council for such purpose outside the proposed boundaries of the Hohokam Pima National Monument. The Council is authorized to transfer to the Secretary the beneficial interest so acquired by the council for the Hohokam Pima National Monument and the beneficial interest in such other lands held in trust for the benefit of the council as the Secretary may designate for the purposes of this Act. The council may likewise acquire beneficial fractionated interests in tracts outside of the proposed boundaries of the Hohokam Pima National Monument. The Secretary on the request of the council and with funds provided by it, may acquire by condemnation on behalf of the council the beneficial interest in any lands within the boundaries designated by the Secretary for the Hohokam Pima National Monument when the council is unable to acquire such interest. The Secretary is authorized to transfer title in the name of the United States in trust for the council to the beneficial interest in public lands of no less acreage and value than the beneficial interest in the lands transferred by the council to the Secretary. The beneficial interest transferred by the council to the Secretary and otherwise acquired by him pursuant to this Act shall revert to the council if the lands to which they pertain cease to be used for the purpose of a national monument.

Sec. 3. (a) The administration and protection of the Hohokam Pima National Monument shall be exercised by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1 et seq.); except that the council shall be permitted to develop and operate revenue-producing visitor services and facilities within such monument in accordance with plans and regulations of the Secretary. Any revenues resulting from the operation of such services and facilities may be retained by the council.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 1, line 3 through page 2, line 5, strike out all of section 1 and insert the following:

That, in order to preserve and interpret for the benefit and inspiration of the people a site containing significant archeological values, including the irrigation systems in the valleys of central Arizona developed by the Hohokam and Pima Indians, and their descendants, the Secretary of the Interior (hereinafter referred to as the "Secretary" is authorized to establish the Hohokam Pima National Monument (hereinafter referred to as the "monument"). Such monument, which shall not exceed 2,000 acres in size, shall comprise lands in the vicinity of and including the Snaketown Archeological site on the Gila River Indian Reservation, Arizona, as generally depicted on the drawing entitled "Boundary Map Snaketown National Monument", numbered NM–SNA 20,003–A, and dated October, 1971. The monument may be established by the Secretary when he determines that the beneficial interest in a sufficient amount of land has been transferred to constitute an efficiently administrable unit.

Page 2, line 6 through page 3, line 13, strike out all of section 2 and insert in lieu thereof the following:

Sec. 2. (a) The Gila River Indian Community Council (hereinafter referred to as the "Council") for the Gila River Indian Community (hereinafter referred to as the "Community") may acquire the beneficial interest in any allotted lands located within the boundaries of the monument and may, in exchange therefore, convey to such allottees, or their successors in interest, the beneficial interest in any lands of at least equal value outside the boundaries of the monument which are held in trust for the benefit of the Community. In arranging such equal exchanges with allottees the Council may acquire beneficial whole or fractionated interests in tracts outside the boundaries of the monument. When the Council is unable to acquire such interests, it may request that the Secretary, on its behalf and with funds which it provides, acquire such beneficial interest in any lands within the boundaries of the monument, and the Secretary may acquire such interest by condemnation.

(b) The Council is authorized to transfer to the Secretary the beneficial interest in any lands held in trust for the benefit of the Community, including such interests as are acquired pursuant to subsection (a) of this section, located within the boundaries of the monument. In exchange for such transfer, the Secretary shall declare that title to public lands of at least equal value which are under his jurisdiction are held in trust for the Community.

Page 3, line 14, after "Sec. 3." insert "(a)" and following line 22, insert a new subsection as follows:

(b) An appropriate portion of any admission fees attributable to such services and facilities may, in accordance with an agreement between the Secretary and the Council, be transferred to the council.

Page 3, lines 23 through 25, strike out all of section 4 and insert in lieu thereof the following:

Sec. 4. There are hereby authorized to be appropriated not more than $135,000 for the acquisition of lands and not more than $1,781,000 for the development of the monument.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 8756 is a bill cosponsored by our colleagues from the State of Arizona (Representatives UDALL, RHODES, and STEIGER). It authorizes the establishment of the Hohokam Pima National Monument about 20 miles from Phoenix, Ariz.

DESCRIPTION, SIZE, AND LOCATION

This proposed national monument would comprise not more than 2,000 acres of land presently owned by the Gila River Indian community and invidual Indian allottees. Generally, it consists of relatively unproductive, flat desert lands. While the lands themselves do not appear to contain any outstanding natural or scenic values which would merit their consideration for inclusion in the national park system, beneath the surface are the remains of one of the earliest cultures of the Southwest.

Here, 300 years before the birth of Christ, the ancient Hohokam Indians had developed a sophisticated culture which included an extensive system of irrigation canals for agriculture. Archeological excavations in the area have revealed that a highly civilized society occupied this region for centuries before the coming of the white man. While enough work has been done to verify the significance of the site, it is believed that only a small portion of this historic resource has been uncovered.

COST

The establishment of this national monument will not require an unreasonable investment of public moneys. All of the lands involved are presently held in trust by the United States for the benefit of the Gila River Indian community and individual allottees. The tribal council is anxious to have the area protected and has indicated a willingness to cooperate in transferring title to all of the lands within the monument boundary in exchange for other public lands of at least equal value. For this reason, land acquisition costs will be nominal and will be limited to the administrative and technical costs usually associated with land transactions. It is estimated that not more than $135,000 will be needed for this purpose.

Development costs will also be relatively modest. It is contemplated that a visitor center will be constructed, that a few roads and trails will be needed and that some inplace exhibits will be installed. Altogether, it is estimated that a total of $1,781,000 will cover the development costs associated with this project.

RECOMMENDATION

Mr. Speaker, H.R. 8756 will assure the protection of a recognized area of great scientific significance. The costs are modest and the benefits will be substantial. I support the enactment of H.R. 8756, as amended, and I urge its approval by my colleagues in the House.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8756, to provide for the establishment of the Hohokam Pima National Monument in the vicinity of Snaketown archeological site, in Arizona.

The purpose of the bill is to preserve and interpret the nationally significant archeological values and irrigation systems developed by the ancient Hohokam Indian community on the Gila River Indian Reservation in the valleys of south-central Arizona.

The proposed national monument is the site of the earliest known irrigation development in the United States which supported and developed a sophisticated agrarian community some 300 years or more before the time of Christ. The site is neither spectacular or exciting to the layman but to the trained archeologist it is one of the most significant sites in the entire southwest.

Since 1887 traces of the ancient Hohokam civilization have been discovered. Excavation in the area continues to this day. The Pima Indians, decendants of the Hohokam community now inhabit the area near the site and continue to develop a better understanding of their forefathers. The spokesmen for the Gila Indian Reservation strongly support the establishment of the national monument.

The estimated costs for the establishment of this historic site are $135,000 because the lands involved are only to be acquired by exchange. This will, therefore, require only the payment of administrative and technical costs. On the other hand, development costs are estimated at $1,781,000 which would include a visitors center, protective and interpretive structures, and a portable shelter as an archeological excavation exhibit. H.R. 8756 will provide for the preservation of our history which has been "written in the earth" and I urge my colleagues to support its passage.

Mr. TAYLOR. Mr. Speaker, the bill now before the House (H.R. 8756) was introduced by the gentleman from Arizona (Mr. UDALL) and cosponsored by Representatives RHODES and STEIGER of Arizona.

GENERAL BACKGROUND

The area involved in the legislation is commonly called the Snaketown Archaeological Site. It contains thousands of artifacts and specimens of the Hohokam society which existed in this part of the Southwest for hundreds of years. While fragments of broken pottery are found on the surface of the ground, most of the remnants of this ancient civilization are buried under the soil that has drifted in to bury the historical remains of ancient houses and other evidences of human use and occupation of the land.

All of the area involved is located on lands held in trust for the Indian people who now live in the area and who are believed to be the descendants of the Hohokams. During the public hearings, spokesmen for the tribal council of the Gila River Indian community testified in favor of the enactment of the legislation because they feel that development of the area will help them to better understand their own background and because they believe that the monument will help provide new job opportunities for their people.

The legislation provides that the tribal council may exchange tribal lands for allotted lands within the monument boundaries or that it may purchase, or provide funds to the Secretary of the Interior to purchase, any of the allotted lands. The tribal lands may be exchanged for lands of at least equal value which are within the administrative jurisdiction of the Secretary.

Mr. Speaker, the enactment and implementation of H.R. 8756 will not only add a significant archeological site to the national park system, but it should contribute to a better economy for the present Indian landowner. The proposed monument is located in an arid area which has no dependable water supply so that little practical use can be made of the land and no residential use is feasible. If H.R. 8756 is enacted it is anticipated that the tribal council will exchange agricultural lands which it has available for the allotted lands included in the monument. This direct benefit for the allottees will be supplemented by some employment opportunities which will result from visitor use of the monument area.

Altogether, it is anticipated that not more than $135,000 will be needed to pay the administrative and technical costs associated with the land transfers and not more than $1,781,000 will be needed for development. This is a modest price to pay for the preservation, protection, and interpretation of this valuable archeological area.

RECOMMENDATIONS

Mr. Speaker, I am pleased to join in support of the enactment of H.R. 8756 and I urge my colleagues in the House to support the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks immediately preceding the passage of this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADDITION OF MINAM RIVER CANYON TO THE EAGLE CAP WILDERNESS, WALLOWA AND WHITMAN NATIONAL FORESTS, OREG.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6446) to provide for addition of the Minam River Canyon and other areas to the Eagle Cap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6446

A bill to provide for addition of the Minam River Canyon and other areas to the Eagle Cap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the areas proposed for addition to the Eagle Cap Wilderness as generally depicted on a map entitled "Proposed additions to the Eagle Cap Wilderness", dated March 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated for addition to and a part of the Eagle Cap Wilderness, Wallowa and Whitman National Forests, Oregon.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagle Cap Wilderness as revised by this Act with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The additions to the Eagle Cap Wilderness provided by this Act shall be administered as a part of the Eagle Cap Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided,* That notwithstanding the provisions of subsection 5(c) of the Wilderness Act of September 3, 1964 (16 U.S.C. 1135(c), 78 Stat. 896), the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of the Eagle Cap Wilderness by exchange or other means and without specific further authorization by Congress, where this privately owned land threatens the character of the surrounding wilderness.

SEC. 4. (a) The exterior boundaries of the Wallowa National Forest in Oregon are modified to include the following described lands, containing approximately twenty-three thousand acres:

WALLOWA NATIONAL FOREST

Willamette Principal Meridian

Township 2 north, range 41 east: section 29, all that part south of the Wallowa and Minam Rivers; section 32; section 33, southwest quarter northwest quarter, west half southwest quarter.

Township 1 north, range 41 east: section 3, west half southwest quarter; section 4, south half northeast quarter, northwest quarter; south half; sections 5, 8, 9, 10; section 14, west half, south half southeast quarter; sections 15, 16, 17, 20, 21, 22, 23; section 24, south half northwest quarter, all of rest of section south and west of Big Canyon Creek; section 25, all west of Big Canyon Creek; section 26, 27, 28, 29; section 32, north half, north half southwest quarter, southeast quarter southwest quarter, north half southeast quarter, southeast quarter southeast quarter; section 33; section 34, north half, southwest quarter, north half southeast quarter; sections 35, 36.

(b) Subject to valid claims so long as these are maintained, all lands now owned or hereafter acquired by the United States in the areas described in subsection (a) of this section which are not now part of the Wallowa National Forest shall be a part of such national forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto, with special emphasis on the provision of outdoor recreation opportunities. Money appropriated for Federal purposes from the land and water conservation fund shall be available for the acquisition of property within the areas described in subsection (a) of this section.

With the following committee amendments:

Page 1, line 5, strike out "March 1971," and insert "August 1, 1972,".

Page 2, line 2, strike out "Oregon." and insert "Oregon, which addition comprises an area of approximately 72,420 acres."

Page 2, line 19, strike out "Act:" and the succeeding proviso ending on Page 3, line 2 and insert in lieu thereof the word "Act."

Page 3, line 3 through Page 4, line 10, strike out all of Section 4 and insert in lieu thereof a new section as follows:

SEC. 4. Within five years from the date of enactment of this Act, the Secretary shall review those lands depicted on the map referenced in Section 1 of this Act as the "Wilderness Study Area" comprising about 32,000 acres, commonly referred to as the Lower Minam, and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the above area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 6446, as amended.

This proposal will add some 72,420 acres of land in the Wallowa and Whitman National Forests, Oregon to the existing 220,416 acre Eagle Cap Wilderness. It also provides for the study and review of an additional 32,000 acres for their wilderness potential and possible future wilderness designation.

While this area was not classified as a primitive area by the Forest Service, or managed as such, the land designated as wilderness by the committee does possess all the characteristics of a true wilderness. Where past activities of man were in evidence that area has been excluded from the present proposal. The required mineral report has been completed and indicates the absence of commercially valuable minerals.

With one exception the proposed substantially reflects the recommendation of the Forest Service report of May 24, 1972. This exception pertains to the inclusion of some 27,000 acres in what is known as the Little Minam River area. While the Forest Service agreed, this area displayed all the characteristics of wilderness it did not recommend its inclusion because of timber values and the possibility of insect infestation of that timber. The committee was informed, however, that this timber is not now included in the allowable cut calculation and it is further convinced that the 1964 Wilderness Act provides ample authority for control of fires, infestations or diseases in wilderness areas.

Mr. Speaker, I recommend favorable action on H.R. 6446, as amended.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6446, a bill to provide for the addition of certain lands within the Wallowa and Whitman National Forests to the Eagle Cap Wilderness.

H.R. 6446 authorizes the Secretary of Agriculture to designate 72,420 acres in the Wallowa and Whitman National Forests in the State of Oregon, as additions to the Eagle Cap Wilderness. The bill also provides for the review and study of an additional 32,000 acres for future wilderness designation.

Mr. Speaker, even though the passage and enactment of H.R. 6446 as reported by the Committee on Interior and Insular Affairs is not in keeping with the committee's standard posture on wilderness, and even though the administration has been somewhat ambiguous on its position regarding additions to the Eagle Cap Wilderness, I support the passage of this bill. I do so because there are many areas of this country that should be set aside as wilderness for the enjoyment of present and future generations. The executive branch and the Congress have been in my judgment too slow in their consideration of wilderness proposals.

The passage and enactment of this legislation, while having some undesirable points, will in my judgment establish the precedent needed so that the Congress can get on with the business of establishing wilderness areas throughout the United States in accordance with the expressed will of the American people.

Mr. Speaker, I support the passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the addition of certain lands within the Wallowa and Whitman National Forests to the Eagle Cap Wilderness."

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (S. 493) to authorize and direct the Secretary of Agriculture to classify as wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area in Oregon, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 493

An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as additional wilderness those national forest lands containing approximately eighty thousand acres within the Wallowa-Whitman National Forest in Oregon in the Minam River drainage adjacent to the Eagle Cap Wilderness as generally depicted on a map entitled "Proposed addition to the Eagle Cap Wilderness dated August 1970" which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture shall promptly after such classification transmit to the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives a map and legal description of the addition to the wilderness area and such description shall have the same force and effect as if set forth in this Act: *Provided,* That correction of minor clerical and typographical errors in such legal description and map may be made. Upon its classification, such addition shall be deemed to be a part of the Eagle Cap Wilderness of the National Wilderness Preservation System and shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 493 and insert in lieu thereof the provisions of H.R. 6446, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended so as to read: "To provide for the addition of certain lands within the Wallowa and Whitman National Forests to the Eagle Cap Wilderness."

A similar House bill (H.R. 6446) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I and any other Member desiring to do so may have permission to extend his remarks in the Record immediately preceding the passage of this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING THE UNITED STATES DISCLAIMS INTEREST IN TRACT OF LAND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11449) to provide that the United States disclaims any interest in a certain tract of land.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 11449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States disclaims any right, title, or interest in the following-described tract of land situated within the Carson National Forest, New Mexico, such tract of land being more particularly described as follows:

A tract of land containing 66.78 acres, more or less, beginning at corner numbered 1, which is located on the northerly line of the Antoine Leroux grant, as shown on official survey plat approved by the United States Surveyor General on August 25, 1909, whence corner numbered 69 of the Leroux grant survey bears south 79 degrees 45 minutes west, 20.14 chains;

thence north 79 degrees 45 minutes east, 6.06 chains (400 feet) to corner numbered 2, which is identical with the Leroux grant corner numbered 70 and located at the confluence of South Fork Canyon and the Rio Hondo;

thence north 61 degrees 30 minutes east, 4.20 chains (277.20 feet) to corner numbered 3 which is identical with corner numbered 71 and mile corner numbered 13 of the Leroux grant survey;

thence north 44 degrees 30 minutes east, 27.70 chains (1,828.20 feet) continuing along the northerly line of the Leroux grant survey to corner numbered 4;

thence south 09 degree 47 minutes east, 22.73 chains (1,500 feet) to corner numbered 5;

thence south 51 degrees 23 minutes west, 36.36 chains (2,400 feet) to corner numbered 6;

thence north 11 degrees 15 minutes west, 22.73 chains (1,500 feet) to corner numbered 1, the point of beginning.

(b) The Secretary of the Interior is authorized and directed to prepare and execute without consideration any instrument necessary to carry out the purposes of subsection (a).

Mr. ASPINALL. Mr. Speaker, I support enactment of H.R. 11449.

This proposal would settle a longstanding title dispute between private citizens and the Forest Service that arose in connection with an old 1742 Spanish land grant which was confirmed by Congress in 1869.

Due to an erroneous survey in 1909 a patent issued in 1911 included some 6.95 acres of land which apparently was not a part of the land as described in the original Spanish land grant. However, the private owners have long relied upon the integrity of a Federal patent and the issue of ownership was not raised until recently when much of the land within the original 1742 grant was reconveyed to the Federal Government.

The Forest Service now maintains that, notwithstanding long years of undisputed possession and a Federal patent, the 6.95 acres never legally passed out of Federal ownership. This small area lies north of the Rio Honda. There is no dispute as to some 60 acres of land lying south of the river. In this case there is no evidence of fraud or misrepresentation on the part of the individual owners. They all acted in good faith and have had undisputed possession of the land for many years. Any error in the survey or the land patent was the responsibility of the Government. The landowners should not now be penalized for this error. They were entitled to place reliance upon the accuracy and integrity of a land patent issued by their Government. They could not do more.

Earlier in connection with similar legislation in the 91st Congress, that is S. 202, the U.S. Court of Claims decided that it would not be inappropriate or a mere gratuity for the United States to relinquish title to this land.

I fully agree with this decision and recommend enactment of H.R. 11449.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (S. 2674) to remove a cloud on the title to certain lands located in the State of New Mexico, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2674

An act to remove a cloud on the title to certain lands located in the State of New Mexico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the opinion, findings of fact, and conclusions of the trial commissioner of the United States Court of Claims in Congressional Reference Case Numbered 4–69, Richard Grainger and Margaret N. Grainger, his wife; Patrick W. Hurley and Elois A. Hurley, his wife; Robert Kennaugh and Betty W. Kennaugh, his wife; John F. McGill and Phyllis McGill, his wife; Mrs. Mary J. (Leon) Pierce, a widow; and William Turbett and Cynthia A. Turbett, his wife, against the United States, filed September 16, 1971, the United States hereby disclaims any right, title, or interest in or to the following described tract of land situated within the Carson National Forest, New Mexico, such tract of land being more particularly described as follows:

A tract of land containing 67.68 acres, more or less, beginning at corner numbered 1, which is located on the northerly line of the Antoine Leroux grant, as shown on official survey plat approved by the United States Surveyor General on August 25, 1909, whence corner numbered 69 of the Leroux grant survey bears south 79 degrees 45 minutes west, 20.14 chains;

thence north 79 degrees 45 minutes east, 6.06 chains (400 feet) to corner numbered 2, which is identical with the Leroux grant corner numbered 70 and located at the confluence of South Fork Canyon and the Rio Hondo;

thence north 61 degrees 30 minutes east, 4.20 chains (277.20) feet to corner numbered 3 which is identical with corner numbered 71 and mile corner numbered 13 of the Leroux grant survey;

thence north 64 degrees 30 minutes east, 4.20 chains (1,828.20 feet) continuing along the northerly line of the Leroux grant survey to corner numbered 4;

thence north 09 degrees 47 minutes east, 22.73 chains (1,500 feet) to corner numbered 5;

thence south 51 degrees 23 minutes west, 36.36 chains (2,400 feet) to corner numbered 6;

thence north 11 degrees 15 minutes west, 22.73 chains (1,500 feet) to corner numbered 1, the point of beginning.

(b) The Secretary of the Interior is authorized and directed to prepare and execute without consideration such instruments as may be appropriate to carry out the purposes of subsection (a).

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspinall: Strike out all after the enacting clause of S. 2674 and insert in lieu thereof the provisions of H.R. 11449, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11449) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I and all other Members desiring to do so may have permission to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to extend his remarks on any of the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FAMILY PLANNING AND POPULATION RESEARCH

(Mr. SCHEUER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, the legislative process is the means by which the people of the United States are assured their basic rights and freedoms, and I believe that one of the most fundamental freedoms of all mankind is the right to determine one's family size.

We have not always had this freedom in our country. In the early 1900's men and women were jailed for dispensing contraceptive information and devices by those who wished to impose their personal moral values on others. One such public moralist was Anthony Comstock, head of the New York Society for the Suppression of Vice and author of the proposals, translated into law by the Congress in 1873, prohibiting the use of the U.S. mail for the transportation of contraceptive devices or information pertaining thereto.

These "Comstock laws" were repressive; they were passed during an era famous for its public dictation of standards for private personal conduct. Through the years as attitudes changed and concepts of individual freedoms were enlarged the courts steadily eroded the restrictions imposed by the law until they became almost meaningless. However, the threat of arrest or suit was ever present as long as the law remained on the books defining birth control information and articles for the prevention of conception as "obscene or immoral." I did not think that such laws, even though rendered ineffective by various judicial decisions, should be permanently inscribed in Federal statute law.

Therefore, one of the first bills that I introduced as a freshman Congressman in 1965 was for the repeal of the "Comstock Laws." It was from the background material that I amassed for this bill and the long months of trying to shepherd it through the various steps that a bill must follow after introduction, that I began to realize that the removal of the Comstock restrictions on contraception was merely a necessary first step. Comstock repeal was only a modest beginning toward real and meaningful progress in the field of family planning and, in the larger sense, in the area of personal freedom.

At this same time, as a freshman member of the House Education and Labor Committee, I was privileged to have the opportunity to work with the newly established Office of Economic Opportunity, an agency dedicated to the alleviation of poverty through service programs for low-income families and individuals in the United States. I found in my committee work, that time and again, OEO community representatives, and local program directors would voice their concern about the lack of support at the Federal level for the provision of family planning services. This was not a criticism of OEO; indeed, the demand for federally subsidized family planning services grew, at least in part, from the pioneering efforts of the agency under the direction of the first OEO Director Sargent Shriver. Indeed, OEO was the first Federal agency to support the provision of family planning services through the granting of $8,000 to the Corpus Christi, Tex., Community Action Agency in 1965.

However, progress was slow in meeting the increasing demand for family planning services. In 1966 OEO had funded only 14 family planning programs, concentrated in only 5 States. Part of this was due to the newness of both OEO as an agency and of the relative unavailability of resources for such programs. Agency officials had no idea how far they could go to support family planning services openly. They were apprehensive about the Congressional climate. In turn, we, in Congress, had no idea of the kind of opposition, or the kind of support, these programs might generate.

However, I rapidly became certain that both the need and the demand for subsidized family planning services far outweighed any other considerations. I was also made aware, during this period of time, that the few Federal programs, outside of OEO, for family planning services were fragmented, uncoordinated efforts. The highly significant Harkavy report on both the services and research efforts of the Federal Government was presented by me before former Senator Gruening's hearings on the population problems and crisis in 1967; I also testified at those hearings that the Congress would have to take steps to bring about any coordinated and significant change in programs; that OEO programs alone could not accomplish the job. Therefore, when in 1967 OEO officials testified that only $2.5 million had been committed to services—approximately one-fourth of 1 percent of the total OEO budget—I decided to sponsor the establishment of family planning services as a national emphasis program through the Economic Opportunity Amendments of 1967. As you know, this proposal became law, and as a result, OEO was able to launch a significant family planning services program.

The first major task of the OEO program was to gather information. Little was known of the characteristics of the potential patient population, except that they were poor. Little was known as to the facilities which might be able to provide the necessary services. OEO commissioned the development of a county-by-county study of the need for family planning services in the United States, which as far as I know, was unique in concept at that time and remains a milestone in the annals of American health care. This study was praiseworthy if only because it documented the need for subsidized services by more than 5 million women in the United States. However, the study did more than that. It gave to the health field and to the U.S. Congress a valuable model for the assessment of other health care needs in the future.

OEO later repeated this study in 1969 and a third such nationwide survey is currently underway under the supervision of HEW. These studies have enabled us to measure quite accurately the progress which we, as a nation, have been making in the provision of family planning services. It was evident, from the first study which documented the extent of the need that OEO available financial resources would not be adequate to the task and that other agencies, principally HEW, would need to be involved in the support and delivery of services. It became evident, as well, that the new programs were experiencing a high degree of acceptance and positive support from local communities and enthusiastic response and utilization by poor patients everywhere.

The extent of the need for voluntary family planning services was recognized by the President in his message to the Congress which requested the establishment of a Commission on Population Growth and the American Future. I did not feel the establishment of the commission alone was sufficient to meet the needs at hand. I testified before the Committee on Government Operations of the House of Representatives during hearings on the commission bill that although "a few legislative authorities already exist which support family planning programs, they are not sufficient to cover the recommendations of the President." The President had said, in his July 18, 1969, message to the Congress, that—

> No American woman should be denied access to family planning assistance because of her economic condition. I believe, therefore, that we should establish as a national goal the provision of adequate family planning services within the next five years to all those who want them but cannot afford them, this we have the capacity to do.

Therefore, simply a call to further study by a commission, when the urgent and immediate need for services had already been abundantly documented and acknowledged by the White House, was just not acceptable to me or, as we were to discover later, to my fellow colleagues in the House of Representatives.

I responded by introducing my bill H.R. 11550 on May 21, 1969; this bill had the stated purpose of promoting "the public health and welfare by expanding, improving and better coordinating the family planning services and population research activities of the Federal." I embarked on the effort to guide the bill through the maze of the legislative process, joined at first by only 40 of my colleagues; later we were joined by nearly 100 of our colleagues in sponsoring the family planning services and population research legislation.

The purpose of my bill was twofold. First it was designed to provide family planning services to those Americans who wanted them but could not afford them. Second, it was designed to benefit all the people in this country by supporting the development of new contraceptive methods. My bill proposed new authorization for a 5-year period, for family planning services and population research. These programs were to be administered through the creation of a new agency, the National Center for Population and Family Planning, also proposed by the bill. This new HEW agency would "supervise public information, program planning and development, manpower development and training, supervision of field services, reproductive physiology research, behavioral research and grants management for both research and services." The center was to have sole responsibility within HEW for the family planning services and population research programs. It was to have a director and a deputy director and regional population and family planning advisers. It was also to perform certain advisory functions for the Secretary of Health, Education, and Welfare, including preparations of program plans and of legislative recommendations when needed.

The bill proposed the provision of comprehensive voluntary family planning services to "all persons desiring such services" through the following programs:

Special project grants for family planning services to be made by the center to public agencies and nonprofit organizations and institutions to assist in the establishment and operation of voluntary family planning projects. This section authorized $450 million over a 5-year period for these special project grants.

Formula grants for family planning public health services to be made by the Secretary of Health, Education and Welfare to State health agencies to "assist the States in planning, establishing, maintaining, coordinating, and evaluating family planning services." The bill authorized $70 million to be used for these grants to States, provided that the States had submitted and had had approved by the Secretary, State plans for a coordinated and comprehensive program of family planning services.

Grants for the training of the necessary professional, nonprofessional, and new careers manpower required to fulfill the objectives of the services programs to be made by the national center to public and private agencies. The bill authorized $20 million over a 5-year period for this program.

The bill also proposed a program of grants for population research; these grants were to be used in order "to promote research in the biochemical, contraceptive development, behavioral and program implementation fields related to population and family planning through grants by the national center to public agencies and nonprofit organizations and institutions and contracts with groups, associations, institutions, and individuals or corporations for the conduct of such research." The bill proposed an authorization for this program of $335 million.

In addition, the bill proposed a program of grants for the construction of population research centers and for the operation of such centers relating to research in human reproduction, sterility, contraception, effectiveness of service delivery, population trends, and other aspects of, or factors which affect, population dynamics. The bill provided an authorization of $80 million for these purposes.

However, some of these programs I have described were either revised or deleted in order to reflect amendments from the various members of the House Interstate and Foreign Commerce Committee. For instance, the committee decided that, since HEW had little experience in providing family planning services on an extensive nationwide basis, the legislation should contain only a 3-year authorization so that the fledgling programs could be monitored closely and revisions and reforms introduced into the programs before any noneffective mechanisms could become institutionalized. Therefore, instead of having operating authority until fiscal 1975, programs were to come up for renewal at the end of fiscal 1973.

The language creating a new national center for population and family planning was deleted on the basis of an HEW request for the chance to strengthen the administration of the family planning services programs and of the population research programs through normal administrative channels already extant rather than through new ones created by law. Finally, after the Subcommittee on Public Health and Environment under the able leadership of Congressman PAUL ROGERS, assisted by the able members of the minority such as Representatives TIM LEE CARTER and ANCHER NELSEN had spent many long hours drafting an excellent report on the legislation and after the legislation had been refined by the full Commerce Committee led by Chairman HARLEY STAGGERS, the committee report was published; the bill was scheduled for a vote on November 16, 1970. This was nearly 18 months after I first introduced my bill.

I must admit that the cosponsors of the bill and I had not realized it at the time, but by introducing the legislation, we prompted a general discussion of the responsibility of the Federal Government for the provision of birth control services. This had not really been given serious consideration and full discussion by all the Members of the House of Representatives. My 1967 amendment to the OEO bill had been an attempt to reveal the plight of poor men and women everywhere who must face the possibility of indeed, the probability, of supporting ever increasing families on limited incomes with no knowledge of methods or hope for help in controlling their own fertility. However, it had been but a little known, minor amendment to a large and controversial bill. The entire House of Representatives had, therefore, to become aware of the issue, be provided the facts, consider the responsibility of the Federal Government in this area, and be persuaded that the proposals under consideration were in fact the best vehicle for the delivery of services.

In view of the size of the task, I have always believed that the House Commerce Committee is to be commended for the excellent and timely handling of the legislation. Without the good efforts of its chairman, Representative STAGGERS, the subcommittee chairman, Representative PAUL ROGERS, and its members, success would not have been ours. I believed all along that my colleagues here in the House, with their basic respect for the freedom and dignity of men and women, would support passage of the legislation. What I could not know was the overwhelming extent of support. The vote on this bill convinced me once again that serving the public alongside colleagues in the U.S. House of Representatives is the most privileged honor any man can be given in this country. More than 298 Members of this esteemed body voted with me on that day and only 32 Members went on record in opposition. By December of 1970, the bill had become law.

The act, wisely I believe, called for the submission by the Department of Health, Education, and Welfare of a 5-year plan for the provision of family planning services and population research within 6 months of the enactment of the legislation. To my knowledge, this was the first time that an administrative agency had been asked to explain in great detail to the Congress how Federal resources would be used to benefit the health of the American public.

There were many delays in the drafting of this plan. It was not presented to the Congress until October of 1971, a delay of nearly 4 months beyond the statutory requirement. This delay in submission was accompanied by a delay in funding. The first funds to be used for special project grants for family planing services authorized by the new law were not requested in time to be included in the regular appropriation for HEW for fiscal 1971. Instead, only a small amount—$6 million—was requested in a supplemental passed in June 1971. It was not until passage of the fiscal 1972 appropriations which contained an amount of $48 million in new funds for special project grants under the law that the program was finally able to get underway. This was nearly a full year after passage. As a result, the program has not been established, maintained, and strengthened with the orderly phasing in of services as set forth in the 5-year plan.

For instance, the HEW 5-year plan had recommended that the budget for the HEW National Center for Family Planning Services be set at $35 million in fiscal year 1971; instead, as I have pointed out, it was only $6 million. Then, based on having had the larger amount available in fiscal year 1971, the 5-year plan proceeded to recommend levels of $82 million in fiscal year 1972 and $133 million in fiscal year 1973. Funding for the OEO program of family planning services was to remain at about $24 million each fiscal year.

On the strength of these amounts being appropriated and used for the program, HEW estimated the number of patients to be served at 2.9 million women in fiscal year 1971, 3.8 million women in fiscal year 1972, and 4.7 million women in fiscal year 1973, thereby reaching in steady progressions the targeted number of women—6.6 million—by fiscal year 1975.

Reality, in terms of appropriations and the commensurate number of patients served, paints quite a different picture. "The Progress Report on the 5-year plan" of the National Center for Family Planning Services reported:

> There will be almost 300 projects funded by the end of FY 72. They are estimated as being able to provide services for about 1.5 million individuals.

Therefore, the programs of the National Center for Family Planning Services actually provided services to about one-half of the number of patients estimated by the 5-year plan. The same holds true for fiscal year 1972. It is too early to tell what the revised patient enrollment will be for fiscal year 1973.

Funding also has not progressed according to the 5-year plan as might be deduced from the patient load figures.

The OEO program has steadily declined to about $13 million this fiscal year. The administrative responsibility for "mature" OEO family planning services projects—those more than 2 to 3 years old—has been transferred to HEW without a commensurate transfer in funds from OEO.

Therefore, the funds of the National Center for Family Planning Services have been used to continue support for old family planning services projects instead of being used to help establish new ones reaching new patients. In fiscal year 1973, it is estimated that only about $81 million in new funds will be available for the extension of family planning services programs; this is $50 million less than the $133 million recommended in the 5-year plan. The 5-year plan had pointed out:

> The development of the service capacity depends upon the substantial expansion of service programs across the country, and by all providers of health care: hospitals, health departments, voluntary agencies, and private physicians . . . Development of service capacity over the next few years must emphasize availability in smaller cities and non-metropolitan areas in order to correct the current imbalance in the distribution of services which are concentrated in large metropolitan areas.

However, the lack of available financial resources has greatly slowed the development of the service capacity. The Commission on Population Growth and the American Future, on which I served as one of the two members of the Commission from the U.S. House of Representatives, reported the following in March 1972, concerning family planning services programs:

> With a relatively modest federal investment, organized family planning programs have succeeded in introducing modern family planning services to nearly 40 percent of low-income persons in need. The majority of those in need remained unserved, however, and the number of hospitals, health departments, and voluntary agencies not providing services remains substantial. No organized services have been reported in half of all counties in the country . . . The five-year plan, prepared in accordance with P.L. 91–572, makes clear that the delivery of services to those who need and want them is feasible and within the capabilities of our existing health system. The achievement of this objective will clearly require additional federal authorizations and appropriations . . .

As a result, the delivery of family planning services to all those who are in need of them cannot possibly be accomplished by 1975. Programs will have to be extended and funding increased for at least 3 years beyond that date if the programs are ever to accomplish their established goals.

Sole blame for the failure of services delivery to measure up to the 5-year plan cannot be placed on just delayed and insufficient funding. In a recent report prepared by the House Republican Task Force on Population Growth and Ecology, Subcommittee on Population Growth chaired by Representative PIERRE DU PONT, the following observations were made about the administration by HEW of the family planning services programs:

> To strengthen the direction and administration of the program, the HEW Deputy Assistant Secretary for Population Affairs was given line authority, through the HEW Office of Population Affairs, for the Health Services and Mental Health Administration (HSMHA) family planning services program, the National Institutes of Health (NIH) population research program . . . The administrators of the services and research programs, therefore, have dual line responsibilities—one to the Deputy Assistant Secretary and one either to the NIH Director or to the HSMHA Director. This new authority was to be exercised through the appointments of an Assistant Administrator of HSMHA for Family Planning Services and an Assistant Director of NIH for Population Research, both of whom would serve as special assistants to the Deputy Assistant Secretary. However, to date neither of these appointments has been made nor has adequate staff for the Office of Population Affairs been hired to enable the Deputy Assistant Secretary to carry out the duties mandated by the legislation. This creates a less than clear administrative organization, poor program stability, and inadequate coordination and liaison. It results in insufficient and fluctuating staff levels in both services and research which can contribute to lack of continuity in these programs.

This confusion of administrative authorities, described by Senator BOB PACKWOOD, at the Senate Labor and Public Welfare Committee hearings, as HEW's "Rube Goldberg" arrangement, does not further the progress of either the family planning services or the population research programs. When the legislation was under consideration HEW officials conceded the need for more coordination and more accountability with respect to family planning services and population research programs. However, in a letter from HEW to Senator EAGLETON, who chaired the Senate hearings on the bill, HEW argued against consolidating both services and research in a single agency on the grounds that such a consolidation would take too much time, estimated by HEW later as about an 18-month delay. Instead, the Department proposed that the coordinating and administrative focus for these activities be housed in the Office of Population Affairs through the two special assistants mentioned previously. In addition, all budget items for population activities were to be assembled as a special category within HEW's budget presentation and were to be defended separately by the Deputy Assistant Secretary for population affairs. Finally, the staffing of the Office of the Deputy Assistant Secretary for Population Affairs was to be strengthened considerably. The Congress ultimately accepted this substitute legislative proposal by HEW on the grounds that it would avoid the 18-month delay during reorganization, though some of the bill's sponsors in both the House and the Senate doubted the practicality of this rather unique administrative arrangement.

Unfortunately our doubts proved well founded. The administrative arrangements were characterized at the Senate hearings by the Deputy Assistant Secretary as "rather awkward." Although the Deputy Assistant Secretary reported that he had no difficulty in exercising the authority given to him under the law he conceded that "we have made it work because both Dr. Marston, Director of NIH, and Dr. Wilson, Administrator of HSMHA, have a feeling that I will work reasonably with them and not contravene their authority." It is certainly questionable whether, even under ideal circumstances, this type of dual authority and dual reporting, could be made to work since the directors of the services and research programs are more likely to respond to their respective agency heads who control their budget and their progress up the bureaucratic ladder than to an isolated office that contains little more than theoretical policymaking authority. This was made clear when the Deputy Assistant Secretary before the Senate hearings repeatedly stated that he was unable to speak for the administration on the critical policy issues raised by the 5-year plan. Furthermore, the arrangement never received a full test of workability since the two special assistants—one for NIH and one for HSMHA—were never appointed. Apparently the "normal administrative channels" which HEW sought to use are so hopelessly snarled that programs can only be weakened by the internecine battles of bureaucrats. Thus, the promise of stronger and better administration was never kept. I have been deeply concerned by HEW's failure to fulfill the assurances given to the Congress nearly 2 years ago. The Department clearly affords family planning services and population research too low a priority, a priority that simply will not enable it to receive the coordinated, unified, central direction, and impetus that the Congress intended. Continuation of this administrative morass involving several branches of HEW can only lead to confusion and division which is hardly conducive to obtaining an appropriate level of appropriations or to maintaining the high and effective profile which is urgently needed.

Problems with administration, have served to hamper the progress of the Center for Population Research program of the National Institute of Child Health and Human Development, authorized by the Family Planning Services and Population Research Act. In the report of the House Republican Task Force on Population Growth and Ecology, which I referred to previously, the following comments on the administration of the Center for Population Research were made:

> The lack of clear, high-ranking bureaucratic lines on matters such as the determination of budget leaves population research in a very tenuous position, for what is everybody's business is usually nobody's business. Another example of the effects of low funding levels and lack of status of the agency is the difficulty of recruiting and securing personnel. As a result, the federal population research program for development of new contraceptives has been without a director for over six months. Furthermore, the instability and lack of status associated with such research has made it seem less attractive.

Additionally, the programs of the Center for Population Research suffer not only from the administrative problem described, compounded not only by the necessity of having not one but three "bosses," but also from the spillover effect of these problems on funding. No administrator responsible solely for population research is able to have final say in the budgetary process. Because the Center for Population Research coordinates only one out of the five research program areas currently being explored by NICHD, the Director of the Population Research program has very little to say with respect to his funding levels. Indeed, the extent of his involvement is usually the formulation of suggested levels for program operations. These suggestions are submitted to the Director of NICHD. He then determines which budget levels to use and forward them to the NIH Director. The final decisions for the program are then formulated by the Director of NIH and his budget people. Since there is no direct line of responsibility between the Director of NIH and the Director of Population Research programs, no special advocate of population research is able to plead the case for their programs. As I pointed out earlier, the Director of the Center for Population Research does report directly to the Deputy Assistant Secretary for Population Affairs. However, since both policy and budget requests for the population research programs are monitored and determined by the Director of NIH, the Deputy Assistant Secretary for Population Affairs cannot be expected to play a really significant role in the overall formulation of the budget for NIH. Furthermore, when the budget of the United States is published, it does not contain any specific reference to a funding level for population research within the NIH/NICHD discussion. Reliable data on expenditures for any year are difficult to ascertain from any of the available public documents, and may vary a great deal. Proposed budget levels and justifications for population research are also generally discussed as estimates, even by the Center for Population Research, and consequently must be accepted on good faith by the public, including those of us in Congress who are involved and concerned, until published with broad agency justifications by the House Appropriations Committee, usually 6 full months after the President's budget appears.

In addition, the submerging of the population research program within NICHD must always lead to restrictive budgeting since any agency normally seeks to maintain equity among the programs falling under its administration. As a result, the population research program probably cannot continue to grow on its own without some commensurate growth in the other institute programs. The $44 million budget request for this fiscal year for population research is already some $30-plus million below the amount recommended by HEW in its first 5-year plan for population research. It is almost $50 million below the amounts recommended by the Commission on Population Growth and the American Future. The long-range effect of all the administrative mish-mash, and inadequate funding associated with population research, on family planning services programs is extremely serious. Because of these deficiencies in administration and in funding, and because of the lack of priority assigned to both the family planning services and population research programs by HEW, I am introducing today legislation which proposes along with the renewal and expansion of the programs authorized by the Family Planning Services and Population Research Act of 1970, the formation of a new agency within HEW built on the model of National Institute of Mental Health for the administration of these two significant programs. Under my bill, all family planning and population research programs in HEW could be brought together in a single unit directly under the Assistant Secretary of Health and Scientific Affairs on the same level as the FDA, NIH, and HSMHA. My bill would, therefore, combine policymaking authority and control over day-to-day operations for both research and services in the hands of a single administrator placed near the top of the HEW organizational chart. This is in keeping with the recommendations of President Nixon who stated, in proposing his plans for Government reorganization:

> How the Government is put together often determines how well the Government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. . . . Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

The reorganization I propose in my bill would accomplish the following two major objectives:

First, it would provide family planning services and population research programs with a better administrative position from which to command the necessary resources.

Second, and more importantly, a single agency headed by a director with line authority over both services and research programs would be able to coordinate these programs so that both research and services were directed efficiently toward common goals.

To me, the second objective is the more important because I believe that the future of family planning services in this country and, indeed, throughout the entire world, depends upon the ability of the population research program to produce a safer, less expensive, more convenient, easier-to-use, more effective contraceptive. This was also a stated goal of the Commission on Population Growth and the American Future. As a former Commission member, I know that research and services designed to help people in this country escape involuntary pregnancy was fully supported by the Commission. Indeed, some of the proposals contained in my bill are based on the recommendations of the Commission to strengthen family planning services and population research. John D. Rockefeller 3d, distinguished chairman of the Commission, in his letter of transmittal to the President and to the Congress described all the recommendations in the following manner:

> The recommendations offered by this Commission are directed towards increasing public knowledge of the causes and consequences of population change, facilitating and guiding the processes of population movement, maximizing information about human reproduction and its consequences for the family, and enabling individuals to avoid unwanted fertility.

But, as the Commission noted, family planning services programs cannot adequately meet the voluntary fertility control needs of all the people in the United States, and of people all over the world, unless new contraceptives are developed. We know that present family planning services programs expend a great deal—estimated to be about one-third of project resources—for education and follow-up to help people understand how and when to use the various family planning methods; one-third of all the funds. In programs in areas where the people have had little or no formal schooling, the proportion of funds that must be expended for education is even greater, sometimes close to 50 percent. And there are other problems associated with present modern methods of contraception. Initially, world health leaders praised the oral contraceptive and the intrauterine device—IUD—as the answer to all the family planning services problems. And no mistake about it, these two methods represent revoluntary breakthroughs for the field of family planning services.

However, there are increasing indications that we cannot rest on our accomplishments and ignore the need for developing better methods of fertility technology. The oral contraceptive is an expensive method to dispense through a service program. It requires, besides continuous medication, periodic medical examinations, and monitoring. Furthermore, approximately 10 to 15 contraindications and possible side-effects are associated with the oral contraceptive, some of which, such as thromboembolism may be very serious. For all these reasons, it has been found that 36 to 58 percent of women who begin using the pill discontinue use within 18 months or must shift to another method.

The IUD also has problems associated with it. The problems include inability to tolerate the device and excessive vaginal bleeding. Altogether, 20 to 30 percent of the users abandon the IUD after 18 months of use.

All of these factors signal the need of a new breakthrough in contraceptive technology. Yet it has been 16 years since the last major breakthrough occurred. The Population Commission recommended that $200 million be utilized annually for basic and applied contraceptive research and that the Federal Government provide the major portion of these funds. The Commission also recommended that these funds be used not only for the development of new fertility technology but also that they be used for the establishment of university-based population research centers where experts from all related fields, including demography and social science as well as reproductive biology, could work on a multidisciplinary basis to develop the most effective plans to deliver the new methods of fertility control their technology would produce.

Furthermore, the creation of university-based research centers subsidized by the Federal Government would give the field the opportunity to attract and train a sufficient number of researchers so urgently needed. The HEW 5-year plan pointed out that, at present, population research programs are often the stepchildren of Ob-Gyn. departments of medical schools. There they are submerged just as the Center for Population

Research of NICHD is submerged. As I have pointed out, this lack of visibility and status leads to low budgets and uncertain continuity and makes it difficult to attract the trained researchers of the caliber needed for success in the field. We need at least 10 to 15 major population research centers in this country training at least 400 to 600 researchers annually if we are to begin to make progress in the field. The Government program at present supports only six for a total of less than $3 million; only about 200 researchers are trained per year under the Center for Population Research program.

In order to support these expanded research efforts and to fulfill the commitment of the HEW 5-year plan the legislation introduced by me today calls for an expenditure of $1.8 billion for family planning services over a 5-year period and of $963 million for population research. Authorizations for the two programs are based on the best estimates of both HEW officialdom—employed in the development of their 5-year plan—and the Commission on Population Growth and the American Future. This legislation will assure services to all those desiring them but unable to afford them and a concentration of funds for programs to develop new fertility control technology.

The legislation also establishes a new agency in HEW; it further directs that the programs of the existing National Center for Family Planning Services be removed from under the Health Services and Mental Health Administration, where its program director has no voice in the determination of policy and budgetary priorities, and be placed under the aegis of the new agency. This would avoid the administrative confusion discussed earlier, and would allow the Director of HEW Family Planning Services programs to act as an advocate in the highest councils of HEW.

The legislation also proposes the removal of the population research programs for NICHD and the formation of a new Institute for Population Sciences to be administered also by the new agency. This proposal has the endorsement of many experts in the field. It was first discussed and included in H.R. 11550, my original bill. I had included language for such a reorganization on the basis of the recommendations of the report of the Committee on Population and Family Planning of President Johnson which called for a strengthening of the Office of Population Affairs and the formation of a National Institute for Population Research as well as increased and expanded family planning services.

Later, a panel under the chairmanship of Assistant Secretary Roger Egeberg also urged that the population research be freed from the bondage of obscurity afforded it in NICHD. Therefore, when I propose the formation of this new agency, composed of the National Center for Family Planning Services and the National Institute for Population Sciences, I do not think it a radical idea, but one that has been sufficiently debated and discussed; its time has come. It goes parallel to the proposal for renewal and expansion of family planning services programs now serving about 3 million American women and endorsed by both the major American political parties in their platforms for the Presidential campaign this year:

DEMOCRATIC PARTY PLATFORM

> Family planning services, including the education, comprehensive medical and social services necessary to permit individuals freely to determine and achieve the number and spacing of their children, should be available to all, regardless of sex, age, marital status, economic group or ethnic origin, and should be administered in a non-coercive and nondiscriminatory manner.

REPUBLICAN PARTY PLATFORM

> Since 1969, we have increased the Federal support for family planning threefold. We will continue to support expanded family planning programs and will foster research in this area so that more parents will be better able to plan the number and spacing of their children should they wish to do so. Under no circumstances will we allow any of these programs to become compulsory or infringe upon the religious conviction or personal freedom of any individual

We have traveled a long way since 1965 when I introduced my first bill for Comstock repeal. We have progressed a little further down the road toward assurance to every man and woman of their basic right to freely determine their own family size. The task is not finished, however. There are still nearly 42 million American women, and as many men, in need of improved methods of contraception in this country alone. Nearly 4 million women have not yet received the subsidized family planning services they want and need. Regrettably, endorsements in political platforms cannot be immediately converted into budgets, personnel and programs in the field servicing people. But they do signify an endorsement by the great American people of the ideal of individual freedoms and of responsibiilty to assure through the processes of a democratic government.

The legislation I introduce today represents a pledge to the people of the United States to continue together our joint congressional efforts on their behalf to see that they have the opportunity to freely determine their own family size. We must promise to carry on the campaign for services and research until we believe that job is done.

Until then, I ask my colleagues in the House of Representatives to join together in pledging support for these programs. I ask that we join together in affirming the right of all men and women to be free from involuntary fertility and to gain the knowledge and the means by which they may truly exercise the right to choose whether or not to bear or forgo children. Until we have secured this right for the people of this Nation, and indeed for all mankind, we cannot consider the men and women of the world to be truly free.

THE WATERGATE CAPER

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, during the past few days, we have heard a great deal of lamenting and beating of the breast concerning the orders of both Judges Richey and Sirica designed to protect the right to a fair trial of the individuals who have been indicted as a result of what has become known as the "Watergate Caper."

It has become rather intriguing to me that the number of persons who have prided themselves in the past on being great civil libertarians are now willing to sacrifice the civil liberties of persons accused of crime on the alter of political expediency.

It seems that in a political year the principles of Larry O'Brien are of more concern to some of my colleagues than rights established under the Constitution of our country and decisions of the Supreme Court of the United States and lesser courts.

It has apparently escaped the attention of many of my colleagues on the opposite side of the aisle, whose tearful laments most loudly echo in the Halls of Congress, that a leading Democratic spokesman, namely the senior Senator from Massachusetts, has himself expressed a reluctance to investigate the matter until after the criminal proceedings have been terminated. I will take this occasion to insert in the Record an Associated Press wire service report dated September 30.

In this news report, which notably has escaped the attention of Washington's leading newspapers, the Senior Senator disavowed any plans to hold hearings because of the possible compromise of the criminal prosecution now pending. The wire service report follows:

> Newark, Del.
>
> Senator Edward Kennedy, D-Mass., one of the few Senators who could conduct a congressional probe of the Watergate Affair, said Saturday he does not plan to hold hearings at this time on the Watergate Affair.
>
> Kennedy is one of the few Senators in a position to hold such hearings due to his position as a subcommittee chairman.
>
> Said the Massachusetts Senator—in his words—"the administrative practices subcommittee would be interested in seeing if any bugging law would have been violated. We are reviewing the material that has been collected primarily in the media and if we thought we could turn up new material, we would conduct our own probe."
>
> The Senator stressed there are no plans at present to hold open hearings because of the criminal prosecution pending in the case.
>
> Added Kennedy—again in his words—"this is a criminal indictment and we must be sensitive to the fact that any adverse publicity might impinge on a fair trial."

HON. PRESCOTT SHELDON BUSH

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 10 minutes.

Mr. McKINNEY. Mr. Speaker, I have just returned from Connecticut where this morning I attended the funeral of former U.S. Senator, Prescott Sheldon Bush. I am sure that all the Members of the House join me in mourning the loss of this great American. As you know, Mr. Speaker, "Pres" Bush served his beloved State of Connecticut and his Nation in the other body from 1952 to 1963.

Those dates, however, do not reflect either the beginning of his life in the service of the people nor do they mark the end. Mr. Bush first came to public office in 1933 when he was elected to the Greenwich, Conn., Republican Town Meeting. His obvious talents were soon recognized and 2 years later he was named moderator of the RTM, a post to which he was unanimously relected for the next 17 years.

On completion of his Senate term he "retired"—and I use the word advisedly Mr. Speaker—from the realm of elective office. He did not, however, retire from his dedication to work for what he felt was best for his Nation.

For the past 2 years I have had the honor to serve the congressional district in which he resided. During that time, I heard from Pres Bush regularly—by mail and by phone—and never was there a time when his comments were not incisive and thoughtful and his judgment sound.

As a nationally recognized expert in the fields of housing and finance, you can well understand, Mr. Speaker, what a great help he was to me as a Member of the House Banking and Currency Committee. His willingness to offer his expertise, however, was not limited to Congressmen and I am sure there are many who could offer corroborating testimonials today. Certainly, it has been noted in the past few days that he was a confidante of the late President Eisenhower. I can add that he also offered his assistance to a freshman member of the Connecticut State House of Representatives—me. In 1967, when I was first elected to public office, I heard from Pres Bush offering encouragement, advice, and as always, "What is best for the people."

I think the point is clear, Mr. Speaker: Pres Bush ignored titles and social standing when he felt he could help; the question never was "Who is in need?" The fact was a need existed and Pres Bush was there.

As you know, Mr. Speaker, he lived for most of his life in Greenwich—a community which is probably one of the most affluent in the Northeast. Some would expect that with that type of background he would be a monetary affairs expert and the assumption would be correct. However, his greatest achievements came in the areas of housing, slum clearance, and urban renewal. Again, Mr. Speaker, Pres Bush saw a need and he was there.

The story of his life is one of "doing—doing for others" and I could go on and on recounting a long list of accomplishments. However, there is only one accomplishment in life with true meaning and that is the understanding and love of one's fellow man. There is little doubt that Pres Bush accomplished that. Mr. Speaker, we have not only lost a great statesman; we have lost a wonderful human being.

ANY CHANCE FOR CLEAN DRINKING WATER?

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON), is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, on September 23, 1970, I introduced the Pure Drinking Water Act—this being in the 91st Congress. Since that time, three sets of hearings on safe drinking water legislation have been completed. The House Public Health and Environmental Subcommittee discussed the Pure Drinking Water Act and related legislation in May 1971, and again in June 1972; the Environment Subcommittee of the other body met on the same proposal in March 1972.

Although the other body sometimes justifies its dilatory habits as part of the "careful deliberation" necessary to protect the Republic against ill-considered legislation, the Pure Drinking Water Act seems to suffer from too-careful deliberation in the House. This musing comes at a time of considerable public interest in the safety of drinking and bottled water, and in the wake of a number of reports and news articles which shed serious doubt over the adequacy of present drinking water safeguards against waterborne diseases.

On the basis of the same testimony which has twice been presented to the House, the other body has passed its bill, the Safe Drinking Water Act, while advocates of the House measure prepare to draft new statements, write more letters and appear at yet another set of hearings during the 93d Congress before this bill can be adopted.

If this is the only way to get enactment of this measure, I am willing to start over again—the same can be said, I am sure, for many other of my colleagues who support this proposal. But we do not have to duplicate what has already been done. S. 3994 is already in our hands and can be considered at any time during these late days of the session.

Today's Washington Post includes an editorial titled, "Any Chance for Clean Drinking Water?" which I will insert in the RECORD for my colleagues. By answering this question, the 92d Congress can consolidate its environmental record. We have already passed the strongest, best funded water pollution legislation ever. What we did for the Nation's navigable waters we must now do for the household tap by passing the Safe Drinking Water Act.

Mr. Speaker, I urge you and all of my colleagues to help us move to quick consideration of S. 3994, the Safe Drinking Water Act.

The editorial follows:

ANY CHANCE FOR CLEAN DRINKING WATER?

There has been no lack of attention given to the nation's polluted water, and hardly anyone doesn't have personal experience of a filthy river, lake or stream. It is often surprising, however, to notice how few citizens think twice about another body of water that is endangered: their own drinking water. In recent hearings before the Senate Subcommittee on the Environment, Dr. J. H. Lehr of the National Well Water Association noted the potential hazards: "Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future falsely implies that the quality, safety and adequacy of our municipal water supply systems are above reproach. Perhaps the myth can be stated as follows—"Everyone knows we have launched a massive water-pollution-control effort and that waterborne disease outbreaks are a thing of the past. This statement is simply not true . . ."

Alerted to the dangers, the Senate has passed the Safe Drinking Water Act. Similar legislation has been in the House, but it is not certain that action will be taken in time for the proposal to become law. The House Committee on Interstate and Foreign Commerce will have an opportunity in the next few days to get the bill to the floor for a vote. The legislation passed the Senate with little difficulty, meaning that the issue in the House is not the bill itself but whether or not it will get out of committee.

The need for national drinking water standards is shown by several alarming events. Last July, a public health official in Boston reported an unhealthy amount of lead may be getting into that city's drinking water. Between 1961 and 1970, there were at least 128 known outbreaks of disease or poisoning attributed to drinking water. An official of the Environmental Protection Agency has reported that some 8 million Americans drink water that is potentially dangerous because it does not meet federal mandatory standards.

Other reports, all ominous, keep appearing. Unless the House joins the Senate to assure the public that its drinking water is safe, many unsuspecting citizens will continue to quench their thirst with water containing several types of chemicals, bacteria, viruses, toxic metals and other contaminants.

IN SUPPORT OF THE ANTI-HIJACKING ACT OF 1972, H.R. 16191

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like to comment briefly on the recently passed H.R. 16191, the Anti-Hijacking Act of 1972.

I was unfortunately detained by previous commitments and was unable to vote on this measure.

Mr. Speaker, had I been present, my vote would have been an unequivocal yea, for the passage of this legislation. This bill is of vital importance if we are to rid the sky of this awesome menace that has plagued us. This has brought not only hazard to and loss of property, but most of all hazard to and loss of life, and torment to the families of those who are attacked.

One has only to look at the hijacking statistics to see the abrupt increase of 1972 over 1971 hijacking figures. The total number for 1971 was 59 hijackings, domestic and foreign. The total, as of August 31, 1972, was 50 incidents, with a third of the year remaining. What is more alarming is the increase in the U.S. figures; in the 8 months January through August 1972 there were two hijackings more than in the whole of 1971.

H.R. 16191, puts teeth into the Hague Convention, in dealing with criminal acts aboard aircrafts. This bill would establish jurisdiction over hijackings, requiring the release of hijackers for prosecution, or legal action by the country which has the hijackers in custody. The Anti-Hijacking Act of 1972, in addition, authorizes the President to take remedial action against countries that fail to abide by the terms set forth by the Hague Treaty. It calls for suspending air service to foreign countries that encourage hijackings. It empowers the Secretary of Transportation, to restrict or cancel operating authority of airlines whose governments do not apply the security measures set forth by the Hague Treaty.

We cannot afford to lose another life. We must not be terrorized by political fanatics, by mentally disturbed individuals who use violence to accomplish their purposes.

Mr. Speaker, the enactment of the Anti-Hijacking Act of 1972, stands paramount at this point in time. I call on my colleagues in the House and Senate conference committee, to iron out their differences as expeditiously as possible, enabling the Anti-Hijacking Act of 1972, to take effect as a major deterrent against hijacking in the air.

DAVE JENKINS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, as a rule, there are mixed feelings when a talented and capable individual leaves the service of the Federal Government. In this case that person is Dave Jenkins who recently resigned as Assistant to the Secretary of the Interior for Congressional Liaison. Dave joined the Interior Department after serving 2 years as my administrative and legislative assistant. His assistance to me particularly on matters that pertain to my work on the Judiciary Committee was excellent. He is a very diligent, industrious, and extremely hard-working individual and I would like to go on record as wishing Dave every success in his new position as assistant director of governmental relations for the Goodyear Tire & Rubber Co. I am sure his fine record of achievement will continue.

CONGRESSMAN RODINO'S MAJOR LEGISLATIVE ACTIVITIES IN THE 92D CONGRESS, OCTOBER 10, 1972

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, as in the past I feel it incumbent upon me to report to my constituents on my most important legislative activities in this Congress. In January 1971 I became chairman of the House Judiciary Subcommittee on Immigration and Nationality, which in addition to these matters is responsible for other important legislation.

The House has passed several of my bills to eliminate inequities and relieve unintended hardships and suffering for many people. These are: Allowing citizens of countries such as Ireland and Italy to compete fairly with other nations for visas; changing the age for children's citizenship from 16 to 18; and waiving the language requirements for persons over 50 with 20 years residence. Action is expected this week on my bills to permit early citizenship of parents of servicemen slain in wars and hostilities and to reduce to 2 years the U.S. residence requirement for children born abroad of parents one of whom is an alien.

For almost 2 years my subcommittee investigated the major problem of illegal aliens, during which we held hearings throughout the country. We discovered that there may be as many as 2 million aliens illegally here, working at jobs needed by jobless citizens or legal aliens, and even in some cases receiving Federal job training and welfare payments. My subcommittee developed a bill to deal with the problem realistically and fairly, and it recently passed the House.

Another very vital bill my subcommittee developed has been approved by the full Judiciary Committee, and I am hopeful of House passage. It provides a $50,000 death gratuity to the survivors of public safety officers who die in the line of duty. It is long overdue to properly protect the families of public safety officers and to recognize the sacrifices and suffering they have endured in the public interest.

Drug abuse has been for years a priority issue to me. After long efforts, my amendment to authorize the President to cut off foreign aid to any country that does not cooperate with the United States in combating illegal drug production and traffic became law in early 1971. It is already producing results. The recent extradition by Paraguay of Auguste Ricord, a notorious, convicted drug smuggler, was accomplished finally when the President threatened to use his power under my amendment to cut off aid to that nation. I am also continuing strenuously my efforts to obtain an effective rehabilitation program for drug addicts. I have urged the Judiciary Subcommittee to take immediate action on my bill to provide direct emergency aid to local governments to fight narcotics addiction. A massive treatment program is urgently needed to treat addicts convicted of crime or those seeking treatment so they will not be forced again to lead a life of crime to feed their insidious drug habit.

In previous Congresses I was one of the authors of the Omnibus Crime Control and Safe Streets Act and the bill creating the Law Enforcement Assistance Administration. Yet despite the laws and funds approved by Congress, lack of effective Federal commitment over the past 4 years has resulted in new record highs for every single category of major crime.

Finally, we have achieved some action indicating positive concern in the 10th District, with Newark's designation as one of eight special high-impact crime areas. Under this program Newark will receive $20 million over a 5-year period to fight crime. A similar $20 million special drug abuse law enforcement program has been approved for the Newark area. These special programs, combined with my drug rehabilitation legislation, should help greatly in the uphill fight against drug abuse which is so closely related to our high crime rates.

Unemployment is beyond any doubt a grave crisis for the Nation, for the September figure just released places the rate at 5.5 percent. Clearly, the President's new economic policy is having little effect on unemployment and the inflation that continues to erode the income of all citizens. Food and housing costs continue to soar, and while Congress has extended unemployment compensation benefits, this is merely stopgap action.

My primary answer to our tragic unemployment problem is my Jobs Now program to create public service jobs not only to put people to work at once, but also to provide essential public services for our communities in the areas of education, health, urban renewal, law enforcement, environmental control, transportation, and recreation.

The revenue-sharing bill, of which I was an original sponsor, will also bring some urgently needed funds into the 10th District: Newark would receive $8,437,328; East Orange $993,593; Glen Ridge $41,305; and Harrison $260,588. It contains provisions to prevent duplication and to assure that the funds will be used for new activities, and not simply to release funds spent on present programs.

Another of my major concerns in this Congress has been the development and proper funding of essential health programs. The American people are certainly aware they are not receiving the kind of health care they should expect, and that they are paying too much for what they do receive. I have sponsored a comprehensive health security program, and I am heartened by indications that it will receive early consideration in the next session. I have also supported long needed measures to combat specific diseases and some of these bills have already become law. These are my bills to launch an all-out attack on diseases of the heart and blood vessels and lungs; the sickle cell anemia bill to establish programs for detection and prevention of this blood disease that primarily affects black citizens; and my bill to authorize a similar program for Cooley's anemia, which primarily attacks citizens of Italian and Greek descent.

Still awaiting action, however, is legislation to create a national blood bank program to assure a supply of clean, healthy blood, to provide expanded aid for kidney disease victims; to begin a massive program to combat the epidemic spread of venereal disease; to provide adequate funds for our TB control program; and a bill to authorize use of our maximum resources to find the cause and how to prevent the tragic sudden infant death syndrome—the so-called crib death.

All Americans are consumers, so many measures I have already mentioned would fall into this category. However, I must single out one bill I sponsored that, unfortunately, appears to have no possible chance for enactment this session. This bill, the Consumer Protection Agency Act, passed the House, though in a weaker form than I favored. A continuing filibuster in the Senate appears to spell its defeat in this Congress. The effort to pass such an urgently needed bill will certainly be renewed in the next Congress, and I fully expect to be in the forefront of this fight.

These brief comments are, necessarily, only highlights of my legislative activities and it is impossible in this short statement to list many other measures I actively sponsored and supported, such as the 20 percent social security increase and the raise in veterans' compensation rates. Also space will not permit me to comment properly on such vital measures as the housing bill, the water quality bill, education legislation, and other legislation essential to improve the quality of life for all our citizens.

Mr. Speaker, my efforts in all these areas will not cease, and I hope later to have the opportunity to inform my constituents of the general record of the 92d Congress and my role in its accomplishments.

THE U.S. ENERGY CRISIS, WHY?

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, I recently heard an excellent address presented by Judge Jim C. Langdon, a member of the Railroad Commission of Texas, before the 44th annual meeting of the New Mexico Oil and Gas Association in Albuquerque, N. Mex. Mr. Langdon spoke of our energy crisis. Because of the extreme importance of this topic, I include Mr. Langdon's address in its entirety in the RECORD as follows:

THE U.S. ENERGY CRISIS, WHY?

America's current energy crisis didn't begin yesterday, last month, or even last year. Its origins extend back at least ten years and perhaps as long as fifteen to twenty years ago.

Answers to some of the problems of today and tomorrow may be found in the past. Let's look back to the period during and immediately following World War II. How can we account for the tremendous growth of the Oil and Gas Industry? All the necessary incentives were present . . . an expanding United States economy, a strong demand for more and more crude oil; and, most important of all, a favorable political and economic climate for the oil industry itself.

With ample investment (high risk) capital available, an army of oil field workers was recruited. Tens of thousands of exploratory wells were drilled of which number only about one in nine were commercially successful, although about one in five encountered some oil or gas.

Studies conducted in Texas for the period 1966 to date show that exploratory drilling must be relied upon if we are to fill the widening gap between anticipated demand and the determined ability of Texas wells to produce. From this study, it has been concluded that each exploratory well drilled, whether successful or not, added 34 barrels daily or 12,410 barrels annually to our producing capacity. The figure, of course, is an average based on the total number of exploratory wells drilled and new production experienced in Texas since 1966. In the 1930's the oil industry found 275 barrels of oil for each foot of exploratory wells drilled. In recent years that figure has fallen to 35 barrels. There is not much comfort in such figures, but they do provide a yardstick to measure the effort we must make if we are to meet the anticipated petroleum demands of the future.

Although the exploratory effort following World War II was directed primarily to the discovery of new oil reserves a great many new gas fields were discovered in the process, together with a vast amount of additional associated gas in the oil wells. Since there was little, or no market, for the gas, many operators were glad to dispose of it for whatever price they could obtain. Tremendous gas reserves were purchased at prices far below the reasonable cost of finding and replacing such gas reserves. It was looked upon as some form of a windfall or bonus by both the seller and the buyer . . . a most unfortunate concept that plagues the gas industry to this day.

Soon a network of gas pipelines began to stretch out from the oil and gas fields to homes and industry all over America. Our cleanest, cheapest, most convenient fuel—natural gas—had finally been introduced to the American consumer and quickly became a best seller. Since it was cheaper than either coal or crude oil it replaced these two commodities wherever such replacement was practical.

Following the 1954 Supreme Court decision in the Phillip's case, the Federal Power Commission embarked upon a disastrous gas price fixing experiment which denied gas companies the "windfall" profits they might have obtained as a result of early contracts and in fact fixed gas rates so low, that demand for natural gas increased enormously, while the incentive of gas operators to explore for new reserves . . . was severely dampened.

Someone in the fifties, while much of the foregoing was taking place; the United States ceased to be a net exporter of crude oil and became an importer. Thereafter an ever increasing percentage of the domestic demand for petroleum would be supplied by foreign crude imports as well as finished petroleum products.

The Oil Import Program established by Presidential Proclamation on March 10, 1959 was a step in the right direction.

From the beginning, however, the program was destined to become something less than a total success. The lure of an endless supply of "cheap" foreign crude oil and products was just too much for some of our politically motivated national leaders and academically irresponsible economists, each acting under the guise of protecting the consumer interest, had soon riddled the import program with exceptions.

The decade of the sixties began with a nationwide industry survey of the extent of "distress capacity" of both oil and gas. Opinion surveys revealed that distress capacity was identified as the most frequently mentioned of all petroleum industry problems, accompanied as it was by an erosion of crude oil and product prices. Many operators simply went broke or got out while they were still ahead. Their crews just quietly left the petroleum industry and moved into other hopefully more rewarding activities. A more tragic event could hardly have occurred, especially for America. Due to the lack of an adequate National Energy Policy (professionally and intelligently administered), this nation lost, perhaps permanently, its ability to meet its petroleum energy requirements.

The short lived 1967 Israeli-Arab War clearly demonstrating just how totally unreliable foreign crude oil imports could become in an emergency situation failed to convince the critics.

The decade of the seventies began with all the old problems and a distressing array of new ones. Testimony could be heard almost any hour of any day at the federal level before any one of a dozen or more, of the more than sixty federal agencies concerned with energy matters.

Consumer advocates charged that there was no natural gas shortages, that this was a myth created by the gas industry and the gas producing states. Market demand prorationing and the domestic oil industry in general continued to be attacked by Professor M. A. Adelman and a half dozen or so other economic professors and disciples of his brand of economic gospel. Professor Adelman was by far the most ubiquitous of the bunch. He seemed to wander from one agency to another and one committee to another, obviously always in great demand and anxious to lend his great wisdom to the nation as a whole rather than the narrow confines of a class room.

Looking back on some of the Adelman statements made with such vigor and conviction so short a time ago renders them even more ridiculous in the light of current events. He charged that market demand proration was wasteful because it fostered expensive excess capacity and the development of small easily found fields which were quickly converted to stripper wells rather than encouraging the expansion of large low cost fields. Believe me some of that excess capacity would sure look good if we had it now. He predicted that the extremely low cost Alaska crude would lower United States energy costs and strengthen the industry.

I am not sure just how low the cost of Alaskan crude oil and gas is likely to be when it finally reaches the lower 48 states, if it ever does, but I am not convinced that it will lower United States costs and strengthen the industry's ability to compete as Adelman predicted.

The latest burden, that of environmental protection, is a burden and responsibility that the oil and gas industry voluntarily assumed more than thirty years ago, before it was popular to do so and certainly long before some of the oil industry critics had even heard the word "ecology" or the phrase "environmental protection." If the words mean what I think they do, it simply means that people and industry will confine their wastes, collect and properly dispose of them and in effect clean up after themselves.

Unfortunately, environmental protection has become an overriding national issue, fanned by professional agitators into a form of hysteria that has already stampeded the Congress, state legislative bodies, and countless industries into hasty improvident actions that will protect the environment . . not one iota, and may even prove destructive to it, while costing the tax-payers and industry a great deal of money.

For more than a year, CBS Newsman Walter Cronkite has been asking his audience in a doomsday-like voice, "Can the world be saved?" The form of the question and the tone of his voice strongly implies that the earth is doomed. Generally, during the course of his news program he reruns some of the old film on the Santa Barbara oil spill, or some other petroleum industry accident or disaster upon which he can place the blame for the sorry state the world finds itself today, and each time he concludes his remarks with the words—"And that's the way it is!"

Unfortunately, a large part of the public has become convinced "that is the way it is," and as a result the petroleum industry has suffered great damage. Public attitudes created by such programs make it not only possible but popular for many members of Congress to support punitive legislation aimed solely at the petroleum industry. Restrictions on the use of lead in gasoline, strict liability for oil spills (even those without fault or negligence), drastic cuts in the depletion allowance, economic sanctions against the industry particularly in the area of gas rate regulation and extreme government pressure to suppress price levels of domestic crude oil and products.

Today this nation is faced with severe shortages of natural gas and crude oil. When the people finally realize that the shortages are real and that their own comfort and welfare may be affected—they will look for someone or something upon which to place the blame. If you have guessed that the petroleum industry will be blamed—I predict that you have guessed correctly. The Proxmires, the Kennedys, the McGoverns and many other well known petroleum industry antagonists will scream that the industry never even hinted or otherwise warned them that such a calamity could come to pass—that the nation can ill afford to leave the serious business of providing the nation's petroleum needs in such irresponsible hands. It will then be argued that complete government control of the petroleum industry is the answer.

Just a few days ago (September 18) President Nixon issued a proclamation greatly enlarging crude oil import quotas and authorizing the importation of considerably increased volumes of finished products. This amendment and the regulations issued by the Department of Interior to implement it contained two factors that disturbed me.

First, the amendment further increased the amount of finished products that may be imported by independent deepwater terminal operators. I recognize that these businessmen have had some temporary trouble obtaining all the products they want, and that we must find a way to get them the products they need. I, therefore, agree with the purpose of this extra allocation of the finished products. I disagree, however, with the way in which it is being done.

The plan imposes a double threat to our national security. First, exploration for oil and gas reserves has diminished so sharply that we are now becoming increasingly dependent upon insecure foreign oil, and the United States will have to find ways to encourage new exploration if our country is not to become dependent upon foreign powers. This, however, is a longer range problem. Secondly, the United States petroleum industry is not building the refinery capacity necessary to meet its requirements for finished products. If we continue this trend, more and more of the refineries that ought to be built within this country will be built overseas.

In the short term, we cannot stop this trend. It takes a long time to build a new refinery, and it may be three or four years before we see the shortage of domestic refinery capacity reversed. This reversal, however, will never take place if we permit marketing companies to import more and more finished products. If guarantees existed that these allocations could later be taken away, I would not be particularly worried. Allocations of this sort, however, usually get bigger—not smaller. I suggest that the national interest could be better served if this temporary need for products' importing was accomplished by temporarily allowing crude importers to convert an increased share of their tickets to finished products.

This distinction between giving increased allocations to marketers or to refiners is important. Marketers are unlikely to have these allocations taken away from them, and since they are not in the refining business, are equally unlikely ever to build refineries. Refiners, on the other hand, will build refineries if they are given the incentive to do so. Only in this way will we reduce our dependency on foreign facilities.

During the first six months of 1972, the average daily demand for refined products in the United States was 16,209,000 barrels while the maximum daily refining capacity, including the products of gasoline plants, totaled only 15,103,000 barrels daily. This nation can no more afford to depend upon foreign refining capacity than to become excessively or totally dependent upon foreign sources to meet its petroleum requirements. We must cease exporting our refining capacity and the American jobs it provides, but I can assure you that the practice will continue as long as finished petroleum products are permitted to be imported without a cutoff date or other such practical incentive for us to do it ourselves.

It is a good bet that shortages of gasoline will develop on the East Coast this fall and winter due to inadequacy of existing refining capacity and there will probably be a clamor to satisfy these shortages with low-cost foreign gasoline. Unfortunately, there probably won't be any "low cost" foreign gasoline to be found.

A second part of the September 18 proclamation also bothers me. In the proclamation companies were told that they could obtain additional import rights by borrowing against their expected 1973 quotas. This offer was made at a time that crude supplies are clearly unable to satisfy demand, and at a time that shortages have already caused severe reductions in normal crude and product inventory levels. I do not object to the concept of borrowing against next year; I do, however, object to relying fully on this mechanism at a time when our country is particularly short of both producing capacity and crude oil inventories. A better solution for the security of the country would have been to issue enough foreign quotas so that some rebuilding of our crude inventories could take place immediately. The system of borrowing against next year gives no incentive in this direction. A significant increment of new 1972 quotas, however, would have given these incentives since if not used in 1972, these import rights would expire.

For more than 15 years, certainly since the 1954 U.S. Supreme Court decision in the Phillips case, the gas industry has had to withstand the assault of some outstanding but misguided consumer advocates—folks like Joe Swidler and Lee White, both former chairmen of the FPC, who in my opinion have led this nation down the primrose path to the energy crisis now confronting us. Strangely enough these two people, and Professor Adelman, whose views on energy and consumer protection have been so utterly and completely discredited by time and events, continue to be called by House and Senate Committees for their expertise in the field of energy and to bolster the unchanging and unchangeable views of folks like Senators Philip Hart, Muskie, McGovern, Kennedy, and others.

As an example, on August 24 I attended a meeting of the Gas Committee of the National Association of Railroad and Utility Commissioners meeting in Nevada. The Honorable Dale Saffels, Chairman of the Kansas Corporation Commission, and I co-sponsored a resolution aimed at correcting some of what we believed to be the basic causes of the energy crisis we are now discussing.

The resolution contained six main points, briefly stated as follows: (1) Urging the opening up of state and federally controlled offshore areas for immediate exploration and development; (2) The initiation of an immediate and intensive program for the further exploration and drilling of areas in the outer continental shelf, in the Gulf of Mexico as well as the Atlantic areas; (3) The defeat of legislation designed to lessen or abolish the depletion allowance or other legislation that would discourage or slow down exploration; (4) Encourage deeper testing of known oil fields at both state and federal levels; (5) To accelerate action to remove obstacles to the importation of crude oil and natural gas from Alaska and Canada and requesting federal courts to exercise judicial restraint before interfering with such action, and finally (6) Suggesting that the FPC establish a more realistic price for domestic gas in order to stimulate increased drilling for gas in this country.

Joe Swidler, Chairman of the New York Public Service Commission voted against the resolution on the grounds that the language of the resolution, particularly that in which the Congress was admonished to defeat legislation designed to lessen or abolish the depletion allowance, was too blunt.

Willis Ward, Chairman of the Michigan Commission, stated in effect that he did not believe the energy crisis was as serious as it was being made to appear, that he agreed with the position stated by Mr. Swidler and therefore voted against the resolution.

Mr. Archie Smith of the Rhode Island Commission also opposed the resolution and requested that he be recorded as voting against the resolution for two reasons:

"The first is the use of the words 'realistic price' because I don't think I am in the position to say that present rates for gas coming from existing wells is unrealistic.

"Second, more important than that, speaking for the State of Rhode Island and I think the other coastal New England States probably feel largely the same—I will not vote for any resolution calling for drilling on the Atalntic coastal shelf without some provisions for adequate protection for interference with the ecological and environmental factors."

In spite of the opposition cited above, the resolution was adopted by a voice vote, an indication that some folks are finally beginning to wake up to the facts of life.

Now at this point in time, I can't really blame Mr. Joe Swidler for voting against the resolution—he is just maintaining his consistent position of opposing anything that might solve or alleviate the energy shortage. Mr. Willis Ward can't be faulted either because up to now he hasn't seen any sign of an energy crisis in the State of Michigan and besides who is a greater authority on the subject than Mr. Swidler—he is the man who tells the Congress every week or so what needs to be done. So Mr. Ward casts his vote with Mr. Swidler.

I must admit, however, that I was offended by Mr. Archie Smith's assigned grounds for his opposition to the resolution. The State of Texas is proud of its own coastline and beautiful beaches and I'm sure we are just as anxious to protect them from pollution as Mr. Smith is to protect the shores of Rhode Island and the New England coast. In fact, in Texas, we have imposed strict rules and regulations upon the industry which we strictly enforce. Many of these rules have been enforced for more than thirty years and are still protecting and preserving our coastal ecology and environment. The gas produced in Texas pays the cost of providing this protection and the bill is high. The people of Texas are paying a large part of that bill because we consume more than half of the gas produced in Texas and pay a higher price for our Texas gas than Mr. Archie Smith is required to pay for the same gas that reaches him in Rhode Island through an interstate gas pipeline at a price below the more realistic or unrealistic price that Texas consumers are willing to pay for their own gas.

At this point I would like to quote an article from the June 1972 Bulletin of the American Association of Petroleum Geologists, in which Sherman A. Wengerd of Albuquerque quotes our mutual friend Wallace Pratt who once said:

"We must compromise between ruining the ecology and keeping ourselves alive. We can only live at the expense of the ecology, for the moment we began to plow the first field or took the first dog into domesticity, we began to interfere with the ecology! We must strike a happy medium between ruining the ecology and survival, but we don't realize how much it's going to cost us. And we are a part of the ecology too. We have just as much right to live as the seals and the whales have—and no more."

Mr. Pratt probably gives the human species more credit than it deserves when he says "Man is the only animal that thinks, laughs, remembers and recognizes cause and effect relations." I'm sure some of us measure up to those high standards but a lot of us don't. If we had measured up, perhaps we might, as a nation, have long ago understood and recognized the cause and effect relations that account for the condition of the world and Walter Cronkite could abandon his disturbing and persistent question—"Can the world be saved?"

PROSPECTS FOR INTERNATIONAL MONETARY REFORM

The SPEAKER. Under a previous order of the House, the gentleman from

Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I enclose remarks I made to the International Monetary Market of the Chicago Mercantile Exchange last Friday on the prospects for international monetary reform:

THE ROAD TO NAIROBI

After a year of dalliance, the United States has finally indicated its willingness to lead the way to international monetary reform.

In his address to the Governors of the World Bank and the International Monetary Fund in Washington last week, President Nixon said: "The United States of America will continue to rise to its world responsibilities, joining with other nations to create and participate in a modern world economic order."

Later during the meetings, said the President, Secretary of the Treasury Shultz would outline the U.S. proposals to reform the monetary system. And the Shultz speech proved to be a welcome departure. It showed a willingness to lead, without being bossy or doctrinaire.

I applaud this casting aside of U.S. obstructionism.

Since August, 1971, the overriding attitude of the United States in discussions with other countries on common economic problems has been to insist that we must be granted virtually everything we requested, or we would refuse to participate in any type of monetary agreement and would consider closing the American market to imports.

True, the United States did finally compromise last December when the terms of realigning exchange rates among industrial countries were finally nailed down at the Smithsonian Institution. But the American concession—in the form of a modest increase in the dollar value of gold—had been preceded by four months of totally unnecessary wrangling. It was followed by lethargy, and then by endless contention about the forum and the agenda for the negotiations.

The Presidents' decision of August 15, 1971, to suspend convertibility of foreign officially held dollar assets into gold, and to let the dollar float on exchange markets, was unavoidable. In fact, the Administration should have acted sooner—before a massive deterioration in the U.S. trade balance coupled with a hemorrhage of short-term capital outflows forced its hand. It cost the U.S. some $200 million in the days immediately before August 15 to defy reality and support the dollar at its old parity.

The August 15 actions were not only late, but loaded with unnecessary abrasives. Not only did the Administration introduce a 10 percent import surcharge, coupled with a discriminatory tax investment credit, it also dug in its heels about the amount by which strong currencies should be revalued upwards, and about whether a decrease in the nominal gold value of the dollar was going to be part of the realignment compromise.

Thus the realignment issue was debated for four months. During that period exchange controls tended to proliferate. Trade was increasingly hampered by uncertainties about further intensification of controls, and the possibility of future exchange rate changes. Finally, in December, the steady deterioration in international political relations caused the White House to decide that an agreement to restructure exchange rates was imperative. We finally got the December 18 Smithsonian accord.

Then, following the Smithsonian agreement, the U.S. Treasury was once again overcome by lassitude. The momentum that existed in the wake of the Smithsonian accord could have been used to help get discussions on more fundamental reforms under way. Despite the language of the final communique—"discussion should be promptly undertaken . . . to consider reform of the international monetary system over the longer term", no initiative was forthcoming from the United States.

During the first few months of 1972, the Administration encouraged speculation about the proper forum and agenda for the negotiations. Various U.S. spokesmen emphasized the need to link monetary reform with reduction of barriers to trade—particularly foreign restrictions retarding the entry of exports from the United States.

A welcome break with this exclusive concentration on the economic self-interest of the United States came in Federal Reserve Board Chairman Arthur F. Burns' speech before an international banking conference in Montreal last May. In his speech, Burns listed ten points as "some of the more essential conditions and problems of international monetary reform." The notable characteristic of Burns' presentation was that he was clearly concerned with devising an international monetary system that would preserve the multilateral payments mechanism and that the other countries, as well as the United States, would find acceptable.

During the summer the IMF finally agreed that the monetary reform negotiations would be conducted by a Committee of Twenty, constituted in the same fashion as the Board of Executive Directors of the International Monetary Fund, to "give full attention to the interrelationship between these matters [i.e., reforms of the international monetary system] and the existing or prospective arrangements among countries, including those that involve international trade, the flow of capital, investment, or development assistance, that could affect attainment of the purposes of the Fund under the present or amended articles." Had the United States not been dragging its feet, the same Committee would have been set up early this year. Broadening the mandate of the Committee of Twenty to include more than merely monetary reform was hardly worth a delay of fundamental negotiations for more than six months.

EXCHANGE RATES

Let us now turn to the specifics of Secretary Shultz's constructive proposals.

He first recognized that most countries would want to maintain a par or central value for their currencies, suggesting that permissible margins of fluctuation around these values should be "sufficiently wide to dampen incentives for short-term capital movements and, when changes in central values are desirable, to ease the transition."

He noted that the Smithsonian agreement took a step forward in widening the band of exchange rate fluctuations, and suggested that in building a symmetrical system, "the permissible outer liimts of these margins of fluctuation for all currencies—including the dollar—might be set in the same range as now permitted for nondollar currencies trading against each other."

This statement has two interesting implications. First, according to the Smithsonian agreement, the dollar value of any other currency can rise above or fall below its parity level by a 2¼ percent—for a total band spread of 4½ percent. This arrangement means that the values of any two nondollar currencies may change with respect to one another by as much as 9 percent. A change of this size would occur if one currency fell from the top to the bottom of its 4½ percent dollar band and the other currency did the reverse. A 9 percent range of fluctuation for the dollar would be substantially larger than anything the world has yet seen for a major currency.

The second, and perhaps more interesting, implication concerns the structure of the international monetary system. If all currencies, including the dollar, are to enjoy precisely the same range of fluctuation, then all must be pegged to a single standard of value—presumably in this case special drawing rights (SDRs). Thus, SDRs would become the established unit of value under a reformed system. One way to achieve this result would be to make the SDR the common medium of intervention that central banks use in exchange markets. But this may be pushing the Secretary's statement too far. Instead, he may have in mind that a system of multiple currency intervention in exchange markets could be established to give the dollar the same range of fluctuation as other currencies. Multiple currency intervention is an intriquing technique theoretically, It would certainly swell the volume of transactions handled by exchange dealers, including some members of this audience. But I, at least, am skeptical about its practical applicability.

THE RESERVE MECHANISM

In recommending reform of the reserve mechanism, Secretary Shultz anticipated a greatly expanded role for special drawing rights, along with continued use of reserve currencies Virtually all restrictions on the use of SDRs among monetary authorities would be eliminated. "Careful study," he continued, "should be given to proposals for exchanging part of existing reserve currency holdings into a special issue of SDRs, at the option of the holder." Thus, the United States now seems willing to see a major funding of liquid dollar assets now held by foreign monetary authorities, one that would be acceptable to other countries and at the same time would not impose intolerable obligations on the United States.

Although the Secretary looked forward to "orderly procedures . . . to facilitate a diminishing role of gold in international monetary affairs in the future," he did not offer any specific suggestions for phasing out gold as a reserve medium. I had hoped for a suggestion to modify the March, 1968, two-tier gold agreement to permit monetary authorities to sell gold in the private market. Permitting sales, while maintaining the prohibition on purchases of gold by central banks from South Africa and on the free market, would have a number of desirable effects.

First, such sales would reduce the free market price, and thus help ease apprehensions that currently exist about the viability of the Smithsonian monetary arrangements. In addition, a lower free market price would make monetary authorities less reluctant than they now are to use their remaining gold reserves and their SDRs in international settlements.

Second, sales by central banks—without purchases—would decrease the global stock of monetary gold reserves. A gradual decline in the stock of gold reserves would help advance the long-run U.S. objective of phasing gold out as a monetary reserve asset.

Third, official sales would demonstrate that gold has no immutable intrinsic value. The private price of gold is based on a limited number of transactions in an extremely thin market. This market is protected by the umbrella of the March, 1968, two-tier agreement and the December 1969, IMF-South African accord. From 1934 into the 1960's, it was the United States which guaranteed the value of gold. More recently, this duty has been shared cooperatively among several industrial nations. It is time, now that we have special drawing rights created by the IMF, to begin withdrawing the mantle of official protection over gold.

Fourth, as the largest official gold holder in the world, the United States would profit from a share of the sales in the private market. At the end of July, the United States had $10.5 billion worth of gold, Germany held $4.4 billion worth, France $3.8 billion, Switzerland $3.2 billion, Italy $3.1 billion, the Netherlands $2.1 billion, and Belgium $1.7 billion. No other nation, including Canada and Japan, held as much as a billion dollars worth of gold.

In addition to advocating the resumption of official gold sales in the private market, Secretary Shultz might well have served notice that the United States will oppose any renewal of the 1969 agreement on IMF purchases of gold from South Africa. Without a renewal, this agreement will expire in a little more than 2 years.

An end to official gold purchases from South Africa is consistent with the long-run objective of the United States to phase out gold as a monetary reserve medium. Ultimately, gold should become a commodity like any other.

Its value should be determined by the economics of mining and refining it, on the one hand, and by demand for industrial and artistic uses and for investment as a personal store of wealth, on the other. Neither the United States nor the International Monetary Fund should be saddled beyond the term of the existing agreement with the responsibility of guaranteeing South Africa's market for that country's chief export commodity.

Sales of gold in the free market by monetary authorities could begin immediately without waiting for negotiated reforms of the IMF Articles. Similarly, an annoucement of U.S. opposition to renewal of the agreement with South Africa could come at any time—the sooner the better.

Mr. Shultz also failed to advocate that in a reformed international monetary system, special drawing rights should be accepted for all transactions between the IMF and member countries that now require payment in gold. I believe that special drawing rights, created by the International Monetary Fund and regulated in amount by its members, should become the unrivaled reserve asset in a new system.

LINKAGE BETWEEN SDR'S AND DEVELOPMENT AID

Although arguing strongly for a substantially expanded role for SDRs under a reformed system, Secretary Shultz failed to mention an issue that must be resolved to the satisfaction of the developing countries if any amendment of the IMF Articles is to be accepted. Without some change in the SDR distribution mechanism that channels an increased proportion of these assets to poor nations for the purpose of helping finance their development efforts, any suggested reform is likely to be voted down. Amending the IMF Articles requires the approval of 60 percent of the member countries. Currently developing countries account for about 80 percent of the Fund's membership, and that percentage is growing continuously. Thus, the package of reforms that is negotiated must please the developing world. An essential ingredient in any acceptable package is some form of link between SDR creation and development finance.

Because of these realities, it is unfortunate that Secretary Shultz did not mention the "link" issue in his speech and commit the United States to a positive stance on same type of such arrangement. Secretary Shultz could well have associated himself with the remarks of Anthony Barber, the Governor from the United Kingdom. Mr. Barber said, "The arrangements to provide such a link would have to be part of that wider reform and would have to be consistent with its objectives, not least because, if they were not, that would probably itself frustrate the prime purpose of providing extra real resources for developing countries. We would have to make sure that any such scheme was not inflationary; that it would not lead to pressures for excessive creation of SDRs beyond what prudent internationally agreed judgment regarded as appropriate to the prospects for world liquidity as a whole. But if these conditions can be met, then I say today that the United Kingdom will be in favor of providing a reformed system for some form of link."

Thus, the British committed themselves to a link provided that specific criteria can be met. The United States should do likewise.

THE BALANCE-OF-PAYMENTS ADJUSTMENT PROCESS

On measures to strengthen the balance-of-payments adjustment mechanism, Secretary Schultz said, "I believe disproportionate gains or losses in reserves may be the most equitable and effective single indicator we have to guide the adjustment process." I agree that large changes in reserve stocks are probably the best single indicator of when adjustments in exchange rates are necessary. Professor Robert Triffin of Yale University has been suggesting a mechanism of this type for some years.

Somewhat surprisingly, however, Secretary Schultz failed to mention the important qualification that actual changes in reserves must be adjusted to account for the impact of reversible short-term capital flows before trends in the size of reserve holdings can be used as an accurate reflection of a country's payments position.

The Secretary mentioned various sanctions that could be applied to deficit and surplus countries that refused to alter their exchange rates when reserve increases or decreases seemed to indicate that an adjustment was desirable. The IMF could withhold borrowing privileges and SDR allocations from deficit countries. Surplus nations permitting their reserves to rise disproportionately might lose the right to demand conversion of reserve balances into SDRs or other assets. "In the absence of a truly effective combination of corrective measures," he suggested, "other countries should ultimately be free to protect their interests by a surcharge on the imports from the chronic surplus country." To all this I say "Right on." If the member countries of the IMF had in recent years been less delicate in their relations with one another, and if they had had the courage to apply the scarce currency clause to chronic surplus nations, we would not have plunged so deep into the morass from which we are now attempting to extricate ourselves.

CAPITAL AND OTHER BALANCE-OF-PAYMENTS CONTROLS

Let me cite with particular approval a brief section from the Secretary's remarks on capital and other payments controls:

"If trade controls are permitted temporarily in extreme cases on balance-of-payments grounds, they should be in the form of surcharges or across-the-board taxes. Controls on capital flows should not be allowed to become a means of maintaining a chronically undervalued currency. No country should be forced to use controls in lieu of other, more basic, adjustment measures."

I have long felt that import quotas, as are now permissible under the GATT, are totally unsatisfactory as a means of controlling imports for balance-of-payments purposes. Indeed our existing controls on direct investment abroad and on lending by banks overseas ought to be phased out as part of the international monetary reform package, accompanied by domestic tax reform measures to undo unfair inducements to excessive U.S. foreign investment. Ultimately trade and capital flows, by ourselves and others, should be free to respond to opportunities throughout the world.

RELATED NEGOTIATIONS AND INSTITUTIONAL IMPLICATIONS

Trade negotiations under the GATT, which Secretary Shultz said he hoped would begin next year, "need not wait on monetary reform, nor need monetary reform await the results of specific trade negotiations."

This newly announced willingness on the part of the Treasury to divorce trade from monetary issues is encouraging. The United States cannot enter into true negotiations on trade with our GATT partners until authorizing legislation is passed by the Congress. Even if the Administration presents an innovative, well-drafted trade bill early in the next session—and I hope it will—a major feat of legislative productivity will be required to complete action on this bill in 1973. Not only will trade be an issue of prime importance, but also tax reform and perhaps social security and welfare as well. It would be most unfortunate to postpone implementation of monetary reforms that would substantially improve the system only because agreement had not yet been reached on trade issues. Five years was required to negotiate the Kennedy Round of tariff cuts. Even if only two years is expended negotiating the next trade agreements, we cannot postpone monetary reform until 1975 or later.

Near the conclusion of his speech, Secretary Shultz observed that he had several times "stressed the need for a comprehensive new set of monetary rules." He went on to say, "Those rules will need to be placed under the guardianship of the IMF, which must be prepared to assume an even more critical role in the world economy."

If we are to have a strong International Monetary Fund charged with the responsibility for monitoring the balance of payments of each major country or group of countries, and the duty to suggest exchange rate adjustments from time to time, the United States should do everything possible to reinforce the analytical capabilities, the independence, and the objectivity of the Fund.

For these reasons, I hope that the Administration will reverse its position of opposition to the reappointment of Managing Director Pierre-Paul Schweitzer for another term.

Under Schweitzer the special drawing right facility was brought into being. More than a year ago Schweitzer first proposed dollar devaluation and a set of changes in exchange rate parities that was virtually identical to the one adopted months later at the Smithsonian. The IMF staff under Schweitzer developed early this year the idea that the group to negotiate monetary reform be patterned after the twenty-member Board of Executive Directors. He has been a constructive force in helping to maintain international monetary order, and to develop a new, more vigorous role for the IMF under a reformed system.

In short, it would be hard to imagine an IMF managing director whose guidance has been more consistently in the long-term interest of the United States. The gentle touch at the keyboard of this renowned nephew of Dr. Albert Schweitzer has helped to orchestrate the music of the monetary spheres during these difficult years. It ill behooves the United States, at this stage of the Unfinished Symphony to be heard shouting "Shoot the Piano Player."

DOLLAR CONVERTIBILITY

The Secretary pledged the United States to the eventual restoration of dollar-reserve asset convertibility. After an appropriate transitional period during which the United States demonstrates its capacity to meet its reserve and balance-of-payments commitments, this country "would be prepared to undertake an obligation to convert official foreign dollar holdings into other reserve assets as a part of . . . a system assuring effective and equitable operation of the adjustment process." To me, this is a reasonable statement of when the United States should be prepared to restore convertibility. I do not see how our foreign economic partners could have expected or asked for more.

THE FUTURE U.S. ROLE

Only the United States can provide the leadership necessary to assure that a sound international monetary reform is actually negotiated. No other country can do it.

The British are concerned about the problems of entering the Common Market and whether the pound will still be floating or at what rate it will be pegged when they go in.

Germany is looking forward to an election late this year in which the current government will face a severe challenge.

Although the French Governor's address at the IMF meetings was far more conciliatory than earlier pronouncements to come from Giscard d'Estaing, the past history of French attitudes hardly makes them the logical leaders in reforming the international monetary system.

Similarly, the Japanese are at the moment unprepared to take the lead. They also face elections shortly, and are greatly concerned with their relations in Asia, with the United States, with the People's Republic of China, with the Soviet Union, and with the developing countries of that area. But the Japanese must play a highly significant role. As the nation whose competitive prowess is most widely respected throughout the world, no one else will accept any particular regime to introduce greater exchange rate flexibility unless the Japanese are also willing to subscribe fully.

Thus, the burden rests upon the United States. Secretary Schultz's speech, if it is followed, not by inaction but by a genuine U.S. effort to negotiate, signals our willingness to accept that burden. He set up the objective of agreement upon "the main outlines of a new system" by the time of next year's annual meeting in Nairobi. It is a worthy goal. It is achievable if all the parties put forth their best effort. For us, let the watchword be, "Nairobi or Bust."

JULIA HENDERSON VISITS THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. SCHEUER) is recognized for 5 minutes.

Mr. SCHEUER. Mr. Speaker, I wish on behalf of my colleagues in the House of Representatives to hail the visit to the United States of Julia Henderson, Secretary-General of the International Planned Parenthood Federation, the private voluntary organization with member associations in 79 nations around the world dedicated to the provision of family planning services, information, and education. Its fundamental approach is through the support of voluntary and autonomous national family planning associations in each country. Since its founding in 1952, the IPPF has clearly established international leadership in the field of human health and well-being. Mr. Speaker, as you know, many of our colleagues have long been interested in the goals of the voluntary family planning movement in this country, and those goals are exemplified on an international scale by the outstanding work of the IPPF. We in the United States and people around the world owe much to their dedicated efforts.

Since 1959 all five Presidents and former Presidents representing both parties have supported programs for population research and voluntary family planning. The Congress, also with bipartisan support, has passed a half-dozen significant pieces of legislation in this field, including—by a vote of 298 to 32—the landmark Family Planning Services and Population Research Act of 1970 for domestic programs—of which I had the privilege of being the original House sponsor in 1969. Since 1968 Congress has earmarked over a half billion dollars in successive Foreign Assistance Acts for population and family planning programs in the developing countries; for 1972 and 1973 these earmarkings amounted to $125 million each year. During this same period, the IPPF has been steadily expanding its efforts in the private sector to promote economic and social progress through voluntary family planning.

Large numbers of people the world over are unable to control an important part of their lives—the number of children they wish to bear. The persistence of this problem reflects an effective denial of freedom of choice and equality of access to the means of safe and effective fertility control. A fundamental human right—freedom from unwanted childbearing—is denied when governmental steps are not taken to assure each person the fullest possible access to methods of controlling reproduction. In addition, the freedom of future generations of humankind is compromised by such a denial of freedom to the present generation. Maximizing this personal freedom and opportunity—the mission of IPPF—means in essence that the solutions to international population problems do not need to be imposed on an unwilling citizenry but rather can evolve through the fulfillment of a fundamental right.

During the decade of the 1960's, population growth became recognized as an issue requiring not only words but action. The 1966 Declaration of Population of the United Nations, signed by the heads of 30 governments, declared the importance of bringing population growth under control. This was followed by the beginning or acceleration of many national population programs throughout the world. In the last 3 years the United Nations itself has undertaken major work in the population field through the U.N. Fund for Population Activities. During 1970 and 1971, the Fund provided assistance to some 60 countries for identifying their needs and preparing population projects. UNFPA, supported by the world's developed nations, has received pledges and contributions from nearly 50 governments totaling $45 million dollars. I am proud, as indeed all of us should be, that our Government has pledged to match, dollar for dollar, the contributions of other nations to the Fund, with a target of $100 million by 1974—U.N. World Population Year. The World Bank has organized and expanded its capability to serve developing countries in the population field. Robert McNamara, President of the World Bank, has stated:

> It is important to understand why an institution such as the World Bank is concerned with the population problem. The reason is simple. No other single problem is a greater threat to the prospects for economic and social progress in the developing world. The World Bank is an international development agency, and for it to be indifferent to the inescapable consequences of rampant population growth in the poorer nations would amount to its being indifferent to the larger goal of development itself.

This growing worldwide cooperation is deeply encouraging; yet facts of world demography suggest that only a beginning has been made. More than two-thirds of the nearly 4 billion people on earth live in the less developed countries. In those countries the numbers of women between 20 to 29 years of age, prime childbearing years, will increase tremendously in the 1970's and even more so during the 1980's. Several weeks ago, the World Bank, in its annual report, stated that poverty is increasing in underdeveloped countries—despite gains in total production and income—in large part because of rapid and accelerating population growth. And despite much lower life expectancies and much higher infant and maternal mortality, the growth of population in the underdeveloped world is two and a half times greater than in the developed nations, where much higher industrial and agricultural production is providing an increasingly better standard of living.

Nor have industrialized nations been immune to demographic pressures. As UN Secretary General Kurt Waldheim has pointed out:

> Swollen cities, the drain of talent from regions of low development to centers of affluence and heavy internal migrations have all left their mark.

As we commend the dedication and accomplishments of the IPPF, we must also realize that it alone cannot accomplish the tremendous task. There now exists an international consensus on the need for voluntary family planning services for men and women the world over. The help of all public and private health-related organizations must be enlisted. All interested aid-giving governments must continue to join forces and expand their efforts. The United Nations, through its Fund for Population Activities, the World Health Organization; the Food and Agriculture Organization; UNESCO; and the International Labor Organization—the World Bank and the international business community; religious institutions all over the world; our own AID all have their part to play as these diversified programs gain momentum.

Here at home, a tremendous amount of work needs to be done. We have undertaken a major national effort to provide subsidized family planning services to an estimated 6.6 million medically indigent women in the United States. I believe our Nation can be proud of its achievements in the field of family planning services.

The effort we have begun must be greatly expanded and sustained. Today I introduced a measure to renew and expand the legislative authority for the HEW program which expires this fiscal year. This legislation is imperative if we wish to achieve our national health goals and enable all persons to exercise their fundamental human right—freedom of choice concerning family size—and so I once again call upon my colleagues in this distinguished body to support renewal and expansion of the Family Planning Services and Population Research Act of 1970.

What is necessary for American women in terms of health care is important for women all over the world. The recognition of this need is growing at an extraordinary rate. For example, 10 years ago in Pakistan, the concept of birth control was so alien in that country that a new word had to be invented for it. Today, with a national family planning program, Pakistan is experiencing a significant decline in the birth rate and a marked decrease in its extremely high infant and maternal death rates. But in that country, and all over the world, we have only just begun to develop the technology and the services that are so desperately needed.

The IPPF has no intention of abandoning the pioneering role which has so distinguished its early years; but support for its efforts must continue to grow. Responsible individual action, enlightened governmental policies and true international assistance and cooperation are required. Population programs have been estimated to need between $4 and $5 billion annually—or approximately $1 per person for the entire world. As we approach U.N. World Population Year in 1974, I believe that we must focus our attention on appropriate voluntary and humanitarian measures concerning population and human freedom. As our own Population Commission has pointed out, every increase in population makes social, economic and health problems more difficult to solve. We must take every possible step to insure that each child is a wanted child who can be properly cared for and educated in a healthy and peaceful world.

REAL ESTATE TAX RELIEF FOR SENIOR CITIZENS

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HICKS) is recognized for 5 minutes.

Mrs. HICKS of Massachusetts. Mr. Speaker, today I am introducing the Emergency Real Estate Tax Relief for Senior Citizens Act. This act will provide immediate relief to the millions of our senior citizens whose very ability to live in their own homes or to rent suitable apartments is being imperiled by ever increasing real estate taxes.

Two weeks ago the U.S. Advisory Commission on Intergovernmental Relations found that the situation being forced upon many of our elderly citizens by high real estate taxes is a national disgrace. The Commission reported that the 6 million elderly homeowners in our country are paying an average of 8.1 percent of their incomes in real estate taxes whereas the typical urban family of four pays only 3.4 percent of its income for real estate taxes.

The Commission also found that the plight of the elderly poor was almost catastrophic. For the 1.3 million elderly homeowners who have incomes of less than $2,000 the property tax took an average of 15.8 percent of their incomes; and in the Northeast where the property taxes tend to be the highest, low income homeowners on the average paid almost 30 percent of their incomes in property taxes. Since Massachusetts ranks among the top 10 States in terms of real estate tax burden, our senior citizens are being especially hard-pressed.

This situation is truly disgraceful. We are making insufferable the lives of many of our elderly citizens by imposing on them steep real estate taxes which are out of all proportion to these citizens' ability to pay.

Several States, including Vermont and Maine, have recognized the injustice of this situation and have passed State laws providing a circuit breaker for real estate taxes paid by senior citizens. This circuit breaker means that a senior citizen does not have to pay more than a certain percentage of his or her income for real estate taxes and if he or she does pay over this percentage in local taxes he or she receives a check from the State government for the excess.

The bill I have introduced today has as its purpose to provide immediate relief—for this year only—to the millions of elderly citizens who are not covered by these present State laws, including the senior citizens in Massachusetts; and my second purpose is to encourage all the States to pass this type of legislation within the next 12 months. Only 14 States to date have enacted circuit breakers. But I believe that my bill—as a temporary emergency measure—will highlight the plight of our senior citizens and thereby encourage many more States to enact circuit breaker laws for our senior citizens.

The National Emergency Real Estate Tax Relief for Senior Citizens Act provides that if any individual, 65 years of age or older, pays more than 5 percent of his or her income and the spouse's income for real estate taxes during 1972 the Federal Government would send him or her a check for the difference between the amount equal to 5 percent of total income and the amount actually paid.

In other words, an elderly couple with a $10,000 income would not have to pay more than $500 a year for real estate taxes. If they paid less than $500 a year, there would be no rebate from the Federal Treasury. But if they paid more than $500 a year and their State does not have a circuit breaker, then the couple would receive a rebate of the difference between what it paid and $500.

In case of renters the bill provides a presumption that 30 percent of the annual rent paid to a landlord goes to real estate taxes. The renter would compute 30 percent of the total rent paid in 1972; and if this 30 percent exceeds 5 percent of household income, the renter would be entitled to a similar rebate from the Federal Treasury.

The bill excludes from income social security and public assistance payments, veterans' benefits, and widow's benefits. These exclusions will thereby entitle these individuals to greater relief from real estate taxes.

Mr. Speaker, I urge the Ways and Means Committee to begin immediate consideration of this bill. We owe no less than that to our senior citizens.

AGAINST ABOLITION OF STRIP MINING

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 10 minutes.

Mr. KEE. Mr. Speaker, H.R. 6482, as drafted, is a 56-page bill to provide for the regulation of surface coal mining for the conservation, acquisition and reclamation of surface areas affected by coal mining activities, and for other purposes.

I am vigorously opposed to this proposed legislation which, as written, addresses itself to the strip mine operators of my home State of West Virginia, and much of the Appalachian region. The message can be reduced to four little words with a great big meaning which we all understand—abolition of strip mining. It is the solemn requiem for hundreds of small businesses which have provided gainful employment and the necessities of life for thousands of men and their families.

Poverty, hardship and suffering are not new to the Appalachian region. It was for so long a way of life in this entire area. The Congress of the United States has a very proud history of having at long last responded to the needs of the people. It has passed legislation over the years that has relieved much poverty and suffering. I am grateful for the opportunity to have actively participated in these acomplishments.

I am gratified to be able to associate myself with many of the noble goals and objectives of H.R. 6482, but I must wash my hands of those portions that would arbitrarily and capriciously destroy the thousands of jobs with mining and associated industries and create an Appalachia worse than anything history has known. I do not want this stain on my hands.

The tax dollars of those very people who are being caught up in this abolition movement have contributed substantially to the development of new technology which, if used to their advantage, would make this whole thing so very unnecessary. Reclamation is possible. Reclamation is being carried out in a most impressive fashion today. Abolition is not necessary. We have the know-how. Let us have the heart—let us have the determination and let us go that extra step for the future of America.

It is my firm opinion, as demonstrated by history without question, that the coal industry is absolutely vital to our national security. Coal is the only energy resource that we have that we know is adequate to meet our Nation's energy for the next several hundred years. Right now we have acknowledged a serious shortage in natural gas and oil. There is a great shroud of mystery surrounding the exact state of affairs as to how grave our shortages are. These are carefully guarded trade secrets within the oil and gas industry.

Gas and oil come to us from the same companies: Humble, Continental, Sohio, Sunoco, Texaco, Gulf, et cetera. These companies are also in the coal business. They have the power to operate from one end of the United States to the other and to expand into foreign countries. They are strong. This legislation makes them even stronger. It knocks the small operators and their employees out of the way and eliminates the competition. By passing legislation which will eliminate the small operator, the fact is clear that Congress is establishing for the corporate giants what it has said they cannot create for themselves—a monopoly.

A final word on the energy crisis. We are already dependent upon oil imports to meet our energy needs. We are in a position of importing and relying on imports from countries which are in themselves unstable and which could cut our supplies off entirely today or tomorrow. Can we afford to place our country in that kind of jeopardy? I submit that it is politically and economically unsafe, unwise, and unpatriotic to do so.

I can only urge each of you to consider this proposal very carefully before you cast your vote for a measure that could well eliminate as much as one tenth of our Nation's total energy supply.

A vote for this bill is a vote for monopoly of our energy supply by big business and against the small businessman. A vote for this bill is a vote against free enterprise.

STRIP MINING MUST END

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 20 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, on September 28, 1972, at pages 32828–32831, I retailed the reasons for my opposition to H.R. 6482, a bill originally scheduled to be taken up on October 2 under suspension of the rules. Not until the morning of October 2 did Members even get to see copies of the bill.

H.R. 6482 is now listed as No. 11 on the suspension calendar, and will probably come up for a House vote Wednesday or Thursday. I do not like the procedure under which this bill comes to the floor, barring amendments and requiring a two-thirds vote after only 40 minutes of debate. Furthermore, I do not have much faith in the Department of the Interior, which has been charged with the enforcement of this bill. This production-oriented Department has twiddled its thumbs while public and Indian lands under its own jurisdiction have been strip mined in such a way as to cause widespread landslides, siltation and acid pollution of streams, and destruction of valuable topsoil. Yet the pending legislation does provide some useful tools which, if actually employed, might prevent the worst damage from coal strip mining. If the legislation fails, then the Nation will at least be convinced that regulation will not work and abolition of strip mining of coal is the only sensible solution.

The Committee on Interior and Insular Affairs had plenty of time to bring this bill before the Committee on Rules before September 25, which would have allowed full and orderly debate, with opportunity for amendment, instead of this last-minute rush procedure. But Congressmen have now had the bill for 8 days, and they ought to be able to assess its strong and weak points.

Two sections of the bill will bring great relief to the long-suffering people of the Appalachian region. There is an effective prohibition of strip mining on slopes over 20 degrees unless the coal operator can demonstrate affirmatively that sedimentation, landslides and stream pollution can be prevented. Also, there is a potentially useful section of the bill sponsored by my colleague from Montana, Representative JOHN MELCHER, which prevents the creation of a permanent spoil bank on slopes greater than 14 degrees.

The coal industry is now publicly fighting this bill and has urged all Members of Congress to oppose it.

For example, all Members of the House received the following telegram from the President of the American Mining Congress and the National Coal Association, as follows:

Hon. KEN HECHLER,
House Office Building,
Washington, D.C.

Coal industry strongly urges defeat of strip mine bill H.R. 6482. This is punitive, unrealistic bill which would summarily halt much of vital U.S. coal production.

J. ALLEN OVERTON, Jr.,
President, American Mining Congress.
CARL E. BAGGE,
President, National Coal Association.

In addition, on October 6, the American Mining Congress sent the following letter to all Members of Congress:

AMERICAN MINING CONGRESS,
Washington, D.C., October 6, 1972.

Hon. KEN HECHLER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: We are sending you this communication to alert you to the fact that there is grave danger that in the rush to meet Congressional commitments prior to adjournment, the national economy and national security may be jeopardized through adoption of legislation which contains serious and unnecessary threats to the ability of the mining industry to furnish the increasing amounts of energy and minerals our nation so sorely needs.

We refer to legislation to regulate surface mining. H.R. 6482 and S. 630 have been reported on the floor of the House and Senate.

The American Mining Congress, the national trade association representing all branches of the mining industry, has presented to both the House and Senate Interior Committees its basic policy position on this matter (as determined by the executive officers of its member companies)—

The American Mining Congress supports legislation establishing federal guidelines for the regulation of surface mining. These guidelines must be sufficiently broad that they do not impinge on the power of the various states also to regulate—for only in this way can our laws respond rationally to the almost endless diversity of mining methods and conditions. And any federal surface mining law should be consistent with the National Mining and Minerals Policy Act of 1970.

At a meeting of concerned member companies of the American Mining Congress, representing both coal and metal production, held in Washington on October 4, the pending legislation, so far as then known to us, was evaluated in the light of the above principles and found seriously deficient. This assessment covered not only the reported bills, H.R. 6482 and S. 630, but also a number of amendments (some printed and some still being drafted) which we understood would be offered on the floor.

H.R. 6482, now pending for action in the House, applies only to coal surface mining. Mr. Carl Bagge, President of the National Coal Association, and I advised members of the House of Representatives by a joint wire today that the coal industry strongly urges defeat of H.R. 6482. This measure is punitive and would in many cases frustrate sound reclamation and summarily halt much of the needed, vital U.S. coal production.

In the Senate, S. 630, reported by the Senate Interior Committee and now procedurally ready for further Senate action, would apply to all minerals. That measure needs substantial revision—including particularly revision of the requirement that surface land be restored to a use or condition comparable or superior to its use or condition prior to mining. This would literally make it impossible to establish any new large open-pit mine in the United States.

It must be recalled that over 96 percent of the nation's minerals other than coal, and over 45 percent of our coal requirements are produced by surface mining. Those necessary legislative revisions, to assure continuance of that mining, are too important and too complex and technical to be carefully examined and considered in the short period of time remaining in this session. The complexities involved are illustrated by the fact that on July 18, 1972, the mining industry found it necessary to present to Chairman Jackson and the members of the Senate Interior Committee a recommendation for 27 minimum changes required to be made in S. 630 (in the form substantially as reported) in order to attain workable legislation.

Let me underscore that when we say, "minimum changes required to be made", we are advising you that it is the considered best judgment of the mining industry that the concepts embraced in the 27 suggested amendments must be included if a surface mining measure is to be workable—for this industry to continue to supply the energy and materials necessary for our economic well-being and the maintenance of our requisite national defense posture.

A viable mining industry is the keystone in the arch of the American enterprise system. Hasty, ill-considered, end-session-rush legislation of the kind now before the Congress would be clearly inimical to that system, and thus inimical to America's best interests.

We therefore urge that Congress defer final action on this subject until there is time to develop the kind of sound legislation which can protect the nation's environment and at the same time preserve the ability of the mining industry to meet the nation's energy and mineral needs.

Sincerely,
J. ALLAN OVERTON, Jr., *President.*

I also received, as did other Members, the following communication dated October 6 from our colleague, Hon. JAMES KEE:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 6, 1972.

MY DEAR COLLEAGUE: It is expected that H.R. 6482, The Strip Mining Reclamation Bill, will be called up under suspensions possibly Wednesday evening, October 11th, or Thursday afternoon, October 12th.

As the Committee Report 92–1462 shows, I joined with Chairman Wayne N. Aspinall in separate views.

I respectfully enclose for your consideration a copy of my remarks which I intend to deliver on the Floor of the House in opposition to H.R. 6482 as presently drafted.

If you agree with my position, I will be grateful to you personally, if you will join with me in voting against H.R. 6482.

Sincerely yours,
JAMES KEE,
Member of Congress.

Mr. Speaker, I cannot generate much personal enthusiasm for a bill which has a number of fatal defects, such as the fact that jurisdiction for enforcement is placed in the toothless Department of the Interior. I still believe very firmly that abolition is the only answer to the destruction of land caused by the strip mining of coal. I have today sent a letter to each of the co-sponsors of my abolition bill, the text of which follows:

October 10, 1972.

Dear Fellow-Sponsor of Abolition of Coal Strip-Mining:

Although I am very reluctantly going to vote for the Committee-reported bill, H.R. 6482—on the grounds that it might slow down the worst forms of strip-mining devastation—I am still convinced that the only genuine solution to the continued ripping up of the land is the total abolition of the strip mining of coal.

When the House bill is debated, I intend to make it perfectly clear that the only sensible long-range answer to strip mining is abolition. My vote for H.R. 6482 will only be affirmative because we have no other alternative in 1972, and the suspension of the rules will not allow an abolition amendment to be offered.

I hope that you will not only hold firm in your position for abolition, but will also consider some additional argument into the Record to support this goal. The two points most frequently raised by those opposing abolition are: (1) the energy crisis—where are we going to get the coal to power our society if we abolish strip mining? and (2) jobs—you wouldn't want to wipe out an entire industry and all this employment, would you?

To the first argument, I point out that the reserves of deep-minable coal are eight times as large as the strip-minable coal. Furthermore, there are 16 states where low-sulfur deep-minable coal reserves greatly exceed the strippable coal. In West Virginia, there is ten times as much deep-minable coal as strippable, and in Montana, the ratio is 8:1, for example. Also, if we are so short of coal and have to rip up the land to strip it, then why are we exporting 10 percent of the annual coal production?

To the second argument, on jobs, it takes three or four more jobs to produce a ton of deep mined coal than to strip mine. Also, the war in Vietnam supplies thousands of jobs not only in the service but in manufacturing napalm, etc., and you don't find many people who want to continue the war rather than phase out those jobs and utilize these people in more constructive pursuits. So we ought to stop bombing our own land and put these people to work on building roads, houses, hospitals and other constructive tasks.

Sincerely,

Ken Hechler.

In addition to action this Congress takes on strip mining, it is important to protect public and Indian lands and national forests, and I have therefore introduced the following resolution to stop strip mining in national forests and on public and Indian lands, and to halt deep mining in national forests:

H.J. Res. 1322

Joint Resolution to prevent surface mining operations on public lands, and deep mining in national forests

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Interior be and hereby is authorized and directed (a) to forbid prospecting, exploration, development, or removal of coal deposits by surface mining methods on all public lands and acquired lands of the United States and on all Indian lands, (b) to suspend pending applications for coal permits and leases unless the applicant agrees not to explore for or remove the coal deposits by surface mining operations, (c) to suspend all coal permits and leases on such lands which are in effect on the effective date of this resolution and which authorize exploration or removal of the coal deposits by surface mining operations, and (d) to prohibit underground coal mining in public and acquired lands in the national forests.

COMPENSATION FOR LONGSHOREMEN AND HARBOR WORKERS

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, H.R. 12006, a bill which I sponsored to amend the Longshoremen's and Harbor Workers' Compensation Act, is on the Suspension Calendar for consideration by the House this week.

. This bill, which will provide broad and far-reaching improvements in the act, has the strong support of labor, management, and industry, as evidenced by the following letters and telegrams which I have received. I am also including a copy of a letter sent to each Member of the House today which is signed by Chairman Carl D. Perkins of the full Committee on Education and Labor, Hon. Augustus F. Hawkins, Hon. Albert H. Quie, Hon. Marvin L. Esch, Hon. William A. Steiger, and myself.

The letters and telegrams follow:

New York, N.Y.

Hon. Dominick V. Daniels,
Cannon House Office Building,
Washington, D.C.

The International Longshoremen's Association, AFL–CIO continues to fully support the Daniels Bill H.R. 12006 which provides the following additional benefits for our rank and file.

(1) Increases the maximum weekly benefits in the first year to $167.00 from $70.00.

(2) Provides for free choice of doctors by the employees.

(3) Provides for the payment of attorney's fee to be paid by the employer in contested cases.

(4) It eliminates the maximum of 24,000.00 on temporary total disability claims.

(5) It extends coverage which was limited to the ship in the old bill—to the piers, wharves and terminals.

The executive council—the highest governing body of the ILA which includes representatives from all major ports considered the bill on September 14 and no opposition was raised by any member of the council.

Respectfully yours,

Thomas W. Gleason,
President, International Longshoremen's Association, AFL–CIO.

Hon. Dominick V. Daniels,
2181 Rayburn House Office Building,
Washington, D.C.:

The International Longshoremen's Association, AFL–CIO, strongly urges passage of the Daniels bill H.R. 12006 which will amend the Longshoremen's and Harborworkers Compensation Act. This legislation is urgently needed to provide our injured longshoremen with a reasonable amount of compensation during periods of unemployment resulting from injury or illness sustained in the course of their employment. The bill provides for a substantial increase over the present maximum of seventy dollars per week which is beneath the poverty level and extend coverage of the bill to adjoining piers, wharves and terminals where longshoremen are employed. With the extension of coverage, our members will not have to rely on State compensation statutes, many of which provide rates of compensation which are totally inadequate. We request that you and all other Members of the House lend support to the bill to insure its passage.

Thomas W. Gleason,
President, International Longshoremen's Association, AFL–CIO.

Hon. Dominick V. Daniels,
House of Representatives,
Washington, D.C.:

New York Shipping Association, Inc., and International Longshoremen's Association, AFL–CIO, jointly urge your support of H.R. 12006 providing long overdue benefit increases for injured workers and other urgently needed adjustments in the Longshoremen's and Harbor Workers' Compensation Act. Bill has full support of management, labor and the administration.

James J. Dickman,
President, New York Shipping Association, Inc.

Thomas W. Gleason,
President, International Longshoremen's Association, AFL–CIO.

San Francisco, Calif.

Carl D. Perkins,
Chairman, Labor and Education Committee,
Washington, D.C.:

Officers of International Longshoremen's and Warehousemen's Union urge adoption of H.R. 12006 amending the Longshore and Harbor Workers Compensation Act.

Harry Bridges,
President, IWU.

Congressman Dominick V. Daniels,
Rayburn House Office Building,
Washington, D.C.:

On behalf of our 175,000 members and other workers of the District of Columbia we congratulate you on reporting act, H.R. 12006, the Longshoremen and Harbor Workers Act which continues to cover the workers of the District of Columbia under workmen's compensation.

The Greater Washington Central Labor Council and its affiliates whole heartedly support your legislation and urges the Members of the House to adopt your bill.

George W. Apperson,
President, the Greater Washington Central Labor Council, AFL–CIO.

American Federation of Labor
and Congress of Industrial
Organizations,
Washington, D.C., September 28, 1972.

Hon. Dominick V. Daniels,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Daniels: On Monday, October 2, the House of Representatives will vote on H.R. 12006, a bill to amend the Longshoremen's and Harbor Worker's Compensation Act. The AFL-CIO urges that you support this bill. It has the support of the International Longshoremen's Association and all other AFL-CIO affiliates where membership is covered by the bill.

The companion bill, S. 2318, has already passed the Senate and if the House acts favorably on Monday, long overdue improvements in the workmen's compensation benefit structure for approximately 800,000 workers can become a reality. The basic legislation, the Longshoremen's and Harbor Worker's Compensation Act, was last amended in 1961. It covers longshoremen and harbor workers, ship repairmen, workers in private industry in the District of Columbia, workers employed in nonappropriated fund instrumentalities (P.X. etc.), American workers employed on defense bases overseas—who are primarily building and construction trades workers—and workers employed on the outer continental shelf.

After 12 years without amendment, the Longshoremen's Act has become outdated. The amendments, proposed in H.R. 12006, are consistent with recommendations of the National Commission On State Workmen's Compensation Laws, and upon enactment would restore this federal workmen's compensation program to its former place of prominence in the field of workmen's compensation.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

WASHINGTON BUILDING AND
CONSTRUCTION TRADES COUNCIL,
Washington, D.C., September 26, 1972.

Hon. DOMINICK DANIELS,
House of Representatives, Chairman, Select Labor Subcommittee, Cannon House Office Building, Washington, D.C.

DEAR MR. DANIELS: On behalf of the Washington Building and Construction Trades Council, representing 30,000 building tradesmen and the labor movement in the District of Columbia, I wish to thank you and all the members of the Committee for your support of H.R. 12006.

Passage of this bill will mean that injured workers in the District will, once again, enjoy the benefits of one of the most progressive compensation acts in the country.

Sincerely yours,

JOSEPH F. CURTICE,
Executive Secretary.

NEW YORK, N.Y.

Hon. DOMINICK V. DANIELS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.:

Careful reconsideration demonstrates proposed benefits warrant surrender of longshoreman third party unseaworthiness claim.

JACOB RASSNER.

ASHCRAFT & GERAL,
ATTORNEYS AND COUNSELORS AT LAW,
Washington, D.C., September 12, 1972.

Hon. DOMINICK DANIELS,
Chairman, Select Labor Subcommittee,
House of Representatives, Washington, D.C.

SIR: For the past 20 years, we have specialized in the handling of workmen's compensation cases, exclusively for injured employees, in the District of Columbia, Maryland, and Virginia. We have recently had the occasion to review the long overdue proposed amendments to the Longshoremen's and Harbor Workers' Compensation Act. The reported amendments are set forth in H.R. 12006 as amended.

It is our opinion, after reviewing the bill, that it is an excellent one and should be passed in its entirety. We further feel that, with regard to third party actions, the proposed amendments eliminating unseaworthiness as a basis for third party actions is equitable as long as third party actions can be maintained based on common law negligence. This is, in fact, the basis for liability in these cases in virtually every state and also eliminates some of the inequities present under the existing Act. As previously stated, the proposed amendments found in H.R. 12006 as amended should be passed.

Very truly yours,

LEE C. ASHCRAFT.

ROYSTON, RAYZOR, COOK & VICKERY,
Houston, Tex., September 25, 1972.

Hon. DOMINICK V. DANIELS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DANIELS: On behalf of all employer segments in the shipping and stevedore industry in all areas of the country for whom we speak (see attached list), we urge your support for the above bill to amend the Federal Longshoremen's & Harbor Workers' Compensation Act.

This bill, after hearings, was favorably reported unanimously by your Committee on Education and Labor. Its companion measure in the Senate, S. 2318, also after extensive hearings, was favorably reported unanimously by the Senate Committee on Labor and Public Welfare and was then unanimously passed by the Senate. The bill has the support of, and is endorsed by, the Administration.

This proposed legislation deals with and resolves two interrelated cardinal problems which have plagued the industry and precluded any Congressional action since 1961: (a) third party actions with an attendant circular liability, and (b) outdated compensation benefits. Additionally, this bill extends coverage of the Act to protect additional shoreside maritime workers and provides for administrative reforms both as to the rights of workers and the operation of the Department of Labor.

While admittedly neither management nor labor has had its own way in the proposed legislation, it was arrived at through countless discussions and meetings and represents a compromise with which each of us believes we can live:

(a) On third party actions, we have sought to place an employee injured aboard a vessel in the same position he would be in if he were injured in a non-maritime employment ashore and have thus preserved for him an action against a vessel for negligence;

(b) On increased benefits, we have been guided by the recommendations of the National Commission on State Workmen's Compensation laws contained in its report issued July 21, 1972, and believe the provisions of the bill are consistent with this report.

We have no doubt that the proposed legislation will evoke anguished cries from those individuals who stand to gain at the expense of the employee by continuance of the present Act and a refusal to enact these badly needed changes. Our industry, both management and labor, however, as was made fully evident during the hearings, cannot stand the continuance of the status quo. It is for this reason that we have worked so long and hard to arrive at legislation to which management and labor could each subscribe; and we so commend it to you.

Respectfully yours,

DENNIS LINDSAY,
EDWARD D. VICKERY,
JAMES A. FLYNN,
THOMAS D. WILCOX,
FRANCIS A. SCANLAN,
Executive Committee of National Maritime Compensation Committee.

MEMBERSHIP OF NATIONAL MARITIME COMPENSATION COMMITTEE

Boston Shipping Association, Inc.
Great Lakes Terminal Association.
Hampton Roads Maritime Association, Inc.
Lake Carriers Association.
Master Contracting Stevedores Association of the Pacific Coast, Inc.
Mobile Steamship Association, Inc.
National Association of Stevedores.
New Orleans Steamship Association.
New York Shipping Association, Inc.
North Atlantic Ports Association.
Pensacola Steamship Association.
Philadelphia Marine Trade Association.
Portland Shipping Association, Inc.
Savannah Maritime Association.
Steamship Trade Association of Baltimore, Inc.
Tampa Steamship Association.
West Gulf Maritime Association.

HOUSTON, TEX.

Hon. DOMINICK DANIELS,
U.S. House of Representatives,
Washington, D.C.

At its final business meeting following its American Merchant Marine conference the Propeller Club of the United States assembled in its 46th national convention unanimously passed the following resolution "The Propeller Club of the United States strongly endorses HR 12006 to amend the Longshoremen's & Harbor Workers' Compensation Act, and noting its counterpart S. 2318 has been passed by the Senate, strongly recommends that HR 12006 be passed by the House of Representatives at the earliest possible time." The Propeller Club respectfully requests and urges your full support of this important legislation.

JASPER S. BAKER,
National President.

SAN FRANCISCO, CALIF.

Congressman DOMINICK V. DANIELS,
Chairman, Committee on Education and Labor, Cannon House Office Building, Washington, D.C.

The international officers of ILWU and the Coast Labor Relations Committee representing the entire Longshore division including the States of California, Oregon, Washington, Alaska, and Hawaii urge you to vote for adoption of HR 12006 amending the Longshore Harbor Worker Compensation Act.

WM. H. CHESTER,
Vice President, ILWU, Assistant to the President.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND LABOR,
SELECT SUBCOMMITTEE ON LABOR,
Washington, D.C., October 10, 1972

DEAR COLLEAGUE: The House Suspension Calendar has listed for consideration H.R. 12006, a bill that contains long overdue changes in the Longshoremen's and Harbor Workers' Compensation Act. The House Education and Labor Committee unanimously reported the bill after three days of extensive hearings involving interested parties from all segments of management, labor and others involved in workmen's compensation.

H.R. 12006 will provide broad and far-reaching improvement in the benefit structure, coverage and administration of this 47 year-old workmen's compensation program. The benefits under this statute which covers more than 800,000 workers including workers, employees in the District of Columbia, at overseas bases (primarily construction workers), in nonappropriated fund employment, and in projects on the Outer Continental Shelf have not been improved for 12 years. A Fact Sheet which explains the major provisions of this bill is attached for your information.

Claims have been made by certain individuals that the Committee Bill eliminates the right of longshoremen to bring third party actions against vessels on which they are injured. *That is absolutely untrue.* The fact is that the Committee Bill preserves the rights of injured longshoremen to sue third parties, including vessels, whose negligence caused injury to the longshoremen. In that respect, the Committee Bill leaves the longshoremen in exactly the same position as land based employees. The Committee Bill eliminates only the vessel's liability without fault under the so-called "unseaworthiness" doctrine, and the indemnity agreements and warranties under which stevedores have been held liable for damages payable by vessels far in excess of compensation benefits.

Under the Committee Bill, vessels will have the same duty as land based employers to provide a safe place to work for longshoremen, and if a vessel or its crew is negligent the vessel will be liable as a third party to the injured longshoreman for unlimited damages just as would a land based employer.

H.R. 12006 is endorsed by the AFL–CIO, the International Longshoremen's Association (whose 115,000 membership is covered by the Act), the International Longshoremen's and Warehousemen's Union (whose 20,000 members are also covered by the Act), and by the overwhelming number of employers, port associations and others in the maritime industry. The bill has the strong endorsement of the Administration and is consistent with the recently issued bipartisan recommendations of the Commission on State Workmen's Compensation Programs.

We believe you will agree that such solid unanimity of view is rare among these groups. They consider H.R. 12006 to be in the best interest of the injured worker, the United States maritime industry, and the economy of our country.

We urge your support and vote for this bill which will provide a modern workmen's compensation program for a substantial number of American workers.

Sincerely,

Carl D. Perkins.
Dominick V. Daniels.
Augustus F. Hawkins.
Albert H. Quie.
Marvin L. Esch.
William A. Steiger.

Fact Sheet

The major improvements provided by H.R. 12006 are the following:

Restore the opportunity for most injured workers to receive 66⅔% wages when incapacitated by a work injury;

Immediate increase in maximum limit on weekly payments for injured workers from $70 to $167 a week;

Increases thereafter in the weekly limit will be based on the recommendation of the Commission on State Workmen's Compensation Programs over a four-year period;

Automatic adjustment of benefit levels on an annual basis to reflect increases in cost of living;

Improved medical service and rehabilitative assistance and opportunities for injured workers;

Increased benefits to survivors of workers killed as a result of job injuries;

Substantial upgrading of benefits to injured workers or survivors, presently receiving payments—now as low as $25 per week in some cases;

Improved financial structure for providing payments to injured handicapped workers;

New mechanisms for the Secretary of Labor to provide assistance to workers so that they may obtain the maximum benefit due them under the Act.

These provisions are regarded as essential to a model workmen's compensation program by industry, labor and experts in workmen"s compensation.

H.R. 12006 modifies third party suits by outlawing indemnity actions or agreements that result in the stevedore paying most or all the third party award. Also, in order to successfully sue a vessel, a longshoreman must now establish that the vessel was, in fact, negligent. This is the same standard applicable in all land based, non-maritime third party suits.

THE GREEK JUNTA IN ACTION: THE DISSOLUTION OF TWO ASSOCIATIONS

(Mr. FRASER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, Niall MacDermot, O.B.E., Q.C. is the Secretary General of the International Commission of Jurists and a former Minister of State in the Government of the United Kingdom. He was educated at Rugby, Balliol College, Oxford and Inner Temple, London. A British barrister-at-law, he was first elected to the House of Commons, representing Lewisham North in 1957. He represented Derby North from 1962 to 1970.

In May of this year, Mr. MacDermot went to Athens as an observer of proceedings to dissolve two Greek voluntary associations. Following my remarks are Mr. MacDermot's comments on the May 16, 1972 hearing.

This report confirms what many Americans recognize. Greece today is not a free nation. It is governed by a military junta which does not tolerate even the mildest constructive dissent.

The report follows:

Report and Comments on Proceedings for the Dissolution of Two Greek Associations

(By Niall MacDermot, Q.C.)

REPORT

1. I attended these proceedings as an international observer on behalf of the International Commission of Jurists, having notified the Minister of Justice in advance of my intention to do so. At the hearing I made my presence known to the Judges, the Procurator-General, the Counsel for the Prefect and Counsel for the Defence. I had the assistance of interpreters throughout the hearing.

2. The proceedings were brought by the **Chief Administrative Officer or Prefect of** Athens against the Society for the Study of Greek Problems and the Greek-Europe Youth Movement, asking for an order for the dissolution of both associations.

3. These were civil proceedings before the Court of First Instance of Athens. The Court comprised three judges presided over by Judge Mékalis. As questions of public order were involved the Public Prosecutor, Mr. Klisiaris, intervened in the proceedings. The Society for the Study of Greek Problems was represented by Mr. George Mangakis and the Greek-Europe Youth Movement by Mr. Golfinopoulos (who was a member of the Board of the Society for the Study of Greek Problems) and Mr. Bouloukos. The hearing took place in the evening. The court sat at 7 pm. The proceedings against the associations began at 8.45 pm and concluded at 1 am.

4. There was room in the court for about 150 to 200 persons. The proceedings were supposed to be in public but a large part of the "public" comprised police officers either in uniform or in civilian clothes. Entry into the court was controlled by the police. A number of young people who sought to enter the court were arrested and released a few hours later. Others had their identity cards impounded and were turned away and told to call and collect them from the security police on the following morning.

5. A number of distinguished personalities were present in court who had come to give evidence on behalf of the associations, but in the event only one of them was allowed to do so. These included the former Prime Minister of Greece, Mr. Panayotis Canellopoulos, four former Ministers of Justice, MM. George Mavros. Demetrios Papaspyrou, who was the last Speaker of the Greek Parliament, Constantine Kallias and Constantine Papaconstantinou; a former Vice-President of the Supreme Court, Mr. A. Floros; the Professor Emeritus of Political Economy at Athens University, Mr. Xenophon Zolotas; the Professor Emeritus of Theology, Athens University, Mr. Gerasimos Consideris; and a well-known publisher, Mr. Christos Lambrakis.

6. The conduct of the proceedings was somewhat informal. The witness sat immediately in front of the presiding judge, and tended therefore to speak softly. Accordingly he was surrounded by a tight group of 20 or 30 journalists and spectators who wished to hear all the evidence. Desultory and ineffectual efforts were made by police officers to persuade these people to sit down on the benches. Press and television photographers were present and no-one made any attempt to control them. At one moment while a witness was giving evidence a foreign television cameraman took close-up pictures of the witness and of the judges from a distance of three or four feet. I was given to understand that this latitude by the court was unusual.

7. The two associations had been formed and registered in accordance with the law in 1971. Their activities consisted in holding public meetings at which distinguished public figures, some from outside Greece, were invited to lecture on some subject of current interest. The lectures were followed by discussions in which the public could participate. A list of the speakers and lecture titles at the meetings held by the Society for the Study of Greek Problems is at Appendix A. Lord Gardiner, former Lord Chancellor of England, was due to address the Society on 29 May 1972 on "The International Protection of Human Rights". It is believed that this precipitated the action taken against the two associations.

8. The proceedings were based on Article 21 of Law No. 795 of 1971 on Associations, which provides as follows:

"Article 21.

Associations (a) whose object or activity is contrary to the territorial integrity of the State, or to the constitutional regime or to the established social order, or to the security of the State, or to the political and individual rights of the citizens and (b) which follow objects other than those defined in their statutes, or whose objects or functioning have become illegal or immoral or contrary to public order, shall be dissolved by an order of the Court of First Instance."

9. The formal demand of the Prefect for the dissolution of the Society for the Study of Greek Problems asserted, inter alia, that it had from the beginning deviated from its object in devoting itself to politics, that it had tried to form a political movement which is at present forbidden, that it criticised and attacked the National Government, that it wanted to perpetuate political passions and the party spirit and to create a climate of tension. It also asserted that the Society had carried on an illegal activity prejudicial to public order, the security of the State and the political and individual rights of citizens, that it had fomented demonstrations tending to undermine the confidence of the people in the State, public education, the economy and the established order in general. (The list of tendentious acts of this kind included the lectures of Monsieur Jean Rey and Herr Gunther Grass.) The assertions in the demand for the dissolution of the Greek-Europe Youth Movement were similar, but emphasis was laid on the alleged left-wing and anarchistic tendencies of the Movement.

10. The first hour the proceedings was taken up by an application by the defence for an adjournment. The first ground of the application was that the President of the Society for the Study of Greek Problems, Mr. Pesmazoglu, a distinguished Professor of Economics, and two members of the Board of the Society, Mr. Koumantos, a former Assistant Professor of Civil Law, and Mr. Peponis, former Director-General of the Greek Television and Radio Corporation had recently been arrested and banished to remote mountain villages without being charged with any offence, and that the case should be adjourned till they were released so as to be able to give evidence to support their society. The second ground of the application was that the formal copy of the proceedings

served upon the Society for the Study of Greek Problems did not correspond with the original.

11. Counsel for the Prefect resisted the application on the grounds that the associations were carrying on illegal activities which were endangering public order. Counsel for the Society made a vehement protest against this submission.

12. The Court refused to grant an adjournment and in ordering that the proceedings should continue stated that the oral evidence would be limited to one witness on behalf of each party.

13. In his opening speech, counsel for the Prefect stated that the dissolution of the two organisations was being requested on the grounds that they had overstepped the bounds of their original objects and were attempting, through meetings and other activities, to make propaganda against the constitutional order and the national economy with a view to undermining public confidence and causing unrest.

14. Evidence was heard first in the case against the Greek-Europe Youth Movement. The witness for the Prefect was the head of the section of the security police in Athens concerned with youth questions, Mr. Constantine Karapanayotis. He stated that the association was formed in January, 1971, with the aim of promoting the intellectual development of its members. He claimed that in the 25 meetings held by the association, the lecturers had all been "communist sympathisers", had put forward anarchist ideas and Marxist theory and had tried to turn public opinion against the established order. The Youth Movement had also published a review containing communist articles, including one by Che Guevara.

They had also published material from an edition of Plato's "Sophists" with an introduction by Glinos, who was formerly a member of the Greek Communist Party. The witness stated that the meetings were held with the intention of creating unrest among students. Asked by the President whether they had created student demonstrations, the witness said that some members of the association were arrested at three demonstrations which had taken place recently. (This was a reference to some demonstrations in which students had demanded the right to elect their own student council in place of the present nominated council.) The witness went on to say that the Greek-Europe Youth Movement had been supported by the Society for the Study of Greek Problems "which is also about to be dissolved". Pesmazoglu, Koumantos and Peponis had given talks to the Youth Movement. (These three persons are described in para. 10 above. None of them could remotely be described as "communist sympathisers".) the witness said he had attended some meetings himself. The rest of his evidence was hearsay based on police information.

15. Under cross-examination the witness was pressed to particularise the general allegations he had made but refused or was unable to do so. Examples of some of the questions and answers are as follows (as noted at the hearing):

Q. What was objectionable in the lecture which was given on "Contemporary and traditional cinema"?

A. It had political overtones.

Q. In what way?

A. I can't remember.

Q. What about the lecture on "Modern Music" given by Mr. Sizilianos?

A. It was stated that any form of dictatorship should be crushed (general laughter).

Q. What did you disagree with in the lectures?

A. The subject was always connected with social questions or the established order.

Q. What do you object to in Glinos' edition of Plato, the contents or the translator? (Counsel pointed out that the work was published under the Metaxas dictatorship.)

(No answer.)

When asked to name members of the Greek-Europe Youth Movement who took part in the student demonstrations, the witness named six persons, but it turned out that only one of them belonged to the Movement.

The witness was unable to give an example of anything subversive said by Mr. Pesmazoglu, Mr. Koumantos or Mr. Peponis in their speeches to the students.

Q: Is Mr. Pesmazoglu left, right or centre?

A: You know better than I do.

Q: Was anything said by Mr. Pesmazoglu communistic?

A: No.

Q: What was the communist element in his talk on the stages of European unification?

A: Nobody said Pesmazoglu was a communist.

Q: Are you saying he was trying to overthrow the established constitution of the country?

(No audible answer.)

16. The witness called on behalf of the Greek-Europe Youth Movement was a former Athens University Professor, Mr. Zervos. He denied that the movement was "communistic". They had invited notable foreign personalities to lecture to them, such as the Polish mathematician Puratowski, who spoke on a purely scientific subject. The witness had himself given a purely nationalist lecture on Missolonghi on Greece's National Day, October 28, in the presence of senior officers. He had not been asked any questions or heard any comments of the kind that would be expected if the police officer's evidence was correct. The students were lively and exuberant as young people are, but they were not the revolutionary types.

The witness commented that "your Minister told students to express their views". (This was a reference to a speech made by Mr. Byron Stamatopoulos, Under-secretary to the Premier, in Patras a few days earlier. According to press reports he said: "The Government considers you mature enough to have rights. The revolution leans to the young men, to the new powers . . . You have every right to freely express your opinions not only regarding problems faced at the University, but we also want you to think about and express yourselves on matters of Greek foreign policy.") There was no challenge to this witness' evidence in cross-examination.

17. In the closing speeches, counsel for the Prefect said that they were asking for the dissolution of the Association for having overstepped the bounds of its original function. It had become a political organisation acting against the established regime, and in practising anti-government politics, it was trying to stir up the people to revolt. Counsel for the defence, Mr. Golfinopoulos argued that in the police officer's evidence, he had not given a single example to establish the truth of the allegations he was making.

18. Mr. Theodore Mantzavas, the police witness against the Society for the Study of Greek Problems, was then called. He said that the association was founded in February, 1971, with the aim of studying contemporary Greek problems. He had attended the first meeting which took place in "Parnasso". Among those who spoke were the President, Professor Pesmazoglu and Mr. Xidis (a former Greek Ambassador). They were casting aspersions upon the present regime, saying that no economic progress had been made during the years 1967–70. That they were being subversive was shown by the lengthy applause at the end of each paragraph. At the Jean Rey meeting, about 600 people were present, including the President of the Society. Their satisfaction at what he said was obvious. Though he came [to Greece] as a guest, he criticised the regime.

19. The following are examples of the witness' answers to questions by the President of the Court and by counsel for the Prefect:

President. What recent events led to the arrest and banishment of the President of the Association?

A. The discussion about the Greek language, in which they were ironical about the existing legislation. (This is a reference to the government policy seeking to replace the present-day vernacular Greek by a form of Greek more akin to classical Greek.)

President: What was the effect of this?

A: They created such a crazy atmosphere in the audience that I had the impression that when they left they could do anything, even overthrow the regime.

President: Tell us what you know about Pesmazoglu.

A: Ever since the foundation of the Association the activities of Pesmazoglu have been clearly political.

President: Give concrete examples.

A: I have in mind indirect political activities. He published petitions for the release of political prisoners.

President: Do any documents exist?

A: In a lecture he said that a democratic procedure was necessary to fulfill the aims of the Association.

Counsel for the Prefect: What were they trying to achieve?

A: Their position was clearly against the government.

Q: In his lecture, a Mr. Louros . . . (referring to a well-known Professor).

Defence (Mangakis) (interrupting to object): The University Professor! "A Mr. Louros . . ." What's all this? (disturbance in the courtroom)

President (ringing the bell): Silence please . . .

Defence (Mangakis): But, Mr. President, it is not possible, "a Mr. Louros . . ."

President: Witness, continue.

A: Mr. Louros had said that we needed a government elected by the people.

Counsel for the Prefect: Were any declarations against the government made in those meetings?

President: He has already said so.

Q: Were they trying to arouse feelings?

A: Yes.

Q: Do you know that Pesmazoglu was not given a passport? Why?

A: Because of his political activities.

The following are extracts from the cross-examination of this witness by Defence Counsel:

Q: Do you know who the first president of the Association was?

A: I don't know.

Q: It was Papastefanou, President of the Nationalist Lawyers' Association. Tell me, what do you know about the first meeting in "Parnassos", the subject of which was "Greece-Europe"?

A: They said nothing was getting done in our country. That was the general theme. What should we do?

The witness agreed that the Society had printed and published all the lectures given to the Society, together with a summary of the discussions.

Q: Were those outside the aims and objects of the Association?

A: Yes, I didn't see any problem being studied.

Q: In all the Association's publications, can you find a single phrase that could be described as being "against the regime"?

A: I have no guarantee that all that was written is exactly what was said.

Q: You mean it was falsified?

A: Yes.

Q (handling over two publications): Is there in here a single falsified sentence? You must have read them.

A: I cannot vouch for their accuracy.

President: Take this report of the Gunther Grass lecture. How is it different from what was said?

(No audible answer.)

Defence Counsel: If there was something "bad", the newspapers would write about it for publicity reasons, and I apologise to the members of the Press who are here. Can you point out one word against the established regime?

A: It depends upon the effect they had on the public. The climate, the atmosphere of subversion was created.

Q: When you say they were "against the present situation", what do you mean?

A: The present situation—the constitutional situation—as you like.

Q: Were they against the government or the Constitution?

A: They were against the established order.

Q: What is that?

A: Against the regime.

Q: What made you think they would try to overthrow the regime?

A: On the faces of the gathering it was obvious they were going to undermine the regime.

Q: Was there any incident at any of the meetings?

A: There was no incident—but they were capable of it.

Q: Is a person who invites someone to speak responsible for what he says?

A: Yes, of course.

Q: Then the Press Secretary to the Prime Minister is responsible for what Gunther Grass said when he was invited to debate with him on television?

(No answer.)

Q (quoting from one of the published lectures): "The condition of progress is the functioning of democratic procedures". Is that subversive?

(No answer.)

20. Mr. Panayotis Canellopoulos, former Prime Minister of Greece, was called as the witness on behalf of the Society. He said he had followed all the activities of the Society closely. He was not present at the meetings, as he had not attended any public meetings since the coup d'état. He had, however, read newspaper reports of the meetings and also the Society's publications, which included the full text of the lectures. There was not one word in them which would justify the State in its application for the dissolution of the Society. All the lectures were on a high intellectual level. Jean Rey holds a prominent position in Europe. He was at one time President of the Commission of the European Community. At that time he (the witness) was president of the delegation responsible for the entry of Greece into the European Common Market. Jean Rey, who had also been a Minister in Belgium, is now being represented as being involved in an attempt to provoke agitation! This is what is so absurd. The people planted by a government in a crowd to applaud are not considered to be provocative, as opposed to the spontaneous applause during a meeting. His evidence concluded as follows:

President: You said you didn't take part in any meeting?

Witness: No, but I read the texts of the lectures.

President: Defence?

Defence (Mangakis) to witness: Do you have anything to add?

Witness: Yes. I was interrupted by the President. I would like to add that the activities of the Society have been represented as intended to overthrow the government. At least in the evidence about the conduct of the Society no such thing is mentioned. It is an absolute lie that the Society has been engaged in anti-national activity. If the activities of the Society are anti-national, then, all that I have been saying has been even more anti-national and I cannot think of anybody who would not be considered anti-national under those circumstances. They say "Speak and criticise". But this seems to be a trap, because if anyone does speak he is arrested and put in jail. If the Court decides that the Society has gone too far, then I have gone even further. In this case it is not the Society which is on trial. It is Greek justice.

21. At the conclusion of the case the Public Prosecutor, Mr. Klisiaris, asked the Court to order the dissolution of the two societies which he said were undermining the established order. He conceded that some of the answers of the police witnesses under cross-examination had been unsatisfactory, but nevertheless asked the Court to accept their evidence about the dangerous nature of the societies. It was not what had been said at the meetings but the atmosphere which encouraged people to act in a way which was dangerous to public order. By their activities "they sow the seeds of doubt".

22. At the conclusion of the hearing the President said that written evidence could be submitted within the next three days.

23. On Tuesday, 23 May, an order was made dissolving both associations.

COMMENTS

24. Subject to the three matters mentioned below, it may be said that the case appeared to be fairly conducted. The defence were given the opportunity to cross-examine the police evidence and to present their own case. The President of the Court was reasonably patient and did not intervene at any great length, leaving the conduct of the proceedings to Counsel for the parties. It was obvious from the press attendance, apart from my own presence, that there was considerable international interest in the proceedings and the President was at pains to conduct the trial fairly.

25. The three matters on which I think it right to comment are as follows:

(1) Although it was within the power of the Court to limit the oral witnesses to one for each party (since these were civil and not criminal proceedings), it seems more than surprising that the order should have been made in a case of such importance and complexity. Its effect was to make it virtually impossible for either side to present their case properly. In particular, it was impossible for the Defence to call the witnesses they would have needed to call to be in a position to refute all the very general accusations made against the associations.

(2) It was most unsatisfactory in a trial of this kind for so much of the police evidence to have been hearsay evidence, which, therefore, could not be properly tested in cross-examination. Again, I understand it was within the power of the Court to permit this as the proceedings were civil. But, as one of the Defence Counsel (Mr. Mangakis) pointed out at the hearing, if the evidence given by the police was correct it would mean that the members of the associations had committed criminal offences. If they had been tried on criminal charges, much stricter rules of evidence would have applied and defence rights would have been better safeguarded. The Court and the Public Prosecutor seemed unperturbed by the inability of the police witnesses to particularise the general allegations they were making, much of which was based on hearsay information.

(3) The pressure to complete the oral proceedings on the same evening that they began made it impossible to enquire properly into the many serious issues raised in the case. I was surprised at the brevity of the cross-examination. When I commented to the defence lawyers that if I had to cross-examine these police witnesses before an English court I would expect my cross-examination to last several hours, their answer was that they would have been stopped if they had attemped to do this. This was supported by the fact that one of the defence counsels was stopped by the Court when he had been cross-examining a police witness for about ten to fifteen minutes.

26. The three factors just mentioned combined to produce an atmosphere of unreality about the proceedings. No one present seemed to contemplate for a moment that the Court could do otherwise than make the order asked for by the Prefect with the support of the Public Prosecutor. The proceedings gave the impression of a ritual which had to be gone through before the order for dissolution of the associations was made. Certainly, by the standards of proof to which one has become accustomed in countries living under the Rule of Law, it is difficult to see how the police evidence could have been thought sufficient to establish the propositions which required to be proved in order to make out the case for dissolution under Article 21.

27. In this connection it seems that the phrase "contrary . . . to the constitutional regime or to the established social order" in Article 21 is construed by the Court as well as by the police as meaning "contrary to the Government." It will have been observed that one of the grounds on which the order was sought against the Society for the Study of Greek Problems was that "it criticised and attacked the National Government." Neither the police witnesses, nor the Court seemed able or willing to draw a distinction between activities which were subversive of public order and activities which were critical of the regime. The attitudes which were revealed at this trial demonstrated even more clearly than the result of the trial how far Greece has departed from the principles of the Rule of Law, and how paper thin is the facade of greater freedom of expression.

Geneva, June, 1972.

APPENDIX A

Public meetings of the Society for the Study of Greek Problems

1. April 29, 1971, at Parnassos Conference Hall; Subject: "Greece-Europe"; Speakers: N. Athanassiadis (Professor of Technology), Nikos Kyriazidis (Secretary General of Department of Coordination), Alecos Xydis (Ex-Ambassador), I. Pesmazoglu, and Anghelos Terzakis (Author).

2. May 31, 1971, at Hilton Hotel; Subject: "Ideological Basis of European Unity"; Speaker: Jean Rey (former President of European Commission).

3. November 1, 1971, at Hotel Alpha; Subject: "Our Glossary Problem"; Speakers: Alex. Argyriou (Author and Engineer), I. Th. Kakridis (former Professor of the University of Salonika), K. Kouloufakos (Editor), A. I. Peponis, and T. Sinopoulos (Author and Doctor).

4. November 22, 1971, at Hotel Alpha; Subject: "George Seferis, Nobel Laureate"; Speaker: Manolis Anagnostakis (Poet and Doctor), Yannis Dalla (Poet), Rodis Roufos (Author), T. Sinopoulos and Th. Frangeopoulos (Author).

5. January 17, 1972, at Hotel Alpha: Subject: "Problems of Education: Humanitarian Culture and Professional Knowledge"; Speakers: K. Alavanos (Lawyer), Eli Yiotopoulu-Sissilianou; Irene Dilari (Chemist), G. Koumandos, I. Pesmazoglu, and Demetrios Fatouros (Professor of the University of Technology, Salonika).

6. February 28, 1972, at Holtel Alpha; Subject: "Technology, Intellectualism and the State"; Speakers: N. Louros (Professor); N. Kyriazidis; D. Th. Tsatsos (Professor of the University of Bonn); Betty Vakalopoulu (Architect).

7. March 20, 1972, at Hotel Alpha: Subject: "words versus Habit"; Speaker: Gunther Grass (German Author).

8. May 8, 1972, at Hotel Alpha; Subject: "Human Rights: Freedom of Speech and Communication"; Speakers: J. Kambanellis (Playwright); G. Koumandos; K. Kyriazis (Editor and Author); A. I. Peponis; V. Raphaelidis (Producer); Stratis Tsirkas (Author).

CONFERENCE REPORT: H.R. 14989

Mr. ROONEY of New York submitted the following conference report and statement on the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1567)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14989) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 15, 23, 25, 26, 31, 35, 40, 41, 45, 47, 48, 49, 50, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 13, 16, 34, 36, 38, 46, 56, 57, and 58, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$260,800,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,190,750"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,276,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,200,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$34,800,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,178,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,672,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$205,026,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$144,721,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$36,320,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$67,500,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$69,100,000; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,855,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,812,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,500,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$76,008,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,500,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided*, That not to exceed $1,000,000 of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,626,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,700,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$32,000,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"SUBVERSIVE ACTIVITIES CONTROL BOARD

"SALARIES AND EXPENSES

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $350,000."; and the Senate agree to the name.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 9, 10, 17, 20, 22, 33, and 37.

JOHN J. ROONEY
(except as to amendment 52),
ROBERT L. F. SIKES,
JOHN M. SLACK,
NEAL SMITH,
JOHN J. FLYNT, Jr.,
GEORGE MAHON,
FRANK T. BOW,
E. A. CEDERBERG,
MARK ANDREWS,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ERNEST F. HOLLINGS,
J. W. FULBRIGHT,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
HIRAM L. FONG,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF STATE

Administration of foreign affairs

Salaries and Expenses

Amendment No. 1: Appropriates $260,800,000 instead of $260,500,000 as proposed by the House and $261,200,000 as proposed by the Senate.

International organizations and conferences

Contributions to International Organizations

Amendment No. 2: Appropriates $176,190,750 instead of $152,120,250 as proposed by the House and $184,808,169 as proposed by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

International commissions

International Fisheries Commissions

Amendment No. 4: Appropriates $3,276,000 instead of $3,234,500 as proposed by the House and $3,327,000 as proposed by the Senate. The additional funds will provide $29,500 for the Inter-American Tropical Tuna Commission and $12,000 for membership in the International Council for the Exploration of the sea.

Educational exchange

Mutual Educational and Cultural Exchange Activities

Amendment No. 5: Appropriates $45,000,000 instead of $40,816,000 as proposed by the House and $52,860,000 as proposed by the Senate.

Amendment No. 6: Provides that not less than $4,000,000 shall be used for payments in excess foreign currencies as proposed by the Senate instead of $4,500,000 as proposed by the House.

Center for Cultural and Technical Interchange Between East and West

Amendment No. 7: Appropriates $6,200,000 instead of $6,000,000 as proposed by the House and $6,320,000 as proposed by the Senate.

General provisions—Department of State

Amendment No. 8: Deletes Senate provision making availability of funds dependent upon enactment of authorizing legislation.

TITLE II—DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Salaries and Expenses

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment. The amendment is as follows:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Law Enforcement Assistance Administration

Salaries and Expenses

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing that $15,000,000 of the funds available for planning grants to States under section 205 may be allocated without regard to the population formula set forth in that section.

TITLE III—DEPARTMENT OF COMMERCE

Social and economic statistics administration

Salaries and Expenses

Amendment No. 11: Appropriates $34,800,000 instead of $34,300,000 as proposed by the House and $35,872,000 as proposed by the Senate. The conferees are agreed that of the additional amount allowed $100,000 is for providing each State with local area economic estimates prepared on a county-by-county basis.

1972 Economic Censuses

Amendment No. 12: Appropriates $11,178,500 instead of $10,500,000 as proposed by the House and $11,857,000 as proposed by the Senate.

Economic Development Administration

Development Facilities

Amendment No. 13: Appropriates $190,000,000 as proposed by the Senate instead of $160,000,000, as proposed by the House.

Regional Action Planning Commissions

Regional Development Programs

Amendment No. 14: Appropriates $41,672,000 instead of $39,072,000 as proposed by the House and $62,672,000 as proposed by the Senate.

While the conferees have not allowed the additional $21,000,000 proposed by the Senate, it is felt that the subject matter should be studied by the proper legislative committees to insure that the necessary airport safety projects are determined.

International activities

Export Control

Amendment No. 15: Deletes Senate provision making availability of funds dependent upon the enactment of authorizing legislation.

Foreign direct investment regulation

Salaries and Expenses

Amendment No. 16: Appropriates $2,600,000 as proposed by the Senate instead of $2,300,000 as proposed by the House.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that $300,000 be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.

United States Travel Service

Salaries and Expenses

Amendment No. 18: Appropriates $9,000,000 instead of $8,500,000 as proposed by the House and $10,000,000 as proposed by the Senate.

National Oceanic and Atmospheric Administration

Salaries and Expenses

Amendment No. 19: Appropriates $205,026,000 instead of $197,000,000 as proposed by the House and $221,265,000 as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that $6,000,000 be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.

Research, Development and Facilities

Amendment No. 21: Appropriates $144,721,000 instead of $127,000,000 as proposed by the House and $197,612,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that $13,000,000 be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.

Amendment No. 23: Deletes Senate provision making availability of funds for the fish protein concentrate program dependent upon the enactment of authorizing legislation.

Satellite Operations

Amendment No. 24: Appropriates $36,320,000 instead of $30,000,000 as proposed by the House and $43,036,000 as proposed by the Senate.

Administration of Pribilof Islands

Amendment No. 25: Appropriates $3,232,000 as proposed by the House instead of $3,432,000 as proposed by the Senate.

Fishermen's Protective Fund

Amendment No. 26: Deletes Senate provision making availability of funds dependent upon the enactment of authorizing legislation.

Patent Office

Salaries and Expenses

Amendment No. 27: Appropriates $67,500,000 instead of $67,000,000 as proposed by the House and $68,000,000 as proposed by the Senate.

National Bureau of Standards

Research and Technical Services

Amendment No. 28: Appropriates $69,100,000 instead of $62,100,000 as proposed by the House and $76,100,000 as proposed by the Senate.

Amendment No. 29: Provides that not to exceed $2,855,000 may be transferred to the "Working capital fund", National Bureau of Standards, instead of $1,960,000 as proposed by the House and $3,750,000 as proposed by the Senate.

Amendment No. 30: Provides that not to exceed $10,812,000 appropriated for experimental technology development and application shall remain available until expended instead of $7,200,000 as proposed by the House and $14,424,000 as proposed by the Senate.

The conferees agree that not less than $450,000 of this amount shall be used to initiate an expanded fiber, textile and apparel flammability research program on a non-matching basis.

Amendment No. 31: Deletes Senate provision making availability of funds for certain programs dependent upon the enactment of authorizing legislation.

Office of Telecommunications

Research, Engineering, Analysis, and Technical Services

Amendment No. 32: Appropriates $6,500,000 instead of $5,800,000 as proposed by the

House and $7,705,000 as proposed by the Senate.

The conferees are agreed that the additional $700,000 is for general telecommunications research at the Institute of Telecommunications Services at Boulder, Colorado.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that $700,000 be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.

Maritime Administration

Ship Construction

Amendment No. 34: Inserts language as proposed by the Senate with reference to the purchase of vessels for lay-up in the National Defense Reserve Fleet instead of language as proposed by the House.

General Provisions—Department of Commerce

Amendment No. 35: Deletes Senate provision making the availability of funds for the Maritime Administration dependent upon the enactment of authorizing legislation.

TITLE IV—THE JUDICIARY

Supreme Court of the United States

Salaries

Amendment No. 36: Appropriate $3,784,000 as proposed by the Senate instead of $3,770,000 as proposed by the House.

Care of the Building and Grounds

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing that not to exceed $95,000 of the unobligated balance is continued available until June 30, 1973.

Customs Court

Salaries and Expenses

Amendment No. 38: Appropriates $2,341,000 as proposed by the Senate instead of $2,241,000 as proposed by the House.

Courts of Appeals, District Courts, and other judicial services

Salaries of Supporting Personnel

Amendment No. 39: Appropriates $76,008,000 instead of $75,663,000 as proposed by the House and $78,518,000 as proposed by the Senate. The amount allowed will provide for an increase of 272 positions over those provided for fiscal year 1972 in the Probation Service and will provide 30 additional secretarial positions for circuit judges.

Amendments Nos. 40 and 41: Insert aggregate salary limitations as proposed by the House.

Representation by Court—Appointed Council and Operation of Defender Organizations

Amendment No. 42: Appropriates $14,500,000 instead of $13,500,000 as proposed by the House and $15,083,000 as proposed by the Senate.

Amendment No. 43: Restores language proposed by the House amended to provide that not to exceed $1,000,000 of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia.

Travel and Miscellaneous Expenses

Amendment No. 44: Appropriates $10,626,000 instead of $10,506,000 as proposed by the House and $10,959,000 as proposed by the Senate.

Salaries of Referees

Amendment No. 45: Appropriates $6,991,000 as proposed by the House instead of $6,656,000 as proposed by the Senate.

Commission on Bankruptcy Laws of the United States

Salaries and Expenses

Amendment No. 46: Appropriates $426,000 as proposed by the Senate instead of $350,000 as proposed by the House.

TITLE V—RELATED AGENCIES

Arms Control and Disarmament Agency

Arms Control and Disarmament Activities

Amendment No. 47: Appropriates $10,000,000 as proposed by the House instead of $10,253,000 as proposed by the Senate.

Amendment No. 48: Deletes Senate provision making availability of funds dependent upon enactment of authorizing legislation.

Commission on Civil Rights

Salaries and Expenses

Amendment No. 49: Deletes Senate provision making availability of $820,000 dependent upon enactment of authorizing legislation.

Commission on International Radio Broadcasting

International Radio Broadcasting Activities

Amendment No. 50: Deletes Senate provision making availability of funds dependent upon enactment of authorizing legislation.

Equal Employment Opportunity Commission

Salaries and Expenses

Amendment No. 51: Provides not to exceed $1,700,000 for payments to State and local agencies instead of $1,500,000 as proposed by the House and $3,100,000 as proposed by the Senate.

Amendment No. 52: Appropriates $32,000,000 instead of $25,110,000 as proposed by the House and $42,896,000 as proposed by the Senate.

Special representation for trade negotiations

Salaries and Expenses

Amendment No. 53: Appropriates $1,000,000 instead of $925,000 as proposed by the House and $1,100,000 as proposed by the Senate.

Subversive Activities Control Board

Salaries and Expenses

Amendment No. 54: Appropriates $350,000, instead of $450,000 as proposed by the House.

Tariff Commission

Salaries and Expenses

Amendment No. 55: Appropriates $6,000,000 instead of $5,800,000 as proposed by the House and $6,160,000 as proposed by the Senate.

United States Information Agency

Special International Exhibitions

Amendment No. 56: Appropriates $4,946,000 as proposed by the Senate instead of $3,394,000 as proposed by the House.

TITLE VII—GENERAL PROVISIONS

Amendment No. 57: Deletes House provision relating to purchase or lease of certain motor vehicles.

The conferees are agreed that all Departments and agencies covered by this Act are to follow the restrictions placed upon the Department of Defense relative to the payment of shipping charges on foreign-made automobiles purchased in foreign countries by U.S. personnel.

Amendment No. 58: Inserts Senate provision prohibiting use of funds to carry out provisions of Executive Order 11605 of July 2, 1971.

Amendment No. 59: Deletes Senate provision making availability of funds dependent upon enactment of authorizing legislation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference with comparisons to the fiscal year 1972 amount, the 1973 budget estimate, and the House and Senate bills for 1973 follows:

New budget (obligational) authority, fiscal year 1972	$4,289,990,110
Budget estimates of new (obligational) authority, fiscal year 1973	[1] 4,704,326,600
House bill, fiscal year 1973	4,587,104,350
Senate bill, fiscal year 1973	4,820,717,769
Conference agreement	4,681,017,850
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1972	+391,027,740
Budget estimates of new (obligational) authority, fiscal year 1973	—23,308,750
House bill, fiscal year 1973	+$93,913,500
Senate bill, fiscal year 1973	—139,699,919

[1] Includes $16,338,000 in budget amendments not considered by the House.

JOHN J. ROONEY
(except as to amendment 52),
ROBERT L. F. SIKES,
JOHN M. SLACK,
NEAL SMITH,
JOHN J. FLYNT, Jr.,
GEORGE MAHON,
FRANK T. BOW,
E. A. CEDERBERG,
MARK ANDREWS,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON.
JOHN O. PASTORE,
ERNEST F. HOLLINGS,
J. W. FULBRIGHT,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
HIRAM L. FONG,
MILTON R. YOUNG,
Managers on the Part of the Senate.

CONFERENCE REPORT: H.R. 16593

Mr. MAHON submitted the following conference report on the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1566)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16593) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 15, 18, 56, 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 84, and 87.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 20, 21, 23, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 53, 54, 59, 60, 75, 78, and 88, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,528,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personal; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental distress; maritime care; care of the dead; charter and hire of vessels; relief of vessels in salvage services; military communications facilities on merchant vessels; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed $3,182,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval or authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; $5,145,754,000, and in addition $50,000,000 which shall be derived by transfer from the Navy Stock Fund, of which not less than $127,000,000 shall be available only for maintenance of real property facilities.

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries, and dental clinics; and departmental salaries; $373,729,000, of which not less than $37,500,000 shall be available only for the maintenance of real property facilities."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed $2,249,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,200,372,000, and in addition, $50,000,000 which shall be derived by transfer from the Defense Stock Fund, of which not less than $216,700,000 shall be available only for the maintenance of real property facilities."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things; industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communication services; as follows: for the Secretary of Defense activities, $43,369,000; for the organization of the Joint Chiefs of Staff, $8,118,000; for the Office of Information of the Armed Forces, $9,703,000; for the Armed Forces Institute, $6,486,000; for intelligence and communication activities, $450,187,000; for the Defense Nuclear Agency, $10,970,000; for the Defense Supply Agency, $683,758,000; for the Defense Contract Audit Agency, $57,853,000; in all: $1,270,444,000. Of the total amount of this appropriation not to exceed $4,316,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $14,430,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$443,194,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$456,726,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$668,200,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,239,300,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,829,032,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,545,213,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,122,940,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$174,450,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Sec. 744. None of the funds appropriated by this or any other Act shall be available for entering into any contract or agreement with any foreign corporation, organization, person, or other entity for the performance of research and development in connection with any weapon system or other military equipment for the Department of Defense when there is a United States corporation, organization, person, or other entity equally competent to carry out such research and development and willing to do so at a lower cost."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Sec. 745. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects."

And the Senate agree to the same.

The committee of conference report in

disagreement amendments numbered 3, 7, 19, 24, 30, 34, 55, 89, and 90.

George H. Mahon,
Robert L. F. Sikes,
Jamie L. Whitten,
Daniel J. Flood,
Joseph P. Addabbo,
(Except as to amendments 40 and 87),
John J. McFall,
John J. Flynt, Jr.,
William E. Minshall,
John J. Rhodes,
Glenn R. Davis,
Louis C. Wyman,
Frank T. Bow,
Managers on the Part of the House.

John L. McClellan,
John C. Stennis,
John O. Pastore,
Warren G. Magnuson,
Mike Mansfield,
Stuart Symington,
Milton R. Young,
Margaret Chase Smith,
Gordon Allott,
Roman L. Hruska,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16593), making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1—Appropriates $7,528,000,000 instead of $7,488,461,000 as proposed by the House, and $7,533,063,000 as proposed by the Senate.

The Conferees are in agreement that the total reduction of $180,063,000, instead of the House reduction of $219,602,000 and the Senate reduction of $175,000,000, should be allocated to specific items as contained in the House Report as follows: Military strength shortfall, $157,913,000; Recruiting programs, $4,350,000; Reduction in numbers of medical doctors, $1,250,000; Movement of household goods by aircraft, $600,000; Use of commercial aircraft instead of Military Airlift Command, $200,000; Shipment of foreign automobiles, $2,100,000; Increased allowance for shipment of household goods, $1,500,000; Grade creep, $12,000,000; and new lieutenant generals, $150,000. The House receded from its specific reductions on all remaining items.

Military personnel, Navy

Amendment No. 2—Appropriates $5,306,749,000 as proposed by the Senate instead of $5,260,081,000 as proposed by the House.

The conferees are in agreement that the $75,000,000 reduction is to be allocated to specific items as contained in the House Report as follows: Military strength shortfalls, $15,700,000; Recruiting programs, $3,887,000; Support to other nations, $17,100,000; Headquarters operations, $10,465,000; Responsibility pay, $28,000; Southeast Asia amendment, $13,800,000; Permanent change of station travel, $3,900,000; Movement of household goods by aircraft, $400,000; Increased allowance for shipment of household goods, $600.000; Grade creep, $10,000,000 and an addition of $880,000 for the Inter American Training Center. The House receded from its specific reductions on all remaining items.

Amendment No. 3—Reported in technical disagreement. The Managers on the part of the House will offer a motion to agree to the Senate amendment, with an amendment providing that none of the $1,000,000 made available for the payment of transportation costs already incurred and chargeable to the fiscal year 1971 Military Personnel, Navy appropriation, which is in a deficit position, can be used until such time as a report of the deficiency as required by Revised Statutes 3679 (31 USC 665) has been submitted to the Congress.

Military personnel, Marine Corps

The conferees are in agreement that the reduction of $1,356,000 should be allocated to specific items as contained in the House Report as follows: Recruiting programs, $1,384,000; Parachute pay, $426,000; Training travel for officers, $143,000; Movement of household goods by aircraft, $150,000; Shipment of foreign automobiles, $300,000; Increased allowance for shipment of household goods, $200,000; Grade creep, $3,000,000; and the addition of $4,247,000 for subsistence, clothing and quarters allowances. The House receded from its specific reductions on all remaining items.

Military personnel, Air Force

Amendment No. 4—Appropriates $7,150,575,000 as proposed by the Senate instead of $7,122,703,000 as proposed by the House.

The conferees are in agreement that the reduction of $125,000,000 is to be allocated to specific items as contained in the House Report as follows: Military strength shortfall, $59,756,000; Non-commissioned officer's academy, $938,000; Support to other nations, $21,861,000; Headquarters operations, $4,789,000; Reduction in number of medical doctors, $1,150,000; Parachute Pay, $106,000; Southeast Asia/SALT amendments $11,870,000; Movement of household goods by air, $2,000,000; Shipment of foreign automobiles, $2,530,000; Increased allowance for shipment of household goods, $4,000,000; Grade creep, $10,000,000; and officer severance pay, $6,000,000. The House receded from its specific reductions on all remaining items.

Reserve Personnel, Army

Amendment No. 5—Appropriates $453,734,000 proposed by the Senate instead of $498,734,000 as proposed by the House.

Reserve Personnel, Navy

The conferees are in agreement that $900,000 of the total reduction of $1,680,000 is to be allocated to the program to convert certain units from pay group B to pay group A. The House direction with respect to this conversion is to remain in effect. The remainder of the reductions is to be allocated at the discretion of the Navy.

Reserve Personnel, Marine Corps

The conferees are in agreement that the reduction of $1,349,000 is to be allocated at the discretion of the Marine Corps.

Reserve Personnel, Air Force

The conferees are in agreement that $6,000,000 of the total reduction of $7,900,000 is to be allocated to certain non-flying units of the Air Force Reserve. The House direction with respect to these non-flying units is to remain in effect. The remainder of the reductions is to be allocated at the discretion of the Air Force.

National Guard Personnel, Army

Amendment No. 6—Appropriates $568,179,000 as proposed by the Senate instead of $578,179,000 as proposed by the House.

National Guard Personnel, Air Force

The conferees are in agreement that $400,000 of the total reduction of $1,440,000 is to be allocated to recruiting programs of the Air National Guard. The remainder of the reduction is to be allocated at the discretion of the Air National Guard.

TITLE III—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

Amendment No. 7—Reported in technical disagreement. It is the intent of the Managers on the part of the House to offer a motion to recede and concur in the Senate amendment, with an amendment.

For Operation and Maintenance, Army, Navy, Marine Corps, Air Force, and Defense Agencies, the House established a series of specific limitations within each appropriation. The Senate reverted to large lump sum appropriations for each of these appropriations. The conferees agreed that for fiscal year 1973 the Congress should provide large lump sum appropriations for each service, but not for the Defense Agencies. However, the conferees further agreed that a provision would be included in the bill under "Operation and Maintenance, Army" requiring that the budget estimates for fiscal year 1974 for Operation and Maintenance Army, Navy, Marine Corps, and Air Force be submitted on a basis providing for the appropriation of specific sums for the various budget programs and activities, generally in accord with the structure included in the House version of the bill.

For Operation and Maintenance, Army, the bill appropriates $6,636,570,000 instead of $6,587,250,000 as proposed by the House, and $6,866,619,000 as proposed by the Senate.

The Senate agreed to the establishment of a separate appropriation for "Operation and Maintenance, Army Reserve", as proposed by the House.

The Senate also agreed to the House reduction of $3,000,000 for Army Reserve technicians.

The House agreed to restore $32,000,000 for the civilianization of kitchen police duties, as provided by the Senate.

The conferees agreed to restore only $6,050,000 of the $12,100,000 restored by the Senate in relation to the shortfall in military personnel.

The Senate added to the bill $22,400,000 based on a revised estimate of the value of currency revaluation savings proposed by the Army. The conferees agreed to restore only $6,700,000 rather than the amount proposed by the Senate.

The House agreed to the Senate increase of $1,570,000 for the Safeguard Logistics Command.

The conferees agreed to allow only $3,000,000 of the Senate increase of $9,000,000 for the establishment of Army recruiting main stations.

The Senate report authorized the reprogramming and transfer of $40,000,000 from depot maintenance operations to second destination transportation. The House had not reviewed this requirement. The conferees agreed that the Army should submit a prior approval reprogramming sometime after the convening of the 93rd Congress if this requirement exists at that time.

Operation and Maintenance, Navy

Amendment No. 8—Appropriates $5,145,754,000 instead of $5,134,779,000 as proposed by the House, and $5,287,798,000 as proposed by the Senate.

The Senate agreed to the establishment of a separate appropriation for "Operation and Maintenance, Navy Reserve", as proposed by the House. The House agreed to restoring $6,650,000 for the civilianization of kitchen police duties as proposed by the Senate.

The Senate restored $1,000,000 of the House reduction of $7,000,000 for intelligence operations of the Navy. The conferees agreed to restore $500,000 in lieu of the amount proposed by the Senate.

The Senate restored a House reduction of

$1,600,000 for the installation and repair of equipment, including the installation of the Army CHAPARRAL missile fire control units aboard Navy ships. The Senate agreed to recede on this item.

The House made a reduction of $1,000,000 in the Navy's request for its Joint Uniform Military Pay System. The Senate restored these funds. The conferees agreed that only $500,000 need be restored.

The Senate added $6,650,000 to the Navy's request for second destination transportation. The House had not considered this matter. The conferees agreed that only $3,325,000 would be added for this item.

The conferees agreed to the broader appropriation language as proposed by the Senate.

Operation and maintenance, Marine Corps

Amendment No. 9—Appropriates $373,729,000 instead of $372,429,000 as proposed by the House, and $381,823,000 as proposed by the Senate.

The Senate agreed to the establishment of a separate appropriation for "Operation and Maintenance, Marine Corps Reserve", as proposed by the House.

The House agreed to restoring $1,300,000 for the civilianization of kitchen police duties as proposed by the Senate.

The conferees agreed to the broader appropriation language as proposed by the Senate.

Operation and maintenance, Air Force

Amendment No. 10—Appropriates $6,200,372,000 instead of $6,173,680,000 as proposed by the House, and $6,424,705,000 as proposed by the Senate.

The Senate agreed to the establishment of a separate appropriation for "Operation and Maintenance, Air Reserve", as proposed by the House.

The House made a reduction of $3,300,000 because of an anticipated shortfall in Air Reserve paid drill strength. The Senate restored $945,000 of this reduction. The Senate agreed to recede on this item.

The Senate restored $20,000,000 for the Air Force civilianization of kitchen police duties. The conferees agreed that only $15,000,000 need be restored.

The Senate restored $3,804,000 of a House reduction of $18,920,000 for operation of the Eastern test range. The House receded on this item.

The Senate restored $1,200,000 of a House reduction of $3,300,000 for 283 new civilian employees for contract administration operations in the Air Force. The Senate receded on this item.

The House receded to the Senate on the restoration of $1,300,000 for contract support for Glasgow Air Force Base.

The House made a reduction of $9,176,000 in the request for service support contracts in support of the South Vietnamese Air Force. The Senate restored these funds. The conferees agreed to restore only $4,588,000 in lieu of the Senate figure.

The House had reduced by $3,400,000 the Air Force request for additional funds for B–52 flight training of B–52 crews. The Senate restored all these funds. The conferees agreed that only $2,000,000 should be restored, rather than the Senate amount.

The Senate added above the budget request $21,950,000 for the pay of civilian personnel. The conferees agreed that the Senate should recede on this item and that if these funds are required they should be included in a supplemental request during the next session of the Congress.

The conferees agreed to the broader approtion language as proposed by the Senate.

Operation and maintenance, defense agencies

Amendment No. 11—Appropriates $1,270,444,000 instead of $1,267,644,000 as proposed by the House, and $1,273,244,000 as proposed by the Senate.

The conferees agreed to the establishment of specific limitations in the "Operation and Maintenance, Defense Agencies" appropriation as proposed by the House.

The Defense Intelligence Agency requested $9,000,000 for additional employees and to expand existing contract studies. The House reduced this request by $5,000,000 and the Senate restored $2,600,000. The conferees agreed to restore only $1,300,000 of the House reduction.

The National Security Agency requested an increase in the budget of $16,600,000 for a variety of items. The House reduced this request by $5,000,000. The Senate restored $3,000,000 of this reduction. The conferees agreed to restore only $1,500,000 of the House reduction.

The changes in the House amount required an increase in the allowance for intelligence and communications activities from $447,387,000 to $450,187,000.

Operation and maintenance, Army Reserve

Amendment No. 12—Appropriates $199,299,000 as proposed by the House. The conferees agreed to establish a separate appropriation for the Army Reserve.

Operation and maintenance, Navy Reserve

Amendment No. 13—Appropriates $136,119,000 as proposed by the House. The conferees agreed to establish a separate appropriation for the Navy Reserve.

Operation and maintenance, Marine Corps Reserve

Amendment No. 14—Appropriates $8,094,000 as proposed by the House. The conferees agreed to establish a separate appropriation for the Marine Corps Reserve.

Operation and maintenance, Air Force Reserve

Amendment No. 15—Appropriates $189,250,000 as proposed by the House. The conferees agreed to establish a separate appropriation for the Air Force Reserves.

Operation and Maintenance, Army National Guard

Amendment No. 16—Appropriates $443,194,000 instead of $433,120,000 as proposed by the House, and $453,267,000 as proposed by the Senate.

The House reduced the request for headquarters operation and administration by $2,850,000. The Senate restored $700,000 of the House reduction. The conferees agreed to restore $350,000.

The House reduced the Army Guard request for new technicians by $12,700,000. The Senate restored these funds. The conferees agreed to restore only $6,350,000.

The House reduced the request for operational supplies and equipment by $10,000,000. The Senate restored $6,747,000 of the House reduction. The conferees agreed that only $3,374,000 should be restored.

Operation and Maintenance, Air National Guard

Amendment No. 17—Appropriates $456,723,000 instead of $448,508,000 as proposed by the House, and $460,143,000 as proposed by the Senate.

The House had made a reduction of $4,800,000 based on an anticipated shortfall in drill strength. The Senate restored these funds and the House receded. The House also reduced the Air Guard request for new technicians by $6,835,000. The Senate restored these funds. The conferees agreed to restore only $3,418,000.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 18—Appropriates $159,000 as proposed by the House instead of the $100,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Aircraft procurement, Army

Amendment No. 19—Reported in technical disagreement. The managers will offer a motion to appropriate $33,500,000 instead of $43,500,000 as proposed by the House, and $38,800,000 as proposed by the Senate.

The Conferees agreed to delete $5,300,000 from this appropriation for AH–IG Cobra helicopter gunship modifications, and to provide $5,300,000 in the Research, Development, Test, and Evaluation, Army appropriation for this effort.

The Conferees agreed to a general reduction of $95,000,000, as proposed by the Senate, to be offset by the transfer of prior year unobligated balances.

Amendments No. 20 and 21—Amendment No. 20 provides an additional $95,000,000 for this appropriation, as proposed by the Senate, instead of $85,000,000 as proposed by the House. Amendment No. 21 stipulates that, of the additional amount provided, $10,000,000 shall be derived by transfer from the "Aircraft Procurement, Army, 1972–1974" appropriation, as proposed by the Senate. The House had provided an additional $85,000,000 to be derived by transfer from the "Procurement of Equipment and Missiles, Army, 1971–1973" appropriation.

Missile procurement, Army

Amendment No. 22—Appropriates $668,200,000 instead of $691,100,000, as proposed by the House, and $663,900,000, as proposed by the Senate.

The Conferees agreed to provide $45,000,000 for the BGM/BTM–71A TOW Antitank missile, as proposed by the House, instead of $40,700,000 as proposed by the Senate.

The Conferees agreed to a general reduction of $36,500,000, as proposed by the Senate, instead of $13,600,000 as proposed by the House, to be offset by transfer of prior year unobligated balances.

Amendment No. 23—Provides an additional $36,500,000 for this appropriation, as proposed by the Senate, instead of $13,600,000, as proposed by the House, the amount to be derived by transfer from the "Missile Procurement, Army, 1972/1974" appropriation.

Procurement of Weapons and Tracked Combat Vehicles, Army

Amendment No. 24—Reported in technical disagreement. The managers will offer a motion to appropriate $186,800,000 instead of $279,200,000, as proposed by the House, and $190,400,000, as proposed by the Senate.

The Conferees agreed to delete $3,600,000 from this appropriation for the XM–198 Towed 155mm howitzer, and to provide $3,600,000 in the Research, Development, Test, and Evaluation, Army appropriation for this weapon.

The House Conferees agreed to a reduction of $36,400,000 for certain high-priority items, and to a general reduction of $56,000,000 to be offset by the transfer of prior year unobligated balances, as proposed by the Senate.

With respect to the matter of providing battle tanks to the South Vietnamese Army, the Conferees direct that the Department of Defense immediately institute a program to refurbish available M48A1 tanks, and transfer these nonaccountable assets to South Vietnamese forces as soon as training and conversion of overhaul facilities can be completed. There are approximately 700 unserviceable M48A1 tanks in CONUS storage depots that can be used to establish a spare and repair parts float. During the intervening period, additional M48A3 tanks may be provided the South Vietnamese forces, if necessary.

Amendment No. 25—Provides an additional $56,000,000 for this appropriation. Of the additional amount provided, $35,000,000 shall be derived by transfer from the "Procurement of Equipment and Missiles, Army, 1971/1973" appropriation, and $21,000,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1972/1974" appropriation, as proposed by the Senate. The House version of the bill contained no such provision.

Procurement of Ammunition, Army

Amendment No. 26—Appropriates $1,262,800,000, as proposed by the Senate, instead of $1,318,800,000, as proposed by the House.

The Conferees agreed to a general reduction of $56,000,000, as proposed by the Senate, to be offset by the transfer of prior year unobligated balances. The Conferees further agreed that $5,100,000 of the funds provided may be utilized to buy 76mm ammunition.

Amendment No. 27—Provides an additional $56,000,000 for this appropriation. Of the additional amount provided, $31,000,000 shall be derived by transfer from the "Procurement of Ammunition, Army, 1972/1974" appropriation, and $25,000,000 shall be derived by transfer from the Army Industrial Fund. The House had no such provision.

Other procurement, Army

Amendment No. 28—Appropriates $592,700,000, as proposed by the Senate, instead of $597,500,000, as proposed by the House.

The Conferees agreed to a restoration of $7,700,000 deleted by the House for float-ribbon bridges; and to a general reduction of $37,500,000, to be offset by the transfer of prior year unobligated balances, as proposed by the Senate.

Amendment No. 29—Provides an additional $37,500,000 for this appropriation, as proposed by the Senate, instead of $25,000,000, as provided by the House, to be derived by transfer from the "Other Procurement, Army, 1972/1974" appropriation.

Procurement of aircraft and missiles, Navy

Amendment No. 30—Reported in technical disagreement. The managers will offer a motion to appropriate $3,541,340,000 instead of $3,682,140,000, as proposed by the House, and $3,578,040,000, as proposed by the Senate.

The Conferees agreed to provide $472,400,000 for 35 S–3A Viking ASW aircraft, $45,000,000 for initial spares, and $61,200,000 in advance procurement funding for fiscal year 1974, for a total of $578,600,000; instead of a total of $622,400,000 for 42 such aircraft, as proposed by the Senate, and a total of $485,400,000 for 23 aircraft, as proposed by the House.

With respect to the S–3A aircraft, the Conferees further agree that the funds provided are not to be obligated until this program has been thoroughly reevaluated from a cost-effectiveness and requirement standpoint in accordance with the observations and discussion of this matter in the House report, and the Secretary of Defense assures the Committees in writing that the continuation of this program is fully justified.

The Conferees agreed to provide $25,000,000 for the procurement of the AIM–7F Sparrow III air-to-air missile, as proposed by the Senate. The House had deleted the $77,000,000 budgeted for this missile buy.

The Conferees agreed to provide $110,700,000 for the procurement of 12 P–3C ASW patrol aircraft, as proposed by the Senate, instead of $214,700,000 for 24 such aircraft, as proposed by the House.

The Conferees agreed to provide $7,100,000 in advance procurement funding for a fiscal year 1974 buy of the AV–8A Harrier V/STOL aircraft, as proposed by the House. The Senate had deleted these funds from the bill.

The Conferees agreed to provide $299,200,000 for aircraft modifications, as proposed by the Senate, instead of $339,200,000 as proposed by the House.

The Conferees also agreed to a general reduction of $155,000,000, as proposed by the Senate, to be offset by the transfer of prior year unobligated balances.

Amendments No. 31 and 32—Amendment No. 31 provides an additional $155,000,000 for this appropriation, as proposed by the Senate, instead of $40,000,000, as proposed by the House. Amendment No. 32 stipulates that, of the additional funds provided, $74,000,000 shall be derived by transfer from the Navy Stock Fund, $20,000,000 shall be derived by transfer from the "Procurement of Aircraft and Missiles, Navy, 1972/1974" appropriation, and $61,000,000 shall be derived by transfer from the "Procurement of Aircraft and Missiles, Navy, 1971/1973" appropriation, as provided by the Senate. The House had provided for a transfer of $40,000,000 from the latter appropriation.

Shipbuilding and conversion, Navy

Amendment No. 33—Appropriates $2,970,600,000, as proposed by the Senate, instead of $3,017,600,000, as proposed by the House.

The Conferees agreed to the deletion of $47,000,000 for the conversion of a DLG guided missile frigate, as proposed by the Senate. The House had provided $93,500,000 for the conversion of two such ships.

Other procurement, Navy

Amendment No. 34—Reported in technical disagreement. The managers will offer a motion to appropriate $2,310,900,000 instead of $2,328,400,000, as proposed by the House, and $2,316,400,000 as proposed by the Senate.

The Conferees agreed to provide $13,800,000 for the SQR–14A Towed Array Surveillance System (TASS), and $20,000,000 for NATO Sea-Sparrow launch and control units, as proposed by the Senate. The House had provided $3,800,000 for the TASS and deleted the $36,400,000 budgeted for the NATO Sea-Sparrow.

With respect to the NATO Sea-Sparrow, the Conferees agreed to hereby place the Department of Defense on notice that there shall be no further memorandums of agreement entered into with other nations for the procurement of military equipment until such procurement has been authorized and the funds appropriated therefor by the Congress.

The Conferees agreed to provide $17,500,000 for the procurement of AN/SSQ–53 directional passive sonobuoys, but denied the $2,500,000 budgeted for so-called product improvement of these sonobuoys. If this planned effort is required during fiscal year 1973, the Department of Defense may submit a reprogramming action utilizing Research, Development, Test, and Evaluation, Navy appropriations for this purpose.

The Conferees agreed to delete $1,500,000 budgeted for the procurement of extended-range Walleye II glide bombs with a data link. A portion of these funds had been obligated by the Navy subsequent to the House report of September 11, 1972, denying the procurement, in violation of the Continuing Resolution understandings between the appropriate Committees of Congress and the Department of Defense. The Navy is directed to absorb the cost of the procurement through internal reprogramming of available funds. This does not constitute a commitment to production, and the direction on page 179 of the House report is to be adhered to by the Department of Defense.

The Conferees agreed to delete the $2.100.000 budgeted for the installation of the Chaparral missile on Naval ships, as proposed by the House, for the reasons cited in the House report. The Senate had restored $2,000,000 of the House reduction.

The Conferees also agreed to a general reduction of $90,000,000, as proposed by the Senate, to be offset by the transfer of prior year unobligated balances.

Amendments No. 35 and 36—Amendment No. 35 provides an additional $90,000,000 for this appropriation, as proposed by the Senate, instead of $25,000,000, as proposed by the House. Amendment No. 36 stipulates that, of the additional funds provided, $40,000,000 shall be derived by transfer from the "Other Procurement, Navy, 1972/1974" appropriation, and $50,000,000 shall be derived by transfer from the "Other Procurement, Navy, 1971/1973" appropriation. The House had provided for a transfer of $25,000,000 from the latter appropriation.

Procurement, Marine Corps

Amendment No. 37—Appropriates $162,400,000, as proposed by the Senate, instead of $173,400,000, as proposed by the House.

The Conferees agreed to a general reduction of $21,000,000, as proposed by the Senate, instead of $10,000,000, as proposed by the House, to be offset by the transfer of prior year unobligated balances.

Amendments No. 38 and 39—Amendment No. 38 provides an additional $21,000,000 for this appropriation, as proposed by the Senate, instead of $10,000,000, as proposed by the House. Amendment No. 39 stipulates that of the additional amount provided, $5,000,000 shall be derived by transfer from the "Procurement, Marine Corps, 1972/1974" appropriation, and $16,000,000 shall be derived by transfer from the "Procurement, Marine Corps, 1971/1973" appropriation. The House had provided for a transfer of $10,000,000 from the latter appropriation.

Aircraft procurement, Air Force

Amendment No. 40—Appropriates $2,239,300,000 instead of $2,368,000,000 as proposed by the House and $2,152,100,000 as proposed by the Senate.

The conferees agreed to provide $421,600,000 for 30 F–15 fighter aircraft and $536,400,000 for aircraft spares and repair parts, as proposed by the Senate. The House had provided $320,600,000 for 15 F–15 aircraft and $527,100,000 for aircraft spares and repair parts.

The conferees agreed to provide $83,200,000 for 24 A–7D attack aircraft. The House had provided $83,200,000 for 24 such aircraft and the Senate had deleted the funds included in the bill for these aircraft. Also agreed to was $30,000,000 in advance procurement funding for a fiscal year 1974 buy option for the F–111F aircraft, as proposed by the House. The Senate had deleted the $30,000,000.

The conferees agreed to provide $32,000,000 for 60 A–37B attack aircraft, as provided by the House. The Senate had deleted the funds provided by the House for these aircraft.

The conferees also agreed to provide $69,000,000 for two advanced airborne command post aircraft. The Senate had provided $127,000,000 for four such aircraft. The House had deleted the funds for the procurement of operational aircraft, but had provided $28,700,000 in Research, Development, Test and Evaluation, Air Force, appropriation for one test-bed aircraft.

The conferees further agreed to a general reduction of $443,000,000, as proposed by the Senate, instead of $135,000,000 as proposed by the House, to be offset by the transfer of prior year unobligated balances.

Amendments Nos. 41, 42, 43 and 44—Amendment No. 41 provides an additional $443,000,000 for this appropriation, as proposed by the Senate, instead of $135,000,000, as proposed by the House. Amendment No. 42 stipulates that, of the additional amount provided, $135,000,000 shall be derived by transfer from the "Aircraft Procurement, Air Force, 1971/1973" appropriation, as proposed by the Senate, instead of $110,000,000, as proposed by the House. Amendment No. 43 stipulates that, of the additional amount provided, $115,000,000 shall be derived by transfer from the Air Force Stock Fund, $35,000,000 shall be derived by transfer from the Defense Stock Fund, and $118,000,000 shall be derived by transfer from the Army Stock Fund. Amendment No. 44 stipulates that, of the additional amount provided, $40,000,000 shall be derived by transfer from the "Aircraft Procurement, Air Force, 1972/1974" appropriation. The House had provided an additional amount of $135,000,000, of which $110,000,000 was to be derived by transfer from the "Aircraft Procurement, Air Force, 1971/1973" appropriation, and $25,000,000 from the "Aircraft Procurement, Air Force, 1972/1974" appropriation.

Missile procurement, Air Force

Amendment No. 45—Appropriates $1,670,000,000, as proposed by the Senate, instead of $1,637,500,000, as proposed by the House.

The Conferees agreed to provide $42,500,000 for the Command Data Buffer under the Minuteman Force Modernization budget activity, as proposed by the Senate. The House had deleted these funds.

The Conferees also agreed to a general reduction of $35,000,000, as proposed by the Senate, to be offset by the transfer of prior year unobligated balances. The House had proposed a general reduction of $25,000,000 in this manner.

Amendments Nos. 46 and 47—Amendment No. 46 provides an additional $35,000,000 for this appropriation, as proposed by the Senate, instead of $25,000,000 as proposed by the House. Amendment No. 47 stipulates that, of the additional amount provided, $4,000,000 shall be derived by transfer from the "Missile Procurement, Air Force, 1972/1974" appropriation, and $31,000,000 shall be derived by transfer from the "Missile Procurement, Air Force, 1971/1973" appropriation, as proposed by the Senate. The House had provided for a transfer of $25,000,000 from the latter appropriation.

Other procurement, Air Force

Amendment No. 48—Appropriates $2,099,300,000 as proposed by the Senate, instead of $2,139,300,000 as proposed by the House.

The Conferees agreed to provide $15,000,000 for the AN/TPN-19 Ground Approach Radar, as proposed by the Senate. The House had deleted the $31,800,000 budgeted for this radar.

The Conferees also agreed to a general reduction of $55,000,000 for munitions, as proposed by the Senate.

Procurement, Defense Agencies

Amendment No. 49—Stipulates that, of the $7,700,000 general reduction proposed by the House, to be offset by transfers from prior year unobligated balances, $2,700,000 shall be derived by transfer from the Defense Stock Fund, $2,300,000 shall be derived by transfer from the "Procurement, Defense Agencies, 1971/1973" appropriation, and $2,700,000 shall be derived by transfer from the "Procurement, Defense Agencies, 1972/1974" appropriation. The House had provided that the $7,700,000 be derived by transfer from the latter appropriation.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 50—Appropriates $1,829,032,000 instead of $1,746,132,000 as proposed by the House and $1,879,002,000 as proposed by the Senate.

The conference agreement provides $20,000,000 for initiation of development of an advanced attack helicopter for the Army. The Senate had provided $29,500,000 and the House had deleted the funds entirely. The Managers are in agreement that the funds provided for the advanced attack helicopter shall not be obligated without Congressional approval as would be required for a prior approval reprogramming item of special interest.

The $9,120,000 requested for the Aerial Scout helicopter is disallowed.

A total of $18,000,000, the sum requested in the Budget, is provided for the Redeye II surface-to-air missile program, as proposed by the Senate, instead of $3,000,000 as proposed by the House. The House proposal that this program be conducted on a competitive prototype basis was not agreed to.

A general reduction of $72,550,000 was agreed to instead of a reduction of $112,800,000 as proposed by the House or a reduction of $32,300,000 as proposed by the Senate.

The Senate reductions of $950,000 for Independent In-House Research and Development and $300,000 for Electronic Warfare are agreed to.

The position of the House that the Heavy Lift Helicopter program proceed on a competitive component development basis was not agreed to.

The conferees are in agreement that $5,300,000 for the AH-1G Cobra helicopter modification effort be provided in this appropriation rather than in the procurement appropriation as proposed by the Senate. The House had deleted the item.

The conferees are in agreement that $3,600,000 for the XM-198 Towed Howitzer program be provided in this appropriation rather than in the procurement appropriation as proposed by the Senate.

Research, development, test, and evaluation, Navy

Amendment No. 51—Appropriates $2,545,213,000 instead of $2,504,343,000 as proposed by the House and $2,598,213,000 as proposed by the Senate.

The conference agreement provides $6,000,000 for the Submarine Launched Cruise Missile program instead of $2,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

A total of $32,100,000 is provided for the Surface Effects Ship program as proposed by the House, instead of $41,100,000 as proposed by the Senate. The $9,000,000 proposed by the Senate for development of subsystems for the 2,000 ton ship was deleted.

A general reduction of $99,600,000 was agreed to instead of the $139,600,000 reduction proposed by the House and the $59,600,000 reduction proposed by the Senate.

The conference agreement includes reductions of $430,000 for In-house Independent Research, $1,000,000 for Airborne Electronic Warfare, $1,000,000 for Surface Electronic Warfare, and $7,000,000 for In-house Independent Laboratory exploratory development as proposed by the Senate.

The House directed in the Report that the Trident missile development effort be conducted competitively. The Senate Report stated that major components of the system be developed under competitive procedures. The conferees are in agreement that not less than 51 percent of the major components, by dollar value, must be obtained through competitive procedures.

Research, development, test, and evaluation, Air Force

Amendment No. 52—Appropriates $3,122,940,000 instead of $3,080,440,000 as proposed by the House and $3,161,040,000 as proposed by the Senate.

The Committee of Conference recommends the appropriation of $25,000,000 for airframe development related to the Medium STOL transport aircraft rather than $16,000,000 for engine development as proposed by the House and $16,000,000 for engine development plus $35,800,000 for airframe development as proposed by the Senate. No funds are provided for engine development.

The conferees agree to the Senate increase of $4,600,000 more than the House amount for the Subsonic Cruise Armed Decoy (SCAD) program.

A total of $112,000,000 is provided for the Advanced Ballistic Reentry system (ABRES) program as proposed by the Senate instead of $122,000,000 as proposed by the House.

The conference agreement includes $53,200,000 for the Advanced Airborne Command Post in this appropriation as proposed by the House. The funding of the test-bed aircraft is thus retained in the RDT&E appropriation.

A general reduction of $135,300,000 is imposed instead of a reduction of $175,300,000 as proposed by the House and $95,300,000 as proposed by the Senate.

The conferees agreed to Senate reductions of $800,000 in both Intelligence reconnaissance equipment and in Protective Systems.

Research, development, test, and evaluation, Defense Agencies

Amendment Nos. 53 and 54—Make technical corrections in the bill as proposed by the Senate.

Amendment No. 55—Reported in technical disagreement. The Managers will offer a motion to appropriate $435,313,000 instead of $435,513,000 as proposed by the House and $467,313,000 as proposed by the Senate. The conference is in agreement on unallocated reductions of $9,200,000 for ARPA, $5,200,000 for DNA, $7,900,000 for NSA, $450,000 for DSA, and $1,750,000 for OSD/JCS support.

The Managers are in agreement on reductions of $300,000 for the Applied Physics Laboratory, Johns Hopkins; $1,600,000 for the Institute of Defense Analyses; $1,900,000 for Lincoln Laboratory; and $1,400,000 for the Rand Corporation; as proposed by the Senate.

The conferees are in agreement on the transfer of $27,000,000 from this appropriation to a new appropriation for the Director of Test and Evaluation, as proposed by the House.

The conference action provides the following ceiling amounts, less the allocation of the reduction in Federal Contract Research Centers:

Advanced Research Projects Agency	$203, 710, 000
Defense Communications Agency	13, 216, 000
Defense Nuclear Agency	123, 527, 000
Defense Intelligence Agency	1, 594, 000
Defense Supply Agency	12, 337, 000
OSD/JCS Technical Support	15, 562, 000

Director of Test and Evaluation, Defense

Amendment No. 56—Appropriates $27,000,000 for the new Test and Evaluation organization in a separate appropriation as proposed by the House instead of as a part of the "RDT&E, Defense Agencies" appropriation as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

Amendment No. 57—Section 707(a). Places a limitation of $174,450,000 on overseas dependents' education instead of $172,700,000 as proposed by the House and $176,200,000 as proposed by the Senate.

Amendment No. 58—Section 707(1). Deletes provision proposed by the Senate which would authorize reimbursement to the General Services Administration for expenses of National Industrial Equipment Reserve.

Amendment No. 59—Section 708(i). Makes technical change proposed by the Senate.

Amendment No. 60—Section 715. The Conferees agreed to the inclusion of May 31, 1973, as proposed by the Senate, as the date for termination of flight pay for officers of the rank of colonel or equivalent or above in noncombat assignments.

Amendment No. 61—Section 720. The Conferees agreed to the House language prohibiting the use of foreign currency for conversion of heating plants from coal to oil at defense facilities in Europe.

Amendments Nos. 62, 63, 64, and 65—Section 724. Include "specialty metals" in list of items to be procured only in the United States, as proposed by the House, and makes technical changes.

Amendment No. 66—Section 729. Conferees agreed to House language making ammunition available for National Board for the Promotion of Rifle Practice and travel funds available for Department of Defense personnel attending rifle matches.

Amendments Nos. 67, 68, 69, 70, 71, and 72. Change section numbers.

Amendment No. 73—Section 735. Provides general transfer authority of $750,000,000 as proposed by the House instead of $850,000,000 as proposed by the Senate.

Amendment No. 74—Section 735. Inserts House language "or any subdivision thereof" to permit transfer under new appropriation language for "Operation and Maintenance, Defense Agencies".

Amendment No. 75—Section 735. Deletes House language with respect to Civilianization of Kitchen Police program. This language is no longer needed as funds have been provided in the bill for the Civilianization of Kitchen Police as proposed by the Senate.

Amendments Nos. 76 and 77. Change section numbers.

Amendment No. 78—Section 737. Imposes a limitation of $2,735,000,000 as proposed by the Senate instead of $2,500,000,000 as proposed by the House on funds available for support of Vietnamese and other Free World Forces.

Amendments Nos. 79, 80, 81, 82, and 83. Change section numbers.

Amendment No. 84—Section 743. Conferees agreed to the House language prohibiting the use of funds for the conversion of heating plants from coal to oil at defense facilities in Europe.

Conferees also agreed to the deletion of a provision proposed by the Senate prohibiting funds to be used for Exercise Reforger or Exercise Crested Cap or similar dual base exercises.

Amendment No. 85—Section 744. Changes section number and inserts language proposed by the Senate prohibiting research and development contracts or agreements with foreign companies when equally competent United States companies can perform at a lower cost.

Amendment No. 86—Section 745. Changes section number and inserts language proposed by the Senate prohibiting the use of funds for any research involving un-informed or nonvoluntary human beings as experimental subjects. There has been no indication or evidence that the Department of Defense has performed such research.

Amendment No. 87. Conferees agreed to delete provision proposed by the Senate with respect to termination of hostilities in Indochina at earliest practicable date, as set forth in last year's Procurement Authorization Act.

The Conferees agreed that since there is permanent legislation with respect to termination of hostilities in Indochina, there is no need for the inclusion of this provision in this bill.

TITLE VIII—ADDITIONAL AUTHORIZATIONS

Amendment No. 88—Inserts new title making additional authorizations as proposed by the Senate.

Amendment No. 89—Reported in technical disagreement.

The Managers will offer a motion to agree to the Senate amendment making additional authorizations, with an amendment increasing the amount for aircraft for the Air Force by $62,000,000, of which $32,000,000 is for 60 A-37B aircraft and $30,000,000 is for long lead time procurement items for the F-111 aircraft.

Amendment No. 90—Reported in technical disagreement. The Managers will offer a motion to recede and concur in the Senate amendment to increase the limitations on funds for free world forces from $2,500,000,000 to $2,735,000,000.

Inclusion of additional authorizations in this appropriation bill is required because of the special situation brought about by the submission of a Budget Amendment on June 30th. This procedure should not be construed as establishing a precedent.

GEORGE H. MAHON,
ROBERT L. F. SIKES,
JAMIE L. WHITTEN,
DANIEL J. FLOOD,
JOSEPH P. ADDABBO,
(except as to amendments 40 and 87),
JOHN J. MCFALL,
JOHN J. FLYNT, JR.,
WILLIAM E. MINSHALL,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN,
FRANK T. BOW,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
JOHN C. STENNIS,
JOHN O. PASTORE,
WARREN G. MAGNUSON,
MIKE MANSFIELD,
STUART SYMINGTON,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MATSUNAGA (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. BLATNIK (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD, today, for 30 minutes.

(The following Members (at the request of Mr. CARLSON) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 10 minutes, today.

Mr. ROBISON of New York, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

(The following Members (at the request of Mr. ASPIN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RUNNELS, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. SCHEUER, for 5 minutes, today.

Mr. EDWARDS of California, for 15 minutes, today.

Mrs. HICKS of Massachusetts, for 5 minutes, today.

Mr. KEE, for 10 minutes, today.

Mr. HECHLER of West Virginia, for 20 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. WOLFF, for 10 minutes, on October 11.

Mr. DOWNING, for 60 minutes, on October 12.

Mr. CONYERS, for 60 minutes, on October 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, and to include tables and other extraneous material in his remarks in the Committee of the Whole today on H.R. 16810, the public debt limitation bill.

Mr. FRASER, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $425.

(The following Members (at the request of Mr. CARLSON) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN in three instances.

Mr. SCHERLE in 11 instances.

Mr. DUNCAN in two instances.

Mr. DERWINSKI in two instances.

Mr. WYMAN in two instances.

Mr. SCHWENGEL in two instances.

Mr. CARTER.

Mr. HOSMER in two instances.

Mr. MCKEVITT.

Mr. COLLINS of Texas in three instances.

Mr. KEATING.

Mr. ESCH in four instances.

Mr. CRANE in five instances.

Mr. HEINZ.

Mr. SMITH of New York.

(The following Members (at the request of Mr. ASPIN) and to revise and extend their remarks and include extraneous matter:)

Mr. TEAGUE of Texas in six instances.

Mr. BEGICH in two instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. NIX.

Mr. ANNUNZIO.

Mr. DINGELL in three instances.

Mr. FUQUA.

Mr. ROE in three instances.

Mr. ROYBAL.

Mr. STOKES in two instances.

Mr. BLATNIK.

Mr. JONES of Alabama.

Mr. WALDIE in three instances.

Mr. MOSS.

Mr. EDMONDSON in three instances.

Mr. DANIELS of New Jersey in two instances.

Mr. DULSKI in five instances.

Mr. JAMES V. STANTON.

Mr. HELSTOSKI in five instances.

Mr. BRASCO.

Mr. ZABLOCKI in two instances.

Mr. HARRINGTON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1524. An act to amend title 12, District of Columbia Code, to to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property; to the Committee on the District of Columbia.

S. 1928. An act to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

S. 3627. An act to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to the record owner thereof; to the Committee on Interior and Insular Affairs.

S. 3930. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.; to the Committee on Interior and Insular Affairs.

S. 4059. An act to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 56. An act to establish a national environmental data system and State and regional environmental centers pursuant to policies and goals established in the National Environmental Policy Act of 1969, and for other purposes.

H.R. 2118. An act for the relief of the estate of Amos E. Norby.

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canadaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group; and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 6, 1972, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes;

H.R. 9198. An act to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 10243. An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission;

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer;

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day".

ADJOURNMENT

Mr. ASPIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 11, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2410. Under clause 2 of rule XXIV, a letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 5932. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the Indiana Peaks Area in the State of Colorado; with amendment (Rept. No. 92–1548). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. Report on U.S. Bureau of Customs examination and screening procedures at ports of entry (Rept. No. 92–1554). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 17034. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1555). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANLEY. Committe on Post Office and Civil Service. H.R. 14934. A bill to amend title 5, United States Code, to make levels III and IV of the Executive Schedule applicable to certain positions within the Department of Justice, and for other purposes; with amendment (Rept. No. 92–1556). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. S. 3310. An act to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes (Rept. No. 92–1557). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2572. A bill for the relief of the city of New York; with amendment (Rept. No. 92–1558). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. S. 216. An act to permit suits to adjudicate certain real property quiet title actions; with amendment (Rept. No. 92–1559). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee of conference. Conference report on H.R. 16593; with amendment (Rept. No. 92–1566). Ordered to be printed.

Mr. ROONEY of New York: Committee of conference. Conference report on H.R. 14989 (Rept. No. 92–1567). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. S. 3008. An act for the relief of August F. Walz. Rept. No. 92–1549). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. S. 909. An act for the relief of John C. Rogers. (Rept. No. 92–1550). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 2714. An act for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps (retired) (Rept. No. 92–1551). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. S. 3257. An act for the relief of Gary Wentworth, of Staples, Minn. (Rept. No. 92–1552). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. S. 3055. An act for the relief of Maurice Marchbanks (Rept. No. 92–1553). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 14923. A bill for the relief of Michael Joseph Wendt; with amendment (Rept. No. 92–1560). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2270. An act for the relief of Magnus David Forrester (Rept. No. 92–1561). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2275. An act for the relief of Wolfgang Kutter (Rept. No. 92–1562). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2518. An act for the relief of Anna Kolbiarz-Sala (Rept. No. 92–1563). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2822. A bill for the relief of Alberto Rodriguez (Rept. No. 92–1564). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 3583. An act for the relief of Gerald Vincent Bull (Rept. No. 92–1565). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAHON:

H.R. 17034. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ASPIN:

H.R. 17035. A bill to amend the Renegotiation Act of 1951; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 17036. A bill to amend the Immigration and Nationality Act to provide visas for parents of permanent resident aliens; to the Committee on the Judiciary.

H.R. 17037. A bill to amend title 5, United States Code, to eliminate U.S. citizenship requirements with respect to employment of personnel by the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DON H. CLAUSEN:

H.R. 17038. A bill designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., as the William L. Springer Lake; to the Committee on Public Works.

By Mr. CLEVELAND:

H.R. 17039. A bill designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., at the William L. Springer Lake; to the Committee on Public Works.

By Mr. CULVER:

H.R. 17040. A bill authorizing the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 17041. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 17042. A bill providing for the establishment of a wild area system; to the Committee on Agriculture.

By Mr. GOLDWATER:

H.R. 17043. A bill to establish the Federal Audiovisual Coordination Board, regulate production by Federal agencies of audiovisual materials, and provide certain labor standards in connection therewith; to the Committee on Government Operations.

By Mr. GUDE:

H.R. 17044. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. HARSHA (for himself and Mr. SNYDER):

H.R. 17045. A bill designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., as the William L. Springer Lake; to the Committee on Public Works.

By Mrs. HICKS of Massachusetts:

H.R. 17046. A bill to provide emergency real estate tax relief to senior citizens; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H.R. 17047. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. KEATING:

H.R. 17048. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY (for himself and Mr. STEELE):

H.R. 17049. A bill to amend the Internal Revenue Code of 1954 to reduce the rates of the excise tax on telephone and teletypewriter exchange service for 1973 through 1975 and to eliminate such tax for periods after December 31, 1975; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 17050. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 17051. A bill to amend title 38 of the United States Code in order to deem certain World War I veterans to be totally disabled; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 17052. A bill to amend section 592 of the Tariff Act of 1930 (19 U.S.C. 1592), and for other purposes; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 17053. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. McMILLAN, Mr. FOLEY, Mr. KYL, and Mr. BAKER):

H.R. 17054. A bill to authorize the Secretary of Agriculture to develop and carry out forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 17055. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. EDWARDS of Alabama, Mr. MURPHY of New York, and Mr. STRATTON):

H.R. 17056. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. MURPHY of New York, and Mr. STRATTON):

H.R. 17057. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 17058. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 17059. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 17060. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 17061. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 17062. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 17063. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 17064. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN:

H.R. 17065. A bill to amend section 2503 (b) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ZION (for himself and Mr. DORN):

H.R. 17066. A bill designating the Oakley Reservoir on the Sangamon River at Decatur, Illinois, as the William L. Springer Lake; to the Committee on Public Works.

By Mr. MONAGAN:

H.J. Res. 1324. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. STAGGERS:

H. Con. Res. 718. Concurrent resolution providing for the reprinting of additional copies of House Report No. 92–1519, entitled "Securities Industry Study"; to the Committee on House Administration.

By Mr. COLMER (for himself, Mr. SISK, Mr. BOLLING, Mr. YOUNG of Texas, Mr. SMITH of California, and Mr. LATTA):

H. Res. 1153. Resolution to amend the Rules of the House of Representatives with respect to House consideration of certain Senate amendments; to provide for the delegates from Guam and the Virgin Islands, and for other purposes; to the Committee on Rules.

By Mr. BEGICH:

H. Res. 1154. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONAGAN:

H.R. 17067. A bill for the relief of Jackie Chan; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 17068. A bill for the relief of Raffaele and Ida Maione; to the Committee on the Judiciary.

By Mr. RODINO:

H. Res. 1155. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the second calendar quarter 1972:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

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A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

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A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cabot Corp., et. al., 125 High Street, Boston Mass. 02110.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

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A. Neel Edward, Jr.
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A. Ruth Bowdey Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Marc Elzweig, Bayside, N.Y.
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A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.

A. David H. Foster.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Cochiti, Post Office Box 70, Cochiti, N. Mex. 87041.

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B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Sean D. Griffin, 4762 Cape May Avenue, San Diego, Calif. 92107.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Kenneth J. Guido, Jr., 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Martin, Ryan, Haley & Associates, Inc., 40 Central Park South, New York, N.Y. 10019.
B. Gulf & Western Food Products Co., 133 North Fourth Street, Fort Pierce, Fla. 33450.

A. Mr. Otto R. Harrison, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co. (A Delaware Corp.), Post Office Box 2180, Houston, Tex.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Steve Hartley, 612 Princeton Street, Cumberland, Md.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Jim Hathaway, Pembroke State University, Pembroke, N.C.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Chris Henchey, C/o Student Council, DWJC, Nashua, N.H.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Neil Hendershot, Box C-1016, Bucknell University, Lewisburg, Pa. 17837.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Sue Hillan, ASU, Student Association, San Angelo, Tex.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. William Taft Holland, Jr., 729 Sixth Street SE., Washington, D.C. 20003.

A. The Hormel Foundation, Austin, Minn. 55912.

A. Denise Howard, 139 Joralemon Street, Brooklyn, N.Y.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C. 20006.
B. Power Tool Institute, 604 Davis Street, Evanston, Ill.

A. Institute for Government Assisted Housing, 1133 15th Street NW., Washington, D.C. 20005.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C.

A. Phillip Jaret, Box 1353, Selinsgrove, Pa. 17870.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Jackie Johnson, Student Government Office, Frostburg State College, Frostburg, Md.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. John G. Keller, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Frederick A. Kessinger, 416 Fourth Street SE., Washington, D.C.
B. Animal Health Institute, 1030 15th Street NW., Washington, D.C.

A. Robert Klinefelter, Loyola University, 7101 West 80th Street, Los Angeles, Calif.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Steve Kovick, Somerville, N.J.
B. National Student Lobby, 1835 K Street NW, Washington, D.C. 20006.

A. Lawrence E. Kreider, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Krooth & Altman, 1001 15th Street NW., Washington, D.C. 20005.
B. League of New Community Developers, 1001 15th Street NW., Washington, D.C. 20005.

A. Anne Elizabeth Lacombe, Box 241, SMC, Notre Dame, Ind.
B. National Student Lobby, 1835 K Street NW., Washington, D.C.

A. League of New Community Developers, 1001 15th Street NW., Washington, D.C. 20005.

A. William J. Lehrfeld, 1815 H Street NW., Washington, D.C.
B. Shriners Hospitals for Crippled Children, 323 North Michigan Avenue, Chicago, Ill.

A. Gilbert B. Lessenco, 2021 L Street NW., Washington, D.C. 20036.
B. Metropolitan Chapter, National Association of Social Workers, 1424 16th Street NW., Washington, D.C.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Electronic Data Systems Corp., 1300 EDS Center, Exchange Park, Dallas, Tex.

A. Adam Lewkowicz, 7900 Nagal Avenue, Morton Grove, Ill.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Bella L. Linden.

A. Charles B. Lipsen.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Roy E. Lott, Colgate University, Hamilton, N.Y.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Don Lynch, 2250 Pierce Road, University Center, Mich.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Michael J. McCabe, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill. 60062.

A. Michael J. McCabe, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill. 60062.

A. Kathleen A. McKeon, Box 379, Chestnut Hill College, Philadelphia, Pa.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Harry C. McPherson, Jr., Suite 1100, 1660 L Street NW., Washington, D.C.
B. Montgomery Ward, Inc., 619 West, Chicago, Ill. 60607.

A. Jean A. McWilliams, Box 379, Chestnut Hill College, Philadelphia, Pa.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Tim Mabry, ASBMCC President, Pendleton, Oreg.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Michael W. MacDonald, Student Senate, LSSC, Sault Ste Marie, Mich.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Bill Markert, S.G.A., Georgia Institute of Technology, Atlanta, Ga.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Larry Matson, ASU, San Angelo, Tex.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Brass and Bronze Ingot Institute, 300 West Washington Street, Chicago, Ill. 60606.

A. Dennis Mazurek, 454 Nordberg, NW., Grand Rapids, Mich.
B. National Student Lobby, 1835 K Street., NW., Washington, D.C. 20006.

A. Ronald Mead, 1105 West Maumee, Adrian, Mich. 49221.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Steven Mednick, Box 1310, Fairfield University, Fairfield, Conn. 06430.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. William A. Meissner, Jr., 6200 Massachusetts Avenue NW., Washington, D.C. 20016.
B. Rudolph Wolff & Co., 80 Wall Street, New York, N.Y. 10005.

A. Robert J. Mellon, Box 719, La Salle College, Philadelphia, Pa.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Carl J. Meyer, Jr., Box 719, La Salle College, Philadelphia, Pa.
B. National Student, Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Bruce L. Mikesell, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Independent Automobile Dealers Association, 1719 West End Avenue, Nashville, Tenn. 37203.

A. James Arthur Morgan, P.O. Box 545, Hollywood, Calif. 90028.

A. National Air Carrier Association, 1730 M Street NW., Washington, D.C. 20036.

A. National Association of School Bus Contract Operators, 4616 Lawn Court, Fairfax, Va. 22030.

A. National Independent Automobile Dealers Assoc., 1719 West End Avenue, Nashville, Tenn. 37203.

A. Julia Norrell, 1155 15th Street NW., Washington, D.C.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Clinical Laboratory Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Michael C. O'Hagan, Box 719, La Salle College, Philadelphia, Pa.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 Seventeenth Street NW., Washington, D.C. 20036.
B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

A. Dennis Paul, 12201 Reithmiller, Grass Lake, Mich.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 2006.

A. Pepper, Hamilton & Scheetz, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Local No. 8, International Brotherhood of Electrical Workers Retirement Plan & Trust, care of Marc Gertner, Suite 405, Spitzer Building, Toledo, Ohio 43604.

A. Stefan Peterson, University Center, University of North Dakota, Grand Forks, N. Dak.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Wayne Peterson, 313 Morey-Shepard, Winona, Minn. 55987.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Philmore P. Pleming, Post Office Box 870, Cumberland, Md.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Louis V. Priebe, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C. 20036.

A. Ann Marie Rapp, Salisbury State College, Salisbury, Md.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. D. Michael Rappoport, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

A. William A. Ray, Jr., 2050 E. Evans, Denver, Colo.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Patty Redden, Salisbury State, Salisbury, Md.
B. National Student Lobby, 1835 K Street NW., Washington, D.C.

A. William Reed, Post Office Box 7397, University, Miss.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Lawrence D. Reedy, 602 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

A. Ed Reeves, Box 8037 LC, Lynchburg, Va. 24504.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Austin T. Rhoads.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Reynolds D. Rodgers, 8425 Boone, Kansas City, Mo. 64114.
B. City of Kansas City, Mo., City Hall, 414 East 12th Street.

A. Tom Roff, 1425 Russ Boulevard, San Diego, Calif.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Bruce Rosen, Old Bridge, N.J.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Cristine Russell, 620 C Street SE., Washington, D.C. 20003.
B. Coalition To Tax Pollution, 620 C Street SE., Washington, D.C. 20003.

A. Arlie Schardt, 1424 16th Sreet, No. 501, Washington, D.C. 20036.
B. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y. 10010.

A. Quentin E. Scholtz, III, 1061 Cross Keys, Apt. No. 3, Lexington, Ky.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Mary R. Scifres, M-32 Indiana Memorial Union, Bloomington, Ind.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Paul J. Scotto, 328 DeGraw Street, Brooklyn, N.Y. 11231.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. A. R. Sharp, Jr., Box 817, University Station, University of Kentucky, Lexington, Kentucky 40506.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Susan L. Shaw, Box 44 Heathman, University of Rhode Island, Kingston, R.I.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. C. Kathryn Shelton, Box 817, University Station, University of Kentucky, Lexington, Ky. 40506.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Alan Sheppard, University of North Dakota, Grand Forks, N.D.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Patricia Sickler, Saginaw Valley College, University Center, Mich.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee.

A. Julian H. Singman, 724 14th Street NW., Washington, D.C. 20005.
B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, Room 1530, New York, N.Y. 10004.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. Richard F. Solomon, 13301 Point Pleasant Drive, Fairfax, Va. 22030.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Edward Sosick, Box 780, S.U., Selingsgrove, Pa.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Robert C. Stacey, 4204 46th Street NW., Washington, D.C. 20016.

B. Space Research Corp., 1629 K Street NW., Washington, D.C. 20006.

A. Robert Stevenson, Salisbury State, Salisbury, Md.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Stockholders of America, Inc., National Press Building, Washington, D.C. 20004.

A. Howard Stovall, 2132 4 Mile Road, Grand Rapids, Mich.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Gary Strickland, Box 421, Pembroke State University, Pembroke, N.C.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Michael Strother, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.

B. The Travelers Corp., One Tower Square, Hartford, Conn. 06115.

A. Glenn Sweetman, Box 525, S.U., Selinsgrove, Pa.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Bill Talty, 2084 East Ambler Johnston, VPT.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Richard M. Tempero, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Gerald Todd, 1012 14th Street NW., Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.

A. John Tucker, Box 958, Trinity, Deerfield, Ill. 60015.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Universal Development Consultants, Inc., 425 13th Street NW., Washington, D.C. 20004.

B. Mortgage Bankers Association of America.

A. Dan Viets, 200 Read Hall, Columbia, Mo.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. George B. Watts, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Teela Weiner, 1012 14th Street NW., Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. Bankers Association of Puerto Rico, c/o Wender, Murase, White & Briger, 350 Park Avenue, New York, N.Y. 10022.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. Ward Industries, Inc., Post Office Box 849, Highway 65 South, Conway, Ark. 72032.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. Dakota Association of Canada, Post Office Box 1193, Winnipeg, Manitoba, Canada.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. National Council for Health Care Services, 407 N Street SW., Washington, D.C. 20024.

A. Williams & King, 1730 K Street NW., Washington, D.C. 20006.

B. National Nutritional Foods Association, 770 South Brea Boulevard, Suite 226, Brea, Calif. 92621.

A. Wilner, Scheiner & Greeley, 2021 L Street NW., Washington, D.C. 20036.

B. Metropolitan Chapter, National Association of Social Workers, 1424 16th Street NW., Washington, D.C.

A. Karen Woerner, 1425 Russ Boulevard, NW., Washington, D.C. 20006.

B. National Student Lobby, 1835 K Street San Diego, Calif. 92101.

A. Christine C. Woolston, Box 379, Chestnuthill College, Philadelphia, Pa.

B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washintgon, D.C. 20036.

B. Abe Pollin, 6101 16th Street NW., Washington, D.C. 20011.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1972:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)
6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year
8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures
9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year
11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperatives Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Midland Enterprises, Inc., Cincinnati, Ohio.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $500.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.
D. (6) $7,597.54. E. (9) $7,597.54.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $6,435.80. E. (9) $4,919.28.

A. Gibson T. Ahlgren, 1957 E Street NW., Washington, D.C. 20006.
B. The Association General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Air Traffic Control Association, Inc., Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $9,793.04. E. (9) $9,793.04.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street, Washington, D.C. 20003.
D. (6) $2,000.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500.

A. Donna Allen, 3306 Ross Place NW., Washington, D.C. 20008.
B. National Committee Against Repressive Legislation, 555 No. Western Avenue Rm. 2, Los Angeles, Calif. 90004.
D. (6) $1,040. E. (9) $1,572.63.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Assn. of America, 1701 K Street NW., Washington, D.C.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.
D. (6) $225. E. (9) $6.23.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $3,040.59. E. (9) $3,040.59.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.
D. (6) $2,276.22. E. (9) $2,176.22.

A. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068, Washington Offices: 425 13th Street NW., Washington, D.C. 20004.
D. (6) $44,347. E. (9) $44,347.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $52,987.64.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $81,149.69. E. (9) $2,042.54.

A. American Hotel & Motel Association, 689 Seventh Avenue, New York City 10019.
D. (6) $2,831.75. E. (9) $3,086.24.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $27,419.75. E. (9) $27,419.75.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $4,450.86. E. (9) $9,854.53.

A. American Justice Association, Inc., Defense Highway, Gambrills, Md. 21054.
D. (6) $60. E. (9) $60.

A. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $2,686.08.

A. American Life Convention, 211 East Chicago Avenue.
E. (9) $1,094.65.

A. American Maritime Association, 17 Battery Place, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C. 20006.
E. (9) $1,250.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
E. (9) $28,676.36.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $3,125.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.
E. (9) $1,345.02.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.
D. (6) $1,851.26. E. (9) $2,284.25.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $4,997. E. (9) $10,078.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $5,146.16. E. (9) $5,146.16.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $4,512.06

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $1,310,353.78. E. (9) $84,595.24.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. American Society of Radiologic Technologists, 645 North Michigan Avenue, Suite 620, Chicago, Ill. 60611.
D. (6) $5,903.25. E. (9) $2,089.86.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $300. E. (9) $75.66.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $92.43.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $16,747.94. E. (9) $16,747.94.

A. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $34,703.46.

A. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
D. (6) $202,940.46. E. (9) $3,595.41.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,175. E. (9) $46.25.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $300. E. (9) $91.

A. George W. Apperson, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C.

A. Clarence A. Arata, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $12,500.

A. John C. Archer, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $500. E. (9) $300.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Suite 800, Washington, D.C. 20006.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $125. E. (9) $5.75.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 De Sales Street, Suite 302, Washington, D.C. 20036.
D. (6) $1,580. E. (9) $117.06.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Fairchild Camera and Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Floor Covering Committee Affiliated with the American Importers Association, 295 Fifth Avenue, N.Y. 10016.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Puerto Rican Government, Economic Development Administration, G.P.O. Box 2350, San Juan, P.R. 00936.
D. (6) $50.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $2,350.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $25. E. (9) $91.25.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $300.

A. Association for the Advancement of Invention & Innovation, Suite 1007, Crystal Plaza I, 2001 Jefferson Davis Highway, Arlington, Va., 22202.
D. (6) $2,875. E. (9) $2,251.76.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washignton, D.C. 20036.
D. (6) $8488.35. E. (9) $8488.35.

A. Association for Broadcast, Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
E. (9) $1,000.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Atlantic Richfield Company, 717 Fifth Avenue, New York, N.Y. 10022.
E. (9) $300.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $5.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $168. E. (9) $68.71.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C. 20036.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Carl E. Bagge, Coal Building, Washington, D.C., 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
E. (9) $378.75.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. George F. Bailey, Jr., Montgomery, Ala. 36104.
B. Alabama Railroad Association, Montgomery, Ala. 36104.
D. (6) $84. E. (9) $227.69.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.
D. (6) $5,525. E. (9) $1,052.29.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Thomas F. Baker, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $30.65. E. (9) $3.

A. Ernest L. Barcella, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, Jr., 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,925. E. (9) $267.

A. Robert C. Bernard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Baanard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $165.50.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington, D.C. 20006.
B. Committee of European Shipowners, 30-32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $7,500. E. (9) $5,710.55.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.
D. (6) $3,600.

A. James C. Barr, 1156 15th Street NW., Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $117.50.

A. David S. Barrows, 215 Century Building, Portland, Oreg. 97205.
B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200.

A. Weldon Barton.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $3,617.84. E. (9) $120.96.

A. Ross Bass Associates, 400 Massachusetts Avenue NW., Washington, D.C. 20016.
B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.
D. (6) $6,250.

A. Davis M. aBtson, 115 15th Street NW., No. 611, Washington, D.C. 20005.
B. Ethyl Corp., 115 15th Street NW., No. 611, Washington, D.C. 20005.
D. (6) $300.

A. Lucius D. Battle 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

A. A. David Baumhart, Post Office Box 553, Lorain, Ohio 44052.
B. Green Olive Trade Association, 82 Beaver Street, New York, N.Y. 10005.
D. (6) $200. E. (9) 9.83.

A. Donald S. Beattie, 400 First Street NW., Room 800, Washington, D.C. 20001.
B. Congress of Railway Unions, 400 First Street NW., Washington, D.C. 20001.
D. (6) $1,104.17.

A. Daniel S. Bedell, 1126 Sixteenth Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich., 48214.
D. (6) $2,256.71. E.(9) $110.07.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $3,013.60. E. (9) $112.50.

A. Thomas S. Belford, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $150.

A. Winston Everett Bell, 417 East Carson Street, Las Vegas, Nev. 89101.

A. Thomas P. Bennett, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) 4,445.46.

A. Reed A. Benson, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass. 02178.

A. Max N. Berry, 888 17th Street NW., Washington, D.C. 20006.
B. The Austrian Trade Delegate, 845 Third Avenue, New York, N.Y. 10022.

A. Max N. Berry, 888 17th Street NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $400. E. (9) $78.46.

A. Robert L. Beven, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $900. E. (9) $168.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $7,891. E. (9) $451.35.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Diana Washbon Bird, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,072.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Laurel Hill Cemetery Association, Mayton, Mo. 63105.
E. (9) $112.04.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif. 90054.
E. (9) $123.31.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.
E. (9) $85.21.

A. Lydia Bitter, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $145.90. E. (9) $145.90.

A. Brent Francis Blackwelder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $316.50

A. Jerald Blizin, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $100. E. (9) $27.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y. 10017.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,875.01. E. (9) $117.30.

A. G. Stewart Boswell, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $536.49. E. (9) $68.85.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Albert D. Bourland, 1660 L Street NW., Suite 814, Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,121.80.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn. 37402.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO.
D. (6) $6,816.16.

A. Joseph M. Bowman and Richard C. O'Hara, 1511 M Street NW., Washington, D.C. 20005.
B. Merger Committee, National Basketball Association, 2 Pennsylvania Plaza New York, N.Y., Merger Committee, American Basketball Association, 1700 Broadway, New York, N.Y.
D. (6) $17,500.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Organization of Professional Employees of USDA, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $420. E. (9) $25.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,443.13. E. (9) $1,033.54.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio 45202.
B. National Coordinating Committee of the Beverage Industry.

A. Edward J. Brenner, Suite 1007, Crystal Plaza I, 2001 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention and Innovation, Suite 1007, Crystal Plaza I, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

A. Parke C. Brinkley, Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemical Association.
D. (6) $25. E. (9) $2.50.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $350.

A. Joe B. Browder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $665.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $3,750.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. William J. Brooks, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $300.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Cominco American Inc., West 818 Riverside, Spokane, Wash. 99201.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Ebasco Industries, 345 Park Avenue, New York, N.Y. 10022.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.
D. (6) $850.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.
E. (9) $3.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Housing Producers, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., 600 Marine Plaza, Milwaukee, Wis. 53202.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. St. Paul Title Insurance Corp., 1650 W. Big Beaver Road, Troy, Mich. 48084.
D. (6) $75. E. (9) $34.56.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Union Commerce Corp., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $35. E. (9) $16.85.

A. George S. Buck, Jr., P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Bulgarian Claims Committee, c/o Mr. Chaco Chase, 109-20 71 Road, Forest Hills, N.Y. 11375.
D. (6) $1,125. E. (9) $268.21.

A. George J. Burger, 125 Clove Road, New York, N.Y.
B. Burger Tire Consultant Service, 125 Clove Road, New Rochelle, N.Y.

A. George J. Burger, 30 Clinton Place, New Rochelle, N.Y.
B. National Federation of Independent Business, 30 Clinton Place, New Rochelle, N.Y.
D. (6) $4,249.98. E. (9) $2,155.40.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky. 40501.
D. (6) $37,615.25. E. (9) $711.80.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $195. E. (9) $180.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $975. E. (9) $301.45.

A. David Burpee, Fordham Farms, Doylestown, Pa. 18901.
E. (9) $70.60.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $5,550. E. (9) $424.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C. 20004.
B. Securities Industry Association, 425 13th Street NW., Washington, D.C. 20004.
D. (6) $4,000. E. (9) $1,285.

A. Carl C. Campbell, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $101.53.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL–CIO, Post Office Box 471, Balboa Heights, C.Z.
D. (6) $917.68. E. (9) $1,543.24.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,811.25. E. (9) $131.60.

A. Ronald A. Capone, Kirlin, Campbell & Keating, Room 505, The Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London, E.C. 3, England.
E. (9) $354.24.

A. Michael H. Cardozo, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union.
D. (6) $2,500. E. (9) $1,821.29.

A. Charles R. Carlisle, 1145 19th Street NW., Washington, D.C. 20036.
B. Lead-Zinc Producers Committee.
D. (6) $1,057.50. E. (9) $742.45.

A. Carolinas Association of Mutual Insurance Agents, 706 Raleigh Building, Post Office Box 2776, Raleigh, N.C. 27602.

A. Elizabeth S. Carpenter, 1425 K Street NW., Suite 1000, Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $200. E. (9) $6.20.

A. Braxton B. Carr, 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
D. (6) $3,125. E. (9) $193.05.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $2,500.

A. Blue Allan Carstenson.
B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo., 1012 14th Street NW., Washington, D.C.

A. Frank H. Case III, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $210. E. (9) $350.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $75.55.

A. Central America Cooperative Federation, Inc., 1026 17th Street NW., Washington, D.C. 20036.
E. (9) $830.

A. Chapman, Duff, and Lenzini, 932 Pennsylvania Bldg., Washington, D.C. 20004.
B. The Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C. 29611.
D. (6) $3,425. E. (9) $259.47.

A. Chapman, Duff, and Lenzini, 932 Pennsylvania Bldg., Washington, D.C. 20004.
B. International Association of Game, Fish, and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn. 55346.
D. (6) $950. E. (9) $477.56.

A. James W. Chapman, 1625 I Street NW., Washington, D.C. 20006.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,411.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich., 48202.
D. (6) $3,000. E. (9) $3,062.30.

A. Leslie Cheek, III, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $57,201.85. E. (9) $2,324.85.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $750. E. (9) $109.83.

A. Richard W. Clark, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $4,500. E. (9) $61.89.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill., 60604.

A. Jacob Clayman, 815 16th Street NW. Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th NW., Washington, D.C. 20006.
D. (6) $562.90. E. (9) $562.90.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $6.25.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10583.
D. (6) $1,000. E. (9) $85.43.

A. William T. Cleary, 1126 16th Street NW., Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky., 40201.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y. 10020.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard, Division of Loews Theatres, Inc., 200 East 42d Street, New York, N.Y. 10017.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y. 10017.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
E. (9) $62.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
D. (6) $75. E. (9) $15.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Basketball Players Association, 15 Columbus Circle, New York N.Y., 10023.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio 43601.
D. (6) $250. E. (9) $50.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $34.80.

A. Coalition for a National Population Policy, Suite 1010, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $5,196.02.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,536.58. E. (9) $2,522.93.

A. Grover C. Cobb, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $400.

A. Jeffery Cohelan.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. David Cohen, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $1,875.

A. Jerry Cohen, 470 Totten Pond Road, Waltham, Mass. 02154.
B. Ruetgerswerke Aktiengesellschaft.

A. Timothy A. Colcord, 1620 I Street NW., Suite 603, Washington, D.C. 20006.
B. National BankAmericard, Inc., 555 California Street, San Francisco, Calif. 94126.
D. (6) $6,873.24. E. (9) $7,384.92.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.
E. (9) $411.46.

A. William J. Colihan, Jr., 602 Ring Building, 1200 18th NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $600.

A. William J. Colley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,355. E. (9) $1,050.65.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $40.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. American Footwear Industries Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (b) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street, NW., Suite 622, Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass. 02106.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. Tool & Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I. 02903.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I. 02903.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, Care of Langdon P. Cook, 23 Wall Street, New York, N.Y. 10015.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $18,000. E. (9) $7,541.95.

A. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $696,758.82. E. (9) $139,847.38.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill. 60604.
D. (6) $900. E. (9) $152.70.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,500. E. (9) $200.

A. Congress of Railway Unions, 400 First Street NW., Room 800, Washington, D.C. 20001.
D. (6) $10,939.30. E. (9) $2,987.48.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $180. E. (9) $112.15.

A. John A. Connor, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Consulting Engineers Council/US, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $5,840. E. (9) $5,840.

A. Jack T. Conway, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $1,687.50.

A. Cook & Franke S. C., 660 East Mason Street, Milwaukee, Wis. 53202.
B. Marshall & Isley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Howard Lee Cook, Jr., 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,248.13. E. (9) $899.63.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $99.36.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C. 20005.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Post Office Box 1123, Portsmouth, N.H. 03801.
D. (6) $3,750. E. (9) $1,035.53.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Council of Forest Industries, 1025 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $34.95.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,000. E. (9) $14.50.

A. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $840.

A. Darrell Coover, 1625 I Street NW., Suite 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $2,000. E. (9) $281.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C. 20005.
B. The Committee for Broadening Commercial Bank Participation in Public Financing, Care of Langdon Cook, 23 Wall Street, New York, N.Y. 10015.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005.
B. Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $450. E. (9) $200.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005.
B. Lee, McCarthy & DeRosa, 102 Maiden Lane, New York, N.Y. 10005.

A. James T. Corcoran, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., Suite 308, Washington, D.C.
D. (6) $925. E. (9) $87.50.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $100.

A. Robert M. Coultas, Suite 508, 1612 K Street NW., Washington, D.C. 20006.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $446.56. E. (9) $446.56.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Optical Manufacturers Association, 30 E 42d Street, New York, N.Y. 10017.

A. Raymond L. Courage, 1660 L Street NW., No. 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street, NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20005.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 53201.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20005.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $5. E. (9) $5.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Glaverbel (USA) Inc., 75 Plandome Road, Manhasset, N.Y. 11030.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo. 64105.

A. Roger M. Craver, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $275.

A. Robert W. Crawford, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $850.65.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex. 77001.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Texas.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,252. E. (9) $314.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. J. A. Crowder, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $1,500.

A. Crowell Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $1,090.40.

A. Dan Curlee, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,249.98.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $8,250. E. (9) $2,240.71.

A. Pamela G. Curtis, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $4,474.98. E. (9) $160.14.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $320. E. (9) $19.

A. John C. Datt, 425 13th Street, NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,375. E. (9) $38.88.

A. Jean Daugherty, 921 Washington Building, Washington, D.C. 20005.
B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
D. (6) $1,500.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,051.75. E. (9) $77.50.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $160.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill. 60605.
D. (6) $1,000. E. (9) $194.44.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.
E. (9) $184.37.

A. Charles D. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill. 60606.
D. (6) $435. E. (9) $85.24.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
E. (9) $175.06.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.
E. (9) $94.35.

A. Mr. Fred E. Davis, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $500. E. (9) $490.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C. 20006.
D. (6) $9. E. (9) $5.25.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $325. E. (9) $280.

A. Tony T. Dechant.
B. Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo., 1012 14th Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $100.81.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $360. E. (9) $38.25.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $240. E. (9) $2.50.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Ray Denison, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, Federation of Trades and Labor Unions, 615 16th Street NW., Washington, D.C.

D. (6) $5,967. E. (9) $361.88.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. American Society of Composers, Authors & Publishers, 1 Lincoln Plaza, New York, N.Y. 10023.

D. (6) $6,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

D. (6) $2,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. New York Mercantile Exchange, 6 Harrison Street, New York, N.Y.

D. (6) $1,000.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,175.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $2,460. E. (9) $1,311.44.

A. George S. Dietrich, 1730 M Street NW., Suite 700, Washington, D.C. 20036.

B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif. 95802.

D. (6) $2,363.57. E. (9) $203.57.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Marysville Dam Committee, Post Office Box 1550, Marysville, Calif.

D. (6) $2,113.47. E. (9) $45.33.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif. 95813.

D. (6) $1,241.10. E. (9) $41.20.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Sacramento Yolo Port District, Post Office Box 815, West Sacramento, Calif.

D. (6) $1,535.69. E. (9) $95.69.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $42,546.28. E. (9) $42,546.28.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C.

B. International Union of District 50, Allied & Technical Workers of the United States & Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

D. (6) $5,376.07.

A. William H. Dodds, 1126 15th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $1,347.15. E. (9) $246.55.

A. James F. Doherty.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $3,937.50. E. (9) $3,364.97.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.

D. (6) $300. E. (9) $50.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $316.25. E. (9) $259.21.

A. Gary W. Donnelly, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $14.75.

A. C. L. Dorson, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C. 20004.

B. Retirement Federation of Civil Service Employees of the U.S. Government, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C. 20004.

D. (6) $3,189.34. E. (9) $419.50.

A. Mitchell Dorson, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $450.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Advance Schools, Inc., 5900 Northwest Highway, Chicago, Ill.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Newspaper Committee for Cablevision, David R. Bradley Co., Ninth and Edmond Streets, St. Joseph, Mo.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $3,693.05.

A. Franklin B. Dryden.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Lawrence M. Dubin, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

E. (9) $175.06.

A. Evelyn Dubrow, 1710 Broadway, New York 19, N.Y.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York 19, N.Y.

D. (6) $3,824. E. (9) $2,426.46.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.

B. Textile Workers Union of America, 99 University Place, New York, N.Y. 10003.

D. (6) $1,268.76. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $60.

A. Louise C. Dunlap, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $2,400.

A. Mr. William E. Dunn, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $405.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,075.

A. Robert E. Early, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $3,750. E. (9) $208.37.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.

A. Arthur B. Edgeworth, Jr., 812 Pennsylvania Building, Washington, D.C. 20004.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $437.50.

A. Hallett D. Edson, 956 North Monroe Street, Arlington, Va., 22201.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $1,400.

A. E. Neel Edwards, Jr.

B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C.

D. (6) $4,250. E. (9) $315.

A. Macon T. Edwards, Ring Building, Room 610, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $405. E. (9) $55.05.

A. Charles Ehrhart, 1800 K Street NW., No. 924, Washington, D.C. 20006.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $400. E. (9) $78.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

D. (6) $3,357.25. E. (9) $2,791.98.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

E. (9) $717.35.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $1.46.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. Bob Hoffman, President, York Barbell Co., York, Pa. 17405.

D. (6) $1,625. E. (9) $205.58.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $392.40.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $9,937.50. E. (9) $8,974.79.

A. Glenn R. Erickson, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $270. E. (9) $350.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.

B. Standard Oil Co., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. Ethyl Corp., 1155 15th Street, No. 611, Washington, D.C. 20005.

E. (9) $300.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States.

D. (6) $2,575. E. (9) $20.50.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.

B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.

D. (6) $2,500. E. (9) $61.24.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,785. E. (9) $163.30.

A. Joseph A. Fanelli, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $3.74.

A. The Farmers' Educational and Co-operative Union of America, P.O. Box 2251, Denver, Colo., 1012 14th Street NW., Washington, D.C.

D. (6) $85,037.75. E. (9) $29,550.66.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.

E. (9) $3,750.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.

B. Council of Forest Industries of British Columbia, 1500 Guinness Tower, 1055 West Hastings Street, Vancouver 1, B.C., Canada.

D. (6) $8,499. E. (9) $160.

A. Herbert A. Fierst, 607 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. Joint Committee of Printing & Publishing Industries of Canada, fourth floor, 117 Eglinton Avenue East, Toronto 12, Canada.

D. (6) $999.99. E. (9) $36.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

D. (6) $5,138.49.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Thomas Fink, room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $900. E. (9) $55.86.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.

B. Crown Zellerbach Corp., One Bush Street, San Francisco, Calif. 94119.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

E. (9) $1,124.69.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $6,375. E. (9) $317.23.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,775. E. (9) $25.34.

A. Florida Citrus Mutual P.O. Box 89, Lakeland, Fla. 33802.

D. (6) $1,125.99. E. (9) $1,125.99.

A. Florida Citrus Production Managers Association, care of C. D. Kime, Jr., Waverly, Fla. 33877.

D. (6) $375.33. E. (9) $375.33.

A. Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814.

D. (6) $375.34. E. (9) $375.34.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,062.50. E. (9) $893.01.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn. 55101.

B. Minnesota Railroads Association.

D. (6) $500. E. (9) $1,037.66.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,343.75. E. (9) $447.10.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $728.88. E. (9) $19.87.

A. William C. Foster, 1800 K Street NW., Washington, D.C. 20006.

B. Alyeska Pipeline Service Co., Post Office 576, Bellevue, Wash. 98009.

D. (6) $1,755. E. (9) $392.70.

A. William C. Foster, 1800 K. Street NW., Washington, D.C. 20006.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $400. E. (9) $83.25.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.

B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 201, Washington, D.C. 20006.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Robert B. Frederick, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $4,750.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C. 20004.

B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,125. E. (9) $21.25.

A. Verrick O. French, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $5,981.25.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

D. (6) $487.50. E. (9) $14.12.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.

D. (6) $235.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.

D. (6) $1,125. E. (9) $2.50.

Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Mizrachi Women's Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Navajo Tribe, Window Rock, Ariz.

E. (9) $25.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Nez Perce Tribe, Lapwai, Idaho.

D. (6) $700. E. (9) $8.25.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Oglala Sioux Tribe, Pine Ridge, S. Dak.

E. (9) $10.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Cochiti, Post Office Box 70, Cochiti, N. Mex. 87041.

D. (6) $300.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, N. Mex.

D. (6) $450. E. (9) $9.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Salt River Pima-Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) $125. E. (9) $7.20.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. San Carlos Apache Tribe, San Carlos, Ariz.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Sisseton & Wahpeton Sioux Tribe, Sisseton, S. Dak.
D. (6) $612.50. E. (9) $19.22.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $80.

A. Friends Committee on National Legislation, 245 Second Street NE, Washington, D.C.
D. (6) $52,423. E. (9) $15,773.

A. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $7,350. E. (9) $7,350.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $637.50. E. (9) $2,280.59.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $200.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $161.55. E. (9) $31.31.

A. Robert E. Gallamore, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $911.25.

A. Nicole Gara, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington D.C. 20036.
D. (6) $1,000.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $5,625.

A. John W. Gardner, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
E. (9) $1,364.26.

A. Edward V. Garlich, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $225. E. (9) $200.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $200. E. (9) $19.37.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $870.

A. James A. Gavin.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $7,500. E. (9) $325.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,350.

A. William T. Gibb, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $93.75. E. (9) $3.78.

A. Wayne Gibbens, 1800 K Street NW., Suite 620, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $750. E. (9) $157.63.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.
B. International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio 43215.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

A. Lawrence D. Gilson, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Dave Givens, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I Railroads in Tennessee.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $5. E. (9) $2.51.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $225. E. (9) $17.33.

A. James M. Goldberg, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $550.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $330. E. (9) $64.60.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.
B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employee Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $11,576.57. E. (9) $6,305.72.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $4,514.98. E. (9) $287.65.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. George W. Gray III, Suite 802, 1211 Connecticut Avenue, Washington, D.C. 20036.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill. 60607.
E. (9) $22.40.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42nd Street, New York, N.Y. 10017.
D. (6) $1,540. E. (9) $170.93.

A. Virginia M. Gray, 3501 Williamsburg Lane, NW., Washington, D.C. 20008.
B. Citizens Committee for UNICEF, 20 E Street, NW., Washington, D.C. 20001.
D. (6) $660. E. (9) $141.74.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 302 Hogè Building, Seattle, Wash.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.
B. Evaporated Milk Association, International Association of Ice Cream Manufacturers, Milk Industry Foundation, 910 17th Street NW., Washington, D.C.
E. (9) $55.45.

A. John F. Griner, 400 First Street NW., Washington, D.C. 20001.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.
D. (6) $10,656.60. E. (9) $3,668.62.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $8,202.47.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Kenneth J. Guido, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $229.16.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.

B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,900. E. (9) $725.

A. Robert J. Habenicht, 1407 Cummings Drive, Richmond, Va. 23220.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
E. (9) $250.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $750. E. (9) $78.35.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $200.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $4500. E. (9) $1,817.72.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C. 20006.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill. 60603.
D. (6) $300. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.
D. (6) $300. E. (9) $10.

A. Harold F. Hammond, 1101 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $49.75. E. (9) $30.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,050. E. (9) $48.25.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. E. F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone and Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D. (6) $204. E. (9) $399.

A. Robert B. Harding, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $150. E. (9) $68.74.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif. 91109.
B. California Savings and Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.
D. (6) $1,800. E. (9) $647.19.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tool, Die and Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $2,500. E. (9) $709.42.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $12.35.

A. Bryce N. Harlow, 1801 K Street NW., Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $69. E. (9) $69.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $440. E. (9) $53.75

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John H. Harper, 1140 Connecticut NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $132. E. (9) $111.94.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanina Road, Wilmington, Del. 19807.
D. (6) $1,753.28. E. (9) $2,788.58.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $5,913.60. E. (9) $927.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $3,565.25. E. (9) $818.44.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $271.88. E. (9) $180.16.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.
D. (6) $2,910.24. E. (9) $1,126.40.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,113. E. (9) $76.18.

A. Hays and Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
E. (9) $1.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $2,516.55. E. (9) $2,516.55.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $300. E. (9) $266.15.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. John F. Heilman, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $2,332. E. (9) $2,332.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y. 10022.
D. (6) $150. E. (9) $150.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $126.88. E. (9) $2.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $496.75.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $8,875. E. (9) $528.18.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $1,122.84.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.
B. Unemployment Benefit Advisors, Inc.
D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,987.50. E. (9) $891.52.

A. James D. Hittle, Sr., 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.
E. (9) $97.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $435.

A. Claude E. Hobbs, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $900. E. (9) $195.

A. Leo D. Hochstetter.

B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C. 20006.

A. Ralph D. Hodges, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $39.69.

A. Thomas W. Holland, 1629 K Street NW., Suite 603, Washington, D.C. 20006.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $923.12. E. (9) $94.30.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Streets NW., Washington, D.C. 20005.

D. (6) $2,832. E. (9) $5,306.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,750. E. (9) $18.50.

A. The Hormel Foundation, Austin, Minn. 55912.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Argo, Ill. 60501.

D. (6) $328.80.

A. Thomas Howarth, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $75. E. (9) $75.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $8,250. E. (9) $2,807.37.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.

D. (6) $11,250. E. (9) $94.50.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C. 20036.

B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

D. (6) $750.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $6,465.42. E. (9) $923.80.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C. 20013.

D. (6) $5.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C. 20013.

B. Daniel Smith, Retail Food et al.

E. (9) $202.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Improvement Association, Inc., Ohio Valley.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Leva, Hawes, Symington, Martin & Oppenheimer.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $10,815. E. $10,815.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

E. (9) $389.61.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) $8,490.10. E. (9) $530.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $9,200.46.

A. International Brotherhood of Painters & Allied Trades, 217–19 North Sixth Street, Lafayette, Ind. 47901.

E. (9) $4,545.88.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue, NW., Washington, D.C. 20001.

E. (9) $16,354.03.

A. International Union of District 50, Allied & Technical Workers of the United States & Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

E. (9) $5,376.07.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

E. (9) $1,114.25.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.

D. (6) $4,415.38. E. (9) $13,182.77.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.

B. Reinsurance Association of America, 1025 Connecticut NW., Washington, D.C.

A. Chas. E. Jackson, Chas. E. Jackson & Associates, 1200 18th Street NW., Suite 1112, Washington, D.C. 20036.

A. Robert C. Jackson, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $2,750. E. (9) $255.61.

A. Raymond M. Jacobson, 1819 H Street NW. No. 800, Washington, D.C. 20006.

B. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.

D. (6) $1,250.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S.A, Bank of American Plaza, San Francisco, Calif. 94137.

D. (6) $330. E. (9) $264.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

E. (9) $300.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.

B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

E. (9) $1,018.12.

A. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

E. (9) $850.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $975.

A. Jess Johnson, Jr., 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Reuben L. Johnson.

B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

D. (6) $4,430.59. E. (9) $266.45.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.

B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.

D. (6) $455. E. (9) $288.30.

A. Charlie W. Jones, 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

D. (6) $450. E. (9) $50.

A. H. Daniel Jones III, Suite 1001, 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.

D. (6) 90. E. (9) $45.

A. L. Dan Jones, General Counsel, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street, NW., Washington, D.C. 20036.

E. (9) $8.38.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $719. E. (9) $7,565.

A. Carl D. Jordan, 408 East Maple, Fremont, Mich. 49412.

B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

D. (6) $351. E. (9) $150.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.

B. Dresser Industries, Inc, 1100 Connecticut Avenue.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $12.25.

A. Gerald M. Katz, 1800 Merchantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 31201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $1.46.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $170.

A. William J. Keating, 725 15th Street NW., Room 500, Washington, D.C. 20005.

B. National Grain & Feed Association, 725 15th Street NW., Room 500, Washington, D.C. 20005.

D. (6) 30.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.

B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.

E. (9) $12.09.

A. Mr. John G. Keller, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,250. E. (9) $700.

A. Harold V. Kelly, 720 Hotel Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

D. (6) $275. E. (9) $40.

A. R. G. Kendall, Jr., Montgomery, Ala. 36104.

B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

D. (6) $90. E. (9) $227.51.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C. 20006.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $422.35.

A. Jeremiah J. Kenney, Jr., 777 14th Street NW., Washington, D.C. 20005.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $347.35.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $925. E. (9) $200.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $545. E. (9) $8.85.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $483.07.

A. Charles L. King, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $65.

A. Joseph T. King, 3600 M Street NW., Washington, D.C. 20007.

B. Associated Equipment Distributors, 615 West 22d Street, Oak Brook, Ill. 60521.

E. (9) $445.20.

A. Gibson Kingren, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $1,125. E. (9) $408.75.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $2,344.88. E. (9) $470.99.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa. 18101.

B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101.

D. (6) $1,000. E. (9) $564.90.

A. James D. Kittelton, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $725.

A. Ralph W. Kittle.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $75.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill. 60172.

D. (6) $1,250. E. (9) $75.93.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,749.98. E. (9) $416.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $575.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $250. E. (9) $25.

A. Joseph L. Koach, 1900 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $125.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $42.50.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street, NW., Washington, D.C.

E. (9) $300.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $4,368.75. E. (9) $1,498.

A. Howard R. Koven and Abe Fortas, 208 South LaSalle Street, Chicago, Ill.; Canal Square, 1054, 31st Street NW., Washington, D.C.

B. Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $146.

A. Lawrence B. Kreider, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Germaine Krettek, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $750.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,562.48. E. (9) $90.52.

A. William J. Kuhfuss, 225 West Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $975.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $6,324. E. (9) $1,296.94.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,673.70. E. (9) $4,726.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $12,365.71.

A. John Lagomarcino, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $2,965.54. E. (9) $21.65.

A. A. M. Lampley, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $200.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $537.38.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.
B. D.C. Division, American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $1,950.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $440. E. (9) $125.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,404.77. E. (9) $750.10.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $12,124.98.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Gilbert B. Lessenco, Wilner, Scheiner & Greeley, 2021 L Street NW., Washington, D.C. 20036.
B. Metropolitan Chapter, National Association of Social Workers, 1424 16th Street NW., Washington, D.C.
D. (6) $310.76. E. (9) $4.10.

A. Leva, Hawes Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Midland Enterprises, Inc., of Cincinnati, Ohio.

A. S. R. Levering, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,615.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C. 20006.
B. Association of American Railroads, American Railroads Building, Washington, D.C. 20006.
D. (6) $1,000.

A. Harry LeVine, Jr., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

A. J. Stanly Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (b) $2,837.24.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C. 20036.
B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $5,716.34. E. (9) $5,716.34.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 SW. Broadway, Portland, Oreg. 97201.
B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.
D. (6) $350. E. (9) $272.77.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 SW. Broadway, Portland, Oreg. 97201.
B. National Maritime Compensation Committee, 1331 SW. Broadway, Portland, Oreg. 97201.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.
B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
D. (6) $500.

A. Robert G. Litschert, 1140 Connecticut Avenue, Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos.
D. (6) $400. E. (9) $170.57.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 1150 Mercandise Mart, Chicago, Ill. 60654.
D. (6) $825.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, N.Y. 10004.
B. American Committee for Flags of Necessity, 25 Broadway, Room 1012, New York, N.Y. 10004.
D. (6) $750.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $700. E. (9) $200.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,050.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C. 20016.
B. Menswear Retailers of America, Room 390, National Press Building, Washington, D.C. 20004.
D. (6) $600.

A. William George Lunsford, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,764.

A. James H. Lynch, 400 First Street NW., Washington, D.C. 20001.
B. American Federation of Government Employees, 400 1st Street NW., Washington, D.C. 20001.
D. (6) $4,758.60. E. (9) $311.53.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $950. E. (9) $1,420.

A. Ian R. MacGowen, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $79.34.

A. Joseph V. Machugh, 225 A Street NE., Washington, D.C. 20002.
B. Menswear Retailers of America, Room 390, National Press Building, 14th and F Streets NW., Washington, D.C. 20004.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $690.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y. 13760.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $115,434.58. E. (9) $483.07.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,741.12. E. (9) $388.89.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $6,876.01. E. (9) $149.50.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $30. E. (9) $30.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $3,000.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $1,325.

A. William J. Marschalk, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 1300 Connecticut Avenue, Washington, D.C.

D. (6) $3,500. E. (9) $35.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. J. Paull Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $349.87. E. (9) $259.65.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $1.46.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Mike Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

D. (6) $100.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $156.56. E. (9) $22.24.

A. Walter J. Mason, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $5,499.91. E. (9) $875.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $442.66. E. (9) $394.20.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $459. E. (9) $182.85.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $4,200. E. (9) $188.57.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Mayer, Brown & Platt, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill.

D. (6) $125. E. (9) $5.

A. Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Ill. 60604.

B. Williams and Clayton Burch families, c/o Continental Illinois National Bank and Trust Co., Trustee, 231 S. LaSalle Street, Chicago, Ill.

D. (6) $100. E. (9) $352.90.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $2035. E (9) $227.50.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C.

D. (6) $1,275. E. (9) $15.

A. Michael J. McCabe, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Michael J. McCabe, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill., 60062.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,350.30.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf and Western Industries, Inc., 1 Gulf and Western Plaza, New York, N.Y. 10023.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., Post Office Drawer 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70119.

A. E. L. McCulloch, Room 814, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $411.35. E. (9) $80.17.

A. J. Patrick McElroy, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $575.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $198.44.

A. Barbara D. McGarry, 20 E Street NW., Washington, D.C.

B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Marshall C. McGrath.

B. International Paper Company, Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $660. E. (9) $217.83.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,885. E. (9) $583.70.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,375. E. (9) $52.64.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $2,067.63.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $500. E. (9) $25.

A. John McKenna, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $1,359.

A. C. A. Mack McKinney, 933 North Kenmore Street, Suite 317, Arlington, Va. 22201.

B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 317, Arlington, Va. 22201.

A. C. A. Mack McKinney, 1200 North Courthouse Road (Box G4), Arlington, Va. 22201.

B. Non Commissioned Officers Association of U.S.A., P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $1,800. E. (9) $408.73.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,250. E. (9) $25.

A. Teresa D. McLaughlin, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $2,366.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20006.
D. (6) $175.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.
D. (6) $450. E. (9) $315.

A. C. W. McMillan, National Press Bldg., 14th and F Streets, Suite 1015, Washington, D.C. 20004.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.
D. (6) $1,200.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $470.89. E. (9) $18.77.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2000. E. (9) $1,391.81.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. American Dredging Co., 12 South Twelfth Street, Philadelphia, Pa.; Great Lakes Dredge & Dock Co., 228 North LaSalle Street, Chicago, Ill.; Dunbar & Sullivan Dredging Co., 22720 Michigan Avenue, Dearborn, Mich.
D. (6) $5,150. E. (9) $1,121.11.

A. Harry C. McPherson, Jr., Suite 1100, 1660 L Street NW., Washington, D.C. 20036.
B. Montgomery Ward, Inc., 619 West Chicago Avenue, Chicago, Ill. 60607.
D. (6) $500. E. (9) $225.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,359.05. E. (9) $297.27.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The National Association of Theatre Owners, Inc., 1501 Broadway, Suite 31, New York, N.Y. 10036.
D. (6) $708.75. E. (9) $169.23.

A. William A. Meissner, Jr., 6200 Massachusetts Avenue NW., Washington, D.C. 20016.
B. Rudolph Wolff & Co., 80 Wall Street, New York, N.Y. 10005.

A. Mr. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,967.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $65. E. (9) $3.89.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Committee on American Tanker Owners, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $6,250. E. (9) $9.50.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., New York, N.Y. 10017.
E. (9) $65.75.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Stewart Title Guaranty Co., P.O. Box 2029, Houston, Tex. 77001.
D. (6) $12,500. E. (9) $49.53.

A. Lawrence C. Merthan, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $912.24. E. (9) $162.06.

A. John J. Motley.
B. National Federational of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $380.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $392.

A. James G. Michaux, 777 14th Street NW., Washington, D.C. 20005.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio. 45202.
D. (6) $1,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio. 43601.
D. (6) $2,530. E. (9) $25.

A. Anne Miller, Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $110. E. (9) $51.41.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $195. E. (9) $41.69.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $23.31.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Texas Gulf, Inc., 200 Park Avenue, New York, N.Y.
D. (6) $225. E. (9) $259.53.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr. 68102.
B. Nebraska Railroad Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr. 68102.
D. (6) $5,749.98. E. (9) $55.75.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $875.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg. 97204.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg. 97204.

A. A. Stanley Miller, 1629 K Street NW., Washington, D.C. 20006.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.
D. (6) $100.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Seymour S. Mintz, William T. Plumb, Jr., and Arnold C. Johnson.
B. Hughes Tool Co., Houston, Tex.

A. Willis C. Moffatt, Post Office Box 829, Boise, Idaho 83701.

A. Montgomery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., Post Office Box 8339, Chicago, Ill. 60680.
D. (6) $500. E. (9) $650.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $176.74. E. (9) $246.06.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C. 20006.
B. Bituminous Coal Operators Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $500.

A. O William Moody, Jr., 815 16th Street NW., Room 501, Washington, D.C. 20006.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $956.50.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.
B. National Committee for Civil Airlift.
D. (6) $2,587.50. E. (9) $486.84.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York. N.Y. 10017.

A. James M. Morris, 1660 L Street NW., Room 804, Washington, D.C., 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $876.70.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $2,500. E. (9) $100.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $3,750. E. (9) $26.73.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $100. E. (9) $80.

A. David J. Muchow, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $65.75.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.
E. (9) $176.50.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.
B. National Customs Service Association.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.
B. Merck & Co., Inc., Rahway, N.J. 07065.
D. (6) $400. E. (9) $36.50.

A. D. Michael Murray, 1920 L Street NW., Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $402.50. E. (9) $512.50.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $2,887.50. E. (9) $120.32.

A. John J. Nangle, 1625 I Street NW., Suite 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $41.25. E. (9) $50.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 30005.
D. (6) $27.50. E. (9) $27.50.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $31,754.50. E. (9) $6,981.48.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $9,070.96. E. (9) $8.371.52.

A. National Association of Farmer, Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
D. (6) $1,112.59. E. (9) $1,112.59.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $500.

A. National Association of Letter Carriers, 100 Indiana Avenue NW, Washington, D.C. 20001.
D. (6) $693,300. 03. E. (9) $16,371.92.

A. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.
E. (9) $25.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,396.73. E. (9) $2,396.73.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $8,516.35. E. (9) $8,516.35.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
E. (9) $17,833.25.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $26,943.47. E. (9) $3,839.07.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,703.89. E. (9) $1,703.87.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $300.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $90,066.52. E. (9) $3,183.63.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.
D. (6) $1,572.63. E. (9) $1,572.63.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $115,434.58. E. (9) $483.07.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $11,951.77. E. (9) $11,951.77.

A. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $473. E. (9) $125.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $25,260.38. E. (9) $25,919.72.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $7:6.25. E. (9) $666.75.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.33. E. (9) $80.48.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
E. (9) $1,199.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $287,161.19. E. (9) $21,539.50.

A. National Federation of Independent Business Inc., 920–922 Washington Building, Washington, D.C.
B. National Federation of Independent Business Inc., 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $20,394.99. E. (9) $20,394.99.

A. National Grain and Feed Association, 725 15th Street NW., Room 500, Washington, D.C.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $93,744.96. E. (9) $12,060.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $1,352.

A. National Independent Dairies Association, 2120 L Street NW., Washington, D.C. 20037.
E. (9) $200.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
E. (9) $775.

A. National Institute of Locker & Freezer Provisioners, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $212.87. E. (9) $568.71.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
D. (6) $3,496.65. E. (9) $3,496.65.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr. 68107.
D. (6) $7,462.74. E. (9) $7,462.74.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
E. (9) $7,636.77.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $5,254. E. (9) $1,391.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $2,790.01.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $13,444.87.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $6,554. E. (9) $2,312.63.

A. National Tire Dealers & Retreaders, Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $180. E. (9) $180.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C.
D. (6) $4,026.77. E. (9) $6,129.50.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,290. E. (9) $20.40.

A. Alan M. Nedry, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, California 91770.
D. (6) $200. E. (9) $279.12.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $300.

A. Samuel E. Neel, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,000. E. (9) $400.46.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,250. E. (9) $150.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C. 20005.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,656.25. E. (9) $208.22.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.
(D) (6) $150. E. (9) $5.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.
D. (6) $1,025. E. (9) $737.60.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO.
D. (6) $7,361.51. E. (9) $553.06.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill., 60606.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $554.13.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $650.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y. 10017.
B. National Cable Television Association, Inc., 1634 I Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $347.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. American Transit Association, 465 L'Enfant Plaza, West, Suite 2900, Washington, D.C. 20024.
D. (6) $1,500. E. (9) $192.

A. O'Connor, Green, Thomas. Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.
D. (6) $2,500. E. (9) $208.20.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.
E. (9) $312.46.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.
D. (6) $300.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $1,500.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.
B. Philippine Sugar Institute.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.
D. (6) $4,109.98. E. (9) $1,631.26.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

A. Alvin E. Oliver, 725 15th Street NW., Room 500, Washington, D.C. 20005.
B. National Grain & Feed Association, 725 15th Street NW., Room 500, Washington, D.C. 20005.
D. (6) $53.30.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $23.75.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $1,843.75. E. (9) $1,787.93.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $1,375.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C. 20004.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $3,945.40. E. (9) $2,631.25.

A. Carol Ames Parker, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,100.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $193.27.

A. Kenton H. Pattie, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $1,245.34.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.
D. (6) $1,250.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $800.

A. Patton, Boggs, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.
B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.
D. (6) $1,200.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. The Nestle Co., 100 Bloomingdale Road, White Plains, New York 10605.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Suite 707, Washington, D.C. 20036.
B. National Tool, Die, and Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, Suite 707, 1730 M Street NW., Washington, D.C. 20036.
B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90504.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C. 20006.
B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind. 47901.
D. (6) $2,294.86.

A. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
E. (9) $2,679.50.

A. D. V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., 1 Shell Plaza, Houston, Tex. 77002.
D. (6) $1,000.

A. J. Hardin Peterson, Sr., Post Office Drawer BS, Lakeland, Fla. 33802.
D. (6) $1,450. E. (9) $226.66.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,421. E. (9) $330.94.

A. Richard W. Peterson, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Michael Petresky, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $2,850.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $425. E. (9) $350.

A. Roger J. Phaneuf, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $149.25.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125. E. (9) $101.45.

A. Franklin A. Pickens, Post Office Box 1552, Odessa, Tex.
B. Texas Railroads.
D. (6) $1,140. E. (9) $471.64.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $178.21.

A. James F. Pinkney, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $2,501.13. E. (9) $70.52.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $700. E. (9) $1,460.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex. 79401.
D. (6) $30,038.53. E. (9) $1,350.

A. Political Action Committee for Engineers and Scientists, Suite 809, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge Ill.
D. (6) $458.

A. Dr. S. J. Poray-Tucholski, 15257 East Cedarsprings Drive, Whittier, Calif., 90603; 2626 41st Street NW., Washington, D.C. 20007.
B. Bermejo River Project Development Association.
E. (9) $204.80.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $45.25.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C. 20036.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Washington, D.C. 20036.

A. Power Tool Institute, Inc., 604 Davis Street, Evanston, Ill.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $630. E. (9) $71.93.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C. 20005.
B. International Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C. 20005.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $475.

A. William H. Press, 1629 K Street NW., Washington, D.C.
B. Acacia Mutual Life Insurance Co., 51 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,250. E. (9) $51.02.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank-Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $296.35.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,007.55. E. (9) $1,007.55.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43694.
E. (9) $2,580.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,310.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md. 21401.
B. Associated Bakers of America, 735 West Sheridan Road, Chicago, Ill. 60613.
D. (6) $676. E. (9) $187.28.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $1,666.50. E. (9) $288.56.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,945.53.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $337.44.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $8.95. E. (9) $6.04.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $8,692. E. (9) $8,692.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $2,575. E. (9) $2,575.

A. Robert J. Rauch, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,250.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $900. E. (9) $660.

A. Thomas D. Ray.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington. D.C. 20005.
D. (6) $2,250. E. (9) $305.

A. Wiliam W. Rayner, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $42.40.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex 75225.
D. (6) $150.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $31.24. E. (9) $2.50.

A. David J. Reedy. 1517 Virginia Street, Downers Grove, Ill. 60515.
B. National Advertising Co., 6850 South Harlem Avenue, Argo, Ill. 60501.
D. (6) $900.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Rosalie Reichman, 120 Maryland Avenue NE., Washington, D.C. 20002.

B. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa. 19107.

D. (6) $1,537.50.

A. Barbara Reid, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $1,137. E. (9) $2.

A. John A. Reilly, 59 Maiden Lane, New York, N.Y. 10038.

B. Estate of Bert N. Adams, et. al., 1461 West 16th Place, Yuma, Ariz. 35364.

E. (9) $25.

A. Retired Officers Association, 1625 Eye Street NW., Washington, D.C. 20006.

D. (6) $3,946.

A. Retirement Federation of Civil Service Employees of the United States Government, Warner Building, Suite 1128, 13th and E Streets NW., Washington, D.C. 20004.

D. (6) $1,400. E. (9) $8,233.37.

A. James J. Reynolds, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.

B. American Institute of Merchant Shipping, 1625 K Street, NW., Suite 1000, Washington, D.C. 20006.

D. (6) $1,875. E. (9) $466.

A. Austin T. Rhodes.

B. American Frozen Food Institute, 919-18th Street NW., Washington, D.C. 20006.

D. (6) $550. E. (9) $80.

A. Theron J. Rice, 1130 17th Street NW., No. 430, Washington, D.C. 20036.

B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.

B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. Siert F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

B. National Association of Margarine Manufacturers, 1725 K Street NW., Washington, D.C.

E. (9) $25.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $3,750.50. E. (9) $58.42.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.

B. Meat Importers' Council of America, Inc. 708 Third Avenue, New York, N.Y. 10017.

D. (6) $18. E. (9) $10.25.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $110.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. James A. Rock, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $203. E. (9) $0.75.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $729.20.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.

B. Western Oil and Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.

D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $1,000.

A. Edward W. Rothe, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $200. E. (9) $45.

A. Royall, Koegel & Wells, 1730 K Street NW., No. 1009, Washington, D.C. 20006.

B. The Associated Press, 50 Rockefeller Plaza, New York, N.Y.

D. (6) $2,220. E. (9) $45.

A. Royall, Koegel & Wells, 1730 K Street NW., No. 1009, Washington, D.C. 20006.

B. The Deltona Corp., 3250 S.W. Third Avenue, Miami, Fla. 33129.

D. (6) $6,340. E. (9) $31.

A. John Forney Rudy, 1800 K Street NW., Suite 622, Washington, D.C. 20006.

E. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.

D. (6) $2,058.46. (9) $305.58.

A. Cristine Russell, 620 C Street SE., Washington, D.C. 20003.

B. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,450.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $1,800. E. (9) $1,240.59.

A. J. T. Rutherford, 1660 L Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $1,800. E. (9) $897.30.

A. Ella Marice Ryan, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10010.

D. (6) $250. E. (9) $12.

A. William H. Ryan, Machinists Building, Washington, D.C. 20036.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,400. E. (9) $480.

A. Francis J. Ryley, 500 Title & Trust Building, Phoenix, Ariz. 85003.

B. Standard Oil Company of California, San Francisco; Shell Oil Co., Mobil Oil Corp., Atlantic Richfield Co., Phillips Petroleum Co., Union Oil Co., Gulf Oil Corp., all of Los Angeles; Humble Oil & Refining Co., Midland, Tex.

A. Sachs, Greenebaum & Tayler, 839 17th Street N.W., Washington, D.C. 20006.

B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

A. Sachs, Greenebaum & Tayler, 839 17th Street NW., Washington, D.C. 20006.

B. York Bag Co., Ltd., 3577 Dundas Street West, Toronto, Ontario, Canada.

A. Carl K. Sadler, 400 First Street NW., Washington, D.C. 20001.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.

D. (6) $5,797.40. E. (9) $7,738.62.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair and Agricultural Society, Inc., Timonium, Md. 21093.

E. (9) $1.46.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.

B. National Liquor Stores Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.

D. (6) $225. E. (9) $60.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.

B. Washington, D.C. Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.

D. (6) $555. E. (9) $75.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States.

D. (6) $1,691.25. E. (9) $10.30.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C., 20006.

D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.

B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C., 27402.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.
B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

A. Kay Sealy, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.

A. Earl W. Sears, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $163.75. E. (9) $6.01.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 48207.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $250. E. (9) $25.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.
E. (9) $180.53.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $850. E. (9) $345.

A. Sharon, Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.
D. (6) $600.

A. Jane M. O. Sharp, 100 Maryland Avenue NE., No. 400, Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., No. 400, Washington, D.C. 20002.
D. (6) $4,000.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, 910 17th Street, Washington, D.C. 20006.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $1,175.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,000. E. (9) $75.04.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1005.

A. Max Shine, 1126 16th Street NW., Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $992.50. E. (9) $20.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

A. A. Z. Shows, Suite 904 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $4,850. E. (9) $3952.34.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C. 20006.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C. 20006.
D. (6) $400.

A. John Silard, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Coalition on National Priorities, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,365.81.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $14.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Clearly, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,750. E. (9) $6.

A. Smathers and Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $6,250. E. (9) $972.03.

A. Smathers and Merrigan, 888 17th Street NW., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $401.24.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $549.14.

A. Arthur J. Smith, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Everard H. Smith, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C. 20036.
B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y. 10022.
E. (9) $54.80.

A. Robert Wm. Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $375. E. (9) $290.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.
B. National Association of Mutual Insurance Companys, 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,840. E. (9) $1,195.20.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $500. (9) $100.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $550. E. (9) $161.80.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $2,102.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $250.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $2,474.20. E. (9) $3,239.43.

A. Carl A. Soderblom, One East First Street, Room 803, Reno, Nev. 89501.
B. Nevada Railroad Association, One East First Street, Room 802, Reno, Nev. 89501.
E. (9) $552.75.

A. Charles B. Sonneborn, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $750. E. (9) $200.

A. Jerome N. Sonosky, Gerald E. Gilbert & Alvin Ezrin, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. American Physical Therapy Association, Washington, D.C.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C. 20001.
B. International Brotherhood Electrical Workers, Suite 400, 10400 West Higgins Road, Rosemont, Ill. 60018.
D. (6) $1,125.40.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $1,399. E. (9) $6.42.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. William C. Spence, Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.
D. (6) $190. E. (9) $250.65.

A. Nicholas J. Spiezio, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $450. E. (9) $8,551.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/US, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $50.

A. Squibb Corp., 460 Park Avenue, New York, N.Y. 10022.
E. (9) $172.

A. John M. Stackhouse, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C. 20036.
B. Central America Cooperative Federation, Inc., 1026 17th Street NW., Washington, D.C. 20036.
D. (6) $700.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. The Standard Oil Co. (Ohio), 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
E. (9) $312.46.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, 34th floor, Montgomery at Post, San Francisco, Calif. 94104.
B. Valley Center Municipal Water District, Valley Center, Calif. 92082.
D. (6) $400. E. (9) $240.26.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y. 10005.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $113.75. E. (9) $8.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $870.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.
B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.
D. (6) $750. E. (9) $150.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Group, American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Iron and Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $6,039.35. E. (9) $481.12.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000. E. (9) $100.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,910. E. (9) $803.60.

A. John Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,430.

A. Michael E. Strother, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $18.50.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,250. E. (9) $385.09.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $600.

A. G. Don Sullivan, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $575.

A. Frank L. Sundstrom, 1776 K Street NW., Suite 1200, Washington, D.C. 20068.
B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C. 20006.
B. The Travelers Corp., 1 Tower Square, Hartford, Conn. 06115.
E. (9) $17.20.

A. C. Austin Sutherland, 1616 P Street, NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Irving W. Swanson.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Noble J. Swearingen, 128 C Street NE., Suite 61, Washington, D.C. 20002.
B. National Tuberculosis and Respiratory Disease Association, 1740 Broadway, New York, N.Y. 10019.
D. (6) $950.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001
D. (6) $6,895.82.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa. 18016.
D. (6) $400. E. (9) $196.50.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee, Committee for a National Trade Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charles C. Talley, 100 Angus Court, Charlottesville, Va. 22901.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Richard M. Tempero, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D (6) $343.79.

A. Roy W. Terwilliger, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Clark W. Thompson, 402 Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. American National Insurance Co., Anico Building, Galveston, Tex. 77550.

A. Clark W. Thompson, 402 Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. TENNECO, Inc., Post Office Box 2511, Houston, Tex. 77001.

A. William D. Thompson, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,537.05.

A. Paul J. Tierney, 1101 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $143. E. (9) $239.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $2,365.

A. Patrick F. Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $3,645.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,800. E. (9) $665.37.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue, Washington, D.C.
D. (6) $756.25. E. (9) $360.03.

A. Transportation Association of America, 1107 17th Street NW., Washington, D.C. 20036.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,525. E. (9) $82.91.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,625. E. (9) $26.30.

A. Galen Douglas Trussell, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $792. E. (9) $224.60.

A. James R. Turnbull, Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

A. John D. Tyson.
B. International Paper Co., Room 700, 1620 Eye Street NW., Washington, D.C. 20006.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.
E. (9) $12,300.04.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $32,368.44.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $241.92.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $364.45. E. (9) $364.45.

A. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $40,151.29.

A. Universal Development Consultants, Inc., 425 13th Street NW., Washington, D.C. 20004.
B. Mortgage Bankers Association of America.
D. (6) $250. E. (9) $45.98.

A. David E. Ushio, 2021 L Street NW., Suite 530, Washington, D.C. 20036.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.
D. (6) $200.

A. Lois Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.
D. (6) $62. E. (9) $5.50.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $2,634. E. (9) $2,254.39.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,400. E. (9) $480.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.
E. (9) $58.77.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
E. (9) $30.26.

A. Venable, Baetjer & Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $1.46.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $215. E. (9) $75.90.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co., of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $165.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/US, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,350. E. (9) $50.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $317.71.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20006.
D. (6) $127.75. E (9) $38.

A. E. R. Wagner, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
B. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $207.69. E. (9) $24.68.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detriot, Mich. 48214.
D. (6) $844.70. E. (9) $216.86.

A. Wald, Harkrader & Ross, 1320 Nineteenth Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. E. F. Waldrop, Jr., Suite 212, 300 New Jersey Avenue SE, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $169.16. E. (9) $45.15.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,869.

A. Franklin Wallick; 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $1,345.40. E. (9) $275.61.

A. William A. Walton, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans. 66612.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans. 66612.

A. Alan M. Warren, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co. (a Delaware Corporation), Post Office Box 2180, Houston, Texas.
E. (9) $50.75.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y. 10010.
D. (6) $450. E. (9) $340.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill. 60611.
D. (6) $900. E. (9) $850.

A. Ray Wax, 1900 South Eads Street, Box 836, Arlington (Crystal City), Va. 22202.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
E. (9) $64.50.

A. Herman Webb, 400 First Street NW., Washington, D.C. 20001.
B. International Brotherhood of Electrical Workers, Suite 400, 10400 West Higgins Road, Rosemont, Ill. 60018.
D. (6) $525.

A. Clarence M. Weiner, 575 Madison Avenue, New York, N.Y. 10001.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10001.
D. (6) $9,999.99.

A. F. Paul Weiss, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
D. (6) $850. E. (9) $142.80.

A. Bernard J. Welch, 1800 K Street, NW., Washington, D.C. 20006.
E. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $142.22.

A. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md. 20015.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Paul S. Weller, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $283.53.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $6,425.

A. Terrell M. Wertz, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,750. E. (9) $151.67.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Clyde A. Wheeler, Jr., Suite 820, 1800 K Street NW., Washington, D.C. 20006.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.
D. (6) $7,000. E. (9) $1,725.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. John C. White, Room 1008, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., Room 1008, 1101 17th Street NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $476.39.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Douglas Whitlock II, 1660 L Street NW., Suite 1001, Washington, D.C. 20036.
B. Zale Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $150.

A. Robert E. Wick, 1800 K Street, Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street, NW., Washington, D.C. 20006.
E. (9) $133.27.

A. Joe O. Wiggs, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Claude C. Wild, Jr., 1025 Connecticut Ave., NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y. 10017.
E. (9) $144.15.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $3.50.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Crow Creek Sioux Tribe, Pierre Agency, Pierre, S.D.
E. (9) $31.71.

A. Wilkinson, Cragun & Barker, 1616 H Street, NW., Washington, D.C.
B. Dakota Association of Canada, Post Office Box 1193, Winnipeg, Manitoba, Canada.
E. (9) $95.10.

A. Wilkinson, Cragun & Barker, 1616 H Street, NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopa, Calif.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Quinaielt Tribe of Indians, Taholah, Wash.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $3.55.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. C. Brewer & Co., Ltd., Post Office Box 3470, Honolulu, Hawaii.
D. (6) $1,000. E. (9) $400.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $5,000. E. (9) $400.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. National Council for Health Care Services, 407 N Street, SW., Washington, D.C.
D. (6) $1,000. E. (9) $400.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.
D. (6) $500. E. (9) $50.

A. Harry D. Williams, 1660 L Street, NW., Washington, D.C. 20036.
B. Ashland Oil, Inc., Post Office Box 391, Ashland, Ky., 41101.
D. (6) $250.

A. Robert E. Williams, 1825 K Street, NW., Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $646.99.

A. John C. Williamson, 1300 Connecticut Avenue, Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.; 1300 Connecticut Avenue, Washington, D.C.
D. (6) $8,000. E. (9) $169.65.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.
E. (9) $85.82.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $3,750. E. (9) $38.74.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Oil Investment Institute, One Greenwich Plaza, Greenwich, Conn. 06830.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 71106.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $1,200. E. (9) $98.72.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $1,000. E. (9) $380.78.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Peter L. Wolff, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $9,245.60. E. (9) $3,550.57.

A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa. 19107.
D. (6) $7,830.08. E. (9) $8,672.77.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $140.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $427.17. E. (9) $25.85.

A. Gerald L. Wykoff, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif. 90048.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington,

B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Merger Committee, National Basketball Association, c/o Mr. Abe Pollin, 6101 16th Street NW., Washington, D.C.

D. (6) $2,850.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Abe Pollin, 6101 16th Street NW., Washington, D.C. 20011.

D. (6) $200. E. (9) $3.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. John H. Yingling, 905 16th Street NW., Washington, D.C. 20006.

B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.

D. (6) $200. E. (9) $109.58.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,279. E. (9) $447.67.

A. Robert C. Zimmer, 1775 K Street NW., Washington, D.C. 20006.

B. Charge Account Bankers Association, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $1,632. E. (9) $425.

A. Albert H. Zinkand.

B. Getty Oil Co.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3.000. E. (9) $164.33.

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1972 were received too late to be included or were not included in the published reports for the first quarter (**) or were not included in the published reports for the fourth quarter of 1971 (***):

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees*. An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Actors' Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $2,500.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $9,680. E. (9) $5,328.31.

A. Paul W. Airey, 4517 Sunset Drive, Panama City, Fla. 32401.
B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $7,407.04. E. (9) $7,407.04.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,000.

A. Frederick K. Alderson, 1900 L Street NW., Suite 205, Washington, D.C. 20036.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $740. E. (9) $122.65.

A. M. B. Alderton, ARBA Building, Suite 405, 525 School Street SW., Washington, D.C. 20024.
E. (9) $685.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y. 10010.
D. (6) $6,642.11. E. (9) $6,642.11.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $3,814.17. E. (9) $3,814.17.

A. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $19,478.73. E. (9) $2,867.95.

A. American Federation of State, County, & Municipal Employees, 115 15th Street NW., Washington, D.C. 20005.
E. (9) $5,820.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $147,772.23. E. (9) $2,595.93.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,390.07. E. (9) $1,390.07.

A. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100. E. (9) $100.

A. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20008.
E. (9) $2,163.27.

A. The American Legion National Headquarters, 700 North Pennsylvania Street, Indianapolis, Ind. 46206.
D. (6) $71,754.31. E. (9) $41,424.89.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,377.74. E. (9) $1,377.74.

A. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Suite 6201, Chicago, Ill. 60611.
D. (6) $2,220.88. E. (9) $2,755.20.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C. 20005.

A. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C. 20036.
D. (6) $8,610. E. (9) $7,342.78.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $150. E. (9) $40.50.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $145. E. (9) $41.25.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y. 10022.
E. (9) $300.

A. Charles W. Bailey, 1900 L Street NW., Suite 205, Washington, D.C. 20036.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Peter M. Balitsaris, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $2,156.25. E. (9) $28.65.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington D.C. 20006.
B. Committee of European Shipowners, 30–32 St. Mary Avenue, London EC3A 8ET, England.
D. (6) $7,500. E. (9) $5,269.11.

A. Weldon Barton.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $4,092.48. E. (9) $134.27.

A. Ross Bass Association, Pulaski, Tenn.
B. Record Ind. Association of America, 1 East 57th Street, New York, N.Y.
D. (6) $6,250.

A. Jeffrey Bell, 422 First Street SE., Washington, D.C. 20003.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $1,050.

A. Thomas P. Bennett, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,500.

A. Melvin J. Boyle, 1125 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $5,000.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Professional Employees of USDA (OPEDA), 1341 G Street NW., Washington, D.C. 20005.
D. (6) $420. E. (9) $25.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $87.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $23,807.18. E. (9) $23,807.18.

A. David Brower, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Oakland Avenue, Detroit, Mich. 48231.
D. (6) $500. E. (9) $165.

A. Bulgarian Claims Committee c/o Mr. Chaco Chase, 109–20 71st Road, Forest Hills, N.Y. 11375.
D. (6) $570. E. (9) $192.34.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $975. E. (9) $334.69.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C. 20004.
B. Securities Industry Association, 425 13th Street NW., Washington, D.C. 20004.
D. (6) $4,000. E. (9) $1,455.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Charles R. Carlisle, 1145 19th Street NW., Washington, D.C. 20036.
D. (6) $1,057.50. E. (9) $604.78.

A. Frank H. Case III, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
D. (6) $162. E. (9) $250.

***A. Blue Allan Carstenson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C. 20036.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $20.

A. Hal M. Christensen, 1101 17th Street N.W., Suite 1004, Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Suite 1004, Washington, D.C. 20036.
D. (6) $2,250.

A. Albert T. Church, Jr., 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $52.50. E. (9) $2.42.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $7,715. E. (9) $6,365.05.

A. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,687.85. E. (9) $5,987.88.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders, of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $6,562.49. E. (9) $505.87.

A. Committee for Humane Legislation, Inc. 11 West 60th Street, New York, N.Y. 10023.

D. (6) $34,092.05. E. (9) $26,032.96.

A. John A. Connor, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Oakland Avenue, Detroit, Mich. 48231.

D. (6) $500. E. (9) $290.

A. Harry N. Cook, Suite 200, 1130 17th Street NW., Washington, D.C. 20036.

B. The National Waterways Conference.

A. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $2,000. E. (9) $830.

A. Council of AFL–CIO Unions for Scientific, Professional & Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,250. E. (9) $2,500.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Adhesive and Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Corn Millers Federation, 1030, 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Kohler Co., Kohler, Wisc. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Casualty and Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. John A. Couture, 1625 L. Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $4,506.27. E. (9) $486.88.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

(D). (6) $3,979.18. E. (9) $1,541.80.

A. Culbertson, Pendleton & Pendleton, One Farragut Square South, Room 800, Washington, D.C. 20006.

B. Canned Meat Importers' Association, c/o North American Foods Division, Deltec International, Ltd., 2801 Ponce de Leon Boulevard, Coral Gables, Fla.

D. (6) $1,245. E. (9) $326.52.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.

B. D.C. Transit System, Inc., Washington, D.C.

D. (6) $1,500.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.

B. Guild of Prescription Opticians Inc., 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. Association of Plaintiffs Trial Attorneys of Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C. 20005.

D. (6) $1,500.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

D. (6) $2,000.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

D. (6) $3,000.

***A. Tony T. Dechant.

B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

D. (6) $3000. E. (9) $255.28.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $6,875. E. (9) $1,040.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $850. E. (9) $104.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street San Francisco, Calif. 94106.

D. (6) $4,510. E. (9) $2,672.98.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C.

B. International Union of District 50, Allied & Technical Workers of the United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

D. (6) $4,990.68.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.

E. (9) $3,000.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,075.

A. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

E. (9) $53.17.

A. Hope Eastman, Esq., 1424 16th Street NW., No. 501, Washington, D.C. 20036.

B. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y. 10010.

D. (6) $6,642.11. E. (9) $6,642.11.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,514. E. (9) $1,125.54.

A. Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Six Agency Committee, 302 State Building, 217 West First Street, Los Angeles, Calif.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $1,875. E. (9) $175.

A. Glenn R. Erickson, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $270. E. (9) $450.

A. Fensterwald & Ohlhausen, 905 16th Street NW., Washington, D.C. 20006.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.

D. (6) $4,280. E. (9) $55.33.

A. Francis C. Fini, 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Air Force Sergeants Association Inc., 1501 Pennsylvania Avenue SE, Washington, D.C. 20003.

A. Frank U. Fletcher, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

E. (9) $8.90.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.
E. (9) $2.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Mizrachi Women's Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $525. E. (9) $2.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Oglala Sioux Tribe, Pine Ridge, S. Dak.
E. (9) $5.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $450. E. (9) $5.68.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Salt River Pima Maricopa Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) $62.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. San Carlos Apache Tribe, San Carlos, Ariz.
D. (6) $117.35. E. (9) $6.82.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Sisseton and Wahpeton Sioux Tribe, Sisseton, S. Dak.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Tuscarora Nation of Indians, Lewiston, N.Y.
D. (6) $142.25.

A. Nicole Gara, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $98,300. E. (9) $5,969.52.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. The Glenmede Trust Co., 1608 Walnut Street, Philadelphia, Pa.

A. James M. Goldberg, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $850.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C. 20005.
B. Council of AFL-CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,000.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C.
B. Actors' Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
E. (9) $119.04.

***A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. John F. Hall, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) 286.40.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Herbert E. Harris II, 1030 15th Street NW., Suite 840, Washington, D.C. 20005.
B. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C. 20005.
D. (6) $1,500.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,057.05.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y. 10022.
D. (6) $150. E. (9) $150.

A. Harold K. Howe, 400 Walker Building, 734 15th Street NW., Washington, D.C. 20005.
B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C. 20005.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $39.75.

A. William J. Hull, 1660 L Street NW., Washington, D.C. 20036.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., Washington, D.C. 20036.
B. Ohio Valley Improvement Association, Inc.

A. Gregory A. Humphrey, 1012 14th Street NW., Washington, D.C. 20005.
B. American Federation of Teachers, AFL-CIO, Washington, D.C. 20005.
E. (9) $400.

A. Philip A. Hutchinson, Jr., East Benning Road, Galesville, Md. 20765.
B. Committee on Federal Procurement of A/E Services, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Gerald W. Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,093.08. E. (9) $579.50.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $312.50. E. (9) $26.15.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. International Union of District 50, Allied & Technical Workers of U.S. & Canada, 4880 MacArthur Boulevard NW., Washington, D.C.
E. (9) $4,990.68.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.
E. (9) $992.95.

A. Glen L. Jermstad, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $624.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $975.

***A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $4,781.50 E. (9) $216.36.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C. 20036.

A. Law Offices of Kennedy & Leighton, 888 17th Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $5,294.40. E. (9) $1,403.

A. Francis A. Kelley, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $5,366.95.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill., 60611.
D. (6) $1,250. E. (9) $650.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

A. James D. Kittelton, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $725.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill. 60172.
D. (6) $1,250. E. (9) $71.06.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $575.

A. Reed E. Larson, 1900 L Street NW., Suite 205, Washington, D.C. 20036.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.

A. Dillard B. Lasseter, 4600 Connecticut Avenue, Washington, D.C. 20008.
B. American Trucking Association, 1616 P Street, Washington, D.C.
D. (6) $3,000. E. (9) $525.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhasset, N.Y. 11030.
D. (6) $743.46. E. (9) $743.46.

A. Charles W. Lee, Room 211, Congressional Hotel, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
D. (6) $150. E. (9) $25.

**A. Nils A. Lennartson, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $12,124.98.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Steven H. Lesnik, 1511 K Street NW., Washington, D.C.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill., 60049.
D. (6) $675.

A. Harry LeVine, Jr., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.
D. (6) $19,656.28. E. (9) $17,840.72.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill., 60049.
E. (9) $1,350.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif. 95814.
B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.
E. (9) $1,213.86.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,638.10. E. (9) $450.29.

A. Albert E. May, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $88.50. E. (9) $1.85.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $2,035. E. (9) $227.50.

A. J. Patrick McElroy, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $575.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $3,054. E. (9) $1,423.50.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.
D. (6) $585. E. (9) $410.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C. 20005.
B. American Federation of Teachers, AFL-CIO, 1012 14th Street NW., Washington, D.C. 20005.
E. (9) $400.

***A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

A. Clinton R. Miller, 121 Second Street NE., Suite 5, Washington, D.C.
B. National Health Federation, 211 West Colorado Boulevard, Monrovia, Calif.
D. (6) $3,550. E. (9) $2,890.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $346. E. (9) $12.

A. Paul J. Minarchenko, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $5,000. E. (9) $500.

A. Seymour S. Mintz, William T. Plumb, Jr., and Arnold C. Johnson.
B. Hughes Tool Co., Houston, Tex.

A. John G. Mohay, 734 15th Street NW., Washington, D.C. 20005.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $312.50.

A. John Morgan, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $544.16.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Central Gulf Steamship Corp., International Trade Mart, No. 2 Canal Street, New Orleans, La.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $756.62.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Avenue Urdaneta, Seventh Floor, Caracas, Venezuela.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.
B. Service Employees International Union, AFL-CIO, 900 17th Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $100.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $41.25.

A. National Air Carrier Association, 1730 M. Street NW., Washington, D.C. 20036.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,182.16. E. (9) $1,309.71.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $26,977.64. E. (9) $29,789.26.

A. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $609,358.39. E. (9) $5,630.41.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $636.25. E. (9) $568.66.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
E. (9) $1,200.

A. National Federation of Business & Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $38,573.88. E. (9) $9,733.65.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C. 20036.
D. (6) $41,591.08. E. (9) $27,259.39.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $6,367.56. E. (9) $2,378.58.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $825.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $1,185.50. E. (9) $750.

A. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $4,821.43. E. (9) $4,821.43.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $2,940.77.

A. National Rural Housing Coalition, DuPont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,334. E. (9) $712.38.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $6,225. E. (9) $4,184.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y. 10003.
D. (6) $8,937. E. (9) $17,142.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $13,244.73.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,528.72. E. (9) $2,736.47.

A. National Taxpayers Union, 319 Fifth Street SE., Washington, D.C. 20003.
D. (6) $3,045.50. E. (9) $3,514.95.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $40,000. E. (9) $19,031.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $261.25.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $100.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, D.C. 20005.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $229.69.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $346. E. (9) $21.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C. 20005.
B. Professional Employees of the USDA, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $225. E. (9) $25.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $148.05.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $1,843.75. E. (9) $2,187.93.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $1,375.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.
B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.
D. (6) $1,400.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.
D. (6) $1,800.

A. Pepper, Hamilton & Scheetz, 123 South Broad Street, Philadelphia, Pa.
B. The Glenmede Trust Co., 1608 Walnut Street, Philadelphia, Pa.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $475. E. (9) $114.

A. H. P. Pressler, Anderson, Brown, Orn, Pressler & Jones, 1122 Southwest Tower, Houston, Tex. 77002.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $900.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Island Equipment Co., 3300 Northeast Yeon Avenue, Portland, Oreg.
D. (6) $1,000. E. (9) $27.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $1,500. E. (9) $54.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $450.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $346. E. (9) $15.

A. Louis J. Rancourt, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Robert J. Rauch, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $800.

A. Sydner C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Pretonshire, Dallas, Tex. 75225.
D. (6) $150.

A. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $155,431.80. E. (9) $38,555.23.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y.
E. (9) $3,000.

A. James J. Reynolds, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
D. (6) $1,875. E. (9) $143.

A. Austin T. Rhoads, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $261.45.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.
B. Lousiana Railroads, 335 Austin Street, Bogalusa, La.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. The Kellogg Co., Battle Creek, Mich.
D. (6) $2,000.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10013.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $665.62. E. (9) $68.86.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $2,250. E. (9) $134.70.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
B. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $750.

A. Durward Seals, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $231.25. E. (9) $24.22.

A. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $450. E. (9) $450.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $1,239.50. E. (9) $188.21.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. El Paso Natural Gas Co., El Paso, Tex.
D. (6) $3,175. E. (9) $2,299.51.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington, D.C.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,175.

A. Wiliam L. Slayton, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,500.

A. Kern Smith, Suite 405, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

D. (6) $12,500. E. (9) $5,324.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.

B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.

D. (6) $2,845.10. E. (9) $2,534.42.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. J. Gilbert Stallings, Esq., 1776 K Street NW., Washington, D.C. 20036.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connticut Avenue NW., Washington, D.C. 20036.

B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Richard H. Stock, 19 Fifth Street SE., Washington, D.C. 20003.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Richard H. Stock, 19 Fifth Street SE., Washington, D.C. 20003.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Richard H. Stock, 19 Fifth Street SE., Washington, D.C. 20003.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. G. Don Sullivan, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $575.

A. Noble J. Swearingen, 128 C Street NE., Suite 61, Washington, D.C. 20002.

B. National Tuberculosis & Respiratory Disease Association, 1740 Broadway, New York, N.Y. 10019.

D. (6) $950. E. (9) $19.31.

A. Ivan Swift, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $1,276.15.

A. Robert F. Sykes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $182.83.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,795.40. E. (9) $514.30.

**A. David R. Toll, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $756.25. E. (9) $360.03.

A. J. P. Trainor, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $2,808. E. (9) $1,885.93.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C. 20004.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

D. (6) $4,750. E. (9) $147.50.

**A. Galen Douglas Trussell.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.

D. (6) $792.00. E. (9) $442.85.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif. 94108.

D. (6) $261. E. (9) $1,302.30.

A. James R. Turnbull.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

E. (9) $14.70.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $1,747.80. E. (9) $1,747.80.

A. E. R. Wagner, 888 17th Street NW., Suite 601, Washington, D.C. 20006.

B. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.

D. (6) $242.30. E. (9) $19.98.

A. DeMelt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $790.70. E. (9) $186.75.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Richard D. Warden, 1823 Jefferson Place NW., Washington, D.C. 20036.

B. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C. 20036.

D. (6) $25,110. E. (9) $8,503.43.

A. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C. 20005.

D. (6) $6,957.50. E. (9) $6,431.96.

A. Leonard Warner, 1030 15th Street NW., Suite 840, Washington, D.C. 20005.

B. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C. 20005.

D. (6) $1,500.

A. Fred W. Wegner, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

E. (9) $142.69.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

D. (6) $2,751.50. E. (9) $4,476.03.

A. Francis G. Williams.

B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $100.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.

D. (6) $500. E. (9) $50.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,608.37. E. (9) $364.21.

A. Augusta E. Wilson, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,622.31.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, Washington, D.C. 20036.

D. (6) $4,968.75. E. (9) $535.07.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $1,415. E. (9) $257.10.

EXTENSIONS OF REMARKS

FRANCES G. KNIGHT—EXCELLENT ADMINISTRATOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. WALDIE. Mr. Speaker, I commend Frances G. Knight, Director of the Passport Office, on that Agency's highly successful year. I think few people realize the extent of the service offered by the Passport Office. This Office is responsible for many activities other than accepting passport applications and issuing passports. I was informed, and impressed by Mrs. Knight that once again the collections made by the Passport Office were in excess of direct operating funds, this year by $14,570,000.

The following is a summary of the year-end report of the Passport Office for the fiscal year 1972:

In Fiscal Year 1972 the Passport Office issued a total of 2,605,321 passports. This volume of passports issued represents an increase in workload of 12.7% over the passports issued the previous year. Personnel utilization increased by 12.0% in FY 1972 from 702 man-years utilized in FY 1971 to 786 man-years utilized in FY 1972.

During FY 1972 the Passport Office collected an estimated $25,955,783 in passport fees, an increase of 14.2% over FY 1971. Direct operating funds for FY 1972, including pay for permanent personnel for which funds are not allocated to the Passport Office, amounted to approximately $11,389,000, resulting in a surplus of collections in excess of direct operating funds amounting to approximately $14,570,000.

In addition to the basic workload of processing and issuing passports, the Passport Office also furnished numerous other services and performed many other significant and important work functions, studies and projects not directly related to the processing and issuance of passports. The Passport Office is composed of four divisions which carry out the various work function.

First, the Administrative Division is primarily responsible for providing personnel and administrative support, technical services, equipment and supplies to all the operating areas of the Passport Office. The Division's work functions are generally service oriented and, in the main, are not directly related to passport processing. In several significant functions, however, such as mail processing, filing of applications, accounting, and name clearances the workloads performed in this Division are closely associated with passport processing.

During Fiscal Yetar 1972 the Administrative Division experienced increases in all categories of support work, as well as increases in nonmeasured workloads involving budget submissions, data for other agencies of government, special studies, projects and services.

Secondly, the Domestic Operations Division is primarily responsible for the issuance of passports in the United States and for the operations of the ten Passport Field Agencies and the National Office in Washington, D.C.

In addition to its normal workload of issuing passports to the general public, the Division is also involved in numerous services and work functions, as well as staff and management duties which are not directly related to the processing and issuance of passports to the general public. Diplomatic and Official passports are listed as additional workloads performed by the Domestic Operations Division since they are handled as a special service for other Government agencies. Other services handled by this division are as follows: post adjudication of Insular applications, review of Post Office applications (Washington Only), filing of Locater and Status Cards, and other services.

During FY 1972 the Foreign Operations Division received a total of 46,844 cases from the Foreign Service Posts and other areas throughout the world which required action or advisory opinion. This represents an increase of 12.4% over the 41,689 cases received from the same sources during FY 1971. In FY 1972, 45,965 cases were completed as compared to 40,208 in FY 1971, an increase of 14.3%.

The Foreign Operations Division performs a multitude of services and support activities which are both directly and indirectly involved in the processing and production of passports issued overseas.

The casework category of Foreign Operations Division consists of fraudulent natural ization, certificates of loss of nationality, registration application, passport application, consular reports of birth, correspondence and consular letters, advisory opinions, and lost and found.

The fourth division is the Legal Division which performs mainly service oriented work of a legal and quasi-legal nature. These activities and services are not directly related to the processing and issuance of passports.

During the FY 1972 the legal division completed 34,788 cases ranging from travel control cases to civil action. This represents a 16.3% increase over the 29,919 cases that were completed in FY 1971. The workload consisted of: discretionary actions, fraud cases, criminal prosecution, child custody cases, and circular outlooks.

THE NATIONAL CAMPAIGN AND THE CANDIDATES—ADDRESS BY HON. ROBERT C. HILL

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, October 10, 1972

Mr. COTTON. Mr. President, the Honorable Robert C. Hill hails from the State of New Hampshire and has had a distinguished career in the diplomatic service, having served as Ambassador to Costa Rica, El Salvador, Mexico, and more recently, Spain.

Ambassador Hill recently delivered a speech before the National Federation of Republican Women Executive and Board Directors meeting in Boston, in which he expressed his views of the national campaign and of the candidates. By request, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY FORMER U.S. AMBASSADOR ROBERT C. HILL BEFORE THE NATIONAL FEDERATION OF REPUBLICAN WOMEN EXECUTIVE AND BOARD OF DIRECTORS MEETING

When your president, Mrs. Armitage, and my friend, Mrs. Mildred Tottman from New Hampshire, invited me to give the keynote address this afternoon before the National Federation of Republican Women, I accepted with alacrity and with much pleasure. Some years ago John Foster Dulles told me that in a free society, public attitudes could be crucial in forming public policy. He went on to say that those of us who have lived with foreign affairs should speak out and tell the story of our own experiences. So I am doubly pleased and honored to be here because I am well aware of the wide influence that you have in America. I also know that you are hardworking and dedicated Republicans.

I am very pleased to note in your calendar of events that you are having an opportunity to visit some of the historic places in and around Boston. After your Boston Tea Party is over Saturday, if your weekend remains open, I urge you to visit one or all three of the northern New England states, Maine, New Hampshire, and Vermont, and witness the opening of the fall foliage season. If you do, you will see the forests coming alive in brilliant color. It could be an experience that you will never forget. Then you can return home refreshed and ready to rededicate yourselves to bring about an overwhelming Republican victory in November.

Since January 1969, President Nixon's foreign policy initiatives have electrified people all over the world. His critics, including certain members of the Democratic Party, have been mystified and confused. As a former Ambassador to four countries, who began in the Foreign Service as a Vice Consul in India many years ago, I have followed the President's initiatives with more than casual interest.

This morning I heard on NBC's Today Show that for the first time in seven long years seven days have gone by without a single American death in Vietnam. I hope the Democratic Party has taken note of this wonderful news.

What President in your memory has ever inherited such a mess as our President did in January, 1969? I am sick and tired, as I am sure you are, of the baleful hounds that try to sicken the minds of the people around the world by saying that our President has no plan to end the war. I do not like to use statistics to prove a point, but they are so impressive in this case. 547 thousand Americans were in Vietnam in 1969 and there are only 37 thousand there today. I recognize that there are several thousand military personnel in the surrounding area, helping to make it possible for the President to phase the United States out of the war, but all the same, what an accomplishment in four years?

I wish the entrepreneurs of doom, such as the candidate of the opposition party and his talkative seventh man, Mr. Shriver, and the self appointed Diplomatic Representative to the Paris Peace Talks, Mr. Salinger, would let the President, Secretary of State, Secretary of Defense, and Dr. Kissinger continue to work ourselves out of this mess that we inherited from the Democratic Administration. Unfortunately, this is expecting too much in a political year.

No well informed person in foreign affairs thinks for a moment that the rest of the long road out of Vietnam is not without problems and years of resolve on the part of the people of South Vietnam, if they are to remain free and survive as a nation, but there is another ingredient in Southeast Asia that should not be forgotten. The United States did not cut and run and leave this area to be overrun by the Communists to the north. Don't think other nations in the world have lost sight of this important fact.

President Nixon's handling of Vietnam is a perfect example of his wide experience in foreign affairs. He well knows that dealing with an enemy can only be done through strength.

How well I remember those lonely days after the California defeat when he practiced law in New York. During those years he studied, traveled, and worked to prepare himself for leadership, in the event he was called upon by his countrymen. He made many trips abroad during the 60's consulting with world leaders like DeGaulle, Adenauer, and His Holiness, and many others. How embarrassed a former Ambassador of France to the United States must be because he urged DeGaulle not to see Mr. Nixon in 1963, because he was a has-been politician. DeGaulle's alleged reply to his Ambassador was, "I shall see Mr. Nixon. I believe his future is ahead of him."

During these years I saw the President frequently. I continued to be amazed that at no time did he show discouragement. He just kept moving along and preparing himself to serve his country, if called upon.

As responsible ladies, I am sure you are following the dangerous and explosive developments in the Middle East. This is an area of world affairs where I have had no personal experience, except from the vantage point of Spain, which, geographically, rests on the other side of the Mediterranean. However, during my three years in Spain, we watched events in the Middle East carefully and reported our observations to Washington. Despite the serious situation today, Secretary Rogers and Assistant Secretary Sisco deserve great credit for the direction of U.S. policy in this area. They have not sought newspaper headlines, but have sought tangible solutions to historic problems that have existed for centuries. Their good judgment and advice has brought much praise from foreign officers of many countries in Europe.

In recent days we have read about a dangerous uprising in Uganda. My wife and I just returned from London where refugees and exiles are streaming in by the hundreds in an effort to find a new life. I trust you have noted that the United States has remained calm. To my knowledge, we have not tried to be the policemen of this tragic situation. At last that day is over, thanks to the President's foreign policy.

No doubt there are many in the audience who have questions and observations about the President's trips to China and Russia. These trips may be the most important foreign policy events in the second half of the Twentieth Century. No doubt you have noted the months of careful preparation that led up to these awesome state visits. Only time will tell if these foreign policy initiatives will bring the lessening of international tensions that people all over the world yearn for.

These are a few of the areas of the world that I thought you ladies might be interested in. Yet, there is one more, and it leaves me with a heavy heart in raising the subject. Yet, it is absolutely essential that you understand the purpose and meaning. I speak of *terrorism*. Recent events in Munich, London, Stockholm, and Madrid are only a few acts of violence that have again startled the world. Howard K. Smith, eminent newscaster for ABC, stated on his September 7, 1972 broadcast the following:

"A lot of study and thought has to be given to how we got into a situation in which tiny bands of ruthless terrorists can disrupt nations, as in Northern Ireland, or the world, as in Munich.

"Until a better analysis comes up, I propose this.

"In the year 1960, Khrushchev, the keynoter of a still monolithic Communist movement, made this speech, announcing a change in line.

"He said, in a nuclear world, big wars are no longer feasible. And he proposed co-existence.

"But he supported what he called Wars of National Liberation. That is, small fanatical groups, heedless of life, well armed, who could so disrupt society as to give minorities control of whole nations.

"North Vietnam was the first success, nourishing such groups all over Southeast Asia, defying opposition even from the world's strongest nation, the United States.

"I suggest that from these two acts, Khrushchev's line and Hanoi's example, all the rest have been inspired to act—the Tupamaros, the IRA, for awhile the Panthers here, those guerrillas in Munich, and others.

"I don't mean Russia controls them; indeed she seems frightened at how far out of control Khrushchev's idea has gone. But she and Hanoi" (and I would add Castro of Cuba) "have created a new fashion in revolution, against the people, rather than for them.

"It is going to be unpleasant, but civilized people are going to have to accept much more police security, and put up much tougher resistance until the fashion dies, or is discredited by defeats."

So ladies of the National Federation of Republican Women, let's continue to look at life carefully and realistically, but let us not lose that great American ideal, Peace on Earth and good will toward mankind. God bless you ladies, and God bless the United States of America.

Thank you and good afternoon.

COMPLAINT AGAINST PRESIDENT NIXON

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. YATES. Mr. Speaker, I have been requested by my constituent, Mr. Anthony R. Martin-Trigona, to place in the Congressional Record his complaint against President Nixon, which he has filed in the U.S. District Court for the Northern District of Illinois, in case No. 72C 2382. The complaint seeks to require the President to suspend military and economic aid to certain nations for their failure to comply with Public Law 92–226, requiring the suspension of such aid to any country which has failed to take adequate steps to prevent the flow of drugs.

The complaint follows:

[In the United States District Court for the Northern District of Illinois, Eastern Division, Civil Action No. 72C 2382]

People of the United States of America, Ex Rel. Anthony R. Martin-Trigona, Anthony R. Martin-Trigona, Plaintiffs, vs. Richard M. Nixon, Defendant

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

The plaintiffs complain of the defendant and say:

1. *Jurisdiction*. This court has jurisdiction under, inter alia, 28 U.S.C. §§ 1361, 1331; 28 U.S.C. §§ 2201, 2202.

This is an action in the nature of mandamus to require the President of the United States to suspend military and economic aid to the following nations: Republic of Viet-Nam, Kingdom of Laos, Kingdom of Thailand, under the provisions of Public Law 92–226, 86 Stat. 24. This action also seeks a declaratory judgment that the President of the United States is "required" to suspend military and economic aid to the nations in accordance with Public Law 92–226 and that such a suspension is now "required" by the factual situation existing in the aforementioned nations of Southeast Asia.

2. *Parties*. Plaintiff Anthony R. Martin-Trigona is a citizen of the United States and a taxpayer of the United States.

Defendant Richard M. Nixon is President of the United States and is currently a candidate for reelection to that office.

3. *Statement of the Action*.

A. There is a nationwide epidemic of drug infestation in the United States which is injurious to the citizens of the United States.

B. The Congress of the United States, in enacting Public Law 92–226, found that effective international cooperation was essential to any successful effort at stemming the flow of dangerous drugs into the United States.

C. The Congress provided the President of the United States with two discretionary powers and one mandatory power, namely: (a) "The President is authorized to conclude agreements with other countries. . ."; ". . . the President is authorized to furnish assistance to any country. . .": (b) "The President *shall* (emphasis added) suspend economic and military assistance. . . with respect to any country when. . . such country has failed to take adequate steps to prevent narcotic drugs. . . "

D. The President of the United States is under a statutory requirement to suspend aid when the facts and circumstances indicate that a nation has failed to comply with the purpose of Public Law 92–226.

E. The President of the United States, Richard M. Nixon, agrees with this interpretation of the statute, to wit: On Monday, September 18, 1972, President Nixon stated and was quoted as follows (emphasis added): "The President of the United States is *required by statute to* suspend all American economic and military assistance. . . I shall not hesitate to *comply* with that law. I consider keeping dangerous drugs out of the United States just as important as keeping armed enemy forces from landing in the United States.

The language of the President clearly indicates in his own words that (a) he is under a statutory, non-discretionary requirement to suspend aid and (b) since he is required to "comply" with this statute, his executive discretion is circumscribed by that statute.

F. The President has within his possession documents, evidence and facts conclusively establishing violation and non-compliance with the statutory mandate of Public Law 92-226 and the attendant requirement on the President to suspend aid under the statute.

G. The President has failed to act and suspend aid in violation of his statutory obligation, acting in excess of and beyond and ignoring his statutory duty, and without justification in failing to take such required suspension action.

H. The President also has within and under his control and possession documents and other materials reposing in the executive agencies including, but not limited to, the Department of State, Department of Defense and Central Intelligence agency, all indicating that suspension is required under the terms of the applicable statute for the referenced nations.

I. The President can take official notice of the fact that at least one government does not even provide for criminal penalties for the control of some dangerous drugs and the President can and must take official notice of this failure to enact appropriate statutory remedies within and for the Kingdom and government of Laos.

J. The President can take as prima facie evidence of non compliance the large number of drug addicted American military personnel who have returned from The Republic of Viet-Nam and the Kingdom of Thailand.

K. The President can take official notice of United States government testimony tending to show that the national traffic has grown from a trickle to a torrent during his administration.

L. The President has not requested any waiver or modification from the Congress of his clear (and understood by the President) statutory responsibility with respect to the suspension of aid for nations in Southeast Asia.

M. It is clear from the referenced statute that the duty to suspend aid is a mandatory one on the President and he has so interpreted it and stated his duty to comply thereunder.

N. That mandamus will lie to require an officer of the United States to perform an act which he is under a duty to perform and which he is "required" to perform to "comply" with a statutory responsibility.

O. That based on the facts and materials in the public record, matters of involvement in which the Central Intelligence Agency has stated a position, and matters of official record, the President must, on the basis of clear and convincing evidence, a preponderance and indeed, evidence which establishes the point to which it is directed beyond any reasonable doubt, suspend aid to the referenced nations.

P. That the President has made no finding against the weight of the public evidence indicating conclusively that the referenced nations have failed to take meaningful, severe and productive actions to stem the flow of dangerous drugs into the United States and to United States personnel and dependents.

WHEREFORE, THE PLAINTIFFS SUE AND DEMAND JUDGMENT AS FOLLOWS:

1. That the plaintiffs have and receive judgment that the President must comply with the clear statutory intent and suspend aid to the nations in question.

2. That the evidence available in the public domain establishes beyond any reasonable doubt, with a convincing weight of the evidence, and with a preponderance of the evidence, that the referenced nations have failed to take action contemplated under the statute and must have their aid suspended.

3. That the President is under a duty to "comply" with the statute, and must now so comply and suspend aid to the nations in question.

Respectfully submitted.

ANTHONY R. MARTIN-TRIGONA,
Relator and Individual Plaintiff.

EDUCATION THROUGH AVIATION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, October 10, 1972

Mr. GRIFFIN. Mr. President, most Americans know Lloyd Haynes as Pete Dixon, a high school teacher on the ABC Television series "Room 222." Few know him as the prime mover behind an Education through Aviation program—ETA—in Santa Monica, Calif. The program embodies the concept of learning through aviation fostered by the Federal Aviation Administration.

From securing the use of ground school facilities, recruiting pilots as instructors, to arranging transportation for the young people involved, Lloyd Haynes—who happens to be a licensed pilot—has almost single-handedly put the program together.

On weekends he devotes his free time to the program, which is patterned after a very successful similar program in Richmond, Calif.

Its purpose is threefold: First, motivate low and underachievers academically, second, elevate the level of self-esteem and aspiration of the participants, third, make the students aware of the many opportunities existing in aviation and aviation-related careers.

Some of the areas covered in the program are basic aeronautics, meteorology, and navigation.

The Richmond and ETA programs have demonstrated that they are significant motivating factors in stimulating poor students to improve their achievement levels significantly in their regular academic course, and in inducing potential "dropouts" to remain in school and complete their educations.

Aviation education is not only an effective and viable antidropout tool—it is also a highly motivating force that provides the kind of challenge that many young people desperately need early in life, especially during their school years.

It is noteworthy to observe that the ETA program is strictly a volunteer effort. Lloyd Haynes and his associates have given freely of their time to make the program work. They all have one thing in common—a deep commitment to helping young people.

That commitment is shared by Chuck Dobson and the other dedicated staff in the FAA's Aviation Education Division who have been instrumental in helping develop the ETA program. I hope the FAA will intensify their efforts in this area.

An example of the application of the learning through aviation concept can be seen on the October 27 "Room 222" series.

Through the efforts of Lloyd Haynes, the FAA, and William D'Angelo, executive producer of Twentieth Century Fox, the October 27 telecast, entitled "Lift, Thrust, and Drag," will be based on the concept. Hopefully, the telecast will go a long way toward stimulating nationwide interest in this very promising approach.

IN SUPPORT OF HUMANE TREATMENT OF FUR-BEARING ANIMALS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. KEATING. Mr. Speaker, today I became a sponsor of a bill originally introduced in the House of Representatives by Congressman BROOMFIELD of Michigan, which would prohibit the shipment in interstate and foreign commerce of fur or leather from an animal trapped in any part of the United States or a foreign country which has not banned the manufacture, sale, or use of leghold or steel jaw traps.

This legislation would not interfere with the trappers right to capture and kill certain fur-bearing animals, it would merely set down standards for more humane treatment of these animals.

Other traps are available, some costing no more than the leg traps, and killing the animal instantly.

Another type of device traps the animal alive, after which it may be safely transported or killed humanely by the trapper.

The need for such legislation was brought to my attention by petitions bearing hundreds of signatures from concerned schoolchildren in Cincinnati area schools.

They recognized the inhumane way in which animals are abused for the sake of profit, and have taken the initiative to make themselves heard.

I urge my colleagues to draw their attention to this legislation. It would help to eliminate a problem for which the abused have no spokesman.

THE END OF YOUR NOSE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. SCHWENGEL. Mr. Speaker, today I am inserting in the RECORD an editorial by George T. Nickolas, of Davenport, Iowa. Mr. Nickolas is a contract specialist with the Procurement and Production Directorate of the U.S. Army Weapons Command at Rock Island, Ill. He is a past State of Iowa commander of the Disabled American Veterans, a member of the Iowa Governor's Committee on Employment of the Handicapped, and the current chairman of the Bi-State Committee on Employment and Services for the Handicapped.

Mr. Nickolas writes eloquently on the problems of the handicapped and I urge my colleagues and all who read the CONGRESSIONAL RECORD to ponder on his remarks which follow:

THE END OF YOUR NOSE

(By George T. Nickolas)

Architectural barriers can be a problem to everyone during their lifetime and yet, few people are doing anything about removing these barriers. It is a problem which could be compared to a fly on the end of your nose which you have difficulty seeing.

The various Governor and local committees on Employment of the Handicapped conduct promotional programs to generate action to remove architectural barriers. They often meet with resistance from well-meaning businessmen who visualize only those handicapped in wheelchairs or those with visual leg disabilities. They don't, unless they are afflicted, see the man with a heart condition, the man with a lung problem, the elderly, or even the mother who wheels her baby in a stroller.

There are over 18 million handicapped Americans today who find themselves slaves to the architectural barrier master. Why does our society continue to build imposing flights of stairs, high street and parking lot curbs, narrow doorways and doors that are difficult to open?

Our society has done much to help bring

the handicapped out of their houses and many have been put to work to become productive citizens; but until we can remove the barriers to permit their free movement, they will remain shut out of the mainstream of living. They are precluded from just doing the simple things of life like shopping, enjoying the theater, and going to the supermarkets.

Maybe today you are able to walk around and not face these problems; but will you be in an accident, will you have a heart attack, will you suffer from cancer or some other disease which may cost you your total mobility? We all buy insurance to cover many problems; why should we not remove all architectural barriers as insurance in case we become one of those directly affected. Mister Businessman and Mister Politician, let us all look beyond the end of our noses—we have, with the architectural barriers we have built in our communities, created a nightmare for the handicapped.

DEADLY CURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DERWINSKI. Mr. Speaker, the Chicago area, and especially the south suburban area, is the location of a major railroad network. The continued economic growth of the area depends, in large part, on the effectiveness of the railroads in serving our Nation's transportation system.

The Star-Tribune Publications serving that area have been especially interested in the continued progress of the railroad industry and the individual railroads serving the area. In a very thoughtful editorial of Sunday, October 1, they reemphasized their support of the ASTRO report. I am a vigorous supporter of the ASTRO report and commend this editorial to the Members of Congress:

> DEADLY CURE
>
> In a day and age when it is all too popular to expect government to bail us out of almost any difficulty, those most familiar with transportation steadfastly oppose a government take-over of common carriers such as the railroads.
>
> Some two years ago, America's Sound Transportation Review Organization released an exhaustive study entitled The American Railroad Industry. It became known as the ASTRO Report. On nationalization of the railroads, it said: ". . . nationalization would entail enormous cost to the taxpayer. . . . valuations have ranged as high as $60 billion merely to acquire privately owned railroad facilities. . . . Further, just a transfer in ownership . . . would leave untouched the great capital needs of the industry. Required expenditures . . . would still have to be made in the same massive proportions. And the prospect of self-help, which can be realized if the industry remains in private hands, would be forfeited."
>
> Not long ago, Mr. Robert C. Gresham, vice chairman of the Interstate Commerce Commission, the nation's top transportation regulatory body, went on record in opposition to nationalization of the rails. He said, "Both philosophical beliefs and practical economic considerations underlie my opposition, which I feel is shared by the vast majority of Americans. Philosophically speaking, I adhere strongly to the principle of free enterprise. Practical considerations certainly militate unequivocally against nationalization."
>
> Many of the recommendations of the ASTRO Report for rehabilitating U.S. railroads are included in the proposed Surface Transportation Act of 1971 now before Congress. Major elements of the surface transportation industry—the regulated motor, water and rail carriers—have joined in pressing for passage of the Act as have countless business leaders, representatives of labor and government spokesmen. The continuing delay is hard to understand.

COAL INDUSTRY VACILLATES ON ANTISTRIP MINE BILL—H.R. 6482

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DINGELL. Mr. Speaker, on September 29, an award-winning Scripps-Howard reporter, Bill Stief, quoted the coal industry's leading spokesman on antistrip mining legislation, Mr. Carl E. Bagge, as expressing the hope that H.R. 6482, as reported one day earlier by the House Interior and Insular Affairs Committee, will pass. Mr. Bagge is also president of the National Coal Association.

Suddenly, Mr. Bagge has changed his views. Over the last weekend he flooded the House with telegrams signed by him as NCA president and by the president of the American Mining Congress, Mr. J. Allen Overton, Jr., which states:

> Coal industry strongly urges defeat of strip mine bill, H.R. 6482. This is a punitive, unrealistic bill which would summarily halt much of vital U.S. coal production.

Such vacillation and a general denunciation of the bill by the coal industry only reassures me that the House bill should be supported. Indeed, many environmentalists are supporting this regulatory bill, principally because its regulatory features are quite good and because the Senate bill—S. 630—which covers all minerals—is quite weak.

They are, however, concerned about several other very important nonregulatory features of the House bill.

I share their concern. H.R. 6482 does raise serious problems. If it was modified further in conference to bring it closer to the Senate bill, it would probably be unacceptable as an effective anti-strip mine bill.

I will briefly outline some of these problems.

First, the bill would be administered by the Secretary of the Interior.

The General Accounting Office recently investigated Interior's administration and enforcement of 1969 surface coal mining regulations governing surface exploration, mining, and reclamation of public and Indian lands for the House Committee on Government Operations' Subcommittee on Conservation and Natural Resources. The Interior regulations were issued to avoid, minimize, or correct damage to the environment and hazards to the public health and safety. They apply only to permits and leases issued after January 1969. They require technical examinations of the potential environmental effects of surface mining, preparation and approval of mining plans designed to protect the environment, bonds to cover reclamation costs, and periodic inspections once a permit or lease is issued. More than 54 million acres of public and Indian lands—mostly in the West—have coal deposits.

In releasing the GAO report (B-148623) on this investigation, Congressmen REUSS and VANDER JAGT noted:

> Interior is currently asking Congress to allow it to regulate strip mining across the Nation. But this 3-year record of inefficiency in the West, where strip mining is still in its infant stages, makes it doubtful that Interior will be any more efficient in the East, where strip mining is both more complex and widespread. Why not, instead, turn the Corps of Engineers or the Environmental Protection Agency loose on regulating strip mining and reclaiming strip-mined areas?

They made this suggestion because the GAO cited a number of deficiencies in Interior's administration of these regulations. The GAO found for example:

First. The Bureau of Land Management's—BLM—formal procedures for the preparation of environmental impact statements under provisions of the National Environmental Policy Act do not comply with the implementing guidelines of the Council on Environmental Quality—CEO;

Second. The Bureau of Indian Affairs—BIA—has not developed any procedures for the preparation of environmental impact statements;

Third. Even though the regulations require a technical examination of the effects of the proposed mining on the environment, 35 of the 65 permits and leases reviewed by GAO were issued, extended, or readjusted without such technical examinations;

Fourth. Even though the regulations require that the Geological Survey approve an exploration or mining plan before surface mining operations are commenced, many coal operators are operating without such approved plans or with plans approved without technical examinations;

Fifth. Some of the required compliance and performance bonds were not obtained and, in one case, the acreage under lease exceeded the acreage covered by a compliance bond by about 56 percent; and

Sixth. A 1970 Geological Survey instruction calling for inspection of active leases and permits three and two times a year, respectively, and inactive leases and permits once annually, was not being followed.

With this record, it is difficult to imagine that the Interior Department will do better in administering and enforcing the vastly expanded program called for in this bill.

Second, the bill limits the public's "right" to file written objections to a permit, and so forth, to any person who is a bona fide resident of the area having a valid legal interest which will be affected by the proposed mining. These limiting terms are not defined. They appear designed to prevent citizens from objecting to the issuance of a permit. Such a result is undesirable. Citizen participation should be encouraged, not discouraged.

Third, the citizen suit provisions of the bill are inadequate. They limit such suits to instances where the citizen can show that the law is willfully and deliberately not being enforced by a public official. Even where a citizen can show this, he must make this charge known to the Secretary of the Interior in a written statement under oath.

Quite obviously, this provision will discourage such suits.

Mr. Speaker, these are only some of the shortcomings of the bill. There are others, such as those related to enforcement. But they are not serious enough to warrant opposition to the bill.

Indeed the bill is vastly superior, even with these shortcomings, to the administration's bill and the Senate bill. It is not punitive. It is not unrealistic. It will not summarily halt much of U.S. coal production. It is, in many respects, a good bill and I intend to support it.

A digest of the GAO's findings of August 10, 1972, follows:

COMPTROLLER GENERAL'S REPORT TO THE CONSERVATION AND NATURAL RESOURCES SUBCOMMITTEE, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

WHY THE REVIEW WAS MADE

At the joint request of the Chairman and the ranking minority member of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations, the General Accounting Office (GAO) reviewed the Department of the Interior's administration of its regulations of January 18, 1969, concerning surface exploration, mining, and reclamation of public lands (43 CFR 23) and Indian lands (25 CFR 177).

GAO's review was limited to the administration of the regulations for coal resources. GAO also considered whether:

The Department was applying the regulations consistent with the mandates of the National Environmental Policy Act of 1969 and

The regulations provided assurance that valuable resources were not being depleted without protection of environmental values.

GAO's review was made in Arizona, Colorado, Montana, New Mexico, North Dakota, and Wyoming and in the Department's headquarters office in Washington, D.C.

Background

In January 1972 the Department estimated that 41 million acres of the 825 million acres of public land had coal deposits. Of the 41 million acres, 1.6 million were covered by prospecting permits or mining leases. The Department also estimated that 13.5 million acres of the 50 million acres of Indian lands had coal deposits. Of the 13.5 million acres, 700,000 were covered by coal prospecting permits or mining leases.

The Department's January 18, 1969, regulations do not provide specific technical requirements for exploration, mining, or reclamation activities. Such requirements are based on examinations (called technical examinations) of the effects that the proposed mining operations will have upon the environment and are included as special stipulations in permits or leases granted by the Department to the mining operators.

Permits and leases on public and Indian lands are administered by the Department's Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA), respectively. The Department's Geological Survey is responsible for providing scientific and technical advice to both BLM and BIA.

During the period January 18, 1969, to November 1, 1971, the Department issued 258 permits and 38 leases for coal exploration and mining on public and Indian lands. BLM had 529 permit and 115 lease applications pending at November 1, 1971; BIA had none.

FINDINGS AND CONCLUSIONS

Surface exploration, mining, and reclamation regulations

The Department's regulations, if properly implemented, should help in protecting environmental values.

Although the regulations have been established for more than 3 years, they were not being implemented effectively with regard to several significant areas. For the 65 permits and leases covered by its review (53 for BLM and 12 for BIA), GAO found that:

The required technical examinations had not been conducted for 35 of the permits and leases. The purpose of a technical examination is to determine the effects that the proposed exploration or mining would have on the environment and to serve as a basis for formulating appropriate reclamation requirements. (See p. 12.)

Some permittees were operating without approved exploration plans—an essential element of control in protecting the environment—and some plans had been approved without technical examinations. (See p. 14.)

Some compliance and performance bonds covering the requirements, including reclamation, of leases or permits had not been obtained from the operators. The amounts of some of those that had been obtained were not sufficient to cover the estimated cost of the reclamation requirements of the permits or leases. (See p. 16.)

Some of the reports required to be submitted by the operators to the Department at various stages of the operations on such matters as grading and backfilling, planting, and abandoning operations had not been submitted. (See p. 20.)

BLM has issued formal instructions to its field offices to implement the Department's regulations, but the Survey and BIA have not. GAO believes that the issuance of such instructions would assist field personnel in administering and implementing the regulations. (See p. 25.)

Documentation of the results of technical examinations, onsite visits, and other activities required by the regulations was not always prepared.

With regard to Indian lands, GAO believes that the Indian landowners were adequately consulted by BIA as to the actions proposed for permits or leases on their lands as required by the Department's regulations. (See p. 22.)

The Department requires an applicant to submit a $10 fee with each permit and lease application for coal exploration or mining. The fee was to recover the cost of processing the applications. Because personnel costs have nearly doubled since the amount of the fee was established and because the regulations now require a more comprehensive evaluation of the application than previously required, GAO believes that the adequacy of the fee associated with processing an application for a coal permit or lease should be appraised. (See p. 24.)

Implementation of National Environmental Policy Act of 1969

The Department's regulations require consideration of the ecological factors for coal permits and leases issued on public and Indian lands. To implement the environmental Act, the Council on Environmental Quality requires that each Federal agency prepare formal procedures for the preparation of environmental impact statements.

BLM's procedures do not comply with the Council's implementing guidelines because they do not outline the criteria to determine when and under what circumstances environmental impact statements should be prepared. GAO believes that BLM should revise its procedures to comply with Council guidelines. (See pp. 28 to 31.)

BIA has not developed any procedures for the preparation of environmental impact statements under the environmental Act, and GAO believes that BIA should develop procedures for the preparation of environmental impact statements for those cases in which the statements are required.

RECOMMENDATIONS OR SUGGESTIONS

The Secretary of the Interior should clarify the requirements of the Department's regulations by providing guidance as to:

The timing and scope of technical examinations and the submission and approval of exploration and mining plans,

The required amount of performance bonds,

The need for adequate documentation of the results of the activities conducted under the regulations, and

The need for documented periodic reviews of the administration of the regulations. (See p. 27.)

The Secretary should appraise the adequacy of the fee associated with processing an application for a coal permit or lease. (See p. 27.)

The Secretary should also require BLM to revise its procedures to comply with Council guidelines and BIA to adopt procedures for the preparation of environmental impact statements for those cases in which the statements are required. (See p. 31.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The matters in this report were discussed with Department officials who stated that appropriate actions would be taken by BLM, BIA, and the Survey to develop procedures which would clarify the requirements of the regulations and to require adequate documentation of the results of the activities conducted under the regulations.

Department officials agreed to make a study to determine the costs associated with processing applications for coal permits and leases and indicated that fees would be adjusted, if warranted.

BLM and BIA officials stated that they would issue procedures for preparation of environmental impact statements to meet the requirements of Council guidelines.

MICHAEL BERNSTEIN, GENERAL COUNSEL FOR LABOR, RETIRES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ESCH. Mr. Speaker, this past week, Michael Bernstein, our general counsel for labor, after a long and successful career of contribution to our Federal Government, left for retirement in the city of London. I think it is the time that we recognize him as one of the most loyal and competent of public servants. Too frequently the general public is unaware of the contribution made by all of the counsel for the various committees of Congress and the Senate. Mike Bernstein has made that type of contribution. For both the House and the Senate committees, his record is one of dedication and contribution.

I came to know Mr. Bernstein when I first arrived with the 90th Congress in 1967. My new colleagues and I quickly found that there were few in the Federal Government who possessed such a fund of knowledge pertaining to labor law, as well as the perception to analyze contemporary issues within the context of the history of labor legislation. Those qualities made Mike Bernstein's contribution throughout my term of service a most significant one. He will be missed, not only by the members of the Education and Labor Committee on both sides of the aisle, but more significantly, by the entire professional community dealing with labor legislation. Our one wish is that his years may continue to be productive, as we know they will be—filled with the reading that he "never quite got to" as well as, hopefully, that writing he intended to do.

THE NECESSITY OF NUCLEAR POWERPLANTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. SCHMITZ. Mr. Speaker, during the course of this year, evidence has been rapidly accumulating to prove conclusively that we face an electric power crisis in the very near future—perhaps as soon as next year in some areas, almost certainly within 3 to 4 years. The demand for electric power in the United States is doubling every 15 years, while the construction of new powerplants to meet this accelerating demand has virtually ground to a halt.

Electric power generation alone now takes one-quarter of all the oil, gas, and coal consumed in the United States—and the demand for oil and gas is rising almost as fast as the demand for electric power. It is generally predicted that 10 years from now only half of our oil and gas needs can be supplied from American sources. For the other half, we will have to depend on imports from foreign sources which could be cut off in time of war or for political reasons.

Many Americans have become so accustomed to the constant availability and use of electric power that they have never stopped to think about what would happen if there was no longer enough of it to go around. But when a nationwide coal strike closed down all the coal-fueled powerplants in Great Britain last winter, the English people found out just what it meant. Electric power could be supplied to homes and business for only a few hours each day, or on alternate days. Millions of workers were laid off; millions of homes went unlighted and unheated for long periods; enormous traffic jams occurred because traffic lights and rapid transit could not operate.

The construction of the new powerplants necessary to prevent all these things from happening in the United States has been blocked by environmentalist groups. Their vehement objections to the air pollution caused by coal-fueled and oil-fueled generating plants have some basis, and the Clean Air Act of 1970—for which I voted—placed tight new restrictions on emission of air pollutants by these plants. The most obvious available substitute is to use atomic energy for generating electricity in the breeder reactor or nuclear powerplant, which does not pollute the air at all.

Yet environmentalists have managed to block the issuance of siting and construction permits for nuclear powerplants as completely as they have blocked such permits for coal-fueled and oil-fueled powerplants—with far less reason. They put so much pressure on the Atomic Energy Commission that it bowed meekly, without even an appeal, to a court decision last year—Calvert Cliffs Coordinating Committee and others against AEC—requiring months or years of additional hearings and review before granting new construction permits and operating licenses for nuclear powerplants. The Commission has even cast doubt on whether the few existing nuclear powerplants will be allowed to keep operating.

Despite fantastically exaggerated popular fears, reliable studies show that dangers to the environment from a nuclear powerplant are very light. An atomic explosion in such a plant is absolutely impossible. Protective systems make any major accident with the reactor exceedingly unlikely, and none has ever happened. The amount of radioactive waste is small and can be safely disposed of. The only significant environmental effect is a slight raising of the temperature of the water used for cooling the reactor, which affects water life in only a very small area.

The construction of a greatly increased number of nuclear powerplants is clearly necessary if we are to meet our electric power needs without more severe air pollution. The "environmentalists" who are fighting construction of these plants do not seem to realize that the availability of ample electric power is indispensable for achieving their own primary goal of cleaning up pollution. Obstacles to nuclear plant siting and construction should be removed and their construction should be encouraged rather than discouraged by the Government.

TRIBUTE TO THE LATE GEORGE THOMAS DELAP

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I rise to announce with profound sorrow to Members of this House the death of a good friend, respected labor leader, and trusted member of my district staff, Mr. George Thomas Delap.

Mr. Speaker, this is the second death among my staff within the past month. I have lost two irreplaceable friends with the passing of John Griffin and, now, George Delap, who passed away on Friday, October 6, 1972.

George Delap was a man widely known and widely admired in Hudson County, N.J. He served as business agent to locals of the International Longshoremen's Association. In fact, only last Friday, just a few hours before his sudden and tragic death, I had called him on the telephone to discuss the pending Longshoremen's and Harbor Worker's Compensation Act which is pending business tomorrow on the House floor. As my adviser and consultant on labor matters, George was vitally concerned with the passage of this bill and in large measure, its passage will be a memorial to this fine man.

Mrs. Daniels joins with me in expressing our sincerest sympathy to George Delap's lovely widow, the former Eleanor Swift, and their three children, George, Muriel, and Edith, in this time of sorrow. Rest in peace, dear friend.

SOUTH COAST AIR BASIN IN JEOPARDY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. WALDIE. Mr. Speaker, an article from the Los Angeles Times has come to my attention, and I would like to share it with my fellow Members. I find it highly encouraging that citizen groups are actively involving themselves in the fight to control auto emissions. Mr. David McDonald is to be commended for using his talent for organizing effective groups by organizing the Desert Peoples United.

Residents in the Southern California Air Basin need no one to remind them of the critical state of their air. Concerned citizens, such as those led by Mr. McDonald, can be instrumental in implementing such programs as he proposes to alert citizens of high oxidant levels in the air.

The tragic death of Paul Patmore, mentioned by Mr. McDonald, only serves to focus both California's and the Nation's attention on the severity of the problem. Unfortunately, the problem of smog had long been ignored—until the cumulative evidence of its destructiveness could be seen. Now, sadly, we are seeing human lives adversely affected by smog, seeing the destructive effect of smog on tree and plant life, the accumulation of smog's "grit" on buildings of all kinds. Unfortunately this is just the beginning of a long, long list of effects smog has on our total environment.

The article follows:

EX-UNION CHIEF BATTLES A NEW OPPONENT—SMOG

(By John Dreyfuss)

PALM SPRINGS.—David J. McDonald is organizing again. Now his rally cry is to combat smog—a far cry from his efforts on behalf of steel workers as one of America's leading union officials in the 1950s and 1960s.

In a passionate speech here, the former United Steel Workers' president outlined an antismog program for the South Coast Air Basin.

The program was well received by Riverside and San Bernardino county politicians, but they reserved final judgment pending study.

Most drastic of the actions proposed by McDonald, who heads a 1,000-member antismog group called Desert Peoples United, was to sound air raid sirens and stop motor vehicle traffic when smog reaches levels well below current alert limits.

Sirens should wail when oxidants reach .2 parts in a million parts of air, said the 69-year-old DPU president.

Current alert levels are .5 ppm in Los Angeles County, .35 ppm in San Bernardino County, and .27 ppm in Riverside County.

A Civilian Antipollution Warden Corps would be created to report license numbers of vehicles driving after the air raid siren sounded.

Drivers violating the vehicle ban could be fined or their licenses temporarily rescinded, McDonald suggested.

He also urged setting a low cost automobile tuneup rate to be identical throughout the South Coast Basin, which includes all or part of Los Angeles, Riverside, San Bernardino, Orange, Ventura and Santa Barbara counties.

McDonald, who has seen smog develop into a threat to Palm Springs tourism since he moved here seven years ago, began his talks to politicians, DPU members and newsmen with a tragic anecdote.

Beginning quietly, McDonald said: "At five o'clock yesterday morning, a young friend of mine, Paul Patmore, died in his mother's arms just a few blocks from where we are now assembled."

McDonald spoke a little louder. "Why did Paul die?" he asked. And he answered the question by blaming air pollution.

Patmore had emphysema, and because of smog's effect on the disease, ". . . Paul's lungs suddenly broke, and the blood smothered him and he died in his mother's arms."

McDonald's voice rose to a loud, rasping query:

"How many more Paul Patmore's must die before a job is done, not only here, but throughout America?"

When McDonald began his speech his flawlessly groomed silver hair was swept carefully back from his forehead.

But in the end it hung over his eyebrows, his face was florid and his voice rose from a near whisper to a waterfall crescendo.

"It's gonna be tough," he said, his eyes ranging across the audience of about 50 persons.

TOUGH FIGHT

"But you know if we work, and we work; and we work and we fight and we fight and we fight, by God, we can win."

McDonald had finished organizing for the day. He left the speaker's podium to loud applause.

W. R. Holcomb, mayor of San Bernardino, was one of those applauding.

He called the DPU recommendations "feasible," but said that they should be "beefed up," and that certain voluntary aspects should be made mandatory.

Al McCandless, Riverside County Supervisor, said "no one could quarrel" with the concept of McDonald's proposal, although implementation might be a problem.

William Shuz, mayor of Desert Hot Springs, said he would present the DPI plan to the city council.

PLANS STUDY

Mayor Howard Wiefel of Palm Springs said he was not so sure the city could mandate parts of the proposal, but he said he would study it.

And Jack Green, president of the Southern California Assn. of Governments, and executive director of the Regional Anti-Pollution Authority, an agency formed by Palm Springs, Indio, Indian Wells and Desert Hot Springs to prevent increased smog, said of the program: "RAPA will have to look at it, but it looks good."

Perhaps it wasn't much compared with organizing more than a million steel workers, but McDonald had apparently done all right with his first public effort as president of a citizens' antismog group. "And remember," he said, "when we started to organize the steel workers in 1936, there were only 11 of us at the first meeting. We're already ahead of that."

L. B. J.'S VISION OF AMERICA

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. PICKLE. Mr. Speaker, the political season is upon us and as the winds of oratory blow they are sometimes filled with rhetoric that breeds cynicism.

It seems to me that cynicism is an inevitable byproduct when some politicians describe their opponents and while others describe their own accomplishments.

Fortunately, not all of the remarks by our political leaders generate such dissolution in our governmental processes and our national aspirations.

Former President Lyndon B. Johnson recently spoke at Scott and White Hospital in Temple, Tex. His purpose was to restate where America is and where he thinks it is going and where he feels it ought to proceed.

His message was one that society is measured by its accomplishments and its opportunities more so than its failures.

The Albany, Ga., Herald editorially found strong merit in President Johnson's remarks and commented on them. I believe their editorial merits our thoughtful consideration and I am therefore including it in today's RECORD.

The editorial follows:

[From the Albany, Ga., Herald, Sept. 25, 1972]

L. B. J.'s VISION OF AMERICA

If he were that type of man, it would be relatively easy for Lyndon Baines Johnson to feel abused, politically speaking, at the hands of his countrymen.

After all, as the 36th President of the United States, he presided over the enactment of more on-going social legislation than had his idol, Franklin Delano Roosevelt, in the storied 100 Days of the New Deal.

Moreover, President Johnson had succeeded, legislatively, in almost every area in which his vigorous predecessor, John Fitzgerald Kennedy, had failed, quite possibly because Congress hastened to act out of a sense of shock and grief in the aftermath of that horrifying afternoon in Dallas. But the Johnsonian aegis was the factor, whatever the motivation, which carried the day in civil rights, in voting rights, in Social Security expansion, in the War on Poverty, in all of the other undertakings of Big Government to enhance the lives of widening numbers of Americans.

Even so, a President of this towering stature was pulled from his pedestal and sent packing to his native Pedernales River country within three years after having won the greatest percentage majority of the vote accorded a Presidential candidate in an election in modern times. He had won all of his battles on the domestic front. But a rising majority of the country rejected his massive intervention in the Vietnam War.

Faced with the unmistakable evidence of his spreading unpopularity on this sensitive score, witnessing the rise of opposition candidates whom he could have mastered only yesterday with the wave of his hand, and grieving over the riot-torn campuses and streets of a nation reeling from internal disorders, Lyndon Johnson, quite uncharacteristically, bowed from the scene. It must have cost him a total effort of will, this John Wayne of the political wars, this man who relished his Isaiahian philosophy of "reasoning together" but who, given a choice, actually preferred a good fight or even its prospect. But he bit the bullet.

From overseeing the nation and the world, he returned to his acres and cattle and memories.

But he has not, thankfully, permitted bitterness to permeate his being, nor cynicism to cloud his always-bright vision of his country and its citizens. His current thinking is exposed in an address he made a couple of weeks ago at the Scott and White Clinic in Temple, Tex. His purpose was to re-state where America is and where he thinks it is going and where he feels it ought to proceed:

"For too long, we have permitted the dark perception to pervade our midst. Day after day, month after month, the portrayal of America as unclean, unjust and unworthy has been ground into the consciousness of our people.

"We no longer see the blooming flowers for we are searching for the litter. We no longer celebrate the many fresh triumphs of justice for we are lingering over the residue of yesterday's shortcomings. We no longer measure the miles we have come toward a more humane, civil and peaceful world for we are too busy calibrating the remaining inches of times we are trying to escape and leave behind.

"This is our clear and present challenge."

Where will it lead? "Whatever may be your own perception of where we are and where we may be heading, let me say for myself that I see little today suggesting that our system is failing—but I see all too much which convincingly argues that by our doubts and hesitations we may be failing the promise and potential of our system. We are not living in times of collapse. The old is not coming down. Rather, the troubling and torment these days stems from the new trying to rise into place . . .

"The essentials of a new America—a better America—are all on hand and within our reach . . . Our real challenge lies not in suppressing change but in utilizing it to vitalize and energize our society. Change is not our enemy. On the contrary, this society has no deadlier danger than refusal to change . . . The most frightening thing that could happen to us today would be for us to close our eyes to new ideas, and to close our ears to those . . . who are trying to tell us how they would go about perfecting the visions of America."

This is the Lyndon Johnson that still stands tall in the affections of his countrymen.

YESHIVA TORAS CHAIM TALMUDICAL SEMINARY RECEIVES ACCREDITATION

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. McKEVITT. Mr. Speaker, this past week I had the privilege of attending a dinner at the Yeshiva Toras Chaim Talmudical Seminary in Denver, Colo. The Yeshiva is the only fully accredited high school/college Talmudical Seminary between Chicago and the west coast. Eighty of its students work at the high school level, while 40 more young people receive instruction in college-level courses.

Recently the Yeshiva was recognized

and accepted for equal credit toward a bachelor of arts degree by the State accrediting agent, the University of Colorado. I am sure that my esteemed colleagues will agree that this is a most impressive achievement, for which the seminary can be justifiably proud.

DEDICATION OF NEW TAMPA, FLA., VETERANS' ADMINISTRATION HOSPITAL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on Saturday, October 7, 1972, I was privileged to participate in the formal dedication ceremonies of the newest Veterans' Administration hospital to be added to the world's largest hospital system. This new 702-bed facility is symbolic of our Nation's resolve to provide the best possible care to those who have defended the freedom we cherish. I hope that its future service to the needs of these brave Americans will reflect in full measure the generous service they gave and are giving to America.

Mr. Speaker, the dedicatory address was delivered by the Honorable Donald E. Johnson. His adddress fully describes the many unique medical treatment facilities which are available in this new hospital, and for the benefit of my colleagues, I include the text of Administrator Johnson's address.

REMARKS OF HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS

Your Excellency, Bishop McLaughlin . . . Dr. Tremmel . . . Dr. Musser . . . Senator Gurney . . . Congressman Teague . . . Congressman Haley . . . Congressman Gibbons . . . Congressman Young . . . Mayor Greco . . . representatives of America's Armed Forces and veterans organizations . . . distinguished guests, which all of you are . . . and my Veterans Administration associates:

We are met this morning not just to dedicate this magnificent new Veterans Administration Hospital here in Tampa, Florida . . . but to set it apart for a very special purpose: to be the finest hospital and provide the best care possible for very special Americans . . . the quarter-of-a-million veterans in Central and West Florida whom this newest of VA's 168 hospitals has been built to serve.

Mr. Webster tells us that dedication means devotion to some work or cause.

I submit that today we are devoting ourselves to the most unselfish and important cause possible . . . quality health care for ill and disabled veterans.

We do so with full understanding that this dedication ceremony commits us to meeting new challenges . . . and accepting new opportunities for needed service to our veterans.

The first challenge is to be worthy of the vote of confidence which the American people have given VA medicine.

They have said to us:

We want our veterans to have the best hospital and medical care in the world . . . and we think that VA medicine can provide such care.

By their continuing support . . . they have demonstrated the depth of their concern for the welfare of this nation's 29 million veterans.

For example, this year's $2.7 billion budget for VA's hospital and medical care program is the largest in history.

In providing record-high budgets for VA medicine . . . and each year's budget has been higher than the year before . . . the American people have proved that they have accepted . . . fully and freely . . . Abraham Lincoln's charge and challenge "to care for him who shall have borne the battle."

The second challenge we face in dedicating this 702-bed medical, surgical, and neurological hospital is to ensure that VA's hospital and medical care program will continue to improve, strengthen and expand its capabilities for contributing to adequate health care at reasonable cost for all Americans.

We can be certain that VA's new Tampa Hospital will play a key role in the future growth and progress of VA medicine.

Let's take a closer look for a moment at this hospital.

The first thing we see . . . or should see, certainly . . . is that this handsome modern medical facility is far more than a $24 million structure of brick and glass and steel.

It is more than a planned, orderly mix of medical, surgical, psychiatric, spinal cord injury, physical medicine and rehabilitation, and hemodialysis beds . . . 702 in all . . . which will be in full operation by the end of Fiscal Year 1974.

It is more than 32,000 net square feet for medical research with laboratory space to accommodate a wide range of research efforts.

Our Tampa VA Hospital is people.

That's right . . . people . . . its patients and their families . . . its staff . . . affiliated medical school personnel . . . medical trainees . . . volunteers . . . local suppliers . . . and the citizens and officials of this great community.

For it will be people who will operate or support the operation of this hospital. And, of course, it is people who will be the beneficiaries of this hospital's planned special medical programs . . . including a cardiac catheterization laboratory, drug dependence treatment unit, electron microscopy, hemodialysis and home dialysis training, coronary, medical and surgical intensive care units, day treatment and hospital center, mental hygiene clinic, orthopedic shop, nuclear medicine, pulmonary function laboratory, respiratory care center, speech pathology, and spinal cord injury center.

A moment ago I referred to affiliated medical school personnel.

America's veterans . . . but especially the thousands upon thousands of veterans who will be treated in this hospital in years to come . . . are indeed fortunate that our Tampa VA hospital is affiliated with the University of South Florida Medical School here in Tampa.

I know that Dr. Donn L. Smith . . . Dean of the Medical School . . . and Mr. George R. Hiskey . . . Director of this VA hospital . . . share my confidence that this affiliation will prove to be mutually beneficial.

I can tell you now that this affiliation is unique . . . since the University of South Florida Medical School like our hospital is also in the process of being activated . . . with its initial class of 24 medical students now in its first year of training.

Having opened its doors to its first patient this past August 21st . . . our Tampa VA hospital is already making its presence felt in this community and this part of Florida.

The worth of this hospital's health care mission can never be measured in dollars and cents . . . but the cost of carrying out this mission can be . . . and must be . . . calculated.

VA's annual expenditures to operate our Tampa Hospital . . . once it is in full operation . . . will be in excess of $20 million. There will be 1400 employees serving here on a full-time basis.

I know that all of us in the Veterans Administration are pleased that in carrying out its priority health care mission . . . our Tampa VA Hospital also will be contributing significantly to the economy of this area.

It will also be complementing the service of the Bay Pines Hospital, in St. Petersburg, an institution that has for so long been a source of pride to this area and that has for so long provided quality care for the veterans of the area.

Bay Pines will continue to provide that service and will continue to occupy its place of importance to veterans and to the general citizenry of this section of Florida. It is now being greatly improved and will be rebuilt and refurbished in accord with plans and programming. Bay Pines will work closely with its new sister facility.

Now that we have taken a closer look at the hospital we dedicate today . . . let's step back to get a broader view and a truer perspective of this institution.

We find that this newest and most modern VA hospital is more than a single hospital . . . more even than being the 168th Veterans Administration hospital now in operation.

It is part . . . a vital part, I need not add . . . of VA's nationwide health care delivery system.

And when I say "system" . . . I mean exactly that.

In addition to its hospitals . . . VA's health care delivery system . . . which is the largest under single management anywhere in the free world . . . comprises 18 domiciliary homes, nine restoration centers, 83 nursing care units, and 203 outpatient clinics . . . organized into 37 "regional" Medical Districts . . . and operated directly by VA.

I make this latter point by way of introduction to a fact that is not widely known. The VA hospital system utilizes . . . and will continue to do so . . .non-VA facilities . . . such as other Federal, State and private hospitals, community and State nursing homes, State domiciliaries for veterans, and a variety of other extended care arrangements.

Many members of Florida's medical community can tell you . . . from personal experience . . . that the VA hospital system also relies heavily on "home town" or fee-basis physicians and dentists . . . as required or desirable.

The magnitude of the VA hospital system offers other advantages . . . such as:

1. Transferring patients . . . readily and with no red tape . . . to the most appropriate treatment modality and location.

2. Fostering the most efficient use of both medical and administrative personnel . . . and promoting optimum utilization of medical personnel in scarce categories.

3. Saving substantial expenditures in the purchase of supplies.

4. Encouraging avoidance of excessive duplication of expensive equipment.

5. And speeding up problem-solving processes in both the management and medical field.

Permit me to cite two examples of the ability of our VA hospital system to cope readily and effectively with new demands and changing circumstances.

The first concerns VA's drug treatment program.

In June 1971 . . . President Nixon asked Congress to increase VA's drug treatment budget by an additional $14 million to assist "in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting."

When we received our marching orders from the President . . . VA had only five special drug treatment centers. In less than six months' time we accomplished a six-fold increase . . . expanding to 32 such centers.

We are adding 12 more centers this year . . . bringing to 44 the number of such specialized drug treatment centers . . . and enabling us to care for 40 percent more veterans than the 20,000 cared for in the last fiscal year.

A second example of the ability of the VA hospital system to cope readily and effectively with new demands and changing circumstances can be found in the tragic San Fernando, California earthquake of February 9, 1971.

We effected the wide scale redistribution of patients . . . with minimum disruption of their care requirements . . . following this earthquake . . . which destroyed our San Fernando VA Hosiptal . . . and which subsequently led to the reconstruction of our Wadsworth facility in Los Angeles.

Immediately after taking office as Administrator of Veterans Affairs . . . I started using the word "quality" . . . in referring to VA's hospital and medical care program.

That word was appropriate then . . . but is even more so today.

I have already noted the affiliation of VA hospitals with the Nation's medical teaching schools.

Permit me to list some of VA medicine's other positives.

All of our hospitals are accredited.

Nearly one-half of VA's full-time physicians are board-certified specialists . . . and nearly one-half hold active faculty appointments at medical or dental schools affiliated with our hospitals.

In addition . . . VA hospitals have active affiliations with graduate departments of psychology, graduate schools of social work, occupational as well as physical therapy schools, pharmacy schools . . . plus universities, colleges, junior and community colleges, and technical and vocational schools having courses for professional or technical allied health workers.

The staffing picture in our hospitals is constantly improving. Our total average employment in VA's medical care program in this fiscal year will be 153,627 . . . an increase of more than 10,000 employees over 1972 . . . and more than 20,000 over 1971.

On an average day in Fiscal 1973 . . . VA will be providing some form of patient care or support to more than 167,000 beneficiaries. During this year we will provide inpatient care for nearly one million veterans . . . an all-time high . . . and handle almost 11 million outpatient visits . . . the highest number in history.

Here at our new Tampa VA Hospital . . . the average daily patient census at the end of September was 77. This will climb to 358 by the end of the Fourth Quarter of Fiscal 1973 . . . while planned operations call for an average daily patient census of 600 before the end of Fiscal 1974.

We will add 248 new medical units to VA's hospital system this year . . . including the specialized units here at Tampa which I mentioned a few moments ago.

I think you will agree that . . . for VA medicine . . . this fiscal year will be a busy one, indeed.

The VA medical care program is more than patient care . . . of course. It encompasses . . . in fact . . . the triad of modern medicine . . . requiring the operations of extensive programs in *research* and *education*.

On any given day . . . VA medical investigators are involved in nearly 6,000 research projects.

You are familiar with many of VA's medical research accomplishments . . . and shared triumphs . . . such as the elimination of tuberculosis as a killer disease . . . the perfection of kidney transplants . . . the development of portable hemodialysis units for home use . . . the laser cane for the blind . . . the heart pacemaker . . . and the first atomic-powered pacemakers in the Western Hemisphere were implanted at VA's Buffalo, New York Hospital . . . and clinical proof that the early treatment of hypertension will lessen the incidence of death or crippling strokes from blood disease.

And you know that the results of VA medical research are quickly made available to all of our citizens.

The ponit I want to emphasize is VA's unique capability for conducting wide-scale cooperative research projects in clinical settings . . . our ability to conduct simultaneously the same research effort in many hospitals.

I submit that this research technique is proof that the VA hospital system offers great potential for reducing the time necessary to test new medical treatments or theories.

We believe that we can apply this same approach successfully in establishing . . . and demonstrating . . . new models or patterns of health care delivery . . . particularly with the appropriate utilization of "paraprofessionals."

With the enthusiastic support of President Nixon and the Congress . . . VA medicine is making rapid gains in helping to meet the Nation's medical manpower needs.

We will train 62,000 persons . . . an all-time high . . . in health care delivery this year . . . an increase of nearly 10 percent over Fiscal 1972 . . . and more than two-thirds again as many as we trained just four years ago.

VA's medical education and training program includes trainees in some 60 professional and technical categories. To illustrate the national importance of this program . . . permit me to point out the following facts.

Nearly one-third of all physicians now practicing in the United States . . . and approximately one-half of those entering practice each year . . . have had some or all of their postgraduate training in VA hospitals.

VA contributes directly to the education each year of over 1,000 dental students, over 20,000 basic nursing students, 23 percent of all social work graduates, 32 percent of all dietetic interns, 20 percent of all PH.D. candidates in clinical psychology, and 25 percent of all pharmacy interns and residents.

Finally . . . I tell you that the VA health delivery system is especially well suited to assist in increasing medical resources in scarcity areas. We are already at work on the development of eight Area Health Education Centers . . . using VA hospitals as a nucleus in localities that are removed from centers of higher medical education.

We can and should expand this effort . . . as well as our authority to share scarce medical equipment with other hospitals.

Our program of exchange of medical information . . . especially with medical personnel in rural areas . . . can be greatly extended.

VA hospitals have demonstrated their ability to help new medical schools get started at relatively low cost . . . and to speed up the development and production of new categories of health care personnel . . . such as Physicians Assistants. But more can and should be done in both of these areas.

Calendar 1972 has been made more eventful for me by my participation in the 50th anniversary observance at three of our VA hospitals.

The great success stories written by each of these hospitals were . . . first and foremost . . . the stories of people.

And so it will be with our Tampa, Florida, Veterans Administration Hospital.

When this newest VA hospital observes its Golden Anniversary . . . whoever is then privileged to serve as Administrator of Veterans Affairs can speak of the tens of thousands of veterans who will have been cared for in this hospital during its first-half century.

He can speak of the skilled, dedicated, and compassionate care provided them by the unselfish men and women who staffed this hospital during its first half-century.

He can attempt to find words that adequately express the gratitude of the Veterans Administration to the thousands of volunteers in this and surrounding communities who offered their compassionate hearts and capable hands in selfless service to the veteran patients at this hospital.

And . . . hopefully . . . he can cite as a fact the pledge I now make.

Recognizing that to have a friend . . . one must be a friend . . . I now pledge to you officials and good citizens of Tampa, Florida that my Tampa VA Hospital associates . . . and indeed all of us in VA . . . will try to earn your coveted friendship . . . and, in turn . . . to be a worthy friend, a good neighbor . . . and a constructive force for good.

Thank you for joining with us on this dedication.

S. 2507—TO CONTROL THE "SATURDAY NIGHT SPECIAL"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD copies of a letter just received by me from an old friend, Mr. William Loeb, president and publisher of the Manchester Union Leader, and a letter to him from the able chief of police of the city of Indianapolis, Ind., Mr. Winston Churchill. This correspondence, regarding S. 2507, the Bayh bill which supposedly is to control the so-called Saturday night specials, sets out the defects of that bill and suggests a better course of action in the view of an able and respected law enforcement officer:

MANCHESTER UNION LEADER,
Manchester, N.H., September 19, 1972.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: Just to show the sort of individual we should have as Chiefs of Police all across the country, I enclose a photocopy of a letter from the Chief of Police of Indianapolis.

Regards.

Very sincerely,
WILLIAM LOEB, *President.*

Enclosure.

POLICE DEPARTMENT,
CITY OF INDIANAPOLIS,
Indianapolis, Ind., September 7, 1972.

Mr. WILLIAM LOEB,
Publisher, Manchester Union Leader,
Manchester, N.H.

DEAR MR. LOEB: Thank you for the opportunity to express myself on the subject of Federal Gun Control Laws, and more specifically, Senator Bayh's recently proposed so-called "Saturday Night Special" Gun Control Bill.

As a career police officer, I have dedicated my life to the principles of law and order. As a policeman I function within the Justice System. I would point out here that the Justice System in America was founded as the basic unit of Protection and Equity for each of us. I have no doubt that our Founding Fathers, even in their wildest flights of fancy, could have imagined the America or the world of today. But, bless their European hearts, they did build a foundation for Freedom, and Justice which has withstood the test of time and the re-modeling of the above ground structure by many subsequent architects. In short: in America the Justice System exists to meet the needs of the people.

The quickened pace of life today has in

some measure caught our Justice System in a squeeze. Lack of funds, shortage of available court facilities, qualified judges, and grossly overcrowded jails and dockets have given rise to the thwarting of Justice through unwise and increased use of plea bargaining. All of these things have had a hand in contributing to the problem which faces us today in the area of hand guns. In an effort to take up the slack, Congress has chosen to enact new laws, rather than to provide the money necessary to assist the Justice System in bringing itself equal to the task.

In my judgment, this past decade has subjected the law-abiding, God-fearing citizen to pressures from the criminal element unequalled in our history. Not because the laws to protect them are lacking, but because the Justice System cannot react quickly enough to keep even with the case load given them through good police work. All this may seem a round-about logic, but I believe I can support my contention which is: We don't need new laws, we need a better Justice System!

I would be one of the first to agree that far too many people are illegally carrying weapons. The arrest records of this department certainly bear this out. The important issue is: What was done as a result of the arrest?

Indiana, as most states, has an emminently workable statute on gun control. We've had it since 1935. It provides that anyone caught with a pistol concealed on his person, or in his car, not having a proper license or permit; or being a bona fide law officer, shall, upon conviction, be sentenced to not less than 1 nor more than 10 years!

We have our gun control law . . . it is on the books . . . we don't need a new one. Yet hundreds of people walk the streets of our cities and towns carrying concealed weapons. Where then is the problem. Is it with the Police work? I think not, we arrest hundreds of people every year on a violation of our 1935 Firearms Act. What happens after the proper arrest is, in my opinion, where the problem lies.

Court disposition records tell the story. More often than not, the 1935 Firearms Act is nolled! A new misdemeanor affidavit is prepared—for Carrying a Concealed Weapon. The case is then disposed of with a small fine—most of which is often suspended! I recently conferred with our County Prosecutor, and asked that all firearms violations be filed as felonies and left that way. That they be tried as FELONY cases not as Misdemeanors. This places them into different courts. He agreed to do so, but admonished me that my purpose would most probably fail because in all likelihood the courts would not affix the penalty prescribed by the law.

I watched the next month's disposition reports—he was right!

Truly, how can we believe that the solution to the problem lies in a new law, an addition to the one we already have, if we refuse to make use of the one we already have? Is it correct thinking to assume that the Courts will use the new law any more vigorously than they did the old one? I think not.

My profession has required of me that I carry a weapon—everyday for 17 years. A good many of those years have been spent in "civilian" clothing, and consequently I used as my weapon a revolver with a standard 2" barrel. As Chief, I continue to employ this weapon today. I would point out here that this weapon is pretty much standard issue to plainclothesmen of police departments all across this country. They are high quality weapons, manufactured by Smith & Wesson or Colt, etc. Senator Bayh's Gun Control Bill would eliminate this weapon from the market—even prohibit its sale to police departments. Senator Bayh seems to equate deadliness and concealment to the length of the barrel. I would gladly take the good Senator on a tour of our property room gun security spaces and show him the large number of sawed-off shotguns which we have confiscated for one reason or another, all of which have been at one time or another successfully concealed by their owners. It is self-evident to me that the length of barrel has very little to do with concealment.

Realistically, would the good Senator's Bill really accomplish anything? Let's examine the ramifications: His bill would remove all revolvers with a barrel length less than 3" from the market. This means that policemen would be prohibited from possessing them as well. As I understand the proposal, Senator Bayh would have the Government buy up all presently issued weapons of the 2" variety—a highly questionable suggestion in view of the tremendous cost to the taxpayer. And we would have one more law on the books which in all likelihood would not be enforced at the court level any more than the good laws we already have in effect covering gun controls. Would it do what it purports to accomplish, i.e., the removal of concealable handguns from the criminal element. The one word answer is *No.* It would succeed in removing them from good law-abiding citizens, but not the criminal element of our society. Just as with anything that is declared illegal, there will always be someone willing to provide a supply. So what have we accomplished? Well, we will have one more relatively useless law on the books, a lot of good citizens outraged and inconvenienced, and we will have done absolutely nothing toward gun control within the criminal element!

Is there a better way—a solution? I think so. As I have pointed out before, we already have laws on the books covering control of weapons. They are good laws and were well thought out and simple in their application. Where then do they fail? The uncontestable evidence clearly shows that the laws are NOT at fault—the system is failing in its obligation at the prosecutor and court level.

I like to compare the Justice System to a three legged milk stool—one leg being the police work, the second the prosecution, and the third the courts. Each must be strong and function properly or the stool will fail and be cast aside for something better. As I see it, we have two weak legs on our stool today, the prosecution and court legs are weak. I say they are weak, but not necessarily through their own culpability. But through lack of attention from the Federal level.

Each month, police agencies all across America are required to report their activities to the Federal Bureau of Investigation. This report is required by Federal laws, and covers every level of crime at the local level. This is good. It amounts to public scrutiny of the police work in this country. I'm all for that. But no such reporting is required of the offices of prosecution nor the Courts in this country. Dry rot has set in on two of the legs of our milk stool—and had the reporting requirement been extended to the prosecutor and court levels as well, we would not be in the fix we are today, and Senator Bayh would not be proposing yet another Federal law.

I would urge the Congress to turn its attention to the Justice System in total, and to that end, I would propose that they consider this program.

1. That the Police Departments of America continue to report to the F.B.I. just as they do today.

2. That Prosecutors Offices at the State and Local levels be required to make a similar report each month. This report to show: Name of Accused, INITIAL CHARGE placed by the Police; any reduced charges as a result of plea bargaining; and disposition of the case.

3. That all Criminal Courts of this country be required to report to the Justice Department. Their report to reflect Accused, Charge, Disposition with particular attention to SENTENCING.

I would further urge that these reports be assembled by the Justice Department for study and publication. The F.B.I. publishes the results of their monthly reports now. I see no reason why the Justice Department should not hold Prosecutors and Judges similarly responsible.

Far from becoming a burden upon all concerned, it should serve to provide a readily apparent index of trouble spots within the System, and to provide a basis for the Federal financial and other support these offices need.

I come back to my original premise that the Justice System exists to provide the public good through protection and equity. As a Part of that system Police work is open to public accountability and well it should be! Is there any reason to be brought forward which would indicate that the Prosecutors and the Courts should not also be held similarly accountable to the public? I can think of none!

The entire system of elective office in America is based upon the principle that the governed have the right to accountability from the government.

I recognize that as a professional policeman that I am not immune to being a bit one sided at times—each of us who counts himself a professional, be he a Lawyer, Doctor or Minister has this tendency. But I would point out with all candor that the job a policeman must do is made all the more difficult when he has worked long and hard to build a case which will remove a bad egg from the innocent public, only to have the charges reduced for the convenience of the prosecutor and to help speed along the case load of a judge. When this happens the public is not served, and the policeman begins to look upon the justice system with a jaundiced eye. Of course the end result of all this is that the citizenry believes that the policeman is not doing his job because that bad egg keeps getting back on the street.

The public has a right to better than that!

Very truly yours,
WINSTON CHURCHILL,
Chief of Police.

ROBERT PERATROVICH OUTSTANDING LEADER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. BEGICH. Mr. Speaker, I would like to eulogize, if only briefly, a great Alaskan who was recently lost from the Alaskan scene, Robert J. Peratrovich, Sr.

Robert Peratrovich, an outstanding leader of a truly great Alaskan family, will be remembered for the significant and lasting contributions he made, not only to his native Klawock, but to rural Alaska as a whole. Not only did he establish the first department store, motion picture theater and motion picture sound system in Klawock, but he also founded the Bayview Packing Co., which was one of the major economic bases of the community. One of his primary achievements was the establishment of the first light plant and water system in an Alaskan Native village.

The enduring monuments of this self-educated Alaskan Native leader are the achievements he attained for his family, his people and his State.

NEW LONG BEACH WOMEN'S HOSPITAL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. HOSMER. Mr. Speaker, the Long Beach Obstetrical and Gynecological Society in my congressional district and the Memorial Hospital Medical Center have joined together in an exciting new undertaking.

A special ob-gyn task force has recommended and the board of directors has approved plans to create a new regional hospital for women in Long Beach, specializing in the care of mothers and new born infants.

This is a unique and remarkable program for several reasons:

First. Private physicians on the staffs of several hospitals taking the initiative to come together and delve into area-wide needs, develop a solution and carry it to fruition while placing personal and hospital interests secondary to what is best for the public.

Second. Physicians concerning themselves with the wastage inherent in duplication of facilities, the economics of regional consolidation for patients and their private or governmental insurance plans, and the benefits for quality made possible by bringing together all resources in one location.

Third. Private practitioners taking the initiative to commit an entire medical society to providing for the needs of the indigent and near-indigent rather than waiting for governmental directive or looking the other way.

I take this opportunity to commend the Long Beach medical community for its farsighted approach to a very real problem.

A statement by the hospital describing this project follows:

"PATTERN FOR FUTURE"—LONG BEACH PHYSICIANS ANTICIPATE NEW NATIONAL DIRECTIONS IN SPEARHEADING PROPOSAL FOR PROTOTYPE OF WOMEN'S HOSPITALS

Long Beach Obstetrical and Gynecological Society members have anticipated new national directions in regional care for mothers and their babies with what might well be the prototype for other women's hospitals, according to Chicago's Dr. Ervin E. Nichols, associate director of the American College of Obstetricians and Gynecologists.

In a letter to the local society's women's hospital task force, Dr. Nichols noted that the American College has had two special conferences this year toward development of an official policy for regional obstetrical and gynecological services.

He reported that a month ago the National Foundation (March of Dimes) called a high level national meeting of representatives of the obstetricians and gynecologists, the American Academy of Pediatrics, the American Academy of Family Physicians and the American Medical Association to focus thinking on guidelines for facilities and staffing for meeting needs of women and their babies.

"If I were to project the future in hospital care for maternity and newborn services," Dr. Nichols wrote to task force member Dr. Keith White, "I would project the following patterns:

"1. Small community centers, which will be hospitals with minimal obstetrical facilities. These will be in areas where volume is low and distances are great. They will not have 24-hour laboratory, nursing or anesthesia coverage. They will have a modern transport system for newborns ranging from mini-ambulances to helicopters.

"2. Regional hospitals where the major bulk of the deliveries will take place. These hospitals will not necessarily be regulated by the size of service but rather by the range and quality of services offered. This means 24-hour laboratory, nursing and anesthesia coverage and it is presumed that the majority of these hospitals will have a full-time director of education.

"These regional hospitals will offer a full range of services and will be staffed in a fashion to provide all major consultations. We are seeing today many examples of this kind of service being provided in communities through the mechanism of hospitals merging their obstetrical services . . .

"It is my understanding that what you are considering in Long Beach is the regional hospital which in fact gives total support to maternity and newborn services with an intensive care unit. You would, in fact, be the referral hospital for most of the small hospitals in your geographic area . . ."

Within the past year, a statewide meeting of specialists serving on the Ad Hoc Study Group on Maternal and Fetal monitoring met in San Francisco and concluded in its report that "at the present time, an insufficient number of obstetric units in California are adequately equipped and staffed for the optimal care of high risk pregnancy."

A New York State study was cited which said that at the present level of obstetric care, an obstetric unit is not efficient unless there are 2,000 or more births per year.

"Under this definition," the Californians concluded noting that some feel that the number should be higher, "only 17 of 102 hospitals offering obstetric care in Los Angeles County could be termed efficient. If the increased costs of high risk obstetric care are added to this calculation, the necessary number of births for efficient operation might be considerably greater."

"Because it is clear that a significant percentage of high risk pregnancies cannot be identified in advance of the onset of labor, optimal care for all high risk pregnancies cannot be assured unless all pregnancies receive high risk care (before, during and after birth).

"Our objective should be to establish high risk obstetric units whenever economically and wherever geographically feasible . . ."

The report recommended that "every hospital with a high risk obstetric unit must also contain a high risk newborn unit and vice-versa."

The guidelines drafted by the group parallel those recommended by the Long Beach task force for the development of the women's hospital at Memorial.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,758 American prisoners of war and their families.

How long?

BIG BUSINESS, BIG LABOR, BIG GOVERNMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. CRANE. Mr. Speaker, in recent years whenever a problem has come to public attention the answer which most legislators, academicians, and journalists have arrived at has been a simple one: create a new government agency, regulate the "problem" area involved, and appropriate additional funds.

This easy and simple answer has one major flaw: it has not worked, will not work in the future, and can never solve our problems.

Far from solving our problems, government intervention has compounded those that already existed, and created a host of new ones.

Today, there appears to be an increasing unwillingness to learn from the lessons of history. We hear many allegedly "new" problems being discussed: consumer affairs, environmental pollution, population control, and so forth. There are, however, no new "answers" presented, only the same old response: create new regulations, new bureaucracies, and new enforcement powers.

During the progressive era, and ever since, government has sought to regulate the economy, with the stated purpose of fighting monopoly and increasing competition. What has happened, writes Dr. George Roche III, the president of Hillsdale College in Michigan, is that,

> The actual result of such agencies as the Federal Communications Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and similar regulatory commissions has been to retard competition, thus penalizing the consumer.

In his recently published book, "The Bewildered Society," Dr. Roche declares that—

> The classic symptoms of monopoly have been (1) an absence of price competition, and (2) inability for new competitors to enter the market place. What could be a more accurate description of a government-regulated monopoly. The FCC permits the already established giants in the communications field an absolute monopoly of the area by means of government licensure. The Civil Aeronautics Board does precisely the same thing for the airlines industry, and so on throughout American life. Not only are new competitors thus prevented from entering the field, but those non-competitors privileged to hold government licenses in various areas of the American economy are further privileged by means of government rate-setting policy which removes all price competition.

Discussing the interlocking relationship which has developed between big government, big business, and big labor, Allan C. Brownfeld, writing in his "Roll Call" column, notes that—

The close partnership between big business, big labor and big government makes it clear that the answer to our problems is not to be found within the political process, for that process is what has produced the larger portion of our problems. Government has stifled initiative and competition and has deprived the average American of many of the real choices which were once available to him.

Mr. Brownfeld declared that—

> The question Americans have to face is whether or not they prefer freedom to regulation. Regulation has failed to solve our problems. Perhaps we should give freedom another chance.

I wish to share with my colleagues the following column by Allan C. Brownfeld, which appeared in "Roll Call," the newspaper of Capitol Hill, of September 28, 1972, and which is a discussion of the important new book by Dr. George Roche III, "The Bewildered Society." The column follows:

BIG BUSINESS, BIG LABOR, BIG GOVERNMENT

(By Allan C. Brownfeld)

For many years Americans who have been concerned with problems ranging from racial discrimination, to environmental pollution, to business monopoly, to urban housing, have advanced a single answer to the difficulties they sought to correct: government regulation.

Today, "consumer" advocates such as Ralph Nader point to what they consider to be a host of vital concerns; unsafe automobiles, impure foods, improper working conditions. Their answer is the same answer given, for example, by Progressives in the early part of this century who sought to fight big business, men who called themselves "trust busters." That response, and the response today, is simple: form a new government "policing" agency, pass new laws and new regulations.

During the early part of this century a host of new governmental bodies were formed, allegedly to fight monopolies and to insure competition. The result of the actions of these bodies has been the opposite and, although we are frequently told by political spokesmen that businessmen oppose government intrusion into their affairs, the fact is that government intrusion has helped a certain group of businessmen very much, and harmed the average citizen in whose name such intrusion was initially entered into.

In an important new book, "The Bewildered Society" (Arlington House, 1972), George Roche III, the youthful and articulate president of Hillsdale College in Michigan, sets forth the thesis that big government, big labor, and big business have, in effect, joined hands, to the great disadvantage of the average American.

With regard to the regulatory agencies started during the Progressive Era, and continued and expanded under the New Deal, Dr. Roche states that, "The original intent of the various regulatory agencies was to protect the consumer by encouraging competition among those serving the public. The actual result of such agencies as the Federal Communications Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and similar regulatory commissions has been to retard compeition, thus penalizing the consumer."

He notes that, "The classic symptoms of monopoly have been (1) an absence of price competition, and (2) inability for new competitors to enter the marketplace. What could be a more accurate description of a government-regulated monopoly? The FCC permits the already established giants in the communications field an absolute monopoly of the area by means of government licensure. The Civil Aeronautics Board does precisely the same thing for the airlines industry, and so on throughout American life. Not only are new competitors thus prevented from entering the field, but those noncompetitors privileged to hold government licenses in various areas of the American economy are further privileged by means of government rate-setting policy which removes all price competition."

Government regulation, initially called for by those who expressed concern for the consumer, has resulted in an end to all choice-making by that very consumer. It is a continuing illusion that businessmen, who gain their own monopoly position because of government oppose that government regulation. Many businessmen prefer to maximize profits through a political arrangement rather than to take their chance in a free-market economy. It is particularly ironical to hear those on the left criticize "capitalism" and "free enterprise" for the monopolies we face. They are not the result of capitalism. They are, instead, the result of the very government regulation which those on the left advocate as a "solution" to the problem it has actually created.

This same view has been presented in some depth by Professor Yale Brozen of the Graduate School of Business of the University of Chicago. He points out that, "The regulatory agencies not only prevent those in transportation from competing with each other—they also protect those in the industry from the entry of additional competitors. You cannot get into the trucking business, the airline business, the bus business, as you would enter retailing or manufacturing. You must be certified by the CAB if you wish to enter the airline business. The CAB has not certified an additional scheduled airline in continental U.S. since it began operating in 1938. The ICC will certify an additional common carrier truck company to operate on a given route only if it can be demonstrated that adequate truck service is not available on the route in question. The only major city in which you can start a taxi business simply by applying for a taxi license and demonstrating that you carry the necessary public liability insurance and have safe equipment and drivers is Washington, D.C. All other major cities stop any additional taxi operators from entering the business. They even prevent taxi operators from increasing the size of their fleets. Transportation regulation very effectively protects transportation companies from new competition and produces the exact opposite of the situation which our antimonopoly laws were designed to produce. . . ."

In our present political life there is much discussion of corruption and "influence peddling." The Republicans, it is said, are too closely tied with business, and the Democrats are too closely affiliated with labor. People are "paid off" to secure legislation favorable to the interests who are doing the paying. This is nothing new. The same was true in the 19th century. What is unfortunate is that we have not drawn the proper conclusions from such a situation.

In an article prompted by the Credit Mobilier scandal, E. L. Godkin, the first editor of "The Nation" magazine, warned that the only possible lasting answer to bribery and corruption would be an end to the power of congressmen to bestow great privilege upon private individuals and corporations. Godkin wrote: "The remedy is simple. The Government must get out of the 'protective' business and the 'subsidy' business and the 'improvement' business and the 'development' business. It must let trade and commerce, and manufacturers, and steamboats and railroads, and telegraphs alone. It cannot touch them without breeding corruption."

All of the significant scandals of the late 19th century were closely connected with the exercise of political power over the economy, and the same is true of our own period. Dr. Roche writes that, ". . . there evolved the dichotomy which saw businessmen preaching laissez faire doctrine for everyone else, while asking for government assistance in their own particular case." Today, the same is true. Businessmen oppose welfare payments, but support subsidization for their own businesses. Farmers oppose assistance to business, but favor subsidies for themselves. Teachers want more money spent for education, and less for everything else. Each group is against all subsidies but their own. Somehow, this is called "political principle" when high-minded men propose it in high-sounding phrases. It is, however, little more than the traditional feeding at the public trough.

The arguments between business and labor, teachers and defense contractors, self-proclaimed "liberals" and self-proclaimed "conservatives" is usually about who will profit by control of the state machinery. In his volume, "The Memoirs of a Superfluous Man," Albert Jay Nock commented that, "The object of the tussle is the material gains accruing from control of the state machinery. It is easier to seize wealth than to produce it; and as long as the State makes the seizure of wealth a matter of legalized privilege, so long the squabble for that privilege will go on. As John Adams so correctly had foreseen, the few more sagacious massmen will be continually trying to outwit the many who are less sagacious, and the many will in turn be trying to overpower the few by sheer force of numbers."

The close partnership between big business, big labor, and big government makes it clear that the answer to our problems is not to be found within the political process, for that process is what has produced the larger portion of our problems. Government has stifled initiative and competition and has deprived the average American of many of the real choices which were once available to him.

The question Americans have to face is whether or not they prefer freedom to regulation. Regulation has failed to solve our problems. Perhaps we should give freedom another chance.

BURGER AIDE LINKED TO BID TO WEAKEN PRODUCT SAFETY BILL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. FRASER. Mr. Speaker, I was shocked to read on the front page of the October 6 New York Times that an aide to Chief Justice Burger has lobbied against the Consumer Product Safety Bill, H.R. 15003, which passed the House last month.

The Times article states that Thomas G. Corcoran, an attorney with several drug industry clients lobbied extensively against this bill. He visited Speaker ALBERT in August and discussed H.R. 15003. On this visit he was accompanied by Rowland F. Kirks, Director of the Administrative Office of the U.S. Courts. Mr. Corcoran has circulated a memorandum attacking this bill and he includes Chief Justice Burger's criticisms of consumer bills.

The Congress is finally moving to protect the American consumer. Now we find that not only is the administration against that effort, but so is the Chief Justice of the United States.

What is particularly appalling is that

Mr. Kirks joined Mr. Corcoran in an effort against a bill designed to protect the rights of the individual. And, it seems strange that the Chief Justice of the United States is more concerned with judicial efficiency than with the preservation and extension of rights given by the Constitution and the Congress. These actions severely strain the nonpartial image of the courts and its officials.

I insert the Times article in the RECORD at this point:

[From the New York Times, Oct. 6, 1972]

BURGER AIDE LINKED TO A BID TO WEAKEN PRODUCT SAFETY BILL

(By Fred P. Graham)

WASHINGTON, Oct. 5.—The chief administrative officer of the Federal courts under Chief Justice Warren E. Burger has worked with a Washington drug industry lawyer in an effort to weaken the product safety bill now pending before Congress. He said he was doing so to avoid an increase in Federal court cases.

Representative Carl Albert of Oklahoma, Speaker of the House, acknowledged today that a man "associated with judicial administration" came to see him last August with a Washington lawyer, Thomas G. Corcoran. The man was subsequently identified as Rowland F. Kirks, the director of the administrative office of the United States Courts.

Mr. Corcoran, a former New Deal official widely known as "Tommy the Cork," has several clients in the drug industry, which is leading the fight against the products safety bill.

Mr. Albert said the two men urged him to remove some of the court remedies from the bill on the ground that the provisions would generate too much new litigation in the Federal courts.

The bill, which is designed to protect consumers from dangerous products, contains provisions that give the public broad rights to bring suits in Federal courts to force companies to follow safety standards or to pay damages if their products cause injuries.

Mr. Corcoran was quoted today by Jack Anderson, the columnist, as stating that Mr. Kirks, saying he was acting for Chief Justice Burger, asked Mr. Corcoran to see the Speaker about watering down the bill.

Chief Justice Burger has warned in speeches against enacting consumer legislation that he contends would create more cases and clog the heavily burdened Federal courts. In a speech before the American Bar Association four days before the approach to Mr. Albert, the Chief Justice called upon Congress to refrain from passing any bills without first considering their impact on the courts.

Today, Chief Justice Burger's office and Mr. Kirks' office referred all questions about the incident to the Supreme Court's information officer, Banning E. Whittington. Mr. Whittington responded to questions by saying that neither the Chief Justice nor Mr. Kirks "would have anything to say about it." Mr. Corcoran was said by his office to be out of town.

MEMORANDUM TO CONGRESSMEN

A Congressional source close to the incident confirmed today that Mr. Kirks' office acknowledged several weeks ago that he was the man who accompanied Mr. Corcoran. Several weeks after the visit, Mr. Corcoran sent key Congressmen a memorandum with his professional card, attacking the sections of the bill broadening the public's right to sue, and quoting Chief Justice Burger's critical statements about consumer bills.

Representative John E. Moss, Democrat of California, who is the chief House sponsor of the bill, said today of the incident, "If this is true, and there is very little evidence that has surfaced that it is not true, it is a shocking and offensive intrusion by the Chief Justice into the legislative process, bordering on judicial misconduct."

UNCERTAIN ROLE

Mr. Albert said that he did not know whether Mr. Corcoran was speaking as "a lobbyist or a lawyer" when he came to Capitol Hill with the man who has been identified as Mr. Kirks. Mr. Albert said he did not catch Mr. Kirks' name or title, but the Speaker added that he understood him to be an official "associated with judicial administration" who was there "to verify what Tommy was saying."

"He said a provision in the bill would throw a lot more cases upon the Federal courts than they were prepared to handle," Mr. Albert said in an interview today. "So far as I can remember, the name of Burger was never mentioned—they didn't come to me as representatives of Burger."

Mr. Corcoran was said to have done all the talking, with Mr. Kirks nodding his agreement.

Mr. Albert said he passed along Mr. Corcoran's views to "two or three members of the Interstate and Foreign Commerce Committee," which was then considering the bill.

No action was taken in the committee as a result of Mr. Albert's message, but the bill was modified on the House floor by a voice vote to permit personal injury suits only if $10,000 in damages were alleged.

Mr. Kirks, a 58-year-old former colleague of the Chief Justice when both were in the Justice Department during the Eisenhower Administration, was appointed to his present position by the Chief Justice shortly after he took office in 1969.

There have been intermittent reports of informal lobbying at social functions by Chief Justice Burger with Congressmen about legislation affecting the judiciary. But this is the first time that an allegation has been made that Mr. Burger expressed his wishes through an intermediary.

THE SCIENTIFIC COMMUNITY AND THE FEDERAL POLICYMAKING PROCESS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ESCH. Mr. Speaker, historically, the American scientific community has remained somewhat aloof from governmental decisionmaking. This is not an indictment however; the fact of the matter was that until the Second World War, few governmental decisions had major scientific or technological implications. But with the advent of such major programs as the Manhattan project, increasingly it became necessary for the Federal Government to seek scientific and technical counsel.

The early success of this relationship is clearly documented by the global domination of the United States in World War II. But within relatively few years, praise for our scientific capabilities turned to doubt and in turn to fear as so many of the brilliant discoveries we had heralded became weapons of awesome destruction.

The development of atomic energy and subsequently the production of the atom bomb represented one of the most striking examples in the transformation of the scientist from hero to scapegoat. Clearly, the destruction of Hiroshima and Nagasaki brought the morality of scientific inquiry under severe scrutinization. And the public began to wonder whether the scientist did not have a greater responsibility to society not only to produce the scientific foundation for future progress but also to control the Jekyll and Hyde characteristics of his research so as to safeguard society.

The reaction of the scientific community to this public disillusionment subsequently led to greater insistence by the scientist and engineer to participate more directly within the Federal decisionmaking structure. Since then, we have witnessed a steady proliferation of scientific and technical advisory bodies working in direct support of local, State, and National Government.

I offer one preliminary observation however. Today's world has come to expect nothing less than the miraculous from the scientific community. This "overexpectation" or overreliance on technology, coupled with the widespread abuse of much of our scientific knowledge, has created a new credibility gap between the technical community and society.

The point I am making is that where the level and nature of previous inputs may have been adequate—where the working relationships of the past between the scientist and the Government may have served our needs—the Nation today faces a major crisis in developing a better way to integrate the talent and knowledge of the scientific and technical community into public policy decisions.

CURRENT DISILLUSIONMENT WITH SCIENCE AND TECHNOLOGY

American society is presently faced with two closely related domestic problems which I feel can be solved through the joint effort of science and Government. On the one hand, there is the growing demand for improved civilian services and for a reorienting of priorities in favor of pressing societal problems. On the other hand, there is the need to revive both the spirit and productivity of the technical community.

So many times I hear these two problems discussed as if the former were a governmental problem, and the latter, a problem peculiar to the scientific and engineering community. But I am convinced that both these problems have much in common.

In particular, I ask why should we not be able to furnish more and better civilian services through technology? It appears just as obvious that the many scientists and engineers who are presently unemployed or underemployed due to cutbacks in defense and space should be able to be converted or retrained for work in major civilian-oriented technologies. The result would be the marriage of the scientific and engineering community to the Government in order to solve our pressing domestic problems.

A few of the many areas which might particularly benefit from more scientific and technological attention include: public health care, mass transit, urban renewal, energy resource development, and environmental control. These are just a handful of the many opportunities which could be explored by the scientific community given adequate Government support. And by Government support, I refer not only to actual funding for civilian research and development, but in addition, to the stimulation of academic, community, and private industry groups by new and innovative Government incentives. I will address this thought later.

INTEGRATING SCIENTIFIC INPUT

Let me return now to my original thrust concerning how we can better integrate the counsel of the scientific and technical community into public policy decisions.

At present, the primary inputs to the Congress take the form of ad hoc advice elicited through testimony, through task forces such as the energy task force on which I serve, through special committees, and, through studies by the National Academy of Science, National Science Foundation, and Library of Congress. The weakness in these methods however is the rather haphazard manner in which the scientific resources are aggregated and communicated. In other words, there is no particular means by which the needs and talents of the scientific and technical community as a whole can be integrated for use by the Congress. Thus, our inputs tend to be sporadic and single-issue oriented.

Furthermore, by the time an issue of major scientific import reaches the Congress, it frequently has critical and quite far-reaching dimensions which require immediate attention. The very urgency of the problem then leaves little time for the extensive study, evaluation, and recommendation necessary for sound policymaking.

Very simply, therefore, we need improved inputs—as well as a better system of inputs—to enhance the effectiveness of our congressional programs. If the system is to operate efficiently, this process of input and output must be more evenly balanced.

THE NEED FOR A CONGRESSIONAL AGENCY TO COORDINATE INPUTS

It is my opinion that Congress needs a permanent body to coordinate and translate the inputs of the scientific community so that policymaking can better respond to the needs of the country. Such a group would also keep Congress aware of emerging issues so that, if and when a policy decision is required, the Congress would be informed and prepared.

I might point out that this idea is not new. In 1965 Congressman GEORGE MILLER, chairman of the House Committee on Science and Astronautics, of which I am a member, asked the National Academy of Sciences for an advisory report to Congress on the support of basic scientific research by the U.S. Government. The key word is "advisory." This was not an ad hoc issue assignment—rather it was a request for a thoughtful analysis on the status of Federal research. The Academy produced a detailed and very valuable study compiled by leading people in the field. However, this was a temporary committee and after completing the study the body was disbanded.

More recently, my Subcommittee on Science, Research, and Development within the House Science Committee became interested in technical information for Congress. In 1969 we requested that the Library of Congress prepare a report on "Technical Information for Congress." It is interesting to note that the one overriding finding of this study was that the communication between scientist and policymaker needs immediate strengthening. Specifically, the Congress was told that it needed a more regular source of inputs from the scientist and engineer if it was to produce sound policies on technological matters.

This is not to discount, however, the contribution of a number of existing advisory bodies. Such offices as the Federal Council on Science and Technology and the Office of Science and Technology do function to provide scientific input. But their point of contact is basically with the Executive Office of the President.

Two years ago the Library of Congress was expanded in order to better advise and assist congressional committees. However, the Library is only equipped to perform limited research.

An imaginative and more recent approach to assist the Congress in this area is found in the current legislation to create an Office of Technology Assessment. Bills to create this Office have passed both the House and the Senate, all conflicts in the bills have been resolved, and the legislation should be signed into law very shortly.

This Office will closely approximate the approach suggested in the "Technical Information for Congress" report. The proposed Office will be an information gathering agency within the legislative branch directed by a policymaking body composed of Members of Congress. The basic responsibilities of the Office will be to provide an early appraisal of the probable impacts—positive and negative—of the applications of technology and to develop other coordinate technical information in support of the Congress.

I personally consider the Office of Technology Assessment to be the first major step in supplementing the existing systems of acquiring information such as the hearing procedure.

II. INCREASING THE LEVEL OF BASIC AND APPLIED RESEARCH

Of major interest to the scientific and technical community is the level of funding for basic and applied research. I would like to comment on one aspect of this issue—federally supported R. & D.

I personally know of no easy way to determine the proper level of Federal funding for research and development. In fact, when the National Academy of Sciences Committee studied this same problem for the Science Committee, the Academy came up with as many answers as it had members.

But while I have no specific answer as to the "proper" level of R. & D. in dollars and cents, I do believe the level should be sufficient to produce the scientific foundation to permit us to address society's most urgent technological problems. I think there will be no disagreement, however, that the current level of civilian-oriented R. & D. is not as high as it should be. A rough comparison our investment and that of other nations provides the proof.

In terms of total R. & D. funding, the United States does not employ scientists and engineers in civilian R. & D. on anything even approximating the scale of Western Europe or Japan. Our Department of Commerce indicates that Western Europe, with a population 30 percent larger than that of the United States and a gross national product one-third smaller, has a third more technical people engaged in civilian and industrial research. Japan, with only half the population of the United States and one-seventh of its GNP, has 70 percent as many researchers in the civilian area as we have.

One issue intimately tied to this discussion of course, concerns the actual allocation of our federal R. & D. dollar. Approximately 7 percent of our national budget is presently allocated to R. & D. of which at least half is committed to defense. Perhaps it is not our level of R. & D. per se which is too low, rather it might be that portion allocated to civilian research. Although the percentage of Federal expenditures spent on military related research and development has decreased in the past few years, our response to these changes has not adequately provided transference of skills to the civilian sector.

In the past 5 years thousands of scientists and engineers have become unemployed because of shifts in Federal spending on research from the military sector. We have all heard nuclear physicists driving taxis because they could not find other employment. This seems an illogical waste of resources.

The contribution which these scientists and engineers could make toward helping to solve our environmental and urban problems seems limited only by the depth of our commitment. This spring I had the opportunity to meet with several doctoral students in nuclear physics. These scientists are working on a project using high force magnetism to purify water. Their experiments could lead to a technology which would be able to clean up our nation's lakes and rivers to a better standard and at a cost considerably below present systems.

The Federal Government's role in encouraging this kind of transference can be to fund additional civilian research and development projects and to create a national conversion mechanism which will encourage highly skilled persons to seek alternative modes of employment. Hopefully, the Science and Astronautics Committee will assume the responsibility in the next Congress to take this on as a major task.

Assistance to those interested in the social sciences has also been seriously lacking in the past few years. Many in Congress have been reluctant to fund research projects in the social sciences because of their lack of exact answers to the kinds of questions they have been trying to answer. This type of logic would have prevented development of the first jet airplane merely because the technologies were not yet available to present a complete answer to a complex problem. We must realize that many of the problems which we ask government to solve involve the social as well as the physical sciences. Denying funding to research and development in the social sciences then leaves many jobs only half done.

There have been a number of major proposals for the reallocation of federal R. & D. resources. This past year the President appointed a high level task force to review Federal research policies and to formulate a comprehensive research focus for the Federal Government. The task force was headed by William McGruder. Its proposals were far-reaching and should help to redirect and reestablish our research efforts toward pressing domestic problems.

Under present policy, the U.S. pursues most of its civilian-oriented R. & D. through the so-called mission agencies such as Housing and Urban Development, National Aeronautics and Space Administration, Department of Transportation, and a number of others.

One popular approach which involves reprograming Federal support for R. & D. is the National Science Policy and Priorities Act of 1972. This act passed the Senate in August and is now before the Science Committee in the House.

The bill would raise the total investment in scientific and technological R. & D. with the spending level tied directly to the gross national product. The legislation would also raise Federal funding for civilian R. & D. to a parity with Federal obligations for defense research and engineering activities.

The focal point of the bill's funding would be in high-priority societal needs—urban decay, mass transportation, environmental control, and other similar areas. The act would also create a Civil Systems Administration, much like a civilian NASA, to operate within the National Science Foundation.

I would like to comment briefly on this particular bill. While I favor a reallocation of existing R. & D. funds in favor of civilian research, I am seriously concerned over several aspects of the bill.

First, I do not feel the GNP is an adequate index for comparison since its growth is not always a qualitative one. Second, I am troubled at the prospect of undermining the traditional science education and basic research mission of the National Science Foundation. I am also fearful that the creation of another bureaucracy, such as the Civil System Administration, might only serve to drive the Federal Government and the scientific community further from the problems and needs of the individual citizen as well as his local and State government.

Personally, I would rather encourage programs geared to developing healthy and productive innovation rather than those dependent upon massive Government grants and "make work" solutions. Furthermore, the present administration is working in that direction.

Specifically, the administration introduced an experimental incentives program last year which commits the National Science Foundation and the National Bureau of Standards to a joint effort for stimulating technological innovation. The program for the first year includes a rather modest budget of $40 million but the aim of the Experimental Incentives Program is to develop new technologies that will in themselves create new jobs rather than commit vast sums of money to vague and untested areas.

III. CONCLUSION

I have focused on what I feel to be two key issues of mutual concern to the scientific community and the Congress. On the one hand, I feel the Congress needs to more effectively integrate inputs from the scientific and technical community. On the other hand, the Nation is demanding a reallocation of research and development in favor of civilian technology. What we are really seeking therefore is a reorientation of science priorities through the development of a coherent national policy.

The Committee on Science and Astronautics has been exploring this very complex issue for the past several years. We have held hearings on an annual basis related to this topic with the product of our work being reflected in the March 1972 presidential message on science and technology.

I personally believe there is an urgent need for a coherent national policy, one that would call for a reordering of priorities, for a higher level of civilian R. & D. and one that would focus on the human needs of society.

I would conclude on the theme of humanistic science policy and the scientist. What can the scientific community contribute? My best answer is to repeat the words of a member of the science community, Robert Andrew Milligan:

> The most important contribution that we scientists can make is to go on with our own research and teaching in science, to follow where curiosity leads and to take the small steps that culminate, once or twice in a generation, in those great universal syntheses like quantum mechanics . . . the genetic code, and the theory of the evolution of the stars.

CHICAGO'S 1972 COLUMBUS DAY PARADE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ANNUNZIO. Mr. Speaker, yesterday Chicago celebrated the discovery of America 480 years ago by Christopher Columbus. Our annual Columbus Day celebration and parade, now a tradition in Chicago, was a spectacular success and I was honored to serve as grand marshal for the parade.

The theme for this year's parade was "America—Nation of Immigrants." It was especially appropriate because Columbus Day is a truly American holiday celebrating the courage, foresight, and intrepid fortitude of a man who dared to follow his ideals.

This spirit of Columbus symbolizes the dedicated idealism and the combined efforts of all ethnic groups which have made our city and our Nation great. Our national spirit, like the spirit of Columbus, is one of innovative independence and courageous perseverance, and it was the immigrant groups which proved their dedication to the ideal of freedom by beginning anew and contributing together to the growth and development of our great country. Chicago's Columbus Day event was a celebration of the success and achievements of all ethnic groups in their contributions to our national heritage.

Chicago's parade is the culmination of a series of specially planned events to mark the discovery of America. Yesterday the celebration began with a concelebrated mass at Our Lady of Pompeii Church in Chicago. Presiding at the mass was most Rev. Michael R. Dempsey, auxiliary bishop of Chicago. The chaplains at this sacred occasion were Rev. Armando Pierini, C.S., and Rev. Peter Rigo, C.S. The concelebrants included Very Rev. Edward M. Pellicore, Rev. John DiVito, C.S., Rev. Laurence Cozzi, C.S., Rev. Gino Dal Piaz, C.S., Rev. Angelo Gargin, and Rev. Leonard H. Mattei. The homily was given by Rev. Paul J. Asciolla, coeditor of FRA NOI.

Special wreath-laying ceremonies took place at 11 a.m. at the Columbus Statue in Vernon Park, and at 3 p.m., following the parade, the Order, Sons of Italy in America laid a wreath at the Columbus statue in Grant Park.

The main event of our celebration, Chicago's gigantic Columbus Day parade, began on State Street at 1 p.m. Seventy floats, depicting the theme of the parade, and 79 units, representing every branch of the U.S. Armed Forces, participated in the procession. Women and children wearing authentic native costumes of Italy rode on the floats and John Rago, 5744 West North Avenue, a senior at DePaul University, portrayed Christopher Columbus. In addition, various school bands, core of marchers, and a number of drum and bugle corps took part in the parade.

This year our special guest was Mrs. Pat Nixon, our President's wife. Leading the parade was honorary chairman of the parade, the outstanding mayor of Chicago, Hon. Richard J. Daley; General Chairman John C. Porcelli, Anthony Paterno, Dr. Giuseppe Avitabile, the distinguished consul general of Italy in Chicago; as well as Mr. Michael Balzano, Special Assistant to the President; Charles C. Porcelli, president of the Joint Civic Committee of Italian Americans; Mrs. Richard B. Ogilvie; Congressman ROMAN C. PUCINSKI; Senator and Mrs. Charles Percy; States' Attorney Edward V. Hanrahan; Hon. William F. Cellini, director of the Illinois Department of Public Works and Buildings; Hon. Michael Howlett, auditor of public accounts; Hon. Lawrence X. Pusateri, Illinois liquor control commissioner; Hon. Matthew Danaher, county clerk; Hon. Robert J. Quinn, commissioner of the Chicago Fire Department;

Hon. William J. Laurino, State representative for the 15th District; Hon. Ralph C. Capparelli, State representative for the 16th District; Hon. Thaddeus Lechowitz, State representative for the

17th District; Hon. Vito Marzullo, alderman for the 25th ward; Hon. Elmer R. Filippini, alderman for the 30th ward; Hon. Anthony Laurino, alderman for the 39th ward; Hon. Thomas Lyons, 45th ward committeeman; Dan Walker, Democratic candidate for Governor of Illinois; Michael Galasso, Democratic candidate for Congress from the Sixth Congressional District; and John LaSpisa, mayor of Melrose Park. Following them in the line of march were many political dignitaries, too numerous to mention, civic leaders, members of the judiciary, businessmen from the community, and labor leaders.

Sponsor of the Columbus Day parade and other related activities honoring Christopher Columbus was the Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area. Many local groups cooperated with the Joint Civic Committee in this communitywide tribute to Columbus, and John C. Porcelli served as general chairman of the 1972 parade, and Anthony Sorrentino, consultant to the Joint Civic Committee of Italian Americans helped to coordinate the various activities.

One of the highlights of Chicago's Columbus Day celebration is selection of the queen of the parade. This year, Peggy Pilas, 5901 North Sheridan, Chicago, was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included a free trip to Italy, courtesy of Alitalia Airlines; a weekend trip for two to Las Vegas, courtesy of the Nick Nitti Travel Bureau; and a $100 gift certificate from John C. Porcelli, chairman of the Columbus Day parade.

The queen will also be the guest of the Italian-American Police Association of Illinois at the man-of-the-year dinner-dance, honoring Anthony Paterno, on November 12; meet June Havoc at the Pheasant Run Theater; meet the aerialist queen of the Ringling Brothers' Barnum and Bailey Circus; meet the ice queen of the Ice Follies at the Chicago Stadium; and toss the first basketball for the season opener of the Chicago Bull's basketball team at the Chicago stadium. The wardrobe for the queen and her court were from Alden's Department Store.

Members of the queen's court were Regina Panarese, 1016 North East Avenue, Oak Park, Marian Maggiore, 5154 South Newland, Chicago, Rosalie LoGalbo, 3606 Hawthorne, Franklin Park, and Mary Lois DoCurro, 4853 North Neva, Chicago. The members of the court each received a $25 check from John C. Porcelli. Other prizes included gowns, trophies, and bouquets of flowers.

Judges for the queen's contest were Hon. Lawrence Di Prima, Illinois State representative; Carmen Fanzone of the Chicago Cubs; Linda Lucatosto, former Columbus Day queen; Judge Philip Romiti, Cook County Circuit Court; Louis Seno, president of Seno and Sones; Anthony Sulla, art director at WGN-TV; and Grace Zolicke, sales manager at Alden's Department Store.

The Columbus Day parade in Chicago is one of the highlights of the year for residents of the area and yesterday the parade attracted over 1 million people on State Street. An additional 2 million people viewed the procession on television, which WGN-TV televised again this year as it has in the past. Sponsors of the telecast were Anthony Paterno of the Pacific Wine Co., Dominick Di Matteo of Dominick's Finer Foods, and Frank Armanetti of Armanetti Liquor Stores.

The Columbus Day extravaganza closed with a reception at 4 p.m. at the Chateau Royale, 5743 West Chicago Avenue, Chicago. Mrs. Serafina Ferrara and Mrs. Jean Abbott were the official hostesses at the reception which was held in honor of all of the officers, subcommittee chairman and members who participated in making the 1972 Columbus Day parade the greatest parade ever, and bringing the attention of the entire Nation to our city of Chicago. Leaders of the Italo-American organizations from Illinois were present at the reception as well as officials from the city of Chicago, from Cook County, and from the State of Illinois.

On Thursday evening, October 12, the Joint Civic Committee will present a cuisine and culture program on Genoa and the surrounding province of Liguria at the Como Inn, 546 North Milwaukee. Father Armando Pierini will show slides of this area of Italy and Gino Secco will give the narration. The event will draw special attention to the city of Genoa where Columbus was born.

I was honored this year to be the grand marshal of the Columbus Day parade and to participate in the second celebration of Columbus Day as a national legal holiday. The members of the Joint Civic Committee of Italian Americans are to be commended for their steadfast dedication and the genuine hard work that goes into the planning of an event as varied and monumental as the Chicago Columbus Day parade. These efforts are a credit to our city of Chicago and attest to the diverse creativity of all of our people.

Mr. Speaker, the officers and members of the 1972 Chicago Columbus Day parade committee are as follows:

COLUMBUS DAY PARADE COMMITTEE, JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS

John C. Porcelli, General Chairman 1972.

Congressman Frank Annunzio, Grand Marshall.

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Cuisine and Culture

Liguria Region (Genoa), Como Inn—Oct. 12. Ann Sorentino, Chairman.

THE HERITAGE OF COLUMBUS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. BRASCO. Mr. Speaker, in marking the holiday now known nationally as Columbus Day, we do more than honor the memory of one man. America has a tendency to encapsulate her heroes in a cocoon of admiration that all too often shields the person and his or her motivation from the sight of adoring future generations.

Columbus was an Italian sailor with a vision, and he was willing to risk his all, including his reputation and life, on that dream. The discovery and exploration of this hemisphere is the monument to his faith. Yet this is just the start of it all.

This New World has served as a safety valve for the Old World for more than four centuries, and to a significant extent is still serving that purpose. From scores of ancient lands the dispossessed came, seeking the same dream, but for different reasons.

Today, that dream still glimmers brightly across the world, perceived at times dimly through the mist of oppression, barbarism, and dictatorship.

From that first voyage of Columbus sprang a mighty series of accomplishments, including a series of individual freedoms unheard of in the Old World and still rare across the face of our globe.

Our way of life, in spite of all the deviations of history and efforts of those who seek the easy path of no liberty at all, is still sought after and admired by hundreds of millions of human beings.

Columbus perceived only dimly the consequences of his voyages of exploration. He could not accurately predict what the wonders of man's technology would bring into being.

Yet he did understand clearly what he sought and what could come from the successful prosecution of his efforts. He foresaw a vast agglomeration of new jurisdictions, bursting with vitality and endeavor. He understood toward the end of his life that he had opened men's eyes not to an extension of an old world, but rather to the discovery of a new one, with all that this entailed.

His fate was that reserved for so many truly outstanding persons; disappointment, nonrecognition and a death in the humblest of circumstances.

Among his greatest accomplishments was throwing open a new world to settlement, making available brand new lives to millions, including so many from the land of his birth; Italy. Today, America claims millions upon millions of citizens of Italian ancestry, descendants of those who followed Columbus' dream to these shores. They still believe as he did, that this new world was and is bright with promise, brimming with opportunity and vibrant with the spirit of freedom.

Just as he found fulfillment of his dream through the voyages of exploration, so we, descendants of those who followed, have found a similar fulfillment in the lives we lead here in this country.

It behooves us to understand Columbus as a man, rather than a shadowy, heroic figure who "sailed the ocean blue in '92." Even a cursory reading of the definitive biography of the man, "Christopher Columbus, Admiral of the Ocean Sea," by Samuel Eliot Morison, reveals him to be a many-faceted individual, worthy of his dream, his heritage, and his accomplishments.

NINE HUNDRED ADHERENTS PAROLI IN ESPERANTO

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. HALPERN. Mr. Speaker, ever since the time of the Tower of Babel, language differences have been a key barrier to understanding between men and nations. Throughout history, individuals have devised languages that could be spoken by peoples across the globe. This objective is still being pursued by the world Esperanto movement.

The language of Esperanto was first hailed by its adherents as a means by which to achieve international peace. Today it is spoken for more pragmatic objectives; to enable greater cooperation internationally in such matters as tourism, trade, diplomacy, and scientific communication.

The 57th World Esperanto Congress was held in the United States this past summer. This marked the first time in over half a century that the movement has met in this country where, because of the almost complete predominance of English, there has been little pressure on American citizens to learn a universal language. However, Esperanto has gained many thousands of followers in those countries of Europe and Asia within which several tongues coexist. The director of the World Esperanto Association estimates that 100,000 citizens of various countries are fluent in this universal language, while several million more may be familiar with it, due to its simple and concise rules of grammar.

The history of Esperanto and the proceedings of the recent World Congress are detailed in a feature article by Robert Reinhold which recently appeared in the New York Times. This thoughtful analysis of the movement has recently come to my attention, and I believe that it merits the consideration of all of us.

I am therefore submitting Mr. Reinhold's article for inclusion in today's RECORD.

NINE HUNDRED ADHERENTS PAROLI IN ESPERANTO

(By Robert Reinhold)

PORTLAND, ORE., Aug. 3.—The strange but vaguely familiar sounds of Esperanto rang through the lobby of the Portland Hilton the other day and a burly bellman strained to make out the melodious words. "I guess it would be a good idea if everybody learned to speak it, but I don't know . . ." he mused, then dismissed the idea with a shrug.

It was the kind of shrug that the irrepressible "Samideanoj," or adherents, of the Esperanto movement have come to know all to well. For the seemingly appealing and sensible notion of a neutral auxiliary language to bind peoples together has not progressed very far despite decades of confident predictions that success was just a generation away.

Still, undaunted by stubborn international apathy and encouraged by only a few modest successes, 900 Esperantists from 40 nations gathered here this week to talk among themselves, at least, and to try to devise new tactics to convince the rest of the world that what it really needs is a common tongue.

FIFTY-SEVENTH WORLD CONGRESS

The occasion was the 57th World Esperanto Congress, which ends here Saturday. It was the first time the congress has been held in the United States, where the artificial language has had much less impact than in Europe and Asia, since 1915, when 163 intrepid souls made it all the way to San Francisco.

In the years since, the movement has been buffeted by the vicissitudes of two world wars and a growing disenchantment with the idealistic notion that the world's problems would evaporate if only the language barriers fell.

"In the infancy of Esperanto, this idealism was its life-blood—but world friendship is not the primary goal of the movement today," said Victor Sadler, director of the World Esperanto Association, the Rotterdam-based organization that sponsors the congress. Rather, he said, the goals are much more practical and down to earth—to provide a common linguistic currency for expanding world tourism, international trade, diplomacy and scientific communication.

LECTURES IN ESPERANTO

Here in Portland, one could see elderly Dutch and Swedish matrons chatting easily with Arabs in burnooses and Franciscan monks in flowing brown robes, or delicate Japanese women in colorful kimonas in animated conversation with Americans in business suits.

All wearing the green star that is the movement's symbol, they shuffled purposefully from room to room, attending discussions and lectures—almost all in Esperanto—on such topics as comparative literature, religion, peace, science, linguistics and vegetarianism.

Twenty-five persons showed up for an esoteric talk by a Polish scientist, Alois Wenclewski, on "The Influence of Oxalates on the Activity of Aril-Sulphuridrolase on Serum and Histine Homogenizations." Almost nobody understood him, but it was not because they did not know the language. The lecture was to prove that Esperanto was effective for scientific communication.

Esperanto is probably the best known of several synthetic tongues devised to solve a communication problem as old as the Tower of Babel. Invented in 1887 by Dr. L. L.

Zamenhof, a Polish Jew who was a physician, it is a mélange of European languages glued together by a very simple grammar. Unlike natural languages, which are laced with maddening irregularities, Esperanto is almost scientifically precise and consistent.

ONLY 16 RULES GOVERN LANGUAGE

Governed by only 16 rules, it can be learned in a fraction of the time needed for any modern language. Fluency is possible in a few months. Thousands of books are available in Esperanto, including such staples as Shakespeare's "Rego Lear" and "Hamleto," "Winnie-La-Pu," and such unlikely fare as the "ABZ de Amo," an explicit encyclopedia of sex printed in Denmark. There are also many original novels, plays and poems written in Esperanto.

The idea is not to replace national languages but to supplement them. Esperanto has a ring similar to that of Spanish. For example, "Estas plezuro paroli kunvi" would mean it was nice talking to you.

In a linguistically homogeneous country like the United States, the idea has not caught on so well as in such countries as Bulgaria, Yugoslavia, Hungary, Japan, the Netherlands and Brazil. There are said to be more Esperantists in Hanoi than in the entire United States. Throughout the world about 100,000 are fluent, while several million may have some familiarity, according to Mr. Sadler.

Esperantists in the United States and Canada are a diverse, mostly older, group. They range from such figures as George Lockhart, an 80-year-old piano tuner from Detroit who learned Esperanto 40 years ago and never used it again until a few months ago when he discovered he had not forgotten a word, to Alic Tuch, a 19-year-old student from Toronto.

Just why it has not caught on is a matter of wide speculation among Esperantists. One widely held theory was expressed by Gunther Becker, a language teacher from Germany who is secretary general of the World Esperanto Association. He attributed the resistance to "linguistic imperialism" on the part of the major powers, who he said have a vested interest in maintaining the supremacy of such languages as English, Russian and French.

But another theory was advanced by David Jordan, an anthropologist at the University of California, San Diego. He said that a major deterrent was that nobody had to learn Esperanto to get a job or to deal with tourists, which is the reason so many persons have learned English.

Still another stumbling block has been the academic community. Only a few schools, such as Southern Illinois, the University of Portland, San Francisco State and Fort Lauderdale University give courses, mostly noncredit.

"I avoid saying very much about Esperanto in professional circles," conceded Professor Jordan. "People snicker because the possibility of teaching the same language seems to them about as likely as levitating the Pentagon."

DR. KURT DEBUS: OUT OF THE CAVES AND INTO THE STARS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. FUQUA. Mr. Speaker, when we think of the majestic and overwhelming nature of this country's efforts in space, we too often forget the men and women who have made our advances possible. There is one man who stands out among the thousands of others who have contributed to our ventures into space.

Dr. Kurt Debus, affectionately known as "The Boss," has guided the energies and resources of the Kennedy Space Center for some two decades and has given unflinchingly of himself.

It was my pleasure to read in the October 8, 1972, issue of the Florida Accent magazine of the Tampa Tribune-Times a moving chronicle written by Judy Hamilton about Dr. Dubus' efforts at the space center. I would like to share this outstanding article with those who recognize the importance of our space program.

We owe a debt of gratitude to this outstanding man. The article is as follows:

DR. KURT DEBUS

They call him "The Boss."

They call him that because Dr. Kurt Debus is the only director the Kennedy Space Center has ever known. He is 63 years old, and he has been there for 20 years. Every manned U.S. venture into the inky depths of space has been launched under his precise direction. There has never been a failure.

The boss of the Kennedy Space Center can be found, when he is not in Washington explaining and persuading and figuring, on the fourth floor of the stolidly government-style administration building on Cape Kennedy.

His office is behind one of those heavy wood doors which glide open silently and dramatically. High windows wrap around two walls. Binoculars and telescopes are ready on the sill. When the big door eases open, there is Dr. Kurt Debus, touching his heels together and bowing slightly. The Boss.

His accent is German, and while he is a man of mathematics, physics, computers—a master of management and bureaucracy—he is an eloquent humanist. He'll begin a conversation about the space program with the flat assumption that it needs no justification, now, or ever.

"I look at space as not something new. It's part of the total environment, and we've been looking for the total environment ever since we looked out of caves at the stars," Debus said, "The search for truth is one of the oldest instincts. There is a desperate need to explore. It is a must, given to us by nature.

"If you look at man's basic needs, space is just another part of this. It is just there. You can't say you are for it or against it. You cannot say, 'I will stop here.'"

In December, Dr. Debus will preside over the last Apollo launch, Number 17, which is probably the last American moonship in the century. The launch will embody a certain nostalgia, because the excitement of space is paling for many of the everyday people who pay the immense everyday costs of the space program.

No one feels this more than Kurt Debus, and the lessening public enthusiasm is ironic to him. Ironic because it is now that the great space adventures are just beginning to unlock the doors to much knowledge that will enable us to continue clinging to our weary mother earth.

Mindful, perhaps, of the need for public relations, Debus will present, in meticulous outline form, some of the benefits to humans and to nature which can be gleaned from experiments in space. Then, he'll say, "The public must understand it."

Asked if the public does understand, he'll pause and sadly say, "No. But that's all right . . . that's understandable. People start to feel cold only in winter."

But here's what the boss of the Kennedy Space Center thinks the space program is doing to make the future brighter:

Communications satellites: "People take them for granted now. They don't think what a wonderful thing it is to be able to watch Nixon in China or the Olympic games on television. I'm just a deep believer, and I'm not talking science now, that if people are forced to talk to each other, they can learn to live together.

"We've furnished India a satellite that will be used as an educational means. They can set up 30 to 40 centers and educate people with just a few teachers, using television and the satellite. Eventually, education will raise the living standard in India."

Weather satellites: "Once we understand the weather, and its complexities, we can perhaps influence it. This has unprecedented consequences. We could save lives and damages from floods. We could direct water to the areas where it is needed. Once you understand it, you can work it. Very carefully."

Earth ecology. "We have satellites now which can study our areas of pollution. We can see where the soil is depleted, or where beach erosion is threatening. We can study from space the inner functions of the causes of the problems. This is of overpowering importance to the future of mankind."

Manufacturing: "Zero gravity opens up whole new fields of manufacturing. We can grow big crystals, we can make new materials. We can cast perfect spheres for ball bearings. The Skylab project will be doing some of this."

Energy: "By the year 2000 or 2010, our fossil fuels may be used up. Our living standard will either have to go down or we will have to get new energy. We can identify oil deposits to the last drop by looking from space. We can check the availability of fish and shellfish. We can see disease invading agricultural fields. We can see mineral deposits. We're developing a system where from space we can take an exact inventory of the earth's population, so we can tell where the energy will be needed.

"A process which takes place on the sun was our key to developing atomic energy. So, astronomy and space research will help us to discover a process for controlling atomic energy. If you have energy, you can do anything you want."

Dr. Debus believes there is life on other planets. He believes that the dark side of the moon would be an ideal place to erect a radio listening post to try to pick up signals from other intelligent beings in the universe. But, he also believes that man's future, for a long, long time to come, lies right here on earth.

"A colony on the moon. It will be there, but not to get away but to make use of what's there. To make colonies on other planets to solve overpopulation requires that we find a planet like earth.

"We can't modify man now. With molecular engineering, we could, but I doubt that we will be able to do it in enough scale to enable man to live on other planets. Mars is the only one I know that is tolerable. Inviting, no, Tolerable, yes."

It was a novel about a manned trip to that tolerable planet Mars which headed Dr. Debus for a space career. The novel was a Christmas present when he was a child in Germany. "I was just learning to read in school. I must have read that book 50 times," he recalled. "It intrigued me all my life."

He studied electrical and mechanical engineering, hoping to use his skills in the aviation industry. During the 1930s, he earned an engineering doctorate from Darmstadt University, and was talked into working with an experimental rocket program by a young man named Wernher von Braun. At that time, the only countries conducting rocket research were Germany and the Soviet Union.

By 1942, Debus was hooked on rockets, and was flight test director for Von Braun at the Peenemunde Rocket Center in Germany. At first the rockets were little more than big firecrackers. But, eventually the group there developed the V-2, the guided missile which wrecked so much havoc on London during World War II.

At the close of the war, Von Braun, Debus and other members of the Peenemunde crew fled to the United States. Others from the group went to the Soviet Union.

In 1952, the U.S. Army decided to step up its Redstone missile program, and Debus was dispatched by Von Braun from the fledgling space center at Huntsville, Ala., to a Florida beach called Cape Canaveral. His mission was to launch the first Redstone.

The 50-man missile crew brought all the Redstone parts with them, and set up an oil derrick from which to launch the metal tube into the heavens. The beach was a deserted, mosquito-infested, strip of sand backed by acres of harsh, low-lying scrub. Day and night, Debus directed his men as they worked on the Redstone in a leaky hangar.

The launch was on Aug. 20, 1953. The Redstone was America's first ballistic missile, and Debus has been at the Cape ever since.

From that first leaky hangar and that first crew of scientists and technicians, Dr. Debus has obviously come a long way. "I remember when we only talked about satellite behind closed doors, because you would be considered a nut," he said.

There must be scrapbooks somewhere in his office, or maybe in his home on Cocoa Beach canal, which chronicle the rise of U.S. space technology: our first satellite. Explorer I; the first U.S. manned space flight, Alan Shepard and his Freedom 7 space ship; John Glenn's earth orbit; and, finally, the ringing acclaim from the first manned landing on the moon. There is nothing, it seems, which Dr. Kurt Debus has to talk about now behind closed doors.

"It has all been very exciting," he said, looking out the window.

What it has meant to him privately, that little kid now grown up who once read and re-read a book about going to Mars, is difficult to know. Maybe it seems like it all happened so fast. Scientists did not figure out how to keep a missile from burning up during re-entry into the earth's atmosphere until the early 1950s. It is only 1972, and already the public seems bored with men on the moon.

The father of the U.S. space program, the man who has received most of the publicity and credit, is Debus' old friend and colleague Wernher von Braun, who now works for a private aerospace firm. But it was Debus who masterminded the fantastically complicated send-offs for the missiles entrusted to him by Von Braun. Debus made them fly.

To do that, he has had to assemble an intricately-meshed management team. He's created a team which can take the products of dozens of contractors, huge parts manufactured thousands of miles apart, and make them one, make them fly.

In 1961, there were 250 government people working at the space center, and 2,000 employes of contractors. Now, there are 26,000 people working there, 3,000 government employes and the rest, 23,000, contract personnel.

One of the worst parts of Debus' job is attempting to cushion the blow when budgetary or program cuts force big employment layoffs. "I remember how we set up a lot of groups to ease the big boom when it came here," Debus said. "Now we're doing that in reverse. Having to get someone off a job . . . that's hard."

Then there are the problems of dealing with unions; the problems of costs; the almost daily budget messages from Washington; the problems of planning two to three years in advance, down to the smallest detail; the problems of maintaining morale.

There are even headaches involved in maintaining much of Cape Kennedy as a wildlife preserve. In June, 140,000 acres were officially designated as a preserve, a move Debus called "a dream come true."

"I always loved nature," he said. "In my old country, I hiked a lot, and when I came here I insisted that the trees be left. We've tried to preserve the area and make it useful to the people. We could have just said 'This is a government area. Keep out.' But we didn't. But even this has created problems of beach maintenance and patrol and so forth."

Dr. Debus will confess to a personal feeling of loss among all the space program's achievements. "There is very little left," he said recently, "of that which used to be so much fun. Out in the field, working on a rocket on a beach all night long, and then finding the problem and solving it and going to bed happy—that has all stopped.

"That deep down happiness of working with the hardware—that is all lost."

But ask him if he ever suspected that the tinny big firecrackers he and Von Braun fired over three decades ago in Germany would lead to the enormity of the space program today, and he will say, "Yes, yes, yes, yes."

Debus' strong point as an administration, his colleagues say, is his concern with the human element. During his weekly staff meeting, he will probe at each problem, trying to learn how it is affecting the people involved, not just its solution. And, he is known to feel that too much credence should not be put in computers as the means of solving all technical difficulties.

Debus also feels strongly about opening up the possibilities of space flight for more people, men and women. The upcoming space shuttle program is likely to include some females, he said.

"There is absolutely no reason why women cannot fly. There is no question in my mind that they will," he said. The one Soviet woman cosmonaut, Debus said, was very ill during her space flight, because she was not well prepared.

"Right now, we use people with test pilot or similar backgrounds. There have not been women with this background. In the future, we will not need test pilots, and it will make no difference whether the astronauts are men or women."

When the director of the Kennedy Space Center is not thinking about missiles or orbits or jobs or money, he retreats to his canalfront Cocoa Beach home where he fishes or tinkers with his stereo equipment. A music fan, he finds the four Bs, Bach, Beethoven, Brahms, and Bartok, "very exciting."

Debus recently bought his home, after many years of living in base housing at nearby Patrick Air Force Base. The purchase has given rise to speculation about his retirement, which, according to government regulations, is not mandatory until he turns 70. Debus will be 64 in November.

"One always thinks about retirement," he said. "If the job gets too tough or I feel there is no further contribution I can make, I will. But as long as I feel I can be of real use, I will stay on."

Kurt Debus is a man who has spent his life sending other men into outer space, and he has not lost his fascination with those inky unknowns. The depths of that relentless intrigue can be felt when he talks about the "stunning consequences" of discovering other intelligent life through a moon radio listening post: "Yes, that is something I'd like very much to see done. But, then, I like it all." Or, as he said earlier, "You cannot say 'I will stop here.' "

FAIR INTERNATIONAL TRADE BILL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DUNCAN. Mr. Speaker, a great many trade bills have been introduced by Members of this body in the past few years. In 1970, indeed, a bill known as the Mills bill passed by a vote of 215 to 165. The bill failed, however, to clear the other body even though it was favorably reported by the Finance Committee. It was too late in the session for floor action, and the bill died.

Since that time our trade position in the world has steadily deteriorated. In 1970, we still had a trade surplus, according to the official statistics of the Department of Commerce. In 1971, however, we had a deficit of $1.9 billion, the first annual deficit since 1888.

This year, Mr. Speaker, we have already mounted a deficit of $4.3 billion through the month of August. Quite surely the deficit will reach $6 billion, even in the face of the recent huge wheat sales.

The official picture is bad enough, but, as it is slowly becoming known, the statistical practice of the Department of Commerce, going back a number of years, has been deceptive—not wittingly so but nonetheless deceptive. The explanation is quite simple. Since Foreign Aid came on the scene we have treated the heavy shipments of goods made under that program as exports. Technically, to be sure, they were exports, but as evidence of our competitive standing in the world, the surplus thus achieved was illusory and spurious.

A similar practice deflated our imports. As one of a few countries in the world we tabulate our imports on their foreign value—not on what they actually cost us landed at our ports. It is much the same as saying that the automobile you bought cost you, not what you actually paid for it, but the f.o.b. price, Detroit.

Thus our imports, according to a tabulation made by the Tariff Commission a few years ago on a sample basis, are under-valued by an average of some 10 percent.

If we then remove from our exports the shipments the taxpayer pays for under Foreign Aid and other programs, our exports shrink some $2½ to $3 billion. Imports for 1971, on their part, will rise from $45.53 to $50 billion, thus leaving a real deficit for that year, of about $8 billion instead of one of $2 billion, as officially reported.

During the first 8 months of this year our deficit would be some $8 billion in place of the official figure of $4.3 billion.

The fact of the matter is, Mr. Speaker, that we are in a deficit position in our foreign trade in most of the items of trade. The great exceptions are in the machinery category, including such items as aircraft and computers. Industrial machinery, both electrical and nonelectrical, and automobiles are the principal machinery exports. In the latter item; that is, automobiles, we have in recent years also turned to a deficit position from a handsome export surplus.

The great increase in the export of machinery in recent years, not matched by other export classifications, was caused largely by our heavy investments in foreign manufacturing facilities. Even that surplus is being eroded substantially, which is to say, by rising imports. Chemical exports have also remained in a surplus position, but imports are also gaining in that sector.

Thus even the sectors in which our exports have been growing are no longer secure. In nearly all other items we are increasingly in deficit position. This includes textiles, automobiles, steel, footwear, petroleum, typewriters, household electronic goods, cameras, optical goods, components of items such as bicycles, and much else. This deficit is now high enough to swamp the surplus in the narrow sector of machinery and chemicals.

As for the overall deficit, the recent sale of wheat to Russia and China, though of record proportions, will be offset by rising imports of petroleum and petroleum products and other items.

Unless steps are taken very soon we will see our competitive position still further eroded.

The big question is how we can hope to reduce our unemployment to acceptable levels unless a halt is called on the undermining of the investment base in this country by imports.

Mr. Speaker, the trade bill I am introducing, along with other Members, is addressed specifically to halting the ruin of our investment base and, therefore, the base of increasing employment by the device of bringing imports under control.

Specifically, the bill would protect growth industries, including new industries and the innovations that bring new life to established industries, from imports that skim the cream from our market and thus turn the investment outlook into a gloomy prospect.

It would do this by holding imports of products that enjoy patent protection, now or in the future, in this country, to a specific share of the market. For example, during the first 5 years of a patent imports could not supply more than 5 percent of our national consumption. During the second 5 years of the patent imports of the product would be held to 10 percent of the market, and during the third 5 years to 15 percent. Thereafter, imports could grow only in proportion as the growth in our own market.

In this way, Mr. Speaker, venture capital seeking to develop new products or innovations of established products would have assurance that if they performed as in past years, bringing down the cost within reach of the mass pocketbook, such capital would be rewarded with a national market; and it would in great part—85 percent or more—belong to the patent owner, the developer of the product, and the market builder. The consumer would benefit as he did in the past when great new industries were developed by application of technology, improvement of production techniques, and cost-lowering installations, all of which led to the opening of national markets, to be supplied by mass production.

It was in this way that we greatly widened our employment base even in the face of ever-increasing productivity and temporary displacement of workers.

In recent years unfortunately we have exposed this system to onslaught from abroad by opening our market to goods that are being produced by a foreign technology that we gave to the world but with the disadvantage to us, of being put to work to the accompaniment of wages that have remained far below our levels. The result has been the exploitation of our manufacturing techniques and patents abroad to the advantage of higher employment abroad and less of it here.

This loophole must be appropriately narrowed so that our development of new industries and the promotion of growth industries, many of which are now blighted by a discouraging outlook, may again proceed in a favorable climate.

The bill that I am introducing will go very far toward accomplishing this objective if it is enacted. It is essentially a moderate bill. It would not interfere with foreign investments but would shield our market against the unhappy results that in many instances are seen as a deterrent to greater employment in this country. By limiting imports of products that have already captured an undue share of our market and also those that have demonstrated their ability to do so by deep penetration hand in hand with an upward trend, our industries can plan ahead, expand as was customary in the past, and give employment to the army of additional workers who come on the labor market each year.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. HEINZ. Mr. Speaker, on Friday, October 6, I wired President Nixon urging him not to veto H.R. 11896, the Water Pollution Control Act Amendments of 1972. This legislation recently passed the House by a vote of 366 yeas to 11 nays.

Sharing the President's concern over the high cost of this measure and the increased pressure to spend beyond our means to pay, I proposed that he ask the Congress to enact companion revenue-raising legislation along the lines suggested in the Pollution Control Tax Act of 1972, which I recently introduced.

I believe the substance of this telegram may be of general interest. The text is as follows:

TELEGRAM TO THE HONORABLE RICHARD M. NIXON

DEAR MR. PRESIDENT: I urge you to carefully consider the significant impact the Federal Water Pollution Control Act Amendments of 1972 will have on efforts to conquer the threat posed by pollution to this nation's environment.

I share your fiscal concern over the cost of this bill and attempted to amend it on the floor of the House of Representatives to raise a large portion of the necessary revenues. As now constituted, the bill will cost $24.6 billion, to be borne by each and every taxpayer. This is an unfairly distributed burden.

My amendment would have levied effluent charges against polluters but additionally provide, as an incentive, a 50 per cent rebate of those charges after installation of proper equipment to abate pollution.

While this amendment was unsuccessful, I am still convinced that the best course of action now is to sign this bill into law. What will be needed next, is to enact into law appropriate revenue-raising legislation such as my Pollution Control Tax Act of 1972, which will help pay its cost.

I have found that response to this approach among my colleagues has been encouraging and I plan to circulate the bill early next week for co-sponsors. I have also taken the liberty of sending copies of my bill, along with a full explanation of its intent, to both the Treasury Department and the Environmental Protection Agency.

The Federal Water Pollution Control Act Amendments of 1972 are essential to the preservation of our nation's environment. I respectfully urge your full support so that this legislation may be enacted into law.

H. JOHN HEINZ III,
Member of Congress.

A more complete discussion of the Pollution Control Tax Act may be found in the CONGRESSIONAL RECORD of September 20, 1972, on pages 31430–31431.

EMIGRATION OUT OF THE SOVIET UNION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. EDMONDSON. Mr. Speaker, last week I joined with Senator JACKSON and about 60 Senators and a large number of distinguished Members of the House of Representatives in introducing a bill designed to cope with the Soviet Union's policy with regard to emigration out of the Soviet Union.

We have been hearing reports for quite some time that the Soviet Union is extracting exorbitant sums—blackmail amounts, in effect—from people wishing to emigrate out of the Soviet Union. This is a deplorable situation that should be stopped.

In fact, my distinguished colleague, Congressman VANIK of Ohio, reports evidence of one emigrant being required to pay $37,000 in order to emigrate from the Soviet Union.

The measure that I have introduced would require that the President make three determinations before he certifies any non-market-economy country for most-favored-nation trade treatment—including the Soviet Union. It would require that the President find:

First, he would be required to find that they are not denying any citizen the right to emigrate;

Second, that they are not imposing more than a nominal tax upon any emigrant; and

Third, that they are not, in any indirect way, extracting an exorbitant amount of money from an emigrant leaving the country as the price for his being allowed to leave the borders and emigrate to another country.

The bill would become effective as law October 15, 1972, if passed. I think from what I have heard of the backing it is getting in the House and Senate that it has an excellent chance of passing and of giving us an effective tool to stop the unfair practice now being carried out by the Soviet Union against citizens who wish to emigrate out of that country.

THE WASHINGTON PAPERS: TIMELY INFORMATION ON THE UNITED STATES AND JAPAN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ZABLOCKI. Mr. Speaker, a new series of papers on international affairs, called the Washington Papers, has just begun publication by the Center for Strategic and International Studies of Georgetown University and the Library Press. I commend the series to the attention of the Members of Congress, because of the timeliness of its subjects which are treated at manageable length and are germane to the international concerns of Congress.

Of particular interest is the second paper in the series which addresses "American-Japanese Relations in a Changing Era." It was written by an internationally known expert on Japan and the Far East, Dr. Robert A. Scalapino. At this point I would like to share Dr. Scalapino's views on the possible effects of Japanese nationalism and Japanese relations with non-Communist developing states on her ties with the United States:

American-Japanese Relations in a Changing Era

(By Robert Scalapino)

JAPANESE-AMERICAN TIES

As Japan views the great triangle formed around here, there remains the United States, a nation with which for more than a quarter of a century she has been far more closely related than with any other foreign state in her entire history. Certain factors now operate to weaken the Japanese-American alliance. Doubts regarding reliability or credibility have arisen on both sides. In Japan, the earlier, strongly favorable image of the United States in the public mind has been tarnished—partly as a result of efforts by segments of the influential media and intelligentsia, where anti-Americanism has never been more in vogue. Above all, the Japanese have no desire to be tied to a faltering power, a leader that sometimes appears to lack the will to lead and under whom, in recent times, failures have been as conspicuous as successes. Perhaps more than most people, the Japanese want to be associated with success at this point.

These mainly subjective factors have helped to shape the new Japanese nationalism. So far, this nationalism is without a fixed political expression, available to any group on the political spectrum and used on occasion by everyone. Thus, an imprecise phrase like "autonomous diplomacy" can evoke near unanimous support, symbolizing as it does a commitment to reassert Japan's full independence and authority in the international arena, but binding the nation to no specific tasks, burdens, or risks.

There is a strong element of frustration among Japanese leaders at present, however, for while "subjective" factors are propelling Japan in the general direction of a more forceful, independent policy, "objective" factors are, for the most part, operating in a countervailing fashion. A bold opening to either China or Russia can have limited meaning at best, because the critical economic, political, and strategic factors that would underwrite it are largely absent. Equidistant diplomacy or neutralism suffers from similar liabilities, and pan-Asianism in any exclusive sense would be sheer madness.

Thus, barring some major disaster to America at home or abroad, Japan's own interests would appear to be best served by working within the broad perimeters of a policy already established, that of an alliance with the United States. As has been suggested, that alliance can be modified in a variety of ways: by moving away from an exclusive reliance upon bilateralism via a number of multilateral commitments and guarantees; by a broadening of diplomatic and economic contracts, including a normalization of relations with most, if not all Communist states; and by the use of economic power to defend wider Japanese interests, developing in the course of such use certain policies different from those of the United States. Increasingly, the term, "alliance" may become less appropriate than a looser term such as "special ties." U.S.-Japan relations, moreover, are likely to be affected more and more by a series of multilateral commitments that surround and interact with them. In economic affairs, as we have noted, such ties will be both with the "advanced" Western world and the developing states. In the strategic arena, hopefully, multilateral agreements regarding arms reduction and control will encompass Communist and non-Communist states alike.

Nevertheless, if Japan chooses a nonmilitary approach in her quest for an international role and the protection of her interests, and seeks to rely mainly upon her economic power in these respects, the strategy of united front operations with the non-Communist developing states, particularly those of Asia, could have an increasing appeal. For the weak states of Asia, the choices in international politics are those of a client-patron relation, a gamble on neutralism, or some form of regional cooperation which may not go beyond the economic or political realm, but which represents an effort through aggregation to turn weakness into strength.

Current development offer enhanced opportunities for regional political groupings of smaller states. In an increasingly multipolar world, such regional groups would be able to exercise meaningful political pressure upon the major actors, given the narrow and shifting power balances that will prevail. Under certain circumstances, indeed, such pressure might become crucial since power today involves access to the domestic political processes of a state in addition to sheer military capacity. To date, the great advantages in this respect have lain with the closed, authoritarian societies which have near-total control over internal communications and organization. It will become more difficult, however, to exclude completely the collective political pressure emanating from a regional group of states, especially neighboring states. Their role in an international forum like the United Nations would also be much more meaningful than that of a single adversary. Thus, an important new aspect of international politics may now be unfolding, one with special significance for Japan. Already, that nation has taken an active role in organizations like ASPAC (Asian and Pacific Council) and ASEAN (Association of Southeast Asian Nations).

It would be wise not to minimize the obstacles faced by Japan in this respect, however. The smaller states of Asia are aware of Japan's enormous economic power, and many of them fear Japanese domination. Hence, progress is likely to be slow, with opposition frequently encountered.

How will the United States react to the developments sketched above, and to the wider political alternatives presently confronting Japan? It scarcely need be said that it is extremely hazardous at this point to predict American attitudes and policies. We are in a period that is at once dangerous and promising, hopeful and potentially disastrous. and all of this is reflected in the uneasy, volatile public mood that currently dominates the American political landscape. Events could transpire in Asia that would thrust the United States ever more rapidly down the withdrawal route, and sharply reduce her credibility. Let us assume, however, that the broad premises upon which the Nixon Doctrine are based continue to be valid, and that the path now chartered can be maintained.

In such an event, the United States would have every reason to support a modified alliance with Japan, one flexible enough to encompass both multilateral agreements that strengthened the prospects for international peace and regional groupings that increased the leverage of the smaller and nonnuclear states. In this fashion, burdens could be more widely shared and at the same time, the international political climate could be tested step by step, with "alliance" gradually transformed into "special ties" if conditions warranted such a development.

PROJECT POLE AGAINST SUPER POLE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DULSKI. Mr. Speaker, there has been considerable attention given to "Project Pole", an excellent endeavor initiated by a Philadelphia businessman, Edward Piszek.

In a recent column in the Washington, D.C., Post, Nicholas von Hoffman discusses the overall subject. I include his commentary as part of my remarks:

Project Pole Versus Super Pole: Who's Joking Now?

(By Nicholas von Hoffman)

In the year of the ethnic, it figures that Super Pole would arrive among us. He is on NBC, he is a private eye (this is also the year of the cop), his name is Banacek and being driven around by a liveried chauffeur in a Cadillac limousine that is twice as long as Nixon's, he is the most implausible detective since Nero Wolf.

Banacek, who lives in a house with "oil paintings and antique furniture," makes Ironside and Mod Squad look like cinema verite documentaries. But there mustn't be a hint of the pink plastic lawn flamingo in Super Pole, who has oak paneling in the living room and chamber music coming out of the Muzak. He shrieks of TASTE, as that word is defined by the decor of a Union League Club or the insides of a Christian Science reading room.

In case you don't get it that Super Pole—that's what they call him in the scrip—is both smart and *rafine*, they have the other actors throw him lines like, "You don't look like a plumber."

The arrival of Banacek in his big, black Caddy isn't to be taken to mean that at long last Poles will be given full recognition for their part in the fight against crime. On ABC's Streets of San Francisco, police lieutenant Mike Stone is played by Karl Malden who would find it a professional handicap to be billed by his real name of Mladen Sekulovch.

No, Poles have yet to make it as a respected group of people with feelings. Even before the film was put out on the televised Olympic torch, there were guys standing around office water coolers telling the newest Polish joke: Did you hear about the Polack who won a gold medal? He took it back to Warsaw and had it bronzed.

No other group in America has to put up with this sort of thing. Sure, there still are anti-Negro and anti-Semitic jokes going the rounds, and anti-other people jokes also, but nothing like the Polish joke. Just about anybody who isn't Polish or at least Slavic thinks nothing of cracking one of these belittling, invariably un-funny, cruel jokes.

"If you complain, people tell you, 'You're being too sensitive. Can't you people laugh?' " says Barbara Mikulski, a Baltimore city councilwoman who reports "there is tremendous resentment against it in the Polish community."

Mikulski is one Polish-American who talks up. Most don't. The only time you ever hear the word Pole is when somebody is telling one of those damn jokes or, on Pulaski Day, when the politicians come around to say, "I love to eat your kielbasa and see you dance in those nice costumes." For the rest, Poles of whom there are a mere 10 or 11 million in America, go ignored.

Even the professional anti-bigotry fighters don't figure the Poles are worth a go-around. Recently the World Publishing company started putting out a series of books under the general title of "Ethnic Prejudices in America" with an explanatory note saying blacks were being omitted because there are enough books on that subject. The first two titles, "Kike!" and "Chink!" are out and they are scheduled to be followed by "Mick!" "Wop!" "Spick!" and "Kraut!" There is no "Polack!" coming through the pipeline.

It may say something about Polish-American culture that they don't have an anti-defamation league or some tough sounding civil rights organization. What they do have is Project Pole, an endeavor, started by Edward Piszek, the head of Mrs. Paul's Kitchens, to tell Poles and other Americans that the folks on the banks of the Vistula haven't spent the last millennium in oafish, perspiring imbecility. "The blacks have taught a lot of second and third generations to learn about their own heritage," says Msgr. John Wodarski, a New Britain, Conn., priest of some note in Polonia, as the Polish-American community is sometimes called.

Knowing that Tadeusz Kosciuszko was a friend of Thomas Jefferson's and that Joseph Conrad was really Konrad Korzeniowski may help a few individual psyches, but it isn't going to make that much difference. Be it among blacks, Poles and Italians, this going back to revivify the traditions and history of what lies in the past across the oceans is too artificial.

This is particularly the case of the largest majority of Poles who descend from those who immigrated here before World War II. They were unschooled peasants who had no contact with their literary or upper class cultivation when they were in Poland. That was one of the forms of privation that led them to leave for America.

Yet they did bring both a culture and a special set of virtues with them, not least of which is a law-abiding love of stability and quiet community life. The only time in the Polish experience in America when a really large number got rambunctious was in fighting the arrogance of the Irish Roman Catholic hierarchy. But today there is a Polish-American archbishop, John Cardinal Krol of Philadelphia, so why now in 1972 should Poles be getting the business? Maybe their virtue has made them our victim.

The rest of us, unable to express our intertribal hostilities, may dump on the Poles because we know they're too orderly and law abiding to retaliate.

Whatever the reasons for our behavior, Poles do deserve better than either moron jokes or Banacek.

QUANDARY OF JUSTICE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DUNCAN. Mr. Speaker, in response to my 1972 legislative questionnaire the vast majority of my constituents indicated their strong opposition to the abolition of capital punishment. Front page murders and attemped political assassinations helped trigger this reaction.

The following editorial from the Knoxville Journal provides a most vivid illustration of why my second district constituents oppose any tampering with the capital punishment provisions of the U.S. Constitution.

The editorial follows:

QUANDARY OF JUSTICE

The case of Richard Speck, the wanton slayer of eight Chicago nurses in 1966, is a glaring example of the confused uncertainty which has resulted from the somewhat indecisive ruling of the U.S. Supreme Court on capital punishment. Without laying down strict guidelines, the highest tribunal determined that the death penalty is unconstitutional in most cases. Now it is up to lower courts to attempt to decide whether or not specific cases are among the "most cases."

This past Wednesday the Illinois Supreme Court, caught in this indecisiveness, said Speck must not be executed and ordered a new hearing. In the words of the opinion: "The death penalty cannot be reimposed on the defendant, and the only remaining question is the procedure to be followed in resentencing him to a sentence other than death."

In the view of some observers the wobbly decision of the U.S. Supreme Court was another in its train of "wishful thinking" actions that by strained interpretations have succeeded in circumventing the letter of the law and have replaced it with notions of social progressiveness. Too often these have been to the advantage of the criminal over the victim.

The court looked to the 8th Amendment to the U.S. Constitution, which states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." But it ignored the 5th Amendment, which provides: "No person shall be held to answer for a capital or other infamous crime unless upon a presentment or indictment of a grand jury." Now by definition a capital crime is one "punishable by death." So the framers of the Bill of Rights did recognize capital punishment as being constitutional. It seems likely to us that by "cruel and unusual punishments" they meant torture.

Be that as it may, how is justice to handle Richard Speck? Is the answer life imprisonment with its possibilities of escape, parole or pardon? Is there hope to reform so vicious a man as one who savagely slew eight women in a single bloody rampage? And if there is, would society accept a man with such a hideous multiple offense in his past? Would he not have to change his identity, assuming he could change his character?

We will not essay to give the answers. The purpose here is only to show how the Speck case is a salient example of the perplexing predicament the Supreme Court has put the nation in. One thing seems clear: The sanctity of the life of so cruel a killer is protected while the sanctity of the lives of his eight victims is forgotten.

ADVERTISEMENT FOR AMERICA

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. SCHERLE. Mr. Speaker, we hear a great deal both in and out of Congress, about the faults and deficiencies of America. That the Government permits and sometimes welcomes scrutiny, challenge, and criticism is a tribute to one of the most unshakable bulwarks of democracy, freedom of speech. Decrying the Nation's drawbacks, however, has become so habitual in some quarters that the critics forget to acknowledge the basic integrity of the institutions whose failings are under attack.

Sometimes it takes a foreign viewpoint to restore our own perspective. Ironically some of this country's stanchest defenders were not born here but came as immigrants, poor and homeless, lacking in the advantages taken for granted by native-born Americans. These people did not find the streets paved with gold, but they found something they valued even more highly, the opportunity to make their own way to prosperity. Despite the handicaps under which they labored, many have been strikingly successful, and most are extremely grateful to their adopted land.

Following is the text of a full-page advertisement taken in the Council Bluffs, Iowa, Nonpareil by a man of German birth who arrived in America just 50 years ago this month. For him the golden anniversary of his immigration is an occasion for thanksgiving. His simple testimonial would shame the most sophisticated critic of the United States to recognize the goodness of the basic values underlying our way of life. I commend Frank J. Hecht's "advertisement for America" to the attention of all my colleagues.

ON MY 50TH ANNIVERSARY IN THE UNITED STATES—A SINCERE "THANK YOU" NOTE TO MY UNCLE FRANK AND MY UNCLE SAM

(Fifty years ago this month, October 1922, at the age of 11, I—a hungry German immigrate—came to the Council Bluffs to my Uncle Frank Hecht.)

In Germany, I was the oldest child and we were starving, but receiving occasional food parcels from Uncle Frank in Council Bluffs, which motivated me to write and ask if he would let me come to the United States to live with him. These packages were all the evidence I needed that he lived in a better place than I did. He applied for an immigration permit to Uncle Sam which was granted and Uncle Frank sent me the ticket.

My first banana, which he bought for me at the Peoples Store the morning after I arrived, convinced me that I now lived in the right place. I could call this my Golden Anniversary, but it would not properly express my feelings. Every anniversary has been a Golden one—yes all fifty of them.

I can't help but tell you how fortunate I am to be an American. Freedom of speech, freedom from want, freedom from fear, freedom of religion, freedom of the press. Yes, freedom to swim across any river without being shot to death. Freedom to cross any American border and return. My cnly hope and wish is that every American would cherish these things more. If we only did that, then no thinking American would want to change any part of our system or our way of life.

So again, my deepest gratitude to my Uncle Frank and my Uncle Sam for letting me be an American. I shall cherish it to my dying breath and trust that my children and my children's children will do likewise.

FRANK J. HECHT.

WILLIAM RASPBERRY DEFINES QUOTA ISSUE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. STOKES. Mr. Speaker, columnist William Raspberry is currently involved in a very courageous and controversial project. On an almost daily basis, he is exploring different aspects of the debate on quotas in Federal programs. In so doing, he is pounding home to his readers exactly what the elimination of quotas means to black Americans. At the same time, he is challenging the underpinnings of hypocrisy, an unfortunate characteristic of the debate.

His work is important for many reasons. The President eliminated quotas quietly—with an interoffice memorandum. But because of Mr. Raspberry's perseverance, black Americans are not going to have to stand quietly by while equal opportunity is abandoned by the Federal Government. By keeping the issue alive in the daily press, Mr. Raspberry gives life to the possibility of other individuals speaking out.

On October 6, 1972, in the Washington Post, Mr. Raspberry reported on a Government official who disagrees with the President's action. The column, "A WASP Backs Quotas," explored the fact that the merit system, in a racist context, can be highly discriminatory.

On October 9, he reported on " 'Good Guy' Semantics." This article contained an extremely necessary definition of terms. Mr. Raspberry compared the American Jewish Committee's adherence to affirmative action with its opposition to quotas. He found, as many other observers have discovered, that affirmative action alone is not going to be enough.

I call my colleagues' attention to both of these excellent articles and I urge them to continue to watch for Mr. Raspberry's column in the Post.

The two articles follow:

[From the Washington Post, Oct. 6, 1972]

A WASP Backs Quotas

(By William Raspberry)

Another look at quotas, this one from a person in the government who has to deal with the subject at first hand, a person whose name and title I know but, for obvious reasons, won't use.

"Although your column on hiring 'quotas' in the federal government was very good, I feel compelled to write because even you did not get to the real horrors of that presidential statement . . .

"To place my remarks in the proper perspective, let me describe myself. I am the perfect example of white, Anglo-Saxon Protestant success. I went to the very best schools. I served as an officer in the Air Force. I have been president of clubs and captain of teams. I am over 30. I make over $22,000 a year. I work in the bureaucracy. I have the 'perfect' family and live in the 'best' neighborhood.

"And I am frightened of the implications of the actions of a man who would, as President, end the quota system in federal hiring.

"First of all, it is obvious that in an ideal world, quotas would be a racist and irrational mechanism for any institution, causing people to be reduced to percentages of this and that. In an ideal world, hiring, advancement, etc., on individual merit would be the only just method of decision-making . . .

"Our society is not 'ideal' for several very specific reasons, all of which can be improved by a 'quota' system that is sincerely designed and effectively implemented.

"Flaw No. 1 is that we do hire, promote, etc., on 'merit'—but the opportunity to achieve that 'merit' is systematically denied to minority groups, and even the definition 'merit' is biased to reward the elit.

"Let's look at how an individual achieves 'merit' points in the civil service—no matter what the nature of the job to be filled. 'Merit' is determined by a combination of education, experience, test scores and *the ability to make an SF-171 look attractive to a selection panel.*

"Unless all people have an equal opportunity in education and other hiring procedures; unless qualifying tests are not culturally biased (which they are), and unless the selection panel consists of people from various backgrounds (which they do not), there is no way in hell for members of racial and ethnic minorities of this country to attain 'merit.'

"The fundamental reason for these contributory elements of gaining merit being so biased is that they too, just like the federal government, do not have enough minority group representatives in their decision-making processes to eliminate the inherent racism. This elitist racism pervades the system, and the implications within the context of the federal government are tragic.

"Guess who makes decisions regarding the expenditure of federal funds for 'disadvantaged' communities of blacks, Chicanos, Indians and Puerto Ricans? Usually me, or people just like me, with all kinds of impeccable 'merit' and not one whit of real understanding or knowledge of what those people need, want or should have.

"Guess who evaluates proposals from a Sioux tribe to improve its community educational facilities, or from a young Puerto Rican group in New York City to combat the drug problem? Me again, because I have 'merit.'

"These communities have been so totally screwed for so long by the system that most of their efforts are rejected because they have been unable to decipher the guidelines, regulations and format (designed by those with 'merit') to be eligible for funds.

"Of course we should attack all the institutions which deny certain groups the opportunity to achieve merit. Education, for example. But just consider the dynamic moral leadership shown by Mr. Nixon and friends on one of the key devices designed to do something about education—busing, which, like quotas, would be foolish in a perfect world.

We need quotas. I need quotas so that I can work alongside blacks, Chicanos, Puerto Ricans, Indians, etc., and maybe learn something about people and maybe even teach something. As long as I am isolated with the sterile environment of an institution full of people with 'merit,' I do not exist in a real world."

[From the Washington Post, Oct. 9, 1972]

"Good Guy" Semantics

(By William Raspberry)

One reason the whole quota-preference/affirmative-action debate drags on is that the 'good guys' keep insisting that the argument is essentially a semantic one.

Define terms, they insist, and most of the argument will disappear. It won't.

It may be useful, as its spokesmen have been trying to do, for the American Jewish Committee to make clear that its objections to "quotas" are not to be mistaken for antagonism toward employment progress for blacks and other minorities. To them, "quotas" describes slots held aside to be filled only by minority members, thus making membership in the appropriate minority an absolute requirement for employment or promotion.

The AJC is against that sort of thing. So is nearly everybody else, although there may occasionally have been an overzealous, under-intelligent bureaucrat who has misinterpreted his agency's affirmative action plan.

But a good many people who are against quotas as defined by the AJC are very much for "goals and timetables" for upgrading blacks in government employment.

The difference is less one of semantics than of the degree of rigidity. The quota approach looks at an employment situation in terms of the available manpower and says: X per cent of the jobs and/or promotions must go to minority Y or be left vacant. The goals-and-timetables approach looks at the same situation and says: If the employment of minority Y fails to approach X per cent by such and such date, there will have to be a convincing explanation.

It won't be enough to say 'we couldn't find any qualified applicants.' You'll have to say where and how you looked, and how you propose to improve your technique. The emphasis is not on good intentions but on results.

But even that isn't the problem. If by opening up your recruitment practices you find you can staff your agency with the very best applicants and still have a staff that generally reflects the sexual, racial or ethnic make-up of the community, then fine.

Suppose taking the cream of the crop gives you a work force that is 95 per cent white male. What then?

That, really, is what is behind the whole debate. For Americans like the idea of a meritocracy, where every consideration except merit becomes extraneous, where every personnel officer is color-blind.

Now many people who consider themselves moderate-to-liberal will acknowledge that color-blindness is too slow a remedy in a society that was until recently consciously anti-black.

If a tree has grown crooked because it has been deliberately pushed in one direction, it isn't enough just to stop pushing. You'll have to exert some pressure in the opposite direction if you think it important to have a straight tree.

A lot of people who will accept that analogy still will argue over the amount and the timing of the counter pressure. The argument grows more furious the closer it approaches the employment office.

There is almost no argument against such preferential treatment as Head Start for minority youngsters, and only a little against extra financing for disadvantaged public school pupils. In those cases, the disadvantaged get more but the advantaged get no less.

That starts to change when it comes to preferential college admissions, and it changes absolutely when the question is preferential hiring or upgrading, by whatever name it is called.

Not even the proponents of "affirmative action" want to take preference to such lengths as to require the hiring or promotion of idiots. What is advocated is preference among components, and that only as a stopgap corrective. There are two primary justifications.

First, ranking of qualified applicants is not nearly the exact science it is sometimes thought to be, and to the degree that intangibles (personality, motivation, character, etc.) become a part of the ranking process, they tend to work aganist minorities.

Second, insistence on pure "merit" overlooks the social good that comes from having a society that is racially inclusive in fact as well as in theory.

Or to put it negatively, denying social and economic mobility to a large segment of the

population is like planting a timebomb. And protestations of theoretical fairness and goodwill to make it no less explosive.

THE BANKRUPTCY FAD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. RARICK. Mr. Speaker, much oratory and hot air has been expended in the House today discussing fiscal responsibility and who is or who is not responsible for excessive Government spending—the President or the Congress.

The one thing that most of the Members seem to agree on is that Federal spending should be limited; but what confuses me is how this House can in one breath support a ceiling on Federal expenditures and then turn around and approve legislation which would, in effect, give the President an additional $48 billion to play around with.

The $250 billion spending limitation is $18 billion more than the total appropriated by the Congress during the last fiscal year; then the debt ceiling increase authorizes him to borrow $15 billion more, and to that total could be added the $15 billion set aside in S. 3001, legislation which would create a Federal financing bank to handle the financing shortages for the executive departments—without the need for congressional approval. The obligations of this new bank, like those of the Export-Import Bank, are to be exempt from consideration in determining the level of the national debt.

It would seem, then, Mr. Speaker, that the President in conducting our fiscal matters must share in his charge of irresponsibility. But, then, if we are to believe what we read in the papers, his conduct is not unlike many Americans, who, in attempting to get out of debt, have found that "bankruptcy filing is simple, painless." It has become "an everyone's doing it" fad to escape responsibility. It is doubtful, however, that the U.S. Government will find filing for bankruptcy "simple, painless." After all, how does a country go bankrupt?

I would comment, Mr. Speaker, that private bankruptcy proceedings may be simple and painless to the individual; but in reality, its effect on the public is pronounced. If a merchant suffers losses from bankruptcy, he can be expected to pass this cost on to his next customer—or, if the bankruptcy qualifies as a tax writeoff, the taxpayers are penalized by having to make up another loss.

So, in reality, those who suffer from "simple, painless" bankruptcy proceedings are the producing Americans.

Private bankruptcy is but another tax on the consumer; public bankruptcy by Government results not only in more taxes but causes more inflation—the cruelest tax of all on earnings and savings.

I insert a related news article in the RECORD at this point:

ONE WAY TO GET OUT OF DEBT; BANKRUPTCY FILING IS SIMPLE, PAINLESS

(By Paul G. Edwards)

Early in August, Carl Denham began to worry about his debts.

One day, as he went about his duties as a respiratory therapist at Alexandria Hospital, he started adding up the monthly payments he had to make. The total was more than $400. His take home pay was about $380.

"It was very distressing to realize that I didn't make enough to cover my monthly payments," he said in a recent interview. "I didn't know what I was going to do. "Then a woman who works at the hospital told me about filing for bankruptcy. She said that she and her husband went through it and got rid of all their debts."

"It sounded like the only way to me. The collection people were beginning to give me a hard time. I knew I had to move fast. If I didn't, I was afraid they would really hurt me, hit me with a garnishee and hurt my employment record."

Denham did move fast. Within a month he filed a petition with the U.S. Bankruptcy Court in Alexandria, declaring that his debts—about $4,000—were more than he could pay and asking the court to release him from making any further payments.

Barring an unlikely legal snag, Denham has a fresh start in the world of consumer credit.

Filing for bankruptcy is a relatively painless way to clean the slate—almost as painless as going into debt in a society that provides such easy access to credit buying.

Divorce and illnesses that run up huge medical bills are principal paths to bankruptcy, says lawyers, and so is the proliferating credit card. The bankruptcy court in Alexandria handles about 500 cases a year of people who find their debts have gotten out of hand.

The process is simple. The person lists all his debts, income and assets in the petition. He is allowed to declare $2,000 of his personal property as exempt from liquidation for repayment of debts. The bankruptcy referee (to be called bankruptcy judge after Nov. 1) can order all other assets to be turned over to a court-appointed trustee for sale. The bankruptcy referee in Alexandria is Martin V. B. Bostetter, a private attorney who spends half his time hearing bankruptcy cases.

The proceeds of the sale and one-fourth of any wages due the bankrupt when he filed his petition can be taken by the court and portioned out to creditors.

The bankrupt is free to earn, spend and borrow again without fear of collection agencies, salary garnishments or court judgments. For six years, he is barred from availing himself of the federal bankruptcy relief. But after seven years, should he fall behind again, he can repeat the process.

Denham said that his lawyer warned him that bankruptcy could hurt his ability to get credit in the future, but another recent bankrupt, Penny W. Pletz, of Reston, was optimistic.

"Actually," she said, "I understand that people are anxious to give you credit again after you go through bankruptcy. Why shouldn't they be? They know you haven't got any debts and they know you can't declare bankruptcy again for another six years."

Like many who file for bankruptcy, Mrs. Pletz's financial problems were tied in part to a divorce. She said her former husband wouldn't pay some debts that she considered his. Then she started a small business, a gift shop in Reston, that failed.

"When it rains it pours," she said. "Every day I would come home and find another summons." Finally, Mrs. Pletz decided to jettison her $5,000 in debts through bankruptcy, and now she's starting over with an $8,000 a year job at the National Letter Carriers Association.

George L. Freeman, a lawyer who said he handles three or four bankruptcies a year in the Alexandria court, said in an interview that divorces and unusual medical bills are frequently behind personal financial collapses.

"People break up and then they find that two people can't live apart on one man's salary," he said. "Divorce and medical problems are behind a lot of bankruptcies, but if I had to put my finger on one thing, I would say it's our credit society.

"The stores have a mark-up that figures in credit losses. Consumer lending is pretty loose. People get in over their heads, not much, maybe $2,500 to $5,000 on the average. Then they file for bankruptcy."

Denham, the respiratory therapist, told how he got caught in the credit web.

"I saved up a lot of money while I was in Vietnam. I applied for some credit cards to use when I got home, all of them oil company cards—Humble, Texaco and Shell.

"We were doing fine while I was in the Army. I was taking home $700 to $800 a month with my E-5 (equivalent to a buck sergeant) pay and part-time job at the hospital.

"About April we began to fall a little behind. The credit card balances ran up to about $1,300. It was all for gas and car repairs and some motel bills from trips we took.

"Then on July 14, I got out of the Army and went to work full time at the hospital. I want a career in health services, but, well, you know we don't make much. I began to miss more payments. When you miss one, it's compounded. It's such a massive amount, you just give up."

In addition to his oil company credit card bills, Denham said he owed two loan companies—Household Finance and Beneficial—about $1,300. He was making payments of $91 a month on his car, a 1969 Pontiac Catalina, and paying $180 a month rent for an apartment at 8495 Madge La., Fairfax County.

Denham also makes a $76 payment monthly to his former wife for child support, an obligation that bankruptcy does not wipe out.

Once he decided to file for bankruptcy, Denham immediately stopped making all loan payments. He paid his lawyer a $200 fee and $58 for court costs out of two paychecks. After receiving the cash in advance, the lawyer filed the bankruptcy petition.

"I told all my creditors I was filing," Denham said. "None of them said much, but the man at Beneficial urged me to try to work something out. He tempted me with more money, but I just couldn't see starting it all over again."

KENTUCKY FFA MEMBER RECEIVES HIGHEST AWARD

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. CARTER. Mr. Speaker, the following article was sent to me by Mr. Jack M. Pedigo, who is a teacher of agriculture at Metcalfe County High School in Edmonton, Ky. The article is about the excellent achievements of Mr. Joel Bowles, who has established an outstanding record as a member of the FFA.

I am pleased to submit it for the RECORD:

JOEL BOWLES OF SUMMER SHADE, KY., RECEIVES HIGHEST FFA AWARD

Joel Bowles of Summer Shade, Kentucky, has been selected to receive the American

Farmer Degree, highest degree presented by the National FFA Organization. Joel was nominated for the degree by the Kentucky FFA Association and the nomination was approved by the National FFA Board of Directors in a recent meeting held in Washington, D.C. He was one of 471 FFA members nominated to receive the American Farmer Degree which is presented at the National FFA Convention in Kansas City. The presentation will be made today, October 12, with the approval of 114 student delegates who represent FFA members in Convention business sessions.

Joel is the son of Mr. and Mrs. Joe F. Bowles of Summer Shade and is currently farming for himself and with his father.

He earned the American Farmer Degree on the basis of the outstanding Supervised Agricultural Work Experience Programs carried out during his 4 years of Vocational Agriculture at Metcalfe County High School, the many leadership; and cooperation development activities which he participated in as an FFA Member.

Joel was chapter winner in Hay Production, Farm Mechanics and the FFA Chapter Contest and went on to represent the Metcalfe County FFA Chapter in the South Central FFA Federation Contest 2 years in a row for the Farm Mechanics and FFA Chapter Contest sponsored by The Courier Journal & Louisville Times. Joel served as Chairman of the Scholarship Committee 2 years, a member of a Superior rating Chapter Meeting and Parliamentary Procedure Team and many other FFA Chapter and district activities too numerous to mention.

Joel's own farming program this year consists of 7600 pound tobacco base, 25 acres of soybeans, 12 head of Registered Shorthead cattle, 21 head of Holstein heifers, 2 Yorkshire sows and litters, 7 acres corn, 10 acres hay and 20 acres of pasture. In addition to the above, he works with his father in carrying out an outstanding farming operation on approximately 50 acres of owned and rented land.

Not only has Joel been an outstanding FFA member, he is also active in other school, church and community activities. He is a member of the Summer Shade Christian Church, American Softball Association, Young Adult Sunday School Class. He is very active in the Summer Shade Softball League.

Joel's high school vocational agriculture instructors and FAA advisors are Mr. Jack M. Pedigo and Mr. Russell Fraser. To say the least, you can be sure they are very proud of Joel for this outstanding accomplishment as they have been the other two fine young men from Metcalf County to receive the American Farmer Degree.

The American Farmer Degree is a highly coveted award because it is presented to only one tenth of one percent of the total of 432,000 FFA members. It is presented only by the National FFA Organization of the FFA to members who have demonstrated exceptional agricultural and leadership ability.

Each American Farmer Degree recipient will be presented a gold key and a certificate by the National FFA Organization. Recipients who attend the convention will also be presented a check from the National FFA Foundation to help pay their travel expenses.

To qualify for the American Farmer Degree FFA members must have advanced through a system of degrees unique to the FFA organization. FFA members begin as Greenhands and after one year of membership may be advanced by the local chapter to the degree of "Chapter Farmer." The third degree, that of "State Farmer", is presented by the State FFA Association and is presented to two percent of the State's FFA membership in any one year. Only students who have earned the State Farmer Degree are eligible for the American Farmer Degree.

The National FFA Convention is an annual event of the Future Farmers of America and is carried out in cooperation with the U.S. Office of Education, of the Department of Health, Education, and Welfare. This year over 12,000 FFA members, vocational agriculture teachers, parents and guests are expected to take part in the 45th National FHA Convention.

The convention is conducted entirely by student members all between the ages of 14 and 21. Six National FFA Officers take charge of all business sessions and 114 official delegates represent the membership in voting on all issues of business.

In addition to the American Farmer Degree many other FFA awards are presented during the convention. Contests are held in dairy, livestock, poultry, meats, dairy products judging, agricultural mechanics, as well as public speaking. Several guest speakers of national prominence address the convention audience and entertainment is interspersed with the business. The convention is the largest annual youth covention in the nation. It closes on Friday evening with the installation of six new National FFA Officers.

When you see Joel, congratulate him for receiving this high honor. He is living proof that all our young people have not turned to drugs and the hippie style of living. Joel is an example of the product the FFA tries to produce in every member with the cooperation of the parents, churches and schools.

Although Joel will shortly hang up his Blue and Gold FFA Jacket which he has so proudly worn during the past 4 years, if there should be a call to the service of our country after the first of the year, Joel expects to put on the Olive Green Uniform of the U.S. Army. We know he will proudly wear this uniform also.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege each month to insert in the RECORD the monthly calendar of the Smithsonian Institution. The October Calendar of Events follows:

OCTOBER AT THE SMITHSONIAN

FILMS AND LECTURES, TOURS, CLASSES

Sponsored by the Smithsonian Associates; by subscription only—Call 381–5157.

Classes and workshops

Beginning the first week in October, Registration still open in some subjects for both adults and young people.

American filmmakers series

Organized by the Whitney Museum of American Art. Offered as a series or individual showings. 10 weeks beginning October 10. Series tickets: $6 members, $10 non-members. Single tickets (available at the door one-half hour before showing): 75 cents members, $1.25 non-members. Student rates $8, $1. Special Bonus for Series Subscribers: Reception and private showing of the film Ruby on Oct. 9. Series is offered at three times: 7 to 9 p.m. Tuesdays; 5:30 p.m. Sundays.

Women at work

Luncheon/Lectures. Oct. 5, *Women in Science*—Caryl Marsh; Oct. 26, *Women in Literature*—Abigail McCarthy; Nov. 15, *Women in the Arts*—Adelyn Breeskin, 12 noon. $25 members, $30 nonmembers.

Day tours (please call for cost).

Along the Brandywine: Oct. 4 or 11.

Winterthur—comprehensive tour. Oct. 14.

Winterthur—furniture and silver. Nov. 4.

John F. Kennedy Center for Performing Arts. Oct. 7.

National Arboretum/Botanical Gardens. Oct. 8 (deadline Oct. 2).

Chesapeake Bay Center. Family camping and ecosystems study weekend. Oct. 20–22 (deadline Oct. 12).

Domestic study tours (Call Mrs. Kilkenny, 381–5910).

Arizona Astronomy Weekend: Oct. 6–9.

Blockade-Runners' View of the Carolinas: Oct. 12–27.

Sanibel Island, Florida: Nov. 5–10.

Nature's Past (Florida's West Coast): Nov. 12–19.

Sunday 1—Exhibition: *Countryside/Inner City*. A contrast of rural and urban landscape and people shown through the photographs of Roland Freeman of George Washington University, Jeff Weiss of Goddard College, and their students. National Collection of Fine Arts, through November 13.

Wednesday 4—Man and Cosmos: *The Planets*. Lecturer: Carl Sagan, Cornell University. Third in a series of lectures in astronomy sponsored by the National Air and Space Museum and the Smithsonian Astrophysical Observatory for the Washington academic and professional community. The series provides a comprehensive and current survey of man's past, present, and future concepts of the solar system, with particular emphasis on the results of space science research during the past decade. 7:30 p.m., History and Technology Building. Free admission; limited seating. The public is invited. Additional lectures: Oct. 12, 18 and 25, Nov. 1, 8 and 15.

Free film theatre: *The Holy Ghost People*—A look at a West Virginia Pentecostal congregation whose fundamentalist philosophy encourages a literal interpretation of the Bible including handling of live snakes and talking in tongues. Beginning of the fall season of films presented by the Smithsonian Women's Committee, and shown every Wednesday and Thursday at 12:30 p.m. in the Natural History Building auditorium.

Design film: *Glas-leerdam*. A Dutch film on the design and manufacure of glass (11 minutes). Continuous showings from 11 a.m.; last showing 2:30 p.m. The Renwick Gallery.

Thursday 5—Free film theatre: *The Holy Ghost People*. Repeat. See Oct. 4 for details.

Sunday 8—Jazz heritage concert: *Lee Konitz,* modern alto saxophonist, with his quintet and special guest trumpeter, *Doc Cheatham*. First in a series of six monthly jazz concerts representing all styles and periods of jazz. 8 p.m., Natural History Building auditorium. Associates $4, non-members $4.50, students $3. For ticket sales call 381–5395.

Exhibition: *Co Rentmeester's Indonesia*. Details of daily life, as well as the wild life, pictorial beauty and the patterned richness of the land of Bali, Java and Sumatra, shown through a series of color photographs produced by Co Rentmeester of *Life* magazine. Museum of Natural History, through November 8. Under the patronage of His Excellency Sjarif Thajeb, Ambassador of the Indonesian Republic.

Tuesday, 10—Oriental art lecture: *The Tomb of the "Living King" at Samarkand*, by Dr. Lisa Galombek, Royal Ontario Museum. Opening program in the 20th annual series of illustrated lectures sponsored by the Freer Gallery of Art. 8:30 p.m., Freer Gallery.

Wednesday, 11—Free film theatre: *The Real West*. Narrated by Gary Cooper, the film explains many of the reasons and debunks many of the myths of why men risked phenomenal hardships for the lure of the golden West in the last half of the 10th century. 12:30 p.m., Natural History Building auditorium.

Design film: *Design and Man*. A filmed look at industrial and commercial design and the design process. Continuous showings from 11 a.m., last showing 2:30 p.m. The Renwick Gallery.

Illustrated lecture: *Central Italian Gunmakers in the 16th, 17th and 18th Centuries*. Lecturer: Nolfo di Carpegna, Curator, The National Odescalchi Collection, Rome, Italy. 7:30 p.m., History and Technology Building auditorium.

Wednesday and Thursday, 11 and 12—Music of South India: Two shows of music, song, and dance of India. Wednesday, India's greatest dancer, *Balasaraswati*, will perform *Bharata natyam*. Thursday, the musicians will present an evening of Indian music. Both programs began at 8:30 p.m. in the Natural History Building auditorium. Admission per concert: Associates $4, non-members $5, students, $3. For ticket sales call 381–5395.

Thursday, 12—Man and Cosmos: *Planetary Atmosphere*. Lecturer: I Rasool, National Aeronautics and Space Administration. 7:30 p.m., History and Technology Building auditorium. See Oct. 4 for series details.

Creative screen: *This Is Ben Shahn*—the artist discusses his personal philosophy and explains the impulses and events that promoted some of his creations; *A. Sculptor Speaks: Chaim Gross*—the life work and ideas of this American contemporary artist; *Calder's Circus*—the mastery of craftsmanship and fantasy of Alexander Calder's miniature circus. Complete program begins at 11:15 a.m., 12:15, 1:15, 2:15 p.m. National Collection of Fine Arts.

Free film theatre: *The Real West*. Repeat. See Oct. 11 for details.

Saturday, 14—Exhibition: *American Pieced Quilts*. Forty-five pieced quilts, most from the 19th century, showing the artistry and beauty of this again-popular folk craft. From the collection of Jonathan Holstein and Gail van der Hoof. The Renwick Gallery, through January 7. In connection with this exhibition, quilting demonstrations will be given at the Renwick Gallery throughout the month (See *Demonstrations*).

Lecture: *Quilts and Quilt Collecting*, by Jonathan Holstein, 3 p.m., The Renwick Gallery. Free admission. Tickets are required and are available from The Renwick Gallery information desk in person or by mail. Limit: two tickets per person.

Concert: *Country Guitar*. Featuring the pride of Deep Gap, N.C. Doc Watson, and his son, Merle Watson, 8:30 p.m., Natural History Building auditorium. First concert in the American Guitar Series. Admission $3.

Creative screen: *This Is Ben Shahn; A Sculptor Speaks: Chaim Gross; Calder's Circus*. Repeat program. See Oct. 12 for details.

Tuesday, 17—Lecture: *The Preservation of England's Industrial Heritage at Ironbridge Gorge*. Lecturer: Neil Cossons, Director of the Ironbridge Gorge Open Air Museum, Shropshire, England. The Ironbridge Gorge was one of the principal seats of the Industrial Revolution. Mr. Cossons will describe the preservation of the many remains of the industrial milestone. Sponsored by the Division of Mechanical and Civil Engineering, NMHT, the National Trust for Historic Preservation, and the Latrobe Chapter, Society of Architectural Historians. 8 p.m., The Renwick Gallery. Free.

Illustrated lecture: *The Dutch as They Saw Themselves*. Lecturer: Bas Kist, Acting Head of the Department of Dutch National History, The Rijksmuseum. Dutch material culture as seen by Dutch artists. 7:30 p.m., History and Technology Building auditorium.

Wednesday, 18—Free film theatre: *The West of Charles Russell*. A view of the West portraying the cowboys and Indians in heroic and romantic terms, seen through the eyes of the 19th century artist. 12:30 p.m., Natural History Building auditorium.

Man and Cosmos: *The Moon*. Lecturer: John Wood, Smithsonian Astrophysical Observatory. 7:30 p.m., History and Technology Building auditorium. See Oct. 4 for series details.

Thursday, 19—Free film theatre: *The West of Charles Russell*. Repeat. See Oct. 18 for details.

Friday, 20—Exhibition: *Solon Borglum* (1868–1922). Eleven sculptures and sixteen drawings by this American sculptor who was principally noted by his sculptures of Indians, cowboys and other Western figures. Drawings of the West and European scenes are part of a collection given to the NCFA by the artist's daughter, Mrs. A. Merwyn Davies. National Collection of Fine Arts, through December 3.

Illustrated lecture: *The Need for Coastal Wetlands*, by Dr. John M. Teal, Woods Hole Oceanographic Institution. *Cry of the Marsh*, a film by ecologist filmmaker Robert Hartkopf, will be shown. 8 p.m., Natural History Building auditorium.

Saturday, 21—Concert: *Les Menestriers*. A performance of earthy, warm and romantic music of the Middle Ages, by a young group that has recently won the French Grand Prize for recording. Sponsored by the Division of Musical Instruments and the Friends of Music at the Smithsonian. 8:30 p.m., Hall of Musical Instruments, History and Technology Building. Admission $3; student tickets $1 with presentation of student ID.

Wednesday, 25—Man and Cosmos: *The Outer Planets*. Lecturer: John Lewis, Massachusetts Institute of Technology. 7:30 p.m., History and Technology Building auditorium. See Oct. 4 for series details.

Free film threatre: *Pumpkin*—A contemporary film, produced by noted anthropologist John Marshall, about the relationship between the police and those they are trying to protect and/or convict. *A Legal Discussion about the Investigation of a Hit and Run*—A Harvard Law School class discusses the salient legal points about the film *Pumpkin*, incluing the rights of witnesses an suspects. Complete program begins at 12:30 p.m., Natural History auditorium.

Concert: *Gustav Leonhardt*, renowned Dutch harpsichordist, in a program of 17th an 18th century keyboard music, playing 18th century instruments from the Smithsonian's collections. Assisted by *James Weaver*, harpsichordist, in works of Francois Couperin for two harpsichordists. 8:30 p.m., Hall of Musical Instruments, Museum of History and Technology. Seating is limited. For free tickets write Division of Musical Instruments, Smithsonian Institution.

Thursday, 26—Free film theatre: *Pumpkin; A Legal Discussion about the Investigation of a Hit and Run*. Repeat program. See Oct. 25 for details.

Design film: *Preservation and Design*. A two-hour program of films, titles to be announced. 11 a.m., 1 p.m. and 3 p.m. The Renwick Gallery. Cosponsored by the National Trust for Historic Preservation.

National Capital Shell Club: *Informal discussion*, conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting*. 8:15 p.m. Room 43, Natural History Building. Public is invited.

Saturday, 28—Music from Marlboro: First in a series of three chamber music concerts presented by the Division of Performing Arts. Works by Brahms and Dvorak will be performed by Felix Galimir and Ronald Copes, violin; Nobuko Imai and Kim Kashkashian, viola; Miklos Perenyi, cello; and Richard Stotzman, clarinet. 5:30 p.m., Natural History Building. Admission: $5 individual concerts, $3 students (available at the door only). Series subscription: $11 Associates; $12.50 non-members. Remaining concerts will be held February 3 and April 7. For further information call 381–5395.

Monday, 30—Concert: *Jeunesses Musicales*, first in a series of performances by young international artists. *Rudolph Werthen*, violinist, from Belgium, appears in recital. Sponsored by the Division of Musical Instruments in cooperation with the Washington Performing Arts Society. 8:30 p.m., History and Technology Building auditorium. For ticket information call 393–4433.

Exhibition: *"Pop" Hart Prints*. Not to be confused with pop art, the works of this little-known turn-of-the-century graphics master, George Overbury (Pop) Hart have been likened to the caricatures of Daumier. Hart's prints portray the ordinary people he encountered in a restless life "on the road," from his birthplace in Cairo, Ill., to Tahiti. Museum of History and Technology, through January, 1973.

Concert: *Music of the Nineteenth Century*, presenting The Camerata Chorus of Washington in the atmospheric setting of the Grand Salon of The Renwick Gallery. Tickets $2.50. For reservations call 381–5395.

Tuesday, 31—Informal concert: *Judith Norell*, harpsichordist, performing works of Couperin, Rameau, Gaspard le Roux, 3 p.m., Hall of Musical Instruments, Museum of History and Technology. Free, no tickets necessary.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.–5:30 p.m. Cafeteria, MHT, 11 a.m.–5 p.m.

National Zoo buildings are open from 9 a.m.–6 p.m. seven days a week. Beginning October 29, 9 a.m.–4:30 p.m.

Anacostia Neighborhood Museum is open 10 a.m.–6 p.m. weekdays, 1–6 p.m. weekends.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for September.

1st—*A Pair of Anniversaries*. John Kinard, Director of Anacostia Neighborhood Museum, talks about the Museum's first five years. And Roger Stevens, Chairman of the Board of the Kennedy Center, looks at the Center's past and future after its first year.

8th *Drilling for the Past*. A look at the Deep Seat Drilling Project, which has led to some startling discoveries about changes in the earth's surface.

15th—*Songs of Stephen Foster*. Some familiar and unfamiliar songs by Foster, recorded at the Smithsonian, capturing an almost forgotten part of the American past.

22nd—*Reading Is FUNdamental*. A look at a program designed to bring books to all people, with its founder, Mrs. Robert McNamara, and its new president, Willliam Mullins.

Counterfeiting in History—with Mrs. Elvira Clain-Stefanelli, Curator of Numismatics at the Smithsonian.

20th—*Recent Developments in Jazz*—with Martin Williams, noted jazz critic and Director of the Smithsonian's Jazz Program.

FOREIGN STUDY TOURS

For members of the National and Resident Association. For further details on tours listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

1972

Antique Tour in London: Nov 2–10, $475.

1973

Peru: Archaeological sites. Feb. 8–March 5. Waiting list only.

Morocco: March 6–27.

Cave Paintings: April 2–24.

Middle East: April 21–May 16.

Baroque Tour of Germany and Austria: May 13–June 4.

African Safari: July 17–Aug. 8.

International Aerospace Tour: Sept. 10, 2 wks.

Site of Civilization: Oct. 6–28. Waiting list only.

PUPPET THEATRE

The Hullabaloo Election of Osbert or Jess. The story of Osbert Peabody Wright and Jessica Sweetwater as they campaign for the top prize in puppetland—President of the Puppet Theatre. All the trappings and a real-world campaign abound—parades, rallies, rumors and image-making—and each show ends with children in the audience voting for the candidate of their choice. Performances are in the auditorium of the History and Technological Building, 10:30 and 11:30 a.m., Wednesday through Friday, and 10:30 a.m., 12:30 and 2:30 p.m. Saturday, Sunday and holidays through November 12. Children's admission is $1; adults, $1.25; groups of 20 or more, 75 cents (S.I. Employees and Resident Associates admission, 75 cents). Reservations are recommended. Call 381-5395. The Puppet Theatre is presented by the Smithsonian's Division of Performing Arts.

SPECIAL ATTRACTIONS

A treat for the entire family—The Darwin Adventure. Premier showings November 4, 1972, in the Baird Auditorium, National Museum of Natural History, 10:30 a.m. and 1:30. The classic debate concerning the evolution of man is brought to the screen in a manner both sophisticated and humorous in this 90 minute film. Tickets available after October 15 through the Reception Center, SI Building, Smithsonian Institution, Washington, D.C. 20560 or by calling 381-6264. Donations of $1 per person are requested to benefit the Darwin Foundation and the Smithsonian Visitors' Services.

The Washington Art Scene—a new weekly radio program. Produced by Radio Smithsonian and radio station WGMS. Benjamin Forgey, art critic for the *Evening Star-Daily News*, will host the show, comment on exhibits and other events in the Washington art community and give a schedule of openings at public and private galleries in the area. Wednesdays at 4:30 p.m. WGMS-AM (570); WGMS-FM (103.5).

DEMONSTRATIONS

Museum of History and Technology

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:00 p.m., 2nd floor.

Spinning and Weaving—Wednesday and Thursday, 1–2 p.m.

Machine Tools. Wednesday, Thursday, Friday, 1–2 p.m.

Hand-Set Printing Presses. Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American Folk instruments. Keyboard demonstration Monday and Friday, 1:30 p.m. Lutes, guitars and folk instruments, Wednesdays, 1:30 p.m. Hall of Musical Instruments, 3rd floor.

The Renwick Gallery

Quilting. In conjunction with the exhibition *American Pieced Quilts.* October 14 and 15, by Total Action Against Poverty in Roanoke Valley. October 16–18, 23–25, 27–29, by the National Quilting Association.

MUSEUM TOURS

Walk-in tours are coducted in the Museum of History and Technology beginning October 16 as follows:

Highlights—weekdays, 10:30 and 11:30 a.m. (1 p.m. by advance request); weekends, 10:30 a.m., 12 noon, 1:30 and 3 p.m.

First Ladies Gowns—Monday through Friday, 10:30 and 11:30 a.m.

THE WINNER CAN LOSE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in the Washington, D.C., Evening Star of September 29, 1972, by Mr. Norton Mockridge regarding an unfortunate event which transpired in New York City, the home of gun control:

THE WINNER CAN LOSE

(By Norton Mockridge)

NEW YORK.—When a burglar invades your apartment at 3:45 a.m., and starts stealing your stuff, and stabs you repeatedly when you tell him he oughtn't to be doing it—don't shoot him!

It ain't fair! It's illegal! And you could get yourself in serious trouble!

That's what happened to a dancer with the Joffrey Ballet. Dennis W. Wendiken, 27, who performs under the name of Dennis Wayne, was asleep in his Greenwich Village apartment when some jerk got in and began ransacking it. This disturbed Dennis (dancers need their rest, you know), and it also disturbed a young lady, another dancer, who also was sleeping at the time.

The intruder, later identified as Lancelot Holmes, 20, who said he couldn't seem to remember his address, got pretty nasty when Dennis woke up and said politely that he was annoyed by the whole thing. Lancelot, charged by police with having forced his way into the apartment with a nine-inch screwdriver, was equally annoyed at being disturbed in his prowling, and he attacked Dennis with the screwdriver.

There was a bit of embroilment, and the loyal lady tried to aid Dennis. During the embroilment, Dennis got stabbed six times, and the lady once.

Dennis then made his way into another room of the two-and-one-half room flat, got his .22-caliber rifle, and returned and let old Lancelot have a couple of slugs in his belly. Meanwhile, his friend phoned the police.

Here's where we get to the point of the story. The fuzz saw to it that all three wounded participants got taken to St. Vincent's Hospital, and then they socked the charges to old Lancelot: attempted murder, felonious assault, reckless endangerment, burglary and possession of burglary tools.

But—and you'd better brace yourself, kiddies—they also charged dancer Dennis with second-degree assault and possession of a dangerous weapon!

Now the least I can do is to advise you against falling into the same mess in which the stabbed and burglarized Dennis found himself. There are simple rules he should have followed. Here are some of them:

1. Never shoot anybody who breaks into your apartment unless you get his permission, it can be interpreted by the police as an unfriendly act.

2. Never shoot him more than once. Dennis shot him twice, and that's very unfriendly.

3. Never shoot any burglar, rapist, maniac, fire bomber or vampire with your own weapon. (If someone should walk into your apartment at the time of the burglary, rape, etc., and hand you a weapon, you could argue later in the court that you fired at the invader, acting on the spur of the moment, under duress, without thinking and without realizing that the weapon might injure the intruder. In a case like that, you might get off with only one to three years in jail.)

4. Never wrest a weapon away from the invader. This could be construed in the courts as felonious assault upon his person, indication of attempt to commit atrocious assault and, in cases where the weapon is worth less than $100, petty larceny. If the weapon is worth more than that—with an inlaid pearl handle, for instance—you could be charged with grand larceny and go to jail for 10-to-20.

5. Never permit any one to assist you in resisting the invader—as dancer Dennis did—on the ground that you and the other person then would be charged with conspiring to deprive the said intruder of his right to freedom, health, happiness, choice of worship and voting privileges.

6. Never stay in your own apartment at any time when you think it might be invaded by a burglar. THERE ARE TWO REASONS FOR THIS: The law might well take the position that you should not be present when an American wants to demonstrate his right of entry and, also, you might be an unstable person who gets excited and decides to take action against him. You could get yourself into a lot of trouble!

POSTAL SERVICE WASTE PUT AT $8 MILLION, FOR 20 USELESS ARCHITECT DESIGNS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. NIX. Mr. Speaker, at this time I would like to insert in the RECORD at this point the second in a series of articles by Mr. Ed Zuckerman on waste by the Postal Service as uncovered by my subcommittee in our year long hearings on the postal construction program.

This particular item covers the cancellation of 20 postal projects from Atlanta, Ga., to Tacoma, Wash. A list of these projects appears in the article.

This article appeared in the following newspapers; the New York Journal of Commerce, St. Paul Pioneer Press & Dispatch, Duluth Herald & News Tribune, Long Beach Independent & Press Telegram, San Jose Mercury & News, Pasadena Star-News, Grand Forks (N. Dak.) Herald, Aberdeen (S. Dak.) American News, Garden Grove (Calif.), News, Gary (Ind.) Post Tribune, Boulder (Colo.) Daily-Camera and Niles (Mich.) Star, on or about September 11, 1972.

We feel that we have just started our work. The troubled program that this particular waste springs from is a billion dollar program. My subcommittee will continue hearings on this bulk mail program during the next Congress and on the preferential mail program which is $4 billion program.

The Zuckerman article follows:

POSTAL SERVICE WASTE PUT AT $8 MILLION

(By Ed Zuckerman)

WASHINGTON.—The U.S. Postal Service wasted more than $8 million when it decided in mid-1970 to scrap design projects for 20 buildings, according to a recently completed government investigation.

While architects were planning the buildings, postal officials ordered a study to determine specifications for a nationwide system of highly mechanized mail processing centers. The study, which brought the decision to abort the design projects, recommends major changes in mail handling techniques rather than the minor adjustments that postal authorities were hoping for.

The study suggested that greater economy and faster delivery could be accomplished by processing first class letters and bulk mail in separate buildings. The buildings on the drawing boards at the time would have put all types of mail into a single building.

Total value of the 20 contracts for design and related services was $12.3 million. The payment was reduced to slightly over $8 million, based on the amount of work completed. In some cases, architects received additional fees for premature termination of their contracts.

The investigation, completed in June by the General Accounting Office (GAO), was sent to Rep. Robert Nix, D-Pa., the chairman of a House post office and civil service subcommittee who requested it. Copies of the full GAO report haven't been made public. However, Nix inserted the GAO conclusions into the Congressional Record.

Although the government auditing agency confirmed the $8 million value of the terminated contracts, some congressional observers fear the loss is much higher than reported.

That fear has two bases. First, there is reason to believe that the number of terminated contracts is more than 20. Secondly an earlier GAO probe of contracts awarded for the planning of a postal facility in Pittsburgh, Pa., uncovered more than $900,000 in wasted spending—significantly more than the $239,000 which GAO reported when it examined the same facility as part of its more recent investigation.

The 20 locations confirmed by the GAO coincided exactly with a list that was developed by the House subcommittee which had relied on the assistance of a former postal service employe. A subcommittee aide later learned from the House Public Works Committee about 19 more postal projects which were cancelled. None of the 19 which were to be built in cooperation with the General Services Administration (GSA), were duplicated on the subcommittee's 20-project list.

"We gave 20 locations to the GAO and they confirmed every one of them . . . If there are others, as we suspect, the Postal Service isn't volunteering them." said Thomas Kennedy, the subcommittee aide.

The earlier investigation of the Pittsburgh facility was completed in 1971 at the request of another subcommittee member, Rep. H.R. Gross, R-Iowa. The recent probe, limited only to architectural fees, reported the same $239,000 that was included in the 1971 investigation. But the 1971 probe, which wasn't as limited, uncovered an additional $665,000 in waste—almost threefold—at the one location. In its most recent probe, GAO concentrated on five of 20 supplied locations and concluded, on the basis of interviews with the architects, that "The Postal Service will receive little, if any, benefit from the work performed by the contractors."

A spokesman for the firm that was hired to design a facility at Atlanta, Ga., was quoted by the GAO as saying, "The only benefit that could be derived from the work his firm had performed . . . was the experience his firm had obtained in designing a postal building and in learning about postal operations."

All of the design contracts were either suspended or terminated by May 1970—a month after postal officials received a study from the IBM Corp.

Some of the terminated design projects related to buildings that will become part of a nationwide system of preferential mail-handling centers. The 177-building system, to cost an estimated $4 billion and to be operational in 1978, is expected to save $1 billion annually in postal costs.

Several of the other terminated projects were designed for inclusion in a national bulk mail processing system—to consist of 21 major and 12 satellite installations, To cost an estimated $950 million and be operational in 1975, the highly mechanized system is expected to trim $300 million annually in mail processing costs.

The Pittsburgh facility will be part of the bulk mail system.

GAO's investigation of that project showed how the Postal Service went through a series of transactions—awarding contracts, initiating new studies, then rescinding contracts and awarding new ones and, after receiving a second study, terminated the second contracts.

Work on the Pittsburgh bulk mail facility was started in January, 1969, when an architectural contract worth $1,535,600 was awarded for the design of a building that would house facilities for both preferential and bulk mail.

In July, while the design work was continuing the Postal Service ordered a study to determine if work on the combined facility should continue. The study, completed in a month by Drake Sheahan Stewart Dougall, Inc., recommended the idea of separating preferential and bulk mail into separate buildings. The first architectural contract was suspended and Sheahan-Dougall was given a second assignment, this time to prepare general specifications for a separate bulk mail building.

While Sheahan-Dougall was working on its national study, the Postal Service executed a contract with IBM to determine the size, interrelationship and general specifications to be utilized in the establishment of a national bulk mail processing system.

After receiving Sheahan-Dougall's version of a national system, the Postal Service awarded a $100,000 contract to Lester B. Knight and Associates, Inc., to begin equipment layout design work for the Pittsburgh facility. The Knight firm was to use the Sheahan-Dougall study as the basis for its design work.

In May 1970, the original contract for the design of a combined mail facility was formally terminated and the architects were paid $239,763. It was at this time that all the other post office design projects were either * * * suspended.

In November 1970, the Knight firm was awarded $642,000 contract to complete its equipment layout design. Also, the architects who had been terminated were given their second contract, valued at $693,000, to begin designing the building on the basis of Knight's equipment layout Postal Service was forced to withdraw the architectural and equipment design contracts. IBM, working on the national system, determined that the Pittsburgh facility wasn't large enough to cope with an anticipated increase in mail volume and to coincide with the plans under development for the entire network. Knight's equipment layout design was worthless, IBM further pointed out, because the increased size of the Pittsburgh facility would require major changes.

The Knight firm was paid $493,000 for the work it had performed. The architects, terminated for a second time, were paid $113,000.

When the GAO completed its 1971 investigation, another company had been awarded a Postal Service contract to prepare equipment layout designs for several of the bulk mail centers.

The firm was utilizing the IBM study as the basis for its work.

As part of its investigation of the Pittsburgh facility, the GAO sought comments from H. F. Faught, assistant postmaster general in charge of the department of research and engineering.

"(Faught) indicated that the Postal Service was aware that awarding these contracts, prior to receiving the results of the nationwide bulk mail facility study, carried with it some risk." the GAO said.

The risk involved a trade-off between time and money.

According to Faught, the Postal Service seems to have favored speed in an effort to put the new system into operation as quickly as possible to begin realizing the savings it is supposed to bring. While the risk of losing money was great, postal officials were willing to gamble because the lost money will be recouped anyway.

POSTAL CONTRACTS

Facility location	Contract [1] amount	[2] Payment
Atlanta, Ga	$1,340,800	$560,163
Carbondale, Ill	128,974	95,728
Chicago, Ill. (South Suburban)	389,120	185,544
Chicago, Ill. (North Suburban)	756,015	593,917
Dallas, Tex	1,155,000	858,805
East St. Louis, Ill	314,000	237,382
Gary, Ind	213,794	167,762
Inglewood, Calif	334,758	252,152
Jacksonville, Fla	397,358	238,943
Madison, Wis	410,000	329,025
Morgan Station, New York City	2,538,000	2,043,346
Murray Hill Station, New York City	504,000	[3] 551,382
Pittsburgh, Pa	1,535,600	239,763
Rapid City. S. Dak	112,200	90,026
Riverside, Calif	201,600	148,818
Salem, Oreg	270,929	169,681
Salt Lake City, Utah	404,729	281,456
San Antonio, Tex	456,488	358,892
Syracuse, N.Y	578,175	389,061
Tacoma, Wash	315,292	227,599
Total	12,356,832	8,019,445

[1] Includes design fee, construction services and supervision fee.

[2] Includes design fee, subsoil investigation and suspension or termination costs.

[3] Payments consist of $402,827 for design, $119,555 for subsoil tests and other expenses, and $29,000 in termination fee.

VIETNAM, INSUBORDINATION, AND SELF-GOVERNMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. WALDIE. Mr. Speaker, at this time I include the following article in the Congressional Record. It was written by Mr. George Anastaplo, lecturer in the liberal arts, the University of Chicago: professor of political science, Rosary College. I feel this article touches on several issues raised by the Vietnam war.

This being an election year, makes the understanding of this issue all the more important.

The article follows:

[From the Chicago Tribune, June 25, 1972]

Vietnam, Insubordination and Self-Government

(By George Anastaplo)

I

What do Dr. Daniel Ellsburg and Gen. John Lavelle have in common besides their evident willingness to engage in acts of insubordination, the former by disregarding security regulations with respect to certain classified documents (known as the "Pentagon Papers"), the latter by disregarding orders with respect to the deployment of bombers in Viet Nam?

Is it not prudent to assume that both men are patriotic Americans?

How should these two kinds of patriotic insubordination—leakage of classified documents and disregard of bombing directives—be treated by us? The White House evidently takes one far more seriously than the other.

That is, vigorous attempts were made in June, 1971, to keep the press from publishing the Pentagon Papers; attempts are now being made to imprison the men alleged to have distributed those papers to the press.

On the other hand, the general who [upon exposure] admitted his deliberate and repeated disregard of bombing directives has been permitted to escape court martial, (but *not,* it is salutary to believe, the enduring censure of his fellow officers) and to retire with a generous pension.

II

Are not the "priorities" of the White House misplaced? We are accustomed to, and even depend upon, the unauthorized disclosure of classified documents in order to help the press make the government behave itself.

But we cannot permit generals (and certainly not in a nuclear age) to conduct war as they choose.

Thus, we cannot know what we [as a sovereign people] are doing if vital information is systematically kept from us; nor can we control what is done in our name if our public servants [whether military officers or their civilian superiors] may act as they believe best and thereafter attempt to conceal from public inspection and public discussion what they have done.

There are obviously circumstances in which information should be kept secret; there are also obviously circumstances in which a soldier should refuse to obey an order given to him.

But should not the presumption be both in favor of full disclosure of information and in favor of compliance with orders (especially when the orders are of a restraining character)? However that may be, we simply cannot allow military men to determine how [or if] a war is to be fought; nor can we allow the Executive Branch of the government to dictate what [if anything] will be revealed about its policies and its conduct.

Both military insubordination and government secrecy usually subvert efforts by Americans to govern themselves.

III

American self-government depends not only on adequate information in the electorate and sufficient control by the electorate of what public servants do. It depends, as well, on the moral sobriety of our people. Indeed, no people which is impassioned or corrupted can truly govern itself, for it is so crippled morally that it cannot be said either to know or to choose what it is doing. (In such circumstances, chance rather than rational public discourse determines events.)

The most important revelation of the Pentagon Papers, therefore, may have been their confirmation of the moral obtuseness, if not even simple callousness, of the men who have tried to act on our behalf in Indochina.

There is little to be found in the Pentagon Papers indicating any day-to-day awareness among our public servants of the serious moral problems posed by our willingness (and, at times, even eagerness) to sacrifice to our supposed long-term security interests the lives and property of the Vietnamese.

We were willing to inflict considerable immediate damage upon a distant (and much weaker) people in order to spare ourselves some possible damage in the remote future. Let us hope that the American people went along with what was done there in its name primarily because the threat to "us" was exaggerated and the damage to "them" was played down.

It remains to be seen how critically we have damaged the American soul in the process.

IV

The physical damage we are visiting upon Viet Nam, North and South, has again been intensified in recent months. The North Vietnamese government can be said to have brought much of this damage on its people by launching its current brutal offensive. But such an observation, comforting as it might be to some, still leaves open the fundamental question of whether we should be in Indochina at all.

The most troublesome aspect of what we are now doing in Indochina is that the American public has again allowed itself to be lulled into acquiescence, partly because of spiritual fatigue and disillusionment, partly because of its traditional reluctance to question the judgment of its President in his conduct of foreign affairs (at least not before election day) and partly because of the virtual elimination of American casualties by the withdrawal from Viet Nam of almost all our combat ground troops.

It is a pity that the North Vietnamese do not realize that it is in both their interest and ours that they release immediately and unconditionally, into the custody of a neutral country, all their American prisoners of war.

It would then be difficult for the basically good-natured American public to continue to believe that we are entitled to inflict upon Viet Nam the devastating aerial punishment we have unleashed.

Even so, do we not already know enough, without waiting either for more revelations or for the parole of American prisoners, to be able to recognize our present conduct in Viet Nam as bordering on the barbaric, however "successful" it may eventually be in promoting what is likely to be no more than a temporary cease-fire in Indochina?

V

We cannot survive as a vital body politic without the integrity which comes from a public respect for old fashioned civility. It is that integrity which makes self-government possible among us and which keeps public servants in their place even when we cannot watch them. We must take care, in any event, lest partisan success in one "confrontation" encourage everyone to become reckless elsewhere (the theatrical Cuban missile crisis of 1962 comes to mind). We have the duty, that is, to study and supervise what is happening and what is likely to happen in the conduct of our affairs abroad.

Is it not the duty of the press and of Congress to examine what is being done in our name and to do what they can to shield from government persecution those who make conscientious efforts to expose to public inspection what the Executive Branch tries to keep concealed from the American people (especially when what is concealed from us, and even from Congress, is known to the enemy)?

Is it not also the duty of Congress and of the press to insist that there be no compromise with the constitutional principle of civilian, and ultimate public (and hence rational?), control of our awesome military power?

VI

Self-government depends on both self-confidence and self-criticism. We should not forget that a war has been prosecuted by us for a decade without the constitutionally-required declaration of war.

Such radical insubordination by the President, in which Congress has improperly acquiesced, makes both the disclosure of classified documents and the disregard of bombing directives seem rather modest by comparison.

Indeed, the wonder is that we have not, in our prosecution of this misconceived war, subverted even more than we have the political morale of the country. What we *have* subverted profoundly is the necessary confidence in the institutions of this country on the part of both our more articulate youth and our more conscientious military officers.

That confidence must now be reestablished, beginning with our willingness and ability to face up to the facts of the past decade—including the attractive but dangerous illusions of President Kennedy's Crusade.

VII

Need it be added that to question the morality of what we have allowed to be done in our name in Indochina does not excuse what the North Vietnamese and their allies have been doing and may intend to do there and elsewhere?

In fact, it is still another argument against what we have been doing in Indochina that we have become, in the prosecution of this war, too much like the enemy we have conjured up: devious, ruthless, and implicitly contemptuous of constitutional principles.

EDUCATION: ADJUSTING OUR NEEDS TO MEET THE CHALLENGE OF THE SEVENTIES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ESCH. Mr. Speaker, the Second Congressional District has a deep interest in education. It has more university students in it than any other district in the country. Its teacher training and educational research are rivaled by few places in the country. As a former university professor and a member of the Education and Labor Committee, I have shared this interest in education. I am taking the opportunity to communicate my views on the education problems which face our Nation. Four areas are in the forefront in Congress in the discussion of Federal aid to education. They are: First, appropriations for education; second, the changing role of higher education; third, elementary and secondary education issues, including school finance and program revisions; and fourth, improving the quality of education for all schoolchildren.

APPROPRIATIONS

Federal support for education and training has increased by $6.2 billion—or 65 percent—since 1969. In Congress two serious attempts have been made to raise the level of spending over the requested levels. Both initiatives were sponsored by Representative WILLIAM HATHAWAY and a bipartisan coalition of Congressmen. In 1971 we attempted to add $728.6 million to the education appropriations measure. Although our efforts were unsuccessful on the House floor, a second attempt was made to instruct the conferees to accept the Senate provision which amounted to $816 million over the House figure. The final appropriation for education was $346 million over the original House bill.

In 1972 a new attempt was made to increase education appropriations. After an intensive lobbying campaign our efforts were successful. We were able to add $363.8 million. In spite of the Labor-HEW veto, I am hopeful that we can retain those hard-fought-for increases when the final appropriations bill is passed.

One area where we have fallen considerably short has been in funding the Environmental Education Act. I proposed the Environmental Education Act in the hope that it would encourage our schools to develop environmental curricula which were integrated into other subject areas. The act established school and community related projects. In the 2 years since passage of the act it has been short of funds to implement even a minimum number of projects. The level of interest nationally demonstrates that the program could yield significant results if it were adequately funded. Our efforts to bring funding up to a reasonable level will continue.

The long-range problems of education will not be solved with the single strategy of funding increases from the Federal Government. Systematic reform of our educational system is also essential. Additional funds will allow our districts adequate funds to carry these reforms. New programs of Federal aid and revisions of older programs must recognize that local districts can best control their educational and spending decisions.

HIGHER EDUCATION

The Education Amendments of 1972—Public Law 92–318—have been hailed by many as the most important education legislation passed by the Congress in the last decade. The $16 billion measure created new programs which will aid low and middle income students in being able to afford the cost of higher education. It establishes a new program of opportunity grants guaranteed to every student equal to $1,400 less the expected family contribution toward the cost of education.

The bill also will increase the availability of loan funds for students. It creates a secondary market mechanism which will increase the student loan liquidity by allowing banks to resell student loans to a government corporation. A similar system is used in home mortgage loans quite successfully. The Student Loan Marketing Association will assure that adequate levels of student loans will be available for those who must borrow to attend school. The impact of the aid and loan revisions in this bill will be the realization of the goal that "no student be denied access to higher education for financial reasons."

In the past few years Members of Congress have become painfully aware of the desperate financial situation which faces many of our Nation's colleges and universities. Many colleges have been forced to cut services and programs to survive. The Education Amendments of 1972 established a general aid program which will help put the schools on a firmer financial foundation by providing direct aid to institutions on a formula basis with no strings attached.

The bill also creates a new National Institute for Education based on the principle of the National Institutes of Health. The role of the Institute will be to conduct basic research on educational policy.

Job opportunities in our economy are constantly changing. If our education system is really going to perform its job it must provide training in new careers as the job market changes. The Department of Labor recently estimated that only one job in five will require a college education by 1980. The section of the education amendments which brought me the most personal satisfaction was a proposal I authored for occupational education. The $1 billion program will provide training in technical fields, for students who want to continue their education after high school, but may not be interested in academic training.

The 150-page bill deals with many other problems in higher education. I would be glad to provide you with a detailed discussion of the bill's other items.

ELEMENTARY AND SECONDARY EDUCATION ISSUES

The authorization for the Elementary and Secondary Education Act expires next year. Although there will be a 4-percent drop in enrollment in our elementary and secondary schools by 1980, the problems facing school districts across the Nation will not diminish. In the past 2 years court dockets have been filled with cases of equity on school finance. The role of the parochial school in our educational system remains an unresolved problem. Many of our urban school districts are on the brink of financial collapse. For these reasons and many others several Members of Congress have started to review the broad range of Federal aid to elementary and secondary education.

In August of last year the California Supreme Court handed down a landmark decision on school finance which will have nationwide impact. The Serrano decision simply stated that "Education should not be a function of wealth." Serrano found that different school systems in the State had wide variations in their property tax base, assessment rates, and number of students. This caused a wide disparity in the per pupil expenditure between districts with similar characteristics. The property tax, which finances 84 percent of local expenditures for schools, was thus causing problems for school districts in spite of a genuine effort by citizens to pay the necessary education costs.

A second and related problem becomes obvious after a study of votes on millage increases in the past 10 years. In 1962 school bond issues passed at a rate of 73 percent. By late last year this rate had dropped to 41 percent. There was talk of a nationwide taxpayers' revolt. The property tax, which is the most inelastic of our taxing structures, had been stretched to the limit. This means that some additional alternative must be presented to help lift the burden off the property taxpayer. Two types of suggestions have been made. First, to fit into the guidelines established by the Serrano decision some form of State equalization of expenditures either through an "add on" to less wealthy districts or through the use of 100 percent State funding should be devised. These alternatives are still being discussed and debated in the States.

The second solution is to provide for an increasing percentage of educational expenditures to be funded from the Federal level. Currently, the Federal Government supplies 6 to 7 percent of all expenditures for education. Local revenues supply 53 percent and States supply 41 percent. Some of the proposals call for as much as 30 percent Federal assumption in the next 10 years.

I think it is important that as we move toward greater Federal spending in elementary and secondary education we attempt to decategorize that money which goes back to the States and local districts. Federal legislation must recognize that Federal aid should not include the heavy hand of the Federal bureaucracy in determining what programs will continue in local districts.

Flexibility and local control are the main rationales behind education revenue sharing which I cosponsored last year. The idea of this proposal is to eliminate 33 categorical programs in favor of five broad program goals, including education of the disadvantaged and the handicapped, vocational education, aid for schools in federally assisted areas and support for educational materials and services. If our education system is to do an adequate job we must decategorize. There are now 440 programs at the Federal level in 31 agencies and 53 bureaus which deal with education. It is not surprising that school districts are confused by this hodgepodge. Decategorization will bring spending decisions back to the local level so that local schools can start to make education fit the needs of the student, rather than fitting the student to the program.

In the beginnings of our school system standardization of curriculum and materials was adopted so that a minimum level of accomplishment could be expected. Education has become a right for all our citizens so the job has become more complex. Our society has grown more mobile and diverse. We have accepted the task of educating all our children. Standardization no longer serves the interests of providing relevant education for our citizens.

My education revenue sharing proposal provides programs for groups in our educational system which need special consideration. The groups with special needs include the handicapped—ESEA Title VI—and the disadvantaged—ESEA Title I. The Federal commitment to these groups must continue but I think it is important that we periodically review these programs to make sure that they are meeting the needs of those they are intended to help.

Compensatory programs in education have had an uneven record. Where title I funds have been used well, substantial benefits have become apparent on a long-range basis. Achievement scores for cognitive development have shown steady increases. However, some of our title I programs have purchased equipment or services which did not meet the needs of their students. In our review of title I we should seek out those programs which have been successful and determine why they have been successful. This will make sure that our Federal dollars are targeted to those most in need. With scarce funds this seems essential.

Several States have had suits brought against them for not providing adequate services and educational opportunities for handicapped students. I am sure that our discussions of title VI next year will center on the so-called handicapped bill of educational rights. The long-range goal of our educational system should be to insure that all students are educated and challenged to the limits of their abilities.

Our Nation's nonpublic schools now enroll 12 percent of our students. The cost of nonpublic education has risen at a slower rate than public education, however, its cost will soon be prohibitive for many of the families that now enroll their children in nonpublic schools. If our nonpublic schools were forced to close the public schools would have to find spaces for 5.5 million students. It should be recognized, however, that there is a basic question of separation of church and state, and that the Federal court has ruled present delivery systems of support of nonpublic schools unconstitutional. Our role should be children centered. We should make sure that those children who are attending nonpublic schools receive the same services as those children who are attending public schools. That is an issue which Congress will be faced with in the coming year.

IMPROVING THE QUALITY OF EDUCATION FOR ALL SCHOOLCHILDREN

In the past year or so the intensity of feeling on the busing issue has somewhat overshadowed two problems in our educational system which may be subject to mutual solution, that is, one may be solved by solving the other.

The first problem concerns teacher load factors in many of our school districts with high concentrations of economically disadvantaged students. Many of these districts carry pupil-teacher ratios of 50 to 1. Although the research on the effects of changing pupil-teacher ratios is decidedly mixed when talking in general statistics it seems clear that additional skilled personnel concentrating on children in these areas will encourage significant gains in cognitive development. The experts do agree that children in these schools have substantially lower achievement results than students from more advantaged areas.

The second problem was brought to light in a recent study by the National Education Association. Their conclusion was that currently 250,000 recent graduates in education are either unemployed or not employed in the field they were trained for. This paradox seems strange in light of the needs for more teachers in so-called inner city schools. The solution to these two problems is proposed in the Teacher Utilization Act of 1972.

My proposal calls for a federally funded program of $400 million to put up to 60,000 teachers in schools with high concentrations of economically disadvantaged students. The teachers' positions would be federally funded, but other details of organization and placement would remain with local school districts. The proposal also includes funds to help sensitize the new teachers to the type of student they will be dealing with. These in-service training programs will assure that teachers hired under the act will be aware of the range of problems facing students in these schools. The Teacher Utilization Act could make a real contribution toward solving the complex educational problems facing these students.

The problems facing our educational system are many and complex. In many ways this system has not been able to meet the needs of its diverse and mobile clients. During the last school year many educators adopted the slogan of quality education. I cautioned then that I hoped that this slogan would not become another one of those annual educational shibboleths which we use for a time and then discard. The level of interest and thoughtful analysis in the problems facing our educational system and the depth and range of proposed solutions coming from all levels has been heartening. The rewards from this critical self-analysis will pay off for many years in the future.

SENATE—*Wednesday, October 11, 1972*

The Senate met at 8:30 a.m. and was called to order by Hon. ROBERT P. GRIFFIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we pause once more in this place of work and worship to turn from our striving, our contention, our industry, and to shut out the tumult of the world and the confusion of many voices that we may "be still and know that Thou art God." Grant us the stillness not of inactivity or passiveness but the stillness of serenity and power. Preserve in our inmost souls a quiet area of peace which only Thou canst give and which no power on earth can take from us. With renewed strength, sharpened minds, and warm hearts send us to our tasks to serve nobly the welfare of the people.

In the name of Him who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 11, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT P. GRIFFIN, a Senator from the State of Michigan, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GRIFFIN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 10, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF TWO MEASURES ON CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1222 and 1224.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The Senate proceeded to consider the bill (S. 4006) to amend title 38, United States Code, increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation, which had been reported from the Committee on Veterans' Affairs with an amendment, to strike out all after the enacting clause and insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $140. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,900, the monthly rate shall be reduced 7 cents; for the annual income of $2,900 up to and including $3,000, the rate shall be 10. No person shall be paid if annual income exceeds $3,000."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $150 for a veteran and one dependent, $155 for a veteran and two dependents, and $160 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,200 up to and including $4,200, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $4,200."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $94. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $3,000, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $3,000."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $600 or less, the monthly rate of pension shall be $111. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $4,200, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $4,200."

SEC. 2. Section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,600 and $3,900, instead of $2,200 and $3,500, respectively."

SEC. 3. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $108. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,800, the monthly rate shall be reduced 7 cents. For annual income of $2,800 through $3,000, the rate will be $4.00. No dependency and indemnity compensation shall be paid if annual income exceeds $3,000.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $76. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,700 up to and including $2,800, the monthly rate shall be reduced 4 cents. For annual income of $2,800 through $3,000, the rate will be $4.00. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $3,000."

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $77. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $4,000, the monthly rate shall be reduced 3 cents. For annual income of $4,000 through $4,200, the rate will be $6.00. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $4,200".

SEC. 4. This Act shall take effect on January 1, 1973.

Mr. THURMOND. Mr. President, the effect of the recent 20-percent increase in social security and other retirement benefits on non-service-connected pensions for veterans and their survivors was to subject 2.3 million pensioners to reduction in their pensions. Further, 20,000 additional pensioners would have been dropped from the pension rolls altogether.

I am proud to cosponsor S. 4006, which deals with this problem. It is the purpose of S. 4006 to provide that veterans and their survivors should benefit from social security increases without reduction in their pensions. Failure to pass S. 4006 would penalize veterans while giving nonveterans the full benefit of the 20-percent social security increase.

Mr. President, S. 4006 would increase the annual income limitations by $400 and provide increases in the rates of pension for an average program benefit increase of 8 percent.

Mr. President, it is my pleasure to support this legislation which is of vital importance to our Nation's veterans.

I am proud to have worked with the other members of the committee in securing a liberalization of disability and death pension for our veterans.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARTKE subsequently said: Mr. President, I ask unanimous consent that the vote by which S. 4006 was passed earlier today, the third reading, and the vote by which the committee amendment in the nature of a substitute was agreed to be reconsidered, the figure on page 11, line 23, be changed from "$77" to "$72", and that the committee amendment as so amended be agreed to, the bill be read a third time, and passed again.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN LAND, GEORGETOWN, COLO.

The bill (S. 4067) to authorize the Secretary of the Interior to convey certain land situated in the vicinity of Georgetown, Colo., to Frank W. Whitenack, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue, subject to the provisions of section 2, to Frank W. Whitenack of Georgetown, Colorado, a patent in fee (exclusive of oil, gas, and other mineral rights) to the following described tract of land, situated in the vicinity of Georgetown, Colorado:

Beginning at a stake at corner numbered 1, whence the northeast corner section 5, township 4 south, range 74 west, sixth principal meridian bears north 29 degrees 57 minutes west 761.7 feet, thence east 279.7 feet to corner numbered 2, thence south 176.0 feet to corner numbered 3, thence south 82 degrees 16 minutes west 200.5 feet to corner numbered 4 which is also corner numbered 1, survey numbered 18737, Lora Lode, thence south 7 degrees 44 minutes east 150 feet to corner numbered 5, which is also corner numbered 4, survey numbered 18737 Dora Lode, thence north 82 degrees 16 minutes east 180.1 feet to corner numbered 6, thence south 992.6 feet to corner numbered 7, thence west 660 feet to corner numbered 8, thence north 502 feet to corner numbered 9, thence south 60 degrees 20 minutes east 119.4 feet to corner numbered 10, which is also corner numbered 3 survey numbered 408 Mills Placer, thence north 17 degrees 30 minutes east 919.7 feet to the place of beginning.

SEC. 2. The patent in fee authorized by the first section of this Act shall be issued subject to the payment by the said Frank W. Whitenack to the Secretary of the Interior of an amount equal to the fair market value of the property conveyed as determined by the Secretary after appraisal, exclusive of improvements placed thereon by Frank W. Whitenack and his grantees.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GRIFFIN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10420) to protect the marine mammals; to establish a Marine Mammal Commission; and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to consider executive business.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations for Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc, and they are confirmed en bloc.

U.S. ADVISORY COMMISSION ON INFORMATION

The second assistant legislative clerk read the nomination of George H. Gallup, of New Jersey, to the U.S. Advisory Commission on Information.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The second assistant legislative clerk proceeded to read sundry nominations in the United Nations Educational, Scientific, and Cultural Organization.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania, the minority leader, is recognized.

CANDIDATE McGOVERN'S PROPOSALS ON VIETNAM

Mr. SCOTT. Mr. President, I am really shocked at the callous indifference to the destiny of the people of South Vietnam shown by the suggestion of the candidate of the opposition that they be entirely disarmed and left helpless before an advancing army. Moreover, the proposals, involving not only unilateral withdrawal but unilateral disarmament, go beyond even the proposals made by Hanoi, because Hanoi, as quoted only on last night's television, has indicated its willingness to negotiate the question of U.S. military materiel in South Vietnam.

This speech is singularly ill timed and singularly wrongly motivated, coming as it does during a period when the negotiations with the north never have been more sensitive and when there has never been more reason not to upset the apple cart.

In previous campaigns and in the administration of previous Presidents, this kind of thing was not done. It is being done now because the candidate is desperate. It does raise certain questions. For example, why again propose amnesty without any conditions of national service? Why simply say, "If I were doing it, I would offer national service?" There is no requirement, no condition of that; it is absolute, unconditional amnesty 90 days after he would take office, because that is the time within which the candidate of the opposition says he would end the war. So in 90 days amnesty is proposed.

Moreover, on this question of materiel, if it be argued that the title of the materiel has passed to South Vietnam, then there is no materiel to bring home and the offer is a hoax. If, on the other hand, it is U.S. rifles, artilleries, or planes regardless of whether title presently is in the United States or South Vietnam, how does the candidate propose to get the materiel to the United States out of South Vietnam? Forcibly? By violence? Does he plan to take it away from the South Vietnamese and start another war, or does he think the materiel will be given up while these people allow themselves to be unilaterally disarmed and left weakly helpless and waiting for the slaughtering enemy coming down in hordes from the north?

I think the folly of the proposal is about equal to the folly of the candidate making the speech in the first place.

Mr. MANSFIELD. Mr. President, the presidential race will not be decided by what we say on the floor, but by what the American people do on November 7. Neither approbation nor criticism of either candidate, in my opinion, will have much, if any, effect, as far as the Senate is concerned, but I will say this: Whether we disagree with what Democratic presidential candidate George McGovern said last night, he said it. He laid his position out very clearly. It is not for us to judge, except as voting citizens, but for all the people of the United States to judge come November 7.

Mr. SCOTT. I was merely commenting on the decrescent state of the candidate's fortunes.

Mr. MANSFIELD. I was merely commenting on the candor of the candidate's speech.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized for not to exceed 5 minutes.

SENATOR JOHN SHERMAN COOPER

Mr. YOUNG. Mr. President, I cannot help having a feeling of sadness and regret that our good friend John Sherman Cooper will be retiring from the Senate. Today will be one of his last few days with us.

I came to the U.S. Senate just a short while before Senator Cooper. Over the years we have worked very closely together on many important problems pertaining to our respective States such as farm programs, farm legislation, and public works projects.

Few, if any, Senators have left a deeper imprint on this kind of legislation than has Senator Cooper. One example on farm legislation was something that occurred shortly after he came to the Senate. He was successful in getting a special provision in the price support legislation of 1948—known as the Aiken-Hope bill—for tobacco. His provision required mandatory 90 percent price supports for tobacco. The Cooper amendment is still in effect today. He was very effective in many other important areas of agriculture, and farmers never had a more understanding and loyal friend than Senator Cooper.

I never knew anyone who worked harder or more effectively than he for water projects and other public works projects in his State. These were good, meritorious projects and the kind that will always be a monument to the work of this fine man.

Senator Cooper has been very active in many other fields of legislation and especially those involving foreign policy. Through his many years of experience abroad, including his service in World War II and as our Ambassador to India, he became one of the most knowledgeable Members of the U.S. Senate on foreign issues and policies, particularly with respect to the Far East.

There are many reasons why our good friend was such an effective legislator. He grew to manhood in the mountainous area of Kentucky, where the people were poor, but hard working and down to earth in their thinking. As is so typical of the people of this area, Senator Cooper has a great sense of humor. One thing about John Sherman Cooper that stands out above almost everything else is his always deep concern and interest in the poor and needy. His concern for them permeated, and in a large measure shaped his thinking on almost everything that concerned not only the people of our country, but also of the world.

Senator Cooper is recognized, too, as an able lawyer—a mild-mannered person, but a relentless fighter for those things in which he believes. He is so honest and sincere in his convictions and his approach in dealing with all legislation that every Member of this body has come to have a special interest in his views and the positions he takes. He is one of the few Senators who, in their time, were accorded this very special recognition; and, even more important, every Senator has a warm spot in his heart for this wonderful person.

JOHN SHERMAN COOPER's leaving the Senate will be a special loss to me not only because we worked closely together on many matters but also because of a very special closeness in our friendship.

Mr. President, I share with every Member of the Senate a feeling of sadness in knowing that this will be one of the last days we will be privileged to serve with JOHN SHERMAN COOPER. May the world always be kind to JOHN SHERMAN COOPER and his lovely wife Lorraine.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. MANSFIELD. I wish to join the distinguished senior Senator from North Dakota in everything he has had to say about our distinguished colleague JOHN SHERMAN COOPER. It is with deep personal regret that I see him leave the Senate voluntarily. JOHN SHERMAN COOPER has a special place in my heart, he is a shy, retiring individual, but a man of high intelligence, great integrity, a man whom we will miss.

Words are inadequate really to express my personal feelings toward him. There is no man for whom I have greater affection or greater admiration.

I should like to express the hope that if the present administration is returned to power next November, it will make available to itself the services of this outstanding Senator, this fine gentleman, this good friend, who I think can contribute much to the welfare of the future of this Republic.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for a period not to exceed 15 minutes.

FORMER SENATOR PRESCOTT S. BUSH—IN MEMORIAM

Mr. WEICKER. Mr. President, the death of Prescott Bush, U.S. Senator from 1952 to 1963, brings to a close a lifetime that can best be described as filled with unusual ability, love, dedication, and excellence.

"Pres" Bush, a friendly man, excelled in everything he undertook. For him, the spectrum of life was broad and exciting, a challenge to excel.

To those who knew Pres Bush, it seemed that he met that challenge with a surprising ease. It was ease—not lack of effort, because Pres Bush put effort into everything he did.

That effort, coupled with a natural quest for excellence, invariably lifted him above his peers in any competition whether it was sports, music, politics, government, and community service, or the field of finance.

As a young man at Yale, Pres Bush played a caliber of baseball which would have qualified him for the major leagues if he had desired a career in that direction.

Tennis, swimming, golf—body builders that helped him to develop a lean body, and a keen mind. But Pres Bush was not content to be an average tennis player, an average swimmer, or an average golfer. He rose to excellence in each.

That excellence could sometimes lead to embarrassment, but Pres Bush was also a diplomat, and he handled such situations with tact and discretion.

Pres Bush was 56 years old, an age when most professional golfers have gone into graceful retirement, when he scored an 18-hole 66 to win the national senior golf championship of the United States.

Some time later, as a constant golfing companion of President Dwight Eisenhower at Burning Tree, Pres Bush demonstrated his capacity for diplomacy time and again.

Frequently, the eager minions of the press would descend upon him after he had finished a match with the President in an effort to wangle from him their respective scores.

Now, it is quite conceivable that Pres Bush had posted a score that was lower than the score entered on President Ike's card. But, win or lose, Pres Bush held his counsel.

As the New York Times' obituary of Mr. Bush noted, a reply he once gave a reporter was typical of his resourcefulness and his tact. Said Pres Bush:

> Nobody who plays golf with the President ever talks about it. Any other questions?

Pres Bush continued his rapport with President Eisenhower from the golf course to the floor of the U.S. Senate. A banker in private life, he was way ahead of his time in helping to dissolve the image of unconcern and austerity that the public had conceived about financiers.

President Eisenhower's administration was an administration seeded with compassion. It was not difficult for this former banker not only to ride along with the compassionate tide of the Eisenhower years, but to lead its people-oriented programs on the floor and in the committees of the U.S. Senate.

When urban redevelopment and slum clearance were only newly begotten dreams to the social scientists of the 1950's, Pres Bush was working to crystallize those dreams into the law of the land.

As a member of the Committee on Public Works and also of the Committees on Banking and Currency and the Armed Services, Pres Bush drafted and introduced a number of bills which brought him to national attention.

One of those bills did, in fact, provide for the creation of a program to revive dying cities through a program of urban development and slum clearance. It was regarded as a concept that was ahead of its time, but a concept whose day would come.

Senator Bush's bill was not enacted. But its time did come. Even though it does not bear his name, the urban development and slum clearance legislation which has since been introduced and signed into law stands as a monument to Pres Bush, who was a pioneer in its conception.

Senator Bush was not only a confidant and golfing companion to President Eisenhower; he was also a tower of strength as an adviser and authority in matters of Government finance and the national economy.

More than most of his contemporaries, Pres Bush was alert to the dangers of growing inflation. In the 1950's and 1960's, it was his voice that was the first voice to warn of inflation's threat to the economy and it was his voice that sounded suggestions for its control.

Pres Bush carried his penchant for excellence to his human relationships. Tall, with an infectious smile, he was as much at ease in his contacts with the man on the street, the truck driver, the plumber, the carpenter, the small shopkeeper, as he was at an international banking conference.

No one who knew him in his home town of Greenwich, where he had established a reputation for ability, hard work, and firmness as moderator of the representative town meeting for 15 years—no one who knew him in Connecticut ever doubted that Prescott Bush would bring anything but honor and distinction to his service as U.S. Senator when the call to serve came from his Republican Party in 1950.

Pres Bush had shown, from the days of his youth right through his most productive adult years, that his hallmark was the mark of excellence. Not the excellence of the rapacious competitor who reached for it regardless of the consequences to his opponent, but excellence gained by establishing it on a foundation of inordinate ability suffused with sympathy and understanding.

Dominating his formula for living was his love for his family. His relationship with his wife Dorothy was one of togetherness that would pale the current book and movie "Love Story" into insignificance. It was symptomatic of their relationship that Dottie wrote her own tender eulogy to Pres which was read at his funeral services Tuesday at Christ Church in Greenwich. The Prescott Bush integrity and compassion for people that led him into public service has filtered down to his family, a family of which Connecticut is so proud and for which our State has so much affection.

Where Prescott S. Bush, Sr., gained renown as U.S. Senator, national campaign chairman of the USO and National War Fund during World War II, Yale trustee and church layman, his son George followed to serve as a U.S. Representative from Texas and now as the distinguished U.S. Representative at the United Nations.

Where U.S. Senator Prescott Bush won local distinction as Republican State finance chairman, moderator of the Greenwich representative town meeting, and volunteer leader of Community Chest campaigns, as well as in other community service, his son William—"Bucky" to his neighbors in Greenwich—today heads the Republican Finance Committee in Connecticut.

Two other sons, Pres Bush, Jr., and Jonathan Bush, followed in the tradition of their distinguished father: Pres, Jr., as Republican State central committeeman from his Greenwich District, and both Pres, Jr., and Jonathan in volunteer community service.

It is evident that Pres Bush stood tall, not only in physical stature, but in the work product of his heart and mind. In going to the U.S. Senate from service as moderator of the town meeting in Greenwich, he brought to the Senate those special New England qualities of compassion, integrity, and attention to detail.

Mr. President, my wife, Bunny, and I—and the people of Connecticut—join with what I know is the sentiment of this august body in wishing to Senator Bush's wife, Dorothy; to their sons, George, Bucky, Pres Jr., and Jonathan; and to their daughter, Mrs. Alexander Ellis, Jr., God's strength and Connecticut's love at this time of their loss and sorrow.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. COOPER. Mr. President, I rise to express my own sorrow with other Members of the Senate who had the honor to serve with Senator Prescott Bush.

It is difficult to think of any man who had such a rounded and successful career in as many fields as had Prescott Bush. Whether it was in his university life, or as a young captain in the artillery in World War I, or working in an industry in St. Louis, Mo., or as a partner in an investment firm in New York City, or whether it was community work and church work in his beloved State of Connecticut, in every capacity, he served with all his heart and ability and with the greatest excellence.

As the Senator from Connecticut (Mr. WEICKER) has told us, Prescott Bush had a variety of other interests—as an athlete, in the arts, in music, and politics. I recall that in 1960, he was chairman of the Republican platform committee, at every level he brought to his service a rare quality of ability and excellence.

Then I, among others, had the opportunity of serving with him in the U.S. Senate, where we recognized his great abilities in all his work and far beyond most of us—practically all of us—in fiscal and monetary affairs. He brought also, a great sense of honor and a quality of character which ennobled the Senate.

I am sure that after he left the Senate, he felt that his work was being projected through that of his son, George Bush, now Ambassador to the United Nations for the United States.

His death is a great personal loss for me. I first knew Prescott Bush about 1923. Since that time it was my opportunity to be a close friend and to know his wife, Dottie, and the members of his family. Since he left the Senate I have kept in very close touch with him.

So today I join in expressing, very inadequately, the sense of loss I feel in the death of this great and noble man. We extend our sympathy to his wife, Dottie, who stood by him in every phase of his work and life, and to a great family.

Mr. MATHIAS. Mr. President. will the Senator yield?

Mr. WEICKER. I yield.

Mr. MATHIAS. Mr. President, I join the Senator from Connecticut and the Senator from Kentucky in expression of deep sorrow at the death of Prescott Bush.

When I first came to the Congress, I knew Prescott Bush, as one of the leaders of the Senate, one of the leaders of the country. I have known his family for many years, and I join other Members of the Senate in expressing my deep sympathy with them.

Senator Bush was one of the Members of the Senate who sustained the reputation of the Senate in time of change. If Senators are the trustees of the integrity and character of the Republic, then Prescott was faithful to his trust.

Nowhere is this more apparent than when we look beyond the public record to Senator Bush's own family. It is no less true of his other children than it is of Ambassador George Bush, our former colleague in the Congress, that they have each demonstrated in their own constructive lives the sense of decency and dedication that Prescott Bush bequeathed to his countrymen as well as to his children.

TRIBUTE TO SENATOR JOHN SHERMAN COOPER, OF KENTUCKY

Mr. MATHIAS. Mr. President, the record of an active political life is usually a mixed bag of successes and failures. JOHN SHERMAN COOPER, I think, has had more than his share of success, but I think this might not be an inappropriate moment to point out that he has had at least one failure. That failure was his attempt to revive the tradition of spontaneous and genuine debate on the Senate floor, real speeches in the U.S. Senate and not stilted recitations of precooked sentiments. He wanted to discourage speeches that are ghostly rather than spiritual.

I think he had in mind situations such as that of a Member of the Senate who told me recently, when he was importuned to read some speeches in the RECORD which were delivered in his absence, that the only speeches he read were his own, and he only read them once.

Mr. President, I think it says something about JOHN COOPER, about his feeling for the Senate, and about what he thinks the Senate ought to mean to the United States, that he wanted to encourage each Member of the Senate to speak from his heart and from his mind, because that is the way the Senator from Kentucky has conducted himself over the years of his service in the Senate. As a special tribute to Senator COOPER, I shall attempt to follow his injunction and speak as simply and directly as I can, from my heart. The inadequacy of the attempt to convey extemporaneously all that is in my heart may serve to illustrate the cause for this single failure.

One of the political customs which has grown in the United States in the past generation is the practice of playing the political numbers game.

The Americans for Constitutional Action among others have a rating system on which we all are scored—our political grades. They tote the score according to their special interest and insight—our ACA score. The Americans for Democratic Action have a similar rating system, and we all get an ADA score. COPE has a rating system, so we get a COPE score. Various other organizations in America attempt to categorize and classify Members of Congress according to their record in a certain fairly limited area of legislative action.

I have always felt that this is a kind of numbers game, that it is an inadequate sort of measure of service in Congress. If I may, I should like to use this occasion not so much to praise the service of the Senator from Kentucky, but to point to him as an example of the fact that a constructive career in the Senate involves far more than can be comprehended in an ACA score or an ADA score or any other kind of score which limits itself to the special objectives of the organization which purports to do the rating.

What has always counted in human affairs is character and moral leadership. And so, what has always made the difference, in political success, using the broad and generous definition of political success, is the kind of moral leadership to which other people turn when they are faced with problems which are too perplexing and too difficult to decide without help.

It is one of the characteristics of human beings that we all seek men of principle in times of stress.

The Senate is no different in this respect than any other group of human beings. As all men do, Senators look to the strong men among us who can lead us with wisdom, with compassion and with the assurance of moral integrity.

Mr. President, I submit that JOHN SHERMAN COOPER is one of these men. What he does in the Senate is so much greater than any single act which is required of a Senator. The fact that he is here, the fact that he provides a standard by which we can all measure our own actions, is of enormous importance to this country.

We can vote right or vote wrong on any single bill or in the introduction of any particular piece of legislation; but being a useful Member of Congress comprehends so much more than the simple legislative activity which is involved here. It means, I think, that we have to help set the standards that will give light and leadership to America. We have to attempt to lead our own lives in ways that will be helpful to other Americans who seek some kind of guidance and example in their own personal lives, as well as in the life of the country.

There is such a feeling about JOHN SHERMAN COOPER. He does set a standard and convey a sense of quality and a concept of excellence that has been important to all of us here in the Senate and which, I think, is transmitted beyond the Senate into American life. It is the quality in our predecessors which made it possible for this Republic to survive and to succeed, the quality that demands so much from every man who carries the responsibility of public office.

Such a man, I would say, Mr. President, demands most of all of himself. He has the perception to place emphasis on the things that are right, things that are important, and a sense of the priorities that govern our lives. He has the strength and confidence to act on his judgment and his sense of moral values.

I shall attempt to say no more except to express my gratitude for the example he has set, and to say to him that we expect to be following that example for many years to come. It would be incomplete to close without acknowledging the fact that we owe so much to Mrs. Cooper as well as to Senator COOPER. To be a Senate wife is, as we all know so well and so gratefully, to be confronted with many unique and difficult demands. Mrs. Cooper has met these special demands with grace and dignity that is the perfect counterpart of Senator COOPER's public service.

Mr. President, the distinguished junior Senator from Kentucky (Mr. COOK) is out of the country and he has asked me to request unanimous consent at this point that his remarks may be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR COOK

I want to take this opportunity to pay tribute to the leading citizen of the Commonwealth of Kentucky, my colleague and senior Senator, John Sherman Cooper. Upon his retirement from the U.S. Senate at the end of this year he will have given his home State and his Nation more than 40 years of dedicated public service.

John Cooper was born to John Sherman and Gertrude Tartar Cooper on August 23, 1901 in Somerset, Ky., a small town in the southeastern part of the State in the foothills of the Appalachian Mountains. It was here in a highly disciplined and religious home that the precepts of hard work, respect and compassion for his fellow man, were instilled in John Cooper. After establishing himself as an outstanding student and athlete at Somerset High School, he entered Centre College in Danville, Ky., in the fall of 1918. After 1 year at Centre he transferred to Yale University where he received his A.B. degree in 1923 while once again distinguishing himself as a student and athlete.

Upon graduating from Yale University he then enrolled at Harvard Law School in the fall of 1923. His hopes of becoming an attorney were suddenly jeopardized however, when at the end of the first year at Harvard his father died, leaving a wife and six children in addition to John. He was able to spend 1 more year in law school at the end of which he returned to Somerset, passed the Kentucky bar examination and began the practice of law in his home town. Three years later the people of Pulaski County sent John Cooper to Frankfort as their State Representative and after one term there they elected him county judge. After serving two terms as county judge, 1930 to 1938, he then made an unsuccessful bid for Governor, being defeated in the Republican primary by King Swope who was subsequently defeated in the general election by the Democratic nominee, A. B. "Happy" Chandler.

When World War II erupted John Cooper enlisted in the Army as a 42 year old private. Sensing his leadership abilities however the Army quickly sent him to officer's candidate school and he was commissioned a second lieutenant at Fort Custer, Michigan in 1943. He then served with the Third Army in the Normandy, France, Luxembourg, and German campaigns from July of 1944 to the end of the hostilities in Europe at which time he headed the reorganization of the German judicial system in Bavaria. Upon leaving the Army in February of 1946 he had attained the rank of Captain and had been awarded the Bronze Star for his reorganization of the Bavarian Court System.

It was evident upon John Cooper's return to Somerset after the war however that the people of his native southeastern Kentucky had not forgotten him. He had been elected Circuit Judge of a multi-county area several months before while still in Europe as an officer in the U.S. Army. He had served only a short period of time however when he filed for the unexpired Senate term of "Happy" Chandler who had resigned to become commissioner of baseball. His opponent was John Y. Brown, a former Congressman and well-known attorney who was favored in heavily Democratic Kentucky. Nevertheless, after a whirlwind campaign, John Sherman Cooper was selected by the people of Kentucky to serve the remaining two years of that term.

Running as the incumbent in 1948, he was defeated by Congressman Virgil Chapman in a closely contested election. The defeat might well have been a blessing in disguise however since in 1949 Cooper was appointed by President Harry Truman to be the U.S. Delegate to the United States General Assembly. It was this act which proved to be the genesis in making the man from Somerset one of America's foremost authorities in the field of foreign affairs. In 1950, he was named special assistant to Secretary of State Dean Acheson and by virtue of this position served as an adviser to the original North Atlantic Treaty Organization Council of Ministers. When Virgil Chapman died in 1952 Cooper returned to Kentucky and was once again elected to serve a two year term. In 1954 John Cooper was confronted with the most formidable opponent of his career, the beloved "Veep", Alben Barkley, who had just served four years as Vice President of the United States and now desired to return to the Senate. After a long, arduous campaign which attracted widespread national publicity Barkley was once again returned to the Senate by a narrow margin.

The expertise that John Cooper had acquired in the area of Foreign Affairs was not to lie dormant however because in January of 1955 President Dwight D. Eisenhower appointed him Ambassador to India and Nepal. Upon the death of Alben Barkley in April of 1956 Ambassador Cooper was persuaded by the Republican Party to return to the United States and seek the vacant Senate seat. In November of 1956 he defeated former Governor Lawrence Wetherby and has served continuously in the Senate since that time.

Since 1956 Senator Cooper has won by a progressively larger plurality. In 1960 and 1966 he defeated his opponents by record margins.

This brief recapitulation of John Sherman Cooper's career indicates the depth and breadth of his involvement in local, State, National, and international issues over the past forty years. However, such a biography does precious little to depict the man behind such an illustrious career. It is this, the human side of John Sherman Cooper, which is most revealing in any consideration of his accomplishments. His entire career as a public servant is the epitome of goodness, virtue, and compassion. It was these qualities which permeated every decision that he has made as a public official over the last forty years.

As a county judge in southeastern Kentucky during the depression years he was not obligated to buy meals for the rural poor who did not have the money to do so; but he did. As a 42 year old attorney he was not obligated to enlist in the armed forces to aid in the defense of his country during World War II; but he did. He did not have to spend countless sixteen and eighteen hour days during his career in the Senate working on very technical legislation which oftentimes received little or no public notoriety; but he did. He did all these things and more, not because he was obligated to do so, not because he was even expected to do so, but because he cared and he knew it was the good and right thing to do.

His legislative accomplishments have affected and will continue to affect the lives of millions of people in this country as well as around the world. His untiring efforts to bring about better understanding between nations as a working diplomat, Ambassador, and member of the Senate Foreign Relations Committee should be an example to us all. His sponsorship of the Appalachian Regional Development Act with Senator Jennings Randolph has provided better lives for thousands of people in that section of our country. His support for the Tennessee Valley Authority and his diligence as a strong spokesman for the development of our rivers and streams, as ranking Republican on the Senate Public Works Committee deserves the highest commendation. His strong stand in support of education, rural electrification, medical aid for the poor, civil rights, his defense of civil liberties, and the list continues *ad infinitum*, is likewise just as commendable.

John Sherman Cooper is retiring from the Senate at the end of this year but the fruits of his labor will always be with us. It is often said that "the difference between a politician and a statesman is: a politician thinks of the next election and a statesman thinks of the next generation." John Sherman Cooper has never hesitated to take a position on an issue which his innate sense of justice told him was correct, regardless of the unpopularity of his stand. He is a statesman in every sense of the word. I am grateful that I have had the opportunity to serve in the United States Senate with such a a distinguished colleague and I wish him and his wonderful wife, Lorraine, Godspeed in any new endeavor they might undertake. Finally, I would like to submit for the RECORD comments that have been made about John Sherman Cooper by a cross section of distinguished individuals, organizations, and publications.

HERE'S WHAT PEOPLE HAVE TO SAY ABOUT JOHN SHERMAN COOPER

President John F. Kennedy . . . "You have a great Republican in John Sherman Cooper, who represents the best of his party, and votes with us when he thinks we are right."

Senator Everett Dirksen of Illinois . . . "Conscientious, competent, courageous Cooper brought wholesome qualities into public life that give distinction and dignity wherever he sits in the Senate . . . committee or elsewhere."

Syndicated Columnist Robert G. Spivak . . . "When Senator John Sherman Cooper of Kentucky speaks Washington listens because he is a man of judicious temperament, intelligence, wisdom and conscience. What he has to say about the political situation in South Viet Nam is being studied carefully at all levels of government. . ."

Congressional Distinguished Service Award . . . "The American Politicial Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to John Sherman Cooper, Republican of Kentucky—a friendly individualist, versatile, intellectual and distinguished statesman whose honesty and foresight reflect credit on our freely elected legislative institutions."

President Dwight D. Eisenhower . . . "You have represented our country with true distinction, ability and diplomatic skill."

Syndicated Columnist Ruth Montgomery . . . "Handsome, sophisticated and intellectual, Cooper nonetheless retains a frontiersman's practicality which earns him huge electoral majorities in Kentucky . . ."

"In 1960 Cooper won by the largest margin ever accorded a Senate candidate in traditionally Democratic Kentucky—a real tribute to this 'mainstream' Republican."

The Saturday Evening Post . . . Senator Cooper's career "uniquely qualifies him to be a Senator. He has been both a Washington lawyer and a country lawyer, both a circuit and a county judge, a soldier under General Patton, a state legislator, a working diplomat . . ."

In 1960, a Newsweek Magazine asked the 50 top Washington correspondents to name the "ablest men" in Congress. Senator Cooper of Kentucky was named the ablest Republican in the Senate.

Mr. STENNIS. Mr. President, this is a sad moment, in a way, for me to be talking about the retirement of our esteemed colleague the distinguished Senator from Kentucky (Mr. Cooper). But to review his accomplishments and achievements is, really, to realize that this is an hour of victory and attainment for him.

I like to think of his influence in his earlier days in his home State of Kentucky, in his great profession of the law in his home areas, serving there as a trial judge and the fine influence I know he had on the people there and his fellow lawyers.

I think of his Ambassadorship to India—an outstanding achievement, and an example of his great versatility.

But to me, the crowning part of his fine career is here in the Senate where his character, his honor, his integrity, and his devotion to principles have taken firm and lasting roots and have permeated this Chamber on both sides of the aisle and, to a great degree, among those Senators who came and stayed, and those who left.

These are genuine feelings that I am talking about. We know it. We feel it. We felt it happen. We saw it happen. As long as character, honor, integrity, and true dedication to principles remain a part of our system of Government—and they must remain a part of our system to prevail—John Cooper's influence will continue to live in this body and affect not only his colleagues now in the Senate but all those to come—even generations to come.

Mr. President, I remember that I told Senator Cooper once that he stands tall and strong. I believe that, as much as any other Member of the Senate I have known, and more than any of us, he has really made an extraordinary effort to cast every vote and every speech on the basis of what he believed to be right and just and the best thing for our country as he saw it.

I believe, Mr. President, to sum up briefly, that as he saw it, John Sherman Cooper has spoken the truth and he has lived the truth. And truth is eternal.

So, I say Godspeed to him now from this Chamber. Come back as a visitor and come back to our operations here. I trust that God will continue to bless both Senator Cooper and his wonderful wife Lorraine. I pray they will have many fruitful and useful years ahead, and that is the hope of all Members of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, John Sherman Cooper has had a fine influence on the Senate and that fine influence has been over a period of many years.

Senator Cooper has added much to the policy of the Senate. He is one in whom his colleagues have absolute confidence. It is not a question of whether one may always vote the same way as Senator Cooper votes or whether one may have identical philosophy. All of us know that John Sherman Cooper through the years has spoken his convictions regardless of party considerations and regardless of any other considerations. He is one who is a Senator of the highest integrity, the highest patriotism, and the greatest ability.

The senior Senator from Kentucky will be greatly missed when the Senate convenes next January without him. However, he will long be in the hearts of those of us who have served with him. We admire him and we have confidence in him. We like his fellowship. And although, by his own choice, he will no longer be a Member of this body, he will always brighten the Senate Chamber whenever he comes to visit.

I am very proud of my close association with him, and I shall miss him very much.

Mr. AIKEN. Mr. President, for a good many years, John Cooper has been my seatmate and also my counselor. I always find his advice to be fair even though I do not always follow it.

I consider John to be the diplomat of the Senate. His early training as judge of local and higher courts in Kentucky prepared him well for the work which came later. He has always had the faculty to look at an issue or a proposal from both sides and then make his decisions according to the evidence. I have noticed, however, that when the evidence is fairly well balanced that his sympathy invariably lies with the underdog.

His experience in his home State of Kentucky and in the U.S. Senate prepared him well to be Ambassador to India—a post which he held with credit for nearly 2 years.

A few months ago, John Cooper announced that he would be leaving this Senate of his own free will. I'm not going to talk today about how much we will miss him because it goes without saying that he will be back in Government service one way or another before too long. He has already left this Senate several times over the past 20 years, but he always comes back. He comes back into Government service either as a legislator or in the executive branch because he loves the work, and believe me, the United States needs John Cooper.

If he does not come back to the Senate, then we certainly need him to help us maintain the respect and understanding of the rest of the world. No one is better qualified to build respect and friendship for the United States in other countries than our friend John Cooper.

I make this one exception, however. It is possible that his wife, Lorraine, may even excel him in the diplomatic field, and between them they could do an immense amount of good in improving our relations between the United States and almost any other country in the world.

Let us not worry too much, for while John Cooper is leaving the Senate of his own free will, this country is not going to lose him. As General MacArthur said, He will return.

Mr. ALLEN. Mr. President, I am pleased and honored to have this opportunity to speak at this time of Senator John Sherman Cooper, who has long been one of my heroes. In my opinion, he is one of the alltime great Senators, a veritable giant in the Senate. Few Senators have made the imprint on the U.S. Senate that Senator Cooper has. If the Senate is, as has been said, the greatest deliberative body in the world, it is Senators like Senator John Sherman Cooper who have made it so.

Mr. President, when Senator Cooper retires from the Senate the Senate is going to lose some of its luster; it is going to lose some of its brilliance; it is going to lose some of its character. Senator Cooper has always set principle above partisanship. He looks like a Senator in the highest sense of the word, and I dare say that the average citizen seeking to conjure up in his mind and to personify for himself a picture of a U.S. Senator in the highest sense of the word would picture John Sherman Cooper as being that U.S. Senator. He talks like a Senator; he thinks like a Senator; he deports himself like a Senator. We are going to miss him in the Senate. The country is going to miss him.

Mr. President, above all else Senator Cooper has character. Without character life would not be worth living. A person who loses character would be better off if he were not living. Senator Cooper has character. He is a great U.S. Senator. The people of the State of Kentucky are proud of Senator Cooper; the people of the Nation are proud of him.

In many ways the person who serves a State in the U.S. Senate typifies the people of that State. Many persons form their judgment of the people of a State by the Senators who represent them in the U.S. Senate. The people of Kentucky are proud of Senator Cooper, the representation he has given them in the Senate, the high caliber of his service, his dedication to duty, and his patriotism.

Since coming to the Senate I have followed closely the career of my dear friend, Senator Cooper. He has stood for the principles that have made ths country great. He has stood for separation of powers, and that is one of the fields in which he has excelled: the field of the separation of powers, the prevention of the erosion of the powers and duties of the legislative branch. He has stood for the separation of powers prescribed by the Constitution.

I have admired him in the stands he has taken in the Senate, although we have not always agreed in our positions.

My wife and Mrs. Cooper are the dearest of friends, and we are going to miss not only Senator Cooper but his lovely wife, Lorraine Cooper. We wish them Godspeed; we wish them the best that life could possibly hold for them in the future.

SENATOR JOHN SHERMAN COOPER, A BELOVED COLLEAGUE, RETIRES FROM CONGRESS

Mr. RANDOLPH. Mr. President, it is a personal and official pleasure to join my colleagues in expressions of affection and respect to a Member of this body who will soon retire from his labors on Capitol Hill. John Sherman Cooper has, through a dedicated and a productive career of public service, earned a rest from his labors.

We can hardly think of JOHN really ever resting from his labors. His departure from this Chamber, however, will deprive the Senate of one of its most beloved Members, and certainly one of its most effective legislators.

Senator COOPER has fully earned all the tributes which we can express in these commendations to him for his career as spoken today under these special orders. During a long and distinguished career, JOHN SHERMAN COOPER has steadfastly resisted pressures that would cause him to deviate from his ideals in serving the people of the Commonwealth of Kentucky and the United States of America. When he speaks, Senator COOPER is heeded in this forum. We know that he speaks with knowledge and with understanding, based on a thorough evaluation of the issues, and that he always brings to his work a highly developed set of moral principles.

As a locally elected official, as an Ambassador representing the United States in India, and as a Member of the Senate, JOHN SHERMAN COOPER has left a lasting imprint on this country and our people. The Senate will miss his wise leadership, but we know that Senator COOPER has achieved during his time with us far more than most men even dare to dream. I know that his retirement from the Senate will not mean inactivity for this man, who has been a vigorous advocate of peace, of justice, and of a better life for all Americans. He will continue, in whatever capacity when he departs officially this Hill, to serve the cause of providing for dignity and fair dealing in all matters in which people have justifiable concerns

For almost 14 years, Mr. President, it has been my privilege to be closely associated with JOHN SHERMAN COOPER in the Senate Committee on Public Works. I know intimately of the substantial influence he has had during those years that we have worked together on the legislation heard in subcommittee, heard in full committee, marked up in subcommittee, marked up in full committee, and reported with his input, so very valuable, to the floor of this forum.

He is always—not reluctantly, but ready and eager—to consider all the factors and all the issues, not on a partisan basis, but with a consideration for the people, always the people, of this country. His stature among his colleagues has, on many occasions, enabled us, because we have confidence in him, to aid in the solution of difficult problems.

Yes, I will personally miss this rewarding association with a colleague who is also a valued personal friend. On behalf of the staff of the Committee on Public Works, I express their great respect for JOHN SHERMAN COOPER, as a man and as protector of the public good. They have asked me to express their feelings for him and their sense of the loss they will experience when his participation in committee activities will cease.

Lorraine and JOHN SHERMAN COOPER have graced every occasion and every responsibility which they have shared so happily together.

Now these thoughts in conclusion: We could describe JOHN SHERMAN COOPER as a humanitarian because he is a humanitarian. We could call him a man of peace because he is a man of peace. We could refer to him as a seeker of social justice because he is a seeker of social justice. All of these descriptions, and many others, could properly be applied to JOHN SHERMAN COOPER of Kentucky, but I believe that the very, very best manner in which I can summarize the qualities of JOHN SHERMAN COOPER is to say that he represents the people of Kentucky, and he represents the citizenry of the United States. No provincialism, as right as that is, can encompass his career. He is truly a great American, but also, because he thinks in terms beyond narrow confines, today, he is a citizen, a good and great citizen, of the world.

Mr. HART. Mr. President, for those of us in the Senate, this is really a moving, personal moment; for each of us who would want to capture a word combination that could express with some degree of fullness, with a feeling which is our own, as we thank and bid goodby to a good friend and a good man.

There are many aspects of his career to which we could address ourselves; and in the course of this special morning, I am sure most will be touched. I would suggest that we consider this particular significance as we think of JOHN COOPER.

All of us are aware that the people of the United States are, at the moment, manifesting in various ways a growing disenchantment with government in general and with politicians in particular. A recent newspaper story reports that only used-car salesmen rank lower than politicians in terms of public trust. It is just too bad that those who sweepingly question the integrity of Members of Congress or who seek to put a label on all politicians could not have had the opportunity to know JOHN SHERMAN COOPER.

Except as they might be in this Chamber or by accident or circumstance permitted personally to meet him, the people would not have such an opportunity, because JOHN COOPER is a quiet man. Perhaps an exception among politicians, he is not given to trumpeting his own virtues. For this all the more do we prize him.

Others of my colleagues will have noted Senator COOPER'S long years of public service; his distinguished service in the Army, which, characteristically, he entered as a private; his years at the United Nations; his ambassadorship to India; and lastly his several terms in the Senate.

Among his many contributions to the public good, outstanding in world terms has been his leadership of the fight against this thing we call the anti-ballistic-missile system.

His conviction that the ABM was wrong for the Nation and wrong for the world was based on more than instinct. He consulted continuously with authorities from all points of view; he read exhaustively; he traveled to Helsinki and to Vienna while the SALT talks were in progress. And then he never gave up.

In my few years in the Senate, I have never been associated with a more honorable, more dedicated man, a more believable man. Soft spoken and unassuming in manner, tentative and openminded in his judgments, a gentle man who treated all human beings with equal courtesy.

Four years of leadership on his part brought us to a single ABM rather than a series covering the United States. He brought us to a realistic assessment of this system. Yet at no time did Senator COOPER put his own convictions ahead of the larger picture: successful negotiations with the Soviets on mutual arms reduction.

In these days when Congress is being weighed, its structure and procedure examined—as they should be—perhaps too little attention is given to the basic fact that the caliber of Congress depends primarily on the quality and the decency of the men and women elected to it. So it is to be regretted, particularly at this time of stress and of doubt in this land, that we should be saying goodbye to one of the finest ever to sit in our midst.

I have no idea how many men and women have been permitted to sit in the Senate. It is in the range of 1,500. Many of them had impressive careers and were influential; but few, I suspect, had the mark of authentic greatness about them.

It is encouraging that in this testing place of character it is demonstrated in the life and career of JOHN COOPER that one need not be shrill, one need not suggest that he possesses answers to everything, to recognize his moving, powerful figure.

I wish very much for Senator COOPER many years of interesting, satisfying experiences and activity; and he can be sure in all those years that his spirit will be alive and, I hope, his example powerful on those of us who have been permitted to know him.

Mr. SCOTT. Mr. President, we come to praise our colleague, JOHN SHERMAN COOPER. We do not come to bury him in praise, to his unbearable embarrassment. I am sure that anyone who hears the tributes of his colleagues is, by virtue of his own modesty, subjected to that kind of embarrassment. But we do want him to know that we do not mean it that way; that this is our opportunity to send with him, as he continues on to larger careers, the warm and friendly good wishes of those who serve with him.

He has had unique experiences, having come to this body three times after two absences; having reached the top of the Committee on Public Works and very near to the top of the Committee on Foreign Relations; having grown in prominence not simply as a member of committees, but as a Senator, as a highly respected colleague whose perseverance, good judgment, and rational powers have extended his influence far beyond what would normally accrue to a single Senator.

He has, in fact, been for many of us a paraclete, in the sense of one whom we call on to aid us or to intercede for our point of view; a paraclete who on every occasion in which he has advocated or supported a cause has engendered the support of numerous of his colleagues through his advocacy. To put it more simply, or as we would ordinarily put it, JOHN COOPER is worth many more votes than his own to any cause he supports.

He has distinguished himself on and off the floor and in his career before he became a Senator, in his service as Ambassador to India, in his ability as a lawyer, and on this floor, in his refusal to hide from any issue and his willingness to meet each one headon. His decisive manner has been an inspiration to all of us.

On one occasion at Senator COOPER's home, one evening in the summer when the interns were there, they occupied his time most of the evening. They were fascinated by the depth of his perceptions, his ability to talk their language. That certainly had to be one of the high points of their service in this body.

JOHN COOPER is not one whose influence would diminish but rather would increase after he leaves the Senate. We look for him to continue to be here as a guide and a philosopher and a friend to all of us.

He is not the sort of man who would deliquesce or melt away from our minds and our thoughts, nor in his own career would he be deliquescent. He will, on the contrary, as we expect him, leave here in full power and full strength of conviction and with the strongest and deepest respect of all his colleagues.

There will be no replacement in this body for JOHN SHERMAN COOPER: military officer, descendant of a long line of sturdy supporters of the cause of the Union, lawyer, legislator, judge, ambassador, delegate to the United Nations. He has been an outstanding public servant, a strong and wise and philosophical leader, a good friend of all of us, an altogether admirable person.

I could not end what I have to say without a tribute, also, to his lovely and attractive wife, who has been so wonderful a helpmate to him; and we rejoice in our continuing friendship with them both.

As was written in the book of Tao:

> When a truly good man does something, he leaves nothing to be done.
> When a truly just man does something, he leaves a great deal to be done;

And so it is with JOHN COOPER—his entire service, within the Senate and without, has gone beyond what is merely just to what is good.

Mr. President, I yield to the distinguished Senator from Tennessee such time as remains.

Mr. BAKER. Mr. President, I thank the Republican leader for yielding so that I may add my comments to those of all our colleagues in congratulations to JOHN SHERMAN COOPER for a magnificent career.

Knowing JOHN COOPER as I do, I suspect that one of the most difficult things he has had to endure in his tenure in the Senate is to sit here and listen to these encomiums; because I know him to be a man of modesty and one who does not indulge in self-adulation. But I suspect, Mr. President, that all our colleagues will join me in the assistance that he do exactly that and hear these much-deserved tributes that come now, at the end of his long term service to his country.

I have known JOHN COOPER possibly longer than any other Member of the Senate has known him; in my early years as well as those spent in the Senate, over a long period of time. I say without reservation, and I do not mean it to sound excessively maudlin, that of all the men I have known in my lifetime, only one has had a greater influence on my thinking and my conduct as respects my career.

JOHN COOPER has served in the U.S. Senate with great distinction. He has served his county and his State, but most of all I believe that history will record that he served his party; because he has served his party with great sensitivity and understanding of the traditions and the beginnings of the Republican Party, the concepts and the principles that make it great. He has been, in his own words, a Republican longer than most, as his family was before him, dating back to the beginnings of this party, in his native Pulaski County, Ky.

This has been the great contribution that JOHN COOPER has brought to his country and to his party: an abiding sense of the responsibility, of moral courage, of conscientious dedication to principle. He has been the personification of these ideals throughout his service to his country.

God willing, and with JOHN COOPER's continuing help, I expect that our system will continue to flourish and serve the country and that his party will continue to flourish and serve in the noble tradition that he has become so much a part of.

I thank the distinguished Republican leader for yielding to me so that I might make these brief remarks—a much deserved tribute to a great man, JOHN COOPER.

Mr. CASE. Mr. President, it is good of the Chair to remind me that time is limited, because there is great danger on an occasion such as this, with the subject we are discussing, that one would run on indefinitely.

I cannot imagine, JOHN, anything worse than listening to your own obituary. In a sense, that is what this is, of course; and perhaps it is a kind of fun experience. It is very pleasant, indeed, to be able to say a little of what we feel about a man while he is still around to hear it.

It is difficult to know where to begin, especially when I have listened to my colleagues dealing with the subject with the eloquence and understanding they possess. All we can do is say something that we think, as an individual.

When I think of JOHN, there are so many facets of his career that it is difficult to sort them out and put them down in order. I believe that one of the great things all of us have seen in JOHN and have taken inspiration from is his deep love of his country, his patriotism. This is not the kind of flag-waving business that often passes for patriotism, though, in one sense, flag waving is a part of it—that is to say, the traditional observance of the rituals of remembrance of times past and things gone by and historical events and people. This is not an improper part of our patriotic heritage; and JOHN is fully aware of this, has always known of this, and never has been ashamed to express that knowledge.

I speak of his love of his own place, his State, the creeks and mountains and lovely country, as well as the blighted areas, that make up that tremendous State of his, and the people there and their traditions. He has never been ashamed to discuss and express his reverence for the heroes of his State. This is great; this is a wonderful thing; especially at a time when so many influences seem to be tearing down the traditions that are an inseparable part of what we are.

But, as I say, this is not a blind adherence to country or to place or even to friends that JOHN possesses, because underlying all that is a deep feeling that it is because of what we, at our best, stand for that he is fond of us. When I say "us," I mean country, State, the Senate, our institutions, and us as individuals. So he never hesitates to try to make us better, whether it be our country, or his State or our institution here, the Senate, and, even in his very sensitive way, ourselves. The courage he possesses is something that has guided all of us. I only know a couple things in which I would not trust JOHN's unbiased judgment. One of them would be probably with Soft Red Winter Wheat. But who is going to take care of Soft Red Winter Wheat in Kentucky if the Senator does not?

Very seriously, on matters of deep importance, of great matters, and hard principles, we are going to miss him more than I like to say.

He has a good intellect. He can get to the heart of a matter, and he has done it and he sees it through. We are going to miss him very much.

He has foibles. He is a persistent fellow. He is persistent even to the point of stubbornness sometimes. This is an element of strength for him and for us.

It is maddening, of course, sometimes, to have to deal with him. He takes a long time, sometimes, to make up his mind, but that is because he is careful. We know that when he reaches a decision it is a decision that is worth waiting for. I shall miss him very much. We all will.

He has a keen sense of humor, a sensitivity to the foibles of humankind, his fellow men and himself, as a matter of fact. He has foibles. He recognizes it and we all do, too. It is part of what we love about him.

How he ever finds a cigarette in his pocket, I will be darned if I know, but he always manages to get one for us. He knows where to go to get one himself.

Again, seriously, he is a lovable person. We are all going to miss him, even more than we realize now. Yet when we get to the point that we have troubles, concerns, and want some kind of guidance, instinctively we will turn to that place in the Chamber where he has sat so long with dignity, to get some kind of inspiration from the knowledge that he possesses. And if we think hard enough, we will know what JOHN would have done; we will get courage from it, inspiration from it, and understanding from it.

We hope, even though he will not be here every day, that occasionally we will have a chance to see him, that he will not be altogether removed from this city or from our presence.

This, of course, goes too for Lorraine. It is a wonderful team. They complement each other in an extraordinary fashion. I am certain they will give strength and inspiration to each other. That is, of course, the most important aspect of any relationship that human beings can have. We want to see her, too.

Thank you, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, without prejudice to the Senator from New York (Mr. Javits) who is next on the list, I ask unanimous consent that the time which was allotted to the Senator from Mississippi (Mr. Stennis) be allotted to the Senator from Missouri (Mr. Symington). Ordinarily it is required that a Senator be here to control his own time, but because of this extraordinary situation with Senators wanting to pay tribute to the Senator from Kentucky (Mr. Cooper), I make this unanimous-consent request.

The PRESIDING OFFICER (Mr. Hartke). Without objection, it is so ordered.

JOHN SHERMAN COOPER—AMERICAN PATRIOT

Mr. SYMINGTON. Mr. President, I thank the able majority whip for his courtesy in yielding to me at this time.

Not long ago it was my privilege to participate in an award ceremony in honor of the distinguished Senator from Kentucky (Mr. Cooper) and I would now summarize for my colleagues and the permanent Record some remarks I made at that time.

It is extraordinary, even hard to believe, that one can know a man for over half a century and still hear no criticism of him. Nevertheless that is true about our colleague, John Sherman Cooper.

John and I entered college in the same freshman class and have been friends ever since.

In that he was the most popular member of that class and is its most distinguished member, along with his classmates and the people of this Nation, I have followed his career over the years with steadily increasing admiration.

Many aspects of that career are unique. As but one example, John Cooper is the only man of Yale who ever captained a sports team—in this case basketball—not only in his senior year but also in his junior year.

After being a member of the Kentucky Legislature, as well as first a county judge and then a circuit judge, at the age of 40 he enlisted in the U.S. Army as a private. John served during World War II in Europe with great distinction, and left the Army with the rank of captain.

We all know also that he first went to the U.S. Senate in 1946, and that his stature as a statesman has increased steadily since that time. Today he is a leading member of the Foreign Relations Committee, the ranking minority member of the Public Works Committee, and because of the respect in which he is held by his colleagues, an original member of the Senate Select Committee on Standards and Conduct.

Some of us might forget, however, that John Cooper was a delegate to the fourth United Nations General Assembly of 1949; also that he was an alternate delegate both in 1950 and 1951, and that he was a principal adviser to Secretary of State Dean Acheson at the London and Brussels meetings of the North Atlantic Treaty Organization's Council of Ministers in 1950.

With that background, in 1955 President Eisenhower sent Senator Cooper and his gracious and lovely wife, Lorraine, who has had so much to do with his extraordinary career, to be our representatives in India.

Following their assignment and his return to the Senate, it was my privilege to serve with him when we were the two congressional delegate members to the 23d session of the United Nations General Assembly in 1968; and it was with special pride during those months that I noted the universal respect in which he, our former Ambassador to India, was held by all members from all nations.

To me this was no great surprise, because when my wife and I visited India in 1961, we were told by our Ambassador there at that time that John Cooper was the one American Prime Minister Nehru continually quoted.

Last year my sister visited India, and observed upon return that apparently Ambassador Cooper was the most popular American ever to represent us in that great country.

We were told in 1961 that what Mr. Nehru respected most about this Kentuckian was the fact that, although completely sympathetic with the problems of India, and his successful efforts to help solve those problems, Ambassador Cooper never deviated from his primary mission—the promotion of the best interests of the United States.

In recent years, the U.S. Senate has embarked on what could be a long road to redress the balance in the exercise of the decisionmaking powers of our Government, in matters of both war and peace.

The American tragedy that is Vietnam furnished the impetus for turning away from years of congressional acceptance of Executive determination of "national security" requirements; and the gentleman in the Senate who more than any other had the capacity, the judgment, and the respect to inspire his colleagues to examine and respond to constitutional responsibilities is John Sherman Cooper.

Senator Cooper is also the coauthor of the amendment bearing his name which prescribed a limitation on U.S. involvement in Cambodia—perhaps the first concrete step taken in many decades by the Congress to reactivate its constitutional power in matters of war and peace.

Firm in his belief that the proposed legislative action was proper and necessary, however, Senator Cooper demonstrated the qualities that characterize his leadership—patience, persistence, integrity, and a respect for the integrity of others who expressed contrary views.

It has been said that we are living in an age which knows no heroes; but if we find the pathway to peace that our Nation so earnestly seeks, I predict that historians will discover, although their garbs were not flamboyant, that heroes were nevertheless present. Such a man is our esteemed colleague, John Sherman Cooper, American patriot.

Every Member of this Senate, on both sides of the aisle, will miss John Cooper. He has proven to the people of Kentucky, the Nation, and the world that he is a statesman in the true sense of the word.

I shall miss him as a respected and beloved friend.

Mr. JAVITS. This is a very personal matter to me. And I would have felt very badly if I had not been able to make the statement that I wish to make about my brother—because that is what he is, more than a friend—in its rightful order and place in respect of the statements made by others of my colleagues.

Mr. President, perhaps among all our colleagues here, in terms of being a Senator, I have enjoyed an unusually close relation with Senator Cooper in a personal and in a spiritual sense.

We sat together for the first 8 years of my service here, notwithstanding the fact that seniority might have moved us to other parts of the Chamber separately and to better places because we profited so deeply from each other's company.

I speak today filled with sadness that Senator Cooper is leaving the Senate. I thoroughly agree with Senator Aiken that the Nation will command his services and in his typical generosity, he will serve the Nation in whatever capacity the President or Congress may ask him to serve it.

Mr. President, the position that Senator Cooper has held here and the relationship that I and some of the others have had with him, like everything in life, must end. So, while it is a matter of great sadness to me that anything so lively in life should end, it is also a matter of great joy to me that Senator Cooper, my friend, should have made so great a record for the Nation and the world in his capacity as a Senator.

Many men have been called keepers of the conscience of the Senate from time to time. That title has been applied to Senator Cooper. However, I would like, if I may, to communicate to my colleagues a rather different title for John Sherman Cooper.

To me, he was in a real sense the keeper of the trust of the Senate, always sensitive to our position in our Government and our history. He has a unique ability, because of his amazingly high character, to make that count in our history.

Judge Cooper—and I will call him that because I refer now to his legal attainments—knows that famous adage of the trial lawyers, "It isn't what the facts are. It is what the judge thinks they are that counts."

We are all grateful that Senator Cooper is a man of high probity and integrity and spirit. The Senator recognizes that this is of enormous consequences. And we are most grateful to him and to his delightful and beautiful wife Lorraine.

Mr. President, I count Senator COOPER as a keeper of the trust of the Senate. When we had problems concerning ethics, it was he who came up with a joint committee and decided upon a way to administer our ethics which would be less onerous. When we had difficulty with the obedience of the military to the limitations we had placed upon them in respect to the war in Cambodia, it was Senator COOPER who came up with a solution in that regard. When we had problems about the cities being disadvantaged, although he is a farmer and comes from a State which has enormous rural interests and rural population, and when we had problems about utilizing the highway funds for our problems of mass transit, it was Senator COOPER who came up with the ideas on how to do it. When we had grave problems with environmental affairs and that became a new issue, with that tremendous adaptability that is JOHN COOPER's, he became one of the most intelligent and outspoken and capable advocates of the environmental problem without its being used as a means of oppression.

It has been said of Senator COOPER by an editorialist in his own State that:

> As a Senator, it was as though his whole life had been spent preparing for the position.

Senator ALLEN spoke so beautifully about the fact that in every fiber of his being he is a Senator. That means to me that it makes each of us proud to be a Senator. It makes us want to equal the model which he has set which is so enviable and so beautiful.

In terms of our personal comradeship, that is something that he and I must communicate to each other. However, in terms of what he meant and what he will mean in the days ahead, notwithstanding my own pride in my talent for words, I must yield to the description of Senator COOPER given by the State senate minority leader of his own State, Harold De-Marcus, when he paid a magnificent tribute to Senator COOPER and said:

> John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked.

It is my fervent hope that my friend will have rich and fruitful years full of service in the years that lie ahead and that he may always merit this description.

Mr. PERCY. Mr. President, it is with a deep sense of pleasure that I join with my colleagues in paying tribute to JOHN SHERMAN COOPER. Ever since Lorraine and I arrived in Washington and she was advised that her Senate sister would be Lorraine Cooper we have been very close, indeed. I look upon him as one of the truly good men of the Senate. I know when men are asked what they thought of Dwight D. Eisenhower, more people have said he was a good man than ever so described any other man in the world. When people say JOHN SHERMAN COOPER is a good man, that sums up a tremendous number of qualities and characteristics we have seen in him.

Mr. President, I am honored to speak in behalf of JOHN SHERMAN COOPER, as I have been honored to serve with this distinguished man for the past 6 years in the U.S. Senate. His career has been marked by courage, foresight, diligence, and dedication. When I first came to the Senate, I quickly learned that no other Senator had earned higher respect from his colleagues than had Senator COOPER.

Senator COOPER first came to the Senate in 1946 and has served in this body since that date, with the exception of two brief periods, the first when he served as alternate delegate to the General Assembly of the United Nations and performed other public service roles, and the second when he served as President Eisenhower's Ambassador to India. Since 1956 he has served continuously as U.S. Senator.

The Senate will sorely miss his guidance and leadership, his expertise in foreign affairs, and his record will serve as a fine example for all of us.

As a Senator he has been a strong proponent of international cooperation and broad international communication and dialog. He was among the first to see the folly of our involvement in Southeast Asia long before many of his colleagues. He has been in the forefront of our ranks to seek a solution to the war in Vietnam. His opposition to this struggle as early as 1964 has proven to be prophetic.

JOHN SHERMAN COOPER has received many verbal accolades in his long career. The New York Herald Tribune called him "one of the ablest men in politics." The Louisville Courier Journal stated that "the goodness that looks from COOPER's face is a passport of respect among humans everywhere."

This Government, I feel certain, will not want to lose the tremendous contributions of JOHN SHERMAN COOPER, especially in the area of foreign policy. I refer to his deep interest in the Middle East, Israel, and the Arab Republic, his dedication to India, and his knowledge of that country, his interest in NATO and European countries, and countries such as Germany and Italy. I feel he can continue for years to make valuable, creative, resourceful, and useful contributions to our foreign policy.

The U.S. Senate will sorely miss his guidance and his leadership. His expertise in foreign affairs and his record have served as a fine example to us all. JOHN SHERMAN COOPER is a great man and a fine American. I am proud to have known him and to have served with him.

Mr. President, it is on the note that we will continue our relationship together but in a different form than being colleagues in the Senate that we all pay tribute to him.

Mr. ROBERT C. BYRD. Mr. President, I yield 4 minutes to the able Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, Senator JOHN SHERMAN COOPER was an outstanding national and international figure long before the junior Senator from Wyoming became a Member of this body. His varied and brilliant career includes nearly all branches of government service. Enlisting as a private in World War II at the age of 42, under General Patton he rose to a captaincy before the war's end.

He set up the postwar legal system in Bavaria, thus putting to use once again his legal talents and expertise that earlier were employed when he served first as a county judge and then later as an appellate judge.

In 1946 he first came to the Senate and served with distinction. He was narrowly defeated for election in 1948, and was appointed Representative to the United Nations and worked on the questions of helping to bind up the wounds of World War II and trying to find solutions to the then new Middle East crisis.

He later served as special assistant to Secretary of State Dean Acheson, particularly as political adviser, and worked closely with him in the process of creating the NATO Alliance, which has been and remains so vital to our security.

In 1954 President Eisenhower named him Ambassador to India, and during his 2 years' service he did much to strengthen relations between the United States and the important Asian country lead by Prime Minister Nehru.

JOHN COOPER was returned to the Senate for the third time in 1956, and he has served with dedication to this day.

Few men commanding influence comparable to his, exhibit the thoughtful consideration toward very junior colleagues, unfailingly typical of this true gentleman.

I have not voted with Senator COOPER on more occasions than is true of many in the Senate. But no man has been more considerate or willing to listen and to oppose without rancor or acrimony.

His life and goals would be worthy of emulation by any American. To those of us who have been privileged to serve and work with him has come the special reward of knowing a great citizen.

JOHN and Lorraine Cooper are loved and cherished friends. We wish them well.

Mr. ROBERT C. BYRD. Mr. President, I wish to join with my colleagues who have expressed very fitting tributes to JOHN SHERMAN COOPER. A word fitly spoken is like "apples of gold in pictures of silver," and every word of tribute that has been spoken by our many colleagues already today has been fitly and most deservedly spoken.

I have known JOHN COOPER for almost two decades. When I was a Member of the House of Representatives, I traveled as a member of the Foreign Affairs Committee to India, where JOHN COOPER was serving as our Ambassador.

Through the years, I have grown to know JOHN SHERMAN COOPER as a friend. "He that hath friends must show himself friendly." JOHN COOPER shows himself friendly, and he has an army of friends. I have never heard any voice raised against him. I have never heard ill spoken of him. All that I have ever heard said about JOHN COOPER was said in the highest and most complimentary and respectful sense.

He is a man who is extremely thorough in his every undertaking. He is a man of calm, even judgment, and a man of compassion. We have heard it said that some men are born great, others have greatness thrust upon them. I believe that one's colleagues can best testify to one's greatness as a man. We who serve with a Senator know him best. We know of the tender mercies, the compassionate and reasoned judgment of Senator Cooper. We know him best. And those of us who do know him best, would all say that John Cooper is a great American.

Mr. President, it is not within the reach of every man to build for himself a great shaft of granite or to emblazon his name upon a plate of bronze, but it is within the reach of every man and within the possibilities and the purview of every man to so live that all who know him will be inspired by that flower of love and compassion and gentleness that emanates from his life.

Someone has said that character is that which draws a man toward God and other men toward him. If I could single out what, in my judgment, is the foremost ingredient of greatness, it would be character; and John Sherman Cooper, in his every act and word in the Senate over the years that I have known him, has been the epitome of sterling character.

He is a man who is devoted to duty. One of the favorite words of our late colleague, Senator Richard Russell, was the word "duty." Senator Russell was a man who admired Robert E. Lee, and often stated that Robert E. Lee had referred to the word "duty" as the "sublimest word in the English language."

Senator Cooper has been devoted to duty in his committee work, in his floor work, and in all of the myriads of tasks that go with the office of being a U.S. Senator. He is a great Senator and his work has been tireless on behalf of his people, and it has been well done.

Mr. President, I hope that Senator Cooper will continue to visit this Chamber after he has retired. Tennyson said in his Ulysses, "I am a part of all that I have met." We are all a part of John Cooper, having lived with him and served with him, and I know that we all want to have him continue to walk among us. We will desire his counsel and advice, and he will certainly have our continued friendship and admiration, because he has been such an inspiration to all of us.

For his wonderful wife Lorraine and for him, my wife Erma and I will always wish these things:

> Work for your hands.
> A straight path for your feet.
> A coin for your purse.
> Sunshine on your window pane at morning.
> A song in your treetop at evening.
> The hand of a friend on your latchstring.
> Soft rains for your garden.
> Love at your fireside.
> Happiness in your hearts.
> And God's wonderful blessing always.

Mr. GOLDWATER. Mr. President, during the nearly three terms that I have served in the U.S. Senate I, of course, have met many Members of this body, have come to know them, varying from just a little bit to a point that brings admiration. I have known John Sherman Cooper nearly all of those years, and I have served with him on a committee. I can say from the dictates of my heart and my conscience and my memory that I have never known a man who so completely fills the descriptions or the expectations of the word "gentleman." He is that in every fine and true sense of the word, and I will treasure his friendship throughout life for those qualities he has so generously displayed not only in this body, but outside.

I recall very vividly my campaign for the Presidency in 1964 in which some Republican Senators found it more expedient to be elsewhere when I showed up or failed to support me at all. Not so with John Cooper. When I visited his State he was there and he was generous to me beyond all expectations. John Cooper is a man of honor. I have never known him to hesitate or go back on his word, and that trait is one that is not easy to find in these hectic days.

We are all going to miss John Cooper when he returns to Kentucky after this term in the Senate, but the Senate will be forever a better body simply for his having served here, and I know that my life will be a better life for having known this fine gentleman and for his having displayed to me the many attributes of a gentleman and a man of honor.

Mr. BEALL. Mr. President, when one is first elected to the U.S. Senate, he has an almost unavoidable tendency to move into the body with an understandable trepidation, realizing as he does the heavy burden that rests upon this institution. But he also knows that his responsibilities to his constituents and his Nation require that he become as effective as possible in the shortest possible time. Thus, the freshman Senator's attentions naturally gravitate to those Senators who are considered as giants in this body, much as a student follows the guidance of his teacher.

Such a giant, and such a teacher, is John Sherman Cooper of Kentucky. When I came to the Senate in 1971, I already knew of the many far-reaching accomplishments of the Senator from Kentucky from my father, who served with Senator Cooper for many years in this Chamber. Yet, it did not take me long at all to conclude on my own that John Sherman Cooper would be ranked with the great legislators in the annals of the Senate.

Indeed, it was my good fortune on coming to the Senate to be assigned to the Public Works Committee where Senator Cooper serves as the ranking Republican member. As a member of this committee, I was able to witness first hand the able and effective manner with which John Cooper conducted himself and I have profited greatly by this experience.

The public service career of John Sherman Cooper is virtually unmatched in versatility and accomplishment. He has compiled a list of achievements, any one of which could easily suffice as a pinnacle of success for most men. Senator Cooper began his public life in 1928 as a member of the Kentucky House of Representatives. When World War II called, John Cooper stepped forward to join the U.S. Army, eventually rising from private to captain.

Additionally, he was awarded the Bronze Star and officially commended for his work on the reorganization of the Bavarian judicial system.

Following a stint as a circuit court judge, John Sherman Cooper began his distinguished Senate career in 1946, when he was elected to fill a vacancy caused by resignation. Four more times since then, the people of Kentucky have called upon John Cooper to serve again in the Senate. His work here has been interrupted two times since 1949, but Senator Cooper has made the most of these absences. Twice he has represented his Nation at the United Nations General Assembly, and in 1955 was chosen by President Dwight D. Eisenhower to meet the unique challenges posed by an emerging nation by serving as our Ambassador to India. Clearly, John Sherman Cooper knows the demands of statesmanship and leadership as few men do, and certainly no man has fulfilled these responsibilities better than him.

I do not have to remind anyone in this body of the major contributions that the senior Senator from Kentucky has made to legislation affecting the people of this Nation. Of particular note has been his work in the area of foreign policy, both in the Foreign Relations Committee and on the floor of this Chamber. His eloquent and effective statements on the international problems facing our country has brought him national recognition and respect.

Thus, it is only natural that those in this body and those in this Nation look up to John Sherman Cooper. He has made an impact upon this body and upon its Members as few Senators ever have. It will seem strange indeed that when the gavel falls to open the 93d Congress next January, the imposing figure of John Cooper will not be in this Chamber. The people of Kentucky will miss him, the Members of the Senate will miss him, and I will miss him. But most of all, this Nation will miss the moderate reasoning and dedicated approach of the man from Kentucky. I wish him a most enjoyable retirement, and we look forward to his friendship and his counsel throughout the coming years.

Mr. COTTON. Mr. President, John Sherman Cooper is one of those rare men who not only restore our faith in the Senate but in the whole system of representative government. He is and always has been completely incapable of being false to, or even in the slightest degree compromising, his own honest convictions.

As I think of him, I remember the whimsical remark of another staunch and conscientious Senator who was taken from us long ago, "There comes a time when you have to forget principle and just do what is right."

John Sherman Cooper has never posed as a saint or a shining example. His keen, down-to-earth sense of humor would never permit him to look at himself in that light—and yet that is exactly what he is.

Whenever he directs the penetrating power of his keen, legal, analytical mind to a specific problem before the Senate and arrives at a considered conclusion, no consideration of expediency or political advantage or disadvantage could budge him. It matters not to him what group, faction, or party he finds himself alined with on any particular issue or whether he stands all alone. Still he adheres to his own carefully thought-out conclusions.

No wonder, the entire Senate has always trusted him and listened to him. No wonder, his own people back in Kentucky love him and believe in him. His retirement from the Senate had to be of his own volition for, if his people had their way, they would keep him here forever.

The Senate will miss his quiet, powerful influence, his thoroughness both in committee and in the Senate, and his zeal for refining the functions of government and thereby bettering the lot of our people.

We shall all be poorer for his absence.

May he and his loving wife have the joy and happiness they so richly deserve.

Mr. JORDAN of Idaho. Mr. President, for nearly 20 years John Sherman Cooper has made his mark in the U.S. Senate. It has been my privilege to work with him for 10 of those years. We have served together on two committees and I have especially benefited from the association, as I believe every Member of this body has and would readily admit.

At the time of his graduation from Yale in 1923, John Cooper was voted by his classmates "most liked" and "most likely to succeed." In public life, as a lawyer, a judge, a State legislator, an Ambassador, a United Nations delegate and a U.S. Senator he has succeeded and he has been liked. One of his fellow Kentuckians said it this way:

> John Sherman Cooper is the only man I know who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked.

He has endeavored to place national issues above party and in so doing has won the respect necessary to do an effective job. He is a beloved figure in the State of Kentucky where his nonpartisan service is supported by the majorities of all political persuasions—his first full term was won by nearly 200,000 votes and his latest mandate in 1966 went over the 200,000 vote margin.

First and foremost John Cooper is known as a man of conscience. He has said:

> Criticism directed to finding the truth is necessary.

During the first decades of the nuclear age he has been in the forefront of efforts to secure disarmament and peace. With courage and dedication he has "waged peace."

It is not age nor the prospects of an election which have caused John Cooper's decision to retire from the Senate. Regarding his retirement he is quoted as saying:

> I felt that it was a new day, a new era; this is almost a new world. The things we have fought for have changed nature, direction, emphasis. Civil rights has shifted from constitutionality to practicality. TVA, flood-control dams, soil conservation—all the things once sought by conservationists—are now suspect. There are the problems of the cities, next to arms control probably the toughest we face, and I know, really, very little about urban problems. There are whole new sets of problems, and they are not as distinct and clear as they used to seem. I decided that maybe a younger man, not tied to the old problems and their solutions, could do as well or better.

Faith in our people and our Government have made this 20th century American experiment in democracy the success it is. Senator Cooper remarked in January when he announced his retirement that:

> Our system of government is a delicate one, depending in great measure on the respect of its three branches for each other, and the trust of the people in their government and in each other.

I hope John Cooper will have the satisfaction of knowing that he has done more than most to increase the trust and respect Americans can have in their elected officials, not only for the citizens of Kentucky but for his colleagues in the Senate.

Mr. HANSEN. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Colorado (Mr. Allott) be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ALLOTT

This had been a long, and at times heated session. To certain of our colleagues we owe a great debt for reminding us of our obligation to debate the question of the hour while observing the proper amenities.

I know of no one who better personifies the tradition of tough, reasoned argument cast in the most gentlemanly terms than does John Sherman Cooper of Kentucky.

His entrance into Senate debate, no matter how partisan or divisive it may have become, meant that his fellow Senators lowered their voices and listened instead of just attacking.

The remarkable thing is that John Sherman Cooper's arguments could have considerable bite to them, and indicate he felt very deeply about the matter. Nevertheless, whether we were in agreement or in opposition, discussion thereafter proceeded at a cooler, more even pace.

I suppose John Cooper personifies the skill of that famous breed known as "border politicians"; that is a certain gentlemanly geniality which the Senate has always prized.

I know that on our side of the aisle, we will also remember John Cooper for his dogged determination to serve as a Republican Senator from his State. He was part of the post-war revival of the Republican Party which made Kentucky a two-party State. He served twice and was defeated twice, before the great majority of Kentucky voters realized how much they wanted and needed this man in Washington.

So popular is he today, that he could remain the senior Senator from Kentucky for as long as he wished. Unfortunately for them, unfortunately for the Senate, he has chosen to retire.

But he has not served in the Senate for a total of twenty years, sixteen of them consecutive, simply because of his native integrity and charm. He has been an enormously hardworking Senator, on a variety of Committees, including Agriculture and Foreign Relations.

Yet he will be remembered for service to State and Nation because of his devoted service on the Public Works Committee, of which he is ranking minority member at present. He showed unusual interest in environmental problems, in preserving the quality of our water, and improving pollution control systems. He attempted to legislate in terms of tomorrow's needs while remembering today's fiscal resources. His record can serve as a model for those who follow him.

When John Sherman Cooper retires, we will have lost a fine Senator, and I will personally miss his friendship and counsel. To John, and to his wife, Lorraine, who personifies the gracious Washington hostess, I wish many more happy years.

Mr. BROOKE. Mr. President, the Senate and the Nation have indeed been privileged to benefit from the service of our beloved colleague, John Sherman Cooper.

Senator Cooper has long enjoyed an extensive grasp of foreign affairs. Through his years of service as our Ambassador to India and Nepal, through his representation of this country in the councils of the United Nations, and through his long and tireless service on the Senate Foreign Relations Committee, he has applied both wisdom and understanding to the conduct of our foreign policy.

I have been privileged to work with Senator Cooper on a number of issues, and I have long admired his leadership.

It was John Sherman Cooper who began the fight to block deployment of unneeded—and untested—antiballistic missiles. His efforts to limit their production and emplacement—now formalized in the SALT treaty between the United States and the Soviet Union—have saved the American taxpayers uncounted billions of dollars. And may have saved the world from the horrors of another nuclear arms race.

It was John Sherman Cooper who led the fight against expansion of the war in Indochina. When South Vietnamese forces and American advisers moved into Cambodia in 1970, Senator Cooper promptly introduced legislation which prevented "another Vietnam", in which thousands more American men would have ground and air combat roles. Repeatedly, his Senate colleagues endorsed his efforts, and the prohibition on the use of U.S. ground forces in Cambodia was enacted into law. The first clear limits on the use of American power in Indochina had been established.

But victory has never led John Sherman Cooper to relax his efforts. He fought on: seeking to impose limits on our role in Laos and Thailand. Calling for complete U.S. withdrawal from Vietnam when it became clear that we had met and even exceeded our responsibilities for the future of that tragic land.

In all of these efforts, John Sherman Cooper has had my continuing respect and admiration.

But John Sherman Cooper is more than an "internationalist." He has also been an effective spokesman for the domestic needs of the American people. He has been a leader in the field of air and water pollution control. He has pioneered in the development of scenic highways, and the elimination of unsightly debris from our Nation's roads. And the Appalachian regional development program, which has brought utilities, transportation, and economic advancement to millions of underprivileged Americans, is in large part the creation of the senior Senator from Kentucky.

Mr. President, I am proud to have known and worked with the Senator from Kentucky. The people of Kentucky can be proud that they have recognized his talents, and availed themselves of his services for the past 44 years. And Senator COOPER himself can be proud of his many distinguished accomplishments on behalf of the people of this Nation and the world.

As he leaves this body for a well-deserved retirement, I extend my personal best wishes to him and to his lovely wife Lorraine. I have enjoyed their hospitality and friendship, and wish them well in the years ahead.

Mr. BOGGS. Mr. President, I am indeed honored to have this opportunity to pay tribute to our distinguished colleague, the senior Senator from Kentucky (Mr. COOPER). And it is with real appreciation that I say to JOHN COOPER:

"Thank you for your friendship, your counsel, and your service to America."

Mr. President, JOHN SHERMAN COOPER has rendered great public service to the American people for more than a quarter of a century. His roles have been many: diplomat, legislator, and statesman. To each he has brought a blend of understanding, ability, and compassion that has enabled him to excel in the work he undertook.

Very few men have achieved the diversity of interest that have characterized the career of Senator COOPER. His foreign affairs record is nationally known: twice a delegate to the United Nations General Assembly, Ambassador to India and Nepal, adviser to Secretary of State Acheson at the London and Brussels meetings of the NATO Council of Ministers, twice an alternate delegate to the United Nations General Assembly, and adviser to the U.S. Delegation at the Treaty Signing Conference establishing the Asian Development Bank.

Here in the Senate, Senator COOPER has consistently offered cogent, informed opinions on foreign policy questions that we have always valued highly.

The record of Senator COOPER in domestic affairs is equally noteworthy. Personally, I have been particularly aware of his leadership in the field of conservation and ecology. His work has been particularly noteworthy in conserving many areas in the beautiful State of Kentucky. He has been an active supporter of wilderness legislation, the National Historic Preservation Act, and the Wild Rivers Act.

Mr. President, I have served with JOHN SHERMAN COOPER on the Public Works Committee for nearly 12 years, a period encompassing my entire service in the Senate. In that time, we have all come to know his real concern over the pollution of our environment, and his desire to improve our environment.

It was also my privilege to serve with him for a number of years on the Agriculture Committee. On that committee, he was greatly interested in sound conservation practices.

On both committees, and in the Senate, it has been an honor to serve with him. It has been a privilege that I will not forget. His advice has always been welcome. And it is always sound advice.

Just recently we served on the committee on conference on the water pollution control legislation. That conference met on 39 occasions. During that period, we were once again able to observe Senator COOPER's untiring dedication to the best possible legislation.

We know that JOHN SHERMAN COOPER will be missed greatly on the Public Works Committee and in the full Senate.

Mr. President, I think I state the sentiment of my colleagues on both sides of the aisle when I say that JOHN SHERMAN COOPER has been one of our finest Senators in this century. His opinions are always fair and well reasoned. His integrity and courage have spoken for themselves over the years JOHN SHERMAN COOPER has been in the Senate.

In closing, I want to say that we will miss you and your lovely and gracious wife, Lorraine.

But we know that you will continue to serve our Nation. Whatever you may do beginning next January, we wish you the best of luck. We will remember you with great affection.

Mr. SCHWEIKER. Mr. President, I would like to associate myself with the remarks of my colleagues who rise to pay tribute today to the distinguished Senator from Kentucky, JOHN SHERMAN COOPER.

It has been a privilege to work with JOHN SHERMAN COOPER in the Senate, and to have the benefit of his wisdom and his example in statesmanlike dedication to the Senate, and to the best interests of this Nation.

The dictionary defines a "statesman" as "one who exercises political leadership wisely and without narrow partisanship in the general interest." It would be difficult to think of a Senator, in the entire history of our Nation, who better fits this definition than JOHN SHERMAN COOPER.

In carrying out his duties in the Senate, Senator COOPER always has exhibited complete fairness to his colleagues, and has always been concerned with preserving the dignity of the Senate and his respect for each individual Senator.

On vital issues of war and peace, on defense matters and on domestic priorities, Senator COOPER has always spoken his mind, and his views and convictions have always had an enormous influence on the course of the Senate debate and on the positions and views of his colleagues.

For many years he has served with distinction on the Senate Foreign Relations Committee. His concern for American foreign relations, his dedication to peace, and his deep knowledge of diplomacy and foreign affairs have made him one of the most valuable members of this committee.

The deep respect of all his Senate colleagues for Senator COOPER's judgment, his concern for the welfare of all human beings, and his high integrity have greatly enhanced the influence that he has been able to exercise in foreign relations matters. I feel our foreign policy has been positively influenced by the contributions that Senator COOPER has made in this area.

JOHN SHERMAN COOPER has served his State, his Nation, and mankind with courage and humility. He has made a lasting mark on the Congress and will be deeply missed by all of his colleagues.

Mr. HUGHES. Mr. President, among the distinguished citizens of our land, very few suggest the title "Great American" as unmistakably as JOHN SHERMAN COOPER. Outstanding Senator, jurist, soldier, diplomat, Kentuckian, he is above all a great and beloved American.

Both of my parents came from Kentucky and as a boy I spent some time in Pulaski County of that State. For years Senator COOPER was a hero to me; I thought of him with a proprietary regard as my own Senator. When I came to the Senate myself and had the privilege to work with him as a colleague, my admiration was reinforced by a warm and wonderful friendship.

No Senator will be missed more from the Senate than this compassionate man of deep conviction and many talents. He is a true statesman in the estimation of his colleagues on both sides of the aisle and a legend in the hearts of the people.

It is difficult for me to think of JOHN in "retirement"—for the simple reason that I know he will not retire as others might but will go on to new vistas of creative activity and public service. But I do want to take this opportunity to wish JOHN and his lovely lady the best of health and happiness in the good years ahead.

In conclusion, I would observe that among all of JOHN SHERMAN COOPER's notable achievements, he will perhaps be best remembered for his courageous leadership for peace. What more beautiful way could there be in which to remember a rare and beloved man?

Mr. PEARSON. I rise, Mr. President, to speak briefly about the distinguished Senator from Kentucky, my friend and colleague, JOHN SHERMAN COOPER. As one who has been privileged to serve in the Senate with this able gentleman legislator, I honestly wonder whether the gap resulting from his absence by retirement can ever be filled, in this body or in the legislative branch of our Nation's Government.

Senator COOPER is more than a thoughtful and farsighted Republican legislator. His diverse experience in war and diplomacy and the law and the protection of our natural environment, and above all in preserving the vision of peace in an era of nuclear rivalry—bespeaks and indomitable man of courage and understanding. While his achievements in life have been many and productive, Senator COOPER's whole approach to his responsibilities in the Senate reveals a man who knows that hard work and determination, tempered always by humanity and good humor, bring achievements in our democratic process.

By a fortunate merging of his own initiatives and the will of the Senate, Senator COOPER's thoughtful leadership has been sought out in times of trouble and crisis not only in this body but in the Nation as a whole. It happened to be my lot to serve with him as a member of the Senate Special Committee on Standards and Conduct during one of the most difficult times of agonized self-assessment faced by the Senate in this century. There I learned to listen to Senator COOPER's counsel and respect his often simple, commonsense advice. He is a man who has devoted himself to strengthening our institutions and the rule of law. And the Senate has come to rely on his instincts and judgment to a degree greater than any of his contemporaries.

This is not to say he is a stranger to the work of the executive branch or its programs as proposed in the Congress. As the sponsor of President Nixon's environmental legislation, Senator Cooper has carried to the Senate for its deliberation the priorities and specific requests of President Nixon in this increasingly important field. The groundwork he has laid as a member of the Senate Public Works Committee provides what I hope will become a significant opening chapter in the legislative effort to assure clean air and clean water for future generations.

In his role as a foreign policy spokesman, Senator Cooper is his own man. But even when he differed with this administration or a previous one over the conduct of our policies in Southeast Asia or on the question of the exercise of the Senate's constitutional responsibilities relating to hostilities abroad, there was always in his remarks and his attitude a willingness to carry on the dialog which is so essential between the two branches. It is superficial to remark that this quality of strength which marked Senator Cooper's balanced approach to foreign policy is a result of his combined experience as a Senator and a diplomat. He sought these experiences and the career he achieved was very much of his own making, a product of the man as well as the times. And it is in this breadth of human qualities that the greatness of John Sherman Cooper may be found.

As a political person, he retained an unfailing sense of right and wrong, and upheld the sense of courtesy and the ability to differ with reason on issues. His work to protect the rights of minorities is itself a story of political courage, but one which clearly demonstrates not only the political sensitivity but the moral strength of the man as well. He sought to make the law a working instrument for the solution of real problems and he was willing to take the law into the uncharted areas which develop after the emotions and exhaustion of war. As a man of peace, he was always mindful of the demand for justice among those peoples who are directly affected by the pacts of great nations. He shows that he was capable of understanding that the measure of a great nation is the way in which it treats those who happen to find themselves powerless in a given circumstance.

Among his many contributions to the conduct of our Nation's foreign policy, Senator Cooper served as a delegate to the United Nations General Assembly in 1949 and 1968 and in 1950 and 1951, he served as an alternate. It is my privilege this year to share the assignment as a Senate representative in the U.S. delegation, and I feel fortunate to be able to carry to that job the associations of service with Senator Cooper in the Senate and the guidance, counsel and advice which he as a respected colleague on the Foreign Relations Committee has over the years provided.

I recall his courtesy in entering into the Congressional Record a speech which I delivered in Kansas on the subject of the Safeguard antiballistic missile system, during the nation debate on that program in 1970. That debate was, I am persuaded, one of the significant phases of the education of the American people on the dangers of unbridled weapons development in the nuclear age. While there is always room for differences in method and approach to any given issue relating to the maintenance of world peace, a strong bond of basic agreement on the principle of mutual destruction and the realinement of our national priorities, was forged in that debate. I believe the understanding of the American people was increased to a degree by those deliberations in the Senate and that the success of the first phase of the SALT agreements would have been far less likely had that debate never taken place. Perhaps historians will come to recognize that as John Sherman Cooper devoted himself to a balance between the branches of government in the making of foreign policy, that indeed our present foreign policy owes in great part to the weight of his thought even as this precious balance was being sought.

Mr. SPARKMAN. Mr. President, I am pleased to join my colleagues here in the Senate in paying tribute to one of the noblest men that ever served in this body. I refer to Senator John Cooper of Kentucky. I have known John Cooper from the time that he first entered the Senate in 1946. I had the pleasure in 1950 of serving with him on the U.S. Delegation to the United Nations. I have had the pleasure of serving with him on congressional committees, primarily the Foreign Relations Committee. He has always shown himself to be a tower of strength for the things which he believes to be right and for the good of the country. In all of his service, he has worked without partisanship for those things that he believed to be right.

It has been a pleasure to watch him in action on the floor of the Senate where he can always be depended upon to defend the position that he believes to be right, regardless of whether he is on the side of one party or the other, or whether he has the support of his colleagues on the Senate floor. No one ever questions his sense of rightness and of duty.

John Cooper has had a remarkable career. He has served in so many different capacities—in the military, in civilian life, as a diplomat. His work has always been outstanding, whatever his task. To serve with him has always been, for me, a great pleasure. I salute him as a statesman and as a man who has served his country well throughout the years.

Mr. KENNEDY. Mr. President, I take great pleasure in joining today in praise of the senior Senator from Kentucky, John Sherman Cooper. I also join in the profound regret we feel, that this body will no longer be graced by the wisdom, the judgment, and the intelligence of this distinguished Senator and friend.

Throughout his years in public life, John Sherman Cooper has stood above the crowd, finding his way by the guideposts of the public good, respected by all Members on both sides of the aisle.

As Carl Schurz wrote of Henry Clay, Senator Cooper is a man whose spirit is "illumined by a grand conception of the destinies of his country, a glowing national spirit, a lofty patriotism."

It is in that tradition and in that manner of his Senate predecessor that the present senior Senator from Kentucky has represented his State and his Nation.

And his support and following extends beyond the breadth of continents, from the hidden hollows of Kentucky to the teeming cities of India, where he served so ably and so well as Ambassador.

It was said of Calhoun, that more than others, he sought to make men think clearly and carefully on fundamental political questions. He was a model Senator in his dedication to the public good, in his incessant industry, and in his efforts to master completely the main issues of his day.

And so too can it be said of John Sherman Cooper, for I can well recall the discussions in this body on the ABM and the Vietnam war and the clear thoughtfulness that Senator Cooper brought to the debate.

Partly from his study of history and partly from his vast experience with events of the past half century in the field of foreign affairs, Senator Cooper has been preeminent.

For he has been in at the start of the great enterprises of foreign affairs, always sensitive to the changing tide of events around the world.

As one of our first delegates to the United Nations, Senator Cooper participated in decisions that brought permanence and respectability to a still-fledgling international organization.

And as an adviser to the Secretary of State, John Sherman Cooper was one of the chief authors of the North Atlantic Treaty Organization. For it was during those first meetings of the Council of Ministers at London and Brussels that the NATO shield was forged and the recovery of Europe secured.

Senator Cooper shared this concern for the changing role of the United States in world affairs with John Kennedy. And together they worked on a variety of issues. I recall their conviction that India's development was vital to the stabilization of South Asia and the legislation they sponsored to assist India in its first 5-year plan.

And just as President Kennedy valued the counsel and wisdom of the Senator from Kentucky, so too have I shared that esteem for our distinguished colleague.

For I have seen this Senator, without regard to partisanship or narrow interest, persistently choose the hard path toward his vision of what was right for the Nation.

Thus, during the ABM debate 3 years ago, it was the calm and reasoned intelligence of the Senator from Kentucky that helped inform the Nation of the flaws of the ABM proposal. That debate, more than any other event, created an atmosphere that has permitted this Nation to move forward in the field of arms control, and to assess the true priorities of our country in the areas of national defense and domestic need.

National interest above party interest, and the interest of all of the people over the special interests—those have been the characteristics of the Senator from Kentucky.

Lincoln once referred to Henry Clay as "my beau ideal of a statesman." I can think of no man who has served in the Senate in recent years who can wear that title as well as the distinguished Senator from Kentucky.

The Senate will miss him dearly.

Mr. HRUSKA. Mr. President, there is always an element of sadness in this body when one of our colleagues prepares to retire to private life. Our deprivation is felt more keenly than ever today as we contemplate the departure of our good friend from Kentucky, Mr. COOPER.

Senator COOPER's impending retirement from public service removes from the national scene after many fruitful years one of the most able and dedicated public servants this country has known.

His long and distinguished career is notable not only for its tenure, but for his many impressive achievements in many varied fields of endeavor.

We are all familiar with the wisdom, patience, experience, good humor, and strength which he has brought to our legislative considerations in this body for many years.

Because we are so accustomed to benefiting from these contributions to our own deliberations, we may be inclined to forget the other great contributions he has made to our Nation and to his home State: Ambassador to India; delegate and adviser to both the United Nations and the North Atlantic Treaty Organization; member of the President's Commission on the Assassination of President Kennedy; and in Kentucky, both a member of the State legislature and the judiciary of that great State.

In all of these diverse assignments Senator COOPER exhibited the same high qualities of leadership which we have come to know so well in this body. His service also has been marked with the singular selflessness which led him to discontinue a most successful civilian career to enlist as a private in World War II. But in the Army, as in his other endeavors, he soon rose to a position of leadership and eminence.

For all these accomplishments, Senator COOPER is richly deserving of a long, happy, and fulfilling retirement. I join my colleagues in wishing him the best of everything as he leaves us to pass on into another phase of his most distinguished career.

Mr. SAXBE. Mr. President, my esteemed colleague, the venerable JOHN SHERMAN COOPER, of Kentucky, steps down from public office at the conclusion of this Congress. He joins a long list of distinguished Kentuckians who have served in this body, including such distinguished Americans as John Breckenridge and Henry Clay. Truly, Kentucky has always sent her outstanding sons to serve in this body, and certainly JOHN SHERMAN COOPER has earned the right to be included among the best of those who have represented his State.

His return to the Senate in 1952 and in 1956 after having been defeated in the preceding elections serves as an inspiration to all Americans—both those in public life and those who are not—of exactly what can be achieved if an individual refuses to accept defeat and has the foresight and determination to face the future with a positive outlook.

It has been my distinct pleasure to have served with Senator COOPER in the 91st and in the 92d Congresses. Over these past 4 years I have admired both his courage and legislative skill as he articulately battled in behalf of those causes in which he believed.

His stands in support of improved health care for all Americans, against the incursion into Cambodia, and against expanded antiballistic missile deployment, are some of the items that I distinctly remember. These were stands which were and are not universally popular. Senator COOPER was, however, steadfast in his defense of these regardless of the amount of pressure to which he was subjected.

This body constantly changes as the composition of its membership varies. The old order gives way to the new and that is as it should be. The Senate, however, will not be the same without our good friend and colleague JOHN SHERMAN COOPER. We shall indeed miss his presence.

Mr. ROTH. Mr. President, I would like to take time out of our crowded schedule here on the Senate floor to give much due recognition to someone who never failed to take time out from his busy schedule whenever I needed his advice or council—our friend and colleague, Senator JOHN COOPER. JOHN has always been able to offer some realistic word whenever I find myself confused or confounded, whether the subject be parliamentary procedure or foreign affairs—and could always be counted on for an honest opinion when one was requested. I will miss, as you know you will, working with JOHN on a day-to-day basis, but if anyone deserves a rest, it is he. I hope his memories of many years in the U.S. Senate will be as colorful and rewarding as our memories of him. He has done the citizens of the United States and the residents of Kentucky, in particular, a great service—the most selfless service possible—in giving himself and his time so that they may prosper and grow in a well-governed land. For them, and from those of us here who will miss him, I say "thank you JOHN, for doing a job—and for doing it so well. You have helped set a standard we will do well to maintain."

Mr. DOLE. Mr. President, it would be dwelling on the obvious to point out that Senator JOHN SHERMAN COOPER is one of the most distinguished and outstanding Members of the Senate. All of us who serve with him in the Senate have a clear understanding of his contributions to the work of this body. But at the risk of covering familiar territory I wish to take a moment to express my appreciation for the senior Senator from Kentucky's unique record of service to the Senate as an institution, the people of his State, and our Nation.

All of us who engage in debate and discussion on the floor know how effective and important Senator COOPER's efforts have been in setting the tone for thorough consideration of the issues before us in an atmosphere of respect, understanding for the opposite point of view, and desire to achieve progress. Fewer of us, however, have had the pleasure of serving on a committee with Senator COOPER and working with him in the detailed formulation of legislation. I feel fortunate to be counted as one who has sat on the Public Works Committee where Senator COOPER is the ranking Republican Member. Watching the Senator from Kentucky approach a great range of issues—from the approval of Federal building construction prospectus to the most refined and controversial alternatives for improving and protecting the environment—has been a unique experience for this freshman Senator, and it is virtually impossible to place any adequate value on the leadership, the standard of integrity, and the example of plain old-fashioned hard work that Senator COOPER brought to that committee. No detail or point of principle is ever too small for Senator COOPER to give it his unhurried and most careful scrutiny, regardless of the lateness of the hour or the press of other matters. Time and again later events have proven that his basic fairness and determination to do the right thing were perhaps the most valuable and important elements of the committee's deliberations, and what has been true in the Public Works Committee has, I am sure, been equally so in the Foreign Relations Committee on which he also serves.

Few Americans have had outstanding careers in the Senate, but fewer still have combined a distinguished Senate record with major accomplishments in so many other fields as Senator COOPER. State legislator and judge, military officer, United Nations delegate, NATO adviser, Ambassador to India under President Eisenhower, and now as a Member of this body—in each of these endeavors Senator COOPER has left his mark and set new standards of excellence and achievement.

With this record in mind it is not difficult to understand the esteem felt by the people of Kentucky for their senior Senator, nor is it hard to see why his retirement will leave a great void in the membership of the Senate. We shall all miss the dignified and warm presence of this great gentleman from the Blue Grass State, but I know that all of us wish Senator COOPER and Mrs. Cooper every happiness in the years ahead.

Mr. WEICKER. Mr. President, a great voice of humanity, dignity, and justice will be lost to the Senate with the retirement of the distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER. Throughout his 20 years of service, Senator COOPER has exhibited the kind of selfless leadership which has always marked the greatest Members of this body.

I deeply regret that I have had so

brief an opportunity to serve with and learn from this fine American, but one experience alone has been enough to assure my everlasting respect and admiration for his ideals and insistence on doing "right" rather than "expedient."

Kentucky is a rural State yet Senator COOPER is an American Senator who sees national problems and applies national solutions. His efforts in the Public Works Committee and on this floor to promote a balanced national transportation system, to break the stranglehold of concrete on those of us in urban areas who need steel rails and flexibility have seen few victories. Yet COOPER fought on. Finally, this year the Senate saw the wisdom of his words and accepted his long standing advice. The door to the highway trust fund was opened and, thanks to his tireless efforts, it will never again be slammed shut. Mr. President, all of us owe Senator COOPER our gratitude and our respect. I am pleased to join with my other colleagues in saying "we will not soon forget you."

Mr. GRIFFIN. Mr. President, I wish to associate myself with the many fine tributes that have been expressed here today for our good friend and colleague Senator COOPER.

An occasion of this kind arouses very mixed emotions. While we all appreciate the personal reasons which have led John to bring his long public career to an end, we cannot help but regret, perhaps in a selfish way, that, come January, we will no longer have the benefit of his wisdom and counsel on the day-by-day basis which we have enjoyed in the past.

In the 200-year history of our country few men have served the Nation with such distinction—and with such honor. No one has earned more respect.

As he so often has demonstrated to us here in the Senate, he is a man of deep and abiding convictions—one who brings to all he does great human compassion and understanding.

If my arithmetic is correct, his public career will have spanned 45 years when he completes his Senate term and embarks, as I understand, on still another pursuit in the private practice of law. He has been a Kentucky State representative, a county judge, a circuit judge, a soldier in Europe during World War II, our ambassador to India and, in all, a U.S. Senator for 20 years. But, it is the quality of his public service, not the extent, which makes Senator COOPER as outstanding as a legislator and statesman. It has touched on many facets of our life here at home and abroad—in agriculture, in education, in conservation, in concern for our cities and in untiring efforts to foster peace and understanding in the world.

It was the poet, William Wordsworth, I believe, who wrote:

> Enough, if something from our hands have power
> To live, and act, and serve the future hour.

As our friend approaches a well-earned retirement, he can be assured that what he has accomplished, what he has stood for, will live to serve the future hour—and to the betterment of all.

Mr. FANNIN. Mr. President, as a native of the great State of Kentucky, it is my special privilege to join today in saluting our distinguished colleague, Senator JOHN SHERMAN COOPER.

Surely few men have contributed so much to their State and Nation. He has been a member of the State legislature, a county judge, circuit judge, delegate to the General Assembly of the United Nations, adviser to the Secretary of State, and Ambasador to India and Nepal.

He had a distinguished record in World War II, rising from private to captain and winning the Bronze Star Medal. And after the war he headed reorganization of the German judicial system of Bavaria.

Senator COOPER's service in the U.S. Senate goes back a quarter of a century. His wisdom and firm hand have played a great role in shaping our Nation since World War II.

He is a man of strong convictions who speaks out for what he believes in. There have been occasions when I have disagreed with him, but I have always respected the devotion and high purpose which have dictated his stands.

Senator COOPER also must be recognized as one of the pillars of the modern Republican Party. He has contributed immensely to his party in Kentucky, and in the Nation.

Mr. President, I can testify personally that the people of Kentucky have great love and affection for their senior Senator. I have observed this while traveling with the Senator through his State. This respect is well deserved.

He is a great Kentuckian, and a great American, and the Senate is a much richer institution for his service.

Mr. COOPER. Mr. President, I shall be brief. I know this has been a burdensome time for Members of the Senate, particularly in these last days when there is so much yet to be done. But you have paid me and my wife, Lorraine, an honor in according to us at this time your very generous remarks.

I need not say that this is a moving day in my life. I thank all of you for your too generous statements—statements which I will remember as coming from the Members of the Senate, the men and women with whom I have worked, whom I have come to know, and who I believe are as fine a group of men and women as can be found in this great country of ours.

I recall the day I first came to the Senate, in 1947; and as I leave, there are only eight Members of the Senate now who were serving in 1947: Senator AIKEN and Senator YOUNG on the Republican side; Senator FULBRIGHT, Senator MCCLELLAN, Senator STENNIS, Senator EASTLAND, Senator SPARKMAN, and Senator MAGNUSON on the Democratic side. In the years that have elapsed, while I have not been here all the time, I believe I have served with approximately 250 Members of the Senate. It has been an association which one can never forget.

I appreciate very much the expressions of friendship, and particularly the expressions from my two seat mates, Senator JAVITS and Senator AIKEN, with whom I have been associated so closely, and from a friend I hold in high respect, Senator MANSFIELD.

It is sad to leave the U.S. Senate. I shall miss the bond with this body, with its Members. I shall miss very much my close association and communication with the people of my own State of Kentucky. I am grateful that I have had the opportunity to serve here, and I am very grateful to the people of my State of Kentucky. It is not only an opportunity to serve the United States, but also, it is a great responsibility. I suppose that despite the difficulties and frustrations and high hopes, one is sustained by the hope that one may do something here—that is worthwhile, that is good, great, or small—which will influence for good this country of ours and its people. This trust and this hope sustains us above pathos, above tragedy, and gives conviction and purpose to our efforts.

I realize, as we all do, that there are strains in our Government and in our society, and there are some who believe they cannot be healed, that they cannot be corrected. I do not think that. I believe that our system of government is the best in the world. I believe that these divisions, these wounds, these strains can be corrected. In saying that, I have great hopes for Congress and particularly for the Senate, for its 100 Members, because I believe that with their character and intellect and love of this country they can help heal and bind the wounds of our Nation.

I would like to repeat the words of Lincoln, who near the close of the Civil War, said:

> Thanks to all for the great Republic, for the principles it lives by and keeps alive, for man's vast future. Thanks to all.

The principles which were expounded by him and by Woodrow Wilson and many other great leaders, I believe encompass equal justice under law for all, liberty, compassion, equal opportunity, the determination to make this country not only a symbol but a living example of the very best of our country and its people for the world.

A French philosopher of the 17th century, Malebranche, said:

> Lord, the truth is for thee alone. Give me the pursuit.

I know that this body will continue in its search for truth, truth as applied to the country, truth as applied to the people. I can only say that I am grateful that I have been here. Thank you.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a subcommittee of the Committee on the Judiciary and the Committee on Armed Services be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL CONTRIBUTIONS

Mr. HARRY F. BYRD, JR. Mr. President, on the Senate Calendar is a bill (H.R. 15276) amending the law governing political contributions. It proposes an easing of restrictions on political contributions.

I question whether that is the way we should be moving. On the contrary, I feel, we should be making the law governing political contributions more restrictive rather than less so.

I recognize that the legislation pending on the Senate Calendar is of limited application. It would apply only to firms receiving Government business and unions representing the employees of such firms. Also, I understand that the proposed easing of the law does not sanction outright donations by these corporations or unions, but only specific types of purportedly voluntary contributions.

Nevertheless, it seems a step in the wrong direction.

If we are going to change the political contribution laws, let us consider how we can prevent single contributors from making enormous donations—sometimes many thousands of dollars to one or even both sides in an election campaign—through a multiplicity of dummy campaign committees. I think the potential for improper influence in such huge contributions is far more dangerous than any imagined restriction of political liberty in the present law.

Mr. President, in that connection the senior Senator from Kentucky (Mr. COOPER) and I later today will introduce an amendment in the Senate to limit the amount of contributions that can be made by any individual to a political campaign. That amount will be $50,000.

The Senator from Kentucky and I will discuss the amendment at a later date when it is presented. However, I am most pleased to associate myself with the distinguished senior Senator from Kentucky in presenting this proposal. I think it is very important that a ceiling be placed on the vast amounts of money that have been contributed to political campaigns. And this applies to both political parties. It is not a partisan issue. It is not a party issue.

We have had instances where persons have contributed hundreds of thousands of dollars to a political campaign through using a multiplicity of committees. One individual in Texas contributed $300,000 to the primary campaign of a Democrat seeking nomination. And now more recently this individual has contributed $257,000 to the Republican candidate for President. So it is not a party issue.

We can take the State of New York in a little different context, which will not be touched by the amendment to be offered by the Senator from Kentucky and myself. In the State of New York in 1970 the Democratic candidate for the Senate—according to public reports that have not been denied—and his family contributed a total of $2 million to his campaign.

The Republican Governor of that State—according to public reports—and his family contributed $5 million to his campaign.

It seems to me that it is very bad for our country when such huge sums of money can be plowed into political campaigns. An effort will be made by the Senator from Kentucky and myself to limit the amount of money that can be contributed by any individual to any political campaign.

No new legislation is needed to protect the right of any citizen to make a political contribution.

No sanction for special organizations, sponsored by corporations or unions, is required to safeguard individual rights.

No American is barred by Federal law from simply writing a check to his party or campaign committee.

The real trouble is that some of those checks are entirely too large and too numerous.

Published reports indicate that some individuals have made astoundingly large contributions to the current presidential campaigns.

Stewart Mott, the General Motors heir, is reported to have made gifts and loans to the McGovern campaign totaling as much as $375,000.

A retired Texas rancher and auto dealer, Walter T. Duncan, is listed as a $275,000 contributor to the Nixon campaign—after contributing $300,000 to the pre-convention campaign of Senator HUMPHREY.

And as I have pointed out, wealthy candidates have spent huge sums on their own behalf in some campaigns of the recent past.

Former Representative Richard L. Ottinger, of New York, reportedly spent at least $2 million of his family's money in a 1970 Senate race.

In the same State, and the same year, Gov. Nelson Rockefeller reportedly spent $5 million of Rockefeller money in his most recent reelection campaign.

Emormous amounts like these, spent by candidates and their supporters, are in my view a threat to the democratic process.

So I say let us not ease the restrictions on political donations. Instead, let us tighten them up so that big concentrations of wealth do not become big concentrations of political power.

ALCOHOLISM AND DRUG ADDICTION WITHIN THE ARMED SERVICES AND CIVILIAN LIFE OF OUR COUNTRY

Mr. HUGHES. Mr. President, on Monday of this week I took the floor of the Senate to express my profound concern over what I believe to be a growing national complacency with regard to the terrible scourges of alcoholism and drug addiction with the armed services as well as in civilian life of our country.

As a Nation, we do have a tendency to focus our emotions and attention on a particular problem, and then, after taking a first step toward a solution in the form of legislative action, our attention wanders. All too often this tendency is encouraged by official spokesmen who, however well-intentioned, make statements that victories are being won when, in fact, the battle is still in serious doubt.

In this case everything is not under control. We have a long way to go. There has been commendable progress, but there has also been coasting and regression.

This morning I want to discuss in more detail some of the difficulties that have arisen in the efforts of the armed services to cope with drug abuse and addiction.

Title V of the Draft Extension Act of 1971 directs the armed services to identify, treat, and rehabilitate. In response to an Executive order of the President in June of 1971 the services had begun a large-scale program for identifying heroin users among our forces in Vietnam. This program was expanded to cover our military personnel throughout the world.

Identification is still the cornerstone of the military approach to drug abuse, and the statistics produced by the identification program have been widely published to prove that heroin usage by our personnel in Vietnam was being successfully discouraged. Information obtained over the past several months by the staff of our subcommittee now suggests that these statistics have always been doubtful because the scientific methods by which heroin usage was measured were defective.

One of the unpleasant aspects of the fight against drug abuse in the armed services has been the requirement that all personnel submit urine specimens for laboratory analysis. Personnel are tested before leaving Vietnam, or before transfer from duty stations elsewhere in the world. They are also tested in randomly selected groups at other times in order to catch those who are abusing drugs and are thus in danger of addiction, and, of course, to discourage drug experimentation.

Under this system it is obvious that laboratory accuracy is vital. A false positive; that is, a result indicating that a person has used drugs when in fact he has not, is bad enough, but it is at least subject to a second analysis. Perhaps worse is the false negative. This not only reinforces the drug user's belief that he can "beat the system," but it means that he will probably not get the treatment he needs, and in the meanwhile, he may induce others to experiment with drugs.

In spite of these dangers, the armed services have been slow to take the steps necessary to insure acceptable levels of accuracy in either the military or the commercial laboratories performing analytical work under contract. In addition to using proper equipment and trained laboratory technicians, the standard procedure for insuring accuracy is the insertion among the regular shipments to a lab of controlled samples, unidentifiable by the laboratory, containing measured quantities of drugs. On return of all the statistical results from the laboratory, the accuracy scores on the control samples are calculated. This method is repeated at appropriate intervals and with a sufficient number of control samples to provide statistically valid results.

During our subcommittee hearings early this year I questioned the witnesses from the Defense Department in considerable detail on the problem of accuracy and the need for safeguards. They were shown the figures that had already been obtained by the subcommittee staff proving that the accuracy of the commercial labs then under contract was erratic and almost consistently substandard. I was given to understand that corrective action would be taken and that the military laboratories were superior. Indeed, I was assured that there was no need for the system of external control samples in Vietnam because the procedure used there insured almost 100-percent accuracy.

Soon afterward all of the military and commercial laboratories involved were included in the control sample system administered by the Armed Forces Institute of Pathology, except the laboratories in Vietnam. With considerable difficulty and delay the staff has been able to obtain the weekly accuracy figures on all the labs in the Armed Forces Institute's system. Most of the laboratories are still performing below standard and their scores from week to week are erratic. Only two—a Navy lab and one of the commercial labs—are showing a consistently high quality of performance.

Because of the reduction of the number of military personnel in Vietnam, three of the four Army laboratories in Vietnam have been phased out and only one remains. In June it was brought into the control system of the Armed Forces Institute of Pathology.

It was only recently that the Subcommittee on Drug Abuse in the Military managed to obtain from the Defense Department any data at all on accuracy of the four labs. This information was based not on external controls but on control samples processed by Army technicians in Vietnam.

These figures suggest that the four labs operated at accuracy levels of between 91 and 96 percent over a 7-month period from October 1971 through May 1972. These are highly satisfactory scores. Unfortunately they are based on only 182 samples—for a group of four labs which in a year's time have analyzed some 660,000 samples. Thus, there was little statistical validity in this report. Moreover, when the remaining lab was brought into the external control system in June of this year, its first reported accuracy score was only 72 percent, far below the 91 and 96 percent.

I remind my colleagues that these were the laboratories producing the statistics which have been publicized during the past year to prove a decline in heroin usage in Vietnam. We can assume a decline because of the reduction in the number of military personnel in Vietnam, but I submit that these figures have never given us a reasonable basis for assessing the severity of the heroin problem in Vietnam.

Members of the Senate may also be interested to know that only one of the nine other military laboratories in the Defense Department's system is consistently operating at an accuracy level of better than 90 percent. Of the two commercial laboratories having large military contracts, one has begun to do well, but the other has an average accuracy score of only 74 percent.

The contractual arrangements with the commercial laboratories have also aroused my concern. Until last spring three labs were operating under 6-month negotiated contracts. Bids were then invited on 1-year contracts effective July 1. Although none of the three labs had had consistently good accuracy scores, two of the three succeeded in being selected, even though the prices they offered were relatively high. Several of the other bidders have protested to the General Accounting Office, which is now investigating the situation. There are indications of ineptitude on the part of the Army in its selection process, and I can assure the Senate that the subcommittee staff will continue its investigation.

In addition to the problem of inaccuracy, the identification process is subject to other distortion and abuses.

In August during the Senate's recess I sent a subcommittee staff member to look into the situation at our bases in Germany, where we have far more men than are now in Vietnam, and we also have large numbers of military dependents. He found great skepticism regarding the utility of the urine-screening program in Germany. For example, the Air Force had figures showing that out of 49,000 tests performed on its personnel in Europe, only 205 produced positive laboratory results, and of these, only eight were confirmed as drug abusers. The Air Force laboratory has an overall accuracy rate of only 62 percent since last March.

Further problems in Germany were long delays in receiving lab reports, and indications that the random selection for testing rule was being used in some units either to harass individual men suspected of wrongdoing, or to select for tests only those men known not to be using drugs and thus to submit highly favorable unit reports.

At this point a word of explanation may be needed with regard to drug abuse among our forces in Germany. In the past heroin was not a serious problem there. However, it is agreed to be on the increase. Thus far, the primary drug of abuse is hashish, which is not detected through the laboratory analysis currently in use. Barbiturates, amphetamines, and some of the other psychotropic substances are abused. Therefore, statements that heroin usage among our forces in Germany is still relatively low do not necessarily indicate that the drug problem is minimal.

A tragedy of the drug abuse problem is that it has infested many of the communities of military dependents. In Bangkok, where heroin of high quality has been available on the streets at 50 cents a fix, a serious problem has developed among students at the American dependents' school. Dependents in the Philippines have also become involved with heroin, and in Germany American teenagers are affected by the example of the young military men as well as by young transient drug abusers from various countries.

I regret that one of the first proposals for dealing with this problem among dependents has been that they ought to be subjected to the same kind of mass screening program as are military personnel. This idea may seem superficially attractive, but it is studded with pitfalls which have been quickly recognized by all concerned—parents, children, school administrators, and military commanders.

In addition to its potentially damaging effect on family relationships, the identification of a military dependent as a user of illicit drugs presents very serious legal issues. These dependents are not subject to the Uniform Code of Military Justice, nor would they be protected by American law. In some countries a military command having knowledge that a dependent has broken the criminal law of the host country has a duty to transmit that information to local police and the dependent may be prosecuted according to the law of the host country. It can be seen that if this procedure of requiring urine tests of all military dependents in foreign lands were to be adopted, it would present numerous serious complications.

All of those contacted by our staff who are directly concerned with the problem of dependents urge that the proposal for mass screening be abandoned. They are pleading instead for more resources and interest in constructive youth activities programs, and above all for more professional psychiatric and counseling personnel in every area. We have found an urgent need for family counseling services, not simply to cope with the problem of drug abuse but to help with the stresses and strains on military family life in foreign countries.

In my opinion it would be far wiser of responsible officials in the Department of Defense to heed that kind of plea for help than to experiment with any proposal for the mass screening and identification of drug abusers among military dependents that could lead to abuses more harmful than any potential benefits.

Mr. President, the Department of Defense is continuing to insist on a permanent identification of drug abusers by means of its code number labels known as SPN numbers, which appear on the military discharge papers that must be furnished by veterans applying for jobs or seeking admission to schools or professional organizations. Our hearings earlier this year revealed that the SPN code, although it contains many innocuous numbers, also contains numbers indicating discharge for alcohol abuse, drug abuse, and for various other psychological or physiological conditions considered to make a man unsuited for military service. There are also numbers for such vague and ominous reasons as "for the national security" or for the "good of the service."

The Defense Department maintains that the numbers offer more confidentiality than would words, and perhaps this is adequate assurance for some. However, the SPN code has been easy to obtain. Newspaper reports quoted a personnel officer in a major corporation to the effect that the code was used regularly in considering the job applications of veterans.

Following our hearings the Defense Department conducted a study of the code system to determine whether it should be altered or eliminated. Finally, a few weeks ago the Department informed me that it had decided not only to retain the system but to use additional numbers indicating new and more refined categorical reasons for discharge. Confidentiality is to be safeguarded by changing all the old numbers and keeping the new code away from the public.

Mr. President, given the normal ties and the flow of information as personnel specialists move in and out of military service, I know of no way in which such a list could be kept from any civilian business or institution having an interest in it. During this past year I have heard from a number of men who were denied jobs or admission to college, or were otherwise hurt by the damaging SPN numbers. These incidents have occurred sometimes many years after the original condition has been corrected.

I cannot agree with the Department of Defense that use of these numbers has any real utility that justifies the permanent injury they may cause. If such information must be transmitted to the Veterans' Administration or to the Selective Service System, it can be furnished by other means. This Government has no right or duty to affix to any veteran a label revealing information which in most civilian settings a citizen is free to withhold or disclose as he chooses.

As a practical matter we know, from veterans' counselors and drug program administrators throughout the Nation, that the best hope for preventing drug abuse and for insuring the permanent recovery of those who have been treated is the opportunity for a decent job. They have pointed out again and again how the SPN number has become a barrier to this opportunity. I am convinced that the Department of Defense must end this punitive practice and face reality.

Mr. President, the record will show that I voiced my concern about seriousness of the drug abuse problem in our Armed Forces long before the military acknowledged the problem or the public was aroused about it.

When Mr. Nixon announced his drug counteroffensive, I praised him for this action and gave the effort my full support. I applauded the President's choice of the person to head the Special Office of the White House as a wise appointment, for Dr. Jaffe was known to me to be a man of high professional standards and competence.

As the military moved to set up their drug programs, I commended their zeal and efficiency. At the same time, I warned about the possibility that a program so admirably begun might regress or miscarry in some respects. This, in my judgment, has happened; hence I have taken the floor to share my concern with my colleagues.

I have thus far touched on only a few aspects of the drug abuse control program in the military. In the future, I hope to complete my appraisal of the status of the Drug Problem U.S.A. as it affects both civilian and military sectors of our society.

DESIGNATION OF THE OLD SENATE OFFICE BUILDING AS THE RICHARD BREVARD RUSSELL OFFICE BUILDING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1106.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 296) to designate the Old Senate Office Building as the "Richard Brevard Russell Office Building."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the word "Resolved" and insert:

> That insofar as concerns the Senate—
>
> (1) the Senate Office Building referred to as the Old Senate Office Building and constructed under authority of the Act of April 28, 1904 (33 Stat. 452, 481), is designated, and shall be known as, the "Richard Brevard Russell Office Building"; and
>
> (2) the additional office building for the Senate referred to as the New Senate Office Building and constructed under the provisions of the Second Deficiency Appropriation Act of 1948 (62 Stat. 1028), including any extension to such building, is designated, and shall be known as, the "Everett McKinley Dirksen Office Building".
>
> SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to either building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.
>
> SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the buildings referred to in the first section of this resolution to commemorate and designate such buildings as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Michigan rise?

Mr. HART. To speak in opposition to the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HART. Mr. President, this is not an easy comment to make, but I feel deeply that the Senate is making a mistake in undertaking, so quickly after the death of two very brilliant former Members of this body, to name those two permanent buildings in their honor.

This is not to suggest that I doubt that Richard Russell and Everett Dirksen were impressive and effective Senators. All of us know them to have been exactly that, and perhaps history's estimate will suggest that they were vastly more than that. But I thought we had learned that it is unwise to anticipate history's verdict. I thought we understood that no longer would we, very quickly after the tragic loss of friends, undertake to memorialize them as against scores and scores of others who perhaps have departed longer and with respect to all of whom history's verdict has yet to be received.

Is it not a little awesome or worse that we of the 1970's, the group here, should pick among our own? What about those who have preceded us? One of these two office buildings has been here for about 60 years, both will be here for many generations.

Recall the preliminary study that was made in the 1950's, the thoughtful review made before the Rules Committee recommended five Senators whose portraits were to be installed in the reception room of this Chamber.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that we may proceed for 2 minutes before the hour of controlled debate begins, and that morning business be extended similarly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, the Senate created a special committee to make that study. Senator Russell honored that committee by being one of its five members, as did our majority leader. They canvassed some 150 historians and political scientists. The special committee evaluated their tabulation and the recommendations of the scholars. The committee reported that:

> 3. Although no member of our panel of scholars recommended the identical 5 names, a majority suggested 4 of the same 5 (always omitting a different one); and Clay, Webster, Calhoun, and La Follette were among the top 5 receiving the most endorsements from this panel. The same 4 names were also among the top 5 receiving the most endorsements from those Senators who responded to our inquiry; and the late Senator Taft, whose name completes the 5 recommended by our committee, was the first choice of the Senators who responded and among the first 10 in the poll of scholars.
>
> 4. The committee recognizes that objections can be raised against each of the 5 selected, just as they can be raised against all of the more than 65 names suggested.

Mr. President, study the record of that committee report—May 1, 1957, Mr. Kennedy as chairman—and you will understand why, with reluctance, I speak against and will vote against this resolution.

As I conclude, I affirm again, that Senator Russell and Senator Dirksen were giant figures.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will explain to the Senator

from Michigan that the Chair was calling time under the unanimous-consent agreement that the unfinished business was to be laid before the Senate at 11 o'clock.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended 2 additional minutes and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield that time to the Senator from Michigan.

Mr. HART. Mr. President, I hope I have made plain that it is not a lack of respect for the two men whom we would honor by naming those two buildings. That is not so. But I do feel that we are acting unwisely.

I cannot presume to suggest how the two men whom we propose to honor would feel about this; but I think they would be perfectly comfortable in letting us first consult with students of history and then let history have a little time to make suggestions to us.

I thank the assistant majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Michigan. I have a brief statement which I shall not make now because of the hour but which I shall make later today. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended—putting the question.

Mr. HART. I vote "no."

The PRESIDING OFFICER. The resolution (S. Res. 296) is agreed to.

The title was amended, so as to read: "Resolution to designate the Old Senate Office Building and the New Senate Office Building as the 'Richard Brevard Russell Office Building' and the 'Everett McKinley Dirksen Office Building', respectively."

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. The hour of 11 o'clock having arrived and the time for which morning business was extended having expired, the Chair, under the previous order, lays before the Senate the unfinished business, H.R. 13915, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 13915) to further the achievement of equal educational opportunities.

The PRESIDING OFFICER. The period of 1 hour from now until the mandatory quorum call prior to the vote on cloture is to be equally divided between the Senator from New York (Mr. JAVITS) and the Senator from Michigan (Mr. GRIFFIN).

Who yields time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time already used for the continuation of the morning hour be considered as within the hour for the discussion before the vote on the cloture proposal. The quorum call will occur at 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if the other side does not wish to use time at the moment, I am prepared to yield 15 minutes of our time to the Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. The Senator from Connecticut (Mr. WEICKER) is recognized for 15 minutes.

Mr. WEICKER. Mr. President, once again I wish to express my thoughts on the matter before the Chamber.

Let us look for 1 minute at the finger pointing occurring on the issue of busing. There are those who point the finger at the courts of the United States. They say the courts are the ones that are at fault that if it were not for the courts, we would not have a problem; we would not have the disruption, the emotion, the hysteria; it is all the fault of the courts.

Does anybody in the Chamber or outside of it think that it is the fault of a Justice of the Supreme Court, or the fault of a judge of the district court, or of a court of appeals, that thousands of children in this country do not have available to them excellent educational facilities?

There are those who like to point the finger at individual Representatives and Senators—such as the distinguished Senator from New York (Mr. JAVITS)—saying it is their fault that we are having this trouble with education.

Is there any Senator or anyone else who would say it is the fault of the Senator from New York that we have deficiencies in our educational system when, in fact, the distinguished senior Senator from New York and the distinguished senior Senator from Michigan (Mr. HART) have fought all their lives for excellence in public education?

Then there are those who say, "Well, it is the fault of the Constitution. The Constitution was not written right. Something is wrong with a Constitution that permits all this disruption." It is even said that the constitutional provision permits a difference of educational opportunity in the United States. Now I do not think I have ever read that the Constitution provides for separate but equal education.

Let us stop the finger-pointing for these kinds of reasons. They do not hold up.

We do know one fact: that is, equality of educational opportunity is not available to all children in the United States. We can all agree on that. It is not available. To say anything other than that is just to close one's eyes.

That being the fact, how did we arrive at the present state of confusion. The fact is that we had State laws in the United States that said that all men were not equal. And as that flew directly in the face of the Constitution of the United States, it was bound to come to a troubled end sooner or later. And then we had the doctrine of "separate but equal." Again, completely beyond what the Constitution of the United States said.

Then we decided by our inaction we would not make an adequate investment in educational facilities. Then we had no legislative program. Then we created housing programs and left out education. And we created education programs and left out housing.

These are valid reasons as to why we find ourselves in today's educational hysteria.

It is not some judge or some Federal court, and it is not Senator JAVITS or Senator WEICKER who created the busing problem. It is not the fault of some citizen who is out there working for equality of educational opportunity. It is not the Constitution of the United States that mandates busing.

Yesterday I suggested that we do have an alternative to this busing proposition. I know of no one here who advocates busing as a solution to the problem of equality of educational opportunity. Let us make that plain. This is not a probusing and antibusing proposition. The issue is that some people feel that there is a cheap way of bringing about a catch up of equality in the United States.

I estimate that if we really want to know what the figures are, it will cost us $12 billion to create the necessary educational facilities and an additional $12 billion to create the additional housing which I think necessary to a real solution of the problem. That involves a cost of $24 billion.

That comes to about $210 per taxpayer.

Now, to the proponents of the bill, I say they should not go around and give the impression to the people of the United States that there is no cost to what is being proposed. They say that tampering with the Constitution is free.

I think we ought to tell them what may seem to be painless to us will be deadly for the future of the United States.

Madam President, I would also like to say that if my colleagues do not want busing, they should be willing to ask every one of the voters in the country to spend $210 to obviate busing and create equality of educational opportunities.

I do not know of anyone doing that. All I hear is that we can have equality of educational opportunity and it is not going to cost anything.

There have been 200 years of either no action or going slow, and they say that we are going to bring everybody up to one level of equality of educational opportunity at no cost.

I think it is time for the proponents of this measure to explain in detail its costs to the American people. If they want to contest my figures, they are perfectly entitled to do so. I think it is up to them to say, "Yes. We believe in equality of educational opportunity for every American." Or maybe I am mistaken. Maybe some do not believe in that. Then they ought to say that also. But if they say that they believe in equality of educational opportunity, then I think it is necessary for them to lay out very carefully what the cost would be to achieve that status.

My figure is $24 billion. It is not $2.5 billion of reallocated funds. And that, in my book, comes to $210 per taxpayer.

I cannot think of a greater investment. Somebody will have to say, however, that there is no painless solution to the problem that confronts the United States today.

The impression is given that what we are talking about here falls in the category of welfare-type legislation, that we are handing something out. In fact we are not handing out anything.

I think each of us would agree that a decent education is something that every American should have, and that equality of educational opportunity is something that must be available to every American.

This is not social tinkering at all. It is a fact that every child in the United States of America should have an equal educational opportunity. And believe me, if we make that kind of investment, many of the problems such as welfare and unemployment among the unskilled would diminish appreciably.

Madam President, in conclusion, I would like to get to the essence of what confronts the Members of the Senate. It comes down to the whole question of leadership. If logic cannot prevail on the Senate floor, where? If the dignity of the human being cannot be championed here on the Senate floor, where? If the whole concept of equality in the United States of America cannot be upheld here on the Senate floor, where?

As I stated yesterday, for those of us who have gone into politics, 99 percent of the time spent being Senator is a great job. We have involved our lives with the lives of millions of others. It is exciting. Every Senator in this Chamber today has succeeded because the great majority of the people believed that he would fight and win for them. The glory and the publicity is all there. But 1 percent of the time it gets a little rough, and those are the times when the Senate is called upon to exert leadership; not to follow along with the misconceptions, ignorances and prejudices that are bound to occur in any group of human beings, but to give leadership to that group and remind them what this Nation stands for.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. Madam President, will the Senator yield to me for 3 additional minutes?

Mr. JAVITS. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 additional minutes.

Mr. WEICKER. As I said yesterday, we are not only second, third, and fourth generation English, Polish, Italian, German, or Irish; these are nice things to be, but everyone of us in this Chamber is second, third, and fourth generation uneducated, untrained, and uncared for. That is not so nice to remember, but it is true. If we understand that, we understand what the United States of America is all about. It is not a finished book. There is as much need and there is as much to do today as there was 10, 15, 20, 30, 50 years ago. That is what this fight is all about. There are those who say, "We have made it in education." We have; many have not. Their opportunity should be just as bright as ours.

Fortunately, because of the greatness and goodness of our country, many people have made it. Now they look upon our Nation as a club rather than a concept. And apparently there are some new requirements to come in through the front door. I am against those requirements and I am saying that every Member of this body should be also. Those doors should be wide open, as wide open as they were on a national scale to the world around us. The doors of opportunity must also be open for Americans in America.

The job of seeing that those doors stay open is the job of the leadership of the country. Certainly, I would hope that leadership includes the U.S. Senate.

I yield back the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Madam President, I would like to reserve the remainder of my time. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from New York has 9 minutes remaining.

Mr. HART. Madam President, will the Senator yield to me for one-half minute?

Mr. JAVITS. I yield 1 minute to the Senator from Michigan.

Mr. HART. Madam President, I rise simply to thank the Senator from Connecticut for the comments he has made. He has an ability to bring into focus that which is basic and effectively remind us that our responsibility is not to determine that which is popular but rather to seek answers.

Mr. JAVITS. Madam President, I, too, join in thanking the Senator from Connecticut, who is a new, fresh voice in the Senate, and it is very salutary. It reminds me of what was said here this morning about Senator Russell, who probably would not have been on our side in this debate, but always spoke so highly of our duty, and that is what the Senator from Connecticut is calling us to in the Senate.

Mr. ALLEN. Madam President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Madam President, during the last few days I have heard these arguments made against H.R. 13915: First, the argument is made that it only restates the present law; second, that it carries us back to 1954; and third, it is unconstitutional.

How inconsistent can you get? If it restates the present law, how could it be unconstitutional? If it is unconstitutional, what worries do the opponents of the bill have? Do they worry that the same remedies that are applied to school systems in the South will also be applied to other sections of the country? Is that what they are worried about? If the bill is unconstitutional, there will be nothing to worry about from the standpoint of the opponents of the bill because it could not then carry us back to 1954. It would be stricken down in a matter of weeks.

I call attention to the case of Drummond against Acree, decided by Mr. Justice Powell, not by the full Court, on application for stay of a busing order on September 1, 1972, which construed an act of Congress, Public Law 92–318, which became effective June 23, 1972. So on September 1 the Court, or Mr. Justice Powell, was construing that enactment of Congress.

This very decision makes imperative that something be done, that a new enactment be made, because Mr. Justice Powell has made a nullity of any limitation provided by that bill. I make specific reference to two specific provisions of that law. By the way, this language came out of the conference committee on which conferees from the Committee on Labor and Public Welfare represented the Senate. This language was intended to furnish some relief from massive forced busing orders, as in the case of Richmond, Chesterfield, and Henrico Counties, in Virginia, where they were moved from one political subdivision over to another. Two sections in this bill were construed. One said there should be no Federal funds for providing transportation to overcome racial imbalance, or two, to carry out a plan of desegregation.

So the inference is, they said there could be no funds for those purposes, even for carrying out a plan for desegregation. But when the wordsmiths who fashioned the language providing a stay worked out that phrase they said there should be a right to apply for a stay of a busing order in cases providing for transportation of students for the purpose of achieving a balance among students with respect to race.

Well, it was thought here in Congress that that was going to provide relief in such a case as the Richmond case; but, No, said Mr. Justice Powell in the Augusta, Ga., case, cited above.

Mr. Justice Powell says:

> No, that is not applicable in the Augusta case. That is not a case of providing for racial balance. It is breaking down unlawful segregation.

So there is no field of operation for a prohibition against busing to achieve racial balance because the Supreme Court has said:

> You cannot have strict racial balance. Yes, you can use racial balance as a starting point but you cannot have that as a formula.

So there is absolutely no field of operation, and that is what came out of the conference committee. Apparently if the stay had been provided for orders carrying out a "plan of desegregation" rather than an order "to achieve racial balance" it would have been upheld.

So let us legislate what is needed, and this bill provides necessary legislation. It provides that, on a desegregation order, there shall be a certain priority of remedies that the Court may apply before it gets down to busing, and these remedies must be applied in all Federal courts according to that priority. It is a guideline, not affecting substantial rights, but affecting remedies, and they must apply the remedies uniformly throughout the country.

I was interested in the remarks of the distinguished Senator from Connecticut (Mr. WEICKER) in which he traced the history of the equal protection laws and separate but equal status for schools in the South, which was the law of the land from 1896 to 1954. He stopped off with separate but equal.

What the Supreme Court did in 1954 was to say that a State cannot make assignments of public school students on the basis of race. That is perfectly all right. We agree with that, and I stand 100 percent behind that proposition of law—that for there to be equal protection under the law, there can be no assignment by the State based on race.

What has the Supreme Court done? It has changed that ruling. It has changed its course 180 degrees, and now they say that there must be assignment on the basis of race. So if we just had the Brown case of 1954 there would be very little argument, but now the Supreme Court says that in the section of the country where I came from we must assign on the basis of race in order to break down so-called de jure segregation.

But there is nothing requiring any breakdown or desegregation of the type of segregation that exists in areas of the North, where the distinguished Senator from Connecticut comes from. I daresay there are no desegregation orders in Connecticut, and probably very little busing there. But all the legislation Congress has passed on this subject has protected and has fostered the continuation of segregation as it exists in the North, while at the same time providing for the forced, immediate desegregation of schools in the South.

The Senator from Connecticut went pretty far afield when he was discussing the fact that it would take $24 billion, I believe, to provide equal educational opportunity for all children, and he challenges the sponsors of this legislation to come up with such a proposal. We are not coming up with any such proposal as that, but I call the attention of the distinguished Senator to the fact that this bill does make an authorization of $500 million for the purpose of aiding educationally deprived children. So to that extent, something is being done.

What is the Senator offering in lieu of that? All he does is get up here and talk about the evil of the antibusing legislation, so-called—though I submit this is not an antibusing bill. He speaks of the dignity of human beings. We all stand for that.

The **PRESIDING OFFICER.** The Senator's time is expired.

Mr. **ALLEN.** I yield myself 1 additional minute.

But does it add to the dignity of any child or any group of children to tell him or them that he and others of such minority race must be transferred from one end of the town to the other, or from one section of the county to another, in order to guarantee that he or they will be mixed with children of a different race and that that is the only way they can get a quality education, by providing for the mixing of bodies? I submit that that attitude is a discredit to the member of a minority race, and certainly it does not promote the dignity of human beings.

Madam President, I concur in the judgment of many that H.R. 13915 is one of the most important bills to come before the Senate in many years. I am distressed and perplexed by the fact that some liberal members of the Senate continue to block a vote on its merits. It seems to be conceded that the bill would pass if it could be brought to a vote. Yet, there is a determined effort to thwart the will of the House and the overwhelming sentiment of the people against excessive busing.

Madam President, looking back we can recall that for 2 years the Senate has had before it bills which recognized a pressing need to curb excessive busing and which proposed solutions in one form or another.

We have heard the shocking evidence of chaos and monumental disruption in public schools resulting from a multitude of harsh and inconsistent court decrees issued by U.S. district court judges. At times busing orders have required massive forced busing and cross busing to such an extent as to shock the consciences of persons of compassion. We know that some busing orders have resulted in unbelievable overcrowding; that children have been compelled to attend classes held in school auditoriums, cafeterias, libraries, and even cloakrooms that they have been subjected to inadequate health and sanitary conditions; they have been bused and cross bused as though they were chattels without consideration for the health and safety of the children and without adequate regard for the will and wishes and best judgment of parents and local school officials. Yet, a determined band of Senators seem bent on preventing legislative redress. They urge that we continue to let Federal court judges continue to exercise their discretion in these matters.

Yet, there has been so much confusion from the standpoint of constitutional law in this area that the U.S. Supreme Court has felt constrained to step in on several occasions in an effort to restore a degree of order out of near hopeless chaos. And Congress, too, has acted but without avail.

As recently as June 8, 1972, the House and Senate agreed to a conference report on the Emergency School Aid Act in which Congress undertook to provide Federal court judges and the executive with statutory curbs on excessive busing by denying the use of Federal funds to compel busing.

It is interesting to note that many of the provisions of the bill before us not only implement provisions of the Emergency School Aid Act but also take the essential additional step of providing statutory remedies in lieu of equitable remedies heretofore imposed in the sole discretion of U.S. district court judges.

Too, this bill provides much needed assistance to Federal courts and the executive branch by providing a sequence of remedies and combinations of remedies which are uniform throughout the United States but which are sufficiently comprehensive as to be adaptable to differing situations in separate school systems.

More importantly, section 403(c) relieves local school boards of the responsibility to continually modify and resubmit desegregation and busing plans to compensate wholly or in part for racial shifts in school populations within a school system once a court of competent jurisdiction has found such system to be desegregated, or to be a unitary system, or one that has no vestiges of a dual system, or one which otherwise meets constitutional standards.

Furthermore, section 407 provides for termination of court orders which require transportation to remedy a denial of equal educational opportunity—to the extent of such transportation—when it is determined that such school system is not effectively excluding any person from any school because of his race, color or national origin. This language defines a unitary school system and a unitary school system is all that is required by the Constitution.

In section 408, court orders requiring desegregation of schools, and not merely transportation of students, shall be terminated after a defendant educational agency is found to be operating a unitary school system. Such termination shall apply whether or not such school system was in the past segregated de jure or de facto.

Madam President, these provisions are dictated by commonsense. Everyone must know that the Constitution does not vest in Federal courts in perpetuity a power to keep local public school systems in a state of suspended chaos and uncertainty resulting from permanent supervision and control of local public schools.

Furthermore, it is unquestioned that Congress has the power to substitute statutory remedies for equitable discretionary remedies as may be imposed by U.S. district court judges in their sole discretion in the enforcement of rights protected under the 14th amendment.

Madam President, I am convinced that the bill is constitutional—I am convinced that it provides adequate remedies at law—I am convinced that it will help prevent further abuses of judicial and executive powers and that it will establish a sound foundation for the operation of nondiscriminatory school systems throughout the United States and, thus, a foundation for a return of the right and power to local school officials to operate, manage, and control their separate systems in a manner consistent with constitutional requirements.

Madam President, the provisions of the bill before us are constructive, they are desperately needed, and they are not inconsistent with any binding ruling by the U.S. Supreme Court.

The **PRESIDING OFFICER.** The Senator's additional minute has expired.

Mr. **ALLEN.** I yield myself 1 additional minute.

There are so many pressing problems confronting our Nation, such as war and peace, the plight of our aged, inflation, national defense, crime in the streets, pornography, and the ongoing encroachments of socialism. It seems to me that the Senate could spend its time more profitably by seeking solutions to these problems than in killing time of the Senate in an attempt to prevent the enactment of constructive legislation of the type represented by this bill.

I urge Members of this body to set

aside their preconceived prejudices and to join hands with those of us who seek a final and just solution to the problems presented in the desegregation process.

Madam President, I ask unanimous consent to have printed in the RECORD the Supreme Court case of Drummond et al. against Acree et al. to which I previously referred.

There being no objection, the case was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States, No. A-250 (In re Case No. 72-167, Sept. 1, 1972]

DRUMMOND AGAINST ACREE

(Ann Gunter Drummond et al, v. Robert L. Acree et al., reapplication for stay)

Mr. JUSTICE POWELL, Circuit Justice.

This application, filed by parent-intervenors in this school desegregation case from Richmond County (Augusta), Georgia, seeks a stay of a judgment of the Court of Appeals for the Fifth Circuit. That court, on March 31, 1972, affirmed an order of the United States District Court for the Southern District of Georgia adopting a plan for the desegregation of 29 elementary schools in Augusta. *Acree* v. *County Board of Education of Richmond County,* 458 F. 2d 486 (1972). After the Fifth Circuit's affirmance, I denied a stay because that relief had not been requested from the appropriate Court of Appeals as required by Rule 27 of the Supreme Court Rules. Applicants immediately sought a stay from the Fifth Circuit, which was denied.[1] Applicants have now reapplied to me.

This reapplication is premised solely on the contention that a stay is required under § 803 of the Education Amendments of 1972. That section reads in pertinent part as follows: "in the case of any order on the part of any United States District Court which requires the transfer or transportation of any student . . . *for the purpose of achieving a balance among students with respect to race* . . . , the effectiveness of such order shall be postponed until all appeals . . . have been exhausted . . . ." Education Amendments of 1972, Pub. L. 92-318, § 803 (June 23, 1972) (emphasis added).

By its terms, the statute requires that the effectiveness of a district court order be postponed pending appeal only if the order requires the "transfer or transportation" of students "for purpose of achieving a balance among students with respect to race." It does not purport to block all desegregation orders which require the transportation of students. If Congress had desired to stay all such orders it could have used clear and explicit language apropriate to that result.

In § 802(a), which precedes § 803, Congress prohibited the use of federal funds to aid in any program for the transportation of students if the design of the program is to "overcome racial imbalance" or to *"carry out a plan of desegregation."* Education Amendments of 1972, Pub. L. 92-318, § 802(a) (June 23, 1972) (emphasis added). It is clear from the juxtaposition and the language of these two sections that Congress intended to proscribe the use of federal funds for the transportation of students under *any* desegregation plan but limited the stay provisions of § 803 to desegregation plans that seek to achieve racial balance.

In light of this Court's holding in *Swann* v. *Charlotte-Mecklenburg Board of Education,* 402, U.S. 1 (1971), it could hardly be contended that Congress was unaware of the legal significance of its "racial balance" language. In that case the school authorities argued that § 407(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 restricted the power of federal courts in prescribing a method for correcting state-imposed segregation. THE CHIEF JUSTICE's interpretation of § 407(a), which applies only to orders "seeking to achieve a racial balance," is controlling here:

"The proviso in [§ 407(a)] is in terms designed to foreclose any interpretation of the Act as expanding the *existing* powers of federal courts to enforce the Equal Protection Clause. There is no suggestion of an intention to restrict those powers or withdraw from the courts their historic equitable remedial powers. The legislative history of Title IV indicates that Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called 'de facto segregation,' where racial imbalance exists in the schools but with no showing that this was brought about by discriminatory action of state authorities." 402 U.S., at 17-18 (emphasis in original).

In short, as employed in § 407(a), the phase "achieve a racial balance" was used in the context of eliminating "de facto segregation." The Court went on to caution lower federal courts that, in the exercise of their broad remedial powers, their focus must be on dismantling dual school systems rather than on achieving perfect racial balance: "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." 402 U.S., at 24. This was said not in condemnation of existing techniques but in disapproval of the wooden resort to racial quotas or racial balance. Nothing in the instant statute or in the legislative history suggests that Congress used these words in a new and broader sense. At most, Congress may have intended to postpone the effectiveness of transportation orders in "de facto" cases and in cases in which district court judges have misused their remedial powers.

The question, therefore, must be whether the lower court order in this case was for the purpose of achieving a racial balance as that phrase was used in *Swann.* This question was resolved in the negative by the Court of Appeals. Applicants claimed on their appeal that the District Court order called for " 'forced busing' to achieve racial balance." 458 F. 2d, at 487. The court rejected that contention, citing the holding in *Swann* that bus transportation is one of the permissible techniques in effecting school desegregation.[2]

For the purpose of acting on this application, I accept the holdings of the courts below that the order was entered to accomplish desegregation of a school system in accordance with the mandate of *Swann* and not for the purpose of achieving a racial balance. The stay application must, therefore, be denied.

It is so ordered.

Mr. ALLEN. Madam Presdent, I reserve the remainder of my time.

Mr. JAVITS. Madam President, I yield 2 minutes to the Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Madam President, I would like to respond to two points that were raised by the distinguished Senator from Alabama.

No. 1: Certainly he is not going to stand on this Senate floor and tell the American people that $500 million is going to achieve equality of educational opportunity in the United States. I know that Americans would like to believe it would be that cheap, but it just is not going to be. I think it is up to public officials to state accurately what the cost is going to be so people can knowledgeably choose. Say, "All right, if you do not want busing, it is going to cost $24 billion." And all of a sudden many Americans might pop up and say, "We would rather have busing, because we do not want to pay that cost." There is no way that $500 million is going to assure equality of education. There is no way either that continuation of inequality of educational opportunity is an acceptable alternative.

As far as the Senator's comments on the State of Connecticut are concerned, it is absolutely true that not one student in Connecticut is being bused under court order, but it is also true—and I referred to this yesterday—that because of the hysteria generated in March, everybody in Connecticut believed that every child was being bused. I was told that thousands were being bused under court order, when, in fact, not one student was being bused under court order. So much for my commentary on the hysteria generated by the distinguished Senator from Alabama and his teammates.

First things first: Connecticut has not had any laws on its books which stated that there is a difference between human beings.

Point No. 2: I have made very clear in the State of Connecticut that we would much better spend our time not being a cheering section for those States that had separate but equal philosophies, but, on the business of ending voluntarily de facto segregation, which exists. I said that, before the legislature or the courts impose mandatory requirements, let us be about the business of so arranging our education that we do not have to have a legislature- or a court-dictated solution. But certainly what is being advocated here is not the solution for the State of Connecticut or for the United States of America.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Madam President, will the Senator from Alabama yield me some time?

Mr. ALLEN. Madam President, I am delighted to yield such time as the distinguished Senator may use.

Mr. GRIFFIN. Madam President, I think it is important to focus attention and keep attention focused on what the issue is before the Senate today as we vote.

A good deal of discussion has centered on the merits or demerits of the antibusing bill. But we are not voting today on the bill, we are only voting on whether or not the Senate will have an opportunity to vote on this legislation.

It should be clear that if the cloture motion were adopted, amendments to the bill would be in order. Those who have questions, or those who object to particular provisions in the bill, could of course offer their amendments, the amendments could be considered, and the Senate could vote. But when Senators vote against cloture and support the filibuster, they are saying, in effect, that the will of a majority in this body and, indeed, the will of an overwhelming majority in the country is not only going to be ignored, it is going to be thwarted.

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[1] A stay was also denied by the United States District Court for the Southern District of Georgia on August 18, 1972.

[2] For a complete history of this litigation see the most recent opinion of the District Court. *Acree* v. *Drummond,* 336 F. Supp. 1275 (1972).

This, I must say, is a very interesting development. I consider myself among those who have been for reform of the rules and practices of the Senate. I myself have voted to liberalize the cloture rules, so that it would not be so difficult to invoke cloture. But here, in this situation, we are finding in many instances those who claim to be for the reform of Congress are those filibustering to keep the Senate from working its will.

I realize that there are times when an extended debate serves a very good purpose in the Senate and in the country. If the people did not have any understanding of the problem, if the people had not formed a consensus about the problem, if the people did not realize what the President was recommending, or if the people were not otherwise aware of what is going on, it might well make sense to have a long and extended debate.

But this is the fifth or sixth time that this subject has come before the Senate in one way or another, and there has been a great deal of debate in this body. The people in the country have formed a consensus. They want Congress to act. But, nonetheless, the old method of filibustering is being used to block the Senate from even having a chance to vote on the merits of the bill.

I think that is unfortunate, and I rather suspect and suggest that it may lead to a result which those who are filibustering in this instance may regret in the future. There are many who say that the only way to deal with this problem is to adopt a constitutional amendment. Unfortunately, more and more Americans are losing faith in the judicial system. I regret this development, and I do not like to see it, because our form of Government requires that we have confidence and faith in our judicial system. But the fact is that as this threat and reality of forced busing spreads from one State to another, it does have a very eroding effect on the people's confidence and faith in the judiciary.

This problem could be dealt with through legislation—legislation that would require only a majority of votes in both houses of Congress and the signature of the President, legislation that would provide guidance and standards for the Supreme Court. If the courts were to abide by these standards, it would be a preferable way of dealing with the busing problem.

But if those who are going to ignore the will of the majority of the Senate and the will of the overwhelming majority of the American people persist in this course, then I predict that next year there will be the two-thirds vote in the Senate, not only to invoke cloture but possibly to adopt a constitutional amendment.

So I think that in terms of the interest which they are seeking to advance, they may push the Senate farther than they would like. It may be a few more months, but I predict that this is going to happen as this problem and this concern spreads from one State to another. Because it is not just in Michigan. It is Michigan today, but it will be other Northern States next year, or even next month or the month after that.

So I would urge my colleagues to give the Senate a chance to exercise its will. That is all we are asking today with this cloture motion. We are not asking Senators to take a position on the merits of the bill or on the merits of any amendment that might be offered, but merely to give the Senate a chance to work its will. That does not seem to be an unreasonable demand or expectation on the part of those who favor action on antibusing legislation and on the part of the American people who expect such action from this body.

I thank the Senator from Alabama for yielding.

The **PRESIDING OFFICER.** Who yields time?

Mr. **JAVITS.** Madam President, how much time do we have?

The **PRESIDING OFFICER.** The Senator has 6 minutes remaining.

Mr. **JAVITS.** I yield myself 3 minutes.

Madam President, I have listened with the Senator from Michigan with the greatest interest, and I say to the Senate, beware the voice of the turtle, and let us see just what has happened before we swallow that bait of giving the Senate a chance to vote on amendments.

Madam President, who stopped the bill from going to a committee and kept it on the calendar for several weeks when it could have been considered by the committee, notwithstanding the presence in the bill of at least four major difficult propositions? First, the reopening which threatens to turn over the whole applecart since 1954; second, no changes in district lines, which is exactly what the Supreme Court, Madam President, has to decide in both the Detroit and the Richmond cases; third, the freezing of the situation in many districts, notwithstanding population shifts; and fourth, the very important question raised by the Senator from Connecticut (Mr. WEICKER), the cost. What is the cost if we really want to get compensatory education and end the idea of desegregation of schools using transportation as a possibility?

Point 1: Nothing went to a committee.

Point 2: Madam President, we all know that in a cloture proceeding, only those amendments which are at the desk are to be called up, and every Member has an hour, so that if I had five amendments I would have 10 minutes for each, and Members in opposition would have the same length of time. That is hardly the way to consider a measure with such far-reaching implications as this.

Point 3: Why the pressure for this now? This school year has started. It will not be over until June. With the Detroit, Richmond, and other cases in which the issues are yet to be settled, why the pressure today?

Madam President, we know the reason for the pressure today. It is because it is on the eve of an election, and because this is a hysterical bill, patently unconstitutional on its face, and it is thought it can be rammed through here as it was rammed through the other body under that perfervid atmosphere of a national election.

We who oppose it are seeking to uphold the Constitution and traditions of this Government, and to legislate not in heat, but in light. The light has been denied and the heat is being applied. Therefore, we feel we have a right to ask Senators, in the highest interests of the dignity and security of our institutions, to vote down the effort to push us into enacting a highly improvident bill, if for no other reason than because of the sheer atmosphere in which the debate is being conducted.

I have said, and I repeat, that I will come back here the day after election and deal in a deliberate and calm way with this or any other bill on this subject. Then the Senate can really think freely and clearly. But why the push, the drive, the pressure cooker in respect of this particular election? That is what we are resisting, and I think that, in resisting it, we are serving the country the best.

Mr. **ALLEN.** Madam President, I yield 6 minutes to the distinguished Senator from Tennessee (Mr. BAKER).

Mr. **BAKER.** I thank the distinguished junior Senator from Alabama for yielding.

Madam President, the mood of the country is not calm and deliberate on this subject, and I do not mean to say that we ought to rush headlong into consideration of important, significant, and far-reaching legislation simply because the mood of the country is not patient. But it is a factor to be taken into account in this system of ours, in this closed system; that is, the system of the election, of the monitoring and feedback for midcourse corrections and, finally, the response at subsequent elections.

I am here to say, as I have said previously, that the mood of this country is not tolerant of procrastination on this point. This is a highly disruptive situation. Those who have not seen it firsthand possibly cannot appreciate what it really does to a community, but I can, because I have seen it.

I know that our best efforts to come to terms with this difficult problem are required by the people of my State and of this country. I think they do not want and will not tolerate long delay.

I believe I know of some Members of the Senate who voted for cloture who may not vote for this bill. By the same token, I believe I know some who voted against cloture who possibly have done so as a matter of principle, in opposition to the concept of cloture.

But the point is that, as the distinguished assistant Republican leader stated a few moments ago, we are dealing here not with the issue involved but whether or not the Senate of the United States has a chance to vote on the merits of this controversy, whether or not we get a chance to vote up or down on this bill, sent to us by the House of Representatives by an overwhelming vote, whether or not now we respond to the legitimate concern of the people of this Nation over busing, or whether we delay it by parliamentary tactics that will postpone this vote until some later date.

I hope that whether Members of the

Senate agree or disagree with the House bill, which we hope to bring before the Senate now, they will permit us to terminate this debate and come to a vote on the issues of this bill now, in this session of Congress. I believe the country expects no less. I am willing to take my chances on that. I believe that a substantial majority of the Senate supports the passage of this bill. The question is, Can we get it to a vote? It would be a shame if we could not.

Madam President, I do not feel that the people of this Nation are patient and tolerant of delay. I do not feel, for one instant, that the bill before the Senate is perfect. I am frank to say that, had I been drafting the bill or had I participated in its construction, there are certain provisions of it that I probably would have done differently. I am frank to say that it does not suit me in every respect. But it does suit me as the only practical vehicle available to us, in this session of Congress, to do something about busing now; and that is the ultimate test, I believe, of our response to the mandate of the people of this Nation to bring them relief from judicially ordered busing.

I hope very much that, regardless of their viewpoint on the merits of this controversy, two-thirds of the Members present and voting will give us an opportunity to come to grips with the issue itself and not with just a filibuster.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. I yield 3 minutes to the distinguished Senator from Georgia (Mr. GAMBRELL).

Mr. GAMBRELL. Madam President, it is interesting to me that, as the 92d Congress draws to a close, we should be engaged in a so-called filibuster and the question of cloture.

When I came to the Senate in February of 1971, a filibuster was in progress for the purpose of preventing a change in the cloture rule. Had that change been adopted, cloture would be invoked, I believe, either today or tomorrow, when the occasion arises.

I am not sorry that I voted against cloture on that occasion, because I believe that the cloture rule as it stands is a good rule. I am also happy to say that since I have been in the Senate, with the exception of opposing cloture on the rules change, I have not opposed cloture on any other bill in such a way as to destroy that bill. I voted against cloture on several occasions, but not with the idea of preventing a question from coming to a vote at all. If the filibuster rule, or the cloture rule, is used in that way, it is a sad day for the U.S. Senate.

I think that those who are preventing the U.S. Senate today and the balance of this week from voting on anything under this bill are doing a disservice to themselves, to their cause, to the Senate, and to Congress. I know there have been times in the past when possibly Members of this body from my State would not have so stated. I hope that time has passed. I am happy with the position I have taken.

I might say that it is an indication of the trend of things in this country that those who would have altered the cloture rule in February and March of 1971 are now hanging onto it by their fingernails and are asserting the very same arguments and contentions which for many years they deplored.

I am very pleased to have the opportunity to vote for cloture on this measure and on a number of other measures during the 92d Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New York has 2 minutes remaining.

Mr. JAVITS. I yield myself 2 minutes.

Madam President, I believe that the arguments which relate pro and con to today's vote have been very aptly made.

I should like to state, for the information of the Senate, that we shall endeavor in the course of the day, assuming that there is an opportunity for that debate, to lay before the Senate the facts and figures in the various cases, the impact of busing which has been court-ordered upon different communities and upon the totality of the busing situation, the elements of cost respecting so-called compensatory education as compared with the cost of busing, and other factual matters which should have been and could have been developed in testimony before a committee. But that opportunity was denied. We shall do our utmost to fill those in before the Senate in the course of the day.

Madam President, I am prepared to yield back the remainder of my time.

Mr. ALLEN. Madam President, will the Senator yield the balance of his time of about 1 minute, so that I may answer two points made by the Senator?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator said that the bill did not go to the committee and that the committee did not have the opportunity to consider it. The offer was made on the floor of the Senate to allow the bill to go to the committee, provided the bill would come back at a definite time and then became the unfinished business.

Also, the distinguished Senator from Connecticut commented that we did not provide the $20-odd billion needed for equal opportunity for all children. The bill is open to amendment. If he wants to raise the $500 million amount provided in the bill, he can put an amendment in and see what support he gets.

Madam President, I yield back the remainder of my time.

Mr. SPONG. Mr. President, I am again voting to invoke cloture in the debate on H.R. 13915, the bill to prohibit the crosstown busing of schoolchildren.

I believe, as I stated yesterday, that the American people both want and expect their representatives in Congress to confront this issue. I believe the Senate has an obligation to face this issue directly and to vote on this bill and those amendments which may be offered to it. We will be derelict in our responsibilities if we do not act on this legislation during this session of Congress.

The question of busing faces a huge number of school districts in all parts of our Nation. In city after city, the possibility of large percentages of the student body being transported at considerable burden, inconvenience, and cost exists. The time is now when we must decide whether these massive busing plans are reasonable or required.

I believe that they are neither. There is little research and literature to demonstrate actual educational benefits from massive busing. In fact, there are studies which suggest that busing has few educational advantages and often only promotes tensions among the races.

In view of this, the bill before the Senate appears justified. In fact, it would, in many instances, correct deficiencies which now exist.

First, the bill identifies the neighborhood school as the reasonable and appropriate basis for the assignment of pupils. This is a concept which I support and which is of particular importance to young children and their parents—both black and white—throughout this land.

Second, the bill specifies that failure to attain a racial balance shall not be considered a denial of equal educational opportunity or a denial of equal protection of the laws. I have never felt that the Constitution demanded any particular racial balance. The Constitution is and should be color blind.

Third, the bill provides for a stay in cases where busing is ordered until all appeals in the case have been exhausted. I have supported and worked for similar provisions in the past.

Fourth, the bill provides for majority-to-minority transfers, that is, any child in a school in which his race is in a majority may transfer to a school in which his race would be in a minority. This feature would allow those children in a school they considered below par or one they considered inadequate because of large numbers of one race to transfer. This is a means of providing additional opportunities—and an important one.

Fifth, the bill provides for concentration of Federal educational resources in those schools most in need of such resources. Such a provision should help upgrade those schools which have, for far too long, been below par.

Sixth, the bill would be applied uniformly throughout our land. The requirements for Richmond or Norfolk, for example, would be the same as those for New York, Chicago, Los Angeles, and other cities of the North and West.

Mr. President, I am not a newcomer to some of the concepts mentioned in this legislation—to the neighborhood school, majority to minority transfers, and provision of additional school resources. Many of these concepts were, in fact, embodied in a bill I introduced in 1970 and a letter I wrote to the President earlier this year.

I ask unanimous consent that a copy of my letter to the President be included at this point in the RECORD:

U.S. SENATE,
Washington, D.C., February 17, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have concluded from actions taken prior to your departure today for the People's Republic of China that you and your advisors are involved in a re-evaluation of the public school desegregation efforts throughout our country. As a representative of a State which has probably experienced as much litigation involving school desegregation as any other, I am compelled to share my own views with you.

The recent District Court decision in the Richmond, Virginia, school case, the similar cases pending in other parts of our nation, and the numerous pronouncements by our public officials have again brought confusion and misunderstanding to the issue of public school desegregation.

Our people are understandably perplexed and I have a deep sympathy for their feelings.

I appreciate, as I am certain you do, the fears of some of our citizens who have been subjected to discrimination in the past. I understand their apprehenisons that the gains they have made through the *Brown* and certain subsequent decisions and the improved educational opportunity which has been made available to their children will be lost in a retreat.

I appreciate, as I am certain you do, the fears of parents who are asked to put their children on buses for several hours a day, to send them miles from home, and often to send them to a school which is known to be no better than a school a few blocks from home in terms of facilities and services. It is quite understandable that these parents object to the sacrifices their children are being asked to make. I share their opposition to massive enforced busing to achieve racial balance, because I do not believe it will accomplish its purpose of providing equal educational opportunity.

Also, I appreciate the difficulties faced by local educational officials who find that they must make significant reassignments at the beginning of each school year, that they must constantly be reorganizing and that, in many cases, they must come up with additional sums of money for transportation costs, money which is in scarce supply at this time.

I am aware of the fact that in the past black children were bused past white schools to black ones and that white children were bused past black schools to white ones. That was wrong. But, I do not believe that we can rectify the mistakes of the past by experimenting with the school children of the present. I believe that we must seek to provide excellence in education for all our children. I believe that there are many situations which must be improved, where education needs vast renovations. But, I do not feel that we accomplish much, either for our children or for our nation's future, by pursuing a policy based solely on head counts and ratios.

We refuse to face reality when we refuse to acknowledge the fact that no parent wants a child to be bused far away from home to a school which is no better than a school close to home in terms of facilities, services and educational offerings. We also refuse to face reality if we fail to acknowledge that parents, no matter what their color or economic condition, want the best education possible for their children.

The question then becomes quite simply, "How do we reconcile the desire of a parent for his child to be educated in the neighborhood school with the desire of a parent for his child to receive an education in a school superior to the one closest to his home, a parent who is often economically disadvantaged and of a minority?"

As we have all come to realize, there is no easy answer. Furthermore, the knowledge which we have about busing, racial balance and educational achievement, both cognitive and affective, is at best inconclusive. We have studies on compensatory education, which demonstrate that this approach tends not to succeed. We have the recent reports on the Berkeley experience, where racial balance was undertaken voluntarily, and again find failures.

Professor James Coleman of Johns Hopkins University, in one of the most massive studies, has told us that parental background and the background of the peer group are generally the most influential factors on a child's development. Yet, this does not suggest that racial balancing is necessary. In fact, Dr. Coleman and Dr. Thomas Pettigrew of Harvard University suggested that there is a point at which balancing can produce a "tipping" effect which can be detrimental to educational offerings. Thus, it seems to me premature to determine the future of American education, especially when we are talking about busing, ratios and similar expensive and disruptive procedures, on the little information which we have regarding their effects on educational opportunity.

Consequently, I believe we must look beyond court-imposed solutions. There is no perfect answer, but there are certain principles which should underlie our search for a reasonable and practical solution to the problem of public school desegregation.

First, we must have a single, uniform, nationwide policy on school desegregation, which obliterates the superficial distinction, between *de facto* and *de jure* segregation. The statistics developed in the Department of Health, Education and Welfare indicate that there is currently more desegregation in the South than in many parts of the North and West. Problems do remain, but they remain in every part of the nation. If it is educationally disadvantageous for a black child to attend an all-black school, then the black child in a Detroit or Boston inner city area is just as deprived educationally as a child in a black rural Southern school. And, it is meaningless to tell one child that his deprivation is wrong because it was *de jure* and another that his is right because it is *de facto*. Educationally—and I hope education is our prime consideration—the result is the same. Thus, our goal should be the provision of a better education for every child, no matter what section of the country he lives in.

Secondly, we must reevaluate the neighborhood school concept as the basic unit for school assignment purposes, especially as far as elementary school children are concerned. It is logical in terms of cost, safety and convenience for a parent to want a child in a school near his home. Many parents—black and white—feel that they have paid for that privilege in the purchase of their homes and the payment of taxes. There is every reason to believe that many parents in the future—again both black and white—will seek the same privilege. This too, is a factor which cannot be ignored. We are told that we cannot change policy because of the desires of people. Frankly, I do not believe the desires of most of our people are based on race and segregation. I believe the large majority of Americans are fair-minded, that they do not want to deprive their fellow citizens of opportunity. But, understandably, parents' first concerns are for their own children—their education, safety and well-being.

We must see that these latter concerns are met or we shall certainly imperil public education. But, we shall also imperil public education if we fail to provide for our educationally deprived. I believe there could be merit in an extensive utilization of a majority-to-minority transfer provision, with the transfers financed by the local or state educational agency. In other words, any child in a school, in which his race was in a majority could transfer to a school in which his race was in a minority, with his transportation costs paid by school authorities. The argument often made against this proposal is that the burden is placed upon the deprived child to rectify the inequities which exist. That is, to an extent, true. The child would, however, have the benefit of the transfer provision and an assured right to education in a desegregated environment. In recent years we have witnessed white flight to the suburbs and to private schools. Perhaps we ought now to ask ourselves how far we can follow white flight with the buses and to what extent we can discourage the enrollment in private schools. Is racial balancing and social engineering to the extent being contemplated in some area, racial balancing and social engineering whose redeeming benefits are questionable, worth the possibility that our public school system may be deprived of even more advantaged students and of the degree of support needed to sustain public education? On the other hand, can we stop in mid-stream or stray backward? In both cases I would hope not.

Thirdly, in addition to reviewing our policy on the neighborhood school and majority-to-minority transfers, it is important to make every effort to remove the inequities which currently exist both within school districts and among them. There are, for example, currently differences in facilities, services offered, libraries, the numbers of specially-trained teachers, to name only a few. We must move once and for all to eliminate these disparities. And in doing so, we should remember that the disparities between urban and suburban school districts are generally exceeded by those between rural and urban/suburban districts.

Finally, it is highly important for us to deal with a situation you discussed in the State of the Union Message: the control of our school systems. The frustrations of our people who find themselves ordered by courts which are not responsible to them is certainly understandable. The seeming inability of elected representatives to act is another. We must take steps and take them immediately to see that local officials, officials responsible to an electorate, control and administer our schools. We have heard this from both the black and white communities. The calls for decentralization and community control of schools have been widespread. Certainly, there are pitfalls in these procedures, pitfalls against which we must guard, but representative government and responsibility and accountability of public servants to those they serve are a significant part of the American heritage.

Thus, local involvement and local control of public schools must be a significant feature of public school policy.

The situation is, of course, complex. The proposals I have discussed are neither inclusive nor perfect. They have been attacked by those on the right and those on the left. This in itself, however, is probably evidence of their redeeming qualities.

In Senate floor speeches of July 20 and August 3, 1970, I tried to outline the conflicting court opinions and governmental actions which were resulting in confusion throughout our land. As a member of the Senate Select Committee on Equal Educational Opportunity, I have participated extensively in hearings on our school problems and have questioned several members of your Administration, including former Attorney General John Mitchell and former head of the Justice Department's Civil Rights Division, Jerris Leonard, regarding the issues which today confront us. Based on this, I introduced in the Senate on August 3, 1970, a bill which I felt sought a rational, moderate approach to our problems. This bill was drafted by Professor Alexander Bickel of the Yale University Law School and Congressman Richardson Preyer of North Carolina. Hearings on this legislation were held before the Senate Education Subcommittee and the Senate Select Committee on Equal Educational Opportunity. The bill was attacked by the NAACP as well as by those in basic disagreement with the *Brown* decision. Despite the fact that the bill remained in Committee, there was excellent testimony by school officials from both Norfolk and Richmond, Virginia. I commend this testimony to you.

In my judgment, the decision in the Charlotte-Mecklenburg case, when coupled with that in the Mobile case, negated much of the thrust of the Bickel-Preyer proposals. Consequently, I joined in cosponsoring a Constitutional amendment regarding this as the best available vehicle for provoking a public discussion of the need for a single, uniform, national school desegregation policy that all can understand—a policy that would end the present double standard of hypocrisy which prevails in our nation today.

The unanimity of the Charlotte-Mecklenburg decision suggests that the opinion in that case represents consensus. The uncertainty of that consensus was, however, illustrated by statements made by Chief Justice Burger soon after the decision that appeared at odds with the findings of his own court. Despite the fact that nearly 20 years have passed since *Brown*, the Supreme Court continues to give maximum discretion to district judges and minimum guidance.

In addition to the principles I discussed earlier, which I believe should underlie our search for a solution. I would like to make several specific suggestions. On August 13, 1970, when the Attorney General appeared before the Select Committee on Equal Educational Opportunity, he indicated a hope—a hope which I shared—that the Charlotte-Mecklenberg decision would answer many of the unanswered questions regarding public school desegregation. (Hearings before the Senate Select Committee on Equal Educational Opportunity, August 13, 1970, p. 1912.) Many of the questions were not answered and the Court has thus far avoided setting the *de facto/de jure* matter. Now, in the Richmond case, we have a new enforcement procedure, a procedure for which the Attorney General, also on August 13, 1970, in response to my questions, indicated there was no legal precedent. (Hearings referred to above, p. 1910.) Consequently, I would like to suggest and request that the Department of Justice enter, with amicus curiae briefs, those cases where it would be appropriate and where there is evidence that such action would contribute to the determination of a national school desegregation policy.

As you know, the Fourth Circuit Court of Appeals has granted a stay in the Richmond school case, pending appeal. In my judgment implementation of the order should be stayed until a *final* decision is rendered by the Supreme Court. It seems somewhat contradictory to find the federal government questioning the expansion of municipalities for racial reasons and at the same time ordering consolidation of political subdivisions for racial reasons.

The recommendations above are not intended to imply that Congress should be absolved of responsibility for this issue. In fact, I have stated on a number of occasions that Congress should act to clarify the existing situation, and I am pleased that both the Majority Leader and the Minority Leader of the Senate sought to contribute to the dialogue over possible courses of action during a Senate floor discussion on yesterday. Congress does have a responsibility to give consideration to all measures before it which are designed to bring clarification and rationality to efforts to resolve this pressing domestic problem. That responsibility should not be avoided because this is an election year.

Aside from the compulsory features of the recent decisions which threaten to undermine public education, there are equal rights involved which Americans will not long see abused. Parents black and white in Virginia's major cities might well ask why their private resources should go for bus fares and why their tax monies should go for the purchase of school buses when metropolitan areas throughout much of America are not burdened with this same cost and yet where black children are receiving less opportunity.

I have not always been proud of Virginia's past history with regard to education of minority pupils. I am, however, proud of the restraint most Virginians have displayed despite providing the proving ground for every new approach to a solution to the complex problem of meeting the Constitutional rights of all children to an equal educational opportunity. The traditional respect of Virginians for the law and the common sense of our people has thus far always prevailed over the appeals of demagogues, the militant and the racist. However, it is difficult for people to comply with an interpretation of the law that they neither understand nor believe will achieve its stated purpose.

In view of the fact that several members of your cabinet and staff are involved with the matters discussed in this letter, I am taking the liberty of forwarding copies of this letter to them. I expect to reiterate and elaborate on a number of the principles I have discussed here in the report of the Senate Select Committee on Equal Educational Opportunity, on which I serve. Since you and your advisors are currently contemplating action in the field of school desegregation, I did, however, want to write to you at this time.

Sincerely,

WILLIAM B. SPONG, Jr.

Mr. President, the busing issue cannot be ignored. Hiding behind the smokescreen of cloture will not do, for surely the issue cannot be put out. If Congress fails to deal with it, the matter will only smolder and eventually flare up again to remind us that the fire has not been doused—and those who believed it had, in ignoring this legislation, had only fooled themselves.

Mr. President, I support the cloture petition before the Senate.

Mr. BROCK. Mr. President, over 18 months ago I introduced legislation which would amend the Constitution of the United States to protect our children from being forced out of their neighborhood schools to ride buses, often long distances across town and even across county lines, because of race, creed, or color.

Since that time, thousands and thousands of parents have written me for help, describing sometimes tragic results of such forced busing. It has been established beyond reasonable doubt that the parents of this Nation, regardless of race, creed, or color, do not favor forced busing for racial balance or for any other reason.

Mr. President, earlier in this debate my colleague, the distinguished senior Senator from Massachusetts raised the question of whether our children are in danger when they ride the bus to school. There can be no doubt that the increased bus travel, traffic exposure, and odd transit hours created by busing orders raise the chance of injury to our school age children.

Beyond this, a new hazard has been raised by revelation of the kinds of schoolbuses which are carrying our children. I do not mean to criticize the manufacturers of schoolbuses, who must provide the best kind of protection available but must also be bound by a price factor in meeting the challenge of a low bid.

May I cite only one example of the hazards which have been found to exist. On one sunny October morning in 1967 in Waterloo, Iowa, a schoolbus was hit by a train and four children killed.

The bus appeared to have pulled apart at the seams. This triggered the first alert from the National Transportation Safety Board that the structure of schoolbuses needed to be strengthened. No official action has been taken to date to require stronger construction standards.

The Board has no regulatory powers but gets its power, if any, from publicizing its recommendations. Today, 5 years later—and numerous schoolbus accidents—the National Transportation Safety Board had issued its third and most urgent call for immediate corrective action to strengthen schoolbus bodies.

Meanwhile, children have been cut, maimed, and killed by the sharp edges of bus panels pulled down from inadequate mooring in crashes. Children have fallen through the floors of buses disintegrating in collisions, and trees have penetrated bus walls.

When NTSB first sounded its alarm on schoolbus structures in 1970 after investigating two fatal accidents in Alabama, it noted that in both cases the interior panels of the buses presented "exposed edges because of widely spaced and inadequate fastenings."

The Board reported that far more fasteners are used in commercial buses than in schoolbuses and joints are stronger. The failure of the structural parts to support each other in crashes, the Board warned in its 1970 report, "is an implied threat in future schoolbus crashes."

Recommended is adoption of a standard requiring schoolbus manufacturers to strengthen their vehicles, particularly at the joints.

The NTSB wrote Douglas W. Toms—

> This critical weakness of schoolbus bodies must be eliminated as quickly as possible, particularly at the joints.

Agency spokesmen have argued that working on standards for schoolbus bodies had a low priority since so few children are killed on schoolbuses compared to the many thousands killed in other forms of transportation.

Now let's look at the serious financial situation faced by municipalities who have been ordered to bus their children. In Nashville, in October of 1971, it was estimated that there were 49,000 students eligible for transportation under the plan adopted by the court. Of this number 28,000 pupils were to be transferred from their original school zone to a new school zone in order to increase integration. During the prior school year the mileage of the schoolbuses in transporting the schoolchildren was about 3,000,000 miles. Under the new plan this mileage was increased to approximately 6,000,000 miles. There were at that time 211 buses available with an average capacity of 70 children per trip. If all buses were completely occupied, 14,770 children could be transported. In order to handle the children eligible for transportation, all buses must make three round trips daily and for some of the buses on shorter routes, the daily run includes five trips daily.

In order to comply with the court's order and to meet pupil transportation needs, all reserve buses were put into service. Pupil eligibility for transportation was extended from 1¼ to 1½ miles which means that only children living more than 1½ miles from school are eligible to be transported. The high school day was shortened from 7 to 6 hours; 133 school openings were staggered to begin at 30-minute intervals from 7 a.m. to 10 a.m. The closing period of the schools to let out are at 4 and 4:30 p.m., in the afternoon. Transportation for field trips and special fine arts performances which had heretofore played an important role in the educational opportunities of the pupils was eliminated.

During the period of operation, there have been an average of 12 breakdowns per day. Since all buses are in use, the pupils on the buses having mechanical trouble must wait until another bus has delivered its children and returns for them. The maintenance shops have only 4 days to service and repair the 211 large buses and the 60 small special educational buses which have a capacity of some 12 to 18 students and are used exclusively for special education; that is, for the transportation of the handicapped and/or retarded. Prior to the adoption of the present court order, the maintenance department had 4½ hours in the middle of each day to service the buses. Only 2 hours are now available because buses are on the road from 6 a.m. to 10:30 a.m. transporting students to the staggered openings of the schools and from 12:30 p.m. to 6 p.m. returning students from the staggered closings of the schools to the various pickup points. It is anticipated that the frequency of breakdowns will increase as a result of the extensive use of the equipment, its age, and the lack of detailed maintenance.

Nashville reverts to central standard time the last of October. During the late fall and winter months, darkness comes earlier. The Weather Bureau has informed the school board that on December 1, 1971, a typical winter day, the sunrise came at 6:39 a.m., central standard time. This assumes good weather. In bad weather, darkness lasts longer in the morning and comes earlier in the evening.

Early and late starting times of schools create safety hazards for the students, many of whom during the winter will be leaving home or returning to their homes after dark. Buses serving schools opening at 7 a.m. begin their routes at 6:05 a.m., which is 34 minutes before sunrise on December 1. Children must walk as much as a mile to the designated pickup points. Consequently, the children picked up at the beginning of the route may be on the street as much as 1 hour before sunrise.

It should be remembered in this connection that children who live within a mile and a half of the school to which they are assigned are not furnished transportation and many of these children will begin their walk to their designated school in darkness and some of them will return home from school in darkness and some of them will return home from school walking in the dark. Sundown on December 1, 1971 is at 4:32 p.m., with darkness following immediately. Elementary schoolchildren on late shifts who live 1½ miles or less from their their schools which let out at 4:30 will be walking home in darkness and in many instances without street lights or sidewalks.

The schoolbuses that serve the 10 schools that open at 7 a.m. begin their routes at 6:05 a.m. or 34 minutes before sunrise. The children walk to designated pickup points. Of the 10 schools opening at 7 a.m., there are neither street lights nor sidewalks in the immediate vicinity of seven schools. There are street lights but no sidewalks in the immediate vicinity of one school. There are 28 elementary schools which open at 10 a.m. and close at 4:30 p.m., 2 minutes before sundown on December 1. There are 25 schools which open at 9:30 a.m. and close at 4:00 p.m.

Many elementary school children eligible for transportation who attend the schools closing at 4:30 will be returned to their pickup points about 1 hour and 15 minutes after sunset. Of these 53 schools, 16 have neither street lights nor sidewalks in the immediate vicinity. Five have no sidewalks. These children, both walkers and riders, are placed in a hazardous position when returning home from school or from the pickup point.

The average time of a student on a bus transported across town to school is 45 minutes one way. The longest period of time required for crosstown transportation is 1½ hours each way. Twenty-eight thousand pupils are transported from the suburbs to the inner city or vice versa each day. There are approximately 400 round trips across town by the 211 buses each day.

In many instances, the bus routes follow the interstate highway because of the saving of time involved by use of these highways. The hazards of transportation are increased, however, by use of the Interstate Highway System. This is because when there is a breakdown on the interstate, the dangers to the students being transported are much greater than if the breakdown had occurred off the Interstate Highway System. The use of the Interstate Highway System is not desirable and the Metropolitan School System of Nashville would prefer to route school buses another way. Because of the lack of buses and the necessity of compliance, the metropolitan school system has no choice but to use the Interstate Highway System and reduce the time required for transportation so that buses can make more trips and haul more students and thus comply with the court's decree. Of the 211 buses in service, 18 are new. Only 18 new buses could be acquired for financial reasons—this was in 1971.

The age of the buses used to transport the children is as follows:

September 1972

	Buses
1971 models	18
1970 models	15
1969 models	10
1968 models	10
1967 models	67
1966 models	25
1965 models	14
1964 models	12
1963 models	5
1962 models	13
1961 models	5
1959 models	2
1958 models	8
1957 models	3

Nashville has now been ordered to buy 30 new buses of 84-passenger capacity which would carry 2,500 additional children. They could not find buses meeting the specifications so they bought 20 buses of 66-passenger capacity new. They leased 15 buses having a capacity of 72 passengers and ordered 15 having 84-passenger capacity for delivery in 6 months. The lease on the used buses expires in 6 months. The cost—$625,000.

The school board income is based on estimated amount of sales tax and property tax receipts. The operating budget contained no funds for the purchase of schoolbuses. Therefore, unless the estimated receipts are wrong, then the school board finds itself $625,000 in the red.

We now see that not only are our children suffering abuse under forced busing, but this abuse has been extended to the taxpayers, their parents, and officials of government as well.

As stated before under the plan for Nashville, it is necessary for the buses to travel approximately 6,000,000 miles per year. Of this mileage, the 211 large buses travel a little more than 5,000,000 miles per year or an average of 140 miles per day. The remaining mileage is accounted for by the small special buses transporting the handicapped and/or retarded children.

This transportation plan was approved by the board in anticipiation of the availability of Federal funds to purchase additional equipment and defray additional operating costs. The anticipated funds have not been forthcoming, and it is not anticipated that any additional funds can be made available for transportation of students from Federal sources since this is expressly forbidden as far back as the 1964 Civil Rights Act. The estimated cost of maintaining the busing schedule in Nashville for the 1970–71 year were as follows:

Eighty-seven 84-passenger buses at $16,300	$1,418,100
Maintenance equipment	177,000
Operation costs for 1 year	700,000
Maintenance facilities and land	1,350,000
Installation of safety loading zones at 42 schools	56,000
Total	3,701,100

(NOTE.—Figures on Nashville current school bus order from D. L. Lansden, Nashville attorney at law.)

The school board is fiscally dependent in that its budgets must be approved by the metropolitan city council. In approving the budget of the school board on June 30, 1971, council members demanded assurance that no funds included in the budget would be used to transport pupils to establish a racial balance. The 1971–72 budget did provide for the purchase of 18 large buses to replace obsolete equipment to provide transportation for students to the new, comprehensive Mc-

Gavock High School. Regardless of whether additional funds are or are not obtained or whether new buses can or cannot be acquired, inadequate transportation facilities and equipment will continue to require extended scheduling of school openings and closings and extended distances nonbused children must walk to and from school. In addition, the school board will continue to operate without a reserve fleet of buses to care for emergency situations. The result is that there will be serious interruptions of transportation service during the cold winter months and these interruptions will constitute a hazard to the health of the students as well as a safety hazard.

Let me quote from a letter I have received from a mother in Nashville who has had personal experience with this situation:

> You know I just learned a terrible lesson today . . . people don't really care about the sufferings and affairs of others . . . not until they are a part of their lives. Coming from a little town in Pennsylvania and having gone to integrated schools all my life . . . never knowing there were any other kind; I remember I used to condemn the mothers lying down in front of school busses and Governor Wallace standing in the front doors of the schools, etc. But this morning it was different and you know why? Because my son, Scott, who I had protected from the pornographic literature at age twelve is now fourteen and bussing has just come to our home!
>
> We recently moved here from Chattanooga where we lived in Tiftonia, a portion of the city where there is no busing—yet. Anyway, when we arrived I called the Zoning Commission and spoke at that time with a Mr. Detchon, a very nice gentleman who recommended that I allow Scott to attend the public schools and not register him in any of the newly formed Christian schools. He advised me that Cameron School, a ninth grade school, was one of the finest schools and that it could give Scott high scholastic advantages, fine sports programs, etc. Following his advice we went to register as a new student on August 29, 1972. At that time I was advised that all the biology classes and all the Industrial Arts (woodship) classes were full and he would not be able to attend either. They did offer General Science and plain art. But what I really want to tell you is that at 5:00 this morning I had both my children up. At 6:15 sharp they were at the bus stop. At 8:30 Scott and two other children were at my door—you guessed it—no bus!
>
> After I took the children to school I called the Zoning Commission to speak with Mr. Detchon who just happened to be on vacation (that is exactly where I would be this morning if I were in his shoes). I then called the Transportation Department who were nice to explain that with 90,000 kids starting school the first day there were bound to be a few mixups. Now I want to tell you I have just joined the forces of irate parents and intend to vote for the man that will some day straighten out this bussing issue.

As this body meets, the Memphis school system, the 10th largest in the United States, has been ordered to bus an additional 13,000 children in January of this year at an estimated cost of $499,000 a year. In terms of disruption of children's education, their personal lives and even their physical well-being, the cost of this program is incalculable. Let us move now to stop this sadistic program of totalitarian regimentation of our school age children, dividing them by race, and producing more bitterness, bigotry and disillusionment daily.

Mr. McCLELLAN. Mr. President, I should like to make a very brief statement. Although the pending antibusing bill is not as good, nor will it be as effective if enacted, as it should be, I do strongly favor its enactment.

Heretofore I have never voted for cloture for the simple reason that I believe a democracy functions best when there is free and unlimited debate. And this is especially true in the U.S. Senate, which has long been regarded as the greatest deliberative body in the entire world. However, this legislative cloture "tool" has become a fact of life—a reality—that we in the Senate must live with. Many times during the 30 years I have served in this body it has been used to force a vote on bills that I opposed. I have, therefore, concluded that in some instances where I strongly favor legislation that is being blocked by a filibuster, I should use this same "tool" to bring about a vote on measures that I favor. This is particularly true now, since we are in the closing days of the session. Accordingly, I am today voting for cloture.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. EDWARDS). The hour of 12 noon having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 13915), an act to further the achievement of equal education opportunities.

1. Robert Griffin.
2. Clifford P. Hansen.
3. Paul J. Fannin.
4. Edward J. Gurney.
5. Bill Brock.
6. Norris Cotton.
7. Marlow W. Cook.
8. William Proxmire.
9. David H. Gambrell.
10. Jennings Randolph.
11. Strom Thurmond.
12. James Buckley.
13. Lawton Chiles.
14. Herman E. Talmadge.
15. B. Everett Jordan.
16. John Tower.
17. Howard Baker.
18. Robert Dole.
19. Wallace F. Bennett.
20. G. D. Aiken.

CALL OF THE ROLL

The PRESIDING OFFICER (Mrs. EDWARDS). Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 540 Leg.]

Aiken
Allen
Baker
Beall
Boggs
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
Mondale
Montoya
Pastore
Ribicoff
Schweiker
Sparkman
Spong
Stafford
Stennis
Talmadge
Tunney
Weicker
Young

The PRESIDING OFFICER (Mr. TUNNEY). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Fannin
Fong
Gravel
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
Long
Magnuson
McClellan
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Scott
Smith
Stevens
Symington
Taft
Thurmond
Tower
Williams

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire, (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. CURTIS), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on H.R. 13915, a bill to further the achievement of equal educational opportunities, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. JORDAN of Idaho (when his name was called). On this vote I have a pair with the Senator from Colorado (Mr. ALLOTT) and the Senator from Nebraska (Mr. CURTIS). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Illinois (Mr. Stevenson), the Senator from Rhode Island (Mr. Pell), the Senator from Montana (Mr. Metcalf), the Senator from New Hampshire (Mr. McIntyre), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern), and the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Nebraska (Mr. Curtis), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Kentucky (Mr. Cook) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "nay."

The pair of the Senator from Colorado (Mr. Allott) and that of the Senator from Nebraska (Mr. Curtis) has been previously announced.

The yeas and nays resulted—yeas 49, nays 39, as follows:

[No. 541 Leg.]

YEAS—49

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cotton
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Long
Mathias
McClellan
Packwood
Proxmire
Randolph
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—39

Bayh
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Percy
Ribicoff
Scott
Stafford
Stevens
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Jordan of Idaho, against.

NOT VOTING—11

Allott
Cook
Curtis
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Pell
Stevenson

The PRESIDING OFFICER. On this vote there are 49 yeas and 39 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 9, 1972, the President had approved and signed the following acts:

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes;

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes;

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin;

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; and

S. 3129. An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Massachusetts, and for other purposes.

REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

The PRESIDING OFFICER (Mr. Tunney) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith the Annual Report on the International Educational and Cultural Exchange Program conducted during Fiscal Year 1971 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256, the Fulbright-Hays Act).

Mutual understanding between our own people and the people of other countries is an essential ingredient of the peace we seek. The exchange program is directed at increasing world understanding at the most basic, people-to-people level. It likewise aims to develop and strengthen enduring unofficial relationships between institutions, organizations, private businesses and professional societies here and abroad.

One measure of this program's impact is that, in 25 years, more than 142,000 people have taken part in exchanges, including over 36,000 Americans. During 1971 more than 5,000 scholars and leaders in various fields took part in exchange visits.

In this manner, the exchange program has created in the United States and abroad reservoirs of mutual understanding and empathy among a cross-section of leaders in many professions. These vital reservoirs are drawn upon more and more frequently as the number of people who influence foreign policy decisions increases both in this country and abroad.

This report presents a brief summary of the exchange program over its first 25 years. Limited at first to scholarly exchanges, the program now includes observation-study visits by outstanding foreign leaders and professionals. This aspect of the program has progressed to the point that the chief of state or prime minister of one out of every 10 countries of the world has visited the United States before assuming office. The present-day program also encompasses presentation abroad of some of the country's top performing artists, with special emphasis on reaching important areas ordinarily missed by regular commercial performing arts tours, such as the Soviet Union and Eastern Europe.

The program also includes exchanges of outstanding young people with leadership potential, as well as special projects designed to enrich the experience of foreign students coming to the United States under private sponsorship, many of whom return home to rise to positions of leadership.

In particular, this report pays tribute to the hundreds of private agencies, business corporations, and other organizations as well as to the thousands of individuals who, from the very beginning, have voluntarily contributed funds, time and effort to make this exchange program not only truly representative of the people of the United States, but a unique example of citizens' diplomacy in action.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *October 11, 1972.*

(The routine morning business transacted during the day is printed at this point, as follows:)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Griffin) laid before the Senate the following letters, which were referred as indicated:

Proposed Adjustment of a Reprograming Action in National and Special Research Programs

A letter from the Acting Director, National Science Foundation, proposing, pursuant to law, an adjustment of up to $32,900,000 into "Natonal and Special Research Programs" (with accompanying papers); to the Committee on Appropriations.

Report on Reducing the Needs for Military Medical Personnel in the Armed Forces

A letter from the Secretary of Defense and the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report on reducing the needs for military medical personnel in the Armed Forces, dated October, 1972 (with an accompanying report); to the Committee on Armed Services.

Report Under Flammable Fabrics Act

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report under the Flammable Fabrics Act, for the calendar year 1971 (with an accompanying report); to the Committee on Commerce.

Publication of Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "All Electric Homes in the United States, 1971" (with an accompanying document); to the Committee on Commerce.

LIST OF REPORTS OF THE GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of September, 1972 (with an accompanying list); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the National Flood Insurance Program, Fiscal Year 1971", Federal Insurance Administration, Department of Housing and Urban Development, dated October 11, 1972 (with an accompanying report); to the Committee on Government Operations.

PROSPECTUSES PROPOSING ALTERATION OF CERTAIN PUBLIC BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses proposing alteration of public buildings at Denver, Colorado, and Chicago, Illinois (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on the Judiciary, without amendment:

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar (Rept. No. 92-1288).

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary, without amendment:

S. 3326. A bill for the relief of the Appalachian Regional Hospitals, Incorporated (Rept. 92-1289).

OLDER AMERICANS ACT—REPORT OF A COMMITTEE (S. REPT. NO. 92-1287)

Mr. EAGLETON, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, submitted a report thereon, which was ordered to be printed.

CHANGE OF REFERENCE

S. 4075

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of S. 4075, a bill to incorporate in the District of Columbia the American Ex-Prisoners of War, and that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

ORDER FOR STAR PRINT OF SENATE REPORT NO. 92-1169

Mr. EASTLAND. Mr. President, I ask unanimous consent that a star print be made of Senate Report No. 92-1169.

The original print, composed of two pages, was hopelessly garbled requiring a star print to correct the errors, dropped sentences and transpositions.

Report No. 92-1169 was on a simple Senate resolution referring a claim to the Chief Commissioner of the Court of Claims for a report back to the Senate under existing statutes. The Chief Commissioner has requested this star print as the Senate report is frequently cited in the proceedings before the court. No more than 100 copies are needed.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MATHIAS:

S. 4080. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. HATFIELD, and Mr. STENNIS):

S. 4081. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS (for himself, Mr. BAYH, and Mr. HUMPHREY):

S. 4082. A bill to amend the Voting Rights Act Amendments of 1970 with respect to citizens residing outside the United States. Referred to the Committee on Rules and Administration.

By Mr. BEALL:

S. 4083. A bill for the relief of Prosy M. Florento. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 4084. A bill to provide for project grants for the development and demonstration of programs for rehabilitative and habilitative care of the aged, blind and disabled patients of long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 4085. A bill for the relief of Maria Amelia Beatriz Caner Puyo. Referred to the Committtee on the Judiciary.

By Mr. HOLLINGS:

S. 4086. A bill to amend the Ports and Waterways Safety Act of 1972 to provide for a study of the need for regulation of the construction and operation of artificial structures for offshore port, terminal, or powerplant facilities. Referred to the Committee on Commerce.

By Mr. BURDICK:

S. 4087. A bill to establish a program for the indemnification of crop losses sustained by farmers as the result of damage caused by migratory waterfowl.

By Mr. GRAVEL:

S. 4088. A bill for the relief of Mrs. Elsie Eduque Tabora. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 4080. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

THE INTERSTATE TAXATION ACT

Mr. MATHIAS. Mr. President, on September 21, 1972, I informed the Senate that I intended to introduce before adjournment a new bill designed to eliminate the most troublesome problems affecting the area of State and local taxation of interstate commerce.

This subject has been one of my prime concerns since I began my service in the House of Representatives in 1961.

In both the 90th and 91st Congresses, the House passed by overwhelming majorities State taxation legislation, which I supported and have introduced in the Senate in 1969 and again in 1971. This legislation has also been cosponsored by a number of Senators, but to date there has been no action whatsoever by the Committee on Finance, not even a single day of hearings, despite repeated assurances by the distinguished chairman of the committee that such hearings would be held in both the 91st and 92d Congresses.

Mr. President, one of the alleged major obstacles to Senate committee action on interstate taxation legislation is what has been described as lack of agreement or a division of opinion in the business community.

The bill I am introducing today commands the support of a very major portion of the business and commercial community.

It has been drafted over a period of months with the help of expert tax technicians drawn from the National Association of Manufacturers, Council of State Chambers of Commerce, the National Association of Wholesalers-Distributors, and other organizations. Further, it has been reviewed by dozens of single product or service business associations and also has their endorsement.

Mr. President, neither I nor those who helped to draft the bill claim that it is absolutely perfect, but one thing of which I am convinced is that it represents very major concessions to the States and localities which have opposed other business-supported versions of this legislation, such as my earlier bill, S. 317. I am hopeful that a significant number of State tax administrators will give serious consideration to my new bill and be equally willing to make concessions to the business viewpoint so that we can enact this vitally needed legislation as early as possible in the 93d Congress.

I realize that at this late stage of the 92d Congress, public hearings before the Committee on Finance will not be held, but I urge the distinguished chairman of the committee to schedule such hearings as early as possible in 1973 before the committee sets up its schedule which would like result in the issue of State taxation of interstate commerce again bringing up the rear.

I urge all those who would be affected by this legislation to give it serious study between now and the time the 93d Congress convenes. I will be happy to have their views looking toward reintroduction of such legislation next year.

Mr. President, I ask unanimous consent that a copy and an explanation of my bill and a comparison of it and the major bills on the subject of State taxation of interstate commerce introduced in the 92d Congress be printed in the RECORD as part of my remarks.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 4080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power to—

(1) to impose a net income tax or a capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State or political subdivision during the taxable year;

(2) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State or political subdivision; or

(3) to require a person to collect and remit a sales or use tax with respect to an interstate sale of tangible personal property unless the person (A) has a business location in the State or political subdivision; or (B) regularly makes household deliveries in the State or political subdivision other than by common carrier or United States Postal Service; or (C) regularly engages in the State or political subdivision in solicitation of orders for the sale of tangible personal property by means of salesmen, solicitors, or representatives (unless such solicitation of orders is carried on solely by direct mail or advertising by means of printed periodicals, radio, or television); provided that no State or political subdivision shall have power to require a seller without a business location in the State to collect or pay a sales or use tax when such seller has obtained in writing the buyer's registration number in accordance with Section 304.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale or tangible personal property or, to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, subject to the limitations of Section 306, if it is not denied the power to do so under this or other Federal Statute.

TITLE II—MAXIMUM INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL THREE-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property, payroll and sales factors for the State for the taxable year plus, in the case of a tax measured by income, the amount of income allocable to the state for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's apportionable income as defined in this Act for that taxable year (or its entire capital, reduced by investments in and advancements to affiliated corporations, as determined under State law for the valuation date at or after the close of that taxable year). No State shall, by reason of not including dividends or foreign source income in apportionable income, make any offsetting adjustment of an otherwise allowable deduction.

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned and used or rented and used in that State and the denominator of which is the average value of all the corporation's real and tangible personal property owned and used or rented and used during the taxable year and located within the United States.

(b) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) RENTED PROPERTY.—Property rented to the corporation shall be valued at eight times the net rents payable by the corporation during the taxable year. Net rent is the gross rent payable by the corporation less rent received by the corporation from subrentals.

(c) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semiannual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in the United States during the tax period.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

SEC. 204. SALES FACTOR.

(a) IN GENERAL.—A corporation's sales factor for any State is a fraction, the numerator of which is the total sales of the taxpayer in the State during the taxable year and the denominator of which is the total sales of the taxpayer within the United States during the tax period.

(b) SALES INCLUDED.—

(1) Sales of tangible personal property are in the State or political subdivision if such property is received in the State or political subdivision by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered as the place at which such property is received by the purchaser. Direct delivery in the State, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in the State and direct delivery outside the State to a person or firm designated by a purchaser does not constitute delivery to the purchaser in the State, regardless of where title passes or other conditions of sale.

(2) Sales, other than sales of tangible personal property, are in the State if—

(A) the income-producing activity is performed in that State, or

(B) the income-producing activity is performed both in and outside that State and a greater proportion of the income-producing activity is performed in that State than in any other State, based on costs of performance.

SEC. 205. ZERO DENOMINATORS.

If the denominator of any factor is zero, then the other factors shall be used as the apportionment fraction for each State and political subdivision. If the denominators of all factors are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 206. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 207. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property, payroll and sales factors shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property, payroll and sales factors shall be determined by treating every reference to location in a State as a reference to location in the political subdivision.

SEC. 208. APPORTIONABLE INCOME.

(a) APPORTIONABLE INCOME.—Apportionable income means taxable income as determined under State law, except (1) dividends, and (2) income from sources without the United States as defined by the Internal Revenue Code of 1954, as amended.

(b) ALTERNATIVE APPORTIONMENT ELECTION.—A taxpayer may elect to include in apportionable income gains, profits, and income derived from the sale of personal property without the United States.

(c) ADJUSTMENT OF APPORTIONMENT FACTORS.—

(1) If a taxpayer makes the election provided in subsection (b) of this section, the denominators of the factors described in Sections 202 through 204 of this Act must be adjusted to include the worldwide property, payroll and sales of the Corporation attributable to the sale of personal property.

(2) To the extent apportionable income as defined in this section includes income derived from the sales of tangible personal property, the ultimate destination of which is outside the United States, the denominators of the factors described in Sections 202 through 204 of this Act must be adjusted to include payrolls, sales, and property attributable to such sales.

SEC. 209. ALLOCABLE INCOME—DIVIDENDS.

Dividends received from Corporations in which the taxpayer owns less than 50 percent of the voting stock other than dividends which constitute income from sources outside the United States, are allocable to the State of commercial domicile of such taxpayer. Dividends which constitute income from sources without the United States as defined by the Internal Revenue Code of 1954, as amended, and dividends received from Corporations in which the taxpayer owns 50 percent or more of the voting stock shall not be allocable to any State.

SEC. 210. COMBINED REPORTING AND CONSOLIDATED RETURNS.

(a) COMBINED REPORTING.—Upon establishing that a taxpayer is engaged in non-arm's-length transactions, as defined in Sec. 507, which cause a material distortion of income apportioned to the State the State may require the apportioned income of such taxpayer to be determined by reference to the combined apportionable income of all parties to the non-arm's-length transactions except as provided in subsection (c) hereof. A taxpayer that is a member of an affiliated group shall be permitted to determine its income to be apportioned to any State by reference to the combined apportionable income if necessary to clearly reflect the taxpayer's income properly apportionable to the State. In no event shall this section be construed to alter the effect of the provisions of this Act relating to allocable income. For purposes of this Act, combined apportionable income is the sum the apportionable income of all corporations combined with all intercorporate transactions eliminated.

(b) Consolidated Returns.—In the case of two or more affiliated corporations, each of which is subject to a State's taxing jurisdiction as provided herein, such corporations may elect, for purposes of determining net income tax liability to such State, the filing of a return of one entity with all intercorporate transaction eliminated.

(c) Adjustment of Income.—A State or political subdivision thereof may not require a corporation with a business location in the State or political subdivision to combine or consolidate, for the purpose of determining or measuring any tax, its gross receipts, income, capital or net worth with the gross receipts, income, capital or net worth of the following:

(1) A corporation which is incorporated outside the United States, or

(2) any corporation, 50% or more of the taxable income of which is excludable under Section 208(a) of this Act.

However, a State or political subdivision may, upon a specific finding, adjust the income of a corporation to correct any transaction with any other party consummated in the manner of a non-arm's-length transaction.

TITLE III—SALES AND USE TAXES

Sec. 301. Reduction of Multiple Taxation.

(a) Location of Sales.—A State or political subdivision thereof may impose a sales or use tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements as authorized under section 307.

(b) Credit for Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof. For purposes of this subsection, the person seeking the refund from a State or political subdivision imposing the tax shall apply for the refund within one year from the date of payment of the sales or use tax to such other State or political subdivision.

(d) Limitation on Credit for Prior Taxes.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

Sec. 302. Exemptions for Household Goods, Including Vehicles, in the Case of Persons Who Establish Residence.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person ninety days or more before use of the property in the State in which he establishes such residence.

Sec. 303. Treatment of Transportation Charges With Respect to Interstate Sales.

Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

Sec. 304. Registration Procedure.

A person with a business location in a State and purchasing goods in interstate commerce must obtain a registration number from that State. Persons without a business location in the State may rely upon such registration, as evidenced by receiving the registration number from the buyer, in writing, as conclusive authority for not charging and collecting a sales or use tax.

Sec. 305. Liability of Sellers on Exempt Sales.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall give the name and address of the purchaser, his registration number when required to be registered in accordance with Section 101, and shall be signed by the purchaser or his representative.

Sec. 306. Local Sales and use Taxes.

(a) Limitation of Seller Collection.—Notwithstanding the provisions of Section 101(3)(C), no seller shall be required by a State or political subdivision thereof—

(1) to collect a sales or use tax of a political subdivision with respect to interstate sales, or

(2) to classify interstate sales for sales or use tax purposes according to geographic areas of the State in any manner

except with respect to those interstate sales with destinations in political subdivisions in which the seller has a business location, or regularly makes deliveries other than by common carrier or United States Postal Service.

(b) Local Taxes Treated as State Taxes.—Notwithstanding the limitations in subsection (a), to the extent that State and any local sales and use taxes are imposed in all geographic areas of a State upon like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that the seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be treated as State taxes for the purposes of this Act.

TITLE IV—JURISDICTION OF FEDERAL COURTS

Sec. 401. Judicial Review.

Notwithstanding section 1251(a) of title 28, United States Code, the United States Court of Claims shall have jurisdiction to review de novo any issues relating to a dispute arising under this Act or under Public Law 86-272, as amended. Within 90 days of the decision of a State administrative body from which the only appeal is to a court, any party to the determination may petition the Court of Claims for a review de novo of any such issues. The Court of Claims may issue all necessary orders and process to bring before it the claims of all States to a share of a corporation's net income for the taxable year or years in issue, whether or not such States have previously been parties. The findings of fact by the State administrative body shall be considered with other evidence of the facts. The judgment of the Court of Claims shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code, as amended.

Sec. 402. Effect of Federal Determination.

The determination of a dispute arising hereunder by the Court of Claims shall be binding for the taxable years involved on any State given notice or appearing as a party, notwithstanding any prior determinations of the courts or administrative bodies of that State completed after notice to that State. No statute of limiations shall bar the right of a State or a corporation to an amount of tax increased or decreased in accordance with the determination, provided action is begun within one year after the determination has become final.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART A—DEFINITIONS

Sec. 501. Net Income Tax.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

Sec. 502. Gross Receipts Tax.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

Sec. 503. Capital Stock Tax; Capital Account Tax.

(a) Capital Stock Tax.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) Capital Account Tax.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

SEC. 504. SALES TAX.

A "sales tax" is any tax imposed with respect to sales, and measured by the sales price of tangible personal property or services with respect thereto, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 505. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 506. EXCLUDED CORPORATION.

A financial organization or a public utility is an excluded corporation. "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, small loan association, credit union, cooperative bank, small loan company, sales finance company, any corporation which derives 90% or more of its gross income from interest including discount, investment company, or any type of insurance company. "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water, or steam; and (2) whose rates of charges for goods or services have been established or approved by a Federal, State, or local government or governmental agency.

SEC. 507. ARM'S-LENGTH AND NON-ARM'S-LENGTH TRANSACTIONS.

An arm's-length transaction is a transaction between two or more affiliated corporations consummated at a consideration in an amount which would have been charged in an independent transaction between two or more unrelated corporations under similar circumstances considering all relevant facts. A non-arm's-length transaction is a transaction between two or more affiliated corporations consummated at a consideration in an amount which is more or less than the amount that would have been charged in an independent transaction between two or more unrelated corporations under similar circumstances considering all relevant facts.

SEC. 508. AFFILIATED CORPORATIONS.

Two or more corporations are "affiliated" if they are not excluded corporations as defined in Section 506 and are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) 50 percent or more of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) 50 percent or more of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

SEC. 509. COMBINED REPORTS AND CONSOLIDATED RETURNS.

A combined report is a report in which the net income of a corporation within the taxing jurisdiction of a State is combined with the net income of an affiliated corporation not within the taxing jurisdiction of a State. A consolidated return is a return permitted or required of two or more affiliated corporations each of which is subject to the taxing jurisdiction of a State.

SEC. 510. SALE.

For the purpose of Title III only, the term "sale" shall be deemed to include leases and rental payments under leases.

SEC. 511. INTERSTATE SALE.

An "interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser in the State from a point outside that State.

SEC. 512. DESTINATION.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser, or to which the property is shipped by the seller to the purchaser, regardless of the free on board point or other conditions of the sale.

SEC. 513. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State,

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of his business, or

(4) regularly leases to others tangible personal property for use in the State.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State solely by reason of paragraph (4), he shall be considered to have a business location in the State only with respect to such leased property.

SEC. 514. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) MOVING PROPERTY.—Personal property which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State for purposes of inclusion in either the numerator or the denominator of the property factor.

(c) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATIONS.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without the State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATONS.—the term "base of operations," with respect to a corporation's moving property means the premises at which any such property is regularly maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 515. LOCATION OF EMPLOYEE.

An employee shall be considered to be located in a State if—

(a) the employee's service is performed entirely within the State;

(b) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or

(c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State; or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in the State. The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954, as amended.

(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are any of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

(3) The installing or repairing of tangible personal property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

SEC. 516. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 517. STATE LAW.

References in this Act to "State Law," "the laws of the State," and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 518. TAXABLE YEAR.

A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 519. COMMERCIAL DOMICILE.

"Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

SEC. 520. DIVIDENDS.

"Dividends" means distributions made in cash or property from the earnings and profits of a corporation as earnings and profits are defined for Federal tax purposes, but not of any "deemed foreign tax paid" which may be required to be added for Federal income tax purposes under section 902 of the Internal Revenue Code of 1954, as amended.

PART B—MISCELLANEOUS PROVISIONS

SEC. 521. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 522. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 523. APPLICABILITY OF ACT.

Nothing in this Act shall be considered—

(a) to repeal Public Law 86-272, as amended, with respect to any person;

(b) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income tax with respect to an excluded corporation; or

(c) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act.

SEC. 524. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies including a net income tax imposed on an excluded corporation.

SEC. 525. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) Periods Ending Prior to Enactment Date—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person any tax for any period ending on or before such date in or for which that person became liable for such tax if during such period the State or political subdivision would not have had the power to assess such tax had the provisions of Title I of this Act been in effect during such period.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 526. EFFECTIVE DATES.

(a) Except as provided in section 525, Titles I and II of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

(b) Section 306 of this Act shall be effective with respect to taxable periods beginning on or after July 1, 1976.

(c) The remaining provisions of this Act shall take effect on the date of the enactment of this Act, unless a specific date is provided for in any such provision.

EXPLANATION OF S. 4080, INTERSTATE TAXATION ACT OF 1972

S. 4080, as the latest in a series of bills on interstate taxation, attempts to incorporate features of a number of different interstate taxation proposals that should best protect the legitimate interests of the taxpayer, the tax collector, and the public.

TITLE I—JURISDICTION TO TAX

Section 101. Uniform jurisdictional standards

This section aims to provide protection for the business that is selling in interstate commerce from being liable for payment or collection of taxes in States where that business has no business location while at the same time preserving the legitimate interest of the States in collecting all taxes to which they are entitled.

The present sales and use tax jurisdictions would be preserved for the States by, in effect, codifying the present law as enunciated in the Supreme Court cases of *Scripto, Inc.* v. *Carson,* 362 U.S. 107 (1960) and *National Bellas Hess, Inc.* v. *Department of Revenue of the State of Illinois,* 386 U.S. 753 (1967). This constitutes a major concession by the business community to the States.

The bill, however, would afford relief from sales tax liability for businesses without a business location in the State—that is, generally medium and small businesses, wholesalers and small manufacturers—through a registration number procedure. The seller, without a business location in a State, would be able to rely on the sales and use tax registration number procedure, prescribed in Section 304, as assurance that the *business* buying the product would assume liability for payment of any sales or use tax that may be due. "Business location," which is defined in Section 513, generally means owning or leasing real property within the State, or having one or more employees located in the State, or regularly maintaining a stock of tangible personal property in the State for sale in the ordinary course of business. Since most of the larger corporations would tend to have "business locations" in States in which they are making interstate sales, their tax liability would not be greatly affected by this registration number procedure. Rather the registration number procedure would tend to benefit primarily the smaller businesses—the type of business that the House Judiciary Subcommittee on State Taxation of Interstate Commerce found to be in widespread noncompliance, through lack of knowledge, inability to comply, etc., with sales and use tax payments on interstate sales. In that the procedure clarifies liability for payment of sales and use taxes, it should be helpful to States in actually collecting the taxes that are not being collected now, as well as relieving small businesses from potential liability that hangs over their heads.

Section 101 also provides for a "business location" jurisdictional test for imposing a corporate net income tax, a gross receipts tax or capital stock tax on a corporation. The New York Bar Association Tax Section December 1971 Report of Committee on Interstate Taxation states the reasons for such a business location test as follows:

"In our Committee's judgment, the policy of requiring a corporation to contribute to the support of the government of each State providing a market for its goods or services is outweighed by the policy of freeing multistate business firms from the onerous administrative burdens of keeping records and filing tax reports for a multiplicity of States and localities with which their economic contacts are relatively small. In our view, the governmental services furnished by a State to an enterprise having no permanent establishment within that State's borders are not likely to be sufficiently substantial to justify the imposition of income tax compliance burdens on such an enterprise. This judgment leads us to support the "business location" test set forth in Clause (1) in Section 101 of the Rodino Bill (H.R. 1538) as affording an appropriate means of alleviating the compliance problem."

TITLE II—MAXIMUM INCOME OR CAPITAL ATTRIBUTABLE TO TAX JURISDICTION

Sections 201–207. Optional three-factor formula

The bill provides an optional Three-Factor Formula (property, payroll, and sales) for apportionment of income or capital of interstate corporations. This is the most widely used formula and has been recommended by the Commissioners on Uniform State Laws in the Uniform Division of Income Tax Purposes Act (UDITPA). A taxpayer would still have the right to use a different apportionment formula that may be provided for by State law, but the Three-Factor Formula would serve as a maximum.

The bill adopts the approach of the Magnuson "Ad Hoc" bill, S. 3333, to apportion all income in the tax base except portfolio dividends which would be allocated to commercial domicile. Foreign source income generally and intercorporate dividends would be excluded both from allocable and apportionable income. This will clear up the confusion that has developed in the application of UDITPA between "business" income that is apportionable among the States by the use of the Three-Factor Formula and "non-business" income which is allocable to a specific State.

The shift in this bill to placing greater emphasis on apportioning income among the States by formula, as opposed to allocating that income to specific States by situs, also constitutes a major concession by the business community to those States that have been advocating this approach. There has been a developing trend among the States to support apportioning income among the States by the 3-factor formula rather than allocating by situs. Business generally in the past has proposed clarifying the confusion in UDITPA between apportionable "business" income and allocable '"non-business" income by specifying what types of income should be apportioned and what types should be allocated.

Section 204. Sales factor—"Throwback rule"

The bill assigns sales by destination in a State as the simplest, most equitable attribution procedure. It gives due weight to the role of the market in the overall production of income or capital and is one that many businesses and States have learned to live with and prefer. The so-called "throwback" provision, found in the Uniform Act (UDITPA), is not included in the sales factor. The "throwback rule" provides that in the case of sales to the United States Government and when the taxpayer is not taxable in the State of the purchaser, the sale will be recaptured or "thrown back" to the State of the origin of the sale.

It would appear more equitable and appropriate that the receipts factor include sales on a straight destination basis since the purpose and intent of the apportionment formula is to arrive at a reasonable basis for assigning some part of the corporation's total income to a particular State based on the activity performed in that State. Therefore, in attempting to measure this activity, the guidelines should be focused on what is being done in that State—and not what the taxpayer is *not* doing in some other State. In utilizing the receipts factor, it is recognized that part of the income or capital is attributable to the selling activity in the market State and, therefore, any change from a straight destination test results in attributing a smaller part of the total income or capital to the selling activity than would be the case by utilizing a straight destination test. The market-oriented States must rely largely on the sales factor to have a share of major interstate business income assigned to them. Other States that are relatively less market-oriented have property and payroll factors, as well as sales, to increase their share of the taxable income or capital. The justice of this concept has been recognized by a number of major States, including some that are not market-oriented States, which have deleted the "throwback" provision in enacting the Uniform Act. These States have recognized that recapture involves an administrative complexity that may cost more than the tax difference. The House Judiciary Subcommittee on State Taxation of Interstate Commerce on page 244, Volume 1 of their report, stated that:

"It should also be observed that the existing throwback rules add to the complexity of the system even if their applicability is clear. When a throwback rule applies, it will normally require the taxpayer to develop data in addition to that needed to comply with the primary division-of-income rules of the taxing State. When a destination State requires that certain sales be thrown back to the State of origin, for example, the taxpayer is required to determine the point of origin of each transaction subject to the throwback. The development of such information may materially increase the burden of compliance."

Section 208. Apportionable income

Corporations necessarily have, in addition to their regular business income, income which is not earned in the course of their regular trade or business. To the extent that such income is not earned in the United States, it should not be apportionable by formula to the various States. Section 208(a) insures that only income earned in the United States will be apportioned among the States by formula. Section 208(b) permits a taxpayer to enlarge the income subject to apportionment by including income from gains, profits, and income derived from the sale of personal property without the United States. For some taxpayers this procedure is suitable because of the nature of their accounting system. In the case of the taxpayer electing this alternative, Section 208(c) provides for the adjustment of the denominators to reflect the components giving rise to the income included in the enlarged apportionable base. Section 208 has been developed in the belief that the most important criteria for properly apportioning income among the States is that the factors reflect values directly related to specific income to be apportioned.

Section 209. Allocable income—dividends

Dividends, except dividends from affiliates, are allocable to the State of commercial domicile. Dividends received from an affiliated corporation in which the taxpayer owns 50% or more of the voting stock and income from sources outside the United States generally are excluded both from apportionable and allocable income and so would not be in the tax base unless the taxpayer uses the alternative apportionment procedure prescribed in Section 208(b) on foreign sales of personal property and includes income from which dividends are paid. These exclusions from apportionable income are provided for in the Section 208 definition of "apportionable income."

Since a State should be attempting to tax only income derived from sources in that State, it would seem obvious that the States should not be taxing income earned overseas, but this is precisely what some States are attempting to do. In fact, some States are attempting to go beyond commonly accepted worldwide concepts of taxing international income.

Section 208 provides that corporate dividends are to be excluded from income apportioned among the States by formula. Section 209 then provides for allocation of dividends, except dividends from affiliates, to the State of commercial domicile. This type of allocation is in accordance with intent of the Uniform Act (UDITPA) but Congressional action is made necessary by a September 10, 1971 recommendation by the Multistate Tax Commission (MTC) to the States for regulations that would apportion dividend income. The regulations which the MTC proposes to change basically were worked out after much effort by the Committee on Uniform Income Tax Regulations of the National Association of Tax Administrators (NATA). The regulations as recommended by NATA have been adopted by California, Oregon, and Kentucky. The regulations as proposed by NATA would generally allocate intercorporate dividends to the State of commercial domicile which is a clear-cut way of handling the problem in accordance with the intent of the Uniform Law (UDITPA). Only a minority of the States have enacted the Multistate Tax Compact. Therefore, even if all the member States adopted this proposed regulation, which seems unlikely, many States are likely to continue to follow their present practices. This means that States that tax dividends of companies with a commercial domicile in the State will continue to do so. Other States that adopt the Multistate Tax Commission (MTC) regulation will be apportioning the *same* dividend income by formula among the States. The result will be increased *double* taxation.

Most States and the Federal government have long recognized that intercorporate dividends should not be treated as income subject to full taxation. Some States allow a 100% exclusion for intercorporate dividends, while others follow the Federal practice of an 85% exclusion (a 100% exclusion is permitted by the Internal Revenue Code under certain circumstances). It is likely, however, that if the MTC regulation referred to above is adopted by Compact member States, there will be a great temptation for these States to subject such income to taxation even though they have no legitimate claim on it. The result will be increased multiple taxation.

Business generally takes the position that no dividends should be taxed since the income from which the dividends are paid has already been taxed. Very few States include all dividends in the tax base.

Many States include dividends only to the extent that they are included in Federal taxable income. To the extent dividends are taxable, they are generally allocated to the State of commercial domicile, as provided for in Section 209.

Section 210. Combined reporting and consolidation returns

This bill also represents a very considerable concession from the general business position that States should be prohibited from requiring the filing of combined returns of affiliated companies such as is proposed in S. 317. The provisions in this bill aim to provide sufficient flexibility so that both the States and the taxpayers can be assured reasonable equity under them. It should be emphasized, however, that Title IV giving jurisdiction to the Federal Court of Claims to hear appeals on the application of the Act is considered by the business community as an *essential* companion provision to make the combined reporting and consolidated return provisions accepting to business.

The bill would authorize a State to require combined reporting upon establishing that a taxpayer is engaged in non-arm's-length transactions with affiliates which cause a material distortion of income apportioned to the State. A taxpayer would be permitted to file a combined report with intercorporate transactions eliminated if it is demonstrated that a combined report is necessary to clearly reflect the taxpayer's income properly apportionable to the State. Non-arm's-length transactions are defined in Section 507. A State could require the combining of apportionable income only for corporations that were parties to the non-arm's-length transactions. Section 508 defines "affiliated corporations" and provides that "excluded corporations" as defined in Section 506 will not be considered as "affiliated" for the purposes of this Act.

The report of the House Subcommittee on State Taxation of Interstate Commerce (Vol. 1, pp. 244–245) distinguishes between: (1) a "consolidated return" as the "type permitted or required of two or more affiliated corporations each of which is subject to the taxing State's jurisdiction" and (2) a "combined report" in which "the taxable corporation's net income is combined with the net income of a non-taxable out-of-State corporation." Section 509 of this bill defines "combined reports" and "consolidated returns" in accordance with this distinction.

In addition to the provision on "combined reporting" described above, this section would permit consolidated returns of affiliated companies subject to the State's jurisdiction at the election of the taxpayer for the purpose of determining net income tax liability, with all intercorporate transacions being eliminated.

Under the bill if "non-arm's-length" transactions have occurred between a corporation with a business location in the State and a corporation engaged in business principally outside the U.S., the income of the domestic corporation may be adjusted to eliminate the effect of the non-arm's-length transactions upon its income.

These provisions on combined reporting and consolidated returns should help avoid situations where companies are "whipsawed" between conflicting approaches of different States and subjected to double or multiple taxation on the same income. This sometimes results in more than 100% of a company's income being subjected to State taxation.

The need for these provisions is illustrated by two cases involving the Kennecott Copper Corporation. The States of California and Utah have both held that Kennecott and its affiliates are unitary.

California ruled that Kennecott must file a combined report. (*Chase Brass and Copper Company* v. *Franchise Tax Board*, 7 Cal. App. 3d 99, 86 Cal. Rptr. 350, *appeal dismissed and cert. denied*, 400 U.S. 961 (1970)). Utah, on the other hand, refused to permit Kennecott to file a consolidated return, even though its law authorizes such a return, but instead imposed a separate accounting approach on the parent organization and required separate taxation of its affiliates (*Kennecott Copper Corporation, et al.* v. *State Tax Commission of Utah*, unreported decision of the Utah Supreme Court, Case No. 12498, filed January 24, 1972, Jurisdictional Statement on appeal to the Supreme Court of the United States, filed August 24, 1972). Both California and Utah acted in a manner so as to maximize the tax owed to each State. The result is that Kennecott is being subjected to taxation on considerably more than 100% of its income. The California case also illustrates how that State uses its combined reporting requirement to subject foreign source income from overseas investment to taxation even though the foreign affiliates involved have no situs or business activity in the State.

TITLE III—SALES AND USE TAXES

This Title generally follows S. 3333, introduced by Senator Magnuson, with the addition of the registration requirement referred to above in connection with Section 101. This includes the provisions (Section 306) prohibiting political subdivisions from imposing the obligation on the seller to collect tax on an interstate sale unless (1) the seller has a business location or makes a regular deliveries into the subdivision, or (2) the local tax is imposed in all geographic areas of the State on like transactions at the same combined State and local rate, administered by the State, and uniformly applied so that a seller would not be required to classify interstate sales according to geographic areas of the State. (This section would not be effective until July 1, 1976.) The other provisions in this Title primarily codify existing law and are generally considered acceptable to the States.

TITLE IV—JURISDICTION OF FEDERAL COURTS

This Title would give jurisdiction to the Federal Court of Claims to hear appeals upon the application of provisions of the Act, after State administrative decisions are final and the only appeal is to court. The Court of Claims uses Commissioners to hear cases throughout the country. The Court of Claims also has authority to sit as a panel of judges in different parts of the country. The objective of this Title is to have a single Federal court that could develop expertise in the area of interstate taxation and provide for uniform application of the Federal law in a manner that would not be possible through use of State or Federal District Courts. This would help eliminate conflicting application of the Federal law in different jurisdictions and avoid double or multiple taxation of the same income. The Kennecott cases referred to above in the section on combined reporting illustrate the need for this type of provision.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

This title contains definitions necessary to support the major provisions outlined above and is generally in agreement with other interstate tax bills that have been introduced.

INTERSTATE TAXATION ACTS—COMPARISON OF PRINCIPAL DIFFERENCES IN PROVISIONS

Features	Ribicoff-Mathias (S. 317) and Rodino (H.R. 1538)	Cranston (S. 1210) Talcott (H.R. 4267) Sales and Use Taxes	Magnuson (S. 1883) Consent to Compact	Magnuson (S. 3333) Ad Hoc bill	S. ——
I. Jurisdictional standards:					
Income taxes	Business location[1]			Public Law 86-272	Same as S. 317.
Capital stock taxes	Business location				Same as S. 317.
Gross receipts taxes (measured by gross volume of business).	Business location				Same as S. 317.
Sales and use taxes	Business Location, or regular household deliveries.	Codifies the U.S. Supreme Dourt decisions in the Scripto and National Bellas Hess cases.		Same as H.R. 4267	Same as H.R. 4267, except a seller without a business location in State would be able to rely on a registration procedure as assurance that the business purchaser assumes liability for payment of tax.
II. Maximum income or capital attributable to taxing jurisdiction:					
Apportionment formula	Property Payroll		Property Payroll Sales	Property Payroll Sales	Property. Payroll. Sales (straight destination, no throwback).
Business versus non-business income.			Adopts UDITPA which allocates nonbusiness income, but by regs. MTC considers all income as apportionable business income (dividends, interest, rents, royalties, and capital gains).	Eliminates business vs. non-business distinction, allocates dividends from nonaffiliated corporations to the taxpayer's commercial domicile.	Same as S. 3333 except a 50 percent ownership test is applied to determine affiliation and all nondividend U.S. income apportionable.
Dividends from affiliated corporations.				Dividends from 80 percent owned affiliated corporations not taxed, dividends from non-affiliates allocated to commercial domicile.	
Foreign source income				Any income from foreign sources described in sec. 951(a)(1) I.R.C. is not taxed (i.e. subpart F income).	Same as S. 3333 except "foreign source" is as defined by I.R.C., 1954.
Capital stock taxes					Eliminates investments in and advances to subsidiaries.
Consolidated or combined returns.	S. 317 limits it to those affiliated corporations subject to the taxing State's jurisdiction, with sec. 482 I.R.C. provision.			Includes more than 80 percent owned affiliates which derive at least 10 percent of their income from the taxing State through application of the apportionment formula test (excludes public utilities, financial institutions, WHTC, possession companies, and companies deriving more than 90 percent of their income from foreign sources).	State may require a combined report if it establishes non-arm's length dealings. Taxpayer permitted to combine if necessary to clearly reflect income applicable to State. Taxpayer can elect to consolidate affiliates over which State has jurisdiction.
III. Sales and use taxes:					
Interstate seller required to collect sales and use taxes.	Collection prescribed by definition of destination sales and taxpayer must have a business location or regularly makes household deliveries in destination State.	Collection prescribed by definition of location of sale at destination State under the jurisdictional rules above.	Collection prescribed if interstate seller makes regular household deliveries to a consumer.	Location of a sale at destination State and permits a contiguous State or political subdivision to enter into reciprocal collection agreements requiring seller to collect taxes.	Same as S. 317.
Freight charges on interstate sales.	Not included in base when separately stated.	Same as S. 317		Same as S. 317	Same as S. 317.
Liability of interstate seller on exempt sales.	Relieves seller if purchaser furnishes registration number or other written evidence of exempt purpose.	Relieves seller if purchaser furnishes certificate or other written evidence of exempt purpose.	Relieves seller if accepts an exemption certificate in good faith.	Relieves seller if purchaser furnishes certificate or other written evidence or exempt purpose (same as H.R. 4267).	Same as S. 3333 but see description of registration procedure above.
Local sales and use taxes	Requires uniform State collection and administration on interstate sales by destination State in which seller has a business location or regularly makes household deliveries.	Same as S. 317 but adds, or regularly solicits orders by salesmen or other representatives.		Similar to S. 317—requires uniform State collection and administration on interstate sales by destination State in which seller has a business location or makes regular deliveries other than by common carrier or U.S. mail.	Same as S. 3333.

Features	Ribicoff-Mathias (S. 317) and Rodino (H.R. 1538)	Cranston (S. 1210) Talcott (H.R. 4267) Sales and Use Taxes	Magnuson (S. 1883) Consent to Compact	Magnuson (S. 3333) Ad Hoc bill	S. ——
IV. Taxation of individual	Income of nonresident individual cannot be taxed but wages are taxable in nonresident State where earned.		Congressional salaries subject to tax only in the Congressional district he represents.		
V.Consent to compact			Congressional authority for States to enter into compact and conferral of powers upon the compact commission to issue regulations.	Similar to S. 1883 except all States have right to vote on regulations and regs. would become effective if not rejected by individual State.	

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[1] Rodino bill applies jurisdictional rules to corporations with less than $1,000,000 annual income and Ribicoff makes no distinction but provides relief to such companies through the optional formula

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. HATFIELD, and Mr. STENNIS):

S. 4081. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MATHIAS. Mr. President, I am today introducing revised Antietam National Battlefield expansion legislation based on S. 1525 which Senator BEALL and I introduced in the Senate on April 14, 1971. This measure will authorize the expansion of the national battlefield, now about 1,100 acres, to a total of 3,260 acres. This would include the 1,800 acre site of the actual battle, plus an environmental protection zone of 1,440 acres, intended to preserve the present, largely rural scenery around the battlefield and along lower Antietam Creek to its junction with the Chesapeake and Ohio Canal National Historical Park.

Following the introduction of this legislation in the first session of the 92d Congress, an Antietam Battlefield Advisory Committee of Washington was formed at my request to discuss the legislation for the purpose of offering recommendations for refinement of the original proposal. The committee was appointed by the Washington County Commissioners and chaired by Commissioner Rome Schwagel. The committee met several times throughout 1971, talked with local citizens and landowners interested in and affected by the Antietam Battlefield expansion, and reported their findings and recommendations in May of 1972. I inserted these findings and recommendations in the CONGRESSIONAL RECORD on May 22, 1972. The thrust of these suggestions are incorporated in the present legislation.

Under the original bill, owners of residential or agricultural properties within the expanded area would, in most cases, have the option of retaining rights of use and occupancy of their properties for purposes compatible with the project. If a scenic easement is recommended on a parcel of property by the Advisory Committee in its report, however, and the property owner wishes to sell his land to the Park Service with no residual rights, the new bill will grant any such landowner the option of a fee simple acquisition or scenic easement.

Another recommendation of the Advisory Committee which we have made part of the present legislation involves the appointment of two nonvoting members to the permanent Advisory Commission which the bill establishes in addition to the seven voting members. These two nonvoting appointees will serve in 1-year terms and will be appointed by the Board of Commissioners of Washington County for the specific purpose of advising the National Park Service on the administration of scenic easements.

Mr. President, the Antietam National Battlefield Advisory Committee, which should serve as a model for the permanent Commission, was most industrious and helpful in serving as a forum from which the citizens and landowners of the Antietam area could express their own thoughts on the legislation and influence the future of the battlefield and its surrounding areas.

Because this legislation incorporates the recommendations of many public officials, historical societies and concerned citizens in western Maryland, we believe that this legislation merits wide support and we will work for its enactment in the early part of the 93d Congress. I think that it is widely recognized that the survival of the Antietam Battlefield can no longer be entrusted to chance or private action.

The beautiful Antietam area attracted over half a million visitors in 1970. Many of the historical sites they come to see such as the Dunkard Church, the Sunken Road and the fields southeast of Sharpsburg where A. P. Hill's men rebuffed the advance of Union troops to end the battle, are outside of the current Federal property. The need to encompass these historical portraits in an enhancing and protective frame is apparent to all who visit Antietam and I hope that we will be able to obtain approval of this important bill the coming year. I am introducing this bill at this time in order that it may be studied further by the National Park Service, by citizens of Maryland, and by other interested parties, with the hope that I will receive their suggestions and comments during the next 4 months, so that when the bill is reintroduced in January it will be the best bill possible and deserving of very swift enactment by the next Congress.

By Mr. MATHIAS (for himself, Mr. BAYH, and Mr. HUMPHREY):

S. 4082. A bill to amend the Voting Rights Act Amendments of 1970 with respect to citizens residing outside the United States. Referred to the Committee on Rules and Administration.

GIVING THE VOTE TO 750,000 MORE AMERICANS

Mr. MATHIAS. Mr. President, in this election year, I have been concerned to learn that there are by one count some 750,000 American civilians residing abroad who are barred by the laws of the States of which they are citizens from participating in presidential or congressional elections. These civilians include thousands of businessmen, as well as teachers, lawyers, accountants, engineers, and other professional persons, serving the interests of their country abroad and subject to U.S. tax laws and the other obligations of American citizenship. It seems remarkable that in a day when so many Americans pursue commercial, educational, and cultural interests overseas, these numerous citizens are disenfranchised by archaic voting laws in a large majority of the States which in terms or in effect require physical presence in the State for exercise of the ballot.

To help correct this inequity, I am introducing legislation today, cosponsored by my distinguished colleagues, Senators BAYH and HUMPHREY, to reaffirm the principle that no citizen who is otherwise qualified to register and vote in his domiciliary State with respect to any presidential or congressional election shall be denied the right to vote in such State with respect to such election merely because such citizen is residing outside the United States and has relinquished his place of abode or other address in the State, provided that he has not qualified as a voter in any other State. The legislation would also provide that the exercise of the right to register and vote by such a citizen shall not constitute an act which would affect the determination of his actual residence—as distinguished from voting domicile—for Federal, State, or local income tax purposes.

At present, the typical American citizen residing abroad in a nongovernmental capacity often finds it impossible to vote in presidential or congressional elections in his domiciliary State—that is, the State to which he intends to return—because the majority of States impose rules which require a voter's actual presence or maintenance of a home in the State; or which raise a doubt of voting eligibility of nonresident domiciliaries whose date of return is uncertain; or which have confusing absentee registration or voting forms that appear to require the maintenance of a home or other abode in the State. I have recently been given the following illustration of this typical American residing abroad:

> A qualified voting resident left the state a number of years ago to work abroad in a business or professional capacity. His former home in the state has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return

> to his state. He considers that his last residence before departure from the state remains his domicile or legal residence for voting in Federal elections, even though he has no present place of abode within the state.

What are the chances of this typical American residing abroad for voting in elections back home?

It appears that nearly two-thirds of the States effectively disenfranchise or impair the ability of a nonresident domiciliary to vote in congressional elections.

In elections for President, I understand that barely half of the States—26—and the District of Columbia would clearly allow him to register and vote absentee. A number of these States have adopted the form 76 Federal post card application form—FPCA—for absentee registration and voting by Americans abroad.

Certain other States, such as Illinois, would clearly allow the citizen abroad to vote in presidential elections as a result of legislative history developed by my distinguished colleague, Senator GOLDWATER of Arizona for title II of the Federal Voting Rights Act Amendments of 1970. The remaining States taking a position have either given a qualified response, or have otherwise indicated some reluctance to go along with the Senate interpretation of the 1970 amendments set forth so eloquently in the legislative history by my friend from Arizona. In short, the opportunity to vote even for President in nearly half the States still seems to be shrouded in confusion and ambiguity.

These figures on voting in presidential and congressional elections are based on State-by-State surveys conducted by the Bipartisan Committee on Absentee Voting. The bipartisan committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking for some time the enfranchisement of American citizens residing abroad. At this time, I ask unanimous consent to have printed in the RECORD following my remarks a statement submitted by the bipartisan committee to the House Post Office and Civil Service Committee on June 27, 1972, and the surveys appended to that statement. The survey on voting in presidential elections has been revised as of September 8, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the findings in these materials have been confirmed by firsthand reports the past few days from frustrated American citizens as close as Canada or Mexico, and as far away as France or Brazil. As an illustration of this, I also ask unanimous consent to insert in the RECORD a recent New York Times article indicating the frustration Americans in Mexico City have faced in seeking to vote in the 1972 election.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MATHIAS. Mr. President, if it were only a case of presidential elections, we might be satisfied with the legislative history developed by Senator GOLDWATER for title II of the Federal Voting Rights Act Amendments of 1970. This legislative history sets forth the basic principle that a U.S. citizen residing abroad should be eligible to register and vote absentee in his domiciliary State in presidential elections. There has never been any doubt, to my knowledge, that this was the intent of Congress, and I have been rather surprised that the majority of States has not yet adopted this interpretation of the 1970 legislative history.

There is a case pending in Federal court in New York City, involving New York State and Westchester County, testing the validity of this interpretation of congressional intent. I am hopeful that the court will recognize, from the legislative history submitted to it, the clear congressional intent to enfranchise Americans residing abroad by means of title II of the 1970 amendments.

As the distinguished Senator from Arizona has pointed out, however, it is not just a matter of voting in presidential elections. There is the additional problem of voting in congressional elections, and the uncertainty of Americans overseas as to whether, by voting in U.S. elections, they might lose Federal, State, and local income tax exemptions otherwise available to nonresidents.

What can be done?

First, we want to establish as Federal law, in clear and unequivocal statutory language, the principle that no U.S. citizen who is otherwise qualified to register and vote in his domiciliary State shall be denied the right to vote for President, or for Senator or Representative, in that State merely because he has relinquished his physical place of abode in the domiciliary State, provided that he has not qualified as a voter in any other State. This is the heart of the matter and of the legislation we are introducing today. The present checkerboard pattern of domicile rules among the States should no longer be permitted to deny Americans overseas the franchise in Federal elections.

Second, it is also important to establish as Federal law, in clear and unequivocal statutory language, the principle that the exercise of the right to register and vote by a U.S. citizen abroad should not constitute an act which would affect the determination of his actual residence—as distinguished from voting domicile—for Federal, State, or local income tax purposes. The Internal Revenue Code and the laws of all but a handful of States offer Americans currently residing abroad an income tax exemption, in whole or in part, for income earned abroad. The legislation I am introducing today would help assure that the exercise of the right to register and vote absentee by such a citizen would not jeopardize any such income tax exemption.

The Internal Revenue Service has already indicated, most recently in an August 28, 1972 ruling letter to Senator GOLDWATER, that the exercise of absentee registration and voting rights will not jeopardize the nonresident Federal income tax exclusion available to a U.S. citizen residing abroad. The legislation being introduced today would enact this administrative interpretation into law for Federal income tax purposes and would assure that the States would not make an inconsistent interpretation of their own income tax laws. I ask unanimous consent at this time to have printed in the RECORD the Internal Revenue Service ruling letter sent to Senator GOLDWATER by subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MATHIAS. Mr. President, even though it is not referred to in the bill introduced today, I would think that any universal enrollment voting legislation considered by Congress, such as some of the proposals which have come before the Senate this year, should specifically extend the simplified procedures provided by such legislation to U.S. citizens residing abroad.

The Justice Department last March sent an opinion to the Bipartisan Committee on Absentee Voting suggesting that ultimately there may be a need for specific new legislation such as that we have introduced today. In brief, the Department concludes that a State may still require maintenance of an abode or other address as a requirement for voting in presidential elections "in the absence of clear and unequivocal language" in the statute. It is the purpose of our legislation to provide this clear and unequivocal statutory language for congressional as well as presidential elections. At this point, I ask unanimous consent to insert this opinion letter from the Justice Department in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. MATHIAS. Mr. President, I might add that I was gratified to see, upon examination of the previously mentioned surveys by the bipartisan committee, that my own State of Maryland is one of the States that has adopted the simplified registration and voting procedures recommended by the Federal Voting Assistance Act of 1955, as amended in 1968, allowing U.S. citizens temporarily residing abroad to use the simplified Federal post card application form for both absentee registration and absentee voting in Federal, State, and local elections.

I am pleased at the progress made in the use of the Federal post card application form in Maryland and other States, and the good work of the Federal Voting Assistance Task Force in encouraging State adoption of the FPCA. And I know that all Americans residing abroad are enormously grateful to Senator GOLDWATER for his efforts in connection with the Federal Voting Rights Act Amendments of 1970. It is apparent, however, that much more yet needs to be done until we reach the time when every American citizen residing abroad may actively participate in the election process in his domiciliary State, at the congressional as well as at the presidential level. We hope that the legislation being introduced today will be a helpful step in that direction.

EXHIBIT 1

SURVEY OF STATE LAWS AND PROCEDURES FOR ABSENTEE REGISTRATION AND VOTING IN PRESIDENTIAL ELECTIONS BY AMERICAN CITIZENS RESIDING ABROAD

The Bipartisan Committee on Absentee Voting has recently undertaken a survey of the laws and procedures in the various states to determine the eligibility of U.S. citizens residing abroad for absentee registration and absentee voting in Presidential elections. The survey involved (i) the sending of letters dated February 4, 1972 to the Attorneys General (or equivalent officials) of all of the states and the District of Columbia; (ii) consultation with the staff of the Federal Voting Assistance Task Force; and (iii) independent research by counsel for the Bipartisan Committee. In this survey the Bipartisan Committee asked whether the person described in the following example would be eligible for absentee registration and voting in the 1972 Presidential election:

A qualified voting resident left the state a number of years ago to work abroad in a business or professional capacity. His former home in the state has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return to his state. He considers that his last residence before departure from the state remains his domicile or legal residence for voting in national elections, even though he has no present place of abode within the state.

The survey took into account two recent federal laws which were expected to expand absentee registration and voting rights of Americans temporarily residing abroad. First, the Federal Voting Assistance Act of 1955, as amended in 1968, recommended that the states adopt simplified registration and voting procedures for military personnel and other U.S. citizens temporarily residing abroad. One of the principal recommendations in the Federal Voting Assistance Act is the adoption of the simplified Federal Post Card Application (FPCA), which can serve as an application both for absentee registration and for an absentee ballot. As of now, 24 states and the District of Columbia have adopted the FPCA for U.S. citizens temporarily residing abroad, and the form may be used in those states for all elections—federal, state and local.

Second, Title II of the Federal Voting Rights Act Amendments of 1970 (the "1970 Amendments") endeavored (1) to abolish completely the durational residency requirement as a precondition to voting in Presidential elections; and (2) to establish uniform national standards for absentee registration and voting in Presidential elections. The language of Title II does not appear to deal specifically with absentee registration and voting rights of Americans residing abroad. During Senate debate on the 1970 Amendments, however, Senator Barry M. Goldwater interpreted Title II to provide that the retention of state domicile (*i.e.*, intent to return) is sufficient to assure these rights for all "civilian citizens who are temporarily living away from their regular homes," even if they are working or studying overseas, 116 Cong. Rec. 3539 (daily ed. March 11, 1970). Only two states (Connecticut and Illinois) appear to have clearly adopted the Goldwater interpretation of Title II. As noted above, 24 states and the District of Columbia accept the FPCA; and Michigan has a statute modeled on the Federal Voting Assistance Act of 1955, as amended, but has not formally adopted the FPCA. The remaining states taking a position have either given a qualified response, or have refused to go along with the Goldwater interpretation entirely.

Below is a state-by-state breakdown of the Bipartisan Committee survey of the eligibility of Americans temporarily residing abroad for absentee registration and voting in Presidential elections, with the totals for each category (the District of Columbia being listed as a state):

ABSENTEE REGISTRATION

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	8
States—"No"	6
States—Unclear	10

ABSENTEE VOTING

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	11
States—"No"	5
States—Unclear	8

[Letters from state authorities were addressed to the Bipartisan Committee unless otherwise noted. The states for which the Bipartisan Committee has not yet received a reply from the Attorney General or other official are shown in the survey by an (*).]

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Alabama	No	No	No	Letter from Attorney General, Feb. 9, 1972: Unable to give opinion to private party. [See Title 17, § 26 (Supp. 1969 (absentee registration problem); Title 17, § 64(16), (23), (24a) (Supp. 1969) (absentee ballot problem).]
Alaska	Yes	Yes	Yes	
Arizona	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. A.R.S. § 16–925 (Supp. 1971). Confusing registration form appears to require presence in State. A.R.S. § 16–143(A), (B) (Supp. 1971).
Arkansas	Yes	Yes	Yes	
California	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. West's Ann. Elec. Code § 14287 (1961).
Colorado	Yes	Yes	Yes	
Connecticut	Yes	Yes	No	Letter from Secretary of State, Feb. 24, 1972: Agrees that under the 1970 amendments a former Connecticut resident "who temporarily resides in Europe" may register in absentia for presidential (elector) elections, and may maintain his voting residence in Connecticut for such elections.
Delaware	Yes	Yes	Yes	
District of Columbia	Yes	Yes	Yes	
Florida	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	
Hawaii	Yes	Yes	Yes	
Idaho	Yes	Yes	Yes	
Illinois	Yes	Yes	No	Letter from Attorney General to the county attorney of Peoria, Mar. 13, 1972: Under the provisions of the 1970 amendments, a U.S. citizen and resident of Illinois may vote in the presidential (electors) election in his precinct by absentee ballot "even though he is living in a foreign country." The county clerk is required to allow absentee registration of such citizens.
Indiana	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. Ann. Ind. Stat. § 29–4803 (1969).
Iowa	Yes	Yes	Yes	
Kansas	Yes	Yes	Yes	
Kentucky	Qualified yes	Qualified yes	No. Indicated to Federal Voting Assistance Task Force intention to adopt FPCA by administrative rule in the future.	Letter from Attorney General, Feb. 11, 1972: Under the 1970 amendments, "American citizens living abroad who have established residence in Kentucky will be permitted to register in absentee. . . . Certainly a person does not have to be physically present in the State in order to vote, but on the other hand he must have some specific residential address in order to register. Thus, concerning the example you present, if the voter cannot cite or declare a particular place within a precinct as being his legal residence in Kentucky, we cannot see how he can legally qualify to register and vote." [See K. R. S. Ann. § 117.610 (1969).]
Louisiana	No	No	Legislation pending	Letter from Attorney General, July 29, 1966, verified by telephone, Oct. 27, 1971: "The place where one regards as his home is unimportant; where he actually resides is the determining factor." [See LSA–R, S. § 18:40 (1969) (absentee registration problem).]
Maine	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 7, 1972: "This office has no quarrel with [your] example," but cannot speak for the several hundred registrars or boards of registration of voters in the State. [See 21 M.R.S.A. § 71 (Supp. 1970) (absentee registration problem).]
Maryland	Yes	Yes	Yes	
Massachusetts	Yes	Yes	Yes	Letter from Assistant Attorney General, Feb. 9, 1972: If a voter's name has been stricken from the list of registered voters as a result of the annual voting census and the voter seeks to reregister and can give no street and number which he maintains as a physical place of residence, "I think the voter would encounter grave difficulties."
Michigan	Yes	Yes	No	Letter from Attorney General, Mar. 10, 1972: Statute now provides for absentee voting for U.S. citizen temporarily residing abroad. Mich. Stat. Ann. § 6.1759(1). [Election clerks might accept FPCA as application for absentee ballot (and affidavit).]
Minnesota	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. M.S.A. § 201.26 (1962).
Mississippi	Yes	Yes	Yes	
Missouri	No	No	No	Letter from Attorney General, Feb. 16, 1972: Legislation pending to incorporate requirements of the 1970 Amendments in Missouri statutes. [See U.A.M.S. § 113–240 (Supp. 1971); cf. U.A.M.S. § 112.310 (Supp. 1971) (absentee registration problem).]
Montana	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. Rev. Code of Mont. 1947, § 23–3022 (Supp. 1971).
Nebraska	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. R.R.S. 1943, § 32–457 (1968).

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Nevada	No	No	No	Letter from Attorney General, Feb. 18, 1972: "In light of the presumptions created by the Nevada Statute as well as the fact that the individual in question has broken up his home and moved to a foreign location it would appear that under the presently existing Nevada law the individual fitting your hypothetical situation would not qualify for an absentee ballot in this State." [See NRS § 293.500 (1969). See also NRS 293.517, 293.553 (1969) (absentee registration problem).]
New Hampshire	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 15, 1972: "[W]here the right to vote involves a temporary absence [from the State] it is a question of fact whether the voter has the requisite intention of returning thereto as his home." [Case raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. Felker v. Henderson, 78 N.H. 509, 102 Atl. 623, 624 (1917).]
New Jersey	Qualified yes	Qualified yes	No	Letter from Attorney General, Apr. 5, 1972: "It is the position of this office that New Jersey domiciliaries temporarily residing abroad must be afforded an opportunity for both absentee registration and voting in presidential elections. Enabling legislation to this effect is being introduced in the New Jersey Legislature in order that New Jersey domiciliaries can exercise their legitimate right of franchise in the presidential election while residing temporarily abroad." [But see N.J.S.A. § 19:31-6 (1964) (absentee registration problem).]
New Mexico	Yes	Yes	Yes	
New York	No	No	No	Letter from Attorney General to Department of Defense, May 27, 1969, verified by telephone, Oct. 27, 1971: "[F]or a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York [unless voter is employed by the United States]". Letter from Attorney General, Mar. 30, 1972: Unable to give opinion to private party. "I recommend that you direct your efforts to the legislative bodies which have the power to make changes in New York Law."
North Carolina	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 11, 1972: "[I]f a person goes into another State or country for temporary purpose without the intent of making that country his permanent residence and with the intent of returning to this State and particularly where he continues to vote absentee ballots in this State, then he would not generally be considered as having lost his residence in North Carolina." [The North Carolina statute, Gen. Stat. § 163-57, makes clear that a person shall not be considered as having lost his residence if he goes into "another State or county of this State." However, the Attorney General appears to have liberally construed this language to include "another country." Note also that the statute raises some doubt as to the voting eligibility of a non-resident domiciliary whose date of return is uncertain. Gen. Stat. § 163-57 (Supp. 1969). See also Gen. Stat. §§ 163-67, 163-68, 163-245 (Supp. 1969) (absentee registration problem).]
North Dakota	Yes	Yes	Yes	
Ohio	Qualified yes	Qualified yes	No	Letter from Secretary of State, Feb. 15, 1972: "From the facts given in your hypothetical situation, it would appear that the citizen would be eligible to vote by absentee ballot if he otherwise qualifies, i.e., 6 months residence in the State, 30 days residence in the county and precinct, and registered if required." [Ohio appears to impose a 3-year cutoff on absence from the State in determining eligibility to vote. Ohio Rev. Code Ann. § 5303.02 (1960). See also Ohio Rev. Code Ann. §§ 3503.11, 3503.27 (Supp. 1970) (absentee registration problem).]
Oklahoma	Yes	Yes	Yes	
Oregon	Yes	Yes	Yes	
Pennsylvania	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 22, 1972: As a result of the 1970 amendments. "The Pennsylvania Elections Bureau has made provisions for registering electors as absentee electors who consider Pennsylvania their domicile. Requests for absentee registration will be handled by the Elections Bureau in the Department of State. From there they will be forwarded to the elector's home county where he will be enrolled. It is important that the elector designate the county in which he wishes to be enrolled. Requests for absentee ballots will, as usual, be handled at the county level." Legislation is pending to incorporate requirements of the 1970 amendments in Pennsylvania statute. [Note that the present statute raises some doubt as to the voting eligibility of a nonresident domiciliary whose date of return is uncertain, 25 P.S. § 2815 (1963). See also 25 P.S. §§ 951-18, 951-18.1, 951-18.2 (Supp. 1970) (absentee registration problem).]
Rhode Island	Unclear	Unclear	No	See General Laws of Rhode Island § 17-9-7 (1969); cf. §§17-9-10, 17-9-11, 17-9-25 (1969) (absentee registration problem)
South Carolina	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: As a result of the 1970 amendments, a citizen domiciled in South Carolina who is temporarily absent from the State during the 1972 presidential election will be able to vote by absentee ballot. Legislation is pending to incorporate the requirements of the 1970 amendments in the South Carolina statute. In the event that legislation is not enacted, the Attorney General and State Election Commission "shall, by necessity, devise some emergency procedure to ensure compliance with the mandate of the Congress and the United States Supreme Court." [See South Carolina Code Law § 23-63 (absentee registration problem).]
South Dakota	Qualified yes	Qualified yes	No	Letter from Assistant Attorney General, Feb. 29, 1972: "[N]o citizen of South Dqkota loses his right to vote here unless he has established legal residence elsewhere." [However, confusing registration form appears to require presence in State. S.D.C.L. § 12-4-7 (Supp. 1971). See also S.D.C.L. §§ 12-19-16, 12-19-22 (1967) (absentee registration problem).]
Tennessee	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: "The question whether [a person temporarily out of this country is] a bona fide resident, entitled to register and vote in this State, is a factor to be determined by each local county election commission." [However, there may be a problem with absentee registration. Tenn. Code Ann. 2-306 (1971), and confusing form of absentee ballot appears to require presence in State, Tenn. Code Ann. § 2-1604(1971).]
Texas	Yes	Yes	Yes	
Utah	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain Utah Code Ann. § 20-2-14 (1969). Confusing registration form appears to require presence in State. Utah Code Ann. § 20-2-11 (Supp. 1971).]
Vermont	Unclear	Unclear	No	Confusing registration form of absentee ballot appears to require presence in State. 17 V.S.A. § 126 (1957).
Virginia	No	Qualified yes	Qualified yes	
Washington	Yes	Yes	Yes	
West Virginia	Unclear	Unclear	No	Confusing form of absentee ballot appears to require presence in State. W.Va. Code Ann. § 3-3-5 (1971).
Wisconsin	Unclear	Unclear	No	Letter from Attorney General to the Secretary of State of Wisconsin, Jan. 20. 1972: "[It does not appear that Wisconsin Statutes provide authority for allowing former residents of the State who now reside permanently in a foreign country to vote by absentee ballot in a presidential election in the election district of the former residence in the state of Wisconsin, simply because the person has retained their U.S. citizenship." Letter from Attorney General to the Secretary of State of Wisconsin, June 7, 1971: "[I]t can be generally stated that a vague general determination to return to Wisconsin in the distant future, may very well be insufficient to support a contention that residency elsewhere is only for temporary purposes." Moreover, confusing form of absentee ballot appears to require presence in State. W.S.A. § 6.87 (Supp. 1971).
Wyoming	Unclear	Unclear	No	Confusing registration form appears to require presence in State. Wyo. Stat. § 22-158 (Supp. 1971).

APPENDIX A

COMPENDIUM OF STATE LAWS LEADING TO THE DISENFRANCHISEMENT OF AMERICAN CITIZENS RESIDING ABROAD IN NON-PRESIDENTIAL ELECTIONS

Thirty-three states effectively disenfranchise or impair the ability of nonresident domiciliaries to vote in elections other than for President and Vice President. Illinois, Louisiana, and New York require a voter's actual presence or maintenance of a home in the state, thereby rendering overseas domiciliaries ineligible. Ohio allows temporary absentees to vote for three years but no longer. Thirteen states appear to recognize the voting eligibility of nonresident domiciliaries but have statutes, decisions or an Attorney General's Opinion which raise doubts regarding that eligibility. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence", thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themselves. Finally, eighteen states disenfranchise these voters by failing to provide absentee registration or absentee ballots.*

1. The laws of the following three states appear to require physical presence or the maintenance of a home within the state in order to vote in non-Presidential elections:

State and authority:

Illinois, *Stein* v. *County Board of School Trustees*, 85 Ill. App. 2d 251, 229 N.E. 2d 165 (1967); *Clark* v. *Quick*, 337 Ill. 424, 36 N.E. 2d 563 (1941).

Louisiana, *Estopinal* v. *Michel*, 121 La. 879, 46 So. 907, 908 (1908); Opin. Att'y Gen. to Bipartisan Committee (July 29, 1966) (verified by telephone Oct. 27, 1971): "The place where one *regards* as his home is unimportant; where he actually resides is the determining factor."

New York, Letter from Secretary of State to Office of Information, Department of Defense (May 27, 1969) (verified by telephone Oct. 27, 1971): ". . . for a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York (unless voter is employed by the United States)"

2. Ohio permits a voter to retain his eligibility to vote while absent from his home "for temporary purposes." However, "temporary purposes" is defined as "a period of absence not in excess of 3 years." (Ohio Rev. Code Ann. Sect. 3503.02 (1960).)

3. Thirteen states appear to recognize the voting eligibility of nonresident domicili-

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*The sub-total add up to more than 33 states because several states fit into more than one category.

aries but have statutes, decisions, or the opinion of an Attorney General which raise doubts regarding that eligibility. Twelve of those states have a statute or decision approximately as follows: "If a person removes to another state as a place of permanent residence, with the intention of remaining for an indefinite time, he loses his residence in this state, notwithstanding that he entertains an intention of returning at some future period."

State and authority:

Arizona, A.R.S. Sect. 16–925 (Suppl. 1971).

California, West's Ann. Elec. Code Sect. 14287 (1961).

Indiana, Ann. Ind. Stat. Sect. 29–4803 (1969).

Kentucky, K.R.S. Ann. 117.610 (1969).

Minnesota, M.S.A. Sect. 201.26 (1962).

Montana, Rev. Code of Mont. 1947 Sect. 23–3022 (Supp. 1971).

Nebraska, R.R.S. 1943 Sect. 32–475 (1968).

Nevada, NRS 293.500 (1969).

New Hampshire, *Felker* v. *Henderson,* 78 N.H. 509, 102 A. 623, 624 (1917).

North Carolina, Gen'l Stat. N. Car. Sect. 163–57 (Suppl. 1969).

Pennsylvania, 25 P.S. Sect. 2815 (1963).

Utah, Utah Code Ann. 20–2–14 (1969).

Although New Jersey's decisional law indicates that residence equals domicile for voting purposes, the Attorney General of the State of New Jersey wrote to the Bipartisan Committee on May 11, 1966 (verified by telephone Oct. 28, 1971), as follows; ". . . in order to have a voting residence in this State it is necessary that a person possess an intention to make this State his home for an indefinite period and, in addition, he must have a residence to which he is entited to return at will. For instance, if a person rents an apartment and subsequently leaves the State, and that person no longer has a fixed address in New Jersey, he is not a domiciliary who is entited to vote irrespective of his intentions."

4. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence," thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themseves:

State and form:

Arizona, A.R.S. Sect. 16–143(B) (Supp. 1971) (Adsentee Registration): "My place of residence is ---------------------- precinct, ------------------- street, city of --------- -----------------, county of ----------- state of Arizona." Sect. 16–143(A) (Supp. 1971) describes the required residence as "actual place of residence."

Idaho, Idaho Code Sect. 34–411 (Supp. 1970) (Application for Registration—Contents): "The period of time . . . during which [I] have resided in the state . . ." See also Idaho Code Sect. 34–410 (Supp. 1970).

Minnesota, M.S.A. 207.19 (Supp. 1971) (Absentee Ballot): "His home and place of residence is and on said election days will be at ------------------ in the ------------- (town, city, or village) of ---------------- County of ------------------------- State of Minnesota."

South Dakota, S.D.C.L. (Supp. 1971) Sect. 12–4–7 (Absentee Registration): ". . . I reside in the --- precinct in the city of ------- ------------------, at ----------- (street number), ---------------------- street (or town, or ------------------- township), and in the --------------------- independent school district, in ----------------- county; . . ."

Tennessee, Tenn. Code Ann. Sect. 2–1604 (1971) (Absentee Ballot): "I, ------------- -----------------, hereby declare that my fixed residence is ------------------------- (street address), --------------------- (city or town), --------------------- (county), ---------------------- Tennessee;"

Utah, Utah Code Ann. Sect. 20–2–11 (Supp. 1971) (Absentee Registration): "4. Residency qualifications:

A. Will you have resided in Utah six months continuously prior to the next election? --------- yes --------- no.

B. Will you have resided in ------ County sixty days continuously prior to the next election? --------- yes --------- no.

"I do solemnly swear . . . that I will not vote a ballot from any other state or election district under penalty of law."

Vermont, 17 V.S.A. Sect. 126 (1957) (Absentee Ballot): "State of Vermont, County of ---------------------------------.

". . . I am a resident, a citizen and a legal voter of the town (city) of ---------------, county of ---------------.

West Virginia, W. Va. Code Ann. Sect. 3–3–5 (1971) (Absentee Ballot): "I, -------- ------ hereby declare that I am now, or will have been, a resident of the State of West Virginia for twelve months, and of the county of --------------- for sixty days next preceding the date of the ensuing election to be held on the --------- day of ---------, 19--; that I now reside at ----------------------- (give full address) in the magisterial district of ------------- in said county." (Form ambiguous on whether voting right of a citizen temporarily residing abroad requires maintenance of a state "residence".)

Wisconsin, W.S.A. 6.87 (Supp. 1971) (Absentee Ballot) ". . . I am a resident of the ------ precinct of the town) (village) of -------------, or of the ------ ward in the city of ---------------, residing at --------- in said city, the county of ------------, state of Wisconsin, . . ."

Wyoming, Wyo. Stat. Sect. 22–158 (Supp. 1971) (Absentee Registration): "I do solemnly swear . . . that I will have actually and not constructively been a bona fide resident of [Wyoming] one year and of said county sixty days, and of election district No. --------- in said county ten days preceding the next election; that I am an actual resident of ward No. ------ . . . that my address is ------------------------- (within) (not within) the limits of an incorporated city or town . . ."

5. Eighteen states do not appear to provide the U.S. citizen overseas (in a non-governmental capacity) with absentee registration or an absentee ballot in non-Presidential elections:

(a) Absentee ballot:

Alabama, Title 17 Sect. 64(16)(23) (Supp. 1969); Title 17 Sect. 64(24a) (Supp. 1969).

Mississippi, Miss. Code Sect. 3196–01 (1957); Sect. 3203–11 (Supp. 1971).

South Carolina, Cf.S.Car. Code Law Sect. 23–441 *et seq.*, 23–449.31 *et seq.* (Supp. 1970).

(b) Absentee registration:

Alabama, Title 17 Sect. 26 (Supp. 1969).

Connecticut, Conn. Gen'l Stat. Ann. Sect. 9–20 (Supp. 1971).

Delaware, Del. Code Ann. 15 Sect. 1722 (Supp. 1970); cf. 15 Sect. 1901 *et seq.*

Idaho, Idaho Code Sect. 34–410 (Supp. 1970).

Louisiana, LSA–R.S. 18:40 (1969).

Maine, 21 M.R.S.A. Sect. 71 (Supp. 1970).

Mississippi, Miss. Code Sect. 3196–06 (1957).

Missouri, V.A.M.S. Sect. 113.240 (Supp. 1971); cf. 112.310 (Supp. 1971).

Nevada, NRS 293.517; cf. 293.553 (1969).

New Jersey, N.J.S.A. 19:31–6 (1964).

North Carolina, Gen'l Stat. N. Car. Sects. 163–67, 163–68, (Supp. 1969); cf. Sect. 163–245 (Supp. 1969).

Ohio, Ohio Rev. Code Ann. Sect. 3503.11 (Supp. 1970); Sect. 3503.27 (1960).

Oklahoma 26 Okl. St. Ann. Sect. 93.4 (Supp. 1970); cf. 26 Okl. St. Ann. Sect. 345.1 (Supp. 1970).

Pennsylvania, 25 P.S. Sect. 951–18 (1963); cf. 25 P.S. Sects. 951–18.1, 951–18.2 (Supp. 1970).

Rhode Island, Gen'l Laws of R.I. Sects. 17–9–7 (1969); cf. Sect. 17–9–10, 17–9–11, 17–9–25 (1969).

South Carolina, S. Car. Code Law Sect. 23–63 (Supp.)

South Dakota, S.D.C.L. Sect. 12–19–16 (1967); cf. Sect. 12–19–22.

Tennessee, Tenn. Code Ann. Sect. 2–306 (1971).

Virginia, Code of Va. Ann. Sect. 24.1–47 (Supp. 1971).

EXHIBIT 2

[From the New York Times, Sept. 10, 1972]

AMERICANS OVERSEAS FACE DENIAL OF VOTE UNDER LAW

(By Richard Severo)

MEXICO CITY, September 9—Thousands of Americans living abroad are apparently being denied the right to vote in the 1972 Presidential election, despite a new Federal law intended to provide for the first time absentee ballots for all citizens living or traveling overseas.

Although both political parties are actively organizing campaigns in foreign countries for the first time on any scale, their efforts are being frustrated at home by a combination of ignorance, complex legal questions and a bureaucratic vacuum.

In Mexico, where some 100,000 Americans are living on a permanent or semipermanent basis, dozens of people have already been notified by local voting officials in the United States that they are not "qualified" to vote under the laws of their states.

Still others, making similar applications to different states and different election officials, have been welcomed as voters and told that their ballots would be approved.

The inconsistencies and confusion have so upset Senator Barry Goldwater, who was largely responsible for the Voting Rights Act Amendments of 1970, that he has sent one of his legislative aides, Terry Emerson, on a swing through France, Germany, Switzerland and Holland to catalogue voter problems. Mr. Emerson is scheduled to visit Mexico next Monday.

There are estimated to be 1.5 million Americans living outside the United States, and for years they have been unable to vote because they had no legal residence in the states.

It was Mr. Goldwater's intention to permit every holder of an American passport to vote, no matter where he was abroad. The law is by no means being completely ignored. Mr. Emerson, who was reached by telephone in Phoenix, Ariz., estimates that there is little or no trouble for voters who apply to about three-fifths of the states.

But among the problem states—New York, California and Ohio, to name three—are the most populous.

The new voting law requires, for the first time, that states must register "duly qualified residents" up to 30 days before the Presidential election. It also prohibits states from denying the right to vote for President to residents who are outside the state on Election Day but who comply with absentee voting requirements.

Problems arise, according to Justice Department officials in Washington because the states have 50 different definitions of what constitutes a "resident." These are based on statutes, court decisions and sometimes on the off-hand administrative judgment of a state or local official.

UNRESOLVED QUESTIONS

Although the new Federal statute apparently guarantees all American citizens abroad the right to vote, no one who has been denied that right has yet brought a court action that might define more clearly the responsibilities of the state and local election boards—how far they have to go.

Completely unresolved, for example, is whether the new law is intended to cover American citizens who have lived abroad for years and who have no visible intention of returning to the United States.

And what about the Americans in Canada who are either servicemen absent without leave or draft evaders? In many states, felons are not permitted to vote, and it is up to election officials now to determine whether a man charged with desertion but never brought to trial should be classed as a felon.

In any event, Washington officials assume that many local boards of election, who must approve applications for absentee ballots, remain unaware of the 1970 law altogether or, at the least, uncertain as to how to interpret its broad mandate.

"ACT IS MEANINGLESS"

For example, Mrs. Helen Whittlesey, wife of a businessman here, received a form letter this week from George Mann, registrar of voters in Santa Clara County, Calif., who told her that unless she resided in Santa Clara County he could not permit her to vote there.

Mrs. Whittlesey was born in Santa Clara County, but left before she was 21 years old and has lived in Mexico for years. She has never been permitted to vote in a national election.

"I've never been interested in voting for sheriff or dog catcher," she snapped. "But I do think we ought to be allowed to vote in national elections."

Mrs. Whittlesey complained to the office of the United States Attorney General. In a response received from David L. Norman of the Civil Rights Division, she was informed that "the question of whether an individual presently residing abroad is a bona fide resident of a state for voting purposes is . . . to be determined by state officials according to state election laws and procedures."

"All of which means," said Mrs. Whittlesey, "that this voting rights act is meaningless."

But Mrs. Whittlesey's husband, Horace, had an entirely different experience when he applied to register in the town of his birth, Emporia, Kan.

One of Mr. Whittlesey's ancestors, Nelson Whittlesey, was the first Mayor of Emporia. It is impossible to determine what effect this may have had on officials in Emporia, but they responded to Mr. Whittlesey's application with a warm, personal note, welcoming him as an Emporia voter.

"Well, you know the bureaucratic mind," said Harry Wright 2d, secretary of the Mexico City Republican Club and one of the city's most prominent Republican boosters.

"A lot of them don't know about the law where they don't like the work involved in registering a foreign resident," he said of the local election officials.

M'GOVERNITES CONCERNED

For James Trowbridge and Alex Smith, cochairmen of the local Democrats for George McGovern, the apparently capricious criteria for voter acceptance or rejection is quite serious.

"I think this may very well be a close election." Mr. Trowbridge said, "and I see no reason why George McGovern should lose even a single vote because some clerk is ignorant of Federal law."

New York is emerging as a particularly troublesome place for Americans living abroad.

Mr. and Mrs. Robert Lockwood and Miss Dorothy Gast have received letters from Albert T. Haydick, commissioner of the Board of Elections of Westchester County, denying their applications for absentee ballots.

"From the information you present, the indication is that you are not a duly qualified resident of New York State," Mr. Haydick wrote to Miss Gast, a guidance counselor in the schools here who was a teacher in Hawthorne about seven years ago.

Miss Gast is a native of Chicago and decided to claim an address in Hawthorne because that was her last address in the United States.

What angers the New Yorkers living in Mexico is that some upstate counties—such as Putnam—have honored requests and are apparently going to permit people to vote, but Westchester and some New York City election boards appear to be inflexible on the issue.

Mrs. Diana Anhalt, who was born in the Bronx but has lived in Mexico for many years, was told in a letter from Beatrice Berger, clerk of the Bronx Borough Office, that her application would be honored if an "appeal is upheld by the Supreme Court."

The letter did not specify the appeal. Mrs. Anhalt does not know what it is and not even in the office of Senator Goldwater did anyone know about a pending Supreme Court decision on the 1970 law.

In Mexico City, applications for absentee ballots were prepared by the United States Chamber of Commerce and thousands have been printed up at no cost to voters by the United States Embassy.

The embassy has also offered to notarize the applications for voters at no charge, although one embassy worker admitted there was a great deal of confusion over what each state would and would not accept.

Thus far, the embassy has processed more than 2,000 applications and they are coming in at a rate of about 40 a day.

George Munro, executive director of the American Society of Mexico, is receiving mounting complaints about the rejections, which he feels are coming from "clerks who haven't heard about the law."

Among the most troublesome in this respect are Alabama, Arkansas, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, North Carolina, Oregon and South Carolina. Some voters here have sent in applications only to receive state tax forms in the return mail.

At present, an American with a permanent address abroad working with private industry can be exempt from as much as $25,000 a year in Federal taxes. Many Americans earn much more modest salaries than that, working in foreign countries as school teachers and interpreters. Frequently, they justify their lower income on the ground that it is tax-free and that the cost of living may be less than in most areas of the United States.

One American living here was warned by his accountant in New York City not to vote.

"Mark my words," the accountant said, "the state will come after you for taxes, and if that happens, can the Feds be far behind?"

Traditionally, Congress has regarded voting as entirely within the states' legal jurisdiction, only approaching the question to set minimum age limits and prohibit discrimination based on race or sex. In 1955, Congress approved a law urging but not requiring states to provide absentee ballots for servicemen overseas.

Subsequently, some states extended the same privilege to civilian government employees stationed abroad and other specified groups. But it was not until 1970 that all citizens abroad were given the right to vote for President—if their state regarded them as residents.

A complication in the inconsistency among election clerks is that some states and the District of Columbia are threatening to collect taxes from Americans who attempt to establish a voting address in them.

In some countries, partisan blocks of American citizens are already organizing to combat resistance to their voting by hometown election officials. In Toronto, where some 40,000 Americans live, a group supporting Mr. McGovern met last week for some strategic instructions.

TOLD TO WRITE THEIR SENATORS

These expatriates were advised to write to their Senator if an application for an absentee ballot should be denied. In at least one instance, they were told, a citizen living in Canada had written to Mr. Goldwater, who referred the problem to the home-state Senator, who then got the election board to reverse its position.

Estimates of the potential impact of the overseas vote vary widely. Richard McAdoo, special ballot director of the Committee to Re-elect the President, who is now on a European campaign tour, has estimated that there are 2.5 million Americans living abroad, which he contrasts with the 500,000-vote Nixon majority in 1968.

EXHIBIT 3

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 28, 1972.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in reply to your letter August 16, 1972, regarding the possible effect that voting by absentee ballot by United States citizens residing abroad may have on their claiming the exclusion from gross income provided by section 911 (a) (1) of the Internal Revenue Code of 1954.

Section 911(a) (1) of the Code provides, in relevant part, that the following items shall not be included in gross income and shall be exempt from Federal income taxation. In the case of an individual citizen of the United States who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) which constitute earned income attributable to services performed during such uninterrupted period.

You forwarded with your letter a copy of a report prepared by the American Chamber of Commerce of Venezuela. That report and your letter indicate concern that if a United States citizen residing abroad signs an application for registration to vote in one of the States and represents in such application no more than that he intends to return to that State as his domicile, he may thereby jeopardize or forfeit his entitlement to the section 911 exclusion from gross income based on his claim of bona fide residence in a foreign country. You are referring in particular to Internal Revenue Service Publication 54(10–71) *Tax Guide for U.S. Citizens Abroad*, 1972 Edition, which provides on page 4:

"A U.S. citizen living abroad may vote by absentee ballot in elections held in the United States (national, State, and local) without jeopardizing his eligibility for tax exemption as a bona fide resident of a foreign country. Such voting will not, of itself, nullify the taxpayer's status.

However, where a U.S. citizen makes a representation to the local election official regarding the nature and length of his stay abroad that is inconsistent with his representation for purposes of the tax exclusion, the fact that he made the representation in connection with absentee voting will be considered in determining his status for the exclusion, but will not necessarily be conclusive.

You are concerned that the "inconsistent representation" language of the above-quoted material might be interpreted to mean that a representation by a taxpayer of domicile in a State and of an intent to ultimately return there is not compatible with the taxpayer's claim of bona fide residence in a foreign country for purposes of section 911 of the Code.

The Service has held in a recently published ruling, Revenue Ruling 71-101, C.B. 1971-1, 214:

"[G]enerally the exercise by a citizen of the United States of his right to vote in National, state, or local elections in the United States by absentee ballot is not an action that would affect the length or nature of his stay outside the United States and consequently would not jeopardize the exemption under section 911(a)(1) of the Code. However, where absentee voting in the United States involves a representation to the local election official regarding the nature and length of the taxpayer's stay abroad that is inconsistent with the taxpayer's representation of intention for purposes of section 911 of the Code, the fact that he made the representation in connection with absentee voting will be taken into account in determining his status under section 911 of the Code, *but will not necessarily be conclusive*." [Emphasis added.]

It is our conclusion that "inconsistent representation" as referred to in the above cited publications does not refer to a mere statement by a taxpayer that he considers himself a voting resident of a State and ultimately intends to return to that State as his domicile. Such a statement is not incompatible with a taxpayer's claim of bona fide residence in a foreign country. Instead, "inconsistent representations" refer to other representations which the taxpayer may have made to the Service regarding the *specific* nature and length of his stay in a foreign country. If a taxpayer in support of his claim to the section 911 exclusion from gross income makes certain *specific* representations as to the purpose, nature, and intended length of his stay in the foreign country, and in an application for absentee voting makes other statements which appear inconsistent with those specific representations, the Service must take such inconsistent statements into account *in determining the true facts* upon which the taxpayer bases his claim to bona fide residence in a foreign country. Further, as stated in Revenue Ruling 71-101, even such inconsistent statements will not necessarily be conclusive.

However, the mere representation by a taxpayer made in support of an application for absentee voting that he considers himself a voting resident of a particular State and that he intends to ultimately return to that State, will not by itself in any way affect his claim to the section 911 exclusion from gross income based on bona fide residence in a foreign country.

We hope that this letter will clarify any ambiguities that may have existed with respect to this situation. We hope that no United States citizen living abroad will hesitate to exercise his voting right out of concern that this action may jeopardize his claim to the section 911 exclusion from gross income.

Sincerely yours,

A. FEIBEL,
Acting Chief, Corporation Tax Branch.

EXHIBIT 4

DEPARTMENT OF JUSTICE,
Washington, March 13, 1972.

J. EUGENE MARANS, Esquire,
Cleary, Gottlieb, Steen & Hamilton,
Washington, D.C.

DEAR MR. MARANS: This is in response to your discussion with members of my staff on February 1, 1972, and your letter of February 3, 1972, concerning the Voting Rights Act Amendments of 1970, 42 U.S.C. 1973aa-1, particularly the provisions of Sections 202(d) and (f) pertaining to absentee registration and absentee balloting in presidential elections. As counsel for the Bipartisan Committee on Absentee Voting, you have asked whether, in our judgment, the 1970 Amendments require a state to provide absentee registration procedures and absentee ballots to former residents of that state new temporarily residing abroad.

In brief, our conclusions are (1) that the 1970 Amendments do not *per se* preclude a state from applying a requirement of residency to those seeking to register within that state and (2) that the question of whether a person outside a state is a resident of that state for voting purposes is, at least in the first instance, a question of that state's law.

The United States Constitution reserves to the federal government the power to regulate the time and manner of federal elections (Article I, section 2; Article I, section 4; Article II, section 1) while reserving to the states the power to determine voter qualification. (*Beachman* v. *Braterman,* 300 F. Supp. 182 (S.D., Fla), affirmed 396 U.S. 12 (1969); *Lassiter* v. *Northampton County Board of Elections,* 360 U.S. 45, 50-51 (1959)). Traditionally, this right has included the power to determine bona fide residency. (*Hall* v. *Beals,* 396 U.S. 45, 53 (1969) (Marall, J., dissenting); *Carrington* v. *Rash,* 380 U.S. 89 (1965)). The Congress and the states acting together have, through the amendment process, placed additional restrictions on the powers of the states so that they may not now establish procedures violative of the equal protection clause nor deny or abridge the right to vote on account of race, color, or sex or age if the age is eighteen or more. Legislation passed by Congress to implement the equal protection clause and the voting amendments, such as the suspension of literacy tests, has placed additional limitations on the powers of the states. It is with this constitutional scheme in mind that we must look to the 1970 Amendments to determine what, if any, limitations Congress placed upon the traditional right of the states to determine voter qualifications.

At the beginning, it is necessary to distinguish between two general types of voter qualifications, durational residency requirements and bona fide residency. The former require an individual to have resided in a certain state or political subdivision for a specified length of time before he can be qualified to vote, while the latter is a determination of whether an individual is a bona fide resident of the state or political subdivision regardless of the length of his residency.

Congress expressly dealt with durational residency requirements in Section 202(c) of the 1970 Amendments (hereafter cited by section only) by prohibiting a state from imposing such a requirement to deny or abridge the right of a citizen otherwise qualified to vote in a presidential election. The Amendments provide that applications for registration or other means of qualification must be accepted up to the 30th day before the presidential election. (Section (d)). The limitation of this section, however, does not supersede the power of the states to require a citizen to be a bona fide resident of that particular state as a qualification for registration and voting in that particular state.

Section (e) is, to a limited extent, a restriction on the power of the states to require bona fide residency as a condition to obtaining a ballot. Under that Section, when a citizen moves from one state or political subdivision to a new state or political subdivision within 30 days of a presidential election and is unable to register at his new residence because the registration deadline has passed, he must be allowed to vote, either in person or absentee, in the place of his former residence. Section (e) did not expand or qualify the concept of bona fide residency in any other manner.

With regard to the absentee provisions, Section (c) provides that if a citizen of the United States has complied with the requirements of state law providing for the casting of absentee ballots, no state may deny such citizen the right to vote in a presidential election because of his failure to be physically present in such state or political subdivision at the time of such election. A state is, accordingly, prohibited from restricting the availability of absentee ballots to persons or classes absent for particular purposes, but this language does not appear to preclude a state from establishing bona fide residency as a requirement for obtaining an absentee ballot in that state.

Sections (d) and (f) establish standards for absentee registration and the casting of absentee ballots. Under Section (f), each citizen "who is otherwise qualified to vote by absentee ballot in any State or political subdivision" in an election for electors for President or Vice-President must be given the opportunity, if registration or other qualification is necessary, to register or qualify absentee. The provision applicable to absentee balloting. Section (d), requires each state to provide procedures for the casting of absentee ballots by "all duly qualified residents of such state" who will be absent from the state on election day and who have applied for an absentee ballot not later than seven days prior to a presidential election and return the ballot up to the time of the closing of the polls.[1]

Since anyone who is qualified to vote absentee may also register absentee, we must look to Section (d) to determine which citizens are covered by the absentee provisions of the Amendments. This section requires the state to provide absentee ballots to each "duly qualified resident of such state." While Sections (c) and (e), by prohibiting durational residency requirements, as discussed above, expressly limit the power of the states in certain situations, there is no language in Section (d) placing additional limitations on the right of the states to ascertain the residency of an individual. Since there is no language in Section (d) restricting the states' right to determine bona fide residency, we must, under this Section, follow the constitutional scheme of reserving to the states the power to determine which citizens are "duly qualified residents" according to state law.

From our reading of the legislative history of the 1970 Amendments, it appears that Senator Goldwater was, among other things, concerned with instances in which states did not accord civilians the same absentee registration and voting privileges they gave military personnel. However, in light of the general reservation of power to the states to determine voting qualifications, we do not consider it appropriate to assume Congressional intent to preclude the states from having a requirement of bona fide residency, or to enact a federal standard for measuring bona fide residency, in the absence of clear and unequivocal language. While a state may not conclusively presume that a certain class of citizens may never be considered bona fide residents, each state must determine, on a case-by-case basis, the true intent and residency of the individual requesting to register absentee or obtain an absentee ballot. (See *Carrington* v. *Rash, supra.*) Under Sections (c), (d) and (f) a State may not deny absentee registration procedures and absentee ballots to individuals outside the country if such person has been determined by the state or local officials to be a "duly qualified resident of such state."

Sincerely,

DAVID L. NORMAN,
Assistant Attorney General,
Civil Rights Division.

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[1] Section (g) provides generally that any state or political subdivision may adopt voting procedures which are less restrictive than those contained in Section 202.

By Mr. HUMPHREY:

S. 4084. A bill to provide for project grants for the development and demonstration of programs for rehabilitative and habilitative care of the aged, blind, and disabled patients of long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

NATIONAL CHRONICARE DEMONSTRATION CENTER ACT OF 1972

Mr. HUMPHREY. Mr. President, I send to the desk for appropriate reference a bill to provide for project grants by which to test the economic feasibility of community health centers offering comprehensive diagnostic and medical treatment, day care, rehabilitation, supportive, and community outreach services to the aged, the blind, and the disabled.

The serious need to establish a comprehensive, efficient, and humane system to fulfill the health needs of the chronically ill and disabled, and to promote the maximum use of residential, outpatient, and nursing home care as an alternative to hospitalization, ought to be abundantly clear by now. It is also essential that this area of health care be fully integrated into a national health insurance program.

It has been estimated that over 700,000 Americans are long-term hospital patients, and over 1 million more persons are patients in nursing homes. But there are almost 20 million additional people in our Nation who are not in an institution but have disabilities severe enough to restrict or prohibit their major activities. Four out of every five of these persons are over 65 years old, and the elderly constitute 90 percent of the patients in nursing home facilities.

The harsh reality posing a demand for reform of our health care delivery system is that over half of the skyrocketing costs of hospital care are accounted for in the treatment of chronic conditions. Mental, circulatory, sensory system, and bone diseases absorb well over half the current expenditures, amounting to some $28 billion, for the treatment of chronic conditions.

In the further effort to promote intensive study by Congress of alternative solutions to these critical problems, I am today introducing legislation to provide for the establishment of a demonstration program on the rehabilitation of chronically ill patients in long-term health care facilities. This legislation, based upon a constructive proposal by the American Nursing Home Association, would provide project grants by which to test the economic feasibility of community chronicare health centers offering comprehensive diagnostic, medical treatment, day care, rehabilitation, supportive, and community outreach services to enable the chronically ill to achieve optimum social and physical functioning within their communities. A key component of these centers would be the therapeutic service team of professional personnel in the fields of medicine, psychiatry, social work, and physical therapy, which would establish and constantly monitor a total care plan for each patient.

I believe this recommendation should be given careful consideration in the course of legislative action by the next Congress to launch major improvements in long-term health care for millions of Americans.

I ask unanimous consent that the text of my bill, the National Chronicare Demonstration Center Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Chronicare Demonstration Center Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) long-term care has always been neglected;

(2) present programs such as Medicare and Medicaid have proved to be ineffective and inefficient, with regard to long-term care;

(3) all national health insurance proposals now under consideration ignore long-term care;

(4) most Americans lack direct access to non-hospital health care;

(5) society has been largely unwilling to deal with the problems of persons who are permanently unproductive because of poor health;

(6) outmoded laws limit the realistic use of paramedical personnel, resulting in increased health care costs; and

(7) the nursing home industry has been the one health specialty which has accepted the responsibility for developing long-term care through the years.

(b) It is the purpose of this Act to establish demonstration programs to provide a basis for a commitment to a lasting national program for long-term health care for the chronically ill.

PROGRAM ESTABLISHMENT

SEC. 3. (a) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for each of the next two succeeding fiscal years, to enable the Secretary to make grants to any public, nonprofit or proprietary private agency, institution, or organization or provider of services to cover all or any part of the cost of projects for the development or demonstration of several programs in representative areas of the country designed to care for and rehabilitate chronically ill inpatients of long-term health care facilities by testing the economic feasibility, efficiency and health care delivery system, utilizing community chronicare health centers.

(b) To be eligible for a grant under subsection (a) an applicant must give satisfactor assurances of the capability of providing the following:

(1) diagnostic service,

(2) inpatient care,

(3) day care,

(4) rehabilitation service (on both inpatient and outpatient basis), and

(5) outreach service.

The applicant must itself, provide directly (not by contract) at least one of the above mentioned services.

(c) The diagnostic service shall be the point of entry into the system of health care provided by the community chronicare health center and must be available for initial entry or screening and for diagnostic work-up on patients located within a facility, day care and out-patient service elements determined by the therapeutic service team.

SEC. 3. Each community chronicare health center shall maintain a therapeutic service team which shall be responsible—

(1) for establishing and maintaining a total patient care plan following initial screening;

(2) for assessment of patient health status on a continuing basis; and

(3) for the involvement of additional ancillary service professionals for provision of required services.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(1) "Community Chronicare Health Center" means a skilled nursing home, intermediate care facility, or home health agency, which may provide—

(A) primary physician's services;

(B) primary dentist services;

(C) rehabilitation services;

(D) outpatient preventive services;

(E) optometric services;

(F) durable medical equipment;

(G) drugs prescribed on an outpatient basis;

(H) prosthetic and supportive devices; and

(I) home health services.

(2) "Therapeutic Service Team" means the combination of the following personnel working in a community chronicare health center—

(A) a Medical Director who is a licensed physician responsible for the medical services of the patients; ‘

(B) a Director of Nursing who is a Registered Professional Nurse responsible for nursing care of the patients;

(C) a Social Worker who is accountable for expediting programs to meet the social needs of the patients;

(D) a Physical Therapist who is accountable for meeting the physician rehabilitative, habilitative and supportive needs of patients;

(E) a Mental Health Specialist who is responsible for a plan of care for mental, psychoneurotic, and personality disorders of patients; and

(F) other paramedical personnel utilized in a manner prescribed by the Secretary in regulations.

(3) "Secretary" means the Secretary of Health, Education, and Welfare.

REPORT

SEC. 5. The Secretary shall make a report to the President for transmission to the Congress within two years after the enactment of this Act stating the progress under this Act and making recommendations for further action if needed.

Mr. HUMPHREY. I realize there will be no action on this bill in this Congress, but I wanted it to be available for study and for the observation and the comment of those who are interested in this subject matter. At the next session, I shall reintroduce a bill along these lines, in the hope that between now and the next session of Congress I will receive valuable counsel and advice as to how we can better confront the legislative proposal I am offering today.

By Mr. HOLLINGS:

S. 4086. A bill to amend the Ports and Waterways Safety Act of 1972 to provide for a study of the need for regulation of the construction and operation of artificial structures for offshore port, teminal, or powerplant facilities. Referred to the Committee on Commerce.

Mr. HOLLINGS. Mr. President, today American citizens from all walks of life are beginning to recognize the irreplaceable values of our coastal waters and the vast potential they hold for recreational, commercial, and industrial uses. Although awareness of this situation is expanding through our shared concern about the environment, there remains a general lack of rational planning within coastal areas. Very few States and local governments have adopted the strong regulatory authority necessary to impose standards upon the uses of coastal lands and waters. And in the vacuum created by this lack of authority, things are transpiring which will have tremendous impact upon our coastal environment.

I speak today about the planned construction of offshore port facilities for the offloading of crude oil from huge supertankers, and the creation of manmade offshore islands to house vast nuclear powerplant electric generating facilities.

On September 19, 1972, there appeared an article in the New York Times regarding the signing of a contract between the Public Service Electric & Gas Co. of New Jersey and offshore power systems. The contract requires offshore power systems to deliver two 1.15-million-kilowatt nuclear power generating plants to the New Jersey company. These two plants are to be moored within a huge manmade breakwater located about 3 miles off the New Jersey coast.

Mr. President, I cite this to drive home my point that the Congress of the United States can no longer sit idly by, ignoring this situation. The implications of this mammoth endeavor are quite evident. The environmental dangers inherent in this project were underscored by the fact that the yacht to be used for the contract signing ceremony could not even reach the site because of bad weather and rolling seas. An inauspicious beginning to say the least.

Just as near to reality—if not closer—is the construction of equally large offshore port and terminal facilities. These huge structures are necessary, we are told, because of the ever-increasing energy crisis and this Nation's need to import ever-increasing amounts of crude oil. The world's dependence upon the supertankers necessary to carry this oil add to the threat to our marine environment. Although many minds are bent to the task of planning for these "superports," there are even more questions which must be answered by the policymakers if these projects are to become reality.

The Congress and the executive branch of Government will be called upon to make the difficult decisions which will launch these proposals. But will the President and the Congress be sufficiently informed? Will we have the knowledge, the research information, the expert answers to make our decisions rationally? Today, there are glaring gaps in our understanding of the technical, legal, and economic issues involved in such undertakings.

Because of this, the time has come for Congress to examine this whole question of constructing mammoth and potentially dangerous structures in the ocean. Congress must determine if further legislation is needed to adequately regulate the construction and operation of such facilities.

To accomplish this, I am today introducing a bill to authorize a comprehensive study by the Department of Commerce. The National Oceanic and Atmospheric Administration—NOAA—within that Department is, I believe, uniquely qualified and capable to undertaking such a study, because of its vast expertise and technical competence in matters pertaining to the marine environment. The purpose of my bill is to authorize and direct the Secretary to gather all relevant information about such planned offshore construction projects and submit his report to Congress within 18 months. Once this is done, the Congress can go about the business of prescribing adequate regulatory measures to prevent serious harm to our commercial, international, and environmental responsibilities. We must tackle this problem before the damage is done, not afterward—when it will be too late.

Mr. President, I ask unanimous consent that the article in the New York Times of September 19 to which I previously referred to be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Contract Signed on Offshore Nuclear Plant

(By Gene Smith)

Atlantic City, September 18.—The potential of offshore floating nuclear power "islands" moved a step nearer reality today at a point just under three miles off the Jersey coast.

The occasion was the signing of a $750-million contract between the Public Service Electric and Gas Company of New Jersey and Offshore Power Systems—a joint venture of the Westinghouse Electric Corporation and Tenneco, Inc.

The contract calls for Offshore to deliver two 1.15-million-kilowatt nuclear power plants to be moored within a huge man-made breakwater southeast of Little Egg Inlet.

While the actual signing on board the yacht Ottelia was conducted in a festive air, the fact that the yacht couldn't reach the exact site 12 miles northeast of here because of foggy weather and rolling seas might be an ominous potent for the fate of the new power plant concept.

Despite the hopes of Westinghouse executives, several Atomic Energy Commission members and other governmental and utility officials, nuclear power plants offshore are bound to run into strong opposition from environmentalists.

However, James T. Ramey, an A.E.C. commissioner, said in an interview on board that the standardization of the components at the new plant, to be built at Jacksonville, Fla., by Offshore power and floated here, should go a long way toward cutting the time required for the usual licensing hearings.

"In the future we would hope to have 'generic hearings' on, say, the first eight plants of this new concept. The plants would be identical so we would have to look at them as a single unit," he said. "However, there would still have to be hearings at the actual sites for construction and installation of components, including an environmental protection hearing."

Mr. Ramey indicted that preliminary regulatory studies on the Westinghouse-Tenneco concept were under way and should be completed by yearend. Next, he indicated, would come the licensing hearing for the offshore plant, which would involve decisions about how these should differ from standard nuclear power plant licensing procedures.

The commissioner emphasized that the A.E.C. would still be the judge on the safety of the floating nuclear power plants, while it would be up to the individual states to arrange for leases and property rights for the sites as well as rate regulations.

AN INTERESTED GUEST

"Our function is essentially limited to the safety aspects," Mr. Ramey said.

An interested guest at the signing was William G. Kuhns, chief executive of the General Public Utilities Corporation, which has operations in this state. He disclosed that his system expected to contract for up to 10 per cent of the floating nuclear plants' capacity.

"We're interested in the concept and the potential for a similar project in Lake Erie sometime in the future," he said. An operating subsidiary supplies power on Lake Erie in Pennsylvania.

It was also learned that the Atlantic City Electric Company, which is conducting merger studies with Public Service, might also take some output from the nuclear plant.

The total cost of the floating nuclear plant is estimated at $1-billion. John W. Simpson, president of the Westinghouse Power Systems Company, said it represented "the largest single equipment contract in the history of the electric utility industry."

"ONLY POSSIBLE SOLUTION"

In his prepared remarks, Mr. Simpson said it was "trite" to talk about an impending energy crisis "because so few people are listening . . . [and] it is with us today."

"After one listens to the almost limitless talk about the energy crisis, one thing stands out," Mr. Simpson said. "The only possible solution is more nuclear power. This is the answer for the short term and the long term . . . the alternative is economic and environmental chaos and a severe disruption of our way of life if we do not get the electric power we need when we need it."

He added that the floating nuclear power plant concept was the best way to "supply one, two or four million kilowatts of electricity, with an absolutely minimum impact on the environment."

Offshore Power has begun work on its Jacksonville, Fla., facility with an aim to deliver the first floating plant to Public Service in 1979. The Florida plant is designed initially to produce two nuclear plants a year and later double that level. Total employment is projected at more than 8,000.

Mr. Kuhns indicated that if standardization is accepted by the A.E.C., floating nucelar power plants might eventually be designed to be moored close to shore in areas of power demand just as gas turbine barges are moored today within New York City limits.

By Mr. BURDICK.

S. 4087. A bill to establish a program for the indemnification of crop losses sustained by farmers as the result of damage caused by migratory waterfowl.

Mr. BURDICK. Mr. President, each fall farmers face the prospect of significant financial loss from migratory waterfowl. Migration to winter feeding grounds occurs during harvest season when fields have been swathed and grain is within reach of the birds. The scope of the problem is unclear, but Canadian officials estimate that ducks and geese destroy about $6 million worth of grain each year in the three prairie provinces. In two Minnesota counties, studies conducted in 1964 and 1965 show losses in excess of $100,000. In my own State of North Dakota, the county commissioners of two counties have gone on record to the effect that they will not approve any sales of wetlands to the Bureau of Sport Fisheries and Wildlife until a method is found to reimburse landowners for crop damage caused by migratory waterfowl.

The wildlife depredation problem has been of growing concern among grain producers for the past 10 years. In 1962, Congress recognized that breeding and feeding areas for migratory waterfowl were disappearing and enacted an accelerated wetlands acquisition program which authorized the purchase and lease of 2.5 million acres for national wildlife refuges and for waterfowl production areas. Since we have come to recognize waterfowl as a natural resource—one which we are willing to protect by expenditure of Federal tax dollars—I do not feel that it is fair to call upon individual farmers to maintain them.

As early as 1945 the State of Wyoming authorized payments for crop damage by game birds. In the early 1960's, crop depredation within the local feeding zone of Canadian geese from the Horicon National Wildlife Refuge in Wisconsin generated a public outcry that led to payments for crop losses out of conservation funds.

In 1969, the legislative committee of the Migratory Crop Depredation Work Session at College Park, Md., recommended:

> In keeping with the substantial efforts of State agencies and the Bureau of Sports Fisheries and Wildlife to prevent crop damage by migratory birds that federal legislative authority and funds should be sought and suitable criteria be developed to equitably compensate individual farmers in selected critical local situations where substantial damage to individuals by migratory game birds cannot be prevented.

On July 11, 1972, the Canadian Minister of the Environment and the Minister of Agriculture announced the formulation of a 5-year program to reduce waterfowl depredation. Among the provisions of this program is a form of crop insurance to protect farmers from economic hardship.

I think that the trend is clear. The Federal Government should act to protect farmers from crop losses attributable to birds which the Federal Government has rightfully protected. The legislation I am today introducing is intended to focus congressional attention on the problem and serve as a medium for discussion of programs and methods to alleviate the harm to the Nation's grain producers.

In the last Congress, the united support of conservation, sporting and farming groups was instrumental in enactment of the Water Bank Act which compensates landowners for not draining their wetlands. I hope that the depredation proposal will enjoy similar support.

ADDITIONAL COSPONSOR OF A BILL

S. 4038

At the request of Mr. GRAVEL, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 4038, a bill to establish a National Amateur Sports Foundation.

TEMPORARY INCREASE IN THE PUBLIC DEBT—AMENDMENTS

AMENDMENT NO. 1743

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

AMENDMENTS NOS. 1744, 1745, AND 1746

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted three amendments intended to be proposed by him to the bill (H.R. 16810), supra.

AMENDMENT NO. 1749

(Ordered to be printed and to lie on the table.)

Mr. BELLMON. Mr. President, I send to the desk an amendment to H.R. 16810, the debt ceiling bill and ask that it be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, this amendment is intended to assist Congress and the President in our joint efforts to hold Federal spending in line with Federal income. Lest we lose sight of what is happening, let us review the astonishing record on Federal income and spending. Federal tax collections amounted to $5.1 billion in 1940 and $36.4 billion in 1950. In 1960, the Government collected $77.7 billion. Receipts totaled $193.7 billion in 1970, under the unified budget concept, in which trust funds are also included along with revenues. This year, fiscal year 1973, Federal receipts will total approximately $223 billion.

Now let us look at Federal spending for those same years: 1940, $9 billion; 1950, $39.5 billion; 1960, $75.5 billion; 1970, $196.5 billion; and 1973, approximately $265 billion. Therefore, despite the increase in collections each year, we have experienced an increase in the national debt during this 33-year period amounting to $433.3 billion. The devastating effect of this burden on persons with fixed incomes, the lost value of savings and insurance, and its damage to the stability of the dollar, is well known. Now we are beginning to see that this huge debt is hampering the ability of the Federal Government to cope with current problems. Interest on the Federal debt this year amounts to $23.1 billion. Mr. President, think how much could be accomplished if this sum were available for education, health, housing, or other services. Clearly, it is time for Congress to act to rectify this dangerous situation caused by continual spending in excess of income.

I share the concern expressed by many that Congress should exercise primary control of fiscal matters and in so doing, act as a "watchdog" over the Federal budget. This amendment preserves the historic role of Congress in the appropriative process and at the same time provides new tools to help the process function better.

Mr. President, briefly here is how the amendment would work:

First. At the time the President submits his budget, he would recommend a limit on spending for the fiscal year which Congress would approve or change.

Second. If appropriations made during the fiscal year exceed the spending ceiling as adopted, this amendment would require the President to proportionately reduce spending on all controllable budget items.

Third. If Congress appropriates in excess of the spending limitations, the limit could be raised by a two-thirds vote of both Houses. This would go far in establishing fiscal responsibility without surrendering to the President the historical role Congress has exercised in the appropriation process.

Enactment of a ceiling on expenditures and appropriations before the appropriations process begins would require Congress to continually monitor the level of appropriations to hold the total at or below the ceiling and hopefully within anticipated revenues. Such constant attention to the Nation's fiscal condition is an important step toward greater fiscal responsibility. Already most States and municipalities follow some such practices, as do successful business enterprises, and millions of American families as they plan the household budget. The Federal Government cannot forever continue on its current profligate financial course without risking economic catastrophe.

Mr. President, under the existing practices, and under the proposal which would allow the President to selectively make a reduction in the level of Federal spending, the Congress has the best of all possible worlds. We can say "yes" to every group that comes to us with a request for more money, tell the President to withhold and not spend a portion of the funds appropriated and then point an accusing finger at the administration when groups come to us asking why the full amount appropriated has not been released for spending. Frankly, this system seems not only unfair but downright hypocritical and callous.

By requiring a proportionate across-the-board reduction of all controllable budget items if the spending limitation is exceeded, Congress would prevent a delegation of authority to the President.

Mr. President, as a former Governor of a State which once faced financial chaos but which now operates on a balanced budget, I know that government can operate in a fiscally responsible manner. I know, also, that government officials need certain tools and restraints to help them resist the constant pressures to do more and more and tax less and less.

This amendment, if adopted, would be a major improvement in the process of appropriation and fiscal management.

AMENDMENT NO. 1750

(Ordered to be printed and to lie on the table.)

Mr. TAFT. Mr. President, today I am introducing an amendment to H.R. 16810, the debt ceiling bill, which would allow either House of Congress to override reductions proposed by the President of 10 percent or more in any budget expenditure obligation.

I support the $250 billion budget ceiling for fiscal 1973, because Government spending must be brought under control if we are to successfully restrain inflation. The imposition of a budget ceiling without any accompanying restrictions on the President's power to cut expenditures, however, would be a wholesale abdication of congressional authority and responsibility. One of Congress primary duties is to set the Nation's budgetary priorities. A congressional compromise of this function, in the name of controlling inflation or any other cause, would create a serious imbalance between the powers of the congressional and the executive branches.

If the spending ceiling is enacted, the President will be given a license to cut back or withhold expenditures at an annual rate of about $9 billion. Because expenditures on social security, medicare, medicaid, veterans' benefits, unemployment compensation, and interest on the national debt are all mandated, all cuts would have to be made from other programs. Without any restrictions on cutbacks, a President could drastically reduce Federal expenditures in such areas as school lunches, housing and urban development, aid to education, or pollution control.

My amendment would require the President to give 30 days' advance notice of the reduction of any expenditure or other obligation for fiscal 1973 if the reduction is more than 10 percent. At that time he must also supply Congress with a detailed explanation of the reasons for the reduction. Either House of Congress would then be able to override the reduction by passing a "resolution of disapproval" before the reduction is scheduled to take effect.

A resolution of disapproval would be afforded expedited congressional treatment, so that a final vote on any such resolution could occur before the reduction in expenditure is scheduled to take effect. A motion to discharge a committee of its responsibility to consider the resolution, if made by a proponent of the resolution, would be in order 10 days after the resolution has been referred to committee. Debate on such a motion would be limited to 1 hour, and no amendments or motions to reconsider would be in order. Once the resolution is reported out of committee, a motion to consider it would be highly privileged and not subject to debate. Debate on the resolution would be limited to 10 hours, and a motion to recommit it would not be in order. Motions to postpone consideration of the resolution, and appeals relating to Senate or House procedural rules, would be decided without debate.

I believe that my amendment strikes a proper and workable balance between the necessity to control Government expenditures and the need to retain congressional control of the Nation's pursestrings over the next 8½ months. Unlike the approach of requiring congressional ratifictaion of any cut the President wants to make, my amendment would afford the President the flexibility to effectuate the $250 billion expenditure ceiling without creating a political circus. The President could cut any expenditure by up to 10 percent without fear of a congressional reversal of his actions. He could cut by even greater amounts if neither House of Congress overrode him. On the other hand, Congress would have the power to prevent any really significant presidential alterations in congressionally approved budgetary priorities. A congressional veto arrangement is a much more effective way to retain this power than a requirement that Congress come up with a comprehensive alternative list of cuts before the President can be overruled. Such a veto arrangement would also provide for more intelligent budget control than a "meat ax" approach of cutting all reducible expenditures by the same percentage. Although I have already indicated my strong belief that congressionally approved budgetary priorities should not be subverted, it is simply unrealistic to ignore the fact that there is more fat in some Government programs than in others.

My amendment would provide the necessary safeguard to assure that Congress retains its budgetary powers, without endangering the workability or effectiveness of the expenditure ceiling. I urge the Senate to consider it favorably.

I ask unanimous consent that the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1750

On page 2, after line 23, insert the following:

"(d)(1) Notwithstanding subsections (a) or (b) or the provisions of any other law, the President shall not reserve from the expenditure or obligation of monies pursuant to any appropriation or other obligational authority heretofore or hereafter made available, any amount in the excess of ten percentum of such appropriation or other obligational authority, unless he has notified the Congress of such reservation and supplied a detailed explanation of the reasons for such reservation and the date upon which the reservation is to become effective. Such notification and explanation shall be in writing and shall be submitted to the Congress in session at least thirty days before such reservation is to become effective. Such reservation shall become effective as scheduled, unless either the Senate or the House of Representatives adopts a resolution of disapproval of such reduction within thirty days after receipt of such notice and explanation from the President.

(2) The provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate and the House of Representatives in the exercise of their respective responsibilities under this subsection, except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this subsection to refer to a resolution of disapproval."

THE FREE ENTRY OF A CARILLON FOR MARQUETTE UNIVERSITY—AMENDMENT

AMENDMENT NO. 1747

(Ordered to be printed and to lie on the table.)

Mr. CHURCH. Mr. President, I send to the desk an amendment to H.R. 3786 and ask that it be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, this amendment is a technical change in the Tax Reform Act of 1969 which will correct what my studies indicate was an inadvertent mistreatment of authors and artists under that law.

As some Members will recall, it was during the consideration of the 1969 Tax Reform Act that it came to light that some political figures, both Democratic and Republican, would reap large tax benefits by donating their public papers to libraries or universities. It was the feeling of the Congress that, inasmuch as the taxpayers had, in a sense, already paid for the making of these papers, they should not once again be asked to subsidize them, via the tax deduction route, when they were given away by a public officeholder at the conclusion of his career.

In an attempt to solve that problem, Congress changed the tax law. However, in so doing, Congress swung too broad an ax. It not only eliminated the deduction allowable for the donation of public papers of public men, but eliminated the deduction, based on fair market value, which had previously been granted to authors and artists.

The result has been that acquisitions by libraries, museums, and art galleries have been seriously harmed. My amendment would reinstate the tax treatment given to authors and artists prior to the passage of the Tax Reform Act of 1969. The amendment makes it clear that this tax advantage will not be granted to public officials.

The intent of the Congress will thus be carried out, and the oversight in the original act corrected.

ENVIRONMENTAL NOISE CONTROL ACT—AMENDMENT

AMENDMENT NO. 1748

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (S. 3342) to amend title IV of the Clean Air Act, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1687

Mr. PACKWOOD. Mr. President, I am pleased to announce that the senior Senator from Rhode Island (Mr. PASTORE) and the junior Senator from Maryland (Mr. BEALL) are joining with 22 of our colleagues and myself as cosponsors of amendment No. 1687, intended to be proposed to the debt limit bill (H.R. 16810), to equalize Federal tax treatment of unmarried individuals.

Mr. President, I ask unanimous consent that Senator PASTORE and Senator BEALL be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FREEDOM OR PEACE

Mr. GOLDWATER. Mr. President, it strikes me that in recent years the American people have heard more loose and irresponsible talk on the subject of peace than at any other time in our history. Some politicians, not a few news commentators and many misguided citizens have been demanding peace in Vietnam as though the mere cessation of hostilities could give us what we most desire. With a great many others, I prefer to have the right kind of peace—that is peace with honor and freedom—than the "peace at any price" that our liberals and radicals have been urging.

Mr. President, peace can be had at any time and without difficulty merely by agreeing to the enemy's terms. The kind of peace which many of our professional advocates are urging upon this country today is the same kind of peace that we could have had in this Nation's War of Independence simply by submitting to the tyranny of Great Britain. It is the kind of peace that the allies could have gained in World War I simply by knuckling under to the Kaiser. It is the kind of peace that we could have had in World War II by surrendering to the demands of Adolf Hitler, or in Korea by accepting the terms of the North Korean Communists. Mr. President, there is no trick to the problem of achieving peace; but, for an honorable nation, the quality of that peace must be of a high order—in other words, it must be a peace which guarantees freedom.

Because of the great importance of this subject to all American citizens, I should like to make available to the Senate some very pertinent remarks on the subject of peace by a distinguished clergyman who is serving at the present time as Command Chaplain of the Air Force Air Training Command. I ask unanimous consent that an article entitled "Freedom or Peace" by Col. Earl W. Minor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM OR PEACE

(By Chaplain (Colonel) Earl W. Minor, command chaplain, Air Force Air Training Command)

Many of our citizens are demanding peace. Every time I hear the cry, a shadow dims the light of meaning. Are they more concerned with peace than freedom? It may be a rerun of the scenario from all unpopular wars or perhaps a new mood in America which says peace is more important than freedom! Is it?

I stood in East Germany and looked to the west. I saw the towers, the guards, the dogs, the mine fields and the wall. But I could not deny that they were at "peace." I asked an East German pastor his greatest wish. "Freedom," he said. "Little good can come from life unless we are free."

I talked to a POW from World War II who spent long years behind the barbed wire fence. I asked him what one thought occupied him most. "Freedom," he said. "I saw dogs walk through the barbed wire fences, roaches crawled to freedom and birds flew freely above. I would rather have been a dog, a bug or a bird and be free than be a man in prison."

A returned POW from the Hanoi Hilton said, "Freedom was the one thought paramount in my mind." Why didn't he say, "Peace was my one thought"? He had peace and it should have been enough to know that he was out of combat and his guardians would now care for his daily needs. He knew and many of us know there is a vast difference between freedom and peace.

Our country was founded by a people who were consumed with a burning passion for freedom and the great documents of government were written by men who wanted freedom more than life itself. Great wars have been fought for freedom for ourselves and for others. America has made one contribution to civilization above all others—freedom for all men.

Peace can be achieved right now without a fight or a protest. You simply agree to the other man's terms. It is so easy! But it is not freedom—true peace will come only when it is established on the terms of free men who insist on freedom for all men.

America must learn again the lessons of the past. Freedom is worth the price. Peace can be had at any time on the other man's terms.

I choose freedom and am glad to pay the price.

CORPORATE RESPONSIBILITY

Mr. MOSS. Mr. President, last week I released a report entitled "Initiatives in Corporate Responsibility" which seeks to present a balanced picture of socially responsible activities undertaken by business concerns. I was heartened with the tenor of the responses to my inquiries and feel that this report has succeeded in giving credit where it is due.

Shortly after releasing the report, I read a most interesting article in the Washington Post by Nicholas Von Hoffman. Von Hoffman relates the story of the Motorola Co. house organ which uncovered some of the reasons for high employee and employer hospital charges. Needless to say, this is responsible corporate activity giving a voice to public concerns. To Motorola, I extend congratulations for another step forward in fulfilling its role in having a social consciousness. Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE PINK OF HEALTH (AND IN THE BLACK) IN PHOENIX

(By Nicholas von Hoffman)

The last periodical in which you would expect muckraking journalism is your company's house organ. So the Phoenix employees of the Motorola company must have done a double take when their very own company newspaper (The Western Voice of Motorola) broke a major story on the high cost of hospitalization.

A big, black headline told the electronics company's workers that "Sky-High Hospital Charges in Phoenix Hurt Employee, Employers and Public." Beneath a bylined story, Ken Piper, Motorola vice president for human relations, declared that "in 1966 Motorola paid to Phoenix hospitals over $1 million excluding doctors' fees . . . in 1970 Motorola paid to Phoenix hospitals over $3 million. There was an increase of 61.5 per cent over 1969 despite the fact that in 1970 Motorola had a lesser employee population."

Then this and other stories went on to tell why both the company and its employees were getting socked. It pointed out that one Phoenix hospital was plugging its $125-a-day, two-room deluxe suites where patients are served cocktails, hors d'oeuvres, breast of chicken cordon bleu at damask covered tables set by ex-airline stewardi in gold mini-skirts who also pour the wine and light the candles.

With an occupancy rate of below 20 per cent on these presidential accommodations, "Who really pays for the 'royal chamber?' " the Western Voice of Motorola asked. "Patients at $125 a day? Oh, no! They are paid for by really sick people at $55 a day for a semi-private room. Two semi-private rooms compare in space to the bedroom and living room of the luxurious suite for a charge to the public of $220 a day versus $125 a day."

That was but the beginning. Piper wrote that costs were ballooning because of unneeded services: "One Phoenix hospital purposes to build a $3.5 million open-heart facility when two similar facilities in the Phoenix area are not being used to full capacity." Beyond that he said that Phoenix patients were being overcharged for drugs, lab tests and the use of operating rooms.

Using Chicago, where Motorola also has a big manufacturing operation, as a base of comparison, the company said that Phoenix patients were being charged 47 per cent more for the common pain killer Demerol than they would be in a Chicago hospital; they were also being charged 131 per cent more for blood typing, 63 per cent more for the use of operating rooms, 17 per cent more per day for maternity care and 70 per cent more for lung X-rays. Beyond that Motorola accused the hospitals of running needless fleets of airplanes and cars, the costs for which were being passed on to patients who got no benefit from them. Lastly, the company produced figures showing that the Phoenix hospitals were enormously overstaffed compared to other cities.

Yet, despite the prodigal scale on which these institutions were on, the company maintained that the hospitals were making a profit of 6.8 per cent on patient revenues. One institution had piled up over $20 million in accumulated surplus earnings. This, Motorola insisted, was because of unconscionable rates which, in the case of two hospitals, ran to about $1,000 a week. The company said that one of its employees was charged $2,482.50 for a two-night stay last November.

The response to this by the American hospital power bloc is instructive. Motorola got a letter from H. Allan Barth, vice president of the Michigan Hospital Association, which said in part, "Since the members of the Michigan Hospital Association are about to purchase equipment for a statewide emergency radio network, I would hope that your organization might have some reasonable explanation to offer because I am sure you are aware of the impact that the Arizona Hospital Association charges will have on the buying attitudes of the hospitals in Michigan" (as quoted in Medical World News, Sept. 22). Contacted by telephone this week. Barth conceded that he had written the letter but said he would have nothing more to say until he'd refreshed his memory about the situation.

Just as important has been the role of the health insurance people. Milton Gan, executive director of the Health Planning Council of Maricopa (Phoenix) County, *was* willing to talk and he said, "One of the biggest problems has been the failure of the insurance companies to take a hand. They're really not concerned about costs. They just pass the added burden on to the consumer."

Although Gan was a little squeamish about Motorola's "tactics," he was quick to say that the company "has rendered a valuable service. It's raising fundamental questions about who makes judgments on what kind of health care is going to be made available. Up to now it's been the hospitals."

So it has been with the health insurers as their willing accomplices, and, if it goes on that way, the health insurance law most likely to pass Congress is going to turn every city into a Phoenix. That needn't be. Motorola has shown what can be done. The company is currently in negotiations with the hospital, and already, Gan says, there are definite signs of reform.

So thank you, Motorola, what you're doing for health is even better than what Quasar is doing for television.

ELMER M. JACKSON III

Mr. MATHIAS. Mr. President, I regret to report the recent passing of one of Maryland's best-known and most respected journalists, Elmer M. Jackson III. At the time of his death, Mr. Jackson was editor and general manager of the Anne Arundel Times. He was past president of the Maryland, Delaware, and D.C. Press Association, the Chesapeake AP Association and the Maryland chapter of Sigma Delta Chi.

I extend my deepest sympathy to Mr. Jackson's family and ask unanimous consent that a resolution honoring Elmer M. Jackson III which was passed at the summer convention of the Maryland, Delaware, and D.C. Press Association be included in the RECORD with obituaries printed in the Baltimore Sun and the Washington Post.

There being no objection, the resolution and obituaries were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, On August 25, 1972, a valued member of the Maryland-Delaware-DC Press Association was taken from the midst of his fellows at an early age, and,

Whereas, Elmer M. (Jay) Jackson, III, had served with distinction in all of the offices of the Maryland-Delaware-DC Press Association, and as a member of its Board of Directors and of its Advisory Council, and,

Whereas, During all of his years of service, he brought to his efforts on behalf of the Association a devotion and determination that have served as an example to his colleagues, and,

Whereas, His many services to the field of journalism in Maryland have earned him the respect and the gratitude of his fellow practitioners of the art and craft of newspapering, now therefore be it

Resolved, By the members of the Maryland-Delaware-DC Press Association, in convention assembled this 16th day of September, 1972, that the name of Elmer M. (Jay) Jackson, III, be inscribed upon the memorial roll of honor of the Association in the headquarters building, and be it further

Resolved, That this resolution of respect be signed by the President and presented to the Jackson family with the condolences of the members of this Association.

WILLIAM R. CRONIN,
President.

[From the Baltimore Sun, Aug. 26, 1972]

ELMER M. JACKSON 3D DIES, WAS ARUNDEL TIMES EDITOR

Elmer M. Jackson 3d, 42, editor and general manager of the Anne Arundel *Times*, died yesterday after a brief illness.

Mr. Jackson, former managing editor of the Annapolis *Evening Capitol* and a chain of southern Maryland weeklies, was admitted to Johns Hopkins Hospital August 1 for treatment of a digestive disorder. He later developed complications.

Long active in Maryland journalism, Mr. Jackson was a past president of the Maryland, Delaware and D.C. Press Association, the Chesapeake AP Association and the Maryland chapter of Sigma Delta Chi.

He is survived by his widow, Marcia Larsen Jackson; three sons, Elmer Jackson 4th, Charles Conrad Jackson and Donald Jackson; a daughter, Donna Jean Jackson; his father; his mother, Mrs. Mary Conrad Jackson, of Washington; a brother, Allen C. Jackson, of Annapolis, and a sister, Mrs. Pamela J. White, of San Diego, Calif.

[From the Washington Post, Aug. 27, 1972]

ELMER M. JACKSON III, ANNE ARUNDEL EDITOR

BALTIMORE, August 26—Elmer M. Jackson III, 42, editor and general manager of the Anne Arundel Times, died yesterday after a brief illness.

Mr. Jackson, former managing editor of The Annapolis Evening Capitol and a chain of southern Maryland weeklies, was admitted to Johns Hopkins Hospital Aug. 1 for treatment of a digestive disorder. He later developed complications.

Long active in Maryland journalism, Mr. Jackson was a past president of the Maryland, Delaware and D.C. Press Association, the Chesapeake AP Association and the Maryland chapter of Sigma Delta Chi. He was the founder of the Anne Arundel County Press Club.

A 1952 graduate of the University of Maryland, he worked in public relations with the Westinghouse Corp. in Pittsburgh before returning to his native Annapolis to help his father, Elmer M. Jackson Jr., in the operation of the Annapolis Evening Capitol and the southern Maryland newspapers.

For a time, he was editor of the Maryland Gazette. At the time of his death, he was on the board of directors of the Anne Arundel Community College.

He is survived by his wife, Marcia; three sons, Elmer Jackson V, Charles Conrad Jackson and Donald Jackson; a daughter, Donna Jean Jackson; his father; his mother, Mary Conrad Jackson, of Washington; a brother, Allen C. Jackson, of Annapolis, and a sister, Pamela J. White, of San Diego, Calif.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the founding of the United Nations opened a whole new era in the history of international relations. The dream of a real world community was to be given a chance of realization.

The United Nations is concerned with peace and cooperation between states, but it is also concerned with peace and cooperation between men. Absolutely basic to this goal is that all men, regardless of race, religion, nationality, or culture be allowed to live as they wish, providing they do not impinge on the rights of others.

The world has seen many instances of attempts by one culture to eliminate another. Among the worst of these were the slaughter of the South American Indians by the Conquistadors, the attempted elimination of the Armenians by the Turks, and the horrible slaughter of the Jews of Europe during World War II. These acts have always been morally repugnant. The time has come to see that they are made illegal as well. The aim of the Genocide Convention is to do just that.

It takes a long time for any great goal to become a reality. The documents in the history of the world that potentially had the greatest good to offer have also been among the hardest to effectively implement. This does not mean that the effort should not be made. The Magna Carta and our own Constitution are both great documents in the history of individual freedom. Both were established only with great difficulty. Neither of them were perfect as they were promulgated and they have been changed. None of these things reduces their net worth to the cause of human freedom.

The Genocide Convention is not a perfect document either. But its goal of guaranteeing the right of existence to all peoples is essential. While it may not guarantee an immediate cessation of genocide, it will establish the principle that the nations of the world will not condone it, and will open the way to the eventual elimination of this crime against all humanity.

Mr. President, I urge the Senate to ratify this all-important treaty.

HALL LUSK: JUDGE, SENATOR, AND RESPECTED LAWYER

Mr. HATFIELD. Mr. President, when Senator Richard Neuberger died in 1960, it was my responsibility as Governor of Oregon to appoint an interim successor to him. I appointed a judge on the Oregon Supreme Court, Hall Lusk, to complete the short time remaining in the Neuberger term.

Recently, the Portland Oregonian carried a fine interview with this gentleman, who is an active and alert 89 years old.

Hall Lusk is an Oregonian who stands as one of the most respected people that our State ever has produced. His achievements would take pages to list—as a lawyer, he used his legal talents in a broad way to better our State. His identification as one who fought the Klan in its days of power in Oregon are referred to in the interview and are well known to many Oregonians who remember or who have read about that time in our State's history.

If my memory serves me correctly, the partners in Judge Lusk's first law firm as a lawyer in Portland both had served in Congress. His fine legal mind soon made him one of Oregon's most outstanding lawyers, and he argued the case against compulsory public schooling in the Society of Sisters versus Pearce, in which he presented a brilliantly prepared case to the Supreme Court.

I call attention to this fine interview with Hall Lusk because it manages to capture his wonderful spirit—something all who know him recognize and relish. As a great judge, Hall Lusk has the capacity for analysis, for insight, and for clear expression. As a person, Hall Lusk has compassion, has sensitivity, and has an understanding of people.

Because of its warm portrayal of such a fine man, I ask unanimous consent that the article by Stan Federman in the October 8, 1972, Portland Oregonian about our former colleague, Hall Lusk, appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONG-TIME JUDGE IN FAVOR OF STRONG JUDICIARY

(By Stan Federman)

He is 89 years old and continues to be the astonishing long distance runner of the Oregon legal profession.

But for Judge Hall S. Lusk the race is still to be won.

He thirsts for knowledge, looks forward eagerly to tomorrow's challenges and takes quiet pride in past achievements.

Those achievements have been many and varied since that day in 1909 when he first arrived in Oregon, an enthusiastic young graduate of the Georgetown University Law School in Washington, D.C. Admitted to the Oregon Bar in 1910, he has since carved out a legendary 62-year career in his adopted state.

Judge Lusk served 23 years on the Oregon Supreme Court (1937–60)—and another seven on it as a pro-tem justice (1961–68). He was a U.S. senator (1960) when he completed the unfinished term of Richard Neuberger who had died in office. The honor came to Lusk at 76 and made him the oldest man ever to represent Oregon in the U.S. Senate.

He was an assistant U.S. Attorney for Oregon (1919–1921) and also served as a Multnomah County circuit judge (1930–37). He serves as a pro-tem judge for the Marion County Circuit Court and the Oregon Tax Court and may be the oldest practicing judge in America.

During his years as a successful attorney in Portland, he participated in many major state cases. One of them came about after his only try for political office in 1922. It was a time when the Ku Klux Klan was active in the state and it seemed outrageous to Lusk, a Catholic, that he should be the subject of the Klan's withering attacks during his campaign for the Legislature.

So he strongly opposed the Klan and was badly defeated in the election; as were all Klan opponents. "I really took a licking," he said.

An outgrowth of Klan bigotry was a ballot proposal requiring all children to be sent to public schools. It would have compelled Catholics to withdraw their children from parochial schools to meet the new regulation. The proposal passed. Then Lusk and others stepped into the fight.

He was one of the lawyers who represented Archbishop Christie when suit was brought against the state, challenging the law's constitutionality. The case went all the way to the U.S. Supreme Court, for which Lusk wrote a brilliant brief. The high court subsequently ruled against the state.

The court decision was the first major blow against the Klan in Oregon and it never recovered from it, finally dying off politically in a few years.

Sitting in the solitude of the front room in his modest Salem home, Judge Lusk recently discussed his life-long love affair with the law.

The room was warm and comfortable with a "lived in" feeling. He relaxed in a large easy chair, puffing contentedly on an ever-present pipe. Photographs of five daughters ("I'm the legal Eddie Cantor") and 13 grandchildren adorn the walls. There were also a scattering of law magazines and reviews on a table and the book shelves bulged with the classics ("Dickens and Thackeray are my favorites").

He is in good health and despite his age, his scholarly mind is alert and his physical actions are those of a much younger man. There are the crevices of time in his face and hands but they somehow do not matter. One mostly notices the sparkle in his eyes and the quick laugh when he recalls a humorous incident from the past.

He listens intently to a question and then carefully, with that scholarly legal mind he is known for, he answers in precise phrases, using the English language with obvious care and love. As a Supreme Court justice, he was habitually chosen by his colleagues to write decisions demanding a precision of language and he remains a word stylist to this day.

Discussing various aspects of the law, he said that there has been an overall improvement in the character and competency of the legal profession. "Standards have been raised and there is an increasing awareness among young lawyers that the profession is more than a trade or business," he said.

He observed that the law is "a constant, changing thing."

"And this is good! It should be changed as social and economic conditions change. At the same time, though, there is also good in the stability of the law. People have to live by it; businessmen must decide by it."

He said many young attorneys today, filled with idealism and zealous law school instruction, are questioning and probing the old rules and concepts of the law.

"And this, too, is all for the good. This youth movement is in the forefront of the fight to establish liberties of people under the Constitution. But some of these idealistic attorneys tend to employ the law for only social engineering and I question their wisdom in this."

A keen student of the U.S. Supreme Court and the controversy that has swirled about it in recent years, Judge Lusk wonders if the Warren Court decisions will prove to benefit the nation's welfare. He's not so sure they will.

"Repeated trials and hearings in criminal cases, the same case running over many years—these things are a serious reproach to some of those decisions. But such decisions also decreased abuses in the judicial process."

"The real problem of recent times is that the Supreme Court has sometimes engaged in making the law, instead of allowing Congress this privilege. Yet the court still remains the greatest institution we have in government and only time—and the people—will decide whether its decision-making has been right or wrong."

As for Oregon's courts, he believes they are in the "best shape" since he began practicing law. But he warns that the Oregon Court of Appeals is overworked and needs help, either through additional justices or some method to reduce the number of appeals.

He also calls for a fundamental change in the state's selection of judges.

"A judge should not have to run for office every few years. Campaigning and the usual election appeal for campaign funds puts him in a terrible position."

A life-long Democrat, Judge Lusk describes himself as "a conservative with liberal tendencies."

He votes for performance. In the 1952 elections, he supported Adlai Stevenson for president; in 1956 he voted for President Eisenhower.

"I thought that Ike had done a good job and that we should keep him. I guess I'm just not a very partisan Democrat."

This feeling may spill over into the 1972 campaign. He voted for Hubert Humphrey in 1968 but thinks he will probably vote for President Nixon in November.

"I never liked Nixon. I still don't. But he's done a reasonably good job under trying circumstances. I can't vote for McGovern—he doesn't give me any confidence a man should who is running for this office."

During his lifetime, Judge Lusk has always been a judge's judge, a strong and outspoken advocate for an independent judiciary. And he has always been willing to take a stand on what he believes is the "right thing."

Like that famous "Ethelbert the Whale" case.

In the case, a man was charged with killing a wayward whale in the Willamette River by dynamiting it. The incident created a furor when Judge Lusk ruled that the man had not violated a law against killing fish because the whale is a mammal.

It was an unpopular decision but he stuck by it even when his wife, Catherine, now 85, refused to talk to him for a couple of days.

"The law is the law," he said in typical Hall Lusk fashion.

He continues to work at that law today at 89.

He is hearing a Tax Court case and occasionally sits in pro-tem for the Marion County Circuit Court. "I enjoy the work and it seems better than loafing around the house," he smiled.

He has no hobbies except "mowing the grass." But he reads a lot, does some writing and likes to chat with friends who drop by.

Summing up his life, he said:

"A judge doesn't get rich, except in his associations along the way. It's an intellectual life, sometimes a lonely one in the area of decision-making. But I can't think of anything I'd rather be doing. There are always regrets in looking back on a long life—but I have very few. And this is a pleasant thought in one's old age."

A lover of poetry, the judge especially enjoys a short verse by Louis Untermeyer which he often quotes:

"From compromise and things half done,
Keep me, O God, with stern and stubborn pride.
And when at last the race is won,
God, keep me still unsatisfied."

And this says all there is to know about Judge Hall S. Lusk—today, tomorrow and always.

PAN AMERICAN DEVELOPMENT FOUNDATION

Mr. JAVITS. Mr. President, upon the occasion of the annual meeting of the Pan American Development Foundation in Washington, I ask unanimous consent that the translation of an article that appeared in Vision on the valuable grassroots work of this organization be placed in the RECORD.

The Pan American Development Foundation is sponsored by the Organization of American States and is responsible to an independent board of trustees composed of leading citizens from North and South America. I am honored to be a member of this board and note that Senator KENNEDY is also a member.

I also ask unanimous consent that the list of members of the board of trustees be placed in the RECORD.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

[Published in Vision, the leading Latin American news magazine, Aug. 26, 1972]

Letter From Washington

(By Winthrop P. Carty)

It is becoming increasingly obvious that traditional foreign aid is not solving Latin America's social problems. Attention is increasingly being focused on new development foundations sprouting up throughout the Hemisphere. The motto of these development efforts has been coined by Sam Greene, founder of the Guatemalan Penny Foundation: "The most important bank in the world is the hands of the poor."

Naturally, the hands of the poor have long worked together in cooperative efforts. But now the programs have become increasingly institutionalized and new financial mechanisms are being fashioned to broaden the movement. In addition, the national development foundations maintain contact with each other and the new Washington institutions created to assist them.

The U.S. Government has set up the Interamerican Foundation, an experimental lending agency, which has made grants totaling $1.5 million to national development foundations in Mexico, El Salvador, and the Dominican Republic. The Pan American Development Foundation (PADF) also arranges foreign financing for the national development foundations. The amount of money generated by the PADF and the NDFs is small compared to that annually extended by such institutions as the World Bank and the Interamerican Development Bank. But Sy Rotter, executive director of the PADF, sees the national foundations "as the cutting edge of new thinking on the question of development."

Presently the PADF has 19 affiliates, including two each in Colombia, Ecuador and Honduras. Each foundation focuses on its own special development problems. In Guatemala, for example, programs are aimed at the nation's predominantly rural population. In overpopulated El Salvador the prime objective has been the construction of urban housing.

But the rationale of the various (nonprofit, private) foundations is very similar. "Government bureaucracy thinks in terms of millions of dollars," says William Báez Sacasa, executive director of the Nicaraguan Foundation, "but the average person thinks in terms of pennies. We must start programming from the bottom up, and the upper classes should learn the importance of new approaches to development problems, not only traditional charity."

The executives of the relatively small foundations share an abiding suspicion of any social project undertaken without prior consultation with the people to be served. A striking example of the dangers of not involving the beneficiaries of a social project occurred this year in St. Louis, Missouri. in the early 1960's, some of the most prestigious planners in the United States constructed a huge housing project in the city's poor section. The project was labeled a model of urban housing.

The poor people who moved into the apartments detested the buildings. The project was considered impersonal. Worse still, they didn't offer protection in high crime areas. The apartment dwellers, many of whom were recent arrivals from rural areas, began throwing rocks through windows, urinating in the halls and pulling the buildings apart in a spasm of frustration and resentment. The community got so out of hand that the municipal authorities had to move the people out and literally dynamite the gigantic building complex. Similar displeasure toward ex-dictator Marco Perez Jiminez' "superblocks" is manifest in Caracas.

"We must constantly remind ourselves," notes Dagoberto Gavidia, president of the Pro Vivienda Minima Foundation of El Salvador, "that we cannot think for others. We must ask people what they want, and let them fully participate in the decision making processes."

The key to the success of the national development foundations is to make credit available to poor people and in the long run, change the lending practices of local banking institutions. It is obviously easier for a bank to make one large loan to a wealthy customer than to make a variety of loans to poor people without collateral. It has been amply demonstrated, however, that when the poor band together in a cooperative venture that the little man will honor his debt. The national development foundations find repayment of loans well over 90%, and less than 5% of the loans have to be written off as uncollectable.

It also has been fully demonstrated that poor people can build their own houses, construct their own schools, increase their income, and improve their social condition—if given credit and some unobtrusive assistance.

The U.S. Government is experimenting with a new system of extending guarantees to lenders to the poor. For instance, if a Colombian bank grants credit to a cooperative for a social project, the Overseas Private Investment Corporation, a U.S. government agency, could promise to repay 75% of the loan in the event the project fails. Commercial banks in the U.S. are also interested in granting loans to the marginal sectors in Latin America.

The national foundations don't offer the solution to the enormous Latin American problems that the Alliance for Progress promised to do. But by experimenting at the grassroots level, the foundations are reaching for the assets of the most important bank in the world, the hands of the poor. Given the total bankruptcy of the present foreign assistance program, Washington is watching the national development foundations with increased interest.

Board of Trustees of the Pan American Development Foundation

Galo Plaza, Chairman of the Board.

T. Graydon Upton, President.

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VIOLENCE AND THE MEDIA

Mr. BAKER. Mr. President, last January, the Surgeon General of the United States, Dr. Jesse L. Steinfeld, issued a report on the effect of televised violence on children. In response to that report, the Communications Subcommittee of the Senate Commerce Committee held 4 days of hearings to determine what action, if any, should be taken by the Congress, the Federal Communications Commission, and other interested parties. Among the witnesses who appeared before our subcommittee was FCC Chairman Dean Burch, who, among other things, recommended that the advertiser must assume some responsibility for improving the quality of children's programs.

Realizing the importance of the Surgeon General's conclusion that there is a causal connection between televised violence and antisocial behavior in some children, the National Business Council for Consumer Affairs, composed of representatives of major advertisers and advertising agencies, in a report to Secretary of Commerce Peter G. Peterson, called for voluntary restraints by advertisers and others in the use of violence in the media pending the results of in depth research.

I am greatly encouraged by this commitment by the business community to take immediate, positive steps to reduce violence on television.

I ask unanimous consent that the statement issued by the National Business Council for Consumer Affairs be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Violence and the Media

Richard Nixon, August 5, 1971: "In recent months I have been gratified by the increasing desire of the business community to take a more active role in meeting the concerns of the American consumer. These businessmen recognize that the concerns are widespread and often spring from valid complaints. They also share my belief that neither the government nor the consumer movement can alone solve these problems, but that we must also rely upon the traditional goodwill and sound practices of the business community. Because of this growing interest, I have today signed an executive order creating the National Business Council for Consumer Affairs . . ."

The issue of the impact of violence in the nation's media has surfaced as a major concern in the past months. The Surgeon General recently has published a comprehensive study entitled "Television and Growing Up: The Impact of Televised Violence." Intensive hearings on the subject have been held in the Congress of the United States, through the Sub-Committee on Communications of the Senate Commerce Committee. While existing data are not conclusive, we do feel that these recent contributions indicate that there may be a link between televised violence and aggressive behavior by certain individuals in our society.

As members of the Sub-Council on Advertising and Promotion of the National Business Council for Consumer Affairs, as businessmen, and as advertisers, we are concerned. We are concerned about the violence and crime in this country, and about any actions that might help provide prevention and cure.

Until the results of more definitive research are published, we presume televised violence in the media may be a factor in stimulating aggressive and violent behavior by some members of our society. In recognizing this fact, we do not suggest that the elimination of violence in media will eliminate crime. It won't. However, to the extent that depiction of violence in media may contribute to the encouragement of violence, those of us who bear any responsibility for media presentations must be concerned. At the same time, we recognize also that advertisers should not attempt to "censor" program content, particularly in areas such as news reporting, but we do believe that certain positive steps can be taken now by all involved.

We therefore request the Secretary of

Commerce to call on all members of the business community, including advertisers, advertising agencies, and media, for their support of the interim principles and goals indicated in the following statement:

First, to encourage the development on an individual basis of specific policies and procedures by media, program producers, and all involved in the creation and delivery of media presentations, which will *help eliminate gratuitous use of violence* and provide standards for acceptable depiction of violence, when it has material relevance to the message to be conveyed.

Second, to encourage advertisers and advertising agencies to establish individual policies designed to *reduce further the use of violence as an attention-getting device* in any and all contexts, whether it be an attempt to win attention for an advertisement or to win audience for a program.

Third, to *encourage intensive and careful research* by academicians and appropriate agencies to determine more specifically the impact of depicted violence on the media's consumers, in the realization that further work is needed to identify clearly the nature and extent of the problem.

As representatives of major advertisers, advertising agencies, and media . . . and as members of the NBCCA Sub-Council on Advertising and Promotion . . . we pledge our personal commitment to these objectives.

In this regard, we commend particularly the television network representatives who have outlined specific new policies and practices designed to control further the use of violence on television, and particularly in children's programming.

It is not our intent to imply that it is in the best interest of society for television programming to depict our community as being free of violence. Presentations by media are often necessarily a reflection of life as it was lived that day, and as such must mirror truthfully the good and the bad. It would serve us little were television programs to portray only the credit side of the ledger of life and fail to prepare society, particularly our youth, to recognize and be able to cope with the debit side. We recognize, however, that much is at stake, and careful consideration must be given to any depiction of violence.

As members of the National Business Council for Consumer Affairs we are charged by Executive Order of the President with the responsibility of advising the President through the Secretary of Commerce on programs of business relating to consumer affairs. Accordingly, we are also asking Secretary Peterson to convey this statement to President Nixon, both as an expression of our concern, and as a commitment on behalf of the business community to seek further definition and resolution of the problem.

THE SECOND TRAIL OF TEARS

Mr. HARRIS. Mr. President, I invite the attention of Senators to an article about the Tellico project in Tennessee. The Tellico project threatens to inundate the historic homeland of the Cherokee nation by damming the Little Tennessee River to create a 17,000-acre reservoir. There was little if any concern expressed at the start of this project by the TVA of the consequences for the Cherokee homeland and historic sites. Typically, successful efforts have been made to preserve Fort Loudoun, a British outpost, from the flood waters—but those sites of historic significance to the Cherokee nation were left to the impending flood waters.

In 1972 the Environmental Defense Fund was successful in obtaining a preliminary injunction temporarily halting the project. Gov. Winifred Dunn has also publicly opposed the project. But TVA has appealed and is making plans to continue and complete the project.

Mr. President, I hope that this callous indifference to the heritage of the Indian people can be changed and that we, as a nation, afford the same respect to the history of Indian people as we do to the history of the white settlers. I ask unanimous consent that the article," The Second Trail of Tears," be included in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Historic Preservation,
April–June, 1972]

The Second Trail of Tears

(By Jon. T. Brown)

(Note.—Mr. Brown, is a counsel for the Environmenal Defense Fund. He formerly was special assistant to the Solicitor for the Department of the Interior.)

More than 100 years ago Gen. Winfield Scott, acting on the orders of President Martin Van Buren, drove 13,000 Cherokee Indians westward out of Tennessee and North Carolina on what has become known as the infamous Trail of Tears.

During that march, thousands of Indians died from the cold, starvation and disease. The fortunate who were able to escape fled into the mountains of North Carolina, Georgia and Tennessee. They now form part of the Eastern Band of the Cherokee Indian Nation.

Today the Cherokee Nation is faced with a second Trail of Tears. Unfortunately, it is once again to be inflicted by the same federal government that is charged with the trusteeship and protection of the American Indian. This 20th-century Trail of Tears is more silent, and less violent than the first. It comes wearing the shibboleths of the American ethic—progress, enhancement of the natural environment and economic development.

It is a product of the attitude that when progress is at stake, there is little or nothing that is sacred. It would transform the first Cherokee Trail of Tears into a virtual torrent—burying forever much of the historic heritage of the Cherokee Nation.

Since 1968 the Tennessee Valley Authority has undertaken the construction of a water development project known as the Tellico Project, located in eastern Tennessee. It is scheduled for completion in 1975 and will consist of a main dam on the Little Tennessee River and a 17,000-acre reservoir.

The reservoir will obliterate the final 33 miles of the free-flowing Little Tennessee River—a magnificent trout stream that is currently under consideration for Wild and Scenic River status by both the state of Tennessee and the United States. Even more important than the purely environmental consequences that would ensue from the Tellico Project, the undertaking will flood and irreparably destroy the historic homeland of the Cherokee Nation.

In the years before the first Trail of Tears in the 1800's, the Cherokees made their homes along the banks of the Little Tennessee River. A number of significant Indian cities and villages were located in the area of the Tellico Project. One was Chota, the historic and sacred capital of the Cherokee Nation. Another was Tenassee Town, the Cherokee village site from which the state of Tennessee derives its name. It too will be completely flooded by the Tellico Project.

Tuskogee Town, the birthplace of Sequoyah, the Cherokee Indian scholar who gave birth to the Cherokee alphabet and enabled the tribe to become literate in a matter of months, is another site that will be flooded by the Tellico Project.

The irony of the situation is that there also exists in the area a former British outpost, Fort Loudoun, which was the first permanent white outpost west of the Appalachian Mountains. Fort Loudoun has been fully restored and has been declared a National Historic Site. It will be preserved from the flood waters of the Tellico Project by a series of dams and dikes.

No such consideration has been afforded the Indian village sites. They will be completely destroyed and inundated by the project. The sites themselves are at present undeveloped and largely unexplored. They are evidenced, primarily, by a few burial mounds along the river—some Cherokee and some from an earlier Indian culture.

If the Tellico Project is allowed to be finished, thousands of years of archeological history will be completely lost. Excavation has been minimal at the very best, but it has already disclosed evidences of a Hebrew culture in the New World, and the existence of a culture in the area that is far older than that of the Cherokees.

The TVA plans to close the floodgates to the Tellico dam in 1975. If the archaeological work in the area is unfinished at that time, it will remain unfinished. The National Park Service has devoted the minuscule sum of $50,000 to complete the massive excavation work that is necessary in the area—an area that really was a crossroads of diverse cultures and the sacred homeland of the Cherokee Nation prior to the first Trail of Tears.

Perhaps even more significant and tragic than the inestimable archaeological loss in the area is the callous treatment of a native American culture that this project represents. This nation should no more flood the birthplace of Sequoyah or the sacred capital of the Cherokee Nation than it should pulverize Plymouth Rock or tear down the Lincoln Memorial. We have no right to obliterate the culture and historic homeland of another people.

What we seem to have forgotten, with respect to the American Indian, is that his heritage is our heritage, and that even if it were not, it deserves our respect. If we persist in this madness, we will have blessed the philosophy of the TVA official who said that the flooding of the Indian sites under the Tellico Project is not an act of destruction but an act of preservation.

In August 1971, the Environmental Defense Fund, a national organization of scientists and lawyers that has been successful in halting or delaying other public works projects of a similarly deleterious nature, filed a suit in Washington, D.C., to halt the Tellico Project. On January 11, 1972, following a transfer of the case, the Honorable Robert L. Taylor, United States District Judge for the Eastern District of Tennessee, issued a preliminary injunction temporarily halting the project. In addition, Gov. Winfield Dunn of Tennessee has now publicly opposed the project. While the initial battle may have been won, however, the war continues. The TVA has appealed the injunction, and has shown no signs of abandoning the project.

Consequently, the Environmental Defense Fund has been joined in its efforts by other organizations, such as the Eastern Band of Cherokees, the Tennessee Game and Fish Commission, the Tennessee Archaeological Society, the Sierra Club, the National Audubon Society and the Wilderness Society. The assistance of these groups will be invaluable in helping to stop the Tellico Project. But without the concerted help and dedication of other citizens around the country, it is clear that the homeland of a great people will be buried forever under the final Trail of Tears of the Cherokee Nation.

THE HIGHWAY TRUST FUND AND MASS TRANSIT

Mr. HATFIELD. Mr. President, the Salem, Oreg., newspaper, the Oregon Statesman, recently editorialized regarding the decision of the Senate to allow use of a portion of the highway trust funds for mass transit.

I ask unanimous consent that this editorial from the September 26, 1972, Oregon Statesman appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BREAKTHROUGH

The Senate took a giant step last week when it approved legislation that would allow for the first item, the use of federal highway trust funds for mass transit.

The battle to divert some highway funds to other road building (in Oregon the money can be used also for parks) finally is starting to loosen some chinks in the concrete-minded highway, petroleum, construction and tire makers' lobbies. It has taken the evolution of nerve-wracking and stupendous traffic jams in some of the major cities to make the breakthrough.

Less progress has been made at the state level. Bills inevitably are introduced in the Oregon Legislature to free some of the funds for mass transit. But, as inevitably, they are squashed in committee without a very formal burial, as in the 1971 legislative session.

The Senate bill is as liberal as it can be, given the pressures to keep the uses of highway funds tightly restricted. The legislation probably will be watered down in the House. Some expect the House to cut out the Senate allowance that the funds can be used to build rail systems. The Senate bill also permits using highway money to buy buses.

But the Senate action alone is a highly significant breakthrough in an area which too long has been dominated by largely selfish interests.

Mr. HATFIELD. In addition, Mr. President, I also want to point out to my colleagues that the Oregon State Highway Commission has announced it will support use of some Oregon highway trust funds for mass transit at the State level. An informative article detailing the highway commission plans appeared in the September 25, 1972, Oregon Journal, a Portland newspaper. I ask unanimous consent that this article appear following the editorial referred to above.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGHWAY COMMISSION TO BACK MASS TRANSIT SUBSIDY

(By Robert Shepard)

SALEM.—A proposal to allow the use of some Oregon highway funds to subsidize mass transit will likely go to the 1973 Legislature with the support of the Oregon Highway Commission.

Glenn Jackson, commission chairman, says the idea is to "subsidize mass transit in an area where mass transit could be used as a substitute for highway construction."

Jackson says the commission is now working on a formula by which the interest that would normally be paid on bonds sold to finance a new highway project would instead be turned over to a transit system.

If $20 million worth of bonds were sold for a proposed highway project in Portland, for example, the interest would amount to about $1.2 million. Under the plan being considered by the highway commission, that $1.2 million would be used to subsidize mass transit and the new construction would be skipped.

An unsuccessful initiative earlier this year by STOP (Sensible Transportation Options for People) would have allowed highway funds to be used for mass transit without setting a limit on how much money could be diverted for that purpose.

The commission, as well as the highway lobby, was opposed to that plan, but Jackson says the highway users group supports the interest money idea plan.

"I think the attitude of the road users group is getting more liberal," Jackson says. "I think they recognize that there is a state highway responsibility in urban areas in which mass transit has to be considered as a substitute for moving people." But there are some users who feel mass transit is a "localized city problem," Jackson admits.

Jackson does not feel the highway lobby has been over-protective. "The Highway Commission and Department was formed in 1917 to get Oregon out of the mud. Our whole program has been designed to create a highway system for Oregon and any diversion of those funds until the highway system is completed is resisted by the road users."

The federal interstate freeway building program begun in the 1950s will probably end around 1978, Jackson says. After that there will be a "complete new distribution system" for the highway trust fund.

"I don't think there's any question about it that part of the trust account is going to mass transit," he says.

Jackson expects the new formula also will provide money to meet the needs of the state's primary and secondary highways. There are about 75,000 miles of nonfreeway highways that need attention and money from the trust fund would allow Oregon to "clean up our deficiencies much more rapidly than we're doing at the present time," he stated.

A greater reliance on mass transit in urban areas is inevitable because of the increasing traffic congestion, Jackson says. "The space just isn't here" to keep up with the growing number of cars.

"Sooner or later we're going to have to face up to the fact that both on a traffic basis and a pollution basis we'll have to control the number of automobiles going into the central area," Jackson says.

Such control will have to be exercised with care, however. "Downtown Portland represents a tremendous investment as a home for retailers and offices and everything else. If you're going to make it a penalty in terms of transportation to go to town then you're drying up an asset. You are cutting off your nose to spite your face," he says.

But Jackson feels it is "reasonable to assume that an adequate, well patronized mass transit system will reduce the road and street requirements in the years to come."

One of the major problems Jackson sees is insuring that the system will be used—that it will provide "a logical substitute for the guy who is now using his automobile."

This means providing complete service which, in turn, assures that such a system will not be able to pay its own way.

"You could take some of the selected routes and do fine, but if you're going to have a mass transit system that is going to be operated in lieu of new highway construction you are going to have to have a hell of a lot of schedules that are not going to pay. So you've got a subsidized system."

Jackson thinks it will be at least two years before the effectiveness of San Francisco's Bay Area Rapid Transit System (BART) can be assessed.

THE PEARL HARBOR NAVAL SHIPYARD

Mr. INOUYE. Mr. President, the outstanding record of the Pearl Harbor Naval Shipyard was recently saluted by Secretary of the Navy, John W. Warner.

Secretary Warner noted the recent qualification of the Pearl Harbor Naval Shipyard for the Treasury Department's Minute Men flag with five gold stars representing 25 consecutive years of outstanding support of the U.S. Navy savings bond program.

This achievement of sustaining a bond enrollment average of 90 percent for all shipyard personnel over such an extended period of time is a remarkable performance deserving of our recognition and appreciation.

I would like to join Secretary Warner and send these men a well-earned congratulations for their accomplishments.

EFFECTIVE PRISON REFORM

Mr. BROOKE. Mr. President, in recent weeks our attention has been focused repeatedly on the District of Columbia corrections system. The District has had more than its share of problems—including an inordinate number of escapes from its corrections facilities.

But it has also taken positive steps to deal with its problems. A recent strike at the Lorton Reformatory turned into an effective bargaining session which led to constructive and needed change in procedures at the institution.

Mr. President, I am pleased to report that a member of my staff played a leading role in the negotiations process. Miss Ann Cunningham has a long history of experience and involvement in the corrections field. Her letter to the editor, printed in Tuesday's Washington Post, makes a number of points which we all must heed if we are to find a solution to the problems of crime and violence which plague our society. I ask unanimous consent that her letter be reprinted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRANSFERRING LORTON WOULD BE "TRAGIC MISTAKE"

News stories about prisons all too often tend to emphasize the negative—60 escapes, overcrowded conditions, lack of medical facilities, stabbings, pipings, work strike, inmate control, the potential for real violence. And such stories, in turn, reinforce the community with its general view that prisoners are anti-social, and that therefore the community's traditional role of "non-involvement" is completely justified.

Last week, at Lorton, a milestone was achieved in the field of corrections and full and accurate press reports (particularly the Washington Post) did much to destroy old myths among the public. The event has overwhelming local and national significance. The men at Lorton declared a work strike. The Department of Corrections responded promptly and constructively by their immediate presence at the institution—and the dialogue began one rainy day last week on the football field at Lorton—with 1,600 inmates, corrections officers and community participants.

The men presented grievances—not demands. They pinpointed the problems and gave suggestions for their possible solutions. They thoughtfully recognized that while some of their grievances implied long range solutions, some were immediate and they divided their package accordingly. The administration responded with equal thoughtfulness and constructive policy change. To term the resolutions "concessions" is a misnomer and a disservice to the inmates who, through their own efforts, merely obtained a recognition of basic decent living conditions.

A curtain around bathroom facilities, flood lights in the parking lot, mail privileges, physical examinations for all inmates, a doctor on duty, a dentist three days a week, special diets for those inmates requiring special food—none of this seems too important, perhaps, to those of us in this community who regard such things as necessities of life. But let us look back to the uprising at Attica just one year ago: For years the men at Attica tried to be heard and few would listen; for years they tried to find a path of progress within the system and, for the most part, found their path blocked. They finally chose the only way they believed was left open to them to present their grievances. And—what is significant to us is that the demands of the men at Attica were not very different from the demands of the men at Lorton.

The strike is over. The men at Lorton have returned to work. And far beyond the resulting institutional improvements the negotiations encouraged, these men gained a mutual trust and understanding with the administration (as William Claiborne's article ably pointed out), and they found that pursuing necessary and legitimate reforms through the system works. This is perhaps the most important by-product of the negotiations.

Now, once again, there is talk about a transfer of Lorton Reformatory to the Federal Bureau of Prisons. I believe this would be a tragic mistake. For one, it would be an unconstructive move by various elements of the community (Congress and the Department of Justice in particular) who in no way took part in what happened at Lorton last week. Politics and rhetoric are not part of a solution. The cultivation of trust and of an ability to work within the system are an essential part of real corrections reform. Transfer would destroy the positive momentum and renewed faith of the men in "the system" and it would show that we, as a community, react only symptomatically to a problem and cannot deal realistically with our social needs.

The problems of the Department of Corrections are not over. There is still much to be done. A key area which needs immediate attention was brought up by the inmates themselves—that is, the role of the correctional officer, the primary relationship between that officer and the resident of Lorton. The men last Friday publicly recognized the difficult, dangerous and often frustrating role of the correctional officer—and then the men suggested that his grievances be heard in similar forums. *This suggestion cannot and must not go unnoticed.*

In recent weeks, The Washington Post's editorials have demonstrated a clear sensitivity to the correctional process—a sensitivity which, and rightly so, goes far beyond the dialogue between the administration of the Department of Corrections and the inmates. For we cannot forget that men in prison are essentially invisible people. And because we don't see them, we, as a community, can afford to react to even their most basic needs with tremendous indifference. We must involve ourselves in this process if we are to achieve the hopeful end result of the correctional process—that these men are transformed from burdens on society to contributing members of the community to which one day 99 per cent of them return. All of which means responsive institutions, constructive programs, jobs, housing, family responsibility—and all of these goals, by their very nature, cannot be independently achieved.

ANN CUNNINGHAM,
A participant in the recent grievance negotiations at Lorton Reformatory.

SENATOR McGOVERN'S PLAN FOR ENDING THE WAR

Mr. MANSFIELD. Mr. President, last evening on national television the Democratic candidate for President, GEORGE McGOVERN, in clear and unequivocal terms specified in detail his seven-point plan for ending the war and extricating this country from further involvement in Indochina.

I ask unanimous consent that the full transcript of GEORGE McGOVERN's message of last evening be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR GEORGE McGOVERN

NARRATOR

During the great Civil War when this dome was being added, Abraham Lincoln said: "Let the building go on . . . if people see the dome going on, they will know that the nation is going on."

For almost two hundred years now we have been going on. And the question we ask each time we hold a Presidential election is how shall we go on into the American future. What kind of country will this be—what kind of Americans will we be—on our 200th birthday?

Even today, on the East side of the Capitol, the inaugural platform is being constructed. On January 20th a man will stand here to take the oath of office. Who this man will be—will be determined not only by the issues that face this nation, but by the kind of human qualities the American people wish to see in their next President.

Tonight, from the Senate Wing of the Capitol—the candidate of the Democratic Party for the Presidency of the United States, George McGovern, speaks to the nation.

SENATOR GEORGE M'GOVERN

Tonight, I ask you to think carefully about an issue that has troubled me more than any other for the last nine years—the War in Vietnam.

On September 23, 1963, I warned that our deepening involvement in the affairs of the Vietnamese people was "a policy of moral debacle and political defeat."

Under three separate presidents—two of them Democrats and one of them a Republican—I have opposed this War. During these same long years, Mr. Nixon has supported the War. This, I think, is the sharpest and most important difference between Mr. Nixon and me in the 1972 presidential campaign.

Mr. Nixon has described the Vietnam War as our finest hour. I regard it as the saddest chapter in our national history. Our problem with this terrible war does not stem from the lack of bravery or skill on the part of our fighting men. Indeed, no better American army has ever been sent abroad. Our problem is that we have asked our armed forces to do the impossible—to save a political regime in Saigon that doesn't even have the respect of its own people. I've been to Vietnam more than once talking to our GI's They've told me in countless conversations of the frustrating and impossible nature of this assignment.

Before the 1968 election, the Republican candidate, Mr. Nixon, told you that he had a secret plan to end the War. He refused to discuss the details, but he asked your support in the election, and he offered peace in return.

That promise has been broken, and the destruction in Southeast Asia has increased.

The War goes on for our sons who are still ordered into battle. It's true that men have been withdrawn from Vietnam, but half a million American fighting men ranged in the Pacific, Thailand and Guam are still carrying this war to Vietnam.

Tonight, as I speak to you, some of these men may die. Forty percent of all the Americans lost in Vietnam have died in the last four years; died under the present Administration. Since January of 1969, 20,000 young Americans have come home—not in glory, to the cheers of a grateful country—but in death, to the bitter tears of their families. The secret plan, the secret plan for peace will forever remain a secret to them.

The War goes on also for our prisoners in North Vietnam. Tonight, on the other side of the world, they sit and think of us—of their homes, their families, of children who are growing up without fathers, of a country they may never see again. And in the last four years, 550 more Americans have been taken captive or listed as missing in action. More than 100 of them in the last six months. And if anyone says that the promise to end the War has been kept, let him tell that to the families of the brave men who waste away in the cells of Hanoi. "Now, Mr. Nixon says we must bomb and fight to free our prisoners. But just the reverse is true. We must end the bombing—end the fighting—if we're ever to see these prisoners again. Prisoners of war come home when the war ends—not while the war continues.

The war also goes on for the millions of Americans like you who bear its cost. Every single week this war claims $250 million of your taxes. Every week it inflates the cost of everything you buy. Each week it costs $250 million that we need to employ men to rebuild our cities, to fight crime and drugs, to strengthen our schools, and to assist our sick and elderly.

Since he came to the presidency, Mr. Nixon has spent $60 billion of your money on this war. $60 billion of your taxes to kill human beings in Asia instead of protecting and improving human life in America. $60 billion in the last four years—not for a cause, but for a mistake—not to serve our ideals, but to save the face of our policymakers.

And the War goes on also for the people of Indochina. Indeed, they are literally being crushed under the weight of the heaviest aerial bombardment the world has ever known. The bombing of Indochina has doubled under the present Administration, and while General Thieu is secure in his palace, 6 million of his fellow Vietnamese are victims—people dead, maimed or driven from their homes. Most of these people are not enemies, but innocents. Our bombs bring them not freedom, but terror. Bombing does not save their land. It destroys it.

The reality of this war is seen in the news photo of the little South Vietnamese girl, Kim, fleeing in terror from her bombed-out school. She has torn off her flaming clothes and she is running naked into the lens of that camera. That picture ought to break the heart of every American. How can we rest with the grim knowledge that the burning napalm that splashed over little Kim and countless thousands of other children was dropped in the name of America?

Now, there are those who say that you will accept this because the toll of suffering now includes more Asians and fewer Americans. But, surely, conscience says to each of us that a wrong war is not made right because the color of the bodies has changed. We are all created in the image of God.

As a bomber pilot in World War II, like

millions of you, I did what had to be done. Our nation took up arms and laid down lives because tyranny threatened all that we held precious. I loved America enough to offer my life in war thirty years ago. And for nine years I have loved this country enough to risk my political life to call us home from a war in Asia that does not serve the interests and the ideals of the American nation.

What, after all, is our purpose in Southeast Asia?

Now, we used to say that we fought in Vietnam to stop Communist China or to stop Communist Russia. But these nations are now quarreling among themselves, and Mr. Nixon's public opinion rating have gone up after he was wined and dined in the communist capitals of Peking and Moscow. How can we really argue that it is good to accommodate ourselves to a billion Russian and Chinese Communists—but that we must somehow fight to the bitter end against a tiny band of peasant guerrillas in the jungles of little Vietnam?

Incredible as it seems, when all is said and done, our purpose in Vietnam now comes down to this—Our policy-makers want to save face and they want to save the Saigon regime of General Thieu. Now, that is a fundamental difference between President Nixon and me on the issue in Vietnam. It is a choice, after all, between saving face or saving lives. It is a choice between four more years of war, or four years of peace.

The Nixon position is that the Thieu regime represents self-determination for the people of South Vietnam. Let me tell you what I think his regime represents.

I think our support for General Thieu actually denies the people of South Vietnam the right to choose their own government. The Saigon lawyer, a former President of Rotary International, who had the courage to run against General Thieu four years ago, was sent to jail for five years. Last year, General Thieu issued a decree to force all the other candidates out of the race. This year, he abolished all the local elections. So he could extend his dictatorship to every village in South Vietnam. General Thieu has closed newspapers, simply for printing the truth. He has presided over the execution of 40,000 people without trial on the mere suspicion that they did not support his policies.

The Thieu regime stands for the theft of billions of dollars of our aid, stolen by powerful officials to enrich themselves while their countrymen are in the grip of starvation and disease. And every GI who has served in Vietnam knows that that's the truth.

Corrupt Vietnamese officials have enriched themselves putting heroin into the veins of a hundred thousand of our GI's. That same poisonous heroin from Southeast Asia is now being shipped into our cities, our suburbs, our streets and even into the schools of America. And every Vietnam GI knows that is true.

This corrupt dictatorship that our precious young men and our tax dollars are supporting cannot be talked clean by official lies. And it can't be washed clean by American blood. Instead, our own most precious values are corrupted by the very government we fight to defend.

Now, Mr. Nixon would continue the war to preserve General Thieu's power. On that, he and I disagree. I say—General Thieu is not worth one more American dollar, one more American prisoner, one more drop of American blood. Mr. Nixon and I also disagree on how to find peace—and this is the second fundamental difference between us.

He has chosen what he calls "decisive military action" to end the fighting. Despite all the highly publicized "secret" meetings with the other side, he has persisted in the belief that we can find peace only in a wider war. But the escalations of 1965 and 1967 were also "decisive military actions" and they did not end the war. They only increased the killing and increased the costs.

Mr. Nixon's invasion of Cambodia, made without the approval of Congress as required by our Constitution, that was a "decisive military action," but it did not end the war. It only brought the war to more people who had been living in peace and it brought communist rule to two-thirds of that previously neutral country. The mining of North Vietnamese harbor was a decisive military action, but it did not end the war. The supplies still flow into the South, and our adversary is reported by our own observers to be as strong as ever.

For nearly thirty years, the people of Vietnam have been at war. For nearly thirty years, the Japanese, the French, the Americans have tried "decisive military action" to win a satisfactory peace. And for thirty years, each, in turn, has failed.

Now, the answer to failure is not more of the same. And yet I fear continued war is what the Nixon Administration has in store if they stay in power.

Secretary of Defense Laird recently admitted to a Congressional committee that the fighting could continue far into the future under present policy.

Four years ago last night, on October 9, 1968, Mr. Nixon, as a candidate for President, said to a crowd in California, and I quote: "Those who have had a chance for four years and could not produce peace should not be given another chance." Now, Mr. Nixon has had his chance. He could not produce peace in four years. And we have every indication that he cannot produce peace in eight years.

So, I ask the American people—Shall we break free at last from General Thieu? Shall we forget about saving face and begin saving the soul of our nation? Shall we demonstrate that we are determined to stop the killing and to stand for peace? My answer is—Yes.

Let me now set forth the specific steps that I would take as President to carry out that determination.

Immediately after taking my oath as President, if the war has not ended by then, I would issue a National Security Directive to the Secretary of Defense, to the Joint Chiefs of Staff, and to our commands in the field, with the following orders:

Immediately stop all bombing and acts of force in all parts of Indochina;

Immediately terminate any shipments of military supplies that continue the war;

Immediately begin the orderly withdrawal of all American forces from Vietnam, from Laos and Cambodia, along with all salvageable American military equipment. And we will assign whatever transportation is required to complete that process and to complete it within 90 days—a time period that I've been told by competent military authority is well within our capability.

Secondly, I would issue the following instructions to our negotiators in Paris:

Notify the representatives of the other side that we have taken these steps to end the hostilities; and that we now expect that they will accept their obligation under their own Seven Point Proposal of 1971—to return all prisoners of war and to account for all missing in action. We will expect that process to be completed within 90 days to coincide with our complete withdrawal from the war.

We would further notify all parties that the United States will no longer interfere in the internal politics of Vietnam, and that we will allow the Vietnamese people to work out their own settlement. The United States is prepared to cooperate to see that any settlement, including a coalition government, gains international recognition.

Thirdly, I would send the Vice President to Hanoi to speed the arrangements for the return of our prisoners and an accounting of the missing. I would also instruct our diplomats to contact the opposing parties in Laos and Cambodia in order to secure release of prisoners held in those countries, and an accounting of missing in action, including American civilian newsmen now missing in Cambodia. There are six known prisoners in Laos, and nearly 300 missing. No effort has been made to secure their release.

Fourth, after all of our prisoners have been returned, and we have received a satisfactory accounting for any missing men, I would order the Secretary of Defense and the Joint Chiefs to close our bases in Thailand, to bring home any troops and equipment still there, and to reassign elsewhere any ships still stationed in the waters adjoining Indochina.

Fifth, as the political solution in Vietnam is worked out by the Vietnamese themselves, we should join with other countries in repairing the wreckage left by this war.

Sixth, I would ask the Congress to take immediate action on an expanded program for our veterans. I think it's simply a disgrace that our government is able to find these young men to send them off to war, but somehow, we look the other way when they come back in need of an education or decent medical treatment, or a decent job.

Now, like many other veterans of World War II, I received a four year education under a generous GI Bill of Rights. I think Vietnam veterans need that help more than those of us who fought a generation ago because we came back with the welcome of a nation that knew we had fought and won a necessary war. The Vietnam veterans come back to a country that largely believes this war was a mistake. So, we ought to literally put the arms of this nation around these young men and guarantee them either a good job or a fully funded higher education Months ago, I sponsored in the Senate a Vietnam Veterans Bill of Rights that would do precisely that.

Finally, when the war has ended, when our troops and prisoners are home, and when we have provided for the veterans of Vietnam, we must then consider the young men who chose jail or exile because they could not in conscience fight in this war. So, following the example of earlier presidents, I would give these young men the opportunity to come home. Personally, if I were in their position, I would volunteer for two years of public service on subsistence pay simply to demonstrate that my objection was not to serving the nation, but to participating in a war I thought was morally wrong.

We are not a vindictive or mean-spirited people. And we must act as Lincoln told us—"with malice toward none and charity for all." We must bind up the wounds of this nation, and we must bring all of our sons back. In that same spirit, we must oppose any so-called war crimes trials to fix the blame for the past on any citizen or any group of citizens. Vietnam has been a terrible experience for all of this, on every side of this issue. And this is not the time for recrimination. It is the time for reconciliation.

So, this is what I would do to bring America home from a hated war, and it is a program that will work. The people of France were once trapped in Vietnam, even as we are. But in 1954, they chose a new president, Pierre Mendes-France, whose highest commitment was to achieve peace in Indochina. His program was very similar to mine. And within just five weeks, the war was over. Within three months, every last French prisoner had been returned.

Now, I ask you to remember that I speak to you as one who has publicly opposed this war for nine years. I ask you to remember that my opponent has supported American military intervention in Vietnam ever since 1954. I ask you to recognize that every detail of my position is fully out in the open. It is a public plan—not a secret plan.

Often during this last tortured decade, I've reflected on a question from the Scriptures: "Which of us, if his son asked him for bread, would give him a stone?" Our sons have asked for jobs—and we've sent them to an Asian jungle. Our sons have asked for an education—and we've taught them how to kill. Our sons have asked for a full measure of time—and 50,000 of them have been lost before their time.

So, let us seize the chance to lift from our sons and our selves the terror of this war, and bestow the blessings of peace. And then we can restore our sense of purpose and our character as a great nation.

This is not just a question of material wealth—although the billions which would otherwise be lost in Southeast Asia could then be used to secure a better life for our own people. But more important for America, there will be a special healing in the wings of peace. It will be a healing of our doubts and a rekindling of our faith in this great and good land, and in our own capacity to make it so.

On the night when the last American soldier from Vietnam has landed in San Francisco, there will be a new birth of confidence and hope for all of us. On that night, we will know that, once free of the waste of this war, we can begin the rebuilding of our own land—a task that can provide a fulfilling job for every man and woman in America, who is able to work. On that night, America can begin to be America again. It can be the America that we learned to love in the days of our youth—a country that once again stands as a witness to the world for what is noble and just in human affairs.

This is the choice of a century. But it is also the same choice that human beings have faced from the very beginning. So, let us heed the ancient words: "I have set before you life and death, blessing and cursing. Therefore, choose life, that thou and thy seed may live."

Thank you. God bless you.

NARRATOR

One hundred and seventy-five years ago, Alexander Hamilton pointed out this building to a foreign visitor and said: "Here, sir, the people govern."

If the people are to continue to govern in the United States, then the people must be heard. In today's presidential elections, that is an expensive process. And the McGovern Campaign tonight needs money.

Mr. Nixon has collected the largest political campaign treasury chest in the history of the Republic. $10 million of it is secret money, given by wealthy interests whose names the President refuses to disclose.

But Senator McGovern is depending on the people—and his contributors are clearly identified. Rather than asking twenty-five contributors to give a million dollars each, Senator McGovern wants a million contributors to give $25 each.

By sending a contribution tonight, you can truly help. You can help assure that George McGovern will continue to be heard; that the Democratic Nominee for the Presidency will get to tell his story completely and without distortion as the campaign goes into its final weeks.

Send your contribution. Whatever you can afford. To: McGovern for President, Box 100B, Washington, D.C.

That's—McGovern for President, Box 100B, Washington, D.C.

Thank you, and good night.

THOUGHTS ON INCREASED FEDERAL SPENDING

Mr. JAVITS. Mr. President, on June 7, 1972, Andrew Heiskell, the chairman of time Inc. addressed the City Club of New York on the grave fiscal problems facing our Nation, our States, and our cities.

All of us must share Mr. Heiskell's concern over the budgetary situation and the implications this has for the future economic growth and stability of the United States economy. This relates also to our enormous defense budget which continues to consume almost one-third of all budgetary expenditures; and to our continuing tragic involvement in Vietnam.

I share Mr. Heiskell's evaluation that if the cities of America die, the communities within 50 miles of them, "will die on the vine."

I ask unanimous consent that Mr. Heiskell's address of June 7, 1972 and the New York Times press report of June 8 on it be printed in the Record at this point.

There being no objection, the address and article were ordered to be printed in the Record, as follows:

Address by Andrew Heiskell, the City Club of New York, June 7, 1972

Thank you very much for those kind words and the honor you do me.

I must confess to some misgivings about being feted as a distinguished New Yorker in a year when—on the good days—the news about our cities in general and New York in particular is ghastly. I couldn't help reflecting that it may have become as obsolete to select a citizen of the year as it has become to select fashion leaders of the year. At just about the time I was engaged in such melancholy reflection a copy of the Brookings Institution's recent study of the federal budget and national priorities came across my desk. That excellent and thought-provoking document suggests that just as man of the year may have become obsolete and just as fashions of the year may have become obsolete so may some of the beliefs and expectations of the last decade become obsolete.

The Brookings study shows that federal spending for domestic social programs has risen so astronomically over the past decade that it is now well over 80 billion dollars a year more than it was a decade ago. The price tag on what the Brookings report identifies as the major Great Society programs alone comes to 34 billion dollars a year more than it did a decade ago. We estimate that there are somewhat more than 5 million families who live below what we define as the poverty level in this country. Now, if my arithmetic is correct, federal social spending today is the equivalent of $16,000 a year more per impoverished family than it was ten years ago. The money spent on the Great Society programs alone equals almost $7,000 a year more per family than it did in 1963. The point is not that monies earmarked to help the poor have been misappropriated or disappeared into some kind of bureaucratic void. Obviously the programs measured by the Brookings report were meant to help various parts of society in various ways. The point is that the enormity of the sums spent is out of all proportion to their impact on the problems involved.

I think one of the conclusions we must draw from the Brookings study is that dollars alone will not solve our problems—although God knows money is important and we're going to have to spend a lot more before we begin to make a real dent in the urban crises.

Another conclusion that seems inescapable is that it would be a mistake to look primarily to the Federal Government to solve our problems. That is not to say that the Federal Government does not have a crucial role to play in the struggle. Indeed some of our urban problems are of such a nature that they can be attacked successfully only on a national level. But as is becoming increasingly evident the Federal Government has only a finite amount of money to spend and—tax increases and reforms notwithstanding—the upper limit of that amount is being approached without any indication that the solutions to our urban problem are in sight.

The Brookings report makes one realize that good intentions without a clear understanding of their consequences are an exercise in futility as well as a misuse of funds. Take programs for housing the poor as an instance. The net effect of various government acts in this area have been four:

(1) To bid up the price of land

(2) To grossly increase the costs of labor

(3) To bring about the abandonment of existing housing

(4) To make the ownership of slum housing often more profitable than the ownership of improved property because of the nature of real estate taxes.

And so it goes in field after field of effort to better the lot of the poor. In education for example federal funds allocated for improving teaching techniques have by and large simply taken the place of local funds which formerly were used to purchase teaching materials and are now used to cover school operating costs—mainly salaries.

Cities are going broke while providing pensions for countless civil servants after only 20 years of service at 50% of the rate of pay during the last year of employment.

Now I'm not arguing that transit workers or firemen or schoolteachers weren't entitled to better treatment. But I am saying that the poor are right when they angrily protest that all that money doesn't reach them. Damn little of it does.

So its not surprising that a commission established last year by the National Urban Coalition found in city after city that the problems that led to the riots of the 60's had worsened rather than improved. To make matters even more difficult some of us, not used to moving in the public arena, were dismayed to find our efforts rewarded by criticisms by some for our lack of sincere commitment and by others for misusing the stockholders' money. As a result quite a few businessmen have withdrawn from the fray.

They are mistaken. For without a real understanding of government policies and their consequences, we will simply embark on more and more policies that have momentary voter appeal but little real impact in terms of the urban scene.

Quite a few of you have suffered through my pleas to help one urban cause or another. I have used the argument of good citizenship, enlightened self interest or brotherhood of man. Tonight I suggest to you that the size of the figures revealed in the Brookings report are not only important to you because they come out of your corporate or personal income but even more because those expenditures are of such a magnitude that they should make a *real* difference to the state of our urban civilization.

They are also an interesting yardstick of scale—both financial and philosophical. Most of you worry about pro bono publico contributions at the level of $10,000 or maybe even $100,000. At the same time your company is contributing at the $1,000,000 or $10,000,000 rate or even more in taxes.

Shouldn't you be spending a proportionate amount of time on evaluating the way these dollars are utilized. Shouldn't you be asking questions. Shouldn't you have persons of major rank in your businesses watching the governmental process. Surely you have many executives monitoring every $25,000,000 corporate expenditure. Shouldn't you be monitoring your $25,000,000 tax bill.

You and your business are dependent for your *rewards* and *satisfactions* on the well being of your urban environment. If there is one thing we have learned in recent years it is that this job cannot be delegated to elected officials and civil servants. Unless we can involve all our institutions in the process of government, then government will fail. Is the effort worthwhile?

I suggest to you that for all their problems the cities are not only an integral part of the country but also among our most impressive national assets. What aspect of national life would not be diminished by the disappearance of a great cosmopolitan center like New York. Last year 16 million people visited this city to take advantage of our museums, theaters, concert halls, universities, hospitals, libraries and other attractions of urban civilization. Eliminate New York City and what happens to those communities within 50 miles of it. They will die on the vine. And yet many commuters feel no responsibility for New York City. Edmund Burke once said "The only thing necessary for the triumph of evil is for good men to do nothing." The City Club represents the kind of enduring commitment needed to solve our problems. I hope that all of you will continue to prove that "good men can do great things for New York City."

[From the New York Times, June 8, 1970]

Heiskell Scores Public Spending—Time Chief Urges Business To Monitor Government

Declaring that the upper limit of Federal spending on urban problems was being approached with no solution in sight. Andrew Heiskell, chairman and chief executive officer of Time, Inc., urged businesses last night to monitor the governmental process.

In an address at a dinner meeting of the City Club of New York in the New York Hilton, Mr. Heiskell said that most businesses "worry about pro bono publico contributions at the level of $10,000, or maybe even $100,000," while they contribute $1-million, $10,-million or even more in taxes.

"Shouldn't you be spending a proportionate amount of time on evaluating the way these dollars are utilized?" he asked. "Shouldn't you be asking questions? Shouldn't you have persons of major rank in your businesses watching the governmental process?"

The Time executive said that the solution of urban problems could not be delegated to elected officials and civil servants. "Unless we can involve all our institutions in the process of government, then government will fail," he said.

Mr. Heiskell cited a Brookings Institution report that Federal spending on social programs had risen by $80-billion in a decade, and said the sums spent were "all out of proportion to their impact."

Declaring that "cities are going broke" paying pensions at half pay after 20 years' service, he said he was not arguing that civil servants were not entitled to better treatment but that "the poor are right when they angrily protest that all that money doesn't reach them; damn little of it does."

Mr. Heiskell received the club's Distinguished New Yorker Award for his leadership of Time and extensive civic work.

OPPORTUNITY INDUSTRIALIZATION CENTERS DAY, OCTOBER 11, 1972

Mr. BOGGS. Mr. President, today is Opportunity Industrialization Centers Day throughout the United States, a day set aside to give deserved recognition to the excellent work that is being done through the OIC organization all over the country.

I have been very close to the OIC movement since its inception some 8 years ago and during that time I have come to know and to develop the deepest respect and admiration for OIC's founder, the Reverend Dr. Leon Sullivan.

Wilmington, Del., is one of many cities where OIC rallies are being held today, and I greatly regret that I am unable to be there. However, as I indicated in a message that I sent to the rally in Wilmington's Rodney Square, the press of Senate work makes it necessary for me to be in Washington today.

Eight years have passed since the first OIC became a reality in Philadelphia. Now, there are more than 100 centers across the Nation, including the excellent ones we have in Wilmington and Dover.

There are, it seems to me, several sources behind the strength of the OIC concept. Perhaps the most important is OIC's ability to bring together various elements of our society into a common cause: a better opportunity for all Americans. It is a cooperative effort involving citizens, governmental units, and businesses.

We in Delaware are especially proud of our OIC program. The State government has seen fit 2 years in a row to support it with appropriate funds—as far as I know—Delaware is the only State that has done this.

As the sponsor of the first OIC legislation, I believe completely in the excellent work of the program. It is meeting a need, and meeting it with great success.

None of this, of course, would have occurred without the drive, the exceptional organizational ability of Dr. Sullivan. We all owe him a great deal. He is a great American who serves his fellow man with dignity, compassion, and distinction. He is a tireless worker who has achieved near miracles in a short span of time. I congratulate him and all his associates in OIC for their fine work.

There are few, if any, Federal programs from which the taxpayer gets a greater return than the OIC program. Dollar for dollar, the return has been far greater than money spent in most other programs. Cost per OIC trainee has been about $1,500, which is about one-third of the cost of many Federal programs.

The reason, mainly, is that OIC's are not merely job training enterprises. They are comprehensive programs which begin with pretraining counseling and end with job placement and follow-up at regular intervals.

OIC's also are located where the need for job training is greatest—within our urban centers. The trainee remains with his family and friends in his own neighborhood. OIC's prepare the individual for actual job training by means of a prevocational feeder program designed to provide basic reading and writing skills and to build his self-confidence.

Following completion of the feeder program the trainee learns a skill which is in demand by businesses in the area. The trainee thus has a realistic goal for which to strive. Many times he is guaranteed employment before his OIC training is completed.

That is the briefest possible sketch of what OIC's are doing and how they operate. The real story of their success lies in the restored dignity of a man or woman who has developed a marketable skill, who knows the worth of being needed, and who now is able to contribute something of value to his community and to society as a whole.

This, then, is the organization—Opportunities Industrialization Centers—and its founder—the Reverend Dr. Leon Sullivan—whom we salute in rallies across America today. I hope that OIC Day will demonstrate to all Americans the need to get behind the OIC's to help them to achieve the goal of human betterment that we all seek.

OCTOBER COMES TO PAINT THE HILLS

Mr. ERVIN. Mr. President, an article by my friend John Parris entitled "October Comes To Paint the Hills" appears in the Asheville, N.C., Citizen for October 8, 1972. As one who has often looked upon the hills and mountains of North Carolina during the magic month of October, I can appreciate what a good job he has done in picturing in words what the good Lord accomplishes when he takes his paint brush and covers the hills and mountains of western North Carolina with glory.

I ask unanimous consent that a copy of this article by John Parris be printed at this point in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Asheville (N.C.) Citizen,
Oct. 8, 1972]

October Comes To Paint the Hills

(By John Parris)

Laurel Cove.—The wind hums a tune as old as leaf-color on the earth, and the loosed leaves dive like swallows in the sky.

The mornings shiver and the nights whisper of frost.

The days are full of wine and gold.

And there is the beauty of early rainbow-streaked sunsets against the darkening hills.

Old October, the gypsy man with a paint brush, has come once again to splash the landscape with brilliant hues of blazing colors.

Already there are shades of red and scarlet showing in the dogwood, the sourwood, the black gum, and the Virginia creeper.

Bright yellow and bronze are appearing in the birches, the hickory, the ash, the locusts, and the tulip trees.

The fronds in the sumac clumps show red, the goldenrod has come to bloom, the fruit of the pokeberry hangs like so many tiny bottles of burgundy.

The strawberry bush, which mountain folks call "hearts abustin' with love," dangles its rich glossy fruits from frosty-pink husks.

The fall asters lightly frost the roadsides.

Soon the transformation will be complete and spectacular color will sweep the hillsides and valleys.

The color is expected to be at its best from the middle of the month until early November.

The season's first frost has already walked across the mountains which the Indians called the Great Blue Hills of God.

But it walked lightly, gently.

Contrary to popular opinion, Jack Frost does not paint the leaves.

Actually, a severe, early frost will kill the leaves before they can turn color.

In the fall, the tree itself cuts off life from its leaf. It cuts it off by growing a row of brittle, corky cells at the base of the twig.

This cuts off the circulation of the sap.

So summer's green disappears and the latent red and yellow get their chance.

For when the life in the leaf cell goes, so does the green, and the gold comes out.

Light also is essential to bring out reds and purples. Just as light is necessary to bring out an image on film.

So if the frosts continue light and there are bright sunny days, there will be an abundance of color.

Right now nature is nursing the color toward its spectacular peak.

For October has once again come to the hills.

And October is a time to walk a rainbow trail, wander down a quiet back country road, or just sit for a spell on a mountain top under a sky as blue as fall asters.

The gloomy poets have spoken of October and autumn as a time full of sombre solemnity and a pathetic sense of old age.

But who can stand among the hills and look at the blaze of October's colors and declare them solemn?

Who can drink deep draughts of the autumn winds and talk about senility?

For October is a wind in the heart and fire in the heels.

It is a time when hills and valleys beckon and lure.

The forests are Indian-painted, Indian-haunted.

It is a time too of scent and sound, a time of breadth and depth and distance.

It is a time when a midday sky is so deep, so clear that you can see half way into forever.

October in the hills is really a special time.

It is much more than just color in the trees.

It is harvest at the full.

It's sagging orchards steaming with amber spice and shocks of fodder standing like teepees in the fields.

It's blue smoke drifting out across a cove where sorghum-juice simmers over a hickory-fed furnace.

It's squirrels harvesting acorns in a big white oak.

It's partridge rocketing from the brush and winging away in swift silence.

It's quail feeding at sunrise, roosting at daydown.

It's an owl calling, cool dews falling.

It's pawpaws dropping, persimmons ripening.

It's a time when the 'possum goes to his tree and the 'coon roams the night.

It's the day-tang of walnut hulls and sumac berries.

It's chinquapins falling and buckeyes slipping from their sheafs.

It's hound dogs belling the midwatches of the night.

It's golden cider and apple butter, piles of pumpkins and strings of leather-britches and peppers.

It's the winey smell of oak being cut for the fireplace.

It's 'possum-grape jelly and wind cranberry sauce, honey in the jar and kraut in the crock.

It's a time when the katydids rasp their last calls of the season, when the whippoorwills go south.

It's the moon of the hunter, the wind of the fallen leaf.

It's the chit-chat of an idle squirrel, a groundhog fattening up for the long winter sleep.

October in the hills is all this and more.

But, most of all, it is a month of hope and joy.

MORGAN BECK—AN OREGON LEADER WHO WILL BE MISSED

Mr. HATFIELD. Mr. President, the death of any friend causes a person sorrow. The death of a man whose life affected his city, his region, and his State brings added sorrow, both to his friends and to those who were touched by his involvement in the life of his town.

I speak today in memory of Morgan Beck, who died recently. Morgan served with distinction as the mayor of Ontario, Oreg., and the citizens of his hometown share my sorrow at his untimely death.

Mr. President, my colleagues have heard me speak before about the need to revitalize the small towns and rural areas of this country. When I have been involved in such actions, I have had in my mind men such as Morgan Beck to give the leadership at the local level so desperately needed if we are to stem the migration to our urban and suburban areas.

Morgan Beck was a man whose activities touched many areas of his hometown, and the region of eastern Oregon abutting Idaho. I will not merely read a list of his civic activities, for only a listing of them would fail to indicate the human factor so important in all that Morgan Beck did. As in so many of our small towns, one vital, involved person can shape the direction of a city, of a civic group, of a county. Morgan Beck gave that kind of effort to all that he attempted.

In a tribute from a friend, Morgan Beck was described as a good listener. That is one of his traits, but he translates talk into action. His efforts on behalf of his city are numerous, and I always found him involved whenever the welfare of his city was at stake.

Mr. President, Morgan Beck was only 53 when he died. He still had a long life ahead of him, and a life that would have continued to make its mark on his hometown.

The Daily Argus Observer, the newspaper in Morgan's hometown, carried an editorial noting his many contributions, along with some comments from other people from Ontario.

I ask unanimous consent that this material from the September 27 Observer, which gives some indication of the high esteem we all had for Morgan Beck, might appear at the conclusion of these remarks.

Mr. President, I want to add that I shall miss Morgan Beck as a person. My remarks have touched on him as a force in his community, but I also knew him to be a ready man with a smile, someone whose compassions and whose understanding of human problems were evident to all of us who knew him well.

I feel the sorrow of the loss of a true friend. Morgan was my campaign manager in my 1966 senatorial campaign, and followed a warm association prior to that.

Morgan was a man of many varied interests and talents. Because of these varied interests, he was always a pleasure to talk with. One facet of his talents unknown to many was his cooking skills. My wife Antionette, as my Senate colleagues are aware, has written three cookbooks, with her personal favorites of many of our Oregon friends included. In her most recent book, "Food for Fellowship," there is a Morgan Beck special recipe. She shares my sorrow at his untimely death.

The people of Ontario will have people who will carry on the many projects where Morgan's touch was felt. They will carry these on, but they cannot replace the special qualities that he brought to all that he did.

Oregonians who knew Morgan Beck I know share my sorrow. We have lost a true friend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAYOR MORGAN G. BECK

With heavy hearts we say farewell to Morgan G. Beck, community figure, respected and honored Mayor, friend and confident.

His passing at the too-young age of 53 leaves voids not only in the City of Ontario and in other government circles, but also in the many groups in this community and the Treasure Valley to which he devoted his energies.

Morgan Beck was a personable and gracious man. He loved people, and in an expanded sense, this was translated into a love of his community, and his country.

Since Morgan Beck's first city office as councilman in January of 1953, few projects for community betterment were undertaken that did not number him among the prime movers.

Since 1944 when the family first moved to Ontario, Morgan Beck has taken an active part in the community and these activities lead into work with the League of Oregon Cities where he served on the board of directors for several years and on most of its numerous committees.

He gave freely of his time and talents and frequently was called to Salem to testify before legislative committees on proposed legislation as it pertained to cities.

Even in his high school and college days, Beck was singled out as a leader and was noted for his service to the community.

This dedication to serve his fellow man continued throughout life as Beck worked in his chosen profession and served on the board of directors of the National Certified Livestock Marketing Association, and held all offices including that of president just last year.

In Ontario, the Kiwanis Club, the Malheur County Fairboard, Toastmasters, the Lay Board of Holy Rosary Hospital and many other groups have felt his guiding hand.

He has been a major force in the recent development and growth of the City of Ontario. Water and sewers have gone from a 'one-horse' system to one we can be proud of and one which will serve for considerable growth without needing extensive and expensive additions.

Two major interests of Mayor Beck were the City-County Library and the excellent baseball diamond. His untiring efforts in such projects will be sorely missed.

The Ontario Jaycees selected Morgan Beck as their "Distinguished Citizen" in 1953.

Morgan Beck drew from others a respect which he did not at all demand. His door was open to all; his employees at the Ontario Livestock Commission Company, city employees and all Ontario residents. He knew when to listen and had a real ability to work with people.

He derived great enjoyment from his family. Even the most casual visitor to his home could soon detect this love. To his loved ones, Mrs. Beck, their children and their families, we express sympathy in this hour.

Truly, here was a lifetime spent in service to others.

In Memoriam

Jim Leslie: "The brilliant, inquiring mind and the sensitive nature of Morgan Beck are gone and the void will never be quite filled. This soft spoken friend of so many was a fascinating combination of some of the best personality and temperament traits and the privilege of associating with him was a prized relationship.

"Here, combined in one most unusual man, were a devotion to family which was a constant inspiration to friends, the kind of dedication to service which would result in twenty years in city government, a capacity as manager and analyst which would provide leadership to a very complex business and a lively and continuing interest in sports and music.

"Perhaps, along with the sorrow that attends the loss of a friend and the grief we feel for his wife and children, we are selfishly troubled by the personal loss of someone who can't be replaced. If so, he should move us to do better than we might have had we not known him.

"Because he was here, Ontario is a better town than it might have been. Because he was a friend, many lives are brighter than they might have been. We are grateful for having known him."

Leonard Cates, President, Ontario City Council: "The City of Ontario had Confidence, a word which declares 'To Trust in, or Reliance upon another'.

"This was our thinking and admiration of Morgan Beck, who served as Mayor of our city.

"I speak for each member of the city council; We will miss his good judgment and his pleasant personal conduct. What a tribute he was to each one of us in our community and especially to his family. Again, I use the word, Confidence."

John B. Collins, City Manager:

"In earlier editions of this week's Daily Argus Observers, the reader can find facts about Morgan Beck's illustrious career in business and government service. Several comments about his spiritual value to the city also seem appropriate.

"Mayor Beck's total and obvious friendliness to everyone was a dominant and pervasive characteristic. His charm and openness made all of us feel as if we were close friends of his. He had a way of raising his arm in greeting each passerby he knew—and he knew each one of us.

"He was a master of the art of listening. He listened carefully to whatever was being said, but this listening quality didn't make him a passive man. After listening and considering various points of view, he didn't hesitate to express his feelings about what was being discussed. Often, if he disagreed with someone, he would joke about it, thus softening the impact of his logic.

"The manner by which he conducted city council meetings was nothing short of magnificient. I have watched 20 mayors in other cities conduct council meetings and none could hold a candle to Mayor Beck. Without ever raising his voice or being even the least bit unpleasant, he brought often rancorous council meetings to positive conclusions.

"He had a way of mediating deeply held opposing points of view with the result of reaching the right decision.

"His sense of humor was classic. The understated, dry comment was not intended to draw a guffaw or belly laugh. It always gained a grin or a chuckle from a receptive audience.

"Mayor Beck was devoted to his family and his community. He spent an incalculable amount of time attending city meetings in the 20 years he served us, but he probably spent more time than that, while at home, answering phone calls from people in the city who felt comfortable calling 'the mayor at home'.

"The oath of the citizen of ancient Athens, Greece, to his city was carried out by Morgan Beck. It says:

"We will never bring disgrace to this, our city by any act of dishonesty, or cowardice, nor ever desert our suffering comrades in the ranks; we will fight for the ideals and sacred things of the city, both alone and with many; we will revere and obey the city's laws and do our best to incite a like respect in those above us who are prone to annul or set them at naught; we will strive unceasingly to quicken the public sense of civic duty. Thus in all these ways, we will transmit this city greater and more beautiful than it was transmitted to us."

POLLUTION IN THE GREAT LAKES

Mr. HART. Mr. President, why, we are asking today, is this administration willing to spend billions of dollars to destroy people and land in Southeast Asia when it is not willing to spend to reclaim and revitalize our land here at home?

How can destruction of another land justify spiraling neglect of our own land?

How can we spend billions to shatter the land of Vietnam and fail to spend $100 million to save the Great Lakes?

These are questions the Nixon administration needs to answer and so far they have failed.

Last winter the Environmental Protection Agency recommended a $140 million crash program to fight pollution in the Great Lakes.

Despite a plea by a bipartisan group of 13 Senators, the administration refused to fund its own proposal.

Ironically, the proposal required not new programs, but only a change of spending priorities.

The delay means further destruction of the world's largest fresh water resource, complicates further the task of reversing the spread of pollution and adds dollars to the cost of whatever program is finally launched.

The program could have been funded by the savings from a 25-a-day reduction in the number of bombers sent over Vietnam.

Perhaps that sounds like a sizable cut, but consider these figures.

The war costs the United States $20 million a day.

In the years between 1965 and 1971 alone we have exploded 26 billion pounds of munitions in Indochina.

That breaks down to 142 pounds for every acre or 584 pounds for every person.

And in the last year the bombing has increased.

To what end? To what end?

No matter who wins the conflict in Vietnam, the people of the country and their land will be the losers.

And too, pollution-threatened waters like the Great Lakes which must wait in line until the bombing, destruction, and killing in Vietnam ends.

The Great Lakes antipollution program and a host of other domestic programs must wait, in fact, retreat, while we wage a war against the land and people of Vietnam. The record of retreat against pollution goes like this:

The administration pledged a "total mobilization" to fight pollution but has continually refused to spend all the antipollution funds provided by Congress.

The President issued a ringing declaration when signing the Environmental Protection Act, but since then the administration has sought ways to soften the act's impact.

Under prodding from Congress, the administration agreed to enforce an 1899 law banning the dumping of material in navigable waters, but has since retreated.

The White House holds conferences on problems of youth, but refuses to move effectively against the threat of lead-paint poisoning.

Some time ago former Attorney General John Mitchell cautioned the people of this country to watch what the administration did rather than to listen to what it said.

In the case of the environment, as in other areas, that has turned out to be distressingly good advice.

Certainly one cannot be anything but pessimistic about a second Nixon administration. Environmental programs and all domestic programs would be bound to suffer.

The President wants a spending ceiling which would require a 20-percent cut in most domestic programs.

The President has promised he would not raise taxes.

His former Treasury Secretary, who comes from an oil State, says there are no tax loopholes to close, and the Pentagon wants to increase its budget by more than $25 billion over the next 5 years.

That does not leave much new or old money for fighting pollution in the Great Lakes or anywhere else.

This Nation needs a new administration willing and able to end the bombing in Vietnam, willing and able to redirect Federal spending into vital domestic programs, and willing and able to withstand the pleas of special interest which would slow or stop efforts to protect the environment.

NATIONAL CEMETERIES ACT OF 1972

Mr. THURMOND. Mr. President, on Monday, October 9, 1972, the Senate passed the National Cemeteries Act of 1972. This bill, which was a committee substitute for H.R. 12674, combines portions of the House bill and S. 2052 as originally introduced, together with additional amendments. I am proud to have been the sponsor of S. 2052.

The committee substitute, as approved by the Senate, will establish within the Veterans' Administration a national cemetery system. Certain cemeteries would be transferred from the Department of the Army to VA jurisdiction. However, there would be four important exemptions. The Arlington National Cemetery and the cemeteries at our service academies will not be transferred to Veterans' Administration jurisdiction. Neither would the American Battle Monuments Commission nor cemeteries under the jurisdiction of the Interior Department.

Mr. President, this bill provides for a comprehensive study of our national cemetery system and our national burial policy. Recommendations will be submitted on or before July 1, 1973.

Two other important features of this bill should be mentioned.

First, the bill authorizes a special burial plot allowance of $150 when a veteran is not buried in a national or other Federal cemetery. This is in addition to the present allowance of $250 for burial and funeral expenses. For veterans who die of service-connected disabilities, there are additional benefits of up to $800.

Finally, Mr. President, this bill authorizes the burial of an unknown soldier at Arlington National Cemetery.

Mr. President, it was with great pleasure that I was able to work with Senator HARTKE and the other members of the Committee on National Cemeteries Act of 1972.

DETENTE BETWEEN ENERGY CONSUMERS AND PRODUCERS NEEDED

Mr. BELLMON. Mr. President, some of my colleagues from the other side of the aisle have in recent weeks attempted to support their candidate for the Presidency by representing him to be an enemy of the oil companies. They describe the present-day oil companies as being a heinous outgrowth of their turn-of-the-century predecessors. They describe the oil companies as robber barons, huge monopolies, omnipotent, getting richer all the time, with no end in sight to their growing power.

While such representations may have appeal to those who prefer invective to fact, I am confident that the majority of the American public would be interested in learning that the oil companies have been sailing through troubled waters and that there will be some shipwrecks ahead.

Economists are predicting that by 1985 the United States will be over 50 percent dependent upon foreign sources of oil. Most of the imports will be coming from the Middle East and North Africa. All of the major oil-exporting countries belong to a tough-minded producers' cartel, the Organization of Petroleum Exporting Countries, or OPEC for short.

Some of its members—Libya, Algeria, and Iraq—have already begun to nationalize the oil companies operating in their territory. They say to the oil companies, "What was yours yesterday is ours today," and they simply expropriate the assets. Others have used slightly less drastic measures such as substantially raising prices. OPEC is presently demanding 51 percent equity participation in the oil companies. That is obtaining control over their operations beginning with 20 percent equity participation this year to be followed by a 51-percent share by about 1980.

The OPEC countries control over 75 percent of the known oil reserves in the free world. With a seller's monopoly they have the power to command what they wish. All of the OPEC countries are riding the crest of a new wave of economic nationalism. Most of the OPEC nations are Arab, fiercely anti-Israeli, and one country—Libya—has threatened to cut off oil supplies to the United States unless we change our policies toward Israel. King Faisal of Saudi Arabia, however, has opposed using oil as a political tool. But the stability of present Middle Eastern governments is another potential problem.

The Soviet Union, which is self-sufficient in oil, encourages the Arab countries to continue nationalizing U.S. oil companies in order to curb what they call capitalistic imperialism.

The Saudi Arabian oil minister, who is representing the OPEC countries in the ongoing "participation" negotiations with our international oil companies, recently told a U.S. audience that unless consumer nations allow the new national oil companies of the OPEC countries access to downstream facilities—meaning transportation, refining, and marketing outlets—the OPEC countries will not permit expansion of oil production. Several of the OPEC countries are receiving more revenues from selling their oil than their economies can absorb. Thus, they can afford and probably will act to prevent production rates from expanding.

Assuming, however, that oil will continue to flow at the rate the international market can absorb, economists predict that the growing U.S. dependence on foreign oil will by 1985 result in an annual balance-of-payments deficit of $25 billion. As we become less self-sufficient in petroleum, competition for OPEC oil will intensify, as Western Europe and Japan seek to satisfy their own oil needs. They are already about 90 percent dependent upon OPEC oil.

Because of the gas shortage and the restrictions on coal production, our demands for oil are skyrocketing beyond normal expectations. It is forecast to leap from a little over 14 million barrels a days in 1970 to over 30 million barrels a day in 1985, of which more than half is expected to be foreign oil.

Domestic oil is harder to find. In the 1930's the oil industry found 275 barrels of oil for each foot of exploratory drilling. In recent years the figure has fallen to 35 barrels. Drilling deeper costs more.

Exacerbating the cost difficulties has been the impact of the environmental movement. The social demands for clean fuels have been escalating. Following the oil spill off Santa Barbara a few years ago, environmental lawyers went to work to oppose offshore operations of the oil companies. Opposition was redoubled as two additional offshore mishaps occured in the Gulf of Mexico; and later, a Federal court ordered the Interior Department to resubmit its environmental impact statement after expanding the discussion of alternatives to include foreign sources. The lease sale was then canceled.

Later, realizing that the gulf contains large quantities of much-needed oil and clean-burning gas, the litigants bringing the earlier action decided not to try to stop the recently held sale in offshore Louisiana.

Yet strong environmental resistance to conducting offshore lease sales on the Atlantic seaboard continues to develop. Yet, the east coast is where oil is needed most.

In order to lessen dependence on foreign oil the construction of the Trans-Alaska Pipeline has been proposed. It would carry oil from the North Slope to Valdez to be transported from there by tanker to the lower 48 States. The North Slope of Alaska represented the largest domestic discovery made in recent years, which is estimated at 10 billion barrels or more. It must stay in the ground until a means of transporting it is agreed upon and constructed.

In the meantime more foreign oil continues to flow into U.S. ports. Moving the oil in small tankers costs more and the industry wants to carry it in supertankers to keep costs down. But the United States does not have a single port capable of accommodating the giant tankers. There has been resistance on environmental grounds to the construction of deepwater ports and to the construction of new refineries to process both foreign and domestic crude.

As just indicated, the demand for petroleum products is on the rise while the ability to provide the supply is hampered by difficulties: cost-price relationships, environmental constraints, inefficient uses, and national security implications.

Regarding national security, some have argued for abandonment for our oil import quota system. Save our domestic fuels, they say. But at what prices? With what impact on our growing balance-of-payments deficit? With what impact on domestic employment? With what impact on our gross national product? And most importantly, with what detriment to an independent foreign policy and continued military security?

These questions are sobering. The facts which give rise to them are not exaggerated. In the "business" section of last week's Time magazine the story of the oil industry's problems in the Middle East is vividly told. In sharp contrast to the conclusions of my colleagues on the other side of the aisle that oil companies should be taxed more severely and further restricted by tougher environmental regulation, Time magazine arrived at a different conclusion:

> Until an economically practical, environmentally acceptable substitute is developed the U.S. and other Western countries may well be forced to make the best of their weighty reliance on oil by rethinking many of their national policies. This could include making tax and environmental laws more—not less—favorable to domestic drilling, stepping up trade with nations that are rich in natural gas, notably the Soviet Union, and revising basic foreign policy in the Middle East. Even under the best of circumstances, Western businessmen will probably be dealing more and more with Middle Easterners—as valued customers for their products, as well-oiled sources of credit and as powerful stockholders in their companies.

Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, I can

understand my colleagues' proclivity for pouring invective upon the oil companies. Representing, as they do, constituencies which are energy consumers. Not energy producers, they seem to feel they are saying what their voters want to hear.

However, the day is upon us when the interests of energy consumers are no longer served by actions or rhetoric which reduces this Nation's suppliers of secure low-cost fuel. Imported natural gas already costs the customer three times as much as gas from domestic wells.

Actions of the OPEC countries clearly show that "cheap foreign oil" is going the way of the prehistoric dinosaur from which it came.

The time is at hand when domestic energy consumers, and those who represent them in Government, need to wake up to the fact that this Nation's fuel situation is reaching the critical phase where interests of both groups are parallel. Neither group will be served by energy shortages which weaken the Nation's economy and strength. An answer, if one can be found at all, can only come if there is more understanding and less unfounded accusation—more willingness to face facts and less eagerness to invent distortions.

Mr. President, detente is the order of the day in international affairs. Much meaningful progress has been the result. Perhaps, once the election is behind us, progress in finding answers to our Nation's energy problem can come if we can achieve a similar condition between the energy consumer and the energy producer and their representatives here at home.

Exhibit 1

Cash Flood in the Middle East

A recurring hint of humor cut through conversation at last week's International Monetary Fund meeting in Washington. The waggish word was that the organization's annual meeting ten years from now will be run not by the suave, dark-suited Americans and Europeans who have always dominated the IMF but by white-robed sheiks from the Middle East. Western moneymen chuckled nervously, for they know too well that the energy shortage is critical and that the oceans of oil buried beneath the Arabian peninsula and North Africa are far larger than any yet found elsewhere. The staggering deals that Middle Eastern leaders have been extracting from Western oil companies may very well lead to significant redistribution of the world's monetary wealth. They could ultimately reverberate soundly through the social development and political life of many nations.

As recently as 1970, the eight Middle Eastern and North African members of the Organization of Petroleum Exporting Countries (OPEC)—the three others: Venezuela, Nigeria and Indonesia—were collecting about $5.8 billion annually in oil payments. Since then they have negotiated a jump of almost 40% in their base rate of payment, and they hold contracts that will increase the take by 10% annually through 1975. They have also canceled out the unfavorable effects of the devaluation of the dollar simply by demanding a compensatory rate hike. In addition, they have begun bargaining for part ownership in drilling operations that will probably be paid for by production increases, thereby leaving their normal revenues intact.

As a consequence of these steeply spiraling price demands, the annual oil revenues paid to the nine nations in 1975 may well rise to $15 billion—a five-year increase of 159%. In the years beyond, OPEC oil receipts will grow to nearly unbelievable sums. Continental Oil Chairman John G. McLean estimates that aggregate OPEC revenues between 1970 and 1985 could reach half a trillion dollars, or almost half the current annual U.S. gross national product. "So far the flow of money has been a tide," says Walter Levy, a top consultant to international oil firms. "Now it has become a flood."

In the past, the U.S. has been little concerned about such a deluge, since it depends on the Middle East for only 5% of its oil: by contrast, 80% of Western Europe's oil comes from there, as does 83% of Japan's. Now the relative oil isolation of the U.S. is about to dwindle. Domestic supplies, including the newly discovered reserves on Alaska's North Slope, simply cannot keep up with demand. Nor can the reserves of Venezuela, traditionally the nation's largest foreign supplier. As a result, says Allan C. Hamilton, treasurer of Standard Oil of New Jersey, "by 1980 fully 37% of the U.S. supply of oil will originate in the Eastern Hemisphere, mostly in the Middle East." In that likely event, even the threat of a petroleum shutdown in that sorely troubled part of the world could cause an oil panic in the U.S.

NEW SHAREHOLDERS

How will the new oil billionaires spend their money? That is an increasingly vital question, since oil payments that are not returned to customer nations—say in the form of purchases of machinery and consumer products—can cause a deficit in overall trade balances. Westerners are seeing more and more of their money remain abroad: both the Iraqi government and Libya's fiery strongman Muammar Gaddafi have used some of their bountiful oil revenues to buy military hardware from the Soviet Union. Gaddafi has also become a kind of Islamic buccaneer whose bankroll helps support the Palestinian fedayeen terrorists. Such expenditures are not calculated to keep international trade accounts in balance.

Other Arab leaders are growing increasingly sophisticated about using their wealth for productive purposes. Saudi Arabia's King Faisal is tying together his vast land with a network of roads. The Kuwait Investment Board, headquartered in London, is skilled in selecting high-yield Eurobonds and low-risk commercial paper; the proceeds support a welfare society for the emirate's 830,000 inhabitants. The Shah of Iran has undertaken a monumental program of social development based on building industries like steel, aluminum processing and tractor manufacturing. In line with that plan, Iran will probably become the first OPEC nation to buy a stock interest in the "downstream" oil operations of refining, shipping and marketing. Since the oil industry needs huge amounts of capital over the next few years to meet world demand, leaders of other OPEC nations may decide that their natural wealth is best protected by making big investments in the stock of the oil companies that at one time were regarded as their colonizers.

The West's growing dependence on Middle Eastern crude oil could ultimately be broken by finding a practical substitute source of energy. Nuclear power offers what appear to be the best possibilities, and gasoline extracted from shale or coal is also promising. Each price increase for oil makes the high cost of any feasible substitute less and less of a problem, though the environmental drawbacks remain large.

Until an economically practical, environmentally acceptable substitute is developed the U.S. and other Western countries may well be forced to make the best of their weighty reliance on oil by rethinking many of their national policies. This could include making tax and environmental laws more—not less—favorable to domestic drilling, stepping up trade with nations that are rich in natural gas, notably the Soviet Union, and revising basic foreign policy in the Middle East. Even under the best of circumstances, Western businessmen will probably be dealing more and more with Middle Easterners—as valued customers for their products, as well-oiled sources of credit and as powerful stockholders in their companies.

FALSE CLAIM ABOUT NUCLEAR ELECTRICITY REFERRED TO FEDERAL TRADE COMMISSION

Mr. GRAVEL. Mr. President, when one of America's largest corporations uses its vast financial power to feed outright lies to the public, I think that corporation has gone too far. The act is all the more disgusting because such a corporation is really taking dollars from consumers and then using those dollars against them. It is the strong taking advantage of the weak, which is no one's idea of the American dream. Who needs corporations like that?

I am referring specifically to a two-page, full-color Westinghouse advertisement which appeared in the September 18, 1972, issue of Time magazine, the September 25, 1972, issue of Newsweek magazine, and perhaps in other publications also. Such ads cost plenty. According to Time magazine, the price is about $70,000 for nationwide distribution, and about $30,000 for eastern regional distribution.

The ad states that the nuclear breeder reactor "will produce essentially no radioactivity" when, in fact, the breeder reactor will necessarily be the greatest radioactivity-producing machine ever conceived.

DISMISSING THE LAWS OF PHYSICS

Any kind of nuclear fission reactor, whether it is a breeder or a nonbreeder, uranium fueled or plutonium fueled, water cooled, gas cooled, or sodium cooled, produces radioactivity in direct proportion to the amount of energy it produces.

A large nuclear electric plant of 3,000 thermal megawatts—about 1,000 electrical megawatts—will produce as much radioactivity in each year of its operation as the fissioning of approximately 1,000 Hiroshima atom bombs. As long as nuclear fission is used, there will never be a cleaner way. To claim essentially no radioactivity is outrageous.

ASKING THE FTC TO INVESTIGATE

Therefore, I am asking the Chairman of the Federal Trade Commission to investigate the claim and to take appropriate action against Westinghouse for this deception.

Mr. President, I ask unanimous consent that my letter to Miles Kirkpatrick, Chairman of the FTC, as well as the full text of the Westinghouse Corp. advertisement, be printed at the end of my remarks.

In addition, I am providing three brief scientific papers which refute Westinghouse's claim that breeder reactors "will produce essentially no radioactivity." Two of the papers are by Dr. John W. Gofman, who is codiscoverer of the fissionability of uranium-233. The third is by Dr. Hannes Olof Alfven, who won the 1970 Nobel Prize for physics.

SCIENTIFIC PAPERS REFUTE PROMOTIONAL FALSEHOODS

Mr. President, I ask unanimous consent that the following three papers be printed at the end of my remarks:

First is a paper by Dr. Gofman which explains how the operation of a large nuclear powerplant compares with the fissioning of 1,000 Hiroshima atom bombs. It is entitled "The Fission-Product Equivalence Between Nuclear Reactors and Nuclear Weapons."

Second is an article by Dr. Gofman entitled "The Case Against Nuclear Power," which appeared in abbreviated form in volume two, No. 3, of the Catalyst magazine, together with the "Catalyst's biographical sketch of the author.

Third is an article by Dr. Alfven entitled "Energy and Environment," which appeared in the May 1972, issue of the Bulletin of the Atomic Scientists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 10, 1972.

Hon. MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D. C.

DEAR MR. KIRKPATRICK: I believe that the Westinghouse Corporation has committed an unlawful act under the provisions of the Federal Trade Commission Act which prohibits unfair or deceptive acts or practices in commerce.

Westinghouse put a two-page, full-color adertisement into the September 18, 1972 issue of Time magazine, the September 25, 1972 issue of Newsweek magazine, and perhaps into several other publications.

The ad, which shows a tombstone inscribed, "U.S. Economy, Victim of Energy Crisis, Circa 2000 A.D.", is entitled on the opposite page, "For Sale: The Answer". Westinghouse then argues that the nuclear breeder reactor will be a wonderful solution.

The text presents several highly contested assumptions about the so-called "energy crisis" as fact (e.g., a causal relationship between economic prosperity and increased energy consumption, a shortage of usable coal, a cost-advantage for the breeder compared with other energy sources), and concludes with an outright falsehood which I quote:

"Breeder power plants will produce . . . essentially no radioactivity".

The irrefutable fact is that the breeder power plant will necessarily be the greatest radioactivity-producing machine of all time. Ask any competent physicist. He will explain the elementary facts of physics, which are fully understood by Westinghouse.

The facts are these. Any kind of nuclear fission reactor produces radioactivity in direct proportion to the amount of energy it produces. A large nuclear electric plant of 3,000 thermal megawatts will produce as much radioactivity in each year of its operation as the fissioning of about 1,000 Hiroshima atom bombs. It is certainly deceptive, in my opinion, to dismiss this as "essentially no radioactivity".

As long as nuclear fission is used to make electricity, there will never be a "cleaner" way, and this is so whether the nuclear reactor is a breeder or non-breeder, uranium- or plutonium-fueled, water-cooled, gas-cooled, or sodium-cooled.

In addition to radioactive fission products, all nuclear power reactors produce plutonium, a radioactive substance so toxic that a piece the size of a dust particle, inhaled and deposited in the lung, can kill you.

The very purpose of the breeder power plant is to produce even more plutonium than do the nuclear power plants already in operation and under construction.

The false claim by Westinghouse, that "breeder power plants will produce . . . essentially no radioactivity", required only eight words, but it involves the central issue of the whole nuclear power controversy.

Westinghouse, for years, has been promoting nuclear power as a so-called "clean" source of energy, when in fact it is the dirtiest technology so far conceived by man. Unless the nuclear power program is stopped, the quantity of radioactive garbage and plutonium produced in this country by 1980 will be more than enough to kill every living thing on earth. Nuclear power is "clean" only the way coal is "clean". They are both clean provided you succeed in keeping their poisonous pollutants out of the environment.

If Westinghouse prevails with its nuclear sales campaign, the future of life on earth will depend on near perfection in the handling and containment of radioactive poisons created by nuclear power reactors. Would anyone suspect that fact from the Westinghouse advertisement?

Attached is a copy of the Westinghouse ad, plus two papers by eminent scientists providing the facts which completely refute Westinghouse's claim that the breeder "will produce essentially no radioactivity."

A decision in favor of nuclear electricity is a decision which will affect all men for all time. Therefore I am incensed that the Westinghouse Corporation would stoop to lying about the crucial issue of radioactivity.

The nuclear power controversy is being fought with all the dollars on one side. There is no one except Westinghouse who can afford to run ads replacing the original falsehood with fact.

Therefore, I herewith request that the Federal Trade Commission not only investigate this particularly deceptive advertisement under your authority, but that the F.T.C. require Westinghouse to pay for two-page, full-color "corrective advertisements" in every publication where the falsehood has appeared.

Very truly yours,

MIKE GRAVEL.

Attachments:

Westinghouse advertisement "The Fission-Product Equivalence between Nuclear Reactors and Nuclear Weapons" by Dr. John Gofman.

"Energy and the Environment" by Dr. Hannes Alfven.

[From Time magazine, Sept. 18, 1972]

TEXT OF WESTINGHOUSE BREEDER ADVERTISEMENT

[Text From the Tombstone]

U.S. economy victim of energy crisis, Circa, 2000 AD.

FOR SALE: THE ANSWER—THE ENERGY CRISIS CAN BE AVERTED BY THE BREEDER POWER PLANT; WESTINGHOUSE IS SPENDING $60,000,000 OF ITS OWN MONEY TO HELP DEVELOP IT

The "energy crisis" means that the U.S. will not have enough usable coal, oil and natural gas left to keep going. Something our grandchildren would not thank us for.

Breeder power plants remove the threat

The "breeder" is a special kind of nuclear power plant. It's strange: it makes more fuel than it uses.

(You don't refuel a breeder power plant when it's time to put more fuel in; you refuel when it's time to take fuel *out*.)

A new natural resource—Our biggest

With breeder power plants, the U.S. will gain a new natural resource of energy for making electricity. A far greater resource than all our coal, oil and gas combined. Enough, all by itself, to keep a growing U.S. going for hundreds, probably thousands, of years.

That's why Westinghouse is spending the $60,000,000 of its own money.

To help make the first U.S. breeder power plant a success.

P.S.—Less urgent than the energy crisis, but not to be overlooked: breeder power plants will produce no smoke; essentially no radioactivity; much less "thermal pollution"; and electricity at lower fuel cost. Prototype breeders are being built in France and England, and one is operating in Russia.

THE FISSION-PRODUCT EQUIVALENCE BETWEEN NUCLEAR REACTORS AND NUCLEAR WEAPONS

(By Dr. John W. Gofman)

What is desired here is a determination of the comparison of production of long-lived fission products (for example, Strontium 90 or cesium-137) in nuclear power reactors with such production in nuclear weapons. In particular we shall determine what megatonnage of atomic *fission* bombs is required to produce an inventory of long-lived fission products equivalent to that within a 1000 megawatt (electrical) nuclear generating station that has operated for one year.

Listed below are certain physical conversion factors and parameters of relevance, together with the source of such information.

Energy Units: 1 Kilowatt-hour=8.6×10^5 gram-calories.

Reference: Handbook of Chemistry and Physics, 44th Edition, 1962–3, Chemical Rubber Publishing Co., Cleveland, Ohio. Page 3305 (Units and Conversion Factors).

EQUIVALENTS OF 1 KILOTON OF TNT

1 Kiloton TNT=10^{12} gram-calories.

1 Kiloton TNT=1.15×10^6 kilowatt-hours.

Reference: "The Effects of Nuclear Weapons", Samuel Glasstone, Editor, Published by the U.S. Atomic Energy Commission, Revised Edition. February, 1964 (U.S. Government Printing Office, Washington, D.C.) page 14, Chapter I, Table 1.41.

YIELD OF HIROSHIMA BOMB

1 Hiroshima Bomb is roughly 20 Kilotons TNT.

Reference: Ibid., page 6, Chapter I.

CALCULATIONS

1. In one year of operation of a nuclear reactor, long-lived fission products that have been manufactured will not have decayed significantly. Hence the inventory at the end of one year will be almost precisely equivalent to the total quantity of such fission products that has been produced.

2. The nuclear generating station will be taken as 33% efficient in the conversion of thermal to electrical energy. Thus 3000 Megawatts (thermal) yields 1000 Megawatts (electrical). Obviously, the calculation can be correspondingly modified for any other efficiency value chosen.

3. The nuclear generating station will be presumed to operate at full power throughout the year. Clearly, the calculation can readily be modified for any deviation from 100% operation over the full year.

Now, 1 year of operation represents 24 × 365, or 8760 hours of operation.

If 1 Kilowatt-hour $= 8.6 \times 10^5$ gram-calories, then 1 Megawatt-hour$=8.6 \times 10^5 \times 10^3 = 8.6 \times 10^8$ gram-calories.

Therefore 1 Megawatt-year (or 8760 megawatt-hours) $= (8.76 \times 10^3)\ (8.6 \times 10^8) = 7.53 \times 10^{12}$ gram calories.

For 3000 Megawatts (thermal) for 1 year, we have $3 \times 10^3 \times 7.53 \times 10^{12} = 2.26 \times 10^{16}$ gram-calories.

But 1 Kiloton TNT $= 10^{12}$ gram-calories.

Therefore a reactor at 3000 Megawatts (thermal) for one year is equivalent to

$$\frac{2.26\times10^{16}}{1\times10^{12}}=2.26\times10^{4}\text{ Kilotons of TNT}$$

1 Megaton = 1000 Kilotons.

So 2.26×10^4 Kilotons represents

$$\frac{2.26\times10^{4}}{10^{3}}=22.6\text{ Megatons.}$$

So, we can say 3000 Megawatts (thermal) for one year is equivalent to 22.6 Megatons of fission bomb.

Now, taking 1 Hiroshima bomb as 20 Kilotons, we can say 3000 Megawatts (thermal) for 1 year equals

$$\frac{2.26\times10^{4}}{20}=1130\text{ Hiroshima bombs equivalent}$$

(Note: The energy of the reactor and of the bomb are totally from nuclear fission. Hence, if we have compared equal *energy* production, we have automatically compared equal fission product production. And since, for long-lived fission products we neglect the decay, we can say the inventory of fission products (*long-lived*) in a 3000 Megawatt (thermal) reactor is equal to that from 1130 Hiroshima bombs.

We can check this calculation by an alternative one. We listed above that 1 Kiloton TNT$=1.15\times10^{6}$ kilowatt-hours.

Also, 3000 Megawatts (thermal) for 1 year$=3000\times8760=2.628\times10^{7}$ megawatt-hours.

2.628×10^{7} megawatt-hours$=2.628\times10^{10}$ kilowatt-hours.

Therefore, 3000 Megawatts (thermal) for 1 year represents

$$\frac{22.628\times10^{10}}{1.15\times10^{6}}=2.29\times10^{4}\text{ Kilotons.}$$

(Note: Calculating above via calories, we got 2.26×10^{4} Kilotons. Within rounding off errors, this result is identical, approached via Kilowatt-hours or calories, which is, of course, expected).

Converting to Hiroshima Bombs equivalent, we have

$$\frac{2.29\times10^{4}}{20}=1145\text{ Hiroshima Bombs}$$

(Via calories, we obtained 1130 Hiroshima bombs, again in agreement, within rounding errors).

SOME POSSIBLE MODIFICATIONS

(1) It is claimed that in the future, nuclear reactors may operate at 40% efficiency (thermal to electrical) instead of the 33% efficiency employed in these calculations.

In such a case, the Hiroshima Bomb equivalent would be

$$\frac{(1130)\times33}{40}=932\text{ Hiroshima Bombs}$$

for 1000 Megawatts (electrical) (2500 Megawatts (thermal))

(2) One might, for any calculation, consider that the reactor will not operate at 100% power throughout the year. Estimates like 75% have been suggested.

If a 1000 Megawatt electrical plant, with 33% efficiency, operates 75% of the year,

The Hiroshima Bomb equivalent$=(0.75)(1130)=848$ bombs.

If a 1000 Megawatt electrical plant, with 40% efficiency, operates 75% of the year,

The Hiroshima Bomb equivalent$=(0.75)(932)=699$ bombs.

Therefore, looking toward the future, and using 40% efficiency and 75% operation, it appears that 699 Hiroshima bombs equivalent is the lowest figure.

(3) The Hiroshima Kilotonnage was taken as "roughly" 20 Kilotons.

Dr. Herbert York, in "Race to Oblivion", suggests the Hiroshima bomb may have been 14 Kilotons.

Above we calculated for 3000 Megawatts (thermal) for one year we have the equivalent of 2.26×10^{4} Kilotons TNT.

If one Hiroshima Bomb is 14 KT, then 3000 Megawatts (thermal) for 1 year=

$$\frac{2.26\times10^{4}}{14}=1614$$

Hiroshima Bombs, instead of the 1130 bombs calculated above.

[From the Catalyst magazine, Volume II, Number 3]

THE CASE AGAINST NUCLEAR POWER

(John W. Gofman, M.D.)

Dr. John W. Gofman is Professor of Medical Physics at the University of California, Berkeley and Research Associate at the Lawrence Radiation Laboratory (Berkeley and Livermore)—posts he has held since 1947.

His scientific contributions are many. He was co-discoverer of U^{232}, Pa^{232}, U^{233}, Pa^{233} co-discoverer of slow and fast neutron fissionability of U^{233}, co-inventor of uranyl acetate process for plutonium separation; co-inventor of columbium oxide process for plutonium separation. He has done research on low dose radiation, chromosomes, and cancer. And he has been Group Leader of the Plutonium Project at the Lawrence Radiation Laboratory, Berkeley (1941–43).

An outspoken critic of nuclear power, Dr. Gofman has co-authored two books on the subject: "Poisoned Power" and "'Population Control' Through Nuclear Pollution." He has written three other books and over 100 papers on heart disease, and he has published some 130 scientific papers.

Dr. Gofman has a Ph.D. in Nuclear/Physical Chemistry from the University of California, Berkeley (1943), and an M.D. from the University of California, San Francisco (1946).

INTRODUCTION

It is the purpose of this discussion to show why nuclear fission power is a misadventure that deserves early termination.

A new power source must be acceptable for periods measured at least in centuries, preferably in millenia, and must be meaningful on a global scale. If our concern is over a power source for just a century or so, we should expand immediately and drastically our conversion of coal to low-pollution synthetic gas. If our concern is for a longer period, we must necessarily consider the consequences of global, long-term use of any novel power source.

Would nuclear power be acceptable as a global, long-term power source?

MAGNITUDE OF THE PROBLEM

No matter how distasteful it may be to the ecologist, we must assume that Dr. Alvin Weinberg's pessimistic projections may become reality. He projects:

(1) Global population reaches 15-billion people.

(2) The global *per capita* energy consumption becomes equal to that for the U.S.A.

(3) The U.S. *per capita* consumption doubles, going from the current 10 kilowatt (thermal) consumption rate to 20 kilowatts (thermal). Such consumption includes electricity and all other forms of energy dissipation.

Since current global consumption is at a rate of 5-billion kilowatts (thermal), the Weinberg projection is for a sixty-fold increase, to an ultimate rate of 300-billion kilowatts.

Two profound biological poisons *inevitably* accompany nuclear fission energy utilization. These are long-lived fission products, particularly strontium-90 (Sr^{90}) plus cesium-137 (Cs^{137}), and plutonium-239 (Pu^{239}), which has a half-life of 24,400 years.

All these poisons increase the mortality rate due to cancer, and all the evidence indicates that such increase is in *direct proportion* to the radiation dose produced as a result of combined internal plus external exposure to these poisons. Essentially all body organs are susceptible to radiation-induced cancer induction.

Radiation received by germinal tissues (ovary or testis) will increase genetic mutations, again in direct proportion to the dose received, and in time, increase the incidence of a host of genetically determined diseases, including coronary heart disease.

THE FISSION PRODUCTS, STRONTIUM-90 AND CESIUM-137

Sr^{90} and Cs^{137} have half-lives in the neighborhood of 30 years. This means that if we produce them at a constant rate, their quantity will build up to a constant value in about four half-lives, approximately 120 years. At that point their rate of decay will be equal to their rate of production.

We can, for reasons shortly to become apparent, describe the annual production rate in terms of equivalent number of atomic fission bombs. Atomic fission bombs are described in terms of megatonnage of TNT equivalent. The combined atmospheric weapons testing of the USA, UK, and USSR up through 1963 amounted to a total of 250 megatons TNT equivalent.

In one year a 3000-megawatt (thermal) nuclear fission power installation produces as much Sr^{90} and Cs^{137} as would 23 megatons of atomic fission bombs. So in Weinberg's projected world of 300-billion kilowatts (which is 300-million megawatts), the annual production rate will be

$$\frac{3\text{x}10^{8}}{3\text{x}10^{3}}=10^{5},$$

or 100,000 times as much. One hundred thousand times 23 is 2,300,000 megatons of equivalent fission products, as an *annual* production rate.

Since these long-lived products build up for about 120 years, the final inventory (when we lose fission products as fast as we make them) will be about 43 times as much as the annual production. So it will finally be an inventory of Sr^{90} and Cs^{137} amounting to about 100-million megatons equivalent, and if we continue to utilize nuclear energy, the inventory of these poisons will remain constant at this level.

Let us consider the consequences of distributing *one one-thousandth* of this inventory to the biosphere. That would mean introduction to the biosphere of 100,000 megatons of equivalent Sr^{90} and Cs^{137}. Weapons testing introduced 250 megatons of Sr^{90} and Cs^{137} and provoked an appreciable radiation dose to everyone over the entire Northern Hemisphere, some 19 millirads for 1963 alone, gradually decreasing.

The introduction of 100,000 megatons over the globe would be the same as 50,000 megatons over the Northern Hemisphere, or 200 times as much as weapons testing did, meaning average doses in the first year of about 3800 millirads to all inhabitants.

If people were concerned, as they should properly have been, about 19 millirads from weapons test fallout, what should they think about 3800 millirads?

To be sure, it is not likely that the distribution would be even, so some people would receive far more than the average, others far less. But since the effects are approximately proportional to dose, the *net* human suffering from extra cancer and genetic diseases would be roughly comparable, whether the distribution is even or uneven.

Nuclear power proponents would immediately claim that it is preposterous to contemplate the release of 1/1000 of the radioactivity inventory.

This means that proponents are able to predict the entire course of future human events, globally, including human performance, human psychology, all forms of civil and military strife, including sabotage, all natural disasters, including earthquakes and others.

Today we realize we cannot do very well at predicting whether an airplane will be hijacked, even after screening passengers. But the nuclear proponents are perfectly willing to do better—they will predict essentially the entire course of human affairs for the next several hundred years.

Rational humans might be a bit skeptical of such prescience. There is one way, and one way alone, to guarantee that such disasters won't occur—simply do not produce this astronomical inventory of long-lived radioactivity. This would mean turning away from nuclear energy as being unacceptable on this set of grounds alone.

THE PLUTONIUM PROBLEM

Nuclear energy has no meaning without plutonium-239. This element, the most poisonous element handled in quantity by man, is the ultimate fuel of the forthcoming nuclear breeder reactor.

When a steady state is reached in the future, with Weinberg's 300-million megawatts of power, the plutonium produced each year will be just equal to the plutonium used up each year. That amount will be 15,000 tons of Pu^{239} per year.

This sounds innocuous until we consider just one biological effect of plutonium-239. If dispersed as fine particles into the atmosphere, the final form is almost certain to be plutonium dioxide. Finely divided particles of plutonium dioxide represent an almost unique cancer hazard when inhaled.

For particles one micron in diameter, Dr. Donald Geesaman has estimated that one fatal human lung cancer will occur for every 10,000 such particles inhaled. But one person doesn't have to inhale all the 10,000 particles. The same number of fatal human lung cancers will result if one person inhales 10,000 particles, if ten people each inhale 1,000 particles, if one hundred people each inhale 100 particles, if 1,000 people each inhale 10 particles, or if 10,000 people each inhale one particle.

Additionally, it doesn't change matters if 10,000 particles are inhaled by people within one year, ten years, or one hundred years. The same number of fatal lung cancers will occur.

Let us return to our future annual chemical processing of 15,000 tons of Pu^{239}. In kilograms this represents 15-million kilograms of Pu^{239}.

Suppose, with all circumstances of accidents, civil disorder, errors, etc., we contain 99.9999 percent of the plutonium. Such perfection in containment would represent a monumental human achievement. But let us still assume it will be achieved.

The amount escaping confinement is then one part out of one million. But this would still represent 15 kilograms of Pu^{239}. In the course of 100 years, we would have dispersed 1500 kilograms of Pu^{239}. How many lung-cancer doses does this represent?

It has been estimated, based upon Geesaman's work, that 1 kilogram of P^{239} dispersed into particles each one micron in diameter represents 18-billion human lung cancer doses. Therefore, 1500 kilograms represents 27-trillion human lung cancer doses.

If we assume only one particle out of every million is inhaled annually thereafter, we would be creating 27-million fatal cases of lung cancer each year thereafter.

The plutonium particles, once dispersed into the environment, can settle to the ground and be borne aloft by winds for centuries and still be essentially fully capable of producing lung cancer. In human time scales, plutonium dispersed into the environment will be a hazard essentially forever, provided we regard 100,000 years as equivalent to forever.

We may not need to wait for the fully developed plutonium energy economy for our dismal nuclear future. One plant alone, in Barnwell, South Carolina, expects to be making *many* shipments of plutonium in liquid solution in tanks, *by* truck, per year, in a decade or so. Each shipment will carry 50 to 75 kilograms of plutonium. Each shipment will therefore represent enough plutonium for about one trillion human lung-cancer doses. Any plutonium dispersed to the environment is virtually impossible to remove from the environment.

The nuclear proponents have, of course, a stock answer. "We realize", they tell us, "that plutonium is deadly. So we will contain it perfectly."

The grotesquerie of building our energy economy upon plutonium is exceeded only by the grotesquerie of men of supreme arrogance.

WHY?

The problem of containment of astronomical quanties of Cs^{137} and Sr^{90} is sufficient by itself to make a rational society pause before embarking full-scale upon nuclear energy utilization. The problem of plutonium containment is far worse.

One trap has been carefully laid for the unwary public. This is in the form of the oft-repeated statement that we are making steady progress in nuclear engineering, that we can anticipate a steady increase in its safety.

Eco-pornography takes many forms, but none exceeds such statements, as "Nuclear power is clean." *No possible* engineering development can produce power from nuclear fission *without* creating Sr^{90}, Cs^{137}, and Pu^{239}. And these *will* be produced in direct proportion to the power produced by nuclear fission. This is a fact of physics. Man's future existence depends strictly and totally upon *containment* of these irreversible poisons.

If energy generation could be accomplished in no other way, one might understand society being will to gamble its future *existence* upon such containment.

But we are absolutely certain that several highly attractive, non-polluting alternatives will be able to provide all the energy required—even Weinberg's pessimistic 300-million megawatts.

Solar energy is one such *certain* source by itself. The nuclear proponents argue that solar energy may cost more than nuclear fission power. The question is, "Who will use the 'cheap' nuclear power after the human species has disappeared?"

[From the Bulletin of the Atomic Scientists, May 1972]

ENERGY AND ENVIRONMENT

(By Hannes Alfvén)

[In the fall of 1971, the Bulletin published a series of 28 articles under the general title, "The Energy Crisis." They were statements of diverse opinion on the nature of the crisis and on methods of resolving it. In the view of Hannes Alfvén, the Bulletin's "Energy Crisis" has set the stage for a continuing discussion of the energy problem and the future of mankind. In this article, Professor Alfvén contributes to such a discussion by summarizing the issues and suggesting a program of action. He is a member of the Royal Institute of Technology in Stockholm and Professor of Physics at the University of California, San Diego. In 1970, he shared the Nobel Prize in physics with Louis Neel of France.]

Is there an energy crisis? It seems that the "crisis" is much exaggerated. At least in part, the very rapid increase in energy consumption is due to "promotional rates." A distinction must be made between real needs and market considerations. But even if one cannot speak of a crisis, our technological culture depends to a large extent on an abundance of energy. It is highly desirable to get more energy, especially for the less developed countries. Also, in the industrialized countries a certain increase in power supply is desirable to the extent that this can be achieved without too much insult to the environment. Thus, the main real argument against continuing to burn fossil fuel is the increased concern about pollution.

The price of different kinds of energy is important to the consumer, but it is not equally important for the planning of energy policy. The reason is that the price reflects the real costs only to a limited extent. It is mainly decided by the policy of governments and private companies. Hence, introducing the present (or future) price of different fuels into a discussion of energy policy easily leads to circularity in reasoning. This is especially applicable to the price of fission energy, which is made attractive by a low price. This price, however, does not include the development costs which have been charged to military funds in connection with the production of bombs, or which will be left to future generations to take care of in dealing with radioactive wastes.

If methods for purifying fuel and cleaning the exhaust of gases are successfully developed, we can meet energy needs adequately with fossil fuels for a period long enough to plan and deploy a sensible world policy for the energy supply and for developing new energy sources. The main new energy sources which sooner or later must take over are: fission energy, fusion energy and solar energy. Whether geothermal energy is abundant enough to be of major importance is not quite celar. Waterfalls and tidal energy will not be very important.

FISSION ENERGY

The energy generation process in a fission reactor leads to production of plutonium. (In some reactors plutonium is burned.) In all reactors the quantities of plutonium are of the order of kilograms or more. The energy generation processes necessarily lead also to the production of a number of other radioactive substances, among them strontium-90.

Both plutonium and strontium-90 are among the most poisonous substances we know. Under certain conditions a few micrograms (one millionth of a gram of one billionth of a kilogram) is lethal: It produces cancer. The quantity of these substances in one ordinary reactor is of the order of a billion times the lethal dose. Hence the acceptability of fission energy depends on whether it is possible to keep these substances under control so that human beings are efficiently screened from them.

UNKNOWN PROCESSES

In the biosphere there exist a number of complicated processes which may enrich both plutonium and strontium (and other radioactive substances)—for example, in some common foodstuffs. Several of these processes are known, but there are reasons to suppose that there also are a great number of still unknown processes. Hence, plutonium, strontium (and a number of other radioactive substances) must be efficiently separated from the whole biosphere. Only very small quantities can be allowed to leak out. They decay automatically but some of them so slowly that the radioactive waste must be kept isolated from the biosphere for hundreds or thousands of years.

During the whole development of fission reactor technology the constructors have been aware of the importance of an efficient confinement of radioactive substances, although not until recently has the extremely dangerous nature of these substances been fully clarified. An enormous amount of highly qualified work has been devoted to insulating the poisonous substances.

It is claimed by the reactor constructors that under normal operating conditions a fission reactor is no insult to the environment. This is questioned by some environmentalists. Because of the enormous complexity of the problems neither side can prove their views definitely. From the discussion, one gets the impression that the claim of the reactor constructor—that the reactor under normal operating conditions is not harmful—is likely to be correct. If we accept this view it is appropriate to express great admiration for this achievement. Nobody who has visited a reactor station can avoid being deeply impressed by the ingenuity and skill which are manifest in the safety precautions.

THE WASTE PROBLEM

But the fission reactor represents only one part in a complicated series of operations for fission energy production. When the fuel elements are burnt out, they are taken out of the reactor, transported to a fuel processing plant, and later transported back again to the reactor. The processing plant extracts the highly radioactive waste, which is stored and finally placed in "repositories," where it should remain indefinitely. The waste consists of extremely poisonous radioactive substances which must be kept isolated from the biosphere until they decay after centuries or millennia.

The fuel processing plants have not received so much attention in the discussion. It seems not to be clear to what extent they are dangerous; but at least for the moment it can be assumed that under normal conditions a processing plant is reasonably safe, or at least can be made safe without too much effort.

The handling of the waste seems to be a highly controversial problem. It is theoretically possible to transmute the radioactive substances into nonradioactive—and hence innocent—elements by nuclear reactions. If this were done the waste problem would be solved. But such operations are complicated and probably very expensive. If this solution is chosen, fission energy would lose the economic attractiveness which it now has, at least formally. (It has been suggested that the waste products should be shot out in space. Space would be a safe repository but to shoot them out is extremely expensive. Moreover, if a rocket fails, there is a serious risk of atmosphere poisoning.)

According to present plans the waste is to be deposited in salt mines. It is claimed by some that these are geologically so stable that there is no risk of leakage from the repository into the biosphere. This is questioned by a number of geologists. There is no doubt that the salt mines could be considered safe for any normal waste products. But because of the very large quantities of extremely poisonous substances, it is required that the repository should be absolutely free of leakage for periods of hundreds or thousands of years. No responsible geologist can guarantee this, simply because the problem is one of which we have no experience.

KEY ISSUES

We now approach the key issues. The reactor constructors claim that they have devoted more effort to safety problems than any other technologists have. This is true. From the beginning they have paid much attention to safety and they have been remarkably clever in devising safety precautions. This is perhaps pathetic, but it is not relevant. If a problem is too difficult to solve, one cannot claim that it is solved by pointing to all the efforts made to solve it.

The technologists claim that if everything works according to their blueprints, fission energy will be a safe and very attractive solution to the energy needs of the world. This may be correct. Hence, they consider all the objections to be due to "ignorance," "viciousness," or "hysteria." This is not correct. The real issue is whether their blueprints will work in the real world and not only in a "technological paradise."

Fission energy advocates say that in all other technologies one accepts certain risks, and that there is no way of completely eliminating all hazards. They claim to have taken all reasonable precautions to eliminate risks. What more can they do? This may very well be true, but it is irrevelant because we are facing risks the nature of which we have never before experienced. The consequences of nuclear catastrophes are so terrible that risks which usually are considered to be normal are unacceptable in this field.

Opponents of fission energy point out a number of differences between the real world and the "technological paradise." Fission energy is safe only if a number of critical devices work as they should, if a number of people in key positions follow all their instructions, if there is no sabotage, no hijacking of the transports, if no reactor fuel processing plant or repository anywhere in the world is situated in a region of riots or guerrilla activity, and no revolution or war—even a "conventional" one—takes place in these regions. The enormous quantities of extremely dangerous material must not get into the hands of ignorant people or desperados. No acts of God can be permitted.

Those advocates of fission energy who contributed to the Bulletin's "Energy Crisis" issues have not given any reasonable answer to these objections. It is difficult to see how a satisfactory answer could be given. But if it cannot, we have to conclude that fission energy does not represent an acceptable solution to the energy problem. It will place an unendurable burden on the safety and health of future generations.

What has been said here applies both to the present-day fission reactors and to the projected breeders. In general, the breeders are much more dangerous, and current plans to develop breeders should be revised.

FUSION ENERGY

A problem which was not discussed in the "Energy Crisis" articles is the relation between the peaceful atom and its militant twin brother. This is an extremely serious problem, even more important than the problems discussed here; it would, however, carry us too far to discuss it here.

Although a fusion reactor cannot be constructed today, enough is known of the basic processes of fusion and plasma physics to discuss the general properties of future fusion reactors.

In contrast to the fission process, the fusion processes which release energy do not result in radioactive waste products. In principle, therefore, fusion energy is "clean" in the sense that it is not necessarily associated with the production of radioactive substances. The nuclear processes in a fusion reactor produce radiations but these can easily be screened so that they do not reach the environment.

In case of a reactor accident fusion reactions stop immediately by themselves. In the reactor there are radioactive intermediate products which theoretically may escape, but as the total quantities of radioactive material are very small in a fusion reactor, compared to a fission reactor, the danger is much less. Moreover, the radioactive products (mainly tritium) are much less dangerous to the biosphere.

TWO PROBLEMS

Due to the intense neutron radiation inside a fusion reactor the structure of the reactor may become radioactive. But, because there is a certain choice of structural material, the most dangerous elements can be avoided.

In order to construct a fusion reactor, two difficult problems must be solved: the confinement of a plasma and the transfer of the energy of swift neutrons. The first problem requires a general development of plasma physics. Very substantial progress has been made in this area and we expect that the problem will be solved in the near future. The second problem is related to the handling of neutrons in the breeder; this also is likely to be solved in the near future.

What the "near future" means depends on how much effort is devoted to research and development in this field. If the construction of a fusion reactor is considered to be very urgent, 10 years may suffice. There are four different lines of approach which attract most interest: Tokamak, ring configurations, mirror machines with direct conversion, and evaporation of pellets. It is very likely that at least one of them will be successful.

As the fuel is heavy hydrogen which can be obtained from ordinary water, there is enough raw material available in all countries. Thus, the fusion reactor would be an "almost clean" long-term solution of the energy problem.

SOLAR ENERGY

Solar energy converters produce no wastes. Large areas of land with sunny climate have to be used to collect solar radiation. If desert areas are used, the insult to the environment may not be considered serious.

Solar energy is available now, but at a price which is some hundred times the ordinary price of energy. There are a number of different ways of collecting solar energy: by mirrors, plastic lenses, "hot-house" arrangements, photoelectric cells, and so forth. A research and development effort will certainly reduce the price but the attainable level is impossible to predict at present.

Solar energy is available preferentially in countries with a sunny climate. The power is about one gigawatt per square kilometer during sunny hours. Storage of energy for periods with no sunshine complicates its use. There is also the possibility of using solar energy normally collected by and stored in the seas ("sea-thermal" energy).

"Geothermal energy is already in use as a locally important energy source in some countries, for example, Iceland and the Soviet Union.

Looking at the geographical distribution of energy sources, we can summarize:

1. Fossil fuels, uranium deposits and sunshine have a very uneven geographical distribution.

2. Fusion energy will be available to all countries, but as it will require much scientific and technological knowledge, the industrialized countries will have an advantage.

3. Access to energy sources is so important to our technology that the needs of all countries must be satisfied to a reasonable extent.

4. The struggle for energy sources is a major factor in world policy. In order to make possible a balanced and peaceful development in the world, energy problems must be handled by an international body.

Our most immediate need is to solve the problems of using fossil fuels with a minimum of environmental insult. Methods of purifying fuels and clearing exhaust gases should receive high priority.

Clarification is necessary with respect to the extent—if any—to which fission energy is a realistic solution of the energy problem. New suggestions of how to avoid the fatal consequences of the use of fission energy should be considered. A strong effort should be made to develop fusion and solar energy. Environmental consequences should be carefully studied.

Methods of transporting energy (through tankers, pipelines, electric transmission lines, or other means) should also be developed.

ONE WORLD PROBLEM

The energy problem should be approached as one world problem: how to satisfy reasonable needs of all nations. It should not be treated as a series of national problems:

how to satisfy the energy demand of our own nation even at the expense of other nations.

The possibility of depoliticizing the world energy problem deserves special attention. An international institute ("world energy agency"), as far as possible independent of pressure from government and economic interests, is necessary. (In this connection the Pugwash Movement, which already has devoted much attention to these problems, has considerable responsibility.)

To build up such an institute would be a very important task. It is possible that the International Atomic Energy Agency (IAEA) could serve as a nucleus: it has done competent work in the field of fission energy and devoted considerable interest to the problems of fusion energy. It also has had unique experience in handling relations with the governments of different countries. An international institute of the SIPRI (Stockholm International Peace Research Institute) type may also be considered. The proposed institute should study the needs of energy in different countries, compare possible ways to satisfy this need, and plan a world energy policy, in a rational and at the same time realistic way.

CURRENT STATISTICS FOR REVENUE SHARING ALLOCATIONS

Mr. GURNEY. Mr. President, local government officials throughout Florida have communicated to me their concern that current statistics be used in determining their government's respective shares of revenue sharing funds. This is particularly important to local and State governments in areas such as Florida, where populations shift rapidly. Municipalities in Florida, for example, have been known to triple their populations in less than 3 years. Because it is during such periods of rapid growth that local demands for capital expenditures are greatest, the need for current revenue sharing statistics is critical.

I am sure that other Senators have had similar expressions of concern from local government officials within their own States. Perhaps they are reassured, as am I, to know that the House Committee on Ways and Means, the Senate Committee on Finance, and the conference committee on H.R. 14370 all foresaw this problem, and made provisions for a solution to it.

Section 109(a)(7) of H.R. 14370, as reported by the conference committee, reads as follows:

> (7) Data used; uniformity of data—
>
> (A) General rule.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.
>
> (B) Use of estimates, etc.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

This wording is identical to that used in the corresponding sections of both the Senate and the House versions of H.R. 14370. Furthermore, the conference report goes on to say:

> These rules [those contained in the entirety of Section 109(a)] are substantially the same as contained in both the House bill and the Senate amendment.

Looking to the Senate Finance Committee report on H.R. 14370 for a detailed explanation of how current estimates were intended to be used in the implementation of this section, we find, in wording virtually identical to that in the original House committee report on H.R. 14370, the following guidelines:

> *Dates used for data.*—In general, the data to be used for allocations and entitlements under this subtitle are to be those available on April 1 immediately preceding the beginning of the entitlement period for which the data are to be used. The data are to be the most recently available data provided by the Bureau of the Census. However, the Treasury Department is given authority to vary these general rules in order to achieve more equitable allocations, to attain greater uniformity, and to reflect the most recent developments. It is important to note that the data for any unit of local government used with regard to any allocations must be comparable to the data used for the other units of local government sharing in that allocation. For example, a special census of population for a municipality may not be used in allocating funds among municipalities within a county area unless there are corresponding updated population data for all the other municipalities located in that county area. If, as the committee understands and expects, information gathered as a result of Internal Revenue Service efforts to determine residences of taxpayers and their dependents (sec. 124 of this bill, described below) enables the Bureau of the Census to make accurate estimates of population and per capita income for all the units in a county area, then such updated estimates may be used even though they are later than the last official census figures.
>
> The operation of these provisions may be illustrated by the following example, relating to the data to be used for allocating funds between the county government on the one hand, and the units of local government located within that county on the other hand. That allocation is to be made on the basis of the adjusted taxes of those governments. The most recent information now available on that point relates to fiscal year 1967, having been gathered in the regular 5-year Census of Governments for 1967. That information is to be used as the basis for the allocations for the January-June 1972 entitlement period. The committee has been informed that the Census Bureau is prepared to conduct a special survey of all the units of local government to gather data from which their adjusted taxes for fiscal year 1971 may be determined.
>
> This information is expected to become available by the end of October 1972. It is intended that this information be used in the allocation of funds between county governments and local governments (and as one of the elements in the allocation of funds among local governments) for the fiscal year 1973 entitlement period. If this information is not available early enough, then it may be that the first quarterly installment of the fiscal year 1973 entitlement period may have to be paid in accordance with estimates based on the 1967 data. In such a case, the subsequent installments are to be so adjusted that the total amounts paid for the fiscal year 1973 entitlement period are based upon the fiscal year 1971 data.
>
> The committee has further been informed that data relating to fiscal year 1972, derived from the regular 1972 Census of Governments, can be made available early in 1973. That information is to be used for determining allocations for the fiscal year 1974 entitlement period. Annual limited censuses are to provide this data for later years.
>
> The type of data used for the various sections of this subtitle, the data currently available, and the source and expected time at which later data is expected to be available is shown in Table 4 below.

TABLE 4.—H.R. 14370, DATA USED AND SOURCE OF DATA

Type of data	Bill section and use of data	Basic source of data	Data currently available	Date and source of later data
1. Resident population, money income	Sec. 104(a) and sec. 105(a) and (b) allocation among States, county areas, and local governments.	Bureau of the Census Decennial Census.	1970 population and urbanized population and 1969 money income (for places over 2,500; under 2,500 not published but available from the 1970 census).	Anticipated Census estimates of population and income based on income tax return data for local units and welfare recipients; data provided by HEW if feasible and at reasonable cost. Estimates if feasible, probably every 2 or 3 years.
2. Determination of eligible local governments	Sec. 105 allocation to local governments.	Bureau of the Census, Decennial Census and Census of Governments.	1967 Census of Governments and 1970 decennial census	Bureau of the Census, annual investigations, and local reports of incorporations, annexations, etc.
3. Adjusted taxes (all taxes minus those for education), intergovernmental transfers.	Sec. 104(a) and sec. 105(a) and (b) division among county government, all cities, and all townships and allocation among county areas and among local governments, sec. 105(b)(4)(C) limitation.	Bureau of the Census, Census of Governments (complete coverage every 5 years).	Fiscal year 1967 taxes and taxes for education. Fiscal year 1967 intergovernmental transfers on Census tape.	Limited census of all local governments for fiscal year 1971 taxes and education taxes and intergovernmental transfers in process. Results expected in October 1972. To be done annually.
4. State and local government tax collections, by State, fiscal year basis.	Sec. 104(a)(1) allocation among State areas	Bureau of the Census, Governmental finances, annual.	Fiscal year 1970	In September of each year the data for the prior fiscal year are to be available.
5. Personal income, by State	Sec. 104(a)(1) allocation among State areas	Department of Commerce, Survey of Current Business.	Fiscal year 1970	Data are generally available with about a 3-month lag.

I am confident that the Secretary of the Treasury will conform to this unanimity of congressional intent, and will indeed make every reasonable effort to utilize the most current statistical estimates possible in determining revenue-sharing allocations for every State, county area, and local government.

SENATOR METCALF REPORTS ON ESTIMATED REVENUE SHARING ALLOCATIONS FOR MONTANA

Mr. MANSFIELD. Mr. President, my distinguished colleague, Senator **Lee Metcalf**, has some remarks on revenue sharing allocations for Montana, which are as follows:

Mr. METCALF. Mr. President, the Joint Committee on Internal Revenue Taxation has recently made available the dollar allocations that local and State governments would receive under the revenue sharing legislation recently approved by the House-Senate conference committee.

It should be emphasized that the printout prepared for the joint committee is only an estimate of allocations to communities and counties with populations of 2,500 or more and should not be regarded as a final Treasury Department determination of the actual allocation of funds which will be made once the payment process begins. These figures provide, first, a general range estimate of what any particular community may expect to receive, and, second, provide a reasonable picture of the distributional relationship among various units of government within a State or within a county resulting from the application of the formula outlined in the legislation.

I am advised by the Treasury Department that there may be errors and omissions in this printout and that the Department is correcting the figures as quickly as possible. I am assured, however, that the figures appearing below give a reasonably good picture of the distribution of funds under the State and Local Fiscal Assistance Act of 1972, H.R. 14370.

Under the bill, Montana will receive $20.6 million in revenue sharing funds. This money will be divided between the State and local governments with $6.9 million going to the State, and $13.7 million allocated to local governments.

In order to make this important information available to my constituents in Montana, I append some data extracted from the supplemental report on H.R. 14370.

REVENUE SHARING FUNDS FOR MONTANA

[In dollars]

Total State grant to all locals	13,724,130
Amount returned to Montana State government is	0
Beaverhead County area	192,249
Beaverhead County govt	136,804
Total to all cities over 2,500	51,472
Total to all cities under 2,500	3,972
Total to all townships	0
Dillon City	51,472
Big Horn County area	219,945
Big Horn County govt	164,058
Total to all cities over 2,500	43,159
Total to all cities under 2,500	12,728
Total to all townships	0
City of Hardin	43,159
Blaine County area	192,779
Blaine County govt	145,385
Total to all cities over 2,500	0
Total to all cities under 2,500	47,394
Total to all townships	0
Broadwater County area	72,389
Broadwater County government	48,784
Total to all cities over 2,500	0
Total to all cities under 2,500	23,605
Total to all townships	0
Carbon County area	167,167
Carbon County government	130,224
Total to all cities over 2,500	0
Total to all cities under 2,500	36,943
Total to all townships	0
Carter County area	56,054
Carter County government	52,757
Total to all cities over 2,500	0
Total to all cities under 2,500	3,297
Total to all townships	0
Cascade County area	1,569,561
Cascade County government	927,387
Total to all cities over 2,500	626,748
Total to all cities under 2,500	15,426
Total to all townships	0
Great Falls City	626,748
Chouteau County area	157,672
Chouteau County government	138,793
Total to all cities over 2,500	0
Total to all cities under 2,500	18,879
Total to all townships	0
Custer County area	245,091
Custer County government	166,482
Total to all cities over 2,500	78,262
Total to all cities under 2,500	347
Total to all townships	0
Miles City City	78,262
Daniels County area	88,351
Daniels County government	69,232
Total to all cities over 2,500	0
Total to all cities under 2,500	19,119
Total to all townships	0
Dawson County area	322,941
Dawson County government	234,958
Total to all cities over 2,500	82,870
Total to all cities under 2,500	5,113
Total to all townships	0
Glendive City	82,870
Deer Lodge County area	448,546
Deer Lodge County government	305,423
Total to all cities over 2,500	143,123
Total to all cities under 2,500	0
Total to all townships	0
Anaconda City	143,123
Fallon County area	116,063
Fallon County government	93,870
Total to all cities over 2,500	20,680
Total to all cities under 2,500	1,513
Total to all townships	0
Baker City	20,680
Fergus County area	274,373
Fergus County government	181,750
Total to all cities over 2,500	80,298
Total to all cities under 2,500	12,325
Total to all townships	0
Lewistown City	80,298
Flathead County area	550,440
Flathead County government	355,943
Total to all cities over 2,500	194,497
Total to all cities under 2,500	0
Total to all townships	0
Columbia Falls Town	37,443
Kalispell City	100,224
Whitefish City	56,831
Gallatin County area	464,013
Gallatin County government	292,694
Total to all cities over 2,500	145,514
Total to all cities under 2,500	25,806
Total to all townships	0
Bozeman City	145,514
Garfield County area	51,469
Garfield County government	48,687
Total to all cities over 2,500	0
Total to all cities under 2,500	2,782
Total to all townships	0
Glacier County area	309,013
Glacier County government	224,842
Total to all cities over 2,500	59,085
Total to all cities under 2,500	25,086
Total to all townships	0
City of Cut Bank	59,085
Golden Valley County area	26,680
Golden Valley County government	24,409
Total to all cities over 2,500	0
Total to all cities under 2,500	2,271
Total to all townships	0
Granite County area	78,435
Granite County government	82,411
Total to all cities over 2,500	0
Total to all cities under 2,500	16,024
Total to all townships	0
Hill County area	348,249
Hill County government	241,184
Total to all cities over 2,500	104,473
Total to all cities under 2,500	2,593
Total to all townships	0
City of Havre	104,473
Jefferson County area	141,050
Jefferson County government	123,053
Total to all cities over 2,500	0
Total to all cities under 2,500	37,997
Total to all townships	0
Judith Basin County area	76,429
Judith Basin County government	70,060
Total to all cities over 2,500	0
Total to all cities under 2,500	6,369
Total to all townships	0
Lake county area	387,313
Lake county government	334,074
Total to all cities over 2,500	0
Total to all cities under 2,500	53,239
Lewis Clark county area	480,275
Lewis Clark county government	269,275
Total to all cities over 2,500	196,712
Total to all cities under 2,500	14,288
Total to all townships	0
Helena City	196,712
Liberty county area	67,603
Liberty county government	55,753
Total to all cities over 2,500	0
Total to all cities under 2,500	11,850
Total to all townships	0
Lincoln county area	137,823
Lincoln county government	94,027
Total to all cities over 2,500	24,942
Total to all cities under 2,500	18,855
Total to all townships	0
Libby city	24,942
McCone County area	67,862
McCone County government	58,567
Total to all cities over 2,500	0
Total to all cities under 2,500	9,274
Total to all townships	0
Madison County area	77,356
Madison County government	63,655
Total to all cities over 2,500	0
Total to all cities under 2,500	13,701
Total to all townships	0
Meagher County area	60,811
Meagher County government	45,267
Total to all cities over 2,500	0

REVENUE SHARING FUNDS FOR MONTANA—Con.

[In dollars]

Total to all cities under 2,500	15,544
Total to all townships	0
Mineral County area	65,455
Mineral County government	56,393
Total to all cities over 2,500	0
Total to all cities under 2,500	9,063
Total to all townships	0
Missoula County area	534,794
Missoula County government	248,553
Total to all cities over 2,500	286,241
Total to all cities under 2,500	0
Total to all townships	0
Missoula city	286,241
Musselshell County area	107,007
Musselshell County government	77,498
Total to all cities over 2,500	0
Total to all cities under 2,500	29,509
Total to all townships	0
Park County area	271,868
Park County government	156,309
Total to all cities over 2,500	111,603
Total to all cities under 2,500	3,956
Total to all townships	0
Livingston city	111,603
Petroleum County area	19,344
Petroleum County government	19,344
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	0
Phillips County area	154,349
Phillips County government	127,815
Total to all cities over 2500	0
Total to all cities under 2500	26,534
Total to all townships	0
Pondera County area	189,454
Pondera County government	146,770
Total to all cities over 2500	34,562
Total to all cities under 2500	8,123
Total to all townships	0
Conrad city	34,562
Powder River county area	50,235
Powder River county govt	45,063
Total to all cities over 2500	0
Total to all cities under 2500	5,171
Total to all townships	0
Powell County area	157,419
Powell County govt	131,682
Total to all cities over 2500	25,738
Total to all cities under 2500	0
Total to all townships	0
Deer Lodge city	25,738
Prairie County area	50,208
Prairie County government	44,134
Total to all cities over 2,500	0
Total to all cities under 2,500	6,074
Total to all townships	0
Ravalli County area	283,893
Ravalli County government	219,036
Total to all cities over 2,500	0
Total to all cities under 2,500	64,858
Total to all townships	0
Richland County area	248,865
Richland County government	193,948
Total to all cities over 2,500	45,370
Total to all cities under 2,500	9,547
Total to all townships	0
Sidney City	45,370
Roosevelt County area	297,034
Roosevelt County government	204,862
Total to all cities over 2,500	45,622
Total to all cities under 2,500	46,551
Total to all townships	0
Wolf Point City	45,622
Rosebud County area	172,862
Rosebud County government	152,005
Total to all cities over 2,500	0
Total to all cities under 2,500	20,857
Total to all townships	0
Sanders County area	203,267
Sanders County government	174,132
Total to all cities over 2,500	0
Total to all cities under 2,500	29,135
Total to all townships	0
Sheridan County area	90,521
Sheridan County government	85,393
Total to all cities over 2,500	0
Total to all cities under 2,500	5,128
Total to all townships	0
Silver Bow County area	1,141,256
Silver Bow County government	809,416
Total to all cities over 2,500	316,961
Total to all cities under 2,500	14,880
Total to all townships	0
Butte City	316,961
Stillwater County area	106,774
Stillwater County government	90,323
Total to all cities over 2,500	0
Total to all cities under 2,500	16,452
Total to all townships	0
Sweet Grass County area	85,399
Sweet Grass County government	70,517
Total to all cities over 2,500	0
Total to all cities under 2,500	14,882
Total to all townships	0
Teton County area	162,504
Teton County government	132,673
Total to all cities over 2,500	0
Total to all cities under 2,500	29,832
Total to all townships	0
Toole County area	167,331
Toole County government	137,900
Total to all cities over 2,500	23,092
Total to all cities under 2,500	6,339
Total to all townships	0
Shelby City	23,092
Treasure County area	28,644
Treasure County government	25,063
Total to all cities over 2,500	0
Total to all cities under 2,500	3,580
Total to all townships	0
Valley County area	223,580
Valley County government	208,451
Total to all cities over 2,500	0
Total to all cities under 2,500	15,129
Total to all townships	0
City of Glasgow	12,884
Wheatland County area	72,475
Wheatland County government	58,507
Total to all cities over 2,500	0
Total to all cities under 2,500	13,968
Total to all townships	0
Wibaux County area	41,983
Wibaux County government	40,447
Total to all cities over 2,500	0
Total to all cities under 2,500	1,536
Total to all townships	0
Yellowstone County area	1,349,606
Yellowstone County government	652,097
Total to all cities over 2,500	696,212
Total to all cities under 2,500	1,297
Total to all townships	0
Billings City	637,296
Laurel City	58,916

FUNDING FOR ANTIPOVERTY PROGRAMS

Mr. JAVITS. Mr. President, on October 6, 1972, I appeared before the Subcommittee on Labor-HEW Appropriations of the Senate Committee on Appropriations urging funding of $2,253,300,000 during fiscal year 1973 for our antipoverty efforts. This is the full basic amount authorized under the Economic Opportunity Amendments of 1969 signed by the President on September 19, 1972.

The amount of my request exceeds by $254,096,000 the amount requested by the administration.

During my testimony, I gave particular attention to two programs of high priority where there are very special needs to be met in this fiscal year: community economic development, and legal services.

For community economic development I requested an appropriation of $69.7 million or $39 million above the administration's request. For legal services I requested $94,346,000 or $22,846,000 above the administration's budget submission.

Moreover, I requested that the committee provide an additional $24.8 million for community action programs generally in order to distribute to Puerto Rico the amount which it is entitled as a "State" without cutting back on the funds available to the 50 States generally.

Under the Economic Opportunity Amendments of 1972, as a result of a provision which I offered, Puerto Rico was given that classification for the purposes of distribution of funds under title II of the Economic Opportunity Act of 1964.

Mr. President, as the ranking minority member of the Committee on Labor and Public Welfare, and as a conferee on the authorization legislation, I consider it extremely important that the 2-year extension contained in the 1972 amendments be backed with appropriations and translated into new effective means to eliminate poverty.

I ask unanimous consent that my testimony, together with supporting documents showing needs on a regional and State basis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JACOB K. JAVITS

Mr. Chairman, I appear before the Subcommittee to urge full funding for the programs conducted under the Economic Opportunity Act of 1964 during fiscal year 1973, essentially at the levels of authorization contained in the Economic Opportunity Amendments of 1972, signed by the President on September 19 and to urge earmarking for two programs of particular concern—community development and legal services.

The new two-year extension—which I cosponsored with Senator Nelson in the Senate—authorizes a basic total of $2,353,300,000 for programs under the Act, consisting of $40,000,000 for community action programs conducted by the Office of Economic Opportunity, $555 million for Headstart and Follow-through programs conducted by the Department of Health, Education and Welfare; $900.3 million for manpower training and work experience programs conducted by the Department of Labor, and $58 million for Domestic Volunteer programs conducted by the ACTION agency. This total exceeds by $254,096,000 the amount requested by the Administration for these programs during fiscal year 1973.

As a member of the recent House-Senate conference on the OEO extension and the ranking minority member of the Committee on Labor and Public Welfare, I want to emphasize that these levels are "floors" as well as "ceilings"; in fact the Conference, on recommittal of the bill by Senator Nelson and myself, pared these amounts down considerably from those previously agreed to by the Conference to meet the Administration's fiscal concerns; the previous Conference action would have provided $676 million above the total authorized in the bill signed into law by the President.

Accordingly, these are not "pie in the sky" estimates but the very minimal required if we are to translate the new national commitment presented by the two-year extension into effective means to eliminate poverty.

The fact is that under the Administration's requests alone we will reach a very small portion of the need.

With respect to manpower training programs, the Department of Labor advises that programs under the Economic Opportunity Act of 1964 and the Manpower Development and Training Act—for example JOBS, New Careers, Mainstream, and Neighborhood Youth Corps—will provide only 1,043,100 annual training slots—reaching less than one-twelfth of the target group.

In the Headstart and Follow-through Programs—which concentrate on the very young, we can provide services to less than one-third of the children who should benefit from them.

And without additional funds for the essential community action programs we will just dent the surface of the need. For example, in the Senior Opportunities and Services program we will reach only 14 percent of the need; in family planning: 12 percent; in Emergency Food and Medical: 6 percent and in Comprehensive Health Services: 8 percent.

These are not my estimates; they are the estimates of the Office of Economic Opportunity.

I ask unanimous consent that a chart showing the percentage of the target population to be reached in each major program be inserted at this point in the hearing record together with a table indicating the levels authorized and requested in respect to each program for fiscal year 1973 compared with fiscal 1972.

The same holds true in the ACTION programs—such as Vista—where we have yet to mobilize individuals and organizations in the Nation to mount the kind of volunteer effort that is truly necessary.

Mr. Chairman, while all these items are essential, I wish to concentrate my remarks on two basic programs which I believe have proven themselves as particularly cost-effective anti-poverty efforts, and where there are very special needs.

Funding for both of these programs—Community Economic Development and Legal services—is authorized under Section 3(c) of the Amendments of 1972, which provide a total authorization of $840 million for fiscal year 1973; this amount exceeds by $80 million the $760 million requested by the Administration.

I appear before you this morning to request that the Subcommittee appropriate the full amount of the $840 million and earmark within that amount $69,750,000 for Community Economic Development under Title VII of the Economic Opportunity Act and $94,346,000 for the Legal Services programs.

For Community Economic Development, my request exceeds by $39,050,000, the $30,700,000 requested by the Administration.

For legal services, my request exceeds by $22,846,000, the $71,500,000 requested by the Administration. In that connection, I should note that under Section 3(c)(2) of the authorizing legislation, the basic amount of $71,500,000 has already been reversed from the $840,000,000 authorized for community action programs generally.

In summary, our requests for these two programs would, in the aggregate, require appropriations of $61,896,000 above the Administration's budget submissions.

The basis for these requests is as follows:

COMMUNITY ECONOMIC DEVELOPMENT

The Economic Opportunity Amendments of 1972 added a new title VII, "Community Economic Development" to the Economic Opportunity Act.

This new title—which I co-authorized with Senator Kennedy and Senator Nelson, the Chairman of the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare—is designed to support the efforts of community economic development corporations and rural cooperatives, in working with the private sector to reduce poverty in low-income urban and rural areas.

The new authority brings together programs previously conducted under Title ID, "Special Impact" which the late Senator Robert Kennedy and I added to the Economic Opportunity Act in 1967, taking as our model a very successful program in Bedford-Stuyvesant in New York.

Mr. Chairman, our request—which I make on behalf of myself and Senators Nelson and Kennedy—consists of three basic elements as follows:

$64,900,000 merely to implement the completed plans of 39 existing community development corporations to be funded under Part A of the new title; these programs are currently funded under title ID of the Act, Special Impact. The $63,900,000 includes $43,200,000 for urban grantees, $17,100,000 for rural grantees, and $4,600,000 for support activities, such as training, technical assistance, evaluation and research.

$3,850,000 for the maintenance of rural cooperatives projects under Part B of the new title and related rural projects. These activities are currently funded under Section 232 of the Economic Opportunity Act (research and development) and title III a (rural loans) respectively.

$1,000,000 for the revolving loan fund to be established under Part C of the new title VII.

These essential needs are documented on a project and item basis in a letter dated September 25, 1972 to me from the Center for Community Economic Development, Cambridge, Massachusetts, based on a survey conducted at my request. The Center is a non-profit organization chartered to provide policy research and information with respect to community economic development programs.

I ask that this letter from Geoffrey Faux, Executive Director of the Center for Community Economic Development, together with tables and charts be included in the Hearing Record.

As a co-author of the new title, I believe that the activities conducted thereunder have already been proven under existing law as extremely cost-effective means of dealing with the problems of poverty and decay in our inner cities and depressed rural areas.

In a 1971 task force report, the Twentieth Century Fund of New York concluded on the basis of a review of these programs that:

Community Economic Development Corporations have demonstrated: "unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area."

The program in Bedford-Stuyvesant, New York—upon which the original Kennedy-Javits title I D was based—is particular testimony to the effectiveness of the program. For a $25 million federal investment during the first four years the Bedford-Stuyvesant program can directly point to over $31 million in non-federal loans and investments, to increased payrolls of over $25 million per year, to private contributions of $8.5 million and to investments in real estate and other assets of $12 million.

This experience is borne out throughout the Nation. ABT Associates of Cambridge, Massachusetts, which has just completed a study of the existing 39 Community Development Corporations concludes that every dollar of Federal money has generated 80 cents in private and 17 cents in "other public" investment, roughly doubling the return.

Thus, we urge the Subcommittee to consider our request for $69,750,000 as one that will be worth at least twice its cost as an anti-poverty effort.

LEGAL SERVICES PROGRAM

Second, on behalf of Senator Case, Senator Mondale, Senator Cranston, Senator Nelson and myself I request an earmarking of $94,346,000 for the legal services program.

Mr. Chairman, one of the greatest disappointments in the recent Conference on the Economic Opportunity Amendments of 1972 was the decision to drop from the bill the new proposal for a National Legal Services Corporation, which had the general support of the Congress and the Administration.

Despite this accord on the desire to expand the program and raise its status by putting it into a non-profit corporation, we just could not reach agreement on key elements, such as the composition of the Board of Directors and related questions of organization.

But notwithstanding that fact, the Conferees did express their support for the existing program and their desire to see it expanded.

The statement of the Conferees appearing at page 26 of the Joint Explanatory Statement of the Conferees (Report No. 92–1086) states:

"The Conferees continue to strongly support the existing legal services program . . . and intend to continue to seek . . . appropriate means of expanding the program . . . to provide the poor greater access to our system of justice under law."

Mr. Chairman, the needs of the program during fiscal year 1973 have been carefully defined by a survey conducted by the National Legal Aid and Defenders Association, at my request.

The NLADA—which is made up of distinguished members of the bar reports that "a total of $94.346 million may be effectively utilized"—and I emphasize those words—"toward meeting basic minimal needs."

This consists of $77,030,000 for projects in the field and $17,316,000 for administration, research and development, support and evaluation and technical assistance.

They are documented on a state, regional and item basis in a letter dated October 2, 1972 from Frank N. Jones, Executive Director of the National Legal Aid and Defender Association.

The letter includes in each case the comparable budget allocation for fiscal year 1973, and the amounts made available in fiscal year 1972 and the amounts needed to maintain programs at the current level throughout the remainder of this fiscal year.

To merely maintain programs at current levels, the National Legal Aid and Defender Association indicates that $78,622,000 would be necessary; this would exceed by $7,150,000 the amount reserved.

I ask unanimous consent that the letter be printed in the Hearing Record.

PUERTO RICO

The 1972 Amendments included a provision which I sponsored, making Puerto Rico a "state" beginning in fiscal year 1973 for the purposes of the allocation of funds under Title II of the Economic Opportunity Act; previously Puerto Rico shared in a 2 percent "set-aside" with Guam, the Virgin Islands, Samoa, and the Trust Territory of the Pacific.

This will be of great and deserved benefit to Puerto Rico—which has a high incidence of poverty.

However, in order to make available to Puerto Rico its new entitlement, the Administration will have to reallocate funds under Title II which it had planned to make available under its budget requests to a number of other states, in many cases causing a reduction in the programs of those states from the amounts allocated in previous years.

The Administration advises me that as much as $24,800,000 will have to be cut from the ongoing programs in twenty-one states.

These cuts would be made in the community action programs conducted by the Office of Economic Opportunity—such as legal services, senior opportunities and health programs—and in the Headstart program, which is also authorized under Title II of the Economic Opportunity Act, but administered by the Department of Health, Education and Welfare pursuant to a delegation agreement from OEO.

However, the Administration has not yet determined the relative amounts by which it will increase the Headstart program as opposed to community action programs in Puerto Rico in order to provide the aggregate to which Puerto Rico is entitled; thus it is not known what additional amounts may be necessary in one program, as opposed to the other to prevent cuts.

This would seem to create a problem for the Subcommittee since the authorizations for the Headstart programs on the one hand, and community action programs on the other are contained in different sections of the Economic Opportunity Amendments of 1972; the former is authorized under Section 3 (b) while the latter, as I noted, are authorized under Section 3(c).

I have requested from the Administration a revised budget submission indicating the relative amounts of appropriations which should be added for community action programs generally as opposed to the Headstart program in order to provide the aggregate of $24,800,000 which is required.

And I shall submit that statement to the Subcommittee prior to its action in executive session on this supplemental bill, so that it will have the opportunity to take appropriate action in this regard.

Mr. Chairman, in closing, the two-year extension contained in the Economic Opportunity Act Amendments of 1972 constitutes a new mandate—concurred in by the Administration and the Congress alike for the Office of Economic Opporunity and the other Federal departments and for community action agencies on the local level to continue efforts to erase the chronic condition of poverty which continues to grip 24 million of our citizens.

It is essential that we couple this action in respect to the authorizing legislation with the provision of adequate resources to do the job at the levels authorized.

I shall appreciate every consideration to these requests.

UNIVERSE OF NEED ESTIMATES AND PERSONS-SERVED FIGURES—OEO OPERATIONAL PROGRAMS

Program	Universe of need (estimate)	Persons served (and percent of universe of need)					
		Fiscal year 1971		Fiscal year 1972 (estimate)		Fiscal year 1973 (estimate)	
		Number	Percent	Number	Percent	Number	Percent
1. Community action operations:							
(a) Local initiative	[1] 25,600,000	[2] 8,000,000	31	[2] 8,100,000	32	[2] 8,300,000	32
(b) Senior opportunities and services	[3] 5,900,000	800,000	14	800,000	14	800,000	14
(c) Training and technical assistance, State economic opportunity offices	NA	NA		NA		NA	
2. Health and nutrition:							
(a) Family planning	[4] 2,800,000	500,000	18	522,000	19	326,000	12
(b) Emergency food and medical services	[5] 4,000,000	[6] 3,119,000	78	[6] 1,559,000	39	[6] 235,310	6
(c) Drug rehabilitation	[5] 120,000	[7] 12,000	10	[7] 16,000	13	[7] 18,000	15
(d) Comprehensive health services	[1] 25,600,000	[7] 1,580,000	6	[7] 2,324,000	9	[7] 2,124,000	8
(e) Alcoholic counseling	[5] 800,000	[8] 75,000	9	[8] [9] 12,000	1½		
3. Special impact	NA	NA		NA		NA	
4. Migrants and seasonal farmworkers	[5] 3,900,000	405,000	10	450,000	12	450,000	12
5. Legal services program	[5] 5,000,000	[10] 1,000,000	20	[10] 1,100,000	22	[10] 1,200,000	24

NA Not available or not applicable.

[1] Total number of persons in poverty, calendar year 1971.

[2] Number of persons served by Community Action Agency neighborhood service systems.

[3] Number of persons aged 60 or over in poverty, calendar year 1970 (calendar year 1971 figure not yet available).

[4] A study done by Planned Parenthood estimated that in 1969 there were about 5,000,000 low-income women in need of family planning services. However, only about 2,700,000 of these women were actually below the poverty threshold and thus eligible for the OEO Family Planning program. (The rest were between 100 percent and 150 percent of the poverty threshold.) The 2,700,000 figure was adjusted slightly upward to reflect (to a 1st approximation) the shift in the total poverty population from calendar year 1969 to calendar year 1970.

[5] From "Universe of Need Data for Selected EOA Programs (Aug. 11, 1970)," based on data compiled from "Justification of Appropriation Estimates—Fiscal Year 1971," prepared for the congressional committees on appropriations, May 1970.

[6] Includes Indian, migrant, and other headquarters-funded projects.

[7] Capacity of approved projects.

[8] Project capacity (families).

[9] Estimate for Indian projects only (these being the only alcoholic counseling fundings reflected in the appropriation justification).

[10] Cases handled.

Note: It should be noted that OEO programs are not necessarily the only Federal programs serving a given universe of need. This is particularly true in the case of family planning and comprehensive health services, where the decrease in numbers reflects the transfer of projects to HEW funding. The persons served will continue to be served, but will appear in HEW program figures rather than in OEO program figures.

It should also be noted that a person may be served by more than one program. Accordingly the figures given for individual programs cannot be added to yield an unduplicated total of persons served.

OFFICE OF ECONOMIC OPPORTUNITY—FISCAL YEAR 1973 BUDGET REQUEST COMPARED WITH FISCAL YEARS 1971 AND 1972

[In millions of dollars]

	Fiscal year—		
	1971 actual obligation	1972 actual obligation	1973 estimate NOA
I. Office of Economic Opportunity	880.0	699.9	757.2
A. Research, development, and evaluation	84.1	50.9	67.1
1. Operations	78.6	44.2	60.8
2. Program administration	5.5	6.7	6.3
B. Community action operations	410.2	348.4	378.5
1. Local initiative (includes Indians)	355.9	298.2	328.9
2. Training and technical assistance	17.3	11.4	11.0
3. State economic opportunity offices	12.3	12.1	12.0
4. Senior opportunities and services	8.0	8.0	8.0
5. Program administration (includes Indians)	16.7	18.7	18.6
C. Health and nutrition	194.8	157.1	154.8
1. Family planning	18.8	23.9	15.0
2. Emergency food and medical services	48.6	3.5	4.0
3. Drug rehabilitation	13.3	18.0	23.0
4. Comprehensive health	98.7	106.7	95.0
5. Alcoholic counseling	12.0	1.9	14.4
6. Program administration	3.4	3.1	3.4
D. Community economic development	[1] 37.1	[1] 26.9	30.7
1. Operations	36.4	26.1	30.0
2. Program administration	.7	.8	.7
E. Migrant programs	36.1	36.1	36.0
1. Operations	35.1	35.1	35.0
2. Program administration	1.0	1.0	1.0
F. Legal services	61.2	61.9	71.5
1. Operations	58.9	59.6	
2. Program administration	2.3	2.3	
G. VISTA	37.8	(2)	
1. Operations	29.6		
2. Program administration	8.2		
H. General support	18.7	18.6	18.6
II. Department of Health, Education, and Welfare	431.4	3.0	3.0
A. Headstart	360.0	(2)	
B. Follow Through	68.4	(2)	
C. NCAA—Summer youth program	3.0	3.0	3.0

	Fiscal year— 1971 actual obligation	Fiscal year— 1972 actual obligation	Fiscal year— 1973 estimate NOA
III. Department of Agriculture	9.4		
A. Rural economic opportunity loans	3.4		
B. Program administration	6.0		
IV. ACTION		[3] 37.8	
A. VISTA programs		37.8	
V. Unobligated balances	2.6	1.6	
Total appropriation	1,323.4	742.3	760.2
Supplemental appropriation for emergency food and medical services		[4] 20.0	[5] (20.0)

[1] Represents the special impact program for these fiscal years.
[2] Appropriated to DHEW in 1972.
[3] Transferred to ACTION in 1972.
[4] Available for obligation through Sept. 30, 1972.
[5] Nonadd to indicate that unobligated balance is available through Sept. 30, 1972 of fiscal year 1973.

CENTER FOR COMMUNITY
ECONOMIC DEVELOPMENT,
Cambridge, Mass., September 25, 1972.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of September 4 requesting a survey of the minimal financial needs of grantees of the Special Impact Program and related activities to be conducted under "Title VII—Community Economic Development", added to the recent Economic Opportunity Act of 1964 by recent amendment.

The information herein is based upon a survey of Community Development Corporations and other grantees, discussions with OEO officials, an examination of the history of the funding of individual Community Development Corporations, and a review of the comprehensive evaluation of the Special Impact Program being conducted by ABT Associates of Cambridge, Massachusetts.

On the basis of our examination, we advise that merely to maintain the current level of operations of the 39 existing Community Development Corporations through fiscal year 1973 will require $40.2 million. Of this amount, urban grantees will require $24 million, rural grantees, $12.7 million, and support programs (training, technical assistance, evaluation and research) $3.5 million. The accompanying table contains our project-by-project estimates for this "maintenance" budget.

As you requested, we have also calculated the amounts necessary to provide sufficient resources to implement the completed plans of the existing Community Development Corporation. We estimate the total necessary for such an effort is $64.9 million, including $43.2 million for urban projects, $17.1 million for rural projects and $4.6 million for support programs. This "implementation" budget also is shown in detail on the accompanying table.

We have also made a calculation of the amount of appropriation necessary to maintain the activities of grantees, other than those supported by the Special Impact Program, whose programs are authorized by Title VII. These are principally rural cooperative projects now being supported out of funds allocated to Section 232 of the EOA (research and pilot programs). Should OEO continue to support these activities under Section 232, there would be no need to finance them under Title VII. There are six programs in that category whose maintenance requires $2.250,000 for fiscal year 1973.

In addition, there are two other items in the budget that must be covered under Title VII or out of Section 232. One item is the administrative expense of continuing to service past loans made by the Department of Agriculture under Title III–A revolving fund. The USDA estimates that this amounts to about $2.6 million for fiscal year 1973. Assuming that the final EOA appropriation bill permits the use of the $1 million in interest currently being earned by the fund to defray administrative expenses, the net cost for this year would be $1.6 million.

The other item is the cost of setting up a new system to administer the revolving loan fund authorized in Part C of Title VII and to be transferred from Title III–A. We are aware that OEO presently has plans for a program to design and implement such a system at an initial cost of $1 million. Since this is a pilot effort, it also could be justified under Section 232.

In summary, we estimate that to maintain the current Special Impact Program at its present level of effort would require $40.2 million. Adding the cost of new development projects ready for implementation by present grantees would bring the total to $64.9 million. Except to the extent that other programs authorized by Title VII can be financed under Section 232 or some other funding authority, maintaining such programs will require another $4.850 million to the total cost of Title VII programs for fiscal year 1973.

I hope this analysis has beer useful. I would be happy to answer any questions you or your staff might have.

Sincerely,

GEOFFREY FAUX,
Director.

FINANCIAL NEEDS OF EXISTING PROGRAMS NOW AUTHORIZED BY PROPOSED TITLE VII OF THE ECONOMIC OPPORTUNITY ACT

Program and location	Maintenance budget (millions)	Growth budget (millions)
Special impact:		
Brooklyn, N.Y	12.0	15.0
Trenton, N.J	1.0	4.5
Detroit, Mich	1.0	1.0
Memphis, Tenn	1.0	1.0
Cleveland, Ohio		4.0
Bronx, N.Y	1.0	1.0
East Los Angeles, Calif	1.0	1.0
Denver, Colo	1.0	2.5
Chicago, Ill		1.0
Durham, N.C		.5
Rochester, N.Y		.5
Kansas City, Mo		.5
San Antonio, Tex		.5
East Boston, Mass	1.0	1.5
Washington, D.C	.5	.8
St. Louis, Mo	.5	.9
Hawaii	1.0	1.0
Buffalo, N.Y		1.5
Roxbury, Mass	1.0	1.0
Nassau County, N.Y		1.0
Harlem, N.Y	2.0	2.5
Subtotal	24.0	43.2
Rural:		
Arkansas	1.2	1.5
Alaska	3.5	3.5
Georgia		.5
New Mexico	1.2	1.5
Kentucky	1.8	1.8
Washington		.5
Minnesota		.5
Florida	.8	1.0
Alabama	.8	1.0
Virginia	1.8	1.8
South Dakota		1.0
Wisconsin	.8	1.0
Mississippi		.5
Tennessee	.8	1.0
Subtotal	12.7	17.1
Training and technical assistance	2.5	3.0
Evaluation	.5	1.0
Research	.5	.6
Subtotal	3.5	4.6
Other title VII:		
Present R. & D. cooperatives	2.250	2.250
Marketing assistance		
Farmers Home Administration	1.6	1.6
Rural Development Program [1]	1.0	1.0
Subtotal	4.850	4.850

[1] Establishment of system to run rural development loan fund.

NATIONAL LEGAL AID AND
DEFENDER ASSOCIATION,
Washington, D.C. October 2, 1972.
Senator JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request, NLADA has completed an extensive survey and study of legal services programs conducted under Section 222(a)(3) and other sections, of the Economic Opportunity Act of 1964, in order to determine the total appropriation needed for fiscal year 1973.

On the basis of the responses to our survey of the existing 265 legal services programs, we estimate that a total of $94.346 million may effectively be utilized toward meeting basic minimal needs. This total exceeds by $25.784 million the $68.562 million made available during FY 1972, and is $22.846 million above the amount requested by the Administration for FY 1973, which we understand would be reserved under the proposed authorizing legislation, the Economic Opportunity Amendments of 1972.

The enclosed document shows this need on a regional and state-by-state basis.

It should be noted that the funds allocated by the Office of Economic Opportunity from current resources will fund most programs only on a ten-month, rather than a twelve-month, basis through the current fiscal year.

Our survey further indicates that to fund all programs at their current levels for a full twelve-month period, rather than for ten-months, during fiscal 1973, it would require a total appropriation of $78.622 million, or $7.16 million above the amount requested by the Administration.

Of course, this amount would not meet the documented minimal needs, but it would permit programs to continue through this entire fiscal year at the expenditure levels approved by OEO for this year. The documents enclosed also indicate those levels necessary to provide for such twelve-month funding on a regional and state basis.

We greatly appreciate very much your bringing these needs to the attention of Congress. In our opinion, it is important that we begin to more effectively meet needs under the existing programs now that the proposal for a National Legal Services Corporation has not been enacted.

We greatly appreciate your established leadership in support of these efforts to ensure that the poor have full access to the Nation's legal system.

Very truly yours,

FRANK JONES,
Executive Director.

Program	Amount necessary to meet basic minimal needs	Amount needed to fund at current level to full 12 month period (annualization)	Amounts made available during fiscal year 1972	Fiscal year 1973 projected budget allocations
Operations	$77.030	$64.192	$59.650	$61.0
Field programs	(68.332)	(56.841)	(53.690)	
Reginald Heber Smith	(6.301)	(5.251)	(4.007)	
Indian programs	(1.992)	(1.660)	(1.496)	
Other headquarters programs	(.528)	(.440)	(.457)	
Administration	$2.760	$2.300	$2.300	$2.3
Research and development	6.756	[1] 5.630	2.891	3.4
Training and support	5.400	4.500	3.221	4.0
Evaluation and technical assistance	2.400	[2] 2.000	.500	.8
Total	94.346	78.622	68.562	71.50

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[1] This includes a special $2,300,000 allocated to California for an experimental project, obligated in 1972 to come out of 1973 funds, plus annualization of present programs in the amount of $430,000.

[2] This increase is accounted for by OLS' 2-year funding of the technical assistance projects in 1971 that now are scheduled for refunding in 1973 (fiscal), and by the fact that less than ⅕ of the legal services programs were evaluated in 1972, being put off until fiscal 1973. The cost of a full cycle (100 percent) evaluation effort would, accordingly, be $1,500,000; the technical assistance cost is $500,000.

[3] These figures are NLADA projections based on expected available budget of $71,500,000 without a legal services corporation.

	Annualized cost to meet present need	Annualized cost present level	Budget allocation fiscal year 1972	Budget allocation fiscal year 1971
Region I:				
Connecticut	$1,773,173	$1,444,311	$1,436,407	$1,415,767
Maine	607,262	506,052	534,056	506,052
Massachusetts	3,005,460	2,504,550	2,184,386	2,411,240
New Hampshire	420,000	350,000	359,826	350,000
Rhode Island	552,000	460,000	470,309	460,000
Vermont	353,097	294,247	332,016	294,247
Total	6,710,992	5,559,160	5,317,000	5,437,306
Region II:				
New Jersey	3,439,900	2,866,584	2,840,282	2,842,694
New York	8,704,163	7,253,469	6,559,326	6,505,544
Puerto Rico	1,147,200	956,000	634,996	
Virgin Islands	115,200	96,000	96,000	
Total	13,406,463	11,172,053	10,133,000	9,348,238
Region III:				
Delaware	115,080	95,900	100,961	97,000
Maryland	604,800	504,000	(1)	642,478
Pennsylvania	2,367,253	1,972,711	2,117,253	1,983,927
Virginia	634,788	528,990	182,459	136,000
Washington, D.C.	1,292,400	1,077,000	1,148,000	1,777,208
West Virginia	341,200	284,334	298,173	274,948
	5,355,521	4,462,935	3,846,846	9,411,561
Region IV:				
Alabama	265,427	221,189	112,274	179,000
Florida	1,753,454	1,461,212	1,526,334	1,460,647
Georgia	1,219,620	1,016,350	738,350	1,017,543
Kentucky	413,416	344,514	404,214	344,514
Mississippi	825,898	688,248	629,628	697,688
North Carolina	384,835	320,695	356,449	362,287
South Carolina	452,574	377,145	356,430	376,771
Tennessee	731,484	609,570	527,320	262,114
Total	6,004,418	5,038,923	4,650,639	4,700,564
Region V:				
Illinois	3,208,155	2,673,463	2,645,073	2,829,723
Indiana	879,956	733,296	809,538	669,774
Michigan	3,332,071	2,776,725	2,382,650	2,999,386
Minnesota	482,180	401,816	401,262	410,502
Ohio	2,504,401	2,087,001	1,852,075	1,894,860
Wisconsin	1,007,209	839,341	814,402	839,341
Total	11,413,972	9,511,642	8,905,000	9,643,586
Region VI:				
Arkansas	$163,608	$136,340	$132,493	$130,176
Louisiana	985,311	821,093	816,532	757,065
New Mexico	397,920	331,600	259,668	325,789
Oklahoma	489,920	407,732	405,398	386,025
Texas	2,395,743	1,966,453	1,935,871	2,234,583
Total	4,431,861	3,693,218	3,549,962	3,833,638
Region VII:				
Iowa	602,760	502,300	422,244	480,094
Kansas	356,400	297,000	302,410	266,388
Missouri	1,184,400	987,000	1,007,296	977,296
Nebraska	433,200	361,000	306,050	320,999
Total	2,576,760	2,147,300	2,038,000	2,044,777
Region VIII:				
Colorado	1,258,759	1,048,965	967,800	942,000
Montana	548,400	457,000	640,238	457,177
North Dakota			(2)	
South Dakota			(3)	
Utah	307,200	256,000	259,336	259,000
Wyoming	120,000	100,000	95,410	94,000
Total	2,234,359	1,861,965	1,782,784	1,752,177
Region IX:				
Arizona	771,000	642,500	480,689	611,100
California	12,131,400	10,109,500	10,253,398	8,542,100
Hawaii	415,200	346,000	346,000	330,500
Nevada	191,040	159,200	158,915	136,700
Micronesia	720,000	600,000	600,000	
Total	14,228,640	11,857,200	11,839,000	9,620,400
Region X:				
Alaska	586,195	488,495	488,495	488,495
Idaho	160,004	133,336	112,085	129,525
Oregon	470,568	392,140	404,140	401,640
Washington	752,232	626,860	622,750	471,335
Total	1,968,999	1,640,831	1,627,470	1,490,995
Grand total, field operations	68,331,985	56,841,227	53,689,707	57,283,242

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(1) Bridged.

(2) Indian programs.

(3) Disaster relief.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This responds to your recent request for information concerning Title II (Community Action) funding for the Commonwealth of Puerto Rico. As you know, Section 12 of the Economic Opportunity Amendments of 1972 (Public Law 92–424) amended Section 225(a) and paragraph (1) of Section 609 of the Economic Opportunity Act to treat Puerto Rico as a State for purposes of distribution of Community Action funds, including funds for programs under both Section 221 ("Local Initiative") and Section 222(a) (Head Start, Legal Services, etc.). Applying most recent available Census information to the President's budget request, the Office of Economic Opportunity and the Department of Health, Education, and Welfare (which administers the Head Start program) must now provide $37.100 million in funding for the Commonwealth in FY 1973, instead of the $12.300 million previously contemplated. This leaves a net deficit of $24.800 million. When the Congress initially considered this legislation, the Administration advised that it would require a substantial cut-back of existing programs in many states in order to meet the new increases for Puerto Rico.

Shortly before Public Law 92–424 was signed into law, the Director of OEO wrote to the Secretary of the Department of Health, Education, and Welfare a letter recommending a joint task force to coordinate development of new projects for Puerto Rico. His letter and the Secretary's agreement are attached.

I will be leaving for Puerto Rico on October 10, 1972 to coordinate our efforts with local authorities.

I hope this information will be of assistance to you.

Sincerely,
WESLEY L. HJORNEVIK,
Deputy Director.

September 15, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The new authorization, H.R. 12350, contains an amendment to section 225(a) which will require us to treat Puerto Rico as a state for purposes of fair share statutory minimum of programs funded under actions 221–222 of the Economic Opportunity Act, as amended. Preliminary estimates indicates that this will require us to expand the 221–222 programs in Puerto Rico.

Such an expansion will not be accomplished without careful preparation as to funding conduits, technical assistance necessary to mount the new programs and careful selection of programs which it would be feasible to increase in Puerto Rico.

I recommend that we establish, as soon as practicable, a joint task force which can examine these and other related questions. The task force should be composed of programs and fiscal staff from both the Office of Economic Opportunity and the Office of Child Development. If you concur in this recommendation we should each appoint members no later than October 9, 1972 so that work can begin immediately.

Sincerely,

PHILLIP V. SANCHEZ,
Director.

Hon. PHILLIP V. SANCHEZ,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. SANCHEZ: Thank for your letter of September 15 concerning the need for cooperative planning between the Department of Health, Education, and Welfare and the Office of Economic Opportunity.

In dealing with the question of increasing the allocation of program funds to Puerto Rico, as authorized by H.R. 12350, I share your concern about the need for careful planning if the objectives of this authorization are to be achieved. I have therefore, asked Mr. Saul Rosoff, Acting Director, Office of Child Development, to appoint an appropriate staff to begin working immediately with your staff on this task.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

WILLIAM BENTON AND THE ENCYCLOPEDIA BRITANNICA

Mr. PERCY. Mr. President, I have been privileged to know William Benton for several decades through his close relationship with the University of Chicago. Others of my colleagues in the Senate served with him when he was here from 1949 to 1953. We know him as perceptive, articulate, keen witted, resourceful, dedicated, possessed of unbounding energy and enthusiasm, loving life and every good thing in it, devoted to his family and friends.

The story of how Bill Benton provided to the University of Chicago the greatest single source of funds, $43 million to date, besides those funds provided by its founder, John D. Rockefeller, is well known to my fellow trustees at the University of Chicago, but not as well known to others outside the university family circle. Because this story is one that should be told, as it provides a suggestion for a continuing source of funds to institutions of higher education, to other administrations and boards of directors, as well as potential benefactors, I ask unanimous consent that the most recent article on this remarkable development involving two remarkable men, Senator William Benton and Gen. Robert E. Wood, that appeared in the Chicago Tribune Sunday, October 8, 1972, be incorporated in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIFT RETURNS $43 MILLION—U.C. AIDE'S ACTION SAVES BRITANNICA BONANZA

(By John H. Thompson)

That's the way it was 30 years ago when the University of Chicago nearly committed a costly error. For fear they might become personally liable if a risky and inappropriate business gamble failed, the university trustees almost blew their chance to place the university imprimatur on the Encyclopaedia Britannica, Inc., the greatest of all English language reference works, when it was offered to the Midway scholars by the late Gen. Robert E. Wood, chairman of the board of Sears, Roebuck & Co.

As it is, Gen. Wood's offer was saved only in the nick of time by William Benton, then a vice president of the university, who put up $100,000 of his own money for operating expenses. This advance enabled the institution to accept the gift which, since 1943, has returned $43 million to the university.

As Dr. Robert M. Hutchins, the university's former president, predicted at the time, the returns to the university in prestige value and educational merit have been incalculable.

TRANSFER WAS COMPLETE

Transfer of this repository of human knowledge from the Chicago mail order house to one of the nation's most renowned universities was a remarkable achievement.

Indeed, few details of this bit of history were known to many of the university's present board of trustees until Herman Dunlop Smith, chairman of the trustees' committee on the Britannica, recently circulated a memorandum describing the event. It was prepared by Herman Kogan, author of "The Great EB" [University of Chicago Press, 1958], a history of the Encyclopaedia Britannica, from its founding in Edinburgh by a Scottish printer in 1768.

As reconstructed by Smith, retired board chairman of Marsh & McLennan Inc., who first heard about it from Hutchins and Benton, the subject of the encyclopedia's future came up unexpectedly during a luncheon conversation between Benton and Gen. Wood at the Chicago Club, Dec. 9, 1941, two days after the Japanese attack on Pearl Harbor.

SUBJECT IS CHANGED

"Changing the subject as they lingered over their coffee," recalled Smith, "Bill Benton asked General Wood if he did not think it unsuitable for a mail order house to own the Encyclopedia Britannica, particularly in war time. [Sears had acquired it in 1920.]

"General Wood agreed, even tho sales of the Encyclopedia would earn some $300,000 before taxes for his company that year. In fact, the general said that Sears never should have acquired the publishing enterprise in the first place.

'That was all the opening Benton needed. He reminded the general that universities don't have much money, that they can't buy businesses, and asked, 'Why don't you make a gift of the Britannica to the University of Chicago?' "

There was a long silence after this, as the two men made their way down stairs to their waiting automobiles. At the curb, Gen. Wood turned back to the university vice president and remarked, "All right, Bill. I'll give you the Britannica."

And he did. But it wasn't easy.

The effort involved persuading university trustees, most of them hard-nosed businessmen, to gamble on publishing an encyclopedia under wartime restrictions. It meant trying to raise funds in a tight money market for operating expenses and to finance purchase of the Britannica, because Gen. Wood's first offer required the university to come up with $300,000 to buy the Britannica book inventory.

"By the end of the year several things had happened," Smith recalled during an interview in his office. "General Wood progressively liberalized his offer until it was completely free of all financial restrictions—a true corporate gift without strings.

GET AN EXEMPTION

"The government agreed to exempt educational books such as a set of the encyclopedia from the wartime ban on installment buying—which could have crippled Britannica sales. Bill Benton exhausted all his outside sources of financing the encyclopedia's purchase or its operation as a university enterprise. And the trustees at long last agreed it was in the best interests of the university to acquire the Britannica and turn its management and control entirely over to Benton."

Refreshing his memory with the Kogan memorandum, Smith said it was difficult to tell which was more frustrating for the ebullient Benton, an optimist by nature: trying to crack the tough nuts on the university board of trustees or the equally tough nuts in the business world, before Gen. Wood's offer expired Feb. 1, 1943.

PUBLISHERS ARE COOL

Benton failed to interest the Rockefeller Foundation in supplying the $300,000, even tho the University of Chicago was founded by John D. Rockefeller. He failed with Lessing Rosenwald, son of the Sears founder.

Benton failed with his former employer, Albert D. Lasker, the advertising genius, and such giants of the publishing world as Henry Luce, of Time magazine, and De Witt Wallace of the Readers Digest.

Indeed, the only publisher who seemed to think the plan workable and profitable, according to Benton was Col. Robert R. McCormick, the late editor and publisher of The Chicago Tribune. The colonel, however, did not want to make a direct gift to the university, then in his bad graces.

"As for the trustees," as Smith remembers, "they were largely skeptical of the whole enterprise. Key trustees, such as the chairman, Harold H. Swift, the meat packer, had been kept closely informed of all the developments from the start. The rest of us were notified officially by Hutchins at a board meeting June 11, 1942. And the big debate was on.

PRESTIGE IS STRESSED

"Hutchins stressed the prestige and educational merit that would accrue to the university thru placing its imprimatur on the Encyclopedia Britannica. Benton, while not ignoring the business risks, emphasized that acquisition of such a going concern as Britannica offered the university a chance to make considerable profits, which could be used to strengthen the faculty, the curriculum and our research facilities.

"On the other side were several trustees who were downright suspicious of the bounty being offered. Some considered the Britannica a 'dead horse,' remembering how near it came to ruin in earlier years. Some thought we could lose our shirts if the government prohibited customers from buying the encyclopedia sets on time.

"Some feared that the encyclopedia publishing business was just too volatile and speculative for the university to get into, and that if we did we might become 'the dead hand of disaster on its neck,' as one trustee called it. Others thought that tactics of high pressure encyclopedia salesmen might become an embarrassment to the university."

NEAR DUMPING IT

Thus, as Smith remembers the events, the trustees were fast approaching a decision to dump the entire project when two events transpired to change the picture completely as the year of 1942 drew to a close.

On Dec. 9, one year to the day of that Chicago Club luncheon, Gen. Wood informed Benton that his firm's board of directors had decided to make the university a complete gift of the Britannica, "lock, stock, and barrel," because of Sears' high position in the excess profits tax bracket.

BENTON GETS REINS

The other event occurred a few days earlier when Benton, fearing that the trustees would reject Gen. Wood's offer, proposed to put up his own $100,000 as working capital, and become board chairman of Encyclopedia

Britannica, Inc., taking full responsibility for its management and development.

President Hutchins and Chairman Swift jointly told the trustees, said Smith, that if they accepted this alternative proposal, Benton should be given the majority stock interest in the enterprise. Happy to escape the risk of running the Britannica themselves, the trustees quickly accepted Gen. Wood's offer and the full Benton proposal.

They also set up a liberal schedule of royalty and other financial payments to the university in return for its imprimatur and the contributions of its scholars.

"Gen. Wood once sent word to the trustees, then still considering his first offer," Smith recalled, "saying they should realize that his gift of the Britannica amounted to a $5-million gift.

"That remark surely must rank as the understatement of the century. The university has received $43 million from Britannica in the form of various financial returns."

VIEWS OF CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

Mr. DOLE. Mr. President, I call the Senate's attention to the views of the Czechoslovak National Council of America which is located in Cicero, Ill. This organization has found the foreign policy of our Nation in seeking a generation of peace for all the peoples of the world to be highly commendable and in accord with the feelings of Americans of Czech and Slovak heritage.

In considering the issues of importance to international relations the council has suggested an interesting approach to the question of what could be accomplished in the proposed Conference on European Security and Cooperation which is likely to take place next year. This proposal is well articulated and worthy of the attention of this body, and I ask unanimous consent that a copy of the proposal as contained in a letter from the Czechoslovak National Council of America to President Nixon be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Czechoslovak National
Council of America,
Cicero, Ill., September 15, 1972.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We all know and applaud your quest for a generation of peace. The proposed Conference on European Security and Cooperation seems to be a possible path leading in this direction. We consider it the duty of every citizen to assist you in your quest for peace. Thus, the Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, submits the following for your consideration:

We believe that the position taken by the American delegation, and indeed all western delegations at the onset of the Conference, should be to insist on the

(1) Withdrawal of all Soviet military and police units and Soviet advisers from all occupied nations west of the Soviet Union proper.

(2) Neutralization of the same area and the establishment of a nuclear free zone, both under international guarantees.

(3) Free elections under international control.

The establishment of such a cordon sanitaire would tend to

Eliminate the danger of inadvertent confrontation between the armed forces of the two atomic super-powers;

Mitigate the fears of Western Europe concerning further military penetration of the Soviet Union into Western Europe;

Curtail alleged suspicion on the part of the Soviet Union of Western aggressive intentions and German revanchism;

Increase the chances for an agreed balanced reduction of the armed forces of the East and West;

Make possible the organization of a viable, economic community comparable to EEC (Common Market);

Meet the requirement of self-determination, political independence and territorial integrity of the supposedly sovereign nations living between the Soviet Union and non-Communist Western Europe, stipulated by the United Nations Charter;

Satisfy the wish of the people concerned who have manifested on many occasions their desire for neutrality, such as enjoyed by Austria since 1955.

The achievement of these goals would increase the likelihood of lasting stability, peace and security in all of Europe.

The eagerness now manifested by the Soviet Union to conclude a European security pact leads one to believe that the pressure of circumstances, the unreliability of the satellite armies, the discontent of the satellite people, as well as the good will of the United States might produce an unprecedented degree of willingness on the part of the Soviet Union to agree to these demands.

Very respectfully yours,
Prof. Vratislav Busek,
President.
Prof. Francis Schwarzenberg,
Vice-President.
Dr. Mikulas Ferjencik,
Acting Vice-President.

DEATH OF FORMER SENATOR BUSH

Mr. PERCY. Mr. President, we are all saddened to learn of the passing of the former Senator from Connecticut and our friend, Prescott Bush. Senator Bush served in the U.S. Senate from 1953 to 1963. He was a member of the Banking and Currency, Public Works, and Armed Services Committees as well as the Joint Economic Committee of Congress. Senator Bush was recognized as a leading authority on the national economy and Government finance.

He was far ahead of his time in promoting programs to curb inflation, to foster slum clearance, urban renewal and redevelopment, and for flood control and highway transportation. He was an active and stanch supporter of the policies of his friend, former President Dwight Eisenhower.

During World War II, Senator Bush served as national campaign chairman of both the United Services Organization and the National War Fund. Under his direction the USO raised over $33 million for recreational services for the Armed Forces.

I share the deep sense of loss that his family and friends feel at this time and especially to his wife Dorothy and our former colleague in the Congress, George Bush.

Mr. President, I ask unanimous consent that the tributes which appeared in the Washington Post and the New York Times for Senator Bush be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 9, 1972]

Ex-Senator Prescott Bush Dies

(By Martin Weil)

Prescott S. Bush, 77, a Republican who served as a U.S. senator from Connecticut from 1953 to 1963, died yesterday in Memorial Hospital in New York after a long illness.

Since retiring from the Senate, Mr. Bush had divided his time between homes in Greenwich, Conn., and Hobe Sound, Fla.

He also resumed his partnership in the Wall Street banking firm of Brown Bros., Harriman & Co., from which he took leave of absence on his election to the Senate.

One of Mr. Bush's five children is George H. W. Bush, the U.S. ambassador to the United Nations.

During his years in the Senate, Mr. Bush established a reputation as a member of the liberal wing of his party, and as a staunch supporter of President Eisenhower.

One of his proposals that attracted considerable attention at the time was a rule to prohibit senators from pointing to the galleries to introduce whatever visitors they deemed worthy.

The proposal was adopted on Aug. 27, 1967.

It conformed with Mr. Bush's image as a diligent, hardworking senator, known for putting in seven days a week on Senate business.

Mr. Bush's first election to the Senate in 1952 came after two unsuccessful tries.

In 1950, he was nominated to oppose incumbent Sen. William Benton, then an interim appointee.

Mr. Bush was defeated by about 1,000 votes out of 862,000 cast. But his campaign attracted notice for its briskness, aggressiveness and, at times, its unconventionality.

The possessor of a good bass voice, and a former member of the Whiffenpoofs, the Yale singing group, he sometimes perked up political rallies by singing in a quartet with fellow Wiffenpoof alumni.

In 1952, he sought the Republican nomination for the Senate again, but lost out to William Purtell at the state convention.

But in the summer of 1952, Sen. Brien McMahon died, and a special election was set to determine his successor. This time Mr. Bush received the Republican nomination.

He went on to defeat then Rep. Abraham A. Ribicoff to fill the four unexpired years of Sen. McMahon's term, and then won election in 1956 to a full six-year term.

In 1962, he announced that he would not seek re-election, concluding that another term would bring him into his 70s, and overtax his strength.

"Fortunately," he said, "we have able younger men available."

Mr. Bush was born in Columbus, Ohio, where his father was a steel manufacturer.

Entering Yale with the class of 1917, he became known not only as a singer, but also as an all-around athlete, playing on the football, golf and baseball teams.

After serving as a captain in the Army artillery in Europe during World War I, he returned to the U.S. and worked for several firms before becoming a vice president of a banking firm that was a predecessor of Brown Bros., Harriman. He later served as a director of many major corporations.

In addition, he was active in a wide range of community affairs, and served as head of the fund campaign of the U.S.O. in 1942, and of the National War Fund, an amalgamation of war relief agencies, in 1943 and 1944.

In addition to his son, George, survivors include three other sons, Prescott Jr., and Jonathan James, both of New York, and William H. T., of Greenwich, and a daughter, Mrs. Alexander Ellis Jr., of Boston.

Mr. Bush is also survived by his wife, Dorothy, of the home.

[From the New York Times, Oct. 9, 1972]

Ex-Senator Prescott Bush Dies; Connecticut Republican Was 77

Prescott Bush, former United States Senator from Connecticut and the father of George Bush, the United States representative at the United Nations, died here yesterday afternoon at the Memorial Hospital for Cancer and Allied Diseases. He was 77 years old and lived in Greenwich, Conn.

Mr. Bush, a tall, lean, well-dressed product of the Ivy League, served in the Senate from 1952 to 1963, was a stanch Republican and supporter of President Dwight D. Eisenhower and was known on Capitol Hill for practical, conservative politics consistent with his background as a banker.

Before and after his years in the Senate, Mr. Bush was a full partner in Brown Brothers Harriman & Co., a leading Wall Street investment firm.

In the Senate, where he served on the Banking and Currency, Public Works and Armed Services Committees as well as the Joint Economic Committee of Congress, Mr. Bush received national attention as an authority on government finance and the national economy.

He was a major advocate of measures to curb inflation, to foster slum clearance, urban renewal and redevelopment programs, and to develop flood control and hurricane protection works. He helped draft the Federal Aid Highway Act of 1956, which authorized the construction of the national system of interstate highways, and many other bills in the areas of inflation, economic growth and employment.

SHAPED PARTY POSITIONS

Mr. Bush was chairman of the Republican National Convention's platform committee in 1956, and chairman of the 1960 convention subcommittee that drafted the Republican planks on the economy, business and labor.

Prescott Sheldon Bush, a rangy, 6-foot 4-inch athletic figure, who in his undergraduate days at Yale had been a stalwart of the baseball team, was as much at home on a golf course as he was behind a banker's desk or in the Senate.

He was a confidant and frequent companion of President Eisenhower on the links, mixing putts with politics. A reporter who once asked the Senator about his golfing experiences with the President was told: "Nobody who plays golf with the President ever talks about it. Any other questions?"

Mr. Bush, in fact, was an excellent golfer. He was the national senior golf champion in 1951, when, at the age of 56, he shot an 18-hole score of 66. He was president of the United States Golf Association in 1935 and eight times the champion of the Round Hill Club in Greenwich.

Once the president of the Yale Glee Club and second bass Whiffenpoof, he had voice better than most heard in 19th-hole quarters. He was a good tennis player and swimmer, as a World War I artillery captain under fire in the Meuse-Argonne offensive, he could swap tales with any soldier.

Mr. Bush was moderator of the Greenwich Town Meeting for 15 years, but was virtually a political unknown when he entered statewide politics in 1950.

FAILED IN FIRST BID

With contacts built up over the years with Republican leaders in his state and with service as finance chairman of the state's Republican Committee in the late 1940's to his credit, Mr. Bush failed by 1,000 votes in his first effort to win election to the Senate in 1950. William Benton, a Democrat, defeated him for the two-year interim term of Senator Raymond E. Baldwin, who had resigned to take a seat on the Connecticut Supreme Court.

Two years later, Senator Brien McMahon, a Democrat, died. Mr. Bush was nominated for the final four years of his term, defeating a big Republican party convention field, which included former Representative Clare Boothe Luce, then Ambassador to Italy. He then defeated Abraham A. Ribicoff in the general election.

Mr. Bush was re-elected to a full six-year term in 1956, but chose not to run again in 1962, attributing his decision to ill health. His term expired Jan. 3, 1963.

Mr. Bush was born May 15, 1895 in Columbus, Ohio, the son of Samuel Prescott, a steel manufacturer, and Flora Sheldon Bush. He attended public schools in Columbus and St. George's School in Newport, R.I. After graduating from Yale in 1917, Mr. Bush served with the 158th Field Artillery Brigade in France and with occupation forces in Germany after the Armistice.

Returning home in 1919, Mr. Bush worked for a hardware company in St. Louis and with the United States Rubber Company, then, in 1926, become vice president of the New York banking firm of W. A. Harriman & Co. When a merger created Brown Brothers Harriman & Co. in 1930, he became a partner.

At various times, Mr. Bush was a director of the Columbia Broadcasting System, the Prudential Insurance Company, the Simmons Company and Dresser Industries, Inc. He was also a trustee of Yale University and the Episcopal Church Foundation of the United States.

During World War II, he served as national campaign chairman of both the United Service Organizations and the National War Fund. The U.S.O. raised more than $33-million for recreation services for the armed forces in the war. The fund was an amalgamation of some 600 war relief agencies.

It was his success in fund-raising that brought him the chairmanship of the Connecticut Republican Finance Committee in 1947.

Mr. Bush and Dorothy Walker of St. Louis were married in 1921. In addition to his widow, Mr. Bush is survived by four sons, William of Greenwich, and Prescott, Jr., George and Jonathan, all of New York; a daughter, Mrs. Alexander Ellis, Jr. of Boston and nine grandchildren.

A NEW PARTNERSHIP IN CORRECTIONS

Mr. HRUSKA. Mr. President, the outgoing president of the American Correctional Association, the Honorable Maurice H. Sigler of Nebraska, recently gave an excellent valedictory address at the association's annual meeting in Pittsburgh.

In his speech, entitled "A New Partnership in Corrections," Mr. Sigler indicated that "it is time to clear away traditional habits" with regard to corrections, including a new look at "courts, lawyers, news media, the public, and toward the correctional field itself." Each of these fields must be drawn into the corrections arena because each one is concerned with its problems and they cannot be solved without assistance from all quarters.

As director of corrections for Nebraska, Mr. Sigler did an outstanding job to make the Nebraska prison system one of the best in the Nation. In recognition of the very useful work he did in Nebraska, President Nixon appointed Mr. Sigler to the U.S. Board of Parole; this year he was elevated to the chairmanship of that body.

Because of the constructive thoughts contained in this speech I think it would be of interest to my colleagues. For that reason I ask unanimous consent that the text of Mr. Sigler's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A New Partnership in Corrections

(By Maurice H. Sigler, president, American Correction Association, and chairman, U.S. Board of Parole)

I need not remind this distinguished audience that the year since we last met has been one of the most tempestuous in the history of American corrections. The uproar really didn't start with Attica. It's been brewing for a long time. But Attica touched it off. Since then, we have had recurrent disorders and unrest, accompanied by wide public debate. Newspapers and periodicals nowadays often include articles and editorials on the shortcomings of corrections. The courts, legislative committees, church groups, chambers of commerce, and similar community organizations have joined in to have their say. Instant penologists have come out of the woodwork.

I am somewhat constrained to ask them: Where have you been?

Last December at the National Conference on Corrections called by President Nixon, the message was loud and clear. The country expects change, and it expects action to bring about that change.

To put it bluntly, the field of corrections is experiencing a crisis in public confidence, and the crisis shows no sign of abating. Unlike times past, we can't expect to handle the problem by letting it wear itself out.

The question we have to face is: What are we going to do ourselves to restore confidence in our corrections system?

Pittsburgh is an appropriate place for us to consider this question. It was here in 1891 that the American Prison Association met for its annual congress. The president that year was Rutherford B. Hayes of Ohio, who had also been the 19th President of the United States. Among other things he observed:

"The young and the thoughtless—the beginners in law breaking, and the accidental criminals suspected of guilt, are arrested and lodged in city prisons or county jails, and there detained for trial, huddled together with old and hardened offenders to be educated and trained in the whole art and mystery of criminal life."

Thirty-five years later, in 1926, the Association again met in Pittsburgh, this time under the presidency of Sanford Bates, the dean of past presidents of the American Correctional Association and the first director of the Federal Bureau of Prisons. He said this:

"Surely no more outstanding need exists today than an increase of cooperation among all city, state and national agencies seeking a reduction in the volume of crime . . . The outstanding problem of today is how to bring a more united intelligence on the whole matter and a greater tolerance and confidence. . . ."

Their comments are as relevant today as they were then.

As most of you know, I have been in corrections for a long time. I suppose if anyone can be called a traditional correctional worker, I fit the description. I started as a guard at Leavenworth, and I think I had to do every nasty job a new guard is called upon to do. There were, and are, plenty of such assignments—the guard towers, yard patrol, the isolation building, and of course, the morning watch, the bane of every officer's existence.

I, for one, reject the image of the line officer as a coarse and unreasoning brute who depends on a club or his fists. In all of the uproar about corrections during the past year, I have noted little recognition of the fact that the guard has a tough and extremely difficult job. He has to take a lot from his charges. It has always been a mystery to me that so many guards stick it out. In my days, the "depression" brought them into the work and made them put up with it. But those days long since have gone.

It would be easy for me to react defensively to all the criticism we hear these days about corrections, but it would be a mistake. It would be a mistake for corrections generally to react in this manner.

The fact is: It is time, long past time, for change in corrections. Our critics may have some of the facts wrong, and some of their assumptions certainly are wrong. But the thrust of what they are saying is correct. We know—all of us know—that corrections has not kept up with the times. We know that no matter how hard we have worked at it, our programs are not always what we have claimed them to be, and we are not doing the job of rehabilitation that the times demand and the public expects.

We cannot and should not accept the entire blame, not by a long shot. But it is useless to console ourselves with this excuse. We must forget about the past—and the many bruises and disappointments we have encountered as advocates for improvements within our respective agencies—and take the leadership in moving out and moving ahead.

Time is going a lot faster than it used to. I recall in my penitentiary days that nothing much changed from one day to another, from one year to another, or even one decade to another. But we are living in a time of accelerating change, and we in corrections have to take the ball and start running fast just to keep up and maybe pull a little ahead.

Let me suggest some directions.

First, we must change our attitudes toward the courts. The courts have not necessarily singled out corrections for attention and interference. In fact, for many years under the "hands-off" doctrine, the courts left us alone entirely. Perhaps we failed to take advantage of it.

What has happened more recently is only a sign of the times. The decisions of the courts are being felt in many facets of American life—in race relations, the environment, taxation, voting apportionment, and so on. It would be unrealistic for us to expect that we would continue to be exempted forever. Corrections is a public function and the attention of the courts is overdue. Frankly, judicial review will be with us from here on out.

In committing offenders to us, the courts have assigned us the responsibility for their care and welfare. All of us have acknowledged that responsibility. It is inconsistent and ill-advised for us to fight every case that comes along involving the rights of our clients. After all, who is supposed to be most concerned about their welfare? Yet we have fought these cases repeatedly, all the way to the Supreme Court of the United States if possible.

There have been enough cases now that we know the general direction and trend that further cases will follow. In the future, instead of resisting these cases—except perhaps for those which may be too absurd—we ought to anticipate them and take action to make litigation unnecessary.

So far, we have been able to live with the rulings of the courts. They haven't brought about the disastrous consequences some of us have predicted. Instead, the effect of the courts' new interest in corrections has been beneficial.

For my own part, I must admit that in my day as a line officer, I did not question the regulations and the restrictions on mail, visiting, access to the press, the courts, and attorneys. Those of you who have been in corrections for some time know, as I did, that you did not hold on to your job very long if you questioned the policies and orders that were formulated in the front office and handed down from one level of command to another. Or if you held on to your job you might find yourself buried for years on the morning watch or in a tower. We were trained to do our job unquestioningly, and we had no choice.

Today we are living in a different time. There are few facets of American life that are not undergoing reexamination and criticism. It is time to clear away traditional habits in corrections and take a hard second look at everything that we do. We are being weighed by a tough measure, and we must evaluate our policies and practices by harder and tougher standards of our own.

Second, we must change our attitudes toward lawyers. Like the courts, they are more active these days in many areas of American life. Young lawyers particularly are not as interested in representing corporate clients as they once were. They are more concerned with public issues and human rights. They are looking for new challenge, and many of them have found it in corrections.

As a warden, I became irritated from time to time by lawyers who were too persistent and perhaps even downright unsympathetic with my point of view. They can be pretty vigorous in behalf of their clients.

But they are not really threatening us, and we should not consider them adversaries. Their job is to look out aggressively for the interest of their clients. But ultimately, they are guided by the same rules of law that we are, and perhaps that is why some of us are somewhat apprehensive in dealing with them—they know more about the law than we do. And we sense we are on shaky ground.

That is why we should take a different tack. We should have lawyers help us plan our policies and programs. We ought to have them take a look at what we are doing and advise us as to the legal problems they perceive. Not only would it save us a lot of time in court, but it would enable us to anticipate difficulties and take action to resolve them before they become full-blown headaches.

In my last position, as Director of Corrections for Nebraska, I found lawyers to be extremely helpful rather than annoying. For 10 straight Sundays, four lawyers met with me at my house and helped draft legislation that the corrections system badly needed. Their services were worth many thousands of dollars if they had charged me at their regular rates; however, my department didn't have a budget for such services and I wasn't charged a cent. As a result, Nebraska passed model legislation which provides for a progressive correctional system.

Every correctional agency ought to enlist legal advisers, preferably not on the payroll to preserve their independent viewpoint. I am sure that the American Bar Association's Commission on Correctional Facilities and Services would be willing to assist in making such arrangements. The benefits would be many, including a feeling on the part of our clients—that we must concede many of them do not have now—that we intend to govern ourselves by the law.

Third, we have to change our attitude toward the media—the press, radio and television. It has become a cliche in corrections to say this and to claim we are cooperating fully. Yet there still are too many restrictions, all too often under various excuses supposedly related to good order, discipline, and protection of reporters.

But let's face it. The main reason these restrictions are imposed is because we're afraid of the exposure and the resulting criticism.

The media often gets facts wrong. It may not give equal time to all sides in an issue. And we hate to see ourselves misquoted in print. But these are all problems which other organizations and citizens must deal with in our society, and corrections cannot be immune in this respect.

The media can be an enormous asset to corrections, and it often has been. It is for the most part committed to correctional improvement, and it has been most vocal in this respect during the past year. Reporters should be invited to look over our programs, our activities, and our facilities. They ought to be able to talk to any of our clients. Sometimes they won't be told the truth. Sometimes they will be misled. But in time, as they gain understanding, they will be able to do a better job of separating fact from fiction.

One thing is certain. The more we try to keep them away from our clients, the more we try to keep them out of our institutions and away from our programs, the more intense will be their desire to gain access. Also, it would be only natural for them to react with criticism, often not supported by fact, the very result we were trying to avoid.

We do not have to be afraid of criticism. No one else in our society is immune from it. If we really believe in what we are doing, and if we are doing the very best we can, we should be able to stand up to criticism. To be a correctional administrator today takes real guts, and criticism is one of the least of his problems.

Fourth, we must take a different attitude toward the public. You've heard that said before. For too long we have kept our facilities and our programs screened off from public view. The same walls and fences that have been used to keep our charges in secure custody have been used effectively to keep the public out and, by and large, ignorant.

We have been forced to pay the price. The public has not accepted its responsibility in the correction of criminals. Since we have declined to share responsibility for our clients with other elements of society, we have had to accept sole blame when they have not been rehabilitated—which of course is frequently the case.

Rehabilitation should not be our sole responsibility. If I have learned anything in the past 30 years in corrections, it is that we cannot do the job alone. It is in the community that crime is generated and flourishes, and it is in the community and by citizens that efforts must be made to reduce crime and reform criminals.

After the events of the past year—when so much public criticism has been directed our way—I think it is appropriate for us today to take the opportunity to invite the public into partnership with corrections. We must tell the public that rehabilitation is not our problem alone—it is their responsibility too and we welcome their help.

In a recent paper entitled "Illinois Jails," Hans Mattick described the disgraceful conditions that are typical of our American jails.

He concluded his analysis with the observation that they are this way because "nobody gives a dam!" He is right. This has been the psychology of too many of our citizens as far as corrections is concerned. And in resignation, it has become the psychology of too many persons in corrections.

We must take the leadership in changing this situation. We can do it by involving the public as fully as possible in our work—as visitors, as volunteers, as advisers—as participants in a variety of roles in policy development and program operation.

A good example involving the public and industrial community is the joint project with the U.S. Chamber of Commerce. It published a pamphlet, entitled "Marshaling Citizen Power to Modernize Corrections," and LEAA funds were granted to print a million copies. In the first six weeks after printing, over a half million copies were distributed to individuals, business, trade, civic and religious groups. Requests for the pamphlet have been received so far from over 150 radio and television stations throughout the country. This joint venture provides a tool for corrections to inform citizens of new developments and how they can help modernize correctional services.

Fifth, we must take a different attitude toward our own field. It is not our private preserve. It is a public undertaking. We must admit publicly what we privately admit to ourselves: that it can stand a lot of improvement. In this respect, I do not intend to single out the prisons and jails. More recently, I have been associated with probation and parole, and I have learned that they have their shortcomings also. Too many probation and parole officers work on the 9 to 5 principle, and close down completely on weekends and holidays. But the lives and problems of their clients do not conform to this schedule. There is also a lack of coordination with the rest of the corrections system. There is a suspicion of volunteers and of new ways of bringing services to clients. The right to a hearing in probation and parole revocations, a fundamental issue in due process that was ignored by the field for years, finally had to be imposed by the courts.

One reason why it has been very difficult to bring about correctional improvement is that the field has not yet achieved professional status. It is not a science or even an art. There are no commonly accepted standards in the field, no commonly accepted goals, no commonly accepted criteria for measuring the effectiveness of what we do.

Most of us are in corrections by accident or force of circumstance, as I am. We learned our trade and arrived at our individual opinions and judgments largely on the basis of the training we got or did not get, and our experiences, fortunate or unfortunate. The natural result is that none of us agree on every issue in corrections. We very seldom can achieve a substantial consensus on a single issue.

This Association's Manual of Correctional Standards was an attempt to make a start at professionalization. It was a good start. Whatever defects the Manual has were the result of attempting to achieve a consensus on correctional issues. Too often a consensus of this kind must represent a compromise on the level of the lowest common denominator. A different kind of approach is needed, one that will set standards at the highest level that is realistically possible even though we as practitioners may not agree totally on the level that ought to be set.

Where possible a price tag should be placed on the cost of achieving the new standards so that the media and public will be informed of the cost and the importance of their support.

In February 1973, the National Advisory Commission on Criminal Justice Standards and Goals will issue its standards in the fields of community crime prevention, courts, police and corrections. The Commission has had four operational task forces working on these standards for the past year, with the assistance of eight advisory task forces.

Not all of us will agree with everything in the report of the Corrections Task Force. I don't agree with some of the conclusions myself. But with the crisis in public confidence facing corrections today, I do not believe we can do other than take the report very seriously. I therefore am hopeful that the field of corrections will try to achieve the broad standards set forth in the report. If we are ever to reach the professionalism we have been searching for, we must make a sincere and active effort—and make it now!

Obviously, the Corrections Task Force Report is not intended to be the last word. It will provide the contour of standards. The American Correctional Association has the experience and the members have the ability to provide the contents. But standards appearing on paper have little value if they are not followed in practice. I agree with many of you, therefore, that we ought to have a system of accreditation, and it ought to be based on the standards. A method of self-policing is essential to the professionalization of any field. While I have not yet been able to secure funding for an accreditation program, I am hopeful that it will yet be forthcoming.

The Task Force on Corrections was composed of a number of correctional practitioners, and the evaluation and revision effort will continue to involve practitioners. The American Correctional Association has participated in the production of the initial standards, and I have participated in some of the meetings myself. Much hard work, discussion, and soul-searching has gone into this project.

My recommendation to you is: Let's take the Task Force Report as a working document, and test the recommendations. If the standards are too low, we can elevate them. If the standards are too high—and it should be difficult for us to admit that standards for corrections can be too high—we can help to bring them down to earth, or at least to a point where we can reach them.

A final word. Let's take a different attitude toward our own organization, the American Correctional Association. Let's admit that from time to time each of us have expressed some dissatisfaction with it. Some say it has been hidebound. Some say it has been controlled by prison administrators. Others say it has been run by the old-timers, the mossbacks. Others say it has not been representative of the entire corrections field. And few of us ever have been entirely satisfied with the annual program, for one reason or another. No national organization can ever hope to be letter perfect.

At this point, we need not go into the merits of any of these complaints. We have at this meeting presented a plan for the ACA's reorganization that would eliminate much of the ground for these complaints. The committee on reorganization has worked diligently for 18 months in preparing the suggested new constitutions and by-laws. They have contacted hundreds of members, all affiliates and many state and regional associations. The new constitution provides a blueprint for retooling the ACA to meet the needs and challenges of the 1970's. It is up to all of us from this point on to make the American Correctional Association the powerful force in correctional improvement that it can and should be.

I am confident that with my successor, Martha Wheeler, and through your support, the American Correctional Association can bring about correctional change. I see great prospects for a new partnership. The ACA in conjunction with the courts, the bar, the media and the public can make corrections the effective public service that it should be. In so doing, this partnership will also make corrections a profession of high status that will have the respect of the American community.

I most earnestly ask your support and cooperation.

NO. 1 NUCLEAR CRITIC WINS ANOTHER HIGH SCIENTIFIC HONOR

Mr. GRAVEL. Mr. President, I am pleased to learn that another high honor has been awarded to Dr. John W. Gofman, who is the distinguished cochairman of the Committee for Nuclear Responsibility in New York, and former associate director of the AEC's Lawrence Livermore Laboratory in California.

The Stouffer Prize Committee in Cleveland has recently announced that Dr. Gofman will share this year's Stouffer Prize for heart disease research with Dr. Vincent P. Dole, Dr. Robert S. Gordon, and Dr. John L. Oncley in a ceremony on October 20.

The $50,000 Stouffer Prize is among the highest existing honors in the field of heart research, and is awarded annually to the persons who, in the opinion of the Stouffer Prize Committee, have made the greatest contribution to discovering the cause, prevention, or treatment of arteriosclerosis or hypertension. The selection committee for the award is chaired by the former chairman of the Nobel Prize Committee for Physiology and Medicine, Prof. U. S. von Euler of the Caroline Institute in Stockholm.

PROFOUNDLY IMPORTANT METHODS AND CONCEPTS

During the 1950's, Dr. Gofman and his colleagues at the University of California's Donner Laboratory performed pioneer research in the role of lipoproteins, cholesterol, and triglycerides in heart disease. The work is widely acknowledged to be the basis for one of the major branches of heart research today.

In announcing the award, the Stouffer Prize Committee made the following citation:

> The 1972 Stouffer Prize is awarded to Dr. John W. Gofman for pioneering work on the isolation, characterization, and measurement of plasma lipoproteins, and on their relationship to arteriosclerosis. His methods and concepts have profoundly stimulated and influenced further research on the cause, treatment, and prevention of arteriosclerosis.

In 1965, Dr. Gofman was awarded the Lyman Duff Lectureship, another of the great honors in heart research.

AT THE CENTER OF CONTROVERSY

I find it particularly interesting that Dr. Gofman's heart research, like his more recent calculations on the harmfulness of low-dose radiation and his "laws" about the radiation-induction of cancer, raised a tumult at the time, and funding for his heart research was terminated.

Dr. Gofman expected trouble again, when he and Dr. Arthur Tamplin presented their low-dose radiation work in October 1969. One of their most comprehensive papers appears in the CONGRESSIONAL RECORD, volume 118, part 1, pages 1167–1178.

Their work indicates that the presently permissible dose of manmade radiation for the general population is high enough to trigger up to 100,000 extra cancer deaths per year in this country, as well as 100,000 to 1 million genetic deaths annually in future generations.

This finding alerted them to the urgency of preventing further nuclear pollution, and of keeping levels of manmade radiation from ever approaching the permissible dose.

After 3 years of often vicious attack from the nuclear energy establishment, their work stands intact. Dr. Gofman is confident that their calculations will be accepted eventually as conservative estimates.

CIVILIZED TREATMENT FOR EXCEPTIONAL MEN?

Meanwhile, I feel particular pleasure to learn about the Stouffer Prize award, since the AEC and the nuclear industry have even tried at times to discredit Dr. Gofman's entire scientific reputation, including his heart research. There is something particularly nauseating when people try to destroy a person who has spent a lifetime not only trying but also succeeding in making major contributions to human welfare.

Dr. Gofman is leaving the AEC's Lawrence Livermore Laboratory as of January 1, 1973.

CHEMICAL/BIOLOGICAL WARFARE

Mr. GRAVEL. Mr. President, in 1969 President Nixon renounced biological warfare, as well as "first use" of chemical weapons. But it is one thing to renounce a weapon in principle and still another to give it up in practice. Disturbed by indications that the CBW program is continuing much as before, several of us have taken the floor in the past in an effort to pierce the reality behind the President's rhetoric concerning chemical and biological warfare.

Two recent articles lay the groundwork for an informed critique of the CBW program. In the August 15 edition of World magazine, Daniel S. Greenberg concludes:

> If there is ever an inspection agreement with the Soviets on CBW, it will have an ironic benefit: The American public will have reason to believe government accounts of what is going on in military laboratories.

Mr. Greenberg's critical analysis is shared by Richard A. Fineberg, writing in the fall issue of Lithopinion magazine, who characterizes the President's CBW policy as "a classic in Nixonian double-talk." Both articles point out that the so-called defensive biological research program continues to be shrouded in secrecy, while the President's pronouncement has failed to reduce significantly the funding level for chemical weapons research and development.

Mr. President, I believe the facts and questions raised in these two articles deserve our careful review, and I ask unanimous consent that they be inserted at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Lithopinion magazine, fall 1972]

Setting the Record Straight: America's Chemical and Biological Warfare Program

(By Richard A. Fineberg)

("The article that follows is a kind of scientific detective story. Not only are the details of the crime shrouded by secrecy, but also there's an attempt to deny its very existence by means of official double-talk. Yet the clues are uncovered and the shreds of evidence are pieced together so that the dimensions of the crime are revealed and the assignment of guilt is made."—The Editors)

"To the man in the street it must look like the U.S. Army is abandoning its chemical warfare capability. He reads of the ban on open-air testing, the disposal of chemical munitions at sea and the demilitarization (neutralization) of chemical agents. Also he recalls that in November 1969, President Nixon announced something about not using chemical and biological weapons. Even among soldiers, who read also of studies on managing officers' careers, the inactivation of the Chemical Corps may seem to be imminent. Nothing could be further from the truth, and it is time to set the record straight."

These words were not written by a hungry journalist looking for a story or by an arch-foe of the military-industrial complex; they were penned by Colonel Stanley D. Fair for the April 1972 issue of Army, the monthly journal of the Association of the United States Army. Col. Fair should know what he is talking about; he is the commandant of the Army's Ft. McClellan (Ala.) Chemical Center and School, where soldiers are trained to use and defend against chemical and biological warfare (CBW).

Col. Fair isn't just whistling in the wind. The U.S. still deploys lethal nerve gas on a global scale. Spending on chemical weapons development is holding steady and the Army says funds for the procurement of chemical weapons are expected to increase as soon as a new form of nerve gas, already in the advanced stages of development, is ready for mass production and stockpiling. In the field of germ warfare infectious agents such as anthrax, Venezuelan equine encephalitis and tularemia, secretly stockpiled for military use during the 1960s, are being destroyed, but the army has not retired altogether from the grisly business of biological warfare despite the impression given by official pronouncements. (Although some people do not make a distinction between "chemical weapons" and "biological weapons," this article—accepting the Army's own terminology—treats them as separate entities.)

Although some facilities built by the Army for developing biological weaponry are being turned over to other Federal agencies for benign research projects, the U.S. military still conducts a multimillion-dollar biological research program. On the international front, the Nixon Administration, arguing that the U.S. should not yield to constraints against chemical weapons this country euphemistically describes as "defoliants" and "riot-control agents," stalls ratification of a treaty limiting all forms of chemical and biological warfare.

The CBW program is very much "alive, well and visible," as Col. Fair asserts, and it has been a matter of public concern and controversy ever since the afternoon of March 13, 1968. On that day an Air Force jet roared low over the desert floor at the Army's vast Dugway (Utah) Proving Grounds and released its nerve gas payload over a test target. (Nerve gas causes uncontrollable muscle action by inhibiting cholinesterase, a key body enzyme.) A valve on the plane's high-pressure dispenser failed to shut properly, allowing a small quantity of the highly lethal gas to dribble out as the jet climbed from the test area. As a result, more than 6,000 sheep died less than 100 miles from Salt Lake City, a metropolitan community of over half a million people. Although the military command at Dugway possessed film footage of the entire incident, the Army itself denied that any such test had even taken place (much less gone awry) for more than a week, while Utah public health officials and ranchers tried to figure out how and why so many animals had perished. It wasn't until months later that the Army acknowledged its responsibility for the sheep kill (some Army spokesmen to this day still mumble about "other factors") and paid the ranchers nearly half a million dollars in damages.

Prior to the slaughter of the sheep, cold war developments in the military science of CBW had been lost in the long shadow of thermonuclear rocketry. But the Dugway disaster turned out to be only the beginning of the military's public problems with CBW. In the spring of 1969 the Army's ecologically oafish habit of dumping obsolete and defective chemical weapons into the ocean aroused a storm of nationwide protests. The clamor had barely subsided when, in June of that same year, a minor nerve gas accident occurred—this time on the Pacific island of Okinawa. (This incident was the first indication that the U.S. was deploying nerve gas overseas.) Meanwhile, the Army was quietly draining a lake in Alaska to recover 200 rockets and artillery shells filled with nerve gas; the weapons had been "misplaced" on the ice covering the lake in midwinter several years before and, apparently forgotten, had sunk to the bottom during a spring thaw. The mistakes and mishaps involving CBW were beginning to assume global proportions.

Mounting Congressional and public criticism, triggered by the Dugway sheep kill and the Army's shabby attempt to conceal its mistake, prompted President Nixon to call for an executive review of the CBW program and practices. This review culminated in the "important decisions" announced by the President in a policy statement issued on Nov. 25, 1969. Although the Presidential directive was made with a great deal of fanfare, the actual package held far less than the wrappings promised. Because it is a classic in Nixonian double-talk, as well as the focal point for current U.S. CBW policy, that statement deserves careful consideration and analysis.

CHEMICAL WARFARE OFFICIAL AND UNOFFICIAL GAS

First let's look at the practical effect that the President's pronouncement has had upon the chemical part of the CBW program. It has had no appreciable impact on chemical weapons development or research. The U.S. continues to stockpile nerve gas around the world, from Johnston Island (a tiny atoll in the mid-Pacific) to West Germany. The widely-heralded destruction of chemical weapons, as Col. Fair further explains in his article, has been concerned primarily with obsolete mustard gas and defective or obsolete nerve gas weapons.

Figures provided by the Defense Department's Office of the Comptroller place chemical weapons research, development, test and evaluation spending for fiscal year 1972 at $32.9 million, compared to $33.5 million in fiscal year 1970. Hardly a drastic curtailment. While $32.9 million may seem insignificant in an $80-billion defense budget, you should remember that the kingpin of the U.S. chemical arsenal, VX nerve gas, a drop of which on your skin will quickly reduce you to convulsions and probably kill you in less time than it would take to finish this article, was developed by the British 15 years ago on a research budget of less than a million dollars a year.

So where is this $32.9 million going? It seems evident that the most important development in chemical weaponry is a new method of delivery, called the binary system, in which the payload is carried in two separate compartments. By itself neither component is dangerous, but they combine to form a lethal nerve agent; the binary system is designed to mix the two compounds only after the weapon has been fired toward its target. It requires about 5,000 times the force of gravity to rupture the wall between the two canisters, and, for this reason, it is unlikely that a shipping accident would activate the lethal gas. A 1971 *Market Intelligence Report* published by DMS, a private firm that charts trends and provides information for defense contractors, says that the binary system "is expected to replace existing chemical stockpiles, since it eliminates almost all of the presently-feared handling and storage hazards."

A December 1971 Defense Department fact sheet reports that the Army "will not procure or request funds to procure any more chemical munitions until binary weapons are available." That time may not be far off. According to the Salt Lake City Tribune, Brigadier General Max Etkin, commanding officer of the Desert Test Center, the administrative headquarters for Dugway, told reporters at a press briefing on June 14 of this year that the Army had begun preparing environmental studies prerequisite to resumed open-air testing. "We'll do everything we can short of field tests to get what we need," Gen. Etkin said, "but there will come a time when we'll have to fire the agent" (to insure that the binary system works).

BIOLOGICAL WARFARE—THE GERMS OF TRUTH

The decision to renounce biological warfare—another of the eye-catching gimmicks in the President's 1969 package—was predicated on his conclusion that "biological weapons have massive unpredictable and potentially uncontrollable consequences. They may produce global epidemics that impair the health of future generations." In other words, as British CBW expert Steven Rose observes in a recent article, "The U.S. and British governments have not been convinced of the immorality of BW, but of its inutility. Everything else is public relations," Biological warfare, Rose explains, ". . . is not a sensible weapon, its use makes neither tactical nor strategic sense. Its risks are enormous, and above all its effects are unpredictable. Could it be swift-acting enough to knock out enemy population without running the risk of an epidemic sweeping the globe and affecting one's own? Or will it be so slow-acting that the enemy will have time to unleash full-scale conventional or nuclear war? In any circumstances in which BW might be feasible, it is a safe bet that the military would prefer nuclear weapons."

The riskiness and unpredictability of biological weapons were in the forefront of the mind of a Chemical Corps officer with a Ph. D. in biology when, shortly after Nixon's November 1969 pronunciamento, he admitted to the writer of this present article, "I'm glad we got rid of them [biological agents]. We said that pandemics were most unlikely, but in fact we really didn't know."

Along with the decision to renounce biological weapons, the President declared that "The DOD [Department of Defense] has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons." The neutralization of germ warfare agents at four installations was begun in 1971 and is scheduled for completion this year.

Citing this destruction of biological agents, Pentagon spokesmen constantly maintain that the U.S. no longer has the capability to wage biological warfare. But when one looks at the facts that have been uncovered, this does not appear to be the case. It is true that the large germ-reproduction facilities at the Pine Bluff (Ark.) Arsenal have been shut down, but they have not been dismantled. Furthermore, the Army still maintains unspecified quantities of disease-producing germs for research purposes, and many germs reproduce with astonishing rapidity (with some bacteria, for example, a few seed microbes in a culture medium may proliferate billions of germs in less than 24 hours). Finally, the Pentagon admits that the delivery vehicles for germ warfare were ordinary munitions that were not destroyed along with the agent stockpiles. Thus this country still has 1) unspecified quantities of deadly microbes, 2) facilities to produce large quantities of germs and 3) ways to deliver them. It is evident, then, that the U.S. military establishment still has the capacity to wage biological warfare.

Is the Defense Department hoodwinking the press and the general public when it maintains it's no longer engaged in biological warfare research? If so, it won't be the first time. As far as this writer is aware, the first official admission that this nation did in fact even possess germ warfare weapons came in the President's pledge that the U.S. would destroy its germ warfare stockpiles. One reason why the existence of biological weapons remained a secret for so long was the too-ready acceptance by press and public of official statements on the subject. In February 1969—just nine months before the President's announcement—an NBC–TV documentary on CBW concluded on this false note: "Despite all the mystery about biological warfare and all the secrecy, there is one simple fact: The United States today does not have germ weapons ready to go at the push of a button. We know how to build them; we have tested the stuff, but so far at least there has been no order to go into mass production. And until there is an order, the U.S. biological warfare capability will remain only a paper tiger. Of course we don't know about Russia or Red China."

At the time of the telecast the army was still denying that it had ever conducted open-air tests with germ warfare agents. When confronted with an Air Force map of the Dugway area bearing the designations "BW Plots" and "Permanently Contaminated Bio Area" at a Congressional hearing in May 1969 on the test program in Utah, military spokesmen lamely acknowledged that the map referred to a small-scale experiment with anthrax spores released 15 years earlier. The Army now admits that open-air germ warfare tests were conducted at Dugway—as well as Ft. Greely, Alaska—up until 1967.

In renouncing biological warfare, the President also promised that "the U.S. will confine its biological research to defensive measures such as immunization and safety measures." In keeping with the President's statement, biological research is now labeled "defensive." In military matters, however, the line between offensive and defensive is blurred at best. It has been pointed out that the term defensive might be applied to the intentions of policymakers, but it has little to do with research categories; for in order to devise and test improved ways to defend against possible attack, biological warfare offensive techniques—such as producing, stabilizing and disseminating disease agents—must be explored.

Many of the so-called defensive projects the Army continues to finance could have offensive applications. For example, at Dugway work continues on developing a sealed, germ-proof mobile command post—and other "sanitary" units—to be used in case of an enemy CBW attack. These items are classified as "defensive protective" equipment, but they could be used equally well by an attacking U.S. force.

The description of defensive biological research categories still funded by the Army points out the ambiguity of the offense-defense distinction. A November 1971 report by DMS, for example, describes the Army's exploratory development program in general biological investigations in this way: "This program carries the aerobiological investigations project for which the service request $2.1 million; the biological systems-potential project, for which $600,000 was requested; and the biological-agent-threat investigations project for which $1.4 million was requested. Work impacts on development of alarms by determining propagation techniques of various micro-organisms." In other words, this $4-million program—styled "defensive" by the Defense Department—focuses on how to spread germs.

According to the Defense Department, funds allocated for biological research have dropped appreciably, from $22.1 million in fiscal year 1970 to a projected $11.8 million for the current year. But some observers fear that these statistics do not provide an accurate indication of the biological research program's status. Funding for continued biological weapons research, they point out, could be easily shifted to other categories within the military budget.

The semantic distinction between offense and defense is not the only loophole in the President's stated policy on biological weapons research. According to the directors of the expanding U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), at Ft. Detrick, Md., "Medical aspects of defense against biological attack must of necessity be directed against the same basic problems" that confront any physician seeking to manage infectious diseases. From this perspective it is difficult to distinguish positive research on disease prevention from questionable research on biological warfare.

While the Army has turned over a large portion of the former biological warfare facilities at Ft. Detrick to the National Cancer Institute, USAMRIID's commanding officer, Colonel Dan Crozier, says his mission—development of medical defensive measures against biological warfare—was not affected by the President's statement. Under the aegis of the Army Medical Research and Development Command, which took over the defensive biological program following Nixon's announcement, USAMRIID requested a 50 per cent across-the-board increase in funding for fiscal year 1973 as it moved into new facilities at Ft. Detrick.

Further facts and figures on the continuing biological warfare program are difficult to come by, but the little information available indicates that U.S. activity in this sphere may be continuing, stated policy notwithstanding:

Since June 1971 the Medical Research and Development Command has spent more than $17 million on a new facility, known as the Western Medical Institute of Research and located at the Presidio of San Francisco. (It is interesting to note that the construction costs for the new facility are not included in the command's $50-million budget.) According to the Army, the institute will conduct "medical research on infectious diseases which affect U.S. fighting forces," specializing in "the area of tropical diseases." Critics have charged, however, that the institute may be used in a continued search for more powerful and more effective methods of waging germ warfare.

An 18-man biological threat-assessment group was transferred from Ft. Detrick to the Dugway Proving Grounds in August 1971, the Defense Department says, "to conduct studies concerned with assessing our vulnerability to biological attack." The new arrivals from Ft. Detrick are described by the Dugway command as "math types" who work with computers and remain under Ft. Detrick's aegis. Why did the Army move a group of theoretical researchers concerned with strategic assessment to an isolated desert test facility larger than the State of Rhode Island? To carry out their calculations in undisturbed solitude? The answer, as usual, is obscured by the national security smokescreen.

Portions of Ft. Detrick's operation have been shifted to the Edgewood (Md.) Arsenal, the Army's chemical warfare headquarters since World War I. Edgewood's research and development budget increased by nearly 50 per cent last year. The arsenal's activities are shrouded in secrecy. When I drove up to Edgewood recently in an attempt to learn about what was going on there, I was turned away. "Are you kidding? You must be cotton-pickin' crazy!" the guard at the gate commented when I showed him my press card and told him why I was there. He finally allowed me to speak on the telephone with the arsenal's public information officer who told me that he could not answer questions or host reporters without prior Pentagon clearance.

From the diverse information available about the arcane world of military biological research, it is possible to surmise that biological warfare programs are continuing under different titles and auspices. The Army, of course, hotly denies this. But the Army's reputation for candor when it comes to CBW is none to reassuring.

Republicans and Democrats alike lauded the President's November 1969 decision to submit the Geneva protocol of 1925 to the Senate for ratification. More than 90 nations—including every major power except the U.S.—have ratified the 37-year-old agreement prohibiting first use in combat of "asphyxiating, poisonous or other gases and of bacteriological methods of warfare." The President solemnly declared, "We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons."

ACTIONS SPEAK LOUDER THAN AGREEMENTS

But actions speak louder than words, and when the Administration finally forwarded the protocol to the Senate nine months later, it attached an informal understanding saying that the ban does not apply to tear gas and herbicides. Writing in the authoritative, six-volume Stockholm International Peace Research Institute study *The Problem of Chemical and Biological Warfare,* Jozef Goldblat notes that no other nation has entered reservations limiting the types of gas weapons to which the protocol applies.

In attaching this statement of exemption to the Geneva agreement, the Administration was attempting to strike a compromise between the Joint Chiefs of Staff and the State Department. The military planners were not willing to give up the herbicides and "riot-control agents" used in Southeast Asia, and this posed a problem for the State Department: the text of the protocol prohibits the first use of "asphyxiating, poisonous or other gases and all analogous liquids, materials or devices." Whether the Pentagon liked it or not, the phrasing of the international agreement would seem to include a prohibition of use of the chemical agents employed by the U.S. and its allies in Vietnam.

Because of the Administration's Rider, the Senate Foreign Relations Committee has had second thoughts about ratification of the protocol. After holding hearings on the question early in 1971 (the hearings have yet to be published), Foreign Relations Committee Chairman J. W. Fulbright sent a letter to President Nixon asking him to reconsider his position. The Administration's statement of understanding, Fulbright noted in his letter, rests on the opinion that the protocol's wording may not have been intended to prohibit use of riot control and herbicidal chemicals. "Having heard the legal testimony on both sides of the issue," Fulbright observed, "many committee members feel that an adequate legal argument can be made either for or against that interpretation."

To Fulbright, the overriding consideration was that the Administration's rider "cannot help but weaken the effect of the protocol." He asked the President to reconsider "whether the need to hold open the option to use tear gas and herbicides is indeed so great that it outweighs the long-term advantages to the United States of strengthening existing barriers against chemical warfare by means of ratification . . . without restrictive interpretations."

More than a year later, the White House has yet to respond to this letter. Administration spokesmen say that the questions raised by Fulbright's committee are being considered by the State Department. When questioned, however, State Department officials say that any decision to modify the Government's position on the Geneva Protocol must be made by the White House.

The Administration contends that riot-control gases "cause less suffering than the use of other weapons." Assistant Secretary of Defense for International Security Affairs G. Warren Nutter told the Foreign Relations Committee that riot-control agents can be used against enemy troops as an alternative to napalm or artillery, thereby "reducing the barbarity of war." (This position is rejected by many observers, this writer included. See box, "Riot Control: A Euphemism for Chemical Warfare.")

In December 1969 the United Nations General Assembly declared that the Geneva Protocol prohibits "all biological and chemical methods of warfare, regardless of any technical developments." In spite of an intensive U.S. drive to defeat this resolution, it was adopted by a resounding 83-to-3 margin. U.S. lobbying efforts did produce some abstentions, but the campaign was unable to drum up much positive support for Nixon's restrictive interpretation of the protocol. In the fact of overwhelming international opinion, the Administration still clings to its position and the protocol hangs in limbo. (The protocol was shelved once before—in 1926—because of opposition from the chemical industry and Army officers.)

A U.N.-sponsored disarmament commission has negotiated a ban on biological weapons that is narrower in scope than the protocol. A draft proposal on biological weapons was put forward by the Soviet Union in 1971 after the U.S. announced detailed plans for the unilateral destruction of its biological weapons stockpile. The resulting agreement, signed by Secretary of State William Rogers in Washington on April 10 of this year, is limited to the development, production and stockpiling of biological weapons. White House staffers expect the President to forward the new ban to the Senate for ratification in the near future.

MEANWHILE, BACK AT THE FORT . . .

While Government has been wrangling about international agreements limiting CBW, the Army continues to instruct foreign military personnel in CBW strategy, tactics and techniques as part of the training program headed by Col. Fair at Ft. McClellan. Exhibiting its well-developed skills in semantic gymnastics, the Army says it sees no contradiction between this aspect of its program and the stated U.S. policy objective of strengthening international restraints on CBW. "Of course, it got a little tricky a few years back when we had both Arab and Israeli students here at the same time," a former officer at Ft. McClellan recalls with a wry grin.

If the man in the street believes that the military use of poisonous chemical and germ vapors is a thing of the past, he should look again. He could look to the Utah desert, where the Army is anticipating renewed open-air testing of nerve gas; or to the rolling hills of northern Alabama, where the Army is training soldiers in a broad range of CBW-related skills at its Ft. McClellan training school; or to Ft. Detrick, Md., where the Army is expanding its defensive biological warfare research programs, or to the chemical headquarters at the Edgewood Arsenal on the Chesapeake Bay, where the public information officer refuses to see reporters without prior Pentagon approval.

As Col. Fair asserts in his recent Army article, the CBW program is still very much alive. And Col. Fair is right about another thing: it is time to set the record straight on CBW.

"RIOT CONTROL"—A EUPHEMISM FOR CHEMICAL WARFARE

(The use of "riot-control agents" by U.S. forces in Southeast Asia dramatically demonstrates the fallacy of the Administration's contention that the employment of these weapons does not constitute chemical warfare. The following description of gas warfare in Southeast Asia is condensed from testimony before the Senate Foreign Relations Committee in March 1971 given by Arthur Kanegis, a researcher with NARMIC (National Action Research on the Military-Industrial Complex), a project of the American Friends Service Committee.)

When the U.S. began its gas warfare campaign in Southeast Asia, the Administration said that this was being done "to save lives." But even though the most widely used tear and lung gas, code-named CS, does not kill directly (except in very heavy concentrations or when directed against young or sick persons), these so-called riot-control agents are used to drive their victims into the open, where they can be killed by aircraft or gunfire. According to the October 1969 issue of Army magazine, "CS has proved particularly effective in Vietnam in flushing the enemy out of bunkers preceding high-explosive fire of infantry assaults."

In 1965, then-Secretary of State Dean Rusk said that gas would be used in Vietnam only for humanitarian purposes "in ordinary military operations." Pentagon statements—also made in 1965—that CS was used only "to save lives" were subsequently amended to read "save U.S. and allied lives." The escalatory nature of the U.S. gas campaign in Southeast Asia is clearly illustrated by a 1969 Pentagon 10-point description of the uses of CS in Vietnam. According to the Pentagon, "CS has been most effective in the following roles:

(1) "Restricting the use of terrain and preventing the reuse of field fortifications. This has caused the enemy to alter infiltration routes and has canalized enemy assaults."

One of the weapons employed for this purpose is the BLU–52 chemical bomb, a firebomb case filled with 270 pounds of CS–1 or CS–2 riot-control agent. "Its operation is quite simple," Major Raymond Anderson explained in recent Senate testimony. "After the bomb is released, the thin-skinned bomb case breaks open on impact with the ground, spreading its contents over a wide area. The persistency of the agent varies, depending on weather conditions. CS–1 will last for days and CS–2 will last for thirty to forty-five days."

The use of a similar persistent gas device was described in the *Congressional Record* by Robert Connelly, who served with the Army's air cavalry in Vietnam from April 1969 to April 1970. Connelly said every person in his unit, which was typical of the cavalry, carried three gas grenades. "Plus we had the grenade launchers which also carried ten rounds of CS. And then we had this new thing that came out, which was a tube about this long, about three feet, and it was called persistent CS, and any time we came across any kind of village-bunker complex or anything else, we popped a fuse on it and left it there. This stuff we were told was supposed to last from six to nine months, depending on the weather and when the monsoons came."

(2) "Assisting in the assault of point targets such as bunkers and automatic weapons emplacements."

Veteran Connelly recalls, "If we'd get a contact, like in a bunker complex—this happened four or five times—the first thing we would do when we opened up, we'd fire CS into this, and start calling in artillery and then just lay on a barrage of small-arms fire with the machine guns and weapons, and as we did this, as they came out of the bunkers from the CS, we just cut them down. Every now and then one would come out firing, but the majority of the time they'd come out there, they were holding their eyes, they couldn't see what they were doing. They were coughing, gagging, screaming and we got them."

(3) "Assisting in the assault of area targets."

Such an assault is described by Seymour Hersh, the Pulitzer-prize winning Pentagon reporter, in his book Chemical and Biological

Warfare: "On February 21, 1966 helicopters dropped hundreds of tear gas grenades on a small patch of jungle two hundred and sixty-five miles northeast of Saigon that was believed to be a Viet Cong stronghold. Shortly thereafter, huge B-52 bombers rolled over the jungle area and saturated about eighty-five per cent of the jungle patch with bombs. Officials estimated up to four hundred guerrillas were trapped in the tiny area, only about four hundred yards at its widest. After the bombing raids, two battalions of air-mobile troops, equipped with gas masks, were shuttled in to search for the enemy." The New York Times of Feb. 22, 1966 quoted Washington officials as explaining that the new tactics of helicopter-borne tear gas attack "was designed to flush Viet Cong troops out of bunkers and tunnels before the attack by B–52 bombers." "The purpose of the gas attack," the Times noted, "was to force the Viet Cong troops to the surface where they would be vulnerable to the fragmentation effects of the bomb bursts."

(4) "Flushing bunkers and caves."

(5) "Suppressing small-arms fire around helicopter landing zones."

(6) "Impeding approaches to defense perimeters."

(7) "Assisting in withdrawal operations to include extractions, landing zones, downed aircraft crews and long-range patrols in contact."

(8) "Assisting in counterambush operations."

(9) "Reconnaissance by fire."

As described to me by several Vietnam veterans, this operation works as follows: In order to find out if the enemy is in an area, CS is dispersed throughout, and if the enemy comes out coughing and choking and armed, he can then be wiped out by artillery, airstrikes or gunships.

(10) "Rescuing downed airmen."

It is apparent from this 10-point Defense Department list of the uses of CS in Vietnam that gas has become a full-combat weapon employed customarily in situations not at all analogous to riot-control or the rescue of civilian hostages. Yet the U.S. continues to speak of "riot-control agents," insisting that it would be "unreasonable to contend that any rule of international law prohibits the use in combat against an enemy, for humanitarian purposes, of agents that governments around the world commonly used to control riots by their own people."

[From the World Magazine, Aug. 15, 1972]

Test-Tube Warfare: The Fake Renunciation

(By Daniel S. Greenberg)

It will be three years in November since President Nixon officially renounced the use of biological weapons, directed the destruction of stockpiles, and ordered the discontinuance of further research into germ warfare. Yet, despite these Presidential directives, there has been an increase in Defense Department spending on research and development of chemical and biological weapons.

The Army is readying ranges for open-air testing of nerve gases—the same poisons that accidentally killed 6,400 sheep in Utah. The Defense Department remains amply endowed with government-owned facilities for chemical and biological warfare research. "In addition," says a study by James M. McCullough, Life Science Specialist at the Congressional Reference Service in the U.S. Library of Congress, "there have been university, private, and industrial laboratories working under Defense Department contracts on chemical and biological weapons."

The study cites a governmental inventory of facilities that includes: the Edgewood (Maryland) Arsenal for "research and development on chemical agents and weapons and chemical warfare defense equipment and techniques"; the Chemical School at Fort McClellan, Arkansas, which conducts "some limited testing of agents"; the Rocky Mountain arsenal in Denver for the "production of chemical munition"; the Newport (Indiana) Chemical Plant "for the production of chemical agents"; the Dugway Proving Grounds in Utah for "field tests of chemical and biological agents"; the Naval Biological Laboratory in Oakland, California, for "biological warfare defense-related research"; the Air Force Proving Ground in Eglin, Florida, for "chemical and biological warfare research, development and test"; and the Naval Weapons Laboratory in Dahlgren, Virginia, for "chemical and biological warfare defense and safety research."

The quest for what is really happening in CBW must start with recognition of a fact that has been publicly stated but often overlooked in the euphoria produced by Mr. Nixon's assorted renunciations of CBW: The U.S. has not disavowed *chemical* warfare. It has disavowed only "first use" of it, which means that the Army—which is the principal custodian of CBW activities—is free to proceed with the development of gases and delivery systems. The U.S. acknowledges that it is doing this at budgetary levels little different from the spending that preceded Mr. Nixon's applause-winning announcements. Thus, if the publicly stated budgetary figures are to believed, the total "chemical program" spending for research, development, test, and evaluation (RDT&E) is projected at $32.9-million for the current fiscal year; in 1970, the figures was $33.5-million.

Although some items within the total annual CBW budgets have decreased over the 1970–73 span, it is worth noting that the yearly RDT&E figure for "lethal chemicals" has risen from $4.3 million to $8 million, following sizable increases in previous years. In heavily censored testimony before the Senate Armed Services Committee last February, Lt. Gen. William C. Gribble, Jr., Army chief of research and development, made clear that the Army's interest in CBW is as strong as ever. "I think the scientists and the laboratory facilities that are engaged in this work are a national asset in terms of providing an emergency response should that ever be required," he said. "We must keep up with the state of the art. . . ."

The same hearing brought out the fact that the Army plans to spend "a large part" of a $9.5 million budgetary item for improvements in the Dugway testing grounds. And recently, as part of the effort to promote public faith in the President's disavowals of CBW, Dugway was opened to newsmen for the first time in fifteen years. The most interesting product of the guided tour, however, was the commanding general's announcement that, as UPI reported it, "We are doing all we can short of atmospheric testing to find out what we need" concerning nerve gas.

Open-air testing, the general added, was certainly "possible" at a later date. Despite efforts to portray it as a relatively humane form of warfare, CBW has a decidedly negative public image, and the Army tends to be uncommunicative on the subject. But it has acknowledged that one goal of current research is to develop less risky packaging for the incredibly lethal nerve gases that are the centerpiece of the CBW arsenal. Last year the Army found itself under assault from many directions when it dumped some 12,000 leaky nerve gas rockets into the Atlantic off Cape Kennedy. Research is now aimed at a so-called binary system, in which the projectile contains two nontoxic substances in its own tight compartment. Once in flight, however, substances are automatically brought together to produce the lethal gas.

As for herbicides and tear gases, years of research and operational use have brought them to an advanced state of development, and military commanders are pressing only for selective improvements. Thus, the Army's herbicide research program is budgeted for $900,000 this year, compared with $1.2-million four years ago. One of the main objects of the research will be to develop techniques for spraying from jet aircraft; the slow tankers that were used in Vietnam are vulnerable to improved anti-aircraft fire. In addition, with the U.S. reaping abuse for the ecological mutilation of an estimated five million acres in Vietnam, another object of research is a herbicide that can wilt both foliage and political criticism. In this regard, according to an official of Defense Research and Engineering, the Army is looking for "something that can take off the leaves without killing the plant."

Incidentally, while the conversion of Fort Detrick to cancer research has been well publicized and widely praised, it is not widely known that the reservation there remains home base for the Army's Vegetation Control Division, which is responsible for herbicide research. Eventually the work will be shifted elsewhere, and the Department of Agriculture will take over the Army's facilities.

The Presidential ban on biological weapons was followed by the destruction of large stocks of a variety of grisly materials for producing disease in humans, livestock, and crops, all of which helped further the impression that the U.S. is getting out of the BW business, Actually, however, the Army retains authority for conducting "defensive" research; and while the President is being praised for ordering the old germ warfare labs converted to peaceful purposes, the Army has been shifting some of its staff operations to the Dugway Proving Grounds.

Budgetary figures, as well as gripes by laid-off workers at the old Fort Detrick laboratories, clearly indicate that the BW effort has been sharply scaled down. Nevertheless, within the category of "defensive" research, the spending plans are far from paltry. "Biological" research this year is projected at $4.2-million, compared with $7.7-million in 1970, while in the category of "defensive equipment" the current sum is $7.6-million. $7.6-million represents a drop of only $7-million over the four-year period.

The crucial question, of course, is whether the "defensive" role allows for experimentation on storage and delivery of biological organisms, as well as for the development of new biological agents. The Defense Department says that such work has been discontinued and that activities at Dugway are confined to "threat analysis"—the development of detection techniques, protective systems, and health countermeasures. The fact is, however, that the Army is the sole interpreter of the term "defensive," and its activities are conducted out of public scrutiny.

The Defense Department's own figures for procurement of chemical and biological systems, as distinct from the separate category of research, provide grounds for skepticism concerning the U.S. disavowal of these weapons. In 1970, the total for procurement was publicly stated to be $149.3-million, of which a substantial portion was for the purchase of herbicides for Vietnam. The exact figure for herbicides on an annual basis is obscured in the bookkeeping; but in response to an inquiry from Senator Gaylord Nelson (D-Wis.), the Air Force—which was responsible for buying the stuff and spraying it in Vietnam—reported overall expenditures of $134,049,005 for the purchase of the so-called Orange, White, and Blue herbicides.

The Defense Department says it is no longer purchasing herbicides, except for minor quantities to kill weeds at military posts. Nevertheless, the total cost of procurement for chemical and biological systems is projected this year at $58.3-million. What are the objects of this vast expenditure? The largest single item, $28.7 million, is simply described as "Smoke"—smoke screens, flares to mark positions, and so on. Second is $14-million under the heading of "Flame and Incendiary," presumably including napalm-type weapons which the U.S. has defined as being outside the 1925 Geneva Protocol. Then there is $7.3-million for "Miscellaneous Defensive Equipment," a category that received only $900,000 in 1970. Obviously, these vague categories can conceal a multitude of materials.

(Anyone who doubts the military capacity for blatant evasion of Presidential directives might refer to an official government history, *Science and the Air Force,* published in 1966. At one time, the book points out, the Bureau of the Budget decreed that the Air Force could no longer spend money on basic research. Research spending was continued nonetheless—by charging the costs off to development of a new bomber. "For all the Budget Bureau knew," the book gloats, "the $4.7-million it approved was for research connected with the development of this aircraft, clearly within the realm of applied research. But in reality, this money was handed over to OSR [Office of Scientific Research] to use, as originally planned, for basic research.")

While Mr. Nixon may well be credited with cautious good intentions concerning CBW, the military apparently is having trouble kicking the habit. It is puzzling that the administration itself chooses to interpret the 1925 Geneva Protocol as exempting tear gases and herbicides; in this regard McGeorge Bundy, in the course of his continuing descent from the hawkish role that he occupied as President Johnson's national security adviser, told the Senate Foreign Relations Committee in March 1971:

"Useful as herbicides and tear gas have been in particular situations in Southeast Asia, I know of no senior military commander who would claim that in the wide perspective of the course of the war as a whole their value has been at all critical. In General Westmoreland's authoritative book-length report on his military operations between January 1964 and June 1968, there is only the briefest reference to herbicides and riot control agents. Seen in perspective, they are clearly marginal instruments."

As far as herbicides are concerned, Bundy's point is supported by a still-unreleased study of herbicide usage in Vietnam, conducted by the Army Corps of Engineers. The three-volume work, one volume of which is classified secret while the others are in the "official use only" category, indicates that commanders in Vietnam place little military value on the use of herbicides. Although the battlefield use of tear gas may figure in War College scenarios, experience in Vietnam has demonstrated that the enemy can easily equip his troops with, or train them to improvise, breathing apparatus that renders the gas ineffective. Why, then, does the military persist in retaining the option for herbicides and tear gas, continue to reinforce its capability for chemical warfare, and though the matter is uncertain, to dabble further with biological agents?

The answer is twofold: As Soviet-American arms agreements tend toward effective restrictions on the development of ultimate weapons, the military value of other weapons systems rises commensurately, just as the banning of firearms would elevate the military value of bows and arrows. And, as is clear from public indifference to the savage air offensive that has replaced American ground operations in Vietnam, the problem is not to avoid war; rather, it is to avoid shedding any great amount of American blood. Hence, in the age of the nuclear standoff, the Pentagon is looking hard for highly lethal, non-nuclear, low-manpower systems that satisfy both military necessity and public opinion. And CBW, Presidential protestations notwithstanding, fits in nicely with that quest.

Negotiations for arms-control agreements with the Soviets have frequently foundered on the issue of inspection, with the U.S. insisting that its own inspectors, or perhaps an international group, have the right to conduct on-the-spot checks of compliance. Yet back home, the U.S. government seems unconcerned about verifying whether its army is in fact abiding by Presidential directives to engage only in "defensive" research. The Executive's disregard for Congress in military and foreign affairs has been so thoroughly demonstrated as to eliminate any realistic prospect for defective Congressional scrutiny. When Congress has questioned the military use of weather, modification in Southeast Asia, for example, Defense's longstanding reply has been, in effect, that it is none of your business.

If there is ever an inspection agreement with the Soviets on CBW, it will have an ironic benefit: The American public will have reason to believe government accounts of what is going on in U.S. military laboratories.

AID TO THIEU

Mr. GRAVEL. Mr. President, there has been a great deal of controversy over whether or not the United States should continue its programs of military and economic aid to the South Vietnamese Government of President Nguyen Van Thieu. It is a question of central importance to the peace negotiations in Paris, and the answer finally given will be crucial to the direction U.S. foreign policy follows in the future.

In spite of the great importance the resolution of this issue one way or the other will have, very few Americans are actually aware of the extent of this aid or the purposes it serves. Recognizing this lack of information, Le Anh Tu and Marilyn McNabb of National Action/Research on the Military-Industrial Complex have prepared a special report entitled "Aid to Thieu", which traces the history of U.S. aid to South Vietnam as well as the ongoing day-to-day programs in that country which U.S. dollars finance. I think members of the Senate and their constituents will find this report of interest, and I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Aid to Thieu

1. DEADLOCK ON AID

The Paris peace talks often ridiculed as "propaganda forums," have actually revealed many areas of agreement. The United States, the Saigon government, the Provisional Revolutionary Government of South Vietnam[1] (called the "Vietcong" in the American press) and the Democratic Republic of Vietnam ("Hanoi") all agree in principle to the withdrawal of U.S. forces, the release of war prisoners, internationally supervised free elections, and even to a coalition government.

Yet the talks are deadlocked. One question remains unresolved: should the U.S. continue its aid to Thieu? The PRG insists that this aid must be stopped. The U.S. is equally stubborn. Both parties feel that their vital interests are involved on what might appear to be a minor issue.

To clarify the dispute over aid to Thieu, this paper will review U.S. assistance programs in South Vietnam. Special attention will be paid to projects that are considered to be of high priority by the U.S. We will attempt to describe the effects of these programs on the Vietnamese people for whom they are designed, and to determine how much the U.S. has spent on these projects. The U.S.-sponsored programs are well known to Vietnamese but not so familiar to American citizens who pay for them.

Our main source of information is the hearings held each year in Congress to examine how American taxpayers' dollars are spent in Vietnam. Supplementary sources include U.S. government publications and news reports from Saigon and Western newspapers.

2. THE SPRING ROUND-UPS

Most news reports on the spring 1972 offensive told of dramatic military clashes. Less mention was made of certain actions taken by the Thieu government which were made possible only by U.S. aid.

While U.S. bombers were pounding the contested and "enemy"-controlled areas of Vietnam, Thieu's police, accompanied by American advisers.[2] were rounding up thousands of suspected "Communist sympathizers" in the so-called "secure" areas.[3] The spring offensive increased the regime's fear of trouble from internal dissenters. On May 26, 1972 the Buddhist Student Association in Saigon announced the arrest and imprisonment of the entire leadership of many student organizations and civil rights groups in South Vietnam.[4] Relatives of known political activists have also been taken into custody, and held as hostages.[5]

A former New York Times Saigon correspondent and veteran observer of the war, Tom Fox, describes the far-reaching effects of this crackdown:

"Nearly everyone known to have been an outspoken critic of the Thieu government—and not protected by international recognition—has suffered at the hands of the powerful National Police in recent weeks.

"In Hue alone, more than 1500 have been arrested and most have been taken to Con Son prison island, an island which for decades has confined critics of French and American supported governments. Women and children have been rounded up among the 'political suspicious'—and taken by police to Con Son.

"We've arrested the entire student body of Hue," Hoang Duc Nha, President Thieu's press secretary recently stated flatly...

"In many cases people have been arrested solely because they have relatives in the NLF or in North Vietnam . . .

"A lower house Deputy from a Delta province said the police have come into villages and picked up men in their eighties who have not left their home for years, forcing them into small prison cells. 'Even village and hamlet chiefs and officers in the Saigon army are being arrested and interrogated,' he added."[6]

The ground for these arrests, having "Communist sympathies," are broadly interpreted. They extend to all political opponents of the Thieu regime, especially those having credibility and influence with the general populace. Those arrested include student organizers, religious leaders, and newspaper editors.

"In Longxuyen Province, an area dominated by the Hoa Hao religious sect, several hundred university students held a rally to protest a decree under which most of them would be drafted. Although anti-American banners were displayed—"The students and people will not die for the interests of the imperialists"—the police did not intervene. Later, however, leaders of the rally were reportedly arrested.

"Other arrests of student leaders appear to have had little to do with public demonstrations.

"A Roman Catholic priest in Saigon said he conservatively estimated that nine local leaders of the Catholic Labor Youth Movement had been arrested and that half a

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Footnotes at end of article.

dozen others had disappeared. In such cases the police rarely give any information or even identification." [7]

3. OPERATION PHOENIX

A Washington Post account of the "tight grip of police authority" in Danang in mid-June mentions a surveillance program called Operation Phoenix which has facilitated many of the spring arrests:

"There have been hundreds of arrests (no one seems to know precisely how many) of suspected terrorists and political dissidents under the Phoenix program for "neutralization" of the Vietcong and the broadened police powers of the martial law decree.

"But when the police come, even tea girls in the bar of the Grand Hotel . . . become frightened and take cover." [8]

Phoenix was set up to "neutralize the Viet Cong infrastructure," that is, to kill or jail members of the National Liberation Front (NLF).

An early report about this controversial program was written in February 1970 by Washington Post correspondent Robert Kaiser. The Chairman of the Senate Foreign Relations Committee asked the deputy head of the Phoenix program, U.S. Ambassador William Colby, if Kaiser's article was "reasonably accurate." The following is Colby's response:

"I would have a few problems with minor aspects of it, but I think, in general, it states the fact that we have a difficult problem of making the Phoenix program work . . ." [9]

Colby did not dispute correspondent Kaiser's account that

"Phoenix was the idea of the CIA [Central Intelligence Agency], and until last July it was run by the agency. Phoenix operations conducted by Provincial Reconnaissance Units have involved assassinations. These units, another CIA organization composed of Vietnamese troops and U.S. advisers, were organized primarily as a counter-terror group to operate behind enemy lines. Assassination of Vietcong officials was one of their assignments." [10]

Like other American-initiated programs, Phoenix has also been "Vietnamized." As early as December 1967,

Phoenix was adopted by the Vietnamese government, at American urging (or perhaps insistence) . . .

"Phoenix offices in the 44 provinces and most of the 242 districts of South Vietnam (all with U.S. advisers) are supposed to maintain dossiers on Vietcong officials in their area and a "blacklist" of wanted men and women." [11]

Phoenix operating procedures are oftentimes imaginative. Don Luce, former head of International Voluntary Service in South Vietnam, reported to a Congressional committee what he had been told by a schoolteacher in Quang Tri province about Phoenix there:

"Well, this is how Phoenix works in my village. Two men came in black pyjamas and carried AK–47s. They then—they were there for a while, and then the police force came in, and then the government officials, and so on. And then they arrested all of those people that these two men pointed out as having been kind and providing food, and so on, to these two people who had been posing as NLF soldiers." [12]

Another way to identify and corner NLF suspects is through the use of "village profile books." There is a profile book for almost all the villages in South Vietnam. In it are the names, ages and addresses of NLF sympathizers living in a particular village and the names of VC Infrastructure (VCI) who once operated in the villages and are now in hiding. A present project is attempting to complete this book with photographs of the VCI secured from family photo albums, etc." [13]

These profile books are being compiled by the Rural Development (RD) cadre, special teams of armed Vietnamese civilian operatives currently numbering over 30,000.[14] The RD cadre wear black pyjamas resembling those worn by local people to help them blend more easily into village life.

Originally conceived of as a bridge between the Saigon regime and the rural population, the RD found itself losing in political competition with the NLF. The American design has been to offer the Vietnamese a "political, economic and social revolution far superior to anything the Communists can offer." [15] Despite efforts such as the RD cadre program, however, "the social revolution underway in South Vietnam is primarily identified with the National Liberation Front," [16] in the words of an experienced American adviser to Vietnam.

RD cadre have increasingly taken on the duties of being Phoenix agents, tracking down and assassinating their NLF rivals. The transition has been easy for the RD, since they are directly salaried by CORDS (Civil Operations and Rural Development), which is run by the U.S. military. According to the General Accounting Office,

"The RD cadre is supported solely by the United States, and about $120.5 million [1968–1971] was converted to piasters to pay the cadre's salaries and allowances." [17]

This procedure is considered to be highly unusual, for other employees of the regime, such as the regular and para-military soldiers are paid by the regime, albeit with American funds. But the RD cadre, the political representatives of the Saigon regime to the people, are directly salaried by the United States.

Ambassador William Colby [18] admitted to Congress that over 20,000 people have been killed under the Phoenix program.[19]

Some Phoenix people are constantly discovering new ways to spend U.S. money. A pilot program has been set up offering cash rewards of up to $11,000 for the capture of key NLF members. A dead NLF person goes for half price,[20] since Phoenix is more interested in live prisoners who can be grilled for more information.

Other Phoenix officials have not shown much initiative. Much of their apathy is due to the fact that:

"Some local officials have made private accommodations with the Vietcong, the U.S. and Vietnamese officials say. They are unwilling to upset these arrangements by chasing VCI." [21]

In an effort to activate slow-moving Phoenix operatives, quotas were set "to prod recalcitrant local officials" [22] into arresting more NLF members:

"Thus a province chief has to report neutralization of a certain number of VCI every month to stay in good. 'They will meet every quota that's established for them,' one American adviser noted." [23]

Greatly increased quotas as of July [24] may only have contributed to more indiscriminate arrests. At the same time, standards of evidence have been lowered nearly out of existence. When previously the testimony of three neighbors or acquaintances was necessary, now a single bad word is enough for a Phoenix arrest.[25]

Although Vietnamese do the actual work of capturing and killing people "targeted" by Phoenix, the American contribution is by no means insignificant. According to Ambassador Colby,

"The United States through CORDS has provided advice and assistance to the Phoenix program. This currently includes approximately 637 U.S. military personnel working with the Phoenix centers." [26]

As of May, 1971, the U.S. had spent almost $4 million just to build Phoenix centers and buy office equipment.[27] One estimate of U.S. aid to Phoenix from 1968 to May 1971 came to $732 million.[28]

This is the figure given to Congress, but it may not even be close to the real amount. Here is as much information as staff member of the House Committee on Government Operations, William Copenhaver, could pull out of James Duff, an Associate Director of the International Division of the General Accounting Office:

Mr. COPENHAVER. Take Phoenix, for example: for all we know then, Phoenix may be actually funded to a far greater extent than even AID or DOD say they are; isn't that possible?

Mr. DUFF. We wouldn't know.

Mr. COPENHAVER. You wouldn't know, but would DOD know?

Mr. DUFF. I can't answer that. I don't know.

Mr. COPENHAVER. Certainly, it would be the minimum, but it could be, say, double or triple what they claim, couldn't it?

Mr. DUFF. I don't know.[29]

Nor did Copenhaver learn much from Duff's boss at the GAO, Oye Stovall:

Mr. COPENHAVER. May I conclude by asking this? Is it correct, then, that GAO doesn't know and that probably no one in the Government actually does know how much has been expended on a program like Phoenix?

Mr. STOVALL. Yes. We have said we don't know.

We don't know of anyone else who knows.[30]

Earlier in the hearings, Stovall testified that his office does not audit the Central Intelligence Agency's spending, very likely another source of Phoenix funding. "Does anyone?" he was asked. Came the predictable reply, "I don't know, sir." [31]

4. INTERROGATION CENTERS

Phoenix prisoners are sent to Province Interrogation Centers (PIC). A former CORDS employee, Theodore Jacqueney, told Congress that:

"PICs have a reputation for using torture to interrogate people accused of Vietcong affiliations . . .

One wealthy old man I knew in Saigon was arrested and accused of being a Communist spy. Two American officials who knew this man intimately later told me that they believed that the man had actually been a VC. Both of them on separate occasions told me that, once arrested, the old man had wanted to confess, but had been tortured horribly anyway, simply because it was standard operating procedure to torture prisoners.[32]

According to an August 1972 report published by *New York Times* correspondent Sydney Schanberg,

"Documents smuggled out of South Vietnamese prisons and extensive interviews with former prisoners paint a picture of widespread torture of people jailed by the Saigon Government." [33]

The report gave a "sampling of the prisoners' accounts:"

"Nguyen Thi Yen was beaten unconscious with a wooden rod. Later, when she revived, she was forced to stand naked before about 10 torturers, who burned her breasts with lighted cigarettes.

Trinh Dinh Ban was beaten so badly in the face that the swelling shut and infected his eyes. The police drove needles through his fingertips and battered him on the chest and soles of his feet until he was unable to move.

Vo Thi Bach Tuyet was beaten and hung by her feet under a blazing light. Later, they put her in a tiny room half flooded with water and let mice and insects run over her body." [34]

Nor were these isolated incidents, Schanberg asserted:

"The three accounts are typical of the stories told in the other documents and in the interviews about the treatment of the thousands of students, workers, peasants, women and children arrested by the national police and military authorities in the "preemptive sweeps" made in the search for Communist sympathizers and agents." [35]

Schanberg's findings have been corroborated by other sources. Dispatch News Serv-

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Footnotes at end of article.

ice correspondent Tom Fox interviewed a thirty-year-old woman released in July 1972 from a police interrogation center in Saigon, who said that:

"More than 90 percent of those arrested faced violent interrogations, including clubbings, electric shock treatments, the pulling of fingernails, and the forceful drinking of soapy water." [36]

These reports, however shocking, are not new. Earlier accounts have described the use of torture by Saigon officials. Congress was informed about such practices several years ago by Dr. Marjorie Nelson, a Quaker hospital worker in Quang Ngai province. Testifying to a House subcommittee hearing in July 1970, Dr. Nelson described her own experiences in working with tortured prisoners:

"I also regularly examined and treated prisoners who have been tortured. This seems not to have occurred in the prison itself but in the Province Interrogation Center. I saw dozens of patients with bruises of varying severity. I also examined patients who had coughed up, vomited, or urinated blood after being beaten about the chest, back, and stomach. On at least two occasions I was able to document by X-rays fractures of bones following beatings. Prisoners also told me of being tortured by electricity with wires attached to ears, nipples and genitalia; by being forced to drink concoctions containing powdered lime and other noxious substances, and by being tied up and suspended by ropes often upside down from the rafters for hours. On at least three occasions, patients seriously ill or injured and under my care were removed to the Province Interrogation Center without my knowledge for further investigation." [36A]

Subsequent Quaker field reports, even to this day, confirm Dr. Nelson's testimony and assert that the use of torture is even more widespread.

These are considered standard operating procedures for the interrogation centers. The well known are not exempt from such treatment. The President of the National Student Union of South Vietnam, Huynh Tan Mam, is now crippled, partially deaf and partially blind as a result of police torture. Le Van Nuoi, Chairman of the Federation of High School Students in South Vietnam, lost both legs from severe beatings. A woman lawyer active in civil rights who had studied at Columbia University, Mrs. Ngo Ba Thanh, has undergone water torture.[37–39]

Water torture is a very popular method used by the National Police. It consists of forcing large amounts of water into the stomach of the victim and then stamping on the person's stomach, which causes great pain and induces vomiting.

One reason for the use of torture is that it is a way to justify the wholesale arrests that have taken place. These people must be guilty of something, so they are sent to the interrogation centers and

"are pressured by the police to confess their 'political crimes.' Since statements gained by police during interrogation, under the French legal system, can be used as evidence during subsequent trials, police have been known to use torture when necessary." [40]

This report was corroborated by Sydney Schanberg's interviews with former prisoners:

"Several of the informants said they had discovered, while in prison, a sardonic saying favored by the police—'Khong, danh cho co'—'If they are innocent, beat them until they become guilty.' " [41]

Again, the Saigon government is not alone in this venture. Although there are no available figures for the cost to the American taxpayer of maintaining these interrogation centers, U.S. Ambassador Colby admits that they are funded directly by the United States.[42]

Americans also participate in PIC activities. According to Theodore Jacqueney,

"These PICs have a CIA counterpart relationship, and in some cases also have a relationship with the AID police advisor. Not in all cases, however—last year the senior AID police advisor of the Da Nang City Advisory Group told me he refused, after one visit, to ever set foot in a PIC again, because 'war crimes are going on in there.' " [43]

5. NATIONAL POLICE

The National Police have other duties besides manning the interrogation centers. They are also employed to break up strikes, such as the October 1971 strike at the Eagle Battery Factory (owned by Mrs. Thieu)[44] where workers demanded a pay raise to keep up with rising inflation. Wages had ranged between 45 and 80 cents a day. The police were called in and arrested workers, union officials and three Catholic priests who had been actively supporting the strikers.[45]

Thousands of policemen have been assigned to guard some 650 checkpoints "at key locations on roadways and waterways, and operate mobile checkpoints on remote roads and trails," [46] in order to, as U.S. police adviser E. H. Adkins put it, "regulate the movement of selected resources, both human and material." [47] At these checkpoints travellers are stopped and asked to show their identification cards. If the police do not feel satisfied, they can send a "suspect" down to an interrogation center for further examination. Sometimes, when they are feeling especially nervous, such as during the 1968 Tet offensive, a "suspect" can be shot on the spot.[48]

In the cities there are other ways to control the movement of people:

"The police make a practice of cordoning off residential areas and searching each dwelling. In such sweeps, which take a day or more, even a person with valid identification faces arrest if he is found after curfew at the home of a family whose official family list does not show his name." [49]

Another important task of the National Police, besides arresting the "politically suspicious," is to hunt down thousands of draft dodgers and deserters . . . Many tired soldiers have left their units to seek refuge in back alley houses and shacks. It is the job of the National Police . . . to find the boys, arrest them, and return them to their units.[50]

There seems no end in sight for police work.

One high ranking American police advisor said 14,000 Vietnamese—including draft dodgers and deserters—are being arrested monthly.[51]

Consequently, the size of the National Police has increased drastically. In 1960 the National Police numbered only 16,000. Today it is over 120,000, with a projected goal of 147,000.[52] By comparison, New York City, which has the nation's highest crime rate,[53] has between 30,000 to 40,000 policemen for a population of about 9 million people. South Vietnam has four times the number of policemen to monitor less than twice the number of people.[54]

Police work has been an essential part of the U.S. assistance programs since the formation of a government in Saigon. A spokesman for the Agency for International Development (AID) told Congress that

"AID and its predecessor agencies have supported public safety programs [police] in Vietnam since 1955 . . . AID's task has been to assist the National Police in recruiting, training and organizing a force for the maintenance of law and order . . ." [55]

AID has supplied over 200 police specialists to help "train and organize the National Police forces at all levels." [56] Altogether there are over 7,000 U.S. personnel working in South Vietnam's "Public Safety" programs.[57]

An estimate of U.S. aid to maintain the National Police is difficult to compute, since it is funneled through several agencies. The police program (called "Public Safety") was originally under AID, but is now under CORDS with part of the bill paid by DOD. The reason is that AID's appropriations had been reduced, so "in 1967 DOD agreed to finance those AID civil-type programs which DOD considered had military import." [58] Over $100 million was spent on "Public Safety in Vietnam from 1968 to 1971—two thirds of the funds came from AID, one third from DOD.[59]

6. THIEU'S LAWS

To legitimize the arrest of Thieu's political opposition, a number of laws have been enacted. One such is article 19 of Decree Law 004/66, or the "an tri" law, stating that

"Those persons considered dangerous to the national defense and public security may be interned in a prison . . . for a maximum period of two years, which is renewable." [60]

Another law used against political prisoners is article 2 of Decree Law No. 93/SL/CT:

"By this Decree are outlawed private persons, parties, leagues, associations that commit acts of any form which are directly or indirectly aimed at practicing Communism or Pro-Communist Neutralism. . . . Shall be considered Pro-Communist Neutralist any person who commits acts of propaganda for and incitement of Neutralism: these acts are assimilated to acts of jeopardizing public safety." [61]

Under questioning Ambassador Colby admitted that these laws were invoked to detain people when there is insufficient evidence to convict. The great bulk of people arrested under Phoenix are never tried by court, nor are they allowed legal counsel or any right to a hearing under the present legislation.[62]

Of course there are always exceptions to the rule, and some people are brought to trial before military court, in spite of the fact that this court was declared unconstitutional by Thieu's Supreme Court. Sometimes even the unconstitutional court arrives at a non-guilty verdict, but it "is irrelevant anyway, for even the acquitted are seldom released." [63]

In order to keep up with the increased "Spring arrests," Thieu requested on May 9 emergency power to rule by decree in order to supplement the already arbitrary laws of detention. However, even Thieu's Senate balked at ratifying laws further suspending civil liberties, despite government "inducements" of bribes ranging between 1 million and 10 million piasters.[64] U.S. Senate investigators were surprised to learn that the U.S. Embassy had supplemented Thieu's own efforts by actively lobbying leading South Vietnamese Senators in order to "obtain their support for the Emergency Powers bill." [65]

On July 15, 1972 a new presidential decree on public safety was issued making possible the arrest of virtually every citizen in South Vietnam. The decree speaks for itself, and we will quote it extensively.[66] Article 1 reads, in part:

"Those caught wandering during the hours of curfew without a written authorization, or a valid excuse such as birth-giving, an unexpected illness requiring emergency treatment, etc. will be subject to a prison sentence ranging from 6 days to 2 months, or fined from 1,000 to 10,000 piasters." [67]

Article 2:

"Those presently detained or placed under house arrest by government decision who attempt, or are planning an attempt to escape, will be severely punished." [68]

Article 3:

"All forms of labor strikes and disputes, even those that have gone through a process of mediation, and even if its only purpose is to provide mutual support to resolve a labor conflict, will be strictly forbidden." [69]

Footnotes at end of article.

Article 4:

"Striking workers will be jailed from 6 days to 6 months, and will be fined from 5,000 to 100,000 piasters . . .

If the strike is in a field affecting public services . . . the punishment will be doubled. If the strike has another motive than to settle a labor dispute, and furthermore has the potential or the intention of placing the public in difficulties for many days and as a consequence forces the government from its desired path, the striking workers will be jailed from 6 months to 2 years and will be fined from 5,000 to 500,000 piasters . . .

". . . those encouraging or leading a labor strike will be severely punished."[70]

Article 7:

"If there is a dispute between the employer and employees, both must follow a process of mediation . . . All rulings by the mediator to resolve the dispute . . . will be considered binding and enforceable after 15 days . . ."[71]

Article 8:

"Those wrecking the public market or plotting to wreck the public market, preventing or plotting to prevent the people from shopping, with the purpose of sabotaging public order, will be severely punished."[72]

Article 9:

"Those who organize demonstrations or gatherings considered detrimental to national security will be severely punished; those who attend [such meetings] will be jailed from 1 to 6 months."[73]

Article 10:

"Those who popularize, possess or circulate those publications, leaflets, information, news or photographs deemed harmful to national security, will be severely punished.

Printing presses and vehicles to distribute [these materials] will also be confiscated."[74]

Article 11:

"Those caught with munitions, weapons, bullets and flammable materials in their possession without a valid authorization will be severely punished."[75]

Article 12:

"Concerning those captured because they are deemed dangerous to public safety and national security . . . if the authorities find any information regarding these dangerous activities, then they have every right to confiscate them following orders from the chief of state."[76]

In addition, the decree legitimized the active use of weapons by government personnel in the line of "self-defense" or to hunt down the "suspects." The new law also declared invalid all past laws that were in conflict with this present decree.[77]

Should the Saigon press object to the July decree, the Thieu regime issued new guidelines to ensure responsible news coverage. Under an edict announced on August 5, 1972, every daily newspaper is required to deposit in the government treasury within 30 days the amount of 20 million piasters, or about $47,000. This money, according to the decree, will be a guarantee to cover possible future fines and court charges arising from the government's already strict press code on "national security" matters.[78]

The guidelines for proper press reportage are vaguely worded. As Saigon Minister of Information Truong Buu Dien phrased it,

"We hope the national press will put on an entirely new face which will be more progressive as well as more responsive to the needs of national security and public order."[79]

Newspaper publishers will have a hard time figuring out whether their articles violate the new press codes, however, since the Minister of Information declined to give definitions of "more progressive" or "more responsive to the needs of national security and public order," insisting that those were matters for the courts to decide.[80]

There are 46 daily newspapers in South Vietnam. Many of them will go out of business simply because they cannot raise the bond money required by the Government.[81] In addition there is a clause stating that when the daily issue of a newspaper is confiscated by the Government for the second time for carrying "articles detrimental to the national security and public order," the Interior Ministry can shut down the paper pending a decision in the courts.[82]

For non-governmental publications, the impact of that second-offense clause could be even more severe than the financial requirement in the decree. Hardly a day passes in Saigon without a few dailies having their editions confiscated on grounds of their having violated the security provisions of the press code. Last week, the Government took 44 such alleged violations to court and won vedicts of guilty in 39.[83]

The grounds for violating national security codes have been stretched to include any news considered unflattering to the regime:

"Examples of the kinds of articles considered offensive were printed early in July when Nguyen Thai Binh, a South Vietnamese student whose American-funded scholarship had been terminated by the Saigon government because of his anti-war activities in the United States, tried to hijack a Pan American jetliner on his way home and divert it to Hanoi. The issues of more than two dozen newspapers were seized, in most cases merely for reporting that the student had wanted to go to North Vietnam."[84]

Six newspapers were confiscated in the first week of August, 1972 for reproducing a BBC report quoting a South Vietnamese general as saying that "Communist regiments" were trying to cut the highway between Saigon and the Delta region. As the Washington Post noted,

"The information is perfectly true, but only war news authorized by the psychological warfare authorities in Saigon is allowed to be printed."[85]

A military court, composed exclusively of Thieu appointees, rules on cases of press violations. Its decision is final, and there can be no appeals.[86] The punishment for press violations can be as much as 5 years imprisonment and a 5 million piaster fine, equivalent to $12,000.[87]

South Vietnamese newsmen contend that the new press laws have been issued because Thieu "wants to reduce the number of newspapers to five, all supporting him."[88] A more delicate expression of Thieu's desires was made by his Minister of Information, who stated that the government "intended to promote the merging of small newspapers into big ones."[89]

7. PRISONS

By conservative estimates there are over 100,000 political prisoners in the South,[90] where the number of jails exceeds the combined total of schools, churches and pagodas. In 1970, 80 women inmates from Con Son Prison Island, who were transferred to another jail, managed to smuggle out a letter protesting prison conditions. This 25-page letter was then made public by Mrs. Ngo Ba Thanh's civil rights organization.[91]

The women inmates described how the prisoners in Con Son were fed:

"Their food consists of a handful of rice with rotten dried fish or fish sauce mixed with sand and pebble. The rations of 5 are not enough for only one. They are given 3 meals in 7 hours and nothing for the rest of the day, that is 17 straight hours. In nearly 8 months, only 4 meals with uneatable raw vegetables were served . . . Sometimes the prisoners ask for more rice or water . . . Instead the guards give them rice mixed with kerosene and dried fish with soap. No different diet for sick prisoners."[92]

They also spoke of conditions in the tiger cages, which are jail cells under ground level, with iron bars at the ceiling instead of on the sides. The ceilings are constructed so low that the prisoners do not have any standing room, so many lose the ability to use their legs. The guards are able to walk on the iron frames above the heads of the prisoners.

"In the tiger cages, due to lack of room, two of the five inmates lie on the cement floor and the other three on the lower part close to each other in the hot atmosphere like canned sardines. One of them has to lie close to the toilet bucket in each cage. Buckets of quick lime and sticks are always kept handy on the iron frame on top of the cell for the guards to use at will . . . Opposite to the tiger cages is a dump of excrement which gives out an intolerable stink . . . At night the prisoners cannot sleep due to the bitter cold, mosquitoes, bugs and thirst.[93]

The prisoners also have difficulty keeping themselves clean. A 5 minute bath is permitted three times a month. So the prisoners have just enough time to undress, pour a tin of water on their bodies, then to dress . . .[94]

Consequently, they suffer many diseases:

"Intestinal diseases, stomach ache, diarrhea, fever, chlorea, tuberculosis, paludism, beriberi, paralysis, trachoma, vulvitis. Particularly some prisoners vomit excrement."[95]

Political prisoners are also subject to regular beatings, called "repressions," where tear gas rockets, acid and quick lime are employed. On these occasions even American rock music serves a useful function, as two prisoners described:

"At 10 a.m., the loudspeakers of the central tower are blaring out American music at full power. No doubt about what is going to happen: we recognize the "pop" tunes that are delivered at each repression; the music covers the cries of the prisoners who are being beaten."[96]

In 1969 a U.S. Study Team of distinguished Americans, including a retired Rear Admiral from the U.S. Navy, a bishop from the United Methodist Church, and the Dean of Boston College Law School, visited a number of prisons in South Vietnam. They described conditions in the Thu Duc Women's Prison in the suburbs of Saigon:

"There was overcrowding of the cells. This was especially hard on nursing mothers and those with small children. In the cell where babies were shown to the Team, it was confirmed that fifty people lived in a room 40' x 30'. Primitive sanitation was severely inadequate. The medical provisions of the camp, if used as it was claimed, could ameliorate the situation, but there was evidence that some prisoners had not had recent medical attention, and skin ailments among little children pointed to low standards. Of particular concern are: the length of sentences; the youth of some classified as Communists; the large numbers of unconvicted prisoners; and the looseness and generality of charges and classifications. Governor Minh told us that there were 50 children from birth to 14 years in the prison; 40 were classified as young offenders (13–17 years); presumably the remainder were in prison solely because one or both parents were there."[97]

In 1971, after the tiger cages in Con Son prison island were discovered by two American Congressmen, the Saigon government embarked on a plan to build new tiger cages (or isolation cells, as they are officially called) using prison labor. However the prisoners refused to participate in this "self-help project" and AID was forced to award a $400,000 contract to RMK–BRJ, an American company, to build these tiger cages.[98]

In response to Congressional inquiry, U.S. Ambassador William Colby gave a brief history of the American contribution in maintaining the regime's penal system:

"In 1963, a U.S. program of advice and assistance to the GVN prison system was initiated, which was taken over by CORDS in 1967 . . . In 1967, the problems of overcrowding because of the war and loss of

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Footnotes at end of article.

prisoners to VC attacks became serious. Thus, a substantial program of fortification and expansion of prison facilities was undertaken . . . Advisory attention to these centers has been increased over the years, using both civilian and military personnel, *including six members of the United States Federal Bureau of Prisons now in Vietnam*,"[99] (emphasis ours).

While the program has been "taken over by CORDS," AID continues to be responsible for providing "technical advisers to help supervise relocations and to train new recruits." AID also furnishes "supplies for prison security."[100]

Funding for Thieu's prisons comes from both AID and DOD. The following chart (provided by Ambassador Colby)[101] lists the annual costs since 1967:

Fiscal year:	*Amount*
1967	$78,000
1968	1,199,700
1969	951,500
1970	315,300
1971	267,000
1972	627,400

8. PACIFICATION

Only a decade ago nine out of every ten Vietnamese lived in the countryside.[102] Consequently a basic goal of the American war effort has been to bring the rural population under the control of the Saigon government. According to U.S. Ambassador Robert Komer, the chief architect of this program, this attempt has had many names; the most widely known (though hardly the most apt) is pacification.[103]

Summarizing his work, Ambassador Komer said:

"Conceptually, all Vietnam pacification efforts have been designed essentially to serve two constructive aims: (1) sustained protection of the rural population from the insurgents, which also helps to deprive the insurgency of its rural popular base; and (2) generating rural support for the Saigon regime via programs meeting rural needs and cementing the rural areas politically and administratively to the center. A secondary purpose has been to help neutralize the active insurgent forces and apparatus in the countryside. In essence, then, it is a civil as well as military process."[104]

These objectives are to be accomplished in two distinct stages. The first stage is to gain physical control of bodies, either by occupying a village militarily or by moving villagers to a secure area. The second stage is to win over the peasant's political loyalty. The strategy here is to interest the peasant in American technology by introducing new rice strains, fertilizer and farm machinery, in the hope that he will prefer the American brand of "social revolution" to what the insurgents have to offer.

Expressions of optimism by U.S. officials about the success of the first stage are by now routine. However, in response to a Congressman's query about a July 1971 Washington Post article headlined "Vietnam, a Fragile Security: Population Still Up For Grabs," U.S. Ambassador Colby (Ambassador Komer's successor) explained the difficulties of the second stage:

"I think the thrust of that article, Mr. Chairman, was that the security situation is really quite a bit better than it was, and is quite substantially in hand, but that *the political problem is yet to be faced* . . . I would be inclined to agree that certainly the political identification of the people with the Government has not proceeded as fast as the security situation has, but this is a sequential development. This is the design of the plan . . . The process is building a new political base of this government from the bottom up."[105]

The first stage

Even before 1960, whole villages had been uprooted and settled in Agrovilles, armed camps surrounded by barbed wire and under strict government control. Since then, these concentration camps (as they are widely called in Vietnam)[106] have assumed different names: Strategic Hamlets, New Life Hamlets, etc. Yet they were, in the words of Ambassador Komer, "promising though regrettably modest experiments."[107]

The "New Model" Pacification Program from 1967 to 1970 was more effective, he claimed:

"The 1967–1970 program differs from its predecessors less in concept than in the *comprehensive nature and massive scale of the effort undertaken*, and in the unified management which pulled together a great variety of subprograms for the first time on a fully countrywide scale." (emphasis ours)[108]

The results were indeed staggering. According to one Senate report, by 1970 over a third of South Vietnam's estimated population of 18 million have become refugees since 1964, with the vast majority still crowded into urban areas or into refugee centers near provincial and district towns.[109]

At the start of the "New Model" Pacification Program, the U.S. military was directly involved in the process of depriving "the insurgency of its popular base." This was done by relocating the peasants into refugee camps, where the task of "rebuilding" was taken over by the U.S. civilian apparatus.

Jonathan Schell, a journalist who accompanied the American military in its operattions in the Central Provinces of Vietnam during this first stage, noticed that many officers and civilians saw the war as consisting of two more or less equal "sides" or "halves"—the "military half," which destroys, and the "civilian half," which builds again. . .[110]

One standard operating procedure for driving peasants out of "insecure areas" was to saturate the countryside with bombs.[111] In an eyewitness account, Schell described how U.S. ground troops rounded up villagers at gunpoint, transported them to refugee camps under the Saigon government's control, and razed their ancestral homes to the ground to discourage the peasants from returning.[112]

Former Deputy Director of AID in Saigon, Wells Klein, complained to Congress that villagers were not allowed to return to their former homes, or were warned that "if they do so, they would be bombed and mortared as before."[113] This threat was backed up by "the persistence of 'free fire zones' in which anything that moves is fair game."[114] The "free fire zones" are now officially renamed "specified strike zones," presumably because the former name held offensive connotations, but the effects have remained the same.[115]

There are also other methods to keep people in government camps, as Hugh Manke, Director of International Voluntary Services in Vietnam, told Congress:

"An ARVN major exhorted the people at De Groi to remain in the camp. He held in his hand an antipersonnel mine and explained that these mines would be placed between the camp and the forest to prevent the people from returning."[116]

Once removed from their homes and farmland, the refugees find themselves without any means of support. The Saigon government is then in a position to bestow the food, shelter and work necessary for their survival. Such aid, made more meager by U.S. budget cuts in health and social welfare,[117] is contingent on the peasant's political cooperation with the Thieu regime.

Both American and Saigon authorities soon learned, however, that there were disadvantages to generating refugees on a large scale. First, the regime was obliged to look after these refugees "at a cost of $100,000 a day," according to Saigon Minister of Economy Pham Kim Ngoc. "And even for that, those people are living barely at a subsistence level," he added.[118] Second, refugees dissatisfied with the substandard living conditions of the government camps[119] could be a political eyesore in the pacification campaign.

In an effort to divest itself of its responsibilities, and to create an impression of greater "security" in the countryside, the Saigon regime initiated a "Return to Village" program.

Despite the program's auspicious title, villagers were not returned to their ancestral homes but were instead dumped into fortified camps near their former homes.[120] Their official allowance from the government consists of 10 sheets of corrugated tin, 10 bags of cement, 5,000 piasters (. . . less than $15 in actual purchasing power), and a small food allowance to last 3 months.[121]

By making the allowance pitifully small, the pacification strategists were able to perpetuate the villagers' economic dependence on the government. At the same time the Saigon government had a good excuse to remove the villagers' names from the refugee lists and to take credit for their "resettlement."

Another rationale for sending refugees back to the countryside was outlined by Brandeis University professor Milton Sacks, a Defense Department consultant. He called it a "leopard spot" theory, which would set up fortified camps throughout the rural areas like spots on a leopard. Professor Sack's thesis was that in the event of a cease-fire, the Saigon government could claim jurisdiction over large areas of the countryside by virtue of these armed camps. In addition they would provide a base for attacks into the NFL-controlled regions.

Political lapses have been dealt with severely. One brutal example concerns the inhabitants of the Batangan Peninsula in Quang Ngai province, who took part in the "Return to Village" program. When Saigon intelligence sources revealed that the NLF mobile health team had been operating openly in the area, and NLF schools had been set up with the villagers' assistance, the reprisals began. Dykes were bombed, and paddylands submerged under saltwater. Rice could not be grown. The Saigon army set up checkpoints and roadblocks to prevent any food from going into the area. Whole families were forced to subsist on roots and bitter plants. "They are slowly being starved to death out there," a former Quaker hospital worker in Quang Ngai province commented.[122]

Reporting on the aid program to "resettled" and "Return to Village" refugees, a 1972 GAO field study noted a number of "deficiencies." A summary made by the Senate Refugee Subcommittee follows:

a. "Payments of resettlement and return-to-village benefits are not promptly made." Payments "were at much slower rates during the first 6 months of 1971 than during the same period in 1970. Moreover, fewer refugees were paid in 1971, even though the actual active caseload increased." In the 1970 period 183,000 out of 342,000 were paid. In the 1971 period 156,000 out of 409,000 were paid.

b. Commodities, such as roofing are not provided when needed. Moreover, no emergency stocks are provided to the provinces, "although sufficient stocks for normal and emergency requirements" are on hand in Saigon.

c. Site development (wells, latrines, teachers and classrooms, medical facilities, water pumps, etc.) falls far below "development project criteria established by GVN to satisfy the needs of refugees in resettlement and return-to-village."

2. In 1971, about 539 million piasters were budgeted for resettlement and return-to-village site development. As of August 31, 1971 about 491 million had been allocated. But less than 26% of the allocation—about 127 million piasters—had been expended.[123]

Footnotes at end of article.

Senator Edward Kennedy, Chairman of the Refugee Subcommittee, concurred with recent GAO findings "that U.S. humanitarian assistance to war victims is given low priority," pointing out that in 1969 $16 million was appropriated for the refugee program in Vietnam. In 1970 it was down to $6.6 million. In 1972 it will be $3.2 million.[124]

While U.S. dollar assistance to war victims is winding down, to be "phased out by fiscal year 1974," [125] there is no concurrent decline in the number of refugees. In fact, recent GAO statistics show an *increase* in civilian war casualties in Vietnam. Summarizing these findings to Congress in May 1972, Senator Kennedy stated:

That by the end of 1971 the Vietnam war had produced more than 6,000,000 refugees, more than a third of Vietnam's population;

That only about half of these refugees have ever received relief assistance;

That the monthly average of new refugees "generated" in 1971 "exceeded the average monthly level of the 2 previous years;"

That top U.S. officials have continued to support "forced relocations," despite very strong opposition to this discredited practice by their colleagues at the "working level;"

That "future relocation plans" includes the movement of 300,000 persons in 2 provinces of military region 1 during 1972 . . .[126]

The second stage

Efforts to gain the peasants' political loyalty usually fall under the category of "development." According to pacification chief Ambassador Colby:

"It means a lot of national programs like land reform, miracle rice seeds, schools, health units and roads . . .[127]

The assumption here is that buying off the rural population can be an effective substitute for "winning hearts and minds." The plan, which is based on RAND analyst Guy Pauker's vision of a "partnership between the military and rural masses," is to give preference to the farmers at the expense of the city dwellers.[128] This is done by changing the terms of trade between urban and rural sectors by increasing prices paid to the crop producers, large-scale introduction of new IR–5 and IR–8 rice strains, accelerating import and distribution of fertilizer, expanding protein and free grain output, and not least, reopening and upgrading of key roads and waterways utilizing military engineers and U.S. contractors . . . Water pumps and tractors were introduced in large numbers.[129]

Once the farmer is interested in miracle rice and American fertilizer, he will have to depend on the United States for future supplies. It is hoped that he will become addicted to the products of American technology. His dependency works as a substitute for political loyalty.

In 1969 a new program was initiated called "Village Self-Development," where a "development fund" averaging $8,100 per village was set up to encourage community projects. This program is expected to drive a wedge between the peasant and the NLF [130] because, it is hoped, if the peasant participates, say, in an irrigation scheme sponsored by the government, he will seem to have committed himself in some sense to the GVN side and, therefore, be in bad odor with the local NLF. If a village becomes associated with a government program, runs the theory, it would thus be vulnerable to NLF reprisal which, if it occurred, would further push its inhabitants into the GVN camp.[131]

No pacification program is complete without some kind of land reform. On March 26, 1971 the "Land to the Tiller" Bill was enacted to distribute land to the peasants. U.S. Ambassador Ellsworth Bunker eulogized the bill as the most perfect of its kind; President Thieu declared the day to be the happiest of his life.[133]

Ambassador Bunker was pleased for he had gotten a "reform" out of the Saigon ruling circles. Once peasants became property owners, the logic ran, they would have new reason for gratitude to the Thieu government and loyalty to the status quo. Moreover, it would be an added boost to the pacification program's goal of gaining political support for the regime from South Vietnam's rural population, the traditional seat of Thieu's opposition.

Yet the reaction of the beneficiaries was contrary to Ambassador Bunker's expectations. Many of the peasants were reluctant to reclaim the land offered to them. The overriding reason was that the bulk of the land earmarked for peasant distribution was in the "insecure" parts of the countryside.[133] Much of it had been designated as "specified strike zones" and subject to American and ARVN air and artillery strikes. Land mines and booby traps permeated the countryside.[134] The peasant did not care to risk getting blown up while clearing this land.

Moreover, a good part of the available land had been left fallow for years. In a rice culture this is no asset for the land is only renewed and made productive through constant irrigation and care. Much effort and capital would be required to restore the abandoned land. The peasant would have to borrow the needed money from his former landlord, and he would fall again into the usurious cycle of debt, more debt and serfdom.

Despite its promising name, the "Land to the Tiller" Bill did not give first priority to the landless peasant. As one prominent Saigon journalist, Duong Son Quan, pointed out, military men and civil servants are higher in the order of priority for land distribution. The landless agricultural laborer, to whom the bill was dedicated, was fifth, or last, on the list. He would get the least desirable land.[135]

The large landowners, Thieu's chief supporters, gained the most out of this bill. The Saigon government allotted a budget of 161.22 billion piasters (equivalent to $1.2 billion on the official exchange rate) to compensate the landlords for essentially worthless land.[136]

The U.S. is contributing $40 million to help pay for land reform.[137] This "highly successful program," in the words of an AID Deputy Administrator, "will ultimately involve over 2.5 million acres and provide ownership to nearly three quarters of a million former tenants." [138] Each acre will cost American taxpayers $16.

CORDS

No meaningful distinction exists between civilian and military pacification programs, and this is deliberate. In 1967, the administration of U.S. civilian and military programs was "integrated" with the creation of Civil Operations and Rural Development Support (CORDS). In the words of a former director, "CORDS has been a unique experiment in our foreign operations." [139]

CORDS is under the authority of the Military Assistance Command, Vietnam (MACV). Programs to aid civilians such as health care, rural development or refugee aid are planned as an aspect of military strategy, that is, as tools of the pacification program. They are useful to "conduct a people's war on the Government side." [140]

And since "the basic aim of the effort has been to form a new political base for the GVN [the Saigon government] in the Vietnamese people and their local communities," [141] the Saigon government had to be taught to adopt the American-initiated pacification program.[142] An American shadow government was set up paralleling the existing bureaucracies.[143]

Congress was told about the rather unique manner in which CORDS promoted U.S. policies through a combination of advice, support and inspection at various levels of the Vietnamese Government from the national through regional, provincial, district, and even the village.

The organizational structure of CORDS permitted this kind of multilivel operation and input. At the national level, CORDS has an overall planning staff and provides advice, liaison and support to certain of the GVN's ministries. Its planning staff deals particularly with the GVN's Central Pacification and Development Council, an inter-ministerial body, whose chairman is the president, with a special staff to coordinate the work of the various ministries in support of the annual plan. CORDS' national staff also works with the Ministry of Social Welfare, the Ministry of Justice, the Joint General Staff, and the National Police Command on their programs.

In each of the four regions into which deals with the GVN Regional Pacification Vietnam is divided, CORDS has a staff which and Development Council and supervises the work of the provincial CORDS teams. At each of the 44 provinces, CORDS has a team under a Province Senior Adviser, who deals with the Vietnamese Province Chief. . . . Below the province, small teams have existed at the district level. And, on a mobile basis, certain smaller teams have been operated in village security planning on a temporary basis.[144]

As of May, 1972, CORDS was still running "advisory activities" in rural development, ethnic minorities, Phung Hoang (successor to the Phoenix program), public safety (police), refugees, etc. Additionally, "all U.S. Province Advisers (most of them military officers) are part of the CORDS advisory structure, and advisers to the territorial forces (Regional and Popular Forces) and Peoples Self Defense Forces (See "Para-Military Forces") also come under CORDS." [145] In summary, "CORDS functions still cover almost the same range of activities as was the case four years ago." [146] The number of CORDS staff in Saigon has been reduced, though by late May there were still 1,945 CORDS advisers, of whom 595 were civilians and 1,350 were military. CORDS advisers remain in every one of Vietnam's 44 provinces.[147]

In the ground fighting during the spring offensive Congressional investigators report, U.S. advisers "played a critical role" and "in some combat situations, they had assumed virtual command." [148] And in the sky, "U.S. advisers" are flying combat missions in South Vietnamese fighter-bombers almost daily,[149] the press reported in June.

CORDS, the unique experiment, has produced unique bureaucratic obstacles to pinning down accountability of expenditures and program. Much of the CORDS budget comes from the military services budgets. For example, CORDS advisers at headquarters are funded from the Navy's Operations and Maintenance Budget, while its field advisers are paid by the Army's Operations and Maintenance Budget, which also funds the Rural Development cadre and part of Air America's expenses.[150] In July 1972, the General Accounting Office reported to Congress on the CORDS program and its funding. Concluding that the financial controls and program accountability have been inadequate, the GAO suggested a different funding system.[151] "The real question," GAO wrote, "was whether DOD was providing a meaningful and reliable financial accounting to Congress for these programs. We believe it was not." [152]

A July, 1972 GAO estimate puts U.S. spending on CORDS at $3.2 billion from 1968 through 1971.[153] But this estimate rests on the assumption that the U.S. paid 74% of the pacification costs for these years directly or indirectly, (and the Saigon government, the rest), while Ambassador Colby's figures put the U.S. share as follows: 82% for 1969,

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Footnotes at end of article.

1970 and 1971, 78% for 1968. GAO estimates total costs, 1968–1971 at $4.3 billion; Colby's figure was $5.2 billion.[154]

The U.S. has spent about $4 billion for 5 years of pacification in Vietnam—that's the low estimate. Colby's figures would point to $5 billion.

The chart shows how U.S. funds channeled into the integrated civilian/military unique experiment from July 1, 1971 to June 30, 1972.[155]

(Chart referred to not printed in the RECORD.)

9. ARMED FORCES

Thieu has the largest standing army in the world. Over 1.1 million men have been drafted into the regular army (ARVN).[156]

Ironically, the reason for drafting many of the young men is because they are potential enemies of the regime. This is the rationale offered by an ARVN officer in the Political Warfare Section, Trinh Pho, who argued that it was an effective means to keep dissenters under government control.[157]

Reports in the Western press confirm that the plan has already gone into effect and has helped to paralyze other potential opposition forces. It is one way of dealing with dissident students short of actual arrest. Students are sent out of Saigon for a period of four to five weeks of military training each year. They complain that the training course is unnecessarily grueling and intentionally dangerous . . . There were demonstrations last year after several Saigon students died in training.[158]

A group of Vietnamese Catholics in Saigon recently published some documents showing that the policy of drafting political opponents of the regime has been deliberate. The documents describe how Thieu arrests the dissident young, and sends them from the prisons and interrogation centers directly to the military training camps. These conscripts are then ordered to go to the front lines, particularly where it is most dangerous such as in I Corps. There they are not only stripped of any means to oppose the government, but find themselves serving Thieu as well![159]

Under the June 1972 mobilization order, more people will be drafted since the minimum conscription age has been reduced from 18 to 17, and the upper limit increased from 39 to 43.[160] All universities have been closed and school deferments cancelled. According to Senate investigators, these measures are presumably in preparation for the subsequent mobilization of the students.[161]

Many ARVN soldiers desert. While a May 1972 Senate report asserts that the "desertion rate . . . has continued to be high,"[162] the U.S. government has classified the actual percentage rate of these desertions. A *Washington Post* estimate put the AWOL rate at 12,000 to 14,000 a month.[163]

To gain replacements for dwindling ARVN forces, the regime has ordered mass round-ups of male adults.[164] More over, the government has established higher quotas for draftees which many officials find impossible to fulfill:

"Each province had been given new mobilization quotas to be filled which local officials were reportedly experiencing difficulties in meeting. Even before the new quotas had been set, some provinces were badly behind in meeting their previous goals. In Binh Duong Province, for example, we were told that there had been only 20 enlistments thus far this year, although the mobilization quota was 993."[165]

As pressure from the regime increases to gain more conscripts for the armed forces, the art of draft dodging has become refined and widespread. In July 1972 Time magazine ran an article surveying the practice of draft dodging in South Vietnam:

"Draft evasion is most widespread among the middle and upper classes, who have the money to buy phony papers or grease the palms of corrupt officials. Rich families simply send their children out of the country, frequently buying a certificate from a doctor stating that they need medical treatment only offered abroad. Some wealthy families even bribe South Vietnamese army helicopter pilots to fly their draft-eligible sons to Cambodia, where a laissez-passer for travel outside Southeast Asia can be purchased easily."[166]

False identification papers can be bought that will entitle the bearer to a legitimate deferment. The government frowns especially on that practice as it also tends to confuse the Phoenix dossiers.

Draft evasion takes many forms, ranging from the simple to the drastic, as Time recounts:

"An X-ray film showing someone else's debilitating growth of tuberculosis often does the trick. The only catch is that a medical examination is required for three years in a row before a permanent medical exemption is granted—all of which can cost up to 500,000 piasters ($1,200). For a time it was not uncommon for boys to chop off the first two fingers of their gun hand: that practice ended when the military decided to conscript the fingerless youths for porters. Today, some desperate draftees dig a shallow hole, toss in a fragmentation grenade, and cover the hole with a foot. If done properly, the practice brings an instant medical discharge."[167]

As a final resort, the dodger can join the military and still shirk his duties:

"One man paid an officer 100,000 piasters for the privilege of joining the Regional Force. Each month he goes down to headquarters to sign the pay book; he gives the officer his entire salary plus a cut of the wage he makes at his regular job. The thousands of soldiers who do nothing more than sign pay books have become known as the "Linh Ma"—the phantom troops."[168]

The paramilitary organizations

To make military life more attractive, the regime is offering a variety of local militia type organizations for the reluctant soldier to join. The Regional Forces (RF) are under provincial supervision, and the Popular Forces (PF), under district supervision. In 1967 the RF/PF was placed under the command of CORDS, the American military-civilian agency set up to oversee the pacification program in South Vietnam. The RF/PF was to play a major role in keeping "pacified" areas safe and to provide "full time sustained protection at the key village/hamlet level."[169] U.S. Ambassador Robert Komer, a CORDS Director, praised this as "the beginning of a truly integrated civil-military pacification program on a major scale."[170]

According to Komer, the U.S. has already begun to beef up the RF/PF:

"The RF/PF were re-equipped and upgraded, their command clearly placed under province and district chiefs, and their numbers greatly increased. They expanded by more than 100,000 in 1968 alone, and now number some 510,000 men in over 1500 RF companies and 6000 PF platoons."[171]

About $1.3 billion has been budgeted by the Defense Department to provide military hardware and other commodities to the regular and popular forces (RF/PF) under the military assistance service funded program (MASF).[172]

For those who have managed to avoid full time military service, there is a part time militia for people over and under draft age called the Popular Self-Defense Forces (PSDF). U.S. Ambassador Colby told Congress that participation in the PSDF is compulsory,[173] and the regime has found the means to discourage shirkers:

"A man without PSDF papers is likely to be picked off the street in one of the constant police spot-checks and thrown into jail or drafted."[174]

Colby's predecessor, Ambassador Robert Komer, told a gathering of political scientists that Saigon recruitment practices have been proven successful since the PSDF have "grown to over three million."[175]

Their function is more political than it is military. In Ambassador Komer's words, their most useful role is probably less in local defense than as a means of engaging the population politically in anti-VC activity.[176]

"Anti-VC activity" includes helping Thieu's political machine and roughing up dissident students and religious groups. Reports in the Western press state that the PSDF have been used for intimidation, election campaigning or 'bringing out the vote.'[177]

In the cities, where the PSDF are made up of street urchins in their early teens, the government has found them very useful as bully squads to break up opposition meetings or do precinct work during elections.[178]

The PSDF are not considered to be particularly effective, however, as they are known for their truancy. One American District Senior Adviser gave examples of the PSDF bribing the district chief to avoid guard duty. The District Adviser was troubled because this enabled members of the NLF to wander through the hamlet freely on several occasions.[179]

Even more serious, the PSDF is thought to be a security hazard. *Time* magazine reports:

"They are assumed to be so infiltrated by the VC that many . . . outposts will not allow PSDF troops in after dark."[180]

There are disadvantages in keeping one-third of the South Vietnamese population under military discipline. Soldiers and veterans, like the uprooted and homeless peasants sent to refugee camps, must rely on the regime for their livelihood. Disabled war veterans who cannot even work are especially dependent on government benefits to keep from starving.

When these benefits have not been forthcoming, mobs of disabled war veterans have rampaged through Saigon streets, sometimes beating up government officials.[181]

Even for active duty soldiers, the pay is not enough to live on. The basic *monthly* pay of a private is 4700 piasters, or the equivalent in the black market of $10. This buys very little at the current rate of inflation. A Saigon newspaper, *Duoc Nha Nam,* reports that a dozen native oranges cost 4000 piasters.[182] Even R–8 "miracle" rice, which most Vietnamese find inedible, cost 8000 piasters per 100 kilos.

In order to feed his family, the soldier is often forced to resort to armed robbery. As of June 1972, the *New York Times* reported that pillaging is rife, and the population terrorized:

"In many towns, including Saigon, restaurants lock their doors at night, admitting only known or manifest customers. Gangs of uniformed veterans have charged into restaurants and exhorted money from diners, who generally pay rather than face the possibility of a grenade being thrown through the door. The police do not intervene."[183]

The situation is so alarming that the Commander of II Corps, Major General Pham Van Phu, has ordered his military police to shoot to kill any robber even if the alleged robber is wearing an army uniform and belongs to another branch of the army.[184]

When the demilitarization process begins, high Saigon officials see inevitable problems of heavy unemployment unless the troops can be quickly sent back to the rice-fields. Even then, the soldier-farmer will find the task of making his land productive almost insurmountable.

"Since they have been away, their homes, in many cases, have been destroyed. Their lands have been destroyed. Their lands have been occupied by Government troops, Ameri-

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Footnotes at end of article.

cans or Vietcong, and often the war has uprooted and scattered their families.

"Even ancestral graveyards, important to most Vietnamese and traditionally providing a sense of continuity in family life, have been obliterated."[185]

Faced with this explosive situation, Saigon officials see only two alternatives:

"One would be to leave the entire Vietnamese economy, including the payment of staggering sums to veterans, in the lap of the United States Treasury, just to keep the country from blowing up.

"The other would be to continue maintaining the Vietnamese Army at somewhere near its present size, also at American expense, if only to keep mobs of veterans off the streets."[186]

Mercenary forces

U.S. aid has included paying Vietnamese to fight, sending our own troops to fight, and sending and paying for Thai and Korean troops to fight. Most of the Thais have left Vietnam, but about 40,000 Korean troops remain—a substantial force. Their reputation for treating all Vietnamese as the enemy was strengthened recently by the public airing of a study by the RAND Corporation for the Defense Department, kept secret since 1966.[187]

Following is an account of how the Korean troops operated, as told by a Vietnamese refugee to a RAND interviewer:

"The Korean troops walked into my hamlet at noon. The hamlet was emptied of people then. Seeing fire rising from the communication trenches, we knew that the soldiers were burning our paddy (rice) .... An elderly man proposed that we select 10 or more old people to form a delegation to walk to the hamlet and ask for a stop to the burning of the paddy.

"The delegation of 11 old men walked toward the hamlet. When they were near, they found that the troops were Koreans. Knowing that the language barrier wouldn't let their request come through, the men turned on their heels and walked back to the field.

"A Korean soldier waved at them and signaled them to come back. They all did. The Koreans took them to the hamlet, lined them up on the edge of a communications trench, and without a word, shot them all. Ten men died instantly. Another one was wounded and fell down, but didn't die.

"It was this man who told me about the incident later on.

"From what I heard from the people, that very morning a similar incident had taken place in neighboring Thanh Phu Hamlet of the same village.

"Early that morning, the Korean troops came into Thanh Phu Hamlet. Most of the people had run into the field at the time. Only 50 villagers still lagged behind. Most of them were women, children, and elderly people.

"The Korean soldiers rounded them up in one place . . . [and] suddenly pointed their guns to the crowd and opened fire. Only two babies of two and three survived."[188]

Other, similar stories were collected, printed, and then classified by RAND and DOD.

The Defense Department reports that "cumulative costs related to deployment of Korean forces to South Vietnam for FY 1966–1972 funded from the DOD budget total $1,627.8 million for subsistence, travel, overseas allowances, training, supplies, air support, ordnance, ammunition and equipment."[189]

This year the Administration is asking for another $134 million (because the Korean forces "protect an imporant geographical segment of South Vietnam,"[190] which is less than the $189 million for 1972.[191]

However, Senate investigators in Vietnam in May were told that the Korean forces have refused to expand their operating area unless given several millions of dollars worth of additional support and were of little help during the spring offensive. Perhaps they are pushing up their price.[192]

But the real costs of the Korean troops is well beyond the $1.6 billion total for 1966–72 and involve U.S. subsidies directly to the South Korean military-industrial complex. Benefits include:

1. Suspension of "the gradual assumption by the Koreans of the operations and maintenance costs of their army under the Korean national budget." The U.S. still pays these basic Korean budget costs.[193]

2. Equipment to expand Korean ammunition production.

3. A promise to "procure in Korea, in competition only with United States supplies" goods for the Vietnam war.

4. Promises of construction jobs for Koreans in Vietnam, assistance in export promotion, and more AID loans.

5. A five-year "modernization" program for the Korean Army. Cost to the U.S.: $1.5 billion.[194]

Points 2 to 5 were among the promises made by the U.S. Ambassador in a letter to a Korean official in March, 1966; they were made explicitly in exchange for sending Korean troops to Vietnam.[195]

So the expense is high, but expense is relative. As the Department of Defense told a Senator, it's part of the Nixon Doctrine:

"Korea is a case in point: The difference between what would have been supplied under MAP [Military Assistance Program, which gives military goods to U.S. allies] and the cost of the $1.5 billion Five Year Modernization Program for that ally will be more than compensated for by the savings resulting from the FY 1971 withdrawal from South Korean and deactivation of one U.S. infantry division."[196]

For Nixon doctrine planners, the matter of sending Koreans to Vietnam is a question of putting out the right rewards to Seoul. (If there is confusion about the morality of asking Korean men to kill and die for a government in Saigon, or worries about their habitual brutality toward Vietnamese, these are well concealed.) The policy is governed by simple arithmetic:

Costs to U.S.—$150: 1 Korean soldier, 1 year in Korea; $12 to 15,000: 1 U.S. soldier, 1 year in Korea.[197]

10. SAIGON'S ECONOMY

By June 1972 the economy of South Vietnam had fallen into a state of extreme crisis. A *New York Times* article reported that:

"South Vietnam is in the throes of its worst recession in memory, and its Minister of the Economy, among others, believes that there may be street rioting and political upheavals if quick solutions are not found for the problem of urban unemployment."[198]

The large scale unemployment has been further aggravated by business shutdowns. Light industries are in deep financial trouble and many have been forced to close.[199]

The effect of this recession is visible even to the casual observer:

"Never have the streets of Saigon seemed more crowded with beggars, thieves, prostitutes and people merely hanging around for want of something to do."[200]

These economic problems are partially due to the fact that Saigon's annual imports of $700 million far exceed its total exports of $15 million.[201] To pay for this the government has been printing a great deal of money. According to the Saigon Office of Statistics, there were 12 billion piasters in circulation in 1960. By 1971 161 billion piasters were being circulated, an increase of 1300 percent.[202] The result is inflation.

Duoc Nha Nam, a Saigon newspaper, reports that prices of all food commodities have increased by an average of 800 percent since 1961.[203] Yet there has been little change in the salaries of government employees and soldiers.

To stem the inflation, the regime has instituted an "Autumn 1971 Economic and Financial Revolution." As a result taxes on luxury goods have been lowered by 50 percent, while taxes on basic goods, such as food and cloth, have increased.[204] A very conservative priest, Father Nguyen Quang Lam, could not refrain from commenting on the impact of these measures:

"In all fairness, the government's 'Autumn Revolution' deserves a few cheers. The hope is that it will succeed as soon as possible so that most of our stupid citizens with soiled behinds' will fast become starving ghosts . . .

"We citizens should not eat rice anymore; we should beautify ourselves with cosmetics and get drunk."[205]

Another serious problem for the regime has been a steady flow of Vietnamese capital leaving the country. A good number of wealthy Vietnamese are not confident that a pro-American regime will remain in power for long, and they are not taking any chances. One Saigon senator estimated that around $500 million has been sent abroad for safekeeping.[206]

This has been of special concern for the United States. Speaking to the American Chamber of Commerce in early 1972, U.S. Ambassador Ellsworth Bunker warned that:

" 'Special attention should be paid to attracting Vietnamese capital back from abroad . . .' before attempting to induce foreign investment in the country.

"Recently the U.S. Economic Counsellor also voiced the hope that 'a resurgent Vietnamese economy will attract back to Vietnam savings held by Vietnamese abroad.' "[207]

The only way the failing economy can be salvaged, however temporarily, is for the United States to continue providing large amounts of money to make up for the deficit in the Saigon budget. (Other outright gifts take other forms. For example, U.S. equipment and facilities have been turned over to Saigon as U.S. troops have departed and while "no records have been maintained in the headquarters of the Department of Defense," the DOD estimate (1965 to 1972) of their value is $940 million.)[208] According to a New York Times assessment of the Saigon economy:

"The impression emerges that if Vietnam is to stay afloat economically, it will have to remain essentially an American client state for the indefinite future."[209]

Should the American public disapprove of larger sums of money being poured in to shore up the Saigon economy, the U.S. has a way to provide more funds without going through Congress.

This is done by maintaining an inequitable exchange rate between dollars and piasters. Up until July 1972, the Official rate was 118 piasters to a dollar.[210] However, because of inflation and excessive piasters in circulation, the dollar was actually worth three times as much on the black market.[211]

Since the United States gets only one third the value in piasters for what it puts out in dollars by this unequal exchange rate, it is actually subsidizing the Saigon regime in a way that bypasses Congress.[212]

According to the General Accounting Office, this subsidy is quite substantial:

During the period January 1970 through December 1970 the United States purchased $278 million of piasters at [the official rate] . . . the computed subsidy to the Government of Vietnam amounted to $195 million."[213]

This $195 million in hidden subsidies, has not been subjected to the normal authorization and appropriation processes for other forms of economic assistance.[214]

It has, however, contributed to a budget deficit in the U.S. Treasury. The additional subsidy goes into the regime's free foreign exchange account which finances imports from U.S. competitors in Europe and Japan, while during calender years 1966 through 1970 only about 12 percent of free foreign

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Footnotes at end of article.

exchange purchases came from the United States.[215]

11. U.S.C. AID—THE FUTURE

This year the Administration is asking for *more* economic assistance to Saigon than in any previous year.[216]

In March of 1972, an Administration spokesman attempted to convince skeptical Congressmen of the need to increase by $200 million U.S. aid to Thieu under the Foreign Assistance Act by explaining:

> . . . that additional $200 million in Vietnam is necessary only because estimated Department of Defense spending in Vietnam in 1973 will decrease by $200 million.[217]

This would have been true for the Administration's earlier DOD request, but the spring offensive provided the reason (or the excuse) for an addition of about $400 million to the 1972 budget for South Vietnam (which ended June 30, 1972) and *over $1 billion more for South Vietnam in 1973*—beyond the more than $1½ billion already budgeted.[218]

The revised request for military appropriations for South Vietnam in fiscal 1973, $2.7 billion, is more than the military appropriations for fiscal 1972 for all of Southeast Asia combined—Korea, Laos, Thailand and South Vietnam. The key areas of increase are:

MILITARY APPROPRIATIONS TO SOUTH VIETNAM [219]

[In millions of dollars]

	Fiscal years		
	1971	1972	1973
By budget category:			
Operations and maintenance	717.1	750.5	964.7
Procurement	1,054.8	1,403.9	1,677.6
By service:			
Army	1,395.5	1,722.1	1,808.6
Air Force	351.8	420.1	815.8

The additional request for funds was supported with a DOD shopping list. The Air Force asked for 48 more F4 Phantom jets ($190 million) and 132 more UH-1 troop transport helicopters (which are in addition to the 120 already in the Air Force budget for 1973.[220] The Navy "needs" 33 more attack aircraft for $115 million and more missiles; the Army, more helicopters, tanks, and 37,000 more M16 rifles.[221] And so on.

The total current cost of the war in Indochina is treated as a state secret and is deleted from the U.S. budget and budget hearings printed for the American public. The Secretary of Defense and other DOD officials testifying in Congressional budget hearings early in 1972 generally used a figure of $7 billion for the estimated 1972 war costs; however, a table supplied by the Defense Department for these hearings showed the "full war costs" for 1972 to be $9.1 billion.[222]

Furthermore, by June, Secretary of Defense Melvin Laird was predicting that if the Vietnam war costs continued at the unexpectedly high current rate through December 31, they could add as much as $5 billion to the $83.4 billion Pentagon budget . . . Even if the North Vietnamese offensive were blunted by September 30, the additional budget cost would still total $3 billion.[223]

Administration requests even before the offensive for . . . economic *and* military aid to Laos are *both* greater for 1973 than 1972.

> . . . economic and military aid to Cambodia are both greater for 1973 than 1972.
>
> . . . military aid to Thailand in 1973 is greater than in 1972. (Economic aid was scheduled to be down a mere $6 million.) [224]

The figures for the combined economic and military aid to Cambodia, Laos and Thailand for 1972 and 1973 are:

	Total military and economic fiscal year 1972	Total military and economic fiscal year 1973
Cambodia	$246,437,000	$330,059,000
Laos	294,996,000	416,799,000
Thailand	105,599,000	[225] 110,424,000

Rising costs are said to be a necessary step to implementing the "Nixon Doctrine." A favorite theme of Administration spokesmen was Secretary Laird's catchy praise of the 1973 spending requests as "the only way for the United States to stop being the cop on every beat without copping out on the world." [226]

One Congressman answered that under the Nixon Doctrine, the U.S. is still trying to police the world, but in addition is trying to "bankroll the world, and going broke doing it." [227]

The suggestion is not fatuous. Hearing requests for new funds in April, Senator J. Fulbright summarized the war's current and future costs:

"It would appear that the more success we achieve for the Nixon doctrine the more it costs. . . .

The millions of American taxpayers who filed their individual tax returns yesterday should consider how much this war has already cost them and how much it will continue to cost them in future generations of Americans.

In June of 1971, the Library of Congress stated that the full budgetary cost of the war from fiscal year 1965 only through fiscal 1970 amounted to $104.4 billion. Since that time at least $20 billion in direct costs have been added. Not included in these figures, however, are the vast additional and continuing costs to the United States of borrowing the money with which to finance the Vietnam war debt or the cost of benefits to the millions of American servicemen who will have served in Indochina. We will be paying these costs far beyond the lifetime of anyone in this room. Indeed, one economist who has studied the question of the ultimate cost of the war estimates that the budgeted military cost of the Vietnam war will be doubled as these benefits are paid out over the next century. Taking all of these factors into consideration, I do not think it is at all unreasonable to assume that the cost of the war today already approaches $200 billion and will eventually exceed $500 billion." [228]

Curiously enough, the fact of having already poured hundreds of billions of dollars into the war is used as an argument for pouring in more. In answer to a Congressman's question as to "why we should provide funds in the manner that they will permit the perpetuation of this war," an Administration spokesman pointed to "the immense investment in blood and treasure that has been made in this part of the world." The Congressman persisted:

"This is the blood and treasure argument, and it is the one that has apparently been the rationale.

We are saying we don't want our blood spilled any more, rather Vietnamese blood. We will continue to provide the treasure part.

To me this is not the answer." [229]

It is, however, the answer of the Nixon Doctrine: the U.S. continues to provide billions of dollars; Asians continue to fight Asians. While the costs mount, the argument goes, our allies are becoming more self-reliant. Yet Administration spokesmen defending next year's spending on the war assert just the opposite—without U.S. aid, all would be lost throughout Southeast Asia. During the Nixon Administration years, the invasions of Cambodia and Laos have spread the struggle, and with it Administration rationales for increases in aid. This year, Congress was told that:

Aid to Thailand is up because "the situation on their borders is deteriorating." [230]

Aid to Laos is up, because "it has always been possible for the North Vietnamese in Laos [to take control] . . . if they decided they wanted to do it, they certainly have the means to do it." [231]

Aid to Cambodia is up, and without it, "Cambodia would collapse in the matter of a few months." Or, equally bad, they might compromise with other Cambodian forces and demand the U.S. stop bombing their country:

> Any significant reduction in U.S. assistance to this country could well force the Government to seek an accommodation with the enemy to include limitations on the aerial interdiction of the Ho Chi Minh Trail with deleterious effects on Vietnamization.[232]

As for "the countries of Indochina, this aid is essential to their survival." [233] Even for Vietnam, that source of perennial optimism. Whether they can hack it at this point I don't know. I doubt it a little bit. I think there is just a bit more that is needed in the way of training and equipment and so forth, but they are very close to that point."

However, from the same speaker (Marshall Green, Assistant Secretary of State for East Asian and Pacific Affairs) we hear later:

> If we pull out economic support, the ensuing economic collapse will squander all the efforts we have put into Vietnam . . .[234]

Aid from foreign countries to the other side is about 1/10th of U.S. war costs, by U.S. government estimates.[235] No foreign troops have fought for North Vietnam or the PRG. Yet all the American money, men, and sophisticated technology of war brought to the defense of the Saigon government have failed to crush the opposition.

Some of the reasons for failure are suggested in the nature of the programs the U.S. has financed, outlined earlier. In past years, justifications of the aid programs stressed winning Vietnamese hearts and minds and loyalties to whichever personality was then in power in Saigon. More recently, however, strategies of persuasion have given way to brute force. Another level of reasons for the failure concerns Vietnamese history. In the last section, only the last 25 years of that history is reviewed, yet even in this relatively short time, the persistence of the struggle for national independence is apparent.

12. U.S. AID—THE HISTORY

The first recipients of American aid in Indochina were the Vietminh led by Ho Chi Minh. The year was 1944. A Senate staff study explained what happened.

> During that year the Viet Minh, a guerrilla army as well as a group of political parties, began small scale guerrilla attacks against the Japanese. In his capacity as leader of *the only significant guerrilla force in Indochina and a "provisional government,"* Ho went to Office of Strategic Service (O.S.S.) headquarters in Kunming, China. According to one source, he made four such trips in late 1944 and early 1945, "seeking arms and ammunition in return for intelligence, sabotage against the Japanese, and continued aid in rescuing shot-down Allied pilots." [236]

According to the above-mentioned study, Ho was first given a token six .38 caliber revolvers and twenty thousand rounds of ammunition.[237]

This aid was later increased. An O.S.S. team parachuted into Ho's jungle headquarters and gave the Viet Minh a small supply of rifles, mortars, machine guns, grenades and bazookas and held training sessions for Nguyen Vo Giap's elite guerrilla forces.[238]

At the end of World War II, when Japan was defeated, Ho Chi Minh's provisional government was formally established in Hanoi. It was not uncommon then to see open displays of friendships between American O.S.S. officers and "high ranking officials of the new Democratic Republic." [239] On August 23,

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Footnotes at end of article.

1945 Bao Dai, the last emperor of Vietnam, abdicated in favor of the new republic and "handed over his imperial seal and other symbols of office to Ho Chi Minh."[240]

However, the French were reluctant to give up their former colony. With the help of the British, they staged a return. According to the *U.S. Army Area Handbook for Vietnam:*

The first British troops arrived in Saigon on September 12, 1945, and the first French troops landed about 10 days later.[241]

They were not well received.

Almost immediately Vietnamese of almost every political persuasion rose up in defense of their newly won independence. The British assisted the French and also ordered Japanese troops to help put down the resistance.[242]

The French and the British also promptly launched a propaganda campaign implying that "the Provisional Government had been incited, armed and trained by Japanese forces."[243] A United States Information Agency official, Arthur Hale, who was in Hanoi at that time, took note of "British news releases and statements by British and French officials" to "keep this impression alive."[244] Among these was a statement made by French High Commissioner D'Argenlieu in November 1945 that "conversations with the Annamites (Vietnamese) to settle differences are progressing favorably and we have promised not to prosecute Annamite leaders as war criminals."[245]

Investigating these charges, Hale concluded that—such a claim is untrue. Primarily, it is an established fact that the *only* genuine activity against the Japanese, during the war, was that of the Annamite guerillas led by Viet-Minh cadres in the country. Relative to their total population in Indo-China the number of Frenchmen active in any resistance movements was pathetically small. It is ironical that now the French build their propaganda claims upon Viet-Minh collaboration with the Japanese. Those Frenchmen who did say "no" to the Japanese, who acted against them, have nothing but praise for the anti-Japanese work of the Viet-Minh and its followers.[246]

Nevertheless the United States decided to shift its support to the French after a thorough review of American policy in Indochina by the State Department.[247] In May 1945 Secretary of State Stettinius told the French Foreign Minister that the United States in no way questioned "even by implication, French sovereignity over Indo-China."[248]

One reason for the change in American policy was that—Soviet-American relations had deteriorated rapidly since the end of the war and increasingly, throughout 1946, the Truman Administration came to view communism as a Russian phenomenon.[249]

And the State Department came to view Ho Chi Minh as an "agent of Russia."[250] However, as Secretary of State Marshall confessed in a memorandum,[251] such beliefs were without proof:

Dept. has no evidence of direct link between Ho and Moscow but assumes it exists, nor is it able evaluate amount pressure or guidance Moscow exerting. We have impression Ho must be given or is retaining large degree latitude . . . Furthermore, Ho seems quite capable of retaining and even strengthening his grip on Indochina with no outside assistance other than continuing procession of French puppet govts.[252]

The U.S. began to give aid to the French almost immediately. In late 1946,

U.S. military equipment had already been used by French forces against the Vietnamese, and the U.S. had arranged credit for France to purchase $160 million worth of vehicles and miscellaneous industrial equipment for use in Indochina.[253]

The American priority was to create a barrier in Europe against the Soviet Union.

Beginning in 1946 and 1947, France and Britain were moving toward an anti-Soviet alliance in Europe and the U.S. was reluctant to press a potentially divisive policy. The U.S. [considered] Vietnamese nationalism relatively insignificant compared with European economic recovery and collective security from communist domination.[254]

By 1954 the U.S. was financing 78 percent of the French costs of the Indochina war. This came to over $1 billion in fiscal year 1954.[255] Total U.S. aid to the French and to the "State of Vietnam" created by the French amounted to over $4 billion.[256]

The results of this aid was not decisive. The Viet Minh won a major victory in Dien Bien Phu, thus adding fuel to French anti-war sentiment. Against persistent American advice, the French opted for a negotiated settlement. As Secretary of State Dulles stated, "negotiations with no other alternative usually end in capitulation."[257]

The negotiations between the Viet-Minh and the French (who spoke for the "State of Vietnam") led to the 1954 Geneva Agreements. It provided for the gradual withdrawal of the French and general elections throughout Vietnam to decide on the composition of the Vietnamese government. The demarcation line at the 17th parallel "in no way constituted a political or territorial boundary," the Agreements stressed. The concept of a separate government in the South did not exist then, not even in the mind of Secretary of State Dulles who spoke of one Vietnam.

The U.S. National Security Council (NSC) considered these agreements a "disaster,"[258] but publicly declared that the United States would abide by them.[259] The immediate task, outlined by the National Security Council, was to "maintain a friendly non-Communist South Vietnam. . . ." and "to prevent a Communist victory through all-Vietnam elections."[260]

According to the Pentagon Papers, the NSC meeting on August 3, 1954, just after the Geneva conference, ordered an urgent program of economic and military aid—substituting American advisers for French advisers. . . .[261]

As the American influence in the southern part of Vietnam became more pronounced, the pro-French native king was replaced by a little known Catholic mandarin named Ngo Dinh Diem. During his country's decade-old war against the French, Diem had been living in a Maryknoll seminary in New Jersey. He had spent his time making friends with high-ranking officials in the Truman and Eisenhower cabinets as well as influential Senators such as John F. Kennedy. So when the U.S. set out to create an alternative to the government of Ho Chi Minh, Diem was its first choice.[262]

John Kennedy took great pride in describing the American role in bringing Diem into office:

"If we are not the parents of little Vietnam, then surely we are the godparents. We presided at its birth, we have given assistance to its life, we have helped to shape its future."[263]

The new government of Ngo Dinh Diem refused to allow the general elections stipulated by the Geneva Agreements to take place. The compelling reason was that the Vietnamese people would have voted overwhelmingly for the government of Ho Chi Minh, wrote General Eisenhower in his memoirs.[264]

From its birth, the Saigon regime had difficulty controlling the people it claimed to represent. As the late senior adviser John Paul Vann noted:

"The existing government [in Saigon] is oriented toward the exploitation of the rural and lower class populations. It is, in fact, a continuation of the French."[265]

Taking a hard look at the situation, Vann declared that:

"GVN [Saigon government] has demonstrated that it cannot establish stability, let alone achieve a popular base among the people."[266]

In order to prevent the collapse of the Diem regime, U.S. aid was necessary. According to the *Army Area Handbook on Vietnam:*

"Expenditures for economic and military aid to South Vietnam through 1960 were reported by the United States International Cooperation Administration [now Agency for International Development, AID] to total over $1.5 billion . . . This did not include military aid given in kind which provided the Vietnamese armed forces with fuel, spare parts and many other supplies and equipment purchased by the United States Department of Defense from its direct military assistance funds."[267]

Gradually, American officials grew unhappy with Diem's rule and very unhappy with his unwillingness to be "advised" from Washington. According to the *New York Times* study of the Pentagon Papers,

"Even Washington felt exasperated with its chosen ally for failing to strive for greater popular allegiance through political, military and economic reforms. But the United States had become accustomed to having President Diem reject its advice and, early in 1963, found itself somewhat on the defensive before his complaint that there were too many prying Americans roaming his land."[268]

The straw that broke the camel's back was learning that Diem's powerful brother, Ngo Dinh Nhu, had begun secret negotiations with the NLF. The decision was made to dump Diem. When a coup d'etat took place, the CIA could not refrain from participating.

"So closely did the C.I.A. work with the generals, official documents reveal, that it provided them with vital intelligence about the arms and encampments of pro-Diem military forces after Mr. Lodge [then U.S. Ambassador to Saigon] had authorized C.I.A. participation in tactical planning of the coup.

"So intimately tied to the conspiracy did the Ambassador himself become that he offered refuge to the families of the generals if their plot failed—and he obtained Washington's approval. Near the end, he also sent a message to Washington seeking authority to put up the money for bribes to win over officers still loyal to President Diem."[269]

After Diem's overthrow, a succession of military regimes followed. In order to survive, each found itself looking to Washington for approval.

When asked if the government in South Vietnam was an "American pupet," General Khanh, one such military leader, replied:

"I have never told anyone how I became Chief of State. If I tell you now, it will indirectly answer your question. As commander of the 1st Army Corps . . . I had a U.S. adviser with me, Colonel Wilson. On 30 January 1964 Wilson told me a coup d'etat was planned in Saigon and that I was to become President . . . At 1400 hours Wilson gave the cue from Saigon. I arrived in Saigon at 1800 hours, with three men. The Americans had already arranged everything. The official junta under Duong Van Minh was declared deposed. On 8 February 1964 I took over as Premier."[270]

Khanh's rule was short-lived, however, because the U.S. did not care for his interest in coming to terms with the NLF.

"This is why I was only their 'good boy' for a few months . . . To the Americans, the people of the National Liberation Front were 'the communists,' nothing else. To me they were not communists, but revolutionaries. I wanted to make peace in 1965. I wanted to prevent the Americanization of the war. I said this time and again to Cabot Lodge and Maxwell Taylor. And this ultimately broke my neck. In mid-February of 1965 I was

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Footnotes at end of article.

overthrown by the Americans and sent off as 'special envoy' abroad."[271]

It is not surprising then that unprincipled men are so numerous in the Saigon government. The late French Vice-Admiral, Rieunier, referring to his Vietnamese allies, complained that "we have only scoundrels on our side." It rings true for America's allies in Saigon today.

The bulk of high-ranking officials in the present regime had served in the French army and opposed the struggle of their countrymen for national independence. Both Thieu and Ky fought for the French before becoming allied with the Americans.

Besides the old French collaborators, the other natural allies of the United States were, as John Paul Vann discovered, "the affluent members of the urban areas who stand to lose the most if the Communists take over . . . these are the same people who inherited and are propagating a government which is intrinsically opposed to the social evolution in progress."[272]

Moreover, Vann noted:

"Assistance from the United States, both military and economic, is used to perpetuate a regime that, despite lip service to the contrary, has not demonstrated a sincere interest in bettering the lot of the rural population."[273]

Far from offering the Vietnamese a "political, economic and social revolution . . . superior to anything the Communists can offer," the U.S. found itself on the other side of the fence, fighting a war to put down national independence and social change.

When the U.S. shifted its aid from support for Ho Chi Minh's movement of resistance to the Japanese occupation to support for the failing efforts to sustain the French occupation, the way was prepared for the American occupation of Vietnam. From the Kennedy-Johnson era of American troops (and air war) to the Nixon Doctrine prescription of aid to Thieu (and more air war), only the form of domination changed. A quarter century of U.S. efforts to buy a stable client government in Saigon have resulted in an unstable tyranny—and suffering and death.

U.S. aid can train and equip more police, build more jails. It can continue to make impossible a reconciliation of political groupings of Vietnamese. Thieu insists he will never be a part of a coalition government with the PRG, and even if he were to be replaced, U.S. aid could guarantee that his successor could safely take the same stand. Thus the deadlock in Paris.

The demand that the U.S. cease its aid to Thieu is reasonable from the point of view of Vietnamese who want peace and national independence. It is imperative from the point of view of Americans who want to bring this country's expensive and bloody adventure in Indochina to an end.

FOOTNOTES

[1] The United States calls its opponents in the Vietnam war the "Vietcong," which is a derogatory name meaning "Viet communist." However, the opposition that has formed over the last decade to fight the United States and the Saigon regime includes not only communists, but also Buddhists, Catholics, and members of other religious sects and ethnic minorities. They call themselves the National Liberation Front (NLF). Several years ago the NLF formed a government which they claim is more representative of the Vietnamese people, called the Provisional Revolutionary Government of South Vietnam (PRG).

[2] "CBS Evening News With Walter Cronkite," July 28, 1972. The film showed Americans participating in the searchers, and an Air America (CIA-rented) plane used to fly suspects from the countryside, under guard of an American adviser, to prisons in Saigon. The report, from Bob Simon in Quang Nam Province, gave the following details: The National Police have been conducting house to house searches every night since the offensive began. The target of these searches are not common criminals, but members of the Viet Cong infrastructure, the Communist shadow government in Vietnam, and the fact that police are now doing this work reflects their growing power and the changing intensely political nature of their role.

The National Police strength has doubled over the past four years. It now stands at close to 120,000. Last year the police force was removed from the regular civil service; its chief was made directly responsible to President Thieu. Here police officers of Quang Nam Province are planning a raid on a village, the kind of operation which only a short time ago would have been handled by regular military forces. The police [are] accompanied by an American adviser . . .

Before leaving the village, police round up all of the women working in the paddies and lead them to the road for questioning. One report from one source is all it takes. This means that if anyone in this village claimed that any one of these women was involved in any way with the Viet Cong, she could be arrested and put in prison for two years. For one man there's no question. He's on the blacklist. Police say they have evidence he is the Communist finance officer for the village. He'll be taken to a detention center, interrogated, and brought to justice, Vietnamese style. His case will be reviewed by a body called the Province Security Committee, which is headed by the Province Chief, and meets once a week. The accused is represented only by his dossier. He has no lawyer, no witnesses are called in his behalf. The committee sits as an absolute tribunal; its decisions are not reviewed by any higher body. The maximum sentence is two years, but it can be renewed any number of times.

According to American officials, 14,000 Viet Cong suspects have been arrested since the offensive began. . . . What's certain is that people are disappearing, particularly students, including many Catholic students, leftists to be sure, but self-professed anti-Communists, not members of the Viet Cong.

[3] Malcolm Browne, "Thousands Arrested by Saigon For Suspected Vietcong Links." *New York Times*, 6/23/72.

[4] Letter reprinted in *Thoi Bao Ga*, No. 25. June 1972. *Thoi Bao Ga* is a magazine published by Vietnamese students living in the United States. It translates selected articles from the Saigon press that are not readily available in America. To obtain copies of *Thoi Bao Ga*, write to 76A Pleasant Street, Cambridge, Mass. 02139.

[5] *Far Eastern Economic Review*, 6/3/72.

[6] *Dispatch News Service International*, No. 376, 7/6/72.

[7] *New York Times*, 6/23/72.

[8] Lawrence Stern, "Danang: Litter Heap of Refugees." *Washington Post*, 6/13/72.

[9] *Vietnam: Policy and Prospects, 1970*. U.S. Senate Committee on Foreign Relations, Hearings on Civil Operations and Rural Development Support Program (CORDS). 91st Congress, 2nd Session. February and March, 1970. p. 25. Hereafter called *Hearings on CORDS*.

[10] Robert Kaiser, "U.S. Aides in Vietnam Scorn Phoenix Program." *Washington Post*, 2/17/70.

[11] *Ibid.*

[12] *U.S. Assistance Programs in Vietnam*. Hearings before the House Subcommittee on Government Operations. July and August 1971. 92nd Congress, 1st Session. p. 103. Hereafter called *Hearings on U.S. Assistance*.

[13] Gordon and Christine White, "A Report on South Vietnam." *Vietnam International*. Vol. VI, Nos. 4/5. April and May 1972. Gordon and Christine White are graduate students in Far Eastern affairs and correspondents for Pacific News Service. *Vietnam International* is a London-based newsletter published by the International Conference on Disarmament and Peace. Hereafter called *White Report*.

[14] *Hearings on U.S. Assistance*, p. 187.

[15] David Horowitz, *The Free World Colossus*, New York, Hill & Wang, 1965, p. 154. Quote from John F. Kennedy.

[16] Statement by John Paul Vann, a senior pacification adviser who spent many years in Vietnam. Taken from an internal paper written by Vann and circulated within the U.S. military in 1965. A mimeographed version, printed in April 1967, came from a copy Vann gave to Professor Alex Carey of the University of New South Wales, Australia. Our thanks to Professor Edward Herman of the University of Pennsylvania for making it available to NARMIC. Hereafter called *Vann Paper*.

[17] Government Accounting Office Report to the Congress. "Suggestions for Changes in U.S. Funding and Management of Pacification and Dvelopment Programs in Vietnam." B.159451. July 18, 1972. p. 36. Hereafter called *July 1972 GAO Report*.

The U.S. Army spent about $40 million on this program in 1972 alone.

The $120 million figure quoted for 1968–1971 is only for salaries. The GAO reported:

"During fiscal years 1968 through 1971, the United States provided about $175.6 million to pay the cost of CORDS' Rural Development Cadre program teams which had the primary mission of maintaining security in the villages . . . CORDS prepared the annual budgets and provided the field advisors and program direction.

"Neither the Army nor CORDS had established controls over the programming and use of U.S. Army funds in this program. During our interview we noted that—

"CORDS budget requests were inflated and did not represent reasonable estimates of anticipated costs.

"CORDS had not implemented controls over cadre payrolls."

The GAO reported further that as of June 30, 1971, there were about 36,000 personnel on the cadre's rolls. Salaries for 56,600 cadre personnel were budgeted for fiscal year 1971 because that was the "authorized" number. CORDS officials compute their budget requests on the basis of RD cadre authorized, but "cadre strengths had always been below the numbers authorized." Another example given of the "overstated" RD budget for 1972 is that "CORDS had already ordered supplies that were excess to cadre requirements through fiscal year 1974." (pp. 36 and 37.)

[18] Ambassador Colby, as Deputy of CORDS, has authority over the Phoenix program. Testifying to Congress, Colby admitted to having worked for the CIA before taking a job with CORDS. *Hearings on CORDS*, p. 27.

[19] *Hearings on U.S. Assistance*, p. 187.

[20] Alvin Schuster, "Rewards up to $11,000 Set for Captured Vietcong." *New York Times*, 8/2/71.

[21] *Washington Post*, 2/17/70.

[22] *Ibid.*

[23] *Ibid.*

[24] *Dispatch News Service International*, No. 376, 7/6/72.

[25] *New York Times*, 6/23/72.

[26] *Hearings on U.S. Assistance*, p. 189.

[27] *Ibid.*

[28] *New York Times*, 8/2/71.

[29] *Hearings on U.S. Assistance*, p. 164.

[30] *Op. cit.*, p. 173.

[31] *Op. cit.*, p. 140.

[32] *Hearings on U.S. Assistance*, p. 252.

[33] Sydney Schanberg, "Torture by Saigon in Jails Reported." *New York Times*, 8/13/72.

[34] *Ibid.*

[35] *Ibid.*

[36] *Dispatch News Service International*, No. 376, 7/6/72.

[36] Testimony before the House Subcommittee on Foreign Operations, July 17, 1970. Reported by Robert Smith, "Vietnam Prisoner Torture Described by U.S. Doctor," *New York Times*, 7/17/70.

[37-39] *Thoi Bao Ga*, No. 25, June, 1972.

[40] *Dispatch News Service International*, No. 376, 7/6/72.

[41] *New York Times*, 8/13/72.

[42] *Hearings on U.S. Assistance*, p. 197.

[43] *Op. Cit.*, p. 252.

[44] Thieu's wife owns sixty percent of the shares in the Eagle Battery Factory. This is a typical example of state employees being placed in the service of private interests. Christine White, "Strike-Breaking from the Presidential Palace." *Asian Reports*, 2/17/72.

[45] *Ibid.*

[46] Mike Klare, "Over There: Policing The Empire." *Police on the Homefront*. Published by NARMIC. p. 109.

[47] *Ibid.*

[48] Testimony by ex-serviceman Matthew Taffer. Second Winter Soldier Investigation, sponsored by Vietnam Veterans Against the War. Faneuil Hall, Boston. October 8, 1971.

[49] *New York Times*, 6/23/72.

[50] *Dispatch News Service International*, No. 376, 7/6/72.

[51] *Ibid.*

[52] Tom Fox, "South Vietnam's Police Force Gaining in Size and Status as U.S. Increases Aid." *New York Times*, 4/14/71.

[53] *Statistical Abstract of the United States*, U.S. Department of Commerce. Bureau of Census. p. 888.

[54] *Inequitable Currency Exchange Rates in Vietnam*. Hearings before the House Subcommittee on Government Operations. 92d Congress, 1st Session. July, 1971, p. 50. Hereafter called *Hearings on Currency Exchange*.

[55] *Hearings on U.S. Assistance*, p. 5.

[56] *Ibid.*

[57] *Op. cit.*, p. 68.

[58] *July 1972 GAO Report*, p. 42.

[59] *Ibid.*

[60] *Hearings on U.S. Assistance*, p. 99.

[61] *Op cit.*, p. 205.

[62] *Op. cit.*, pps. 188, 193.

[63] *Far Eastern Economic Review*, 6/3/72.

[64] *Vietnam: May 1972*. Staff Report to the Senate Committee on Foreign Relations. June 29, 1972, p. 22.

[65] *Ibid.*

[66] Law published in *Chinh Luan*, a Saigon newspaper. Translation from Vietnamese into English made by NARMIC.

[67] *Ibid.*

[68] *Ibid.*

[69] *Ibid.*

[70] *Ibid.*

[71] *Ibid.*

[72] *Ibid.*

[73] *Ibid.*

[74] *Ibid.*

[75] *Ibid.*

[76] *Ibid.*

[77] *Ibid.*

[78] Sydney Schanberg, "Thieu Announces Harsh Rules For Newspapers." *New York Times*, 8/6/72.

[79] Thomas Lippman, "Saigon Puts New Curbs On Press." *Washington Post*, 8/6/72.

[80] *Ibid.*

[81] *New York Times*, 8/6/72.

[82] *Ibid.*

[83] *Ibid.*

[84] *Ibid.*

[85] *Washington Post*, 8/6/72.

[86] *New York Times*, 8/6/72.

[87] *Ibid.*

[88] *Ibid.*

[89] *Washington Post*, 8/6/72.

[90] *Hearings on U.S. Assistance*, p. 105.

[91] Mrs. Ngo Ba Thanh was described earlier as the famous woman lawyer who was herself arrested and forced to undergo water torture. A copy of this letter is on file at NARMIC.

[92] *Ibid.*

[93] *Ibid.*

[94] *Ibid.*

[95] *Ibid.*

[96] Letter smuggled out from jail by Jean-Pierre Debreis and Andre Menras, two Frenchmen arrested in Saigon for demonstrating against the Thieu regime in 1969. Our thanks to the Indochina Resource Center for providing us with the letter and accompanying translation.

[97] *Hearings on CORDS*, p. 396.

[98] *Hearings on U.S. Assistance*, p. 96.

[99] *Op. cit.*, p. 225.

[100] AID's *Program and Project Data Presentations to the Congress*. Quoted from Mike Klare, "Over There: Policing The Empire."

[101] *Hearing on U.S. Assistance*, p. 226.

[102] *U.S. Army Handbook for Vietnam*. Department of the Army Pamphlet, No. 550–40. September, 1962. Reprinted October, 1964. p. 47.

[103] *Hearings on U.S. Assistance*, p. 290. Ambassador Komer served as CORDS Deputy and chief pacification adviser to the Saigon government from 1967 through 1968. Speech delivered to the American Political Science Association, September, 1970. Reprinted in *Hearings on U.S. Assistance*, pp. 290–311.

[104] *Ibid.* p. 292.

[105] *Hearings on U.S. Assistance*, p. 185.

[106] Louis Kubicka, Director of Quang Ngai Rehabilitation Center for AFSC from 1967 to 1971, in an interview with NARMIC on April 5, 1972. According to Mr. Kuoicka, even Saigon and American officials have been known to call these relocation centers "concentration camps."

[107] *Hearings on U.S. Assistance*, p. 290.

[108] *Op. cit.*, p. 292.

[109] Refugee and Civilian War Casualty Problems in Indochina. A Staff Report for the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees. September 28, 1970. p. 3. Hereafter called *1970 Senate Refugee Report*.

[110] Jonathan Schell. *The Military Half*. Vintage Books. June 1968. Quote taken from jacket cover.

[111] According to Defense Department statistics, over 13 million tons of munitions have been used in Indochina during the Johnson and Nixon years. Even the weapons used by the United States are designed to render large areas uninhabitable. For example, over 27 million Wide Area Anti-Personnel mines have been produced:

When they land, springs pop out of each mine carrying fine wires several feet out from the mine, thus giving it the nickname "spider bomb." If at any time someone should walk through the area and disturb wire on any of the hundreds in the area, the mine detonates spreading tiny pellets of shrapnel over a 60-yard circle. (NARMIC Slide Show on the Automated Air War. Documentation 107.)

[112] Jonathan Schell. *The Village of Ben Suc*. Vintage Books. February 1968.

[113] Wells Klein, "Refuge and Social Welfare Problems in Vietnam." *1970 Senate Refugee Report*. p. 50.

[114] *Ibid.*

[115] *Hearings on U.S. Assistance*, p. 224.

[116] *War-Related Civilian Problems in Indochina*. Hearings before the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees. April 22, 1971. p. 34. Hereafter called *1971 Refugee Hearings*.

[117] *The 1970 Senate Refugee Report*, p. 14, states that the new USAID budget for public health is being cut by 25%, while

An internal USAID memorandum dated July 31, 1970, states that "Last year the U.S. Mission made a policy determination to narrow our role in social welfare relief. We terminated the social welfare project (360) and continued to address in the refugee project (307) only those activities which would be associated with nonmilitary victims of the war."

[118] Malcolm Browne, "Deep Recession Grips Saigon." *New York Times*, 6/4/72.

[119] The Senate Subcommittee on Refugees summarized a 1972 GAO report on the Civilian Health and War-Related Casualty program in Vietnam. Describing conditions at refugee sites, the summary made the following points:

1. GAO visited 38 representative sites in the 4 Military Regions in Vietnam.
2. GAO states that "on the basis of criteria established by GVN, many refugee sites needed facilities such as housing, classrooms, wells, medical facilities, medical services, and sanitation facilities. The most serious problem found at most of the sites visited was the lack of opportunity for self-support and/or economic potential."
3. "Nowhere in Vietnam are the problems of assisting refugees more noticeable than in Military Region 1 that comprises the 5 northernmost province in Vietnam."

a. A March 1971 CORDS survey reported an unemployment rate of 40%, little education and medical services, and insufficient security.

b. According to GAO, over 90% of the 252 sites covered by the CORD Survey were officially "listed as being normalized, when, in fact, the survey showed that they did not meet GVN criteria."

c. GAO states that 450,000 refugees lived in the 252 sites surveyed. No one was being responsive to the needs of the refugees in these sites, "although the sites were in existence about 4 years."

Problems of War Victims in Indochina. Part I: Vietnam. Hearings before the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees. 92nd Congress, 2nd Session. May 8, 1972. p. 106. Hereafter called *1972 Refugee Hearings*.

[120] *1970 Senate Refugee Report*, p. 7.

[121] *Ibid.*

[122] Louis Kubicka, interview with NARMIC on April 5, 1972.

[123] *1972 Refuge Hearings*, p. 105.

[124] *Op. cit.*, p. 94.

[125] *Ibid.*

[126] *Ibid.*

[127] *Hearings on CORDS*, p. 710.

[128] Cited in the *White Report*.

[129] *Hearings on U.S. Assistance*, p. 296.

[130] *Hearings on CORDS*, p. 710.

[131] *White Report*.

[132] *Thoi Bao Ga*, No. 10. October 1970. This issue provides a thorough analysis of the 1970 Land Reform law, as well as a translation of an important article on this issue by Duong Son Quan, called "Is the Land to the Tiller Bill as Perfect as His Excellency Ambassador Bunker Claims?"

[133] According to Duong Son Quan:

The great majority of the lands to be taken away from the landlords lie in areas with no security or where security is limited, since lands in secure areas have already either been taken away by Decree 57 or the landlords have found ways of dividing them to their descendants. There are many areas such as some of the districts in Chuong Thien province where the limit of security is not more than 500 meters from the military garrisons in daylight and next to the garrisons' fences during nighttime. Many of the land distribution specialists who have tried to get into areas of paddy fields in order to measure them and make out papers for distribution were told by the district chiefs of the areas that they could not guarantee any security for them. *Thol Bao Ga*, No. 10. October 1970.

[134] In August 1971, Dr. E. W. Pfeiffer, a zoologist from the University of Montana, and Dr. Arthur H. Westing, a botanist from Windham College in Vermont, visited Vietnam to investigate the effects of the war on the land of Vietnam. They interviewed farmers who were trying to reclaim their land, and learned that:

. . . Their main problem was the presence of unexploded munitions in the areas. The Hoi Son people stated that within the last few weeks three women had been killed and one badly wounded when plows detonated unexploded weapons. We learned that mines in some resettled areas have been cleared, but the problem of locating and neutralizing unexploded ordnance before land is resettled is an urgent one. On several occasions we encountered the fear of unexploded munitions, which probably accounts for a phenomenon we often observed from the air: fields with craters were usually not being cultivated although nearby fields were. One farmer whom we interviewed stated that the people do not like to plow in the bombed areas because the shrapnel in the dirt cuts the buffalo's hoofs, resulting in infection. E. W. Pfeiffer and Arthur H. Westling, "Land War." *Environment*, Vol. 13, No. 9. November 1971.

[135] Duong Son Quan, *op. cit.*

[136] *Ibid.*

[137] Hearings on the Foreign Assistance Act of 1972. House Committee on Foreign Affairs. 92d Congress, second session. March 1972. Part I. p. 106. Hereafter called *1972 House Hearings on Foreign Aid.*

[138] *Ibid.*

[139] *Hearings on U.S. Assistance*, p. 181. The quotes in this section are from William Colby, a former CORDS director.

[140] *Op. cit.*, p. 176.

[141] *Op. cit.*, p. 178.

[142] Colby was straightforward about the primary U.S. role in Vietnamese pacification: "In considerable part, it was influenced by advice and support provided by the United States through the CORDS organization and its predecessors . . . The function of U.S. advice and support was *to initiate* and support a Vietnamese effort which can be taken up and maintained by the Vietnamese alone." (*Ibid.*, p. 177, emphasis ours.) And again, "a considerable degree of the advice and support of the GVN pacification program has come from the U.S. side over the years." (p. 179)

[143] The following outline of the "large American advisory infrastructure" is from 1969:

"There are American advisers at every military and civilian level both in Saigon and in the field. They are in the Prime Minister's Office, at the Vietnam Training Center and other training schools, in Government ministries, working with the police and with the Phoenix program, and in virtually every sphere of governmental activity. There are sizeable American staffs, virtually duplicating Vietnamese Corps commanders, with each of the ten South Vietnamese divisions, and at every lower military echelon, in some cases even down to the lower level of the Popular Force platoon in the hamlet. There are American advisers with large American staffs serving side by side with the 44 Province Chiefs (200 in Dinh Tuong Province alone) and with the 259 District Chiefs."

Vietnam: December 1969. Staff Report to the Senate Committee on Foreign Relations. 91st Congress, 2nd Session. p. 7.

[144] *Hearings on U.S. Assistance*, p. 179.

[145] *Vietnam: May, 1972*, p. 20.

[146] *Ibid.*

[147] *Ibid.* In addition to the CORDS advisors, as of late May, there were 5,093 U.S. military advisors in Vietnam—2,480 Army advisors, 1,779 Navy advisors, 781 Air Force advisors and 53 Marine Corps advisors. *Op cit.* p. 11.

[148] *Op. cit.* p. 11.

[149] *Philadelphia Bulletin*, 6/22/72.

[150] *Vietnam: May 1972*, p. 30.

[151] *July 1972 GAO Report*, p. 15.

"The funding method criticized by the GAO, called Military Assistance Service Funded (MASF), has spent over $11.5 billion in Vietnam from 1966 through 1973. Senate Committee on Armed Services. *Hearings on Military Procurement Authorizations*, Fiscal Year 1973. 92nd Congress, 2nd Session. Part 3. p. 1914."

[152] *July 1972 GAO Report*, p. 27.

[153] *Op. cit.*, p. 12.

[154] *Ibid.*, and *Hearings on U.S. Assistance*, p. 224.

[155] *Vietnam: May 1972*, p. 30:

"Of the 121.4 billion piasters used, it is reasonable to estimate that the U.S. supplied at least 56% or $57.7 million. (56% is the GAO estimate of the proportion of Saigon's contribution to CORDS which is actually from U.S. aid, directly or indirectly.")

[156] Ngo Vinh Long, "Making ARVN Fight." *Thoi Bao Ga*. March and April 1972.

[157] From the article "The Mobilization of Soldiers in a New Sweep," published in the Saigon magazine *Quan Chung*. September 5, 1969. Quoted in *Thoi Bao Ga*. March and April 1972.

[158] *White Report.*

[159] *Au Sud-Vietnam: Etudiants et Lycéens En Prison*. Mouvement des Catholiques Pour la Paix. Saigon 1972. A copy is in NARMIC files.

[160] *New York Times*, 6/2/72.

[161] *Vietnam: May 1972*, p. 17.

[162] *Op. cit.*, p. 10.

[163] Peter Braestrup, "How Thieu Met Crisis," *Washington Post*, 7/9/72.

[164] *Vietnam: May 1972*, p. 18.

[165] *Op. cit.*, p. 10.

[166] *Time*, 7/24/72.

[167] *Ibid.*

[168] *Ibid.*

[169] *Hearings on U.S. Assistance*, p. 294.

[170] *Op. cit.*, p. 295.

[171] *Ibid.*

[172] *Hearings on U.S. Assistance*, pp. 135, 164.

[173] *Hearings on CORDS*, p. 5.

[174] *White Report.*

[175] *Hearings on U.S. Assistance*, p. 295.

[176] *Ibid.*

[177] *White Report.*

[178] *Ibid.*

[179] *War-Related Civilian Problems in Indochina*, Part III, pp. 45–46.

[180] *Time*, 2/7/72.

[181] Malcolm Browne, "Saigon Fears Discord By Veterans After War." *New York Times*, 6/26/72.

[182] *Duoc Nha Nam*, 1/1/71. Cited in *Thoi Boa Ga*, March and April, 1972.

[183] *New York Times*, 6/26/72.

[184] *Thoi Boa Ga*, March and April 1972.

[185] *New York Times*, 6/26/72.

[186] *Ibid.*

[187] For Korea's role in U.S.-Asian strategy, see Virgina Brodine and Mark Selden, editors, *Open Secret, The Kissinger-Nixon Doctrine in Asia*, Harper & Row, 1972, especially p. 164.

[188] A copy of RAND's "Viet Cong Motivation and Morale Study" was obtained by the editor of Pacific News Service, Orville Schell. See "Classified RAND Corporation Report Reveals Eyewitness Accounts of Atrocities in Vietnam," *American Report*, 7/28/72, from which the quote was taken.

[189] U.S. Senate, Committee on Armed Services, *Military Procurement Authorizations, Fiscal Year 1973, Hearings*, 92nd Congress, 2nd Session, Part 3, p. 1917. Hereafter called *Senate Authorizations, 1973.*

[190] *Op. cit.*, p. 1576.

[191] *Op. cit.*, p. 1920.

[192] *Vietnam: May 1972*, pp. 5–6.

[193] *Senate Authorizations, 1973*, p. 1921.

[194] *Op. cit.*, p. 1919.

[195] *Op. cit.*, p. 1916.

[196] *Op. cit.*, p. 1938.

[197] U.S. House of Representatives, Committee on Foreign Affairs, *Foreign Assistance Act of 1972, Hearings*, 92nd Congress, 2nd Session, p. 175. Hereafter called *House Foreign Assistance, 1972*. Figures are from General George Seignious, testifying for DOD.

[198] *New York Times*, 6/4/72.

[199] *Ibid.*

[200] *Ibid.*

[201] *Hearings on Currency Exchange*, p. 45.

[202] Figures from the Saigon Government's Office of Statistics. *Thoi Bao Ga*, December 1971.

[203] *Duoc Nha Nam*, March 9, 1971. Cited in *Thoi Bao Ga*, December, 1971.

[204] *Dan Chu Moi* (a Saigon newspaper), November 17, 1971. Cited in *Thoi Bao Ga*, December 1971.

[205] This article was first published in a conservative Catholic newspaper, *Xay Dung*. Cited in *Thoi Bao Ga*. December, 1971.

[206] *Far Eastern Economic Review*, 7/1/72.

[207] *Ibid.*

[208] *Senate Authorizations, 1973*, p. 1914.

[209] *New York Times*, 6/4/72.

[210] In July 1972 the official exchange rate was changed to 410 piasters to the dollar, roughly the current equivalent to black market rates. The devaluation of the piaster from 118:1 to 410:1 is very sharp. Perhaps pressure from Congress and the GAO in an election year produced results.

[211] *Hearings on Currency Exchange*, p. 6.

[212] *Ibid.*

[213] *Ibid.*

[214] *Ibid.*

[215] *Ibid.*

[216] *Vietnam: May 1972*, p. 26.

[217] *House Foreign Assistance, 1972*, p. 235. (Since $200 million is not much on a Defense Department budget scale of costs, it is interesting to note that DOD's own estimate in March 1972 of Chinese assistance to North Vietnam is $150 to 200 million a year. *Senate Authorizations, 1973*, p. 1938.

[218] U.S. Senate, Committee on Armed Services, *Military Procurement Authorizations, Fiscal Year 1973, Report*, 92nd Congress, 2nd Session, pp. 172–173. Hereafter called *Senate Authorizations Report, 1973.*

[219] *Ibid.*

[220] *Senate Authorizations, 1973*, p. 1433.

[221] *Senate Authorizations Report, 1973*, pp. 173–174.

[222] U.S. Senate, Committee on Foreign Relations, *Foreign Assistance Act of 1972*, Hearings, 92nd Congress, 2nd Session, p. 139. Hereafter called *Senate Foreign Assistance 1972.*

[223] *Wall Street Journal*, June 6, 1972, p. 4. The $3 to $5 billion figure was also the estimate of ABC Evening News, August 24, 1972.

[224] Comparative Fiscal Year 1972/73 figures for Laos from *Senate Authorizations, 1973*, pp. 1588, 1589, and 1910; figures for Cambodia, *op. cit.*, p. 1588 and *House Foreign Assistance, 1972*, pp. 2, 179; for Thailand, *Senate Authorizations, 1973*, p. 1588.

[225] U.S. Senate, Committee on Foreign Relations, *The Foreign Assistance Act of 1972, Report*, May 31, 1972, 92nd Congress, 2nd Session, Table VI.

[226] *Senate Foreign Assistance, 1972*, p. 92.

[227] *House Foreign Assistance, 1972*, p. 79.

[228] *Senate Foreign Assistance, 1972*, p. 90. Senator Fulbright's estimate may be much too conservative. A study done in 1970 put eventual war costs at $750 billion. *Congressional Record*, 12/31/70, Vol. 116, Pt. 33, pp. 44379–44384.

[229] *House Foreign Assistance, 1972*, p. 143.

[230] *Op. cit.*, p. 235.

[231] U.S. House of Representatives, Committee on Armed Services, *Military Procurement Authorizations, Fiscal Year 1973*, Hearings, 92nd Congress, 2nd Session, Part 2, p. 10280. Hereafter *House Authorizations, 1973.*

[232] *House Foreign Assistance, 1972*, p. 180; *House Authorizations, 1973*, p. 58.

[233] *Op cit.*, p. 203.

[234] *Op cit.*, p. 233. All quotations in this series from Administration spokesmen presenting the Defense or Foreign Assistance bills for 1973.

[235] *New York Times*, 4/13/72, using statistics from U.S. intelligence estimates.

[236] U.S. Senate Committee on Foreign Relations, *The United States and Vietnam: 1944–1947*, Staff study No. 2, April 3, 1972, 92nd Congress, 2nd Session, p. 2. A staff study based on the Pentagon Papers. Hereafter called *U.S.-Vietnam Senate Study 2.*

[237] *Ibid.*

[238] *Op cit.*, p. 3.

[239] *Op. cit.*, p. 4.

[240] *U.S. Army Area Handbook for Vietnam*, p. 24.

[241] *Ibid.*

[242] *Ibid.*

[243] "Report by Arthur Hale of the U.S.I.S. Based on a Thirteen Day Stay in Hanoi in

October 1945." Gallagher Papers, Appendix I, *U.S.-Vitnam Senate Study 2*, p. 30.

[244] *Ibid.*

[245] *Ibid.*

[246] *Ibid.*

[247] *Op. cit.*, p. 15.

[248] *Ibid.*

[249] *Op. cit.*, p. 17.

[250] *Op. cit.*, p. 20.

[251] *Ibid.*

[252] Quoted in *The Pentagon Papers*, Beacon Press, 1971, p. 5.

[253] *Op. cit.*, p. 51.

[254] *Op. cit.*, p. 3.

[255] *Op. cit.*, p. 77.

[256] *U.S. Army Area Handbook for Vietnam*, p. 26.

[257] *The Pentagon Papers*, Beacon Press, p. 96.

[258] *The Pentagon Papers*, New York Times edition, Bantam Press, p. 3.

[259] *Op. cit.*, p. 52.

[260] *The Pentagon Papers*, Beacon Press, p. 177.

[261] *The Pentagon Papers*, New York Times edition, p. 1.

[262] See The Committee of Concerned Asian Scholars, *The Indochina Story*, Bantam, 1970, pp. 24–31.

[263] Speech at a convention of The American Friends of Vietnam, June 1, 1956.

[264] Dwight D. Eisenhower, *Mandate for Change*, p. 372.

[265] *Vann Paper.*

[266] *Ibid.*

[267] *U.S. Army Area Handbook in Vietnam*, p. 444.

[268] *The Pentagon Papers*, New York Times edition, p. 164.

[269] *Op. cit.*, p. 159. A carefully documented examination of the personalities and motivations, both Vietnamese and American, in the coup against Diem was presented in *NBC News Whitepaper: Vietnam Hindsight*, originally televised in December, 1971.

[270] Interview with German magazine, *Stern*. Reprinted in *Los Angeles New Advocate*, April 1–15, 1972.

[271] *Ibid.*

[272] *Vann Paper.*

[273] *Ibid.*

DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF VIET NAM

"All men are created equal. They are endowed by their Creator with certain unalienable Rights; among these are Life, Liberty and the pursuit of Happiness."

This immortal statement was made in the Declaration of Independence of the United States of America in 1776. In a broader sense, this means: All the peoples on the earth are equal from birth, all the peoples have a right to live and to be happy and free. . . .

Those are undeniable truths.

Nevertheless, for more than eighty years, the French imperialists, abusing the standard of Liberty, Equality and Fraternity, have violated our Fatherland and oppressed our fellow-citizens. They have acted contrary to the ideals of humanity and justice.

In the field of politics, they have deprived our people of every democratic liberty.

They have enforced inhuman laws; they have set up three distinct political regimes in the North, the Center, and the South of Viet Nam in order to wreck our national unity and prevent our people from being united.

They have built more prisons than schools. They have mercilessly slain our patriots; they have drowned our uprisings in rivers of blood. . . .

The whole Vietnamese people, animated by a common purpose, are determined to fight to the bitter end against any attempt by the French colonialists to reconquer our country.

We are convinced that the Allied nations, which at Teheran and San Francisco have acknowledged the principles of self-determination and equality of nations, will not refuse to recognize the independence of Viet Nam.

A people that has courageously opposed French domination for more than eight years, a people that has fought side by side with the Allies against the fascists during these last years, such a people must be free and independent.

For these reasons, we, members of the Provisional Government of the Democratic Republic of Viet Nam, solemnly declare to the world that Viet Nam has the right to be free and independent, and in fact it is so already. The entire Vietnamese people are determined to mobilize all their physical and mental strength, to sacrifice their lives and property in order to safeguard their freedom and independence.—Ho Chi Minh, President; Hanoi, September 2, 1945.

(This marks the end of the routine morning business transacted today.)

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Indiana (Mr. BAYH) is recognized.

Mr. BAYH. Mr. President, I yield to several Senators at this point with the understanding I do not lose my right to the floor and with the understanding that my remarks will not count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana is recognized.

PROHIBITION OF IMPORTATION OF CERTAIN SCULPTURE OR MURALS

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9463.

The PRESIDING OFFICER (Mr. BAYH) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the country of origin, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS conferees on the part of the Senate.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 7117, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The Assistant Legislative Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 4, 1972, at pp. H 9111.)

Mr. STEVENS. Mr. President, I ask unanimous consent that the printing of the conference report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I move the adoption of the conference report.

The report was agreed to.

TRIBUTE TO DR. LEON SULLIVAN

Mr. HUMPHREY. Mr. President, today I would like to pay special tribute to a man who is a good friend and a gifted leader. I speak of Rev. Leon H. Sullivan who as founder and chairman of the board of the Opportunities Industrialization Centers has been a dynamic force in giving thousands of needy Americans, hope, purpose, and dignity. He is a man of God committed to working for the spiritual and economic salvation of those in need.

Dr. Sullivan began the first OIC in an abandoned Philadelphia jailhouse in 1964. It was a courageous first step in what were to become more than 100 OIC centers all across America.

Since its inception, the Opportunities Industrialization Centers have trained and placed in jobs 125,000 men and women who now earn approximately $400 million a year. Dr. Sullivan has told me that their present 10-year goal is to train and place in jobs 1 million Americans in urban and rural America.

When I was Vice President, I took a special interest in Dr. Sullivan's work because I saw the great potential it held for giving communities all over the Nation a viable method for community economic self-development. I aided the OIC's in obtaining much needed Federal assistance from the Departments of Labor, and Health, Education, and Welfare so that they could carry out their innovative work. I am also proud of my efforts to interest the private business community in Dr. Sullivan's work.

Eight years ago when Dr. Sullivan began OIC he adopted the slogan "We help ourselves." Self-improvement was the motivating force behind the OIC's as it is today.

The first OIC in Philadelphia recruited men and women from every stratum of life—the average age was 27 and the average level of educational attainment was the 10th grade. Dr. Sullivan said that one-third of his initial group in the OIC were on relief and 80 percent were below the poverty line.

In Dr. Sullivan's words:

> OIC "began to turn that hopelessness into hope. OIC began to teach that genius was color blind; and OIC began to teach that it was not important where a man came from, but where he was going that counted; OIC taught that man was like a balloon, it is not his color that makes him rise, but what he has inside of him."

Dr. Sullivan realized the shortcomings of Government job training programs when he launched the OIC. He saw that too often the Government's manpower training programs consisted of training and more training leading to dead end and stopgap jobs. He wanted to put an end to this practice and bring to his people the dignity and self-respect that are part of a good job.

The manpower programs he initiated have enabled two-thirds of OIC trainees to keep the jobs they were originally trained for and to increase their earnings by considerable amounts. It is no understatement to say that OIC is now a way out of poverty and off the welfare rolls for thousands of blacks, Mexican-Americans, Indians, and Appalachian whites.

Today, there are over 5 million Americans without jobs. Unemployment has hit the poor, the aged and the young, very hard. Self-help economic development programs are certainly one of the many solutions to this serious economic problem. Federal, State, and local governments should carefully scrutinize the work of the OIC's and aid them where they exist and help to establish them in areas where they have not been established.

There are lessons for us in the work of Dr. Leon Sullivan. He has shown that people can help themselves. He has demonstrated that Americans do not have to settle for the unending cycle of poverty, welfare and dead end jobs. And he has proven that people with few job skills can be trained to hold skilled jobs.

And most important of all, by giving men and women hope when all hope for them had seemed to vanish, he rekindled something which seems so difficult to find in today's work: Man's basic confidence in his fellow man. If nothing else, Dr. Leon Sullivan has told hundreds of thousands of down-trodden Americans of all races: I believe in you. I want to help you by allowing you to help yourselves.

So today, I pay personal tribute to one of the most unusual men I have met in my public career. This Nation is indebted to Dr. Leon Sullivan for what he has done and for his future goals.

I make this statement today, Mr. President, because this week there will be a testimonial to Dr. Sullivan that will be attended by thousands of people from all over this Nation. This good and dear man deserves the everlasting gratitude of this Nation, and indeed deserves, may I say, the compliments and gratitude of the Senate.

Dr. Leon Sullivan seeks economic emancipation not only for black Americans but, for people of all races. He realizes that the provision of economic and social justice is just as important today as the struggle for civil rights was in the 1960's. I endorse Dr. Sullivan's goals, I join in his struggle. I believe in his basic goal as he so eloquently stated:

> For my people I want ham and eggs on earth instead of milk and honey in heaven.

What a remarkable man, and I hope some of my other colleagues will take a little time to review his work and to rise and to compliment this man and to encourage him in the remarkable work he is doing for this great country of ours.

Mr. BAYH. Mr. President, I want to compliment my colleague from Minnesota. I, too, have had a chance to see the good works of the good Dr. Sullivan, to be in the OIC headquarters in Philadelphia, to look at the training programs, to see the whole investment procedure, and the way in which, throughout this country, there is a great effort to make it possible for black citizens to have a piece of the action, to know that they, too, can own a part of America, and to see what comes from this kind of investment.

I want not only to associate myself with the very pertinent remarks made by the Senator from Minnesota but also to associate myself with the efforts Dr. Sullivan and those associated with him are making to make it possible for minority citizens to stand shoulder to shoulder with other Americans, to know that they have a piece of this country and what it stands for.

Mr. HUMPHREY. I thank the Senator.

Mr. JAVITS. Mr. President, if the Senator will yield, I, too, would like to join in tribute to Dr. Sullivan and also to pay tribute to those who have been indefatigable in the pursuit of the cause, in which persons like Senator HUMPHREY, Senator BOGGS, and Senator PEARSON have joined. In my capacity as a member of the Labor and Public Welfare Committee, I have seen his work and have marveled at the way in which, without paying stipends, the OIC's get more people helped and more for them than under the manpower training programs—which is dismaying and frustrating—for which they have to pay stipends, so attractive is the idea of business and trainees working together in order to have a place at the end of the road.

This is a very gifted program. I have seen it at work in Bedford-Stuyvesant, which program Robert Kennedy and I and Mayor Lindsay founded. I have seen it in parts of my old congressional district in Manhattan, and it is extraordinary. It enlists the enthusiasm of the trainee and the enthusiasm of the local business community with tremendous effect.

I can assure the Senator that the greatest tribute to the Rev. Leon Sullivan is that in the manpower training bill, if I have anything to do with it, we will see to it that adequate provision is made so that this great movement may exercise its full scope in training, and not be limited by the inadequacy of resources.

Mr. HUMPHREY. Mr. President, I thank the Senator from New York, and also my good friend the Senator from Indiana.

This one anecdote may be of interest to Senators. I remember that when I first met Dr. Sullivan, I was in the office of the Vice President, and he came to call. I had requested that when he come to Washington he stop by for a visit. As I visited with this remarkable man, I was deeply moved by what he had to say and by his deep courage, and received a sense of inspiration from his words and his works.

I was supposed to address, that evening, a group of industrialists and corporate directors who were involved in what we called Plans for Progress. The Plans for Progress organization was a voluntary effort on the part of American business concerns to open up their employment practices to provide fair employment without the necessity of legislation. By the way, it was an excellent organization, and some of the industrialists, corporate directors, and managers who participated in the Plans for Progress have been in the forefront of what I consider to be the more sensitive social actions of our corporations.

Well, anyway, after the visit, I looked at Dr. Sullivan and I said, "Reverend Sullivan, I know you are supposed to be the man who gives the prayer tonight at the dinner," because he had been invited to give the invocation, "and I am supposed to be the man who makes the address." I said, "I believe that the good Lord will forgive me for not being very good in prayer, but that audience needs to hear a real good speech. I suggest, therefore, that we change the program. Will you let me give the invocation in whatever inadequate manner I can express myself, in the hope that Divine Providence will receive that invocation with forgiveness and understanding, and will you then, Dr. Sullivan, make the speech? Because," I said, "you can speak to both the audience and the Lord, both will listen, and both will be moved and will act."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HUMPHREY. And may I add, that is what the program turned out to be, and the speech was much better than the invocation.

Mr. ERVIN. Will the Senator yield?

Mr. BAYH. Mr. President, I am glad to yield to the Senator from North Carolina without losing my right to the floor.

Mr. ERVIN. I would just like to warn my good friend from Minnesota that sometimes those people who undertake to pray wind up suffering disappointment. I have had that personal experience.

I remember when, a few years ago, Senator Dirksen introduced the so-called Dirksen school prayer amendment, which as I recall the Senator from Minnesota, the Senator from Indiana, and myself opposed. When the Senator from Illinois (Mr. Dirksen) introduced that proposed amendment, I realized it was highly controversial, and that anyone who interjected himself into that field of endeavor was likely to be misunderstood.

So I got down on my knees and I prayed very fervently that the Dirksen amendment would go away off somewhere into outer space, and not come back to trouble the Senate.

I know I prayed earnestly and I prayed fervently, but my prayers were not answered, and that amendment came back here and I had to stand up and face it.

I had always believed in prayer, and I always believed that when you prayed fervently your prayers would be answered.

So I took down my Bible to find out why my prayers were not answered in that request, and I found that the Bible does not say simply that fervent prayers will be answered. It says that the fervent prayer of a righteous man availeth much. So I had to draw the conclusion that while I had prayed fervently, I was not righteous within the meaning of that verse of the Scripture.

So I just want to warn the Senator from Minnesota to tread very softly in that field, for fear he will suffer a disappointment such as mine.

Mr. HUMPHREY. May I say to the Senator that I have already suffered those disappointments. I thank the Senator from North Carolina, because I realize now, with his help, what my shortcoming was—a failure of righteousness.

Mr. BAYH. Mr. President, under the same ground rules with which I yielded to the Senator from North Carolina, I would like to address a question to the distinguished Senator from Minnesota.

Although the Senator merely stated that he gave the invocation and Dr. Sullivan gave the speech, is it true that the Senator from Minnesota not only gave the invocation, but also the benediction?

Mr. HUMPHREY. The Senator is almost correct. As I recall, the invocation was long enough for both.

(The remarks that Mr. Humphrey made at this point when he introduced S. 4084 are printed in the morning business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. BAYH. Mr. President, I yield to the distinguished Senator from West Virginia, with the understanding that I will not lose my right to the floor, and that my repossession of the floor will not count as a second speech on this bill.

ORDER FOR TIME TO BEGIN ON CLOTURE DEBATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour under rule XXII on the motion to invoke cloture tomorrow begin at 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, can the Senator advise us at what time the vote on cloture will occur?

Mr. ROBERT C. BYRD. The vote on cloture will occur around 11:15 a.m.

ORDER FOR ADJOURNMENT UNTIL 8 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GEN. CREIGHTON W. ABRAMS

Mr. HUMPHREY. Mr. President, I shall be necessarily absent for a few hours this afternoon. I understand that there may be a call of the Executive Calendar, during which the nomination of General Abrams to be Chief of Staff of the U.S. Army will be brought before the Senate.

I want to be recorded now as being strongly in favor of this appointment. I know General Abrams. I have great respect for his professional competence. He has performed with honor and distinction in every assignment that he has been given.

During the time that I served as Vice President, I saw this man under difficult circumstances. He is a fine man, and I compliment the committee and the distinguished chairman for reporting the nomination favorably. I understand it has been reported unanimously.

Mr. STENNIS. That is correct, by 15 out of 16 members, and I understand that the 16th will vote for him.

Mr. HUMPHREY. I want Senators to know and I want the Record to show that I fully support General Abrams, and I am pleased that the committee has reported the nomination favorably.

Mr. STENNIS. I thank the Senator for his remarks. I feel strengthened by having his vote.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1973. An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; and

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 15597. An act to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland; and

H.R. 16810. An act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 717) authorizing the Clerk of the House to make a correction in the enrollment of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bill and joint resolution:

H.R. 16870. An act to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; and

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. Griffin).

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 15597. An act to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland; to the Committee on Interior and Insular Affairs.

H.R. 16810. An act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973; to the Committee on Finance.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate resumed the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. BAYH. Mr. President, I ask unanimous consent that Peter Coogan and Gordon Alexander, two members from the staff of the Committee on the Judiciary, be permitted access to the floor during the debate of this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I rise to speak against H.R. 13915, the so-called Equal Educational Opportunities Act of 1972. I noticed in the colloquy with my friend from Minnesota and my friend from New York, relative to the power of prayer, that our friend the Senator from North Carolina (Mr. Ervin) interjected some discussion of the so-called prayer amendment.

I think there is a great deal of similarity between the misnomer of the prayer amendment and the misnomer of the Equal Educational Opportunities Act. For some reason or other, there are those of our colleagues, well intentioned, I am sure, who, in their effort to try to accomplish what they feel are worthy goals, try to cloak those goals with some readily acceptable title instead of laying it on the line and describing the full conception of their legislation for all of us to see.

By using the name "prayer amendment," they implied that it was an amendment designed to give everybody the right to prayer. That is but one such example. As anybody who examined the Supreme Court doctrine on those cases well knows, so it is with the Equal Educational Opportunities Act. Anybody who examines this bill and examines what the Supreme Court has said and what it has not said will know that this bill really is not designed to provide, but to deny, equal educational opportunities.

Mr. President, the Equal Educational Opportunities Act is now before us. While that is its official title, it is generally referred to by both friends and foes alike as the antibusing bill. It talks about funding large-scale programs to aid education, but in fact it allocates not a penny of new money.

It talks about "equal educational opportunity," but it is not a source of new funds or new insight to help our troubled schools. It is simply a heavy-handed, misguided attempt to exploit the sensitive issue of pupil transportation.

Mr. President, as I will try to point out in my remarks, there is no single solution to the problem of obtaining quality education and equal educational opportunity. I do hope to be able to point out that the Supreme Court has only said that busing is one tool to be used in providing quality education for those who have been denied it for these many years because of unlawful State action. There are other ingredients, too. If we are really going to provide higher quality education, we must also invest a higher percentage of our national resources.

I think due mention should be made of the demagogic manner in which the President has tried to play on the fears and frustrations of the American people on this issue. On television earlier this year he was very eloquent in live and full color, and said his solution to our education problems was going to be an additional investment of about $2 billion.

Many of us who feel that additional investment in education is necessary took heart; but when we got to see the fine print, we found out that the additional money was not additional money at all. He was merely using funds that Congress had already voted and had already sent back to the local school corporation. He was taking these funds out of one pocket and holding them out as a carrot and putting them in another pocket and trying to make the American people feel that the Nixon administration was making a significant contribution to quality education.

I hope, Mr. President, to be able to document the disparity between what the President has said and what the facts are. One of the most unfortunate aspects about this type of practice on the part of the Nation's Chief Executive is that it tends to increase the movement toward distrust of the governmental process. He leads both white parents and black parents to believe that he is going to make an increased commitment. But when the people suddenly awaken to find out that it was just White House rhetoric, and that really there are no more funds coming back to local school corporations, they just do not know what to believe. When the President is not believable, then the democratic system and democratic process, are in deep trouble.

Mr. President, I do not have to tell any Member of this body what an emotional response the words "school busing" present in an election year. For that very reason, it is particularly important that we try, responsibly, to put this issue in its proper perspective.

Busing has been an integral part of our Nation's educational system for 20 years and more. Before anyone ever heard of "forced busing," close to 40 percent of the Nation's public school children were taking the bus to school. For two generations, busing has been the way to provide bigger, consolidated, more modern school facilities.

I might say that before we even got around to consolidating schools, the Senator from Indiana rode a bus about an hour in the morning and about an hour in the evening.

As I recall, the capacity of my school was about 150 when everybody was there. We used the school bus then to get to school to keep from having to walk many miles.

One of the ironies of the whole busing controversy is that the actual number of miles covered by school buses today is less than before the movement to strike down some of the de jure segregation barriers. It is ironic that those of our colleagues who stand on the floor of the Senate and beat their breasts with anguish about the suffering and hardship imposed on little children riding school buses were not so concerned about the children when they were busing white children past black schools and black children past white schools. That has been going on for generations, but some of those who cry the loudest now are saying there was nothing wrong with that process.

Now when children are bused to schools for better educational opportunity, for some reason or other that yellow school bus takes on the proportions of an ogre.

Court-ordered busing designed to facilitate desegregation of the schools has increased pre-existing busing by only about 3 or 4 percent. Nor is busing dangerous to children. It is the safest way for children to get to school, safer than walking. And I speak with just a bit of authority, if I might say, as a former chairman of the Senate Public Roads Committee. We looked into the question of highway safety, trying to make our highways safer for young and old alike, and trying to do something about the tragedy in America where we tolerate the slaughter of 55,000 persons on our highways every year.

National Safety Council figures show that bus transportation is more than twice as safe as walking and Pennsylvania Department of Education data show three times as many accidents for students who walk. And it could be even safer if Congress would pass adequate school bus safety legislation.

What, then, is all the fuss about? I believe that much of the trouble has stemmed from the fact that we have not yet had time for the Supreme Court to issue a series of decisions clarifying the law in this area.

We are talking about what is the law of the land. We are talking about the way in which the Supreme Court has interpreted legislation from this Congress and the Constitution as it applies to quality education. Frankly, I could not defend all the lower court decisions in this area because I think some of them miss the mark so far as quality education and how best it can be accomplished. It is not the purpose of our debate today to defend every lower court decision in busing.

It is not my purpose in speaking. But the question we face today is much more broad. This legislation is so drastic that it makes us ask whether we are going to sit idly by and let those who would destroy all the progress we have made to open doors to educational opportunity since Brown versus Board of Education and let that be destroyed? Are we going to turn back the clock of history for a quarter of a century? Are we going to destroy the hope that is in the minds and hearts of many who have really not known the blessings of America but hope for the future because of Brown against Board of Education and with the progress that has been made since then. Those who have lived in poverty and despair, those who have been discriminated against for years, see some hope for their children because of the educational opportunity now available for their children which was not available to the parents, or to the grandparents in previous generations.

Let us return to a discussion of what the Supreme Court really has done. Despite the various directions in which the lower courts have tended to go, the Supreme Court has, to date, given only very limited approval to school busing. I hope that will be forthcoming shortly.

In the leading case of Swann against Charlotte-Mecklenburg Board of Education, the Court unanimously said that pupil transportation was one of the many permissible remedies which a lower court may use to overcome the effects of State-sanctioned racial discrimination in the public schools. Not all busing would be approved, however. The Court made it clear that busing cannot be ordered where the time or distance of travel is so great as to risk the health of the children or to impinge on the educational process.

That is important. I wish it were possible for all parents concerned about the health and well-being of their children to read that case. It is a responsibility of the parents to be concerned about the health of their children and the educational opportunity of their children. Unfortunately, some of the parents who are most concerned about the Supreme Court's decisions on the busing issue have not had the chance to advise themselves that the Supreme Court, too, has expressed the same concern for the health and educational opportunities of children. This is one of the basic criteria in the Swann case.

I want to emphasize that the Court in Swann said that pupil transportation was one of many tools available to courts; no one wants children to be transported unless it is absolutely necessary. Giving a finding of State-created segregation, we should first try to remedy the situation by other means—redrawing attendance zones, using cluster schools, educational parks, and other techniques whenever possible. But as the Court recognized in Swann, in some cases no remedy for past desegregation will succeed without some form of busing.

While I support limited busing where necessary under such circumstances, I have been opposed to and will continue to oppose certain kinds of transportation. For example, the Supreme Court has never approved busing which is shown to be educationally harmful. I would oppose such busing because it flies in the face of the basic purpose of all our efforts: to achieve quality education for all our citizens. This criterion must apply to children of all races, whether black, brown, or white. No one wants them to be bused if it might diminish their chance for quality education or if it physically be harmful to them.

When we deal with sensitive and complex questions of fundamental constitutional rights, it is particularly important to point out the difference between what people say the Court may require and what the Court has actually said. For example, the Court has never spoken to the question of whether school districts can be consolidated or students bused across political boundaries. An order involving such a remedy was entered in a Richmond, Va., case but was overturned by the Fourth Circuit Court of Appeals. An order involving such a remedy has been entered in relation to the Detroit school situation, but that has been stayed pending appeal to the sixth circuit. In like manner, the Supreme Court has never considered the issues whether busing can be ordered to overcome de facto segregation. It has such a case before it, Keyes against School District No. 1 of Denver, and argument will be heard this term. However, the court of appeals ruling in the case said that because only de facto segregation was involved, no constitutional question was presented.

One of the most important things for us to consider is the need for the Supreme Court itself, the highest judiciary of this land, to speak quickly and specifically about just where the guidelines will constitutionally be drawn in this very volatile subject of busing.

One of the most serious difficulties we have faced with trying to deal dispassionately with the busing issue is that we in Congress—and the lower courts—have had little guidance from the Supreme Court. I expect that after the Denver case is decided sometime this term, that problem will be eased greatly. Partly because of this lack of guidance, partly in order to allow more time for emotions to cool, and partly because some lower court orders appear to have gone beyond Swann, I supported the Mansfield-Scott amendment to the higher education bill which we passed last June. Briefly Mansfield-Scott prohibited the use of Federal funds for busing which was so extensive that it risked the health of children or significantly impinged on the educational process. It prohibited all Federal employees from urging or requiring school busing which endangered public school pupils' health or safety, or which resulted in students going to schools substantially inferior to those they would otherwise lawfully attend. And it postponed—for 1 year, or until judicial appeals were completed, whichever is shorter—district court orders requiring interdistrict transfer or transportation of pupils or consolidation of educational agencies.

The last provision of Mansfield-Scott—which postponed the effective date of certain busing orders for a limited period of time—was particularly important. It was designed to give the courts, including the Supreme Court, an opportunity to clarify the law. Once the legal situation is clarified, I am confident the issue will be put in its proper perspective.

But, Mr. President, now—when politics and emotion are joining together to cloud reason—is no time to tamper with the fundamental human rights involved in assuring high quality, equal educational opportunity to every child. For this reason I supported Mansfield-Scott. For the same reason, I opposed what I felt was the unconstitutional and unwise Griffin amendment, which attempted to withdraw from the Federal courts all jurisdiction to provide for pupil transportation, even where it is the only remedy available to end forced segregation.

I think it is imperative that the Congress have the intestinal fortitude to realize that this is an issue on which we have to stand up and be counted. Someone has to stand up and guarantee an equality of education for all children.

Mr. President, just to say, "Do not bring this subject in the doors of this Chamber because it might cause some grief back home" is not an answer. Anyone who feels that way ought to stay back home.

I have a certain amount of political sensitivity, along with every other Member of the Senate. And I would rather not have to deal with controversy. However, I think we ought to remind ourselves on this issue, as well as on some of the other hotly contested issues, of the guideline that President Truman laid down when he said:

> If you can't stand the heat, stay out of the kitchen.

Anyone who wants milk and honey and rose petals and violet water, had better not run for the Senate because this body has to deal with controversial issues.

Hopefully, when the record is written it will show that the Senate was ready to stand up and be counted and require that this body fulfill its constitutional responsibility to see that the people of this land have the means to obtain quality education, which is so indispensable for fully sharing the rights of American citizenship.

Just as I could not support the unconstitutional Griffin amendment, I cannot support H.R. 13915, which has never even been considered by a Senate committee. By precluding pupil transportation beyond the closest or next closest school, H.R. 13915 will unconstitutionally attempt to preclude the Federal courts from carrying out the constitutional requirements established by Brown against Board of Education and its progeny. The Supreme Court held in Brown that State-imposed segregation by race denied equal protection of the laws. In a long series of cases since 1954, the Court has made it clear that school authorities are under a mandate to erase the vestiges of segregation and to create single, unified school systems. If the school systems fail to act, the courts are forced to step in and take action themselves. While there are generally many means available to overcome past desegregation, the evidence has shown that in some cases busing simply is the only remedy which can effectively implement a plan of desegregation. The legislation we are debating today is designed to preclude State authorities from using busing as a tool to achieve school desegregation—no matter how little busing, no matter how few children are involved, no matter how short the distance, and with no regard to the age of the pupils.

It is the judgment of the Senator from Indiana that if the Congress were to pass this law, it would be attempting to frustrate the courts in their efforts to implement and guarantee the fundamental rights established and preserved by the 14th amendment. Congress does not have that power, and it should not have that power. I would hope that this body would not follow our colleagues in the House by passing this legislation. And if we were to pass it, Mr. President, I predict that the Supreme Court of the United States would strike it down as unconstitutional and violative of every edict they have passed down on this important subject. The Court would have to act. Just as State policies must give way when they operate to hinder vindication of Federal constitutional guarantees, Congress, too, is precluded from preventing the enforcement of basic constitutional rights. For to preclude a remedy that might be essential to equal educational opportunity would be to nullify that right and, therefore, to perpetuate segregation in direct violation of the Constitution. As the Senator from North Carolina once observed:

> To give people a constitutional right and then to deny them opportunity to vindicate that right, in case of its denial, is certainly making a hollow mockery of the Constitution.

I believe, therefore, that this bill is unconstitutional. It makes a hollow mockery of the Constitution. But this is not the only flaw in the bill. For example, section 406 contains a "reopener" clause so broadly drafted that it could result in the reopening and relitigation of all the more than 1,500 desegregation orders entered by Health, Education, and Welfare and the courts since 1954, even if those orders involved no pupil transportation of any kind.

If these decreases are no longer needed, or if the underlying circumstances have changed, the power to amend the decree already exists. An open-ended invitation to upset hundreds of desegregation plans which are working, and which are working without trouble throughout the country cannot help but be a mistake of the highest order.

Mr. President, one of the most unfortunate effects of the emotional appeal that has been made over the busing issue goes far beyond the question of busing itself. There can be no denying that Brown against Board of Education as sound and as salutary as it was, was a great departure from precedent and practice in many parts of our country.

Human nature being what it is, any reasonable human being can understand that when precedent is shattered, when practices are changed there is going to be a period of perhaps tortured adjustment. But a proud chapter of our history was written then. Many citizens of this country, black and white alike, have gone through this period of tortured adjustment, have made necessary changes, have accommodated themselves to Brown against Board of Education, have opened the schoolhouse door, and found it is workable; and they are living side by side, studying side by side, practicing side by side, and playing side by side and they have found that the great threat that was expected, has in fact, been nonexistent.

White parents have put aside their fears. Black parents have seen their hopes realized. Now, Mr. President, for us to come along and consider striking down all this progress, exacerbating and reopening these fears and chilling these hopes is, in my opinion, one of the most tragic consequences of the bill now before us because it goes far beyond busing. It goes to the basic tenets of Brown itself by saying all of these orders could be opened, even if the plan has been working for years. I hope the Senate will stand firm and not tolerate such a tragic consequence.

Mr. President, I also feel that too little has been said in this debate about this bill's requirement that pupils be assigned no further than the "next closest" school. This provision will insure that all the burden of complying with desegregation orders—all the costs of past State-directed policies of segregation—will be shouldered by those citizens, both black and white, who by choice or out of economic necessity, have remained in our central cities.

Finally, and I think most importantly, we must consider the impact passage of this bill could have on blacks and other minority groups. This bill is of great symbolic importance because it marks the first congressional effort to retreat from the holding of the Brown case. Since Brown we have been deeply committed to the goal of ending segregation and creating truly equal opportunity throughout our society, for all of our citizens, without regard to race. This bill is designed to thwart that drive in the most direct way—by precluding the Federal courts from ordering effective remedies for de jure segregation. I hope my colleagues will bear in mind the effect passage of this bill will have on all those who have looked to Congress for preservation of their most basic rights.

Mr. President, even if I did not feel so strongly about these other objections, I would still oppose this bill because of its fundamental constitutional flaw, its blatant and unconstitutional attack on the ability of the Supreme Court to protect our fundamental liberties. Before expanding on this argument, however, I think it important to explore some of the legal and political background surrounding these issues.

CONGRESS AND CONSTITUTIONAL RESPONSIBILITY

Today's antibusing bill is another in a long series of very serious attacks on the Supreme Court. Since 1954, the Supreme Court has been regularly assailed by those opposed to school desegregation. Such attacks were rapidly decreasing in intensity and frequency by the late 1960's.

Now things have turned for the worse. The President has assumed leadership of those who assail the Court, even though he has had the great and unusual privilege of naming four members in a short period of time. The extraordinary fact is that it is the President of the United States who has proposed clearly unconstitutional legislation intended to overturn unanimous decisions of a Supreme Court headed by a "strict constructionist" Chief Justice he nominated himself. It is all part of a regrettable pattern of Presidential disrespect for our highest tribunal.

We have a President who does not believe in the separation of powers. In one short term of office he has consistently tried to usurp the power of Congress by withholding funds which this body has appropriated, by involving this country in foreign misadventures which are clearly acts of war, without seeking congressional ratification for these acts, and by even suggesting that this body should abrogate its power to advise and consent on a Supreme Court nominee. He has also tried to influence the independence of the Supreme Court.

This issue is just another of a whole series of issues which seems to the Senator from Indiana to go far beyond the academic question involved. We are talking about busing. Busing is immediately associated with schools and with educational opportunity. Closely related to busing are civil rights opportunities. Unfortunately it is also related to racial tensions.

These are the immediate products of the debate before us, but to the Senator from Indiana the matter goes far beyond that. It goes to the proposition that this Government of ours, the United States of America, has a rather unique governmental structure, a tripartite system, if you will, unlike most other governmental structures. It is dependent for its stability on the maintenance of three relatively equal and independent branches of Government. And I suggest to you that that has been one reason why this Nation has been able to survive turmoil, that it has been able to grow and prosper and give to its individual citizens what the citizens of few other nations and few other civilizations in the history of mankind have known.

To me one of the dangers in the issue before us is that it is a part of the effort which is being made by the executive branch to erode the independence of Congress, to erode the independence of the Supreme Court, to set up a real monarchy down at 1600 Pennsylvania Avenue, in which the President determines who should sit on the Court, how they shall rule, what money shall be spent, in what manner, and in what amount.

Perhaps my words could be said to be tainted by legislative prejudice. As a creature of the legislative process for 18 years, I suppose one has to be very careful in looking at the three separate but equal branches of Government, and that an 18-year legislator can become overly impressed with the responsibility of the legislative branch of the Government. I hope that is not the case, because I do not want the Senate of the United States to assume the prerogatives of the President, and I do not want the Senate of the United States to assume the prerogatives of the Supreme Court of the United States.

Mr. President, the record of the last few years contains numerous instances in which this body has slowly but surely permitted itself to relinquish authority, and we have seen the power of the once proud legislative branch assumed almost uncontested by the executive branch.

This is one issue. When it is disposed of in the next few days we are going to be faced with another. We are going to be asked by the President of the United States to let him determine how we spend our money and where we spend it.

Mr. President, if we go along with that request of the President of the United States to let him set a budget ceiling and let him determine where to cut and where the items in the budget are going to be fulfilled, and where they are going to be ignored completely, we might as well pack up and go home and sell the Capitol building to the National Historical Society, because that will be all it will be worth.

A. THE PRESIDENT'S EFFORT TO DEMEAN THE COURT

The President's lack of respect for an independent judiciary and his determination to make it bend to his policy objectives was most evident in his bitter struggle to place Judge Carswell on the Bench and in his later selection of candidates who had to be withdrawn even before they were formally nominated, because of strong opposition within the organized bar.

Mr. President, I do not want to reopen the Carswell nomination debate, because that was a matter of significant acrimony on the floor of this body. As I said in that debate, I do not mind opposing a colleague on an issue and going down to defeat or winning, but when we get involved in the course of the debate in an individual's qualifications, that is a different matter, one that I wish were not the responsibility of the Senate. But it is required by the Constitution, and thus is a responsibility we must fulfill.

I bring that particular issue to the Senate's attention, to remind the Senate that at that time the President of the United States had the audacity to suggest that this body, the Senate, had no authority to even get involved in the situation; that the Constitution did not really say that the President shall nominate and the Senate shall advise and consent to the nomination and tell him how we feel about his Supreme Court nominations. So when the nomination was sent here, it was almost as if he was expected to anoint someone and the Senate would go along with it.

Of course, those who had advised the President had forgotten to read their history. They did not advise the Chief Executive that about 20 percent of all the Supreme Court nominations—20 percent, Mr. President—that had been made in the history of this country had not reached the Supreme Court of the United States. Even our beloved Founding Father, George Washington, found that he was not given carte blanche authority to anoint somebody to sit on the Supreme Court of the United States. One of our Presidents had three successive nominees turned down.

I point that out only as indicative of efforts of the Executive to erode the responsibility of an independent and coequal branch of the Government; namely, the Congress of the United States and the Senate of the United States. Luckily, the people have objected to such Presidential assaults on the other branches of Government.

Hundreds of lawyers and law professors from all parts of the country organized to protect the Court from the insult of unqualified Justices. Back several months ago, when the President's initial choices for the last two seats became known, the American Bar Association committee refused to lend support, not on ideological grounds, but on grounds of lack of skill and experience. This treatment of judicial appointments, by a President who is a lawyer, by the way, and has campaigned consistently on the law-and-order theme, shows a profound lack of respect for the judiciary, and a profound ignorance of the separation of powers and the responsibility to advise and consent that rests on the Senate of the United States as far as judicial nominees are concerned.

B. THE PRESIDENT'S EFFORT TO REVERSE CIVIL RIGHTS LAW

President Nixon has not only attempted to staff the Court with weak judges, but he has also chosen men with records of insensitivity or oposition to the development of civil rights protections in the case law. Both Judge Haynsworth and Judge Carswell had been repeatedly reversed on major civil rights questions by higher courts. Mr. Rehnquist's record in private life showed vigorous opposition to civil rights measures. There is no evidence that serious consideration was given to any of the southern Republican Federal judges who distinguished themselves in their defense of the Constitution during the school controversy. The message the President is trying to send to the judges of the country is very clear.

C. JUSTICE DEPARTMENT AS AN OPPONENT OF CIVIL RIGHTS

Even more disconcerting than the President's efforts to find anticivil rights judges for the Supreme Court has been the politicizing of the Civil Rights Division of the Department of Justice. Beginning with its effort to end enforcement of the school desegregaton guidelines and to postpone court-ordered desegregation of Mississippi in 1969, the Justice Department has repeatedly gone into court in opposition to lawyers representing black children. This was true in the Mississippi case, in the Norfolk case, in the Austin case, in the Nashville case, and in the Richmond case. The Department's motivation has been so clearly political that the lawyers of the Civil Rights Division have twice been stirred to the extraordinary step of open rebellion against Department positions. During the Eisenhower, Kennedy, and Johnson administrations, the Civil Rights Division was at the center of the movement for racial justice and it attracted some of the finest and most dedicated young lawyers in the country. Now, many of those men and women have left. Some have been fired. Those who remain must work under tight political control. In too many cases, the Justice Department is no longer a friend or even a neutral observer in civil rights battles, but a powerful part of the opposition.

The great civil rights acts of the 1950's and 1960's were drafted in the Justice Department. The Attorney General and his staff were at the center of the drive to expand legislative protection of civil rights. Now, for the first time since 1894, Congress is considering legislation which clearly takes away rights upheld by the Supreme Court, and the Justice Department is drafting and defending the legislation. And the President has done his utmost to intensify this destructive process.

D. ATTACK ON THE INSTITUTIONAL POWERS OF THE COURT—THE FINAL STAGE

Even though the President has had an opportunity to appoint more Justices to the Supreme Court in a shorter time than all but a handful of other Presidents, he is unwilling to abide by the law of the land as the Court defines it. For the first time in American history, the President is supporting an effort to limit fundamental constitutional rights sustained by unanimous Supreme Court decisions. More than that, he is supporting legislation based on the assumption that Congress possesses power to overturn those decisions by simple statute. When the crisis over school desegregation came in Little Rock, President Eisenhower decided that the supreme law of the land must be upheld whatever the cost. Now that we face a school busing crisis, generated in good measure by the President's own attacks on the courts, this President has decided the law of the land must be overturned, whatever the cost to our constitutional principles.

E. CONGRESS MUST UPHOLD THE CONSTITUTION

We are now in the midst of a very serious conflict between the executive and judicial branches of the Government over the rights of black children. The pressures of political expediency urge us to join the administration in its assault on constitutional law, as handed down by a broadly representative Supreme Court. Our constitutional obligation, on the other hand, is clear. Our oath of office binds us to uphold the Constitution even when the Constitution requires unpopular actions. This oath, and the whole principle of constitutional government is tested when the Court hands down widely criticized decisions. Almost a century and a half ago, a southern Senator, Robert Hayne of South Carolina, explained the kind of situation we confront today:

> If the will of a majority of Congress is to be the supreme law of the land, it is clear that the Constitution is a dead letter and has utterly failed of the very object for which it was designed—the protection of the rights of the minority.

Senator John Berrien of Georgia warned, in 1827, of the danger of emotional congressional decisions disregarding constitutional requirements:

> How often the decisions of deliberative bodies are influenced by consideration of temporary expediency, how often they are swayed by the impulses of momentary feeling. . . . I observe, in seasons of great political excitement, with what undeviating uniformity the ranks of party are marshalled even on questions of unconstitutional law. . . .

At a time when confidence in political leadership and American institutions is already at a record low, let us not cynically pass a clearly unconstitutional law. We must not join the administration in a confrontation with the Supreme Court which will only damage us all.

This is a time and a place for political courage. The Senate has shown that courage time after time in defeating administration efforts to demean the courts and to weaken civil rights laws. In this frantic preelection period, we must, once again, protect the Constitution and the Court. We have no higher obligation.

III. CONGRESSIONAL POWER AND JUDICIAL RIGHTS

A. RECENT CONGRESSIONAL EFFORTS TO LIMIT THE COURT'S POWER

A recent study of conflicts between the Congress and the Supreme Court reports seven periods of serious attack on the institutional powers of our highest judicial body before 1960. We are clearly in the midst of another such period now. The strategies for changing decisions have been diverse. Some proposals tried to change the size of the Court, others to establish specific qualifications for membership, still others proposed limited terms for Court appointments. Serious proposals of the progressive movement included the requirement for extraordinary majorities to declare laws unconstitutional and a proposal that Congress be empowered to override the Court by passing the same measure twice. Other bills and constitutional amendments were designed to reverse specific Court decisions. Finally, there have been recurring proposals to limit the Court's jurisdiction, thus permitting unrestrained congressional sovereignty in an entire area of law by forbidding the Court to hear cases.

Only three of these tools have actually been employed by Congress. The size of the Supreme Court was changed several times during the 19th century, sometimes in an effort to affect the political balance on the Court. President Roosevelt attempted to revive this approach in his 1937 "court packing" bill and was badly defeated by Congress. On a number of occasions, Congress has adopted constitutional amendments or laws meant to reverse Supreme Court decisions on both constitutional and statutory issues. Congress, of course, lacks power to reverse a decision based on interpretation of the Constitution except through the constitutional amendment process. The final, and most drastic, of the experiments has been with limitation of the Supreme Court's jurisdiction. Congress has unambiguously resorted to this power to limit established rights only once, under extraordinary conditions in the immediate aftermath of the Civil War. Even the fullest judicial definition of that power, in the McCardle case, would not sustain the present legislation.

B. THE ALLEGED CONSTITUTIONAL BASIS FOR THE PRESENT BILL

The equal educational opportunities bill, both as initially proposed by the President and as passed by the House, attempts to reverse clearly established constitutional interpretations handed down by a unanimous Supreme Court. More than that, it attempts to limit the Court's jurisdiction and dictate procedures which all Federal courts must follow in developing remedies.

On its face, the idea of overruling the Supreme Court by a simple majority vote of Congress seems absurd. There are, however, two constitutional arguments advanced to justify the change. One is based on the theory that Congress possesses plenary power over the appellate jurisdiction of the Supreme Court, even when limiting the Court's right to hear cases abrogates a constitutional right. The other argument asserts that Congress may legitimately regulate the remedies employed by the courts to enforce the 14th amendment. In each case, the argument is based on a dubious reading of a phrase of the Constitution and of a Supreme Court decision interpreting that phrase. We must examine these arguments in some detail.

C. CONGRESSIONAL ENFORCEMENT POWERS UNDER THE 14TH AMENDMENT

The most commonly mentioned constitutional basis for the legislation now before us is section 5 of the 14th amendment. First I will examine the obvious deficiencies of this approach and then turn to the more serious question of Congress power over the jurisdiction of the Court.

Proponents of the House bill have argued that it is constitutional, because Congress possesses broad powers under section 5 of the 14th amendment "to enforce, by appropriate legislation, the provisions of this article." They rely on the Supreme Court's holding in the voting rights case, *South Carolina* v. *Katzenbach* (383 U.S. 301), which relied on a similar grant of power to Congress to sustain the far-reaching provisions of the 1965 Voting Rights Act. The specious premise in this argument is the assumption that the power to enact appropriate legislation to enforce the equal protection clause is also the power to enact a law to deny rights clearly protected by the amendment. Supporters of this theory are taking the position that an appropriate method of enforcing a right is to enact legislation forbidding the courts' enforcement powers.

Former Associate Justice Arthur J. Goldberg effectively rebuts the administration argument:

> In *Katzenbach* v. *Morgan,* litigation brought to test provisions of the Voting Rights Act of 1965 raised the issue of the scope of congressional power under section 5. The Supreme Court observed that, since the adoption of the fourteenth amendment, congressional power under section 5 had been interpreted as parallel to the scope of congressional power under the necessary and proper clause. Chief Justice Marshall gave the classic formulation of the latter power in *McCulloch* v. *Maryland:*
>
> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."
>
> The Court in *Katzenbach* upheld section 4 (e) of the Act, a provision banning state literacy tests, as a proper exercise of the section 5 power because it was "plainly adapted to [the] end" of the equal protection clause and consistent with "the letter and spirit of the constitution." Justice Harlan dissented and expressed concern lest the Court, by holding section 4(e) to be appropriate fourteenth amendment legislation, give future license to Congress substantively to dilute the current judicial interpretation of the amendment as well as expand it. The majority answered Justice Harlan's concern by denying Congress' power to contract the amendment:
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> "§ 5 does not grant Congress power to exercise discretion in the other direction and to enact 'statutes so as in effect to dilute equal protection and due process decisions of this Court.' We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by § 5—a measure 'to enforce' the Equal Protection Clause since that clause of its own force prohibits such state laws."
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> This limited nature of the section 5 power was reaffirmed by Justice Black in *Oregon v. Mitchell:*
>
> "As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War amendments . . . Third, Congress may only 'enforce' the provisions of the amendments and may do so only by "appropriate legislation." Congress has no power under the enforcement sections to undercut the amendments' guarantees of personal equality and freedom from discrimination. . . ."

If this bill was devoted to positive congressional action to aid school systems seeking effective desegregation, the constitutional issue would be very different. If, for example, Congress had adopted Senator Ribicoff's bill for gradual desegregation of urban areas, I believe the courts would sustain it, at least in the absence of proof of de jure segregation in a locality. The congressional power to enforce the 14th amendment is a valuable tool and should be used to assist and to ease the process of creating real equal educational opportunity—but to repeat the warning of the majority in Morgan, "section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees."

D. THE EXCEPTIONS CLAUSE

1. THE FRAMER'S INTENT

Much of the argument in favor of the constitutionality of H.R. 13915 stems from article III, section 2 of the Constitution, which provides that—

> The Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such exceptions, and under such Regulations as the Congress shall make.

On first examination it would seem that Congress powers curtail the appellate jurisdiction of the court was unlimited. But history and the case law clearly does not support such an interpretation.

Fortunately, Congress can now learn a great deal about this crucial question from Raoul Berger's 1969 book, "Congress versus the Supreme Court," which contains an exhaustive historical analysis of this issue. Berger argues convincingly that the debate, both at the constitutional convention and at the State ratification conventions, showed a very deep preoccupation with the need to check legislative tyranny. Such a preoccupation, he insists, is simply not compatible with the theory that the Constitution gives Congress unlimited control over the business of the Supreme Court. I quote from Mr. Berger:

> In the Convention John F. Mercer asked, "What led to the appointment of this Convention? The corruption and mutability of the Legislative Councils of the States." Madison noted that there had been a tendency "to throw all power into the legislative vortex . . . If no effective checks be devised for restraining the instability and encroachments of the latter . . . a revolution . . . would be inevitable." Gouverneur Morris concurred with Madison "in thinking that the public liberty is in greater danger from Legislative usurpations than from any other source"; he considered "Legislative tyranny the greatest danger to be apprehended." James Wilson said that "we have seen the Legislatures in our own country deprive the citizen of Life, of Liberty, & Property, we have seen Attainders, Banishment, & Confiscations."
>
> These strictures, to be sure, were aimed at State excesses, but the Framers were not slow to draw the moral, to discern that a national legislature might ape the State assemblies. Mason, discussing proposed judicial participation in revision of federal enactments prior to effectiveness, said that the national Legislature "would so much resemble that of the individual States, that it must be expected frequently to pass unjust and pernicious laws. This restraining power was therefore essentially necessary." Madison, after referring to the "strong propensity" of State legislatures "to a variety of pernicious measures," said that "one object" of an executive veto "was to controul the Natl. Legislature, so far as it might be infected with a similar propensity." "Is there no danger of a Legislative despotism," asked Wilson? "Theory & practice both proclaim it. If the Legislative authority be not restrained, there can be neither liberty nor stability." "All agree," said Nathaniel Gorham, "that a check on the Legislature is necessary."

Berger's analysis resolves the contradiction by showing that the power to make exceptions to the Court's jurisdiction "was the subject of prolonged debate" which turned not at all on a curb of judicial "excess," but was solely concerned with potential problems which could arise if the Court chose to review matters of "fact" decided by the lower courts:

> Such review was "bitterly denounced" by opponents of the Constitution on the ground that it infringed the right of trial by jury. The issue is clearly expressed in Luther Martin's report to Maryland:
>
> "The proposed constitution . . . by its appellate jurisdiction, *absolutely takes away that inestimable privilege* [trial by jury]; since it expressly declares that the Supreme Court shall have appellate jurisdiction both as to law and *fact* . . . The Supreme Court is to take up *all questions of fact . . . to decide upon them* as if they *had never been tried by a jury* . . ."
>
> The difficulty, in a nutshell, was the greatly varied practice in the States respecting review of facts, not alone in jury trials but in admiralty and equity as well. As Spaight, a member of the federal Convention, told the North Carolina convention, "the subject took up a considerable time to investigate it. It was impossible to make any one uniform regulation for all the states, or that would include all cases where it would be necessary." This was the explanation also made by two other Framers, Pinckney in South Carolina, and Wilson in Pennsylvania: "no particular mode of trial by jury could be discovered that would suit them all." Because of such difficulties, said Iredell, paraphrasing Spaight, the Framers "thought it better to leave all such regulations to the legislature itself." Randolph, also a Framer, said, "The appellate jurisdiction might be corrected as to matters of fact by the exceptions and regulations of Congress." This was also Madison's explanation in Virginia—cheek by jowl with his statement, "Were I to select a power which might be given with confidence, it would be the judicial power"—of Wilson in Pennsylvania, of Maclaine in North Carolina, and of Pendleton and Marshall in Virginia. The "exceptions" power, said Marshall, would "go to the cure of the mischief apprehended."
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> Madison stated in the Virginia convention that the "principal criticism which has been made, was against the appellate cognizance as well of fact as of law." Randolph said, "I can see no reason for giving it jurisdiction with respect to fact as well as law." Mason said "I would confine the appellate jurisdiction to matters of law only." Randolph stated that "The appellate jurisdiction might be corrected, as to matters of fact, by the exceptions and regulations of Congress." In Maryland an amendment was proposed that would "prevent the appeal from fact."
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> The acute Yates minutely examined Article III and concluded that "the supreme court has the power, in the last resort, to determine all questions on the meaning . . . of the constitution," and that the "legislature can not deprive the former of this right." The same meaning attaches to Hamilton's acknowledgment of judicial "finality" and explanation that Congress would not be left to adjudge the validity of its own laws. Literal reading of the "exceptions" clause requires us to conclude that Yates and Hamilton, and those who like Marshall and Iredell relied on judicial review for "protection from [Congressional] infringement of the Constitution," completely overlooked the fact that Congress had but to enact an "exception" to the "appellate" jurisdiction to deprive the Supreme Court of the power to decide that a Congressional Act was contrary to the Constitution. . . .
>
> The sole reference to a curb on the "independence" and "responsibility" of the judiciary which I could find was to the impeachment power. This, said Hamilton, "is the only provision on the point which is consistent with the necessary independence of the judicial character." He expanded on the matter in *Federalist* No. 81.

Berger's exhaustive research strongly suggests that those who rely on the exceptions clause to support a theory of congressional power over the Supreme Court are making an unsupportable interpretation of a poorly drafted provision. The concern of the Founding Fathers, it seems clear, was not to limit the right of the Court to uphold the Constitution but to give Congress full power to protect the valuable right to a jury trial to decide the facts of a case. As Berger concludes:

> In sum, discussion of the "exceptions" power in the Ratification conventions revolved almost exclusively about the retrial of facts found by a jury. So complicated were the varying practices that it was concluded to leave the problem for handling by the Congress through the medium of the "exceptions" clause, fashioned to meet the "principal criticism" of the appellate jurisdiction, its inclusion of matters of "fact." Questions of constitutionality are "matters of law," and as Hamilton said, "The propriety of this appellate jurisdiction has scarcely been called in question in regard to matters of law; but the clamors have been loud against it as applied to matters of fact." Constitutional issues therefore fell outside the remedial purposes of the "exceptions" clause.

Berger's view of the intentions of the framers is also supported by Prof. William W. Crosskey's exhaustive word-by-word analysis of the meaning of the various provisions of the Constitution at the time they were written. Crosskey argues that the "excepting power" of Congress is confined to determining at what level cases may be heard, not whether or not the courts may hear certain categories of cases. Although Crosskey's views on other issues often diverge widely from Berger's, it is significant that scholars operating from widely different sets of assumptions about constitutional history reach compatible conclusions about the limited nature of the exception clause:

> The principal provisions addressed specifically to the national judiciary, and, more particularly, to the Supreme Court of the United States, are those found in the Judiciary Article of the Constitution. As previously noted, the Supreme Court's "judicial" "suprem[acy]" is there provided, as to all kinds of "Law," in mandatory terms; and, in similar terms, it is also provided that the Court *"shall* have" original jurisdiction in certain of the "Cases" falling within the categories of "the [national] judicial Power" there described, and appellate jurisdiction in "all the other Cases" falling within those categories. The Court's appellate jurisdiction is subject, however, to an excepting power in the hands of Congress; but this excepting power is itself subject to the condition, growing out of other mandatory provisions of Article III, that Congress shall provide other national courts of the kind there described—that is, *"inferior"* national courts, which means courts subject to some effective scheme of Supreme Court supervision—to hear all the "Cases," or parts of "Cases," that Congress decides to "except" from the appellate jurisdiction for which the Constitution tentatively provides. The rights of the Court growing out of these provisions—rights which, as to the people of the United States, are duties—come to it, then, by direct act of the people, in the Constitution. And this being true, the natural conclusion is that the Federal Convention expected the Supreme Court to exercise these rights—that is to say, to perform these duties—without regard to any acts of Congress, interfering unconstitutionally with them. The fact that the Court has never done this fully does not alter what the Constitution says; or what the Court's duties, under its provisions, really are.

Had the Founding Fathers had any conception that Congress could easily overturn constitutional rights simply by invoking an established power over jurisdiction, Berger maintains, the whole debate over a Bill of Rights in the Constitution would have made little sense:

> So much emerges from Madison's explanation of the proposed Amendments to the First Congress: laws may "be considered necessary and proper by Congress . . . which laws in themselves are neither necessary nor proper; as well as improper laws could be enacted by State legislatures . . . If there was reason for restraining the State governments from exercising this power ["general warrants"], there is like reason for restraining the Federal Government." And, he went on to say, if these Amendments are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive.
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> No challenge was made to this statement; and indeed, shortly thereafter, in the course of the debate on the President's "removal" power, a decided preponderance of the spokesmen in the House expressly recognized that the courts were the ultimate arbiters whether Congressional Acts were consistent with the Constitution. An "impenetrable bulwark" against Congressional oppression that could easily be flanked by Congressional withdrawal of jurisdiction from the courts would be no bulwark at all. . . . Is it reasonable to conclude that in riveting the accompanying guarantees against Congressional invasions of liberty and property without due process or just compensation, they intended through the medium of the "exceptions" clause to leave those rights at the mercy of Congress?

Contrary to the claims of this bill's supporters, Berger insists that the idea of clear congressional power over the jurisdiction of the Supreme Court is by no means uniformly accepted. Had it been, he argues, it would have been preposterous for President Franklin Roosevelt, faced by a very severe threat to his entire legislative program, to resort to the court-packing plan:

> Least of all should that inference be drawn by a generation that saw the most popular President in decades, Franklin D. Roosevelt, thrown back by Congress when he sought its help to "pack" a Court that had repeatedly invalidated legislation designed to rescue the nation from the depths of the Depression. The "Court-packing" plan, wrote President Roosevelt to then Professor Frankfurter, was "arrived at by a process of elimination" after searching through "all the other proposals for legislative action." It enlisted the aid, behind-the-scenes, of Frankfurter, himself the leading authority on federal jurisdiction, the lore of the Constitution, and the Court. How could Roosevelt and Frankfurter, with a corps of brilliant New Deal lawyers at their command, have overlooked the "simple" alternative: a Congressional exercise of Article III power to "strike at . . . judicial excess" by delimiting jurisdiction of constitutional controversies? All the hullabaloo about "Court-packing" was so easily avoidable if this alternative is so legitimate and available. The explanation, I suggest, lies not merely in the devotion of the people to the Court, but in the Congressional rejection of the view that "when the Court stands in the way of a legislative enactment, the Congress may

> reverse it by enlarging the Court. When such a principle is adopted, our constitutional system is overthrown."

2. THE DANGER OF 50 DIFFERENT SETS OF REMEDIES

Even if the Supreme Court were to accept a limitation on its appellate jurisdiction forbidding it to enter or provide remedies for certain types of cases, it would not settle the issue but merely guarantee maximum confusion. The courts of the various States could still hear the cases and would be bound to provide remedies repairing the denial of constitutional rights. Prof. Henry Hart, Jr., described this State power in his article on the jurisdiction of the Federal courts:

> The state courts always have a general jurisdiction to fall back on. And the Supremacy Clause binds them to exercise that jurisdiction in accordance with the Constitution.

3. THE M'CARDLE CASE AND ITS LIMITS

Since Congress has only once directly challenged the Supreme Court by attacking its jurisdiction to hear cases involving important constitutional rights, there is very little case law on the subject. This fact has given great importance to the one major judicial pronouncement on the subject, ex parte McCardle.

The facts of the situation are simple. One of the Reconstruction laws had granted a broad right of appeal in habeas corpus cases to the Supreme Court. McCardle, a Mississippi editor who was to be tried before a military commission authorized by a Reconstruction statute, appealed to the Supreme Court challenging the constitutionality of the law establishing the commission. The case threatened to undermine Congress' whole plan for dealing with the former Confederate States.

Supporters of Reconstruction, in the midst of the attempt to impeach Andrew Johnson and with vivid memories of the Dred Scott case, sought some way to prevent a disastrous reversal of national policy. The House first responded with a very direct and permanent threat to the Court. The House passed a bill requiring a two-thirds majority for any decision declaring an act of Congress unconstitutional. The House passed this measure, 116 to 39. Emotions ran high and there was broad public support for this drastic step. Charles Warren quotes the contemporary press accounts:

> *Harper's Weekly* argued, in support of the measure, that: "If the Court shall decide against the validity of the Legal Tender Act, that the War was fought on an unconstitutional basis, and that the Southern States are still in the Union . . . results that cannot be contemplated without extreme solicitude would follow, and it is wholly unsafe to leave these questions to the decision of a bare majority of the Judges. . . . The regulation in question in no manner interferes with the stability of the Court, except to promote it. It leaves the whole judicial power in the tribunal, and only regulates it so as to prevent a capricious judgment. The independence of the Judge is not interfered with." The *Indianapolis Journal* regretted that the bill had not been introduced at an earlier date, when it would not provoke such partisan feeling; but it said that it was never of so great importance as now. "The Reconstruction Acts are full of the rights and liberties of millions of men; and to have these stricken down, by the decision of some old fossil on the Supreme Bench whose political opinion belongs to a past era, would be an outrage on humanity." It urged that a two-thirds requirement would lift judicial decisions into universal respect, while the present close divisions exposed the Court to imputations of partisanship.

This bill languished in the Senate, partly because of fears that two-thirds of the Court might vote to strike down the Reconstruction laws. The Court heard arguments on the McCardle case just as the Chief Justice was called temporarily from the bench to preside over the Senate impeachment trial of President Johnson. In the midst of this tense spectacle, Republican radicals in the House suddenly inserted a sweeping limitation on the Supreme Court's jurisdiction in a minor bill, without debate or any notice of their intentions. Warren explains the situation:

> On March 12, 1868, there was pending in the House a harmless and unimportant Senate bill to extend to the Court's appellate jurisdiction in cases involving customs and revenue officers. Unanimous consent had been obtained by Robert C. Schenck of Ohio for its consideration, on the statement that it was a mere routine matter; and while the Democrats were thus thrown off their guard by this assertion, James F. Wilson of Iowa, without any explanation or debate, introduced an amendment entirely repealing the appellate jurisdiction of the Court under the Habeas Corpus Act of 1867, and further prohibiting the exercise of any jurisdiction by the Court on appeals which had been or might be taken. The amendment was agreed to without comment or objection, and the bill as thus amended by the House went back to the Senate. Then, for the first time, the moderate Republicans and the Democrats awoke to the fact that they had been deceived. Benjamin M. Boyer of Pennsylvania charged that the House had been disarmed by Schenck's remarks and induced to accept an amendment not genuine. He charged that it had been smuggled through, to prevent a test of the constitutionality of the Reconstruction Acts; and while admitting that the minority had no been wide enough awake, and had been caught napping, he thought that it would have been more manly to have introduced such a measure for free discussion. Schenck, in reply, boldly and frankly avowed that his purpose had been to deprive the Court of its power and jurisdiction, saying that he had lost confidence in the majority of that tribunal, and that: "They usurp power, whenever they dare to undertake to settle questions, purely political, in regard to the status of the States and the manner in which those States are to be held subject to the law-making power. And if I find them abusing that power, by attempting to arrogate to themselves jurisdiction under any statute that happens to be upon the record from which they claim to derive that jurisdiction, and I can take it away from them by a repeal of the statute, I will do it. . . . Now I hold that the Supreme Court, arrogating to themselves the pretension to settle not merely judicial but political questions, and trampling upon the principle of the decision made in the case of the Dorr Rebellion and upon every other decision of that kind, are, the majority of them, proceeding step by step to the usurpation of jurisdiction which does not belong to them. And I hold it to be not only my right, but my duty as a Representative of the people, to clip the wings of that Court."
>
> "In the Senate, the amendment to its bill was concurred in, with no explanation or debate, on March 12, 1868, by a vote of thirty-two to six, with sixteen Senators absent. A request by Charles R. Buckalew of Pennsylvania for information as to the purpose of the amendment received only a very brief reply by George H. Williams of Oregon, which did not in any way explain its real purpose; and a request by Buckalew for postponement of action was refused. Within a very few days, however, after the passage of the bill through both Houses, the fact that Congress had been practically tricked into passing, without debate, a measure of the utmost importance burst with a shock upon the country. . . .
>
> But the Radical Republican press was exultant. "The passage of that little bill which put a knife to the throat of the *McCardle Case* was a splendid performance . . . Congress will not abandon its Reconstruction policy to please any Court, because it sincerely believes that the welfare of the Nation depends upon the success of that policy," said the *Independent*. "This Congress will not brook opposition from the Court in political matters. The safety of the Nation demands that Congressional Reconstruction shall be successful; and if the Court interferes, the Court will go to the wall. This language sounds harsh and indecorous to fossil ears, no doubt." And the *Springfield Republican* said: "Congress does not intend to permit the Supreme Court to overthrow it or revive rebellion, if it can help it."
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> Although his impeachment trial had already begun, the President did not hesitate, even at this desperate moment in his career, to meet the Congressional attack upon the Court with a vigorous determination to uphold the honorable status of that tribunal; and on March 25, he sent to Congress a powerfully worded veto of the bill, in which he stated:
>
> "Thus far during the existing of the Government, the Supreme Court of the United State has been viewed by the people as the true expounder of their Constitution, and in the most violent party conflicts, its judgments and decrees have always been sought and deferred to with confidence and respect. In public estimation, it combines judicial wisdom and impartiality in a greater degree than any other authority known to the Constitution; and any act which may be construed into, or mistaken for, an attempt to prevent or evade its decisions on a question which affects the liberty of the citizens and agitates the country cannot fail to be attended with unpropitious consequences. It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with that willing acquiescence in its provisions which is necessary for the harmonious and efficient execution of any law."

Congress, however, passed the bill over the President's veto. The Court was now directly confronted with a major crisis. After some postponement, the Court unanimously bowed to Congress, in an opinion suggesting very broad congressional power to control the Court's business.

Chief Justice Chase spoke for the Court (7 Wall. 506):

> It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make." . . .
>
> The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of *habeas corpus* is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.
>
> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution;

> and the power to make exceptions to the appellate jurisdiction of this court is given by express words.
>
> What, then, is the effect of the repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

Once the McCardle case was decided, there was danger of further congressional infringement. The danger seemed imminent in 1869, when the Court accepted the case of another Mississippi editor imprisoned by the military. In an initial decision on the case (*Ex parte Yerger*, 8 Wall. 85) the Court surprised Congress by holding that it did still have habeas corpus jurisdiction under the 1789 Judiciary Act. The decision implictly argued that Congress could not constitutionally deny the Supreme Court all habeas corpus jurisdiction:

> In the particular class of cases [habeas corpus], of which that before the court is an example, when the custody to which the prisoner is remanded is that of some authority other than that of the remanding court, it is evident that the imprisoned citizen . . . is wholly without remedy unless it be found in the appellate jurisdiction of this court.
>
> These considerations . . . would strongly persuade against the denial of the jurisdiction even were the reasons for affirming it less cogent than they are.

4. LESSONS OF THE M'CARDLE CASE

Since the McCardle decision has been very widely cited as the leading authority for congressional action to limit Supreme Court powers, it has been necessary to examine the historical context of the decision in some detail. It is now possible to state a series of important conclusions about the limits of the McCardle precedent:

First. The decision was made at a time of social and political upheaval, under circumstances of extreme political pressure on the Court. Taking these factors into account, its value in predicting the future development of the law should perhaps be discounted, much in the way the aberration of the Korematsu decision is explained—if not justified—by the context of west coast hysteria during World War II. Prof. Raoul Berger argues that McCardle "may be regarded as a cautious attempt to ride out the Reconstruction storm."

Second. The decision did not extinguish the right of appeal on habeas corpus grounds. The Supreme Court would entertain such writs as part of its original jurisdiction. It was still possible to appeal lower court decisions to a Circuit Court of Appeals, although the Supreme Court was forbidden to hear a second level of appeal. In his famous article, "The Power of Congress to Limit the Jurisdiction of Federal Courts," Prof. Henry M. Hart, Jr. argued that such limitations could be constitutional because they did not "destroy the essential role of the Supreme Court in the constitutional plan."

He says—

> The circuit courts of the United States were still open in habeas corpus, and the Supreme Court itself could still entertain petitions for the writ which were filed with it in the first instance.

Third. The Supreme Court reasserted its habeas corpus power in a similar case less than a year later, surprising Congress by reviving an old statutory authorization. This action tends to confirm the argument that the Supreme Court had indeed been influenced by the unique political context of the McCardle case.

Fourth. If the full logic of the McCardle case were accepted, there would be no obstacle to total control by Congress of Federal court enforcement of fundamental constitutional rights. This obvious tendency was apparent in the Congressional reaction to the Yerger case. In the Yerger decision, the Supreme Court at least implicitly rejected this expansive theory of congressional authority.

Prof. Henry Hart, Jr., in his article, "The Power of Congress to Limit the Jurisdiction of Federal Courts," insists that exceptions to the Court's jurisdiction "must not be such as will destroy the essential role of the Supreme Court in the constitutional plan."

He says:

> Whatever the difficulties of the test, they are less, are they not, than the difficulties of reading the Constitution as authorizing its own destruction.

If we are to have constitutional government, Hart writes:

> A court must always be available to pass on claims of constitutional right to judicial process, and to provide such process if the claim is sustained.

5. POST-M'CARDLE CASES AND STATUTES

Even assuming the continuing force of the McCardle precedent, there is no basis for an assumption that the Supreme Court would permit Congress to eliminate a substantive constitutional right by manipulating its jurisdiction.

The Congress can regulate the way a judicial hearing is obtained, but not deny it altogether. Mr. Justice Brandeis made this crucial distinction in a 1936 opinion:

> "The supremacy of law demands that there shall be an opportunity to have some court decide whether an erroneous rule of law was applied; and whether the proceeding in which facts were adjudicated was conducted regularly. To that extent, the person asserting a right, whatever its source, should be entitled to the independent judgment of a court on the ultimate question of constitutionality.
>
> "But the supremacy of law does not demand that the correctness of every finding of fact to which the rule of law is applied shall be subject to review by a court. If it did, the power of courts to set aside findings of fact by an administrative tribunal would be broader than their power to set aside a jury's verdict. The Constitution contains no such command." *St. Joseph Stock Yards Co.* v. *U.S.*, 298 U.S. 38, at 84(1936).

Former Supreme Court Justice Arthur Goldberg stated the basic rule this way:

> Congress cannot remove lower court original jurisdiction in a way which would deprive a party of his sole federal remedy for a violation of a constitutional right. Congress has attempted to remove specific district court remedial jurisdiction, but the courts have consistently construed such statutes to avoid the barring of adequate remedies. For example, 26 U.S.C. § 7421(a) prohibits all suits to restrain the collection of federal taxes. The Court has upheld that power of Congress to preclude tax collection injunctions in those situations where it considered judicial redress after collection to be adequate to protect taxpayers' due process property rights. By contrast, when litigation after collection is an insufficient remedy because the government is attempting to collect patently illegal taxes, the Court recognizes an exception to the anti-injunction statute and allows injunctions to issue. Similarly, the Emergency Price Control Act of 1942 denied district court jurisdiction to restrain the enforcement, or consider the validity, of price regulations issued under it. The Court upheld the denial of this jurisdiction to the district courts because the Act provided an alternative remedy in the newly created Emergency Court of Appeals. However, to the extent that the Act literally denied jurisdiction to any court to consider in a civil action the constitutionality of the Act itself, the Court felt constrained to broadly interpret the Act to vest that jurisdiction in the Emergency Court of Appeals as well. The Portal-to-Portal Act of 1947 denies to any court, state or federal, jurisdiction to enforce an earlier act which has been interpreted by the Supreme Court to create enormous retroactive wage liabilities in various industries. Although this blanket removal of jurisdiction has never been discussed by the Supreme Court, several circuit courts have sustained the removal only because they first held that no vested constitutional property rights would thereby be impaired. As stated in *Battaglia v. General Motors Corporation:*
>
> We think, however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirements of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of the courts . . . it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law. . . .
>
> "The inability of Congress to impair constitutional rights by restricting federal court remedial jurisdiction is not contradicted by the experience of the Norris-LaGuardia Act. Prior to the Norris-LaGuardia Act, Supreme Court case law had proclaimed the substantive due process right of employers to contract freely with employees to prevent unionization. In fact, the Court had declared a state anti-injunction statute violative of the fourteenth amendment because it prohibited state court restraint of peaceful strikes. The Norris-LaGuardia Act of 1932 is a similar anti-injunction statute; it narrowly circumscribes federal court jurisdiction to issue injunctions or restraining orders in cases involving peaceful activities in a labor dispute.
>
> The Act was attacked in Lauf v. E. G. Shinner & Co., but the Court curtly sustained its validity as within Congress' power to restrict jurisdiction. That case, however, is not precedent for Congress' power to use a jurisdictional statute to block redress of violated constitutional rights because, when the case was decided in 1937, there were no longer any pertinent employer constitutional rights to redress. Economic substantive due process was in rapid decline, and the early employer's rights cases had been distinguished and were soon to be overruled. In fact, rather than permitting the violation of constitutional rights, the Norris-LaGuardia anti-injunction statute protected labor's first amendment right to picket peacefully.
>
> Neither is the limit upon Congress' power to remove jurisdiction belied by 28 U.S.C. § 2283. This anti-injunction statute provides that no federal court shall grant an injunction staying state court proceedings except as authorized by Congress, or in aid of a court's jurisdiction or judgments. In Atlantic

Coast Line R.R. v. Brotherhod of Locomotive Engineers, the statute was interpreted as absolutely prohibiting injunctions in any circumstance not strictly within its express statutory exceptions, even when the state court proceedings sought to be enjoined interfered unmistakably with federally protected rights. The Supreme Court pointed out, however, that ever since its enactment in 1793, the purpose of this anti-injunction statute has been to protect from federal interference the reserved powers of the states and the independent functioning of their courts. Thus, the incidental impairment of individual federal rights which this statute may work in specific cases is arguably justified by the countervailing and fundamental constitutional interest in federalism which it protects.

"The second limitation on Congress' power to remove jurisdiction is the separation of powers. This was implied in Ex parte McCardle where the Court, in upholding the statute partially removing its appellate jurisdiction, distinguished statutes involving "the exercise of judicial power by the legislature, or of legislative interference with courts in the exercising of continuing jurisdiction." Three years later, in United States v. Klein, the Supreme Court refused to follow a statute which divested it and the Court of Claims of jurisdiction of suits for the return of confiscated Civil War property whenever it appeared in evidence that the suitor had been disloyal. The Court held that the statute effectively prescribed a result in the pending case and that it thus violated the separation of powers, notwithstanding the congressional power over Supreme Court appellate jurisdiction:

(We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power.

(It is of vital importance that these powers be kept distinct.)

By analogy, Congress cannot remove the jurisdiction of the lower federal courts in a way which violates the separation of powers.

E. THE IMPACT OF THE REOPENER CLAUSE

Section 406 of H.R. 13915 provides that educational agencies may reopen court orders or desegregation plans now in existence and have the orders modified to comply with the provisions of this act. Under the terms of the section the Attorney General is to assist educational agencies in the reopening and modification of these existing orders. This is one of the most damaging provisions of the bill, for it would allow the reopening of the cases in all of the more than 1,500 school districts which have desegregated by order of Federal court or the Department of Health, Education, and Welfare since 1954. Even in cases where peaceful and progressive adaptation to the new order had been made, a reopening of the case would be allowed with a consequent relitigation of the entire dispute. Generally such orders cannot be amended except because of changed circumstances. Here no circumstances have changed and there seems no reason to upset final and viable decisions and desegregation plans which are currently being implemented throughout the country.

It should be pointed out that this provision is by no means limited to cases involving pupil transportation. It would allow the reopening of all past school desegregation cases, possibly going all the way back to the original Brown decision, without regard to whether those cases involved transportation. In testimony presented to the House Judiciary Committee, Attorney General Richard Kleindienst said that cases could be reopened under this section whether or not any busing had been involved. He said:

> All desegregation cases, even where busing might not even be an issue involved in it. You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago, Congress has laid down a national standard and we want to reexamine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.

Reopening of these cases could only serve to injure the thousands and thousands of pupils, teachers, and other people concerned with the well-being of their schools who have lived through these periods of turmoil, the changes required by Swann and its predecessors. They would be forced to go through all this turmoil and change once more. If decrees are no longer needed, or if the circumstances have changed, the courts now have the power to reexamine and reopen the cases. This additional grant of statutory power is not only unnecessary, but it could be a pervasive nuisance, one that we would all regret.

IV. IMPACT OF DESEGREGATION ON CHILDREN AND SCHOOL SYSTEMS

A. MAKING DESEGREGATION WORK: THE CHILDREN AND THE EDUCATORS

A great deal of the debate over this bill has, quite properly, focused on constitutional issues. It is terribly important, however, that we not lose sight of what is actually happening in the classrooms. While the President inflames a bitter national controversy over schoolbusing, children, teachers, and school administrators have been quietly working to provide a better education for everyone in desegregated systems. Senators should listen carefully to what some of them said when they came to Washington to testify before congressional committees:

> Desegregation is the only way to bring about understanding among the races. What I'm hearing parents say is, "If it works, if the kids get an education it's the best thing that ever happened. It's better than going to the moon." They never had it. Their parents never had it. They are grateful their children are having this chance at humanization.—A school official; May 1970. Berkeley, Calif.
>
> For the sake of unity, and against the background of our residential separation, the schools are being asked to bring us together. And the controversy, anger, fear, and division around busing reveal the deep sickness, for when race is removed from the scene, no one grows angry about busing. With 50 percent of our students in America climbing into buses every day, busing is as American as apple pie.—Bishop Richard Emich; Diocese of Michigan, April 26, 1972.
>
> In this complex urban, segregated society in which most of us live, busing is the only practicable way to integrate the public schools . . . They [parents] know that if our own public schools are integrated—truly integrated—then housing and jobs will become integrated . . . if children grow up together in school they will respect each other, and, once they do this it will be impossible for them to practice the narrow and restrictive policies which so severely affect our present American society.—Samuel G. Sheats, Member Pasadena School Board, Pasadena, California.
>
> I think we have built through neighborhood schools an isolation in our school system that prohibits the kind of interchange between children in various cultural levels. This is the most crucial cultural problem we have. We must either get it together in this country or otherwise we are going to have separate societies.—Dr. Laurence Read, Superintendent of Schools, Jackson, Nov. 1, 1971.

Often the words of the students themselves are most telling, as in this statement by a black student in Jackson:

> I get on the bus at 7:30 in the morning for a ten minute ride. I like riding the bus. Going to schools with kids of other races helps us to understand each other. If we understand each other, we will not fight.

And "Students for a Quality Integrated Education" from Pontiac, Mich., had the following to report:

> In my particular school 82 percent of the students responded that they had made friends of the opposite race. We no longer had gang wars or fights, or anything else. It is very rare when we have a fight, whether it be between two blacks, between two whites, or black-white.

A seventh grade group from Pontiac stated their acceptance of integration:

> We speak for almost everyone in the school. A couple of kids are puppets of their parents. A lot of the people who talk about busing don't really have an idea of what it's like 'cause they aren't kids.—John Kindig.
>
> Some parents influence their kids how to think. Kids have been quiet for a long time, and it's about time we had our say.—Ramona Parker.
>
> We don't want the parents in this. We want to show that we can make it work. The parents grew up that way. We're trying to fix it so more kids won't be brought up like that.—Sharyl Toby.
>
> What do those people in the NAG sweatshirts know—they don't send their kids to school.—Kathy McGarragan.
>
> The parents are the trouble, and we wish they'd stay out of it.—April Barr.

A white student in Florida states:

> The problem with integration is more of the parents' fault than the students'. If they would let the students alone, everything would work out very well.
>
> Kids have no problems with desegregation; it's the adults.—a black teacher, Moore County, N.C.

But some parents, many parents, have supported busing where necessary to provide equal educational opportunity:

> I want my children to live in the real world and contribute to the real world and not to live in an isolated situation. That's why I send them to public schools.—member of the School Board, Moore County, N.C.
>
> Our neighborhood school is one block away, and we are busing 2 miles because the quality of education at the Lab School is better. Also, we feel our child will be involved with every type of individual, and that is what life is, getting along with all people and different situations.—White Parent, Evanston, Illinois.
>
> Integration is working in Pontiac, particularly well in the elementary schools . . . The inconvenience busing creates for the parents and the extra time students spend on the bus seem a very small price to pay to see, hopefully, our children mature into the type of American citizens that the drafters of our Constitution and the present interpreters of the Constitution must have envisioned when they included and interpreted the provisions for equality!—Mrs. Francile Anderson, President, PTA Council; March 8, 1972.
>
> Initially the parents were very upset by the plan, but the students have always been

> calm and cool. Now everyone is calm. Things have worked out well.—member of the school Board, Volusia County, Florida.

The fear and sometimes blatant emotionalism prior to implementation is the most and probably the only destructive aspect of a desegregation plan. A black parent representing many black parents of Charlotte, N.C., states:

> We did not easily achieve school desegregation in our community. Opposition to desegregation, led by our school board, resulted in much anguish, resentment, and popular confusion over what would be required to desegregate. All of the myths associated with busing and desegregation were successfully employed by the school board to encourage fierce community resistance. Nevertheless, the courts, including the Supreme Court, held firm and 2 years ago we were "forced" to bus some students to eliminate the former racial identities of our schools. Today the community as a whole is again concerned with traditional questions of educational quality. Only now it is white parents and black parents working together for common goals in their schools. The myths used to stir up resistance never became realities. While the myths may have disappeared in our community, they continue in others and have recently received a veneer of dignity and new vitality when the President collected them all together in his March 17, 1972, message to Congress.

The transportation of public school students across neighborhood lines in Jackson, Miss., is proving to be a successful way of eliminating inferior, dual school systems. Despite critics' claims, there is no violence on buses, no oppressively transported students, no shocked child psyches.

It is a clamor by uninformed voters and vote seekers that are dismayed at the success of busing:

> If mandatory transportation across neighborhood lines to achieve improved education can work in Jackson, Mississippi, it can conceivably work anywhere.—Community Coalition for Public Schools, Jackson, April 26, 1972.

And a parent's fears reside:

> I suppose I wasn't eager to have my kids bused—I liked the idea that they could walk to school. But now the advantages so outweigh the disadvantages that I'm delighted—and this school is especially exciting.—Mrs. Matt Wadleigh, parent, Berkeley, October 31, 1970.

B. BLACK VIEWS ON THE ISSUE OF DESEGREGATED SCHOOLS

Many members of the black community rightly view the busing controversy as a statement for or against a segregated society rather than one for or against a child riding a yellow bus to school. Black attitudes have been interpreted by busing opponents, integrationists, and black separatists as proof of their particular position.

Proponents of this bill have claimed that the black community is on their side. They point to national polls and the so-called antibusing position adopted by the National Black Political Convention in Gary, Ind. Polls reflect significant black opposition to busing as high as 34 percent in one poll with 14 percent undecided. However, the questions in much quoted Harris and Gallup polls concerning the public's attitude toward busing were heavy with negative overtones.

For example, in the Harris poll, the question asked was: "Do you favor or oppose busing schoolchildren to achieve racial balance?" This question was asked of whites and blacks with no apparent attempt by the pollsters to probe for evidence that white and black opposition to busing have fundamental differences in character and motivation. The use of the term "racial balance" is questionable and inflamatory since racial balance per se is not the issue. No court has required racial balance as a condition of court-ordered desegregation. Racial balance has been employed as a negative distortion of racial integration and elicits negative responses from both blacks and white resentful of the arbitrary treatment of their children that such a term implies.

"Do you favor or oppose busing schoolchildren to achieve equal educational opportunity?" The response of black Americans to this phrasing of the question would have probably reflected a more accurate measurement of their attitude toward busing. Roy Wilkins, executive director of the NAACP has stated:

> Negro Americans ask access for black children to the best possible available education. If that requires a bus ride, then so be it. They believe that opponents of busing would bar children from quality education as surely as if they stood in the door of a school and physically turned away blacks.

Vernon Jordan, executive director of the National Urban League has said:

> The fact is that most black people are solidly for busing to desegregate the schools. Most black elected officials support it, from the Congressional Black Caucus on down to lower elected offices. Concern over the proposed legislation has even been publicly voiced by black appointed officials within the Administration.

It must be reemphasized that many members of the black community rightly view the busing controversy as a statement for or against a segregated society rather than one for or against a child riding a yellow schoolbus. The overwhelming majority of blacks are not opposed to integrated schools. But many are opposed to exposing their children to the hostility and humiliation that often accompanies enrollment in previously segregated schools.

The much publicized resolution against busing approved by the National Black Political Convention in Gary, Ind., is reflective of increasing despair by blacks that the constitutional requirement of equal educational opportunity and prohibition of racially segregated education can ever be a reality. Prof. Derrick A. Bell, Jr., a black professor at Harvard Law School and a former HEW official, captured the essence of this despair in his analysis of the educational alternatives facing blacks. Dr. Bell stated:

> Considering the racial crisis it has caused, black gains in other areas it has endangered, the lack of real educational advantage to blacks required to go to school with hostile whites, there is an overwhelming temptation—not to quit—but to alter strategy, to seek perhaps a compromise on "forced busing," to accept the reality of all black schools and trade away the possibility of integration in return for additional funds. Perhaps they might enable schools to do now what they were unable to do during "separate but equal" days: effectively serve the educational needs of black children.

The resolution of the Gary convention has been misrepresented as a statement of black rejection of integrated schools. But close examination suggests that continued white opposition to school integration has fostered growing black determination to find less painful educational alternatives for their children. This search for alternatives appears to be not so much an abandonment of belief in the concept of integrated education as a frustrated and despairing withdrawal from hostile circumstances beyond their control.

Those whites and blacks who would in effect reconstitute the concept of so-called separate but equal education are wrong not only as a matter of constitutional law, but as a cold fact of political life. As Professor Bell states further:

> A society willing to deny black children a decent education in order to preserve segregation is not likely to spend three or four times as much on black children's education as on whites, even if this kept black children out of white schools.

Moreover, as Professor Bell points out:

> There is little proof that school inputs (of dollars) have much relation to school outputs (in student achievement), nor are there clear standards for defining, much less measuring, achievement. School funding reform is needed and appears on the way, but it is not a suitable substitute for school integration, (or) for insuring a better education for black children.

The Senate must not be deceived by those opponents of this bill who reinforce their arguments with reference to supposed black agreement with their position. Rather the Senate must defeat this bill. The Senate must give black Americans, indeed all Americans, clear evidence that the constitutional right to equal educational opportunity is not to be despaired but enjoyed as a guarantee of a free and democratic society.

V. THE CHOICE BEFORE CONGRESS

Americans are always uncomfortable when they are abandoning the basic commitment of the American Constitution to equal opportunity. Typically, we are offered such a course under a soothing euphemism to disguise the betrayal, and even suggest that enforced inequality somehow is consistent with freedom and liberty. Today's bill, ironically titled the "Equal Educational Opportunities Act of 1972," fits squarely in that tradition. This bill provides no new money to equalize school spending. This bill suggests no constructive program to erase the burdens of desegregation. This bill offers no hope of equal educational opportunity. This bill is a fraud.

This bill asserts that Congress has the right to overturn a succession of unanimous Supreme Court decisions and forbid the courts access to a specific remedy—even if it were the only real remedy to a clear constitutional right—and no matter how carefully and judiciously it might be applied.

In the past many of the confrontations have been over decisions handed down by divided courts which deeply divided public opinion. Often the battles were in areas where there was no doubt as to the power of Congress. Now Congress proposes to overturn unambiguous unanimous decisions of our highest court and not by constitutional amendment, but by statute. If a mere majority of Congress can infringe so directly on the power of the Court, it is difficult to conceive of any practical limits on the authority of Congress to interpret the Constitution however it likes.

This bill is based on the theory that while the Court has the duty to determine whether or not a school system has violated the Constitution, Congress has the right to establish a national system of preferred remedies. Proponents of this legislation argue that the courts have already recognized this right in ruling on earlier civil rights statutes, particularly the Voting Rights Act. The 13th, 14th, and 15th amendments all grant Congress the power to "enforce this article by appropriate legislation." Unquestionably, Congress does have authority to spell out remedies for violations of the constitutional rights established by these amendments.

This bill does not spell out remedies, it removes them. In some cases it makes any remedy impossible, thus establishing the situation of a right without any remedy. Such a right is no right at all. Under the guise of defining types of solution, the Congress attempts to forbid any solution. Under the House bill, Congress would reverse hundreds of court decisions and invite communities already peacefully and successfully desegregated to go back into court to undo their desegregation plans.

The bill also departs from commonsense and simple equity by attempting to prescribe from Washington the way school systems in all areas should handle a set of very different problems. Virtually every major piece of education legislation passed by Congress has included a section entitled "Federal Control of Education Prohibited." This bill does not. That section normally prohibits imposition of rigid national standards for the administration of local school systems. This act, on the other hand, infringes on localized control of local school problems. If a Federal judge, for example, finds a school system guilty of unconstitutional discrimination and orders the school board to submit a desegregation plan, school administrators would be forced to comply with detailed and inflexible Federal standards, even when they do not make educational sense, or protect constitutional rights in the local circumstances. In a situation, for example, where a small minority population could easily be integrated in a cluster of three or four schools, the administration of the local school system might well be forced to propose a two-school desegregation plan which everyone knows will accelerate white flight to the suburbs and foster resegregation.

Detailed national standards will not work. The scale of the problems, the nature of local school facilities, diverse transportation systems, different minority populations, differing population densities, and a multitude of other factors demand flexibility. That is why we have a flexible national judiciary—to deal with the incredible complexity of squaring broad constitutional mandates with the specific problems of local communities.

The Supreme Court has recognized this fact. From the initial Brown decisions to last year's Swann decision on urban segregation, the Court has given only broad interpretations of fundamental constitutional requirements. Most of the responsibility of shaping plans has been left to local Federal judges, who are products of their States, who know local conditions, and who must undertake to find the facts and encourage a solution. How can we in Washington, without this knowledge, without this experience, proscribe his remedies—no matter how careful, no matter how narrow?

Some say this is a conservative bill. It is not. In fact, it departs radically from some of the strongest conservative traditions, in order to prevent the courts from developing remedies for unconstitutional urban school segregation. To preserve segregation, it proposes to drastically infringe on the independence of the courts, the very institutions which preserve our basic constitutional structure. It threatens the doctrine of separation of powers, on which the American idea of limited, constitutional government rests. This law flies in the face of decades of arguments for local autonomy and constitutional stability and sets precedents true conservatives will surely regret.

James Madison, the father of the Constitution and a true conservative, argued that "the people ought to indulge all their jealousy and exhaust all the precautions" against the danger of legislative autocracy. Thomas Jefferson warned that concentration of powers in the legislative branch "is precisely the definition of despotic government." "One hundred and seventy-three depots," he said, "would surely be as oppressive as one."

The American solution has been the supremacy of our written Constitution. The great protector of the Constitution is the independence of the courts. If Congress tells the courts what parts of the Constitution to ignore and how it must be interpreted—if Congress can decide which of our basic rights shall henceforth have no remedy—Congress assumes what Chief Justice Marshall described as "a practical and real omnipotence." This, he warned "reduces to nothing" the protections provided by the Constitution. Legislators committed to the stability of American institutions follow this path with great peril.

Most Members of Congress deeply cherish our constitutional system and our honored tradition of local autonomy. I hope we will not abandon these principles. I hope we will overcome the fears fanned by politicians attempting to exploit racial polarization. I hope we will recognize the real dangers in this bill. I hope we will defeat this bill, and move on toward a real commitment to equal educational opportunity, not just in name, but in fact.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Mississippi (Mr. STENNIS), with the understanding that on the termination of the business which he will bring before the Senate, the Senator from Indiana will regain the floor without that repossession of the floor counting as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield to me, may I say we are not keeping track of second speeches, and the Senator need have no fear that he will be recognized again.

Mr. BAYH. The Senator from Indiana is preparing himself for a day in the distant future when that may be the case.

Mr. MANSFIELD. Well, practice helps.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ARMY

The legislative clerk read the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Indiana for his courtesy as well as his geniality in permitting the interruption of his speech so that we may take up this matter.

Mr. President, I yield to the distinguished majority leader, with the understanding that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I yield to the assistant majority leader.

HOUSE CONCURRENT RESOLUTION 717—CORRECTION IN THE ENROLLMENT OF H.R. 10420

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the Chair lay before the Senate House Concurrent Resolution 717.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, is authorized and directed to make the following correction:

On page 11 of the conference report, on line 1, insert the word "of" after the word "conditions".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 717) was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same conditions as heretofore.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Will the Senator from Mississippi yield to me?

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Nevada, with the understanding that I not lose my right to the floor.

ADDITIONAL CONFEREES—S. 2280

Mr. CANNON. Mr. President, as in legislative session, I ask unanimous consent that the Senate appoint Mr. Moss and Mr. STEVENS as additional conferees for the Senate on S. 2280, the Antihijacking Act and the Air Transportation Security Act of 1972.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

U.S. ARMY

The Senate continued with the consideration of the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army.

Mr. STENNIS. Mr. President, I ask unanimous consent that James Woosley and T. E. Braswell of the staff of the Committee on Armed Services, who worked on the matter concerning the nomination of General Abrams, be permitted to be present on the floor during the debate on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the facts on the Abrams nomination itself, I think, are rather clear and rather overwhelming. The hearings in connection with this nomination and that of General Lavelle consumed some days and a great deal of preparation. But in reporting on General Abrams' nomination, 15 of the 16 members of the committee voted for, and recommended that the nomination be confirmed. The other member voted in favor of reporting the nomination. So there was no real difference within the committee as far as the votes cast were concerned.

On each Senator's desk we have had placed a copy of the printed hearings of the entire proceedings, with only the classified part being stricken out. In terms of volume, that was not a great percentage of the testimony deleted, so Senators have before them virtually everything concerning the hearings.

Mr. President, it is not mandatory and it is not really customary for the committee to file reports on nominations, especially where they are reported as overwhelmingly as this one is. But in this case, Mr. President, to get the matter in perspective, we did file a brief report, copies of which are now being passed around and placed upon each Senator's desk. It is a brief summary of the relevant facts that pertain to General Abrams.

I shall not take a great deal of time. I hope that the Senator from Wisconsin (Mr. PROXMIRE) has been notified.

Mr. MANSFIELD. He has.

Mr. STENNIS. I thank the majority leader.

Mr. President, I want to speak today to two issues. One is the issue now before the Senate: the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army. The other 's the collection of questions that I know troubles many Senators: What happened in the Lavelle affair, and how can we keep it from happening again?

The first issue is, I submit, more straightforward than the second. As I say, I am not going to take a great deal of time. I think there will be a good chance for us to obtain a time limitation during the course of the early part of the debate. I certainly hope so. I shall speak in part for the committee and in part for myself.

Mr. President, on the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army, the first issue that I shall discuss concerns the qualifications of General Abrams himself. I have known of General Abrams' military record for a long time, and while I have no personal intimacy with him of any kind, I have known him and have had official contact with him. I helped prepare for and attended all of the hearings except for just a few lines of testimony that might have been taken while I was called to the telephone.

I have no doubt that General Abrams is fully qualified to serve as Chief of Staff, and I believe that we should confirm his nomination so that he can begin the urgent business of mobilizing the Army to deal with the many severe problems which it faces. I believe that he will make an outstanding Chief of Staff. He has been an outstanding soldier over a period of years—36 years, I think. In my way of expressing myself, he is what I call a field general, with mud on his boots. He is not much of a shiny boot man or anything of that kind. He is a rugged soldier. He is a battlefield general, and he knows the Army literally from the ground up, all its problems and all its needs.

The report says that the reputation of General Abrams, both within and outside the Army, is of the finest. He is a rugged individual of the utmost integrity and veracity, a true soldier of the highest type.

I am not given to praise any man. No man is great, in my book—truly great. I emphasize that because it does have a bearing on the facts of these hearings.

The second issue—the overall questions surrounding the Lavelle affair—is far from over, for any of us, and I do not suggest in any way that the book be closed upon it. There are still many unanswered questions in my mind about this second issue, and toward the end of these remarks I will make some suggestions about how we may begin to get some answers.

I do want to say a word here about General Lavelle. He had a good military record. In some conferences and in the hearings, I found him to be a man of compassion. He certainly is not a troublemaker; he is not the troublemaking type, by any means. He is not the type who would defy orders as such, although I had to conclude that he had not lived up to those orders. He is certainly not the type to defy orders or to try to create a movement or sentiment of any kind to defy orders or to try to overrun civilian authority. I want to say that in fairness and with great deference to a gentleman whom I reluctantly concluded I could not vote to promote.

MATTERS BEFORE THE COMMITTEE

Let me begin by describing how this matter came before the Senate and our committee.

On May 15 of this year, the Chief of Staff of the Air Force announced that Gen. John D. Lavelle had been relieved of command of the 7th Air Force "because of irregularities in the conduct of his command responsibilities." There had been prior statements by the Department of Defense concerning General Lavelle's retirement which had not indicated such irregularities.

The committee, having before it the nominations of General Lavelle to be appointed lieutenant general on the retired list, U.S. Air Force—one grade below the highest at which he served—and of two of his former immediate superiors in the chain of command—Gen. Creighton W. Abrams for appointment as Chief of Staff, U.S. Army, and Adm. John S. McCain for appointment as admiral on the retired list, U.S. Navy—undertook to examine the circumstances surrounding these irregularities.

In order to obtain sufficient information to make recommendations to the Senate regarding these three nominations, the committee conducted an inquiry. On July 10 two staff members of the committee traveled to Southeast Asia to interview witnesses and obtain documents and materials related to these nominations. The committee subsequently obtained other materials from the Department of Defense and, on September 11, 1972, the committee staff briefed the committee on the results of the inquiry. Hearings began the afternoon of September 11 and continued for 3 weeks. The commitee heard of three nominees and nine other witnesses during the hearings, which were completed on Friday, September 29. The full printed record covers 507 pages of testimony. On October 6, the committee voted against recommending General Lavelle's nomination to the Senate.

The votes by the committee on this and the other two nominations completed action on the legislative matters before it. As I have already pointed out, there are many other questions which deserve further examination.

BACKGROUND

To understand the Lavelle affair fully requires a rather thorough understanding of military command and control, operational reporting systems, the tactics of air warfare, the technology of radar and electronic countermeasures, and a host of other matters. There is no one whom I would call an expert on all aspects of this case, and I am just about as far from being that expert, in many ways, as one could find. But we had to go into those items to some extent.

Since the bombing pause began in November of 1968, the United States has been conducting manned tactical reconnaissance over the southern portion of North Vietnam. Very shortly after the bombing pause began the North Vietnamese attacked one of our unarmed reconnaissance aircraft and we then began to escort the reconnaissance aircraft with armed fighters. During 3½ years between November 1968, and March 1972, these escort aircraft were authorized to retaliate if fired upon. For a brief time in early 1970 there was authority for this retaliation to be slightly delayed, but by the summer of 1970 the rule which pertained during General Lavelle's tenure at 7th Air Force—August 1971–March 1972—was established, requiring retaliation to be immediate. In the course of our committee hearings this rule was stated to be:

> Fighter aircraft may strike any SAM or AAA site below 20° North which fires at or is activated against U.S. aircraft conducting missions over Laos or North Vietnam.

The rule applied to aircraft armed with standoff antiradiation missiles as well as those carrying bombs; it applied to protective reaction strikes by aircraft which were fired upon from within North Vietnam while operating in Laos as well as aircraft operating over North Vietnam.

This rule is, of course, only a small portion of the rules of engagement for our forces in Southeast Asia. The rules of engagement for air operations alone comprise a reasonably large book. These rules are not sent, as such, to commands in the field, such as 7th Air Force. Instead there are large numbers of messages sent down through the chain of command which state the authorities for certain types of operations and these are translated into specific rules at lower levels, such as 7th Air Force.

Our committee reviewed some 80 messages, requested from the Department of Defense, which dealt with the subject of operating authorities for the air war. The substance of most of these messages concerned both requests coming up the chain of command to liberalize the authorities and to permit targets such as airfields, SAM sites, and so forth, to be struck, as well as responses going down the chain of command from the Joint Chiefs of Staff to Admiral McCain's headquarters—CINCPAC; General Abrams' headquarters—COMUSMACV; and General Lavelle's—7th Air Force. These messages were also, of course, only a very small portion of the many thousands of messages which go to and from the Department of Defense daily.

That is the proximity of General Abrams to the Lavelle matter. General Abrams was our ground commander in South Vietnam, with certain other duties, including some responsibilities in connection with the air, and General Lavelle was the commander in charge of the 7th Air Force there, having been selected by the Air Force.

The rule of engagement stated above was not in effect at all times. Special strikes against military targets in North Vietnam were authorized from time to time, beginning in early 1970. These were called "limited duration protective reaction Strikes" by the U.S. Government, but this terminology is confusing. These strikes were not "protective reaction strikes" in the same sense as the immediate retaliation by exort aircraft when a reconnaissance plane was fired upon. They were full-scale preplanned strikes, authorized by Washington. Hereafter, for purposes of clarity, I will refer to them simply as Washington-authorized strikes. These Washington-authorized strikes against North Vietnam occurred intermittently throughout the 2-year period between March 1970 and March 1972. According to information provided to the committee by the Department of Defense there were, during this period, 8 days of such strikes in 1970—in March, April, May, and November, 12 days in 1971—in February, March, September, and December; and 2 days in 1972—in February.

UNAUTHORIZED STRIKES

I want to turn now to the question of unauthorized protective reaction strikes. At various times during the committee's inquiry the Department of Defense provided lists of strikes which were at issue. The committee was also provided with computer, runs, and some raw reports giving basic data about missions over North Vietnam during the period in question—November 1971–March 1972. These were also analyzed. The most recent list prepared within the Department of Defense—comprising 24 strikes—was inserted in the record of the committee hearings in response to questions asked of General Ryan; it appears on page 281 of the committee hearings.

The 24 strikes, comprising 137 sorties, may be compared to any of several relevant figures. There were approximately 25,000 strike sorties flown by the 7th Air Force in Southeast Asia during this 4-month period. In North Vietnam there were approximately 130 7th Air Force reconnaissance sorties accompanied by about 700 escorts, 167 of which expended ordnance. During the period there were publicly reported to be about 120 protective reaction strikes by both Air Force and Navy in North Vietnam, about half using antiradiation missiles and half using bombs. Of those using bombs, about 40 strikes were by 7th Air Force.

It is important to note that the list of 24 strikes to which I have referred is a list of strikes which appear to fall within the category of missions ordered to expend ordnance whether or not there was enemy reaction from SAM defenses or AAA. The information provided by the Department of Defense indicates that on a number of these strikes, no enemy action was observed, but that evidence about enemy firing is inconclusive regarding most of the specific missions. General Lavelle's letter of September 26 to me, which is part of this sworn testimony—beginning on page 95 of the committee hearing—takes issue with the inclusion of several of these missions on such a list.

UNAUTHORIZED STRIKES AND THE ABRAMS NOMINATION

First of all, it is clear from the most systematic source of information about the unauthorized strikes was not available to General Abrams. This is because the basic operations reports on these missions were being falsified within the 7th Air Force. This falsification covered several matters but, most importantly, it covered the key issue of whether reconnaissance aircraft and escorts were being fired upon before the escorts delivered ordnance. Since the reports always indicated that there was an enemy reaction and, in some cases, indicated a false or partial set of targets, it was not readily apparent from the reports that these were not ordinary, authorized protection reaction strikes.

Second, General Abrams testified that he had no knowledge that the missions in question had been flown in violation of the rules of engagement or that they had been flown pursuant to any "liberal interpretation" of the rules. General Lavelle confirmed that he had not told General Abrams that his—General Lavelle's—liberal interpretation of the rules constituted grounds for protective reaction strikes—page 45 of committee hearings.

Third, both General Abrams and General Lavelle agreed that they had discussed internetting of radars, preplanning of tactics, and targets which might be struck on protective reaction strikes. General Abrams testified, however, that all such discussions were in the context of actions to be taken within the rules; that is, after pilots were fired upon or a SAM or AAA site was activated against them—pages 143–146 of committee hearings.

This is the No. 1 important fact in this case, the question whether General Abrams knew that planes would drop bombs, whether there was hostile reaction or not.

There is another major part, that the records were falsified, that they were deliberately filled out wrong and filed inaccurately. General Lavelle testified that he made a remark to someone that—

> You cannot fail to report reaction—meaning reaction from the ground. Well, the subject matter there was whether they would report "action" from the ground or "no action" from the ground. When he told them they could not report no action the effect was to say, "You must report action."

Anyway, that led to a series of actions by those under him deliberately and systematically filing false reports, and to two reports, one true and one false, keeping the true report in their own record and sending the false report to the other military agencies. That was clearly established, the way it happened.

On January 5, 1972, a strike with antiradiation missiles was authorized by General Abrams against a ground control intercept—GCI—radar at Moc-Chau in North Vietnam. The discussion of this strike is on pages 106–108 and 122–123 of the committee hearings. The results of this mission were reported accurately and within hours a message from the Joint Chiefs of Staff in Washington questioned the strike. After receiving further details from the relevant military commands in South Vietnam and the Pacific, the Joint Chiefs ordered that no further strikes of this type be made until the operating authorities had been reviewed. Three weeks later the authorities were changed and strikes with antiradiation missiles against this type of radar in this geographic area were then permitted when Mig's were airborne and showing hostile intent. That is a followup of the facts.

I do not believe that this strike constitutes grounds for opposing General Abrams' confirmation. The question there was clearly within the orders whether he and General Lavelle jointly went into that matter and General Abrams told him to make the strike but it was reported, as I said, and reported accurately. After the Joint Chiefs of Staff had criticized and said it was beyond the bounds, General Abrams responded and according to instructions he authorized no further operations of this type until his authorizations were changed 3 weeks later. That is the key factor in this whole matter. It was from that point on that General Lavelle, according to the evidence I have referred to, did not stop. But General Abrams stopped.

He said under oath that he knew nothing about these other strikes by General Lavelle being beyond the rules of engagement—he knew nothing about the false reporting and that was not in any measure of substance contradicted at all.

After the January 5 raid was executed it was reported accurately and questioned by the JCS—in short, the command and control system functioned as it should function in monitoring a war fought according to such detailed rules, rules which are, to some degree, subject to interpretation. General Abrams responded according to instructions: He authorized no further operations of this type until his authorization was changed 3 weeks later.

A final point should be made, Mr. President, on this subject of authorization. North Vietnam is divided into seven districts, called route packages, for purposes of conducting the air war. In three of these the Air Force has primary responsibility—the southernmost route package and the two northernmost route packages. The four other route packages are the primary responsibility of the Navy. General Abrams was in the chain of command for air operations in only one of these seven route packages—the southernmost. For the other six the chain of command went directly from General Lavelle to General Clay—PACAF—or from the Navy commander offshore to Admiral McCain—CINCPAC. In fact, all but two of the unauthorized missions I have been discussing occurred within the southernmost route package, but I think this fragmentation of authority is important background in understanding that the question of "who is whose superior" is not a simple one when discussing the air war in Southeast Asia.

FALSE REPORTING

According to General Lavelle's testimony, he made a statement on January 23, 1972—I refer to this now, out of necessity, because, as I said, this has to be gone into, to show that General Abrams had no contact—to his director of operations that "we could not report 'no enemy reaction'." This statement resulted in the establishment within the 7th Air Force of a system of false reporting. This reporting system is covered in detail in the committee hearings. General Lavelle testified that he, in fact, did not know of the establishment of the false reporting system, but that he took full responsibility for its being established. It is to his credit that he stated explicitly in his opening remarks before the committee that—

> I have never suggested that the responsibility was any other than my own.

He also said that he had so stated in his testimony before the House committee:

> In my earlier testimony before the House Armed Services Committee I accepted full responsibility for those reports and I still do. (p. 4 of the committee hearings).

He further testified—page 22 of hearings—that General Abrams would have no reason to believe that he had ordered a strike crew not to report "no reaction."

General Abrams testified that he had no knowledge of false reporting until the investigation into the allegations against General Lavelle was begun about March 9, 1972.

Those are highly significant facts. Frankly, I thought in the beginning that the facts might show General Abrams either had knowledge of these things and failed to act, or was so close to it that he was negligent in failing to find out and act. But upon full consideration of all these facts—and I have detailed them to bring out some of the background—why I believe as I do, and on these facts I decided fully and clearly that he did not have this knowledge, that his responsibilities, proximities, and his duties were not such that they would make him negligent for failing to know. That had to be the very firm conclusion in my mind about that matter before I could be in favor of bringing in such a report and taking the stand here about this nomination that I have.

ISSUES FOR THE FUTURE

Now I want to speak briefly about some issues that I think come in for the future.

There are many other questions, as I said at the beginning, that need to be raised and answered.

First of all, we do not yet know enough about the conduct of the air war in Southeast Asia to make a judgment about several important matters. The questions raised in this inquiry are most serious and they must not only be answered clearly and objectively, but they must be seen to be answered in this way. Our committee, even though it has some expertise in the area of military affairs in general, cannot hope to conduct as thorough and detailed an investigation as is needed: Many of the issues involving military operations require technical experts, for example. I believe we have looked into these nominations as thoroughly and carefully as any military nominations since I have been on the Armed Services Committee.

Many of these things involving the military involve technical experts. I am referring now to the command and the operation of the command. But far more than that is needed. What is required is a thorough and professional inquiry into the entire subject of protective reaction strikes in North Vietnam in 1971–72 as well as the overall command and control and reporting systems for the air war in Southeast Asia. Nor should this inquiry be limited to the Air Force, Mr. President, but should include the Navy as well. The Navy was doing some of this bombing, I mean carrying on some of the bombing. I am not saying that it was outside the restrictions of the authorizations, but the Navy was carrying out some of the bombing. And this further showing and further explanation to the Congress and to the public should include their operations, too.

Answering the unresolved questions involves details of tactics and related subjects which deserve far more attention than could be given to them in the closing days of a Congress in the course of making a decision about the nomination of an Army commander.

The forum for such an inquiry could be established in one of several ways: A commission within the Department of Defense, reporting also to the Congress, is one possibility. If future facts indicate that hearings are necessary, however, we will give that the most serious consideration. But the next move is up to the Department of Defense, and we await their actions with interest.

There are other methods that could be considered. I want to make clear now that this is my thought on the subject. This is in no way passing my responsibility on. We have done what we could on the evidence we could find and consider in the limited time we had. But I think that a responsibility rests on the military for the discipline of their own system. They are the ones that have the primary duty of disciplining the military, and they should be held responsible as professionals. That is exactly what they are, and they are very valuable professionals, too.

I know secretaries of the services come and go. I think Mr. Laird is the best one that I have ever known. We have some exceedingly able secretaries over there at the service level. But, at the very best, these gentlemen have limited knowledge of the subject matter. Most of them, when they go there, on the average do not stay long. But it is the military men that make a career in this field. It is their department of government and they are the ones—under civilian control, of course—that have the responsibility, as I see it, to plan their own operations, it seems to me, more effectively than they have done.

I know things are not easy in time of war, and this was an unusual situation over there, the military buildup on the other side of the DMZ and the prospects that an invasion was coming. These airmen, especially, could see it and know it. And it made them more uncertain. But at the same time, this matter was of such proportion, it seems to me, that a better system within their own organization would have had a better chance to know all about what would happen.

I want to emphasize, Mr. President, that I am not trying to push this off on anybody else. I am swinging around and pointing some shared responsibility. We are by no means just getting out of the case. I made that clear in my report to the press, that we had considered such testimony as we could get, find, and present.

We are not relinquishing anything. We have stopped these proceedings for the time being. We have no definite plans for trying to open them up anytime soon.

I am very hopeful now that something constructive and good and enlightening and strengthening to the operations of the military will be forthcoming. I certainly think that we have a right to expect that.

I know that something definite must be done. I think the people will welcome something more being done, and I think it will create more—I believe in the military and am not discrediting them—understanding and more faith in their determination, professional capacity, and determination to solve these problems, find the trouble and do something about it within their own ranks.

There are some old words that have gone out of use almost, "self-examination, self-scrutiny, self-discipline."

I think all of us, everyone needs some of this. I need some of it myself. A generation ago people were more aware of this. I think we all have got to tighten up our belts in that field and concentrate within those lines.

I think people are anxious to have confidence and faith in all the services, Congress, the military, the President, and all the executive branch. But I do think things are happening so fast that those of us that are in positions of responsibility and power have a greater responsibility than ever before.

Now, this almost completes my remarks, Mr. President. I do want to follow through on this a little further as regards what should be done.

Mr. President, to my knowledge, there has been no official guidance within the Department of Defense concerning the importance of truthful and accurate reporting since General Lavelle was relieved of command in late March of this year. Truthful and accurate reports are the lifeblood of military command and control. It simply must be pointed out, and pointed out forcefully, by the Department of Defense and the Military Services, that false reporting will not be tolerated under any circumstances.

It may be the Department of Defense is waiting until these hearings have concluded before they move into this field. They may have some plans. I do not know. We did our work the best we could.

I do not know, but I hope they already have some plans. But I have been concerned about this false reporting from the day I first heard of it. I knew nothing about this case until weeks after it started. Finally, when they gave me a report and talked about this false reporting and all that went with it, why, I was very much concerned and very much interested and still am.

Under the Uniform Code of Military Justice military men must obey any lawful order. But an order to falsify a report, under article 107 of the code, is an unlawful order within itself, because it is a matter of a crime. This point should be reiterated in training in the Academies, and in whatever other ways are necessary to emphasize its importance.

I have thought about it many times at night. I have some sympathy in my system, like anybody else, some compassion, and I have asked myself the question, Can this thing be tolerated?

Every time I came back to the conclusion that it could not be, that this false reporting was not a matter of close judgment. It was not a matter of opinion. It was a pack of lies. It was deliberately false. It cannot be tolerated. It is contrary to everything that they teach at the Academy. Boys have been shipped from there, not just for cheating, but for failure to report cheating.

I think that is a sound rule. I went to law school under the same system. We have to shore up these matters and give a better example to our young men in the services.

Further, Mr. President, some of the difficulties which arose in this case may have been the result of certain ambiguities brought about when operating authorities and rules of engagement had been changed. One of the witnesses before the committee, Gen. Alton D. Slay, recommended that some increased formality in the establishment of rules of engagement would be desirable—such as the requirement for written changes to be written and to originate at the top command. We need to take care not to increase redtape unnecessarily, but there may be some merit in General Slay's suggestion.

Then, finally, there are several issues about which we need more information before the Congress itself can decide whether legislative or other institutional changes are desirable.

For example, one unfortunate aspect of this case is that the enlisted man who wrote to Senator HUGHES and initiated the inquiry did not have sufficient faith in the Air Force Inspector General system to use it to register his complaint. His reason was a very understandable one—namely, that the Inspector General of the wing was both its vice commander and a participant in some of the missions which he considered to be unauthorized. The inspector general systems in all of the services have important functions, and they should not necessarily be completely revamped because of one incident. These are matters about which the Congress simply does not have enough information at this time.

By the way, I think the Air Force Inspector General, General Wilson, did an excellent job when he was sent there to investigate. He was prompt, thorough, and complete. What I say is not critical of them. He is an after-the-fact man. I want them to have something more, something that is an act of surveillance as we go along the line from day to day.

It is difficult to understand why there was not more transmission of facts and information from one command or subcommand to the other. But it was not functioning that way.

I wish to mention the Senator from Iowa (Mr. HUGHES) who received a letter from this young sergeant, who was a constituent of his. Senator HUGHES mentioned this matter to me some time ago. He had worked on it thoroughly and diligently, with knowledge, understanding, and circumspection, and with a great expenditure of time and effort, as well as judgment. I think his efforts have been exactly what the efforts of a Senator should be. I have especially mentioned the Senator from Iowa (Mr. HUGHES) because he took the lead all the way through.

Others on the committee have worked on this matter diligently and contributed greatly. They all deserve credit. How they might have voted is immaterial to me. The Senator from Missouri made the suggestion that we put all the witnesses under oath. I was glad we did that, the way the matter developed and turned out. So there was a spirit of cooperation and effort in our committee and great concern all the way through.

There are other inspection systems within the Armed Forces—one well-known inspection system, that of the Strategic Air Command, has functioned well for many years in a highly important and sensitive role. This is a question on which I believe the Congress should be provided a full report: the operation of the Inspector General systems and other inspection systems and monitoring systems within the military services.

A second matter about which the Congress needs more information is the overall operation of the command structure of unified and specified commands. The President's Blue Ribbon Panel report 2 years ago was critical of the operation of the current command system. In particular, there was reference to its complex nature and the weak authority given to unified and subunified commanders such as General Abrams. Congress last passed legislation on this subject in 1958: the Defense Reorganization Act. The Blue Ribbon Panel report indicates that Congress attempt in that act to overcome the problems of "diluted command," forcefully set out by President Eisenhower, may not have been effectively implemented by the Department of Defense. This type of issue requires detailed study and should also be the subject of a report to the Congress.

I say this because I was surprised when we got into the facts that showed General Abrams did not have more direct command and responsibility, and contact with all the things that were going on over there. General Abrams at that time, I thought, had a broader command, in that he was Commander of the U.S. Army in South Vietnam, and the operation that went into Cambodia, because that was called an incursion; but he was Commander of the U.S. Army and his other hat was as Commander of the U.S. Military Assistance Command there. General Lavelle was Deputy of Air and Commander of the 7th Air Force when he was operating there. He was deputy to General Abrams. But, operationally, certain functions including discipline came in from another source.

I say those things can be improved upon and I hope they can. I cannot say I know exactly what to do. I do want to get the Senate to act affirmatively now on the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army. Holding up this distinguished soldier's nomination to serve as Chief of Staff of the Army will not help any of our armed services to overcome the serious problems which I have discussed today. Quite the contrary, I, therefore, strongly urge that the recommendation of the committee be approved.

I send up a copy of the report in which all except one Member recommended the nomination be approved. That Member will be heard from in this matter.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the Committee on Armed Services on the nomination of Gen. Creighton W. Abrams for nomination as Chief of Staff, U.S. Army, with additional views of Senator MARGARET CHASE SMITH.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE ON ARMED SERVICES

(On the nomination of Gen. Creighton W. Abrams for nomination as Chief of Staff, U.S. Army, with additional views of Senator MARGARET CHASE SMITH, October 11, 1972)

The Committee on Armed Services on October 6, 1972, voted unanimously with sixteen members being recorded to report to the Senate the confirmation of General Creighton W. Abrams for appointment as Chief of Staff, U.S. Army, with 15 members voting to report favorably for confirmation.

The following is a brief statement with respect to the Committee's findings and conclusions in support of the favorable recommendation on the nomination of General Abrams. The issue before the Committee concerns the qualifications of General Abrams to be Chief of Staff of the Army. The hearings on this matter also included the nominations of General John D. Lavelle for appointment as Lieutenant General on the retired list, U.S.A.F., and Admiral John S. McCain for appointment as Admiral on the retired list, U.S.N. The hearings on these three nominations were completed September 29, 1972, and comprised 505 pages of printed testimony. These hearings with respect to all three nominees deal with two issues (1) the authority for approximately twenty strikes by U.S. aircraft in North Vietnam between November 7, 1971, and March 9, 1972, and (2) the system of false reports relating to some of these strikes.

There are a number of issues which arise from General Lavelle's nomination and also the operation of the Command and Reporting system during this period. These however are separate and apart from this report which is concerned only with the relationship of General Abrams to these issues and his nomination.

The Committee concluded based on the entire testimony:

(1) that none of the evidence indicates that General Abrams had any knowledge that false reports were being submitted;

(2) that with respect to the authority for the strikes many matters relating to protective reaction strikes were discussed between General Abrams and General Lavelle but General Abrams did not know of, or give authority for strikes which exceeded the authority which had been extended to him (see especially pp. 143–47 of Committee hearings). In one instance, on January 5, 1972, General Abrams authorized a strike against a particular radar site in North Vietnam; the Joint Chiefs of Staff subsequently questioned this mission and disapproved further strikes against this type of radar until approval was granted from Washington (see especially pp. 106–08, 122–123). This incident was reported accurately and was not followed by any other such authorizations by General Abrams. Consequently it is not believed that this single incident constituted a factor against General Abrams' confirmation.

Based on the evidence the Committee determined that General Abrams was not responsible for either the unauthorized protective reaction strikes in question or for the false reporting.

It should also be emphasized that General Abrams has completed over thirty-six years of distinguished military service with a wide range of staff assignments including that of Vice Chief of Staff for the Army from 1964–1967 and that of Commanding General of U.S. forces in Vietnam since July of 1968. The reputation of General Abrams both within and outside the Army is of the finest. He is a rugged individual, of the utmost integrity and veracity, a true soldier of the highest type.

As already indicated, the Committee overwhelmingly supported the nomination of General Abrams.

As indicated in the additional views set forth below, Senator Smith does not concur with the view that General Abrams had no responsibility whatsoever for the unauthorized protective reaction strikes.

INDIVIDUAL VIEWS OF SENATOR MARGARET CHASE SMITH

In stating my individual views I first want to make it emphatically clear that I have deep respect for General Abrams who has had a long and distinguished military career and has a great war record.

Although the sworn testimony presented in the Committee does not indicate that General Abrams knew what his Air Deputy was doing, General Abrams was in command. It was his job to know what was happening and his failure to ascertain that the Rules imposed by the Commander in Chief were being followed is nonfeasance by anyone's definition. This is but one of the responsibilities of command.

General Abrams was there and he was in charge. General Lavelle was his Air Deputy sitting at the same base headquarters. I, for one, do not believe that the responsibility for the bombing violations must be borne by General Lavelle alone.

Authority may be delegated—but not responsibility.

At least on one occasion, General Abrams admitted to his own liberal interpretation of the Rules of Engagement. He personally authorized a highly questionable raid into North Vietnam for which he was immediately criticized by the Joint Chiefs of Staff. In response to my questioning during the hearings. General Abrams stated, and I quote:

"If I or any other commander of similar rank picks and chooses among the rules . . . it will unravel in a way that you will never be able to control."

If General Abrams at least on one occasion misinterpreted the rules then I can well understand how his own officers could do likewise.

I am also not satisfied that General Abrams' superiors up the chain of command are as innocent of what was occurring as they purport to be. Instead of insuring that missions flown into North Vietnam were purely reconnaissance flights under the standing rules, the testimony shows that the Pentagon was concerned about the bomb damage.

I am not convinced by any means that General Lavelle alone is the culprit. We have conflicting testimony in the record of hearings and I seriously doubt that the Navy missions were not also in violation of the Standing Rules of Engagement.

It appears to me that the Joint Chiefs of Staff, the Pacific Commanders and the Commanders in Vietnam must share the burden of command responsibility for not enforcing the orders of the Commander in Chief.

Mr. STENNIS. Mr. President, I made reference to General Lavelle's letter. In fairness to him it should be placed in the RECORD. I ask unanimous consent that the statement of September 26, 1972, which was referred to be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SEPTEMBER 26, 1972.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As I reread my testimony, certain very important elements appear to have been presented with a fragmented continuity which tends to obscure their clarity. The purpose of this letter is to attempt to assemble the important features of my testimony with the continuity necessary to project a concise summary of the essentials and to focus on those features which I believe to be of the greatest importance to this Committee in making its decision.

As a first order of business, it is important, I think, to resolve what appears to me to be a certain amount of lingering confusion about the number and nature of the air strikes in question.

During the course of my testimony you requested, and I readily concurred, that I explain the strikes on a list presented to me by Mr. Woolsey. You opened the review with the following statement. "Mr. Woolsey, identify the strikes with the General and let him explain it, tell what he did, and then you can cross-examine him on his answers if you want to." Because Mr. Woolsey's list was reviewed almost solely in the form of cross-examination, certain very pertinent information appears to be obscured and I'd like to go over these strikes again.

Mr. Woolsey's list was the third different list that I had seen. That list was shown to me for the first time by Mr. Woolsey, just a few days before my testimony. I believe that only 15 or 16 strikes that were on the original list furnished the Investigative Sub-Committee of the House Armed Services Committee are on the list Mr. Woolsey now has. The original list contained several regular strikes that were on the list in error and which were subsequently deleted. I believe the current list similarly contains strikes that should not be included in the list.

The first two strikes on the list are the ones discussed with Admiral Moorer and covered in extensive detail during my testimony. These strikes were reported accurately and the post strike photography was sent to all higher headquarters. I believe the reason for their inclusion on the original list was that airfields were not considered to be authorized targets on protective reaction strikes. The reason listed for their inclusion on the current list is that crews were instructed to deliver their ordnance whether or not they received fire. I don't remember any details of the 7 November strike, but with respect to the 8 November strike, I don't believe this is the case, since we knew we could not fly over that airfield without being fired on, but this is academic since both strikes were fired on.

The fourth strike on the list is:

4. 25 January; [deleted]; 4F-4's; Rte. 137.

As ascertained from Mr. Woolsey's records, this was a normally scheduled reconnaissance flight, fired on by a SAM. The escort aircraft expended their ordnance on the missile site.

The seventh strike on the list is:

7. 4 February; [deleted]; 4F-4's; North of DMZ.

This strike was made by a wing not involved in the protective reaction strikes under question. The ordnance they carried was never used on these strikes. I believe this was a regular reaction against antiaircraft artillery firing from North Vietnam on our aircraft operating over Laos.

The eighth, ninth and tenth strikes on the list are:

8. 16 February [deleted]; 9F-4's; Bat Lake SAM.

9. 16 February; [deleted]; 14F-4's; Bat Lake SAM and Rte. 137.

10. 17 February; [deleted]; 4F-4's; SAM Site No. of DMZ.

These were part of the strike force employed on the JCS authorized strikes against the 130 MM guns just north of the DMZ. These three strikes were part of the prebriefed, widely distributed, operations plan. These were part of a large coordinated and very precisely timed operation, involving two carriers and four fighter bases. They have not been previously questioned and were not on the original list.

The thirteenth strike on the list is:

13. 21 February; [deleted]; 2F-4's; Rte. 137.

This strike was also made by a wing not involved in the protective reaction strikes under question. Further, no planned protective reaction strikes were scheduled with less than four aircraft.

The twenty-second strike on the list is:

22. 4 March; [deleted]; 3F-4's; Rte. 15.

Mr. Woolsey's records indicate this was a normal fragged mission diverted by the Airborne Command and Control Center, to a more lucrative target.

I believe the above listed nine strikes should be removed from consideration.

Of the nineteen remaining strikes, two, on 23 January and 9 March, were counter plans executed to stop [deleted] deployed to Dong Hoi airfield. They were executing their plan to attack a B-52 or an RC-135 and we were reacting. Certainly we were expected to counter their attempt to shoot down one of our bombers or an unarmed intelligence aircraft.

Of the seventeen remaining strikes, two, on the 7th and 8th of March, were directed at the SAM sites firing across the DMZ and preventing us from operating in Northern South Vietnam and maintaining a gunship over Dong Ha.

Of the fifteen remaining strikes, some are new additions that I never saw before, do not remember and therefore cannot comment. Some are breakouts where they were carried as one on the original list and are now listed as two. The strikes of 31 January and 3 March are in this latter category although they were planned and executed as one strike.

The majority of the strikes remaining on Mr. Woolsey's current list are on route 137, opposite the Ban Karai pass, through which the missiles were brought into Laos and appear to be against missiles on transporters and their accompanying trucks, vans and equipment preparing to enter Laos.

Except for the two airfield strikes on November 7 and 8 which were covered in considerable detail in my testimony, the period covered by the strikes under consideration was from January 23, 1972 to March 9, 1972, a period of just over five weeks. The strikes on other than active SAM sites and MIG's on airfields were on 31 January and then from 18 February to 8 March. With one exception, they were confined to a 19-day period.

These approximately 20 strikes out of a total of approximately 40,000 sorties flown during that time period, were executed under a liberal interpretation of a rule of engagement, in order to strike targets dedicated to shooting down United States aircraft.

I believe the above presents a clearer review of the strikes in question than was portrayed through the fragmented pattern of questioning during my testimony. With that review as a backdrop, I would, accordingly, like to recapitulate my testimony.

Mr. Chairman, the propriety of my actions as Commander of the Seventh Air Force has been subjected to scrutiny in two essential respects. First, there is the question of civilian control over the military and whether or not I exceeded my authority and therefore disregarded this control. The second is whether or not I ordered or sanctioned false reports by a subordinate echelon of my Command.

As to the question of whether or not I ordered or sanctioned false reports, I am convinced my testimony shows that I did not knowingly encourage falsehood. I have repeatedly acknowledged that I did tell my Director of Operations that we could not report "no enemy reaction". I have also covered the conditions and the existing tensions at the time that spontaneous comment was made. I have also acknowledged that my instructions were not clear and were subject to misinterpretation and, in retrospect, were apparently interpreted by my subordinates as an exhortation to report enemy fire when there was none. "Hostile action, enemy radar", would, in my judgment, have been an accurate report. Even though I wasn't aware of the false reports and stopped them when they were brought to my attention, I have always accepted responsibility for them, since they were triggered by my unfortunate remark.

It seems to me that the real issue of consequence raised in these hearings is the question of whether I disregarded civilian authority and exceeded my own authority. I am satisfied my testimony shows that I did not designedly or purposefully exceed my authority. I believed then, and I still believe, that in the crisis environment we faced and in light of the frequent encouragement from higher authorities to be more aggressive and flexible, I acted legitimately and within the framework of this guidance.

So important is the question of the reasonableness of my actions, that I believe the Committee should bear in mind all that my testimony shows concerning my reasons for the actions I took. Accordingly, I would like to review again those circumstances that my testimony touched on, which were significant contributing influences:

a. *The strikes in early November.* These strikes and the rationale for them were discussed with the Chairman of the JCS. My interpretation of our discussion was that he encouraged me to run a protective reaction mission to attempt to get the MIG or MIG's on Quang Lang. He took care of Navy clearance into their area, and he was shown the post strike photographs the following day. Subsequently, I received a call and a message from General Clay at PACAF, in which he indicated Washington dissatisfaction with the poor results of the Quang Lang strike. It was not a well executed strike, due principally to poor planning and bombing under heavy fire.

b. *The Honolulu Conference.* This conference was called as the result of a directive from the Commander of SAC, [deleted]. The conference was hurriedly set up and the COMSAC directive was cancelled within 24 hours. The purpose of the conference was to discuss methods of countering the enemy threat. During the conference, as reported to me by my representative, the Director, JCS, indicated:

(1) Field Commanders should be more aggressive.

(2) Field Commanders had not been flexible enough in the use of existing authorities.

(3) Fighter escorts for reconnaissance aircraft should be increased to 8 or 16 to insure adequate damage on protective reaction strikes.

(4) When intelligence indicates MIG presence on Southern airfields, schedule maximum escorts.

(5) JCS would not question our aiming points (targets) on protective reaction strikes.

(6) In the advent of adverse publicity we could expect full backing from JCS.

c. *Discussion with Secretary Laird in Saigon.* Although I do not remember any of the Secretary's comments verbatim, the essence as I understood them was: Don't come into Washington and ask for additional approvals or authorities, it was an inopportune time. Make maximum use of the authorities we had and he'd support us in Washington.

d. *CINCPAC-JCS wires.* Receipt of CINCPAC and JCS wires referring to the Honolulu conference and noting that comanders had adopted a more vigorous reaction posture, resulting in several successful protective reaction strikes such as the Navy strike on Quang Lang and the Air Force strike on Dong Hoi. The JCS wire further authorized intensifying reconnaissance activity in the vicinity of Dong Hoi, Vinh and Quang Lang with appropriate escort and defense suppression support to insure effective results.

e. *GCI directed missile firings.* [Deleted] aircraft and [deleted] crewmen were lost to missiles that were fired under the direction of air defense radars. The crews received [deleted] radar warning of these missile firings. Although the air defense radars had previously been netted with missile units for the purpose of warning them of approaching United States aircraft, January of this year was the first time, to our knowledge, that they were used in lieu of the tracking Fan Song radars, which the crews could detect.

f. *Fighting in several areas.* The critical condition and the resulting pressure and tensions were also an influence. While we were encouraged to deal aggressively with the preinvasion build-up, we were also heavily committed to the support of the [deleted] fighting to hold Long Thieng. My testimony covered my visits to Vientienne, Long Thieng and Bangkok.

g. *Missile firings into South Vietnam.* For the first time in this war, the NVN had fired missiles into South Vietnam and [deleted] we were nightly keeping airborne over Dong Ha to protect that forward fire support base.

All of the foregoing factors were vital ingredients of my thinking. It seems to me that they collectively demonstrate the reasonableness of my actions. Of particular importance, as I see it, were my discussion with the Chairman, JCS concerning the early November strikes; the strong exhortations made at the Honolulu conference to assume a more aggressive protective reaction posture; the CINCPAC and JCS wires emphasizing anew the policy expressions made at the Houslulu conference; and my discussion with Secretary Laird in Saigon.

One other message of extreme importance in leading me to believe my actions were in accord with guidance from higher authority was a top secret wire from the Chairman, JCS to CINCPAC and MACV, dated 10 April 1971. This message, brought to my attention by my staff, was in response to a request for specific authority to conduct TACAIR armed reconnaissance to locate and destroy 130 MM field artillery guns located just north of the DMZ. The wire from CJCS in response to that request states in pertinent part:

[Deleted.]

That response obviously interpreted the rule of engagement related to protective reaction strikes as authorizing us to strike field artillery positions even though the rule makes no mention whatever of field artillery as authorized protective reaction targets. The pertinent rule of engagement, as stated for the record by Senator Hughes, is as follows:

"Fighter aircraft may strike any SAM or Triple A site below 20° North which fires at or is activated against U.S. aircraft conducting missions over Laos or North Vietnam."

As can be seen, the rule states with crystal clarity that the only targets which could be hit under protective reaction were SAM and AAA sites. Yet, the wire quoted above encouraged us in very specific terms to use the protective reaction authority to make future strikes on a target other than SAM and AAA sites. This wire, together with the statement by the Director of the Joint Staff that no one in Washington would question our aiming points, led me to believe that a similar degree of liberal interpretation was expected regarding the conditions for a protective reaction strike. It seemed clear to me that higher authorities had recommended, encouraged and commended an extremely liberal policy, well beyond the literal language of the rule of engagement. This liberal interpretation of what could be struck, plus the encouragement to be more aggressive and flexible, vitally influenced my determination to make a similiar, though I believe less liberal, and very reasonable, interpretation of the conditions under which we could strike.

While I was of the opinion that my superiors were aware of the nature of our operations, it now appears that there was a different understanding than I thought existed. Notwithstanding, I still feel, and I believe my testimony demonstrates, that my interpretation of the pertinent rule of engagement was a reasonable one in light of all the important considerations which I have enumerated and discussed above. In summary, Mr. Chairman, the important point which my testimony makes is that I believed that my actions in ordering these strikes were legitimate and in harmony with the guidance we had received. I was not running my private war or disobeying direct orders from the President, as many news reports have claimed. These few strikes, directed only at enemy weapons systems trying to shoot us down, were executed in a manner designed to protect the lives of my crews.

It was brought out during the testimony that had I elected to "troll", i.e., send an aircraft and crew into the area as bait to draw fire, the strikes would then have been considered authorized under the pertinent rule of engagement. Mr. Chairman, I just couldn't do this in the environment in which my crews were flying. Even if a tactic of trolling would have made these strikes legal with respect to the enemy, it would not have been morally right in that hazardous area, with respect to my crews. Quite apart from that, it should be remembered that in the final analysis the practice of provoking enemy fire through trolling was done in order to execute air strikes involving precisely the same degree of preplanning as those which I directed. Consequently, as regards the preplanned aspects of the strikes, I respectfully submit that this tactic cannot be fairly differentiated.

Finally, Mr. Chairman, there has not been a completely objective treatment of this situation in the public press. I have been portrayed as an unprincipled malefactor, who recklessly endangered the prospects of peace, by conducting a massive, private air war, in calculated disregard for orders from the President and personally engineering a conspiracy to conceal it all through falsification of reports. The verdict has already been rendered in my trial by the news media, which has not had access to all the classified information available to your Committee. Contrary to the treatment I have received from the press, I am confident of the fairness and objectivity of the Committee.

Mr. Chairman it is not pleasant to contemplate ending a long and distinguished military career wth a catastrophic blemish on my record—a blemish for conscientiously doing the job I believe I was expected to do, and doing it with a minimum loss of American lives.

Mr. Chairman, I am submitting ths statement under the same conditions under which I testified with respect to this being sworn testimony. I do swear that the information in this letter is the truth, the whole truth, and nothing but the truth.

Sincerely,

JOHN D. LAVALLE.

WASHINGTON, DISTRICT OF COLUMBIA.

Mr. STENNIS. Mr. President, I have referred to a list of ceratin unauthorized strikes provided by the Department of Defense. I have the list here and I ask that it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Date	Number of strike aircraft	Target area
1. Nov. 7, 1971	4	Airfield (Dong Hoi).
2. Nov. 8, 1971	4	Airfield (Quan Lang).
3. Jan. 23, 1972	[1] 5	Airfield (Dong Hoi).
4. Jan. 25, 1972	4	Route 137.
5. Jan. 31, 1972	8	Do.
6. Jan. 31, 1972	8	Do.
7. Feb. 16, 1972	[2] 14	Do.
8. Feb. 17, 1972	4	Route 101.
9. Feb. 18, 1972	4	Route 1036.
10. Feb. 21, 1972	[3] 6	Route 137.
11. Feb. 22, 1972	12	Do.
12. Feb. 25, 1972	4	Do.
13. Feb. 25, 1972	8	Route 15.
14. Feb. 25, 1972	5	Route 137.
15. Mar. 2, 1972	4	Do.
16. Mar. 3, 1972	4	Do.
17. Mar. 4, 1972	9	Do.
18. Mar. 4, 1972	[4] 3	Route 15.
19. Mar. 6, 1972	8	Route 137.
20. Mar. 7, 1972	[4] 3	Do.
21. Mar. 7, 1972	4	2 miles north DM.
22. Mar. 8, 1972	4	Route 137.
23. Mar. 8, 1972	4	Do.
24. Mar. 9, 1972	4	Airfield (Dong Hoi).
Total escorts	137	

[1] Only 4 expended.
[2] Only 9 expended.
[3] 2 ground aborts.
[4] 1 ground abort.

Mr. STENNIS. Mr. President, that completes my opening remarks. I expect to make a brief statement later.

I yield the floor.

Mr. HUGHES. Mr. President, at the beginning, I would like to ask unanimous consent that two members of my staff be allowed the privilege of the floor, Mr. Charles Stevenson and Mr. Martin Jensen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President I want to preface my statement by saying that the decision to bring the nomination of General Abrams to the floor was unanimous; 15 of the 16 members agreed at that time to vote for confirmation, and the other member will speak on the position taken by himself, I understand, this afternoon; but beyond that point, there are many differences within the committee regarding what was wrong, what should be done, what happened in the past, and what should be recommended in the future. What I shall have to say is going to be based on recommendations for the future rather than what happened in the past, with relation to this nomination. It certainly represents only my own views.

THE LAVELLE CASE: AN INTERIM REPORT

Mr. President, let me say at the outset that I join my colleagues from the Committee on Armed Services in supporting the nomination of Gen. Creighton Abrams to be Army Chief of Staff.

My decision was reached only after searching examination and extensive deliberation of the events of the past year involving the escalation of the air war in Southeast Asia and the roles of General Abrams and many others in that regard.

Prior to the discovery of irregularities in the air operations, however, I would not have hesitated to voice my support for General Abrams' appointment as Chief of Staff.

For over 5 years, he has had grueling responsibilities in a difficult and unpopular war. Although I have opposed the Presidential actions and congressional acquiescence that have prolonged the war, I believe that General Abrams carried out his orders with professionalism, with effectiveness, and with a respect for the primacy of civilian authority. He has proved himself, in my opinion, qualified for greater responsibilities.

General Abrams' attitude toward the problem of drug abuse among our men in Vietnam was wise and humane. When staff members of the Subcommittee on Drug Abuse in the Military visited Vietnam, they found General Abrams and other commanders realistic and open-minded in their views toward the problem and, in many respects, more enlightened than many officials and private citizens here in the United States.

In his testimony before the Armed Services Committee last month, General Abrams demonstrated a continuing concern with the condition of the Army today and the changes which must be made to attract and retain qualified men.

I also believe he has shown the requisite sensitivity and compassion regarding the consequences of racial tensions and low morale, as well as drug abuse, which seem to plague our military services at this time.

As you know, Mr. President, General Abrams' testimony was taken in connection with an extensive inquiry by the committee into the activities of our air and naval air forces over North Vietnam during the period of November 1971 to mid-March 1972.

The committee also reviewed in great detail the actions taken by the Chief of Staff of the Air Force, with concurrence of higher authority, in removing Gen. John D. Lavelle from command of the

7th Air Force and recommending his advancement on the retired list to lieutenant general from his permanent active rank of major general.

Transcripts of the hearings have been released to the press and published for general public consumption. There have been certain deletions of sensitive material for reasons of national security, but the deletions, in my view, do not significantly reduce the body of evidence accumulated by the committee.

From the evidence we have, at least three conclusions have been richly documented:

First, certain air strikes against targets in North Vietnam were conducted in violation of the standing rules of engagement.

Second, reports were falsified in an effort to conceal the real nature of some of these strikes.

Third, pilots were instructed to strike certain targets, regardless of any enemy provocation that could justify the attacks under technical interpretations of the rules of engagement.

Mr. President, this is not merely a matter of breaking the rules of the "club." These are serious violations of law, of orders, and of regulations that cry out for remedy.

The main question before the committee in regard to General Abrams was whether he knowingly participated in any way in these serious violations. I, for one, do not believe that he did.

Certainly, General Abrams could have known the nature and detail of the unauthorized air strikes, if General Lavelle had spelled out in such detail precisely what the 7th Air Force was doing.

In a single instance, General Abrams conceded that he authorized a strike in early January of this year under an expanded interpretation of the rules of engagement. But he did not order another after the raid was criticized and his rationale rejected by higher authority.

The matter was discussed thoroughly prior to the attack and he ordered that a report be written up immediately, even while the attack was going on, and sent on to the JCS.

General Lavelle cited no other specific conversation in which General Abrams was told of General Lavelle's continued use of that liberal interpretation of the rules or in which General Abrams approved a mission with the understanding that ordnance would be expended regardless of enemy provocation.

In addition, Mr. President, General Lavelle has told the committee of the vital ingredients that influenced his thinking with regard to liberalizing the interpretation of the rules of engagement. Of particular importance, in General Lavelle's words were the following:

There was the conference in Hawaii on December 4 and 5, 1971, to explore ways to deal with an increased Mig threat. General Vogt, who at that time was staff director for the Joint Chiefs, urged more aggressiveness, recommended increasing the explosive punch of reconnaissance escorts, urged more targeting on possible Mig bases in southern North Vietnam, and assured the air commanders that the Joint Chiefs would deal with adverse publicity arising from such strikes.

There was the criticism leveled at the 7th Air Force by General Ryan, General Clay—the Air Force representative in the Unified Cincpac Command—and others after Air Force planes did a poor job of bombing an airfield at Quang Lang on November 8, 1971.

And there were the personal conversations with Admiral Moorer and Secretary Laird regarding the developing enemy threats to our air elements operating over Southeast Asia.

These are the factors which General Lavelle says were most persuasive upon him. But it is important to note that none of them involves General Abrams.

Instead, they involved individuals at the highest levels of our Military Establishment, including the Secretary of Defense.

It can be argued that General Abrams should have known about the unauthorized air strikes, on the theory that a commander has the responsibilty to know what his subordinates are doing.

That is a valid theory, to which military officers will always attest, but in the practical situation in South Vietnam, I do not believe that it was more than remotely possible.

The blame in this case, according to the evidence compiled by the committee, falls not on General Abrams, but on some of the people who served under him and, even more significantly, on the deficiencies of the command structure we employed in Southeast Asia, in my opinion.

This so-called unified command structure is unified in only one respect: to command—to get things done, to convey instructions down the operational chain of command and coordinate them. But it does not provide even a bare minimum of what is needed for monitoring, investigating, and evaluating how things are being done—the all-important element of control. Results are all that seem to be important.

The committee record shows that these control functions were fragmented among the services individually, and in many respects, were out of the hands of the unified commander. Time and again, witnesses told the committee that any transgressions by the 7th Air Force were the sole responsibility of the Air Force, not the operational chain of command.

In fact, there were at least four major chains of command involved.

There was the overall operational chain of command, from the Secretary of Defense through the Joint Chiefs of Staff to the unified command at CINC PAC and then to the MACV unified command and General Abrams.

The other three chains—one for each of the services—provided logistics to their forces and were responsible for discipline and monitoring.

So in the Air Force, General Lavelle responded to the Pacific Air Force commander in Honolulu who in turn was responsible to the Air Force Chief of Staff and the Secretary of the Air Force.

In the Navy, the line ran from the Secretary to the Chief of Naval Operations to the 7th Fleet Commander and then to the ships in Task Force 77 in the waters in Southeast Asia.

In the Army, it ran from the Secretary through the Chief of Staff to General Abrams and his subordinate Army commander.

It is no wonder that confusion resulted when so many different hats had to be worn by commanders.

Mr. President, when the military system purports to lay upon a commander the responsibility for control, it should give him the tools for doing it—but General Abrams, in my opinion, did not have them.

Another mitigating factor in my judgment of General Abrams was the extremely broad field of concerns with which he had to deal. He was immersed in all aspects of U.S. involvement in South Vietnam and in the border regions of three other countries—in particular, the always-changing ground situation and the difficulties of coordinating with South Vietnamese military units.

Against this background, it is not difficult to understand or appreciate the fact that General Abrams did not detect violations of rules involving about 130 air sorties out of a total of nearly 25,000 flown under his command during this period in the area for which he was responsible.

On the other hand, General Lavelle personally ordered the missions into North Vietnam and personally supervised the conduct of many of them. He was deeply involved in the details of the day-to-day activities of his units, particularly over North Vietnam, and from his perspective, the violations could hardly have gone undetected. After all, at least half of the raids into North Vietnam during this period were unauthorized, not counting the "limited duration" strikes specifically authorized by the President.

I would point out, Mr. President, that with only three exceptions, the unauthorized strikes were conducted after the restrictive rules of engagement were reaffirmed by Washington.

Classified documents in possession of the committee clearly indicate that the formal communications regarding the rules of engagement insisted upon maintenance of the restrictive rules for operations over the air force sector of North Vietnam. These formal communications contained the cautionary phrase, "when fired upon," in each case, so far as I am able to determine.

Mr. President, these operational restrictions came down the chain of command to General Abrams and were forwarded by him to General Lavelle. Having formally conveyed these orders to General Lavelle through official channels, General Abrams indicates that he felt he could rely upon General Lavelle to see that they were carried out without deviation.

I believe that General Abrams had every reason to expect that they would be. I believe General Abrams when he says he was surprised to learn—in early March—that they were not. And I believe General Abrams when he says that if he had known, he would not have condoned it.

Mr. President, I do not wish my colleagues to infer that my support for General Abrams' nomination can be taken as an exoneration of all others in the chain of command.

There are still some serious questions in my mind about the roles played by some of the highest ranking military officers and civilian authorities of our Government.

In addition to the vital ingredients cited by General Lavelle, I am reminded of the fact that—after falsified reports were discovered by Pentagon officials in early March—a study was undertaken to determine which strikes in North Vietnam were unauthorized. Using reports and other information already on file here in Washington, the list of unauthorized strikes has been revised twice from the original version developed by the Air Force Inspector General in March.

Since it was possible to make these determinations—in Washington—in April, May, June and July, why were they not made in January, February, and March, when the bulk of the unauthorized raids were being conducted?

Thus, Mr. President, a great deal more must be done by the Department of Defense in connection with the events surrounding the removal of General Lavelle from his command.

But in my view, General Abrams conducted his duties with dedication and effectiveness under the most difficult circumstances, and the testimony in the committee record provides no grounds for denying his promotion to Army Chief of Staff.

THE OVERRIDING CONCERNS

Seven months have passed since the Air Force began to investigate charges of unauthorized bombing of North Vietnam, and we are only beginning to get at the truth.

We have seen and probed the tip of the iceberg, but many other aspects remain frozen in the files or submerged from congressional and public view.

Time is the enemy of truth in these closing days of the 92d Congress, forcing us to act hastily and on the basis of incomplete information. Nevertheless, I believe that we can act now on the nomination of General Abrams, and I believe that we can present to the Department of Defense an agenda for study and action which can then be the basis for further congressional consideration early next year.

The issue involved here is far more important than one or two nominations and more significant than clarifying the record for historians.

The basic issue is whether civilians have lost control over the military and the military has lost control over itself.

I believe that the record developed so far contains evidence of military disregard of explicit orders approved by civilian authorities and of a breakdown, caused by falsified reports, in the control and monitoring system.

Mr. President, the overriding concern in the Senate today—the one that takes precedence over all others derived from "the Lavelle Affair"—is the legitimate fear that it could all too easily happen again.

Listen to the testimony of two of the Nation's top military commanders.

Adm. Thomas Moorer, Chairman of the Joint Chiefs of Staff:

> Can I guarantee that one particular individual might not take unauthorized action? I would have to say that I could not guarantee such a thing from this distance.

Gen. John Ryan, Air Force Chief of Staff:

> I cannot sit here, Senator, and guarantee you that it won't happen again.

These admissions stun the imagination. They strongly suggest that the sense of security we derive from our powerful military machine is a false sense of security—that subordinate military commanders in the ranks of generals and admirals have sufficient leeway in their command functions to permit them to involve us in hostilities that could engulf this Nation in war.

Mr. President, this is the deep and powerful undercurrent of our deliberations today, and I know it is foremost in the minds of Senators as we consider the surface details regarding General Abrams' nomination, General Lavelle's activities, and the involvement of others in them.

An iron-clad guarantee against a repetition of such an incident is, of course, somewhat more than we can expect.

But the incomplete investigation conducted by the Department of Defense, the erroneous and misleading statements that have emerged from the highest levels of the Government, and the almost total lack of concern in the executive branch for improving the system of command and control all testify to the fact that we have not received even basic, minimum assurances that an effort will be made to prevent such occurrences in the future.

This concern, more than any other, has been my motivation for pursuing an inquiry to the fullest extent of my capability into these matters, and it is the concern that has haunted me throughout the hearings of our committee.

RESPONSIBILITY FOR FUTURE ACTION

It is very unfortunate that the Congress has been involved in this matter in this way.

If the inspector general system in the Air Force had been different, the transgressions might have been discovered and handled directly by the Air Force. Instead, Sergeant Lonnie Franks felt he had no resort but to write to his U.S. Senator.

If the Air Force had vigorously conducted its own investigation, as provided under article 32 of the Uniform Code of Military Justice, we might now have a coherent set of facts, rather than a collection of clouded memories and scattered documents, that have been exceedingly difficult to collect.

If the Defense Department had presented the results of its partial investigation to the Congress earlier, we might have had time for the searching, probing inquiry that this deserves.

Under these difficult circumstances, I believe that the distinguished chairman of the Armed Services Committee (Mr. STENNIS) and his able staff have done an admirable job of gathering evidence and witnesses and of conducting hearings under severe time constraints. There never has been a time, from the beginning to the end of these hearings, that the distinguished chairman of the committee and his staff have not cooperated fully in trying to seek out documents, communications, and witnesses that might bring light to this subject matter, and I am deeply appreciative of that.

The focus of our inquiry, however, was limited to the immediate question of acting on several nominations which were pending before the committee—in particular, those of General Lavelle, General Abrams, Admiral Moorer, Admiral McCain, and General Haig. Based on the information so far available to the committee, I believe that we took the appropriate action in approving all nominations except that of General Lavelle.

But that does not end our responsibility, in my opinion, nor does it put this whole matter to rest. Under rule XXV(d) of the Senate, the Armed Services Committee has jurisdiction on the following subjects, among other things:

First. Common defense generally.

Second, the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

These are in addition to the concern with pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces which were involved in these nominations.

Thus, the questions of command and control mechanisms, the inspector general system, and military operations in Southeast Asia are important responsibilities for the committee. We cannot rest satisfied until we have gone thoroughly into all relevant facets of these issues.

The committee has the means to conduct such an investigation, and I hope it will do so when there is more time. Coherent, comprehensive oversight hearings are much preferable to hurried inquiries focused on the question of pending nominations, particularly when you begin and do not know where you are going or where the trail leads, and you have to ferret out, one day against the next, what to do next.

The inadequacy of the investigation so far is the fault not of the committee, but rather of the Defense Department, which failed to provide the crucial information in a timely and comprehensive way.

The failure of the Defense Department to level with the Congress and the people necessitated the hearings which have been conducted.

I am pleased that the Air Force promptly began an investigation of the falsifying of reports, as charged in Sergeant Franks' letter, and that when those charges were confirmed, General Lavelle was immediately relieved of his command. I want to emphasize that.

But 7 months have passed, and what else has happened? Despite evidence that perhaps 200 people were involved in the planning of unauthorized attacks and the subsequent falsification of reports, no one besides General Lavelle, to my knowledge, has been counseled, admonished, reprimanded, or punished. Nothing of any significance has been done to prevent a recurrence of these improper activities. The question of a thorough inquiry and possible judicial action is still pending, open, and under review.

I believe that the Defense Department and especially the Air Force have failed to fully exercise their responsibility. And, given the new issues raised about the Navy's involvement in similar unauthorized activities, I believe the Navy also has a responsibility to act. I want to point out that in the course of the hearings, it became obvious that the Air Force had strong communications from the Secretary's office or those above it in relation to reporting and what they were giving Congress by way of information.

Under article 32 of the Uniform Code of Military Justice, a thorough and impartial investigation must be conducted prior to any general court martial. To my knowledge, this has not been done. I ask unanimous consent to include the text of this article at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE 32, INVESTIGATION

(a) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(b) The accused shall be advised of the charges against him and of his right to be represented at that investigation by counsel. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court-martial jurisdiction over the command. At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(c) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b), no further investigation of that charge is necessary under this article unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(d) The requirements of this article are binding on all persons administering this chapter but failure to follow them does not constitute jurisdictional error.

Mr. HUGHES. Even if a court martial is not contemplated, the UCMJ provides for a court of inquiry to investigate any matter and make findings of fact. If so designated, it can also function like a grand jury and recommend a court martial. I ask unanimous consent that article 135 be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE 135. COURTS OF INQUIRY

(a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary concerned for that purpose, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(c) Any person subject to this chapter whose conduct is subject to inquiry shall be designated as a party. Any person subject to this chapter or employed by the Department of Defense who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Mr. HUGHES. I believe that the responsible authorities in the Department of Defense should, without further delay, convene a court of inquiry, or its equivalent be established, to hear witnesses, make a full and complete record of the facts, and recommend appropriate further actions relating to: (a) Protective reaction strikes in North Vietnam in 1971–72, and (b) Any reporting irregularities in connection with the air war in Southeast Asia during this period.

Only in this way can innocent men be cleared of suspicions raised by public attention to these hearings and any guilty men be given punishment appropriate to their offenses and sufficient to deter any such future violations.

General Lavelle and others deserve the chance to make their case with full constitutional safeguards and with full opportunity of legal counsel to cross-examine their accusers and the witnesses against them.

The Armed Services Committee is not a court—no congressional committee is a proper forum for a trial. But we need the facts, and we welcome the suggestions of the Departments concerned for corrective legislative action. If the Pentagon does its job of internal investigations and discipline, the Armed Services Committee and the Senate can discharge our responsibilities to oversee the proper functioning of the Defense Department.

Unless the Air Force take further action, it will run the risk of setting a dangerous double standard. I do not see how Academy cadets can be expelled for not reporting on their classmates who are cheating on examinations, yet men who apparently engage in flagrant violations of standing orders and law, and then in the falsification of reports are not called to account.

CORRECTIVE ACTIONS

The hearing record has ample evidence of unauthorized airstrikes and of false reporting—the first a violation of clear-standing orders, the second a violation of law.

Although the rules of engagement are detailed and highly classified in many respects, as well as subject to periodic modifications, the basic order in question here reads as follows:

> Fighter aircraft may strike any SAM or AAA site in North Vietnam below 20 degrees north which fires at or is activated against U.S. aircraft conducting missions over Laos or North Vietnam. And . . . this authority is limited to immediate protective reaction without subsequent retaliation.

Testimony before the committee clearly showed preplanning of missions in which pilots were told to expend their ordnance regardless of hostile action. In some cases, the strikes were conducted without any such action, while in other cases radar activation or ground fire legitimated the raids in a technical sense.

In order to conceal the true nature of these activities, a system of false reporting was set up, whereby one set of data went into widely circulated forms for computer digestion and the true report came in special "eyes only" messages for General Lavelle's operations chief.

On the face of it, the rules of engagement prohibited strikes unless there was hostile enemy action, and thus there is probable cause that some violations of the UCMJ have occurred. I ask unanimous consent to insert in the record at this point the relevant sections of the UCMP on obedience to orders and on the falsification of official statements.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ARTICLE 90. ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER

Any person subject to this chapter who—

(1) strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior commissioned officer;

shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.

ARTICLE 92. FAILURE TO OBEY ORDER OR REGULATION

Any person subject to this chapter who—

(1) violates or fails to obey any lawful general order or regulation;

(2) having knowledge of any other lawful order issued by a member of the armed

forces, which it is his duty to obey, fails to obey the order; or

(3) is derelict in the performance of his duties; shall be punished as a court-martial may direct.

Article 107. False Official Statements

Any person subject to this chapter who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct.

Mr. HUGHES. Mr. President, for the benefit of Senators in the Chamber, I will read article 107:

Article 107. False Official Statements

Any person subject to this chapter who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct.

In order to minimize or prevent similar violations from occurring in the future, I believe that the Defense Department should take two additional steps:

First, official guidance should be given to all members of the Armed Forces regarding their duty when given an order which they believe violates article 107 regarding false official statements.

Second, operating authorities and the rules of engagement should be unambiguous and clearly stated, in writing, and maintained in a single central location in operating military commands. All changes in these authorities and rules should be communicated, in writing, from the originating official or command.

If other steps are deemed necessary, they should be taken promptly and then reported to the Congress.

Something must also be done about the Inspector General system. In this instance, as the chairman of the committee has already pointed out, the fact that the Inspector General of the 432d Reconnaissance Wing at Udorn Air Force Base was also vice commander of the wing and involved in unauthorized activities certainly inhibited Sergeant Franks from making his reports within regular channels.

As of now, I do not favor a new, separate bureaucracy to handle these hopefully few instances of questionable activities or orders. But I believe that some changes are necessary to permit the uninhibited flow of information and to free men from the fear of disregard, harassment, or retaliation.

Therefore, I believe that the Secretary of Defense should submit to the Congress by January 30, 1973, a full and complete report on the operation of the Inspector General systems and other major inspection and monitoring systems within each military service, including alternative structures and possible reforms. That same report should discuss the steps taken to implement the provisions of the Defense Reorganization Act of 1958 vesting "full operational command" in the Unified Commander.

The whole military command structure has been called into question by these events. A full in-house study of command and control problems, together with the pros and cons of alternative structures, should provide the committee and the Congress an appropriate basis for legislative action next year.

Instead, what we have heard from the highest officials in the Defense Department is an affirmation that the system is sound as it is. I do not believe that that faith is justified when that system failed to prevent, failed to uncover or, in my opinion, so far failed to correct its breakdown in this instance.

MAGNITUDE OF THE VIOLATIONS

Now, ladies and gentlemen of the Senate, I would turn, if I may, to the question of the magnitude of the violations, in my opinion.

The magnitude of these violations has not really gotten through to the American people. Military witnesses tried to minimize their significance by comparing the 20 to 30 unauthorized strikes involving nearly 150 sorties with the 25,000 sorties flown by the entire 7th Air Force during this period.

These figures are misleading for several reasons. First, because of the diplomatic consequences, that any bombing at all of North Vietnam ran the risk of affecting the search for peace. Second, since he recognized the significance of this bombing, General Lavalle gave these strikes his close personal attention. Third, the unauthorized strikes constituted a shocking high proportion of the Air Force's missions over North Vietnam.

Precise figures remain classified, but the cleared testimony reveals that over 20 strikes took place during a 6-week period beginning in late January and ending only when the Inspector General confronted General Lavelle with the evidence of Sergeant Franks' letter on March 10.

Since Air Force reconnaissance missions over North Vietnam averaged one per day, at least half the missions flown during this period were in violation of the rules.

Rather than being isolated instances, these acts developed into a regular system of prior planning and subsequent falsification, implicating hundreds of people.

Of all the men involved—in planning, briefing, flying, navigating, debriefing, and evaluating—only one recognized what was going on was wrong and took action to correct it. Sgt. Lonnie Franks raised the issue with his immediate superior and then, rebuffed, wrote to his U.S. Senator.

When I became involved in this matter, I undertook to attempt to get to the bottom of it and to seek corrective action, and referred the letter to the distinguished Senator from Missouri (Mr. Symington) for his counsel and advice on how it should be handled. I have appreciated his assistance on this, and in the hearings, in trying to get to the bottom of everything that is going on.

I shall not rest, and I do not believe the Congress should rest, until we have examined every aspect of this problem. As far as the Senator from Iowa is concerned, this investigation is not over.

THE BREAKDOWN OF LEADERSHIP

The investigation into the circumstances surrounding the retirement of General Lavelle has exposed some alarming facts about the way this war has been conducted. While I do not wish in any way to minimize the seriousness of the incidents of unauthorized bombing and falsified reports, I believe that the American people should also be concerned with these broader issues.

I. DIPLOMACY

I have already told the Senate the detailed sequence of events which connects the first of the acknowledged unauthorized strikes last November with the breakdown in secret peace talks at that time.

In brief, I believe that these strikes, which were denounced in unusually strong language by the North Vietnamese Government, were a significant factor in the supposedly diplomatic illness of Le Duc Tho on November 17, 1971.

I am also disturbed, of course, that the President took that illness as a reason for breaking off the peace talks, refusing to seize this chance for a settlement. As a result, the North Vietnamese were left no alternative but to launch their usual dry season offensive.

Even if peace was not possible last November because of the intransigence on all sides, the testimony before the Armed Services Committee shows that military operations were poorly coordinated with diplomatic strategy.

Admiral Moorer, who approved the November raids on three North Vietnamese airfields, testified that he was not aware of any crucial diplomatic activity at that time. Nor was General Abrams cautioned to restrict his military operations, as had been done at least once before.

Despite the close connection between military policy and diplomacy, this administration, according to news reports, has given the military a relatively free hand in the conduct of the war. The careful, detailed, high-level attention of the Johnson years has been replaced by an attitude bordering on indifference, in my opinion.

It may well be that the inadequate coordination of the bombing and the peace talks prolonged the war into 1972 and thus helped to cause more than 200 Americans to die in Indochina, more than 100 to be added to the ranks of the missing, and more than 50 to join their fellow countrymen as prisoners of war.

This has been a costly and avoidable mistake.

II. CONCEALMENT

The true story of this apparent failure of Presidential control over the war may never be known. That would not be unusual, however, for concealment and deception have been the hallmarks of this war from the beginning.

The whole concept of "protective reaction strikes" began as a euphemism and turned into a fraud.

At the time of the 1968 halt in the U.S. bombing of North Vietnam, the United States declared its intention to continue to fly reconnaissance missions over that country. After a plane was fired on, President Johnson ordered the planes to be escorted by fighters.

The rules of engagement permitted pilots to return fire when fired upon, but their reaction had to be immediate and had to be directed at the military installations which threatened them. Over a period of time, further modifications were made to allow pilots to react when radars which provided aiming information to gunners were locked-on to U.S. planes and to permit attacks on military installations associated with the threatening complex.

Around the time of the Cambodian invasion in 1970, the United States launched a new kind of operation under the label of "protective reaction"—the so-called limited duration strikes which were, in fact, temporary resumptions of regular bombing of the North. On 32 occasions between the spring of 1970 and April 1972, the United States conducted these large-scale raids by suspending the rule that strikes must be immediate and retaliatory.

General Lavelle took this one step further by preplanning his strikes on supposed reconnaissance missions and giving his pilots to understand that they should expend their ordnance regardless of ground action against them.

But even without General Lavelle's actions, the United States had reached a point where, to a significant degree, protective reaction strikes were neither protective nor reactions.

They were not protective of reconnaissance planes, but aggressive against various ground targets. Some witnesses told the Armed Services Committee that trucks, field artillery, and oil storage facilities were struck, as well as the SAM's and AAA which posed a real threat.

They were not reactions because of the extensive preplanning and the instructions to "expend regardless."

Instead, permission to conduct armed reconnaissance became a license to bomb. And North Vietnam's acts of self-defense created an environment so hostile that the United States began missions for the sake of bombing rather than reconnaissance.

Nevertheless, the Congress and the American people were led to believe that U.S. attacks on North Vietnam were purely defensive. General Lavelle admits he violated the letter of the rules of engagement, but the United States had already violated its own understandings with the North Vietnamese by conducting aggressive raids.

This fraud in labeling was only one of the deceptions. Another was the effort to conceal the truth about General Lavelle's retirement.

General Lavelle was relieved of his command on March 26. On April 8, the Air Force announced that General Vogt had replaced General Lavelle, who retired for "personal and health reasons."

On May 4, General Lavelle was nominated for advancement on the retired list to lieutenant general, but Pentagon spokesmen repeated—without further explanation, even when asked by the press to provide it—that he had retired for "personal and health reasons."

General Ryan has testified that Secretary Laird refused him permission to brief the chairmen of the Senate and House Armed Services Committees.

Three Members of the Senate were invited to a briefing on April 6—which I was unable to attend—but Senators SYMINGTON and CASE, who did attend—and I am sure that the Senator from Missouri (Mr. SYMINGTON) will speak for himself—have since said that they were not told about falsified reports.

Someone told CBS White House Correspondent Dan Rather in mid-April that General Lavelle had been relieved of command because he refused to order his men to fly below 10,000 feet on their reconnaissance missions—a clear case of fabrication.

Only continued pressure from the Congress finally secured the sparse information, on May 15, that General Lavelle had been relieved of his command and that it was "because of irregularities in the conduct of his command responsibilities."

Then, on June 12, a part of the true story was finally divulged in hearings before the House Armed Services Committee.

Even after that, the Defense Department resisted any further inquiry into the matter, with various spokesmen pronouncing with evident self-satisfaction that nothing further needed to be discovered or disclosed.

Mr. President, the Congress and the American people were denied pertinent factual material upon which they could base a judgment—regarding General Lavelle's actions, regarding the command and control system, and regarding the involvement of other military and civilian officials, including General Abrams, in the violations of law and regulation that occurred.

For nearly 6 months—from late March to late September—the Senate was afforded only slight and superficial information about this affair.

And all the while, officials of the administration, including the President himself, persevered in the delusion that the matter had been fully investigated and sufficient punishment meted out.

III. NEEDLESS RISK

Mr. President, I want to now point out some of the needless risks. I suppose that all these things were concealed from us in order that we would not have to admit that we were bombing North Vietnam without provocation.

The North Vietnamese, of course, would know the truth, but not the American people. That has often been the case in this war.

The tragic consequence of this deception, however, was that American lives were being needlessly risked in order to preserve the fiction that the strikes were protective reactions.

I fully sympathize with the pilots who felt they were being sent into combat half paralyzed by frustrating and dangerous rules of engagement.

How would any of us react under similar circumstances? Would we, flying at the speed of sound into a rain of missiles and antiaircraft fire, want to worry about which guns below had already fired and which were about to fire? Would we, seeing a Mig on an airfield, want to wait until that plane was airborne before it could be considered hostile?

The SAM threat was real. The AAA threat was real. The Mig threat was real. And the numbers of each were increasing in the final months of 1971 tremendously.

Was there no other means of gathering the required intelligence?

Under similar circumstances, I am sure that we all would ask, as our commanders repeatedly asked, for changes in the rules of engagement to minimize the risks to our pilots.

But what was the response of our civilian officials? These requests were repeatedly denied. General Lavelle testified that Secretary Laird told him personally that—

> It was not the proper time to come in and ask for new authorities, but to take whatever action I could, the best I could, with the authorities we had.

There never was a "proper time," despite the increased air defenses and the evident movement of materiel southward, until the Easter offensive began. There never was a proper time.

At the same time that the rules were held the same, officials in Washington demanded that the men in the field be more aggressive—that they increase the number of reconnaissance flights and the number of escorts, still subject to those rules.

General Lavelle was understandably in a bind—ordered to be more aggressive, but denied the authority to carry out those orders with minimal risk to his men. He chose to break the rules, and his unit was forced to conceal the actions with falsified reports.

One cannot condone or excuse General Lavelle, since obedience and trustworthiness are essential to military command and control.

But our civilian leadership is also implicated—for giving new orders but not new authorities, for changing policy without changing the rules.

General Lavelle's "liberal interpretation" of the rules of engagement could just as easily have been authorized by the President, thus legalizing the strikes which took place. But, for some reason, it was never the "proper time" for such a change.

There is no evidence that the White House was trying to restrict military operations because of delicate diplomacy. On the contrary, every signal from Washington of which I know encouraged aggressiveness. Even in February, when the President began the massive buildup of U.S. forces in Thailand and offshore, the rules of engagement were kept the same.

This is no way to conduct a war. But this is no war for the United States to be involved in, anyway.

The answer to these criticisms of tactics is not to give the military a free rein, but rather to be sure that diplomacy and warmaking move together, and in the same direction.

If the people and the Congress had been kept fully informed, then we might have made a judgment on whether this new escalation, this new aggressiveness, was worth the risk to the pilots and to the chances for peace. Instead, we were all kept in the dark, and our pilots were needlessly endangered.

This war has gone on too long because we have been led to believe that we had "turned the corner" toward peace. Instead, each turn so far has only led us farther down the road of violence and suffering. We have yet to turn onto the clear, straight path to peace.

Mr. President, these hearings have wrung the hearts of many of the members of the committee that have investigated the matter. They have seen how the pressures increased on the officers to produce results. They have watched the final acts of desperation, the violations of the rules. And those violations cannot be condoned. However, realizing the pressures brought, most assuredly discipline is essential.

Mr. President, the way it was handled, in my opinion, was deplorable. And the responsibility of this Congress is absolute that more should be done in the future.

Mr. President, in the struggle of what we are doing today in the case of a good man, General Abrams, in the case of a man in a command structure in which there were four different routes of command, in the case of a man fighting a war to the best of his ability with all the ability he had, there was, in the opinion of the Senator from Iowa, no evidence on which to deny this man this important appointment.

The Senator from Iowa finds him entirely capable and entirely responsible to attain to this high position.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I support the nomination of Gen. Creighton W. Abrams as Chief of Staff of the U.S. Army.

General Abrams has completed over 36 years of distinguished service in the Army. He has held a wide range of assignments which have permitted him to serve in various positions and theaters. His experience as Vice Chief of Staff of the Army between 1964 and 1967 especially qualify him for this new assignment.

As the Members of the Senate know, General Abrams has spent the last 5 years in Vietnam and has served as commanding general of the Army in Vietnam since July of 1968.

During this period, U.S. military activities have taken on a new character, and General Abrams has admirably executed the orders of President Nixon. General Abrams was in charge during the strikes into Cambodia and Laos where the North Vietnamese Communists were establishing sanctuaries to launch attacks against South Vietnam.

Also, General Abrams served as commanding general in South Vietnam during the difficult and often dangerous period of U.S. troop reductions. Under his leadership this program has been carried out very successfully. Large numbers of American troops have been redeployed safely, and today we are witnessing a revived South Vietnamese force which is defending well against the current Communist offensive.

Mr. President, I welcome the opportunity to stand on the floor of the Senate and commend this able soldier for the admirable way in which he has carried out these difficult responsibilities in Vietnam.

President Nixon is to be commended for selecting General Abrams as the Army's new Chief of Staff. In my opinion, General Abrams will serve in this new post as honorably and as capably as he has in past assignments.

Based upon my questioning of General Abram during the Armed Services Committee hearings and based upon the entire body of evidence gathered by the committee, it is my view General Abrams deserves confirmation as the Army's Chief of Staff.

The committee investigation has revealed no shortcomings against General Abrams and recommended his confirmation.

Mr. President, it is my hope the Senate will approve this nomination with dispatch.

Mr. SYMINGTON. Mr. President, first I would commend the able Senator from Iowa for his superb presentation of this important matter. I do not agree with every word of it, but do agree with his overall position that something is very wrong about what has been going on in recent months, the relationship of the military, the various chains of command—the four that he pointed out—in the Vietnam war.

I would also commend General Ryan for his prompt action as soon as his Inspector General came back from the investigation he made as a result of the letter to Senator Hughes.

When the matter of General Lavelle came up, I was shown months ago, his purported testimony before the House Appropriations Committee, and when some months later the Senate took it up I made the observation I did not want to see him made a patsy as the result of hearings now being discussed on the floor.

I also had been told by people I respected that this whole "protection reaction" justification for hitting various targets in Vietnam was a lot of bunk. With that premise, I have been watching these developments with interest.

Just before the end of the hearings, on September 22, a former lieutenant in the Navy wrote a letter to the chairman of the Armed Services Committee. The letter is on page 330 of the printed hearing record. I ask unanimous consent that it be included at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Fresno, Calif., *September 22, 1972.*

U.S. Senate,
Washington, D.C.

Dear Senator Stennis: I have been following with great interest your investigation of the illegal air strikes in Vietnam for some time now. However, it was not until recently that I felt that I was in a position to write you because my resignation from the Navy was pending. I have just recently received an honorable discharge from the Navy, and I would like to add whatever information I can to shed some light on the illegal air strikes in North Vietnam.

I was attached to Attack Squadron One Four Six embarked on the USS Constellation CVA-64 from September 28, 1971 until 30 June 1972. During this time I flew approximately 84 combat missions in the A7-E, a single seat Navy attack jet. Although I did not actually participate in any of the illegal raids, I briefed for some and was closely associated with those who did participate.

In late January I refused to participate in any of the so-called protective reaction strikes because I felt they violated the rules of engagement. I eventually turned in my wings and quit flying because of the deceit, waste, and medal mongering that was a daily occurrence on the ship. I can speak with first-hand knowledge about the pressures that were brought to bear on anyone that questioned the illegality of these strikes, and I think I might have something to add to your present investigation.

Because of the sensitivity of the information, I would like some direction on the best way to present it to you. If a registered letter is secure enough, that would probably be best since my wife and I are attending school presently and travel of any sort is somewhat restricted.

William Gregg Groepper,
Former lieutenant, U.S. Navy.

Mr. SYMINGTON. Mr. President, on page 352 of the testimony, under the questioning of the able Senator from Iowa (Mr. Hughes), Mr. Groepper—former Lieutenant Groepper—was asked something about his career. He stated:

Mr. Groepper. I was born in Council Bluffs, Iowa, June 25, 1946. When I was about a year and a half or 2 years old my family moved to Montana. I grew up in Montana and went to Bozeman Senior High School and graduated from Bozeman Senior High School ninth out of a class of 230 in 1964, I believe it was. I then went to Iowa State University as part of the NROTC program and while I was at Iowa State University, my senior year at Iowa State University, I was selected as the outstanding midshipman in the State of Iowa and I received an award to that effect.

Senator Hughes. Did you ever meet me when I was Governor during that period?

Mr. Groepper. I was trying to remember earlier. I received the Governor's Cup, which was an award.

Later in the hearing, Mr. President, on page 342, the distinguished Senator from Maine asked some questions which interested me a great deal, not only because of these hearings, but because of the years I spent at one time in my life working in the Pentagon. I read as follows:

Senator Smith. Lieutenant, when did you get to Washington?

Mr. Groepper. Last night at 8:30 p.m.

Senator Smith. And is this the first visit you have had since you were discharged?

Mr. Groepper. First visit with the committee?

Senator Smith. In Washington. First time you came to Washington.

Mr. Groepper. Yes, Senator.

Senator Smith. Have you talked with anyone or been briefed by anyone since you came to Washington?

Mr. Groepper. Mr. Woolsey met me at the airport and I spent the evening at his home and he did not coach me as to my responses. We talked about how to handle the press as I was, you know, in the dark about how I should go about this and he gave me some of his opinions but in no way instructed me as to speaking in one way or another.

Senator Smith. And he is the only one you discussed it with?

Mr. Groepper. Yes, Senator.

Senator Smith. Thank you, Mr. Chairman.

On page 384 of the testimony, the able Senator from Maine continued in discussing this matter with Lieutenant Moore. Lieutenant Moore, incidentally, was the officer who former Lieutenant

Groepper said would verify his statement, if he were asked.

Senator SMITH. Did I understand you to say that you and Lieutenant Groepper were roommates on the *Constellation?*

Lieutenant MOORE. Yes, Senator.

Senator SMITH. Was that all the time that both of you were on the *Constellation?*

Lieutenant MOORE. Yes, Senator. We were; the entire time.

Senator SMITH. Have you seen Lieutenant Groepper since you left the *Constellation,* or since you left there?

Lieutenant MOORE. I have seen him outside this room a couple of times and that is the first time.

Senator SMITH. Before today, I mean.

Lieutenant MOORE. No, Senator.

Senator SMITH. You haven't seen him since he was discharged then?

Lieutenant MOORE. No, Senator, I haven't seen him.

Senator SMITH. Mr. Chairman, I think it would be well for the record to show how Lieutenant Moore happened to come here. As I understand it, Lieutenant Groepper wrote the committee a letter and the committee invited him to appear?

The CHAIRMAN. That is correct.

Senator SMITH. To tell the committee what he wanted to say in addition to the letter.

Lieutenant Moore, did you write to the committee, or did you come through some other call?

Lieutenant MOORE. No, Senator. I didn't write to the committee.

Senator SMITH. May I ask, Mr. Chairman, if Lieutenant Moore came to the committee because of Lieutenant Groepper's reference to him?

The CHAIRMAN. As chairman of the committee, I contacted Lieutenant Moore through Mr. Woolsey, trying to find the situation, the facts and then invited him to come before this committee. I think the way we did it, getting him up here, was to notify the Navy that we wanted him to testify today.

Is that correct?

Mr. WOOLSEY. Yes, sir; we told the Navy we wanted him here and he was already in Washington.

Senator SMITH What I was getting at is, where did we get Lieutenant Moore's name?

The CHAIRMAN. From Lieutenant Groepper.

Senator SMITH. That is what I wanted to clear for the record.

Lieutenant Moore, when did you come to Washington this time?

Lieutenant MOORE. Two days ago, Senator.

Senator SMITH. And have you been briefed or have you talked with the officials in the Pentagon?

Lieutenant MOORE. I have talked with Commander Eggart, my air group commander, and Commander Miller, my squadron commanding officer and I have talked with some other officers in the Pentagon.

Senator SMITH. Since you have been here?

Lieutenant MOORE. Yes, Senator.

Senator SMITH. So that you have been briefed by your superiors?

Lieutenant MOORE. No one has briefed me.

Senator SMITH. Nor coached you?

Lieutenant MOORE. No, Senator. I have had discussions with them but I have not been briefed, other than to tell the truth.

Senator SMITH. Have you talked with Mr. Buzhardt at the Pentagon?

Lieutenant MOORE. Yes, Senator; I have.

Senator SMITH. I think that is all at present, Mr. Chairman.

The CHAIRMAN. All right, Senator. Thank you.

Senator Symington?

By this time, Mr. President, my antenna was up with respect to whether or not this junior officer had been approached with respect to the testimony he had been asked to give in appearance before this committee.

So I questioned him as follows:

Lieutenant, did you know how Mr. Groepper felt about these missions, that he felt he was being told to attack targets regardless of any reaction?

Lieutenant MOORE. I didn't know that Mr. Groepper felt that way. I know he didn't go along with these particular strikes.

Senator SYMINGTON. Why did you think he didn't go along with the particular strikes?

Lieutenant MOORE. Sir, it is a long story. I have known him for some time. I knew him when we were training together. We just happened to end up in the same squadron. When he came on the cruise he was what we referred to as pretty gung ho and he was an excellent aviator and a real good naval officer and he started the cruise and did real well. Around December we got involved in Operation Proud Deep and he didn't like that very well. This was authorized bombing of North Vietnam by President Nixon. He didn't want to go along with that and one of our aviators was killed in one of these strikes and he didn't like that very much and then later on he said he was pretty disgusted. He was mainly disgusted with the tactics employed on Operation Proud Deep.

About a month or so later he became involved with—well, we were reading the newspapers that we got and he didn't like some of the things Mr. Thieu was involved in and he expressed on several—to me several times—that he didn't like participating in the war in support of President Thieu and he was really disgusted and I thought he was going to terminate his flight status right there. We talked about that a lot and then we got to—he really didn't express himself to me about the particular strike. I went on; he was graded, I thought, a real well done hop and he was pretty proud—he told me he thought I did a good job. And then he told me—let's see—about 1 April we talked a lot about what was going on and he said, well, "That is it; I have had enough."

Senator SYMINGTON. His testimony, to the best of my recollection, was that on the raid in question he was briefed to hit regardless of any protective reaction.

Lieutenant MOORE. He was told that?

Senator SYMINGTON. Yes.

Lieutenant MOORE. He didn't attend the briefing; he didn't go on the hop; he couldn't have been told that.

Remember, this is the officer Lieutenant Groepper asserted "will verify what I have said if you ask him."

Senator SYMINGTON. He said he attended one of the briefings, which was scrubbed because of the weather.

Lieutenant MOORE. That is his testimony, then. I didn't attend that briefing so I can't testify on it.

Senator SYMINGTON. Senator Smith asked you if you talked to Mr. Buzhardt, the General Counsel of the Defense Department.

Lieutenant MOORE. Yes, sir.

Senator SYMINGTON. What was the reason you talked to him?

Lieutenant MOORE. He called me in to tell me—he gave me a picture of members of the committee so I would be familiar with who you all were and he told me the procedures, how this thing was going to be conducted and I talked to him one time. He just wanted to meet me. That was about it. It lasted about 5 minutes.

Senator SYMINGTON. He told you about the members of the committee?

Lieutenant MOORE. Yes, he did. I asked him—well, he told me I was going to be called; that is the reason he talked to me. He said, "You are going to be asked to testify before the Armed Services Committee" and he gave me a picture—it was just a picture of you all sitting around the table, and also where I would be sitting.

Senator SYMINGTON. You mentioned you talked to various officers, other officers. You mentioned a captain, a commander; did you talk to an admiral about this?

Lieutenant MOORE. Yes, sir; I did.

Senator SYMINGTON. Whom did you talk to?

Lieutenant MOORE. I saw Admiral Zumwalt.

Senator SYMINGTON. Did you ask to see him or did he ask to see you?

Lieutenant MOORE. We just kind of ran into one another; I didn't know, sir—I didn't ask to see him.

Senator SYMINGTON. You happened to see him?

Lieutenant MOORE. I was taken to his office and introduced to him.

Senator HUGHES. Accidentally.

The CHAIRMAN. Who took you to his office?

Lieutenant MOORE. I am trying to remember now. Admiral Johnston took me to his office.

Senator SYMINGTON. Did you talk to Admiral Johnston?

Lieutenant MOORE. Yes, I did.

Senator SYMINGTON. What other admirals did you talk to?

Lieutenant MOORE. I talked to—I can't remember the names. I also talked to Admiral Moorer.

Senator SYMINGTON. How did you happen to run into him?

Lieutenant MOORE. He was in the same place Admiral Zumwalt was.

Senator SYMINGTON. Where was that?

Lieutenant MOORE. It was one of the offices in the Pentagon; I think it was Admiral Zumwalt's office, but I was taken in and introduced to these gentlemen.

Senator SYMINGTON. Thank you, Mr. Chairman, I have no further questions.

At one point in the record, page 391, when Senator SCHWEIKER was interrogating the witness, I asked him to yield. The Senator agreed and the hearing went as follows:

Senator SYMINGTON. Why did you come to Washington?

Lieutenant MOORE. I came to Washington; I got a phone call from the commander of the Fleet Air, Jacksonville saying that he thought I might be needed in Washington and he had an airplane ready for me to go.

Senator SYMINGTON. What reason did he give you for thinking you might be needed?

Lieutenant MOORE. Well, he told me that he had heard about this committee investigating and he knew that I talked to Mr. Woolsey and he said—it was a big surprise to me.

Senator SYMINGTON. The committee didn't ask you to come up at that point?

Lieutenant MOORE. If they did, my commanding officer said pick up a TA-4 and fly up to Washington and that is what I did.

Senator SYMINGTON. Would you make a list of the people you talked with after you came up to the Pentagon and give it to Mr. Woolsey?

Lieutenant MOORE. Yes, sir; I will do this.

(The information follows.)

Lt. Moore discussed his knowledge of Navy [deleted] operations with the Chairman, Joint Chiefs of Staff, the DOD General Counsel, CNO, and the Inspector General of the Navy. He was also in contact with staff members and shipmates. The following is a partial list of those with whom he has been in contact:

Mr. President, this partial list consists of 28 officers and civilians. In order to save the time of the Senate, I ask unanimous consent that the list be included at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

YN1 Allman.
Lt. Jg. Belchner.
J. Fred Buzhardt.
Cdr. J. Cartwright.
YN1 Cooke.
Cdr. L. F. Eggert.
R. Adm. Ferris.
Col. Zane E. Finkelstein.
Capt. R. E. Gardner.
V. Adm. Means Johnston, Jr.
Capt. J. S. Kenyon.
Capt. Arthur K. Knolzen.
Col. Robert M. Lucy.
Capt. J. H. McGhee.
Capt. E. D. McKellar.
Cdr. J. Miller.
Adm. Thomas H. Moorer.
Rose Norris.
Belva Perrine.
L. Cdr. David B. Robinson.
L. Cdr. J. R. Shepard.
Nancy Smilko.
Roosevelt Smith.
Virginia Stone.
L. Cdr. J. L. Vanderslice.
Marcia Webb.
Cdr. H. L. Wright.
Adm. Elmo R. Zumwalt, Jr.

Mr. SYMINGTON. Mr. President, yesterday, October 10, there appeared an article in the New York Times under the byline of Mr. Seymour M. Hersh. This article reads in part as follows:

Lieut. David A. Garner, 1967 graduate of the Naval Academy at Annapolis, said in an interview today that he personally took part in one of the missions and added, "We were briefed that we were going to hit the airfield, period."

"NO QUESTION AT ALL"

"As far as I was concerned," the career officer said, "there was no question at all whether we were going to drop bombs or not."

Lieutenant Garner, who is now a flight instructor at Lemoore Naval Training Base in California, said he had recently listened again to a tape recording of the mission in question, which took place on Dec. 18, 1971, and discovered that there had been no enemy fire reported until the planes began diving toward the airstrip.

"As far as the radio transmissions go," he said, "nobody called out any fire before we rolled in.'

"I thought it was a tough target that needed to be hit," the Lieutenant said, "but we were all surprised to read things in the newspapers as they came out—you know, the usual story that the unarmed reconnaissance had been fired on."

"It just didn't sit right," he said, in explaining why he was willing to be quoted.

I understand this officer has said, "There goes my career, but I believe the truth is more important."

Continuing with said article, it states:

David E. Pinkham, a former Lieut. who now lives in Exeter, Calif., did not recall participating in the controversial protective-reaction flights, but said briefing as a back-up pilot.

"I memorized the layout of the field and the route into it and what I was supposed to hit," he said. "We were briefed specifically on targets. And in every briefing I participated in, the A–5 was scheduled to come in after the strikes." The A–5 was the reconnaissance plane.

Mr. Pinkham also said that some of the pilots in the squadron "used to joke" about protective reaction and even designed a patch about it. "It had 'The Old Protective Reaction Ploy' written along the top," Mr. Pinkham said, "with a drawing of the top of a blue tree broken in half." Blue Tree was the squadron's code name for reconnaissance flights.

"It was sort of an in-joke," he explained, "but enough well known so that everybody knew what it meant."

Another former pilot, Andrew A. Anderson of Caldwell, Idaho, described the missions as "just blatant."

"As far as I'm concerned," he said, "it was stretching the rules so we could destroy an airfield."

Mr. Anderson said he and Mr. Groepper eventually turned in their wings because of disillusion with the war.

I ask unanimous consent that the article in the New York Times of Tuesday, October 10, 1972, entitled "Five Pilots Say Their Group Flew Unauthorized Raids," be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 1972]

FIVE PILOTS SAY THEIR GROUP FLEW UNAUTHORIZED RAIDS

(By Seymour M. Hersh)

WASHINGTON, October 9.—Five Navy pilots said in interviews today that their attack squadron participated, under the guise of "protective reaction," in at least three planned raids on a North Vietnamese airfield beginning last December.

Under the rules of the war at the time, "protective reaction" was permitted, that is, United States warplanes could respond if hostile fire was encountered or if electronic signals indicated that North Vietnamese forces were preparing to fire at reconnaissance craft on picture-taking intelligence runs.

The Navy pilots, three of whom have since resigned from the service, flew in the same unit with a former lieutenant, William T. Groepper, whose Senate testimony two weeks ago about unauthorized raids was vigorously denied by other Navy officers on active duty.

QUANGLAND CALLED TARGET

The pilots, interviewed by telephone, said the three planned missions were aimed at Quanglang airfield about 180 miles north of the demilitarized zone in North Vietnam. The first of Maj. Gen. John D. Lavelle's more than 20 unauthorized missions also was aimed at the airfield, then a forward base for North Vietnamese MIG fighters.

As many as 20 aircraft, some armed with 1,000-pound bombs, took part in the raids, the pilots said.

All five pilots said that on at least one of the raids, the reconnaissance plane—needed to justify the official report of "protective reaction"—flew behind the warplanes and served mainly to take photographs after the strike.

"The recce [reconnaissance missions] was more or less a secondary thing," said James D. Hyberg, a former lieutenant who now lives in Fresno, Calif. "They just run in through to make it look good. Our intention was to get rid of the bombs whether or not we were fired upon."

PILOTS ON CONSTELLATION

The names of Mr. Hyberg and the other pilots were supplied by a Senate source, to whom one pilot had complained after the hearings two weeks ago, and by Mr. Groepper, who also lives in Fresno.

The pilots were assigned to Attack Squadron 165, stationed aboard the Constellation, an aircraft carrier that began its tour in the Gulf of Tonkin in September, 1971.

After Mr. Groepper's appearance before the Senate Armed Services Committee, his former roommate, Lieut. Charles W. Moore Jr., and his former squadron commander, Comdr. John A. Miller, denied in testimony that there had been any planned protective-reaction missions.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, also told the committee—then in the midst of its investigation into the Lavelle case—that the Navy had not conducted unauthorized bombing strikes against North Vietnam.

But Lieut. David A. Garner, a 1967 graduate of the Naval Academy at Annapolis, said in an interview today that he personally took part in one of the missions and added, "We were briefed that we were going to hit the airfield, period."

"NO QUESTION AT ALL"

"As far as I was concerned," the career officer said, "there was no question at all whether we were going to drop bombs or not."

Lieutenant Garner, who is now a flight instructor at Lemoore Naval Training Base in California, said he had recently listened again to a tape recording of the mission in question, which took place on Dec. 18, 1971, and discovered that there had been no enemy fire reported until the planes began diving toward the airstrip.

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"I thought it was a tough target that needed to be hit," the Lieutenant said, "but we were all surprised to read things in the newspapers as they came out—you know, the usual story that the unarmed reconnaissance had been fired on."

"It just didn't sit right," he said, in explaining why he was willing to be quoted.

FLOOR DEBATE COMING

The interviews came as the Senate prepared for a floor debate on the pending nomination of Gen. Creighton W. Abrams to be Army Chief of Staff.

In action today, the senators routinely approved the nomination of Adm. John C. McCain Jr. to retire in four-star grade and of Maj. Gen. Alexander M. Haig to become a full general. Admiral McCain recently retired as commander of the Pacific forces and General Haig has been serving as a deputy to Henry A. Kissinger, President Nixon's advisor in National Security. General Haig will become Army deputy chief of staff.

Last week the senate Armed Services Committee completed its inquiry into the Lavelle matter by stripping the general of an additional star and voting unanimously to approve the nomination of General Abrams, who had been Vietnam commander and, therefore, General Lavelle's direct superior at the time of the unauthorized raids.

PROXMIRE TO LEAD FIGHT

Senator William Proxmire, Democrat of Wisconsin, was known to be preparing to lead a floor fight against General Abram's nomination. Senate sources said the debate could take place tomorrow or Wednesday.

Senator John C. Stennis, chairman of the Armed Services Committee, announced at the close of the hearings that there had been no evidence indicating that any of General Lavelle's superiors had either ordered the attacks or learned of them until they were officially reported.

Spokesmen for the Armed Services Committee said that there would be no immediate comment on the allegations of the Navy pilots.

The first unauthorized Navy raid reportedly took place last Dec. 13, slightly more than a week after a commander's conference in Honolulu that was attended by high-ranking Navy and Air Force officers.

General Lavelle, in a private letter to Senator Stennis that was released last week, declared that his representatives had been told at the meeting that the Joint Chiefs of Staff "would not question" the targets struck in protection-reaction missions. The general also declared that "in the event of adverse publicity," his deputies were told that "we could expect full backing" from the Joint Chiefs.

IN-JOKE AMONG PILOTS

David E. Pinkham, a former Lieut. who now lives in Exeter, Calif., did not recall participating in the controversial protective-reaction flights, but said briefing as a back-up pilot.

"I memorized the layout of the field and the route into it and what I was supposed to hit," he said. "We were briefed specifically on targets. And in every briefing I participated in, the A-5 was scheduled to come in after the strikes." The A-5 was the reconnaissance plane.

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"It was sort of an in-joke," he explained, "but enough well known so that everybody knew what it meant."

Another former pilot, Andrew A. Anderson of Caldwell, Idaho, described the missions as "just blatant."

"As far as I'm concerned," he said, "it was stretching the rules so we could destroy an airfield."

Mr. Anderson said he and Mr. Groepper eventually turned in their wings because of disillusion with the war.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent to have printed in the Record an article entitled "Lavelle Affair Stirs Probe of Disability Pay," by George C. Wilson and published in the Washington Post of October 11, 1972; also, just under the Wilson article, an article entitled "Bomb-Quiz Pilot Gets High Level Attention."

There being no objection, the articles were ordered to be printed in the Record, as follows:

Lavelle Affair Spurs Probe of Disability Pay

(By George C. Wilson)

The Lavelle case moved into a new area yesterday, with Sen. Harry F. Byrd Jr. (Ind.-Va.) calling for an inquiry into the way disability payments are determined for military officers.

Maj. Gen. John D. Lavelle retired at 70 per cent disability shortly after passing physicals that found him healthy enough to fly airplanes.

"It does appear that there may be considerable abuse of the retirement system," said Byrd in recommending a study of how the Defense Department and Veterans Administration determine the degree of disability.

After learning that Lavelle would retire with an income of $27,000 a year, most of it tax free, Byrd demanded Pentagon figures showing the overall trend.

In the Air Force, Byrd said in summarizing the figures for the period from Jan. 1, 1964 through June 30, 1972, "more than half (53 per cent) of the general officers are retired with disability pay even though 77 per cent of those officers had within six months of retirement passed a medical examination qualifying them for the hazardous duty flight pay."

The same Pentagon survey of the Army and Marine Corps showed that about 40 per cent generals and 30 per cent of the Navy flag officers retire with the benefit of certified disabilities, according to Byrd.

In other developments related to the Lavelle case, the Senate Armed Services Committee in a strategy session decided to issue a short statement today approving the nomination of Gen. Creighton W. Abrams as Army Chief of Staff. Any recommendations for reducing chances of another breakdown in command which hid the Lavelle irregularities would come later.

The Senate as a whole is scheduled to start debating the Abrams' nomination today, with critics focusing on the unauthorized bombings Lavelle conducted while Abrams was field commander in Vietnam. Abrams has denied any knowledge or approval of the 28 unauthorized raids conducted between November, 1971, and March, 1972.

At the Pentagon, spokesman Jerry W. Friedheim said he did not see "anything particularly new" in published statements by five Navy pilots that strikes against North Vietnam were premeditated even though the "protective reaction" rules in force at the time required a hostile enemy response before bombs could be dropped.

But Sen. Harold E. Hughes (D-Iowa), a member of the Senate Armed Services Committee, said in an interview that there are still too many unresolved questions about the air war in Vietnam to end the Senate inquiry which was triggered by the disclosures about Lavelle's unauthorized bombing.

Hughes said the Senate, with its responsibility for authorizing and appropriating money for the war and the weapons used in it, need no limit its Lavelle investigation to the areas relevant to the nomination of Abrams.

Former Lt. William G. Groepper, who turned in his wings because of his disillusionment with the Vietnam War and reluctance to fly missions he believed violated protective-reaction rules, was asked by Hughes in testimony released yesterday whether there was "any doubt in your mind" that Navy planes in Quanglang air field in North Vietnam whether they were threatened by anti-aircraft units or not.

"They were intending to deliver the ordnance regardless of whether or not they were fired upon," answered Groepper. "In my mind that is perfectly clear."

Groepper's former superiors aboard the aircraft carrier Constellation contradicted him in other testimony before the Senate Committee.

Yesterday, however, The New York Times and Associated Press quoted other pilots in Attack Squadron 165 who supported Groepper's testimony. "The original intent was to drop the bombs in one way or another," said former pilot James D. Hyberg, 30, of Fresno, Calif.

Bomb-Quiz Pilot Gets High Level Attention

Lt. Charles W. Moore, Jr., a Navy pilot called to testify before the Senate Armed Services Committee on alleged bombing violations, drew high level attention at the Pentagon before he went to Capitol Hill—as this excerpt from the hearing record shows:

Sen. Stuart Symington (D-Mo.)—". . . Did you talk to an admiral about this?"

Moore—"Yes sir, I did."

Symington—"Whom did you talk to?"

Moore—"I saw Adm. (Elmo R.) Zumwalt" (Chief of Naval Operations).

Symington—"Did you ask to see him or did he ask to see you?"

Moore—"We just kind of ran into one another . . ."

Symington—"You happened to see him?"

Moore—"I am trying to remember now. Adm. (Means) Johnston (Navy Inspector General) took me to his office."

Symington—"What other admirals did you talk to?"

Moore—"I can't remember the names. I also talked to Adm. (Thomas H.) Moorer" (chairman of the Joint Chiefs of Staff).

Symington—"How did you happen to run into him?"

Moore—"He was in the same place Adm. Zumwalt was."

Mr. SYMINGTON. Mr. President, I felt obliged to make these remarks this afternoon to bear out my apprehensions about any paricular officer being cut out, made a patsy you might say. My previous statement appears well justified, based on the sworn testimony I have just presented the Senate.

The military people in Washington, and including the civilians in charge of the military, are mighty anxious to see results. They want something for the expenditure of $150 billion, plus the 50,000 lives that so many have defended on the floor of this Senate. Accordingly they emphasize consistently accuracy the importance of they criticize the bombing, and urge more bombing and more accurate bombing.

They now do have more bombing and because of technological developments, more accurate bombing.

In the past, the rules, regulations, and restrictions laid down for the air war were plenty misty. They were often verbal. I can remember a day back about 6 years when I said to the Secretary of Defense, in an open hearing some 5 years ago, "A pilot in an F–105 has to take off from a base in Thailand like Ta Khli, Udorn, Ubon, Karate, in a single-engine airplane like the F–105. He has to refuel going in and refuel going out. In addition, he must watch for enemy action, not only ground fire but also the Mig's. He has to watch the weather. He is all by himself. He also has to hook up with his communication plane up north.

"In addition to all that, he must drop his bombs accurately on target, then hope to connect up to refuel and get home. Moreover, he has given to him four pages, not of what he can do, but of what he cannot do."

The Secretary said, "That is not correct."

So I went back and got out papers one of the pilots had given me in Thailand, and called up the Secretary and said, "I want to apologize, it is not four pages of what he cannot do, it is five pages."

The Secretary said, "I know. I have checked it."

This is the way over the years we have been operating this war. An illustration of the great problems we have under these various chains of command is well illustrated by what the Senator from Iowa pointed out: four different chains of command for bombing in this theater.

I shall vote for the confirmation of General Abrams.

He came before the committee, stated before the committee he had approved one raid, said he was told it was wrong, and did not approve any more of that type. I thought him frank and forthright. But he did approve a raid, therefore General Lavelle was right when he said some raids had been approved.

I do not know what we are going to do about all these chains of command to handle what should have been a little war. The rules laid down for the military by the civilians—off again on again—are one of the reasons we have achieved so little for all the billions, and what is far more important, all the lives expended in this effort. I would hope, in addition to this hearing which has destroyed the reputation of one military man, we would get down to the fundamentals of just what is going on, the inter-service rivalries for position and new weapons. The problems of the Pentagon which the Unification Act of 1947, in which I participated, was supposed to handle are not being handled.

They have not been solved. It is known we have wasted billions of dollars unnecessarily. Let us hope every one realizes this aspect of the problem.

Verbal orders, not written, followed immediately by claims of, "We had nothing to do with that."

Let us correct the situation so we have a single command, just as any large corporation has a single president. Otherwise these violations, these mistakes, this waste is bound to recur time and time again.

Back in 1953, in the first weeks I came to the Senate, a great general, Gen. Jim Van Fleet, in reply to a question asked by Chairman Saltonstall, as to whether he had anything to say to the committee, replied, "Yes, I would say one thing. Football"—of which he was a great star—"has been my love. I learned one lesson from that game: Never put an American boy in any game you do not want him to win."

I am against this war for many reasons, but believe that a well-chosen observation from a man who had just come back from Korea and was to be relieved of his command because he objected to what was going on in that case.

Again, Mr. President, I shall vote for General Abrams, because I believe he was forthright, and when instructed not to do any more of that type bombing, obeyed his orders.

Mr. President, I yield the floor.

THE NEED FOR ACTION ON CIVILIAN CONTROL OF THE MILITARY

Mr. PROXMIRE. Mr. President, I have listened with interest to the speeches by the Senator from Mississippi (Mr. STENNIS), the Senator from Iowa (Mr. HUGHES), the Senator from South Carolina (Mr. THURMOND), and the Senator from Missouri (Mr. SYMINGTON) on the confirmation of General Abrams, and I must say that I am perplexed and frustrated. Senators are puzzled that a series of unauthorized raids were conducted. Senators deplore the fact that deliberately falsified reports were carefully fabricated by over 200 of our military men. Yet all members of the Armed Services Committee approved the nomination of the commander who had the direct responsibility for our warfare in Vietnam.

Some Senators have called for the DOD to investigate—Senator STENNIS and Senator HUGHES did that—but no further action by Congress or by the Armed Services Committee. Mr. President, let us not kid ourselves. With all respect, this is a counsel for no action, a counsel that will lead to no change in a situation that cries out for action. As Senator HUGHES said, the Department of Defense has done nothing in the 7 months since these violations were disclosed, and nothing is going to be done unless we act.

In this speech, I shall suggest to the chairman several lines of inquiry the Senate can take as a minimum.

If the action is to leave it to the Pentagon, we might as well say, "Forget it." One way to get the message across that the Senate will not stand for this is to deny the nomination. Then the message will come through loud and clear. But, Mr. President, I can count. I understand the situation in the Senate. After all, when the Armed Services Committee votes unanimously, and when the administration obviously supports the nomination enthusiastically, there is no possibility of stopping it. But, Mr. President, this is so fundamental and so important that I think it does deserve much further consideration by this body.

WHY THE LAVELLE CASE AND THE NOMINATION OF GENERAL ABRAMS MUST BE THOROUGHLY AIRED

The Lavelle case and the Abrams nomination raise the fundamental question for a political democracy. On the single most important problem to face any nation; namely, the problem of war and peace; the question raised by this matter is "Whose finger is on the trigger?"

We face the sensitive and encompassing issue of civilian versus military control of the fate of our Nation and, indeed, of the world.

Since the time of Sinclair Lewis' book, "It Can't Happen Here," men have asked the terrible question, could we have a military dictatorship in this country. The fact that on the whole the military have acted honorably and nobly in the United States and that we have been blessed with great military leadership of the kind represented by General Eisenhower and General Marshall, should not prevent us from facing up to the issue of whether this tradition can be continued in the future?

So in this relatively small and quiet Chamber, it is my belief that the Senate of the United States has before it now an issue of such magnitude that it deserves and should receive attention equal to the importance of the questions it raises.

POWER OF THE MILITARY

There are probably a dozen generals now commanding forces throughout the world who, if they determined to take policy in their own hands, could destroy any number of individual countries. Generals now have the power—the physical force—to destroy an entire nation.

We must therefore make certain that the command and control system by which such officers function, cannot break down. The decisions must remain in the hands of the civilian authorities of the United States. They must be retained by those who are elected by and are responsible to the people of the United States.

It would be irresponsible of the Senate of the United States to merely push this matter under the rug, shrug our shoulders, throw up our hands, and forget about it. And this Senator, at least is not prepared to see the nomination of General Abrams confirmed until the Senate has done its duty. That duty consists of a thorough airing of this matter on the floor of the Senate, answers to the numerous issues and problems raised by it, and the recommendations which will result in making as sure as we can that it cannot happen in the future.

COMMITTEE WORK

At the outset I want to say that the hearings held by the Senate Armed Services Committee, the issues raised there, and the thoroughness with which this matter was pursued by them, deserves the commendation of both the Senate and the country. There are few more fascinating and intriguing documents that the one volume of hearings on the three nominations before that committee. I commend the chairman and the members for the thoroughness of the hearings. Frankly, I am disappointed at what the committee report fails to disclose. It is wholly inadequate, and I shall raise questions about this in the course of my speech.

I also want to say, however, that we still face the terrible issue of how such a situation can be prevented in the future. And I hope very much that on that issue the committee will give us some recommendations, tell us the procedures by which we can reach such answers, and inform us whether they intend to go into the entire issue further. That I think is a key point in this proceeding.

WHAT TOOK PLACE

The facts are that, contrary to the very precise and clear rules of engagement, General Lavelle, then the commander of the 7th Air Force in Vietnam, ordered from 20 to 28 air strikes in violation of his orders and his instructions.

I served in the Army for 5 years; most Members of Congress served for a considerable period of time. One thing we all learned is that you obey orders; and if you do not obey orders, you are in serious trouble. If the order is a serious order, which involves combat, you are likely to be court-martialed. You could be shot. You certainly could be imprisoned and given a dishonorable discharge. Certainly, the rules that would apply to an enlisted man should apply with far more force to a man who has the great prestige and honor of a general.

These violations took place from January 23 to March 9, 1972. In addition, there were two strikes in November of 1971.

General Lavelle violated his orders in more than one way.

First of all, he ordered planned strikes on targets at a time when bombing and firing was authorized only when our planes had been fired upon—namely, for "protective reaction."

Second, unauthorized targets were fired upon consisting not merely of the gun sites from which enemy fire came, but on trucks, on missiles, on transporters, on supply dumps, and on petroleum, oil, and lubricants—POL's. This was also a violation of the rules of engagement.

Third, a very elaborate scheme was devised under which the records of the flights and missions were deliberately falsified.

Mr. President, violating an order is one thing. That can happen to anyone, and he has to suffer the consequences. As I said, people have been shot for this in our Army, and we have to exert the strongest kind of discipline. However, one violates an order on the impulse of a moment, in most cases. In this case it was far more than that. As I say, an elaborate system was set up to falsify, to make sure that false information was given to superiors. It seems to me that this is infinitely more serious.

There is no question but that the orders for the first two actions went up and down the chain of command of the 7th Air Force from General Lavelle to General Slay, who was the Deputy Chief of Staff for Operations of the 7th Air Force, to Colonel Gabriel, commander of the 432d Tactical Reconnaissance Wing of the 7th Air Force, to Capt. Douglas J. Murray who was branch chief of intelligence at the Udorn, Thailand base, and to the pilots, the enlisted men, the intelligence officers, and the briefing personnel of the wing. All together, some 200 military men who had sworn to abide by our Constitution and obey the orders of the President of the United States, as all of us are asked to do when we are inducted into the Armed Forces, were aware of what was going on and were engaging in this falsification.

ELABORATE PROCEDURES

The falsification of the reports of the strikes was not a minor act, merely one where there was a casual report that the enemy fired upon one of our planes first which would make it legal to fire back.

The crews would be debriefed. First of all, they told the truth about their mission, which was forwarded to General Lavelle and his command. But the official OPREP–4 reports were falsified in a most elaborate way.

As Sgt. Lonnie Franks testified, if trucks were struck, then the report had to be falsified, for that was illegal.

The coordinates of the striking planes had to be falsified to show that they were nearby the reconnaissance planes. That was difficult to do.

The timing had to be falsified, for often the striking planes were ahead of the reconnaissance planes. At times the striking planes had dropped their bombs before the reconnaissance plane had even entered Vietnam.

Time and again when they hit illegal targets, they masked that fact by stating that the results could not be observed because of the "smoke and foliage." In fact, the repeated use of that term might well have been the tipoff for someone reading the falsified OPREP–4 reports that illegal targets were being hit.

In addition, they had to be careful on the timing of enemy fire. Some antiaircraft bursts took place at specific intervals. Consequently, the falsification had to show that fact and to note the timing of the flak accurately or suspicions would be raised.

To falsify the reports took as long as 3 hours, and since both false reports and accurate reports were made, the debriefers were working overtime, and working very hard during this period to fabricate this lie, to cover up a deliberate, planned violation of the orders of the President of the United States. And there is no question that it was known up and down the chain of command. High ranking officers looked over the shoulders of the intelligence sergeants as the work was going on. Secret briefings sessions of a few officers were held after the general morning false briefings to give the accurate facts to the inner few.

It was a deliberate, elaborate, widespread action. And it all raises the most serious and fundamental issues concerning civilian command and control of the military that this country has faced in a very long time.

UNANSWERED QUESTIONS

Enough for the facts. What are the burning, unanswered questions which arises from them?

They are almost too numerous to list. The list is almost impossible to exhaust. But let me raise just the most serious of them.

DID GENERAL ABRAMS KNOW? SHOULD HE HAVE KNOWN?

Let me first address the issue concerning General Abrams, for it is his nomination which is before us. While the entire Lavelle matter raises issues far beyond that of whether General Abrams acted properly and should be confirmed as Army Chief of Staff, nevertheless that is the singlemost relevant issue to this debate.

General Abrams was commander of our forces in Vietnam. He was what is called MAC V—Military Assistance Command, Vietnam. The chain of command was from the President and the Secretary of Defense through the Joint Chiefs of Staff, to the Commander in Chief of the Pacific (CINCPAC), to General Abrams in Vietnam. Under General Abrams, and as a member of his personal staff, was Gen. John Lavelle, Commander of the 7th Air Force in Vietnam.

The question is, Did General Abrams know what was going on? If he did not know, should he have known?

LAVELLE ON ABRAMS' STAFF

First of all, General Lavelle was General Abrams Deputy for Air in Vietnam. He was on General Abrams personal staff. General Lavelle was a member of General Abrams Headquarters. General Abrams was as close to General Lavelle as General Eisenhower was to General Bradley, Field Marshall Montgomery, or General Patton during World War II.

He was in daily, intimate, often personal contact with General Lavelle throughout the period of the unauthorized raids.

General Abrams testified that he did not know of the strikes and little evidence was adduced to indicate that he was aware of them. If one accepts that fact, and I accept it with only one reservation which I shall deal with later, why did he not know about it?

Why did not General Abrams know what his air deputy, a member of his personal staff, and the General in charge of the Air Force for Vietnam at his Headquarters staff, was doing?

Why did he not know?

Let me give some reasons why he should have known apart from the daily, personal, official relationship which existed between these two officers.

In January 1972, General Abrams and General Lavelle together agreed to strike at a Ground Control Interceptor Radar (GCI) at radar installation called Moc Chau. This was clearly against the rules of engagement but a build-up was coming and, together, General Abrams and General Lavelle agreed to this strike.

I am not contending that this raid was in the same category as General Lavelle's later raids. That is not my point.

But on this raid, as General Abrams testified (p. 110):

> The one that we did, the one on the GCI, was discussed. His (General Lavelle) staff and my staff, he and I, were all present. I made the decision. The strike was reported for what it was—we were told we couldn't do it any more.
>
> What happened in these other cases—the reports—first there was no discussion like that and, second, the reports did not report what had happened. The one on the GCI did, where it took place, when it took place, and what it did; and I think that is the difference.

The point is that after this raid, as General Abrams said, "We were told we couldn't do it any more." They were told, of course, by the Joint Chiefs of Staff.

Obviously that had been initiated by General Lavelle. He argued persuasively about the GCI network locking into radars and General Abrams approved the strike. There was no cover-up, but they were ordered to stop.

That certainly should have been a warning to General Abrams that he had a "gung ho" general on his hands. Why, on this clear warning, did not General Abrams say something like this to General Lavelle?

"Jack, I want to know everything you are doing in precise detail. I want to know today and every day what is going on. I want to know what targets you are hitting, why, where, and under what circumstances. With this warning from the Joint Chiefs nothing can be more important than that we stick within the rules. I want to be informed fully, completely, and daily. We were wrong once. We must not be wrong again."

That is what, it seems to me, a responsible commander would have said to an Air Force general who had engaged with him in violating the rules once.

That is the kind of tough, exacting, demanding orders I believe General Abrams should have issued after the clear warning on January 5, 1972, from the Joint Chiefs of Staff, that the raid on Moc Chau was against the rules of engagement.

The failure of General Abrams to take that step led to his failure to know what was going on in his own command by his Deputy for Air with whom he was in touch on a routine basis day in and day out. It stretches our belief to understand how that could have taken place. Yet the evidence is pretty strong that it did.

But, should it have taken place? Was not General Abrams remiss in not running a tight enough ship that it could take place right under his nose? General Lavelle was not off in the boondocks somewhere. He was on General Abrams Headquarters staff.

Not only did General Lavelle and General Abrams meet according to General Abrams testimony—"we were meeting every morning or every afternoon"—but by this period the Air War was overwhelmingly the single most important activity going on in Vietnam, and attacks on the North were the most sensible.

Our troops were being withdrawn at a very rapid rate. The war was being turned over to the South Vietnamese. Our ground people were going home, being pulled out of combat, and advising the South Vietnamese.

U.S. fighting was transferred from the ground to the air and sea. Therefore, to a much greater extent than before, General Abrams primary responsibility was not with the ground war but with the air war and, to a lesser degree, with the sea war.

He did not now have the kind of responsibilities, and the myriad of problems on the ground that he had during the time when we had 500,000 troops in Vietnam and were carrying the brunt of the war.

The responsibility of the Commander in Vietnam to a very great extent, involved running the air war, for that was the key war going on.

That, I believe, focuses the question even more on why General Abrams did not know what was going on, if indeed that finally proves to be the truth, as it seems now to be.

WHAT ABOUT THE PHOTOGRAPHS?

There is a second question which must be raised about this matter for which I found no good explanation in the hearings.

It can be argued that since the OPREP-4 reports were falsified, the 20 to 28 raids might well have gone unnoticed by General Abrams or someone on his staff or elsewhere who should have caught the matter.

There was, indeed, the most elaborate doctoring of the reports, done in detail with respect to timing, targets, and coordinates.

But what happened to the photographs? While reports can be doctored, photographs are very difficult to doctor.

Where did the photographs go? Who got them? Were they seen by anyone other than General Lavelle and his staff?

The hearings show that all reconnaissance photographs of all strikes were forwarded to the Pacific Command, and that all commanders reviewed those photographs—p. 61 hearings.

How did they all miss the unauthorized raids and the unauthorized targets.

Did not the photographs reveal what was really going on? Why were the illegal raids not caught? The photos would clearly show that unauthorized targets—trucks, POL, missile transporters, supply dumps—were being hit when these were illegal targets at that time.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield at that point?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I should like, if I may, to explain the question the Senator just raised, about the photographs. If the accompanying photographs show there is an authorized strike, there is no way that the viewing officer, at any intelligence level, would know that the attack had occurred. I have seen the photographs, for example, of the Mig on the airstrip that we bombed, which was criticized, and the Mig was not hit; but the reports stated that it was an authorized attack. But, there is no way in the world that anyone above the briefing officer would have any way of knowing that the photograph——

Mr. PROXMIRE. May I say to the Senator from Arizona that these targets I have discussed here at that time were not authorized targets——

Mr. GOLDWATER. They were all authorized.

Mr. PROXMIRE. Does the Senator argue that a truck or a POL dump was firing at the airplane?

Mr. GOLDWATER. If our crews received hostile action, these targets could be attacked. This is where the falsification of the reports entered. I am not defending this. I am merely answering the Senator's question. If the report says that a column of trucks or a radar site or something on an airfield shot at our aircraft, our aircraft had the authority to attack.

Mr. PROXMIRE. Does the Senator maintain that anyone looking at the photographs and seeing a truck or a supply dump that was hit could conclude that something on the truck or something at the supply dump had fired at our planes?

Mr. GOLDWATER. If the debriefing officer is told by the crew that it was a provocative action, he would know or would assume that the truck, or whatever it was, had fired upon them and that this had given them the authority to fire back.

Mr. PROXMIRE. The Senator from Arizona is a very distinguished and competent military man and an experienced pilot. He is a general, and he understands this far better than most of us would. It would seem to me, as a matter of commonsense, that if the only circumstances under which a pilot was authorized to drop his bombs was if he was fired upon, I could well understand how he could drop them and there would be no way of telling whether he was fired upon or not.

However, when it comes to a truck or a POL, it seems to me it is highly suspicious since this was done on about 28 raids. It seems to me that someone should have raised a question as to whether these were unauthorized targets that were being hit.

Mr. GOLDWATER. This was one of the big questions in the hearing. The order was in effect then. However, it does not stand today since the President reopened the bombing of the north. The pilots can now bomb anything they want to. However, prior to that time a tactical plane carrying bombs and accompanying a reconnaissance aircraft could not fire upon any target unless the target showed hostile action.

We asked the general what would hostile intentions be from a Mig aircraft. He said, "I guess when it starts to shoot at you."

That is one of the stupid things that our men have had to put up with.

In answer to the Senator's question, we are talking about a relatively few missions out of 20,000 or 40,000. Even if there had been one, it would have been wrong. Let me set the record straight on that. I have seen many of the reconnaissance flights on both carriers and on land. The question is never raised as to why this line of trucks were fired on. The deceit and the dishonesty comes in when they say, "Yes. Ten rounds of x millimeter exploded in front of me," or "I saw a SAM trail coming at me," and that is put down when it was not the case. In effect, the man on the ladder, after looking at the report accompanying the photograph, would say, "Well, there is nothing wrong with that."

I was going to talk a little bit about this in my few remarks. When such a plane leaves the Wing Headquarters, there is a computerized report. The information is fed into a computer, and the headquarters can get the answer.

There is no way that a man above the wing would know what was in that report that was false. It would be only the pilots, the briefers, and the debriefers.

The Senator from Iowa says that there were 200. I think that there are 200 people who would have some idea of this. But to answer the question of the Senator from Wisconsin, there is no way to tell.

Mr. PROXMIRE. I can think of one way to tell. There are no guns around the trucks, and there are none around the POL's.

Mr. GOLDWATER. Mr. President, they do not have to be. The effective range of the missile is 20,000 feet. The effective range of the triple-A fire is farther than that. They can be a long distance away from the target and the pilot could assume—and I would assume—that if there was a POL located there, it was being protected. And he would be justified in returning fire on the POL, even though he did not see the guns, once the SAM or triple-A system was activated.

This is the reasoning that went through General Lavelle's mind that caused immediate action.

Mr. PROXMIRE. Mr. President, I understand the question that was in his mind. However, we all agree that he was wrong and that he was unauthorized to do this.

Mr. GOLDWATER. The Senator is correct.

Mr. PROXMIRE. I cannot understand that the same reasoning would go through the minds of the very large number of people who reviewed these photographs—especially people directly under the command of General Abrams—time after time of occasions when trucks were hit, munition dumps were hit, and POL's were hit. There could have been an occasional situation where an antiaircraft gun or something of that kind might have been concealed. However, to have this happen so often to a large number of targets is highly suspicious to me.

Mr. GOLDWATER. Mr. President, some of the photographs of the protective weapons and the SAM sites may show nothing. However, the pilot says, "I was fired on." That is what it is all about.

Mr. PROXMIRE. That raises the question I was going to ask, whether we say that these photographs in the future should, on the basis of this experience, should be examined and examined with a idea of determining whether they reflect the orders given by the top authorities. And that question should be raised when we have a series of targets which appear to be unprotected and are hit time and time again. The commander should be alerted. It seems to me that General Abrams should have been alerted. And he was not alerted because of that.

Mr. GOLDWATER. The day is past when the Air Force is instructed as to what they can hit. However, I agree that the Senator from Wisconsin has a point when he assumes that the photographs go on up to headquarters. And we have not been there to sit in at an intelligence briefing. I can understand the concern of the Senator. I am not trying to defend General Lavelle. I am just trying to answer a question concerning the matter raised by the Senator. They go by the word of the pilot as to whether he was fired on. And if he says that he observed the fire to be such and such the photographers did not have to show the target.

Mr. HUGHES. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, the question of the photographs came into my thinking a great deal in connection with the hearings.

Just recently a letter came to me from an airman who is still in the service. This man stated in the letter that he knew about at least one photograph that was removed from the intelligence files. And I do not know whether this is classified or not. So I will not say the source. However, it was at least a photograph of a target that was not on the list. That photograph was removed and not forwarded up. This did not come at a timely point to put this matter into the hearings. And also, the Senator from Iowa is not sure.

Mr. PROXMIRE. Mr. President, I think it was the letter that my office turned over to the Senator from Iowa, is that correct?

Mr. HUGHES. No. It was not.

Mr. PROXMIRE. That must have been another one.

Mr. HUGHES. It may have been another one. This is one of the matters involved. And I agree with the Senator from Wisconsin that we have a responsibility to investigate this matter and to go ahead with it, as I stated in my statement. The Senator from Iowa is not certain. Perhaps the Senator from Wisconsin can tell me from his staff research whether the photographs were separated.

As the Senator from Wisconsin will remember, I pointed out that there were at least 25,000 sorties flown during this period under the command of the Air Force, and it only appears that 150 sorties involved unauthorized raids.

If one of these 150 photographs out of 25,000 came through without any identification—because many of these targets are in South Vietnam, in Laos, and some of them are even in Cambodia where there were few restrictions against the nature and type bombing—if that is true and they were not separated out, it would be difficult for anyone to identify the difference on a few missions. If they were separated, and I do not know this and during the course of the hearings I wish I could have put this question to someone.

Mr. PROXMIRE. It is my information they were not. They went directly up the chain of command and they were clearly identified as to time and place. As the Senator from Arizona pointed out, it is very confusing. Nevertheless, I understand this can be concealed once or twice, but to do it so often on 130 sorties where you would hit a number of targets that were not authorized should at least have raised suspicions in the mind of General Abrams.

Mr. HUGHES. I would like to point out that no member of that committee was looking harder for evidence of misdeed than was the Senator from Iowa.

Many of these targets, I believe, when they talk about trucks, POL's, and launcher carriers, and so forth, were in the two mountain passes. An attempt was being made to stop them before they crossed from Vietnam into Laos.

In one of those passes there was no question that, with the AAA installations, they could not fly a plane through there on a bet without a reaction. That is a legitimate question I raised time and time again, and I think there is evidence they hit illegal targets. I did not observe any evidence that I felt warranted that General Abrams could have possibly had this detected, but I only point out my concern.

Mr. PROXMIRE. At page 61 of the hearings Senator GOLDWATER asked this question of General Lavelle:

> Didn't you send all recce photos of all strikes forward to Pacific Command at Headquarters here, so all commanders saw all recce strikes?
>
> General LAVELLE. Yes, sir.

I do not know if that is the answer.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I might explain that?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I think it would be good for the record to explain how these photographs came about. They are not taken willy-nilly. In the case of a pure recon flight the intelligence unit at some level, usually at the command level, has reason to believe there might be a concentration of SAM's coming down Route 13 at such and such a coordinate. The intelligence is not active enough to verify it so a recon flight is ordered. It can be flown by a Navy plane or by an Air Force plane. If permissible, the aircraft flies at a relatively low altitude and it takes an exceedingly large number of photographs. On some of these recons they fly at mach .7 or .75, and many, many negatives would be exposed in a matter of seconds. These photographs are then judged by recon photo intelligence officers and the best ones are sent up the road to the command intelligence staff. That is the origin of most recon photos.

In the case we are talking about where unauthorized strikes were involved, the recon aircraft were accompanied by tactical aircraft. There is nothing unusual about this, I might say. There has been a point made about accompanying tactical aircraft—4 to 8 to 16—and in World War II, probably twice as many tactical aircraft accompanied the flight. The operation is usually preplanned. They are sent out to take pictures of a certain area for intelligence.

On the return, the tactical pilots, because they had expended their ordnance, would verify in their report they had been struck. That is why the whole thing came about. Whether or not pictures were taken at the time is of small importance. They were reprimanded for not doing a better job, and even then the authority, CINCPAC, assumed that they had been fired on and the tactical aircraft returned the fire.

I wanted to make that clear as to how the photographs came about.

Mr. PROXMIRE. There are more unanswered questions about the operation. There is strategic reconnaissance. Not only did the operational photographs get to the Pacific Comm and, but there is a strategic reconnaissance as well.

The very high flying SR–71 planes routinely take photographs of Vietnam. They would catch on a regular basis any change in what happened on the ground. They would show what happened during air strikes, what was hit, and what specified targets were destroyed.

These photographs go to Washington, to the CIA, the DIA, the Joint Chiefs of Staff and others where they are intensively reviewed.

They would show very clearly that trucks, POL, supply depots, missile transporters, and other unauthorized targets were hit.

Therefore, this fact should have been known at the highest levels. Was it? If it was, why was not something done. If it was not, why was it not known? These questions remain unanswered.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. Very few SR–71 photographs are taken as far down in North Vietnam as the photographs we are talking about, but assuming they were, assuming an SR–71 had taken some at extremely high altitude, the review officer in Washington would assume they struck those targets because they had had a strike against them.

Mr. PROXMIRE. I understand that, but I thought the Senator from Iowa said in April and May when they began to take another course they could tell they were not unauthorized photographs. It was not stopped until the letter from Sergeant Franks to the Senator from Iowa.

Mr. GOLDWATER. Once the question

was raised by the sergeant there was no question they could go through and examine the targets, but on first look, without the pilot saying, "I fired, although I was not fired on," there was no way for a reviewing officer in Washington to know about it.

It is the same point I would make later that when we asked General Slay about when General Lavelle ordered General Slay, who was the operational officer, General Slay said he knew this was against regulations but he assumed, as any subordinate would that his commander, one, would not violate a rule and, two, that he had permission to do this.

Mr. PROXMIRE. Of course, he already violated the orders once and he had been informed together with General Abrams. That was not a full report. They were told the same day or the next day. So they knew this was a difficult situation and they had to watch it closely. They were on notice.

Mr. GOLDWATER. I did not intend to get into this but I think it is good to keep the record clear because I hope the press assiduously follows the errors of this war as they follow the errors of a few men.

Let us look at the situation involving the radar site. The Senator might think about this. What would be his reaction?

There was a radar site on a very high promontory in Laos that overlooked Moc Chau, a place where we were actively engaged in supply and rescue missions.

Mr. PROXMIRE. The Senator is talking about January 5, 1972; is that right?

Mr. GOLDWATER. Yes.

Mr. PROXMIRE. When Abrams was informed by Lavelle they discussed it, they went ahead, and were later corrected by the Joint Chiefs of Staff.

Mr. GOLDWATER. Yes; but I wanted the Senator to know, so that he might think about this and of how he would have interpreted the order. The order of engagement says that you cannot engage, unless the enemy shows a hostile intention.

Suppose that here is a radar site. The radar site is seeking out our helicopters and our aircraft. Of course, the radar can detect them. They alert the Migs. The Migs come in too low for our radar to pick them up, so the Mig's shoot down our helicopters and our tactical aircraft.

The question that goes through my mind, even though a radar site as such cannot shoot at you, cannot show the normal intentions that might be termed hostile, if the actions of the radar site result in the destruction of our equipment and the death of our men, would it not come under the rules of engagement to destroy their target?

I will be perfectly honest with the Senator. If I had been Abrams and that point had been put to me, I would have decided it that way, because I think a GCI radar site is a hostile piece of equipment, and radar is one of the biggest problems we have over there. We cannot detect it with our electronic gear because when our aircraft would alert the SAM radar we were coming, it directed its energy into a dummy. When the system signalled, "Here they come," in 2 seconds they had fired the SAM. Our aircraft had no warning. The fundamental part was that the big GCI radar on the top of the promontory had been netted to the SAM and Triple A and our aircraft did not stand a chance.

Frankly, I think General Abrams made the right decision, and after the question had been pushed to the top, 2 weeks later, I know the Joint Chiefs said the same thing: "Get rid of it. It is a hostile piece of equipment." I cannot think of it in any other terms at all.

Mr. PROXMIRE. The Senator, I think, makes my point to a considerable extent. If it was so difficult, the Joint Chiefs would say, "This is an unauthorized strike; it is wrong." It seems to me it is even clearer that when Lavelle went ahead and hit the other targets that were not missile sites, where there was no antiaircraft around them, as was later determined on the basis of reexamining the photos, under those circumstances, General Abrams should have had an intelligence system that was able to notice the repetition of hitting targets of this kind and should have alerted his command.

Mr. GOLDWATER. I think the strikes that the Senator is talking about were against relatively insignificant targets, and had I been General Lavelle, I would not have bothered General Abrams about them, because at that time, before the bombing of the North was resumed, General Abrams had no command over the selection of bombing targets. It was not until the President lifted the ban that General Abrams then assumed command over them. So if it had been an important target, such as a radar site—which I would have to say would be questionable, although, in my own opinion, a radar site is a hostile device engaged in hostile intentions—I would have gone to a higher commander just to make sure about it.

There was, as the hearings will show, some disagreement on both staffs as to whether or not this should be done. The telegram of Joint Chiefs of Staff was not a reprimand. It was merely one that stated that this kind of target should not be hit in the future and, as I mentioned, the decision was changed about 2 weeks later.

They disagreed among themselves. I think we could get a real split on this, with whomever we might talk to, when we stop to think about it and put ourselves in the position of a commander who is losing men and losing equipment because of the action of one device. I think the commander would be justified in taking that device out.

WHO WAS IN CHARGE OF THE SHOP?

Mr. PROXMIRE. Now I must raise a most important question about General Abrams. Let us grant that he knew nothing about what General Lavelle was doing. But he was MAC/V. He was in charge.

I want to go shortly to the question that Senator Hughes and Senator Stennis raised with respect to the position of his authority. Nevertheless, General Abrams was responsible for what went on in his command, what went on by his deputy for air, a member of his personal staff, under his very nose.

Is General Abrams responsible for those acts, or partly responsible, or remiss in his responsibility, for not knowing about it. The question is, "Who was in charge of the shop?" What was the attitude of General Abrams?

Was the attitude in General Abrams' command one of "Go ahead, do what you want, but do not get caught"? Was it "Go ahead, but do not tell us about it"? We do not know.

And if this could happen to General Abrams in Vietnam by his immediate deputy for air, is it likely to happen again if he becomes Chief of Staff of the Army.

During World War II, there was something called the Yamashita case. I am not in any way comparing General Abrams to General Yamashita, but I bring this up to indicate the standard of conduct the United States required even of enemy commanders.

THE YAMASHITA CASE

Gen. Pomoyuki Yamashita was commander in chief of the Japanese forces in the Philippines during World War II. He was the commander who occupied the Philippines after it had been conquered. He was dubbed "The Tiger of the Philippines."

At the end of the war, General Yamashita was tried, convicted, and hanged. Why? For the war crimes committed by troops under his command.

He was held responsible and was hanged for the crimes and acts of his troops even though he: first, had no knowledge of them and could not have had knowledge of them, and second, had no means of controlling them if he had had knowledge of them.

The facts were that General Yamashita was cut off from his troops, was out of touch with them, and had no control over them at the end of the war after the Leyte and Luzon landings by U.S. and other forces.

General Yamashita probably did not know what was going on.

But he was held responsible, nevertheless, for the conduct of the troops under his command, and was hanged until he was dead for their acts.

I am not prepared to judge whether it was a miscarriage of justice. Nonetheless, the United States and its allies extracted his death on the grounds that he was responsible for the acts of his troops even if they were not under his actual control.

Now no one is saying that this is an exact analogy with the Lavelle case. But in this case, General Abrams was in charge, met daily with General Lavelle, issued orders to him, and was responsible for his actions.

To say or to let stand the implication that he had no responsibility whatsoever for what General Lavelle did, seems to this Senator to be as extreme on the side of leniency as the Yamashita case was extreme on the side of harshness.

What we are being told in the case of General Abrams, is that "ignorance is innocence."

I ask, is that the standard of conduct which we should expect and demand in a nuclear age from a commander—any commander—who has it within his power to launch death and destruction which could wipe out an entire country and, in fact, which could precipitate world war III?

Anybody in the galleries, anybody in the Chamber, who goes out and violates a traffic ordinance, no matter whether he pleads he just did not know it, is considered guilty, because he should have known it. Certainly the commander of troops in the field should know what his deputy for air is doing and make sure he provides a system under which he does know.

Harry Truman said, "The buck stops here." Where does it stop in the General Lavelle case?

RESPONSIBILITY IS THE COMMANDER'S

General Abrams cannot escape responsibility for the breakdown of command that occurred in Vietnam. This breakdown was not only foreseeable, it was foreseen.

As Senator STENNIS said earlier, the Fitzhugh Blue Ribbon Defense Panel established by President Nixon several years ago pointed out in its final report to the President, dated July 1, 1970, that the command structure in Vietnam as well as elsewhere was faulty and contained a considerable potential for confusion.

To understand the nature of the confusion that existed under General Abrams' command we need to go back to the Defense Reorganization Act of 1958. The purpose of that act was to do away with the division of authority that then existed under each command and to create a unified command structure. Prior to 1958 the unified commanders did not have full command over each of the component commands under him. For example, a unified commander would have authority over combat actions but would not have authority over matters such as supply, maintenance, administration, and discipline. The responsibilities for these matters would pass down a line from the military departments to the appropriate component command.

To resolve this divided authority, President Eisenhower proposed the Defense Reorganization Act of 1958 and in his message to the Congress on that act, he said:

> Because I have often seen the evils of diluted command, I emphasize that each Unified Commander must have unquestioned authority over all units of his command.

This was precisely the purpose of the 1958 act, namely, to give each unified commander unquestioned authority over all units of his command.

General Abrams, of course, was the effective unified commander in Vietnam, although technically he was known as the subunified commander in Vietnam. On the organizational chart, Admiral McCain was the unified commander for the Pacific Command, in which Vietnam is located geographically. However, Vietnam was carved out of the Pacific Command and a subunified commander was created for it with General Abrams at its head.

WHAT WAS SITUATION?

Now, what was in fact the situation under General Abrams? Did he have total authority under his command? He did not. More than a decade after the passage of the 1958 act, and despite the showing by the Fitzhugh Panel that the act was not being followed, command in Vietnam was seriously split. General Abrams was the unified commander for Vietnam, but he did not exercise total command.

What existed in Vietnam under General Abrams, and what still exists today, is exactly the problem that the 1958 act and President Eisenhower intended to solve. General Abrams had operational command over air strikes, other fighting, and all combat actions in Vietnam. But he did not have authority for such matters as supply, maintenance, administration, and discipline. This authority was controlled by the military departments. General Ryan, as Chief of Staff for the Air Force, for example, had responsibility for supply and maintenance over the Air Force component commands, and this responsibility therefore passed from General Ryan directly to General Lavelle.

The point I am making here is that General Abrams knew that his authority in Vietnam was not complete, that it was split between himself and the military departments. He knew or he should have known that this violated the spirit of the 1958 Defense Reorganization Act, and if he was not familiar with that act, he should have been familiar with the report of the Fitzhugh Blue Ribbon Panel created by President Nixon which issued its report in July 1970.

Mr. President, the Senator from Iowa, just a few minutes ago, blamed this violation of orders largely on the command structure. There is something to his position, of course. But it raises this sharp question about General Abrams: Why did General Abrams not raise this question with Admiral Moorer, the Chairman of the Joint Chiefs of Staff? Why did he not point out to his superiors that the 1958 act was not being followed, that his authority was badly divided, that he did not have total and unified command over the forces in Vietnam?

I maintain that General Abrams was fully aware of this problem and that he therefore bears a heavy responsibility for not doing anything about it. Indeed, as the Fitzhugh report states:

> It is of more than passing interest to note that General Creighton Abrams, and before him General William Westmoreland, as the Sub-Unified Commander in Vietnam, chose to be his own Army Component Commander.

In other words, General Abrams would not allow another individual to act as Army component commander because he would have had to divide his authority between himself and the Army component commander, just as his authority was divided between himself and the Air Force component commander, General Lavelle. General Abrams protected his authority insofar as his own military department, the Army, was concerned, but took no steps to establish a unified command over the other military departments.

AUTHORITY OVER COMBAT ACTIVITIES

The second point I want to make about General Abrams' command, is that although he permitted his noncombat authority to be taken over by the component commanders under him, he retained unquestioned authority over combat activities. There was never any doubt about his responsibility for combat actions including air strikes. At the very least, his responsibility for combat actions means that he should have known about the air strikes directed by his component commander, General Lavelle.

So no alibi about the difficulty of the structure should stand in the way of fixing the responsibility of General Abrams for the airstrikes conducted by his subordinate, General Lavelle. There is no dispute about the fact that General Abrams should have known about it, and certainly he should have had the responsibility for it. General Abrams testified that General Lavelle "was responsible to me for all matters pertaining to the air effort which was under my responsibility as overall commander."

In this context, General Abrams' admission that he approved an airstrike on January 5, 1972, which was later determined to be an unauthorized strike, is deeply significant. That one action alone, in my judgment, represents a failure on General Abrams' part to exercise proper command in Vietnam. And I might point out again, as I have pointed out on several occasions, that an enlisted man who committed a similar violation of the rules governing his conduct would probably be court-martialed without being given a second chance.

The question is, did General Abrams know the January 5 strike was illegal under the rules he was operating by when he approved it, or did he not realize that the particular strike could not be authorized under the rules? In his testimony he seems to be saying that he did not realize the strike could not be authorized under the rules, that he simply did not interpret the rules correctly. The Joints Chief of Staff challenged the strike on the same day it was conducted, General Abrams replied to the JCS challenge on the following day, January 6, and on January 7 the JCS told General Abrams that such strikes could not be conducted any more. In General Abrams' words:

> They simply told us that we could not do it any more and that we did not have authority to do it.

Apparently, then, General Abrams is saying that he did not know the strike of January 5 could not be authorized under the rules. But is he not also therefore saying he did not know the rules of engagement well enough to carry them out correctly? Was not the responsibility for knowing those rules clearly his? As overall commander in Vietnam, should General Abrams not have been fully aware of the rules and how they were to be applied?

COMMAND FAILURE

As I say, Mr. President, it is one thing for a motorist not to know what the speed limit ordinance is. Or it is one thing for an enlisted man not to know what his orders may be, or not to know them clearly. But certainly the commander in Vietnam should know what his orders are, in an area where overwhelming responsibility lies, and that, of course, at that time was the air war. In my judgment, these facts demonstrate a clear failure on the part of General Abrams to exercise his own operational command over combat actions.

We thus have at least two kinds of problems in the command structure in Vietnam. On the one hand, we have divided authority so that the so-called unified commander does not have total control. General Abrams had authority over combat activities, but he did not have authority over matters such as supply, maintenance, administration, and discipline. The second problem, as I see it, is that the individual who had responsibility for combat actions, General Abrams, did not properly exercise that responsibility. He himself approved an unauthorized strike in violation of the rules of engagement governing his own operational command and, of course, numerous other unauthorized strikes were made apparently without his knowledge. Both his approval of the January 5 unauthorized strike and the fact that other unauthorized strikes were being carried out without his knowledge, I say with all respect, reflect very poorly on his command abilities.

As to the first problem, the division of authority in Vietnam, the Fitzhugh panel made some specific and far reaching recommendations. Those recommendations could have been followed by the administration and the Pentagon, and had they been followed the problem we are faced with today might very well have been avoided. For the major thrust of the Fitzhugh panel's recommendations was to abide by the spirit and intent of the Defense Reorganization Act of 1958. That act, as I said earlier, was intended to set up truly unified commands so that there would be no division of authority, so that the command structure would not be confronted with what President Eisenhower termed "the evils of diluted command."

PANEL IGNORED

It is most unfortunate that the administration which created the Fitzhugh Blue Ribbon Defense Panel has seen fit to almost totally ignore the panel's recommendations regarding the organization of the combatant commands. I believe it is time for the White House to take action. More than 2 years have elapsed since the President's blue-ribbon panel recommended that the basic objective of the Defense Reorganization Act of 1958 be pursued.

The Fitzhugh panel concluded in 1970 that—

> The present combatant command structure does not facilitate the solution of many serious problems which materially affect the security of the Nation.

And the President's panel went on to say:

> The present structure of 8 unified and specified commands and a large number of subordinate unified commands has proved cumbersome, imposes too broad a span of control for a single decision point in time of peace, is excessively layered, unwieldy and unworkable in crises, and too fragmented to provide the best potential for coordinated response to a general war situation. Without exception, every crisis within the last decade that has involved the movement of forces has required both an ad hoc organizational rearrangement and ad hoc planning.

In a footnote, the Fitzhugh panel referred specifically to Vietnam as one of the crises which has involved ad hoc organizational rearrangements and ad hoc planning.

The fact that this confused situation, the division of command authority in Vietnam, has persisted for 4 years under the Nixon administration is a serious indictment of that administration's ability to control military operations in Southeast Asia.

ENFORCE THE LAW

The solution to this problem is for the administration to enforce the law now on the books, to end the fragmentation of authority that exists in Vietnam and elsewhere.

One of the Fitzhugh panel's recommendations deals explicitly with this matter. It states:

> The unified commanders should be given unfragmented command authority for their commands, and the commanders of component commands should be redesignated deputies to the commander of the appropriate unified command, in order to make it unmistakably clear that the combatant forces are in the chain of command which runs exclusively through the unified commander.

The panel further recommended "restructuring the command channels of the subunified commands." Both General Abrams and the President bear direct responsibility for not taking steps to make the necessary changes.

The second problem, the problem of the Vietnam commander not properly exercising his operational control over combat actions, does not necessarily require reorganization of the command structure. When you have an individual in charge of a specific activity and he does not, in fact, exercise his responsibility for that activity, we do not have a problem of organization or structure. In such a situation, the problem is that the man failed to carry out his responsibility.

REWARD FAILURE

How do we deal with this kind of a problem? In my judgment, we do not deal with it adequately by rewarding the man who failed to carry out his responsibility, by promoting him to the highest position we can appoint him to in the Army, making him Chief of Staff of the Army. We do not deal with it by promoting the man who failed to exercise his responsibility. We deal with it by taking disciplinary action against the individual who performed poorly.

I do not believe that all the facts are completely known in this case. The story in the New York Times yesterday, October 10, as Senator SYMINGTON pointed out earlier, reports that several other Navy officers have admitted participating in unauthorized air strikes which were not known at the time the Senate Armed Services Committee completed its investigation. This story suggests that there is still much to be uncovered and that many more unauthorized air strikes may have been conducted than those that have been disclosed up to now.

I believe it is imperative that these hearings be resumed and that all the facts be brought to light before the Senate acts upon the nomination of General Abrams.

QUESTION OF COLLUSION

I have said that, from the evidence the committee extracted, it appears that General Abrams did not know about the unauthorized raids. But I also said I had one haunting doubt about that which I wish to discuss now.

On November 8, 1971, there was an unauthorized raid on the Quan Lang Airfield which was about 180 miles north of the DMZ. This was the second of General Lavelle's unauthorized raids and it followed by a day the November 7 raid on Dong Hoi.

The point is that in December of 1971, the Navy hit this same base. It is now charged, first by Lieutenant Groepper of the Navy, that this was an unauthorized raid, that it occurred, as did General Lavelle's raids, under the guise of "protective reaction," when in fact the raid was planned.

Quan Lang was Navy territory. Admiral Moorer gave General Lavelle permission to strike in the Navy territory. That is found on page 38 of the hearings.

Pictures were taken of that raid. They were available on the 9th. He showed them to Admiral Moorer on the 9th. Lieutenant Groepper's testimony to the committee was rebutted by Lt. Charles Moore of the Navy, who claimed that the strike on Quan Lang by the Navy in December was not planned or deliberate but was legitimate protective reaction. But on Tuesday—yesterday—the New York Times, under the byline of Seymour Hersh, published an article reporting that five additional Navy pilots said the raid was "planned," that it was not protective reaction.

They said the reconnaissance plane—and I cannot understand why in the world they would lie about this, why they would be confused about it; they were involved themselves—flew "behind" the strike airplanes to take pictures, which means it was a planned strike. One pilot said that:

> Our intention was to get rid of the bombs whether or not we were fired upon.

Another officer is quoted by Seymour Hersh of the Times as saying:

> We were briefed that we were going to hit the airfield, period.

The lieutenant who said that also said that since then he had listened to the tapes of the raid to refresh his memory, to make sure he was not confused—the December 18, 1971, raid—on Quan Lang and—

> . . . discovered that there had been no enemy fire reported until the planes began diving toward the airstrip.

The evidence is now overwhelming that the Navy was planning strikes and making unauthorized strikes on precisely the same target that General Lavelle's first unauthorized strike was made.

That can hardly be a coincidence. Admiral Moorer gave General Lavelle permission to strike in the Navy zone. Later, the Navy struck at the same target under the guise of "protective reaction" but in circumstances which now seem clear that the planes were not fired on first. It appears to be unauthorized.

The question must be raised, Could this be coincidental? Now two services appear to be doing it. They hit the same target. They did it with each other's knowledge.

That, I believe, cannot be overlooked, shoved under the rug, or shrugged off.

LAVELLE'S LETTER

There is one further haunting piece of evidence which must be added to this question. General Lavelle submitted a letter to Senator Stennis after his testimony in which he claims, essentially, that he was part of a larger picture and that—

> . . . I acted legitimately and within the framework of this guidance.

The guidance included especially what was said at a Honolulu conference to discuss means of countering enemy threats. General Lavelle wrote that the Director of the JCS indicated that—

> JCS would not question our aiming points (targets) on protective reaction strikes and in the advent of adverse publicity we could expect full backing from JCS.

So the question remains unanswered as to whether or not there was collusion in the matter of the unauthorized raids. This Senator is not satisfied that it was a single act of insubordination by General Lavelle.

Both the Navy commander and the Air Force commander report to General Abrams. Both, apparently, were taking part in unauthorized raids. Was there collusion or not? I am not prepared to give either a guilty or innocent verdict. But it must be settled. For the moment, it should have a Scottish verdict of "not proven."

METHOD OF ANNOUNCEMENT

There are other haunting facts about this case as well. They concern the way it was detected and the way it was handled, as well as the acts themselves.

The fact is that no one in the chain of command blew the whistle on General Lavelle. Some 200 people knew what was going on. Neither General Slay nor Colonel Gabriel nor any of the officers under the 7th Air Force raised the issue.

It finally took a lowly sergeant to do it. And when he first raised it, it was with the noncommissioned officer just above him. From there he went to his captain. But his captain passed the buck down the line to the NCO, and told Sergeant Franks he should carry out the instructions of his NCO and continue to falsify the reports.

But why did it take a lowly but brave sergeant to raise the issue? Where were the others? And why, as the hearings clearly point out, is General Ryan, the head of the Air Force so complacent about it? He testified again and again that he has no intention of taking any action against those in the chain of command who failed to report the matter.

SLAP ON THE WRIST

When the matter finally came to the attention of the Air Force through Sergeant Franks letter to Senator Hughes, General Lavelle was retired for personal and health reasons. The Air Force covered it up. The Pentagon covered it up. It was not until questions were asked that the whole thing came out—very late and very belatedly.

After a determination was made that 20 to 28 unauthorized raids took place, why was there not a Court of Inquiry or an investigation held under the Uniform Code of Military Justice?

If a Navy officer runs a ship aground, there is a Court of Inquiry. If an Air Force officer wrecks his plane, there is an investigation. If $300 of food goes bad in a Navy commissary, there is an inquiry. But if a general conducts his own private war, nothing happens on the part of the military. There is no inquiry. There is no investigation under the Code. There is no trial, no judicial proceedings, or commensurate punishment. Instead, the general involved is slapped on the wrist and retired at $27,000 a year, much of it tax free.

Mr. President, do you think that action will prevent some gung ho general from taking a war into his own hands in the future? Not on your life.

As I said in the beginning, the time has come to determine whether a civilian or military finger is on the trigger.

Here is a general who in the nuclear age ordered as many as 20 unauthorized raids on enemy targets. He did so at a time when delicate negotiations were going on.

Reports were falsified. The orders of superiors were defied. He countermanded the rules laid down by the President of the United States. He deliberately violated the principles of civilian control over the military.

Instead of bringing immediate charges against him, ordering his arrest, and throwing him in the brig, he was slapped on the wrist by his superiors.

WHAT TREATMENT FOR PRIVATES

If a private first class defied the orders of his military superiors he would be investigated, charged, court martialed, given a bad conduct discharge, and confined for 2 years of hard labor. But the insubordination of General Lavelle was glossed over while the general was quietly retired on a $2,500 a month pension and the military tried to cover up the event.

Does this not give a free hand to any general who ever dreamed of riding a white horse to order air strikes, surreptitious raids, and unauthorized forays in dozens of situations where the survival of civilization itself is at stake?

The appropriate military officers must begin to treat this matter with the seriousness it deserves. It is an act virtually unprecedented in modern American military annals, and, due to the terror of the nuclear age, must be answered by disciplinary action commensurate with the seriousness of the act itself.

Generals as well as privates, must obey orders. Generals, as well as civilians, must obey the law and the Constitution. The credibility of the Air Force and the issue of civilian control of the military is at stake.

But what are we to think when General Lavelle is tapped on the wrist, and his superior officer, responsible for the war in Vietnam, is promoted to Chief of Staff of the Army?

How will those actions deter unauthorized acts in the future?

HOW CAN IT BE PREVENTED IN THE FUTURE

The issue is, "How can it be prevented in the future?" When asked this question, General Ryan fell back on the answer that there just had to be more integrity in the Air Force. But not once did he propose a single administrative change to help solve this problem.

But it wll continue to go on. When Sergeant Franks raised the issue, he got nowhere in the chain of command. In fact, the Inspector General of his Tactical Reconnaissance Air Wing, was a lieutenant colonel who was openly involved in planning, carrying out, and hiding the facts about the unauthorized raids.

When the overall Air Force Inspector General first talked with Sergeant Franks, the Inspector General, instead of taking this information immediately and investigating it, criticized Sergeant Franks for not having raised the matter through channels. He said, in effect, "Why did you write that letter?" The letter to the Senator from Iowa (Mr. Hughes) by Sergeant Franks.

But he had already got the cold shoulder from his captain. Would a sergeant dare take it up with a colonel who was involved in the situation and criticize the colonels' own action? Of course, not.

And we know, too, what has happened in the past when people raised difficult questions. The Air Force fired Ernest Fitzgerald for committing truth—for telling us truthfully there was a $2 billion overrun on the C–5A. He, as we all know, had been decorated the year before as the outstanding program analyst in the Air Force, but he was discharged because of the one action that he committed which they could not stand, his telling Congress the truth about the overruns on the C–5A.

John McGee, a Navy civilian in Thailand, wrote to me that about half the POL was being stolen there. I turned it over to the GAO. They found that McGee was right. They confirmed everything he said in the letter. But what happened?

The Navy promoted McGee's superior who had been at fault and sent McGee to the boondocks after raising a series of false issues against him.

And Lonnie Franks? He was criticized by the Air Force Inspector General. The last 10 days at his base overseas was made pretty rough for him. Instead of getting a medal, he was ostracized to Indochina.

What we need are recommendations on how this can be prevented in the future. Restoring integrity—just to use those general terms that General Ryan used—is no answer. The answer must also be found in the structure of the institution in order to ferret out unauthorized acts.

The basic place to begin is in the inspector general system. I think the Air Force and the Department of Defense, should come forward now with specific and detailed recommendations, upon which Congress can act, to make certain that this cannot happen again.

FLABBY ADMINISTRATION

But I think it goes further than that. I believe that the administration has acted feebly in this case. In failing to assert the historical U.S. Government position of absolute control over the military, the administration has failed in its duty.

What kind of a namby-pamby, weak-kneed, panty waist administration have we, which not only failed to assert civilian control over the military but took an active part in trying to sweep it all under the rug?

I call upon the President of the United States for a ringing assertion that in the future he and the civilian authorities will exercise full and complete control of bombing and other military operations.

I call upon the President for absolute assurances that he has issued the orders and provided the mechanism that in the future will insure the receipt of regular, daily, accurate, doublechecked reports of military activities in the field.

I call upon the President and the Secretary of Defense to make clear in forceful statements that henceforth anyone, whether he be a general or admiral, involved in unauthorized bombing, failed to carry out orders, or the coverup or falsification of reports will be dealt with summarily by court-martial.

I have in my file a copy of the pertinent sections of the Uniform Code of Military Justice.

It says that any person who fails to obey any lawful general order or regulation; or is derelict in the performance of his duties; or is an accessory after the fact in that knowing that an offense has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial or punishment; or anyone "with intent to deceive signs any false record or other official document knowing it to be false," and I quote: shall be punished as a court-martial may direct. Unquote.

In the Lavelle case, we have a situation where a commander in the field took the war into his own hands. If that is not correct, then there had to be very widespread and general collusion. While it appears that the former is the case, there are enough haunting questions that it is as yet impossible to dismiss the latter.

Twenty or more unauthorized raids took place. He bombed targets contrary to the rules of engagement at a time when sensitive negotiations were proceeding. Records and reports were systematically falsified. Yet the chain of command was so weak that the superiors of General Lavelle claim they had no knowledge of events until a lowly sergeant blew the whistle.

Then weakness was piled on weakness. When the situation was verified, the Secretary of Defense, according to General Ryan's testimony, decided that General Lavelle would be quickly discharged without a court-martial. He was tapped on the wrist, retired at $27,000 a year, most of it tax free. Many have deplored this, and there has been a sense of outrage on the part of the public. Where is the Senate's sense of outrage in view of what has happened.

The failure to assert civilian control; the attempted coverup of the incidents by the announcement that General Lavelle was retired for personal and health reasons, and the failure to bring charges either against General Lavelle or those in the chain of command who took part in the falsification of records, leads me to one fundamental conclusion.

It is time for the President to make it clear beyond a peradventure of a doubt that the civilians, not the military, are running the show.

The time for men to act like men is long past. The only way to prevent unauthorized raids, the falsification of reports, and the military from taking over the war is for the civilians in the Government to assert their authority with no ifs, ands or buts.

I know that the administration should have acted. Of course, they should have acted. We all know that. That is clear. And it is also clear that they have not acted. They have not acted in 7 months. They are not going to listen to me speak and then act. They will not act until after the election. We have to act. If we do not call into serious question the nominations of the people involved when they come up, we have only ourselves to blame for the breakdown of civilian control.

This kind of thing is not easy. It is very difficult. The men on the Armed Services Committee are some of the finest Senators in this body. They are wonderful men. Many of them are very close friends of mine whom I deeply admire.

I cannot understand how they can have a unanimous recommendation that we approve the nomination of the commander who is responsible for the fact that these unauthorized raids have taken place, that the reports were falsified, and that no courts-martial action has taken place at all. Our only answer is to mildly protest and say that the Army should take care of the Army and the Navy and the Air Force should take care of their own problems. We then propose to approve the nomination.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. Mr. President, does the Senator from Wisconsin intend to allow us to vote on this nomination this evening?

Mr. PROXMIRE. Mr. President. I think that under the circumstances it would be desirable if we were to vote on tomorrow. I have spoken to a number of Senators who have said they wished to vote tomorrow on this nomination. I do not have any intention of delaying the nomination after tonight. I have no expectations, as I say, that this nomination will not be approved overwhelmingly. It has been the unanimous recommendation of Members of both sides of the aisle who support the administration. However, it is significantly serious that we should not come to a decision in the next half-hour or so and then let it go. We should have a further discussion. However, we can come to a conclusion on this matter tomorrow without holding up the Senate. I will not insist on a rollcall vote. If the Senator wants a rollcall vote, that is fine.

Mr. GOLDWATER. Mr. President, I do not think it is necessary to have a rollcall vote. I have sat here patiently all afternoon. I have a few short remarks to make. If the Senator desires to keep on talking, that is all right.

Mr. PROXMIRE. I was just about finished. I have a series of questions to ask the Senator from Mississippi (Mr. STENNIS). I can ask them at any time.

Mr. GOLDWATER. Mr. President, I am afraid I might get lost in the shuffle. The distinguished Senator from Wisconsin, I know, is tired and might want to sit down or maybe run around a little bit. However, if he yields to me to allow me to proceed with my remarks, I would appreciate it.

Mr. PROXMIRE. Mr. President, if the Senator wants to go ahead, it is all right. The Senator from Mississippi (Mr. STENNIS) has stepped off the floor. I hope I can get assurance that this will not be the end of the matter.

Mr. GOLDWATER. Mr. President, I have a few remarks to make. I will be glad to relieve the Senator for a few minutes, because I have matters to attend to in my office.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, the Senator need not yield the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I thank the Senator from Iowa (Mr. HUGHES) for bringing this matter to our attention. I thank the chairman of the committee for his very wise conduct of the hearings.

I think a lot more will come out of the hearings than what we have been talking about today. We have not had a thorough hearing on the problem of the Armed Forces, with the exception of the question of the draft, for almost 15 years.

The Senator from Virginia (Mr. HARRY F. BYRD, JR.) raised a question on the number of officers who have retired on disability. I think the whole system of retirement and the problems of the Army, Navy, and Air Force have to be gone into.

We discussed this matter at our hearings today. The Senator from Mississippi (Mr. STENNIS) told us that next year we will get into those matters.

I wanted to say a few words about General Abrams. The Army has been sorely hurt by not having a Chief of Staff for the past several months. They need a man in a command position over there that is approved by the Senate. I think there is no question that General Abrams deserves this position. He had a long and excellent record as a commanding officer in World War II. And he has been over in Vietnam for 5 years.

I hope and pray that we can down-grade these classifications that fill a book over an inch thick—and we are talking about only one today—that have restricted our Armed Forces in Vietnam and that have restricted them to almost a ridiculous point.

I respect the command of civilians over the military as much as any other Senator. And I will say that the man in uniform respects them even more than we do. However, here we see a war being lost because the civilians in Washington have had too much to say about it.

I say that war is a last instrument of policy. We try everything else. We try economic warfare, political warfare, and propaganda warfare. And when we fail, if the President makes up his mind that we have to pursue the policy of war, we pursue a policy of war.

When President Kennedy decided what would be the instrument that we should use, then we should have decided on that and should have pursued it to a successful conclusion.

This means still the supervision of the man in uniform by the civilian. It does not mean that the civilian in Washington takes over the tactical decisions in the field in any theater of war. That is what we have done in Vietnam when we have said that they are not to attack until they are attacked by an enemy showing a hostile intention. I do not believe that any war in our history has ever been fought in such a stupid way. I believe that it happened only once before, and that was when President Truman said we could not attack above the Yalu River.

I know General Abrams. I have visited there several times. In Arizona we have a facility that handles over 25,000 calls from Southeast Asia. And I have particularly told the operators that when they hear any discussion that might indicate low morale, I would like them to inform me. Every man that I have met in Vietnam appreciates General Abrams, contrary to the reports in this country. However, if one believes everything that is in the paper, on the radio or the TV, I think that we are in a bad way. Contrary to the reports in this country, the morale over there has been kept at a very high point.

The morale has been low, I might say, among the commanders who, when they see a target that they know should be destroyed, are not allowed to attack.

I recall seeing reconnaissance photographs last year of 4,000 trucks gathered in a depot as close as we will see cars in a parking lot in Washington. And we were not allowed to destroy those trucks. Those trucks since that time have been carrying materials down three separate trails with which to kill our men and to kill the men who are our allies.

The only question that has been raised here tonight by my distinguished friend, the Senator from Wisconsin, and I can understand perfectly well his concern in this matter, is his relationship with General Lavelle and these unauthorized airstrikes, and whether he should know anything about them.

Long before the hearing I went into this to satisfy myself because I had the same general feeling that he would know about them.

I found out, first, at that time he had no command over the bombing targets, unless it was to ask the Air Force for help in a technical situation. We have a bombing committee made up of Army, Navy, and Air Force. They meet every day and decide what targets are going to be hit, they decide where RECCE photographs are needed. Where the question of Admiral Moorer came up, the Air Force wanted to hit a target in Navy territory and it was necessary to get permission of the Navy command.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. I want to make sure I understand the Senator. Is it not true that General Abrams did have authority over the combat activities of the Air Force; not over supplies and discipline, but over combat activities? He had direct authority over General Lavelle.

Mr. GOLDWATER. I would have to answer that in the affirmative, but it did not involve his making decisions for strikes or receiving orders for strikes any more than his orders for division commanders would require a detailed report coming back to him, unless it was of extreme importance. I do not know, but I assume if any recon photo were taken by SR–71's or our now unmanned jet aircraft—if it were on that level, and the immediate intelligence commander thought it important, he would see them.

But until the bombing restrictions were lifted, General Abrams had no direct control.

Mr. PROXMIRE. He is commander in chief. He must be at fault.

Mr. GOLDWATER. No.

Mr. PROXMIRE. He is the commander in chief. If he does not get a report from air chief, that is his responsibility and he is not exercising his authority.

Mr. GOLDWATER. If the Senator wants to pursue that down to its finest point, then the answer would have to be yes, but it would be like saying, "You are responsible for every piece of paper that goes out of your office," and I know the Senator cannot assume that responsibility, nor can I. Papers do get out of our offices that we wish did not get out of our offices.

I asked that question of General Slay, who was General Lavelle's operations officer. He was probably as close to the commanding general as anybody:

> Senator GOLDWATER. Again to another point, we are going to make the reporting forms part of the record, if they are not classified when not filled in. After your experience with these forms, would you have any suggestions in the way of simplifying them to make them less bulky?
>
> General SLAY. You mean the OPREP–4's?
>
> Senator GOLDWATER. Yes, the OPREP–4's.
>
> General SLAY. Sir, the OPREP–4's go to the computer. I doubt if there is anyone above the rank of sergeant or so who ever, at headquarters, who ever looks at the OPREP–4. It is in a form that the computer can digest.

Again, if you want to get nitty-gritty about it, one might say Admiral Moorer should see these 25,000 to 40,000 reports that come out of a theater in 3 or 4 months plus all strategic bombing reports and the reports of naval and land operations.

I know something about these reports and I know how they are made. When we get them they were written out but never kept at a command level. They were usually kept at as high as wing headquarters.

In the hearings I went on and discussed it further because during the course of the hearings the point had repeatedly been made that the Senator makes, and I understand the Senator's concern, that we have not punished deep enough, that General Lavelle received only a slap on the wrist.

First, a court-martial is not mandatory in any case. The commander determines if a man should stand court martial or not. In this case his commanding general, General Ryan, decided he should not. Being Chief of the Air Force, he also could have said that he should. The Secretary of Defense only enters this picture after the sentence has been passed. Then, the individual can appeal to the Secretary of Defense. He has no other connection with it. I wanted to make that clear because it is easy to say, "Let us punish everyone from General Slay right down the lines." There are 200 and maybe 1,200 you would have to punish.

I asked General Slay:

> What you did was to follow orders?
>
> General SLAY. Yes, sir; that is correct.
>
> Senator GOLDWATER. That is what you have been trained to do in the military since you first did a right face?
>
> General SLAY. Outside of high school, sir, that is all I have known.
>
> Senator GOLDWATER. That is all that any military man knows.
>
> Did you really have any alternative to following orders?
>
> General SLAY. Sir, I suppose I could have sat down and if I felt strongly enough about it I could have either gone to see General Abrams or General Clay. I just—and I would be kidding you if I said I thought I would force myself to do that unless it was something of an extreme nature. I just could not force myself—it is not my mental makeup to do that.

That appears on page 311 of the hearings. It is very interesting reading for those who think we can go down the line and punish everybody who might have knowledge about this. As General Slay said—and I think anybody can understand this: When a four-star general gives a one-star general an order, and the one-star general thinks, "My golly, that is contrary to the rules of engagement," the four-star general may have permission to do it or, as he put it. "Somebody was holding his hand."

I asked him later if he had to do it over again what would he have done, and he said he would have written to General Lavelle expressing belief that the order was wrong; he would have made a personal memorandum on it for his own record, and gone ahead and executed the order.

I want to point out that once we start this going down the chain punishing everybody who had no way to know General Lavelle did not have permission, we begin to break up the military.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. Does the Senator believe there is no way to know they were violating the order and falsifying reports, one truthful one and one inaccurate one? They must have known that. Are all these people ignorant of the military code of justice they operate under? It says that any person who is an accessory after the fact, and knowing an officer has committed an offense or has assisted the offender—that is exactly what these people did—were assisting in a violation of an order. After all, 200 of these men cannot be so naive and only one sergeant realizes there is a clear violation of the orders of the President of the United States. What did they think they were doing?

Mr. GOLDWATER. The Senator has been in the military and has had commands over him and probably commanded men. When you have been given orders you carry them out. You might not like it but you do it. It is like the case of this young naval Lieutenant Groepper who appeared before us at his request. He had flown 82 or 83 missions and was changed in his whole attitude toward the war by letters from his wife, who kept telling him what was going on in this country and then he started to refuse to fly missions against the North. He would fly them against the South. It was because of his refusal to fly missions against the North, in a mission involving Hanoi, that he was relieved of his wings. He did not retire; he was relieved of his wings. He was not even briefed. He finally admitted in the hearings that he heard it on a television set, but no one gave him direct orders to violate the rules of engagement.

I am not offering that as any excuse for what General Lavelle has done. I made a speech on the floor in which I said, "I do not care if he violated it once—he is guilty." I am not going to defend it, although I can understand why he did.

The Senator suggested a court-martial. I have a strong suspicion that if he were ever court-martialed—I do not care how strict the judges might be—he would be exonerated, because these rules of engagement can be stretched like rubberbands. He was guilty. When the Senator was in the service and he received an order, he performed on that order. He may not have liked it. I doubt that he was ever given one that was against the law, but he did it.

However, what I am getting at is starting this business of encouraging every enlisted man or any officer of any rate to go through channels. I think he should have reported it through channels. I would be critical of a captain who refused to buck it on up the line, but not every man down in the ranks should write to a Senator, unless it is the last resort. That is his right as an American citizen. I do not want to see us, as a step toward correcting this, do something that would involve the total destruction of discipline in our Armed Forces. It is at a sad point right now, but I would not want to add to it by calling a captain or lieutenant or general up to a court-martial, because they were doing what they were ordered to do; and I daresay most of them did not believe they were doing anything wrong, because every one of them had to memorize the rules of engagement. This is mandatory in the 7th Air Force. They are voluminous. When someone says, "Do it," they will say, "The rules say do not do it, but a four-star general has ordered it and he must know what he is doing, or he would not be a four-star general."

Mr. PROXMIRE. I can understand how mistakes might be made about radar. I can see how it can be one or two or even 28. But I cannot for the life of me understand how reports can be falsified and how a U.S. Senator can condone that and say, "After all, maybe it should not have been reported under the circumstances. You have to do something about going through channels." How is it that only one sergeant had the brains and guts and imagination to take the steps he took? Yet he had to go all the way to a U.S. Senator to do it. This is appalling. When the Senator talks about the breakdown of discipline, the fundamental question of discipline is whether or not the military is going to accept discipline from the civilian authorities of this country.

Mr. GOLDWATER. I am not going to condone what General Lavelle did. I made the first speech on the floor, to my knowledge, against what he did. I do not want to see it happen again. I hope we can come up with some answers to stop it. But I do not think we are going to stop anything when we punish people for merely obeying orders. That is not the answer.

General Lavelle was relieved of command. The Senator says he should be court-martialed. I cannot think of a worse sentence than being relieved of command, even if he does retire on 70-percent disability, which I do not happen to agree with. When one is relieved of command, it is something he is going to have to live with the rest of his life, and his friends are going to live with it, and everybody he knows is going to live with it.

Frankly, if I had been General Lavelle, I would have demanded a court-martial; and even if I had demanded it, it could have been denied, because only his commander can make that decision. I think he has been punished sufficiently. I do not want to see men down under who merely obeyed orders punished or have their careers threatened, because they were following orders.

Frankly, unless the sergeant was involved in the daily briefing or debriefing—and I was not at that particular hearing, so I do not know—I do not know how the sergeant, in looking at a form, could say, "Well, this man declares he had strikes against him." I do not know. I am not knocking the sergeant. I admire him for doing it. At the same time, the Senator asks, why did not somebody up above do it? I do not know. Again, if that had been my situation and I had been a squadron commander or a group commander and I obtained the order, I think I would have said, "Well, golly, that is in violation of the rules of engagement." I would say, "Well, they have been changed." I would not have questioned it. I do not think it is the duty of the man to question it, unless he has access to information that says they have not been changed.

Mr. PROXMIRE. The Senator has not met the principal fundamental problem here, which is that the reports were falsified, and 200 people were engaged in their falsification, and colonels, majors, captains, and lieutenants knew they were being falsified——

Mr. GOLDWATER. Not necessarily.

Mr. PROXMIRE. Was the sergeant the only one who knew?

Mr. GOLDWATER. I can imagine the situation I have described—an officer or enlisted man, not receiving an order, but having men come back, having discharged armaments, particularly the armament men, saying, "My golly, he must have been shot at or he would not have lost his armament." I can imagine, if they saw the report, saying, "Well, he was shot at." I can understand the pilot, unless he was specifically told, "I don't care if you were shot at or not"—and I think in this case they were told that—but then they must say, "I would not have given you this order by a man superior to me unless that man had orders from someone higher up and he had an order to change this."

After all, a man flying out of Toc Le, or any of those bases, is not going to be able to know what had been decided in the Joint Chiefs of Staff or the President's office or the Department of Defense; he has to rely upon the judgment of his commanders.

Mr. PROXMIRE. But when someone makes two reports, makes one report which is true and accurate that goes to General Lavelle, and makes another report that is untruthful and false which goes elsewhere, certainly there is a suspicion in anybody's mind.

Mr. GOLDWATER. In this case all those were dishonest reports. I am not saying they are not——

Mr. PROXMIRE. Does the Senator say that the man responsible for those would be exonerated in a court-martial?

Mr. GOLDWATER. I would think so, unless General Lavelle put out a written order—this is a verbal order—and someone down the line read the letter to General Lavelle and said, "I would like to see your authority for issuing this order." That would have required General Lavelle to back out. But when the commanding general of an Air Force gives a command, the man under him is going to have to assume that somebody has changed the rules——

Mr. PROXMIRE. Under the most charitable interpretation of the remarks of the Senator from Arizona, it seems to me the only way to resolve this would certainly be to have an investigation by the military, with a court martial. A court martial might well exonerate him. Maybe it would. But to let it go at this, with no further investigation, with no change in procedure——

Mr. GOLDWATER. I might say that these hearings are not ended. We made that perfectly clear. I think that from the chairman's opening remarks this morning we see that we have only lifted the sheet. This inquiry gets into many other fields.

The Senator from Wisconsin himself

has touched on the whole structure of command, the complete dominance, under Secretary McNamara, of civilian authority over military appointments.

We have not had any new weapons for 10 years because civilian authority has said we do not need new weapons.

We have an Army at its lowest ebb in history. We have a Navy that is now behind the enemy. We have an Air Force that is probably even with them. I am in perfect support of what the Senator is saying, but I am not in support of training a man to be a military man and then, when the time comes to use that military training, putting a man in gray pants over him. That is precisely what we have done.

As I say, I am not going to defend General Lavelle. I can understand how he felt. If I had to fly missions over enemy territory and I saw a buildup of trucks carrying SAM missiles; if I saw a buildup of trucks carrying ammunition; if I saw troops marching down a road; if I saw Mig aircraft on an airfield, I would be sorely tempted to shoot at them. The cheapest way to get a Mig is when it is sitting on the ground, not when it comes up and shows hostile intentions. You might not get any sort of report if that happened, and you might not be able to get back at him.

Our men have been fighting a war under rules laid down by Averell Harriman, a civilian, who in 1968 talked about a bombing halt against the North Vietnamese, but said that he would fly reconnaissance flights over their territory, and then changed the plans.

It was not until April of this year that President Nixon allowed our forces to conduct any semblance of air warfare against the enemy. I will maintain, and I will maintain all my life, if on the day John Kennedy said he would send ground troops, but instead had sent B-52's over Hanoi and Haiphong, that war would not have lasted over a weekend, or not over a week.

We have had about 8 years to build up supplies all over South Vietnam. One cannot fly over South Vietnam without seeing supplies stacked high everywhere.

We are not going to win the war in a conventional way, in my opinion. We may last longer than the enemy will. I think we have them in pretty bad shape now; but we have allowed them to get away with too much for too long, and if we will pursue the proper use of air power and not stand by in this country and try to knock it and tear it down, then I think we will get along much better.

One more point, and then I will yield the floor. I do appreciate the Senator yielding me the time.

The Senator has asked for answers. I wish we had a particular answer right now. I suggested to the chairman this morning that we now ask the Pentagon to conduct a study for maybe a couple months and then report to us what they want to do. Let the committee in the meantime continue its own study; then the two can get together and decide what should be done.

I would say the first suggestion I would have is that once the President has decided to go to war, let the war be fought, and not let civilians try to stop it.

I think a closer inspection of the units in the field by the Inspector General would be a great step forward. This would mean an enlargement of the IG staff; but if the Inspector General attended debriefing meetings, just popped in, if they thought he was coming, and he had enough intelligence to know whether he was hearing the truth or not, I think this would help.

But I have to get back to the remarks related about General Ryan. Unless we can come up with some rules we have not heard of yet, I frankly do not see any way that this can be prevented. So long as there are those who will violate the rules of the Senate, will violate the rules of Congress, will violate the rules of civilization; so long as there are people in all walks of life who will cheat and lie, I am not going to stand up here and say that military men or military organizations are completely devoid of all those temptations.

Mr. President, I am going to vote for General Abrams. I hope that his nomination will be overwhelmingly approved by this body. To me, he is one of the outstanding men I have ever known in uniform, and I have known him long enough to know him well. I have talked with him in the field, and I know what a great man he is.

I thank the Senator again for the time he has yielded to me.

Mr. PROXMIRE. Mr. President, I will not take much longer. I have a few questions to ask of the distinguished chairman.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield.

Mr. STENNIS. Mr. President, the afternoon is almost gone, and we have had excellent discussions, but on the question of voting, I think there should be a rollcall vote on this nomination. If I have understood the Senator correctly, he would rather that we have the vote tomorrow, rather than now, because the hour is late.

Mr. PROXMIRE. Yes. A number of Senators have spoken to me, and I understand they had no idea that voting would take place today.

Mr. STENNIS. I have no complaint at all, but would it be agreeable to the Senator that we get unanimous consent now, if we can, to vote tomorrow. I point out that the cloture vote will come at 11 o'clock.

Mr. PROXMIRE. Let me say, before I agree to that—it is late in the session, and I understand we hope to adjourn on Saturday—that I would hope to get some answers to some questions. My willingness to vote would to some extent depend on that. I would feel much better if we could settle this matter now.

May I ask the Senator, on the basis of his knowledge and his chairmanship of the committee, why, in his view, did General Abrams make the mistake of authorizing a raid that was later determined by the Joint Chiefs to be in violation of the President's orders?

Mr. STENNIS. It is my opinion that this ground control radar was developed so as to present a new problem for them. We had what General Lavelle called the internetting of radar. The Senator may have heard that expression. That put our men at a greater disadvantage. They considered it, as I understood it, as an additional menace that they were confronted with, and also with the buildup that was coming on. They wanted to destroy the radars.

All I know is that, in their consultation, they decided as to the question of authority. At least, they persuaded themselves it was permitted. It seems they agreed on that, and General Abrams testified "I told them to go on and do it." He was very frank and blunt about the matter. But they did get playback, so to speak, from the Joint Chiefs almost immediately.

Mr. PROXMIRE. Here is a man who would be promoted to Chief——

Mr. STENNIS. I know, I know. Let me continue my thought. Wait just a minute. As I understood, the placing of this target was a part of the objection of the JCS. But anyway, they were trying to meet the situation and when the complaint came back from the JCS, General Abrams said that ended the battle for him, and that was the end of his action. We thought that he was telling the truth about it.

Mr. PROXMIRE. I am sure he was, and I am sure he abided by the decision of the JCS. The point is, however, why he as a commander disobeyed the orders, to begin with. Why did he not go to the Joint Chiefs of Staff and notify them? Should it not have been clear in his mind? If there was any question, why did he not go first to the Joint Chiefs of Staff and have it clarified?

Mr. STENNIS. I think a buildup occurred. There was more and more pressure and more and more concern on the part of all the military commanders over there to try to meet the growing menace of the buildup, and also the additional hazard to which this extra radar contributed.

Lavelle was very clear on this added proposition of the internetting. He said that just the existence of the internetting was grounds, he thought, for reporting what he called a hostile reaction radar.

General Abrams just decided to try it, as I see it. But the reaction of the two men, if the evidence is correct, was just the contrary after the concept was rejected.

Mr. PRCXMIRE. Certainly, communication with the Joint Chiefs of Staff by General Abrams could be almost instantaneous. There is no question that he could communicate promptly and check it out and determine whether or not this judgment, which proved to be wrong, was right or wrong Is this not a reflection on a judgment of General Abrams, when he made this error?

Mr. STENNIS. It is a matter of judgment, but I think he showed his willingness immediately, and he did not play with it any more.

Mr. Woolsey, a valuable member of our staff, has handed me a memorandum with respect to the raid on Moc

Chau on January 5, to the effect that the radar they wanted to knock out was controlling Mig's over Laos which had shot down a number of U.S. aircraft. I remember that being in the testimony. That action was apart from North Vietnam, of course. It was over there, but they were after the Mig's, and the Mig's had been very daring and endangered the B–52's in that area. That was a part of the background.

Mr. PROXMIRE. What concerns me is why, having made this mistake once, he did not insist then that the orders be made so clear and so obvious, both to himself and to General Lavelle, that that kind of unauthorized action would not take place again.

Mr. STENNIS. It is a question that was raised in my mind. It was somewhat marginal. I would expect the commander to be pressing somewhat for what he thought was a reasonable interpretation, but when it was rejected, he stopped.

Mr. PROXMIRE. He stopped; that is true. But in view of the fact that Lavelle had come to him and they had authorized a raid which turned out to be against the policy of our country and in violation of the rules that had been laid down by the President, why should he not have made absolutely certain, No. 1, that General Lavelle understood what the rules were, and, No. 2, made sure that General Lavelle kept General Abrams fully informed at every step of the way, on a daily basis, of the raids that were taking place, the targets being hit, and that he had some way of determining that this general, who had made the mistake once, should not make it again?

Mr. STENNIS. The first part of the Senator's question is all right. If we were in on this matter as fellow generals and the Senator was my commanding officer, and the playback came from Washington, "No," I think that if the Senator made up his mind to obey it, he would be rather reasonable in assuming that I would, too. One does not formalize those things too much. One takes them for granted.

Mr. PROXMIRE. This is a difficult thing, but this was his deputy. They were on a very close personal basis. Why did he not say, "Jack, on all these matters I want to be kept fully informed. This is my principal duty, my obligation. We have to obey the law. I want to know every step of the way." But no communication of that kind passed between these two men.

Mr. STENNIS. The only complete explanation of it that I could give was that it could have been so plain and so evident to General Abrams that to emphasize it further himself, after the Joint Chiefs had spoken, might be just too obvious or not thought necessary. My interpretation, instead of putting the blame on Abrams, is that it was a red light to Lavelle, unmistakably, that these things were not permitted.

Mr. PROXMIRE. There are some things in this world we cannot escape, and when you are in command, it is a tough, hard, difficult assumption. It seems to me that one thing a good commander or a good executive does is to make sure that the people under him know what the orders are and then make sure that they follow those orders. This is something General Abrams did not do.

Mr. HUGHES. Mr. President, if the Senator will yield, as I recall the testimony in this matter—and I have not taken time to look it up in the record at this time—the Moc Chau raid discussions took place over a period of 2 days, in which two or three men of the staffs of both General Lavelle and General Abrams discussed the pros and cons about the internetting of the GCI radars and the fact that they had lost several planes over the course of those 2 days in northern Laos, shot down by Migs. The pressure was on them to knock out that radar. There was mixed opinion at the top staff level of the two generals as to whether or not it was within the guidelines.

They made a decision that they wanted to save the lives of the crews who were operating heavily in battle at that time in northern Laos—to knock out the radar—in the meantime writing out a full report at the same time and running it out for the JCS as to why they made this determination and felt it was authorized. Before they could get the report in, the JCS had already contacted them, not saying that they were illegal, but saying, "What happened? Under what authority did you hit the radar?" By that time, the report was finished; they sent it in; they got back a notification again, almost immediately, that "In our opinion that was outside the authorities."

General Abrams, at that time, in my opinion, shared jointly with General Lavelle a position which in North Vietnam was outside his jurisdiction, because it was in a route package different from that he commanded; but they had discussed it, and he knew it. They both shared the communication from JCS that it was not proper.

We have taken it for granted that this could not be done any more and have taken it for granted that we would have done the same thing, as a colleague of a four-star general of another branch of the service.

I am sure this is precisely what he did, because, as General Abrams testified:

> I simply didn't believe that this would happen again. I had no reason to believe it.

When you get to the point of whether he should have known and whether it his responsibility, I think those are two fair questions for anyone to ask. If he should have known and did not know, why did he not know? Under the circumstances, I think questions have to be asked. I do not think the answers are going to be entirely satisfactory to anyone. I simply believe that the circumstances happened that General Abrams did not know. Under the circumstances, I doubt that he could have known, and no one tries to dismiss his responsibility. I am saying that, in spite of that, this man did not know; he acted in good faith, and his nomination should be confirmed.

The Moc Chau radar was pointed out as a single instance on January 5. I looked carefully through the record, trying to make a determination as to what had been stricken as classified and what was not classified, so that I can discuss this matter without reading the record to do it. With respect to the discussion of the radar system, the internetting, as the Senator knows, there are signal devices within the planes themselves. When the radar is activated, a signal device gives an indication within the plane. It is easily detectable as the differences in radars, as to which one it is or both, if they are both operating at the same time.

So at a later point, when the rules of engagement were changed, as the Senator knows, the activation of the radar was considered authority to strike. As a result of that, they were dealing in technicalities, and I became convinced that the weight of the evidence was on the side of General Abrams.

Mr. PROXMIRE. I have one other question, before I ask for the procedure we can follow. As the commander, should not General Abrams, having had this experience of the correction on the part of the JCS, of a mistaken violation of the rules or a violation of the orders, have made sure that his intelligence and subordinates kept him informed, with photographic evidence, of any and all bombing strikes and report to him on a daily basis about those strikes, whether or not they were legal, so that he could monitor it and watch it?

I cannot think of any higher responsibility for a supreme commander than to be sure that the orders that are followed are the orders given by the President of the United States and the Secretary of Defense and be sure that that is done.

Mr. STENNIS. It is certainly one of his responsibilities. In his testimony, he always emphasized that his firm understanding was that these matters were within the rules of engagement. Coming particularly to the photographs, which is a matter of concern, in the first place, the photographs themselves would not disclose whether there was hostile reaction on the ground or not. We could not tell from the photographs whether there was hostile fire or radar activation or not. No. 2——

Mr. PROXMIRE. On that point, is it not true, if the photographs simply show that a truck was hit or that an oil depot was hit, this would raise a question that there was adverse reaction.

Mr. STENNIS. The testimony is rather clear that if this activity of trucks building up started, they would sometimes find that the trucks were close to a missile, or artillery weapons or supplies of some kind that were connected with a SAM site. I believe they could be entirely moved away within less than a day—moved on out, and gone. Maybe they had been there, were known to be there, and the trucks were still there but had been connected with the SAM site. They gave them a lot of trouble along that line. Later the President modified the order because the situation became so acute that, as I understand it, and this is some of Admiral Moorer's testimony—relating to how the rules were modified with respect to artillery.

Admiral Moorer said:

> So far as the inclusion of the artillery in the list in the vicinity of the DMZ, I think

> that as you know President Nixon on November 10, 1970, said—this was in his TV statement—"If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around the site which supports it be destroyed by bombing."

That is my understanding of it. That is, they were leaning to the idea of destroying everything around. Presumably, some of that was done a few hours or a day later. Continuing, Admiral Moorer said:

> So all we were telling them was that in the future they should consider the artillery near the DMZ with the missiles and the anti-aircraft, and as a matter of fact, later on, CINCPAC came in and we authorized him to make a full-scale attack on those guns on the 16th and 17th of February.

Mr. PROXMIRE. In retrospect we know, having looked at the photographs in April and May carefully, that there is no question about the fact they were not authorized.

Mr. STENNIS. Yes, that is true, but some of them got bombed.

Mr. PROXMIRE. Let me ask on the basis of this whole discussion and debate this afternoon, in view of this most unfortunate experience we have had, that this, to some extent, would support the suggestions of the Senator from Iowa (Mr. HUGHES), as I understand it: Can the chairman of the committee give the Senate assurance along the following lines; I would like to know how far the committee might be able to go: One, could there be hearings held on the most recent revelations about the Navy's strikes, as revealed in the New York Times this morning, the new evidence of some five pilots testifying that they engaged in unauthorized strikes?

Two, could there be hearings that would include examination of the role of photography in determining the validity of strikes, whether this could be used, and how, and the extent to which it could be a safeguard and a protection against violation.

Three, inquire into the responsibility of the commanders with respect to their subordinates. This question has been raised centrally here. While there is an overwhelming feeling that General Abrams should be found guiltless in this respect, it seems to me it raises a very serious question.

Then another question: What kind of corrective system can we have in general to overcome this kind of situation in the future.

Then two other points I wonder whether the committee could consider: One is the extent to which there could be collusion involved here by others involving both General Lavelle and General Abrams, including the remarkable coincidence of both Navy and Air Force hitting the same target with an unauthorized raid; and finally, whether there will be any real punishment—court-martial or inquiry—or whether a system could be considered and discussed under which we would have a court-martial when we have top officers in the military violating orders.

Are we going to assume that these acts can be done without any punishment other than a retirement? While the Senator from Arizona (Mr. GOLDWATER) may well have been right that this does constitute a disgrace, the overwhelming majority of the American people, and certainly the overwhelming majority of the boys in the service consider that this is really a wrist-tap for a clear violation of orders and one that would be hard to understand—perhaps Senators understand it—but perhaps very few outside of the top military department do.

My question is: To what extent can the Armed Services Committee continue to investigate this and press an investigation to see whether this kind of sad and unfortunate situation can be corrected?

Mr. STENNIS. Mr. President, first, I want to commend the Senator for his concern and also for the points that he has identified here, as area problems, and perhaps as areas where remedies are needed.

Let me preface my remarks by saying that I am not authorized by the committee as a whole to give a response to the Senator's questions. We had to come in and present this on the floor, as the Senator knows, on the evidence we had, and we did not get to project it any further.

I was planning, and the Senator from Iowa and others were interested, to see whether we could get a statement from the committee viewing the future. But we ran out of time. We met on that as late as yesterday. So I am speaking as an individual member of the committee, but one who does have some special responsibility, of course.

First, let me tell the Senator what I do not favor. I do not think that we can just pile in some more civilians—numbers of civilians—create new positions for civilians to solve this matter. A great part of this is military responsibility. It is their own responsibility within their fraternity, within their group. They are a favored group. They are selected, many of them, at the time they are 17 or 18 year old youngsters—worthy ones, too—a select group, I mean—and they are taken to the academies. They are trained. They respond. They produce some really great men and many fine men, but this is their service and it is their responsibility. If they cannot make this thing work, our committee cannot make it work. They are the wrong individual military men if they cannot make it work. So I want to keep the responsibility and the accountability on them.

I believe that this over there—the Lavelle setup—was in great part the Air Force's responsibility. That is evidenced by the fact that when they did find out something was wrong, why they took charge of it and they punished General Lavelle and they took him out of command. General Abrams did not have much to do with that, if anything.

So, I say, put it on them and keep it on them, with even clearer lines of responsibility. I would think that that can improve the knowledgeability and what the commanding officer knows.

He can have a better understanding of what is going on in his own command. I know that sometimes it is hard for a Senator to know what is going on in his own office. However, they can improve on that. And it is one of the things that I am expecting them to do.

It is just tragic here that so many of them do not know. I asked the question: "Would not the scuttlebutt tell you, if no other source told you, that something was going on there?" I asked General Ryan that question, for one. They can step that up and improve it.

One plan would be in the form of an inspector general who looks only after that. And they told me that in the old days they had an inspector who was an inspector general only. But he was more or less out of the command structure. He did not have enough clout. And he could not get things done. So they put him back in the command structure so that he would have more influence on those below him.

I understand that SAC has a system where their inspector general comes in and surprises them without any notice at all, day or night. Highly competent men make an inspection. And when there has been no report of anything wrong or anything else. It is done periodically. And I think we will challenge our military to move and make a new start on these matters. After all, this is a very difficult war to fight under the present rules and under the overall rules of disengagement. It puts them at a disadvantage. However, that is not enough of an excuse.

I hope that the services, the Air Force and the Navy—the Senator mentioned the Navy, too—and the Army, if there is anything in the Army—will do something to improve the situation.

I frankly think the hearings were thorough. Not that we are resting, but we reserved jurisdiction in the interest of our committee. However, I hope they are doing something along these lines. And then, with all candor, I hope that they will come here voluntarily and tell our committee, as the representatives of the Senate, what they found and what they are going to do about it.

We are not adversaries. The Congress and the military services are not adversaries. We are entitled to know without being policemen. I hope they come in here and place the facts on the top of the table and explain what they found and what they are going to do about it.

The Senator asked a whole lot of questions there. The Senator mentioned the matter of punishment and courts martial. I hope that they have considered that some. I am not recommending at all now that General Lavelle be court martialed. I withheld judgment on that. I think what we have done is to inquire into the whole matter of what they did. Whether it was enough is a debatable question.

Mr. PROXMIRE. Mr. President, the Senator has given me assurance, as I understand it—and I want to make sure that I did not misunderstand him—that the committee would inquire into the command with respect to subordinates and inquire into the corrective system that the commanding general has with respect to SAC. He said that they are far more vigorous there than they seem to be elsewhere.

Mr. STENNIS. That is my understanding, yes.

Mr. PROXMIRE. Mr. President, the other assurance which I would very much appreciate receiving is whether the Senate committee would investigate the possibility of collusion between the Navy and the Air Force, in view of unauthorized raids taking place on the same target by different services within a few weeks, earlier last year. And now we have the matter of five pilots who told the New York Times of the engagement. I wonder if the committee will hold hearings into that matter.

Mr. STENNIS. Mr. President, I do not want to say now that we will rush back and call these pilots in within a few days. I hope that the services will do something about these things. We have expressly said that we have passed on, so far, what we had before us, and that we are not quitting. That is not a threat. That is just a fact of life. However, I do not know what they are going to do about it. I do not know what these witnesses will say, because there is sometimes a difference when we get a witness on the telephone.

We have learned that from experience. The witness says one thing on the telephone, and then if we put him under oath, his testimony varies some. However, I want the services themselves to do something. I think it is their move now.

Mr. PROXMIRE. Mr. President, it has been 7 months and they have done nothing. The only action that has been taken is by our committee. I think that the committee deserves the greatest of praise from the people of the country. If we say that it is their move and that we hope they will come in voluntarily, I must say frankly that I am not satisfied with that. I do not think that we will get anything done.

Mr. STENNIS. Mr. President, I want to make it clear that this is not an accusation or anything. After we stopped the testimony, I said to some members of the staff that this was not what I would call an exhaustive record as a lawyer. However, I believe that it would take us 6 months to run down all possible clues with quite a few investigators. And I am thinking in terms of trained investigators that know what they are doing, know the subject matter, and know how to investigate it. They would have special legal advice available to them and be aided by such staff members as we have that are well versed in the matter.

Mr. PROXMIRE. I cannot think of any way in which the committee could better spend their time. This is a matter that is most serious and it troubles many people in the country, and it should. The only reliance we have is on our committee. The House is not going to do this. If the Senate does not do it, that will be the end of it. I think it would be a real tragedy.

Mr. STENNIS. Mr. President, I am not dodging or running away from anything. I do not want to leave that impression. However, I do not want to overspeak myself on what we can do.

I refer to page 14 of my written speech today. The first, second, and third points I am referring to.

This is something that we have as a worksheet. I said that we should be provided with a full report on the operation of the Inspector General systems and other inspection systems and monitoring systems within the military services, including alternative and possible reforms.

We were calling on the Secretary of Defense to give us reports by April 30, 1973, on that subject. We did not approve this. We have not formalized it. But it was our thinking that Congress last passed legislation on this subject in 1958, the Defense Reorganization Act. The blue ribbon panel report indicates that Congress attempt in that act to overcome the problems of diluted command, forcefully set out by President Eisenhower, may not have been effectively implemented by the Department of Defense. This type of issue requires detailed study and should also be the subject of a report to the Congress. That is a problem that is in the military itself.

We also wanted a report on a specific proposal of military oversight functions, pertaining to the military again, which would be assigned to any civilian or official within the Department of Defense.

This other matter that I had pointed out was that the subordinates should be given cards or writings of some kind so that they could compare the order they received with the rules of engagement, for instance, and at least have a chance to maybe raise the question and have it considered.

Mr. PROXMIRE. I wish to raise one point before I yield to the Senator from Iowa. The Senator did agree, as I understand it, that the report issued by the committee was very brief.

Mr. STENNIS. Yes.

Mr. PROXMIRE. Time was a handicap. It was not possible to get a full report. Would it be possible after some of these inquiries, to have a more comprehensive report on this matter, even though we go ahead and act on the nomination? It is so critical to civilian control that a more complete report would be helpful.

Mr. STENNIS. Does the Senator mean a report on the problems or the Lavelle case, so to speak?

Mr. PROXMIRE. The Lavelle case, and the full implications of it.

Mr. STENNIS. Frankly, I was disappointed that we did not have more of a report for this debate.

Mr. PROXMIRE. Yes. We have 500 pages of hearings and a one-page report.

Mr. STENNIS. We had a longer proposed report and we ran into difficulties about it and could not get agreement within the time available so we had to highly condense it. I hope we can bring this together some way in a more understandable manner, but I do not know. If we get into further hearings that will take time.

I appreciate the point the Senator made.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the Senator from Wisconsin for yielding.

I want to point out on behalf of the distinguished chairman of the committee—since he is not going to praise himself—the chairman wanted a more comprehensive report and presented it to the entire committee and the committee could not agree on anything. As a result of that we wound up with the report which came out, which I do not like. I am sure the chairman does not like it, and considers it inadequate. But as I said, time was our enemy. Some members of the committee did not want any report at all, because we do not customarily give a report on a nomination. It is just put on the calendar.

So we came up with a report that the chairman of the committee and I and others on the committee felt was a very limited compromise. In fairness to the chairman I want to point that out to the Senator from Wisconsin.

Second, I want to reinforce the Senator's request to the chairman of the committee. The Senator from Iowa feels that the Pentagon has an obligation between now and January. They have been served notice here and in the hearings. Many of us are totally disenchanted by what happened so far. I am personally disenchanted along many of the lines the Senator from Wisconsin pointed out.

I think a court of inquiry should be commissioned and instructed to bring back recommendations. It would permit a complete investigation and allow those whose names have been called into question to defend themselves, present their own witnesses, and point out why they are not guilty of these things and be exonerated. If they are not given that opportunity, all of those officers in that particular command, when the time comes for promotion—and the promotions do come to the Senate—are going to have questions raised about it. Eventually all of those nominations to higher grades come to the Senate. It is in the interest of those men who have already been implicated that an inquiry be held. If they are innocent they will be found innocent and a report could be made in respect thereto to Congress and to the American people.

As far as the Navy is concerned, I think they have adequate time to realize we have only one letter and, two witnesses that came in. One of those witnesses, if he did not alter his testimony by the time he finished testifying to the committee, had added to it.

I think the Senator from Missouri pointed out clearly that when you take a lieutenant in the Navy and he winds up meeting with the Chief of Naval Operations, with the chairman of the Joint Chiefs of Staff, and with the admiral who is head of the IG system, and other commanders, all in one morning, if they did not say one other cotton-picking word—they would not have to say one thing other than "amen" and "brother" and the effect would have been the same—he would have the living daylights scared out of him by the awesome presence of this command structure. In any court of law I would not say this is intimidating a witness, but, great God, it is certainly impressing him that his answers better be right by any set of circumstances.

So I am inclined to the idea that the

sheets are not clean and none of us like the idea of airing them, but it would be a whole lot better if between now and the middle of January they do their own airing because I, for one, as a Senator from Iowa, as long as I can press to see that they have done it, if they do not do it and we have to do it for them, that is the way it will be done.

I agree right now with the Senator as far as expert investigators and the burden of the committee is concerned, but I want to assure the Senator from Wisconsin as far as my relationship with the chairman of the committee is concerned, and with my differing point of view of the establishment, I could not be more in agreement. No man in the Senate is more concerned than the chairman of the committee with respect to what happened and what they are going to do in the future to see that it does not happen again.

I assure the Senator from Wisconsin that when two men in the top command structure of this country tell me there is no guarantee it will not happen again, that runs the red flag up the flagpole and it flies straight out on a calm day, because they do have the responsibility of coming up with recommendations and seeing that their house is clean, but in my opinion we have the responsibility to come back, as the chairman indicated, and do our best on behalf of the people of this country, because that is why we are elected.

Although I do not agree with the Senator from Wisconsin in his conclusions about General Abrams, I could not agree more on the need to press this matter unless they attend to it themselves.

To me it is an unsatisfactory answer that because one man has been dismissed from his duty, and retired at 70-percent disability at his last rank, that is a sufficient reprimand, when 200 men in a command structure do not say boo about anything.

We already have entered in the RECORD the Code of Military Justice, what the law requires, and the law was broken. There is no question about that. It was broken. The rules were broken.

My sympathy is great for the general involved in this and the men involved in this, but when you are a pilot hurtling along at close to the speed of sound, with missiles going off, and your plane is loaded with bombs, I say to anyone here: Who is going to worry much about what they hit? They are going to hit it and get out because it means the difference in whether they draw another breath or not.

The responsibility is there, and it must be taken and accepted, but there is no excuse, absolutely no excuse for an officer in the military of that rank deliberately taking it upon himself, regardless of the circumstances, to disobey orders of the President of the United States, the Commander in Chief of the Armed Forces of the United States, and disobey the directives of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff. And under no excuse whatever can this ever be acceptable.

I do not believe in capital punishment, as the Senator from Wisconsin knows, so there is nothing like that on my mind. The only thing I am saying is that what has happened to date is totally unsatisfactory to the Senator from Iowa, and I hope that, in the discussion today, the people understand clearly that there are a lot of others who believe just as the Senator from Iowa does and that we are expecting that this matter will not just be quietly placed to rest in the hope that it will all blow away and that when we get back in January it will be forgotten, because it will not be forgotten.

Mr. PROXMIRE. I thank the Senator from Iowa.

Let me conclude——

Mr. STENNIS. Mr. President, if the Senator will yield, may I just add to my answer that I have just given the Senator?

In response to the questions of the Senator from Wisconsin, I want to add the following:

There are many other questions, as I said at the beginning, that need to be raised and answered.

First of all, we do not yet know enough about the conduct of the air war in Southeast Asia to make a judgment about several important matters. The questions raised in this inquiry are most serious and they must not only be answered clearly and objectively, but they must be seen to be answered in this way. Our committee, even though it has some expertise in the area of military affairs in general, cannot hope to conduct as thorough and detailed an investigation as is needed: many of the issues involving military operations require technical experts, for example. I believe we have looked into these nominations as thoroughly and carefully as any military nominations since I have been on the Armed Services Committee. But far more than that is needed. What is required is a thorough and professional inquiry into the entire subject of protective reaction strikes in North Vietnam in 1971–72 as well as the overall command and control and reporting systems for the air war in Southeast Asia. Nor should this inquiry be limited to the Air Force, but should include the Navy.

Answering the unresolved questions involves details of tactics and related subjects which deserves far more attention than could be given to them in the closing days of a Congress in the course of making a decision about the nomination of an Army commander.

The forum for such an inquiry could be established in one of several ways: a commission within the Department of Defense, reporting also to the Congress, is one possibility.

Second, Mr. President, to my knowledge, there has been no official guidance within the Department of Defense concerning the importance of truthful and accurate reporting since General Lavelle was relieved of command in late March of this year. Truthful and accurate reports are the lifeblood of military command and control. It simply must be pointed out, and pointed out forcefully, by the Department of Defense and the military services, that false reporting will not be tolerated under any circumstances. Under the Uniform Code of Military Justice military men must obey any lawful order. But an order to falsify a report, under article 107 of the code, is an unlawful order. This point should be reiterated in training, in the academies, and in whatever other ways are necessary to emphasize its importance.

Third, some of the difficulties which arose in this case may have been the result of certain ambiguities about when operating authorities and rules of engagement had been changed. One of the witnesses before the committee, Gen. Alton D. Slay, recommended that some increased formality in the establishment of rules of engagement would be desirable—such as the requirement for written changes to be written and to originate at the top command. We need to take care not to increase redtape unnecessarily, but there may be some merit in General Slay's suggestion.

Then, finally, there are several issues about which we need more information before the Congress itself can decide whether legislative or other institutional changes are desirable.

For example, one unfortunate aspect of this case is that the enlisted man who wrote to Senator HUGHES and initiated the inquiry did not have sufficient faith in the Air Force inspector general system to use it to register his complaint. His reason was a very understandable one—namely, that the inspector general of the wing was both its vice commander and a participant in some of the missions which he considered to be unauthorized. The inspector general systems in all of the services have important functions, and they should not necessarily be completely revamped because of one incident. These are matters about which the Congress simply does not have enough information at this time.

Moreover, there are other inspection systems within the Armed Forces—one well known inspection system, that of the Strategic Air Command, has functioned well for many years in a highly important and sensitive role. This is a question on which I believe the Congress should be provided a full report: the operation of the Inspector General systems and other inspection systems and monitoring systems within the military services.

A second matter about which the Congress needs more information is the overall operation of the command structure of unified and specified commands. The President's Blue Ribbon Panel Report 2 years ago was critical of the operation of the current command system. In particular, there was reference to its complex nature and the weak authority given to unified and submitted commanders such as General Abrams. Congress last passed legislation on this subject in 1958: The Defense Reorganization Act. The Blue Ribbon Panel Report indicates that Congress's attempt in that act to overcome the problems of diluted command, forcefully set out by President Eisenhower, may not have been effectively implemented by the Department of Defense. This type of issue requires detailed study and should also be the subject of a report to the Congress.

In conclusion, Mr. President, I want to suggest that the Senate act affirmatively, now, on the nomination of Gen. Creighton W. Abrams to be Chief of Staff of the U.S. Army. Holding up this distinguished soldier's nomination to serve as Chief of Staff of the Army will not help any of our armed services to overcome the serious problems which I have discussed today. Quite the contrary. I therefore strongly urge that the unanimous recommendation of the committee be approved.

I thank the Senator. One thing more about these photographs. The monitoring is really more accurate and relied on, these reports. That was the very thing that was falsified. So the reports that were circulated around, including to General Abrams' headquarters, were the false reports. The true reports were the ones that were kept within this Air Force unit. So there was a monitoring instrument there that was totally misleading itself, and was taken out of action, and that is why they made the false report.

Mr. PROXMIRE. The point I wanted to make is whether or not any system could be devised that would protect the integrity of the photographs so that unauthorized strikes could be detected or prevented in the future.

Mr. STENNIS. May I add one word, too, about the lack of a more comprehensive report? We finished a hearing on General Haig last Friday, and a report had been prepared, and we wanted to present it to the committee Monday. It was an unusual situation, not one where we just have the report pass on. So we got into it Tuesday and got into the proposition that some Members thought it was too severe on General Lavelle. It was impossible to keep General Lavelle's part out of the debate. Anyway, we ran into this situation, and some Senators were at other meetings, some were out of town, running for reelection, and by this morning I decided the best thing would be to abbreviate this report. We did not have the time to do otherwise. We had to get this matter up here.

We could have gotten a longer report, but it would have taken days. The membership did not refuse to cooperate. I do not want to leave that impression. But it would have taken time to work out, and there was no time.

Mr. PROXMIRE. Mr. President, I am willing to agree with the Senator from Mississippi and the Senator from West Virginia to a time to vote on this nomination.

Let me say, before we come to that, that the Senator from Iowa raises a fundamental point. We have had the top generals say this can happen again. We must do all we can to prevent this from happening again. If we vote on this nomination and approve of it routinely, when it involves one of the central figures in this matter, it is going to happen again, in my opinion.

So I think what the Senator from Iowa has said suggests to me that henceforth we should scrutinize the various people who are nominated for higher rank, who come before the Senate, who are in the list of 200 people, including the generals, and so forth, involved, and serve notice in that way on the Pentagon that this is not the end of it, that we expect them to do what the Senator from Mississippi and the Senator from Iowa suggested. If they do not do it, they are going to have a lot of trouble in this body. It takes only one Senator to raise these issues. In this case, while we are going to approve the nomination of General Abrams tomorrow, in the future we might delay for a long period of time—we might even kill—some of the other nominations unless we get assurance from the Pentagon—which they have not done yet—that they are going to do everything they can to prevent future direct violations of orders of the President of the United States.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, hopefully with the concurrence of the distinguished Senator from Wisconsin (Mr. PROXMIRE), and that of the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Iowa (Mr. HUGHES), and other Senators, that a vote on the confirmation of the nomination of General Abrams occur tomorrow immediately following the vote on the motion to invoke cloture.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I am not expecting to object—frankly, I need to make contact, if I can, with the ranking minority member of our committee. Could the Senator defer his request for just a moment?

Mr. ROBERT C. BYRD. Mr. President, I withhold my request.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I now renew my request with reference to the vote on the confirmation of the nomination of General Abrams.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senators whose names I have mentioned, and all Senators.

ORDER TO RESUME CONSIDERATION OF LEGISLATIVE BUSINESS AFTER VOTE ON CONFIRMATION OF NOMINATION OF GENERAL ABRAMS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that immediately following the vote on the confirmation of the nomination of General Abrams on tomorrow, the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, if Senators have nothing further to say on the subject of the nomination tonight, I ask unanimous consent that the Senate now return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MARINE MAMMAL PROTECTION ACT OF 1972—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 10420, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HART). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 2, 1972, at pp. 33220–33226.)

Mr. HOLLINGS. Mr. President, the marine mammal bill under consideration today is one of the most important pieces of wildlife legislation ever to be put to final approval by the Congress. I believe without fear of contradiction that this legislation will make the United States the leader among nations in the conservation of its wildlife and of those marine mammals under the jurisdiction of the United States.

The committee on conference worked diligently to iron out the remaining differences between the two versions of the bill. I believe the conference report (No. 92–1544) on this bill exemplifies the cooperation between the conferees to reach agreement on legislation which will be in the best interest of the animals affected.

This has been an extremely controversial bill. Lack of information, or misinformation, can easily generate strong differences of opinion. I hope that the Secretaries, in fulfilling their obligations imposed by this Nation, will quickly marshal all the available facts about marine mammals so we will know all the facts. A good case in point is the matter of the Canadian Harp seal, which will be strongly affected by this legislation, as well as the fur seal, whales and other species.

I am pleased that the House accepted the Senate amendment creating a perpetual moratorium on the taking or importing of marine mammals, subject to a strict list of exceptions—all of which were carefully considered by the conferees.

At the same time, the House also agreed to language making special provisions for native Alaskan Eskimos, Aleuts, and Indians.

I can report that the bill as approved by conference is a genuine reflection of the wishes of the Senate.

Mr. STEVENS. Mr. President, the passage of the Marine Mammal Protection Act of 1972 is of great importance to the State of Alaska. In particular, those provisions concerning the Native taking of marine mammals and the Pribilof fur seal harvest are of great interest to the people of my State.

The provision concerning the taking of these animals by Alaska Natives is found in section 101(b). This permits taking for subsistence and also for the cottage industries—arts, crafts, clothing and marine mammal food.

I request unanimous consent that section 101(b) of H.R. 10420, the Marine Mammal Protection Act of 1972 be printed in the CONGRESSIONAL RECORD at this point in its entirety.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Sec. 101 (b) The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided,* That only authentic native articles of handicrafts and clothing may be sold in interstate commerce. *And provided further,* That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this Act, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 103 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

Mr. STEVENS. I next request that section 108(b) which concerns the Pribilof fur seal harvest be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Sec. 108 (b) (1) In addition to the foregoing, the Secretary shall—

(A) in consultation with the Marine Mammal Commission established by section 201 of this Act, undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what nation trends are evident; and

(B) in consultation with the Secretary of State, promptly undertake a comprehensive study of the provisions of this Act, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended (hereafter referred to in this subsection as the "Convention"), to determine what modifications, if any, should be made to the provisions of the Convention, or of this Act or both, to make the Convention and this Act consistent with each other.

The Secretary shall complete the studies required under this paragraph not later than one year after the date of enactment of this Act and shall immediately provide copies thereof to Congress.

(2) If the Secretary finds—

(A) as a result of the study required under paragraph (1)(A) of this subsection, that the North Pacific fur seal herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion; or

(B) as a result of the study required under paragraph (1)(B) of this subsection, that modifications of the Convention are desirable to make it and this Act consistent;

he shall, through the Secretary of State, immediately initiate negotiations to modify the Convention so as to (i) reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population, or (H) make the Convention and this Act consistent; or both, as the case may be. If negotiations to so modify the Convention are unsuccessful, the Secretary shall, through the Secretary of State take such steps as may be necessary to continue the existing Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

EQUAL EDUCATIONAL OPPORTUNITIES ACT, 1972

The Senate continued with the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

Mr. ALLEN. Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of H.R. 13915 prepared by Mr. Eli Howell of my staff, which I feel Senators may benefit from reading.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1

Short Title

This section provides that the Act may be cited as the 'Equal Educational Opportunities Act of 1972.'

Section 2

Policy and Purpose

Subsection (a) declares (1) that it is the policy of the United States that all public school children are entitled to equal educational opportunity without regard to race, color, sex, or national origin, and (2) that the neighborhood is an appropriate basis for public school assignments.

Subsection (b) states a twofold purpose of the Act. (1) To authorize concentration of resources under the Emergency School Aid Act on educationally deprived children and (2) to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

Comment

SEC. 2. The statement of policy that all public school children are entitled to equal educational opportunity is the necessary predicate for creating a new cause of action which will be discussed under Title II of the bill.

The policy with respect to the neighborhood school as an appropriate basis for assignment of public school children does not conflict with U.S. Supreme Court rulings to the effect that desegregation cannot be limited to walk-in schools. The remedies provided by this bill for desegregating schools and the removal of the vestiges of the dual school system do not limit remedies to walk-in or neighborhood schools. Furthermore, a similar provision is contained in Title VII of P.L. 92–318, which reads as follows:

> Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

The nature of opposition to neighborhood school assignments is reflected in comments in previous United States District Court opinions to the effect that neighborhood and community schools are not "sacrosanct" or, as one judge put it, neighborhood schools, "were not decreed in heaven." For that matter, neither are the alternatives to neighborhood assignments.

Neighborhood and community schools have constituted the basis for the structure of the public school system in our nation from time immemorial. What are the alternatives? Thus far, we have experimented with assignments based on race. It is now urged that we experiment with assignments based on socio-economic class.

Both alternatives are advocated on psychological and sociological grounds. However, Justice Burger has criticized a majority ruling by the United States Supreme Court because it had put controlling weight on sociological theories, as opposed to constitutional doctrine. The Chief Justices objection is well founded. The hypotheses and theories relating to supposed benefits of racial and sociological mixes have been repudiated by authoritative conclusions based on data obtained in the evaluation of such theories.

We cannot but conclude that neighborhoods are and should be continued, as a matter of public policy, as the basis for assignments to public schools; but if this basis for assignment is to be changed, it is not within the purview of equity powers of U.S. District Court Judges to decide what is a preferable alternative and to compel a change under threat of trial for contempt of Court.

Purpose

(b) The purpose of concentrating resources is accomplished by amending Title VII of the Emergency School Aid Act in a manner set out in Title I of this Bill.

The purpose of removing all vestiges of the dual school system is accomplished by remedies set forth in Title IV of this Bill. These remedies will be discussed by way of comment on provisions of Title IV.

Section 3

Findings

Contains six congressional findings, each of which is set out separately followed by comments.

(1) The maintenance of dual school systems where pupil assignments are made solely on the basis of race, color, sex, or national origin denies the equal protection of the

laws, guaranteed by the Fourteenth Amendment.

Comment

The significance of this finding is that it defines a dual school system and equates it with state imposed segregation which is a denial of equal protection of the laws. It is hard to understand how liberals could oppose this finding.

(2) Many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in extensive student transportation for the purpose of abolishing dual school systems and eliminating their vestiges.

Comment

This finding is a statement of the obvious. However, some have questioned the conclusion that extensive transportation of students has been involved. They cite statistics to show a decline in numbers of students transported and relative safety of this transportation. Raw statistics on the subject of busing are almost meaningless.

For one thing, there has been a substantial decline in the number of pupils bused because of the population trend from rural areas to cities. Consequently, less busing is required.

Furthermore, it is not busing per se that is objected to. It is the massive busing and cross busing away from neighborhood and community schools to schools scattered throughout a city or county that is objectionable. The statistics tell us nothing of numbers of children who are bused and cross bused for the sole purpose of obtaining an arbitrary racial mix in schools.

To argue that busing of this type is as American as apple pie is nonsense. Statistics on busing are meaningless unless broken down into categories, which among other things can tell us the number of pupils bused because of arbitrary pupil assignments which deny parents and children the right to attend local neighborhood and community schools which schools are already desegregated.

For example, Chief Justice Burger has said that courts may order busing from one end of the city to another and from the core of the inner city to the perimeter of a county and vice versa. Such busing and massive cross busing was specifically authorized in the Charlottee-Mecklenburg decision.

In some instances, busing is an indirect result of court ordered closing of schools, pairing schools and grades, clustering schools, and fantastic gerrymandering of school attendance districts. This busing is objected to because of hardships imposed and because it is for the sole purpose of achieving a maximum degree of racial mix arbitrarily imposed by Federal Judges. How many children are being bused because of orders of this type? The statistics tell us nothing.

Furthermore, U.S. District Courts have ordered busing from independent school districts to county school districts. In one instance, the city of Pleasant Grove, Alabama was ordered by a U.S. District Judge to surrender its school properties to the county school board although the local school facilities were constructed and remain to be paid for by taxation voluntarily assumed by local citizens. The taxpayers of the independent city system were required to pay the cost of purchasing buses and transporting children who resided in the adjoining county system in order to maximize the racial mix in the county system. As recently as March 1, 1972, the Supreme Court in the case of Wright v Council of the City of Emporia, Virginia, upheld a decision to compel an independent city school system to merge with the county system even though both systems were desegregated. In fact, the racial composition of the separate school systems after the merger would produce a racial difference in enrollments of but one or two children in a class. In a stinging dissenting opinion by Chief Justice Burger, joined by Mr. Justice Blackmon, Mr. Justice Powell, and Mr. Justice Rhenquist, it was observed that:

> Obsession with such minor statistical differences reflects the gravely mistaken view that a plan providing more consistent racial ratios is somehow more unitary than one which tolerates a lack of racial balance.

Busing statistics do not tell us how many children are transported by reason of the obsession of U.S. District Court Judges with racial ratios.

Finally, the statistics say nothing about the number of children who are bused by a yet unnamed device which I refer to as "herding." This system provides that school children be rounded up from all over the countryside. They are then transported to a corral or pick-up point. They are then reloaded on buses and transported to separate schools scattered around the area to which they are assigned by a U.S. District Court Judge. How many children are being bused pursuant to this "equitable" principle? The statistics do not say.

These examples of busing have as an overriding purpose the achievement of an arbitrary racial mix. This is the type busing which has inflamed the emotions of the people resulting in a demand for legislative relief.

Opponents of this finding would have us believe that such busing is neither excessive or extensive. They prefer to perpetuate this type of busing and to legitimate it as a proper remedy in alleged denials of equal protection of laws, to be applied in the sole discretion of a U.S. District Court Judge.

They appear to be oblivious to the fact that U.S. District Court Judges can apply these harsh remedies anywhere in the United States in the absence of protections provided by the bill.

(3) The implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided.

Comment

The above finding is derived from known facts that, with few exceptions, every educational system in the United States is short of funds. None have enough money to implement much needed improvements in educational programs and facilities. It stands to reason that any new education program which requires local educational agencies to divert large sums to new buildings or to transportation necessarily reduces financial resources available for the maintenance and improvement of educational facilities and instruction. Yet, some opponents of this bill insist that when U.S. District Courts require school systems to take on or expand extensive and costly transportation systems, it does not diminish remaining funds to maintain the quality of existing educational programs and facilities. This contention abandons common sense.

Furthermore, this argument overlooks the fact that some school systems are compelled to purchase buses in situations where local school systems have never before provided bus transportation. Consequently, more than the cost of buses is involved. Nonbusing school systems are primarily city and independent school systems. They are compelled to purchase buses, employ and train drivers, establish maintenance shops, and absorb the cost of insurance, repairs, and the cost of absolescence of equipment. It simply cannot be denied that these educational agencies are required to expend large amounts of funds thus depleting their financial resources which could be better spent in improving educational opportunities for all.

(4) Transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive.

Comments

This finding merely confirms common sense judgments. A dumbell will admit that busing can be excessive. Congress is saying that it is excessive when: *It creates a serious risk to the health and safety of children;* when it disrupts the educational process carried on in schools; and when busing significantly impinges on the educational opportunities which might otherwise be available to the bused children. Common sense dictates that the conditions described are valid regardless of the age of the child. The next finding relates only to children enrolled in the first six grades.

(5) The risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades.

Comments

This finding is based on what the United States Supreme Court has said with reference to the importance of the age of children in determining whether or not the time and distance of travel by bus transportation is excessive. Congress finds that the risk and harms are particularly great for children in the first six grades.

Finding Number 4 is that busing is excessive when it creates a serious risk to the health and safety of students. Finding Number 5 is that the risk and harms are particularly great for children in the first six grades. This last observation does not detract from the validity of finding Number 4 which designates additional elements of excessive busing which are applicable to all ages.

In evaluating the reasonableness of findings with respect to excessive busing, it should be emphasized that if Congress does not undertake to determine what constitutes excessive busing—then this decision is left to the judgment of a single United States District Court Judge, in the exercise of his discretion. No Federal Judge has the power to impose on an individual serious risks to his health and safety. It does not matter if the individual is a pupil in the first grade or the twelfth grade or if an individual is a parent, employee or whatever.

It is simply a contradiction of the meaning of the word "equity" and the history of equity jurisprudence to assert that a judge, in his discretion, may impose remedies which subject individuals to serious risks to their health and safety. Even condemned criminals are protected from such abuses of power. Why should children not have the same protection?

The same can be said with respect to the equity power of a judge to command transportation of school children if the transportation disrupts the schools and educational process. There are no powers under equity jurisdiction to do anything which violates the dictates of common sense and conscience. Court ordered transportation of school children which results in disruptions of schools and the educational process is not equity. Neither is there a power in judges to require transportation which impinges on the educational opportunities of the children involved—such orders are the antithesis of equity.

(6) Court guidelines for fashioning remedies to dismantle dual school systems have been incomplete and imperfect and have not established a clear, rational, and uniform standard for determining the extent to which the local educational agency is required to reassign and transport its *students to eliminate the vestiges of a dual school system.* (Emphasis added.)

Comment

The U.S. Supreme Court has frequently acknowledged that the guidelines provided by courts for shaping remedies to achieve a unitary school system have been "incomplete and imperfect." Furthermore, neither Congress nor the Supreme Court has established a clear and consistent definition of the phrase "vestiges of a dual school system." For that matter, there is nowhere to be found a definitive and consistent explanation of the term "unitary school system." Under the circumstances, it is rationally impossible for Congress not to find that neither local educational agencies nor U.S. District Courts have had inadequate guidance as to what is required by way of reassignment and transportation of students in order to establish a unitary school system and remove the vestiges of a dual school system.

Subsection (b) provides that the foregoing reasons make it necessary and proper for Congress to specify appropriate remedies for the elimination of the vestiges of dual school systems pursuant to the powers granted in the Constitution.

Comment

It is doubtful that opponents of this bill will seriously question any of the six findings by Congress. What they do object to is the exercise by Congress of the power to specify appropriate remedies provided in Title IV for the correction of denials of equal educational opportunities. In other words, if the bill were limited in purpose to providing remedies for correction of vestiges of a dual school system, the objections would likely melt away.

TITLE I—ASSISTANCE

Amends the Emergency School Aid Act in numerous technical details to permit a concentration of resources on educationally deprived students.

Comment

Sec. 101. Amends various sections of Title VII of P.L. 92-318, the short title being, "Emergency School Aid Act." The purpose of the amendments is to make $500 million for two fiscal years available for use on programs for educationally deprived students attending schools which enroll a high concentration of students from low-income families. Under provisions of Title VII, there is authorized to be appropriated a total sum of $1 billion for the Fiscal Year ending June 30, 1973 and $1 billion for the Fiscal Year ending June 30, 1974.

For the purpose of brevity, Title VII of P.L. 92-318 as amended, is attached as an appendix to this analysis.

Objections to these amendments have related to the contention that Congress should authorize an appropriation of much more than $500 million for each of two fiscal years, in addition to the $2 billion authorized to be appropriated under P.L. 92-318. The answer to this contention is that $6 billion is currently authorized to be appropriated for Title I programs designed to accomplish the purposes of this Title. It has not been demonstrated that additional authorizations are either necessary or desirable. Congress has appropriated only about $2.6 billion of the $6 billion authorized to be appropriated and additional authorizations are not necessary.

In any event, an objection to the bill on the ground of inadequate funding implies approval of the bill in principle.

TITLE II—UNLAWFUL PRACTICES

Section 201

Denial of Equal Educational Opportunity Prohibited

This section provides that no *State* shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin by—

(a) deliberate *segregation* by educational agencies on the basis of race, color, sex, or national origin among or within schools;

(b) failure of educational agencies which formerly practiced deliberate *segregation* to take affirmative steps, consistent with title IV, to remove the vestiges of their dual school systems;

(c) assignment by educational agencies of students to schools, other than the ones closest to their homes, where the assignment results in a greater degree of *segregation* of students on the basis of race, color, sex, or national origin than would result if the students were assigned to the schools closest to their homes which provide the appropriate grade level and type of education;

(d) discrimination by educational agencies on the basis of race, color, sex, or national origin in connection with the employment of school faculty and staffs;

(e) transfer by educational agencies of students from one school to another if the purpose and effect is to increase *segregation* of students on the basis of race, color, sex, or national origin; or

(f) failure by educational agencies to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs.

Comment

Subsections (a) and (b) of this section relate to "deliberate segregation." This is an illusive term which some courts have held to be descriptive of situations where schools have been located and maintained in all white or black or predominantly white or predominantly black neighborhoods. Such schools have been held to be deliberately segregated. The reasoning is that to condone segregated schools and to refuse to remedy such segregation is equivalent to imposing it by the state.

It cannot be questioned that "deliberate segregation" is made unlawful and constitutes a cause of action for denial of equal educational opportunity as well as a denial of equal protection of the law. In support of this conclusion, it will be noticed that the word "segregation" is used in describing four separate unlawful practices. Under definitions in Title V of this bill, it is provided,

"(c) the term 'segregation' means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin and within a school on the basis of race, color, or national origin.

"(d) The term 'desegregation' means desegregation as defined by Sec. 401(b) of the Civil Rights Act of 1964."

This last section of the Civil Rights Act of 1964 defines desegregation as follows:

"'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in *order to overcome racial imbalance.*'"

The U.S. Supreme Court construed this section as follows:

"The legislative history of Title IV indicates that Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called 'de facto segregation'. . . ."

The definitions of the words "segregation" and "desegregation" used in the bill made it unmistakably clear that a cause of action is created to remedy *"de facto"* segregation, but that no cause of action lies to overcome "racial imbalance." This conclusion is reinforced by the remedies provided and the specific exception provided in Section 202, to the effect that failure to attain a balance shall not constitute a denial of equal educational opportunity or equal protection of the laws.

Subsection (c) governs pupil assignments and transfers by educational agencies so as to prevent a greater degree of segregation of students. This section applies in all schools in the United States.

The discriminations described in Subsections (d) relating to employment of school staff and (e) relating to transfer of students, and (f) relating to language barriers have nationwide application. In short, the totality of unlawful practices apply to schools in every region and section of every state in the United States.

Therefore, one can reasonably conclude that opponents of this bill are opposed to Congressional action to provide a statutory remedy for the denial of equal educational opportunities resulting from segregation as defined by this bill.

It is not my purpose nor intent to question motives of Senators. However, there are at least three and there would be four instances, if this bill is not passed by the Senate, where Senators distinguished by long and loud condemnation of racial segregation in public schools have voted to exempt their states from the application of laws designed to help eliminate segregation in all states. This seems to be another of those instances.

Section 202

Balance Not Required

"The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools shall not constitute a denial of *equal educational opportunity, or equal protection of the laws.*" (Emphasis added.)

Comment

It is significant that this Section does not use the term "racial balance." It merely confirms what the Supreme Court has said on this matter in the context of equal protection of the laws. More specifically, the Court said in Charlotte-Mecklenburg:

"If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse."

Section 203

Assignment on Neighborhood Basis Not a Denial of Equal Educational Opportunity

This section declares that, subject to other provisions of the title, assignments of students to schools nearest their homes which provide appropriate grade level and type of education are not a denial of equal educational opportunity or of equal protection of the laws unless the assignments are for the purpose of segregating students on the basis of race, color, sex, or national origin, or the schools to which the students are assigned are located where they are for the purpose of so segregating students.

Comment

The implications in this section are better comprehended when the content is expressed affirmatively in substance as follows:

"If a student is assigned to a neighborhood school for the purpose of segregating students, or if the neighborhood school is located on its site for the purpose of segregating students then such students are not entitled to be assigned to a school nearest their places of residence. Otherwise the assignment of students to schools nearest their places of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws."

Under this provision any school in the South constructed during the period when schools were segregated by law, and perhaps since then, could be held by a court to be located on its site for the purpose of segregating students. Therefore, this section would seem to effectively deny students in southern states the right to attend schools nearest the place of their respective residences.

Since this section contains the phrases "equal educational opportunities" or "equal protection of the laws," it would seem to apply to schools in urban areas of states outside of the South if schools were located consistent with federal policy governing FHA housing. Policies of this agency promoted racially homogeneous neighborhoods. In short, there is good reason to believe that the provisions of this section may apply throughout the United States.

TITLE III—ENFORCEMENT

Section 301

Civil Actions

An individual who is denied equal educational opportunity, as defined by the act, may institute a civil action in their appropriate U.S. District Court for appropriate relief. The Attorney General may also institute such civil actions on the behalf of any such individual.

Comment

As previously pointed out, this section creates a cause of action consistent with public policy that *all children enrolled in public schools* are entitled to equal educational opportunity without regard to race, color, sex, or national origin. As to applicability, it implements Sec. 201 which states that:

"*No state* shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin."

Section 302

Population Changes

This section provides that when a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan of desegregation or for modification of the court approved plan.

Comment

This section is consistent with the observation of the Chief Justice in Charlotte-Mecklenburg that:

"At one point, these school authorities and others like them should have achieved full compliance with this court's decision in Brown I. The systems will then be 'unitary' in the sense required by our decision in Green and Alexander.

"It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor District Courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system."

Section 303

Jurisdiction of District Courts

The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 301.

Section 304

Intervention by Attorney General

Whenever a civil action is instituted under section 301 by an individual, the Attorney General may intervene in such action upon timely application.

Section 305

Suits by the Attorney General

The Attorney General shall not institute a civil action under section 301 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title II of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

Section 306

Attorneys' Fees

In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

Comment

These last sections require no elaboration.

TITLE IV—REMEDIES

Section 401

Formulating Remedies; Applicability

In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, a department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

Comment

There can be no objection to a judge in equity cases formulating an appropriate remedy to meet particular circumstances which may deny equal educational opportunities or equal protection of the laws.

This provision is useful if it will serve to inhibit U.S. District Court Judges from distorting traditional equity principles by imposing on numerous school systems the precise remedy or remedies without regard to the wide variety of circumstances and conditions in the separate school systems. After all, this is what equity is all about. This is the reason underlying the flexibility of equitable remedies and the discretionary power of judges to fine-tune decrees to meet particular circumstances.

Section 402

Types of Remedies

In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin.

(d) the creation or revision of attendance zones or grade structures without requiring transportation that described in section 403;

(e) the construction of new schools or the closing of inferior schools; or

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 403 and 404 of this Act.

Comment

The provisions of this section are applicable only in cases where a court, department, or agency of the United States has imposed desegregation plans which, in implementation, require *transportation* of students either *directly* or *indirectly*.

Examples of orders or plans which directly require transportation is found in cases where school boards have never provided transportation of students, yet, a court order compels such boards to purchase buses and establish an entire system of transportation from scratch in order to comply with the court-ordered plans.

Examples of transportation which may be indirectly required are provided in cases where a court-ordered plan requires closing schools, clustering, pairing, or grotesque gerrymandering of school attendance districts. In such cases, the court order may say nothing about transportation of students but the effect of the order is that many children could not attend the school to which they were assigned without bus transportation.

In a case where direct or indirect busing is required, it is provided that judges shall consider and be guided by a series of remedies to be considered singly and in combination in an order of priorities. These remedies are in sequence as follows:

Briefly, judges shall consider the effectiveness of an assignment of students to the schools closest to the place of residence, taking into account problems of overcrowding and natural physical barriers, such as mountains, roads and rivers. If this remedy is inadequate, judges shall consider assignments closest to the residence of the student, taking into account only the problem of overcrowding. If these remedies are still inadequate, the court shall, consistent with United States Supreme Court mandate, permit transfers of pupils, on the basis of race, from schools in which a race of the applicant is in a majority to a school in which that race is in a minority. If this combination of remedies is still inadequate, the courts may alter attendance zones, grade structures, and require transportation to a school which is next nearest to the place of residence of the students so transported. Then the court may require the closing of inferior schools and the construction of new schools and the construction or establishment of magnet schools. Each of these remedies has heretofore been enforced under equity powers of United States District Court Judges. If this bill becomes law, the courts may now order constructions or closings under authority of statutory law. This is the first time to my knowledge that Congress has ever specifically authorized closing schools and constructing schools to implement equal educational opportunities as provided by this bill or in furtherance of implementing equal protection of the laws under the Fourteenth Amendment.

It is inconceivable to me that the above remedies are inadequate to desegregate public schools or to remove all vestiges of a dual school system. However, should these remedies be inadequate there is yet another provision which authorizes "any other plan which is educationally sound and administratively feasible," subject only to the limitation that pupils may not be transported beyond the next nearest school to their place of residence and subject to the provision that school district lines drawn by states, cities, and independent school districts may not be ignored or altered, unless it can be established that the lines were drawn for the purpose of and had the effect of segregating children in public schools by race, etc.

The effect of the catch all remedy in subsection (a) is that U. S. District Courts have at their command every single remedy they have heretofore used, subject only to the limitation on transportation and the limitation on discretionary powers of judges to disregard attendance district lines drawn by states or under state authority such as county boundary lines as well as city and independent school district lines.

I am convinced that the school systems which serve Harlem and the District of Columbia could be desegregated by resort to the remedies specifically authorized by this bill. All a judge has to do is close enough schools and order busing to the next nearest school.

Since all the remedies provided by this section, including the remedy of "any other plan," have long been applied by U. S. District Courts, with approval of the U. S. Supreme Court, any objection to this title must necessarily relate to the limitations on transportation to the next closest school to the place of residence of pupils or to the limitation recognizing the integrity of school districts drawn under authority of state legislatures.

Opposition to these limitations implies that there is a constitutional duty of courts of equity to assign pupils to schools in a manner to require transportation beyond the school next closest to a pupil's place of residence and also a constitutional duty for local school officials to disregard school district boundaries drawn under authority of state legislatures.

In summary, there is no provision in this section which conflicts with any U.S. Supreme Court ruling, as distinguished from *obiter* in certain Supreme Court opinions in which these points were not the principle questions to be decided and which were made only in the course of argumentation.

If this bill passes, courts of equity will no longer be required to allocate financial resources of state and local governing bodies and establish a priority of expenditures, as they have done in the past under a pretense that such powers were conferred as an incident of equity jurisprudence. Hereafter, judges in these cases may do whatever they may think is required under authority of Congress. Thus, I cannot comprehend why so-called liberals oppose this bill.

Section 403

Transportation of Students

Subsection:

(a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the *transportation* of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, departments or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan, which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring.

Comment

The question raised by subsection (a) is whether or not it does in fact limit transportation of any student to the school closest or next closest to his place of residence. For example, Section 203, which relates to assignment on a neighborhood basis, contains a proviso that one is not entitled to assignment to a neighborhood school if the school had been located on its site for the purpose of segregating students. Thus, it may be that in southern states most schools constructed up until recently can be found to have been located on their sites for the purpose of segregating students. Consequently, the nearest school, the next nearest school, and the next nearest school, and, in fact, all schools fall within the exception. The same can be said for many schools in cities and counties outside of the South where schools were located on their sites to serve all white or all black neighborhoods.

Subsection (b). This subsection embraces a U.S. Supreme Court recognition of a limitation on "equity" powers of U.S. District Court Judges. Equity does not require that children be transported at the risk of the health of the child or if it significantly impinges on the educational process. This would hold true regardless of the age of children involved.

It should be noted that this limitation applies to individuals and not to groups or classes of individuals. It is a distressing commentary on the abuse of equity powers by Federal Court judges that both the U.S. Supreme Court and Congress has found it necessary to restrain judges in order to protect a fundamental right of all human beings.

Subsection (c). Again presents the problem of trying to define such terms as "desegregated," "constitutional requirements," "unitary system," and "vestiges of a dual system."

Nevertheless, when a court of competent jurisdiction determines that a school system qualifies for designation by any one of these terms, public school agencies may not thereafter be required to submit new desegregation plans or modify court approved desegregtaion plans to accommodate residential shifts in population, *if* such new plan or modification would require transportation of students.

The language in this subsection is the same as used in Section 302, which states that population changes shall not *per se* constitute a cause of civil action to compel a new plan of desegregation. The section now under consideration, just as section 302, is consistent with Supreme Court views on the subject.

Section 404

District Lines

In the formulation of remedies under section 401 or 402 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, sex, or national origin.

As previously mentioned, this section recognizes the integrity of school district lines drawn by a state which necessarily includes school district lines which correspond to county and municipal boundary lines and school district lines of independent school districts, the boundaries of which have been drawn under specific authority of state legislatures. It is conceivable that some independent school districts like that of Pleasant Grove, Alabama, could be found to have been drawn by the legislature for the purpose of segregating children on the basis of race, etc. In any event, equity powers of the court do not extend to a right to ignore boundary lines of political subdivisions of the state.

Section 405

Voluntary Adoption of Remedies

Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

Comment

This section needs no elaboration.

Section 406

Reopening Proceedings

On the application of an educational agency, court orders, or desegregation plans under Title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

Comment

Cases in equity may be reopened at any time, independently of statutory authority, for the purpose of seeking modifications as may be justified by changed circumstances. This section merely authorizes reopening on application of an educational agency and provides that the Attorney General shall assist such educational agency in the reopening proceedings and in obtaining appropriate modifications.

In any case where U.S. District Court judges have gone beyond reasonable limitations on equity powers of courts, it is only reasonable and just that such orders should be reopened and modified to make them consistent with laws of Congress. A traditional principle of equity is that equity follows the law. In school desegregation cases, equity must follow first the law of the Constitution and then the federal and State statutory laws to the extent that such laws are consistent with the Constitution. The right to reopen for modification consistent with valid Federal laws is fundamental and cannot seriously be questioned. In any event, there are very few, if any, provisions in this bill which offer material relief to parents, school children, and school officials in the southern states. But I suppose we should be grateful for any form of relief that might be provided. This reopener provision is one of the crumbs of possible relief.

From the standpoint of southern states alone, if this bill were to be stripped of limitation which are already recognized by the Supreme Court as limitations on equity powers of U.S. District Courts, precious little would be left in the way of relief. From the standpoint of states outside of the South, very significant progress can be made by providing equal educational opportunities. School systems in states outside of the South may very well need the limitations in this bill in the very near future.

Section 407

Limitation on Orders

Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were, in the past segregated de jure or de facto.

Comment

This section presents another example of semantic difficulties but it is clear that court orders which require transportation of children to remedy a denial of equal protection of the laws, which is to say de jure segregation, shall be terminated, only to the extent that transportation is required, when an appropriate court finds that a school system is unitary. The language of this section seems to define a unitary school as one which "is not effectively excluding any person from any school because of race, color, etc.," regardless of whether a court may find, as in the Detroit case and many others, that the segregation is *de jure* or *de facto*.

It is worth noting that the termination requirement applies only to orders involving a denial of equal protection of the laws and not a denial of equal educational opportunity. It should be noted also that the orders shall be terminated only to the extent that it involves transportation.

The second sentence of this section would prohibit additional court orders requiring transportation of students unless it is found that a school agency is operating a dual school system. There is nothing in this provision which is inconsistent with the requirement of the Constitution as determined by the Supreme Court.

Section 408

Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.

Comment

This provision is distinguished from section 407 by reason of the fact that it is not limited to cases involving transportation of students. In other words, when a school is found to be operating a unitary school system, any court order requiring the desegregation of the school system shall be terminated and this applies to school systems which may have denied pupils an equal educational opportunity as well as those which have denied equal protection of the laws. No additional orders requiring desegregation shall be issued unless the schools of an agency are found to be operating dual school systems.

TITLE V—DEFINITIONS

Section 501

For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

TITLE VI—MISCELLANEOUS PROVISIONS

Section 601

Section 709(a) (3) of the Emergency School Aid Act is hereby repealed.

Comment

This has reference to provisions of P.L. 92-318 which authorizes the construction of educational parks.

Section 602

Separability of Provisions

If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Passed the House of Representatives August 18 (legislative day, August 17), 1972.

Mr. CANNON. Mr. President, I am pleased that H.R. 13915 is now being debated by the Senate and that this body will have an opportunity to consider one of the most pressing problems facing millions of Americans. I only regret that this so-called busing legislation was not called up earlier so as to provide the Senate with more time for closer scrutiny and examination of the enormous problems of forced busing in our public school system. As it is, now we are faced with adopting this legislation or none at all. Opponents of the bill would have us do absolutely nothing in hopes that the problem will go away as the school year moves on. In talking to the parents in my State and particularly to those of Clark County, Nev., who are under Federal court order to bus their children. I can tell the Members of this body that this simply is not going to happen.

I feel strongly that Congress should provide the direction and guidance that is so badly needed in this area. As the distinguished senior Senator from Nevada, the Honorable ALAN BIBLE, suggested earlier in the week, Congress for much too long has simply abdicated its clear responsibility in this area to the courts. And because of this void our courts have taken it upon themselves and attempted to deal with the problem of racial segregation in the public schools. But all too often their direction and guidelines have been inconsistent, confusing, and very often unfair to thousands of schoolchildren.

The time has come for this body to assume its rightful leadership and meet this tough problem head on. I have consistently opposed forced busing and school assignment based solely upon race. I think that the bill now before us, H.R. 13915, the Equal Education Opportunities Act of 1972, deals directly with forced busing and school assignment. The provisions of this bill simply make it clear that:

> Congress declares it to be the policy of the United States that all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and that the neighborhood is the appropriate basis for determining public school assignment.

This legislation goes a long way toward providing in a responsible manner the clear guidelines that have been lacking in dealing with school desegregation.

The confusion of the American people over this issue has been one of the things that has troubled me the most. We have a situation where the courts are acting in one fashion, the Congress is passing or attempting to enact legislation countermanding the court orders, and the President issues statements so ambiguous that they serve little or no useful purpose at all. Is it any wonder that the American people are confused and mystified as to just what it all means?

Let us end the confusion now by acting to remove the void that we have left open to the judicial branch of this Government. The so-called busing issue is a tough problem that must be dealt with by each Member of this body. I urge the Senate to act now and adopt legislation that will provide the American people with the kind of clear policy and guidelines so desperately needed to resolve the dilemma facing schoolchildren and parents across the Nation.

I also ask unanimous consent to have printed at the conclusion of my remarks a sampling of correspondence I have received from concerned parents in my State. You will note that their concerns and fears deal with the elimination of the neighborhood school concept and the stability, security, convenience, and cohesiveness the neighborhood school provides.

I also wish to call to the Senate's attention a statement by R. C. Lunnis, a notary public in Las Vegas, Clark County, Nev., certifying that 35,000 people in the Las Vegas area signed a petition opposing forced busing and calling for the preservation of the neighborhood schools.

I also ask unanimous consent to have printed correspondence from the attorney for the Clark County School District in Las Vegas, Nev., Mr. Robert L. Petroni. Mr. Petroni raised some points on section 406 of the bill before us, and I think this may be of interest to the Senate. At a later date I plan to raise questions on the reopening provision in section 406 at greater length. I contacted the Attorney General for his judgment on this section and a response from his office is also submitted for the RECORRD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., October 6, 1972.

Hon. HOWARD W. CANNON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CANNON: This is in response to your September 28, 1972, inquiry concerning the effect of section 406 of H.R. 13915, the "Equal Educational Opportunities Act of 1972."

It is our judgment that the language of section 406, the reopening provision, applies to all court orders and is not limited to court orders which may be entered pursuant to Title VI of the Civil Rights Act 1964.

Sincerely,

RALPH E. ERICKSON.
Deputy Attorney General.

CLARK COUNTY SCHOOL DISTRICT,
Las Vegas, Nev., September 20, 1972.
Hon. HOWARD W. CANNON,
Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: I have read through the above legislation to determine how it may affect our integration case here in Las Vegas. The first matter which I wish to bring to your attention is section 406 on page 22 under Title IV—Remedies. In reading that section it is not clear as to whether or not Las Vegas would be able to reopen their case in the federal court, since our case was not commenced under Title VI of the Civil Rights Act of 1964. That section could be interpreted to mean that only in those cases where court orders were entered pursuant to Title VI of the Civil Rights Act of 1964 could there be a reopening of the proceedings.

As you will recall, our case was commenced by several plaintiffs under the direction of the NAACP and filed pursuant to the provisions of Title 28, U.S.C. section 1343, (3) and (4) as authorized by Title 42, U.S.C., section 1981 and 1983, and in addition under the due process and equal protection provisions of the Fifth and Fourteenth Amendments of the United States Constitution. The United States has never intervened in our action nor has the Civil Rights Division intervened pursuant to the Civil Rights Act of 1964. Therefore, it should be clear as to whether or not a school district in our position may reopen the proceedings and request relief pursuant to this legislation.

In comparing section 406 with the other remedy sections under Title IV of the legislation there is no reference to the Civil Rights Act of 1964, and therefore a court could very well interpret the opening proceedings of 406 as applying only in those cases brought pursuant to Title VI of the Civil Rights Act of 1964. Sections 401, 402, 403, 404, 405 and 407 all refer to courts in general and have no reference whatsoever to the Civil Rights Act of 1964. As you know, in the Supreme Court case of Swann vs. Board of Education, 91 S. Ct. 1267, and 402 U.S. 1, the Court interpreted the Civil Rights Act of 1964 as not granting new powers to the courts and not expanding the existing powers of federal courts to enforce the Equal Protection Clause. I would. therefore, like your comments on whether or not Las Vegas would be in a position to reopen the federal court's procedure in the event this legislation is enacted. We certainly do not want legislation that the courts can get around as they have done with your Education Amendments of 1972, containing the busing moratorium.

If you need any further help in this matter, please don't hesitate to call.

Very truly yours,
ROBERT L. PETRONI,
Legal Counsel.

LAS VEGAS, NEV.,
September 26, 1972.

DEAR SENATOR CANNON: I am writing to let you know *why* I disagree with the busing program just started in Las Vegas.

I feel that children in this age have enough problems to face without having to suffer the insecurity of attending school so far from home. A mother with small children such as I would find it difficult to leave home to check on some problem a child may be having at school when it is so far away. I know, I had to go to school to check on my sons progress at least twice a month last year.

I feel the busing program is an unnecessary waste of tax money. This money should be used to bring better education to the children—not children to distant schools. I also feel that schools should be operated not by too powerful Central Federal government but by local and state governments—people who love their children because they *know* them.

I am for equal opportunity for all people—no matter what their color. I feel this opportunity should be based on work put forth, talent shown and the integrity of the individual.

I hope the day will come when all men will live in peace together, but programs like busing will only bring dissatisfaction and distrust in government.

Please join with Senator Allen of Alabama in the fight against busing.

How can we expect children to solve our problems. Lets set the example and solve them ourselves.

Sincerely,
MRS. ANNE GULLER.

LAS VEGAS, NEV.,
September 24, 1972.
Hon. HOWARD CANNON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CANNON: As responsible citizens, we refuse to join in the school boycott planned for Sept. 25, 1972. Instead we choose to voice our displeasure by writing to you personally. We are strongly opposed to forced busing and believe wholeheartedly in the neighborhood school concept.

We urge you to join with your colleague in using every means available to you to bring about a change in this situation.

Although we do not believe in keeping our children home as a means of protest, we do in fact support the aims of the Bus-Out Organization to bring our children back to the neighborhood school.

Now is the time for action. You can show the people of Nevada that you are truly a Senator who can effect changes.

Respectfully,
Mr. and Mrs. R. D. HALL.

LAS VEGAS, NEV.

SENATOR HOWARD CANNON: We do not want to have our children leave our neighborhood schools to be bused many hazardous miles.

It seems obvious that the majority of the population does not want forced busing. Our school district does not want it, and you have stated your opposition to it. It is against the Civil Rights Act of 1964 which states that forced busing will not be used as a means of integration. If this is allowed to come about, we feel this country will suffer the deepest pains of racial upheaval in its history. We feel that open housing and voluntary busing will accomplish peaceful integration *if* given enough time.

In our case, Judge Bruce Thompson of Reno, Nevada, has ruled that the moratorium has no bearing on our case. How can one judge's interpretation of the law force the majority of people to do something which is against their will? Our men have fought and died around the world for over two hundred years to keep people free, to give them a choice and a voice. Yet these rights are now being denied us here in Clark County, Nevada.

We strongly favor the Anti-busing Amendment now before the Senate, and urge its swift passage.

Please step in and speak for us. We are desperate for a solution to our problem. We need your help now.

Sincerely,
Mr. and Mrs. ALBERT MCCLAIN.

LAS VEGAS, NEV.,
September 14, 1972.
Senator HOWARD CANNON,
Senate Office Building,
Capitol Hill, D.C.:

As elected members of the Nevada State Legisulature, the undersigned join in urging that you use all possible insurance and effort to bring about the speedy passage of anti forced busing legislation now before U.S. Senate. We believe it is the desire and the wish of the majority of Clark County residents, whom we represent, that children be allowed to attend their neighborhood schools and not be subjected to massive forced busing. Because of Federal Court ruling it is now absolutely essential that we have a legal basis to prevent forced busing, and we therefore urge immediate Senate passage of the House passed anti-forced busing legislation.

Senator CANNON: We are writing to ask you to do everything you can to get this busing mess straigtened up. Our children are not involved yet but they will be in a few years and we do *not* want them to be bused all over town to school. We bought our home here because we are close to schools. Our school is already integrated. There are many black families living here in our neighborhood. None of them want their children bused somewhere else any more than we do.

Again, please try to get this stopped.

Thank you,
Mr. and Mrs. CHARLES L. MAGRUDER.

LAS VEGAS, NEV.,
September 24, 1972.
Hon. HOWARD CANNON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: This letter is to add my family's voice to the urgings of many asking the Senate to act on the Anti-Busing legislation.

In my opinion, Busing away from neighborhood schools is an unnecessary expense. Better to spend these monies on improved facilities or other pressing needs, i.e., hot lunches.

If a family does not believe in boycotts or other demonstrations, pressures are added to a childs school burden and it is my sincere feeling it is the obligation of the Congress to bring about a settlement of this issue.

Thank you for your attention.

Sincerely,
CAROLYN CHRISTY.

Mr. TAFT. Mr. President, when the Supreme Court decided *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), and set forth the separate but equal doctrine, Justice Harlan stated in his dissent that—

> The law regards man as man, and takes no account of his surroundings or of his color, when his civil rights, as guaranteed by the Supreme law of the land, are involved.

He stated prophetically that—

> In my opinion, the judgment this day rendered, will in time, prove to be quite as pernicious as the decision made by this Tribunal in the *Dred Scott* case.

The separate but equal doctrine did act as a pernicious force in our society, separating black from white and demeaning the quality of American citizenship. Our Nation stood as a house divided until *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954). In that landmark decision the Court held that—

> In the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

The following year, the Court set guidelines for appropriate relief. The district courts were instructed to take such proceedings as might be necessary to admit the parties to the cases to public schools on a racially nondiscriminatory basis, "with all deliberate speed."

Unfortunately, "massive resistance,"

"interposition," "freedom of choice plans," and other arguments were used to circumvent the ruling of the Court.

Despite the courts' attempt to implement the Brown decision, the pace of desegregation was slow. By the 1963–64 school term, the 11 States of the old Confederacy had only 1.17 percent of their black students in schools with any white students. This was a decade after Brown was decided. It was understandable that the courts would become impatient with the pace of desegregation under the "all deliberate speed" formula. In *Griffin* v. *County School Board of Prince Edward County,* 377 U.S. 218 (1964), the Court said that—

> There has been entirely too much deliberation and not enough speed in enforcing the Constitutional rights which we held in *Brown* v. *Board of Education, supra,* had been denied Prince Edward County Negro children.

Consequently, the courts abandoned the "all deliberate speed" formula and proceeded to require unitary school systems. In *Green* v. *County School Board of New Kent County,* 391 U.S. 430 (1968), the Court held that the Board was required to formulate a new plan, in light of other courses which were open to it, such as zoning, and convert to a system without white schools and black schools, "but just schools."

In *Alexander* v. *Homes County Board of Education,* 369 U.S. 19 (1969), the Court held that:

> Continued operation of segregated schools under a standard of allowing "all deliberate Speed" for desegregation is no longer constitutionally permissible.

In many parts of the Nation, transportation patterns were utilized to perpetuate systems of segregated schools. It is regrettable that some of those who are now speaking out against forced busing were not equally vocal when massive busing was used to perpetuate the effects of dual school systems—one for blacks and one for whites. Because children were bused away from the schools in their neighborhoods to more distant schools where all the children would be of their own race, the Courts were led to consider the use of buses to integrate the schools of the South.

In *Swann* v. *Charlotte-Mecklenburg Board of Education,* 402 U.S. 1 (1971), the Court was faced with the question of what procedures should be utilized in eliminating all remaining segregation in a large urban area. The Court did not ban one-race schools outright. But the Court did say that,

> In a system with a history of segregation, the need for remedial criteria of sufficient specificity to assure school authority's compliance with its constitutional duty, warrants a presumption against schools that are substantially disproportioned in their racial composition.

The Court held that the constitutional command to desegregate schools "does not mean that every school in the community must always reflect the racial composition of the school system as a whole."

With respect to busing the Court observed that,

> Bus transportation has been an integral part of the public education system for years.

The Court then approved a plan whereby the children of Charlotte would be bused approximately 7 miles per day as opposed to 15 miles average busing under the previous plan.

Consequently, we are today faced with a situation in which the courts have approved busing where de jure segregation has been found to exist, but apparently no court has approved busing where only de facto segregation has been found to exist.

In my mind the distinction between de facto and de jure segregation is no longer tenable and simply invites courts to make de jure findings in what might, in fact, be de facto situations.

While there has been a great debate about busing, the issue is really far broader than busing and goes to the question of how school zones are drawn, and how pupils are assigned to schools.

In my judgment, transportation should not be used as vehicles for undoing the effects of segregated housing and economic discrimination. We have enough problems in education without thrusting this burden upon our school systems. For that reason, I do not believe that children should be bused abnormal distances out of their neighborhoods solely for the purpose of achieving racial balance.

In *Deal* v. *Cincinnati Board of Education,* 369 F. 2d 55 (6 Cir. 1966) Cert. denied 389 U.S. 847 (1967), the Court said:

> We read *Brown* as prohibiting only enforced segregation. * * * We hold that there is no constitutional duty on the part of the Board to bus Negro or white children out of their neighborhoods or to transfer classes for the sole purpose of alleviating racial imbalance that it did not cause, nor is there a like duty to select new school sites solely in furtherance of such a purpose. * * * Although boards of education have no constitutional obligation to relieve against racial imbalance which they did not cause or create, it has been held that it is not unconstitutional for them to consider racial factors and take steps to relieve racial imbalance if in their sound judgment such action is the best methoid of avoiding educational harm.

I believe that this is sound law. Similarly, I do not believe that busing is the answer in de jure situations. Instead, I believe that the courts should grant relief by changing school district boundaries or otherwise where discrimination by school officials has been shown to exist. The courts cannot become oblivious to the question of color where as Justice Burger noted in Swann, they are confronted by a "loaded game board". But we can and must recognize that the busing of schoolchildren, where it does not serve any educational purpose other than achieving racial balance, should not be undertaken simply to effect this racial balance.

Hopefully, some day Americans will all be accepted without regard to their color, their religion, or their national origin. But that day seems likely to be postponed by turning to a claimed remedy under which children are being transported back and forth across our cities solely because of their race.

Regrettably, I do not believe that H.R. 13915, in its present form, is in any way an acceptable answer to this problem.

No Senate committee has considered this bill. No Senate hearings have been held.

It contains provisions which are of dubious constitutionality, and if enacted, would present administrative nightmares.

The "next closest school" concept contained in section 403(a) is almost certainly unworkable and untested. It would aim to integrate schools solely in city neighborhoods where blue-collar whites live closest to black neighborhoods, leaving white suburbs sacrosanct.

The reopener provision of section 406 would undercut existing court orders and HEW title VI plans. This would permit the reopening of court orders going all the way back to 1954. It would inject turmoil and hostility and uncertainty into communities which have been peaceably abiding by long established court orders.

Nearly 500 law professors have joined in a public statement opposing the bill on constitutional grounds.

In his testimony before the House Judiciary Committee on March 2 relative to a proposed constitutional amendment, Prof. Alexander M. Bickel of Yale University Law School, made the following statement with which I concur:

> I am no partisan of busing for racial balance. I take the Court in the *Brown* case to have held that it is unconstitutional, as it is assuredly wrong and ultimately evil, to force the separation of children in the schools along racial lines. The question before the country now is, to my mind, rather a different one. It is, whether we think it wise or necessary to force the mingling of children in the schools in proportions that reflect approximately the ratio of blacks to whites in the total population of an area.
>
> Busing is inconvenient. What is more important, it runs counter to a widespread parental desire, which cannot fairly be brushed aside as mere racism, for a sense of community in the schools. The feeling, shared I believe by many blacks as well as whites, is that the population of a school, while not necessarily homogeneous, should have a sufficiently cohesive majority, to whose aspirations and needs the school can be responsive. A geographic element enters in since parents rightly feel that it is physically difficult, if not impossible, to maintain a connection with a school, and make their needs and wishes felt in it, if the school is 15 miles away.
>
> There is evidence that under certain conditions the education of black children is improved when they are sent from a segregated school situation into one with white children. But it is highly doubtful that the attainment of racial balance by busing is the only or always necessarily the most effective way to improve the education of black children. Considering the disadvantages that admittedly attend it, busing is often, therefore, not the wisest measure to adopt. However, since we are not prepared to close private schools or to incorporate them into the public system, or prepared to restrict the freedom of residential choice which the middle class enjoys, busing, after all its disadvantages have been incurred, not infrequently fails to achieve its end of maintaining racially balanced schools.
>
> So a great deal of the unpopularity of busing seems to me justified. But in some areas, busing is essential if any desegregation at all is to be achieved, and in many areas, segregation itself was, of course, maintained by busing. I would think it wrong, therefore, for Congress by constitutional amendment to forbid busing, and thus to hamper the

continuing work of desegregation, just as it nears completion. And quite aside from recent busing orders, I would think it disastrous to roll back the desegregation that has been achieved, undo the great work of 17 years . . .

I do not believe that this measure in its present form is a responsible way to deal with this difficult question.

There are many complex administrative and constitutional problems associated with the present bill. It would not recognize that all Americans are to be offered equal educational opportunity without regard to their race, their religion, or their national origin. We must recognize that we cannot forget our differences so long as people are being singled out for special schools or busing on the basis of their race. Finally, we must remove from our courts the temptation already evident in many decisions to make de jure findings of discrimination in de facto situations.

The time has come for us to affirm positively the equality of all Americans. We must strike down all laws, regulations, and administrative actions which treat us differently because of our race, our religion, or our national origin. The time has come to breathe new life into words written by our Founding Fathers, that we as Americans are all created equal. To adopt this bill in its present form would only impede that process, create administrative nightmares, create constitutional challenges, create racial turmoil, and postpone the day when we as Americans can recognize that we are, in fact, one people.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 493. An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; and

S. 2411. An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 16654) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY of Texas, Mr. PATTEN, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mr. CONTE, Mr. ROBINSON of Virginia, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.; and

H.R. 17034. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. GRIFFIN).

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.; to the Committee on Interior and Insular Affairs.

H.R. 17034. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; to the Committee on Appropriations.

TRIBUTE TO FORMER SENATOR PRESCOTT BUSH OF CONNECTICUT

Mr. JAVITS. Mr. President, earlier this week, a very dear friend of mine and a former Senator, Prescott Bush, of Connecticut, passed away; and I have not had an opportunity until now to speak a word of praise and of respect for the memory of Prescott Bush.

He served here with very great distinction. He was known as a really outstanding authority on monetary affairs, banking, and brokerage, in which he engaged most of his business life. He was a most erudite man and a fine gentleman in every sense of the term.

Notwithstanding the diversity of our origins and the diversity of our views, we found an enormous area of work to be done in the interests of the economic stability of the country and its money and credit systems, in which we worked together, and he showed a most enlightened attitude.

The thing that I loved the most about Prescott Bush was his very open mind; it was never closed, notwithstanding a lifetime of training in the particular areas in which he had worked.

He was a very dear friend and took note of little things which make life more worth living and beautiful.

I remember that when I, on one occasion, decided not to run for mayor of New York, which received an enormous amount of public notice in New York, he marshaled a number of my colleagues who very graciously, the very next day after I had made the announcement in New York that I could not stand for mayor, expressed their pleasure that I would continue in the Senate. They may have been sorry later, but it was a very gratifying occasion for me, and indicated the delicacy of feeling of this very masculine man, who was a great golfer, a great sportsman, and a fine human being in every way.

So, Mr. President, I would like to give this message to George Bush—his very distinguished son, our Ambassador and representative to the U.N.—to his family and his friends: that he is remembered most happily as a very distinguished Senator and a very wonderful human being by one of his colleagues here, who had the privilege of serving with him and working with him in the U.S. Senate.

DEATH OF FORMER SENATOR GEORGE ROBINSON SWIFT, OF ALABAMA

Mr. ALLEN. Mr. President, one of the most outstanding public figures in Alabama's history was the Honorable George Robinson Swift of Atmore, Ala., who was born at Swift's Post Office in Baldwin County, Ala., on December 19, 1887, and who died on September 10, 1972, rich in honors and high in the regard of his fellow citizens.

Perhaps the crowning achievement of his political life was his service in the U.S. Senate from Alabama from June 15, 1946, to November 5, 1946, under appointment from his longtime friend and political associate, Gov. Chauncey Sparks, to fill the vacancy caused by the death of Senator John H. Bankhead II. Senator Swift did not stand for election in the elections that year and he was succeeded by my distinguished senior colleague, Mr. **SPARKMAN.**

Senator Swift had had a distinguished career in Alabama politics before coming to the U.S. Senate, having served in the Alabama House and Senate and as Alabama highway director, a post he held at the time of his appointment to the U.S. Senate. After serving in the U.S. Senate, his returned to serve again with distinction in the Alabama State Senate.

My father, the late G. C. Allen of Gadsden, Ala., served in the State legislature with Senator Swift during the administration of Governor B. M. Miller, 1931–35, and they were dear friends. It was during this time that I, as a teenager, had the privilege of meeting Senator Swift, and coming to admire him. The admiration that I had for him continued and grew throughout his lifetime. During the years, 1947–51, I had the privilege of serving with Senator Swift when I served in the Alabama Senate.

Senator Swift was a Christian gentleman, an able statesman, a patriotic American, a conservative, Southerner to the core, who believed in sound business practices in and out of government, fiscal responsibility, free enterprise and individual initiative and resourcefulness.

I regarded his views highly and benefited from his wise counsel and advice through the years.

Our country needs more men of the philosophy and patriotism of Senator Swift.

Time has taken its toll during the years and fewer than half a dozen Senators now serving were in the Senate when Senator Swift served here but he is remembered—and highly regarded—by those who were here at that time.

Thousands knew him affectionately as "Robin" Swift, but as his junior looking up to him on his high level of achievement and patriotic service to his State and Nation, I have always called him—and will ever remember him as—Senator Swift.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 13694.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate H.R. 13694, an act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, which was read twice by its title.

Mr. HRUSKA. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. HRUSKA. Mr. President, there is presently pending at the desk H.R. 13694 as passed by the House, which would authorize appropriations in amount of $3,356,000 for expenses of the American Revolution Bicentennial Commission to February 15, 1973. Of this amount, $1.2 million would be for grants to the State bicentennial commissions.

Section 2 of H.R. 13694 authorizes a program of project grants to nonprofit groups—including States and subdivisions thereof—to assist in developing worthwhile bicentennial projects. Section 2 also authorizes the Commission to accept donations or bequests for a specific grantee recipient for a specific bicentennial program or project or grant such donation or bequest, plus an amount not to exceed the value of the donation or bequest provided that the recipient agrees to match the combined value of the grant for such bicentennial program or project.

On October 10 of this year the Senate passed and sent to the House S. 3307, a bill which would authorize appropriations for the Commission for fiscal 1973 in amount of $6.7 million of which not to exceed $2.4 million would be for grants in aid to the States. In lieu of the Senate passed bill, the House in its wisdom on September 28, 1972, passed their bill limiting the appropriation for the Commission to $3,356,000 until February 15, 1973.

The unusual House action was occasioned by certain charges made against the Commission which are now being investigated by the General Accounting Office and the staff of the House Judiciary Committee. It was the view of the chairman of the House Judiciary Committee that the important work of the American Revolution Bicentennial Commission should continue, pending completion of these investigations and that the Congress should have an opportunity early in the next session to consider further funding for the American Revolution Bicentennial Commission in the light of the completion of the reports of the General Accounting Office and the staff of the House Judiciary Committee.

In the meantime, the Commission is to proceed with the development of its programs for the Bicentennial Commission commemoration.

The intent of H.R. 13694 as explained by the chairman of the House Judiciary Committee on the floor of the House on September 28, that the $3,356,000 out of which $1.2 million was for grants to the State bicentennial commission and the remaining $2,156 million will permit the continuation of the American Revolution Bicentennial Commission to spend at its current going rate and the implementation of activities already undertaken by the Commission during the current fiscal year.

In view of the imminent adjournment of the Congress I deem it imperative that the Commission be allowed to continue its implementation of its programs toward the bicentennial celebration in 1976 and that it is necessary that the House-passed bill be favorably considered here in the Senate and sent down to the White House for the President's signature in order that the Commission may continue in its planning for the celebration in 1976.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 13694) was passed.

CLASSIFICATION AS A WILDERNESS AREA CERTAIN LANDS IN OREGON

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 493.

The Presiding Officer laid before the Senate the amendment of the House of Representatives to the bill (S. 493) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes which was to strike out all after the enacting clause and insert:

That the areas proposed for addition to the Eagle Cap Wilderness as generally depicted on a map entitled "Proposed additions to the Eagle Cap Wilderness", dated August 1, 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated for addition to and a part of the Eagle Cap Wilderness, Wallowa and Whitman National Forests, Oregon, which addition comprises an area of approximately 72,420 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagle Cap Wilderness as revised by this Act with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The additions to the Eagle Cap Wilderness provided by this Act shall be administered as a part of the Eagle Cap Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Within five years from the date of enactment of this Act, the Secretary shall review those lands depicted on the map referenced in section 1 of this Act as the "Wilderness Study Area" comprising about 32,000 acres, commonly referred to as the Lower Minam, and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the above area for preservation as a wilderness and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Mr. ROBERT C. BYRD. Mr. President, the amendment of the House to S. 493 designates 72,420 acres in the Wallowa and Whitman National Forests, Oregon, as an addition to the existing Eagle Cap Wilderness and provides for the review and study of some 32,000 additional acres for their wilderness potential and future wilderness designation. The Senate-passed bill would have created a separate wilderness in approximately the same area of 80,000 acres.

Mr. President, because the differences between the two bills are not substantial enough to require a conference between the two Houses, I move, on behalf of the distinguished Senator from Oregon (Mr. HATFIELD), that the Senate concur in the amendment of the House to S. 493.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT OF MINING AND MINERALS POLICY ACT OF 1970—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on S. 635, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 3, 1972, at pp. 33474–33476.)

Mr. ROBERT C. BYRD. Mr. President,

the differences between the Senate-passed bill and the House amendment were mainly differences in legislative drafting and the format of the national program of mining and minerals resources research provided for by this legislation.

Mr. President, I am satisfied that the agreement reached by the conference committee is a reasonable compromise.

On behalf of the Senator from Washington (Mr. Jackson), I move the adoption of the conference report.

The report was agreed to.

ORDER FOR CERTAIN HOUSE BILLS TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in legislative session, that the following bills messaged over from the House of Representatives be held at the desk temporarily for later disposition: H.R. 8756, H.R. 9554, and H.R. 13694.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF ORDERS FOR RECOGNITION OF SENATORS BENNETT AND GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the orders for the recognition of Mr. Bennett and Mr. Griffin tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROL OF TIME ON CLOTURE MOTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time—the 1 hour—for debate on the motion to invoke cloture on tomorrow be divided between and controlled by the distinguished Senator from Alabama (Mr. Allen) and the distinguished Senator from New York (Mr. Javits).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALIFICATION OF AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all amendments at the desk at the time of the vote on the motion to invoke cloture on tomorrow be considered as having met the reading requirements of rule XXII.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD DURING WHICH THE NUMBERS FOR CERTAIN GRADES IN THE AIR FORCE MAY BE INCREASED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 1173, H.R. 14542.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 14542) to amend the Act of September 26, 1966, Public Law 89-606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel and colonel in the Air Force may be increased, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. CANNON. Mr. President, H.R. 14542 is a bill to extend Public Law 89-606 to enable the Air Force to continue its current officer promotion program for 4 years. I would like to briefly explain what this bill is all about.

This bill really boils down to one question—Do we want to continue to provide Air Force officers approximately the same promotion opportunities as are being provided to their contemporaries in the other services? Air Force officers are already somewhat behind officers in the other services, but if this bill fails, they will be promoted about 3 to 5 years later than these officers. The issue is simply one of maintaining equity for the Air Force.

The origin of the problem is the Officer Grade Limitation Act—OGLA—of 1954. The 1954 law provided separate tables for each service, limiting by grade the number of field grade officers. However, in 1953 just prior to enactment of the OGLA, only 18 percent of the Air Force officers had over 12 years of service, compared to 32 percent in both the Army and Navy. Because of this relatively junior officer force in terms of years of active duty, the 1954 law intentionally authorized substantially fewer colonels and lieutenant colonels for the Air Force officer grade distribution than it did for the Army and Navy. These more restrictive limits for the Air Force were intended to prevent young officers from progressing too rapidly to the senior grades. While the need for this special provision for the Air Force was understood, the Congress clearly recognized that the 1954 Air Force tables would have to be adjusted as the officer force matured, until the Air Force eventually caught up with the Army and Navy.

What has happened since 1954? Basically two things—first, the officer force matured—the Air Force now has about 34 percent of its officers with over 12 years of service; and second, the Congress granted five relief measures for the Air Force, beginning in 1959, thus obviously acknowledging what everyone had earlier recognized—that the 1954 law was inadequate for the Air Force, and intentionally so.

This proposed extension of the 1966 relief will do no more than continue reasonable career advancement opportunities for Air Force officers. The Air Force has been able to achieve and maintain stabilized promotion phase points for the past 6 years, even though these points are 1 to 3 years later than the other services. Air Force officers understand the present system and accept these somewhat slower promotions. However, failure to pass this bill will create a gross inequity for the Air Force officer by widening the gap to 3 to 5 years. The more immediate impact of no extension of relief would be a moratorium on all field grade promotions for 1 year and the demotion or elimination of 3,000 field grade officers. The combined effect of these results would be disastrous to the morale of the Air Force officer and totally discouraging and demoralizing to the young lieutenants and captains who are considering an Air Force career. If we have any concern at all for the dedicated Air Force officers who have been and continue bearing the brunt of the Vietnam conflict, we cannot permit the disastrous effects which would occur if we do not pass this bill.

I understand that the Senator from Wisconsin has an amendment that he proposes to offer.

Mr. PROXMIRE. Mr. President, I do have an amendment.

Mr. STENNIS. Mr. President, before the Senator offers his amendment, will he yield to me?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, this bill as reported unanimously by the committee would extend for 4 years, until June 30, 1976, the relief for the Air Force from the limitations of the Officer Grade Limitation Act of 1954. Some form of temporary relief has been granted the Air Force in five different acts beginning in 1959.

The need for this bill is clear and overwhelming. The only argument is how long should the relief be extended.

Without any relief the result will be clear. There will be no promotions at all to the grade of major, lieutenant colonel, or colonel in the Air Force during fiscal year 1973. Moreover, about 3,000 officers would have to be either demoted or released from active service. Such result would be unconscionable.

What this bill does by authorizing the additional numbers on a temporary basis is to permit the Air Force to promote its officers to these three field grades at approximately the same points in service and at the same percentages as the Army and the Navy. The committee report discusses this in some detail.

Mr. PROXMIRE. Mr. President, my amendment would add, at the end of the bill, a new section as follows:

> Sec. 2. The Secretary of Defense shall submit to the Congress not later than May 30, 1973, a comprehensive written report regard-

> ing limitations on the number of officers who may serve in various commissioned grades in the Army, Navy, Marine Corps, and Air Force. The Secretary shall include in such report such recommendations as he deems appropriate for legislation to establish new permanent limitations on the number of officers who may serve in such commissioned grades.

The remainder of the amendment reads:

> On page 1, line 6, strike out "June 30, 1976" and insert in lieu thereof "September 30, 1974".

I send the amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PROXMIRE. Mr. President, since I have read the amendment, I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. PROXMIRE's amendment is as follows:

> On page 1, line 6, strike out "June 30, 1976" and insert in lieu thereof "September 30, 1974".
>
> At the end of the bill add a new section as follows:
>
> SEC. 2. The Secretary of Defense shall submit to the Congress not later than May 30, 1973, a comprehensive written report regarding limitations on the number of officers who may serve in various commissioned grades in the Army, Navy, Marine Corps, and Air Force. The Secretary shall include in such report such recommendations as he deems appropriate for legislation to establish new permanent limitations on the number of officers who may serve in such commissioned grades.

WHY THE PRESENT EXCESSIVE NUMBER OF HIGH RANKING OFFICERS IN THE MILITARY SERVICES SHOULD NOT BE ALLOWED FOR ANOTHER 4 YEARS—INTRODUCTION

Mr. PROXMIRE. Mr. President, the bill H.R. 14542 is a bill which would continue the scandalous situation which provides more high ranking military officers today than at the height of World War II.

The problem of the "grade creep" has been going on for a very long time. Since 1959, Congress has been urging the Department of Defense to do something about it. Instead, every 4 years we get a bill to extend the problem for another 4 years.

If this bill passes in its present form, it will be 1976 before anything is done about it. And my view is that at that time the services will come back and ask for another extension.

What I propose is a compromise. I propose an amendment to this bill which would extend the present law for a little over 2 years—from June 30, 1972 when it expired to September 30, 1974.

My amendment also requires the Secretary of Defense to submit to the Congress not later than June 30, 1973, a comprehensive written report regarding limitations on the number of officers who may serve in various commissioned grades in the Army, Navy, Marine Corps, and Air Force.

I want to note that carefully. My amendment applies not just to the Air Force, but to all the services. The Air Force is not the only guilty party in this matter. In fact, they may be somewhat less guilty than others. But because the Air Force was the last service to be established they had a situation which was more temporary than the other services.

Consequently, when the numbers were established, the grades for the Air Force were temporary. There extension is before us while the other services have no similar degree of urgency. But I want to make it clear that my opposition to the "grade creep" goes beyond the Air Force to all the services, and that my amendment threats them all alike.

My amendment further provides that the Secretary shall include in such a report such recommendations as he deems appropriate for legislation to provide new permanent limitations on the number of officers who may serve in the commissioned grades.

This bill, and my amendment, can therefore become an instrument to help bring long overdue change and reform. If we pass this bill in its present form, there is really no hope at all for reform.

If it passes with my amendment, then the log jam will be broken, recommendations will be made, and we may get a permanent solution to the problem.

SCANDALOUS SITUATION

Let me outline for the Senate and give just a few facts about the present scandalous situation.

A year ago the House Appropriations Committee had this to say in their report on the defense appropriation bill:

> The Committee reviewed in depth the promotion practices and the officer grade structure of the Armed Services. The review revealed that there are more three and four star generals and admirals in uniform today than there were at the height of World War II, when there were over 12 million men and women in uniform. Even more startling is a comparison of the number of individuals serving in the grades of Colonel, Lieutenant Colonel and Navy Captain or Commander.

The report then went on:

> Today (1971) there are 900,000 fewer officers in uniform than there were in 1945 but we have 6,000 more Colonels, Navy Captains and Commanders.

MORE COLONELS AND EQUIVALENT NOW THAN IN 1945

Mr. President, that was and is an outrageous situation. The figures indicate that on June 30, 1945, there were 51,956 colonels, lieutenant colonels, Navy captains, and commanders.

On June 30, 1971, there were 57,819 such officers, or 6,000 more than in 1945. But in 1971 there were only 2,714,727 total personnel or about one-fifth the number in 1945. We are, therefore, in a situation which can be called one of all chiefs and no Indians.

I ask unanimous consent that the table entitled "Officer Grade Structure" from the House report be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OFFICER GRADE STRUCTURE

Rank	WW II June 30, 1945	Korea June 30, 1952	Today June 30, 1971
General or Admiral	38	25	45
Lieutenant General or Vice Admiral	101	65	145
Major, and Brigadier General, or Rear Admiral	1,929	1,052	1,145
Subtotal	2,068	1,142	1,330
Colonel or Captain	14,989	12,490	17,388
Lieutenant Colonel or Commander	36,967	38,927	40,431
Subtotal	51,956	41,417	57,819
Total officers	1,260,109	375,829	371,416
Total enlisted	10,795,775	3,245,310	2,329,754
Total personnel	12,123,455	3,635,912	2,714,727

1964 VERSUS 1972

Mr. PROXMIRE. Mr. President, what happened between 1964—one of the first extensions of the legislation we are debating—and 1972? In fiscal year 1964 when this legislation was passed on a "temporary" basis, the Air Force had 5,350 colonels in a force of 130,626 officers.

But at the end of fiscal year 1972, the Air Force had nearly 1,000 more colonels, or 6,268 even though the total number of officers declined by 9,404 to a total of 121,222.

COMPARISON WITH KOREAN WAR

The fiscal year 1972 report of the House Appropriations Committee, based on the table I have already presented in the RECORD, makes some devastating comparisons between the high-ranking officers on duty as of June 30, 1971, and June 30, 1952, at the height of the Korean war.

Here is what that report said:

> An equally interesting comparison can be drawn by comparing our strength during the Korean War with our officer strength today (1971). At the peak of the Korean War we had 3.6 million men in uniform and today we have only 2.7 million. However, we have 190 more Generals and Admirals today than we had at the height of the Korean War. Even more amazing is the fact that today we have over 16,000 more Colonels and Navy Captains and Commanders than when we had a million more men in uniform.

MORE COLONELS AND NAVY CAPTAINS NOW THAN IN 1945

How do the number of full colonels and Navy captains compare today with the number in World War II?

At the end of World War II, there were 14,989 colonels and captains in a force of 12.1 million men.

As of June 30, 1972, there were 16,020 colonels and Navy captains—or 1,031 more—in a total force of 2,180,000 men.

LIEUTENANT COLONELS AND COMMANDERS—1945 VERSUS 1972

The comparison between the number of lieutenant colonels and commanders in 1972 with the number in 1945 is only slightly less worse than the comparison of full colonels and Navy captains.

On June 30, 1945, we had 36,967 such officers with a force of 12.1 million men. Today, with a force of 2,180,000 men we have 36,730 or only 237 fewer in a total military force of almost 10 million fewer personnel.

HOUSE APPROPRIATIONS COMMITTEE COMPLAINS AGAIN IN 1973

What the House Appropriations Committee said on the grade creep in their fiscal year 1972 report apparently had no effect. In the report on the fiscal year 1973 defense appropriation bill, they had to say it again. Let me read the key paragraphs from that report:

> ### Grade Creep (Increase in Average Grade Level)
>
> For the past couple of years the Committee has closely reviewed the promotion practices and grade structure of the Armed Services. Last year the Committee made some comparisons of the numbers of high ranking officers in the current Force with World War II and the Korean War levels. The Report showed that there are more three and four star generals and admirals in uniform now than there were at the height of World War II when there were over 12 million men and women in uniform compared with about 2.4 million in uniform today. Also, there has been extensive growth in the number of colonels. Today there are some 900,000 fewer officers in uniform than there were in 1945, but we have about 5,000 more colonels, lieutenant colonels, Navy captains and commanders.
>
> This year the Committee concentrated on making comparisons of the Armed Services grade structure with the pre-Vietnam (fiscal year 1964) grade structure. The Department of Defense Military Manpower Report reveals that the fiscal year 1973 force has relatively more officers and enlisted men of higher grades than the fiscal year 1964 Force did. This increase in the average grade level is referred to as "grade creep" and is estimated to cost about $1.3 billion in fiscal year 1973.
>
> ### ARMY
>
> For example, in 1964 the Army had about 970,000 men in uniform. In fiscal year 1973 the Army will be about an 840,000 man force, or 130,000 fewer men on active duty. Despite this reduction in personnel on active duty, there will be nearly 600 more colonels, 400 more lieutenant colonels, and 2,000 more majors, but 10,000 fewer second lieutenants. The enlisted strength and force changes are even more startling. There will be an increase of 1,200 E–9's, up nearly 30 percent in 8 years, an increase of 3,700 E–8's, an increase of some 12,300 E–7's. While the upper enlisted grades show these large increases despite a declining force size, the lower enlisted grades reflect equally startling decreases in numbers. For example, there will be 161,000 fewer E–3's—private first class, and some 30,000 fewer E–2's, and about 18,000 fewer E–1's.
>
> ### NAVY
>
> In 1964 the Navy had an active duty force of about 660,000 compared with about 600,000 in fiscal year 1973. Despite the reduction of 60,000 personnel, there will be 9 more vice admirals, 4 more rear admirals and about 400 more captains and commanders while the number of lieutenant (jg's) and ensigns declines by nearly 10,000. The number of E–8's and E–9's increases about 2,300 while the number of E–1's, 2's and 3's declines by some 48,000 between fiscal year 1964 and fiscal year 1973.
>
> ### MARINE CORPS
>
> The Marine Corps' 1964 strength was about 190,000. The fiscal year 1973 strength is about 198,000, or an increase of 8,000. While the overall strength of the Marine Corps has thus increased since 1964, the number of higher ranking personnel, as a percentage of the force, has increased far more rapidly. For example, the number of generals grew from 60 to 72, 33 colonels were added 119 lieutenant colonels, and nearly 600 majors, while the number of first lieutenants and second lieutenants decreased. The same situation exists with respect to Marine enlisted personnel. Since 1964 there has been a doubling in the number of E–9's, or an increase of 735 E–9's, 993 E–8's, 2,225 E–7's, and nearly 3,800 E–6's, while the number of privates first class has declined by 8,900, privates by 200, lance corporals by 900.
>
> ### AIR FORCE
>
> The problem of grade creep with respect to the commissioned force has probably not been as great as in the other Services except in the grade of colonel where an increase of about 1,000 has occurred despite a decline in the officer force of about 10,000 personnel. It is in the Air Force's enlisted structure where considerable grade creep has occurred despite a decrease of about 130,000 enlisted personnel between 1964 and 1973. The number of E–7's, E–8's and E–9's increases over 13,000 while the number of E–1's, E–2's, and E–3's declines by about 141,000. The Air Force testified to the fact that they would like to reduce the top six enlisted grades to 65.2 percent of the enlisted force. These grades currently make up 72 percent of the enlisted force. However the Air Force proposed manpower program for fiscal year 1973 will drop this percentage less than one percentage point over a two-year period.
>
> ### REASONS FOR "GRADE CREEP"
>
> There are some valid reasons why some grade creep has occurred. The principal reason for this is that technological sophistication has created a demand for higher skilled individuals who cannot be retained at lower grades.
>
> The Department of Defense in a letter from the Secretary has responded to the Committee's Report of last year on the growth in the number of generals and colonels. Their case clearly has some merit; however, it becomes a question of degree. The Department refers to the increased need for higher senior grade officers arising from the expanded nuclear and conventional military capability of the Soviet Union and the Peoples Republic of China, the need for increasing the tempo and effectiveness of defense research and development as well as a greater reliance on sophisticated weapons and support systems. However, for the most part it is the lower ranking personnel who are charged with maintaining, flying and operating these new weapon systems. The Defense Reorganization Act of 1958 created requirements for additional flag officers and the establishment of the unified commands and the Defense agencies as part of the process of strengthening the office of the Secretary of Defense. However, most of these additions were made prior to 1964 and do not in any way justify grade increases since 1964.
>
> It has been argued that grade creep was necessary in that military compensation, especially in the lower grades, was inadequate and that rapid promotions were a necessary result. The recent pay raises provided to lower ranking personnel have eliminated that argument. It has also been asserted that the rapid promotion process and the grade creep which follows is needed to provide for the All Volunteer Force and keep morale high. This argument is not very sound either in that it is in the upper grades where the grade creep occurs and the Military Services have little trouble in maintaining the required manpower in the upper officer and enlisted grades.
>
> ### SLOWING DOWN GRADE CREEP
>
> In December 1970 the President, through the Office of Management and Budget, announced a program directed toward reducing the average grade for civilian government personnel and gaining control of the grade escalation (creep) in the General Schedule. This program resulted in reducing the average grade level for civilians in the fiscal year 1973 Federal Budget. In June 1972 further instructions were issued to the Executive Departments encouraging them to take full advantage of the expected substantial acceleration of retirements during June to achieve lower grade levels. *Similar steps must be taken by the Military Services to hold military grade levels in check.*
>
> While the Services of this Committee could just arbitrarily reduce the number of higher level positions, such a step would have little immediate effect from a monetary standpoint since the personnel who hold these positions have certain tenure rights. Thus, the only realistic way to remove some of the grade creep from the forces is to allow the number of personnel holding these upper level grades to come down through retirements at the same time slowing down promotions to these grades.
>
> When this suggestion is made, the Services generally respond with words to the effect that such a program would be bad for morale. While there may be some morale problems, the fact remains that in almost all cases average time in grade since 1964 for promotion to the next higher grade has been significantly reduced and the average time in service upon promotion to a given grade has been reduced since 1964.
>
> For example, an Army officer on the average will reach the grade of major after 9 years of service in fiscal year 1973 compared to 12 years of service in fiscal year 1964, a lieutenant colonel will make that grade after 14.5 years on the average in 1973 versus 17.5 years in 1964, and a full colonel will reach his grade about one year earlier than he would have in 1964. For Army enlisted grades the average time in service upon promotion to the next higher grade for an E–6 has come down from 11 years in 1964 to 7 years in 1973. The time in service to E–5 has been reduced very sharply and significantly from 5.8 years in 1964 to 1.8 years in fiscal year 1973. The time in service to E–7 has come down from 16.1 years in 1964 to 13.8 years in fiscal year 1973. For Army enlisted personnel, the average time in grade for promotion to the next higher grade has also decreased significantly for many grades. Time in grade for promotion to E–5 has decreased from 3.5 years in 1964 to one-half of a year in 1973.
>
> All of the other Services have experienced a similar situation although not as pronounced as the Army's.
>
> Fiscal year 1973 offers an excellent opportunity to attack this grade creep problem without any overall harm to any of the Military Services since the Services are generally planning to make more promotions in fiscal year 1973 than they did in fiscal year 1972. In order to encourage some slow down in the rate of promotions, the Committee is deleting $12,000,000 from the Army request, $10,000,000 each from the Navy and Air Force and $3,000,000 from the Marine Corps request.
>
> The Committee considers this to be just a token reduction to emphasize the Committee's concern with grade creep and the rapidly increasing cost of military personnel. It should also be noted that the Committee does not expect to entertain reprogramming actions or supplemental budget requests to fund excess high ranking officers in fiscal year 1973. In fiscal year 1972 the Congress provided about $11,000,000 over and above what would normally have been required to fund the Navy personnel appropriation to pay for captains, excess to the Navy's requirements. Thus, if projected retirements do not materialize, immediate steps must be taken to reduce promotions instead of coming back

to the Congress with requests to fund excess high ranking officers.

The Committee expects that the average strength during the fourth quarter of fiscal year 1973 for each of the officer grades of O-5 and above will not exceed the fiscal year 1972 end strength for that grade. The Committee gave serious consideration to placing similar restrictive language in the bill which would have established totals by grade for fiscal year 1973. Instead of restrictive language the Committee decided to give the Military Services one more year to take some positive action toward reversing the grade creep trends.

Finally, with respect to grade creep, the Army wants six more three star general positions funded in 1973. This would be in addition to the approximately 44 three star generals who were on active duty during fiscal year 1971 when the Army had a total of over 1.2 million men in uniform. The Committee is well aware of the fact that the Army had many more three star generals in 1972 than it did in 1945 when the Army was 10 times larger.

Four of the six positions for which the new lieutenant generals are being requested are only being rotated among the Services and are not new positions. Two of the positions could be described as new, the Director of the newly created Defense Mapping Agency and the Deputy to the new Assistant Secretary of Defense (telecommunications). The other four positions are in the office of the Director, Defense Research and Engineering, the Defense Intelligence Agency, Assistant Secretary of Defense for International Security Affairs, and the Defense Nuclear Agency. These are old positions that just happened to be filled by Army personnel at the present time. When officers from the other Services left those positions, the other Services did not cut back on their authorized number and funding for lieutenant generals. In fact, some of these positions have been filled by Army officers in the past and the Army's turn has come up again. Accordingly, the Committee had deleted $150,000 needed to fund four of the six new lieutenant general positions.

WHERE ARE THE SECOND LIEUTENANTS?

The situation has gotten so much out of hand that according to the report on this bill, as of June 30, 1973 there will be:

First, more lieutenant colonels in the Air Force than there will be second lieutenants—14,589 against 12,676. There will be almost twice as many majors as second lieutenants—22,649 against 12,676;

Second, in the Army there will be 12,451 lieutenant colonels and only 8,000 second lieutenants; and

Third, in the Navy there will be almost as many commanders as ensigns—8,503 to 8,897—and almost twice as many lieutenant commanders as ensigns—15,354 to 8,897.

That is "grade creep" with a vengeance.

RATIOS OF OFFICERS TO ENLISTED MEN

It is not only the ratio of high ranking officers to low ranking officers that has gotten out of hand. The total number of officers to enlisted men is now greater than it has been in the history of the United States.

I asked the Library of Congress to provide me with the figures of the proportion of officers to enlisted men at different times in our history, particularly during the wars in which the United States has fought. Here are the facts they provided me.

WAR OF 1812—1 OFFICER FOR 17 MEN

In the War of 1812, namely in the year 1814, which was the peak period, there was a total of 2,806 officers in all services. At the same time there were 44,052 enlisted men. In the total number of officers and men of 46,858, the officers made up 5.99 percent of the total, or about one officer for every 17 men.

MEXICAN WAR—ONE OFFICER FOR 15 MEN

In the war with Mexico, at its peak in 1848, there were 4,048 officers and 56,260 enlisted men. In the total of 60,308 officers and men, the officers were 6.7 percent of the total or about one officer for every 15 men.

There were no accurate figures for the Civil War.

SPANISH-AMERICAN WAR—ONE OFFICER FOR 19 MEN

At the peak of the Spanish-American War in 1898 there were 12,046 officers and 223,739 enlisted men. In the total force of 235,785, officers made up 5.1 percent of the total. This was a ratio of one officer for every 19 enlisted men.

WORLD WAR I—ONE OFFICER FOR EVERY 18.5 MEN

On June 30, 1918, which was about the peak period during World War I, there were 155,600 officers and 2,741,600 enlisted men. In the total force of 2,897,167 the officers made up 5.4 percent of the total or one officer for about every 18.5 enlisted men.

WORLD WAR II—ONE OFFICER FOR EVERY NINE MEN

On June 30, 1945, there were 12,123,000 men under arms. Of these, 1,260,000 were officers and 10,863,000 were enlisted men. This is a ratio of one officer for every nine men or a situation in which officers composed 10.39 percent of the total.

KOREAN WAR—ONE OFFICER FOR EVERY NINE MEN

During the Korean war we had 3,635,912 men under arms. Of this total, there were 375,829 officers and 3,260,083 enlisted men as of June 30, 1952.

The officers were 10.3 percent of the total or one officer for every nine enlisted men.

PROJECTED RATIO—JUNE 30, 1973

At the end of the current fiscal year, the services expect to have 2,146,783 men and women on active duty. Of this number, 285,365 will be officers. This is a ratio of one officer for every 6.5 enlisted men or a situation in which officers make up 13.3 percent of the total.

In the case of the Air Force, there will be one officer for every five enlisted men.

In the Army, there will be one officer for every 7.3 enlisted men.

In the Navy, where the ratio is somewhat better, there will be one officer for every eight enlisted men.

HISTORICAL ABOMINATION

The grade creep is not merely the question of too many high ranking officers compared with low-ranking officers. That is certainly the case.

But it is also a question of too many officers, period. The ratio of one officer for every five men in the Air Force is certainly a far cry from the historic ratio of one officer for every 15 to 20 enlisted men.

FAR MORE OFFICERS THAN PLANES IN AIR FORCE

Today in the Air Force there are more than 12 officers—not officers and enlisted men, but officers—for every airplane. It has 124,000 officers and 10,000 planes. In fact, there are twice as many colonels and lieutenant colonels as there are total planes and intercontinental missiles in the Air Force.

CONGRESSMAN PIKE'S VIEWS

When this bill was in the House, Congressman Otis Pike wrote what I consider to be devastating minority views on the bill. Because he put it so well, let me read those views to the Senate. I ask unanimous consent that his views be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Minority Views of Congressman Otis G. Pike on H.R. 14537

The Air Force, according to the most recent figures available, has 9,676 planes. To fly these 9,676 planes, it had, as of February 29th of this year, 124,124 officers, including 14 4-star generals, 40 3-star generals, 152 2-star generals and 212 1-star generals. It had 6,307 colonels, 15,228 lieutenant colonels, and 23,962 majors.

The bill which we have before us had just one purpose—to allow the Air Force to continue to have for an additional four years more colonels, lieutenant colonels, and majors, than are allowed by the basic law passed by Congress, the Officer Grade Limitation Act of 1954.

The last time we excused the Air Force from complying with the basic law was in 1966. Thanks to the exemption given them by Congress in 1966, the Air Force in the ensuing five years, managed to accomplish the following: While cutting the total number of officers by 4,805, they, nevertheless, were able to create 39 more lieutenant colonels, 170 more colonels, and 1,672 more majors. The Air Force today has 1,031 more colonels, 4,510 more lieutenant colonels, and 2,177 more majors than permitted by an officer force of 125,000 under the Officer Grade Limitation Act of 1954.

All of the services since World War II have undergone a grade creep which has at times become a grade gallop, but none of our services has galloped further than the Air Force. In all of the Department of Defense, 13% of our men in uniform are officers—13% of the Army are officers, 12% of the Navy are officers, 10% of the Marine Corps are officers, but 17% of the Air Force are officers. Within this already enlarged officer structure, the Air Force has 37% of its officers in the grades of colonel, lieutenant colonel, and major, compared to only 29% of the Army and 33% in all the services combined.

Secretary of the Air Force Seamans testifies before the Armed Services Committee this year that the Air Force has 4,400 field grade officers (colonel, lieutenant colonel, and major) assigned to other than Air Force activities. Many of these activities may require such rank, many undoubtedly do not.

We are all aware of the handsome, charming and articulate 2-star general who serves as the head of Legislative Liaison for the Air Force, telling us what the Air Force wants us to know. This may or may not be an essential function, but I suspect that it is more essential than many of them.

Fewer of us, however, are aware that the Air Force has more lieutenant colonels than second lieutenants, and almost twice as many majors as second lieutenants.

While a great deal of testimony was heard in the Committee to the effect that it is the colonels, lieutenant colonels, and majors of the Air Force who are fighting the war in

Vietnam, the statistics are as follows: 20% of the Air Force's casualties in the war in Vietnam from January 31, 1961 through July 31, 1971, were enlisted men, 15% of their casualties were majors, only 3% were lieutenant colonels, and less than 1% were colonels. All the rest were lieutenants and captains.

The Air Force claims that they have to have more high ranked officers because their equipment is so complex and sophisticated. Yet asked to name the most sophisticated equipment in the Air Force Secretary Seamans named the Mark II avionics system of the FB-111 aircraft and admitted it was maintained by enlisted men and operated by lieutenants and captains. This is not a bill for the benefit of the enlisted men, lieutenants and captains.

The Air Force has other incentives than a bloated rank structure by which it can retain and does retain its higher ranked officers.

The testimony before the Committee was to the effect that the majority of the colonels are excused from flying, but still draw flight pay. The question was asked of General Dixon, "Do you think it is a proper procedure to continue to pay flight pay to people who are not flying?" General Dixon replied, "I think it is a proper procedure."

The serious issue which transcends this bill is the fact that not the Air Force alone, but throughout our entire military establishment we have more and more brass and fewer fighting men. We have more and more fat and less and less muscle.

A great place to make a small beginning toward the very difficult task of reversing this situation would be with this bill right here, right now, by voting it down.

PENTAGON DRAGS ITS FEET

Mr. PROXMIRE. Mr. President, this situation is long overdue for reform. But it continues to drag on and the Pentagon has been less than active in promoting a solution.

It began with a permanent law in 1947. That was superseded by a one-line temporary provision later. That was followed by the Grade Limitation Act of 1954. Since that time there have been numerous extensions.

The last time around, the House attempted to make the present scandalous situation permanent. But the distinguished Senator from Georgia, Mr. Russell, who was, during his career, the chairman of the Armed Services Committee and President pro tempore of the Senate, urged that the extension be made temporary in order that some reforms could be made.

He did that because the number of high ranking officers in all three services was excessive. He wanted to make certain that by the end of the period the Pentagon would come forward with a permanent plan for the number of high-ranking officers in all of the services. In fact, it is my understanding that at that time the Pentagon promised to have their proposals ready in a year or two.

But that has not happened and the bill before us extends the present wholly unsatisfactory situation for another 4 years. This is especially true because neither the Army nor Navy needs legislation in the interim.

H.R. 14542 GIVES THE BALL GAME AWAY

If this bill passes in its present form, Congress will give up the only bargaining chip it has. And in an age of "bargaining chips," it is time Congress created a few and used a few to serve the public interest.

If we let this go through in its present form, Congress will be throwing in the towel. We are proposing to bargain from weakness. If this bill passes, nothing will happen.

The military have made nothing more than the most casual promises to have a study ready—perhaps next year—5 years after Senator Russell urged a change. And with the Navy and the Army sitting pretty with more or less permanent legislation, and the Air Force content for 4 years, you can bet your bottom dollar that nothing will happen and that nothing will be done about this problem again next year.

As Congressman MAHON, chairman of the House Appropriations Committee said on the floor when this bill passed the House on July 25, 1972:

> An extension of another 4 years will serve as an excuse for further delaying a permanent revision of the Officer Grade Limitation Act when action should be taken within the next year to revise the officer grade structure.

I agree with the chairman of the House Appropriations Committee. Unless this bill can be amended to provide for a much shorter extension, an extension which will both require the Pentagon to report and provide a deadline under which Congress must act, this bill should not pass.

Mr. CANNON. Mr. President, let me now address specifically the proposed amendment offered by the Senator from Wisconsin.

What he proposes is that we grant an extension not of 4 years, but of 2 years and 3 months—to September 30, 1974. He suggests this amendment because he wants to put the pressure on the Pentagon to come forward with defensewide legislation to revise the officer grade structure of all the services. Thus he includes in his amendment a requirement that the Secretary of Defense submit a comprehensive written report on this matter, including recommendations for legislation, not later than May 31, 1973.

As you may know, the Senator from Wisconsin originally proposed a 1-year extension and a requirement for a report not later than March 31, 1973. During the past few days there have been numerous discussions with the Senator from Wisconsin, the chairman of the Armed Services Committee, and representatives of the Department of the Air Force. The result has been acceptance on all sides of the amendment proposed today—extension to September 30, 1974 and a requirement for a report not later than May 31, 1973.

I know that the Air Force would like a 4-year extension so it could do its long-range personnel planning and so its officers could feel more certain of future career opportunities and I know that the Senator from Wisconsin would like to exert more pressure on the Department of Defense. But I am satisfied that this is a good and reasonable compromise for everyone—it does put the pressure on the Pentagon to get proposed legislation over here, while at the same time it gives some breathing room to the Air Force.

This bill is urgently needed by the Air Force so that it can resume the promotions it has suspended and can go on with its planning. As I said earlier, this bill boils down to one question—do we want to continue to provide Air Force officers approximately the same promotion opportunities as their contemporaries in the other services have? It is simply a question of equity—and I urge that we adopt the amendment and pass this bill.

Mr. STENNIS. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) has offered an amendment which does two things. First, it will grant the extension of temporary authority to September 30, 1974, and it would require the Secretary of Defense to submit a report to the Congress by May 30, 1973 on recommended tables of distribution for all three services—Army, Navy, and Air Force.

Mr. President, I think the amendment proposed by the Senator from Wisconsin is entirely reasonable and I urge its acceptance by the Senate.

I think the objective of the Senator's amendment is clear—that is to force a legislative review within some reasonable time of the appropriate grade distribution for the numbers of officers for all three Services. The time, until September 30, 1974, will cover almost the entire next Congress and should be sufficient to do this job.

Let me emphasize, however, that this will be no simple task. It will involve a review of the requirements for all of the senior grades for each military service. We can well understand what arguments this issue will involve.

In addition, it will involve a reconsideration of the promotion laws, with all their complexity, for all the services. The Senate should know that the promotion laws have not been reviewed by the Congress in any depth in 25 years. Not since the Officer Personnel Act of 1947 was enacted has there been any basic change to the officer promotion system. This law, for the most part, deals only with permanent promotions insofar as the Army and Air Force are concerned. The entire temporary promotion system in these two services which has evolved over the years is governed almost entirely by regulation.

The Senate should also know that in the next Congress we will be faced with reviewing the military retirement system in depth, including the physical disability system. This alone could well be a 2-year job.

I set forth this information, Mr. President, in order to make a clear record of the job which the committee faces on personnel legislation in the next Congress. With respect to the pending bill, however, I urge its immediate enactment, as amended, in order that Air Force career officers may receive their appropriate promotions.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14542) was read the third time, and passed.

THE RICHARD BREVARD RUSSELL OFFICE BUILDING

Mr. ROBERT C. BYRD. Mr. President, the Senate earlier today adopted Senate Resolution 296, to designate the Old Senate Office Building as the "Richard Brevard Russell Office Building." I said at the time the resolution was adopted that I had a prepared statement but that, because the hour of controlled debate had arrived, with reference to the motion to invoke cloture, I would forgo presenting the statement until later today.

I introduced Senate Resolution 296 on April 25, 1972, at which time Georgia's two fine Senators, Mr. TALMADGE and Mr. GAMBRELL, joined as cosponsors. The purpose of the resolution, as it was introduced, was to authorize the designation of the Old Senate Office Building as the "Richard Brevard Russell Office Building," and to authorize and direct the Senate Committee on Rules and Administration to place appropriate markers or inscriptions at suitable locations within the Old and New Senate Office Buildings to commemorate and designate the naming of these buildings, and provide that any expenses incurred in connection therewith be paid from the contingent funds of the Senate.

The resolution, as originally introduced, provided only for designation of the Old Building as the Russell Building. However, the resolution was amended by Senator COOK in the Rules Committee to also provide for designation of the New Senate Office Building as the Dirksen Building.

Mr. President, Senators will recall that I also offered a resolution several months ago to provide for the installation in the Senate reception room, along with the portraits of the five Senators already there, a portrait of Senator Russell. It was the feeling of the Rules Committee, however, that consideration ought to be given to following the same procedure that was followed earlier in the selection of the previous five Senators. Recognizing the logic of following the same procedure as in the earlier decisions, with respect to the reception room portraits, and following the precedent of the House of Representatives in designating its three office buildings as the Longworth, Cannon, and Rayburn Office Buildings, I then offered Senate Resolution 296—in which Senator TALMADGE and Senator GAMBRELL joined as cosponsors—to designate the Old Senate Office Building as the Russell Building.

Mr. President, I believe that one's colleagues can best testify to a Senator's greatness. I have found that memories do not long persist around here, and I have also found that the lives of men who have served in this body are short at best. When I became a Member of the Senate in January 1959, there were 98 members of this body—Hawaii not being a State at that time. Of the 98 Senators who made up the membership of this body in January 1959, only 33 remain today who served as Senators prior to my own election to this body. We know that by January 1973, at least four of those Senators who were here in January 1959 will no longer be in the Senate. So, it is easy to see that it will not be long before all those of us who were contemporaries of Senator Russell and who served with him here in the Senate will be gone.

I do not believe that we should let the years pass without making our own judgment as to the stature of a Senator who, by all standards, was a man of true greatness. The Old Senate Office Building is already over 60 years old, and if we do not now dedicate its name to the memory of one of the greatest Senators in this century—and possibly of all time—it may never come to pass, because other Senators who follow after us and who did not know Senator Russell will have their own ideas. And, as a matter of fact, the building may otherwise continue always to be known as the Old Senate Office Building.

Mr. President, I do not think any man who has ever served in this body contributed more of his intellect, his knowledge, and his extraordinary skills, to enhance and protect the integrity of the Senate which he so deeply revered. I do not feel that any tribute this body could pay to the late Richard Brevard Russell would be too great in view of his 38 years of love and dedication to the U.S. Senate and to his country.

I do appreciate and respect the views of the distinguished senior Senator from Michigan. He is sincere in all that he says, and I admire him for this. However, having served on the Armed Services Committee when Senator Russell was chairman of that committee, having served on the Appropriations Committee when Senator Russell was chairman of that committee, and having admired Senator Russell for his great dedication to duty, his great dedication to his country, and his great dedication to the Senate which he so deeply loved it is my belief that we will do the right thing in naming the Old Senate Office Building in memory of him.

EXTENSION OF TIME FOR FILING CONFERENCE REPORT ON H.R. 8395

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished senior Senator from California (Mr. CRANSTON) may have until midnight tonight to file a conference report for printing on H.R. 8395.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ALLEN AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, following the recognition of the Senators previously enumerated, the following Senators be recognized, each for 15 minutes: Mr. JAMES B. ALLEN and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the completion of the orders for the recognition of Senators, if there be any time remaining prior to the hour of 10 a.m., such time be utilized for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the distinguished senior Senator from Vermont (Mr. AIKEN) has asked what the program will be tomorrow, and I am pleased to state it as follows:

The Senate will convene at 8:30 a.m.

After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for the time stated and in the sequence stated: Mr. FANNIN, 15 minutes; Mr. HANSEN, 15 minutes; Mr. WILLIAMS, 15 minutes; Mr. MOSS, 15 minutes; Mr. ALLEN, 15 minutes; Mr. ROBERT C. BYRD, 15 minutes.

If there is time remaining following the orders aforementioned prior to the hour of 10 a.m., such time will be utilized for the transaction of routine morning business, with statements therein limited to 3 minutes.

In any event, at 10 a.m., the 1 hour of controlled debate under rule XXII, on the motion to invoke cloture on H.R. 13915, the equal educational opportunities bill, will begin.

At 11 a.m., the mandatory quorum call will start. As soon as a quorum is established, the yea-and-nay vote will be automatic, and should occur beginning circa 11:15 a.m.

In any event, following the vote on the motion to invoke cloture, the Senate will go into executive session and, without further debate, will vote by rollcall on the confirmation of the nomination of General Abrams.

Immediately following that rollcall vote, the Senate will return to legislative session. If cloture has been invoked, the unfinished business will be before the Senate until it is disposed of.

The picture is not clear as to what will develop if cloture is not invoked. It can be said, however, that the supplemental appropriations bill will be ready for action on the Senate floor by tomorrow afternoon. In other words, the Appropriations Committee will have met, will have marked up the bill, and will have reported it to the floor.

Other than the foregoing, I can only repeat what has been said earlier; namely, that the debt limitation bill will be ready by the latter part of the week; that several lesser measures are on the calendar which may or may not be called up, depending upon the circumstances; that conference reports will be coming up at any time; and that yea-and-nay votes will occur daily from here on, through Saturday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to and, at 7 p.m., the Senate adjourned until tomorrow, Thursday, October 12, 1972, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 11, 1972:

U.S. COAST GUARD

The following rear admirals of the U.S. Coast Guard to be commander, Pacific area and commander, Atlantic area, U.S. Coast Guard with the rank of vice admiral, while so serving:

Rear Adm. Mark A. Whalen, Pacific Area.

Rear Adm. Benjamin F. Engel, Atlantic Area.

U.S. AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert E. Pursley, [redacted]FR (Colonel, Regular Air Force) U.S. Air Force.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Fred Kornet, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Maj. Gen. Donald Harry Coles, [redacted], U.S. Army, for appointment as senior U.S. Army member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

The Army National Guard officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Charles Watts Fernald, SSN [redacted] Adjutant General's Corps.

To be brigadier general

Col. Alfred Frederick Ahner, SSN [redacted] Adjutant General's Corps.

Col. John James Womack, SSN [redacted] Adjutant General's Corps.

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Joseph Richard Jelinek [redacted], Army National Guard of the United States.

IN THE AIR FORCE

The following-named officers for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, Title 10, United States Code, as amended.

Lieutenant colonel to colonel

MEDICAL CORPS

Armstrong, Raymond G., [redacted].
Ball, Thomas P., Jr., [redacted].
Barber, Dennis D., [redacted].
Barnes, Walter C., Jr., [redacted].
Bellamy, Henry M., Jr., [redacted].
Bonner, Robert H., [redacted].
Brekken, Alvin L., [redacted].
Brown, William K., [redacted].
Cargill, Louis H., [redacted].
Chong ,Vernon, [redacted].
Curtis, Kenneth, W., Jr., [redacted].
Curtis, Sidney H., [redacted].
Dann, Theodore A., [redacted].
Dehart, Roy L., [redacted].
Derby, Dennis R., [redacted].
Deverell, William F., [redacted].
Erickson, Clark A., [redacted].
Ferrari, Victor J., Jr., [redacted].
Gomezdisdier, Rafael M., [redacted].
Gonzalez, Joe V., [redacted].
Goodnow, Robert W., [redacted].
Gregory, Joseph E., [redacted].
Griggs, George A., [redacted].
Hale, Albert S., Jr., [redacted].
Halsell, John T., III, [redacted].
Harris, James B., [redacted].
Harris, Richard C., [redacted].
Hermann, Elmer R., Jr., [redacted].
Hill, Richard P., [redacted].
Holl, Carl W., Jr., [redacted].
Holliday, William B., [redacted].
Jackson, Francis M., [redacted].
Johnson, John A., Jr., [redacted].
Jones, Frederic G., [redacted].
Jones, Frederick R., [redacted].
Kiplin, Lydell C., [redacted].
Klugman, Yale L., [redacted].
McGowan, Ronald L., [redacted].
McIntosh, Duncan A., [redacted].
Meader, Willard L., [redacted].
Nielsen, Andrew A., [redacted].
O'Brien, Eugene T., [redacted].
Olson, Robert M., [redacted].
Pappin, James D., [redacted].
Perry, Carlos J. G., [redacted].
Pollard, Richard A., [redacted].
Pollock, Joseph J., [redacted].
Randall, George E., [redacted].
Rogers, John R., [redacted].
Romberger, Wesley E., [redacted].
Sawyer, Charles H., [redacted].
Schechter, Eliot, [redacted].
Schneider, Robert A., [redacted].
Silberman, Irwin A., [redacted].
Skinner, Odis D., [redacted].
Sloan, Alexander M., [redacted].
Speicher, Carl E., [redacted].
Spinelli, Francis R., Jr., [redacted].
Spoor, Daniel H., [redacted].
Starrett, Jack R., [redacted].
Stecker, Raymond H., [redacted].
Stowe, Fred R., Jr., [redacted].
Threadgill, Joseph M., [redacted].
Thurston, Charles S., [redacted].
Tilles, Jerome, [redacted].
Wachs, Theodore J., [redacted].
Weeks, Leroy E., [redacted].
Wright, John H., Jr., [redacted].
Zimmerman, Frank W., Jr., [redacted].

DENTAL CORPS

Bales, David J., [redacted].
Barton, John A., Jr., [redacted].
Blackman, Ronald B., [redacted].
Colaizzi, Frank A., [redacted].
Costley, Albert W., Jr., [redacted].
Debello, Anthony N., [redacted].
Dejmek, Homer W., [redacted].
Doyle, Bernard J., [redacted].
Frome, William J., [redacted].
Furr, Robert E., [redacted].
Geracci, James P., [redacted].
Greco, George W., [redacted].
Hanson, Harold O., [redacted].
Harris, Bernard C., [redacted].
Hastings, Jack G., [redacted].
Henry, Richard A., Jr., [redacted].
Hicks, Rodeheaver H., [redacted].
Hungerman, Paul J., [redacted].
Jacoby, James K., [redacted].
Kiser, George C., [redacted].
Kleinman, Preston R., [redacted].
Krolls, Sigurds O., [redacted].
MacDonald, Charles I., [redacted].
McCarthy, Paul H., [redacted].
Muth, Eugene R., [redacted].
Nease, William J., [redacted].
Scott, Robert H., [redacted].
Strunk, Robert R., [redacted].
Testa, William J., [redacted].
Torchik, George P., [redacted].
Wooten, James W., [redacted].
Young, John M., [redacted].

Major to lieutenant colonel

MEDICAL CORPS

Acostamelendez, Antonio E., [redacted].
Adelmann, Eugene R., [redacted].
Alexander, Raymond H., [redacted].
Anderson, Edgar R., Jr., [redacted].
Armbrustmacher, Vernon W., [redacted].
Aston, James K., [redacted].
Bailey, Edward J., [redacted].
Baker, Robert N., [redacted].
Battaglia, Carl J., [redacted].
Beck, Roger A., [redacted].
Blankenship, Robert M., [redacted].
Borden, Lester L., [redacted].
Boydstun, James A., [redacted].
Brada, Donald R., [redacted].
Bradley, Harold F., [redacted].
Brath, William F., [redacted].
Brazil, Harold H., [redacted].
Britt, Darryl B., [redacted].
Bryson, Andrew L., [redacted].
Buethe, Robert A., Jr., [redacted].
Byers, Glen M., [redacted].
Callen, Kenneth E., [redacted].
Carnighan, Robert H., [redacted].
Carpenter, Warren L., [redacted].
Clark, Carl M., [redacted].
Cline, Robert E., [redacted].
Coletti, John M., Jr., [redacted].
Conrad, Larry L., [redacted].
Corcoran, James F., [redacted].
Crow, Joe W., [redacted].
Culton, John W., [redacted].
Davis, Charles M., [redacted].
Dean, David F., [redacted].
Debessonet, David A., [redacted].
Deford, James W., [redacted].
Diaco, Joseph F., [redacted].
Dichsen, Donald V., [redacted].
Dorey, Lee R., [redacted].
Dryden, Richie S., [redacted].
Dyer, William M., Jr., [redacted].
Eady, John L., [redacted].
Ehemann, Larry J., [redacted].
Ellenbogen, Charles, [redacted].
Emeis, William E., [redacted].
Fielding, Steven L., [redacted].
Finger, Elliott R., [redacted].
Fox, Raymond M., Jr., [redacted].
Gaffney, Clyde M., [redacted].
Galbert, Michael W., [redacted].
Geller, Albert S., [redacted].
Gibson, Gordon L. M., [redacted].
Gilpin, Eugene L., [redacted].
Gohman, James D., [redacted].
Hansen, Paul T., [redacted].
Haynes, Max G., [redacted].
Heffron, John P., [redacted].
Hemming, Val G., [redacted].
Hemsell, David L., [redacted].
Henges, David F., [redacted].
Holmes, Scott L., [redacted].
Howard, Jack B., [redacted].
Hudson, Joseph S., [redacted].
Jackson, Arnold J., [redacted].
Johnson, Albert, Jr., [redacted].
Johnson, Don E., [redacted].
Jordan, Ashby M., [redacted].
Kantack, Paul W., [redacted].
Keller, James W., [redacted].
Kish, Leslie S., [redacted].
Krege, John W., [redacted].
Legowik, John T., [redacted].

Maier, Robert C., [redacted].
Mathews, Theodore S., [redacted].
McGee, James W., IV, [redacted].
Megibow, Alan D., [redacted].
Michaelson, Edward D., [redacted].
Miller, James B., [redacted].
Moseley, John C., [redacted].
Munson, Herbert G., [redacted].
Murphy, James G., [redacted].
Murphy, Matthew P., II, [redacted].
Pala, Stanley J., [redacted].
Parker, Edward H., Jr., [redacted].
Pfeifer, William F., [redacted].
Pike, Benjamin F., [redacted].
Pittman, James A., [redacted].
Plager, Stephan D., [redacted].
Plybon, Benjamin L., [redacted].
Podoloff, Donald A., [redacted].
Ragsdale, Vernice D., [redacted].
Ramsay, James G., Jr., [redacted].
Rather, Edwin P., [redacted].
Riveracorrea, Hector P., [redacted].
Rodriguezcolon, Juan, [redacted].
Sanders, Lawrence T., [redacted].
Sanfelippo, Peter M., [redacted].
Schull, Jerry L., [redacted].
Shanklin, Kenneth D., [redacted].
Shochat, Stephen J., [redacted].
Signorino, Charles E., [redacted].
Simerville, James J., [redacted].
Singal, Sheldon, [redacted].
Singer, Karl L., [redacted].
Singleton, Charles M., [redacted].
Smith, Dwight D., [redacted].
Smith, Melvin D., [redacted].
Smith, Robert B., [redacted].
Sonntag, Richard W., Jr., [redacted].
Spence, Michael B., [redacted].
Sproles, Elij T., III, [redacted].
Stadler, Frank, III, [redacted].
Staker, Lynn L., [redacted].
Stoner, John C., [redacted].
Taylor, William M., [redacted].
Tchou, Howard P., [redacted].
Terry, Ward M., [redacted].
Thomas, Hollis A., Jr., [redacted].
Thompson, Barry H., [redacted].
Thorshov, Jon R., [redacted].
Tomasovic, Jerry J., [redacted].
Troxler, Raymond G., [redacted].
Wagner, Grant H., [redacted].
Wagner, James D., II, [redacted].
Walker, Ronald E., [redacted].
Ward, James G., [redacted].
Watters, John A., Jr., [redacted].
Wild, James H., [redacted].
Willis, Marshall R., [redacted].
Yrizarryyunque, Jose M., [redacted].
Zeiner, George B., [redacted].

DENTAL CORPS

Abbott, George G., [redacted].
Aberth, George H., Jr., [redacted].
Almon, John V., [redacted].
Ammerman, Thomas J., [redacted].
Aslanis, James T., [redacted].
Ausich, Joseph E., [redacted].
Bailey, Ronald W., [redacted].
Banks, Rill G., [redacted].
Barton, Ralph T., [redacted].
Benkel, Bernard H., [redacted].
Beutler, Ralph K., [redacted].
Blasetti, Angelo B., [redacted].
Bloss, James L., [redacted].
Blumenfeld, Walter L., [redacted].
Bock, Joseph F., Jr., [redacted].
Boke, Bruce R., [redacted].
Bourne, William F., [redacted].
Brandt, Robert L., [redacted].
Brown, Garth W., [redacted].
Brown, Leo M., [redacted].
Brown, Velpo B., [redacted].
Brunsvold, Michael A., [redacted].
Bryk, Clarence C., [redacted].
Bump, Robert L., [redacted].
Camamo, Joseph A., [redacted].
Carroll, Daniel F., [redacted].
Chalfin, Charles W., [redacted].
Coffee, Larry L., [redacted].
Cooper, Harvey E., [redacted].
Couper, John T., [redacted].
Cowan, Robert D., [redacted].
Coyne, Arthur B., [redacted].
Davis, Frederic C., [redacted].
Depew, Theodore E., Jr., [redacted].
Deyampert, Porter L., [redacted].
Dix, Robert L., [redacted].
Dohaney, Martin J., Jr., [redacted].
Dukart, Rodney C., [redacted].
Edwards, Jack, [redacted].
Farnie, John E., [redacted].
Fliss, Sheldon D., [redacted].
Forgach, John J., [redacted].
Forrest, William R., [redacted].
Foulke, Clark N., [redacted].
Francis, Michael R., [redacted].
Gallagher, Richard A., [redacted].
Gardner, Jerry D., [redacted].
Gault, Clovis G., [redacted].
Gilliland Robert F., [redacted].
Giuliani, Richard L., [redacted].
Gough, Robert W., [redacted].
Gray, Gary G., [redacted].
Green, Paul F., [redacted].
Gullatt, Theodore, Jr., [redacted].
Hale, Robert H., [redacted].
Hammelman, James A., [redacted].
Hammer, Wayne S., Jr., [redacted].
Haroz, Carl T., [redacted].
Hartman, Kenton S., [redacted].
Hellier, Charles E., [redacted].
Hersho, Robert M., [redacted].
Hoffman, David D., [redacted].
Holgate, Robert S., [redacted].
Holmes, Philip J., [redacted].
Hope, Gary B., [redacted].
Hubbuch, Behrle W., Jr., [redacted].
Idema, William A., [redacted].
Ingari, John S., [redacted].
Jarvis, Raymond J., [redacted].
Jerman, Albert C., [redacted].
Jones, Thomas M., [redacted].
Kay, Wiliam D., [redacted].
Keaton, Wilfrid M., [redacted].
Keuper, Jack B., [redacted].
Killingsworth, Charles R., [redacted].
Kirby, David B., Jr., [redacted].
Kizzie, Anderson, [redacted].
Klepetko, Ronald F., [redacted].
Kunberger, George L., [redacted].
Kutz, Paul L., [redacted].
Large, David C., [redacted].
Lee, Kenneth E., [redacted].
Long, William H., [redacted].
Loughlin, Dan M., [redacted].
Lundgren, Richard P., [redacted].
Maestrelli, Raymond C., [redacted].
Masi, Victor A., [redacted].
Maust, Jay R., [redacted].
McCormick, James E., [redacted].
McDaniel, Raymond K., [redacted].
McLees, James K., [redacted].
Meyer, Asher M., [redacted].
Molnar, Georg, [redacted].
Moore, John N., Jr., [redacted].
Morgan, Gary H., [redacted].
Morley, Ronald B., [redacted].
Nemchick, Harold E., Jr., [redacted].
Noderer, William H., [redacted].
Olesen, Harold P., [redacted].
Osburn, Richard C., [redacted].
Parttridge, John C., [redacted].
Perez, Richard S., [redacted].
Pixley, Phillip J., [redacted].
Plies, Stanley M., [redacted].
Plutzke, Anthony E., [redacted].
Polte, Hanswalter W., [redacted].
Pullen, Wayne G., [redacted].
Rhea, Joseph C., Jr., [redacted].
Riley, Guy L., [redacted].
Rivard, Rodney A., [redacted].
Roehrig, Kenneth L., [redacted].
Rosen, Ronald, [redacted].
Salzmann, Jacob A., [redacted].
Sandoval, Elivinio, [redacted].
Savers, Norman C., Jr., [redacted].
Scholes, Edwin, Jr., [redacted].
Scott, Andrew S., [redacted].
Sellers, William R., [redacted].
Senia, Ennio S. A., [redacted].
Shaver, Bruce E., [redacted].
Siparsky, Martin S., [redacted].
Skaer, Wilbur C., Jr., [redacted].
Smith, Howard E., [redacted].
Spencer, Leonard J., [redacted].
Spielman, Warren R., [redacted].
Stamps, John T., [redacted].
Stepler, Ronald G., [redacted].
Streeter, Arthur H., [redacted].
Sudinsky, Theodore R., [redacted].
Tatum, Thomas H., [redacted].
Thompson, Michael W., [redacted].
Townsend, Herbert K., Jr., [redacted].
Usseglio, Robert J., [redacted].
Vanvooren, Claude P. G., [redacted].
Waldbillig, Tom T., [redacted].
Wasserman, Sheldon, [redacted].
Wellins, Stanley L., [redacted].
Wilcox, James W., [redacted].
Wilensky, Alan J., [redacted].
Wilkinson, Raymond F., [redacted].
Williams, Earl O., [redacted].
Wilson, Theodore T., [redacted].
Windeler, Alfred S., Jr., [redacted].

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Captain to Major

LINE OF THE AIR FORCE

Abbott, Donald L., [redacted].
Abel, David R., [redacted].
Adams, Charles D., [redacted].
Adams, Derrell J., Jr., [redacted].
Adams, Gordon D., [redacted].
Adams, John R., [redacted].
Adams, Marvin A., [redacted].
Adams, Richard R., [redacted].
Affholder, David J., [redacted].
Agard, Gary L., [redacted].
Aho, Wallace E., [redacted].
Akers, Brian L., [redacted].
Albo, Charles W., [redacted].
Albright, Ray E., [redacted].
Alden, Gary L., [redacted].
Alderman, Duaine E., [redacted].
Aldrich, Fred E., [redacted].
Alexander, Kenneth B., [redacted].
Alfieri, Guiseppe, M. C., [redacted].
All, William D., [redacted].
Allen, Don K., [redacted].
Allen, Emmett E., Jr., [redacted].
Allen, John R., [redacted].
Allen, John R., Jr., [redacted].
Allen, Richard H., [redacted].
Alley, James R., [redacted].
Allison, Robert F., [redacted].
Allison, Robert G., [redacted].
Allred, Leron H., [redacted].
Alsup, Willie III, [redacted].
Alter, Bruce B., [redacted].
Ames, George B., Jr., [redacted].
Amos, Robert C., [redacted].
Amrhein, Robert L., [redacted].
Anania, Frank J., [redacted].
Anderson, David B., [redacted].
Anderson, Donald W., [redacted].
Anderson, Frank E., [redacted].
Anderson, Frederick C., [redacted].
Anderson, Glenn J., [redacted].
Anderson, James A., [redacted].
Anderson, James R., [redacted].
Anderson, Larry L., [redacted].
Anderson, Lee A., [redacted].
Anderson, Ronald M., [redacted].
Anderson, Roy A., [redacted].
Anderson, Thomas I., [redacted].
Andres, Howard J., [redacted].
Andress, Harold W., Jr., [redacted].
Andrews, Charles T., [redacted].
Andrews, Albert D., Jr., [redacted].
Anglin, Frank L., [redacted].
Anthony, George T., [redacted].
Apple, Burton J., [redacted].
Archer, Curtis F., Jr., [redacted].
Archino, David T., [redacted].
Arcieri, Joseph B., [redacted].
Arens, Richard F., [redacted].
Arlt, John R., [redacted].
Armenakis, Demetrios A., [redacted].

Armentrout, Robert E., [redacted].
Armistead, Samuel E., Jr., [redacted].
Armstrong, Leroy W., [redacted].
Armstrong, Raymond H., [redacted].
Ashman, Charles T., [redacted].
Askew, Glenn W., Jr., [redacted].
Atkinson, John C., Jr., [redacted].
Auclair, Michael D., [redacted].
Auclair, Richard A., [redacted].
Aukland, Arne O., [redacted].
Auten, Dale N., [redacted].
Avery, Charles F., [redacted].
Avitabile, James J., [redacted].
Axtell, Kenneth C., Jr., [redacted].
Ayars, Richard W., [redacted].
Ayer, Kenneth R., [redacted].
Ayres, Donald L., [redacted].
Babineaux, Thayer L., [redacted].
Baca, Jose A., [redacted].
Bach, Shirley J., [redacted].
Backus, Richard B., [redacted].
Bahr, Donald P., [redacted].
Bailey, Billy T., [redacted].
Bailey, Grady E., Jr., [redacted].
Bailey, James E., [redacted].
Bailey, John R., [redacted].
Bailey, Thomas W., [redacted].
Baker, Bert E., [redacted].
Baker, Dean F., [redacted].
Baker, Don R., [redacted].
Baker, Gary S., [redacted].
Baker, Robert W., [redacted].
Baker, Ronald C., [redacted].
Baker, William I., Jr., [redacted].
Baker, Woody R., Jr., [redacted].
Balamoti, Michael D., [redacted].
Balentine, Doyle E., [redacted].
Ballantine, George A., [redacted].
Ballard, Jack D., [redacted].
Ballard, Willie C., [redacted].
Ballentine, John W., [redacted].
Balog, George, [redacted].
Banks, Edgar L., [redacted].
Barden, Paul A., [redacted].
Bardis, George N., [redacted].
Barnes, Ronald C., [redacted].
Barnett, Arnold J., [redacted].
Barnett, John A., Jr., [redacted].
Barnwell, Ules L., Jr., [redacted].
Barr, Charles R., [redacted].
Barr, Winston J., [redacted].
Barrett, Thomas A., Jr., [redacted].
Basten, Leo M., Jr., [redacted].
Batchelor, William K., [redacted].
Batton, Lelia R., [redacted].
Battreall, Raymond J., [redacted].
Bauer, Paul R., [redacted].
Baughman, Joseph D., [redacted].
Bauknight, Gerald C., [redacted].
Baulch, William N., [redacted].
Baxter, Jerome R., [redacted].
Bayles, James E., [redacted].
Beaird, Kenneth B., [redacted].
Bean, Wesley W., Jr., [redacted].
Beasley, James R., [redacted].
Beatty, Robert J., [redacted].
Beaty, Randall E., [redacted].
Beaumaster, James F., [redacted].
Beauvais, Maurice F., Jr., [redacted].
Beavers, Michael L., [redacted].
Beck, Charles R., [redacted].
Beck, David H., [redacted].
Beck, Douglass D., [redacted].
Beckel, Robert D., [redacted].
Becker, Kenneth M., [redacted].
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Shimamoto, Edward M., [redacted].
Shinn, Prescott N., [redacted].
Shipley, Bruce C., [redacted].
Shore, Lester E., [redacted].
Shoemaker, Alan M., [redacted].
Shook, Howard W., [redacted].
Shore, Kenneth B., [redacted].
Show, Donald L., [redacted].
Shropshire, Richard A., [redacted].
Shuler, Ellie G., Jr., [redacted].
Shumate, Arthur K., [redacted].
Shupp, Thomas L., [redacted].
Shute, Richard M., [redacted].
Sievertson, John F., [redacted].
Siferd, Raymond E., [redacted].
Signet, Paul A., [redacted].
Sikes, Charles P., [redacted].
Simcoe, Leland R., [redacted].
Simmons, Sherwin B., [redacted].
Simmons, Warren L., [redacted].
Simmons, Wilbur C., [redacted].
Simon, Charles E., [redacted].
Simpson, Charles G., [redacted].
Sims, Fred M., [redacted].
Sinclair, John S., [redacted].
Singer, Ronald M., [redacted].
Sirmans, John C., [redacted].
Sivils, Norbert D., [redacted].
Skinner, Clarence P., [redacted].
Skoneki, Ronald J., [redacted].
Skwerski, Peter R., Jr., [redacted].
Sliffe, Donald A., [redacted].
Sloan, Charles P., Jr., [redacted].
Sloan, Peter L., [redacted].
Slocum, John M., [redacted].
Slowey, Richard J., [redacted].
Slyter, Ronald M., [redacted].
Smalley, Vern G., [redacted].
Smalls, Robert F., [redacted].
Smith, Allan T., [redacted].
Smith, Cromer W., Jr., [redacted].
Smith, Donald S., [redacted].
Smith, Donald C., [redacted].
Smith, Eugene N., [redacted].
Smith, George A., [redacted].
Smith, Gerald J., [redacted].
Smith, James L., [redacted].
Smith, Jerry B., [redacted].
Smith, Jerry J., [redacted].
Smith, John S., III, [redacted].
Smith, Josh M., Jr., [redacted].
Smith, Keith W., [redacted].
Smith, Kenneth R., [redacted].
Smith, Merlyn D., [redacted].
Smith, Peter B., [redacted].
Smith, Robert E., [redacted].
Smith, Robert G., [redacted].
Smith, Roger C., [redacted].
Smith, Thomas J., [redacted].
Smith, Tom C., [redacted].
Smith, Val, [redacted].
Smith, Wayne O., Jr., [redacted].
Smith, William D., [redacted].
Smith, Willis E., [redacted].
Smith, Zimri L., [redacted].
Smothermon, Philip R., [redacted].
Smythe, Ralph E., [redacted].
Snide, James A., [redacted].
Snyder, Charles L., Jr., [redacted].
Snyder, Harwood E., [redacted].
Snyder, James M., [redacted].
Sodoma, Wilford C., [redacted].
Sokol, Robert H., [redacted].
Soltis, William J., [redacted].
Sorokas, Thomas P., [redacted].
Sorrick, William G., [redacted].
Sparks, Gordon L., [redacted].
Sparr, Thomas A., [redacted].
Speed, Thomas J., III, [redacted].
Speight, William P., [redacted].
Spiers, Joseph K., [redacted].
Spivey, Stephen H., [redacted].
Spolidoro, Anthony F., [redacted].
Spoone, John P., Jr., [redacted].
Sprague, William T., Jr., [redacted].
Spring, Richard C., [redacted].
Springston, Wendell L., [redacted].
Spruill, Crosby L., [redacted].
Stack, Thomas P., [redacted].
Stadler, John T., [redacted].
Stallings, Donald F., [redacted].
Stallworth, Willett R., [redacted].
Stamm, Robert W., [redacted].
Stanley, Oliver H., [redacted].
Stanley, Roy M., II, [redacted].
Stansell, George A., [redacted].
Staples, Robert M., [redacted].
*Stark, Terry M., [redacted].
Starling, Leonard B., Jr., [redacted].
Starnes, Arthur J., [redacted].
Staud, John J., Jr., [redacted].
Stearns, William E., [redacted].
Steczkowski, Arthur F., [redacted].
Steen, Martin W., [redacted].
Stehli, Kenneth T., [redacted].
Steinmetz, Lyle R., [redacted].
Stellmach, Arthur H., [redacted].
Stenger, Manfred, [redacted].
Steorts, Robert A., [redacted].
Stephens, Seth H., Jr., [redacted].
Stephens, Wade T., Jr., [redacted].
Stepp, Ronald B., [redacted].
Stevens, Dana Jr., [redacted].
Stevens, Gary E., [redacted].
Stevens, Michael C., [redacted].
Stevenson, Bonnie G., Jr., [redacted].
Stewart, John S., [redacted].
Stewart, John B., [redacted].
Stewart, Robert B., [redacted].
Stewart, William M., [redacted].
Stiles, Roger E., [redacted].
St. Louis, Ronald L., [redacted].
St. Martin, Norman R., [redacted].
Stockett, Joe T., [redacted].
Stoddard, David D., [redacted].
Stoddard, James P., III, [redacted].
Stokes, Leland L., Jr., [redacted].
Stoltz, Charles R., [redacted].
Stone, Kenneth D., [redacted].
Stoop, James K., [redacted].
Stouffer, J. P., [redacted].
Straight, Thomas E., [redacted].
Stransky, Charles J., [redacted].
Strickland, James N., [redacted].
Strickland, Kenneth F., Jr., [redacted].
Strider, James W. V., [redacted].
Strand, Charles F., [redacted].
Strom, Brock T., [redacted].
Stroud, Donald E., [redacted].
Stroud, Raleigh E., [redacted].
Stuart, John F., [redacted].
Stuck, Monte L., [redacted].
Studinka, Richard J., [redacted].
Stueve, John B., [redacted].
Stumpf, James R. H., [redacted].
Sturek, Donald L., [redacted].
Style, Robert L., [redacted].
Sudbrink, William H., [redacted].
Sukey, Richard D., [redacted].
Sullivan, Edward F., [redacted].
Sullivan, Edwin N., [redacted].
Sullivan, James V., [redacted].
Sullivan, Kenneth R., [redacted].
Sullivan, Robert D., [redacted].
Summer, James L., [redacted].
Summers, Robert R., [redacted].
Sundbow, Leroy B., [redacted].
Sunranyi, Edward E., [redacted].
Suter, Richard M., [redacted].
Sutter, Franklin G., Jr., [redacted].
Swank, Leonard L., [redacted].
Swann, John K., [redacted].
Swanson, Alan C., [redacted].
Sweet, Leonard M., Jr., [redacted].
Swerdlove, Arthur P., [redacted].
Swiney, Joseph A., [redacted].
Swofford, Frank W., [redacted].
Tackett, Raymond N., [redacted].
Takara, Stanley K., [redacted].
Talbot, Richard J., [redacted].
Taranto, Ramon L., [redacted].
Tarsoly, John B., [redacted].
Tate, Orlia A., Jr., [redacted].
Taylor, Allan A., [redacted].
Taylor, Anton M., [redacted].
Taylor, David B., [redacted].
Taylor, Donald C., [redacted].
Taylor, Eric P., [redacted].
Taylor, James W., [redacted].
Taylor, John T., [redacted].
Taylor, Richard I., [redacted].
Taylor, Richard F., [redacted].
Taylor, Vernon P., [redacted].
Taylor, William R., [redacted].
Tedrick, Robert L., [redacted].
Teeman, William R., [redacted].
Telford, William D., [redacted].
Templeton, Ronald H., [redacted].
Tenhoor, Frederick G., [redacted].
Terry, Decker L., [redacted].
Terry, James D., [redacted].
Terry, James R., [redacted].
Terry, William F., Jr., [redacted].
Tetmeyer, Donald C., [redacted].
Thacker, William A., [redacted].
Thelin, George W., II, [redacted].
Theiman, Gayle F., [redacted].
Thomas, Donald S., [redacted].
Thomas, George. [redacted].
Thomas, Harry A., Jr., [redacted].
Thomas, James E., [redacted].
Thomas, Michael B., [redacted].
Thomas, William B., [redacted].
Thomason, Marvin R., [redacted].
Thomason, Robert E., [redacted].
Thompson, Barry G., [redacted].
Thompson, Donald M., [redacted].
Thompson, John E., [redacted].
Thompson, Kenneth R., [redacted].
Thompson, Merlin ., [redacted].
Thompson, Paul Y., [redacted].
Thompson, Richard L., [redacted].
Thompson, Robert E., [redacted].
Thompson, Victor, M., [redacted].
Thomson, John D., [redacted].
Thomson, Laurence J., [redacted].
Thorne, Carlton E., [redacted].
Thresher, Carl, [redacted].
Thurman, James S., [redacted].
Tietjen, John H. H., [redacted].
Tighe, Earl E., [redacted].
Tillotson, Don W., [redacted].
Timm, Gerald E., [redacted].
Timmermans, Philip W., [redacted].
Tindle, Dannie J., [redacted].
Tinsley, Carl O., [redacted].
Tinsley, Claude H., III, [redacted].
Tobik, Steven F., [redacted].
Todd, Harold W., [redacted].
Toland, James D., [redacted].
Tole, George E., [redacted].
Tomtan, Thomas O., [redacted].
Toner, William L., [redacted].
Toney, William M., [redacted].
Toye, Richard G., [redacted].
Tracey, Richard E., [redacted].
Trail, Richard L., [redacted].
Treacy, Charles P., [redacted].
Tripp, Graydon W., [redacted].
Trisko, Walter H., [redacted].
Thombley, Donald J., [redacted].
Tronzo, Louis C., [redacted].
Troyer, Richard H., [redacted].
Trukki, Wallace O., [redacted].
Trzaskoma, Richard J., [redacted].
Tuck, Frank K., [redacted].
Tucker, Robert J., [redacted].
Tufo, Stanley, [redacted].
Tulintseff, Nick G., [redacted].
Turain, Robert L., [redacted].
Turner, James R., [redacted].
Turrin, Armand L., [redacted].
Tuzo, George L., [redacted].
Uhlenhoff, Walter, [redacted].
Ulbricht, Gilmer D., [redacted].
Ulmer, John W., Jr., [redacted].
Underwood, Joseph W., [redacted].
Underwood, Keith T., [redacted].
Unruh, Daniel D., [redacted].
Utley, Roger R., [redacted].
Vajda, Frank S., [redacted].
Vanagas, Anthony A., [redacted].
Vance, Jon C., [redacted].
Vancleave, Danny R., II, [redacted].
Vandusen, Maurice V., Jr., [redacted].
Vankesteren, John A., [redacted].

Vannote, Keith L., [redacted].
Vanputte, Ronald E., [redacted].
Vansickle, Larry P., [redacted].
Vanstockum, William F., Jr., [redacted].
Varley, Donald J., [redacted].
Varner, George L., [redacted].
Varner, Gerald J., [redacted].
Vaughan, John C., III, [redacted].
Vaughn, Jerry B., [redacted].
Veigel, Richard V., [redacted].
Venen, Leonard N., Jr., [redacted].
Venes, Robert O., [redacted].
Venturini, Ronald A., [redacted].
Vickery, Charles A., [redacted].
Villines, Leroy C., [redacted].
Voelker, Edward M., II, [redacted].
Volpel, John W., [redacted].
Vonredlich, Mark H., [redacted].
Vosika, Eugene L., [redacted].
Voyles, Robert J., [redacted].
Wachsmuth, Carl W., [redacted].
Wade, Richard L., [redacted].
Wade, Richard A., [redacted].
Wagner, Richard A., [redacted].
Wainwright, Ronald G., [redacted].
Walchshauser, Joseph A., [redacted].
Waldron, Larry D., [redacted].
Walker, Bert N., [redacted].
Walker, Charles W., [redacted].
Walker, Harry W., [redacted].
Walker, Marvin Z., [redacted].
Wallace, Donald M., [redacted].
Wallace, James T., [redacted].
Wallace, Ray M., [redacted].
Wallis, William J., [redacted].
Walls, W. L., [redacted].
Walsh, John M., [redacted].
Walter, Charles R., Jr., [redacted].
Waltermire, Jacob B., Jr., [redacted].
Walters, Donald R., [redacted].
Walther, George H., [redacted].
Walton, Gary E., [redacted].
Walton, Samuel K., Jr., [redacted].
Waresh, John C., [redacted].
Warner, Donald D., [redacted].
Warner, Norris E., [redacted].
Warren, James M., [redacted].
Warren, Lee D., [redacted].
Wassall, James W., [redacted].
Waterman, Quintin L., [redacted].
Waters, Albert L., [redacted].
Watkins, Robert E., [redacted].
Watling, Harvey R., [redacted].
Watlington, Bernard E., [redacted].
Watring, John A., [redacted].
Watson, Jack O., [redacted].
Watson, Richard E., [redacted].
Watts, Holbrook M., [redacted].
Watts, James D., [redacted].
Waynik, Michael, Jr., [redacted].
Weaver, Floyd W., [redacted].
Weaver, George E., [redacted].
Weaver, Viven T., [redacted].
Webb, Donald F., [redacted].
Weber, Donald J., [redacted].
Weekley, Robert A., [redacted].
Weeks, George M. III, [redacted].
Weeks, Michael W., [redacted].
Wehman, Ben P., [redacted].
Wehrly, Odis G., [redacted].
Weidman, Donald G., [redacted].
Weintraub, Marvin, [redacted].
Weishaar, Loren A., [redacted].
Weisman, Alan D., [redacted].
Welch, James C., [redacted].
Welton, Donald D., [redacted].
Wendell, John H., Jr., [redacted].
Wenk[illegible], David J., [redacted].
Wentz, Peter A., [redacted].
Weppner, William G., [redacted].
Wertz, Donald L., [redacted].
West, Eugene R., [redacted].
West, John W., Jr., [redacted].
West, Joseph P., Jr., [redacted].
West, Philip W., [redacted].
Westback, Eugene O., [redacted].
Westmoreland, Robert L., Jr., [redacted].
Whitaker, Gary L., [redacted].
Whitaker, Patrick W., [redacted].
Whitaker, Ted, [redacted].
White, Clarence L., [redacted].
White, James E., [redacted].
White, Jerry E., [redacted].
White, Kenneth A., [redacted].
White, Richard W., [redacted].
White, Thomas W., Jr., [redacted].
White, William K., [redacted].
Whiteman, Leonard J., Jr., [redacted].
Whitsitt, Elwyn D., [redacted].
Whittenberg, Jean R., [redacted].
Wicker, Paul J., [redacted].
Wickman, John F., [redacted].
Wideman, Hubert G., II, [redacted].
Wiener, Robert D., [redacted].
Wilcox, Bruce E., [redacted].
Wilder, Robert L., [redacted].
Wiley, James R., [redacted].
Wilkes, Quenten L., [redacted].
Wilkins, Jackie, [redacted].
Williams, Charles P., [redacted].
Williams, David B., [redacted].
Williams, Douglas A., [redacted].
Williams, Gary J., [redacted].
Williams, George W., [redacted].
Williams, Gerald D., [redacted].
Williams, Haven A., [redacted].
Williams, John D., Jr., [redacted].
Williams, Richard M., [redacted].
Williams, Robert F., [redacted].
Williams, Ronald R., [redacted].
Williams, Thomas O., III, [redacted].
Williams, Winston, [redacted].
Williamson, George E., Jr., [redacted].
Williamson, James R., [redacted].
Willigrod, William E., [redacted].
Willinghom, Larry D., [redacted].
Wilson, Roger, D., [redacted].
Wilson, William L., [redacted].
Winburn, Freddie C., [redacted].
Wince, James P., [redacted].
Wingert, Charles J., [redacted].
Winkelmann, Edgar W., [redacted].
Winkler, Paul D. [redacted].
Winn, George N., [redacted].
Winn, Wendell W., [redacted].
Winter, Lyle E., [redacted].
Winters, Charles P., [redacted].
Wissing, Norman H., [redacted].
Wissinger, Kenneth L., [redacted].
Wittenberg, William A., [redacted].
Wittrock, Ralph J., [redacted].
Woelfel, Edward A., Jr., [redacted].
Wolfe, Dale E., [redacted].
Wolfe, John M., Jr., [redacted].
Wolpert, Donald G., [redacted].
Wood, Charles T., [redacted].
Wood, Dean C., [redacted].
Wood, Gary L., [redacted].
Wood, James H., [redacted].
Wood, Lawrence M., [redacted].
Woodring, Marvin J., [redacted].
Woodworth, Roger F., [redacted].
Work, James B., [redacted].
Worley, George H., [redacted].
Wozniak, Ronald R., [redacted].
Wright, Richard J., [redacted].
Wylie, Jimmy W., [redacted].
Wynn, Frederick B., [redacted].
Wynne, Thomas D., [redacted].
Wyrick, Andrew G., Jr., [redacted].
Yager, Walter S., [redacted].
Yantis, Albert L., Jr., [redacted].
Yates, Charles L., [redacted].
Yeatts, Fredrick S., [redacted].
Yorks, Robert A., [redacted].
Yoshinaga, Gene N., [redacted].
Young, Francis J., Jr., [redacted].
Young, Martin L., [redacted].
Young, Thomas N., [redacted].
Young, William M., [redacted].
Youngson, James, Jr., [redacted].
Zahniser, Frank R., [redacted].
Zannini, Robert H., [redacted].
Zara, Philip E., [redacted].
Zierdt, Jerald F., [redacted].
Zimmerman, Albert R., Jr., [redacted].
Zint, William L., Jr., [redacted].
Zlotnicki, Bogdan M., [redacted].
Zucker, Robert, [redacted].

CHAPLAINS

Bluschke, Derrick W., [redacted].
Bretscher, Forrest F., [redacted].
Browning, Robert L., [redacted].
Carleton, Rhon V., [redacted].
Daley, Neil F., [redacted].
Doughtie, Robert J., [redacted].
Guikema, Henry, [redacted].
Hensley, Billy D., [redacted].
Kircus, Ernest E., [redacted].
Lantz, Robert B., [redacted].
Lee, John U., [redacted].
Mallory, Jerry J., [redacted].
Merrell, Robert E., [redacted].
Monti, Robert M., [redacted].
Plummer, James R., [redacted].
Richardson, Thomas E., [redacted].
Rooney, Thaddeus C., [redacted].
Stork, Wayne L., [redacted].
Thompson, Kenneth R., [redacted].
Thorsen, Henry B., [redacted].
Woerdeman, Robert K., [redacted].
Young, Samuel T., [redacted].

DENTAL CORPS

Aberth, George H., Jr., [redacted].
Almon, John V., [redacted].
Ammerman, Thomas J., [redacted].
Brunsvold, Michael A., [redacted].
Camamo, Joseph A., [redacted].
Chalfin, Charles W., [redacted].
Depew, Theodore E., Jr., [redacted].
Dohaney, Martin J., Jr., [redacted].
Drake, Philip L., Jr., [redacted].
Dukart, Rodney C., [redacted].
Forgach, John J., [redacted].
Gallagher, Richard A., [redacted].
Gilliland, Robert F., [redacted].
Gullatt, Theodore, Jr., [redacted].
Haroz, Carl T., [redacted].
Holgate, Robert S., [redacted].
Hope, Gary B., [redacted].
Killingsworth, Charles R., [redacted].
Kutz, Paul L., [redacted].
Lepore, Marion, [redacted].
Maestrelli, Raymond C., [redacted].
Maust, Jay R., [redacted].
Moore, John N., Jr., [redacted].
Morgan, Gary H., [redacted].
Osburn, Richard C., [redacted].
Powell, David L., Jr., [redacted].
Rocco, James J., [redacted].
Scholes, Edwin, Jr., [redacted].
Senia, Ennio S. A., [redacted].
Smith, Howard E., [redacted].
Stamps, John T., [redacted].
Tatum, Thomas H., [redacted].
Tepper, Maurice J., [redacted].
Usseglio, Robert J., [redacted].
Wampler, Henry W., [redacted].
Wilkinson, Raymond F., [redacted].
Willsey, Dean B., [redacted].

MEDICAL CORPS

Abbott, Kenneth H. II, [redacted].
Adams, John P., [redacted].
Andruczk, Robert C., [redacted].
Barry, William E., [redacted].
Berry, Frank W., Jr., [redacted].
Bidstrup, Richard J., [redacted].
Bishop, John E., [redacted].
Chappell, Seaborn M., [redacted].
Cook, James H., [redacted].
Cook, Marshall S., [redacted].
Dear, Steven R., [redacted].
Demos, George T., [redacted].
Demski, Robert S., [redacted].
Dorey, Lee R., [redacted].
Eilert, Robert E., [redacted].
Eisenhart, George V., [redacted].
Erickson, Larry R., [redacted].
Ferguson, William T., [redacted].
Fisher, William J., [redacted].
Goldstein, William R., [redacted].
Hartman, James F., [redacted].
Haydon, John R., Jr., [redacted].
Hunter, David M., [redacted].
Hutton, Robert D., [redacted].
Johnson, Joseph M., [redacted].

Johnson, Wayne A., [redacted].
Keenan, James D., [redacted].
Kelly, Paul A., [redacted].
Kirkland, Charles P., [redacted].
Lochridge, Gordon K., [redacted].
Logan, Neal J., [redacted].
McFarlane, Claude L., [redacted].
Mendoza, Edward, [redacted].
Michaels, David L., [redacted].
Neimanis, Andris, [redacted].
Noga, Gerald W., [redacted].
Olsen, Armin B., [redacted].
Pala, Stanley J., [redacted].
Patton, John P., Jr. [redacted].
Paull, Robert M., [redacted].
Pohl, Donald R., [redacted].
Puma, Samuel C., [redacted].
Ring, Robert J., Jr., [redacted].
Robinson, James R., [redacted].
Rodriguezcolon, Juan, [redacted].
Russell, David S., [redacted].
Sarnacki, Clifford T., [redacted].
Schwark, Thomas E., [redacted].
Shirley, James H., [redacted].
Stadler, Frank, III, [redacted].
Stevens, Joseph B., [redacted].
Suckow, Lowell C., [redacted].
Thompson, Cleveland, III, [redacted].
Thompson, Richard M., [redacted].
Torrance, Philip M., II, [redacted].
Versteeg, Harold J., Jr., [redacted].
Watson, Alfred B., Jr., [redacted].
Weinman, Tay J., [redacted].
Zimmerman, Raymond E. P., [redacted].

NURSE CORPS

Baker, Olive M., [redacted].
Bullington, Lyda A., [redacted].
Campbell, Thomas R., [redacted].
Christiansen, Shirley A., [redacted].
Cowling, Norene E., [redacted].
Craft, Kathryn L., [redacted].
Demeaux, Jeanne R., [redacted].
Deogburn, Charlotte M., [redacted].
Dodd, Darlene M., [redacted].
Draves, Jacqueline L., [redacted].
Emmerth, Margaret C., [redacted].
Fox, Marjorie R., [redacted].
Guthridge, Evelyn V., [redacted].
Hale, Diann A., [redacted].
Halley, Norma D., [redacted].
Hester, Patricia S., [redacted].
Huisken, Leanne H., [redacted].
Husarik, Pauline J. [redacted].
Jacobson, Doris M., [redacted].
Kammerlocher, Mary T., [redacted].
Kennedy, Joan A., [redacted].
Locke, Christine, [redacted].
Lomax, Johnnie O., [redacted].
Lumsden, Nancy S., [redacted].
Luuru, Helen A., [redacted].
Martin, Barbara J., [redacted].
McDowell, Nina E., [redacted].
Morton, Carol A., [redacted].
Mulhollen, Joanne R., [redacted].
Munto, Peter L., [redacted].
Murphy, Barbara E., [redacted].
Murray, Maejane, [redacted].
Ogle, Janet E., [redacted].
Palmer, Rebecca J., [redacted].
Pavlich, Mary L., [redacted].
Plott, Clarideth J., [redacted].
Prevost, Patricia M., [redacted].
Prunty, Margaret A., [redacted].
Pufnock, Mary L., [redacted].
Pulte, Janet M., [redacted].
Purvis, Lorena J., [redacted].
Rovnyak, Eleanor C., [redacted].
Schmidt, Ellen C., [redacted].
Seitz, Mary K., [redacted].
Snuggs, Katherine C., [redacted].
Soeder, Darla J., [redacted].
Sorge, Joseph J., [redacted].
Stuckert, Ruth A., [redacted].
Thompson, Mary E., [redacted].
Thorington, Myrtle A., [redacted].
Vak, Elaine J., [redacted].
Wolbert, June, [redacted].
Young, Marva P., [redacted].

MEDICAL SERVICE CORPS

Amesbury, John F., [redacted].
Brady, Gene F., [redacted].
Buss, Mervin F., [redacted].
Cornelius, Ronald E., [redacted].
Daeley, John A., [redacted].
Elliott, Eugene L., [redacted].
Garver, Ralph R., Jr., [redacted].
Gibson, Charles H. [redacted].
Good, Donald S., [redacted].
Hendley, James W., [redacted].
Heyart, Richard T., [redacted].
Kehoe, James J., Jr., [redacted].
McDougald, Donald H., [redacted].
Morton, James I., [redacted].
O'Donnell, Daniel J., [redacted].
Park, Clinton R., [redacted].
Riley, John F., [redacted].
Sanderson, Cecil O., [redacted].
Seese, Vernon L., [redacted].
Tillery, Dean, [redacted].
Treat, Thomas F., [redacted].
Tuleja, Donald R., [redacted].
Ussery, Wendell O., [redacted].
Vanherpen, John, [redacted].
White, Joe B., [redacted].
Woodward, Robert L., [redacted].
Young, Robert M., [redacted].

VETERINARY CORPS

Armstrong, Robert E., [redacted].
Avadikian, Richard G., [redacted].
Banknieder, August R., [redacted].
Bonney, Charles H., [redacted].
Butler, Thomas M., [redacted].
Eason, Robert L., [redacted].
Harwell, James F., Jr., [redacted].
Peguesse, James E., [redacted].
Russell, Robert J., [redacted].
Schilling, Paul W., [redacted].
Schmidt, Robert E., [redacted].
Szatalowicz, Florian T., [redacted].
Taylor, Gale D., [redacted].

BIOMEDICAL SCIENCES CORPS

Baran, Francis V., [redacted].
Beatty, David C., [redacted].
Caldwell, Arthur P., [redacted].
Carpenter, Bob L., [redacted].
Collins, Raymond J., [redacted].
Fortune, Miriam W., [redacted].
Giron, David J., [redacted].
Houston, Robert G., [redacted].
Knight, John F., [redacted].
Kopp, David T., [redacted].
Krutz, Robert W., Jr., [redacted].
Laney, Sherrill G., [redacted].
Mabson, William E., [redacted].
McKissick, Jack E., [redacted].
McWilliams, James E., [redacted].
Moll, Marlene J., [redacted].
Moyer, William B., [redacted].
Ohlbaum, Morton K., [redacted].
Quinn, Juliana, [redacted].
Roberts, Paul F., [redacted].
Rogers, Donald J., [redacted].
Rothman, Torsten, [redacted].
Schmitt, Richard G., [redacted].
Tatera, Bernard S., [redacted].
Walker, William J., Jr., [redacted].
Witzgall, Fred L., [redacted].

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of section 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be lieutenant colonel

Earle, City C., [redacted].

To be major

Curtis, Billy R., [redacted].

Billy R. Curtis, [redacted] for appointment in the temporary grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

Richard H. Delmonico, [redacted] for appointment in the Regular Air Force, in the grade of captain, under the provisions of section 8284, title 10, United States Code, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code, with a date of rank to be determined by the Secretary of the Air Force.

The following persons for appointment as a Reserve of the Air Force (Medical Corps) in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129, with a view to designation as a Medical Officer under the provisions of section 8067, title 10, United States Code:

Gams, Richard A., [redacted].
McAlister, Bradwell R., [redacted].

Robert L. Slaughter, [redacted] for appointment as a Reserve of the Air Force (Medical Corps) in the grade of lieutenant colonel, under the provisions of section 593 and 8351, title 10, United States Code, and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code.

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Hinton, Richard D., [redacted].
Howell, George L., Jr., [redacted].
Nichols, Spencer L., [redacted].
Potock, Walter J., [redacted].
Supple, Michael J., [redacted].
Trammell, James E., [redacted].
Weber, Willis E., [redacted].
West, Robert L., [redacted].

MEDICAL CORPS

Alexander, David G., [redacted].
Madere, Sherman G., [redacted].

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law.

First lieutenant to captain

LINE OF THE AIR FORCE

Aarons, Ronald D., [redacted].
Abbes, Douglas C., [redacted].
Abbott, Sherwood S., [redacted].
Abel, Raymond E., Jr., [redacted].
Abel, Thomas R., [redacted].
Abels, J. Arthur, [redacted].
Abendschein, Frederick E., [redacted].
Abernathy, Charles R., [redacted].
Abernethy, Theodore J., Jr., [redacted].
Abney, Billy W., [redacted].
Acke, Edward H., [redacted].
Adair, Harmon L., Jr., [redacted].
Adams, David J., [redacted].
Adams, Gerald R., [redacted].
Adams, Harold B., [redacted].
Adams, Henry A., III, [redacted].
Adams, James D., [redacted].
Adams, Stephen D., [redacted].
Adkins, Joel E., [redacted].
Agnew, John T., [redacted].
Ahern, John J., Jr., [redacted].
Ahl, Wolfgang A., [redacted].
Aikman, Lynn A., [redacted].
Ainsworth, James S., IV, [redacted].
Aitken, James G., [redacted].
Akers, Gibson C., [redacted].
Albertson, Fred W., Jr., [redacted].
Alexander, Joseph D., [redacted].
Alexander, Jon R., [redacted].
Alexander, Thomas L., [redacted].
Alford, Benjamin F., [redacted].
Allen, George W., [redacted].

Allen, Jerrold P., [redacted].
Allen, John D., [redacted].
Allen, John J., [redacted].
Allen, Richard L., [redacted].
Allen, Shelby L., III, [redacted].
Alley, Charles E., [redacted].
Allgaier, William A., III, [redacted].
Allgood, John R., [redacted].
Allick, Samual O., [redacted].
Almand, Larry M., [redacted].
Almond, Russell H., Jr., [redacted].
Alpert, Harold S., [redacted].
Alverson, Kinter W., [redacted].
Amann, John J., [redacted].
Ambrose, John W., III, [redacted].
Amels, Bernard J., [redacted].
Amundson, Frederick J., [redacted].
Amundson, Robert C., [redacted].
Anders, Wayne R., [redacted].
Andersen, Roland E., [redacted].
Anderson, Arnold R., Jr., [redacted].
Anderson, Darwin C., [redacted].
Anderson, Frank W., Jr., [redacted].
Anderson, Gary L., [redacted].
Anderson, Harlan L., [redacted].
Anderson, James R., [redacted].
Anderson, John M., [redacted].
Anderson, John F., [redacted].
Anderson, John M., Jr., [redacted].
Anderson, Jon J., [redacted].
Anderson, Martin G., [redacted].
Anderson, Ralph J., [redacted].
Anderson, Robert C., Jr., [redacted].
Andrade, Martin G., [redacted].
Andreus, Frank C., II, [redacted].
Andrew, Thomas J., [redacted].
Andrews, Franklin J., [redacted].
Andrews, Robert G., [redacted].
Andrews, Robert P., [redacted].
Andrews, Victor C., [redacted].
Angelisanti, Dennis L., [redacted].
Anthony, Ron A., [redacted].
Anthony, Ronald R., [redacted].
Antol, Wayne H., [redacted].
Apgar, Robert C., [redacted].
Apple, Robert C., [redacted].
Applegate, William P., [redacted].
Arent, Lauren E., [redacted].
Armentrout, Alden H., [redacted].
Armstrong, Francis C., III, [redacted].
Armstrong, James C., Jr., [redacted].
Arnold, John M., [redacted].
Arnold, William D., [redacted].
Arns, John H., Jr., [redacted].
Arzola, Nelson, [redacted].
Asadourian, George G., Jr., [redacted].
Ashby, Randolph W., [redacted].
Ashman, David, [redacted].
Ashton, Gerald L., [redacted].
Atchley, Gordon W., [redacted].
Aten, Ronald B., [redacted].
Atkins, Walter J., Jr., [redacted].
Atkinson, David E., [redacted].
Austin, Charles E., [redacted].
Austin, David J., [redacted].
Austin, Thomas W., [redacted].
Austin, William H., [redacted].
Avant, James R., Jr., [redacted].
Aykroyd, Geoffrey B., [redacted].
Azuma, Robert T., [redacted].
Backers, Glen E., [redacted].
Bacon, William G., [redacted].
Baden, Frederick E., [redacted].
Badger, Robert C., [redacted].
Bafundo, George R., [redacted].
Bagley, Larry C., [redacted].
Bailey, Edward P., Jr., [redacted].
Bailey, Frank L., [redacted].
Bailey, Joseph R., [redacted].
Bailey, Richard W., [redacted].
Bain, Gary H., [redacted].
Bair, Charles A., Jr., [redacted].
Baity, Mickey W., [redacted].
Baker, Bob E., [redacted].
Baker, Carl L., [redacted].
Baker, Don L., [redacted].
Baker, George L., [redacted].
Baker, Herbert G., [redacted].
Baker, James H., III, [redacted].
Baker, Robert W., [redacted].
Bakonyl, Laszlo J., [redacted].
Baldwin, Ralph H., III, [redacted].
Baldwin, Richard F., [redacted].
Baldy, Paul J., [redacted].
Ball, Norman K., [redacted].
Ball, Willis H., III, [redacted].
Balmanno, William F., [redacted].
Banachowski, Chester A., [redacted].
Bandy, Robert R., [redacted].
Bangeman, Mark P., [redacted].
Bannon, Thomas A., [redacted].
Baratelli, Philip J., [redacted].
Barber, Thomas J., [redacted].
Barbezat, Eugene L., [redacted].
Barclay, Victor W., [redacted].
Barnes, Barney E., Jr., [redacted].
Barnes, David B., [redacted].
Barnes, Jere R., [redacted].
Barnes, Michael P., [redacted].
Barnhardt, James W., Jr., [redacted].
Barr, Charles M., [redacted].
Barr, Robert E., [redacted].
Barr, Tommy D., [redacted].
Barratt, Frederick J., [redacted].
Barrett, Donald R., [redacted].
Barrett, Gerald F., Jr., [redacted].
Barrett, John R., [redacted].
Barrett, William H., [redacted].
Barrilleaux, James L., [redacted].
Barry, Edward G., [redacted].
Barry, Maurice H., [redacted].
Bartness, Patrick M., [redacted].
Barton, Melvin W., [redacted].
Barton, Richard W., [redacted].
Barton, William B., Jr., [redacted].
Bartos, Henry S., [redacted].
Base, John R., [redacted].
Bashant, Ronald W., [redacted].
Basinski, Gary J., [redacted].
Bass, Charles A., [redacted].
Bassham, Cecil N., [redacted].
Batsel, Michael L., [redacted].
Batten, Arthur D., [redacted].
Bauer, James F., [redacted].
Bauer, John E., [redacted].
Bauman, Robert B., [redacted].
Baxter, Ronald L., [redacted].
Beal, John F., [redacted].
Beall, Clarence W., III, [redacted].
Beam, Jack E., III, [redacted].
Beams, William A., [redacted].
Beard, Faye L., [redacted].
Beasley, Jay N., [redacted].
Beatty, Jerry L., [redacted].
Beaty, Joseph K., [redacted].
Bebber, Gary D., [redacted].
Beck, Dennis G., [redacted].
Beck, Frank P., [redacted].
Beck, Michael O., [redacted].
Beck, Robert J., [redacted].
Becker, Donald A., [redacted].
Becker, Gerald E., [redacted].
Beggs, Richard G., [redacted].
Beierschmitt, Gerald A., Jr., [redacted].
Belew, William R., Jr., [redacted].
Belisle, Robert J., Jr., [redacted].
Bell, Frederick M., [redacted].
Bell, Robert B., [redacted].
Belman, Larry J., [redacted].
Belsito, David B., [redacted].
Bencks, Edward G., [redacted].
Bender, Jack S., III, [redacted].
Benedict, Andrew H., [redacted].
Benedict, Stephen L., [redacted].
Benner, Joseph G., [redacted].
Bennes, James M., [redacted].
Bennett, Bryan L., [redacted].
Bennett, Jerry W., [redacted].
Bennett, Martin P., [redacted].
Bennett, Stephen L., [redacted].
Benson, Howard F., Jr., [redacted].
Benson, Joseph L., [redacted].
Bentley, Edward F., [redacted].
Berg, Mark L., [redacted].
Berg, William M., [redacted].
Bergo, Kenneth M., [redacted].
Berls, George O., [redacted].
Bernhardt, James H., [redacted].
Berry, Danny L., [redacted].
Berry, William G., Jr., [redacted].
Berta, William C., [redacted].
Berube, Howard A., [redacted].
Best, Douglas E., [redacted].
Best, Stoddard L., [redacted].
Bethurem, Richard C., [redacted].
Betourne, Gary P., [redacted].
Betzing, Martin H., [redacted].
Bevan, Wayne R., [redacted].
Bewley, Carroll E., [redacted].
Bey, Victor L., [redacted].
Bialek, Stanley H., Jr., [redacted].
Bielo, Edward J., [redacted].
Biezad, Daniel J., [redacted].
Bigelow, Richard E., [redacted].
Bigelow, Winfield S., Jr., [redacted].
Biggs, John C., [redacted].
Billingsley, Samuel F., III, [redacted].
Bingham, Price T., [redacted].
Birch, Craig A., [redacted].
Bird, Robert J., [redacted].
Bird, Ronald W., [redacted].
Bish, John A., [redacted].
Bishop, William R., [redacted].
Black, Ralph P., Jr., [redacted].
Blackburn, Alan D., [redacted].
Blackburn, Ronald L., [redacted].
Blackwell, James R., [redacted].
Blackwell, Joe E., [redacted].
Blaess, Edward M., [redacted].
Blair, Henry R., [redacted].
Blair, Michael I., [redacted].
Blake, Earl G., Jr., [redacted].
Blake, Ronald L., [redacted].
Bland, John R., Jr., [redacted].
Blankenbeker, Cleon J., [redacted].
Blau, Lionel H., [redacted].
Blevins, Gordon C., Jr., [redacted].
Blewitt, James R., [redacted].
Bliss, Vernon L., [redacted].
Blitt, William J., [redacted].
Blocher, Bruce K., [redacted].
Bloom, Lawrence G., [redacted].
Blue, Donald W., [redacted].
Boatright, Ronald L., [redacted].
Bodenheim, Bodie R., [redacted].
Boehm, Albert R., [redacted].
Boehringer, Kenneth F., [redacted].
Boese, Lawrence E., [redacted].
Bois, John W., [redacted].
Bok, Frederick C., [redacted].
Boley, Roger A., [redacted].
Bolin, Michael H., [redacted].
Bolton, Robert L., [redacted].
Bonacasa, Salvatore A., [redacted].
Bond, Daniel C., [redacted].
Bond, James F., [redacted].
Boney, James F., [redacted].
Bonnell, Roy O., Jr., [redacted].
Bonner, Lawrence M., [redacted].
Boone, Robert K., [redacted].
Borandi, Bernard A., [redacted].
Borders, Gerald D., [redacted].
Boretsky, Stephen L., [redacted].
Borkowski, Robert, [redacted].
Borowski, Harry R., [redacted].
Borowski, Richard A., [redacted].
Borzych, Conrad A., [redacted].
Bost, Thomas D., [redacted].
Boswell, Lance, [redacted].
Boswell, Ralph H., [redacted].
Bothwell, Robert L., Jr., [redacted].
Botts, Mason S., [redacted].
Boucher, Douglas W., [redacted].
Boudreaux, Ray M., [redacted].
Boughton, Grant S., [redacted].
Bouslough, Denis A., [redacted].
Bouwhuis, Jon E., [redacted].
Bowden, Samuel J., [redacted].
Bowen, Vernon W., Jr., [redacted].
Bowers, Robert J., [redacted].
Bowles, Joe A., III, [redacted].
Bowman, John G., Jr., [redacted].
Bowman, Norman H., Jr., [redacted].
Boyd, James A., Jr., [redacted].
Boyd, Kenneth R., II, [redacted].
Boyd, Michael L., [redacted].
Boyd, Stanley E., [redacted].
Boyd, Sterling W., [redacted].
Boyd, William G., [redacted].
Boyette, Paul A., [redacted].
Boykin, Kenneth S., [redacted].
Boykin, Samuel V., Jr., [redacted].
Brackenhoff, Don M., [redacted].

Bracy, Ronald L., [redacted].
Bradburn, Terry L., [redacted].
Bradbury, Byron G., [redacted].
Bradley, John L., III, [redacted].
Bradley, Larry A., [redacted].
Bradley, Paul F., [redacted].
Braeutigam, Robert E., [redacted].
Brandon, Thomas S., [redacted].
Brandt, Conrad R., [redacted].
Brannum, Edward S., [redacted].
Branson, Grant E., [redacted].
Brawders, Ronald J., [redacted].
Bray, Donald M., Jr., [redacted].
Breault, Gordon K., [redacted].
Bremer, Donald H., [redacted].
Brennan, Robert E., [redacted].
Brewer, Charles W., [redacted].
Brewer, Darlene K., [redacted].
Brewer, Jerry D., [redacted].
Brice, Ernest, [redacted].
Brickley, David G., [redacted].
Brickman, Larry E., [redacted].
Bridge, William M., [redacted].
Bridges, Mark E., [redacted].
Briggs, Arthur F., III, [redacted].
Briggs, Thomas W., [redacted].
Bright, Donald W., [redacted].
Brinker, Stanley R., [redacted].
Brister, Leroy H., [redacted].
Bristol, Matt C. C., III, [redacted].
Britton, Jack W., [redacted].
Brocavich, Ronald G., [redacted].
Brock, James M., [redacted].
Brock, James D., [redacted].
Brock, Richard W., [redacted].
Brockmeier, Jerry D., [redacted].
Brodie, James E., [redacted].
Brodock, Harry L., [redacted].
Brogdon, Loren J., [redacted].
Brom, Theodore E., Jr., [redacted].
Brooks, Robert L., [redacted].
Brooks, Ronald S., [redacted].
Brothers, Douglas A., [redacted].
Brown, Benjamin J., [redacted].
Brown, Charles B., [redacted].
Brown, Dennis C., [redacted].
Brown, Dennis R., [redacted].
Brown, Donald E., [redacted].
Brown, Donald S., II, [redacted].
Brown, Douglas P., [redacted].
Brown, Edward C., [redacted].
Brown, Elliott R., [redacted].
Brown, James R., [redacted].
Brown, Joe B., [redacted].
Brown, Joseph R., Jr., [redacted].
Brown, Louis C., Jr., [redacted].
Brown, Robert L., [redacted].
Brown, Samuel H., VII, [redacted].
Brown, Scott B., [redacted].
Brown, Stanley L., [redacted].
Brown, Timothy D., [redacted].
Bruce, Philip W., [redacted].
Bruce, Ronald L., [redacted].
Bruer, Charles R., [redacted].
Bruner, William P., Jr., [redacted].
Brunstetter, David A., [redacted].
Brunz, Wayne W., [redacted].
Brus, Robert A., [redacted].
Bryan, Robert E., [redacted].
Bryan, Robert F., II, [redacted].
Bryan, Robert E., [redacted].
Bryant, Louis E., Jr., [redacted].
Bryant, Ronald, [redacted].
Bryson, Jon H., [redacted].
Buchanan, Norman H., [redacted].
Buchanan, Timothy G., [redacted].
Bucher, Wallace T., [redacted].
Buck, Erik S., [redacted].
Buckholtz, David W., [redacted].
Buckley, Robert L., [redacted].
Buettell, Roger B., III, [redacted].
Buickerood, Richard W., [redacted].
Bulkeley, Michael C., [redacted].
Bull, William W., [redacted].
Bullard, Edward M., [redacted].
Bullock, Gerald E., [redacted].
Bunzendahl, Sidney J., Jr., [redacted].
Burdick, Bingley L., Jr., [redacted].
Burgeson, John C., [redacted].
Burgess, James D., [redacted].
Burgess, Ray W., Jr., [redacted].

Burich, William J., Jr., [redacted].
Burkepile, Dick L., [redacted].
Burkett, Edgar E., Jr., [redacted].
Burkhart, Frederich M., [redacted].
Burleson, John L., [redacted].
Burnet, Robert C., [redacted].
Burroughs, Paul N., [redacted].
Burt, John H., [redacted].
Burton, Gary H., [redacted].
Bush, John R., [redacted].
Butcher, Frank S., [redacted].
Butler, Billy G., [redacted].
Butler, Frederick W., [redacted].
Butler, Marlin J., [redacted].
Butler, Robert L., [redacted].
Butterfield, William F., [redacted].
Buxton, Leroy W., [redacted].
Byers, John M., [redacted].
Byrd, Johnnie L., [redacted].
Byrd, Willie, Jr., [redacted].
Byron, Robert A., [redacted].
Cabral, Charles A., Jr., [redacted].
Cadwallader, Richard, [redacted].
Cafazzo, Robert F., [redacted].
Cain, John H., [redacted].
Calder, William T., [redacted].
Callahan, Jerry B., [redacted].
Callahan, John C., [redacted].
Callanan, Thomas J., [redacted].
Callaway, Michael W., [redacted].
Camacho, Francisco P., [redacted].
Cameron, Charles D., [redacted].
Campbell, Blaine B., Jr., [redacted].
Campbell, Charles H., [redacted].
Campbell, Donald D., [redacted].
Campbell, Francis G., [redacted].
Campbell, James W., [redacted].
Campbell, Von A., [redacted].
Canida, H. B., [redacted].
Canipe, Yates J., [redacted].
Cannon, George E., Jr., [redacted].
Cannon, Roger S., [redacted].
Canorro, Michael A., [redacted].
Canter, Carl W., [redacted].
Caparoon, Phillip E., [redacted].
Capicik, Paul J., [redacted].
Capone, John T., [redacted].
Capriotti, Donald L., [redacted].
Cargill, James D., [redacted].
Carington, Thomas C., [redacted].
Carlson, Kent R., [redacted].
Carlson, Randal D., [redacted].
Carlson, Rodney L., [redacted].
Carmichael, Robert W., Jr., [redacted].
Carnes, Robert M., [redacted].
Carney, James M., [redacted].
Carpeaux, Walter B., [redacted].
Carpenter, Billie R., [redacted].
Carpenter, Charles L., [redacted].
Carpenter, Dennis D., [redacted].
Carr, Richard E., [redacted].
Carr, Ronald L., [redacted].
Carrillo, John, [redacted].
Carrington, Royle P., III, [redacted].
Carroll, George T., [redacted].
Carroll, Gerard M., Jr., [redacted].
Carroll, Joel A., III, [redacted].
Carroll, Thomas B., [redacted].
Carson, Bruce, [redacted].
Carson, James M., [redacted].
Carson, Leonard R., III, [redacted].
Carter, Charles E., [redacted].
Carter, Edward B., [redacted].
Carter, Harold W., [redacted].
Carter, Larry G., [redacted].
Carter, Robert W., [redacted].
Carter, Robert L., [redacted].
Carter, Stephen L., [redacted].
Casady, John T., [redacted].
Case, Robert E., [redacted].
Casper, Gerald D., [redacted].
Casper, John H., [redacted].
Cass, Stein L., [redacted].
Cassidy, Michael S., [redacted].
Cassulo, Frank A., [redacted].
Castle, Richard S., [redacted].
Castonguay, Joseph L., [redacted].
Cathers, George R., [redacted].
Catoe, Charles D., [redacted].
Causey, Robert J., [redacted].
Cavanagh, Thomas T., III, [redacted].

Cecil, Daniel B., [redacted].
Centioli, Ralph, [redacted].
Chaffin, James A., [redacted].
Chalfont, Alan C., [redacted].
Chamberlain, Peter S., [redacted].
Chamberland, Donald J., [redacted].
Chambers, Charles E., [redacted].
Chambers, Michael D., [redacted].
Chan, Joseph W., [redacted].
Chandler, Wayne R., [redacted].
Chaney, Clifford D., [redacted].
Chapman, Harold P., [redacted].
Chapman, Richard D., [redacted].
Chapman, Robert E., [redacted].
Chappell, Marvin L., [redacted].
Charlton, John T., [redacted].
Chase, Gerald H., [redacted].
Chase, Paul A., [redacted].
Chastain, David K., [redacted].
Chastain, Walter E., [redacted].
Check, William D., [redacted].
Cheek, Charles T., [redacted].
Chew, James P., [redacted].
Childress, James S., [redacted].
Childs, Charles I., [redacted].
Chittick, James E., [redacted].
Choate, John S., [redacted].
Christensen, Gary C., [redacted].
Christensen, Jens E., [redacted].
Christenson, Gerald A., [redacted].
Christian, Don O., [redacted].
Christian, Jerry M., [redacted].
Christy, Curtis L., [redacted].
Church, James W., [redacted].
Cirillo, Francis A., Jr., [redacted].
Clapper, John R., [redacted].
Clark, Gary W., [redacted].
Clark, Raymond E., [redacted].
Clark, Richard J., [redacted].
Clarke, Bradlee F., Jr., [redacted].
Clary, Ronald E., [redacted].
Claspell, Ogal B., [redacted].
Clay, Earl L., [redacted].
Clay, Michael T., [redacted].
Clay, Robert E., [redacted].
Clayton, Lloyd K., [redacted].
Cleckler, Jimmy J., [redacted].
Clements, John E., [redacted].
Clements, Frederick D., [redacted].
Clements, John R., [redacted].
Clements, Manen O., [redacted].
Clendenin, Gary L., [redacted].
Clevenger, James D., [redacted].
Cline, William K., [redacted].
Clingaman, Ronald L., [redacted].
Clinkscales, Marshall S., Jr., [redacted].
Clough, James A., Jr., [redacted].
Clow, Douglas J., [redacted].
Cobb, Earl H., [redacted].
Cobb, Harvey G., [redacted].
Cobleigh, Nelson E., [redacted].
Coched, Dennis, [redacted].
Cochran, Charlie T., [redacted].
Cochran, Harold M., [redacted].
Cocks, Joel P., [redacted].
Coffman, Joseph M., Jr., [redacted].
Coggins, William F., Jr., [redacted].
Cogley, Jesse W., III, [redacted].
Colacicco, Vincent A., [redacted].
Cole, Robert A., [redacted].
Cole, Theodore M., III, [redacted].
Cole, William, III, [redacted].
Coleman, Robert G., II, [redacted].
Colvin, Murl W., [redacted].
Combs, Philip L., [redacted].
Comstock, George F., Jr., [redacted].
Concannon, Michael R., [redacted].
Conforti, Peter, [redacted].
Congleton, Duane E., [redacted].
Conkright, Terry L., [redacted].
Conmy, John M., [redacted].
Connor, Earl W., [redacted].
Connor, Frank A., [redacted].
Connors, Michael J., [redacted].
Connors, Paul C., [redacted].
Conolly, Richard N., Jr., [redacted].
Conrad, John C., Jr., [redacted].
Conver, Stephen K., [redacted].
Conway, John F., [redacted].
Cook, Ivy D., Jr., [redacted].
Cook, Lee W., [redacted].

Cook, Walter R., [redacted].
Cooke, Ian N., [redacted].
Coon, Richard K., [redacted].
Coonan, Daniel J., III, [redacted].
Cooper, David W., [redacted].
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Copeland, David W., [redacted].
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Copson, David W., [redacted].
Corbett, David L., [redacted].
Corder, Charles T., [redacted].
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Core, Charles M., Jr., [redacted].
Cornelia, Thomas B., [redacted].
Cornelius, Richard, [redacted].
Cornish, Richard K., [redacted].
Coslett, Ronald K., [redacted].
Cotton, Jerry L., [redacted].
Coughlin, Raymond J., [redacted].
Coulter, Robert A., [redacted].
Councilman, Richard A., [redacted].
Couser, Walter J., III, [redacted].
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Craig, Samuel, [redacted].
Craigie, Donald F., [redacted].
Crane, Stephen G., [redacted].
Crank, Paul W., III, [redacted].
Cranston, Stewart E., [redacted].
Crawford, Harvey J., [redacted].
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Creller, Bruce O., [redacted].
Crinks, Francis L., [redacted].
Crist, Neil B., [redacted].
Crocker, Larry D., [redacted].
Cronholm, John J., [redacted].
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Cross, Charles K., Jr., [redacted].
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Crossman, Wilfred L., [redacted].
Crouch, Beverly E., [redacted].
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Crownover, John H., III, [redacted].
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Eddy, Lucian B., Jr., [redacted].
Eden, James L., [redacted].
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Edmunds, Robert C., Jr., [redacted].
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Egan, Dennis, [redacted].
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Egge, Arthur G., [redacted].
Eggers, Bruce A., [redacted].
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Ekberg, David J., [redacted].
Elder, James S., [redacted].
Eldridge, Paul B., [redacted].
Ellinger, Robert W., [redacted].
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Elwood, John F., [redacted].
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Elzinga, Richard G., [redacted].
Emerson, Michael R., [redacted].
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Emry, Raleigh E., [redacted].
Endres, William J., [redacted].
Engelman, Frederick C., Jr., [redacted].
Engh, Timm G., [redacted].
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Engstenberg, Paul J., [redacted].
Ennis, Tolbert L., [redacted].
Ensor, Richard D., [redacted].
Epner, Gerald I., [redacted].
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Epps, James H., [redacted].
Eramo, Daniel J., Jr., [redacted].
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Erickson, Frederick J., [redacted].
Erstad, Stanley L., [redacted].
Eshbaugh, Vernon L., [redacted].
Essex, Jackie G., [redacted].
Estep, Eldon E., [redacted].
Estus, Robert C., Jr., [redacted].
Etter, Robert T., [redacted].
Eubank, William E., III, [redacted].
Evans, Albert L., III, [redacted].
Evans, David J., [redacted].
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Everts, Russell A., [redacted].
Ewart, Robert F., [redacted].
Ewing, Jon W., [redacted].
Eychner, George L., [redacted].
Fadden, Michael G [redacted].
Fagan, Michael T., [redacted].
Faggard, Lionel E., [redacted].
Fairbrother, Clarence L., [redacted].
Faix, Joseph L., [redacted].
Fal, John W., [redacted].
Fales, David P., [redacted].
Fandel, William T., [redacted].
Farmer, Charles T., [redacted].
Farmer, Norman R., Jr., [redacted].
Farmer, Peter E., [redacted].
Farnsworth, Earnest L., [redacted].
Farr, Herbert M., [redacted].
Farrar, James D., Jr., [redacted].
Farrell, William R., [redacted].
Farris, Prescott D., Jr., [redacted].
Faulk, Albert W., [redacted].
Faust, Ernest K., [redacted].
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Feighery, Edward, [redacted].
Fekke, Peter L., [redacted].
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Fett, Paul, Jr., [redacted].
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Fiedler, Harald P., [redacted].
Fields, McArthur, [redacted].
Figuerda, Edmund L., [redacted].
Files, William S., Jr., [redacted].
Flo, Robert J., [redacted].
Finan, George K., II, [redacted].
Finch, Charles W., [redacted].
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Fischer, John C., [redacted].
Fisher, Larry E., [redacted].
Fitch, Charles P., IV, [redacted].
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Fitzpatrick, William E., [redacted].
Fjelsted, Lyle G., [redacted].
Flanagan, Edward E., [redacted].
Fleckten, Thomas C., [redacted].
Fleming, James P., [redacted].
Fletcher, Benny R., [redacted].
Flood, Paul R., [redacted].
Flora, Gerald J., [redacted].
Flowers, David A., [redacted].
Fluck, Peter A., [redacted].
Flynn, Gerald R., [redacted].
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Folse, Paul J., [redacted].
Foncannon, John J., [redacted].
Font, Argentino, Jr., [redacted].
Fous, Larry D., [redacted].
Forbes, Stephen T., [redacted].
Ford, Maynard W., Jr., [redacted].
Ford, Ralph H., [redacted].
Forehand, Thomas W., [redacted].
Fornal, Andrew R., [redacted].
Fortner, William F., [redacted].
Forys, Edward, [redacted].
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Frey, Charles D., [redacted].
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Friday, Phillip M., [redacted].
Friend, Shelby L., [redacted].
Frieze, Harold D., [redacted].
Frith, Richard W., [redacted].
Fritzsch, Ralph B., [redacted].
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Fronzaglia, Anthony, [redacted].
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Furr, Marshall W., [redacted].
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Fye, Falko K., [redacted].
Gado, Clayton T., [redacted].
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Vanmierlo, Ronald L., [redacted].
Vantien, George A., [redacted].
Vanuk, Daniel A., [redacted].
Vanvalin, Gary A., [redacted].
Vanzee, Lloyd, E., [redacted].
Varela, Charles D., [redacted].
Varn, Dewey J., [redacted].
Varnadore, Henry C., III, [redacted].
Varner, Orville E., [redacted].
Varner, Stuart M., [redacted].
Varney, Nicholas C., [redacted].
Vasser, William C., Jr., [redacted].
Vaught, Johnnie L., [redacted].
Veach, Charles L., [redacted].
Velte, Gerald L., [redacted].
Venezia, Robert A., [redacted].
Vercruyse, Roger J., [redacted].
Versteegh, Arthur J., Jr., [redacted].
Vesely, David L., [redacted].
Vetter, Dean R., [redacted].
Veve, Rafael A., [redacted].
Villarreal, Lorenzo, II, [redacted].
Viney, Daniel C., [redacted].
Vining, John S., [redacted].
Vining, Terry W., [redacted].
Viotti, Paul R., [redacted].
Vogel, Carl J., [redacted].
Vogel, Edgar H., II, [redacted].
Vogt, Richard J., [redacted].
Vogt, Thomas C., [redacted].
Voigt, David A., [redacted].
Voigtmann, Frederick N., [redacted].
Volin, David R., [redacted].
Vollmar, Herbert A., [redacted].
Vongunten, William H., [redacted].
Vose, Donald W., Jr., [redacted].
Vraa, Ronald D., [redacted].
Wachsmuth, Armin A., [redacted].
Wachtman, Robert A., [redacted].
Wacker, Jerry A., [redacted].
Wacker, William L., [redacted].
Waddell, Castner R., [redacted].
Waddle, William A., Jr., [redacted].
Wade, John L., [redacted].
Wade, Paul R., Jr., [redacted].
Wagenhals, Lee W., [redacted].
Wagoner, Donald L., [redacted].
Wahineokai, Wayne W., [redacted].
Waid, Frank W., [redacted].
Waldrop, Olan G., Jr., [redacted].
Walentas, Peter, [redacted].
Wales, Edwin A., [redacted].
Walker, Donald R., [redacted].
Walker, Eddie, [redacted].
Walker, James D., [redacted].
Walker, Richard R., [redacted].
Walker, Robert A., [redacted].
Walker, Roger E., Jr., [redacted].
Walker, Ronald L., [redacted].
Walker, Thomas W., [redacted].
Walker, Thomas D., [redacted].
Walkup, Ronald E., [redacted].
Wall, Daniel G., III, [redacted].
Wallace, Wayne L., [redacted].
Wallace, William C., Jr., [redacted].
Waller, Howard P., [redacted].
Waller, James E., Jr., [redacted].
Walls, Barry R., [redacted].
Walls, Charles O., III, [redacted].
Walsh, Brian M., [redacted].
Walsh, Thomas B., [redacted].
Walters, Donovan K., [redacted].
Walters, Neal R., [redacted].
Waltman, Denzel D., Jr., [redacted].
Wantzloeben, Kenneth L., [redacted].
Ward, David C., [redacted].
Ward, Richard P., [redacted].
Ward, Thomas J., [redacted].
Ward, Wendel H., [redacted].
Wardle, John R., [redacted].
Ware, Russell L., [redacted].
Warfel, Joseph R., [redacted].
Warner, Ralph E., II, [redacted].
Warren, Lee M., [redacted].
Warren, Thomas N., [redacted].
Wasson, Donald L., [redacted].
Waters, George H., [redacted].
Watson, Charles D., [redacted].
Watson, James R., [redacted].
Watson, Richard B., [redacted].
Watts, Michael R., [redacted].
Waxman, Richard L., [redacted].
Wayne, John B., [redacted].
Weaver, John F., [redacted].
Weaver, John V. O., Jr., [redacted].
Weaver, Thomas M., [redacted].
Webb, David M., [redacted].
Webb, James G., [redacted].
Weber, Robert J., [redacted].
Weed, Harold V., Jr., [redacted].
Weekes, Wallace C., [redacted].
Weeks, Martin W., Jr., [redacted].
Wege, Ralph, [redacted].
Wegner, Lavern J., [redacted].
Weidman, James D., [redacted].
Weihe, Tyson E., [redacted].
Weihing, Flood T., Jr., [redacted].
Weinman, Arnold L., [redacted].
Weirtz, Dean E., [redacted].
Weisert, Donald H., [redacted].
Weiss, Daniel H., [redacted].
Weisweaver, Thomas R., [redacted].
Welch, Orion J., Jr., [redacted].
Wells, Frank H., [redacted].
Wells, Frank M., [redacted].
Wells, Harold T., [redacted].
Wendlandt, Richard T., [redacted].
Wendling, Gerald A., [redacted].
Wendrock, Robert F., Jr., [redacted].
Wengert, Paul F., [redacted].
Weninger, Ronald M., [redacted].
Werling, Wesley T., [redacted].
Wernle, Charles F., II, [redacted].
Wessinger, Murphy J., [redacted].
West, John T., [redacted].
West, Larry K., [redacted].
West, Lloyd A., [redacted].
West, Walter T., [redacted].
Wetzel, Kenneth R., [redacted].
Weyker, Donald G., [redacted].
Wheeler, Henry A., [redacted].
Wheeler, Leonard B., Jr., [redacted].
Wheeler, Michael O., [redacted].
Whipple, George N., [redacted].
Whisnant, Cleatus G., [redacted].
White, Edward C., Jr., [redacted].
White, James E., [redacted].
White, Kirby J., [redacted].
White, Mark A.:, [redacted].
White, Michael H., [redacted].
White, Phillip W., [redacted].
White, William R., Jr., [redacted].
Whitehead, Darell R., [redacted].
Whiting, Frank T., Jr., [redacted].
Whiting, Truman C., Jr., [redacted].
Whitney, Richard F., [redacted].
Whiton, Roger C., [redacted].
Whittaker, Jonathan W., [redacted].
Whitten, Frederick C., [redacted].
Wiater, Paul H., [redacted].
Wickiser, Jimmy W., [redacted].
Wieborg, James E., [redacted].
Wier, Harvey D., Jr., [redacted].
Wiggins, Michael O., [redacted].
Wiggins, Wallace L., [redacted].
Wilburn, Sammy F., [redacted].
Wilder, Jimmy R., [redacted].
Wildinger, Joseph V., Jr., [redacted].
Wiles, Thomas E., [redacted].
Wiley, Robert A., [redacted].
Wilke, Carl E., Jr., [redacted].
Wilkins, Errol C., [redacted].
Wilkins, Jeffrey A., [redacted].
Willett, David A., [redacted].
Willette, Edward D., [redacted].
Williams, Carl M., [redacted].
Williams, Douglas H., [redacted].
Williams, Earl W., [redacted].
Williams, George M., Jr., [redacted].
Williams, Hamilton, Jr., [redacted].
Williams, James R., [redacted].
Williams, Jason N., [redacted].
Williams, Paul L., [redacted].
Williams, Ralph R., [redacted].
Williams, Wynne P., [redacted].
Williamson, Alfred E., III, [redacted].
Williamson, David M., [redacted].
Williamson. Henry W., Jr., [redacted].
Williford, James V., [redacted].
Willis, Donald E., [redacted].
Willis, Paul K., Jr., [redacted].
Wills, Charles F., [redacted].
Wilson, Charles J., [redacted].
Wilson, Francis M., [redacted].
Wilson, Henry L., [redacted].
Wilson, John L., [redacted].
Wilson, Joseph C., Jr., [redacted].
Wilson, Larry K., [redacted].
Wilson, Lawrence F., [redacted].
Wilson, Luther R., [redacted].
Wilson, Michael B., [redacted].
Wilson, Robert M., [redacted].

Winchell, Edward J., [redacted].
Windingstad, Ronald M., [redacted].
Windsor, Walter L., Jr., [redacted].
Winfield, Charles A., [redacted].
Winn, Larry D., [redacted].
Winston, John M., [redacted].
Winter, Curtis F., [redacted].
Winter, James G., [redacted].
Winter, Lee A., [redacted].
Winterberg, Ferris L., [redacted].
Winters, Bennett L., [redacted].
Winters, James J., [redacted].
Wise, Sidney J., [redacted].
Wiser, Gordon J., [redacted].
Wisniewski, John W., [redacted].
Withycombe, Frederick K., [redacted].
Witty, Jack L., [redacted].
Wockenfuss, Edgar F., Jr., [redacted].
Woelz, Karl J., [redacted].
Wojack, Ronald P., [redacted].
Wojcik, Michael R., [redacted].
Wojtas, John J., Jr., [redacted].
Wolcott, David T., [redacted].
Wolcott, Kent E., [redacted].
Wolfe, Alex V., [redacted].
Womack, Carl L., [redacted].
Wood, Barry K., [redacted].
Wood, Billy R., [redacted].
Wood, James D., [redacted].
Wood, James G., Jr., [redacted].
Woodall, Carl E., Jr., [redacted].
Woodcock, Donald L., [redacted].
Woodham, Jahn H., [redacted].
Woodruff, John D., [redacted].
Woods, Kenneth R., [redacted].
Woody, James R., [redacted].
Woody, Willis C., Jr., [redacted].
Woodlace, James L., [redacted].
Woolley, Robert G., [redacted].
Wootten, Ronald L., [redacted].
Worcester, Robert H., [redacted].
Worcester, Stephen A., [redacted].
Worden, Donald E., [redacted].
Work, Terrell W., [redacted].
Working, Lyle A., [redacted].
Wormington, John R., [redacted].
Worrell, Kenneth E., [redacted].
Worth, Raymond S., [redacted].
Worthen, Russell F., [redacted].
Worthington, John A., [redacted].
Wortman, James F., [redacted].
Wozniak, David W., [redacted].
Wray, David W., [redacted].
Wray, James C., [redacted].
Wright, Donald J., [redacted].
Wright, George K., [redacted].
Wright, Jahn L., [redacted].
Wright, James C. W., [redacted].
Wright, Karen S., [redacted].
Wright, Ralph E., [redacted].
Wright, Robert P., [redacted].
Wright, Russell G., [redacted].
Wright, Stephen A., [redacted].
Wrigley, Frank, [redacted].
Wrublewski, Adam F., [redacted].
Wynne, Michael W., [redacted].
Wyttenbach, Barry D., [redacted].
Xander, Thomas C., [redacted].
Yagmin, James F., [redacted].
Yamamoto, James T., [redacted].
Yarolem, Wayne R., [redacted].
Yeager, John G., [redacted].
Yoachim, William G., [redacted].
Yoste, Florian H., III, [redacted].
Young, James A., [redacted].
Young, John E., [redacted].
Young, Reginald A., [redacted].
Young, Samuel E., Jr., [redacted].
Young, William J., Jr., [redacted].
Youngblood, Phillip L., [redacted].
Zachousky, James S., [redacted].
Zajicek, Thomas P., [redacted].
Zambelli, Anthony C., [redacted].
Zent, Llewellyn, II, [redacted].
Zettler, Wilbur T., [redacted].
Zielie, Paul A., [redacted].
Zimmermann, Conrad R., [redacted].
Zinsser, Harry F., Jr., [redacted].
Zody, James G., [redacted].
Zucker, Irwin L., [redacted].
Zwerg, John W., [redacted].

CHAPLAINS

Ashley, Michael D., [redacted].
Calhoun, William E., [redacted].
Hatela, Robert S., [redacted].
Patrick, John H., [redacted].
Richart, Paul F., [redacted].
Samf, David A., [redacted].
Shealy, Walter W., [redacted].

DENTAL CORPS

Alexander, Glen W., [redacted].
Brennan, Mark E., [redacted].
Cohen, Robert B., [redacted].
Ewing, Evan Y., [redacted].
Eyman, Russell G., [redacted].
Finkbeiner, Richard L., [redacted].
Hallmon, William W., [redacted].
Hickory, John E., Jr., [redacted].
Killian, William F., [redacted].
Kuhar, James R., [redacted].
Miller, Donald L., [redacted].

MEDICAL CORPS

Arnold, Colin B., [redacted].
Borrero, Jose L., [redacted].
Bullock, Jerry L., [redacted].
Cadora, Donald F., [redacted].
Dematte, Eugene M., [redacted].
Fragala, Mario R., [redacted].
Hill, McArthur D., [redacted].
Hodgerland, David L., [redacted].
Janco, Robert L., [redacted].
Keegan, Kirk A., Jr., [redacted].
Knauf, Daniel G., [redacted].
Koliner, Charles M., [redacted].
Lentz, Carl W., III, [redacted].
Maffet, Charles K., [redacted].
Mills, William C., III, [redacted].
Morgan, Howard W., Jr., [redacted].
Page, Carey P., [redacted].
Sanderson, John N., [redacted].
Seith, William F., Jr., [redacted].
Shepler, Thomas R., [redacted].
Tappan, James G., [redacted].
Tesoro, Leonard J., [redacted].

NURSE CORPS

Aldridge, Patricia D., [redacted].
Baiocchetti, Loreto A., [redacted].
Bernard, Carolyn F., [redacted].
Bouchard, Roberta C. C., [redacted].
Brinson, Phyllis A., [redacted].
Cadieux, Arthur J., [redacted].
Caldwell, Joe E., [redacted].
Conley, Margaret A., [redacted].
Cook, Rosa L., [redacted].
Cummings, Myra F., [redacted].
Fadusko, Jeanne A., [redacted].
Forbes, Janyce L., [redacted].
Garner, Patricia C., [redacted].
Gebhart, Eileen G., [redacted].
Gokee, Henry F., [redacted].
Grossman, Anita L., [redacted].
Hagens, Robert L., [redacted].
Huber, Priscilla J., [redacted].
Hughes, Ellen A., [redacted].
Jackson, Melissa R., [redacted].
Jewell, Jean A., [redacted].
Jewell, Mary M., [redacted].
Jones, Frances P., [redacted].
Link, Vincent H., [redacted].
Lunceford, Marilyn Y., [redacted].
Maier, Janet T., [redacted].
McDaid, Tarran K., [redacted].
Miguel, Ruth E., [redacted].
Myrick, Barbara A., [redacted].
Norgaard, Gayle D., [redacted].
Norton, Patricia, [redacted].
Obannon, Bonnie C., [redacted].
Ontko, James P., [redacted].
Ortona, Antoinette, [redacted].
Oxenham, Mary A., [redacted].
Phelan, Mary L., [redacted].
Purdy, Patricia A., [redacted].
Randle, Elaine A., [redacted].
Rinne, Michael S., [redacted].
Runda, Mary A., [redacted].
Ruska, Elisabeth A., [redacted].
Ryan, Elizabeth K., [redacted].
Salmons, Freddie E., [redacted].
Semrad, Louis, Jr., [redacted].
Shaver, Barbara A., [redacted].
Shutts, Monica A., [redacted].
Swallow, Linda L., [redacted].
Tharpe, Mary E., [redacted].
Vancavage, Caroline J., [redacted].
Vorhes, Paul W., Jr., [redacted].
Weir, Nancy L., [redacted].
Wenzel, Sandra L., [redacted].
Whitcomb, Elizabeth J., [redacted].
Willis, Juanita W., [redacted].
Workman, Connie D., [redacted].
Yoder, Rebecca Sue, [redacted].
Zimmerman, Bridget E., [redacted].
Zweck, Robert L., [redacted].

MEDICAL SERVICE CORPS

Balesky, Joseph V., [redacted].
Bloomquist, Carroll R., [redacted].
Breault, George A., [redacted].
Brown, Charles W., III, [redacted].
Burchfield, Larry R., [redacted].
Chappelle, Raymond J., Jr., [redacted].
Christian, Charles B., Jr., [redacted].
Coleman, Steven L., [redacted].
Collins, Ben A., [redacted].
Dikes, James E., [redacted].
Eckerson, Charles C., [redacted].
Elliott, David J., [redacted].
Garcia, Joe, [redacted].
Hare, Charles E., [redacted].
Harrison, James T., [redacted].
Holmes, Roy W., [redacted].
Hughes, Frederick F., [redacted].
Kaigler, James S., [redacted].
Knight, Jimmy M., [redacted].
Lee, Jerry N., [redacted].
Leyba, Quillermo, [redacted].
McCann, Robert R., [redacted].
McCausland, Orrin J., [redacted].
Moore, William W., [redacted].
Petermann, Mark H., [redacted].
Pharris, Richard D., [redacted].
Phill, Charles M., [redacted].
Porter, John F., [redacted].
Raynor, Richard R., [redacted].
Rendudet, Donald D., [redacted].
Ryan, Donald F., [redacted].
Stith, John A., [redacted].
Wilson, Carl W., [redacted].
Wilson, Ira D., [redacted].

VETERINARY CORPS

Adkins, Terry O., [redacted].
Bloomberg, Mark S., [redacted].
Cornwell, Joseph M., [redacted].
Pletcher, John M., [redacted].
Scott, Michael V., [redacted].
Shafer, Richard L., [redacted].
Skalka, Dennis R., [redacted].
Stokes, Mark H., [redacted].
Vandellen, Adrian R., [redacted].
Wansky, Michael A., [redacted].

BIOMEDICAL SCIENCES CORPS

Alter, William A., III, [redacted].
Arnold, Barbara P., [redacted].
Auchter, Saundra A., [redacted].
Bowen, Victor G., [redacted].
Brannon, Larry D., [redacted].
Campbell, James M., [redacted].
Clark, Mary F., [redacted].
Clegern, Robert W., [redacted].
Crouse, Dan T., [redacted].
Elliott, Nancy R., [redacted].
Gibson, Sidney C., [redacted].
Goodson, Richard A., [redacted].
Hadden, David A., [redacted].
Hagan, Jarrell R., [redacted].
Harrop, Patricia, [redacted].
Hofler, Margaret A., [redacted].
Hughes, Robert O., [redacted].
Jenkins, James L., [redacted].
Jernigan, Mary Ann, [redacted].
Jones, Charles R., [redacted].
Jones, Wayne D., [redacted].
Key, James A., [redacted].
Lombard, Robert A., Jr., [redacted].
Lynch, Thomas P., Sr., [redacted].
Mikeal, Judith M., [redacted].
Miller, Stephen A., [redacted].
Murray, Joseph D., [redacted].
Nelson, George E., [redacted].
Novak, John E., [redacted].

Petersen, William B., [redacted].
Ricker, Philip R., [redacted].
Sayre, Larry E., [redacted].
Schooler, Virginia K., [redacted].
Shaffstall, Robert M., [redacted].
Smith, Jack R., [redacted].
Thelen, Terry J., [redacted].
Thomson, David F., [redacted].
Tremblay, James W., [redacted].
Webb, Thomas S., [redacted].
Weber, Leo R., [redacted].
Wells, Robert L., [redacted].
Wood, David G., [redacted].

Second lieutenant to first lieutenant

LINE OF THE AIR FORCE

Accetta, Joseph S., Jr., [redacted].
Alexander, Robert W., [redacted].
Anderson, Richard C., [redacted].
Andrews, Larry A., [redacted].
Anselmi, Michael S., [redacted].
Asher, Robert B., [redacted].
Autrey, Charles T., [redacted].
Bell, William E., [redacted].
Bernard, James L., [redacted].
Bolz, Richard E., [redacted].
Borky, John M., [redacted].
Bowers, James F., Jr., [redacted].
Brockmeier, James D., [redacted].
Brunkow, Roger V., [redacted].
Bryant, Fred L., [redacted].
Carter, Gregory S., [redacted].
Casamayou, Louis J., [redacted].
Chapman, Jack W., Jr., [redacted].
Cimino, John J., [redacted].
Clark, Albert L., [redacted].
Conrad, Lawrence W., [redacted].
Cornell, Gregg L., [redacted].
Crump, James D., [redacted].
Daub, Gene C., [redacted].
Doehling, Robert E., [redacted].
Doty, Robert A., [redacted].
Dwight, Nelson W., Jr., [redacted].
Eblen, Larry H., [redacted].
Eplett, Richard J., [redacted].
Ezzell, Joseph L., Jr., [redacted].
Fischer, Richard F., [redacted].
Fry, Stanley D., [redacted].
Galer, Lawrence A., [redacted].
Garrett, Bowman S., Jr., [redacted].
Gilchrist, Ronald C., [redacted].
Gutierrez, Hector, Jr., [redacted].
Haggard, Freddy M., [redacted].
Hamrah, Ronald M., [redacted].
Harmon, Norman D., [redacted].
Harris, Clyde E., II, [redacted].
Harvey, Jack R., [redacted].
Hatcher, Thomas D., [redacted].
Henderson, Charles R., [redacted].
Hightower, Charles D., [redacted].
Hill, Larry A., [redacted].
Holland, Robert W., [redacted].
Hooker, Walter C., [redacted].
Houser, Michael H., [redacted].
Hukari, Dale O., [redacted].
Hunt, Aubrey F., [redacted].
Inman, Jerry L., [redacted].
Johnson, Jackie L., [redacted].
Jones, Roy S., [redacted].
Kalish, Marc, [redacted].
Kelly, Edward H., [redacted].
Kelly, Marsden G., Jr., [redacted].
King, Peter E., [redacted].
Kithcart, Daniel J., [redacted].
Klosterman, Robert J., [redacted].
Kolarik, Francis L., Jr., [redacted].
Korn, Stephen C., [redacted].
Kroncke, George T., [redacted].
Larsen, Keith I., [redacted].
Ledwell, David T., [redacted].
Leopard, Stanley L., [redacted].
Leslie, Larry F., [redacted].
Love, James E., [redacted].
Lundell, Edward A., [redacted].
Lyons, James F., Jr., [redacted].
Macey, James R., [redacted].
Malone, Thomas A., [redacted].
Mason, Aubrey G., [redacted].
Maturi, Jon A., [redacted].
McCallin, Donald R., [redacted].
McIntire, Carl A., III, [redacted].
Medler, Andrew P., [redacted].
Mehan, Ronald G., [redacted].
Merchant, George S., [redacted].
Milan, Jerry W., [redacted].
Montgomery, Jimmie R., [redacted].
Morris, Richard P., [redacted].
Nelson, Freddie W., Jr., [redacted].
Nelson, Michael K., [redacted].
Nichols, Jerry L., [redacted].
Oliver, Carl E., [redacted].
Ovalle, Nestor K., II, [redacted].
Pellegrini, Joseph, [redacted].
Piddington, Terry J., [redacted].
Pittman, Robert G., [redacted].
Player, Vinroe S., [redacted].
Pokorney, Edward E., [redacted].
Potekhen, Richard P., [redacted].
Reed, Gary I., [redacted].
Reuss, James E., [redacted].
Rhoades, Robert W., [redacted].
Rizzotti, Joseph A., Jr., [redacted].
Rosenhammer, Franz G., [redacted].
Rucker, Dale M., [redacted].
Russell, Raymond B., Jr., [redacted].
Rutledge, John W., [redacted].
Sampsell, Robert E., [redacted].
Sanders, John K., [redacted].
Schenk, Horst A., [redacted].
Schuler, George P., [redacted].
Sedabres, Gilbert V., [redacted].
Sheets, Robert W., [redacted].
Shimp, John W., [redacted].
Shore, John W., [redacted].
Sigler, Stephen A., [redacted].
Silvis, Daniel J. III, [redacted].
Simmons, Barry C., [redacted].
Spencer, Melvin L., [redacted].
Stegman, Gary C., [redacted].
Stevens, David R., [redacted].
Talbot, Terry R., [redacted].
Thompson, Michael W., [redacted].
Tittle, John G., Jr., [redacted].
Torgeson, Michael G., [redacted].
Trefethen, Michael W., [redacted].
Tysdal, Craig S., [redacted].
Voshell, Keith A., [redacted].
Wagenhofer, Joseph R., [redacted].
Wagner, William M., [redacted].
Wagnitz, John C., [redacted].
Walker, Wendall L., [redacted].
Wall, Deonn M., [redacted].
Wallace, Calvin G., [redacted].
Watson, Douglas M., [redacted].
Watson, George R., [redacted].
Wendelken, Charles P., [redacted].
Wesloh, Thomas J., [redacted].
Westfall, Charles G., Jr., [redacted].
Winn, Joseph E., [redacted].
Zukatis, Albert W., [redacted].

NURSE CORPS

Rettig, Cathryn J., [redacted].

MEDICAL SERVICE CORPS

Gillham, Rober A., Jr., [redacted].
Tremblay, William G., [redacted].
Reecer, Philip E., [redacted].
Jeffrey, James R., [redacted].

BIOMEDICAL SCIENCES CORPS

Porter, Paul F., [redacted].
Lefon, Carter C., [redacted].
Cross, Thomas E., [redacted].

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92–129.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Anderson, Dempsey A., [redacted].
Bacon, Raleigh D., Jr., [redacted].
Becklund, Thornton E., [redacted].
Bloise, Jose A., [redacted].
Burzynski, Norman S., [redacted].
Chambers, Wess P., [redacted].
Finley, Howard H., [redacted].
Flores, Belisario D. J., [redacted].
Gelet, Joseph A., [redacted].
Gemeny, John G., [redacted].
Hall, Charles C., [redacted].
Harned, Donne C., [redacted].
Hebrank, Raymond E., [redacted].
Horn, Connell E., [redacted].
Larkins, Howard E., [redacted].
Litwa, Albert P., [redacted].
Mattingly, Bernard F., [redacted].
McCulloch, Gerald I., [redacted].
McDonald, Chandler R., [redacted].
Nelson, Warren G., [redacted].
Spencer, Ralph, Jr., [redacted].
Suder, John A., Jr., [redacted].
Thompson, Paul M., [redacted].
Winn, Homer B., [redacted].

DENTAL CORPS

Marstrell, John V., [redacted].

MEDICAL CORPS

Anderson, Gerald G., [redacted].
Franks, John J., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Boyd, Billie F., [redacted].
Bristol, William P., [redacted].
Brubaker, Richard I., [redacted].
Coats, David H., [redacted].
Gross, Gifford A., [redacted].
Cross, William C., [redacted].
Davis, James M., [redacted].
Fusco, Frank R., [redacted].
Garcia, George T., [redacted].
Krasovic, Edward R., [redacted].
McNett, John A., [redacted].
Ordway, Richard N., [redacted].
Ray, Delloyd A., [redacted].
Richmond, John R., [redacted].
Sennett, John W., [redacted].
Smith, Dallas L., [redacted].
Spranger, Gary R., [redacted].

MEDICAL CORPS

Hegre, Andrew M., Jr., [redacted].

NURSE CORPS

DeBellis, Rose M., [redacted].

The following Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, Title 10, United States Code:

LINE OF THE AIR FORCE

To be captain

Abramson, Raymond L., [redacted].
Lustra, Emanuel, [redacted].

To be first lieutenant

Mixon, Edwin B., Jr., [redacted].
Poore, William B., [redacted].

IN THE MARINE CORPS

The following-named women officers of the Marine Corps for permanent appointment to the grade of colonel:

Mary E. Bane
Ruth J. O'Holleran

The following-named women officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Eleanor E. Davies
Jo A. Kilday

The following named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel:

Robert T. Adams
John B. Airola
William A. Allanson
Harold J. Alwan
Alton L. Amidon
Ronald C. Andreas
Donald M. Babitz
Charles D. Bailey
Edgar M. Bair
Daryl E. Baker
Owen C. Baker
Kent C. Bateman
James D. Beans
Donn C. Beatty
Wayne V. Bjork
William H. Bond., Jr.
Edward H. Boyd
Richard G. Braun
Gene E. Brennan
Daniel W. Brown
Richard H. Brown
Randolph M. Browne III
James F. Bugbee
Robert L. Cantrell
George L. Capwell, Jr.
Frederic S. Carr, Jr.
Michael D. Cerreta, Jr.

Howard Chapin
John F. Charles
Albert K. Charlton
Richad F. Chenault
Howard A. Christy
Fred L. Cisewski
James S. Coale
David D. Colcombe
Paul M. Cole
Donald B. Conaty
Jeremiah P. Connors
Richard C. Conway
Donald G. Cook
James G. Cowart, Jr.
Logan A. Crouch
Denver T. Dale III
Charles E. Daniels, Jr.
Hollis E. Davison
John F. Delaney
James G. Dixon
Tom R. Doman
Walter J. Donovan, Jr.
Edmund H. Dowling
William B. Draper, Jr.
Carl H. Dubac
Peter T. Duggan
Jon T. Easley
Fred L. Edwards, Jr.
Wallace H. Ekholm, Jr.
Leo R. Elwell, Jr.
Richard H. Esau, Jr.
Daniel C. Escalera
Leonard W. Fahrni
James E. Felker
Harris J. Fennell
William D. Fitts III
Dennis C. Fitzgerald
Herbert M. Fix
Pasquale J. Florio
George R. Frank, Jr.
Carroll R. Franklin
Paul E. Fraser, Jr.
Joseph A. Frasier III
John D. Friske
James S. Gahagan
Robert E. Garcia
Harry H. Gast, Jr.
James I. Gatliff
William R. Gentry
James A. Getchell
Hendrik A. Gideonse
Charles D. Goddard
Thomas A. Goldsborou
Joe L. Goodwin
Lloyd E. Goodwine
James T. Gordon
Richard J. Gowdy
Robert W. Greene
Henry O. Grooms
Thomas W. Hancock, Jr.
Milton D. Harnden
James T. Harrell III
John G. Hart III
Franklin H. Heins
Joseph P. Hoar
Richard C. Hoffman
John G. Hooper
Malcom T. Hornsby, Jr.
Gerald R. Houchin
Harold L. Hunter
Harold V. Huston
Larry T. Ingels
Walter M. Jastrzemski
Sven A. Johnson
Gordon R. Johnston
Duncan H. Jones
Stanley E. Jones
Richard A. Joralmon
Jim R. Joy
Larry A. Kaufman
Jesse N. Keathley
Robert D. Kelley
Cloyd H. Klingensmith
James V. Knapp
Frank P. Knight
George A. Knudson
Raymond M. Kostesky
James M. Kruthers
John P. Landis
Kenneth W. Langford
Robert L. Lawrence
Pierre L. Lefevre
John M. Lilla
Russell Lloyd
Frederick A. Locke
John E. Lockie
Howard L. Long
Arthur P. Loring, Jr.
David R. Mabry
Alan C. Macaulay
William W. Mackey
Roy M. Marks
John O. Marsh
John A. Martin
Josephus L. Mavretic
James M. Mead
Clarence E. McDaniel
William J. McGrath
Huey P. L. Miller
James K. Miller
Justus C. Miller
Robert C. Miller
Robert J. Modrzejewski
Brian D. Moore
David J. Moore
Fred H. Mount
Robert D. Mulcahy
Michael J. Mulrooney
Richard H. Oates
Richard J. O'Brien
Martin E. O'Connor.
Ralph B. Orey
Richard C. Ossenfort
Jerry D. Peterson
Richard Petroff
James M. Pierce
David M. Pirnie
John B. Pozza
John T. Radich
Herbert J. L. Reid
Robert D. Reid
Thomas W. Rich, Jr.
Ronald G. Richardson
Reginald H. Ridgely III
David S. Rilling
Benny D. Rinehart
James L. Roach
George N. Robillard, Jr.
William J. Rodenbach
Henry W. Roder
Robert P. Rogers
Richard D. Ross
Edwin Sahaydak
Conrad J. Samuelsen
James R. Scafe
James M. Schmidt
Marvin E Schwaninger
Hugh L. Scott III
John P. Senik
Roger L. Shafer
Danny A. Sharr
Robert W. Shaw
James L. Shelton
Robert F. Sheridan
Richard T. Shigley
James S. Shillinglaw
Lionel V. Silva
Roger E. Simmons
Francis Simon
Robert N. Simpson
Barry F. Skinner
James L. Skinner
Phillip G. Slough
Gareth W. Smeltzer
Ellis F. Smith
Richard H. Stableford
Orlo K. Steele
Victor D. Steele
Michael E. Stein
James R. Sweeney
Bernard H. Thomas
Jack C. Thompson
Joseph C. Thorp
Charles S. Tubbs
John Vannortwick
Vincent A. Vernay
Michael G. Wadsworth
Caleb N. Wall
Larry N. Ward
George F. Warren
Leland O. Waymire
John L. Watson
Richard J. Webb
John F. Weeks
George H. Welsh
Charles M. Welzant
Frank H. Whitton
Larry R. Williams
Charles A. Wimmler
James M. Winberg
Robert J. Winglass
Donald Wojcik
Billy D. Womack
John R. Wuthrich
Lauritz W. Young
Alvin M. Younger

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of lieutenant colonel:

Robert J. Blum
Peter A. Love
Richard Sancho

The following-named women officers of the Marine Corps for permanent appointment to the grade of major:

Judybeth D. Barnett
Ruby J. Chapman
Della J. Eiden
Dianne L. Marsh
Susan M. Mason
Sara J. Pritchett

The following named women officers of the Marine Corps for permanent appointment to the grade of captain:

Carol A. Barber
Mary C. Berry
Marcia A. Biddleman
Shirley L. Bowen
Mary K. Chetkovich
Holly A. Crocker
Carol S. Crooker
Sharon F. Daugherty
Nancy A. Davis
Mary F. Edmonds
Linda A. Essex
Elsie M. Evans
Pamela J. Galvin
Cheryl A. Garbett
Kathryn A. Jacob
Merle C. King
Nancy J. Lewis
Rosalia S. Muza
Palma M. O'Donnell
Teryl L. Peterson
Evelyn Riveraagost
Mary G. Wilson
Kathleen Wright

NEW ENGLAND REGIONAL COMMISSION

Russell Field Merriman, of Vermont, to be Federal Cochairman of the New England Regional Commission, vice Chester M. Wiggin, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Joseph A. Greenwald, of Illinois, a Foreign Service officer of the class of career minister, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Edward W. Mulcahy, of Arizona, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

William R. Crawford, Jr., of Pennsylvania, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

U.S. ADVISORY COMMISSION ON INFORMATION

George H. Gallup, of New Jersey, to be a member of the U.S. Advisory Commission on Information for the term expiring January 27, 1975.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The following-named persons to be Representatives of the United States of America to the 17th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

William B. Jones, of California.
R. Miller Upton, of Wisconsin.
Louise Gore, of Maryland.
Jaquelin H. Hume, of California.
Benjamin F. Marsh, of Ohio.

The following-named persons to be Alternate Representatives of the United States of America to the 17th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

E. Dorothy Dann Bullock, of Pennsylvania.
Henry David, of the District of Columbia.
Pierre R. Graham, of Illinois.
James C. Haahr, of Minnesota.
Chauncy D. Harris, of Illinois.

HOUSE OF REPRESENTATIVES—*Wednesday, October 11, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the folowing prayer:

Lead me, O Lord, in Thy righteousness, make Thy way straight before my face.—Psalms 5: 8.

Almighty God, whose love never fails, whose laws never falter, and those light never flickers, in this sacred moment we turn from the differences which divide us to find our unity of spirit in Thee. In all sincerity we would make our minds receptive to the truth and our hearts responsive to the leading of Thy gracious spirit. Make our sympathies broad, our outreach wide, our goal high, and our faith in America deep and true.

Help us to pray not only Thy kingdom come but Thy kingdom come in me; not only to ask that Thy will be done but that Thy will be done in me; not only to say forgive us but forgive us as we forgive others. So may we walk along the highway to a world where peace reigns, where justice rules, where human rights are regulated, and where our earth is crowned with brotherhood from sea to shining sea.

We pray in the spirit of the Master. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 3, 1972:

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway;

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket

No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket No. 72, and for other purposes;

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; and

H.J. Res. 1232. Joint resolution designating, and authorizing the President to proclaim February 11, 1973, as "National Inventors' Day."

On October 6, 1972:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes;

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 4383. An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316-A, 317, 145, 193, and 318;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332-A, and for other purposes;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22-E and 22-F, and for other purposes;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne M. Sack;

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; and

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week."

On October 9, 1972:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes;

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces;

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year; and

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16870. An act to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16754) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MANSFIELD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. BROOKE, Mr. BOGGS, Mr. STEVENS, Mr. YOUNG, and Mr. SYMINGTON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1441. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 16754, MILITARY CONSTRUCTION APPROPRIATIONS 1973

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

REQUEST FOR CONFERENCE ON H.R. 16654, LABOR, HEW APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 16654——

The SPEAKER. The Chair would like to recognize Members for unanimous-consent requests before starting legislative business.

Mr. FLOOD. Mr. Speaker, my request is simply to go to conference.

The SPEAKER. The gentleman is recognized.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16654) making appropriations for the Departments of Labor, Health, Education, and Welfare for the fiscal year 1973, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that until the proceedings under the 1-minute rule are over?

Mr. HALL. Mr. Speaker, I will withhold it for the 1-minute rule but not for legislative business.

Mr. FLOOD. Mr. Speaker, I withdraw the request.

Mr. HALL. Mr. Speaker, I withdraw the point of order.

BILL RYAN AND GATEWAY NATIONAL PARK

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am distressed to learn this morning that the House conferees acceded to the Senate conferees' demand that the Gateway National Park not bear the name of William Fitts Ryan. In almost every other respect, the conference report is the House bill. I am shocked that on this most poignant of matters for the House, that our conferees would not stand fast. The Gateway National Park was the brainchild of Bill Ryan. He died on the eve of its passage in this House and we unanimously agreed on the floor of this House to name it in his memory. That will not be frustrated by a group of disinterested Senators and House conferees who would not stand fast.

While the Federal signs in the park may not carry his name, the city of New York can and should, on the adjacent property and in all its descriptions of the park, refer to it as the William Fitts Ryan Gateway National Park. I have written to the mayor of the city urging that that be done.

UNANIMOUS-CONSENT REQUEST

Mr. HELSTOSKI. Mr. Speaker, I ask unanimous consent to make five insertions in the Extensions of Remarks of the RECORD relative to a complaint filed in the Federal District Court of Newark, N.J., by my opponent, Alfred D. Schiaffo; No. 2, a brief of Robert B. Budelman, Jr., attorney for the plaintiff as amended once, and then as amended a second time; No. 3, a brief of Alfred A. Porro; No. 4, a brief of Eugene Dinallo, amicus curiae; and No. 5, the opinion rendered orally by Judge Leonard Garth in the form of the transcript of the record, irrespective of the application of the rule which requires a statement from the Public Printer because of the length of this particular insertion.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NADER PROFILE

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DENT. Mr. Speaker, following the remarks made by my colleague concerning some of the episodes that have been going on in the Nader situation, I wondered why, being such a Member of this House, I was not advised that there was a profile on me by Mr. Nader.

So I made inquiry. I find there is a profile, but Mr. Nader's office advised my office that because I had not cooperated to the extent they thought I should, that I would have the privilege of buying the profile at the newsstand and I had no right to look at it. I know we as Members of Congress and public officials and candidates for office have no privileges whatsoever, but I just wonder if as a citizen our private lives are not a part of our privilege in this democracy under the Bill of Rights. I intend to do that which can be done within the law to stop that kind of action.

There is also a previous question as to the use of these profiles as a political program under the new election reform law.

I have no knowledge of what the Nader profile contains, good or bad, true or false, the timing is a political contribution at a critical time. Our opponents also are candidates.

PROVIDING FOR CONSIDERATION OF H.R. 17034, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. O'NEILL, from the Committee on Rules, reported the following privileged resolution (H. Res. 1156, Rept. No. 92-1568) which was referred to the House Calendar and ordered to be printed:

H. Res. 1156

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill are hereby waived.

Mr. O'NEILL. Mr. Speaker, I call up House Resolution 1156 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution providing for consideration of fiscal 1973 supplemental appropriations will waive clause 6 of rule XXI, the 3-day layover rule for appropriation bills. In addition this rule will waive all points of order against the unauthorized items of the bill. Mr. Mahon, the distinguished chairman of the Appropriations Committee, will explain those items which lack authorization when we are in the Committee of the Whole.

Mr. Speaker, I yield to the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us does waive clause 6 of rule XXI and all points of order which might be brought up on account of the conference report, so this supplemental appropriation bill can be taken up.

There are certain qualifications in the bill, so that if certain programs are authorized the appropriation will not take place and the money will not be spent. In fact, subsequent to the hearing on this, one of the members of the Foreign Affairs Committee indicated to us that the conference on the foreign aid authorization met and unmet and agreed not to meet again, so I assume we will have a continuing resolution on that, Mr. Speaker.

I urge adoption of the resolution pending before us so H.R. 17034 can be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and I appreciate his explanation. It hardly suffices to say all points of order are waived, even in the press to adjourn the Congress, because there is not authorizing legislation for even a supplemental appropriation bill. Can the gentleman advise me, or the gentleman handling the bill for the majority, whether or not one of these lacks of authorization, is an increased supplemental appropriation for the Kennedy Center for the Performing Arts?

Mr. SMITH of California. That is not a point of order that is waived, because as I understand it that would not be subject to a point of order, because we have previously passed legislation whereby we can appropriate additional money for the Kennedy Center. If the gentleman refers to page 3 of the bill, as I understand it, there is $2 million in there as an additional appropriation available for reimbursement obligations for the John F. Kennedy Center. We brought that question up in questioning the gentleman from Texas (Mr. Mahon) in the Rules Committee and he stated that would not be subject to a point of order. If I am incorrect on that I will yield to the gentleman from Texas, but that is my understanding.

Mr. HALL. I think it is understandable why we would have to waive the 3-day rule coming under the Reorganization Act of 1970, which the gentleman sponsored with others from the Committee on Rules. But, I doubt if it is necessary to waive all points of order and therefore I personally would object to it not only for the example cited, be it veritable or not, but also just as a matter of general principle denying the right of the individual elected Member.

Mr. SMITH of California. May I say to the gentleman that I would have to agree with the gentleman's position, however we are trying to expedite the business. We have a list of 10 specific items spelled out which would be subject to a point of order for one reason or another. To spell them out specifically in this rule would take another few hours. We thought that it would not damage anything to waive them all in this particular instance.

I urge the adoption of the motion.

Mr. O'NEILL. Mr. Speaker, I yield to the gentleman from Texas (Mr. Mahon).

TRIBUTE TO MR. COLMER, CHAIRMAN OF THE HOUSE COMMITTEE ON RULES

Mr. MAHON. Mr. Speaker, as I drove down to the office this morning, I was thinking about my scheduled 10:30 appearance before the House Committee on Rules which is chaired by the distinguished gentleman from Mississippi who at the moment is occupying a front seat in the House of Representatives.

I was thinking that this might be the last time the Committee on Appropriations would appear before the distinguished Committee on Rules with my friend, the gentleman from Mississippi, in the chair.

I thought about this stalwart man of iron, and I thought about other powerful men and how they were regarded by their contemporaries.

I thought of Julius Caesar. He was a strong man, but his contemporaries were jealous of him. Cassius had this to say about Caesar:

> Why man, he doth bestride the narrow world like a Colossus, and we petty men walk under his huge legs, and peep about to find ourselves dishonourable graves.

Yes, people were jealous of Julius Caesar. This is not so of the distinguished chairman of the Rules Committee. He is a man of power, but he does not arouse the envy of his contemporaries. He stirs their admiration and respect. He inspires their confidence.

Mr. Speaker, this may be one of the last rules that the chairman's committee will bring to the House during his tenure here. I wanted to take note of this fact and say that the gentleman from Mississippi has proved himself to be a worthy successor of the great Judge Howard Smith. He has left his mark here which will remain long after he has departed from this Chamber.

Chairman William Colmer of Mississippi, I salute you.

Mr. O'NEILL. Mr. Speaker, I want to say that I wholeheartedly concur with the remarks of the gentleman from Texas concerning the eminent chairman of the Committee on Rules, Bill Colmer.

We are all aware of Bill Colmer's fine legislative record and achievements during the 40 years which he has served in this House. Those of us who had the distinct honor of working with him on the Rules Committee will greatly miss him in the next Congress.

Though Bill and I have often had philosophical and political disagreements, as one who has served under the aegis of his chairmanship, I have the deepest respect and admiration for him. A fair and equitable chairman, Bill

Colmer commands loyalty and devotion from those who serve on his committee. As chairman of the Rules Committee for 8 years, Bill has fulfilled his legislative responsibilities conscientiously and diligently. He is one of the most honorable citizens I have had the pleasure of knowing throughout my years in public life.

Bill has had a long and distinguished career in public service. Whether as chairman of the Postwar Economic Policy Committee, chairman of the Rules Committee or Member of Congress from the Fifth District of Mississippi, Bill Colmer has served his constituency and his Nation with sincere dedication and purpose.

A man of exceptional personal courage and integrity, Bill has consistently and tirelessly brought the views of his constituency to the floor of Congress. He is deeply loved by those people who have elected him to every Congress since the 73d. In every respect, he has represented the Fifth District of Mississippi.

Bill Colmer has been loved and revered by all who knew him and served with him in this body. He has been an employee's member as well as a member's member.

The 93d Congress will be greatly diminished without the presence of Bill Colmer.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I should like to subscribe to the remarks made by the gentleman from Massachusetts.

I have known the distinguished chairman of the Rules Committee since I was a child. I grew up in his district. My family all knew him and they are and have been his constituents and supporters for many years. We respect him and love him, and while we have been on different sides on occasions, he has been one of the most valuable Members of this House. As chairman of our Rules Committee he has demonstrated time and again that he is a very serious taskmaster and that no one knows his job better than he does.

I regret seeing him leave, and although his years may be somewhat advanced, he is a man of tremendous energy and great vitality. His intellect is as active as it was when I first came here well over a quarter of a century ago.

I think all of us join in hoping for him a very happy retirement.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, although I will have much more to say subsequently, at the appropriate time, in light of the fact that the gentleman from Texas, the gentleman from Massachusetts, and the gentleman from Louisiana have spoken so splendidly and glowingly about the gentleman from Mississippi, but I want some of my thoughts to be recorded at this time. I have deeply appreciated his friendship. I have been very gratified by the many pleasant and constructive associations I have had with him. Most of all, he knows how greatly I admire him for his outstanding work in the House of Representatives. I wish him well with many more years of the best of health and happiness.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I was not aware we were going to get this opportunity at this time, but I cannot let the occasion pass without joining in the tributes being paid to the distinguished gentleman from Mississippi.

The gentleman, as much if not more than the chairman of any other committee in the House, has had a great volume of important business to do with the Office of the Speaker ever since I have had the honor of occupying that office.

We have operated on the basis of mutual respect for the responsibilities we both have to this body, and, I am happy to say, for each other. The gentleman is an extraordinary man.

His word is his bond. As a matter of fact, his word is better than a bond, because bond values fluctuate, but the word of the gentleman from Mississippi is so reliable as to be almost legendary.

I have never seen a person who tried harder to cooperate. The gentleman does his best to make it easy for those who have responsibilities.

He himself, of course, has had enormous responsibilities that have demanded the great qualities of character for which he is noted.

He is firm. He is sincere. He is intelligent.

He is too young to quit Congress, and that is more, perhaps, than I could say for myself. I do not know what his chronological years are, but his energy bespeaks a man much younger than many other Members of the House.

As Speaker, and as a member of the leadership for a number of years, I have appreciated the cooperation he has given me; it has been a constant source of strength to deal with a man of reason and conscience. I will cherish our friendship as long as I live. The gentleman has been a tower of strength in this House, filling a role which has always been of the utmost importance to the House of Representatives. The gentleman has served with distinction unsurpassed by any of his great and distinguished predecessors.

He can be tough; his intellect is as sharp as tempered steel, but his heart is velvet. I have been the recipient of his kindness and understanding, his courtesy for many years. I shall miss him and I shall remember him. His place in my heart and memory are as irrevocable as the integrity which is his hallmark. May God bless him in a long and joyous retirement from his ardous duties among us.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Louisiana, the chairman of the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker, 32 years ago when I first came to Washington the first Member of Congress I met on the route here, in the days when we were using trains to get here, as I was then, was the distinguished gentleman from Mississippi (Mr. Colmer). We happened to meet on the train coming here when I was coming here as a youngster to be sworn in. At that time we got into a conversation. The modesty which he exhibited then has always remained with him.

His modesty spreads out through any group in which he engages himself.

Yet he has toughness. The word "toughness" has been used so many times with relation to him, and it describes him as adequately as the word "modest."

Yes, he is modest. Yes, he is tough. But, above all, he is fair and has integrity that cannot be challenged by anybody with whom he has come in contact.

Since I became chairman of the Committee on Armed Services of the House it became my duty to appear before the Committee on Rules on many occasions, and on occasions that were not very much welcomed by me and by the members of my committee, because we had to gain rules which we thought were in the best interest of the House and of the country.

The chairman of that Committee on Rules, the gentleman from Mississippi (Mr. Colmer), patiently and well understood our problem.

The entire Committee on Armed Services pays tribute to him today through this voice.

We also salute the members of the committee, which has been so good to the Committee on Armed Services.

On October 27 the people of Mississippi will pay tribute to the gentleman from Mississippi in his hometown. It will be a tribute that is well deserved and well merited.

All I can say for the gentleman from Mississippi, Bill Colmer, today is Godspeed, good luck, and enjoy a well merited, well earned, and well deserved rest.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I, too, wish to pay tribute to the gentleman from Mississippi (Mr. Colmer) but I must say I had no idea this was going to be heard today. I do wish to express the high regard I have for the distinguished gentleman from Mississippi. He is the one I refer to as my "boss," because he has been so earnestly cooperative with me at all times.

Mr. Speaker, I would like to have a little bit more time in which to express my remarks in the manner in which I would like to have them appear in the Record, and I would like to ask unanimous consent that I have an opportunity to revise and extend.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. In accordance therewith, Mr. Speaker, it is my great pleasure to join in paying tribute to the chairman of the House Rules Committee—the Honorable William M. Colmer.

In every generation there are a few individuals who stand head and shoulders above their fellowman in every way. Mr. Colmer is certainly one of those individuals. He is a fine American—stalwart in his love for his fellowman—dedicated to fighting for not only State's rights but for rights of the individual—brilliant in his leadership as chairman of the House Rules Committee—firm in his belief of fair play—and with a wonderful sense of humor.

Mr. Colmer is a gentleman of the highest caliber and his friendship has been of inestimable value to me. It has indeed been a great privilege for me to have had the opportunity of being ranking Republican on the House Rules Committee during the time that he has been chairman.

Although each of us has chosen to voluntarily retire from the Halls of Congress, the friendships that have been made will be preserved through the years. The Fifth District of Mississippi and the entire State, the Congress of the United States as well as the United States of America will certainly miss the outstanding leadership and services of Chairman Colmer.

Elizabeth joins me in wishing him and his lovely wife Ruth many years of happy, healthful, and pleasant retirement.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. O'NEILL. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I cannot hope to match the words of eloquence that have already been spoken on the floor this afternoon in tribute to the very distinguished gentleman from Mississippi (Mr. Colmer) the chairman of the Committee on Rules.

I would simply make the same request that my senior colleague on the committee, Mr. Smith of California, has made, and I will ask for an opportunity perhaps on great reflection and on somewhat longer notice, to more fully and more adequately pay my respects to the gentleman from Mississippi, Bill Colmer.

He has been a man with whom I have, very frankly, on occasion disagreed, and yet those have never been unpleasant occasions for the reason that he has always dealt with me with scrupulous fairness, with honesty, and with unfailing courtesy.

I have especially enjoyed serving on the Rules Committee under Chairman Colmer and experienced firsthand his warmth, wisdom and wit, not to mention his genteel and fair treatment of other committee members and witnesses. And while he has always forcefully and eloquently expressed his own views on various issues, he has also encouraged a full, free and open exchange on the issues.

If I were asked to name the one outstanding character trait of Bill Colmer, I would have to say that it is his deep sense of patriotism and dedication to public service. Both in word and deed, Bill Colmer has consistently over the years demonstrated his great love of country and sense of responsibility, not just to his constituents whom he has served so ably and well, but to the American people.

Finally, Mr. Speaker, I cannot permit an opportunity like this pass without mentioning our gratitude for his gracious hospitality at his famous annual seafood luncheons. I think these annual luncheons have been particularly symbolic of the type of Southern hospitality he so superbly represents.

I join the other Members in expressing their heartfelt good wishes to the gentleman from Mississippi for the future. We will certainly miss him in this body.

Mr. ULLMAN. Mr. Speaker, I am proud to join my colleagues in a salute to Bill Colmer. Bill is a real gentleman who is deeply respected by all who have worked closely with him. His warmth and compassion are greatly valued, and will be sorely missed.

A 40-year career is unusual, and Bill Colmer has had a distinguished one. It has been my privilege to work with him, and to consider him my good friend. I want to extend my warmest regards and very best wishes to Bill upon his retirement.

Mr. SIKES. Mr. Speaker, I am very happy to join my colleagues in an expression of warm and sincere esteem to our great and good friend, Bill Colmer. His career in the U.S. Congress during these past 40 years warrants recognition and deep appreciation of all Americans. His service to his district, State, and Nation has indeed been outstanding and I congratulate him most highly on his great record.

The Honorable William Colmer has been a devoted, patriotic, and able representative of the people of Mississippi. His record has been one of achievement and fidelity to duty. Those of us who have had the privilege of sharing his friendship have learned to admire and respect his virtues. Bill has earned the respect of Members on both sides of the political aisle and his personal example has provided for all of us here, and those who will come after, an inspiring, patriotic service for which our Nation is indeed indebted to him. He has been an effective legislator, zealous in his service to committee and Congress alike. It has been my very good fortune to work closely with Bill, and I am indeed grateful for the friendship which we have shared.

Again, I heartily congratulate our able colleague on his great record of service and wish for him and his family good health, happiness, and peace for many years to come.

Mr. MONTGOMERY. Mr. Speaker, I would like to join with my colleagues in this spontaneous tribute to William Myers Colmer. I can think of no person who is more deserving of the accolades which have come his way. The common theme of all the remarks this afternoon is the fairness of Bill Colmer, and certainly there is no one in this body who has been more fair and above board in dealing with his colleagues. He is the very epitome of a true gentleman.

During the last 6 years, Bill Colmer has provided me with immeasurable help and advice. There are times that his words of encouragement made it all seem worthwhile.

For the last 6 years he has been my "dean" as head of the Mississippi delegation. I might add that Bill Colmer will always be my dean for I shall continue to look to him for advice and counsel even though he will be entering the less hectic life of retirement beginning next January.

Fortunately for the people of Mississippi, Bill Colmer will not be leaving public service entirely when he retires. He has already accepted appointment to the Mississippi State Park Commission. In this capacity he will be able to continue his efforts on behalf of improved parks and recreational facilities for the people of his home State.

Mr. Speaker, in closing I would like to quote the prayer which is a favorite of Bill Colmer and expresses so well the feeling we in the House have for him:

May the road rise to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
May the rains fall soft upon your fields,
And Until we meet again
May God hold you in the palm of his hand.

GENERAL LEAVE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the accomplishments, public service, and career of the gentleman from Mississippi (Mr. Colmer).

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 345, nays 19, not voting 66, as follows:

[Roll No. 422]

YEAS—345

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain

Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Long, La.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Ashbrook
Badillo
Bingham
Conyers
Dellums
Drinan
Edwards, Calif.
Ford, William D.
Hall
Hawkins
Koch
Landgrebe
Mikva
Rangel
Rarick
Rees
Rosenthal
Roybal
Van Deerlin

NOT VOTING—66

Abzug
Annunzio
Baring
Bell
Blanton
Byrne, Pa.
Caffery
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Crane
Davis, Ga.
Davis, S.C.
Dingell
Dow
Dowdy
Dwyer
Eckhardt
Evans, Colo.
Galifianakis
Gallagher
Green, Oreg.
Gross
Haley
Halpern
Hansen, Wash.
Harrington
Hathaway
Kuykendall
Link
Lloyd
Long, Md.
McClure
McEwen
McMillan
Martin
Matsunaga
Murphy, Ill.
Nichols
Pelly
Peyser
Pickle
Pucinski
Purcell
Reid
Riegle
Roncalio
Rooney, N.Y.
Rooney, Pa.
Satterfield
Scheuer
Schmitz
Scott
Seiberling
Skubitz
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Terry
Thompson, N.J.
Veysey
Vigorito
Waggonner
Yates

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Terry.

Mr. Rooney of New York with Mr. McEwen.

Mrs. Sullivan with Mr. Martin.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Waggonner with Mr. Gross.

Mr. Carey of New York with Mr. Scott.

Mr. Davis of South Carolina with Mr. Pelly.

Mr. Dingell with Mr. Crane.

Mr. Pickle with Mr. Schmitz.

Mrs. Green of Oregon with Mr. McClure.

Mr. Rooney of Pennsylvania with Mr. Peyser.

Mr. Satterfield with Mr. Kuykendall.

Mr. Roncalio with Mr. Lloyd.

Mr. Purcell with Mr. Bell.

Mr. Reid with Mr. Halpern.

Mr. Yates with Mr. Riegle.

Mr. Scheuer with Mr. Clay.

Mr. Matsunaga with Mrs. Chisholm.

Mr. Dow with Mr. Collins of Illinois.

Mr. Seiberling with Mr. Harrington.

Mr. Blanton with Mr. Skubitz.

Mrs. Hansen of Washington with Mr. Steiger of Arizona.

Mr. Caffery with Mr. Gallagher.

Mr. Eckhardt with Mr. Galifianakis.

Mr. Evans of Colorado with Mr. Stokes.

Mr. Nichols with Mr. McMillan.

Mr. Murphy of Illinois with Mr. Byrne of Pennsylvania.

Ms. Abzug with Mr. Baring.

Mr. Link with Mr. Long of Maryland.

Mr. Davis of Georgia with Mr. Haley.

Mr. Vigorito with Mr. Hathaway.

Mr. Stuckey with Mr. Pucinski.

Mr. HAWKINS and Mr. MIKVA changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNUAL REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM CONDUCTED BY DEPARTMENT OF STATE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith the Annual Report on the International Educational and Cultural Exchange Program conducted during Fiscal Year 1971 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256), the Fulbright-Hays Act).

Mutual understanding between our own people and the people of other countries is an essential ingredient of the peace we seek. The exchange program is directed at increasing world understanding at the most basic, people-to-people level. It likewise aims to develop and strengthen enduring unofficial relationships between institutions, organizations, private businesses and professional societies here and abroad.

One measure of this program's impact is that, in 25 years, more than 142,000 people have taken part in exchanges, including over 36,000 Americans. During 1971 more than 5,000 scholars and leaders in various fields took part in exchange visits.

In this manner, the exchange program has created in the United States and abroad reservoirs of mutual understanding and empathy among a cross-section of leaders in many professions. These vital reservoirs are drawn upon more and more frequently as the number of people who influence foreign policy decisions increases both in this country and abroad.

This report presents a brief summary of the exchange program over its first 25 years. Limited at first to scholarly exchanges, the program now includes observation-study visits by outstanding foreign leaders and professionals. This aspect of the program has progressed to the point that the chief of state or prime minister of one out of every 10 countries of the world has visited the United States before assuming office. The present-day program also encompasses presentation abroad of some of the country's top performing artists, with special emphasis on reaching important areas ordinarily missed by regular commercial performing arts tours, such as the Soviet Union and Eastern Europe.

The program also includes exchanges of outstanding young people with leadership potential, as well as special projects designed to enrich the experience of foreign students coming to the United States under private sponsorship, many of whom return home to rise to positions of leadership.

In particular, this report pays tribute to the hundreds of private agencies, business corporations, and other organizations as well as to the thousands of individuals who, from the very beginning, have voluntarily contributed funds, time and effort to make this exchange program not only truly representative of the people of the United States, but a unique example of citizens' diplomacy in action.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *October 11, 1972.*

APPOINTMENT OF CONFEREES ON H.R. 16654, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16654) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1973, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Findley moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 16654 be instructed to insist upon language contained in the House engrossed bill on page 6, line 25 through page 7, line 4, which reads as follows:

"None of the funds appropriated by the Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 15 persons or less for compliance with the Occupational Safety and Health Act of 1970."

MOTION TO TABLE OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Pennsylvania (Mr. Flood).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 167, not voting 66, as follows:

[Roll No. 423]

YEAS—197

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Arends
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bergland
Bevill
Biaggi
Biester
Bingham
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Carney
Casey, Tex.
Celler
Clark
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lujan
McCloskey
McDade
McFall
McKinney
Macdonald, Mass.
Mahon
Mailliard
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Podell
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Saylor
Schwengel
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stratton
Symington
Teague, Calif.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yatron
Young, Tex.
Zablocki

NAYS—167

Abbitt
Abernethy
Abourezk
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashbrook
Aspinall
Baker
Bennett
Betts
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Curlin
Daniel, Va.
Davis, Wis.
de la Garza
Denholm
Dennis
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Eshleman
Findley
Fisher
Flowers
Flynt
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gettys
Giaimo
Goodling
Griffin
Grover
Gubser
Hagan
Hall
Hammerschmidt
Harsha
Harvey
Hébert
Henderson
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
King
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Long, La.
McClory
McCollister
McCormack
McCulloch
McDonald, Mich.
McKay
McKevitt
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Myers
Nelsen
O'Konski
Pettis
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Roush
Rousselot
Roy
Ruth
Sandman
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Skubitz
Snyder
Spence
Springer
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—66

Anderson, Ill.
Annunzio
Baring
Bell
Blanton
Blatnik
Boggs
Byrne, Pa.
Caffery
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Crane
Davis, Ga.
Davis, S.C.
Dow
Dowdy
Downing
Dwyer
Eckhardt
Evans, Colo.
Galifianakis
Gallagher
Goldwater
Green, Oreg.
Gross
Haley
Hansen, Wash.
Hastings
Hathaway
Kuykendall
Link
Lloyd
McClure
McEwen
McMillan
Madden
Martin
Matsunaga
Melcher
Murphy, Ill.
Nichols
Pelly
Peyser
Pickle
Pucinski
Purcell
Reid
Roncalio
Rooney, N.Y.
Rooney, Pa.
Satterfield
Scheuer
Schmitz
Scott
Smith, Calif.
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Terry
Thompson, N.J.
Vigorito
Waggonner
Yates

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Waggonner against.

Mr. Thompson of New Jersey for, with Mr. Davis of Georgia against.

Mrs. Sullivan for, with Mr. Davis of South Carolina against.

Mrs. Hansen of Washington for, with Mr. Crane against.

Mr. Blatnik for, with Mr. Hastings against.

Mr. Boggs for, with Mr. McClure against.

Mrs. Chisholm for, with Mr. Dowdy against.

Mr. Dow for, with Mr. Martin against.

Mr. Murphy of Illinois for, with Mr. McEwen against.

Mr. Stokes for, with Mr. Schmitz against.

Mr. Clay for, with Mr. Smith of California against.

Mr. Carey of New York for, with Mr. Steiger of Arizona against.

Mr. Madden for, with Mr. Terry against.

Mrs. Green of Oregon for, with Mr. Kuykendall against.

Mr. Anderson of Illinois for, with Mr. Baring against.

Mr. Collins of Illinois for, with Mr. Downing against.

Mr. Matsunaga for, with Mr. Haley against.

Mr. Yates for, with Mr. Satterfield against.

Mr. Rooney of New York for, with Mr. Roncalio against.

Mr. Rooney of Pennsylvania for, with Mr. Pickle against.

Mr. Reid for, with Mr. Stuckey against.

Mr. Vigorito for, with Mr. McMillan against.

Until further notice:

Mr. Hathaway with Mrs. Dwyer.

Mr. Melcher with Mr. Goldwater.

Mr. Purcell with Mr. Lloyd.

Mr. Pucinski with Mr. Pelly.

Mr. Evans of Colorado with Mr. Gross.

Mr. Link with Mr. Scott.

Mr. Caffery with Mr. Bell.

Mr. Byrne of Pennsylvania with Mr. Eckhardt.

Mr. Blanton with Mr. Galifianakis.

Mr. Scheuer with Mr. Gallagher.

Mr. Nichols with Mr. Peyser.

Messrs. ALEXANDER, MONAGAN, DENHOLM, DUNCAN, and CARTER changed their votes from "yea" to "nay."

Mrs. GRIFFITHS and Messrs. MURPHY of New York, FRELINGHUYSEN and BOW changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa, Hull, Casey of Texas, Patten, Mahon, Michel, Shriver, Conte, Robinson of Virginia, and Bow.

SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17034, with Mr. Brooks in the chair.

The clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Bow) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, today the passage of the final appropriation bill of this session will complete the work of the Committee on Appropriations of the House, except for conference reports and, possibly, a final additional continuing resolution.

TRIBUTES TO PAUL M. WILSON

I take advantage of this moment to announce to the House the departure of Paul M. Wilson from his post as Chief Clerk and Staff Director of the House Committee on Appropriations. Mr. Wilson first entered upon Government service on August 30, 1933 as an audit clerk in the Agricultural Adjustment Administration. He was first appointed to the committee staff as an assistant clerk by Chairman Taber in 1947. Chairman Cannon designated him as Assistant Clerk and Staff Director in 1955, and he served in that capacity for 14 years. In 1969, I asked Paul to take the position of Chief Clerk and Staff Director. His retirement marks the conclusion of 39 years of Government service and a quarter century with the Committee on Appropriations.

Mr. Wilson is only the seventh person to serve as Chief Clerk of the Committee on Appropriations during its 107-year history. His predecessors have been Robert Stevens, James Courts, Marcellus Sheild, John Pugh, George Harvey, and most recently, Kenneth Sprankle.

Mr. Chairman, no abler man ever came to Capitol Hill to serve the U.S. Government in a staff capacity than Paul Wilson. He had every quality necessary to make an outstanding staff man, not the least of which was the capacity for plain hard work. Paul has been at his desk early and late and on weekends. He has thrived on pressure. He has never varied from a high level of performance under conditions that frequently have been hectic and where the potential for serious consequences of error have always been present.

The work of the committee, of course, is Government finance.

He learned the nitty-gritty of his business through years of work on the details of appropriations matters, gaining the respect of all as a budget analyst. He stands today second to none among all the experts in this capital city in his capacity to unravel grand designs, important trends, and vital assumptions from that gigantic package of Latinized prose and intricate financial schedules, the U.S. budget.

His overall grasp of governmental matters is incomparable. In his work with various departments and agencies, and with the President's budget officials, he has developed a wide acquaintance and friendship with key officials of the Government. They regard him as a man of understanding and wisdom. They consult with him and trust him.

Paul has often said that the sheer satisfaction of working in the House of Representatives is the principal reason behind his long tenure here. He has always loved the House. I might say that the interests of good government and the legislative branch in particular have benefited from his decision to make his career with the House.

How many Members have not had at least a brushing acquaintance with the concept of "back door financing"? Paul coined this phrase years ago to help call attention to the various schemes and practices designed to circumvent the heart of the power of Congress over the purse, the annual appropriation process.

More recently he guided into being the scorekeeping report, which is now a handmaiden to people everywhere in Washington whose business it is to deal with the budget. This report sets forth, as accurately as it is humanly possible to do so, a running account of the impact of all congressional actions and inactions on the President's budget.

He has exemplified the ideal of a professional legislative staff man, serving Members of both political parties with complete impartiality.

Paul has always welcomed the opportunity to work with all members of the Committee on Appropriations and with any Member of the House. He has been the confidante of the leadership of the House on both sides of the aisle.

Paul Wilson has been an indispensable aide to me as chairman. His judgment has been sound and I have relied upon him constantly. He is remarkably capable in the drafting of legislation. He is articulate. His ability to write is tremendous.

Paul has bought a country home in Salisbury, Md., on his beloved Eastern Shore of his native State. Without a doubt he will continue to be active and busy as an understanding servant of his fellow man. But we also hope that he will take well deserved time to cherish the outdoors which he loves so much.

Speaking especially for the Committee on Appropriations let me say, "We thank you for invaluable service to the Congress through a long and briliant career. We wish you and your wife Edna, and your daughter Anita, and your son Paul, Jr., and all your loved ones a great abundance of satisfaction and happiness in the coming years."

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the Speaker of the House.

Mr. ALBERT. Mr. Chairman, I appreciate the distinguished gentleman's yielding to me. I appreciate his taking a few moments to discuss the service and retirement of Paul Wilson.

Mr. Wilson, undoubtedly, is one of the towering giants among the top staff members in the House of Representatives. He has worked with the distinguished chairman of a very important committee, with its members, with the leadership, on many complex and technical questions. He is not only a man of high intelligence, tremendous knowledge of his subject, but he is a gentleman in every sense of the word. He is also one of the most respected and best loved staff members on Capitol Hill.

I join the chairman in an expression of regret that Paul is leaving us, but I also join in wishing him, in his retirement from the House of Representatives, many, many happy years.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I wholeheartedly, unhesitatingly, and unequivocally endorse the glowing words and compliments that have been paid by the gentleman from Texas, the chairman of the Committee on Appropriations, and the distinguished Speaker concerning Paul Wilson.

It was my personal privilege for the 14 years I served as a Member of the Committee on Appropriations to work with Paul Wilson very intimately on the many problems we had in our hearings and the markup of bills, and in conferences with the other body. He and I developed a close personal relationship and rapport.

I could go to Paul Wilson and ask him to draft a phrase or a sentence or a paragraph, and have full assurance that it would be done technically in an outstanding and constructive way.

I could ask Paul Wilson for his advice on dollars, whether on the House version, the Senate version, or even the Bureau of the Budget recommendation, and it was always good advice. His answer was always thoughtful and constructive.

I believe the House and the Senate, and I am sure the Committee on Appropriations, will miss Paul Wilson. I know I will. I wish to express to him my personal gratitude for the many times he was helpful to me and to wish him well in his new career.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I am pleased and happy to speak for our side of the aisle in the Committee on Appropriations on this occasion, and to join the distinguished chairman of the committee and the distinguished Speaker and minority leader in saying a word of tribute to Paul Wilson.

I have known Paul and worked with him during all the years of my service on the committee. During all this time he has been uniformly courteous, knowledgeable, articulate, and helpful in all the work I had to do in the committee and in the subcommittees and in my contacts with the staff.

I would like to associate myself with all the remarks made so far today regarding Paul. I could talk at length about his qualifications, his ability, and his dedication, but after having said that he enjoys the admiration, respect, confidence, and good will of all the members of the House Committee on Appropriations, as well as the leadership, I believe that sums it all up and anything added would simply be cumulative.

I would merely add that Paul is going to be missed on the committee. He is leaving some footprints around this Capitol that are going to be difficult to fill. He has earned the retirement he is now beginning after having served his Government for 39 years.

I join the chairman of the committee and his other friends in the House in wishing him many, many years of happiness and contentment in the retirement he so richly deserves.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the ranking minority member of the Committee on Appropriations, the distinguished gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I join with those who pay tribute to Paul Wilson. He has been a good friend and has worked hard with the minority.

Mr. WHITTEN. Mr. Chairman, I wish to join with my colleagues in expressing my appreciation for the long and excellent service of Paul Wilson. I would like at this point to include a letter, a personal letter which I wrote to Paul on September 25, 1972:

Mr. PAUL M. WILSON,
Chief of Staff, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR PAUL: It is hard for me to accept the fact that you will not be at the Central Committee Office regularly in the future. As much as we understand your sound reasons, it is a milestone we regret to reach.

The Staff of the Appropriations Committee has perhaps the toughest job of any group in government or anywhere else for that matter. They have to do a complicated job under pressure and fill positions which do not draw headlines, but which are vital to the objectives and well being of the government and, thereby, of the people. You, as Chief of the Appropriations Committee Staff, have many times the responsibilities and demands as does any individual member. It will take several to fill your position and even with that, it will take a long time for the best of them, for you have always been informed, courteous, industrious and objective, and all of us who serve on the Committee will miss you.

I value your friendship and join with all members of the Committee in wishing for you and your family all the best in the years ahead.

Sincerely,

JAMIE L. WHITTEN.

Mr. BOLAND. Mr. Chairman, I am pleased to join my colleagues in paying tribute to Paul Wilson who is retiring as clerk and staff director of the House Committee on Appropriations.

Paul is closing a long and distinguished career of 25 years service with the committee. As a staff member, and especially in recent years as its clerk and staff director, he has served without peer.

Despite the pressures of his work, Paul has been in full control of any and all situations while preserving a lively sense of humor and a steady balance and patience in meeting our many requests and demands.

The membership of the committee and the House have come to recognize him as a skilled technician and parliamentarian. No matter what hour of the day, or how big or small the task, he has always been there when we needed him for help or consultation.

When I reflect on Paul's long years of service with the committee, I am reminded of the words of our late President Kennedy, who so aptly described how meaningful and rewarding a public service career can be:

> Let the public service be a proud and lively career. And let every man and woman who works in any area of our national government, in any branch, at any level, be able to say with pride and honor in future years—I served the United States Government in that hour of our nation's need.

Paul Wilson's career is a model for those words, and we shall all surely miss him in his well earned retirement. He has been a credit to the committee and to this House, and I have profited greatly by knowing and working with him. He has made all of our tasks easier.

I salute Paul and wish he and his family the best of health and great happiness in the years to come.

Mr. MAHON. Mr. Chairman, as stated, we have before us now the final supplemental appropriation bill of the session. It is rather large, $3.5 billion.

It is of this magnitude principally because certain programs have not been authorized earlier and were not included in the regular annual appropriation bills. The category includes certain manpower training programs, social and rehabilitation services, child development, the ACTION programs, and the OEO program.

This bill picks up those items which could not be included earlier. Eighty-five percent of this bill, in excess of $3 billion, is for activities deferred, as I have stated, at the time the regular bills were considered, due to the lack of legislative authorization.

Eight percent of the bill, some $266 million, is for additional appropriations concerned with the tropical storm Agnes, for which purpose, of course, we have already appropriated extensively.

There is also $56 million to pay claims and judgments which have been adjudicated against the United States, and which must be paid. And then about 5 percent of the bill is for miscellaneous items.

The principal item in this category has to do with the new drug legislation which set up the Special Action Office for Drug Abuse in the Executive Office of the President. The bill contains $114,800,000 for drug programs. Of course, larger sums are contained in appropriation bills which have been passed heretofore.

The supplemental budget request package submitted to the House was not large in relative terms. The Director of the Office of Management and Budget announced to the committee several weeks ago that he would not recommend the submission of supplementary items to the House for consideration unless they were urgently necessary.

He was very adamant in his position that we must operate this year on the basis of a $250 billion spending limit imposed by the Congress and the executive branch, or imposed, insofar as possible, by the executive branch if Congress did not concur.

I will not comment at length on the details of the bill before us. We have the committee report, which is available to all Members. We have the hearings of over 1,000 pages which are available. There are 11 chapters to this bill, and the Members of the subcommittees who conducted the hearings are generally present on the floor to help respond to questions.

As I stated earlier this bill now contains about $3.5 billion but I want to advise the House that it will be much, much larger when it comes back from the other body. A couple of days ago we notified the Office of the Management and Budget not to transmit any more supplementary items to the House for consideration, since we were closing the books and would present this bill today to the House for consideration. This is a customary practice at the end of a session.

But on yesterday some additional items were submitted to the other body, principally for the Department of Health, Education, and Welfare, including higher education. As every Member knows, we have a new Higher Education Act and it has been delayed for some weeks pending the receipt of a supplemental request. That supplemental request, after considerable controversy within the administration as to the magnitude it should take, was finally submitted to the other body yesterday in the amount of $509 million, and will be in conference between the House and Senate on this final supplemental appropriation bill. There is also a request for $487,500,000 for emergency school assistance, $81 million for educational renewal, $92 million for the National Institute of Education, and some other HEW items. There is a request for $175 million for ship construction under the Maritime Administration. So the bill that comes back to the House will be larger to a considerable extent.

Mr. Chairman, this is the last appropriation bill to originate in the House of Representatives in this session, unless it should become necessary to pass a continuing resolution as a result of the failure of the Congress to come to an agreement on the foreign aid appropriation bill which carries certain large sums to continue our support of the South Vietnamese in Southeast Asia.

Mr. Chairman, as I indicated earlier I shall not now take additional time to make extensive remarks as to the details of the bill. It would seem appropriate that as the bill is read that the Committee of the Whole House might give consideration to any section of the bill that it may desire.

Having received unanimous consent to do so, I will insert a summary table from the report showing the funds that are provided under the several titles of the bill. I shall also insert a summary narrative statement.

The material referred to is as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
I	Agriculture—Environmental and Consumer Protection.	$16,500,000	$16,500,000	....
II	Housing and Urban Development, Space, Science, and Veterans.	250,000,000	276,320,000	+$26,320,000
III	Interior and Related Agencies.....	3,225,000	2,825,000	−400,000
IV	Labor, and Health, Education, and Welfare.	3,077,398,000	3,072,275,000	−5,123,000
V	Legislative:			
	New budget (obligational) authority.	31,177,600	28,769,100	−2,408,500
	Fiscal year 1973..............	(18,475,500)	(16,067,000)	(−2,408,500)
	Fiscal year 1972..............	(12,702,100)	(12,702,100)	....
	By transfer..............	....	(143,000)	(+143,000)
VI	Public Works-AEC..............	2,285,000	1,435,000	−850,000
VII	State, Justice, Commerce, and Judiciary.	12,264,000	11,082,000	−1,182,000
VIII	Transportation and Related Agencies:			
	New budget (obligational) authority.	$49,361,000	$44,200,000	−$5,161,000
	Increase in limitation of obligations.	(35,000,000)	(10,000,000)	(−25,000,000)
IX	Treasury Postal Service, and General Government.	76,999,000	56,899,000	−20,100,000
X	Claims and Judgments..........	54,743,725	54,743,725	....
	Total:			
	New budget (obligational) authority.	3,573,953,325	3,565,048,825	−8,904,500
	Fiscal year 1973.......	(3,561,251,225)	(3,552,346,725)	(−8,904,500)
	Fiscal year 1972.......	(12,702,100)	(12,702,100)	....
	By transfer..............	....	(143,000)	(+143,000)
	Increase in limitation on obligations.	(35,000,000)	(10,000,000)	(−25,000,000)

[1] Excludes $32,900,000 heretofore submitted for the Department of Defense.

SUMMARY OF THE BILL

The estimates on which the bill is based are contained in House Documents numbered 92–216; 267; 330; 352; 368; and 369; and Senate Document numbered 92–79.

A brief discussion of the over-all bill totals follows. Details concerning particular items can be found in the request documents and in the printed hearings. Specific Committee recommendations are explained in the various chapters of this report, which are arranged in the order of the bill itself.

Grand total of the bill

The grand total of new budget (obligational) authority recommended in the bill is $3,565,048,825, a reduction of $8,904,500 from the $3,573,953,325 requested in the estimates and considered by the Committee.

The Committee also recommends a $10,000,000 increase in the limitation on obligations for highway safety activities. This is a reduction of $25,000,000 below the supplemental budget request.

Bill highlights

Over 85 percent of the funds recommended in the bill are for programs on which action was previously deferred because of lack of legislative authorization. These include $856,464,000 for manpower training programs of the Department of Labor; $893,448,000 for the Social and Rehabilitation Service and $408,056,000 for the Office of Child Development, both of which are in the Department of Health, Education, and Welfare; $94,107,000 for the domestic programs of ACTION; $760,200,000 for the Office of Economic Opportunity; and $32,200,000 for the traffic and motor vehicle safety programs of the Department of Transportation.

Other major activities funded in the bill include:

$266,500,000 to assist recovery from the damage caused by tropical storm Agnes and floods in South Dakota.

$114,800,000 for a number of drug abuse treatment, prevention, and law enforcement activities.

$56,608,725 for the payment of various claims against the Government and related expenses.

$12,000,000 for the repayment of a Government guaranteed railroad loan which has been declared in default.

$26,320,000 to procure four LC–130 aircraft for the support of United States programs in Antarctica.

STATUS OF CONGRESSIONAL ACTION ON THE 1973 BUDGET

The accompanying bill is the last appropriation bill scheduled for consideration by this Congress. The Committee, and the Congress, will have considered budget requests for appropriation bill items from the President totaling about $176,100,000,000, including the request considered in the accompanying bill.

Congressional action on appropriation bills

In its action on these appropriation bills, the House has reduced requests for new budget (obligational) authority by about $6,317,000,000, including the recommendations of the Committee in the accompanying supplemental bill. Senate action on the appropriation bills it has considered thus far has resulted in decreases amounting to about $2,532,000,000 in new budget obligational) authority.

Congress has not yet completed action on all 1973 appropriation bills. However, when Congress completes such action, the net result will probably be to reduce requests for new budget (obligational) authority by about $5,000,000,000 and estimated budget outlays by about $1,500,000,000.

Congressional action on non-appropriation bills

It should also be taken into account that Congressional actions on certain non-appropriation bills also authorize new budget (obligational) authority and result in outlays by the government. The net effect of all Congressional action on both appropriation and non-appropriation bills, when action is finally completed on bills still in process, will probably be to increase outlays by about $6 billion.

TABULAR SUMMARY OF THE BILL

The following table summarizes by chapter the revised budget requests and the amounts included in the bill:

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to make brief remarks on one phase of this bill to which the chairman of the full committee has already alluded, and that is the failure to have within this bill appropriations for higher education.

I understand the fact of the situation relative to the administration failing to get the request to the committee in time to act. I do not understand the reasons for it, and I regret that the House Appropriations Committee has not had a chance to look at this particular measure and include herein funds needed for higher education.

It is my understanding that the Senate committee is in the process in subcommittee of dealing with this and that there will be some requests on the Senate side relative to some of these programs.

I understand that the administration expects to come back before us in January with budget requests for programs that are not going to be included in any supplemental this year.

I understand the distinction. Apparently those for which the administration is asking funds at this time are current year programs, existing programs, with a couple of new programs for which funds just cannot wait until next year, namely, the National Institute of Education, certain innovation moneys in that bill which need advance funding at this time if they are going to be effective, and the commission on the study of financing higher education which should be underway now, and which badly needs these moneys.

It is my understanding at the same time that programs which are already forward funded, like the Educational Opportunity Grants, Work Study programs and the like, are going to be before us in January. But it is with extreme disappointment that I notice the administration apparently has not requested, and apparently the Senate subcommittee is not going to include in its proposals in this supplemental, moneys for the basic educational opportunity grants.

Those who worked on this basic authorizing legislation are aware of the importance to higher education of this new concept of basic educational opportunity grants. It is a fundamental change; it is an attempt to reach across the board and open up higher education in a new way to young people who at the present time are unable to get the benefits of higher education.

Without funding in this supplemental appropriation bill to get the basic educational opportunity grant program underway we risk the whole program next year. I am not proposing that we seek to add it at this time. We are too late. It is unfair to turn to our Education Subcommittee of the Appropriations Committee and expect you to come in with money for this particular program when there has been no presentation made by the administration. We cannot come up with these funding proposals at this time, but I express this deep disappointment and express my earnest hopes that the administration is going to come forward just as quickly as possible at the beginning of the next calendar year, the beginning of the 93d Congress, and tell our Subcommittee on Appropriations immediately what it is that they will really expect and ask for in this field. I hope they will not wait for the appropriation process to yield these particular moneys before they begin the process of gearing up for this. If the Department of Health, Education, and Welfare and the Office of Education wait until the appropriation process is completed, we will risk one of the most forward looking portions of the education amendments of 1972—this Basic Educational Opportunity Grant program.

I call upon the Office of Education right now to begin this work, to begin what they must be doing in the way of development of forms, in the development of rules and guidelines, and to get that underway without waiting.

There is much else I could say about higher education, Mr. Chairman, and I do appreciate the ranking member yielding me this time. But I want to place emphasis on this one program. It is going to be a heavy program, it is going to call for something in excess of $500 million—it may exceed $1 billion. We should expect action by the administration as quickly as possible next year so that students and institutions can know in time what they can expect next fall.

Mr. BOW. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I appreciate the distinguished ranking member of the Committee on Appropriations yielding me this time.

Mr. Chairman, I would like to call to the attention of my colleagues in the House the need for funds toward the planning of a project of great importance to the citizens of Arkansas, the construction of a highway bridge across the Norfork Reservoir in north central Arkansas.

The Omnibus Rivers and Harbors and Flood Control Act (H.R. 16832), approved by the House on October 2, authorized the construction of a highway bridge in the area where U.S. Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. The bridge would be constructed by the U.S. Army Corps of Engineers in accordance with plans determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities.

The Senate version of the omnibus rivers and harbors bill (S. 4018), passed by that body on September 27, contained a similar authorization for the bridge and I note that the conferees on this legislation agreed to file a conference report yesterday.

I regret that because of the very recent action on the authorizing legislation this important project has not been brought to the attention of the House Appropriations Committee and is consequently not included in the Supplemental Appropriations bill before us today. It is my understanding, furthermore, that a floor amendment to include these funds in the bill at this point would be subject to a point of order because the authorizing legislation has not been signed into law. It would be my intention to offer such an amendment were it not for this parliamentary situation.

It is my understanding, however, that yesterday the Senate Appropriations Committee agreed to include a line item appropriation of $100,000 in the fiscal 1973 supplemental appropriations bill for public works for planning and design of the Norfolk bridge. I am gratified by this action and will urge acceptance of these funds by the House conferees on this legislation.

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I want to commend my colleague, the gentleman from Oregon (Mr. DELLENBACK) who is the ranking member of the subcommittee that handles higher education legislation in the Committee on Education and Labor, for pointing out the need of the institutions of higher education knowing the amount of student assistance money they will be receiving for distribution for the school year beginning in September of 1973.

As the Members know, these programs are forward funded in order that the schools can inform students early—preferably in the spring—about the aid they can expect to receive for the next school year. The new program that we devised called the Basic Education Opportunity Grants, must be implemented and usually no guidelines are promulgated until appropriations are made. We recognize that there will be no funds for BOG in this supplemental appropriation, and that undoubtedly the administration will send up a supplemental request in January of next year. But it takes a while for the committee to report it out, as well as for the Congress to organize itself in the new Congress. So I think, as the gentleman has said, that it is of the utmost importance now that the Office of Education devise the guidelines and let the schools know how the program will be run. Then when money is appropriated next year, schools will be able to assist students in getting their grants for the 1973–74 school year. The Basic Education Opportunity Grant program needs at least $600,000,000 the first year—preferably twice that.

We recognize that, because of the lateness of passing the authorizing legislation, it is also not possible to appropriate in this bill funds for my own second priority—the occupational education program. We just are not doing what is needed for post-secondary occupational education and training. Too many people are leaving school without the skills for employment and that title will help remedy this. Also that legislation puts into the statute the career education concept that has been talked about for some time now by Commissioner Sid Marland.

Mr. BOW. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think we should start to read the bill, but before that, in reference to what has just been said in the well by the gentlemen just preceding me, brings to mind the things that I have said, and the chairman has said many, many times, and that is that the work of the Committee on Appropriations could be finished earlier in the year if we had the authorizations. This is an authorization that has just been signed, and this question is being raised about it. If the authorizing committees would authorize early in each session then the Committee on Appropriations could complete its work, and we would not have these last-minute sessions with appropriations.

Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I appreciate the ranking member yielding to me at this time, and I take this time only to make the observation that 2 years ago we broke out the education portion of the Labor, Health, Education, and Welfare bill as a separate entity. I believe we made great progress in getting that bill moving through the Congress in quick order so that the educational community throughout the country knew what they could depend upon.

This year the decision was made earlier in the year to combine them again, for whatever reasons, and I think that has tended to slow down this whole business again. If for no other reason then just to make the observation at this point, whatever the makeup of the Congress next year, I would hope our committee would return to the system we implemented for 2 years in breaking out the education portion of the bill, getting it behind us, and then moving on to the otherwise complex elements of the health and welfare portions of the bill.

Mr. BOW. Mr. Chairman, I agree with the gentleman from Illinois, and I do hope there will be some effort made to have authorizations presented by June 30 so that the committee can work on them, and I am sure if we do so that you will not be here late in October, November, or December, if we could get that worked out.

Mr. Chairman, I have no further requests for time.

Mr. SNYDER. Mr. Chairman, I find it inexplicable and deplorable that—in this time when, because of inflation and other economic woes, the taxpayers are asked to sacrifice and the President calls on Congress to be frugal—we have before us another blatant example of irresponsible spending on the part of the House of Representatives.

In the past, to justify huge expenditures, the spendthrifts here in Congress have cried that this money was for human needs—though I might point out that the only humans who get a lot of benefit from these programs are the bureaucrats. But now, we have an expenditure that is designed to flaunt irresponsible spending in the faces of the taxpayers.

I refer to the recent, so-called refurbishing of the Speaker's lobby in the Capitol. I can see making needed repairs, Mr. Chairman, but this appears to be the remodeling job of a band of extravagant caliphs.

This "refurbishing" has cost the taxpayers $119,115 and I think they have a right to complain.

I can go along with a rug for the Speaker's lobby—but why it has to be a hand-tufted, special original design, colored, hand-rendered, seamless, 100-percent virgin wool, three-fourths inch pile, $31,650 super carpet is beyond me. And this did not even include the pad.

There is also the matter of the "seven special design window treatments"—the drapes, $21,715; 12 tables, $19,668; 38 chairs, $30,362—and let us not forget the $15,720 spent on the eight settees.

Additionally, "lighting improvements" had to be made, "lighting," presumably, to enable folks to see. But this turns out to be the most expensive sightseeing since Walt Disney World. I am not against lamps, Mr. Chairman, but the "retiring rooms" south of the Speaker's lobby—did we really need three antique chandeliers costing $17,050? The Speaker's lobby itself has to be lighted by three more fixtures at a total of $21,540—not counting the 58 little fixtures which add up to $6,272.

Mr. Chairman, this is simply outrageous. I do not disagree with keeping the Capitol nice so that all the taxpayers can come and see it, but—at this rate—they will not be able to afford the gas to get here to see the palace they are furnishing. I would not want to have to explain this to the voters in November.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT

URBAN RENEWAL PROGRAMS

For an additional amount for grants for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), $250,000,000, to remain available until expended.

Mr. BOLAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the destruction caused by Hurricane Agnes has been called the greatest national disaster in our Nation's history. It has affected the lives of millions of people in many States. The Office of Emergency Preparedness has primary responsibility in a disaster. However, it has assigned certain functions to HUD under the Disaster Relief Act of 1970. This includes providing temporary shelters to people whose housing has been made unlivable by the disaster.

In Hurricane Agnes, HUD has done an outstanding job. It has provided some 25,325 units of temporary shelter. This is almost five times as many in an 11-week period than had been provided in the 6 months following the Hurricane Camille disaster not long ago.

After people have been furnished shelter, the HUD staff must provide housing guidance to families in obtaining adequate permanent housing. This service continues for some time afterwards, until all families have been offered adequate permanent housing.

The Department of Housing and Urban Development also has a vital role in the permanent recovery of the devastated area in other ways. This includes technical aid to local officials, and to assist in the economic recovery of affected communities.

The request of $250 million for the urban renewal programs is vitally needed to provide funds for the redevelopment and reconstruction following Hurricane Agnes. Congress has already enacted a total of $1.2 billion this year for urban renewal programs. The budget estimate anticipates that $200 million of this total will be used for projects in the stricken areas. However, the $250 million in the bill is also required, making a total of $450 million available to facilitate the recovery of the stricken seven State area.

These urban renewal funds will provide a package of financial assistance for: First, new industrial and housing sites; second, relocation payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and third, to cover the demolition and removal of abandoned structures. They money is for the renewal of the communities themselves.

The demand has been estimated as high as $725 million. Those communities affected will also be eligible for, and some have already received, disaster funds from other Federal programs. However, the need for these funds is urgent to restore sound economic entities.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to be used for the purchase of four ski-equipped C-130 transport aircraft, aircraft spares and repair parts, $26,320,000, to remain available until expended.

Mr. BOLAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bill includes $26,320,000 to purchase four replacement LC-130 ski-equipped Hercules aircraft to provide logistic support for our Nation's programs on the Antarctic continent. These aircraft are absolutely essential unless we want to abandon our interests and rights in this immense region.

The objectives of our Antarctic programs are twofold. First, to maintain an effective U.S. presence on the Antarctic continent. Under current international treaty agreements, this is an open and neutral continent. Second, to conduct a scientific research program in that important and rigorous geographic area and environment.

The original request for the procurement of five LC-130 aircraft was in the Department of Defense budget. In effect, this supplemental represents a transfer of requested budget authority from the Department of Defense to the National Science Foundation. However, the committee is recommending the procurement of four instead of five aircraft as requested.

The scientific and political leadership of the United States in the Antarctic stems from the singular ability of U.S. personnel to move about and concentrate resources at will. This capability offsets the influence of increasing numbers of strategically located stations of other nations on this continent.

The Soviet Union, for example, is now operating six stations in Antarctica. One is a permanent station at the geomagnetic pole on the high ice cap of east Antarctica. It plans a seventh station in the near future.

A lesser U.S. leadership role could easily be interpreted as a diminution of our longstanding interest in this continent, efforts to assure full participation by our Nation in decisions affecting international access, and abandoning the rights of the United States.

The U.S. capability is totally dependent on the availability of long-range ski-equipped aircraft. The production line for this type of aircraft is being closed down soon. With their elevated wings, these planes are uniquely suited for landing on rough ice in remote areas.

Even with these replacements the airlift capacity will still be substantially less than has heretofore been available. The nine aircraft available for logistic support as late as 1967 has dwindled to only three at the present time. Three of the nine have been lost due to accidents. Three others have been retired because of advanced age, and two of the three remaining have flown more hours than any other C-130's—each have logged over 15,000 flying hours—5,000 more than the normal life of a C-130, and much beyond their original predicted useful life.

To fail to provide funds now to procure these replacement aircraft would place in jeopardy the lives and continued safety of scientific and other personnel operating in that area and manning the stations. There would be a dramatic decline in the U.S. posture in Antarctica, including abandonment of inland stations at the South Pole and Siple if aircraft support cannot be provided.

In conclusion, I would emphasize that this request for a supplemental appropriation for the National Science Foundation is in effect a transfer of the request from the Department of Defense, and that such procurement is vitally necessary if the United States is to effectively continue to operate in the Antarctic and support our national interest.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Limitation on grants to States for unemployment insurance and employment services", $40,000,000 maybe expended from the Employment Security Administration account in the Unemployment Trust Fund.

Mr. MICHEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in order to expedite the business of the House this afternoon, we refrain from taking any time during general debate to discuss even briefly those items in this overall supplemental bill for which we have a direct responsibility. I should like, therefore, to make just several comments relative to the amounts that have to do with chapter 4 and the Department of Labor section which the Clerk has just read.

This $26,602,000 item for salaries and expenses under the Manpower Administration is a $942,000 comparable increase over last year, and is mainly for mandatory item increases such as within-grade promotions and penalty mail.

Then, in the Manpower Training Services we have those activities authorized by the Economic Opportunity Act, in the amount of $829,862,000. This represents a $53,145,000 increase over the comparable fiscal 1972 level.

Malcolm Lovell, Labor's Assistant Secretary for Manpower, gave our subcommittee this breakdown of the distribution of those funds: First, $25,392,000 for public sector on-the-job training, which will provide 6,000 training opportunities; second, $194,911,000 for Job Corps, supporting 23,700 opportunities; third, $310,394,000 for the in-school work support program, providing 662,000 opportunities; fourth, $79,494,000 for Operation Maintenance, supporting 24,800 opportunities; fifth, $117,704,000 for the out-of-school program, providing 34,100 opportunities; sixth, $97,040,000 for the special targeting program; and, seventh, $4,927,000 for the program support activities of research, demonstration, and evaluation.

It should be noted that other programs authorized under the Manpower, Development, and Training Act were contained in our regular bill at a level of $719,554,000. This gives us a total figure of $1,549,416,000. While it is $132 million under the comparable appropriation for 1972, most of this apparent decrease is in the in-school work support and Neighborhood Youth Corps. We will expect to fund these programs in a supplemental sometime next year when we have a better idea of what the summer needs will be.

And, finally, Mr. Chairman, in this Department of Labor item, there is a $40 million addition to the $420,782,000, which we carried in the regular Labor-HEW bill, for the item of grants to the States for unemployment insurance and employment services.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For expenses necessary for Action to carry out the provisions of the Economic Opportunity Act of 1964, as amended, relating to Volunteers in Service to America (42 U.S.C. 2991–2994); section 637(b) of the Small Business Act (15 U.S.C. 637(b)), not otherwise provided for; and title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044–3044s); $94,107,000.

Mr. MICHEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do feel compelled to take just a few moments here for a few comments relative to the Health, Education, and Welfare portion of this bill. The $60,000,000 carried in the Mental Health item will actually go to implement programs authorized by title IV of the Drug Abuse Office and Treatment Act of 1972. It will be administered by the National Institute of Mental Health, along with the $91,298,000 that was included in the regular bill. Of this $60 million, it is my understanding that $42.8 million will go for project grants and $15 million to begin a program of formula grants.

During our subcommittee hearings, Dr. Jerome H. Jaffe, Director of the Special Action Office for Drug Abuse Prevention, told us that the total number of narcotic addicts in this country now may be as high as 500,000 to 600,000. He said that if half of these addicts were to volunteer for treatment, a capacity of between 160,000 and 175,000 treatment "slots" would be needed, with a turnover rate of 1.5 to 2 people per year. The supplemental funds included in this bill, together with previous appropriations and local funds should provide a total Federal, State, and local treatment capacity of about 167,500 "slots," capable of handling around 285,000 patients per year.

Dr. Jaffe testified that this rate of expansion is close to the maximum we can expect to be able to accomplish effectively, and will enable us to approach the primary target of making treatment available to those who are ready to volunteer for it.

Dr. Jaffe pointed out that this $60 million is in addition to the largest increase that has ever taken place in the Federal effort to combat drug abuse. We have had a tenfold increase in funding in the last 3 or 4 years, he said, and the program infrastructure "is almost saturated in terms of trained people, adequate facilities, and capacities to deal with the issue."

Dr. Jaffe was a superb witness before our committee. In my opinion it would take a magician of sorts to pull together all these programs that have sprung up within the last several years to cope with the drug problem.

The Social and Rehabilitation Service item of $893,448,000 is authorized by the Rehabilitation Act of 1972 and the Comprehensive Older Americans Amendments of 1972; $610 million of this amount is in basic grants to the States. This figure, incidentally, is $50 million over 1972 and will serve some 1,195,000 disabled persons and should rehabilitate another 312,000; $11,075,000 of this increase over 1972 will go for special emphasis on public assistance recipients.

There is also $100 million in here for special programs for the aging, and that is in addition to the $100 million previously appropriated for the nutrition program.

Finally, $108,663,000 for research and training.

Moving on to the Office of Child Development, this $408,056,000 is $17,513,000 over the comparable 1972 appropriation, and is mainly caused by increased costs of teachers' salaries in the Headstart and Early Education programs.

These funds should provide full year programs for 282,000, summer programs for 78,000, and experimental programs for 19,000.

There was a request for 70 additional positions to supposedly better administer these programs out in the regional office, but the testimony in support of those additional positions was so weak that we denied any of the new positions to them.

Finally, Mr. Chairman, while I am on my feet and before we read the section for the Office of Economic Opportunity, let me simply say that the $760,200,000 is the full amount of the budget request.

Members will recall that we did not include any money for OEO in the regular Labor-HEW bill because it lacked authorization. The VISTA program has been transferred from the ACTION agency and there are several other transfers involved here, but our committee recommendations do provide for increases over 1972 of $78,822,000, partially offset by decreases totaling $21,294,000. The increases include a total of $44,771,000 to maintain the current operating level of several programs, including local initiative, drug rehabilitation, special impact, and legal services, as well as $34,051,000 to expand research, development and evaluation, drug rehabilitation, counseling alcoholics, and emergency food and medical services above current levels.

That just about does it, Mr. Chairman, and I would simply remind my colleagues that this overall bill slightly in excess of $3 billion comes to you in the aggregate at $5 million below the budget request, and I would urge my colleagues to support the bill as we have presented it to you here today.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Priscilla M. Ryan, widow of William F. Ryan, late a Representative from the State of New York, $42,500.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to call the attention of the Members of the House to the hearings on the legislative appropriations bill—not the appropriations report but on the legislative hearings. If you will read page 11 through probably page 15, you will find a very interesting chapter on the refurbishing of the Speaker's lobby.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IX

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000, of which $2,950,000 shall be available only for reimbursement for services performed by other agencies: *Provided*, That this paragraph shall be effective only upon enactment into law of H.R. 14370, 92d Congress, or similar legislation.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take the floor at this time to call attention to the fact that this bill contains about $3 million for a program that we have not passed yet, and I hope it will not ever pass, but it looks like we are going to pass it.

On line 20 of page 13 there is about $3 million for revenue sharing.

I see Mr. Steed here, and I should like to ask him a question.

Does the gentleman know how many new employees this is going to cover?

Mr. STEED. I believe altogether they expect to employ between 60 and 70 additional employees, plus about 17 slots that are vacant and unfilled.

Mr. GIBBONS. They are going to employ 70 or 80 new people just for this one program?

Mr. STEED. That is right; yes, sir.

Mr. GIBBONS. I asked this question before the Ways and Means Committee, and was assured by Treasury officials it would not take any more than 30 or 40 employees to run the program. We have not passed it yet, and it is already up to 70 or 80 employees.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Oklahoma.

Mr. STEED. I call the attention of the gentleman to the hearings we held in which we castigated people rather severely for having already spent some money. We have been getting ready for this program, but there seems to be an awful lot of anxiety down there to be in a big hurry to send out the first checks.

I call attention to the fact that of the $4 billion that has been allowed in this bill to take up this new responsibility—in view of the fact that the revenue sharing is presumed to become a fact very shortly—$2,800,000 of that money is automatically earmarked to reimburse the Bureau of Census to carry out throughout the life of the act the requirements placed in it by the act itself, and that is to constantly review city limits in municipalities, and other legal factors that go into making up the quotas. They are going to have to issue about 40,000 checks to these various subdivisions every 3 months throughout the life of this program.

So there is actually only about $1 million here to reimburse the Treasury for its own work in carrying out this program. Part of the extra people are necessary because in the first go round there is a 6-months retroactive factor, and then the one-quarter for this fiscal year, and then the adjustment to the final act figures that will be necessary between this quarter payment and the second quarter payment due January 1.

Mr. GIBBONS. I thank the gentleman for his very thorough discussion of the problem. Since this is the only chance which the Appropriations Committee will have to get its nose under the tent for the next 5 years, I trust the gentleman will continue watching that program over there.

This is not without its benefits. The latest bond market shows part of the money we are going to spend will be taken by the local governments and they will buy U.S. Government bonds. So they will be turning it around and earning interest on it for awhile.

Mr. Chairman, this week we take up legislation to raise the debt ceiling by $15 billion—from $450 to $465—legislation to try to limit our 1973 deficit to $33 billion; and on the other hand, legislation to "share" our revenue with 39,000 governmental units. I think it is time we paused to see what is being said about our generous sharing of revenue we do not have.

President Nixon's former economic adviser, Paul W. McCracken, is on the Advisory Board of the American Enterprise Institute which has just released a new study entitled "Nixon, McGovern, and the Federal Budget." In answer to a question by the press, in commenting on the study, McCracken said that—

> He doubts the President can get through four more years, or even two, without resorting to a federal tax increase.

The study observed that the Federal Government is now in worse fiscal shape than State and local governments on average. They are heading into the mid-1970's "in a position of relative affluence," the authors of the study stated. Questioning the wisdom of the 5-year revenue-sharing legislation, under which the Federal Government will channel more than $30 billion to the States and localities, the study contends that "the Federal Government may be in the process of beggaring itself to relieve outlays that may never be needed.

But even more revealing than the statements about revenue sharing in the study, is the plea by the chief lobbyist for county officials in the October 6 issue of the County News, the official newspaper of the National Association of Counties, in his editorial entitled "Why Revenue Sharing Should Not Be Used To Cut Property Taxes." The editor says that cutting property taxes with revenue-sharing funds could very well be a disaster, and that the more important consequence of cutting local taxes is that it "will irritate Congressmen." The article goes on to say that if you can not find any more ways to spend money than cutting taxes, be sure to give the Congressman the credit.

Mr. Chairman, obviously some communities do need some help but to spread money around that we do not have in the reckless fashion that the revenue-sharing bill proposes to do seems pretty irresponsible to me, particularly since many local officials do not know what they are going to do with the money when they get it. I think one of the wisest things local officials should do is to cut local taxes if they are too high, and they probably are. Certainly, this would be better than entering into purchases that are not needed and paying increases in salaries that may not be warranted.

So that all Members may have the benefit of the County News' opinion as to why revenue sharing should not be used to cut property taxes, I am inserting this item in the Record.

I want to call the gentleman's attention to the humorous article in the County News which I will put in the Record and obtain consent for when we go back into the House. This is a county opinion column in the County News entitled "Why Revenue Sharing Should Not Be Used To Cut Property Taxes." I think all the Members of Congress will really enjoy this, because this is one of the best pieces of comedy I have seen for a long time. It says, you know you are going to make Members of Congress mad if you cut taxes. If you are going to lower taxes as a last resort please give the Member of Congress credit for cutting your taxes, because it might make him a little more sympathetic when we come to raid the U.S. Treasury the next time. I am paraphrasing it, of course. I will put it in the Record so there will be a little light hearted frivolity in this serious matter.

The article referred to follows:

WHY REVENUE SHARING SHOULD NOT BE USED TO CUT PROPERTY TAXES

We are getting reports from many parts of the country that our county and city officials are under pressure from their governors, from taxpayer groups and others to channel all or most of their general revenue sharing allocations into cutting the property tax.

This could very well be a disaster. In the first place, Congress in anticipation of such a development, has written tax effort into the allocation formula. This is a complex way of saying that if a community uses its general revenue sharing to cut their own taxes then automatically their future general revenue sharing allocations will be reduced. This would place the tax cutting community in a position of having smaller revenue sharing allocations and being forced to raise taxes.

The second and probably more important consequence of using general revenue sharing for tax reduction is that it will irritate Congressmen. One of the greatest obstacles we had to overcome in selling general revenue sharing was the argument advanced by Congressmen that they ultimately have to raise taxes in order to provide funds for state and local officials to spend.

This argument about separating tax collection and tax spending was most difficult to overcome. If our cities and counties now compound the problem by using these funds to cut taxes we will indeed face a most hostile Congress.

One Congressman (who is in a very important position and who is an arch foe of general revenue sharing) is already setting in motion a plan to accumulate city and county horror stories. He will be using the argument that the Congress must increase taxes (Congress will almost surely approve a 38% increase in the Social Security payroll taxes in this session of the Congress). He also will argue that the Congressmen are going to look like villains for having to raise taxes and the local, city and county officials are going to look like heroes by cutting them.

Our preliminary information would indicate that the move to cut taxes will be strongest in the smaller cities and counties and this could spell a particular problem for these communities. When general revenue sharing was first proposed it was suggested that the small counties and cities should be excluded from general revenue sharing. It was argued that they provide few services to begin with and general revenue sharing would have a tendency to keep them in business beyond their useful lives. We, of course, do not agree with this premise. However, if smaller cities and counties do take the easy way out and cut property taxes with their general revenue sharing monies, it is virtually certain that there will be a movement in the Congress to eliminate these units from future distributions. Congress will say that if they cut the taxes with the revenue sharing funds, they did not need the money in the first place.

Our strong suggestion to all city and county officials would be to sit tight for a while on the use of these funds. In the first place, there is the requirement that a community file a plan on how the money is to be spent. We would suggest when that plan is developed, it immediately be forwarded to the Senators and the Congressmen from that area and keep them fully apprised of the worthwhile purposes to be accomplished with general revenue sharing funds. This should help to take some of the sting out of adverse publicity.

In the second place, if a community does decide to use its general revenue sharing for tax reduction, then in all fairness the credit for the tax reduction most certainly should be shared by the Congressmen.

Perhaps the entire matter could be viewed from the perspective of a Congressman if we thought of general revenue sharing as a reverse process. Suppose for example that city, county and state officials had to increase their property taxes and other tax revenues for the purpose of making a block grant to the federal government. Suppose then that the Congress voted this block grant for the purpose of reducing federal income taxes.

Certainly property taxes are much too high in certain communities (in Boston for example the real estate tax confiscates 10% of the actual market value of property each year). We do need property tax relief or at least property stabilization, but there are many pitfalls in using general revenue sharing funds for that purpose.

Mr. STEED. I want to assure the gentleman my feeling about revenue sharing is identical to his. We tried to take care of this the best way by the phrasing of the language in the bill. None of this money is going to be spent unless and until the revenue sharing becomes a legal fact. I hope that bill is defeated, but I am afraid it is not going to be.

Mr. HALL. Mr. Chairman, if the gentleman has concluded his line of thought will he yield for a similar question?

Mr. GIBBONS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I wonder if we have under the section on Treasury appropriations adequate funds to protect our candidates who are running all around over the country, and to provide adequate Secret Service guards for all the leftovers, holdovers, reruns, trial runs, and those who are nominated and not yet nominated in the various parties?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the recognition and I would like to pursue my question a little bit further with the gentleman from Oklahoma who normally handles this section. Are there funds in the supplemental appropriation for Secret Service protection of candidates?

Mr. STEED. No, unfortunately the money for that was contained in the regular bill and therefore is not in this. I assure the gentleman if it was still under our jurisdiction there would not be any money for doing some of the foolish protective jobs they are doing now. If the gentleman will take note of our hearings I think he will find we have documented how some of the silliness going on now came about, as well as some of the views those of us on the committee have about it.

Anyhow, I do not know how to put in simple English what a candidate would be, but under the foolish things going on in this protective program I do not think there is any special thing a major candidate has to be. If one just goes out and announces he is a candidate for President, that would entitle him to protection. It is beyond my comprehension.

Mr. HALL. I appreciate the gentleman's forthright remarks. I am sorry to learn, contrary to my information after studying the hearing, that there is nothing in here, in the supplemental appropriation bill for that department for the protection of all of these candidates. I would move to strike it. There is a former member of the profession that I was formerly a member of before coming to Congress, who is going around the country autographing books, and running on the People's Labor Party or some near-populist organization, who is named Benjamin Spock.

I understand he is receiving secret service protection. If there ever was a crime and an abortion as far as the usage of Federal taxpayers' money is concerned, it would be to protect this guy from anything. He ought to be subject to a Halloween prank, and if he fell in after the pushover, it would be all too deserving for him.

Mr. STEED. I am sorry that there was not any way in which we could get at this problem in this bill, but I give the gentleman the only consolation I have been able to find—and I have done quite a bit of work on this subject—the gentleman he referred to does admit that he enjoys having these agents, and that they are nice fellows.

Mr. HALL. I wish that the gentleman from Oklahoma would not call him a gentleman, even though that is the customary language which we use on the floor of the House. He has long since disproved this in the eyes of all conscionable people.

I would hope that when the appropriation bill comes up the next time, the regular appropriation bill that covers this, that at the hearings the gentleman will make it even more clear, and that the language of the report will be even more understandable by any bureau or department downtown, that this is ill use of the funds of the General Treasury, to provide willy-nilly protection for every popinjay who pokes his head out and says, "I want to be a Member of Congress."

I would much rather that they provide Secret Service protection for Dev O'Neil who runs every election. At least he is a deserving functionary of public trust at the Federal level.

I understand that they have capriciously denied protection to some of our own Members on the floor who are running under bona fide party labels. This is unconscionable. I hope the gentleman will delve into it in the future.

Mr. STEED. Will the gentleman yield?

Mr. HALL. I yield to the gentleman from Oklahoma.

Mr. STEED. I assure the gentleman that the next time this item comes up, it will be 4 years from now. It would be presumptuous on the part of the gentleman from Oklahoma to assume that I would have anything to do with it then.

I hope that we have set some precedent here to encourage whoever is in charge of it 4 years from now to make sure that there is more restraint on it than there is at this time.

Mr. HALL. I certainly hope the gentleman survives, perseveres, and appears again to mount guard.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPECIAL FUND

For the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), $20,000,000: *Provided,* That none of the funds made available under this heading shall be available for allocation to any other Government agency unless the head of such agency shall certify in writing that all funds available to such agency for drug abuse prevention activities are fully committed and that additional funds are required for programs that appear to have promise of being exceptionally effective.

Mr. ROBISON of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Committee will note that there is a recommendation here, as set forth in the report on this item under Special Fund for the Special Action Office for Drug Abuse Prevention, for a reduction of $20 million in the budget request, which originally was $40 million.

As it is stated in the report, the committee "reluctantly recommends" that reduction. The language goes on to say that we have done so because the Special Action Office was "unable to provide the committee with specific, objective, proposals, plans or programs for the use of the funds requested."

I suspect, Mr. Chairman, that a casual reading of this language might indicate that the committee, or the subcommittee of which I am a member, thus intended some criticism of the Special Action Office people, or specifically of Dr. Jerome Jaffe, its head.

I rise to suggest that this was not the case, and that truly, given the mandate handed this office under the legislation which created it, it would be difficult for Dr. Jaffe to give us, in advance, those kinds of "specific, objective, proposals, plans, programs" and so forth with which we are normally presented and which we would normally expect of another such agency.

The reason this is so can be found in section 223 of Public Law 92-255, as enacted March 21, 1972, creating this agency, and I quote:

> There is established a special fund . . . in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions, and to give the Director the flexibility to encourage and respond quickly and effectively to, the development of promising programs and approaches.

I believe Dr. Jaffe's problem here, and ours, too, is to make sure that he does have the moneys with which to supplement and encourage the more promising among the existing drug abuse prevention programs within the Federal Establishment somewhere. This is a new approach to us—and a new way of doing business. In suggesting the reduction we have, we certainly did not intend in any way to limit his capacity to do this but wanted merely to give him an opportunity, first, to show us what might be done in this regard in the next several months. So, I believe it can be said, to a certain extent, at least, that this reduction was made "without prejudice" insofar as the future needs of this special fund are concerned, and which we will consider carefully and, I suspect, favorably, when we consider the budget request of this still-new Office early next year. Beyond that, the Office does seem to have gotten off to a good start—with certain successes already to its credit, including a doubling in the past six months of the number of persons receiving treatment—and we will look forward to further such advances toward a solution of what is surely one of the more difficult social problems of our time.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 362, nays 11, not voting 57, as follows:

[Roll No. 424]

YEAS—362

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Archer
Ashbrook
Bennett
Collins, Tex.
Findley
Griffin
Hall
Landgrebe
Mathis, Ga.
Rarick
Sebelius

NOT VOTING—57

Annunzio
Baring
Bell
Blanton
Byrne, Pa.
Caffery
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Crane
Davis, Ga.
Davis, S.C.
Diggs
Dow
Dowdy
Dwyer
Edwards, Ala.
Evans, Colo.
Galifianakis
Gallagher
Goldwater
Green, Oreg.
Gross
Haley
Hansen, Wash.
Hathaway
Kuykendall
Link
Lloyd
McClure
McDonald, Mich.
McEwen
Madden
Martin
Matsunaga
Murphy, Ill.
Nichols
Pelly
Peyser
Pickle
Pucinski
Purcell
Reid
Roncalio
Rooney, N.Y.
Rooney, Pa.
Schmitz
Scott
Steiger, Ariz.
Stokes
Sullivan
Terry
Thompson, Ga.
Thompson, N.J.
Vigorito
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Steiger of Arizona.
Mr. Rooney of New York with Mr. Gross.
Mrs. Sullivan with Mr. Goldwater.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mrs. Hansen of Washington with Mr. Bell.
Mr. Carey of New York with Mr. McEwen.
Mrs. Chisholm with Mr. Gallagher.
Mr. Nichols with Mr. Kuykendall.
Mr. Murphy of Illinois with Mr. Crane.
Mr. Dow with Mr. Clay.
Mr. Pickle with Mr. Lloyd.
Mr. Reid with Mr. McDonald of Michigan.
Mr. Rooney of Pennsylvania with Mr. Peyser.
Mr. Roncalio with Mr. McClure.
Mr. Gettys with Mr. Edwards of Alabama.
Mr. Davis of Georgia with Mr. Pelly.
Mr. Matsunaga with Mr. Martin.
Mr. Davis of South Carolina with Mr. Schmitz.
Mr. Yates with Mr. Scott.
Mr. Madden with Mr. Terry.
Mr. Vigorito with Mr. Thompson of Georgia.
Mr. Blanton with Mr. Stokes.
Mr. Caffery with Mr. Byrne of Pennsylvania.
Mr. Evans of Colorado with Mr. Galifianakis.

Mrs. Green of Oregon with Mr. Haley.
Mr. Hathaway with Mr. Link.
Mr. Pucinski with Mr. Baring.
Mr. Purcell with Mr. Collins of Illinois.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on H.R. 17034, the supplemental appropriation bill, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of the retirement of Paul Wilson, clerk and staff director of the Committee on Appropriations, during debate on the supplemental appropriation bill, H.R. 17034.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7117) entitled "An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9463) entitled "An act to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that Mr. Moss and Mr. STEVENS be appointed as additional conferees on the bill (S. 2280) entitled "An act to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances."

COURT RULING ON USE OF FRANKED MAIL

Mr. HELSTOSKI. Mr. Speaker, yesterday in a Federal district court in Newark, I received an order from Judge Leonard Garth in regard to the use of franked mail by Members of Congress which my opponent brought up.

The complaint posed five questions in regard to the use of the frank, among which are:

First. The mailing of the Agricultural Yearbook.

Second. The mailing of the Capitol Symbol of Freedom.

Third. Mailing of consumer product information bulletin, of which each Member received an allotment of 50,000.

Fourth. A complaint concerning the mailing of a solicitation for the March of Dimes with a stamp on it, but the fact that it was in an envelope which mentioned thereon "Official Business."

Fifth. A questionnaire that was sent to a select group of people; namely, Young Voters' Opportunity Survey, 10,000 in number.

Sixth. A newsletter that was sent out to the constituency.

All these items, nonpolitical in nature, prior to their mailing were cleared by the Committee on Ethics and Standards as with the franking laws.

Judge Garth was one of the judges who sat on the panel of judges for redistricting New Jersey which changed the nature of our districts, so that my district had appended to it five or six additional communities and took out five or six communities of my party's strength.

The basis of the ruling is in today's Evening Star and Daily News, Wednesday, October 11. It gives in essence what the judge's ruling is, but I want to make some additional comments in this respect.

I asked for permission to place into the RECORD the complaint, the plaintiff's brief, my defendant's brief by Alfred Porro, the brief of amicus curiae, and the judge's opinion which was delivered orally. We are going to get it out of the transcript of record. The written opinion will be forthcoming in 2 days. But The Star says basically what is correct; namely, that the Congressman may use his franking privilege for four categories of mail only:

First, official agricultural reports;

Second, documents printed by order of Congress;

Third, the CONGRESSIONAL RECORD and excerpts from the CONGRESSIONAL RECORD;

Fourth, and this is the critical one, his interpretation of official business—mail to Federal Government officials only, any thing weighing up to 4 pounds.

But, the important point is this: In effect, you cannot mail anything to your constituents in response to some request unless they specifically ask you, "I want an answer on this very thing."

The court asked me, and I testified for 2 days, did I have any prospective mailings. I said yes. One of them was 40 letters to chiefs of police in my district about 3 weeks ago concerning their attitudes on the Bayh gun bill. His judgment in that respect was that I could not mail them.

The second consideration was 250 pieces of mail concerning the interpretation of the conference report relative to revenue sharing to public officials, mayors, and councilmen in the respective areas of my district. His opinion was that I could not mail that.

I told him that I intended to have a mailing with some comments on the Bicentennial Commission and included in that would be the Declaration of Independence. His judgment was that I could not mail the Declaration of Independence.

Throughout this entire opinion, Mr. Speaker, runs the sense that solicitation must be made in order to respond to a constituent. So in effect we can do nothing except when a constituent says, "I want an answer to a specific thing."

Let me say that all the briefs and opinions will be placed in the RECORD.

The opinion is based primarily on a law of 1895. He said that that particular statute did not define official business. As a matter of fact, it does. I found it in the law library just awhile ago. It was in the briefs filed for defendant, the judge failed to read fully the statute in question.

At any rate, that is the judgment of the court. It seems to me that in making this particular ruling he is ruling against any activity of any kind in an official business way or official capacity of Members of the Congress.

I might say that there are several approaches we could take. No. 1 would be to test the court's ruling. This is something I could do individually. Second, there could be an appeal of the ruling.

I might say that this comes on top of what happened several weeks ago, when New Jersey had the distinction of jailing a newspaperman for his failure to reveal sources of information.

It seems to me that the court in this particular instance may be setting the foundation for Government by secrecy, or perhaps isolating and insulating Congress from its constituency.

At any rate, the judgment of the court

is, "Congress, do not communicate with your constituents."

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HELSTOSKI. I yield to the distinguished majority leader.

Mr. BOGGS. I should like to commend the gentleman from New Jersey for bringing this matter to the attention of the House. His suit is not the only suit of this nature pending in courts elsewhere in the country. I believe it is a matter the Congress will have to deal with.

The idea that the freedom of dissemination of information by Members of Congress shall be impeded is one I believe all Members would find hard to understand, regardless of the side of the aisle on which they sit.

I might add it is my information that the Committee on House Administration did provide a brief amicus curiae in this case. Is that correct?

This may be a matter requiring legislation on our part.

Mr. HELSTOSKI. That is correct, in the person of Eugene Denallo, a former judge.

Mr. BOGGS. And the gentleman has still not seen the opinion of the district court judge, but he is aware of the newspaper accounts and these accounts are most disturbing to me.

Mr. HELSTOSKI. No. The opinion was an oral opinion. It took an hour and a half to read. It is not prepared yet. We will get the opinion from the transcript of the record. The written opinion will follow.

In the Annunzio case the determination of the questionnaire was made and it was stated this was official business. In this particular case the questionnaire is not official business. There is a conflict.

There is a second consideration. I mentioned the fact that there were new areas appended to my district. The judge commented, "You may mail into this particular district." He also said, "You may mail postal patron into this district."

Again there is an overriding factor which runs throughout the opinion that this has to be done by solicitation. In effect the judge says, "You can mail postal patron but it has to be solicited."

I do not know how one could do this. I do not know a method of providing a postal patron mailing by solicitation.

NUCLEAR-QUALIFIED PERSONNEL PAY

Mr. FISHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16925) to amend title 37, United States Code, to extend the authority for special pay for nuclear-qualified naval submarine officers, authorize special pay for nuclear-qualified naval surface officers, and provide special pay to certain nuclear-trained and qualified enlisted members of the Naval Service who agree to reenlist, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Clerk read the bill, as follows:

There was no objection.

H.R. 16925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

(1) The catchline of section 312 and the corresponding item in the chapter analysis for that section are each amended by striking out "submarine".

(2) Section 312 is amended—

(A) by striking out clause (2) of subsection (a); (B) by striking out "in active submarine service" in clause (5) of subsection (a) and inserting in place thereof "on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants";

(C) by striking out "submarine service" in subsection (c) and inserting in place thereof "duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants";

(D) by striking out "submarine" in subsection (d); and

(E) by striking out "1973" in subsection (e) and inserting in place thereof "1975".

(3) By adding the following new section:

"§ 312a. Special pay: nuclear-trained and qualified enlisted members

"(a) Under regulations prescribed by the Secretary of Defense, an enlisted member of the naval service who—

"(1) is entitled to basic pay;

"(2) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

"(3) has completed at least six, but not more than ten, years of active duty and executes, when eligible, a reenlistment agreement for not less than two years;

may upon acceptance of the reenlistment agreement by the Secretary of the Navy or his designee, be paid a bonus not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) An amount paid to a member under subsection (a) of this section is in addition to all other compensation to which he is entitled and does not count against the limitation prescribed by sections 308(c) of this title concerning the total amount of reenlistment bonus that may be paid. However, if he receives payment under this section, he is not entitled to any further payments under section 308(g) of this title.

"(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) of this section may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract, or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

"(e) Provisions of this section shall be effective only in the cases of members who, on or before June 30, 1975, execute the required written agreement to remain in active service."; and

(4) by inserting the following new item in the analysis:

"312a. Special pay: nuclear-trained and qualified enlisted members.".

Mr. FISHER. Mr. Speaker, H.R. 16925 is a bill to continue for 2 additional years the special pay for nuclear-qualified submarine officers who contractually agree to remain beyond their minimum obligated service, to authorize special pay for nuclear-qualified naval surface officers who agree to continue service in that field beyond their obligated tour of duty, and to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist and serve in this field in the Navy.

It is designed to provide monetary incentives which will increase the number of nuclear-trained and qualified officers and enlisted men who volunteer to remain on active duty to serve the needs of our nuclear naval fleet. As you will recall, Public Law 91-20 authorized the payment of $15,000 for nuclear-qualified submarine officers who contractually agreed to serve in active nuclear submarine service for 4 additional years. At the time the legislation was enacted, the established goal was twofold: First, to retain sufficient qualified officer personnel to meet the at-sea manning requirements; and second, to rebuild the nuclear submarine officer inventory following the excessive losses of the past so as to allow an equitable seashore rotation opportunity for these officers.

The rapidly decreasing retention was successfully arrested at 28 percent and by this pay subsequently was raised 40 to 45 percent for the more junior officers now completing their period of minimum obligated service.

The current law expires on June 30, 1973. This bill would extend this authority to June 30, 1975.

Similar action is now required to improve the retention of nuclear-qualified and experienced officers and petty officers assigned to duty in nuclear-powered surface ships. The nuclear-powered surface fleet is in the process of expansion from four to 11 ships which will triple officer manning in the next 2 years. These nuclear-qualified surface officers currently receive no special pay or allowances of any kind and their average retention rate is a totally unacceptable 11 percent.

The retention rate for enlisted personnel has dropped to 14 percent while a retention rate of 38 percent is required to sustain the necessary experienced operator manning level. In the enlisted field, this decreasing experience level is extremely significant. In 1968, when there were 125 nuclear submarine crews and four nuclear-powered surface ships, the Navy had 1,900 experienced petty officers. Today, with 143 nuclear submarine crews and seven nuclear surface ships, it is down to 1,500 experienced petty officers. The situation is unsatisfactory, and is rapidly growing worse.

The low retention rate in surface officers and reenlistment rate of nuclear-trained enlisted men threatens the Navy's ability to provide the necessary experienced supervisory personnel for their naval nuclear propulsion plants. If forceful, corrective action is not immediately taken to reverse this critical decline, the Navy will not be able to assure continued safe and reliable operation of the Nation's nuclear-powered fleet which includes the Polaris/Poseidon submarine deterrent force.

The Navy has employed every measure available to it to improve the condition of service and thereby attempt to reverse the retention decline, without success. One of the principal reasons for the poor retention rate is the severe competition the Navy's nuclear propulsion program faces from the civilian nuclear power-plant industry. Highly trained operators are offered more pay than they receive in the Navy, less time away from their families, and far less arduous working conditions. For instance, the maximum salaries offered to ex-Navy nuclear enlisted operators are in the $17,000 to $20,000 bracket.

The bill provides additional pay of $3,750 a year to officers in active service who have not completed 10 years of commissioned service and who execute a written agreement to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants. It also provides additional pay to currently nuclear-trained and qualified enlisted members of the naval service who have completed at least 6, but not more than 10 years of active duty and who execute a reenlistment agreement for not less than 2 or more than 6 years. The maximum bonus for a 6-year reenlistment is $15,000. The formula for payment is 6 months' basic pay at the time of his discharge or release times the number of years of additional obligated service.

If either the officer or the enlisted man who will receive this extra pay fails to complete his period of additional obligated service, there is a provision requiring repayment for that portion not served.

It costs at least $20,000 to train either an enlisted man or an officer in the nuclear field alone. The bonuses provided by this bill for additional service in the Navy of at least 4 years, could not exceed $15,000. So, in reality, this bill represents cost savings to the Navy rather than cost expenditures. But more importantly, it provides us the assurance that the Navy will be able to continue to operate its nuclear fleet.

Mr. Speaker, I cannot impress upon you strongly enough the need for this legislation for without it, we will not have sufficient trained personnel to operate our nuclear fleet safely. I urge the support of every Member of this body.

Mr. BRAY. Mr. Speaker, the Honorable O. C. Fisher, chairman of Subcommittee No. 2 of the House Armed Services Committee, has really explained H.R. 16925, and I will attempt not to be repetitive.

I would call your attention, however, to the fact that this is an administration proposal and was assigned the very highest priority by the Department of Defense. I think each of us recognize the absolute necessity of maintaining our current nuclear fleet in order to protect the security interest of the United States. Failure to enact this legislation would be disastrous in that you could not operate such a fleet with safety.

Let me point out that not everyone who is on a nuclear-powered ship will be given this incentive pay. It will be only to the nuclear-qualified officers and petty officers or graduates of the 1-year nuclear power training program. There will be further constraint in the enlisted category in the sixth to ninth year of service. The numbers of nuclear-trained operators aboard submarines represent about one-third of the crew on an attack submarine and about one-fourth of the crew on a Polaris submarine.

Admiral Rickover really stated the situation when he testified before the House Appropriations Committee. Let me quote from that testimony:

> Nuclear power requires the use of highly trained and skilled personnel. That is a fact of life. If we are unwilling to accept that fact, then we cannot have a nuclear Navy. The safe operation of these plants requires the use of properly qualified people. If we cannot obtain these people, we have no choice but to shut the ships down. As long as I have the responsibility, I will not condone the relaxation of the standards we now have. Congress and the American people rightly expect and demand that we will protect the health and safety of the general public in operating these ships.
>
> Navy personnel policy must be attuned to this philosophy. Up until the present time, it has "lived" with it by accepting the rigors and hardships with reluctant detachment. There has been no recognition given to the special problems created by a nuclear Navy. While the rest of the Navy is basking in relaxed standards, in ever-increasing benefits for the individual, and a philosophy of an easy life, the nuclear trained people are being called on to do more and more. In most cases, they cannot take advantage of these relaxed attitudes because these ships have become vital factors in our national defense and must deploy on schedule and operate safely. While some other ships can be taken off the line because they are unable to get underway, there is great pressure to keep the nuclear ships always ready to sail. This means that the dwindling number of experienced nuclear trained people are forced to spend an inordinate amount of time maintaining their plants, particularly during in-port periods when other men are enjoying liberty, leave, or are at home with their families. This, in turn, causes dissatisfaction and results in more of them leaving the Navy. It is a vicious cycle and there is no simple solution.
>
> I urge Congress to consider the issue of monetary compensation for the nuclear trained officer and petty officer as an issue separate from other military pay bills or efforts to create an "all volunteer force." I specifically urge your favorable consideration of the proposal to extend the nuclear officer continuation pay for an additional four years and to make it applicable to surface and submarine officers alike. The nuclear petty officer continuation pay proposal which the Navy has prepared addresses the specific issues of providing reenlistment monetary incentives to the experienced petty officer in the critical six to nine years of service category. I cannot overemphasize the urgency of enacting compensatory pay legislation to stem the declining rate of this community of highly trained and experienced officers and enlisted men. They are essential to maintaining our readiness posture."

I cannot state the problem any more eloquently than Admiral Rickover has stated it. I urge your support of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNIFORMED SERVICES SPECIAL PAY STRUCTURE

Mr. FISHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16924) to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PIKE. Mr. Speaker, reserving the right to object, would the gentleman from Texas (Mr. Fisher) tell us whether, in the event this unanimous consent is agreed to for the immediate consideration of this bill, he will move to strike the requisite number of words and provide an explanation of this legislation?

It does involve over half a billion dollars, as I understand it, and I wonder if the gentleman will give some of the Members who are opposed to it equal opportunity.

Mr. FISHER. Yes, indeed, Mr. Speaker. I plan to do that.

Mr. PIKE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniformed Services Special Pay Act of 1972".

Sec. 2. Chapter 5 of title 37, United States Code, is amended as follows:

(1) Section 302 is amended to read as follows:

"§ 302. Special pay: physicians and dentists

"An officer of the Army or Navy in the Medical or Dental Corps, an officer of the Air Force who is designated as a medical officer or dental officer, or a medical or dental officer of the Public Health Service, who is on active duty for a period of more than thirty days is entitled, in addition to any other pay or allowances, to special pay at the following rates—

"(1) $100 a month for each month of active duty if he has not completed two years of active duty in a category named in this section; or

"(2) $350 a month for each month of active duty if he has completed at least two years of active duty in a category named in this section.

The amounts set forth in this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(2) Section 308 is amended to read as follows:

"§ 308. Special pay: reenlistment bonus

"(a) A member of a uniformed service who—

"(1) has completed at least twenty-one months of active duty (other than for training);

"(2) is designated as having a critical military skill; and

"(3) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(3) Section 308a is amended to read as follows:

"§ 308a. Special pay: enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in an armed force for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, be paid a bonus in an amount prescribed by the Secretary concerned, but not more than $3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid."

(4) Section 311 is amended to read as follows and the analysis item for that section is amended to correspond with the revised catchline.

"§ 311. Special pay: bonus for officers of uniformed services in health professions who execute active duty agreements

"(a) Under regulations prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, an officer of a uniformed service who—

"(1) is qualified in a critical health profession;

"(2) is determined by a board, composed of officers in his profession, under criteria prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, to be qualified to enter into an active duty agreement for a specified number of years; and

"(3) executes a written agreement to remain on continuous active duty for the number of years specified;

may, upon acceptance of the written agreement by the Secretary concerned or his designee, and in addition to any other pay or allowances to which he is entitled, be paid an amount not to exceed $12,000 for each year of the active duty agreement. Upon acceptance of the agreement by the Secretary concerned or his designee, and subject to subsection (b) of this section, the total amount payable becomes fixed and may be paid in annual, semiannual, or monthly installments, or in a lump sum after completion of the period of active duty specified in the agreement, as prescribed by the Secretary concerned.

"(b) Under regulations prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, the Secretary concerned, or his designee, may terminate, at any time, an officer's entitlement to the special pay authorized by this section. In that event, the officer is entitled to be paid only for the fractional part of the period of active duty that he served, and he may be required to refund any amount he received in excess of that entitlement.

"(c) Under regulations prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, an officer who has received payment under this section and who fails to complete his agreed period of active duty may be required to refund the amount received.

"(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"(e) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall submit a written report each year to the Committee on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by this section. The reports shall be on a fiscal year basis and shall contain—

"(1) a review of the program for the fiscal year in which the report is submitted; and

"(2) the plan for the program for the succeeding fiscal year.

These reports shall be submitted not later than May 13 of each year, beginning in 1973."

(5) The following new sections are added after section 312 and corresponding items are inserted in the analysis:

"§ 313. Special pay: bonus for officers of armed forces who execute active duty agreements

"(a) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) has completed at least two, but not more than eleven years of active service;

"(3) is designated by the Secretary concerned as an officer possessing skills in a critical shortage specialty and whose retention on, or voluntary recall to, active duty would be of benefit to the United States;

"(4) is not receiving special pay under section 302, 302a, 303, 311, or 312 of this title; and

"(5) executes a written agreement to serve on continuous active duty as an officer in that specialty for a period of not less than one year, but not more than six years, in addition to any other period of active duty for which he is obligated;

may be paid, in addition to all other compensation to which he is entitled, a sum of money not to exceed $4,000 for each year of the active service agreement.

"(b) The total amount payable under subsection (a) of this section may be paid in either a lump sum or in installments over the life of the agreement. However, if an agreement is made before the expiration of the officer's initial period of obligated service, he may be paid at the beginning of—

"(1) the last year of that period; or

"(2) the fourth year of that period, if he has an obligated period of four or more years.

"(c) An officer who voluntarily, or because of his misconduct, does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part is of the total active duty period for which the payment was made.

"(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"§ 314. Special pay: participation in the Selected Reserve of the Ready Reserve of an armed force

"(a) A person is entitled to special pay computed under subsection (b) of this section if—

"(1) he—

"(A) has not previously been a member of an armed force or a reserve component thereof; or

"(B) has served in the armed forces—

"(i) on active duty (other than for training) for at least two years unless sooner released because of a reduction in force; or

"(ii) on active duty (for training or for other than training) for a period which, when added to his period of satisfactory participation in the Selected Reserve of an armed force, would qualify him for discharge or transfer from the Selected Reserve of that armed force; and

"(2) he is accepted for enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force, and if a former member of an armed force or a reserve component thereof is in a pay grade above E-2; and

"(3) he agrees to remain a member of the Selected Reserve of an armed force for a period of not less than—

"(A) three years, if he has not previously been a member of an armed force, or a reserve component thereof; or

"(B) one year, if he has previously served in the armed forces under any of the conditions specified in clause (1)(B) of this subsection.

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) for those possessing critical military skills, as determined by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy—

"(A) up to $2,200 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, 10 percent of the total for one year, 22 percent of the total for two years, 37 percent of the total for three years, 54 percent of the total for four years, or 75 percent of the total for five years; or

"(2) for those not covered by clause (1) of this subsection—

"(A) up to $1,100 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, the same formula as that prescribed in clause (1)(B) of this subsection.

"(c) A person may not enlist or reenlist in the Selected Reserve of an armed force

for the purpose of receiving special pay under this section for a period of more than six years at any one time.

"(d) Special pay authorized under this section—

"(1) may be paid in a lump sum or installments;

"(2) is in addition to any other pay or allowance to which the person is entitled;

"(3) is payable for any period of enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force which, when added to the person's initial period of military service as described in subsection (a)(1)(B) (i) and (ii) of this section, does not exceed a total period of twelve years of service computed under section 1332 of title 10; and

"(4) may not exceed a total of $3,300.

"(e) Notwithstanding any other law, and regardless of the amount of any previous active duty served by him, a member who voluntarily, or because of his misconduct, does not complete the period of service for which he received special pay under subsection (b) of this section, or does not perform or progress satisfactorily during any part of that period, shall be required to refund that percentage of special pay that the unexpired part of his reserve enlistment or reenlistment is of the total period of service for which a bonus was paid.

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy. These regulations will insure that there will be no discrimination in the amount of payments authorized based on geographic location."

SEC. 3. Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this Act.

SEC. 4. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

SEC. 5. This Act becomes effective on November 1, 1972. Except for the provisions of section 302 of title 37, United States Code, as amended by section 2(1) of this Act, the authority for the specials pays and bonuses provided by this Act shall, unless otherwise extended by Congress, expire on June 30, 1975.

Mr. FISHER. Mr. Speaker, I rise to explain H.R. 16924, a bill to revise the special pay structure relating to members of the uniformed services. This, in essence, is an administration bill and reflects in large measure the bill as submitted by the Department of Defense. In my opinion, it is one of the most important bills to come before this Congress. It is an expensive bill but if we have any serious intention to move to an all-volunteer military force, it is an absolutely essential bill.

Its purpose is to provide to the Secretary of Defense the authority for the payment of certain incentive pays over and above current pay levels in order to attract and retain members of the Armed Forces with special qualifications and skills. Additionally, it provides to the Secretary of Health, Education, and Welfare the authority to use incentive pays as it relates to members of the health commissions serving in the commissioned Corps of the Public Health Services. It also provides the same authority on the various pays to the Secretary of Transportation in relation to the Coast Guard when the Coast Guard is not operating as a part of the Navy.

As we move toward the goal of eliminating reliance on the draft, and of achieving an all-volunteer force composed of 2.3 million active-duty military personnel and 1 million selected Reserve members, we recognize that there are many problems in attracting and retaining qualified and trained personnel into the military forces. We believe that through the efforts of the Congress, working with the Department of Defense, we have supplied to the Department of Defense the tools which should enable it to meet the majority of its manpower needs without reliance on the draft. We recognize, however, that there are areas of personnel which we can neither attract nor retain unless we provide additional incentives with those who serve in the civilian sector. It is toward that goal that this bill is directed.

Therefore, this bill provides the authority to the Secretary of Defense to offer bonuses to specific volunteers in return for a service commitment for a stipulated number of years. Bonuses offered can be readily started, stopped or modified to reflect changing needs of the Armed Forces for quantity, quality, and experience level of members in specific skills. Bonuses are a traditional military compensation tool. The recent experience of the Department of Defense with a variable bonus applied in the flexible manner envisioned for the future has proved most successful. The bonus is attractive to the individual. It provides him a guaranteed amount offered in a lump sum of a sizable amount. In this light, the bonuses provided may be viewed as a prepaid wage differential based on the qualifications of individuals and the needs of the Armed Forces.

Before discussing the types of bonuses or incentive pay, let me say that your committee is extremely aware of the very broad statutory latitude given to the Secretary in making the bonus payments. Because of this latitude and without including specific limitations on the expenditures in the bill itself, your committee determined that this broad special pay authority given to the Secretary of Defense should be reviewed every 2 years and thus established an expiration date on this authority as of June 30, 1975. We did this in the belief that Congress should review on a biennial basis how this bonus approach is being used so as to determine its effectiveness in meeting our special military manpower needs.

Let me make it clear that we are very much aware of the very broad statutory latitude given to the Secretary of Defense in making these bonus payments so, while there are few statutory restraints, we have entered into an agreement with the military departments that this bill, if enacted, no more than the amounts shown in the committee report could be spent in the implementation of this program; that is, $139.2 million in fiscal year 1973, $208.7 million in fiscal year 1974, and $277.9 million in fiscal year 1975.

Now let me briefly analyze what the bill does. First, it provides an enlistment bonus. At present, the Department of Defense has the authority until June 30, 1973, to pay an enlistment bonus of up to $3,000 for at least a 3-year enlistment to individuals who enlist in the combat elements of the Armed Forces. While this authority was granted a year ago, the Department of Defense did not utilize it until June 1 of this year. At that time it offered a payment of up to $1,500 to one enlisting in the combat forces of the Army and Marine Corps for a period of 4 years. In other words, the Department of Defense made every effort to secure volunteers in the combat elements without the use of the bonus and, when they used it, applied it in a limited amount for a longer period than the minimum period authorized by law. I point this out to show that even though we are giving a broader authority, we fully expect the Department of Defense to continue to use the bonus only when it is absolutely essential to do so. With the advent of an all-volunteer Armed Force, the Department felt, and we agree, that there may be difficulties in obtaining enlistment entrants which may not be limited to the combat elements. The major reason for this is that individuals having certain skills or qualifications can command a higher salary than the Armed Forces presently offer. To counteract this probem, the bill extends the enlistment bonus authority to any enlistment skill which may present an attraction problem. The bonus provision in this bill could not exceed $3,000 for an enlistment of not less than 3 years, and would be administered under regulations prescribed by the Secretary of Defense or in the event of the Coast Guard, by the Secretary of Transportation. The bonus could be paid in either a lump sum or in equal periodic installments as determined by the Secretary. It provides for a payback by any person who voluntarily or because of misconduct does not complete the term of enlistment for which the bonus was paid to him.

Second, it provides for a selective reenlistment bonus. One of the major problems existing in the military services is the adequate retention of personnel in certain enlisted skills, and that problem is expected to remain in an all-volunteer environment. Currently, the services have a variety of laws to cope with reenlistment problems; that is, the regular reenlistment bonus, the variable reenlistment bonus, and the shortage specialty pay—proficiency pay. However, even in combinations, these incentives have not proved to be completely effective in solving our enlisted retention problems because they do not result in spending money where the problem is and, in one major area, that of the first term reenlistments, they require payments in many instances where there is no manning problem. This bill combines the most desirable features of the regular reenlistment and variable reenlistment bonus into the selective reenlistment bonus. The cost effectiveness of these incentive dollars is improved. The incentive in this form is much more flexible than the existing one and could be paid in any problem decision point during a member's initial 10 years of service. The amount of the bonus paid would vary depending upon the severity of the problem in a particular skill. Amounts would range from a low of approximately $1,000 to a high of $15,000 while the average bonus paid to an individual serving in a shortage skill would be about $6,000. As the selective reenlistment bonus proves its effectiveness, the Department of Defense plans to phase out its payment of shortage specialty pay. A member who reenlists in a skill where no shortage exists—excepting those in the forces now—would not receive a bonus. This actually should result by fiscal year 1977 in a cost savings to the Government of approximately $143 million annually under the existing system. Again, there is a provision in this section which provides that a member who voluntarily or because of misconduct does not complete the term of his enlistment for which the bonus is paid shall refund to the Government that percentage of the bonus for the unexpired part of his enlistment.

Third, the bill provides a special pay; that is, a bonus for officers of the Armed Forces who execute active duty agreements. The problem of retention of certain officers having a critical specialty has presented difficulties in the past. Authority has been given to the Navy to give additional incentive pay to officers qualified in the nuclear submarine service, and the House of Representatives has passed a bill to provide incentive pay to retain lawyers as well as members of the health professions. This bill would permit a bonus of up to $4,000 per year to officers who execute a written agreement to extend their tours beyond their obligated tour. It would be offered only at times and in amounts needed to solve officer retention problems in a specific skill. This form of flexible bonus that can be used or withdrawn depending on supply and demand will assure the presence of qualified officers in critical specialties. Excluded from receiving pay under this section are physicians and dentists, veterinarians, optometrists and nuclear submarine officers, each of whom receive incentive pay under other statutes.

There is also a provision providing for a payback to the Government if an officer does not complete the time for which he was paid the bonus.

Fourth, this bill would authorize for the first time authority in the Secretary of Defense to pay a bonus and reenlistment bonus for service in the Reserves. The Reserve forces present a unique problem the solution of which is essential to the maintenance of an all-volunteer force.

In the past, when the draft was a major source of military manpower, many young men were motivated to join the Guard and Reserve as a means of avoiding the draft and active military service. A waiting list of applicants for Guard and Reserve membership, characteristic of the years of heavy draft, has disappeared. And disappearing also are many of the draft-motivated young draftees and reservists after their obligated terms of service expire.

Through August 1972, the combined National Guard and Reserve Force drill strength was 54,000 below the congressionally mandated minimum of 976,599. It is estimated that this shortage will rise after the summer months and it will be higher still next year unless early and positive action is taken to stimulate enlistments and reenlistments in the Guard and Reserve. The Guard and Reserve suffered particularly during the Vietnam years, both as to credibility and overall effectiveness. Their combat role was questionable, their missions ill-defined, and their units underequipped and undertrained, and their forces are overrun with men who joined for the wrong reason—because they wanted to avoid military service and the war in Vietnam.

Recently, there has been a tremendous revitalization in the Guard and Reserve. The total force concept has given members a purpose, because they know they are to be relied upon as the initial and primary augmentation for the Active Forces. By the end of this fiscal year, their equipment deficiencies will be virtually eliminated. Training has been intensified, readiness is improving, and the Guard and Reserve forces are being modernized. The Guard and Reserve portions of the Defense budget have increased from $2.1 billion in fiscal year 1969 to $4.1 billion in fiscal year 1973.

The bill would authorize an enlistment bonus of up to $1,100 for a 6-year enlistment of a nonprior service individual. It would also authorize a reenlistment bonus of up to $2,200 for a critical skill; or $1,100 for a noncritical skill for a 6-year reenlistment. For a lesser reenlistment, the amounts would be reduced.

Such payments cannot be made to those whose burden of military service exceeds 12 years and, further, puts a ceiling limitation that no one individual can collect this incentive pay in an amount greater than $3,300.

Again, there is a payback provision for one who does not complete his service obligation for which he was paid the bonus.

Lastly, there are two special provisions relating to members of the health professions and one relating solely to physicians and dentists. Traditionally, the most difficult officer group to retain on active duty beyond their obligated tour is that of health care professionals. It has been more than 30 years since the armed services have been able to meet their requirements for health professionals through volunteers. While many factors have contributed to this inability, certainly one of the most important disincentives is caused by the relatively high earnings available to young medical and dental specialists in the civilian sector. While it is almost impossible to measure the pay of physicians and dentists in the civilian sector, it is clearly established that civilian specialists in the medical profession can expect to achieve pre-tax annual net earnings of approximately $40,000 shortly after they enter private practice. Civilian dentists can expect to earn approximately $30,000 annually at a similar career stage. Comparable salaries are already available for certain other health professions.

A review of the earnings of these groups show a common trend; that is, the members of these professions can expect to achieve high earnings in the early years of their professional practice. Thereafter, their earnings tend to level off—or at least to increase less dramatically—after 20 or 25 years in practice when their earnings begin to decline. This pattern contrasts quite sharply with the earning patterns of most other occupational groups, including military officers. These groups start with the relatively low earnings that increase rather sharply in mid- and late-career stages.

Since 1947 this committee has attempted to deal with the salary problems of military health professionals. At that time Congress authorized $100 a month extra pay for all military physicians, dentists, and veterinarians. On two subsequent occasions in 1955 and 1963, the amount of this special pay was increased for medical and dental officers at various career stages to the present maximum of $350 per month for officers with over 10 years of active service. Each of these special pay raises had some degree of success at the time it was authorized but shortly thereafter the increases in earnings for civilian practitioners rapidly out-passed those available for their military counterparts.

In 1967 Congress, recognizing the failure of the above incentives to retain critical specialists in the health field, gave the Department of Defense authority to provide for continuation pay of up to 4 months' basic pay to medical or dental specialists who would agree to remain on active duty for an additional year. The payments under this provision of law ranged from $4,000 to $8,000 additional each year. Still, as we head toward a zero draft environment or an all-volunteer force, we recognize that the incentives of the past are insufficient to retain on active duty those members of the health profession which are vital to effective medical care by Armed Forces physicians.

Today we have approximately 14,000 medical officers on active duty and it is estimated that the number required by the end of fiscal year 1973 will be 13,000 and to less than 11,500 by the end of 1975. This is predicated on the fact that a certain number of physicians will be induced by this legislation to stay beyond their obligated period of service.

At the present time, approximately 5,000 physicians enter and leave the service annually. If the doctor draft is eliminated and the President does not use his residual powers under the Selective Service Act to induct doctors, the military services will be facing a crisis in supplying its medical requirements, unless some new forms of incentives are substituted for those which we currently have. This problem that the military now face, in all likelihood, will be alleviated within the next 7 to 10 years, as the number of medical graduates increase from the expanding medical schools of this country, coupled with the scholarship provisions contained in Public Law 92–426 and the military medical university which, in 10 years, will also begin producing doctors and dentists who will have an obligation to serve in the military for 7 years. However, during this interim period, relief must be granted unless we go to a policy of utilizing civilian health facilities, particularly for military dependents and military retirees and their dependents. This has been costed and represents a much higher cost to the Federal Government than the plan envisioned in this bill.

The objective of this bill is to eliminate the gap between the incomes of the civilian and military health career professionals. It does this by improving the rates in the special pay for physicians and dentists and by substituting an improved variable retention bonus in place of the former continuation pay. The proposed special pay for physicians and dentists amends existing authority by increasing the rates of special pay for officers with at least 2 years of active duty from $150 per month to $350 per month. Presently, the physician or dentist is not eligible for the $350 per month rate until he has completed at least 10 years of active duty. In addition, it makes the special pay permanent. The law today links the duration of this special pay to the Military Selective Service Act.

The bonus for officers of the Armed Forces in health professions enables the Secretary of Defense to offer a variable bonus of up to $12,000 yearly, dependent on the severity of the manning problem to officers who execute a written agreement to remain on active duty for a specified number of years. The combined effect of the special pay and the bonus is expected to solve the health professions' retention problem. This will permit a significant reduction in the number of professionals required—a corresponding reduction in training investment in improved care for the Armed Forces.

The bill is broad enough to include all members of the health professions in this bonus arrangement. However, it is believed that there are few professions other than physicians or dentists to whom it will be necessary to offer a bonus. High among these are veterinarians and optometrists. As a matter of fact, it is the Department plan to offer a bonus of no more than $5,000 per year for a period of 5 years to selected veterinary and optometry officers with less than 10 years of active duty.

The committee included the health professionals in each of the uniformed services based on testimony from the Department of Health, Education, and Welfare that the Bureau of Management and Budget desired that the 5,800 commissioned officers of the Public Health Service should continue to be entitled to the same rate of pay including special pays that are available to members of the armed services.

The committee action in including the Public Health Service recognizes that the health of the Nation is as important as its security. Further, it felt that the Public Health Service should not be placed at an obvious disadvantage in not having the abiilty in a free market to reasonably compete for the health professionals that it must attract.

Again, there is a provision for a payback in the event the member of the health profession does not complete the period of service for which he received the bonus.

At this point, I would call your attention to the fact that the special pays provided by this bill would not count toward a person's retirement; rather, that retirement is based only on the regular pay.

Gentlemen, I know this has been a lengthy discussion but, frankly, because of its importance I feel a full explanation is essential. We recognize that by this concept men serving in equal grade will not be receiving equal gross compensation. Traditionally, we have equated rank with pay, and this we appear to be giving up when we adopt this bonus approach. Nevertheless, we are firmly convinced that the time has long passed when we can give everyone a raise merely to attract the skills which we need.

If we are to move to an all-volunteer force, I know of no alternative that we have other than to enact this administration bill. For those who might want to criticize this approach, I challenge you to come up with a better one. It appears that the only alternative to this bill is continuation of the induction authority as provided in the Selective Service Act. If we are sincere about our desire to move to an all-volunteer force, we must move in this direction despite its costliness.

I urge you to vote for this bill.

Mr. PIKE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I have the greatest respect and the greatest affection for the gentleman from Texas who has just spoken, and I would like to be able to say that this is a good bill, but I do not think it is.

Let us look at the route down which we are going here.

If you look on page 3—or let us start with page 4 of the bill—you will find that there is a $3,000 bonus for everybody who enlists in the service—a maximum of $3,000. Then if you look on page 3 of the bill, there is a $15,000 bonus for everybody who reenlists for up to a period of 3 years in the service. Then on page 5 there is a $12,000 per year additional pay for certain medical specialists who enter into a contract.

Mr. FISHER. Will the gentleman yield?

Mr. PIKE. I will be happy to yield if you will get me some more time later on.

Mr. FISHER. I will just take half a minute.

I think the gentleman said that would apply to everybody. Really, the bill does not say that. It says it applies only to certain skills.

Mr. PIKE. Oh, oh, oh. Let us look at where in the bill critical skills are defined, and nowhere in this bill are critical skills defined. We established in the hearings in the Committee on Armed Services that critical skills could mean anything. Critical skills are what you are short of on any given day. If you are short of ditchdiggers, then they have a critical skill. If you are short of typists, then that is a critical skill. There is no evidence anywhere that anybody in the military could not be entitled to a reenlistment bonus of up to $15,000 for whatever the critical skill happens to be on that given day. There is not any definition of critical skill. All it means is what they are short of on that particular day.

The committee report itself says that this is a dynamic thing and it is going to change from time to time. How is it going to change? Because today we are paying reenlistment bonuses for the combat arms. All right. Now we are going to pay them for whatever else we need. That will make another shortage in the combat arms, and you will not get anything you need unless you pay them a bonus.

Mr. Speaker, the cost of this bill is fantastic. The principal objection I have to it lies in this lack of definition of what a critical skill is. It can be anybody in the service, and anybody in the service can qualify for up to a $15,000 reenlistment bonus.

Furthermore, in the Reserve components we are for the first time going down the primrose path of paying people to join the Reserves. We are paying them a bonus to join the Reserves—$1,100 for a 6-year enlistment if you have no skills, $2,200 if you have what they call critical skills—again.

Here we are. Two years ago there were people standing in line to join the Reserves just because really they did not want to be in the service. Today we are going to pay them to join the Reserves, and they are still going to join the Reserves because they do not want to be in the service.

I do not want to make a big production out of this bill. Look at what it is going to cost over the years, which is laid out on page 12 of the committee report. I simply say we have gone too far down the primrose path here. We are no longer trying to get people into the military by appealing to patriotism and services to country. We are simply trying to buy them into the military through large chunks of money.

Mr. JACOBS. Will the gentleman yield?

Mr. PIKE. I am glad to yield to the gentleman.

Mr. JACOBS. Is the gentleman saying in essence that we have come to the place in this country where you have to pay people to be patriotic?

Mr. PIKE. That is exactly what we are doing, and frankly I hate to see the Committee on Armed Services and this Congress put the stamp of approval on this route.

Mr. DANIEL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is my belief and conviction that the special pay and bonus provisions of H.R. 16924 are necessary and, in fact, long overdue.

The Recruiting and Retention Subcommittee, which I had the privilege to chair, recommended favorable consideration of these bonuses in its report last May. I intend to vote for this bill and I urge my colleagues to do likewise. Through this combination of incentives the military departments will have the tools necessary to recruit and retain the qualified personnel required to man and maintain the increasingly complex weapons of war.

I want to take this opportunity, however, to bring to the attention of the House that there is a significant omission from this bill. While the combat arms and enlistment bonus and other incentives may well improve the recruiting capability of the Army and perhaps the Marine Corps, there still exists a vital deficiency in incentives for seagoing personnel in the Navy. While those incentives not only do not aid in the recruiting and retention of Navy men, they actually operate to hinder selection of such service by young men who desire to serve their country in Navy blue.

Over the course of the past many years, it has only been on rare occasion that the Navy has been required to utilize the Selective Service System for attaining its personnel manning level. Other than on those rare occasions, the Navy has relied, at least in part, on the pressure of the draft to acquire personnel who preferred not to serve in the Army. Innumerable studies and surveys have conclusively determined that the primary incentives for young men to join the Navy have been the lure of the sea and the travel opportunities such service provides. Acting to counter these incentives is the growing awareness among young men that sea service is often characterized by long and repetitious deployments under arduous conditions and, in some cases, in less than desirable living conditions.

The Navy and the Congress have taken great strides to improve those conditions to the extent possible within the constraints of the budget. However, the very nature of naval service and the fact that when ships go to sea they must be manned by individuals who are thereby forced to leave their families ashore, creates a situation which cannot be remedied.

The problem, then, becomes one of providing some form of additional motivation in order that young men may be attracted to such service notwithstanding the hardships involved. Special pay for sea duty has historically been a means of compensating men for service unique to the Navy and mandated by conditions over which we have no control. Special pay for sea duty is currently available for enlisted personnel. Unfortunately, the rate of such special sea pay has not been changed in 23 years. Thus, as an inducement for service at sea, the Navy can offer from $8 to $22.50 a month.

Mr. Speaker, it is my contention, and I would expect little opposition, that at current pay scales such meager funds are not only no inducement, but in fact, monthly reminders to seagoing sailors that too little attention has been paid to their requirements for almost a quarter of a century. I would hope, Mr. Speaker, that this body will have an opportunity to consider a firm proposal from the Department of Defense for sea pay early in the next session. When one considers the conditions of sea duty which include, among other things: Cramped living and working conditions aboard ships, the unpredictability of ship operating schedules, limited recreation facilities, inport duties to meet readiness requirements, long hours of work at sea, living and working in hazardous conditions, and long and repetitious deployments resulting in extended periods of family separation, the low overall recruiting and retention rates for seagoing Navy personnel are not surprising. If the current trend is permitted to continue, the number of ships in the Navy and the effectiveness of that force in maintaining supremacy of the seas will surely diminish. I know of no other way to meet the demands for qualified personnel than to provide incentives.

Mr. Speaker, under permission to revise and extend my remarks, I will include at this point a brief description of some of those factors which operate against the attainment of an all-volunteer, seagoing Navy. I would hope that we would have an opportunity to rectify this situation in the very near future. I regret very deeply that we do not have the opportunity to correct this situation in the bill before us.

The brief description follows:

Forces Operating Against the Attainment of an All-Volunteer Sea-Going Navy

LONG HOURS

Military personnel of all services are theoretically in a continuous duty status. At sea, this becomes a 24-hour-a-day reality rather than an occasional happening. The very fact that the crew eats and sleeps at their duty station, in close proximity to equipment, etc., for which they are responsible, inevitably results in considerably longer working hours than normally encountered in other types of military duty. The obvious need for immediate repair of any and all items of malfunctioning equipment (e.g., propulsion, weapons, navigational and search systems) coupled with the full-time availability of repair personnel contributes to those long hours. Personnel assigned to the ships of the Seventh Fleet, for instance, have a "normal" working day of 16 hours.

Allied with this situation is the continuous condition of military restraint. Granted that all military men are on "continuous duty," those on normal land duty have periods when they can remove themselves physically from the military post with accompanying respite. While personnel at sea have periods when they are free from watches and other duties, they remain in a confining military atmosphere with all it entails.

LIVING AND WORKING QUARTERS

These can generously be described as cramped. Notwithstanding the improvements made in newer ships, the sheer number of officers and men required to man and fight a man-of-war does not permit other than minimum space for eating and sleeping, for heads and washrooms, and for stowage of personal belongings. Community facilities (when such facilities exist at all) for stowage of coats, luggage, foul-weather clothing and the like are the rule. Working conditions, likewise affected by minimum room, are additionally difficult under conditions of temperature extremes, compartmentation and inaccessibility of spaces, machinery and equipment. When one compares shipboard accommodations with minimums prescribed by the Department of Defense for shore installations the lack of adequate space is vividly apparent.

REPETITIVE DEPLOYMENTS

The very nature of U.S. seapower requires repeated deployments of Navy ships for long periods. These deployments generally range from 5 to 9 months away from homeport with comparatively little recuperative time allowed in between. Even when not deployed, Navy ships are operating extensively in WestLant and EastPac waters. Thus, the rigors of shipboard life are endured without significant relief during tours of sea duty.

INSTABILITY OF SCHEDULE

Fleet units are regularly subject to changes in operating schedules to meet critical requirements in support of national objectives. Individual hardships are created as a result of this instability which further diminishes opportunities to pursue private interests, and frequently aggravates already arduous working conditions. These changes are beyond the control of the individual or the command.

RECREATIONAL FACILITIES

Navy ships are severely limited in their ability to provide suitable recreational facilities on board. While this limitation varies with the design and size of a ship, it is common to all.

IN-PORT DUTIES

Commissioned ships of the Navy maintain readiness to react to emergencies at all times. Generally, when a ship is in port, a minimum of one-sixth of the ship's company must remain aboard to meet readiness requirements. Many fleet units actually retain one-third of their men aboard because of shortages in numbers and experience. Crew members therefore are constrained from participating in the normal amenities of contemporary civilian life, even when their ships are in port. While efforts are currently underway in the Fleets to ease the duty requirements in port, these duties still restrict off ship time available to the ships' companies to an important degree.

MEDICAL FACILITIES

Large fleet units have the capability to provide extensive medical and dental service. Smaller units, however, such as destroyers, submarines and ships are of smaller size, which comprise the great majority of the operative forces, are not fully staffed to handle all medical problems which arise, particularly those of an emergency nature. Medical and dental officers are not normally assigned to individual ships of destroyer size and smaller. These ships therefore face the risk, in peace or war, of situations which over-tax their medical capabilities and can contribute to loss of life or serious physical damage. Parallel situations on land in civilian or military communities do not occur to the same degree except in the most remote areas.

MOONLIGHTING

The opportunity for the Navy man to elevate his living standard by part-time employment in the civilian marketplace is, of course, almost completely eliminated while he is assigned to sea duty due to extensive absences and irregular opportunities for off-duty periods ashore.

Mr. DANIEL of Virginia. Mr. Speaker, the chairman, Mr. HÉBERT, has initiated action to have a sea-pay bill considered early in 1973.

I ask unanimous consent to insert an exchange of correspondence in the RECORD between the gentleman from Louisiana (Mr. HÉBERT) and the Secretary of Defense, Mr. Laird.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(The material referred to follows:)

OCTOBER 4, 1972.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am pleased to advise that on Tuesday, October 3, 1972, the full Committee on Armed Services agreed to favorably report to the House of Representatives your Department's legislative proposal, H.R. 16924, to revise the special pay structure relating to members of the Uniformed Services.

The legislation, which is cited as the "Uniformed Services Special Pay Act of 1972", was the subject of considerable discussion in Committee reflecting certain reservations of members of the Committee.

Briefly, the members wish to emphasize their concern that implementation of this legislation should not result in expenditures in excess of those estimated by departmental witnesses in appearances before the Committee.

The other principal reservation concerns the failure of the Department to include any provision in the "Uniformed Services Special Pay Act of 1972" for a revised form of sea pay for junior officers and enlisted members of the naval service.

Committee members emphasized that any realistic capability of the Armed Forces to attract volunteers in a zero draft environment must attempt to give appropriate recognition to the hardships encountered by such personnel who, because of operational necessity, are either required to perform long and repeated tours of duty at sea or duty performed under unusually adverse circumstances. Despite this reservation, Committee members were reluctant to add such a provision to the Department's proposal since such proposal had not, as yet received the blessing of your Department or the approval of the Office of Management and Budget.

In view of these circumstances, the Committee requests that the Department complete Executive Branch coordination on a sea duty pay proposal and related proposals now being processed in the Department and submit them to the 93d Congress immediately after it convenes.

Your comment on these Committee observations will be appreciated.

Sincerely,

F. EDW. HÉBERT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, D.C., October 10, 1972.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of October 4, 1972, in which you advised me of the favorable action of the House Committee on Armed Services with respect to H.R. 16924, the "Uniformed Services Special Pay Act." In addition, you requested comments on reservations expressed by Committee members concerning (1) the possibility of expenditures in excess of those estimated by departmental witnesses, and (2) the absence of revised sea pay provisions.

Early last spring because of the flexibility I requested of Congress in the Uniformed Services Special Pay Act I considered it imperative that the Department of Defense establish specific controls to ensure confinement of costs within budgeted contingency amounts. These controls have been developed. I can assure you the controls will be applied in a manner to ensure that actual costs do not exceed departmental estimates.

Enactment of H.R. 16924 before the Congress adjourns would provide the Department of Defense the lead time necessary to implement the law in the most efficient, cost-effective way; and to avoid the otherwise anticipated losses of many highly trained professional and technical personnel now in the active forces. Replacement of these personnel losses would entail added costs of accession, training, and PCS moves, as well as increased personnel turbulence with attendant morale problems. Even more important, however, is the adverse impact of such losses on the operational readiness and capabilities of our armed forces.

I assure you and the members of the House Committee on Armed Services that the Department of Defense will utilize the special pay authority of H.R. 16924, or such provisions thereof as are enacted into law, only in those skills and in such amounts as are clearly required to meet the needs of the Active and Reserve forces. We would expect also to keep the House and Senate Armed Services Committees fully and regularly informed of our use of the special pay authority and the results obtained.

I share the Committee's concern that there is a need for an improved sea pay program to provide special recognition of the hardships experienced by service members on extended duty at sea. I have consistently endorsed such a proposal. The Department of Defense recently completed its review of a modified sea pay legislative proposal, and on September 28, 1972, forwarded the proposal to the Office of Management and Budget for coordination. As soon as clearance is received from the Executive Branch, the bill will be forwarded as a priority legislative proposal for the 93rd Congress.

May I take this opportunity to express our sincere appreciation for your continuing interest and concern in all matters affecting the men and women of our armed forces.

Sincerely,

MELVIN R. LAIRD.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I will be glad to yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, I would like to ask the gentleman from Virginia if he shares my view that if we had the draft we would not be here with this bill?

Mr. DANIEL of Virginia. Mr. Speaker, I think the gentleman from Texas is entirely right. The question before the House could very well be, Do we want to extend the draft, or do we want to pay the men for the job they are doing?

Mr. FISHER. Mr. Speaker, if the gentleman will yield further, the gentleman from Virginia has stated the situation precisely. If I were in favor of the continuation of the draft I would be opposed to this bill also. If I were in favor of proceeding along that course then, of course, I would not want to provide the incentives for an all-volunteer force. That is all this is about, that is the aim of it, to make the all-volunteer procedure and process function properly and provide the manpower that is required. Whether we like it or not, if the volunteer method works we must pay the price.

Let me call the attention of the Members to this fact: Here is a letter dated October 10, 1972, from the Secretary of Defense, Mr. Laird, in which he makes this statement in reference to this particular bill:

> I assure you and the Members of the House Committee on Armed Services that the Department of Defense will utilize the special pay authority of H.R. 16924, or such provisions thereof as are enacted into law, only in those skills and such amounts as are clearly required to meet the needs of the Active and Reserve Forces. We would expect also to keep the House and Senate Armed Services Committees fully and regularly informed of our use of the special pay authority and the results obtained.

In other words, I believe the gentleman would agree with me that the matter of the implementation of this legislation must yet be resolved by the Department of Defense. The cost of it cannot be determined at this time. It will not be automatically employed as a device for keeping these doctors and others needed in the service.

Mr. DANIEL of Virginia. The gentleman is correct.

Mr. FISHER. And I believe the gentleman from Virginia would also agree with me that if this kind of legislation is not provided, and you lose 5,000 doctors, some of these parents of the men in the service who write you and say that they are very unhappy because their boy is not receiving medical attention out at some military base, that you can write back and tell them it is because we have lost too many doctors, the Congress refused to provide the inducement, the incentive that would give us the doctors who are absolutely required to meet these minimum requirements; that it is just that simple.

Mr. DANIEL of Virginia. The gentleman from Virginia is in wholehearted accord with what the gentleman from Texas (Mr. FISHER) has just said.

May I add this, Mr. Speaker, that the gentleman from New York raised the question, or made the statement, I believe, that this could apply to any person who enlists, and the gentleman is entirely right. But the gentleman also knows, and I think this House knows, that there is not going to be any shortage of typists or similiar jobs. This bill will be used to attract only those individuals who are in short supply and who cannot otherwise be recruited. And I might add, Mr. Speaker, there is a limitation on what can be spent under this bill.

Mr. Speaker, the gentleman from New York has raised the question of patriotism. I would suggest that these men today are joining for patriotic reasons, and I believe that the Congress has the responsibility for patriotic reasons to pay these men for the jobs which they are doing.

Mr. STEIGER of Wisconsin. Mr. Speaker, would the gentleman from Virginia yield?

Mr. DANIEL of Virginia. I will be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the gentleman from Virginia yielding to me, and I want to join with his remarks and the remarks of the gentleman from Texas in urging support of this legislation. It fills the one last gap that enables us to finally end forced conscription in this country.

As you look at the examples that have been given to you by the committee report, and by what has been said earlier, there are certain skill shortages—doctors are one—and there are other special kinds of categories in the armed services which are needed, and the Reserves and the National Guard are a third, which, as a result, will bring to an end our reliance upon military conscription through the draft. There are now certain kinds of shortages, and this bill just enables our country to offer special pay to those men for specific skills.

Mr. Speaker, I urge the House to support this legislation.

Mr. PODELL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it was not my intention to get into the debate, except that after listening to the argument I realized that the title of this bill is misnamed. It should be called the "killers for hire bill."

I am one of three boys. My dad and each one of the three boys served in the armed services of this country at one point or another. We did so because we were asked to serve and not because we were paid.

If this bill were to pass, we would have a professional army of killers. It is contrary to the general trend in this country and the thinking of this country to know that in order to get men to serve, we have to pay them bounty.

I think the bill is wrong in concept, Mr. Speaker, and should not be approved.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from New York.

Mr. PIKE. There are two points I would like to make.

First, a lot has been said about the necessity of getting doctors and dentists in the service. I would say to the gentleman from Texas, I agree with him completely on that, but that is a separate section of this bill and has nothing to do with the reenlistment bonus for critical skills. It is a separate section on doctors and dentists and we could get doctors and dentists in this bill without opening the floodgates wide for special reenlistment bonus for all these alleged critical skills.

Second, as to the matter of how much we have to give in order to get an all-volunteer army, our memories are terribly short—it was only a year ago that we gave 2 years' worth of raises in 1 year. The administration came up with a proposal for a 2-year program to pay for the military—and it was half of it last year and half this year. Well, we gave it all to them last year. We did not wait for the 2 years. We gave them 2 years' worth ahead of time.

We have also taken away KP. They do not have to do KP any more. We air condition them wherever they go. We have people who do nothing but play tennis in the Army. We have an Army in which the rank structure is such that there are more sergeants than privates and more lieutenant colonels than second lieutenants.

We have done enough in the realm of pay. We have done more already than the administration originally said they needed for an all-volunteer army.

Mr. PODELL. I would like to emphasize further that I do not question the paying of additional money to men who are specialists such as doctors and dentists, and so forth, where they are needed for the armed services. It is the concept of holding out to any individual—come and get yourself $3,000.

It is frightening to me to think for a moment of the kind of Army we would have, of individuals who have nothing else to do and no place else to go, men without jobs or futures, the unwanted who for the purpose of earning $3,000, go an enlist in the Armed Forces of the United States. It is frightening.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. STEIGER of Wisconsin. May I say to the gentleman, I must say in all honesty I am disturbed by the phrase that this is some kind of special "killers for hire" bill.

We already have a bonus for the combat arms—$3,000 for the infantry and artillery.

Mr. PODELL. This is not the same may I say to the gentleman as giving this $3,000 to enlist in the service in the first place.

Mr. STEIGER of Wisconsin. Yes, this is an enlistment bonus for the combat arms. It has been authorized by Congress in the past. It is the law now. What we are talking about in this legislation is additional authority as an incentive. Let me offer some examples: Air Force Systems Analysts, Air Force Camera Repair Technologists—very, very important kinds of skills used in the service today that we may not get unless we provide an incentive because they can earn more in the private sector.

So do not give me this argument that we are suddenly turning people into killers for hire on the basis of a bonus. A bonus is offered now. We are talking about very specific skills. Shortages which can be filled by this special pay.

Mr. BRAY. Mr. Speaker, I rise in support of H.R. 16924. The distinguished chairman of Subcommittee No. 2, the gentleman from Texas (Mr. FISHER) has in great detail described the bill which is before you. I certainly will not attempt to repeat what he has said.

Very frankly, when I went into the hearings I was not at all convinced that the Department of Defense and the administration were taking the right approach in this matter. After thorough hearings, however, I am now convinced that we really have no alternative to providing this authority to the Secretary of Defense if we really want to achieve the objective of an all-volunteer force.

Competition for personnel of critical skills needed by the armed services and civilian industries must be faced up to realistically, and I believe the bill before you accomplishes that purpose.

I would be extremely naive if I believed that in the short time remaining in this Congress the Senate will act upon this legislation—although there is a remote possibility that they might. Nevertheless, I think if the House of Representatives is to show its responsibility and its determination to move toward an all-volunteer force, it is essential for us to pass this bill which would provide to the Secretary of Defense the management tools to insure that the services are manned with the type of personnel that the services deem critical.

I will not take further time to discuss this important issue because I know there are others who wish to speak in the limited time available.

I urge every Member of this House who believes that we should further move toward the all-volunteer force concept to vote favorably on this bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to rise in support of H.R. 16924. Passage of this legislation will give the Defense Department the tools needed to fulfill the President's pledge to allow the induction authority to expire on June 30, 1973.

Early in the 92d Congress, I introduced the Voluntary Military Manpower Procurement Act of 1971. This legislation—which was cosponsored by nearly one quarter of the House—was designed to establish general comparability in military pay. By largely incorporating this measure in Public Law 92-129, Congress ended the more serious problems of poverty in the military, and provided a program for recruiting sufficient numbers of men for the Armed Forces. However, there was doubt expressed in some quarters as to the ability of these incentives to meet the requirement of the services for skilled personnel to fill highly technical jobs.

Therefore, with the cooperation of two respected members of the Armed Services Committee—the gentleman from Florida (Mr. BENNETT) and the gentleman from California (Mr. BOB WILSON)—and my good friend and frequent companion on volunteer force measures the gentleman from Hawaii (Mr. MATSUNAGA), I introduced legislation to provide a series of special incentives to meet specialty shortages. We were joined by a diverse bipartisan group of 55 Members in the House, and by Senators ALLOTT, CRANSTON, STAFFORD, and TOWER.

A MODERN MILITARY COMPENSATION SYSTEM

As the gentleman from Texas (Mr. FISHER) noted in opening hearings on this legislation, the Uniformed Services Special Pay Act will provide us with an entirely new concept of military compensation—pay by skill and performance, rather than strictly by rank and time-in-grade. By concentrating pay in areas of short supply, we shall encourage greater efficiency—and long-term savings—through increased retention, longer reenlistments, and lower training costs.

Mr. Speaker, I should now like to discuss the specific authorizations contained in the bill.

ENLISTMENT INCENTIVE

This will involve amending the relevant provisions of the recently passed draft act to expand entitlement to special pay to those additional volunteers who enlist for at least 3 years in skills other than infantry, artillery, and armor. The $3,000 limitation would remain.

Existing pay rates will attract most of the volunteers required to man most military skills. However, certain selected skills—such as an Air Force precision photo systems repairman—may require an additional incentive to attract the necessary volunteers. The skills requiring special pay, and the amount of pay required, will vary over time. Since it is not possible to predict the attraction incentive required a cost-effective program will involve varying the amounts of special pay and the skill categories to which it attaches.

SELECTIVE REENLISTMENT PROGRAM

Certain trained military personnel can command a wage well above the average on the civilian market. One example is nuclear-trained personnel where the Government has spent well in excess of $20,000 in training costs; and upon completion of their enlistment, personnel trained in this area can command salaries with a civilian nuclear industry in ranges of $17,000 to $20,000 per year. This type of personnel is now leaving the services after receiving this expensive training to find employment in civilian industries.

The armed services are then confronted with the necessity of not only training additional personnel, but also with an increased shortage of experienced personnel to maintain our nuclear fleet. Currently, we have a variety of laws to cope with these problems, the regular reenlistment bonus, the variable reenlistment bonus, and shortage specialty pay—proficiency pay. However, even in combination, these incentives have not proved to be completely effective in solving our enlisted retention problems because they do not result in spending money where the problem is. And in one major area, that of first-term reenlistments, they require payment in many instances where there is no manning problem.

This bill combines the most desirable features of the regular reenlistment and variable reenlistment bonuses into the selective reenlistment bonus. The cost effectiveness of these incentive dollars is improved. Amounts would range from a low of approximately $1,000 to a high of $15,000, while the average bonus paid to an individual serving in a shortage skill would be about $6,000. The Department of Defense plans to phase out its payment of the shortage specialty pay—proficiency pay—as the selective reenlistment bonus proves its effectiveness. A member who reenlists in a skill where no shortage exists—excepting those in the forces now—would not receive a bonus. This actually should result, by fiscal year 1977, in a cost saving to the Government of approximately $143 million in savings under the existing system. But is must be pointed out that this year the net additional cost will be approximately $2 million.

INCENTIVES FOR OFFICERS

The problem of retention of certain officers having critical specialties has presented difficulties in the past. Authority has been given to the Navy to give additional incentive pay for officers qualified in the nuclear submarine service, and the House of Representatives has passed a bill to provide incentive pay to retain lawyers. This bill would authorize the Secretary of Defense to offer a variable bonus of up to $4,000 per year to officers who execute a written agreement to extend their tours beyond the first obligated tour. It would be offered only at times and at amounts needed to solve officer retention problems in a specific skill.

INCENTIVE SELECTED RESERVE OF THE READY RESERVE

When the draft was the major source of military manpower, many young men were motivated to join the Guard and Reserve as a means of avoiding the draft and active military service. Through August 1972, the combined National Guard and Reserve Force drill strength was 54,000 below the congressionally mandated minimum of 976,599. It is estimated that this shortage will rise after the summer months and it will be higher still next year unless early and positive action is taken to stimulate enlistments and reenlistments in the Guard and Reserve.

The bill would authorize an enlistment bonus of up to $1,100 for a 6-year enlistment of a non-prior-service individual. It would also authorize a reenlistment bonus of up to $2,200 for a critical skill; or $1,100 for a noncritical skill for a 6-year reenlistment. For a lesser reenlistment, the amounts would be reduced. The committee included language directing the Secretary concerned to insure that there would be no discrimination in the payments authorized based on geographic location. For example, if there is a shortage of airplane mechanics, each person enlisting, reenlisting, or extending his enlistment, who has that skill, will be paid the same amount regardless of whether he lives in Mississippi or Michigan. The bill limits the authority for payment to those whose period of military service does not exceed 12 years, and further puts a ceiling limitation that no one individual can collect this incentive pay in an amount greater than $3,300.

MEDICAL SPECIAL PAY

MEDICAL SPECIAL PAY AND BONUS

Traditionally, the most difficult officer group to retain on active duty beyond their first obligated tour is that of the health care professionals. One of the most important disincentives for military service for these professionals is caused by the relatively high earnings available to young medical and dental specialists in the civilian sector. While it is almost impossible to measure the pay of physicians and dentists in the civilian sector, it is clearly established that civilian specialists in the medical profession can expect to achieve pretax annual net earnings of approximately $40,000 shortly after they enter private practice. Civilian dentists can expect to earn approximately $30,000 annually at a similar career stage. Comparable salaries are already available for certain other health professionals such as optometrists.

The problem that the military now faces in obtaining and retaining sufficient doctors will, in all likelihood, be alleviated within the next 7 to 10 years. This is probable as the number of medical graduates increase from the expanding medical schools of this country, coupled with the scholarship provisions contained in Public Law 92-426 and the military medical university which, in 10 years, will also begin producing doctors and dentists who will have an obligation to serve in the military for 10 years. However, during this interim period, relief must be granted unless we go to a policy of utilizing civilian health facilities, particularly for military dependents and military retirees and their dependents. This has been costed and represents a much higher cost to the Federal Government than the plan envisioned in this bill.

The objective of this bill is to eliminate the gap between the incomes of the civilian and military health career professionals. It does this by improving the rates in the special way for physicians and dentists and by substituting an improved variable retention bonus in place of the former continuation pay. The proposed special pay for physicians and dentists amends existing authority by increasing the rates of special pay for officers with at least 2 years of active duty from $150 to $350 per month rate until he has completed at least 10 years of active duty. In addition, it makes the special pay permanent. The law today links the duration of this special pay to the Military Selective Service Act.

The bonus for officers of the Armed Forces in health professions enables the Secretary of Defense to offer a variable bonus of up to $12,000 yearly, dependent on the severity of the manning problem to officers who execute a written agreement to remain on active duty for a specified number of years. The combined effect of the special pay and the bonus is expected to solve the health professions retention problem. This will permit a significant reduction in the number of professionals required—a corresponding reduction in training investment in improved care for the Armed Forces. The committee included the health professionals in each of the uniformed services based on testimony from the Department of Health, Education, and Welfare that the Office of Management and Budget desired that the 5,800 commissioned officers of the Public Health Service should continue to be entitled to the same rate of pay including special pays that are available to members of the armed services.

The committee action in including the Public Health Service recognizes that the health of the Nation is as important as its security. Further, it felt that the Public Health Service should not be placed at an obvious disadvantage in not having the ability in a free market to reasonably compete for the health professionals that it must attract.

SUMMARY OF ADVANTAGES OF THIS PROGRAM

First. Experience with the bonus for enlisted infantry, artillery and armor shows direct effect on enlistment.

Second. Cost effective: extends years of initial or subsequent obligation to get a return on training the individual—pays for itself and saves money besides.

Third. Cost effective: paid only to selected groups in short supply when needed, rather than wasteful payment to groups who are already in sufficient supply.

Fourth. Cost-effective: it focuses the money on the decision points, rather than ephemeral future payments.

Fifth. While pay raises last year are generally sufficient—special pay is needed in hard to attract and retain skilled individuals. Thus, it seeks to maximize quality.

Sixth. Establishes principle of paying a wage-differential as in the civilian sector. As the committee report said:

> The bonus is attractive to the individual, it provides him a guaranteed amount offered in a lump sum of a sizable amount. In this light, the bonuses provided may be viewed as a prepaid wage differential based on the qualifications of the individuals and the needs of the Armed Services.

Seventh. Insures smooth and successful transition period into all-volunteer force.

Eighth. No runout costs, as some current programs contain. Can be started and stopped efficiently.

Ninth. Final piece of compensation legislation to achieve an all-volunteer force.

Tenth. Full package concept—covers the full needs anticipated, each part relying on the others to supplement it so no important sector is discriminated against.

IV. COSTS

A. BUDGET

The annual fiscal year 1973 cost of the Uniformed Special Pay Act was $198.7 million. Considering a November 1 implementation date, the fiscal year 1973 cost will be $139.2 million.

This is a savings of $237.2 from the originally budgeted figure.

B. BREAKDOWN

	Fiscal year—		
	1973	1974	1975
Enlistment incentive	15.5	62.0	108.5
Selective reenlistment incentive	1.1	2.3	—3.7
Officer continuation incentive	15.0	26.0	26.0
Reserve Forces incentives	79.6	85.4	107.1
Health professions incentives	28.0	28.0	40.0
Total	139.2	203.7	277.9

C. SAVINGS

The construction of these programs will actually produce some savings. For instance, in the selective reenlistment plan, the following figures compare the current program costs with the proposed program costs.

SAVINGS TO BE DERIVED FROM IMPLEMENTATION OF THE SELECTIVE REENLISTMENT BONUS PROGRAM

Fiscal year	Proposed program	Current program	Difference
1973 (annual)	$535.8	$533.5	+$2.3
1974	510.1	533.5	−23.4
1975	478.2	533.5	−55.3
1976	430.4	533.5	−103.1
1977	390.3	533.5	−143.2

Note: These figures include additional savings from the phase-out of the shortage specialty—proficiency pay program.

Additional savings can be seen in comparing the cost per productive man year with the training cost savings derived from enlistees who take the bonus but who enlist for a longer term. See the following table:

TRAINING COST SAVINGS BY EMPLOYMENT OF THE ENLISTMENT BONUS TO GAIN ADDITIONAL INITIAL OBLIGATED SERVICE

	Training cost	Cost per productive man-year (3-year enlistment)[1]	Cost per productive man-year (4-year bonus enlistment)[2]	Training cost savings per each 4-year bonus enlistment
PRESENT				
Army mos:				
11B—Infantryman	$9,853	$3,941	$3,244	$2,418
11E—Armor crewman	16,764	6,706	5,218	5,208
13B—Field artillery crewman	15,908	6,363	4,974	4,862

	Training cost	Cost per productive man-year (4-year enlistment)[3]	Cost per productive man-year (6-year bonus enlistment)[4]	Training cost savings per each 6-year bonus enlistment
PROPOSED				
Air Force AFSC:				
316X0—Missile systems analysis	13,927	4,285	2,843	7,570
404X0—Precision photo systems repairman	8,361	2,389	1,702	3,778
904X0—Medical laboratory specialist	18,966	5,836	3,803	10,673

[1] 3-year enlistment. Productive time is 2½ years because 6 months are devoted to initial training.

[2] 4-year enlistment with $1,500 bonus. Productive time is 3½ years because 6 months are devoted to initial training.

[3] 4-year enlistment. Productive time is 3½ years (404X0) and 3¼ years (316X0 and 904X0) because 6 and 9 months respectively are devoted to initial training.

[4] 6-year enlistment with $1,000 bonus. Productive time is 5½ or 5¼ years because similar time is devoted to initial training.

In conclusion, Mr. Speaker, we must acknowledge the primary role played by the Armed Services Committee in the movement toward an all-volunteer force. In the spring of 1971, the distinguished chairman of the committee (Mr. Hébert) held extensive hearings on the draft. While the gentleman from Louisiana (Mr. Hébert) might have held some reservations about the feasibility of ending the draft, he demonstrated an open-minded approach to the desirability of such a move, by promoting a doubling of the Defense Department's pay recommendation. His initiative led to a generally competitive wage scale for our men and women in uniform.

Subsequently, he appointed a variety of subcommittees to investigate military manpower policy. Mr. Pike's subcommittee has produced an excellent report on personnel utilization, which has prompted the military to make greater use of women in the services. Under the guidance of the gentleman from Virginia (Mr. Daniel), and the gentleman from New Jersey (Mr. Hunt), the Subcommittee on Recruiting and Retention has laid the groundwork for a host of reforms, including many of the items contained in the legislation before us. Members of the committee were quite active in the recent debate on the civilianization program. And we owe a particular debt of gratitude to Chairman Hébert and Subcommittee Chairman Fisher for bringing this matter before the House. As I noted in my testimony before the Armed Services Committee:

> Although it is late in the session, I am impressed by the diligence of the subcommittee in scheduling these comprehensive hearings. Knowing of Subcommittee No. 2's track record—in the past under Chairman Hébert, and presently under my distinguished colleague from Texas (Mr. Fisher)—I am fully confident that this important legislation will be enacted during the 92d Congress.

Mr. Speaker, as this measure gains the approval of the House, we shall have accomplished our part in ending the draft. I know there is considerable interest in the Senate in the special pay bill, and I am hopeful that our full support for this measure will encourage the other body to act expeditiously.

Mr. BENNETT. Mr. Speaker, I rise in strong support of H.R. 16924, which is identical to legislation I have co-sponsored. Much progress has been made in the effort to achieve an all-volunteer armed force. The Department of Defense, however, is now experiencing problems in certain critical skill areas and in retaining qualified professionals, particularly in the health field. I am happy that this legislation which carries with it the support of the Department of Defense and the Office of Management and Budget is now receiving attention by the Congress.

The Uniformed Services Special Pay Act of 1972 brought pay levels to an area in which they are reasonably competitive with pay in civilian economy. It is now being found, however, that for certain skills and professions a premium salary can be commanded in the civilian sectors. This places individuals in the military service in a position of receiving significantly lower compensation for their services than experienced in the civilian sector. The Department of Defense needs an incentive in addition to the 1972 pay bill to attract and to retain members with special qualifications and skills.

This legislation will also assist in regard to other critical personnel shortages, now at approximately 50,000, in the National Guard and the Reserve Forces.

This legislation has several important sections, but in capsule form it would provide an enlistment bonus of up to $3,000 for at least a 3-year enlistment to individuals who enlist in combat elements. It would provide for a bonus of up to $2,200 for a 6-year enlistment or reenlistment for those with critical skills in the selected Reserve or the Ready Reserve, or $1,100 maximum for enlistment or reenlistment in an area not considered critical. A total lifetime maximum bonus of $3,000 is stipulated for any one individual.

One of the greatest areas of difficulty in regard to retention at the current time is in the area of health care professionals. The discrepancy between this individual's income in the military and in civilian life is becoming greater every day. This legislation seeks to remedy this situation by improving the rates of special pay for physicians and dentists and by substituting an improved variable retention bonus in place of the former continuation pay. The bill increases special pay for all officers in these categories from $150 per month to $350 per month. However, the $350 rate would not be available until a physician or dentist had completed 10 years of active military duty. This proposed bonus for individuals in the health professions in the military would enable the Secretary of Defense to offer a variable bonus depending upon the severity of the situation and the number of years an individual is willing to remain on active duty.

I believe that this legislation will significantly reduce the number of professionals leaving the service every year and will tie in very well with H.R. 2 which was recently enacted and which provides for an armed forces medical college.

Finally, the bill sets up a selective reenlistment bonus. Existing laws now offer a variety of measures to cope with these problems, such as a regular reenlistment bonus and a variable reenlistment bonus and a shortage specialty bonus referred to as proficiency pay. The fact is that even in combination these incentives have not proven to be fully adequate in solving all the enlisted retention problems. This legislation combines the most desirable features of the regular reenlistment and variable reenlistment bonuses into the selective reenlistment bonus. This incentive is flexible and it can be varied as to the amount of payment and skill entitled. Members reenlisting in overmanned skills would not be entitled to a bonus.

I sincerely hope that this needed legislation can pass without a dissenting vote.

Mr. SEIBERLING. Mr. Speaker, I rise in support of H.R. 16924, the Uniformed Services Special Pay Act.

Passage of this bill marks a crucial step toward ending the draft and achievement of an all-volunteer military force.

In the report on "Progress in Ending the Draft and Achieving the All-Volunteer Force," prepared by the Defense Department and issued in August, Secretary of Defense Laird is quoted as saying:

> We are in reach of achieving an All-Volunteer Force composed of 2.3 million active duty and 1 million Selected Reserve Members.

And President Nixon, commenting on the report, predicted that—

> We will be able, as planned, to eliminate entirely by July 1973 any need for peacetime conscription into the Armed Forces.

This is hopeful and most welcome news. However, both President Nixon and Secretary Laird, reflecting the findings of the report, made it very clear that manpower and recruitment problems still exist, and that the goal of an all-volunteer force by July 1973 may be jeopardized if these problems are not solved in the next 9 months.

The solution lies in the bill before us today. H.R. 16924 provides the Department of Defense with the authority they need to close the manpower gap, primarily by the use of incentives and bonuses, and to make an all-volunteer force a reality. Specifically, the bill would—

Extend the enlistment incentive, now authorized only for combat arms, to all military specialties. This will enable the military to compete for skilled young men to fill technical jobs;

Provide enlistment and reenlistment incentives for the Reserves. These forces are now 50,000 below strength, and the use of incentives will preclude need for conscription into the Reserves;

Provide selective reenlistment bonus for highly skilled military personnel. This provision will actually save money by concentrating retention pay in areas of short supply; and

Provide additional incentive for military doctors, to reduce the financial penalty now imposed upon this profession in the armed services, and to eliminate the "doctor draft."

The provision of incentives for reservists is of particular importance.

Both the Gates Commission report and the Project Volunteer Committee in the Defense Department have emphasized the need to preserve the strength of the Reserves as part of the program to help end reliance on the draft. The August report from the Defense Department states:

> A well-equipped and fully-manned National Guard and Reserve deployable on short notice, is potentially the most economical part of our defense system. An effective Guard and Reserve is also the best guarantee against having to use a peacetime draft in future years.

But the Reserves are in trouble today. Although the active duty force is now at its level of 2.3 million, the Guard and Reserve strengths are nearly 50,000 below the congressionally mandated minimum of 972,674, and that shortage is expected to increase to 90,000 by June 1973. Special efforts clearly must be made to eliminate these shortages and bring the force level up to the minimum.

Achievement of an all-volunteer force should be one of the primary goals of this Congress and this Nation. Both political parties in their 1972 platforms have declared themselves in favor of ending the draft, so we can work together now, rather than against each other, to achieve this goal.

Let us pass this bill today, and make that goal a reality for all of America's sons and daughters.

Mr. GUDE. Mr. Speaker, in 1970 one of my constituents, Mr. H. Phillip Nesbitt, a successful consulting engineer, fell and hit his head on a bus in London. On a return flight to the United States he began hemorrhaging, passed out, and remained unconscious for 3 weeks.

Today, Mr. Nesbitt has no feeling in his legs and cannot get around easily, but he operates a hobby swap and shop store. The shop hires handicapped persons and has traded everything from knitting needles to a full-sized airplane. But everywhere he turned for Federal loans or other governmental assistance to help him in starting his business he was turned down. I became involved in attempting to help Mr. Nesbitt obtain a loan or other assistance, but ran into the same closed doors. Fortunately, private individuals and private sector groups have recognized the problem and have worked to help Mr. Nesbitt.

Due to the glaring need brought to my attention by Mr. Nesbitt and the long-documented plight of sheltered workshops which employ the handicapped, I introduced the Small Business Amendments Act for the Assistance of the Handicapped on August 1, of this year. The purpose of this legislation is to provide special loan assistance to: First, handicapped individuals seeking to start or maintain a small business; and second, sheltered nonprofit workshops which are currently not eligible for assistance through the Small Business Administration.

For the handicapped enterprise, whether profitmaking or nonprofit, the time of repayment for a loan would be extended from 10 to 15 years, the interest rate would be reduced from 5.5 to 3 percent, and loans going through private banks would be guaranteed at 100 percent, rather than 90 percent.

The legislation I have introduced would afford significant benefits to handicapped individuals attempting to overcome their disability. It would also provide much needed financial assistance to the approximately 1,500 sheltered workshops in the United States which employ the handicapped. The bill would enable these workshops to expand to take greater advantage of the Wagner-O'Day Act which grants sheltered workshops priority status in performing certain Government contracts.

Today, the House is considering H.R. 16732, the Small Business Investment Act Amendment of 1972. This legislation includes, in its entirety, the measure I introduced 2 months ago. I strongly urge the passage of this bill. I firmly believe this legislation will provide expanding opportunities for handicapped individuals and numerous sheltered workshops.

The SPEAKER. Without objection, the previous question is ordered on the bill to final passage.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PIKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 35, not voting 58, as follows:

[Roll No. 425]

YEAS—337

Abbitt
Abernethy
Abourezk
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Long, La.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—35

Abzug
Adams
Addabbo
Aspin
Aspinall
Biaggi
Bingham
Brasco
Burleson, Tex.
Burlison, Mo.
Carey, N.Y.
Collins, Tex.
Danielson
Delaney
Dellums
Denholm
Eckhardt
Edwards, Calif.
Fuqua
Griffiths
Hechler, W. Va.
Hicks, Wash.
Holifield
Jacobs
Long, Md.
Mikva
Nedzi
Pike
Podell
Reuss
Roberts
Rosenthal
Satterfield
Scheuer
Teague, Tex.

NOT VOTING—58

Annunzio
Baring
Bell
Blanton
Byrne, Pa.
Caffery
Celler
Chisholm
Clay
Collins, Ill.
Crane
Davis, S.C.
Dingell
Dow
Dowdy
Dwyer
Edwards, Ala.
Evans, Colo.
Galifianakis
Gallagher
Gray
Green, Oreg.
Gross
Haley
Hansen, Wash.
Hathaway
Kuykendall
Link
Lloyd
McClure
McDonald, Mich.
McEwen
Madden
Martin
Matsunaga
Murphy, Ill.
Nichols
Pelly
Peyser
Pickle
Powell
Pucinski
Purcell
Reid
Roncalio
Rooney, N.Y.
Rooney, Pa.
Schmitz
Scott
Steiger, Ariz.
Stokes
Sullivan
Terry
Thompson, N.J.
Vigorito
Wilson, Charles H.
Wylie
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Steiger of Arizona.

Mr. Thompson of New Jersey with Mr. Powell.

Mr. Rooney of New York with Mr. Gross.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Celler with Mr. McEwen.

Mr. Davis of South Carolina with Mr. Kuykendall.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Nichols with Mr. Edwards of Alabama.

Mr. Murphy of Illinois with Mr. Crane.

Mr. Matsunaga with Mr. Martin.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Yates with Mr. Scott.

Mr Clay with Mr. Byrne of Pennsylvania.

Mr. Madden with Mr. McClure.

Mrs. Chisholm with Mr. Gallagher.

Mr. Purcell with Mr. Lloyd.

Mr. Reid with Mr. Peyser.

Mr. Pickle with Mr. Pelly.

Mr. Pucinski with Mr. Stokes.

Mr Hathaway with Mr. Schmitz.

Mr. Vigorito with Mr. Terry.

Mrs. Hansen of Washington with Mr. Wylie.

Mr. Blanton with Mr. Baring.

Mr. Dow with Mr. Collins of Illinois.

Mr. Evans of Colorado with Mr. Galifianakis.

Mrs. Green of Oregon with Mr. Gray.

Mr. Link with Mr. Caffery.

Mr. Haley with Mr. Dowdy.

Mr. Rooney of Pennsylvania with Mr. Roncalio.

Mr. NIX. Mr. ROBERTS, and Mr. SATTERFIELD changed their votes from "yea" to "nay."

Mr. NIX and Mr. DIGGS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FISHER. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS OF 1972

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16732) to amend the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 16732

A bill to amend the Small Business Investment Act of 1958, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Investment Act Amendments of 1972".

SEC. 2. The Small Business Investment Act of 1958, as amended, is further amended as follows:

(a) Sections 103 (3) and (7) are amended by striking "(c)" after "Section 301" at the end thereof.

(b) Section 301 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision of this Act, a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages may be organized and chartered under State business or nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act.

(c) Section 303 is amended—

(1) by inserting the word "private" in the first sentence of paragraph (1) of subsection (b), to read "combined private paid-in capital and paid-in surplus";

(2) by striking the figure "$7,500,000" in the last sentence of paragraph (1) of subsection (b), and inserting the figure "$15,000,000";

(3) by amending paragraph (2) of said subsection (b) to read as follows:

"(2) The total amount of debentures which may be purchased or guaranteed and outstanding at any one time from a company not complying with section 301(d) of this Act, which has investments or legal commitments of 65 per centum or more of its total funds available for investment in small business concerns invested or committed in venture capital, and which has combined private paid-in capital and paid-in surplus of $500,000 or more shall not exceed 300 per centum of its combined private paid-in capital and paid-in surplus. In no event shall the debentures of any such company purchased or guaranteed and outstanding under this paragraph exceed $20,000,000. Such additional purchases or guarantees which the Administration makes under this paragraph shall contain conditions to insure appropriate maintenance by the company receiving such assistance of the described ratio during the period in which debentures under this paragraph are outstanding."

(d) Section 303 is amended by adding the following new subsection:

"(c) Subject to the following conditions, the Administration is authorized to purchase preferred securities, and to purchase, or to guarantee the timely payment of all principal and interest payments as scheduled, on debentures issued by small business investment companies operating under authority of section 301(d) of this Act. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.

"The Administration may purchase—

"(1) shares of nonvoting stock (or other securities having similar characteristics), provided—

"(i) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

"(ii) on liquidation or redemption, the Administration is entitled to the preferred payment of the par value of such securities; and prior to any distribution (other than to the Administration) the Administration may require the preferred payment of the difference between dividends paid thereon and cumulative dividends payable at a rate equal to the interest rate determined pursuant to section 303(b) for debentures with a term of fifteen years, without interest on such difference;

"(iii) the purchase price shall be at par value and, in any one sale, $50,000 or more; and

"(iv) the amount of such securities purchased and outstanding at any one time shall not exceed (A) from a company having combined private paid-in capital and paid-in surplus of less than $300,000 and licensed on or before October 13, 1971, the amount of combined private paid-in capital and paid-in surplus invested after such date, nor (B) from any company having combined private paid-in capital and paid-in surplus of $300,000 or more but less than $500,000, the amount of its combined private paid-in capital and paid-in surplus in excess of $300,000, nor (C) from any company having combined private paid-in capital and paid-in surplus of $500,000 or more, the amount of its combined private paid-in capital and paid-in surplus.

"The Administration may purchase or guarantee—

"(2) debentures subordinated pursuant to subsection (b) of this section (other than securities purchased under paragraph (1) of this subsection (c)), provided—

"(i) such debentures are issued for a term of not to exceed fifteen years;

"(ii) the interest rate is determined pursuant to sections 303(b) and 317; and

"(iii) the amount of debentures purchased or guaranteed and outstanding at any one time pursuant to this paragraph (2) from a company having combined private paid-in capital and paid-in surplus of less than $500,000 shall not exceed 200 per centum of its combined private paid-in capital and paid-in surplus less the amount of preferred securities outstanding under paragraph (1) of this subsection, nor from a company having combined private paid-in capital and paid-in surplus of $500,000 or more, 300 per centum of its combined private paid-in capital and paid-in surplus less the amount of such preferred securities.

"(3) debentures purchased and outstanding pursuant to section 303(b) of this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subparagraph (2)(iii) of this subsection (c).

"(4) the Administration may require, as a condition of the purchase or guarantee of any securities in excess of 200 per centum of the combined private paid-in capital and paid-in surplus of a company, that the company maintains a percentage of its total funds available for investment in small business concerns invested or legally committed in venture capital (as defined in subsection (b) of this section) determined by the Administration to be reasonable and appropriate."

(e) Subsection 304(a) of the Small Business Investment Act of 1958 is amended by inserting "and unincorporated" after "incorporated".

(f) Section 306 is amended (1) by inserting the word "private" in subsection (a) thereof to read "combined private paid-in capital and paid-in surplus" and (2) by repealing subsection (b) thereof.

(g) Title III is further amended by adding thereto new sections to read as follows:

"SEC. 317. Notwithstanding section 303(b), the effective rate in interest after October 13, 1971, during the first five years thereafter of the term of any debenture purchased by the Administration from a business investment company under authority of section 303(c), shall be the greater of 3 per centum or 3 percentage points below the interest rate determined pursuant to section 303(b). The Administration is authorized to apply interest paid to it by such company for the period from October 13, 1971, to the effective date of this section, without interest thereon, to interest payable after such effective date. No company which has received the benefit of this section may make a distribution (other than to the Administration) unless it has first paid to the Administration an amount equal to the difference between the rate of interest payable to the Administration pursuant to the previous sentence, and the rate of interest which would have been payable pursuant to section 303(b).

"SEC. 318. The Administration is authorized to extend the benefits of sections 303(c) and 317 to any small business investment company operating under authority of section 301(d) of this Act, and which is owned, in whole or in part, by one or more small business investment companies, in accordance with regulations promulgated by the Administration.

"SEC. 319. Section 18 of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–18), is further amended by amending subsection (k) to read as follows:

"'(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of subsection (a) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958, and the provisions of paragraph (2) of said subsection shall not apply to such companies so long as such class of senior security shall be held or guaranteed by the Small Business Administration.'"

With the following committee amendment:

On page 8, after line 12, insert the following:

SEC. 3. The Small Business Act as amended is amended as follows:

"(a) Subsection (c) of section 4 of the Small Business Act (15 U.S.C. 633 (c)) is amended by inserting '7 (g),' immediately after '7 (e),' in each of paragraphs (1), (2), and (4) thereof."

"(b) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Administration also is empowered, where other financial assistance is not available on reasonable terms, to make such loans (either directly or in cooperation with Banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate—

"(A) to assist any public or private organization—

"(i) which is organized under the laws of the United States or of any State, operated in the interest of handicapped individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

"(ii) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

"(iii) which, in the production of commodities and in the provision of services during any fiscal year in which it receives financial assistance under this subsection, employs handicapped individuals for not less than 75 per centum of the man-hours required for the production or provision of the commodities or services; or

"(B) to assist any handicapped individual in establishing, acquiring, or operating a small business concern.

"(2) The Administration's share of any loan made under this subsection shall not exceed $350,000, nor may any such loan be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4 (c)(1)(B) of this Act would exceed $350,000. In agreements to participate in loans on a deferred basis under this subsection, the Administration's participation may total 100 per centum of the balance of the loan at the time of disbursement. Any loan made under this subsection shall bear interest at the rate of 3 per centum per annum. The maximum term of any such loan, including extensions and renewals thereof, may not exceed fifteen years. All loans made under this subsection shall be of such sound value or so secured as reasonably to assure repayment: *Provided, however,* That any reasonable doubt shall be resolved in favor of the applicant.

"(3) For purposes of this subsection, the term 'handicapped individual' means a person who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable."

The committee amendment was agreed to.

Mr. PATMAN. Mr. Speaker, the legislation before the House today, H.R. 16732, the Small Business Investment Act of 1972, was reported unanimously by the Banking and Currency Committee.

The legislation was the subject of 3 days of intensive hearings before the Small Business Subcommittee, chaired by Congressman STEPHENS, and following the hearings, a great deal of effort was put in by a number of committee members to come up with a bill that would meet all of the objectives that Congress had outlined for the small business investment company program.

The legislation also establishes a new Small Business Administration lending program to aid handicapped individuals and organizations that aid handicapped individuals, such as sheltered workshops, in obtaining small business concerns. This will be done through loans and guarantees that will be made at a low rate of interest.

Let me take just a few minutes to discuss the major features of this bill. It would establish a new category of SBIC's whose lending policies would consist of investments solely in small businesses that are socially and economically disadvantaged. In drafting the legislation in this manner this committee has removed any suggestion that would limit these companies to so-called minority enterprises which might qualify for assistance based solely on the ownership's race, color, creed or national origin. Instead, your committee contemplates that the term socially or economically disadvantaged will include many companies and individuals including servicemen returning from the Vietnam conflict.

For those SBIC's limiting their investment policies to this area they will benefit by having the Small Business Administration own a portion of their stock if they so desire and will be eligible for interest subsidies on loans during their first 5 years of operation. The bill would allow such SBIC's to be established on a nonprofit basis.

The legislation also provides benefits for regular SBIC's. It raises the maximum amount of Government funding that can be available to SBIC's from the present ceilings of $7.5 and $10 million to ceilings of $15 and $20 million. For those companies with private capital of $5,000 or less, the new ceiling would be $15 million, and for those companies with more than $5,000, the new ceiling would be $20 million. In addition the triggering level for the third dollars of Government funds has been lowered from $1 million in private capital to $500,000. Of course, it will be necessary for the SBIC's to put up $1 for every $3 they are to receive of Government funding. It should also be pointed out that the Government funding is made up of loans and not grants and these loans will be paid at a normal interest rate.

The legislation finally in the SBIC area will allow SBIC's to make equity investments in unincorporated businesses. Since the conception of the SBIC program in 1958, the companies have been able to make loans to unincorporated businesses, but has not been able to make equity purchases. The legislation will now allow this.

And finally as I pointed out earlier the legislation will establish a new SBA lending program to aid handicapped individuals. The loans to these individuals will still have to meet the test that they are of a sound nature or so collateralized as to assure reasonable repayment. However, if there is a borderline case the law provides that the matter will be resolved in favor of the borrower.

I believe the legislation before us today is most important for all American businessmen, since it buttresses both the regular SBIC program and that segment of the SBIC industry which deals exclusively with minority and disadvantaged businesses.

The bill sent up to Congress by the administration confined its attention to the MESBIC program; I believe that the House Banking and Currency Committee has strengthened the legislation by extending two of the provisions of the administration's bill to all SBIC's. This action is most equitable, it seems to me.

When H.R. 16732 becomes law, SBIC's will be able to assist more small companies and they will be able to help more Americans realize their dreams of owning their businesses. By expanding the amount of leverage available under the Small Business Administration's guarantee authority to all SBIC's, I think we will encourage new SBIC's to come into the program—as well as to encourage present SBIC's to expand their ability to invest in qualified and worthy independent firms.

Despite the ups and downs in this new and risky industry, SBIC's have compiled a remarkable record in the less than 14 years they have been in operation. They have disbursed more than $2 billion in some 40,000 financing and SBA records prove that those 40,000 small businesses have made good use of the dollars and the management assistance they have received from SBIC's. They have grown faster in sales and employment than all firms in the country and their profits have also risen far more than the national average.

I strongly urge my colleagues to support this well-deserved expansion of the SBIC program.

Mr. Speaker, I would also like to point out at this point that one of the problems faced by military credit unions when making a loan on a serviceman newly assigned to their installation is how to determine if the individual is a satisfactory credit risk. For example, the serviceman may have been recently transferred to the United States from Germany and it might take days, even weeks, to check his credit.

The Credit Union is then faced with a choice of giving the serviceman a loan on virtually a blind basis or waiting until a credit check has been completed. The risk here, however, is the serviceman may decide to obtain a loan from a high-rate lender who, because of the enormous interest charges, can afford to absorb losses. Another danger is that in the past some unscrupulous lenders have preyed upon credit unions in obtaining fraudulent loans which in many cases have amounted to thousands of dollars.

In one recent case a woman posing as a widow of a retired Army officer defrauded several credit unions across the country out of thousands of dollars under the guise that she needed a loan immediately for a cataract operation for her mother.

LOAN APPROVAL EXPEDITED

The military credit unions, working with a private corporation, have now come up with a system that will solve these problems and will allow a military borrower in many instances to get on-the-spot, if not overnight, loan approval.

The nationwide program, put together by Inter-Service Creditbank, a division of MPS International Corporations of New York City will eventually tie in all military credit unions with a central computer in New Jersey that will store credit information on military borrowers. The plan has been cleared by the Federal Trade Commission so that it does not conflict in any way with the Fair Credit Reporting Act. The system will not store any information other than repayment characteristics and will not make a decision for the credit unions, but will, instead, allow the credit unions to make its own decision after reviewing the credit bank information. The system has two major advantages. It will enable servicemen to obtain loans with virtually no delay and will make certain that credit unions are not victimized by unscrupulous borrowers who have no intention of repaying their obligations. The information from the credit bank will be available only in connection with a bona fide financial transaction and will be updated periodically so that there is no possibility that a serviceman will have erroneous information in his account. And, of course, any serviceman who is denied a loan based on credit information supplied to the credit union will have the opportunity to review his credit file to make certain that it does not contain any erroneous information.

DEFENSE CREDIT UNION COUNCIL APPROVED

The system, which will go into operation shortly, has been well received in the Defense Credit Union community. The first credit union to sign up for the service is Security Federal Credit Union of Portsmouth, N.H., which was formerly called Pease Air Force Base Credit Union. I think the significance of the program and the effect it will have on servicemen is highlighted by the fact that the manager of the Security Federal Credit Union, Mr. Richard H. Grant, is the former president of the Defense Credit Union Council and now serves as the Chairman of the National Credit Union Board, a post he was selected for by the President and confirmed by the Senate. In conclusion, Mr. Speaker, let me point out that if military credit unions can reduce their losses below their already excellent record it will mean that even more funds will be available for lending and servicemen will be kept out of the clutches of loan sharks and high-rate finance companies. Inter-Service Creditbank appears to provide the solution to that problem.

Mr. STEPHENS. Mr. Speaker, the basic purpose of H.R. 16732 is to give legislative recognition and additional powers to a program of assistance for disadvantaged persons who wish to own a business. Three years ago, the Small Business Administration initiated the minority enterprise small business investment company program—called the MESBIC program for ease of reference. SBA utilized powers given it by the Small Business Investment Act of 1958 to establish and regulate the MESBIC industry.

On several occasions during these 3 years, the House Banking and Currency Committee and its Small Business Subcommittee have studied the workings of the MESBIC concept and have received testimony from SBA officials about it. The most recent investigation came on June 21, 22, and 23 of this year when the Small Business Subcommittee received testimony from SBA and Commerce Department officials and from representatives of the trade associations composed of SBIC's and MESBIC's.

Following its hearings, the subcommittee approved H.R. 16024, with amendments, for consideration by the Banking and Currency Committee. These amendments were contained in H.R. 16732, a clean bill introduced on September 19 by Congressman J. WILLIAM STANTON and myself. H.R. 16732 was favorably reported by the full committee on September 20 by a vote of 20 to 0 with one Member voting "present."

Before proceeding to the contents of the bill, I note that a similar bill, S. 3337, was passed by the Senate on September 13, 1972.

House Report 92–1428, accompanying H.R. 16732, points out that there are six major provisions of this legislation. I will take a few minutes to summarize these features.

First, H.R. 16732 gives specific authorization for a program of assistance for persons "whose participation in the free enterprise system is hampered, because of social or economic disadvantages." This program will be built upon the existing MESBIC program, but the committee wished to emphasize that the undertaking should extend to all disadvantaged persons, not merely to those who are handicapped because they are members of minority races. We believe this will broaden the impact of the program.

Incidentally, I shall use the term "limited SBIC's," as it was used in the committee report, in referring to those companies which have been licensed for the sole purpose of assisting disadvantaged persons.

H.R. 16732 does not contain specific language defining what is meant by "disadvantaged persons." The committee believes it is sound policy to leave such details to administrative regulation, SBA already has the responsibility for defining what is a small business for all of its programs and also has guidelines covering "disadvantaged persons" for its regular financial assistance operations. I am certain SBA will be able to utilize, or refine, that definition for the purposes of carrying out the congressional mandate given in H.R. 16732.

The second major provision of H.R. 16732 addresses itself to the most serious problem which has plagued MESBIC's during the past 3 years. This is the high operating costs of an SBIC serving the riskiest segment of the small business community. Experience has shown that businesses by members of minorities or by other disadvantaged persons generally require a great deal of management counseling, as well as the equity capital and long-term credit traditionally supplied by SBIC's. To offset this higher cost, H.R. 16732 authorizes matching funds to be provided to limited SBIC's by SBA. A novel element of the bill permits SBA to purchase preferred stock in certain of these limited SBIC's. Basically, limited SBIC's with private capital of $500,000 or more will be able to sell $1 worth of preferred stock for each dollar of its private capital. Limited SBIC's with private capital of less than $500,000 could qualify to sell varying amounts of preferred stock to SBA.

This preferred stock will carry a cumulative dividend rate of 3 percent.

In addition, limited SBIC's will be authorized to sell subordinated debentures to SBA and these debentures may carry an interest rate lower than the cost of money to the Federal Treasury which is the mandatory interest rate for regular SBIC's. The subsidy will be an annual rate of 3 percent, but in no event may the effective rate be less than 3 percent. This subsidy, however, will be given only for the first 5 years of the life of the debenture.

The legislation contains safeguards which guarantee that the owners of limited SBIC's do not make a profit as a result of this low-cost leverage.

The committee believes that more limited SBIC's will be formed and existing limited SBIC's will expand their capital and their operations as a result of these provisions. This will bring substantially greater assistance to disadvantaged businessmen.

The third major feature of H.R. 16732 permits the organization and chartering of limited SBIC's under State nonprofit corporation laws. This power will allow foundations to invest in limited SBIC's and will encourage outright gifts to such companies.

The committee was concerned that the liberalizations granted to limited SBIC's would result in inequitable treatment for regular SBIC's which also have a most important role to play in our free enterprise system. For that reason, the committee recommends passage of the fourth provision of H.R. 16732 which allows SBA to provide, through its guarantee power, additional leverage for larger SBIC's. Under current law, SBA can leverage regular SBIC's only until they have private capital of about $3.7 million. We recommend that figure be doubled in order to encourage regular SBIC's to commit more dollars to the program. In addition, the committee bill recommends that "venture capital" leverage be given to qualifying regular SBIC's which have private capital of $500,000 or more. At present, only SBIC's with private capital above $1 million are eligible for this third tier of leverage.

The fifth feature of H.R. 16732 is designed to encourage all SBIC's to make more dollars available to the truly small businesses, those which are unincorporated. At present, SBIC's may invest only in incorporated firms; your committee recommends that all SBIC's be permitted to make equity-type financing available for proprietorships and partnerships.

Finally, the bill would establish a new loan program in SBA to provide loans or guarantees for handicapped persons or for organizations which operate in the interest of handicapped persons. This section of H.R. 16732 enables SBA to give the benefit of the doubt to such loan applicants. This is not a new departure for SBA, since it already has such latitude in the case of disaster loans and trade adjustment loans. This action will not require an additional appropriation or authorization.

Before concluding, I wish to state that the cost of this new legislation will be minimal. The Small Business Administration estimates that the cost of the preferred stock and subsidized debentures for limited SBIC's will be about $1.5 million annually for those companies now in operation. Increasing the leverage potential for regular SBIC's will require no added appropriation, since all funds for such SBIC's are raised through sales of debentures to the public, rather than through direct purchase by SBA.

These, then, are the major aims and provisions of H.R. 16732. We believe this legislation draws upon the experience of the past and is sound. More importantly, we believe strongly that the powers conferred in this bill give a major new thrust in our never-ending search for methods to guarantee that every American has a full opportunity to participate in the free enterprise system which has brought so many advantages to our Nation.

Mr. FRENZEL. Mr. Speaker, in a nation such as ours, free enterprise is an essential backbone to a strong economy. We pride ourselves in the concept of equal opportunity for individuals to participate in this free enterprise system. Unfortunately many are not able to compete because of social or economic disadvantages. Because of these circumstances, we are left without the contributions of many talented people to our economy.

The major provisions of H.R. 16732 provide the means by which the Small Business Administration may provide matching funds to the high-risk MESBIC's. The amendments to the Small Business Investment Act of 1958 would provide greater opportunity for people who have until now been excluded due to social or economic circumstances, or because of personal handicaps, to become active participants in the free enterprise system.

Mr. REUSS. Mr. Speaker, throughout the past 20 years, the Congress of the United States has passed a series of bills designed to promote the health and vigor of the small business segment of our economy. During the Korean war, Congress established the Small Defense Plants Administration which, with broader powers, became the Small Business Administration in 1953. In 1958 it was a bumper year for small-business legislation, because we made SBA a permanent agency of the Federal Government, we set up the SBIC program under the Small Business Investment Act, and we made several significant changes in the Internal Revenue Code to assist smaller companies.

Other milestone legislation has been passed during the past decade, but I feel the step we are about to take today—the passage of H.R. 16732—will rank with our earlier actions in its long-range importance. This measure is designed to give thousands of disadvantaged persons their first real opportunity to take a full-fledged role in our economic system. Blacks in our cities and in our rural areas, Puerto Ricans facing language barriers, Mexican Americans in the West and Southwest, and white Americans hampered by poor education and stagnant economies in depressed regions—all these, and more, have been bypassed during the past 25 years of general prosperity and economic advance.

Obviously, we shall not solve these major problems merely by passing a law. The struggle for equality of economic opportunity will be a long and difficult one, but I urge my colleagues to begin the journey today by voting in favor of H.R. 16732.

Mr. SHRIVER. Mr. Speaker, I support suspension of the rules today in order that the House can take prompt action on H.R. 16732, the Small Business Investment Act Amendments.

I especially support the provisions which have been added to this bill to provide financial assistance to handicapped small businessmen and to sheltered workshops. These provisions are the same as H.R. 16396, a bill I cosponsored on August 16 with Congressman GILBERT GUDE of Maryland.

Handicapped businessmen have encountered unnecessary and unfair difficulties in their attempt to obtain loans for their operations. These businessmen and the sheltered workshops throughout the country which employ handicapped persons play an important role in the rehabilitation efforts of many Government and private agencies. They should be encouraged by all possible methods available to the Federal Government, and this is what our bill is designed to accomplish.

Under the provisions which have now been added to H.R. 16732 the Small Business Administration could offer loans to handicapped businessmen at a 3-percent interest rate for up to 15 years. Just as important, loans to these businessmen from private banking institutions would be guaranteed at 100 percent, rather than the present 90 percent.

I understand that all of the major rehabilitation organizations in the country have expressed their support for this special loan program. I strongly urge suspension of the rules on this bill so that the Federal Government can take this additional step to aid in the rehabilitation of handicapped Americans.

Mr. GUDE. Mr. Speaker, in 1970 one of my constituents, Mr. H. Phillip Nesbitt, a successful consulting engineer, fell and hit his head on a bus in London. On a return flight to the United States he began hemorrhaging, passed out, and remained unconscious for 3 weeks.

Today, Mr. Nesbitt has no feeling in his legs and cannot get around easily, but he operates a Hobby Swap and Shop Store. The shop hires handicapped persons and has traded everything from knitting needles to a full-sized airplane. But everywhere he turned for Federal loans or other governmental assistance to help him in starting his business he was turned down. I became involved in attempting to help Mr. Nesbitt obtain a loan or other assistance, but ran into the same closed doors. Fortunately, private individuals and private sector groups have recognized the problem and have worked to help Mr. Nesbitt.

Due to the glaring need brought to my attention by Mr. Nesbitt and the long documented light of sheltered workshops which employ the handicapped, I introduced the Small Business Amendments Act for the assistance of the handicapped on August 1, of this year. The purpose of this legislation is to provide special loan assistance to first, handicapped individuals seeking to start or maintain a small business, and second, sheltered nonprofit workshops which are currently not eligible for assistance through the Small Business Administration.

For the handicapped enterprise, whether profitmaking or nonprofit, the time of repayment for a loan would be extended from 10 to 15 years, the interest rate would be reduced from 5.5 to 3 percent, and loans going through private banks would be guaranteed at 100 percent rather than 90 percent.

The legislation I have introduced would afford significant benefits to handicapped individuals attempting to overcome their disability. It would also provide much needed financial assistance to the approximately 1,500 sheltered workshops in the United States which employ the handicapped. The bill would enable these workshops to expand to take greater advantage of the Wagner-O'Day Act which grants sheltered workshops priority status in performing certain Government contracts.

Today, the House is considering H.R. 16732, the Small Business Investment Act Amendment of 1972. This legislation includes, in its entirety, the measure I introduced 2 months ago. I strongly urge the passage of this bill. I firmly believe this legislation will provide expanding opportunities for handicapped individuals and numerous sheltered workshops.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS OF 1972

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the Senate bill (S. 3337) to amend the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Enterprise Small Business Investment Act of 1972".

SEC. 2. The Small Business Investment Act of 1958, as amended, is further amended as follows:

(a) Section 103 is amended

(1) by striking "and" from paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and "; and

(3) by adding the following new paragraph:

"(8) the term 'minority enterprise small business investment company', hereinafter called MESBIC, means a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

(b) Title III of the Small Business Investment Act of 1958, as amended, is further amended by designating sections 301 through 316 thereof as "PART A.—SMALL BUSINESS INVESTMENT COMPANIES".

(c) Section 301 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision of this Act, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act.".

(d) Section 302 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law, shares of stock or other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 per centum limitation of subsection (b)(1) of this section, MESBIC's shall not be deemed ineligible for any assistance under this Act because of such purchases."

(e) Section 303 of the Small Business Investment Act of 1958 is amended—

(1) by striking the figure "$7,500,000" in the last sentence of paragraph (1) of subsection (b) and inserting in lieu thereof the figure "$15,000,000", and

(2) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The total amount of debentures which may be purchased or guaranteed and outstanding at any one time from a company which has investments or legally binding commitments of 65 percent or more of its total funds available for investment in small business concerns invested or committed in venture capital, shall not exceed (A) from a company having combined private paid-in capital and paid-in surplus ('capital') of less than $500,000, 200 per centum of its capital, and (B) from a company having capital of $500.000 or more, 300 per centum of its capital. In no event shall the debentures of any such company purchased or guaranteed and outstanding under this paragraph exceed $20,000,000. Such additional purchases or guarantees which the Administration makes under this paragraph shall contain conditions to insure appropriate maintenance by the company receiving such assistance of the described ratio during the period in which debentures under this paragraph are outstanding."

(f) Title III is further amended by adding thereto a new part B as follows:

"PART B. MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES

"SEC. 317. To encourage the formation and growth of MESBIC's the Administration is authorized to purchase the securities of any such MESBIC, subject to the following conditions:

"(a) Shares of nonvoting stock (or other securities having similar characteristics), provided—

"(1) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

"(2) on liquidation or redemption, the Administration is entitled to the preferred payment of the par value of such securities and may require the preferred payment of the difference between dividends paid and cumulative dividends payable at a rate equal to the interest rate determined pursuant to section 303(b) for debentures with a term of fifteen years, without interest on such difference;

"(3) the purchase price shall be par value and, in any one sale, $50,000 or more;

"(4) the amount of such securities purchased and outstanding at any one time shall not exceed (A) from a MESBIC having combined private paid-in capital and paid-in surplus ("capital"), of less than $300,000 and licensed on or before October 13, 1971, the amount of capital invested after such date, nor (B) from any MESBIC having capital of $300,000 or more but less than $500,000, the amount of its capital in excess of $300,000, nor (C) from any MESBIC having capital of $500,000 or more, the amount of its capital.

"(b) Debentures subordinated to any other debts and obligations of a MESBIC (other than securities purchased under subsection (a) of this section), provided—

"(1) such debentures are issued for a term of not to exceed fifteen years:

"(2) the interest rate is determined pursuant to sections 303(b) and 318;

"(3) the amount of debentures purchased and outstanding at any one time from a MESBIC having capital of less than $500,000 shall not exceed 200 per centum of its capital less the amount of preferred securities outstanding under subsection (a) of this section, nor, from a MESBIC having capital of $500,000 or more, 300 per centum of its capital less the amount of such preferred securities.

"(c) Debentures purchased and outstanding pursuant to section 303(b) or this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subsection (b)(3) of this section.

"(d) The Administration may require, as a condition of the purchase of any securities from a MESBIC in excess of 200 per centum of its capital, that the MESBIC achieve and thereafter maintain a ratio of loans to venture capital (as defined in section 303) determined by the Administration to be reasonable and appropriate.

"Sec. 318. Notwithstanding section 303(b), the effective rate of interest after October 13, 1971, during the first five years thereafter of the term of any debenture purchased by the Administration from a MESBIC shall be the greater of 3 per centum or 3 percentage points below the interest rate determined pursuant to section 303(b). The Administration is authorized to apply interest paid to it by such MESBIC for the period from October 13, 1971, to the effective date of this section, without interest thereon, to interest payable after such effective date. No MESBIC which has received the benefit of this section may make a distribution (other than to the Administration) unless it has first paid to the Administration an amount equal to the difference between the rate of interest payable to the Administration pursuant to this section, and the rate of interest which would have been payable pursuant to section 303(b).

"Sec. 319. The provisions of part A shall apply in the administration of this part: *Provided, however,* That the provisions of section 303(b) shall not be applicable to this part except as specifically provided in this part."

Sec. 2. Section 18 of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–18), is further amended by amending subsection (k) to read as follows:

"(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958, and the provisions of paragraph (2) shall not apply to such companies so long as such class of senior security shall be privately held by the Small Business Administration and not intended to be publicly distributed.".

AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Patman: Strike out all after the enacting clause of S. 3337 and insert in lieu thereof the provisions of H.R. 16732, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16732) was laid on the table.

YOUTH CONSERVATION CORPS PILOT PROGRAM

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16563) to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. ESCH. Mr. Speaker, reserving the right to object, and I will not object, I want to recognize the work of the chairman of this committee.

Mr. Speaker, I am pleased to rise in support of the Youth Conservation Corps Amendments of 1972. As an original cosponsor of this legislation and as one who has worked many hours to see this program successfully implemented, I am convinced that the amendments to this act will go a long way toward attaining the original goal established in the act.

At this point in my remarks I would like to take the opportunity to extend a special note of thanks to the distinguished chairman of our subcommittee, Mr. Daniels, and to the distinguished gentleman from Washington (Mr. Meeds) for their continued efforts in support of the Youth Conservation Corps program. Mr. Meed's leadership on this legislation has been especially helpful.

The depth of support for this measure is almost unparalleled. A similar bill passed the Senate unanimously and in a rare instance of unanimity, indeed, passed the Education and Labor Committee unanimously also.

This proposal provides for significant increases in funding over the next 2 years. It also establishes the program on a permanent basis. The efficacy of this has been well demonstrated by individual programs across the Nation. Also established in the bill is a new pilot program on the State lands which provides for services similar to the Federal program in State parks and conservation areas.

The real value of the YCC program comes back to all of us in two ways. First, benefits accrued to those young Americans serving in the YCC. Obviously, the benefits of performing a national service and improving our environment are most evident from conversations with YCC members. They are very enthusiastic and their accomplishments are significant. In testifying before our committee, witnesses from the Department of the Interior stated that the return investment for a Youth Conservation Corps project was $0.75 on the dollar. This kind of return on our investment is rare indeed in any program. May I ask all of my colleagues to join in supporting this legislation today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16563

A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1970 (84 Stat. 794) is amended to read as follows:

"POLICY AND PURPOSE

"Section 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

"YOUTH CONSERVATION CORPS

"Sec. 2. (a) To carry out the purposes of this Act, there is established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, possessions, or trust territories, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months, without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining the lands and waters of the United States under his jurisdiction.

"(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

"SECRETARIAL DUTIES AND FUNCTIONS

"Sec. 3. (a) In carrying out this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

"(1) determine, with other Federal agencies, the areas under the administrative jurisdiction of the Secretaries which are appropriate for carrying out programs using members of the Corps, and determine and select appropriate work and education programs and projects for participation by members of the Corps;

"(2) determine the rates of pay, hours, and other conditions of employment in the Corps, except that members of the Corps shall not be deemed to be Federal employees other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

"(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties;

"(4) promulgate regulations to insure the safety, health, and welfare of the Corps members; and

"(5) provide, to the extent possible, that permanent or semipermanent facilities used as Corps camps be made available to local schools, school districts, State junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of nonuse by the Corps program.

Costs for operations, maintenance, and staffing of Corps camp facilities during periods of use by non-Corps programs as well as any liability for personal injury or property damage stemming from such use shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

"(b) Whenever economically feasible, existing but unoccupied Federal facilities and surplus or unused equipment (or both), of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

"(c) The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project.

"PILOT GRANT PROGRAM FOR STATE PROJECTS

"SEC. 4. (a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a pilot grant program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term 'States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"(b) (1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

"(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall (i) have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or the Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

"(B) such other information as the Secretaries may jointly by regulation prescribe.

"(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1), and (B) are for projects which will further the development, preservation, or maintenance of non-Federal public lands or waters within the jurisdiction of the applicant.

"(c)(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project.

"(2) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretaries find necessary.

"(d) Thirty per centum of the sums appropriated under section 6 for any fiscal year shall be used for making grants under this section for such fiscal year.

"SECRETARIAL REPORTS

"SEC. 5. The Secretary of the Interior and Secretary of Agriculture shall annually prepare a joint report detailing the activities carried out under this Act and providing recommendations. Each report for a fiscal year shall be submitted concurrently to the President and the Congress not later than one hundred and eighty days following the close of that fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated amounts not to exceed $30,000,000 for fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974, to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act. Notwithstanding any other provision of law, funds appropriated for any fiscal year to carry out this Act shall remain available for obligation and expenditure until the end of the fiscal year following the fiscal year for which appropriated."

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of H.R. 16563 to amend the Youth Conservation Corps. This deliberative body has often been the setting—as it should be—for many a heated debate on Federal programs. But rarely have I seen the accord from all parties involved as I have witnessed while evaluating the Youth Conservation Corps. The success of this program was described by the Departments of Interior and Agriculture, by camp personnel, by environmental groups and, most revealingly, by the corpsmen themselves. The effectiveness of the YCC was not merely a consensus opinion, it was enthusiastic agreement.

I believe that unanimous, bipartisan endorsement was given because the objectives Congress meant to achieve were really accomplished:

That the employment of youth in the outdoors would install an appreciation for our national environment; and

That this would further the maintenance of our natural resources.

YCC has done this; $1.8 million in services were returned from the 1971 investment of $2.5 million. For every $1 spent, the Federal Government was repaid 73 cents in improvements on its public lands and waters. Twenty-seven hundred youths aged 15 to 18 employed for 90 days in 64 camps throughout the country cleared stream banks, built new shelters and facilities, tended fish hatcheries, and planted trees.

The young men and women also received 500,000 hours of learning experience in natural resource conservation and environmental education. The Corps members who testified before my subcommittee were very impressed with their experience. Many intend to return to the corps and are seriously considering conservation work as a career.

The University of Michigan's Institute for Social Research which studied the 1971 project found high satisfaction among the participants, and concluded that the program met Congress' intentions. The dropout rate was only 4 percent, and many of these corpsmen were forced to leave for medical reasons.

The Youth Conservation Corps Act (Public Law 91-378) has authorized $3.5 million for the 1972 program, which Congress appropriated, to expand somewhat the number of enrollees. Costs per youngster were $1,103 in 1971 and are expected to rise to about $1,200 per person this year with the purchase of new equipment.

But this is not enough. A small expansion is not significant when we realize that with little publicity last year: 124,000 applications were received for 2,600 positions; and the applications for staff positions were four times greater than the places available.

The forest service testified at the 2 days of hearings the subcommittee held on May 24 and 25 that they have already identified 731 projects that need doing, not make-work projects, but regular maintenance and improvement. They have enough work for 30,000 youths.

H.R. 16563 seeks mainly to amend YCC to bring this opportunity to more people—that same group that experienced a 15.5 percent unemployment rate last summer. Our amendment would—

Expand the Corps in two stages, $30 million for about 25,000 places in fiscal 1973 and $60 million for fiscal 1974;

It would allow the States to receive Federal cost-sharing grants of up to 80 percent for similar pilot programs on lands or waters within State jurisdiction. This change is especially important to many of the Eastern States who have little Federal lands;

It would release the Corps from any yearly appropriation be given in grants to the States; and

It would release the corps from any injury or property liability when their facilities are used by other groups.

According to existing law, the following provisions will remain:

Corps members will be aged 15 to 18 and will comprise a mix of the sexes and of all social, economic, and racial groups;

The Secretaries of Interior and Agriculture shall still determine the work and education programs, determine the rates of pay, provide necessary equipment, transportation, and services, promulgate safety and health regulations, and submit an annual report to Congress.

I cannot say too strongly to my colleagues how important a successful youth program is to this country, especially at a time when disillusionment is so prevalent. The Youth Conservation Corps has become an all-too-infrequent phenomenon—a Government program that met urgent needs and fostered understanding. YCC has not only given credibility in the sincerity and the competence of Government officials to young men and women, but it has also given us a lesson about them. They are spirited, hard-working Americans looking for a worthwhile outlet for their boundless energies. And they are very interested in doing something constructive for their country.

In conclusion, Mr. Speaker, I wish to commend the ranking member of the Select Subcommittee on Labor which I chair, the gentleman from the State of Washington (Mr. MEEDS), as well as the ranking minority member of the subcommittee, the gentleman from Wisconsin (Mr. ESCH), for their services and assistance in the development of this legislation, which were outstanding.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 16563, a bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes.

The Youth Conservation Corps was created by Public Law 91-378 as a 3-year pilot program to provide summer employment for boys and girls between the ages of 15 and 19 to work on lands administered by the Department of the Interior and the Department of Agriculture. The results of this program over the past two summers have been voiced enthusiastically by Federal and State officials as well as thousands of young persons who benefited both from gainful employment and the development of the Nation's natural resources.

I urge my colleagues to join me in making this pilot success a permanent program. The high praise from the summer workers, public officials as well as Governors of the 50 States, attests to the desirability of continuing the Corps in the future.

H.R. 16563 will provide a program to accommodate 25,000 young people in summer jobs in 1972, and 50,000 in 1974. This expansion of the Youth Conservation Corps will represent a major step in alleviating summer youth unemployment as well as the backlog of work on our public lands. The demand for the program has been clearly demonstrated by the fact that, in its first summer of operation, 124,000 applications were received for the 2,600 jobs which were available through the limited pilot funds.

Testimony delivered before the Select Subcommittee on Labor praised both the basic structure of the pilot program and the way the program was administered by the Departments of Agriculture and Interior. H.R. 16563 will expand and enlarged the scope of a well tested and proven project. In order to bring the program where the people are, the bill stipulates that 30 percent of the funds authorized shall be expended in the form of grants to the States for Federal-State Youth Conservation Corps programs on State and local public lands.

This measure incorporates many commendable features for administration of a permanent project. For example, the bill makes use of the phrase "during the summer months" to insure that enrollees will not leave school in order to participate in the program. The legislation also addresses cost control matters, such as minimizing transportation expenses and authorizing the use of unused Federal facilities, equipment or surplus for utilization by the Corps.

All States will benefit from the new provision in H.R. 16563 whereby facilities used as Corps camps may be made available to local schools, school districts, State junior colleges and universities, and other educational institutions for use as environmental education during periods of nonuse by the Corps program.

In my judgment, the Youth Conservation Corps is a constructive program with multiple benefits and I urge the support of my colleagues for this measure.

Mr. BROTZMAN. Mr. Speaker, I would like to take this opportunity to congratulate the Committee on Education and Labor for their work in getting this bill to the floor of the House before adjournment. H.R. 16563, expanding the Youth Conservation Corps from 3,000 volunteers last summer to 50,000 in the next 2 years, may well prove itself to be the turning point in the war to save our environment.

The need for this bill is very great indeed. The unemployment rate among America's youth is presently running approximately four times that of the national average. These young people need the summer employment that this bill would provide to enable many of them to earn the money they need to go on to college or to help train them in the skills necessary to go on as valuable additions to America's work force.

However, this bill does more than simply provide jobs for a segment of America's unemployed. It supplies the departments and governments responsible for the protection of our environment with the means of providing that protection. Again and again in hearings on this bill one heard praise for the enthusiasm and dedication of the young in their work with this program. H.R. 16563 seeks to harness this energy and put it to good use solving the problems of a much abused ecology.

Of course, we must constantly remind ourselves that the war against pollution and environmental degeneration is going to be a long one and one difficult to win. All of the resources at our disposal must be utilized if we are to be successful in this endeavor. For this reason I would urge my colleagues here in the House today to consider H.R. 16563 only as a beginning. We must, in the 93d Congress, continue the impetus which this legislation today will generate.

In this regard, I would like to see my own bill to create an Environmental Quality Corps among those considered by the committee in the next Congress. It draws upon many of the same attributes as the bill before us today, yet it would extend the concept of a volunteer force to a full-time operation open to all from the ages 18 through 26. Given the current unemployment rates evident among this age group also, I feel that we have the opportunity to tap a vital and energetic work force and to train it for the care and preservation of America's environment.

With these two organizations cooperating to work on the problems of the environment, I believe that we could foresee the day when the trends toward dirtier air and water and the problems of our country's national forests and parks could be reversed. The two programs combined would give America a labor pool of 150,000 by 1974 composed of youth ranging from 15 years of age to 26. It would provide part-time employment for those in the YCC to allow them to continue their education, and full-time volunteer work in the Environmental Quality Corps to develop the expertise desperately needed if we are to win the war against pollution.

Such a combined effort, I believe, would be flexible enough to provide an on-going means of absorbing our surplus manpower—wherever it might occur—and give the Nation something tangible in return. Too many of our welfare and unemployment compensation programs simply do not accomplish this.

Mr. ROSTENKOWSKI. Mr. Speaker, the bill before us today, H.R. 16563, the Youth Conservation Corps amendments, would have the effect of making this highly successful pilot program a permanent one. It would increase YCC funding to $30 million for fiscal year 1973 and to $60 million for fiscal year 1974, as well as redistribute 30 percent of the funds to provide for grants to the States for Federal-State Youth Conservation Corps programs on State and local public lands.

I am happy to report that the YCC projects last summer in Carbondale and Harrisburg, Ill., were 100-percent successful. As an employment and land conservation program, all of the Youth Conservation projects have been a success. That is a claim that few of our youth programs can make. YCC has enabled its participants to see the results of their efforts. They know that they have improved America.

If this amendment passes, YCC will be able to accommodate 25,000 enrollees in 1973 and 50,000 in 1974. The programs will then be able to serve urban, as well as rural communities. It will create projects to improve State and local land, as well as Federal land.

If there are two things that need and deserve the assistance of this Congress, they are our children and our land. The bill before us today gives us the opportunity to assist them both. The Youth Conservation Corps has proved itself. We must pass this legislation to insure its continuance.

Mrs. GRASSO. Mr. Speaker, the young people of this Nation have led the effort to improve the environment of our land. Their sincerity and enthusiasm are an inspiration to all of us who are determined that our natural resources will be conserved, recovered, and improved. Many of our young people also need jobs in the summer. They have energy that must be used constructively for their own betterment and that of our country.

This is why I wholeheartedly endorse H.R. 16563, the Youth Conservation

Corps amendments. I believe that the provisions of this bill will enhance the existing pilot Youth Conservation Corps program by making it the type of program young people need today.

No one can deny that the pilot YCC program has been anything less than a complete success. In 1971, the program employed nearly 2,700 young people in 64 camps in 37 States and the District of Columbia. This year, some 3,495 teenagers worked on conservation projects in 95 camps throughout the country.

Section 4 of H.R. 16563 is a very important provision of the bill that is before us today. It establishes a pilot grant for Federal-State Youth Conservation Corps programs on State and local lands. I am especially pleased with the inclusion of my recommendation that 30 percent of the overall funding be reserved for State programs. This means that $27 million will be set aside over the 2-year period to pay up to 80 percent of the costs of these programs.

Section 4 will help overcome one of the major contradictions of the existing program. While most of the public lands are located in the West, a large proportion of our population resides in the East. This pilot Federal-State Youth Conservation Corps will allow States such as my own to participate in the activities of the YCC.

Because Connecticut has had no YCC camp of its own, Connecticut young people could only participate by traveling to a neighboring State. This is not as it should be. As any tourist who has traveled through Connecticut will attest, nature has blessed the State with a wealth of scenic forests and parks which offer miles of rolling hills, streams, and woods for thousands of visitors to enjoy each year.

Once H.R. 16563 is enacted into law, the young people of my district and State, as well as youngsters across the Nation, will have the opportunity to engage in meaningful summer employment which will also maintain and enhance the beauty of our land. The Federal program has received such an enthusiastic response, the States will surely have no difficulty in establishing similar successful youth conservation corps of their own.

Mr. Speaker, I urge passage of this bill. The young people of our country need it. The parks and forests of the country need it. Indeed, the country itself will benefit from the experiences gained and the work performed by members of the Youth Conservation Corps.

Mr. MEEDS. Mr. Speaker, by all accounts the Youth Conservation Corps pilot program has been precisely what the Christian Science Monitor said it was—"a stunning success."

The legislation we are now considering is an effort to enlarge and extend that program in order to make it available to more young people and to involve the States in a cooperative endeavor.

The YCC combines the energy of youth with their concern for the environment and their great need for employment particularly in the summer months. This combination has the very beneficial effect of enhancing our national parks, national recreation areas, national forests, and other public lands and at the same time providing meaningful work and participation by those who will inherit the responsibility of managing and preserving these valuable natural resources.

Summer 1971 saw the first program of the YCC. Approximately 2,600 positions were available for the youth of this country. Nearly 124,000 young people applied for the 2,600 positions. In the summer of 1972 some 175,000 youth sought approximately 3,500 jobs in the YCC. These figures alone provide ample evidence of the need to enlarge the program.

It seems to me the major strength of this program comes from its mandate to provide a mix of youth from all social, economic, and racial backgrounds. It is not a program for poor kids or rich kids or black kids or white kids, rather it is a program for all kids. Preliminary information from the Interior Department and the Forest Service show that—

Total Camps—97 in 50 States and American Samoa.

Total Participants, 3,495. Boys, 2,051 (59%); girls, 1,444 (41%).

Total who completed program, 3,340 (96%).

Income in dollars:
0–5,000, 728 (21%).
5–10,000, 1,209 (35%).
10–15,000, 970 (28%).
Over 15,000, 580 (16%).
Minority youth, 835 (24%).
Average age, 16.
Average school grade, 10.

This program is patterned after the highly successful Civilian Conservation Corps—CCC—of the 1930's. It gives those who need jobs, jobs that need doing. I have visited several YCC projects and watched young men and women clearing and building trails, campsites, preventing or repairing streambed erosion, planting trees, and many other worthwhile projects that will benefit our public lands and all who use them. Indeed, statistics from the Interior and Agriculture Departments indicate that 73 percent of the cost of the entire program is returned through improvements to our public lands and facilities. Additionally, the Corps members averaged $300 in wages.

Mr. Speaker, because of the great success of the first summer's program, a number of us introduced legislation to raise the number of participating youth to 120,000 beginning in the summer of 1973. Legislation doing precisely this has passed the other body. But our hearings disclosed a reluctance on the part of the administrators of the program—Interior and Forest Service—to increase the program that dramatically in 1 year. They indicated a decided preference for incremental additions which would allow a measured response and an opportunity to properly accommodate the increase. Recognizing the reasonableness of this suggestion we reached a compromise within the Select Labor Subcommittee. The bill before us today represents that compromise.

Rather than increasing the Corps to 120,000 in 1 year, the compromise increases the positions to 25,000 the first year and 50,000 the second. Authorizations for such increases will require $30,000,000 the first year and $60,000,000 the second. If the program at these levels only nearly approximates its success at present levels, certainly the program should be increased even above the 120,000 positions envisioned earlier this year.

Mr. Speaker, one of the major changes made by this legislation is the establishment of a State-Federal cost-sharing program which will make these projects available on State and local public lands. It has long been apparent that because most of the Federal public lands are located in the West and because large numbers of youth live in the East there has been an imbalance in the pilot program—Western and Northwestern youth have had a distinct advantage. In an effort to correct this imbalance and also to aid States which have shown great desire to utilize this program on State and local public lands, we have provided that 30 percent of the funds under the bill will be used in Federal-State cost-sharing programs to States who may develop similar YCC projects. Federal funds not to exceed 80 percent may be utilized in such programs. The National Governors Conference wholeheartedly supports this legislation and particularly this portion.

Finally, Mr. Speaker, this is a totally bipartisan bill. There are 63 cosponsors from both sides of the aisle. The bill emerged unanimously from the subcommittee and from the full committee. I would like especially to commend my colleague from Michigan (Mr. Esch). He has cosponsored, supported, and worked for this bill from the outset. His patience and perseverance have been essential to the compromise which we bring here today. His early recognition of the potential of this program is further testimony of his willingness to work for results not partisanship.

The strong support of the chairman of the committee, Mr. Perkins, the chairman of the subcommittee, Mr. Daniels, and the ranking majority member, Mr. Quie, have been invaluable.

Mr. Speaker, I strongly recommend this bill to my colleagues, many of whom I have heard make statements to the effect "Why don't we have a program like the CCC?" Here it is.

Mr. PERKINS. Mr. Speaker, the bill before us today is H.R. 16563, a bill to expand the Youth Conservation Corps pilot program and authorize assistance for similar State programs.

The overall purpose of the bill is to provide additional gainful summer employment for young men and women between the ages of 15 and 18, and at the same time further develop and maintain our national parks and forest system.

The pilot program it seeks to expand is quite similar to the Civilian Conservation Corps of the 1930's which provided an invaluable service, not only to the country as a whole, but also to the almost 3 million participants. At the conclusion of the program, the CCC was declared a success. Similarly, the Youth Conservation Corps pilot program has been an unqualified success. During the hearings before the Select Subcommittee on Labor nothing but praise for the program was heard from both the Department of Agriculture and Interior, the National Wildlife Federation, the YCC staff, and corpsmen themselves. According to an independent evaluation of the 1971 program, Profs. Robert W. Marans, B. L. Driver, and John C. Scott found that 947 of those involved in the program said that it was worthwhile, and found the program highly successful from the point of view of the people involved. The only complaint voiced was that the program is too small.

In 1971 only 2,600 young people were hired, due to limited funding, despite the fact that 124,000 had applied for positions. In 1972, similar constraints allowed only 3,000 to be hired, and yet the Department of Agriculture alone indicates that it needs 15,000 corpsmen to begin to cut into its backlog of work. This does not include the needs of the Department of the Interior nor of the individual States which would be participating in the Federal-State cost-sharing program.

Combine this demonstrated need for the services of the corpsmen with unemployment statistics for young people between the ages of 16 and 19 that shows 21.8 percent unemployed, of which 41 percent nonwhite boys and 51.1 percent nonwhite girls are out of work. There is no question that both the need and the supply of manpower exist. In order to further facilitate use of the program funds to the fullest extent, this bill stipulates that 30 percent of the funds authorized shall be expended in the form of grants to the States for Federal-State Youth Conservation Corps programs on State and local public land.

As to the proposed allocation, the committee bill authorizes $30,000,000 for fiscal year 1973 and $60,000,000 for 1974. This would accommodate approximately 25,000 and 50,000 enrollees, respectively, in 1973 and 1974. In order to make full use of this appropriation, H.R. 16563 provides that YCC facilities be made available to local and other educational institutions for environmental/ecological education during the periods of nonuse by the YCC.

In conclusion I can only say that the Youth Conservation Corps brings returns in human as well as natural resources. Departmental testimony reveals that for every dollar spent on the program, 73 cents was returned in the form of much needed improvements in our national parks, forests, and wildlife refuges. On a personal level, its accomplishments are best pointed out in the words of Mr. Kenneth Tracy, an enrollee in the 1971 program who states:

> It is hard to describe the feeling of building a dam, watching it rain, then going back to see how your dam helped stop erosion and beautify the area.

It can only be concluded that this program is one of the most worthwhile ever to be considered, one that touches everyone who lives in this Nation, and one that must be continued and expanded. I urge your favorable consideration.

Mr. JOHNSON of California. Mr. Speaker, I rise today in support of H.R. 16563, to expand the Youth Conservation Corps and to authorize assistance for similar pilot State programs.

Patterned after the Civilian Conservation Corps of the 1930's, the Youth Conservation Corps was created as a pilot program in 1970. The YCC has offered young people from 15 to 18 gainful employment in the outdoors for the purpose of developing, preserving, and maintaining Federal lands and water administered by the Department of the Interior and the Department of Agriculture. Twenty-six hundred young people participated in the first year of the program, and 3,000 participated in the second year. The pilot program has shown the YCC to be an unqualified success. It has been estimated that for every dollar spent on the program, 73 cents was returned to the Nation in the form of much needed improvements in our national parks, forests, and wildlife refuges.

H.R. 16563 would enlarge the size of the program and provide for a Federal-State cost-sharing program. While the YCC has employed 2,600 and 3,000 young people in its first 2 years, H.R. 16563 plans on employing 25,000 in 1973 and 50,000 in 1974. H.R. 16563 stipulates that 30 percent of the funds authorized shall be expended in the form of grants to the States for Federal-State Youth Conservation Corps programs on State and local lands. This will help bring the jobs to where the people are, and help develop the natural resources on State land.

There are two things I would have like to see different in the bill. First, I would have liked to see an emphasis on reforestation in the program. There is a great deal of reforestation work that needs to be done in the country, and there is no natural resource more precious and valuable than our forests. Second, I would have liked to see the program expanded to take advantage of parts of the year other than the summer when enrollees would not otherwise be in school. I want to emphasize, however, that these two points do not lessen my wholehearted support for this legislation.

Mr. Speaker, I strongly urge my colleagues to support H.R. 16563. The Youth Conservation Corps has helped develop our Nation's natural and its human resources.

Ms. MINK. Mr. Speaker, I rise in support of H.R. 16563, legislation to expand the Youth Conservation Corps pilot program and to authorize assistance for similar State programs.

As an original sponsor of legislation to establish the pilot program, I am heartened by its success and the great acceptance of this fine new conservation program for young people. It is supported on a broad-based, bipartisan basis in Congress and by the administration.

The program provides employment opportunities for youths age 15 through 18, who work during summers on our national lands. This project has contributed significantly to improving the environment through sound conservation programs and activities.

Testimony has shown that for every dollar spent on the program, 73 cents has been returned in the form of much needed improvements in our national parks, forests, and wildlife refuges. The young people accomplishing this were also given new pride in their country and the goal of building a better America.

The bill provides $30 million for fiscal year 1973 and $60 million for fiscal year 1974 to continue the Youth Conservation Corps under the Departments of Interior and Agriculture. In view of the proven achievements of the program, I urge my colleagues to approve this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR COMMISSION OF THE EUROPEAN COMMUNITIES

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2700) to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2700

An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend, or enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIGIBILITY OF ASC COUNTY COMMITTEE MEMBERS TO SUCCEED THEMSELVES

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16182) to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to extend the eligibility of county committee members to succeed themselves.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to

the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object—and I shall not object—I do request of the chairman of the committee a complete explanation of the bill.

Mr. POAGE. Mr. Speaker, this bill is simply to extend the time during which Agriculture Stabilization and Conservation Service county committee members can serve in consecutive terms.

We adopted a few years back, legislation which would limit these county committeemen to not more than three terms. This year will be the first year in which that provision will really become effective. There is considerable feeling, at least among a good many of the farm groups, that it is unwise to have this limitation. Our committee in considering this legislation felt that there was considerable question about that, and after some discussion, we decided that the thing to do was simply to extend the limit to four terms—extend it for one more term. Then next year we would, under the regular procedure when we take up the farm bill, have to make the permanent decision as to whether it was wise to give them this additional time or not.

Mr. TEAGUE of California. I thank the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b) of the Soil Conservation and Domestic Allotment Act (42 U.S.C. 590h(b)) is amended by striking out: "No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the effective date of this sentence).".

With the following committee amendments:

Page 1, line 3, after the word "That" insert the words "the eleventh sentence of"; and

Page 1, lines 4 and 5, strike out the phrase "(42 U.S.C. 590h(b)) is amended by striking out:" and insert in lieu thereof the following: "(16 U.S.C. 590h(b)) is amended to read as follows:"; and

Page 1, line 7, strike out the word "three" and insert in lieu thereof the word "four".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO INCORPORATE IN THE DISTRICT OF COLUMBIA THE NATIONAL INCONVENIENCED SPORTSMEN'S ASSOCIATION

Mr. JACOBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15453) to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. HALL. Mr. Speaker, reserving the right to object, is there a bill available to the Members and a report, and has it been listed under the list of suspensions?

The SPEAKER. The Chair understood that these bills had all been cleared. It was not listed as a suspension.

Mr. HALL. Mr. Speaker, I have no record of such a bill, nor is it immediately available.

Mr. JACOBS. Mr. Speaker, if the gentleman will yield, these bills have been reported from the committee. They are simply bills—these three bills—to incorporate certain national patriotic organizations in the District of Columbia.

Mr. HALL. Mr. Speaker, under the rules of the House and the Reorganization Act of 1970, the Members not having had available the bill nor the report nor seen it, I must object.

Mr. JACOBS. Mr. Speaker, will the gentleman from Missouri withhold his objection for further information?

The SPEAKER. Objection is heard.

Mr. JACOBS. Mr. Speaker, if the gentleman would reserve his objection, if I might have the gentleman's attention, that is the gentleman from Missouri, I will offer further information.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Indiana yield?

Mr. JACOBS. Yes, I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I must say I have been a little bit confused with the way the procedure has happened on the floor of the House this afternoon. The schedule has been changed several times. I have not had an opportunity in some instances to have our people here when the bill was brought up. As I understand it in this case, it was not cleared with anybody on our side of the aisle. Certainly it was not cleared with me. I just think we ought to slow down a little bit.

The SPEAKER. The Chair desires to make a statement. The Chair had agreed to recognize for three suspensions. This particular bill came out of the Committee on the District of Columbia, and the Chair informed the gentleman that we were not taking anything but suspensions from the Committee on the District of Columbia at this time. However, the gentleman said he had cleared it with his chairman and others, so the Chair understood it was properly cleared.

Mr. JACOBS. Mr. Speaker, if I may respond to the minority leader, I think there is simply a misunderstanding. Reports upon all these bills have been filed.

Also, the minority members of the House District of Columbia Committee have been consulted and do thoroughly agree to the consideration of the bill. So I think perhaps there is a misunderstanding.

Mr. GERALD R. FORD. Mr. Speaker, it was my understanding that the next order of business was to be the two suspensions.

The SPEAKER. Will the gentleman from Indiana withdraw the bill and place these bills on a list and let the majority leader have them on the list of bills for consideration?

Mr. HALL. Mr. Speaker, if the gentleman will yield, the answer is very simple. The other bills we have considered and expedited, as the gentleman says, have been on the list, and the prints and reports have been available to Members, thusly, and they have been analyzed and they have been cleared and reported. The bill the gentleman brings forth has not.

Mr. JACOBS. But this one has been reported.

Mr. HALL. I am sorry, but this bill was only made available at this time and it may be just as amply entitled to consideration by all Members of this body as any other bill, but not by unanimous consent at this time.

Mr. JACOBS. This bill was reported on October 3 and the report was filed at that time. It is available. I just wanted to make that statement.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15462) to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water Commission, United States and Mexico, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MAILLIARD. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the subcommittee if he could give us a few words of explanation.

Mr. FASCELL. Mr. Speaker, the purpose of H.R. 15462 is very simple—it is to remove the limitations on the annual authorization for the U.S. share of costs for operation and maintenance of three small projects constructed and administered jointly by the United States and Mexico through the International Boundary and Water Commission.

The three projects, previously authorized by Congress, are:

First. A conveyance canal built for the solution of the lower Rio Grande salinity problem.

Second. Emergency flood control works on the lower Colorado River.

Third. The tributary arroyo flood and sediment control dams helpful in the maintenance of the Rio Grande canalization project.

This legislation is needed because of escalating operation and maintenance costs which make it impossible for the United States to fulfill its agreements with Mexico relating to the three projects within the existing authorization limits. Removal of the annual expenditure limitation by enactment of this bill will enable the United States to fulfill its international agreements with Mexico.

The estimated additional costs of fulfilling our agreements and properly maintaining the three projects during the current fiscal year is only $13,000. Thereafter, the increase will cost approximately $15,000 additionally each fiscal year.

Mr. Speaker, H.R. 15462 was reported favorably by the Foreign Affairs Committee. I urge its enactment so that the Commission will be able to continue orderly and proper management of these three projects in accordance with our agreements with Mexico.

Mr. MAILLIARD. Mr. Speaker, I rise in support of H.R. 15462, which would remove limitations upon the annual authorization for our share of the costs of operating and maintaining three projects constructed and operated jointly by the United States and Mexico through the International Boundary and Water Commission.

This legislation is needed because of rising costs for the three projects. These projects are:

First. A conveyance canal built for the solution of the lower Rio Grande salinity problem. Legislation approved September 19, 1966, set a $20,000 annual limit on appropriations for operation and maintenance. The U.S. share is expected to exceed the $20,000 limit for fiscal year 1972.

Second. Emergency flood control work on the lower Colorado River. To perform the work required in the current fiscal year, it is estimated that $30,000 is needed which exceeds the $20,000 previously established as the annual authorization.

Third. The tributary arroyo flood and sediment control dams helpful in maintenance of the Rio Grande canalization project. The act of September 18, 1964, provided a $23,000 annual authorization limit for maintaining the dams. Since passage of the act, the construction cost index for labor and equipment for this kind of work has risen by 72 percent.

In my opinion there is ample justification for this legislation and it should be approved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 2 of the Act of September 19, 1966 (22 U.S.C. 277d–31), is amended by striking out "not to exceed $20,000 annually for costs of operation and maintenance" and inserting in lieu thereof "such sums as may be necessary annually for costs of operation and maintenance".

SEC. 2. Section 3 of the Act of August 10, 1964 (22 U.S.C. 277d–28), is amended by striking out "and not to exceed $20,000 annually thereafter for necessary maintenance" and inserting in lieu thereof "and such sums as may be necessary annually thereafter for maintenance".

SEC. 3. The last paragraph of the Act of September 18, 1964 (22 U.S.C. 277d–29), is amended by striking out "not in excess of $23,000 per annum for contributions to maintenance" and inserting in lieu thereof "such sums as may be necessary annually for contributions to maintenance".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING ANNUAL APPROPRIATION AUTHORIZATION OF NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15280) to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere (Public Law 92–125; 85 Stat. 344) be and hereby is amended by striking the phrase "$200,000" in section 7 thereof, and substituting the phrase "$400,000" therefor, and by further striking "1972" in the said section 7 and further substituting "1973" therefor.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 7 of the Act of August 16, 1971 (P.L. 92–125; 85 Stat. 344) is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce, for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter, such sums, not to exceed $400,000, as may be necessary for expenses incident to the administration of this Act, and for succeeding fiscal years only such sums as may be authorized by law."

The committee amendment was agreed to.

Mr. GARMATZ. Mr. Speaker, I rise in support of H.R. 15280, a bill to increase the annual appropriation authorization in support of the National Advisory Committee on the Oceans and Atmosphere.

I am not always impressed by the appointments which are made to many governmental commissions and advisory committees, and I am entirely in sympathy with recent legislative moves to insure that these committees perform a proper function or go out of existence. In the case of the National Advisory Committee on Oceans and Amtmosphere, its work has just begun. It was established by legislation proposed by the Committee on Merchant Marine and Fisheries in May 1971. It began its functioning in December 1971. Its membership consists of a broad range of capable and dedicated men. Despite the fact that it had been in existence for only about 6 months when its first annual report was due, it met its report deadline and submitted a report which has recently been received by the Speaker and the President of the Senate. While the report has not yet been reviewed in detail, a cursory inspection of the committee comments and recommendations reveals that if the committee continues as it has begun, it gives promise of more than justifying its continued existence. I, therefore, join in wholehearted support of H.R. 15280, which would increase the appropriation authorization to reflect more realistically the actual needs of the committee and its staff support. The amount authorized will be a small amount in terms of the results which the committee gives promise of producing.

Mr. DOWNING. Mr. Speaker, for more than a decade, the Members of Congress and knowledgeable segments of the public have felt a growing concern that this Nation has been deficient in addressing the proper attention to the development of the vast resources of the oceans that wash our shorelines. In enacting the Marine Resources and Engineering Act of 1966, the congressional intent was made crystal clear that a cohesive national ocean program was of major importance and that it should be developed promptly. In its report, "Our Nation and the Sea," the Marine Science Commission established by that act, made certain specific recommendations upon which the needed program could be based. One of those recommendations was for the establishment of a national advisory committee to serve as a vital link between the Federal Government on the one hand and State and local governments, private industry, and scientific and academic communities on the other. During the first session of the present Congress, we followed that recommendation and we enacted Public Law 92–125 establishing such a committee. By that act, the Congress provided for the creation of a 25-member National Advisory Committee on the Oceans and Atmosphere, the members to be appointed by the President under a scheme whereby the membership would be staggered to provide for the continuity which would ultimately result in each member serving for a 3-year period with one-third of the board membership changing each year.

The committee was appointed by the President last fall and held its first meeting in December 1971. It consists of a group of public-minded individuals, varied in background and uniformly capable and dedicated. I insert the membership of the committee in the RECORD at this point:

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

William A. Nierenberg, Chairman, Director, Scripps Institution of Oceanography.

William J. Hargis, Jr., Vice-Chairman, Director, Virginia Institute of Marine Sciences.

Charles F. Baird, Vice-President—Finance, International Nickel Company of Canada, Ltd.

Werner A. Baum, President, University of Rhode Island.

Wayne V. Burt, Associate Dean of Research (Oceanography), Oregon State University.

John C. Calhoun, Jr., Vice President for Academic Affairs, Texas A&M University.

William D. Carey, Vice-President, Arthur D. Little, Inc.

Dayton H. Clewell, Senior Vice-President, Mobil Oil Corporation.

John P. Graven, Dean of Marine Programs, University of Hawaii.

Charles L. Drake, Professor, Dept. of Earth Sciences, Dartmouth College.

Thomas A. Fulham, President, Suffolk University.

Joseph J. George, Director of Meteorology. Eastern Airlines.

Gilbert M. Grosvenor, Editor and Vice-President, National Geographic Society.

Francis S. Johnson, Director, Center for Advanced Studies, University of Texas at Dallas.

Ralph A. MacMullan, Director, Dept. of Natural Resources, State of Michigan.

Thomas F. Malone, Dean, Graduate School, The University of Connecticut.

O. William Moody, Jr., Administrator, Maritime Trades Department, AFL-CIO.

Mark Morton, Vice-President and Group Executive, Aerospace Group, General Electric Company.

John J. Royal, Secretary-Treasurer, Fishermen and Allied Workers' Union.

Julius A. Stratton, President-Emeritus, Massachusetts Institute of Technology.

Verner E. Suomi, Director, Space, Science, and Engineering Center, University of Wisconsin.

Clement Tillion, Alaska House of Representatives.

Myron Tribus, Senior Vice-President, Information Technology Group, Xerox Corporation.

Odale D. Waters, Jr., Head, Oceanography Department, Florida Institute of Technology.

Edward Wenk, Jr., Professor of Engineering and Public Affairs, University of Washington.

Mr. DOWNING. Mr. Speaker, when the Congress was considering the legislation for the creation of this advisory committee, it was contemplated that it might be difficult for men of the caliber necessary to do the job to find time for meeting more than perhaps once a quarter. It was further felt that with the assistance from the various executive departments, the staff support for the work of the committee would probably be handled by a very small full-time staff. Both of these tentative conclusions proved to be erroneous. The enthusiasm of the members appointed to the committee resulted in a decision to meet monthly, and the amount of work to be accomplished by the committee dictated a somewhat larger permanent support staff.

The bill before the House today would enable the National Advisory Committee to perform its responsibilities in the manner in which it desires to do so by providing for an increase in the appropriation authorization from $200,000 to $400,000 per year. This would enable the Department of Commerce to support appropriations for committee expenses of slightly over $150,000 per year, for a support staff with expenses of approximately $200,000 per year, and for necessary supplies and services of approximately $40,000 per year. While recommending this increase in the authorization, it should be noted specifically that the committee also proposes to change the open-ended authorization to one which will expire after fiscal year 1975 and will therefore require reconsideration by the committee and by the Congress not only as to the appropriate authorization level, but also in fact as to whether the work produced by the committee and the need demonstrated justifies its continued existence after that time. Attention should further be drawn to the fact that this bill provides for the authorization only. Additional action proposals, with justifications, must be submitted before funds are actually appropriated.

Mr. Speaker, I ask for the support of all Members for the passage of this very desirable and, as far as I know, noncontroversial bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

OIL POLLUTION ACT AMENDMENTS OF 1972

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15627) to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Pollution Act Amendments of 1972".

Sec. 2. The Oil Pollution Act, 1961 (75 Stat. 402), as amended, (33 U.S.C. 1001 1015), is amended as follows:

(1) Section 2 (33 U.S.C. 1001) as amended—

(A) by redesignating subsection (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(B) by adding a new subsection (c) to read:

"(c) The term 'instantaneous rate of discharge of oil content' means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant;";

(C) in subsection (c) (redesignated (d) by subparagraph (A) of this paragraph) by deleting the word "marine";

(D) in subsection (e) (redesignated (f) by subparagraph (K) of this paragraph) by changing the period to a semicolon at the end of the first sentence thereof and by amending the second sentence to read "an 'oily mixture' means a mixture with any oil content;";

(E) by repealing subsection (g); and

(F) by amending subsection (h) to read "The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;".

(G) in subsection (j) by changing the period to a semicolon and by adding the following to the sentence: "except that, for the purpose of this Act from the 'nearest land' of the northeastern coast of Australia means a line drawn from a point on the coast of Australia in latitude 11 degrees south, longitude 142 degrees 08 minutes east to a point in latitude 10 degrees 35 minutes south, longitude 141 degrees 55 minutes east—

"then to a point latitude 10 degrees 00 minutes south, longitude 142 degrees 00 minutes east;

"thence to a point latitude 9 degrees 10 minutes south, longitude 143 degrees 52 minutes east;

"thence to a point latitude 9 degrees 00 minutes south, longitude 144 degrees 30 minutes east;

"thence to a point latitude 13 degrees 00 minutes south, longitude 144 degrees 00 minutes east;

"thence to a point latitude 15 degrees 00 minutes south, longitude 146 degrees 00 minutes east;

"thence to a point latitude 18 degrees 00 minutes south, longitude 147 degrees 00 minutes east;

"thence to a point latitude 21 degrees 00 minutes south, longitude 153 degrees 00 minutes east;

"thence to a point on the coast of Australia in latitude 24 degrees 42 minutes south, longitude 153 degrees 15 minutes east."

(2) Section 3 (33 U.S.C. 1002) is amended to read as follows:

"Sec. 3. Subject to the provisions of sections 4 and 5, the discharge of oil or oily mixture from a ship is prohibited unless—

"(a) the ship is proceeding enroute; and

"(b) the instantaneous rate of discharge of oil content does not exceed sixty liters per mile, and

"(c)(1) for a ship, other than a tanker—

"(i) the oil content of the discharge is less than one hundred parts per one million parts of the mixture, and

"(ii) the discharge is made as far as practicable from land;

"(2) for a tanker, except discharges from machinery space bilges which shall be governed by the above provisions for ships other than tankers—

"(i) the total quantity of oil discharged on a ballast voyage does not exceed one-fifteen thousandths of the total cargo carrying capacity, and

"(ii) the tanker is more than fifty miles from the nearest land.".

(3) Section 4 (33 U.S.C. 1003) is amended—

(A) by changing the word "shall" to "does" in the introductory clause thereof;

(B) by changing the semicolon to a period at the end of subsection (b) thereof; and

(C) by repealing subsection (c) thereof.

(4) Section 5 (33 U.S.C. 1004) is amended to read as follows:

"Sec. 5. Section 3 does not apply to the discharge of tanker ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.".

(5) Insert a new section 6, to read as follows, following section 5:

"Sec. 6. (a) Every tanker to which this Act applies and built in the United States and for which the building contract is placed on or after the effective date of this section shall be constructed in accordance with the provisions of annex C to the convention, relating to tank arrangement and limitation of tank size.

"(b) Every tanker to which this Act applies and built in the United States and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar state of construction before the effective date of this section, shall, within two years after that date, comply with the provisions of annex C to the convention if—

"(1) the delivery of the tanker is after January 1, 1977; or

"(2) the delivery of the tanker is not later than January 1, 1977, and the building contract is placed after January 1, 1972, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after June 30, 1972.

"(c) A tanker required under this section to be constructed in accordance with annex C to the convention and so constructed shall carry on board a certificate issued by the Secretary attesting to that compliance. A tanker which is not required to be constructed in accordance with annex C to the convention shall carry on board a certificate to that effect issued by the Secretary, or if a tanker does comply with annex C though not required to do so, she may carry on board a certificate issued by the Secretary attesting to that compliance. Tankers under the flag of the United States are prohibited from engaging in domestic or foreign trade without an appropriate certificate issued under this section.

"(d) Certificates issued to foreign tankers pursuant to the convention by other nations party thereto shall be accepted by the Secretary as of the same force as certificates issued by him. If the Secretary has clear grounds for believing that a foreign tanker required under the convention to be constructed in accordance with annex C entering ports of the United States or using offshore terminals under United States control does not in fact comply with annex C, he may request the Secretary of State to seek consultation with the government with which the tanker is registered. If after consultation or otherwise, the Secretary is satisfied that such tanker does not comply with annex C, he may for this reason deny such tanker access to ports of the United States or to off-shore terminals under United States control until such time as he is satisfied that the tanker has been brought into compliance.

"(c) If the Secretary is satisfied that any other foreign tanker which, if registered in a country party to the convention, would be required to be constructed in accordance with annex C, does not in fact comply with the standards relating to tank arrangement and limitation of tank size of annex C, then he may deny such tanker access to ports of the United States or to off-shore terminals under United States control."

(6) Section 6 (33 U.S.C. 1005) is renumbered section 7 and is amended to read as follows:

"SEC. 7. (a) Any person who willfully discharges oil or oily mixture from a ship in violation of this Act or the regulations thereunder shall be fined not more than $10,000 for each violation or imprisoned not more than one year, or both.

"(b) In addition to any other penalty prescribed by law any person who willfully or negligently discharges oil or oily mixture from a ship in violation of this Act or any regulation thereunder shall be liable to a civil penalty of not more than $10,000 for each violation, and any person who otherwise violates this Act or any regulation thereunder shall be liable to a civil penalty of not more than $5,000 for each violation.

"(c) A ship from which oil or oily mixture is discharged in violation of this Act or any regulation thereunder is liable for any pecuniary penalty under this section and may be proceeded against in the district court of any district in which the vessel may be found.

"(d) The Secretary may assess any civil penalty incurred under this Act or any regulation thereunder and, in his discretion, remit, mitigate, or compromise any penalty. No penalty may be assessed unless the alleged violator shall have been given notice and the opportunity to be heard on the alleged violation. Upon any failure to pay a civil penalty assessed under this Act, the Secretary may request the Attorney General to institute a civil action to collect the penalty. In hearing such action, the district court shall have authority to review the violation and the assessment of the civil penalty de novo."

(7) Section 7 is renumbered section 8.

(8) Section 8 (33 U.S.C. 1007) is renumbered section 9 and is amended—

(A) in subsection (a) by amending the first sentence to read as follows: "In the administration of sections 1–12 of this Act, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel, facilities or equipment of other Federal agencies or the States.";

(B) in subsection (a) by amending the first part of the second sentence which precedes the first use of the word "shall" to read: "For the better enforcement of the provisions of said sections, officers of the Coast Guard and other persons employed by or acting under the authority of the Secretary";

(C) in subsection (a) by deleting from the last sentence thereof the words "and of the Bureau of Customs" and the words "in a prohibited zone or in a port of the United States"; and

(D) in subsection (b) by deleting in the first sentence thereof the words "of the Department in which the Coast Guard is operating" and by deleting the second sentence thereof in its entirety.

(9) Section 9 (33 U.S.C. 1008) is renumbered section 10 and is amended—

(A) by amending subsection (c) to read as follows:

"(c) The oil record book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

"(1) for tankers—

"(i) loading of oil cargo;

"(ii) transfer of oil cargo during voyage;

"(iii) discharge of oil cargo;

"(iv) ballasting of cargo tanks;

"(v) cleaning of cargo tanks;

"(vi) discharge of dirty ballast;

"(vii) discharge of water from slop tanks;

"(viii) disposal of residues;

"(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book;

"(2) for ships other than tankers:

"(i) ballasting or cleaning of bunker fuel tanks;

"(ii) discharge of dirty ballast or cleaning water from bunker fuel tanks;

"(iii) disposal of residues;

"(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book. In the event of such discharge or escape of oil or oily mixture as is referred to in section 4 of this Act, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge of escape.";

(B) by changing the figure "g" in subsection (d) to read "10"; and

(C) by repealing subsection (f).

(10) Section 10 (33 U.S.C. 1009) is renumbered section 11 and is amended to make the sectional enumeration read as follows: "Sections 3, 4, 5, 6, 7, 9, and 10."

(11) Section 11 is renumbered section 12 and is amended by deleting the words "any prohibited zone" in subsection (b) thereof and by substituting therefor the words "violation of the convention but outside the territorial sea of the United States".

(12) Section 12 (33 U.S.C. 1011) is repealed.

(13) Sections 14 and 15 are renumbered sections 13 and 14, respectively.

(14) Section 16 (33 U.S.C. 1014) is renumbered section 15 and is amended by adding between the words "provisions of" and the word "the" the words "section 11 of", and by deleting the words "Oil Pollution Act, 1924," and substituting therefor the words "Federal Water Pollution Control Act, as amended".

(15) Section 47 (33 U.S.C. 1015) is repealed.

SEC. 3. (a) Except as provided in subsection (e) of this section, this amending Act is effective upon the date of its enactment or upon the date amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 21, 1969, October 12, 1971, and October 15, 1972, are ratified or accepted with the advice and consent of the Senate of the United States, whichever is the later date.

(b) Any rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any regulations or procedures promulgated or effected pursuant to the Oil Pollution Act, 1961, as previously amended, remain in effect until modified or superseded under the authority of the Oil Pollution Act, 1961, as amended by this Act. Any reference to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, in any law or regulation shall be deemed to be a reference to the convention as revised or amended by the latest amendments in respect of which the United States has deposited an instrument of ratification or acceptance.

(c) Notwithstanding the foregoing provisions of this section, subsections (d) and (e) of section 6 of the Oil Pollution Act, 1961, as amended by section 2 of this bill, shall be effective upon the date of their enactment or upon the date the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended by the amendments adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 15, 1971, enters into force pursuant to article XVI of that convention as amended, whichever is later; and no authority shall be exercised pursuant to article VI bis (3) and (4) of such amendments prior to the effective date of such subsections.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Oil Pollution Act Amendments of 1972".

SEC. 2. The Oil Pollution Act, 1961 (75 Stat. 402), as amended, (33 U.S.C. 1001–1015), is amended as follows:

(1) Section 2 is amended—

(A) by repealing subsection (g);

(B) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(C) by adding a new subsection (c) to read:

"(c) The term 'instantaneous rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant;";

(D) in subsection (c) (redesignated (d) by subparagraph (B) of this paragraph) by deleting the word "marine";

(E) in subsection (e) (redesignated (f) by subparagraph (B) of this paragraph) by changing the period to a semicolon at the end of the first sentence thereof and by amending the second sentence to read "an 'oily mixture' means a mixture with any oil content;"; and

(F) by amending subsection (h) to read "The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;".

(2) Section 3 is amended to read as follows:

"Sec. 3. Subject to the provisions of sections 4 and 5, the discharge of oil or oily mixture from a ship is prohibited unless—

"(a) the ship is proceeding en route; and

"(b) the instantaneous rate of discharge of oil content does not exceed sixty liters per mile, and

"(c) (1) for a ship, other than a tanker—

"(i) the oil content of the discharge is less than one hundred parts per one million parts of the mixture, and

"(ii) the discharge is made as far as practicable from land;

"(2) for a tanker, except discharges from machinery space bilges which shall be governed by the above provisions for ships other than tankers—

"(i) the total quantity of oil discharged on a ballast voyage does not exceed one-fifteen thousandths of the total cargo-carrying capacity, and

"(ii) the tanker is more than fifty miles from the nearest land.".

(3) Section 4 is amended—

(A) by changing the word "shall" to "does" in the introductory clause thereof;

(B) by changing the semicolon to a period at the end of subsection (b) thereof; and

(C) by repealing subsection (c) thereof.

(4) Section 5 is amended to read as follows:

"Sec. 5. Section 3 does not apply to the discharge of tanker ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.".

(5) Section 6 is amended to read as follows:

"Sec. 6. (a) Any person who willfully discharges oil or oily mixture from a ship in violation of this Act or the regulations thereunder shall be fined not more than $10,000 for each violation or imprisoned not more than one year, or both.

"(b) In addition to any other penalty prescribed by law any person who willfully or negligently discharges oil or oily mixture from a ship in violation of this Act or any regulation thereunder shall be liable to a civil penalty of not more than $10,000 for each violation, and any person who otherwise violates this Act or any regulation thereunder shall be liable to a civil penalty of not more than $5,000 for each violation.

"(c) A ship from which oil or oily mixture is discharged in violation of this Act or any regulation thereunder is liable for any pecuniary penalty under this section and may be proceeded against in the district court of any district in which the vessel may be found.

"(d) The Secretary may assess any civil penalty incurred under this Act or any regulation thereunder and, in his discretion, remit, mitigate, or compromise any penalty. No penalty may be assessed unless the alleged violator shall have been given notice and the opportunity to be heard on the alleged violation. Upon any failure to pay a civil penalty assessed under this Act, the Secretary may request the Attorney General to institute a civil action to collect the penalty. In hearing such action, the district court shall have authority to review the violation and the assessment of the civil penalty de novo."

(6) Section 8 is amended—

(A) in subsection (a) by amending the first sentence to read as follows: "In the administration of sections 1–11 of this Act, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel, facilities or equipment of other Federal agencies or the States.";

(B) in subsection (a) by amending the first part of the second sentence which precedes the first use of the word "shall" to read: "For the better enforcement of the provisions of said sections, officers of the Coast Guard and other persons employed by or acting under the authority of the Secretary";

(C) in subsection (a) by deleting from the last sentence thereof the words "and the Bureau of Customs" and the words "in a prohibited zone or in a port of the United States"; and

(D) in subsection (b) by deleting in the first sentence thereof the words "of the Department in which the Coast Guard is operating" and by deleting the second sentence thereof in its entirety.

(7) Section 9 is amended—

(A) by amending subsection (c) to read as follows:

"(c) The oil record book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

"(1) for tankers—

"(i) loading of oil cargo;

"(ii) transfer of oil cargo during voyage;

"(iii) discharge of oil cargo;

"(iv) ballasting of cargo tanks;

"(v) cleaning of cargo tanks;

"(vi) discharge of dirty ballast;

"(vii) discharge of water from slop tanks;

"(viii) disposal of residues;

"(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book;

"(2) for ships other than tankers:

"(i) ballasting or cleaning of bunker fuel tanks;

"(ii) discharge of dirty ballast or cleaning water from bunker fuel tanks;

"(iii) disposal of residues;

"(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book. In the event of such discharge or escape of oil or oily mixture as is referred to in section 4 of this Act, a statement shall be made in the oil record book or the circumstances of, and reason for, the discharge or escape."; and

(B) by repealing subsection (f).

(8) Section 10 is amended to make the sectional enumeration read as follows: "Sections 3, 4, 5, 8(a), and 9.".

(9) Section 11 is amended by deleting the words "any prohibited zone" in subsection (b) thereof and by substituting therefor the words "violation of the convention but outside the territorial sea of the United States".

(10) Section 12 is repealed.

(11) Sections 14 and 15 are renumbered sections 12 and 13, respectively.

(12) Section 16 is renumbered section 14 and is amended by adding between the words "provisions of" and the word "the" the words "section 11 of", and by deleting the words "Oil Pollution Act, 1924 (33 U.S.C. 431–437)," and substituting therefor the words "Federal Water Pollution Control Act, as amended".

(13) Section 17 is repealed.

Sec. 3. (a) This amending Act is effective upon the date of its enactment or upon the date amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 21, 1969, are ratified or accepted with the advice and consent of the Senate of the United States, whichever is the later date.

(b) Any rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any regulations or procedures promulgated or effected pursuant to the Oil Pollution Act, 1961, as previously amended, remain in effect until modified or suspended under the authority of the Oil Pollution Act, 1961, as amended by this Act. Any reference to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, in any law or regulation shall be deemed to be a reference to the convention as revised or amended by the latest amendments in respect of which the United States has deposited an instrument of ratification or acceptance.

The committee amendment was agreed to.

Mr. GARMATZ. Mr. Speaker, I rise in support of H.R. 15627, a bill which I had the privilege of introducing at the request of the Secretary of Transportation.

I can think of no real reason why this bill should not receive the unanimous support of every Member of this House. We have long sought to improve the condition of ocean waters and the bill which we are amending, the Oil Pollution Act, 1961, was the first piece of domestic legislation addressed to that aim.

After the unfortunate Torrey Canyon incident in 1967, the Merchant Marine and Fisheries Committee appointed a special investigating subcommittee which filed a report making specific recommendations for corrective measures which could be taken. One of those measures involved re-examination by IMCO of the Oil Pollution Convention and the tightening of its requirements concerning permissible discharge of oily mixtures into the seas. On October 21, 1969, the IMCO Assembly adopted a group of amendments which would improve the Convention. In the meantime, the tanker industry has moved forward on its own initiative and has adopted the so-called load on top system which in effect reduces the amount of oil discharged into the sea by providing "slop tanks" and retaining the majority of the oily residues aboard ship for discharge in port or for loading the new cargo on top thereof.

Unfortunately, the initiative to improve tanker operational procedures is not uniform throughout the world. It is for that reason that the convention itself has been amended reflecting, in part, the initiatives already undertaken and providing a better basis for assessing penalties against those who do not conform.

I commend the amendments to you and I solicit your support of this bill which would place those amendments in effect in the domestic law of the United States. It is legislation which is effective and which is practical, a combination which is not always possible. I ask for the support of every Member of the House for this noncontroversial bill.

Mr. CLARK. Mr. Speaker, the bill before the House, H.R. 15627, is straightforward and simple in concept. It proposes to give effect in domestic law to certain amendments to the Oil Pollution Convention of 1954, as amended, amendments which the United States supported and to which the U.S. Senate has given its advice and consent for ratification.

The Oil Pollution Convention governs

The Oil Pollution Convention governs the conduct of tankers and other ships oils are handled aboard ship, in order to strictly limit the amount of oil content which is discharged into the seas. The Oil Pollution Act of 1961 is the domestic legislation which implements the provisions of that convention. The bill before us amends the Oil Pollution Act, 1961, to put into effect in domestic law amendments to the convention which were adopted on October 21, 1969, by the Assembly of the Inter-Governmental Maritime Consultative Organization, generally known as IMCO. IMCO is a specialized agency of the United Nations and as such is responsible for the Oil Pollution Convention.

In that connection, one of the methods for amending the convention is a resolution by the IMCO Assembly to be adopted by at least two-thirds of the assembly membership. Such amendments subsequently will come into force for nations ratifying them 1 year after two-thirds of the signatory nations have indicated their acceptance.

In the present case, the amendments adopted on October 21, 1969, were adopted by a unanimous vote of the IMCO assembly. The U.S. delegation was a leader in proposing the amendments and in the resolution adoption process. When the Secretary General of IMCO subsequently furnished certified copies of the resolution and its attachments to all contracting governments, and pursuant to the invitation contained in the IMCO resolution, the President transmitted the proposed amendments to the Senate for its advice and consent. The Senate gave its advice and consent to ratification on September 20, 1971. The President has not yet deposited the ratification document with IMCO, pending the enactment of this implementing legislation.

While the specific provisions of the bill are somewhat technical in nature, the results are comparatively simple. Basically, what the amendments accomplish is the following:

The so-called prohibited zones which are a part of the present convention and the present act, will be extended throughout the oceans. No longer will there be any "free zones" where all but the largest of the tanker fleet may discharge their polluted ballast waters with impunity. With the acceptance of the 1969 amendments, and, as far as U.S. vessels are concerned, with the amendment of our domestic law, tankers will be permitted to discharge ballast waters with an oil content only when they are more than 50 miles from the nearest land, when they are proceeding on their voyage, when the rate of discharge does not exceed an oil content of more than 60 liters per nautical mile, and where the total quantity of oil content discharge on a ballast voyage does not exceed one fifteen-thousandth of the total cargo carrying capacity of the tanker. As to ships other than tankers, the limitations that apply are for the ship to be proceeding en route on its voyage, that the oil content discharge does not exceed more than 60 liters per nautical mile, nor more than 100 parts of oil per 1 million parts of affluent and that the ship be as far as practicable from land. In addition, the amendments eliminate the previous exemption for residue arising from purification or clarification of fuel oil or lubricating oil and the exemption for lubricating oil which has leaked from machinery spaces.

In tightening the provisions of the convention, it is estimated by some that the amount of oil getting into the sea from deliberate discharges will be reduced by 90 percent. Whatever the result, there is no question that this tightening of the requirements will substantially cut back on such deliberate discharges, and the sooner we put the amendments into effect the sooner we can be sure of the results. It is for that reason that the Secretary of Transportation, in forwarding the proposed legislation, requested on behalf of the President that the effective date of the amendment to domestic law should take place as soon as possible, without awaiting the slow process of international ratification. This action was not only requested by the administration but it is also consistent with a resolution adopted by the IMCO Assembly on the subject on October 12, 1971.

At the present time, 10 countries have ratified the convention amendments, and the committee was informed that at least two of those countries—and perhaps more—have already made the convention amendments effective for their ships. With the full endorsement of the administration and industry witnesses that appeared before the Coast Guard subcommittee to give testimony on the bill, I think that the United States should do no less.

The bill is one which would go a long way toward solving some of the problems relating to pollution of the seas. It has the support of industry as well as Government and certainly, I am sure, the full support of the environmental community. I recommend its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

JELLYFISH CONTROL PROGRAMS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16074) to authorize appropriations to carry out jellyfish control programs until the close of fiscal year 1977.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes", approved November 2, 1966 (16 U.S.C. 1203), is amended by striking out "and" after "June 30, 1969,"; and by striking out the period at the end thereof and inserting in lieu thereof the following: ", and $400,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977.".

Mr. GARMATZ. Mr. Speaker, my bill, H.R. 16074, proposes to extend the so-called Jellyfish Act for another 4 years. The original legislation, which I also introduced, became law November 2, 1966. Basically, it was designed to authorize $2.25 million for a 3-year research program into the problem of the stinging jellyfish—also known as sea nettles—and it includes the more toxic Portuguese man-of-war.

In 1970, the program was extended for another 3 years, until June 30, 1973. The bill had the effect of authorizing to be appropriated approximately $733,000 to carry out the program during the past 3 years.

To some extent, the bill may be a misnomer, since it would also provide Federal aid for research into other forms of noxious marine pests, including undesirable forms of aquatic plantlife, such as algae and floating seaweed.

In general, this law authorized the Secretary of the Interior to make Federal funds available to the States on a 50–50 matching fund basis. I would like to emphasize, Mr. Speaker, that this has been a very popular program. Since its inception, a total of $1,035,064 in Federal funds have been expended in the following manner: Virginia, $377,336; Maryland, $230,000; Mississippi, $138,256; Florida, $81,560; New York, $81,545; Puerto Rico, $56,376; North Carolina, $29,000; Delaware, $10,000; and Connecticut, $30,991.

The committee held 3 days of hearings on H.R. 16074, and the members were pleased at the progress that is being made by the scientists working on jellyfish research. All of these programs are closely coordinated by the Department of Commerce, so that there is no overlapping, or wasteful redundancy of research.

Despite the fact that these sea creatures have pestered man for years, no method of effectively controlling them has yet been found, and little has been known about the ecology of these marine organisms. Now, for the first time, information on the life cycle of the jellyfish and on its role in the total marine environment is being uncovered and documented, and the research made possible under the act is making a definite contribution to our knowledge of marine life.

Scientists from several States—especially Maryland and Virginia—are conducting a coordinated yet varied research program. Research includes experimenting with mechanical barriers to protect bathers, searching for a weak link in the jellyfish's life cycle, and the use of natural predators which could be used to control the water pests.

It should also be emphasized that Federal funds from this act have been aiding valuable research on several forms of harmful algae, an undesirable form of aquatic plant growth that is reproducing at an alarming rate in many of our valuable marine areas—including the Chesapeake Bay and other bays and tributaries. The presence of various forms of algae in our lakes, rivers, and bays is often closely associated with major pollution problems, usually from excessive nutrients of nitrates, phosphates, and so forth. These organisms have an adverse impact upon the shellfish industry and upon the recreational potential of many estuarine areas. In other words, this legislation will help to combat one of our major problems—pollution of our natural resources.

Mr. Speaker, H.R. 16074 would amend section 3 of the act to extend the program for an additional 4 years, from July 1, 1973, to June 30, 1977. There would be authorized to be appropriated to carry out the program over the 4-year life of the program $400,000 per year.

Mr. Speaker, this is a worthwhile piece of legislation, and I enthusiastically urge its rapid passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14384) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(a)), as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three" to "for the fiscal year beginning July 1, 1973, and for the four".

Sec. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969," to "for the fiscal year beginning July 1, 1973,".

Sec. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each year," to "for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years $650,000 in each such year,".

Sec. 4. The provisions of this Act shall be effective July 1, 1973.

With the following committee amendment:

On page 2, line 9, strike "$650,000" and insert in lieu thereof "$1,500,000".

The committee amendment was agreed to.

Mr. GARMATZ. Mr. Speaker, it gives me great pleasure to rise and speak in support of my bill, H.R. 14384. The purpose of the legislation is to extend—for another 5 years—Public Law 88-309, which is commonly known as the Commercial Fisheries Research and Development Act of 1964. The program, which provides Federal aid for research and development projects to State fishery activities, will expire June 30, 1973.

I would like to emphasize that H.R. 14384 was reported out of my committee unanimously and that it has the strong support of the administration. There is a good reason for its popularity. Although the existing program has actually been funded for only 7 years, it has already achieved substantial results and benefited every State of the Union. As a matter of fact, all of the 50 States, in addition to the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam, have participated in the program and received help in Federal funds.

As an example, my State of Maryland has received a total of $1,138,500 for use in valuable research under this program. I was also fortunate enough to obtain a grant of $50,000 for a joint Maryland-Virginia research project on the blue crab shortage in the Chesapeake Bay. Almost every State has been helped in various ways on projects which are vital to their fisheries industry.

Mr. Speaker, my Committee on Merchant Marine and Fisheries ordered this legislation reported with an amendment. The amendment would increase the amount of funds authorized to be appropriated to carry out section 4(b) of the act—the fishery resource disaster provision–from $650,000 to $1,500,000 per year. The need for this additional funding was recently highlighted by the tropical storm Agnes which inflicted millions of dollars of damage to the fisheries resources of the Chesapeake Bay. My State of Maryland alone could use the entire amount authorized to be appropriated under the increased funding amendment. However, I am most hopeful that damages of this extent in the future will be few and far between and that the $1,500,000 appropriation authorization is reasonable under the circumstances at this time.

Although the present act does not expire until June 30, 1973, participating States require a leadtime to plan their programs, and this problem could be critical in those States which fund on a biennial basis.

Because of the urgent need for swift action, I made this legislation one of the first orders of my committee's business after Congress returned from its summer recess. For the same reason, Mr. Speaker, I appealed to you for early floor action on this measure, and I am grateful for your cooperation.

Therefore, I hope this legislation enjoys speedy passage, so that this excellent program can continue to benefit the individual States, as well as the Nation's vital fisheries industry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of a similar Senate bill (S. 3524) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3524

An Act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b (a)), as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three" to "for the fiscal year beginning July 1, 1973, and for the four".

Sec. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969," to "for the fiscal year beginning July 1, 1973,".

Sec. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each such year," to "for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years, $650,000 in each such year,".

Sec. 4. The provisions of this Act shall be effective July 1, 1973.

AMENDMENT OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Garmatz: Strike out all after the enacting clause of S. 3524 and insert in lieu thereof the provisions of H.R. 14384, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read

a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14384) was laid on the table.

CANADIAN FISHING VESSELS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16793) to prohibit the use of certain small vessels in U.S. fisheries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

(H.R. 16793)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for a period of five years from the date of enactment of this Act, it shall be unlawful for any person on board any prohibited vessel to transfer at sea or cause to be transferred at sea any prohibited fish or to land or cause to be landed any prohibited fish in a port of the United States.

SEC. 2. Any prohibited fish landed in contravention of this Act shall be liable to forfeiture. Any person, or persons, who knowingly takes, sells, transfers, purchases, or receives any prohibited fish landed in contravention of this Act shall be liable to a penalty of not more than $1,000 for each offense, in addition to any other penalty provided in law.

SEC. 3. Enforcement of this Act shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

SEC. 4. The provisions of this Act shall not apply to any vessel acquired prior to the date of enactment by a citizen of the United States or a resident alien.

SEC. 5. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 6. (a) As used in this Act the term "prohibited vessel" means any vessel of less than five net tons which (1) was constructed in a foreign country, and (2) has been used in a fishery of a foreign country, and (3) has been subsequently prohibited in such country from continuing to engage in such fishery.

(b) As used in this Act the term "prohibited fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life, with respect to which a prohibited vessel's further use was prohibited in a foreign country.

(c) As used in this Act the term "offense" means each separate landing or transfer of fish in contravention of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, during the five-year period beginning on the date of the enactment of this Act, it shall be unlawful for any person on board any prohibited vessel—

(1) to transfer at sea or cause to be transferred at sea any prohibited fish; or

(2) to land or cause to be landed any prohibited fish in any port of the United States.

SEC. 2. (a) Any person who knowingly—

(1) violates the first section of this Act;

(2) takes, sells, transfers, purchases, or receives any prohibited fish which are transferred or landed in violation of the first section of this Act; or

(3) violates any regulation issued pursuant to section 4 of this Act; shall be liable to a civil penalty of not more than $1,000, in addition to any other penalty provided by law. Each separate unlawful transfer or landing of prohibited fish shall constitute a separate violation of the first section of this Act.

(b) Any prohibited fish transferred or landed in violation of the first section of this Act, or the monetary value thereof, shall be subject to forfeiture.

SEC. 3. (a) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath of affirmation show probable cause, issue such warrants or other process as may be required for enforcement of this Act and the regulations issued pursuant thereto.

(b) Enforcement of this Act and the regulations issued pursuant thereto shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act and the regulations issued pursuant thereto.

(d) Such person so authorized shall have the power, with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States.

(e) Such person so authorized may seize, whenever and wherever lawfully found, all prohibited fish transferred, landed, taken, sold, purchased, or received in violation of the provisions of this Act or the regulations issued pursuant thereto. Any prohibited fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary concerned.

(f) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any prohibited fish seized if the process has been levied, on receiving from the claimant of the prohibited fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the violation, conditioned to deliver the prohibited fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the prohibited fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

SEC. 4. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

SEC. 5. As used in this Act—

(1) The term "person" means a person as defined in section 1 of title 1, United States Code.

(2) The term "prohibited fish" means, with respect to any prohibited vessel, the fish, mollusk, crustacean, or other form of marine animal or plant life which such vessel was authorized to engage in the catching of before the prohibition described in paragraph (3)(C) of this section was imposed on such vessel by the foreign country concerned.

(3) The term "prohibited vessel" means any vessel of less than five net tons which was—

(A) constructed in a foreign country,

(B) used in a fishery of such foreign country, and

(C) subsequently prohibited by such foreign country from being used in such fishery;

but does not mean any such vessel which was acquired by a citizen of the United States or a resident alien before the date of the enactment of this Act.

The committee amendment was agreed to.

Mr. GARMATZ. Mr. Speaker, the purpose of H.R. 16793 is to prevent the use of certain foreign built vessels of less than 5 net tons for a period of 5 years in certain fisheries of the United States.

The need for this legislation arises because of the percent influx of a large number of salmon fishing vessels constructed in Canada into the U.S. salmon fishery off the coasts of Alaska and Washington. These vessels are old and obsolete and have been declared to be surplus to the Canadian salmon fishery. In declaring these vessels surplus, the Canadian Government has developed a system of paying the owners the fair market value of such vessels. Subsequent to such payments, the Canadian Government auctions off these vessels to the highest bidder and about 170 of these vessels have been bought by U.S. citizens or alien residents and are now being used in the U.S. salmon fishery.

Mr. Speaker, H.R. 16793 is designed to plug this loophole by making it unlawful for anyone to knowingly transfer at sea or land at a U.S. port from one of these prohibited vessels the same type of fish that the vessel was prohibited from catching before it was declared surplus by the country of origin. Violators would be subject to a civil penalty of $1,000 and any fish transferred at sea or landed in violation of the act, or the monetary value thereof, would be subject to forfeiture.

Mr. Speaker, in order to prevent these old and obsolete vessels from participating in a U.S. fishery that is already over capitalized, and in order to eliminate this unfair competition to our U.S. fishermen who are already suffering losses because of a declining resource, I urge the immediate passage of H.R. 16793.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of a similar Senate bill (S. 3358) to prohibit the use of certain small vessels in U.S. fisheries, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3358

An act to prohibit the use of certain small vessels in United States fisheries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for a period of five years from the date of enactment of this Act, it shall be unlawful for any person on board any prohibited vessel to transfer at sea or cause to be transferred at sea any prohibited fish or to land or cause to be landed any prohibited fish in a port of the United States.

SEC. 2. Any prohibited fish landed in contravention of this Act shall be liable to forfeiture. Any person or persons who knowingly takes, sells, transfers, purchases, or receives any prohibited fish landed in contravention of this Act shall be liable to a penalty of not more than $1,000 for each offense, in addition to any other penalty provided in law.

SEC. 3. Enforcement of this Act shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

SEC. 4. The provisions of this Act shall not apply to any vessel acquired prior to the date of enactment by a citizen of the United States or a resident alien.

SEC. 5. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 6. (a) As used in this Act the term "prohibited vessel" means any vessel of less than five net tons which (1) was constructed in a foreign country and (2) has been used in a fishery of a foreign country, and (3) has been subsequently prohibited in such country from continuing to engage in such fishery.

(b) As used in this Act the term "prohibited fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life, with respect to which a prohibited vessel's further use was prohibited in a foreign country.

(c) As used in this Act the term "offense" means each separate landing or transfer of fish in contravention of this Act.

AMENDMENT OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARMATZ: Strike out all after the enacting clause of S. 3358 and insert in lieu thereof the provisions of H.R. 16793, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16793) was laid upon the table.

YOUTH CONSERVATION CORPS PILOT PROGRAM

Mr. MEEDS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2454) to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire, under the reservation, if this bill is similar to H.R. 16563, with respect to the Youth Conservation Corps?

The SPEAKER. It is a similar bill.

Mr. HALL. Mr. Speaker, will the Chair advise if it is an identical bill, or if it is proposed to move to strike out all after the enacting clause and pass the provisions of the House-passed bill?

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Washington.

Mr. MEEDS. I would advise the gentleman that this should have been done before. The Senate bill was passed first. It is a matter of comity that it be sent back in that fashion. We neglected to do this.

We will ask to strike out all after the enacting clause and to insert the provisions of the House-passed bill. That is what I shall seek to do.

Mr. HALL. Is it an identical bill to the House-passed bill?

Mr. MEEDS. I will ask to insert the text of the House bill.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2454

An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1970 (84 Stat. 794) is hereby amended to read as follows:

"POLICY AND PURPOSE

"SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

"YOUTH CONSERVATION CORPS

"SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States as determined by the Secretary of the Interior, and the Secretary of Agriculture.

"(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

"SECRETARIAL DUTIES

"SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

"(1) determine with other Federal agencies, areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps; and to determine and select appropriate work and education programs and projects for participation by Corps employees;

"(2) determine the rate of pay, hours, and other conditions of employment in the Corps: *Provided,* That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

"(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project. Whenever economically feasible, existing but unoccupied Federal facilities and surplus and/or unused equipment, of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible;

"(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

"(5) provide, to the extent possible, that permanent, or semipermanent facilities used as Youth Conservation Corps camps be made available to local schools, school districts, State junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of nonuse by the Youth Conservation Corps program. Costs for operations, maintenance, and staffing of these facilities during periods of use by non-Corps programs as well as any liability for personal injury or property damage stemming from such use shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

"(b) The provisions of section 3110, title 5, United States Code shall not apply to employment in the Corps.

"(c) The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to establish a pilot Federal-State cost-sharing program with the States, territories or possessions for purposes as outlined in the Act upon non-Federal public lands and water areas.

"(1) The funds appropriated for any program year shall be made available to States requesting participation, and determined by the Secretary of the Interior and Secretary of Agriculture to have qualified programs to meet the objectives of the Act.

"(2) The total number of employees of the Corps in State cost-sharing programs shall not exceed more than 25 per centum of the total number of employees in the Corps in any program year. The Federal share of the cost of the participating States program shall not exceed 80 per centum in any program year.

"SECRETARIAL REPORTS

"SEC. 4. Upon completion of each year's program the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's program. The President shall transmit the report to the Congress for review and appropriate action.

"AUTHORIZATION OF FUNDS

"SEC. 5. There are hereby authorized to be appropriated amounts not to exceed $150,000,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act."

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause of S. 2454 and insert in lieu thereof the provisions of H.R. 16563, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16563) was laid on the table.

COMPENSATION OF MEMBERS OF NATIONAL COMMISSION ON FINANCING OF POSTSECONDARY EDUCATION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16883) relating to compensation of members of the National Commission on the Financing of Postsecondary Education.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 140(b) of the Education Amendments of 1972 is amended by adding at the end thereof the following new paragraph:

"(4) Members of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 under section 5332 of title 5, United States Code, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission, except that members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their services on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, United States Code.

Mr. PERKINS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, briefly, the bill corrects an oversight in Public Law 92–318 which established the Commission. It was the intention of the conference that the members of the Commission be compensated for their work and their travel expenses including those members who are Federal employees who serve on the Commission. This bill proposes the standard compensation authority for members of the Commission who are not Federal employees. They will be compensated at the rate of GS–18.

This bill further authorizes the reimbursement of travel expenses as provided for under title V of the United States Code for both Federal and non-Federal members of the Commission.

Section 140 of the Education Amendments of 1972, enacted in June, authorized the establishment of a National Commission on the Financing of Postsecondary Education. The Commission is directed to undertake a comprehensive and intensive study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education.

The Commission is composed of two Members of the Senate, two Members of the House, and 13 members appointed by the President; $1.5 million is authorized for the purpose of carrying out the study.

H.R. 16883 corrects an oversight in the statute establishing the Commission, which fails to provide authority to compensate Commission members who are other than Federal employees and to reimburse all Commission members for travel expenses.

H.R. 16883 carries out the clear intent of the conferees on the higher education amendments that Commission members be compensated for their work and that travel expenses, including those of Federal employees who serve on the Commission, be reimbursed.

The bill proposes the standard compensation authority for members of the Commission who are not Federal employees. Non-Federal employees will be compensated at the rate of GS–18. Second, the traditional reimbursement of travel expenses as authorized under title V of the United States Code is provided for both Federal and non-Federal members of the Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTS FOR ALLEN J. ELLENDER FELLOWSHIPS TO DISADVANTAGED STUDENTS AND THEIR TEACHERS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 265) to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 265

Whereas Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people and the development of greater opportunities for active and responsible citizenship by young people; and

Whereas Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and their educations; and

Whereas it is a fitting and appropriate tribute to the beloved Senator Ellender to provide in his name an opportunity for participation, by students of limited economic means and by their teachers, in the program supported by the Close Up Foundation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized to make grants in accordance with the provisions of this joint resolution to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its program of increasing understanding of the Federal Government among secondary school students, their teachers, and the communities they represent.

(b) Grants received under this joint resolution shall be used only for financial assistance to economically disadvantaged students and their teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this joint resolution by such students and teachers shall be known as Allen J. Ellender fellowships.

SEC. 2 (a) No grant under this joint resolution may be made except upon an application at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

(b) Each such application shall contain provisions to assure—

(1) that not more than one thousand five hundred fellowship grants are made to economically disadvantaged secondary school students, and to secondary school teachers, in any fiscal year;

(2) that not more than one secondary school teacher in each such school participating in the program may receive a fellowship grant in any fiscal year; and

(3) the proper disbursement of the funds of the United States received under this joint resolution.

SEC. 3. (a) Payments under this joint resolution may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this joint resolution.

SEC. 4. For the purpose of this joint resolution, the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education beyond grade twelve.

Sec. 5. There are authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years to carry out the provisions of this joint resolution.

Mr. PERKINS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this joint resolution would authorize the appropriation of up to $500,000 for the current fiscal year and for each of the 2 succeeding fiscal years to permit the Commissioner of Education to make grants to the Close Up Foundation of Washington, D.C., a nonpartisan, nonprofit organization.

The purpose of the Close Up Foundation is to increase the understanding of the Federal Government among secondary school students, their teachers, and the communities they represent. The foundation provides financial assistance to students and their teachers, bringing them to Washington in order that they may come into close contact with the American Government and the people who run it and participate in it.

Financial assistance under this resolution will be provided only to the economically disadvantaged and their teachers. It will be referred to as Allen J. Ellender fellowships. Not more than 1,500 grants can be made in any fiscal year. Not more than one secondary school teacher from any one school may receive a fellowship grant in any fiscal year.

Mr. Speaker, this is an extremely worthwhile program. Our Nation needs the talent, enthusiasm, and participation of young people to function effectively in the world in which we live.

Mr. BOGGS. Mr. Speaker, I rise in support of this joint resolution which would authorize the Commissioner of Education to make grants to the Close-Up Foundation of Washington, D.C. for the purpose of increasing the understanding of our Federal Government among secondary school students.

I have participated in the programs of the Close-Up Foundation, and I can heartily recommend it to all my colleagues. This is an entirely nonpartisan, nonprofit program. These funds would be used to bring economically disadvantaged students to Washington. The program will be called the Allen J. Ellender fellowship program in honor of our late colleague from Louisiana.

Mr. Speaker, this is an outstanding program. Our country needs the vitality and participation of young people in its affairs. Close-Up offers young people an opportunity to learn about their Government.

Moreover this program would be an altogether appropriate memorial for a beloved colleague and friend, Allen J. Ellender, who died suddenly on the evening of July 28 at the age of 81.

For some, who did not know Allen Ellender, it may seem odd to speak of the sudden passing of a man who had attained an age when ordinary people are resting at home. Yet, Allen Ellender was not an ordinary man. When he was taken from us last month, he was more vigorous and more active than most men half his age. From his early childhood until the day of his death, Allen Ellender had a strong body and a quick mind, and he never failed to apply both to their generous limits. At the time of his death, he was campaigning for reelection to a seventh term in the U.S. Senate, and doing so at such a pace that his staff, most of whom were young men, were finding it hard to keep up with him.

It was a pace he had maintained throughout most of his career in public life, a career which spanned 50 years of American politics. He began his career in public service in 1913 as the city attorney of his hometown, Houma, La. In 1915, he was elected district attorney of Terrebonne Parish, beginning a long career in public office which took him to the Louisiana Legislature in 1924, to the speakership of its house in 1932, and then on to the U.S. Senate in 1936 where he rose to the highest post ever attained by a citizen of our State.

Although he rose to the highest position of power in the Senate, he never forgot his constituents, the farmers, housewives, and small businessmen of Louisiana who trusted him and looked to him for help. On the day of his death, he had returned to Washington to vote on legislation which he felt was vital to the farmers of Louisiana and of America. It was that kind of dedication and devotion which marked his entire career.

It is true that Allen Ellender was chairman of the Committee on Appropriations, chairman of the Committee on Agriculture, and President pro tempore of the Senate. What is more and what cannot be forgotten is the manner in which he exercised these positons of great power. He was consistently conscientious, hard working, fair, honest, and forceful. He always found time to meet with young people and to participate in programs such as this. He was admired and respected by his colleagues in the Senate and loved by his constituents. He was a farmer at heart, and it would be difficult to name an American who did more for the farmers of America than Allen Ellender.

He came from a State in which navigation and flood control are matters of life and death, and he was a principal architect of a national public works program which has developed resources around our country and given security to millions of our people.

He was elected to the Senate during a time of great economic adversity, and he never forgot the innocence and plight of the poor. He was the chief sponsor of the legislation which created the food stamp program, the school lunch program, and the food for peace program.

He was a product of rural America, yet he became an expert on national defense and a leading spokesman on this Nation's proper role in international affairs.

These are just a few of Allen Ellender's achievements during his long and productive career in public office. More important, however, is the example of public service he leaves all of us who follow. He was as kind and generous a man as I have ever met. In my opinion, there could be no more fitting memorial to this outstanding leader than to adopt this joint resolution and thereby support a program in which he believed and for which he worked. Mr. Speaker, I urge the adoption of this joint resolution.

Mr. HÉBERT. Mr. Speaker, Allen Ellender and I go back a long way.

His death, above all else, is a deep personal loss to me for he was a very dear friend.

I knew him and was associated with him longer than anybody in the Louisiana delegation beginning over three decades ago when, as a reporter for the New Orleans States, I covered him when he was speaker of the House in Baton Rouge.

His record of public service is one that most politicians often aspire to accomplish, but only in their wildest dreams do they ever entertain the thoughts that it will become a reality. Allen Ellender's dream was reality.

It is impossible to fully evaluate what Senator Ellender meant to the State of Louisiana. For 60 years he enjoyed the love and affection, rarely accorded a public official, of the people of our State. Thirty-six of those years were spent in the U.S. Senate following a career as a State legislator.

He was a giant in power. He was a dedicated, loyal, tireless worker, crowned by an integrity which few men can claim.

Senator Ellender's death leaves a void in the powerful structure of Louisiana's congressional delegation which will take a long time to fill, if ever.

As chairman of the Senate Appropriations Committee and President pro tempore of the U.S. Senate, he had attained heights the likes of which Louisianians have never seen. In Louisiana they often talked about the "Big Four." It was a reference to Senator Ellender in his powerful position, Senator Russell Long, chairman of the Senate Finance Committee, Congressman Hale Boggs, majority leader of the House, and myself, chairman of the House Armed Services Committee.

Louisiana possessed the most powerful delegation in the Congress, perhaps the most powerful in history. Senator Ellender was our leader and set a fast pace for us. Men, many years his junior, found it difficult to keep up with him.

Because of his chairmanship of the Senate Appropriations Committee and of the Subcommittee on Defense Spending, I was working with him constantly as we devoted our efforts to maintain a strong national defense and the security of the country.

Senator Ellender left a strong imprint on the legislative history of the country, and his knowledge and experience will be sorely missed. He will be remembered as one of America's greatest statesmen.

The high esteem in which he was held was demonstrated by the number of persons from official Washington who attended his burial rites in native town of Houma, La. President Nixon and Vice President Agnew led a distinguished group to pay a final tribute to the Senator.

It was indeed fitting that one of the

most distinguished French Cajun Americans of all time be laid to rest in his native soil of Terrebonne Parish where he rose from his family's plantation to become one of America's most influential men.

On the lighter side, Senator Ellender was also famous for his culinary skills. First Ladies and Presidents, legislative colleagues and other Washington brass and visitors came to his hideaway in the Capitol to partake of his gumbo, pralines, and other Creole dishes.

Senator Ellender was devoted to his family, and when his wife died in 1949, he approached his senatorial duties with even more vigor, spending 10 to 12 hours a day in his Senate office. His was a rare dedication to his family, his State, and his country.

The accolades we pay to Allen Ellender today are like sands upon the beach that can be washed away in time, but his accomplishments and the love Louisianians have for him will never die or be washed away.

In my heart, he will always live.

Mr. WAGGONNER. Mr. Speaker, in the untimely death of Senator Allen J. Ellender, I personally have lost a dear friend, the Congress has lost one of its most valued Members, the State of Louisiana has lost one of its finest sons and noblest gentlemen, and the Nation has lost one of its most dedicated public servants.

For 36 years, Senator Ellender served in the U.S. Senate, having risen higher in that body than any other Louisianian. At the time of his passing, he was the President pro tempore of the Senate and chairman of the Senate Appropriations Committee. As the most important member of the Louisiana delegation in Congress, Senator Ellender did more for Louisiana than time or space would permit me to relate. Suffice it to say that every person in Louisiana has benefited from the public service given so unselfishly by Allen Ellender to the people of Louisiana. He always placed the interests of Louisiana above any personal ambitions.

A lifelong resident of Louisiana, Allen was born and raised in Terrebonne Parish, La., in the southern region of our State. He graduated with M.A. and L.L.B. degrees from Tulane University. He served as city attorney of Houma, La., from 1913 to 1915, as district attorney of Terrebonne Parish from 1915 to 1916, and had a distinguished career in the Louisiana State Legislature from 1924 to 1936. He was elected to the U.S. Senate on November 3, 1936, and was reelected six consecutive times. At the time of his death, he was running for his seventh consecutive term of office.

I need not remind my colleagues of the quality of the dedicated life and the invaluable work of Allen Ellender; they are known well to every Member of this body. I know of no other legislator who worked longer or harder in performing every possible service for his beloved State and Nation. His indefatigable efforts on behalf of our country and the people of Louisiana will long be remembered by a grateful State and Nation.

Louisiana and the Nation will keenly miss the presence of this great man, but we shall long be inspired by the memory of our affectionate friendship and close association, his sage counsel, and by the example of his devotion to duty and the value of his public service. I personally mourn his passing; we have lost an able leader and a fine gentleman. Allen was completely conscientious, wholly sincere, and unimpeachable in his integrity. America needs men like Allen Ellender, honorable men and courageous men.

Each of us knows that the measure of life is in the quality and not in the length of it. This dear, departed friend surely measured up fully, in every respect, in the quality of his life and in his service to his beloved Nation and his fellow man.

The Nation has suffered an irreparable loss in his passing, and I wish to extend my deep personal sympathy to members of his family. May his soul rest in peace and may the God of infinite goodness comfort and sustain his loved ones.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

Mr. RODINO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16932) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. DENNIS. Mr. Speaker, reserving the right to object, under the reservation I would be glad to yield to the distinguished chairman and ask him if he would give a brief explanation of the measure.

Mr. RODINO. Mr. Speaker, this bill directs the Law Enforcement Assistance Administration to pay a $50,000 death gratuity to certain public safety officers who die as the direct and proximate result of a personal injury sustained in the performance of duty.

An "eligible public safety officer" is defined to include State and local law enforcement officers and firemen—including volunteer firemen—who at the time of their injury, are engaged in certain hazardous activities.

In the case of the law enforcement officer, he must be engaged in: First, the apprehension of a suspect or a criminal; second, the protection or guarding of suspects, prisoners, or material witnesses; and third, the prevention of crime. In addition, a law enforcement officer would be covered while engaged in the performance of routine—nonhazardous—duties, if his death was the result of a criminal act or an apparent criminal act. This last category is designed to cover law enforcement officers who are victims of assassinations or ambush slayings.

This bill would cover firemen who die while they are engaged in the protection of life or property from fire.

Application for the $50,000 death gratuity would be made by the survivors of eligible public safety officers directly to the Law Enforcement Assistance Administration. Prior to making such payment, the Law Enforcement Assistance Administration would be required to determine, in accordance with regulations which shall be prescribed, that: First, the officer sustained a personal injury while engaged in one or more of the aforementioned activities; and second, the personal injury was the direct and proximate cause of the officer's death.

This $50,000 death benefit would not be subject to Federal income taxes. The bill is designed to meet the immediate financial needs of the officer's survivors and at the same time, to upgrade and improve employment opportunities in the professions of law enforcement and firefighting.

Mr. Speaker, I repeat, this measure would provide a $50,000 lump-sum gratuity payment to law enforcement officers who are killed in the performance of their duty.

The Omnibus Crime Control Safe Streets Act recognized that the problem of crime in our Nation is one of serious proportions and police officers have been risking their lives, they have been dying, they have been unable to secure insurance. Their families have been found, in many cases, in want and have had to rely on charity or on public-spirited citizens to provide them with some kind of sustenance to tide them over after the death of the breadwinner.

There is precedence for this legislation in Public Law 90-291, which provided survivor and disability benefits to non-Federal law enforcement officers who are killed or injured while enforcing Federal laws or maintaining custody over Federal prisoners. In addition, Public Law 91-509 provided a $50,000 lump-sum payment to the survivors of a police officer or fireman, in the District of Columbia, who dies in the performance of duty.

Mr. DENNIS. Mr. Speaker, further reserving the right to object, under the reservation I would point out briefly, in accordance with the statement of the chairman, that the rationale behind this legislation is that the hazards of firemen and policemen today have often become a national rather than a local problem due to some of the conditions which we have experienced in the last few years.

Furthermore, this is a rather simple bill inasmuch as it is not in the nature of a compensation bill but, rather, a lump sum gratuity to the survivors of firemen and policemen killed in the line of duty.

Mr. Speaker, I think I have nothing further to add by way of reservation as far as I am personally concerned.

Mr. SEIBERLING. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman from Indiana as well as the distinguished chairman of the committee, the gentleman from New Jersey, for the leadership which they have shown in the subcommittee and in the Judiciary Committee in working out this bill.

This is a national problem we are facing in terms of law enforcement, and I think this bill is an important step in encouraging qualified and outstanding people to serve in our police and firefighting agencies throughout the country.

I am proud to be associated with them as cosponsors of this legislation, and I strongly urge its passage.

Mr. DENNIS. Mr. Speaker, I withdraw my reservation of objection.

Mr. JACOBS. Mr. Speaker, I rise in support of the legislation now before the House, and lament that the job of caring for the families of slain public safety officers is only partially done.

As the original sponsor of legislation to compensate the families of public safety officers killed in the line of duty while enforcing State or local laws I urge the House to finish the job in the next Congress with all possible dispatch.

I remain convinced that equity will not be served until the survivors have been given the option of receiving either the lump sum gratuity we are providing today or the death and disability annuity benefits now available to public safety officers killed while enforcing a Federal crime.

Mr. BOLAND. Mr. Speaker, the statistics on violence involving public safety officers is truly disturbing. During 1971, 125 policemen were killed by felonious attacks. This figure represents an alarming 25 percent increase over the previous year.

Fortunately, there has been some abatement in the rate of increase so far this year. But this is of little comfort to the officer's family or dependents. It is important that we recognize society's moral obligation to compensate the survivors of these men who risk their lives daily to serve and promote the public interest.

It is not only policemen who must brave the risks of increased violence in our society. Recent years have also produced new hazards for firemen. Civil disorders and social strife have resulted in our firefighters becoming the targets of sniper fire and the victims of harassment and physical violence.

It was to meet these sad needs that the Public Safety Officer's Benefits Act of 1972 was introduced. This legislation would provide a minimum Federal payment of $50,000 to the survivors of public safety officers who are killed in the line of duty. Police, probation and parole officers would be covered if death is a result of a criminal action sustained in performance of duty. Firemen would be covered if death occurs during performance of official duties. This benefit would be in addition to any other benefits the officer may be entitled to under other programs, and I am pleased to note that the Internal Revenue Service has advised that the gratuity would not be subject to Federal income tax.

This is an important and long-overdue step in the process of insuring that public safety officials know the depth of support the American people give them.

Mr. EILBERG. Mr. Speaker, in 1970, 100 policemen and 115 firemen died in the line of duty. In 1971, these figures rose to 126 for the police and at least 160 for firemen. The Department of Labor has determined that firefighting is the most hazardous profession in the United States. Despite these facts and figures, many States and localities provide little or no benefits for the families of policemen and firemen who are killed in the line of duty. We are asking too much to expect these men to risk their families' security as well as their own lives for our protection.

H.R. 16932, the bill now under consideration, would authorize the payment of a $50,000 benefit to the immediate relatives of policemen, firemen and other eligible public safety officers who die as a direct result of a personal injury sustained in the performance of certain hazardous duties. Eligible recipients would be the spouse and/or children of the deceased, or one or both dependent parents.

The bill defines the eligibility for coverage of the public safety officer in terms of his activity as well as his occupation. Firefighters are covered whenever they are actually and directly engaged in protecting life or property from fire. Coverage is provided for law enforcement officers engaged in certain hazardous duties; namely, apprehending a suspect of material witness; protecting or guarding a suspect, prisoner, or material witness; or preventing crime. Coverage is also provided for law enforcement officers and correctional personnel killed as the result of a criminal act while they are engaged in the performance of routine duties.

This latter threat, the police officer slain while performing routine duties, includes police ambush—the most sinister form of attack on our police officers, since there is the least possible defense. The policemen pursuing an armed robbery suspect knows full well that his life is in danger and acts accordingly; but the patrolman answering a call for help has only recently come to fear that he may be being lured into a trap. During the period 1968–71, 49 police officers were killed from ambush, compared to 12 ambush slayings between 1962–66. The increase in this particular form of despicable behavior is a major factor in the increase in the number of police deaths in recent years.

Under the provisions of H.R. 16392, the lump-sum benefit payable under this legislation is in addition to any benefits provided under any other Federal or State program, including Public Law 90–291 which provides benefits to State and local law enforcement officers or their survivors when they are disabled or killed while apprehending a person who has violated a Federal law. As the committee report makes clear, this bill "is designed to meet the immediate financial needs of the survivors," and is not intended as a substitute measure in instances where States and localities already have benefit programs in effect.

The Public Safety Officers' Benefits Act, as H.R. 16932 is called, would be administered by the Law Enforcement Assistance Administration from appropriations made for that specific purpose. The committee estimates the annual cost at approximately $17 million, which we can well afford. Cost is not at issue here, anymore than it is in our recompensing the families of those who die in Vietnam. The policemen and firemen who have given their lives for our protection did not stop to count the cost. Neither should we.

I hope that action today by the House will be followed by prompt action by the other Chamber, perhaps within the week. This legislation is long overdue.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill as follows:

H.R. 16932

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers Benefits Act of 1972".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART J.—PUBLIC SAFETY OFFICERS DEATH BENEFITS

"SEC. 701. (a) In any case in which the Administration determines, under regulations issued under part F of this title, that an eligible public safety officer has died as the direct and proximate result of a personal injury sustained in the performance of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of procedure:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is any natural, adopted, or posthumous child of the decedent who is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes a surviving husband or wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'dependent for support' means more than one-half of the support of the dependent concerned.

"(e) As used in this section, the term 'eligible public safety officer' means any individual employed by a public agency as a law enforcement officer or as a fireman (including any individual serving as an officially recognized or designated member of a legally organized volunteer fire department) who is determined by the Administration to have been, at the time of his injury—

"(1) a law enforcement officer engaged in—

"(A) the apprehension or attempted apprehension of any person—

"(i) for the commission of a crime, or

"(ii) who at that time was sought as a material witness in a criminal proceeding; or

"(B) protecting or guarding a person held for the commission of a crime or held as a material witness in connection with a crime; or

"(C) the lawful prevention of, or lawful attempt to prevent, the commission of a crime; or

"(2) a fireman engaged in the protection of life or property from fire.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law.

"SEC. 703. The provisions of this part shall apply with respect to any eligible public safety officer who dies as the direct and proximate result of a personal injury which is sustained on or after the date of enactment of this Act."

SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end of the section the following sentence: "In addition, there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

SEC. 4. Section 701 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of part J the term does not include the District of Columbia."

With the following committee amendments:

On page 3, line 23, after the word "crime" insert:

"or was otherwise engaged in the performance of his duty and such injury was the result of a criminal act, or an apparent criminal act."

On page 4, line 16, after "Sec. 4." strike out "Section 701" and insert in lieu thereof: *"Section 601"*.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2087

An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers' Benefits Act of 1972."

DECLARATION OF PURPOSE

SEC. 101. It is the purpose of this Act to promote the public welfare by establishing a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 521, respectively, as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part G of title I as amended by this Act, the following new part:

"PART H—DEATH AND DISMEMBERMENT BENEFITS FOR PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and posthumous child;

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a deceased public safety officer;

"(4) 'dismemberment' means the loss of all or a substantial portion of one foot or one hand or legal blindness in one eye;

"(5) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(6) 'line of duty' means within the scope of employment or services; and

"(7) 'public safety officer' means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

"(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the Armed Forces,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting.

"AWARDS

"SEC. 526. (a) Upon a finding made in accordance with section 529, the Administration shall provide the following benefits:

"Loss	Benefit payable
Death or multiple dismemberment__	$50,000
Single dismemberment______________	25,000

"(b)(1) Whenever the Administration determines, prior to taking final action, that a death or dismemberment of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $5,000 to the public safety officer, dependent, or dependents entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such public safety officer, dependent, or dependents.

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such payment.

"(c) The benefit payable under this part shall be in addition to any other benefits that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 12 (k) of the Act of September 1, 1916, as amended (4–531(1) of the District of Columbia Code);

"(2) gratuitous lump-sum death or dismemberment benefits authorized by the United States, a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits;

"(3) amounts received under any Federal program, or program of a State or unit of general local government receiving Federal assistance under this title which provides for the compensation of victims of crime.

"(d) No benefit paid under this part shall be subject to execution or attachment.

"RECIPIENTS

"SEC. 527. Upon receipt of a certification from the Attorney General, the Governor or the highest executive officer of a State that a public safety officer has been killed or has suffered dismemberment in the line of duty and the proximate cause of such death or dismemberment was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 26 of this part as follows:

"(1) If the public safety officer suffered dismemberment, to the public safety officer.

"(2) If the public safety officer was killed—

"(A) to the dependent person or persons specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part;

"(B) if there is no such surviving designated person or persons and no surviving dependent child of such officer, to the surviving dependent spouse of such officer;

"(C) if there is a surviving dependent child or children and a surviving dependent spouse of such officer, one-half to the surviving dependent child or two-thirds to the surviving dependent children of such officer in equal shares, with the remainder to the surviving dependent spouse of such officer;

"(D) if there is no such surviving dependent spouse, to the dependent child or children of such officer, in equal shares;

"(E) if none of the above, to the dependent parent or parents of such officer, in equal shares; or

"(F) if none of the above, to the other dependent next of kin of such officer under the laws of domicile of such State of such officer at the time of his death, in equal shares.

"LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death or dismemberment was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death or dismemberment;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death or dismemberment;

"(3) in the event the public safety officer was killed, to any person who would otherwise be entitled to a benefit under this part, if such person's actions were a substantial contributing factor to the death of the public safety officer; or

"(4) if a notification of death or dismemberment has not been filed by or on behalf of a public safety officer under this part with the Attorney General or the Governor or highest executive of a State within one year after the date of death or dismemberment, unless the Administration finds that the failure to file was justified by good cause.

"PROCEDURE

"SEC. 529. (a) Awards under this part shall be made as follows—

"(1) in the event the death or dismemberment of a public safety officer serving a State or unit of general local government, the notification of such death or dismemberment shall be filed with the Governor or the highest executive officer of the State of service; or

"(2) in the event the death or dismemberment of a public safety officer serving the United States, the notification of such death or dismemberment shall be filed with the Attorney General or his designate.

"(b) The Governor, the highest executive officer of a State, or the Attorney General upon receipt of notification of the death or dismemberment of a public safety officer shall promptly notify the Administration of the pendency of a certification, and, after due investigation, shall certify to the Administration all facts relevant to the death or dismemberment upon which the benefit will be paid.

"(c) The Administration, upon receipt of certification by a Governor or the highest executive officer of a State, or the Attorney General, indicating that a benefit is due under this part, shall pay such benefit.

"(d) The adjudicatory provisions of chapter 5 of title 5 of the United States Code are not applicable to the procedures authorized under this part.

"MISCELLANEOUS PROVISIONS

"SEC. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting '(a)' immediately after '569' and by adding at the end thereof the following new subsection:

"'(b) There is authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1973, for the purposes of part H.'

"SEC. 104. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

"SEC. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be effected thereby.

"SEC. 106. This Act shall become effective on the date of enactment and the benefits thereunder shall be retroactive with respect to any dismemberment or death of a public safety officer as defined in part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, which occurred on or after Janunary 1, 1967."

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Strike out all after the enacting clause of S. 2087 and insert in lieu thereof the provisions of H.R. 16932 as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16932) was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members have 3 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8395, REHABILITATION ACT OF 1972

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill H.R. 8395, the Rehabilitation Act of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 15657, OLDER AMERICANS ACT OF 1965

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1572)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1972".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, parents, community, and community, State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act of 1972, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) on Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization:

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $300,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973 under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974 and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder."

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304 (a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed

that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a) (1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1973, $105,000,000 for the fiscal year ending June 3, 1974, and $140,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum ultilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) are preposing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organizations, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section $7,500,000 for the fiscal year ending June 30, 1973; $15,000,000 for fiscal year ending June 30, 1974; and $20,000,000 for fiscal year ending June 30, 1975.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them.

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title (except section 412), $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities) and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, $35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multi-purpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purposes of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"DEFINITIONS

"SEC. 512. For purposes of this title—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provisions of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provisions of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Island,

and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subscription (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons."

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111 and 112 (and cross references thereto) as 111, 112 and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals:

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) (1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act:

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

DECLARATION OF FINDINGS

SEC. 1002. The Congress hereby finds and declares that—

(1) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

AUTHORIZATIONS

SEC. 1004. For the fiscal year ending June 30, 1973, the Secretary is authorized to carry out the provisions of this title from funds otherwise available for similar programs. There is authorized to be appropriated for the purpose of carrying out the provisions of this title, $100,000,000 for the fiscal year ending June 30, 1974.

PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

PART B—SPECIAL REPORTS AND STUDIES

RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

MANPOWER STUDIES

SEC. 1022. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or

training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipients of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c)(1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each such State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

And the Senate agree to the same.

Carl D. Perkins,
John Brademas,
Patsy T. Mink,
Albert H. Quie,
Orval Hansen,
Managers on the Part of the House.

Thomas F. Eagleton,
Alan Cranston,
Edward M. Kennedy,
Jennings Randolph,
Harrison Williams,
Harold E. Hughes,
Adlai E. Stevenson,
J. Glenn Beall, Jr.,
Richard S. Schweiker,
Bob Taft, Jr.,
Bob Packwood,
Robert T. Stafford,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

NATIONAL COUNCIL ON THE AGING

The House bill establishes a National Council on the Aging, whose 15 members would be appointed by the President with the advice and consent of the Senate, and whose Chairman would be designated from among the membership. The Senate amendment establishes an independent 6 member Older Americans Advocacy Commission (modeled after the Civil Rights Commission).

The conference agreement provides for a 15 member Council, the structure of which is taken from the House bill, but which is empowered to exercise essentially the same functions as the Commission established by the Senate amendment in addition to those functions assigned to the Advisory Council by the House bill. It is the intention of the conferees that this body function as more than a passive advisory body, and that it work to actively promote the interests of older Americans throughout the whole range of Federal policies and programs affecting them.

Access to low-cost transportation

The House bill adds a new objective to the Declaration of Objectives for Older Americans contained in section 101 of the Older Americans Act of 1965, relating to access to low-cost transportation. The Senate amendment contains no such amendment. The Senate recedes.

Administration on Aging

The House bill provides that the Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out the Act, and that he shall be directly responsible to the Secretary and not to or through any other officer of the Department. The Commissioner's functions may not be delegated unless a delegation plan is submitted to Congress for approval. The Senate amendment places the Administration on Aging in the Office of the Secretary, and provides that the Commissioner on Aging shall be directly responsible to the Secretary, and may delegate his functions only if the Secretary approves, notice of such delegation is published in the Federal Register, and an opportunity for comment afforded any interested party. The conference agreement adopts the Senate language with regard to the placement of the Administration on Aging in the office of the Secretary. The House language was adopted with regard to the Commissioner reporting directly to the Secretary, and with regard to the delegation of his powers. The conferees construe the phrase "not to or through any other officer of the Department" to mean that the Commissioner shall not report to any other officer except the Secretary on essential policy matters affecting this Act.

The House bill also assigns six new functions to the Administration on Aging, and expands an existing function. The Senate amendment is the same, except that the new function relating to a continuing evaluation of the programs and activities related to the purpose of the Act does not appear, nor does the expansion of the function of planning and research to include programs for social services. The Senate recedes.

The House bill also authorizes the Commissioner to encourage voluntary organizations to become involved in programs for the aging. The Senate amendment is the same, but directs the Commissioner to take such steps together with the Director of Action. The conference agreement adopted the provision of the Senate amendment, with an amendment substituting "in consultation with" for "together with" the Director of Action.

The House bill establishes, within the Administration on Aging, a National Information and Resource Center for the Aging, which is authorized to act as a clearing house for referrals to and from the information and resource sources provided under title III of the House bill, and to coordinate and monitor the activities of such centers. The House bill authorizes $750,000 for fiscal year 1973, and such sums as are necessary for fiscal years 1974 and 1975. The Senate amendment establishes, within the Administration on Aging, a National Older Americans Information Clearing House, which functions in the same manner as the Center in the House bill, except that it includes a program for information about consumer interests of older persons, and encourages the establishment of State and local information centers, to which the National Clearing House will provide technical assistance, instead of the information, referral, and coordination functions provided in the House bill. The House recedes, with an amendment to establish the name of the unit as the "National Information and Resource Clearing House for the Aging".

Administration of the Act

The House bill authorizes such sums as may be necessary for the administration of the Act, and authorizes the Commissioner to provide technical assistance and staff to the President's Council on Aging. The Senate amendment is the same, except that the Commissioner is authorized to provide technical assistance and staff to the Older Americans Advocacy Commission. The conference agreement substitutes "Federal Council on Aging" for the units referred to in the House bill and Senate amendment.

Evaluation

The House bill requires the Secretary to publish standards for evaluation of programs before funds are released for programs and projects under the Act, and requires the Secretary to publish results of evaluations within 60 days of completion. The Senate amendment requires the Commissioner to publish standards for evaluation before funds can be released for activities under the Model Projects section of title III and under title IV of the Senate amendment, and requires that summaries of the results of evaluation of all programs and projects under the Act be published annually. The House recedes, with an amendment changing "Commissioner" to "Secretary."

Joint funding of projects

The House bill contains a joint funding provision which is the same as that contained in the existing Older Americans Act of 1965. The Senate amendment contains a joint funding provision which is similar to that in the House bill, but without reference to the establishment of a single non-Federal share requirement and a single set of contract or grant requirements. The House recedes.

Repeal of Title VIII of the Older Americans Act of 1965

The Senate amendment contains a section repealing title VIII of the Older Americans Act of 1965, which established an Advisory Committee on Older Americans, and various technical advisory committees. The House bill substituted another title for existing title VIII. The conference agreement adopted the Senate version.

Area planning and social service grant allotments

The House bill provides an allotment formula for area planning and social service grants based on each State's population of individuals aged sixty and over, with a minimum allotment of $250,000 for each State, and of $50,000 for each of the territories. The Senate amendment provides an allotment formula for such grants which is the same as that contained in title VII (Nutrition Program for the Elderly) of the Older Americans Act of 1965, except that the minimum for each State is one percent of the amount authorized, and the minimum for each territory is one-half of one percent of such sum, and except that a pro rata reduction is applied for any fiscal year in which the authorization is higher than the appropriation.

The conference agreement adopts the existing title III formula for fiscal year 1973, except that the base amount is reduced from one percent to one-half of one percent for States, and from one-half to one-fourth of one percent for territories. In succeeding fiscal years, the formula now contained in title VII of the Older Americans Act of 1965 is adopted, except that each State and territory is guaranteed, as a minimum, an amount equal to its fiscal year 1973 allotment.

Planning, coordination, evaluation, and administration of State plans

The House bill provides an allotment formula for grants for the administration of State plans which is based on the population aged sixty or over in each State, with a minimum allotment of one-half of one percent of the sum appropriated for the fiscal year, or $200,000, whichever is greater, for each State, and with a minimum of one-fourth of one percent of such sum, or $50,000, for each territory. The Senate amendment's allotment formula differs in that the minimum allotment for States and territories is triggered only if $15,000,000 or more is appropriated for any one fiscal year. The Senate recedes, with an amendment reducing the base amount for States to $100,000.

State organization

The House bill provides that any unit of general purpose local government which has an existing office on aging and includes 25 percent of the State's population aged sixty and older shall be designated as a planning and service area. The Senate amendment provides that any unit of general purpose local government which has a population aged sixty or over of 50,000 or more, or which contains 15 percent of or more of the State's population aged sixty or over, shall be designated as a planning and service area, but the State may designate other service areas which do not meet the above criteria. The Senate amendment also allows for the inclusion of adjacent areas as necessary in such designation. The House recedes.

It is the understanding of the conferees that when, for the purposes of more effective administration, a state includes within a planning and services area, areas adjacent to a unit of general purpose local government which has a population aged sixty or over of 50,000 or more or which contains fifteen percent or more of the state's population aged sixty or over, the state may, when the adjacent areas together with the unit of general purpose local government constitute a larger unit of general purpose local government, designate any agency within the entire unit which has the authority and the capability to serve the entire unit as the area agency.

Area organization

The House bills sets forth criteria for the designation of area agencies on aging, with emphasis on units of general purpose local government. The Senate amendment sets forth criteria which differ by placing primary emphasis on designating an established office on aging within a planning and service area. The conference agreement provides that an established office of aging within a planning and service area, if such office exists, be given preference, and otherwise, a unit of general purpose local government, or other enumerated agencies may be designated.

Area plans

The House bill provides for the development of an area plan and stipulates the content of such plan. The Senate amendment is the same as the House bill, but includes in the area plan the additional functions of establishing information and referral sources within the planning and service area covered by the plan, of providing legal services to older persons through established programs, of providing opportunities for the elderly to participate in day care services to children, and of establishing advisory councils. The House recedes, with technical changes.

State plans

The House bill provides for an annual State plan and stipulates eight functions for such plan. The Senate amendment provides for the same annual State plan, but the function related to information and referral sources does not appear. The Senate amendment also adds provisions prohibiting the State agency from providing services unless such services are necessary, and providing that preference shall be given to persons aged sixty or over in hiring by State and area agencies. The Senate amendment does not contain the preference for areas with large concentrations of older persons which is contained in the House bill. The House recedes, with an amendment changing the prohibition against providing services except where necessary, to a prohibition against "directly" providing such services, and with an amendment to retain the provision of the House bill providing for the establishment of information and referral sources.

Planning, coordination, evaluation, and administration of State plans

The Senate amendment provides that funds for the administration of the State plan may be used to supplement funds for the administration of area plans. The House bill contains no such provision. The House recedes.

The Senate amendment provides that a State's allotment for the administration of its State plan for fiscal year 1973 shall remain available until the close of the following fiscal year. The House bill contains no such provision. The House recedes.

Payments

The House bill requires that, beginning with fiscal year 1974, not less than 25 percent of the non-Federal share of the total expenditures under the State plan shall be met from funds from State or local public sources. The Senate amendment is the same as the House bill, except that the 25 percent requirement is effective in fiscal year 1975, rather than fiscal year 1974. The House recedes.

In addition, the Senate amendment sets a 3-year limit on funding for social service programs, except those of exemplary merit which cannot be funded from other sources. The House bill contains no such provision. The Senate recedes.

Model projects

The House bill authorizes funds for use in the discretion of the Commissioner to support model projects which would expand or improve social services to older persons. The Senate amendment raises the authorization amounts for this purpose, and provides that the special impact programs authorized under title VIII of the House bill be consolidated under a single authority in the Model Projects section. The conference agreement provides that the House recede with an amendment to insert the language of the House bill contained in section 802(a)(1)–802(a)(5), the list of special impact programs, in place of the corresponding language of the Senate amendment listing the model projects, and retains the project for the handicapped contained in the Senate amendment.

TITLE IV—TRAINING AND RESEARCH

Appraising personnel needs in the field of aging

The House bill authorizes the Commissioner to appraise the Nation's existing and future personnel needs in the field of aging, consulting with and utilizing information from the Department of Labor, the Office of Education, the National Foundation on the Arts and Humanities, State educational agencies, other State and local agencies concerned with the elderly, State employment security agencies, and other appropriate public and private agencies. The Senate amendment is the same, except that it adds the Veterans' Administration and the Older Americans Advocacy Commission to the list of departments and agencies to be consulted and from which information shall be obtained. The House recedes with regard to the addition of the Veterans' Administration to such list, and the conference agreement substitutes the Federal Council on the Aging for the Older Americans Advocacy Commission.

Special study and demonstration projects on the transportation problems of older Americans

The Senate amendment adds a section to title IV which authorizes the Commissioner to conduct a comprehensive study and survey of transportation problems of the elderly, utilizing demonstration projects, a variety of methods and techniques. The House bill contains no transportation section in title IV, but does contain a provision relating to transportation under the Special Impact Programs authorized under title VIII of the House bill, which was incorporated into the

Model Projects section by the conference agreement. The House recedes.

Authorization

The House bill contains a combined authorization for part B, pertaining to research and development projects, and part C, pertaining to the Multidisciplinary Centers of Gerontology. The Senate amendment contains separate authorizations for section 411 of part B and for part C, which add up to the same total amounts as are contained in the House bill. The conference agreement provides that the authorizations for section 411 of part B and for part C shall be combined.

TITLE V.—MULTIPURPOSE SENIOR CENTERS

The House bill adds a new title to the Older Americans Act of 1965 which provides for the alteration, renovation, acquisition, or construction of Multipurpose Senior Centers, as well as for mortgage insurance, annual interest grants, and grant authorization for the staffing of such centers. The Senate amendment is the same as the House bill, except that grants for construction of such facilities are eliminated, and part A, pertaining to the acquisition, alteration, or renovation of such centers, is technically modified. The Senate amendment authorizes annual interest grants to assist only nonprofit private agencies, while the House bill authorizes such grants to assist States and public and nonprofit private agencies. The conference agreement provides that the Senate recede, with an amendment deleting the reference to annual interest grants to States and to public agencies.

TITLE VI.—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

The House bill amends title VI of the Older Americans Act of 1965 to extend the authorization for the Retired Senior Volunteer Program and the Foster Grandparent Program. The Retired Senior Volunteer Program is further amended by a provision which prohibits compensation provided Volunteers from being considered income. The Foster Grandparent Program is extended to provide opportunities for persons aged sixty or over to render supportive services to persons (other than children) having exceptional needs, as well as to children in their own homes or in community settings. The House bill also provides that the level of support for the Foster Grandparents Program will not be reduced as a result of the expanded functions described above.

The Senate amendment changes the age of eligibility for programs authorized under title VI from sixty or over to fifty-five or over, and changes the title of part B from "Foster Grandparent Program and Other Senior Volunteer Programs", as contained in the House bill, to "Foster Grandparent Program and Older Americans Community Service Program". The Senate amendment broadens the scope of the Foster Grandparent Program to include support for volunteer services to children in areas of health, education, and welfare, as well as original "Foster Grandparent" services. The Senate amendment also authorizes grants or contracts to support the provision of opportunities for older persons to render volunteer services to persons other than children who have special needs. The Senate amendment places emphasis upon "Senior health aides" For the Foster Grandparents Program (subsection (a)) there are authorized $35,000,000 for fiscal year 1973, $45,000,000 for fiscal year 1974, and $55,000,000 for fiscal year 1975. For the Community Services Programs (subsection (b)) there are authorized $6,000,000 for fiscal year 1973, $7,000,000 for fiscal year 1974, and $8,000,000 for fiscal year 1975. For the Retired Senior Volunteer Program there are authorized $20,000,000 for fiscal year 1973, $30,000,000 for fiscal year 1974, and $40,000,000 for fiscal year 1975. Title VI is also amended by the Senate amendment to provide that nothing in the Act shall modify, repeal, or affect the continuation of delegations of authority, transfers or reorganizations made effective before the enactment of the Act with respect to functions carried out under title VI.

The conference agreement provides that the House recede with an amendment to retain the present age sixty eligibility for participation in these programs.

TITLE VII.—NUTRITION PROGRAM

The House bill amends title VII to provide that wherever possible, nutrition projects funded under title VII shall be part of comprehensive and coordinated systems under title III, and wherever title VII is a part of a title III comprehensive system, the title III appropriations under section 306, shall pay for planning and administration of title VII.

The Senate amendment amends title VII to assure that the coordination of the Nutrition Program and the title III Comprehensive Services Program within a planning and service area will take place only when it is mutually agreed upon by both recipients of grants and area agencies. Section 705 is further amended to allow the 10 percent set-aside of a State's allotment for administrative costs only through fiscal year 1973. Thereafter, funds allotted for State Planning and Administration under title III (sec. 306) may be used for administration of the title VII State plan; except whenever a State agency other than the agency set forth in title III (sec. 304) is designated to administer the Nutrition Program. In a later case, the Secretary shall determine the portion of a State's title III allotment which will be available for administration of the Nutrition Program. Title VII is further amended by the Senate amendment to provide that wherever the same State agency is designed to administer both the title III and title VII programs, the title VII State plan shall constitute an amendment to the title III State plan. The other amendments are the same as the House bill. The House recedes.

AMENDMENTS TO OTHER ACTS

The House bill amends seven education statutes to provide opportunities for older people. The Senate amendment contains the same provisions as the House bill, but also contains an additional provision which extends the authorization for the Senior Opportunities and Services program, providing an additional $7,000,000 for each of the fiscal years 1973 and 1974. The Senate amendment also deletes the amendment contained in the House bill amending the National Foundation on Arts and Humanities Act of 1965. The House recedes.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The Senate amendment adds a new title to the Older Americans Act of 1965 which provides community service jobs for low-income persons who are fifty-five years of age or over, to be administered by the Department of Labor. The House bill contains no community service provision, other than as a special impact program under Title VIII.

The House recedes with an amendment retaining the eligibility age of fifty-five and over, but with language giving priority to the employment of individuals aged sixty and over. It is intended that the Secretary provide by regulation for the employment of individuals aged fifty-five to fifty-nine in circumstances of individual hardship; in economically distressed areas having substantial numbers of such individuals in need of such employment; and in cases where individuals are participating in existing programs which may be funded under this title.

MIDDLE-AGED AND OLDER WORKERS TRAINING

The Senate amendment adds a new title to the Older Americans Act of 1965 which provides manpower training programs and other services to increase job opportunities for middle-aged and older persons, to be administered by the Department of Labor. The House bill contains no manpower training provision. The conference agreement provides that the House recede, with an amendment authorizing the Secretary to carry out the provisions of this title from funds otherwise appropriated for similar programs. The conference agreement further provides that authorizations provided in the Senate amendment for fiscal years 1973 and 1974 shall be applicable to fiscal years 1974 and 1975.

Federal agency cooperation

The House bill requires consultation with the Administration on Aging by other agencies proposing to establish programs which are "related to the purposes of this Act". The Senate amendment requires such consultation only with respect to programs "to provide social and nutritional services to older Americans". The Senate recedes, with an amendment to insert the word "substantially" before the language "related to the purposes of this Act".

Definitions

The Senate amendment adds to the definition of the term "social services" those services which are designed to help avoid institutionalization, including pre-institutionalization screening, and home health care. The House bill has no comparable provision. The House recedes.

Organization

The Senate amendment adds the consideration of the numbers of low-income elderly in determining the need for social services in local areas. The House bill contains no comparable provisions. The House recedes.

State plans

The Senate amendment adds the failure of a State to qualify initially as one of the grounds for by-passing the State agency in allotting funds to agencies within the State submitting an approved plan. The House has no comparable provision. The Senate recedes, with an amendment to the language of section 305(d)(1) of the House bill to change "no longer eligible" to "not eligible".

CARL D. PERKINS,
JOHN BRADEMAS,
PATSY T. MINK,
ALBERT H. QUIE,
ORVAL HANSEN,
Managers on the Part of the House.

THOMAS F. EAGLETON,
ALAN CRANSTON,
EDWARD M. KENNEDY,
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J. GLENN BEALL, Jr.,
RICHARD S. SCHWEIKER,
BOB TAFT, Jr.,
BOB PACKWOOD,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA TEACHERS' SALARY ACT AMENDMENTS OF 1972

Mr. CABELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15965) to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS AND SCHOOL OFFICERS

SEC. 101. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1972".

SEC. 102. (a) Section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) is amended to read as follows:

"SECTION 1. The following is the salary schedule for teachers, school officers, and certain other employees of the Board of Education whose positions are covered under this Act:

"TEACHERS AND SCHOOL OFFICERS SALARY SCHEDULE

"Salary class and group	Service step— 1	2	3	4	5	6	7	8	9	10	11	12	13	Longevity step Y
Class 1A	39,500													
Class 1B	35,000													
Class 2A	33,000													
Class 2B	31,000													
Class 3	23,745	24,310	24,875	25,440	26,005	26,570	27,135	27,700	28,265					
Class 4	20,845	21,335	21,825	22,315	22,805	23,295	23,785	24,275	24,765					
Class 5:														
Group B, master's degree	19,665	20,135	20,605	21,075	21,545	22,015	22,485	22,955	23,425					
Group C, master's degree plus 30	20,085	20,555	21,025	21,495	21,965	22,435	22,905	23,375	23,845					
Group D, doctor's	20,500	20,970	21,440	21,910	22,380	22,850	23,320	23,790	24,260					
Class 6:														
Group B, master's degree	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level IV principal	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level III principal	18,560	19,015	19,470	19,925	20,380	20,835	21,290	21,745	22,200					
Level II principal	18,010	18,465	18,920	19,375	19,830	20,285	20,740	21,195	21,650					
Level I principal	17,455	17,910	18,365	18,820	19,275	19,730	20,185	20,640	21,095					
Group C, master's degree plus 30	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level IV principal	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level III principal	18,975	19,430	19,885	20,340	20,795	21,250	21,705	22,160	22,615					
Level II principal	18,425	18,880	19,335	19,790	20,245	20,700	21,155	21,610	22,065					
Level I principal	17,875	18,330	18,785	19,240	19,695	20,150	20,605	21,060	21,515					
Group D, doctor's degree	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level IV principal	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level III principal	19,395	19,850	20,305	20,760	21,215	21,670	22,125	22,580	23,035					
Level II principal	18,840	19,295	19,750	20,205	20,660	21,115	21,570	22,025	22,480					
Level I principal	18,290	18,745	19,200	19,655	20,110	20,565	21,020	21,475	21,930					
Class 7:														
Group B, master's degree	17,304	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,660					
Group C, master's degree plus 30	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,600	21,075					
Group D, doctor's	18,170	18,585	19,000	19,415	19,830	20,245	20,660	21,075	21,490					
Class 8:														
Group B, master's degree	15,835	16,240	16,645	17,050	17,455	17,860	18,265	18,670	19,075					
Group C, master's degree plus 30	16,255	16,660	17,065	17,470	17,875	18,280	18,685	19,090	19,495					
Group D, doctor's	16,670	17,075	17,480	17,885	18,290	18,695	19,100	19,505	19,910					
Class 9:														
Group B, master's degree	15,685	16,070	16,455	16,840	17,225	17,610	17,995	18,380	18,765					
Group C, master's degree plus 30	16,105	16,490	16,875	17,260	17,645	18,030	18,415	18,800	19,185					
Group D, doctor's	16,520	16,905	17,290	17,675	18,060	18,445	18,830	19,215	19,600					
Class 10:														
Group B, master's degree	15,080	15,455	15,830	16,205	16,580	16,955	17,330	17,705	18,080					
Group C, master's degree plus 30	15,500	15,875	16,250	16,625	17,000	17,375	17,750	18,125	18,500					
Group D, doctor's	15,915	16,290	16,665	17,040	17,415	17,790	18,165	18,540	18,915					
Class 11:														
Group B, master's degree	14,625	14,985	15,345	15,705	16,065	16,425	16,785	17,145	17,505					
Group C, master's degree plus 30	15,045	15,405	15,765	16,125	16,485	16,845	17,205	17,565	17,925					
Group D, doctor's	15,460	15,820	16,180	16,540	16,900	17,260	17,620	17,980	18,340					
Class 12:														
Group B, master's degree	14,125	14,470	14,815	15,160	15,505	15,850	16,195	16,540	16,885					
Group C, master's degree plus 30	14,540	14,885	15,230	15,575	15,920	16,265	16,610	16,955	17,300					
Group D, doctor's	14,960	15,305	15,650	15,995	16,340	16,685	17,030	17,375	17,720					
Class 13:														
Group B, master's degree	12,925	13,340	13,775	14,170	14,585	15,000	15,415	15,830	16,245					
Group C, master's degree plus 30	13,345	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665					
Group D, doctor's	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665	17,080					
Class 14:														
Group A, bachelor's degree	9,900	10,335	10,770	11,205	11,640	12,075	12,510	12,945	13,380	13,815	14,250	14,685	15,120	
Group B, master's degree	10,730	11,165	11,600	12,035	12,470	12,905	13,340	13,775	14,210	14,645	15,080	15,515	15,950	
Group C, master's degree plus 30	11,150	11,585	12,020	12,455	12,890	13,325	13,760	14,195	14,630	15,065	15,500	15,935	16,370	
Group D, doctor's	11,565	12,000	12,435	12,870	13,305	13,740	14,175	14,610	15,045	15,480	15,915	16,350	16,785	
Class 15:														
Group A, bachelor's degree	8,350	8,685	9,020	9,355	9,690	10,025	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,965
Group A-1, bachelor's degree plus 15	8,770	9,105	9,440	9,775	10,110	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,385	14,800
Group B, master's degree	9,190	9,610	10,030	10,450	10,870	11,290	11,810	12,330	12,850	13,370	13,890	14,410	14,930	16,300
Group C, master's degree plus 20	9,610	10,030	10,450	10,870	11,290	11,710	12,230	12,750	13,270	13,790	14,310	14,830	15,350	16,730
Group D, master's degree plus 60 or doctor's	10,030	10,450	10,870	11,290	11,710	12,130	12,650	13,170	13,690	14,210	14,730	15,250	15,770	17,270"

(b) The schedule of pay rates contained in subsection (a) of section 13 of such Act (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"Classification	Per period Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$7.39	$8.38	$9.44
Psychiatric social worker	8.50	9.64	10.86
Veterans' summer school centers: Teacher	7.59	8.38	9.44
Adult education schools:			
Teacher	8.13	9.22	10.38
Assistant principal	11.38	12.91	14.53
Principal	12.60	14.29	16.09"

(c) (1) (A) Effective on the first day of the first pay period beginning on or after September 1, 1973, each rate of compensation in the salary schedule in section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) in effect on the day next preceding such first day shall be increased by 5 per centum unless the Pay Board prescribes under subparagraph (B) an increase of less than 5 per centum, in which case each such rate of compensation shall be increased on such first day by the per centum increase so prescribed by the Pay Board.

(B) Before the effective date of the compensation increase provided by this paragraph, the Pay Board shall determine whether an increase of 5 per centum in each rate of compensation in such salary schedule, effective as prescribed by subparagraph (A), meets the criteria established by the Pay Board for the stabilization of wages and salaries. If the Pay Board determines that such an increase does not meet such criteria, the Pay Board shall, in accordance with such criteria and subject to subparagraph (C), prescribe the per centum increase in each such rate of compensation to take effect as prescribed in subparagraph (A).

(C) Notwithstanding the compensation increase provided by this paragraph, the rate of compensation for salary class 1A in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect for level III of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, on the effective date of the increase provided by this paragraph; and the rate of compensation for any other salary class in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect on such date for level V of such Executive Schedule.

(D) Any increase under this paragraph in a rate of compensation shall be fixed to the nearest $5.00.

(2) Effective on the effective date of the

increase authorized by paragraph (1) of this subsection, each pay rate in the schedule in section 13(a) of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1542(a)) in effect on the day next preceding such effective date shall be increased by the same percentage rate as the rates of compensation in the salary schedule in section 1 of such Act (other than the rate for salary class 1A) are increased under paragraph (1).

(3) For purposes of this subsection, the term "Pay Board" means the Pay Board established under section 7 of Executive Order 11640 of January 27, 1972 (37 Fed. Reg. 1213), or any other entity to which is transferred, or in which is vested, the functions of the Board established under such section.

Sec. 103. The District of Columbia Teachers' Salary Act of 1955 is further amended as follows:

(1)(A) The fourth sentence of section 2(a) of such Act (D.C. Code, sec. 31–1511(a)) is amended to read as follows: "No teacher, school officer, or other employee shall be appointed or promoted to any position covered by section 1 of this Act on probationary or permanent status unless he possesses a master's degree, except that (1) a person possessing a bachelor's degree may be appointed on probationary or permanent status as a teacher in the elementary or secondary schools or as a coordinator of practical nursing; (2) a person possessing a bachelor's degree may be promoted to the position of census supervisor or coordinator of practical nursing; (3) a person not possessing a bachelor's degree may be appointed on probationary or permanent status as a

"(A) shop teacher in the vocational education program,

"(B) teacher of military science and tactics,

"(C) teacher of driver training,

"(D) attendance officer, or

"(E) child labor inspector,

if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board; and (4) a person not possessing a bachelors' degree may be appointed on a probationary or permanent status as a census supervisor, or promoted to that position, if he sumbits acceptable evidence of equivalent training and experience in accordance with the rules of the Board."

(B) The fifth sentence of such section is repealed.

(2) Section 4 of such Act (D.C. Code, sec. 31–1521) is amended to read as follows:

"Sec. 4. (a) Each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act and listed in this subsection shall be placed in a salary class in the salary schedule contained in section 1 of this Act as follows:

"Title	*Class*
Superintendent	1A
Vice superintendent	1B
Deputy superintendent	2A
Associate superintendent	2B
Assistant superintendent	3
Executive assistant to superintendent	3
Director of curriculum	4
Chief examiner	5
Executive assistant (to deputy and associate superintendents)	5
Director, career development	5
Director, vocational high schools	5
Director, Spingarn instructional unit	5
Assistants to assistant superintendents	6
Director, elementary education (supervision and instruction)	6
Director, elementary education (administration)	6
Director, health, physical education, athletics, and safety	6
Assistants to superintendent, vice superintendent, and deputy superintendents	6
Director, staff development	6
Director, special education	6
Director, elementary education (language arts)	6
Principal	6
Supervising director	7
Assistant for Federal programs	7
Research associate	7
Planning associate	7
Director, school attendance	7
Director, elementary education	7
Director, adult education	7
Director, summer schools and continuing education	7
Area coordinator	7
Assistant principal	8
Assistant director	8
Director, group measurement	8
Director, Project 400	8
Youth Act coordinator	8
Assistant chief examiner	8
Recruitment coordinator	8
Budget analyst	9
Assistant director	10
Research associate	10
Planning associate	10
Assistant recruitment coordinator	10
Elementary supervisor	10
Coordinator (aides)	10
Director of reading	10
Coordinator of Widening Horizons program	10
Teacher aide coordinator, title I	10
Cultural enrichment coordinator	10
Curriculum specialist	11
Clinical psychologist	12
Chief attendance officer	12
Educational specialist	13
Psychiatric social worker	13
Clinical social worker	13
Project coordinator	13
Coordinator of practical nursing	14
Census supervisor	14
Teacher, elementary and secondary schools	15
Attendance officer	15
Counselor, placement	15
Counselor, elementary and secondary schools	15
Librarian, elementary and secondary schools	15
School social worker	15
School psychologist	15
Speech therapist	15
Hearing therapist	15
Job coordinator	15
Pupil personnel worker	15
Child labor inspector	15

"(b) The Board of Education, in accordance with sections 2(a) and 5(b) of this Act, shall place in a salary class in the salary schedule contained in section 1 of this Act each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act but not listed in subsection (a) of this section.

"(c) The classifications prescribed by subsection (a) of this section of positions to salary classes in the salary schedule contained in section 1 of this Act do not affect the authority of the Board of Education under sections 2(a) and 5(b) of this Act to make adjustments in the classification of any position under the Board or to take any other action authorized by those sections."

(3) Section 5(c) of such Act (D.C. Code, sec. 31–1522(c)) is amended by striking out "5333(a)" and inserting in lieu thereof "5332(a)".

(4) Section 7(a)(1) of such Act (D.C. Code, sec. 31–1532(a)(1)) is amended by—

(A) striking out in the fourth sentence "except the positions of chief librarian and assistant professor, associate professor, and professor,";

(B) inserting immediately after the fourth sentence the following new sentence: "In the case of a person who is newly appointed to any position in salary class 3, 4, 5, or 6, who is determined by the Board of Education to possess unique or unusually high qualifications of special need to the school system, and whose annual salary immediately prior to such appointment was higher than the rate of compensation prescribed for service step 1 of his salary class, such person may, in the discretion of the Board of Education, have his compensation fixed at the rate of compensation prescribed for service step 2 or 3 of his salary class."; and

(C) striking out the last sentence.

(5) Section 10 of such Act (D.C. Code, sec. 31–1535) is amended by—

(A) striking out in paragraph (1) of subsection (a) "date of the regular Board meeting" and inserting in lieu thereof "first day"; and

(B) adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a) or any other provision of this or any other law, the Board of Education is authorized to correct on a retroactive basis any administrative error occurring in the application of subsection (a)."

(6) Section 13 of such Act (D.C. Code, sec. 31–1542) is amended by—

(A) striking out in the second sentence of paragraph (2) of subsection (d) "in the same manner as regular pay"; and

(B) striking out in the third sentence of such paragraph "81" and inserting in lieu thereof "83".

(7) Section 14 of such Act (D.C. Code, sec. 31–1543) is amended to read as follows:

"Sec. 14. Except as otherwise provided in this section, each employee whose annual salary is prescribed by the salary schedule contained in section 1 of this Act shall have his annual salary paid in twenty-four semimonthly installments. Semimonthly installment payments of the salaries of such employees shall be made on the first and sixteenth days of the month (or as near those days as is practicable); except that in lieu of receiving on such days the first semimonthly installment payment of salary payable in August and the three succeeding semimonthly installment payments of salary, an employee in salary class 15 of such salary schedule may elect, under regulations prescribed by the Commissioner of the District of Columbia, to receive on the date of the second semimonthly installment payment of his salary in July an amount equal to the sum of (1) the amount of such payment, and (2) the amounts of the four succeeding semimonthly installment payments of salary payable to him."

(8) Section 15 of such Act (D.C. Code, sec. 31–1544) is amended to read as follows:

"Sec. 15. On and after September 1, 1972, the Act of March 5, 1952 (D.C. Code, secs. 31–698—698a) (relating to vacation periods and annual leave) shall apply to employees of the Board of Education whose salaries are fixed in salary classes 1 through 14, inclusive, of the salary schedule contained in section 1 of this Act."

(9) Section 16 of such Act (D.C. Code, sec. 31–1545) is amended to read as follows:

"Sec. 16. On and after September 1, 1972, the Act of October 13, 1949 (D.C. Code, sec. 31–691 et seq.) (relating to sick and emergency leave) shall apply to employees of the Board whose salaries are fixed in salary class 15 of the salary schedule contained in section 1 of this Act."

Sec. 104. (a) The third paragraph under the paragraph beginning with the side heading "For Allowance to Principals:" under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908 (D.C. Code, sec. 31–609) is amended to read as follows:

"Effective September 1, 1972, in the case of an employee who is in salary class 15 of the salary schedule contained in section 1 of the District of Columbia Teachers' Salary Act of 1955 or any other employee of the

Board of Education who is paid on a ten-month basis, if such employee's services commence with the opening of school and he performs his duties, his salary shall begin on the first day of September and shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955). The first semimonthly installment payment of the salaries of such employees shall be made on the first day of October (or as near that day as is practicable) and the second semimonthly installment payment of such salaries shall be made on the sixteenth day of October (or as near that day as is practicable). Subsequent semimonthly installment payments of salaries shall be made on the first and sixteenth days of the month (or as near those days as is practicable). The salaries of other employees of the Board of Education in such salary class 15 shall begin when they enter upon their duties and shall be paid on a semimonthly basis."

(b) The first sentence in the fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act (D.C. Code, sec. 31–630), is amended to read as follows: "Effective September 1, 1972, the following rules for division of time and computation of pay for services rendered are established: Compensation of all employees in salary class 15 and such other employees who are paid on a ten-month basis shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955)."

SEC. 105. The effective date of this title (other than section 102(c) thereof) and the amendments made by this title shall be the first day of the first pay period beginning on or after September 1, 1972.

TITLE II—REVISIONS IN RETIREMENT BENEFITS FOR SCHOOL TEACHERS AND OFFICERS

SEC. 201. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia," approved August 7, 1946, is amended as follows:

(1) Paragraph (1) of section 5(b) of such Act (D.C. Code, sec. 31–725(b)(1)) is amended by striking out the first three sentences and inserting in lieu thereof the following: "A reduced annuity and an annuity after death payable to the surviving widow or widower of such teacher. The life annuity of a teacher making such election, or any portion of such annuity designated by the teacher in writing for such purposes at the time of retirement, shall be reduced by 2½ per centum of so much thereof as does not exceed $3,600 and by 10 per centum of so much thereof as exceeds $3,600. The widow or widower of a teacher making such election shall be entitled to an annuity equal to 55 per centum of such life annuity, or designated portion thereof, except that if a retired teacher who has elected a reduced annuity as provided in this paragraph or in subsection (d) of this section dies and is survived by a widow or widower whom he or she married after retirement, such widow or widower is entitled to an annuity in an amount which would have been paid had the teacher been married to the widow or widower at the time of retirement, but only if (A) such widow or widower was married to such individual for at least two years immediately preceding the teacher's death, or is the mother or father of issue of such marriage and (B) such widow or widower elects this annuity instead of any other survivor benefit to which he or she may be entitled under this Act or another retirement system for employees of the Federal or District Government. The annuity of a widow or widower entitled to an annuity under this paragraph shall begin on the day after the retiree dies."

(2) Section 5 of such Act (D.C. Code, sec. 31–725) is amended by adding at the end thereof the following new subsection:

"(d) A teacher who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing filed with the Commissioner of the District of Columbia within one year after he or she marries, a reduction in his or her current annuity and an annuity after death payable to his or her surviving widow or widower as provided in paragraph (1) of subsection (b) of this section. The reduced annuity is effective the first day of the month after such election is received by the Commissioner. The election voids prospectively any election previously made under paragraph (2) or paragraph (3) of subsection (b) of this section."

(3) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by—

(A) striking out in the first sentence "that the total credit granted for leaves of absence without pay shall not exceed one year: *Provided further*," and

(B) inserting after the first sentence the following new sentence: "A teacher or former teacher who returns to duty after a period of separation is deemed, for the purpose of this section, to have been in a leave of absence without pay for that part of the period in which he or she was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based."

(4) Section 9 of such Act (D.C. Code, sec. 31–729) is amended by—

(A) striking out "dependent" in paragraph (1) of subsection (b) each place it appears therein;

(B) amending the second sentence of paragraph (1) of subsection (b) to read as follows: "Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or widower dies, or (B) the widow or widower remarries before becoming sixty years of age.";

(C) striking out in paragraph (3) of subsection (b) "dependent widower" and inserting in lieu thereof "widower"; and

(D) striking out the second sentence of paragraph (5) of subsection (c).

SEC. 202. (a) Effective on the first day of the first pay period which begins on or after the date of enactment of this Act, such Act of August 7, 1946, is further amended as follows:

(1) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by striking out "probationary" in the first sentence and in clause (f) of the fourth sentence.

(2) The first sentence of section 13 of such Act (D.C. Code, sec. 31–733) is amended by striking out "permanently".

(b) The first sentence of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1548) is amended by striking out "probationary and permanent".

(c) All—

(1) deductions for the Civil Service Retirement and Disability Fund made for annuity and retirement purposes from the salaries of temporary teachers on the rolls of the public schools of the District of Columbia on the first day of the first pay period which begins on or after the date of enactment of this Act.

(2) contributions made for such purposes for such teachers by the government of the District of Columbia to the Fund on account of the deductions referred to in clause (1), and

(3) deposits made in the Fund for such purposes by such teachers on account of their services as temporary teachers in such schools,

are transferred from the Fund to the credit of the District of Columbia Teachers' Retirement and Annuity Fund. Any teacher with respect to whom funds are transferred by this subsection shall be deemed to have consented and agreed to such transfer. The transfer of funds under this subsection shall be a complete discharge and acquittance of all claims and demands against the Civil Service Retirement and Disability Fund on account of services rendered by such a teacher prior to the first day of the first pay period which begins on or after the date of enactment of this Act.

SEC. 203. (a) Section 7 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1532) is amended by adding at the end the following new subsection:

"(d) Notwithstanding the provisions of subsection (a)(1) of this section, any educational employee who was employed by the Board of Education at the District of Columbia Teachers College and who was transferred to the Board of Higher Education pursuant to the authority conferred by section 103 (a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)), and who wishes to be reappointed to a position under the Board of Education shall receive salary placement credit for the intervening years of service at the District of Columbia Teachers College as if he had had continuous service with the Board of Education if—

"(1) there is no break in service between the termination of employment by the Board of Higher Education and the reappointment by the Board of Education; and

"(2) such service is credited to the District of Columbia Teachers' Retirement and Annuity Fund, either by deductions made for such retirement system or by the purchase of credit for such service for deposit in such fund."

(b) Section 8 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 3, 1946 (D.C. Code, sec. 31–728), is amended by adding the following new paragraph at the end thereof:

"Notwithstanding the provisions of this section, any teacher who is entitled to purchase service credit under the provisions of section 7(d) of the District of Columbia Teachers' Salary Act of 1955 shall purchase such credit based on the salary received from the Board of Higher Education during the period of service to be credited."

SEC. 204. (a) The provisions of the first and third sentences of section 5(b)(1) of the Act of August 7, 1946, as amended by section 201(1) of this title, which entitle a widow or widower of a teacher who married the teacher after his retirement to a survivor annuity, shall not apply in the case of teachers or annuitants who died before the date of enactment of this title. The rights of such persons shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(b) The provisions of the second and third sentences of such section 5(b)(1), as amended by section 201(1) of this title, which authorize a teacher to designate that portion of his life annuity which may be subject to reduction for purposes of providing a survivor annuity, shall apply only to teachers retiring after the date of enactment of this title.

(c) The amendment made by section 201 (2) of this title shall apply to a retired teacher who was unmarried at the time of retirement, but who later married, only if the election is made within one year after the date of enactment of this title.

(d) The amendment made by section 201 (3)(A) of this title shall apply only to teachers retiring after the date of enactment of this title.

(e) The amendment made by section 201 (3)(B) of this title is effective only with respect to annuity accruing for full months beginning after the date of enactment of this title; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only with application of the former employee.

(f) The amendments made by section 201 (4) of this title shall not apply in the cases of teachers or annuitants who died before the date of enactment of this title. The right of such persons and their survivors shall continue in the same manner and to the same extent as if uch amendments had not been enacted.

TITLE III—AMENDMENTS INCREASING CERTAIN TAXES IN THE DISTRICT OF COLUMBIA

SEC. 301. (a) Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

SEC. 302. (a) Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2802(a)) is amended by striking out "4 cents" and inserting in lieu thereof "6 cents".

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

(c) (1) The amendment made by subsection (a) shall apply with respect to cigarette tax stamps purchased on or after the effective date of the amendment.

(2) In the case of cigarette tax stamps which have been purchased prior to the effective date of the amendment made by subsection (a) and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with paragraph (3)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of the amendment made by subsection (a).

(3) Within twenty days after the effective date of the amendment made by subsection (a), each such licensee (A) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which the amendment made by subsection (a) becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (B) shall pay to the Commissioner the amount specified in paragraph (2).

(4) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of the amendment made by subsection (a) the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this subsection.

(5) For purposes of this subsection, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(6) A violation of the provisions of paragraph (2), (3), or (4) of this subsection shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

SEC. 303. (a) Paragraph numbered 5 of section 6 of the Act entitled "An Act making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, sec. 47-1701), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

(b) The amendment made by subsection (a) shall apply to the gross receipts of each gas company, electric lighting company, and telephone company for the year ending June 30, 1972, and for each succeeding year ending on the thirtieth day of June.

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CABELL. Mr. Speaker, under the rule, the other side of the aisle will be recognized for 20 minutes, and this gentleman has 20 minutes. Pending the recognition of the other side of the aisle, Mr. Speaker, I yield myself 5 minutes.

Mr. CABELL. Mr. Speaker, the purposes of this bill, H.R. 15965, as set forth in House Report 92-1501, are to amend the District of Columbia Teachers' Salary Act of 1955, principally to provide increased salaries thereunder in a two-stage sequence, to amend the D.C. Teachers' Retirement Act in several respects so as to conform its provisions with those of the Civil Service Retirement Act, and to provide new revenues sufficient to meet the additional costs which will accrue as a result of the enactment of this proposed legislation.

1. SALARY INCREASES

A two-stage salary increase is provided in this bill, as follows:

(1) The first increase is to become effective retroactively to September 1, 1972. This provision will increase the salary of the superintendent from $38,500 to $39,500, an increase of 2.6 percent. The salary of the deputy superintendents will be raised from $31,000 to $33,000, a 6.5-percent increase; and the salary of the associate superintendents will be increased by 6.9 percent, from $29,000 to $31,000. The salaries of all other professional employees will be increased by 7 percent.

The following chart presents a full picture of the increases this provision will afford teachers in all the various subclasses:

IMPACT OF 7 PERCENT SALARY INCREASE FOR DISTRICT TEACHERS

Teacher	Present		Proposed		Amount of increase	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Bachelor's degree	$7,800	$13,000	$8,350	$13,965	$550	$965
Bachelor's plus 15	8,190	13,800	8,770	14,800	580	1,000
Master's degree	8,580	15,200	9,190	16,300	610	1,100
Master's plus 30	8,970	15,600	9,610	16,730	640	1,130
Master's plus 60 or doctor's	9,360	16,100	10,030	17,270	670	1,170

Similar increases are provided also for teachers and administrators serving in the summer schools and the adult education program.

(2) The second increase is to become effective as of September 1, 1973, and shall be an increase of 5 per centum; except that (A) the Pay Board is to review the increase and if it determines that the increase is not within the Pay Board's applicable wage guidelines, the increase will be at the rate prescribed by the Board consistent with such guidelines, and (B) the salary of the Superintendent may not be increased above $40,000 and the salary of any other position may not be increased above $36,000.

2. ESTABLISHMENT OF POSITION OF VICE SUPERINTENDENT

The bill will create the new position of Vice Superintendent, to be assigned in the salary schedule at Class 1B at $35,000 per annum. Actually, this position has been established operationally. However, there is no present authority for payment of a salary between the level of Superintendent and that of Deputy Superintendent. Thus, the occupant of this new title has been paid at the salary assigned to the rank of Deputy Superintendent.

The position of Vice Superintendent provides for an officer to remove a significant portion of the administrative and fiscal load from the Superintendent, thereby allowing him to concentrate on attaining the educational objectives established by the Board of Education. Our Committee believes that the establishment of this position, at an appropriate salary level, is a constructive action.

3. SALARY SCHEDULE PATTERNED AFTER FEDERAL SALARY SCHEDULE

At present, the actual listing of the salaried positions in their respective salary classes and subclasses is made a part of the salary schedule itself, with the position titles being listed in the schedule under such salary class heading. At the request of the Board of Education and the District of Columbia government, however, the bill provides a salary schedule patterned after the G.S. Salary Schedule, in that titles of positions are not listed in the schedule itself, but are listed and assigned to the appropriate salary classes in a separate listing.

4. ORIGINAL APPOINTMENT TO SERVICE STEPS 2 AND 3 IN CLASSES 3 THROUGH 6

The bill provides that the D.C. Board of Education may place a new appointee in salary classes 3 through 6 at service step 2 or 3 when such a person possesses unique or unusually high qualifications of special need to the school system, and when such a person's annual salary immediately prior to such appointment was higher than the rate of compensation prescribed for the first service step of the class to which he is to be appointed.

Section 5333 of title 5 of the United States Code allows similar flexibility with regard to initial appointments to positions in GS–11 or above in the Civil Service system. However, there is presently no such authority in regard to appointments into the D.C. public school system.

5. MODIFICATION OF THE 20 OR 24 PAY PERIOD OPTION.

Under present law, teachers in the District public school system can elect to receive their salary either in 20 semimonthly pay periods, over a period the ten months of the school year, or in 24 semimonthly pay periods over a twelve-month period.

This bill modifies this plan, so that all teachers will henceforth be paid in 24 semimonthly installments, except that any teacher may elect to receive her final two months of annual salary in a lump sum at the end of the ten-month period constituting the school year. That is, they may elect to receive at the end of July their full salary which otherwise would be paid them in August and September of that year.

6. CORRECTION OF ERRORS IN PROMOTIONAL PLACEMENT

The bill amends section 10 of the D.C. Teachers Salary Act so as to authorize the D.C. Board of Education to correct, on a retroactive basis, any errors made in promotional placement of educational personnel.

It is inevitable that such errors will sometimes occur, and it is the opinion of your Committee that there is no reason for them to remain uncorrected.

7. REGULATION OF VACATION AND ANNUAL LEAVE PERIODS

Under present law, the Board of Education has the authority to regulate vacation and annual leave periods for personnel in salary classes 6 through 14, with the exception of certain personnel in the D.C. Teachers College. Since teachers and other personnel in salary class 15 are ten-month employees, this authority does not include that salary class.

This bill provides that the Board of Education may regulate vacation and annual leave periods for all employees in the D.C. Teachers Salary Act, with the exception of those in salary class 15. Also, references to personnel at the Teachers College were deleted.

8. CHANGES IN DEGREE REQUIREMENTS FOR TEACHERS AND SCHOOL OFFICERS

Section 2(a) of the D.C. Teachers Salary Act presently provides that all personnel covered by that Act shall possess a master's degree, with the following exceptions. First, a person with a bachelor's degree may serve as a Director of Food Services, Assistant Director of Food Services, Supervising Director of Military Science and Tactics, teacher of military science and tactics, teacher of driver training, shop teacher in the vocational education program, teacher in elementary or junior high school, research assistant, attendance officer, child labor inspector, or census supervisor. And second, a person without a bachelor's degree may serve as a shop teacher in the vocational education program if he submits acceptable evidence that he possesses equivalent training and experience in accordance with regulations of the Board of Education.

Section 103(1) of this bill amends that section of the Salary Act to provide that all personnel under the Act must possess the master's degree, except that: (1) a person with a bachelor's degree may serve as a teacher in the elementary or secondary schools or as a coordinator of practical nursing, and (2) a person without a bachelor's degree may serve as a shop teacher in the vocational education program, a teacher of military science and tactics, a teacher of driver training, an attendance officer, a child labor inspector, or a census supervisor . . . all contingent upon such person submitting satisfactory evidence of equivalent training and experience in accordance with rules promulgated by the Board of Education.

The principal thrust of this amendment is to repeal the present requirement of the master's degree for teachers in the senior high schools, and to place more positions in the category of not requiring the bachelor's degree if in the alternative a person can submit satisfactory evidence of qualification through equivalent training and experience. Also, some positions no longer existing under the Teachers Salary Act are omitted.

Our Committee is of the opinion that the qualifications for a teacher in the senior high schools should not be more demanding than those for the teacher in the elementary and junior high schools. The present requirement of the master's degree for teachers only in the senior high schools has the effect of making such senior high school teachers more highly paid than most of those in the elementary and junior high levels, which this Committee does not feel to be appropriate or desirable. Of course, a teacher on any level may enhance her salary by obtaining a master's degree; but basically, in the opinion of this Committee, there should be no distinction because of school level.

The placing of more positions in the category of requiring evidence of equivalent training and experience in lieu of the bachelor's degree, our Committee is advised, is in keeping with present-day trends in education.

The bill also provides eight amendments to the Act entitled "An Act for the retirement of public school teachers in the District of Columbia," approved August 7, 1946.

NEED FOR SALARY INCREASES

Salaries for District of Columbia teachers and school officers were last increased in June 1970 (P.L. 91-297), retroactive to September 1969. That law increased salary levels by an average of 13 percent, and thereby established a satisfactorily competitive pay scale for District teachers in relation to salaries paid teachers in the suburban jurisdictions of the metropolitan area. Further, the $7,800 starting salary for District teachers with the bachelor's degree provided in that Act ranked in the upper quartile of such salaries paid in the U.S. cities with populations in excess of 500,000.

Statistics presently available indicate that teachers' salaries have been increasing in the past two years in most jurisdictions, though at a much slower rate than was the case through most of the 1960's. However, there is also incontrovertible evidence that while the last teachers' salary increase in the District of Columbia, effective in 1969, placed the District in a strong competitive position at that time, this position has now become somewhat eroded.

COMPARISON OF MINIMUM AND MAXIMUM SALARIES PAID TEACHERS WITH BACHELORS AND MASTERS DEGREES IN 7 LOCAL SCHOOL SYSTEMS IN THE WASHINGTON METROPOLITAN AREA, 1972–73

School system	BA salary range				MA salary range			
	Minimum	Rank	Maximum	Rank	Minimum	Rank	Maximum	Rank
Alexandria	$7, 850	3	$13, 737	2	$9, 028	3	$16, 250	2
Arlington	8, 008	1	14, 810	1	9, 141	1	15, 995	4
Fairfax	7, 600	6	13, 721	3	8, 000	7	17, 122	1
Falls Church	7, 650	5	10, 328	7	8, 492	6	15, 300	5
Montgomery	7, 880	2	10, 717	6	8, 826	4	15, 996	3
Prince Georges	7, 600	6	13, 224	4	9, 120	2	15, 200	6
Washington (present)	7, 800	4	13, 000	5	8, 580	5	15, 200	6
Washington (proposed as of Sept. 1 1972)	8, 350	1	13, 965	2	9, 190	1	16, 300	2

Source: Pay Systems and Labor Relations Division, District of Columbia Personnel Office, June 1972.

HEARINGS

Public hearings on this proposed legislation were held by our Subcommittee on Business, Commerce, and Fiscal Affairs on August 2, 4, 10 and 11, of this year. Testimony was received from spokesmen for the District of Columbia government, the District of Columbia Board of Education, the District of Columbia Public Schools Administration, the District of Columbia Association of Classroom Teachers, the Washington Teachers Union, the Chesapeake & Potomac Telephone Co., the National Capital Area Automotive Trade Association, the Potomac Electric Power Co., the Washington Gas Light Co., the Washington, D.C. Area Trucking Association, and the Health Action Committee.

COSTS

It is estimated that the annual cost resulting from the first salary increase provided, to become effective as of September 1, 1972, will be $6.5 million; and that the annual cost of the prospective increase effective September 1, 1973 will be $5 million if allowed by the Pay Board in its maximum amount of 5 percent.

FUNDING

The following provisions of title III of H.R. 15965 will assure adequate financing for the costs incident to the first stage, or 7 percent, increase in salaries:

[In millions]

Proposed tax increase:	*Estimated annual yield*
(1) increase in rate of motor vehicle excise tax from 4 to 5 percent	$1.9
(2) increase in rate of tax on gross receipts of public utility companies from 4 to 5 percent	3.0
(3) increase in cigarette tax rate from 4 cents per pack to 6 cents per pack	1.8
Total annual yield	6.7

In addition, our committee was advised by the District of Columbia Commissoner that the District of Columbia Board of Education can absorb $700,000 per year toward defraying this cost, out of their operating budget.

Thus, a total of $7.4 million will be available to meet the cost of this salary increase, which will be more than sufficient inasmuch as the increase is estimated to cost only $6.5 million per annum.

COMMITTEE VOTE

This bill, as amended, was reported by voice vote of our committee, a quorum of the committee membership being present.

Mr. NELSEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, we on the District Committee have all followed the course of this bill with interest and attention to its details. We had considerable debate in our committee and for a long time demands were made for a much higher salary increase. But in this bill, I believe we have reached a reasonable level of increases with a 5-percent cost-of-living or productivity increase, if approved by the Pay Board in 1973.

The fact that this is subject to the Pay Board's review I think you all applaud.

I might point out that in this bill the comparability of District teachers salaries to those in effect in Maryland and Virginia has been achieved. Also it puts the District of Columbia in a favorable and comparable position with other large cities in the United States.

Some of us who have worked closely on this legislation at one time suggested the possibility of some provision such that the locally elected school board be made to levy taxes and submitting a balanced budget to the Mayor-Commissioner. Taxes they could recommend would be those given school boards in other cities. However, we deferred much serious discussion on this matter to await future results.

I do feel that in the committee with a good cooperative spirit on both sides, we have worked out a very sensible legislative approach and one that is worthy of your support. I am sure the House will pass this bill which in my opinion is a very balanced measure.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. ADAMS. Mr. Speaker, I want to echo the remarks of the gentleman from Minnesota.

A great deal of work was done to arrive at this point in handling this matter I want to indicate to the House that the gentleman from Minnesota and the gentleman from Texas and many of us have worked to try to handle this problem because the division of powers between the city residents and Congress still remains as one of the things we have to solve.

I hope that the gentleman from Minnesota during the coming months, if we are all returned here, will be in a position to work with us so that we can try to unravel these problems on a more long-term basis so that the House is not required to handle each of these matters one at a time. I hope we can look into that in the coming years, to a transfer of powers to elected officials and as you recommend in your report, transfer the necessary governmental election things that should be done. Then we will not have to repeat this kind of exercise every year or two.

Mr. NELSEN. Mr. Speaker, I wish to thank the gentleman from Washington and I assure him that the atmosphere in our committee, I think, turned out to be 100 percent on the mark in drafting this bill we consider here today.

We have worked it out in a fair and cooperative manner and in a manner that is fair to the teachers in the District of Columbia, and to the teachers who teach in the adjoining areas.

I think that looking ahead, there is a good deal of thinking that needs to be done as to what we will need to do and I submit herewith an extension of my remarks including tables that are worthy of consideration by the Members of the House and which include facts that I think will be important for the record.

Mr. Speaker, I thank the gentleman from Washington for his statement.

(Mr. NELSEN asked and was given permission to extend his remarks, and to include tables.)

Mr. NELSEN. Mr. Speaker, the bill which your committee submits to you today contains a two-stage salary increase. The first increase in the amount of 7 percent is to become effective retroactively to September 1, 1972. The second increase is to become effective as of September 1, 1973, and it shall be an increase of 5 percent, except that the Pay Board is directed to review the increase and if it determines that the increase is not within the Pay Board's allowable wage guidelines, the increase will then be at the rate prescribed by the Board consistent with its guidelines. There are some exceptions to the above increases as they relate to the superintendent and his top assistants—where the increase in the first stage is less than 7 percent, and in the second stage may be less than 5 percent. The following chart is a tabular representation of the increases provided for in the first stage of the salary increase to take effect September 1, 1972:

TABLE 1.—IMPACT OF 7 PERCENT SALARY INCREASE FOR DISTRICT TEACHERS

Teacher	Present		Proposed		Amount of increase	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Bachelor's degree	$7,800	$13,000	$8,350	$13,965	$550	$965
Bachelor's plus 15	8,190	13,800	8,770	14,800	580	1,000
Master's degree	8,580	15,200	9,190	16,300	610	1,100
Master's plus 30	8,970	15,600	9,610	16,730	640	1,130
Master's plus 60 or doctor's	9,360	16,100	10,030	17,270	670	1,170

Similar increases are provided also for teachers and administrators serving in the summer schools and the adult education program.

The District of Columbia, as the centerpiece of a great metropolitan area, must be especially cautious in treating with the problem of teachers' salaries, lest the District of Columbia cause rather than resolve difficulties with the surrounding suburbs as it relates to employment conditions, such as teachers' services, hours, scales of pay, schedules, and so forth. Salaries for the District of Columbia teachers and school officers were last increased in June 1970—Public Law 91-297—retroactive to September 1969. That law increased salary levels by an average of 13 percent. The law not only established a satisfactory competitive pay scale for teachers in the District of Columbia as compared to teachers in the suburban jurisdictions of the metropolitan area, but by establishing a $7,800 starting salary for District of Columbia teachers with a bachelor's degree, the act placed the District of Columbia in the upper quartile of such salaries paid in the U.S. cities with populations in excess of 500,000. Recently, the rate of increase in teachers' salaries has declined, and while there have been increases in the teachers' salaries in the suburban Washington area, those rates have not been as large as they were in the 1960's.

The following table will illustrate, however, that the District has been able to retain its salary advantage in comparison with the salaries paid beginning teachers in the six local suburban school systems during recent school years through 1971-72, even though 1971-72 was the 11th consecutive school year that most or all of the local suburban systems have increased teachers' salaries:

TABLE 2.—5-YEAR TREND IN THE SALARY PAID TO BEGINNING BACHELOR DEGREE TEACHERS BY SCHOOL SYSTEMS IN WASHINGTON METROPOLITAN AREA

School system	1967-68	1968-69	1969-70	1970-71	1971-72
Alexandria	$6,000	$6,300	$7,050	$7,550	$7,550
Arlington	5,740	6,200	6,800	7,000	7,575
Fairfax	5,900	6,400	7,000	7,200	7,350
Falls Church	5,629	6,230	7,000	7,250	7,550
Montgomery	5,880	6,340	6,900	7,250	7,615
Prince Georges	5,800	6,200	6,800	7,175	7,600
Washington, D.C	6,400	7,000	7,000	7,800	7,800
Median (except District of Columbia)	5,880	6,265	6,950	7,225	7,563
Index relationship to 1967-68	1.00	1.05	1.18	1.22	1.29

The first stage 7-percent salary increase for teachers' salaries provided in this legislation indicates the very favorable competitive position that the District is placed in comparison with teachers in the Washington metropolitan area in the school year 1972–73:

TABLE 3.—COMPARISON OF MINIMUM AND MAXIMUM SALARIES PAID TEACHERS WITH BACHELORS AND MASTERS DEGREES IN 7 LOCAL SCHOOL SYSTEMS IN THE WASHINGTON METROPOLITAN AREA, 1972–73

School system	BA salary range				MA salary range			
	Minimum	Rank	Maximum	Rank	Minimum	Rank	Maximum	Rank
Alexandria	$7,850	3	$13,737	2	$9,028	3	$16,250	2
Arlington	8,008	1	14,810	1	9,141	1	15,995	4
Fairfax	7,600	6	13,721	3	8,000	7	17,122	1
Falls Church	7,650	5	10,328	7	8,492	6	15,300	5
Montgomery	7,880	2	10,717	6	8,826	4	15,996	3
Prince Georges	7,600	6	13,224	4	9,120	2	15,200	6
Washington (present)	7,800	4	13,000	5	8,580	5	15,200	6
Washington (proposed as of Sept. 1, 1972)	8,350	1	13,965	2	9,190	1	16,300	2

Source: Pay Systems and Labor Relations Division, District of Columbia Personnel Office, June 1972.

As for the District's competitive position with respect to the other major U.S. cities, the fact is that the median salary level for teachers in the cities with populations in excess of 500,000 increased by 6 percent between the school years 1969–70 and 1971–72. Inasmuch as salaries had been changing at a rate of seven to eight percent per year between 1960 and 1969, this six percent advance over that two-year period attests to the slowdown in teachers' salary increases nationally during recent years. Of course, wage stabilization controls account for this to some extent, but most large school systems had adopted salary increases prior to August 15, 1971, the date when the wage-price freeze was placed in effect.

The following chart, which shows minimum and maximum salaries paid teachers in the 24 large cities during school year 1971–72 (the latest year for which such figures are available), shows that the District last year ranked seventh among such cities in the salaries paid starting teachers with the bachelor's degree. This represents only a moderate drop from the third place in this category held by the District in 1969, based upon its starting salary of $7,800. Prior to that increase, the District had been tied for 13th place in that category with four other cities.

TABLE 4.—COMPARISON OF MINIMUM AND MAXIMUM SALARIES PAID TEACHERS WITH BACHELORS AND MASTERS DEGREE BY 24 CITIES OVER 500,000 POPULATION, 1971–72

School system	B.A. salary range				M.A. salary range			
	Minimum	Rank	Maximum	Rank	Minimum	Rank	Maximum	Rank
Atlanta	$7,300	16	$10,660	18	$8,140	13	$12,060	18
Baltimore	7,500	11	11,700	14	8,000	15	12,400	15
Boston	7,600	9	12,990	8	8,200	12	13,700	11
Buffalo	7,420	13	12,243	10	8,278	10	13,472	12
Chicago	9,333	2	14,870	1	9,970	2	15,920	1
Cincinnati	7,000	20	11,490	15	7,755	19	12,245	17
Cleveland	7,450	12	12,675	9	7,950	17	14,350	7
Dallas	6,800	23	9,860	22	7,480	21	11,220	22
Denver	7,000	20	11,870	13	8,255	11	14,000	8
Detroit	8,277	5	13,443	4	9,153	4	15,500	2
Houston	7,100	18	10,200	21	7,720	20	11,440	21
Kansas City, Mo	6,850	22	10,865	17	7,250	23	12,895	14
Los Angeles	7,590	10	11,010	16	8,050	14	11,620	20
Milwaukee	8,300	4	13,210	6	8,654	7	13,857	10
New Orleans	7,000	20	10,300	20	7,300	22	10,900	23
New York	9,400	1	13,950	3	10,900	1	15,450	3
Philadelphia	8,900	3	14,380	2	9,200	3	15,200	4
Pittsburgh	8,100	6	13,100	7	8,700	6	14,400	6
St. Louis	7,200	17	12,240	11	7,920	18	12,960	13
San Antonio	6,500	24	9,360	23	7,150	24	10,303	24
San Diego	7,400	14	10,532	19	8,362	9	12,354	16
San Francisco	7,745	8	13,270	5	8,820	5	14,440	5
Seattle	7,328	15	8,173	24	7,975	16	11,643	19
Washington (present)	7,800	7	13,000	8	8,580	8	15,200	4
Washington (proposed as of Sept. 1, 1972)	8,350	4	13,965	3	9,190	5	16,300	1

With reference to the foregoing table, it should be pointed out that inasmuch as many of these large cities have adopted higher salary scales for their teachers for the present school year, this chart does not present the current picture, either from the standpoint of the competitive standing of the District's present salary scale or from that of the rankings of the District teachers' salaries after the implementation of the 7-percent increase proposed in this bill as of September 1 of this year. Also, there is real significance in the fact that Chicago, Detroit, New York, Philadelphia, and Pittsburgh, cities in the eastern portion of the United States and therefore competitive with the District of Columbia for recruitment and retention of teacher personnel, all pay higher salaries to their teachers than does the District.

Thus, while the erosion of the District's competitive position among the large cities has been slow in recent years, due to the deceleration of teachers' salaries as a national trend, the fact is that this erosion has reached a point where increases in District of Columbia teachers' salaries appear warranted at this time from this standpoint.

It is also contemplated that the salary increase provided in this bill will bring the teachers' salaries more in line with the classified and wage board employees of the Federal and District of Columbia government with whom the school system may be said to compete with to some extent.

The second stage increase of 5 percent which is to take effect on September 1, 1973, subject to approval of the Pay Board, is also believed to be justified by your committee if it meets the wage-price guidelines of the Pay Board. Factors which may be taken into account by the Pay Board are such factors as the hours that each teacher is expected to teach during the schoolday. For instance, it may be said that the District of Columbia schoolteachers, with a 6½-hour day, are already in a preferred status as opposed to their counterparts in the surrounding metropolitan county school systems.

For example, in Montgomery County, the standard workday for classroom teachers is 7½ hours. In Arlington County, it is 7½ hours, and in Fairfax County, it is 7½ hours. Of the many complaints on the "teaching day" have come to Members of Congress, some number are from dedicated teachers who feel there should be requirements for maximum use of reasonable hours of teaching that would provide comparable hours with other local areas surrounding Washington. As it is, apparently many of the dedicated teachers put in far in excess of 6½ hours, the less dedicated put in the bare minimum.

In addition, there need be concern with what appears to be continuing inadequacies, if not a further deterioration, in the execution of official attendance-reporting requirements in the District school system. In contrast to the discipline generally demanded of teachers in fulfilling this assignment in the surrounding county school systems, there are reports of laxity in daily reporting and inaccuracies in the reports submitted seem to appear to be accepted from some of the nondedicated teachers in many District schools.

The shortcomings of the schools' administration, however, should not be permitted unfairly to penalize the dedicated teachers in the system. That is a matter which the elected school board must correct. However, your support of the salary increases this bill are considered justified for the reasons, among others, as set forth above and in the report accompanying this bill.

TEACHERS' RETIREMENT

Title II of the bill provides eight amendments to the Retirement of Public School Teachers Act of 1946. These proposed amendments are set forth in the report accompanying the bill and are generally recommended by your committee.

Traditionally, it has been the policy to keep the benefits available to the D.C. teachers and school officers under the D.C. Teachers Retirement Act abreast of the benefits provided for employees under the Civil Service Retirement Act. All the benefits provided in the above-mentioned seven proposed amendments to the Teachers Retirement Act have been made available to employees covered under the Civil Service Retirement Act by Public Law 91–658, approved January 8, 1971, or in earlier legislation, and it is the opinion of your committee that they should be extended also to the professional employees of the D.C. Board of Education.

In addition, title II contains another proposed amendment to the Teachers' Retirement Act, which was requested by the District of Columbia government and the Board of Education. This has to do with the transfer of retirement coverage for temporary teachers.

At present, temporary teachers are not eligible for coverage under the D.C. Teachers Retirement Act, but are subject to coverage under the Civil Service Retirement Act. Thus, when such a temporary teacher qualifies and becomes probationary or permanent, he must withdraw his contributions from the Civil Service Retirement Fund and deposit them into the Teachers Retirement Fund. This is costly to the teacher, as he must pay 3 percent compound interest on these moneys. Also, the process involves a great deal of time-consuming work of a clerical nature on the part of the school administration.

This amendment will authorize all temporary teachers to be covered under the Teachers Retirement Act, the same as permanent and probationary teachers. This will apply also to all temporary teachers on the rolls as of the effective date of this bill, as their retirement deposits and all matching funds contributed by the District government for such teachers will be transferred from the Civil Service Retirement and Disability Fund to the credit of the D.C. Teachers Retirement and Annuity Fund; and henceforth, all temporary teachers will be under the Teachers Retirement Act from the beginning of their service.

This provision will produce several advantages over the present system. First, it will save the District government some money, because under the present system, when a temporary teacher becomes probationary or permanent, or leaves the employment of the District government, most such teachers draw their contributions out of the civil service retirement fund, a practice which causes loss of matching amounts contributed by the District for such employees.

In addition, this proposed transfer of retirement coverage will reduce the administrative paperwork involved in transferring retirement moneys between the respective funds when a temporary teacher receives a probationary appointment, by eliminating about 1,000 such paper transactions per year.

The Commission on the Organization of the Government of the District of Columbia, of which I served as chairman, made an interim study of the current status of the unfunded accrued liabilities of the District policemen and firemen's retirement program and of the teachers' retirement and annuity fund. In our report, which will be available shortly, we point out the large unfunded liabilities—totaling over $860 million—in both systems and the fact that the liabilities are continuing to increase. As a result of the provision for salary adjustments provided for in this bill, additional liabilities of approximately $30 million will accrue against the teachers' retirement and annuity fund. A detailed study of the financial status of both retirement systems is underway by the Treasury Department. The results of that study certainly will be available to the next Congress for their use in addressing the problems associated with the rather sharp rate of increase in the unfunded liabilities of these funds.

FUNDING

The following provisions of title III of H.R. 15965 will assure adequate financing for the costs incident to the first stage, or 7 percent, increase in salaries:

[In millions]

	Estimated annual yield
Proposed tax increase:	
(1) increase in rate of motor vehicle excise tax from 4 to 5 percent	$1.9
(2) increase in rate of tax on gross receipts of public utility companies from 4 to 5 percent	3.0
(3) increase in cigarette tax rate from 4 cents per pack to 6 cents per pack	1.8
Total annual yield	6.7

In addition, your committee is advised by the District of Columbia Commissioner that the District of Columbia Board of Education can absorb $700,000 per year toward defraying this cost, out of their operating budget.

Thus, a total of $7.4 million will be available to meet the cost of this salary increase, which will be more than sufficient inasmuch as the increase is estimated to cost only $6.5 million per annum.

I am sorry the measure before us includes another increase in taxes for District residents. However, this is currently unavoidable, given the existing conditions of the School Board's administration of the District school system. It is true that the costs of education have climbed, but the elected School Board, the one area where some measure of home rule is accorded the District citizens, has yet, in my opinion, to address itself effectively to the many management, fiscal, and administrative deficiencies adversely affecting the educational process in the schools. Problems of vandalism and behavior by some of the students in the schools have yet to be surmounted, and teachers plead for supplies while it is reported that warehouses are filled with stocks.

The District of Columbia has generally fared quite well as respects Federal aid to local governments, as evidenced by the table which appears below:

TABLE 5.—FEDERAL AID TO THE STATES, FISCAL YEAR 1971

	Population (thousands) [1]	Total Federal aid (thousands) [2]
Alabama	3,444	$648,335
Alaska	300	159,850
Arizona	1,771	244,837
Arkansas	1,923	321,235
California	19,953	3,474,765
Colorado	2,207	373,866
Connecticut	3,032	403,358
Delaware	548	66,184
District of Columbia	757	608,823
Florida	6,789	650,686
Georgia	4,590	697,589
Hawaii	769	132,839
Idaho	713	108,037
Illinois	11,114	1,250,042
Indiana	5,194	431,229
Iowa	2,824	302,292
Kansas	2,247	265,885
Kentucky	3,219	548,684
Louisiania	3,641	635,145
Maine	992	163,991
Maryland	3,922	466,515
Massachusetts	5,689	838,685
Michigan	8,875	1,044,549
Minnesota	3,805	531,698
Mississippi	2,217	524,570
Missouri	4,677	607,411
Montana	694	164,966
Nebraska	1,483	161,792
Nevada	489	82,372
New Hampshire	738	93,064
New Jersey	7,168	823,125
New Mexico	1,016	258,240
New York	18,237	3,286,407
North Carolina	5,082	643,043
North Dakota	618	113,514
Ohio	10,652	1,015,912
Oklahoma	2,559	458,380
Oregon	2,091	384,901
Pennsylvania	11,794	1,391,169
Rhode Island	947	138,180
South Carolina	2,591	365,873
South Dakota	666	116,778
Tennessee	3,924	616,720
Texas	11,197	1,388,135
Utah	1,059	185,022
Vermont	444	96,438
Virginia	4,648	571,854
Washington	3,409	501,772
West Virginia	1,744	405,148
Wisconsin	4,418	422,299
Wyoming	332	85,876
Total	203,212	29,272,080

[1] U.S. Department of Commerce, publication entitled "statistical abstract of the United States, 1972."

[2] U.S. Department of the Treasury, publication entitled "Federal aid to States, Fiscal Year 1971."

Of more concern to us here is the fact that certainly the Federal aid to the District of Columbia school system is in a very favorable position as compared with other States, as noted below in table 6. Source: Department of the Treasury, documents entitled "Federal Aid to States, Fiscal Year 1971."

The table follows:

TABLE 6.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

States, territories, etc.	Colleges of agricultural and mechanical arts	Cooperative vocational education	Corporation of Public Broadcasting	Educational improvement for the handicapped	Educational professions development	Elementary and secondary educational activities	Emergency school assistance	Equal education opportunities program	Higher education activities	Libraries and community services	School assistance in federally affected areas
Alabama	$50,000	$9,374,943	$52,500	$592,268	$1,591,695	$49,752,972	$647,153	$493,610	$3,007,031	$1,197,189	$6,556,243
Alaska	50,000	1,463,055	15,000	69,000	268,466	2,510,493			775,207	556,392	19,044,032
Arizona	50,000	8,958,500	71,000	169,111	408,753	5,117,590		46 125	2,038,547	953,524	11,497,366
Arkansas	50,000	6,181,366	29,166	259,549	534,213	31,970,245	1,448,886	179,157	1,133,724	630,609	2,978,854
California	50,000	26,554,196	2,224,996	2,128,815	5,101,727	142,792,101		564,429	37,493,641	5,984,930	80,416,867
Colorado	50,000	3,482,722	110,684	310,943	1,593,015	15,103 518			3,239,034	825,824	14,004,043
Connecticut	50,000	4,695,038	23,000	460,467	931,535	18,685,369			5,495,650	677,129	3,784,601
Delaware	50,000	1,409,181		139,300	227,614	4,665,207			1,215,155	322,079	357,814

States, territories, etc.	Colleges of agricultural and mechanical arts	Cooperative vocational education	Corporation of Public Broadcasting	Educational improvement for the handicapped	Educational professions development	Elementary and secondary educational activities	Emergency school assistance	Equal education opportunities program	Higher education activities	Libraries and community services	School assistance in federally affected areas
District of Columbia	$50,000	$3,885,457	$9,616,015	$388,977	$16,823,543	$54,104,971	$32,310,854	$112,376	$17,835,953	$400,785	$3,977,749
Florida	50,000	10,296,487	242,667	301,468	2,027,721	49,141,871	937,714	318,009	6,833,755	1,713,082	16,915,043
Georgia	50,000	10,191,314	92,500	780,080	1,478,128	44,747,017	1,338,757	323,731	6,501,641	1,592,598	12,007,339
Hawaii	50,000	2,133,360	27,500	90,000	213,907	4,597,228			1,246,711	304,046	10,935,077
Idaho	50,000	1,751,414	35,000	216,855	509,684	5,266,904			1,962,373	790,707	3,744,631
Illinois	50,000	22,863,036	96,980	1,209,810	2,135,810	71,668,180	24,294	187,593	15,846,457	2,800,836	13,059,975
Indiana	50,000	11,600,899	138,457	686,105	916,500	26,041,574		71,381	8,117,855	1,217,781	4,296,600
Iowa	50,000	4,438,853	57,936	461,517	933,780	17,658,150			6,354,018	895,593	2,869,428
Kansas	50,000	5,309,703	25,500	365,077	455,893	14,910,349	50,806	3,000	3,806,005	617,482	9,334,635
Kentucky	50,000	11,929,396	139,764	578,112	1,765,626	42,635,825	8,054	127,711	5,188,461	1,576,570	3,382,143
Louisiana	50,000	8,742,634	15,500	372,298	1,240,427	41,919,645	3,580,017	709,513	5,459,351	1,363,136	4,724,242
Maine	50,000	4,245,076	53,000	21,657	142,822	7,383,689			1,496,133	470,334	4,267,182
Maryland	50,000	5,432,941	39,583	607,487	730,995	20,321,875	164,078	100,174	7,426,438	1,622,148	25,289,155
Massachusetts	50,000	7,891,866	1,805,500	755,285	1,058,585	33,346,314		62,503	6,518,534	1,534,327	12,671,046
Michigan	50,000	13,224,338	211,000	1,312,234	2,168,328	57,018,560		272,025	11,019,254	2,640,476	5,828,458
Minnesota	50,000	7,052,961	135,500	567,059	714,559	24,426,761		20,394	7,010,522	1,113,247	2,694,737
Mississippi		7,187,497	58,000	314,229	901,023	56,348,253	1,412,923	168,826	4,093,147	1,245,489	4,279,979
Missouri	50,000	8,496,604	144,500	655,251	899,537	31,835,421	36,804	74,735	5,919,860	1,580,557	9,289,837
Montana	50,000	1,719,367		178,538	573,551	5,465,038			1,522,765	490,881	4,919,892
Nebraska	50,000	3,167,246	119,955	286,368	377,600	640,014			2,783,266	987,002	5,642,863
Nevada	50,000	1,067,322	23,000	170,300	328,317	2,244,347		68,344	799,001	335,587	3,548,009
New Hampshire	50,000	2,703,119	53,000	161,454	345,390	3,684,408			935,334	655,812	2,151,668
New Jersey	50,000	13,926,353	33,000	809,358	1,694,807	60,394,862	23,437	37,064	6,596,571	2,060,645	11,928,693
New Mexico	50,000	2,996,897	30,500	179,961	560,416	14,090,171		161,114	1,846,310	552,388	8,047,410
New York	50,000	31,152,456	4,744,370	1,958,170	4,100,316	251,891,679	10,000	190,677	17,136,884	6,404,902	14,779,942
North Carolina	50,000	13,699,339	8,080	841,083	1,861,516	69,987,992	987,929	233,847	7,580,846	1,679,522	6,057,112
North Dakota	50,000	2,001,695	33,000	187,317	349,787	6,453,187			1,217,970	416,185	3,964,719
Ohio	50,000	20,354,591	275,000	1,503,270	2,729,009	60,709,000		144,796	14,267,412	3,446,308	9,731,388
Oklahoma	50,000	6,241,099	50,000	386,249	443,068	26,341,075	166,981	230,649	4,537,036	1,150,469	11,033,674
Oregon	50,000	3,152,953	5,167	305,841	1,282,276	16,938,774			2,994,193	964,751	3,691,419
Pennsylvania	50,000	15,937,629	988,564	1,273,259	2,825,320	75,749,433	63,296	60,267	19,546,912	3,583,788	7,589,372
Rhode Island	50,000	1,700,695	23,000	201,034	125,335	6,563,302		64,851	2,181,729	250,021	3,258,088
South Carolina	50,000	4,752,549	89,000	445,048	712,077	42,066,038	983,619	100,427	2,886,870	935,646	5,722,779
South Dakota	50,000	2,205,793	38,994	178,961	347,865	9,160,662	17,512		1,719,891	560,303	3,837,754
Tennessee	50,000	9,322,269	169,500	734,416	1,191,328	48,177,736	160,181	81,533	6,284,761	2,430,026	5,536,994
Texas	50,000	19,707,984	206,000	1,636,398	3,497,597	88,230,188	3,512,875	818,895	13,073,370	2,016,226	32,115,187
Utah	50,000	3,171,368	79,500	278,930	270,684	7,415,367			2,612,873	557,257	6,519,237
Vermont	50,000	1,170,305	23,000	244,196	326,594	3,447,389		124,945	1,285,671	247,842	131,193
Virginia	50,000	12,333,408	86,500	538,891	450,998	37,919,224	1,713,869	529,814	5,344,050	1,877,470	33,010,895
Washington	50,000	6,814,577	163,467	620,650	1,273,335	20,206,313		52,884	4,991,514	923,466	12,789,782
West Virginia	50,000	3,340,550	72,250	279,529	680,694	27,344,800			2,890,001	679,242	569,869
Wisconsin	50,000	7,702,370	153,405	600,224	722,050	23,615,932			5,791,537	1,388,723	2,358,847
Wyoming	50,000	1,302,404		192,355	160,960	2,917,938			597,822	350,573	2,034,821
Puerto Rico	50,000	7,028,671	500	588,159	233,317	25,690,227			1,454,962	603,165	890,892
Virgin Islands		84,074		30,774	30,000	226,926	33,750		112,499	48,036	128,990
Other Territiories, etc		811,560		107,706	71,831	2,560,012			258,160	402,009	2,390,427
Adjustments or undistributed to States	50,000	1,449,345		228,764	57,534	−16,780,432	24	112,578	−1,178,643	739,000	
Total	2,600,000	409,774,826	23,000,000	28,987,257	73,387,456	1,797,321,682	49,633,414	6,847,979	309,106,026	71,364,115	492,588,987

As a matter of fact, the District of Columbia in the area of Federal aid as noted above does well compared with most other States on a per capita basis.

In addition, the District of Columbia's receipt of funds under revenue sharing, as noted in the report prepared by the Joint Committee on Internal Revenue Taxation indicates that the District of Columbia will fare well as compared to other States and localities:

TABLE 7.—COMPARISON OF ESTIMATED DISTRIBUTION OF FUNDS TO THE STATES UNDER THE HOUSE BILL, SENATE BILL, AND CONFERENCE AGREEMENT FOR CALENDAR YEAR 1972

[Millions of dollars]

			Conference agreement			
States	House bill	Senate bill [1]	Before scaling to 5,300,000,000 [2]	After scaling to 5,300,000,000 [3]	State share [4]	Local share [5]
United States, total	5,300.0	5,300.0	5,821.1	5,303.9	1,767.8	3,536.1
Alabama	80.2	127.6	127.6	116.1	38.7	77.4
Alaska	6.6	5.5	[2] 5.5	[3] 6.3	2.1	4.2
Arizona	46.1	55.1	55.1	50.2	16.7	33.5
Arkansas	38.3	60.4	60.4	55.0	18.3	36.7
California	610.8	510.4	610.8	556.1	185.4	370.7
Colorado	59.4	60.0	60.0	54.6	18.2	36.4
Connecticut	72.6	57.5	72.6	66.2	22.1	44.1
Delaware	17.3	12.9	17.3	15.8	5.3	10.5
District of Columbia	26.0	14.1	26.0	23.6	7.9	15.7
Florida	150.0	160.3	160.3	146.0	48.7	97.3
Georgia	103.4	120.7	120.7	109.9	36.6	73.3
Hawaii	25.9	22.7	[2] 22.7	[3] 23.8	7.9	15.9
Idaho	15.4	21.8	21.8	19.9	6.7	13.2
Illinois	301.8	250.9	301.8	274.7	91.5	183.3
Indiana	113.8	114.6	114.6	104.3	34.8	69.5
Iowa	67.8	84.6	84.6	77.0	25.6	51.4
Kansas	47.7	58.0	58.0	52.8	17.6	35.2
Kentucky	71.8	95.9	95.9	87.3	29.1	58.2
Louisiana	83.2	124.8	124.8	113.6	37.9	75.7
Maine	19.9	34.2	34.2	31.1	10.3	20.8
Maryland	117.5	94.8	117.5	107.0	35.7	71.3
Massachusetts	179.0	143.5	179.0	183.0	44.3	118.7
Michigan	243.7	210.9	243.7	221.9	74.0	147.9
Minnesota	114.1	108.2	114.1	103.9	34.6	69.3
Mississippi	46.0	99.6	99.6	90.7	30.2	60.5
Missouri	107.6	108.5	108.5	98.8	33.0	65.8
Montana	16.7	22.6	22.6	20.6	6.9	13.7
Nebraska	34.5	47.1	47.1	42.9	14.3	28.6
Nevada	12.2	11.9	12.2	11.1	3.7	7.4
New Hampshire	13.5	16.7	16.7	15.2	5.1	10.1
New Jersey	179.7	142.6	179.7	163.6	54.5	109.1
New Mexico	22.5	36.5	36.5	33.2	11.0	22.2
New York	649.6	507.1	649.6	591.4	197.1	394.3
North Carolina	113.0	148.8	148.8	135.5	45.2	90.3
North Dakota	12.0	21.7	21.7	19.7	6.5	13.2
Ohio	227.4	185.4	227.4	207.0	69.0	138.0
Oklahoma	52.9	65.3	65.3	59.4	19.8	39.6
Oregon	60.1	61.8	61.8	56.2	18.7	37.5
Pennsylvania	300.9	290.2	300.9	274.0	91.3	182.7
Rhode Island	25.9	23.1	25.9	23.6	7.9	15.7
South Carolina	57.9	89.5	89.5	81.5	27.2	54.3
South Dakota	13.5	27.6	27.6	25.1	8.4	16.7
Tennessee	79.3	108.1	108.1	98.4	32.8	65.6
Texas	248.3	268.6	268.6	244.5	81.5	163.0
Utah	29.0	34.5	34.5	31.4	10.5	20.9
Vermont	11.0	16.3	16.3	14.8	4.9	9.9
Virginia	115.6	109.7	115.6	105.2	35.0	70.2
Washington	79.1	92.3	92.3	84.1	28.1	56.0
West Virginia	36.4	57.5	57.5	52.3	17.4	34.9
Wisconsin	137.0	147.1	147.1	133.9	44.6	89.3
Wyoming	6.1	10.7	10.7	9.7	3.2	6.5

[1] Excluding social service grant.

[2] Before adjustment for noncontiguous States.

[3] After adjustment for noncontiguous States.

[4] ⅓ to State governments and ⅔ to local governments.

[5] Local share includes amounts redistributed to the States because of limitation. These amounts are shown in the tabulation which follows on the 1st page for each State.

Note: Details may not add to totals because of rounding.

In conclusion, I wish to say that the Mayor-Commissioner was of great help to the committee during the difficult period under which this bill was drafted. Perhaps with his leadership, the elected school board will make the decisions necessary to insure efficient and economical management of the school system. Some of us on the committee proposed granting the school board further responsibilities which would require the submission of the school budget to include school board recommendations for taxes to finance the budget. This proposition was frowned on by some members of the school board who felt this next step must await the imposition of good management systems, good planning and budget practices, effective fiscal controls and a procedure for constant reassessment of how well the system is doing and how it can be improved.

However, unless there is considerable improvement shown in school administration, Members of the House may feel called upon to address this problem again in the next Congress.

Mr. NELSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I rise in support of H.R. 15965, the District of Columbia Teachers' Salary Act Amendments of 1972. This bill provides increased salaries for teachers in a two-stage sequence, revises certain provisions of the teachers' retirement system, and provides new revenues to meet the proposed costs of such action. While I supported a higher salary increase in committee, I feel it is essential that we enact this bill now, providing for a 7-percent increase retroactive to September 1972, and a cost-of-living increase of 5 percent effective September 1973.

Providing equitable salary levels and other benefits to the District's teachers, however, is only one aspect of a much larger situation in need of thorough review. The District of Columbia school system continues to experience a multitude of problems, and it is quite clear that the schoolchildren, particularly the youngest ones, are suffering for this.

For example, educators across the country continue to emphasize the need for early education programs, but a meager 4 percent of the 35,000 District of Columbia children who would qualify, are actually enrolled in Headstart on a yearly basis. Nor are the District's own programs of early education reaching the potential market. There have been similar problems with title I compensatory education programs in the District as well. Is the money being appropriately expended? Is it reaching those it should?

These are but a few of the problems in the District of Columbia's schools. The list is virtually endless.

It is, therefore, by sincerest hope that the next Congress will look long and hard at the District's school system in its entirety. From staff to curriculum, it is desperately in need of review and reform.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Iowa.

Mr. KYL. Can the gentleman tell me if the days when the teachers were out on strike count as days taught so far as the school year is concerned, if the retroactive pay goes back to supplement the regular salary on those days when the teachers were on strike?

Mr. GUDE. I will have to confess to the gentleman from Iowa I do not know how the law operates with respect to the strike.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Texas.

Mr. CABELL. It is my understanding that these teachers have some 3 days leave that they may take. This certainly will be counted against those days of leave.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Iowa.

Mr. KYL. Are those days when the teachers were on strike figured as days taught in the school year, to comply with the law?

Mr. CABELL. I cannot answer that, because sometimes their accounting methods are a little difficult to cite.

Mr. NELSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to commend to my colleagues for their favorable consideration the bill H.R. 15965, as amended and reported by our committee. The principal thrust of this bill is to provide a two-stage salary increase in salaries of teachers and other professional personnel under the jurisdiction of the District of Columbia Board of Education.

The first stage of this increase is to become effective as of September 1 of this year, and will provide a 7 percent salary increase for teachers and all other school officers except for the superintendent, associate superintendents, and deputy superintendents, who will receive smaller percentage increases.

The second increase is to become effective on September 1, 1973, and will provide salary increases at a maximum of 5 percent, with the actual percent increase being left to the discretion of the President's Pay Board at that time. Thus the Pay Board will decide whether this second increase shall be granted next year, and if so, what percentage increase will be justified at that time, up to a limit of 5 percent.

The last salary increase for District of Columbia teachers was enacted on June 30, 1970, and was made retroactive for an entire school year with an effective date of September 1, 1969. The salaries established by this increase allowed the District to compete quite satisfactorily with the school systems in the suburban jurisdictions in the Washington metropolitan area and also with those in the large U.S. cities in this part of the country. However, since that time inflation has deteriorated this position to some extent, and there is definite need of an adjustment at this time.

The 7 percent increase provided in H.R. 15965 will raise the District's salary for a starting teacher with a bachelor's degree from $7,800 to $8,350, and such a teacher's maximum from $13,000 to $13,965, attainable after 15 years of service. These new salaries will place the District in first place in both of these categories among the local school systems. The District of Columbia teacher with a master's degree will now start at $9,190 and reach a maximum of $16,300, as compared to the present minimum of $8,580 and maximum of $15,200 in this category.

This minimum for the master's degree teacher will rank second in the area, as will the maximum for the master's degree level. Thus, these increases will place the District in a very advantageous position indeed in the metropolitan area, which is their principal source of competition for recruitment and retention of teacher personnel.

As for the District's competitive position among the 24 U.S. cities of comparable size, this is difficult to estimate on a current basis because the salary figures paid in these other cities for the present school year are not available at this time. It is apparent from the salaries paid in such cities during the school year 1971–1972, however, even allowing for some increases which probably have occurred in some of those cities for the present school year, that the immediate 7-percent increase for District of Columbia teachers provided in H.R. 15965 will place the District in a very satisfactory position from this standpoint.

It is my opinion that the maintenance of this strong competitive position is the only valid criterion to be used in setting these salary levels. This is true also in the matter of salaries for policemen, firemen, and all other Government employees. We recently found it necessary to increase the salaries for District of Columbia policemen and firemen by 17 percent in order to get their salaries in proper alinement with those paid such personnel in the other jurisdictions of the metropolitan area as well as in other major cities. And we are doing exactly the same thing in H.R. 15965 as far as District teachers are concerned.

To equate percentage salary increases for teachers with those for policemen and firemen is to compare apples with oranges, as the economic factors governing the salaries in these different types of employment differ considerably.

An example of this difference is the fact that since 1969, while teachers' salaries throughout the Nation have been increasing, they have been doing so at a much slower rate than was the case during most of the previous 10 years. This deceleration is apparently a result of an oversupply of teachers which has developed in the past several years.

In this connection, the National Education Association recently reported as follows:

> The number of college graduates completing preparation to enter teaching set another record level this school year, while the need for new teachers to handle increased enrollments dropped to its lowest point in recent history.

This factor, unfortunately, has not appeared in connection with salaries for policemen, firemen, and other areas of employment at this time. The point is, therfore, that the 17-percent increase we found it necessary to grant the District of Columbia police and firemen this year did no more to maintain an adequate competitive level for those salaries than does the 7 percent provided teachers in the District in H.R. 15965.

In this same connection, I wish to point out that although teachers' salaries have not increased as rapidly in the past 3 years as they formerly did, teachers still enjoy excellent salary levels as compared with personnel in comparable areas of employment. It must be remembered, of course, that teachers work only 10 months of the year, unless they work also in summer school programs, in which case they are paid extra for such duty. Thus, the $8,350 salary for beginning teachers in the District of Columbia, with only the bachelor's degree required, amounts to $835 per month of actual working time; and this is therefore equivalent to an annual salary of $10,020 for 12 months of work.

This compares most favorably with starting salaries presently paid in comparable positions in private industry. An example of this is a recent study made by Mr. Frank S. Endicott, director of placement at Northwestern University, which reveals that this year the average starting salary for the college graduate in business administration is $8,568, that for the graduate in liberal arts is $8,328, and in physics the average is $9,900. These are all 12-month salaries, and thus may properly be compared with the starting District teacher at the B.S. level on the basis of $10,020 if such teacher worked 12 months per year.

For these reasons, it is my opinion that this immediate 7-percent salary increase for District of Columbia teaching personnel, which the Pay Board has approved, is justified, equitable, and thoroughly adequate.

In anticipation of the likelihood that further inflation will necessitate additional increases in teachers' salaries during the coming year, H.R. 15965 provides for a second increase to become effective September 1, 1973, at the discretion of the Pay Board but with a ceiling of 5 percent. There is no reason to believe that an increase in excess of 5 percent will be needed at that time in order to maintain the District's proper competitive position with respect to such personnel.

During the 20 years that I have served as a member of Congress and of the Committee on the District of Columbia, I have actively supported every bill to increase salaries of the District of Columbia teachers, policemen, and firemen alike because I have been convinced that every one of these increases has been needed and justified.

And I want to make it very clear that my support for the current bill, H.R. 15965, is based solely on my conviction that the salary increases which it provides for District of Columbia teachers and school officers are called for in the name of equity and justice—but I have not been influenced one iota by the disgraceful strike in which some of the teachers in the Nation's Capital have recently participated. And I want to commend those District teachers who refused to participate in this illegal, immoral, and irresponsible action which succeeded, as far as I am concerned, only in cheating the schoolchildren of the city out of several weeks of education.

This bill contains a number of other amendments to the District of Columbia Teachers' Salary Act, the most significant being the repeal of the requirement that the teachers in the senior high schools have the master's degree. It is my view that this present requirement is unnecessary and perhaps acts to deprive the District school system of some excellent high school teachers. In Arlington County, there is no requirement for the master's degree on the part of high school teachers, but competition for such positions has resulted in virtually every such teacher being educated at or beyond the master's degree level. I hope that this will prove to be the situation in the District of Columbia also.

The other provisions of this bill amend the District of Columbia Teachers' Retirement Act with a number of improvements, all of which have their counterpart in the Civil Service Retirement Act, with which we have kept the teachers' retirement provisions abreast over the years.

Finally, the bill increases certain taxes in the District to provide revenues sufficient to meet the cost of the salary increases provided. I regret the necessity of these local tax increases, as it is my opinion that they may well accelerate the erosion of the city's economic wellbeing by driving more business into the suburbs. It is my hope that the pending revenue sharing legislation will make it possible for some of these local taxes to be reduced in the near future.

Mr. Speaker, I urge my colleagues to join in the immediate approval of this important legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. CABELL) that the House suspend the rules and pass the bill H.R. 15965, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members have 3 legislative days in which to revise and extend their remarks prior to the passage of H.R. 15965.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL CAPITAL AREA TRANSIT ACT OF 1972

Mr. CABELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16724) to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as "National Capital Area Transit Act of 1972".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds that (1) an adequate and economically sound transportation system or systems, including bus and rail rapid transit, serving the Washington metropolitan area is essential to commerce among the several States, and among such States and the District of Columbia, and to the health, welfare, and safety of the public; (2) economies and improvement of service will result from the unification of bus transit and rail transit operations as well as from integration of bus transit facilities within the Washington metropolitan area; (3) the Washington Metropolitan Area Transit Authority is a body corporate and politic organized pursuant to interstate compact among the States of Maryland and Virginia and the District of Columbia, with the consent of Congress, to plan, develop, finance, and operate improved transit facilities in the Washington metropolitan area transit zone; (4) an appropriate solution to the current bus transportation emergency is public ownership and operation of bus transit facilities within the Washington metropolitan area; (5) the cost of such public ownership should be shared by the Federal and local governments in the Washington metropolitan area in accordance wth the matching formula authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601–1612); and (6) to these ends it is necessary to enact the provisions hereinafter set forth.

TITLE I

CONSENT TO COMPACT AMENDMENT

SEC. 101. (a) The Congress hereby consents to amendments to articles XII and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1–1431 note) substantially as follows:

(1) Section 56 of article XII is amended by adding at the end thereof the following new paragraph:

"(e) The Authority may acquire the capital stock or transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired, or with transit facilities acquired pursuant to article VII, section 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition as soon as possible of the capital stock or the transit facilities of each of the other private transit companies within the zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to section 82 of article XVI."

(2) Subsection (a) of section 82 of article XVI is amended by deleting "or by a private transit company" at the end of such subsection and by inserting in lieu thereof the following: "whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority".

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth above, to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

ACQUISITION OF PRIVATE BUS COMPANIES OPERATING WITHIN THE WASHINGTON METROPOLITAN AREA

SEC. 102. (a) Based on the findings set forth in section 2 of this Act, it is the sense of the Congress that the Washington Metropolitan Area Transit Authority (hereafter in this Act referred to as the "Transit Authority") should initiate negotiations as soon as possible with the ownership of D.C. Transit System, Incorporated (and its subsidiary, the Washington, Virginia, and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company for acquisition by the Transit Autority of capital stock or facilities, plant, equipment, real and personal property of such bus companies of whatever nature, whether owned directly or indirectly, used or useful for mass transportation by bus of passengers within the Washington metropolitan area. It is further the sense of the Congress that representatives of the Transit Authority should participate in any labor contract negotiations undertaken prior to acquisition by the Transit Authority of such bus companies.

(b) The franchise to operate a system of mass transportation of passengers for hire granted to D.C. Transit System, Incorporated, by the Act of July 24, 1956 (70 Stat. 598) is hereby canceled, effective upon the date immediately preceding the date on which the Transit Authority acquires the transit facilities of D.C. Transit System, Incorporated.

(c)(1) The Transit Authority, and any transit company owned or controlled by the Transit Authority, may operate charter service by bus in accordance with title III of the Washington Metropolitan Area Transit Regulation Compact only between any point within the transit zone and any point in the State of Maryland or Virginia, or a point within 250 miles of the Zero Mile Stone located on the Ellipse.

(2) For the purposes of this subsection, the term "transit zone" means the area designated in section 3 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(d) D.C. Transit System, Incorporated, a corporation of the District of Columbia, may—

(1) continue to exist as such a corporation and amend its charter in any manner provided under the laws of the District of Columbia;

(2) avail itself of the provisions of the District of Columbia Business Corporation Act in respect to a change of its name; and

(3) become incorporated or reincorporated in any manner provided under the laws of the District of Columbia.

Nothing in this Act shall be construed so as to cause or require the corporate dissolution of D.C. Transit System, Incorporated.

TITLE II

DISTRICT OF COLUMBIA AUTHORIZATION

SEC. 201. (a) The Commissioner of the District of Columbia is authorized to contract with the Transit Authority for payment to it of the District's share of the cost to the Transit Authority of acquiring—

(1) the private bus companies referred to in section 102(a) of this Act; and

(2) any rolling stock, real estate, or other capital resources required for the operation of bus service in the District of Columbia either at the time of acquisition of such bus companies or at some future time.

(b) Subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220) (relating to the borrowing authority of the District of Columbia), is amended by adding at the end thereof the following new paragraph:

"(5) Loans may be made under this subsection to carry out the purposes of section 210(a) of the National Capital Area Transit Act of 1972."

TITLE III

FINANCING

SEC. 301. The Transit Authority, for the purpose of effecting the acquisition of the mass transit bus system or systems as contemplated by this Act, together with such improvements or replacement of acquired equipment and facilities as may be found necessary or desirable by the Secretary of Transportation (hereafter in this title referred to as the "Secretary") in conjunction with such acquisition and within a reasonable time thereafter, not to exceed six months, is eligible for capital grant assistance pursuant to section 3 of the Urban Mass Transportation Act of 1964. For this purpose, the Transit Authority shall be considered a "local public body" within the meaning of that section and, accordingly, the Secretary may authorize and approve capital grant assistance to the Transit Authority in the maximum amount provided for in the Urban Mass Transportation Act of 1964 toward the cost of acquisition of such bus system or systems, including the cost of improvements to or replacement of acquired equipment and facilities approved by the Secretary in conjunction with such acquisition. Such assistance shall be provided from funds available to the Urban Mass Transportation Administration of the Department of Transportation.

SEC. 302. (a) If the Secretary should determine that immediate action is urgently required to protect the public interest in the National Capital area, he may waive any or all provisions of the Urban Mass Transportation Act of 1964 (except section 13(c) thereof), and immediately grant to the Transit Authority from funds available to the Urban Mass Transportation Administration of the Department of Transportation such sums as are contemplated under section 301.

(b) The Secretary, after determining that immediate action is necessary in the public interest in accordance with subsection (a) of this section, may, in accordance with subsection (c) of this section, advance from funds available to the Urban Mass Transportation Administration of the Department of Transportation such funds as he determines to be necessary for payment to the Transit Authority to provide temporary financing for that portion of the cost of acquisition of the mass transit bus system or systems contemplated by this Act, together with associated improvements to or replacement of acquired equipment and facilities, which are not provided for by the Secretary pursuant to section 301 of this Act. For this purpose, such advance shall not be construed as a loan made under section 3 of the Urban Mass Transportation Act of 1964. Funds advanced pursuant to this section shall be considered as "other than Federal funds" within the meaning of section 4(a) of the Urban Mass Transportation Act of 1964.

(c) The Secretary shall not advance funds under this section until he has determined that the Transit Authority has the capacity and ability to arrange for repayment of such advance in accordance with section 303 of this Act.

SEC. 303. The advance authorized under section 302(b) shall be repaid by the Transit Authority to the Urban Mass Transportation Administration of the Department of Transportation from contributions by the District of Columbia and other local government jurisdictions or from other non-Federal sources as may be available to the Transit Authority and which were not estimated to be available for financing the mass transit rail rapid system authorized by the National Capital Transportaion Act of 1969. Repayment of such advance may be deferred by the Secretary of Transportation, at the request of the Transit Authority, but not beyond the end of the fiscal year following the fiscal year in which the advance was made. Repayment shall be made with interest at a rate to be determined by the Secretary of the Treasury calculated in accordance with the formula set forth in section 3(c) of the Urban Mass Transportation Act of 1964. Principal and interest repaid pursuant to this section shall be credited to the Urban Mass Transportation Fund and shall be considered a restoration of obligational authority available to the Secretary under section 4(c) of the Urban Mass Transportation Act of 1964.

TITLE IV

CONDEMNATION PROCEDURE

SEC. 401. (a)) The United States District Court for the District of Columbia shall have jurisdiction over any procedings by the Transit Authority for the condemnation of property, wherever situated, of D.C. Transit System, Incorporated (and its subsidiary, the Washington, Virginia and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company. Such proceedings shall be instituted and maintained in accordance with the provisions of this section and, unless transferred under subsection (d) of this section, the provisions of subchapter IV of chapter 13 of title 16, District of Columbia Code.

(b) Any such condemnation proceedings shall be commenced by the Attorney General of the United States, upon the request of the Transit Authority, by filing with the United States District Court for the District of Columbia a complaint and declaration of taking containing a description of the land and other assets to be taken, together with a sum of money deposited with the registrat of such court in accordance with the applicable provisions of law set forth in subsection (a) of this section. Upon such filing and deposit, title to the possession of the assets described in any such complaint and declaration of taking shall pass to the Transit Authority and the value of the assets so acquired shall be determined as of that date.

(c) Any proceeding brought under this section shall be heard and determined by a district court of three judges appointed by the chief judge of the district court in which such proceeding is heard. Any such proceeding shall be given precedence and assigned for a hearing at the earliest practicable date.

(d) Any proceeding brought by the Transit Authority under this section against the Alexandria, Barcroft, and Washington Transit Company shall be transferred, upon motion made by such Transit Company, to the United States District Court for the Eastern District of Virginia, and such district court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding. Any action brought by the Transit Authority under this section against the WMA Transit Company, shall be transferred, upon motion made by the WMA Transit Company, to the United States District Court for the District of Maryland, and such district court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding. Any proceeding brought by the Transit Authority under this section against the Washington, Virginia, and Maryland Coach Company shall be transferred, upon motion made by such Coach Company, to the United States District Court for the Eastern District of Virginia, and such district court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding. The provisions of law specified in subsection (a) shall not apply to any such transferred proceeding, and the district court to which a proceeding is transferred under this section shall adjudicate such proceeding in accordance with the other applicable provisions of this section and the rules of such court which apply to condemnation proceedings originally brought in such court, except such court shall not appoint a commission under rule 71A(h) of the Federal Rules of Civil Procedure.

(e) The franchise to operate a system of mass transportation of passengers for hire granted to D.C. Transit System, Incorporated, and canceled under section 102(b) of this

Act, and any operating certificate for such a system held by D.C. Transit System, Incorporated, may not be taken into consideration in assessing and awarding compensation in any condemnation proceeding brought under this section.

TITLE V

AUDIT AND REVIEW

SEC. 501. The Comptroller General of the United States shall have access to all books, records, papers, and accounts and operations of the Transit Authority, and any company with which the Transit Authority is conducting negotiations under this Act, and any company eligible to receive or receiving any funds authorized by this Act. The Comptroller General is authorized to inspect any facility or real or personal property of the Transit Authority or of such companies.

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 426]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Baring
Bell
Blanton
Blatnik
Brooks
Byrne, Pa.
Caffery
Carney
Chisholm
Clark
Clay
Collins, Ill.
Colmer
Crane
Davis, Ga.
Davis, S.C.
Delaney
Dow
Dowdy
du Pont
Dwyer
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Foley
Galifianakis
Gallagher
Green, Oreg.
Gross
Haley
Halpern
Hanna
Hansen, Wash.
Harrington
Hathaway
Heckler, Mass.
Holifield
Jonas
Kemp
Kuykendall
Link
Lloyd
McClure
McCulloch
McDonald, Mich.
McEwen
McKevitt
McMillan
Madden
Martin
Matsunaga
Mikva
Murphy, Ill.
Murphy, N.Y.
Nichols
Patman
Pelly
Peyser
Pickle
Pucinski
Purcell
Reid
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Scheuer
Schmitz
Scott
Steed
Steiger, Ariz.
Stokes
Terry
Thompson, N.J.
Udall
Vigorito
Widnall
Wilson, Charles H.
Wylie
Zion

The SPEAKER. On this rollcall 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NATIONAL CAPITAL AREA TRANSIT ACT OF 1972

The SPEAKER. The gentleman from Texas (Mr. Cabell) is recognized.

Mr. CABELL. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Helstoski).

(Mr. HELSTOSKI asked and was given permission to speak out of order.)

DELAY IN RELEASE OF TRANSCRIPT OF JUDGE GARTH'S OPINION

Mr. HELSTOSKI. Mr. Speaker, I informed you earlier that we would have the transcript of the opinion which was read by Judge Leonard Garth in court prior to the adjournment of court and it was indicated to us that a transcript of the record, which was taken in the Federal court, also by tape incidentally, beside the shorthand reporter, would be available at 9 o'clock this morning.

Mr. Porro, who is the attorney for the defendant, asked for a transcript and was told that it would be delayed until 12 o'clock; and then at 12 o'clock he was told it would be delayed until 6 o'clock. At 5 o'clock he called and the court stenographer said that the judge would not release the certified transcript of the record until he begins a review of it tomorrow.

The attorney then called the judge's chambers. He was informed that the court reporter did not get everything and, as a consequence, the judge desired to compare word for word the opinion that he read off the bench, while court was in session, with the transcript, which apparently is lacking in some respects.

Please bear two things in mind: There should be no reason for delay in obtaining the transcript: No. 1, there is a possibility of adjournment either Friday or Saturday. This then will be a moot question for this Congress, and we will not know where we are going—based upon this particular opinion.

Second, this is a public record. It is a certified transcript. What is there for the court to correct, except perhaps some poor grammar, and sentence structure, which I am certain we do not mind reading. The court should speed release of the transcript forthwith.

Mr. CABELL. Mr. Speaker, I yield myself 10 minutes.

(Mr. CABELL asked and was given permission to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, the bill, H.R. 16724, as set forth in House Report 92-1502, states the findings of the Congress and its purposes for meeting the present transportation emergency in the Washington National Capital Area, embracing the District of Columbia and adjacent parts of the States of Maryland and Virginia. To achieve the implementation of the stated purposes, the bill, as amended, provides for the enactment of amendments (already approved by the legislatures of Maryland and Virginia) to the Washington Metropolitan Area Transit Authority Compact (D.C. Code, Title I, Sec. 1431, et seq.) which authorize the acquisition of local bus companies by use of condemnation powers, if necessary.

Additionally, the bill provides a procedure of funding the acquisition costs, for a temporary period, thus permitting each of the three compact jurisdictions a reasonable time to raise their respective shares of the matching funds to match the Federal grants.

Finally, the Comptroller General of the United States is to exercise a comprehensive audit function in connection with the acquisition proceedings by the Transit Authority and a continuing audit of the Transit Authority. Because of the duties of the Secretary of the Treasury and the Secretary of Transportation relating to the Federal guarantee of bonds to be issued by the Transit Authority and the approval of grants under the Urban Mass Transportation Act of 1964, it is expected that these Departments will exercise their statutory authority as may best serve the interests of the local jurisdictions and the nation. The Washington Metropolitan Area Transit Authority is designated as the local public body for the receipt of grants toward the acquisition costs. The bus companies to be acquired are the D.C. Transit System Inc.; the Washington, Virginia and Maryland Coach Co.; the Alexandria, Barcroft and Washington Transit Co.; and the WMA Transit Co. The Transit Authority will merge the facilities of these four companies and rearrange routes to establish a more efficient operation and a more suitable service to the public within the National Capital Area.

NEED FOR THE LEGISLATION

The most immediate need for this legislation is that of preventing the further deterioration or the financial collapse of the highly essential mass transportation services in the National Capital Area. To a differing degree but to a substantial extent, each of the four bus systems in the area has been caught in an economic vortex from which, even with the assistance which could lawfully be given by the Washington Metropolitan Area Transit Commission, they have been unable to escape.

In recent years the phenomena has been characterized by losses in ridership, producing deficits or marginal profits, necessitating increased fares and possibly some curtailments in service as determined by the regulatory Commission. Without exception, these actions were followed with a further decline in ridership, loss of operating income and the need for repeating the rate adjustment process. In one case in recent years, the Commission found it necessary to grant two rate increases during one year.

This experience in public transportation is not unique to the National Capital Area. Bus companies operating in the major cities have had similar problems. The interruption of service on one of the four bus companies operating in the area would produce immediate and serious complications to the national government and to the local citizens in their nongovernmental activities. A not dissimilar parallel may be found in the action of the Congress in January 1933 when the Street-Railway Merger Act (47 Stat. 752) was approved. Under that Act, the facilities of the existing street railway companies were brought together in a unified operation and management as the Capital Transit Company. From its establishment at the bottom of the depression, the Capital Transit Company gained strength in the District of Columbia, developed a good financial base, and reached a ridership of more than 300 million annually within the District. The successor company, as of this date, has a ridership of about 100 million annually.

The bringing together of the four bus companies operating within the Washington National Capital Area hopefully will open the way to efficiencies in operation, improvements in service, and the full coordination of surface bus operations with the operations of the rapid rail subway system as it completes construction and begins service. These potential immediate and long range advantages and benefits speak strongly of the need for the enactment of this legislation.

COMPACT AMENDMENTS

Title I of the bill provides for the consent of Congress to compact amendments previously approved by the legislatures of Maryland and Virginia. The compact now gives the Transit Authority the power to acquire property needed for right of way and other transit facilities. On enactment of the reported amendments, the Transit Authority may also acquire, by condemnation if necessary, the transit facilities of the private bus companies within the service zone of the Authority. The deletion of the term "private transit company" does not grant the Transit Authority any new or additional power to acquire by condemnation the property of any existing railroad companies that are subject to the jurisdiction of the Interstate Commerce Commission, without their consent.

While the amendments authorize the Transit Authority to acquire the capital stock of such companies, it is not the intent that this power be used in connection with the acquisition of the necessary properties from the D.C. Transit System, Inc. The new language contemplates early acquisition of all such private bus facilities in the service zone.

Under the terms of the Compact, the Transit Authority is specifically charged with continuing the agreement of the private companies with the employees of those companies. It is the intent of Congress that the Transit Authority participate in any labor contract negotiations which may develop during negotiations for acquisition. Our committee recognized that the Transit Authority will need management skills for operation of the transit facilities acquired and expects that the Transit Authority shall continue the use of management personnel of the acquired bus companies to the fullest extent possible.

FRANCHISE CANCELLATION DATE

Upon enactment of this legislation, the franchise of the D.C. Transit System, Inc. becomes subject to cancellation. The date of cancellation is the date immediately preeding the date on which the Transit Authority acquires the D.C. Transit System facilities.

The bill does not affect the corporate charter of the D.C. Transit System, Inc., but specifically provides that the corportation may continue to exist. However, your committee expects that the corporation will change its name and use any of the provisions of the Business Corporation Act for that purpose, to amend its charter, or for any other purpose as may be desirable.

FINANCING THE ACQUISITION OF THE FACILITIES

In connection with the proposed acquisition of the private bus facilities within the transit zone, the bill provides that the Transit Authority, acting under the provisions of the compact agreement, may bring into operation the provisions of the Urban Mass Transportation Act of 1964 as to capital, grant assistance. Two elements cannot be determined at this time and some flexibility must be provided to meet these contingencies. The first is the total acquisition cost of the facilities and consequently the respective shares of cost which the compact jurisdictions must meet. The second is the timing of the action within such compact jurisdictions for securing the necessary funds for the payment of the cost shares.

The provisions in title III of the bill are drafted in such a manner as to facilitate the acquisition at the earliest possible date and to provide latitude to the compact jurisdictions for the fundings of their shares of cost. The Transit authority, for the purposes of the Mass Transportation Act of 1964, is designated as a "local public body." The proposed acquisition of facilities, together with the improvements and the replacement of equipment and facilities, as may be found satisfactory to the Secretary of Transportation, may be made the subject of an application for capital grant assistance. Such assistance shall be provided from the funds available to the Urban Mass Transportation Administration of the Department of Transportation.

If it is necessary to meet an emergency situation, the Secretary of the Department of Transportation may make an immediate grant to the Transit Authority of the necessary funds for the acquisition. In addition to the capital grant share of the acquisition cost, the Secretary may provide temporary financing of that portion of the cost which would be borne by the Transit Authority as the local public body. Such temporary financing may be made only after the Secretary has determined that the Transit Authority has the capacity and ability for repayment of such an advance within the period not extending beyond the end of the fiscal year following the fiscal year in which the advance is made to the Transit Authority.

The repayment by the Transit Authority shall be made with interest at a rate to be determined by the Secretary of the Treasury. The principal and interest repaid shall be credited to the Mass Transportation fund as a restoration of the obligational authority available to the Secretary. During the period following the grant and advance of funds to the Transit Authority, more than twelve months will be available during which the compact member jurisdictions will have the opportunity to fund their shares of the cost.

CONDEMNATION PROCEDURE

In order to facilitate the resolution of the condemnation action which would otherwise be conducted in three separate jurisdictions, namely the District of Columbia, and the states of Maryland and Virginia, the bill provides for initiation of the condemnation action by the Transit Authority in the United States District Court for the District of Columbia. Under the terms of the bill, the Chief Judge of the United States District Court for the District of Columbia will establish a panel of three judges who will consider the complaint and declaration of the Transit Authority and make a determination of the values to be established for the property of the respective bus companies. Because of the substantial sums of money which are involved in the acquisition and the potentially difficult issues which may be presented, and the fact that a more objective judgment is likely to be received from a panel of three judges, it is felt that the procedure authorized may best serve the public and at the same time provide a just compensation to the owners of the private facilities being acquired.

However, in the event that any of the companies which are domiciled and operating primarily in the jurisdictions of Maryland and Virginia and who have not had their facilities acquired by the process of negotiation, desire to have their particular cases resolved in courts of their own jurisdictions, such companies may petition the District of Columbia court for transfer of jurisdiction to their respective states. In such event, the complaint and declaration will be held by a three-judge panel appointed for the purpose.

DISTRICT OF COLUMBIA SHARE OF COST

So that the District of Columbia may have the authority to participate as a party to the compact in the acquisition of the transit zone bus companies, the Commissioner of the District of Columbia is authorized in title II, to enter into a contract with the Transit Authority for the payment of the District's share of the cost of acquisition of such bus companies and related facilities as are necessary at the time of acquisition or for some future time. An amendment to the District of Columbia laws relating to borrowing authority would permit the Commissioner to use borrowed funds to meet the District's share of the matching funds required by the Transit Authority.

TRANSIT AUTHORITY SERVICE

The transit service which would be authorized by the terms of the bill is limited to mass transportation of passengers and charter service by bus, the baggage of such passengers and transportation of newspapers, express, and mail. The radius of operations is limited to service originating at any point within the compact transit zone to any point in the States of Maryland and Virginia or a point within 250 miles of the Zero milestone located on the Ellipse. All sightseeing operations, conducted on the basis of individual ticket sales, are prohibited.

OPERATION BY THE TRANSIT AUTHORITY

Since the beginning of studies and the preparation plans for the rapid rail transit system, and in the course of the numerous hearings and legislative actions by the Congress, consideration has been given to the question of public as against private operation of the transit system. The statement of findings and purpose in the bill indicates a change of view of the Congress regarding public ownership of local bus facilities. While the provisions of the Authority Compact continue the discretion of the Authority to choose between public operation by the Authority or private operation under contract, it is the strong sense of our Committee that public operation be imposed as rapidly as the local privately operated companies are acquired.

The Congress contemplates that the Transit Authority will demonstrate substantial competence in its operation of the Transit system. If such is realized, financial benefits should accrue to the Authority as a saving of some or a major part of the management fee for operation by private parties under contract. Should the Authority be found to lack management capability, the Congress by expression may suggest operation under private contract or by legislative action, if necessary, to initiate or require such a change.

GENERAL ACCOUNTING OVERSIGHT

The catalog of elements which may enter into the acquisition of the area bus companies by the Transit Authority is probably beyond listing at this time. Our committee recognizes this fact. During committee hearings there was discussion about some of the matters to be considered in the course of the acquisition but only a few items received attention.

Because of this complexity of detail and the impossibility of engaging in a continuing oversight, our committee determined that an arm of the Congress, the General Accounting Office, should perform the oversight function. Its duties will be those of active analysis and participation toward the purpose that the responsibilities of the District of Columbia government, the Washington Metropolitan Area Transit Commission, and the Transit Agency are met as required under this Act and any other provisions of law. The Comptroller General shall keep the Congress informed of the progress in the execution of the acquisition and the resolution of other related matters. This is to aid to the fullest extent possible in the early determination of a just payment for bus properties acquired and to assure that the public will receive the benefit of any credits or considerations legally due them.

It is the intent of the Congress that the General Accounting Office exercise the authority to audit the books of the bus companies being acquired by the Transit Authority as to their operations and their internal transfers, including but not limited to those properties that became non-operative after being granted their franchise (since 1955). If such books and records are not made available by the respective companies, then the Comptroller General shall be authorized to issue subpenas to accomplish the mission as directed by Congress.

COST

The costs to the Federal and local governments, which will be involved in the execution of the provisions of this bill, cannot be stated or estimated with any reasonable accuracy. The total costs would be those involved in the process of acquisition plus the actual amounts paid for the bus facilities. Our committee has insufficient expert data on which to make any projection of the reasonable value of facilities to be secured. Even an estimate at this time might be misleading as to the intent of our Committee that those representing the public and the courts carefully review every element related properly to the acquisition so that the owners receive full fair value for their property and that the public pay only what is justly due.

Of the acquisition values determined by negotiation or determined by court action, one third will be paid by the Transit Authority and the other two-thirds will be supplied by Federal grants. The funds to be paid by the compact jurisdictions will be apportioned by established formula and received by the Transit Authority. Each local jurisdiction will raise its share from taxes or other sources. The government of the District of Columbia may, under the terms of the bill, use borrowing authority provided under terms of present law.

JOINT COMMITTEE HEARINGS

The District of Columbia Committees of the House and Senate agreed to conduct joint hearings on the bill, H.R. 16119, the forerunner of the present bill H.R. 16724 which was reported by the Committee with an amendment. The procedure provided the opportunity for House and Senate members to participate jointly in receiving testimony and questioning the witnesses and accommodated witness by necessitating only a single appearance before the Committees of Congress.

Testimony in support of the legislation was presented to the Joint Committee during the three days of hearings (August 14, 15, and 16, 1972) by representatives of the Federal government, District of Columbia government, and government jurisdictions in the adjoining states within the Washington National Capital area. The Secretary of the Department of Transportation gave strong support to provisions of the bill indicating that the Department would cooperate fully with the purposes of Congress in any legislation enacted to bring about unification of the transit facilities within the Transit Authority operating zone.

The Commissioner for the District of Columbia and the Chairman of the District of Columbia City Council expressed their full support of the bill.

From the adjoining areas, representatives from the Council of Governments, the Northern Virginia Transportation Commission and the Chairman of the Board of the Transit Authority, representing the jurisdictions which are members of the compact, supported the measure. Transit agencies presenting supporting testimony were the Washington Metropolitan Area Transit Authority; the D.C. Transit System, Incorporated; the Alexandria Barcroft and Washington Transit Company; Washington, Virginia and Maryland Coach Company; and the WMA Transit Co.

A wide variety of community organizations such as the Metropolitan Washington Board of Trade, the National Association of Motor Bus Owners, the Greater Washington Central Labor Council, the Federal City Council, Kalorama Citizens Association and others recommended approval of the bill. The expressions received by your Committee during these hearings were strongly in support of the proposed legislation. Several amendments were presented by witnesses, and these proposals were reviewed and studied by our Committee. Some amendments were adopted and are part of the clean bill. H.R. 16724, reported herewith.

Among the recommendations transmitted to the Committee in support of the legislation were those jointly submitted by its cosponsors, the Secretary of Transportation, the Commissioner of the District of Columbia, and the Chairman of the Board of the Washington Metropolitan Area Transit Authority.

The pending bill, H.R. 16724, as amended, was ordered reported by a 12 to 6 show of hands vote of our Committee.

Mr. ADAMS. Will the gentleman yield?

Mr. CABELL. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. I thank the chairman for yielding, because his remarks tie in with what I want to be certain that we have established as legislative history as the guidelines by both the acquiring authority and, if there is a court action, for the court action; that we are not going to be paying for a franchise that no longer exists.

Also, I want to be certain, and the reason I will not offer my amendment today is because I think the Chairman has stated the direction in which we should go in its guidelines to people wanting to acquire this system.

On page 17, I want to be certain that we did not indicate that we are authorizing that we are going to pay off all these liabilities or contingent liabilities by which the present managers, either with above the line or below the line properties, have mortgaged them up and taken the money out already. We will just be paying for the assets we get less the debts owed on them, is that correct, Mr. Chairman?

Mr. CABELL. That is entirely correct. I think that while it is in the minority report by the gentleman from Washington, it might even be considered superfluous because the courts in making that award, and I am satisfied in my own mind that it will go to condemnation, that we feel that it will in arriving at a negotiated figure with the people involved—it is quite obvious that it will go to the court. Therefore, it is incumbent upon the courts that any liabilities that might be assumed, such as operating contracts with the unions, will have to be compensated for in the price paid to the transit operators in order to give complete and clear title.

Mr. ADAMS. That is what I want to be certain of. For example, if there has been a liability created that is owed to, say, either the drivers or is owed on the buses, and that money is gone, this is one of the reasons I do not go any further in trying to do anything about this. This money has long since, as I understand it, been taken out by the original proprietor, and we do not simply repay that. We pay for exactly what the acquiring authority gets; it pays for exactly what it gets.

If there is a liability, that liability has to be either not paid for by the acquiring authority or funds have to be available to be sure the liability is covered; is subtracted.

Mr. CABELL. It is the opinion of competent attorneys with whom I have discussed this matter that any such contingent liability; not only direct liability, but any contingent liability that is not assumed by them in the takeover, must be compensated for by the seller before settlement is taken to the courts.

Mr. ADAMS. Correct. Whoever has created the liability must account for it. We do not, in effect, pay for it twice.

Mr. CABELL. That is entirely correct, sir.

I appreciate the gentleman's contribution to the discussion.

Mr. ADAMS. I thank the chairman. On that basis, I support this bill. I think the Chairman is correct in maintaining that we must take over and coordinate all of these systems, and have the GAO audit check to see if the authorities have done it properly in the way we indicate that we think it should be done.

Mr. CABELL. I am sure they will. If the electors in the Fifth District of Texas are kind enough to send me back, I can promise the gentleman 2 more years of watchfulness.

Mr. DINGELL. Will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I wish to commend the gentleman from Texas. I hope the bill passes. I commend my good friend from Washington also in watching out for the public interest. Certainly the gentleman has come forward with a mechanism for public transit inside the District of Columbia.

Mr. CABELL. I appreciate the contribution the gentleman from Michigan has made.

Mr. NELSEN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, from the beginning of this negotiation on the consideration of this bill relating to the Washington Metropolitan Area Transit Authority acquisition of local bus companies. I have tried to help out in getting something acceptable to the House so as to preserve a surface transit system in our Federal City. There has been some delay in presenting this bill to you because of various problems that arose while the bill was under consideration by the committee. The bill you have before you has resolved these problems in a manner I believe will be satisfactory to you.

I did have the feeling that perhaps the system could have been operated under WMATA with a contract privately let to an operator. Some may argue that we should not operate a bus company as a public entity. But it seems there is no other way to go than the way we are going under the terms of this bill.

I do believe that right now there are proper safeguards, that have been carefully outlined by the chairman of the subcommittee, contained in this bill to provide the metropolitan area a potentially efficient bus system.

Mr. CABELL, the gentleman from Washington, Mr. ADAMS, and also my friend, Mr. ABERNETHY have worked diligently on this bill. The safeguards that are contained in this bill for acquisition will not, I beleve line anyone's pockets but is fair to all—owners, riders, communities, et cetera.

I might add that the gentleman from Mississippi (Mr. ABERNETHY) has been very careful in the way of arranging and working for some compromise on condemnation procedures as has Mr. ADAMS of Washington. They are both to be commended for their efforts. Of course, we are indebted to the subcommittee chairman, Mr. CABELL, for the fine job he has done on this bill.

I believe we have a bill here the House of Representatives should pass today.

Mr. Speaker, I wish to address myself to the National Capital Area Transit Act of 1972—H.R. 16724 in more detail now, if I might.

Your committee today presents H.R. 16724, a bill that would provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital Area.

The bill, H.R. 16724, states the findings of the Congress and its purposes for meeting the present transportation emergency in the Washington National Capital Area, embracing the District of Columbia and adjacent parts of the States of Maryland and Virginia. To achieve the implementation of the stated purposes, the bill, as amended, provides for the enactment of amendments—already approved by the legislatures of Maryland and Virginia—to the Washington Metropolitan Area Transit Authority Compact—District of Columbia Code, title I, section 1431, et seq.—which authorize the acquisition of local bus companies by use of condemnation powers, if necessary.

Additionally, the bill provides a procedure of funding the acquisition costs, for a temporary period, thus permitting each of the three compact jurisdictions a reasonable time to raise their respective shares of the matching funds to match the Federal grants.

Finally, the Comptroller General of the United States is to exercise a comprehensive audit function in connection with the acquisition proceedings by the Transit Authority and a continuing audit of the Transit Authority. Because of the duties of the Secretary of the Treasury and the Secretary of Transportation relating to the Federal guarantee of bonds to be issued by the Transit Authority and the approval of grants under the Urban Mass Transportation Act of 1964, it is expected that these departments will exercise their statutory authority as may best serve the interests of the local jurisdictions and the Nation. The Washington Metropolitan Area Transit Authority is designated as the local public body for the receipt of grants toward the acquisition costs. The bus companies to be acquired are the D.C. Transit System, Inc.; the Washington, Virginia, and Maryland Coach Co.; the Alexandria, Barcroft, and Washington Transit Co.; and the WMA Transit Co. The Transit Authority will merge the facilities of these four companies and rearrange routes to establish a more efficient operation and a more suitable service to the public within the National Capital Area.

The report accompanying this bill states that—

> The most immediate need for this legislation is that of preventing the further deterioration or the financial collapse of the highly essential mass transportation services in the National Capital Area.

The report goes on to state as follows:

> To a differing degree but to a substantial extent, each of the four bus systems in the area has been caught in an economic vortex from which, even with the assistance which could lawfully be given by the Washington Metropolitan Area Transit Commission, they have been unable to escape.
>
> In recent years the phenomena has been characterized by losses in ridership, producing deficits or marginal profits, necessitating increased fares and possibly some curtailments in service as determined by the regulatory Commission. Without exception, these actions were followed with a further decline in ridership, loss of operating income and the need for repeating the rate adjustment process. In one case in recent years, the Commission found it necessary to grant two rate increases during one year.
>
> This experience in public transportation is not unique to the National Capital Area. Bus companies operating in the major cities have had similar problems. The interruption of service on one of the four bus companies operating in the area would produce immediate and serious complications to the national government and to the local citizens in their non-government activities.

The report also claims that the bringing together of the four bus companies operating within the Washington National Capital Area opens the way to efficiences in operation, improvements in service, and the full coordination of surface bus operations with the operations of the rapid rail subway system as WMATA completes subway construction and begins service. These potential immediate and long range advantages and benefits speak strongly of the need for the enactment of this legislation.

The testimony in committee hearings certainly supports the conclusion reached by the committee as stated in the report as noted above. Presumably, if the Washington Metropolitan Area Transit Authority is to provide subway services to the public, then in the interest of economy and efficiency, it would appear that they may as well get into the closely related surface bus transportation business so as to provide a fully integrated public transportation system for the Washington metropolitan area.

I reach this conclusion somewhat unhappily because I would prefer to see the transportation systems operated by private companies, because by and large I feel they normally can do it more efficiently and equally as, if not more, effectively. I have concern that there are many who wish to see the bus companies taken over by WMATA so that the Congress and the Federal Government may be used to provide reduced fares, if not free bus rides for residents in the Washington metropolitan area, which people in my own district do not get.

On the other hand, the testimony before the committee was to the effect that there is a real emergency pending, if not already existing, and that something must be done quickly. This bill addresses and provides a solution for what is testified to be a near-emergency situation.

Since the beginning of studies and the preparation plans for the rapid rail transit system, and in the course of the numerous hearings and legislative actions by the Congress, consideration has been given to the question of public as against private operation of the transit system. The statement of findings and purpose in the bill indicates a change of view of the Congress regarding public ownership of local bus facilities. While the provisions of the Authority compact continue the discretion of the Authority to choose between public operation by the Authority or private operation under contract, it is the strong sense of your committee that public operation be imposed as rapidly as the local privately operated companies are acquired.

The Congress contemplates that the Transit Authority will demonstrate substantial competence in its operation of the transit system. If such is realized, financial benefits should accrue to the Authority as a saving of some or a major part of the management fee for operation by private parties under contract. Should the Authority be found to lack management capability, the Congress by expression may suggest operation under private contract or by legislative action, if necessary, to initiate or require such a change.

As you all know, the Congress canceled the charter and franchise of the Capital Transit Co.—act of August 14, 1955; 69 Stat. 724. At the time of the cancellation, it was uncertain whether the operation of the system—temporarily continued by the Capital Transit management under the guidance of the District government—would be by the public or under franchise to a private operator. The assets of the Capital Transit Co. were burdened with the obligation of track removal, if that were required by the Commissioners. In any transfer of the assets of Capital Transit to a public or private entity, a major consideration would be a price which would allow for the costs of track removal.

In 1956, parties proposed to acquire the franchise for the operation of the mass transportation system in the District of Columbia and purchase the assets of the Capital Transit Co. The Congress enacted a franchise giving the D.C. Transit System, Inc., exclusive operating privileges—act of July 24, 1956; 70 Stat. 598.

The franchise gave a 20-year operating right subject to cancellation within the first 7 years for nonuser. If the Congress were to cancel the franchise any time after 7 years, no claim was to be allowable for loss of franchise. Among other provisions, the franchise continued the longstanding requirement of track removal without public expense. The assets of successor companies, accumulated from the use of such tracks for benefit of riders using the system, were thus burdened with the track removal obligation.

The franchise to the D.C. Transit Systems, Inc., however, differed from the predecessor company franchises. It provided that transit operations be converted to all bus service within 7 years. This meant that the obligation to remove all track would become fixed at the end of 7 years to be carried out subject to specific provisions of law.

The pending bill repeals the existing franchise. Upon enactment, no private operator will be furnishing mass transportation within the District of Columbia for the first time in more than 75 years.

Upon enactment of this legislation, the franchise of the D.C. Transit System, Inc., becomes subject to cancellation. The date of cancellation is the date immediately preceding the date on which the Transit Authority acquires the D.C. Transit System facilities.

The bill does not affect the corporate charter of the D.C. Transit System, Inc., but specifically provides that the corporation may continue to exist. However, your committee expects that the corporation will change its name and use any of the provisions of the Business Corporation Act for that purpose, to amend its charter, or for any other purpose as may be desirable.

The deletion of the term "private transit company" does not grant the Transit Authority any new or additional power to acquire by condemnation the property of any existing railroad companies that are subject to the jurisdiction of the Interstate Commerce Commission, without their consent.

While the amendments authorize the Transit Authority to acquire the capital stock of such companies, it is not the intent that this power be used in connection with the acquisition of the necessary properties from the D.C. Transit System, Inc. The new language contemplates early acquisition of all such private bus facilities in the service zone.

Under the terms of the Compact, the Transit Authority is specifically charged with continuing the agreements of the private companies with the employees of those companies. It is the intent of Congress that the Transit Authority participate in any labor contract negotiations which may develop during negotiations for acquisition. Your committee recognizes that the Transit Authority will need management skills for operation of the transit facilities acquired and expects that the Transit Authority shall continue the use of management personnel of the acquired bus companies to the fullest extent possible.

In connection with the proposed acquisition of the private bus facilities within the transit zone, the bill provides that the Transit Authority, acting under the provisions of the compact agreement, may bring into operation the provisions of the Urban Mass Transportation Act of 1964 as to capital grant assistance. Two elements cannot be determined at this time and some flexibility must be provided to meet these contingencies. The first is the total acquisition cost of the facilities and consequently the respective shares of cost which the compact jurisdictions must meet. The second is the timing of the action within such compact jurisdictions for securing the necessary funds for the payment of the cost shares.

The provisions in title III of the bill are drafted in such a manner as to facilitate the acquisition at the earliest possible date and to provide latitude to the compact jurisdictions for the fundings of their shares of cost. The Transit authority, for the purposes of the Mass Transportation Act of 1964, is designated as a "local public body." The proposed acquisition of facilities, together with the improvements and the replacement of equipment and facilities, as may be found satisfactory to the Secretary of Transportation, may be made the subject of an application for capital grant assistance. Such assistance shall be provided from the funds available to the Urban Mass Transportation Administration of the Department of Transportation.

If it is necessary to meet an emergency situation, the Secretary of the Department of Transportation may make an immediate grant to the Transit Authority of the necessary funds for the acquisition. In addition to the capital grant share of the acquisition cost, the Secretary may provide temporary financing of that portion of the cost which would be borne by the Transit Authority as the local public body. Such temporary financing may be made only after the Secretary has determined that the Transit Authority has the capacity and ability for repayment of such an advance within the period not extending beyond the end of the fiscal year following the fiscal year in which the advance is made to the Transit Authority.

The repayment by the Transit Authority shall be made with interest at a rate to be determined by the Secretary of the Treasury. The principal and interest repaid shall be credited to the mass transportation fund as a restoration of the obligational authority available to the Secretary. During the period following the grant and advance of funds to the Transit Authority, more than 12 months will be available during which the compact member jurisdictions will have the opportunity to fund their shares of the cost.

So that the District of Columbia may have the authority to participate as a party to the compact in the acquisition of the transit zone bus companies, the Commissioner of the District of Columbia is authorized in title II, to enter into a contract with the Transit Authority for the payment of the District's share of the cost of acquisition of such bus companies and related facilities as are necessary at the time of acquisition or for some future time. An amendment to the District of Columbia laws relating to borrowing authority would permit the Commissioner to use borrowed funds to meet the District's share of the matching funds required by the Transit Authority.

The costs to the Federal and local governments which will be involved in the execution of the provisions of this bill, cannot be stated or estimated with any reasonable accuracy. The total costs would be these involved in the process of acquisition plus the actual amounts paid for the bus facilities. Your committee has insufficient expert data on which to make any projection of the reasonable value of facilities to be secured. Even an estimate at this time might be misleading as to the intent of your committee that those representing the public and the courts carefully review every element related properly to the acquisition so that the owners receive full fair value for their property and that the public pay only what is justly due.

Of the acquisition values determined by negotiation or determined by court action, one-third will be paid by the Transit Authority and the other two-thirds will be supplied by Federal grants. The funds to be paid by the compact jurisdictions will be apportioned by established formula and received by the Transit Authority. Each local jurisdiction will raise its share from taxes or other sources. The government of the District of Columbia may, under the terms of the bill, use borrowing authority provided under terms of present law.

The catalog of elements which may enter into the acquisition of the area bus companies by the Transit Authority is probably beyond listing at this time. Your committee recognizes this fact. During committee hearings there was discussion about some of the matters to be considered in the course of the acquisition but only a few items received attention.

Because of this complexity of detail and the impossibility of engaging in a continuing oversight, your committee determined that an arm of the Congress, the General Accounting Office, should perform the oversight function. Its duties will be those of active analysis and participation toward the purpose that the responsibilities of the District of Columbia government, the Washington Metropitlan Area Transit Commission, and the Transit Agency are met as required under this act and any other provisions of law. The Comptroller General shall keep the Congress informed of the progress in the execution of the acquisition and the resolution of other related matters. This is to aid to the fullest extent possible in the early determination of a just payment for bus properties acquired and to assure that the public will receive the benefit of any credits or considerations legally due them.

It is the intent of the Congress that the General Accounting Office exercise the authority to audit the books of the bus companies being acquired by the Transit Authority as to their operations and their internal transfers, including but not limited to those properties that became nonoperative after being granted their franchise—since 1955. If such books and records are not made available by the respective companies, then the Comptroller General shall be authorized to issue subpenas to accomplish the mission as directed by Congress.

In order to facilitate the resolution of the condemnation action which would otherwise be conducted in three separate jurisdictions, namely the District of Columbia, and the States of Maryland and Virginia, the bill provides for initiation of the condemnation action by the Transit Authority in the U.S. District Court for the District of Columbia. Under the terms of the bill, the Chief Judge of the U.S. District Court for the District of Columbia will establish a panel of three judges who will consider the complaint and declaration of the Transit Authority and make a determination of the values to be established for the property of the respective bus companies. Because of the substantial sums of money which are involved in the acquisition and the potentially difficult issues which may be presented, and the fact that a more objective judgment is likely to be received from a panel of three judges, it is felt that the procedure authorized may best serve the public and at the same time provide a just compensation to the owners of the private facilities being acquired.

However, in the event that any of the companies which are domiciled and operating primarily in the jurisdictions of Maryland and Virginia and who have not had their facilities acquired by the process of negotiation, desire to have their particular cases resolved in courts of their own jurisdictions, such companies may petition the District of Columbia court for transfer of jurisdiction to their respective States. In such event, the complaint and declaration will be held by a three-judge panel appointed for the purpose.

The condemnation procedure provided for in this bill has been changed somewhat from the regular condemnation procedures which are employed in the District of Columbia so as to set up the special tribunal as noted above. My good friend, Mr. ABERNETHY, convinces me that under the circumstances of this case, the establishment of a special tribunal is warranted. Congressman ABERNETHY is a good lawyer who is experienced in these matters, and while I also appreciate Congressman BROCK ADAMS' concern regarding departure from established procedures, I believe on balance that the condemnation procedures set forth in this bill is the best solution to a difficult problem.

I believe that the usual arguments—claiming that the heavy dockets of the courts should give us pause about establishing three-judge tribunals in the District of Columbia—need not necessarily apply in this case. As you know, there are a large number of senior judges sitting in the U.S. District Court for the District of Columbia who could easily be used to aid in making up this special panel. In addition, as all of you know under the Court Reform Act enacted in the 91st Congress, much of the jurisdiction and cases from the U.S. District Court for the District of Columbia was transferred to the Superior Court of the District of Columbia on August 1 of this year. Accordingly, the local Federal court should be readily able to assume the task which we give them here.

Title I of the bill provides for the consent of Congress to compact amendments previously approved by the legislatures of Maryland and Virginia. The compact now gives the Transit Authority the power to acquire property needed for right-of-way and other transit facilities. On enactment of the reported amendments, the Transit Authority may also acquire, by condemnation if necessary, the transit facilities of the private bus companies within the service zone of the Authority. The deletion of the term "private transit company" does not grant the Transit Authority any new or additional power to acquire by condemnation the property of any existing railroad companies that are subject to the jurisdiction of the Interstate Commerce Commission, without their consent.

While the amendments authorize the Transit Authority to acquire the capital stock of such companies, it is not the intent that this power be used in connection with the acquisition of the necessary properties from the D.C. Transit System, Inc. The new language contemplates early acquisition of all such private bus facilities in the service zone.

Under the terms of the Compact, the Transit Authority is specifically charged with continuing the agreements of the private companies with the employees of those companies. It is the intent of Congress that the Transit Authority participate in any labor contract negotiations which may develop during negotiations for acquisition. Your committee recognizes that the Transit Authority will need management skills for operation of the transit facilities acquired and expects that the Transit Authority shall continue the use of management personnel of the acquired bus companies to the fullest extent possible.

The transit service which would be authorized by the terms of the bill is limited to mass transportation of passengers and charter service by bus, the baggage of such passengers and transportation of newspapers, express, and mail. The radius of operations is limited to service originating at any point within the compact transit zone to any point in the states of Maryland and Virginia or a point within 250 miles of the Zero milestone located on the Elipse. All sightseeing operations, conducted on the basis of individual ticket sales, are prohibited.

In conclusion, I think on balance this bill, given what are near-emergency circumstances relating to transportation in the District, is a bill which merits your support.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 16724, of which I am pleased to be a cosponsor. During my 20 years of service in the Congress and as a member of the House Committee on the District of Columbia, I cannot recall any legislation of greater importance to the citizens of the entire metropolitan area than this vital measure.

Basically, this bill will authorize the Washington Metropolitan Area Transit Authority—WMATA—to acquire the facilities, equipment, and property of the local bus companies operating in the Washington metropolitan area; that is, the D.C. Transit System, Inc., its subsidiary the Washington, Virginia, and Maryland Coach Co., the Alexandria and Maryland Coach Co., the Alexandria, Barcroft, and Washington Transit Co., and the WMA Transit Co. . . . and to operate these facilities, together with the rapid rail transit system presently under construction, as a unified, adequate, and economically sound transportation system for the entire metropolitan area.

I wish to make it very clear that I am opposed to public ownership, in any undertaking which may be operated viably as a private business without detriment to the public interest. I am convinced, however, that soaring costs of operation of urban mass transportation facilities, together with loss of ridership which always ensues when fares are increased in an effect to meet these costs, have brought about an end of the era in this country during which privately owned bus companies have been able to operate in urban areas at a reasonable profit. As a matter of fact, I believe that the Washington area is the only such urban center in this country in which such privately owned bus operations are presently in existence.

For this reason, I am heartily in favor of the concept of this proposed legislation. Each of the four local privately owned bus companies, with the possible exception of A.B. & W., is presently in financial distress from which, in my opinion, they cannot possibly recover; and this has created a situation which is detrimental to the interests of the riding public in the area and which can only worsen as time goes on. Further, I am totally in agreement that the Washington Metropolitan Area Transit Authority, a body which was organized pursuant to an interstate compact among the States of Virginia and Maryland, and the District of Columbia, with the consent of the Congress, is the logical and appropriate entity to plan, develop, finance, and operate this areawide system of transit facilities.

In order to implement this public ownership and operation of the bus companies, title I of H.R. 16724 provides for congressional consent to appropriate amendments to articles XII and XVI of title III of the Washington metropolitan area transit regulation compact, which will authorize the District of Columbia to participate with the suburban jurisdictions in the acquisition and consolidation of the system. These amendments to the compact have already been approved by the Legislatures of Virginia and Maryland, and thus this legislative authorization will be complete with the enactment of this bill.

It is estimated that the cost of this acquisition will be approximately $50 million, and the bill provides that this cost shall be shared by the Federal and local governments in the metropolitan area in accordance with the matching formula authorized by the Urban Mass Transportation Act of 1964, as amended. At present, this formula is two-thirds Federal funds and one-third local.

The bill contains two specific authorizations to the Commissioner of the District of Columbia: First, the Commissioner is empowered to contract with the Transit Authority for payment of the District's share of the cost of the purchase of the bus companies, for which purpose capital appropriations out of the District of Columbia general fund are authorized; and second, the Commissioner may contract with the Transit Authority in connection with reduced fares within the District of Columbia, pursuant to the provisions of Public Law 92-349. The act referred to is the Metro bond guarantee legislation which was approved on July 13 of this year, and the restriction in that law applicable to actions of local governments in the matter of reduced fares is that such jurisdictional governments must pay to the Transit Authority the difference between any such reduced fares and the amount of the full fares authorized. In other words, if the government of any jurisdiction in the area elects to reduce the transit fares for any citizen groups in that jurisdiction, then the cost of such a reduction in fares must be borne by that jurisdiction, and not passed on to the citizens of the other parts of the area.

In this connection, I note with interest that the Northern Virginia Transit Commission has recently decided that basic fares for elderly riders on the W.V. & M. Coach Co. should be lowered to 20 cents after that busline comes under public ownership, the process to accomplish which is presently underway. The lowest present fare between Arlington and the District of Columbia on this line is 55 cents, and the basic local fare within Virginia is 45 cents. Since the NVTC contemplates acquiring the W.V. & M. Co. and then subsequently turning it over to WMATA for ownership and operation when that authority acquires all the bus companies under this proposed legislation, it follows that when this occurs, if Arlington wishes to extend a basic fare of 20 cents to its senior citizens, then Arlington will have to pay the Transit Authority the difference between that fare and the regular basic fare.

In addition to acquiring and operating the local bus transit companies in their regular passenger service, the Transit Authority will also be authorized to operate charter bus service between any point within the transit zone and any point in the State of Virginia or Maryland, or to any other point not more than 250 miles distant from the Zero Mile Stone located on the Ellipse in Washington.

Title II authorizes the District of Columbia Commissioner to contract with the Transit Authority for the payment of the District's share of the cost of the acquisition, and provides that loans for this purpose may be made under the District of Columbia's borrowing authority.

Title III of the bill pertains to financing. The first section thereof authorizes the payment of the Federal share of the cost of the acquisition of the bus companies, together with the cost of any improvements to or replacement of equipment as may be necessary, which as I have stated will amount to two-thirds of the total cost under the present formula. In the matter of replacement of equipment acquired, I understand that the Transit Authority plans to purchase about 600 new buses immediately upon acquiring the buslines, to replace present buses in these systems which are more than 14 years old.

The second section of title III provides that the Secretary of Transportation, if he determines that immediate action is necessary in the public interest, may advance such funds as he may deem necessary as a loan to the Transit Authority, to provide temporary financing for that portion of the cost of acquisition which is the share of the local jurisdictions. Such loans may not be made, however, until the Secretary has determined that the Transit Authority is able to effect their repayment not later than the end of the fiscal year following the year in which the loans are made. The loans shall be repaid by the Transit Authority to the Urban Mass Transportation Administration of the Department of Transportation, with interest thereon at a rate to be determined by the Secretary of the Treasury, from the contributions by the District of Columbia and the other local government jurisdictions as called for in the formula.

This authorization for advances or loans from UMTA is included in the bill in recognition of the fact that some of the jurisdictional local governments may not be able to contribute their shares of the costs of this project promptly enough to assure the prompt and orderly acquisition of the four local bus lines and their assimilation into the areawide system as must be done in the public interest. However, since the local government jurisdictions will be required to contribute not only their proportionate share of the acquisition costs but also the interest thereon in the matter of the loans authorized, it may be assumed that these jurisdictions will arrange to contribute their shares as early as possible.

Title IV of the bill provides for condemnation proceedings which may be used in connection with the acquisition of the properties. These proceedings shall be commenced by the U.S. Attorney General upon the request of the Transit Authority, and shall be instituted in the U.S. District Court for the District of Columbia—with the very important exception that any of the bus companies may elect that the proceeding brought against them shall be transferred to the U.S. court in the jurisdiction in which their principal operations are conducted. Thus, either W.V. & M. or A.B. & W. may elect to hold their condemnation proceedings in the U.S. Court for the Eastern District of Virginia; and the WMA Transit Company may choose the U.S. District Court for the District of Maryland. It is further provided that any proceeding in this connection shall be heard by a court of three judges appointed by the chief judge thereof, and that no such court may appoint a commission to conduct the proceedings. Finally in this connection, it is provided that any such proceeding shall be given precedence and assigned for hearing at the earliest practicable date. In this connection, I wish to point out that under the terms of this bill, the Transit Authority will be empowered to take over the operations of the bus companies as soon as such condemnation proceedings have been initiated.

Under the provisions of H.R. 16724, the D.C. Transit System's franchise to operate a system of mass transportation of passengers, which was granted them by the Congress in 1956, will, of course, be canceled. The corporate entity will be permitted to remain in existence, but will be expected to modify its name in order to avoid any confusion as to the permissible scope of any future operations on its part.

The final provision of the bill is the very proper authorization for the U.S. Comptroller General to have access to all books and records of the Transit Authority, and for him to inspect any facility or property of the Authority. Also, he may have access to all books and records of any company with which the Authority is conducting negotiations under this act.

Mr. Speaker, the only alternative to the prompt enactment of this vital legislation is to face the prospect of a genuine disaster to the Washington metropolitan area, in the form of deteriorating and unsatisfactory public mass transportation facilities throughout the entire area, with the very real possibility of the financial failure of the privately owned local bus companies. The time has come when we in the Congress must face up to this situation, and through the approval of this legislation assure the Washington metropolitan area a truly adequate and fiscally sound transportation system, including both bus and rapid rail transit, in an integrated, balanced, areawide system under a single administrative authority.

Mr. NELSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I rise in support of H.R. 16724, to authorize the Washington Metropolitan Area Transit Authority to acquire the Washington area bus lines.

As a member of the State legislature in Annapolis I had the privilege of helping to draft the original amendments providing for Maryland's role as a signator to the Interstate Compact establishing the Washington Metropolitan Transit Authority.

This is another milestone for WMATA in that it will be enabled to tie Metro facilities together and guarantee that the citizens of the metropolitan area are going to have the type of bus transportation to which they are entitled.

The committee has made a careful and conscientious effort in considering and amending H.R. 16724 to protect the public interest, and now at this juncture the public interest and the citizens of the metropolitan area are best served by passage rather than any delay. In particular, I commend Mr. CABELL, chairman, for his great job on this bill.

Bus service in this area has simply not provided residents with the quality of transportation so urgently needed. As a matter of fact it is deteriorating. But, of immediate and very real concern is the fact that, without this legislation, it is a very real possibility that area residents will be facing a total collapse of bus service—the only form of public transportation currently available.

I would hope that this measure will be approved for the sake of literally millions of people who either reside in the area or who annually visit our Nation's Capital. Traffic, congestion, and air pollution are bad now. Without any type of mass transportation, I would hesitate to even guess how truly miserable life could become in the area.

Ownership and operation of the bus system by WMATA will accomplish several important goals. Of immediate concern, it will assure not only continuation of bus service in the area, but also many improvements in that system, including better equipment and improved service. But of equal importance in the long run, it will permit bus service designed to compliment the Metro subway system, by using buses on feeder routes to Metro, in turn increasing both bus ridership and subway usage. This will certainly be of great benefit to the economic viability of both modes.

Again, I urge your support for this urgent legislation.

Mr. FAUNTROY. Mr. Speaker, I rise in support of this long overdue legislation. I am sorry, however, that it is legislation which is born of crisis. It is not as perfect as it might be since it does away with the time honored and proven concept of a jury trial in the jurisdiction where the property is located and replaces it with a three-judge panel for all condemnation proceedings.

Today, however, I am not going to quibble over minor details. Each of us here knows the issues. We have, in fact, passed upon them on May 8 when we voted down a bus subdsidy proposal. If one were to read that debate, he would clearly find that the sentiment of this House spoke out for an order and intelligent plan governing mass transportation here in the District and metroplitan area.

I reluctantly supported the bill in May, because it was my view that a fare increase would do irreparable harm to the transit system by causing a decline in the numbers of riders. It is no different today. I am here in wholehearted support of this measure. This bill, instead of providing a subsidy out of the taxpayers pocket for an inefficient and ineffective concern, however, would put that same money into the equipment and property. Here the taxpayer has something to show for his money. And, it does not costs any more.

Under this bill, there are provisions for the financing through the Urban Mass Transportation Act of 1964. The remaining one-third would be apportioned to the local jurisdictions. Pursuant to the formula, the District is authorized to use borrowed funds to finance its share.

This area depends on mass transportation. Without it, we would find our streets and roads clogged to the point of impasse, our air fouled to the point where we would probably die, and our government shut down for a lack of people, because they were unable to arrive at work. Unfortunately, this specter of disaster is not beyond the realm of possibility. Your committee report clearly points out that each of the four companies is on the verge of financial collapse. At the end of this month, the union contract with one of the firms is due to expire. I am told that barring some miracle, the company has no plan to negotiate. That can mean only one thing—a catastrophic strike.

The avoidance of this disaster lies with this bill. It does not cost the Federal Government any more money than has already been authorized through UMTA. All that this legislation does is allow the District of Columbia and WMATA, through the compact amendments, to purchase and operate the system. Naturally, in this process it does cancel the franchise granted the District of Columbia Transit.

The problem which is before us is not unique to this locale. It is one which is prevalent throughout the Nation and one which has affected every large city in some form or another. There is no easy solution to it. Through the Urban Mass Transportation Act, many communities have been given the opportunity to take over failing companies and innovative programs are keeping fares low and service efficient. I think we can maintain that track record here.

Under consolidated management, labor demands could be met for the resultant economies of scale and management would serve to lower operating costs. Additionally, consolidated management would enable better distribution and utilization of the rolling stock and drivers throughout the whole day. With operations put under the aegis of WMATA, we would have a system that is geared to operate along with the progress made on a Metro. Thus, for the first time, we could have a transit system that is operating sensibly and intelligently along routes where there are people. If we should fail to adequately address ourselves to this pressing problem, the investment made in Metro and the hopes for a model regional system will elude us forever.

Through innovative projects such as the Shirley Highway busway project, it has been shown that increasing numbers will use public transportation in this area if it is fast and comfortable. With modern management, I am convinced that we can do all of this and more in this area. With Metro, good feeder systems, and well designed and innovative projects, I believe that it is quite possible to operate a system with reasonable fares. I urge you to support this bill which will assure adequate service in the Capital City for its residents and visitors.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. CABELL) that the House suspend the rules and pass the bill H.R. 16724, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 129, answered "present" 1, not voting 74, as follows:

[Roll No. 427]

YEAS—226

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Tenn.
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Clausen, Don H.
Collier
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
de la Garza
Dellums
Dent
Diggs
Dingell
Donohue
Downing
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Evins, Tenn.
Fascell
Findley
Flood
Foley
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton
Fuqua
Garmatz
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kyros
Landrum
Leggett
Lennon
Lent
Long, La.
McClory
McCloskey
McCormack
McFall
McKay
McKinney
McMillan
Mahon
Mailliard
Mathias, Calif.
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Mitchell
Mizell
Monagan
Moorhead
Morgan
Mosher
Moss
Myers
Natcher
Nelsen
Nix
Obey
Passman
Patten
Pepper
Perkins
Pettis
Poage
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Randall
Rangel
Rees
Reuss
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Rosenthal
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Steele
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Teague, Tex.
Thomson, Wis.
Udall
Van Deerlin
Veysey
Waldie
Ware
Whalen
White
Wiggins
Williams
Winn
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—129

Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Archer
Baker
Biester
Bow
Brinkley
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Cederberg
Chappell
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Dulski
Duncan
Edmondson
Esch
Fisher
Flowers
Flynt
Ford, William D.
Frey
Gaydos
Gettys
Goldwater
Griffiths
Hall
Hammerschmidt
Hastings
Hébert
Heinz
Hunt
Hutchinson
Ichord
Jonas
Jones, N.C.
King
Kyl
Landgrebe
Latta
Long, Md.
Lujan
McCollister
McDade
McKevitt
Macdonald, Mass.
Mallary
Mann
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Minish
Minshall
Mollohan
Montgomery
Nedzi
O'Hara
O'Konski
Pike
Pirnie
Podell
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Riegle
Robinson, Va.
Rogers
Rostenkowski
Rousselot
Ruppe
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Stanton, James V.
Steed
Steiger, Wis.
Taylor
Teague, Calif.
Thompson, Ga.
Thone
Vander Jagt
Vanik
Waggonner
Wampler
Whalley
Whitehurst
Whitten
Widnall
Wilson, Bob
Wolff
Wydler
Wyman
Young, Fla.

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—74

Anderson, Ill.
Annunzio
Baring
Bell
Blanton
Byrne, Pa.
Caffery
Chisholm
Clark
Clay
Collins, Ill.
Crane
Davis, Ga.
Davis, S.C.
Dow
Dowdy
Dwyer
Edwards, Ala.
Eshleman
Evans, Colo.
Fish
Ford, Gerald R.
Fraser
Galifianakis
Gallagher
Green Oreg.
Gross
Hagan
Haley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hull
Kuykendall
Link
Lloyd
McClure
McCulloch
McDonald, Mich.
McEwen
Madden
Martin
Matsunaga
Mikva
Murphy, Ill.
Murphy, N.Y.
Nichols
O'Neill
Patman
Pelly
Peyser
Pickle
Pucinski
Purcell
Reid
Roncalio
Rooney, N.Y.
Rooney, Pa.
Sandman
Schmitz
Scott
Steiger, Ariz.
Stokes
Sullivan
Symington
Terry
Thompson, N.J.
Tiernan
Ullman
Vigorito
Wilson, Charles H.
Wylie
Zion

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. McEwen.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Thompson of New Jersey with Mr. Sandman.

Mr. Davis of South Carolina with Mr. Edwards of Alabama.

Mr. Rooney of Pennsylvania with Mr. Terry.

Mr. Pickle with Mr. Kuykendall.

Mr. O'Neill with Mr. Gerald R. Ford.

Mr. Murphy of New York with Mr. Fish.

Mr. Roncalio with Mr. McClure.

Mr. Mikva with Mr. Scott.

Mr. Murphy of Illinois with Mr. Crane.

Mr. Matsunaga with Mr. Martin.

Mr. Charles H. Wilson with Mr. Bell.

Mrs. Hansen of Washington with Mr. Steiger of Arizona.

Mr. Clark with Mr. Eshleman.

Mr. Hull with Mr. Gross.

Mr. Hawkins with Mr. McCulloch.

Mr. Tiernan with Mr. McDonald of Michigan.

Mr. Madden with Mr. Schmitz.

Mr. Purcell with Mr. Lloyd.

Mr. Reid with Mr. Peyser.

Mr. Nichols with Mr. Pelly.

Mr. Pucinski with Mr. Wylie.

Mrs. Green of Oregon with Mr. Zion.

Mr. Ullman with Mr. Stokes.

Mr. Symington with Mr. Clay.

Mr. Link with Mrs. Chisholm.

Mr. Blanton with Mr. Hathaway.

Mr. Harrington with Mr. Davis of Georgia.

Mr. Dow with Mr. Evans of Colorado.

Mr. Fraser with Mr. Gallagher.

Mr. Haley with Mr. Galifianakis.

Mr. Hagan with Mr. Dowdy.

Mr. Byrne of Pennsylvania with Mr. Collins of Illinois.

Mr. Caffery with Mr. Baring.

Mr. Patman with Mr. Vigorito.

Messrs. BROTZMAN and DEL CLAWSON changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks prior to the vote just taken.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REGULATION OF STRIP COAL MINING

Mr. EDMONDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6482) to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Coal Mine Surface Area Protection Act of 1972".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that there are coal mining operations on public and private lands in the Nation which adversely affect the environmental and natural and manmade resources; and

(2) that efficient and well conducted coal mining operations are essential activities affecting interstate commerce which contribute to the economic well-being, security, and general welfare of the Nation.

(b) It is the purpose of this Act to encourage a nationwide effort to regulate coal mining surface operations to prevent their adverse environmental effects; to return lands already damaged by coal mining surface operations to productive and useful purposes; to abate the adverse effects from previously coal mined lands; to prevent further detriment to the Nation from coal mining surface operations through the establishment of criteria and standards for coal mined lands; and to encourage the States to carry out programs for these purposes.

(c) It is the further purpose of this Act to encourage a nationwide effort to abate the adverse surface environmental effects resulting from surface operations of underground coal mining.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "surface coal mining" means (1) all or any part of the process followed in the production of coal from a natural coal deposit whereby the coal may be extracted after removing the overburden therefrom or mining by the auger method or any similar method which penetrates a coal seam and removes coal therefrom directly through a series of openings made by a machine which enters the coal seam from a surface excavation or the removing of overburden for the purpose of determining the location, quality, or quantity of natural coal deposit; (2) any area or land from which coal is extracted by a surface coal mining process, including private ways and roads pertinent to such area; and (3) land facilities, or processes resulting from or used in extracting coal from natural deposits.

(b) The term "overburden" means all of the earth and other materials removed or excavated for the purpose of exposing a coal seam as may be necessary in order to surface mine, and also means such earth and other materials after removal from their natural state in the process of surface mining.

(c) The term "spoil bank" means a deposit of removed overburden, waste, dump, or culm banks from either surface or underground coal mining operations or other similar material.

(d) The term "area of land affected" means the land from which coal is removed by surface mining, any land in which the natural land surface has been disturbed as a result of, or incident to, surface mining activities, and any land on which are conducted the surface activities of deep mining, including but not limited to private ways and roads appurtenant to any such land excavations, workings, refuse banks, spoilage banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas, and areas on which structures, facilities, equipment, machines, tools, or other materials or property which result or are used in, coal mining operations are situated.

(e) The term "operation" means the surface activities relating to the extraction of coal on a single tract of land or on contiguous tracts of land.

(f) The term "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than 250 tons of coal from the earth by coal mining within twelve consecutive calendar months in any one location, or who removes more than 250 tons of overburden for the purpose of determining the location, quality, or quantity of a natural coal deposit.

(g) The term "person" includes corporations, companies, associations, firms, partnerships, societies, joint stock companies, and individuals.

(h) The term "reclamation" or "reclaim" means the process of restoring an area of land affected by coal mining to a condition that it may be used for the purpose for which it was used prior to coal mining or other useful purposes. The process may require backfilling, terracing, backfilling to approximate original contouring, grading, resoiling, revegetation, soil compaction and stabilization, in order to eliminate water or soil pollution, erosion, flooding resulting from surface mining, or any other activity to accomplish reclamation of land to a useful purpose.

(i) The term "terracing" means grading where the steepest contour of the highwall shall not be greater than twenty-five degrees from the horizontal, with the table portion of the restored area a flat terrace without depressions to hold water except where the retention of water is required or desirable for reclamation purposes with adequate provision for drainage unless otherwise approved by the Secretary.

(j) The term "backfilling to approximate original contour" means reclamation achieved by beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land, with no depressions to accumulate water and with adequate provision for drainage.

(k) The term "commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia or any territory or possession of the United States, or between points in the same States, if passing through any point outside the boundaries thereof.

(l) The term "Secretary" means the Secretary of the Interior.

COAL MINES SUBJECT TO ACT

SEC. 4. Each coal mining operation the products of which enter interstate commerce, or the operations of which indirectly or directly affect interstate commerce, shall be subject to this Act.

POWERS OF THE SECRETARY

SEC. 5. The Secretary is authorized, according to the succeeding provisions of this Act, to—

(1) prescribe such rules and regulations as may be necessary to carry out his functions under this Act;

(2) make investigations or inspections necessary to insure compliance with this Act and the rules and regulations adopted pursuant thereto;

(3) conduct hearings;

(4) where public health or safety is involved, or the health or safety of the employee is involved, issue a cease-and-desist order for any operation;

(5) order the revocation of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

(6) appoint such advisory committees as may be of assistance to the Secretary in the development of programs and policies;

(7) review and vacate or modify orders and decisions of the Secretary;

(8) designate certain areas as unsuitable for surface mining; and

(9) perform such other duties as are provided by law.

ANNUAL REPORT

SEC. 6. Not later than April 1 annually, and at such other times as he deems necessary, the Secretary shall submit to the Congress a report concerning activities conducted by him under this Act relating to the regulation of coal mine surface operations. Among other matters the Secretary shall include in such report, such recommendations for additional administrative or legislative action as he deems necessary or desirable to accomplish the purposes of this Act and an enumeration of the permit granted, revoked, or suspended under this Act during the preceding calendar year.

DESIGNATION OF LAND UNSUITABLE FOR SURFACE MINING

SEC. 7. (a) An area may be designated as unsuitable for surface coal mining if the Secretary finds that it is not economically or physically possible to reclaim the land or, if surface coal mining is already being conducted in such area, the mining will cause irrevocable or lasting injury to the environment of the area or an area adversely affected by such area. The Secretary shall prohibit coal mining in the area, and shall issue a cease-and-desist order to any operator within the area.

(b) For the purpose of any such investigation or hearing, the Secretary may administer oaths or affirmations, subpena witnesses or written or printed materials, compel attendance of the witnesses or production of the materials, and take evidence.

(c) Prior to the designation by the Secretary of an area unsuitable for surface coal mining, the Secretary shall place a notice in the Federal Register, and once a week for four successive weeks, in a newspaper of general circulation in the locality of the proposed designated area, indicating the precise location and boundaries of the proposed area, including a map or aerial photograph of the proposed area. A hearing to determine whether an area should be so designated shall be held in the locality by the Secretary before a designation is made. The Secretary shall place a notice of the date, time, and location of the hearing once a week for two successive weeks in a newspaper of general circulation in the locality of the proposed designated area.

PERMIT

SEC. 8. (a) On and after the effective date of this Act no person shall engage in coal mining surface operations without a permit issued by the Secretary under the provisions of this Act.

(b) Applications for a permit shall be made in writing to the Secretary, upon forms prepared and furnished by him. The application shall include, among other things, a reclamation plan, and the following:

(1) the names and addresses of: (A) the applicant; (B) the present legal owner of the property to be mined (surface and mineral); (C) the operator; and (D) if any of these be business entities other than a single proprietor, the names and addresses of the principal officers and resident agent shall be included;

(2) a description of the type of coal mining surface operation that exists or is proposed;

(3) the anticipated or actual starting and termination dates;

(4) the written consent of the owner of the surface of the land upon which the applicant proposes to engage in coal mining surface operation to entry upon such land by the applicant or his agents and any officer, employee, or agent of the Department of the Interior, or any Federal office or employee designated by the Secretary, within a period of five years after the operation is completed or abandoned for the purpose of reclamation and inspection;

(5) the name and address of the owners of all surface area within five hundred feet of any part of the proposed area of affected land;

(6) a statement of any coal mining permits held by the applicant and the permit numbers;

(7) the names and address of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record or beneficially, either alone or with associates, 10 per centum or more of any class of stock of the applicant;

(8) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant or any person required to be identified by the Secretary has ever held a coal mining permit or license issued by any agency of the Federal Government or any State which permit or license has been suspended or revoked; and

(9) a statement of whether the applicant has ever had a coal mining bond or similar security deposited in lieu of bond forfeited.

(c) (1) The application for a permit shall be accompanied by a map in duplicate, on a scale of not less than four hundred feet tc the inch or two copies of an enlarged United States geological survey topographic map showing all information pertinent to the successful coal mining of such area or areas under the provisions of this Act. Aerial photographs of the tract of land to be affected are acceptable if the photographs provide such pertinent information.

(2) Any map shall:

(A) be prepared and certified by a registered professional engineer or registered surveyor;

(B) identify the area corresponding to the application indicating the land use prior to the operation;

(C) show the probable limits of adjacent deep mining operations, whether active, inactive, or mined out;

(D) show the boundaries of the area of

land affected naming the surface and minerals owners of the affected area, the owners of the surface area within five hundred feet of the area, and showing the boundaries of such surface properties;

(E) show the names and locations of all streams, creeks, or other bodies of water; existing and proposed roads; railroads; utility lines and rights-of-way; buildings; cemeteries; and oil and gas wells on the area of affected land within five hundred feet of such areas;

(F) show the State, county, and the municipality or township in which the area of affected land is located;

(G) show the location of proposed waste or refuse areas; and the drainage plan on, below, above, and away from the area of affected land, including subsurface waters above the seam of the coal to be removed and indicating the directional flow of water, constructed drainways, natural waterways used for drainage, and the stream or tributaries receiving or to receive this discharge;

(H) show the total number of estimated acres involved in the area of affected land;

(I) show the results of test borings which the operator has conducted at the site of the proposed operation and include the nature and depth of the overburden, the quantities and location of subsurface water, the thickness of the coal seam, an analysis including acidity of the coal seam, the crop line of the coal seam, and the location of the test boring holes. The information pertaining to test borings, the depth of the overburden, the thickness of the coal seam, the analysis of the coal seam, the crop line of the coal seam and the location of test boring holes shall be deemed confidential information and not a matter of public record; and

(J) show the date on which the map was prepared, the north point and the quadrangle sketch, and the exact location of the operation.

(d) An application for an original permit, and for any renewal of such permit, shall be accompanied by a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the coal mining operation for which such permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate the Federal Government and persons damaged as a result of coal mining and reclamation operations and entitled to compensation under applicable provisions of State law. Such policy shall be for the term of the permit plus not less than eighteen months thereafter.

(e) The original application for permit shall be accompanied by a fee of $500.

(f) (1) The applicant for a permit to conduct a coal mining operation shall submit to the Secretary a copy of his advertisement of the ownership, precise location, and boundaries of the site intended to be mined. Such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed coal mining at least once a week for four successive weeks. In addition, the applicant shall also submit as part of his application copies of letters which he has sent to various local governmental bodies, planning agencies, and sewage and water treatment authorities, or companies, in whose watershed the mining will take place, notifying them of his intention to mine a particular tract of land.

(2) Any bona fide resident of the area having a valid legal interest which will be affected by the proposed coal mining or the officer or head of any Federal, State, or local governmental agency or authority shall have the right to file written objections to the proposed mining with the Secretary within thirty days after the last publication of the above notice. If written objections are filed, the Secretary shall then hold a public hearing in the locality of the proposed mining within sixty days of the receipt of such objections. The date, time, and location of such public hearing shall be advertised by the Secretary in a newspaper of general circulation in the locality for seven successive days. At this public hearing, the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws.

(3) For the purpose of such hearing, the Secretary, or his designate, may administer oaths, subpena witnesses or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence, including but not limited to site inspections of the proposed site and other mining operations carried on by the applicant in the general vicinity of the proposed mining site. A verbatim transcript and complete record of each public hearing shall be ordered by the Secretary.

(4) The Secretary, or his designate, shall make his decision on the application for a permit not less than thirty days after the conclusion of the hearing unless all parties to the hearing agree to extend the period.

(5) Any bona fide resident of the area having a valid legal interest which will be affected by the proposed coal mining who has participated in the administrative procedures as an applicant, protestant, or objector, and who is aggrieved by the decision of the Secretary, or his designate, shall have the right of appeal to the Federal district court in whose jurisdiction the proposed coal mining operation is located in accordance with applicable appeal procedures.

APPROVAL OF PERMIT

SEC. 9. (a) Upon the filing of an application as required in section 8 of this Act, the Secretary shall investigate and may approve or disapprove the application for a permit. No permit application shall be approved unless the Secretary finds on the basis of the information set forth in the application or from information available to him, and made available to the applicant, that the requirements of this Act or rules and regulations adopted thereunder will be observed and that there is probable cause to believe that the reclamation of the area of affected land can be achieved.

(b) If the Secretary finds that the overburden of any part of the area of land described in the permit application is such that deposits of sediment in streambeds, landslides, or acid or mineralized water pollution in violation of State and Federal water quality standards, whichever is higher, cannot feasibly be prevented, he shall delete such part of the land described in the application upon which such overburden exists: *Provided*, That no such overburden will be removed from slopes greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed as required by the provisions of this Act.

(c) No permit application shall be approved for the purpose of the surface mining of coal of any area of land which is within one hundred feet of any public road, or body of water, stream, pond, or lake to which the public enjoys use and access, or other private property, or to mine any area of land within one mile of other publicly owned land if mining of the area will adversely affect the publicly owned land.

(d) No permit application shall be approved if mining the area will adversely affect any publicity owned park unless screening and other measures approved by the Secretary are used, and the permit application shall so provide.

(e) No permit application shall be approved under this Act if—

(1) the applicant is presently ineligible to obtain a permit or license to conduct a coal mining surface operation under the law of the State in which the proposed mining is to be conducted;

(2) the applicant has had a permit revoked by the Secretary under this Act; or

(3) the applicant has violated, and continues to violate, any law, rule, or regulation of the United States, or of any department or agency of the United States, pertaining to coal mining surface operations or reclamation.

Any applicant who has had such a State permit or license revoked under State law, or who has been denied such a State permit or license, prior to the effective date of this Act, shall not be precluded, by reason of such revocation or denial, from obtaining a permit under this Act if he is currently eligible under this Act to receive a permit. Any person who has had a permit revoked by the Secretary under section 17 of this Act shall be ineligible to receive any additional permit until the end of the three-year period beginning on the date of such revocation and only if the Secretary is satisfied that such person has taken the necessary steps to rectify the situation which gave rise to the revocation.

(f) No permit application shall be approved under this Act, if the applicant is a partnership or corporation, if the Secretary finds that any officer, director, or an owner of a majority interest of the partnership or corporation—

(1) is presently ineligible to obtain a permit or license to conduct a coal mining surface operation under the law of the State in which the proposed mining is to be conducted;

(2) has had a permit revoked by the Secretary under this Act; or

(3) has violated, and continues to violate, any law, rule, or regulation of the United States, or of any department or agency of the United States, pertaining to coal mining surface operations or reclamation.

Any such applicant with respect to whom any officer, director, or owner of a majority interest therein has had such a State permit or license revoked under State law, or has been denied such a State permit or license, prior to the effective date of this Act, shall not be precluded, by reason of such revocation or denial, from obtaining a permit under this Act if it is currently eligible under this Act to receive a permit. Any such applicant with respect to whom any officer, director, or owner of a majority interest therein has had a permit revoked by the Secretary under section 17 of this Act shall be ineligible to receive any additional permit until the end of the three-year period beginning on the date of such revocation and only if the Secretary is satisfied that such applicant has taken the necessary steps to rectify the situation which gave rise to the revocation.

(g) No permit application shall be approved of the Secretary finds that any officer, director, or an owner of a majority interest of an applicant corporation or partnership is or has been an officer, director, or owner of a majority interest of any other corporation or partnership which—

(1) is presently ineligible to obtain a permit or license to conduct a coal mining surface operation under the law of the State in which the proposed mining is to be conducted;

(2) has had a permit revoked by the Secretary under this Act; or

(3) has violated, and continues to violate, any law, rule, or regulation of the United States, or of any department or agency of the United States, pertaining to coal mining surface operations or reclamation.

Any such applicant corporation or partnership having such an officer, director, or majority owner who has had such a State permit or license revoked under State law, or who has been denied such a State permit or license, prior to the effective date of this Act, shall not be precluded by, reason of such revocation or denial, from obtaining a permit under this Act if it is currently eligible to receive such a permit. Any such applicant corporation or partnership having such an officer, director, or majority owner who has had a permit revoked by the Secretary under section 17 of this Act shall be ineligible to receive any additional permit until the end of the three-year period beginning on the date of such revocation and only if the Secretary is satisfied that such officer, director, or majority owner has taken the necessary steps to rectify the situation which gave rise to the revocation.

(h) No permit application shall be approved unless the plan of operation and reclamation required under section 10 of this Act is approved. The Secretary may approve a reclamation plan that complies with the requirements of section 18 of this Act.

(i) The Secretary shall notify the applicant by registered mail within forty-five days after the receipt of the complete application, unless a hearing or appeal is in progress, whether the application has been approved. If the Secretary fails to notify the applicant within the prescribed period, the applicant may request in writing a hearing which shall be held within thirty days after receipt of the request. The Secretary shall then render a decision on the application within thirty days after the conclusion of the hearing, unless all parties to the hearing agree to extend the period.

(j) If the application is approved, the Secretary shall determine the amount of bond per acre that the operator shall furnish before a permit is issued. The amount of bond shall be stated in the notice of approval sent to the applicant.

(k) If the application is not approved, the Secretary shall state the reasons for its unacceptability and may propose modifications, delete areas, or reject it entirely. If the applicant disagrees with the decision of the Secretary he may request in writing a hearing before the Secretary. The Secretary shall hold the hearing within thirty days after receipt of the request.

RECLAMATION PLAN

SEC. 10. A reclamation plan shall include—

(a) a statement (1) of the highest and best use to which the land was put prior to the commencement of surface mining; (2) of the use which is proposed to be made of the land following reclamation; (3) of the manner in which mining operations will be conducted and whatever actions will be taken to prevent adverse environmental effects; and (4) that proper consideration has been given to insure that the plan is consistent with local environmental conditions and current mining and reclamation technologies;

(b) provisions that allow the plan prior to approval and after consultation with the operator to be subject to modification by the Secretary to avoid conflicts with State and Federal laws, and in accordance with this Act;

(c) provisions, wherever applicable, to maintain and improve where practicable the quality of water in surface and ground water systems; by (1) diverting surface drainages to prevent contamination of water from, or inflow to, unreclaimed mined areas or active mine workings, (2) properly treating drainage from mine workings, spoil or waste accumulations, and leaching operations where needed, (3) casing or sealing boreholes and wells, to insure overlying ground stability, and (4) conducting surface coal mining or dredging so as to minimize slope failures and the adverse effects of highwalls and spoil banks;

(d) provisions to return all mined areas to a condition that will not be injurious to public health and safety and that will be suitable for future productive use consistent with surrounding conditions;

(e) provisions to (1) stabilize and reclaim mined areas and waste accumulations to prevent or control erosion and attendant air and water pollution; (2) screen the view of operations and waste materials from surrounding areas; and (3) preserve the top soil for use together with the best available other soil material suitable for support of vegetation to cover spoil material;

(f) provisions to insure that no part of the operation or waste accumulations will be located outside of the permit area, that all environmental damage will be contained within the permit area and that suitable restitution will be made for damage to offsite property;

(g) an estimate of the time schedule of the completion of all stages of reclamation;

(h) a description of the steps to be taken to insure that the coal mining operation complies with all applicable air and water regulations and health and safety standards;

(i) a statement of the engineering techniques and the character and description of the equipment, a plan for the prevention of harmful surface water drainage and of water accumulation in the working area, a plan for backfilling, soil stabilization and compaction, grading, resoiling, revegetation, and an estimate of the cost per acre of the reclamation;

(j) a statement of the intended future use or uses of the affected area, which may include water impoundments, water-oriented real estate developments, recreational area development, commercial or industrial site development, sanitary land fill, or agricultural development, including forage or other crops, and a complete description of the manner in which the intended use will be achieved.

POSTING OF BONDS

SEC. 11. (a) After a permit application has been approved but before such a permit is issued the applicant shall file with the Secretary the bond for performance, on a form prescribed and furnished by the Secretary, payable to the United States and conditioned that the operator shall faithfully perform all the requirements of this Act. The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Secretary. The amount of the bond shall be sufficient to assure the completion of the reclamation plan, even in the event of forfeiture and in no case shall the bond be less than $5,000, or $500 per acre in the aggregate whichever is greater. Liability under the bond shall be for the duration of coal mining operation and for a period of five years thereafter, unless released sooner as provided in section 23 of this Act. The Secretary may release portions of the bond in compliance with section 23 of this Act as stages of the reclamation plan are successfully completed, so long as the remaining balance of the bond is sufficient to assure the completion of the remaining stages of the uncompleted plan. The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, negotiable certificates of deposit having a par value equal to or greater than the amount of the surety bond and issued by any bank organized or transacting business in the United States.

(b) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. If one or more negotiable certificates of deposit are deposited with the Secretary in lieu of the surety bond, he shall require the bank which issued any certificate to pledge securities of the aggregate market value equal to the amount of such certificate or certificates, which is in excess of the amount insured by the Federal Deposit Insurance Corporation. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(c) Upon the receipt of the deposit of cash or securities, the Secretary shall immediately place the deposit with the Secretary of the Treasury, who shall receive and hold the deposit in safekeeping in the name of the United States, in trust for the purpose for which the deposit was made. The operator making the deposit may from time to time demand and receive from the Secretary of the Treasury, on the written order of the Secretary, the whole or any portion of the deposit if other acceptable securities of at least the same value are deposited in lieu thereof. The operator may demand of the Secretary of the Treasury and receive the interest and income from the securities as they become due and payable. When deposited securities mature or are called, the operator may request that the Secretary of the Treasury convert the securities into other acceptable securities by the operator, and the Secretary of the Treasury shall do so.

(d) In addition to the bond or deposit, before a permit is issued, the applicant shall pay a special reclamation fee of $100 for each acre of land to be affected in the coal mining surface operation, with the exception of any areas exempted by the rules and regulations adopted by the Secretary which fee shall be placed in the Coal Mine Lands Reclamation Fund.

(e) After the permit application has been approved, the bond or deposit filed, and the fees paid, the Secretary shall issue a permit to the applicant. Within ten days after the issuance, the Secretary shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(f) The permit is valid for one year from its date of issue.

RECLAMATION FUND

SEC. 12. (a) There is hereby created in the Department of the Treasury a revolving fund to be known as the Coal Mine Lands Reclamation Fund (hereinafter referred to as the "Fund").

(b) There is authorized to be appropriated to the Fund initially the sum of $100,000,000, and such other sums as may thereafter be appropriated by the Congress.

(c) Moneys in the Fund may be expended by the Secretary for the purposes indicated in section 13.

(d) Fees which have been collected and any bond or deposit which has been forfeited under this Act shall be deposited in the Fund.

(e) Moneys derived from the sale, lease, or rental of reclaimed land shall be deposited in the Fund.

(f) Moneys derived from any user charge imposed upon reclaimed land used for recreation purposes, after expenditures for maintenance have been deducted, shall be deposited in the Fund.

ACQUISITION OF UNRECLAIMED LAND

SEC. 13. (a) The Secretary may acquire by purchase donation, or otherwise, land, which has been affected by coal mining surface operations and has not been reclaimed prior to the date of enactment of this Act. Title to all lands acquired shall be taken in the name of the United States, but no deed shall be accepted or purchase price paid until the title thereof is approved by the Attorney General of the United States. The price paid for land under this section shall not exceed the fair market value taking into account the unrestored condition of the land. Prior to making any acquisition of land under this section, the Secretary shall make a complete and thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall generally determine which tracts present the greatest adverse effect to the public together with his reasons. Priority for purchase shall be given to such tracts. Prior to any individual acquisition under this section, the Secretary shall specifically determine the cost of such acquisition and reclamation and the benefits to the public to be gained therefrom.

(b) The Secretary shall prepare plans and specifications for the reclamation of lands (including any waste or refuse storage) acquired under this section. In preparing a plan of reclamation the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this section. The Secretary may, with the approval of the administrator of the department or agency involved, call to his assistance temporarily any engineer or other personnel of any Federal department or agency. The engineers and employees shall not receive any additional compensation other than that which they receive from the department or agency by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the Secretary. The Secretary shall follow the consultation and notification procedures specified in section 8(f) prior to the final approval of a reclamation plan.

(c) The Secretary shall reclaim the lands (including any waste or refuse storage), according to the prepared plans, as moneys become available to the Fund.

(d) Administration of all lands restored under this section shall be in the Secretary until disposed of by him as set forth in this Act.

(e) The Secretary may use moneys from the Fund for the engineering, administrative, and research costs necessary for reclamation of the lands.

(f) Moneys in the Fund resulting from the forfeiture of surety bonds, or from other securities deposited by an applicant and not reclaimed by him as required by this Act, shall be used by the Secretary first for reclamation of the land covered by the forfeited bond or deposit.

(g) (1) Where reclaimed land is deemed to be suitable for industrial, residential, or recreational development, the Secretary may after notice sell such land by public sale under a system of competitive bidding, at not less than fair market value and under other such regulations as he may promulgate to insure that such lands are put to a proper use, as determined by the Secretary. If any such land sold is not put to the use specified by the Secretary in the terms of the sales agreement, then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the Fund.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, reclaimed land may be sold to the State or local government in which it is located at a price less than fair market value, which in no case shall be less than the cost to the United States of the purchase and reclamation of the land, as negotiated by the Secretary, to be used for a valid public purpose. If any land sold to a State or local government under this paragraph is not used for a valid public purpose as specified by the Secretary in the terms of the sales agreement then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the Fund.

(h) The Secretary may direct that reclaimed land may be improved for water-based or other recreational purposes, and that a reasonable user charge shall be imposed. Revenue derived from such reclaimed lands shall be used first to assure proper maintenance of such reclaimed lands, and any remaining moneys shall be deposited in the fund.

RECLAMATION CONTRACT

SEC. 14. Any proposed reclamation contract shall be approved by the Secretary. The Secretary shall award each contract to the lowest qualified bidder after sealed bids are received, opened, and published at the time and place fixed by the Secretary and notice of the time and place at which the bids will be received, opened, and published, has been advertised at least once at least ten days before the opening of the bids, in a newspaper of general circulation in each county in which the area of land to be reclaimed under such contract is located. If no bids for the advertised contract are received at the time and place fixed for receiving them, the Secretary may advertise again, but he may, if he deems the public interest will be best served thereby, enter into a contract without further advertisement for bids. The Secretary may reject any or all bids received and may fix and publish again notice of the time and place at which new bids for the contract will be received, opened, and published.

ADDITIONAL CONTIGUOUS LAND BOND

SEC. 15. (a) The operator shall, prior to commencing mining on any additional contiguous land exceeding the estimate in the application for a permit file with the Secretary an additional bond under the same requirements as the original bond an additional fee of $100 per acre, and all additional information which would have been required for the additional land if the land had been included in the original application for permit.

(b) If all the requirements imposed on the issuance of the original permit are met by the application for the additional land, and if the total amount of the additional acreage does not exceed 10 per centum of the original permit acreage, the Secretary shall promptly issue an amended permit. The Secretary shall, within ten days after issuance, notify the appropriate State and county auditor of the amended permit.

(c) If the total amount of the additional acreage exceeds 10 per centum of the original permit acreage, the operator shall file for a separate and new permit for the operation.

PERMIT RENEWAL

SEC. 16. (a) Any holder of a permit issued under this Act who wishes to continue the operation beyond the original permit period shall apply to renew his permit within ninety days prior to the anniversary date of the permit issuance. An additional fee of $100 and a new map which outlines the area to be affected and the area restored during the preceding year shall be filed with such application.

(b) The Secretary shall renew the permit if the operation is in compliance with existing law. The Secretary shall notify the applicant whether the permit has been approved within forty-five days after the application for renewal has been filed. If the Secretary fails to so notify, the applicant may request in writing a hearing and the hearing shall be held within twenty days after the receipt of the request. The Secretary shall then render a decision on a renewal within thirty days of the first day of the hearing unless all parties to the hearing agree to extend the period.

(c) If the operator has paid the special reclamation fee and deposited a performance bond for more acres than will actually be affected within the new permit year under a revised estimate of acreage, the operator may apply for an amended permit, the Secretary shall issue an amended permit and certify the overpayment to the Secretary of the Treasury, who shall refund such amounts from the Fund and from bond held by him.

REVOCATION

SEC. 17. The Secretary may revoke any permit if, after a hearing, he determines that the operator has violated any provision of this Act or any rules and regulations of the Secretary issued under this Act.

RECLAMATION OPERATIONS

SEC. 18. (a) Every operator shall reclaim the land affected by his mining. He shall, in the process of mining—

(1) remove the topsoil from the land in a separate layer and segregate the topsoil in a separate pile so that the soil is kept in a usable condition for sustaining vegetation;

(2) backfill the operations so that the approximate original contour of the area of land affected is restored without depression to hold water except where the retention of water is required or desirable for reclamation purposes with adequate provision for drainage unless otherwise approved by the Secretary. On natural slopes greater than 14 degrees or if the original contour of the area of land affected was such that soil erosion, slides, acid drainage, highly mineralized drainage will probably, in the opinion of the Secretary, occur before the planned vegetation will grow, the operator shall backfill and grade according to a plan of terracing and drainage that will eliminate the probable damage;

(3) backfill, grade, replace the topsoil which has been segregated unless a layer of soil which has been uncovered which is better able to support vegetation has been approved by the Secretary as a substitute, and plant stable and diverse vegetative covering as approved by the Secretary, or his regulations and rules. A quick growing temporary covering may be seeded, but does not release the operator from his obligation to provide a stable and diverse vegetative covering. The process of reclamation shall progress as the mining progresses, as soon as practicable after the extraction of the coal. All backfilling, grading, and resoiling shall be completed before the necessary equipment is moved from the area unless prior approval is received from the Secretary; and

(4) bury under adequate fill any toxic material, roof coal, pyritic shale, or material determined by the Secretary to be acid-producing, toxic, or creating a fire hazard or serious thermal problem. The operator shall remove or bury any metal, lumber, equipment, or other refuse resulting from the mining. The operator shall compact all fill in refuse disposal areas, so that underground air pockets are eliminated, and all combustible material shall be placed so that they will not ignite.

(b) The purpose of this section is to restore the area of land affected to the same or an equally useful purpose as before any mining. Any method of reclamation other than provided in this section shall be proposed to the Secretary and shall be used only if he so approves. The Secretary may approve an alternative plan if the plan does not violate the purpose of this section.

(c) The Secretary shall prescribe such regulations as are necessary to prevent the creation of a permanent spoil bank upon a natural downslope in excess of 14 degrees from the horizontal adjacent to the outcropping of a seam of coal.

(d) Throughout the mining process, the operator shall prevent water pollution by siltation, acid drainage, or excessive mineralization of surface or subsurface water.

DUMPING WASTE MATERIALS

SEC. 19. No operator, unless legally authorized by a governmental agency having authority to issue permission, shall throw, dump, pile, or otherwise place or permit the throwing, dumping, piling, or otherwise placing of any material of any type outside the area of land which is under permit, nor place any material in such a way that the normal erosion or slides brought about by natural physical causes will permit the material to go outside the area of land which is under permit. This prohibition includes the deposit of material on public highways from trucks hauling material from the operation.

USE OF EXPLOSIVES

SEC. 20. (a) Explosives shall be used for the purpose of blasting in connection with any coal mining surface operation only in accordance with regulations of the Secretary issued under this Act, or of a State if those regulations are determined by the Secretary to be consistent with the principles of this Act.

(b) The Secretary may prohibit blasting in specific areas where the safety of the public or private property is endangered or where the stability of the roof strata of an operating underground mine or the watercourses entering such a mine will be adversely affected as a probable result of the blast.

IDENTIFICATION OF MINING OPERATIONS

SEC. 21. The operator shall conspicuously maintain a sign at each entrance to the operation which clearly shows the name, business address, and phone number of the operator and the permit number of the operation. The sign shall be at least three feet in size and shall be clearly visible.

OPERATOR'S PROGRESS REPORT

SEC. 22. Not later than January 25 of each year after the commencement of surface mining operations, the operator shall file a report with the Secretary on a form provided by him that accurately states the amount of coal produced, the number of employees, the days worked, the number and location of acres of land mined, number and location of acres of the land reclaimed, and a description of the progress made toward the completion of the reclamation plan during the previous year.

RELEASE OF BOND

SEC. 23. (a) Where the reclaiming of the mined area has been successful, the operator may file a request, on a form provided by the Secretary, for release of bond. The request shall state—

(1) the location of the area and number of acres;

(2) the permit number;

(3) the amount of bond; and

(4) the type and date of the reclamation activities.

(b) An inspection and evaluation of the reclamation of the area shall be made within ninety days after the request. If the Secretary finds that the reclamation meets the requirements of this Act, is stable and perpetual under normal climatic conditions, he shall send by registered mail to the operator a release of the bond or other security covering the area of reclaimed land. He shall also at the same time send a copy of the release to the Secretary of the Treasury. Upon presentation of the release to the Secretary of the Treasury by the operator to whom it was issued, the Secretary of the Treasury shall deliver to the operator or his authorized agent the amount of bond or other security released by decision of the Secretary.

(c) If the Secretary does not approve of the reclamation performed by the operator, he shall notify the operator by registered mail within ninety days after the request is filed. The notice shall state the reasons for unacceptability and shall recommend actions to remedy the failure.

(d)(1) The application for bond release shall contain a copy of an advertisement placed in a newspaper of general circulation in the locality of the surface coal mining Such advertisement shall contain a notification of the location, of the area and number of acres, the permit number, the amount of bond, and the type of reclamation and the degree of success. In addition, the applicant shall also submit as part of his request copies of letters which he has sent to various local governmental bodies, planning agencies, and sewage and water treatment authorities, or companies in whose watershed the mining will take place, notifying them of his intention to seek release from bond.

(2) Any bona fide resident of the area having a valid legal interest which would be affected thereby, or the officer or head of any Federal, State, or local government agency or authority shall have the right to file written objections to the proposed release from bond to the Secretary within thirty days after the last publication of the above notice. If written objections are filed, the Secretary shall then hold a public hearing in the locality of the mining operation proposed for release from bond within sixty days of the receipt of such objections. The date, time, and location of such public hearing shall be advertised by the Secretary in a newspaper of general circulation in the locality for seven successive days. At this public hearing, the applicant for release from bond shall have the burden of establishing that his request is in compliance with the applicable State and Federal laws.

(3) For the purpose of such hearing, the Secretary, or his designate, shall have the authority and is hereby empowered to administer oaths, subpena witnesses or written or printed materials, compel the attendance of the witnesses, or production of the materials, and take evidence, including but not limited to site inspections of the mining operation and other coal mining operations carried on by the applicant in the general vicinity of the mining site. A verbatim transcript and a complete record of each public hearing shall be ordered by the Secretary.

(4) The Secretary, or his designate, shall make his decision on the request for release from bond not less than sixty days after the record of the hearing is transcribed.

(5) Any person having a valid legal interest which will be affected by the proposed release of bond who is aggrieved by the decision of the Secretary, or his designate, shall have the right of appeal to the Federal district court in whose jurisdiction the proposed coal mining operation is located in accordance with applicable appeal procedures.

(6) No bond shall be released except under the provisions of this section or section 11.

RECLAMATION INSPECTORS

SEC. 24. (a) The Secretary shall determine the number of coal mining reclamation inspectors needed to implement this Act, and shall appoint them subject to the provisions of title 5 of the United States Code, governing appointments in the competitive service. Each inspector shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) A coal mining reclamation inspector shall make any necessary survey and inspection of coal mining operations and shall administer and enforce all Federal coal mining laws, rules and regulations, and shall perform other functions as prescribed by the Secretary. For the purpose of making any inspection under this Act, the Secretary or his authorized representative shall have a right of entry to or upon any surface coal mining operation for a period of five years after the operation is completed or abandoned.

RECLAMATION INSPECTIONS

SEC. 25. (a) Inspectors shall visit each surface coal mine operation subject to this Act, a minimum of twice monthly on an irregular basis and without prior notice to the operator or any of his employees. The Secretray shall establish a system of continual rotation of inspectors so that an inspector does not visit the same operations only.

(b) Any inspector shall be admitted to any coal mining operation and shall be allowed to inspect the operation for the purpose of determining compliance with this Act and the rules and regulations of the Secretary. Each inspector, upon detection of each violation, shall forthwith inform the operator in writing, and shall report in writing any such violation to the Secretary. However, if an inspector finds a serious violation endangering health or safety, he may suspend all or any part of the operation responsible for the danger to health or safety. The Secretary shall as soon as possible notify the operator by registered mail of each violation and shall include with the notice a list of requirements determined by the Secretary to correct the violation, including the time period within which to meet the requirements. If at the end of the period, the requirement has not been met and the operator continues to fail to comply, the inspector shall notify the Secretary, who shall fix the time and place for a hearing to revoke the permit of the operator within thirty days of the end of the period. The Secretary shall send notice of the hearing by reigstered mail to the operator at least ten days before the hearing.

(c) If the Secretary revokes the permit of the operator, he shall issue a cease-and-desist order requiring the operator to immediately cease coal mining surface operations at that operation and shall declare as forfeited the performance surety bonds for the operation.

FORFEITURE OF BOND

SEC. 26. The Secretary shall notify the Attorney General of the United States of any forfeiture of performance surety bonds, and the Attorney General of the United States shall collect the forfeiture without delay and deposit it in the Fund.

SUCCEEDING OPERATORS

SEC. 27. If an operator succeeds another at any uncompleted operation, by sale, assignment, lease, or otherwise, the Secretary may release the first operator from all liability under this Act only if both operators have complied with the requirements of this Act and the successor operator assumes full liability for reclamation procedures established therefor.

APPEALS

SEC. 28. Any person aggrieved or adversely affected by any suspension of an inspector, or of any order, rule, or regulation of the Secretary, may appeal to the Secretary for an order vacating or modifying the order, rule, or regulations, in the same manner, following the same procedure, as is provided for appeal to the Secretary under section 105 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S. 815).

INJUNCTIVE RELIEF

SEC. 29. In addition to any other remedy at law or in equity under the provisions of this Act, the Attorney General of the United States may apply to an appropriate United States district court for relief by injunction to enforce compliance with, or restrain violations of any provisions of this Act or any rule, regulation, or order made pursuant thereto.

FAILURE TO ENFORCE

SEC. 30. (a) Any resident of the United States with knowledge that any of the provisions of this Act are willfully and deliberately not being enforced by any public officer or employee whose duty it is to enforce them, shall bring such failure to the attention of the Secretary, or the public officer or employee having jurisdiction by a written statement.

(b) The statement shall be under oath and shall state the specific facts of the failure in enforcement.

(c) If the public officer or employer neglects or refuses for any unreasonable time after receipt of the statement to enforce the law, the resident may bring an action of mandamus in an appropriate United States district court. Such court, if satisfied that any provision of this Act is not being enforced, may make an appropriate order compelling the public officer or employee, whose duty it is to enforce the provision, to perform his may make an appropriate order compelling the public officer or employee, whose duty it is to enforce the provision, to perform his duties. If he fails to do so, the public officer, or employee, shall be held in contempt of court and shall be subject to the penalties provided by law.

ACTION FOR DAMAGES

SEC. 31. Any resident of the United States who is injured in any manner through the failure of any operator to comply with the provisions of this Act, or of any regulation, order, permit, or plan of reclamation issued by the Secretary, may bring an action for damages (including attorney fees) regardless of the amount involved, in an appropriate United States district court.

CIVIL PENALTY

SEC. 32. The operator of a coal mine respecting which a violation of any provision of this Act occurs shall be assessed a civil penalty by the Secretary. Such penalty shall be applied in the same manner, and under the same procedure, as those penalties under section 109 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819).

JUDICIAL REVIEW

SEC. 33. (a) Any order or decision issued by the Secretary under this Act shall be subject to judicial review in the same manner, following the same procedure, as a decision of the Secretary is subject to judicial review under section 106 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 816).

(b) All notices, orders, and decisions of the Secretary under this Act shall be posted in the same manner, under the same procedure, to assure complete access to them by the workers in such mine, as notices, orders, and decisions of the Secretary are posted under section 107 of such Act (30 U.S.C. 817).

STATE ENFORCEMENT

SEC. 34. (a) Nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt and enforce standards relating to the conduct of coal mining surface operations and reclamation, except such State or political subdivision may not adopt or enforce any such standard which is less stringent than the corresponding Federal standard or regulation then being enforced under this Act in such State by the Secretary.

(b) The Secretary shall prepare and issue within sixty days after the enactment of this Act guidelines to assist the States in setting up State reclamation programs in conformity with the requirements of this Act. Such guidelines shall be published in the Federal Register prior to issuance and comment shall be invited from all interested parties.

(c) Each State may submit to the Secretary for review and approval or disapproval in accordance with this section a State program for the regulation of surface mining within such State. A State may at any time thereafter submit revisions to its program for review and approval or disapproval in accordance with this section. The Secretary shall approve the State program or revisions submitted to him if he finds that the State program, including laws, administrative structure, rules, and regulations, is in conformity with or more stringent than the provisions of this Act and with such further rules and regulations as may be issued by the Secretary; and if he finds that the State has sufficient administrative and technical personnel and sufficient available financial resources to enable the regulatory agency to administer and enforce the State plan upon approval of the Secretary, and to conduct necessary review of permit applications and performance of permittees, including surveillance and onsite inspection.

(d) Prior to the approval of any State program or revision thereof, the Secretary shall make public his intention to do so and publish his proposed ruling in the Federal Register and shall hold a public hearing at a convenient location within such State where interested parties may appear and present testimony on the State plan and on the matters and issues raised by such proposed approval. The time and place of such hearing shall be published in the Federal Register and in the leading newspapers of general circulation within the State.

(e) If the Secretary approves a State regulation program or revision thereof, he shall conduct a continuing review and evaluation of the effectiveness of the program and the administration and enforcement thereof, including periodic spot inspections of surface mining and reclamation operations, and shall require, at least annually, reports from such States which will enable him to determine the effectiveness of all significant aspects of the regulation. Within two years of the approval of a State plan and each second year thereafter, the Secretary shall hold a public hearing within the State to review the effectiveness of the State regulation. When as a result of the evaluation and review, or on the basis of such reports, or on the basis of evidence presented at a hearing, or other evidence available to him, the Secretary finds that the State program or the administration or enforcement thereof is not effectively carrying out the purpose of this Act, he shall notify the State and suggest appropriate action, remedies, or revisions of the program. If within a reasonable time, as specified by the Secretary, the State has not taken appropriate action as determined by the Secretary, he shall withdraw his approval of the program and, and effective on the date of publication in the Federal Register of notice of such withdrawal, the provisions of this Act, including all the rules and regulations issued pursuant thereto, shall be enforced by the Secretary within such State.

(f) The Secretary is authorized to make a grant to any State that submits a regulation program within two years following the effective date of this Act for the purpose of assisting such State in developing, administering, and enforcing regulation programs under this Act: *Provided*, That such grants do not exceed 80 per centum of the total program development costs incurred during the year preceding approval by the Secretary and do not exceed 60 per centum of the total costs incurred during any year following approval.

(g) The Secretary shall report to Congress each year on the effectiveness of State legislation and regulation with respect to surface coal mining.

EFFECT ON STATE LAW

SEC. 35. (a) No State law (or standard or regulation established or issued pursuant thereto) in effect on the effective date of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act, except insofar as such State law, standard, or regulation is inconsistent with the provisions of this Act.

(b) The provisions of any State law (or standard or regulation established or issued pursuant thereto) in effect upon the effective date of this Act, or which may become effective thereafter, which provides for more stringent control and regulation of surface coal mining than do the provisions of this Act (including standards and regulations established or issued pursuant thereto) shall not thereby be construed to be inconsistent with this Act. The provisions of any State law (including standards or regulations established or issued pursuant thereto) in effect on the effective date of this Act, or which may become effective thereafter, which provide for the control and regulation of surface coal mining for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

ADVISORY COMMITTEE

SEC. 36. (a) The Secretary shall appoint an advisory committee on coal mining research composed of—

(1) the Administrator of the Environmental Protection Agency, or his appointee from his agency;

(2) the Secretary of Agriculture, or his appointee from his department;

(3) the Director of the Office of Science and Technology, or his appointee from his agency;

(4) the Chairman of the Council on Environmental Quality, or his appointee from his agency;

(5) the Director of the National Science Foundation, or his appointee from his agency;

(6) such other persons not exceeding nine in number as the Secretary may appoint who are knowledgeable in the field of coal mining research.

The Secretary shall designate the chairman of the committee.

(b) The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mining research. In addition the committee shall consult with and advise the Secretary with respect to the establishment of standards and regulations necessary to carry out the purpose of this Act. The Secretary shall consult with, and consider the recommendations of, the committee made with respect to the establishment of such standards and regulations.

(c) (1) The chairman of the committee and a majority of the persons appointed by the Secretary to the committee under subsection (a) shall be individuals who have no economic interest in the coal mining industry and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(2) Advisory committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of section 5703 and 5704 of title 5 of the United States Code be fully reimbursed for travel, subsistence, and related expenses.

STUDY OF MINING REGULATIONS OR CONTROLS

SEC. 37. The Secretary shall conduct a full and complete study and investigation of regulations or conrols that are necessary and appropriate to assure that all mining activities whether surface mining or below surface mining, of all natural resources in the United States can be carried on efficiently with the least possible damage to the environment in the area affected by such mining operations. The Secretary shall report to the Congress the results of such study and investigation, together with any recommendations of the appropriate administrative or legislative actions that should be taken based on his findings, as soon as possible after the date of the enactment of this Act, but in no case later than the end of the eighteen-month period beginning on the date of the enactment of this Act.

OPEN PIT COAL MINING

SEC. 38. Rules and regulations applicable to open pit coal mining must take into consideration the unique nature of the operations. The Secretary is hereby authorized to issue separate regulations relative to the problems associated with open pit coal mining, which is defined as a surface mining operation which, because of the thickness of the deposit or the nature of the ore body and the overburden, primarily follows the deposit vertically at an inclination of 35 degrees or steeper and where the average depth of the total operation exceeds 100 feet (rather than laterally across the surface as in area or contour mining) and therefore may be carried out at the same location over a substantial period of time: *Provided*, That the provisions of this section shall apply only to operations that are active or temporarily suspended on the date of this Act and involve no additional surface disturbance.

EFFECTIVE DATE

Sec. 39. This Act shall take effect six months after its date of enactment.

AUTHORIZATION

Sec. 40. There are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than the appropriation authority provided in section 12 of this Act.

The **SPEAKER**. Is a second demanded?

Mr. **SAYLOR**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **EDMONDSON**. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is probably best recommended by the fact that it is under attack from two flanks. Some extreme environmentalists will say that it does not do everything that it should do in the way of taking care of the strip mine problem across the country; some industry people are saying that the bill is too tough in its reclamation requirements.

I think, however, it will be most persuasive with this committee and with this House that the Committee on Interior and Insular Affairs, after extensive hearings, after many, many sessions in mark-up, reported this bill without a single voice in the committee being raised in opposition.

At the time this bill was reported, not a Member present when it was reported voiced opposition to the bill. At the time this bill was reported the environmentalist groups stated that it appeared to be the best obtainable legislation to meet a growing national problem with regard to reclamation.

At the time this bill passed the committee, we were given to understand the spokesmen for the National Coal Association and the coal industry were agreeable to the perfecting amendment that was adopted, and could go along with the bill as amended.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **EDMONDSON**. I yield myself 1 additional minute, Mr. Speaker.

Now, Mr. Speaker, we do not claim perfection for this bill, we do not claim it does everything which ought to be done, and we do not claim it does not have some tough provisions in it, but we do say that if you want to go on record as doing something constructive about the problem of the failure to reclaim millions of acres of land in this country as a result of strip mining, the Members will want to vote for this bill.

We do say that if the Members believe we should go back to some of these unreclaimed areas and restore them to productive use, the Members will want to vote for this bill. We do say that if the Members believe that something should be done about pollution of our streams and pollution of our landscape by virtue of an uncontrolled industry operating in many of the States, the Members will want to vote for this bill.

If we look at pages 21 and 22 of the report, we will find there, succinctly stated, the basic principles and the objectives of the bill.

I ask consent that those objectives appear at this point in the Record:

MAIN OBJECTIVES OF H.R. 6482

As stated in Section 2(b) of H.R. 6482, as amended, the objectives of the proposal are: (1) to encourage a nationwide effort to regulate coal mining surface operations in order to prevent their adverse environmental effects, (2) to return lands already damaged by coal mining surface operations to productive and useful purposes, (3) to abate the adverse effects from previously coal mined lands, (4) to prevent further detriment to the Nation from coal mining surface operations through the establishment of criteria and standards for coal mined lands, (5) to encourage the States to carry out programs for these purposes, and (6) to encourage a nationwide effort to abate the adverse surface environmental effects resulting from surface operations of underground coal mining. While recognizing the numerous adverse effects of unregulated coal mining surface operations, H.R. 6482 also recognizes and emphasizes that efficient and well regulated coal mining operations are essential activities affecting interstate commerce which contribute to the economic well being, security, and general welfare of the Nation.

The overall thrust of H.R. 6482, as amended, is to provide for the regulation and control of coal mining surface operations, but not to prohibit this activity. The Committee is strongly of the opinion that prohibition is neither desirable nor feasible, but it just as firmly feels that Federal controls, which establish a uniform program for reclamation and restoration of coal mined lands, are desirable and feasible.

To accomplish this objective the Committee believes that any proposed legislation must have broad coverage and uniform application. Accordingly, H.R. 6482, as amended, applies to all coal mining operations the products of which enter into or affect interstate commerce. This includes surface coal mining operations and the surface operations of underground coal mines, whether situated on private or public lands. By applying the controls and restrictions of H.R. 6482 uniformly to all States, the inequities of existing State laws will be avoided.

In the opinion of the Committee, primary Federal responsibility for the implementation and administration of Federal statutes to regulate and control coal mining surface operations should be vested in the Secretary of the Interior, and H.R. 6482 so provides. The Secretary is provided with broad authority that includes (1) the designation of land that is unsuitable for surface mining because of irrevocable damage or because of its proximity to public parks, roads, streams or lakes, (2) the responsibility to review and approve or reject all permit applications to engage in coal mining operations, but with provision for public participation upon objections raised, (3) the issuance of annual permits and establishment of bond requirements; and (4) responsibility for continuing review and surveillance of all coal mine surface operations.

One of the most significant features of H.R. 6482 is a provision for the reclamation and rehabilitation of previously mined coal lands. A $100 million Coal Mine Lands Reclamation Fund is established for this purpose. It authorizes the restoration and rehabilitation of coal mined lands by the Federal government and their development for useful public purposes, as well as their sale at fair market value when in the public interest. In the opinion of the Committee, this provision could furnish the incentive for a beginning Federal restoration program for thousands of acres of presently unproductive and frequently abandoned waste lands.

The Committee recognized the need for State participation in any program of this magnitude and diversity. Consequently, provision was made for State rather than Federal regulation where individual State enacted legislation is equal or superior to the provisions of this Act, and where the State enforces the provisions of its legislation in a manner consistent with the intent of this Act. However, under H.R. 6482, the Secretary of the Interior maintains surveillance of the State programs through spot checks and reports, and he may, upon evidence of State failure, withdraw approval of the State program and enforce the Federal law.

The Committee also recognized the need to assist States in developing, administering, and enforcing State programs and provided for grants of up to 80 percent of the cost of the State program initially, and for 60 percent grants thereafter.

Careful preplanning and the development of comprehensive and detailed reclamation plans prior to any land disturbance are the foundations of this legislation. In the opinion of the Committee, this is absolutely essential. Once disturbed, many acres of land cannot be successfully or adequately returned to productive use. Another key element is the even and uniform application of the restrictions and controls of this legislation across the nation. This can be accomplished only by the enactment of minimum Federal standards.

The Committee recognizes that H.R. 6482 has features that will substantially reduce certain types of coal mining surface operations. The impact of these restrictions will be felt most severely in the regions or states where mining is now conducted in mountainous terrain. In this respect the Committee wishes to be perfectly frank and directs attention to the section of the bill receiving the most comment. Section 9(b), among other things, prohibits the removal of overburden from slopes that are greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and the areas reclaimed. The full impact of this provision cannot now be accurately determined, but certainly it will be felt in areas where coal is now produced by means of contour or auger mining.

The Committee feels obligated to point out that the position of the Department of the Interior and other Administration witnesses who testified before the Committee was for an all inclusive bill that covered all types of mining and all minerals. However, due to the wide diversity in mining conditions and problems encountered in the extraction of hardrock minerals and coal, as well as the difficulty in dealing with all those diverse problems in one legislative proposal, it was the Committee's decision to restrict the scope of this proposal to coal mining surface operations.

Mr. **SAYLOR**. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker. I rise in support of this legislation.

The purpose of H.R. 6482, as amended and reported by the Committee on Interior and Insular Affairs, is: First, to encourage a nationwide effort to regulate surface coal mining operations to prevent their adverse effects on the environment, second, to return lands already damaged by surface coal mining operations to productive and useful purposes, third, to abate the adverse environmental effects from previously coal mined lands, fourth, to prevent further detriment to the Nation from surface coal mining operations by the establishment of criteria and standards for coal mined lands, fifth, to encourage States to enact and enforce programs for these purposes, and sixth, to encourage a nationwide effort to abate the adverse surface environmental effects resulting from underground or deep coal mining.

H.R. 6482, as amended, and reported by the Committee on Interior and Insular Affairs, will, in my judgment, provide the beginning to achieve the purposes stated. I will tell my colleagues that H.R. 6482 is not a perfect bill. It will not provide all the answers. Nor, will it be without problems in its administration. H.R. 6482 is recognition at the Federal level of an issue that has become one of national concern.

The bill, H.R. 6482, as reported by the Committee on Interior and Insular Affairs, will undoubtedly, after some period of administration, require amendment and refinement. Hopefully, the coal producing States will have enacted and enforced State laws meeting the minimum Federal standards of this legislation and thereby curtail the Federal involvement in regulation of surface coal mining. At the same time, the Federal Government must maintain its vigilance in protecting our total environment.

My own Commonwealth of Pennsylvania has faced this issue since 1945. The enactment of the Pennsylvania Surface Mining Conservation and Reclamation Act was not without controversy and opposition between the mining industry and those seeking to protect and conserve the scenic beauty of our great State. Only last year, the Pennsylvania Legislature faced the same issues before this House today. The Pennsylvania Legislature amended the basic law and provided stronger provisions to protect the environment from the adverse effects of all, and I emphasize all, forms of surface mining, for all minerals.

Let me assure my colleagues that the adverse environmental effects of surface coal mining is not something that has arisen overnight. Some 5 years ago, in 1967, the Department of the Interior sent to the Congress a little-noted study entitled "Surface Mining and Our Environment." That study reflected conditions as of January 1, 1965, when 3.2 million acres of land had been surface mined, or an area equivalent to the State of Connecticut had been devastated.

The dramatic growth in strip or surface mining for coal has been in response to a variety of economic and technological factors with the result that in 1971 surface or strip mining of coal surpassed underground mining as the Nation's leading method of coal production for the first time in history.

Our domestic coal reserves are estimated to be in excess of 3 trillion tons. Approximately 128 billion tons of this 3 trillion tons is in 27 States and can be strip mined and 750 billion tons can be deep mined. If strip or surface mining of coal is left uncontrolled or unregulated, and the cumulative past production of stripped coal lands is the criteria, then the removal of the remaining recoverable resources of 128 billion tons could resulting the destruction of 71,000 square miles of land—an area larger than the combined areas of the States of Pennsylvania and West Virginia.

My colleagues, the continued growth of strip mining, if left uncontrolled and unregulated by legislation, will have a most disastrous effect upon our natural environment. The official forecasts point toward massive escalation of strip mining in the West and a return to previously mined areas in the East. Some 27 States face an economic, topographical, social, and environmental upheaval.

Such an upheaval is the fact because of the demands for coal to satisfy the energy and other requirements so vital to our everyday existence. My colleagues, of course, are aware of the contrary social and economic effects of this legislation, its effect on the people dependent upon the coal industry for their economic livelihood, and its effect upon the energy requirements of this Nation. But, let me say to my colleagues, the passage of this legislation is necessary if we are serious about protecting our environment. As I stated previously, it is the beginning, a monumental one, not a perfect measure to start with, but one that can be improved with experience.

My support for this legislation is not based on the fact that I think this is the best bill our committee could report. I have already told my colleagues that this is not a perfect bill. The important thing to remember is that everybody, and I mean everybody, as our committee hearings will show, were in favor of some form of surface mining reclamation law.

The administration sent to the Congress its Mined Area Protection Act providing for reclamation of surface mining of all minerals. Many of the mining people, including those involved in the mining of sand and gravel favored a surface mining reclamation law. Even after the Committee on Interior and Insular Affairs began the markup of this legislation and decided that this legislation should only regulate the surface mining of coal, the coal industry, the coal trade associations, and others favored a strong coal reclamation bill. In all my discussions with the coal industry and the trade associations involved, up until some 30 days ago, these people continued to favor a strong bill.

Therefore, my support of this bill is based upon the fact that the coal industry, the coal trade associations, the United Mine Workers, the environmentalists, and more important the people adversely affected by strip coal mining wanted a strong bill to require reclamation of surface coal mining.

In the 1967 Department of the Interior report to the Congress entitled "Surface Mining and Our Environment," it was stated:

> Each generation has only a temporary rendezvous with the land; despite fee titles and documents of ownership we are no more than brief tenants on this planet. By exercise of choice, or by careless default, we shape the land legacy of our descendants. We can either abuse the land and squander its bounty with physical and spiritual loss to ourselves and to them, or we can strive for an economy in which physical affluence and richness of spirit go hand in hand.

My colleagues, this is what is really involved in this legislation. It is my hope that more and more Americans will come to realize this. For these reasons, I urge my colleagues to support the passage of this legislation.

Mr. EDMONDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HAYS) who was the author of the original bill.

Mr. HAYS. Mr. Speaker, and Members of the House, one of the features about this bill that I think every Member ought to know about—and I have been one of those who did not want the Federal Government to be regulating everything if it could be regulated better at home—one of the features of this bill is that if a State can demonstrate and will demonstrate that it has a bill which is as effective or more stringent than this bill, the Secretary will waive the enforcement of the Federal bill in the State, and allow the State to enforce its own laws as long as it does an adequate job.

We have long had a struggle in Ohio about strip mining. It has been going on in varying degrees since I was a member of the Ohio Senate, back in 1941, and we were faced in Ohio with the potential complete devastation of 28 counties in that State which are solidly underlined with strippable coal. I am happy to say that the State Legislature passed a law last year which is now coming into effect, and if it is enforced it will do what I wanted to do, and tried to do in writing this bill, which was the original bill that the committee worked on, and that is to permit the surface mining of coal without putting anybody out of a job, without putting any operator out of business, but which would require total reclamation of the land.

I too wish that this bill were coming up under different circumstances with the opportunity to amend it. I too am not completely satisfied with the 20-degree provision, and the substitution that was made on it, but that can be taken care of either in the Senate or in amending legislation.

But let me just talk to you a little bit about that 20-degree provision.

When I first heard about it, some of my operators called, some of the unions called, and they said, "This is going to cause a lot of people to go out of business." And the press called and said, "How do you stand on it?" I said, "I do not know, because I am not an engineer, and I want to go home to Ohio, and I will have some engineers stake out some 20-degree slopes and some 15-degree slopes, and I will take a look at them." And I did just that.

Now, a 20-degree slope, and I am speaking from memory, if I am not mistaken, means a 38-foot rise in 100 feet.

You go and look at a 20-degree slope—and in fact, I looked at a hill near the town where I grew up, a hill that I had walked over as a boy, which had been stripped and reclaimed. And I said to myself that has to be a 30-degree slope. The operator who stripped it said, "I think it is at least a 32-degree or a 33-degree slope, that is awfully steep."

The engineers put their instruments on it, and it was 19 degrees, and the operator in question said, "Well, I wouldn't strip anything more than that because it wouldn't be profitable."

There is a provision in here which I say in my opinion needs to be rewritten a little bit, which says that the Secretary may grant permission to strip on more than a 20-degree slope if it can be shown—and I am paraphrasing the language—that the land can be reclaimed, and that sedimentation and landslides and so on can be prevented.

I say to you that we are going to need this land some day, and I am heartsick when I drive around some parts of my district and see some of the attempts—and some of the committee saw them, some of the so-called reclaimed areas with 80-, 90-, and 100-foot high walls left, and the land beyond the high walls completely inaccessible.

Now, the thing that is required is to save the topsoil, and to put the topsoil back. I can show you land at the edge of the little town I was born in and grew up in, that has been stripped, the topsoil was saved, the subsoil was put back in, the rocks were put back in at the bottom of the pit, and the topsoil was pushed back on it, and it is growing the finest alfalfa that you can find in eastern Ohio. It just goes to show that it can be done. And the operator who did it was not one of the biggest operators in the business, he was a little operator when he began, and he had about every 2 weeks to go to the bank to borrow money to meet his payroll. But he has survived, and he has prospered, and he has done a reclamation job because he not only wants to make money, but because he loves the land.

So I say to you that if he can do it then anyone can do it.

Many of the operators were apprehensive when the Ohio law was passed, just as they were when the Pennsylvania law was passed, and there has not been, to my certain knowledge, a single Ohio operator who has gone out of business, and when you look at Pennsylvania, which has a law very similar to the law in Ohio, there are more strip mining operators now than there were before the law was passed.

So, Mr. Speaker, I plead with the Members to give this legislation the necessary two-thirds vote.

Mr. SEIBERLING. Mr. Speaker, I would like to share in the statement just made by the gentleman from Ohio (Mr. HAYS).

Mr. Speaker. I rise in support of H.R. 6482, to regulate the strip mining of coal.

To strip mine or not to strip mine is a very controversial issue, so controversial, in fact, that for years Congress refused to confront it at all. But fortunately those days are over. Credit for this belongs to many people. Special praise is due our distinguished colleague from West Virginia (Mr. HECHLER) whose hard work and persistence first brought this issue out of the hills of Appalachia and into the Halls of Congress. We owe him a tremendous debt of gratitude.

Special praise is owed to the gentleman from Ohio (Mr. HAYS) for introducing the original bill, and to the chairman of the Subcommittee on Mines and Mining (Mr. EDMONDSON) for his key role in bringing this bill to the floor today.

But the bill before us today is not the work of any one or two Members of Congress, but a reasoned response to a growing sense of public outrage over the destruction of the land and water caused by coal strip mining.

It is not a perfect bill. From my own viewpoint, as one who favors a total ban on all strip mining, its shortcomings are obvious. I believe that in the end, the people of this country are going to demand a total ban, as the area of devastation spreads and the difficulty of restoring the land under even the most enlightened reclamation practices becomes apparent. I am also very pessimistic, based on past experience of the unwillingness or ability of the Bureau of Mines to do an effective packing job.

But with those reservations, I consider this bill to be a reasonable compromise between two viewpoints which were almost impossible to reconcile; those who want to abolish all coal strip mining and those who want virtually no regulation at all.

This bill is a serious attempt to regulate strip mining. It provides a testing period for determining once and for all whether coal strip mining is actually compatible with the environment—as the coal industry suggests—or whether it is not—as the environmentalists suggest.

But let me emphasize that this bill is a bare minimum. If we fail to check the destruction of the land and water wrought by strip mining by passing this bill today, the public outcry for far more stringent measures will increase next year. Those who oppose tough regulation will find it much harder to fight that sentiment next year if they succeed in killing this bill this year. Likewise, if this bill is passed today but is seriously weakened in conference with the Senate, where a weak and totally unacceptable bill is pending, I certainly will oppose it and I predict that many of our colleagues concerned about the environment will also oppose it.

The House Interior Committee has taken the initiative in developing a solution to the problems posed by coal strip mining. I hope we can continue that leadership by passing H.R. 6482 today.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Iowa (Mr. KYL) 5 minutes.

Mr. KYL. Mr. Speaker, there is a feature about this very tough bill which I think is worth mentioning to the House this evening.

The public demands this kind of legislation. But more than any environmental legislation that we have had before us in the long series of bills, this one gives the chance to look at the cost of doing what we want to do with our environment.

There is no question in my mind but that in some areas of the country, coal strip mining will be virtually stopped. There is no question in my mind but that many small operators will be eliminated by this law. The bill provides that there must be a performance bond for the reclaiming of the land after the operations are concluded. There is a lot of redtape involved here that the small operators resist very strongly.

Then, too, there is an annual permit required. If the small operator has to have a performance bond and has to have money for operations and his contract or his permit can be canceled in any year, that small operator will have trouble borrowing money to carry out his purposes.

This is a tough bill. It does permit a State program equal to or better than the Federal program, if the Secretary approves it.

This bill very wisely avoids the problem that we have had in similar legislation in other fields. It provides very clearly that if the State has an acceptable program, the State will operate that program at its option and the Federal Government will not provide a dual system of inspection at the same time.

This is a tough bill. I believe it is a good bill and I ask your support for this legislation.

It is too bad that we do not have the time that is necessary to debate it thoroughly. It is too bad we do not offer opportunities for the debate of amendments. This is a good piece of legislation. It certainly was thoroughly considered by the subcommittee and the full Committee on Interior and Insular Affairs. I recommend its passage.

At the same time, I think all Members should be aware and the public ought to be aware, that through this kind of legislation does involve costs which cannot be passed off.

Coal is going to be more expensive. Electricity generated with coal fuel will be more expensive. But if the people want this kind of legislation, as they obviously do, then they have to accept the payment costs.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman that it will increase the cost; there is no question about it. Most people in Ohio think it will increase the cost around 50 cents a ton. Some say 40 cents; some say 60 cents. Taking the 50-cent figure, we did a little computing study on it. It will cost the average consumer about 15 cents a month more on his electric bill than he is paying now. I think the average consumer would be willing to pay that rather than see great sections of this country devastated.

Mr. KYL. I agree with the gentleman from Ohio. The cost I mentioned also will include the fact that there will possibly be some small operators who will no longer be in business. There will probably be some unemployment that we will have to accept as part of this program.

These are costs other than the simple cost of the increase in the cost of fuel.

Mr. HAYS. Will the gentleman yield further?

Mr. KYL. I yield further to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman we have not had experience so far in Ohio insofar as small operators going out of business. They seem to think beyond any doubt that they can live with the bill, and if a small operator has a good history of reclamation and his credit is good, and he is known that way, the banks will not restrict his credit.

Mr. KYL. I would certainly agree with

the gentleman that this is the consummation we desire, but I think there is a strong likelihood that there will be a disruption in the industry, particularly among the small operators. Strip mining differs from area to area. As the gentleman knows, we have many different situations in strip mining across the country.

Mr. HAYS. The gentleman is correct, but Ohio has a very minimal operation in some areas. We have a very thin seam of coal. In some places we have a seam of 9, 10, 15, sometimes as high as 17 feet thick. Obviously they can make much more money per acre than those who only have a seam of 18 inches or 2 feet, as they are stripping in Ohio.

Mr. KYL. The gentleman was also speaking about some reclamation areas. In Kansas there are sizable areas which were stripped and reclaimed. Within 1 year from the time they were bulldozed, disked, and filled in, they had a crop of wheat which was cover for a permanent grass crop on the land. It can be done.

Mr. EDMONDSON. Mr. Speaker, I yield to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, this is not a perfect bill. I would like it different in many particulars, but as it came out of the committee it is a real step forward, and is a sound environmental bill. I support it and ask my colleagues to vote for it.

Mr. EDMONDSON. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, for the first time since I became chairman of the Committee on Interior and Insular Affairs, I find myself unable to support a piece of legislation reported to the House by that Committee. I find this particularly distressing because I shall have very few additional chances to support other legislation presented to the House by such committee.

My difficulty with H.R. 6482 is not with the goal it seeks, but rather with the procedures which it provides for reaching the goal which we all, I believe, desire. For my personal position on the legislation, I refer you to the "Separate Views" presented in the report No. 92–1462 at page 52:

SEPARATE VIEWS

I feel obligated to explain my position on H.R. 6492, as amended.

First of all I want to emphasize that I am in complete and full agreement with the general purpose and objective of this legislation. That purpose is to provide for the regulation of surface coal mining, and to provide for the conservation, acquisition and reclamation of surface areas affected by coal mining activities. No reasonable man can any longer condone or approve of the wanton destruction and totally unnecessary devastation caused by certain types of surface coal mining activities. While much of this damage occurred under mining practices no longer followed and at times when there was not the present awareness for the need to protect total surface resource values, this is not a justifiable excuse for inaction today. Today, we are aware of our past mistakes and we must take action to prevent any continuation of these abuses. We have the technology to do this.

Having said that, I now want to turn to some features of H.R. 6482 which in my opinion reflect an unfortunate over-reaction and lack of balance in the proposed legislation.

The Committee has voted to report out a bill which, in my view, does not represent a responsible or reasoned approach to the serious environmental problem which faces the mineral industry today. That problem is finding new ways to meet the legitimate and growing needs of the Country for minerals and fuels without inflicting unnecessary and unacceptable damage on the environment. We all know the types of pollution that can result from improper mining methods. We are all agreed that we can no longer tolerate the attitude which regards production of minerals as the only objective and disregards the consequences to human health or the environment. But rather than blaming technology for our problems, we should put technology to work to find the answers. We need legislation that will stimulate creative thinking by making reclamation a requirement of all mining operations and by relying on the ingenuity of American industry to find the most efficient means of accomplishing it. The legislation should be goal oriented, giving sufficient flexibility to the administering agency to apply the goal to a wide variety of diverse situations.

The approach taken by the bill which the Committee has reported is too narrow. Instead of focusing on the end result of reclamation, it focuses on the specifics of the mining operation, imposing absolute and arbitrary prohibitions on certain types of operations in areas which the drafters feel cannot adequately be reclaimed.

An example is section 9(b) which may well prohibit mining on slopes greater than 20 degrees. This section, as recently amended, prohibits mining on slopes exceeding 20 degrees "unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed." I recognize that there may be situations in which reclamation of such slopes would not be feasible or would be so costly in relation to the value of the coal as to be prohibitive. This also could be true of slopes less than 20 degrees. Where it is, mining should not occur. Since there are methods of reclaiming surface mined areas on slopes in excess of 20 degrees, we need to make sure these methods are used. I question whether this can best be done by placing the burden of "affirmatively demonstrating" such methods on the operator. I believe the Secretary ought to have a wider range of options in such cases.

To the extent that this provision becomes a flat, arbitrary prohibition against surface mining on slopes exceeding 20 degrees, the principal result will be to shut down about half of the surface coal mines in the Appalachian Region and to reduce the total coal production from Appalachia by about 20 percent. This represents about 85 million tons of coal a year (one seventh the total United States production) that will have to be made up with energy from other sources, probably the western coal fields. It could, according to an estimate by the Bureau of Mines in the Department of the Interior, put about 20,000 men out of work in the Appalachian region, an area already suffering severe economic hardships.

Two points must be made here with respect to this possibility and its impact on coal production. First, while the possible prohibitive features of this bill will not have the same immediate, widespread and disastrous impact on the west that it will have on the eastern coal production, it could mean that millions of tons of western coal reserves will be made unavailable for mining in the future. The reason is simple: contour and auger mining on steep slopes are not now as common in the west as in the east. It is expected, however, that as future needs for energy increase the need for this type of coal extraction will also increase, even in the west.

The second point that should be emphasized is simply that the 20 percent loss of coal production from Appalachia cannot be immediately made up by increased coal production from the western fields or from any other area. A minimum period of three to seven years must be expected to elapse before this lost production can be replaced. In this period of critical energy supply it is inconceivable to me that this Body would knowingly and unnecessarily make possible the elimination of about one seventh of the total coal production in this country. If it does it should also now determine where and how that loss will be made up. This can't be left to chance or good luck.

Another provision which I consider equally arbitrary and unjustified is section 18(c) which would prevent "the creation of a permanent spoil bank upon a natural downslope in excess of 14 degrees from the horizontal adjacent to the outcropping of a seam of coal." If the objective of this provision is, as I assume it is, to prevent landslides, the bill already contains numerous provisions regarding the stabilization of slopes. Properly constructed waste banks can be stabilized on slopes in excess of 14 degrees. There is no reason for an absolute prohibition.

I cite these two situations merely as examples of the type of problems that I see with this legislation. There are many others, but the most important, in my view, is the failure to give to the Secretary of the Interior the necessary discretion to tailor the legislation to meet local conditions. This legislation reads more like a detailed Departmental regulation for a particular area rather than general legislation that must be applied across the entire sweep of this nation. Mining conditions vary from state to state. There is little similarity between coal mining surface operations in Appalachia, with its relatively narrow seams of coal, high rainfall, and steep and mountainous terrain, and coal mining in many of the Western states where rainfall is much less, where slopes may be more moderate, and where coal seams may exceed 100 feet in thickness. These variations demand flexibility to meet local conditions. In my opinion, H.R. 6482 does not provide that flexibility.

The restrictions and limitations of H.R. 6482 will fall most heavily upon the small operator. I do not anticipate that any of the major coal producers will be put out of business. Curtailed yes, but not completely destroyed. The reasons for this are simple. Most of the major coal producers operate across the country in many states and under a variety of conditions, including the steepness of the slope. Therefore, it is unlikely that all of the production from any one major company would be completely eliminated. Operations in one or two states could well be eliminated but others would likely survive. The small operator, however, operating from one or possibly two locations could very well be eliminated, and certainly if he is operating a surface coal mine in the Appalachia region his operations appear to me to be numbered. He does not have the flexibility of the larger producer and his future depends on his ability to continue production from within a restricted area. There is little doubt in my mind that the small operator will be severely injured and most likely put out of business in the Appalachia area where he now produces coal. He may fare somewhat better in the west but even there he will be in a very precarious situation. Besides this unfortunate situation his elimination will certainly tend to further concentrate coal production in the hands of a few major companies. This further concentration of energy production is not in the best interest of this nation.

Let's look briefly at the present surface coal mining industry and attempt to determine the possible impact of this proposal. The following are estimates and projections only but they are based upon the best available data that could be obtained from the Bureau of Mines. I want to emphasize that while they are estimates I feel they are realistic. They are intended to show a range of values and possible consequences of this proposal. I believe they do this.

Production of bituminous coal and lignite by surface mining methods totaled 264 million tons in 1970. This was 44 percent of the total output of bituminous coal and lignite, and the use of this coal provided the United States with an estimated 9 percent of its total energy requirement.

By way of comparison all hydro generation produced only 4 percent and all nuclear generation only 0.4 percent of our total energy requirement.

Of the total production by surface methods, 92 percent was produced by strip mining and 8 percent by auger mining. The Bureau of Mines has no further breakdown of strip-mine production by specific method of recovery, but it is estimated that about 60 percent of the total output of the United States was produced by area stripping methods and 40 percent by contour stripping.

Area stripping is the production method normally used on relatively flat terrain, and the proposed legislation allowing recovery almost entirely in areas where the slope of the terrain does not exceed 20 degrees would have little or no effect upon area stripping operations. It would have a profound effect however, upon most operations employing contour stripping methods and, in some States, would virtually eliminate the production of coal by stripping. It would also practically eliminate coal production by auger mining.

Available data show that production by contour stripping and auger mining accounted for about forty-five percent of the total surface mine output in 1970. Virtually all was produced in the Appalachian Region and the bulk, 99 million tons, came from East Kentucky, Ohio, Pennsylvania and West Virginia.

An estimated total of 19,079 men, about 60 percent of the total employed at all surface operations, were employed at contour-strip and auger mines in 1970. Of this number, 4,329 men were employed in East Kentucky, 2,419 in Ohio, 4,209 in Pennsylvania, and 5,396 in West Virginia.

If these estimates on production and employment on steep slopes are realistic, the proposed legislation could effect the following changes:

(1) Virtually eliminate auger mining as a production method.

(2) Decrease production by stripping by nearly 30 percent.

(3) Decrease surface-mine production in the Appalachian Region by 50 percent.

(4) Decrease surface-mine production in the United States by about one-third.

(5) Decrease the total bituminous coal and lignite output of the Appalachian Region by nearly 20 percent.

(6) Decrease the total bituminous coal and lignite output of the United States by about 15 percent.

(7) Decrease employment at stripping operations by 38 percent.

(8) Decrease employment at all surface mines in the Appalachian Region by 60 percent.

(9) Decrease employment at all surface mines in the United States by about 45 percent.

(10) Decrease total employment at bituminous coal mines in the Appalachian Region by 12 percent.

(11) Decrease total employment at bituminous coal and lignite mines in the United States by about 10 percent.

With respect to mine size, the legislation could force the closing of 513 auger mines, each producing less than 100,000 tons per year, and 40 auger mines, each producing more than 100,000 tons per year. Data on the size of contour-stripping operations are not available, but the possible ban on steep-slope mining would affect virtually all contour operations in East Kentucky, Tennessee, Virginia and West Virginia and force 877 operations with annual production of less than 100,000 tons each and 124 operations with output greater than 100,000 tons each in these States to abandon their operations. It is estimated that in the States of Alabama, Maryland, Ohio, and Pennsylvania, an additional 250 contour strip mines, each with annual output of less than 100,000 tons and 55 mines with greater output could be affected by the ban.

While this proposal purports to regulate and control rather than prohibit and eliminate it is, in fact, prohibitive in many of its provisions. In all too many instances it arbitrarily imposes mandatory and inflexible rules that will make its administration and enforcement a burden on the producer and consumer alike. It stifles technological innovation by freezing industry in narrow channels. It does not focus on end results, that is good reclamation and preservation of the environment that we all agree are desirable, but rather it eliminates and prohibits certain types of mining operation. In many cases this arbitrary prohibition is entirely unnecessary. Again may I say that I am in complete agreement with the stated objective of this proposal. I cannot, however, accept its unnecessary mandatory and arbitrary prohibitions against classes of mining operations.

For these reasons I regret that I cannot support this legislation in the form it has been reported out of the Committee on Interior and Insular Affairs.

WAYNE N. ASPINALL.

WAYNE N. ASPINALL.
JAMES KEE.

In my opinion, it is a travesty on good legislative procedure that a bill of this importance is presented to the House by a procedure which provides only 40 minutes for discussion and no opportunity to present amendments—this in fact denies debate on the controversial provisions of the legislation.

Mr. Speaker, it does have controversial provisions or the committee would not have taken so long to consider it and bring it to the floor of the House.

Mr. Speaker, there have been some persons—all too many, I might say—who are either misinformed or prompted by malicious intent—who have advised the public wrongly why this legislation comes to the floor so late in the session. I shall now set that record straight by referring directly to the minutes of each session of the Subcommittee on Mines and Mining and the Committee on Interior and Insular Affairs as the legislation was considered.

Most important of all, Mr. Speaker, it will be found that very few members of either committee took much interest in the legislation; that is, not enough interest to prompt them to be present most of the time at the committee sessions.

H.R. 6482 and similar bills were presented to the House between the dates of January 22, 1971, and January 18, 1972. Requests were made of the Department of the Interior and the administration on August 2, 1971, for their position on the legislation. Reports were received in conformity with such requests as follows: From the Department of the Interior on September 17, 1971, and March 1, 1972; from the Department of Agriculture on September 20, 1971. In each report, matters of controversy were brought to the attention of the committee.

Hearings were held by the Subcommittee on Mines and Mining starting on September 20, 1971, and ending on November 30, 1971. Markup sessions were held by the subcommittee on such legislation starting February 24, 1972, and ending June 29, 1972. There were 18 markup sessions in all. I, as a member ex-officio, attended 12 of the 18 sessions. The record shows that a quorum was not present at six of these sessions, including the last session when the various bills were reported to the full committee.

The legislation was reported to the full committee on June 29, 1972. It was scheduled first by such committee on July 26, 1972—keeping in mind that the House was in recess from June 30 until July 17 and again from August 21, 1972, until September 5, 1972.

The Committee on Interior and Insular Affairs considered the legislation on the following dates:

July 26, 1972, August 2, 1972, August 9, 1972, August 16, 1972, August 18, 1972, September 6, 1972, and reconsidered the legislation on September 27, 1972.

I was present at all meetings except September 6, 1972, when the bill was reported to the House. Such action was later reconsidered on September 27, 1972, by notice and motion of reconsideration by Mr. RONCALIO, of Wyoming.

The report with separate views was filed on September 28, 1972. The request by a majority vote of the committee that the legislation be considered under suspension of the rules procedure was lodged with the Speaker of the House within 3 hours after the report was filed.

As one who has served as chairman of one of the standing committees of the House for the last 12 years, I believe the legislation was moved as fast as it was possible for it to move and, in fact, faster than it should have moved, keeping in mind a dedicated legislator's desire to serve the general welfare of all of his fellow citizens.

Mr. DENT. Mr. Speaker, will the gentleman yield for one question?

Mr. ASPINALL. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, previous speakers have said if a State law is working, if that State law is doing the job that this legislation is intended to do, that they will be exempt from this Federal supervision or the Federal act. Is that the opinion of the gentleman?

Mr. ASPINALL. I understand, but that is not my opinion. My opinion is that even though we attempted to do that, some of these provisions which are so strict in establishing the minimum standards that any State can follow, will make it impossible for a State to comply.

It has been suggested that if this goes to the other body, that they have some legislation over there. That is not known at the present time. Perhaps this late in the session the other body may take this legislation, and if it does this does not become an environmental bill, which all of us desire, but this practically becomes a prohibitive bill. It has been suggested that many of the environmentalists were not satisfied with this bill. In fact, it has been suggested that some of the Members friendly to such groups intended to vote against this legislation when it came up. I think this is true. There is a real distinction between what is involved here and what people generally desire. There are some who want an entire prohibition against strip mining in the United States, not only of coal but also of other minerals.

Mr. Speaker, I do not think this is the procedure which should be used to handle this important legislation.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Wampler).

Mr. WAMPLER. Mr. Speaker, I associate myself with the remarks of the distinguished gentleman from Colorado.

Mr. Speaker, Congress must not, in the end of session rush, enact shortsighted and punitive legislation that will halt much of the Nation's coal production.

There is a correct and proper concern in this body with the environmental damage of contour mining. But where is our concern for the thousands of jobs that would be abruptly abolished by this legislation? By what method would you replace the energy to be generated by the 155 million tons of coal that could not be mined if this legislation goes into effect?

Too often we in Congress are guilty of restricted, narrow vision, and do not take the time to subject our actions to the test of a panoramic view of total impact.

This Nation is great today because it is blessed with an abundance of natural resources. One of its most valuable resources is coal.

But that coal must be claimed from the earth. Bituminous coal accounts for 44 percent of all electricity generated in the Nation, and three-fourths of the coal shipped to electric utility companies comes from surface mines. The legislation we are considering here today would shut down 65 percent of surface coal mining in my district of Virginia alone.

The Commonwealth of Virginia has an effective reclamation law. The regulation of surface coal mining, and the conservation and reclamation of surface areas affected by coal mining activities should remain within the jurisdiction of the States affected by it. That is where the need, the knowledge and the know-how is concentrated. Reclaimed land in Virginia is even now being constructively used for farming, for recreational facilities, for housing and for industry, contributing to progress in the Appalachian region.

Mr. Speaker, I have no quarrel with the desire and the need to protect and preserve our environment. But H.R. 6482 is premature and ill-conceived and I urge my colleagues to vote against it.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Hillis).

Mr. HILLIS. Mr. Speaker, I fully support this strip mining control bill and I would like to take a moment to try to urge my colleagues to do the same.

Every week on my way to and from Indiana, I fly over areas of West Virginia and Ohio which have been strip-mined. I fly my plane at relatively low altitudes, so I get a good birds-eye view of these areas. It is truly a devastating sight.

Smack in the middle of plush forestland and green rolling hills are the ugliest scabs of stripped earth you ever saw. It actually hurts my eyes to look down at these areas and think that this is what man has done to this beautiful land simply by not caring. I know that if some of my colleagues were to take the trip with me, they would experience the same emotions.

I am fully aware of the need for coal and the need to assure an adequate supply of energy in the coming years for this country. But we need to plan as well for a responsible approach toward our environment. We can no longer afford to settle for one without the other. I believe we can find a happy medium and I think this bill is a good step in that direction.

It is not an unreasonable bill—it is the result of many hours of study, debate, compromises, and agreements. Even the controversial 20-percent grade requirement has been modified to allow the President to use his discretion in waiving this requirement where he deems it advisable. I know the committee has spent many hours trying to be fair to all sides, and I think they have succeeded.

I would urge my colleagues to conclude as I have, that this is a necessary and important piece of legislation which will help us plan for the future in a responsible manner—both in the areas of energy and environmental protection.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, I am certainly in favor of reclamation of lands that have been or may be used for strip mining. I agree with the gentleman from Ohio when he says that despoiling lands, any lands, for the purpose of strip mining or for any other reason is casting away the wealth of this country and should not be tolerated.

However, I have a problem with the bill. Many of the problems have been pointed out. In fact I do not remember ever having heard of a bill which so many people say is imperfect, but which we must pass, in spite of its imperfections, I have a question, as does the gentleman from Colorado: Why must we pass it now?

We are going to be in session again in January of next year. This bill can be worked out then. The imperfections can be removed and a good bill can then be passed.

If any Members think this is not an imperfect bill, I suggest they read page 74 of the bill and try to figure out how lands on a 14-degree slope are to be reclaimed. I daresay he will be as confused as I was. One of the problems with the bill is that it is too specific. It deals with matters in detail which would be better left to administrative rules and regulations. The resulting lack of flexibility cannot augur well for the future of this legislation.

I would like to yield to the gentleman from Oklahoma to answer a question, if he will.

Mr. EDMONDSON. Will the gentleman yield to answer the previous question?

Mr. RHODES. I yield to the gentleman.

Mr. EDMONDSON. I thank the gentleman for yielding.

I would say to him that I have been wanting personally to get this bill before the House for quite some time. I would say to the gentleman that I have been seeking recognition from the Speaker and from the leadership of the House to program this bill for quite some time.

Mr. RHODES. I was not criticizing the gentleman from Oklahoma. He knows that. I am wondering why we cannot pass a more perfect bill next year, instead of passing this imperfect bill on suspension of the 11th hour.

Mr. EDMONDSON. There will be thousands of additional acres despoiled by that time.

Mr. RHODES. As I understand it, this bill requires that certain information be submitted, and then if the information is submitted, there will be a permit granted for the purpose of strip mining. I also understand that that permit is good for only 1 year. Is that correct?

Mr. EDMONDSON. The gentleman is correct.

Mr. RHODES. May I ask the gentleman from Oklahoma how it is possible to finance a mining operation when you have a permit good from one year to the next year? Does this not mean that it will be impossible for anybody but the largest companies to work in the strip mining field?

Mr. EDMONDSON. If the gentleman is not aware, annual permits are required in many States today for many types of mining operations.

Mr. RHODES. The gentleman is aware of that, but do two wrongs make a right? I imagine such operations are difficult to finance.

Mr. EDMONDSON. It is possible in a lot of States on a 1-year permit. I do not see why it would not be possible nationally.

Mr. EDMONDSON. Will the gentleman yield?

Mr. RHODES. First, may I ask you this question: Do the provisions of this bill apply to Indian lands as well as to any other lands in the country?

Mr. EDMONDSON. The provisions of this bill, as I understand it, would apply to any coal mining operation with the requisite tonnage in the United States.

Mr. RHODES. So that if these Indian lands are located in the State of Arizona, for instance, and if the State of Arizona does have a law regulating strip mining, still the mines on Indian lands would be subject to this bill and not subject to the law of the State of Arizona. Is that not correct?

Mr. EDMONDSON. That is not correct if the State of Arizona has an effective law that is recognized as adequate to meet the problems of reclamation. It can administer the program for all of the land within the State of Arizona.

Mr. RHODES. Including Indian lands?

Mr. EDMONDSON. Including all the lands of the State where coal is being mined.

Mr. RHODES. Including Indian lands?

Mr. EDMONDSON. Including all the lands where coal is being mined.

Mr. RHODES. The gentleman does not seem to want to answer my question.

Mr. EDMONDSON. Including any Indian lands where coal is being mined; the bill covers all the country.

Mr. RHODES. The gentleman has answered my question.

My problem, of course, is that the Federal Government, along with the utilities of the area, has invested millions of dollars in the Navaho powerplant at Page, Ariz. The fuel for this plant will be provided from Black Mesa, which is Hopi coal, and it will be strip mined. I am told that much of the land from which this will be taken is in excess of 20° slope. I am also told that this could reduce the supply of coal to the extent that the Navaho plant may not be operable for the number of years originally contemplated.

I would like to remind the House that there is approximately $100 million of Federal money already appropriated, and there will be approximately $35 million more Federal money supplied for the construction of the Navaho plant.

To me, it seems that this would be enough reason, even if there were no other, to take another look at this bill to see what we are doing to the Federal investment in the Navaho plant.

Mr. EDMONDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I rise in support of the legislation.

I should like to note that if we do not have a moderate regulatory bill this year, you can bet your shirt that we are going to have an outright ban next year which we are going to be voting on.

I wish to enter into the record, my views of the committee report accompanying H.R. 6482, the "Coal Mine Surface Area Protection Act of 1972." I am not swayed by figures included in separate views which allege decreased employment in Appalachia at all surface mines by 60 percent. The source of these figures and others was not substantiated and their authenticity would require extensive study and research.

According to the only scientific study yet conducted, of the employment impact of reducing or eliminating strip mining for coal, even total elimination, of strip mining in West Virginia would not depress overall employment. Instead, it would increase employment slightly and would greatly increase capital investment in mining. This was the conclusion of Dr. William H. Miernyk, distinguished economist and director of the Regional Research Institute at West Virginia University. Dr. Miernyk found through a computerized study of company-to-company and industry-to-industry transactions, a "dynamic regional input-output model" that, 5 years after strip mining ceased, net State employment would increase by 558 jobs after strip mining ceased. There would also be an increase of $146 million in capital investments. To maintain coal production and meet demand, the loss of strip mine jobs was more than offset by increases in underground mining and construction jobs and in jobs manufacturing mining equipment.

The $146 million figure represents new capital investments of $88 million in mining, $35 million by building contractors, $16 million by machinery manufacturers, $3 million by stone and clay producers.

This deemphasis on investing in new strip-mining operations in West Virginia has become more pronounced during 1972 under the threat of possible statewide abolition or the imposition of rigorous Federal controls. In the Coal River Valley, the heart of West Virginia's southern coalfield, one major strip-mining operation, the Pittsburgh Corp., shut down this summer for lack of long-term contracts while simultaneously large, new deep-mining operations were announced in the same valley by Appalachian Power Co., Armco Steel Corp., and other firms. Pittston itself announced plans for a new deep mine in an adjacent county. The results of the observable shifts resulting from threatened curtailment of strip mining are salutary rather than disruptive—less destructive of land and water, larger and more permanent employment, greater and more stable capital investment.

H.R. 6482 does not, on the face, stop any strip mining. Aggressively enforced, however, it will prevent strip mining where it is not economically or technically feasible to reclaim the land. But, this is in keeping with the position of the National Coal Association which maintains that, if it cannot be reclaimed, it should not be stripped.

Most particularly it will prevent the dumping of strip-mine spoils down the steep mountain slopes of Appalachia and leaving them there permanently to erode and slide forever. There are proven alternatives to casting the spoils over the slope, including box cutting, retention of spoils on the mountain top, and valley filling, but in some cases these may not be economically feasible.

At the most, H.R. 6482 might render one-half of present contour strip mining economically or technically unfeasible. This would account for 13 percent of coal production, supplying 5½ percent of the fuel for electric power generation. Deep mining would have to increase only 14 percent to compensate completely for this loss in strip-mine production. Since the deep-mining industry generally is not producing at capacity, this increase in the short term could easily be effected from present facilities. In the long term it would stimulate new investment.

It is worth noting that deep mining is concentrated in precisely those areas where strip-mining production might be adversely affected by H.R. 6482—the Appalachian Mountains. Thus, no significant new supply problems would be created by this conversion. There is every reason to expect that Dr. Miernyk's conclusions would apply to the smaller disruption which might be caused by H.R. 6482—no loss in jobs, a substantial increase in capital investment.

I would like to pursue this issue further with a quote from a witness during the hearings held last year:

> The greatest fiction yet put forward by the strippers is that an end to strip-mining will be harmful to the economy of the mountains. The truth is that stripping is a short term economic benefit to a very few that guarantees the future poverty of all. A SOK analysis of the figures reported by the most recent report of the Kentucky Department of Mines and Minerals reveals that a ban on strip-mining in Eastern Kentucky would create 6,632 new jobs in underground mining in Eastern Kentucky. Figuring on an average basis, in underground mines in Eastern Kentucky, each man produced 2,554 tons; using this figure and computing the number of men which would have been employed had the tonnage produced by stripping been done by underground mining, 11,214 men would have been employed as opposed to the 4,582 employed in stripping operations. This would represent a 30 percent increase in mining employment in Eastern Kentucky. No public works or poverty program has ever come close to creating this number of high paying jobs in such an unemployment ridden area of the United States, especially in Appalachia.

Mr. Speaker, I would also like to amplify part of the factual record now outlined in the committee report. This relates to the intent of the committee in passing the State plan portion of H.R. 6482—section 34.

We expect that the Department of the Interior's approval of State plans will occur and that the record of the Secretary of the Interior, prior to making that decision of approval, will fully support any finding of approval; that is, that there are existing facts, not mere expectations, that enforcement by the State will be not less than, and at least equivalent to Federal enforcement because of the existence of funds and onboard personnel sufficient to meet this standard. Thus this will assure, to the maximum extent possible, that no State will have its approval revoked for noncompliance with Federal standards.

We intend that after a State plan is approved, that the States do in fact take over administration and enforcement of the law, and the committee specifically decided that after that occurs, the Federal Government would not then be required or expected to make regular twice-a-month inspections of reclamation. Thus the Federal role, performed by the Secretary of the Interior, would be confined to episodic checks on individual operations and on the quality of the enforcement of the State plan. During those irregular checkups, whether self-initiated or following complaints of nonenforcement, we expect the Secretary of the Interior to compile full and sufficient data to inform the Congress, in the next annual report to the Congress, of any and all deficiencies in enforcement. Such information should include names, dates, penalties assessed by Federal inspectors, and other similar data. This information will assure that the committee can exercise fairly complete oversight responsibilities without making separate requests for further information.

Mr. EDMONDSON. Mr. Speaker, I

yield 3 minutes to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Speaker and Members of the House, this is indeed an important vote we are about to take here tonight.

I want to say one thing about this bill. On page 21 the main objectives of this bill remind me of an excellent court case at home, in which an insurance policy had been issued, and it said on the back, in great big box letters, "We will pay the sum of $10,000," but in pages of small print one would have to have a magnifying glass to read it said, "We won't pay a damned thing."

Many provisions of this bill are good, but out of this 56-page bill most of these provisions say, "We won't do any such damned thing."

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield to the distinguished gentleman from Pennsylvania.

Mr. DENT. Ladies and gentlemen, I, like everyone else in this room, want to see strong environmental legislation. I do not have to come up here to tell the Members this is a new idea, because in 1947 I sponsored and put through as the floor leader of the State senate the first strip mining bill in the history of this country. That act has been in 35 years.

This act is patterned after the Pennsylvania Act in almost every respect. In fact, if Members will go back to page 57 they will find that the entire act on the Pennsylvania provision on reclamation, recontouring, and terracing is put into this verbatim.

Then we turn around, and I believe on page 56 we say—and this is Pennsylvania law in essence:

> *Provided*, That no such overburden will be removed from slopes greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation—

Which is silt—

> landslides, or acid or mineralized water pollution can be feasibly prevented.

Now, when this amendment was put in at the request of the controlled mining interests and miners and environmentalists of Pennsylvania the words "or controlled" were in the amendment.

So the gentleman from Oklahoma told the total truth when he said no one objected when it came out of the committee, because we did not know that a sneaker-type amendment was put in, which took out the words "or controlled."

No living person in this land or in any other land has been able to find a way to eliminate silt. The human nostril is considered to be one of the greatest mechanisms ever created, we might say, for the purification of air, yet it cannot prevent the thousands of deaths from black lung, which is silt. Silt is 40 to 60 percent of a micron in size.

You breathe it and it settles in your lungs, creating black lung.

This Congress passed my mine safety and health law controlling mine dust—silt—not preventing, which cannot be done, but controlling. By doing this, we have set in motion the control of the dust, and there will be no more black lung.

The SPEAKER. The time of the gentleman from West Virgina has expired.

Mr. SAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I am not here to oppose the bill. I sponsored this legislation before many other Members knew what the word "environment" meant.

Now I will probably be condemned because I see in this legislation something that cannot be done. It cannot be done by anybody. We tried.

All I ask for is a understanding that the committee will support my position. I can and will be happy to support a stripmine control bill. I am happy that the gentleman from Oklahoma, the sponsor and the gentleman from California assure me of their support.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I would like to yield to the gentleman. I have no available time. We are fighting for an industry that was rehabilitated with the use of billions of American dollars, spent in Appalachia, 90 percent of the coal in Appalachia will be affected by the 20-degree standard.

Where did the 10-degree slope prohibition come from? Which slide rule developed the 20 degrees? What is the difference between 20, 21, 22 or 45 degrees?

Under Virginia law and if they follow the terracing rules providing in this bill, copied from Virginia law there is no need for the 20-degree provision? will this 20-percent criteria wipe out of the legislation the provisions returning the spoil banks back to contour, just by saying that over 20 degrees one cannot do anything unless he effectively proves that sedimentation, or silt, is prevented?

We say "prevented or controlled."

I talked to one of the environmentalists, and he said:

> Yes. All the environmentalists from Pennsylvania support the Pennsylvania law.

Then I ask why then has this committee destroyed this good bill by changing the effective Virginia criteria from controlled to prevention.

I am now asking some assurances from the Congress that we are not going to close down what we opened up, the industry we opened up, with the millions and millions that we spent building roads back into our hillsides to make it possible for the coal industry to get in and bring out the coal. We provided jobs where jobs were not available. Safe jobs I might say.

I want to say in all honesty I supported this legislation, and the gentleman from Ohio and I discussed it earlier in the presentation whom I believe agrees with me on this provision. If someone had not found in a certain State that more than 90 percent of the coal is under 20 degrees, then we would have never had the 20-degree figure.

Ladies and gentlemen, only a small percent of the coal, 12 to 14 percent of the coal, west of the Mississippi is over 14° to 15°. It is all practically exempted from the provision of the act. In the State of Washington the major part of the production in the State of Washington, because of its contour, will be eliminated because of the 20° figure.

You do not need any restrictions on degrees, but just give us the words, "or controlled" and the language already in this bill guaranteeing contouring reclamation and control of silt slides and eliminate Gabor spoil banks.

The environmentalists contend that the reason they took "or control" out is because it was a loophole. Do the Members not think that those wiley, foxy businessmen who are doing the stripping, who are in the strip mining business in Pennsylvania, would not have found the loophole in 35 years?

I want to point this out: I looked the word up in Websters' dictionary, and it does not use the word "loophole" as a description of "controlled" at all.

There is no way anyone can get away from control and silt and mine coal in a strip mine. In fact, the same language now in this bill on silt if applied to deep mine would close every deep mine in America because we cannot eliminate silt; we can only control it. I am told that the State of Pennsylvania has the most effective law in the whole Nation on stripping, and yet the minimum requirements say here that you must prevent siltation. You cannot prevent siltation so the Pennsylvania law may not be viable under the law.

Right now I am going to tell the Members a little story.

During the last flood "Sister Agnes" devastated my home, and in so doing—I had a little wine cellar there that I am rather proud of, something my father put in many years ago—after 3 days the water receded and believe me I was most astonished to find that bottles inundated for 3 days, sealed, had silt floating inside the bottle. I shall bring a bottle to display before this bill comes back from conference.

Mr. EDMONDSON. Mr. Speaker, I yield 22 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Speaker, all of us on earth have a responsibility as good stewarts of the land. H.R. 6482 is a good bill because it provides strong requirements for complete reclamation of the land following coal strip mining so that the land will be productive again—just as good or better than it was before mining.

The bill also prohibits strip mining in areas where reclamation of the land cannot be accomplished. It requires saving the top soil. This is the responsibility of stewartship that presents the House today the opportunity to perform a lasting service for the country. It is essential for the well being of Americans of this generation and all those that follow.

In my congressional district in Montana less than 10 million tons of coal per year is currently being strip mined. However, Montana has billions of tons of low sulfur coal that can be strip mined. But Montana, and, I believe the rest of the West, cherish our land to the extent we do not want it strip mined without ironclad guarantees that the land will be restored resulting in successful and permanent vegetation.

To require less than this would betray the land on which our future depends.

Mr. Speaker, in supporting passage of H.R. 6482, the Coal Mine Surface Area Protection Act of 1972, I would also like to clarify for the record some very misleading claims made, that cloud the purposes of the bill.

First, this bill is a regulatory bill. It is not a bill to ban surface coal mining. The one provision contained in an earlier version of this bill, which would have prohibited the removal of overburden from slopes greater than 20° from the horizontal, was removed by the House Interior and Insular Affairs Committee on September 27. The bill, H.R. 6482, as it comes before the House today, contains the greatly modified provision that where the slopes are greater than 20° from the horizontal, the operator before getting a permit to strip mine must first affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed as required by the provisions of this act. This provision received concurrence by the mining industry and concerned environmental groups before being adopted unanimously by the full committee.

After the "20 degree" ban was removed from section 9(b) of H.R. 6482, on September 27, the National Coal Association has distributed to Members of the House of Representatives a letter dated October 3, 1972, and a telegram dated October 6, 1972, both of which contain erroneous information which I find highly misleading. I am particularly concerned as they make reference to an improving amendment which I offered and which was adopted in section 18(c) of this bill.

The amendment, commonly referred to as the "14 degree" amendment, was based on a series of recommendations from the Appalachian Regional Commission, environmental organizations, and experts involved in the drafting of the much applauded Pennsylvania Surface Mining Conservation and Reclamation Act, as amended in 1971.

H.R. 6482, as it comes to the floor today for House approval contains the following provision with respect to the dumping of overburden on slopes greater than 14 degrees from the horizontal. Section 18(c) states that:

> The Secretary shall prescribe such regulations as are necessary to prevent the creation of a permanent spoil bank upon a natural downslope in excess of 14 degrees from the horizontal adjacent to the outcropping of a seam of coal.

This language in section 18(c) does not prohibit surface coal mining on slopes greater than 14 degrees, as advocated by environmental groups. Rather, it complies with the Pennsylvania law, as amended in 1971. Under this provision, the operator is restricted only in allowing the spoil bank to be "permanent." In effect, this language would permit contour mining on gentle slopes and even steeper slopes, so long as spoil banks on the natural downslopes greater than 14 degrees from the horizontal do not remain as permanent spoil banks. On steep slopes, where it is not feasible to draw the spoil back up on the bench from the natural downslope, the operator would still have the option of stockpiling the spoil on the bench or elsewhere in accordance with the provisions of this act. The Pennsylvania law requires this special treatment of overburden, or spoil material, wherever the slopes are greater than 12 degrees from the horizontal. It is quite possible that strip mining on slopes in excess of 20 degrees from the horizontal would prove uneconomic or physically impossible, but, this is not a prohibition written into the bill. It is simply a reclamation requirement, which complies with the Pennsylvania law, the same law that the National Coal Association praised in a recent letter to the editor of the Washington Post.

I take exception to the representation of this important provision by the National Coal Association, in its letter to Members of Congress, dated October 3, 1972. Mr. Bagge stated that:

> H.R. 6482, "among other things, prohibits placing overburden on slopes above 14 degrees regardless of any evidence that it might be stabilized.

Section 18(c) of this bill does not state this. Rather the bill only prohibits the creation of permanent spoil banks on natural downslopes greater than 14 degrees from the horizontal.

I ask the House to accept both the responsibility and the opportunity to protest the land from devastation resulting from failure of restoration after strip mining.

Pertinent articles follow:

[From Newsweek, Oct. 9, 1972]

A Battle Looms Over a Vast, New Coal Hoard

The land is rich in memories of the Old West and a scandal of the 1920s: Little Big Horn, the Black Hills, the Cheyenne and Crow Indian reservations—and Teapot Dome. All told, it is 250,000 square miles of grassy uplands sprawling across North Dakota to the base of the Bighorn Mountains in Wyoming and Montana. Nowadays, it is largely tranquil, given over mainly to range land dotted with cattle and sheep. But beneath the ranges lie the makings of an explosion. For this tract—designated by geologists as the Powder River Basin and the Fort Union formation—happens to hold the richest deposits of coal ever discovered, with bonuses in the form of oil and uranium. Thus, it is destined to be the ground for a classic battle of the 1970s—one that is just beginning. On one side will be the need for millions of kilowatts of electricity to heat, light and power America's cities. On the other will be pressure to preserve the last continental frontier.

The coal is the first target, and its digging threatens to despoil vast tracts of the Plains with the scars of strip mining. Largely unnoticed by the public outside the immediate area, huge mining companies such as Peabody and Consolidation Coal have been quietly buying up mineral and surface mining rights from the Federal and state governments and private owners. So far, the Federal leases alone cover 5.5 million acres, an area the size of New Hampshire, and outraged environmentalists are beginning to charge that it was a giveaway. "The whole deal smells like Teapot Dome," says a top official of the Environmental Defense Fund. "The energy companies got the Federal coal for peanuts—as little as $1 an acre from two national administrations. Now they are sitting back and laughing as people discover what has happened." By some estimates, the companies have won rights to strip-mine as much as 30 billion tons of coal, which lies in rich seams anywhere from 50 to 217 feet thick, in most cases just beneath the surface.

But 30 billion tons of coal—nearly as much as the entire nation has produced since the industry started in 1702—is merely scratching the surface of the Powder River and Fort Union deposits. One Federal-government study estimates that the Powder River area may contain a staggering 200 billion tons of high quality, low-sulfur coal, with even vaster quantities of lower-grade lignite in the Fort Union field. Already, giant shovels are gouging out their box-car-size bites of coal for power plants as far away as Alabama, and this is only the beginning. As one example of what lies ahead, coal production in Montana amounted to less than 1 million tons in 1969. By last year, it had risen sharply to 3.4 million tons. The production projection for 1980: 81 million tons.

Big Ideas: And the big utilities have astounding plans for using the coal. For openers, Puget Sound Power & Light, Montana Power and Pacific Power & Light all are planning or have constructed generating plants in Montana and Wyoming. Eventually, the utility industry foresees the development of the largest power operation in the world, a 53,000-megawatt complex between Colstrip and Gillette. This colossus would produce more power than the current needs of the entire nation of Japan. The power would flow east and west on a network of transmission lines that, if current projections prove accurate, would occupy 4,800 square miles of right of way—almost the size of Connecticut.

With the rape of parts of Appalachia by strip miners a permanent scar on the American landscape, the coming coal boom in the Plains is hardly an unmixed blessing to its farmers, ranchers and townspeople. No one is neutral on the matter—as NEWSWEEK's James Bishop, Jr., found during a visit to the Powder River area last week. His report:

"It's hard not to chuckle," Dewitt Dillon told me wryly as he sipped a beer at the bar of the Northern Hotel in Billings, Mont. "The white man is doing to other white men what the white man once did to the Indian."

Dillon is a full-blooded Crow Indian, and strip mining will soon begin on his reservation lands. A member of the Crow tribal council, Dillon is concerned about the operation. "For the first time," he said, "white men and Indians have a community of interest. We must make sure that these big companies reclaim our lands. But my people are worried. They have heard of Appalachia."

Old friends, on opposite sides of the question, no longer speak. Some families, like the Colbers of the Sarpy Creek area in Big Horn country, are split down the middle. "My father and brother want to sell," Richard Colberg, a 31-year-old candidate for the state legislature, told me. "But I think we are being ripped off."

What is certain is that some of the coal companies are using high-handed tactics to get surface-mining rights after they have secured the underground coal. Last February, John Redding, 35, and his father received a letter from a Billings law firm, representing Westmoreland Resources, offering to purchase the surface rights for $137 an acre in a 6,000-acre tract. The letter noted that the offering price was $75 to 100 per cent higher than the fair market value" and added, ominously, that if the family refused, "Westmoreland will have no alternative but to institute an action against you to condemn the surface necessary for its mining rights."

DETERMINED

It is by no means sure that such a move would succeed, and the Reddings are standing fast. "They want my coal real bad," the younger Redding summed up. "We got a 60-foot seam. It looks like a boom coming? To me, it looks more like a disaster. It will be a boom for a few companies but not for us. ———, they have no legal right to condemn our land."

"My heart goes out to those ranchers who want to hang on," said Pemberton Hutchinson, Westmoreland's president. "But back in 1970, the Nixon Administration asked us to bid on the Indian coal, and we made our bid. We own the coal, and we'll eventually need it. We plan to preserve and replace the land we mine." And some residents are reassured by such promises. "I think they have to take care of the land," said Earl Stark, 67, who sold the rights to his 2,200-acre spread. "I wouldn't say they will improve it, but they might smooth some of it out. You come back and see. "In fact, Stark and his wife, Bernice, are so confident that they plan on staying put during the stripping of their land. "They promised us they wouldn't disturb the spring up yonder," said Mrs. Stark. "That's where we get our drinking water."

These issues were sharpened last week when Carl Bagge, president of the National Coal Association, collided in debate with Harry Caudill, the Kentucky lawyer who first brought strip mining to national attention with his book "Night Comes to the Cumberlands" back in 1962. Bagge promised the Western States Water and Power Consumers Conference in Billings that the industry would restore the mined land to useful purposes. In Appalachia, he said, "We never promised a rose garden. We do promise we will not create what Senator McGovern calls 'gaping wounds that never heal.' We are committed to that goal, and no careless accusations to the contrary will shake our purpose."

In response, Caudill warned the conference to "beware of your coal companies who say they will restore your land and leave it dead." He told of fighting coal-company officials in the Kentucky Legislature who insisted that strip-mining legislation was the business of the Federal government. But in Washington, he said, "the same officials were there, arguing before Congress that strip-mine legislation was a matter that was the sole concern of the individual states."

While the coal operators may indeed restore the land, their record so far is not good. Only one company operating in southeastern Montana—Western Energy, a wholly owned subsidiary of Montana Power—has a reclamation project under way, and it covers only a few acres near Colstrip. The topsoil has been replaced and seeded, and grasses such as rye and Sudan have been planted, along with some small trees. But elsewhere, while the companies say they will spend as much as $500 an acre to restore land, only a few test projects dot the mounds of rubble.

And beyond the reclamation issue, other battles loom. To begin with, the Federal leasing was done without filing any environmental-impact statements with the White House Council on Environmental Quality—a breach of Federal law that is sure to trigger lawsuits. Montana and Wyoming will be squabbling over water to use for mining, transportation of coal and the operation of plants in the local fields; already there is talk of a $3 billion water-diversion system that would, among other things, reduce the annual flow of the Yellowstone River by 81 per cent. And at bottom, the basic debate will continue as to whether the benefits of the coal can possibly offset the environmental cost of mining it.

RUINOUS?

Former Secretary of the Interior Stewart Udall is sure that it can't. "This country is headed in an idiotic direction trying to keep high-energy living constant," he says. "We are out of our minds. Do we want to destroy the West to keep the East riding elevators and high-powered cars?"

The game is far from finished, however, and the man who must make the hard decisions is the current Interior Secretary, Rogers Morton. In an interview in his Washington office last week, he offered some guidance on how he will proceed.

"We must develop a new mining ethic in this country," he said. "George McGovern's position of no strip mining is ridiculous; the mining of the great Western coal deposits can't be avoided. But we are trying to act like a department of natural resources and get on the ball and know what we are doing before we do it. Then the other elements in the planning cycle—the social and economic—have opportunities to do things never done before, so we won't have another Appalachia in the West."

In an effort to make sure of that, Morton in late June passed the word quietly to cool plans for immediate development in the Powder River area. In a message to his Assistant Secretaries, he said: "All leasing, environmental studies, water contracts, rights of way and other actions related to development of coal and related resources will be held in abeyance or coordinated with me." That added up to a moratorium on any further leasing of Federal land or mineral rights.

Morton also will announce this week a Northern Great Plains Resource Program, an effort that he describes as "the largest Federal study" ever undertaken on such a problem. It will gather the forces of at least six Federal agencies and five governors, and when it is finished in 1975, Morton or his successor will have to determine how far—and how fast—the Powder River-Fort Union development can proceed.

"It is the greatest challenge the Interior Department has ever faced," Morton summed up. But despite the obvious head start that the coal and power forces already have, he thinks the challenge can be met. "By demanding reclamation, we can easily get the technology to reclaim the land," he said. "I don't think any strip-mining laws affecting the environment have been enforced in Kentucky or Tennessee in their entire history. If we can get a grip on public lands, with new authority Congress hasn't granted yet, I think we can set the standard for a new mining ethic so that the deep seams can be mined and closely followed by an environmental program that is compatible esthetically and with proper land use. The land will have a second purpose. It must. That is all there is to it."

Appalachian Regional Commission,
Washington, D.C., October 11, 1972.

Washington, D.C.—Donald W. Whitehead, Federal Cochairman of the Appalachian Regional Commission, today expressed concern that a provision of pending House legislation to regulate strip mining was being used as an argument for defeat of the bill.

Whitehead's concern was in reply to statements earlier this week by spokesmen for the coal industry urging defeat of House Bill 6482, which is to be debated this week under suspension of the rules in the House.

The coal spokesmen had voiced particular opposition to the "no fill bench" provision of the bill, which would end the practice of leaving the soil and rock removed from a slope of 14 degrees or more at the bottom of the hill.

Whitehead said "I testified in favor of the Administration bill to regulate strip mining. In my testimony I indicated that the 'no fill bench' system of strip mining of slopes of 14 degrees or more could go a long way toward reducing the environmental damage caused by mountain strip mining.

"The coal industry uses Pennsylvania as an example that it can and does do a good job of reclamation. I think everyone should, therefore, know that in Pennsylvania there are strip mining operations using the 'no fill bench' on slopes of 14 degrees under existing Pennsylvania law."

Whitehead pointed out that "requiring the 'no fill bench' would provide a source of 'fill' dirt that could be used for housing sites and other uses in Appalachia where flat land is at a premium.

"This is much preferable," he said, "to the present practice of dumping the fill on the down slope of the mountain which is unstable and is a major source of landslides and stream siltation. It is certainly not stable enough to build on," he said.

"For these reasons, I believe the adoption of the 'no fill bench' concept would be a major gain for Appalachia," Whitehead concluded.

Mr. EDMONDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. Smith).

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, since 1960, I have been taking a strong position in regard to strip mining and the destruction of top soil. This bill covers strip mining but does not require saving and replacing top soil on highway and other projects.

I introduced a bill requiring the use of acceptable environmental practices on all construction projects and would like to see this bill include those additional provisions; however, the rules under which we are proceeding do not permit amendments. I shall continue to press for other provisions in my bill which apply to highway projects and other construction and require them to follow practices which save top soil and follow acceptable environmental practices.

Mr. EDMONDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to pose a question, if I may, to my distinguished colleague from Pennsylvania (Mr. Dent).

Mr. DENT. Go ahead.

Mr. BURTON. My point is this, Mr. Speaker, that at this late stage of the session, given the fact that the Senate committee has written a significantly different bill, is it not fair to state that this matter deserves to be sent to conference, provided, of course, the gentleman from Pennsylvania (Mr. Dent) can be assured that every consideration will be given to the silting problem the gentleman was emphasizing before his time was cut off?

Mr. DENT. Well, I certainly would appreciate any assurance I might be given, if it were possible the chairman of the committee would give me the assurance that he believes and understands what I am saying about siltation.

Mr. SAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. Skubitz).

Mr. SKUBITZ. Mr. Speaker, I shall support this legislation, although the State of Kansas now has legislation which seems to be quite effective.

I have only one regret, namely, that this committee did not place a proviso in the law which would establish a 10-cent reclamation fee per ton of coal mined so that we might encourage the reclamation lands that were destroyed prior to the effective date of this act or any State act.

In my State of Kansas we have been leveling lands. Today we are getting as much as 36 bushels an acre on reclaimed land. Recently I visited one area which the P & M Coal Co. is reclaiming. They planted grain sorghum and used water for irrigation out of the mine pits. This is an example of Kafir produced.

I also visited an area where a former student of mine has leveled over 2,200 acres of land. Today, the grass coverage is knee high. He has one of the most profitable cattle feeding operations in my section of the State.

Ozarka has been carrying on scores of demonstration projects—showing what can be done. All through Crawford County scores of small owners are beginning to reclaim lands.

In Kansas we are getting waste areas back in production and on the tax rolls.

I urge the passage of this bill.

Mr. EDMONDSON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER) one of the authors of the legislation.

Mr. HECHLER of West Virginia. Mr. Speaker, a great deal of false fears have been expressed this afternoon that industry may be hurt by this bill. Not one word has been said about the people who have been hurt, the homes destroyed by landslides and boulders, or floods that have been made more serious by strip mining.

I plan to vote for H.R. 6482, because it will slow down some of the worst devastation, yet I vote for it without much enthusiasm because I firmly believe the only answer to this giant rip-off that strip mining constitutes is a complete abolition of strip mining. I have no faith or confidence in the Department of the Interior which failed to enforce its own regulations to protect public and Indian lands, as the GAO states in its report of August 10, 1972.

I ask the gentleman from Oklahoma whether he feels his committee can enforce the regulations in this bill.

Mr. EDMONDSON. If the gentleman will yield, the bill calls for regular reports and close surveillance of the work of the Department.

Mr. HECHLER of West Virginia. I thank the gentleman.

Frankly, I do not have much confidence that the Department of the Interior will enforce this bill in accordance with the letter and the spirit of the law. This is a serious charge, which I shall document. The General Accounting Office, in its report dated August 10, 1972, points out that the Interior Department has repeatedly failed to carry out its own regulation and reclamation regulations governing strip mining on public lands and Indian lands. The GAO report made a number of recommendations designed to strengthen the Department of the Interior controls.

On August 21, our colleagues, Representatives HENRY REUSS and GUY VANDER JAGT, wrote to the Secretary of the Interior asking him to advise them by September 7 on "what steps your Department has taken or plans to take to carry out each of these recommendations." More than 50 days have passed, and the Secretary of the Interior has not even acknowledged the letter—which is a measure of the interest of the Department.

Also, the Department of the Interior last year proposed a bill which is far weaker than the version we are considering today, and the Department, I am advised, is hard at work preparing to propose numerous weakening amendments to the strip mine regulation bill in the Senate. For all these reasons, I have little confidence that the Department of the Interior will enthusiastically enforce the pending legislation.

Still, I will vote for this bill because I believe it will also set up a yardstick for the American people to see that regulation and reclamation are ineffective in halting the damage to our land and our people.

THE ENERGY CRISIS

So much of the debate over strip mining has revolved around issues of the energy crisis, and the argument over whether it is necessary to rip up our land in order to get enough coal. We have eight times as much deep minable coal as strippable coal, and in 16 States there is far more low-sulfur high quality coal available by deep mining. In West Virginia, the ratio between low-sulfur deep coal reserves and low-sulfur strippable coal reserves is 10:1 in favor of deep coal reserves; in Montana, the ratio is 8:1 in favor of deep coal reserves.

THE VOICE OF THE PEOPLE

But listen to the voice of the people who have been hurt by strip mining:

> The stripping done tore up our mountain and "fixed our road." They fixed the road so that the first big rain after it was fixed, it all washed out again . . . What will come of us this winter when we have a hill that sits at a very sharp angle to climb, even with 4-wheel drive?
>
> LESLIE VIVA,
> *Odd, W. Va.*

> I've worked in the mines and I also removed the timber ahead of the machines on three strip mines and I know the work that is being destroyed for the coal miners and the land that's being ruined that will never be reclaimed.
>
> STUART ARBOGAST,
> *Tunnelton, W. Va.*

> In Tennessee, over 36,000 acres have been destroyed by strip mining. Many people have been flooded out of their homes; seven people have been killed because a strip pit broke loose. Our streams are choked with silt; our wells busted from dynamite blasts.
>
> Strip mining is the worst thing that ever happened to this country. We would like to see it banned.
>
> J. W. BRADLEY,
> *Jackboro, Tenn.*

> I have watched the cancer of strip mining spread over the mountains until there is nothing left but a barren wasteland not even capable of supporting life. Now the water supply of several surrounding small towns is being threatened. The land has been stripped of its timber, coal, wildlife and now its water. It is unfortunate that all the residents of these nearby towns must suffer the effects of these few out-of-town exploiters.
>
> Name Illegible.

> I know what the land looks like after it has been stripped because I live in a town where it is all around me.
>
> LEANNE YODER (6th grade),
> *Dillonvale, Ohio.*

> The areas they have reclaimed are not like they used to be. A few trees here and a bit of grass seed there. There are great walls of strip mining that has ruined our landscape . . . The people are living on dirt, no grass, just strip mines. . . . The road is all beat up into dirt. When you get to the black top where the strip mine is, the mud has washed off the hills and the roads had to be cleared of mud and rocks.
>
> KIM ROBERTS,
> *Louisa, Ky.*

> Being from Southeastern Ohio, I am perhaps more aware of the seriousness of the situation than most people . . . In the past 10 years, I have seen the once beautiful farms of both my maternal and paternal grandparents turn into wastelands.
>
> WAYNE CLARK,
> *Columbus, Ohio.*

A quarter of a mile off the road up a hollow in Fayette County, W. Va., Mr. and Mrs. Harvey Kincaid settled, bought and paid for a nice home in a clean neighborhood. Over a period of 13 years they remodeled the house a little at a time. Mrs. Kincaid said:

> Then the strippers came 4 years ago with their big machinery and TNT. First they send in loggers to strip all the good timber out and then they come with their bulldozers. When the rains come and there isn't anything to stop the drainage, the mountains slide and the spoil banks fall down to the next highwall and so on until the whole mountain slides. There is a small creek in the hollow and when the spring rains come, its banks won't hold the water. So where does it go—into people's yards, into their wells, under and into their houses. You have rocks, coal and a little bit of everything in your yards.

Mrs. Kincaid went on:

> Then the damage comes to your house because of so much dampness. The doors won't close, the foundation sinks and cracks the walls in the house, your tile comes up off your floors, your walls mold, even the clothes in your closets. Then your children stay sick with bronchial trouble.

Mr. and Mrs. Kincaid moved 4 miles up the road, and 1 month after moving into their new house the same strip mining company started blasting away, cracking the walls and foundations.

* * * * *

Delegate Ivan White, in testimony which he delivered before the Senate Committee on Interior and Insular Affair stated:

> There was one little community by the name of Greenwood and they had a slide over on the railroad and it came down and covered the railroad track and stopped the stream until the stream came over into the community and was flooding the community.
>
> So the strippers came down with the shovel to remove the slag from the stream and this lady that lived near the stream, she thought, and I suppose they were intending to dump some of the slag next to her yard. She was upset because the week before that the strippers had destroyed a cemetery. They went back to clean off the cemetery and it was totally gone.
>
> So she told the man who was operating the shovels, "If you dump one dipper full of that mud over next to my yard, I am going to shoot you off of that shovel and I will kill you."
>
> I ask you, could you blame this mother being emotional about what they had done to this cemetery? Then the flood that came down to coat her yard was probably the sediment that came from the cemetery.

BASIC FACTS ON STRIP MINING

Mr. Speaker, I submit for the record some basic statistics concerning the strip mining of coal:

1971 production

555.2 million tons produced.

276.3 million tons, strip (including auger).

275.9 million tons, deep.

Strip now surpassed the 50% mark this past year, for the first time in history.

Reserves

8 times as much recoverable deep mine coal reserves as strip.

Projected life: 590 years vs. 71 years (based on 1970 production figures of Bureau of Mines).

Acreage disturbed

4,650 acres per week (Council on Environmental Quality).

50,000 acres disturbed in 1965.

100,000 acres disturbed in 1970.

250,000 acres are estimated disturbed during 1971. (Council on Environmental Quality).

Area nearly the size of states of Delaware and Rhode Island (U.S. Geological Survey).

Exports

1970 total exports—71 million tons (27.6 to Japan).

1971 total exports—56.6 million tons (19.7 to Japan) (Bureau of Mines).

Reason for decrease in exports was not due to conservation of energy, but Japan went after cheaper Australian coal.

Number of mines

Underground, 2,268.

Strip, 2,881 (including auger). (1971 figures of Bureau of Mines).

This is first year that number of strip mines has exceeded the number of deep mines.

Employment

Underground 109,222 employees.

Strip, 33,141 employees (1970 figures of Bureau of Mines).

Unreclaimed land

Over 1 million acres of land unreclaimed according to the Department of Interior.

Also—26 states have strippable reserves and over 13,000 miles of streams polluted by acid.

Mr. Speaker, visualize a foreign army invading the United States with a new weapon 8 to twelve stories tall to be used to totally devastate our land. With each strike of the weapon, it gouges several hundred feet deep and rips away 325 tons of our earth. A jumble of topsoil, rocks, small trees, flora, fauna, and wildlife habitat are chewed up and spewed out with awesome results.

Would the American people object? Would they demand retaliatory action? There would be a tremendous outcry from Congress, the people and the press to declare war on these invaders and to call out our Armed Forces to destroy them before they destroy us. We would not tolerate for a minute more the deplorable and freightening actions of these invaders.

INTERNAL INVASION

Another question: If the above devastation were being carried out by "internal invaders"—fellow Americans—would that outcry not be just as great? Apparently not. These "invaders" are here now doing just what I described, but they call themselves "surface miners" and work with the sanction of the States, the Congress, and the silent acquiescence of the majority of Americans. Under the guise of progress and energy needs, rather than their true basis of greed and profit, these strip miners are devastating and destroying our land. Where is the outcry? Where is our declaration of war on these "invaders" of our environment? Why?

Or consider the use of defoliants in Vietnam. Most of you have deplored the use of these defoliants by U.S. troops in the forests and land of Vietnam because the areas affected becomes a manmade wasteland that is totally incapable of producing any new vegetation. That certainly is most unforgivable foul play. But on the other hand, how can we condone the needless practice of strip mining right here in our own country that creates the same type of areas that we deplore in a foreign country? What kind of confused values have we acquired?

Not only do we have to consider our respect—or lack of it, as the case may be—for the land, but we must consider our people which seem to have been forgotten in this great energy race. If this foreign army I was speaking of entered a man's land and poisoned his streams, killed off his fish and wildlife, set off bombs—blasting—which disrupted the water table thus drying up his well, cracking the foundation and walls of his home and frightening he and his family to the point of losing all peace of mind, caused flooding and landslides and so on—what would be our response to this fiendish enemy? This too is a sad answer. All this and more is occurring now due to strip mining for coal, but the Congress and the majority of the American people have fallen for the "energy crisis"-"blackout" fable and feel that nothing or no one should be spared in trying to avoid this crisis.

We already have a crisis of much greater proportion which also must be corrected and avoided at all costs. Injustice to our fellow man and misplaced values should be what we are remedying here today, not defending the needless, greedy, devastating practice of strip mining for coal.

STRIP MINING—THE GREATEST DESTROYER

Why am I adamantly opposed to strip mining as a means of removing coal from the land? Why have I continued to work for the abolition of this strip mining of coal? Representing one of the largest coal-producing States in the Nation, I have seen what havoc and obliteration is left in the wake of strip mining. It has ripped the guts out of our mountains, polluted our streams with acid and silt, uprooted our trees and forests, devastated the land, seriously disturbed or destroyed wildlife habitat, left miles of ugly highwalls, ruined the water supply in many areas, and left a trail of utter despair for many honest and hard-working people. It is very important to remember that this devastation is not restricted to West Virginia or to Appalachia.

Let us explore a few facts connected with this menacing and terribly quickly growing disease called strip mining:

At least 4,650 acres of land are being stripped each week according to the Council on Environmental Quality.

For the first time in our history, strip mine coal production surpassed production of the underground mines in 1971. Of a total of 552,192,000 short tons of coal produced, 276,304,000 tons were from strip mining—auger mining included.

Over 1 million acres of coal strip mined lands are unreclaimed, according to the Department of the Interior, and this acreage is rapidly escalating rather than being reduced.

According to the U.S. Geological Survey, an area of land nearly the size of the States of Delaware plus Rhode Island has been disturbed by the strip mining of coal.

Unreclaimed strip mined land, according to the Soil Conservation Service, would constitute a band of land 1 mile wide stretching from New York to San Francisco.

Over 13,000 miles of streams have been polluted by acid from strip mines.

Is this the kind of America we want? Is this the heritage we want to leave to our children? Do we want our generation to be remembered as the iconoclasts of our environment?

IS STRIP MINING CHEAPER?

It is extremely important to put this entire situation into proper perspective. I say that strip mining for coal is not needed to meet our energy needs and that this thought is just being perpetuated by those coal interests who find it immensely profitable.

When one looks at the total recoverable coal reserves, the rush for strip mined coal seems quite a mystery—other than the fact that ripping up the land is "cheaper" for the coal operator—cheaper only because the environmental costs are passed on to future generations. There is eight times as much recoverable deep mine coal as there is strip mine coal. The projected life of the deep coal reserves is 590 years while that of the strip mine coal is only 71 years—these estimates are compiled using the most conservative figures available from the U.S. Bureau of Mines and are based on 1970 production figures. So the big question arises: Why destroy and devastate our land to get one-eighth of the reserves? It would seem logical that we go after the longer lasting reserves which would also enable us to protect our environment for future generations.

A total of 26 States have strippable coal reserves. The East, the main source of our coal, will be a thing of the past when the bigtime stripping arrives because the greatest reserves of strippable coal are located in the Western States. It would seem that the destruction of much of the West is imminent. Strip mining is already starting out big in States such as Wyoming and Montana, even though there is twice as much recoverable deep mine coal in Wyoming and eight times as much in Montana.

LET US NOT CREATE INSTANT APPALACHIAS

Arguments are used by the coal people that stripping in the West is not destructive like in the hills of Appalachia in that the land is relatively flat and in many places there is little water nearby to pollute. They are grossly wrong in their assumption that destruction will be slight. In areas such as this, it is usually rather arid. As a result, it is difficult to grow things and to reclaim the land even if one wants to do so. It is all but impossible to reestablish native vegetation. In addition, when you have little rainfall the ground water is that much more valuable and there is danger that the stripping may adversely affect the water table in such a way as to take away what water supply one has. In an area where water is needed desperately, the last thing needed is a depletion of the water table.

There is never a chance that the good can outweigh the bad when it comes to strip mining for coal. On the one hand we have coal for their efforts—coal which could be supplied easily and more abundantly with that from deep mines—but on the negative side strip mining gives us such effects as water pollution, flooding, landslides, damage to fish and wildlife, damage to personal and real property, economic losses and esthetic losses. According to the Department of Interior:

> Strip mining has resulted in significant socio-economic losses such as retarded employment, investment opportunities, depressing social environments, abnormal physical and mental hazards, and esthetically unattractive landscapes.

EXPORTS OF COAL

The coal industry has busied itself in the past months creating the myth of "energy crisis" and "blackouts" in order for stripping to seem a necessary evil. The facts just simply do not bear out their rumbling rumors. All one has to do is to look at the figures showing eight times as much recoverable deep mine coal as strip or look at the export figures for U.S. coal. Japan alone purchased more than 19.7 million tons of coal in 1971. At present rates of growth, purchases of coal by Japan will exceed 40 million tons annually by 1973. The total exports of coal in 1971 came to 56.6 million tons. Do these exports sound like they are coming from a country which fears it may not turn on its lights tomorrow?

Despite the fear campaign of the coal industry, this is not an energy issue. This is an issue which concerns the land and the people who inhabit that land. Environmentalists argue that a national coal policy can and must be established which will save the land for future generations while maintaining short-term energy requirements from fossil fuels produced from deep mining coal.

In order to strip mine, the operator should be required to prove that the land can and will be restored to at least its original potential use. There has yet to be any adequate evidence that this can be achieved.

RECLAMATION HAS NOT WORKED

Reclamation has proved to be a word of great promise and little substance. In the vast majority of cases, the reclamation efforts attempted by the U.S. strip mining industry have been dismal failures. A few such efforts have proved briefly successful from a cosmetic or public relations point of view, but only after several thousands of dollars per acre had been spent. It is gravely doubtful that strip miners would want to put out that kind of money on a regular basis.

The Hanna Coal Co. reclamation around Cadiz, Ohio, is usually proclaimed the most impressive in the Nation, in spite of the fact that only one species of grass has been induced to grow on this whole vast area of former farmland and woodland. Even great scars clearly remain. While looking at this area, one does not learn about the destruction of subterranean water courses, changes in the surface temperature of the earth, the relative economic value and productivity of the land since strip mining, or the effect on the county tax base. In addition, the waters running from this unusually nonacid land, even after treatment by the company, are still highly toxic, killing fish and discouraging plant growth.

The Stanford Research Institute, in its aerial survey of all West Virginia strip mining, documented the general failure of reclamation efforts. Of all land stripped in West Virginia, just slightly more than one-fourth of it had achieved 75 percent vegetative cover. Of the other three-fourths, 6 out of 10 acres had once been officially reclaimed. So, nearly two-thirds of all reclamation has failed to maintain itself over time in terms of vegetative cover.

REGULATION HAS NOT WORKED

Regulation of strip mining has not worked on any front. As one checks into the progress of the States in regulating the strip mine industry, I am afraid that a clear pattern of hopelessness will become evident—regardless of how stringent the regulations seem to be. Even the States with the toughest requirements by law have little or no progress to show for their effort. The inevitable conclusion is that the only way to protect the land, soil, streams, and hills is to prevent the strip mining of coal which devastates the land.

FAILURE OF THE TVA

The Tennessee Valley Authority, according to a General Accounting Office report on August 9, 1972, has failed to enforce many stringent-sounding reclamation requirements ostensibly designed to protect the land and streams against the adverse effects of strip mining. The weak TVA inspection requirements, plus the toothless enforcement of reclamation requirements, further underlines the fact that laws and regulations are not worth the paper they are written on unless they are enforced without fear or favor.

When approaching regulation of strip mining on a Federal level, it is absolutely mandatory that this administration should be vested in the Environmental Protection Agency, rather than the Department of Interior. EPA, which has a good track record on air and water pollution and pesticide control, could do a better job of protecting the public interest and resisting the overwhelming pressure to escalate strip mining at the expense of the land, streams, and forests.

FAILURE TO ENFORCE MINE SAFETY

The dismal record of the Department of the Interior in failing to enforce the Federal Coal Mine Health and Safety Act of 1969 gives little hope that this production-oriented agency will do any better with protecting the land against the devastation of strip mining. On August 31, 1972, Assistant Secretary of the Interior Hollis M. Dole prepared an address to the first graduating class of the Mine Safety Academy at Beckley, W. Va., in the course of which he made this incredible statement:

> You must reconcile the requirements for mine safety with the need for efficient production.

That statement epitomizes the attitude of the Department of the Interior, which by its actions has "reconciled" human values to meet the demands of production, and also believes that environmental values must yield to high production.

Is there a viable and realistic alternative if strip mining is abolished? Yes, most certainly. Our energy needs can be met entirely with deep-mined coal. One of the most significant consequences of strip mining, which has not received sufficient analysis to date, is its effect in depressing the efficiency, safety, and environmental acceptability of underground mining. Since the mid-1950's underground mining in the United States has remained stagnant both in production and in the application of new technology. Production growth and technological innovation have been concentrated in strip mining because of the high profits made possible by environmental irresponsibility.

THE POTENTIAL OF DEEP MINING

By forcing deep mines to cut costs and cut corners to stay in production, competitive strip mines adversely affect underground safety. Conversely, the abolition of strip mining and the resulting new demand of large numbers of underground employees and a better economic situation for underground mining would greatly stimulate the application of known but underutilized safety technologies and procedures underground. Although more rigorous Federal enforcement of health and safety regulations is desperately needed, abolition of strip mining would probably have an even more pronounced effect on underground health and safety than Federal enforcement could.

The National Coal Association says that there would be a great energy shortage after the abolition of strip mining because it would take 3 to 5 years for a new deep mine to reach full production. The catchwords here are "new" and "full." Many old and inactive mines could be reopened with little costs and, and addition, many existing mines could add third shift with little trouble. The burden of substitution—deep mined coal for strip mined coal—does not fall entirely on new mines. Furthermore, limited production from deep mines can be achieved within months. The primary goal need not be full production. In addition, cutbacks in coal export would help in making up this substitution.

In every respect, strip mining is clearly more devastating to the environment than underground mining. Given the vast areas of land affected and the long term of the effects, this is the most significant comparison.

Strip mining characteristically involves the near total destruction of the land surface throughout the area mined, and the spread of destruction through siltation, pollution, flooding, et cetera, far beyond the mined area. Underground mining potentially affects less surface since it characteristically removes coal from multiple underground seams in the same location rather than a single surface seam over a broader area. And in fact 95 percent of the surface undermined is not materially affected at all.

The two principal exceptions are the undermining of towns which may lead to dangerous subsidence, and the deposition of mine refuse on the surface. Undermining of towns can and should be prohibited. Under better economic conditions and a stronger regulatory framework, mine refuse could be reintroduced into the mine void or handled on the surface in a manner analogous to sanitary landfills to eliminate 75 percent of the potential surface disturbance.

WATER POLLUTION

Both surface and underground mining may cause substantial water pollution problems. When mining seams and strata with potential for acid production, strip mining creates far more acid pollution in proportion to production than underground mining, since strip mining pulverizes the acid-generating material and brings it to the surface where air and water can sustain the acid-generating cycle. Acid waters from underground mines are a problem, but inherently far more easy to control. Strip mining also produces massive siltation which is the principal pollution problem in areas with steep terrain and high rainfall. Siltation is not a significant problem with underground mining.

Inherent to the processes of strip mining is the nearly complete destruction of the surface and hence of its esthetic value and potential for human use. Underground mining involves far less esthetic degradation and surface destruction, and the degradation which has been associated with underground mining is much more subjected to amelioration and control.

PROPAGANDA

The acceptance of strip mining as a way of life is a real tribute to true propaganda methods. Even though the switch to deep mined coal would be of minimal cost to the consumer, he has been "brainwashed" to believe that we must have "cheap" energy and that stripping is the only answer. The switch to deep mined coal would put the cost on the consumer and the taxpayer rather than the land and the people who live there. In addition to placing the cost where it belongs, we would be saving our land and streams for future generations to use and to enjoy. Hopefully we are now awakening to the plague put on us by those who look for "cheap" energy regardless of the cost to private individuals and our environment.

I realize that great sums of money have already been invested in strip mining for coal. Fortunately, most of this investment is currently in areas and in equipment which could survive the conversion back to deep mining. The base facilities for cleaning and loading coal, the largest part of the investment, can be used just as well for deep mining on the same sites in most parts of Appalachia and in some other areas. Most of the earth moving equipment, except for the largest shovels, can be used for the road construction. Most of the employees, likewise, are skilled in trades for which there is demand in other industries.

ABOLITION THE ONLY ANSWER

Harry Caudill, author of "Night Comes to the Cumberlands" and "My Land Is Dying", seems to be speaking for most who have been touched by strip mining when he says:

> I lament the utter ruination of the hills of my homeland and the assault surface mining has made on people of my blood and name. I have seen once-clear streams choked wtih mud, and lawns and gardens layered with foul sediments from the spoil heaps. And I have seen wells that once brimmed with crystalline water filled to the top with yellow mud and flecked with coal. I have visited the homes of widows and work-worn old men whose basements and cellars reeked of sulphurous slime from the spoil banks. I have seen the shattered roofs, the broken gravestones and the fences that tell of the blasting that "cast the overburden" from coal seams.

One hears a considerable amount about reordering our priorities and now we have the perfect opportunity to do just that—to reorder priorities that are so far out of line that it is almost inconceivable.

We must unite and declare war on these greedy rapists and let them know that their invasion has come to an end!

I hope that despite the shortcomings in this bill that it will pass, and that within a very few years we can move forcefuly to abolish the strip mining of coal altogether—completely and forever.

Mr. SAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, as long as I have been a Member of this body I have found that just before adjournment we start to operate under what is known as the Suspension Calendar, and that time comes again today, when bills such as the one now before us are called up for consideration before having been completely and adequately considered in committee. Member after Member has stated here tonight that while the bill is a good bill, it has shortcomings indeed.

I have listened carefully to every minute of the discussion of this bill here tonight, and it is my opinion that it should not be passed by the House but should go back to the committee and come up under regular procedure where it can be debated under a rule and amended, after which we can come up with a bill in the next session that will represent an improvement over what we have before us here tonight. I am not debating the merits or demerits of the proposal, but rather opposing the procedure used here this evening.

Mr. EDMONDSON. Mr. Speaker, I yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, I certainly agree with the purposes and the goals desired in this bill. However, a bill of 52 pages that every speaker this evening has said has many problems and needs perfecting should not come before this body this late in the session and without any opportunity to improve the legislation and strengthen its provisions.

I strongly support Federal standards, but I do believe we can, and should, do a better job than this bill does. Legislating in this manner of rushing through without any chance of improving is not the way to take effective action to solve a serious problem.

Mr. EDMONDSON. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, let me say this by way of closing. This bill was studied by the Subcommittee on Mines and Mining not for 3 months, not for 6 months, not for 9 months, but for approximately 15 months. The administration was called upon for recommendations with regard to this legislation, and the administration made one of the strongest statements ever made on the strong position of the President of the United States as being opposed to stripping without adequate reclamation.

If you believe in reclamation, if you believe in doing something about this terrible problem that prevails in many of the 23 States that produce coal, then this is the only opportunity you are going to have this year to vote that way, and it is the only opportunity you will have to vote that way before the 7th day of November.

I appeal to the Members of this House who have made a record throughout the years of constructive work in the area of conservation and reclamation, to take this forward step. There has not been a perfect man on the face of the earth since our Saviour, and we have not had a perfect bill on the floor of this House in my memory. I do not claim that this bill is a perfect bill, but it is a constructive effort to do something about a serious problem. It has the backing of the major conservation organizations of the country who have been involved in this effort, and it has the backing of many coal operators who know that they can compete better when they carry on reclamation if the other fellow is required to carry on reclamation also. That is what this bill does; it requires everybody to carry out reclamation. It sets up a permit system to make certain that they do that. It protects the beautiful land of our country, and it moves forward in an area that the President has said he is dedicated to advancing, and I urge a vote for this bill.

Mr. KOCH. Mr. Speaker, although I will be voting in support of H.R. 6482, I want to make it very clear right now that I believe we must totally abolish the strip mining of coal if we are to protect this country's lands from reckless devastation. I concur with the position of our distinguished colleague from West Virginia (Mr. HECHLER) who has been the leader in the effort to eliminate strip mining, but is supporting this intermediary measure today.

This bill is a legislative beginning in coming to terms with the destruction wrought by unregulated strip mining, but it must be viewed only as that, rather than as any culmination of legislative action. I am supporting H.R. 6482 only because we have no other alternative in 1972, and the suspension of rules will not permit the further strengthening of this bill through an amendment abolishing strip mining. Hopefully, the enactment of this bill will not slow the momentum of Congress in following through with a real solution to one of our most pressing environmental problems.

Mr. MONAGAN. Mr. Speaker, I support H.R. 6482, the Coal Mine Surface Area Protection Act of 1972 which is similar to legislation I cosponsored earlier this year.

This legislation applies stringent regulations to restore mined land to its original status and to prohibit the mining of land which cannot be reclaimed.

The proposed bill seeks to stem the current devastation of many thousands of square miles of land. Within the last 10 years strip coal mining has increased to 50 percent of all coal mining operations and affects an estimated 1,793,000 acres of land. There has been little effort on the part of the coal operators to repair and restore these lands to useful and productive use. Instead, the craterlike pits are left wasted. Dangerous piles of debris have shifted during rains injuring many and causing destruction to additional land as well as increasing water pollution from silt and acids.

Even Connecticut has suffered from this plight. It has been reported that as of January 1, 1972, 17,300 acres had been disturbed by surface mining with only 300 acres reclaimed.

Continued destruction and waste of precious land for the purpose of profit alone cannot be condoned. A mechanism must be initiated to insure that land will not be laid to waste in the future and current mined areas will be restored to the level necessary for life support.

In short, a vote for this bill is not a vote against free enterprise or a vote in favor of monopoly by big business, but instead a vote to prevent future generations from being victimized by our own carelessness and greed.

Mr. SLACK. Mr. Speaker, I rise in oppostion to this bill, and I do so with great regret.

It was my understanding that the committee was considering a combined reclamation and regulation bill designed to bring some order to prevailing practices of surface mining, but actually it amounts to a total prohibition in certain geographical locations.

This situation cannot be corrected today because the legislation is being considered under restrictive rules prohibiting amendments and permitting only 40 minutes of debate, and therefore there is no opportunity to present a responsible or reasonable approach to the serious environmental problem which faces the minerals industry today.

We know very little about what can be done to revitalize disturbed surface areas in rough terrain. Our small fund of knowledge is based primarily on what work has been accomplished by the roadbuilders and the Corps of Engineers. In the field of surface mining we must admit no one has ever really tried reclamation on a broad scale in the mountainous areas.

For the past several years we have felt that we must devise legislation covering all surface-disturbance activity in the minerals field to afford a prospect for a true conservation effort. The restored surface must be productive and attractive within the limits of our skills. Many of us have hoped such objectives could be reached through the provisions of this legislation, but this is not the case.

Section 9(b) prohibits the mining of coal on slopes greater than 20°, "unless the operator can affirmatively demonstrate that sedimentation, landfills, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed." To the extent that this provision becomes an arbitrary prohibition on surface mining on slopes exceeding 20°, the principal result will be the complete abolition of about 90 percent of coal surface-mined in my State of West Virginia, 6 months after date of enactment of this measure.

The arbitrary requirements in this bill will consign thousands of my constituents to a career of unemployment shortly after the effective date. There is simply nothing else to be said on that point. We are legislating compulsory unemployment in the Appalachian coal fields. This proposal is far from being the progressive piece of legislation I had hoped to see.

If we really mean to protect the environment, if we really want to try for true conservation, why not open this measure for amendment and let the House work its will—why single shot the coal industry?

Mr. MILLER of Ohio. Mr. Speaker, there are parts of this bill that disturbs me but overall I believe the committee has done a commendable job in reporting a proposal that will finally permit the Federal Government to do something about the strip mining problem, which is no longer isolated or regional in scope. H.R. 6482 generally coincides with the objectives and approach of a bill introduced last year giving the Environmental Protection Agency broad regulatory controls over strip mining in order to eliminate or minimize its adverse environmental effects. Although I would have preferred to see EPA given jurisdiction under this bill because of its existing expertise and authority in environmental problems, the intent of the Congress with respect to mining procedures and reclamation goals has been made clear by the committee. What this bill says in essence is that if land cannot be reclaimed or mined without creating environmental damage, it cannot be mined at all. There is no doubt in my mind that in light of the curernt energy crisis, we will have to rely for the time being on strip mining for a large part of our coal resources, but at the same time we can no longer condone the wreckless destruction of our landscape and poisoning our waters which is attributable to irresponsible strip mining activities. The responsible operator can live with this bill, but the fly-by-night operator or the company that strip mines without regard for the environment just to turn a higher profit, should not be in the business anyway.

Earlier this year in the State of Ohio, a tough strip mine control bill was enacted and while it requires a greater degree of environmental protection in strip mining, it places the Ohio coal industry at a distinct competitive disadvantage vis-a-vis other States that have failed to enact regulatory programs or have revatively weak laws. This bill removes such inequities by placing all States on more or less equal footing and lets all operators who mine in various States know exactly what is expected of them.

Although I do not like the procedure under which it has been brought to the floor, I nevertheless support H.R. 6482 and urge its passage.

Mr. VANIK. Mr. Speaker, as a cosponsor with the gentleman from West Virginia (Mr. HECHLER), of strong legislation designed to eliminate strip mining and stop the devastation of our Nation's land through strip mining procedures, I share the disappointment of many here who had hoped for a stronger strip mining control bill. I also find it unconscionable that this important bill should be brought to the floor of the House under the "Suspension of the Rules" procedure—a procedure in which only 40 minutes of debate is permitted and no amendments are permitted. This is no way to legislate on a matter of this importance, a matter which has been under consideration by the Interior Committee for over a year and which should have been brought to the floor long ago.

Yet, I feel that I must support this legislation. First, it appears to be significantly stronger than the Senate version of this legislation; the proposal being considered by the other Chamber is reported to be a Christmas gift for strip miners. Second, the House bill, whose purpose is to "regulate coal mining surface operations to prevent their adverse environmental effects" and to reclaim lands already damaged and abate adverse environmental effects from them, is the first step in regulating the destruction of our land—destruction which is proceeding at the rate of 4,650 acres per week.

It would have been possible to ban further strip mining. But the committee did not consider this approach. A ban—designed to save the land, both in Appalachia, southeast Ohio, and—increasingly—in the Western States, would have meant some adjustments in the coal industry. But it would not have resulted in the energy crisis that some have claimed. The bureau of Mines has reported that there is eight times as much recoverable deep mine coal as there is strip mine coal—355.9 billion tons as compared to 43.4 billion tons. The projected life of the deep coal reserves is 590 years while that of the strip mine coal is only 71 years—based on 1970 production figures. If we are facing an energy crisis in coal—as some claim—why are we exporting so much of it? No, Mr. Speaker, stronger strip mining controls would not have destroyed our Nation's energy supplies—but strip mining will destroy our countryside.

The principle virtue of this bill is that it starts Federal regulation of strip mining. If this approach does not work out, then we will know, we will all know that strip mining must be abolished. I can assure you that a large number of us will be watching the administration of this program. The General Accounting Office will be watching it—and if it does not result in an end to the abuses of strip mining, then we will be prepared with stronger legislation.

There are numerous weaknesses in the bill. I will mention only one, perhaps the major one. The bill gives regulatory authority, not to the Environmental Protection Agency which has been doing a good job in preserving the environment, but to the Department of the Interior—a department which is almost entirely geared toward the development and extraction of mineral resources, regardless of the environmental costs. This is somewhat similar to leaving a fox in guard of a chicken coop. In the past, the regular Government agencies have dismally failed to control and regulate strip mining.

Two recent reports by the General Accounting Office—on the dismal failure of Federal strip mining regulations on public and Indian lands and by the Tennessee Valley Authority—underline the bankruptcy of laws and regulations which are weak or not enforced. The GAO reports revealed wholesale violations of the Federal Government's own requirements, with these violations going unpunished and uncorrected. The violations included such items as failure to post performance bonds, failure to enforce reclamation requirements, failure to protect against soil acidity and landslides, and a weak and ineffective inspection system which gave the strip miners a field day of destruction.

Let us hope that this new legislation will result in a better response on the part of Federal agencies.

We all know how harmful, how devastating strip mining can be. Anyone who has driven through the southeastern part of my State of Ohio has seen the barren, moon-surface appearance of stripped-over land.

As an example of what has happened in the coal mining regions of Ohio, Prof. Arnold Reitz of the National Law Center at the George Washington University in the June 1971 issue of the Case Western Reserve Law Review, states that 67,920 acres and 1,200 miles of streams have been adversely affected by surface mining of coal. Also, he reports that:

> In Meigs County in southeastern Ohio, the destruction of 3,000 acres ended much of the excellent hunting for bob whites, cottontails, deer and grouse. The results of most reclamation efforts demonstrates that the industry spends little as legally possible to reclaim ruined land.

Reitze quotes an article in the December 1969 issue of American Heritage:

> But the real shattering of the ecology of a mountain begins after the strip miners have come and gone, and the resulting troubles continue for years at a cost no one studying the problems is as yet able to estimate. Even before the rains hit them, the spoil banks begin to move. Full of churned-up slate and mangled trees, spoil banks are highly unstable affairs and slowly succumb to the pull of gravity with a dry, sliding sound one can actually hear. Then, when the inevitable mountain streams strike, rushing water slides into them like a knife. Landslides will block streams and highways and in the words of a government report, "economics and aesthetic values (are) seriously impaired." But apart from spoil bank damage, even ordinary erosion will cause extraordinary damage in no time. Water races off the mountain loaded with silt, gravel, and the sulphuric acid that drains out of exposed coal or its overlying strata. Shining with mustard-colored coal silt and poisoned by mine acid, thousands of . . . creeks and streams are quite literally "dead"; nothing lives in them; the putrid water is good for nothing, and it stains and poisons just about anything it comes in contact with.

Mr. Speaker, when this legislation came to the floor of the House, I had hoped to add an amendment expanding its scope and regulatory coverage. Today's bill deals just with coal. I had hoped to offer an amendment to extend its coverage to oil shale. But the parliamentary rules under which we are considering this bill preclude amendments.

It is vital that we begin to consider the potential environmental damage that will be caused by oil shale development—and it is vital that we begin to regulate this development before we level the Rocky Mountains and turn them, too, into an environmental disaster.

In December of this year, the Department of the Interior is going to begin accepting bids on six sites of land, two each in Colorado, Utah, and Wyoming, for the purpose of leasing the land, 17,000 square miles or, 10,880,000 acres—an area equivalent to that of Massachusetts, New Jersey, and Delaware—for the development of an oil shale industry.

What is oil shale? It is a nonporous rock which contains solid hydrocarbons. When this rock is crushed and heated to over 900° F., the solid hydrocarbons liquefy and form an oil with a very low sulfur content of high quality.

It has been estimated that well over 2 trillion barrels of oil are trapped in the lands of Colorado, Utah, and Wyoming with 80 percent on federally owned lands. The current potential dollar value of this natural resource on our public lands is over $8 trillion.

According to some sources, 1 square mile of land 2,000 feet thick could supply the energy needs of this country for 1 year.

We need the valuable resource which lies buried in these mountains. But we need to develop it in a way that will be environmentally sound, in a way that avoids the mistakes of the past, the mistakes which have devastated so much of Appalachia. We cannot tolerate the unconscionable destruction of the wilderness area of the Rocky Mountains. There are canyons, cliffs, valleys, and rivers of still unspoiled beauty.

Over 300 species of animals make their homes in these wilderness areas. This land is one of the last great wilderness areas in our Nation. I have introduced legislation to protect this land and the public's interest in it. It is my hope that this bill, H.R. 14691, will be considered at the first opportunity.

One hundred and ten years ago, during debate in the Senate, the distinguished Republican Senator Morrill, author of the Land Grant Colleges Act, said:

> From the seeming vastness of our public lands, magnified by all the wastes, mountains, waters, and deserts, it has been thought impossible to overestimate their extent or value; and on the theory that they were inexhaustible, they have always, when sold, been held at an inconsiderable price—scarcely more than the fees for transferring record of title in older countries—and, when given away, the mile-squares have been bestowed with a lavishness only equaled in the days of feudalism.

This is what we will be doing in the oil shale lands area. But not only are we giving the land away, Mr. Speaker, we are destroying it, exhausting it, wasting it. It is time we stop, stop while there is still some "purple mountains' majesty" left to save.

Mr. BADILLO. Mr. Speaker, it is unfortunate that this legislation to regulate the strip mining of coal is being brought up under suspension of the rules, with no opportunity to offer, debate, and vote on the needed strengthening amendments.

I am going to vote for H.R. 6482 with extreme reluctance, and only because it just might have the effect of alleviating the worst forms of strip-mining devastation. But as a cosponsor of legislation to abolish strip mining altogether, I want to emphasize that I do not consider the pending bill an adequate response to a major environmental threat, nor do I feel that we can lessen our efforts to enact legislation to abolish this unwarranted practice.

Those who want to continue strip mining invariably point to the fact that jobs will be lost if legislation abolishing this practice should pass, and they are right. By the same token, jobs must be found for the members of our armed services returning from the war in Vietnam, but no one I know advocates continuing the war as a means of keeping those men employed. There is a disturbing parallel between the devastation we are wreaking on Vietnam and the devastation strip mining is causing in our own Nation. Both must cease immediately.

Tribute must be paid to my friend and colleague, the gentleman from West Virginia (Mr. HECHLER) who has waged such a valiant struggle to see a strip mining abolition bill enacted. I know he intends to continue his efforts and I am confident that he will achieve ultimate success. For the good of our country, I hope and pray that we will not see another Congress come and go without passage of the abolition bill for which he has worked so tirelessly.

Mr. REUSS. Mr. Speaker, although I have some reservations about the adequacy of this bill (H.R. 6482) with regard to its enforcement, public participation, citizen suit, and State administration provisions, I support it because it is more effective legislation than the bill recommended by the administraton and supported by the coal industry. Most importantly, the bill will go a long way toward preventing further environmental damage from strip mining.

I am also concerned about the administration of this bill by the Interior Department.

At the request of the Subcommittee on Conservation and Natural Resources, the General Accounting Office began, in October 1971, making a very thorough investigation of the Interior Department's administration and enforcement of the 1969 surface coal mining regulations promulgated by former Secretary of the Interior Udall. Those regulations were designed to govern surface exploration mining and reclamation on public and Indian lands. They were issued by Secretary Udall for the purpose of preventing environmental damage to these lands and our natural resources.

In the 3 short years since these regulations were promulgated, the Interior Department, according to the GAO report (B-148623) of August 10, 1972, has flopped in administering and enforcing them. The GAO said:

> Although the regulations have been established for more than 3 years, they were not being implemented effectively with regard to several significant areas. For the 65 permits and leases covered by its review (53 for BLM and 12 for BIA), GAO found that:
>
> The required technical examinations had not been conducted for 35 of the permits and leases. The purpose of a technical examination is to determine the effects that the proposed exploration or mining would have on the environment and to serve as a basis for formulating appropriate reclamation requirements. (See p. 12.)
>
> Some permittees were operating without approved exploration plans—an essential element of control in protecting the environment—and some plans had been approved without technical examinations. (See p. 14.)
>
> Some compliance and performance bonds covering the requirements, including reclamation, of leases or permits had not been obtained from the operators. The amounts of some of those that had been obtained were not sufficient to cover the estimated cost of the reclamation requirements of the permits or leases. (See p. 16.)
>
> Some of the reports required to be submitted by the operators to the Department at various stages of the operations on such matters as grading and backfilling, planting, and abandoning operations had not been submitted. (See p. 20.)
>
> BLM has issued formal instructions to its field offices to implement the Department's regulations, but the Survey and BIA have not. GAO believes that the issuance of such instructions would assist field personnel in administering and implementing the regulations. (See p. 25.)
>
> Documentation of the results of technical examinations, onsite visits, and other activities required by the regulations was not always prepared.
>
> With regard to Indian lands, GAO believes that the Indian landowners were adequately consulted by BIA as to the actions proposed for permits or leases on their lands as required by the Department's regulations. (See p. 22.)
>
> The Department requires an applicant to submit a $10 fee with each permit and lease application for coal exploration or mining. The fee was to recover the cost of processing the applications. Because personnel costs have nearly doubled since the amount of the fee was established and because the regulations now require a more comprehensive evaluation of the application than previously required, GAO believes that the adequacy of the fee associated with processing an application for a coal permit or lease should be appraised. (See p. 24.)

On August 21, Congressman VANDER JAGT, ranking minority member on our subcommittee, and I asked the Interior Department to comment on the deficiencies cited in the GAO report, and to state what actions the Interior Department plans to take to overcome those deficiencies. The Interior Department has not yet replied to our request. Indeed, on September 26, we again asked the Department for this information and have not yet received a reply.

We are pursuing this matter further.

When we released the GAO report on August 24, Congressman VANDER JAGT and I said:

> Interior is currently asking Congress to allow it to regulate strip mining across the Nation. But this 3-year record of inefficiency in the West, where strip mining is still in its infant stages, makes it doubtful that Interior will be any more efficient in the East, where strip mining is both more complex and widespread. Why not, instead, turn the Corps of Engineers or the Environmental Protection Agency loose on regulating strip mining and reclaiming strip-mined areas?

Since then, this bill was reported by the House Interior Committee with very detailed and effective provisions governing approval of permits and reclamation plans, and the posting of bonds. I hope that these provisions will result in a better and more vigorous effort on the part of the Interior Department in carrying out the purposes of this bill than it has shown thus far in regard to the 1969 regulations.

With these provisions, I think the bill is generally very good and, most importantly, it is sorely needed. I therefore urge its passage.

I point out, however, that any weakening of this bill after passage in the House might make it unacceptable.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss my position on H.R. 6482, the Coal Mine Surface Area Protection Act of 1972.

I am in complete and full agreement with the general purpose and objective of this legislation. That purpose is to provide for the regulation of surface coal mining, and to provide for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities. We cannot condone or approve of the wanton destruction and totally unnecessary devastation caused by certain types of surface coal mining activities.

While much of this damage occurred under mining practices no longer followed and at times when there was not the present awareness for the need to protect total surface resources values, this is not a justifiable excuse for inaction today. Today, we are aware of our past mistakes and we must take action to prevent any continuation of these abuses. We have the technology to do this. We must provide the means to accomplish it.

The problem, it seems to me, is how to find new ways to meet the legitimate and growing needs of our Nation for minerals and fuels without inflicting unnecessary and unacceptable damage on the environment. We need goal oriented legislation that will provide sufficient flexibility so that the administering agency can achieve environmental protection by different means to fit diverse situations.

In this regard, I feel that the approach taken by the committee is too narrow. More than 100 amendments were offered during fall committee consideration. Yet, we devote only 40 minutes to discussion of this legislation in the House of Representatives under rules that prohibit amendments.

This legislation, as reported, threatens the very survival of the small mining operator. The end result would likely further concentrate coal production in the hands of a few major companies. This further concentration of energy production is not in the best interest of this Nation.

Imposing absolute and arbitrary prohibitions on certain types of operations is a dangerous precedent. It is apparent that this act arbitrarily imposes mandatory and inflexible rules that will make its administration and enforcement a burden on both the producer and consumer. We need flexible legislation that will stimulate creative thinking by making reclamation a requirement of all mining operations and by relying on the ingenuity of American industry to find the most efficient means of accomplishing this goal. While this proposal purports to regulate and control rather than prohibit and eliminate, it is, in fact, prohibitive in many provisions which should have the benefit of full debate and review by the House of Representatives.

For some time now we have seen well intentioned legislation of this type enacted under the banners of obviously needed reform—consumer protection, pollution abatement, job safety, equal opportunity, and so forth. Yet, I feel quite strongly that in order to find practical and workable answers to these problems, we must do so by forging a new alliance with the business community or the industry involved and enter into programs of cooperation as opposed to punitive and regulatory programs of enforcement. The Occupational Safety and Health Act of 1970 is a good example, and I think it is becoming more and more obvious to the American taxpayer and citizen that the punitive and regulatory approach by big government does not solve problems; rather it creates them.

I cannot say to the citizens who will be directly affected by this bill that the provisions contained will not be arbitrary, prohibitive, and virtually eliminate the small operator in the mining industry, or that this approach will in effect protect our environment. Because of this and because I have seen what "big brother" Government can do to the small businessman and farmer in my rural district in Kansas, I cannot support this legislation. I think the time has come when we have an obligation to our citizens to make sure government programs serve their intended purpose so we do not discriminate against the small businessman at the expense of the taxpayer.

Most important, it seems to me, is the fact we have not had an opportunity to consider this legislation under an open rule and to fully debate the many amendments germane to this issue. Under the banner of environmental protection we are asked to accept and vote for a bill and simply hope the good outweighs the bad. Personally, I feel this issue is too important to conduct business in this fashion. Because the need for immediate regulation of surface coal mining and reclamation of surface areas already affected by coal mining activities is so great, had this bill been considered under an open rule and the House worked its will on it, I would have doubtlessly voted for passage.

Mr. McDADE. Mr. Speaker, I wish to commend my colleagues for favorable action on H.R. 6482, the bill to regulate strip coal mining and reclaim areas damaged by such procedures.

This legislation can be a vital factor in removing permanently from the American scene many of its most damaging and dangerous scars. I was pleased to testify in favor of such action before the House Interior and Insular Affairs Committee, and I am gratified now by the approval given the bill by this body.

No one will deny the importance of our coal resources as a supplier of our Nation's growing energy needs. The bill passed here yesterday does not intend to inhibit legitimate coal mining of any kind but proposes its regulation, so that the environment will not be disturbed by the earth-stripping method of coal extraction without conservation measures taking place as soon as possible.

A key section of H.R. 6482 authorizes the appropriation of $100 million for the express purpose of buying and reclaiming any stripped land not hitherto restored to its previous state, or rehabilitated acceptably for future use. The importance of this provision should not be underestimated. If as we hope, H.R. 6482 becomes law, the Secretary of the Interior may, after due procedure, acquire unreclaimed land in the name of the United States. Such property, whether bought outright or donated, thus becomes public property, and must be reclaimed in a suitable manner.

What this means in terms of the national environment is obvious: An end to gouged-out fields or barren, eroded hillsides, and an end to the leaching of soil acids into streams, making them unpotable, and killing fish and other marine life.

Other provisions of the bill set clear standards for strip mining without imposing impossible requirements on coal mine operators. They impose only the necessity of sound engineering techniques and of restoring the landscape when it is disturbed by the huge stripping machines and other remarkable technological equipment.

I applaud the support of my colleagues for this measure, and I hope for similar positive action in the Senate.

Mr. WHALLEY. Mr. Speaker, I wish to associate myself with the remarks of the distinguished gentleman from Colorado (Mr. Aspinall) and others who have spoken out against enactment of H.R. 6482, the proposal to regulate coal strip mining.

Mr. Speaker, I am not opposed to the regulation and control of strip mining. In fact I introduced H.R. 7447, which would do exactly that. I know of the damage that unregulated and uncontrolled strip mining can cause. I also know that this damage can be prevented. We have the technology to do this and there is no question but that it should and must be done.

However, H.R. 6482 is another matter. While it is undoubtedly well intentioned it is ill conceived. I have seldom heard so many Members of this body speak as eloquently about a bill's faults and shortcomings and then conclude that they will give it their support. While I feel just as strongly that we need a strip mine bill, I cannot and will not support this piece of legislation.

I am not persuaded that this legislation is the best this body can bring forth. I recognize that time is short but I cannot persuade myself to vote for this bill because of that. As indicated earlier, this bill is highly controversial and it should have been debated openly and fully by this body. I know that it could be improved and that open debate would have removed many of its unfortunate provisions.

I will not burden the record with any attempt at a statistical analysis of strip mine coal production that this bill will eliminate. That has been we set out in the Separate Views accompanying the report. Even those most forceful in support of this proposal acknowledge that it will eliminate a substantial amount of coal now produced by contour and auger mining. They also acknowledge that there is a critical energy shortage. But they seem unable to go the next step and tie a reduction in coal production to the energy crisis. By any stretch of the imagination a reduction in coal production, whether it be 20 million tons, 100 million or more, will have serious impact upon this Nation's energy supply.

The State of Pennsylvania has the most effective and progressive mining regulation and control statute of any State. While it requires complete restoration of the surface it is not prohibitive as is H.R. 6482. My proposal, H.R. 7447, followed the pattern of the Pennsylvania State law. I could wholeheartedly support legislation of this type but I regret that I cannot support H.R. 6482.

This proposal is premature and ill conceived and it overlooks the need for reason and balance in the development of all of our national resources.

As a member of the Pennsylvania Legislature, I introduced legislation in 1951 and 1953 to make it compulsory for all coal strip-mine operators to backfill to the original contour.

I also asked the 17 coal strip-mining operators in my home county of Somerset, Pa., to do much better backfills than what the Pennsylvania law required at that time—which they did. The results were fantastic.

Indian Lake Resort, near Somerset, with its 750-acre lake and 18-hole golf course is built on a strip-mine backfill.

Over the past 20 years, hundreds of farms that have had their coal removed are producing with crop yields as good, if not better than before.

A Pennsylvania Secretary of Mines stated that I have done more for good coal strip-mine backfills in Pennsylvania than any other person.

I am for legislation that would make it compulsory that all strip-mine operators in the country be required to backfill to the original terrace or contour—with topsoil being removed first and then replaced. This legislation should be given enough time for complete debate, amendments, and so forth.

I must vote against the present bill.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. Edmondson) that the House suspend the rules and pass the bill H.R. 6482, as amended.

The question was taken.

Mr. RHODES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. EDMONDSON. Mr. Speaker, would the gentleman from Arizona withhold his point of order to see whether we could take a vote by tellers, in the interest of saving time?

Mr. RHODES. Mr. Speaker, I insist on my point of order.

The SPEAKER. The gentleman from Arizona insists on his point of order.

Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 75, answered "present" 2, not voting 88, as follows:

[Roll No. 428]

YEAS—265

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Danielson
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Long, Md.
Lujan
McClory
McCloskey
McCollister
McDade
McFall
McKevitt
McKinney
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Randall
Rangel
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Seiberling
Shoup
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
White
Widnall
Wiggins
Wilson, Charles H.
Winn
Wolff
Wyman
Yates
Young, Fla.
Zablocki
Zwach

NAYS—75

Abbitt
Abernethy
Andrews, Ala.
Archer
Arends
Ashbrook
Aspinall
Belcher
Betts
Bevill
Burleson, Tex.
Byron
Carlson
Casey, Tex.
Clawson, Del
Collins, Tex.
Colmer
Daniel, Va.
Davis, Wis.
Dorn
Downing
Dulski
Duncan
Flynt
Garmatz
Gettys
Goldwater
Goodling
Hagan
Hall
Hammerschmidt
Hébert
Johnson, Calif.
Johnson, Pa.
Jonas
Kazen
Kee
Landgrebe
Long, La.
McCormack
McKay
Macdonald, Mass.
Mahon
Mills, Ark.
Mizell
Mollohan
Montgomery
Poage
Powell
Price, Tex.
Quillen
Rarick
Rhodes
Robinson, Va.
Rostenkowski
Rousselot
Ruth
Satterfield
Sebelius
Shipley
Slack
Smith, Calif.
Springer
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Wilson, Bob
Wright
Wyatt
Wydler
Young, Tex.

ANSWERED "PRESENT"—2

Dent
Myers

NOT VOTING—88

Anderson, Ill.
Annunzio
Baring
Bell
Blackburn
Blanton
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Chisholm
Clay
Collier
Collins, Ill.
Crane
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Dow
Dowdy
Drinan
Dwyer
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fish
Ford, Gerald R.
Ford, William D.
Galifianakis
Gallagher
Gray
Green, Oreg.
Gross
Haley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Henderson
Hull
Hungate
Kuykendall
Lennon
Link
Lloyd
McClure
McCulloch
McDonald, Mich.
McEwen
McMillan
Madden
Martin
Matsunaga
Mikva
Minshall
Monagan
Murphy, Ill.
Murphy, N.Y.
Nichols
Patman
Pelly
Peyser
Pickle
Pirnie
Pucinski
Purcell
Reid
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Sandman
Schmitz
Scott
Sikes
Steiger, Ariz.
Stokes
Sullivan
Symington
Terry
Thompson, N.J.
Vigorito
Williams
Wylie
Yatron
Zion

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Anderson of Illinois and Mr. Zion for, with Mr. Myers against.

Until further notice:

Mr. Annunzio with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Fish.

Mr. Thompson of New Jersey with Mr. McDonald of Michigan.

Mrs. Sullivan with Mr. Gross.

Mr. Pickle with Mr. Kuykendall.

Mr. Rodino with Mr. Minshall.

Mr. Eilberg with Mr. Sandman.

Mr. Henderson with Mr. Blackburn.

Mr. Sikes with Mr. Broyhill of Virginia.

Mr. Vigorito with Mr. McCulloch.

Mr. Rooney of Pennsylvania with Mr. Eshleman.

Mr. Roncalio with Mr. Bell.

Mr. Reid with Mr. McEwen.

Mr. Davis of South Carolina with Mr. Floyd.

Mr. Daniels of New Jersey with Mr. Pirnie.

Mr. Madden with Mr. Byrnes of Wisconsin.

Mr. Matsunaga with Mr. Martin.

Mr. Murphy of Illinois with Mr. Collier.

Mr. Yatron, with Mr. Williams.

Mr. Murphy of New York with Mr. Peyser.

Mr. Monagan with Mr. McClure.

Mr. Mikva with Mr. Crane.

Mr. Cabell with Mr. Schmitz.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Hawkins with Mr. Gallagher.

Mr. William D. Ford with Mr. Collins of Illinois.

Mr. Nichols with Mr. Edwards of Alabama.

Mr. Pucinski with Mrs. Chisholm.

Mr. Byrne of Pennsylvania with Mr. Stokes.

Mr. Blanton with Mr. Pelly.

Mr. Baring with Mr. Clay.

Mr. Caffery with Mr. Scott.

Mr. Purcell with Mr. Steiger of Arizona.

Mr. Gray with Mr. Terry.

Mrs. Green of Oregon with Mr. Wylie.

Mr. Drinan with Mr. Galifianakis.

Mr. Harrington with Mr. Hathaway.

Mr. Hull with Mr. Hungate.

Mr. Link with Mr. McMillan.

Mr. Evans of Colorado with Mr. Symington.

Mr. Davis of Georgia with Mr. Haley.

Mr. Dow with Mr. Dowdy.

Mr. Lennon with Mr. Patman.

Mr. ARCHER changed his vote from "yea" to "nay."

Mr. MAYNE changed his vote from "nay" to "yea."

Mr. MYERS. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. ANDERSON) and with the gentleman from Indiana (Mr. ZION). If they had been present, they would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GOLDEN GATE NATIONAL URBAN RECREATION AREA

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16444) to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif., as amended.

The Clerk read as follows:

H.R. 16444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT

SECTION 1. In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Urban Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this Act, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

COMPOSITION AND BOUNDARIES

SEC. 2. (a) The recreation area shall comprise the lands, waters, and submerged lands generally depicted on the map entitled "Boundary Map, Golden Gate National Recreation Area", numbered NRA–G–80,003A, sheets 1 through 3, and dated July, 1972.

(b) The map referred to in this section shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate (hereinafter referred to as the "committees") in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

ACQUISITION POLICY

SEC. 3. (a) Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein, by donation, purchase, exchange or transfer. Any lands, or interests therein, owned by the State of California or any political subdivision thereof, may be acquired only by donation. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended: *Provided*, That no disposal shall be for less than fair market value. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) Fort Cronkhite, Fort Barry, and the westerly one-half of Fort Baker, in Marin County, California, as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG–20,002 and dated January 1972, which shall be on file and available for public inspection in the offices of the National Park Service, are hereby transferred to the jurisdiction of the Secretary for purposes of this Act, subject to continued use and occupancy by the Secretary of the Army of those lands needed for existing air defense missions, reserve activities and family housing, until he determines that such requirements no longer exist. The Coast Guard Radio Receiver Station, shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this station is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act.

(c) The easterly one-half of Fort Baker in Marin County, California, shall remain under the jurisdiction of the Department of the Army. When this property is determined by the Department of Defense to be excess to its needs, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Secretary of the Army shall grant to the Secretary reasonable public access through such property to Horseshoe Bay, together with the right to construct and maintain such public service facilities as are necessary for the purposes of this Act. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Upon enactment, the Secretary of the Army shall grant to the Secretary the irrevocable use and occupancy of one hundred acres of the Baker Beach area of the Presidio of San Francisco, as depicted on the map referred to in subsection (b).

(e) The Secretary of the Army shall grant to the Secretary within a reasonable time, the irrevocable use and occupancy of forty-five acres of the Crissy Army Airfield of the Presidio, as depicted on the map referred to in subsection (b).

(f) When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be excess to its needs, such lands shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Secretary shall grant a permit for continued use and occupancy for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) Point Bonita, Point Diablo, and Lime Point shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this property is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Coast Guard may continue to maintain and operate existing navigational aids: *Provided*, That access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this Act and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

(h) That portion of Fort Miley comprising approximately one and seven-tenths acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(i) New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsection (d) or (e) hereof shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this Act to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army: *Provided, however*, That any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital or the Western Medical Institute of Research.

(d)(j) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(e)(k) The term "improved property", as used in subsection (d)(j), means a detached, noncommercial residential dwelling, the construction of which was begun before June 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(l) Whenever an owner of property elects to retain a right of use and occupancy as provided for in the Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(f)(m) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908, relating to purchase of sites for public buildings (35 Stat. 545), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments. Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of the Act of July 27, 1956 (70 Stat. 624) and sections 2414 and 2517 of title 28, United States Code.

ADMINISTRATION

SEC. 4. (a) The Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. Notwithstanding their inclusion within the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as distinct and identifiable units of the national park system in accordance with the laws applicable to such monument and historic site.

(b) The Secretary may enter into cooperative agreements with any Federal agency, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance.

(c) The authority of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related resource development.

(d) The Secretary, in cooperation with the State of California and affected political subdivisions thereof, local and regional transit agencies, and the Secretaries of Transportation and of the Army, shall make a study for a coordinated public and private transportation system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties.

ADVISORY COMMISSION

SEC. 5. (a) There is hereby established the Golden Gate National Recreation Area Advisory Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters related to planning, administration and development affecting the recreation area and other units of the national park system in Marin and San Francisco Counties.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist ten years after the enactment of this Act.

APPROPRIATION LIMITATION

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $61,610,000 shall be appropriated for the acquisition of lands and interests in lands. There are authorized to be appropriated not more than $58,000,000 (May 1971 prices) for the development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Amend the title so as to read: To establish the Golden Gate National Recreation

Area in the State of Californiia, and for other purposes.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I bring to the floor of the House today legislation creating one of the most important new recreational areas to be considered during the 92d Congress—the Golden Gate National Recreation Area.

BACKGROUND

The bill now before the House (H.R. 16444) is the outgrowth of lengthy public hearings and detailed deliberations by the Subcommittee on National Parks and Recreation. Hearings were held, both in the field and in Washington on H.R. 9498 and numerous related bills which resulted in the legislation which was reported to the House by the committee. During those hearings everyone who requested an opportunity to testify was heard and every conceivable viewpoint was expressed.

The committee bill is the product of those hearings and of the deliberations that followed. It has been carefully considered and includes provisions which are designed to assure the availability of some of the most outstanding open space in the San Francisco metropolitan area and, at the same time, it has been drafted to protect existing needs and functions of other important agencies of the Government.

DESCRIPTION AND LOCATION

SAN FRANCISCO UNIT

The Golden Gate National Recreation Area, as recommended by the committee, includes about 34,000 acres of land. Some of this area is located on the southern side of the Golden Gate Bridge. This we call the San Francisco unit. As proposed by the committee, this area includes most of the waterfront land between the Aquatic Park and San Francisco Maritime State Historic Park areas and the southern edge of the area known as Fort Funston.

This is an outstanding element in the recreation area. It will be immediately accessible to the millions of people living in the city of San Francisco, many of whom may never have an opportunity to visit any of the more remote areas of the national park system.

Presently, all except for about 12.5 acres are publicly owned and administered by various Federal, State, and local agencies. Under the terms of the bill, the lands owned by the State or its political subdivisions would come under the administrative jurisdiction of the Secretary of the Interior if—and only if—they are donated. The bill, as amended, provides that title to the Federal lands which have been declared excess to the needs of the administering agency shall be transferred to the Secretary of the Interior. It is contemplated that the lands will be promptly converted to outdoor recreation uses for the enjoyment of the public.

The bill, specifically provides that title to all of the lands within the Presidio of San Francisco shall remain within the jurisdiction of the Department of the Army but an irrevocable use and occupancy permit is to be granted for the use of 45 acres of land at Crissy Field and 100 acres of land at Baker Beach.

Under the terms of the bill:

> When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be excess to its needs, such lands shall be transferred to the Secretary of the Interior for the purposes of this act.

We do not anticipate that these lands will be available this year, or next, or perhaps in a decade, but as facilities become obsolete and as military needs diminish we want these prime waterfront and open areas to be available for the use and enjoyment of all of the American people.

MARIN COUNTY UNIT

On the other side of the Golden Gate Bridge, Mr. Speaker, the Marin County unit stretches along the Pacific coastline to connect with the Point Reyes National Seashore. These lands encompass the finest remaining undeveloped lands in the region. From the headlands, magnificent panoramas of the city, San Francisco Bay, the Golden Gate Bridge, and the Pacific Ocean impress the viewer. Along the ocean, the rugged terrain and the crashing surf create a spectacular scene. It is amazing that this land has escaped the rapid development in the area, but so far the residential communities are relatively compact.

Most of the 27,000 acres of land in this unit are privately owned and will have to be acquired, but some of the lands are in public ownership. State and county lands will be acquired only if donated and title to some of the Federal lands will be transferred to the Secretary upon enactment of the legislation. As proposed by the administration, and as recommended by committee three principal Federal areas are involved:

First, Fort Barry; second, Fort Cronkhite; and third, Fort Baker.

Under the proposal transmitted to the Congress by the Secretary of the Interior, with the approval of the Department of Defense, all of Forts Barry and Cronkhite and about half of Fort Baker will be transferred immediately to the Secretary of the Interior, but those areas needed for military purposes will continue to be used and occupied by the Army as long as necessary. Within the remaining half of Fort Baker, the Secretary of the Interior is to be permitted to provide access to Horseshoe Bay and to develop necessary public service facilities. When this property is excess to the needs of the Department of Defense it is to be transferred to the Secretary for use as a part of this recreation area.

ISLAND UNIT

Mr. Speaker, the third component of the Golden Gate National Recreation Area is the unit composed of Angel and Alcatraz Islands. These two areas are already publicly owned and, as far as I know, are noncontroversial elements in this proposal. The desirability of including them is adequately explained in the committee report and need not consume the time of the House.

COST

This proposed new national recreation area will require a substantial investment. According to estimates supplied to the committee, the value of the privately owned lands involved in H.R. 16444 will require an appropriation of $60,610,000 for land acquisition. All of this money, of course, is to be appropriated from the Land and Water Conservation Fund if needed. Development costs will depend in large measure upon the actual transfer and acquisition of the lands involved. If the city, State, and Federal lands are ultimately made available, then it is anticipated that the appropriations required for proper development of public facilities will total $58,000,000.

RECOMMENDATION

Mr. Speaker, almost 5 million people live in the San Francisco region today and the population is continuing to expand rapidly. Millions of visitors from all over America and the world visit this city and many make it the target for their family vacation. This national urban recreation area will open up new outdoor opportunities for all of these people and will help to serve the tremendous need for outdoor recreation facilities in the immediate San Francisco area.

Mr. Speaker, there has been a considerable amount of discussion involving jurisdictional problems with this legislation. While I recognize that this is a sensitive area and that some of my friends have been concerned about the bill, I can assure my colleagues that there was no intentional disregard for the House Rules or no intent to invade the jurisdiction of another committee. Now, the Committee on Interior and Insular Affairs has reviewed the legislation and it has substantially revised the text of the bill. It is my understanding, that the language now incorporated into the bill has the approval of the gentleman from Louisiana (Mr. HÉBERT) and that he no longer objects to the approval of H.R. 16444, as amended.

The project is sound, it is needed, and it is desirable. I support the bill and I recommend its adoption by the House.

Now I am glad to yield to my friend, the great chairman of the Committee on Armed Services.

Mr. HÉBERT. I thank the gentleman for yielding.

Mr. Speaker, I would like to make this very clear as to exactly what the situation is.

Through the very fine cooperation and understanding of the gentleman from Colorado, we were able to have an amendment adopted by his committee this morning which is attached to the bill and which satisfies all of the requirements as to jurisdiction as they relate to the Committee on Armed Services.

Also the ranking member of the committee, Mr. SAYLOR, was very helpful in cooperating with us in solving this very difficult problem.

The Committee on Armed Services did not at any time want to be in position of blocking this fine program, but we had to protect our integrity.

Through the help of the gentleman from Colorado and the gentleman from Pennsylvania, I now, on behalf of the Committee on Armed Services, make this statement, that we are very happy to support the bill as amended.

Mr. ASPINALL. I wish to thank my colleague from Louisiana, because it was with his help that we have prevented what I consider a very difficult situation from occurring here on the floor.

I will be glad to yield now to my distinguished friend and colleague from Oklahoma (Mr. Edmondson).

Mr. EDMONDSON. Mr. Speaker, I thank the able chairman for yielding to me.

I want to take this opportunity to say not only that I enthusiastically support this bill, but I think that the gentleman who is in the well of this House, the able chairman of the Committee on Interior and Insular Affairs, has made one of the greatest records ever made in the Congress of the United States in expanding the outdoor recreational opportunities of the people of this country and in helping to add to our great and wonderful park domain.

I do not know of anybody who has ever served in this House with greater distinction than the gentleman from Colorado (Mr. Aspinall).

Mr. Speaker, may I add one further word, and that is that one of the real pleasures and privileges of service in this House of Representatives as far as I am concerned has been serving on the Committee on Interior and Insular Affairs under the able and dedicated leadership of the gentleman from Colorado now in the well.

Mr. ASPINALL. Mr. Speaker, I thank my colleague, the gentleman from Oklahoma, and my other colleagues. May I say that as for myself I shall leave this work with a grateful heart and, while I will not be with you in body, I shall be living with you in your hours ahead in the coming 93d Congress, and wishing each and everyone of you well.

I thank you.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1644, to establish the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif.

Just a few days ago this House overwhelmingly approved the establishment of the Gateway National Recreation Area. The passage and enactment of this legislation will complement the previous action of this body on the gateway proposal and make possible the establishment of national recreation areas at two of this Nation's major gateways to the world—New York City and San Francisco.

At this point, I wish to commend my colleague, the gentleman from California (Mr. Mailliard) for his efforts in bringing this legislation to the floor of the House for consideration. I know personally of his efforts over the past few years to obtain favorable endorsements for the establishment of a Golden Gate National Recreation Area. I know that it was the efforts of Bill Mailliard that succeeded in getting President Nixon to personally endorse this concept and legislation. In recognition of his efforts, this area should become the William S. Mailliard Golden Gate National Recreation Area.

Establishment of the Golden Gate National Recreation Area affords an opportunity to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, in California, and to serve some 4.5 million residents in this metropolitan community with recreational open space which is so necessary to our urban environment and planning.

The Golden Gate National Recreation Area established by this legislation will encompass within its boundaries approximately 34,000 acres of Federal, State, county, and private lands. The boundaries will extend from the southern boundary of Point Reyes National Seashore southward approximately 22 miles along the Pacific Ocean to the north end of the Golden Gate Bridge. Across the bridge, it will extend from the existing San Francisco Maritime State Historical Park on the east to Fort Point on the west, and from there west and southward along the Pacific Ocean approximately 9 miles to include Fort Funston at the southern end. In the San Francisco Bay itself, Angel and Alcatraz Islands will comprise the islands unit, and the lands in Marin County the Marin County unit, and the third unit being the San Francisco County unit.

H.R. 16444 sets forth the authority for the acquisition, transfer and administration of all lands within the boundaries of the National Recreation Area. The bill also authorizes the appropriation of $61,610,000 for land acquisition, relocation assistance, contingencies and severance costs, and $58,000,000 for development.

The passage of this legislation is another step toward the creation of a "Legacy of Parks" which President Nixon called for in his February 8, 1971 Environmental Message.

Mr. Speaker, I support this legislation and urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Mailliard).

Mr. MAILLIARD. Mr. Speaker, I do not intend to take the full 5 minutes, but I am delighted that this bill, which probably is the most important piece of legislation in the district that I represent and probably the most important piece of legislation that I have had a hand in in my nearly 20 years, should be the occasion for the House of Representatives showing its affection and admiration for the distinguished gentleman from Colorado (Mr. Aspinall).

I want to add to what has been said that we have had a difficult time with this bill for more or less technical reasons, not for the overall proposal which is before you. And with the great cooperation of the gentleman from Colorado (Mr. Aspinall), and the gentleman from Pennsylvania (Mr. Saylor) and the distinguished chairman of the Committee on Armed Services (Mr. Hébert) and the ranking minority members and the other members of both committees, we have been able to bring you to the point tonight where you have a bill on which there is almost total agreement.

Mr. Speaker, I just cannot express my gratitude too much to our colleagues that the people of our area and, indeed, the people of the whole country have about 34,000 acres of open space in a densely populated metropolitan area, the San Francisco Bay area. This is just a grand achievement, not just for us but more particularly for the generations to come, as the population pressures make that kind of an opportunity more and more difficult as the years go by.

So I hope we will have as nearly a unanimous vote as possible to do this for our own good, and for the good of our children.

Again I want to express my personal appreciation to literally dozens and dozens of the Members of this House who have helped us get to this point. With any kind of a break at all, with the bill that is now before us, I believe that the Senate can accept the bill in its present form, and that we can have this on the books before this Congress is finished.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I am pleased to yield to my distinguished colleague from San Francisco.

Mr. BURTON. I am sure that my distinguished colleague from San Francisco would grant me that, in the tenor of the earlier remarks of the gentleman from Oklahoma (Mr. Edmondson), not only all of the 5 million people living in the San Francisco Bay area presently, but for generations and generations to come, we will all be eternally grateful to Chairman Wayne Aspinall not only for his patience and understanding, but for providing the requisite leadership that has brought us to this point. I am sure my distinguished colleague joins with me in expressing the sentiment.

Mr. MAILLIARD. I entirely agree, but at this late hour of the night I think I know better than to oversell a good product.

Mr. TAYLOR. Mr. Speaker, the bill now before the House is one of the most important park proposals scheduled for consideration by the 92d Congress. This measure—H.R. 16444—provides for the establishment of the Golden Gate National Recreation Area in the vicinity of San Francisco, Calif.

LEGISLATIVE BACKGROUND

This legislation does not come to the House floor without careful committee review. Last year, about a dozen members of the Subcommittee on National Parks and Recreation traveled to San Francisco to see the area involved first hand. We saw it from the air and on the ground. At that time, we held field hearings on the subject and listened to the views of more than a hundred witnesses.

After the administration developed its proposal for this area, we held Washington hearings on May 11 and 12, 1972. We had to weigh all of the testimony and consider all of the information and background we had gathered as we marked up the bill. The subcommittee met at length on three different days working on the details of the bill. Finally, when we concluded our deliberations, elements of various measures before us had been included in the revised language.

The full Committee on Interior and Insular Affairs has reviewed the matter fully and the bill, as presently recommended, is in a form which I believe should now be acceptable to all interested Members.

DESCRIPTION OF THE AREA

As recommended, this new national recreation area comprises three basic components—the San Francisco County unit, the Marin County unit, and an Islands unit. Altogether, it includes approximately 34,000 acres of prime recreation land. Because a significant portion of it is located in or adjacent to San Francisco, it will be readily accessible not only to the millions of people crowded into that city, but it will also be available to the millions of Americans and foreign visitors who journey to that region each year.

In the San Francisco unit, practically all of the lands involved are already in public ownership and will come into the recreation area by donation or by transfer from other Federal agencies.

The Marin County unit, which lies at the other end of the Golden Gate Bridge, is the largest component of the recreation area. As recommended, it extends for about 30 miles along the Pacific coastline. Presently, this area is largely undeveloped land containing outstanding recreational potential. The Marin headlands offer superb views of San Francisco, the bay, and the Golden Gate which will appeal to millions of tourists and, at the same time, will offer opportunities for hiking, bicycling, and other more active outdoor recreation pursuits. In terms of natural and scientific values, this unit is invaluable to laymen, students, and scientists and will assure the availability of a significant open-space area in perpetuity in one of the Nation's most rapidly expanding population centers.

The third unit of this recreation area consists of Angel Island and Alcatraz Island. Of these two islands, the former is already serving some recreational needs, however, State development of the area has been limited so that the existing park is not providing the maximum public benefit. It is anticipated that if this park is donated that Federal management will enable the island to be visited and enjoyed by a larger segment of the public. The other island is one we all recognize. Alcatraz, in its present condition, cannot be actively used for recreation, but the legislation contemplates the development of a plan for its use in a manner compatible with the recreation area. We hope that a plan will emerge, after study, which will recognize that this small island area might serve in some way similar to the existing Statue of Liberty island in New York Harbor. Naturally, any project of such magnitude would have to be considered by the Congress before being undertaken.

In general, Mr. Speaker, the Golden Gate National Recreation Area offers the Federal Government a tremendous opportunity to provide the people of the Nation with an outstanding recreation facility. Besides being a natural area of great value, it is located on the doorstep of one of the Nation's major urban areas. Few opportunities exist in the country which compare with the opportunity which we have at this location.

MILITARY LANDS QUESTION

Mr. Speaker, most of the Federal lands involved in H.R. 16444 are now, or have been, used for military purposes. Some of those lands have been declared excess to the needs of the Department of Defense, and some will continue to be used for military needs for the foreseeable future.

As now before the House, H.R. 16444 has been amended by the committee to satisfy the problem involved in the transfer of some of the Federal lands. Essentially, the bill provides that the lands which are excess to the needs of the Department of Defense will be included immediately in the recreation area. Areas like the old Fort Mason and Fort Funston which have been declared excess will be transferred to the Secretary of the Interior for use in conjunction with the recreation area. But areas which are still in active use—like the Presidio, the eastern half of Fort Baker, and Coast Guard facilities, which are explicitly enumerated in the bill—will remain under their present administrative jurisdiction until they become excess to the needs of the agency involved, then they would be transferred to the Secretary of the Interior for use in connection with the recreation area.

COST

While much of the land involved in H.R. 16444 is publicly owned, Mr. Speaker, a significant portion of the total acreage is in private ownership and will have to be acquired. For this purpose, based on estimates provided by the Department of the Interior, the bill authorizes the appropriation of $61,610,000 from the Land and Water Conservation Fund for land acquisition.

Development of the area will also require a substantial investment over a period of years. Present estimates indicate that a total of $58,000,000 will be needed to provide the facilities necessary to accommodate the public and, at the same time, to assure the protection and preservation of the outdoor resource.

This seems like a high price to pay, Mr. Speaker, but when the total investment is compared with the potential use of the area in question, the cost per visitor unit is reasonably in line with costs at more remote units of the national park system.

CONCLUSION

In conclusion, Mr. Speaker, I want to say that I support H.R. 16444, as recommended.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, I rise in support of this legislation and in doing so I would like to reiterate some pertinent comments I made just a few days ago when similar legislation passed this House.

The point I want to emphasize is that this business of creating national parks is not new; it was started exactly 100 years ago by the Congress of the United States.

While the record of Congress in creating national parks has been a good one, it has not been good enough to keep up with recreational demands of a burgeoning and mobile population.

We need more parks and recreation areas across this country so they can be enjoyed by people on a daily—or at least weekly—basis. The time has come in this national parks centennial year for a reappraisal of our park and recreation areas both State and Federal—and all across this land.

H.R. 16444 as amended and reported by the Committee on Interior and Insular Affairs is, in my judgment, such a recreation area.

The Golden Gate National Urban Recreation Area will serve the 4.5 million people of the San Francisco greater metropolitan area with outstanding opportunities for water-oriented recreation such as swimming, boating and fishing, and it will also provide the close-by opportunities for hiking, camping, nature study. In addition, the National Recreation Area will possess outstanding historic, military, and scenic values to be enjoyed by present and future generations of people.

The Golden Gate National Recreation Area will comprise approximately 34,000 acres of Federal, State, county, and private lands. The National Recreation Area will be administered in three units; the Marin County unit to the north, the Islands unit in San Francisco Bay, and the San Francisco County unit.

The land acquisition costs are estimated at $60,610,000 and the development costs are estimated to be $58,000,000.

I urge my colleagues to support this bill.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as a cosponsor of this legislation to create the Golden Gate National Recreation Area, also to be known as "Gateway West," I want to commend my good friend, close neighbor and distinguished colleague from California (Mr. MAILLIARD) for his outstanding leadership and diligent work on behalf of this significant legislative accomplishment.

Those of us from the San Francisco Bay area, including Mr. BURTON and Mr. GUBSER who played key roles of major consequence in gaining passage of "Gateway West," once could boast proudly of having one of the most beautiful national recreation areas near any large city in America. Of course, we were referring to the magnificent Point Reyes National Seashore. Today, however, we proudly claim possession of the most magnificent national recreation area within the San Francisco metropolitan area itself—the most beautiful big city in America.

It is indeed difficult to express adequately in words just what the "Gateway West" project means to the people of the San Francisco Bay area, to California, to the west coast, and to the Nation's traveling public at large. The bay area has long sought a significant area where those seeking open-space recreation could visit without traveling vast distances. The Golden Gate National Recreation Area is that area. With this recreation area in place, it will serve as a major anchor point in a vast chain of national parks, recreation areas, wilderness areas, seashores and trails from the States of Washington and Idaho and Montana, south to the Mexican border. In addition, it has national significance as the counterpart to the legislation just enacted establishing "Gateway East" in New York.

From a conservation standpoint, I sincerely believe that this national recreation area legislative package which the 92d Congress has created, may well go down in history as a milestone toward the goal of bringing parks to the people and I am extremely proud to have played a part toward meeting that objective. I am also proud of the extraordinary bay area cooperative effort that has gone into making this legislation a reality.

In concluding my remarks, I would be remiss if I did not recognize the role played by our distinguished chairman (Mr. Aspinall), Mr. Roy Taylor, and the gentleman from Pennsylvania (Mr. Saylor). Passage of this "Gateway West" legislation was a cooperative team effort all the way and to them I am deeply grateful.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Speaker, I shall not take much time, but I want to echo the remarks, the eloquent remarks, of the gentleman from Oklahoma, regarding the gentleman from Colorado (Mr. Aspinall) and also the gentleman from Pennsylvania (Mr. Saylor).

If I may be permitted, I would like to step one echelon below in giving credit for this great piece of legislation which is in the best interest of mankind and every resident of California and of the Nation as a matter of fact. I think the spirit of cooperation displayed by my colleague from my own party, the gentleman from California (Mr. Mailliard) and the gentleman from California (Mr. Burton) on the other side of the aisle, both of whom represent the city of San Francisco has helped to make this great bill possible. I also commend the Honorable Don H. Clausen and all others who worked to save this bill.

I think this is an example of what the House of Representatives can do in the best interests of conservation and in preserving for mankind some of the beauties which God created.

I would like to say that the chairman of our Committee on Armed Services, Hon. Edward Hébert, has clearly shown his interest in what is best for mankind by the cooperative attitude that he has displayed. The result is this magnificent piece of legislation that is before you tonight. It is the compromise which all persons concerned including sponsors of the original bill reported by the Interior Committee and favored by conservation groups expected and intended. This bill is not a substitute for a better bill; it is what was intended and expected. The only difference is that this bill runs no risk of defeat. It will become law at the soonest possible time.

This is a great product of the House of Representatives and we have a right to be proud of it. It should pass overwhelmingly.

Mr. TAYLOR. Mr. Speaker, I think it is appropriate at this time to yield to the author of the bill, the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, I am for the bill and I am delighted at its prospects.

Mr. Speaker, as author of the legislation now before the House, I am delighted to have this opportunity to enthusiastically support the enactment of H.R. 16444, as reported unanimously by the Committee on Interior and Insular Affairs. This recreational area has been publicly supported by the administration and by the President himself.

Anyone who is familiar with the San Francisco Bay area knows that the population is expanding rapidly and that the pressure on undeveloped open lands is almost impossible to restrain. In just the last decade, our population has doubled and, by the year 2000, projections indicate a redoubling of the present population.

The preservation of a substantial amount of open space can be justified on the basis of that fact alone, Mr. Speaker, but in the case of H.R. 16444 the area involved would easily qualify for consideration if it were remotely located. There is no question about the national significance of the area involved—the natural values are outstanding, the scientific character of the area is unique, the historical background is unequaled, and the scenic beauty is superb.

Such a combination of resources is seldom found anywhere in the Nation, but here we have these tremendous values in the immediate vicinity of one of America's greatest cities.

How could any reasonable person oppose the enactment of H.R. 16444? Does anyone care to deny the 5 million people living in the San Francisco region this outstanding outdoor area when it can be accomplished without disrupting or impairing any public or private uses of the lands involved?

The thrust of H.R. 16444 is to include in the recreation activities, but to protect the existing governmental uses which are necessary as long as they are reasonably required.

The bill attempts to retain the maximum natural character of the area. It encourages the Secretary of the Interior to be innovative insofar as developing compatible public use facilities are concerned and it seeks to maintain the status quo where existing uses are concerned.

Mr. Speaker, the basic provisions of H.R. 16444 were included in my original bill—H.R. 9498. All of the lands involved—and more—were included in that comprehensive proposal, so no one can honestly say that they had no opportunity to testify on this legislation. The Subcommittee on National Parks and Recreation—under the leadership of our colleague from North Carolina (Mr Taylor) and the ranking minority member (Mr. Skubitz)—conducted extensive hearings in San Francisco. They saw the area first-hand and formulated the bill which is now before the House. I am indebted to both of these gentlemen and to the chairman of the full committee (Mr. Aspinall) and the other committee members who worked out the details of H.R. 16444.

In this legislation we have a marvelous opportunity to establish one of the most meaningful outdoor recreation areas in the country. In San Francisco, alone, the committee bill provides for a recreation belt along the waterfront that extends for approximately 12 miles. Most of this shoreline is sandy beach which can be open for a variety of recreation uses. Numerous small public parks are included within the boundaries, but will be administered as a part of the area only if they are donated. I expect these areas to be made available for use in conjunction with the recreation area, and I can assure my colleagues that I will endeavor to secure the early transfer of the lands in question. I am particularly pleased that Fort Funston and Fort Mason are included for immediate transfer to the Secretary of Interior.

Outside of San Francisco, in Marin County, some prime recreation lands remain available in a relatively undeveloped state. Through it passes the famous San Andreas Fault—a geologic feature of great interest to scientists and students alike. The scenic and natural values in this area are difficult to describe because the variety is so great and the opportunities so unlimited.

Finally, Mr. Speaker, the historical resources of the entire region are worthy of recognition. Already, the Congress has recognized the significance of Fort Point within the Presidio, but there are many other historic military facilities of equal significance. Coastal defenses from the first Spanish Fort built in 1776 to the most recent gun emplacements are still found in this area and will add an interesting dimension to the overall public use of the area. In the opinion of many, this will be the most outstanding park bill ever enacted by Congress for an urban area.

This bill is cosponsored by many members of the committee and by the Representatives from the area directly involved. It has been my pleasure to work closely with my colleagues from California—Representatives Mailliard and Clausen—who have been most helpful as supporters of this measure.

In addition to the many Members of the House who have contributed to the formulation of this bill, the broad citizen participation was exceptional in extent and invaluable in providing real assistance. I specifically want to commend the officers and members of the People for a Golden Gate National Recreation Area Committee. This committee consisted of public officials and private citizens in San Francisco and Marin Counties. I am particularly grateful to the cochairmen, Dr. Edgar Wayburn and Mrs. Amy Meyer, who rendered invaluable assistance, as well as the following officers and mem-

bers: Kenneth Hunter, San Francisco chairman; Robert F. Raab, Marin County chairman; Lyllian Wendroff, secretary; Lloyd E. Scott, treasurer; Lester Cohen, Rebecca Evans, Roger Hurlbert, John H. Jacobs, Duff LaBoyteau, Mary Emma LaBoyteau, Robert Lurie, Walter W. Mollison, Donald Rubenstein, Marlene T. Sarnat, James L. Weinberger, Robert C. Young, and Diane Hunter.

Finally, I want to recognize and pay very special tribute to the excellent and exceptional work of our former staff director, William G. Thomas.

Mr. Speaker, as the author and prime sponsor of this bill, I recommend the approval of H.R. 16444 and urge the Members of the House to suspend the rules and pass the bill.

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. Kastenmeier).

Mr. KASTENMEIER. Mr. Speaker, as a cosponsor of H.R. 16444, establishing the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif., I am pleased to rise in support of this measure.

It is of the highest importance that we plan and provide for a sufficient amount of open space as an integral part of urban development. People living in our cities are especially affected by the development of our open space and the closing of our open land. Many have already lost their sense of relationship to nature, their natural environment consists largely of steel and cement. Only in recent years have we come to realize that each human being must be aware of his natural environment, and, today, we have the chance to create a national recreation area within the heavily populated San Francisco Bay Area. The Golden Gate National Urban Recreation Area will not only preserve and enhance the ecology of the bay area, it also will provide a program of open space preservation which will be woven into the whole fabric of urban development.

Mr. Speaker, the approval of this legislation reflects great credit on the many individuals who have worked so long and so hard for this measure. Particular recognition, however, must be paid to our distinguished colleague and member of the Interior Committee, Phil Burton, who steadfastly and tenaciously shepherded the legislation through Congress. Throughout his service in the House, Phil Burton has been dedicated to the preservation of this uniquely scenic natural resource and has also generously supported the establishment of national recreation areas in other parts of our Nation. It is an ultimate tribute to his legislative skill that we, today, consider H.R. 16444, creating a 34,000-acre national recreation park within his own area. As the prime sponsor of H.R. 16444, Phil Burton saw the Golden Gate National Urban Recreation Area as a new and rare opportunity to preserve an accessibly unspoiled region, and, as a result of his tireless efforts, not only the urban dwellers of the San Francisco Bay Area, but citizens throughout our Nation, will be able to visit the Golden Gate National Urban Recreation Area and find recreation, natural beauty, and rest.

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Speaker, I do want to thank the chairman and the ranking minority member of our full committee for doing a very fine job in working out the details of this bill.

I also want to thank the chairman of our subcommittee, the gentleman from North Carolina (Mr. Taylor), and the gentleman from Kansas (Mr. Skubitz), the ranking minority Member of our subcommittee, for their fine work in conducting the field hearings and the hearings held here in Washington, and working out the last details so that this bill could be accepted by the other body and become law.

Mr. Speaker, as a coauthor of the legislation brought before you today, I rise in support of favorable consideration of H.R. 16444.

San Francisco is one of the world's most beautiful cities, which holds much of its charm in the natural settings which surround it. As you all know, bordered on three sides by water, the Pacific Ocean to the west, the Golden Gate to the north, and the San Francisco Bay to the east. To the south are the rolling hills of the San Francisco Peninsula.

The city itself is famous for its hills and its open spaces. Open spaces which will slowly disappear unless the Congress in its wisdom prevents this erosion of a beautiful setting. This is basically the purpose of H.R. 16444, which is designed to reserve and protect for public use and enjoyment the nationally significant land and water areas which border this internationally known city.

The area involved totals approximately 34,000 acres. Much of it fronting on the ocean and featuring low sandy beaches and ocean dunes. This area with the mild climate is attractive for year-round recreation. Here we have an opportunity to provide not only the people of San Francisco Bay metropolitan area, a place in the sun in which to play, but an attractive recreation opportunity close to a major metropolitan center which will be beneficial to the people of all of California and the West.

We hear much these days about preservation of the environment and while in most instances this discussion involves rural, wide open spaces, such as the forests, parks, and recreation areas of the mountains and the vast seashores. Urban residents deserve a place to enjoy nature and the world around them. The need is no greater anywhere than it is in San Francisco where we have a population density of some 16,500 people per square mile and where thousands of families have incomes below $4,000.

A recent study of this metropolitan area indicated that 30,000 families do not have automobiles or any type of private transportation. These people as much as any deserve a place in the sun in which to recharge their batteries and enjoy the world.

We hope that through consideration of this legislation, we will provide it for them and at the same time provide the 20 million California residents and the 16.5 million out of State visitors who come to San Francisco each year, a nearby place in which to see and enjoy the Pacific Ocean, its beaches, and the rocky cliffs which adjoin it.

Thank you.

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Speaker, I support this bill wholeheartedly.

Mr. BEGICH. Mr. Speaker, I wish to commend my colleague from California (Mr. Burton) for the outstanding leadership he has exhibited on H.R. 16444 which provides for the establishment of the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif. Mr. Burton exerted tremendous energies and guidance in bringing this legislation to the floor of the House. His efforts will long be remembered. I wish also to give special recognition to the chairman of the Interior and Insular Affairs Committee, Mr. Aspinall, through whose efforts this bill finally reached the floor with all the technical clarifications so necessary for final passage. Mr. Aspinall is a masterful chairman. He has served continuously as chairman of this important committee since 1956, truly a record. During his tenure as chairman he has never lost a bill that he brought to the floor of the House. Tonight we had one final example of the feeling we all hold for Mr. Aspinall when we passed H.R. 16444 establishing the Golden Gate National Recreation Area.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. Taylor) that the House suspend the rules and pass the bill H.R. 16444, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 247) extending the duration of copyright protection in certain cases.

The Clerk read as follows:

S.J. Res. 247

Joint Resolution Extending the Duration of Copyright Protection in Certain Cases

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof

> as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, by Public Law 91–555, or by Public Law 92–170 (or by all or certain of said laws), would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974.

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

Mr. KASTENMEIER. Mr. Speaker, may I inquire if the gentleman is opposed to the joint resolution?

Mr. SMITH of New York. I am opposed to the joint resolution.

The SPEAKER. The gentleman qualifies. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I rise in support of the joint resolution and yield myself such time as I may consume.

This legislation, like its predecessors, can only be understood in the context of the projected general revision of the copyright law. In the 90th Congress the Judiciary Committee processed and the House passed a general copyright law revision bill. Among many other provisions, this measure contained significant changes in the duration of copyright from the present term of 28 years plus a 28-year renewal. Under the revision proposal, future copyrights are to receive a term measured by the life of the author, plus 50 years. Copyrights in their renewal term, but not yet expired on the effective date of the revision, are to receive a 19-year extension—from the present 56 years to 75 years.

Ever since we began work on the revision, in 1962, the Judiciary Committee and the Congress have seen to it that subsisting copyright holders shall not lose the benefit of this extension of term merely because delays of the other body have prevented the revision bill from taking effect. As a result, copyright holders have a real and reasonable expectancy that their copyright interests will survive long enough to benefit from the revision, an expectancy that should not now be thwarted.

I realize that some of my colleagues have become restive, and believe that the interim extension should not be renewed. We are now, however, confronted with a new situation. In introducing this measure in the other body, its author, Senator McClellan, pointed out that although the copyright revision bill has been delayed in the Senate principally because of the cable television deadlock, that difficulty now seems about to be resolved as a result of FCC adoption of new CATV rules.

However, insufficient time remains for action on the copyright law revision bill in the present Congress so that another interim extension becomes necessary.

I have been accused of inconsistency in supporting this type of measure, because I have told the House that I would not support any further interim extensions.

Let me say a word about this. Apart from reflecting an unhealthy reliance on consistency for its own sake, this position ignores the significant changes that have taken place, the progress that appears to be underway in the Senate and among the parties with respect to the CATV issue.

And I submit that my position is not significantly more inconsistent than is the posture of those who have in the past supported interim extensions, but who now express elaborate concern about what they call a windfall to holders of copyrights in their renewal term. Also, as Winston Churchill said:

> I'd rather be right than consistent.

We do not live by bread alone. Music, opera, drama, painting, movies, literature are part and parcel of our lives. Those who create these forms enrich our existence. These arts must be nurtured and encouraged. Our daily chores would be exceedingly drab without the beauty and spirituality given us by these art media. Remember the line: Let me make the songs of our Nation and I care not who makes the laws.

Our copyright laws are devised to encourage these arts—to enhance new creations. We should go out of our way to help, not hinder authors, composers, poets, dramatists, producers, and publishers.

Both Houses have consistently supported the copyright term proposed in the revision bills, as the repeated enactment of the interim extension measures demonstrates. These interim extensions granted to date do not add up to more than 10 years, of the total 19-year extension of the term that is contemplated by the revision bills.

It must always be remembered that both the House copyright revision bill of 1967 (H.R. 2512, 90th Congress) and the pending Senate copyright revision bill (S. 644) contemplate this 19-year extension of all renewal terms subsisting on the effective date of the revision, from 28 to 47 years. The succession of interim extension measures, of which Senate Joint Resolution 247—now before us—is the latest, indicate the congressional purpose that presently subsisting copyrights should, as far as possible, remain eligible for the longer term that will be enjoyed by holders of copyrights that have not expired by the effective date of the revision. In short, the intent and purpose of the Congress has been to avoid lapses of copyright protection on the eve of this revision, rather than to select a particular term of years apart from the revision.

It should be noted that the Librarian of Congress has recommended enactment of the resolution, as does the Register of Copyrights, and as does the Department of State. The latter has stated that—

> The U.S. credibility as a leader in assuring international copyright protection would be clearly enhanced if S.J. Res. 247 is passed.

It would be particularly unfair if 125,000 copyrighted works should now be permitted to fall in the public domain for lack of an interim extension. Yet that is what would happen. As the Authors League of America has advised me:

> Unless the House of Representatives enacts S.J. Res. 247 to extend renewal copyrights which would otherwise expire on December 31, 1972, many authors or their widows and children will lose copyright protection in valuable works. As a result they will lose income they are now receiving under these copyrights. We should emphasize that these authors and their families receive at least 50 percent or more, and often all of the income from these books and plays. The extension of renewal copyrights in these works would not provide windfalls for publishers or other corporations. We are concerned with the extension because it benefits authors and their families.
>
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The Authors' League goes on to say:

> Among the living authors who would lose copyright protection are Rebecca West, Louis Untermeyer and Frank Swinnerton.
>
> Some of the widows of prominent authors who would also be affected are:
>
> Mrs. Edgar Lee Masters, who would lose protection in her husband's classic, Spoon River Anthology.
>
> Mrs. Sherwood Anderson, who would lose protection in some of her husband's earlier works.
>
> Mrs. Elmer Rice, who would lose protection in Mr. Rice's first great play, On Trial.
>
> Mrs. Ferenc Molnar would lose protection in his play, The Guardsman.
>
> The surviving children of a number of authors would also be deprived of protection and income. For example, the children of Ring Lardner, Vachel Lindsay, William Butler Yeats, Sinclair Lewis, Mrs. Belloc Lowndes, George M. Cohan, Joseph Conrad, Mary Roberts Rinehart, Kathleen Norris, Richard Harding Davis and Eugene O'Neill.
>
> Other authors whose family or heirs would be deprived of protection are Booth Tarkington (Seventeen), James Joyce (Ulysses and Portrait of the Artist as a Young Man), Somerset Maughan (Of Human Bondage) and Maurice Maeterlinck (The Blue Bird).
>
> To avoid such unfairness we should promptly enact S.J. Res. 247.

Incidentally, I would say to the gentlemen in the House and the ladies of the House that this will probably be the last bill that I shall have the privilege of espousing. I should like to retire with the accolade and distinction of having had this bill approved, because I sincerely believe that this bill is of great merit. It seeks to help those who have given us such great solace in all the phases of our lives; these authors, these composers, these writers, these artists. I do hope that this important bill will pass.

Mr. SMITH of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Kastenmeier).

I might say, Mr. Speaker, that the gentleman from Wisconsin was chairman of the subcommittee that did more work on reforming the copyright law than probably any other Member in the Congress of the United States.

Mr. KASTENMEIER. Mr. Speaker, I thank my colleague from New York for those kind remarks.

Mr. Speaker, I rise in opposition to the resolution.

I only regret that it is necessary that the measure come up at all so late this evening when there are other, more meritorious pieces of legislation to consider; that we should again this year, as so many years past, be forced to respond to those interests that seek something in the nature of a windfall.

I regret very deeply that I must differ with my chairman, for whom I have the most profound respect. I am only sorry that he is not returning next year. I am sorry, too, that his last official appearance on the floor on behalf of legislation should be in connection with a measure that I should oppose.

This is not the first time I have opposed this measure. It was predicated, as it is tonight, on my objection as promised to the House several years ago, along with the Congressman from Virginia, the ranking minority member of the Subcommittee on Copyrights, Mr. Poff, who has recently left this Chamber.

Otherwise I am sure if he were here the gentleman from Virginia also would rise in opposition.

The House is entitled to know the background of this. What is it that we are asked to do tonight? We are asked to breathe life into something which has expired, which is dead or should have died. We are asked to extend the life of a copyright obtained 56 years ago under the law as it then existed.

The law as it existed 56 years ago was that if one was an author he got 28 years of copyright protection plus 28 years further of renewed copyright protection. But at the end of that time the copyright fell into the public domain. That was fully understood 56 years ago.

I do not think Members believe there are very many around today who would benefit as authors or creators of works published in 1916. There are virtually none.

So it is the interests or assigns, and it is true in some cases even relatives, who still derive royalties from some of those works.

The last time the Congress acted in this field was 1909, and it provided that the term of copyright would be 56 years, following which it would fall in the public domain. I am asking the Congress not to extend the life of these subsisting copyrights.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield me 2 additional minutes?

Mr. SMITH of New York. Mr. Speaker, I am glad to yield the gentleman 2 additional minutes.

Mr. KASTENMEIER. Mr. Speaker, we got into this situation 10 years ago, in 1962, when we granted a 3-year extension of subsisting copyrights because in the warm glow of anticipation of copyright revision we thought it was an equitable thing to do, in the subcommittee. I believe we have long since concluded we were wrong, because in 1965 we were asked to extend the matter 2 years, which we did; in 1967 for another year, which we did; in 1968 for 1 more year, which we did.

Then some of us on this subcommittee promised our colleagues we would be back no longer asking for these annual extensions. So in 1969 Mr. Poff and I said it would be the last time.

In 1970, our chairman took up the cudgel, and in 1971 he himself indicated he would no longer seek these extensions, in the anticipation of copyright revision.

Yet we are here again tonight doing so, I regret to say. This presupposes that the Congress necessarily will change the law on copyright revision, some day, when that does come about, the Congress will extend the terms from 56 years to life plus 50 or 75 years or some other period of years.

I say tonight we do not have a right to anticipate what the Congress will some day do. It will certainly not act on copyright revision in this Congress.

We should in fact allow them to die, as they were intended to die in the year 1909. At that time we told the author he would have 56 years and not a day more.

Mr. Speaker, I ask that the House in its wisdom, at this late hour, reject this annual request, by what interests I can only imagine, for another extension of the subsisting copyright.

Mr. SMITH of New York. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding. I would like to ask either the chairman of the full committee or the chairman of the subcommittee: Skipping 56 years and coming back to this year, I will ask directly what effect, if any, this has on the current controversy between CATV and over-the-air broadcasting?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. KASTENMEIER. Mr. Speaker, I say, none whatsoever. This bill will not in fact have anything to do with copyright revision, which should be passed at some time in the future, but which cannot be passed this year, and which involves such questions as CATV.

This bill only relates to those copyrights which should have expired after 56 years duration, and were obtained over a generation ago.

Mr. MACDONALD of Massachusetts. Does the gentleman or does anyone on the committee intend to hold hearings concerning that very vital matter, one that affects all of us?

Mr. KASTENMEIER. Will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. KASTENMEIER. The Subcommittee on Copyrights in the Judiciary Commitee had extensive hearings in the year 1965. We marked the bill up in 1966, and it passed this House early in 1967. Since then the bill has been in the Senate, so we are today still awaiting action by the other body.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CELLER. Mr. Speaker, I yield myself 2 minutes to reply to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. Speaker, while it is true that CATV does not have a direct bearing on this bill in particular, it does have an indirect bearing as far as the other body is concerned.

We passed in 1967 what is known as an omnibus copyright bill, whereby we increased—and I say this with all the emphasis in me—we increased the copyright tenure of new copyrights from 28 years, plus a renewal of 28, until the entire life of the owner of the copyright, plus 50 years after his death, which conformed with the international copyright laws in existence all over the world in all civilized countries.

That is one of the reasons why the State Department is very anxious to have us pass this bill.

Mr. Speaker, in the omnibus bill, what we call the revision bill, we in the House made that extension for that long period, the life of the composer or the author, plus 50 years after his death.

When that omnibus bill went over to the other body they got into a jam because of CATV, and they could not unravel that jam. The Senator from Arkansas, Senator MCCLELLAN made clear that he would not let the omnibus bill out until that had been settled.

Now, let me read to you from the report, the report offered in the other body in espousing this bill, by its author, Senator MCCLELLAN. It is very brief:

> For all practical purposes action on copyright revision legislation has been suspended during the past several years awaiting the determination by the Federal Communications Commission of its new cable television policy. The resolution of the copyright aspects of the cable television issue, which is a principal provision of the revision bill, is necessarily contingent on the determination of the regulatory policies relating to CATV. After protracted delays the Federal Communications Commission has adopted new CATV rules which became effective on March 31, 1972. A number of petitions for reconsideration of those rules were filed, and it was only on June 16th of this year that the Commission completed action on those petitions.
>
> It is apparent that the Commission action has come too late to allow the Congress to enact the copyright revision bill during the session. However, the adoption of the FCC cable television rules removes the barrier to progress on copyright revision, and creates a real prospect for enactment of the revision bill in the 93d Congress. Since it is uncertain if final action on that legislation can be accomplished during the 1st session of the 93d Congress, Senate Joint Resolution 247 extends the renewal term of expiring copyrights to December 31, 1974. While it is to be hoped that the revision bill can be enacted substantially in advance of that date, the Copyright Office will require a period of from 4 to 6 months to prepare for the administration of the new statute.

In other words, Senator MCCLELLAN, who is in charge of this legislation in the Senate, has agreed to bring the revision bill, which will extend the copyright for the life of the author plus 50 years thereafter, to fruition, because he now understands that the rules concerning CATV have been adjusted and past difficulties have been resolved. In the meanwhile, it is necessary for us to extend the copyrights that may expire.

Mr. MACDONALD of Massachusetts. Will the gentleman yield to me at that point?

Mr. CELLER. I yield to the gentleman.

Mr. MACDONALD of Massachusetts. But that hardly settles the problem which confronts both over-the-air broadcasters and CATV as to present programing and as to whether or not somebody who has nothing to do with the program and merely relays it can do that under the copyright law. Do they owe under the copyright law a certain percentage to the people who write and originate the program?

Mr. CELLER. This bill merely extends the copyright. It has nothing to do with resolving the difficulties of CATV. That has been a matter the Senate has been wrestling with and has caused a delay in passing this omnibus revision bill. It is because of that delay that we bring this extension before you.

Common justice, I would think, requires us to make an extension of these copyrights.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I find it difficult to be here tonight in the position of opposing the chairman of my subcommittee in a matter about which we have had some difficulty in the past.

It seems to me there is an element of potential unfairness here which may be missed by the membership as to this matter if it is not brought out clearly and squarely.

In the extension of the copyright revision legislation which this House passed back in 1967 and which presumably the other body will pass and which will become the basic new copyright law, hopefully, next year, assuming that the matter the chairman of the full committee just adverted to does take place, we will be extending the copyrights for existing works for a period of 75 years. Therefore, unless we provide for extension in this bill, there may be a great number of existing works which would fall into the public domain while works which were created shortly after they were done would not be in the public domain, but have full 75-year protection. In other words, you might penalize a whole group of writers, authors, and composers in a 2- or 3-year span, which is an inequity. Such an inequity is one that the House should wish to avoid by passing this extension.

It seems to me the reason for many of us being reluctant to bring such legislation to you again lies not in the awareness that that inequity may take place but, rather, because we wish to see this general revision of copyright legislation enacted. Feeling, as we do, that unless all of those who are concerned about this legislation are actively concerned about it and pressing for reform, we feel we might miss a chance for reform.

However, unless we adopt this legislation tonight, we may, when we pass the 50 years plus life or 75 years for existing works, leave out of protection thousands, thousands of writers and composers and the families of those writers and composers. To do so would be an unfortunate inequity to those people; one we should take this reasonable step to avoid.

Therefore, Mr. Speaker, I urge the adoption of the bill.

Mr. SMITH of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield briefly?

Mr. DINGELL. I have only 3 minutes. I am sorry, but I have to refuse to yield. I would be glad to if I had more time.

Mr. Speaker, like the geese flying south again this fall, copyright extension is before us again.

No man in this body has more affection for the distinguished gentleman from New York than do I.

He has been my friend and also a friend of my father long before I came here.

However, the fact of the matter is this bill stinks. It is a bad bill. The fact of the matter is it does not take care of the public's interest. The only interest it does take care of are those who would be benefited by the bill were they still alive. The fact of the matter is this is the last instance in a long succession of extensions of copyrights, copyrights which are vested in the estates of people long dead—copyrights which are vested in heirs who did nothing in the way of really contributing to the public weal, or in the hands of slick promoters and businessmen who have bought copyrights well knowing their value, and well knowing the term for which they would exist.

I do not believe anyone ought to think that we are doing the distinguished gentleman from New York any unkindness when we reject this bill. In 1971, I had a colloquy on the floor with the distinguished gentleman from New York. I said:

> How many more times are we going to have these copyright bills before us?
>
> Mr. CELLER. I have told those in the other body who are responsible for passing this very bill that we are now considering that I would under no circumstances renew this copyright provision, but that they must pass the comprehensive compromise code, otherwise there would be no more extensions. This is the last extension.

That was 2 years ago. We have extended it again since, in honor of the disguished gentleman from New York, and this is the last in a whole series of extensions, that these things had died properly and passed into the public domain, and yet here they are back, going again to the same people who oftentimes did nothing, people who sit back and collect royalties on the basis of somebody else's work.

Now, I think it ought to be very plain that we are not talking about rewarding people who have done something, we are talking about their heirs and assignees. I think it ought to be very plain that what we are doing here is not seeking to reward intiative or invention, or anything of that sort; we are simply rewarding somebody because they made a clever deal and have gotten through the Congress provisions year after year after year for the extension of a copyright. This does nothing except put it to the people at large.

Everybody knew what those copyrights did when they got them, and everybody knew what they did when they inherited them, or bought them, but here is the Congress of the United States extending them again at the expense of the public. Somebody has got to pay the money that is going to fall into the hands of people who are going to be unjustly enriched by this legislation, and it is the public. And I say as the public's representatives we ought to reject this outrageous bill for good and all.

Mr. CELLER. Mr. Speaker, I yield myself 2 minutes, but before I proceed I want to say, in answer to the gentleman from Michigan, we have always adopted copyrights not only for the authors and composers, but also providing for their heirs and children, and widows, and the omnibus bill that we passed in 1968 provides for copyrights for the duration of the author's or composer's life, plus 50 years after he is dead. The 50 years after his death is for his heirs and his widow, and his dear ones who live after him.

Now, Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I appreciate the courtesy of the distinguished chairman in yielding to me.

I would just like to clear up one thing that is still a little cloudy, for legislative intent purposes, and so forth.

It is my understanding that the passage of this bill will have no effect on the copyright problem that confronts CATV and over-the-air broadcasting; is that correct, Mr. Chairman?

Mr. CELLER. I think the gentleman is absolutely sound in his sensing that this does not affect copyrights concerning CATV.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. SMITH of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I rise in support of this legislation.

The present copyright law was enacted back in 1909 and it is very apparent and evident to everyone that we are in need of the revision.

We passed a general revision in the House during the 90th Congress back in 1967. That general revision was the result of many years of work, and the general reivsion is still the bill that Congress is going to act upon.

Now the Senator from Arkansas on the floor of the Senate last June 20 stated in so many words:

"I presently know of no reason why the subcommittee on patents, trademarks and copyrights"—that is of the Senate—"cannot promptly report a revised bill in the next Congress."

So I am confident that in the 93d Congress we will see this general revision with respect to copyrights.

Now it is also quite apparent that the bill, as finally enacted into law, will contain this extension of term; namely, life plus 50 years and, of course, existing copyrights, a total term of 75 years.

One of the reasons that the extended term is a certainty is, otherwise we will not be able to comply with the Bern Convention. Now that is one of the international copyright agreements to which the United States does not now belong, because our laws do not permit us to conform with the term that that convention requires; namely, life plus 50 years.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to my friend the gentleman from Wisconsin.

Mr. KASTENMEIER. I should like to say the gentleman is eminently correct that there might be some adoption of that term. But the fact does remain that the Congress has not yet enacted that, and we presume here that the Congress necessarily will approve life plus 50 years or 75 years.

There are many interests which can be identified which would be opposed to it.

Mr. HUTCHINSON. I think it is a fair assumption that the Congress will adopt that term for the reason that I have stated, and it will be necessary to adopt that term in order to comply with the Berne Convention.

Mr. KASTENMEIER. If the gentleman will yield further, we have been out of compliance with the Berne Convention ever since its inception.

Mr. HUTCHINSON. I know, and we want to comply with it, I think generally. So I submit that the term will be in the final enactment of the Congress.

Now the gentleman from Wisconsin and other opponents argue that this bill somehow or other provides a windfall. The gentleman from Pennsylvania (Mr. BIESTER), I think, has answered that argument very well. It is not really a windfall at all, because all of those copyright holders who happen to hold copyrights when the new law goes into effect will have a 75-year term and it would be eminently unfair and inequitable to deprive those whose copyrights will be expiring this year. If they could enjoy their copyright protection for another year or two, then they could have a 75-year term.

So it is not a windfall. It is simply equity and it is fair.

The gentleman from Michigan (Mr. DINGELL) suggests that most of these copyrights do not belong to the authors any more. He thinks they have been assigned and they belong to publishers and corporations and the like.

I think the statistics show that most of them will belong to the authors and their heirs. But even as to those others, if all of these copyrights should go into the public domain, that does not mean that the consumers would benefit from it because if anything goes into the public domain, it will still have to be published and whoever chooses to publish it is going to charge what he is charging now. They are not going to be any cheaper to the consumer.

In the meantime we are depriving authors not only of books but of music, and so forth, and their heirs and dependents of authors, of the income which in fairness they should have. Of course, if we were not considering any copyright legislation, there would be no reason at all for this bill. The only equity in it is that since we are going to have this revision and everybody agrees that we need a revision, we should at least protect these authors for this interim. It is not a windfall. It is merely pure fairness and equity.

I urge the adoption of this resolution.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the Senate Joint resolution, Senate Joint Resolution 247.

The question was taken.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 92, not voting 130, as follows:

[Roll No. 429]

YEAS—208

Abbitt
Abzug
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspinall
Baker
Belcher
Betts
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Camp
Carey, N.Y.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conover
Conte
Corman
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Duncan
Edmondson
Eilberg
Erlenborn
Esch
Fascell
Flood
Flowers
Flynt
Foley
Forsythe
Frey
Fulton
Fuqua
Gettys
Goldwater
Gonzalez
Goodling
Green, Pa.
Grover
Gubser
Gude
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Karth
Keating
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Long, La.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKevitt
Mathis, Ga.
Mayne
Meeds
Metcalfe
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mizell
Morgan
Mosher
Myers
Natcher
O'Hara
O'Konski
Passman
Patten
Pepper
Perkins
Pettis
Podell
Price, Ill.
Pryor, Ark.
Quie
Quillen
Randall
Rangel
Rees
Rhodes
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Rostenkowski
Rousselot
Roy
Ruth
Sarbanes
Satterfield
Saylor
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sisk
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wolff
Wydler
Wyman

NAYS—92

Abourezk
Adams
Anderson, Calif.
Ashbrook
Ashley
Begich
Bennett
Bergland
Boland
Bolling
Brademas
Burleson, Tex.
Burton
Carlson
Carney
Carter
Casey, Tex.
Collins, Tex.
Conyers
Cotter
Culver
Danielson
Dellenback
Dellums
Dent
Dingell
du Pont
Eckhardt
Edwards, Calif.
Findley
Fisher
Fountain
Fraser
Frenzel
Gaydos
Grasso
Griffin
Griffiths
Hagan
Hall
Hamilton
Hechler, W. Va.
Hicks, Wash.
Hosmer
Ichord
Johnson, Calif.
Jones, Tenn.
Kastenmeier
Kazen
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Mazzoli
Melcher
Mitchell
Mollohan
Moorhead
Moss
Nedzi
Obey
Pike
Poage
Preyer, N.C.
Price, Tex.
Rarick
Reuss
Roberts
Rosenthal
Roush
Roybal
Runnels
Ruppe
St Germain
Scherle
Scheuer
Sebelius
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Steiger, Wis.
Teague, Tex.
Udall
Van Deerlin
Vanik
Wilson, Charles H.
Yates
Young, Tex.
Zablocki
Zwach

NOT VOTING—130

Abernethy
Anderson, Ill.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Baring
Barrett
Bell
Blackburn
Blanton
Broomfield
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Chisholm
Clark
Clay
Collins, Ill.
Coughlin
Crane
Curlin
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Diggs
Dow
Dowdy
Drinan
Dulski
Dwyer
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gray
Green, Oreg.
Gross
Haley
Hanna
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hébert
Henderson
Howard
Hull
Hungate
Jones, Ala.
Jones, N.C.
Kee
Kuykendall
Leggett
Lennon
Link
Lloyd
Long, Md.
McClure
McCulloch
McDonald, Mich.
McEwen
McKinney
McMillan
Madden
Martin
Mathias, Calif.
Matsunaga
Michel
Mikva
Miller, Calif.
Minshall
Monagan
Montgomery
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nichols
Nix
O'Neill
Patman
Pelly
Peyser
Pickle
Pirnie
Powell
Pucinski
Purcell
Railsback
Reid
Robison, N.Y.
Roncalio
Rooney, N.Y.
Rooney, Pa.
Sandman
Schmitz
Schneebeli
Scott
Sikes
Smith, Calif.
Steiger, Ariz.
Stokes
Sullivan
Symington
Terry
Thompson, Ga.
Thompson, N.J.
Tiernan
Vigorito
Williams
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Zion

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Robison of New York.

Mr. O'Neill with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Fish.

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mrs. Sullivan with Mr. Broyhill of Virginia.

Mr. Pickle with Mr. Smith of California.

Mr. Reid with Mr. Hastings.

Mr. Rooney of Pennsylvania with Mr. Terry.

Mr. Purcell with Mr. Blackburn.

Mr. Nix with Mr. Coughlin.

Mr. Murphy of New York with Mr. Peyser.

Mr. Mikva with Mr. Michel.

Mr. Matsunaga with Mr. Martin.

Mr. Vigorito with Mr. Broomfield.

Mr. Hays with Mr. Gross.

Mr. Sikes with Mr. Young of Florida.

Mr. Henderson with Mr. Edwards of Alabama.

Mr. Barrett with Mr. Williams.

Mr. Cabell with Mr. Kuykendall.

Mr. Davis of Georgia with Mr. Byrnes of Wisconsin.

Mr. Daniels of New Jersey with Mr. Sandman.

Mr. Davis of South Carolina with Mr. Floyd.

Mr. Evins of Tennessee with Mr. McClure.

Mr. Garmatz with Mr. Zion.

Mr. Giaimo with Mr. Railsback.

Mr. Gray with Mr. Bell.

Mrs. Green of Oregon with Mr. Minshall.

Mr. Nichols with Mr. McCulloch.

Mr. Murphy of Illinois with Mr. Anderson of Illinois.

Mr. Monagan with Mr. Pirnie.

Mr. Montgomery with Mr. Steiger of Arizona.

Mr. Madden with Mr. Crane.

Mr. Jones of Alabama with Mr. Scott.
Mr. Howard with Mrs. Dwyer.
Mr. Hébert with Mr. Wyatt.
Mr. Yatron with Mr. Eshleman.
Mr. Hanna with Mr. Stokes.
Mr. Badillo with Mr. Gallagher.
Mr. Pucinski with Mr. Clay.
Mr. Miller of California with Mrs. Chisholm.
Mr. Lennon with Mr. Powell.
Mr. Leggett with Mr. Mathias.
Mr. Jones of North Carolina with Mr. Thompson of Georgia.
Mr. Hathaway with Mr. Wylie.
Mr. Harrington with Mr. Hawkins.
Mr. Anderson of Tennessee with Mr. McEwen.
Mr. Blanton with Mr. Nelsen.
Mr. Byrne of Pennsylvinia with Mr. Collins of Illinois.
Mr. Dow with Mr. Diggs.
Mr. Evans of Colorado with Mr. Schneebeli.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Gibbons with Mr. Schmitz.
Mr. Roncalio with Mr. Baring.
Mr. Kee with Mr. Abernethy.
Mrs. Hansen of Washington with Mr. Symington.
Mr. Hull with Mr. Aspin.
Mr. Hungate with Mr. Galifianakis.
Mr. Tiernan with Mr. Patman.
Mr. Wright with Mr. McMillan.
Mr. Drinan with Mr. Curlin.
Mr. Dulski with Mr. Link.
Mr. Haley with Mr. Long of Maryland.
Mr. Byron with Mr. Dowdy.
Mr. Caffery with Mr. McKinney.

Mr. BOLAND changed his vote from "yea" to "nay."

Messrs, STRATTON, McCORMACK, and PASSMAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Chair will recognize Members for requests to consider unanimous-consent bills, concurrence in Senate amendments, and matters of that nature at this time.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. TEAGUE of Texas asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE of Texas. Mr. Speaker, the House Committee on Veterans' Affairs has four unanimous-consent bills to bring up. These bills have passed the House almost unanimously, and they have been over in the other body for a year in some instance, and for 4 months in others.

They have been considered in the subcommittee and in the full committee. They are major bills.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, in the interest of conserving time, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the four bills that we will bring up.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12828) to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advanced educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE AMENDMENTS

The SPEAKER. The Clerk will report the Senate amendment to the text of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Vietnam Era Veterans' Readjustment Assistance Act of 1972".

TITLE I—VOCATIONAL REHABILITATION AND EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

(1) by adding at the end of subsection 1502 a new subsection as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, for participation in the work-study/outreach program provided by section 1687 of this title and for advance subsistence allowance payments as provided by section 1780 of this title."

(2) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time.....	$200	$247	$289	$21
Three-quarter-time.........	150	185	217	16
Half-time.....	100	124	145	11
Farm cooperative, apprentice, or other on-job training:				
Full-time...	166	213	255	21";

(3) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 33, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677 (b) "$175" and inserting in lieu thereof "$250",

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time.....	$250	$297	$339	$21
Three-quarter-time.........	188	223	254	16
Half-time....	125	149	170	11
Cooperative....	201	236	268	15";

(3) by deleting in section 1682(b) "$175" and inserting in lieu thereof "$250"; and

(4) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$250".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $250 per month if pursued on a full-time basis, (3) $188 per month if pursued on a three-quarter-time basis, and (C) $125 per month if pursued on a half-time basis.";

(2) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$250";

(3) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$201"; and

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $250 per month. If the charges for tuition and fees applicable to any such course are more than $79 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $79 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $8.50 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES; WORK-STUDY/OUTREACH PROGRAM

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

"§ 1780. Payment of educational assistance or subsistence allowances

"Period for Which Payment May Be Made

"(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

"(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly esestablished policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

"(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republics of the Philippines, Philippine law) during which the institution is not regularly in session.

"Correspondence Training Certifications

"(b) No educational assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran or eligible person a certificate as to the number of lessons actually completed by the veteran or person and serviced by the educational institution; and

"(2) form the training establishment a certification or an endorsement on the veteran's or person's certificate, as to the number of lessons completed by the veteran or person and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

"(1) from such veteran or person a certification as to his actual attendance during such period; and

"(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

"Advance Payment of Initial Educational Assistance or Subsistence Allowance

"(d) (1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administrator, shall—

"(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

"(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue his program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

"(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall, in addition to the information prescribed in paragraph (2) (A), specify—

"(A) that the program to be pursued has been approved;

"(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

"(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

"(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

"(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

"Prepayment of Subsequent Educational Assistance or Subsistence Allowance

"(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

"Recovery of Erroneous Payments

"(f) If an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d) (2) and (3) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

"Payments for Less Than Half-Time Training

"(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d) (3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732 (a) (2) of this title, as applicable.

"Determination of Enrollment, Pursuit, and Attendance

"(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"Institutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

"Flight Training

"(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1687 in its entirety and inserting in lieu thereof the following:

"§ 1687. Work-study/outreach additional educational assistance allowance; advances to eligible veterans

"(a) Notwithstanding any other provision of law, the Administrator shall pay a work-study/outreach additional educational assistance allowance (hereafter referred to as 'work-study/outreach allowance') to any veteran pursuing on a full-time basis a program of education under this chapter or a course of vocational rehabilitation under chapter 31 of this title, and who enters into an agreement with the Administrator to perform services under the work-study/outreach program established by this section. Such allowance shall be paid in advance in the amount of $300 in return for such veteran's agreement to perform services, aggregating one hundred and twenty hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title, (2) the preparation and processing of necessary papers and other documents at educational institutions or training establishments or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veteran's Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred and twenty hours, the amount of such advance to bear the same ratio to the number of hours of work agreed to be performed as $300 bears to one hundred and twenty hours. The Administrator may enter into a work-study/outreach agreement with a veteran who has satisfactorily pursued his courses during at least one enrollment period for the performance of services during a period between enrollments if such veteran certifies his intention to continue the pursuit of the program during the next enrollment period.

"(b) If an eligible veteran, after having received in advance a work-study/outreach allowance under subsection (a) of this section, fails to fulfill his work obligation under the agreement for any reason, the amount due (based upon the pro rata portion of the work obligation which the veteran did not complete), as computed by the Administrator, shall be considered an overpayment and shall become due and payable at the end of the enrollment period or at such time prior thereto when the Administrator determines that such obligation will not be completed prior to the end of the enrollment period. Any such amount due may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or shall, unless waived pursuant to section 3102 of this title, constitute a liability of such veteran to the United States and be recovered in the same manner as any other debt due the United States.

"(c) In order to carry out the purposes of this section and to determine the number of veterans whose services the Veterans' Administration can effectively utilize and the types of services that such veterans may be required to perform, the Administrator shall, at least once each year, conduct a survey to determine the numbers of veteran-students whose services under the work-study/outreach program can effectively be utilized during an enrollment period in each geographic area where Veterans' Administration activities are conducted. Based upon the results of such survey, the Administrator shall allocate to each Veterans' Administration regional office the number of agreements under subsection (a) of this section which the head of that office shall attempt to make during such enrollment period or periods prior to the next such survey. Each regional office shall further allocate to each educational institution, at which eligible veterans are enrolled pursuant to this chapter, within its area the number of such potential agreements based upon the ratio of the number of veterans enrolled in such institution to the total number of veterans enrolled in all such institutions in the regional area, except that, to the maximum extent feasible, 20 per centum of the allocated number of agreements shall be reserved for special allocation to those institutions with a substantially higher proportion of needy veteran-students than generally prevails at other institutions within such area. If the total number of agreements allocated to any institution cannot be filled by such institution, the number of such unmade potential agreements shall be reallocated to such other institution or institutions in the regional office area as the Administrator shall determine in accordance with regulations he shall prescribe.

"(d)(1) The Administrator shall, to the maximum extent feasible, enter into agreements with educational institutions under which such institutions will recommend, within the number of allocated agreements, which particular veteran-students enrolled in such institutions should be offered work-study/outreach agreements under this section.

"(2) The determination of which eligible veteran-students shall be offered work-study/outreach agreements shall be made in accordance with regulations prescribed by the Administrator. Such regulations shall include, but not be limited to, the following criteria—

"(A) the need of the veteran to augment his educational assistance or subsistence allowance;

"(B) the availability to the veteran of transportation to the place where his services are to be performed;

"(C) the motivation of the veteran;

"(D) in the case of a veteran who is a member of a minority group, the disadvantages incurred by members of such group; and

"(E) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(e) No work-study/outreach agreement shall be entered into under this section which would—

"(1) result in the displacement of any employed person or impair any existing contract for services, or

"(2) involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(f) While performing the services authorized by this section or section 1688 of this title, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission."

"§ 1688. Veteran-student employment

"(a) Notwithstanding any other provision of law, in order to supplement the program established by section 1687 of this title, the Administrator is authorized to utilize on an intermittent basis the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. Such veteran-students may be utilized to perform such services for the Veterans' Administration at such times and places as the Administrator deems advisable.

"(b) Veteran-students utilized under the authority of subsection (a) of this section shall be paid an hourly rate equivalent to the minimum rate for a grade in the General Schedule contained in section 5332 of title 5, determined by the Administrator to be appropriate for the services rendered. Such grade determination may, at the Administrator's discretion, be based upon, but shall not be subject to, position classification standards issued by the Civil Service Commission pursuant to section 5105 of title 5."

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Subsection (b) of section 1502 of title 38, United States Code, is amended by striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36".

SEC. 302. Section 1671 of title 38, United States Code, is amended to read as follows:

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veterans or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application."

SEC. 303. Section 1682 of title 38, United States Code, is amended by striking out subsections (c) and (d) inserting in lieu thereof the following:

"(c)(1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $201 per month, if he has no dependents; $236 per month if he has one dependent; $268 per month, if he has two dependents; and $16 per month, for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the instituion and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

SEC. 304. Chapter 34 of title 38, United States Code, is amended by striking out section 1684 in its entirety and inserting in lieu thereof the following:

"§ 1684. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title."

SEC. 305. Section 1691 of title 38, United States Code, is amended by—

(1) inserting in clause (2) of subsection (a) after "educational institution" the following: "or training establishment"; and

(2) amending subsection (b) to read as follows:

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) or 1732(a) of this title."

SEC. 306. Section 1692 of title 38, United States Code, is amended by—

(1) striking out "marked" wherever it appears; and

(2) inserting a comma in subsection (b) immediately after "month" and by inserting immediately after "nine months," in such subsection, the following: "or until a maximum of $450 is utilized,".

SEC. 307. Subsection (a) of section 1695 of title 38, United States Code, is amended by inserting "(including courses needed to obtain high school equivalency certificate)" after "educating or training".

SEC. 308. Section 1696 of title 38, United States Code, is amended by—

(1) striking out "diploma, or" and inserting in lieu thereof "diploma or needed to obtain an equivalency certificate, or" in subsection (a); and

(2) inserting at the end of subsection (b) the following sentence: "Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution."

SEC. 309. Subchapter VI of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1697A. Coordination with and participation by Department of Defense

"(a) The Administrator shall designate an appropriate official of the Veterans' Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters, in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans' Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

"(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter, and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

"(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under section 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

"(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans' Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title;

"(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such person to enroll in a full-time program of education or training under this subchapter during his military service, unless the Secretary concerned shall determine that such release of time is inconsistent with the interests of the national defense; and

"(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secretary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section."

SEC. 310. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 311. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 312. Section 1723 of title 38, United States Code, is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chaper of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government."; and

(2) inserting "(except as provided in section 1733 of this title)" after "regular secondary school education" in subsection (d).

SEC. 313. Section 1731 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) immediately after the word "shall" a comma and the following: "in accordance with the provisions of section 1780 of this title,";

(2) striking out subsections (b), (c), and (e) in their entirety; and

(3) redesignating subsection (d) as subsection (b).

SEC. 314. Sections 1733 and 1734 of title 38, United States Code, are amended to read as follows:

"§ 1733. Special assistance for the educationally disadvantaged

"(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title.

"(b) Any eligible person shall, without charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title.

"§ 1734. Apprenticeship or other on-job training; correspondence courses

"(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

"(b) Any eligible wife or widow shall be entitled to pursue a program of education exclusively by correspondence and be paid as educational assistance allowance as provided in section 1786 of this title."

SEC. 315. Section 1777 of title 38, United States Code, is amended by inserting "or person" after "veteran" each place it appears.

SEC. 316. Section 1784 of title 38, United States Code, is amended by—

(1) striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36" and in the first sentence of subsection (b);

(2) inserting "or eligible persons" after "veterans" in the second sentence of subsection (b); and

(3) striking out "enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title" and inserting in lieu thereof "or eligible persons enrolled under chapters 34, 35, and 36 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the

time of registration as provided under section 1780(d)(5) of this title" in subsection (b).

SEC. 317. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

(1) striking out sections 1786 and 1787 and inserting in lieu thereof the following:

"§ 1786. Correspondence courses

"(a)(1) Each eligible veteran (as defined in section 1652(a) (1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a)(1) (B), (C), or (D) of this title, who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or person. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or person, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or wife or widow and serviced by the institution.

"(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $250 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

"(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refund, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

"(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or person a registration or similar fee not in excess of $75. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 10 per centum of the total number of lessons comprising the course, the institution may retain either such registration or similar fee, or 10 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 10 per centum but less than 65 per centum of the lessons comprising the course, the institution may retain an additional 10 per centum of the course tuition for each additional one-tenth of the lessons completed, or such registration or similar fee. If 65 per centum or more of the lessons are completed, no refund or tuition is required.

"§ 1787. Apprenticeship or other on-job training

"(a) An eligible veteran (as defined in section 1651(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

"(2) program of other on-job training approved under provisions of section 1777 of this title, subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

"(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$160	$179	$196	$8.
Second 6 months	120	139	156	8.
Third 6 months	80	99	11	8.
Fourth and any succeeding 6-month periods	40	61	78	8.

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period.

"(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

"(c) For the purpose of this chapter, the terms 'programs of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance' as set forth in chapters 34 and 35 of this title.";

(2) redesignating sections 1788, 1789, 1790, and 1791 as sections 1792, 1793, 1794, and 1795, respectively, and inserting after section 1787 the following new sections:

§ 1788. Measurement of courses

"(a) For the purposes of this chapter and chapters 34 and 35 of this title—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required. Notwithstanding the provisions of this clause, in the case of an institution offering undergraduate courses leading to a standard college degree which are measured on a quarter- or semester-hour basis and technical courses which are measured on a clock-hour basis, any of such technical courses as determined by the educational institution shall be measured on a quarter- or semester-hour basis, as appropriate, for the purpose of computing the educational assistance allowance payable under chapter 34, 35, or 36 of this title if the Administrator determines that the basic characteristics of such technical courses, including the extent to which out-of-class preparation is required, are substantially similar to the characteristics of quarter- or semester-hour courses offered by such institution;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

"(6) an institutional course offered as part of a program of education below the college level under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

"(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title.

"§ 1789. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsection (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

"(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership;

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

"(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

"§ 1790. Overcharge by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

"(a) If the Administrator finds that an educational institution has—

"(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

"(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled under this chapter or chapter 31, 34, or 35, of this title.

"Discontinuation of Allowances

"(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

"Examination of Records

"(c) The records and amounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

"False or Misleading Statements

"(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

"§ 1791. Change of program

"(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and child eligible person (with the concurrence of such eligible person's parents or guardian) may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

"(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

"(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

"(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

"(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

"(d) As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."; and

(3) Section 1792 of title 38, United States Code (as redesignated by section 317(2) of this Act) is amended by inserting between the first and second sentences of such section the following: "The Committee shall also include veterans representative of the World War II era, Korean conflict era, post-Korean conflict era, and the Vietnam era".

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS TO THE VETERANS' AND WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 401. Chapter 34 of title 38, United States Code, is amended by—

(1) inserting after "this chapter" in subsection (a) of section 1661; "or chapter 36";

(2) deleting "31 or 35" and inserting "31, 34, or 36" in subsection (d) of section 1673;

(3) striking out all after "certification" down to the period and inserting in lieu thereof "as required by section 1681(c) of this title" in the second sentence of section 1677(b);

(4) striking out "1683" and inserting in lieu thereof "1787" in subsection 1682(a)(1);

(5) striking out the last sentence of section 1682(b);

(6) striking out sections 1672, 1675, 1683, and 1685 in their entirety; and

(7) redesignating section 1686 as section 1683.

SEC. 402. Chapter 35 of title 38, United States Code, is amended by—

(1) deleting "1737" and inserting "1736" in section 1712(a)(2);

(2) striking out sections 1722, 1725, and 1736 in their entirety;

(3) redesignating section 1737 as section 1736; and

(4) striking out "1737" and inserting "1736" in section 1735.

SEC. 403. Chapter 36 of title 38, United States Code, is amended by—

(1) striking out "1686" and inserting "1683" in section 1770(b);

(2) inserting "this chapter and" after "purposes of" in section 1771(a);

(3) inserting "this chapter and" before "chapters 34 and 35" each place it appears in section 1772;

(4) striking out "1737" and inserting in lieu thereof "1736" in section 1772(a);

(5) striking out "1683(a)(1)" and inserting in lieu thereof "1787(a)(1)" in section 1772(c);

(6) inserting "this chapter and" before "chapters 34 and 35" in subsection (a) of section 1773;

(7) inserting "this chapter and" before "chapters 34 and 35" the first time it appears in section 1774(a);

(8) striking out "or special training allowance granted under chapter 34 or 35" and inserting in lieu thereof "granted under chapter 34, 35, or 36" in section 1781;

(9) inserting "this chapter or" before "chapter 34 or 35" in section 1782;

(10) inserting "this chapter or" before "chapter 34 or 35" in section 1785;

(11) inserting "this chapter or" before "chapter 34 or 35" in section 1793 (as redesignated by section 317(2) of this Act); and

(12) striking out "Chapters 31, 34, and 35" and inserting in lieu thereof "chapters 31, 34, 35, and 36" in section 1795 (as redesignated by section 317(2) of this Act).

SEC. 404. (a) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(1) striking out:

"1672. Change of program."

and

"1675. Period of operation for approval.";

(2) striking out

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Apprenticeship or other on-job training.
"1684. Measurement of courses.
"1685. Overcharges by educational institutions.
"1686. Approval of courses.
"1687. Discontinuance of allowances."

and inserting in lieu thereof the following:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERAN; WORK-STUDY/OUTREACH PROGRAM

"1681 Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Approval of courses.
"1684. Apprenticeship or other on-job training; correspondence courses.

"WORK-STUDY/OUTREACH PROGRAM

"1687. Work-study/outreach additional educational assistance allowance; advances to eligible veterans.
"1688. Veteran-student employment.";

and

(3) adding at the end thereof the following:

"1697A. Coordination with and participation of Department of Defense.".

(b) The subchapter heading above section 1681 of such title is amended to read as follows:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; WORK-STUDY/OUTREACH PROGRAM

SEC. 405. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(1) striking out:

"1772. Change of program."

and

"1725. Period of operation for approval.";

(2) striking out:

"1733. Measurement of courses.
"1734. Overcharge by educational institutions.
"1735. Approval of courses.
"1736. Discontinuance of allowances.
"1737. Specialized vocational training courses."

and inserting in lieu thereof:

"1733. Special assistance for the educationally disadvantaged.
"1734. Apprenticeship or other on-job training, correspondence courses.
"1735. Approval of courses.
"1736. Specialized vocational training courses."

SEC. 406. The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by—

(1) inserting:

"1780. Payment of educational and subsistence assistance allowances."

immediately above

"1781. Limitations on educational assistance.";

and

(2) striking out:

"1786. Examination of records.
"1787. False or misleading statements.
"1788. Advisory committee.
"1789. Institutions listed by Attorney General.
"1790. Use of other Federal agencies.
"1791. Limitation on period of assistance under two or more programs."

and inserting in lieu thereof:

"1786. Correspondence courses.
"1787. Apprenticeship or other on-job training.
"1788. Measurement of courses.
"1789. Period of operation for approval.
"1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.
"1791. Change of program.
"1792. Advisory committee.
"1793. Institutions listed by Attorney General.
"1794. Use of other Federal agencies.
"1795. Limitation on period of assistance under two or more programs.".

SEC. 407. Section 101 of title 38, United States Code, is amended by striking out the last sentence of paragraph (4) and inserting in lieu thereof the following sentences: "A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement."

SEC. 408. Section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."; and

(2) The heading of such section is amended to read as follows:

"102. Dependent parents; husbands.".

SEC. 409. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out:

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof:

"§ 102. Dependent parents; husbands".

SEC. 410. (a) The first sentence of section 240 of title 38, United States Code, is amended by inserting "and encourage" after "aid".

(b) Section 241 of such title is amended by striking out "give priority to so advising" and inserting in lieu thereof "insure that contact, in person or by telephone, is made with" in clause (1).

SEC. 411. Subsection (b) of section 1774 of title 38, United States Code, is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section

$5,000 or less.
Over $5,000 but not exceeding $10,000.
Over $10,000 but not exceeding $35,000.
Over $35,000 but not exceeding $40,000.
Over $40,000 but not exceeding $75,000.
Over $75,000 but not exceeding $80,000.
Over $80,000.

Allowable for administrative expense

$500.
$900.
$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof.
$5,250.
$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof.
$10,450.
$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof."

SEC. 412. The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 317(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act.

TITLE V—VETERANS' EDUCATION LOAN PROGRAM

SEC. 501. Chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter VII—Loans to Eligible Veterans

"§ 1698. Eligibility for loans; amount and conditions of loans; interest rate on loans

"(a) Each eligible veteran shall be entitled to a loan under this subchapter in an amount determined under, and subject to the conditions specified in, subsection (b)(1) of this section if the veteran satisfies the requirements set forth in subsection (c) of this section.

"(b)(1) Subject to paragraph (3) of this subsection, the amount of the loan to which an eligible veteran shall be entitled under this subchapter for any academic year shall be equal to the amount needed by such veteran to pursue a course of study at the institution at which he is enrolled, as determined under paragraph (2) of this subsection.

"(2)(A) The amount needed by a veteran to pursue a course of study at an institution for any academic year shall be determined by subtracting (i) the total amount of financial resources (as defined in subparagraph (B) of this paragraph) available to the veteran which may be reasonably expected to be expended by him for educational purposes in any year from (ii) the actual cost of attendance (as defined in subparagraph (C) of this paragraph) at the institution in which he is enrolled.

"(B) The term 'total amount of financial resources' with respect to any veteran for any year means the total of the following:

"(i) The annual adjusted effective income of the veteran less Federal income tax paid or payable by such veteran with respect to such income.

"(ii) The amount of cash assets of the veteran.

"(iii) The amount of financial assistance received by the veteran under the provisions of title IV of the Higher Education Act of 1965.

"(iv) Educational assistance received by the veteran under this chapter other than under this subchapter.

"(v) Financial assistance received by the veteran under any scholarship or grant program other than those specified in clauses (iii) and (iv).

"(C) The term 'actual cost of attendance' means, subject to regulations prescribed by the Administrator, the actual pre-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Administrator determines by regulation to be reasonably related to attendance at the institution at which the student is enrolled.

"(3) The aggregate of the amounts any veteran may borrow under this subchapter may not exceed $175 multiplied by the number of months such veteran is entitled to receive educational assistance under section 1661 of this title, but not in excess of $1,575 in any one regular academic year.

"(c) An eligible veteran shall be entitled to a loan under this subchapter if he——

"(1) is in attendance at an approved institution on at least a half-time basis;

"(2) has sought and is unable to obtain a loan, in the full amount needed by such veteran, as determined under subsection (b) of this section, under a student loan program insured pursuant to the provisions of part B of title IV of the Higher Education Act of 1965; and

"(3) enters into an agreement with the Administrator meeting the requirements of subsection (d) of this section.

"(d) Any agreement between the Administrator and a veteran under this subchapter—

"(1) shall include a note or other written obligation which provides for repayment to the Administrator of the principal amount of, and payment of interest on, the loan in installments over a period beginning nine months after the date on which the borrower ceases to be at least a half-time student and ending ten years and nine months after such date;

"(2) shall include provision for acceleration of repayment of all or any part of the loan, without penalty, at the option of the borrower;

"(3) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at a rate prescribed by the Administrator, with the concurrence of the Secretary of the Treasury, but at a rate not less than the rate paid by the Secretary on Treasury notes and obligations held by the Fund at the time the loan agreement is made, except that no interest shall accrue prior to the beginning date of repayment; and

"(4) shall provide that the loan shall be made without security and without endorsement.

"(e) If a veteran who has received a loan under this section dies or becomes permanently and totally disabled, then the Administrator shall discharge the veteran's liability on such loan by repaying the amount owed on such loan.

"§ 1699. Sources of funds; insurance

(a) Loans made by the Administrator under this subchapter shall be made from funds available under subsection (b) of this section for such purpose, and repayment shall be guaranteed as provided in subsection (c) of this section.

"(b)(1) Any funds in the National Service Life Insurance Fund continued under section 720 (in this subchapter referred to as the 'Fund') shall be available to the Administrator for making loans under section 1698 of this title. The Administrator shall set aside out of such fund such amounts, not in excess of limitations in appropriations Acts, as may be necessary to enable him to make all the loans to which veterans are entitled under section 1698 of this title.

"(2) Any funds set aside under paragraph (1) of this subsection shall be considered as investments of the Fund and while so set aside shall be considered as investments of the Fund and while so set aside shall bear interest at a rate determined by the Secretary of the Treasury but at a rate not less than the rate paid by the Secretary but at a rate not less than the rate paid by the Secretary on other Treasury notes and obligations held by the Fund at the time such funds are set aside.

"(c) The Administrator shall guarantee repayment to the National Service Life Insurance Fund of any amounts set aside under subsection (b) of this section for loans under section 1698 of this title and of any interest accrued thereon. In order to discharge his responsibility under any such guarantee, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury but at a rate not less than the rate paid by the Secretary of the Treasury on other Treasury notes and obligations held by the Fund at the time the loan agreement is made. The Secretary of the Treasury is authorized and directed to purchase such notes and other obligations.

"(d) There are authorized to be appropriated to the Administrator such sums as may be necessary to enable him to repay to the Fund any amounts set aside under subsection (b) of this section together with any interest accrued thereon. Any funds paid to the Administrator pursuant to an agreement made under section 1698(d) of this title shall be deemed to have been appropriated pursuant to this subsection.

"(e) A fee shall be collected from each veteran obtaining a loan made under this section for the purpose of insuring against defaults on loans made under this subchapter, and no loan shall be made under this section until the fee payable with respect to such loan has been collected and remitted to the Administrator. The amount of the fee shall be established from time to time by the Administrator, but shall in no event exceed one-half of 1 per centum of the total loan amount. The amount of the fee may be included in the loan to the veteran and paid from the proceeds thereof. The Administrator shall deposit all fees collected hereunder in the Fund, and amounts so deposited shall be available to the Administrator to discharge his obligations under subsection (c) of this section."

SEC. 502. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding at the end thereof:

"SUBCHAPTER VII—LOANS TO ELIGIBLE VETERANS

"Sec.
"1698. Eligibility for loans; amount and conditions of loans; interest rate on loans.
"1699. Source of funds; insurance."

TITLE VI—VETERANS' EMPLOYMENT ASSISTANCE AND PREFERENCE

SEC. 601. This title may be cited as the "Veterans' Employment and Readjustment Act of 1972".

SEC. 602. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41.—JOB COUNSELING, TRAINING AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) The term 'eligible veteran' means a person who served in the active military, naval or air service and who was discharged or released therefrom with other than a dishonorable discharge.

"(2) The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans. To carry out effectively such intent and purpose, policies shall be promulgated and administered so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment services offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual report

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans____ 2001"

and inserting

"41 Job Counseling, Training, and Placement Service for Veterans____ 2001".

SEC. 603. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"CHAPTER 42.—EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS

"Sec.
"2011. Definitions.
"2012. Action plan for employment of disabled and Vietnam era veterans.
"2013. Veterans' employment preference under Federal contracts.
"2014. Eligibility requirements for veterans under certain Federal manpower training programs.

"§ 2011. Definitions

"As used in this chapter—

"(1) The term 'disabled veteran' means a person entitled to disability compensation under laws administered by the Veteran's Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

"(3) The term 'department and agency' means any department or agency of the Federal Government or any Federally owned corporation.

"§ 2012. Action plan for employment of disabled and Vietnam era veterans

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Service Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every department and agency. Such action plan shall be promulgated within 90 days after the date of enactment of this section and shall be published in the Federal Register.

"(b) Each department and agency shall be responsible for implementing the action plan promulgated under subsection (a) of this section and shall, within 60 days after the promulgation of such plan, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate such action plan. Each department and agency shall consult with the Administrator in order to achieve such consistency and uniformity as may be feasible.

"(c) Each department and agency shall submit a report to the President each year on or before March 31 indicating the extent to which the action plan referred to in subsection (a) of this section has been implemented by such department or agency during the immediately preceding calendar year. The President shall submit a report to the Congress each year on or before May 1 indicating the extent to which such action plan has been successful during such calendar year and including statistics showing the extent to which each department and agency has complied with such action plan during the preceding calendar year.

"§ 2013. Veterans' employment preference under Federal contracts

"(a) Any contract entered into by any department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give a preference to disabled veterans and to veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. A contractor or subcontractor shall be required to give an employment preference to a veteran under this section for any job only if the veteran otherwise meets the qualifications for such job. The President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this section.

"(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to granting employment preferences to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred by such service to the Office of Federal Contract Compliance of that Department. That office shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

"§ 2014. Eligibility requirements for veterans under certain Federal manpower training programs

"Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof a new item as follows:

"42. Employment of Disabled and Vietnam Era Veterans__________________________2011".

TITLE VII—EFFECTIVE DATES AND SAVINGS PROVISIONS

SEC. 701. (a) Titles II and V of this Act shall become effective on the first day of the second calendar month following the month in which enacted.

(b) The provisions of section 602 shall become effective 90 days after the date of enactment of this Act.

SEC. 702. The provisions of section 1786 of title 38, United States Code (as added by section 317 of this Act) which apply to correspondence course training shall, in the case of any eligible veteran and eligible wife or widow, become effective upon the first enrollment of veteran or person which occurs on or after the first day of the second calendar month following the month in which this Act is enacted.

Sec. 703. The provisions of the second sentence of clause (2) of subsection (a) of section 1788 of title 38, United States Code (as added by section 317 of this Act) shall, in the case of any eligible veteran or eligible person, become effective upon the first enrollment or such re-enrollment of veteran or person which occurs after the date of the enactment of this Act.

Sec. 704. (a) Notwithstanding the provisions of section 1712(b) of title 83, United States Code, a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 317 of the Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 314 of this Act), shall have 8 years from the date of the enactment of this Act in which to complete such a program of education or receive such benefits.

(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code, an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 317 of this Act) shall have 8 years from the date of the enactment of this Act in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his 31st birthday.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, and I shall not object, I support the bill.

Mr. Speaker, I support the gentleman's motion to concur in the Senate amendments to H.R. 12828 with an amendment.

This bill represents the culmination of many months of intensive study and deliberations by both Houses of Congress. Its principal thrust, of course, is to provide long overdue and sorely needed increases in monthly educational allowances for veterans pursuing programs of education and training under the GI bill.

The bill passed this House on March 6 of this year by a record vote of 358 to 0. Not a single vote, Mr. Speaker, was cast against the measure. It authorizes an increase of 48 percent in monthly payments for veterans pursuing on-job training and a 14-percent increase for those attending school.

On August 3, the other body passed the bill, Mr. Speaker, with the 48-percent increase in the job training rate preserved, but the institutional training allowance increased by 43 percent. The respective committees of the two Houses have been deliberating informally for several weeks, and have in the spirit of compromise reached an agreement which should be acceptable to both Houses and at the same time provide the young veteran with a substantial increase in his educational benefits.

This informal agreement is reflected in the amendment before the House. Specifically, it authorizes a 25.7-percent inerans and certain dependents of service-connected disabled veterans participating in vocational rehabilitation training. A similar increase is authorized for veterans and certain dependents of service connected deceased or totally disabled veterans participating in so-called institutional training. The monthly allowances, for example, paid to a veteran with no dependents attending school full time is increased from its present $175 to $220. Veterans with dependents and those attending school on a less than full time basis will also receive the increase.

The allowance for veterans participating in training on the job are increased by 48 percent. This measure authorizes eligible wives, widows, and children to pursue on-the-job training and to receive tutorial assistance when needed. Under existing law, these programs are available only to veterans.

Secondary school education refresher or remedial courses with no charge against entitlement and correspondence school courses are made available to eligible wives and widows under the bill.

Finally, Mr. Speaker, the bill authorizes advance pay for veterans going to school. I am certain that all Members have been deluged with mail from irate veterans who have been in school for 2 months or more under the GI bill and have not received the first dollar of their educational allowance from the Veterans' Administration.

Under the terms of this proposal, upon acceptance by the educational institution and notification to the institution of his intent to enroll, a veteran may apply for advance pay consisting of his allowance for the month of enrollment and 1 full-month's pay. A check would be processed and mailed to the educational institution for delivery to the veteran upon his registration in school. Thereafter, the educational allowance would be paid monthly in advance.

This procedure, Mr. Speaker, will permit the veteran to receive his educational allowance at the time he most needs it—when he registers for classes and pays his tuition.

This amendment, Mr. Speaker, preserves the most important features of the bill that passed this body unanimously last March. The increases are merited and I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I will not object, I just want to say that the House is deeply indebted to the gentleman from Texas for his perseverance in bringing this bill to the floor. It has been an almost impossible task to deal with the Members of the other body as they have tried to load this bill. Not only the Members of the House but all veterans are deeply indebted to the gentleman from Texas (Mr. Teague) for the tremendous work that he has done.

Mr. Speaker, I rise in support of H.R. 12828, as amended. In its present form it will increase the educational allowance rates by 25.7 percent. For example, a veteran without dependents will have his allowance increased from $175 to $220 a month. Vocational rehabilitation allowances for the seriously service-connected disabled veteran will be increased by 48 percent. The effective date will be September 1, 1972.

The House bill as passed on March 6, 1972 increased the educational allowance by 14 percent and the vocational rehabilitation allowance by 48 percent.

The amended bill as passed by the Senate on August 3, 1972, increased the educational allowance by 43 percent. The House and Senate committees have reached an agreement, compromising at an increase of 25.7 percent. The increase of 48 percent for vocational rehabilitation remains as contained in the House bill. A dependency allowance payment formula, increasing dependency payments which was in the Senate version has been accepted.

I believe that this bill is both justified and needed in order to assist our veterans in meeting the spiralling costs of tuition and fees at our educational institutions, and, of course, the ever expanding costs of living.

This bill will also grant to wives and widows who are already eligible for educational benefits the right to pursue correspondence courses. Apprentice or on-job training programs will be extended to otherwise eligible wives, widows, and children. These benefits are already available to veterans.

There is also a provision which will make advance payments available upon entrance into school. This should help to overcome the hardship so often encountered because of the delay into processing the first allowance payment. It is too late to benefit the student who entered school in September, but it will be of assistance in the future.

The Senate bill contained other provisions which had not been considered by the House committee. They are, therefore, not a part of the present substitute amendments.

I regret, Mr. Speaker, that action on this legislation has not been completed prior to this late date. Many schools began their fall term in August. Unfortunately, the procrastination of the other body from March until early August prevented more timely action on the bill. This callous disregard for the financial welfare of the Vietnam veteran student by the "100 Club" is indeed appalling.

In my opinion, this legislation is long overdue and well deserved. Since there is every indication it is acceptable to the Senate committee, I am hopeful that it will pass before the adjournment of this Congress.

Mr. TEAGUE of Texas. Mr. Speaker, if the gentleman from Pennsylvania will yield under his reservation, I appreciate the remarks of the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation.

Mr. TEAGUE of Texas. Mr. Speaker, early in this session, the Congress received an administration recommendation that the rates of allowances in the Veterans Educational and Vocational Rehabilitation programs be increased by

8.6 percent. It was asserted that this increase represented the percentage increase in the cost of living since the rates had last been increased in February 1970. Since this approach took inadequate consideration of the very substantial spiralling costs of tuition and fees at all educational institutions, it was the consensus of our committee that an increase of 14 percent would be fully justified and this amount of increase was represented in the rates contained in the bill as passed by the House. Almost 5 months later, the Senate passed H.R. 12828, amending it to completely substitute its version of an educational bill. As returned to the House, the rates of the mentioned allowances represented a 43-percent increase. In terms of dollars, therefore, I would point out that the present monthly allowance payable to a veteran without dependents is $175. The administration proposal would increase this rate to $190. The House version provided for $200, and the Senate action would increase it to $250.

The basic rate of allowance which we are proposing in the House substitute amendment is $220, representing an increase over the present rate of 25.7 percent. We should bear in mind that from the outset of this veterans' program, the policy established by Congress has been to extend appropriate assistance so as to bear, in part, the costs involved in pursuing an education. In the light of this policy, I believe that providing approximately $2,000 to a veteran pursuing a typical full-time course represents very fair and reasonable financial aid on the part of the Government. I should point out that appropriate and generous increases are also provided in the House substitute amendment for veterans with dependents.

The Senate version of our bill contained several additional provisions which would involve rather substantial additional costs. In view of this aspect, and particularly in view of the fact that these additional provisions had not been the subject of appropriate committee consideration on the House side, they have been eliminated from the present substitute amendment, thus serving to offset the additional costs of the rate increases by roughly $100 million.

In the very important area of allowances for on-the-job training, a 48-percent increase has been provided with the hope that this very substantial increase will improve employment prospects for veterans. It is interesting to note that as to this increase, there has from the outset been complete agreement among the administration, the House, and the Senate.

We have included in our substitute amendment two new provisions which we believe warrant favorable consideration and with which we can report the Senate is in accord. The first provision would authorize the Administrator to apportion to a veteran's wife or children, as he may prescribe, that portion of his educational assistance allowance under chapter 34 of title 38 as is payable on account of dependents where it is found that the veteran is not living with his wife or if any of his children are not in his custody. Discretionary apportionment authority has been vested in the Administrator for many years with regard to compensation, pension and subsistence allowances under the vocational rehabilitation program. Certain hardship cases involving the support of wives and children of veterans pursuing the regular GI bill training have come to the attention of our committee and we perceive no logical basis for not extending such apportionment authority to allowances under that program.

The second new provision deals with the subject matter of a bill I introduced some time ago to relieve a hardship that is now facing many wives of prisoners of war in North Vietnam. These servicemen executed powers of attorney prior to going into overseas service. Unfortunately, many such powers of attorney were limited to a specific period of time, usually 1 year, which in many cases has now expired. As a consequence, these wives find that they are unable to transact many aspects of family business affairs. The bill was recommended by the Department of Defense and, just recently, the committee received a favorable report from the Department of Justice. Meanwhile, a substantially identical Senate bill was introduced as S. 3203 and that bill passed the Senate on September 30, 1972. I am sure the Members will all concur with our desire to take every available legislative step to help minimize the stress under which these brave wives are living. In view of the imminent adjournment of this Congress, separate House action on the mentioned Senate bill would not be feasible. Accordingly, we have included it in the substitute amendment to the bill now before you for consideration, and I am sure the House will recognize the need for legislative relief in view of the impelling circumstances I have just described.

The substitute amendment in its present form will provide approximately one-half billion dollars per year in additional benefits to veterans, widows, wives and children in the various educational programs. All veterans and other eligible persons now in training will be pleased to learn that the effective date for their increases will be retroactive to September 1, 1972.

Your Committee on Veterans' Affairs strongly recommends approval by the House of this substitute amendment, and I am led to believe that it will be completely acceptable to the other body.

As a supplement to these remarks, I offer for the RECORD at this point a brief explanatory statement as to certain other provisions of the House substitute amendment to H.R. 12828.

In conclusion, Mr. Speaker, I want to take this opportunity to express my appreciation for the diligent and productive efforts of our Subcommittee on Education and Training under the excellent leadership of its chairman, the gentleman from New Jersey (Mr. HELSTOSKI), the gentleman from New York (Mr. DULSKI), the gentleman from Nevada (Mr. BARING), the gentleman from South Carolina (Mr. DORN), the gentleman from Illinois (Mr. PUCINSKI), the gentleman from California (Mr. EDWARDS), the gentleman from California (Mr. DANIELSON), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Minnesota (Mr. ZWACH), the gentleman from Ohio (Mr. WYLIE), the gentleman from Kansas (Mr. WINN), and the gentleman from North Carolina (Mr. RUTH).

I also want to express great satisfaction over the results of the joint cooperation between our committee and the Senate Committee on Veterans' Affairs, particularly with the leadership of the gentleman from Indiana (Senator HARTKE), chairman of the Education Subcommittee, and his associate, the gentleman from California (Senator CRANSTON), in making this compromise substitute amendment acceptable to both bodies.

FURTHER EXPLANATORY STATEMENT AS TO CERTAIN PROVISIONS IN HOUSE SUBSTITUTE AMENDMENTS OF H.R. 12828

The compromise version does not include a provision to make specific the inclusion of the so-called G.E.D.—high school equivalency certificate—as one purpose for pursuit of the PREP program under present section 1696(a) of title 38. The Department of Defense has for many years been conducting, through its base education officers, special G.E.D. programs under which servicemen prepare for and take the G.E.D. exam and, hopefully, receive the equivalency certificate. It was not felt desirable to shift the costs of such an on-going program to the VA readjustment benefits account. However, it should be clearly understood that by not so specifying in section 1696 it is not intended in any way to indicate that receiving a G.E.D. could not properly be one of the objects of a "deficiency, remedial, or refresher" PREP course under section 1691(a)(2). Indeed, as long as such a course otherwise meets the requirements of such section in terms of content and the other existing title 38 requirements for PREP programs, it would seem desirable for such a G.E.D. component to be built into such a PREP program in order to provide tangible indications of achievement for the participating serviceman.

The compromise version includes in section 308 the basic provisions of section 309 of the Senate bill—"coordination with and participation by the Department of Defense"—except that provision is made for a 90-day continuation of current programs and it is made clear with respect to the release from duty assignment provision—section 1697A(b)(3)—that the exception to the released time requirement—that servicemen participating in GI bill programs be granted released time for at least one-half the required course hours—may be granted by a base commander and need not be made at the level of the Service Secretary concerned.

The compromise version does not include section 2012—"action plan for employment of disabled and Vietnam era veterans"—which would have been added to title 38 by section 603(a) of the Senate bill, in view of the strong objection to such inclusion made by the Civil Service Commission and on jurisdictional grounds by our Committee on Post Office and Civil Service. Pertinent reports from the Commission and the House Committee on Post Office and Civil Service are included at this point in the RECORD.

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I rise to express my support of the amendment. This amendment is the result of prolonged negotiations with the Committee on Veterans' Affairs in the other body. It now enjoys the support of that committee as well as the bipartisan support of our own committee. It preserves the major provisions of the original version of H.R. 12828 that passed the House of Representatives last May.

The Vietnam veteran attending school or about to embark upon a program of education or training has waited patiently for this sorely needed increase in monthly educational payments.

Specifically, the measure will increase the monthly allowances for veterans and certain dependents of service-connected deceased and totally disabled veterans attending school under the veterans' education programs by 25.7 percent. Job training allowances are increased by 48 percent.

The measure also establishes a procedure for paying the educational allowance monthly in advance, thus assisting the veteran in the timely payment of his tuition.

I was pleased to have supported this measure when it passed the House of Representatives and I support with equal enthusiasm this compromise. I sincerely urge that the amendment be passed so that it can be promptly sent to the other body for their action.

Mr. DORN. Mr. Speaker, I rise in support of the passage of H.R. 12828, which provides increased educational training benefits for veterans as well as eligible widows and children of veterans who died as a result of service-incurred disabilities and the wives and children of veterans who are rated totally and permanently disabled as a result of service-incurred disabilities. This bill provides an increase of approximately 25.7 percent in the educational training allowance for persons enrolled in various institutional training programs which will result in the training allowance for a single veteran enrolled in a full-time institutional course being increased from the current $175 monthly to $220 monthly. The increased rates provided by this bill would become effective retroactive to September 1, 1972, for all persons enrolled in an educational training program on the date of the bill's enactment.

This bill further provides for an increase of approximately 48 percent in the on-the-job training program for veterans. I believe, Mr. Speaker, that the on-the-job training program is one of the outstanding features of the educational training program available to veterans, and it is hoped that the percentage of increase provided by this bill in the rates for on-the-job training will encourage more returning veterans to participate in this program.

In addition to providing an increase in the training allowance for eligible wives, widows, and children, the bill also improves the training benefits available to these beneficiaries by providing on-the-job training and tutorial assistance for such persons and also enables wives and widows to receive training in correspondence courses.

This bill further provides for educational and other VA benefit purposes that the husband of a female veteran shall be considered as a spouse for the payment of dependency benefits on the same basis as the wife of a male veteran.

This bill will liberalize the farm training program by reducing the number of hours that a trainee must spend in classroom work.

The bill creates a pilot work study program in the Veterans' Administration and will increase payments now allowed for the State approval agencies.

One of the important features of this bill, Mr. Speaker, is that it creates an advancement payment program which would prevent the long delays in veterans receiving their initial training allowance upon entering an educational training program.

There are approximately 24,000 South Carolina veterans enrolled in the Veterans' Administration education and training program that will receive an increase in their training benefits under the provisions of this bill.

Mr. HELSTOSKI. Mr. Speaker, I rise in support of the House substitute to the Senate amendments to H.R. 12828. These amendments represent agreement with the Senate on this bill.

The bill which the Senate passed was vastly different from the House bill. We have been able to accept some of the Senate provisions, but there were many others which had not been the subject of hearings by the Subcommittee on Education and Training, and these were not accepted.

The bill as agreed to will provide approximately one-half billion dollars a year in additional benefits to veterans, wives, widows and orphans taking training under the various Veterans' Administration-administered education programs. The bill represents a 25.7 percent increase in education and training allowances. It provides a 48-percent increase in on-job training allowances. We hope that this change will improve employment opportunities for veterans. The bill contains amendments permitting wives and widows to undertake secondary education with their entitlement. It also provides that wives, widows, and children may partcipate in on-job training programs and may receive tutorial assistance. Wives and widows are permitted to participate in correspondence courses for the first time. In the past there have been some restrictions on foreign training for wives, widows, and children, and these provisions have been liberalized. We have increased support of the State approving agencies substantially. These are the agencies of the various States that are responsible for approving schools for veterans' training. We have accepted a Senate provision and have agreed to try a pilot program creating a work-study opportunity for veterans attending school. We have modified the requirements for attendance on farm training.

Mr. Speaker, there are other provisions of the bill, but these are the highlights. It is a very important piece of legislation for veterans, wives, widows, and children. We have made the increased allowances effective September 1, 1972. I hope that the other body will promptly accept the House amendments so that this bill can go to the White House, and the President will see fit to approve it.

Mrs. HICKS of Massachusetts. Mr. Speaker, I am happy to rise in support of the provisions of H.R. 12828, which proposes to increase VA educational training benefits. This bill, among other things, provides an increase of approximately 25.7 percent in the training allowance payable to Vietnam veterans enrolled in one of the VA educational training programs. It also provides an increase in the allowance payable to disabled veterans enrolled under the VA vocational rehabilitation training program. Under the provisions of this bill, the current $175 monthly training allowance payable to a single veteran enrolled in a full-time institutional training program will be increased to $220 a month. The additional allowance veterans enrolled in a training program receive for their dependents would also be increased under this bill. Persons enrolled in an educational training program at the time this bill is enacted into law will be entitled to a retroactive increase in their educational training rates to September 1, 1972.

In addition to providing an increase in the training allowance for eligible widows and children of veterans who died as a result of service-incurred disabilities and the wives and children of veterans rated totally disabled as a result of service-incurred disabilities, this bill would also expand the training programs for these beneficiaries by providing on-the-job training and permitting wives and widows to receive training in correspondence courses.

I am pleased to state that this bill contains another very important provision which I have sought since serving in the House of Representatives and that is to provide that the husband of a female veteran shall be recognized as a dependent for payment of educational and other VA benefits on the same basis as the wife of a male veteran.

One of the difficulties that many veterans encounter in enrolling in school under the VA educational training program has been the delay in receiving their initial training allowance. It is hoped that this problem will be relieved by a provision of this bill that permits the advance payment of educational training benefits.

This bill also provides, Mr. Speaker, a 48-percent increase in the training allowance for veterans enrolled in an on-the-job training program, and it is felt that this increase can be very helpful in encouraging more Vietnam veterans to take advantage of the excellent on-the-job training program.

Mr. ZWACH. Mr. Speaker, it was my privilege to coauthor the four major veterans bills now before the House for final action.

The first bill will provide a much needed increase in payments to veterans, widows, and children attending school under the various veterans educational programs. I have heard from many veterans currently attending college who fear they may have to quit for financial reasons. I am especially pleased with this increase in payments and its retroactivity to September 1.

Also in this bill is a provision of particular interest to the many young farmers in my district who are in the farm cooperative training program. I am grateful for the support of my colleagues in making this program more flexible so that our young farmer-veterans can attend school on a full-time basis while also farming full time.

The second and third bills dealing with our veterans' hospitals are also very important. One will extend hospital and outpatient treatment to wives, widows, and children of deceased and totally disabled veterans. It will also provide outpatient care to all veterans under certain conditions. At the same time, the bill provides additional pay for Veterans' Administration nurses required to work at night or on holidays. I feel we are strengthening our efforts to make sure that our veterans have the opportunity and will receive the quality care they need and deserve.

I am hopeful that the third bill authorizing grants for medical schools affiliated with VA hospitals to expand and improve their teaching facilities with result in educating more young physicians and surgeons in the future than ever before.

The fourth bill will consolidate all burial and cemetery functions under the Veterans' Administration with the exception of the Battle Monuments Commission and Arlington Cemetery. The law directs the Administrator of Veterans' Affairs to make a study of the Nation's cemetery system and make recommendations early in the next Congress as to any changes necessary to implement and improve the cemetery system and Federal burial policy. This is landmark legislation and should form the basis for a sound program and future plans.

I am extremely pleased that these four measures received favorable consideration in the House of Representatives. Veterans of all wars will benefit from these measures.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate Amendment to the text with an amendment as follows: strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Vietnam Era Veterans' Readjustment Assistance Act of 1972".

TITLE I—VOCATIONAL REHABILITATION AND EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

(1) by adding at the end of subsection 1502 a new subsection as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title.";

(2) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$170	$211	$248	$18
Three-quarter-time	128	159	187	14
Half-time	85	106	124	9
Farm cooperative, apprentice, or other on-job training:				
Full-time	148	179	207	14";

and

(3) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677(b) "$175" and inserting in lieu thereof "$220";

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$220	$261	$298	$18
Three-quarter-time	165	196	224	14
Half-time	110	131	149	9
Cooperative	177	208	236	14";

(3) by deleting in section 1682(b) "$175" and inserting in lieu thereof "$220";

(4) by amending the table contained in paragraph (2) of section 1682(c), as redesignated by this Act, to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$177	$208	$236	$14
Three-quarter-time	133	156	177	11
Half-time	89	104	118	7";

and

(5) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$220".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $220 per month if pursued on a full-time basis, (B) $165 per month if pursued on a three-quarter-time basis, and (C) $110 per month if pursued on a half-time basis.";

(2) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$220";

(3) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$177"; and

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $220 per month. If the charges for tuition and fees applicable to any such course are more than $69 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $69 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $7.35 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES; VETERAN-STUDENT SERVICES

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

"§ 1780. Payment of educational assistance or subsistence allowances

"Period for Which Payment May Be Made

"(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

"(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

"(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the instituion is not regularly in session.

"Correspondence Training Certifications

"(b) No educational assistance allowance shall be paid to an eligible veteran or wife or widow enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran or wife or widow a certificate as to the number of lessons actually completed by the veteran or wife or widow and serviced by the educational institution; and

"(2) from the training establishment a certification or an endorsement in the veteran's or wife's or widow's certificate, as to the number of lessons completed by the veteran or wife or widow and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

"(1) from such veteran or person a certification as to his actual attendance during such period; and

"(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

"Advance Payment of Initial Educational Assistance or Subsistence Allowance

"(d) (1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administrator, shall—

"(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

"(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue his program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

"(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall, in addition to the information prescribed in paragraph (2) (A), specify—

"(A) that the program to be pursued has been approved;

"(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

"(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

"(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

"(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

"(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

"Prepayment of Subsequent Educational Assistance or Subsistence Allowance

"(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

"Recovery of Erroneous Payments

"(f) If an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d) (2) and (3) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

"Payments for Less Than Half-Time Training

"(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d) (3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732(a) (2) of this title, as applicable.

"Determination of Enrollment, Pursuit, and Attendance

"(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"Instiutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

"Flight Training

"(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1685 in its entirety and inserting in lieu thereof the following:

"§ 1685. Veteran-student services

"(a) Veteran-students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in advance in the amount of $250 in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating one hundred hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans' Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, the amount of such advance to bear the same ratio to the number of hours of work agreed to be performed as $250 bears to one hundred hours.

"(b) Notwithstanding any other provision of law, the Administrator shall utilize, in connection with the activities specified in subsection (a) of this section, the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. In carrying out this section, the Administrator, wherever feasible, shall give priority to veterans with disabilities rated at 30 per centum or more for purposes of chapter 11 of this title.

"(c) The Administrator shall determine the number of veterans whose services the Veterans' Administration can effectively utilize (not to exceed eight hundred man-years or their equivalent in man-hours during any fiscal year) and the types of services that such veterans may be required to perform, on the basis of a survey, which he shall conduct annually, of each Veterans' Administration regional office in order to determine the numbers of veteran-students whose services can effectively be utilized during an enrollment period in each geographical area where Veterans' Administration activities are conducted, and shall determine which veteran-students shall be offered agreements under this section in accordance with regulations which he shall prescribe, including as criteria (1) the need of the veteran to augment his educational assistance or subsistence allowance; (2) the availability to the veteran of transportation to the place where his services are to be performed; (3) the motivation of the veteran; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(d) While performing the services authorized by this section, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission."

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Subsection (b) of section 1502 of title 38, United States Code, is amended by striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36".

SEC. 302. Section 1671 of title 38, United States Code, is amended to read as follows:

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application."

SEC. 303. Section 1682 of title 38, United States Code, is amended by striking out subsection (c) and redesignating subsection (d), as amended by section 102(4) of title I of this Act, as subsection (c), and, as redesignated, amending paragraph (1) of such subsection—

(1) by striking out the parenthetical phrase in clause (A) and inserting in lieu thereof: "(a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period)";

(2) by striking out "9" and "6" in clauses (B) and (C), respectively, and inserting in lieu thereof "7" and "5", respectively; and

(3) by adding the following sentence at the end thereof: "In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled."

SEC. 304. Chapter 34 of title 38, United States Code, is amended by striking out section 1684 in its entirety and inserting in lieu thereof the following:

"§ 1684. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title."

SEC. 305. Section 1691 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title."

SEC. 306. Section 1692 of title 38, United States Code is amended by—

(1) striking out "marked" wherever it appears; and

(2) inserting a comma in subsection (b) immediately after "month" and by inserting immediately after "nine months," in such subsection, the following: "or until a maximum of $450 is utilized,".

SEC. 307. Section 1696 of title 38, United States Code, is amended by inserting at the end of subsection (b) the following sentence: "Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution."

SEC. 308. Subchapter VI of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1697A. Coordination with and participation by Department of Defense

"(a) The Administrator shall designate an appropriate official of the Veterans' Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans' Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

"(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission of such report), and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

"(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

"(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans' Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title;

"(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such persons to enroll in a full-time program of education or training under this subchapter during his military service, unless, pursuant to regulations prescribed by the Secretary concerned, it is determined that such release of time is inconsistent with the interests of the national defense; and

"(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secretary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section."

SEC. 309. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and

Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 310. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence is subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 311. Section 1723 of title 38, United States Code, is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government,"; and

(2) inserting "(except as provided in section 1733 of this title)" after "regular secondary school education" in subsection (d).

SEC. 312. Section 1731 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) immediately after the word "shall" a comma and the following: "in accordance with the provisions of section 1780 of this title,";

(2) striking out subsections (b), (c), and (e) in their entirety; and

(3) redesignating subsection (d) as subsection (b).

SEC. 313. Sections 1733 and 1734 of title 38, United States Code, are amended to read as follows:

"§ 1733. Special assistance for the educationally disadvantaged

"(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title and be paid an educational assistance allowance under the provisions of section 1732(a) of this title.

"(b) Any eligible wife or widow shall be charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title.

"§ 1734. Apprenticeship or other on-job training; correspondence courses

"(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

"(b) Any eligible person shall, without entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 1786 of this title."

SEC. 314. Section 1777 of title 38, United States Code, is amended by inserting "or person" after "veteran" each place it appears.

SEC. 315. Section 1784 of title 38, United States Code, is amended by—

(1) striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36" in subsection (a) and in the first sentence of subsection (b);

(2) inserting "or eligible persons" after "veterans" in the second sentence of subsection (b); and

(3) striking out "enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title" and inserting in lieu thereof "or eligible persons enrolled under chapters 34, 35, and 36 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title" in subsection (b).

SEC. 316. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

(1) striking out sections 1786 and 1787 and inserting in lieu thereof the following:

"§ 1786. Correspondence courses

"(a)(1) Each eligible veteran (as defined in section 1652(a)(1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a)(1)(B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or wife or widow. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost of the veteran or wife or widow, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or wife or widow and serviced by the institution.

"(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $220 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

"(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

"(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or wife or widow a registration or similar fee not in excess of 10 per centum of the tuition for the course, or $50, whichever is less. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 25 per centum of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 25 per centum but less than 50 per centum of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 per centum of the course tuition. If 50 per centum or more of the lessons are completed, no refund of tuition is required.

"§ 1787. Apprenticeship or other on-job training

"(a) An eligible veteran (as defined in section 1652(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by Secretary of Labor pursuant to section 50a of title 29, or

"(2) program of other on-job training approved under provisions of section 1777 of this title,

subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

"(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$160	$179	$196	$8.
Second 6 months	120	139	156	8.
Third 6 months	80	99	116	8.
Fourth and any succeeding 6-month periods	40	59	76	8.

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period.

"(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

"(c) For the purpose of this chapter, the terms 'program of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance' as set forth in chapters 34 and 35 of this title.";

(2) redesignating sections 1788, 1789, 1790, and 1791 as sections 1792, 1793, 1794, and 1795, respectively, and inserting after section 1787 the following new sections:

"§ 1788. Measurement of courses

"(a) For the purposes of this chapter and chapters 34 and 35 of this title—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed:

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of educational leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an additional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

(6) an institutional course offered as part of a program of education below the college level under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title.

"§ 1789. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsection (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

"(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the same faculty, curricula, and students, without change in ownership;

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

"(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

"§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

"Overcharges by Educational Institutions

"(a) If the Administrator finds that an educational institution has—

"(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

"(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section, he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35, of this title.

"Discontinuance of Allowances

"(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

"Examination of Records

"(c) The records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

"False or Misleading Statements

"(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

"§ 1791. Change of program

"(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

"(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

"(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

"(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

"(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

"(d) As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."; and

(3) Section 1792 of title 38, United States Code (as redesignated by section 316(2) of this Act) is amended by inserting between the first and second sentences of such section the following: "The Committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, and the Vietnam era."

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS TO THE VETERANS' AND WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 401. Chapter 34 of title 38, United States Code, is amended by—

(1) inserting after "this chapter" in subsection (a) of section 1661 "or chapter 36";

(2) deleting "31 or 35" and inserting "31, 34, or 36" in subsection (d) of section 1673;

(3) striking out all after "certification" down to the period and inserting in lieu thereof "as required by section 1681(c) of this title" in the second sentence of section 1677(b);

(4) striking out "(c)(1), or (d)" and inserting in lieu thereof "or (c)" and striking out "1683" and inserting in lieu thereof "1787" in subsection 1682(a)(1);

(5) striking out the last sentence of section 1682(b);

(6) striking out sections 1672, 1675, 1683, and 1687 in their entirety; and

(7) redesignating section 1686 as section 1683.

SEC. 402. Chapter 35 of title 38, United States Code, is amended by—

(1) deleting "1737" and inserting "1736" in section 1712(a)(2);

(2) striking out sections 1722, 1725, and 1736 in their entirety;

(3) redesignating section 1737 as section 1736; and

(4) striking out "1737" and inserting "1736" in section 1735.

SEC. 403. Chapter 36 of title 39, United States Code, is amended by—

(1) striking out "1686" and inserting "1683" in section 1770(b);

(2) inserting "this chapter and" after "purposes of" in section 1771(a);

(3) inserting "this chapter and" before "chapters 34 and 35" each place it appears in section 1772;

(4) striking out "1737" and inserting in lieu thereof "1736" in section 1772(a);

(5) striking out "1683(a)(1)" and inserting in lieu thereof "1787(a)(1)" in section 1772(c);

(6) inserting "this chapter and" before "chapters 34 and 35" in subsection (a) of section 1773;

(7) inserting "this chapter and" before "chapters 34 and 35" the first time it appears in section 1774(a);

(8) striking out "or special training allowance granted under chapter 34 or 35" and inserting in lieu thereof "granted under chapter 34, 35, or 36" in section 1781;

(9) inserting "this chapter or" before "chapter 34 or 35" in section 1782;

(10) inserting "this chapter or" before "chapter 34 or 35" each place it appears in 1783;

(11) inserting "this chapter or" before "chapter 34 or 35" in section 1785;

(12) inserting "this chapter or" before "chapter 34 or 35" in section 1793 (as redesignated by section 316(2) of this Act); and

(13) striking out "Chapters 31, 34, and 35" and inserting in lieu thereof "chapters 31, 34, 35, and 36" in section 1795 (as redesignated by section 316(2) of this Act).

SEC. 404. (a) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(1) striking out:

"1672. Change of program."

and

"1675. Period of operation for approval.";

(2) striking out:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Apprenticeship or other on-job training.
"1684. Measurement of courses.
"1685. Overcharges by educational institutions.
"1686. Approval of courses.
"1687. Discontinuance of allowances."

and inserting in lieu thereof the following:

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Approval of courses.
"1684. Apprenticeship or other on-job training; correspondence courses.
"1685. Veteran-student services.";

and

(3) adding at the end thereof the following:

"1697A. Coordination with and participation by Department of Defense.".

(b) The subchapter heading above section 1681 of such title is amended to read as follows:

"Subchapter IV—Payments to Eligible Veterans; Veteran-Student Services

SEC. 405. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(1) striking out:

"1722. Change of program."

and

"1725. Period of operation for approval.";

(2) striking out:

"1733. Measurement of courses.
"1734. Overcharges by educational institutions.
"1735. Approval of courses.
"1736. Discontinuance of allowances.
"1737. Specialized vocational training courses."

and inserting in lieu thereof:

"1733. Special assistance for the educationally disadvantaged.
"1734. Apprenticeship or other on-job training; correspondence courses.
"1735. Approval of courses.
"1736. Specialized vocational training courses."

SEC. 406. The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by—

(1) inserting:

"1780. Payment of educational or subsistence assistance allowances."

immediately above

"1781. Limitations on educational assistance.";

and

(2) striking out:

"1786. Examination of records.
"1787. False or misleading statements.
"1788. Advisory committee.
"1789. Institutions listed by Attorney General.
"1790. Use of other Federal agencies.
"1791. Limitation on period of assistance under two or more programs."

and inserting in lieu thereof:

"1786. Correspondence courses.
"1787. Apprenticeship or other on-job training.
"1788. Measurement of courses.
"1789. Period of operation for approval.
"1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.
"1791. Change of program.
"1792. Advisory committee.
"1793. Institutions listed by Attorney General.
"1794. Use of other Federal agencies.
"1795. Limitation on period of assistance under two or more programs."

SEC. 407. Section 101 of title 38, United States Code, is amended by striking out the last sentence of paragraph (4) and inserting in lieu thereof the following sentences: "A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement."

SEC. 408. Section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."; and

(2) The heading of such section is amended to read as follows:

"§ 102. Dependent parents; husbands".

SEC. 409. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out:

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof:

"102. Dependent parents; husbands.".

SEC. 410. (a) The first sentence of section 240 of title 38, United States Code, is amended by inserting "and encourage" after "aid".

(b) Section 241 of such title is amended by striking out "give priority to so advisory" and inserting in lieu thereof "insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with" in clause (1).

SEC. 411. Subsection (b) of section 1774 of title 38, United States Code, is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

"Total salary cost reimbursable under this section	*Allowance for administrative expense*
$5,000 or less	$500.
Over $5,000 but not exceeding $10,000	$900.
Over $10,000 but not exceeding $35,000	$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$5,250.
Over $40,000 but not exceeding $75,000	$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$10,450.
Over $80,000	$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof."

SEC. 412. Section 3301 of title 38, United States Code, is amended—

(1) by inserting after "Veterans' Administration" where it first appears, the language: "and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans' Administration"; and

(2) by adding at the end of such section the following new clause (9):

"(9) the Administrator may, pursuant to regulations he shall prescribe, release the names and addresses of present or former personnel of the armed services, and/or dependents to any nonprofit organization but only if the release is directly connected with the conduct of programs and the utilization of benefits under this title. Any such organization or member thereof which uses such names and addresses for purposes other than those specified in this clause shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of subsequent offenses."

SEC. 413. The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act.

TITLE V—VETERANS' EMPLOYMENT ASSISTANCE AND PREFERENCE

SEC. 501. This title may be cited as the "Veterans' Employment and Readjustment Act of 1972".

SEC. 502. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41.—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) The term 'eligible veteran' means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than with other than a dishonorable discharge.

"(2) The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end policies shall be promulgated and administered through a Veterans Employment Service within the Department of Labor, so as to provide such veterans the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a representative of the Veterans Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans of the State veterans population, and such additional assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper counseling, placement, and training services to veterans provided by the various State public employment service agencies shall be separately identified in the budgets of those agencies as approved by the Department of Labor.

"(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual report

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by striking out:

"41. Job Counseling and Employment Placement Service for Veterans.... 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans...... 2001"

Sec. 503. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 42. EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

"Sec.

"2011. Definitions.

"2012. Veterans' employment emphasis under Federal contracts.

"2013. Eligibility requirements for veterans under certain Federal manpower training programs.

"§ 2011. Definitions

"As used in this chapter—

"(1) The term 'disabled veteran' means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

"(3) The term 'department and agency' means any department or agency of the Federal Government or any federally owned corporation.

"§ 2012. Veterans' employment emphasis under Federal contracts

"(a) Any contract entered into by any department or agency for the procurement of personal property and non-personal services (including construction) for the United States, shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings and (2) each such local office shall give such veterans priority in referral to such employment openings.

"(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

"§ 2013. Eligibility requirements for veterans under certain Federal manpower training programs

"Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof a new item as follows:

"42. Employment and Training of Disabled and Vietnam Era Veterans .... 2011".

Sec. 504. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), is amended as follows:

(1) Section 101(1) (50 U.S.C. App. 511(1)) is amended by striking out "The term 'persons in military service' " and inserting in lieu thereof "The term 'person in the military service', the term 'persons in military service',".

(2) The following new section is inserted after section 700:

"Sec. 701. (a) Notwithstanding any other provision of law, a power of attorney which—

"(1) was duly executed by a person in the military service who is in a missing status (as defined in section 551(2) of title 37, United States Code);

"(2) designates that person's spouse, parent, or other named relative as his attorney in fact for certain specified, or all, purposes; and

"(3) expires by its terms after that person entered a missing status, and before or after the effective date of this section;

shall be automatically extended for the period that the person is in a missing status.

"(b) No power of attorney executed after the effective date of this section by a person in the military service may be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though that person, after the date of execution of the document, enters a missing status.

"(c) This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code)."

Sec. 505. Section 3107 of title 38, United States Code, is amended by inserting after "title" the words "or that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title".

TITLE VI—EFFECTIVE DATES AND SAVINGS PROVISIONS

Sec. 601. (a) The rate increases provided in title I of this Act and the rate increases provided by the provisions of section 1787, title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment, the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972.

(b) The provisions of title V of this Act shall become effective 90 days after the date of enactment of this Act.

Sec. 602. (a) The provisions of section 1786 of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to those wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act.

Sec. 603. (a) The prepayment provisions of subsection (e) of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on November 1, 1972.

(b) The advance payment provisions of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress.

Sec. 604. (a) Notwithstanding the provisions of section 1712(b) of title 38, United States Code, a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 313 of this Act), shall have eight years from the date of the enactment of this Act in which to complete such a program of education or receive such benefits.

(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code, an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 316 of this Act) shall have eight years from the date of the enactment of this Act in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his thirty-first birthday.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, the Members of the House should know before this goes through by unanimous consent that this series of four bills totals an expense of $705.9 million.

This is one way to legislate as the squeeze play for the adjournment goes ahead. The gentleman from Texas and the gentleman from Pennsylvania and others have seen fit to coordinate these bills, one involving cemeteries, one involving education, the one that is presently before us, and one involving medical schools with their associated deans, committees, affiliated with the Veterans'

Administration hospitals, and one with other medical benefits.

But the acceptance of the amendment to the Senate amendment, Mr. Speaker, has been carefully worked out. These bills are benefits of a grateful nation to our veterans and I must say that the committee, according to the information furnished me by the chairman and the ranking minority member and the efficient staff, has, as the gentleman from Pennsylvania said, worked out the least expensive bill, in comparison with the Senate bill, that probably could still be called a compromise.

I just want the committee to know, even if all the Senate amendments are germane—and I have heard no statement to that effect as yet—that there is in this particular bill $490 million of taxpayers' funds for the general education bill for enhancement of the GI bill of rights; and the four bills will be considered practically en bloc, because I understand the plan is to do the same thing with the other three; and that amounts to over $700 million.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. TEAGUE of California. I just want to point out that the Senate bills provided for $1,100,000,000, and it seems to me we have worked out the best possible compromise and we have come up with all these bills that are closer to the House version than the Senate version.

Mr. HALL. I would agree with the gentleman. We just upped our ante on the House-passed bill by $200 million and came up from $290 to $490 million, as reported, which is over $600 million less than the $1.1 billion in the other body.

I have tried to cover that in my summarizing statement, but inasmuch as these are listed in the category of sacred cows of the Congress and seem to be what the people want for their returning veterans, even though we are nearly bankrupt, I do not intend to object.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. TEAGUE of Texas. I would like to reiterate what the gentleman from California said, that the House group has done everything possible to keep this to the lowest amount.

But every veteran group is for it. I think if we should call the White House, they would tell us they are for it. So far as I know, there is no opposition to it.

Mr. HALL. Mr. Speaker, the only thing I am sure of is that all veteran groups are for it because it benefits them. I am a veteran. I do not want to be in the position of being against the sacred cow. I would venture to say that not one veteran group that has applied pressure has taken the trouble to say from whence they think the money is coming, or to suggest any other program that they think might be reduced in order to provide this $705.9 million.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, at the outset, I wish to advise the House that the Senate amendment is germane to the original resolution, House Joint Resolution 748.

House Joint Resolution 748 passed the House in the first session of this Congress and was designed to provide Federal assistance for new State medical schools, existing medical schools, and other health service institutions. In the Senate, our resolution, as well as a similar Senate bill, was the subject of hearings and extensive consideration by the Senate Subcommittee on Health and Hospitals under the able chairmanship of Senator CRANSTON. In the present session, the Senate passed House Joint Resolution 748 with an amendment in the nature of a substitute which represented the text of the Senate committee-approved bill. Each version of the legislative proposal adhered to the basic objective of providing, through the Veterans' Administration, financial assistance for medical schools and other health institutions. The major difference involved is the magnitude of such assistance in terms of the number of beneficiary institutions and the amount of authorized appropriations. In addition, the Senate version emphasized the need for and the methods of expanding and improving health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration. I am pleased to report that as a result of diligent efforts on the part of our respective staffs and the understanding consensus reached on policy questions on the part of the leadership of our two committees, agreement has been reached under which I believe the resolution is strengthened and improved without departing from the major thrust of its objectives. The House substitute amendment embodies that agreement.

I should like to point out briefly the major differences in the original House and Senate versions, and the comparable compromise provisions contained in the substitute amendment. In the first place, the House resolution proposed a pilot program for assistance in establishing not more than five new medical schools. In this area, the Senate version proposed such assistance to 10 medical schools. Our substitute amendment represents an agreement on eight such schools. Second, the original House resolution provided appropriations authorization in three categories; namely, $15 million for new schools each year for 7 fiscal years, $15 million for the same period for assistance to existing affiliated schools each year, and $3 million the first year, with $4 million for each of the succeeding 6 fiscal years for grants to assist institutions of allied health professions and other nonprofit health service institutions. The Senate proposal authorized for the purpose of the entire program $125 million for the first fiscal year and a like sum for each of the succeeding 5 years; earmarking, however, $25 million in each fiscal year for the purpose of assistance in establishing new medical schools. The House substitute now provides $25 million for each of the mentioned fiscal years for the eight new schools, and a total of $50 million for each such fiscal year for financing that program and the remaining programs under the resolution.

The original House version of House Joint Resolution 748, regarding assistance in the establishment of new medical schools, provided that the Administrator require in the agreement that there be satisfactory assurances of adequate State financial support for the proposed school. With regard to assistance to existing affiliated schools, however, as well as aid to other health-manpower institutions, the House version authorized grants "on a matching basis." Since this generally connotes a 50–50 sharing of costs, it was concluded that such a requirement might be too rigid in certain otherwise meritorious applications. In this area, therefore, the substitute amendment replaces the "matching" requirement with a condition that the administration finds that—

> The application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private.

In this connection, I wish to emphasize that the committee fully intends that such supplementation shall be in fair, but substantial amounts.

The substitute amendment also incorporates certain additional provisions urged by the Senate representatives which are designed to emphasize and strengthen the health manpower training programs in the Veterans' Administration and affiliated institutions. For example, the Senate approach contemplated that not less than four such centers be established. Each such center would provide in-residence continuing medical and related education programs for eligible medical and health personnel, including, first, the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment; second, advanced clinical instructions; third, the opportunity for conducting clinical investigations; fourth, clinical demonstrations in the utilization of new types of health personnel and in the better utilization of the skills of existing health personnel; and fifth, routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

The House substitute provides that the Administrator shall implement a pilot program of broad health manpower training under which he shall designate regional medical education centers at such Veterans' Administration hospitals as he determines appropriate to carry out the training and teaching objectives outlined above. I have concluded that these provisions serve to improve the proposal and reemphasize the desire of the Congress that the existing and potential facilities of the Department of Medicine and Surgery, administering the largest single health service program in the nation, be utilized to the maximum extent in expanding its program of training and education of health service personnel.

Mr. Speaker, in conclusion it is my conviction that this measure now represents a major and progressive step forward in our continuing efforts in securing expanded health delivery service, both quantitatively and qualitatively. I would be remiss if I failed to call particular attention to the personal and dedicated efforts of the gentleman from Virginia, Mr. SATTERFIELD, and the ranking minority member, Mr. SAYLOR of Pennsylvania, and their very able associates on our Subcommittee on Hospitals. House Joint Resolution 748 is but one of several pending major legislative proposals in the veterans' medical field which must be credited primarily to their effective efforts.

As a supplement to these remarks, I offer for the RECORD at this point a brief explanatory statement as to certain other provisions of the House substitute amendment of House Joint Resolution 748:

EXPLANATORY STATEMENT AS TO CERTAIN OTHER PROVISIONS OF THE HOUSE SUBSTITUTE AMENDMENT OF HOUSE JOINT RESOLUTION 748

1. Sec. 5073(a)(1)—Language in the comparable Senate provisions (Sec. 5067(a)(1)) authorized the leasing of VA land, buildings and structures to institutions "for nominal or no consideration." As worded it appeared to preclude requiring in any case consideration other than nominal. Accordingly, this language is stricken in the compromise version but retains authority to lease "under such terms and conditions as the Administrator deems appropriate." This gives the Administrator flexibility to require either substantial, nominal, or no consideration, as may be indicated in any given case.

2. Sec. 5073(a)(1) and (2)—Provision of and leasing of equipment. In retaining section 5073(a)(1) and (2) specifying that leases in connection with new medical schools may include "equipment", the compromise version contemplates that the equipment which the VA would provide would be that essential to the effective use of the facility leased to the medical school for the purpose for which it is leased, which generally would include furnishings and basic equipment integral to the operation of the facility which is leased. It is not intended that this would include the furnishing of valuable specialized medical resources or extensive equipping beyond the immediate teaching needs of the medical school. The compromise version also makes clear that any provisions of equipment under clause (2) must be included in the lease under clause (1), either initially or through amendment to the lease.

3. Sec. 5083(a)—Use of grant funds for renovation and improvements of medical school facilities. House language is retained in Sec. 5083(a) to the effect that no subchapter II grants to affiliated medical schools may be used "for the construction of any building which will not be located on land under the jurisdiction of the Administrator." . . . This provision is, of course, not intended to prohibit use of such grants for renovation or improvement, as distinguished from new construction, of any facilities located on the medical school's property.

4. Sec. 5083(b)(2) and Sec. 5093(b)(2)—The original House provision language (Sec. 5085 and Sec. 5096), which could be construed to require a full 50 percent matching for grants to affiliated medical schools and other health manpower institutions was not retained in the compromise version in order not to place an unreasonable administrative and cost accounting burden on both the VA and the schools. Rather, it is required that the Administrator find that (and the grant application include adequate assurances that) there will be supplementation of the VA funds from some other source. In this connection, it is expected that the school will bear its fair and substantial share of the project costs.

5. Location of hospitals—The compromise version does not include the Senate provision (Section 5) requiring that a new hospital, (other than a replacement hospital) be constructed to the extent feasible, in close proximity to an affiliated medical school and that such new hospital include necessary classroom and teaching facilities. It was not felt necessary to place this requirement in the statute since the VA now follows the policy of locating new VA hospitals near medical schools where feasible.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

So the amendment to the Senate amendment was agreed to.

The SPEAKER. The Clerk will report the Senate amendment to the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapters 31, 34, and 35 of such title; to provide for advance payment of educational assistance or subsistence allowances and establish a Work-Study/Outreach Program; to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title; to extend eligibility to wives and widows of certain veterans for tutorial assistance and participation in correspondence, apprenticeship and other on-job training, and high school and elementary education programs to extend eligibility to the dependents of certain veterans for tutorial assistance and participation in apprenticeship and other on-job training programs; to improve the farm cooperative training program by reducing the number of in-class hours and expanding on-farm instruction; to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title; to promote the employment of veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing an employment preference for certain Vietnam era or disabled veterans under Federal contracts and subcontracts; to consolidate certain provisions in chapters 34 and 35 of such title into chapter 36 of such title; and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment to the title of the bill with an amendment as follows: amend the title so as to read:

"A bill to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons: to provide for advance educational assistance payments to certain veterans: to make improvements in the educational assistance programs: and for other purposes".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

VETERANS' ADMINISTRATION MEDICAL SCHOOL ASSISTANCE AND HEALTH MANPOWER TRAINING ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 748) amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE AMENDMENTS

The SPEAKER. The Clerk will report the Senate amendment to the text of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert: That this resolution may be cited as the "Veterans' Administration Health Manpower Training Act of 1972".

SEC. 2. The Congress hereby finds and declares—

(1) that there is a great shortage of physicians, other health professionals, physicians' and dentists' assistants, allied health personnel, and other health manpower in the United States;

(2) that it is estimated that there is a shortage in the United States now of at least forty-eight thousand physicians, seventeen thousand eight hundred dentists, one hundred fifty thousand nurses, eight thousand seven hundred optometrists, twelve thousand nine hundred podiatrists, and two hundred sixty-six thousand allied health and other health personnel;

(3) that the Veterans' Administration operates the largest medical care system in the United States with over a quarter century of experience in the education and training of health manpower;

(4) that the Department of Medicine and Surgery of the Veterans' Administration maintains an active and close affiliation with eighty-four medical schools, fifty-two dental schools, three hundred and four schools of nursing and approximately four hundred universities, colleges, and junior colleges which educate and train health manpower;

(5) that it is essential that the health manpower pool of the Nation be expanded;

(6) that if the training of sufficient numbers of physicians, other health professionals, physicians' assistants, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and other health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

(7) that because of the size, diversity, and quality of its medical program, the Veterans'

Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical, other health professions schools and allied health schools and area health education centers, in the establishment of new public nonprofit medical, other health professions and allied health schools and area health education centers, and in the expansion and improvement of education and training opportunities for allied health and other health personnel;

(8) that because of the size, diversity, and quality of its medical program, the great flexibility in its personnel administration, and its general freedom from restrictive licensing laws and regulations, and because of the great numbers of ex-servicemen with military occupation specialities in medical fields, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified, and has a special responsibility to the Nation and medically trained veterans, to assume national leadership in the training and employment of veterans and other qualified persons as physicians' assistants and health technicians; and

(9) that it is essential that an adequate number of physicians, other health professionals, physicians' assistants, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans.

SEC. 3. Section 4101(b) of title 38, United States Code, is amended to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower, with special emphasis on the training and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technicians, acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers; academic health centers and area health education centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate. For the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) a separate line item showing the estimated expenditures by the Veterans' Administration during such fiscal year for the education and training of health manpower."

SEC. 4. (a) Chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"§ 4121. Designation of Regional Medical Education Centers

"(a) In carrying out his functions under section 4101 of this title with regard to the training of health manpower, the Administrator shall designate as Regional Medical Education Centers such Veterans' Administration hospitals as he determines appropriate to carry out the provisions of this subchapter, but in no event shall he designate less than four. The Administrator shall, to the extent feasible, designate such Regional Medical Education Centers in geographically dispersed areas of the United States.

"(b) Each Regional Medical Education Center designated under subsection (a) of this section shall provide continuing medical and related education programs for medical and health personnel of the Veterans' Administration and, to the extent that the Administrator determines such facilities are available, for other medical and health personnel on a reimbursable basis. Each such center shall provide intensive, advanced training of the highest caliber. Such training shall be in residence and shall include, but shall not be limited to (1) the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment, (2) advanced clinical instruction, (3) the opportunity for conducting clinical investigations, (4) clinical demonstrations in the utilization of new types of health personnel of existing health personnel, and (5) routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§ 4122. Supervision and staffing of centers

"(a) Regional Medical Education Centers shall be operated under the supervision of the Chief Medical Director. Each such center shall be staffed with personnel qualified to provide the highest quality instruction and training in various medical care disciplines.

"(b) As a means of providing appropriate recognition to individuals in the career service of the Department of Medicine and Surgery who possess outstanding qualifications in a particular medical discipline, the Chief Medical Director shall from time to time and for such period as he deems appropriate assign such individuals to serve as visiting instructors at Regional Medical Education Centers.

"(c) Whenever he deems it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director is authorized to contract for the services of highly qualified medical personnel from outside the Veterans' Administration to serve as instructors at such centers.

"§ 4123. Personnel eligible for training

"(a) The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Regional Medical Education Centers. Preference shall be given to career personnel of the Department of Medicine and Surgery. Medical and health care personnel from other Federal departments and agencies shall be eligible for in-residence training in the Regional Medical Education Centers, but the Veterans' Administration shall be reimbursed by such departments and agencies for providing such training. Medical and health care personnel from outside the Federal Government may be afforded training under this subchapter, to the extent that facilities are available, on a reimbursable basis.

"§ 4124. Consultation

"In carrying out the provisions of this subchapter, the Chief Medical Director shall consult with and seek the advice of the special medical advisory group (and any appropriate subcommittee thereof) established pursuant to section 4112(a) of this title, and, with respect to the program at any hospital designated as a Regional Medical Education Center pursuant to section 4121(a) of this title, the Chief Medical Director shall consult with and seek the advice of the advisory committee established for such hospital pursuant to section 4112(b) of this title."

(b) (1) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting at the beginning of such table the following:

"Subchapter I—ORGANIZATION; GENERAL".

(2) Such table of sections is further amended by adding at the end thereof the following:

"Subchapter II—REGIONAL MEDICAL EDUCATION CENTERS

"4121. Designation of Regional Medical Education Centers.

"4122. Supervision and staffing of centers.

"4123. Personnel eligible for training.

"4124. Consultation.

"Subchapter I—ORGANIZATION; GENERAL".

SEC. 5. Section 5001(c) of title 38, United States Code, is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that, to the extent feasible, any new hospital (other than a replacement for an existing hospital) shall be constructed in close proximity to a school of medicine or osteopathy which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare and which has agreed to affiliate with the Veterans' Administration through such hospital and shall include such classrooms, lecture facilities, laboratories, and other teaching facilities as are necessary to make the hospital suitable for health manpower education and training in accordance with the purposes of chapters 73 and 82 of this title."

SEC. 6. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter:

"Chapter 82—UTILIZATION OF VETERANS' ADMINISTRATION HOSPITALS TO IMPROVE AND EXPAND EDUCATION AND TRAINING OF HEALTH MANPOWER

"SUBCHAPTER I—COORDINATION WITH OTHER PROGRAMS; AUTHORIZATION FOR APPROPRIATIONS; GENERAL PROVISIONS

"Sec.

"5061. Coordination with other programs.

"5062. Authorization for appropriations.

"5063. Limitation on agreements; regulations.

"SUBCHAPTER II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"SUBCHAPTER III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, OTHER HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"5065. Declaration of purpose.

"5066. Definitions.

"5067. Pilot program assistance.

"SUBCHAPTER IV—ASSISTANCE TO AFFILIATED MEDICAL, OTHER HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS, OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"5071. Declaration of purpose.

"5072. Definitions.

"5073. Grants.

"5074. Payments.

"Subchapter I—COORDINATION WITH OTHER PROGRAMS; AUTHORIZATION FOR APPROPRIATIONS; GENERAL PROVISIONS

"§ 5061. Coordination with other programs

"The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this chapter and programs carried out under section 309 and title VII, VIII, and IX of the Public Health Service Act.

"§ 5062. Authorization for appropriations

"There is hereby authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years, of which $25,000,000 in each fiscal year shall be available only for the purposes of subchapter III of this chapter. Funds appropriated pursuant to this section shall be used for entering into agreements and making grants pursuant to this chapter. Funds appropriated pursuant to this section shall remain available until expended. Not more than 2 per centum of the funds appropriated pursuant to this section for any fiscal year may be used for administrative expenses in carrying out this chapter in such fiscal year.

"§ 5063. Limitations on agreements; regulations

"(a) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter after the end of the seventh calendar year after the calendar year in which this chapter takes effect.

"(b) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter without prior consultation with an advisory subcommittee on programs for assistance for health manpower education and training, which the Administrator shall establish and which shall be a subcommittee of the special medical advisory group established pursuant to section 4112(b) of this title. The Assistant Chief Medical Director for Research and Education in Medicine shall be an ex efficio member of such subcommittee.

"(c) The Administrator shall ensure that qualified persons who have been separated or discharged from the active military, naval, or air service shall be given priority for admission to health manpower education and training programs assisted or conducted under this chapter or any other provision of this title and that among such qualified persons those who served during the Vietnam era, especially those with medical military occupation specialties, and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty shall be given the highest priority and advised thereof.

"(d) The Administrator, after consultation with the advisory subcommittee established pursuant to subsection (b) of this section, shall prescribe regulations covering the terms and conditions for entering into agreements under subchapter III and making grants under subchapter IV of this chapter.

"(e)(1) Each recipient of assistance under this chapter shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any assistance under this chapter which are pertinent to such assistance.

"Subchapter II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"§ 5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5062 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (1) the necessary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching facilities) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (2) special allocations (including trainee stipends and instruction salaries) to Veterans' Administration hospitals for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training.

"Subchapter III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, OTHER HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"§ 5065. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to implement a pilot program under which he may provide assistance in the establishment of new public nonprofit health professions schools, allied health schools, and area health education centers if such schools and centers are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5066. Definitions

"For the purpose of this subchapter—

"(1) The term 'area health education center' means a public nonprofit educational facility or other public nonprofit institution affiliated with a Veterans' Administration hospital for the conduct of, or the providing of guidance for, education and training programs for health manpower in association with State, community, or other nonprofit colleges or universities, other hospitals and health facilities, or professional health or medical organizations in a particular geographical area and to serve as an instrument of cooperation between such Veterans' Administration hospital and its education, research, and health service programs and the framework of health facilities and organizations and activities in a given area for the betterment of health care in such area.

"(2) The term 'health professions school' means any public nonprofit school of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry or public health which is, or, for the purposes of subchapter I of this chapter, there is reasonable assurance will be, accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

"(3) The term 'State' means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"§ 5067. Pilot program assistance

"(a) Subject to subsection (b) of this section, the Administrator, in consultation with the Secretary of Health, Education, and Welfare, may enter into an agreement to provide to any public nonprofit college, school, or university the following assistance to enable such college, school, or university to establish a new health professions school, allied health school, or an area health education center:

"(1) The leasing to the college, school, or university for nominal or no consideration, under such terms and conditions as the Administrator deems appropriate, of such land, and such buildings and other structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for the establishment and operation of such school or center. Any lease made pursuant to this subchapter to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter to any public nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, improvement, remodeling, or repair of buildings and structures (including the provision of initial equipment, and replacement of obsolete or worn-out equipment) provided under paragraph (1) to the extent necessary to make them suitable for use as health professions schools, allied health schools, or area health education center facilities.

"(3) The making of grants to assist the college, school, or university in part to pay the cost of the salaries of the faculty of such school or center during the initial twelve-month period of operation of the school or center and the next six such twelve-month periods, but payment under this paragraph in the case of any college, school, or university shall not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that the agreement includes satisfactory assurances that—

"(A) there will be adequate State or other financial support for the proposed school or center;

"(B) the overall plans for the school or center meet such professional and other standards as the Administrator deems appropriate, in consultation with the Secretary of Health, Education, and Welfare, as to the education and training programs and include significant programs for (i) cooperative interdisciplinary training among health professions schools and allied health schools with emphasis on the use of the team approach in providing health services, (ii) training for new roles, types, or levels of health manpower, including training of physicians', dentists', or other health professions' assistants and of nurse practitioners, providing the fullest opportunities for career advancement and mobility, or (iii) recruiting, enrolling and retaining qualified individuals who due to socioeconomic factors are financially or otherwise disadvantaged;

"(C) the school or center will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school or center; and

"(D) with regard to health professions schools and allied health schools, on the basis of consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) The Administrator shall not use the authority under this subchapter to assist in the establishment of more than ten new public nonprofit health professions schools, allied health schools, and area health education centers. Schools and centers established with assistance under this subchapter shall be located in geographically dispersed areas of the United States.

"(d) If the Administrator, in accordance with such regulations as he shall prescribe, determines that any public nonprofit health professions school, allied health school, or area health education center established with assistance under this subchapter—

"(1) is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

"(2) is accredited but fails to substantially to carry out the terms of the agreement entered into under this subchapter; or

"(3) is no longer operated for the purpose for which such assistance was granted

he shall be entitled to recover from the recipient of assistance under this subchapter the facilities of such school or center which were established with assistance under this subchapter. In order to recover such facilities the Administrator may bring an action in the District Court of the United States for the district in which such facilities are situated.

"SUBCHAPTER IV—ASSISTANCE TO AFFILIATED MEDICAL, OTHER HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS, OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to carry out a program of grants for eligible health manpower training institutions and area health education centers which maintain affiliations with the Veterans' Administration in order to assist such institutions or centers to expand and improve their capacities to train health manpower.

"§ 5072. Definitions

"For the purpose of this subchapter, the term 'eligible institution' means any public or private nonprofit—

"(1) health professions school of the type defined in section 5066(2) of this title,

"(2) area health education center of the type defined in section 5066(1) of this title, or

"(3) institution for the training or education of allied health or other health personnel

which maintains an affiliation with the Veterans' Administration.

"§ 5073. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is affiliated, projects and programs for the expansion and improvement of such institution's capacity to train health manpower. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate. Grants under this subchapter which provide for the construction of facilities may include only the extension, expansion alteration, improvement, remodeling, or repair of existing structures (including provision of initial equipment and replacement of obsolete or worn-out equipment).

"(b) An application for a grant under this section may be approved by the Administrator, in consultation with the Secretary of Health, Education, and Welfare, only upon the Administrator's finding that—

"(1) the proposed projects and programs for which the grant is to be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

"(2) there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at that institution;

"(3) the applicatiton sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter;

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports; and

"(5) the application sets forth significant programs of the type described in clause (i), (ii), or (iii) of section 5067(b)(1)(B) of this title.

"§ 5074. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and in advance or by way of reimbursement in installments, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine."

(b) The table of parts and chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part VI of such title are each amended by adding

"82. Utilization of Veterans' Administration Hospitals to Improve and Expand Education and Training of Health Manpower .... 5061"

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply............ 5001".

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment to the text with an amendment as follows: Strike out all after the resolving clause and insert in lieu thereof the following:

That this Act may be cited as the "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972".

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

"5091. Declaration of purpose.
"5092. Definition.
"5093. Grants.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or provide other assistance under subchapter II or III of this chapter after the end of the seventh calendar year after the calendar year in which this chapter takes effect.

"(c) The Administrator, after consultation with the special medical advisory committee established pursuant to section 4112 (a) of this title, shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

"(d) Payments made pursuant to grants under this chapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"(e) In making grants under this chapter, the Administrator shall give special consideration to applications from institutions which provide reasonable assurances, which shall be included in the grant agreement, that priority for admission to health manpower and training programs carried out by such institutions will be given to otherwise qualified veterans who during their military service acquired medical military occupation specialities, and that among such qualified veterans those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty will be given the highest priority. In carrying out this chapter and section 4101(b) of this title in connection with health manpower and training programs assisted or conducted under this title or in affiliation with a Veterans' Administration medical facility, the Administrator shall take appropriate steps to encourage the institutions involved to afford the priorities described in the first sentence of this subsection and to advise all qualified veterans with such medical military occupation specialities of the steps he has taken under this subsection and the opportunities available to them as a result of such steps.

"(f) (1) Each recipient of assistance under this chapter shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any assistance under this chapter which are pertinent to such assistance.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools at colleges or universities which are primarily supported by the States in which they are located if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants pursuant to section 5073 of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section, the Administrator may enter into an agreement to provide to any college or university which is primarily supported by the State in which it is located (hereinafter in this subchapter referred to as 'institution') the following assistance to enable such institution to establish a new medical school:

"(1) The leasing to the institution, for such consideration and under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012 (a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph. Any lease made pursuant to this subchapter may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, remodeling, improvement, or repair of buildings and structures (including, as part of a lease made under paragraph (1), the provision of equipment) provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

"(3) The making of grants to assist the institution to pay the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b) (1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds, and the agreement includes satisfactory assurances, that—

"(A) there will be adequate State or other financial support for the proposed school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate;

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school; and

"(D) on the basis of consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) If the Administrator, in accordance with such regulations as he shall prescribe, determines that any school established with assistance under this chapter—

"(1) is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

"(2) is accredited but fails substantially to carry out the terms of the agreement entered into under this chapter; or

"(3) is no longer operated for the purpose for which such assistance was granted,

he shall be entitled to recover from the recipient of assistance under this chapter the facilities of such school which were established with assistance under this chapter. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than eight new medical schools. Such schools shall be located in geographically dispersed areas of the United States.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to medical schools which have maintained affiliations with the Veterans' Administration in order to assist such schools to expand and improve their training capacities and to cooperate with institutions of the types assisted under subchapter III of this chapter in carrying out the purposes of such subchapter.

"§ 5082. Authorization of appropriations

"(a) There is further authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years, for carrying out programs authorized under this chapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out, through the Veterans' Administration medical facility with which it is affiliated, projects and programs in furtherance of the purposes of this subchapter, except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the medical education (including continuing education) program of the school and will result in a substantial increase in the number of medical students attending such school, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions affiliated with the Veterans' Administration, designed to coordinate, improve, and expand the training of professional and technical allied health and paramedical personnel, and to assist in developing and evaluating new health careers, interdisciplinary approaches and career advancement opportuniites, so as to improve and expand allied and other health manpower utilization.

"§ 5092. Definition

"For the purpose of this subchapter, the term 'eligible institution' means any nonprofit educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration medical facility with which it is, or will become affiliated, educational and clinical projects and programs, matching the clinical requirements of the facility to the health manpower training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physicians' assistants, nurse practitioners, and other new types of health personnel in furtherance of the purposes of this subchapter. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such institution;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"§ 5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5082 of this title, the Administrator may expend such sums as he deems necessary, not to exeed 30 per centum thereof, for (1) the necessary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching facilities) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (2) special allocations to Veterans' Administration hospitals and other medical facilities for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health presonnel but which do not adversely affect the quality of such education or training."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions.................................5070".

immediately

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply.............. 5001".

SEC. 3. (a) Chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"§ 4121. Designation of Regional Medical Education Centers

"(a) In carrying out his functions under section 4101 of this title with regard to the training of health manpower, the Administrator shall implement a pilot program under which he shall designate as Regional Medical Education Centers such Veterans' Administration hospitals as he determines appropriate to carry out the provisions of this subchapter in geographically dispersed areas of the United States.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) of this section shall provide in-residence continuing medical and related education programs for medical and health personnel eligible for training under this subchapter, including (1) the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment, (2) advanced clinical instruction, (3) the opportunity for conducting clinical investigations, (4) clinical demonstrations in the utilization of new types of health personnel and in the better utilization of the skills of existing health personnel, and (5) routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§ 4122. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to individuals in the career service of the Department of Medicine and Surgery who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as he deems appropriate assign such individuals to serve as visiting instructors at Centers.

"(c) Whenever he deems it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director is authorized to contract for the services of highly qualified medical and health personnel from outside the Veterans' Administration to serve as instructors at such Centers.

"§ 4123. Personnel eligible for training

"The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Department of Medicine and Surgery. To the extent that facilities are available, other medical and health personnel shall, on a fully reimbursable basis, be eligible for in-residence training in the Centers.

"§ 4124. Consultation

"The Chief Medical Director shall carry out the provisions of this subchapter after consultation with the special medical advisory group established pursuant to section 4112(a) of this title."

(b)(1) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting at the beginning of such table the following:

"SUBCHAPTER I—ORGANIZATION; GENERAL".

(2) Such table of sections is further amended by adding at the end thereof the following:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"4121. Designation of Regional Medical Education Centers.
"4122. Supervision and staffing of Centers.
"4123. Personnel eligible for training.
"4124. Consultation.

"SUBCHAPTER I—ORGANIZATION; GENERAL".

Mr. **TEAGUE** of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **HECHLER** of West Virginia. Mr. Speaker, reserving the right to object—and I shall not object—I enthusiastically support this resolution.

Mr. **HECHLER** of West Virginia. Mr. Speaker, I enthusiastically support this bill to establish medical schools at State universities in conjunction with Veterans' Administration medical facilities.

I congratulate my good friends, the distinguished chairman of the House Veterans' Affairs Committee (Mr. TEAGUE) and the distinguished chairman of the subcommittee (Mr. SATTERFIELD), as well as other committee members and staff members who brought about this major and practical step to help ease the chronic shortage of doctors and other members of the medical profession.

Anyone who has to wait for 2 or 3 hours in a doctor's office or who has to travel long distances from rural areas to seek medical help does not have to be told about the acute shortages of medical personnel, including the need for about 50,000 more doctors.

MEDICAL SCHOOL AT MARSHALL UNIVERSITY

My hometown of Huntington, with excellent medical facilities, a great State university in Marshall, and a fine Veterans' Administration hospital, is solidly behind this legislation.

The Huntington people under the leadership of two outstanding Huntington doctors—Dr. C. A. Hoffman, national president of the American Medical Association, and Dr. Albert Eposito, past president of the West Virginia State Medical Society—have high hopes of building a vitally needed medical school at Marshall University under provisions of this legislation. We have a student body of 9,400 at Marshall University and a 180-bed VA hospital at Huntington, which would provide excellent facilities for a medical school to serve West Virginia, eastern Kentucky, and southeastern Ohio.

Even though the Nixon administration has gone on record opposing this legislation, I hope the President, in view of the tremendous need to train more doctors and more skilled medical personnel, will see the practical aspects of this legislation and not only sign it into law but also instruct his people to allocate the necessary funds to get moving full speed ahead on it.

I realize the competition for the eight new medical schools authorized under this legislation will be keen, but I just want to serve notice that Marshall University is putting its bid in early. I am pleased to reiterate my strong support for this bill and strong endorsement for a medical school at Marshall University.

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, I rise in support of House Joint Resolution 748 in its modified form to the Senate version.

On July 19, 1971, this body overwhelmingly passed the original bill designed to assist the Nation in overcoming the critical shortage of personnel in all areas of medical treatment. Basically, this objective was retained in the bill as amended by the Senate, but whereas the House bill authorized a pilot program authorizing the Veterans' Administration to assist States in establishing five State medical schools, the Senate proposed to increase this number to 10.

Other features of the House passed bill authorized grants to existing medical schools affiliated with the Veterans' Administration to assist them in enlarging and improving their capacity to educate medical students. It also authorized grants to nonprofit institutions that offer health manpower training courses to assist them in a program of expansion and improvement in the training of professional and technical allied health service personnel.

The Senate bill added provisions authorizing at least four geographically dispersed Veterans' Administration hospitals to be known as Regional Medical Education Centers, which would provide for a program of continuing and advanced medical education for medical personnel.

The House passed bill consisting of a 7-year program would have cost $33 million for the first year and $34 for each of the succeeding 6 years.

The Senate amendment would cost $125 million a year for 7 years.

The amendment now before us compromises by authorizing eight new medical schools at a cost of $75 million a year for 7 years and authorization permitting the Administrator of Veterans Affairs to establish a Regional Medical Education Center pilot program with no restriction as to the minimum number created.

A system is also established, stipulating that special consideration will be given in the making of grants to those institutions that provide reasonable assurance that priority for admission will be given to veterans with militarily acquired medical experience and the highest priority to disabled veterans and Vietnam veterans.

The bill before us insures that Federal funds will not be expended unless supplemented by State funds or other considerations. It requires that recipients of grants must meet professional and other standards established by the Administrator of Veterans Affairs and that affiliation with the Veterans' Administration be maintained. Recovery of Federal funds where the basic purpose of the grant is not adhered to is also authorized. I believe this amendment represents a reasonable compromise and I am going to vote for it.

Mr. SAYLOR. Mr. Speaker, reserving the right to object and I shall not object, I support the motion offered by the gentleman from Texas, the distinguished chairman of the Committee on Veterans' Affairs.

The amendment to the Senate amendment to House Joint Resolution 748 represents a reasonable compromise in the differences between the House and Senate versions of the bill. This measure, Mr. Speaker, was approved by this body on July 19, 1971, by a record vote of 371 to 2. At that time, I explained that this measure will permit the Veterans' Administration to utilize its vast medical facilities in helping to solve the Nation's critical shortage of doctors, nurses, and paramedical personnel. I said this commendable purpose would be achieved by authorizing the Veterans' Administration to provide assistance in the establishment of new State medical schools and the improvement of existing medical schools that are affiliated with the Veterans' Administration.

This basic objective is preserved in the amendment to the Senate amendment.

Specifically, the House passed bill authorized a pilot program in which the Veterans Administration would assist States in establishing five new State medical schools. Such assistance would include the leasing of Veterans' Administration land, buildings, and equipment as well as monetary grants to assist in paying faculty salaries.

Additionally, the measure authorized a program of grants to already existing medical schools affiliated with the Veterans' Administration to assist such schools in expanding and improving their capacity for educating medical students. Grants were also authorized for public, nonprofit universities, colleges, community colleges and other institutions offering health manpower training courses to assist in expanding and improving facilities for training professional and technical allied health service personnel.

The House-passed measure authorized a 7-year program of $33 million the first year and $34 million for each of the succeeding 6 years.

The Senate amendment to the bill increased the number of new medical schools established to 10 and the fund authorization to $125 million for each of 7 years. Additionally, the Senate provisions would authorize not less than four geographically dispersed VA hospitals to be designated as Regional Medical Education Centers. Such centers would provide continuing and advanced medical education for medical personnel.

The amendment before you authorizes eight new medical schools. Funding is authorized at $75 million for each of 7 years, while the Administrator is authorized to establish a pilot program of Regional Medical Education Centers with no minimum number set forth.

The amendment also specifies that special consideration shall be given in making grants to those institutions which provide reasonable assurances that priority for admission shall be given to veterans with medical experience acquired in military service, with the highest priority to disabled veterans and Vietnam era veterans.

Mr. Speaker, this amendment contains provisions to insure that Federal funds will not be expended unless they are supplemented by State funds or other considerations. It contains safeguards to insure that recipients of grants meet professional and other standards set by the Veterans' Administrator and will maintain affiliation with VA. The bill also authorizes recovery of Federal funds for failure to adhere to the basic purposes of the grant.

Mr. Speaker, I urge the adoption of the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. HICKS of Massachusetts. Mr. Speaker, one of the great needs in this country today is additional doctors and other trained persons in allied medical fields. I therefore rise in support of House Joint Resolution 748. I believe that it will be very helpful in improving medical care not only for this Nation's veterans but for the general public.

This bill authorizes the establishment of new medical schools in or near VA facilities in cooperation with the local State authorities. It also contains provisions which will improve the medical care for veterans by strengthening the medical education program of the medical schools which are affiliated with the VA hospitals.

I am pleased to state, Mr. Speaker, that this bill was conceived in the Committee on Veterans' Affairs, of which I am privileged to be a member, and I think it warrants the unanimous support of the Members of this body.

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object and I shall not object, I support the gentleman's motion to concur in the Senate amendments to House Joint Resolution 748 with an amendment. The amendment which the gentleman has proposed offers a reasonable compromise to differences in the House- and Senate-passed versions of the measure.

The amendment will authorize Veterans' Administration assistance in the form of funds, land, buildings, and equipment, to assist States in the construction of eight new State medical schools. The receipt of Federal funds, of course, would be contingent upon the States supplementing the project with funds of their own.

Additionally, the amendment authorizes a program of Federal grants to existing medical schools affiliated with Veterans' Administration hospitals to enable them to expand their teaching facilities, thus permitting the enrollment of more medical students each year. A program of grants to educational institutions engaged in the teaching of allied health manpower and paramedical personnel is also authorized under this proposal.

It is my understanding that the amendment is acceptable to the Senate committee and I urge that it be passed.

Mr. DORN. Mr. Speaker, I want to give my firm support to the provisions of the amended version of House Joint Resolution 748, as I did when the measure originated in the House and passed on nearly a unanimous vote in July of 1971.

I view this legislation as really one of landmark proportions for it authorizes the establishing of new medical schools and has a very vital provision to assist the States in creating such facilities in or near a Veterans' Administration facility. I need not state here the pressing need for medical students. All of us are keenly aware of the shortage of doctors and medicine. This bill has a great potential to start on a small scale and yet develop into a program which will produce a substantial increase in the number of doctors available throughout the country. In my own State, South Carolina, the enactment of this legislation will give new hope and leadership to the creation of a medical school in Columbia, and will in effect be a shot in the arm for those who have already been interested in providing such facilities.

The bill also authorizes grants to existing medical schools which are affiliated with Veterans' Administration hospitals where such grants will significantly contribute to the strengthening of the medical education program of schools and result in better medical care for our veterans.

Most of us know of many small junior colleges or undergraduate programs of institutions of higher learning which involve the training of personnel and allied health service personel. The resolution authorizes assistance for activities in this field.

So, Mr. Speaker, we have a three-pronged approach to meeting the need which has already been certified to exist, and if this resolution is promptly enacted into law and promptly funded, we will see great things result because of enactment of this proposal.

The **SPEAKER**. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

So the amendment to the Senate amendment was agreed to.

The **SPEAKER**. The Clerk will report the Senate amendment to the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "Joint resolution to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, other health professions, and allied health schools and area health education centers and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration; to afford continuing education for health manpower of the Veterans' Administration and other Federal departments and agencies at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States; and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment to the title of the resolution with an amendment as follows:

Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; to afford continuing education for health manpower of the Veterans' Administration and other such manpower at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States; and for other purposes.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

VETERANS HEALTH CARE EXPANSION ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10880) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The **SPEAKER**. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Veterans Health Care Expansion Act of 1972".

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978; or (iv) hospital care, where appropriate facilities defined in clauses (A) and (B) are not available, for the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and the widow or child of a veteran who died as a result of a service-connected disability."

(b) Section 601(5) of such title is amended to read as follows:

"(5) The term 'hospital care' includes—

"(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment of a service-connected disability or is unable to defray the expense of transportation;

"(B) such mental health services, consultation, professional counseling, and training including necessary expenses for transportation and subsistence, of the members of the immediate family (including legal guardians) of a veteran or a dependent or survivor of a veteran, or, in the case of a veteran or dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or a dependent or a survivor of a veteran;

"(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran, and (ii) transportation and incidental expenses for a dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation; and

"(D) nursing home care, subject to limitations prescribed in section 610(e) of this title."

(c) Section 601(6) of such title is amended by inserting immediately after "treatment," the following: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran,".

SEC. 102. Section 610 of title 38, United States Code, is amended by—

(1) striking out clause (1)(B) of subsection (a) and inserting in lieu thereof the following:

"(B) any veteran for a non-service-connected disability if he is unable to defray the expenses of necessary hospital care;";

(2) amending subsection (c) to read as follows:

"(c) While any veteran is receiving hospital care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran."; and

(3) adding at the end thereof the following new subsections:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care to the following individuals, in accordance with such regulations as he shall prescribe, to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a veteran who died as the result of a service-connected disability.

"(e) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title."

SEC. 103. (a) Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish (including by fee or contract) medical services for any disability on an outpatient or ambulatory basis—

"(1) to any person eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

"(2) to any veteran who has a service-connected disability rated at 50 per centum or more."

(b) The Administrator shall submit to the Congress not more than sixty days after the end of the first year after the date of enactment of this Act, and not more than sixty days after the end of the second year after the date of enactment of this Act, separate reports on the experience of the Veterans' Administration in administering the new authorities contained in sections 601, 610, 612(f), and 628 of title 38, United States Code, as provided by this Act. Each such report shall include information as to the cost of services and administration, number and type of cases rejected together with specific examples, and such recommendations for legislation as the Administrator deems appropriate.

SEC. 104. (a) The first sentence of subsection (a) of section 620 of title 38, United States Code, is amended by redesignating clauses (1) and (2) as clauses (i) and (ii), respectively, and by amending that portion preceding such clauses to read as follows:

"(a) Subject to subsection (b) of this secton, the Administrator may transfer—

"(1) any person who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—".

(b) The second sentence of section 620(a) of such title is amended by striking out the designations (A) and (B) and inserting in lieu thereof (I) and (II), respectively.

(c) Section 620(b) of such title is amended by adding (1) "or admitted" after "transferred" and (2) at the end thereof the following: "In establishing such standards, the Administrator shall consult with the heads of all other appropriate Federal agencies with respect to the standards established for like institutions by those agencies. Any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.".

(d) Section 620 of title 38, United States Code, is further amended by—

(1) adding at the end thereof the following new subsection (d):

"(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement, based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section."

SEC. 105. (a) Section 626 of title 38, United States Code, is amended by striking out "fire" and inserting in lieu thereof "fire, earthquake, or other natural disaster".

(b) The catchline at the beginning of section 626 is amended to read as follows:

"§ 626. Reimbursement for loss of personal effects by natural disaster".

SEC. 106. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter and implementing regulations for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

"(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training which was interrupted because of such illness, injury, or dental condition; and

"(3) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

"(b) In any case where reimbursement would be in order under subsection (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly to the hospital or other health facility furnishing the care or services."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by deleting

"626. Reimbursement for loss of personal effects by fire.

"627. Persons eligible under prior law."

and inserting in lieu thereof

"626. Reimbursement for loss of personal effects by natural disaster.

"627. Persons eligible under prior law.

"628. Reimbursement of certain medical expenses."

SEC. 107. (a) Chapter 17 of title 38, United States Code, is amended—

(1) By striking out sections 631 and 632 in their entirety and inserting in lieu thereof the following:

"§ 631. Assistance to the Republic of the Philippines

"The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

"§ 632. Contracts and grants to provide hospital and medical care

"(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1972, and ending on June 30, 1978, under which the United States—

"(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in Veterans' Administration facilities, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

"(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

"(3) will pay for hospital care, determined by the Administrator to be necessary, at the Veterans Memorial Hospital for new Philippine Scouts for service-connected disabilities and for non-service-connected disabilities, if they enlisted before July 4, 1946, and if they qualify as veterans unable to defray the expenses of necessary hospital care;

"(4) will pay for medical services for new Philippine Scouts determined by the Administrator to be in need thereof for service-connected disabilities as authorized for Commonwealth Army veterans in clause (1) of this subsection;

"(5) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans in connection with hospital care or medical services furnished them;

"(6) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator. The Administrator is authorized to furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

"(7) may provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

"(8) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

"(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before July 1, 1978.

"(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines, except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

"(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is hereby authorized to be appropriated for each fiscal year during the six years beginning July 1, 1972, and ending June 30, 1978—

"(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel at the hospital; and

"(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by him of all education and training programs conducted by the hospital under such grants."

(b) The table of sections at the beginning of chapter 17 is amended by striking out

"631. Grants to the Republic of the Philippines.
"632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948."

and inserting in lieu thereof

"631. Assistance to the Republic of the Philippines.
"632. Contracts and grants to provide hospital and medical care.".

(c) Nothing in subsection (a)(1) of this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract exeuted April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89-612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code, in effect on the day before the date of enactment of this section.

SEC. 108. (a) Chapter 17 of title 38, United States Code, is further amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"(a) The Administrator is authorized to offer to any veteran who is receiving hospital or domiciliary care or medical services under this chapter or is receiving an examination to determine eligibility for benefits under this title, a screening examination for sickle cell trait or sickle cell anemia, including providing to such veteran full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia, and to provide such a screening examination upon such veteran's request.

"(b) Upon a finding that such veteran has the sickle cell trait or sickle cell anemia, the Administrator is authorized to offer, and, if such veteran requests, provide for counseling (which shall include such a screening examination and counseling for the veteran's spouse, when requested, and a complete explanation of the veteran's eligibility for hospital care and medical services under this chapter) and/or necessary hospital care and medical services for a disability arising from such trait or anemia.

"(c) The Administrator shall insure that each veteran receiving benefits under laws administered by the Veterans' Administration receives, as soon as practicable after enactment of this subchapter, full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia and the availability of screening examinations and treatment for such trait and anemia.

"§ 652. Research

"The Administrator shall carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter, subject to the provisions governing voluntary participation and confidentality in section 653 of this title. For the purpose of carrying out such research, there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§ 654. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.
"652. Research.
"653. Voluntary participation; confidentiality.
"654. Reports.".

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) In order to utilize personnel within the Department of Medicine and Surgery more effectively, the Administrator shall carry out a continuing study of, and take appropriate action to implement, new and improved methods of rendering health care services through reassignment of duties as between medical, allied professional, technical, or other health personnel; the establishment of new positions such as physicians' and dentists' assistants; the establishment of programs for continuing education (including making arrangements for granting academic credit therefor) of all health personnel; providing maximum mobility between, and opportunities for career advancement in, health personnel positions; the use of electronic, automated, computerized, or other mechanical devices; and such other means as the Administrator deems appropriate. The Administrator shall carry out a major program for the recruitment, training, and employment as physicians' assistants and dentists' assistants, pursuant to section 4107(d) of this title, and other medical technicians, of veterans with medical military occupation specialties and shall take all appropriate steps to advise all such veterans who served during the Vietnam era and all servicemen with medical occupation specialties who are about to be discharged or released from active duty of the opportunities for training and employment provided and supported by the Veterans' Administration Department of Medicine and Surgery and of the opportunities for education and training under chapters 31, 34, and 35 of this title.

"(d) In order to attain comparability in the staff-to-patient ratio in the several services of Veterans' Administration hospitals with like services of other public hospitals and of private hospitals, the Administrator shall, on a geographic or regional area basis, select as an index for such purpose any hospital or hospitals (or other medical installation or installations having hospital facilities) having an optimum staff-to-patient ratio in such services. Within three years after the date of the enactment of this subsection, the staff-to-patient ratio in each such service at each Veterans' Administration hospital, domiciliary, and clinic within the same geographic or regional area shall be comparable to that in the index service of the index facility in such area at such time, taking into consideration the composition of patient population. To secure the information and statistical data necessary for the selection of such index hospital, the Administrator may make arrangements, by contract or other form of agreement, for such medical information services. The Administrator shall submit to the Congress, not more than sixty days after the end of each fiscal year, a report describing the actions taken to implement the provisions of this subsection and the extent to which such provisions have been implemented. Such report shall also include a service-by-service description of the index ratios and established staff-to-patient ratios in each Veterans' Administration facility."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator."

"SEC. 203. Clause (1) of section 4104 of title 38, United States Code, is amended to read as follows:

"(1) Physicians, dentists, nurses, physicians' assistants, and dentists' assistants;".

SEC. 204. Section 4105 of title 38, United States Code, is amended by—

(1) striking out the period at the end of subsection (a)(7) and inserting in lieu thereof a semicolon;

(2) adding at the end of such subsection (a) a new paragraph as follows:

"(8) Physicians' assistants and dentists' assistants shall have such medical or dental and technical qualifications and experience as the Administrator shall prescribe."; and

(3) striking out in subsection (b) "or" and by inserting immediately after "nurse" a comma and "physicians' assistant, or dentists' assistant".

SEC. 205. Section 4106 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The provisions of this section shall apply to physicians' assistants and dentists' assistants."

SEC. 206. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $39,693.

"Medical Director, $34,335 minimum to $38,915 maximum.

"Director of Nursing Service, $34,335 minimum to $38,915 maximum.

"Director of Chaplain Service, $29,678 minimum to $37,590 maximum.

"Director of Pharmacy Service, $29,678 minimum to $37,590 maximum.

"Director of Dietetic Service, $29,678 minimum to $37,590 maximum.

"Director of Optometry, $29,678 minimum to $37,590 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $29,678 minimum to $37,590 maximum.

"Executive grade, $27,581 minimum to $35,852 maximum.

"Chief grade, $25,583 minimum to $33,260 maximum.

"Senior grade, $21,960 minimum to $28,548 maximum.

"Intermediate grade, $18,737 minimum to $24,363 maximum.

"Full grade, $15,866 minimum to $20,627 maximum.

"Associate grade, $13,309 minimum to $17,305 maximum.

"Nurse Schedule

"Director grade, $25,583 minimum to $33,260 maximum.

"Assistant Director grade, $21,960 minimum to $28,548 maximum.

"Chief grade, $18,737 minimum to $24,362 maximum.

"Senior grade, $15,866 minimum to $20,627 maximum.

"Intermediate grade, $13,309 minimum to $17,305 maximum.

"Full grade, $11,046 minimum to $14,358 maximum.

"Associate grade, $9,524 minimum to $12,377 maximum.

"Junior grade, $8,153 minimum to $10,601 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof the following new subsections:

"(d) Under standards established by the Administrator by regulation, physicians' assistants and dentists' assistants shall be compensated by use of Nurse Schedule grade titles and related pay ranges.

"(e) The limitations in section 5308 of title 5 shall apply to pay under this section.

"(f)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of the employee's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rate shall be one and one-half times the employee's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing the annual rate of basic compensation by two thousand and eighty.

"(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of her basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

"(8) A nurse who is officially scheduled to be on call outside her regular hours, shall be compensated for each hour of such on-call duty, except for such time as she may be called back to work, at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

"(9) The provisions of this subsection shall apply, in lieu of the provisions of sections 5542, 5543, 5545 (a) and (b), and 5546 of title 5 with respect to any licensed practical nurse, licensed vocational nurse, or nursing assistant employed by the Department of Medicine and Surgery.

"(10) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation.

"(g) Physicians' assistants and dentists' assistants paid pursuant to subsection (d) of this section shall be entitled to additional pay on the same basis as provided for nurses in paragraphs (2) through (8) of subsection (f) of this section.

"(h) When he finds such action to be necessary in order to obtain or retain the services of physicians, dentists, nurses, physicians' assistants, or dentists' assistants, to provide medical care and treatment for veterans, the Administrator, notwithstanding any other provision of law, shall increase the maximum rates of pay authorized under subsections (b) and (f) of this section, on a nationwide, local, or other geographic basis, for one or more grades or for one or more medical fields within the grades, to provide pay commensurate with competitive pay practices or to meet at remote stations the staff-to-patient ratios provided for in section 4101(d) of this title. Any such increase in the maximum rate for any grade may not exceed in corresponding amount, the amount provided for in the statutory range for that grade, nor exceed the rate established for Assistant Chief Medical Director under the 'section 4103 schedule' set forth in subsection (a) of this section."

SEC. 207. Section 4108 of title 38, United States Code, is amended by striking out "and nurses" and inserting in lieu thereof a comma and the following: "nurses, physicians' assistants, and dentists' assistants".

SEC. 208. Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

SEC. 209. Section 4114 of title 38, United States Code, is amended as follows:

(1) by striking out the words "ninety days" in the last sentence of paragraph (3)(A) of subsection (a) and inserting in lieu thereof "one year";

(2) by inserting "(1)" immediately after "(b)" at the beginning of subsection (b) of such section and by adding at the end of such subsection a new paragraph as follows:

"(2) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."; and

(3) by adding at the end thereof the following new subsection:

"(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physicians' assistant or dentists' assistant under paragraph (8) of section 4105(a) shall be considered a full-time institutional program for purposes of chapter 31, 34, or 35 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapters when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than thirty hours per week."

SEC. 210. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28, for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 211. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts to provide scarce medical specialist services at Veterans' Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel.)"

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. (a) Subsection (a) of section (a) of section 5001 of title 38, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a comma and the following: "but in no event shall the Administrator provide for less than an average of 97,500 operating beds in Veterans' Administration hospitals, nor maintain an average daily patient census in such beds of less than 84,000 for the fiscal year ending June 30, 1973.";

(2) striking out in the first sentence of paragraph (3) "is authorized to" and inserting in lieu thereof "shall", and by striking out "four thousand beds" and inserting in lieu thereof "eight thousand beds in the fical year ending June 30, 1974, and in each fiscal year thereafter";

(3) striking out the period at the end of the second sentence of paragraph (3) and inserting in lieu thereof a comma and the following: "except that the Administrator shall convert to nursing beds any hospital beds (in facilities over which the Administrator has direct and exclusive jurisdiction) which are not being adequately utilized for hospitalization purposes and which are located in structurally sound, functionally adequate, and fire, earthquake, and other natural disaster resistant buildings if the need for nursing beds cannot be satisfactorily met otherwise. Whenever any hospital bed has been converted to a nursing bed pursuant to this paragraph, such bed shall count against the total number of beds authorized under this subsection."

(b) Subsection (b) of section 5001 of such title is amended to read as follows:

"(b) Hospitals, domiciliaries, and other medical facilities provided by the Administrator (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climactic and seismic conditions pertinent to each such facility. When an existing plant is purchased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such committee."

SEC. 302. Chapter 81 of title 38, United States Code, is amended—

(1) by adding at the end of subchapter I the following new section:

"§ 5007. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.";

(2) by inserting immediately after the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of intention in the newspaper of the community in which the lands or buildings to be leased are located."; and

(3) by inserting in the table of sections at the beginning of such chapter

"5007. Partial relinquishment of legislative jurisdiction."

immediately after

"5006. Property formerly owned by the National Home for Disabled Volunteer Soldiers.".

SEC. 303. (a) Section 5053(a) of title 38, United States Code, is amended—

(1) by striking out "or medical schools" at the beginning of the material contained in parentheses, and by inserting immediately after the close parenthesis the words "or medical schools or clinics";

(2) by striking out "or" at the end of clause (1);

(3) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "or"; and

(4) by adding after clause (2) a new clause (3) as follows:

"(3) for the use of Veterans' Administration hospital beds, with supporting services, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity.".

(b) Section 5053 of such title is further amended by adding at the end thereof a new subsection as follows:

"(d) The Administrator shall not enter into any arrangement under clause (3) of subsection (a) or any renewal of any arrangement entered into under such paragraph unless, at least thirty days prior thereto, he has transmitted to the Committees on Veterans' Affairs of the Senate and the House of Representatives a copy of the proposed contract or agreement. Moreover, such an arrangement shall be for a period of time not in excess of one year and shall not be renewed (and no new such arrangement shall be entered into with the same medical facility) until a full report on the effect of such prior arrangement (including the effect on the provisions of hospital care and medical services to eligible veterans and persons under this chapter) has been transmitted to such committees."

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. Section 230(b) of title 38, United States Code, is amended by striking out "July 3, 1974" and inserting in lieu thereof "June 30, 1978".

SEC. 401. Section 230(b) of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the following: "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by deleting

"234. Telephone service for medical officers."

and inserting in lieu thereof:

"234. Telephone service for medical officers and facilities directors."

(c) The catchline at the beginning of section 234 of title 38, United States Code, is amended by inserting immediately after the word "officers" the words "and facility directors".

SEC. 403. (a) Section 644(b) of title 38, United States Code, is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

(b) Subsections (a)(1), (b)(2), and (d) of section 5035 of title 38, United States Code, are amended by striking out "50 per centum" wherever it appears therein, and inserting in lieu thereof "65 per centum".

(c) Section 5036 of title 38, United States Code, is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

TITLE V—EFFECTIVE DATES

SEC. 501. The provisions of this Act shall become effective the first day of the first calendar month following the date of enactment, except that sections 105 and 106 shall be effective on January 1, 1971, and section 206 shall become effective beginning the first pay period following thirty days after the date of enactment of this Act.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, will the gentleman from Texas give an explanation of the amendment?

Mr. TEAGUE of Texas. Mr. Speaker, approximately 1 year ago, in the latter part of the first session, our committee reported and the House subsequently passed an omnibus Veterans' Administration medical bill, entitled "Veterans' Medical Care Act of 1971". This bill, H.R. 10880, was returned by the Senate earlier in this session with a complete substitute amendment representing its version of a medical care bill for veterans.

The House substitute which I am proposing today retains, with certain modifications as to some, all of the basic major provisions of our original House version. Among such provisions with which we were particularly concerned were a broadening of the authority in the VA to provide outpatient care for veterans; the extension of hospital benefits and outpatient care to the widows and children of veterans who have lost their lives from service-connected causes and wives and children of totally and permanently service-connected disabled veterans; and a liberalization of VA nurses' pay by providing so-called differential rates for overtime, holiday, and Sunday work.

In addition, the original House version, as well as our substitute amendment, contained provisions improving the administrative program of the Department of Medicine and Surgery. The substitute also retains important provisions dealing with outside activities of full-time physicians, dentists, and nurses who have been appointed to the Department of Medicine and Surgery. Finally, the substitute amendment contains the original House provision, dealing with the definition of certain malpractice and negligence suits involving the professional activities of members of the Department of Medicine and Surgery.

The House substitute amendment contains certain additional provisions taken from the Senate version which we have found to be acceptable. One provision, which is the subject of a separate bill now pending in the House, extends the authority to provide grants for hospital and medical care for Filipino veterans in the Republic of the Philippines. This authorized program has been in effect for about 20 years, but is reviewed periodically to determine if an extension of the program is warranted. The House substitute extends the program and the necessary appropriation authorizations until June 30, 1978.

Another added provision deals with providing a modest increase in the per diem rates payable to State soldiers homes and increases from 50 to 65 percent of the total cost the amount which may be granted to a State home for construction, remodeling, or alteration of existing facilities in State homes providing care and treatment for veterans.

A further added provision specifically authorizes the Administrator to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and the furnishing of relevant information with respect to the disease. The Administrator is authorized to carry out research and research training in connection with sickle cell anemia, and there are specific safeguards as to the confidentiality of information in patient records concerning this disease.

In the first session of the Congress, the House passed a bill authorizing the Administrator to contract with other hospitals and affiliated medical schools for the central administration of payments, benefits, and records for interns and residents who are engaged in functions and duties for both the Veterans' Administration and such other institutions. This separate bill was not acted upon by the other body, but is now contained in substance in our House substitute amendment.

Other provisions from the Senate version which we have found to be acceptable deal with improving the staff-to-patient ratio in VA hospitals; requiring the Administrator to provide for no less than an average of 98,500 operating beds in VA hospitals in any fiscal year, to maintain an average daily patient census of not less than 85,500; and to increase from 4,000 to 8,000 the number of nursing home care beds to be established and operated by the Administrator. Finally, language has been adopted which is designed to expand and improve existing authority for carrying out programs of training and education of health service personnel.

Mr. Speaker, I can assure the Members that the House substitute amendment to H.R. 10880 not only retains the major provisions of our original bill, but now includes certain other necessary and strengthening provisions which I believe will serve to give the Administrator of Veterans' Affairs appropriate broadened authority to administer the vast medical program for veterans. I am assured that it will be accepted by the other body, and I strongly recommend its approval by the House.

As a supplement to these remarks, I offer for the RECORD at this point a brief explanatory statement as to certain other provisions of the House substitute amendment to H.R. 10880:

FURTHER EXPLANATORY STATEMENT AS TO CERTAIN PROVISIONS IN HOUSE SUBSTITUTE AMENDMENT OF H.R. 10880

1. AUTHORITY TO INCREASE DM&S PAY RATES TO MEET REGIONAL COMPETITION

The compromise version does not contain paragraph (h), which section 206(a) of the Senate bill would have added to present section 4107 of title 38 to provide authority for the Administrator to increase pay rates for certain health professionals employed under the DM&S personnel system in order to meet regional competition or to attract such personnel to remote VA stations. This provision was deemed unnecessary in view of the March 28, 1972, VA report stating that authority to grant such exceptions would be similar to authority already vested in the President (and delegated to the Civil Service Commission) under 5 U.S.C. 5305 for which exception the VA stated it had not previously felt the necessity to apply, and in view of the May 16, 1972, report of the Civil Service Commission stating that it would "give careful and sympathetic consideration to any request that the Veterans' Administration may make for increasing salaries under" the title V provision. It is noted that the original VA estimate of the annual cost for such a provision was $13 million. In view of all of the above, it is expected that if, as seems to be the case based upon the cost estimate cited above, there is a real need for increasing VA salaries to meet competition, the VA will request the Civil Service Commission to approve such increases under the title V provision and that, in line with its assurances in the report quoted above, the CSC will grant such approval.

2. OUTSIDE EMPLOYMENT BY VA PHYSICIANS, DENTISTS, AND NURSES

The compromise version includes in section 204(a) provisions comparable to those included in the House bill in section 205(a) ("Personnel administration") regarding permissible outside employment by physicians, dentists, and nurses appointed in the Department of Medicine and Surgery. With respect to clause (1) of the new section 4108 (a), limiting the assumption of responsibility for the medical care of other than a VA patient, it is intended that the present policy with respect to exceptions to permit the assumption of such responsibilities, particularly by a physician, would continue to be applied as follows: The Chief Medical Director would delegate to the station Director responsibility for granting an exception so that consulting services for up to six months would be permissible when necessary to provide scarce expertise to help the non-VA community to provide otherwise unavailable services; and the Chief Medical Director himself would continue to approve, on a doctor-by-doctor basis, all requests for exceptions to provide medical care on a continuing basis (for up to six months) when the first situation does not exist.

3. EXPANDING DM&S PERSONNEL SYSTEM

The compromise version does not include various provisions in sections 203, 204, 205 and 206 of the Senate bill, which would have placed the position of physicians' and dentists' assistant under the Department of Medicine and Surgery rather than under the General Schedule (GS). The Civil Service Commission and the House Committee on Post Office and Civil Service strongly objected to such a provision. In addition, the provisions in section 206(2) which would have provided the same overtime and differential pay benefits for licensed practical or vocational nurses and nursing assistants employed by the Veterans Administration (section 4107(f)(9)) as for VA nurses were also not included in the compromise version in light of similar such objections. It is intended, however, that, to the maximum extent permissible under law, VA nurses, for whom overtime and premium pay benefits are provided for the first time under title 38 by H.R. 10880, and all other nursing personnel will be treated as nearly alike as possible for the purposes of overtime and premium pay benefits. In addition, it would seem desirable for those Committees with jurisdiction over GS employment to review overtime and premium pay benefits under the General Schedule with a view toward bringing them into accord with the provisions in the compromise version for such benefits in the case of VA nurses. Both Veterans' Affairs Committees have devoted the most careful study to make such benefits as equitable and consistent with practice in the non-VA medical community as possible.

In conclusion, Mr. Speaker, I want to compliment the distinguished gentleman from Virginia (Mr. SATTERFIELD), chairman of the Subcommittee on Hospitals; the ranking minority member, the gentleman from Pennsylvania (Mr. SAYLOR); and all the other members of that subcommittee for their painstaking and laborious efforts which have culminated in this major veterans' medical bill. I also want to express great satisfaction over the results of the joint cooperation between our committee and the Senate Committee on Veterans' Affairs, particularly with the leadership of the gentleman from California (Mr. CRANSTON); chairman of their Subcommittee on Health and Hospitals, in making this compromise substitute amendment acceptable to both bodies.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, further reserving the right to object and I shall not object, I support the gentleman's amendment to the Senate amendments to H.R. 10880. This measure, as it passed the House of Representatives on October 4 last year, was designed first, to provide improved medical care to veterans; second, to provide hospital care to the dependents of service connected totally disabled veterans and the surviving widow and children of service connected deceased veterans; and third, to improve recruitment and retention of career personnel in the Veterans' Administration hospital system. The Senate deliberated for many months, and on May 4 of this year, passed an amended bill that differed substantially from the House passed version. Since that time, the two committees have been in constant communication in an effort to resolve differences in the two versions. The amendment before the House is the end product of these months of efforts to reach a compromise. It is our understanding that the Senate committee is in agreement with these amendments.

The amendment offered by the motion of the gentleman retains the major provisions of the House passed version and concurs in those Senate provisions that permit the major purposes of the bill to be more readily accomplished. Some of these provisions contained in the Senate amendment, I might add, were the subject of separate bills which passed this House last year or earlier this year and have been pending before the Senate Committee on Veterans' Affairs.

Specifically, the bill will broaden the authority of the Veterans' Administration to provide outpatient services to all veterans and to certain dependents and survivors of service-connected totally disabled and deceased veterans when such treatment is necessary to obviate the need for hospitalization. Outpatient treatment for any ailment would be authorized for veterans having an 80 percent or greater service-connected disability.

Hospitalization, nursing care, and outpatient treatment are extended to the widows and children of veterans who have lost their lives from service-connected causes and to wives and children of permanently and totally service-connected disabled veterans. The bill establishes procedures under which certain veterans may be reimbursed for unauthorized hospital care or medical services in medical emergencies when Veterans' Administration facilities are not feasibly available. The bill permits all veterans and eligible dependents to participate in the community nursing care program with active duty servicemen and veterans requiring nursing care for service-connected disabilities to be admitted directly to the nursing home rather than being transferred from a VA facility.

The bill contains provisions that will permit the Veterans' Administration to attract and retain qualified nurses by authorizing a night, holiday, and overtime differential pay for this group of professionals. The bill establishes by statute a set of guidelines relating to the private practice of medicine and related activities by full-time physicians and surgeons in the Veterans' Administration hospital system.

The bill establishes a statutory formula for determining staff to patient ratios in Veterans' Administration hospitals. This provision should enable the Veterans' Administration to establish a staffing ratio that compares favorably to community hospitals. The minimum number of operating beds is set at 98,500 and the average daily patient census in the Veterans' Administration hospital system at 85,500.

Under existing law, the Veterans' Administration is authorized to operate 4,000 nursing care beds within its system. This amendment contains a mandatory requirement that the Veterans' Administration shall operate 8,000 nursing care beds.

The existing per diem allowance payable to States on behalf of veterans who are domiciled or hospitalized in State veterans' facilities are increased from $3.50 to $4.50 for domiciliary care; from $5 to $6 for nursing care and from $7.50 to $10 for hospital care. The bill also permits the Veterans' Administration to reimburse State homes per this schedule for veterans of service after January 31, 1955. Additionally, the bill increases the Federal share of the matching fund program for the construction of State nursing homes and domiciliary facilities for veterans from 50 to 65 percent.

Finally, Mr. Speaker, the amendment will extend the life of the Veterans' Administration Regional Office in the Republic of the Philippines from its scheduled expiration date in 1973 to 1978. The Federal grant for the operation of the Philippine Veterans' Memorial Hospital in Manila scheduled to expire June 30 of this year is also extended to 1978. The great numbers of veterans residing in the Republic of the Philippines who are eligible for Veterans' Administration benefits warrants the continuation of this program.

Mr. Speaker, these are the salient features of the compromise agreement reached with the Senate committee and reflected in the amendment before the House. I shall support it and urge that it be passed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. Mr. Speaker, further reserving the right to object, and I will not object, I support the gentleman's amendment. This bill was initially reported by the Committee on Veterans' Affairs on September 27, 1971. It was then the product of many months of intensive public hearings by our Subcommittee on Hospitals, informal conferences with Veterans' Administration officials, and staff research and study. It was a good bill, Mr. Speaker, a bill that I was proud to have cosponsored. The bill passed this House of Representatives on October 4 of last year. When it was returned from the other body some 7 months later on May 4 of this year, the only provision that looked familiar was the enacting clause. The substantive content of the bill had been revised, rewritten and amended to the point that it bore little if any resemblance to the original bill.

Now, after more months of intensive effort, we have been able to restore some semblance of reason to the bill. I am still not entirely satisfied with its provisions, but we have managed to restore the major provisions of the original bill. I would be inclined, Mr. Speaker, to let this measure die as a fair warning to the other body that we will not tolerate this continuing emasculation of good legislation, but that would only harm those persons that the House-passed bill was designed to help—the Nation's veterans and the dependents and survivors of the service connected deceased and totally disabled veteran plus thousands of loyal dedicated employees of the Veterans' Administration's Department of Medicine and Surgery. But, I want to emphasize just as strongly as I can, that we cannot and will not permit the veterans' benefit program to be used as a vehicle for the personal agrandizament of members of the other body.

Now, for the bill. As I indicated previously, the major House provisions are retained in the compromise. Hospitalization is extended to the wives and children of totally disabled service connected veterans and to the widows and children of our war dead and those who died of service connected disabilities.

Outpatient care is authorized for all veterans and for the dependents and survivors already mentioned when it is necessary to obviate the need for hospitalization.

The bill offers an incentive for the recruitment and retention of nurses in the Veterans' Administration by authorizing an overtime, night and holiday pay differential. It establishes guidelines relating to the outside activities of full-time Veterans' Administration doctors, dentists and nurses. It contains provisions that will improve the administrative program of the Veterans' Administration Department of Medicine and Surgery.

The bill liberalizes the per diem allowance paid to State homes on behalf of veterans and the Federal share of funds for the construction of nursing care facilities in State veterans' homes.

Finally, Mr. Speaker, the bill extends the authority to provide grants to operate the Veterans' Memorial Hospital in the Republic of the Philippines until June 30, 1978. The authority to continue operating a Veterans' Administration Regional Office is also extended to 1978 by this measure.

Because the bill, as amended, contains provisions that are vital to the welfare of veterans and their dependents and to the efficient operation of the Veterans' Administration hospital system, I shall support it. I urge that it be passed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 10880. Initially, this bill passed the House on October 4, 1971, Its overall purpose was to provide improved medical care to certain dependents and survivors of veterans, and to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

On May 4, 1972, it passed the Senate in a substantially revised form. The bill before us today represents the House substitute. It will grant eligibility for hospitalization, nursing home care, and certian outpatient care to peacetime veterans, who, heretofore were entitled to hospitalization and outpatient care only for their service connected disabilities.

It extends to the wives, widows, and dependent children hospitalization and outpatient care if the veteran is totally and permanently disabled from, or died of, a service connected disability or injury.

The authority to provide grants for hospital and medical care for Filipino veterans residing in the Republic of the Philippines is extended with appropriation authorization until June 30, 1978. This is an existing program which has been subject to periodic review.

A relatively small increase is provided in the per diem rates payable to State soldiers homes. The grant to State Homes for construction, remodeling or alteration of existing facilities is increased from 50 to 65 percent of the total cost.

Another provision permits the Administrator of Veterans' Affairs to carry out a full program of treatment of sickle cell anemia, to include screening, counselling and education relevant to all aspects of the disease.

This bill also requires the Administrator to provide for no less than an average of 98,500 operating VA hospital beds in each fiscal year. An average daily patient census of not less than 85,500 should be maintained and nursing home care beds operated by the Administrator increased from 4,000 to 8,000.

Liberalization of VA nurses pay by providing differentential rates for overtime, holiday, and Sunday work is retained along with all of the major provisions of the original House bill.

I believe that this bill in its present form is necessary and should provide for a vast improvement in the medical program carried on by the Veterans' Administration. It is my understanding that it is acceptable to the Senate. I urge, therefore, that it be approved.

Mr. DORN. Mr. Speaker, I am happy to support the provisions of H.R. 10880 as we send it back to the Senate with a compromise which we hope the other body will speedily accept.

This bill, which was passed by the House over a year ago, provides many worthwhile and actually essential provisions for the improvement of the Department of Medicine and Surgery of the Veterans' Administration. One of the provisions of the bill would permit the furnishing of pre and post-hospital medical service on an outpatient basis for persons needing hospital care, where such care is reasonably necessary to obviate the need for hospital admission. A new schedule for the payment of differential for nurses performing overtime duty on weekends and holidays is expected to greatly strengthen the hand of the Veterans' Administration in recruiting nurses where there is a scarcity and also provide for an equitable basis for payment.

The sizeable change in the admission procedure for hospital care in the Veterans' Administration is provided by authorizing for the first time care for the wives or children of a totally and permanently disabled service connected veteran, and to widows and children of veterans who died as a result of service-connected disabilities.

Important to those of us who have observed at close range the operation of the Department of Medicine and Surgery is the appointment of two Assistant Chief Medical Directors, who will be laymen. Several individuals in the Veterans' Administration, who are not doctors of medicine but who have devoted their lives to medical care and improving the lot of disabled veterans, thus have their ability and dedication recognized.

This measure also provides certain restraints upon the activities of physicians outside the Veterans' Administration framework, and is the result of abuses in this field.

Mr. Speaker, there are many provisions which I could enumerate which are highly important to the field of medical care for our veterans, but these are the principle points and I am happy to have the opportunity to speak here today and urge final favorable action on H.R. 10880.

Mrs. **HICKS** of Massachusetts. Mr. Speaker, as a member of the Veterans' Affairs Committee's Subcommittee on Hospitals, which originally considered and favorably reported H.R. 10880, I strongly urge the unanimous support of my colleagues for the provisions of this bill.

As far as the improvement of veterans' medical care, I strongly feel that this is one of the most important bills which has been considered by the Congress in many years.

The bill provides many direct benefits to veterans such as the furnishing of outpatient treatment for non-service-connected disabilities, where such care is reasonably necessary to obviate the need for hospital admission. It contains another provision which I have long supported, that is to permit the widows and children of veterans who have died as a result of service-connected disabilities and the wives and children of veterans who are totally and permanently disabled as a result of service-connected disabilities to be furnished medical care in a Veterans' Administration hospital.

There are other important features in this bill which will permit the Veterans' Administration to continue to provide first-class medical care for veterans, such as provision for payment of differential for nurses performing overtime duty on weekdays and holidays, and other administrative action which will go a long way in improving the staffing of Veterans' Administration hospitals and thus directly improve medical care for veterans.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. **TEAGUE** of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Teague of Texas moves that the House concur in the Senate amendment with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Veterans Health Care Expansion Act of 1972".

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

Sec. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978; or (iv) hospital care, where appropriate facilities defined in clauses (A) and (B) are not available, for the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and the widow or child of a veteran who died as a result of a service-connected disability.".

(b) Section 601(5) of such title is amended to read as follows:

"(5) The term 'hospital care' includes—

"(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation;

"(B) such mental health services, consultation, professional counseling, and training, (including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability or in the case of a dependent or survivor of a veteran under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or a dependent or survivor of a veteran, or, in the case of a veteran or dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or a dependent or a survivor of a veteran; and

"(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran, and (ii) transportation and incidental expenses for a dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation."

(c) Section 601(6) of such title is amended by inserting immediately after "treatment," the following: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran,".

Sec. 102. Section 610 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) "or nursing home care" immediately after "hospital care" where it first appears;

(2) striking out clause (1) (B) of subsection (a) and inserting in lieu thereof the following:

"(B) any veteran for a non-service-connected disability if he is unable to defray the expenses of necessary hospital care;";

(3) amending subsection (c) to read as follows:

"(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran."; and

(4) adding at the end thereof the following new subsections:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care to the following individuals, in accordance with such regulations as he shall prescribe, to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a veteran who died as the result of a service-connected disability.

"(e) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title."

Sec. 103. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services for any disability on an outpatient or ambulatory basis—

"(1) to any person eligible for hospital care under section 610 of this title (A) where such services are reasonablv necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

"(2) to any veteran who has a service-connected disability rated at 80 per centum or more."

Sec. 104. (a) The first sentence of subsection (a) of section 620 of title 38, United States Code, is amended by redesignating clauses (1) and (2) as clauses (i) and (ii), respectively; by striking out "veteran" in redesignated clause (i) and inserting "person"; and by amending that portion preceding such clauses to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(1) any person who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—".

(b) The second sentence of section 620(a) of such title is amended by striking out the designations (A) and (B) and inserting in lieu thereof (I) and (II), respectively; and by striking out "veteran" wherever it appears in such sentence and inserting in lieu thereof "person".

(c) Section 620(b) of such title is amended by (1) striking out "veteran" and inserting in lieu thereof "person"; (2) by adding "or admitted" after "transferred" and (3) by adding at the end thereof the following: "The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.".

(d) Section 620 of such title is further amended by—

(1) adding at the end thereof the following new subsection (d):

"(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement, based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section."

SEC. 105. (a) Section 626 of title 38, United States Code, is amended by striking out "fire" and inserting in lieu thereof "fire, earthquake, or other natural disaster".

(b) The catchline at the beginning of section 626 of such title is amended to read as follows:

"§ 626. Reimbursement for loss of personal effects by natural disaster".

SEC. 106. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

"(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

"(3) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

"(b) In any case where reimbursement would be in order under subsection (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

"(1) to the hospital or other health facility furnishing the care or services; or

"(2) to the person or organization making such expenditure on behalf of such veterans."

(b) The table of sections at the beginning of such chapter is amended by deleting

"626. Reimbursement for loss of personal effects by fire.
"627. Persons eligible under prior law."

and inserting in lieu thereof

"626. Reimbursement for loss of personal effects by natural disaster.
"627. Persons eligible under prior law.
"628. Reimbursement of certain medical expenses."

SEC. 107. (a) Chapter 17 of title 38, United States Code, is amended by striking out sections 631 and 632 in their entirety and inserting in lieu thereof the following:

"§ 631. Assistance to the Republic of the Philippines

"The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

"§ 632. Contracts and grants to provide hospital and medical care

"(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1972, and ending on June 30, 1978, under which the United States—

"(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in Veterans' Administration facilities, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

"(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

"(3) will pay for hospital care, determined by the Administrator to be necessary, at the Veterans Memorial Hospital for new Philippine Scouts for service-connected disabilities and for non-service-connected disabilities, if they enlisted before July 4, 1946, and if they are unable to defray the expenses of necessary hospital care;

"(4) will pay for medical services for new Philippine Scouts determined by the Administrator to be in need thereof for service-connected disabilities as authorized for Commonwealth Army veterans in clause (1) of this subsection;

"(5) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans in connection with hospital care or medical services furnished them;

"(6) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator. The Administrator is authorized to furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

"(7) may provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

"(8) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

"(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before July 1, 1978.

"(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines, except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

"(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is authorized to be appropriated for each fiscal year during the six years beginning July 1, 1972, and ending June 30, 1978—

"(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel at the hospital; and

"(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by him of all education and training programs conducted by the hospital under such grants."

(b) The table of sections at the beginning of such chapter 17 is amended by striking out

"631. Grants to the Republic of the Philippines.

"632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948."

and inserting in lieu thereof

"631. Assistance to the Republic of the Philippines.

"632. Contracts and grants to provide hospital and medical care.".

(c) Nothing in subsection (a) of this section shall be deemed to effect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89-612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code, in effect on the day before the date of enactment of this section.

SEC. 108. (a) Chapter 17 of title 38, United States Code, is further amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"The Administrator is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

"§ 652. Research

"The Administrator is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

"§653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§ 654. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Secreening, counseling, and medical treatment.

"652. Research.

"653. Voluntary participation; confidentiality.

"654. Reports.".

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans' develop and carry out a program of education and training of such health manpower (including the developing and evaluating of new health careers, interdisciplinary approaches and career advancement opportunities), and shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technicians (including advising all such qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities), acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers; academic health centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate.".

"(c) In order to attain comparability in the staff-to-patient ratio in the several services of Veterans' Administration hospitals with like services of other public and private hospitals, the Administrator shall, on a geographical or regional area basis, select as an index for such purpose any hospital or hospitals (other other medical installation or installations having hospital facilities) having an optimum staff-to-patient ratio in such services. Within three years after the date of the enactment of this subsection, the staff-to-patient ratio in each such service at each Veterans' Administration hospital, domiciliary, and clinic within the same geographic or regional area shall be comparable to that in the index service of the index facility in such area at such time, taking into consideration the composition of patient population. To secure the information and statistical data necessary for the selection of such index hospital, the Administrator may make arrangements, by contract or other form of agreement, for such medical information services. The Administrator shall submit to the Congress, not more than sixty days after the end of each fiscal year, a report describing the actions taken to implement the provisions of this subsection and the extent to which such provisions have been implemented. Such report shall also include a service-by-service description of the index ratios and established staff-to-patient ratios in each Veterans' Administration facility."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator."

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $39,693.

"Medical Director, $34,335 minimum to $38,915 maximum.

"Director of Nursing Service, $34,335 minimum to $38,915 maximum.

"Director of Chaplain Service, $29,678 minimum to $37,590 maximum.

"Director of Pharmacy Service, $29,678 minimum to $37,590 maximum.

"Director of Dietetic Service, $29,678 minimum to $37,590 maximum.

"Director of Optometry, $29,678 minimum to $37,590 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $29,678 minimum to $37,590 maximum.

"Executive grade $27,581 minimum to $35,852 maximum.

"Chief grade, $25,583 minimum to $33,260 maximum.

"Senior grade, $21,960 minimum to $28,548 maximum.

"Intermediate grade, $18,737 minimum to $24,362 maximum.

"Full grade, $15,866 minimum to $20,627 maximum.

"Associate grade, $13,309 minimum to $17,305 maximum.

"Nurse Schedule

"Director grade, $25,583 minimum to $33,260 maximum.

"Assistant Director grade, $21,960 minimum to $28,548 maximum.

"Chief grade, $18,737 minimum to $24,362 maximum.

"Senior grade, $15,866 minimum to $20,627 maximum.

"Intermediate grade, $13,309 minimum to $17,305 maximum.

"Full grade, $11,046 minimum to $14,358 maximum.

"Associate grade, $9,524 minimum to $12,377 maximum.

"Junior grade, $8,153 minimum to $10,601 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof the following new subsections:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.

"(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of such nurse's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rates shall be one and one-half times such nurse's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing such nurse's annual rate of basic compensation by two thousand and eighty.

"(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of such nurse's basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

"(8) A nurse who is officially scheduled to be on call outside such nurse's regular hours shall be compensated for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

"(9) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 204. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration.

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, except that the hours of employment in carrying out responsibilities under this title of any physician, dentist (other than an intern or resident appointed pursuant to section 4114 of this title), or nurse appointed on a full-time basis who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title, shall consist of not less than eighty hours in a biweekly pay period (as that term is used in setion 5504 of title 5), and no such person may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed one hundred and eighty calendar days each;

"(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his responsibilities under this title;

"(3) accept payment under any insurance or assistance program, established under subchapter XVIII, or XIX of chapter 7 of title 42, or under chapter 55 of title 10 for professional services rendered by him while carrying out his responsibilities under this title;

"(4) accept from any source, with respect to any travel performed by him in the course of carrying out his responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims arising in the course of carrying out his responsibilities under this title or for his dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of his remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title; and

"(6) perform, in the course of carrying out his responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both, and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall submit semiannually an accounting to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and thereafter shall maintain such fund or account subject to full public disclosure and audit by the Administrator and the Comptroller General for a period of three years or for such longer period as the Administrator shall prescribe, and

"(B) no physician, dentist, or nurse may receive, after the effective date of this subsection, any cash from amounts deposited in such fund or account derived from services performed prior to the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institution' means any medical school or other institution of higher learning with which the Administrator has a contract or agreement pursuant to section 4112 (b) of this title for the training or education of health manpower.

"(c) As used in this section, the term 'remuneration' means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional responsibilities."

(b) The table of sections at the beginning of chapter 73 of such title is amended by striking out

"4108. Administration."

and inserting in lieu thereof

"4108. Personnel administration.".

SEC. 205. (a) Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

(b) Subsection (b) of section 4112 of such title 38, is amended by striking out "service personnel" in the first sentence immediately after "health" and by inserting in lieu thereof "manpower".

SEC. 206. Section 4114 of title 38, United States Code, is amended as follows:

(1) by striking out the words "ninety days" in the last sentence of paragraph (3) (A) of subsection (a) and inserting in lieu thereof "one year";

(2) by inserting "(1)" immediately after "(b)" at the beginning of subsection (b) of such section and by adding at the end of such subsection a new paragraph as follows:

"(2) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administraton hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."; and

(3) by adding at the end thereof the following new subsection:

"(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physicians' assistant or dentists' assistant shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined class room (and other formed instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week."

SEC. 207. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows: "(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28, for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reasons of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.;"

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Adminstrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a) of the section), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 208. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts with medical schools, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans' Administration facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistant, technician, and other medical support personnel)."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. (a) Subsection (a) of section 5001 of title 38, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a comma and the following: "but in no event shall the Administrator provide for less than an average of 98,500 operating beds in Veterans' Administration hospitals, nor maintain an average daily patient census in such beds of less than 85,500 in any fiscal year."; and

(2) striking out in the first sentence of paragraph (3) "is authorized to" and inserting in lieu thereof "shall", and by striking out "four thousand beds" and inserting in lieu thereof "eight thousand beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter".

(b) Subsection (b) of section 5001 of such title is amended to read as follows:

"(b) Hospitals, domiciliaries, and other medical facilities provided by the Administor (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing plant is purcased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such committee."

(c) Section 5001 of such title is further amended by adding the following new subsection:

"(g) The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to Veterans' Administration medical facilities when deemed necessary for safe ingress or egress."

SEC. 302. Chapter 81 of title 38, United States Code, is amended—

(1) by adding at the end of subchapter I the following new section:

"§ 5007. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.";

(2) by inserting immediately after the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of his intention to do so in the newspaper of the community in which the lands or buildings to be leased are located."; and

(3) by inserting in the table of sections at the beginning of such chapter

"5007. Partial relinquishment of legislative jurisdiction."

immediately after

"234. Telephone service for medical officers

"5006. Property formerly owned by the National Home for Disabled Volunteers Soldiers.".

SEC. 303. (a) Section 5053(a) of title 38, United States Code, is amended by striking out "or medical schools" at the beginning of the material contained in parentheses, and by inserting immediately after the close parenthesis the words "or medical schools or clinics".

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. Section 230(b) of title 38, United States Code, is amended by striking out "July 3, 1974" and inserting in lieu thereof "June 30, 1978".

SEC. 402. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the following: "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of such title is amended by striking out

"234. Telephone service for medical officers."

and inserting in lieu thereof

and facility directors."

(c) The catchline at the beginning of section 234 of such title is amended by inserting immediately after the word "officers" the words "and facility directors".

SEC. 403. (a) Section 641 of title 38, United States Code, is amended by—

(1) striking out in clause (1) "$3.50" and inserting in lieu thereof "$4.50";

(2) striking out in clause (2) "$5" and inserting in lieu hereof "$6";

(3) striking out in clause (3) "$7.50" and inserting in lieu thereof "$10"; and

(4) inserting immediately after the words "veteran of any war" the following: "or of service after January 31, 1955".

(b) Section 644(b) of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

(c) Subsections (a)(1), (b)(2), and (d) of section 5035 of such title are amended by striking out "50 per centum" wherever it appears therein and inserting in lieu thereof "65 per centum".

(d) Section 5036 of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

TITLE V—EFFECTIVE DATES

SEC. 501. The provisions of this Act shall become effective the first day of the first calendar month following the date of enactment, except that sections 105 and 106 shall be effective on January 1, 1971, and section 203 shall become effective beginning the first pay period following thirty days after the date of enactment of this Act.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

NATIONAL CEMETERIES ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "National Cemeteries Act of 1972".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24—NATIONAL CEMETERIES AND MEMORIALS

"SEC.
"1000. Establishment of National Cemetary System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1972;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1972, or later acquired or developed by the Administrator.

"§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropirate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits ---------------- 901"

the following:

"24. National cemeteries and memorials -------------------- 1000".

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Counsel of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate officers and employees of the Veterans' Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest without a warrant for any offense committed upon such property if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c)(1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.".

(2) The table of sections at the beginning of chapter 17 of titles 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospital and domiciliary reservations.".

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new sections:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a)(4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

"§ 907. Death from service-connected disability

"In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) by adding at the end thereof the following items:

"903. Headstones and markers.

"907. Death from service-connected disability.".

SEC. 6. (a)(1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every state", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved by August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act, entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of

the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" *in the* Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the

Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505 (a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia, who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) Notwithstanding any other provision of law, no real property under the jurisdiction or control of the Veterans' Administration may be transferred (by sale, lease, or otherwise) to any other department or agency of the Federal Government, to any State or subdivision thereof, to any territory or possession of the United States, or to any public or private person or other entity—

(1) in any case in which the fair market value of such property (including all improvements to such property) exceeds $100,000 or the area thereof exceeds one hundred acres, unless the transfer of such property is specifically authorized by a law enacted after October 1, 1972, or unless such property is transferred pursuant to authority contained in title 38, United States Code; or

(2) in any case in which the fair market value of such property (including all improvements to such property) is $100,000 or less, unless written notice of the proposed transfer of such property is given to the Committees on Veterans' Affairs of the Senate and the House of Representatives at least thirty days prior to the transfer of such property.

SEC. 11. (a) The first section and sections 2, 3, 4, 8, and 10 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, will the gentleman from Texas give an explanation of the amendment?

Mr. TEAGUE of Texas. Mr. Speaker, the Senate admendment is germane to the bill.

As the Members will recall, this bill, known as the National Cemeteries Act of 1972, passed the House on June 5, 1972. Briefly, it established a new National Cemetery System under the Veterans' Administration, including Arlington National Cemetery and cemeteries on military posts. Further, it continued the American Battle Monuments Commission but placed that agency within the Veterans Administration. Our bill authorized a new plot allowance of $150, in addition to the present burial allowance of $250 payable in any case in which the veteran is not buried in a national or other Federal cemetery. We also provided for the burial of an unknown soldier of the war in Vietnam at an appropriate time in Arlington National Cemetery and precluded the VA from disposing of real property except pursuant to a public law. Finally, the bill directed VA to conduct a broad study as to the entire national cemetery problem as well as Veterans' burial benefits generally and report to the Congress next year.

I can report to the House that the Senate amendment, although it is a complete substitute in form, continues the basic main thrust and objectives of our original proposal. In other words, it would place the national cemeteries, except Arlington, under the Veterans' Administration and would retain our plot allowance provision, the direction for a VA study and the burial of an unknown Vietnam war soldier. In connection with the mentioned study, the Senate version includes a mandate that the VA's report, among other things, include a recommendation as to "whether it would be advisable in carrying out the purposes of the act to include the Arlington National Cemetery within the national cemetery system established by the act."

The Senate version excludes from the system the American Battle Monuments Commission, but I call attention to the fact that the Senate committee report states that:

> The continuing function and role of the ABMC and its relationship to the National Cemetery System is, of course, an appropriate subject for further consideration in the comprehensive study to be made pursuant to section 3 of this bill.

The Senate amendment has added a benefit provision which would provide a new burial benefit, similar to that afforded Government employees who die as a result of their employment. An amount not to exceed $800 would be payable as a burial benefit upon the death of any veteran as a result of service-connected causes. This payment would be in lieu of the existing burial benefit and the proposed plot allowance. Our committee has considered this new provision and concurs in the appropriateness of providing the same treatment for a veteran who dies of a service-connected condition acquired in the service of his country as that provided for Federal employees who die as a result of performance of duty. The additional cost is estimated at $12.6 million for the first full year.

The Senate amendment has modified

the House provision regarding the transfer of VA real estate. A public law would be required in case the fair market value of such property exceeds $100,000 or it is over 100 acres in area; however, if such value is $100,000 or less and there is 100 acres or less involved, written notice of the proposed transfer would be required to be given to the respective Committees on Veterans' Affairs at least 30 days prior to such transfer.

As the Members are aware, this major and troublesome subject of national cemeteries and veterans' burial rights has plagued us for several Congresses. I believe that positive legislative action is long overdue and under the circumstances we are justified at this time in concurring in the Senate amendment to our bill in order to get its principal objectives enacted into law without further delay.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, further reserving the right to object and I shall not object, I rise in support of H.R. 12674.

This bill passed the House on June 5, 1972. At that time it provided for the transfer to the Veterans' Administration of all national cemeteries and all cemeteries located on military posts.

The American Battle Monuments Commission, an independent agency, was included in the transfer.

The Senate amended the House bill by excluding the transfer of the American Battle Monuments Commission, Arlington National Cemetery, cemeteries located at service academies and those coming under the jurisdiction of the Department of the Interior.

The bill has also been amended to include an allowance for burial expenses of up to $800 to the families of the veteran who dies of a service connected disability. This allowance is similar to one paid by the Federal Government where the employee dies as a result of disease or injury incurred in their employment.

Another substitute permits the Administrator to dispose of land whose area is not greater than 100 acres and value does not exceed $100,000 with the only requirement that 30 days advance notice be given to both the House and Senate Committees on Veterans Affairs.

The House bill prohibited the disposal of any land except pursuant to a public law.

Mr. Speaker, this is sorely needed legislation, especially in my own State of California, where no burial sites in national cemeteries exist. It is my earnest hope that when the Veterans' Administration completes a required study of the National Cemetery System, California will be recognized as one of the states greatly in need of national burial sites.

This bill has my firm support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. Mr. Speaker, reserving the right to object and I shall not object, I support the gentlemen's motion to concur in the Senate amendments to H.R. 12674, the National Cemeteries Act of 1972. I must confess, however, that it is with some reluctance that I concur in the Senate amendments.

This bill, as it passed the House, Mr. Speaker, authorized the transfer of the National Cemetery System in its entirety from the administrative jurisdiction of the Department of the Army to the Veterans' Administration. The House-passed bill also authorized the Administrator of Veterans' Affairs to assume administrative jurisdiction over the American Battle Monuments Commission, presently an independent agency administering all of the overseas cemeteries in which our honored war dead are presently interred. It was then and continues to be my carefully considered judgment that both of these vast cemetery systems in their entirety should be under the jurisdiction of one agency. Since approximately 95 percent of the interments in national cemeteries are of veterans and dependents, and since the Veterans' Administration already has the experience of operating and maintaining its own cemetery system, it appears to be logical that the Veterans' Administration be that agency.

The Senate amendments, unfortunately, do not agree with that position. They have excluded both Arlington National Cemetery and the Battle Monuments Commission from the proposed transfer of the cemeteries to the Veterans' Administration. Thus, the Veterans' Administration will have administrative control over all of the National Cemetery System with the exception of Arlington National Cemetery which will remain under the control of the Department of the Army, and the American Battle Monuments Commission which will continue to function as an independent agency. I certainly am not pleased by the action of the other body in excluding Arlington and the overseas cemeteries.

Because the bill contains other important provisions that would represent a giant step forward in establishing a national policy on the burial of veterans, however, I believe it should become law. The distinguished chairman of the Committee on Veterans' Affairs has assured me that one of the first orders of business in the next Congress will be the consideration of proposals to transfer Arlington National Cemetery and the American Battle Monuments Commission to the administrative jurisdiction of the Veterans' Administration. Meanwhile, I can assure my colleagues that I will conduct my own investigation of the propriety of this action and will make appropriate recommendations to the committee at the time the legislation is considered shortly after the convening of the 93d Congress, should my constituency see fit to send me back to Washington.

The Senate amendment also contains a provision with which I am pleased to concur, wherein additional monetary benefits would be authorized in those cases in which a veteran dies as a result of a service-connected disability. In such cases, survivors would be entitled to Veterans' Administration payments in an amount not to exceed that currently paid to a Federal employee under the Federal Employees Compensation Act. Thus, the next of kin of veterans dying of service-connected disabilities would be entitled to an $800 burial benefit, in lieu of the existing statutory burial allowance of $250 and the $150 plot allowance authorized by this bill.

The Senate amendment retains the requirement of a comprehensive study of the entire cemetery system by the Veterans' Administration with a report on their findings and recommendations to the Congress on or before July 1, 1973.

Mr. Speaker, in the interests of alleviating the problem with respect to a burial policy for veterans, I shall support the gentleman's motion to concur in the Senate amendments and urge that it be adopted.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 12674, a bill designed to establish a National Cemetery System within the Veterans' Administration.

This bill originally passed the House on June 5, 1972, by a rollcall vote of 310 yeas and 4 nays. It now returns to us for further consideration on amendments offered by the Senate.

Initially, the legislation provided for the transfer to the Veterans' Administration of all national cemeteries and all cemeteries located on military posts. The Senate version would exclude Arlington National Cemetery, those cemeteries located at the service academies, and cemeteries under the jurisdiction of the Department of the Interior.

The American Battle Monuments Commission also would not be transferred as contemplated under the initial legislation.

An allowance of up to $800 would be granted to veterans who die of a service-connected disability. This is patterned on the allowance paid to employees of the Federal Government who die as a result of disease or injury incurred in their employment.

The House bill prohibited the Administrator of Veterans' Affairs from disposing of any real property under his jurisdiction by sale, lease, or otherwise except pursuant to public law.

The Senate amendment relaxes this requirement to a degree by permitting the transfer of VA land under 100 acres in scope, or not in excess of $100,000 in value, without such authority as required in the House version, but 30 days advance notice of the transaction must be given to the House and Senate Committees on Veterans' Affairs.

I believe the Senate amendments are reasonable and therefore urge the passage of this bill.

Mr. DORN. Mr. Speaker, I rise in support of the motion to agree to the Senate amendments to H.R. 12674. The House of Representatives passed this bill and sent it to the Senate on June 5, 1972.

The Senate has made three major

changes. One, it has left the administration of Arlington Cemetery with the Army, a matter which will receive further consideration in the study which is to be conducted by the Administrator of Veterans Affairs. Two, the Battle Monuments Commission is left as an independent commission, responsible for administering overseas cemeteries. Three, in the case where a veteran dies as a result of service-connected disabilities, the Administrator may reimburse his survivors for burial and funeral expenses incurred, on the same basis as in the case of a Federal employee whose death occurs in the performance of duty. This means that approximately 12,000 service-connected deaths per year will result in a total burial allowance averaging about $800. This will put the veteran who dies of a service-connected death after discharge on a par with the active-duty serviceman who dies of service-connected causes.

The major purposes of this bill is to consolidate all burial and cemetery functions under the administration of the Veterans' Administration with the exception of the Battle Monuments Commission and Arlington Cemetery. The law directs the Administrator of Veterans Affairs to make a study of the Nation's cemetery system and make recommendations early in the next Congress as to any changes necessary to implement and improve the cemetery system and Federal burial policy. This is a landmark piece of legislation and has received a great deal of attention by the Veterans' Affairs Committee. I believe it should form the basis for a sound program and future plans.

Mrs. HICKS of Massachusetts. Mr. Speaker, I am most pleased to rise in support of the bill being considered here this afternoon. I believe that this bill represents a very progressive step in organizing an effective cemetery and burial policy for the Nation's veterans. At the present time several different departments are involved in administering cemetery and burial policy. This bill will consolidate most of the cemetery and burial jurisdiction in one agency, the Veterans' Administration. It requires the Administrator of Veterans Affairs to make a study with recommendations coming to the Congress early next year for a comprehensive national policy. I hope that this legislation and the Administrator's study will provide the basis for organizing a cemetery system that will provide equitable opportunity and access to national cemeteries for veterans in all parts of the country. For those not wishing to be buried in a national cemetery, this bill includes an additional $150 burial plot allowance. This would be over and above the $250 burial allowance now paid.

Another important feature of this bill is the provision which will provide more complete burial cost reimbursement for veterans dying from a service-connected cause. There are about 12,000 of these individuals dying each year, and because of the nature of their service-connected disabilities they deserve special consideration.

Mr. Speaker, the veterans' organizations in my State have long recognized the need for improvement in cemetery and burial policies, and I believe this bill will accomplish that goal.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO INCORPORATE IN THE DISTRICT OF COLUMBIA THE NATIONAL INCONVENIENCED SPORTSMEN'S ASSOCIATION

Mr. JACOBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15453) to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. HALL. Mr. Speaker, reserving the right to object, is this the same bill on which a request was made earlier this afternoon?

Mr. JACOBS. It is.

Mr. HALL. Mr. Speaker, I must say that there has been no further time for consideration for anyone attendant on the duties before the House of these bills. It was still not expected that they would come up by unanimous consent.

The SPEAKER. The Chair was under the impression that they had been cleared, and was so advised.

Mr. HALL. Mr. Speaker, I do not know with whom they had been cleared, but I must continue to object until I have had time to read the bill.

The SPEAKER. Objection is heard.

(Mr. JACOBS asked and was given permission to address the House for 30 seconds.)

Mr. JACOBS. Mr. Speaker, these bills were first called to the attention of the House about 5 or 6 hours ago. It seems to me that there might have been a little time to look them over.

CONFERENCE REPORT ON H.R. 15883, PROTECTION OF FOREIGN OFFICIALS

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 2, 1972.)

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DONOHUE. Mr. Speaker, on August 7, 1972, the House passed the bill H.R. 15883 with a vote of 380 to 2. The bill amends title 18 of the United States Code, so as to provide for Federal jurisdiction over criminal offenses directed against diplomatic, consular, and other foreign government and international organization personnel and their families. At the time the House acted on the bill it was pointed out that under international law, every country has the obligation to protect this type of individual who has always been recognized as having a special sort of status since they represent their countries. The language agreed to in conference would permit the further recognition of a category of persons who would be designated as official guests. This would be a designation given to only selected persons who are given that specific designation by the Secretary of State. It would only be used in a restricted way, and the committee has been advised that the designation of official guest would only be applied or utilized when the Secretary determines that injury to the person or his property would create an adverse effect on the foreign relations of the United States. I would point out that applied in this manner it is completely consistent with the basic purpose of the bill as it passed the House for this is the reason this same jurisdiction was to be provided as to the persons originally covered by the bill.

I scarcely need remind the House why these provisions were added to the bill. The tragic events which occurred at the Olympic games in Munich demonstrated how a nation's Olympic team can be the object of criminal attack by terrorists for the reason that it represents its country at the event. The effect of the amendment would be to make a Federal crime to murder, kidnap, or assault an official guest who is in the United States or willfully to damage his property. The term "official guest" will apply to foreign nationals or citizens who are in the United States and who have been designated as official guests by the Secretary of State. This will allow limited designation of certain individuals or groups of individuals who are here for important international sports or other events where the individuals are of the sort that requires the United States to recognize that insuring their safety is an important factor in our foreign relations.

I wish to point out that the House Conferees insisted on a restoration of House language to subsection (b) of section 112 of title 18 concerning obstruction of a foreign official in the performance of his duty as contained in section 301 of the bill. The effect of the language agreed to in the conference report in connection with amendment No. 12 is to restore the substance of the House-passed language in this connection. I also think it is significant to note that the House agreed to the language added by the Senate as amendment No. 15 which makes it clear that nothing in section 112 of title 181 concerning the protection of foreign officials and official guests, is to be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

In the House report on this bill, House Report No. 92–1268, 92d Congress, second session, it was pointed out that it would not be possible to predict what costs would be incurred by the United States in the enforcement of the provisions added by the bill since they involved the jurisdiction of the United States over certain criminal offenses. In this connection the committee has been advised that the Department of Justice expects that existing investigative and prosecutorial personnel in the Department will be able to handle the work load resulting from the bill. The Department of State would have the task of maintaining records of certain foreign officials notified to the Department as well as the task of designating official guests and maintaining the records of persons so designated. The Department expects that existing personnel can handle this work load.

I therefore conclude that the hard realities of our day have more than demonstrated the need for this bill as reported by the conference committee. I urge the adoption of the conference report.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16675) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. BROYHILL of North Carolina. Mr. Speaker, reserving the right to object, the bill, as I understand it, is an extension of an ongoing program and has the unanimous support of the committee.

Mr. STAGGERS. All the way; in the subcommittee and the full committee.

Mr. BROYHILL of North Carolina. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 16675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

Mr. ROGERS. Mr. Speaker, I rise in support of H.R. 16675, which amends the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, originally passed in 1970, to extend for 1 year the section authorizing formula grants to States for projects for development of programs to deal with alcohol abuse and alcoholism. The authorization for fiscal year 1973 is $80 million. This bill simply authorizes an identical amount for fiscal year 1974.

Mr. Speaker, the original legislation established the Institute on Alcohol Abuse and Alcoholism. Our subcommittee is satisfied that the Institute is well on its way to mounting an all-out attack on the widespread problems of alcohol abuse and alcoholism in this country. The subcommittee is pleased with the dedication and innovative spirit of the Institute's first Director, Morris E. Chafetz, M.D.

Mr. Speaker, the formula grant programs extended by this legislation concluded their first full fiscal year of activity at the end of June. The Department of Health, Education, and Welfare presently is engaged in a comprehensive evaluation of the effectiveness of these programs. For this reason, we felt it proper to extend authorities for these programs for only 1 year, and await HEW's evaluation before extending the authorization for a longer period.

I urge the adoption of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION PAYMENT ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15054) to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 15054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), is hereby further amended as follows:

(a) By inserting after the section designation the letter "(a)"; by changing the first sentence to read: "Subject to such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder."; deleting the portion of the second sentence preceding the colon and substituting therefor the following: "The term 'overcharges' shall be deemed to mean charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, and any State transportation regulatory agency, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation".

(b) By adding the following new subsection to the section:

"(b) Pursuant to regulations prescribed by the head of a Government agency or his designee and in conformity with such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, bills for passenger or freight transportation services to be furnished the United States by any carrier or forwarder may be paid in advance of completion of the services, without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529): *Provided,* That such carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payments made for any services not received as ordered by the United States.

"(c) The term 'head of a Government agency' means any individual or group of individuals having final decisionmaking responsibility for any department, commission, board, service, Government corporation, instrumentality, or other establishment or body in the United States Government."

"(d) This Act shall be known as the Transportation Payment Act of 1972."

With the following committee amendment:

Page 3, beginning in line 13, strike out "Government" and all that follows down through line 15 and insert in lieu thereof the following:

Government."

SEC. 2. This Act may be cited as the "Transportation Payment Act of 1972".

The committee amendment was agreed to.

Mr. STAGGERS. Mr. Speaker, this is a bill to improve and modernize billing and payment practices for the transportation of persons and property for the Federal Government. The intent of the bill is to simplify and update Government payment and settlement practices and to bring them closer to commercial practices. It will allow for greater use of automation and reduce costs both on the part of the Government and on the part of the carriers.

This legislation has the unanimous endorsement of the Subcommittee on Transportation and the full Committee on Interstate and Foreign Commerce. I urge the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3240) to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. KAZEN. Mr. Speaker, reserving the right to object, I should like for the chairman to give us some explanation of this bill. What are the provisions of this bill?

Mr. STAGGERS. This bill allows the Government to pay for any charges on transportation that there are. When they buy tickets they will buy them now as any other customer does. They will not have to build them. The person who rides, and the company the person rides with, has to keep all kinds of records. This will save industry $750 million a year and it will save the Government millions of dollars a year. They will just pay like any other customer.

Mr. KAZEN. Is this for Government travel?

Mr. STAGGERS. That is right.

Mr. KAZEN. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3240

An act to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), is hereby further amended as follows:

(a) By inserting after the section designation the letter "(a)"; by changing the first sentence to read: "Subject to such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder."; deleting the portion of the second sentence preceding the colon and substituting therefor the following: "The term 'overcharges' shall be deemed to mean charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, and any State transportation regulatory agency, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation".

(b) By adding the following new subsections to the section:

"(b) Pursuant to regulations prescribed by the head of a Government agency or his designee and in conformity with such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, bills for passenger or freight transportation services to be furnished the United States by any carrier or forwarder may be paid in advance of completion of the services, without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529): *Provided,* That such carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payments made for any services not received as ordered by the United States.

"(c) The term 'head of a Government agency' means any individual or group of individuals having final decisionmaking responsibility for any department, commission, board, service, Government corporation, instrumentality, or other establishment or body in the United States Government.

"(d) This Act shall be known as the Transportation Payment Act of 1972."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike all after the enacting clause of S. 3240 and to insert in lieu thereof the provisions of H.R. 15054, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15054) was laid on the table.

CONFERENCE REPORT ON S. 3755, AIRPORT DEVELOPMENT ACCELERATION ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 5, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. KYL. Can the gentleman from West Virginia tell the House what provision is now in the bill relative to the local collection of taxes on passengers using the airports?

Mr. STAGGERS. They will be prohibited under the bill. In lieu of that we have raised the assessments and the moneys to each one of the airports from 50 to 75 percent, local participation, and raised the amount of money in the fund that can be used at these airports.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. STAGGERS. I would be happy to yield to the gentleman.

Mr. KYL. Is that now a permanent settlement of this matter?

Mr. STAGGERS. That is right.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7117, FISHERMEN'S PROTECTIVE ACT AMENDMENTS

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know from my friend from Michigan: What is the difference between this conference report on the Fishermen's Protective Act amendments and the Fishermen's Protective Act that is listed under suspensions for consideration by the House?

Mr. DINGELL. Mr. Speaker, the other one is a separate bill dealing with entirely different questions. This is a conference which comes back from the other body. The conferees here return to the Members for all intents and purposes the same bill that the House passed earlier, with one amendment which was adopted by the other body, the so-called Javits amendment, which sets out what the President may do if he certifies in each individual instance that he failed to deduct the amount from foreign aid which the statute would require him so to do.

We rejected three Senate amendments, one each by Senator KENNEDY, Senator STEVENS, and Senator TOWER, relating to other nongermane matters, particularly relating to commercial fisheries.

The other bill to which my good friend alludes extended section 7 in the Fishermen's Protective Act for a period of 4 years. That is the insurance fund provision, which the gentleman is familiar with, and the total cost of that would be about $60,000. The total cost of this would be $3 million initially for setting up a revolving fund into which would go moneys extracted from foreign aid earmarked for countries which would seize our fishing vessels.

Mr. HALL. Mr. Speaker, further reserving the right to object, I will ask my friend from Michigan (Mr. DINGELL) if with the passage of this conference report it will be further necessary to consider the other bill pertaining to section 7 of the Fishermen's Protective Act, which is now listed under suspension of the rules?

Mr. DINGELL. Mr. Speaker, the answer to that question is "Yes," because that is an insurance provision which is also extended into which the fishermen themselves pay for protection against these foreign seizures, and that particular insurance provision meets certain kinds of claims earlier which may or may not be met under this.

It is the intention of the committee that the legislation embodied in the conference report would provide that the insurance fund would receive compensation, as would the fishermen, where it was appropriate, from foreign aid extracted from accounts to be held for payment to these foreign countries which seize our fishing vessels.

Mr. HALL. Mr. Speaker, all of this could be avoided if we still had a show of force and used gunboat diplomacy, spoke softly and carried a big stick, or any of the famous adages that made America a great nation rather than giving them submarines or destroyers or submarine chasers with which to chase down our fishing boats and then recompense the owners for what they have had to pay when they are seized in some fabulous international waters because they claim a 200-mile limit. Would the gentleman agree that is correct?

Mr. DINGELL. I must regretfully agree that my friend from Missouri is correct. But I must say that this subcommittee and committee do not have jurisdiction over foreign affairs matters. All we are trying to do is to see to it that our people have the opportunity to continue to operate and to fish where the State Department does not give them the proper protection.

Mr. HALL. I agree with my friend. I think it is a sad commentary on the present state of our Nation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DINGELL. Mr. Speaker, the conference report we are considering today on H.R. 7117, which would make amendments to the Fishermen's Protective Act, is practically identical to the House version of the bill which this body passed in August of last year.

Mr. Speaker, the purpose of H.R. 7117 is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

In achieving this purpose, the bill would require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country for fines, fees, and other direct charges in order to obtain release of his vessel and crew, and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under the bill, the Secretary of State would be required to immediately notify the foreign country of such reimbursement and take such action as he may deem appropriate to collect the amount of the claim from the offending country.

Included in that notification to the offending country would also be the amount of any payment made by the Secretary of Commerce to the vessel owner for losses sustained to his vessel, crew, and equipment pursuant to the insurance program provided by section 7 of the act. If reimbursement is not made within 120 days after notification to the offending country, then the Secretary of State is required to deduct the amount of the claim from any funds programed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund. The bill would authorize to be appropriated $3 million to provide initial capital for the fund and such sums as may be necessary to meet future requirements of the fund.

Mr. Speaker, as indicated in the joint explanatory statement of the committee of conference, there was only one substantive amendment made by the Senate to the bill to which the House receded. All of the other amendments, to which the House receded from its disagreement, made either technical, clarifying, or conforming changes.

Mr. Speaker, the substantive amendment, to which the House receded from its disagreement and agreed to the same with a technical amendment, is known as the Javits amendment. This amendment concerned itself with the action to be taken after an offending country refused to make reimbursement to the U.S. Government within 120 days after notification by the Secretary of State.

Mr. Speaker, with respect to the Javits amendment, the House bill would amend section 5 of the Fishermen's Protective Act of 1967, in part, to require that upon the failure or refusal of a foreign country which seized a U.S. fishing vessel to pay, within 120 days after notification, a claim of the United States for any reimbursement made by the Treasury to the vessel owner—for fines, fees, charges, damages, and losses incurred by the owner incident to the seizure—the Secretary of State would be required to transfer the amount of the claim from any funds programed to that country under the Foreign Assistance Act of 1961 for the current fiscal year to the fishermen's protective fund or to the separate account established in section 7(c) of the act, depending upon the nature of the reimbursement. The House bill would further provide that if the programed funds for any foreign country are inadequate for such purposes in any year, the transfer would be made from funds so programed for any succeeding year.

Mr. Speaker, the Javits amendment would merely prohibit any such transfer from taking place, that is a transfer of funds from the Foreign Assistance Act to the fishermen's protective fund, if the President certifies to the Congress that it would not be in the national interest to do so.

Finally, Mr. Speaker, I might mention that the Senate receded from three of its substantive amendments, Nos. 7, 8, and 9, upon an assurance on the part of the House managers that hearings would be held on the subject matter of these amendments early in the 93d Congress.

Briefly explained, amendment No. 7, known as the Tower amendment, would authorize the Secretary of Commerce to provide reinsurance to insurance carriers to cover losses resulting from storm damage to commercial fishing vessels. Amendment No. 8, known as the Stevens amendment, would authorize the Secretary of Commerce to make grants to commercial fishing operators to cover losses resulting from the imposition of a prohibitive Federal or State restriction designed to prevent the deterioration of the quality of the aquatic environment. And amendment No. 9, known as the Kennedy amendment, would authorize the Secretary of Commerce to establish a program to provide reimbursement to fishing vessel owners for damages to their vessels and gear caused by vessels operated by a foreign government.

Mr. Speaker, I urge the adoption of the conference report on H.R. 7117.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 4, 1972.)

Mr. FORSYTHE. Mr. Speaker, I rise in support of this conference report. I believe it is a good conference report and should be adopted.

Mr. DINGELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORSYTHE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this conference report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CORRECTION OF REPORT ON FISHERMEN'S PROTECTIVE ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 719).

The Clerk read the concurrent resolution as follows:

H. CON. RES. 719

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, is authorized and directed to strike out "lieu of" on page 1, line 6, of the House engrossed bill and insert the following: "lieu thereof".

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this 1 minute to announce that the following bills will be added to the suspension list:

S. 3843, Emergency Rail Facilities Restoration Act, and

H.R. 16987, to authorize additional appropriations for maritime programs of the Department of Commerce for fiscal year 1973.

VOTER REGISTRATION

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, we are all aware that the right to register and vote is something that belongs to all American citizens. It is a right that should not be obstructed or denied for any reason whatsoever. The right to vote is the backbone of our country. Any limitation of this right would erode the foundation of the country. It is distressing to report that I have discovered members of the President's family deliberately attempting to limit those constitutional rights.

On Sunday, September 17, 1972, CBS News broadcast a network news program focusing on the presidential election entitled "See How They Run." In it, both Julie Eisenhower and Edward Cox were guilty of making remarks debasing the voter registration process. This process is unfortunately a necessary process in securing the right to vote. It is time consuming, bureaucratic, and aggravating, but it is essentially nonpartisan in nature and this aspect of it must be preserved at all costs.

The portion of the transcript of the show that concerns me and should concern us all begins on page 15. Gary Shepard, a CBS correspondent, was interviewing Julie Nixon Eisenhower on the official opening of the Pennsylvania Republican "Get out the Vote" campaign. Mrs. Eisenhower was asked by a woman:

> If prospective voters are not going to vote for your father, do you cease trying to register them?

Mrs. Eisenhower responded:

> We let the other side register them . . . Our effort is to get out the potential Republican voters for my father. That's politics.

Mr. Speaker, politics, no matter what your definition, is not deliberate attempts to disenfranchise voters. Politics should not focus on restricting the number of registered voters. It should encourage voter registration as a means of getting involved in the political process and then encourage participation by soliciting opinions and votes. Attempts at restricting registration are repugnant to one's sense of what the democratic process entails. These members of the President's family degrade the democratic process by turning its foundation into a political football, something that can be done with substantive issues, not the core of the country.

The contempt for the process does not stop there. Mr. Edward Cox also seems to be assisting in the debasement of the voting process. When speaking to campaign workers kicking off a voter registration drive in Cincinnati, Mr. Cox said:

> Ask whether or not (prospective voters) are for the President. And if they're for the President, tell them how to get registered, tell them how to get to the polls and vote.

Mr. Speaker, I ask that you carefully examine what I have placed before you. The President has asked for progressive reform. Progressive reform is not the debasement of voter registration. Should the President be reelected, his reelection would be based on underhanded and questionable campaign practices. Bringing voter registration down to the level that the Nixons have brought it to is disgusting. The people of this country are crying out for reasons to respect the Government and the democratic process. The continuation of these kinds of practices will certainly destroy any person's sense of equality and justice in the country. Voter registration and the right to vote should be pinnacles of our society, not concepts to be manipulated to win elections and ultimately disenfranchise voters.

NADER'S ARMOR TARNISHED

(Mr. DEVINE asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the overpublicized, self-appointed expert on all subjects, Ralph Nader, recently was analyzed by the noted columnist, James J. Kilpatrick, in the October 10, 1972, Washington Evening Star and Daily News.

Since Nader is about to pass personal judgment on the people's representatives in a publication for profit, Mr. Kilpatrick seems to challenge his qualifications if not his credibility. The column follows:

IS WHAT'S GOOD FOR NADER GOOD FOR THE PEOPLE?

(By James J. Kilpatrick)

Once upon a time, as Plutarch tells the tale, Aristides The Just was running for reelection. He stopped a stranger on the streets of Athens to solicit his vote. No, said the citizen, who did not recognize the candidate, he could not support Aristides—and it was not as if he had anything against the statesman.

What, then was the trouble? "I'm sick and tired," said the citizen, "of hearing him called The Just."

Ralph Nader, the Great Crusader, might be well advised to meditate upon the story. Beyond question, this dedicated and zealous man has made significant contributions to the safety of American consumers and to the quality of our environment. But he is displaying in his current assault upon Congress a swell-headed arrogance that may cool the ardor of even his most devoted fans. The gentleman is insufferable. The gentleman, indeed, is a bore.

One is reminded not only of Aristides but also of Engine Charlie Wilson. The canard will not die that the great industrialist once avowed that what is good for General Motors is good for the U.S.A. Ralph Nader exhibits the same confusion. His newly-sponsored book, "Who Runs Congress?" grandly equates Ralph Nader with the "people" or with "the public interest." He alone, goes the implication, is qualified to proclaim what is good and wise and progressive. The possibility that he might be wrong—the possibility that decent men might take an opposite view out of pure motives and sound reasons—that possibility never crosses Nader's Olympian brow.

This vainglorious image emerges from Nader's book. The paperback is attributed to Mark J. Green, James M. Fallows, and David R. Zwick, but it bears the imprimatur of the man himself. Viewed simply as a book, the book is mostly non-book. It rehashes every criticism of Congress made in recent years, but it adds little that is new or different.

What raises one's hackles is the lordly assumption of Nader's factotums that everyone else is vile, and only he is pure. The assumption recurs in a dozen forms. Unions no less than corporations find troublesome regulations standing "between them and the politicians they want to buy." The bad guys are trotted forth in semantic black hats. Rep. Thomas P. O'Neill, Jr. (D-Mass.), a bad guy, is the "august" chairman of a sub-committee. A vice president of Texaco doesn't merely say; he "intones." It is angels on one side, demons on the other—the "people" arrayed against the "special interests."

The truth is vastly more complex. Are milkmen "people"? Are tobacco farmers "people"? Are the owners of service stations "people"? No, indeed. They are co-conspirators in dastardly plots to "milk the housewife," or they are "small businessmen who are different from you and me." By contrast, "public lobbies" are filled with virtue:

"They may save the taxpayer billions." But the baddies, the business lobbies, are concerned only with making "the victims bear the cost of their anticonsumer political efforts."

What is the consumer's interest? The honest answer, in many difficult cases, is simply: It depends. The recent increase in milk prices may or may not have been in the consumer's interest. The oil depletion allowance may be as evil as Nader contends, or it may contribute to the explorations that are vital to a healthy petroleum industry. Safety requirements in general must be applauded, but a fanatical obsession with safety may inflate production costs to a point at which the public interest is adversely affected.

Ralph Nader, of course, has every right to lobby for his causes, and to urge his followers to organize their campaigns. Splendid! But the gentleman is not divinely ordained. The anathema he pronounces on the Congress may amount to Holy Writ; and perhaps members must obey him in peril of their seats. But then, again, perhaps not.

CONSTITUTIONAL AMENDMENT TO CONTROL FEDERAL SPENDING

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I am today introducing an amendment to the Constitution of the United States requiring the Congress to adjourn by July 31 of every even-numbered year, and to restrict the power of the President to convene the Congress during the remaining portion of such year.

Considering the record of the 92d Congress and that of nine of the last 10 Congresses, it appears this is the only way we can save the taxpayers from being put through the inflation-recession wringer or from an increase in their taxes.

The current session of Congress is a prime example of one that has thrown all commonsense aside in favor of pursuading the voters with massive spending schemes that are expected to run nearly $6 billion over budget estimates.

Congress is rushing to conclude action on its business. Despite the expected budget deficits, the Democrat leadership has opposed attempts to impose a spending ceiling on Federal expenditures. I feel obligated to speak out on behalf of the taxpayers of this Nation who will be faced with increased taxes or another dizzying surge of inflation if we do not call a halt to the deficit spending.

Except for 1952 and 1956, Congress has ignored the intent of the Congressional Reorganization Act which attempted to guarantee early adjournment of Congress. The solution is an amendment to the Constitution which leaves Congress no alternative but to finish its business before the start of the political season. The only exception would be when the President declares a national emergency or there is a declaration of war by Congress.

I firmly believe that if we were not in the midst of an election campaign my colleagues would exercise more restraint with the taxpayers' hard-earned dollars. My amendment would force Congress to close up shop and return home before pressure builds for abandoning all priorities, as history has shown it consistently does during an election year and especially after the traditional Labor Day break.

Every Congress for the last 20 years, with the exception of the 90th, has spent more in relation to budget estimates during the election-year session than during the first session which meets on the off-year.

The problem is that the Federal budget is out of control and the congressional leadership has demonstrated it is not equipped to deal with it. History shows that the longer Congress meets, the more it spends. One solution is to control the length of the congressional sessions and my amendment to the Constitution would do just that.

WOLFF REPORT TO CONSTITUENTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, periodically, I send my constituents a report of my activities here in the Congress. Following appears my most recent newsletter report:

WOLFF NEWSLETTER

DEAR FRIEND AND CONSTITUENT: As thousands of my constituents who answered my recent opinion poll have indicated, one of the major concerns today, both nationally and locally, is the growing incidence of crime and the deprivation of human rights of the victims.

I am firmly convinced that the only way we will stem crime and violence is to attack the rest of the evil—by effective law enforcement—by eradicating the drug menace at its source, by providing enlightened education, greater employment and housing opportunities, and by strengthening our penal system through court reform and increased rehabilitation services.

Our citizens must be protected, however, while we seek to effect needed changes to erase the social ills that are the basic causes of crime.

My own most recent efforts to contain lawlessness and violence have included cosponsorship of new legislation to increase police manpower, especially in high crime urban and suburban areas. I am the coauthor of measures to provide the victims of crime with tax deductions for their losses and in addition cover the expenses of installing crime prevention equipment.

I sponsored the legislation which created the House Select Committee on Crime which launched an intensive investigation of organized crime. I am the co-author of the Juvenile Delinquency Act, a crime prevention method of education and rehabilitation rather than merely a punitive approach. My switchblade knife bill to ban the manufacture and sale of these deadly weapons is pending in the Congress as are gun control bills I support.

Official statistics tell us that 50 percent of all the street crimes committed today are drug related. As most of you are aware, I have launched a frontal attack on drugs at their source. My amendment to the Foreign Assistance Act to suspend aid to Thailand, the major conduit for the international heroin movement, has been passed by the House and the Senate. It calls for the suspension of U.S. aid until such time as President Nixon determines sufficient steps have been taken by the Thais to control the flow of opium destined for our shores.

In a related action, my legislation to provide treatment centers for drug addicted veterans of the Indochina War has also been passed by the House and six of these centers have been established in various areas of the nation. Twenty in all are scheduled—but we still need more as today there are hundreds of thousands of our veterans plagued with drug affliction.

In brief, I am striving to eliminate the causes of crime and I intend to continue these pursuits. If we are to assure our freedoms, we must protect those freedoms by demonstrating a total commitment to curing the ills.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

WOLFF'S LEGISLATIVE RECORD AT A GLANCE: 92D CONGRESS, 1971–72

The following is a brief summary of Congressman Wolff's most recent legislative accomplishments and does not purport to reflect all measures he sponsored, supported or voted for during the 92d Congress. Other highlights of his legislative record will be continued in subsequent issues of this newsletter.

FOREIGN AFFAIRS

Author of amendment to 1972 Foreign Assistance Act to terminate aid to Thailand for its failure to take action to halt narcotics traffic. This measure incorporated into Act adopted by House and Senate; now pending Conference action.

Original author of measure proposing utilization of frozen surplus foreign currencies as a means of supplementing American currency in payment of foreign assistance grants. In agreement with the host country, these funds would be repaid over long-term period in American dollars. This measure incorporated into law.

Author of legislation providing for emergency visas to permit Soviet Jews to emigrate to U.S. This measure effectively became law through administrative action, when it increased number of emergency visas available.

CONSUMER PROTECTION

Co-author of legislation to establish Consumer Protection Agency to protect the interests of the consumer and to provide for closer cooperation between federal, state and local governments in halting deceptive and fraudulent practices, and generally to promote sound consumer policies. Enabling legislation was passed by the House and is now pending action by the Senate.

Author of amendment requiring investigation into relationship between domestic wheat and bread prices and foreign sales of U.S. wheat to the U.S.S.R., and calling for action to reduce export grain subsidies so American consumers will not be forced to pay higher prices because of special-interest trading practices. Hearings have commenced to investigate possible conflicts of interest which caused sharply increased domestic prices.

SENIOR CITIZENS

Co-author of bill to create comprehensive nutrition program for the elderly by providing grants to states for establishment and maintenance of low-cost meal programs, nutrition training and education programs. This measure has been enacted into law.

Author of measures easing tax burden on elderly, including measure permitting income tax exemption of first $5,000 of retirement income for senior citizens, measure to exempt certain pensions from income tax and several bills to facilitate eligibility and payment of Social Security benefits. Hearings have been held by House Ways and Means Committee on several of these proposals, and H.R. 1, as passed by the House in 1972, did raise somewhat the outside earning limitation; not, however, to the $5,000 figure proposed by Congressman Wolff.

Advocate of free passage for elderly on public transportation, buses, railroads, subways and other transit facilities.

VETERANS AFFAIRS

Co-author of bill to establish National Cemetery System within Veterans Administration and to establish a new national veterans cemetery on Long Island to provide needed space for burial of veterans. Pending Senate enactment of this measure (it has passed the House), the Veterans' Administration has assured Congressman Wolff of its intention to establish a new veterans cemetery on Long Island.

Co-author of numerous bills substantially broadening and upgrading educational benefits for veterans. These measures have largely been incorporated into law. Congressman Wolff has introduced additional legislation expanding even further the educational programs and benefits available for veterans and their dependents.

DRUG ABUSE CONTROL

Co-sponsor of legislation creating Office of Drug Abuse Control to initiate and carry out both domestic and international programs of drug abuse control both by discouraging foreign countries from producing and processing narcotics and by rehabilitating and educating drug addicts in this country.

Co-sponsor of legislation providing treatment and rehabilitation for servicemen and veterans who are drug dependent and requiring that persons with drug-related disabilities undergo treatment in order to qualify for Federal welfare payments. The Veterans Drug Treatment and Rehabilitation Act has passed the House and Senate and is awaiting conference action.

EDUCATION OPPORTUNITY

Co-sponsor of Carey-Mills bill, allowing tax credits for tuition paid for elementary or secondary education of dependents, and providing payments to states to upgrade quality of elementary and secondary education. Hearings in House Ways and Means Committee are underway.

Co-author of measure providing grants to medical schools to encourage development of programs and facilities in family medicine. This measure has been enacted.

CRIME CONTROL

Has called for strict prohibitive measures against, aircraft hijackings and has co-authored legislation calling for swift (extradition of hijackers, strong punitive measures and greater international cooperation in prevention and prosecution of) hijackers. Such legislation has now passed the House. U.N. is currently engaged in negotiations with other nations, and one treaty has been approved by the Senate.

Co-sponsor of Child Abuse Prevention Act to provide Federal assistance to courts, correctional systems and community agencies for control, treatment and prevention of juvenile delinquency.

CONSERVATION EFFORTS

Co-sponsor of measures requiring increased consideration of ecological factors in state and local projects funded by Federal government, such as bill requiring Federal contractors to protect the environment, bill permitting refusal of Federal licenses and permits if projects would be damaging to fish and wildlife resources, and bill increasing to 90% the Federal share contributed to shore restoration and protection projects.

Original author of legislation designed to protect the waters off the Atlantic coast from threat of pollution from mineral development and oil drilling through establishment of Marine Sanctuaries, areas to be exempted from oil and mineral exploration and drilling. In conjunction with this measure, also introduced a bill calling for a National Academy of Sciences study of off-shore oil drilling to determine long-range effects of oil spills on ecology. Also organized an ad hoc group of Atlantic States Congressmen as fact-finding and monitoring group, and has co-sponsored legislation requiring regulation of ocean dumping to control growing severity of deep-sea pollution.

Chauncey Wildski, President, Queens Pulaski League, and Michael Pegran, President, Nassau Pulaski Parade Committee, are congratulated by Rep. Wolff for their efforts on behalf of successful NYC parade. Rep. Wolff presented group with American flag especially flown over Capitol to be carried in line of march.

Rep. Wolff talks with administrators at Field Hospital in Vietnam while on fact-finding study tour of battle areas for House Foreign Affairs Committee during 92nd Congress.

The Right Rev. Msgr. Charles Bermingham, Pastor, St. Aidans Church, Williston Park, Rep. Wolff with Thomas Laffey a constituent at Irish American Hall, Mineola celebrate Laffey's release from a Texas prison, where he and 4 other Irish Americans were held, on suspicion without bail or trial for 4 months.

Rep. Wolff journeyed to Texas to see that justice prevailed when these men were denied their civil rights.

Efforts to save LI Sound from further pollution are pursued by Rep. Wolff who testifies on need for stronger federal and state standards. Rep. Wolff is leader in battle to ban off-shore oil drilling pending outcome of environmental impact study by National Academy of Sciences.

BLACKBURN URGES CONGRESSIONAL COMMITTEE REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, as we approach a new Congress, we should once again direct our attention to the method by which we organize ourselves into committees for the purpose of dealing with specialized legislation and the authority given to chairmen of those committees.

Two years ago, all we could hear were great public demands from some quarters for the end of the seniority system. At that time, I suggested that the seniority of the chairmen should not be an issue, but that the discretionary power we grant the chairmen should be subjected to serious debate and question.

Having served 6 years in the Congress, I have observed the operation of its committees, and I have had the opportunity to follow the tortuous path of legislation from introduction of a measure to its consideration by a subcommittee, then on to the full committee and action on the floor of the House. After this time-consuming process, the measure is sent to the Senate where some changes are usually made, thus necessitating a conference between House spokesmen and Senate spokesmen. Based on this experience and observation of the workings of the Congress, it is my opinion that the current criticism is misdirected.

The true significance of a person acting as a committee chairman does not lie in his actions as presiding officer during committee hearings or during markup sessions. However, as the presiding officer, a chairman can sometimes affect the substantive course of legislation. Nevertheless the real villain in the present operation of the committee is the enormous discretionary power granted to a committee chairman. The complete freedom to abuse this discretionary power—whether for his own personal ends or to serve the ends of his political party and its members—is the area of my concern.

For example, the chairman has the dominant voice in the hiring of committee staff personnel. Thus, these employees many times feel that their primary obligation is to serve the committee chairman rather than to serve the committee as a whole. In some instances, committee personnel actually work in the office of a favored or acquiescent committee member while failing to find merit in trips requested by those members not so favored.

The committee chairman schedules hearings upon bills being considered by the committee. He usually finds time for hearings on those bills which he favors but never finds time for hearings on bills for which he has no personal sympathy. He can delay hearings on vital measures so that he can attach riders not favored by the administration. Thus, the administration may be forced to approve measures necessary for continuing the operation of essential services of Government despite the fact that the legislation contains language unpalatable to the administration.

In scheduling hearings, the committee chairman can arrange for full discussion from witnesses favorable to the chairman's own personal feelings. He may relegate those witnesses unfavorable to his views to only a few brief seconds of testimony, thus cutting short the opportunity to fully develop both sides of the question and thereby reducing the effectiveness of their testimony to a bare minimum.

A committee chairman recommends to the Speaker of the House those committee members he—the chairman—wants to serve on conference committees. It is this conference committee which has the responsibility of reconciling differences between House-passed and Senate-passed legislative measures. You can be confident that the chairman finds it more expedient to recommend persons not likely to disagree with his own individual views. Thus, legislation formed after hours or days of debate on the House floor can be completely remolded in conference committee by a strong committee chairman and a handful of his lackeys.

In an effort to achieve certain reforms, I with a number of my colleagues on the House Banking and Currency Committee proposed several changes to the rules of our committee. We were successful in making only one change and that was to prohibit proxy voting.

I feel that this has had a very salutory effect upon our committee since the chairman can no longer vote the proxies of the absent majority members. However, we lost all of the other proposed reform on a straight party line vote. It is indeed interesting that some of those who most enthusiastically called for reform during the consideration of the Legislative Reorganization Act of 1970 rejected all attempts to control the unbridled power exercised by certain committee chairmen.

All of us will represent approximately 500,000 people after this election. Each of us should have the same responsibility and same authority in determining the flow of legislation and the witnesses who will appear before our respective committees. Unfortunately, we find that certain members' constituency have a more favored position, because of the power exercised by a particular member.

Democratic institutions are supposedly based upon the theory that all people should be represented equally. My proposed changes would only help to bring a little more democracy to our legislative processes.

For this reason, I am today introducing a House resolution amending the Rules of the House to carry out my suggestions.

THE COMMUNITY SERVICES FELLOWSHIP ACT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I am introducing the Community Services Fellowship Act of 1972. Although it is late in the session, I am hopeful that introduction of this measure will lead to serious consideration of this proposal by the academic community, public agencies, and local service organizations, and my colleagues in the House.

I am confident that by providing post-service educational benefits in return for useful work in the community, the fellowship concept will:

Rekindle the idea of service to the country;

Instill motivation for the achievement of personal goals among the Nation's young;

Create a new way to work one's way through college;

Enhance the ability of young people to make career decisions based on experience;

Develop a socially acceptable mechanism for those students who are not ready to enter—or continue—in college to break the academic lockstep;

Provide opportunities for participation in socially needed activities, and facilitate vocational redirection, for those adults who wish to alter their career patterns; and

Help locally based community service agencies with an infusion of enthusiastic citizens to perform needed work in a creative manner.

BREAKING THE ACADEMIC LOCKSTEP

Twenty-five years ago, less than one-quarter of America's youth enrolled in college. Today, more than half do. As the proportion increases, there are strong social pressures on most high school graduates to embark on higher education as soon as their secondary schooling is completed.

For many young people, the college experience can be less than beneficial if they are not ready to continue their academic careers. For the reluctant student, the choice of study can be inappropriate or uninformed. Moreover, few students have an experiential basis for career decisionmaking; we have allowed an artificial barrier to arise between the world of work and the world of learning. We must find ways to eliminate that barrier, to give our young people an opportunity to participate in the mainstream of society in a manner consistent with continuing their education.

YOUTH AND THE COMMUNITY

There are other vital reasons for granting educational benefits for community service. We must strengthen the bond between youth and our Government through a process which will build faith in society and our institutions. We must bring vitality to the concept that working for a betterment of our society is a task for which every citizen can voluntarily devote a part of his life.

We must also move to make the best use of youthful enthusiasm, and afford opportunities to young people who wish to provide full-time service to the community. We are currently in the midst of a dramatic expansion of part-time volunteer activities on campus and in the communities. While these programs have served many useful functions, experience has shown that localities benefit the most from full-time participation in programs lasting from 6 to 24 months. Such endeavors give the participants sufficient time to become proficient in their work. Programs of such length also are of the necessary duration for participants to develop meaningful relationships with the communities they serve.

VISTA and the Peace Corps have filled some of the need. Yet no one would argue that all service programs should be totally dependent on Federal funding or controlled from Washington. The fellowship program allows local public service agencies and nonprofit organizations to supplement the quantity and quality of their personnel by offering an additional incentive over and above—not in lieu of—normal remuneration. It will encourage these agencies to develop projects meeting the greatest need in areas of human and ecological concern, and to design jobs in an innovative fashion.

THE PROPOSAL

The Community Service Fellowship Act provides those persons who serve in select community service programs the right to educational benefits. These benefits would be accrued on a month-to-month basis; that is, for each month that a participant served in a community service program, he would subsequently receive 1 month of educational benefits when enrolled in an acceptable post-secondary program. The rate of educational benefits is $100 per month, for up to 24 months.

The program will be administered by ACTION, to draw upon the experience of this agency in developing and administering community service programs.

A national board of 15 members will provide policy advice and program recommendations to the Director of ACTION. Individuals serving on the Board will represent the educational community, community service agencies, young people, and the general public.

To encourage program decentralization, regional boards will be established to select community service positions. In addition to approving positions—using the nationally developed criteria—the regional boards will encourage communities to develop proposals, and will evaluate the effectiveness of existing programs. The chairman of each regional board will sit on the national board, thereby facilitating the coordination of operational problems with the development of national policy.

Administrative arrangements are designed for minimal Federal involvement. Local input is strongly encouraged in the development of programs and the selection of community service fellows.

Both public and nonprofit institutions may apply to have jobs approved for educational benefits. As a protection to present workers, certain safeguards are built in. Jobs are to be paid at levels commensurate with similar occupations. Further, employment benefits are to parallel those given to similar workers within the community service agency. In no event are jobs to result in the displacement of current workers or job positions.

While it is assumed that the program will mainly attract the young, the legislation permits applications from adults. Increasingly, more mature citizens have the time and desire to engage in community service. Education is no longer restricted to youth, but is seen as a lifelong process.

It is the intent of the legislation, that the administration of educational benefits tie into the experience and mechanism of the Department of Health, Education, and Welfare. The Director of ACTION, is therefore, required to use HEW facilities for the administration of such benefits, to the extent feasible.

Benefits will accrue on a month-to-month basis for up to 24 months. To simplify administrative and budgetary matters, beneficiaries are required to make use of educational benefits within 7 years.

As the legislation intends to define education in a broad sense—making training available in many vocational and educational areas—the definition of education and training is identical to the broad-based definition available to veterans qualifying under chapter 34, title 38, United States Code.

Finally, to permit adequate program evaluation, the program begins as a small manageable level of 10,000 fellowships in by 1974 and increases to 100,000 such fellowships by 1976.

I insert the text of the bill at this point in the RECORD:

H.R. —

A bill to provide post-service educational benefits for those who have participated in community service programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Service Fellowship Act".

PURPOSE

SEC. 2. It is the purpose of this Act to establish a community service fellowship program which will confer entitlement to assistance for further education, which program will also—

(a) encourage the development of meaningful learning experiences through full-time work in community service jobs throughout the country;

(b) help break the academic lockstep by providing legitimate options to the immediate continuation of formal education courses;

(c) allow our nation's citzens who so desire to contribute their energies for a set period of time to the betterment of condititons in our urban and rural areas; and

(d) help provide creative and energetic manpower for presently undone but needed community tasks.

ESTABLISHING OF PROGRAM

SEC. 3. The Director of Action (hereinafter referred to as the "Director") shall develop and carry out a community service fellowship program, as provided in this Act.

NATIONAL BOARD

SEC. 4. (a) The Director shall establish a national board to assist him in carrying out this Act. The national board shall consist of not more than 15 members who, by reason of background and training, are representative of the general public, educational institution, young people and community service agencies participating or planning to participate in the program. Such members, (and members of the regional boards provided for in section 5) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but subject to the provisions of such title relating to classification and General Schedule pay rates.

(b) The term of office of members of the national board shall be two years, except that (1) of the members first appointed, five shall be appointed for a term of one year, five for a term of two years, and five for a term of three years, as designated by the Director at the time of appointment, and (2) members appointed to fill a vacancy shall be appointed for the unexpired term of the member whom they succeed.

(c) It shall be the duty of the national board, to advise the Director, particularly with respect to—

(1) establishment of criteria for the selection of community services projects to participate in the program which shall include consideration of (A) the extent of community participation in the project, (B) the contribution to the community which will be made by the project, (C) the availability of manpower for the project from other sources, and (D) the extent to which the project shows creative and innovative methods of meeting community needs,

(2) approval of applications for community service projects,

(3) names of persons it deems suitable for appointment to regional boards, and

(4) evaluation of community service programs being carried on under this Act,

(5) recommendations for the improvement of programs carried on under this Act.

REGIONAL BOARDS

SEC. 5. (a) The Director shall establish not to exceed ten regional boards for regions which he shall establish. Each such board shall have a membership appointed by the Director with the same qualifications as the national board. One member of each regional board shall be a person who is a member of the national board and who shall be the chairman of the regional board.

(b) It shall be the duty of each regional board—

(1) to propose for approval community service projects which meet criteria established by the Director with the advice of the national board,

(2) keep itself continually informed with respect to the conduct of community service projects in its region,

(3) recommend persons for designation as community service fellowship holders (hereinafter referred to as "fellows"),

(4) encourage the utilization of fellows by local community service organizations; and

(5) perform such other duties as the national board may assign.

APPROVAL OF PROJECTS

SEC. 6. (a) Any public or private nonprofit agency which wishes to carry out a community service project shall submit an application to the Director. The Director may not approve an application unless—

(1) it provides for the employment of fellows in activities which contribute to the social well-being of the community, such as work in corrections, mental health, law enforcement, protection and enhancement of the environment, recreation, housing, or drug abuse;

(2) it will result in the creation of new positions, and will not result in the displacement of currently employed workers, or elimination of present occupational positions.

(3) the wages to be paid are comparable to those being paid persons in similar positions who are not fellows, and in no event shall the wages to be paid be at a rate higher than a maximum rate which the Director shall prescribe after consideration of recommendations of the National Board,

(4) the other terms and conditions of employment are not less favorable to fellows than they are to other employees performing comparable duties,

(5) the fellows participating in the project are prohibited from engaging in political activities which might be identified with the community service fellowship program,

(6) the fellows will not be engaged, as a part of their activities under the project, in religious or sectarian activities,

(7) it provides for certain planned activities which will help fellows understand the broad context and role of community services within the area represented by the applicant.

(8) it provides for the submission of such reports, in such form and containing such information as the Director may require, to carry out his duties under this Act and to enable him to establish the educational benefits to which the fellows are entitled.

(b) In determining which of the applications he has received meeting the requirements of subsection (a) he will approve, the Director shall consider the extent to which the application conforms to criteria established by the National Board as required by section 4(c)(1). Allocation of community service fellowships among projects shall be made by the National Board, on recommendation of the several regional boards.

(c) If the Director determines any applicant has violated any assurance given in the application, he shall, after affording due notice and on opportunity for a hearing before the National Board, terminate further participation by the applicant in the program. In such a case, the Director shall make every effort to place the fellows participating in the program in other projects carried on under this Act.

SELECTION OF COMMUNITY SERVICE FELLOWS

SEC. 7. The Director shall develop a procedure for the selection of fellows which will permit each agency carrying on a community service project to select the persons to participate in it from among persons who the Director determines (in accordance with criteria which he shall prescribe) are qualified to become fellows.

EDUCATIONAL BENEFITS

SEC. 8. (a) Each fellow participating in a community service project shall accumulate entitlement to educational benefits, so that for each month during which he is a fellow he shall be entitled to receive $100 for use by him for his educational expenses when he resumes his education. Where he is pursuing his education program on a less than full-time basis, his educational benefit shall be adjusted pro rata. The maximum number of months for which a fellow may receive educational benefits is twenty-four; no such benefit may be paid a fellow more than seven years after he has completed his participation in a community service project.

(b) Educational benefits may be paid only while a fellow is pursuing a course of education or training which, when pursued by eligible veterans, qualifies them to receive an educational assistance allowance under chapter 34 of title 38, United States Code. Benefits may be paid only when the fellow is maintaining satisfactory progress in the course of study he is pursuing, and in good standing with the institution in which he is enrolled, according to the regularly prescribed standards and practices of the institution.

(c) In carrying out this section, the Director shall, to the maximum extent feasible, use the resources and services of the Office of Education. Funds necessary to enable the Office of Education to carry out its functions under this section are authorized to be appropriated directly to such Office.

MISCELLANEOUS

SEC. 9. (a) The Director shall provide for evaluation of community service projects. He shall also disseminate broadly information about the community service program to potential fellows and project sponsors.

(b) For purposes of title VI of the Civil Rights Act of 1964, a community service project shall be treated as a program or activity receiving Federal financial assistance.

AUTHORIZATION

SEC. 10. During the fiscal year 1974, the maximum number of fellows shall be 10,000; during the fiscal year 1975, the maximum number of fellows shall be 35,000; and during the fiscal year 1976 and thereafter, the maximum of fellows shall be 100,000.

FEDERAL-AID HIGHWAY ACT OF 1972

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I wish to take this opportunity to explain why I voted against the previous question on the committee-reported rule on the Federal-Aid Highway Act of 1972 last Thursday.

As my colleagues know, October 3, the House Rules Committee voted 8 to 7 against the rule to waive points of order on the Anderson mass transit amendment. The amendment would permit the use of urban system trust fund moneys for bus and rail as well as highways.

Because of the importance of the amendment and because the Rules Committee vote was so close, I felt the full House membership should have had an opportunity to vote upon the merits of the Anderson language. Therefore, I was in favor of a substitute rule.

I also wish to state that my voting for the substitute rule did not in any way mean that I supported the Anderson amendment itself. To the contrary, I believe it would be the first link in a tragic chain which could deprive rural America of its much-needed highway funds. Although the Anderson amendment was under the guise of being only for city use, there is no place in America where city funds for highways lie unspent. Highway funds are always in demand by both urban and rural residents.

I am convinced the highway trust fund should continue operating as it was originally designed. However, Mr. Speaker, my colleagues should have an opportunity to go on record as to their position on this crucial question.

PANAMA CANAL IS AND MUST REMAIN OURS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, on September 11, 1972, the newly created 505-member "People's Assembly" of Panama, designated in its new Constitution as the "Assembly of Borough Representatives" adopted a resolution urging the Panamanian Executive to reject the $1,930,000 annuity now paid to Panama by the United States under the 1955 treaty.

A few days later an editorial in the New York Times, quoted a State Department witness who, when testifying before a committee of the Congress last year in support of the proposed cession to Panama of sovereignty over the Canal Zone, described the Zone as a "sovereign enclave in the territory of another country." In so doing he was accepting the Panamanian viewpoint instead of that of our people who have paid for the construction of the canal, its subsequent maintenance, operation, sanitation, and protection, and those who have a clear understanding of the problems involved.

In an informative letter to the editor of the New York Times of October 6, Capt. Franz O. Willenbucher, an able naval officer and experienced lawyer long associated with Panama Canal questions, took strong exception to the main points of the indicated editorial on the matter of "sovereignty and jurisdiction" over the Canal Zone.

Because the indicated editorial and Captain Willenbucher's commentary on it should be of high interest to all Members of the Congress, I quote both as parts of my remarks:

[From the New York Times, Oct. 6, 1972]

The Panama Canal Is and Must Remain Ours

To the Editor:

Your Sept. 15 editorial "Protest in Panama" is incredible for its failure to state accurately the indisputable fact that the United States legitimately possesses and exercises sovereign power over the Panama Canal Zone.

Such sovereignty was purchased from Panama, as a constitutionally acquired domain of the United States, granted by Panama in the Hay-Bunau Varilla treaty of 1903—negotiated pursuant to the Spooner Act of 1902. Not only was Panama adequately paid, but the United States acquired title to all privately owned property in the Zone by purchase from all individual owners, making the Canal Zone our most costly territorial acquisition.

That the 1903 treaty granted full sovereign rights, powers and authority over the Canal Zone to the United States for the construction of the Panama Canal and for its perpetual operation has always been fully understood by all familiar with Panama Canal history, including responsible and realistic Panamanians such as the now exiled President Arnulfo Arias—deposed by a communistically motivated dictator, Gen. Omar Torrijos.

It was Alger Hiss who in 1946, while an official in our State Department, irresponsibly described the Canal Zone as an "occupied territory" in a report to the United Nations. Like Hiss, some present State Department officials sometimes characterize the Canal Zone as such, notwithstanding the clear legality of our title.

In the face of such facts, the implied suggestion in your editorial that we "make concessions on control of the Canal Zone which the State Department . . . deems reasonable" and that Congress should accept such a misguided proposal is incredible.

To wrest control of the Canal from the United States has been a Soviet objective since 1917, and General Torrijos is determined to achieve nothing less than complete ownership and control of the Canal. Shared responsibility over its operation is merely a Torrijos scheme toward that end.

Responsible members of Congress cannot justifiably be referred to as "latter-day 'Manifest Destiny' men in Congress," as you have done, simply because they are determined to preserve the operation of the Canal exclusively by the United States, lest it become another Suez with a loss of its use to the ships of the world and a loss of the heart of American hemispheric defense.

Franz O. Willenbucher,
Captain, U.S.N. (Ret.).
Bethesda, Md., Sept. 20, 1972.

[From the New York Times, Sept. 15, 1972]

Protest in Panama

Panama's newly-elected Assembly has no genuine legislative power, and its demand that the Government spurn the $1.9 million paid annually by the United States for use of the Canal Zone is thus merely an expression of popular opinion. However, this is no reason to take lightly the resolution, which charges that the Canal Zone is being "occupied arbitrarily," particularly when this action is viewed in context with other recent events in Panama.

The 505-member Assembly had been chosen last month in Panama's first election in four years, ostensibly to revamp the Constitution and to elect a President and Vice President. There had been no indication that its first action would be to adopt the toughly-worded resolution, asking "the entire world" to note that the Canal Zone "has not been purchased or conquered or annexed or ceded or rented, or its sovereignty been transferred by the Republic of Panama to the United States . . ."

This sentiment is, however, in line with the increasing nationalistic actions and statements of the Government, controlled since the ouster of President Arnulfo Arias in 1963 by Gen. Omar Torrijos, head of the National Guard. At least twice during four years in power, General Torrijos has threatened to march on the Canal Zone unless major United States concessions were forthcoming. His Government in June seized the Panama Power and Light Company, 90 per cent owned by an American firm.

Negotiations on a new treaty to replace the pact of 1903, under which the United States built the Canal, have been marking time for six months. Even when serious talks resume, probably after the United States Presidential election, the American negotiators will be caught, as always, between two sets of pressures.

If they make concessions on sharing control of the Zone which the State Department and most Latin American governments deem reasonable, they will run into fierce opposition from a powerful bloc in Congress determined to retain exclusive United States jurisdiction in the Zone and the "perpetuity" provision of the 1903 treaty.

"In the modern world," Deputy Assistant Secretary of State Robert Hurwitch told a House subcommittee last year, "we can no longer look upon a sovereign enclave in the territory of another country in perpetuity as a secure environment in which to operate a canal." Until the basic fact makes greater headway with the latter-day "Manifest Destiny" men in Congress, United States troubles with Panama are certain to increase.

CHARLES H. WILSON REPORTS FROM WASHINGTON

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Charles H. Wilson) is recognized for 10 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to enter into the Record the text of my current monthly newsletter which includes a discussion of congressional and administrative relations which I believe would be of interest to my colleagues.

The newsletter follows:

Campaign Fiction: Lay It on the Congress

The President seeking re-election pulls the dusty scenario from the files of history and intones, "My friends, as your leader I have done everything possible to seek legislation to improve the quality of your lives but have been blocked at every turn by a balky, do-nothing Congress controlled by the opposition party." So again, in 1972, President Nixon levies an attack on the U.S. Congress for alleged non-performance—typically a sleight-of-hand action to whitewash his own record of mismanagement in the critical areas of the economy, education, health and welfare reform, unemployment, the environment, and consumer protection.

We in Congress have tough skins; we are used as scapegoats every Presidential election year. But these distortions and outright lies can be boldly challenged: the record of the 92nd Congress stands as its own vigorous rebuttal to the Administration's allegations of misfeasance. The record will show that the Administration, far from thinking Congress has done too little in tackling the complex problems before it, does in fact think Congress has done too much.

Also, we must remember that the Legislative Branch is not all-powerful; our Government, founded on the inviolate principles of the separation of powers, is of necessity one of conciliation and compromise. A President proposes while Congress disposes, and a progressive Congress will strengthen weak proposals and discard poor proposals. In this regard, committee hearings have been held on much of President Nixon's legislative program to separate the wheat from the chaff; legislation has passed when the Executive proposals have had merit or been bottlenecked when such programs were judged insubstantial.

In this limited space I cannot adequately report the vicissitudes of legislation blocked or passed in, to use a favorite Presidential analogy, the Congressional football game. I will instead concentrate on four vital areas: the economy, education, the environment, and health.

The economy is traditionally an area of Executive domination because of the continuing need for timely manipulations. Shortly after he assumed office, Mr. Nixon claimed that his Administration had "brought an end to the era of the chronic budget deficit." Yet, year after year, his Federal budget has been notable only for its lack of clairvoyance, always predicting higher revenues and lower expenditures than could be produced. In four years the Nixon Administration has piled up a $75 billion deficit—larger than the total deficits for the 16 years of Eisenhower, Kennedy, and Johnson. Congress cannot in any way share the blame for this appalling figure since Congress has added less than half of one percent to the Administration's budget proposals, increasing authorizations somewhat but cutting appropriations requests by $14.5 billion.

Also, President Nixon took the lead from Congress to use the wage and price control authority (forced through Congress by Democrats) when, in August of 1971, economic Armageddon was upon us. For, during the last 10 years, the consumer price index rose 27.3 percent: 2.17 percent a year from 1962 to 1968 and 4.8 percent a year from 1969 to 1972. And, as every housewife knows, food prices have practically doubled in their percentage rise during the Nixon years while rents have tripled in percentage rise. These harsh statistics apparently led the President to adopt the price controls which he had long labelled "incompatible with a free enterprise economy."

While inflation was hurting all, it was crippling those who found themselves unemployed in its wake. At the beginning of 1970, the United States had 2,256,000 jobless men and women age 20 or older; by the end of 1971, this figure soared to 3,787,000. Yet Mr. Nixon vetoed a bill to put the unemployed back to work as well as the 1970 and 1971 Public Service Employment Acts which Congress passed to ease the unemployment crisis by creating manpower programs. He defended this action by assuring that unemployment would, as a result of his economic controls, soon be reduced without reliance on special legislation. But unemployment has remained at a disastrously high 5.9 percentage level.

In 1969, President Nixon stated, "Reform of our Federal income tax system is long overdue . . . too many Americans pay less than their fair share of taxes . . . too many bear too much tax burden." Yet, promising Congress that he would submit new tax reform legislation in 1972, he backed off with the alibi that election years were inauspicious for tax reform.

The gauntlet then was thrown to Congress as Chairman Wilbur Mills of the House Ways and Means Committee and Senate Majority Leader Mike Mansfield introduced legislation to ensure Congressional review of tax laws in an effort to eliminate unfair tax preferences. Under this legislation, repeal of our most discriminatory taxes, such as the oil depletion allowance and the $100 dividend exemption, would be automatic unless Congress acted to restore them.

The Administration cries "inflationary" as it vetoes necessary education and public welfare bills, but this economic caution does not extend to the area of defense spending despite the President's call for "a complete reappraisal of the federal budget" with the further admonition that "the military should not be a sacred cow." But this is precisely what it would be were it not for the House and Senate Armed Forces' Committee's strategic trimming of $2.5 billion from Nixon's 1972 defense budget, mostly in the areas of weapons procurement and testing. This $2.5 billion cut, by the way, was made only on expendable items and does not in any way weaken our national defense and security.

As a member of the House Armed Services Committee, I count the review of military and defense spending among our most important responsibilities, although I recognize that we must continue necessary research, development, and modernization of our defense needs in order to maintain strong national security. Indeed, the "watchdog" role of the House of Representatives over all fiscal matters is one of the most remarkable achievements of our Congress and results in considerable savings.

EDUCATION

Unfortunately, the President does not have the same regard for educational spending as he does for defense. While dramatizing the need for reforming our burdensome school financing structure in order to eliminate the overdependence on property taxes, the Administration has exerted no leadership in this respect. And, counter to his views that education is "the central task of democracy" and "the one area we cannot shortchange," the President has misused his veto power over various education bills.

During the last four years, the Administration has vetoed three education appropriation bills, including the Comprehensive Child Development Act aimed at providing health, education, and nutritional services for middle- and low-income children. Moreover, President Nixon has taken virtually every available opportunity to hold back funding from schools, libraries, and vocational education while Congress moved to restore these needed monies. He vetoed a bill to provide more funds for school libraries, college construction, and programs for handicapped and educationally deprived children as well as legislation to fund vocational education and student loans.

Certainly, on the question of school spending, our leadership has failed to exert the firm, moral guidance which is a President's responsibility. His guile was evident lately when, in connection with his belated message on busing, he earmarked $2.5 billion in funds for ghetto schools. What he failed to mention was that this necessary sum was not new money but rather monies already voted by Congress for education. In fact, President Nixon already vetoed an equal education bill authorizing the same program he now extols!

The Administration's veto record proves how out of step it is with the educational needs of the American people. His recent veto last month of a $30.5 billion appropriation for elementary and secondary schools, vocational and adult education programs will cost California alone $280 million in Federal matching funds between now and July 1973.

ENVIRONMENT

Early in September President Nixon chided Congress for inaction on legislation to remedy our damaged environment. A wolf in sheep's clothing, the President's own record on environmental legislation is marked by delay and disinterest. He has consistently failed to request adequate funds for air and water pollution control and solid waste disposal.

Air pollution is of special concern to all urban areas, and notably so in Los Angeles when, even on the clearest of days, one cannot see forever. Summarily disposing of the problem with assurances that air pollution is "our most serious environmental problem," President Nixon has voiced no similar commitment to funding for clean air programs. Congress has acted, however, in passing the Clean Air Amendments of 1971, but the Administration has done little to enforce these laws. And, in the critical matter of taxing automobile emissions, without which any air pollution control would be as stymied as much of the air we breathe, it has been the Congress, not the Executive, who has proposed excise taxes on these noxious fumes.

The Congress scored an environmental victory in passing the Federal Water Pollution Control Act of 1972 despite Administration attempts to weaken the bill by pressing for further committee hearings. Also, in spite of the silence of the Executive Branch on the issue of population control and education, Congress has initiated a federal educational program to give families the information necessary to make responsible decisions about family size. The Administration also opposed passage of the Environmental Education Act to support elementary and secondary school courses on ecology.

HEALTH

Let me now look at another pressing area—health—without which other blessings are worthless. Early in his term, President Nixon, recognizing that the United States faces a critical health care problem, resolved "to meet that crisis within the next two or three years . . ." Three years have passed, and this promise has proved hollow rhetoric; for, far from encouraging substantive health care legislation, the Administration vetoed bills to fund construction and modernization of hospitals and to fund training more family doctors, as well as to appropriate $1.4 billion for medical research, training and service.

Fortunately, the 92d Congress has not been so niggardly in its responsibilities. Over Republican opposition, Congress passed such landmark bills as the Comprehensive Health Manpower Training Act and the Communicable Disease Control Act. Additionally, Representative Wilbur Mills has earmarked 1973 as the year for Congressional action on broadening our national health insurance programs.

It is thus evident from even this attenuated discussion of Legislative and Executive relations throughout the last four years that Administration charges of Congressional ineptitude and inaction are totally groundless. The late Supreme Court Justice Louis D. Brandeis defined good government as "accountancy;" the record of the 92d Congress, vis à vis the record of the Administration, surely satisfies this definition.

TOWARD A HIJACK DETERRENCE PROGRAM

The bands of highwaymen who robbed coach travelers in the Old West have now retreated into popular lore. But their translation into modern times—as hijackers of aircraft—is immediate and insidious. Since 1970, over 70 acts of air piracy have been perpetrated, half of these successfully; skyjacking and skyjacking deaths have increased 100 percent in 1972 over 1971.

I am proud that the United States has proved a leader in trying to resolve what essentially is a problem of all nations, yet the efforts of our F.B.I. and airline personnel in discouraging domestic hijackers are of small consequence unless the global community presents a united front against this abhorrent crime. A recent international meeting on the hijacking question was unproductive. however, for, while the United States and Canada proposed that nations agree to extradite hijackers to the country where their crimes were committed, France, Britain, the U.S.S.R., and Egypt refused to comply. The only other way to assure the necessary cooperation is by enforcing economic sanctions; this authority is held by the United Nations Security Council and can be blocked by a big-power veto.

Because of my great concern over this problem, I have co-sponsored legislation to attack the hijacking menace in the only two possible ways: before the criminal boards the aircraft and after the skyjacking has taken place. My bill, H.R. 16374, would require all airlines boarding passengers in the United States to use ultra-sophisticated electronic sensors at every passenger and baggage gate. At present, only five of the thirty-six United States' airlines have installed enough devices to cover all departures while six of the sixteen largest have no detectors whatsoever.

Additionally, this legislation, which is endorsed by the Air Line Pilots Association, would impose hard-hitting economic blockades by closing all American airports to airlines from foreign countries which harbor accused hijackers. This bill is in line with legislation already passed by the House imposing stiff penalties for hijackers and authorizing the President to discontinue economic and military aid as well as to suspend air service to nations which refuse to prosecute and extradite air pirates. Also, the House, as part of the Department of Transportation budget, voted to purchase 800 metal detection devices which are necessary to ferret out bombs and guns in the prevention of air piracy.

My legislation would authorize a total purchase of 2,000 metal detectors at a one-time cost of $6 million, or 4 cents for each commercial passenger carried. It is a cost we can afford to avoid, a cost we can ill-afford.

PRODUCT SAFETY COMMISSION: THE CONSUMER VICTORIOUS

Have you ever burned your hand on a gas heater, walked into a glass door, received a shock from a wall socket, or scorched yourself with a hot water vaporizer? If not, you are lucky since each year twenty million Americans are injured in and around the home, by the above-mentioned appliances as well as by power mowers, washing machines, unstable furniture, ad infinitum. 110,000 of these household accidents result in permanent disability, and 30,000 in death. In fact, such injuries account for more deaths among children under the age of 15 than cancer and heart disease combined.

To cite one horrifying example, for the past four years, several baby crib manufacturers have been put on notice that the spaces between the bars of their cribs are wide enough to accommodate an infant's body but not his head. Each year about 200 babies strangle themselves in just this way.

While Congress has an excellent record of passing legislation to and consumers, most of this legislation has resulted in response to individual tragedies, such as the Flammable Fabrics Act and Poison Prevention Packaging Act. Yet the Federal Government is virtually powerless to curb actual and potential hazards in a majority of consumer products (with the exception of food, drugs, automobiles, cigarettes, aircraft, and insecticides which are regulated by other agencies).

For this reason, the House on September 20th overwhelmingly passed legislation to establish a Product Safety Commission which will determine what proportion of the annual household accident toll is caused by unsafe products, establish safety standards for consumer products, and, if neecssary, ban unsafe products from the marketplace.

This legislation, which I consider one of the most significant achievements of the 92d Congress, was opposed by the Administration which preferred to establish a commission within the Department of Health, Education, and Welfare. However, I, along with the vast majority of my colleagues, felt it imperative that consumers be represented by an autonomous agency which, being free from budgetary and political pressure, could give objective and single-minded attention to the critical matter of consumer safety. The Senate has also passed similar legislation; and, despite the misgivings of the Administration, White House approval is expected shortly.

I am proud to have supported this historic piece of legislation to provide needed consumer insurance for every man, woman, and child in the country.

FAIR PLAY IN POLITICS

Election years often bring out the worst, as well as the best, in men. In their quest for the brass ring of political office, individuals running against incumbents—whether it be President, Congressman, or State Legislator, and whether it be Democrat or Republican—will, in the absence of legitimate campaign issues, often resort to lies. distortions, and untruths in order to discredit their opponents. Part of the public's generally cynical attitude toward politics arises from the irresponsible in-fighting and trumped-up exaggerations endemic to election years. But each election year gives us another opportunity: rampant sensationalism in politics will cease when the public demands that all candidates for public office clearly state their positions on the issues directly affecting the office sought and when the public itself refrains from involvement in falsehoods and innuendos.

INTRODUCTORY REMARKS ON THE RURAL HEALTH ACT OF 1972

The **SPEAKER**. Under a previous order of the House, the gentleman from Kansas (Mr. Roy) is recognized for 15 minutes.

Mr. **ROY**. Mr. Speaker, this afternoon I have introduced legislation to improve the health of rural Americans.

The need for this legislation is evident. Rural Americans today suffer greater unnecessary morbidity and mortality—sickness and death—than their urban counterparts. Rural Americans are served by a health care delivery system inferior to that serving urban Americans. And Federal programs designed to improve the health care delivery system, and thus the health of those so served, pay disproportionately less attention to rural than to urban areas.

HEALTH STATUS

The health of rural Americans is not as good as that of urban Americans. Several indicators demonstrate this point.

Infant mortality is considered a good general indicator of a population's health status because infant mortality is clearly reduced by the application of modern advances in health sciences. In the United States today, infant mortality in rural areas equals 31.1 per 1,000 live births. This compares with a rate of 25.5 per 1,000 live births in large metropolitan areas.

Deaths due to accidents have been reduced in recent years as a result of greater concern for safe living and working conditions and by improvements in emergency health services. Farming, however, remains the third most perilous occupation. Automobile accidents that occur in rural areas are more often fatal than those that occur in urban areas. In rural North Dakota, fatal accidents occur at a rate of 63.4 per 100,000 people and in Mississippi, at a rate of 70.1 per 100,000 people. By comparison, urban States, such as New York and Massachusetts, have rates of 41.8 and 41.7 per 100,000 people, respectively.

Acute illnesses include respiratory tract infections; in fact, over one-half of all acute illnesses are respiratory tract infections. In such conditions, the incident rate varies from year to year, due to epidemic conditions. In 1 year, the number of restricted activity days per 100 rural farm persons equaled 894, while the figure for urban areas was 881.

Chronic illnesses cause the greatest loss of time for productive work and the greatest strain on family spirit and finances. They include heart conditions, arthritis, high blood pressure, and visual impairments. In large metropolitan areas, 9.8 percent of the population have an activity-limiting chronic condition, but in rural areas 16.4 percent of the population have a chronic illness.

Taking a combined measure of disability due to acute and chronic disorders, aggregate disability is greater among rural populations. Figures show that there are 1,340 disability days per 100 person years for males in metropolitan areas, and 1,710 disability days per 100 person years for males on farms. For the economically important males between 45 and 65, the rate of restricted activity from all causes is 1,980 days per 100 person years in urban areas, and 2,730 days per 100 person years among the farm population.

The conclusion then must be that rural populations do indeed suffer greater morbidity and preventable mortality—sickness and death—than their urban counterparts.

HEALTH DELIVERY STATUS

While health status is determined by many factors in the environment, the reactions of an individual person can be enormously influenced by the intervention of the healing arts. Physicians and a wide range of other health personnel are necessary to apply these skills.

In rural areas of America, the supply of doctors and other health workers is much lower than in the cities. The increasing specialization of medicine has aggravated the traditional tendency of physicians to engage in practice in urban centers where medical facilities and other technical resources are most abundant. In 1 year, there were about 42 million persons in the United States living in isolated rural or semirural counties that were not adjacent to a metropolitan county. In these sparsely populated counties, there were only 81 physicians per 100,000 people, compared with 132 physicians per 100,000 people in metropolitan counties and those adjacent to them.

The urban-rural distribution of dentists is even more disparate than that of physicians. Among the 10 most rural States, all but one have a ratio of less than 46 dentists per 100,000 population, while among the 10 most urban States, all but one have a ratio of more than 56 dentists per 100,000 population. At the extremes, there are 70 dentists per 100,000 population in Massachusetts, but only 22 dentists per 100,000 population in South Carolina. The small-town or rural dentist, moreover, tends to utilize fewer auxiliary personnel than his urban counterpart, so that his productivity per day is lower yet.

Medical care for the most serious and complex illnesses requires hospital facilities. Twenty-five years ago, the deficiencies in rural hospitals, compared with urban facilities, were more than marked. In 1942, there were 3.5 general hospital beds per 1,000 population in the United States as a whole; the metropolitan counties had 4.7 beds per 1,000 people and the rural counties had only 2.7 beds per 1,000 population. In the intervening years, we have seen much improvement in the supply of hospitals in rural areas. For example, the 10 most urban States now have 3.86 general hospital beds per 1,000 population, while the 10 most rural States have 3.62 beds per 1,000 population. This equalization over the past three decades is, for the most part, due to the operation of the hospital construction program launched with the passage of the Hill-Burton Act of 1946.

Adequacy of hospital care, however, cannot be measured solely by the number of available hospital beds. In rural Arkansas, for example, in a recent year, only one-half of the hospitals listed by the American Hospital Association were accredited, and in Montana fewer than half the hospitals had accreditation. By contrast, in urbanized Delaware, over three-fourths of the hospitals were accredited, and nearly three-fourths of the hospitals in Connecticut had the same accreditation.

STATUS OF HEALTH SERVICES RECEIVED

With these deficiencies in health personnel and health facilities serving rural populations, it is to be expected that the volume of services received by rural citizens would be lower than that by city dwellers.

The best measure of the day-to-day medical care people receive is the rate of contact with physicians or dentists per person, per year. The rate of contact with physicians and dentists per year is appreciably lower in the nonmetropolitan areas. For example, in metropolitan areas, male visits to physicians equal 4.2 per person per year, while in farm areas it is only three visits. For females, the figures are 5.4 visits per year in urban areas, compared to 3.7 visits per year in rural areas.

Similarly, those in urban areas are hospitalized at the rate of 901.6 days per year, per 1,000 persons, while those on rural farms are hospitalized at the rate of only 704.7 days per 1,000 persons.

Medical care is purchased through private payment, voluntary insurance, and governmental or charitable sources. The average urban family spends $355 per year for all medical services, while rural farm families, which are, on the average, larger, spend only $310 in a comparable year.

FEDERAL RESPONSE

In view of these problems with the health and health delivery status of rural Americans, it might be expected that Federal programs would place special emphasis on projects in rural areas. Yet this is not the case. The report entitled "The Economic and Social Condition of Rural America in the 1970's; Impact of Department of Health, Education, and Welfare Programs on Non-Metropolitan Areas in Fiscal year 1970," prepared by the Office of Regional and Community Development in the Office of the Secretary of the DHEW, drew the following conclusions with respect to the interest in rural areas of various Federal health programs. The report states:

> Advanced census reports for 1970 show that 34.8% of the Nation's population live in non-metropolitan areas.
>
> The total obligation for mental health research in non-metropolitan areas is only $15.5 million (compared with $67.3 million in urban areas).
>
> Approximately 90 per cent of all obligations for mental health training in fiscal year 1970 went to metropolitan areas.
>
> Slightly less than 25 per cent of all mental health staffing grants go to non-metropolitan areas.
>
> It is not surprising that 90 per cent of the funds for this program (narcotic addict treatment program) go to large urban areas.
>
> Few health research and development programs have direct impact on non-metropolitan health services and less than 10 per cent of all expenditures go to non-metropolitan areas. While a few research grants place physician assistants in rural areas, most research and development takes place in, and concerns manpower, services, and facilities in urban areas.
>
> Comprehensive health planning funds are distributed generally on a population/need basis. Approximately 15 to 20 per cent of the money goes to non-metropolitan areas.
>
> Less than 10 per cent of these 314(e) project grants have been spent in non-metropolitan areas.
>
> About ⅛ of total Regional Medical Program spending is in non-metropolitan areas.
>
> The more urbanized states generally receive a greater portion of Communicable Disease Control funds due to the "magnitude of the prevailing problem and possession of greater resources."
>
> These projects (in non-metropolitan areas) account for 10 percent of the money spent on disease control research.
>
> Approximately 20 per cent of all Maternal and Child Health grant monies go to non-metropolitan areas.
>
> There are no actual Maternal and Child Health training programs located in rural areas or for special projects. All training is given at university medical centers and teaching hospitals and, therefore, have no specific rural problem orientation.
>
> All federal funds for Emergency Health Programs went to metropolitan areas in fiscal year 1970.
>
> It cannot be ignored, however, that, despite the introduction of innovative approaches, health care services for migrants are limited and inadequate . . . perhaps the greatest problem of migrant health is the need for additional resources and manpower.

The conclusion then is that rather than placing additional emphasis on the needs of nonmetropolitan areas as might be expected, existing Federal programs actually slight rural areas. Federal health services development programs actually pay rural areas less than even the fair proportionate distribution of funds would allow.

The situation, Mr. Speaker, is more than clear. It is that our rural citizens suffer more frequent sickness and death. It is that there are fewer health resources to serve our rural citizens. It is that our rural citizens actually use health resources less frequently. And it is that our Federal health services and development programs are directed away from rural areas.

Mr. Speaker, this situation is shocking—it is intolerable.

It is for this reason that I today introduce the Rural Health Act of 1972. The Rural Health Act would serve three purposes:

First, the Rural Health Act would insure that rural areas receive, at a minimum, a fair share of the dollars committed under the various health and health systems improvement programs administered by the Federal Government;

Second, the Rural Health Act would insure that rural areas could begin to improve their health delivery systems by establishing a new agency within the Department of Health, Education, and Welfare, the sole purpose of which would be to provide technical assistance to rural areas attempting to upgrade their health care delivery systems; and

Third, the Rural Health Act would insure that the problems of providing services to rural areas are fully understood by establishing a National Council on Rural Health to survey and report on the status of health and the health delivery system in rural America.

Mr. Speaker, the health care needs of our rural people are great. The Rural Health Act which I have introduced today seeks to meet those needs.

The bill follows:

H.R. ——

A bill to amend the Public Health Service Act to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education and Welfare and a National Council on Rural Health

TITLE I—OFFICE OF RURAL HEALTH CARE

OFFICE OF RURAL HEALTH CARE

SECTION 101. (a) There is established within the Department of Health, Education and Welfare an Office of Rural Health Care to be directed by a Deputy Assistant Secretary for Rural Health Care under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Health Care shall be appointed by the Secretary of Health, Education and Welfare.

(b) The Secretary is authorized to provide the Office of Rural Health Care with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

(c) The Secretary shall utilize the Deputy Assistant Secretary for Rural Health Care—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for, or authorize the making of grants or contracts related to, health care programs in rural areas;

(2) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government (including but not limited to, the Department of Agriculture, Department of Transportation and the Office of Economic Opportunity) relating to health care programs in rural areas;

(3) to coordinate training for necessary manpower for health care programs in rural areas;

(4) to be responsible for the evaluation of the other Department of Health, Education and Welfare programs related to health care in rural areas and to make periodic recommendations to the Secretary;

(5) to insure that a fair share of the funds appropriated pursuant to titles III, VI, VII, VIII, IX, and X of the Public Health Service Act are expended for projects in, or which primarily benefit, rural areas. A fair share shall mean a percentage equal to the percentage of total residents of the United States who reside in rural areas;

(d) For the purpose of providing technical assistance to rural communities and to entities and individuals interested in the improvement of health care in rural areas, there shall be in each regional office of the Department of Health, Education, and Welfare representatives of the Office of Rural Health Care. Such technical assistance may include—

(1) assistance in making preliminary surveys of the health of persons residing in a rural area and of the delivery of health care to such persons and in developing a statement of the needs of such area for improvement in the health care delivery provided such persons; and

(2) providing information (A) on the characteristics and advantages of each health care delivery system which could be utilized in a rural area, and (B) on public and private sources of information and technical and financial assistance for improving health care delivery systems in rural areas.

TITLE II

NATIONAL COUNCIL ON RURAL HEALTH

SEC. 101. (a) The Secretary of Health, Education, and Welfare shall appoint a National Council on Rural Health (hereinafter in this section referred to as the "Council") to consist of ten members selected from individuals who are recognized authorities in the fields of rural development, agriculture, health care delivery, and health professions education.

(b) (1) The Chairman of the Council may, with the approval of the Council, employ such staff personnel as the Council determines are required to assist in carrying out its duties under this section.

(2) The provisions of title 5, United States Code, relating to appointments in the competitive service and to classification and rates of compensation shall not apply to members of the Council or to staff personnel employed under paragraph (1). Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) (1) The Council shall study and report within twenty-four months of its appointment, to the Secretary and the Congress on—

(A) the health of persons residing in rural areas of the United States,

(B) health care delivery to such persons, including the systems of such health care delivery, and

(C) the extent to which Federal programs are involved in and effectively assist in the improvement of the health of such persons and health care delivery for them.

(2) The Council shall recommend to the Secretary and to the Congress the manner in which problems identified under paragraph (1) may be resolved and the role the Federal Government should play in resolving such problems.

A SALUTE TO TROUP EMC, ITS MANAGER, BOARD OF DIRECTORS AND MEMBERSHIP

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 5 minutes.

Mr. BRINKLEY. Mr. Speaker, today is an important day in my district. The Troup EMC annual meeting is being held in LaGrange, Ga., and the only imperfection for me is my inability to be there. Mr. Kenneth E. Burson, the manager, had asked me to address the gathering some time ago and I assured him that barring unforeseen circumstances I would be glad to do it. Old friends like the Bryants from Harris County and the Pritchetts from Muscogee County, I knew, would be there and hundreds of friends and constituents would be in attendance since Troup and Meriwether Counties are new to the third district.

Well those unforeseen circumstances, like a bolt out of the blue, did happen. A little over 2 weeks ago, your office, Mr. Speaker, confidently spoke of adjournment on the 6th. Then last week the announcement was made that we were shooting for adjournment on the 14th; and, it is common knowledge among us that this is a planned recess and not adjournment, and that we will probably come back in session after the elections. Today the final vote on the so-called revenue sharing bill was scheduled, along with the supplemental appropriations bill containing $16.5 million for the Soil Conservation Service, and it is our responsibility to be here. I am not blaming the leadership for these missed goals. I know they do the best they can and I understand the problem with the Senate. I am grateful that when I informed Mr. Burson, he also understood. His words were, "you are on the job." I do trust that the Troup EMC membership will grant me a raincheck; maybe for a special Christmas gathering. Congress still adjourns for Christmas.

I do wish to make mention of the excellence of this particular EMC. When I first ran for Congress 6 years ago I dropped in on the annual meeting. The gentleman from Georgia (Mr. FLYNT) was addressing the gathering in his own inimitable fashion. Some of those present were Harris and Muscogee countians and were in the third district even then. But the point is this—my indelible impression was one of respect and admiration. This membership was there—in force. The people came and participated if they possibly could. This was their organization as much as their home or church. It was impressive to see and feel the sense of belonging, the fellowship which was evident.

Let my appreciation be reaffirmed for all of the EMC's of this country. They did for rural people that which no one else was willing to do. They relegated to obscurity the kerosene lamps, ice trucks, and wood cookstoves. They continue to serve the backbone of America in the tradition of responsible self-reliance and devotion which should serve as a high example for all of us.

PEACE: THE MOST IMPORTANT GOAL

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, many Members of Congress are ambivalent about the peace rumors that are being circulated to coincide with the fall election.

Their ambivalence is easy to understand. For almost 4 years, the President and Mr. Kissinger have been insisting that the only nonnegotiable point in the peace talks was the retention of the Thieu regime. Now according to reliable reports, Mr. Kissinger is negotiating in terms of a settlement that specifically excludes Thieu. Why have we waited 4 years to discover that Mr. Thieu was expendable? I can well appreciate the ambivalence with which these reports are received.

During these 4 years of the Nixon administration:

Over 20,000 Americans have died;

Over 109,000 Americans were wounded;

Over $60 billion, or some $1,200 per American family of four was wasted in Southeast Asia—over $22 million per day;

Over 3.6 million tons of bombs were dropped, over 200 lbs. for each man and woman and child in North and South Vietnam;

Over 165,000 South Vietnamese civilians have been killed, over 410,000 wounded;

Over 2 million refugees uprooted in South Vietnam;

Over 2 million refugees in Cambodia;

Over 1 million refugees in Laos.

Was all this necessary? I know that many people think that President Nixon is acting solely because of the POW issue, but part of the frustration we feel in Congress is that, covertly, the Nixon administration has demanded so much more and the American people know nothing of these demands.

For example, just recently Secretary of State William P. Rogers, when asked if the United States would pull out if the POW's were released, replied that the United States has "National interests beyond the prisoners in Vietnam." This is one of the few times a direct answer was given to this crucial question.

I believe that the American people who supported Mr. Nixon in 1968 believed that he had a plan to end the war, and that he would end it soon after coming to office. I have watched with some amusement the President's speechwriters trying to imply what Mr. Nixon actually promised in 1968, but if my memory is any guide I did not hear candidate Nixon say his plan to end the war included lowering the U.S. ground combat role, increasing the U.S. air support role, and extending the combat zone from South Vietnam to North Vietnam, Laos, Cambodia, and Thailand.

As I mentioned, many of my colleagues are upset that Mr. Nixon's peace rumors coincide with the election. While the cynicism of the administration is patently obvious in its approach, I will support any reasonable effort to end the war.

This is consistent with my record. Since coming to Congress, I have supported every effort to force an end to this war. My reasoning is easy to understand. Our national interest, however construed, is not tied up in Vietnam. We cannot win without a South Vietnam which is willing to fight. The South Vietnamese Army of 2,000,000 men faces an enemy 350,000 strong. The South Vietnamese have the advantage of U.S. airpower. The U.S. air support has clamped down on supplies coming into North Vietnam and reportedly on supplies from North Vietnam into South Vietnam. With these advantages, the South Vietnamese Army still has been unable or unwilling to control its own nation.

The tragedy of our participation in South Vietnam is that it is easy to look at this effort as so many pieces in an international chess match. In the ethereal air of power politics, the cry of the newly orphaned child, the pain of the wounded soldier, the anguish of the prisoner of war, the vacant stare of the homeless, the avaricious smile of the "Allied" general dealing in drugs, and the blighted future of the wounded veteran are all, too often, forgotten.

Here at home we have become inured to the nightly reports: bombing—one week of which is equal to 20 Hiroshima's; a provincial capital that is totally destroyed to be saved; body counts; et cetera.

Philosophers, historians, theologians and social scientists, will continue to debate and study the effects of the war.

In my own contact with residents of my district, I find a profound sense of alienation and disgust, which, in good part, is attributable to this war. The questions do not revolve around how we got into Southeast Asia, although this is important, but when do we get out.

This is the message that comes through: we want our soldiers out, we want an end to pouring billions of tax dollars into the Southeast Asian rathole, we want an end to the killing, we want our POW's home with their families.

This is why I am hopeful that President Nixon will make good his 4-year-old pledge to end the war, but I along with millions of other Americans ask: Why the delay? Get our POW's and come home from Southeast Asia.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 10 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, the Occupational Safety and Health Act of 1970 is probably having the most extensive impact on the Nation's small business community of any legislation enacted in recent years.

The purpose of the act is to assure safe and healthful working conditions for working men and women—by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; and by providing for research, information, education and training in the field of occupational safety and health.

Most small employers do not have the time, training or manpower resources to apply the complex regulations and reference materials issued by the Occupational Safety and Health Administration.

The act has produced a concern on the part of small businessmen which has resulted in a flood of proposed amendments. Although OSHA requires much from employers that has never been required of them before, it is my belief that those requirements are essentially reasonable and will inure in the long run to the benefit of employers as well as employees.

According to the findings of hearings conducted by the Select Committee on Small Business, and later substantiated by hearings held by the Select Subcommittee on Labor, it was concluded that the single most important problem of the Federal Occupational Safety and Health Program is the inability of the small businessman to learn what is expected of him.

It is anticipated that H.R. 17021, a proposed amendment which would rectify these problems by providing onsite consultation and advice to small employers, will come up on the House floor under suspension of the rules before the 92d Congress adjourns.

I am inserting in the Record at this point an Education and Labor Committee Print which outlines the need for this amendment to the Occupational Safety and Health Act, along with a full summary of its provisions and a section-by-section analysis.

Occupational Safety and Health Act Amendment

BRIEF SUMMARY OF THE LEGISLATION

The central purpose of the Occupational Safety and Health Act of 1970 is to improve employment conditions of American workers through the establishment and enforcement of national safety and health standards. These standards are promulgated by the Secretary of Labor and enforced through a mechanism that involves both the Secretary of Labor and the Occupational Safety and Health Review Commission. The Secretary of Labor conducts inspections, issues citations, and proposes penalties; the Review Commission determines all challenges to the Secretary's determinations.

The purpose of this bill is to permit the Secretary of Labor to make on-site consultation visits to small employers which do not trigger the act's entire enforcement procedures.

NEED FOR LEGISLATION

The Occupational Safety and Health Act requires much of employers that has never been required of them before. Your committee believes that these requirements are essentially reasonable and will inure to the long-run benefit of employers, as well as employees. One aspect of the act, however, has caused legitimate concern to small employers and, in our view, results in a lesser degree of compliance among small employers than would otherwise be the case. This aspect of OSHA is the act's prohibition on consultation visits to an employer's workplace, except as part of an enforcement proceeding.

Under OSHA, it is not possible to have a consultation visit to a worksite that does not trigger the act's enforcement inspection. This can be seen through a reading of sections 8, 9, and 21 (c) (2) of the act. Section 8 requires that any entering upon an employer's premises, pursuant to the act, must trigger the citation and penalty provisions of section 9 if *any* violations are found. Section 9 provides that upon an inspection, a compliance officer who believes that an employer has violated a requirement of the act must report the alleged violation. If the area director concurs, an appropriate citation and, in many cases, a proposed penalty, will be issued to the employer. Thus, the enforcement procedures of the act are triggered every time a compliance officer enters a workplace.

Although section 21(c)(2) of the act specifically authorizes the Secretary to consult with employers and employees about the prevention of occupation injuries and illnesses, unlike the various mine safety laws, it does not expressly provide that consultation be conducted on the employer's premises. Absent that express authorization and coupled with the clear language in sections 8 and 9, the Department of Labor has been precluded from interpreting section 21(c)(2) as authorizing nonenforcement consultation visits on the employer's premises.

This prohibition poses a special hardship on small employers, who cannot always afford or obtain the highly expert assistance which is often necessary to deal with the complexity of standards and the correction of violations. For these small employers, consultation with the Department of Labor is imperative, but on-site consultation—often the most effective kind—is not possible, unless the employer wishes to subject himself to an inspection and the attendant danger of citations and fines. Thus, small employers who desire to come into compliance are frustrated, and hazardous conditions that could be corrected are not repaired.

The Department of Labor is not unaware of this problem and does engage in extensive consultation services even under current law. But these services are not generally provided on the employer's premises, but rather in Labor Department offices. When an on-site visit is conducted, the Department must warn the employer that the consultation visit is, in fact, an inspection and that the employer is subject to possible citations and penalties.

This problem has, in the committee's view, been responsible for much of the hostility in the business community to the provisions of the act that all inspections carry the requirement of full enforcement. With this bill, the reason for this opposition to the act should be ameliorated. All inspections will still carry the full enforcement authority of OSHA, but the small business, which has special problems, will be able to get a consultation visit outside of the full enforcement process.

The Department of Labor has stated that it would support appropriate legislation permitting consultative visits for small employers. Assistant Secretary of Labor George C. Guenther testified to this effect on September 21, 1972, during the oversight hearings conducted by this committee into the Occupational Safety and Health program. Thus, there is concurrence between this committee and the Executive on the need for corrective legislation.

FULL SUMMARY OF THE LEGISLATION

The bill amends section 28 of the Occupational Safety and Health Act to permit the Department of Labor to visit worksites of employers having 25 or fewer employees for the purposes of advising or consulting the small employer on his obligations under the act.

The bill expressly provides that a visit may take place only if requested by the small employer for the purpose of discussing interpretation or application of standards or possible alternative ways of complying with the standards. The bill limits the visit to appropriate matters set forth in the employer's request, but within the scope of the visit, allows the Secretary to discuss other related matters depending upon the availability of resources and other relevant factors.

Under the bill, jobsite consultation visits would not be considered as OSHA inspections and would not result in citations and civil penalties. This is true even if hazardous conditions are disclosed during a visit. Further, since a consultation visit would not be an inspection under section 8, the visit would not be subject to the statutory incidents of an inspection.

Two important provisions of this bill are the exceptions in the cases "imminent danger" and apparent serious violations. While the consultation visit is not an inspection in any sense, the amendment contemplates that, if a situation constituting an imminent danger comes to the attention of the consultant in the course of conducting a consultation visit to the jobsite, he will immediately bring the matter to the attention of the employer who will be expected to abate the danger. Following this, the consultant will contact the area director, who will then promptly take whatever further enforcement action is necessary. In such situations, the Department would clearly have the responsibility to take all appropriate action to protect the lives of employees.

The bill also makes special provisions for handling situations when apparent serious violations come to the attention of the Labor Department consultant in the course of his consultation visit.

Where a Labor Department consultant discovers an apparent serious violation (as defined in section 17(k)) of the act's requirements, the Secretary is required to issue a written notice to the employer specifying the apparent serious violation and indicating an appropriate period of time within which the employer must correct the hazard. The bill also requires the employer to certify to the Secretary of Labor that he has made the timely correction of the apparent violation. If no certification is made within the time-period specified by the Secretary, then the Secretary is required to make an inspection under section 8 of the act. If the employer certifies that he is unable to correct the apparent violation within the specified period despite his good faith effort the Secretary, of course, would have authority to provide any necessary additional time.

When and if the Secretary conducts an otherwise scheduled inspection under section 8 where consultation has previously been provided, he may issue appropriate citations under section 9 and proposed penalties under sections 17(a), (b), and (c). In so doing, he shall take into account any information obtained during the earlier consultation visit. The Secretary would not be precluded from issuing citations and proposing penalties even as to those matters where no advice or consultation was afforded to the employer during the earlier consultation visit.

This committee believes that consultation visits should not involve the issuing of citations or proposing penalties and nothing in the bill would permit their issuance or proposal. However, exceptions must be made for apparent imminent dangers in order to prevent death and serious injury to employees. Apparent serious violations must also be dealt with where they are encountered in the course of the consultation visit. The bill preserves the genuine consultative nature of the visit but at the same time provides for an eventual inspection under section 8 where the employer fails to certify that he has corrected an apparent serious violation.

In clearly distinguishing between consultation visits and inspections, it should also be clear that the Secretary of Labor would not be permitted to conduct consultation visits where inspection or investigations are required under the act. For example, the Secretary may not respond to a valid employee complaint under section 8(f) of the act by conducting a consultation visit to the worksite. Nor is it contemplated that consultation visits be employed as a substitute for otherwise scheduled compliance inspections.

Regulations would have to be issued to insure that the function of conducting jobsite consultation visits would be separate from the OSHA compliance function. It is the committee's intent that there be no interchange in assignments for on-site visits between officers, employees, or agents who conduct visits pursuant to subsection (b) of section 28 and officers, employees, or agents who conduct inspections or investigations under section 8 of this act.

The bill is not intended in any way to derogate from the Department's compliance activity; its purpose is solely to authorize consultation visits in addition to inspection activity which would normally be taking place.

Should a subsequent section 8 inspection find that an employer has falsely certified the abatement of an apparent serious violation set forth in a notice by the Secretary, he shall be subject to the provisions of both section 17(g) of the act concerning falsification of reports as well as section 17(a) of the act concerning willful violations.

Under section 28 of the act, the Small Business Administration is authorized to make loans to assist small businesses in making the necessary additions or alterations to facilitate an operation in order to come into compliance with the act. It is contemplated that such loans would also be made available to eligible small businesses in order to comply with any recommendations regarding the elimination of hazards made by a representative of the Secretary during a consultation visit. The committee also expects that onsite visits will serve as a vehicle for the Department of Labor and the Small Business Administration to overcome certification problems for SBA loans under section 28, in conformity with the provisions of this act.

Lastly, the bill makes conforming changes in section 21 of the act and provides for a delay of 120 days in the effective date.

SECTION-BY-SECTION ANALYSIS

Section 1

This section amends the heading of section 28 of the act to read, "Assistance to Small Employers," and makes the necessary conforming changes in section enumeration.

Section 2

This section authorizes the Secretary to:

(1) make a consultation on-site visit, upon request, to the work-place of any small employer which has 25 or fewer employees. The purpose of the visit shall be to provide an employer with consultation and advice, and to provide him with assistance both in the interpretation of standards and in alternative ways of complying with those standards. A visit shall be limited to those appropriate matters set out in the employer's request. The Secretary may, where appropriate, provide for another type of consultation than an on-site visit;

(2) make recommendations on the elimination of any hazards disclosed during the on-site consultation. No consultation visit, however, shall be regarded as an inspection or investigation pursuant to section 8 of the act and no citations, or civil penalties shall be issued or proposed, except that, in relation to situations of imminent danger, the normal provisions of the act shall apply;

(3) issue written notices to the employer where apparent serious violations (as defined in section 17(k)) are disclosed during the consultation visit. This notice would specify with particularity the nature of the apparent violation, and the action to be taken within a specified reasonable time for its abatement. The employer is required to certify that he has complied with the abatement instructions within that period of time, and if he does not, the Secretary must conduct an inspection of the workplace under section 8; and

(4) utilize, should a subsequent inspection take place, information obtained in the consultation visit, in order to determine the nature of the alleged violation and the amount of the penalties to be proposed, if any. The failure of the Secretary to give consultation or advice in relation to any particular matter shall not preclude the issuance of a citation and proposed penalty with respect to that matter.

This section also requires the Secretary, in issuing regulations, to provide for separation of functions between officers, employees, or agents who conduct consultations and those who conduct inspections and investigations.

This section also authorizes certain sums for fiscal years ending June 1973, June 1974, and June 1975 for the carrying out of the Secretary's onsite conultation responsibilities.

Section 3

This section authorizes the Secretary to conduct onsite consultation visits as part of his education and training responsibilities under section 21 of the act.

Section 4

This section provides that the amendment shall take effect 120 days after enactment.

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. MEEDS) is recognized for 5 minutes.

Mr. MEEDS. Mr. Speaker, the joint Canadian-American restoration of the sockeye and pink solmon stocks on the Fraser River system of British Columbia is one of the great success stories in North American international relations.

Under a joint treaty, the United States and Canada have built up salmon runs almost extinguished by rockslides in the 1930's. Both nations cooperated in building fish passage facilities that have permitted a bountiful fish harvest.

The average sockeye salmon catch by both nations amounts to about 2,402,954 fish and 4,118,978 pink salmon. The fish are divided as equally as possible between both nations.

The governing International Pacific Salmon Fisheries Commission, composed of three United States and three Canadian commissioners, is seeking to further increase salmon production through the use of artificial spawning channels. Initial results are very successful and H.R. 16870 will expand the program into a 16-year program of four sockeye growth cycles. The total cost is estimated at $14 million and the U.S. share would be $7 million.

It is estimated the projects will contribute fish worth over $14.6 million per year at fisherman prices or $30.8 million at market prices. In other words, the project will more than repay its total cost every year.

A few Canadian officials are now urging that Canada pick up the entire cost of this expansion—and then claim the entire fish run. This would junk a highly successful program in international relations and severely hurt U.S. fishermen in the Northwest. I believe we cannot allow a few ill-advised statements to jeopardize such a successful program of international cooperation and mutual benefit.

This is not a new situation—Canada has always been willing to pay more than as much as Congress appropriates for operation of the commission. Each time, Canada cuts back after the United States comes up with a lesser amount and thoroughly embarrasses the U.S. commissioners and fishermen.

By the time this construction program is completed, the projects will have paid for themselves five times by producing $72 million worth of fish at 1971 fishermen prices. I believe this has been a worthwhile program of cooperation in the past and there is no reason to halt it. It is a program too important to drop because of a few unfortunate remarks.

GROSS ERROR IN PASSAGE OF THE DEBT CEILING BILL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 5 minutes.

Mr. METCALFE. Mr. Speaker, yesterday I was unavoidably detained in my district, and I was not able to vote on the amendment proposed by my colleague from Texas (Mr. MAHON) to require the President to report to Congress what items he would want to delete from the budget for fiscal year 1973. Had I been present, I would have voted for the Resolution. This amendment, House Concurrent Resolution 713, would have maintained the separation of powers doctrine that our Founding Fathers so elaborately worked out in the Constitution some 200 years ago.

I can only see that what we have done is to abrogate our responsibilities by giving all of this power to the President. Is this body going to become a rubber stamp for anyone occupying the President's office? I hope not, and I will do all in my power to prevent anything like that from happening.

The last point I wish to make is that the people will immediately know what areas of the budget will be cut. The President has made himself very clear about what he favors. Any man who vetoes a Labor-Health, Education, and Welfare Bill because it appropriated too much money during our current economic crisis and, on the other hand, supports the highest Defense Department Appropriations Bill since World War II cannot hide the fact that the military-industrial complex is a high priority concern while the people of this great Nation, those who, in theory, make this country function, are the last to receive any concern and/or consideration. The people know what the President's priorities are.

I am paired as voting against the final version because the bill, as it was finally adopted, did not have any congressional control. I am reminded of the answer Dr. Benjamin Franklin gave in response to a question concerning what kind of government had been adopted for this country; Franklin's response was "A republic, if you can keep it!" I do not see how the members of this body expect to keep it while they continue to give it away. I understand fully that this is a temporary measure, but what has been lost sight of is the principle. The principle of the Constitution, the essence of this government, has been thoroughly abused. I hope that the other body will rectify the gross error that was made here yesterday.

HONORABLE CHARLES RAPER JONAS AND HONORABLE ALTON LENNON

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Fountain) is recognized for 5 minutes.

Mr. FOUNTAIN. Mr. Speaker, I have asked for this special order for the purpose of paying tribute to two of my distinguished colleagues from North Carolina who are voluntarily retiring from this body at the end of this session of the Congress.

During the first portion of my remarks, I would like to talk about my codean of the North Carolina delegation, the Honorable Charles Jonas and thereafter about my esteemed friend and colleague, Hon. Alton Lennon.

For the past two decades—momentous years in the history of America and of the world—the Honorable Charles Raper Jonas has represented the people of North Carolina's 10th, 8th, and 9th—the 9th being his present district—in the Congress of the United States, with distinction, quiet ability, and tireless dedication. Elected to the House in 1952, he was reelected nine successive times, reflecting the respect and support given him by his constituents, whom he has served so ably and well. Significantly, he was unopposed in the election of 1968.

During his service in Congress, he has been guided by a constant and continuing concern for efficiency in government, recognizing that this is an issue which touches the average citizen in innumerable ways. The Government motor pool bill, the revision of, the Donable Property Act, and many other proposals enacted with his leadership or support bear witness to a deep-seated conviction that Government must serve the people efficiently, prudently, and effectively. These are valued ideals in a time in which the processes of Government are increasingly complex and costly.

As a member of the House Committee on Appropriations, he has been described—and rightly—as one of the most influential Congressmen on the Hill. With that influence has gone the unfailing respect and admiration of his colleagues of both parties, a respect and admiration inspired by those qualities of integrity and judgment which have marked his public and private life alike.

As a member of the Appropriations subcommittee handling budget requests for military construction at home and abroad, he has been keenly sensitive to the challenging problems of national security and defense in an age of war and rumors of war. He has been steadfast in his conviction that a strong America is the best guarantee of world peace.

Above all, he has been a public servant to the people of the districts he has represented, providing representation at once responsive and responsible. He has been a friend to those in need, and has earned the gratitude and loyalty of his constituents while, a the same time, serving the larger interests of his State and Nation. Too often, this can mean local neglect, but not in this case. He has perceived that genuine democracy must begin at the grassroots if it is to reach out effectively to larger horizons.

Born in North Carolina, he has been a faithful son of that great State for all of his life. A graduate of the University at Chapel Hill in 1925, he taught school for a time and was later admitted to the bar, forming with his father the well-known law firm of Jonas & Jonas at Lincolnton. He practiced law in State and Federal courts until his election to Congress.

In 1946 he was president of the North Carolina Bar Association, and served on the North Carolina Board of Law Examiners the following year. A member of the North Carolina National Guard from 1927 to 1965, he also served for 5 years with the U.S. Army during World War II. At the time of his separation from the Army in 1946, he was a lieutenant colonel in the Judge Advocate General's Corps.

Following in the footsteps of his distinguished father, he has long played an important role in the political life of North Carolina. Traditions of public service come naturally to him and he has carried on the family heritage with rare distinction.

However, this bare recital of facts does not begin to truly characterize the life and work of Charles Raper Jonas.

He will be missed in his District and in the Congress.

He will be missed by his colleagues in the North Carolina delegation.

He will be missed by all with whom he has worked and served in committee and in this House as a whole.

He will be missed in the councils of national policymaking.

I am proud that I have served with him and that he and I came here together in the 82d Congress when his party had a majority in this body.

The ideals of service and dedication which Charles Raper Jonas has exemplified are among those qualities most needed in this troubled world.

We are grateful for the record he has made, and confident that he will long be remembered with respect and affection. To him and his lovely wife and helpmate, Annie Elliott, who has been at his side during his 20 years here in the Congress, both Mrs. Fountain and I wish every happiness in the years ahead, knowing that it has been richly deserved.

May he and the Jonas family be heartened by the recollection of a job well done, of public service honorably and faithfully fulfilled.

Mr. Speaker, I'd like to include as a part of my remarks a statement to the distinguished senior Senator from South Carolina the Honorable Strom Thurmond.

STATEMENT BY SENATOR STROM THURMOND (R–S.C.) SALUTING CONGRESSMAN CHARLES R. JONAS (R–N.C.) TO BE INSERTED IN THE CONGRESSIONAL RECORD, OCTOBER 11, 1972

Mr. Speaker, it is with great pleasure that I join my colleagues in the Congress in saluting Charlie Jonas upon his retirement from the House of Representatives.

During his distinguished service in the House, Congressman Jonas has become known as "Mr. Fiscal Responsibility" because of his effective service as ranking member of the House Appropriations Committee. An outstanding lawyer, Charlie Jonas has sought to serve the public in other ways than elective office. He has been a leader in his church and numerous civic clubs.

Mr. Speaker, Charlie Jonas has served continuously in the Congress since 1953, representing the North Carolina counties of Iredell, Lincoln, Mecklenburg, and Wilkes. His district is contiguous to South Carolina, and over the years I have enjoyed a wonderful relationship with Charlie Jonas as we have sought to deal with the common problems of our people.

Mr. Speaker, I salute Charles Raper Jonas for his unyielding service to the American people, and I wish him the success in retirement that has been his in active service in the Congress.

Mr. FOUNTAIN. Mr. Speaker, I would like at this time to pay a brief tribute to a dear colleague and friend, Alton A. Lennon, the distinguished gentleman from North Carolina, who is retiring from the Congress after almost 16 years of devoted and faithful service to his district, his State, and his Nation in the House of Representatives.

As a member of the Armed Services Committee and Merchant Marine and Fisheries Committee, and as chairman of the Subcommittee on Oceanography, he has rendered consistently well-developed positions on those issues which came before him, and history will record him as one of the earliest legislative leaders and thinkers in that highly important area—oceanography.

He has sought throughout his entire legislative career to promote individual rights and responsibilities, and his efforts to promote the agricultural and industrial development of North Carolina are indeed praiseworthy. To say it succinctly, he has been an able and excellent Congressman, reflecting credit not only upon himself and his family, but upon his district, constituency, and the country which he loves.

The awards he has received are many and varied. The following are but a few, but they attest to the measure of his able and effective role as a legislator, a representative of his district, and a leader.

He received a plaque for outstanding service in Congress from Cumberland County citizens in 1961. A gold key to the city of Wilmington, N.C., was presented in 1962 for his efforts in effectively sponsoring a national security seminar to focus on our country's need for a strong defense posture. That same year, 1962, he received the 10th Annual Award of the Ocean Freight Forwarders Association for unstinting efforts for the industry and development of our foreign commerce.

The Southern Council of Optometrists

in 1967 gave him their award of merit for distinguished public service. And, he was presented honorary membership in the Air Force Sergeants Association, at a ceremony at Pope Air Force Base in 1968, and honorary membership in the Fleet Reserve Association in 1969 in recognition of endeavors to enrich the lives and welfare of career enlisted personnel and for initiating beneficial actions for the Armed Services.

For more than 8 years now, the National Associated Businesses have conferred upon him their "Watchdog of the Treasury Award" for sound fiscal responsibility.

He has received sustained distinguished service awards from Americans for Constitutional Action, awards that are presented to those legislators whose voting records strengthen and defend the spirit and principles of the Constitution of the United States.

ALTON LENNON received a most outstanding honor when the National Oceanographic Association gave him their first "Man of the Year Award" for legislative service during a full decade to advance scientific knowledge of the ocean and utilization of its resources for the betterment of mankind. While the list could go on, I will simply cite one more example of the esteem in which AL LENNON is held. In gratitude for his contribution to the general welfare of the country, State, and Nation, and in recognition of his devotion to the principles of Americanism and responsible government, the Distinguished Service Award of the New Hanover Chapter of the North Carolina Society of the Sons of the American Revolution was recently awarded to him.

AL LENNON is a son of North Carolina, born in Wilmington in 1906. He was educated in North Carolina, received his law degree from Wake Forest College and began the practice of law in 1929, after passing the North Carolina State Bar Examination. He served 8 years as Judge of the New Hanover County Recorder's Court. He served two terms, in 1947 and 1951, as the ninth district senator in the North Carolina General Assembly.

Al and I entered the North Carolina State Senate at the same time and served together during those periods. He demonstrated in the North Carolina State Senate the same qualities he has displayed here in the House—sincerity, dedication and devotion to duty, courage and conviction, and above all, an unyielding loyalty to the great constitutional principles upon which this Nation was founded. I am sure North Carolina's late Gov. William B. Umstead had noticed these qualities of ALTON'S when he appointed him to the U.S. Senate on July 10, 1953, where he succeeded the late Willis Smith, and took the oath of office on July 15, 1953, serving with distinction to November 1954.

AL LENNON came to the House of Representatives on January 3, 1957—and he has been someone all of us could count on to know the issues, to speak out for them when he knew that the times required a spokesman. His careful study of legislative matters and his willingness to give his colleagues, especially those of us from North Carolina, the benefit of his thinking, have been a source of great comfort from time to time. When ALTON completes his exposition and views on any matter, no one ever questioned where he stood.

ALTON, you will be greatly missed in this body, and I am sure I speak for all who know and have worked with you when I say that. We have been the richer for your presence in these Halls and we wish you and your lovely helpmate, Kay, and other members of your family the very best in every respect throughout what we hope and trust will be for both of you a long and happy life together in the years ahead, wherever you go and in whatever you undertake. Mr. Speaker, I would like to include as part of my remarks a statement by the distinguished Senator from South Carolina the Honorable STROM THURMOND.

STATEMENT BY SENATOR STROM THURMOND (R–S.C.) SALUTING CONGRESSMAN ALTON A. LENNON (D–N.C.) TO BE INSERTED IN THE CONGRESSIONAL RECORD, OCTOBER 11, 1972

Mr. Speaker, I appreciate the opportunity to join my colleagues in saluting one of the distinguished members of the House of Representatives, Alton Lennon. Congressman Lennon is retiring at the end of this session, and he leaves behind a legacy for which we are all indebted.

A graduate of Wake Forest University and a lawyer, Congressman Lennon is a former United States Senator. He has served our legislative process on both the State and National levels, and he served with distinction as a member of the North Carolina Judiciary.

Elected to the 85th Congress, Alton Lennon has served continuously since. He has given outstanding leadership to the House Armed Services Committee and the Merchant Marine and Fisheries Committee, serving as Chairman of the Subcommittee on Oceanography.

Mr. Speaker, I have known Alton Lennon a long time, and I am proud to have served with him in our efforts for a better America. I salute him for his distinguished service to the people of North Carolina and the United States, and I wish him the best in his years of retirement.

Mr. MIZELL. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to my colleague, the gentleman from North Carolina.

Mr. MIZELL. Mr. Speaker, it is an honor for me to join my colleagues from North Carolina and Members from other delegations in paying tribute to CHARLES RAPER JONAS, who is retiring this year after 20 years of distinguished service to the people of North Carolina's Ninth Congressional District and to the Nation.

CHARLIE JONAS holds a very special place in the political history of my State, having served for so many years as the only member of my party in the North Carolina Congressional Delegation.

The fact that three more Republicans have now joined him here is proof of CHARLIE JONAS' dedication to building a viable two-party system in North Carolina. And it is fitting that as he closes his congressional career, other Republicans stand on the threshold of statewide victory in our State for the first time in this century.

He is widely known as Mr. Republican in North Carolina, and the reputation is well founded. But even his success in partisan politics has served the interests of all the people, since it is they who benefit most from the free and spirited competition of candidates and ideas that the two-party system generates.

But partisan success is not by any means all that distinguishes CHARLIE JONAS. Since coming to Congress in 1953, he has earned a reputation as a man dedicated to principle above party, and as a public servant who takes his duty seriously.

There are those who have disagreed with him in times past on matters of policy, but none has ever questioned the integrity of his position or his sincerity in fighting for it.

These are qualities that seem all too rare among politicians, but as I have often said, CHARLIE JONAS is no ordinary politician. He is a statesman in the truest and best sense.

I know that all my colleagues join me in wishing our distinguished colleague and good friend well in his retirement from public life, but even more, we are going to cherish what time we have left to benefit from his wise counsel, his long years of experience, and his dedication to the principles of good government.

His service here has greatly enhanced the work of Congress, and his constituents, his State and his country owe a large debt of gratitude for his untiring efforts in their behalf.

Mr. Speaker, will the gentleman yield further?

Mr. FOUNTAIN. I yield to the gentleman.

Mr. MIZELL. Mr. Speaker, I am pleased to join my colleagues in this well-deserved salute to ALTON LENNON a fine gentleman, a talented legislator, and a distinguished fellow member of the North Carolina delegation.

ALTON LENNON is retiring this year after 16 years of service to the people of North Carolina's Seventh Congressional District.

In that time, he has earned the respect of all who have served with him and who have come to know him as a man of principle, a man of industry, a man of courage.

He has served his constituents well through his excellent work on the Armed Services and Merchant Marine and Fisheries Committees, whose areas of concern are so important to his district. And he has established a voting record that accurately reflects the will of the people he represents.

Nothing more could be asked of a Member of Congress, and ALTON LENNON gave nothing less. His commitment to the principles of sound and responsible Government has always come first, above political consideration, above all else.

Thus it is with great pride and affection that I pay my tribute to ALTON LENNON for a job exceedingly well done, and I wish him and his family the best for the future.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman.

Mr. TAYLOR. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I thank the gentleman for yielding. It is an honor to join my colleagues in paying tribute to an unusual and remarkable man and to a close personal friend, CHARLIE JONAS. CHARLIE'S record in Congress has been outstanding and I think that this success has resulted from a combination of three things—ability, hard work, and total integrity. We have all known that CHARLIE JONAS could not be influenced, impressed, or changed except by logic and reason.

CHARLIE JONAS has demonstrated that he can walk with kings yet not lose the common touch. He loves people and people love him.

Even though CHARLIE and I belong to different political parties, he has always been willing to go out of his way to do me a personal favor or to give me the benefit of his wise judgment. As CHARLIE retires he leaves behind a record of service which shall be an example and an inspiration to all who desire to render public service.

Evelyn and I have enjoyed having CHARLIE and Annie Elliott as neighbors in the apartment building where we live and as close personal friends. We shall always hold many pleasant memories of them and we shall miss our day-to-day associations.

Mr. Speaker, it has been a pleasure to serve with ALTON LENNON during seven terms in Congress and have the benefit of his many years of experience, his good judgment, his wise counsel, and his friendship.

ALTON has served with honor and distinction. His devotion to principle and to fiscal integrity in the Federal Government is a matter of public record. We have all profited from his dedication and his conscientious efforts.

ALTON is a student of government and has always been able to give positive, strong reasons as to why he was voting for or against each proposal.

It was my privilege to serve with ALTON in the North Carolina General Assembly and to learn then of his deep devotion to North Carolina and her people and to our Nation.

The State of North Carolina and particularly the seventh district will be losing the services of an extremely conscientious legislator. Those of us in the House will miss the day-to-day associations with a highly respected colleague.

ALTON has decided to retire from Congress while he is still "young, fair, and debonair." Evelyn joins me in wishing for him and Kay many years of good health, enjoyment, and successful achievements.

Mr. HOSMER. Mr. Speaker, I know of no finer gentleman or brilliant legislator than our esteemed colleague from North Carolina, Mr. JONAS. It has been my great privilege during the 20 years we have served in the House together to know him and to receive inspiration from his philosophies and the strong moral forces which have guided his destiny.

During two decades this House and this Nation have better served the people of our country because of the inputs which CHARLIE JONAS has made. I am grateful both for these and for the pleasure of his association during these years.

I join all my colleagues in extending to CHARLIE my warm best wishes for every success and happiness in whatever endeavors he embarks upon in the future.

Mr. RODINO. Mr. Speaker, when I learned that my distinguished colleague, the Honorable CHARLES JONAS, was retiring from Congress, I addressed a letter to him expressing my thoughts. I would like to share my words with you at this time:

SEPTEMBER 13, 1972.

Hon. CHARLES R. JONAS,
House of Representatives,
Washington, D.C.

DEAR CHARLIE: A great deal has been added to the legacy of our nation since the 83rd Congress was called into session.

As you enter your retirement years, you hold a deep sense of personal fulfillment knowing that you have served both your constituents and all the citizens of this country with the kind of strong dedication and firm commitment which deserves the very highest form of recognition.

My very best wishes for continued years of health, happiness and contentment to you and your family.

Sincerely,

PETER W. RODINO, Jr.

Mr. BOLAND. Mr. Speaker, I am happy to join my colleagues today in honoring Congressman CHARLES R. JONAS, and in extending to him my very sincerest wishes for a happy retirement.

CHARLIE and I came to the Congress together in 1952, and as he prepares to leave public service, I hasten to express my high regard and affection for him. In 1954 CHARLIE and I were both made members of the Appropriations Subcommittee, HUD, Space-Science and Veterans. CHARLIE must be commended for the high caliber of service he has given to his country, his State, and his community through the Congress as a whole and through this committee. During these 20 years in Congress and 18 years on committee together, I know of no one for whom I have a higher respect or admiration—a respect earned by devotion, dedication, and uncanny knowledge.

Although we have differences in political philosophy and affiliations, CHARLIE has always shown a completely nonpartisan personality in his dealings with other committee members. In committee activity, his brilliant mind and fairness have been a joy to behold. His constant courtesy to witness before the committee and his vast depth of knowledge of the subject at hand have made our particular subcommittee on appropriations one of the most respected and effective committees of the entire Congress.

CHARLIE JONAS has more than fulfilled the responsibilities entrusted to him by the voters who elected him to 10 successive Congresses. He will be sorely missed by all those with whom he has served. His departure from Congress is a loss to it. My best wishes to Mr. JONAS for many, many years of continued happiness and health.

Mr. BROYHILL of North Carolina. Mr. Speaker, CHARLIE JONAS has been a pillar of strength to me in the House of Representatives during the 10 years I have served with him. He has always been willing to share his advice and counsel and, because of this, my job has been made much easier.

CHARLIE and Annie Elliott have been friends of Louise and mine for many years prior to coming to Washington. His friends here in the Nation's Capital are legion in number. We are sorry to see them leave but we know that they will enjoy a much calmer and less hectic life. All North Carolinians will miss CHARLIE'S expertise and dedication to his work on the Appropriations Committee. He has made a real impact in this body.

CHARLIE and Annie Elliott have a home at Lake Norman and recently CHARLIE extended me the invitation to "drop by any time." Since I pass within a few hundred yards of his beautiful summer home almost every weekend, he might just have an extra guest for dinner more often than he anticipated.

Mr. HENDERSON. Mr. Speaker, I welcome the opportunity to join with others or my colleagues from both the Democratic and Republican sides of the aisle in honoring CHARLIE JONAS on the occasion of his retirement from Congress, after a distinguished career of 20 years of fruitful and honorable service.

Coming to Washington in 1952 as North Carolina's only Republican House Member, CHARLIE so impressed not only his fellow House Members, but his constituents back home and despite repeated opposition, he continued to be reelected and his current retirement is a matter of personal choice; not of political opposition.

As a senior member of the House Appropriations Committee, CHARLIE has without doubt been personally responsible for the savings of millions of dollars of taxpayers moneys and of insuring greater efficiency in the utilization of public funds.

He deserves and I hope fully will enjoy many years of satisfaction with his friends, his family, and his personal interests back home in North Carolina. All of us here who have known him through the years will miss his perceptive analyses and persuasive arguments here on the House floor.

Mr. MORGAN. Mr. Speaker, it is a privilege to join with my colleagues in expressing my admiration and regard for our distinguished colleague, the Honorable CHARLES RAPER JONAS of North Carolina, who has chosen to retire and to wish him well.

It has been my pleasure to know him during his many years of service in the House and to recognize the prestige he enjoys among his colleagues.

While our colleague has earned the right to retire by his long and outstanding service as a member of the Committee on Appropriations, I feel that I must express regret that he has decided to leave.

The knowledge and judgment which he possesses are the result of years of diligent effort in a key position. I am sorry that they will not be available to the House in the future.

CHARLES RAPER JONAS has served well the people of his district and those of the entire Nation, and takes with him the approbation and good will of all of us who have known him over the years.

He should have many years ahead of

him which I am sure will be pleasant and productive.

I wish him all the best.

Mr. SIKES. Mr. Speaker, as the 92d Congress draws to a close, it is very regrettable to note that a distinguished senior Member, Charlie Jonas of North Carolina, is ending his career in Congress, and that he soon will retire to his beloved North Carolina.

I have known Charlie Jonas since he came to the Congress in 1953 to lend his voice and his heart to helping America become a better place for everyone.

Particularly, I have known him through his work on the Appropriations Committee and for his service on the Military Construction Subcommittee which I have the honor to chair.

Those of us who have had the privilege to share his friendship have come to know that Charles Jonas is a man of principle, a man of honor, patriotic, honest, and dedicated.

I know of no instance where he placed party above principle or self above country. Uppermost in his mind at all times was the question: Will this act, this law, this proposal, this weapon, this concept, make America stronger and more secure?

Charlie Jonas came to Congress with a fine background of service in America's Armed Forces and in service to his city, county, and State. He brought to the Congress mature judgment and dedication to America. He wants nothing more than for his country to be free, progressive and prosperous, and his Government to be fair. His life and service can best be called outstanding.

It is with regret that I see him leave. He has been a personal source of wise counsel to me and to many of our colleagues. Mrs. Sikes and I are very proud to have shared the warm friendship of Charlie and his lovely wife Annie.

I join in wishing Charlie and his family only the best in the years ahead. They deserve it.

Mr. GALIFIANAKIS. Mr. Speaker, having had the privilege of serving with one of the South's most distinguished gentlemen, I welcome the opportunity to pay tribute to him, but I must say that I would be more pleased if this time of "farewells" were not at hand at all. Men of Congressman Charlie Jonas' caliber are a special presence, wherever they are, and losing a day-to-day association with them is a difficult thing, indeed.

Charlie and I have sat on different sides of the aisle politically, but our friendship has not suffered from the differences born of the political arena. I have been happy and honored to call "Mr. Republican" my friend.

I guess you always carry with you a widely varied collection of remembrances about a person you work with, and this will certainly be true of my association with Charlie. But one particular memory will be the competence and thoroughness I saw exhibited by him in his work on the Appropriations Committee. And, of course, anyone who has known Charlie at all, is left with a vivid picture of a man of dignity and a true gentleman.

The North Carolina people, and the Nation, have been well served by the distinguished gentleman from the ninth district, and it has been a special privilege for me to be able to serve with him. I wish him the good fortune he deserves and the rest he needs after the work he has done for us all these last two decades.

Mr. COLLINS of Texas. Mr. Speaker, all of my Republican colleagues of the South join me in extending our best wishes to Charlie Jonas of North Carolina. It is hard to lose such a good man from our ranks.

Charlie led the way for the Republican Party in the South to build the two-party system. He has helped our entire region become more aggressive and more progressive.

But more than being a pioneer, he has consistently shown his voting courage. Charlie has been a champion in the fight against busing. He has led the way by his strong belief in constitutional government.

But Jonas will go down in history more for his strong stand on fiscal responsibility. There is always a tendency in the House to vote for all spending measures. The other day we had the discouraging situation of seeing Congress vote to reduce the reserves of the Railroad Retirement Fund. You all remember that bill which was later vetoed by the President. The Railroad Retirement Fund had increased its payments by 55 percent during the past 3 years, yet it provided no income to cover this. There are only 600,000 active workers for the railroad, yet there are 900,000 people drawing benefits. With the election a month away, there was tremendous pressure to vote for the additional increase in spite of the fact that it would deplete the reserves and could leave the plan bankrupt in 10 years. Charlie Jonas was one of only four Congressmen who voted for financial stability.

Every time the vote required courage, you could hear the Southern voice of Charlie Jonas sounding off for the support of sound economics.

I extend the warmest, best wishes to Charlie Jonas and we will always remember his great service in Congress.

Mr. MONTGOMERY. Mr. Speaker, it is very difficult to adequately express appreciation to a man who has given his all to his nation and the people he has represented in the U.S. Congress for the last 20 years. For this reason, I feel it is very fitting that we pause this afternoon to pay tribute to just such a man—Charles Raper Jonas of North Carolina.

Even though Charles and I are members of different parties, more times than not we saw eye to eye on issues being debated in this Chamber. Since I so highly respect the judgment of Congressman Jonas, it always pleased me and gave me a feeling of confidence that I would be voting the same way he was.

Charles, you will be deeply missed when this body returns next January for the convening of the 93d Congress. But you will not be forgotten, nor will the high standard of service you set be forgotten. Your legacy will be a guiding light to all of us for many years to come.

Mr. PELLY. Mr. Speaker, the ranks of the Republican 83d Club and those of us who came to Congress in January 1953, have been getting smaller and smaller, and at this year's end only a handful of the original freshmen Congressmen who came here 20 years ago will remain.

I suppose there is no tougher assignment subject to more pressures, and at the same time more sought after than membership on the Committee of Appropriations. Furthermore, my guess is that no member on this great committee is enjoying greater respect from his colleagues than Charlie Jonas. No one on the committee did his homework more thoroughly or mastered in detail and greater depth the items on various spending bills than Charlie. To me, and I know to all his friends and colleagues, he has had a top position for conscientiousness. After he presented his case for any spending measure I almost religiously followed his recommendation and I know others did the same.

In these days when many persons like to criticize seniority, there is one fact they overlook and in our hearts we know it is true: that it takes years on a committee to master details and scrutinize Government requests for money.

That is why I think it is so unfortunate that Charlie Jonas has reached the decision to retire. The cause of fiscal responsibility has suffered a grievous blow, yet no one can deny that he is entitled to take life at an easier pace.

Mr. Speaker, as Charlie Jonas pointed out the other day in commenting on my own retirement, the Pelly and Jonas families throughout the past 20 years have been close personal friends. Indeed, when his wife and mine get on the telephone together it seems there is no stopping them and they go on for what seems like hours.

One of the hard things about retirement is that these close and longtime friendships are severed as Members move away from Washington, D.C. So, it is that the Pelly family is going to miss Charlie and Annie Elliott. We wish nothing but the very best for both of them and hope that in the future both families can get together either in their State or mine or even in neutral territory.

Mr. Speaker, the Nation is indebted to Charlie Jonas for his dedicated service in the House and his friends are grateful for having known and served with him.

Mr. FUQUA. Mr. Speaker, Charlie Jonas has had a long and distinguished career in the U.S. Congress.

His work on the Appropriations Committee has been applauded by both Democrats and Republicans and his diligence in trying to hold back on runaway spending has been a great source of strength to this nation.

I want to join in wishing Charlie and Mrs. Jonas a long and happy retirement.

Mr. SCHERLE. Mr. Speaker, approximately 100 current Members of the House will be absent from this body when it convenes again for the next session, but none will be more deeply missed by men on both sides of the aisle than Charles Raper Jonas.

My distinguished colleague from North Carolina was also a helpful mentor to new members of the Appropriations Committee, sharing with us his wisdom and experience. He served on that panel for many years with great distinction, earning a well-deserved reputation as a knowledgeable expert on fiscal responsibility. His contribution to the cause of good government is virtually immeasurable. If the taxpayers of the nation knew how many millions of dollars CHARLIE's prudence saved them, they would rise to thank him with one resounding voice.

In addition to his professional and political achievements, CHARLIE is respected and admired as an individual. Known as a steadfast man of stable principle, his charm and force of character are such that he can convince confirmed opponents of the value of his philosophy.

Our warmest good wishes for many happy and productive years follow him into retirement.

Mr. MORGAN. Mr. Speaker, I take this occasion to pay tribute to one of our departing colleagues from North Carolina, Representative ALTON LENNON. He is leaving this House after 16 years of distinguished legislative service.

ALTON LENNON came to the House of Representatives with an unusually rich background of public service. He had served as a judge in his native State followed by service in the North Carolina Legislature and a short period of service in the U.S. Senate. Thus he brought to this House the experience of a legislator and the temperament of a judge.

Although ALTON and I have served on different committees during his tenure in this body, his work on the Committee on Armed Services and on Merchant Marine and Fisheries brought us into frequent association because so many of the activities of his two committees have been closely associated with foreign affairs matters. This has been particularly true of the work of the subcommittee on oceanography of which he has been chairman.

Mr. Speaker, I will miss his good common sense and his reasoned analysis. I join with his host of friends in wishing him a well deserved rest and only hope that he will continue to maintain a lively interest in public affairs.

Mr. SIKES. Mr. Speaker, it is with personal regret that I join in saying farewell to a trusted friend who is retiring from Congress at the end of this session.

ALTON ASA LENNON first began his services to our Nation in 1953 when he was appointed to fill the unexpired term of the late Willis Smith in the Senate. Serving that term with distinction, ALTON LENNON then was elected to the House in 1956 and has served with us since then. He has been one of the solid pillars of the conservative group which has fought steadfastly for preservation of the ideals and traditions which have made America great.

As a member of the Armed Services Committee, Congressman LENNON has left a solid mark on the defense posture of his beloved Nation. He has always stood firmly for a strong America and has been a tower of strength to those who looked to him for leadership when others across the Nation sought to dismantle our Nation's defense.

Equally attentive to his other duties as a member of the Merchant Marine and Fisheries Committee, he still found time in his busy schedule to take care of constituent problems with humanity and compassion. The thousands of lives he has touched, both in North Carolina and in the Congress, will not soon forget this strong, gentle man who came to Washington to serve his people and now leaves it in well-earned retirement.

ALTON LENNON came to the Congress with an impressive background as a lawyer, judge, and State senator. With him came his lovely wife, Karine, and his son and daughter, who were constantly by his side in his dedicated and important work.

How proud this family must be of Congressman LENNON. Never has he wavered in his belief that America is the finest Nation on the earth and that it must be kept free if mankind is to survive.

Those of us who know and respect him direct attention to his outstanding record of public service and commend him for his dedication. He has indeed shown significant leadership and has earned the accolade of "Great American."

We wish him well in his retirement and with him go our prayers and our thanks for having known him and for sharing his friendship.

Mr. SCHNEEBELI. Mr. Speaker, the ninth district constituents of North Carolina have been fortunate to have had the representation in the House of Representatives which the responsible stewardship of CHARLIE JONAS has given them.

His good balanced judgment deserves a sincere word of gratitude from those who have benefited from his outstanding record of service for the past 20 years. In addition, his high ranking position on the important Appropriations Committee has been a source of fine leadership and an inspiration to his colleagues who served with him.

CHARLIE JONAS has the gratification of a big job well done, and that satisfaction must be his in abundant measure in the knowledge that he has the thanks of every citizen in his district who stands for fair and honest government.

CHARLIE JONAS was well liked by all of his colleagues on both sides of the aisle and his friendship and accomplishments will be a treasured memory. He has our best wishes for many happy years ahead in his retirement from exemplary congressional service.

Mr. SPRINGER. Mr. Speaker, if Members of this House were ranked on the basis of ability and judgment, I am sure that most of us would put CHARLIE JONAS high on the list. He also is one of the most likeable Members of this House and those returning to the 93d Congress in January will greatly miss his wise counsel and good fellowship.

When CHARLIE first came to Congress in 1953, he was one of comparatively few on the minority side of the aisle from States south of Mason and Dixon's line. As their number happily increased in recent years CHARLIE exemplified the kind of legislator that the newer Republicans could use as a model for their own careers. His assignment, early in his congressional career, to the important Committee on Appropriations reflected the esteem held for him by his fellow Republicans and indeed by our friends on the other side of the aisle as well. Our confidence in him was justified many times during the years that saw him rise in seniority to his present position as second ranking member of the committee.

CHARLIE JONAS has been a good servant of the people of his State and Nation. I hope he will have many happy years left to enjoy the fruits of his labors in this legislative vineyard.

Mr. FISHER. Mr. Speaker, I am pleased to join my colleagues in paying honor to CHARLIE JONAS. As everyone here knows, he is one of the most honored and respected Members of this body. He is respected not only for his integrity but for his brilliant mind and his reservoir of knowledge.

It is indeed regrettable that CHARLIE JONAS is retiring. His shoes will not be easy to fill. The Nation needs the services of men like this.

I extend to CHARLIE and to his family my very best wishes. May they all enjoy good health and good fortune.

Mr. SPENCE. Mr. Speaker, I commend the gentleman from North Carolina (Mr. FOUNTAIN) for taking this occasion to pay tribute to our colleague, CHARLIE JONAS, who is retiring after 20 years of distinguished service as a Member of this body. I also want to associate myself with the remarks of the other gentlemen who have taken part in this colloquy.

Although I have not been privileged to know CHARLIE JONAS as long as most of you, I have, as a fellow Carolinian, followed his activities here for many years. The respect that I always held for him has been strengthened by the association that I have been privileged to enjoy here for these last 2 years.

When CHARLIE JONAS became a Member of this body in 1953, he had already earned distinction as a member of the bar having served as president of the North Carolina Bar Association and as a member of his State's board of law examiners. He also has worn the uniform of his country faithfully both in war and peace as a member of the National Guard and the active Army during World War II.

As a Member of the House of Representatives, he has served his Nation and his people not only effectively but also with unselfishness and devotion. He remains totally dedicated to those principles which have made this Nation the greatest on earth.

We are all saddened by the fact that CHARLIE JONAS will soon be departing. We will miss his sage advice and counsel. At the same time we recognize that he has earned the right to engage in other pursuits. In all future endeavors, I wish for him and his family Godspeed.

Mr. PREYER of North Carolina. Mr. Speaker, it is sad to lose two men like ALTON LENNON and CHARLES JONAS from Congress. On their retirement they will carry with them the esteem and affection of Members of both parties and of every range of belief. Only a lifetime of solid merit could earn this.

They are two of nature's gentlemen. The word "courteous" is the most descriptive word for them. Each believes in his respective party, but courtesy is more important to them than shallow partisanship. In a student and raucous age, it is refresning to see men who value and exemplify honor and courtesy.

The words "integrity" and "stability" truly apply to them. Their decisions are always based on principle, never on expediency. The adage, "never tear down a fence until you know why it was put up in the first place", describes their philosophy. They represent the conservative philosophy at its best—not selfishness or just keeping the status quo, but a belief that civilization is a fragile and hard-won thing, and, that we should be very careful before we tear its delicate fabric. In a time when the liberal philosophy generally prevails in our media and our general culture, we should be particularly grateful for the balancing contribution of the responsible conservative.

CHARLES JONAS showed his selflessness in the time and energy he spent on trying to prevent the removal of the Federal Home Loan Bank Regional Office from Greensboro to Atlanta. The citizens of my hometown, Greensboro, will always be grateful to CHARLES JONAS, a citizen of another city, for the great fight he waged on their behalf through his seat on the Appropriation Committee. He fought this battle not because of any special interest—his own district was not affected by it—but because his sense of fair play was outraged and because of his desire to do what is right.

Sportswriters have a word which describes CHARLES JONAS; it is a word which they reserve for their highest tribute, for a team like the old Yankees, for example. The sportswriters would say that "CHARLES JONAS has class."

We will miss him.

ALTON LENNON has had a remarkable career. He is probably the only North Carolinian who has served in the North Carolina Senate, the U.S. Senate, and the U.S. House.

Through his committee work he has become one of the great authorities in this country on oceanography—one of the most critical areas of our new interest in the environment. He demonstrated this interest early. When he was a young lawyer in Wilmington, N.C., he was one of the leaders in the development of our two great North Carolina ports.

We hope in his retirement that he will continue to make contributions in this area. The country needs to take advantage of his expertise and his long experience.

We thank these two men for the great contributions they have made to North Carolina and to our country. We wish them well in the future, and say to them, "Well Done"!

Mr. WYLIE. Mr. Speaker, it is a great privilege for me to participate in the special order for one of the truly great gentleman I have known, my colleague from North Carolina, the Honorable CHARLES RAPER JONAS.

CHARLIE, who has been one of the stalwarts for the principles of free enterprise, will be long remembered for his conscientiousness and hard work. It was to Congressman JONAS to whom I went on many occasions for wise counsel and advice.

The people of the Ninth District of North Carolina will sorely miss his presence in the House of Representatives. The Nation will miss his outstanding contribution as a member of the powerful House Appropriations Committee.

I would like to extend my warmest personal wishes to CHARLES JONAS for a well-deserved retirement.

Mr. DERWINSKI. Mr. Speaker, it is a pleasure to join my colleagues in honoring CHARLES JONAS on his outstanding career as a Member of Congress.

CHARLIE has worked hard to bring economic growth to North Carolina and will be sorely missed not only by his colleagues, but also by his constituents who recognize his wisdom, loyalty to principles, and dedication to their interests and those of the Nation. Charlie is a great Republican, and his effective leadership throughout his career has set the highest standard of public service.

Mr. QUILLEN. Mr. Speaker, I am happy to join my colleagues in paying tribute to a great American, a great Republican, and a good friend, the Honorable CHARLES RAPER JONAS. At the same time, I am saddened at his decision to retire from an outstanding career in the House of Representatives after 20 years of distinguished service to his country.

CHARLES JONAS has achieved one of the most remarkable records in the history of the Congress, one which any Member would be justly proud. Over the years, he has rendered significant service to his district, his Nation, and his party.

A dedicated public official from Lincolnton, N.C., he has put America above every other consideration. He has been the voice of commonsense, moderation, and courage during an era of immense tumult and swift moving events at home and abroad. He is an honest and honorable able man who has fulfilled with great distinction his responsibilities in the Congress. He is able, hard-working, and loyal, and it is a privilege and an honor to know and to serve with him.

CHARLES JONAS will be sorely missed when he leaves this Chamber, but his retirement leaves Congress enriched by his contributions. Indeed, our entire Nation is far better off today because of his devotion to the preservation of our system of government.

I wish him a long, healthy, and happy retirement, which he so richly deserves.

Mr. SMITH of California. Mr. Speaker, it is a pleasure to join the many other colleagues today in paying tribute to the Honorable CHARLES RAPER JONAS of North Carolina.

CHARLIE'S service in the Congress of the United States has been outstanding in every way. He has been one deeply concerned with the crucial problems of the times and his efforts and achievements on the Appropriations Committee are of particular significance. He has earned the respect of colleagues on both sides of the aisle by the diligence with which he has shouldered the responsibilities in the U.S. House of Representatives.

His friendship and wonderful cooperation extended to me during the years we have served together will long be remembered.

Elizabeth joins me in wishing him and Annie Elliott every success and happiness in their years of retirement.

Mr. WHALLEY. Mr. Speaker, can it really be nearly 20 years ago that CHARLES RAPER JONAS arrived on Capitol Hill as a freshman Representative from North Carolina? A modification of an old adage may read. "Time really passes by when you're getting things done." And, indeed, time has passed by swiftly.

It is hard to reconcile ourselves to the fact that CHARLIE JONAS will be leaving these Halls after this session to enjoy a much deserved retirement at his home in North Carolina.

CHARLIE JONAS certainly got things done. He knew what he was doing at every moment he lent his special talents and graces to this Congress. As a ranking member of the very important and prestigious Appropriations Committee, CHARLIE was in a position in which his strength of character, coupled with his vast and impressive knowledge of fiscal as well as legislative affairs, proved to be a source of stabilizing strength in these times of rapid and confusing change.

CHARLIE'S grasp of issues and insight into affairs of not only North Carolina, but the entire Nation, was an inspiration to all of us who admired and respected this dedicated servant of the people. He who followed him, followed well.

We will all miss CHARLIE. But we wish him the best of everything in the years ahead. He has truly earned the chance to enjoy the fruits of his labors and to languish in the reputation he has so solidly built.

Mr. JONAS. Mr. Speaker, I appreciate my friend from North Carolina yielding in order that I may join him and others in paying a well deserved tribute to our colleague from North Carolina, the Honorable ALTON LENNON. As you all know, ALTON is voluntarily leaving Congress at the end of this term and is planning to return to his home in Wilmington.

It has been a genuine privilege for me to have had the opportunity of serving in the House of Representatives with ALTON since he came here in the 85th Congress. His record in the House has been outstanding and obviously pleasing to his constituents because they returned him to represent them in seven subsequent elections. I am sure that his decision to step aside at the end of this term was disappointing to his multitude of friends in North Carolina's Seventh District, as, indeed, it was to many of our citizens throughout North Carolina who have followed his career here with pride and approval.

I do not know what ALTON'S plans are for the future but assume that he is planning to remain in private life. My guess is that he will have some difficulty resisting pressures from his friends to continue in some kind of public service; but if it should transpire that he will end his public career with this term in Congress, he can take justifiable pride in the fact that he has had a distinguished career in both judicial and legislative fields. He served for 8 years on the bench as judge of the New Hanover County

Recorder's Court, served two terms in the General Assembly of North Carolina as a State senator from his own district, and served by appointment of the late Governor Umstead in the U.S. Senate to fill the unexpired term of the late Willis Smith, and as I have previously stated he served in the House of Representatives of the U.S. Congress during the 85th and subsequent Congresses.

In all of these positions he served with dignity, dedication, and honor. It is not unprecedented but unusual for a man to have had the opportunity of serving his people on the bench, in the General Assembly of his State, in the U.S. Senate, and in the U.S. House of Representatives. I am sure it must give Al and his family a great deal of satisfaction to realize that he is ending his political career after having performed so ably and so well in all of the public offices he has held.

In any appraisal of Al's career in the House of Representatives, it would have to be noted that he has demonstrated that he is a man of strong convictions who has consistently displayed the courage to put principle ahead of party. He is deeply dedicated to the preservation of the free enterprise system, to sound money, to efficiency and economy in government operations, and to preservation of the American way of life. He is a great patriot who always puts the welfare of his country first.

I would have quarreled with Al over his decision to retire if I had not made a similar decision myself. It was not an easy decision for me and I am sure it was not an easy one for him. I suspect he came to his decision for the same reasons I did; namely, to get out from under the constantly increasing tensions and pressures of this life and because of a desire to go back down home and have the opportunity of living again in a more relaxing atmosphere.

It has been said that behind every good man there will always be found a good woman, but I prefer to say in this case certainly that Kay Lennon has not stood behind Al but beside him down through the years and has contributed a great deal to the success he has achieved in his public and private career. I look upon them as a team always working together and each contributing in a different way to the success that have crowned their efforts.

My wife, Annie Elliott, and I have had the privilege of a warm friendship with Al and Kay during these last 16 years. It is a friendship that has ripened over the years and I must say that it saddens me to realize that even though we will all be back down home after the first of the year, there will not be the opportunity of daily association as has been the case while we were all here together in Washington. I am going to miss this association but I want Kay and Al to know that even if our paths do not cross frequently in the years ahead, we will never forget them and will always cherish the memory of the days and years we spent together during congressional sessions. Annie Elliott would want to join me in wishing for Kay and Al many years of good health, good fortune, and peace of mind in the retirement they have earned.

Mr. HENDERSON. Mr. Speaker, the end of the 92d Congress will close the public career of one of our truly outstanding members, the Honorable Alton A. Lennon, who since 1956 has served as Representative of North Carolina's Seventh Congressional District.

But his career of public service goes far beyond that. It includes 2 years in the U.S. Senate; 4 years in the North Carolina State Senate, and 8 years as a county judge.

I, especially, shall keenly feel his loss. Our homes in North Carolina are only a short distance apart. We often traveled together to and from the State and Washington. Our wives are close personal friends, and on many occasions, we have worked very closely together on projects and programs which had special implications both in his district and in my district.

More often than not, he and I have agreed in our position on legislation and it has been a common practice for us to discuss vital issues of interest to our constituents. But whether we agreed or disagreed, I have always found him to be completely honest, sincere, conscientious, and well versed on the legislation under consideration.

To me the most striking thing about the service of Alton Lennon is the thorough manner in which he informs himself on pending legislation. With the large number of bills coming to the House floor each week, in addition to our committee responsibilities and the hundreds of miscellaneous matters which occupy our minds and our time, most of us find it difficult, if not impossible to really know every bill, and consequently we must rely at least to some extent on colleagues who are members of the appropriate committees or others whose opinions we value to advise us.

With only 24 hours in a day, I have never been able to figure out how he does it, but somehow, Alton Lennon manages to be well informed on every bill. He has studied the bill itself; read the committee report and minority views, if any, and often he has read at least part of the hearings.

I am told by members of the two committees on which he serves, Merchant Marine and Fisheries and Armed Services, that his attendance at meetings and attention to his committee responsibilities is equally impressive.

Alton and Kay Lennon will welcome a respite from the hectic schedules and demanding rigors of congressional service and Washington life.

They will enjoy their home and friends in Wilmington, N.C., and their children and grandchildren. They have earned this opportunity. Those of us here who have enjoyed their friendship, shared their hospitality and admired their dedication, wish them Godspeed.

Mr. MONTGOMERY. Mr. Speaker, I commend Congressman Fountain and other members of the North Carolina delegation for securing this time to pay tribute to Alton Lennon following 16 years of outstanding service in the U.S. House of Representatives. In addition to his service in this body, Congressman Lennon also served with equal distinction as a Member of the Senate for a brief period in 1953.

During the 6 years I have had the privilege to know Al Lennon, he has always been a perfect gentleman and has been of immense help to me in the Congress. I appreciate especially his kind words of advice and words of encouragement.

Al Lennon will be sorely missed when the 93d Congress convenes, but we look forward to having him visit with us in the future and especially at those times when former Members of Congress converge on the Capitol to renew friendships.

Mr. PELLY. Mr. Speaker, I want to thank the gentleman from North Carolina, Mr. Fountain, for giving me this opportunity to express my sincere regrets that his colleague from North Carolina, Mr. Lennon, is retiring from Congress.

Alton Lennon could still give so much more in the way of valuable service to the Nation and to his State and congressional district. As one who has been closely associated with Al Lennon I have observed firsthand more closely than many Members of the House his tremendous contribution as a member of the Committee on Merchant Marine and Fisheries and especially as chairman of the Subcommittee on Oceanography. I am sure those of us who have worked with him will attest that of all of us, he must be considered a major architect of the National Oceanic and Atmospheric Agency which now combines the major marine functions in one department under the Department of Commerce.

Mr. Speaker, I will never forget his patience and perseverance in drafting legislation which resulted in the establishment of the National Oceanic and Atmospheric Administration after years of listening to scientists and other experts in this field.

Mr. Speaker, I would place, however, above all his great gifts and legislative talents a contribution of his which constituted his greatest achievement and this is his personal character and integrity. Al Lennon's voting record is one of responsibility and if Congress had more Members of his philosophy and dedication, the economic situation of today would be much healthier. His courage in opposing spending of money the Nation does not have for things the people of this Nation could get along without, is, indeed, his greatest contribution. Had he had his way our national debt would be less and the dollar would be worth more.

So to me, Mr. Speaker, our country is a great loser in Al Lennon's retirement. Nevertheless, while he has been in this body his example and influence always was for good government, and I want the record to show my full appreciation for the privilege of being associated closely with him. In the years to come, I wish Al great success and happiness. Meanwhile, my warmest thanks go to him for his outstanding record of public service.

Mr. FUQUA. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. Fountain) for taking this time to honor our distinguished colleague, Alton A. Lennon.

In the 10 years that I have had the privilege of serving with Al Lennon I have always found him to be very thorough and deliberate in his thinking. His conservative outlook has always been refreshing in trying to resolve many of the critical issues that face us in this Nation.

I know that the citizens of his district can always be proud of the fine job he has done in representing them in the U.S. House of Representatives.

I want to wish for Al and Mrs. Lennon a long, enjoyable and much deserved retirement.

Mr. BROYHILL of North Carolina, Mr. Speaker, Alton Lennon has had a long and distinguished record of public service to his State and Nation. There are not many men in history who can point to service in both the U.S. Senate and the U.S. House of Representatives. There are very few Americans who have his record of adherence to principle and to the upholding of basic concepts of the Constitution.

We will sorely miss his voice and his sound judgment here in the Congress of the United States.

Louise and I have come to know Alton and Kay as close friends over recent years and we will miss seeing them. We hope that perhaps we will have the opportunity to visit Wrightsville Beach from time to time to enjoy their company.

Mr. GALIFIANAKIS. Mr. Speaker, when I first came to Congress, becoming a part of the North Carolina delegation gave me an immediate awareness of the caliber of men that serve in the U.S. Congress. I realized then what a special privilege it was to be a part of this outstanding group from the Tar Heel State.

Congressman Alton Lennon was one of those first special people I met, and through my last 6 years of working with him, he has remained special. I have come to respect and admire him as an advisor as well as a friend.

Al has served with distinction throughout the last 16 years. He has done outstanding work on the Merchant Marine and Fisheries Committee and Armed Services Committee and at all times has been a skillful representative as well as a gentleman in every sense of the word.

Al, North Carolina and the Nation honor you today for the tremendous service you have performed as a true representative of the people. Louise and I wish you and Kay the best of everything as you return to the warm embrace of your family and host of friends.

Mr. SPRINGER. Mr. Speaker, a few years ago, in connection with a matter of some importance in my district in Illinois, I had occasion to appear with a constituent at a Merchant Marine and Fisheries subcommittee hearing chaired by the gentleman from North Carolina, my good friend Alton Lennon. Although we did not win our legislative objective, we were treated with the utmost courtesy and fairness and were greatly impressed by Alton Lennon's thorough and objective consideration of our problem. In talking with various colleagues I learned that my experience was not an unusual one, that Alton Lennon presides over his subcommittee with the same qualities of even-handed fairness that distinguished his 8 years on the bench in his home county in North Carolina.

So as Alton takes leave of the Congress he carries with him a wealth of friendships and can take satisfaction in the knowledge that he has well served the people of his State and Nation. I wish him good health and happiness in the years ahead.

Mr. JONES of North Carolina. Mr. Speaker, I first met Congressman Alton Lennon many years ago when he was attempting to be reelected to the U.S. Senate. I was most impressed with his sincerity and his dedication to public service at that time, and since becoming a Member of the U.S. House of Representatives and having the privilege of serving with him, this admiration has continued to increase. No Member of Congress is any more steadfast in their convictions and on numerous occasions, through the medium of his votes, I have seen him adhere to his convictions even at the expense of losing votes in his own district.

His work in the field of oceanography certainly stamps him as a pioneer in this particular science. He will long be remembered for his leadership in this area. His care and concern for his district has been outstanding.

His decision to leave the Congress came as a shock to many of us, and his absence in the 93d Congress will be keenly felt by all members of the Merchant Marine and Fisheries and Armed Services Committees where his knowledge and understanding of legislation was of great help to many of us.

To Congressman Lennon and his family go my warmest personal regards and sincere best wishes for success and happiness in the years ahead.

Mr. Speaker, it is a pleasure that I join in paying tribute to the outstanding record of service of Congressman Charlie Jonas which he has rendered not only to the State of North Carolina, but to the entire Nation during his years in the Congress.

Although of different political faiths, this in no way diminishes my respect and admiration for him. I could cite many instances where his assistance to me personally and to my district has transcended party lines with no questions asked. His service on the Appropriations Committee has been outstanding and his efforts to save the taxpayers of this Nation deserve a very special commendation. Certainly the Members on both sides of the aisle will miss his leadership and his warm personality.

To him and his family, I join with others in wishing them many years of health and happiness in the years ahead.

Mr. SPENCE. Mr. Speaker, a valued friend is retiring this year after nearly 16 years of distinguished service. He leaves a void which will be very difficult to fill.

Those Members of this body who have been privileged to know Congressman Alton Lennon for many years are better able to describe his outstanding record of public service than I. Unfortunately, I have been acquainted with Alton only since my election to the 92d Congress.

Even in this short time, however, I have come to know Congressman Lennon extremely well, and I have benefited from our association. As a fellow member of the Armed Services Committee, for example, Alton has been a counsel and a mentor, as well as a colleague. His judgment and experience have made him a man whose opinion must be carefully weighed. Though we represent different political parties, I often looked to him for advice and guidance, since I knew that his greatest interest was the security of this country.

I want to second all the fine things my colleagues have said about Alton Lennon today. They are all richly deserved. Also, I am indebted to Congressman Fountain for affording me this opportunity to pay tribute to a friend.

Mr. FISHER. Mr. Speaker, it is easy to say nice things about men like Alton Lennon. He has served his district, his State, and the entire Nation with high quality representation. He possesses one of the finest analytical minds in the entire Congress. Alton serves on a subcommittee of which I am chairman. That has given me an opportunity to judge our friend and his capabilities.

Alton has made an enviable record here. In passing judgment on issues that arise he never looks back. He has a unique capacity which enables him to analyze and judge what is involved and what action should be taken. Above all, he thinks and acts in terms of what is good for the country. Alton is the sort of Congressman who votes the way a good many others would like to vote if they were not running for reelection.

I extend to Alton and his family my very best wishes.

Mr. DERWINSKI. Mr. Speaker, it is a privilege to join in paying tribute to one of our outstanding colleagues, Alton A. Lennon, who is retiring at the close of the current session of Congress.

Alton is a man of great integrity and intellectual honesty. Although we represent differing political parties, I have never known him to place party loyalty above national interest. Throughout his career, he has set the highest standard of public service, and he will long be remembered for his devotion to duty and dedication to his constituents and Nation.

Mr. SMITH of California. Mr. Speaker, I am happy to join the many other colleagues today in tribute to the Honorable Alton A. Lennon. We were both elected to the House of Representatives at the same time, and I am certain he leaves with mixed emotions, as I do, after serving 16 years in this distinguished body.

Al Lennon has established an outstanding record, especially in his service on the Armed Services and Merchant Marine and Fisheries Committees. In my book he is a "good guy" who will long be remembered for his effective leadership and deep commitment to the highest standards of public service.

Elizabeth joins me in wishing Karine and Al much happiness in their years of retirement. May good health and good fortune follow them wherever they go.

Mr. RODINO. Mr. Speaker, the citizens of North Carolina have been represented by a man whose deep devotion to the principles of justice and freedom for all men, whose beliefs and actions to uphold the basic rights for all our citizens, and whose great concern for each and every constituent of his district have built for him a record of which I am certain, he is indeed quite proud.

When the Honorable ALTON A. LENNON retires from our Chamber at the close of this 92d Congress, he will bring with him a wealth of memories and experiences of great personal satisfaction; he has lived and grown a part of the history of this great body and his presence will dearly be missed by all of us here today. I would like to take this opportunity to wish my colleague and friend continued years of health, happiness, and the fulfillment of all life's blessings.

Mr. BOLAND. Mr. Speaker, I too want to add my sentiments to those of my colleagues in paying tribute to our distinguished colleague from North Carolina, Congressman ALTON LENNON.

ALTON LENNON has served his people and his State with dedication as county judge and State Senator before coming to the Congress 20 years ago, first as U.S. Senator in 1953 and 1954, and then to the House of Representatives for the last 16 years. He is to be commended for his effective and outstanding service to the Nation. I am proud to have had the opportunity to serve with him in this House, and I extend to Congressman and Mrs. Lennon every good wish for many happy and healthy years in retirement.

GENERAL LEAVE TO EXTEND REMARKS

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent before yielding to anyone who may want to express themselves at this moment, that all Members may have 5 legislative days within which to extend their remarks about these two fine colleagues of ours.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PULASKI DAY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, October 11 has been proclaimed as Pulaski Day in the State of Connecticut, and I ask all Members to join me in commemorating one of the outstanding heroes of the American Revolution, Gen. Casimir Pulaski.

It was on October 11, 1779, that General Pulaski gave his life for the American cause while leading his legion into the Battle of Savannah. Pulaski had been known as a champion of freedom in his native Poland. Inspired by the struggle for freedom involved in the American Revolution, he willingly left his native land to join the battle, and he gave his life for the American cause.

Pulaski's achievements and his sacrifice are only a part of the tremendous contribution which Polish-Americans have made to our country over the years since his death. Polish-Americans have played an integral role in the life of Connecticut and the entire Nation. It is, therefore, appropriate that October 11 be set aside as a time not only to commemorate the memory of General Pulaski, but to express our deep appreciation to a people who have so enriched the cultural, economic, and political fabric of the United States.

I am proud to join all Connecticut citizens in celebrating October 11 as Pulaski Day.

VETERANS DAY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the 11th of November has been historically and symbolically significant for all Americans for over half a century and the traditional meaning of this hallowed day should be preserved.

On that date in 1918, the armistice was signed which ended World War I. Armistice Day was declared in this country to commemorate that event and to demonstrate our respect and thankfulness for the sacrifices of those men and women who met the challenge and served their Nation in that time of need. This day also provided an occasion for reflection upon the tragic cost of war and an opportunity for the people of our country to determine those steps necessary to maintain peace throughout the world.

After the conclusion of World War II, Armistice Day was redesignated Veterans Day so that all veterans who had served the Nation might be properly remembered. Yet with the recent initiation of the revised holiday, the designated 3-day weekend has become almost an occasion for leisure and recreation rather than the thoughtful commemoration traditionally associated with Armistice Day.

I have received correspondence from many constituents and various veterans organizations of Connecticut requesting the reinstatement of the traditional date of November 11 as Veterans Day. I fully agree with their position and I have introduced a joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th of November of each year as Veterans Day.

REVENUE-SHARING BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

MR. MONAGAN. Mr. Speaker, I am opposed to the adoption of the conference report on H.R. 14370, State and Local Fiscal Assistance Act of 1972, the so-called "revenue-sharing" bill. I want to emphasize that I am not opposed to sharing revenues with the States and local municipalities. I have supported and will continue to support those legislative measures which have provided billions of dollars for State and local governments in Federal funds for education, health, library, housing, poverty programs, urban renewal, highways, and airports, and I am prepared to support increases in these appropriations.

The point at issue here is the method of funding and not the purpose. H.R. 14370 is not the sharing of excess Federal revenues which it purports to be but a deficit-sharing measure. With a Federal deficit for the last 2 years of about $23 billion a year and one projected for the 1973 fiscal year of about $25 billion, it is quite clear that any provision of revenues in excess of current appropriations will cause a further deficit or require new sources of revenues. In essence, therefore, this bill is a call for increased taxation and those who support it must recognize that this course will be necessary to provide the funds required. Some of these proponents have proposed a value-added tax as the method to be used. It is because I am opposed to increased taxation that I oppose revenue sharing.

I also oppose the proposals of the conference report because they discriminate against Connecticut by placing our State well below the average in per capita amounts available for distribution under all aspects of the legislation. Under the House version of the bill, which I opposed, Connecticut would have received $72.6 million but under the conference version of the bill our State would receive only $66.2 million—a totally unacceptable reduction.

Connecticut presently has about 1.5 percent of the Nation's population, 2.14 percent of the Nation's combined Federal tax revenues and 2.27 percent of the Nation's nonearmarked Federal tax revenues are derived from our State. It is estimated that for every $1 collected in the State, 65 cents is returned under the present Federal-grants program. Therefore, the taxpayers of Connecticut presently contribute far more to Federal coffers than they receive in return. The implementation of the distribution formula embodied in the State and Local Fiscal Assistance Act would not improve this disparity. Connecticut and its municipalities would not receive a fair share of the funds available since, although ranking 14th in generating all Federal tax revenue and 12th in generating nonearmarked Federal tax revenue, Connecticut is 43d out of 51 recipients in the distribution of funds under this proposal.

Another point of objection is that Connecticut falls well below the national average in the distribution of funds. Under the House version of the bill the Connecticut State government would receive $7.04 per capita while $8.73 is the national average. The local and State governments combined would receive $23.82 per capita while $25.70 is the national average.

This is no bargain for Connecticut, yet the conference report version is worse. Here, the State government would receive $7.17 per capita while $8.49 is the national average. The local governments would receive $14.31 per capita while $16.98 is the national average and the State and local governments combined would receive $21.48 per capita while $25.47 is the national average.

Even within Connecticut itself, the distribution formula is not adequately responsive to the needs of the local municipalities and I have noted several incongruous situations within the Fifth District.

Naugatuck, with a population of 23,000, has been allocated $374,960 under the bill and Ansonia, with a population of 21,160, has been allocated $334,374, while Shelton, with a population of 27,165, is to receive $210,200. Also Derby and Wolcott, with almost identical populations, have been allocated $200,872 and $176,573, respectively. Beacon Falls, with a population of 3,500 has been allocated $45,682, while Oxford, with almost 1,000 more residents is to receive almost $13,000 less than Beacon Falls. These are only a few examples of inequitable and inconsistent situations which I know exist in other parts of Connecticut and must be present in the distribution tables of the other States.

Furthermore, since no appropriation is involved, there is a lack of review of the financing of this program by the House Appropriations Committee or a similar body in comparison with the prevailing situation for all other governmental programs. Here is a simple open authorization for funds.

Finally, I disapprove of the lack of adequate requirements for accountability on the part of the recipients of these funds in the programs to be undertaken—an accountability which is necessary to protect the Nation's taxpayers. We have seen the effects of this type of expenditure with the Law Enforcement Assistance Administration and the admittedly disastrous results that flowed from financing without accountability. The proposed programs would be on an infinitely greater scale since each year's funding would amount to approximately $5.3 billion.

Federal funding of local programs has risen markedly in the last decade with especially large increases in the last 2 years approved in an effort to assist local municipalities and States to meet the rising costs of government. I served as mayor of a major city for 5 years and I understand and sympathize with the search of local executives for additional funds. At the same time, the Federal taxpayer is entitled to consideration too, and if we are to embark upon a program of increased spending for localized needs we should do it only after full consideration of the cost, the availability of funds and adequate accounting for all expenditures.

I am ready to support programs for aid to municipalities where the need is demonstrated, tax revenues are available and proper accounting and programing controls are provided. This bill as reported by the conference committee does not satisfy these requirements.

I append to my remarks the following editorials on this subject which appeared in the Ansonia Evening Sentinel, the Danbury News-Times, the Bridgeport Sunday Post, the Hartford Times, and the New York Times, and which generally support the position which I am taking:

[From the Hartford (Conn.) Times, Sept. 14, 1972]

Sharing Funds the Federal Government Doesn't Have

For all its historic implications, the revenue-sharing program passed by the Senate this week remains a mixed bag of far-reaching reform and election-year politicking.

It is an idea whose time came several years ago—and whose time may have passed, at least until some balance can be re-established in the federal budget.

Nonetheless, Congress and President Nixon have shown their determination to have it now, despite a dubious revenue base for the sharing, and despite some unresolved inequities in the sharing formula.

The idea of revenue-sharing originated at a time when the nation anticipated a substantial "peace dividend."

Since the federal government collected so much revenue that might otherwise have been tapped at state and local levels, it was argued—and since a time of peace could be foreseen when the federal government would not need so much money—it would be only fair to return some of the money to state and local governments.

The money would be returned with no strings attached, subject only to a formula for dividing the kitty that would recognize the special needs of overburdened sectors of government, and would weigh the "tax effort" of the lower levels of government.

Efforts to measure tax effort have by and large been rejected. Connecticut, one of the states that collects a relatively low proportion of their residents' disposable income each year, was among those whose congressional delegation opposed that reform.

And efforts to skew federal revenue-sharing toward the neediest levels of governments, the urban centers, have been cripped by the committee muscle of rural and Southern states, despite the yeoman efforts of urban senators like Ribicoff and Javits.

Meantime, the prolongation of the war in Vietnam and the inexorable demand for new weapons gadgetry have made it clear there will be no "peace dividend" until Pentagon spending is brought under tighter rein than the present administration even attempts.

Economic policies that barely curbed inflation, brought only slow recovery from a recession, and did little for full employment have now compounded the problem: Mr. Nixon this year will run up a record deficit.

But revenue-sharing has a momentum of its own.

A minority of Senators tried earlier this week to incorporate in the revenue-sharing bill two tax reforms: Repeal of the accelerated business-depreciation tax, and a hike in the minimum tax to be paid by the very wealthy who find loopholes for most of their income.

It can be argued—as it was on the Senate floor—that tax reform ought to be approached in a systematic basis, and that rider amendments constitute a haphazard approach to a crucial question.

But it can also be argued—as it was by Senator Frank Church (D-Idaho)—that neither the President nor congressional sponsors have been willing to confront "the real gut question that no one wants to talk about—where in the hell do we get the money to pay for it?"

[From the Danbury News-Times, Sept. 14, 1972]

The Revenue Sharing Sham

In spite of the efforts of Senator Ribicoff of Connecticut, Senator Javits of New York and a few others, the revenue sharing bill which passed the Senate Tuesday reflects the workings of the Southern-Western strategy of both the Nixon administration and the Senate Finance Committee to the detriment of northern and urban states.

The version passed by the House reflected at least some of the consideration Rep. Wilbur Mills and the House Ways and Means Committee had given to some of the expensive problems which urbanized states face today in education, in public safety and in nearly every other facet of public service.

Revenue sharing is a misnomer; it's become in the Senate merely a revenue allocation bill in which the federal government's policy of favored treatment toward southern, western and rural states is continued with a heavy hand.

Take Connecticut as one example.

The House version provides $72.6 million to this state, with one third to go to the state, the remaining to be shared by cities and towns.

The Senate version cuts this to $57.5 million, and at the same time boosts the allocations of the three other states which, with Connecticut, are in the 3 million to 3.5 million population range. Alabama is increased from $80.2 million in the House bill to $127.6 million in the Senate version, Kentucky from $71.8 million to $95.9 million and Washington state from $79.1 million to $92.3 million.

Kansas, with approximately 70 per cent of Connecticut's population, is moved from $47.7 million in the House version to $58 million on the Senate list, while West Virginia, with 57 per cent of the Connecticut population, is moved up from $36.4 million on the House list to match Connecticut at $57.5 on the Senate list.

We recognize West Virginia is a state with many economic problems and special consideration of these problems is merited. This is already being done under several categories of federal legislation and where necessary these should be improved.

It should not be frozen into a general program, supposedly designed to benefit taxpayers in all states.

What the Senate version does is to categorize taxpayers in Connecticut and New York as less equal than those in Arkansas, Colorado, Oklahoma, South Carolina or Texas.

True revenue sharing, in our view, would find the federal government paying all the costs of programs designed to cover national needs and problems. Welfare is certainly one of these; it is a national matter, not one to be borne by states and localities.

State governments would pay the costs of programs which are state responsibilities, and elementary and secondary education certainly falls into this category.

Not until such real sharing of revenue and responsibility is adopted will the property owner in northern and urban states find relief from oppressive property taxes.

Political figures may exult all they wish about adoption of federal revenue sharing. But taxpayers of Connecticut, New York and other states penalized by its allocations should see it for the sham it is.

[From the Bridgeport (Conn.) Sunday Post, Sept. 17, 1972]

Revenue Sharing

After nearly three years of delays and debates both houses of Congress have passed a revenue sharing bill, a key element in the "New Federalism" proposed by President Richard M. Nixon.

When he unveiled his program calling for the federal government to pump money into local and state governments, Mr. Nixon stressed the importance of having funds available where pressing problems exist.

Hardly any municipality in the land would admit that it had sufficient economic resources to meet the legitimate needs of its residents. So, we are a country filled with domestic dilemmas, with no particular area immune.

The question which should have overshadowed all others in the committee rooms of the Capitol is: Are we providing federal assistance to the cities and states which require it the most and will put this money to the best possible use?

Political considerations, not human needs, governed the actions and votes of many lawmakers, particularly the members of the Senate Finance Committee. That body is in the grip of Senator Russell Long of Louisiana. With the help of other senators with large rural constituencies, Senator Long was able to bring full Senate approval of a bill which favors, in large measure, states such as Louisiana which indeed have problems but have done little on their own to seek solutions.

As matters now stand Connecticut is being shortchanged. Mississippi, for example, under the Senate scheme would receive twice as much money on a per capita basis as would our state.

Senator Abraham Ribicoff tried valiantly on a number of occasions to right some of the wrongs. He did not succeed because among the senators from the South and the conservative Republicans there is small sentiment for attempts to salvage the urban centers.

Because of the differences in the bills passed by the House and the Senate a conference involving representatives of both chambers has undertaken the job of drafting the final version of this all-important legislation.

Revenue sharing embraces the principle that states and cities are entitled to some of the federal tax revenue to use largely as they see fit. Most previous federal programs have allocated money to states and cities for specific purposes.

Mr. Nixon, in calling for this drastic change, said local governments can best determine their priorities. From the outset, despite this return to Jeffersonian principles, we have questioned whether this is a good course. We suspect that Mr. Nixon and now Congress believe local governments are more efficient and more sympathetic to human needs than is actually the case in many instances.

Revenue sharing may well be a means for governors and municipal officials to escape from raising taxes, thus possibly remaining in favor with their constituencies. Nonetheless the money being pumped out of Washington will not come from some new, marvelous source. Whether it be through a value added tax (VAT) or some other levy, the companies and the people who are supporting government will continue to do so and most likely in larger measure.

We recognize that the tax resources of the federal government are far greater than those of a state or a city. Yet, if governments are to be more responsive to the people—a goal stated by Mr. Nixon in connection with this program—it seems wrong for Washington to step in between the local officials and the people they serve. This is exactly what is happening. The federal government will be collecting the money and then doling it out to the states and communities.

No one should be fooled by the statements of state and local officials. They are pleased because this new source of income will make public life easier for them. Overall, the positive impact of revenue sharing on our daily lives, when it comes to total taxes, will be non-existent.

[From the Evening Sentinel, Oct. 3, 1972]

UNFAIR TO THE VALLEY

The absurdity of revenue-sharing was vividly apparent the other day on the first page of The Sentinel in a table that listed the per-capita grant due each of 11 Valley communities.

Under the revenue-sharing formula likely to be adopted by the Senate and the House of Representatives this week, inequities are obvious.

Seymour, for example, will get more than twice as much money, per capita, as the neighboring town of Oxford. Why should Oxford be discriminated against? Surely the needs of Oxford are as great—probably greater (per capita), than those of Seymour.

The city of Ansonia will get nearly twice as much money, per capita, as the city of Shelton. Yet it is easy to argue that Shelton needs funds at least as urgently—perhaps more so—than Ansonia. Shelton needs a new police station, a library addition, a city hall, sewers and many other improvements.

Tens of millions of dollars in federal money have already been poured into Ansonia for flood protection, redevelopment and other purposes—much more than has been given to Shelton. Now, under revenue-sharing, Ansonia is to get still more, per capita, and Shelton less. Is that fair?

There are other examples of inequities right here in the Valley. No doubt they could be multiplied indefinitely if other Connecticut cities and towns were taken into consideration.

But there is another, and even more serious, inequity involved. This is the compulsory transfer of funds from some of the towns to others.

In effect, the taxpayers of Shelton will be sending their hard-earned tax money into Ansonia. This is fine for Ansonia; it is hard on Shelton.

In effect, the taxpayers of Oxford will be sending their hard-earned tax dollars into Seymour. The residents of Seymour may rejoice, but the residents of Oxford have cause to mourn.

And this is but the tip of the iceberg. Far worse is the net transfer out of Connecticut and into other states. For every dollar Connecticut taxpayers contribute to the federal government for revenue sharing, Connecticut and its cities and towns will get back a fraction.

The taxpayers of Connecticut do not benefit from revenue-sharing; they lose, because part of the money they contribute goes to other states.

The taxpayers of cities and towns like Sheldon and Oxford do not benefit; they lose, because part of the money they contribute goes, in effect, to other cities and towns.

Then who benefits from revenue-sharing?

The ones who benefit are the governor, the legislators, the mayors, the aldermen and the selectmen.

How do they benefit?

They benefit because they receive and spend considerable sums of federal money (read "taxpayers' money") for which they do not have to impose taxes. They get the cash while the federal government has the responsibility.

It is probably too late now to block the revenue-sharing measure, which is due to be passed this week by both houses of Congress and signed into law by the President.

We hope, however, that Rep. John S. Monagan, the Democrat who represents the Fifth District, which includes the Valley, will vote against the compromise measure, just as he voted against the bill the first time around.

We hope that Connecticut's two senators—Abraham A. Ribicoff, Democrat, and Lowell P. Weicker Jr., Republican, will change their minds and vote against the bill. They should oppose it if they have the interests of their constituents in mind.

[From the New York Times, July 26, 1972]

THE MONEY GAME

(By William V. Shannon)

WASHINGTON, July 26—Delegations of governors and mayors have trooped to Washington in recent days to have coffee with President Nixon, testify before the Senate Finance Committee, and lobby their Senators for passage of the revenue-sharing bill. Already approved by the House in June and strongly backed by the Nixon Administration, this measure would provide $5.3 billion annually to the states, counties and cities.

There is no doubt that state and local governments need the money and the prospects for passage of this bill are good. Yet there are underlying problems which this plan does not solve.

First, it does not send additional money where the need is greatest. Roughly one-third of the money is allocated to the states and two-thirds to local governments. Of the money going to the local governments, one-third is allotted on the basis of population, one-third to communities in metropolitan areas and one-third on the basis of relative per capita incomes.

The purpose of these formulas is to match the money with the problems, but it is doubtful that this purpose is really achieved. Under the population formula, Scarsdale gets as much per inhabitant as New York City does for each inhabitant of Harlem. The same is true under the second formula because within metropolitan areas, no distinction is made between a rich suburb and an inner city slum.

Only under the third formula does more money go to communities with low per capita incomes. But most of the redistributive effect is to put added money into local governments in the rural South.

In short, if the "urban crisis" is in the inner cities, revenue sharing will only be of modest help. Newark, for example, is to receive $6 million and New York City $158 million. To a hard-pressed mayor, any sum of money is welcome. But compared to the enormous needs of Newark and New York, these sums are rather like throwing six feet of rope to a swimmer in trouble forty or fifty feet offshore. He is still going to have to make it on his own.

A second difficulty concerns the autonomy of local units of government. The new money can only be spent for environmental protection, transportation or fire and police protection. The principal argument in the Senate Finance Committee hearings is whether education should be added to that list.

Yet these spending priorities are incoherent at both the Federal and the local level. "Environmental protection" at the local level usually means new sewers, sewage treatment plants and water mains. But President Nixon last year vetoed a public works bill which would have given local communities additional money for exactly these purposes. He has also impounded funds Congress has appropriated for sewer and water projects. Why then is he pushing for this bill which would do in a roundabout way what he refuses to do in a direct way?

There is the same inconsistency at the local level. Many rural communities have no crime or fire problem and do not own any public transportation system. Why then should they be restricted to using the money in those fields? If revenue sharing is supposed to be a vote of confidence in local government, it is a highly qualified vote which may have wasteful and distorting effects.

Evasion of responsibility by states and communities is a third problem which revenue sharing may intensify rather than resolve. One of those pleading for the bill is Governor William Cahill of New Jersey whose own Legislature a few days ago refused to levy a state income tax.

"We ask that you share—not your revenue—but your revenue-raising machinery with us. That is what this is all about," Mayor Louie Welch of Houston testified. Texas is another state without an income tax.

It would clarify the question of responsibility within the Federal system if the Federal Government pre-empted the income tax as a revenue source and returned a large portion of it each year to the State and local governments. That would abolish the disparity between the responsible high-tax states and the irresponsible low-tax states. Such a reform would free taxpayers of the nuisance of having to fill out two or three separate returns. It would also free the states of the bureaucratic burden of trying to run their own income tax departments.

Or the Federal Government could take Mayor Welch at his word and actually give him not the money but the mechanism to raise it. If a city or state wished to get more money, it could request I.R.S. to collect a surtax from its citizens the next year. The taxpayer would then know which unit of government had requested the money and whom to hold politically accountable.

PRESERVING OF CUMBERLAND ISLAND, GA.

(Mr. LANDRUM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, the House of Representatives last night took the important step of preserving Cumberland Island, Ga., one of the truly unique sections of the Atlantic coast. It passed H.R. 9859 to establish a national seashore on the island, the largest and one of the least developed of the Golden Isles which lie off the coast of Georgia.

Long in the hands of a few owners as an exclusive retreat, Cumberland has escaped the ravages of overdevelopment, overcrowding, and overuse. Now, Mr. Speaker, as a national seashore, the island will be available to the public to fill a niche in our national recreational system presently unavailable to the people in the Southeast: a wild, unspoiled, yet accessible, seacoast. It will serve as a refuge for those who recoil at the congestion and dense development at other coastal resorts.

In addition to the magnificent beaches and dunes, the extensive salt marshes, the freshwater lakes and upland forests, Cumberland Island is a refuge for all types of coastal wildlife, including wild hogs and turkeys, deer, and the endangered alligator. Its salt marshes are the breeding ground for many of the creatures important to the cycle of life in the sea.

But equally important, Cumberland is a living link to the past, a natural museum recording the history of the South and the entire country. The tides that wash up on the beaches have witnessed the ebb and flow of human history and have seen Spanish, English, slaves, pirates, Confederates, and millionaires come and go. Now, perhaps, the passage of H.R. 9859 will help insure that the island will remain to witness the further passage of human experience. And, hopefully, we have made certain that, when we go as those before us have gone, we will not take Cumberland with us but will leave it here forever as a monument to our forebearance.

CONFERENCE REPORT: H.R. 8395

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1581)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

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DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop

new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b)(2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten full-time positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act—

(1) the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the Rehabilitation Services Administration, is increased by ten, and

(2) the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, provided the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of non-compliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds under titles II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability of acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I and title II of this Act and section 301: *Provided*, That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the commissioner shall by regulation prescribe, be regarded as expenditures by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from voca-

tional rehabilitation services or comprehensive rehabilitation services provided pursuant to titles II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101 (a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure and any other disability, specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

ALLOTMENT PERCENTAGE

Sec. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

AUDIT

Sec. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

Sec. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

Sec. 100(a). The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services, provided in accordance with State plans under section 101, there is authorized to be appropriated $800,000,000 for the fiscal year ending June 30, 1973 and $975,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE PLANS

Sec. 101. (a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State:

(2) provide, except in the case of agencies described in clause (1) (B) (i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year.

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commissioner may require, of appropriate amendments to the plan.

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

(10) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State and local public agencies providing services related to the rehabilitation of handicapped individuals:

(13) provide satisfactory assurances to the Commissioner that, in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14) (A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons; and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related, public safety activities;

(15) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals, and the need for expansion of services to those individuals with the most severe handicaps;

(5) (A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commissioner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6) (A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of person-

nel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (n) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101(a) (10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to, (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) revocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed phsychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 105. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b) (1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111(a). From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101 (a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE PROJECTS

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but no less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but no less than $1,000,000 each for the two succeeding fiscal years to establish in no less than 10 nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commissioner shall prescribe regulations which shall include the following requirements:

(1) All employees of such projects shall not be presently serving as staff, consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policy-making and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate Committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increases required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other Federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 200. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $30,000,0000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the

Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202(a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101(a)(5)(A)) in a manner consistent with the State program submitted under section 203.

PAYMENTS TO STATES

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under section 203 and approved as part of the State plan under section 101.

STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1973, a State must submit within 180 days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to bring about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101(a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation services will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such section have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State has studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, where such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200(b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and nonprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

DEFINITION

SEC. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the costs of making principal payments in connection with such mortgages, whether so insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types or patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational and comprehensive rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1973; $40,000,000 for the fiscal year ending June 30, 1974; and $45,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b)(1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agenices for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(g)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section

101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975.

(b) (1) The Commissioner is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2) (A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Commissioner, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a) (1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c) (1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any buildup.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants in aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(e) The Commissioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g) (1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund established by subsection (h) of this section, and all references in such provisions to "Secretary" shall be deemed to refer to the Commissioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h) (1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in

connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of oustanding mortgages insured shall not exceed $250,000,000.

ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided*, That the amount on which such grant is based shall be approved by the Commissioner.

(c) (1) There are authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant to contracts entered into under this section shall not exceed $1,000,000 with respect to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior to June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $125,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $10,000,000, in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection, an amount of $10,000,000 to be available for each such fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs serving handicapped individuals).

(c) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commissioner is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organizations or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS-18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $5,000,000 for construction, which shall remain available until expended, and $800,000 for operations for the fiscal year ending June 30, 1973; $1,200,000 for operations for the fiscal year ending June 30, 1974; and $2,000,000 for operations for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; and $7,000,000 for the fiscal year ending June 30, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(b) In order to—

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deaf individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand, and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, comprised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a Center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals.

(e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this section shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to provide for continuity of services and program purpose, and to avoid unnecessary duplication or overlap of programs.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitation services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishment and operation, including construction and equipment, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals, the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connnection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities;

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Commissioner shall make grants to States and public and nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310. (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel needed to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and non-profit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types or patterns of such services or devices to, or for the benefit of, older blind individuals.

(c) For the purpose of this section, the term "older blind individuals" means individuals, age 55 and older, whose severe visual impairment makes gainful employment less readily attainable in the light of current employment practices.

NATIONAL ADVISORY COUNCIL ON REHABILIATION OF HANDICAPPED INDIVIDUALS

SEC. 311. (a) There is established in the Department of Health, Education, and Welfare a National Advisory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioner without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped individuals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determination of priorities), conduct, and review of programs (including research and training) authorized under this Act:

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities,

make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress;

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such advisory services as the Secretary and the Commissioner may request.

(c) (1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this section $100,000 for the fiscal year ending June 30, 1973, and $150,000 for each of the two succeeding fiscal years.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STATE ADVISORY COUNCILS

Sec. 312. (a) For the purpose of establishing State Advisory Councils, there is authorized to be appropriated $2,000,000 each for the fiscal year ending June 30, 1973, and for the two succeeding fiscal years.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of the handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State agencies as that agency deems appropriate.

Upon the appointment of any such Advisory Council, the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership of, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

GENERAL GRANT AND CONTRACT REQUIREMENTS

Sec. 313. (a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract determined under this title. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workship may, where approved by the Commissioner as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

TITLE IV—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

SEC. 400. The purpose of this title is to authorize Federal assistance to States and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $75,000,000 for the fiscal year ending June 30, 1973, $100,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum, 25 per centum, and 25 per centum of the amounts appropriated in the first, second, and third such fiscal years, respectively, shall be available for the purpose of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title, $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

SEC. 402. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation, and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord Injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

TRAINING

SEC. 403. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

REPORTS

SEC. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

SEC. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles VI and VII of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectual, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

PROGRAM AND PROJECT EVALUATION

SEC. 501. (a) (1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. There is authorized to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles, I, II, III, and IV of this Act or $2,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than 120 days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

SHELTERED WORKSHOP STUDY

SEC. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

TITLE VI—OFFICE FOR THE HANDICAPPED

ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within 18 months after the date of enactment of this Act, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91-230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curricula stressing barrier-free design and the adoption of such curricula by schools of architecture, design and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private

agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the purposes of this title $1,000,000 for the fiscal year ending June 30, 1973, $2,000,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed 90 days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, 90 days after such date, be deemed to be references to the Rehabilitation Act of 1972. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher); the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman of the Committee. The resources of such President's Committees shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within 180 days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1973, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f)(1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries and expenses of the President's Committee on Employment of the Handicapped $1,000,000 for the fiscal year ending June 30, 1973, and $1,250,000 for the fiscal year ending June 30, 1974. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR THE HANDICAPPED INDIVIDUALS

SEC. 702. (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designee), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transporation Compliance Board established pursuant to section 703, shall (1)(A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commission shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within 18 months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall, on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section $1,000,000 for the fiscal year ending June 30, 1973; $1,250,000 for the fiscal year ending June 30, 1974; and $1,500,000 for the fiscal year ending June 30, 1975.

EMPLOYMENT UNDER FEDERAL CONTRACTS

Sec. 704. (a) Any contract entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract entered into by a prime contract or in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within 90 days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

NONDISCRIMINATION UNDER FEDERAL GRANTS

Sec. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

And the Senate agree to the same.

Carl D. Perkins,
John Brademas,
Patsy T. Mink,
Albert H. Quie,
Orval Hansen,
Managers on the part of the House.

Alan Cranston,
Jennings Randolph,
Harrison Williams,
Claiborne Pell,
Edward M. Kennedy,
Walter F. Mondale,
Adlai Stevenson,
Robert T. Stafford,
Robert Taft,
J. Javits,
Richard S. Schweiker,
J. Glenn Beall, Jr.,
Managers on the part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the Senate amendment and the substitute agreed to in conference are noted in the following outline, except for incidental changes made necessary by reason of agreements reached by the conferees and minor and clarifying changes.

DECLARATION OF PURPOSE

A number of purposes in the Senate amendment were not included in the House bill. The conferees added and amended such purposes to the conference bill to conform to the provisions of the Act as agreed to.

REHABILITATION SERVICES ADMINISTRATION

Both the House bill and the Senate amendment established a Rehabilitation Services Administration in the Department of Health, Education, and Welfare. The House bill provided that the Administration shall be the principal agency in the Department for carrying out and administering programs and performing services related to the rehabilitation of handicapped individuals, as authorized under the Act. The Senate amendment provided that the Commissioner of the Administration shall carry out and administer all programs and direct the performance of all services for which authority is provided to the Secretary of HEW under the Act. The conference agreement adopts the provision of the Senate amendment, except that reference to the Secretary's authority is deleted throughout titles I through IV.

The Senate amendment, but not the House bill, established within the Rehabilitation Services Administration a Division of Research, Training, and Evaluation to administer title IV of the Act. The Senate amendment, but not the House bill, established within the Division of Research, Training, and Evaluation a Center for Technological Assessment and Application which is responsible for developing and supporting innovative methods of applying technology to resolve rehabilitation problems including the administration of Rehabilitation Engineering Research Centers. The conference report adopts the provisions of the Senate amendment on both these matters. The Senate amendment also increased the number of certain personnel positions authorized for the Rehabilitation Services Administration. The conference agreement retained the Senate provisions with an amendment that the Assistant Commissioner be responsible to the Commissioner and that such Assistant Commissioner be of outstanding "scientific and technical" rather than "medical or technical" as in the Senate amendment qualifications.

Joint funding

Both the House bill and the Senate amendment provided for joint funding of rehabilitation projects. The provisions differed in the following ways:

The House bill provided that any one Federal agency providing funds may be designated to act for all participating agencies, whereas the Senate amendment required the administering agency to be the Federal agency principally involved. The House recedes.

The Senate amendment, but not the House bill, authorized joint funding to the extent consistent with other provisions of this Act. The House recedes.

The House bill, but not the Senate amendment, allowed a single non-Federal share requirement for projects being jointly funded. The Senate recedes.

The House bill, but not the Senate amendment, authorized a waiver of inconsistent technical grant or contract requirements where a project is being jointly funded. The conference report adopts a provision somewhat comparable to a House provision under which, when the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement, as defined by the presidential regulations, under any law other than this Act if the requirement is inconsistent with similar requirements of the administering agency under this Act.

DEFINITIONS

The Senate amendment defined the term "criminal act" and the term "public safety officer", which are terms used in the Senate amendment in provisions describing services to be provided under the State plan for vocational rehabilitation. The conference substitute includes these provisions of the Senate amendment.

The House bill contained a definition of "evaluation and work adjustment services". The Senate amendment contained a definition for "evaluation of rehabilitation potential" which was similar, except that a provision was added requiring that once in every 90-day period an assessment be made to determine if the individual undergoing evaluation is eligible to receive rehabilitation services as a handicapped individual.

Both the House bill and the Senate amendment provided the same Federal share for the basic program (80 percent) and for construction of rehabilitation facilities. Federal shares for other programs in the House bill were prescribed in individual sections. The Senate amendment defined the term "Federal share" for the entire act (meaning 85 percent, except where otherwise provided). The conference agreement provides for the 80 percent share for the basic program except that "Federal share" shall mean 90 percent for the purposes of part C (Innovation and Expansion Grants) of title I and for title II.

The term "rehabilitation facility" is similarly defined in both the House bill and the Senate amendment, except that the Senate amendment includes in the list of provisions to be provided in such facilities orientation and mobility services to the blind. The conference substitute retains this provision.

Both the House and the Senate amendment use the term "severely handicapped individual", but defined such term in different ways in the two versions. The conference substitute drops the use of this term entirely and refers instead to handicapped individuals with "the most severe handicaps". The term "severe handicap" is defined in the conference substitute to mean a disability which requires multiple services over an extended period of time resulting from blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, and any other disability, specified by the Commissioner in regulations he shall prescribe. Individuals who are not handicapped are not eligible for services. Departmental regulations have allowed individuals without handicaps to receive services under this program by characterizing such individuals as having "behavioral disorders." The Conferees wish to make clear that such individuals in the absence of a physical or mental disability shall not be eligible for services under this Act.

The Senate amendment but not the House bill included Indian tribal organization under the definition of "local agency." The House receded.

The term "handicapped individual" was defined in the Senate amendment to mean an individual with physical or mental disability which *for such individual* constitutes *or results in* a *substantial* handicap to employment. The House definition did not contain the italicized words. The conference substitute retains the Senate provision with a modification to specify that eligibility for comprehensive rehabilitation services—for a nonvocational goal—is tied to services provided under titles other than Title I.

CONSOLIDATED REHABILITATION PLAN

The House bill provided that a state could submit a consolidated rehabilitation plan for its programs for vocational rehabilitation services, evaluation of rehabilitation potential, the severely handicapped and persons with Developmental Disabilities. There was no comparable Senate provision. The Senate recedes with amendments in conformance with agreements made in other parts of the Act, and with the following amendments:

(1) The agency administering the Developmental Disabilities Service and Facilities Construction Act must agree to the consolidated plan;

(2) The Secretary of Health, Education, and Welfare may reject any consolidated plan; and

(3) The 10% transferability of appropriated funds is deleted.

AUDIT

Section S of the Senate amendment required grant recipients to keep such records as the Secretary may prescribe, including amounts and disposition of funds received, and other records to facilitate an effective audit. The section authorized access by the Secretary and Comptroller General to any books or records pertaining to such grants. The House had no comparable provision. The House recedes.

NONDUPLICATION

The House bill, with respect to comprehensive services, and the Senate amendment with respect to the basic program, required that in determining the amount of a State's Federal share there shall be disregarded any portion of such expenditures which are financed by Federal funds and the amount of non-Federal funds required as a condition of receipt of such Federal funds. The conference substitute adopts both provisions and adds a third provision taken from several other provisions of both the House bill and Senate amendment which provides that no payment may be made from funds provided under one provision of the Act relating to any cost with request to which any payment is made under any other provision of the Act.

VOCATIONAL REHABILITATION SERVICES

GENERAL PROVISIONS

Declaration of purpose; authorization of appropriations

The House bill states that it is the purpose of the title to authorize grants to meet the needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities. The Senate recedes.

Under the conference substitute, there is authorized to be appropriated $800,000,000 for fiscal year 1973 and $975,000,000 for fiscal year 1974 to assist States in meeting the costs of vocational rehabilitation services and the cost of carrying out the State's plan for vocational rehabilitation services. The comparable authorizations in the House bill were $800,000,000 for fiscal year 1973, $950,000,000 for fiscal year 1974, and $1,100,000,000 for fiscal year 1975. The Senate amendment provided authorizations in one lump sum amount for both handicapped individuals and severely handicapped individuals (those for whom the provision of services is more costly and of longer duration) regardless of whether such individuals can have an employment objective. It provided that 15 percent of the amount appropriated must be used for services to the severely handicapped. The amount authorized to be appropriated by the Senate amendment was $900,000,000 for fiscal year 1973 and $1,150,000,000 for fiscal year 1974.

State plans

Both the House bill and the Senate amendment required as a condition for the receipt of funds that a State plan be submitted. Under the House bill the plan related to the provision of vocational rehabilitation services while the provision of comprehensive rehabilitation services for the severely handicapped was controlled by a separate State plan. Under the Senate amendment the State plan which was required to be submitted annually, controlled the provision of both vocational rehabilitation services and comprehensive rehabilitation services. The conference substitute adopts the approach of the Senate amendment.

The following are the particular differences between the State plan provisions in the two versions of the bill:

(1) The House bill would permit the required matching funds to be provided only by the State and its political subdivisions while the Senate amendment would permit matching funds to be provided by the State and by "local agencies", as defined in section 7(8).

(2) The Senate amendment required the State plan to show how it proposes to expand and improve services to severely handicapped individuals. It further provided that if vocational and comprehensive rehabilitation services could not be provided to all eligible persons, the plan must show the order to be followed in selecting those to whom such services will be provided and the outcome and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals. The order of selection was required to place special emphasis on severely handicapped individuals, and could not be inconsistent with priorities for these matters established by regulations of the Secretary. The House bill contained no comparable provision. The conference substitute follows the Senate amendment, but with the following modifications: First, here and elsewhere in the report references to "severely handicapped individuals" is changed to "individuals with the most severe handicaps", thus conforming to the change in definition provided for in the definition section. Second, the requirement that an order of selection be shown is made to apply only to the provision of vocational rehabilitation services. Third, the requirement with respect to what must be included in the order of selection is modified to require that the order of selection be determined on the basis of serving first those individuals with the most severe handicaps and that such order must be consistent with priorities in such order of selection (which shall require serving first those with the most severe handicaps) established in regulations of the Commissioner. By providing that those with the most severe handicaps be first served, the conferees do not intend that handicapped individuals whose handicaps are not the most severe be excluded from receiving services.

(3) The Senate amendment required that the State plan provide assurances that no comprehensive rehabilitation services will be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services. The House bill contained no comparable provision. The conference substitute retains in a different clause the provision of the Senate amendment.

(4) Both the House bill and the Senate amendment required the State plan to contain provisions relating to the establishment and maintenance of personnel standards. The Senate amendment, but not the House bill, required such standards to be consistent

with State licensure laws and regulations. This requirement is retained in the conference substitute.

(5) The House bill required the State plan to provide for evaluation of rehabilitation potential, counseling and guidance, personnel and vocational adjustment, training, maintenance, physical restoration, placement, follow-up and follow-along services. The Senate amendment requirement that the plan provide, at a minimum, for the provision of the type of vocational rehabilitation services referred to in the first three paragraphs of section 103(a) (relating to the scope of vocational rehabilitation services). The conference substitute adopts the provision of the Senate amendment.

(6) The House bill provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance. The comparable provision of the Senate amendment provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for similar benefits under any other program, but provides an exception in the case of services specified in clauses (4) and (5) of section 103(a) where such consideration would delay the provision of such services to any individual. The conference substitute adopts the Senate amendment provision.

(7) The Senate amendment required the inclusion in the State plan provisions relating to administration of a provision for the establishment of a client advocacy system as required by section 112. This provision of the Senate amendment is not included in the conference substitute.

(8) The Senate amendment provided that an individualized written rehabilitation program (required by section 102) must be developed for each handicapped individual and that vocational and comprehensive rehabilitation services be provided under the plan in accordance with such program. There was no comparable House provision. The conference report retains this provision with the addition of a requirement that records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II and are determined not to be eligible therefor, the reasons for such determinations.

(9) Under the House bill State agencies were required to make such reports in such form and containing such information as the Secretary may require. The Senate amendment contained the same provision and also specified that the State agencies' reports must specifically include periodic estimates of the population of handicapped individuals eligible for services under the Act, specifications of the number of such individuals who will be served, and the outcome and service goals to be achieved for such individuals in each priority category established as required in the earlier provisions of this section, and the service costs for each category. The conference substitute adopts the Senate provision, and, in addition, the information required in the new provision referred to in the preceding paragraph must be included in such reports.

(10) Both versions of the bill required the State agency to enter into cooperative arrangements with other governmental agencies. The Senate amendment, unlike the House bill, made specific references to veterans' programs and to the Veterans' Administration. This provision of the Senate amendment is retained in the conference substitute.

(11) The Senate amendment required the plan to give assurances that in the provision of vocational rehabilitation services under the program maximum use will be made of public and other vocational or technical training facilities or other appropriate resources in the community. The House bill contained no comparable provision. The House recedes.

(12) The Senate amendment contained a requirement, which had no counterpart in the House bill, which required that special consideration be given to the rehabilitation of handicapped individuals whose handicapping conditions arose from a disability sustained in the line of duty while such individual was performing as a public safety officer and the approximate cause of such disability was an apparent criminal act or a hazardous condition resulting from the officer's performance of duty in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities. The conference substitute retains this provision.

(13) The Senate amendment required statewide studies of the needs of handicapped individuals and of how these needs may best be met, with a view toward the relative need for services to significant segments of the population of handicapped individuals. There was no House provision. The House recedes.

(14) The Senate amendment required the State plan to provide for periodic review and reevaluation of individuals placed in extended employment to determine the feasibility of their employment, or training for employment in the competitive labor market, and that maximum efforts be made to place such individuals in such employment or training. There was no comparable House provision. The conference report retains this requirement.

(15) The Senate amendment, unlike the House bill, contains in its provisions requiring consultation in the administration of the State plan the requirement that the views of groups, as well as of individuals and of parents and guardians of clients, be taken into account. This requirement is retained in the conference agreement.

(16) The House bill required the plan to provide for subsequent program evaluation, contain a clear statement of the goals of the services to be provided, and that these goals be listed in order of priority, and stated as much as possible in a form amenable to quantification. The comparable Senate provision required satisfactory assurances that such continuing studies, as well as annual evaluations of program effectiveness will form the basis for submission from time to time of appropriate amendments to the plan. The conference report follows the Senate provision.

Both versions require approval of the State plan, but the Senate amendment requires that before disapproving a plan the State shall be given notice and reasonable opportunity for a hearing. This provision is retained in the conference substitute.

The Senate amendment, unlike the House bill, permits the payments under the State plan to be reduced rather than discontinued where the plan is changed without compliance with the Act, or where there is a failure to comply with provisions of the plan. The conference substitute retains this provision.

Individualized written rehabilitation program

The Senate amendment required the Secretary to insure that the individualized written rehabilitation program required under section 101 be developed jointly by the handicapped individual and the vocational rehabilitation counselor or coordinator. This understanding should include a statement of goals and other stated requirements. The individual shall be afforded an opportunity to review his program annually and renegotiate its terms. Subsection (c) of section 102 required the written program to emphasize a vocational goal or objective for the individual, and where it is determined that no such goal can be met, safeguards are required to insure that such a determination is absolutely necessary. Such a determination must be reviewed at least once each year. There were no comparable House provisions. This provision is retained in the conference report.

Scope of vocational rehabilitation services

The House bill dealt with the type of services that can be provided under the title through a definition of "vocational rehabilitation services" which lists the services which may be provided. The Senate amendment in this section provided that vocational rehabilitation services provided under the Act are goods and services necessary to render a handicapped individual employable. It goes on to provide that such goods and services include, but are not limited to, goods and services subsequently described. The provisions of the Senate amendment are adopted in the conference report.

The differences between the House description of the services to be provided and the Senate list (and the conferee actions) are the following:

(1) The Senate amendment includes in the description of evaluation services, examination, where appropriate, by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist. The House recedes.

(2) The House bill and the Senate amendment both included counseling guidance, and placement services. The Senate amendment also included referral and client advocacy services. Referral services are included in the conference substitute, but clients advocacy services were rejected.

(3) The House bill includes training services for handicapped individuals (including personal and vocational adjustment, books, and other training materials). The Senate amendment added services to the families of handicapped individuals which are necessary to the adjustment and rehabilitation of such individuals. It also provided that no training services could be provided in institutions of higher education unless maximum efforts have been made to secure grant assistance from other sources to pay for such training. The conference substitute adopts the Senate provisions.

(4) Both bills included restoration services. The House bill refers only to physical restoration services while the Senate amendment refers to both physical and mental restoration services. Further, the Senate amendment includes diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist. The Senate amendment unlike the House bill includes transplantation and dialysis among the special services which are available for renal diseases. In each of these respects the conference substitute includes the Senate provision.

(5) The Senate amendment lists rehabilitation teaching services and orientation and mobility services for the blind, and telecommunications, sensory and other technological aids and devices. These services are not referred to in the House bill. They are included in the conference substitute.

TITLE I—BASIC VOCATIONAL REHABILITATION SERVICES

State allotments

Both bills contain formulas for alloting funds for vocational rehabilitation services among the States. They differ in that the House bill would allot on the amounts authorized to be appropriated whereas the Senate amendment would allot on the amounts appropriated. On this point, the conference substitute adopts the provisions of the House bill.

The House bill provided for a minimum allotment of $2,000,000 whereas the Senate amendment provided a minimum allotment of $2,500,000. The House provision is retained in the conference substitute.

Payments to States

Both the House bill and the Senate amendment provided for reductions in allotments where the State reduces its expenditures from non-Federal sources. The House bill uses FY 1969 as the base year whereas the Senate amendment uses FY 1972 as the base year. The conference substitute adopts the Senate provisions.

The Senate amendment provided a 1 percent set aside from its State allotment for establishing and maintaining a State advisory council. It limited the amount which could be expended for such purpose to not more than $150,000 or less than $50,000. The Senate recedes.

INNOVATION AND EXPANSION GRANTS

Allotments to States

Both the House bill and the Senate amendment provided programs for making innovation and expansion grants to States under a State allotment formula. The Senate amendment, unlike the House bill, provided that for FY 1973 and FY 1974 no State shall receive less under this provision than the amount necessary to cover 90 percent of the cost of continuing projects of this type assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act. This requirement is qualified in the Senate amendment by a provision that no such program may receive assistance under both this Act and the Vocational Rehabilitation Act for an aggregate period in excess of three years. The conference substitute retains this provision of the Senate amendment in a separate part C.

Payments to States

The Senate amendment, but not the House bill, authorized the Secretary to require that up to 50 percent of each State's allotment be expended only in connection with projects which he has first approved. This provision is retained in the conference substitute.

The Senate amendment, but not the House bill, specified that programs to initiate or expand services to severely handicapped individuals qualify for assistance under this program. The conference substitute adopts this provision except that, as is the case in other instances in this report, the reference to "severely handicapped individuals" is modified to refer to "individuals with the most severe handicaps". Further, the Senate amendment in describing the type of handicapped individuals who may be assisted provides that such services be made available particularly to handicapped individuals who are poor. The House bill did not contain this qualification. It is included in the conference substitute.

The House bill provided that funds appropriated for these grants shall remain available through June 30, 1976. The Senate amendment did not contain this provision.

The Senate recedes.

EVALUATION OF REHABILITATION POTENTIAL

The Senate amendment provided special emphasis (through part C of title I) on the provision of vocational and comprehensive rehabilitation services to severely handicapped individuals by means of a 15 percent set aside of title I appropriations for supplementary funding for the provision of such services to severely handicapped individuals. The term "severely handicapped individuals" in the Senate amendment referred to those persons for whom services are appreciably more costly, and of appreciably greater duration, than those provided to the average client. Supplementary funds under part C of title I would be "triggered" when the cost of providing services to a handicapped individual exceeded 200 percent of the average cost of services.

Part C of title I in the Senate amendment was dropped in favor of providing in the basic programs State plan that those with the most severe handicaps would be served first under the basic program of vocational rehabilitation services.

The House bill provided a separate title to authorize grants to States to assist them in evaluating the rehabilitation potential of handicapped and disadvantaged individuals, including the vocational evaluation and work adjustment of disadvantaged individuals. The Senate amendment incorporated the concept of evaluating rehabilitation potential into the basic State program for rehabilitation services as a mandatory service under that program, but did not authorize a special program for disadvantaged individuals. The House recedes.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

Purpose

The House bill authorized a new title III to provide grants, supplemental to title I grants, to assist States to develop plans for meeting the needs of the severely handicapped (defined as those for whom an employment objective is not feasible), including an assessment of the disability and of rehabilitation potential, training of specialized personnel, and research. There was no comparable Senate provision, although the Senate did provide for the provision of rehabilitation services to those for whom employment is not feasible, limited to no more than 10% of title I appropriations. The Senate recedes to the approach of the House contained in a new title II, as described below and includes the House declaration of purpose.

Authorizations

The House bill authorized the appropriation of $30 million for FY 1973, $50 million for FY 1974, and $80 million for FY 1975 to carry out the purposes listed above. The Senate amendment earmarked 15% of the title I appropriation for services to severely handicapped individuals (defined in the Senate amendment to mean those for whom the cost of providing services is more than double the average) or, if greater, $135 million for FY 1973 and $173 million for FY 1974.

(1) The House bill bases State allotments on population, adjusted to reflect relative per capita income, with a minimum of $50,000 per state. The conference agreement adopts a minimum of $150,000 per State which was the minimum in part C of title I in the Senate amendment.

(2) The Senate amendment provided that not more than 10% of the total funds allotted to a State under title I shall be expended for comprehensive rehabilitation services for non-vocational goals. The House bill did not open the basic title I program to non-employment objectives, but did allow the entire title III allotment to be used for that purpose.

(3) The conference agreement calls for a project grant program instead of a formula grant program in any fiscal year in which the appropriations for the program do not exceed $20,000,000.

State Plan

The House bill stated as a condition for receiving grants under title III that the State must submit to the Secretary a State plan. The conference agreement provides that to receive funds for FY 1973 under this Act, a State must submit within 180 days after the date of enactment an amendment to its plan, submitted to the Secretary under section 101 or section 5 of the Vocational Rehabilitation Act, which includes a provision of comprehensive rehabilitation services, that such a program will be included in the section 101 plan submitted each subsequent year, and that services to homebound and institutional individuals be among the services that State must demonstrate it has considered.

The House recedes.

Federal share

The House bill and the conference report stipulate that the Federal share for this title will be 90%. The House bill included a provision that expenditures by a political subdivision shall, subject to limitations, and conditions as prescribed by regulations, be regarded as State expenditures.

The Senate recedes.

Definition

The House bill defines "severely handicapped individuals" to mean any individual who has a disability so serious that it limits substantially his ability to function in his family and community and who can reasonably be expected to improve his ability to live independently if provided with comprehensive rehabilitation services.

The Senate amendment defines severely handicapped in terms of the cost and duration of the services required to enable the individual to engage in gainful employment, or his ability to function normally and independently in his family or community.

The conference report, as stated earlier in this statement, does not use the term "severely handicapped individual". Instead, for purposes of this title only, it defines the term "rehabilitation" to mean the goal of achieving, through the provision of comprehensive rehabilitation services, substantial ability to live independently or function normally with his family or community on the part of a handicapped individual who is not capable of achieving a vocational goal.

Special projects

The House bill but not the Senate amendment authorizes 10%, but not more than $500,000, of sums appropriated under title III to be used by the Secretary for special projects for research, demonstration, and training relating to the rehabilitation of severely handicapped individuals. The conference report adopts the House provision.

SPECIAL FEDERAL RESPONSIBILITIES

Declaration of purpose

The House bill but not the Senate amendment contained a declaration of purposes which listed existing Federal responsibilities in research, training, demonstrations, and other projects and cited the new centers, commissions, and services authorized as new responsibilities. This provision is retained in the conference agreement as modfied to reflect the contents of this title.

Grants for construction of rehabilitation facilities

Both the House bill and the Senate amendment contained provision for Federal grants for the construction and initial staffing of rehabilitation facilities. The provisions were substantially the same except that the amounts authorized to be appropriated by the House bill were $35,000,000 for FY 1973, $45,000,000 for FY 1974, and $55,000,000 for FY 1975, while the Senate authorized $35,000,000 for FY 1973, $40,000,000 for FY 1974, and $45,000,000 for FY 1975. The conference report adopts the authorization in the Senate amendment. The Senate amendment grouped in section 313 all grant and contract requirements including those applicable to construction. This pattern is followed in the conference agreement.

Vocational training services for handicapped individuals

The conference report authorizes appropriations for grants to provide vocational training services to handicapped individuals in the amounts of $30,000,000 for FY 1973;

$35,000,000 for FY 1974; and $40,000,000 for FY 1975. This provision differs from the House bill in that the authorization for this purpose in the House bill was combined with the authorization for construction of facilities under rehabilitation facilities improvement; it is the same as the Senate provision.

The conference report authorizes the Commissioner to pay 90 percent of the cost of training services to handicapped, especially those with the most severe handicaps, in rehabilitation facilities, to include occupational skill training, work evaluation and testing, provision of tools and equipment, job tryouts, and payment of weekly allowances. Allowances may not be paid to an individual for more than two years and shall not exceed $30 per week plus $10 for each dependent, or $70, whichever is the lesser. Grants may be made only if the project's purpose is to prepare the handicapped individual for gainful employment; if those to be trained are deemed suitable for such purpose by the State agency; if the full range of training services is available to all; and if the project meets other requirements the Commissioner may prescribe. This provision differs from the Senate amendment in that under the Senate amendment the Federal share would be 85 percent rather than 90 percent. It differs from the House bill in that (1) the projects must be designed to provide vocational training services especially to the severely handicapped, (2) under the House bill the allowance may not exceed $65 a week, and (3) the House phrase "fitness to engage in a remunerative occupation" is replaced by the phrase "capacity to engage in gainful and suitable employment".

The conference report also authorizes the Commissioner to make grants to rehabilitation facilities to improve management effectiveness and other assistance to improve the operation of such facilities, but prohibits grants being used for construction.

Mortgage insurance for rehabilitation facilities

Both the House bill and the Senate amendment contained provisions for mortgage insurance covering the construction of rehabilitation facilities. The House bill, but not the Senate amendment, stated it would be the purpose of the provision to assist and encourage the provision of urgently needed facilities for programs for the handicapped. The conference substitute contains the House declaration.

The Senate amendment authorized insurance for rehabilitation facilities whereas the House bill authorized insurance for multipurpose rehabilitation facilities. The conference agreement adopts the Senate provision.

The Senate amendments, but not the House bill, requires the Secretary to consult with the Secretary of Housing and Urban Development in carrying out this section. This provision is retained in the conference agreement.

The House bill authorized 100 percent of the mortage to be insured, but provided that the mortgage may not involve a principal obligation in excess of $250,000 and may not exceed 90 percent of replacement costs. The Senate amendment, in contrast, authorized insurance of 90 percent of the mortgage. The conference agreement adopts the House provision, except that the amount of individual mortgages is limited to 100 percent of the replacement costs.

The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, allowing the Commissioner to delegate, pursuant to delegation agreement, to the Secretary of Housing and Urban Development authority to administer this mortgage insurance program and the program of annual interest grants for mortgages for rehabilitation facilities which is provided for later in the report.

Both the House bill and the Senate amendment authorized appropriations for initial capital for the insurance fund, but the Senate amendment also provided that the total amount of outstanding mortgages insured may not exceed $250,000,000. The Senate limitation is retained in the conference agreement.

Annual interest grants for mortgages for rehabilitation facilities

Both the House bill and the Senate amendment authorized the Secretary to pay annual interest grants to States and public nonprofit agencies to reduce the cost of borrowing for construction of rehabilitation facilities. The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, which subjects this program to the general grant contract requirements which are described later in this statement. Under the House bill the grant would be not greater than the difference between the interest which would be paid on the loan if it were borrowed from other sources, and 3 percent. Under the Senate amendment the grant would be an amount sufficient to reduce by 3 percent the interest rate otherwise payable on the loan. Under the conference report the grant will be sufficient to reduce by 4 percent the interest rate otherwise payable or be one-half of such rate, whichever is the lesser.

Both versions of the bill authorize necessary appropriations for these grants. They both provide that the amount payable for FY 1973 shall not exceed $1,000,000. The House bill provides that that amount will be increased by $3,000,000 for FY 1974, and by $5,000,000 for FY 1975. In contrast, the Senate amendment would increase such amount by $1,000,000 for FY 1974, and by $2,000,000 for FY 1975. The conference agreement adopts the Senate figures.

The House bill provided that not more than 12½ percent of the funds provided for interest grants may be used in any one State. The Senate amendment sets this figure at 15 percent. The conference agreement adopts the Senate figure.

Special programs and projects

Both the House bill and the Senate amendment authorize appropriations for special projects. The House bill authorizes $100,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975. The Senate amendment authorizes $50,000,000 for FY 1973, $100,000,000 for FY 1974, and $150,000,000 for FY 1975. The conference agreement authorizes $50,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975.

The House bill authorized, in addition, appropriations of $10,000,000 for each year for migrant programs and provided that, if funds were not sufficient to pay at least ⅔ of the total amounts to fund approved grants, the Secretary would allocate for grants under this section the funds appropriated for other activities under the Act. The Senate amendment made available for migrant programs 10% of the appropriations for special projects for each year, but also provided that no more than $10,000,000 shall be used for that purpose and authorized the appropriation of the amount necessary to raise the funds available for migrant programs to $10,000,000 where 10% of the appropriations for special projects is less than that amount. The Conference substitute adopts the Senate provision.

The Conference report authorizes the Commissioner to make grants to pay 90% of the cost of projects or demonstrations for the provision of vocational and comprehensive rehabilitation services to handicapped individuals who are migratory agricultural workers or seasonal farm workers, and their families. It differs from the Senate amendment in that only 90% of the cost of providing these services will be borne by the United States, instead of the full amount as under the Senate amendment.

The conference report authorizes the Commissioner to make grants for paying part of the cost of special projects and demonstrations for establishing facilities and providing services which hold promise for expanding or otherwise improving rehabilitation services for the handicapped, especially those with the most severe handicaps, and for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and other individuals in programs serving handicapped individuals).

The corresponding provision of the House bill differed from the conference report in that it did not contain specific references to persons who are severely handicapped, it provided for assistance to projects making a substantial contribution to the solution of rehabilitation problems, to all or several States, and problems related to the rehabilitation of individuals with developmental disabilities and other severe handicaps.

National center for deaf-blind youths and adults

Both the House bill and the Senate amendment contained provisions for a National Center for Deaf-Blind Youths and Adults. The House bill had open ended authorizations for FY 1973, FY 1974, and FY 1975, for this provision. The Senate amendment authorized appropriations of $5,000,000 for FY 1973 for construction, and $800,000 for that year for its operation, $1,200,000 was authorized for FY 1974 and $200,000 for FY 1975, for the operation of the center. The conference agreement adopts the Senate authorization figures.

Rehabilitation centers for deaf individuals

The House bill provided for rehabilitation centers for deaf youths and adults. The Senate amendment provided for such centers for deaf individuals, made certain changes in terminology, and specified, unlike the House bill, that no services under the section may be provided to individuals who have not attained age 16 and the State age for compulsory school attendance. The House recedes. The House bill authorizes unlimited appropriations for FY 1973, FY 1974, and FY 1975 for the centers. The Senate amendment authorizes the appropriation of $5,000,00 for FY 1973, $7,500,000 for FY 1974, and $10,000,000 for FY 1975, for the centers. The conference report would authorize the appropriation of $2,000,000 for FY 1973, $4,000,000 for FY 1974, and $7,000,000 for FY 1975.

National centers for spinal cord injuries

Both the House bill and the Senate amendment authorized the Secretary to enter into agreements with public and nonprofit agencies to pay part or all of the cost of establishing or operating National Centers for Spinal Cord Injuries. The respective versions of the bill differ in the stated purposes of the program. Under the House bill, the purpose is to demonstrate methods of providing services to persons suffering from spinal cord injuries and the training of professional and allied personnel needed to staff these facilities, to conduct research on the problems of rehabilitating persons suffering from spinal cord injuries, and to aid in the conduct of related activities to expand and improve the services for or help improve public understanding of the problems of persons suffering from spinal cord injuries. Under the Senate amendment, the purposes of the provision are to help form a national network of centers with special competencies in providing complete rehabilitation services and acute medical care to individuals with spinal cord injuries, to assist in meeting the costs of such services to the individuals, to encourage and assist in the study and development of methods for the provision of such services, and to develop new means of achieving cooperation among concerned organizations. The conference agreement adopts the Senate provision except that the establishment of "national centers" is called for rather than a "national network of centers", and that where appropriate and desirable research and training related to the study and development of methods for the provision of these services may also be provided.

Grants for services for end-stage renal disease

Both the House bill and the Senate amendment authorized grants for projects for providing special services for individuals suffering from end-stage renal disease. The House bill authorized the appropriation of $25,000,000 for FY 1973 and each of the two succeeding fiscal years for this program. The Senate bill authorized the appropriation of $20,000,000 for FY 1973, $25,000,000 for FY 1974, and $30,000,000 for FY 1975. The conference agreement adopts the level of funding provided by the House, and includes a Senate parenthetical which assures that transplantation and dialysis are included services.

Rehabilitation services for older blind individuals

The Senate amendment, which had no counterpart in the House bill, authorized a program of grants for older blind individuals. It authorized the appropriation of $10,000,000 for FY 1973, $20,000,000 for FY 1974, and $30,000,000 for FY 1975, for this program. Funds were allotted among the States on a formula based on population and relative per capita income. Older blind individuals were defined as those aged 55 and over whose visual impairment makes gainful employment difficult to obtain. Special provisions are required to be included in the State's rehabilitation plan if it is to participate in this program. The conference agreement retains this provision, but modified so that the program will be administered on a project basis. Thus, the provisions for State allotments and State plans are dropped.

National Policy and Performance Council

The House bill but not the Senate amendment established in the Department of HEW a National Policy and Performance Council, consisting of 12 members. The Council advises the Secretary with respect to policies and criteria for making grants for rehabilitation facility improvement; makes recommendations to the Secretary on workshop improvement and the extent of this section in carrying out its purposes, and performs other services as requested by the Secretary. The Senate amendment contained no comparable provision, but established a National Council on Rehabilitation of the Handicapped to replace and expand the authority of the National Advisory Council on Vocational Rehabilitation. The House recedes.

National Advisory Council on Rehabilitation of Handicapped Individuals

Both the House bill and the Senate amendment provided for the establishment in the Department of Health, Education, and Welfare of a National Advisory Council. The Councils created by the two versions of the bill differ in the following respects:

(1) In the Senate amendment, the Council consists of 20 members appointed by the Secretary. In the House bill the Council consists of the Secretary or his designee and 15 members appointed by the Secretary.

(2) The Senate amendment, but not the House bill, required that 10 of the 20 members must be selected from leading medical, educational, or scientific authorities with outstanding qualifications in the field of rehabilitation of handicapped individuals.

(3) The Senate amendment further required that eight of the 20 members of the Council must be persons who are themselves handicapped or have received rehabilitation services. The House bill requires that ⅓ of the members must be recipients of rehabilitation services, including those who are severely handicapped.

(4) The Senate amendment, but not the House bill, required the Council to meet not less than four times a year. The House bill authorized the Council to review applications for special projects and make recommendations with respect thereto. In the Senate amendment, the Council has a much broader mandate, including policy, advice, and consultation on the planning, conduct, and review of programs authorized under the Act, reviewing the administration and operation of vocational rehabilitation programs under the Act, and advising the Secretary with respect to the conduct of individual evaluations and providing such other advisory services as may be requested.

(5) The Senate amendment, but not the House bill, authorized the appropriation of $100,000 for FY 1973, and $150,000 in each of FY 1974 and FY 1975 to provide technical assistance and staff support for the Council.

(6) The Senate amendment but not the House bill, required the Council to review the possible duplication among rehabilitation programs and make recommendations.

The conference agreement includes the provisions of the Senate amendment, but with changes to make its services available to the Commissioner as well as to the Secretary.

State advisory councils

The Senate amendment required each State to establish a State advisory council. Such councils were to advise the Governor or State agency on policy matters of administration of the State plan, to advise on long-range planning and studies, to evaluate programs assisted under the Act, and to submit to the Governors and the Council an annual report of its recommendations and comments. Councils must meet at least four times a year and have one public meeting each year. Under the Senate amendment the councils would have been funded from a 1% setaside from the State's Title I allotment. There are no comparable House provisions.

The conference report follows the provisions of the Senate amendment, except that (1) funding is separately authorized at $2 million for each of FY 1973, 1974, and 1974, and (2) the States are not required to establish councils in order to receive funds under the Act.

General grant and contract requirements

The Senate amendment provides in one section the requirements which must be met with respect to all projects assisted under the special Federal responsibilities title, including the following:

(1) Construction projects must be used as public and nonprofit facilities for not less than 20 years;

(2) Sufficient funds must be available to meet the non-Federal share;

(3) Annual reports must be submitted;

(4) Plans and specifications must give due consideration to excellence of architecture and works of art;

(5) Plans must comply with regulations concerning occupational safety and health and comply with the Architectural Barriers Act;

(6) Applications must meet Davis-Bacon requirements;

(7) The Federal Government shall be entitled to reimbursement for facilities used for other than what was intended within 20 years after date of completion;

(8) Completion of grants may be made in advance or by reimbursement;

(9) Authorizes construction of residential accommodations when necessary in connection with workshops;

(10) Prohibits use of funds for facilities which will be used for religious worship;

(11) Requires that funds be utilized consistent with State plans;

(12) Requires the Secretary to afford States agencies reasonable opportunity to comment on applications.

Comparable House provisions are for the most part authorized in individual sections. This section is adopted in the conference substitute.

TITLE IV—RESEARCH AND TRAINING

Title IV of the Senate bill consolidated all research and training activity in a new title. There is no comparable consolidation in the House bill. Title IV of the Senate amendment provided specific authority as follows:

Declaration of purpose

The Senate amendment authorized assistance to the States to plan and conduct research, demonstration, and related activities in the rehabilitation of handicapped persons and to plan and conduct training courses to increase the number of and skills of rehabilitation personnel.

Authorization of appropriations

The Senate amendment authorized the following appropriations for research:

Fiscal year:	
1973	$75,000,000
1974	100,000,000
1975	150,000,000

of the amount appropriated each fiscal year 15 per centum in FY 1973 and 25 per centum for each of the two subsequent fiscal years shall be for the priority research categories listed below.

Section 301(a)(2) of the Senate amendment authorized the following appropriations for section 303 (training):

Fiscal year:	
1973	$50,000,000
1974	75,000,000
1975	100,000,000

All funds appropriated pursuant to this section shall remain available until expended.

Research

The Senate amendment authorized grants to and contracts with States and other organizations to pay part of the cost of projects to plan and conduct research, demonstrations, and related activities to develop methods, procedures, and devices to provide vocational and comprehensive rehabilitation services to handicapped and severely handicapped individuals. Such projects may include medical, scientific and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, studies and analyses of factors affecting the rehabilitation of handicapped individuals, and special problems of homebound and institutionalized individuals, and related activities which hold promise of increasing knowledge and improving methods in rehabilitating handicapped individuals.

The Senate amendment established the following priority research categories:

(1) Authorizes grants to pay part or all of the costs of activities to establish and support Rehabilitation Research and Training Centers operated with institutions of higher education to coordinate and advance programs of research and training in rehabilitation.

(2) Authorizes grants for the establishment and support of Rehabilitation Engineering Research Centers to apply advanced technology and other knowledge in solving rehabilitation problems through research, including cooperative research with other organizations designed to produce new knowledge, equipment and devices. Also provides for cooperation with the Office for the Handicapped in developing information exchange systems and coordination to promote utilization of engineering and other research.

(3) Authorizes a program for spinal injury research in support of the National Centers

for Spinal Cord Injuries. The purpose of such research is to insure dissemination of research findings among all spinal cord injury centers, provide encouragement and support for new approaches, and establish close working relationships with other organizations to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Authorizes a program for international rehabilitation research, demonstration, and training to develop new knowledge in rehabilitating handicapped individuals. The purpose of such program also would be to cooperate with other nations in sharing and developing information in rehabilitation, and initiating a program to exchange experts and technical assistance with other nations.

The Senate amendment applies the general provisions of section 313, unless the context indicates to be the contrary; particularly noteworthy is the provision that funds used for direct services to handicapped individuals shall not be inconsistent with the State plan approved under section 101.

Training

The Senate amendment authorized the payment of part of the cost of training and related activities to increase the number and skills of trained rehabilitation personnel.

It is provided that funds under this section will be utilized for projects in rehabilitation medicine, rehabilitation counseling, rehabilitation social work, physical therapy, occupational therapy, speech pathology, speech audiology, rehabilitation nursing, workshop and facility administration, prosthetics and orthotics, psychology, specialized personnel for deaf and blind persons, recreation for ill and handicapped individuals and other fields contributing to rehabilitation, including for homebound and institutionalized individuals. Education grants are limited to not more than 4 years.

Reports

The inclusion in the annual report, of a report with respect to research and training activities undertaken pursuant to this title, is required, with emphasis on the contribution of such activities to the improvement of vocational and comprehensive rehabilitation services.

The conference report retains the Senate research and training provisions with conforming amendments.

ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Administration

Both the House bill and the Senate amendment authorized the provision of training and instruction in technical matters relating to vocational rehabilitation services. Under the House bill training may not exceed a four-year period, whereas under the Senate bill it may not exceed a two-year period. The Senate recedes.

The House bill authorized the Secretary to make rules and regulations governing the administration of this Act. In the Senate amendment, the Secretary is authorized to make rules and regulations governing the administration of titles IV, V, and VI of the Act, and such rules and regulations and those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, and III are required to be published in the Federal Register on an interim basis within 90 days after enactment of the Act.

The Senate amendment, but not the House bill, required the Secretary to insure maximum coordination and consultation with the Administrator of Veterans' Affairs concerning programs for the rehabilitation of disabled veterans. This requirement is retained in the conference agreement.

Program and project evaluation

Both the House bill and the Senate amendment require the Secretary to evaluate all programs authorized under the Act and to determine their effectiveness. The Senate amendment, but not the House bill, requires that in the case of research and related activities, the Secretary is to reassess priorities for such research and related activities and to review existing research and related activities to determine the basis for their continuation, revision or termination. In this connection, under the Senate amendment, the Secretary is further required to submit an annual report to the appropriate Committees of the Congress on his review of research activities. The House recedes.

Both the House bill and the Senate amendment require that the Secretary consider the extent to which standards for evaluation have been met in deciding whether to renew or supplement financial assistance. Under the Senate amendment, but not the House bill, such decisions must be made in accordance with the procedural protection governing approval and disapproval of State plans under title I. The House recedes.

The House bill requires that the Secretary publish the results of evaluative research and evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof. This is also required in the Senate amendment. However, in the Senate amendment, publication is required no later than 90 days rather than 60 days, and summaries of evaluations rather than evaluations themselves are to be published. In addition, the Senate amendment but not the House bill requires that copies of all such research studies and evaluation summaries be submitted to the appropriate committees of Congress. The House recedes.

The House bill authorizes the appropriation of such sums as the Secretary may require for evaluation, but not to exceed 1 per centum of the funds appropriated under title I or $2,000,000, whichever is greater. The Senate amendment authorizes to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, and III of the Act or $2,000,000, whichever is greater. The Senate provision is retained in the conference report with conforming modification.

Both the House bill and the Senate amendment require that the annual report include statistical data reflecting vocational rehabilitation services provided handicapped individuals. The House bill requires statistical data reflecting services provided each handicapped individual, whereas the Senate amendment requires statistical data reflecting "with the maximum feasible detail" services provided handicapped individuals. The House recedes.

The Senate amendment, but not the House bill, specifically requires that the report include a detailed evaluation of services provided to severely handicapped individuals.

The conference report retains this provision with conforming amendments.

Sheltered workshop study

The House bill authorizes the Secretary to conduct a special study of sources of income and other financial support presently being received by handicapped persons employed in workshops. The Senate amendment contains similar provisions, but includes a study of the role of sheltered workshops in rehabilitation and employment of handicapped individuals. The study will incorporate guidelines in accordance with criteria in resolutions adopted by the Committee on Labor and Public Welfare, the Committee on Education and Labor, or both. The Senate amendment further requires site visits and interviews of handicapped trainees and clients and prohibits the awarding of contracts to individuals or groups with financial or direct interest in sheltered workshops. The report and recommendations will be due 24 months after enactment of the Act in the Senate amendment and not later than July 1, 1973, in the House bill.

The conference report adopts the provisions of the Senate bill with an amendment that the study be "required". The conferees generally approve the Senate committee resolution adopted September 22, 1972, which states as follows:

RESOLUTION OF THE U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE, ADOPTED SEPTEMBER 22, 1972

Whereas Section 405(a) of the Rehabilitation Act of 1972 directs the Secretary of Health, Education and Welfare to carry out a study of sheltered workshops under criteria set forth in resolutions by the Committee on Labor and Public Welfare;

Whereas the Committee finds that such study must be comprehensive in nature and has formulated a series of questions relating to the role of workshops, the number of individuals employed in workshops, the amount of funding provided to workshops under this Act, and the relationship between workshops and other programs for handicapped individuals, and programs for vocational training;

Whereas the Committee presents the following questions to be answered and by listing these questions does not intend to limit the scope of the study;

Be it resolved that the Committee on Labor and Public Welfare believes the following questions must be covered along with other pertinent information by the study:

1. What should be the role of sheltered workshops or rehabilitation facilities? To what degree does the present system of workshops fulfill this role? How does this role relate to the broader continuum of employment and day care settings?

2. How many sheltered employment settings (workshops, rehabilitation facilities, work activity centers, etc.) are now in existence? How many handicapped individuals do they employ? What is the nature and degree of their responsibilities? How many staff are employed?

What are their job functions and qualifications? Describe the work opportunities provided including a measure of the range of complexity of the jobs available in each workshop. How much money is paid by the State Vocational Rehabilitation agency to "workshops" on an individual basis by state?

3. What are the standards used by vocational rehabilitation agencies to determine that a sheltered workshop or other rehabilitation facility is the most suitable in the community or state for training or employing a handicapped individual? What alternatives are considered and what rights does a handicapped individual have in selecting the site and type of training or employment to be provided?

4. How many handicapped individuals are placed for training in workshops by state vocational rehabilitation agencies? How much money is paid by the state agency for these training services? What is the length of training? What type of training is provided? How many individuals are placed in competitive employment following training? How many handicapped individuals are placed in sheltered workshops for extended evaluation? How much money is paid by the state agency for these services? How many are placed in employment outside of a workshop, or unplaced of those evaluated? To what extent are handicapped individuals, placed in workshops by rehabilitation agencies for training purposes, integrated with extended evaluation clients and terminal employees of the workshop? What is the nature and degree of the handicaps of the individuals placed in workshops for training or extended evaluation purposes?

5. How many handicapped individuals are in extended employment in sheltered workshops? What is the nature and degree of their handicaps? What type of employment activities are provided? How many individuals are ultimately placed in competitive employment?

6. How many individuals in workshops are in terminal employment? What is the nature and degree of their handicaps? What are the standards used by rehabilitation agencies or workshop personnel for determining that these individuals are incapable of competitive employment? How might careers ladder opportunities within workshops be developed to enable handicapped individuals to move into competitive employment?

7. What are methods for the determination of wages for handicapped individuals in workshops? What distinctions are there between piece work and hourly employees? How many persons are receiving wage subsidies? What are the amounts of such subsidies and the sources of funding for such subsidies? What effect do wage payments have on the amount of public assistance received by handicapped individuals in workshops, since assistance payments vary from state to state? What is the relationship of the industrial efficiency of the workshop to the amount of wages paid? What is the relationship of the types of contract work performed by workshops to the amount of wages paid to employees? What is the relationship of the specific abilities of the employees to the contract capability and wage payments? Do workshops for any particular type of handicapped individuals generally pay higher wages than those paid in other workshops? If this is true, is it because of their contract work or because they receive their contracts through a single source? How are contracts procured? Is the type of contract pursued by a workshop related to the needs of present workers, or are workers selected by jobs available? Are there any state, regional or national procurement and coordination processes available for obtaining contracts for sheltered workshops? What should such a process entail? Compare wage payments to handicapped workers in sheltered workshops to payments made for similar employment to workers in competitive employment in comparable labor markets or otherwise.

8. Has the Wage Hour and Public Contracts Division of the Department of Labor issued certifications of exemption from the prevailing minimum wage for individual handicapped workers within workshops or have they been issued on a blanket basis per workshop? How many sheltered workshops have been issued exemptions from the minimum wage under section 6 of the Fair Labor Standards Act as work activity centers? What is the nature and degree of handicaps of handicapped individuals in such centers? To what degree has the number of such exemptions increased annually since 1967? How often do officials of the Wage Hour and Public Contracts Division inspect sheltered workshops and work activity centers to determine compliance with minimum wage requirements? How often do officials of the Department of Health, Education and Welfare inspect sheltered workshops? Officials of State agencies?

9. What fringe benefits are provided to handicapped individuals in extended or terminal employment in sheltered workshops (e.g. coverage under the Old Age, Survivors and Disability Insurance Program and Medicare of Title II and Title XVII of the Social Security Act; unemployment compensation; health care and retirement plans to which other non-handicapped workshop employees are entitled; and collective bargaining)?

10. What is being done to coordinate the wide variety of vocational training programs administered by the Rehabilitation Services Administration, the Office of Education and the Department of Labor for severely handicapped individuals who appear to have a high chance of requiring sheltered employment for some period of time?

11. Discuss and analyze the possible forms of wage supplements, their advantages and disadvantages, and their effects where applied.

OFFICE FOR THE HANDICAPPED

The Senate amendment establishes an Office for the Handicapped within the office of the Secretary to be headed by a Director. This Office is charged with the preparation of a five-year planning document for the provision of services to handicapped individuals, the analysis and review of program operation and budgeting to assure progress toward implementation of such a plan, providing assistance to advisory committees and programs which serve the Secretary, the coordination and encouragement of cooperative planning among programs for handicapped individuals, taking steps to assure the prompt utilization of engineering and other research to assist in solving problems of handicapped individuals, and the evaluation of existing information systems in order to develop a coordinated system of information retrieval and dissemination. For this purpose, there is $1,000,000 authorized for FY 1973, $2,000,000 for FY 1974, and $2,000,000 for FY 1975. There are no comparable House provisions.

The Conference report includes these provisions with several amendments to make clear the relationship of this Office to existing operating programs.

The Conference agreement directs the Office to prepare, with the assistance of and in consultation with agencies of the Department of Health, Education, and Welfare and other departments and agencies, handicapped individuals and public and private agencies and organizations, a long-range projection for the provision of comprehensive services to handicapped individuals, with the understanding that such projection shall relate individual agency plans to one another in order to provide maximum effectiveness, sensitivity and continuity in the provision of services to handicapped individuals. It should be clear that this long-range projection for services shall represent the direction toward which the Department intends to proceed in providing services to handicapped individuals and shall include a plan for implementation, including costs of such plans. Under no circumstances do the Conferees intend that this projection be implemented without opportunity for Congressional review and enactment of any necessary authorizing legislation.

The Conference agreement further deletes all reference to budgeting and provides language to make clear that such Office shall be vested only with advisory functions and that no authority has been provided to this Office for budgetary, policy, or program control by the Office over any program, except as such authority relates to a central clearinghouse for information and resource availability. The conferees intend that no operating program shall report to, or through, such office to the Secretary.

The House bill established a National Information and Resource Center under title IV of the House bill to collect, review, organize, publish and disseminate information and data related to problems caused by handicapping conditions in title IV.

The Senate bill and the Conference agreement direct the Office for the Handicapped to serve as a clearinghouse for information and resources through the evaluation of existing information and data systems in order to develop within the Department of Health, Education, and Welfare a coordinated system of data and information retrieval and dissemination. It is the intent of the Conference agreement that maximum utilization should be made of existing information and data systems and that, as a priority, this Office will identify data, information and statistical needs. The Conferees emphasize that where data, information and statistics do not exist or are not currently available, the Office will take immediate action to ensure that such data, information and statistics are collected and will be made available for use by the Congress, the Secretary, operating programs, and interested individuals and organizations.

TITLE VII—MISCELLANEOUS

Effect on existing laws

The Senate amendment but not the House bill repealed the Vocational Rehabilitation Act 90 days after the date of enactment of the new Act, and further provided that references to such Act in any other provisions of law shall 90 days after enactment, be deemed to be references to the Rehabilitation Act of 1972. There were no comparable House provisions. The House recedes.

Federal Interagency Committee on Handicapped Employees

The Senate amendment established the Federal Interagency Committee on Handicapped Employees, comprised of the heads of the Civil Service Commission, the Veterans Administration, and the Departments of Labor and Health, Education, and Welfare. The Chairmen of the President's Committee on Employment of the Handicapped and of the President's Committee on Mental Retardation are ex officio members; the Commissioner of the Rehabilitation Services Administration serves as the Executive Director, and the Secretary of Health, Education, and Welfare as chairman of the Committee. The various departments and agencies in the Executive Branch are required to submit an affirmative action program concerning the hiring, placement and advancement of handicapped individuals; the Committee is to develop and recommend to the Secretary of Health, Education, and Welfare procedures for hiring the handicapped individuals. The Committee shall report to the Congress on June 30, 1973, regarding the status of the handicapped employed by the Federal Government, along with its recommendations. This section also prohibits volunteer work in a government firm being considered Federal employment for certain purposes; and authorizes appropriations of $1 million for FY 1973 and $1,250,000 for FY 1974. There were no comparable House provisions. The House recedes.

National Commission on Transportation and Housing for Handicapped Individuals

The House bill established a National Commission on Transportation and Housing for the Handicapped headed by the Secretary of Health, Education, and Welfare or his designee.

The membership of the Commission is not to exceed 15 members, with the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of the Treasury (or their designees) serving as ex officio members. The purpose of the Commission shall be to study problems and make recommendations with respect to transportation and housing for the handicapped. There was no comparable Senate provision.

The conference agreement retains the essential elements of the House bill by establishing a National Commission on Transportation and Housing for Handicapped Individuals and requiring the coordination of such Commission with the Architectural and Transportation Compliance Board.

Architectural and Transportation Barriers Compliance Board

The Senate amendment established the Architectural and Transportation Barriers Compliance Board composed of the heads of the Departments of Health, Education, and Welfare, Transportation, Housing and Urban Development, General Services Administration, the Department of the Interior, the U.S. Postal Services, the Veterans Administration, and the Department of Labor. The function of the Board is to insure compliance with standards prescribed by GSA, The Department of Defense, and HUD pursuant to the Architectural Barriers Act of 1968, and make appropriate investigations, and issue necessary orders. The Board is authorized to appoint necessary hearing examiners and receive administrative assistance for the Board by involved agencies. An annual report to Congress and an authorization of $1 million for FY 1973, $1,250,000 for FY 1974, and $1,500,000 for FY 1975 are provided for. There were no comparable House provisions. The House recedes with a conforming amendment requiring coordination between the Board and the National Commission on Transportation and Housing of Handicapped Individuals.

Employment under Federal contracts

The Senate amendment required that any Federal procurement contract contain a provision requiring Federal contractors and subcontractors to take affirmative action to employ qualified handicapped individuals. These provisions shall be implemented 90 days after enactment. A complaint may be filed by any aggrieved handicapped individual with the Department of Labor, which shall investigate and take appropriate actions. There was no comparable House provision. The House recedes.

Nondiscrimination under Federal grants

The Senate amendment provided that no otherwise qualified individual shall be discriminated against or excluded from participation in or benefits of any program or activity receiving Federal assistance. There was no comparable House provision. The House recedes.

RANDOLPH-SHEPPARD ACT FOR THE BLIND AMENDMENTS

The Conference report does not include title VII from the Senate amendment, relating to the Randolph-Sheppard Act for the blind. Under the Rules of the House of Representatives, and pursuant to the Legislative Reorganization Act of 1970, such title would not be considered germane and would thus be subject to a point of order in the House.

The Conferees stress that exclusion of title VII is not due to any lack of concern for, or disregard of the need for, strong and forward-looking amendments to the Randolph-Sheppard Act. The conferees expect that both Committees will consider these matters in depth after the 93rd Congress convenes.

The Conferees are deeply concerned that the Congress has not been able to obtain any definitive information concerning legitimate uses of vending machine income on Federally-controlled property. In view of this concern, the conferees urge that the General Accounting Office conclude, at the earliest possible date, its audit and study of such funds and their legitimate uses made pursuant to resolution of the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare; and that any recommendations of the General Accounting Office include recommendations with respect to procedures to insure full public disclosure and accountability with respect to the use of such funds.

CARL D. PERKINS,
JOHN BRADEMAS,
PATSY T. MINK,
ALBERT H. QUIE,
ORVAL HANSEN,
Managers on the Part of the House.

ALAN CRANSTON,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ADALI STEVENSON,
ROBERT STAFFORD,
ROBERT TAFT,
J. K. JAVITS,
RICHARD S. SCHWEIKER,
J. GLENN BEALL, Jr.,
Managers on the Part of the Senate.

CONFERENCE REPORT: H.R. 16754

Mr. SIKES submitted the following conference report and statement on the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1578)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16754) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 6, and agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, and 3.

ROBERT L. F. SIKES,
EDWARD J. PATTEN,
CLARENCE D. LONG,
JULIA BUTLER HANSEN,
GUNN MCKAY,
GEORGE H. MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
BURT L. TALCOTT,
FRANK T. BOW,
Managers on the Part of the House.

MIKE MANSFIELD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
JOHN MCCLELLAN,
EDWARD W. BROOKE,
J. CALEB BOGGS,
TED STEVENS,
MILTON R. YOUNG,
STUART SYMINGTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1, military construction, Army: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $413,955,000 instead of $405,264,000 as proposed by the House and $421,879,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This would provide the following changes to the amounts and line items as proposed by the House:

Fort Hood, Texas:	
Helicopter parking and maintenance facilities	+$2,464,000
Hangar with shops	+1,313,000
Safeguard Systems Command:	
Cut in prior-year community assistance	+6,000,000
Germany: Upgrade POL facilities—WPC	+837,000
Air Defense Command, CONUS,	
Various: Radar facilities—5 sites	—1,923,000

The conferees have granted the Army the authority to proceed with three items which were requested in Germany, but have not allowed additional funds for these projects. These are:

JP-4 ready issue and hardstands, Wuerzburg	$450,000
JP-4 ready issue, Hanau	119,000
Aircraft maintenance facilities, Sembach Air Base	3,105,000

As explained in the House report, these funding reductions are made to encourage greater use of direct programming through annual NATO infrastructure slices.

Amendment No. 2, military construction, Navy: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $517,830,000 instead of $500,871,000 as proposed by the House and $520,612,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This would provide the following changes to the amounts and line items as proposed by the House:

Naval War College, Newport, Rhode Island: Academic building (Phase II)	+$8,469,000
Naval Shipyard, Charleston, South Carolina: Steam plant improvements	+1,446,000
Naval Air Station, Barbers Point, Oahu, Hawaii: Tactical support center	+100,000
Marine Corps Base, Camp Pendleton, California: Dispensary, Chappo area	+1,260,000
Air Pollution Abatement Facilities	+1,000,000
Water Pollution Abatement Facilities: Ship waste water collection ashore	+3,000,000
Naval Station, Roosevelt Roads, Puerto Rico: Administrative space	+480,000
Naval Air Station, Agana, Guam, Mariana Islands: Tactical support center	+144,000
Naval Magazine, Guam, Mariana Islands: Funding adjustment, mine assembly facility	+769,000
Naval Shipyard, Mare Island, Vallejo, California: Dry Dock No. 1 improvements (amendment)	+$605,000
Access Roads	+1,500,000
Naval Air Test Center, Patuxent River, Maryland: Academic/general instruction building	+1,686,000
Trident Facilities	—3,500,000

The conferees have approved the academic building, phase II, requested by the Navy at the Naval War College, Newport, Rhode Island, with the understanding that, before constructing this phase of the facility, the Navy will restudy the requirement for additional underground parking spaces within the structure. The conferees feel that parking space which is not essential can be eliminated from the plans. This will allow additional academic or administrative functions connected with the War College to be accommodated therein, and this should reduce the requirement for construction to house these functions in future years.

The conferees did not provide money for the beginning of the construction of the Trident site; however, in the bill is $13,000,000 for planning. The conferees expect the Navy, in its survey of available sites for the Trident submarine, to give prudent consideration to existing naval bases and/or other military bases that could be converted for use by the Trident submarine. The conferees agree that before construction money will be appropriated a firm site selection will be announced by the Navy.

Amendment No. 3, military construction, Air Force: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $265,552,000 instead of $250,483,000 as proposed by the House and $269,169,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This would provide the following changes to the amounts and line items as proposed by the House:

McClellan Air Force Base, California: Depot aircraft overhaul facility	+$3,991,000
Tinker Air Force Base, Oklahoma: Air-condition airmen dining hall	+74,000
Andrews Air Force Base, Maryland: Aerospace ground equipment shop	+414,000
March Air Force Base, California: Add to and alter composite medical facility	+4,512,000
George Air Force Base, California: Air-condition airmen dining hall	+122,000
Nellis Air Force Base, Nevada: Air-condition airmen dining hall	+102,000
RAF Upper Heyford, United Kingdom: Ammunition storage facilities	+332,000
Access Roads: Grand Forks Air Force Base, North Dakota	+2,000,000
Kirtland Air Force Base, New Mexico: Armament research test facility	+5,656,000
Davis-Monthan Air Force Base, Arizona: Airmen dormitories	−1,294,000
Torrejon Air Base, Spain: Ammunition storage facilities	−840,000

The conferees have approved $3,991,000 of the $7,798,000 which the Air Force requested for a depot aircraft overhaul facility at McClellan Air Force Base, California. The conferees feel that further study of the requirement for and the scope of this project is required. The Air Force is directed to restudy the need for the total project. If after the completion of this study the Air Force concludes that there is a requirement and that it wishes to reprogram funds to this project it may request reprogramming of the balance of $3,807,000 from other new obligational authority available to the Air Force under the normal reprogramming procedures.

The Committees on Appropriations of the Senate and House of Representatives likewise plan to initiate a study of the requirement for this project as a basis for future action.

The conferees have considerable misgivings with regard to the programming of military construction projects at bases at which there are major Strategic Air Command bomber and/or tanker missions and which are located near the coastlines of the continental United States. In the opinion of the conferees, adequate study has not been made of the long-term effects on these coastal bases of force realignments and of the increasingly serious threat due to submarine-launched ballistic missiles. Accordingly, the conferees expect the Air Force to conduct a thorough study of the future utilization of coastal bases by Strategic Air Command aircraft. The conferees will expect a report of this study to be delivered to the Committees on Appropriations of the Senate and House of Representatives for their approval 30 days prior to the award of any construction contract for facilities at any coastal Air Force base having a major Strategic Air Command flying mission.

The conferees have granted the Air Force the authority to proceed with two items requested in Europe, but have not allowed additional funds for these projects. These are:

Ramstein Air Base, Germany: Air freight terminal	$3,261,000
Aviano Air Base, Italy: Ammunition storage facilities	516,000

As explained in the House report, these funding reductions are made to encourage greater use of direct programming through annual NATO infrastructure slices.

Amendments No. 4 and 5, military construction, Defense Agencies: House concurs in Senate proposal to delete the title "Office of Civil Defense" and insert the new title "Civil Defense Preparedness Agency."

Amendment No. 6, military construction, Defense Agencies: Appropriates $36,704,000 as proposed by the Senate instead of $34,804,000 as proposed by the House.

GENERAL COMMENTS

The conferees share the concern expressed in the House report with regard to the effect of possible base closure or reduction actions upon the military construction program. The conferees are emphatic that a construction "freeze" of the kind which has plagued this program in the past is not a proper administrative response to this problem.

In particular; the thrust of construction programs in support of the "volunteer army" must be continued. The conferees are aware that progress is being made in improving recruitment and retention. The program approved by the conferees will allow further progress to be made. This progress must not in any way be impeded.

Further, a construction freeze is a very poor management technique which results in delaying many projects which amortize rapidly increasing costs of construction management and, in some instances, construction costs themselves. Its only apparent advantage is that it allows decisions to be put off by those responsible for making them.

The conferees individually have spent many long hours reviewing the projects proposed for fiscal year 1973. They have recommended that projects be deleted in some instances. In other specific cases, they have directed that basing plans be restudied before projects are awarded. It may be necessary for the services or the Department of Defense to cancel or delay certain projects or groups of projects approved by the Congress as the result of or pending the result of base realignment studies or other things affecting their future use.

The conferees expect the managers of the military construction and family housing programs to exercise great care and prudence so as to avoid unnecessary construction, but that they will do so in a discrete manner rather than by delaying the entire program.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the committee of conference, with comparisons to the fiscal year 1972 total, the 1973 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1972[1]	$2,035,765,000
Budget estimates of new (obligational) authority, fiscal year 1973[2]	2,661,384,000
House bill, fiscal year 1973	2,280,784,000
Senate bill, fiscal year 1973	2,337,726,000
Conference agreement	2,323,403,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	+287,638,000
Budget estimates of new (obligational) authority, fiscal year 1973	−337,981,000
House bill, fiscal year 1973	+42,619,000
Senate bill, fiscal year 1973	−14,323,000

Robert L. F. Sikes,
Edward J. Patten,
Clarence D. Long,
Julia Butler Hansen,
Gunn McKay,
George H. Mahon,
E. A. Cederberg,
Charles R. Jonas,
Burt L. Talcott,
Frank T. Bow,
Managers on the Part of the House.

Mike Mansfield,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
John McClellan,
Edward W. Brooke,
J. Caleb Boggs,
Ted Stevens,
Milton R. Young,
Stuart Symington,
Managers on the Part of the Senate.

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[1] Excludes $98,500,000 for Safeguard construction and $11,070,000 for Safeguard family housing contained in Defense Appropriation Bill.

[2] Reflects following H. Doc. 92–321 amendments: −$390,000,000 for Safeguard construction; +$40,000,000 for satellite basing; and −$6,416,000 for Safeguard family housing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. Kee, from 7 p.m., October 11 through October 14.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fountain, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Carlson) to revise and extend their remarks and include extraneous material:)

Mr. Blackburn, for 5 minutes, today.

Mr. Schwengel, for 1 hour, October 12.

Mr. Steiger of Wisconsin, for 30 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Hosmer, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 10 minutes, today.

Mr. Charles H. Wilson, for 10 minutes, today.

Mr. Roy, for 15 minutes, today.

Mr. Brinkley, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Daniels of New Jersey, for 10 minutes, today.

Mr. Metcalfe, for 5 minutes, today.

Mr. Meeds, for 5 minutes, today.

Mr. Dowdy, for 60 minutes, October 13.

Mr. Downing, for 60 minutes, October 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Koch in 2 instances in the body of the Record.

Mr. Boggs on Senate Joint Resolution 265.

Mr. Hébert on Senate Joint Resolution 265.

Mr. Hammerschmidt, during consideration of H.R. 16563.

Mr. Steiger of Wisconsin, and to include extraneous material and charts and tables on H.R. 16924 today.

Mr. Holifield.

(The following Members (at the request of Mr. Carlson) and to include extraneous matter:)

Mr. Gude in six instances.

Mr. Rhodes in five instances.

Mr. Nelsen.

Mr. Minshall in two instances.

Mr. Halpern in three instances.

Mr. Whitehurst.

Mr. Bob Wilson in three instances.

Mr. Wyman in two instances.

Mr. Baker in two instances.

Mr. Hall.

Mr. Railsback in two instances.

Mr. Derwinski.

Mr. Fish in two instances.

Mr. Steele.

Mr. Steiger of Wisconsin.

Mr. Hastings.

Mr. Schwengel in three instances.

Mr. Steiger of Arizona.

Mr. Brotzman.

Mr. Snyder.

Mr. Quillen in five instances.

Mr. Burke of Florida.

Mr. Myers.

Mr. Duncan.

Mr. Hunt in three instances.

Mr. Shoup.

Mr. Mizell in three instances.

Mr. Harvey.

Mr. Rousselot.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous material:)

Mr. Rogers.

Mr. Fraser in five instances.

Mr. Hamilton.

Mr. Flood in two instances.

Mr. Reuss.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Edwards of California in three instances.

Mr. Mills of Arkansas in three instances.

Mr. Rodino in two instances.

Mr. Carney in two instances.

Mr. Dingell in two instances.

Mr. Murphy of New York.

Mr. Brinkley in two instances.

Mr. Anderson of California in four instances.

Mr. Minish.

Mr. James V. Stanton in two instances.

Mr. Wolff in two instances.

Mr. Waldie in two instances.

Mr. Danielson.

Mr. Brademas in six instances.

Mr. Burke of Massachusetts.

Mr. Fauntroy in five instances.

Mr. Hawkins.

Mr. Downing.

Mr. Slack.

Mr. Vanik.

Mr. Hanna in two instances.

Mr. Helstoski in five instances.

Mr. Hagan in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1441. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended.

H.R. 16870. An act to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; and

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participating in the International Bureau for the Protection of Industrial Property.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 10, 1972:

H.R. 56. An act to establish a national environmental data system and State and regional environmental centers pursuant to policies and goals established in the National Environmental Policy Act of 1969, and for other purposes;

H.R. 2118. An act for the relief of the estate of Amos E. Norby;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group; and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

On October 11, 1972:

H.R. 16870. An act to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; and

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, October 12, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2411. A letter from the Secretary of Defense and the Secretary of Health, Education, and Welfare, transmitting a report on ways to reduce the needs for military medical personnel in the Armed Forces, pursuant to section 101 (c) of Public Law 92–129; to the Committee on Armed Services.

2412. A letter from the Secretary of the Interior, transmitting a report on the disposal of surplus Federal real property for park and recreation purposes during fiscal year 1972, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

2413. A letter from the Secretary of Commerce, transmitting a report on the flammable fabrics program in 1971, pursuant to section 14(b) of Public Law 90–189; to the Committee on Interstate and Foreign Commerce.

2414. A letter from the treasurer, American Historical Association; transmitting the annual audit of the association for the fiscal year ended June 30, 1972, pursuant to Public Law 88–504; to the Committee on the Judiciary.

2415. A letter from the Acting Administrator of General Services, transmitting prospectuses proposing the alteration of public buildings at various locations, pursuant to 73 Stat. 480; to the Committee on Public Works.

2416. A letter from the Acting Director, National Science Foundation, transmitting an adjustment of a reprograming action into "National and Special Research Programs" to provide funding authorization for five C–130 aircraft, pursuant to section 6 of Public Law 92–372; to the Committee on Science and Astronautics.

Received From the Comptroller General

2417. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the national flood insurance program, Federal Insurance Administration, Department of Housing and Urban Development, for fiscal year 1971, pursuant to 31 U.S.C. 841 (H. Doc. No. 92–373); to the Committee on Government Operations and ordered to be printed

2418. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during September 1972, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Committee on Rules. House Resolution 1156. Resolution waiving points of order against H.R. 17034. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1568). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16987. A bill to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce (Rept. No. 92–1569). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 6748. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; with an amendment (Rept. No. 92–1570). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 15975. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States (Rept. No. 92–1571). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on H.R. 15657. (Rept. No. 92–1572). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 1153. Resolution to amend the Rules of the House of Representatives with respect to House consideration of certain Senate amendments, to provide for the delegates from Guam and the Virgin Islands, and for other purposes. (Rept. No. 92–1573). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1039. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdictions; with amendments (Rept. No. 92–1574). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1147. Resolution authorizing additional investigative authority to the Committee on Public Works. (Rept. No. 92–1575). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1127. Resolution to authorize additional investigative authority to the Committee on Education and Labor. (Rept. No. 92–1576). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1124. Resolution to authorize additional investigative authority to the Committee on Education and Labor (Rept. No. 92–1577). Referred to the House Calendar.

Mr. SIKES: Committee of conference. Conference report to accompany H.R. 16754 (Rept. No. 92–1578). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 1928. An act to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn. and Wisc., as a component of the national wild and scenic rivers system (Rept. No. 92–1579). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 3843. An act to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972. (Rept. No. 92–1580). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference on H.R. 8395 (Rept. No. 92–1581). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 17069. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of any annuity received under the Civil Service Retirement Act shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 17070. A bill to provide, for purposes of computing retired pay for members of the armed services, an additional credit of service equal to all periods of time spent by any such member as a prisoner of war; to the Committee on Armed Services.

H.R. 17071. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement certain periods of imprisonment of members of the Armed Forces and of civilian employees by hostile foreign forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts (for himself, Mr. Rostenkowski, Mr. Vanik, Mr. Green of Pennsylvania, Mr. Carey of New York, Mr. Karth, Mr. Byrnes of Wisconsin, Mr. Betts, and Mr. Chamberlain):

H.R. 17072. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DAVIS of Wisconsin:

H.R. 17073. A bill to amend section 213(a) of the War Claims Act of 1948 to provide for the full payment of certain individual claims under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 17074. A bill to amend title 38 of the United States Code in order to liberalize the eligibility requirements for automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 17075. A bill to amend section 1033 of the Internal Revenue Code of 1954 to provide that the sale of livestock shall be treated as an involuntary conversion where the taxpayer sold such livestock solely on account of the destruction of the barn or other facility used to house such livestock; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 17076. A bill to protect the rights of employees of air carriers involved in mergers, acquisitions, and similar transactions; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 17077. A bill to provide for an equitable and expeditious means of handling railroad abandonments; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. Broyhill of North Carolina):

H.R. 17078. A bill to amend subsection (c) of section 6 of the Securities Exchange Act of 1934 to facilitate off-board trading by members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 17079. A bill to amend the Internal Revenue Code of 1954 to provide that amounts not in excess of $500 a year received by volunteer firemen shall not be subject to income tax; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 17080. A bill to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 17081. A bill to amend title IV of the National Housing Act, to make any Federal savings and loan association which converts to a stock savings and loan institution ineligible for insurance under this title; to the Committee on Banking and Currency.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 17082. A bill to provide for the registration and regulation of oil and gas programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17083. A bill to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 17084. A bill to provide postservice educational benefits for those who have participated in community service programs; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 17085. A bill to suspend for a 3-year period the duty on fair stained and better India ruby mica films first or second quality; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 17086. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act; to the Committee on Interstate and Foreign Commerce.

H.R. 17087. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hill Burton Act make available to persons entitled to benefits under the medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

H.R. 17088. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of a dependent 60 or more years of age the support test shall be satisfied if the taxpayer contributes $1,500 or more to the support of such dependent; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 17089. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ECKHARDT (for himself, Mr. Adams, Mr. Ashley, Mr. Begich, Mr. Bingham, Mr. Burton, Mr. Conyers, Mr. Dent, Mr. Dellums, Mr. Helstoski, Mr. Long of Louisiana, Mr. Mitchell, Mr. Moss, Mr. Rees, Mr. Scheuer, and Mr. Tiernan):

H.R. 17090. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 17091. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 17092. A bill to provide for a uniform application of safety standards for mobile homes and recreational vehicles in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE:

H.R. 17093. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. LENT:

H.R. 17094. A bill to amend tile 10, United States Code, to permit employment of certain military personnel by foreign governments or concerns; to the Committee on Armed Services.

By Mr. McCORMACK:

H.R. 17095. A bill to assist local educational agencies in States which assume the burden of financing elementary and secondary education to improve the quality of their education programs; to the Committee on Education and Labor.

By Mr. McKAY:

H.R. 17096. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings, and to amend title 28, United States Code, to extend the tort liability of the United States; to the Committee on the Judiciary.

By Mr. McKINNEY (for himself and Mr. Preyer of North Carolina):

H.R. 17097. A bill to permit the transportation in interstate commerce of goods manufactured by prisoners engaged in Federal or State work release programs and to permit the employment of such prisoners under Federal contracts; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 17098. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself, Mr. Bingham, Mr. Blanton, Mr. Blatnik, Mr. Boland, Mr. Brademas, Mr. Broomfield, Mr. Burton, Mr. Carney, Mr. Conte, Mr. Cotter, Mr. Flood, Mr. Gude, Mr. Hicks of Washington, Mr. Keating, Mr. Kemp, Mr. Riegle, Mr. Roybal, Mr. Steele, and Mr. Thompson of New Jersey):

H.R. 17099. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any non-market-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.J. Res. 1325. Joint resolution proposing an amendment to the Constitution of the United States relating to the ratification of treaties; to the Committee on the Judiciary.

By Mr. MYERS:

H.J. Res. 1326. Joint resolution proposing an amendment to the Constitution of the United States requiring the Congress to adjourn by July 31 of every even numbered year, and to restrict the power of the President to convene the Congress during the remaining portion of such year; to the Committee on the Judiciary.

By Mr. ADDABBO:

H. Res. 1157. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. BLACKBURN:

H. Res. 1158. Resolution to amend the Rules of the House of Representatives to provide for the efficient operation of congressional committees and to insure the rights of all committee members to have equal voice in committee business; to the Committee on Rules.

By Mr. KEMP (for himself and Mr. Rhodes):

H. Res. 1159. Resolution designating May 8 as "Polish Constitution Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Wisconsin introduced a bill (H.R. 17100) for the relief of Raymond W. Suchy, second lieutenant, U.S. Army (retired), which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A MILITARY PLANNING FIASCO AT FORT MacARTHUR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ANDERSON of California. Mr. Speaker, major Federal Government developments such as construction projects, land area use changes, and so forth, even though on Federal-owned lands, occur rarely without major concern and interest to the surrounding communities.

This is especially true if the proposal occurs in a high population density area. In such cases, it should be obvious to the Federal agencies involved that they must have a close-working relationship with the surrounding communities and local governments.

At Fort MacArthur, which is in my congressional district, the Department of Defense proposed to construct 700 Navy family housing units in an area where the location of such housing will, according to local government officials, cause serious problems of traffic, sanitation, and schooling in a community unaware of the proposed activity and totally unprepared for it. The housing as planned would also force a consolidation of Army facilities and require the locating of Army service buildings on a waterfront area that is critically needed for recreation and for a small boat marina. Thus, the proposal immediately became of major local concern, because of the impact on the surrounding communities as well as upon local government.

Residents and local government officials, caught by surprise when the proposal was announced, reacted with strong opposition for various reasons. Why should a waterfront area on San Pedro Bay—an area needed for recreation and for a small boat marina—be used for military service buildings when the installation has no water-oriented mission? Why should a high density housing project be constructed without planning adequate for schools, streets, and sewers? This all became of major concern.

Fortunately, and for which I want to thank the Department of Defense, they did—following many requests, including several on my part—agree to hold a public hearing.

While we appreciate the public hearing, reported by the press as follows—

> A mostly hostile crowd of about 500 local residents and government officials expressed overwhelming disagreement with a Navy plan to build 700 military housing units while consolidating facilities with Fort MacArthur.

All this opposition could have been avoided if Defense officials would only have discussed the proposal and the far-reaching ramifications with local officials in advance, thus learning of the many adverse, poorly planned and objectional aspects of their proposal. Going ahead in a vacuum as to any local concern, has resulted in a most disturbed community and local officials.

The following is a typical local comment and reaction:

> Los Angeles City Council President John Gibson criticized the Navy for its failure to notify city officials that such a plan was being contemplated. "The most confusing thing," he said, "is we get one statement from Washington that the President wants government to get back to local control, and at the same time not knowing one thing about the project until we see surveyors. The City Council resents that kind of action," said Gibson.

In summary, I can only say that this Department of Defense construction proposal that has been loaded on the backs of the local communities and local government officials, is one of the poorest planned efforts it has been my experience to encounter in my many years of public service.

At this point, I recommend the following: one, that all action be immediately suspended with respect to this poorly planned effort; two, that to meet the housing needs of our Navy families, which I support and believe to be a must in order to adequately provide for our service personnel, a comprehensive planning effort be undertaken; three, that the communities and local governments be consulted and their recommendations hopefully worked into the overall plans; and four, that the highest and best use of land resources be a required criteria in planning for the location of military housing and service buildings. The location of service buildings by an agency of our Government not having a water-oriented mission on waterfront property critically needed for recreation does not meet this criteria.

It is high time that our military department officials recognize the difference between planning for land use in a high-population density area, as compared to that in a remote area.

Below are a few newspaper clippings reporting on the September 28, 1972, public hearing in San Pedro, Calif., and one of the many statements made at the hearing:

[From the South Bay Daily Breeze, Sept. 29, 1972]

SAN PEDRO BOOS NAVAL HOUSING

(By Leo Wolinsky)

Hoots and howls were the order of the night Thursday as a packed audience turned out to protest proposed Navy housing in San Pedro.

A mostly hostile crowd of about 500 local residents and government officials expressed overwhelming disagreement with a Navy plan to build 700 military housing units while consolidating facilities with Ft. MacArthur.

The major concerns of officials and residents alike reflected fears that the housing would create serious problems of school crowding, traffic, sewer inadequacy and misuse of valuable waterfront land.

Although Navy Capt. John Biederman, chairman of the hearing, told the audience he would try to answer their questions as best as he could, residents appeared unconvinced

"There is no way we could argue and convince you of what we're trying to do," he said. "We're just trying to get information that can be discussed by higher officials at a more leisurely time." His comments were met by boos and outbursts from the crowd.

The statement of one San Pedro resident was greeted with loud cheers as she appeared to reflect the audience's hostility.

"What we are concerned with are traffic and schools," said Isabel Brown. "How can we get anything accomplished if you don't answer," she told Biederman.

"We don't consider it a public hearing until we do get answers."

The hostility, however, began to subside as a long list of elected officials testified in opposition to the Navy's plan, expressing many of the same concerns felt by residents.

Under the proposed plan, 700 units of Navy housing would be built on four San Pedro sites—Palos Verdes, Point Vicente, White's Point and the Upper Reservation of Ft. MacArthur.

Construction at the Ft. MacArthur site would force the Army to build its facilities on lower waterfront property, precluding a proposed yacht marina and other public recreational facilities.

Congressman Alphonzo Bell, R-28th District, drew loud cheers as he strongly suggested the Navy look elsewhere for housing.

"I believe the plan is not in the public interest, is out of step with the President's policies and is against the best wishes of local residents," he said.

"There are already 100 miles of shore owned by the military and not open to the public. I would regard in extreme disfavor any plan which would prohibit public beaches in my district," Bell continued.

He also spoke out strongly against possible effects of overcrowding in local schools.

"The schools are already operating over and above their capacities and many have to use portable classrooms," he said.

Biederman, however, said area would be set aside for new schools but indicated funds would have to be raised by the Los Angeles City Schools.

"More schools could be constructed," Bell continued, but we can't compensate for lost beachfront—the supply is limited.

"I suggest the Navy seek less expensive inland alternatives and urge the Navy to reconsider its plan," he concluded.

Bell said he would send copies of his statement to the President, Secretary of Defense, Department of Housing and Urban Development, the Environmental Protection Agency and other government agencies.

His concerns were repeated in statements by representatives of Sen. John Tunney, Rep. Glenn Anderson, Assemblymen Robert Beverly and Vincent Thomas and Supervisor James Hayes.

Anderson's statement suggested as one alternative a 120 acre site at Los Alamitos Air Station. Cmdr. H. L. Dozier, Navy facilities planning officer, said its availability was not known when the Navy's impact study was compiled, but would be considered by officials.

John Chu, vice president of the Los Angeles Board of Harbor Commissioners, headed a group of city representatives and read a statement issued by Mayor Sam Yorty.

His testimony called for a series of meetings between the military and city departments along with a second impact study taking into account the feelings of residents.

Andy Anderson, vice mayor of Lomita, representing 16 South Bay cities, lashed out at the Navy's plan as being in direct conflict with rezoning plans of neighboring cities which are attempting to reduce population density.

Los Angeles City Councilman John Gibson also criticized the Navy for its failure to notify city officials that such a plan was being contemplated.

"The most confusing thing," he said, "is we get one statement from Washington that the President wants government to get back to local control, and at the same time not knowing one thing about the project until we see surveyors.

"The city council resents that kind of action," said Gibson.

[From The News-Pilot, Sept. 29, 1972]

HOSTILE CROWD PROTESTS NAVY'S HOUSING PLANS AT SAN PEDRO PUBLIC HEARING

(By Leo Wolinsky)

Hoots and howls were the order of the night Thursday as a packed audience turned out to protest proposed Navy housing in San Pedro.

A mostly hostile crowd of about 500 local residents and government officials expressed overwhelming disagreement with a Navy plan to build 700 military housing units while consolidating facilities with Fort MacArthur.

The major concerns of officials and residents alike reflected fears that the housing would create serious problems of school crowding, traffic, sewer inadequacy and the misuse of valuable waterfront land.

Although Navy Capt. John Biederman, chairman of the hearing, told the audience he would try to answer their questions as best as he could, residents appeared unconvinced.

"There is no way we could argue and convince you of what we're trying to do," he said. "We're just trying to get information that can be discussed by higher officials at a more leisurely time." His comments were met by boos and other outbursts from the crowd.

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Representative Alphonzo Bell drew loud cheers as he strongly suggested the Navy look elsewhere for housing.

"I believe the plan is not in the public interest, is out of step with the President's policies and is against the best wishes of local residents," he said.

"There are already 100 miles of shore by the military and not open to the public. I would regard in extreme disfavor any plan which would prohibit public beaches in my district," Bell continued.

He also spoke out strongly against possible effects of overcrowding in local schools.

"The schools are already operating over and above their capacities and many have to use portable classrooms," he said.

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"More schools could be constructed," Bell continued, but we can't compensate for lost beachfront—the supply is limited.

"I suggest the Navy seek less expensive inland alternatives and urge the Navy to reconsider its plan," he concluded.

Bell said he would send copies of his statement to the President, Secretary of Defense, Department of Housing and Urban Development, the Environmental Protection Agency and other government agencies.

His concerns were repeated in statements by representatives of Sen. John Tunney, Rep. Glenn Anderson, Assemblymen Robert Beverly and Vincent Thomas and Supervisor James Hayes.

Anderson's statement suggested as one alternative a 120-acre site at Los Alamitos Air Station. Cmdr. H. L. Dozier, Navy facilities planning officer, said its availability was not known when the Navy's impact study was compiled, but would be considered by officials.

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His testimony called for a series of meetings between the military and city departments along with a second impact study taking into account the feelings of residents.

Andy Anderson, vice mayor of Lomita, representing 16 South Bay cities, lashed out at the Navy's plan as being in direct conflict with dezoning plans of neighboring cities which attempt to reduce population density.

Los Angeles City Councilman John Gibson also criticized the Navy for its failure to notify city officials that such a plan was being contemplated.

"The most confusing thing," he said, "is we get one statement from Washington that the President wants government to get back to local control, and at the same time not knowing one thing about the project until we see surveyors.

"The city council resents that kind of action," said Gibson.

Also speaking were members of Save Our Coastline (SOC), representatives of yacht clubs and other organizations throughout the area.

[From the Independent Press Telegram, Sept. 29, 1972]

FOES OF NAVY HOUSING PLAN WIN DELAY, WIDENED PROBE

(By Tom Willman)

Naval housing plans for Fort MacArthur and three other San Pedro area sites met heavy opposition and a unanimous call for further study at a crowded public hearing Thursday night.

More than 400 persons, including federal, state, and local officials, attended the meeting at San Pedro's Dana Junior High School, applauding speaker after speaker who voiced dislike for the housing plan.

The hearing, at which more than 80 persons sought to speak, began with a slide show and explanation of the project plans by military hearing officers.

Cmdr. H. L. Dozier told the crowd the Navy hopes to build 700 housing units for servicemen's dependents. He said 120 units are planned for Point Vicente, 180 at a Palos Verdes site, 40 at White's Point and 360 in Fort MacArthur's Upper Reservation.

Another project, planned by the Army, would move reserve facilities for ground units to Los Alamitos Naval Air Station. All other Army reserve units from area bases would be consolidated at the lower reservation of Fort MacArthur, said Col. Richard Erlenkotter.

The Army project could be accomplished independently of the naval housing project, he said.

When the hearing was opened to questions, a score of area residents took issue with the plans.

Major points of dissatisfaction were the military's use of shoreline land at the Fort MacArthur and Point Vicente sites and the possibility that San Pedro area schools, sewers and roads would face an overload use.

Several speakers were unhappy with the brief answers to questions asked of the military representatives, and said they wanted another public hearing.

Government speakers—a group that included Congressman Alphonso Bell, R-West Los Angeles—charged that the military's environmental impact study for the plan was incomplete.

Aides to Senators Alan Cranston and John Tunney told the crowd the senators were awaiting the outcome of the public hearing before offering opinions of the housing plans, but both also asked for further consideration of possible alternative plans.

Congressman Bell recalled that President Nixon redirected federal land use policies by freeing portions of the California coastline for public use. Bell said he would "consider it contrary to the federal land use policy" to construct military housing installations on valuable peninsula shoreline.

Fred B. Crawford, assistant general manager of the Los Angeles Harbor Department, said $300,000 had already been spent by the city for a study of the proposed small craft marina near Cabrillo Beach and an additional $65,000 spent for a study of traffic flow in the area of the planned marina.

Crawford said the marina plans would have to be scrapped if the military went ahead with its naval housing project. Naval officers at the hearing said copies of the environmental impact study of the San Pedro project cost $5 apiece and are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va.

Public inspection copies of the study are available through the San Pedro office of the U.S. Postmaster, officials said.

Statement of John J. Royal regarding proposed Navy housing, upper reservation, Fort MacArthur, presented by Fred B. Crawford, September 28, 1972

Mr. Chairman, ladies and gentlemen: I am Fred B. Crawford, assistant general manager of the Harbor Department representing John J. Royal, immediate past-president and member, the Los Angeles Board of Harbor Commissioners, and the Harbor Department. I appreciate the opportunity, Mr. Chairman, to appear here and to present the position—and to express the grave concern—of the Harbor Commission and Harbor Department in regard to the Navy housing plan for this area.

First, I would like to point out that the port of Los Angeles and the military establishment have always enjoyed an excellent relationship. So it is unfortunate, and rather disappointing, that this project moved ahead as rapidly as it did without any discussions between representatives of the port and the Department of Defense. After all, we are waterfront neighbors, and to properly develop in the community interest and for the public welfare our adjoining waterfront properties, we should make each other aware of any planning for the future.

Let me point out right here and now that the Harbor Department is not opposed to Navy housing. But it is opposed to the location of such housing, when that location will cause serious problems in traffic, sanitation, schooling and other areas in a community unaware of it, and unprepared for it . . . when that location will as a secondary effect cause a gross mis-use of extremely valuable waterfront property . . . and when other equally suitable sites for that housing have not been considered by the military.

If the Navy housing is, in fact, built in the San Pedro area, and particularly at Fort MacArthur, it is our understanding that Army Reserve activities now on the upper reservation will be relocated at the Los Alamitos Naval Air Station. As a separate nonrelated action, allegedly caused by the location of this housing on the Upper Reservation of Fort MacArthur, the Army plans to rebuild many of its lower reservation facilities below the bluff—immediately adjacent to and on the waterfront—replacing the obsolete structures now there, and adding service facilities that could be placed on the Lower Reservation above the bluff.

That service complex would include such things as a post exchange, a commissary, guest house, a theater, mess halls and barracks—a gross mis-use of extremely valuable waterfront property. That certainly is not the best use of this land, nor is it in the interest of the community or for the public welfare, when other sites are available.

That—simply stated—is the basic problem. But for the port of Los Angeles, the problem is compounded, just as it is for others who are also testifying at this hearing.

The scarcity of waterfront land in southern California for development for recreational and commercial use has become alarming. The port of Los Angeles, with serious geographic limitations of its own, has nevertheless been moving ahead to provide certain much-needed facilities, especially for small craft and related recreational use. To that end, the Harbor Department has recently completed a launching ramp for small boats, now operated in conjunction with the Department of Recreation and Parks of the city of Los Angeles . . . The port has had completed by specialized consultants detailed feasibility studies for a north basin marina, at a total current expenditure of more than $300,000 . . . It has contracted with still another firm to develop a master recreation-land use study into an economically-feasible overall project, to include the north basin, the lower bluff area of Fort MacArthur and access to the Cabrillo Beach area . . . and just recently, the Harbor Department has let a contract—at a cost of $65,000—for the study of the traffic flows north of the planned north basin marina, resulting from port customers, marina users, and military personnel and their families. This contract includes land use planning of the entire harbor department-owned land from the Vincent Thomas Bridge to the breakwater lying westerly of the port's main channel.

All of this was—and is—being done by the Harbor Department to meet its obligations to satisfy the public need. And all of it will come to nothing, if the Navy housing is built where it is planned and, in turn, the new Army service structures and new facilities are built on the waterfront section of the lower reservation. The result would remove, probably for all time, the possibility of the best use of limited waterfrontage. The result would be disastrous.

A moment ago I mentioned access to the Cabrillo Beach area.

Since 1924, and by act of Congress, the city of Los Angeles and its Harbor Department have had the right to construct and maintain a public highway across the lower reservation at Fort MacArthur. The need for that access is now. And the Board of Harbor Commissioners has made that very clear by recent adoption of a resolution and public declaration of the intent of the Harbor Department to exercise that right, and to build that access road. The general manager of the Harbor Department has notified the Secretary of Defense, the district engineer and the commandant of Fort MacArthur that the city of Los Angeles intends to forthwith use, improve and develop said right-of-way and said access in the construction and maintenance of a public highway across the waterfront section of the lower reservation, Fort MacArthur, in accordance with the terms and conditions of its permit.

Yet, while we have that right, and intend to use it, a recent environmental impact statement *by the military* ignores that fact, and even appears to indicate that, since the Harbor Department has not availed itself of this easement, its rights were forfeit. That, of course, is not a fact.

One thing more about that environmental impact statement: no mention is made anywhere in it of any attempts to master-plan Fort MacArthur's lower reservation or other sites under the control of the military in this general area for construction of the new service facility the Army claims it needs because of the proposed Navy housing. It is my understanding that the basic purpose of an environmental impact statement is to consider alternates to the proposed project and effects of the proposed project in order to preserve our natural resources, yet meet the functional requirements of the project. Obviously, this has not been done.

At the beginning of my statement, I said that the port of Los Angeles and the military establishment have always enjoyed an excellent relationship, I believe that a good relationship is based on frank discussion and candid expression. So I have been honest, and I have been sincere.

And I am still sincere when I say that I believe that the problem faced by the harbor department, and by others represented at this hearing, can be solved through consideration, cooperation and understanding.

So I urge that a complete and thorough study of all alternatives to and effects of the Navy housing be made and a new complete environmental impact study be prepared and distributed presenting the alternatives studied, the recommended course of action, the positive and negative effects of this action and then after adequate time to consider the new statement has elapsed, new public hearings be held, including discussions with all affected agencies of local government. A complete master plan of redevelopment of lower Fort MacArthur should be prepared by the Army, and an environmental impact statement as described above made of that plan. Then, additional public hearings should be held to evaluate those findings.

Only in this way can all interests be served.

Mr. Chairman, I thank you very much.

IMPROVING COMMUNICATIONS BETWEEN CONGRESSMEN AND CONSTITUENTS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. SHOUP. Mr. Speaker, as representatives of the American people, we Congressmen have a primary responsibilty to insure and maintain communication with our constituents. This obligation is a vital part of our democratic process and every effort should therefore be made to keep the channels of communication open between Congressman and constituent.

An article appearing in the September 24 issue of Parade Magazine entitled "We Need a Free Phone Link To Our Government" by Nicholas Johnson deals with this subject. This article was brought to my attention by Mr. Ezra L. Dolan, public relations director of Parade Publications, Inc. The author presents a convincing argument in favor of an inward WATS system which would enable government officials and members of Congress to receive calls toll free. This in theory, would provide the American people with an avenue for direct and immediate communication with their representatives. To date, however, the cost and complexities of such a comprehensive proposal have impaired its implementation.

In behalf of our constituents, we must acknowledge the frustrations involved in their efforts to contact the agency or official which can properly help them with a specific question or problem. The multiplicity of agencies and the variety of services have created an extremely complex bureaucratic network. I believe that it is part of our responsibility to assist our constituents by making that bureaucracy accessible and helpful to them.

Recognizing that our complex system of government often creates barriers to communications, I think serious consideration should be given to proposals—such as Mr. Johnson's—for improvement. I have, for the past 2 years, offered a free, collect phone service for the people of Montana. Since my congressional telephone allowance is funded by the taxpayers of my State, I regard this service as one which should be made available to them at no charge. I receive approximately 100 phone calls per month from my constituents and feel that this indicates its usefulness and acceptability.

I heartily urge my fellow congressmen who do not already offer such a service to explore its merit and feasibility, and perhaps at sometime in the future, the suggestion of Mr. Johnson's to institute a WATS toll free service may be realized.

COLUMBUS DAY OBSERVANCE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FISH. Mr. Speaker, 480 years ago, an Italian sailor with the courage to match his vision discovered a new land. Because of that act, and flowing from that vision stemmed a new concept of man's ability to guide and control his own destiny which was new in the world, and which has marked and dominated man's history since that day.

The day of that discovery we now mark as a national holiday named after that great Italian, Christopher Columbus.

On this day we mark more than the accomplishment of one man—great as that accomplishment was. But in addition we pay tribute to that vision which in its fullest development has led to the concept of freedom and equality among all men which has found its flowering in this land of ours.

For, Mr. Speaker, from the beginning of man's history the physical world remained the same. What was changed during that great age of discovery was man's attitude toward, and view of, that physical world.

Prior to the voyage of Columbus, it was a deeply held belief by every level of society that the individual's destiny in this world was predetermined and something over which he had no control. It was the general concept that an individual born to a certain station was destined to die in that same position. It was foreordained, with the individual a prisoner tied to the blind wheel of fortune.

But through the action of Columbus, and from the opening of new lands which resulted from his voyage of discovery that concept changed. And it was that change, that slight shift in the human viewpoint which has created the modern world in which we all live today.

It was that change in viewpoint, the growing belief that the individual could modify his position in society through his own efforts, which lighted the fires of freedom which burns so brightly in this land today. It was that change which resulted in the United States of America becoming not only the first, but the longest lived democracy on earth.

It was that slight change in emphasis on how man viewed the world which has made our land a refuge for millions of people from the oppression and lack of social movement found in too many foreign lands. It was true in the past; it remains true today.

Just as Columbus found fulfillment in his voyages of discovery and exploration, so we, the descendants of those who followed, find fulfillment in the lives we lead in the free atmosphere of this land. The dream which lured our forefathers from those foreign lands, lives in us today.

Therefore, as we mark Columbus Day, let us not only honor the man but let us pay tribute to the dream and vision which led him across those lonely ocean wastes, and led us forward today.

PRIVATE SECTOR AIDS WAR AGAINST DRUGS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ROGERS. Mr. Speaker, I have long been convinced that every segment of our society must participate in the effort to combat the serious national problem of drug abuse. No part of our society is immune to the effects of this problem and solutions cannot be brought about by Government action alone.

I have been heartened by many efforts in the private sector, including those of the National Coordinating Council on Drug Education, to broaden public knowledge and to present useful and valid information to citizens. The National Coordinating Council is supported by more than 130 national, State, and local public interest organizations and has established the country's largest nonprofit drug education network. The economic impact of drug abuse on business alone runs into millions of dollars each year. The council has been singularly helpful not only in preparing drug abuse education programs for business and communities, but in evaluating them as well.

One of its most effective activities has been publication of a handbook, a community guide to drug abuse action, called "Commonsense Lives Here." More than 100,000 of these have been distributed throughout the Nation and a second edition has now been authorized. The publication of this book was made possible by a grant from the van Ameringen Foundation and by support from the Council on Family Health, a nonprofit organization sponsored by the manufacturers of medicines.

Recently, television personality Art Linkletter, who is president of the National Coordinating Council on Drug Education, presented the NCCDE third annual Membership Award to the Council on Family Health in recognition of the "concerned and productive efforts in drug education" by the CFH, and for the latter group's support of the National Coordinating Council on Drug Education. CFH, founded in 1966, has also done pioneering work in developing programs promoting safety with medicines in the home.

The Council on Family Health has been a charter member of the NCCDE since 1969. In this past year it has distributed 2,000 copies of the community guide to drug abuse action and has provided a grant to NCCDE for the publication of the second edition.

Mr. Speaker, such education efforts by the National Coordinating Council on Drug Education and the Council on Family Health, play an important part in to total effort required of our Nation to meet the challenge of drug abuse. I commend their efforts to the attention of my colleagues. I might also note that the President has proclaimed the week of October 15–22, 1972, as Drug Abuse Prevention Week. I hope each of my colleagues will take time during this week to reflect on our progress toward meeting the drug abuse crisis and the many things which remain to be done to eliminate this problem.

WE MUST KEEP THE ETHNIC STUDIES PROGRAM ALIVE

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I very much regret that the supplemental appropriations bill which we have before us today does not include any funds for the new programs authorized under the Higher Education Amendments Act of 1972, including one in which I am particularly interested, the ethnic heritage studies program. I believe this program will, at a minimal cost, be extremely important in perpetuating knowledge of our country's rich ethnic heritage, and therefore I fully supported its enactment in the hope of establishing an ethnic studies program in the elementary and high schools of Cleveland. Had the program been funded at this stage, the many people in Cleveland and around the country who have shown an interest would have been able to bring their efforts to fruition in the near future.

I understand that the Appropriations Committee did not include any appropriations for higher education in this bill, because the administration was very tardy in forwarding a request for funds to the committee. More disturbing than the administration's waiting until the last minute to request funding for an act which was approved in June is the fact that the request did not include any funds at all for the ethnic heritage studies program. I hope that this action does not indicate a loss of interest in the program on the part of the administration, an interest which had been exhibited by the issuing through the Office of Education of a fact sheet and a timetable for the establishment of the ethnic heritage studies program.

I had seriously considered the possibility of offering an amendment to this bill to fund the program, but in view of imminent adjournment and the fact that a second supplemental appropriations bill for 1973 will be proposed early next year, I have decided against this course of action. However, I want at this time to reiterate my support of and interest in the ethnic heritage studies program, and to express the hope that the Congress will follow up on its pledge to establish the program by funding it in the near future at a generous level.

A TOUR OF DELAWARE CONSERVATION PROGRAMS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, October 11, 1972

Mr. BOGGS. Mr. President, the members of the Sussex County (Del.) Home Economics Extension Club recently made a tour of various areas of southern Delaware to see pollution abatement and conservation practices in operation.

Because I believe the information in this tour gives us a better knowledge of some of the conservation practices available in rural areas throughout our Nation, I ask unanimous consent that an article about this tour from the Sussex County Post be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sussex County Post, Millsboro (Del.), August 31, 1972]

HOMEMAKERS ENJOY TOUR OF CONSERVATION PRACTICES AND POLLUTION ABATEMENT

(By Mrs. Earl White)

Recently a group of Sussex County Home Economics Extension club members and friends enjoyed an educational tour to see conservation practices and projects for pollution abatement in Sussex County. The 41-member group from local clubs all over the county assembled at the Substation where Mrs. Ray Mears, Sussex County Environmental Chairman in charge of the tour, introduced Mr. Donald Campbell, County Executive Director of ASCS and Richard Bennett, Sussex County District Conservationist. The two had planned the tour in cooperation with Miss Frances Shoffner, Extension Home Economist for Sussex County. They explained briefly things of importance about the trip.

The first place visited was the State Forestry Nursery near Ellendale. The group was greeted by Mr. Walter Gabel, Forester, Division of Forestry, St. Dept. of Agriculture, who discussed the work carried on there. They learned that the Department of Agriculture will provide seedling to qualified land owners within the state provided certain requirements are met. Trees are not to be used as ornamentals for decorative purposes nor sold or otherwise disposed with roots attached.

Delaware has nearly 400,000 acres of forest land. The objectives of the Department of Agriculture are to encourage woodland owners to produce more and better forest crops and to establish new forest crops on idle land. The group learned that 700 acres were planted in Sussex County last year. With the ever increasing population and the wide spread of pollution, more trees are needed each year. Mr. Gabel stated that the department gives up to 50,000 seedlings to a group or an individual who would furnish labor to get them planted.

The group then traveled to the farm of William Wolters on the Owens Tax Ditch near Greenwood to see an example of a structure used to control sediment on a watershed channel. Bags of cement were used as sand bags to prevent cave-ins and to protect pipes. Sixteen feet on each side of the ditch are used as filter strips. They are planted in certain grasses, trees and shrubs. These strips also prevent field run off, such as fertilizer, etc. that would pollute the streams. Later the group paused briefly at another ditch that had not been protected for comparison.

The next stop was at H.P. Cannon and Son, Inc., in Bridgeville. Peppers are the big crop raised for the Cannon factory. The firm is carrying on research experiments in cooperation with the Department of Agriculture, Soil Conservation District and University of Delaware Extension service, in water recycling to determine the possible pollution caused by pesticides. The waste from the peppers in the factory goes through a shaker where the solids are removed. The waste water is then piped to a nearby field and used to irrigate lush, rotated pastures of fescue grass where steers are fattened. The steers are then slaughtered and tests made to determine if there is any pesticide residue in the meat. The grass will absorb and filter greater amounts of water than any other type of vegetation.

Leaving Bridgeville, the group next visited the farm of Dennard Hill, near Atlanta. Mr. Hill is a hog farmer raising approximately 1800 at present. Here they saw a lagoon 250 feet by 45 feet wide and 8 feet deep built to take care of the waste and drainage waters from the hog lots. The lagoon was designed by Richard Bennett, the SCS representative on the tour. Mr. Campbell stated that these pollution lagoons are cost-shared by the ASCS up to a certain amount. They prevent pollution run off in the streams.

The group next traveled to Craig's Mill Pond for a box lunch. The pond is maintained by the Game and Fish section of the Department of Environmental Control. The quality of the water in the pond was discussed. The group learned that the quality depends on the installation of filter strips and live stock lagoons up stream. Also the possibilities of the excess growth of water weeds and algae blooms was discussed.

Leaving Craig's Mill Pond the group had a delightful ride over the historic Woodland Ferry which was started in 1793 by Isaas and Betty Cannon. In 1843 the ferry became the property of the county. It is owned and maintained now by the State of Delaware. All rides are free and operate from dawn to dusk.

Soon the group reached the Laurel Auction Block. Starting in 1939–40 with approximately ten members, each solicited twenty members thus making a total of 200 people to form the Laurel Marketing Association. Six acres of land was bought and a small auction shed was built. It has continued to grow until now it is a cooperation belonging to 1300 farmers in seven counties of two states. Their biggest products now are cantaloupes and watermelons. This week one day's sale was 70,000 watermelons, 50,000 cantaloupes and 5,000 sugar babies. This is only about 60–70 percent of average years. They also sometimes sell small amounts of sweet corn, lima beans, snap beans, egg plants, acorn squash and pumpkins.

The last stop was at the farm of Mr. and Mrs. S. Willard Cole near Laurel. Here the group saw a wildlife pond with an area of one-half acre and 6 to 12 feet deep. The pond was designed by the Soil Conservation Service Engineers and cost-shared by the ASCS office. It is fed by several springs which keep the water level up all year long. It is stocked with fish such as bass, ring perch, white perch and sun fish. It is used by ducks also. Mr. Cole has trained the fish to come when he feeds them. The Coles have added much to the landscaping around the pond. They have planted rye grass, wheat and a little wild rice for the wild life to use as food. In the spring there are the usual blooming shrubs and in the summer there are roses. Many lovely trees have been planted and a foot bridge has been built over one end of the pond. Although they have various animals for visitors they have seen only one large deer. Much to their delight, a blue heron visits the pond at times.

The group then returned to the Substation tired, but happy, after what all felt was a day well spent.

KINGSTON HIKER IS 75 YEARS YOUNG

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BAKER. Mr. Speaker, we have all heard the familiar adage, "You're as young as you feel."

I recently had the opportunity to meet an outstanding individual who exemplifies this youthful zest. Although her chronological age is 75. Mrs. Tom (Madge) Ferguson of Kingston, Tenn., is truly young at heart.

When I was introduced to her in Kingston on a chilly October Saturday Mrs. Ferguson was about to embark on a 20-mile walk through the mountainous east Tennessee countryside.

Her purpose? To raise money for "Project Concern," which operates a mobile dental clinic near Crossville, Tenn. The clinic provides dental care for mountain people in a seven-county area of east Tennessee.

Mrs. Ferguson was bundled up against a brisk wind as I talked with her before she joined some 600 other local residents walking for charity. She explained the "Walk for Mankind," sponsored by the Kingston Jaycees, would give about 80 percent of its funds to the dental clinic. The rest would go to a summer camp fund for needy children.

Mrs. Ferguson said she and the other participants has obtained sponsors for the walk, each agreeing to contribute a certain number of dollars for every mile walked.

The 75-year-old lady appeared confident she could make a substantial contribution to the fund by her participation in the walk. "After all, walking is my hobby," she said.

Mrs. Ferguson did not need to worry about the amount she would net for the fund—although her sponsors may. All told, she made $200 for the project and was the oldest to complete the course.

At the conclusion, she still looked alert and nearly as youthful as 7-year-old Linda Miller of Kingston, the youngest to complete the walk.

Although the rigors of a campaign help to keep Members of Congress fit, Mrs. Ferguson had a definite edge on me. Kingston Mayor Bob Humphreys and I led the march for some distance, but scheduled commitments of the day demanded our presence elsewhere. Fortunately for the success of the march, Mrs. Ferguson and many other public-spirited citizens kept on going.

I commend the Kingston Jaycees, civic

leaders and businessmen, and all who participated in the "Walk for Mankind" to help make it a success. But my heartiest congratulations go to Mrs. Ferguson, surely one of my most physically fit constitutents at any age. I am sure I speak for all her friends and neighbors in the Kingston area in hoping she will be walking for many more years.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my last weekly report to Ninth District constituents on American agriculture:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

American agriculture—a complex, dynamic, $120 billion a year enterprise—stands at the crossroads. The primary policy question it faces is how to continue the enormously productive revolution in America without sacrificing the family farm, an institution which has had profound importance in shaping the character of the Nation.

Everyone agrees that a clear-cut commitment to a national farm policy is needed, one which provides a definite view of where the United States is, and where we should go, in agriculture. This policy should address itself to these questions:

1. Should productivity be paramount, with no particular concern to the thousands of marginal operators who are falling by the wayside each year?
2. What is the future of the family farm?
3. What are the dangers of massive, corporate farm operations, and how should they be met?
4. What is the role of farm unionism?
5. Can we get unity from the major farm organizations, and, if so, on what grounds?
6. What is the appropriate role for government in agriculture?
   a. Should we have strict supply management with high price supports and production controls, or should we move towards a freer market?
   b. Should there be limitations on government subsidies on crops, and, if so, what should those limitations be?
   c. What should we do about land use, particularly as large investors claim more production land, choking off potential agricultural expansion and driving tax assessments higher?
   d. It the future of rural America endangered?

No one knows the answers to these questions, but with the Omnibus Farm Act due for a revision in 1973, the debate on agriculture promises to be strident and critical. These several questions should be examined in view of the central realities in American agriculture today:

1. The farmer today is in an economic crunch. In the last 20 years, the price he receives for his produce has risen only 6 percent, while consumer incomes have shot up by 300 percent, the consumer price index has risen 50 percent, his taxes have increased 400 percent, and the wages he pays have increased by 300 percent.

2. The trend today is towards fewer farms, bigger farms and corporate farms. Today, there are only 2.8 million farms and the average size is 400 acres (in 1935 the comparable figures were 7 million and 100 acres). The Nation's farm population of 9.2 million is now less than 5 percent of the total population (It was 50 percent in 1920). The traditional patterns of food supply are also being shaped by dozens of large corporations which are moving into agriculture, posing a threat, at least in some areas, to the family farmers.

3. The power of the farm bloc is weakened because there are fewer farmers, and because farmers are not unified. Farmers are especially divided on the appropriate role of government in agriculture, and over the basic choice between a modified market economy or management control. Farmer bargaining and farm unionism are emerging factors in agriculture which also create divisions.

These questions arise when the problems of rural America are serious and real, and when Congressmen from rural areas show increasing concern.

Without attempting to answer in detail the fundamental questions discussed, my views lead me to support efforts to raise farm income, preserve the family farm, discourage the use of farming for tax write-offs, support strict limitations on farm subsidies, allow family farmers freedom of choice in planting and operations, and improve the farmer's position in the marketplace by strengthening farm bargaining, improving agricultural markets with research and information, marketing agreements, cooperative buying and selling, and with expanded world trade.

TRIBUTE TO ED FONTES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ANDERSON of California. Mr. Speaker; Ralph Waldo Emerson, the noted 19th century author and essayist, once wrote:

> The only reward of virtue is virtue; the only way to have a friend is to be one.

No single expression at my command better illustrates the manner and the person of Ed Fontes, a man I am proud to call my friend.

Mr. Fontes, a resident of Carson, Calif., exemplifies the community spirit which brings people—all people—together in a common crusade to improve the quality of life of our fellowman. His rapport with the young, the old, the rich, the poor, has cast him in the role of the catalyst—the magnet and the glue—which brings people together and holds them in a bond seeking a mutual goal.

For the past several years, Ed has provided the leadership in organizing our Family Day Picnic which brings together residents from all over southern California to enjoy the bands, the food, and the entertainment that makes for an "Old-Fashioned Family Picnic."

This year, thanks to Ed, the festivities were even bigger and better than previous years. There were games for the young and old—sack races, horse shoes, pie-eating contests, and checkers—and an international cuisine featuring Spanish, Italian, American, and Philippine foods.

Mr. Speaker, the success of the picnic is, itself, a tribute to the ability and the personality of Ed Fontes.

For Ed, the sleepless nights, the jangled nerves, and the relentless effort to piece the mosaic together; the reward is the satisfaction of knowing that he brought pleasure and fun for thousands of people. For Ed, the only reward of virtue is virtue.

Mr. Speaker, Ed is the friend of all who know him, and I take great pride and pleasure in commending him for his untiring efforts and for his spirit which is an inspiration to us all.

And, while it has been said that Ed has the patience of Job, the wisdom of Solomon, and the foresight of Socrates—it has also been said that his lovely and charming wife, Bonnie, is, by far, the better half, and has been most instrumental in making Ed's endeavors successful.

REVENUE SHARING FOR NEW HAMPSHIRE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WYMAN. Mr. Speaker, under the revenue-sharing legislation approved by the House-Senate conference committee, New Hampshire would receive a total of $15.2 million, $5.1 million for the State government and $10.1 million to be divided among county and local governments. The following table outlines the allocation to county and local governments. It should be noted that communities of 2,500 or less are not included in this tabulation. Computation of their allocation is scheduled to be completed later this month.

The table follows:

REVENUE SHARING FOR NEW HAMPSHIRE

Total State grant to all locals	$10,144,005
Amount returned to New Hampshire State government is	127,679
COUNTY AND TOTAL GRANT	
Belknap, county area	645,374
Belknap, county government	118,641
Total to all cities over 2,500	296,856
Total to all cities under 2,500	0
Total to all townships	229,877
Laconia city	296,856
Gilford town	25,958
Meredith town	51,871
Tilton town	36,617
Carroll, county area	222,086
Carroll, county government	51,705
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	170,381
Wolfeboro town	32,205
Cir Conway town	40,373
Cheshire, town area	656,617
Cheshire, county government	71,202
Total to all cities over 2,500	320,198
Total to all cities under 2,500	0
Total to all townships	265,217
Keene city	320,198
Hinsdale town	28,579
Jaffrey Town	28,584
Swanzey Town	18,521
Walpole Town	28,561
Winchester Town	34,762
Coos, county area	530,828
Coos, county government	187,500
Total to all cities over 2,500	220,422
Total to all cities under 2,500	0
Total to all townships	122,906
Berlin City	220,422
Gorham Town	59,778
Lancaster Town	63,328
Grafton, county area	651,542
Grafton, county government	85,113
Total to all cities over 2,500	124,139
Total to all cities under 2,500	0
Total to all townships	442,290

Lebanon City	124, 139
Hanover Town	$31, 688
Haverhill Town	10, 567
Littleton Town	99, 384
Plymouth Town	64, 868
Hillsborough, county area	3, 393, 737
Hillsborough, county government	297, 659
Total to all cities over 2,500	2, 634, 343
Total to all cities under 2,500	0
Total to all townships	419, 735
Manchester City	1, 749, 749
Nashua City	884, 594
Amherst Town	14, 709
Bedford Town	19, 400
Goffstown Town	67, 074
Hillsborough Town	39, 035
Hollis Town	8, 934
Hudson Town	54, 907
Merrimack Town	26, 158
Milford Town	32, 797
Pelham Town	32, 363
Peterborough Town	19, 079
Merrimack, county area	1, 084, 946
Merrimack, county government	135, 389
Total to all cities over 2,500	654, 276
Total to all cities under 2,500	0
Total to all townships	295, 282
City of Concord	508, 879
Franklin City	145, 397
Allenstown Town	17, 594
Boscawen Town	22, 367
Hooksett Town	32, 629
Hopkinton Town	8, 691
Pembroke Town	24, 574
Pittsfield Town	37, 977
Rockingham, county area	1, 470, 244
Rockingham, county government	208, 486
Total to all cities over 2,500	512, 778
Total to all cities under 2,500	0
Total to all townships	748, 981
Portsmouth City	512, 778
Derry Town	55, 875
Exeter Town	49, 902
Hampton Town	141, 875
Kingston Town	36, 976
Londonderry Town	21, 937
Newmarket Town	49, 835
North Hampton Town	10, 875
Plaistow Town	18, 611
Raymond Town	32, 882
Rye Town	30, 453
Salem Town	55, 395
Seabrook Town	35, 933
Windham Town	13, 832
Strafford, county area	932, 025
Straffiord, county government	106, 581
Total to all cities over 2,500	677, 836
Total to all cities under 2,500	0
Total to all townships	147, 608
Dover City	285, 795
Rochester City	296, 392
Somersworth City	95, 649
Durham Town	57, 423
Farmington Town	23, 877
Sullivan, county area	470, 927
Sullivan, county government	74, 792
Total to all cities over 2,500	215, 679
Total to all cities under 2,500	0
Total to all townships	180, 457
Claremont City	215, 679
Charlestown Town	31, 696
Newport Town	67, 259

PLANNED TRIBUTE TO JAMES KEE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. SCHWENGEL. Mr. Speaker, I reserved an hour for tomorrow October 12 to pay a deserved tribute to the distinguished gentleman from West Virginia who will be retiring from the Congress this year.

I write all Members to join me in this tribute to a great man and a great name in West Virginia.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the October 9, 1972 edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues be informed of the plans and activities being made across this country preparing for the Nation's 200th anniversary in 1976. The bulletin was compiled and edited by the Communications Committee staff of the ARBC. The bulletin follows:

BICENTENNIAL BULLETIN,
Washington, D.C., October 9, 1972.

On September 28 the House of Representatives approved, by a vote of 300 to 19, a revised authorization bill for ARBC through February 15, 1973. The House bill authorizes $3.5 million for the period through February 15, 1973, including an amount not to exceed $2.4 million as the second grant for State Commissions. The bill includes the provisions for matching project grants to State and local Commissions and non-profit organizations, with such grants to be funded exclusively with nonappropriated funds, i.e., revenues and donations.

Julius Rudel, Music Director of the John F. Kennedy Center for the Performing Arts, is planning an American Music Retrospective during the Bicentennial year, including work songs, gospels and other influences on American music.

The National Medical Association (NMA) received a Bicentennial certificate of official recognition on October 1 for its national program aimed at conquering sickel cell anemia. Presentation of the certificate and the national Bicentennial flag was made by Commission Member Ms. Nancy Porter, Chairperson of the Horizons '76 Committee, to Dr. Edmund C. Casey, President of NMA, at the dedication of the association's first headquarters building. Ms. Porter praised the NMR officials and members for their initiative in setting 1976 as NMA's target date for the development of an advocacy program against sickle cell anemia.

The House of Representatives approved a bill on October 3rd authorizing construction of a convention center south of Mount Vernon Square as a Bicentennial Memorial to the late president, Dwight D. Eisenhower. A similar bill has passed the Senate.

The "taxation of Colonies Act," a relic from the War of Independence, was ruled by the Law Commission in Great Britain, as no longer of practical utility. The Commission recommended its repeal together with 257 obsolete laws going back as far as the year 1424.

At its 1972 annual meeting in New York City, July 2–7, the National Environmental Health Association passed a resolution to support the American Revolution Bicentennial Commission. The resolution, sponsored by John J. McHugh, past president of the association, is in direct accord with the principles of the Bicentennial thematic area, HORIZONS '76: "Resolved, that the National Environmental Health Association supports the American Bicentennial Commission and desires to work with all federal, state and local governments and other interested organizations to achieve a quality environment for all of our citizens by the time of our nation's 200th birthday on July 4, 1976."

ARBC SPEAKS OUT

Thomasine Hill, Commission Member, participated in the New Haven Conference of the Western History Association in New Haven, Connecticut. *Mrs. Ann Hawkes Hutton* Commission Member spoke to the Georgia Historical Society in Savannah. *Hugh A. Hall,* Acting Director of ARBC, addressed members of the Bicentennial Council of the Thirteen Original States in Durham, (N.H.) on October 7. *John McCormick,* a member of the ARBC Invitation to the World Advisory Panel and President of COSERV, addressed the International Institute of Greater Toledo in Ohio. *Del Black,* ARBC Regional Coordinator, spoke to the Nebraska State Historical Society, in Lincoln. *Bill Hart,* Federal-D.C. Bicentennial Coordinator for the President, addressed the Washington Formum at the Lawyers' Club in Washington, D.C.

Mrs. Margo Russell, Editor of *Coin World,* has editorially urged the revival of the $2 bank-note for the Bicentennial with Thomas Jefferson on the face of such a bill, and the replacement of a view of his home in Monticello with a Bicentennial theme. The weekly magazine also endorsed a 50-cent fractional currency note, to be treated as a souvenir item.

Sen. J. Glenn Beall Jr., Md. introduced a bill on September 25 authorizing a feasibility study and subsequent construction of a high-speed ground and water transportation system to link Washington with two historic centers in Maryland and Virginia by 1976. The Bicentennial celebration, Senator Beall noted will bring millions of visitors to the D.C. area. He said the proposed transportation system "will provide visitors with an exciting means of seeing the historical cities and sights of the region, and at the same time provide a practical demonstration of a technologically advanced transportation system . . ." Senator Beall said that he is "hopeful the Commerce Committee will hold hearings on the bill this year."

As a fund-raising project, the Alexandria Bicentennial Commission (Va.), sponsored a drawing contest which drew 121 entries. Artists were asked to submit line drawings, preferably of Old Town historic properties. Frank Wright, head of the Drawing Department of Georgetown University, selected 12 winning entries. The drawings will be reproduced and will go on sale at local shops in the near future.

The eight-team member 4–H Report to the Nation group visited ARBC Headquarters on October 2nd. The Reporters, representing four million 4–H'ers and speaking for 13 million young people in 4–H type organizations in 87 counties around the world draw on their own experience and training to inform leaders in Government, business, industry, agriculture, education and civic groups about the current nationwide 4–H program. Team Members are: Linda Saathoff (Md.); Michael Scales (Va.): Kim Shaffer (Minn.); Suzonne Quave (La.); Beverly Prater (Colo.); Mike McNamee, Jr. (Wyo.); Stephanie Ballentine (N.C.); and Rodd Moesel (Okla.).

Historical events which relate to the Bicentennial Era:

October 12, 1776—Battle of Throg's Neck, New York. A handful of American riflemen bottle up and hold off a superior British force. *October 13, 1775*—Congress authorizes a Navy. Votes to outfit two ships of ten guns each. *October 14, 1774*—First Continental Congress adopts a Declaration of Rights. Declares rights of the colonies had been violated. Adopted in an effort to secure repeal of Parliament's Coercive Act. *October 16, 1773*—Philadelphia citizens resolve that tea duty is taxation without representation.

In an editorial captioned, "Make the Bicentennial Meaningful," the editor of the Decatur, (Ill.) *Herald* states, "The most useful 'celebration' the Commission might arrange is to encourage a re-examination by scholars of the philosophical underpinnings of the revolution. There is a need for scholarly documentation of the failure by the Founding Fathers to include Blacks and women among those eligible for the full rights of citizenship." Other suggestions: "Why not a Jefferson Prize for imaginative design of public housing facilities? Or one for artists named on behalf of John Copley, the painter? One might be established in Mr. Franklin's name to encourage research to alleviate the pollution from power plants."

CREDIBILITY: SOMEONE ISN'T TELLING THE TRUTH—MR. NIXON OR MR. McGOVERN? CHECK ONE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BAKER. Mr. Speaker, on the basis of what has happened to date, the loser in the credibility sweepstakes has to be the erstwhile Prairie Populist, George McGovern. There is an enormous gap between Mr. McGovern's words and Mr. McGovern's deeds and he is not doing much to close this gap which started to widen even as he won his party's nomination in Miami.

In an article which appeared in the New York Times of October 3, 1972, Patrick J. Buchanan, a special assistant to the President, detailed some of the areas where the Senator from South Dakota has stretched his credibility.

Mr. Buchanan does not cover all of the instances. I am sure my colleagues who have had occasion to match the Senator's words with his deeds, can list many more, but for starters, I think it is appropriate to bring Mr. Buchanan's list to the attention of those who might not have seen it in the New York Times. The article follows:

Credibility: Someone Isn't Telling the Truth—Mr. Nixon or Mr. McGovern? Check One

(By Patrick J. Buchanan)

Washington.—Earlier this year, parallels were drawn between the preconvention campaigns of George McGovern and Barry Goldwater. The comparisons were neither invidious nor invalid. Both men—one of the left, the other of the right—were movement politicians. Unlike a John F. Kennedy or a Richard M. Nixon, who relentlessly pursued and won their party's nomination, Senators Goldwater and McGovern had their nominations "captured" on their behalf—captured by an army of volunteers, motivated by ideology, hungrier, better disciplined and better organized than the Establishment they sought to displace.

Unlike Presidents Kennedy and Nixon, neither of these small-state Senators could have seized their party's nomination and machinery, had they not been chosen instruments of significant political movements.

But the comparisons that were valid in the spring are demeaning to Senator Goldwater in the fall. For, agree or disagree, Barry Goldwater went down to defeat in November, 1964, unapologetically, uncompromising in his public commitment to conservative positions and principles.

Senator McGovern, on the other hand, has made public recantation the leitmotiv of his campaign. Excepting only defense, one is hard pressed to name a single position taken by Mr. McGovern to win the nomination that has not, since Miami Beach, been trimmed or hedged or abandoned altogether.

The guaranteed income that Mr. McGovern introduced in the Senate was put over the side with George Wiley in Miami Beach. The $1,000-per-person grant, with the concomitant tax program to redistribute the wealth, was quitely interred on Wall Street two months later. As for the 100 per cent tax on estates, followed by the 77 per cent on estates—neither of them has been heard from in weeks. Abortion is no longer a matter between "a doctor and his patient." Today it is not even a matter worth discussion between a candidate and his constituency. The pledges of quotas of Federal jobs to blacks and Chicanos were jettisoned when quotas became a national issue.

The space shuttle that was a "foolish project" in the Florida primary does not seem so foolish when campaigning in Houston in September.

Unconditional amnesty for all who refused to serve in Vietnam is now fudged. No longer should we consider regulating marijuana "along the lines of alcohol."

On Southeast Asia, there is ongoing debate among Republican researchers as to whether Mr. McGovern will keep bases in Thailand and ships offshore until the prisoners are released—or whether he will remove the troops and ships "on the faith" that the prisoners will subsequently be released. Using primary sources alone, each side has a cogent case. Not for nothing is the McGovern speechwriting team laboring under the sobriquet, "The Waffle Shop."

As for Mr. McGovern's June declaration: "We're not going to win in the fall if we forget the pledges and the commitments we made in the spring," he should save it for the Al Smith Dinner, it will bring down the house.

With his reputation for political consistency and candor already in grave peril, Mr. McGovern's reputation for personal credibility seems headed in the same direction. The solemn pledge to the women to support the South Carolina challenge was dishonored the evening of the day it was made. The flat assertion that no instruction had been given to Mr. Salinger was, as flatly, retracted and reversed not two hours later. And the enormous gap between Mr. McGovern's words and Mr. McGovern's deeds in the Eagleton affair was summed up nicely by Gary Willis, who wrote:

"Senator McGovern is giving sanctity a bad name. While he blessed the crowds with his right hand, his left one was holding Eagleton's head under water till the thrashing stopped. We'll all know we're in trouble if he should be elected and take his oath of office by saying he supports the Constitution 1,000 per cent."

In 1971, Mr. McGovern, in a fundraising letter, wrote boldly to his prospective constituents, "Quite frankly, I am not a 'centrist' candidate." His awkward efforts in the past month to imitate one only call to mind Dr. Johnson's dog trying to walk on its hind legs.

Instead of denying his convictions, Senator McGovern might have done better by defending them.

Many commentators contended that had Mr. McGovern continued to run as the candidate of the "new politics" he would have been administered a shellacking by Mr. Nixon. Perhaps.

But the people who supported him were, at the least, entitled to have their somewhat unorthodox views on income redistribution, neo-isolationism and reversal of priorities aired and articulated—as they have not been by their erstwhile champion who has spent the last month running as though he coveted most the office of—not President of the United States but—Special Prosecutor in the Waterbug Case.

It was impolitic of Senator Goldwater to stand in the Cow Palace and summarily dismiss the recalcitrant Eastern liberals just defeated at the convention. But assuredly the moment was a more honest one than that unforgettable scene of George McGovern emerging from lunch at the LBJ Ranch to declare the meeting "one of the most treasured moments of my life."

SAFE DRINKING WATER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. GUDE. Mr. Speaker, one fatality in the rush to adjournment is the safe drinking water bill. Passed in the Senate, this bill has been laid to rest in the House Interstate and Foreign Commerce Committee.

This Congress has devoted much time and effort to environmental protection—we have enacted legislation to clean up the environment where necessary and to preserve areas where pollution has not yet affected the natural beauty of our skies, lands, and waters. However, as the following editorial succinctly points out, we have ignored a vital aspect of our environment—our drinking water.

Our attention was first focused on the need for environmental protection by two realizations, that pollution is ugly and unhealthy. It seems that, in regard to drinking water, we have chosen to ignore the questions of public health and safety. Our drinking water looks alright as it comes out of our spigots, and that antiquated standard has satisfied us. But such aesthetic criteria tell us nothing about the invisible contaminants in drinking water—viruses, bacteria, organic and inorganic chemicals, heavy metals, to name a few. The national drinking water standards have not been revised since 1962. Since then we have learned much about the public health threats posed by these contaminants, enough that revision of these standards is long overdue. It is unfortunate that this Congress will not be the one to address this important task; and I urge that revision of the national drinking water standards be the first order of business next year.

I submit for the information of my collegues the following editorial on this matter from the Washington Post, October 10, 1972:

Any Chance for Clean Drinking Water?

There has been no lack of attention given to the nation's polluted water, and hardly anyone doesn't have personal experience of a filthy river, lake or stream. It is often surprising, however, to notice how few citizens think twice about another body of water that is endangered: their own drinking water. In recent hearings before the Senate Subcommittee on the Environment, Dr. J. H. Lehr of the National Well Water Association noted the potential hazards: "Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future falsely implies that the quality, safety and adequacy of our municipal water supply systems are above reproach. Perhaps the myth can be stated as follows—'Everyone knows we have launched a massive water-pollution-control effort and that waterborne disease outbreaks are a thing of the past.' This statement is simply not true. . . ."

Alerted to the dangers, the Senate has passed the Safe Drinking Water act. Similar legislation has been in the House, but it is not certain that action will be taken in time for the proposal to become law. The House Committee on Interstate and Foreign Commerce will have an opportunity in the next few days to get the bill to the floor for a vote. The legislation passed the Senate with little difficulty, meaning that the issue in the House is not the bill itself but whether or not it will get out of committee.

The need for national drinking water standards is shown by several alarming events. Last July, a public health official in Boston reported an unhealthy amount of lead may be getting into that city's drinking water. Between 1961 and 1970, there were at least 128 known outbreaks of disease or poisoning attributed to drinking water. An official of the Environmental Protection Agency has reported that some 8 million Americans drink water that is potentially dangerous because it does not meet federal mandatory standards.

Other reports, all ominous, keep appearing. Unless the House joins the Senate to assure the public that its drinking water is safe, many unsuspecting citizens will continue to quench their thirst with water containing several types of chemicals, bacteria, viruses, toxic metals and other contaminants.

LADIES OF CHARITY OF THE UNITED STATES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MURPHY of New York. Mr. Speaker, I invited the attention of my colleagues, my constituents, and the people of America to an organization which is truly concerned about and deeply involved with people especially, as summarized by their motto,

The aged and youth . . . (and all God's poor).

The Ladies of Charity of the United States represents perhaps half a million women throughout our country who have devoted themselves to charity work of all types. Representatives of the Ladies of Charity met in the Deauville Hotel in Miami, Fla., from Friday, October 7 through Tuesday, October 10 to find new ways to help people and new ways to increase their involvement with them. Their theme was "Personal Charity". Participating in this conference were representatives of the Catholic Charities of the United States and the Saint Vincent DePaul Society.

In particular, I would like to offer my salute and thanks for a splendid job well done to the outgoing president of the Ladies of Charity of the United States, Mrs. Fred N. Eckhardt of Pittsburgh, Pa. and my congratulations, best wishes, and prayers for a successful upcoming year to the newly elected president, Mrs. Don King, Jr., of Austin, Tex.

Also deserving special acknowledgement and consideration are the charming ladies of the Board who represent the people in their segments of the country:

Mrs. Glenn A. Willis for the northeast area.

Mrs. Don King for the southern area.

Mrs. Michael Holliday for the Middle Atlantic area.

Mrs. Alois Cepelka for the North Central area.

Mrs. John M. Crowley for the Western area.

I take special pride in bringing the charitable works of these thousands of people to the attention of the Congress and America—and wish the Ladies of Charity well in the days to come in practicing the selfless words which make up their motto and goals. They deserve the support of our people.

PERFECT EDUCATION SCORE FOR CULVER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BRAMEDAS. Mr. Speaker, the Dubuque Telegraph-Herald, in a September 12 story, reported that the National Education Association had given Congressman JOHN CULVER of Iowa's Second District, a perfect score for supporting legislation benefiting American education.

The NEA, with 1.3 million members, is the largest professional teachers organization in the Nation. The original announcement of the NEA's ratings appeared in the September edition of the Reporter, the association's official newspaper.

In reporting the story, the Telegraph-Herald stated:

> The 1971–72 voting records of Tri-State Area Congressmen earned mixed grades from the National Education Assn. (NEA) in the September issue of its publication, "Reporter." Of the nine area lawmakers, Iowa Congressman John Culver, D–Cedar Rapids, and U.S. Sen. Adlai Stevenson, D–Ill, received "perfect" scores. Culver sided with the NEA on each of seven votes.

Mr. Speaker, as chairman of the House Select Subcommittee on Education, I am proud of Democratic leadership in this vital area of our national life. Passage of the Omnibus Education Act by this Democratic Congress promises the most significant advances in education since passage of land-grant legislation. We also have passed such far-reaching programs as: Expanded Headstart, national school lunches, and Vietnam veterans' assistance.

Congressman CULVER supported each and every one of these programs and I commend him for his commitment to turning into reality the national goal of providing every American with as much educational opportunities as he or she can use. I know that in the years ahead, JOHN CULVER will continue this enlightened commitment—to America's future.

The Dubuque Telegraph-Herald story follows:

NEA RATES CONGRESSMEN: CULVER HAS PERFECT SCORE

> The 1971–72 voting records of Tri-State Area congressmen earned mixed grades from the National Education Assn. (NEA) in the September issue of its publication, "Reporter."
>
> The newsletter listed all congressmen and their voting records on issues deemed important to education. Six U.S. Senate and seven U.S. House votes were listed.
>
> Of the nine area lawmakers, Iowa Congressman John Culver, D-Cedar Rapids, and U.S. Sen. Adlai Stevenson III, D-Chicago, received "perfect" scores. Culver sided with the NEA on each of the seven votes; Stevenson went six for six.
>
> Other area members of the House were scored like this: Wisconsin's Vernon Thomson, R-Richland Center, was listed as voting with the NEA five times and against it twice. Illinois' John B. Anderson, R-Rockford, was listed as voting for three times, against three times and not voting once.
>
> Culver, Thomson and Anderson are all up for re-election this year. Stevenson won a six-year term in 1970.
>
> Two Republican senators up for re-election this year—Iowa Sen. Jack Miller of Sioux City and Illinois Sen. Charles Percy of Chicago—were given only fair marks by the NEA.
>
> Miller was listed as voting with the NEA twice, against it three times and not voting once. Percy's record was three votes for and three abstentions, the NEA said.
>
> The remaining Tri-state senators—Democrats Harold Hughes of Iowa and Gaylord Nelson and William Proxmire of Wisconsin—were all listed as voting with the NEA five times and against it once.
>
> Nelson and Hughes will be up for re-election in 1974. Proxmire's term ends in 1976.
>
> Included in the NEA's list were votes on appropriations, the Omnibus Higher Education Bill, retaining day-care provisions, voters registration, Equal Employment Opportunity Commission and federal economic controls.
>
> The NEA, with about 1.3 million members is the largest professional teachers organization in this country. About 650 persons, in both local school districts and the University of Dubuque, are NEA members locally.

COLUMBUS DAY OBSERVANCE IN BERWICK, PA.

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FLOOD. Mr. Speaker, the spirit shown by the citizens of Berwick, Pa., on Columbus Day is indeed a fine example for all of us.

Marking the discovery of the Nation by Columbus with a torchlight parade and many other activities, the mayor of Berwick, Clarance J. O'Dell, Jr., proclaimed the day "American Solidarity Day" and issued the following proclamation:

PROCLAMATION

> Whereas, The Columbus Day Federation, A group of Civic and Fraternal Organizations in our Community have seen it as their Duty and Obligation, that the Citizens of Berwick, Officially celebrate October 9, 1972 Columbus Day, as American Solidarity Day, thus showing the World we are United.
>
> Whereas, I urge All Citizens of our Community to Recognize this great Service rendered by The Columbus Day Federation, and request that you participate in the programs of this day, including an evening Torchlight Parade. This parade being the only one of its kind to be held in the State of Pennsylvania.
>
> Therefore, I Clarence J. O'Dell Jr., Mayor of The Borough of Berwick, Pennsylvania do hereby Proclaim October 9, 1972 Columbus Day, as American Solidarity Day, in our Community. Let us Pray that all Communities of this Great Nation follow in our Footsteps.

AGRICULTURE—MIDYEAR REVIEW AND OUTLOOK

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. RAILSBACK. Mr. Speaker, in February I explained that the urgent matter of assisting our rural residents was facing us with an ultimatum—act now or else. We were approaching the point of no return on depopulating the countryside.

In recent months, I have been encouraged by a number of actions. The Senate Committee on Government Operations held public hearings in Carbondale, Ill., to investigate firsthand rural revitalization. Senator CHARLES PERCY chaired the hearings.

The Congress passed and the President has now signed into law the Rural Development Act of 1972 which has as its stated goal the improvement of "the economy and living conditions in rural America."

President Nixon himself has stated:

> What is needed now is a fundamental change in the way the Government approaches the entire developmental challenge.

And the Rural Development Task Force on which I serve has been studying various approaches.

Now an issue of Business Conditions, an excellent publication by the Federal Reserve Bank of Chicago, has made the point that not only have American farmers fared quite well under the Nixon administration policies, but the workings of the market are finally turning to the farmers' benefit.

As Representative of the 19th Congressional District of Illinois, I was particularly interested in the comments regarding soybeans, feed grains, and hog production. The men and women who have farmed our land and fed our livestock to give us an abundance of such products should be properly repaid. I am hopeful that farm income in the latter part of this year will be as encouraging as that of the first 6 months of 1972.

For the review of all my colleagues, I include the article, "Agriculture—Midyear review and outlook" from Business Conditions in the CONGRESSIONAL RECORD immediately following my remarks.

AGRICULTURE—MIDYEAR REVIEW AND OUTLOOK

The farm sector of the economy posted a record-breaking performance during the first half of 1972. Prices of farm products, which are exempt from Price Commission controls, reached record-high levels in June of this year, averaging 11 percent above a year ago. Prices paid by farmers for manufactured items used in farm production, which are controlled, have risen too, but at a slower pace. Farmers' cash receipts in the first half of 1972 increased at an annual rate of almost $4 billion, government payments increased nearly $1 billion, and cash expenses rose at a rate of $2.5 billion. As a result, net farm income rose to an annual rate of $18.3 billion—the highest level on record and nearly 14 percent above last year's final tally.

Clearly, American farmers have fared quite well under the Nixon Administration's New Economic Policy (NEP). The reinstatement of the investment tax credit, controlled prices on many farm production items, the devaluation of the dollar, and controlled wholesale and retail margins for food have aided the farmer by slowing his rising costs and expanding demand for his products. But farmers would be having a good year in 1972 even without the NEP since most of their good fortune is attributable to the fundamental market forces of supply and demand.

WORKINGS OF THE MARKET

Total supplies of farm commodities in the first half held relatively stable in the face of expanding domestic and foreign demand for food and feeds. In a market economy, prices adjust to equate supply with demand. With supplies short relative to demand, prices rose in the first half.

Demand for farm products is bolstered by each annual increase in population, but at the same time demand fluctuates with the general U.S. business cycle and foreign purchases. At midyear, it was increasingly apparent that the more optimistic forecasts for business recovery in 1972 were being realized. Gross national product (GNP) in the second quarter was 6 percent over a year ago after adjustment for inflation—the largest year-to-year "real" growth in the economy since 1966. The overall increase in economic activity was paced by a marked upsurge in consumer spending (demand).

Despite the income-dampening effects of overwithholding of federal income taxes, spending surged above a year ago during the first half, as consumers reduced their savings rate and opted to spend more of their take-home pay. Total retail sales at midyear were 7.5 percent above a year earlier, although sales dipped 1.5 percent from May to June. Sales at food stores and eating places, although lagging slightly behind the advance in overall spending, posted gains of around 5 percent over a year ago.

While improving business conditions were stirring domestic demand, foreign demand for U.S. farm products was on the rise, too. For the fiscal year ended June 30, exports of agricultural products reached $8 billion, the highest ever and 4 percent above a year ago. All the increase occurred during January through June of this year, as exports surged nearly 8 percent over the first half of calendar 1971. Soybeans and livestock products (dairy products and cattle hides) led the expansion in foreign sales. Feed grain exports, especially corn, also increased over a year ago. Expanded livestock production in western Europe and poor feed grain crops in eastern European countries contributed to the expanded U.S. exports of soybeans and feed grains. A decline in foreign dairy production and cattle slaughter boosted demand for U.S. dairy products and cattle hides.

The devaluation of the dollar last December probably contributed to increased exports in the first half of 1972. Nearly two-thirds of U.S. agricultural exports go to countries whose currencies appreciated relative to the dollar. All other things equal, this means U.S. farm products are cheaper in those countries than they were prior to devaluation and are more competitive with agricultural commodities from other exporting countries.

In contrast to demand, total per capita U.S. food supplies in the first half of 1972 were about unchanged from a year ago—livestock products (primarily pork), down; poultry, eggs, and milk, up; wheat and feedgrains, up; fruits and vegetables, down. With supplies roughly the same and worldwide demand increasing, the normal workings of the marketplace pushed farm commodity prices upward.

COMMODITY REVIEW

Changes in hog slaughter played a key role in the farm price and income situation. A sharp drop in hog production was accompanied by an even sharper increase in hog prices. During the first half, production averaged 6 percent below year-ago levels and prices averaged over 40 percent higher.

This situation was preceded by a period in 1970–71 when low prices, high feed costs, and sluggish consumer demand caused many hog producers to curtail their operations. In the first half of 1972, however, reduced pork supplies met with expanding consumer demand. Hog prices rose sharply, while feed costs declined, pushing profits to the highest level in several years. Much of this renewed prosperity accrued to Seventh District farmers in the Corn Belt states of Illinois, Iowa, and Indiana—producers of 45 percent of the nation's hogs.

Cattle-feeding profits, too, showed a marked turnaround from a year earlier. Fed cattle prices averaged 15 percent above a year ago during the first half and reached a 21-year high in June. Based on farm management budgets, Corn Belt cattle feeders made a profit of over $55 per steer in June, before charges for labor and overhead, compared to around $17 per head in the comparable period a year earlier. About 18 percent of Seventh District farmers' cash income is derived from cattle and calves.

Dairying has fared better in 1972 in the face of larger volume of production and despite no increase in price supports. Throughout the first half, milk prices averaged about 3 percent higher—with much of the firmness in the market due to larger dairy exports. Dairying is especially important in the district states of Wisconsin, where about half of farmers' cash income is derived from milk, and in Michigan, where milk sales account for approximately 30 percent of farm receipts.

Soybeans, a major source of farm income in the district, were higher priced in the first half, too, even when compared to the exceptionally strong prices in 1971. Here again, reduced supplies have coincided with expanded foreign and domestic demand, especially for soy protein meal. Although farmers harvested a larger crop last fall, the increase was not sufficient to replenish stocks used up in the 1970–71 marketing year. As a result, the total supply of soybeans is about 4 percent smaller this season than last. Prices, moving higher to ration scarce supplies, averaged 10 percent above last year's high prices in the first half.

Corn, another principal cash crop in the Seventh District, is in abundant supply this year, and prices in the first half averaged more than 20 percent below a year ago, when prices were exceptionally high because of a blight-reduced harvest in 1970. The lower prices, however, had a mixed impact on farmers, depending on their specialty. For large livestock feeders who use all the corn raised on their farms as feed and must purchase additional amounts, the lower corn prices translate into lower feeding costs and higher livestock profits. For those cash grain farmers who specialize in raising corn, the lower prices could mean somewhat lower incomes. The income-depressing effects of lower prices, however, are partly offset by much larger volume and, to an even larger extent, by government payments and price supports. Almost 85 percent of the 1971 corn crop was eligible for nonrecourse government loans at guaranteed prices.

Record-large amounts of corn have been placed under government loan which tends to provide corn prices a floor that is equal to the national average support price of $1.08 per bushel (plus storage and interest costs). Furthermore, nearly 1.8 million of the nation's feed grain producers, representing 83 percent of the feed grain acreage, are eligible for sharply higher direct government payments this year for withholding part of their acreage from production. On July 1, government checks totaling approximately $1.9 billion were mailed to feed grain producers—an increase of $850 million over 1971 payments.

OUTLOOK FOR THE LAST HALF

Prospects for agricultural prices and income in the second half are clouded by actions to curb advances in food prices. Nevertheless, demand for farm products, especially foreign demand, is likely to be as strong in the latter half of the year as in the first half, and only moderately larger supplies of farm commodities are expected. Activity in most sectors of the domestic economy is expected to remain vigorous, with employment and incomes expected to post sizable gains over a year ago.

Foreign demand for farm products already has been given a substantial lift in the second half by the recent agreement with the Soviet Union to buy substantial U.S. wheat, feed grains, and soybeans. Furthermore, economic activity in the major western European nations and Japan, the main customers for U.S. farm products, is expected to be more robust during the last half of 1972 than during either the first half or a year ago. In addition, most of these countries—especially Japan, the single largest U.S. customer—have substantial balance-of-payments surpluses and are under considerable economic and political pressure to ease import restrictions on U.S. products.

BOOSTING SUPPLIES, CURBING PRICES

In response to rising food prices, the Administration took several steps in late June aimed at increasing food supplies and broadening price controls. Meat import quotas were suspended, an action that is likely to have relatively little impact on supplies. Imports are only a small fraction (5 percent) of annual U.S. supplies; most imported meats are used in products such as hamburgers, luncheon meats, and other processed meats, and compete only indirectly with the most desired domestic retail cuts; and there is stiff world competition for available meat supplies.

Phase II controls were extended to cover previously exempt raw farm products (fresh fruits and vegetables, eggs, etc.) and seafood after the point of first sale. Retailers still are allowed to "pass through" higher farm level costs plus add their customary margin to the increase, but their percentage margins must not exceed the average of the highest two out of the past three years. "Jaw-boning" also was renewed, with major food chain executives being summoned to Washington and admonished to lower their prices promptly as soon as farm prices decline.

In sum, these actions may be expected to have only limited effect upon supplies, although prices of agricultural products may be dampened by changes in consumer attitudes. Some in Congress have suggested stronger action including a rollback of retail food prices and direct controls on farm prices.

ARE DIRECT CONTROLS LIKELY?

The U.S. Government has never applied direct price controls to farm commodities. The control programs of World War I, World War II, and the Korean conflict, while using some form of margin control on food items similar to current Phase II controls, all exempted farm prices.

Wage and price controls of the New Economic Policy were instituted to curb rising prices in the face of mounting unemployment and unused plant capacity—a phenomenon loosely defined as cost-push inflation. Price regulators are aware that the rise in farm prices has not been from higher costs pushing up prices, but from demand increasing faster than supplies. The remedy for high prices in such a case is increased production. But arbitrary price controls or rollbacks would likely stifle the incentive to increase output, and could eventually result in government rationing of supplies.

Higher prices are already signaling increased production—sure to be forthcoming as soon as farmers have sufficient time to adjust their production plans. But agricultural production relies on biological processes, and time lags exist between increased prices and expanded supplies. In the case of pork production, at least nine months is required from the time a farmer decides to increase output by breeding more sows until the pigs from these additional farrowings reach market. Currently, prices have begun to ease down seasonally, alleviating the urgency for action that was felt when farm prices were at their summer peaks. The latest reports on livestock numbers and crop production, however, indicate only modest price declines in the months ahead.

OUTLOOK FOR MAJOR COMMODITIES

The June 1 Hogs and Pigs report indicated that short pork supplies are likely to persist at least through the first quarter of 1973. Hogs and pigs on farms to be marketed in the second half are expected to number 7 percent below a year ago. Farmers indicated they planned to farrow 5 percent fewer sows during June through November. Allowing for an upward trend in pigs per litter, hogs available for market in the latter part of the fourth quarter and through the first quarter of 1973 likely will number 4 percent less than a year earlier. Given these supply prospects, hog prices should remain relatively high throughout 1972, although some seasonal decline is likely in October and November.

Beef production, in contrast to pork output, is currently in the midst of an expansionary phase. The nation's cow herd numbers 3 percent larger than a year ago and 6 percent more beef heifers are being retained for future breeding purposes. Cattle on feed in 23 major feeding states numbered 14 percent more as of July 1. There is also evidence that Corn Belt feeders have kept cattle on feed for an extended period in an attempt to "average down" the high cost of feeder stock and utilize relatively cheap corn supplies. This could result in more heavyweight cattle coming to market in the second half, swelling beef supplies more than numbers alone might indicate. Declines in slaughter of young calves and cattle outside feedlots, along with increased holdback of replacement breeding stock, will offset part of the increase in cattle marketed from feedlots. At the present time, beef production is expected to increase 6 to 7 percent over a year ago during the second half. (First-half production was less than 2 percent larger than a year ago.) An increase of this size may well be accommodated with only moderate declines in cattle prices provided marketings are not "bunched." This is especially true in light of continued smaller competing pork supplies, and assuming the robust, first-half consumer demand for beef gains momentum in the second half. Cattle prices are likely to drift seasonally lower, however, and this coupled with record-high prices paid for feeder stock purchased this spring will squeeze feeding profits. Total receipts to cattle feeders in the second half are likely to be larger though, reflecting greater volume of cattle sold.

Dairy prices currently are expected to remain above a year ago in the second half. The first-half surge in exports appears to be waning, but an unusual jump in cheese prices during June indicates strong domestic demand, which may offset expected increases in production. Dairy receipts may rise slower than in the first half but are still likely to rise 3 percent over 1971 levels.

Both corn and soybean price prospects for the latter half of 1972 hinge on the size of the 1972 crops. The August 1 Crop Report indicated corn production may be nearly 11 percent smaller than last year. At the same time, the grain sale to the Soviet Union has substantially boosted export prospects for corn. At least $200 million worth of feed grains and wheat will be exported between now and next July. Reflecting these developments, corn prices have edged up from first-half levels and may hold 10 cents per bushel above the depressed harvesttime prices of last fall, despite near-record supplies.

The soybean harvest this fall is expected to be 9 percent larger than last year according to the latest Crop Report. But because of depleted stocks of soybeans, the increase in production is likely to result in prices holding above a year ago during the third quarter, although prices could dip below a year ago at harvesttime. Over half the soybean crop now goes to foreign markets, and export demand, which has been exceptionally strong even at record-high prices, appears likely to be sustained through the remainder of the year.

On balance, prices of livestock products and soybeans for most of the second half may average slightly lower than in the first half but well above a year ago. Corn prices, which were the weak point in the district farm economy in the first half, have strengthened. As a result, farm income is likely to continue to rise at a record-breaking pace throughout 1972.

SALUTE TO FLAGTOWN

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MYERS. Mr. Speaker, in June of 1971, I shared the story of Mellott, Ind.—now designated as Flagtown, U.S.A.—with my colleagues. As they will undoubtedly remember, Mellott is a small town, consisting of 325 residents, in my home county. Through the efforts of the local American Legion Post, Newton Quiggle-Palin Post No. 394, nearly every home and business in the town, as well as most of the surrounding areas, now display their flags at all times. The legion post has been selling flags all over the country, the proceeds of which go to help various worthy causes. This town has gained nationwide fame as Flagtown, U.S.A.

To pay tribute to this patriotic town which serves as a model of patriotism to communities, large and small, all over the Nation, Robert Sample Taylor and his wife, Dorothy, both natives of Crawfordsville, Ind., have written a song, "Flagtown, U.S.A.". The words to this song are particularly stirring and I would like to share them with you:

FLAGTOWN, U.S.A.

(By Robert Sample Taylor and Dorothy D. Taylor)

There's a town by the name of Mellott, Indiana,
That's known as Flagtown, U.S.A.;
The people believe in serving God and country,
And they emphasize honoring our Flag each day.
Along about Flag Day every year
They hold a celebration that brings a great throng—
People gather from far and near.
Just listen; we'll (I'll) tell you about it in our (my) song:
There's a place in the heart of Indiana
Called Flagtown, U.S.A.,
Where all the people sing out for Old Glory,
And this is what they say:
"We've got a good country, a great country;
She's wonderful to see.
But our country's goodness and our country's greatness
Depend on you and me."
In that place in the heart of Indiana
Called Flagtown, U.S.A.,
Where folks get together to praise Old Glory
You can also hear them say:
"If we love our Creator, and love our neighbor,
And work for what is right,

Our land will be saved, and our Flag ever wave
With colors pure and bright!"
There's a place in the heart of Indiana
Called Flagtown, U.S.A.,
Where all the people sing out for Old Glory,
And this is what they say:
"We've got a good country, a great country;
She's wonderful to see.
But our country's goodness and our country's greatness
Depend on you and me.
Yes, our country's goodnes and our country's greatness
Depend on you and me!"

A HALO FOR MILT WIDDER

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MINSHALL. Mr. Speaker, no one ever deserved it more, yet he never received it, and probably would deride any suggestion that he should. He was quick to bestow it weekly on fellow citizens who had made some admirable contribution to the Greater Cleveland area, who had performed a kindness or generosity to their fellow men, or whose lives were inspirations to others.

The honor? Milt Widder's "Halo of the Week" Award, one of the highlights of his inimitable column in the Cleveland Press. The irony is that Milt himself fit all the qualifications necessary to receive the prized "Halo" himself and all his many friends knew it.

Now that he is retiring, to the sorrow of thousands of readers who often turned first to Milt's column even before they read the front page headlines, I would like just once to usurp his prerogative and bestow on him a long overdue "Halo."

He is a good and loyal friend, a tremendously talented writer, a newspaperman of integrity and honor, and a courageous, public-spirited citizen. It is going to be hard to kick the habit of looking for Milt's daily column, but I know that retirement from the press is not going to call a halt to his many activities, his zest for living, and his keen interest in his fellow man. He is one of the finest people I know:

MILT WIDDER CALLS IT QUITS

Shorty: Milt Widder, conductor of this column for 26 years and a Presstaffer for 46, is retiring.

Final column: This piece is written reluctantly. On the advice of physicians, the insistence of my family, and my own cognizance of physical shortcomings, I've decided to quit. The decision was not easy.

How does one jam four decades of reminiscences and great times into little more than five hundred words? It can only be done with generalities and a few "flashbacks."

First come the hundreds and hundreds of good friends, great contacts and wonderful colleagues I worked and romped with. If this six day a week stint had any success at all it was due to the circles I moved around in and milked information from. No writer of this type of column is any better than his sources.

There are some things I am proud of: This corner was a vehicle to provide thousands of Indians' baseball tickets to the ambulatory patients in the area's veterans hospitals; it was instrumental in helping to shed pounds of many readers through its distribution of "Widder's Diet;" it helped to make the Christmas holidays more palatable to the "forgotten people" in Greater Cleveland's mental institutions; it offered free many needed objects to the various charitable institutions through its "give away" paragraphs, and it made it possible for many groups to get free use of "Santa Claus" suits in the past 15 years.

The Saturday "Halo of the Week" for the past 20 years has also given me particular pleasure. It showed that under the "hard nose" reporter there was glimmer of a sentimentalist.

I'm proud, too, of the few local journalistic scoops I came up with in the last quarter century. They are the kind of stories that make this job fun and exciting. A few were even good enough to make "Page One," on subsequent days. I'm not so proud of the "goofs" made here from time to time. Those are better forgotten.

There is a temptation to start naming names—names of the many who became my friends—but I shall desist. It's impossible to enumerate them all in this space without forgetting some. That's one "faux pas" that must be avoided.

I'm grateful to all my bosses and fellow workers who suffered with me through all these years with understanding. I'm especially touched by their actions in the past five years when they allowed and helped me to continue this work even though I was legally blind.

I want to thank all the regular and occasional readers of this piece for letting me come into your home to try to keep you up on local happenings.

My last, most gracious homage is to my helpful wife of 40 years, who married me for better or for worse and, in retirement, for lunch.

(By Dick McLaughlin)

Milt Widder is calling it quits.

Cleveland's most widely read columnist and perhaps most widely known newspaperman is retiring after a 46-year career as a rollicking, roving news gatherer for The Press.

The Sights and Sounds columnist is not keen on retiring. His health has betrayed him. Now he must stay home and take care of himself.

Widder—"Uncle Miltie" his fellow staffers affectionately call him—joined The Press in August 1926 and has gregariously managed to keep the City Room in boisterous tumult ever since. He's not a quiet man.

He skippered the Sights and Sounds column since Aug. 2, 1946, developing it into an eagerly read, intimate daily record of newsy goings-on in every facet of local life.

He has been more than a gossip mart. That he was able time and again to score news scoops and predictions of things to come was a reflection of his thorough training as a newsman.

Milt started as a copy boy. He worked on page makeup, on the copy-editing desk. He toiled at the police beat, the courthouses. He covered real estate news, the museums, music and art.

He has always had that uncanny ability to sniff out a story, that extra amount of reportorial brass, a touch of chutzpa, if you please, that made him the remarkable newspaperman he is.

Nothing has ever delighted him more than to score beats on news events that his fellow reporters had been sitting on for days. Often the city editor would have to kill a news scoop from Sights and Sounds because that story was planned for Page One display. Milt would roar his outrage while laughing to himself.

A big, burly, kinky-haired fellow with an ear-shattering laugh, Widder has been a familiar figure over the years at every important event—every opening, every stage show, every opera season, every fine restaurant, every major film showing.

He knows everyone. Everyone knows him, from industrial tycoons to busboys. "How about an item?" Milt would greet one and all. They responded. Milt's the only one in this office with two phones on his desk to handle all the calls.

A bon vivant, in other words. A worshipper of gourmet foods and pleasing potables, until the past couple of years.

As a result, Widder would find he had to go on crash diets from time to time to coax his weight back down under 200. He passed along his diet through his column to Press readers.

It became so popular that over 20 years The Press distributed more than 1 million copies of the Milt Widder diet.

Uncle Miltie affects a gruff, pugnacious manner to hide his butter-soft heart. He'd pitch in for any good cause. Countless times he dressed as Santa Claus to distribute gifts to youngsters at places like the Society for Crippled Children.

He used his column to recruit (cadge) sports event tickets from Clevelanders for patients at Veterans Administration hospitals. He was always working out deals to provide TV sets, musical instruments and other items for charitable institutions.

He was an able emcee at many gatherings. Easter Sundays would find him presiding in University Circle during the Easter parades, awarding prizes for best dressed ladies and gentlemen.

One of the scoops he got the biggest kick out of was beating the national news media on the marriage breakup of zillionaire Howard Hughes and Jean Peters. More than a year before her divorce action was filed he reported she was back living with her mother in Canton.

Widder was born in Berlin, Germany, on Nov. 20, 1907. He lived as a child in Nyiregyhaza, Hungary, a fact that led to his being Hungarian Man of the Year here in 1965.

He graduated from Cleveland Heights High School and Adelbert College, then studied at Cleveland Law School.

From boyhood his greatest love was music. As a lad he used to slip into Masonic Hall and hide in the organ box to hear symphonic concerts conducted by Nikolai Sokoloff.

No one was surprised when in 1946 he won $64 on the Phil Baker "Take It or Leave It" radio show for correctly answering all musical questions.

Widder has been an active force in the City Club for some 45 years, often appearing in its Anvil Revues. He was president of the club in 1969. He also is a past president of the Cleveland Guidance Center.

Milt chose his 25th birthdate, in 1932, to marry Dorothy Louise Stone. They have four children, James, John, Robert and Mrs. Barbara Beazle. The Widders live at 3440 Avalon Rd., Shaker Heights.

A regular feature in Sights and Sounds has been his bestowal of a "Halo of the Week" upon individuals, humble and prominent, for outstanding service and deeds performed.

He bestowed a halo upon wife Dorothy in 1969, saying: "She's a great gal and I am no bed of roses to live with. It takes a sense of humor and the patience of a saint—and she has both."

It has saddened Uncle Miltie's contemporaries to see his health visibly failing this year. His eyesight has dimmed so that copy boys and girls have had to read the paper to him. His mobility has become impaired despite a cane and back brace (which he despises).

But Milt Widder has been an inspiration to the entire Press staff because of his dogged determination and courage in arriving at his desk daily to skipper his beloved Sights and Sounds.

Best of everything, Milt. We'll keep in touch.

AGRIBUSINESS AND THE SMALL FARMER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WALDIE. Mr. Speaker, in yesterday's remarks I noted how Government policy is making it increasingly difficult for independent farmers to survive in rural America.

Agribusiness corporations, fat with subsidies, and some of whom are bent on controlling the market from "seedling to supermarket," are pushing farmers off the land with unfair competition.

Contrary to popular notion, and according to numerous USDA and university studies, the independent farmer is every bit as efficient in producing food and fiber as is the large corporate grower. But the Government is providing the corporation with the edge.

Over 7,000 corporations have entered farming in the past decade, while the rural outmigration has continued unabated at 800,000 persons a year over the same period of time. One million farms have shut down in the past decade—that is 2,000 families displaced—2,000 busted dreams—every week, year after year. And the trend continues unabated.

The question now is whether or not we are going to compound the errors and injustices of the past, or try to remedy them.

What are we going to do for the one-half of the remaining farmers who derive cash income from agriculture which is at or below the poverty level?

What are we going to do to save a way of life which was at the foundation of this country, and which should continue to play a vital role in our society?

It is obvious by now that urbanization has not been the answer to a better way of life for all our people. And yet we greatly exacerbate our urban ills and tensions with policies resulting in forcing people off the land.

Some people see the decline of our rural society as the inevitable price of "progress."

Well, I do not believe it—I do not think we have to pay the price that agribusiness tells us we must pay; and I do not think that the type of mechanized society that agribusiness public relations men envision is "progress," or good for America.

Rural America can be saved and revitalized if only we have the will. As a beginning I would insist that existing laws like the residency requirement and 160-acre limitation concerning delivery of Federal water be enforced.

I would insist that special interest programs like the California State water project be totally paid for by their intended beneficiaries.

I would push to abolish discriminatory tax policies which allow farming corporations special advantages. I would encourage legislation to give the independent farmer access to needed levels of credit. I would stop the Government from acting as the hiring agent for large, corporate growers.

I would seek greater technical assistance from the Government for the family farmer—current agricultural research is too oriented toward agribusiness, and is carried on with little regard for its social consequences.

If after all these steps had been taken, and the family farmer still found himself at a disadvantage—which I firmly believe would not be the case—I would then support subsidizing the family farmer at the expense of agribusiness. When the choice is between people and machines, I do not think there is any doubt as to where the Government should stand.

Finally, it should be noted that while Government policy does play a critical role in rural America, it should not be the sole or overriding force in determining its future. That is a proper role for various groups of affected people—farmers, farmworkers, rural businessmen, nonfarm laborers, small-town officials, urban mayors, consumers, environmentalists and, yes, even agribusinessmen. Together we can develop programs designed to benefit all the people of rural America, not just a chosen few.

But we do not have much time to waste. The average age of a farmer today is 58 years—compared to 38 for all Americans in the work force.

It would indeed be a national tragedy, if one day in urban America we awoke to discover that a rural America of owner-occupied farms and independent families had been replaced by machines controlled from board rooms in San Francisco, Houston, and New York.

We must take action now to see that this does not occur.

CUMBERLAND ISLAND NATIONAL SEASHORE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BRINKLEY. Mr. Speaker, Georgia's Cumberland Island is the last large island along the Atlantic coast which today remains almost entirely in its natural state. It is without question one of the most beautiful natural areas in Georgia and, indeed, in the entire Southeastern United States.

I would like to take this opportunity to commend and congratulate my close friend and colleague, BILL STUCKEY, for his active efforts in working for the successful passage of legislation to establish Cumberland Island as a national seashore in our State.

It is my firm belief, Mr. Speaker, that future generations will look back on this legislation as one of the major steps we have taken in preserving for all time the natural beauty of Cumberland—one of a string of islands just off the Georgia coast which have been known for more than 200 years as the Golden Isles.

WASHINGTON NEWSLETTER FROM CONGRESSMAN JIM HARVEY

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HARVEY. Mr. Speaker, every fall during the past 12 years that I have been in Congress, I have conducted a tour of the 45 to 50 cities and villages that make up the Eighth District of Michigan. For that purpose, I have used a mobile office, towed by my station wagon, and have parked my office at a time and place specified by the mayor or president of the village counsel at each stop. No appointments have been necessary, and it has been a very enlightening experience for me, for the stops have always been well attended.

Inasmuch as I am now about to commence my mobile office tour once again, I wish to hereby insert into the CONGRESSIONAL RECORD a copy of my last Newsletter dated September 22, 1972, setting forth my mobile office schedule, as well as other news of interest to my constituents.

The Newsletter follows:

WASHINGTON NEWSLETTER FROM CONGRESSMAN JIM HARVEY, SEPTEMBER 22, 1972

For the 12th consecutive year, I am planning to bring Washington, D.C., our nation's capital, and the Federal Government closer to the people. On the opposite side of this Newsletter is the complete 1972 Congressional Mobile Trailer Office tour, with 57 stops in both the old and new Eighth Congressional District. Again, no appointments are necessary; it is a first-come, first-served basis. My only concern is whether Congress will have adjourned by the start of the trailer tour—October 11th. If Congress still is in session and my presence is required in Washington, the tour will go on as scheduled with all constituent matters relayed to me.

Advanced planning and scheduling must be done now, and I am hopeful that Congress will adjourn by October 10th. The tour will include stops in eight counties from October 11th through October 21st. I do hope that you will come by when the trailer is in your area.

As final action nears on the historic Revenue Sharing measure, much credit can be attributed to Vice President Spiro T. Agnew, who has served as an effective liaison between the White House and state governments. I fully supported this legislation with Michigan's state and local units of government deriving $221.8 million annually over the next five years.

At the invitation of the Veterans Administration Hospital in Saginaw, I intend to participate in its V.I.P. Day. V.I.P. stands for Very Important Patient. The photo was taken during my last visit with the patients at the VA Hospital with Senator Robert P. Griffin. I salute these veterans and the many fine organizations who daily are involved in "brightening" their stay.

RULES CHAIRMANSHIP

In accepting an appointment to be the Chairman of the House Republican Task Force to study the rules of the House of Representatives and those governing the Republican Party in Congress, I am most hopeful that the work of this group will lead to meaningful, modernization of the legislative process in our 435-Member United States House of Representatives. I am fortunate that the 15-man Task Force includes outstanding Members of the House. Our Task Force will report its findings and recommendations to the Republican Conference prior to the organization of the 93rd Congress next January.

YOUR RESPONSIBILITY

September is National Voter Registration Month. If you are not registered and you wish to vote in the general election on November 7th, you have to register by 8:00 p.m. on October 6th. Be sure you exercise your right to vote.

UNEMPLOYMENT COMPENSATION LEGISLATION

Unemployment compensation is dispensed on the basis of state-wide statistics. Michigan recently lost such assistance because it fell below established standards, even though pockets of high unemployment, such as in our Eighth District, existed. I have introduced legislation to permit unemployment compensation to be dispersed on a county-by-county basis. In this day and age, I think it is reasonable to expect a more refined system so that high unemployment in one area of the state is not simply overlooked because the state average is low. The legislation is aimed at providing additional unemployment assistance to those pockets of persistent unemployment.

THE 1972 CONGRESSIONAL MOBILE TRAILER OFFICE TOUR

Wednesday, October 11th

8:45–9:15 a.m.—Algonac.
9:30–10:00 a.m.—Marine City.
10:15–10:45 a.m.—St. Clair.
11:00–11:30 a.m.—Marysville.
12:30–1:30 p.m.—Port Huron.
2:15–2:45 p.m.—Capac.
3:00–3:30 p.m.—Emmett.
4:00–4:30 p.m.—Yale.

Thursday, October 12th

9:00–9:30 a.m.—Lexington.
9:45–10:15 a.m.—Croswell.
10:45–11:15 a.m.—Carsonville.
11:30–12:00 p.m.—Deckerville.
1:00–1:30 p.m.—Sandusky.
2:00–2:30 p.m.—Brown City.
2:45–3:15 p.m.—Marlette.

Friday, October 13th

8:30–9:00 a.m.—Birch Run.
9:45–10:15 a.m.—Chesaning.
10:30–11:00 a.m.—St. Charles.
11:30–12:00 p.m.—Merrill.
12:15–12:45 p.m.—Hemlock.

Monday, October 16th

9:00–9:30 a.m.—Frankenmuth.
9:45–10:15 a.m.—Bridgeport.
10:30–11:00 a.m.—Buena Vista Township (Fort Saginaw Mall).
11:15–12:00 p.m.—Saginaw Multi-Purpose Center, 1407 Janes.
1:15–1:45 p.m.—Freeland.
2:00–2:30 p.m.—Saginaw Township (Green Acres Plaza).

Tuesday, October 17th

9:00–9:30 a.m.—Zilwaukee.
10:15–10:45 a.m.—Auburn.
11:30–12:00 p.m.—Standish.
1:00–1:30 p.m.—Pinconning.
2:00–3:00 p.m.—Bay City (Downtown).
3:15–3:45 p.m.—Essexville.

Wednesday, October 18th

9:00–9:30 a.m.—Sebewaing.
9:45–10:15 a.m.—Pigeon.
10:30–11:00 a.m.—Elkton.
11:30–12:00 p.m.—Port Austin.
1:00–1:30 p.m.—Kinde.
2:00–2:30 p.m.—Port Hope.
2:45–3:15 p.m.—Harbor Beach.
3:45–4:15 p.m.—Bad Axe.

Thursday, October 19th

9:00–9:30 a.m.—Ubly.
10:00–10:30 a.m.—Cass City.
10:45–11:15 a.m.—Gagetown.
11:30–12:00 p.m.—Unionville.
1:00–1:45 p.m.—Caro.
2:15–2:45 p.m.—Reese.

Friday, October 20th

9:00–9:30 a.m.—Kingston.
10:00–10:30 a.m.—Mayville.
11:00–11:30 a.m.—Vassar.
11:45–12:15 p.m.—Millington.
1:15–1:45 p.m.—Columbiaville.
2:15–3:00 p.m.—Lapeer.

Saturday, October 21st

9:00–9:30 a.m.—Metamora.
9:45–10:15 a.m.—Dryden.
10:30–11:00 a.m.—Almont.
11:15–11:45 a.m.—Imlay City.
12:45–1:15 p.m.—North Branch.

The annual trailer tour throughout the old and new Eighth Congressional District provides me with a rare opportunity to extend Congressional services and interest right to the "curbside" in some 57 communities. It is the 12th annual trailer tour.

If I can be of service to you in any manner, please let me know.

RANSOMING TOLL AGAINST SOVIET JEWS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ROE. Mr. Speaker, the medieval tactics of the Soviet Union in their oppression of their Jewish citizenry continue to expand and apply a greater vise of suppression and strangulation of the religious and cultural heritage of the people of Hebrew faith in the U.S.S.R. They are now reaching into the educational, learning and knowledge processes of mankind and enslaving the intellect of the Soviet Jewry. It is incredible to all freedom-loving people to learn that the Soviet Union is now demanding a ransom of from $5,000 to $37,000 for each Jewish person with a higher education who wants to go to Israel, in addition to their fee of $1,000 for immigration permits and renouncement of citizenship, the loss of job, forced enlistment in the Army, imprisonment and other forms of harassment.

On October 4, 1972, I joined with my distinguished colleague, Congressman Vanik and others in introducing the following resolution (H.R. 17000) to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for Freedom of Emigration in East-West Trade".

"Sec. 2. To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, after October 15, 1972, products from any nonmarket economy country shall not be eligible to receive most-favored-nation treatment, such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

"Sec. 3. After October 15, 1972, pursuant to any separate Act of Congress, (A) products of a nonmarket economy country may be eligible to receive most-favored-nation treatment, (B) such country may participate in any progam of the Government of the United States which extends credits or credit guarantees or investment guarantees, or (C) the President may conclude a commercial agreement with such country only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of section 2. Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, semiannually thereafter so long as such treatment received, such credits or guarantees extended, or such agreement concluded pursuant to any separate Act of Congress is in effect.

On September 28, 1972, I joined with my distinguished colleague, Congressman Rosenthal, and others in introducing the following House Joint Resolution (H.J. Res. 1315) expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should suspend all steps taken or contemplated to expand trade and other economic activities with the Soviet Union, and with any other country which uses arbitrary and discriminatory methods to limit the right of emigration, until the President determines that the Soviet Union, or such other country, as the case may be, is no longer using such methods to limit emigration.

"Sec. 2. The President shall report to the Congress, not later than thirty days after the date of enactment of this joint resolution and at least annually thereafter, on steps he has taken to carry out the first section of this joint resolution.

When we first learned of this Soviet price list on the education of their Jewish citizenry, I joined with my distinguished colleague, Congressman Eilberg, and others in sponsoring the following resolution dated September 11, 1972 (H. Con. Res. 697) condemning the Government and leaders of the Soviet Union for their new policy of demanding a ransom from educated Jews who want to emigrate to Israel:

Whereas the Soviet Union has been confiscating almost all of the possessions of those Jews who are permitted to go to Israel; and

Whereas the Soviet Union has begun demanding a ransom of up to $25,000 for Jews who have an advanced education:

Now, therefore, be it

Resolved by the House of Representatives

> (*The Senate concurring*), That the Government and leaders of the Soviet Union should be condemned for creating a class of slaves in the twentieth century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom."

Mr. Speaker. According to the last report I have received, the Soviet Jews have no schools of their own, their synagogues are closed; they are allowed no Hebrew cultural life; and they now have no opportunity to emigrate and be reunited with their families in Israel. The high fees are instituted supposedly to prevent the brain drain, but educated Jews who apply for visas are demoted or dismissed—their energies denied to Soviet society by the Soviet Government. I know I speak for the residents of my Eighth Congressional District who believe in freedom throughout the world in fervent prayer for the lifting of this burdensome yoke that weights so heavily on the human and moral integrity, dignity and rights of the Soviet Jews as people. We sincerely trust that this latest congressional action to look to changes in America's present policy and extensively scrutinize new trade relations with the Soviet Union will reverse the Soviet Government's vicious circle of persecution of their citizenry of Jewish heritage.

Just prior to the Jewish holidays and before the imposition of this new head tax by the Soviet Union, I was privileged to join the late Congressman William F. Ryan of New York in the following telegram to Mr. Frank Shakespeare, Director of the U.S. Information Agency:

> On September 9 and 10 Jews throughout the world will be celebrating the Jewish New Year, and September 18 marks the Day of Atonement—the Holiest day of the year for the Jewish people. In light of the continuing systematic oppression of Soviet Jewry, we believe it to be imperative that the Voice of America broadcast special holiday programs in Hebrew and Yiddish into the Soviet Union during this period.
>
> Such special broadcasts are all the more necessary now that Kol Yisrael, the radio system of Israel which normally broadcasts programs of Jewish cultral and religious interest into the Soviet Union, has been jammed for over a month.
>
> The Jews of the Soviet Union are engaged in a desperate struggle to maintain their identity as a people. Such broadcasts during this special holiday season would serve as an immeasurable boost to the cause of Soviet Jewry and would demonstrate our deep concern about their survival as a cultural and religious entity.

We received the following response:

> I am replying to your telegram of September 7 in the absence of Director Shakespeare.
>
> As is now the case with Kol Yisrael, VOAS Vernacular broadcasts to the Soviet Union have been jammed since the Soviet invasion of Czechoslovakia in 1968. Despite this fact, the Voice of America will, of course, mark the Jewish Holy Days with special programs in the languages of the Soviet Union in which it broadcasts. These programs will include inserts in the Hebrew and Yiddish languages. Further, the regular religious and cultural program for Soviet Jews will be almost entirely devoted to the Holy Day and related subjects. In addition, VOAS regular news reporting will continue to contain the most important holiday statements by American Jewish leaders, most if not all of which make explicit reference to Soviet Jewry. VOA is also providing full coverage of the controversy over the recently established exit fees for Soviet Jews and of the Munich tragedy, including statements by American leaders and others deploring the attack, and coverage of the Lincoln Memorial Observance.
>
> Thank you for your expression of interest in Voa broadcasts to the Soviet Union and rest assured that your concern over the plight of Soviet Jewry is one we fully share.
>
> EUGENE P. KOPP,
> *Acting Federal Counsel and Congressional Liaison, United States Information Agency.*

Mr. Speaker, I know we are unanimous in our deep concern for the plight of the Soviet Jews and trust that our congressional efforts on their behalf will be helpful in assuring them that there is unity and sincerity of purpose in our resolutions to assist them here in the U.S. House of Representatives.

AMIN, SMITH, AND THE POLITICS OF HYPOCRISY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. CRANE. Mr. Speaker, the world is, unfortunately, very selective in its moral outrage.

The United Nations, for example, repeatedly condemns Israel while refusing to say a word about Arab terrorism. It refrained from expressing any shock or opposition to the massacre of Israeli athletes at the Munich Olympics.

That same body condemns South Africa and Rhodesia for racism while remaining strangely silent at the racism being practiced by nonwhites, or by totalitarian states. The Soviet Union persecutes Jews and Christians and is in the process of committing cultural genocide against a host of captive nationalities, such as the Ukranians, the Latvians, and the Lithuanians. World opinion, however, seems unconcerned.

Now we witness the spectacle of Gen. Idi Amin of Uganda expelling thousands of Asians from his country, for no reason other than their race. No more blatant example of racism can be found.

In Uganda, two Americans have been tortured to death last year, and this year a Peace Corpsman has been shot and killed. General Amin, to underline his racist posture, has hailed Hitler for his murder of the Jews. Our own country, however, has reacted in a far different manner to the situation in Uganda than to that in Rhodesia.

Writing in the Washington Evening Star-Daily News, Smith Hempstone notes that:

> The United States maintains diplomatic relations with Amin's government, trades with it, loans it money.
>
> Rhodesia, which emulated the American colonies by unilaterally declaring its independence in 1965 after more than 42 years of internal self-government has sought nothing more than to live in peace with its neighbors and the world. It has not expelled its 9,200 Asians, staged communal massacres, or slaughtered Americans.

Our own policy toward Rhodesia is far different than our policy toward Uganda. Mr. Hempstone writes:

> The United States does not recognize Rhodesia's independence, supports the United Nations boycott of Rhodesia's produce (with the recent exception of chrome) and wouldn't lend Smith a plugged nickel.

Decrying the hypocrisy implicit in our Government's current policy, Mr. Hempstone writes that:

> Anyone—black, white or brown—who would prefer the rule of an Amin or a Micombero to that of an Ian Smith deserves to savor the experience. The time has come for the United States to cut the hypocrisy and recognize Rhodesia. Our diplomats are breaking bread every day with far worse than the likes of Ian Smith.

I wish to share Mr. Hempstone's article, which appeared in the Washington Evening Star-Daily News of September 27, 1972, with my colleagues, and insert it into the RECORD at this time:

AMIN, SMITH AND THE POLITICS OF HYPOCRISY

(By Smith Hempstone)

> The latest series of high jinks by Gen. Idi Amin Dada, Big Daddy and self-appointed president of Uganda's Second Republic, serves to underline the hypocrisy and idiocy of American policy toward Rhodesia.
>
> Amin, who came to power last year by bouncing President Milton Obote (who was not much better), will remain in power until his military government has had a chance to put "the country in order," which at the present rate means that Big Daddy is going to be around a long time.
>
> Amin's eccentricities include expelling 50,000 Asian holders of British passports (and threatening to expel Asians of Ugandan citizenship), allowing his army to massacre tribesmen thought loyal to Obote, heaping praise on Hitler for his genocide of the Jews and accusing the United States, Britain and Israel of conniving in the recent abortive invasion of his country by Tanzanian-based Obote loyalists. Last year, Amin's soldiers tortured to death two Americans; so far this year they have shot and killed one Peace Corpsman, wounded another and jailed other Americans without cause.
>
> The United States maintains diplomatic relations with Amin's government, trades with it, loans it money.
>
> Rhodesia, which emulated the American colonies by unilaterally declaring its independence in 1965 after 42 years of internal self-government, has sought nothing more than to live in peace with its neighbors and the world. It has not expelled its 9,200 Asians, staged communal massacres or slaughtered Americans. While effective political control remains in the hands of Rhodesia's 229,000 whites, Africans sit in both the Senate and the House of Representatives.
>
> Last year Prime Minister Ian Smith agreed to a set of proposals, later approved by a 297–269 vote of Britain's House of Commons, Which would at some indefinite date in the future have provided for political control by Rodesia's 5.1 million Africans; governments such as Amin's attacked the proposals, which were later rejected by Rhodesia's blacks.
>
> The United States does not recognize Rhodesia's independence, supports the United Nations boycott of Rhodesia's produce (with the recent exception of chrome) and wouldn't lend Smith a plugged nickel.
>
> No objective observer would argue that Rhodesia is an ideal democracy. Indeed, there has been a drift in recent years, encouraged by the isolation, imposed upon it and the vilification heaped upon it in the world, for Rhodesia to drift toward the South African system of apartheid.
>
> But diplomatic recognition is not a constitutional beauty contest. It does not imply approval. It is extended to governments which are in control of their territories and appear likely to remain in control of them. Rhodesia, after nearly seven years of independence, meets these criteria.

Indeed, in the real world of African governance as opposed to the Cloud Cuckooland of liberal fantasy, Rhodesia stacks up rather well. For Amin is not the only African leader doing the Emperor Jones bit. That great democrat, Sekou Toure of Guinea, is busily exterminating his country's educated class, most of whom (including two former ambassadors to the United States) according to him are in the employ of the CIA.

His Excellency, Col. Michel Micombrero, president of Burundi, is methodically solving his country's overpopulation problem by extinguishing as many members of the Hutu tribe as he can lay his hands on, perhaps 80,000 by last count. Gen. Jean-Bedel Bokassa, president of the Central African Republic, a strong law-and-order man, is stamping out thievery by cutting off hands and beating to death prisoners ("It's tough, but that's life," philosophizes Bokassa). The screams of political prisoners being tortured in Equatorial Guinea's jail across the street from his office literally drove one American diplomat mad. And then there were the Congolese massacres of the 1960s and, more recently, the Biafran genocide.

All but four of black Africas 40-odd (and some of them are extremely odd) nations are one-party states, and 14 are military dictatorships. Nor need the comparisons be confined to Africa: Is the hardfisted Communist dictatorship of Bulgaria, which we recognize and with which we trade, really less offensive than Smith's regime, from which we recoil in horror? Horsefeathers!

The choice in Rhodesia is not between an authoritarian white minority regime and a black democracy. The choice, if the track record elsewhere in Africa means anything, is between an imperfect regime dominated by whites—but willing to share power with blacks—and a chaotic situation from which, with luck, a not-too-repressive black dictatorship might emerge.

Anyone—black, white or brown—who would prefer the rule of an Amin or a Micombero to that of an Ian Smith deserves to savor the experience. The time has come for the United States to cut the hypocrisy and recognize Rhodesia. Our diplomats are breaking bread every day with far worse than the likes of Ian Smith.

H.R. 256, THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. DERWINSKI. Mr. Speaker, I am especially interested in H.R. 256, which would establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania since I am a cosponsor of an identical measure, H.R. 7813, introduced on April 27, 1971.

There is no question of the great contribution of Gen. Thaddeus Kosciuszko to the American Revolution. All agree they were great; some qualified experts believe they were decisive in the winning of the war. All agree that he ought to be honored; practically all are agreed that he has been officially ignored for nearly two centuries.

Millions of Americans of Polish descent have asked that the omission be rectified by preserving his last place of residence—the last evidence of any kind remaining on this continent—as a national historic site.

This seems modest indeed as compared with the honors the Republic has bestowed upon the memory of other heroes—for example, General Lafayette. No one could detract from the laurels of General Lafayette—but their lustre does contrast the manner in which General Kosciuszko's name has been permitted to remain in the shadows. House bill 256—other identical measures are H.R. 6759 and H.R. 7813—does much to remedy this historic wrong; and since the opportunity to save this historic house is virtually the last chance to preserve the only remaining object actually associated with General Kosciuczko's physical presence, I, along with millions of other Americans of Polish descent, respectfully urge the Members of the House to preserve this irreplaceable bit of Americana for all Americans of the generations yet to come by supporting H.R. 256.

NADER TOO TOUGH ON CONGRESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 9, 1972]

ACCOMPLISHMENTS IGNORED—NADER TOO TOUGH ON CONGRESS

On many occasions this newspaper has taken Congress to task for its failings, which are many.

Congress certainly is not as responsive to the public as it should be. Its bureaucracy is a thicket of people and paper. Its organization leaves much to be desired. The budget-forming process is a miracle of confusion, and Congress tackles far too many things that it could profitably leave alone. Admittedly some of its members, like many of us, exhibit the all-too-common failings of laziness, greed and ego.

When all of that is said, however, a student of Congress also must admit that its accomplishments often are impressive—and that despite all of its failings, somebody has yet to come up with a better system if progress of the United States of America is the yardstick by which its legislative body is judged.

The failure to recognize the virtues of Congress as well as its warts is what is conspicuously lacking in a massive review of its efforts by Ralph Nader, currently the most visible critic.

If we are to believe Mr. Nader's most recent jeremiad, Congress is kept at heel by the executive branch and special interests—businessmen, labor leaders, lawyers, farmers and others. He leaves us with the picture of an average congresseman who is dominated by greed, an instinct for survival and human appetites. He also leaves the impression of self serving legislative procedures designed principally to perpetuate the above.

While there is an element of truth to all of this, it also is fact that the political process by nature is one of personal interplay, compromise of viewpoints and checks and balances. The seniority system, the obstacles before bills are passed and even the filibuster have virtue as well as vice. American people are doctors, lawyers, labor leaders, businessmen, farmers—"special interests."

One has but to look at the sweeping social changes of the last decade to realize that when Congress makes up its mind to do something, the task is accomplished.

Few would disagree with Mr. Nader's yearning for greater individual attention to our government or his desire to remove its warts. Hopefully, the shrillness and hyperbole of his attack, as well as its promised duration, will not turn people off.

We would disagree, however, with one of his emerging themes—one that is heard often in today's political campaigning—that the federal government's responsibilities extend to all problems and failings in the nation, including personal ones.

CONGRESSMAN RODINO'S ROLE IN COMBATING NARCOTICS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. EDWARDS of California. Mr. Speaker, as chairman of the House Judiciary Subcommittee with jurisdiction over the rehabilitation of narcotics addicts, I feel a responsibility to scrutinize each new development in the efforts of our Government to abate the heroin epidemic which now plagues us. One of the most recent developments in this area is the statement by President Nixon on September 18, 1972, of his intention to suspend all economic and military assistance to any foreign government which fails to cooperate with us in controlling the illegal drug traffic.

Too often in this political year the administration has been criticizing the Congress while at the same time claiming credit for new programs which have, in fact, been initiated in the Congress. This is especially true, Mr. Speaker, with respect to the administration's present narcotics program. Under the circumstances, I feel a special obligation to make the record clear and to point out that the man who is primarily responsible for formulating much of the present narcotics program is my esteemed colleague from New Jersey, Representative PETER W. RODINO, Jr., who is the ranking member of the Committee on the Judiciary on which I serve.

The gentleman from New Jersey (Mr. RODINO) was the very first Member of Congress to introduce legislation imposing sanctions on countries which do not help to eliminate the illegal flow of drugs. Mr. RODINO first introduced his bill on June 2, 1970. At that time the measure was actually opposed by the administration. Mr. RODINO diligently continued to press for enactment despite administration opposition. Eventually the administration reversed itself and supported the legislation.

On October 22, 1970, Mr. RODINO wrote a letter to the President seeking the President's support for his comprehensive plan for an all out war against narcotics. Mr. RODINO's plan included medical treatment for all addicts by public health officials. Law enforcement officials, therefore, would be available to vigorously enforce regulations against the narcotics pushers and the organized drug rings. Moreover, the plan sought to utilize economic sanctions against those countries which do not cooperate in halting illegal drug traffic. Eight months later, the President responded with a plan substantially similar to that of Mr. RODINO.

Also in 1970, Representative RODINO

participated in a North Atlantic Treaty Organization conference in the Netherlands. He urged all NATO nations to join together in combating illegal drug traffic. He recommended and organized an international working committee to evaluate the international narcotics problem. His proposal was accepted unanimously, and the committee is presently seeking methods of ending the illegal production, sale, and distribution of narcotics.

In 1971, Mr. RODINO continued his NATO conference work by presenting a detailed analysis of the critical drug problem in the United States to the NATO committee. He strongly advocated the need to stop opium production in all NATO countries. One week later, Turkey promised to ban all opium production.

The horrifying reports from Southeast Asia depicting the magnitude of narcotics use by U.S. servicemen is now familiar to the entire Nation. Representative RODINO was one of the first Members of Congress to recognize the urgency of the problem. He envisioned medical treatment for veterans under his comprehensive plan. He also joined in sponsoring a bill that provided for drug addicted servicemen to be discharged from military service for physical disability, and to receive medical treatment.

Representative RODINO strongly urged the President to use the economic sanctions provided by Congress unless Paraguay agreed to extradite the notorious Auguste Ricord from Paraguay. Ricord is allegedly one of the world's largest heroin dealers. Recently, because of the possibility of losing foreign aid, the Government of Paraguay did extradite Ricord. It seems unlikely, Mr. Speaker, that this would have been done without the legislation originally proposed by Mr. RODINO.

Currently, Representative RODINO is cosponsoring my bill, the Narcotics Addict Treatment and Rehabilitation Act of 1972, which is designed to enable the Federal and local criminal justice systems to deal more effectively with the problems of narcotics addiction.

The record of Congressman Peter W. RODINO, Jr. is one of a man deeply committed to solving one of the most critical problems in our history. Mr. RODINO does not merely lament about the drug abuse crisis. He actively works to remedy it, and through his leadership inspires others to work with him.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

SMALL COLLEGE FINDS FINANCIAL SUCCESS

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MILLS of Arkansas. Mr. Speaker, Eliot Janeway, consulting economist, New York City, interviews Dr. Roy Shilling, president, Hendrix College, Conway, Ark. The interview is as follows:

SMALL COLLEGE FINDS FINANCIAL SUCCESS

(By Eliot Janeway)

NEW YORK CITY.—Now that America's big universities are going broke along with big government, the native American institution known as the small private college, which only yesterday was making news merely by surviving, is now learning how to make it. Dr. Roy Shilling, the 41-year-old president of Hendrix College in Conway, Ark., has developed an educational mousetrap which works. His exercise in Emersonian wisdom seems to be fulfilling Emerson's prophecy that the world will beat a path to the door of anyone who makes a better mousetrap.

JANEWAY. Tell us a bit about your college.

SHILLING. Hendrix has about 1,025 students, of which 80 percent are from Arkansas and the other 20 percent represent 27 other states. We have about 20 different majors wihin 17 different departments, although we offer only the bachelor of arts degree. About 51 percent of the students receive some financial aid from the college. More than 55 percent of our graduates go to professional schools—medical schools, law schools, or graduate studies.

JANEWAY. What is distinctive in what you have to offer, and what do you think you can demonstrate?

SHILLING. What we really have going for us is a traditional academic program within the framework in which we operate, and we appeal to students who want it. The student takes only three courses per term, and the design of the curriculum assumes that no student takes the same set of courses as another student. There is freedom in which to structure the courses based on the student's interest and abilities.

We use the college level examination program to determine what the individual student is able to do and how much credit is to be granted from previous learning. Thus, we think that our approach incorporates the best possible psychological and learning principles. Another strong point is the management team which has identified our resources, and utilized and allocated them against our most urgent priorities.

JANEWAY. Hendrix seems atypical because it is on a sound fiscal footing.

SHILLING. That fact really astounds most business and professional people with whom I talk. They just can't believe that in a time when private colleges are running average deficits of $131,000 a year, we are actually setting aside reserves and without penalizing our programs. Our internal pace-setter foundation is matching the $50,000-a-year grant from the Ford Foundation for three years to generate new ideas in undergraduate education, and we were given the venture fund grant from Ford last year.

JANEWAY. How much of your fiscal achievement comes from endowment income, from grants and gifts, and from tuition and fees?

SHILLING. There is a sound balance from all three major sources of income with 56 percent coming from student tuition and fees, 20 percent from endowment earnings, and 18 percent from gifts and grants. This past fiscal year we exceeded our best projections in every source of revenue that we had made a year and a half ago. For instance, in gifts and grants we projected $389,000 of unrestricted funds and we made about $425,000, and the same is true with endowment earnings and tuition and fees.

We realized early that a strong person was needed to manage finances, so we brought in a senior professor of economics to be vice president and treasurer. We get an operating statement the first of every month. Many college presidents don't really know how they have done until 15 months after the year has closed.

JANEWAY. You are not spending your endowment principal or capital gains?

SHILLING. We are using only the earnings.

JANEWAY. What is your faculty-student ratio?

SHILLING. Twenty to one. One of our greatest resources is our faculty; two-thirds enjoy tenure.

JANEWAY. One reason for student cynicism has been the lack of respect for access to the nonteaching teacher. You have a teaching faculty who really works at it?

SHILLING. Very much so. The normal faculty-teaching load is the equivalent of eight courses a year. Our professors try to establish close rapport with students in small-class situations.

JANEWAY. Do you teach yourself?

SHILLING. I sure do. All the chief administrators taught this past year and plan to continue to teach.

JANEWAY. Generalizing about the American economy as a whole, the health sector seems to be getting money and resources at the expense of a contraction in the educational sector.

SHILLING. We see this as creating more of a hardship and discriminating against the so-called private liberal arts college more than against any other institution or educational community. The community college and the traditionally black institution have received increased fundings, but the so-called four-year college, the private institution, has fewer opportunities now than it has ever had to get funding from the federal government.

REVENUE-SHARING DOLLARS ALLOCATED TO 19th DISTRICT OF ILLINOIS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. RAILSBACK. Mr. Speaker, the Joint Committee on Internal Revenue Taxation has recently made available the dollar allocations which local and State governments will receive under the revenue-sharing legislation approved by the House-Senate conference committee.

I include in the CONGRESSIONAL RECORD the data regarding the amounts allocated to the governments in the 19th District of Illinois—which I am proud to represent.

They are as follows:

Carroll County area total	$416, 976
County government	133, 069
Total to all cities over 2,500	70, 417
Total to all cities under 2,500	97, 432
Total to all townships	116, 058
Savanna City	70, 417

Fulton County area total	868, 145
County Government	299, 750
Total to all cities over 2,500	214, 477
Total to all cities under 2,500	107, 088
Total to all townships	246, 829
Canton City	155, 092
Farmington	32, 331
Lewistown	27, 055

Hancock County area total	565, 695
County Government	199, 246
Total to all cities over 2,500	64, 829
Total to all cities under 2,500	90, 871
Total to all townships	210, 749
Carthage	33, 799
Hamilton	31, 030

Henderson County area total	202, 024
County government	84, 150
Total to all cities under 2,500	24, 268
Total to all townships	93, 605

Henry County area total	819, 346
County government	212, 132
Total to all cities over 2,500	259, 846
Total to all cities under 2,500	92, 942
Total to all townships	254, 427
Galva	32, 120
Geneseo	36, 085
Green Rock	12, 209
Kewanee	179, 432

McDonough County area total	811, 814
County government	266, 370
Total to all cities over 2,500	258, 006
Total to all cities under 2,500	54, 649
Total to all townships	232, 790
Bushnell	45, 339
Macomb	212, 667

Mercer County area total	413, 418
County government	179, 183
Total to all cities over 2,500	35, 030
Total to all cities under 2,500	60, 347
Total to all townships	138, 858
Aledo	35, 030

Rock Island County area total	2, 611, 367
County government	634, 489
Total to all cities over 2,500	1, 644, 626
Total to all cities under 2,500	101, 792
Total to all townships	230, 401
Coal Valley Village	10, 182
East Moline City	265, 056
Milan	55, 492
Moline	$578, 880
Rock Island City	695, 694
Silvis	39, 321

Warren County area total	516, 235
County government	175, 200
Total to all cities over 2,500	123, 633
Total to all cities under 2,500	35, 569
Total to all townships	181, 833
Monmouth	123, 633

Whiteside County area total	1, 173, 231
County government	583, 614
Total to al cities over 2,500	512, 776
Total to all cities under 2,500	76, 840
Fulton	86, 776
Morrison	29, 246
Rock Falls	101, 449
Sterling	295, 305

In addition, the allocations for the following counties, parts of which have been added to the 19th District, are as follows:

Adams County area total	$1, 579, 322
Bureau County area total	876,887
Lee County area total	907, 135

IS WHAT'S GOOD FOR NADER GOOD FOR THE PEOPLE?

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MINSHALL. Mr. Speaker, under leave to revise and extend my remarks, I wish to insert in the RECORD the following column by James J. Kilpatrick:

IS WHAT'S GOOD FOR NADER GOOD FOR THE PEOPLE?

(By James J. Kilpatrick)

Once upon a time, as Plutarch tells the tale, Aristides The Just was running for reelection. He stopped a stranger on the streets of Athens to solicit his vote. No, said the citizen, who did not recognize the candidate, he could not support Aristides—and it was not as if he had anything against the statesman.

What, then was the trouble? "I'm sick and tired," said the citizen, "of hearing him called The Just."

Ralph Nader, the Great Crusader, might be well advised to meditate upon the story. Beyond question, this dedicated and zealous man has made significant contributions to the safety of American consumers and to the quality of our environment. But he is displaying in his current assault upon Congress a swell-headed arrogance that may cool the ardor of even his most devoted fans. The gentleman is insufferable. The gentleman, indeed, is a bore.

One is reminded not only of Aristides but also of Engine Charles Wilson. The canard will not die that the great industrialist once avowed that what is good for General Motors is good for the U.S.A. Ralph Nader exhibits the same confusion. His newly-sponsored book, "Who Runs Congress?" grandly equates Ralph Nader with the "people" or with "the public interest." He alone, goes the implication, is qualified to proclaim what is good and wise and progressive. The possibility that he might be wrong—the possibility that decent men might take an opposite view out of pure motives and sound reasons—that possibility never crosses Nader's Olympian brow.

This vainglorious image emerges from Nader's book. The paperback is attributed to Mark J. Green, James M. Fallows, and David R. Zwick, but it bears the imprimatur of the man himself. Viewed simply as a book, the book is mostly non-book. It rehashes every criticism of Congress made in recent years, but it adds little that is new or different.

What raises one's hackles is the lordly assumption of Nader's factotums that everyone else is vile, and only he is pure. The assumption recurs in a dozen forms. Unions no less than corporations find troublesome regulations standing "between them and the politicians they want to buy." The bad guys are trotted forth in semantic black hats. Rep. Thomas P. O'Neill (Jr., D-Mass.), a bad guy, is the "august" chairman of a sub-committee. A vice president of Texaco doesn't merely say; he "intones." It is angels on one side, demons on the other—the "people" arrayed against the "special interests."

The truth is vastly more complex. Are milkmen "people"? Are tobacco farmers "people"? Are the owners of service stations "people"? No, indeed. They are co-conspirators in dastardly plots to "milk the housewife," or they are "small businessmen who are different from you and me." By contrast, "public lobbies" are filled with virtue: "They may save the taxpayer billions." But the baddies, the business lobbies, are concerned only with making "the victims bear the cost of their anticonsumer political efforts."

What is the consumer's interest? The honest answer, in many difficult cases, is simply: It depends. The recent increase in milk prices may or may not have been in the consumer's interest. The oil depletion allowance may be as evil as Nader contends, or it may contribute to the explorations that are vital to a healthy petroleum industry. Safety requirements in general must be applauded, but a fanatical obsession with safety may inflate production costs to a point at which the public interest is adversely affected.

Ralph Nader, of course, has every right to lobby for his causes, and to urge his followers to organize their campaigns. Splendid! But the gentleman is not divinely ordained. The anathema he pronounces on the Congress may amount to Holy Writ; and perhaps members must obey him in peril of their seats. But then, again, perhaps not.

COUNT CASIMIR PULASKI

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FISH. Mr. Speaker, today, October 11, marks the 193d anniversary of the death of that outstanding Polish patriot who gave his life for our country during the war for independence, Count Casimir Pulaski.

Born in 1748 in Poland to an aristocratic and distinguished family, Count Pulaski spent a lifetime in fighting to free his native land from the yoke of slavery, and then traveled thousands of miles to a strange new land to assist a small band of young people engaged in a similar battle.

Here, he contributed his brilliant military knowledge to people unacquainted with the ways of war. Through his efforts he helped weld them into an effective force which was able to gain the final victory on the road to freedom where we who come after stand today.

Commissioned by Congress to form a brigade of cavalry, known as the Pulaski Brigade, the count developed his men into an effective striking force for our small but determined Army.

It was while leading this brigade that he was mortally wounded and carried aboard a naval ship in Savannah Harbor where he died. He was buried at sea so we have no grave at which to place a wreath of remembrance and thanks to this great man.

But this does not diminish the memory of this exemplary fighter for liberty, for his memory lives in the hearts of all those who would see all nations free in fulfillment of his dreams.

Traditionally the 12 million Americans of Polish descent mark Pulaski Day, not only as a tribute to Casimir Pulaski, but also as a day marking the contributions to our Nation and our national life by the people of Poland who followed him to the United States. Like Count Pulaski, these people have not only added to our love of freedom and independence, but with their lives and customs have enriched our lives.

Mr. Speaker, it is my privilege to join

with all those of Polish descent who are observing this day in tribute to the remarkable man, Count Pulaski, and to commemorate the contributions of those remarkable people from Poland and their descendants who have contributed so much to our national heritage.

WHO RUNS CONGRESS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ROSENTHAL. Mr. Speaker, the New Republic of October 14, 1972, offers two separate and distinguished reviews of Ralph Nader's "Who Runs Congress?" Like all good literary criticism, the reviews by TRB and Paul Leventhal have a life and a significance all their own. Not only do they illuminate the most valuable parts of the Nader commentary on Congress, but they actually provide the reader with valuable new insights and ideas.

Mr. Speaker, if, as a result of the Nader Congress project, only one congressional reform is implemented and if Congress is made only a little more efficient, then the time and effort expended by Members for this study will be more than justified. The complete texts of the New Republic reviews, follow:

NADER AND GOLIATH

There sat Mahatma Gandhi in a loin cloth under a banyan tree in India. Only it wasn't Gandhi, it was Ralph Nader, not in a loin cloth and not in India but in the Sheraton Carlton hotel for eggs and bacon with a group of doubting and ultimately awed Washington newsmen. For a little while until they got out again into the traffic stream of reality in Washington—capital of a nation suffering from moral fatigue—they Believed. They rubbed their eyes; those cynics had seen a dream.

Yes, Ralph Nader says Congress doesn't have to be the way it is; that it can be made what it is supposed to be, a dynamic, vigorous, lively voice in Washington, freed from the dominance of corporate lobbyists and the Executive to which it has been slowly abdicating power for 50 years. And if anybody can bring Congress back Nader can. See what he did to General Motors.

A more improbable figure in materialistic America rarely existed. Mahatma Gandhi?—maybe the comparison is far-fetched but there is the same simplicity of the saint and wordly wisdom of the serpent.

Nadar, 38, is tall, thin, stooped, six-feet-four, spidery, slightly swarthy, Lebanese with a large nose, sensitive mouth (with a comical twist in it) and a permanent 10:30 o'clock shadow. He has dark, intense, deep-set eyes under dark curly hair and when he talks he is immediately absorbed in his subject and delivers his thoughts, from a passionately convinced intelligence, with quick, eager movements of his long artistic fingers and mobile face. He lives in lodgings and is as un-American as can be: he has no house, no car and no wife. Women want to mother him because of a small-boy quality.

What do enemies fault in this man? Anyone with such pretensions to virtue creates skepticism automatically, he *must* have feet of clay! Avarice? He is financing this $200,000 survey of Congress out of his own pocket from lecture fees and writings. He tells me he lives on $5000 a year; he can't remember taking a holiday. Sex? It seems doubtful; he is a kind of secular priest of the sect of consumerism, enjoying it immensely, devoid of greed, beyond influence. Power? Here it may be, is his Achilles' heel, but that is just a surmise; one cannot guess where such a man will wind up because there have been so few such men in Washington; let alone Galahads who actually knocked off Capitol Hill dragons. *Fortune* writes, "He is chiefly responsible for the passage of at least six major laws." His ideas of devoted public service are as intoxicating to young men fresh out of law school as the scent of a girl's perfume. Nader is the father of a whole new school of public service law firms.

The new book from the Nader organization, *Who Runs Congress?* (306 pp., Bantam, $1.95), has a lot of good stuff in it and will be followed in a fortnight by the real opus, 490 profiles of members of Congress, 24 to 32 pages each, which may be something of a bombshell. Some stuffed shirts find the impertinence of the Nader group in writing about congressmen as though they were human almost beyond endurance.

The fact is that Washington is overdue for the kind of muckraking that newspapers have almost forgotten how to turn out. Corruption today is of a different kind. It is not freebooters and robber barons any more, operating outside the system; it is the cozy relationship of corporate lobbyists and politicians operating in the system, taking it for granted that government should be run in the interest of the affluent. Generally the payoff is the campaign contribution; for example, in 1968 oil company executives put up $800,000 and 93 percent of it went to the Republicans. Today we know the administration amassed $10 million from anonymous wellwishers, presumably corporate, just before the April deadline requiring full disclosure. We know that the Department of Agriculture as a matter of routine notified the big international grain dealers in the Russian wheat deal of a policy change that would skyrocket prices before it ever told the farmers or consumers. We know that the oil import quota costs consumers $5 billion a year, although Mr. Nixon's own cabinet task force recommended abolishing it, not merely because it fed inflation but because it is a danger to US defense in war by depleting strategic domestic oil reserves. Profits come first.

The power is oozing out of Congress because it will not put its own house in order. That is Nader's theme. It is not a partisan matter. Democrats are often indistinguishable from Republicans. Mr. Nixon has just let us know, through Spiro Agnew, for example, that he will not oppose reelection of Senator Eastland of Mississippi, chairman of the powerful Judiciary Committee and a beneficiary of farm subsidies for not growing cotton; Eastland, it turns out, has "stood four-square with many important administration programs." So his GOP opponent can't expect White House support.

The nation is fed up on Watergates and ITT rakeoffs, on Vietnam bombings, on the problems of the poor and the cities. It wants to be let alone. It is the dullest, dreariest, strangest presidential election in history. Thumbing through an old copy of the *Saturday Evening Post* (June 27, 1964) I found an eloquent demand that President Johnson should debate challenger Goldwater on TV: "I believe the strongest argument for debates is that they make candidates put on a better campaign, with the result that the man who wins becomes a better president. . . . I am convinced that TV debates are essential." Who wrote that? Why, our Richard Nixon, to be sure, between jobs; the same who won't debate today because he is so busy with affairs of state. At first we found the switch amusing, then it just seemed one more sour joke; after all, what position hasn't he switched?

So that's where Nader comes in. He isn't sour; he isn't cynical; he thinks he can take Congress and make something of it. He reports that a Maryland congressman was being considered for the Interstate and Foreign Commerce Committee and was asked, "What's your position on tobacco?" He replied, "I don't smoke," and lost the appointment. He notes that, what with seniority, the average congressman newly elected this November will have to wait 41 years to chair the House Appropriations Committee. Nader's Raiders are probing Congress for items like that and we can see nothing but good coming from it.

WHO RUNS CONGRESS?

THE GREAT SURRENDER—RALPH NADER CONGRESS PROJECT BY MARK J. GREEN, JAMES M. FALLOWS AND DAVID R. ZWICK

Who Runs Congress? was put together in less than eight weeks by three of Ralph Nader's most trusted Raiders and facile writers—Mark J. Green, James M. Fallows and David R. Zwick. It is a highly readable and often entertaining cataloguing of congressional sin, arrogance, ineffectiveness and unresponsiveness, but it is unpedantic and, in Mark Green's own words, "makes no attempt at depth." Many young political science professors and lawyers who are team leaders of Nader studies on congressional committees and procedures feared that this book would unfairly and incorrectly anticipate their own substantive findings and proposals. It doesn't. Most of the materials are already familiar to serious Washington-watchers. The book is aimed rather at stirring casual citizens to an awareness, as Nader says in his introduction, of "what they've lost to Congress so that they can take more of it back for the good of themselves, their fellow citizens, and their children. For the people have indeed abdicated their power, their money and their democratic birthright to Congress. As a result, without the participation of the people, Congress has surrendered its enormous authority and resources to special interest groups, waste, insensitivity, ignorance and bureaucracy." Not that the project itself is a casual one. It may indeed be Nader's most ambitious project so far, and has mobilized through the summer and into the fall 1250 volunteers and staff to produce in all 21,000 pages of studies on every aspect of Congress. This 300-page paperback is a small part of the whole but, Nader feels, a crucial one. He hopes that it will do for congressional reform what *Unsafe at Any Speed* has done for auto safety, though he is willing to concede that it is more difficult to get people worked up about a distant institution than bugs in the family car.

Nader makes a persuasive case that the nation is in the midst of a "grave constitutional crisis" stemming from a breakdown of separation and balance of powers. He views Congress as having been constitutionally ordained the preeminent branch of government by virtue of its closeness and accountability to the people and its role as shaper of the other two branches through the creation of agencies and the appointment of judges.

The book details how Congress has abdicated this power to its "three rulers"—committee chairmen, special interest groups and the President. Chairmen, perpetuated by seniority and by generous campaign contributions from vested interests, are seen as unassailable because of their tight control of subcommittees and staff, their manipulation of the rules and their ability to bestow favors on lesser members. The lobbies "derive their strategic advantage by controlling the flow of information in and out of Congress." And the President's role as a ruler of Congress is made possible by congressional abdication of its warmaking power, its role as an initiator of bills and of a legislative program, its control of the budget and appropriated funds, and its responsibility to oversee the actions of the executive branch.

These findings are hard to quarrel with, as are the described causes of congressional abdication, the greatest of which is Congress' inability to gather independent information. In fact, each of the three "rulers" of Congress have achieved most of their power by means of accumulating and manipulating information. Committee chairmen can and often do keep members in the dark about the status of major bills and the direction of committee initiatives. Lobbies, with their ability to specialize, overwhelm members who must somehow cover an enormous range of issues. And the executive branch, which outguns the Congress by 4000 computers to one, is often the sole source of information on the programs which it asks the Congress to approve and finance.

Nader wants Congress to become its own independent source of information by hiring more staff; computerizing its operations; making greater use of its own investigative arm, the Government Accounting Office, and resurrecting its watchdog role by once again making oversight hearings a regular congressional function.

A basic reason the Congress does not assert its prerogatives, Nader contends, is that its members put the business of getting reelected ahead of the business of Congress. The spiraling costs of campaigning make members all the more beholden to special interests. And just as insidious is what Nader terms the "trivilization" of the congressional office into a clearinghouse for constituent complaints for the simple reason that careful attention to these complaints has become a proven method of getting reelected. Nader does not belittle the importance of providing this service, but he wants it done by some—a congressional ombudsman—so that the members can devote full time to legislation and oversight.

Although Nader assures his reader that the reclaiming and reforming of Congress "should not have to be the equivalent of reaching for the stars," the reader by book's end may well conclude that the task is every bit that astronomical. For that reason, perhaps, the book closes with a chapter on "Taking on Congress: A Primer on Citizen Action." It is actually a condensed version of a "Handbook for Citizens" written by Douglas W. Cassell, Jr., another Nader Raider, and to be published next year as part of the Congress Project.

Nader's call for citizen action suggests such involvement as writing letters that will be read, drafting bills that will be introduced and pursued, organizing community groups that will be heard and challenging congressmen at election time. Not surprisingly, the greatest stress is placed on citizen organization along with the successful lines of Nader-inspired Public Interest Research Groups (PIRGs).

But it is at this point that *Who Runs Congress?* suddenly runs out of steam. Nader's reliance on citizen organization seems inadequate to the task of reforming Congress. So does his proposal—made at a press conference last week announcing the book—that the Congress call itself into special session at the end of next year "for the sole purpose of studying and legislating congressional reform." Both approaches assume that the Congress, as it is presently constituted, is capable of meaningful and basic reform. With all due respect to Mr. Nader, it just doesn't wash, and there are indications that he realizes it.

There is but one way to accomplish the sort of sweeping reforms Nader is seeking in leadership, committee jurisdiction, seniority, rules, campaign finance, interest-group disclosure, office procedures and information gathering. To change the Congress, you must change the members—or at least enough of the members so that the others get the message.

Nader appreciates the power of the citizen's ultimate weapon—his vote—but he seems unwilling to marshal it to the full extent. True, he has caused a furor on Capitol Hill—especially among his liberal congressional friends—by planning to release the Congress project profiles on individual members just three weeks before election day. But he insists that he is not engaging in partisan election politics, but rather simply giving the people a chance to evaluate their legislators during the preelection period of peak interest in the Congress. The nuance escapes most of the members; many see the timing of the profiles as a challenge to their survival.

Nader has designed the profiles to be objective, not evaluative, because he wants the voter to make up his own mind on whether individual members are deserving of reelection. Influencing voters to vote a certain way, he insists, "does not mix" with organizing them and informing them. But if Environmental Action can name a "Dirty Dozen" congressmen most worthy of defeat on the single issue of conservation (and succeed in knocking off seven of them in 1970 and two already in primaries this year, including House Interior Committee Chairman Aspinall), why can't Ralph Nader name a "Horrible Hundred" on an issue as basic and sweeping as congressional reform?

Nader is a much-feared man on Capitol Hill for the very reason that his credibility is so high among the voters. He should put that credibility to maximum use by exhibiting less profile and more courage on congressional reform.

SATELLITE TELEVISION CENSORSHIP

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MOSS. Mr. Speaker, next week the UNESCO General Conference will consider a draft declaration giving governments the right to censor satellite television broadcasts. According to reports I have received, our Government has taken a "low profile" stand on this vitally important issue. I am urging Secretary of State Rogers in a letter to take the high road instead—by making it perfectly clear the United States is solidly opposed to any such censorship moves. I hope every Member of Congress will join me in this effort.

Following is the text of my letter to Secretary Rogers and also the text of a speech by CBS President Frank Stanton on the matter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 10, 1972.
Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that there is currently pending before UNESCO a proposal permitting nations to censor satellite television broadcasts. The draft declaration was approved by a body which includes a representative of the United States who apparently expressed no objection or formal reservations. If this is true, I think it is absolutely incredible.

How our country—founded on the principle of the free flow of ideas and information—could ever put its stamp of approval even on a draft declaration of this sort is totally beyond my comprehension.

It has been reported that American strategy in this matter will be to seek a postponement of consideration of the draft declaration at the UNESCO General Conference, and to vote against it only as a last resort.

I respectfully suggest that this Government announce to the world immediately in the strongest possible terms our unalterable opposition to the censorship of knowledge and ideas. This should hearten all of those human beings everywhere who believe in freedom, truth and the dignity of man—that, indeed, he has "the right to know."

Sincerely,

JOHN E. MOSS,
Ranking Majority Member.

WREC 50TH ANNIVERSARY CEREMONIES

(Remarks by Frank Stanton, Vice Chairman, Columbia Broadcasting System, Inc.)

MEMPHIS, TENN.,
October 4, 1972.

Throughout a half century of distinguished service as one of the landmark institutions of United States broadcasting WREC has remained clearly and unequivocally dedicated to the idea that our nation's cornerstone is an informed public.

I wish I could say as much for the guardians of freedom of information throughout the world. But even as we meet here tonight, the United Nations General Assembly has before it a proposal challenging that principle which has been a tenet of our democracy, a basic article of faith, since its very beginning—freedom of speech.

This challenge comes as the result of far-reaching new technology that has opened a new era of human progress, the miracle of satellite broadcasting. The satellite television broadcasts we receive today come into our homes through networks and individual stations. Through such worldwide linkage, over 600 million people on six continents saw the moonwalk on television—a significant reminder of the enormous potential of satellite transmission.

The capabilities of satellite communication are such that individual receivers may one day be able to supplement reception of locally originated signals with broadcasts direct from satellites 22,300 miles in the sky. Such broadcasts could make it possible for people in every corner of the earth to share in the free flow of ideas, the free communication of knowledge and information.

And yet, ironically, the prospect of this very type of satellite-to-home television broadcasting has been made the occasion for an effort to negate the principle of international freedom of communication.

On August 8, the Foreign Minister of the Soviet Union, Andrei Gromyko, submitted for the consideration of the United Nations General Assembly the text of a proposed international convention governing satellite television broadcasts directly into homes. What this proposed convention asserts is that governments have the right to control television broadcasts from abroad via satellite to their people by controlling international broadcasts at their source. It is an unfortunate fact that the leaders of too many nations have a deadly fear of information which could lead their people to topple the regimes in power. Understandably, these leaders are interested in stringent preventative meassures. Hence the efforts of the Soviet Union have been encouraged by the acquiscence of other nations to a similar proposal from UNESCO. I want to return to this international proposal later.

The government of the Soviet Union can and does jam incoming foreign shortwave radio broadcasts, at a cost estimated as $300 million annually. It can and does punish its people for listening to foreign broadcasts. I am not addressing myself to the power of the Soviet government to do what it wishes within its own borders. The Soviet proposal to the United Nations, however, raises two new points.

It envisages not merely jamming incoming broadcasts, but also taking action directly against satellites themselves outside a receiving nation's territorial jurisdiction. The Soviet Union asks UN member states, including our country, to agree that any nation, on its own initiative, may destroy satellites to keep broadcasts from going directly into the homes of their own people. This would make censorship a principle of international law.

Undoubtedly the nightmare haunting the Kremlin is the possibility of its people hearing something other than their official government line—the chance that some future move like the invasion of Czechoslovakia might be reported in broadcasts directly into Russian homes, giving the lie to the idea that the invasion was joyfully received. What the Kremlin wants is assurance that it can seal off the Soviet people from everything but its own propaganda.

It is sometimes difficult for the Russians to make the distinction between their system of government communications media and ours of independent private communications entities. The Soviet Union sees no moral defect in giving governments, under international agreement, the right to orchestrate the flow of ideas. But such a right has no standing in this country, where communications media are private and the very first article of our Bill of Rights limits government authority over speech, press and thought.

What makes the USSR proposal more troublesome is that a climate of plausibility has been created for it, unbelievable as it may appear, by the United National Educational, Scientific and Cultural Organization—UNESCO, the organization conceived in the noblest of international idealism for the advancement of free and unfettered cultural exchange. UNESCO experts from more than a dozen countries put together a document that can only be described as a compromise in principle and a frightening danger in practice.

This astonishing UNESCO contribution, entitled "Draft Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange," will be submitted to the organization's General Conference this month. In general terms, the Declaration proclaims the people's right to freedom of information. In specific terms, however, the Declaration would have the United States accede as a matter of international law to any government's cutting off of its people from direct satellite television broadcasts—and not only television broadcasts but also, going the Russians one better, radio broadcasts as well. The rights which form the framework of our Constitution, the principles asserted in the Universal Declaration of Human Rights, the basic principle of the free movement of ideas, are thus ignored. And in their place an alien concept is proposed—a concept which gives the UNESCO Draft Declaration its clear meaning, the compromising of freedom.

The UNESCO Draft Declaration twists and turns. It commences with an altruistic allusion to "such international agreements as may be necessary to promote the free flow of ideas by word and image." It cites the message of the Universal Declaration of Human Rights that "everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers." It even states that "The objective of satellite broadcasting for the free flow of information is to ensure the widest possible dissemination, among the peoples of the world, of news of all countries, developed and developing alike."

This, however, turns out to be window dressing. Getting down to its real business, the UNESCO Draft Declaration declares "Each country has the right to decide on the content of the educational programmes broadcast by satellite to its people." And the Declaration does not stop there. "It is necessary," the document continues, "that States, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission." Thus, in a single sentence, the Draft Declaration manages to combine lip service to freedom of information and a demand for prior censorship of broadcasts through government agreement and control.

In practical terms, the UNESCO Draft Declaration gives international sanction to government control of what people can see and hear in direct satellite transmissions from outside their national borders. This means that nobody may legitimately broadcast to the USSR without the agreement of the USSR. That is what UNESCO proposes, not just for the USSR but for every nation. And despite the inclusion of all the disclaimers, what this amounts to is clear and frightening acceptance of the very same principle which lies behind the Soviet Union's proposal to the United Nations.

Cooperation, understanding and trade between Russia and the United States certainly are in the interests of peace. In serving the interests of peace, however, it surely is not necessary to sacrifice basic human rights. In the final analysis, there can be no truly enlightened progress and hence no real peace without these basic human rights.

Regardless of what body exercises the power of the censor, the effect of both the Soviet Union draft and the UNESCO draft is to make it possible for every signatory government to assert control over the content of international broadcasts. Quite seriously, I do not see how our government, given our Constitution, can possibly enter into any agreement in which the rights of Americans to speak to whomever they please when they please are bartered away. And that is what both draft documents would do.

We recognize that although the United States by tradition believes in the free exchange of ideas, most other nations do not. That fact probably explains why the UNESCO Draft Declaration was adopted by a multi-nation committee. What is astonishing is that the draft was accepted by a body which included a delegate from the United States of America. Apparently he expressed no reservations, for none was recorded. The document hence went forward as a unanimous and unopposed recommendation.

Incredibly, in the ensuing months, wiser counsel has not prevailed, despite the reasoned protests of the White House Office of Telecommunications Policy and the United States Information Agency, both of which are strongly opposed to the Draft Declaration. Rather than face the issue forthrightly and squarely, the State Department's plan of action as of today presumably is merely to plead for postponement, and to vote against the Draft Declaration as a last resort—only if postponement fails.

The State Department's attitude is perhaps best described as "embarrassment" over the prospect of opposing the desires of developing countries, which support the Draft Declaration. What the Department obviously has in mind is an attempt to avoid a head-on confrontation and give everybody a tidy diplomatic out. But I submit that the central issue here transcends that kind of diplomacy. Delaying tactics, pleas that haste is unnecessary or further study is required are entirely out of place when the fundamental principle of free speech is at stake. There can be no temporizing. You don't negotiate free speech. The United States must do all within its power to block the path to international censorship.

We must indicate in unmistakable terms that we reject censorship today, that we will reject it tomorrow, that we will reject it whenever its head is raised.

To this end it is imperative that the Secretary of State instruct our delegation to the UNESCO General Conference two weeks hence to oppose the Draft Declaration and to oppose it head on. Any other course would be unworthy of our national heritage. When liberty is threatened, when freedom of thought is challenged, the policy of the United States must be resolute and uncompromising. Never can we concede a basic freedom in one circumstance and expect it to survive unchallenged in another.

MILWAUKEE TAX LAWYER PRAISES McGOVERN'S TAX PROPOSALS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. REUSS. Mr. Speaker, a brief but excellent explanation of the highlights of Senator McGovern's tax reform proposals recently appeared in the Milwaukee Journal. Its author is Robert A. Schnur, a Milwaukee attorney specializing in taxation.

Mr. Schnur points out that press coverage of these proposals has tended to concentrate on estimates of revenue gains involved. Instead, he suggests, the public needs greater discussion of the reforms themselves and what they will do to improve the fairness of the tax system.

The article follows:

McGovern's Proposals for Tax Reform Deserve Study by Press, Public

(By Robert A. Schnur)

On Aug. 29, Sen. George McGovern announced the details of an income and estate tax reform program intended, in his words, to phase out federal tax preferences for the wealthy and to move toward "tax justice" for working people.

The response by leading Republicans was of course predictable, with administration spokesmen echoing the earlier plaint of John Connally that any such tax reform would "drive the Dow-Jones average down to 500."

Much more surprising, however, was the reaction of the press, which almost universally ignored the substance of the McGovern proposals and instead focused on the accuracy or inaccuracy of his predictions as to the increased tax revenue which would be generated by the enactment of his plan.

This latter point is, of course, important, but to focus on it exclusively ignores the fact that the individual proposals themselves deserve discussion on their merits, regardless of their effects on revenue. For, as McGovern stated, the present system is heavily biased toward the wealthy, and justice and equity demand that substantial reforms be enacted.

The most important element in McGovern's plan is the elimination of the system of special rates on capital gains. Presently, a taxpayer who holds a capital asset (such as stocks and bonds) for more than six months will generally pay taxes on only one-half of the profits made by him on the sale.

Certain minor "reforms" were added by the 1969 Tax Reform Act, but this type of income still receives an extraordinary benefit under existing law.

The effect of this, obviously, aids those who earn large amounts of capital gains, primarily the wealthy, at the expense of those whose earnings come primarily or entirely from wages or salaries, primarily the poor or middle class. Thus a recent study shows that taxpayers in the $10,000 to $15,000 income group reported only $16.31 in benefits from the capital gains preference, while taxpayers in the $100,000 or over bracket received an average annual benefit of $38,000 each.

As McGovern stated, such discrimination between money earned by services and money earned by money is unjustified.

Another major aspect of McGovern's plan relates to the loophole by which capital gains earned prior to death escape taxation entirely.

Presently, if an individual dies owning securities which initially cost him $10,000 but which are worth $100,000 at the time he dies, the $90,000 profit will forever go untaxed, and if his heirs then sell the securities for $100,000, no income tax will be due. McGovern proposes to tax this gain, as it should be, exempting estates of moderate size and bequests left to spouses.

A third McGovern proposal is to effectively eliminate the present system of tax free municipal bonds. Presently, a city or state that seeks to raise money for public purposes can issue bonds to investors and pay interest on the bonds which is tax exempt to the recipient. This tax free aspect enables the bonds to be sold at lower interest rates, and this saving to the cities and states is cited as the reason for granting the tax exemptions.

Many studies have shown, however, that such savings are substantially exceeded by the cost to the federal government in lost taxes. The difference, of course, is pocketed by the investors, who tend to be wealthy individuals to whom the tax saving inherent in municipal bonds outweighs the lower interest rates payable thereon.

Since the present system already results in an indirect subsidy from the federal government to the states, McGovern is merely proposing that a direct federal subsidy be used instead, eliminating the wealthy investor middleman.

There is no space here to discuss the other aspects of the McGovern proposal, but, in general they all follow the pattern of eliminating or reducing benefits to wealthy taxpayers. These proposals deserve serious attention by the public, and the press could assist by devoting more space to the important, if complex, issues involved. With such attention, it is hoped, will come the recognition that, while John Connally may indeed suffer if the McGovern plan is implemented, the average working man in this country will reap substantial economic benefits.

ARTHUR R. ELDRED: NATION'S FIRST EAGLE SCOUT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HUNT. Mr. Speaker, recently the Camden County Council of the Boy Scouts of America, along with Scout troops of Clementon and Berlin, N.J., the Eagle Scouts Association and the Knights of Dunamis, held graveside memorial services to honor the Nation's first Eagle Scout, Mr. Arthur R. Eldred.

It is a privilege for me to recognize this occasion and the accomplishments of such an outstanding individual as Mr. Eldred who received the Eagle Award while a member of a Boy Scout Troop in Long Island, N.Y.—Troop No. 1, Oceanside, Rockville Centre—in 1912, just 2 years after the Boy Scouts of America were founded in 1910.

Mr. Speaker, for the public record, I would like to insert a biographical sketch on Mr. Eldred's life following my remarks:

ARTHUR R. ELDRED

Arthur R. Eldred, the first Eagle Scout in the United States, was born in Brooklyn, N.Y. on Aug. 16, 1895. After the death of his father, his mother bought a small farm in Oceanside, L.I., New York.

He began his education in the Oceanside Public Schools. While in Oceanside High School, he participated in sports, track and field events. He was on the Oceanside High School Basketball team the year they had an undefeated season. He graduated from Oceanside High School in 1911 and afterward spent one year at the Cascadilla Preparatory School in Ithaca, N.Y. He entered Cornell University the following year and was graduated from Cornell in 1916. While at Cornell he entered wholeheartedly into the life of the college. He was on the track team and ran cross country two seasons. He was president of the Agricultural Association at Cornell and a member of the Honor Committee. He was elected to Helios, the senior honorary society of the University.

The first award of the Eagle Scout badge was announced at Scout headquarters in April, 1912. The following August 21, Arthur Eldred received a letter from James E. West, chief Scout executive, congratulating him on being the first to receive the honor.

The emblem was received by Arthur Eldred on Labor Day, 1912, due to the delay in making the die for the Eagle Scout pins. The requirements for the award were approximately the same as at the present time. Arthur, having earned the necessary badges, was reviewed by both a local committee and by a triumvirate of the movement's distinguished leaders—Chief Scout Executive James E. West, Chief Scout Ernest Thompson Seton, and National Scout Commissioner Daniel Carter Beard. The value of his scout training was further proven when a few weeks after earning his eagle, while on an outing at Orange Lake, New York, Arthur rescued a young Scout from drowning. Chief Scout Seton presented the bronze Honor Medal to him for this.

Arthur was a member of Troop #1, Oceanside, Rockville Centre, Long Island, N.Y. At the time of its organization, the scoutmaster wished to found a troop of American Boy Scouts, a boy's military organization sponsored by William Randolph Hearst, the publisher. Mistaking the Boy Scouts of America for the other group, the scoutmaster organized a troop with the ideals of this organization. The Scoutmaster, at the time the troop was organized, was a Captain in the U.S. Army. The American Boy Scouts was disbanded several years later. Troop #1 proved to be an outsanding troop in every way. They trained diligently in the barn on Arthur's mother's farm.

Each boy worked and earned his own uniform, so that they were one of the first Scout Troops in the U.S.A. to be completely uniformed and well drilled. They had the honor to be called into New York City to serve as Guard of Honor when Sir Robert Baden-Powell, the founder of the Boy Scout movement, visited the United States. This was a reward for being so well trained and completely uniformed. It is said that Sir Robert Baden-Powell remarked that the finest memory of his entire trip around the world, was sailing up beautiful New York Harbor, and seeing the long line of erect uniformed Boy Scouts, with the American Flag on the right of line and the British cross of St. Andrews on the left of line and the Boy Scout Flag in the center.

On April 1, 1918 Arthur enlisted in the United States Navy and immediately applied for foreign service. After a short training period he left Bush Terminal in Brooklyn on the naval transport, the W.S.S. Henderson. Three days after sailing, a fire was discovered on the Henderson, and, after fighting the fire for six and one-half hours, orders were given to abandon ship. Destroyers came along side and all the men were transferred to the Von Steuben (which was the old Kronpizen Wilhem) which had been interned at Newport News.

Overseas Arthur was sent to Base No. 25, at Corfu, Greece, and later was transferred to U.S. Submarine Chaser, No. 244, engaged in patrolling the Otranto Strait between the Adriatic and the Mediterranean Seas. The only Naval engagement in World War I, took place in this area.

When the war was concluded Arthur was honorably discharged on March 4, 1919. In order to be discharged earlier, Arthur requested to be discharged overseas and take his chances on making his own way back to the United States. He made contact with some soldiers who were returning to the U.S. on an Army Troop Ship. They took him on board as a stowaway and the fellows loaned him an Army uniform so that he could pass as one of the crowd. He slept in a life boat.

On his return from naval service he made his first appearance in South Jersey. For over two years he was employed by the Seabrook Farms at Bridgeton, N.J. and in April 1921 he was offered the position of Agricultural Agent for Atlantic County. He put a great deal of effort in helping the farmers of Atlantic County while he held this position. One of his achievements was the founding of the Atlantic City municipal market. He also started the co-operative purchasing in the county in order to aid the farmers and the poultry growers. During this period he maintained his interest in scouting and served as an Examiner on the Board of Review. In 1928 he resigned his position of agricultural agent for Atlantic County to take charge of the agricultural section of the public relations department of the Reading railroad.

In the early 1930's Motor Carriers became an important part of transportation. Arthur Eldred became increasingly active in this aspect of the transportation business, which ultimately lead to his appointment as Manager of the Motor Carrier Committee of the Trunk Line Association, later called the Eastern Railroad Association. He continued in this position until his death in 1951.

Throughout the years his interest in scouting never wavered. He was a member of the Camden County Council and chairman of

Troop 77 in Clementon. In 1944 he had the pleasure of seeing his eldest son, Willard presented with the Eagle Award. Aside from his interest in Scouting, Arthur Eldred was always active in civic affairs. He served as a member of the local Board of Education in Clementon and later was elected to the Overbrook Regional Board of Education. He was President of that Board at the time of his death.

THE BAYH GUN CONTROL BILL

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to offer a few brief comments about the so-called gun control legislation passed by the Senate.

This legislation, S. 2507, is more popularly known as the Bayh bill, after its chief Senate sponsor, the junior Senator from Indiana.

The Bayh bill, Mr. Speaker, should not be enacted. It represents a flagrant infringement on the right of private citizens to bear arms—a right guaranteed under the second amendment to the Constituation—and a dangerous step toward more stringent measures, including mandatory universal registration of all firearms and, ultimately, total confiscation. This is a familiar pattern that has been demonstrated in too many countries already, Nazi Germany among them.

There is a mistaken impression among some people, Mr. Speaker, that this legislation deals only with the so-called Saturday night special, a firearm which has never been specifically defined but which is generally meant to suggest a cheaply made, easily concealed handgun used in many street crimes.

Beyond the dangerous precedent this legislation would set, and the chain reaction it would almost certainly generate toward total confiscation, this legislation is unacceptable on its own limited scale for several reasons.

First, it fails to adequately define its subject matter. The loosely applied term "Saturday Night Special" remains too loosely applied in this legislation, to the point that it can be easily interpreted to include some excellent sporting arms that even this bill's sponsors did not intend to have included.

Further, the bill gives responsibility for such interpretation to the Secretary of the Treasury, without providing for any testing or evaluation procedures.

And there are other technical flaws in this legislation that must be taken into account as well, adding weight to this bill on broader grounds.

If the Bayh bill comes to the floor for a vote in this session of Congress, I will vote against it and urge my colleagues to do the same.

RCA CONTRACTS: ERRONEOUS INFORMATION CORRECTED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HUNT. Mr. Speaker, election years have the tendency of bringing forth a strange array of charges, and it is usually by those who are least likely to have possession of the facts or, if they do have the facts, carelessly disregard them for whatever advantage might be gained.

It recently came to my attention that erroneous and misleading information was being spread throughout my district concerning certain RCA contracts, with the assertion that a substantial number of jobs would be lost. As it must be noted that RCA, with its main office in Camden, N.J., is an important and vital industry to the economy of the entire first district, this kind of ill-considered "scare" information does a disservice to the company's employees.

Because I believe that such rumors should never be allowed to spread under any circumstances, I have taken the time to obtain information concerning the status of each of the three contracts—Small Terminal Project, Sanguine, and Aegis—and I insert that information in the record for public scrutiny.

Small Terminal Project—a contract to design, develop, fabricate, test and deliver a series of satellite communication terminals. The contract was protested by ITT–DCD prior to an award. While RCA may be considered the leading contender for the contract award, the General Accounting Office has not concluded its review of the protest and the additional comments of the parties. This matter has top priority, however, and a final decision is anticipated in the very near future.

Sanguine—a Navy contract—providing a communications system with submerged submarines—still in the study phase, for which RCA has been the prime contractor. RCA has been involved with this program for approximately 12 years and it is expected that RCA will get one of three contracts that will be awarded in view of its tenure in the program. It is well known that the system's proposed location in Wisconsin, due to ecological problems involving the laying of cables, is being vigorously protested and that a Defense Systems Applications Review is now in progress. There is a strong possibility of a shift in the location of the system, but there is no doubt about the plans to proceed with the program following a settlement on the issue of the installation site.

Aegis—a contract for the development of a ship-based air defense missile system. With more than 675 employees and an annual payroll of $11.4 million, Aegis is the largest single contract now held by RCA. Contrary to rumors about the phasing out of this project, the program is not in jeopardy and it is going ahead on schedule according to the contract. The Navy has absolutely no intention of abandoning this program and it is presently in the process of selecting a ship to be used as a platform for testing this missile system.

Mr. Speaker, I state again that I am making this information available in the public record to alleviate any fears that may have been raised in the minds of RCA employees as a result of rumors fueled by erroneous information.

PLIGHT OF THE SHOE INDUSTRY IN AMERICA

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress an open letter to President Richard M. Nixon that appeared in the form of a full page ad in the Washington Post today, October 11, 1972, and signed by Seymour Fabrick, president of the Vogue Shoe, Inc., Los Angeles, Calif.

This open letter spells out very graphically the plight of the shoe industry in America. While factories close down in America and thousands of workers are placed on the unemployment rolls the administration engages in endless rhetoric. Welfare costs are spiralling to new heights and nothing is being done. Let us hope that President Nixon reads this full page ad:

OPEN LETTER TO PRESIDENT NIXON

DEAR MR. PRESIDENT: Do you realize that you, personally, are responsible for the consumer paying from $2 to $4 more for a pair of shoes at retail in the past 3 months. And your failure to put price controls on hides and continuing to let them flow out of our country will cause the consumer to pay an additional $2 to $4 increase on shoes because hide prices are advancing every day?

Do you realize that you, personally, caused the closing down of 200 shoe factories in America during the past 18 months, with the loss of 50,000 jobs, because imported shoes are deluging our stores from 71 countries, all of which pay sub-standard wages?

Do you realize your inaction to help the domestic shoe industry from cheap, low labor countries will force another 200 factories to close, with another loss of 50,000 jobs?

Do you realize that nearly 4 years ago you ordered the Tariff Commission to make a report on the shoe industry and that this report has been sitting on your desk since December of 1970; and, during the past 4 years you have not allowed a shoe man to visit you and discuss the problems of the shoe industry?

Do you realize that we have visited all of your departments, including the Commerce Department, the Tariff Commission, the State Department and innumerable members of your White House staff, all of whom told us that you are the only one who can help us. Your failure to see us or act on our behalf is the cancer that is killing us.

There are 300,000 shoe and tannery workers around the nation, in small towns, who need your help, and they deserve a better break from you than continued silence.

You are our President and we look forward to you to help us. The consumers do not want higher-priced shoes. Our workers want work, not welfare. You have advocated that you want people to work, yet you do nothing about our problem and refuse to see a shoe man. We are your friends and neighbors and fellow Americans. Help us and look kindly upon our needs.

Thank you.

VOGUE SHOE, INC.,
SEYMOUR FABRICK,
President.

LOS ANGELES, CALIF.

DEPARTMENT OF AGRICULTURE PUBLICATIONS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HELSTOSKI. Mr. Speaker, many of my constituents have shown a great interest in the Department of Agriculture publications list, which are of great help to them. To accommodate my constituents, I have sent out the following letter advising them of the list of publications available:

DEAR FRIEND: The following list outlines some Department of Agriculture publications available to Congressmen for distribution to their constituents without charge. Numerous requests are made throughout the year for this very useful service.

These pamphlets have been carefully prepared to cover many subjects. No doubt you will find several of special interest. If you would like to receive any of them, please check those you select, print your name and address in the place designated, and return the list to me in a stamped envelope. Since the supply available to each Congressman is limited, please limit your request to a maximum of five. The publications will be ordered promptly, but it normally takes from 3 to 5 weeks for delivery—so please make allowances for the delay. In the event you are still not in receipt of them after 5 weeks, please advise my District Office at 939-9090.

You may be assured of my continued interest in being of service to you.

The publications list available for distribution as of August 1972 follows:

PUBLICATIONS AVAILABLE FOR DISTRIBUTION BY MEMBERS OF CONGRESS TO HOMEMAKERS AND RESIDENTS OF CITIES AND TOWNS

(Items in stock as of August 1972 are listed. Unforeseen demands or subject-matter changes may exhaust supplies; hence an occasional item may be out of stock when your order is received.)

FARMERS' BULLETINS

F 1889 Fireplaces and chimneys.
F 1972 Poison ivy, poison oak, and poison sumac . . . identification, precautions, eradication.
F 2202 Simple plumbing repairs for the home and farmstead.
F 2213 Plumbing for the home and farmstead.

LEAFLETS

L 268 Eat a good breakfast to start a good day.
L 307 How much fertizler shall I use?
L 367 The tomato fruitworm . . . how to control it.
L 408 Facts about pasteurization of milk.
L 424 Food for fitness—a daily food guide.
L 430 Cockroaches . . . how to control them.
L 445 Electric heating of hotbeds.
L 453 How to control bedbugs.
L 491 Background on U.S. Agriculture.
L 500 Milky disease . . . for control of Japanese beetle grubs.
L 501 The old house borer.

HOME AND GARDEN BULLETINS

G 1 Family fare—a guide to good nutrition.
G 5 Food for the family with young children.
G 8 Home canning of fruits and vegetables.
G 9 Suburban and farm vegetable gardens.
G 20 How to tailor a woman's suit.
G 25 Roses for the home.
G 28 Ants in the home and garden.
G 43 Money saving main dishes.
G 44 Cabbage insects . . . how to control them in the home garden.
G 46 Insects and diseases of vegetables in the home garden.
G 51 Better Lawns.
G 56 How to make jellies, jams, and preserves at home.
G 59 Simplified clothing construction.
G 61 Lawn diseases . . . how to control them.
G 64 Subterranean termites . . . their prevention and control in buildings.
G 66 Growing iris in the home garden.
G 67 Insects and related pests of house plants.
G 68 How to prevent and remove mildew . . . home methods.
G 69 Home care of purchased frozen foods.
G 71 Growing azaleas and rhododendrons.
G 72 Nutritive value of foods.
G 73 Wood decay in houses . . . how to prevent and control it.
G 78 Storing perishable foods in the home.
G 80 Home propagation of ornamental trees and shrubs.
81 Maple diseases and their control . . . a guide for homeowners.
G 83 Pruning shade trees and repairing their injuries.
G 84 Controlling mosquitoes in your home and on your premises.
G 85 Food for the young couple.
G 86 Growing camellias.
G 88 Growing the flowering dogwood.
G 89 Selecting fertilizers for lawns and gardens.
G 90 Conserving the nutritive values in foods.
G 91 Growing flowering annuals.
G 92 Making pickles and relishes at home.
G 93 Freezing meat and fish in the home.
G 94 Family food budgeting . . . for good meals and good nutrition.
G 96 Controlling household pests.
G 97 Sanitation in home laundering.
G 98 A guide to budgeting for the young couple.
G 99 Planning bathrooms for today's homes.
G 100 Equipment for cooling your home.
G 104 Protecting shade trees during home construction.
G 106 Home canning of meat and poultry.
G 107 Clothing repairs.
G 108 A guide to budgeting for the family.
G 110 Poultry in family meals . . . a guide for consumers.
G 113 Protecting woolens against clothes moths and carpet beetles.
G 114 Growing flowering perennials.
G 115 Making basements dry.
G 117 Trees for shade and beauty . . . their selection and care.
G 118 Beef and veal in family meals . . . a guide for consumers.
G 120 Growing boxwoods.
G 121 Controlling fleas.
G 122 Controlling wasps.
G 123 Lawn weed control with herbicides.
G 124 Lamb in family meals . . . a guide for consumers.
G 125 Fruits in family meals . . . a guide for consumers.
G 126 Growing peonies.
G 127 Milk in family meals . . . a guide for consumers.
G 130 Growing hollies.
G 131 Growing dahlias.
G 132 Growing magnolias.
G 134 Controlling clover mites around the home.
G 135 Growing flowering crabapples.
G 136 Spring flowering bulbs.
G 137 Controlling chiggers.
G 138 Planning your home lighting.
G 140 How to buy instant nonfat dry milk.
G 141 How to buy fresh fruits.
G 142 Selecting shrubs for shady areas.
G 144 How to buy eggs.
G 145 How to buy beef steaks.
G 146 How to buy beef roasts.
G 147 Baking for people with food allergies.
G 148 How to buy butter.
G 149 Growing pansies.
G 150 Cereals and pasta in family meals . . . a glide for consumers.
G 151 Summer flowering bulbs.
G 152 Growing gardenias.
G 153 Calories and weight . . . the USDA pocket guide.
G 154 Growing the Bradford ornamental pear.
G 155 Exterior painting.
G 157 How to buy poultry.
G 159 Controlling the Japanese beetle.
G 161 Apples in appealing ways.
G 162 Keeping food safe to eat . . . a guide for homemakers.
G 164 Home planting by design.
G 165 Pruning ornamental shrubs and vines.
G 166 How to buy meat for your freezer.
G 167 How to buy canned and frozen vegetables.
G 169 How to buy lawn seed.
G 170 Meat and poultry . . . wholesome for you.
G 171 Meat and poultry . . . standards for you.
G 172 Meat and poultry . . . labeled for you.
G 173 Meat and poultry . . . clean for you.
G 174 Meat and poultry . . . care tips for you.
G 175 Growing ground covers.
G 176 Nuts in family meals . . . a guide for consumers.
G 177 How to buy dry beans, peas, and lentils.
G 179 Gardening on the contour.
G 182 Selecting and financing a home.
G 183 Your money's worth in foods.
G 184 Interior painting in homes and around the farm.
G 185 Mulches for your garden.
G 186 Breads, cakes, and pies in family meals . . . a guide for consumers.
G 187 Indoor gardens with controlled lighting.
G 188 Growing ornamentals in urban gardens.
G 189 How to buy a Christmas tree.
G 190 Insects on deciduous fruits and tree nuts in the home orchard.
G 191 How to buy canned and frozen fruits.
G 192 Transplanting ornamental trees and shrubs.
G 194 A guide to budgeting for the retired couple.
G 196 How to use USDA grades in buying foods.
G 197 Cooking for small groups.

G 198 How to buy potatoes.

GS 1 Nutrition . . . food at work for you.

OTHER PUBLICATIONS

PA 791 Color it green with trees.

M 930 Rural recreation . . . new opportunities on private land.

AB 244 Soil conservation at home . . . tips for city and suburban dwellers.

AH 38 First aid for flooded homes and farms.

BY THEIR VETOES YOU SHALL KNOW THEM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. UDALL. Mr. Speaker, I made some remarks last week concerning the nature of several vetoes made by the present administration. Since then I have discovered some more interesting facts about how the President has used the ultimate legislative power of his office.

The veto is a powerful weapon. It takes two-thirds of both the House and Senate to override. Most Presidents have used the power comparatively rarely and the Congress has been even more reluctant to countermand the President's wishes. In our history, there have been 2,250 regular and pocket vetoes which have been overridden only 75 times.

During the 8 years of the Eisenhower administration, 73 bills were vetoed outright, 108 were pocketed for a total of 181. Of these, Congress voted only twice to override the President. I should point out that the overwhelming percentage of the Eisenhower vetoes were private bills aimed at benefiting individuals or specific groups.

President Kennedy, during his 3 years in office vetoed 12 bills and pocketed nine others for a total of 21. None were overridden and at least 13 of his vetoes were directed against private interests.

Under President Johnson, the record was similar. In five years, President Johnson vetoed 16 bills, pocketed 14 for a total of 30. Congress did not override any and at least 18 were against private bills.

Now we come to the Nixon administration and suddenly there is a significant difference in the nature of the presidential veto.

The President has vetoed a total of 18 bills since he has been in office. Only three have been against private interests. Three have been overridden.

A listing of the kind of bills he has killed is extremely enlightening in discovering the real priorities of the President.

First. The $19.7 million Labor-HEW Appropriations bill for fiscal year 1970.

Second. The $18 million appropriation for HUD, the Veterans' Administration, the National Aeronautics and Space Administration and other agencies for fiscal year 1971.

Third. A Federal "blue collar" pay raise which would have adjusted pay rates of Federal employees to comparable rates found in private industry.

Fourth. The political broadcasting expenditure bill which would have limited expenditures for broadcast advertising for federal and gubernatorial candidates.

Fifth. The $9.5 billion Employment and Manpower Act of 1970 for manpower training and public service employment programs.

Sixth. The Appalachian Regional Development Act amendments which would have provided $5.7 billion for a regional development program.

Seventh. The economic opportunity amendments authorizing extensive child development programs.

Eighth. The $165 million appropriation over 2 years for the Corporation for Public Broadcasting.

Ninth. The $30.5 million appropriation for Labor, Health, Education, and Welfare for fiscal year 1973.

Tenth. The temporary 20 percent increase in railroad retirement benefits which Congress overrode last week.

His pocket vetoes are also noteworthy:

First. A bill to include firefighters within the categories of hazardous occupations.

Second. An authorization of $225 million to promote the field of family practice medicine and to assist medical schools in relieving a shortage of doctors in general practice for fiscal years 1971–73. Senator KENNEDY has since filed a suit in U.S. district court challenging the constitutionality of this veto.

Third. A bill to equalize retirement benefits for totally disabled District of Columbia policemen and firemen.

The Congress, of course, had overridden two other bills before the action last week on the railroad retirement benefits.

The first was the Hill-Burton hospital construction act authorizing $350 million for fiscal year 1973. The second was the $4.4 billion appropriation for fiscal year 1971 for the Office of Education.

It was the first time in the history of this country that a President had vetoed a major education bill.

I have taken the trouble to list each of these bills because I think a clear pattern emerges. The President has consistently opposed programs which would have benefited the working man, the poor and the elderly. He has vetoed money for education and child development and to increase pensions for the old and disabled. He has killed appropriations for hospitals, veterans, the hard-pressed space industry and the exploited coal miners of Appalachia.

Yet he has refused to limit television and radio advertising for political campaigns. If one gives credence to even a small part of what has been exposed by the Watergate affair, the reasons should be obvious. The President's party has so much money they can afford to keep it piled up in office safes—and even lose track of checks worth tens of thousands of dollars.

He has set out on an apparent deliberate drive to emasculate the Corporation for Public Broadcasting and one can only speculate as to the true motives of this policy—especially in view of the Vice President's attacks on the press in recent years.

There has been a qualitative difference in the kind of bills singled out for the Presidential veto. It amounts to a direct disregard by this administration compared with those of earlier Presidents, of the will of the people as expressed by the Congress. Many of the programs were desperately needed to face serious and growing problems of our Nation.

The administration appears to be going all out to help the rich get richer and the poor get poorer. Bills to increase the number of general practitioners are stuffed into the President's pockets in the same way reckless way that contributions from big corporations are stuffed into the pockets of his campaign committee.

The difference is that millions of people could benefit from better medical care, increased pensions, better child care facilities and all the other labor, health and education programs that did not become law because the President had other priorities and said "No." To paraphrase the Bible: "By their vetoes you shall know them."

The record has been set forth and it speaks for itself.

CARNEGIE HERO FUND COMMISSION AWARDS MEDAL TO EDWARD D. HARPER OF CANFIELD, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. CARNEY. Mr. Speaker, recently, I was advised by the Carnegie Hero Fund Commission that Mr. Edward D. Harper of Canfield, Ohio, was awarded a Bronze Medal for saving a boy from drowning.

On Sunday, March 26, 1972, George McLaughlin, a 16-year-old high school student, fell into a creek and floundered in the cold water. Edward Harper, a 35-year-old employment agency manager, removed his boots and coat and jumped into the creek. He swam to George, who was 17 feet from the nearest bank and very fatigued. Since the creek banks in that area afforded no way to get out. Mr. Harper towed George 35 feet against the current to where part of a rock ledge rose above the water at midstream. Harper, tired from his efforts, lifted George onto the ledge and then obtained a dead sapling which had become wedged in the rocks of the creek. He extended the sapling from the exposed part of the ledge toward a man standing in thigh-deep water at the bank. While Edward Harper held the sapling on the ledge, George crawled along it to its end, stepped into the swift water, and then was grasped by the man and moved onto the bank. Harper was aided to the bank in a similar manner.

Mr. Speaker, all too often the good deeds of American citizens go unrecognized and unreported. Therefore, I want to take this opportunity to commend Mr. Edward D. Harper for this courageous and unselfish effort to save the life of another human being. His exemplary behavior deserves the praise of the entire Nation.

THE MARINE MAMMAL PROTECTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on H.R. 10420, the Marine Mammal Protection Act, a bill I authored to ban the unregulated killing of marine mammals such as seals, sea otters, whales, porpoises, and polar bears.

This measure would provide protection for marine mammals by applying the scientific principles which brought the California sea otter back from the brink of extinction.

In addition, the bill establishes a Marine Mammal Commission which, for the first time, would shed some light on the abundance, habits, and nature of these creatures.

How does the bill, H.R. 10420, conserve and protect marine mammals?

First, without a permit issued by the Secretary of the Interior, or the Secretary of Commerce, no person under the jurisdiction of the United States may import, sell, harass, hunt, capture or kill a marine mammal. In addition, this bill would specifically prohibit the importation of any marine mammal which is pregnant, nursing, endangered, or taken in an inhumane manner.

With regard to porpoises, on the basis of scientific evidence, the Secretary of Commerce may prohibit the importation of any fish which were caught in a manner which would be injurious to marine mammals.

Second, in order to meet the desires of those conservationists who feel that the professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular specie, a permit system is authorized.

How would the permit system operate? In order to obtain a permit to import, kill, capture, sell, or hunt a marine mammal; a person must apply to the Secretary of Commerce or Interior for a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views or arguments with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved. In fact, if overpopulation of a specie is the reason for the application, rather than allow the taking, the Secretary is required to consider whether or not if would be more desirable to transfer a number of such mammals to another location.

After considering the application and its effect on existing levels of the stock and the divergent views, and after considering the recommendations of the independent Marine Mammal Commission; the Secretary must determine that such a permit will not endanger the health and stability of the marine ecosystem.

A person who knowingly violates this act may be fined up to $20,000 and may be imprisoned for up to 1 year.

Mr. Speaker, while this bill has been amended in several respects since I introduced it in August 1971, I feel that it represents a workable measure which will halt the exploitation of marine mammals and, for the first time, bring protection and scientific evidence to bear in our relationships with the ocean mammals.

I urge my colleagues to vote for the adoption of the conference report to accompany H.R. 10420.

THE MENTALLY ILL CHILD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HARRINGTON. Mr. Speaker, for the past several weeks I have made it a regular practice to include an article on childhood mental illness and infantile autism in the Extensions of Remarks. Autism is an extremely complex disease. Research has not yet solved very many of the questions regarding the causes and treatment of autism. The first logical step in developing successful treatment programs is to educate the public. We must try and understand the needs of autistic children, what are the true symptoms, what is currently being done to help these children, and what programs are needed for the future.

The following article appeared in "The Mentally Ill Child," a National Association for Mental Health publication, and describes several childhood mental illnesses, including autism, distinguishing between the different diagnostic terms. The article follows:

HELP FOR THE CHILD: DIAGNOSIS AND EVALUATION

In the last twenty-five years, scientific interest in the mental illness of childhood has greatly increased, stimulated in part by the demands of parents who want help for their children. Professional knowledge has accumulated, been sifted and refined. As a result, diagnosis can now be made earlier in a child's life.

Pediatricians, who are trained to be sensitive to differences in the development of children, often identify the problems presented by mentally ill children and help by referring the family for a full evaluation of the child. Child psychiatrists, whose skill and training is in the area of children's mental and emotional problems, are often sought for specific diagnosis of the child's illness.

Both the pediatrician and the psychiatrist frequently call upon the diagnostic and evaluation services offered at some mental health clinics, social agencies and hospitals. Services are provided by a clinical team of professional people who view the child from their own special areas of knowledge and skill and then pool their findings.

The psychiatrist examines the child and evaluates the severity of his problem. The psychologist uses tests to attempt to estimate the child's intellectual endowment and the degree to which his illness limits and obstructs his functioning. The social worker gathers information about the child's background and growth, and is often the liaison between the clinic or agency and the family during the time the child is being studied.

Other professional people often involved in diagnosis are: neurologists who can examine and test the child for suspended brain injury or other organic factors; teachers who observe the child as he plays and learns with other children; occupational therapists who help evaluate the child's ability to perform a real task (such as buttoning or tying his shoe lace) and observe his coordination and ability to care for himself doing ordinary everyday routines; speech therapists who estimate whether the child with little or no speech has a physicial difficulty, has trouble understanding what is said to him, has a problem putting his needs or thoughts into words, or refuses to communicate with others because of fear, confusion or other emotional problems; dance and music therapists and physicial therapists who evaluate the child's ability to manipulate and use his body.

At some clinics, physicial and psychiatric examination of the younger child often includes observation in an out-patient or inpatient nursery school program. At the clinic nursery chool, the child's behavior can be studied and evaluated in a new setting—in a small group of children with a teacher, and separated from his family.

This knowledge of the child, added to the background which the family has given, helps the evaluation clinic arrive at a careful, fully documented determination of the child's illness.

Evaluation services also include psychological tests to examine and evaluate the child's intellectual potential. The tests may give hints about the way in which a child will go about solving a problem, what intellectual strengths he has to help him and what intellectual weaknesses impede him. Some of the tests reveal his ability or inability to coordinate the use of his eyes and his hands. There are tests that have been developed for use with children who do not talk.

Complete diagnostic and evaluation services, as described above, are not available in all areas of the country. Families must frequently travel distances to reach an evaluation clinic where a fully study of the child can be made. If there is no such service in their community, families can get help in locating the nearest service by contacting their local mental health association, the local department of health or the city or state medical society. Childhood mental illness, organic injury to the brain or nervous system and mental retardation in early childhood may result in seemingly similar behavior. Therefore, it is important for the family to obtain an accurate diagnosis of the child's problem so that the most appropriate treatment may be provided for him.

TERMS USED IN DIAGNOSIS

Parents are quite naturally confused by the diagnostic terms used by professionals. The terms most commonly used are "childhood schizophrenia" and "infantile autism."

Childhood Schizophrenia is an illness in children in which the child is unable to separate reality (what is actually there) from fantasy (what he imagines). Consequently, the child is as likely to be responsive to his own imaginings as to what is really happening. Because his fantasy is highly individual and his own, another person, no matter how close to him, cannot understand what is causing his behavior. This child may be very active. He seems unable to control himself. He may be obsessed with street numbers, bridges, license plates, calendars or other details of living that have little importance in the course of ordinary events.

Many people are confused because the term "schizophrenia" is also used to describe a form of adult mental illness. But these are two separate unrelated illnesses.

Adult schizophrenia is a mental illness in which a person loses contact with reality. The effort in treatment is to return him to his normal life, to bring him back to the world he has known as a functioning human being. The mentally ill child has never functioned normally, has never known reality. The effort in treatment is to help him grow to the point where he can understand and participate in the world—to learn what reality is.

Infantile Autism is a withdrawal by the child from the real world. He retreats from real things and real people. Or he uses people and things in response to the cues from inside himself. This child may be a quiet child, able to occupy himself for long periods of time with the motions of his fingers, or with watching the wheels of a toy truck spin; or he may spin or rock himself endlessly. Often this child does not speak and appears not to hear.

It has been theorized that in both childhood schizophrenia and infantile autism, the child is subjected to massive confusion and has been unable to sort out all the experiences and knowledge relayed to him by his senses. His various obsessions or his withdrawal to concentrated attention on, for example, his fingers, or physical motion, are thought to be his attempts to bring some order and control to this confusion.

Immaturity is the basic characteristic of childhood schizophrenia and infantile autism. The children seem much younger than their years.

This is due to the fact that the illness has insulated them from the emotional growth that comes from new experiences. A new person or place or a trip—anything out of the routine of his familiar day—is a threat to the mentally ill child. He is fearful and runs for safety into the cotton-batting of his fantasies, his collections, his record player, his numbers or license plates, and thus escapes the danger of the unknown or unexpected. In this way, the wonder and pleasure of a trip to the zoo, a ride on the ferry, a stroll through the woods, a picnic—all the ways of expanding and broadening his life—are lost.

As the years pass, he remains inexperienced, unreached and very young. The gap between him and the other children in his age group widens because his illness stunts his emotional growth. Though he can see, he is blind; though he can hear, he is deaf; though he can talk, he is mute. This is childhood schizophrenia and infantile autism.

Parents are also often bewildered and troubled by the descriptive terminology used in diagnosis. A psychiatrist will say that a child has childhood schizophrenia with "an impulse disorder" or "a behavior disorder." This refers to a child who is involved in fantasy and who has no control over his impulses and the bizarre inappropriate behavior they trigger. Or the psychiatrist may say the child's illness is due to "brain damage" or "brain injury," which changes the way the child perceives and understands the world.

If the child seems to have lost a significant amount of intellectual or social growth, the diagnosis often will refer to "retarded mental development." Nevertheless, mentally ill children seem to have intact intelligence. They have the capacity to learn, as contrasted with the mentally retarded child whose learning capacity is limited. For example, the mentally ill child may be reading at an early age, or be able to do feats of figuring with numbers, or hum or sing themes and variations from symphonies. In spite of this, his illness—his estrangement from the world and his inability to use his experience for growth—slows his development and prevents him from using his intellectual potential.

"Child with emotional disturbance," "atypical development," "organic child," or "symbiotic child" are other terms the psychiatrist may use to describe the most significant aspects of the child's, behavior and emotional development. The terms themselves are not too important for parents. They are far from precise and even professionals cannot agree as to their exact meaning. What is important is that the diagnosis and evaluation of the child lead to the kind of treatment and educational program that is best suited to his particular needs.

HAWKINS REPORTS TO THE PEOPLE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HAWKINS. Mr. Speaker, I would like to share with my colleagues my views on pertinent issues, especially as they affect my own congressional district in California. I hope that my colleagues will join with me in developing programs to meet the vital and pressing problems in areas with high and persistent unemployment:

HAWKINS REPORTS TO THE PEOPLE

JOBS—OUR NO. 1 NEED

Congressional hearings on my bill (H.R. 14938) to create 1.1 million jobs began this week in Washington. Backed by 67 co-authors, the legislation would put Americans to work in vital public services in education, health, sanitation, environmental control, and crime prevention.

Currently over 6 million persons are unemployed and 13.7 million Americans are working for substandard wages. These individuals, at an average of 3.6 persons per family represent well over 70 million Americans who are directly affected by the present economic crisis.

Although Congress recently passed an Emergency Employment Act, this program—reduced to obtain President Nixon's approval—has provided less than 150,000 jobs and is highly temporary in nature.

In contrast, H.R. 14938 is not transitional but a continuing program that will provide decent full time jobs with built in education and training for advancement.

When fully operating the program will be funded at $10 billion annually and will generate several million more jobs in the private sector thereby more than paying its own way in taxes collected and welfare costs saved.

Special provisions of the bill deal directly with veterans' employment and areas of continuing high unemployment. Concentrated attacks on these special needs are spelled out and funds authorized. In addition, Federal standards will ensure that all jobs provided are meaningful and desirable, not dead-end, low-paying, and make-work employment.

We are working to get the bill passed and into operation in early 1973. A companion bill has been introduced in the U.S. Senate by Senator Cranston and 15 co-authors.

HAWKINS FIGHTS TRAINING AND JOB CUTBACKS

Unemployment and poverty continue to rise and yet the Nixon administration has reduced the funding of Los Angeles Skill Centers and the so-called war against poverty.

Complete extinction threatens the Employment and Youth Opportunities Agency (EYOA), our local antipoverty agency, as early as December. We may be left with nothing more than the old line "welfare office" type of program and no voice to speak for the poor.

I am militantly opposed to this retreat that places an additional obstacle in our efforts to provide training and better jobs for the people in our communities, and might take away from them their right to participate in the control of their own programs and destinies.

Congress has seen fit to provide money for training and job development programs. But the administration is making cutbacks in order to redirect money into less successful programs such as the widely discredited Work Incentive Program (WIN). One has to ask why?

One reason for this sell-out in funding and other recent attacks on our community programs is to shift emphasis from programs that require community control. Programs that are dominated by elected officials are being promoted. It seems to be a clear and simple case of "power grab."

I call on those sympathetic elected officials who represent our area and who are not willing to stand idly by while our programs are being ripped off, to join with me in mobilizing the people to put a stop to this dangerous trend. Only with a display of unity can we prevent the disorders that have occurred in our cities when people have lost all hope in their government and have resorted to destructive street action.

SOCIAL SECURITY PAYMENTS RISE BY 20 PERCENT

Here is what the recently enacted 20 percent Social Security increase means to older Americans:

For an average single retired worker, payments jump from $133 a month to $161 . . . for the average couple, from $224 a month to $270.

For widows, average benefits rise from $114 to $137.

Maximum benefits also increase—for an individual from $216 a month to $259 . . . for a couple from $324 to $389.

However, many California citizens are denied the increase by a vicious state law whereby welfare payments are reduced to those also receiving social security by an amount equal to the new benefit increase.

To prevent this robbery, I have introduced legislation, H.R. 16820, to guarantee a pass on of all increased benefits voted by Congress. Also, the U.S. Senate has already acted to protect the aged, blind, and disabled.

IMPAC, the South Central Improvement Action Council, Inc., is a non-profit organization founded for the specific purpose of engaging in activities designed to strengthen the social, physical and economic fabric of Central Los Angeles to get to the heart of the community's problems, IMPAC has embarked upon a comprehensive economic development program designed to strengthen the ghettos capital base. To help carry out this program, IMPAC has received a grant from the U.S. Department of Commerce that provides 75 percent of its business development requirements. The balance of the organizations requirements are not through donations of cash and in-kind contributions.

Exemplary of the kind of project that embodies the full scope of IMPAC's objectives is the UJIMA Village Development illustrated at right. This development will transform a blighted barren area located in the heart of South Central Los Angeles into a unique and beautiful housing, commercial, and industrial complex.

LOAN PACKAGING

IMPAC's Loan Packaging Department helped secure bank loans totaling $878,150.00 from January 1 to March 31, 1972.

Two of the largest loans were secured for a minority-owned, North Hollywood firm and the Everage Brothers Market.

Continental Plastic Company received a Small Business Administration (SBA) backed loan for $93,000 from the Universal City branch of the Bank of America.

The company, a supplier and converter of plastic sheet stock, is owned by Arthur L. Trumbo and Fred W. Van Exel. Many of the machines that are used in the company's production line have been designed by Trumbo. Van Exel, a graduate of California State College, was former Assistant Director of the Center of Urban Affairs at the college.

The Everage Brothers Market at 10424 South Central Avenue, represents a major breakthrough in minority-owned retailing.

Dan Everage has gone from small "mom and pop" grocery to a 12,000 sq. ft. modern facility. Everage built his new store from the ground up. That makes him the first Black businessman to do this in Southern California.

IMPAC's Dick Imig developed the $100,000 loan package and got it funded with a Small Business Administration (SBA) backed loan from the Watts branch of the Bank of America. The building and equipment were financed through an SBA 502, Local Development Corporation (LDC).

BUSINESS SUPPORT

Nearly 100 businessmen representing the minority business community, federal and city agencies, financial institutions and local universities recently attended an open house hosted by the South Central Improvement Action Council Inc. (IMPAC) and the Office of Minority Business Enterprise (OMBE).

Featured keynote speaker was Chauncey Medberry, Chairman of the Board of Directors of the Bank of America.

Addressing the businessmen, Medberry stressed the fact that any company must include some recognition of the state of health of the community it serves.

"The corporation," he declared, "by virtue of its own enlightened self-interests, its corporate consciences and the expectations of the public has a role to play in the process of solving contemporary ills."

I am pleased to cite IMPAC's work on behalf of minority entrepreneurs as an asset to the business community and to commend the Bank of America for its splendid cooperation.

ACTION GOT HELP FOR HOMEOWNERS

Recently my District Office was contacted by Mrs. Van Meter, a resident of our District, on behalf of homeowners of the Council of Community Clubs whose applications for earthquake disaster loans had been rejected. My deputy, Charles Knox, listened to the frustrating problems they were encountering in obtaining Small Business Administration disaster loans.

Homeowners sought our assistance to insure equitable treatment by the S.B.A. They were convinced they did have earthquake damage and thought it strange that homeowners in San Frenando Valley got loans, but homeowners of the Greater Central, West Los Angeles, and Compton areas were systematically denied disaster loans, often without even an on-the-site inspection.

My staff, with the support of a few concerned homeowners, organized a mass meeting at the Praises of Zion Baptist Church to establish broader contact with the affected homeowners and to identify those interested in confronting S.B.A. From this came hundreds of volunteers, money and the initial structure for the Concerned Citizens Disaster Committee.

This Committee conducted mass meetings throughout the Congressional District and rallied the support of hundreds of homeowners. Members picketed the local Small Business Administration for three weeks, and the Committee established letter-writing and telephone committees and circulated petitions that secured over six thousand signatures of homeowners.

Meanwhile Congressman Glen Anderson and I conducted an Ad Hoc Congressional Committee Hearing at Will Rogers Park to further explore the problem. Meetings were also held with local and national S.B.A. staff.

The result of this impressive and collective community effort was that the S.B.A., to their credit, reconsidered each loan application, made the home inspections and as of September 26, 11,000 of the 30,000 loans denials have been approved.

This is the type of constructive community effort of which I believe we can all be proud. It ought to strengthen our confidence in ourselves, in America and the value of constructive protest.

HAWKINS PROGRAM FOR YOUTH

Unemployment for the nation as a whole was around 6 percent during the past year. For minority youth the figure is astounding. Estimates vary from 20 to 30 percent. The problems of drug addiction and juvenile delinquency have not been resolved. What can be done?

As a member of the Education and Labor Committee of the House of Representatives, I have participated in the formation and expansion of several important programs for youth that get at the heart of the problem.

The Neighborhood Youth Corps (NYC) has been expanded to include young people who live in public and private institutions. This means that these boys and girls will be able to get remedial education and skill training coupled with work experience and employment where possible. Another new provision of the Economic Opportunity Amendments, of which NYC is a part, is the Youth Recreation and Sports Program. This comprehensive program will help our young people prepare for the world of work, in addition to providing recreational and physical fitness programs for their free time.

Another recreation bill, one that I am cosponsoring, is the National Recreation Support Program. This legislation will provide funds to coordinate existing recreation programs and give them a three-year life guarantee, so that the uncertainty of one-year funding will not be a spectre limiting program planning and development. This program will contract with universities and other organizations for use of their recreation areas. Transportation money will be ensured so that our children can get to where the programs are.

The Youth Conservation Corps has been a very successful program for teenagers enabling them to work at protecting our natural resources and improving our environment. More money has been authorized for this program next year. I expect Congress to pass this legislation quickly.

The school lunch program used to operate only during the school year. Next year, growing children with growing appetites who are needy, will be provided free lunches in the summertime as well. And, the school breakfast program is being expanded.

These programs will not provide all the solutions, nor will they fill all the empty stomachs. But at least we are moving. The young people who are helped in preparation for a job, who are guaranteed a regular meal year-round, or who have a chance for athletic development will be less likely to turn to drugs or crime or ultimately the welfare rolls.

EARLY CHILDHOOD DEVELOPMENT PROGRAM A MUST FOR 1973

Last year the Congress of the United States passed legislation to establish a Federal program of support for the creation of facilities to provide quality day care and early childhood education for the millions of American children, principally preschool children, in middle- and lower-income families where the mothers work.

As you know, Congress enacted this legislation only to see the President veto it. With this veto the President ignored more the three years of painstaking work by Congress and rebuffed the broadest coalition ever formed behind social legislation. He rejected the counsel of experts in every related discipline, including members of his own administration.

We should not allow partisan considerations to block enactment of this indispensable program or to deny American women and children of this program which they urgently need and which is their right.

I am now cosponsoring legislation which reaffirms this commitment to meet the urgent needs of more than 4.5 million American children and their families. I am pleased to be able to announce that we are already well-advanced in the effort to rebuild the day care coalition that proved so successful in the past. The measure we are sponsoring has already won the support of the AFL–CIO, the United Auto Workers, the Child Welfare League of America, and the Washington Research Project, the cornerstone of the original coalition.

IMPAC BOARD OF DIRECTORS

Dr. J. Alfred Cannon, Chairman; Charles E. Knox, President; Robert Roberson, Treasurer; and John Williams, Secretary.

Elected officials

Mr. Thomas Bradley, Councilman; Mr. Lionel Cade, Councilman; Dr. Thomas Gibson, Compton Board of Education; Mr. Bill Greene, Assemblyman; Mr. Kenneth Hahn, Supervisor, Hall of Administration; Augustus F. Hawkins, Congressman; Mr. Gilbert Lindsay, Councilman; and Mr. Leon Ralph, Assemblyman.

Business representatives

Broadway Federal Savings and Loan, Golden State Mutual Life Insurance, Los Angeles Sentinel, University College of Beauty, Adam McFaddin Auto Dealer, Bank of Finance, Metropolitan Gazette, Xerox Computer Services, and Robert Roberson, Accounting Agency.

Community representatives

Central City Community, Mental Health Center; Council of Community Clubs; South Central Welfare Planning Council; Big Friends; Los Angeles, Brotherhood Crusade; ANC Mothers Anonymous; Neighborhood Adult Participation Project; and UJIMA.

WHAT'S RIGHT ABOUT AMERICA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HUNT. Mr. Speaker, it is with pride that I take a moment to recognize one of my young constituents from Deptford N.J., Miss Mary Boyle, who was this year's first runner-up in the Miss National Teenage of New Jersey Pageant.

The 28 contestants from throughout the State, ranging in age from 13 to 17 years, were judged on the basis of poise.

personality, beauty and scholastic achievement. As first runner-up, Miss Boyle received a trophy and a $500 scholarship to the Modeling Institute of America in Atlanta, Ga.

To its everlasting credit in these troubled times, the Pageant's theme was "What's Right About America." Each girl was required to write an essay on this topic and deliver it on the night of the Pageant. The text of Miss Boyle's essay follows:

WHAT'S RIGHT ABOUT AMERICA

America is a nation constantly striving to improve. She stands not only with open arms accepting the peoples of the world, but also with an open mind listening to the voices of the underprivileged and the youth.

She hears the problems of the aged and extends her hand to help them. She offers strength to the weak nations of the world.

America willingly shares her knowledge and technical abilities to improve the standard of the peoples of this earth.

The United States is worthy of the pride we feel each time we sing the Star Spangled Banner and salute the Stars and Stripes!

CONGRESSIONAL ROUNDUP

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BURKE of Florida. Mr. Speaker, this year as I have done each year since I was elected to the Congress, I have prepared and sent to the constituents in my congressional district, a report of the things which I feel are important which we as Congressmen face, and advising them with respect to their disposition. The following is the text of my 1972 Congressional Roundup:

WASHINGTON REPORT FROM CONGRESSMAN J. HERBERT BURKE

DEAR FRIEND: As you know the rapid increase in population in Florida required that Congressional District boundaries be changed to comply with the "one man—one vote" doctrine of the Supreme Court which compels state legislatures to draw Congressional District boundaries so that all Districts have populations as nearly equal as practicable.

My Congressional District was the fourth largest in the country according to the 1970 Census with an estimated 750,000 residents. Consequently, it has been reduced so that it contains only 453,053 residents and renamed the 12th Congressional District. I am happy to welcome the residents of Imperial Point, Sea Ranch Lakes, and the surrounding areas to the District. I look forward to working with the new citizens of these communities in the weeks and months ahead.

I regret that the residents of Hallandale, Pembroke Park and Hollywood Ridge Farms, as well as those from parts of Dade County have been taken from the 12th Congressional District.

Sincerely yours,

J. HERBERT BURKE.

AREAS IN THE NEW 12TH CONGRESSIONAL DISTRICT

The unincorporated areas of most of Central and South Broward, Cooper City, Dania, Davie, Fort Lauderdale, Hacienda Village, Hollywood, Imperial Point, Lauderdale-by-the-Sea, Lauderdale Lakes, Lauderhill, Lazy Lakes, Miramar, Pembroke Pines, Plantation, Oakland Park, Sea Ranch Lakes, Sunrise, and Wilton Manors.

LEGISLATIVE REVIEW

The 92nd Congress can hardly be classed as a friend of the taxpayer since it continued to pour more and more taxpayers' dollars into many programs which in the past have proved ineffective. It is regrettable that the 92nd Congress did not act to review many of the overlapping governmental programs in an effort to halt government waste. Nevertheless, the 92nd Congress did pass a good deal of legislation which is both productive and beneficial. The following are some of the new laws enacted in this Congress.

P.L. 92-157—Health Manpower Act—Authorizing $2.9 billion over the next 3 years for student loans and scholarships, and for replacement rehabilitation, and construction of medical teaching facilities.

P.L. 92-158—Nurses Training Program—Providing funds for construction grants to nursing schools plus loan guarantees and interest.

P.L. 92-197—Dependency and Indemnity Compensation—10% increase in benefits payable to survivors of veterans who die as a result of service-incurred disabilities.

P.L. 92-198—Non-Service Connected Pension Rates and Income—6.5% cost-of-living increase for veterans and widows.

P.L. 92-223—Lump Sum Death Payment—Providing for the payment of lump sum death benefits to any person to the extent that they paid expenses of memorial or burial services or both, of social security benefits.

P.L. 92-225—Federal Election Campaign Act—Providing for public disclosure of campaign contributions and expenditures of all Federal elections.

P.L. 92-255—Special Action Office for Drug Abuse Prevention Act—Creating a special action office in the White House to coordinate the drug abuse prevention and treatment activities of Federal agencies.

P.L. 92-279—Tax Exclusion for Prisoners of War—Excluding members of the Armed Forces of the U.S. and of civilian employees who are prisoners of war, missing in action, or in a detained status as a result of the Vietnam War, from income taxes.

P.L. 92-294—National Sickle Cell Anemia Control Act—Establishing a $10 million program for screening and treating victims of sickle cell anemia.

P.L. 92-305—National Institute of Arthritis, Metabolism and Digestive Diseases—Creating the National Institute of Arthritis, Metabolism, and Digestive Diseases in the National Institute of Health.

P.L. 92-328—Compensation for Disabled Veterans— 10% increase in the rates of compensation for service connected disabled veterans.

P.L. 92-340—Ports and Waterways Safety Act of 1971—Authorizing the Coast Guard to promulgate and enforce boating safety regulations.

P.L. 92-414—Cooley's Anemia Control Act.—Establishing a Cooley's Anemia screening, treatment and counseling program in NIH.

OTHER MAJOR LEGISLATION

There are several pieces of major legislation which were still pending in the 92nd Congress which could possibly be enacted into law. There is the possibility that Congress will recess for elections without adjourning, in which event there could be a lame-duck session. Such a session, in my opinion, would not be productive because more than 100 Congressmen have announced their retirement, have been redistricted, or have left the Congress for other reasons. The following are some major issues that are pending as of this date:

Pending major legislation

Revenue Sharing.
Water Pollution Control Act Amendments.
Equal Education Opportunities.
1972 Housing Act.
Ocean Mammals Protection Act.
Consumer Product Safety Agency.
GI Bill of Rights for Education.
Minimum Wage.
Federal Employee Health Benefits Improvement.

Congressman Burke's report card on voting on continuing issues

Raise Public Debt Ceiling, Against.
Equal Rights for Men and Women, For.
Anti-busing measures, For.
Foreign Aid, Against.
Prayer In School, For
Foreign Sale of U.S. Vessels, Against.
Guaranteed Annual Income, Against.
Decrease Agricultural Subsidies, For.

CONGRESSMAN BURKE'S BILLS THAT HAVE BECOME LAW

In addition, to the aforementioned new laws, the following are bills which I sponsored or cosponsored since being a Member of Congress and which were passed in the 92nd Congress.

P.L. 92-178—Low Income Allowance and Standard Deduction—The present inflation we are experiencing hits hardest at the wage earner in the lower & middle income brackets and I introduced legislation to alleviate some of the strain in making ends meet. Two of my proposals were incorporated in the Revenue Act of 1971. The low-income allowance under the Internal Revenue Code was raised to $1,000, and the standard percentage deduction was raised to 15% of gross income or $2,000 whichever is less.

P.L. 92-158—Importation of Rhodesian Chrome—Although Rhodesia sold chrome to the U.S. at lower prices than did the Soviet Union, we were forced by our participation in the United Nations sanction to purchase chrome at higher prices from the Soviet Union and other nations. This policy to me was ridiculous and I sponsored a resolution to authorize the repurchase of chrome from Rhodesia despite the United Nations sanction. I argued in favor of the legislation when the bill came to the House Floor and I am happy that this law was passed by both Houses. Chrome is now being purchased from Rhodesia at a savings to the taxpayer.

P.L. 92-269—Lowering the Age for Jurors in Federal Cases to 18—The Constitution has been amended to give 18-year-olds the right to vote, but there are areas where they are still not permitted to participate fully in government. I was a cosponsor of legislation which will now enable young people to become more involved in the judicial process.

P.L. 92-178—Investment Tax Credit—Employment can increase only when we have a flourishing business economy. Competition requires modern equipment which can result only from investment. I therefore cosponsored legislation to restore the investment credit tax in the sincere belief that investment resulting thereby will assist our economy. The language in my bill was incorporated in the Revenue Act of 1971.

P.L. 92-316—Restore Pass Privileges to Railroad Retirees—The Rail Passenger Service Act of 1970 which set up AMTRAK omitted provision for pass privileges to railroad retirees. I introduced legislation to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents. Regrettably, the act that passed was not all that I had hoped would pass, nonetheless, it does direct AMTRAK to liberalize its pass privileges.

P.L. 92-218—Conquest of Cancer—In the

next 10 years 3½ million Americans will die from cancer unless we find a cure. I was pleased to cosponsor and support this legislation which will establish a National Cancer Institute in the National Institutes of Health and provides for $1.59 billion for fiscal years 1972 through 1974.

P.L. 92-336—20% Social Security Increase—I originally sponsored a bill authorizing an increase in social security payments and other social security amendments, but, regrettably, social security increases were held up by the inaction of the Senate. Subsequently, because of the Senate inaction, I sponsored another bill authorizing a 20% increase in social security payments. This bill did not pass, but a 20% increase in social security benefits was attached as an amendment to the Debt Ceiling Limitation in June 1972. Although I supported the increase in social security payments, I was unable to vote on the same as I was in the hospital for a knee operation necessitated by a World War II injury.

BURKE CITED FOR HIGH ATTENDANCE

Congressman J. Herbert Burke has one of the highest attendance records in the Congress according to official Clerk of the House Records. Rep. Burke has maintained an 86 percent attendance record in the 92nd Congress despite the fact he was hospitalized for three weeks for a knee operation necessitated by a World War II injury.

Of more than 2100 quorum and roll calls taken during the 90th, 91st, and 92nd Congresses, Congressman Burke has maintained a 90 percent attendance record, one of the highest in Congress.

AWARDS

Congressman Burke receives awards for six consecutive years from Americans for Constitutional Action 1967–1972:

Distinguished Service Award—"For support of those legislative measures which would serve to sustain, strengthen and defend the spirit and principles of the Constitution of the United States as defined by the founding fathers of our Republic."

The National Associated Small Businessmen, 1967–72:

Watchdog of the Treasury Award—"For your outstanding economy voting record which indicates to your constituents and to our membership that you have a keen realization of the problems of fiscal responsibility."

FEDERAL GRANTS RECEIVED IN THE 12TH CONGRESSIONAL DISTRICT

Federal Court: When I was first elected to the Congress, I sponsored legislation which would increase the number of judges in the Southern District of Florida. In addition, I introduced a bill authorizing a federal judge to sit in Fort Lauderdale. Both of my bills were incorporated into the Omnibus bill passed by the 91st Congress and this has resulted in a Federal Judge, Norman Roettger, a Fort Lauderdale lawyer, being appointed to preside in the new federal court in Fort Lauderdale. There will be a dedication of the Federal Court Chambers which will be located in the old Fort Lauderdale City Hall on September 29th. As your Congressman, I was happy to have introduced this legislation, and to have it passed.

Federal Building: Since becoming a member of Congress, I have requested that a survey be made which will enable us to get a Federal building located in my congressional district. Recently such a survey was made by a team from the General Services Administration who were sent to Broward County to make a report of the need for such a facility. Since Broward County is one of the fastest growing counties in the nation, and its population continues to increase, I feel there is a great need for a federal building which would consolidate the numerous federal facilities now located throughout the county. In addition, the growth of the population, as well as the continual increase in federal programs should justify such a federal facility. I shall continue to work to obtain this.

Broward County: Davie, Fort Lauderdale, Hollywood, Lauderdale-by-the-Sea, Miramar, Oakland Park, and Plantation:

$4.6 million to expand sewage treatment program.

$34,980 to establish air pollution control board.

$225,000 for county-wide drug intelligence unit.

$39,612 for Senior Citizen volunteer program.

$118,200 for county-wide planning.

$6.5 million for housing.

$2.5 million to develop county-wide bus system.

$1.4 million to expand International Airport.

$117,400 for drug rehabilitation program.

$100,000 for expansion of Markham Park.

$210,000 for Pediatric Care Center.

$1 million to develop Seminole Tribe Industrial Park.

$176,390 for study of regional mass transit system.

$102,500 for open space park.

$2.2 million to construct housing for elderly.

$10,309 to promote tourism.

$2.1 million to build houses for low income groups.

$71,400 to help city planning.

$43,500 to help train police.

$35,000 to provide recreational opportunities for youngsters.

$138,500 to develop Snyder Park.

$518,895 to redevelop city area.

$77,200 to expand Executive Airport.

$323,000 to expand sewage treatment program.

$188,500 to develop open space park in West Hollywood.

$365,000 to further develop Topeekeegee Yugnee Park.

$322,732 to develop waterfront park.

$346,000 to expand water-sewer program.

$52,000 for city planning.

$285,000 to expand water-sewer program.

$17,875 to develop open space park.

$1 million public facility loan to expand water-sewer system.

$85,625 to develop city park.

$300,000 to expand water-sewer program.

$50,000 to develop city parks.

$110,340 to expand sewage treatment plant.

CONGRESSMAN J. HERBERT BURKE SPEAKS OUT ON

Crime

"For far too long, now, law abiding citizens have been the victims of thugs, both professional and amateur. The crime is that these hoodlums make a mockery of our law officials, prosecutors, judges, and the courts themselves. They know that with the kid glove treatment that our officials have been forced to take, they can get away with almost any crime without paying a stiff penalty. . . . Basically, our system of law is sound, but it cannot function if we as a Congress undermine it and fail to give proper judicial representation in areas where it is needed." Congressional Record 4/22/71 and 2/2/71.

Environment

"Much of South Florida's fresh water supply stems from the Big Cypress watershed, and with the continued population incerase in South Florida, fresh water could well be at a premium in the future. There is more than a human need for water as we learned from the rash of fires that plagued and endangered the wildlife of Everglades National Park in recent years." Testimony before Committee on Interior and Insular Affairs, 9/26/72.

Prayer

"My fear is that atheism is a greater danger to the American way of life than is any prayer said in a school. It is my honest opinion that the Supreme Court misapplied a great Constitutional provision and I cannot see how saying a prayer would be embassassing to any child, nor, can I see how an official religion would be established under this resolution which would allow those who wish to say a prayer to say one. To deny school children this voluntary act, I feel, denies them the opportunity of sharing in the splendid heritage of this nation." Remarks after the failure of H.J. Res. 191, to achieve the ⅔ majority necessary for a Constitutional amendment on 11/8/71.

Busing

"I favor the right of freedom of choice and the concept of the neighborhood school, but I favor also an honest concept of an equal educational opportunity for all. In the 91st Congress, I like many others, introduced (which I reintroduced in the 92nd Congress) a joint resolution which would amend the Constitution of the United States to prevent the busing of school children from their neighborhood schools, except with the consent of their parents. I have also introduced, H.R. 9865, which would, if enacted, preserve the right of students to attend their neighborhood schools." Congressional Record 8/17/72.

Drugs: "The trafficking in drugs is one of the most reprehensible of all crimes. It affects all Americans. I have introduced legislation and supported other legislation in an effort to halt this heinous crime which is menacing the welfare of all people. The following are some of the bills that I have introduced:

H.R. 9827—Rehabilitation of Drug Addicts—Providing additional federal assistance for state programs of treatment and rehabilitation of drug addicts.

H.R. 9930—Increase Penalties for Unlawful Transportation—Amending the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs, and makes it unlawful to solicit the assistance of, or use of, any person under the age of 18 in the unlawful trafficking of any such drugs.

H.R. 8590—Suspend Foreign Aid to Countries Shipping Drugs to U.S.—Suspending economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed in such country from entering the U.S. unlawfully.

H.R. 9427—Drug Paraphernalia Ban—Making it unlawful to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself.

H. Con. Res. 452—Boycott French Goods—Boycott French-made products until the Government of France has taken successful steps to stop the processing of heroin within its borders, and to stop illicit transport to the U.S."

As your Congressman, I am grateful for the many letters I received, wherein you have given me the opportunity to assist you, and given me your views on pending legislation and matters affecting our country. Your cooperation in this regard has enabled me to better serve you and our Nation.

Sincerely,

J. HERBERT BURKE.

PUBLIC'S RIGHT TO KNOW: A NEW VISTA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ASHBROOK. Mr. Speaker, one champion of the public's right to information which should be in the public domain is Mr. Julius Epstein, recently retired research associate at the Hoover Institution at Stanford University. Mr. Epstein is first remembered for his efforts in encouraging a House select committee look into the massacre of thousands of Polish citizens in the Katyn Forest over 30 years ago. The result of the investigation proved that the Soviets, and not the Nazis as claimed by some, had executed in cold blood the defenseless victims.

In the 1950's Mr. Epstein first came across reference to Operation Keelhaul, the code name for the forced repatriation of over a million Russians who had been turned over to the Soviets near the end of World War II. Since that time he has spent countless hours of effort in trying to release to the public the true story of Operation Keelhaul. When the Department of the Army refused to declassify the information on the repatriation, Mr. Epstein pursued his case through the courts with the U.S. Supreme Court finally ruling against him. However, additional action in court is planned by Mr. Epstein and the case is by no means closed.

With his experience in this area, the comments of Mr. Epstein on the public's right to know are of special significance. The following is his letter to the San Francisco Examiner of July 1, 1972 on this timely issue:

[From the San Francisco Examiner, July 1, 1972]

PUBLIC'S RIGHT TO KNOW: A NEW VISTA

(By Julius Epstein)

On March 8 President Nixon issued the new Executive Order 11652, superseeding President Eisenhower's Executive Order 10501, regulating the applications of Top Secret, Secret and Confidential classifications of military documents.

This order, which became effective on June 1, contains a new and interesting provision, not found in Eisenhower's order. Section 4 reads:

"Classification. Each person possessing classifying authority shall be accountable for the propriety of the classification attributed to him. Both unnecessary classification and overclassification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or department, to restrain competition or independent initiative or to prevent for any other reason the release of information which does not require protection in the interest of national security."

This innovation is, of course, of importance because it creates a new brake against overclassification. At present, it has been surmised that 95 percent of the 20 million pages of classified material in the Government's possession is overclassified and could be declassified and released to the American people without the slightest danger to national security or foreign policy.

From now on, any bureaucrat who unnecessarily classifies a document is at least—theoretically—accountable for his violation of the new presidential directive.

Unfortunately, Executive Order 11652 does not go far enough. Section 13 stipulates that only "repeated abuse" of the classification process shall be grounds for an "administrative reprimand." It also provides that in "any case where the department committee finds that unnecessary classification or overclassification occurred, it shall make a report to the head of the department concerned in order that corrective steps may be taken." It does not spell out what corrective steps may be taken. It should provide for at least specific penalties ranging from reprimand to suspension, if not dismissal, depending on the case.

The President appointed John S. D. Eisenhower as Chairman of the Interagency Classification Review Committee for Implementation of the New Classification System.

In his statement the President stressed "the public's right to know" when he said: "Overseeing our new approach to government documents will not be an easy task, for a delicate balance must be struck between the public's right to know and the government's obligation to protect the national security."

The order and the creation of the review committee opens a new vista on the unwarranted classification of the purely American documents on the forced repatriation of millions of anti-Communists to Stalin's gallows and Siberian slave labor camps as contained in the "Operation Keelhaul" files.

The administration's argument that, since the "Operation Keelhaul" file is a combined British-American dossier and can therefore not be released to the American people without British consent, does not hold water. If the administration feels that in the year 1972 not even 100 percent American documents, describing events of 25 years ago, can be released without British consent, it would be tantamount to approving a British veto over American domestic affairs. This would be incredible indeed.

CONGRESSMAN HOLIFIELD REVIEWS THE 92D CONGRESS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HOLIFIELD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN HOLIFIELD REVIEWS THE 92ND CONGRESS

As the 92nd Congress draws to a close, when Mrs. Holifield and I can return home to meet and be with many of you again, I am taking this opportunity to make my report.

I find that many of the problems which I reported on in the autumn of 1970 remain with us now, in the autumn of 1972. For example, we still have the war, unemployment, inflation, too-high interest rates, crime, drug abuse and pollution. But there have been improvements. The campuses are no longer in disorder, inflation has decreased at least temporarily, interest rates have declined a little, action is being taken against pollution, hundreds of thousands of troops have returned from the war, and Federal taxes have been reduced, among other things.

A PROGRESSIVE HARD-WORKING CONGRESS

This 92nd Congress and the Congress which came before it have worked harder and passed as much progressive legislation as any Congress in which I have served. Here are some of the things we have accomplished.

Taxes and spending

We *cut* Federal income taxes by $9.1 billion and reformed $6.6 billion more. Twenty-one million poor families were removed from the Federal tax rolls through a low-income allowance. All tax brackets were reduced by five percent and the personal exemption increased to $750. *As a result, Californians paid nearly one billion dollars LESS in Federal taxes last year than in the year before.* During the same period Californians paid $128 million *MORE* in state taxes and $766 million *MORE* in local taxes.

Increased Federal aid, which I supported, permitted your Los Angeles County Government to *reduce* property taxes by 41 cents per hundred dollars of assessed valuation.

The last two Congresses have *cut $14.5 billion* from the President's appropriations requests since 1969. He requested $458.4 billion, we approved only $443.9 billion.

In spite of these cuts, the President's budgets have run more than $100 billion *in the red* since 1969, due to the business recession and high unemployment.

I supported tax reform and I will continue to do so in the future.

Responsible Federal Revenue Sharing With Local Citizens

In 1971 the Federal government collected $188,000,000,000 in taxes. Of this sum $117,000,000,000 was returned to local citizens for their benefit. The principal beneficial programs are as follows:

Social Security—Old Age and Blind assistance.

Federal civilian pensions—Military pensions.

Medicare—Medicaid—Hospitalization.

Educational grants—manpower training grants.

Flood Control—Agricultural assistance.

Federal Unemployment assistance.

Federal Forestry and Recreation funds.

Your state government received from the Federal Government and disbursed $2,756,150,871, an amount equal to 47 percent of all of our State's revenues for the Fiscal Year 1970–1971.

In Fiscal year 1971, California's public education systems received $223,024,092 in Federal funds for special programs.

I have supported all of these programs because they enrich the lives of our people and strengthen the base of our national well-being.

OLDER AMERICANS

The present 92nd Congress will long be remembered as the Congress which acted to enrich the lives of the nation's older citizens. Congress, not the Administration, has taken the initiative for action on behalf of America's elderly. Here are some of the landmark provisions this Congress has passed.

Social Security Increases

Last year, 814,829 persons living in Los Angeles County depended upon Social Security benefits for all or part of their incomes. An estimated 55,000 of these persons, *of all ages,* reside in the 19th Congressional District.

Social Security payments were raised by 32 percent in just two years—50 percent in four years—the largest increases ever voted by a single Congress and by two successive Congresses. Congress also provided automatic cost of living increases.

Nutrition for the Elderly

This act authorizes the machinery and money to provide at least one hot, nutritious meal daily, five days a week, to people aged 60 and over. Meals will also be delivered to elderly persons who are home-bound.

Comprehensive Services for Elderly Persons Enacted

Low-cost transportation.

Expanded employment and volunteer service opportunities.

Senior citizen community centers.

Pre-retirement training.

Health, education and other social services.

Improved systems of delivering services to older citizens.

Expanded Retired Senior Volunteer Program and Foster Grandparent Program. Federal grants for these programs were tripled by Congress.

Emergency Employment Act

This law, which authorizes the Department of Labor to help provide jobs in needed public services to unemployed and underemployed persons, specifically includes "older persons who desire to remain in, enter, or re-enter the labor workforce."

National Institute on Aging

A new National Institute of Aging has been established by Congress. It is to be part of the National Institutes of Health and will conduct research on the aging process and on the special health problems of older persons.

Housing projects

By working closely with local churches and the Federal Department of Housing and Urban Development (HUD), I was able to obtain approval of three low-rent housing projects for the elderly in the 19th Congressional District and the rehabilitation of 800 units for the same purpose in nearby East Los Angeles. This Congress appropriated a record-breaking $487 million for 428,500 subsidized housing units.

Pending legislation

I have introduced legislation, now being considered by the Congress to assure that those receiving both Federal Social Security benefits and state aid will receive all of the increases which the Congress has passed. Too often, these increases are passed, only to have your State government reduce its assistance payments to blind, aged and disabled persons by the same amount of the increase.

I will continue to support legislation to assist the 26,000 persons in the 19th District who are beyond the age of 65.

I have sponsored and supported:

Comprehensive health care (H.R. 22).

Increasing allowable earnings under Social Security (H.R. 1).

Improved pension plans.

Tax relief for the elderly.

Expanded services to the aged.

The historian, Arnold Toynbee, concluded that the quality and durability of a society were best measured by "the respect and care given its elderly citizens."

That respect and care are the inspiration of legislation which the 92nd Congress has passed on behalf of older Americans.

VETERANS PROGRAMS

Census figures show that 70,359 veterans live in the 19th Congressional District. This number is equal to 52 percent of all men in our district over the age of eighteen.

America owes these persons a debt of gratitude. The priorities of the Congress in meeting this debt must be to insure the best hospital and medical care, to provide adequate pension benefits for the disabled, to strengthen the G.I. bill, and to offer better vocational assistance. I have worked for these goals throughout my Congressional service.

Here are some developments in the 92nd Congress which I have supported:

Increase of G.I. Bill benefits by a substantial percentage.

Increase of on-the-job and apprentice training allowances by 48 percent.

Use of insurance dividends to purchase more insurance.

Authorized job training of widows, wives and children of veterans entitled to educational assistance.

Made husbands and widowers of female veterans eligible for VA benefits.

Expanded medical care.

Increased compensation rates for all service-connected disabilities.

Increased clothing allowance for veterans required to wear a prosthetic device.

VA care for drug-dependent veterans.

Increased funding for VA hospitals and paraplegic care.

House passed a bill to create a national cementry system and to increase burial allowances.

I authored and obtained passage of a bill to provide a Social Security burial allowance to relatives of persons where no remains are available for burial. This provides money for a memorial service and memorial plot.

I have also authored legislation which will guarantee that those veterans receiving both Federal pensions and state aid will receive the full benefit of pension and VA benefit increases, and not have those increases offset by reductions in state aid.

TOWARD A CLEANER ENVIRONMENT

For the first time in many years, I have received comments and letters from people who have noticed an improvement in the air pollution situation in our area.

I believe that the slight improvement we have already experienced, and the improvement we hope for in the future, are direct results of Congressional actions which had my support.

In 1969 Congress passed the National Environmental Policy Act which sets forth our long-range national goals toward cleaning up our air, water and land, and established the Council on Environmental Quality in the Office of the President.

In 1967 and 1970, we passed clean air acts which lead to the establishment of Federal air quality standards, and the control of emissions by automobiles and industrial plants.

In 1970 I introduced legislation which established the Environmental Protection Agency, which was approved by Congress. The EPA finances and coordinates environmental research, sets Federal standards for air and water quality, noise levels, pesticide use, and enforces Federal environmental laws and standards.

Laws and standards alone, however, can never solve pollution problems. For example, the first smoke abatement law was enacted in England in 1273. In the year 1307, coal burning in furnaces was prohibited, and in 1506 England passed a law forbidding the burning of air polluting fuels. These laws were overtaken by economic necessity, since coal, wood and peat were the only sources of fuel then available.

I believe that we have finally realized that pollution can be controlled only by the joint efforts of Federal, state and local governments working with private enterprise. Also, Federal, state and local taxes and private earnings must help finance the hundreds of billions of dollars that the job will require.

I previously reported that I had voted for some 225 environmental protection laws prior to 1972. I have now added the following to this list:

A $24.6 billion clean water act to eliminate water pollution by 1985.

A law protecting ocean mammals and wild horses.

A program to convert salt water into drinking water.

A bird refuge on the San Francisco Bay.

Continuation of the Golden Eagle Program.

Bills creating nine national parks, recreation areas and wildernesses.

Sponsorship of legislation to establish a Golden Gate National Park.

Support of a national park in the Santa Monica mountains

Extension of the Youth Conservation Corps.

The Congress since 1969 has authorized or appropriated $1,098,000,000 for air pollution control, $26,597,000,000 for water pollution control and solid waste disposal, and $800,000,000 for research.

We have attacked the pollution problem at its roots by providing funds for research into cleaner fuels (converting coal to gas, removing sulphur from coal and oil, more efficient atomic reactors, etc.), and strict control of dumping pollutants into the air and water.

If I did not believe that these efforts would result in safe swimming in our streams and the removal of the pall of pollution over our cities within a reasonable number of years, I would not have voted for the vast sums which the Congress has appropriated.

PROVIDING MORE JOBS

The unemployment figures shown below are of great concern to me.

TOTAL OFFICIALLY MEASURED UNEMPLOYMENT, 1969-71

[In thousands of persons]

	1969	1970	1971
Unemployed	2,832	4,088	4,993
Discouraged[1]	574	638	774
Part-time unemployed[2]	852	1,010	1,143
Total	4,258	5,736	6,910
Unemployment rate[3] (percent)	5.2	6.9	8.1

[1] Those not in labor force because they think they could not find a job.

[2] Full-time equivalent of part-time unemployment of those who work part-time because of slack work, material shortages, or inability to find full-time job, defined as 40 hours per week.

[3] Unemployed plus discouraged plus full-time equivalent of part-time unemployed as percent of civilian labor force adjusted to include discouraged.

Source: Computed by Joint Economic Committee staff from Bureau of Labor Statistics data.

This high rate of unemployment robbed our economy of an estimated $73 billion in 1971 alone. If half of these 6,910,000 persons had been fully employed, the President's budget would not have gone into the red by nearly a hundred billion dollars since 1968.

But the real tragedy in high unemployment is not in huge Federal deficits but in the human misery which it causes.

Who are the Unemployed?

About 326,000 are Vietnam veterans.

2,000,000 are adult males.

1,600,000 are adult females.

1,200,000 are under age 21.

I supported the following major Congressional actions to provide more jobs in our area and to aid the unemployed:

Emergency extension of unemployment benefits for an additional thirteen weeks.

The Emergency Employment Act provided one billion dollars for public service employment. $100,500,000 of this came to California. More than 1,000 jobs were provided in Los Angeles County, including the city governments and school districts in the 19th Congressional District.

Economic Stabilization Act Extension.

Extended the Cabinet Committee on Opportunities for Spanish Speaking People.

Extended and expanded the Youth Conservation Corps, providing summer jobs for 120,000 young people.

Supported Federal funding for Rio Hondo Area Action Council, Rio Hondo College, Cerritos College, Biola College, East Los Angeles Skill Center, and many other programs.

Office of Economic Opportunity extension and appropriations.

Emergency loan guarantee to save 60,000 aerospace jobs.

Funds for the Space Shuttle and B-1 airplane.

Increased merchant shipbuilding.

Federal aid to vocational schools and training of the disabled.

Small Business loan ceiling increase of 41 percent.

Manpower Development and Training Act amendments.

Nurse Training Act, and many more.

CONSUMER PROTECTION

My Consumer Protection Bill

As this is being written, the Senate is considering legislation which I authored to create a Consumer Protection Agency in the Federal Government. I obtained passage of this measure by the House of Representatives almost a year ago by a vote of 344 to 44. This bill, H.R. 10835, will, for the first time, give the interest of the consumer a voice in Federal decision-making. It is a powerful bill for the interests of the ordinary citizen who, too often, is defrauded by sharp operators, who sell shoddy, defective, or dangerous merchandise.

Consumer product safety

On September 20, the House of Representatives passed the Consumer Product Safety Act. I supported this bill which would establish an independent regulatory commission to protect American homes from hazardous consumer products.

Flammable fabrics

A new amendment to the Flammable Fabrics Act, tightening up the laws on manufacturing and selling these fabrics to the public was passed by the House of Representatives and the Senate.

Consumer facts and tips

"Shop Harder"—this suggestion has recently been given to the American Consumer by the United States Department of Agriculture due to the increasing cost of food. Plan your meals before you go shopping, around items whose prices usually are economical and do not fluctuate. Consider your freezer and shelf space as warehouses when higher-priced foods are "advertised specials."

"Organic food" is not likely to be more wholesome or to contain more vitamins than non-organic food. "Organic" usually means the food is free of preservatives, emulsifiers and artificial ingredients and produced without pesticides, or artificial fertilizers. Foods labeled "organic" cost the consumer almost twice as much as ordinary food on your grocer's shelves.

You can save on the average of 15 cents per pound if you buy a whole chicken and cut it up yourself instead of buying already cut-up chicken.

There is likely to be a moderate reduction in the price of beef during the fall and winter because beef supplies are larger.

The price of pork is not likely to go down until next year due to short supply.

The price of dairy product is expected to remain stable and these products still provide the most economical source of protein in your family's diet.

Effective October 1, a Department of Transportation regulation prohibits the manufacture and sale of car tires that do not meet Federal performance requirements. Check with your dealer.

The Department of Housing and Urban Development has scheduled hearings to investigate the practices of land developers and will give consumers priority over developers in the hearings.

The Food and Drug Administration has under consideration a proposal to require that all pesticides, fungicides and other household poisons be packaged in child-proof containers.

The following are among a number of Consumer Fact Sheets available free of charge from the Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852.

Drug Reaction (OCA D17).

Nutrition Nonsense and Sense (OCA F4).

Caffeine (OCA G12).

Safety of Cooking Utensils (OCA G11).

Cosmetics (OCA C1).

Aspirin (OCA D16).

Food Colors (Additives) (OCA F3).

Consumer facts and tips listed above are contained in "Consumer News", a semi-monthly publication of the Office of Consumer Affairs and is available on a $2.00 yearly subscription basis. If you are interested, write to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

I was recently honored by the Japanese American Citizens League at its national convention in Washington. The commemorative plaque mentions my opposition to the internment of Americans of Japanese ancestry during World War II, and my work for the civil rights of persons in all minority groups. Pictured with me above are (left to right) Mr. Steve Sakata and Mrs. Rose Sakata of Whittier, Mrs. Holifield and Miss Ritsuko Kawakami of Montebello. Mrs. Sakata is President of the SELANOCO Chapter of the Japanese American Citizens League.

Mr. Daniel Garcia, a Department of Health, Education and Welfare management intern, has been spending the past several months working with my staff on the Committee on Government Operations. Dan was one of the first three Spanish surnamed interns to be selected for this three-year program. He attended Montebello High School, East Los Angeles College and received his B.A. in political science from the University of Southern California. After completing his internship in December, Dan hopes to continue his career in government and is currently attending Graduate School at George Washington University. Dan is the son of Mr. Daniel Garcia, formerly of Montebello and currently residing in Monterey Park.

In August I had the pleasure of introducing Mrs. Virginia Macy of Whittier to the Members of the Subcommittee on Intergovernmental Relations of the House Committee on Government Operations, of which I am Chairman. Mrs. Macy, President of the Whittier Union High School District Board of Trustees, testified as a representative of the National School Boards Association on a bill to expand the membership of the Federal Advisory Commission on Governmental Relations.

LENDING IN THE INNER CITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HANNA. Mr. Speaker, the problems of meeting the Nation's housing goals vary considerably from one locality to another. Over the course of the 10 years that I have served on the Banking and Currency Committee of the House, this reality has repeatedly surfaced in our deliberation of housing legislation. During the protracted markup of the ill-fated Housing and Urban Development Act of 1972, we again had to remind each other that the housing environments of New York, Chicago, Detroit, and Los Angeles are separately distinct in some very fundamental aspects. I think that this point is quite well made in the following article from the September issue of the Federal Home Loan Bank Board Journal:

LENDING IN THE INNER CITY

(By Keith P. Rasey, Director of Research, Inner City Housing Corporation)

After 21 months of operation, Inner City Housing Corporation has produced and sold 12 new single-family homes and arranged the financing and equity sale of 58 units of Section 23 leased housing. In light of the magnitude of demand for decent housing for low-income families in Los Angeles, this production appears meager at best. For those of us involved in the day-to-day operations of the company, however, it's only a beginning.

In 1965, the year of the Watts riots, there was one savings and loan located in the black ghetto of South Central Los Angeles. Only four or five associations were actively lending in the area. The majority of first trust deeds were held by private individuals and commercial banks. In short, Watts and surrounding neighborhoods had been "red lined" by the savings and loan community. The Watts holocaust only served to widen the gap between the associations and the ghetto.

In the summer of 1970, Howard Edgerton, chairman of the board of California Federal Savings and Loan Association of Los Angeles, invited managing officers from several Los Angeles area associations to consider a proposal to organize a multiple-owned service corporation to develop housing in the inner city areas of Los Angeles. The idea was to pool capital and management talent from several associations and use the one savings and loan vehicle which permitted both collective ownership and real estate development.

Eleven associations agreed to the idea and approximately $1.7 million—representing three one-hundredths of 1 percent of the assets of each participant—was raised for the venture. The ownership group, now expanded to 12, includes both large and small associations and State- and Federal-chartered institutions.

The list is as follows: Great Western Savings, California Federal, Coast and Southern Federal, Gibralter Savings, Mutual of Pasadena, United Savings, Western Federal, Los Angeles Federal, Imperial Savings, Liberty Savings, Quaker City Federal, and Trans-Coast Savings.

Gordon L. Pattison, formerly vice president of Equitable Savings, is president of Inner City Housing Corporation. The corporation began operations December 1, 1970.

HOMEOWNERSHIP IN WATTS

The ghettos of Los Angeles are deceptive in appearance. To the eastern visitor, Watts and other Los Angeles ghetto neighborhoods look like older middle-income neighborhoods in eastern cities. The neighborhoods are low-density, single-family areas and many homes are well-maintained and landscaped. What the naked eye doesn't see are the soical and economic conditions which make these neighborhoods ghettos. South Central Los Angeles, the city's largest black ghetto, comprises more than 40 square miles and 320,000 people.

There are no high-rise tenements in Los Angeles ghettos. In South Central, over 75 percent of the housing stock is single-family. However, half of these units are absentee-owned. Recent census information shows that 35 to 40 percent of all units are substandard, either because of deterioration or lack of adequate plumbing. The housing is old and overcrowded. Very little new construction has occurred in recent years. In 1970, fewer than 25 building permits were issued for single-family construction in all of the South Central area.

Inner City's first housing program was a response to these housing conditions—first, to the need for replacement housing, and second, to the preference of most residents in the area for single-family homes. The American dream of homeownership is as much a part of the Watts subculture as it is of suburbia.

ICHC is currently developing new homes under Section 235 of the 1968 Housing Act. To date, 12 have been built and sold out of a total HUD reservation of 40 units. As developer, Inner City purchases vacant lots and contracts with local builders for a four-bedroom, turnkey house which is sold for $24,000, FHA's maximum mortgage amount. Four builders are under contract to ICHC; two are black. Because of the standard 40-foot lot available in South Los Angeles, the homes developed by ICHC are similar in dimension and construction. The basic house is 1,300-plus square feet, and includes four bedrooms, two baths, and an attached garage. A slab foundation, tiled floors, and stucco exteriors are other features.

One home under construction is unusual in that the house, designed by a local black architect, includes a central patio. Other innovations tried in ICHC homes are a honeycombed interior wall panel which reduces the standard drywall thickness by half and a steel framed house which cuts both onsite erection time and labor costs. To date, Inner City Housing Corporation has not found a factory-built system which compares in quality and cost to the conventionally built frame and stucco homes it markets.

ICHC packages and originates its Section 235 loans and assigns them to member associations or other lenders. Disbursement of construction funds is handled by participating associations.

HELPING THE HOME BUYER

Inner City's sales approach is unique. Instead of using local brokers and extensive media advertising, ICHC locates most buyers through community contacts and word of mouth. From the beginning, ICHC acts as the buyer's advocate, helping him to understand the local housing market, the nature and mechanics of home purchase, and the housing options available. To make this advocacy role work, the company initiated a series of 8-week educational classes to introduce prospective buyers to various aspects of homeownership, including credit and money management, maintenance and repair, interior decoration, diet and health care, and consumer education. While the classes are voluntary, most families attend. The first class of 24 families graduated last June.

The counseling service is funded by profits from the sale of individual homes. Federal funding for home counseling under Sections 235 and 237 has been promised for more than a year, but at present, Inner City has the only active program of this kind in the Los Angeles area. One of ICHC's intentions is to monitor home buyers for a period of 2 years to determine the benefits of the program to both homeowners and lenders.

After including overhead and other expenses created by the absence of economies of scale, our Section 235 new construction program is a break-even effort. However, there are several indirect benefits to the company. First, a single-family program is a convenient way of becoming exposed to HUD processing and becoming involved in the black community. At the same time, we've made friends of the families purchasing our homes and created good relationships with the churches and agencies in the community.

Section 235 is probably the simplest and cheapest way to learn the structure of HUD and the intricacies of Government housing programs. We have established a track record and credibility at HUD which will, hopefully, be sustained as we proceed with other projects. Finally, we are one of three 235 developers still active in South Central Los Angeles and, within the next year, will have produced more new homes in the area than any other builder.

Ideally, ICHC would like to build 50 or more new subsidized homes a year in the area. However, without an increase in the FHA maximum mortgage amount, the 235 program will soon be a losing proposition as land and construction costs rise. Additionally, it is never certain that Federal subsidy dollars will be available or, when they are available, that the funds will be directed to the ghetto communities we serve.

Because of this situation, we are considering two other potential projects. First, we are contemplating a single-family rehab program in which ICHC as developer, will purchase and rehabilitate existing homes and sell them under FHA Section 221(d)2 and 235, or alternatively, with conventional financing and private insurance. This market is virtually unlimited in Los Angeles ghettos and rehabbing 150 to 200 units a year is a realistic goal. Also, we're considering a conventional new construction program with a sales range of $25,000 to $28,000 in marginally better neighborhoods utilizing private insurance and possibly HOAP II subsidies. While the market is not large, the principal reasons for this approach are to get out from under the existing $24,000 mortgage limit in Section 235 and increase our production of single-family homes in the area.

MULTIFAMILY PRODUCTION

Inner City Housing Corporation entered the multifamily field in the summer of 1971. Our initial production goal of 200 to 600 units of multifamily and elderly housing during the first year appeared modest and realistic. During the first year, ICHC submitted projects totaling more than 900 units. These projects include new and rehab Section 236 and new and rehab Section 23 leased housing, both family and elderly. To date, only one project has received a Letter of Feasibility. ICHC's only other accomplishment has been the sale of five Section 23 projects to local limited partners. These projects range in size from a three-family unit to a building with 24 elderly units.

The inability of Inner City to successfully process projects through HUD is attributable to several factors. All local 236 applications have been hamstrung by a backlog in the HUD area office. Subsidy funds for both Sections 236 and 23 have been scarce and there have been other factors.

Whatever the reasons, ICHC has yet to meet its first-year goals. Nevertheless, we are forging ahead and are prepared to take on projects other developers won't enter into. Many of our recent submissions to HUD are multifamily projects of 3 to 10 units in size. While most developers shy away from these small projects because of the inordinate amounts of paper work involved and problems of management, ICHC believes enough in the concept of small and scattered projects to attempt them.

ICHC's largest project, if successfully negotiated, will be the rehabilitation of a hotel for senior citizens. We currently hold an option to purchase a 419-room hotel in downtown Los Angeles. Having obtained a Letter of Feasibility from HUD, ICHC's proposal is to convert the building to 258 one-bedroom and efficiency units and lease the completed project to the Los Angeles City Housing Authority. The project is now being processed at HUD.

MINORITY CONTRACTORS

One of Inner City Housing Corporation's aims has been to make its capital and management skills available to minority contractors. In one instance, ICHC is providing working capital and interim financing to a black contractor who is building 28 Section 235 homes under the Los Angeles Minority Contractors Set Aside Program. In addition to loan funds, ICHC is providing indepth consultation to the contractor in such areas as budgeting, production scheduling, and sales. With ICHC's assistance, the contractor is contemplating a 1972-73 production of 100-plus units over a previous annual production of less than 20 units a year.

Inner City is in the final stage of structuring the total financing package for Parcel J in the Watts Redevelopment Project. Parcel J represents the first residential development in the project area and will include 64 single-family homes built under Section 235. The resident participant sponsors are the 103rd St. Development Corporation and the Welcome Baptist Church.

The financing package covers the total costs of the project including seed money, working capital, land acquisition, uninsured construction funds, and arranging the permanent financing through participating associations. ICHC is also general consultant to the developers in the formulation of management controls, including budgeting and scheduling, sales, and counseling programs, and will monitor the project through to completion.

This kind of lending and management consulting is costly both in terms of the risks involved and the time spent with the developers. However, it does demonstrate our intention to get involved in projects where the going is toughest. From our experiences, we have learned firsthand the frustrations and day-to-day dilemmas confronted by minority builders and, also, that seed money is not enough to guarantee minority business success.

LOOKING AHEAD WITH CONFIDENCE

The purpose of this article has been to describe, as simply as possible, the operation of one service corporation which is active in the low-income housing field. There isn't enough space to relate and analyze the problems we've encountered, to suggest ways of improving the housing programs we work with, or to contemplate better approaches to housing low-income persons.

The primary concern of ICHC for the past 21 months has been creation of a viable development company in the inner city. This challenge transcends all others. Without adequate knowledge of the community, practical know-how, and sufficient capital, development corporations characteristically are short-lived. Inner City intends to stay.

We feel that, despite all the problems, there is room for enthusiasm about the future of ICHC and other inner city service corporations.

First, the service corporation idea is consistent with the history and mission of the savings and loan industry. The service corporation can be a direct conduit of funds, restricted and unrestricted, into low-income communities. Moreover, when community development activity is at a standstill, the service corporation can engage directly in development and construction or provide the combined consultative and financing roles usually unavailable to minority builders and entrepreneurs.

Second, the service corporation creates a direct link between savings and loan management and ghetto residents, community organizations, City Hall, and Government housing agencies. This contact and ongoing dialogue is of far greater importance than the actual commitment of loan funds. Presumably, experience gained from this kind of interaction will increase the volume and improve the quality of future lending in core areas and help bridge the gap between Establishment interests and ghetto needs.

Finally, the savings and loan business is largely dependent upon regulatory and legislative largess for its success in the marketplace. With all levels of government deeply involved in the problems of urban America, it seems clear that our ability to get from government what we need to survive and prosper will be greatly enhanced if we are, in fact, making a real contribution to the resolution of the urban dilemma.

The service corporation vehicle, at the very least, represents a partial answer.

NADER TURNS SCATTER-GUNS ON CONGRESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Ralph Nader, who made some bucks writing about auto safety and a lot more suing General Motors, is on the march again. He has released the first part of a study of the Congress. It is biased and inaccurate.

There's nothing new about this—that's the Nader method. What is most interesting is that Nader has reached the point in self-adulation at which he believes that he is untouchable.

In the past, Nader could appear before a congressional committee, spill his bile, and get a big hand from the assembled legislators. No one dared question his facts, his motives, or the sources of the vast sums of money he spends on his ever-widening activities.

When he screamed about "secrecy" in government and in the private sector, he was never asked to explain why he keeps his own operations so veiled—to the point that some of his enterprises don't even have their names on office doors.

When he announced his "study" of Congress, Nader said that he was personally picking up the $300,000 tab—interesting for a young man who began with a penny, and nice work if you can get it. This, of course, is but a side-bar comment on the point at issue.

Nader sent his gumshoes out to do an "objective" study of the ways of Congress, as well as the public and private lives of its House and Senate members. But those congressmen I have talked to agree that Nader's interviewers were not out for facts but for blood. It also was obvious that he was out to prove a point, to make political headlines.

If there was any doubt about this, Nader gave it all away when he held a press conference to introduce the first part of his study, a paper back with the loaded title: "Who Runs Congress—The President, Big Business or You?"

His answer, based on the superficial findings of his staff, is that the federal government is corrupt from top to bottom.

This will no doubt gladden the hearts of many thousands of federal workers who, whatever their limitations may be, do an honest job. Nader tries to hang it on President Nixon whose Administration the "crusader" saw as "the most corrupt in history"—a line he lifted from Sen. George McGovern. But since the preponderance of federal employes got their jobs under Democratic administrations, where does this put Nader?

There were broad smiles when Nader made one point against the Congress. Its members, he accused, waste time providing services for their constituents—30 percent of their time to look into the problems of the people who vote them into office. The Congress should put aside all this nonsense, forget the taxpayer who is in trouble and spend all his time on overseeing and legislating. Obviously Nader thinks the little man doesn't count; he just pays the congressman's salary.

The Nader study finds it somehow undemocratic that the congressional leaders are not "bosses," but popular among their colleagues. On the other hand, Chairman Wilbur Mills of the House Ways and Means Committee is no good because he exercises power.

Other congressional leaders are accused of "red-neckism" because they do not legislate the way Nader wants them to do. And the highly respected chairman of the House Armed Services Committee, Rep. F. Edward Hébert, sins because "in the absence of scandal" he cooperates with the Pentagon.

Almost any reporter covering Capital Hill could tell Nader how the Congress works without any $300,000 worth of research. The system has many faults, but it has proven itself to be the best ever devised by men.

The next installment of Nader's "study" will be an extended "Washington Confidential"—an expose of the lives and habits of 485 members of Congress, to be issued on Oct. 18—at a time when, presumably, it will have an impact on the election yet not leave enough time for those assaulted to make their rebuttals.

THE MINISH AMENDMENT AND EDWARD J. PATTEN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MINISH. Mr. Speaker, during the month of November 1971, when the Congress was considering wage-price legislation, I introduced what came to be known as the Minish amendment. This was a proposal which guaranteed the teachers and workers of this country their legal pay raises which had been nullified by the President's freeze.

The Minish amendment required the payment of retroactive and deferred wage increases which had been contracted for prior to the freeze. Despite a temporary setback in the House, we were finally able to include the provision in the conference committee and in the final law.

It was a difficult journey through the legislative process, and many Members gave me support to complete this important task. In particular, there was one Member and fellow Jerseyan who supported me steadfastly. That man was Edward J. Patten.

Mr. Speaker, Ed Patten, representing the 15th Congressional District of New Jersey, agreed with me on the need for legislation to guarantee the full pay raises negotiated prior to the wage-price freeze. He voiced great concern over the fact that educators, particularly in our home State, would not realize the entire pay increase due them if the retroactivity clause were not inserted in the legislation.

There was strong opposition to my amendment, but thanks to the support of Ed Patten and other Members, we were able to include the Minish amendment in the final bill.

THE PROPAGANDA WAR: WHO'S WINNING?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HUNT. Mr. Speaker, propaganda is a true art and it is perfected to its highest degree when your country's enemy succeeds in instilling the belief in the minds of a vociferous minority of your own citizens that it is not their enemy. Such individuals not only amplify the propaganda line, but continue to generate issues in support of that line even without the enemy's prompting. Of course, the enemy takes great care in orchestrating the campaign to give it cohesion and the appearance of spontaneity.

For example, after the first few years of hard fighting in Vietnam without evidence of a foreseeable conclusive victory on either side, the proposition was advanced that if the United States committed itself to an unconditional withdrawal, our POW's would be released. That issue was developed and refined to the point that even today, our POW's continue to be the only trump card held by the North Vietnamese. Ironically, the North Vietnamese have never publicly and officially offered to release American POW's under any circumstances.

More recently, with the renewed and intensified bombing of North Vietnam, the anguished cry was raised—more by Americans than by the North Vietnamese themselves—that the Red River dikes were being deliberately bombed. Seizing upon this new-found issue, the North Vietnamese began to arrange carefully guided tours for antiwar activists to illustrate and publicize what was claimed to be the bomb damage caused by American planes.

In this context, it was refreshing to receive a letter from two of my constituents who saw through this self-serving performance. More than this, they spoke as parents who had lost a son in Vietnam. They asked:

> "Since when is it right for a person to aid and abet an enemy, to bring back (information/propaganda?) and then use it against one's own country? This is strange action—or can it be called treason?"

I commend to your attention the full text of the letter which follows:

August 17, 1972.

Hon. John E. Hunt,
House of Representatives,
Washington, D.C.

Dear Congressman Hunt: It has come to our attention on the television and in the newspapers that some "well-known" citizens have taken it upon themselves to be investigators of damage in North Vietnam. They make themselves available to an enemy for their own self-seeking of truth—so they say. What is their real motive or whether they truly are sincere, only time will tell. However, they have been duped, we believe, and will be used greatly by the Communists.

It occurs to us that it may cost more lives by their actions and it does not seem right to let it persist without making a protest. This is a war and many people have been killed. Since when is it right for a person to aid and abet an enemy, to bring back (information/propaganda?) and then to use it against one's own country? This is strange action—or can it be called treason?

This has not been as easy for us to accept because our dear son was killed in Vietnam serving his country. He went voluntarily over there a second time and an enemy killed him. It is war.

This letter is written to you, Mr. Hunt, because we are Bible-believing Christians. The Bible tells us that God has ultimate charge of all governments. It seems that God is testing America and the only hope we have of "turning the tide" is to turn back to God *as a nation*. We pray for our President and our elected representatives that God will give you the wisdom and the courage to make decisions for our nation that will be just and God-honoring. He must have the glory through His Son Jesus Christ. There is just no other way.

It is a terrible dilemma, this war. How can we possibly have honor dealing with a dishonorable and atheistic country? There can be no meeting of the minds. May God have mercy on all of us in America and may we turn to Him in prayer for His direction in this matter. Thank you.

Sincerely yours,
Mr. and Mrs. LEWIS W. HECK.

CITIZEN PROTESTS ABDICATION OF CONGRESSIONAL POWERS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. DANIELSON. Mr. Speaker, I recently received a letter from one of my constituents which comes very close to expressing my own feelings in regard to the debt ceiling measure taken up in this chamber yesterday. It is an excellent letter and I want to take this opportunity to share it with my colleagues. The letter follows:

LOS ANGELES, CALIF.,
October 3, 1972.

Hon. GEORGE DANIELSON,
Washington, D.C.

DEAR CONGRESSMAN: Newsman Roger Smith, last night on ABC–TV, commented on the sorry display of responsibility as carried out by Congress. The thrust of his remarks bore on the recent conduct of that body in matters financial. It seems our representatives are anxious to be relieved of the guardianship of the nation's purse-strings and that they feel, to some extent at least, that money matters could best be handled by the President.

Having lived in California for twenty-five years, I am well acquainted with the track record of Richard Nixon. I vividly remember what he did to Helen Gahagan Douglas. I do not want a man of that caliber (or any one man, for that matter) tampering with the vast sums of money yearly allocated by Congress. It's a very frightening thought, believe me.

I want, to know a good deal more about this matter. What Mr. Smith told us was, because of the time factor, very brief and lacking in detail. And that's what I want—details.

It would have been impossible for the President to have garnered unto himself so much power if Congress had been doing the job the electorate trusted to Congress to do. I find it infuriating that he can rescind bills for education, health and other beneficial social measures and conversely pour billions into that degrading, yet shameless, horror in Indochina. I think you should know that I am completely disillusioned about the greatness and honor of our country, feeling very deeply that we are far more accurately a nation of plunderers and dispoilers than of honorable, charitable people. If, as it is hoped we will believe, this is the best country in the world, then God help the human race. As Arthur Toynbee said,

"America has become everything she started out not to be."

Yours very truly,
MRS. M. JANE HANSON.

FROM A MILITARY RETIREES POINT OF VIEW

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. DOWNING. Mr. Speaker, I have introduced again in this Congress a bill in behalf of our military retirees which would amend title 10 of the United States Code to equalize the retirement pay of members of the uniformed services of equal rank and years of service. I would like to insert in the RECORD today an article written by Comdr. Justus P. White, Coast Guard, retired, entitled "From a Military Retiree's Point of View."

The article follows:

FROM A MILITARY RETIREES POINT OF VIEW

Persons who entered the uniformed services prior to June 1, 1958 have suffered a serious loss of earned retired pay due to the action of Congress in precipitously suspending a favorable system existing prior to that time and later substituting a less satisfactory system.

At that time and for almost a hundred years before then the U.S. Code contained specific provisions entitling uniformed services personnel to retired pay based upon current active duty rates.

Although such persons had no signed contract with the U.S. Government promising them that this system would be continued after their service was completed, there was certainly a moral obligation on the part of the Government not to reduce the benefit after it was earned.

The more than 500,000 retired career personnel, both regular and reserve, who had served in two World Wars, Korea, and Vietnam, believed that the Government would continue to honor that obligation by preserving their entitlement to those rights and benefits earned under existing law during their active service. Faith in that belief was strengthened by repeated governmental statements concerning the matter.

In 1806, in the case of United States vs. Heth, (7 US 399, 2L, Ed. 479), the Supreme Court stated:

"While it is true that pay is subject to the will of Congress, the presumption is where a person performs service under the prospect of certain emoluments, it is in the interest of the Government to engender a confidence in the minds of its citizens which leaves no room for distrust . . ."

The Military Retirement System was initiated by Congress during the Civil War. It was at this time that the basic principle of keeping retired pay geared to current active duty pay schedules was established. This basic principle apparently was not seriously challenged by successive Congresses until passage of the Joint Services Pay Act of 1922, which denied to those retired prior to the effective date of the Act the right to recompute their retired pay on the basis of the new schedules. The 69th Congress, in passing Public Law 204 in 1926, corrected this injustice and the Senate report, S. 364, 69th Congress, contained this statement:

"The 1922 legislation deprives all officers retired prior to the date of said benefits, thereby violating the basic law under which these officers gained their retirement rights. There is no justice in two pay schedules for equal merit and equal service."

In January 1931, a Joint Congressional Committee, after reviewing the overall Military Compensation System, stated in Senate Document 259, 71st Congress, 3d session:

"The pay of any person on the retired list should be based on the pay of persons of like grade on the active list."

On June 16, 1942, the 77th Congress, in passing Public Law 607, recognized the provisions of existing law relative to computing retired pay when it stated in Section 15 thereof:

"On and after the effective date of this Act, retired officers * * * shall have their retired pay * * * computed as now authorized by law on the basis of pay provided in this Act."

In 1946, in passing Public Law 474, the Congress again adhered to the existing law by permitting those already retired to participate in the new pay schedules.

Career members of the uniformed services, regular and reserve, active and retired, had their faith in the dependability of their earned retirement rights further strengthened in 1949 when the Advisory Commission on Service Pay (The Hook Commission) recommended that the Congress continue to uphold the basic principle of keeping retired pay geared to current active duty pay schedules. The recommendations of this Commission were accepted by the Congress when it enacted Public Law 351 in October 1949. Section 511 of this law reads in part:

"Retired pay shall be computed on the monthly basic pay * * * which such member would be entitled to receive if serving on active duty in such grade."

In 1952 and again in 1955, Congress enacted legislation increasing the pay of the active services and, in each of these laws, continued the time-honored principle of equating retired pay to current active duty pay.

In 1957, the Cordiner Committee, which, like the Hook Commission, had been formed to study the military compensation system concluded:

"* * * that the incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people."

"The uniformity of compensation thus achieved is considered appropriate and the inclusion of retired personnel within the new compensation system is considered by the Committee to be a mandatory and essential feature, fully in consonance with the long-established principle that retired compensation must always remain closely related to current active duty pay."

Obviously, the recommendations of the Cordiner Committee fell on deaf ears when the Congress, in enacting Public Law 85–422 on May 20, 1958, chose to ignore these recommendations by denying to those already retired, the right to have their retired pay recomputed on the basis of the active duty pay scales authorized by that law. Such action was taken notwithstanding the fact that existing law (10 USC 1401) clearly provided that "retired pay would be computed at rates applicable on date of retirement and adjusted to reflect later changes in applicable permanent rates."

The reaction was immediate and the national conscience was thoroughly aroused. Hopes ran high, and with good reason, that this injustice would be corrected forthwith. Fifteen States Legislative bodies passed memorializing Resolutions urging Congress to enact remedial legislation; over forty members of the House of Representatives and thirty-one Senators introduced bills designed to correct this tragic mistake; dozens of newspapers and magazines from coast to coast carried editorials calling upon the Congress to meet its moral obligations. On May 12, 1960, the House of Representatives without a dissenting vote, passed H.R. 11318, which would have restored the historic principles prescribed in Title 10, USC 1401. However, in spite of this overwhelming expression of public opinion, the Senate Armed Services Committee refused to hold hearings on the House passed bill and permitted it to die upon adjournment of the 86th Congress without giving the Senate an opportunity to debate the bill.

It is interesting to note that when the Pay Act of 1958 was enacted, no reference was made to Section 1401, although that is the Section which provided the statutory authority to compute retired pay on active duty rates. Further, in the hearing before the Senate Armed Services Committee on June 7, 1962, Senator Smith of Maine questioned Secretary McNamara relative to the provisions of existing law as it applied to computing retired pay and the Secretary replied:

"I don't recall that the law stated that retired pay would remain a constant, or would continue to have a constant relationship to active duty pay as active duty pay changed subsequent to retirement. I understand that was a practice rather than an action required by law."

Senator Smith requested that this point be checked and the Committee be provided with an appropriate statement. The information subsequently submitted by Secretary McNamara to the Committee established emphatically that authority for recomputation of pay by retired officers in the past had been based on clear provisions of law rather than on mere practice.

The distressing point of this exchange is that it occurred four years after passage of Public Law 85–422, which denied the benefits of Section 1401 to retirees, and the evidence is clear that the Secretary of Defense did not know what it provided. Also, one cannot help wondering how many of the seventeen Senators on this important Committee were fully aware of this important and vital Section of Title 10.

On October 2, 1963, Congress took the final step in destroying the century old tradition of computing compensation for military retirees. By this time there was a general awareness of the existence and contents of Section 1401 and Congress, in passing P.L. 88–132, specifically repealed that Section. In lieu of the law under which these military retirees had earned their retirement rights, this new Act provided that all retirees would have their retired pay adjusted in the future in accordance with a formula based on the illusive Consumer Price Index. A determined group, ably led by the Honorable L. Mendel Rivers, finally convinced Congress that a gross injustice had been visited upon those persons who had retired prior to June 1, 1958, and had been denied an increase based upon the pay scales authorized by P.L. 85–422. Belatedly, they were authorized the raises that they should have received in 1958.

One of the most tragic consequences of the new system is that merit and length of service are no longer primary factors in determining the compensation a retiree will receive during the inactive phase of his career. On the contrary, it has now become a matter of when the individual was born and how successful he was in manipulating a favorable retirement date. During the brief span of time since June 1, 1958, nine different categories of retirees of equal merit and equal service have been developed. For example, an 0–6 (Captain or Colonel) with over 30 years of service retiring after April 15, 1970, receives $342.48 more per month than his brother officer of the same rank and length of service who retired prior to June 1, 1958.

Millions of words, both spoken and written have been addressed to this subject during the past ten years in an effort to justify the abrogation by the Government of its moral responsibility. And yet, the hard cold fact remains that those members of the Uniformed Services who entered upon their careers prior to June 1, 1958, performed their service under a legally guaranteed formula whereby their retired pay would be determined as a percentage of current active duty pay and the actions of Congress in passing Public Laws 65–422 and 88–132 reduced the guaranteed benefits after they had been fully or partly earned. The fact that such rights are not legally enforceable cannot in any way mitigate the moral responsibility of the Government to provide compensation to retirees in accordance with the laws in effect when the compensation was earned.

We agree fully with the sentiments expressed by one of the Justices of the Supreme Court in an opinion involving the right of the Government to take some reservation land belonging to the Tuscarora Indians and guaranteed to them in perpetuity, when he said, "Great Nations, like great men, should keep their word."

MILITARY RETIRED PAY—RETIRED PAY RECEIVED BY RETIREES WITH 24 YEARS' SERVICE, AS AFFECTED BY DATE OF RETIREMENT

		Retired between—							
	Retired before June 1, 1958	June 1, 1958 and Mar. 31, 1963	Apr. 1, 1963 and Aug. 31, 1964	Sept. 1, 1964 and Aug. 30, 1965	Sept. 1, 1965 and June 30, 1966	July 1, 1965 and June 30, 1968	July 1, 1968 and June 30, 1969	July 1, 1969 and Apr. 16, 1970	Retired after Apr. 17, 1970
Major	$475	$489	$547	$561	$569	$587	$604	$639	$691
E-7	263	272	596	303	322	333	342	362	392

Note: The differential in dollars and percentage in each grade between the oldest and youngest group is Major: $216 (45.5 percent); Sergeant (pay grade E-7): $129 (49.0 percent).

ZEAKE W. JOHNSON

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. SLACK. Mr. Speaker, I join the many friends of Zeake W. Johnson who have paid tribute to his fine work while serving as Sergeant at Arms of the House of Representatives.

Throughout my own years of service in the House I found him to be accommodating, efficient and helpful in every respect. For the new Congressmen, he made a special effort to ease the path to acquaintanceship among new colleagues, and was even willing to go a little farther than required to fill a request courteously.

He leaves behind a legasy of good will and respect for himself and the office he held, and his retirement will be enriched by that satisfaction. I want to extend my congratulations to Zeake, and best wishes for many golden years of relaxation and enjoyment.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HOSMER. Mr. Speaker, there follows the October issue of Washington News Notes which I use to help keep the people of my congressional district informed on items related to the Government and issues:

WASHINGTON NEWS NOTES

(By Congressman CRAIG HOSMER)

THE POT CALLING THE KETTLE BLACK

At the instigation of the Communist bloc, the United Nations Special Committee on Colonialism is studying "U.S. colonialism in Puerto Rico." Interestingly, a 1967 referendum on the island's status resulted in a 99.4% vote for continued close ties with the U.S., either continuation of its present commonwealth status or statehood. Only 6/10ths of 1% of the population voted for independence.

Perhaps the U.S. should offer a challenge to the Communist bloc that brought up the issue: We'll hold free elections on Puerto Rican independence every two years—if the Soviet Union will do the same in its satellite nations and within its own borders.

HELP FOR THOSE "MOVING DAY BLUES"

The Interstate Commerce Commission has just released a new publication which should be of interest to families planning household moves. It is the new Public Advisory No. 4, titled "Lost or Damaged Household Goods: Prevention and Recovery." It offers sensible advice on how to protect your personal property during moves and procedures to be followed in the event your goods are lost or damaged. Copies are available free from the ICC field office, 300 N. Los Angeles Street, Los Angeles 90012.

THE BATTLE OF LONG BEACH HARBOR

An obscure paragraph hidden in the midst of a voluminous Military Appropriations bill almost snuck through the House of Representatives last month. If passed, it might have crippled or even closed the U.S. Naval Shipyards.

But in a display of parliamentary skill and political muscle, Congressman Craig Hosmer and a dozen of his House colleagues successfully killed the offensive provision. At issue was a "rider" to the Defense Appropriations bill which attempted to set a rigid formula for allocating work between private shipyards and the 10 Naval Shipyards.

Within hours of discovering the "rider," Hosmer rallied Rep. Bob Leggett (D-Calif.) and other members representing Naval shipyard districts. When the bill came up for a vote, Hosmer and his colleagues had the rider stricken from the bill on a legal technicality, then crushed an attempt to reinsert it as an amendment.

UNCLE SAM'S PAYROLL

Believe it or not, the Federal bureaucracy is actually shrinking—just as President Nixon promised. In Fiscal '72 just completed, average civilian employment of the Executive Branch (including the Defense Department) was almost 100,000 lower than 1968. The total was 2.8 million last year. Total payroll costs were $31.2 billion, an average of about $11,000 per government worker.

INTERSTATE HIGHWAYS NEAR COMPLETION

Transportation Secretary John Volpe says that the 42,500-mile Interstate Highway System is almost 80% complete, with work already underway on another 18%. In California, our Interstate system is slightly better off—85% complete.

HOSMER, COMMITTEE PRAISED

The respected Izaak Walton League has commended Congressman Craig Hosmer and the House Interior Committee for "excellent progress" thus far on the hotly controversial Surface Mining Reclamation Act. Praising the Committee's "sensitivity to the environmental hazards caused by surface mining," the conservationist organization told Hosmer, "Your decision is fully consistent with the intent of the Act which is designed to permit surface mining in areas which can be successfully restored and where its operation does not interfere with public health, safety and enjoyment of America's outdoors."

SHUTTING DOWN THE MAINLINE

According to the U.S. Bureau of Narcotics and Dangerous Drugs, the East Coast has seen a sharp decline in the supply of heroin over the past 12 months. As drug agents increase their pressure on foreign and domestic sources, street prices have soared, quality has fallen and arrests have jumped dramatically. BNDD officials believe that the heroin drought—perhaps only a temporary curtailment—coincides with the marked success of anti-narcotics law enforcement during Fiscal 1972.

ANOTHER IDOL WITH FEET OF CLAY

Is Smokey the Bear a fire hazard? Perhaps so, according to Dr. H. T. Lewis, a Canadian forestry expert. According to Dr. Lewis, sophisticated forest fire protection has resulted in fewer—but hotter and more dangerous—fires. He says that occasional lightning fires tend to burn off dead wood and trees, resulting in generally healthier forests. But because of a "Smokey the Bear syndrome," today's fires are extremely hot, setting bigger trees on fire and doing more damage.

THE HOUSE IS NOT A "HOUSE"

To the surprise and chagrin of most Congressmen, the Architect of the Capitol decided to redecorate the staid old Speaker's Lobby, adjacent to the House chambers in the Capitol. While Members were trying to pin the blame on someone and to find out how much it cost, one wag commented that "they turned it from a 19th century's men's room into a 19th century bawdy house." Another wanted to know if the renovation has been supervised by Congressman Jim Hanley (N.Y.) and Charles Diggs (Mich.), the House's two undertakers.

SHIRLEY M. KYLE ADDRESSES CITY MANAGEMENT CONFERENCE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. NELSEN. Mr. Speaker, I am proud that Miss Shirley M. Kyle, a Minnesotan, has achieved a position of high responsibility in the Department of the Interior as special assistant to the Secretary.

Miss Kyle is a former information and communications relations officer with the National Capitol Planning Commission here in Washington and an expert on urban problems. She recently addressed the Environmental Management Workshop of the 58th Conference of the International City Management Association in Minneapolis, Minn., and it is my pleasure to include her comments in the RECORD at this time:

Since joining Secretary Morton's staff, I have noticed that whenever the Department of Interior is assigned the role of discussing urban problems, urban needs, urban programs, urban anything—eyebrows raise, eyes buck, and lips begin murmuring: "Who goofed in the casting bit?"

For, to many people, we're that Federal department, with all those offices and bureaus and employees who deal with the environment, mainly in the plains. We administer nearly 500 million acres of Federal land. We have trust responsibilities for approximately 50 million more acres of land that consist mostly of Indian reservations. We conserve and develop mineral and water resources. We promote mine safety and efficiency. We conserve, develop, and utilize fish and wildlife resources. We coordinate Federal and state recreation programs. We administer the Nation's scenic and historic areas. We reclaim arid lands in the West through irrigation. We manage hydro-electric power systems.

And seldom a day goes by that our efforts and strategies for dealing with environmental problems don't catapult us into the headlines of newspapers, the feature sections of magazines, or even, sometimes, into court.

But meanwhile, back inhouse, the Department of Interior is delving into environmental problems that confront all of our urban areas—the large metropolitan regions, the medium-sized cities, the small towns. Because, we, too, indeed are concerned about the urban environmental "fallouts" that emanate in the wake of our high-speed standard of living, and play havoc with our quality of life.

Two grandiose "fallouts," that come immediately to mind, are the garbage dumps and auto graveyards which, daily, puncture the urbanscape and swallow up land people could live on. Would you believe, Bureau of Mines has been probing those junk cultures? In the staff's vernacular, that's urban ore, and years of research has proved their theory that indeed there is "gold" in them thar man-made hills!

What better agency than Bureau of Mines to tackle this problem; for, since its creation in 1910, this bureau has been responsible for researching the separation, recovery, and recycling of major solid waste products, not only from the mines, mills, smelter wastes and the like, but also from urban refuse and junk.

Now what has the Bureau been doing for urban areas lately? For the past two years, the research staff has had in successful operation a pilot plant in College Park, Maryland—which really favors an animated Rube Goldberg drawing—that treats incinerator residues in much the same manner that minerals are separated from their ores. The equipment is not new. It consists of the conventional and proven mineral engineering components—the shredders, the screeners, the grinders, the magnetic separators. All these make it possible to continually separate and recover tin, iron, aluminum, copper, lead, zinc, glass—just to name a few of the golden items. And by applying a little technology to the peanut sorter, they've discovered a way to separate clear glass from colored glass.

In practice, the process is technically sound. On paper, its economics appear favorable.

Now the staff is seeing if it's possible to do away with that "middle-man"—the incinerator. By the end of this year, they expect to have in operation, equipment that will mechanically separate and recover metals, glass, paper, and plastics from raw, unburned refuse on a continuous basis.

It's the junk cars that present the real challenge. The staff is constantly probing for answers to such questions as: how do you economically recover the aluminum, copper, and zinc lost in the normal scrap cycle of these vehicles; how can you economically recover copper from starters, generator, and alternators.

I've only skimmed the surface on what the Bureau of Mines is doing, but let me switch to a different urban environmental "fallout" that, soon, will bring on stage one of our other bureaus not readily identified in the urban arena.

This "fallout" has to do with Nature, which, in many of our urban areas, is being opted out of existence because of our apparent preference for the concrete wilderness and asphalt jungles.

The Bureau of Sport Fisheries and Wildlife is taking a hard look at this issue.

Now, there's no intention, here, to upstage the headline acts of our Bureau of Outdoor Recreation. All of us applaud the great role this staff is playing in affording our cities, counties, and states the opportunities to acquire and develop land for outdoor recreation. And they're doing an encore performance in helping to implement President Nixon's Legacy of Parks program throughout the country.

But, today, I'm exposing you to some of the acts and scripts of other bureaus in the Department of Interior to demonstrate our total commitment in dealing with urban environmental problems. We recognize our responsibilities in this area, and wherever we can, we are applying, and seeking ways to apply, our techniques, know-how, and research capabilities to meet the challenge.

In a recent speech, Secretary Morton expressed concern for the disparity between what he called, "the voracious demand for development in our cities and towns and the consequences of the urban expansion on the lives of our people." He charged that, "we can no longer afford to plan without considering open space, parklands, and landscaping an integral part of every urban design, of every building complex, and every road and highway network." And he emphasized the need for the skills of landscape architects and planners in cities where we virtually have eliminated the signs of nature.

Recently, the Bureau of Sport Fisheries and Wildlife explored the Secretary's concern in a symposium on "Man and Nature and the City." But they went a step further. Not only did the staff and participants—who represented various walks of life—deal with open space, but they also considered how to make wildlife a more positive factor in the lives of people who have relatively little opportunity to see and enjoy wildlife in what we accept as the usual place for wildlife.

To put it in the vernacular of the staff, they talked about urban wildlife—the birds, chipmunks, squirrels, and other small animals which can tolerate sharing the land with man, if he'll just let them; urban forests—those small groves of wooded areas which still manage, somehow, to escape the clutches of the developer; and urban "wide-open" spaces—those vacant lots, abandoned alleys, dead-end streets, unused railroad yards, and deteriorating, incompatible industrial waste lands which can be transformed from unusable, ugly eyesores to places of recreation and beauty.

When the symposium verbalized its way into the dilemma of a developer, who also happens to be a landscape architect, everyone suddenly realized the dearth of information there is in this business of trying to bring nature back to our urban areas. The architect admitted he knows he's supposed to know something about landscaping, but he doesn't know all he feels he should know in fulfilling the mission. Worse yet, he doesn't know the types of questions to ask the nature-minded technicians and experts to get the answers to what it is he needs to know.

The symposium ended on the bewilder that, if it is decided that nature be introduced into the city, then it must be decided whether or not it can be done, how much can be done, and what way can it be done.

The Bureau of Sport Fisheries and Wildlife continues to seek a meaningful role on the urban stage.

Now, before talking about strategy, and the roles of local governments within this strategy, let me give you a tip on what is germinating in the minds of the staff of another bureau yet a stranger to the urban scene.

The environmental "fallout" concerning this bureau cannot readily be identified, as yet, but it has to do with the unforeseen consequences we may experience from the arbitrary siting of new towns in our metropolitan regions. And the reason we're not fully aware of the problems that may be surfacing is that we've just begun to create the Columbias, Restons, Jonathans, and Soul Cities around the country. But Bureau of Reclamation has started flagging them now, and the staff is already thinking how it might apply its resources and technical know-how in this area.

To illustrate the Bureau's concern, at the symposium mentioned earlier, the developer of Columbia was asked:

"To what extent was the erection of Columbia coordinated with soil-type values for agriculture or timber products and the like. . . . was consideration given to the impact of landlords on the total natural agricultural land supply?"

The answer was:

"No consideration was given. The way we build cities today is in a non-planned fashion. We do not say a city should be built here. Columbia was susceptible to urban development by virtue of pre-established zoning and sewer alignments and highway branches. . . . The only analysis we did . . . was that we knew, if the people could farm it, we could build on it. That is the way cities are being built."

The Bureau of Reclamation believes that the techniques it has been using since its creation in 1902, to develop water resources to enrich the land, can be applied to siting new towns in such manner that our natural resources will be protected and wisely used, rather than abused. So don't be surprised when you see this bureau emerging on the urban horizon.

Now, something about the strategy for projecting these inhouse concepts and research projects onto the open stages of programming and implementation, and your role in this total process.

Simply put, we're still writing the script for this scenario, and we certainly need your help, because the success of meeting the challenge posed by our urban environmental conditions, will depend greatly, I believe, upon the extent to which Federal, state, and local governments mobilize their resources, share their talents, and work together to get the job done.

We must answer President Nixon's call to America to "pioneer . . . in turning the wonders of science to the service of man." This means closing the communication gap that tends to spread among all levels of government, so that information and assistance flows freely and effectively across all jurisdictional lines and through all bureaucratic channels.

No doubt press clips on the Bureau of Mines' solid waste project have crossed your desks. But, how many of you are keeping tabs on this; checking to see what implications this proposal may have in your area; developing means for implementation once you've decided to pursue it.

Our scientists will continue to probe for the answers, and they will continue to trust to the publicity process in getting their word out among you. But they would heartily welcome the feedback and the sharing of resources and information.

We must find ways to respond to the pleadings, of city and county officials, for stronger, more efficient working relationships, between state and local governments, so that federally funded programs can be implemented more effectively.

For example, consider the programs funded by the Bureau of Sport Fisheries and Wildlife. The Bureau's money goes to the state and is matched, primarily, by proceeds from hunting and fishing licenses. Hence, top priority, in the types of fish and wildlife programs the state will undertake, is given to the vested interests of the hunter and the fisherman. Consequently, such activities tend to occur outside the urban areas.

However, when you consider the fact that many of our hunters and fishermen live in urban areas, it must follow that they, too, are just as concerned about what's happening to their living environment, as we are. It's difficult for me to believe that these sportsmen would not want to share in promoting the development of programs that will begin to cure the ills that are plaguing us in our urban areas.

But the state needs to fully understand these concerns and desires, so that as it schedules the fish and wildlife programs to be designed, developed, and implemented, the metropolitan regions, cities, and small towns will no longer be neglected as they are now.

The Bureau of Sport Fisheries and Wildlife can, and is suggesting that states expand their activities into urban areas, but without the pronounced support and justification coming from the local level, I seriously question the ability of this bureau to function as effectively on the urban scene, as it is capable of doing.

Finally, we must develop more effective use of our technicians and experts in all aspects of the environmental field. Their performance is unmatched on their respective home fronts. But there needs to be a greater sharing of talent and exchange of ideas and information.

And we must no longer fear to ask those questions which we feel expose our stupidity; for, we can only learn through asking. Then, perhaps, not too many of us will find ourselves trapped in the predicament of that landscape architect, trying to know whatever it is we believe we're supposed to know, and then determining how to deal with that which we already know.

I hope you're convinced, now, that nobody goofed in casting the Department of Interior in this urban-oriented role, today. We're really with it, and with your help, we can succeed in dealing with these urban environmental issues as we see them.

POSTAL PROGRESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the U.S. Postal Service has taken steps, some of them highly innovative, to bring added revenues, to cut operating costs—and to forestall further rate increases, at least for the present. Through trimming of a number of jobs from the Service's overall work force, large savings were effected. In addition, the Service has established a postal training facility in Oklahoma and greatly increased mechanization. All of this is geared toward greater efficiency, in both the cost and time involved in delivering the mail. Postal boutiques have also been established in a number of cities, with the dual effect of increasing the volume of people coming to postal facilities and bringing added revenues in items sold at the boutiques. All of this, I believe, is a step in the direction the Postal Service needs to go if it is to truly be a service to the people of this nation.

The following editorial, from the October 2, 1972, Washington Evening Star, is, I believe, an interesting comment on the Postal Service, what it has done and what is in its future:

NO NINE-CENTER JUST YET

Elmer T. Klassen, the postmaster general, may have a somewhat inflated conception of history, but for once he's telling us something we want to hear. It is a "historical achievement," he says, that the Postal Service won't, after all, have to hike the price of a first-class stamp from eight cents to nine cents this year. Few among us can withhold a whispered huzzah for that, if only because the nine-center would be the most devilish stamp of all from the standpoint of change-making. Who wants to contend with still more pennies in transactions at the post office?

The joy is tempered, however, by a premonition that the postal people will be back before long, asking for a 10-center to make up for delinquencies that developed in the year of grace. For while most of us don't like pockets full of pennies, we don't like to pay more, either. And it's easy to see that the Postal Service is gripped by divers troubles, none of them minor. Certainly the Service, now celebrating its first anniversary as a semi-independent corporation, is off and running, trying to meet the self-support goal set for it by Congress. Where it's headed is the big question: Toward improved service at tolerable costs, or toward higher mailing rates with no better mail delivery?

Obviously there is a direct relationship between the rising public squawk over poor service and Klassen's strenuous efforts to make the operation pay its own way. He has eliminated 33,000 postal jobs in recent months. Several services have been cut back, including mail pickups in many neighborhoods across the country. There are dismal reports of even more sluggish mail movement between cities under the new system. And the Postal Service faces ever-growing competition as its rates rise; the private parcel delivery companies are spreading out like wildfire and some large utilities now hand deliver their monthly bills.

Inside the postal ranks there is heavy grumbling about personnel cuts, and some prophecies of great mail logjams to come. Among the apprehensions on the outside is a fear that those soaring new second-class rates will put many magazines and small newspapers out of business. These and other tribulations occur while the Service still is subsidized to the tune of $1.4 billion from the federal Treasury with leaner days to come. All in all, it is a painful process, and some members of Congress already are saying they shouldn't have abolished the old Post Office Department.

Well, it's too late to turn back, and much too early to despair of the new self-financing postal concept. Never has there been a sterner test of management than this effort to convert the oldest of bureaucracies into a model of corporate-type efficiency, and to expect any splendid results in a year is totally unrealistic. Success may require five years, Klassen says, but he believes that dauntless streamlining, automation and reorganization can get the job done. And there are some hopeful signs—a sharp rise in postal-worker productivity, for instance, and encouraging experiments in computerized mail-handling.

Klassen necessarily will step on many toes as he goes about his unenviable toils. We can only wish him luck, which he will need more of as time passes, especially if the mail doesn't speed up.

OX POST MAIL: "A STEP BACKWARD TO PROGRESS"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FRASER. Mr. Speaker, I am submitting the following article from the October 7 Washington Post. It points up some of the chaos being created by the Postal Service. I think it is enlightening and self-explanatory:

OX POST MAIL: "A STEP BACKWARD TO PROGRESS"

(By J. R. Wiggins)

ELLSWORTH, MAINE.—Once upon a time, oxen were used as a means of carrying the United States mails. But that was in a dark and primitive past and we have progressed a long way since then, what with airplanes, trains, trucks and motorbikes to speed delivery of the mail.

Or have we progressed? You cannot prove it—in fact, with a little effort, you can prove just the opposite—in this particular rural community in the state of Maine where the Postal Service has just celebrated the blessing of Progress by instituting a new sorting system. As a consequence, mail originating in, say, Ellsworth, is taken up to Bangor for sorting and then returned to Ellsworth for dispatch to many Hancock County towns.

Hence, if a letter is mailed just in time to catch the once-a-day truck to Bangor before 6:40 p.m., it comes back to Ellsworth the next morning and catches a star route carrier which will bring it to Surry and points beyond somewhere around 8 a.m. So the fastest U.S. Postal Service transit time for this delivery is about 13 hours. If mailed after 6:40 p.m., the letter lies over a day and takes 37 hours. And a letter mailed at 9 a.m. at Ellsworth arrives at Surry at 8 a.m. the next day, or 23 hours later.

So much for the path of progress. Let us now revert to oxen, or more precisely, to a particular team of oxen—Pancho and Sancho—which was recently enlisted here in an epic contest with the Postal Service. The result: Sancho and Pancho, carrying mail from the Ellsworth American in Ellsworth to the Jones General Store in Surry, *seven miles away*, made an historic run of three hours, seven minutes and 32 seconds, besting the Postal Service by 19 hours, 52 minutes, for a comparable delivery of a letter posted at the same time of day. Ox Post Mail, using no more than ordinary oxen, weighing roughly two tons, and without benefit of computers or other mechanical aids, operated without a hitch on its demonstration trip.

Now, it can be argued that this is of no particular concern beyond the borders of Hancock County, Maine. But a case can also be made, on the contrary, that it is an event of some considerable national significance because, in the interests of economy and efficiency, precisely the same consolidation of mail sorting centers that has taken place in Bangor is happening all over the country. Employees are being moved to larger centers which hope to operate by machine sorters shortly. The Postal Service has a 20 year lease on a new building in Ellsworth at $28,000 a year and no longer needs it to handle the mail by the new method. It has a similar embarrassment elsewhere. But it claims to have saved the salaries of four employees who have retired and who have not been replaced. Presently, Bangor is using manual sorters and paying them overtime to handle the mail that was dispatched from smaller sorting stations.

Ox Post mail delivery may meet the problems of many rural communities throughout the country. Oxen are even hardier than human mail carriers (who are not deterred by hail and other elements) and it turns out that they are even faster.

The spectacular speed of Sancho and Pancho astonished Harry Jones III who borrowed a phrase from Samuel Morse to exclaim "What hath God wrought," as the oxen sped into Surry. His wife borrowed an expression from moon-walker Neil Armstrong to declare: "A giant step for mankind."

The letter delivered to Jones said, in part: "When the U.S. Postal Service hears of this lightning delivery, it is to be hoped that they will imitate it and launch a permanent delivery by oxen or something as fast."

From 1910 to 1951, Hancock County towns had twice a day mail delivery from Ellsworth, and collection and delivery service has been worsening over the years.

The Postal Service says the new system may hasten travel of mail originating in rural points destined for delivery to remote urban points and speed up mail from urban points to rural points.

It will delay mail originating in the rural points of one collection center and destined for delivery to another rural point by requiring the county mail to travel to the more distant sorting center and return.

The changes in postal service were announced without any public hearings or advance notice in rural areas. The Ellsworth post office has been receiving many complaints and so have rural points in the county. Many fear that the change will increase the isolation of rural life, make inter-communication between country towns more difficult and further encourage the concentration of business in urban centers, where life already is being made difficult by overcrowding.

The system, to use an old country expression, is "making it easier for the boys to write home to mother but harder for them to write to each other."

IN MEMORIAM TO THE HONORABLE CARNIE P. BRAGG, SR.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ROE. Mr. Speaker. On August 8, 1972, our community, state and nation paid final tribute to the Honorable Carnie P. Bragg, Sr., an outstanding American, prominent funeral director and public official, of Passaic and Paterson, N.J., who was killed in a head-on automobile collision on the morning of Friday, August 4, 1972. I ask my colleagues here in the Congress to join with me in expressing deepest sympathy to his wife, the former Eunice H. McCraw; a daughter, Mrs. Constance McKay of Passaic; a son, Carnie P. Bragg, Jr. of Paterson; his mother, Mrs. Evangeline Chase of Rutherford; a sister, Mr. Christabelle Dilworth of New York City; and three grandchildren.

His tragic death and the grievous shock of his passing still echos throughout our district. Funeral services were held at his own Union Baptist Church, Passaic. The Scripture and prayer readings were given by the Reverend Albert P. Rowe, pastor of the Calvary Baptist Church, Paterson. The Reverend T. H. Alexander, pastor of the Union Baptist Church, Passaic, delivered the eulogy, at the graveside service at Cedar Lawn Cemetery, Paterson, was given by the Reverend Sterling Glover, a minister from Cleveland, Ohio. The overflowing spontaniety of those who mourned his passing at the funeral services required the roping off of eight square city blocks for more than 1,500 persons who were in attendance. The following eulogy presented at his funeral services poignantly expresses the great void he has left in our midst:

The life he lived as true and honest
Always glad to meet a friend;
Happy hearted and contented
Faithful to the very end.

Now his earthly strife is over
No more sorrow, no more care;
Yet our hearts are sad and lonely
For we miss him everywhere.

Mr. Speaker, Carnie Bragg, son of Jesse and Evangeline Swain Bragg, was born in Port Chester, N.Y. on November 5, 1913. He lived in Stamford, Conn., until 1933 and graduated from Stamford High School. He graduated from Renouord Training School for Embalmers of New York City, established the Bragg Funeral Home in Passaic in 1937 and the Bragg Funeral Home in Paterson in 1945. The quality of his leadership and sincerity of purpose achieved an outstanding reputation in our community and we gratefully acknowledge his lifetime of dedication and devotion to the public good. He spearheaded many worthwhile civic endeavors with great compassion and benevolence in the cause of goodwill and brotherhood among all men and was affiliated with the following organizations:

Member and Trustee Union Baptist Church, Passaic, N.J.; Past President, National Funeral Directors and Morticians Association; Past President, Passaic County Funeral Directors Association; Member of New Jersey State Funeral Directors Association; Member of National Funeral Directors Association; Commissioner, Board of Finance, Paterson, New Jersey; Commissioner, Passaic Housing Authority, Passaic, New Jersey; Director, Broadway Bank and Trust Company, Paterson, New Jersey; Board of Directors, Rotary Club of Paterson, Inc.; Board of Directors, Chamber of Commerce; Board of Directors, Y.M.C.A. Northern Passaic Valley; Board of Directors, Paterson Boys Club; Member Draft Board No. 36; Vice President, Northern New Jersey Development Corporation; Past Master, Silver Star Lodge No. 45, Passaic, F. & A.M.; Member of James Elms Lodge No. 1180 I.B.P.O.E. of W.; Black Officials for Citizen Participation in Government (Chairman); Member of Fellas Social Club of New York; Past President, Garden State Funeral Directors; Former Commissioner of Board of Public Works; Honorary Member of Congenial Gents Social Club; Brothers in Blue; Dem Dam Fellows Social Club; Finast Social Club.

Mr. Speaker, Carnie Bragg was indeed an outstanding American and his lifetime of public service to his fellowman is deeply applauded and held in the highest esteem by all of us who had the good fortune to know him. I ask you and my colleagues here in the Congress to join with me in silent prayer and deepest sympathy as we salute him for all of his good works on behalf of his fellowman. May his wife and family soon find abiding comfort in the faith that God has given them and in the knowledge that the Honorable Carnie P. Bragg, Sr. is now under His eternal care. May he rest in peace.

ECONOMY NO. 1 CONCERN, CONGRESSIONAL SURVEY SHOWS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HELSTOSKI. Mr. Speaker, the state of the economy continues to be the first concern of millions of Americans across the country.

According to Economic Indicators for August 1972, the 1969 dollar was worth 100 cents, but due to continued inflation, the July 1972 dollar was worth only 87.5 cents. Unemployment stood at 3.3 percent in early 1969; today, it is up to 5.6 percent.

During the past 4 years, the administration has run up budget deficits exceeding the total deficits of the 16 years of the Eisenhower, Kennedy, and Johnson administrations combined.

Spurred on by continued inflation, unemployment and budget deficits, the 92d Congress took steps to combat these factors.

Mr. Speaker, following is a summary of the state of the economy along with efforts initiated by the 92d Congress to get the economy moving again:

ECONOMY NO. 1 CONCERN, CONGRESSIONAL SURVEY SHOWS

The state of the economy is the number one concern of Americans in every part of the country, according to a recent survey taken in the House of Representatives. More than 200 of my colleagues and I were asked what, in our judgment, are the five major issues among our constituents this year.

Responses were based on letters and telephone calls we receive from voters back home . . . on personal contact with our constituents . . . and on our own surveys which many Members of Congress conduct.

Among those Congressmen responding, 87 percent said that the economy is foremost on the voters' minds this year. This was followed by the war in Vietnam (75%), taxes (64%) and pollution and environment (44%).

Here are some of the specific economic areas which the poll showed are of immediate concern to the American people:

INFLATION

Rising prices—particularly food prices—have become a heavy burden on Americans of every economic level. They represent a "hidden tax" on the wage earner. Each month they erode the savings of those living on Social Security and retirement pensions. Consumer prices have already risen 18 points since the beginning of 1969—more than in the previous eight years combined. Meat and poultry prices are up 23 percent. Hospital care is up 35.5 percent.

UNEMPLOYMENT

More than 4.9 million Americans are unemployed. By early 1969, unemployment had dropped to 3.3 percent of the workforce. Today it is up to 5.6 percent. That means over two million more people unemployed since January 1969—and six million more added to the welfare rolls.

GOVERNMENT SPENDING

The recession has cost the federal government more than $40 billion in lost tax revenues, yet government spending continues at at unprecedented levels. This revenue-spending "gap" has resulted in record budget deficits and record increases in the national debt.

TRADE DEFICITS

Last year—and again this year—the United States has experienced its first trade deficits since 1893.

INCREASED POVERTY

Soaring inflation and increased unemployment have forced more and more families below the poverty line. During the decade of the 1960's, we were winning the war against poverty. The number of poor people decreased from 40 million to 24.3 million. Since 1969, however, that trend has been reversed, with a million and a half people added to the poverty rolls.

Clearly, the state of economy has been a major concern of the Congress. And we have acted in a bipartisan manner to give President Nixon the tools he needs to strengthen the economy. We have passed emergency legislation to put men and women back to work. We have increased Social Security benefits to protect older Americans against rising costs.

But the economy remains a serious national problem. When Congress meets again in January, bold new action will be at the top of the agenda.

92D CONGRESS ACTS TO SPUR ECONOMY

After three years of economic uncertainty and stagnation, many Americans have begun to equate the economy with Mark Twain's famous remark about the weather: Everybody talks about it, but nobody does anything about it.

Fortunately, however, we *can* do something about the economy—and Congress *has* done something.

It was the 91st Congress—in 1969—which granted the President authority to instruct the Federal Reserve Board to regulate credit. Congress acted at a time when interest rates had climbed to the highest point since the Civil War.

It was Congress which gave the President authority to establish controls on prices, rents, wages and salaries. President Nixon did not seek this authority. He said, in fact, that "Price and wage controls simply do not fit the economic conditions which exist today . . . They are incompatible with a free enterprise economy and must be regarded as a last resort appropriate only in an extreme emergency . . ." But as economic conditions worsened—as unemployment shot up, as the stock market plummeted, as inflation increased—the President correctly concluded that we were in an "extreme emergency" and so, a little over a year ago, he did freeze prices and wages. The economy is still not out of trouble, but some progress has been made—in large measure because of the farsighted action of Congress.

It was Congress which came to the aid of small businesses—when business failures began mounting at an alarming rate—by increasing the amounts of loans and guarantees provided by the Federal government.

Finally, it was Congress which passed four different emergency bills to help put the unemployed people back to work:

The 1970 Public Service Employment Act: Authorized $7½ billion, a third of which would have gone for public service employment, a third for expansion of Federal manpower services, and a third for Department of Labor manpower programs. President Nixon vetoed this legislation.

The Accelerated Public Works Act of 1971: Authorized $2 billion to create an estimated 170,000 jobs in the public sector. This legislation was also vetoed by President Nixon.

The Emergency Employment Act: This legislation—signed by the President—authorized $2¼ billion to provide transitional public service jobs and special state employment assistance programs.

The Emergency Unemployment Compensation Act: Earmarked $275 million for unemployment benefits and allowances.

In addition, the House passed the Public Works and Economic Development Act Amendments of 1972 to create jobs in areas which are lagging economically. (The Senate has not taken up this bill as yet.)

So Congress has done more than just talk about the economy. It has *acted*, and in a bipartisan spirit, to get the nation moving again.

CONGRESS MOVES TO CUT SPENDING

During the past three years, Congress has cut a total of $14.5 billion from the Administration's appropriations requests—and the total appropriations this year are again expected to be several billion dollars under the President's budget.

These cuts have not been made just for their own sake. They were not made in a partisan spirit. Where there has been a clear national need for funds—in health and education, for older Americans and to protect the environment, for example—Congress has met the President's request, and often exceeded them. But when cuts could be made in wasteful and unneeded programs, we have not hestiated to make them.

For it is clear to most of us on Capitol Hill that the Federal government faces serious economic problems.

In the past four years (counting the current fiscal year), the Administration has run up budget deficits exceeding the *total* deficits *of the 16 years* of the Eisenhower, Kennedy and Johnson Administrations combined:

FY 1970—a $2.8 billion deficit.
FY 1971—a $23 billion deficit.
FY 1972—a $23 billion deficit.
FY 1973—a $27 billion deficit (Administration estimate).

How do we pay the bill to cover those deficts?

By raising the national debt.

It's your debt. It's my debt. It's our children's debt. And it is increasing at an alarming rate. In fact, by the end of this fiscal year, the national debt will have gone up

$110 billion since 1969 alone. That's one-fourth of the total. That's more than all the debt accrued from George Washington's Administration through FDR's third term!

Fully aware that we cannot continue on this course indefinitely, Congress has met the test of fiscal responsibility—cutting the fat out of the Administration's budget while seeking to meet the nation's genuine needs.

POLITICS AND CHRISTIAN RESPONSIBILITY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. DUNCAN. Mr. Speaker, on September 26, The Cumberland Presbyterian, a church magazine which is published bimonthly in Memphis, Tenn., ran a feature entitled "Politics and Christian Responsibility." Among the several essays contributed by elected officials was one by my colleague, Hon. ED JONES of Tennessee's new Seventh Congressional District.

The title of his essay was "Anything Not Used Regularly Becomes Stale and Stagnant," and I include it to be reprinted at this point in the RECORD:

ANYTHING NOT USED REGULARLY BECOMES STALE AND STAGNANT

(By ED JONES)

Can I be a politician and a Christian at the same time? Who do I want to make the laws that govern me? Am I willing for someone else to decide who makes these laws?

The answers to these questions may hold the key to the fate of our country.

If the professed Christians of America are not willing to participate in the politics of our country, then our government could be in the hands of non-Christians. This could lead our country away from the basic beliefs of our forefathers.

Let's look at a definition of politics. Politics is the participation by people in the process of self-government. This involves the participation of the rank and file of all our citizens, as well as those who hold office, in its operation.

Christians must take a hand in politics if they want to have a say in the kind of laws which govern them.

We know that all things originate from God, including the state and the church. We know the role of the church is spiritual and the state temporal, which is the only separation that exists between the two. Since both propose to nurture and sustain us spiritually and materially we should see to it that there is a common bond from which to work in harmony.

Yes, we must have a separation of state and church, but we must not have a separation of Christians and voters.

The Christian who is really serious about seeking change in our government should involve himself in local as well as national politics. It is the responsibility of all Christians to be willing to support capable fellow Christians who are candidates for public office.

When a Christian fails to exercise his voting privilege, he is in effect saying, "I do not care what kind of elected officials this country has." He is allowing someone else to make his decisions for him.

Since there should be a separation between church and state, nothing could be less desirable than for church institutions to seek to influence public policy by political means. Our churches must encourage lay members to exert a Christian influence in the politics of our country. Christians must take an active part in politics.

Our United States has been greatly blessed. Today we have the oldest continuous government "of the people and by the people" on the face of the earth. We sometimes have had bad government and frequently an elected official proves to be an untrue representative of those who elected him. But every office will be filled by someone. Every race will have a winner. Someone's vote will put that person in office. The person who does not vote, also helps elect the candidate.

Our Christian responsibility does not stop with the vote. We must keep the elected official aware of his responsibility and be willing to help him implement the laws that are necessary for the welfare of all people. We must work together to defend, protect and preserve our freedom and liberty for future generations. Since every individual is not fully committed to Christ, we need laws and governing bodies. It is up to Christians to see to it that laws are made and executed by people who are Christ centered.

There is always the need for every citizen to reflect upon his responsibilities and to measure up to them. Those who love this nation, who are devoted to its ideals and are committed to resolve its problems, must take an active part in the political life of America.

The role of every person is like the tooth of an engaged cogwheel—extremely important. Without the tooth, the rotation of the cogwheel stops, without the Christian's voice America stops. Every Christian voice is valuable and necessary in the church and in the state. Without his voice and participation in politics, our government would be without the spiritual influence needed to guide us in the Christian principles on which our country was founded. Our Christian voices must be heard.

Anything that is not used regularly will become stale and stagnant. We have the freedom of worship, the freedom of speech, and the freedom of voting. As responsible Christians we must not abuse our freedoms, we must use them. Let's worship God regularly, speak up for America and pray to God for help in selecting the proper candidates for public office. After we have exercised our right to vote, we should encourage our public officials and pray for their guidance.

The question for each of us is, "As a Christian, am I living up to my responsibility in politics?"

COLUMBUS DAY, 1972

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. CARNEY. Mr. Speaker, nearly five centuries ago—not very long, as history runs—a valiant Italian navigator set forth from the ancient Port of Genoa on one of the most momentous journeys in the annals of mankind. The result of that great journey was the discovery of a New World, immensely expanding and enriching the horizons of civilized man.

From that discovery 480 years ago there have come changes in the world community which have transformed the shape of history. Certainly the rise of America to its present position of eminence—technological, scientific, industrial—must rank among the most significant events ever witnessed in the long chronicles of time.

In commemorating the journey of Columbus we are remembering a saga of courage, of dedication, and of high purpose such as has inspired and will continue to inspire the hearts and minds of each generation. We live in troubled times not only for America but for all the nations and peoples of the globe, times in which the ideals and aspirations of millions are tested and challenged as never before. Everywhere the forces of darkness are pressing against the frontiers of freedom.

At such a time, the memory of Columbus can refresh and renew our spirits with the example of his life-long commitment and his unfailing heroism in pursuit of an ideal. Italian Americans especially will feel a special kinship with his story, celebrating in Columbus Day a precious part of the Italian heritage which links the New World to the Old. Hispanic Americans share in this heritage, mindful of Columbus' association with Queen Isabella in that fateful journey of discovery.

Indeed, all Americans of whatever national origin rejoice together in the observance of Columbus Day, a day observed in this country since 1792 and, on October 12, since 1909. The making of Columbus Day into a National holiday which was effected by act of Congress in 1968, marks recognition at the highest level of his achievement and stature. This is the second year in which that Federal status has been in effect, and it is clear that Columbus Day has taken its place as a part of our common National heritage. In the words of an eminent Italian American,[*] Columbus Day celebrates not only the historical fact of the discovery of America but also the birth of what America was to become—"a home for the homeless, the hope of the hopeless, the joy of the joyless. It became a temple of freedom and the land of opportunity. It became the shrine of all that is good in the aspirations of mortal man."

VOTING RECORD OF CONGRESSMAN JAMES V. STANTON

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. JAMES V. STANTON. Mr. Speaker, with the second and final session of the 92d Congress drawing to a close, I feel it is important for the people to know how I voted these last 2 years on the major issues. From time to time, newspapers circulating in Ohio's 20th District—the Greater Cleveland area—have recorded my votes. However, in view of the large number of roll calls and the time span involved, I feel it is necessary—as a service to the people I represent—to summarize my actions, providing a ready reference to all who are interested. Therefore, I insert the following in the RECORD. More specific and detailed information is available in my Cleveland and Washington offices on any of the matters discussed below:

FOREIGN AFFAIRS AND NATIONAL DEFENSE

The overriding issue in this area has been Vietnam. During my first term, I seized every opportunity to vote in favor of setting a definite date for withdrawal of all American troops from Vietnam, subject only to safe return of our prisoners of war. The first deadline I favored has, unfortunately, long since passed. It was December 31, 1971. I voted for bills containing subsequent dates. I regret that these efforts failed because of opposition by the Nixon administration. However, I will continue to oppose this unconstitutional and costly war.

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[*] Michael A. Musmanno.

On the foreign aid front, I voted against giving $4.2 billion to other countries. The evidence is clear that this program is a failure; too much of the money has been used for the purchase of arms, rather than on human needs, and the program has not rewarded us with dependable allies.

I certainly am not opposed to helping people in other countries, but I think that more of our efforts ought to be channeled through the United Nations and other international agencies, with taxpayers in other developed nations sharing the burden. Therefore, I have voted in support of our contributions to the UN, and have opposed attempts to reduce them. In the end, we will win more friends this way. By standing out alone as a benefactor, we have somehow succeeded only in stirring resentment against us and becoming the target of unreasonable demands.

I have said on a number of occasions that I favor a volunteer Army. Accordingly, I voted for an amendment that would have terminated the draft last June 30. When this amendment failed, I voted against extending the draft to June 30, 1973.

I went on record against the proposition that the U.S. Government ought to guarantee a loan to the Lockheed Corp. I also voted to bring a halt to the supersonic air transport project.

I believe that our Nation needs a strong national defense, and therefore I voted in favor of the regular defense appropriations bills.

THE ECONOMY

I spoke out against the so-called "Tax Reform Act of 1971"—on the ground that, first, the bill contained no true reform; second, it opened new tax loopholes for corporations and the wealthy; which in turn, third, deprived the Government of revenues at a time when more funds, rather than less, are needed to finance vital programs in the areas of education, crime control, pollution control and so forth. True tax reform continues to be one of our most pressing national priorities, and I am looking forward to offering and supporting legislation aimed at that goal.

I voted for the bill which gave the President authority to impose price and wage controls. The President, as we know, said at first he did not want such authority—and he insisted he would not use it. However, he later changed his mind and did invoke the authority Congress gave him to impose controls. I am gratified that he has done so, but I regret nonetheless that his program to control wages has been more successful than that portion of the program which was supposed to have held down prices.

I voted for the Accelerated Public Works Act, which seeks to create jobs by providing Federal aid for construction of hospitals, libraries, sewers and other public improvements. The President vetoed this legislation; I voted unsuccessfully to override the veto. Since then, I have helped draft a new Accelerated Public Works Act.

I supported the Emergency Employment Act, which gave State and local governments Federal funds to hire employees. One result of this legislation has been the hiring of additional policemen in Cleveland.

I lined up in favor of the revenue-sharing legislation, which gives the city of Cleveland, and the Cleveland suburbs and Cuyahoga County Federal funds with no strings attached. The monies can be used by the local governments to spend on any programs they select. I have always favored this legislation, because Greater Cleveland taxpayers historically have contributed more to the U.S. Treasury than they have received in return. Revenue sharing could correct this imbalance. I regret that the Senate decided to be less generous to suburban communities than the House had proposed.

CRIME CONTROL

My legislative interest in this area has already received a great deal of public attention. I have taken the leadership in proposing the Emergency Crime Control Act, which would assure large cities and their suburbs a greater share of Federal crime-fighting funds. This bill has drawn a great deal of support around the country. My legislation granting a $50,000 Federal benefit to the survivors of any law enforcement officer, fireman or court employee who is killed in line of duty has been endorsed by the Nixon administration. I am one of several Members of both the House and Senate who have offered legislation to compensate victims of violent crimes. We already spend a great deal of taxpayers' money to try to rehabilitate criminals. It is about time we showed concern for their victims as well.

FEDERAL WAGE AND PENSION LEGISLATION

I voted for a 10 percent increase in social security benefits in 1971, and for a 20 percent increase in 1972. Hardly anyone questions the need of our senior citizens for this assistance. I also voted for 10 percent and 20 percent increases in railroad retirement. I was recorded in favor of the Older American Act Amendments of 1972, legislation that will provide additional services to senior citizens. I would like to add that the social security payroll tax that finances these benefits is becoming, increasingly, a regressive and unfair tax. My proposals for tax reform would, if adopted, require the well-to-do to shoulder greater financial responsibility in this specific area.

I voted for the bill that would increase the minimum wage to $2 an hour, but I prefer a bill that passed the Senate—but not the House—which hikes the minimum to $2.20. I voted against the amendment to deny Federal food stamps to workers who are on strike. I voted for a measure which protects workers who are laid off when plants install pollution control equipment; they would receive 60 percent of their weekly wage for 78 weeks, or regular State unemployment compensation benefits, whichever is greater.

Also, I am supporting legislation that would prevent a slash in other government benefits to persons who receive the latest 20 percent social security increase—and I favor, in addition, the proposal to remove the $1,680-a-year outside earnings limitation on persons receiving social security. This limit should be increased to $3,000.

I voted in favor of granting strong enforcement powers to the Equal Employment Opportunities Commission. This was a bill that had the support of organized labor and civic groups in my community and across the Nation.

EDUCATION

I voted yes on the Higher Education Act of 1972, a measure that will make it easier for middle-class parents to put their children through college. For the first time, students next year could get an annual grant of up to $1,400, depending on their financial circumstances. Half-time students would also be eligible. And existing student aid programs would stay in effect for 3 more years.

That same bill also contains a section known as the Ethnic Heritage Studies Act of 1972. This part of the bill authorizes a small Federal program to encourage schools to teach children the history, language and traditions of their parents and grandparents. I was very active in promoting this legislation because I feel it is especially appropriate for the people of Cleveland, Ohio, who have such diverse religious, nationality and racial backgrounds. This bill will encourage students to take pride in who they are, and it will advance us on the road to tolerance and mutual respect and understanding in the United States. I would hope that the President decides to seek generous funding within the limitations of this rather small pilot program.

On a series of rollcalls, I voted against compulsory busing as a means to achieve school desegregation. I regret that this has become so emotional an issue that it has served only to divide Americans. I strongly favor equal educational opportunities for all children, but other programs are likely to bring more positive results. I want to add that, although I have voted to prohibit busing for the purposes of desegregation, I am nonetheless opposed to a constitutional amendment for this purpose. Busing can be dealt with more effectively through congressional action.

I voted in favor of continuing the school lunch program, and of the program to provide bilingual education in the schools. I voted for a 14 percent increase in GI education benefits.

WOMEN'S RIGHTS

I voted "yes" on the proposal to amend the Constitution to guarantee equal rights and opportunities to women. I see this, basically, as a bread-and-butter issue—since there are so many women in the 20th Congressional District of Ohio, and in other districts around the country, who have the responsibility of supporting families. These women should get equal pay for equal work—for the sake of their children and themselves. Opportunities for jobs and promotions should not be denied any woman who has the qualifications and capabilities.

I also voted for the bill—which President Nixon vetoed—to authorize a comprehensive, education-oriented day care program for the children of working women. The income of many needy families could be increased if women breadwinners could find a reliable place to leave their preschool children during working hours. The children, too, would benefit if these places were staffed to afford them a head-start in their educational development.

POLLUTION AND THE ENVIRONMENT

I helped write an ambitious water pollution control bill that has the goal of halting unclean discharges into our rivers, lakes and oceans by the year 1985. Part of the bill greatly expands the Federal program of assisting local areas in financing sewage treatment plants. I was able to get inserted in the bill, in addition, a special $5 million authorization for an experimental project to save Lake Erie.

There are reports that the President will veto this bill on the ground that it is too expensive. I hope these reports are false. I am sure the President realizes that cleaning up our rivers and lakes is something that must be done, and the price tag is bound to zoom if we delay much longer. This is no time for false economy—not when our very survival is at stake.

I voted in favor of several bills to save animals from extinction—among them wild horses and ocean creatures. I answered affirmatively on a rollcall to outlaw shooting helpless animals from airplanes.

As to noise pollution, I voted to authorize the Government to limit noise from aircraft and other sources by prescribing noise emission standards. Furthermore, I voted to strengthen the Occupational Health and Safety Act of 1970, and to liberalize the Black Lung Disease Act of 1969.

One of the most important fights I have been involved in has been my effort to curb air pollution by seeking Federal aid for mass transit operations in the cities. Obviously, there are other excellent reasons for advocating such a program, a prime one being the fact that many persons do not own automobiles and must depend on public transportation to get to and from work. But from the standpoint of pollution alone, this is a vital issue.

To the extent that we can provide those persons who do own—or who can afford to own—automobiles with an alternative means of transportation, we will be able to relieve the atmosphere of the noxious fumes caused by auto exhaust. This, then, was one of the reasons I waged such an arduous campaign to authorized diversion of a portion of the highway trust fund to public transportation needs. The forces allied with me lost on a technicality.

Frankly, we were outmaneuvered by the powerful highway lobby. But that was only a battle, not the war. I will resume fighting for mass transit in the next session of Congress and, I might point out, success on this front could eventually result in rapid transit extensions out to Parma, Lakewood, the Southeast and other sectors of the Greater Cleveland area.

CONSUMER AFFAIRS

I voted for a bill that would give consumers—America's buying public—an advocate inside the government to combat the special interests that dominate our regulatory agencies—such as the Food and Drug Administration, the Federal Trade Commission and the Federal Power Commission—which has a role in setting utility rates. I also supported legislation to establish a Consumer Product Safety Commission. I voted to arm Transportation Secretary John Volpe with authority to require automobile manufacturers to produce safer cars, with parts less susceptible to damage. For example, bumpers would be improved. Customers would get more information on what they are buying.

OTHER LEGISLATION

A number of other matters have been acted on by the 92d Congress. While it is not feasible in this space to provide a complete listing of these actions, I would not want to conclude this summary without mentioning the fact that I voted for the right of 18-year-olds to serve on Federal juries; for legislation to bring into the United States more people from Italy, Ireland, Germany and other countries that had been shorted on visas—Italian-American families, especially, will benefit by being able to bring over brothers and sisters—for a bill to limit campaign spending by candidates and to compel them to publicly disclose who is contributing to their campaigns; against a bill allowing presidential candidates to dip into the income tax collections to help them pay for their campaigns.

A guarantee of public funds to all who run for President would, I believe, merely serve to institutionalize splinter movements outside our traditional two-part system.

In closing, I want to report that I voted for the welfare reform bill that President Nixon advocated. At this moment, the bill is caught in a parliamentary tangle between the House and Senate, but I hope it might yet be salvaged. There is great need for reform, since the current welfare programs are, as we all know, counterproductive. The most attractive aspect of the President's plan is that it would grant assistance, for the first time, to the working poor—those persons who are working hard and faithfully for a living but who are unable to adequately support their families because they are receiving a substandard wage, or because they have extraordinarily heavy expenses, such as large medical bills.

Again, Mr. Speaker, I want to affirm that I would be pleased to go into greater detail on any of the points mentioned here, and I encourage my constituents and all others interested to make contact with me and inquire about specifics.

THE PRISONER OF WAR

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation to partially compensate Americans who have served their country as prisoners of war for the tremendous sacrifice they and their families have made. The two proposals which I envisage would allow those men who have been held prisoners in any of America's last four wars to enjoy the honorable retirement they so richly deserve.

I realize that we are swiftly coming to the close of the 92d Congress. However, my purpose in introducing this legislation today is to give the Armed Services and Post Office and Civil Service Committee staffs time during the adjournment to do the indepth research necessary so that we might handle this situation expeditiously in the coming Congress.

The plight of American POW's and MIA's and their families has again been brought to the attention of the public by the recent release of three prisoners of war held by Hanoi. Behind them they left nearly 1,800 other men currently listed as either prisoner or missing in action in Southeast Asia by our Defense Department. I pray along with the rest of my colleagues here today that these men will soon be reunited with their loved ones, and that they will be able to return to full and productive lines.

Evidence from these wars, however, indicates that reintegration into the American society is a particularly trying experience for former American prisoners. These men suffer tremendous physical and emotional strain during their internment. Many have had their health broken by prolonged periods of disease and malnutrition. This, combined with a sudden thrust back into the disconcerting and hectic pace of a modern industrial state, leaves many of the returned men disoriented and unable to adjust to their new surroundings.

The only other conflict in which American prisoners were held for longer than 30 months was in World War II in the Pacific theater. In a study of these men completed in 1954, it was concluded that among prisoners held for such an extended period of time, the death rate following liberation was four times as great as for the public in general during the first 2 years. By the end of the 6th year following liberation, this rate still remained 50 percent above the average.

The experiences of up to 10 years in prison in a hostile camp has thus shown to have a marked effect upon the life expectancy of the liberated prisoner of war. Every effort is being made to prepare for the return of the POW's from America's most recent conflict, Vietnam. The Department of Defense and the Veterans' Administration are both engaged in large scale programs to individualize treatment for the repatriated men so as to reduce as much as possible the emotional and physical shock of their release. Nevertheless, they have been through a lot, and we must expect that they too will suffer a shortened life expectancy.

A shorter life means either lower earning power or less time to enjoy retirement: yet further sacrifice on the part of these men. America already owes them a debt which it can never repay, should we continue to sit on the sidelines and let them pay this price for the freedom we all share? I believe the repatriated POW's have paid enough already.

Therefore, I am today introducing two proposals which are designed to alleviate the plight of these men. Specifically, the first of the two proposals would provide additional credits toward military retirement. For each year spent as a prisoner of war, my bill would grant an additional year of service credit toward retirement from the armed services. This, of course, is in addition to the 1 year already received as a member of the military during that time.

The second proposal parallels the first. For those men who, upon release, decide to separate from the military, it would offer the opportunity of joining the Civil Service and receiving additional Civil Service retirement benefits upon eligibility.

To give a brief example of how these additional benefits would be computed, let us consider the case of a man who during his 17 years in the armed services had spent 3 of them as a prisoner in the Second World War. Upon his retirement from the military, this man would receive credit for a total of 20 years service: 17 years for his regular duty and 3 additional years for the time spent as a POW.

As America's role in the Vietnamese war winds to a close, the prospects for the release of these POW's grows brighter. I would urge my colleagues in the Congress to act as swiftly as possible, perhaps with the opening of the 93d Congress in January, on these and other measures designed to ameliorate the emotional impact of repatriation for these men.

MARCOR DEMONSTRATES CORPORATE RESPONSIBILITY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MIKVA. Mr. Speaker, it now appears that legislation creating a Consumer Protection Agency has been stalled in the Senate and will not be enacted by Congress this year.

Although some business interests were actively working for the defeat of this legislation, I am proud that one of Chicago's largest corporations, Marcor, and its principal subsidiary Montgomery Ward, went on record in support of Consumer Protection Act. In fact, Marcor was the only major corporation that had the courage to take this position and publicly announce its support of the Senate bill.

Tom Brooker, chairman of the executive committee of Marcor, Leo H. Schoenhofen, chairman and chief executive officer, and Edward S. Donnell, president of Montgomery Ward, demonstrated the kind of corporate leadership that is truly a credit to the business community.

I insert in the RECORD a copy of an editorial recently published in the Chicago Sun-Times commending Marcor for its enlightened stand on this issue.

The editorial follows:

[From the Chicago Sun-Times, Sept. 28, 1972]

MARCOR BACKS CONSUMER

Legislation that would create an independent federal consumer protection agency has taken an undeserved buffeting from American business. Now, however, Marcor, Inc., the parent of Montgomery Ward & Co., has given its sizable corporate support to the watchdog-agency concept, and it is hoped Marcor's enlightened action will be an example for other major firms to follow.

Sen. Charles H. Percy (R–Ill.), a cosponsor of the agency bill, pointed out that the legislation is not only in the best interests of the consumers, but of the business community itself. It would, Percy said, "restore the eroding confidence that survey after survey has shown consumers have in our American business."

In addition to Marcor's endorsement, another factor has brightened the outlook for passage of the bill. The Senate on Tuesday defeated an amendment, offered by a bipartisan group and backed by shortsighted business and industrial interests, that would have reduced the proposed agency to a purely advisory—and thus ineffective—role. The 49-to-32 vote indicates the Senate majority wants an agency that will actively defend the consumer in Washington, and that's the only common-sense view.

THE NATION SALUTES THE REVEREND ROBERT F. KIRCHGESSNER, B.A., M.DIV., RECTOR, TRINITY EPISCOPAL CHURCH, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 1972

Mr. ROE. Mr. Speaker, on Tuesday, September 19, our State of New Jersey, and particularly the people of our Eighth Congressional District of New Jersey, were singularly honored by, and wish to wholeheartedly commend to you the distinguished and dedicated lifetime of outstanding public service rendered by the Rev. Robert F. Kirchgessner, Rector of the Trinity Episcopal Church, Paterson, New Jersey, who served as host chaplain to the U.S. House of Representatives and offered the following opening prayer to our deliberations in providing our country with a representative democracy:

Let us join with the Psalmist and say:

This is the day the Lord hath made, we will rejoice and be glad in it.—Psalms 118:24.

Eternal Father, our everlasting benefactor, Thou hast created and endowed us with the ability to achieve and accomplish good works for ourselves and all mankind. This new day may fill us, we pray, with rejoicing as we contemplate the opportunity it affords us of service to Thee, this Nation, and mankind.

We cannot escape history, nor can we evade responsibility. By Thy Holy Spirit awaken us to the needs and concerns of our people. Grant our leaders the highest motives and courage in assuring rights without neglecting responsibilities, lest we do the right things for the wrong reasons.

Bless the President, the Speaker, the Congress that by their words and work they may prayerfully promote peace and plenty for all mankind.

In Thy holy name we pray. Amen.

The richness of the wisdom of Reverend Kirchgessner and the quality of his leadership are well known to all of us in New Jersey and we have been truly blessed by the inspiration of his prayer and good example. We want to share with him and his family the great pride we have in his outstanding contribution to the religious, cultural and spiritual enrichment of our community, State and Nation and add our deep appreciation to this national recognition of all of his good works on behalf of mankind.

His long list of exemplary achievements in public service span the needs and concerns of all of our people—young and adults alike—and include the following activities and responsibilities:

Police chaplain, Paterson Police Department; commissioner, Board of Education; past president, Paterson Kiwanis Club; president, Council of Service Clubs of Paterson; trustee, Passaic County Children's Shelter; president, Paterson Episcopal Mission of Paterson Parishes; director, YMCA Board of Managers; chairman, Mayor's Council of Aging; President's Delegate-at-Large, 1972 White House Conference on Aging; chairman, Mayor's Youth Month; vice-president, Visiting Homemakers; chairman, Passaic Valley Chapter, American Red Cross; executive member, Greater Paterson Council of Churches; member, Mayor's Committee, United Nation's Week; served on INCCA Committee for 3 years during early years of program; liaison, Board of Education to Model Cities—Planned Variations; frequently called upon to represent Protestant Community in Ecumenical and Memorial Services sponsored by Roman Catholic or Jewish Community; chairman, Committee for Chaplain to Boy Scout Camp, Alhtaha Council; sponsor, Remedial Reading Class for Children From School 14 at Trinity; sponsor, Marion Street Senior Citizen Center at Trinity; member, Goals for Paterson Committee; vice chairman, Department of Christian Social Relations, Diocese of Newark; chairman, Committee on Alcoholism; and member, Drug and Narcotic Committee.

We do indeed salute Reverend Kirchgessner and I ask my colleagues here in the Congress to join with me in expressing our most sincere appreciation for all of his good works. If he could but know the high esteem with which he is held in the hearts of our people and could but experience the pleasure and comfort that he has imparted to his fellowman over these many years in service to God and his congregation, he would surely enjoy the abundant rewards of happiness and success which he so richly deserves.

COLUMBUS DAY FESTIVAL IN NEWARK, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. RODINO. Mr. Speaker, the Columbus Day parades have ended, the enthusiastic words of praise for our great Genoese navigator have been spoken and all festivities have drawn to a close. Although the celebrations and ceremonies have passed, I would like to reiterate for you the events of one particular Columbus Day festival, held on Thursday evening, October 5, and sponsored by the North Ward Educational Center in my hometown of Newark, N.J.

From listening to Italian operatic selections, to viewing exhibitions of Italian Renaissance Art, to singing Italian folk songs, the evening was filled with the shared joy and excitement of all who attended. Among the numerous statements delivered, the words of Mr. Stephen N. Adubato, director of the center, captured strongly and perceptively the essence of this great national holiday for each and every American. It gives me great pleasure to share his words with you at this time:

STATEMENT OF STEPHEN N. ADUBATO

The courage of Columbus, the greatness of America, and the nobility of a people are meaningful when shared universally by all men. As the sons and daughters of Columbus, we should never exclude anyone from participating in our joy, in our genius, and in the many positive things we have to offer to our fellowman.

Citizenship in Rome was not limited to the inhabitants of the Italian peninsula. All through the world, including other parts of Europe, Africa and Asia, men were proud to say that they were "a citizen of Rome." Rome was a great civilization, because she shared her gifts with all men.

The Catholic church has its geographic center in Italy. Yet, the strength of the church is that it shares its teachings with everyone. Even the word "catholic" means universal. Indeed, in the ecumenical movement of our times, we have seen a great awakening to this truth.

When the light of Rome was extinguished and the world was plunged into the Dark Ages, it was again on the soil of our ancestors that emerged the rebirth of hope for mankind. The Renaissance was significant, because we shared this rekindling of spirit with all men.

And finally, Columbus himself. We pay homage to the great navigator, the discoverer of America, because his perseverance, his skill, and that mystical quality of leadership enabled him to write the first chapter in the history of our nation. Just think! He may well have been the only Italian aboard that historic expedition.

So, the great lesson of our own history points clearly to how we can continue in this tradition. Citizenship in the United States of America is the greatest opportunity that mankind has ever known—for many peoples to live together in peace, to share the wealth of all cultures of mankind, and to give the fullest meaning to our own traditions.

We, the descendants of the great navigator say—"Avanti! Forward! Together!"

REPORT FROM WASHINGTON

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. QUILLEN. Mr Speaker, in a few days I will mail to all postal patrons in my district a special Report From Washington outlining some of my activities during the 92d Congress, and I would like to make it available to readers of the RECORD. Naturally I am not including the photographs contained in the report, but the cutlines are included.

The report follows:

REPORT FROM WASHINGTON

Dear Friends: Now that the second session of the 92d Congress is history. I would like to report some of the decisions and activities in which I have been involved since my last Report from Washington.

We are faced with many unsolved world and national problems, but I feel that positive steps have been taken in dealing with these issues and I am confident progress is being made.

An issue of vital concern to all of us is the economy. I believe our economic policy is working; the facts prove it. Output is up; inflation has been tempered; there are indications the jobless problem is easing, and the consumers are spending with less fear. A recent report stating the purchasing power of the average earner is greater than at any time since 1964 is certainly good news to all.

According to the United States Department of Commerce figures, the state of the economy in the First District and throughout Tennessee looks especially good. Tennessee per capita income has forged ahead to a position today where it stands at more than 80 percent of the national level and is still gaining.

There can be no denying that we have made encouraging progress. However, there are still problems such as a balanced budget and the elimination of unnecessary spending programs which demand careful attention. Much work must be done to restore the value of the dollar and to provide jobs for those who are unemployed.

American involvement in the Vietnam war is coming to a just and honorable end. American forces have been reduced to about 36,000 men and no ground troops are there now. We still must make sure that our prisoners of war are returned home and reunited with their families.

The problem of pollution is still a menace to our society and, although real efforts to restore the quality of our environment have been made, the battle is not yet won.

Space will not permit a detailed account of all of my activities and decisions; however, on the following pages I will comment briefly on several that I know will be of interest.

CUTLINE

Time Out During a Busy Day—My Washington staff honored me and my wife, Cecile, with a surprise luncheon at the office last summer. My heavy schedules and the hectic pace of Congress make a lunch hour a rare occasion. A call from a constituent gives a break before enjoying the cake and watermelon.

CUTLINE

A Handshake from the President—I have been honored several times to meet with President Nixon at the White House to discuss current issues. During my most recent visit, I received a special handshake of appreciation for my work in the Congress and a briefing on national and world affairs.

SENIOR CITIZENS FORUM MEETS ENTHUSIASTIC RESPONSE

I was delighted that over 400 senior citizens from across the First District were able to attend my first Senior Citizens Forum held in May at East Tennessee State University in Johnson City.

Senior citizens came from throughout the area to hear 10 experts in fields of interest to the elderly.

The Assistant Regional Commissioner from Atlanta, Mrs. Thelma Langley, represented the United States Commissioner on Aging. Other specialists dealing with veterans, social security, and welfare, participated along with delegates to last fall's White House Conference on Aging in Washington.

I pointed out at the meeting that the problems senior citizens face, such as inadequate retirement programs and maintaining a home on a fixed income, must be solved. The tragedy of isolation must also be eliminated by providing necessary programs and accommodations.

Senior citizens of today, by their hard work, patriotism and selfless efforts, are largely responsible for the freedom and privileges we as American citizens enjoy daily. It is my deep conviction that we owe those who have given so much a decent standard of living, personal comfort and self-respect.

The warm reception given my Forum was well worth the many months taken in its preparation.

CUTLINE

They Came from Across the District.

SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS INCREASED

The 92nd Congress this past June approved, and the President signed into law, legislation to provide a 20 percent across-the-board increase in social security benefits, effective October 1, this year.

I cosponsored a bill to provide the 20 percent increase and, of course, I supported this measure when it was on the floor of the House.

The high cost of living demands we aid the elderly and the disabled. As the cost of living increases, benefits should likewise be increased. But this is not enough. We need to reform the social security program in order to remove inequities in the present system.

Historically, railroad retirement and social security benefits have been increased in comparable percentages at approximately the same time. After the 20 percent social security increase was approved, I immediately introduced a bill to extend to railroad retirees and their families the same increase, which is now law, after the House overrode the President's veto. I supported the increase all the way through the House.

Welfare benefits should also be raised and certainly not reduced as a result of the social security increase.

VETERANS NEED MORE HELP

I find it extremely hard to understand how Congress can turn its back on our brave men who have served their Country and who have given so much to protect our freedom. Yet Congress continues to appropriate billions of dollars in wasteful attempts to buy friends abroad while good legislation that would greatly benefit our veterans flounders in Committee.

I introduced a measure to see that veterans would not lose any of their benefits due to an increase in their social security or railroad retirement payments. I have always pushed for legislation to accomplish this and will continue to do so.

When the House Veterans' Affairs Committee held hearings, I testified in behalf of the veterans for an increase in benefits as well as against the loss of income due to social security and railroad retirement increases.

During the past Congress, I also introduced a bill which would provide an increase in pensions for the veterans of World War I and their families. Again, I made a statement before the Committee urging Members to give speedy and favorable consideration to this legislation.

Our veterans must not be overlooked.

CUTLINE

Jobs for veterans—At a recent Capitol Hill briefing by the President's Jobs for Veterans Committee, I reviewed the progress of activities planned to help provide jobs for our returning veterans. The meeting covered the national campaign designed to bring the problems of the returning GI's to the attention of employers and to acquaint veterans with facilities that are provided to help them find jobs. There has been favorable reaction to this concerted effort since figures show unemployment has fallen.

AT LONG LAST—A BRIDGE FOR BIG SPRINGS

A struggle of more than six years climaxed in July, 1971, with approval of a Federal grant for construction of the Big Springs Bridge across the turbulent Clinch River in Hancock County.

Now, the bridge is complete, and residents have a direct link to the county seat at Sneedville, which before could only be reached by traveling some 32 miles out of the way through Virginia.

The Big Springs story first unfolded when residents presented me with a petition requesting assistance in obtaining funds for a bridge across the Clinch River.

During the years that followed, the Big Springs story grew from a single petition to a three-inch-thick file folder. I was repeatedly told Federal funds were not available for Big Springs. Refusing to take no for an answer, I took my battle to the Appalachian Regional Commission.

After dozens of meetings and rounds of correspondence, the Commission agreed to provide funds to spearhead the project with cooperation from Hancock County, residents of Big Springs, the Tennessee State Department of Highways, the Upper East Tennessee Economic Authority and the Tennessee Valley Authority.

Many problems have vanished for the people of Big Springs. Before the bridge, young people had to cross the Clinch River either in a leaky, wooden punt or on a shaky, swinging bridge in order to catch a bus to take them to high school in Sneedville. That's history now.

Also, parents now find it much easier to go shopping, to get better jobs and to take their crops to the markets.

Winning the approval of the Appalachian Regional Commission and the go-ahead of the Federal Highway Administration for the bridge at Big Springs took a lot of help from all involved, and I am happy that I had the opportunity to lend a helping hand.

The Big Springs project is an example of the effectiveness and success of Federal-state-local governmental partnership, and I hope such examples will multiply.

A HEADSTONE FOR A MEDAL OF HONOR WINNER

The placing of a headstone on the grave of a Congressional Medal of Honor winner, whose war-time bravery had won him international acclaim, was a day I shall always remember.

No longer will it be necessary for some of the Nation's most courageous men to sleep in lonely, unmarked graves. After two years of Committee hearings, military correspondence and other legislative efforts, my bill to provide a headstone or marker for all Congressional Medal of Honor winners was signed into law.

It came to my attention that a Medal of Honor winner, born in Morristown and buried in Bristol, had been denied a grave marker by the U.S. Army. He had received the Nation's highest military award for bravery, beyond the call of duty, in World War I. I felt Congress should make it possible that no one would forget what he and other Congressional Medal of Honor winners had done for their Country. They must not be denied markers to identify their graves.

It may be true that the "paths of glory lead but to the grave," but at least in the case of this Country's Congressional Medal of Honor winners, the grave does not have to be without a certain glory of its own.

CUTLINE

Area Youths visit—I greatly enjoyed a Congressional breakfast and tour of the Capitol grounds with the participants in the 1972 Democracy in Action Rural Electric Youth Tour. Shown here are the young people from our District whose award-winning essays on democracy won them a visit to Washington.

OUR YOUNG PEOPLE—DEMOCRACY IN ACTION

This year, for the first time, all citizens between the ages of 18 and 21 have the right to vote. The Constitutional Amendment making this possible was approved by the 92nd Congress and ratified in July last year.

I supported this Amendment on the floor of the House, for I have always felt that we should encourage our young people to get involved and to work for better Government.

Throughout my years in Congress, I have met with our young people on different occasions to discuss current issues and to get their views on matters pending in Congress.

I especially wanted the college and university students in my District to receive my questionnaire, and I made a special mailing to all students the last of May. Their responses are most revealing and helpful.

FARMERS NEED A HELPING HAND

Agriculture continues to be one of the most important elements of the economy in the First District, and I am extremely pleased that two measures I cosponsored were enacted into law during the past Congress. The Rural Development Act of 1972 enlarges rural development programs, and the Farm Credit Act of 1971 offers farmers an opportunity to expand their operations.

Our rural problems cannot be forgotten. Congress must continue every effort to see that our farmers receive a helping hand.

MEDICAL SCHOOL IS A MUST

The battle being waged by the people of Upper East Tennessee for a medical school in Johnson City, to be operated in conjunction with East Tennessee State University and the Veterans Administration hospital, must be won.

There is a great need for more doctors and allied health personnel throughout Tennessee, especially in Upper East Tennessee, and the medical school will solve this problem.

In February, 1971, I cosponsored the Teague Bill, which would provide Federal assistance in the establishment of state medical schools to be affiliated with Veterans Administration hospitals. In May, 1971, I testified before the House Subcommittee on Hospitals of the Veterans' Affairs Committee for the school. When the House approved the legislation in July last year, I knew we had crossed the first of many hurdles in obtaining the medical school, but it has been a frustrating battle to get both the House and Senate to agree on a compromise version.

I am confident the Veterans Administration is interested in establishing a medical school at the VA hospital in Johnson City and will designate Johnson City as one of the sites, but the State of Tennessee must first offer a helping hand.

Whatever action is taken in Washington and Nashville, we must not lessen our efforts to get the medical school.

LEGISLATIVE RECORD

During my 10 years in Congress I have sponsored or cosponsored 301 bills, and 63 of these bills or provisions similar to these measures have been enacted into law, according to a Library of Congress report.

I am reminded of two measures I authored which became law during by first term as your Congressman—an amendment to the Federal Highway Act making it necessary to design interstate highways to accommodate traffic for 20 years from the date of completion, and my bill to acquire and restore the old Andrew Johnson Home in Greeneville as part of the Andrew Johnson National Monument.

My bill making it a Federal offense to desecrate the U.S. Flag has received wide acclaim. Space will not permit a detailed list of bills I have introduced or those which have become law.

WELCOME TO WASHINGTON

It's always good to have friends from the District visit me at my office here in Washington. So whenever you are in the Nation's Capital, please stop by Room 102 in the Cannon House Office Building—located at the corner of New Jersey and Independence Avenues.

It will be my pleasure to furnish you with passes to the House and Senate galleries so you can watch Congress in action. My staff and I will be glad to help you in any way to make your visit to Washington a memorable one.

MAJORITY OPPOSE GUN CONTROL

I have received thousands of letters from concerned individuals who are opposed to restrictive gun control measures.

My position on this issue is well known to all—I am opposed to gun control and will continue to fight legislation which would destroy the basic constitutional right of every law-abiding citizen to bear arms.

I am very much concerned about the need for law and order, but restrictive measures, such as the Handgun Control Act of 1972, will do little to deter the ever-growing crime rate. Stricter enforcement of our present laws and more severe punishment for those who violate them is the proper way to achieve law and order.

HEADING FOR PICTURES

Two Economy Awards.

CUTLINE F

WATCHDOG OF THE TREASURY—I was presented my fifth Watchdog of the Treasury Award from the National Associated Businessmen by H. Vernon Scott, President, in recognition of my record of voting against unnecessary spending programs. The nonpartisan organization has given me a miniature gold bulldog symbolizing this award each of my five terms in the House.

CUTLINE G

CITATION FROM SMALL BUSINESSMEN—I was honored to receive a Certificate of Appreciation from representatives of the National Small Business Association and the National Committee for Small Business Tax Reform at a special ceremony on Capitol Hill. The Certificate was in recognition of my support of the enactment of legislation favoring tax reform.

IN CONCLUSION

As I mentioned in the beginning, it is impossible to recount all my Congressional activities, but I feel this Report gives you a broad view of the past session.

We must move forward to restore the value of the dollar, bring an honorable end to the war, and reestablish law and order throughout the land. I will continue to do everything I can to achieve the goals we seek.

Sincerely,

JAMES H. QUILLEN.

BLACK REPUBLICAN YOUTH CRUSADE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. BOB WILSON. Mr. Speaker, last year a group of black Americans known as the National Black Silent Majority Committee carried on a national crusade for black patriotism. The NBSMC in a crusade urging blacks to rededicate themselves to America logged 68,000 air miles and covered 78 cities. For this momentous crusade they were awarded the principal Americana award, the George Washington Lucite Medal from the Freedom Foundation at Valley Forge.

It is very significant and quite fitting that this year on this day a Black Republic Youth Crusade sponsored entirely by the NBSMC is currently touring the Nation urging black and white first-time voters to go to the polls on November 7 and vote. The crusade of the black youth is geared for the reelection of the President and a Republican Congress. It is significant in that it should be an inspiration to all Americans, young as well as old, to get out and encourage our citizens exercise their right of franchise.

On a 52-city tour in a crusade for voters, the principal personalities are the following: Miss Mary Parrish of Brooklyn, N.Y., who has enjoyed an astonishingly diverse big city political career working for Democrats as well as Republicans. Last spring she participated in the congressional campaign of Representative Shirley Chisholm in the political hotbeds of Crown Heights and Bedford-Stuyvesant, Brooklyn, N.Y. Young Mary Parrish, a pioneer in the establishment of Women's Political Caucuses, might well be described because of her energetic efforts to make America a better nation for all people as a Democrat turncoat for Nixon and a Republican Congress. Miss Parrish is an excellent public speaker and has worked in all phases of broadcasting ranging from announcing to program sales and planning. Her counterpart on the tour, Walter Robinson of Washington, D.C., is considered by many a walking encyclopedia of Republicanism with a built-in dynamo. He is a staffer of the Republican National Committee after having enjoyed a brilliant academic career at Howard University and Boston College.

I do not, Mr. Speaker, propose this as a political gesture, but I do argue that the participation of young blacks touring America for better government is a welcome contrast to the rhetoric which we have heard too many times for too long a period from the Black Panthers and those young blacks who would tear the Nation apart. I call this crusade by Miss Parrish and Mr. Robinson and the National Black Silent Majority Committee under the direction of Clay Claiborne to the entire membership of the House, for it is fitting and proper that we should encourage all young Americans to participate in the government of this Nation.

NINTH DISTRICT OF NEW JERSEY: LEGISLATIVE REPORT TO THE CITIZENS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HELSTOSKI. Mr. Speaker, I include at this point in the RECORD a legislative report which I have prepared for the citizens of the Ninth District of New Jersey of the bills introduced and supported by me.

The report follows:

LEGISLATIVE REPORT BY CONGRESSMAN HENRY HELSTOSKI FOR OUR SENIOR CITIZENS INTRODUCTION

Despite the wage/price controls imposed by the Administration over a year ago, prices continue to soar. Rents, property taxes and food prices especially seem subject to no controls at all. The controls which exist in these areas are wholly inadequate and full of loopholes.

The resulting inflation hits Senior Citizens on fixed incomes the hardest. It was imperative that the Congress act promptly not only to tighten the nation's price controls, but also to relieve the finanical crisis afflicting older Americans.

At the end of June, the House of Representatives, with my strong support, and the Senate passed a 20 percent increase in Social Security monthly benefits. This increase, which was reluctantly approved by the President, despite his stated objections, became effective this September 1. Having long urged such an increase in Social Security benefits, I was particularly gratified that the Congress at last took the initiative and acted vigorously.

This 20 percent increase augmented 10 percent benefit raises enacted with my full support in early 1971. And Congress approved final action on companion legislation to raise Railroad Retirement benefits by 20 percent. The Congress found it necessary to override the President's veto on this legislation on October 5. I voted to override the veto. These overdue cost-of-living increases should go a long way toward relieving the financial burden carried by older Americans. But there is much more which needs to be done.

SOCIAL SECURITY REFORM IN H.R. 1

Last year the House passed a comprehensive Social Security reform plan called H.R. 1. Unfortunately, this legislation was stalled in the Senate until recently largely because of the controversial welfare reform features added onto the bill in committee. The welfare provisions have been dropped and the Senate has passed its version of H.R. 1. The bill is in conference to resolve House-Senate differences.

Under HR 1, Social Security benefits would increase every January in proportion to the increase in the cost of living. In addition, the amount that a beneficiary can earn in a year and still receive full benefits would be automatically increased each time there was a cost of living benefit increase.

Widow's benefits would be increased from 82.5 percent of the husband's retirement benefits to the 100 percent of the retirement benefit the husband would be paid if he were alive.

Finally, the amount that a social security beneficiary can earn and still be paid all of his social security benefits would be increased from $1,680 to $2,000 a year. Again, this is an improvement over existing law. But I have proposed a bill that would increase allowable income to $3,000 a year. This bill, HR 5688, is still awaiting action by the Committee on Ways and Means.

HOUSING ASSISTANCE FOR SENIOR CITIZEN

There is much more that the government should do for our senior citizens. In addition to acting on Social Security benefits increases, the Congress should enact legislation to provide relief to senior citizens, homeowners and apartment dwellers.

I have introduced a bill HR 12609, which would provide an income tax credit of up to $450 for Senior Citizens of limited means to compensate for taxes paid on property they own or rent. In addition to a tax subsidy for homeowners, persons who rent their dwellings would be eligible for an income tax credit or payment amounting to 25 percent of rent paid up to a total of $450. I am hopeful that the Ways and Means Committee will agree to consider this bill as part of its tax reform hearings promised for the near future.

To provide further relief from excessive housing costs and as an alternative to HR 12609, I believe that the federal government should contribute to payments of rent subsidies for elderly persons who have small incomes. Specifically, I have proposed a bill, HR 12608, which would authorize the government to pay the difference between 25 percent of the elderly person's income and his total annual rent, provided that this amount does not exceed $1,200. HR 12608, represents significant improvement of existing rent supplement programs. I think this proposal, if adopted, would go a long way toward insuring a decent place to live for all elderly Americans.

THE WHITE HOUSE CONFERENCE ON AGING

One of the most important recommendations of the 1971 White House Conference on Aging was the call for a minimum annual income program for Senior Citizens. While the welfare reform section of HR 1 provides such a program, the annual benefits proposed would not allow older persons of limited income to rise even above the poverty line. The time has come, I believe, to go beyond such half-measures and to insure that all older persons have the right to a decent income.

Other recommendations of the Conference are embodied in my bill, HR 15701, the Older Americans Act Amendments of 1972. Some of its major provisions are:

1. To strengthen the role of the Administration on aging as a focal point of federal concern for our Senior Citizens.
2. To develop a comprehensive system of community-based services for Senior Citizens.
3. To provide emphasis on certain specific areas of concern such as nutrition, transportation and services in connection with specialized housing for the aging.
4. To extend the research, training and national volunteer programs of the Act, and
5. To establish a National Information and Resource Center for the Aging.

A bill embodying these proposals passed the House with my strong support on July 17, 1972 and is now awaiting Senate action.

EMPLOYMENT FOR SENIOR CITIZENS

One of the most shameful situations in our society is that which forces skilled and talented persons to remain idle because they are told that they "are too old to be hired" for regular jobs. I have co-sponsored a bill, HR 3671, which would establish a Senior Citizens Skill and Talent Utilization Program. It would authorize the government to hire and train low income individuals 55 years of age and over so that they could help themselves and make useful contributions to their communities. These persons would be hired to work on local community projects and would be regarded as federal employees.

TRANSPORTATION FOR SENIOR CITIZENS

Transportation within our major cities is a problem that is evident to anyone who has gone to a city as a commuter, a shopper or a tourist. This problem is especially critical for the elderly who cannot always walk from place to place easily. I have therefore proposed H.R. 11259, a bill that would amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private non-profit organizations to assist them in providing transportation services, meeting the special needs of elderly persons.

Further dealing with the problem of transportation, I have introduced H.R. 15702, which would prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during non-peak travel periods.

RECREATION FOR SENIOR CITIZENS

I believe that it is very important that Senior Citizens have a means of putting their leisure time to good use. Therefore, I have introduced H.R. 15700, which is a bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers. I am continuing to urge early consideration of this bill by the Committee on Education and Labor where it is now pending.

HEALTH CARE

Although Medicare has gone a long way toward relieving Senior Citizens of the high cost of health care, there are still a number of reforms which deserve to be enacted. For example, I have introduced H.R. 5679, H.R. 6430, and H.R. 11249, which would, respectively, include the services of Optometrists and Chiropractors as well as prescription drug costs under Medicare. Additionally, I have filed H.R. 10285, which would allow citizens over 65 to deduct from their income taxes the full amount of medical costs. Although several of these measures have received consideration in Committee, the progress of Congress this year makes it seem unlikely that final action will be taken before the 92nd Congress adjourns.

CONCLUSION

It is clear that a great deal remains to be done by the federal government to meet the needs of America's Senior Citizens. Unfortunately, for the past four years, the present Administration has not realistically faced the problems of the nation's elderly. But if we remain indifferent to these problems, we diminish the dreams of all our people.

It is my hope that the Congress will act soon on the reforms I have outlined here so that the government will be able to respond to the needs, hopes and just demands of the people who helped build this country, her Senior Citizens. I would welcome your thoughts and comments on these proposals. For your further information, I am listing all of the bills I have filed in this Congress relating to Senior Citizens. If you wish a copy of any of these measures or should you have suggestions for further proposals, I would be more than happy to hear from you.

H. Res. 158. Creates a Select House Committee on Aging.

HR 2478 Creates a comprehensive system of federally financed national health insurance.

HR 3658 Conquest of Cancer Act. Establishes special, crash program within NIH to seek a cure for cancer. Similar legislation is now public law.

HR 3671 Establishes a Senior Citizens Skill and Talent Utilization Program.

HR 3823 Pension Reform Act. Provides full protection for individuals' contributions to qualified pension plans. Under active consideration in House and Senate.

HR 5679 Provides for payment of optometrists' services under Medicare.

HR 5688 Increases the Social Security outside earnings limitation to $3000.

HR 6430 Authorizes payment for chiropractic services under Medicare.

HR 9567 Authorizes reduced-fare transportation on a space-available basis for persons who are 65 or older.

HR 11249 Amends the Social Security Act to include qualified drugs under the hospital insurance program.

HR 12138 Strengthens and improves the Older Americans Act.

HR 12608 Establishes a Senior Citizens Rent Supplement Program.

HR 12609 Provides a property tax exemption for Senior Citizens.

HR 12728 Provides a 20 percent increase in Social Security benefits (with a $100 Minimum), increases the earnings base to $15,000 for benefit and tax purposes and requires that ⅓ of the revenues required for Social Security programs be contributed by the federal government. Similar legislation is public law.

HR 13811 Establishes an Office for the Aging in the Executive Office of the President.

HR 13933 Liberalizes the eligibility test for receipt of disability benefits.

HR 14626 Provides grants to the States for eye examinations for Senior Citizens.

HR 14839 Enacts the Social Security Reform provisions of HR 1. Passed House.

HR 15700 Authorizes funds for establishment of Senior Citizens Community Centers.

HR 15702 Prohibits common carriers in interstate commerce from charging elderly people more than half fare for the transportation during non-peak periods of travel.

HR 16264 Provides that Social Security or Railroad Retirement payments shall not be regarded as income for purposes of determining eligibility for or amount of a veteran's or widow's pension.

HR 16399 Amends Title II of the Social Security Act to provide for an exchange of credits between the old-age, survivors and disability insurance system and the civil service retirement system. Enables individuals who have some coverage under both systems to obtain maximum benefits based on their combined service.

HR 16400 Provides that State and local taxes paid by individuals shall be allowed as a credit against their liability for federal income tax instead of being allowed as a deduction from their gross income.

HR 16401 Amends the Internal Revenue Code to allow a tax deduction to tenants of houses or apartments for the proportionate share of the taxes and interest paid by landlords.

GET THE UNITED STATES OUT OF THE U.N.—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. SCHMITZ. Mr. Speaker, Gen. Douglas MacArthur, in "Reminiscences," said:

> The South Koreans had four divisions along the 38th Parallel. They had been well trained, and the personnel were brave and patriotic, but they were equipped and organized as a constabulary force, not as troops of the line. They had only light weapons, no air or naval forces, and were lacking in tanks, artillery, and many other essentials. The decision to equip and organize them in this way had been made by the State Department. The argument advanced by the State Department for its decision was that it was a necessary measure to prevent the South Koreans from attacking North Korea, a curious myopic reasoning that, of course, opened the way for a North Korean attack.

General MacArthur's observations are very significant in light of what became the first military operation in American history to be directed outside of American sovereignty under an internationalist command, which presided over the first post-World War II disaster that would bring us closer to accommodation and surrender by merging into a one-world socialist government. That military operation was, of course, the Korean war under United Nations command.

It should have been no surprise to Americans familiar with the history of international communism and of Marxists throughout the world when Secretary-General Trygve Lie called on the United Nations to get America involved in the first of our "no win" wars. As Isaac Don Levine pointed out in his book, "The Mind of an Assassin," Lie had visited Moscow in 1921 and, according to Trotsky, had been identified with the Comintern in early days.

When Stalin wanted Trotsky expelled from Norway in 1936, it was very convenient for him to have Lie as Minister of Justice for Norway. And it was the Soviet delegate who first proposed that Trygve Lie be elected president of the U.N. General Assembly by acclamation, waiving the secret ballot requirement.

In view of the fact that the U.N. Undersecretary-General for Political and Security Council Affairs—which includes military policy—was then, as he has always been, a Communist, it is no wonder that General MacArthur's top secret battle plans for hitting the enemy at their home bases became public knowledge within a very short time after they were sent to Washington. Those plans were rejected and General MacArthur, who wanted to win, was relieved and brought home. After that, no further offensive action was undertaken in Korea under either Presidents Truman or Eisenhower, although Gen. Mark Clark later reported that the Communists there were practically beaten and their military strength could have been destroyed by an offensive.

Then in 1956 the Hungarian people rose up and briefly threw off the Soviet Communist yoke. Soviet leaders had to know what, if anything, the United States and the United Nations were going to do, before sending in Russian tanks to crush the freedom fighters. The Hungarians were pleading for our help every hour on the hour. But our U.N. Ambassador at the time, Henry Cabot Lodge, suggested to the Security Council on November 1, 1956 that they adjourn for several days to give the Hungarians and Russians time to "resolve their differences," while the U.S. State Department sent a telegram to Communist butcher Tito stating that the United States looked with disfavor on any country bordering or near to the Soviet Union that was unfriendly to the U.S.S.R. During those few days that Lodge asked for, one of the most brutal massacres in the history of the world took place in Hungary, crushing the people's spirit so completely that they now accept slavery in virtual silence.

The same policy was followed in our most recent "no win" war in Vietnam. At the time of the recent North Vietnamese, large-scale military invasion of the South, a State Department representative who spoke at a luncheon for Members of Congress and their staffs was asked why, when we knew weeks ahead of the time that an all-out attack was coming, we did not act to stop it before it started. The answer was: "We wanted them to come through so we could expose them as aggressors." And our Air Force commander in Vietnam, Gen. John D. Lavelle—who, like General MacArthur, wanted to act and in fact did act to prevent the loss of life by attacking the staging areas for the invasion—was, like General MacArthur, relieved of his command and retired from the service.

This is how the American mind and spirit are being conditioned to accept "substitutes for victory" and ultimately to see the price of peace as surrender of U.S. sovereignty to the United Nations or whatever government apparatus grows out of it. If we are not allowed to win wars, there will be no end to war—until a central world authority is brought forward and established as allegedly the only hope for lasting peace. But that peace would be, as in Rudyard Kipling's famous poem, only "the truce of the bear."

A RECORD OF ACTION FOR AMERICA'S ELDERLY WRITTEN BY THE 92D CONGRESS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HELSTOSKI. Mr. Speaker, if there is one major area which the 92d Congress has applied itself, it is in regard to America's elderly. I have prepared a special report on America's elderly which will be sent to my constituents of the Ninth Congressional District. This report, as well as other reports and newsletters, is sent in the spirit of the public's right to know. Freedom of information is one of the great bulwarks of liberty and can never be restrained but by despotic governments.

The reports follow:

A RECORD OF ACTION FOR AMERICA'S ELDERLY WRITTEN BY THE 92D CONGRESS

The present 92nd Congress will long be **remembered as the Congress which acted to enrich the lives of the nation's older citizens.** This Congress—along with the 74th Congress which passed Social Security under Franklin D. Roosevelt . . . and the 89th Congress which passed Medicare and the Older Americans Act under Lyndon B. Johnson—will be known as one of the three great Congresses in legislation for the elderly.

But the 92nd Congress is—in a significant way—different from the 74th and 89th Congresses. For the major legislation passed for America's older citizens during 1971–72 originated not in the White House, but on Capitol Hill. Congress, not the Administration, has taken the initiative for action in behalf of America's elderly.

Here are some of the landmark provisions this Congress is passing:

SOCIAL SECURITY INCREASES

Social Security payments were raised by 32 percent in just two years—the largest increases ever voted by a single Congress.

NUTRITION FOR THE ELDERLY

This Act authorizes the machinery and money to provide at least one hot, nutritious meal daily, five days a week, to people aged 60 and over. Meals will also be delivered to elderly persons who are home-bound.

COMPREHENSIVE SERVICES

Low-cost transportation

Expanded employment and volunteer service opportunities, including strengthening the Retired Senior Volunteer Program and the Foster Grandparents Program.

Senior citizens community centers.

Pre-retirement training.

Health, education and other social services.

Improved system of delivering services to older citizens.

Strengthened role of the Administration on Aging in the Department of Health, Education and Welfare.

Gerontological centers to study the variety of problems older persons face.

EMERGENCY EMPLOYMENT ACT

This law, which authorizes the Department of Labor to help provide jobs in needed public services to unemployed and underemployed persons, specifically includes "older persons who desire to remain in, enter, or re-enter the labor workforce."

NATIONAL INSTITUTE OF AGING

A new National Institute of Aging, to be a part of the National Institute of Health, will conduct research on the aging process and on the special health problems of older persons.

These five measures constitute more than rhetoric. They represent effective action.

The 92d Congress, sometimes over Administration opposition, has made a commitment to the principle that our older citizens should be able to live their lives in comfort and dignity.

The historian, Arnold Toynbee, concluded that the quality and durability of a society were best measured by "the respect and care given its elderly citizens."

That respect and care are the inspiration of the legislation which the 92d Congress has passed on behalf of older Americans.

OLDER AMERICANS ARE REAL VICTIMS OF RISING PRICES

It has been estimated that of all the men and women in human history who have lived past the age of 65, 25 percent of them are alive today.

Twenty million of those men and women live in the United States—one of every ten Americans.

The problems they face are enormous . . . problems of health . . . of loneliness in a changing society . . . of idleness after a lifetime of productive activity . . . and, for some, the problems of poverty and hunger.

One quarter of our senior citizens fall before the poverty line. During the Kennedy and Johnson Administrations the number of older Americans living in poverty dropped from six million to 4.6 million. But this trend was unfortunately reversed, beginning in 1969. After three years of recession, that number rose to more than five million. Now, however, after the Social Security increases, the number of poor older Americans is again declining.

Inflation has not made this situation any easier. The cost of many items that affect the older citizen have risen faster than the cost of living generally. For example, since 1969, during a period when the overall Consumer Price Index increased 17.2%, medical care costs increased 18 percent . . . housing costs 17.8 percent . . . and hospital daily service charges an astounding 35.5 percent.

Yet for many Americans, Social Security is the principal source of income. That's one reason Congress so overwhelmingly rejected President Nixon's opposition to the Social Security increase. The time for action had come.

SOCIAL SECURITY PAYMENTS RISE BY 32 PERCENT IN 2 YEARS

Here is what the recently enacted 20 percent Social Security increase means to older Americans:

For an average single retired worker, payments jump from $133 a month to $161 . . . for the average couple, from $224 a month to $270.

For widows, average benefits rise from $114 to $137.

After September 1, maximum benefits also increase—for an individual from $216 a month to $259 . . . for a couple from $324 to $389.

The new law also contains a cost of living escalator. Beginning in 1975, benefits will rise whenever the cost of living goes up by three percent or more. But there will be no hike in the tax rate. Instead, the wage base will be broadened.

NEW BENEFITS WILL BOOST ECONOMY

Older Americans will not be the only beneficiaries of this year's 20 percent increase in Social Security payments. Workers and businessmen will benefit, too.

Predictions by the Nixon Administration that the Social Security increases will cause budget deficits and pour more fuel on the fires of inflation are refuted by leading economists. They believe the new benefits will help stimulate the economy.

The U.S. is still in the twilight zone of a three-year recession . . . a recession which has cost the Federal government more than $40 billion in lost revenues. And that is the real cause of the record budgetary deficits, not Congressional legislation.

But that's only part of the story. The *fact* is that there is more than enough money coming into the Social Security Trust Fund to cover the new 20 percent increase in payments. Not a penny need come from general operating funds. As Chairman Wilbur Mills of the House Ways and Means Committee testified, the increase can be financed on an actuarially sound basis.

As for the inflation argument, keep in mind that the economy is not operating at full capacity—far from it. It is operating at only 76 percent of capacity; more than five million American workers are still unemployed. We need to *stimulate* the economy, not cool it.

And that's just what the new increases will do.

The extra money the elderly will be spending will help the economy, not hurt it, by putting idle machines and unemployed men and women back to work.

Everybody will benefit: the businessman, the farmer, the worker—*and* the elderly.

That's not inflationary. That's just good, sound economics.

CASIMIR PULASKI: SOLDIER OF FREEDOM

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. STEELE. Mr. Speaker, October 11 marks the 193d anniversary of the death of Casimir Pulaski, a champion of human freedom who spent his entire adult life fighting in behalf of liberty, both on the plains of his native Poland and in the American Colonies far from his homeland.

Today it is appropriate for all Americans to consider the contributions which men and women of Polish origin have made to the growth and strength of America—contributions for which General Pulaski stands as a symbol.

Poland has produced many outstanding world citizens—among them the musician and statesman Henryk Paderewski and the scientist Marie Sklodowska-Curie, both of whom visited the United States during their illustrious careers. These individuals share a love of liberty and a respect for the dignity of the individual which have been characteristic of the Polish people from their earliest days.

This is to be seen in the adoption of the principle of habeas corpus which as far back as in the 15th century gave the citizens of Poland immunity from arbitrary arrest. Most textbooks refer to the fact that the Habeas Corpus Act, passed in England in 1685, was the first such act in the history of our Western World. If these authors were familiar with Polish history, they would have known that this law was in existence in Poland over 200 years before it was adopted in England.

But more directly affecting the development of the American Republic are those Poles who chose America as their adopted land. The list is long and, of necessity, must be selective. Pulaski's military colleague, Thaddeus Kosciusko, served the Revolutionary Army before returning to Europe to continue his fight for Polish independence.

The poet and friend of George Washington, Julian Ursyn Niemcewicz, wrote the first European biography of our country's first President. Perhaps the most distinguished 19th-century musician in America was Friedrich Edward Sobolewski, who conducted both the Milwaukee and St. Louis Philharmonic Society. In addition to being an outstanding conductor, Mr. Sobolewski won recognition as a composer. Individuals of Polish ancestary were instrumental in exploring the West. Anthony Sandusky pioneered the settlement of Ohio, while Casimir Bielawski was a major figure in the exploration of California following the gold rush.

These are but a few of the famous Polish men and women who have made lasting contributions to the United States. Their names will remain a permanent reminder that the heritage of Poland is an inseparable part of the heritage of America.

Even more vital, however, than the achievements of these individuals, are the durable qualities of industry, moral strength, and religious conviction which characterize Polish people in general. If the Poles have excelled in deeds of bravery in wartime, their role in the peaceful pursuits of our Nation has been no less remarkable. In industry, the arts, and the professions, their place in the development of America from colonial times to the present has been a vital one.

Casimir Pulaski lived his life and met his death in the cause of liberty. The world is enriched by his life and his spirit. To him and his countrymen, America owes a lasting debt of gratitude.

THE NATION'S STEEL INDUSTRY CALLS FOR HELP

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WALDIE. Mr. Speaker, 1971, as we all know, was a bad year for the American steel industry. Our domestic production fell while imports rose. Two decades ago, American steel companies produced about 47 percent of the world's total production of steel. Last year, American steel accounted for only 20 percent of the world's total production.

More than 200 companies producing steel mill products make up the American steel industry. According to a July 1971 report by a Cabinet committee on the steel industry, there are 86 companies producing raw steel, with plants in 37 States. The top 20 companies, account for nine-tenths of the total tonnage of steel mill products.

Indeed, it is alarming that the level of steel imports to the United States is rising despite the so-called voluntary restraints on the part of foreign steel producers. Unfortunately, however, a number of major steel exporters are not subscribing to those voluntary restraints; namely, Britain and Canada.

Eleven years ago, 4.7 percent of total U.S. steel consumption was imported. By 1965, the figure had risen to 10.3 percent. In 1969, it was 13.7 percent. In 1970, the level of imports rose to 13.8 percent. Last year, Mr. Speaker, according to our Department of Commerce, imports accounted for a startling 17.9 percent of total U.S. consumption—a new record. Imports valued at $2.6 billion totaled 18.3 million tons of steel. Our chief contributors were Japan, who sent us 6.9 million tons, the Common Market countries—7.2 million tons, Great Britain—1.4 million tons, and finally, Canada, who sent us 1.3 million tons.

Domestic steel production last year totaled 120.2 million tons of raw steel. The total for processed steel production was 87 million tons—the worst year since 1963! In 1970, domestic production had totalled 132 million tons, including 91 million tons of finished steel. In California alone, raw steel production fell from 3.9 million tons in 1970 to 3.6 million tons in 1971.

A February 1971 article in U.S. News & World Report says that steelmakers are hoping for help from the Nixon administration in limiting imports. Reportedly officials from Japan and the Common Market countries are negotiating an agreement with American officials to limit imports to about 15.5 million tons in 1972 with annual increases of only 2½ percent instead of the current 5-percent level. However, Mr. Speaker, no details of such an agreement—if one exists—have yet been made public.

Especially hard hit by the imports are the speciality steel producers, since foreign manufacturers are shipping more and more of the higher-priced specialty products. These speciality steels include stainless steel products and tool steels. An iron and steel expert, Father William T. Hogan, a professor at Fordham University in the Bronx, N.Y., says:

> The unprecedented influx of speciality steels has produced a crisis in the domestic speciality steel market.

Mr. Roger Alhbrandt, the president of Allegheny Ludlum Industries, states that—

> The profit pinch resulting from the impact of foreign speciality steel imports is endangering the very existence of several small companies in our industry. In several cases, this danger involves entire communities—good, small, typically American communities in which the speciality steel firm may be the town's economic backbone.

In addition, a number of steel products are not covered under the voluntary agreements—for example, "other steel products." These "other steel products" include such mill products as plates, structurals, sheets, wire, rivets, bolts, and other fasteners.

American steel companies are finding that their position is becoming increasingly uncompetitive in the world market. Last year, this country's steelmaking capacity declined by about 3 percent—the first downward jump, Mr. Speaker, since 1947. Admittedly, it is difficult to measure capacity. Some say that it should take into account just the steelmaker's capacity to melt steel. Meanwhile, others feel that the capacity should also account for the steelmaker's ability to make finished products.

Be that as it may, the fact remains, Mr. Speaker, that in 1971 American steelmakers were operating at only 61 percent of capacity, this according to an article in the Wall Street Journal of January 19, 1972. Encouragingly, production for 1972 is expected to rise to 71 percent of capacity, or about 135 million tons. Apparently, steelmakers feel that even 70 percent of capacity is barely profitable—and so therefore, they will wait until business really picks up before starting full-scale expansion.

One reason for the decline in production is the steel industry's investment in antipollution devices. According to the report of a study by the President's Council of Environmental Quality, by 1980, there will be an increase of from 1.7 to 2.5 percent in the price of finished products produced by the steel industry. In addition, a capital investment of $348 million will be required in order to meet antipollution standards. Four hundred plants will be forced to close, with 8,000 workers losing their jobs as a result. Therefore, it is obvious that the price of steel products will have to go up and, at the same time, the companies will become even more uncompetitive.

In order to keep up with the foreign manufacturers, our American steel companies have been forced to switch to newer techniques of steel production. Many mills are closing down their open-hearth plants because steelmen think it would not be worth their while to equip them with antipollution devices. The new oxygen technique—that of injecting oxygen into the molten iron to speed the process—is considered much more efficient.

United States Steel, has innovated an even newer process called the Q-BOP—a variation of the basic oxygen technique. In the Q-BOP method, the oxygen is shot up through the bottom of the furnace instead of down from the top. The main advantage of this process, lies in the fact that buildings with open-hearth furnaces can be quite easily equipped for Q-BOP, therefore lowering building costs. The basic oxygen process, on the other hand, requires that new buildings be constructed with cranework and high towers for the oxygen lance.

It is of great concern, Mr. Speaker, to note that U.S. steelmaking capacity seems to be slipping. Steel, as I am sure all of my colleagues are aware, has been one of America's strongest and most productive industries. Now, however, despite a great deal of investment in plants and equipment, our steel industry's earnings, profits, and stock value are all declining.

United States Steel closed a steelmaking facility in Duluth, Minn., last year. Bethlehem Steel dropped plans for building a new integrated steel facility in California, citing increasing competition from Japanese steelmakers as their reason.

World steelmaking capacity, however, is growing. For the first time, Mr. Speaker, the Russians are pulling ahead of the

United States. Japan is the world's third largest steel producer and is expected to double its output by the end of this decade. In addition, Nippon Steel is the largest single steel producer in the free world.

Japanese and European steelmakers can undersell American companies in the United States by $10 to $20 a ton, because they have lower labor costs. The average steel employment wage in the United States is currently about $5.97 an hour, plus 97 cents in fringes, as compared to a mere $1.80 in Japan. In addition, the Japanese have lower transportation costs and are subsidized directly by their government. It seems, that the United States is the only truly open market for steel—even with voluntary restraints—since, according to Senator Hugh Scott of Pennsylvania, in all other countries, the steel industries are protected with subsidies or are nationalized.

The "big six"—Bethlehem, Inland, Republic, United States Steel, Armco, and National—are trying to fight the imports by diversifying their companies.

On July 29, 1971, Senator Vance Hartke of Indiana introduced the Steel Trade Act in the Senate. This bill would set limits on imports. Senator Hartke said that jobs in the steel industry are disappearing in his State and elsewhere. For every million tons of steel products imported into this country, he stated that 7,200 jobs are lost to American workers—6,000 in the steel plants and 1,200 in supporting industries.

Senator Jennings Randolph of West Virginia, whose State was also hurt by the increasing imports, said that the jobs of 500,000 steelworkers are being endangered by the imports. And for each of those 500,000 steelworkers, Mr. Speaker, there are eight Americans employed in factories that use steel in their products. Stated Senator Randolph:

> This work force amounts to one-third of all manufacturing jobs in the country.

In addition to their lower labor costs, Japanese productivity is greater. The Japanese factory produces a ton of steel, using only 5.7 man-hours of work, compared to the U.S. figure of 7.3 man-hours. Last year in the United States, profit margins averaged 2.9 percent of all sales. During the 1960's, we had an average profit margin of 5 percent.

What, then, do the men in charge of the steel companies think of all of this? Stewart Cort—chairman of Bethlehem Steel—states that imports accounted for his company's not making a good profit last year. In addition, there were increased expenditures on new plants and antipollution devices. Bethlehem won an 8-percent price increase last year and will most likely seek another one after August 1972, because of wage increases.

It is encouraging to note that the heads of Bethlehem, United States Steel, and Republic Steel all are predicting a better year in 1972. However, Mr. Speaker, they want the Government to take action to stop the imports.

Father Hogan of Fordham University says that in order to meet the demand, the industry's output must be boosted to about 190 to 195 million tons by 1980. This will require a massive spending effort in new plants and equipment. Therefore, Father Hogan sees 1972 and 1973 as the critical years for our Nation's steel industry.

A successful steel industry is essential to our Nation's economic health and to our national security. Success is not now a hallmark of that industry. It needs our help.

ENVIRONMENTALISTS RATE CULVER TOPS IN IOWA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FRASER. Mr. Speaker, there is a great deal of talk of Members of Congress getting on the environmental bandwagon. I suppose, fortunately, this is true to some degree. However, there are many Congressmen who have been working and pushing for meaningful environmental protection legislation for many years. These Congressmen, in many cases, have been environmental protection leaders since their first term in the House of Representatives.

One of these congressional leaders is John Culver of Iowa's Second District. Congressman Culver has consistently supported legislation that protects our environment and yet he is also careful to make sure that necessary economic development and environmental protection go hand-in-hand. John Culver realizes we must have proper economic development in order to provide the economic growth America needs and the job security American workers need. But this development must be fostered in such a way that the environmental values we wish to protect are protected, and even enhanced.

A most interesting blend of development and environmental protection and enhancement is the Great River Road bill just passed by the House of Representatives as part of the Federal Aid Highway Act. This bill, introduced by Congressman John Culver, and Chairman John Blatnik of the House Public Works Committee, provides the first Federal assistance for construction and improvement of the Great River Road—the system of scenic highways that follows the banks of the Mississippi River from Lake Itasca, Minn., through Iowa and on to the Gulf of Mexico.

Congressman Culver eased the fears of those who thought that passage of his bill would see the Great River Road become a superhighway on both sides of the Mississippi. He made clear that the $60 million authorized was for land and scenic easement acquisition, construction and improvement of road surfaces on present rights-of-way, and development of roadside parks and scenic viewing points necessary for enjoyment of vistas the Mississippi affords.

Culver's Great River Road bill thus provides the type of permanent protection from inappropriate and unsightly development we need for all areas possessing natural treasures like the Mississippi.

Another Culver bill, providing for the restoration of small communities, their business districts, and areas of historic and cultural significance, has been included in the Housing Act of 1972. This bill will help smaller towns improve the environment of their business districts, making them more attractive places to live, work, and shop.

I think the environmental leadership demonstrated by Congressman John Culver should be recognized. And I am pleased to note that he has been singled out by both the conservation editor of Field and Stream and by the League of Conservation Voters as having not only the top congressional environmental rating in Iowa but one of the most outstanding records in this field in the entire Congress.

Field and Stream magazine gives Culver a rating of 100—stating that Culver can "nearly always be counted on, willing to tackle tough issues." This rating by Field and Stream is reached by evaluating the Congressman's votes on significant environmental issues.

The League of Conservation Voters, in a story that appeared in the March 2 Des Moines Register, gives the top environmental rating in Iowa to Congressman Culver. The story states:

> The League's study of how all 435 House members voted on 15 key environmental votes in 1971 gave John Culver the top score among the seven Iowans. Culver voted "correctly" 83 percent of the time, the League determined.

Mr. Speaker, in every environmental ranking I have seen, John Culver stands among those rated highest. I think this is indicative of the way Democrats in Congress are providing leadership in the vital area of preserving and enhancing our environmental heritage.

I commend John Culver for his dedication to protecting our environment and for his courage in voting his convictions. I know he will continue to help lead the way as Congress works to pass laws insuring that protection now and in the years ahead.